



August 4, 1997

AGENDA ITEM 4a

VOLUNTEER OF THE QUARTER AWARDS

CITY COUNCIL MEETING: August 4, 1997

AGENDA ITEM NUMBER: 4a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: JOHN N. MORGAN/WALLY MULL
INTERIM CO-CITY MANAGERS

FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: VOLUNTEER OF THE QUARTER AWARDS

ISSUE:

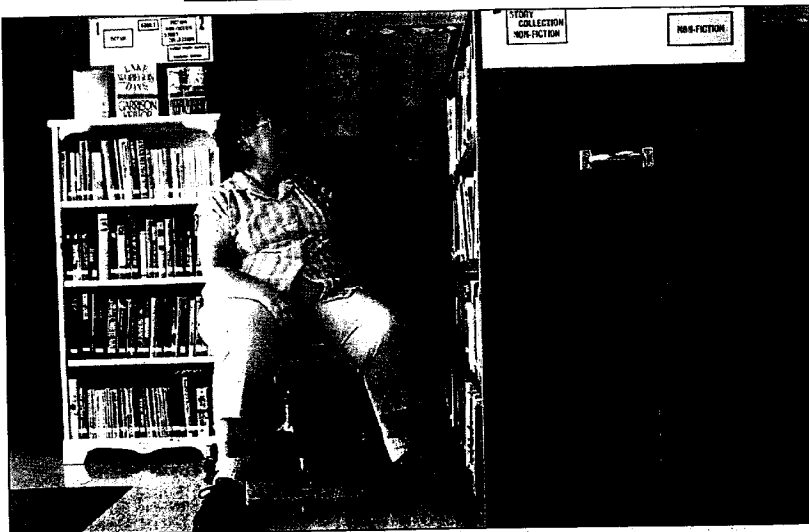
The Volunteer Coordinating Committee recently selected Richard and Patty Sawyers as the recipients of the Volunteer of the Quarter Award for the first quarter of 1997. Mr. and Mrs. Sawyer have been responsible for the operation of the Keizer Reading Connection since 1991. The Reading Connection is located in the Keizer City Hall building and is open on Saturdays for children and adults.

Mike Hart, member of the Volunteer Coordinating Committee will be presenting the award to Mr. and Mrs. Sawyer.

In addition, the Volunteer Coordinating Committee selected Karen Stamper as the recipient of the Volunteer of the Quarter Award for the second quarter of 1997. Ms. Stamper was nominated by the Keizer Police Department for her contributions. A copy of the letter of nomination is attached.

Sergeant Kent Barker will present Ms. Stamper with her volunteer award.

READING CONNECTION FILLS KEIZER MINDS



RENÉE EVER/Statesman Journal

SATURDAY LIBRARY: Patty Sawyer and her husband, Richard (not pictured), welcome Keizer readers every Saturday afternoon to the 7,000 books they have collected over the years. At 28,000 residents, Keizer is the largest Oregon city without a public library.

Part-time library is full-time job

Patty and Richard Sawyer run the nearest thing Keizer has to a public library.

BY ELVIA DIAZ
The Statesman Journal

KEIZER — To keep their tiny town library open once a week, Patty and Richard Sawyer spent many hours collecting books and asking volunteers to assist them.



Keizer

"We're getting too old to move all these shelves around," said Patty Sawyer, 68, as she opened Keizer's version of a library. "But this is an essential service, and we want to keep it running."

A few words on reading

At The Reading Connection, patrons can check out books for three weeks and books on tape for up to a week.

■ **Where:** At Keizer's city offices, 390 Chemawa Road NE.

■ **When:** Saturdays from 1 to 4 p.m.

■ **For more information** on how to donate books or to volunteer, call 393-9372.

For more than six years, the Sawyers have been responsible for running the Reading Connection, the closest thing resembling a public library in Keizer. At 28,000 residents, Keizer is the biggest city in the state without a library.

Every Saturday afternoon, the Sawyers arrange the 6-foot shelves around the room to facilitate access to the 7,000-book collection they have

amassed over the years.

Richard Sawyer gets around town on a scooter to pass out fliers to inform the public about the program.

"For many, this is it," Sawyer said. The library even offers books on tape, he added. "Not everyone can read, and we feel we can help."

When Salem's bookmobile stopped its route to Keizer a month ago, it left many residents to rely solely on the Reading Connection for books.

"Having the Reading Connection is better than nothing," said Jim Tryon, 73, a library patron who lives a few blocks from City Hall. "It's very convenient. I don't have to go all the way to Salem's library."

Keizer residents must pay \$25 to get a Salem library card. To check out books from the Reading Connection, all residents need is their signature and a phone number.

"I refused to pay to get a li-

brary card from Salem," said Tryon, who recently checked out "The Adventures of Huckleberry Finn" by Mark Twain — a book he wanted to read again.

Keizer provides the room, which city officials also use for meetings. The city's needs make it difficult for volunteers to extend library hours, Patty Sawyer said.

"I really enjoy doing this," said Patty, who for many years was the librarian for the Salem Private School, which occupied the Reading Connection building before the school closed. "I'm crazy about books."

The shelves are filled primarily with children's books. But for Tryon, having any available is sufficient.

"This is a tiny library with a small selection for adults," he said. "I won't live long enough to read all the books they have anyway."

ST-76

KEIZER POLICE DEPARTMENT MEMORANDUM

TO: Chief Stull
Jodi Sherwood, Community Policing Coordinator

FROM: Sergeant Kent W. Barker *KWB*

DATE: April 1, 1997

SUBJECT: Volunteer of Quarter nomination
Community Policing Documentation

During the most recent Attempted Murder investigation (#97-1336) eleven suspects were arrested. Some of these suspects were interviewed two or three times each and most of these interviews were tape recorded.

After the arrests were made, the District Attorney's Office required the transcripts of the recorded confessions and they needed to be submitted within five working days. I called Karen Stamper, who is a volunteer for our detective section, to see how soon she could transcribe some of the tapes. She said she could start working on them each evening and she also took a personal day off from her full-time, paid job, to work on them for a full day.

Four tapes were taken to a local business for transcription. Those four tapes cost the department \$536.00. The transcripts were double spaced with wide margins and the cost was \$3.25 per page. All of the remaining tapes were transcribed by Karen Stamper, our volunteer. If the tapes she completed would have been submitted to the local business, it would have cost the department over \$2,000.00. Not only did Karen complete these tapes for us in a timely manner, they were done with such professional quality, her work exceeded the quality of the local business we paid.

The other detectives and I knew that Karen spent numerous hours of personal time to complete the transcripts and we were very impressed. We all pitched in with our personal money and bought her a Thank You card and gave her \$40.00 to take her husband out to dinner with. Karen has sent us a Thank You card for the gift (see attached copy).

I'm writing this memorandum to nominate Karen Stamper as the volunteer of the quarter. I would also think that this is community policing at it's finest. Karen is a citizen of Keizer and with her volunteer work, she saved the detective section hours and hours of work and saved the City over \$2,000.00. As the supervisor of the detective section, I can speak for all of the detectives and tell you that we really appreciate the work that Karen has done for us.



August 4, 1997

AGENDA ITEM 4b

VOLUNTEER COORDINATING COMMITTEE APPOINTMENT

CITY COUNCIL MEETING: August 4, 1997

AGENDA ITEM NUMBER: 4b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: JOHN MORGAN and WALLY MULL
CO CITY MANAGERS

FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: VOLUNTEER COORDINATING COMMITTEE APPOINTMENT

BACKGROUND:

In July of 1991 the City Council, by motion created a Volunteer Coordinating Committee to handle volunteer recruitment, work coordination and recognition of City volunteers. In 1993, the City Council further defined the charge of this committee to make recommendations for volunteer appointments to commissions, committees or task forces. These recommendations are then forwarded to the Mayor and/or City Council. The Committee consists of seven members, each who are appointed by individual members of the City Council.

ISSUE:

Recently Les Hendrickson, a member of the Volunteer Coordinating Committee tendered his resignation due to his employment relocation to the state of New Jersey. Mr. Hendrickson was serving a three-year term in Council position number two (Councilor Meier) on the committee. His term was scheduled to expire on August 30, 1999. Councilor Meier will be nominating Wayne Thackery to fill this position.

RECOMMENDATION:

It is hereby recommended the Council accept the nomination of Councilor Meier and appoint Wayne Thackery to fill this vacancy on the Volunteer Coordinating Committee.



August 4, 1997

AGENDA ITEM 4C

BUDGET COMMITTEE APPOINTMENTS

CITY COUNCIL MEETING: August 4, 1997

AGENDA ITEM NUMBER: 4c

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: JOHN N. MORGAN/WALLY MULL
INTERIM CO-CITY MANAGERS

FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: BUDGET COMMITTEE APPOINTMENTS

BACKGROUND:

In July of 1991 the City Council, by motion created a Volunteer Coordinating Committee to handle volunteer recruitment, work coordination and recognition of City volunteers. In 1993, the City Council further defined the charge of this committee to make recommendations for volunteer appointments of commission, committee or task force members to the Mayor and/or City Council.

ISSUE:

Under the guidelines of ORS 294.336, all municipal corporations shall establish a budget committee to assist the Council in examining and analyzing proposed budgets for the City. The Committee consists of the governing body and an equal number of electors of the municipal corporation who are appointed by the governing body. Each appointed member shall serve a three-year term.

Recently three members of the Budget Committee tendered their resignations; Shirley Pitt, JoAnne Beilke and Diane Hansen. Each of these members were in the middle of their three-year terms. The terms of Ms. Beilke and Ms. Pitt were scheduled to expire in August of 1998 and Ms. Hansen's term in August 1999.

The Volunteer Coordinating Committee reviewed several applications at their meeting on July 22 and voted unanimously to recommend the appointments of Gene Clemens, Doug Pilant, and Pat Sparks-Tewell to fill these vacancies. Attached you will find a copy of the applications submitted by these individuals.

RECOMMENDATION:

It is hereby recommended the Council move to appoint Gene Clemens, Douglas Pilant and Pat Sparks-Tewell to fill the vacancies on the Budget Committee.

CITY OF KEIZER
VOLUNTEER APPLICATION FORM

52197 still
interested
in Budget

NAME GENE CLEMENS
ADDRESS 7266 MEADOWWOOD ST NE
KEIZER 97303

DATE 7-6-95
DAY
PHONE 623-9237
EVENINGS/WEEKENDS
PHONE 393-4566 (unlisted)

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

USE MY WORK EXPERIENCE AND
TO SERVE MY COMMUNITY.

RECEIVED
JUL 15 1995
CITY OF KEIZER
OFFICE OF COMMUNITY DEVELOPMENT
97303

Number of hours per week you can volunteer: _____

Day or days of week available: _____

WEEKDAYS

Time of Day available: _____

EVENINGS

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED

Budget Committee ☒

Clerical _____

Parks Committee _____

Computer Entry _____

Planning Commission ☒

Research _____

Volunteer Coordinating Comm ☒

Maintenance _____

Reception _____

Landscape _____

Other _____

List Other: _____

EDUCATION BACKGROUND

High School Siloam Springs, AR

Date Completed 1964

College Oklahoma State, BS Zoology
U. of Okla., Env. Science

Date Completed 1968

N/A

PERSONAL REFERENCE

Name John Anderson Telephone W-623-8173
Address 1343 35th Ave NW Salem

CURRENT PLACE OF EMPLOYMENT

Employer's Name Polk County
Employer's Address and Telephone 850 Main St., Dallas OR
Your Position Comm Dev Director Beginning Date 1977
May we contact you at work? yes

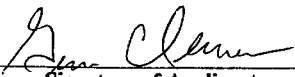
PREVIOUS VOLUNTEER EXPERIENCE

FIRST CHRISTIAN CHURCH, KEIZER LITTLE LEAGUE
(Volunteer Agency)
Address _____ Telephone _____
Supervisor _____ Duties Committee member - Church
Concession Stand - Little League

AUTHORIZATION WAIVER

I HAVE COMPLETED THE ABOVE QUESTIONS AND TO THE BEST OF MY KNOWLEDGE, WHAT HAS BEEN STATED IS TRUE.

IF APPOINTED TO A VOLUNTEER POSITION, I AGREE TO SERVE WITHOUT REIMBURSEMENT OF ANY KIND, AND WITH THE UNDERSTANDING AND AGREEMENT THAT ACCIDENT AND MEDICAL INSURANCE IS NOT PROVIDED BY THE CITY OF KEIZER.

 7-6-75
Signature of Applicant Date

PLEASE RETURN COMPLETED APPLICATION TO:

**VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
930 CHEMAWA ROAD N.E.
P. O. BOX 21000
KEIZER, OREGON 97307-1000**

**Telephone: 390-3700
Tracy L. Davis
City Recorder**

Doug Pilant
952 Sagrada Circle North
Keizer, OR 97303
Telephone: Home 393-3716; Work 588-2424

RECEIVED

JUN 4 1997

CITY OF KEIZER
OREGON 97303

DATE: May 30, 1997
TO: City of Keizer
FR: Doug Pilant
RE: City Budget Committee

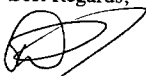
The purpose of this memo is to supplement my Volunteer Application that I had submitted to the City in October 1996.

As Senior Planner for a Special District in Medford, OR, I had the opportunity to gain substantial experience in the planning and development of local government budgets. My experiences provided me with an understanding of the budget process as well as a working knowledge on how budgets must be established within the guidelines of Oregon Law.

During my tenure in Medford, I had the opportunity to manage projects where I was required to plan its budget and ensure that the project's implementation was consistent with the Committee's adopted spending plan. I was also responsible for development of the District's annual service plans as well as presenting these plans to the Budget Committee.

Thank you for the opportunity to be considered for this very important position. I value the opportunity to volunteer and participate in my communities democratic process.

Best Regards,



Doug Pilant



CITY OF KEIZER

VOLUNTEER APPLICATION FORM

NAME Douglas W. Pilant DATE 10/14/96
ADDRESS 952 Sagrada Circle N., Keizer, OR
PHONE NUMBER: DAY: 588-2424 EVENINGS: 393-3716

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

Please refer to attached resume. I'm currently
Senior Planner for Salem Area Transit - Cherriots.

Number of hours per week you can volunteer:

~~Varies~~ varies

Day or days of week available:

various

Time of Day available:

various

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED IN VOLUNTEERING FOR:

BUDGET COMMITTEE X

PLANNING COMMISSION X

PARKS ADVISORY BOARD _____

VOLUNTEER COORDINATING COMMITTEE _____

TRAFFIC SAFETY COMMISSION _____

RIVER ROAD REDEVELOPMENT BOARD X

BICYCLE SAFETY COMMITTEE _____

COMMUNITY POLICING COMMITTEE _____

SPECIAL PROJECT TASK FORCE _____

(PLEASE INDICATE AREA OF INTEREST) _____

CLERICAL DUTIES _____

EDUCATION BACKGROUND

High School Aberdeen H.S. Aberdeen, ID

Graduate or GED Diploma

College Univ of ID, Moscow, ID

Degree B.S. Geography

PERSONAL REFERENCE

Name _____ Telephone _____

Address _____

CURRENT PLACE OF EMPLOYMENT

Employer's Name _____

Employer's Address and Telephone _____

Your Position _____

May we contact you at work? _____

PREVIOUS VOLUNTEER EXPERIENCE

(Volunteer Agency)

Address _____ Telephone _____

Supervisor _____ Duties _____

AUTHORIZATION WAIVER

I HAVE COMPLETED THE ABOVE QUESTIONS AND TO THE BEST OF MY KNOWLEDGE, WHAT HAS BEEN STATED IS TRUE. IF APPOINTED TO A VOLUNTEER POSITION, I AGREE TO SERVE WITHOUT REIMBURSEMENT OF ANY KIND, AND WITH THE UNDERSTANDING AND AGREEMENT THAT ACCIDENT AND MEDICAL INSURANCE IS NOT PROVIDED BY THE CITY OF KEIZER.

Signature of Applicant

Date

PLEASE RETURN COMPLETED APPLICATION TO:

**VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
ATTENTION: TRACY L. DAVIS - CITY RECORDER (390-3700, EXTENSION 108)
P.O. BOX 21000 (CITY HALL - 930 CHEMAWA ROAD NE)
KEIZER, OREGON 97307-1000**

DOUGLAS PILANT

1670 Roberts Rd.
Medford, Oregon 97504

(503) 779-5821

Office

(503) 776-7527

Residence

Objective

To contribute to a municipal development organization's record of progressive public service through leadership and innovative management of community planning, interagency coordination, program development, public outreach, and related disciplines.

Qualifications

- ◆ Proven skills in grant proposal and application development, budget planning, public surveys and statistical assessments, demand management, and GIS applications.
 - ◆ Seasoned **background** in business and operational planning, staff development, program administration, public information, grant administration, and customer relations.
 - ◆ Significant **achievement** in developing progressive partnerships among public, private, and customer interests.
 - ◆ Successful **experience** developing and coordinating complex intergovernmental projects and funding sources.
 - ◆ Broad **involvement** in fleet operations, district administration, policy development, marketing and promotional planning, and regional planning.
 - ◆ Strong **history** of business and personal accomplishment.
-

Pertinent Experience

Senior Planner — Rogue Valley Transportation District, Medford, Oregon. 1990–Present

Transportation Coordinator — Rogue Valley Transportation District, Medford, Oregon. 1989

Assistant Sports Information Director — University of Idaho, Moscow, Idaho. 1987–1990

Education

B.S., Geography—University of Idaho (1990)

Professional Development

Transportation Demand Management—Georgia Institute of Technology
Transit Operations—Federal Transit Administration
Contract Administration—Federal Transit Administration

Professional Affiliations

- ◆ Member, American Planning Association
 - ◆ Member, Association of Commuter Transportation
 - ◆ Member, Community Transportation Association of America
 - ◆ Member, Gamma Theta Upsilon—National Geography Honor Society
-

Community Involvement

- ◆ Ashland Transportation Planning Advisory Committee
- ◆ Jackson County Human Resources Consortium
- ◆ Rogue Valley Civic League
- ◆ Grant writer, Miles Field Renovation Project
- ◆ Grant coordinator, Fichter–Mainwaring Soccer Field Development
- ◆ Board of Directors, Rogue Valley Soccer Club



CITY OF KEIZER

VOLUNTEER APPLICATION FORM

NAME Pat Sparks-Tewell DATE June 10, 1997

ADDRESS 1393 Rafael Street N. Keizer, OR 97303

PHONE NUMBER: DAY: 588-6173 EVENINGS: 393-6958

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

Five-years experience in reviewing and analyzing Salem-Keizer Schools budget.

Considerable experience in volunteer work with Keizer Little league and Keizer

Junior Miss Scholarship Program. Banking and twenty three years experience

with the City of Salem in federal programs. (See attached present job description).

Number of hours per week you can volunteer: Variable

Day or days of week available: Weekdays

Time of Day available: Evenings

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED IN VOLUNTEERING FOR:

BUDGET COMMITTEE x

PLANNING COMMISSION

PARKS ADVISORY BOARD

VOLUNTEER COORDINATING COMMITTEE

TRAFFIC SAFETY COMMISSION

RIVER ROAD REDEVELOPMENT BOARD

BICYCLE SAFETY COMMITTEE

COMMUNITY POLICING COMMITTEE

SPECIAL PROJECT TASK FORCE

(PLEASE INDICATE AREA OF INTEREST)

CLERICAL DUTIES Computer (Windows 95), calculator, typewriter, fax machine, copy machine, etc.

EDUCATION BACKGROUND

High School 12 Years

Graduate or GED

College 2 Years

Degree

PERSONAL REFERENCE

Name Robert Wilson Telephone 393-3425
Address 1040 Rafael Street N., Keizer, OR 97303

CURRENT PLACE OF EMPLOYMENT

Employer's Name City of Salem
Employer's Address and Telephone 555 Liberty Street SE, Salem, OR 588-6173
Your Position Relocation/Loan Technician
May we contact you at work? Yes

PREVIOUS VOLUNTEER EXPERIENCE

Salem-Keizer School Board (Citizens Budget Committee)
(Volunteer Agency)
Address 1309 Ferry Street SE Telephone 399-3036
Supervisor Dave Bauer Duties Citizens Budget Committee
(Five Years)

AUTHORIZATION WAIVER

I HAVE COMPLETED THE ABOVE QUESTIONS AND TO THE BEST OF MY KNOWLEDGE, WHAT HAS BEEN STATED IS TRUE. IF APPOINTED TO A VOLUNTEER POSITION, I AGREE TO SERVE WITHOUT REIMBURSEMENT OF ANY KIND, AND WITH THE UNDERSTANDING AND AGREEMENT THAT ACCIDENT AND MEDICAL INSURANCE IS NOT PROVIDED BY THE CITY OF KEIZER.

Pat Sparks-Tsuiell
Signature of Applicant

June 10, 1997
Date

PLEASE RETURN COMPLETED APPLICATION TO:

**VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
ATTENTION: TRACY L. DAVIS - CITY RECORDER (390-3700, EXTENSION 108)
P.O. BOX 21000 (CITY HALL - 930 CHEMAWA ROAD NE)
KEIZER, OREGON 97307-1000**

**CITY OF SALEM
RELOCATION/LOAN TECHNICIAN**

00177

NATURE OF WORK

This is technical and professional work in all phases of relocation and property management work and of underwriting, financial packaging, and clearing of real estate/rehabilitation loans within the Salem area.

Work involves independent responsibility for performing relocation assignments for both business and residential owners, as well as property management functions and the responsibility for the timely monitoring of rehabilitation loans, sources of revenue, obligation and accounting of funding, and the tracking of each party's fiduciary responsibilities associated with the loan. Work is conducted under general supervision, but necessitates a professional who can work as an integral member of a team, research and track a variety of detailed information, and make recommendations and decisions which have significant impacts. Work involves heavy public contact and requires public relations, relocation and property management expertise. Work and materials are often highly sensitive or confidential. This is not full supervisory classification, however the work of this classification includes responsibility for training others in the work or providing work direction to others.

ILLUSTRATIVE EXAMPLES OF WORK

(Any single position of a class will not usually involve all the essential duties listed and many positions will involve essential duties which are not listed.)

Creates systems for underwriting, managing, and monitoring new or revised loan programs as required for City, State, or Federal projects.

Review loan application forms and conduct necessary background checks (credit reports, title reports, appraisals, etc.) to determine loan eligibility. Resolves discrepancies which would prohibit a loan, works with applicant to clear property titles. Determines which rehabilitation loans an applicant may be eligible to receive. Prepares loan/grant documents, arranges bid openings, conducts pre-construction conference, explains terms and conditions of loan/grant, disburses payments from escrow accounts, obligates federal/state monies authorized by loan, monitor subcontractors for compliance with Davis-Bacon Labor Standards Act, prepares loan transfer documents, property deeds of trust, commercial loans, identifies donated sources of funds for rehabilitation efforts, prepares loan close-out documents. Prepares timely notices, prepares appropriate documentation, maintains accurate case file of all loan activities according to federal and state requirements.

Prepares interagency agreements and conducts audits of other agencies responsible for expenditure of HUD funds.

Interviews and assists owners and tenants being displaced by public action. Interprets federal and state regulations pertaining to the Uniform Relocation Assistance and Real Property Acquisition Policy's Act of 1970 (Public PL 91-646). Provides orderly relocation assistance to those being displaced by governmental action and advises others who are involved in programs. Monitors displacement costs and determines method of qualification for moving/reestablishment claims. Completes biannual and annual reports for HUD. Verifies relocation information and secures the necessary data to establish eligibility for claimants moving expenses and other relocation benefits.

Performs property management functions, including but not limited to rental of properties, organization and follow-up routine maintenance, follow-up on rent collections, tenant complaints and notification to various departments regarding status of property.

Performs other related work as required.

WORK QUALIFICATIONS

Experience in relocation counseling field or federal rehabilitation loans with experience in real property management, loan packaging, and real property encumbrances; graduation from a two year college, university or technical school with training in real estate, loan processing or real estate accounting principles; or any equivalent combination of experience and training which provides the following knowledges, skills and abilities:

Considerable knowledge of and ability to interpret the Uniform Relocation and Assistance Real Property Acquisition Policy Act of 1970.

Considerable knowledge of regulations promulgated by various federal agencies implementing the Uniform Act, Community Development Block Grants, HUD mandated housing programs, grants and other related regulations which effect the delivery of relocation and rehabilitation loan services.

Considerable knowledge of mortgage lending transactions and government accounting standards.

Considerable knowledge of property management and encumbrance methods, functions and responsibilities.

Knowledge of legal documents associated with the real estate and property management industries.

Skill in the use of modern office equipment including personal computers.

Considerable ability to negotiate transactions and come to agreement under adverse circumstances.

Considerable ability to manage multiple priorities and view technical documents for accuracy.

Considerable ability to review trust deeds, notes, title searches, and other property related documents and determine the impacts of the document to all effected parties.

Considerable ability to communicate effectively, orally and in writing, including conveying highly technical information to a lay audience.

Considerable ability to establish and maintain effective working relationships with City employees, public and private officials, and the public.

Ability to think logically, deal with changing priorities and conflicting deadlines.

Possession of a valid Oregon driver's license or Class C license and ability to meet City driving standards.

Work is performed in an office and field setting. The office setting involves participating in a variety of meetings, reviews documents for technical detail, sitting, changing deadlines and priorities and working with individuals who may be upset. Office setting includes background noise and interruptions and requires sufficient mental concentration to analyze a variety of technical information and draw conclusions. Field setting work involves entering people's homes which may be in various states of disrepair and traveling from location to location.

Personnel Director



August 4, 1997

AGENDA ITEM 4d

COMMUNITY POLICING COMMITTEE

CITY COUNCIL MEETING: August 4, 1997

AGENDA ITEM NUMBER: 4d

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

**FROM: JOHN N. MORGAN/WALLY MULL
INTERIM CO-CITY MANAGERS**

SUBJECT: COMMUNITY POLICING COMMITTEE

Councilor Meier, Council liaison to the Community Policing Committee will give an oral report on the status of the Community Policing program with a recommendation of adoption of the attached Resolution. In addition, she will make a motion to appoint Craig Campbell, Chair Pro tem until October 31, 1997.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R97-_____

3 A RESOLUTION ESTABLISHING A COMMUNITY POLICING COMMITTEE, PRO TEM

4 (REPEALING RESOLUTION R93-636)

5
6 WHEREAS, the City Council has approved the implementation of a
7 Community Policing Program for the City of Keizer; and

8 WHEREAS, the City Council has continued it's commitment towards
9 Improving Community Policing in the City of Keizer; and

10 WHEREAS, Community Policing is in the process of changing committee
11 structure and resolve and work on this committee improvement will not be
12 complete for several months; and

13 WHEREAS, the Committee needs to function in it's current structure until
14 October 31, 1997, to complete this process, NOW THEREFORE

15 BE IT RESOLVED that the Main Community Policing Committee be allowed
16 to function in it's current structure and membership until October 31, 1997,

17 BE IT FURTHER RESOLVED that Resolution R93-636 is repealed in its entirety.

18 PASSED this ____ day of _____, 1997.

19
20 SIGNED this ____ day of _____, 1997.

21
22
23 _____
24 Mayor

25
26 _____
27 City Recorder



August 4, 1997

AGENDA ITEM 5b

OLD BUSINESS REPORT

City Council Meeting: August 4, 1997

Agenda Item: 5b

TO: Mayor Koho and City Council Members

SUBJECT: Old Business Report

- **Measure 50 Lobbyist Services**
- **Municipal Court Request for Proposal - Collection Agency**

**Measure 47/50 Lobbyist
(John Morgan, Co-City Manager)**

The cities of Milwaukie and Beaverton, along with the City of Keizer, have all fulfilled their obligation to pay \$2,000 each to Jim Markee and Associates for lobbying services relative to Measure 50. Mr. Markee has refunded \$1,000 to the City.

**Municipal Court Request for Proposal - Collection Agency
(Tracy L. Davis - City Recorder)**

Early in 1997 the Council discussed the use of a collection agency to assist in collecting Municipal Court fines which are delinquent. I have contacted several Municipal Courts in the area to discuss their process, history and success of collection agencies. Each Court reported satisfactory to excellent results in collections with the assistance of the agency. The collection fees charged by the agencies range from 25% to 40%. Several Courts have sent or are sending me their policy and procedure guidelines they have adopted. The State of Oregon Court system has contracted with one agency to collect for all 36 State Courts. Marion County has a final draft version of their request for proposals which will be advertised in the coming weeks.

A request for proposals has been drafted and being forwarded to the City Attorney's office for review. The advertisement will be distributed within the next two weeks to a list of potential candidates. It is anticipated interviews will be held in the first week of September with a recommendation being brought to the Council in mid-September.

If you need additional information or have any questions, please feel free to contact me.

Note: If you have a matter that you would like to see under an old business report, please contact one of the members of the Council Management Committee to forward to the appropriate department.



August 4, 1997

AGENDA ITEM 6a

WIRELESS TELECOMMUNICATION FACILITIES

CITY COUNCIL MEETING: Aug. 4, 1997

AGENDA ITEM NUMBER:

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONTINUED PUBLIC HEARING
WIRELESS COMMUNICATION FACILITIES

DISCUSSION:

Tonight the Council continues its public hearing on proposed revisions to the Zoning Ordinance that will establish standards and processes for dealing with Wireless Telecommunication Facilities. Council opened this hearing on July 7th and continued it until tonight to give more time for notice to industry representatives and the neighborhood associations.

The Planning Commission initiated this work early this year and, after a great deal of research and discussion, recommended to the Council that an ordinance be developed modeled after the Springfield ordinance.

Staff has prepared draft ordinance revisions for the Council's consideration.

The draft ordinance is based on several premises including:

- Wireless telecommunication towers are allowed in all zones, which implements federal guidelines;
- Wireless telecommunication towers are least desirable within residential neighborhoods, along River Road and Cherry Avenue, and within the Chemawa Activity Center. They are most desirable within heavy industrial areas.

Towers are treated differently depending on the zone in which they are proposed:

- The least restrictive standards are found in the (IG) General Industrial zone.

- More restrictive standards are found in the CG (Commercial General) and P (Public) zones.
- The most restrictive standards are found in the IBC (Industrial Business Park), CM (Commercial Mixed), NC (Neighborhood Commercial), CO (Commercial Office), RS (Residential Single Family), RL (Residential Limited Density), RM (Residential Medium Density), RH (Residential High Density), MU (Mixed Use), UT (Urban Transition), and EFU (Exclusive Farm Use) zones.
- With the increasingly restrictive standards, the review processes become more strident, with building permits only required in the IG zone, site plan review required in the CG and P zones, and a conditional use permit required in all other zones.

RECOMMENDATION:

It is recommended Council:

1. Open the public hearing, take testimony, and close the hearing; and
2. Direct Staff to return on September 2, 1997 with a final ordinance for adoption.

12.82 WIRELESS TELECOMMUNICATION FACILITIES.

(a) The purpose of this Section is to provide siting standards and review processes for wireless telecommunications systems facilities locating within the City of Keizer. This purpose shall be realized by implementing new provisions of the Keizer Development Code that will:

- (1) Regulate the placement, appearance and number of wireless telecommunications systems facilities;
- (2) Ensure that the citizens of Keizer will have access to a variety of wireless telecommunications systems and providers;
- (3) Reduce the visual impact of certain wireless telecommunications systems facilities by encouraging collocation;
- (4) Establish a graduated system of review that will expedite facilities placement in preferred locations; and
- (5) Implement the applicable provision of the federal Telecommunications Act of 1996.

(b) DEFINITIONS

- (1) ACCEPTABLE SITE. For purposed of siting wireless telecommunications systems facilities, any land planned and zoned Commercial General or Public.
- (2) ANTENNA. The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition shall include omni-directional (whip) antennas; directional (panel) antennas; parabolic (micro-wave dish) antennas; and ancillary antennas (i.e., GPS). All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.
- (3) ATTACHED WTS FACILITY. An existing pole, tower or other structure capable of accommodating a WTS facility antenna, whether originally intended for such use or not.
- (4) BACKHAUL NETWORK. The land lines that connect a WTS provider's radio signals to one or more cellular telephone switching offices and/or local or long distance providers, or the public switched telephone network.
- (5) CELL. A geographic area where a single radio transmission sending/receiving station (per provider) and the equipment necessary to connect these radio calls to land lines or other cells are located.

- (6) **COLLOCATION.** Two or more WTS providers utilizing a structure or site specifically designed and/or approved for such multiple use, and including equipment shelters.
- (7) **CONDITIONALLY SUITABLE SITE.** For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Industrial Business Park, Commercial Mixed, Neighborhood Commercial, Commercial Office, Residential Single Family, Residential Limited Density, Residential Medium Density, Residential High Density, Mixed Use, Urban Transition, and Exclusive Farm Use.
- (8) **DETACHED WTS FACILITY.** A pole, tower or other structure designed and intended to support WTS facility antennas.
- (9) **EQUIPMENT SHELTERS.** For purposes of siting wireless telecommunications systems facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals from cell site to cell site and to land line systems. Associated equipment such as air conditioning or emergency generators shall be considered appropriate within this definition.
- (10) **FCC.** The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable.
- (11) **LATTICE TOWER.** For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more WTS provider.
- (12) **MONOPOLE.** For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of a single tapered steel pole and which supports antennas and related equipment for one or more WTS provider.
- (13) **PREFERRED SITE.** For purposes of siting wireless telecommunications systems facilities, any land planned and zoned General Industrial.
- (14) **PUBLIC UTILITY FACILITY- High Impact:** Electric power transmission lines (greater than 69 KV), poles and substations, gas pipe lines and valve stations; sanitary sewer treatment plants or effluent ponds; water treatment facilities, including filtration plants greater than 2.5 million gallon capacity per day; fire/ ambulance stations.
- (15) **STEALTH DESIGN.** A variety of techniques used to disguise or mitigate the visual presence of WTS support structure, including, but not limited to

screening by mature trees (75% or more of pole beneath tree canopy), mimicking common features of the urban landscape (light poles, church steeples, trees, etc.), painting antennas to match the color of supporting building walls, or roof mounting behind parapets.

- (16) **WIRELESS TELECOMMUNICATIONS FACILITIES.** The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.
 - (17) **WIRELESS TELECOMMUNICATIONS SYSTEMS (WTS).** The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including cellular radiotelephone, personal communications services, enhanced/specialized mobile radio, and commercial paging services.
- (c) **SITING AND REVIEW PROCESS FOR WIRELESS TELECOMMUNICATIONS SYSTEMS FACILITIES.** The siting and review process for WTS facilities is based on the type of facility (monopole, stealth design or collocation) and its proposed location in a Preferred Site (IG zoning districts). Acceptable Site (CG or P zoning districts) or Conditionally Suitable Site (IBP, CM, NC, CO, RS, RL, RM, RH, MU, UT OR EFU zoning districts). The development review process for wireless telecommunication systems (WTS) facilities shall be as follows:
- (1) **Building and Electrical Permits Only Required**
 - (a) An attached WTS facility (existing structure, including collocation on cell tower) on a Preferred Site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
 - (b) A detached WTS facility (monopole designed for collocation) on a Preferred Site, set back from all property lines a distance equal to or greater than the height of the tower, including equipment shelters, buildings and cabinets housing WTS land line switch/connection equipment.
 - (c) A detached, stealth design WTS facility on a Preferred Site not abutting residential zoning districts, observing all setback and height limits of the underlying zone, and all setback limits of the underlying zone unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.

- (d) An attached WTS facility on an Acceptable Site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
 - (e) A WTS facility, including antennas and switching/connection equipment to land lines, affixed to an existing utility pole, but no higher than 10 feet above the height of the pole.
- (2) Site Plan Review. The Community Development Director shall review the following permits and have discretionary authority to approve them or approve them with conditions. In addition to (1) above, the following standards apply:
- (a) A detached, stealth design WTS facility on a Preferred Site, that abuts a residential zoning district but is not set back a distance equal to or greater than the height of the structure, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.
 - (b) A detached, stealth design WTS facility on an Acceptable Site, observing all height limits of the underlying zone, and all setback limits of the underlying zone unless it demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impact, including equipment shelters, buildings and cabinets housing WTS land line switching /connection equipment.
 - (c) An attached WTS facility on a Conditionally Suitable Site, no higher than 10 feet above the existing structure, including equipment shelters, building and cabinets housing WTS land line switching/connection equipment.
 - (d) A detached, stealth design WTS facility on a Conditionally Suitable Site, observing all height limits of the underlying zone and all setback limits of the underlying zone unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
 - (e) All detached WTS facilities, on any site, within 1,000 feet of an existing detached WTS facility.

- (f) All detached WTS facilities 50 feet or taller, on any site, and not designed or intended for collocations.
- (3) Conditional Use Approval. In addition to (a) and (b) above, a conditional use permit is required for the following facilities. The following additional standards apply:
 - (a) All WTS facilities in the Willamette River Greenway Overlay District.
 - (b) All WTS facilities that exceed the height limit of the underlying zoning district on any site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment unless height limit provisions are exempted elsewhere in this Code.
 - (c) All detached non-stealth design WTS facilities on any site abutting a residential or commercial mixed or mixed use zoning district when the height of the structure exceeds the height limit of the residential zoning district and the setback of the WTS facility is less than the height of the structure, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
 - (d) All detached WTS facilities on any site located within 1,000 feet of an existing WTS facility that was designed to accommodate multiple users and that has space available.
 - (e) All detached WTS facilities located within public street or railroad rights of way where the actual location of the proposed WTS facility immediately abuts residential, Commercial Mixed, or Mixed Use zoning districts.
 - (f) Lattice towers in any zoning district.
- (4) Prohibited WTS facilities
 - (a) Any WTS facility in the public right of way that severely limits access to adjoining property, that limits public access or use of the sidewalk, or that constitutes a vision clearance violation.
 - (b) Any detached WTS facility taller than 150 feet above finished grade at the base of the tower.
- (d) Standards for siting WTS facilities shall be as follows:
 - (1) All WTS facilities shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this Section. Underground facili-

ties may encroach upon required yards or may be placed in appropriate easements.

- (2) All WTS facilities shall be landscaped at the base of towers/poles, and completely around equipment shelters. Lighting of towers shall be as required by the FAA. All other lighting must be deflected away from adjoining property.
 - (3) Any WTS facility sited on or designed with any of the following attributes shall first receive FCC approval, as specified in FCC Rules 1.1301 - 1.1319, as a condition of City approval prior to construction: Wilderness Area; Wildlife Preserve; Endangered Species; Historical Site; Indian Religious Site; Flood Plain; Wetlands; High Intensity White Lights in Residential Neighborhoods; Excessive Radio frequency Radiation Exposure.
- (e) Application requirements for WTS facilities shall be as follows:
- (1) WTS providers whose proposals conforms with the provisions of Subsection (1)(a) of this Ordinance requiring building and electrical permits only shall submit the following information with the application for permits:
 - (a) A copy of that portion of the lease agreement (or lease memo) with the property owner, that includes collocation provisions (where applicable), facility removal within 90 days of abandonment and a bond to guarantee removal shall be submitted for review prior to development permit approval.
 - (b) A signed statement from the applicant agreeing to allow collocation on the applicant's structure (where applicable).
 - (c) A map of the city showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the City, or extending within the City from a distant location, and any existing detached WTS facilities of another provider within 1,000 feet of the proposed site.
 - (d) An engineer's analysis/report of the recommended site location area for the proposed facility. If an existing structure approved for collocation is within the area recommended by the engineer's report, reasons for not collocating shall be provided and must demonstrate at least one of the following deficiencies:
 - (1) the structure is not of sufficient height to meet engineering requirements;
 - (2) the structure is not of sufficient strength to accommodate the

WTS facility;

- (3) electromagnetic interference for one of both WTS facilities will result from collocation; or,
- (4) the radio frequency coverage objective cannot be adequately met.
- (e) A plot plan showing: the lease area; antenna structure; height above grade and setback from property lines; equipment shelters and setback from property lines, access; connection point with land line system; and all landscape areas intended to screen the WTS facility.
- (f) The method(s) of stealth design (where applicable)
- (g) An engineer's statement that the RF emissions at grade, or at nearest habitable space when attached to an existing structure comply with FCC rules for such emission; the cumulative RF emissions if collated.
- (h) A description of the type of service offered (voice, data, video, etc.) and the consumer receiving equipment.
- (i) Identification of the provider and backhaul provider, if different.
- (j) Provide the RF range in Megahertz and the wattage output of the equipment.
- (k) Provide facilities maintenance regimen.
- (l) Zoning and Comprehensive Plan designation of proposed site.
- (m) Provide FAA determination.
- (2) WTS providers whose proposals conforms with the provisions of Subsection (1)(b) of this Section requiring Site Plan Review approval shall the following additional information:
 - (a) Items 1-4 and 6-13 in Subsection (1)(a) above.
 - (b) Photosimulations of the proposed WTS facility from the four cardinal compass points and/or abutting right of way, whichever provide the most accurate representation of the proposed facility from a variety of vantage points.
 - (c) The distance from the nearest WTS facility and nearest collocation site.
- (3) WTS providers whose proposals conforms with the provisions of Subsection

(1)(c) of this Ordinance requiring Conditional Use approval shall submit the following information:

- (a) Items 1-3 in Subsection (1)(b) above.
- (b) Responses to the following additional Conditional Use criteria:
 - (1) an engineer's statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography dropped coverage, etc.);
 - (2) an engineer's statement demonstrating the reasons why the WTS facility must be constructed at the proposed height; and
 - (3) verification of good faith efforts made to locate or design the proposed WTS facility to qualify for a less rigorous approval process (building permit or site plan approval).
- (4) The Zoning Administrator, or appellant body, shall use the preceding criteria in addition to the Conditional Use criteria in Chapter 8 of this Code to evaluate the proposal. The Zoning Administrator, or appellant body, shall not grant approval of the request unless each of these criteria has been met.
- (f) Failure to comply with the standards, provisions and conditions of this Section, and any other applicable Section of this Code, may be enforced through the Civil Infractions Ordinance.
- (g) Private amateur radio (HAM) antennas, their support structures, and direct to home satellite receiving antennas are exempt from the WTS facilities siting and review provisions of the Code, but shall otherwise comply with the applicable provisions of the underlying zoning districts in which they are located to the extent that such provisions comply with Federal Communications Commission policy.
- (h) The provisions of this Section shall be reviewed no later than 5 years from their date of adoption. This review ensures contemporaneity with technological changes made in this industry.



AGENDA ITEM 6b

August 4, 1997

**CLEAR LAKE ROAD SUBDIVISION APPEAL - CASE NO. 97-07
(PICULELL/CHIMENTO GROUP)**

CITY COUNCIL MEETING: Aug. 4, 1997

AGENDA ITEM NUMBER:

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR 

SUBJECT: PUBLIC HEARING
APPEAL OF SUBDIVISION CASE 97-07
PICULELL CHIMENTO GROUP - APPLICANT

DISCUSSION:

This is an appeal of the Hearings Officer's approval of Subdivision 97-07. This subdivision involves 2.67 acres of land at 1585 Clear Lake Road NE, which is just west of the intersection with O'Neil Road. The application proposes creation of 16 lots in the Residential Single Family Zone.

The appeal centers on conformance with the Comprehensive Plan policy on adequacy of public facilities to serve new developments. The appeal specifically deals public facility requirements, focusing on how sewer and water lines are proposed to serve the subject property. The appellant also questions the findings of adequate school facilities and the extent of proposed improvements to Clear Lake Road.

Attached to this report are the principal portions of the Hearings Officer record, the total of which is hereby incorporated into the record of this hearing. The material includes:

- The application
- Staff reports
- Correspondence between staff and the applicant
- Hearing Officer decisions
- The Letters of Appeal

97-7

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 13th Street SE

Address

(503) 363-9227

Daytime telephone

1. Applicant

Address and Zip Code

The Piculell Chimento Group

3236 SW Kelly Street, Suite 105
Portland, OR 97201

2. Property Owners (if other than applicant)

Address and Zip Code

Ricky A. Johnson
Alice P. Johnson

1585 Clearlake Road NE
Keizer, Oregon 97303

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 Vanderhoof North

5. Property address: 1585 Clearlake Road NE

6. Total Property Acreage: 2.67 acres

7. Acreage to be subdivided (if different from above) 2.67 acres

8. Number of lots to be created: 16

9. Range of lot sizes: smallest 5,273 sq. ft. largest 7,116 sq. ft. average 6,235 sq. ft.

10. If the property is served by a city street, please indicate name:

Clearlake Road

11. If the property borders more than on city street please list: None

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 has an existing orchard that is actively being harvested.
2. Describe the current use of the lands surrounding this property (include land across roads): On all sides of the project, the area has been developed in a rural residential setting. The area to the south of the project site is a property that is slated for development this construction season.
3. Describe intended use of the property: The project site is to be developed in to a total of 16 single family residential lots.
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: The project is proposed to be developed to a density of 5.99 units per acre. This is in keeping with the goal of the City of Keizer Comprehensive Plan that recommend that the City achieve an average density of 4.6 units per acre. The lots as proposed, make the best use of the site.
5. Discuss how the proposed design makes the best use of the property, considering lot size, road placement, open space, etc.: The proposed layout takes advantage of the street pattern that has been developed in the area and will complete a north-south connection within the area when all of the proposed developments are complete. The lot sizes as proposed within the development are consistent with the present developments in the area.

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.

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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 drainageways, 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.
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14. Any additional information deemed necessary by the City.

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

Andy H. Johnson
Alice P. Johnson

DATED this 27th day of March 1997

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
STAFF RECOMMENDATION**

SUBDIVISION CASE No. 97-07

TO: Barry Adamson, Keizer Hearings Officer (Interim)

FROM: Amy C. Drought, Keizer City Planner

SUBJECT: Subdivision Case No. 97-07

DATE: April 23, 1997

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

I. GENERAL INFORMATION

- A. **APPLICANT:** Piculell Chimento Group (for property owned by Ricky A. and Alice P. Johnson).
- B. **PROPERTY LOCATION:** The subject property is located at 1585 Clearlake Road NE and is identified by the County Assessor as located within Township 6 South, Range 3 West, Section 23DA; Tax Lot 2000. (See "Exhibit A".)
- C. **EXISTING PARCEL SIZE:** 2.67 acres.
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The property fronts a public street and may be served by public water and sewer.
- E. **PLAN DESIGNATION AND ZONING:** The property is designated Low Density Residential and zoned Urban Transition (UT).
- F. **ADJACENT ZONING AND LAND USES:** Property immediately to the south contains the recently approved 50 lot subdivision, Case No. 97-04, and will be rezoned RS when the subdivision is platted. Property on the north, east and west of the subject property is zoned UT. The dominant land use in these areas is large acreage residences.
- G. **PROPOSAL:** The applicant is requesting approval to create a 16 lot single family subdivision. Access to the proposed subdivision will be provided from St. Charles Street from the Subdivision to the south and from Clear Lake Road to the north. (See Exhibit "B".)

3. Street and Drainage Improvements - An overall master storm drainage plan that will provide service to this area of Keizer needs to be in place prior to issuance of any permits for construction of the proposed development.

Storm water detention will be required for this site. All storm water and roof drains to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. It will be the responsibility of the applicant's engineer to provide evidence to the public works department that no natural drainage from or to adjacent property will be impeded by the development of the subject property.

Plans for any proposed private drives to serve lots within the subject development shall be submitted to the Department of Public Works for review prior to approval of any street plans or issuance of any permits for public improvements. Adequate provisions for recorded turnarounds or backing area with appropriate signage will be required. Drop curb locations will be required on the East side of St. Charles Street at the time of the street construction.

Clear Lake Road improvements along the frontage of the subject property shall be required as a condition of the proposed development. Dedication of additional Right of Way along Clear Lake Road will be required to provide a total width from centerline of 34 feet. Actual roadway improvement to be a 3/4 width street (25 feet from centerline to curb line along the frontage of the subject property together with a 12 feet travel lane on the north side of the street) and the depth of the section shall be to the City of Keizer Collector Street Standards.

4. Other - A public street light district shall be created to provide for adequate street lights along the frontage of the proposed new subdivision streets. 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.

III. FINDINGS

- A. The proposed subdivision features a single access from Clearlake Road. This street is designed to match up with the street system under construction in the south.

The lots range in size from 5,273 square feet to 7,116 square feet. The average lot size is 6,235 square feet with a dwelling density of 5.99 units per acre. This subdivision is designed to accommodate single family homes.

- B. 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,

1. ENGINEERING STANDARDS AND REQUIREMENTS. Engineering standards and requirements, including but not limited to streets, easements, and thoroughfare improvements, shall be those currently approved by the City.

FINDINGS: All new development or redevelopment must comply with current City Public Work's engineering standards. This may be placed as a condition or requirement of development and is verified when engineering plans are submitted.

2. DEDICATION OR DEEDING OF ROADWAY. No person shall dedicate for public use or deed to the City of Keizer a parcel of land which is used or proposed to be used as a roadway without following established procedures, obtaining the approval of the City and delivering the deed to the City for its endorsement. No dedication is effective unless the property is accepted by the City following the procedure established for that purpose.

FINDINGS: The applicant will be required to dedicate to the City the street right-of-way within the subdivision, as well as additional frontage along Clear Lake Road.

3. DEAD END STREETS. When it appears necessary to continue streets to an adjacent acreage, the streets shall be platted to the boundary or property line of the proposed subdivision without a turnaround. In all other cases, dead end shall be platted a minimum of 45 feet from the boundary or property line of the subdivision and shall have a turnaround with a configuration approved by the City not less than 45 feet to the property line.

FINDINGS: The proposal does not contain any dead end streets.

4. RADIUS AT STREET INTERSECTIONS. The property line radius at street intersections shall be 20 feet.

FINDINGS: The proposal complies with this requirement.

5. STREET GRADES. No street grade shall be in excess of 12 percent unless the City finds that, because of topographic conditions, a steeper grade is necessary. The City shall require a written statement from the City Engineer indicating approval of any street grade that exceeds 12 percent.

FINDINGS: Based on available topographic information, all street grades are less than 12%.

with the specifications and standards prescribed by the City Engineer. Subdivision plans shall not have final approval until such time as the City, in its judgment, is satisfied that the following street improvements will be completed in accordance with the specifications and standards set forth in this section.

FINDINGS: Compliance with these provisions is a development requirement. All engineering plans must be reviewed and approved by the City prior to construction.

12. **PRIVATE STREET.** In the event that the subdivider or developer elects to provide private streets or thoroughfares, they shall be maintained by the Homeowners' Association and a maintenance agreement shall be submitted to the Administrator and the City for approval and as a matter of record.

FINDINGS: The proposal does not contain private streets.

- F. Sections V., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for blocks and lots. These standards, and staff's comments, are noted as follows:

1. **SUBDIVISION BLOCKS.** Block lengths and widths shall be determined after considering factors such as the distance and alignment of existing blocks; topography; lot size; and local traffic flow. Blocks shall not be less than 160 feet nor exceed 1,200 feet special conditions justify greater length.

FINDINGS: No block length exceeds 600 feet.

2. **MIDBLOCK WALKS.** Where topographic or other conditions make necessary a block of unusual length, the City may require midblock pedestrian walks with a right-of-way at least 10 feet in width, which shall be hard-surfaced through the block and extending from street curb to street curb.

FINDINGS: The blocks are relatively short so that mid-block walks are unnecessary.

3. **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.

FINDINGS: All of the proposed subdivision lots except lot 13 meet this requirement. Lot 13 has street frontage less than the required 40 feet. Staff recommends that the Applicant either apply for a Variance for reduced frontage, or reconfigure this lot.

FINDINGS: Pursuant to comments received by the City Engineer, public sanitary sewer lines can be extended to the property. All improvements must comply with City Public Works Standards.

2. **WATER SUPPLY.** All lots or parcels shall be served by an authorized public or private water supply system or individual private wells.

FINDINGS: The development can, and will be required to connect to the City's water system. All improvements must comply with City Public Works Standards.

3. **SEWER AND WATER LINES AND CONNECTIONS.** All proposed subdivisions within the City, upon a finding by the City that public sewer and water services are imminent, shall be developed with water and sewer lines that meet the specifications of the City.

FINDINGS: All connections will be required to comply with City Public Works standards. Compliance with engineering requirements can be verified when staff reviews the engineering plans for subdivision.

4. **UTILITIES.** All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted.

FINDINGS: Compliance with this requirement can be verified when staff reviews the engineering plans for subdivision.

5. **UTILITY EASEMENTS.** Underground easements for utilities and overhead utility facilities shall be provided by the subdivider and shall be set forth on the final plat.

FINDINGS: As previously noted, utility easements are determined at the time of the engineering review and placed on the final subdivision plat.

6. **STREET LIGHTING.** Proposed subdivisions located within established street lighting district boundaries shall submit street lighting plans from the appropriate power company to the City for approval. All provisions for wiring for underground installation shall be completed before the final street improvement is made.

FINDINGS: A public street light district shall be created to provide for adequate street lights along the frontage of the proposed new subdivision streets.

- c. Lots shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone. All of the proposed subdivision lots except lot 13. Lot 13 has a street frontage less than the required 40 feet. Staff recommends that the Applicant either apply for a Variance for reduced frontage, or reconfigure this lot.
 - d. The lots shall comply with the frontage requirements of the Keizer Subdivision and Partitioning Ordinance. Alternatively, the applicant may apply for a variance to reduce the frontage dimension.
- 4. 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.
- 5. Street names for the subdivision shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names.
- 6. The preceding items 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 Clearlake 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 Clearlake Road which shall be completed prior to the occupancy of any one dwelling.
- 7. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

EXHIBIT A

NE1/4 SE1/4 SEC.23 TWP.6S.
MARION COUNTY, ORE

SEE MAP 06 3W 23A

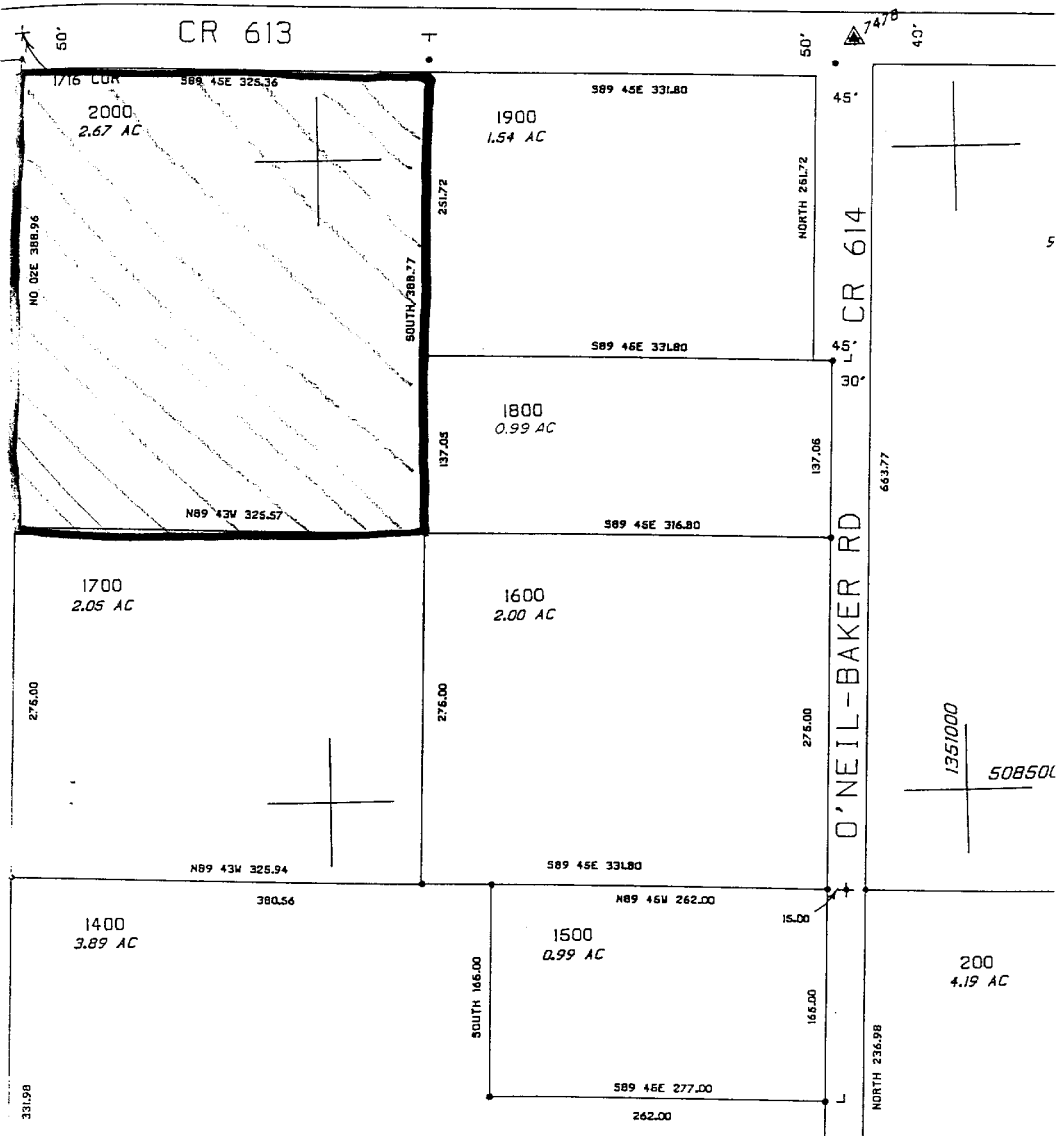


EXHIBIT C

DATE: APRIL 22, 1997

TO: CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUBDIVISION CASE NO. 97-07
Chimento/Piculell Group
1585 Clear Lake Road NE



DEPARTMENT COMMENTS

It is the understanding of the Public Works Department that the property is located within a zone that is appropriate for the intended use.

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

The plan for the proposed subdivision is create 16 lots on 2.67 acres. Access is from Clear Lake - Quinaby Road.

SANITARY SEWERS:

The subject property is subject to a current acreage charge of \$4,400.00 per acre for the development of sanitary sewer trunk lines required to serve the general area. The policy of the City of Keizer is that the acreage charge be paid at time of platting and that the charge is based on the charge currently in place at the time of platting.

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
- d.) The existing sanitary sewer trunk line in O'Neil Road was constructed by other developers under an agreement between them and the City of Keizer. Payment of new acreage charges to the City of Keizer will be distributed by the City under the existing agreements.
- e.) Extension of a sanitary sewer trunk line from the current end of the trunk in O'Neil Road will be required to serve the subject property. The route of the trunk line will be along O'neil Road to the

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STREET AND DRAINAGE IMPROVEMENTS:

- a.) An overall master storm drainage plan that will provide service to this area of Keizer needs to be in place prior to issuance of any permits for construction of the proposed development.
- b.) Storm water detention will be required for this site. All storm water and roof drains to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces.
- c.) It will be the responsibility of the applicant's engineer to provide evidence to the public works department that no natural drainage from or to adjacent property will be impeded by the development of the subject property.
- c.) Plans for any proposed private drives to serve lots within the subject development shall be submitted to the Department of Public Works for review prior to approval of any street plans or issuance of any permits for public improvements. Adequate provisions for recorded turnarounds or backing areas with appropriate signage will be required. Drop curb locations will be required on the East side of St. Charles Street at the time of the street construction.
- d.) Clear Lake - Quinaby Road improvements along the frontage of the subject property shall be required as a condition of the proposed development. Dedication of additional Right of Way along Clear Lake Road will be required to provide a total width from centerline of 34 feet. Actual roadway improvement to be a 3/4 width street (25 feet from centerline to curb line along the frontage of the subject property together with a 12 foot travel lane on the north side of the street) and the depth of the section shall be to the City of Keizer Collector Street Standards.

OTHER

- a.) A public street light district shall be created to provide for adequate street lights along the frontage of the proposed new subdivision streets.
- b.) 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.

DATE: APRIL 30, 1997

TO: CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUBDIVISION CASE NO. 97-07
Chimento/Piculell Group
1585 Clear Lake Road NE



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

**ADDITIONS TO PREVIOUS
DEPARTMENT COMMENTS**

The Department of Public Works received a fax transmission this morning from Mark Grenz, P.E., of Multi-Tech Engineering, regarding the above referenced Subdivision Case 97-07. He requested a response today regarding three of the conditions contained in our staff report of April 22, 1997. Our response is as follows:

1. Sanitary Sewers

- e) The condition requiring the extension of the sanitary sewer trunk line along O'Neil Road and Clearlake Road is based on the City of Keizer Master Sewer Plan. Our review of the computer model developed during the design process of the Master Sewer Plan Update indicated flows from the subject property would be to a new trunk line in Clearlake Road. While it is possible to place sewer flows in alternate basins, the Public Works Department is concerned that property development occurring without the accompanying Master Plan facilities will result in a long-range problem for the City of Keizer.

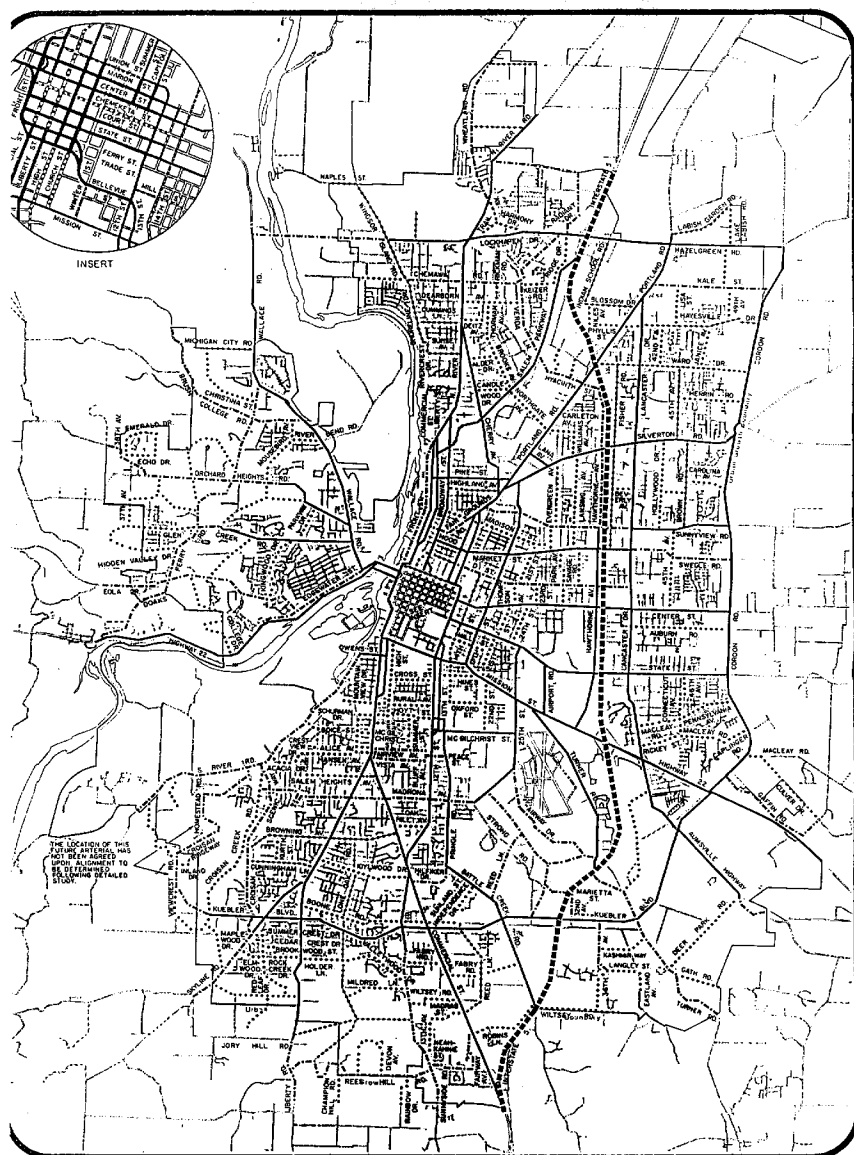
An earlier development approved by the Hearings Officer for a project at the Southeast corner of the intersection of O'Neil Road and Clearlake Road also carried the condition of extension of the trunk line in O'Neil Road. It is possible that a portion of the required trunk line for this project may be constructed prior to the development of the subject property. It is also possible that the developers of both projects could work together to make sure that the required trunk lines are in place.

2. Water System:

- a) The requirement of connecting the proposed development to a new water main in Clearlake Road is consistent with the City of Keizer Master Water Plan. Dead- end mains are not encouraged in Keizer

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FUNCTIONAL HIGHWAY CLASSIFICATION INCLUDING EXISTING AND FUTURE ROADWAYS

- Major Arterial
- Collector
- Minor Arterial
- Collector With Bike Lanes
- ==== Freeway

Location of future roadways is subject to change.

North Scale

FIGURE 2



FAX Transmission

from: **MULTI/TECH Engineering
Services, Inc.**

Date: May 10, 1997
To: William I. Peterson, P.E.
Fax Number: 390-7461
From: Mark D. Grenz, P.E.
President
Phone # (503) 364-1260 Fax # (503) 364-1260

**Number of Pages
in this transmission: 5**

(If you do not receive the number of pages noted, please contact our office)

Regarding: Subdivision Case 97-07

MESSAGE:

Please review the attached memorandum on this matter.

Please review with Wally and make comments back by Tuesday.

Thanks.

Streets and Drainage (d) Clear Lake - Quinaby Road improvements along the frontage of the subject property shall be required as a condition of the proposed development. Dedication of additional Right-of-way along Clear Lake Road will be required to provide a total width from centerline of 34 feet. Actual roadway improvement to be a 3/4 width street (25 feet from centerline to curb line along the frontage of the subject property together with a 12 foot travel lane on the north side of the street) and the depth of the section shall be to the City of Kelzer Collector Street Standards.

We understand the need to word the conditions in the manner that you did, with the assumption that this project will be developed on its own, prior to the development of the property to the south, that has received subdivision approval in the recent past.

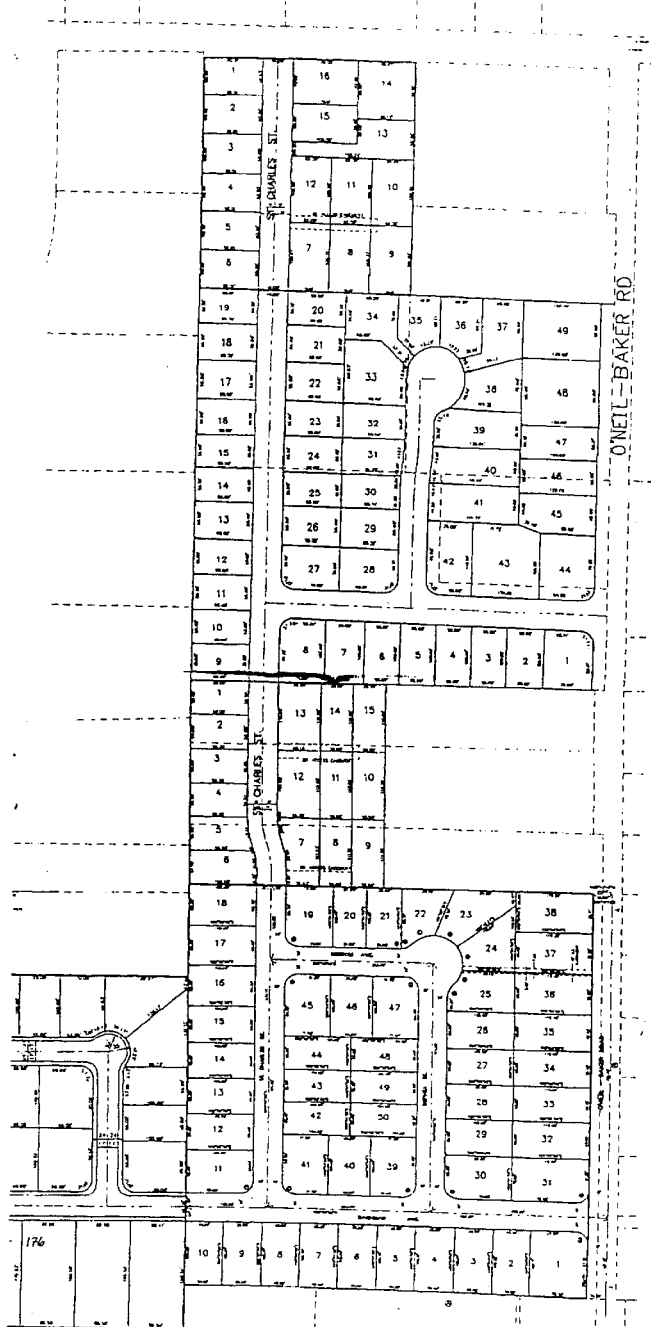
We to believe that alternative wording should be added to the conditions that will take into account the development of the property to the south in a manner that will bring the sanitary sewer and water facilities to the project site.

We have attached a reduced map of the area that shows the proposed development in the area along the west side of O'Neill Road from the Waterford Subdivision to this project site. As we discussed with you, it is our clients intention to develop the property in a manner that will be logical, and northward from the Waterford Development. With this in mind, it would appear that the above conditions could be modified as follows:

Sanitary Sewer (e) Extension of a sanitary sewer trunk line from the current end of the trunk in O'Neill Road *may* be required to serve the subject property. The route of the trunk line, *if required*, will be along O'Neill Road to the intersection of Clear Lake Road and continuing along Clear Lake Road to the most western boundary of the subject property. A portion of the trunk line may be constructed by other developers prior to the development of the subject property.

Should sanitary sewer mains be extended from the development of the property to the south, with the capacity to service this area, the need for the construction of the trunk line will not be necessary. Should it be determined that the construction of the trunk line is not required, this development shall be required to pay to the City of Kelzer, the 8 inch equivalent cost for the project frontage that would be along the future trunk line.

Water (a) A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. A 12 inch water main *may* be required along O'Neill Road from the current end of the existing main to the intersection of Clear Lake Road. The 12 inch water main, *if extended*, will be required to be further extended along Clear Lake Road to the westerly line of the subject property.





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

MEMO TO: Barry Adamson, Hearings Officer
FROM: Amy Drought, Keizer City Planner
RE: Subdivision 97-07
DATE: May 14, 1997

Attached please find the additional information for the record regarding Subdivision 97-07:

- Letter and attached exhibits from Charles Chimento, Applicant
- Summary of Clear Lake Road Classifications from John Morgan, Keizer Community Development Director
- Memo from the Keizer Department of Public Works
- Faxed Memo from Mark Grenz, Agent for the Applicant

It is my understanding that if the applicant and the City did not provide a joint submission by May 14, then the City has until May 21 at 5:00pm to respond to the applicant's submission. In addition, if the City submitted material regarding Dolan findings, then the applicant has until May 21 to respond.

It is the City's intention to respond to Mr. Chimento's submission by May 21, 1997. Please let me know if you have any questions. Thank you.

•
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'97 MAY 14 PM 4 20

CITY OF KEIZER
OREGON 97303



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

DATE: MAY 14, 1997

TO: CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUBDIVISION CASE NO. 97-07
Chimento/Piculell Group
1585 Clear Lake Road NE
PUBLIC WORKS REQUIREMENTS

Issues were raised at the public hearing for the subject subdivision regarding the appropriateness of the requirements of public infrastructure needed to serve the development. At the present time the nearest sanitary sewer designed to serve the subject property is approximately 1600 feet away. The nearest water main designed to serve the subject property is also approximately 1600 feet away.

The City of Keizer has master sewer and water plans in place that provide for the standards and design of the necessary improvements for this area of the city. Developers can either wait for others to extend the necessary improvements or make the extensions and request reimbursement for oversizing and front foot charges when connections are made to lines they install.

Sanitary sewer trunk lines are currently financed through a combination of acreage assessments and front foot charges for equivalent 8 inch line sizes. The acreage assessment is increased from time to time to take into consideration the increased cost of construction of the system. Water main oversizing is also financed through a combination of front foot charges and through a collection of a fee for meter placements that creates a dedicated fund for oversizing and other master plan improvements.

It is the position of the Department of Public Works that sufficient policies are currently in place to provide for adequate reimbursement, over time, as undeveloped parcels develop. Property that is located a considerable distance from existing services need to be held to the same standard as property that is adjacent to existing public facilities. It is anticipated that developers of property that are in need of public facilities will work together to make sure that adequate master plan lines are installed when their developments are constructed.

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

MEMO TO: Barry Adamson, Hearings Officer
FROM: Amy Drought, City Planner
RE: Clear Lake Road Classification
DATE: May 14, 1997

Attached please find a chronology of classifications processes for Clear Lake Road.

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Chronology of Classifications Processes for Clear Lake Road

Keizer adopted its periodic review order in January 1993. This order included numerous amendments to the Comprehensive Plan including a new Transportation Chapter. A functional classification map was adopted as part of this process. That map shows Clear Lake Road as a Local Street.

The Regional Transportation System Plan, as required by the Transportation Planning Rule, was completed in 1996. That document designates Clear Lake Road as a collector recognizing that it functions as a collector. The RTSP was adopted by the SKATS Policy Committee, which is the board of the regional planning authority. The RTSP is used to guide all funding decisions involving state or federal funds.

Salem and Keizer are both in the middle of developing Local Transportation System Plans, as required by the Transportation Planning Rule. Keizer's plan is scheduled for adoption in May of 1998. That plan must conform to the Regional Transportation System Plan and will, therefore, designate Clear Lake Road as a collector. The LTSP is adopted as an element of the Comprehensive Plan and will include Keizer's formal adoption of the RTSP.

Regardless of formal classification, Clear Lake Road functions as a collector and will grow in that role quickly as development occurs in the area. The Keizer Subdivision Ordinance defines collector as: "A road or street that accumulates traffic from minor roads or streets and routes it to an arterial road or street." (KSPO II.32.b.) Clear Lake Road is the continuous through street that connects Wheatland Road, O'Neil Road, and Rive Road in processes gathering traffic from surrounding development and channeling it to these arterials and collectors.

Its function must drive its form. Therefore, staff is compelled to work toward its formal designation as a collector in the Local Transportation System Plan, as it is in the Regional Plan, and to insist that collector standards be used to guide its development.

John N. Morgan, AICP - Community Development Director - City of Keizer
503-390-3700 voice - 503-370-2035 pager - 503-393-9437 fax

FAX Transmission

from: **MULTI/TECH Engineering
Services, Inc.**

Date: May 10, 1997

To: William I. Peterson, P.E.

Fax Number: 390-7461

From: Mark D. Grenz, P.E.
President

Phone # (503) 364-1260 **Fax #** (503) 364-1260

Number of Pages

in this transmission: 5

(If you do not receive the number of pages noted, please contact our office)

Regarding: Subdivision Case 97-07

MESSAGE:

Please review the attached memorandum on this matter.

Please review with Wally and make comments back by Tuesday.

Thanks.

Streets and Drainage (d) Clear Lake - Quinaby Road Improvements along the frontage of the subject property shall be required as a condition of the proposed development. Dedication of additional Right-of-way along Clear Lake Road will be required to provide a total width from centerline of 34 feet. Actual roadway improvement to be a 3/4 width street (25 feet from centerline to curb line along the frontage of the subject property together with a 12 foot travel lane on the north side of the street) and the depth of the section shall be to the City of Kelzer Collector Street Standards.

We understand the need to word the conditions in the manner that you did, with the assumption that this project will be developed on its own, prior to the development of the property to the south, that has received subdivision approval in the recent past.

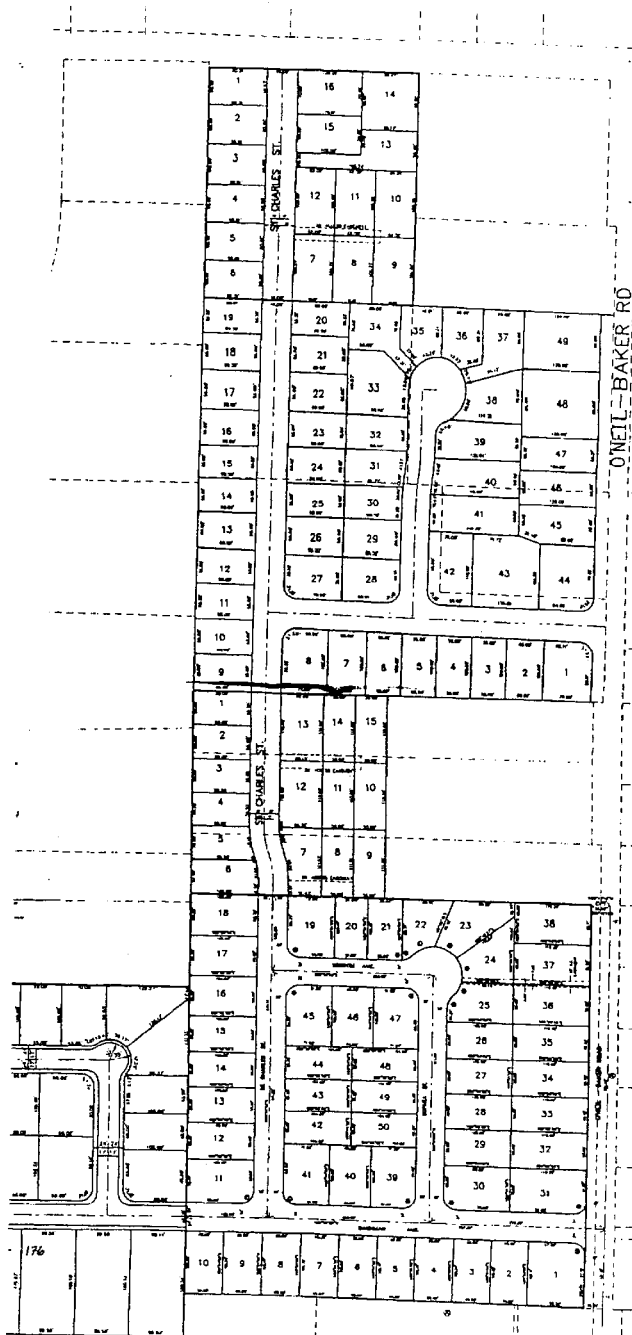
We do believe that alternative wording should be added to the conditions that will take into account the development of the property to the south in a manner that will bring the sanitary sewer and water facilities to the project site.

We have attached a reduced map of the area that shows the proposed development in the area along the west side of O'Neill Road from the Waterford Subdivision to this project site. As we discussed with you, it is our clients intention to develop the property in a manner that will be logical, and northward from the Waterford Development. With this in mind, it would appear that the above conditions could be modified as follows:

Sanitary Sewer (e) Extension of a sanitary sewer trunk line from the current end of the trunk in O'Neill Road *may* be required to serve the subject property. The route of the trunk line, *if required*, will be along O'Neill Road to the intersection of Clear Lake Road and continuing along Clear Lake Road to the most western boundary of the subject property. A portion of the trunk line may be constructed by other developers prior to the development of the subject property.

Should sanitary sewer mains be extended from the development of the property to the south, with the capacity to service this area, the need for the construction of the trunk line will not be necessary. Should it be determined that the construction of the trunk line is not required, this development shall be required to pay to the City of Kelzer, the 8 inch equivalent cost for the project frontage that would be along the future trunk line.

Water (a) A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. A 12 inch water main *may* be required along O'Neill Road from the current end of the existing main to the intersection of Clear Lake Road. The 12 inch water main, *if extended*, will be required to be further extended along Clear Lake Road to the westerly line of the subject property.



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May 14, 1997

'97 MAY 14 PM 4 18

Barry L. Adamson
Hearings Officer
City of Keizer

CITY OF KEIZER
OREGON 97303

The record for Subdivision Case No. 97-07 held open until May 14, 1997 5:00 pm for the applicant and City of Keizer Public Works Dept. to try and reach an agreement on three issues pertaining to Agency comments which were raised at the hearing on April 30, 1997. The three issues which I took exception to were: .

- 1) The requirement to extend the sanitary sewer trunk line up O'Neil Rd. to the intersection with Clear Lake Rd. and then along Clear Lake Rd. to the western most boundary of the project. This was noted on page 2 of the Staff Recommendation Report and referenced to "Exhibit D".
- 2) The requirement to extend the 12" domestic water main up O'Neil Rd. to the intersection with Clear Lake Rd. and then along Clear Lake Rd. to the western most boundary of the project. This was noted on page 2 of the Staff Recommendation Report and referenced to "Exhibit D".
- 3) Clear Lake Rd. improvements shall require dedication of 34 feet for right-of-way from centerline and 3/4 street improvement with 25 feet of pavement from centerline to curb along the frontage of the project and 12 feet of pavement for the travel lane on the north side of the street. This was noted on page 3 of the Staff Recommendation Report and referenced "Exhibit D". On page 11 there was also a requirement for all sidewalks to be completed along Clear Lake before a building permit would be issued for any one lot in the subdivision. It is customary for sidewalks to be completed as the house is being built and I need to have this condition regarding sidewalks removed.

In regards to Item 1) We want the condition to extend the sanitary sewer trunkline as noted in Item 1 to be deleted. We had a meeting with the City Engineer, Bill Peterson, and the City Planner, Amy Drought, on Tuesday, May 6, 1997 and agreed to contribute to the City an amount equal to 1/2 of the cost of an 8-inch sewer line 8 feet deep as payment of the frontage cost for this project.

We do not believe we should be required to build this trunkline since it will be of no benefit to this project. Sanitary sewer will be provided to this subdivision with the extension of utility service by the extension St. Charles Street. St. Charles St. will be extended with the construction of Vanderhoof Village which was recently approved as Subdivision Case No. 97-04. All necessary utilities will be available to serve this 16 lot subdivision through Vanderhoof Village. We do not believe the City has the authority to require us to extend offsite the Sanitary trunkline up O'Neil Rd. and along Clear Lake Rd. in the situation where it is not needed for this subdivision. Based on prior experience in extending the trunkline up O'Neil Rd. for Waterford Subdivision, it will

The City has mentioned a possibility of signing a payback agreement for the construction of the water line, however this would not be satisfactory since there is no practical reality of ever being reimbursed under this agreement. The City does have a mechanism in place to collect SDC's to fund a payback arrangement, however, the SDC is only \$30.00 per building permit and there are not enough potential building permits that could be issued to pay back all of the people who would be in front of this subdivision.

This project will be serviced with water from the south with the construction of Vanderhoof Village which was approved as Subdivision Case 97-04. Since this project does not need water from Clear Lake Rd., I do not believe that it should be required to construct offsite water lines. This line will be able to be extended to O'Neil when the property along Clear Lake Rd. to the east of this subdivision develops.

There is also the same requirement in relation to the Dolan case and the decision as submitted in "Exhibit C" for the City to produce findings to support their ability to require this project to construct these offsite improvements that are not needed to serve this project.

In regards to Item 3) We want the condition to dedicate enough land to give a 34 foot right-of-way from the centerline of the street and construct 25 feet of pavement from the centerline along the frontage and 12 feet of pavement for the travel land on the north side of the street reduced to a requirement to dedicate enough land to give a 30 foot right-of-way from the centerline of the street and construct 17 feet of pavement along the frontage of this subdivision.

The City's Comprehensive Plan designates this street as a local residential street with standards of 48 feet total right-of-way and 34 feet of pavement (See "Exhibit D"). City planning staff stated in the hearing on this subdivision that the City of Keizer has not officially adopted a Master Transportation Plan. The City stated that they were relying on a regional map with the City of Salem as justification for this collector designation on Clear Lake. If so, the City needs to provide evidence of adoption of this map as part of their transportation plan. Since the city has not adopted a Transportation Plan and if they cannot provide evidence of adopting the regional plan and since the Comprehensive Plan does not show this street as a collector, I do not believe the City has the authority to require us to improve Clear Lake to the standards stated in the Staff Report for this subdivision. However, as I stated earlier we would be willing to dedicate enough land to give the city a 30 foot right-of-way from the centerline along this project and construct 17 feet of improvements along Clear Lake Rd.

A copy of Art Piculell V. Clackamas County decision "Exhibit C" references the Dolan case and shows that offsite improvements need to have a relationship between the burden imposed for the construction of those offsite improvements and the benefit to the subdivision and the City needs to produce findings to support their requirements. The burden is on the City to establish this rough level of proportionality. Since the collector

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DATE: MARCH 4, 1997

'97 MAY 14 PM 4 19

TO: CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT



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

SUBJECT: SUBDIVISION CASE NO. 97-3
REIMANN ASSOCIATES
7600 Block of Wheatland Rd.

DEPARTMENT COMMENTS

It is the understanding of the Public Works Department that additional information has been requested regarding the capacity of the existing system on Wheatland Road. The following information is being forwarded to you for your inclusion in the record if it is appropriate.

1. The original construction of the pump station, south of the subject property, was designed to provide service to the properties on both sides of the sewer trunk in Wheatland Road. The amount of flow into the system was designed for the original development along that route as well as some expansion.
2. The intention of the Master Sewer Plan is to eventually eliminate the pump station by construction of a new sewer trunk line that would direct the flow from the pump station area to a new trunk line in O'Neil Road. An acreage charge has been developed for the area to provide a funding mechanism for completing the required Master Plan sewers.
3. As development has occurred in the area to the south of the subject property, construction of a new, non-master plan, sewer line has provided additional capacity in the existing pumped system. This capacity is the result of a shortening of the force main that was originally installed by directing flow to the new non-master plan sewer line in Park Meadow Drive. The shortening of the pressure line has an effect of reducing the head loss through the system, thereby increasing the output of the pump station.
4. Our department was asked to determine if sufficient capacity exists in the modified system to allow some additional flow into the existing sewer line in Wheatland Road.
5. Enclosed is a copy of a Hydra computer run that was necessary for us to make the determination. The computer run indicates that sufficient capacity does exist in the system to provide service for the entire development of the subject property.

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Fax 503.390.8295

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C:\HYDRA\CMD\PROPMHP7.CMD

11:17 26-Jul-95

NONE

Status of DEFAULTS at start of run. (* May be reset by SET)

```

Command file : C:\HYDRA\CMD\PROPMHP7.CMD
Input units are read as      : USA
Warnings are turned         : OFF
* Output sent to display     : Brief
* Output sent to printer     : Brief
* Output sent to file        : Off
Paper width in inches        : 8.000
String to reset printer      : 27 51 36 18
String to set printer to compressed : 17 16 15
String to set printer to 8 lines/inch : 8 27 51 27
Name of printer              : Panasonic, KX-P1090
Print heading at top of page : ON

Number of steps in hydrograph : 96
Step length in minutes        : 15
Significant flow in hydrograph : 0.010
Infiltration Diurnalization Factor : 0.980
* Maximum plot value          : Selected by HYDRA
Type of hydrographic plot     : Compact

Sanitary flow by              : Diurnal Curve
Delay to start of actual storm : 0.00
Rational Method computations  : OFF
SCS computations              : OFF
Continuous simulation computations : OFF

* Maximum d/D for pipe design/analysis : 0.900
* Match point position on pipe : 1.00 or Crown
* Number of allowable diam drops : 999
* Minimum drop thru manhole : 0.050
Manning's n                   : Fixed
Routing technique              : Quick

* Calculate sanitary flows : ON
* Calculate infiltration flows : ON
* Calculate misc flows : ON

```

```

1: JOB PROPOSED MHP ON WHEATLAND RD. (PROPMHP7.CMD)
2: REM SAME AS PROPMHP6 BUT LEFT RETIREMENT HOME AT 100 GPM
3: REM CITY OF SALEM PEAKING FACTOR
4: PEA ( 0.01/3.2 0.1/3.2 0.2/2.9 0.3/2.75 0.4/2.7 0.5/2.6 +
5:      1/2.4 2/2.2 4/2 10/1.8 25/1.6 50/1.6 )
6: SAF 1 1 1 1 SAFETY FACTORS
7: REM ***** GAL/CAP/DAY = 90

```

PROPOSED MHP ON WHEATLAND RD. (PROPMHP7.CMD)

```
55: FLO MIS .22
56: EPI 268 181.65 181.59 172.02 171.04 8 !! LINK 8
57: EPI 271 181.59 181.90 171.04 169.94 8 !! LINK 9
58: EPI 147 181.90 182.10 169.94 169.00 8 !! LINK 10
59: SAN 11.34 11.76
60: EPI 339 182.10 182.92 169.00 167.63 8 !! LINK 11
61: SAN 1.64 11.76
62: EPI 394 182.92 182.89 167.63 166.03 8 !! LINK 12
63: HOL C LINE
64: REM *****
65: REM WHEATLAND ROAD HEADING NORTH - B LINE
66: REM *****
67: NEW B LINE
68: REM PORTION OF SUBDIVISION ENTERING THE LINE
69: SUN 31 10.90
70: EPI 386 182.05 182.15 172.58 171.06 8 !! LINK 13
71: SUN 3
72: EPI 290 182.15 182.01 171.06 169.86 8 !! LINK 14
73: EPI 290 182.01 182.14 169.86 168.75 8 !! LINK 15
74: SUN 27
75: SUN 2
76: EPI 210 182.14 182.21 168.75 167.86 8 !! LINK 16
77: REC A LINE
78: SUN 3
79: EPI 225 182.21 182.24 167.95 166.99 8 !! LINK 17
80: EPI 225 182.24 182.89 166.99 166.03 8 !! LINK 18
81: REC C LINE
82: EPI 5 182.89 182.69 166.03 165.75 8 !! LINK 19
83: END
```


C:\HYDRA\CMD\PROPMHP7.CMD

11/19/95

CF3

PROPOSED MHP ON WHEATLAND RD. (PROPMHP7.CMD)

*** A LINE

Analysis of Existing Pipes

Link	Long	Slope Diam	Invert Up/Dn	San Inf	Sto Mis	Qdes Vel d/D	Qmax %Cap QRem	GrUp HGLUp DiffUp	GrDn HGLDn DiffDn	SrCh/Dlt Parallel Replace
1	450	0.0038	171.70	0.0	0.0	0.04	0.80	181.71	179.93	
		8	170.00	0.0	0.0	1.12	5.53	171.82	170.12	
						0.19		9.89	9.61	
2	248	0.0038	169.90	0.0	0.0	0.04	0.81	179.93	181.29	
		8	168.95	0.0	0.0	1.13	5.49	170.02	169.07	
						0.19		9.91	12.22	
3	212	0.0047	168.95	0.0	0.0	0.11	0.90	181.29	182.21	
		8	167.95	0.1	0.0	1.62	11.83	169.13	168.13	
						0.27		12.16	14.06	

Lateral length= 910 Upstream length= 910

*** D LINE

Analysis of Existing Pipes

Link	Long	Slope Diam	Invert Up/Dn	San Inf	Sto Mis	Qdes Vel d/D	Qmax %Cap QRem	GrUp HGLUp DiffUp	GrDn HGLDn DiffDn	SrCh/Dlt Parallel Replace
4	340	0.0049	177.61	0.0	0.0	0.04	0.91	182.30	182.30	***
		8	175.95	0.0	0.0	0.12	4.69	178.96	178.95	
						0.17		3.34	3.35	

Lateral length= 340 Upstream length= 340

*** C LINE

Analysis of Existing Pipes

Link	Long	Slope Diam	Invert Up/Dn	San Inf	Sto Mis	Qdes Vel d/D	Qmax %Cap QRem	GrUp HGLUp DiffUp	GrDn HGLDn DiffDn	SrCh/Dlt Parallel Replace
5	233	0.0039	175.75	0.1	0.0	0.65	0.82	182.35	181.49	***
		8	174.83	0.3	0.3	1.86	79.06	178.95	173.20	
						0.70		3.40	3.49	
6	290	0.0042	174.83	0.1	0.0	0.67	0.85	181.60	181.31	***
		8	173.61	0.3	0.3	1.91	79.58	178.20	177.20	
						0.70		3.48	4.62	

PROPOSED MHP ON WHEATLAND RD. (PROPMHP7.CMD)

*** 8 LINE

Analysis of Existing Poles

Link	Long	Slope Diam	Invert Up/Dn	San Inf	Sto Mis	Qdes Vel d/d	Qmax %Cap QRem	GrUp HGLUp DiffUp	GrDn HGLDn DiffDn	GrCh/Dit Parallel Replace
15	290	0.0038	169.86	0.0	0.0	0.12	0.81	182.01	182.14	
		8	168.75	0.1	0.0	1.52	14.77	170.05	168.94	
						0.29		11.96	13.20	
16	210	0.0042	168.75	0.0	0.0	0.14	0.85	182.14	182.21	
		8	167.86	0.1	0.0	1.64	15.86	168.95	168.06	
						0.30		13.19	14.15	
17	225	0.0043	167.95	0.1	0.0	0.24	0.85	182.21	182.24	
		8	166.99	0.2	0.0	1.95	28.43	168.21	167.25	
						0.39		14.00	14.99	
18	225	0.0043	166.99	0.1	0.0	0.24	0.85	182.24	182.89	
		8	166.03	0.2	0.0	1.95	28.43	167.25	166.29	
						0.39		14.99	16.60	
19	5	0.0560	166.03	0.2	0.0	1.28	3.09	182.89	182.89	
		8	165.75	0.6	0.5	7.91	41.35	166.34	166.06	
						0.47		16.55	16.92	

Lateral length= 1631 Upstream length= 5235

KEIZER COMPREHENSIVE PLAN
NOTICE OF DECISION

PARTITIONING / CONDITIONAL USE CASE No. 96-10

I. REQUEST

The Keizer Subdivision and Partitioning Ordinance requires certain Partition and Conditional Use applications be considered first by the City Zoning Administrator. The following report reviews a land use application to divide an approximate 12.07 acre parcel into two (2) parcels of approximately 11.07 acres and 1.0 acres. In addition, the applicant is requesting conditional use approval to construct a single family residence on the proposed 1.0 acre parcel located in the UT (URBAN TRANSITION) Zone.

II. BACKGROUND

- A. APPLICANT: Jack Yarbrough
- B. PROPERTY LOCATION: The subject property is located on the east side of Wheatland Road and north of the intersection of Bair Road and Wheatland Road. The property is not addressed and the parcel is identified as being located within Township 6 South; Range 1 West; Section 23CD; Tax Lot #101. (See EXHIBIT "A")
- C. EXISTING PARCEL SIZE: 12.07 acres in size.
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES: The parcel is undeveloped and may be served by public sewer and possibly public water.
- E. PLAN DESIGNATION AND ZONING: The property is designated Low Density Residential in the Keizer Comprehensive Plan and zoned UT (URBAN TRANSITION). The purpose of this Comprehensive Plan designation and zone is to provide land for single family residences. (See EXHIBIT "B")
- F. ADJACENT ZONING AND LAND USES: Property located to the north, east, and south is zoned UT (URBAN TRANSITION) with single family homes on larger parcels the dominant land use. Property located to the west is zoned RM (MEDIUM DENSITY RESIDENTIAL) and is developed with the Willamette Lutheran Home.

These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. The information on requirements is included in this report for the benefit of the applicant and is not part of the decision on the application.

1. Completion, submittal and recording of the final partitioning plat shall comply with the requirements contained in the Keizer Subdivision and Partitioning Ordinance.
2. After the final Partitioning plat has been recorded, no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.
3. 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.
4. Prior to the issuance of any building permits, the applicant shall request that an address be assigned to the proposed 1 acre parcel. Parcel addressing is provided by the Mid-Willamette Valley Council of Governments and addresses are assigned by the City of Keizer. (City of Keizer Ordinance 88-111)
5. Development of the proposed vacant parcel shall require connection to public sewer services. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges for sewer, parks and other facilities and shall comply with established City rules and regulations in effect at the time of the final approval of the partitioning.

The applicant shall comply with the following public facility issues as required by the City Engineer and the Keizer Public Works Department (See Exhibit "D"):

SANITARY SEWERS

- a) City of Salem approval for local sewer lines will be required and construction permits will need to be issued prior to construction.
- b) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- c) Appropriate easements will be required for any public sewer mains located within the subject property.
- d) The front 100 feet of the subject property was part of the L.I.D. for sanitary sewer construction. That district was created for the purpose of providing sanitary sewers for the existing residences along Wheatland Road. Some additional capacity was built into the system and it has the capability of serving the proposed single family residence.

The applicant shall request that a deferment agreement be allowed that defers the improvement until the development of Parcel 2.

- e) Since the amount of development will be large enough to require a public road way system to serve the area, the applicant may need to consider a wider strip (leading back to the 11 acre parcel) which would be consistent with City of Keizer Street Construction Standards.

OTHER

- a) Any existing utility easements on the subject property shall be clearly shown on the recorded partitioning plat. The placement of any proposed building shall be located in such a manner as to not place any potential load bearing on existing utilities or proposed new utilities located on the subject property.
- b) 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.
- c) A pre-design meeting will be required prior to the developer's engineer submitting plans to the City for review.
- d) Street opening permits are required for any work within the City right-of-way that is not covered by a Construction Permit.
- e) A pre-construction conference shall be required prior to commencement of any construction under any permits issued by the City.

C. OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

V. APPEALS

Any interested person, including the applicant, who disagrees with this decision may request that the application be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$150.00 fee. This fee will be refunded if the appeal is successful. In addition, the applicant may request reconsideration of the decision on the basis of new information; provided, the applicant signs a waiver of the 120 day time limit for the review of zoning applications.

Requests for reconsideration, or an appeal request for a hearing in front of the Hearings Officer, must be submitted in writing and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on July 13, 1996.

E. Section IV.7., of the Keizer Subdivision and Partitioning Ordinance, requires the dedication of additional right-of-way if the existing right-of-way is less than the standard width. Wheatland Road is classified as a Minor Arterial which requires a minimum right of way width of 68 feet. Additional right of way is required for Wheatland Road to develop the required 68 foot wide right of way necessary for a Minor Arterial. The applicant will be required to dedicate additional right of way along Wheatland Road in order to have 34 feet from the centerline as required for a Minor Arterial roadway.

F. Staff recognizes the actual partitioning may vary from the proposed partitioning due to reasons of topography, surveying requirements or other factors. Minor variations are permitted provided the final partitioning plat substantially conforms with the proposed partition plan.

VII. FINDINGS AND CONCLUSIONS (Conditional Use)

A. The Urban Transition zone allows any permitted use listed in the most restrictive zone corresponding to the Comprehensive Plan designation, provided, a Conditional Use permit is obtained. The most restrictive zone for the Comprehensive Plan Low Density Residential designation is the RS (SINGLE FAMILY RESIDENTIAL) zone. Section 23.01(a), of the Keizer Zoning Ordinance, identifies a single-family dwelling as a permitted use within the RS zone.

B. In order to obtain a Conditional Use permit, the Keizer Zoning Ordinance requires compliance with the criteria contained in Section 36.03(a), (d) and (g). These criteria, and staff's responses, are as follows:

(1) The use will not increase traffic beyond the capacity of existing roads.

The subject property fronts a public street (Wheatland Road) which is a Minor Arterial and is of adequate capacity to serve the property. The construction of one single family residence will not increase traffic beyond the capacity of the existing roadway.

(2) The use meets the development standards of the most restrictive zone in the Zoning Ordinance consistent with the Comprehensive Plan designation.

The most restrictive zone consistent with the Comprehensive Plan designation is the RS (SINGLE FAMILY RESIDENTIAL) zone. Development standards for the RS zone are found in Chapter 23 of the Zoning Ordinance. The applicant submitted a site plan identifying the dwelling's proposed location on the property. There are no physical limitations on the property prohibiting the placement of a dwelling. Staff concludes the parcel and the proposed dwelling location comply with all development standards for the RS zone. The current UT (URBAN TRANSITION) Zone contains specific setbacks which are comparable with the RS (SINGLE FAMILY RESIDENTIAL) zone.

EXHIBIT "A"

WHEATLAND RD

SUBJECT PROPERTY

MARKET RD NO 24

SE 1/4 SW 1/4 SEC. 23 TWP. 6S. RGE. 3W. WM
MARION COUNTY, OREGON

SEE MAP 06 3W 23CA

PARTITION

PLAT

990-82

924 20 21 0

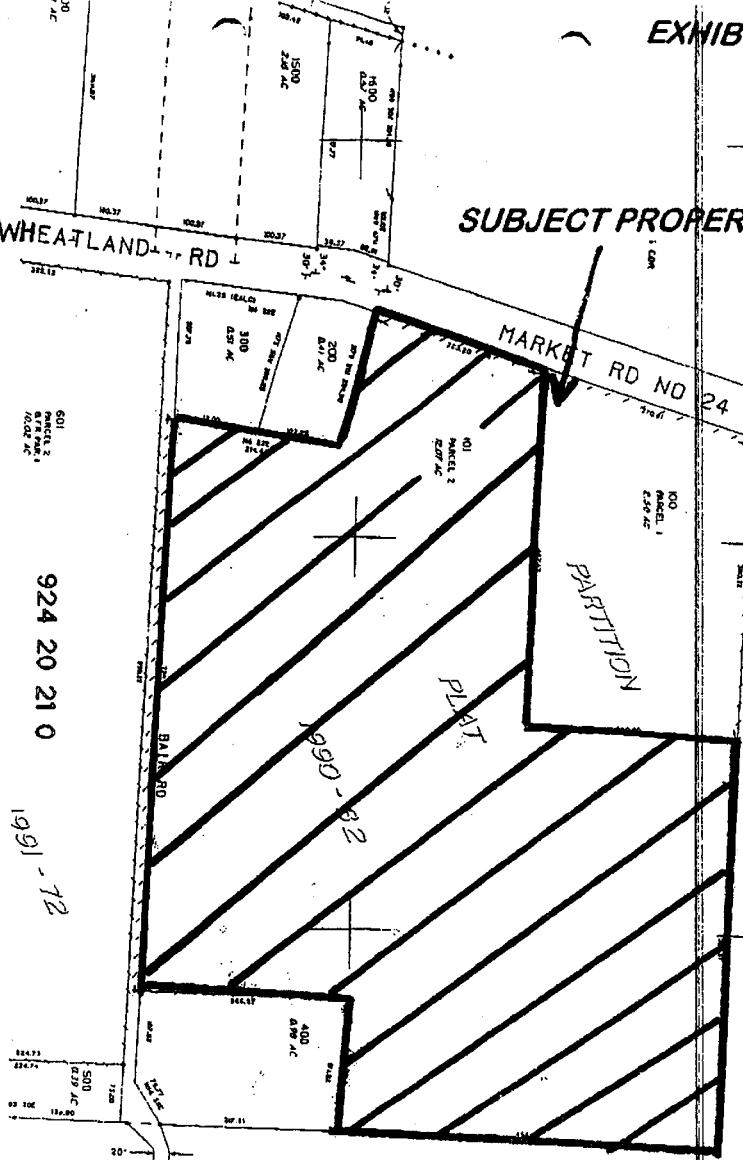
1991-72

JUN 03 1996
6 3M 23CD
KEITZER
CANCELLED NOS.
600

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21-JUN-88

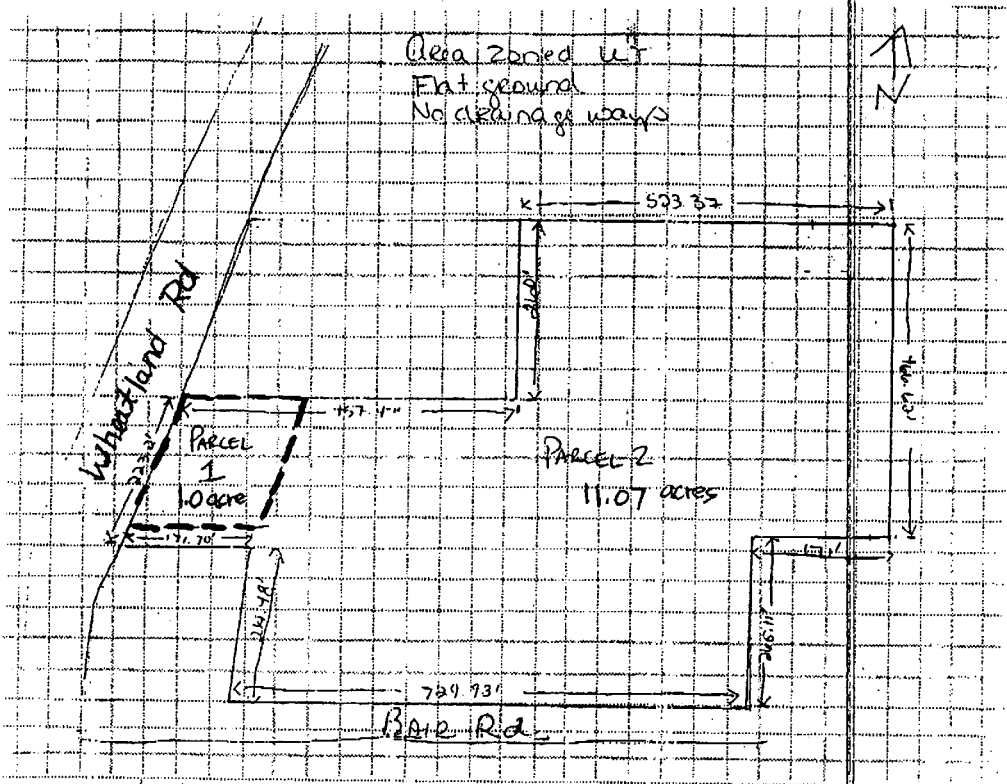
230C



PRELIMINARY PARTITION PLAN

Applicant: Jack Yarbrough

Tax Map 63W 23CD; Tax Lot # 101

Scale: $\frac{1}{4}" = 45'$ Drawn By: Baileea Dickson

I certify that the above information is accurate to the best of my knowledge.

Applicant (Please Print) Jack R. YarbroughMailing Address: 3791 River Rd W*F Keizer OR 97303Phone: 360-3930

Applicant's Signature: _____

Date: _____

FOR OFFICE USE ONLY

PLANNING: _____

Date: _____

PUBLIC WORKS: _____

Date: _____

BUILDING INSPECTION: _____

Date: _____



City of Keizer
 630 Chemawa Rd. N.E.
 P.O. Box 21000
 Keizer, Oregon 97307-1000

DATE: JUNE 20, 1996

TO: CITY OF KEIZER
 COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: Partition CASE NO. 96-10
 JACK YARBROUGH
 WHEATLAND ROAD - NORTH OF BAIR ROAD

DEPARTMENT COMMENTS

It is the understanding of the Public Works Department that this property is located within UT zoned property and the proposed zone change to LDR and partitioning is appropriate to that zone.

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

SANITARY SEWERS:

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- c.) Appropriate easements will be required for any public sewer mains located within the subject property.
- d.) The front 100 feet of the subject property was part of a L.I.D. for sanitary sewer construction. That district was created for the purpose of providing sanitary sewers for the existing residences along Wheatland Road. Some additional capacity was built into the system and it has the capability of serving the proposed single family residence. Any additional development of the subject property will require the construction of sanitary sewer improvements consistent with the City of Keizer Master Sewer Plan.
- e.) The portion of the subject property outside the original 100 foot distance from Wheatland Road will be subject to an acreage sewer assessment. The amount of the assessment will be determined at the time of platting of the proposed partitioning. The assessment will be based on the acreage assessment in place at the time of platting.

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

Partition Case 96-10
June 20, 1996
Page 3

- e.) Since the amount of development will be large enough to require a public roadway system to serve the area, the applicant may need to consider a wider strip which would be consistent with the City of Keizer Street Construction Standards.

OTHER

- a.) Any existing utility easements on the subject property shall be clearly shown on the recorded partitioning plat. The placement of the proposed new building shall be located in such a manner as to not place any potential load bearing on existing utilities or proposed new utilities located on the subject property.
- b.) 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.
- c.) A Pre-design meeting will be required prior to the Developer's Engineer submitting plans to the city for review.
- d.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- e.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.

AUG 31 1996

EXHIBIT "C"

RECEIVED

O'DONNELL, RAMIS, CREW
CORRIGAN & BACHRACH

'97 AUG 14 PM 4 19

FILED: July 31, 1996

CLACKAMAS COUNTY
IN THE COURT OF APPEALS OF THE STATE OF OREGON

ART PICULELL GROUP,

Petitioner,

v.

CLACKAMAS COUNTY,

Respondent.

(LUBA No. 95-092; CA A92128)

Judicial Review from Land Use Board of Appeals.

Argued and submitted April 18, 1996.

Jeff H. Bachrach argued the cause for petitioner. With him on the brief were Timothy V. Ramis, G. Frank Hammond and O'Donnell, Ramis, Crew, Corrigan & Bachrach.

Michael E. Judd, Chief Assistant County Counsel, argued the cause for respondent. With him on the brief was Clackamas County Counsel.

Before Deits, Presiding Judge, and De Muniz and Haselton, Judges.

DEITS, P.J.

Reversed and remanded with instructions to remand decision to county for further proceedings not inconsistent with this opinion.

1 DEITS, P.J.

2 Petitioner applied to Clackamas County for approval of

3 a subdivision. The county granted the application, subject to

4 conditions, including the dedication and road improvement

5 condition that is involved in this case. Petitioner appealed to

6 LUBA, arguing that the condition violates the Takings Clause of

7 the Fifth Amendment, as construed in Dolan v. City of Tigard, 512

8 US ___, 114 S Ct 2309, 129 L Ed 2d 304 (1994). LUBA affirmed.

9 Petitioner seeks review, and we reverse.

10 Subject to supplementation as the context requires, we

11 take the facts from LUBA's opinion:

12 "Petitioner applied to the county for approval of
13 a 19-lot subdivision bordering Summers Lane, a county
14 maintained road. Eighteen of the lots are south of
15 Summers Lane. Lot 19, at the west end of the proposed
16 subdivision is north of Summers Lane. At that west
17 end, Summers Lane traverses the proposed subdivision
18 for approximately 130 feet. East and west of the
19 proposed subdivision, Summers Lane is fully developed,
20 or has been approved for full development, as a 60-
21 foot right-of-way, with a 36-foot pavement width.
22 Where Summers Lane borders the proposed subdivision,
23 it is partially improved, with a 40-foot right-of-way.

24 "The proposed subdivision is not dependent
25 exclusively on Summers Lane for access. However,
26 there is evidence that 81% of the traffic from the
27 proposed subdivision will use Summers Lane. In
28 addition, traffic from an adjoining subdivision will
29 have access to Summers Lane through this subdivision
30 development.

1 Clackamas County, 131 Or App 615, 887 P2d 360 (1994), and Schultz
2 v. City of Grants Pass, 131 Or App 220, 884 P2d 569 (1994).
3 Before turning to the specific issues presented in this case, we
4 will again discuss Dolan generally.

5 Dolan deals with the question of when and whether a
6 condition of development that affects a property interest in
7 certain ways, and that a governmental body attaches to a
8 developmental approval, constitutes a taking. To avoid being
9 one, the condition must have an "essential nexus" to a legitimate
10 governmental interest and must be related in its nature and
11 extent to the impacts of the development. The test that Dolan
12 establishes for that relationship is one of "rough
13 proportionality" between the condition and the developmental
14 impacts.¹ The rough proportionality test was chosen by the Court
15 over the "reasonable relationship" test that had been followed in
16 Oregon and many other jurisdictions, as well as other tests that

¹ There is no question here about the condition's connection with a legitimate governmental interest. Only the nature and extent of the relationship of the condition to the impacts is at issue. Further, as we understand petitioner's argument, its focus is on the "extent" aspect of the inquiry, and is concerned little if at all with the nature of the condition.

1 Although that statement is correct, as far as it goes,
2 it needs some amplification. Findings of the traditional kind
3 may serve as the vehicle for the governmental demonstration of
4 rough proportionality but, when so used, they are not subject to
5 the traditional standards for findings at either the local level
6 or on review. Contrary to the usual purely adjudicative role of
7 findings, Dolan effectively places the burden on the factfinder
8 to articulate and substantiate the requisite facts and legal
9 conclusion when, as here, findings are used as the device for the
10 governmental demonstration and determination of rough
11 proportionality.

12 The third feature of Dolan--its requirements
13 concerning the specificity of the demonstration--is the most
14 significant change from prior takings law. As we said in J. C.
15 Reeves Corp.:

16 "[Dolan] required considerable particularity in
17 local government findings that are aimed at showing
18 the relationship between a developmental condition and
19 the impacts of development. * * *

20 "The greatest obstacle that Dolan poses to the
21 affirmability of * * * findings inheres in the
22 specificity that it requires." 131 Or App at 618,
23 620.

1 be of assistance to us in answering the question. However, as
2 with all legal questions that are presented to us in reviewing
3 decisions by LUBA under ORS 197.850, the answer is for us to
4 give, without applying any deferential review standard. Reusser
5 v. Washington County, 122 Or App 33, 857 P2d 182, rev den 318 Or
6 60 (1993).

7 We return to the specifics of this case. The county
8 hearings officer found, inter alia:

9 "6. The cost to this developer from the
10 requirements of Condition No. 1(a) relate potentially
11 both to the requirement to dedicate land for public
12 use and the actual costs of the required road
13 improvements. As to the land dedication, the Hearings
14 Officer notes that the preliminary plat proposes the
15 dedication of 10 additional feet of right-of-way from
16 the eastern boundary of the plat to the westerly
17 terminus of the existing Summers Lane. Although this
18 dedication is required by dedication [sic], it is
19 proposed by the applicant. The additional required
20 right-of-way dedication does not impose any cost in
21 terms of the development of this property. ZDO 1012
22 provides that the determination of allowed density
23 shall not deduct more than 15 percent for roadways.
24 Dedicated public roads within this plat, excluding
25 Summers Lane dedications, account for at least 15
26 percent. The approved preliminary plat proposed to
27 create 19 residential lots. The maximum number of
28 lots permitted under the ZDO is 24. The required
29 Master Plan for redevelopment of Lot 19 shows the
30 creation of two additional lots. The difference
31 between the lots proposed and the number permitted is
32 accounted for by the two oversized lots which are

1 is demonstrated by the Metro Model which estimates
2 that 81 percent of new traffic will utilize Summers
3 Lane for east bound or west bound travel. The record
4 further establishes that the required 2/3 street
5 improvement for that portion of Summers Lane which
6 abuts the subject property on one side only is the
7 minimum improvement necessary to provide traffic
8 safety for these users of Summers Lane. Other
9 benefits which necessarily flow to the future
10 residents of this development from the completion of
11 Summers Lane as a collector street include the access
12 of vehicles, bicyclists and pedestrians to the
13 arterial road system serving this area of the County,
14 significantly improved access for emergency vehicles
15 to the subject property and its residents, and, of
16 course, necessary public facilities, including water,
17 sewer and storm drainage will be constructed within
18 the right-of-way of Summers Lane.

19 "8. The applicant argues that the percentage of
20 traffic utilizing Summers Lane generated by the 17 new
21 lots now proposed is so small when compared to the
22 total expected traffic that there is not a rough
23 proportionality. The best estimates in this record
24 are that 162 daily trips will be generated by the 17
25 new dwellings, and that as many as 5,000 vehicles may
26 use Summers Lane on a daily basis. This type of
27 mathematical analysis is specifically disapproved in
28 Dolan. Furthermore it ignores the fact that the
29 construction of Summers Lane at the subject property
30 is necessary to provide a safe and convenient
31 transportation network to serve the residents of this
32 development. It also ignores the fact that the ZDO
33 requires that all new development, including
34 subdivisions, provide additional right-of-way and make
35 road improvements as required to bring their road
36 frontage to the road classification standard for their
37 abutting road. The impact of this legislation is that
38 road improvements and new road construction is
39 provided by development as it occurs. The residents

1 rough proportionality test. Rather, we must determine
2 whether cumulatively, the county's findings establish
3 that there is a sufficient connection between the
4 impacts of the development petitioner proposes and the
5 dedication and frontage road improvements the county
6 is requiring."

7 Although we agree with that statement as a generally
8 correct approach to the application of Dolan, we also conclude
9 that a single erroneous finding that plays a significant role in
10 the governmental effort to show rough proportionality can be a
11 basis in itself for reversing the governmental decision. That is
12 the situation here. A form of "benefits versus burdens" analysis
13 was central to the hearings officer's determination of rough
14 proportionality and, in turn, the incorrect understanding about
15 the location of the facilities was a significant consideration in
16 two findings where the hearing officer applied the benefits
17 versus burdens analysis. On its face, the mistaken finding about
18 the location of the facilities was a prominent factor in the
19 hearings officer's ultimate conclusion. A remand to the county
20 is necessary to revise the pertinent findings, to reassess the
21 rough proportionality determination in the light of its revised
22 findings and to explain the rationale supporting its conclusion.
23 In addition, a remand to the county is also necessary to allow it

1 contends that Clark allows consideration of benefits to the
2 applicant's project only if it is the sole beneficiary of the
3 condition. The county responds, correctly, that petitioner's all
4 or nothing view is mistaken, and that the question is one of
5 "degree," which turns on factual as much as legal determinants.

6 Our point in Clark was that certain approval conditions,
7 although they involve dedications or are otherwise of a kind to
8 which Dolan applies, can have the principal or overlapping effect
9 of serving the needs of the development itself rather than, or as
10 well as, offsetting impacts that the development will cause
11 elsewhere. In some respects, to the extent that such conditions
12 are for the use or benefit of the development, they play a role
13 more similar to regulatory approval standards than Dolan-type
14 conditions. Somewhat paradoxically, a good example of this is
15 provided by the hearing officer's finding regarding the
16 facilities in the Summers Lane right-of-way, had the finding been
17 correct. The dedication and improvement requirement would serve
18 the public generally, including incidentally the owners and
19 inhabitants of the subdivision. However, if the facilities that
20 would serve the subdivision were to be located where the hearings

1 Without deciding whether his application of the analysis was or
2 was not correct in all of its particulars, we conclude that the
3 hearings officer's consideration of "benefits" was not erroneous
4 as an analytical approach. We emphasize, however, that that
5 approach can be an appropriate consideration in applying the
6 Dolan test, where the facts for it are present, but it should not
7 be misunderstood as being the test.⁴

8 Petitioner next contends that LUBA erred in upholding the
9 hearings officer's treatment of certain evidence regarding the
10 relationship between the required improvements and the
11 subdivision's anticipated impacts. Petitioner presented evidence
12 before the county that the development would account for only 2.6
13 percent of the traffic on Summers Lane. Petitioner argues that

required improvements. Id. at 299. That does not imply that,
where the nature of the condition or conditions in question does
not approach that level, their beneficial characteristics cannot
be considered.

* By using the parties' phrase "benefits versus burdens,"
we do not necessarily endorse it as the optimum way of
formulating the issue or our conclusion. Terminology aside, the
substance of our point is that the Dolan analysis allows
consideration and appropriate weighing of whether and to what
extent a condition serves needs of the development upon which it
is imposed, as distinct from serving only general public needs in
response to the public impacts of the development.

1 necessary to fulfill the county's plan of upgrading Summers Lane
2 to collector street status. We agree with LUBA that Dolan does
3 not have the effect of uniformly limiting road improvement
4 conditions to an extent that correlates exactly with the traffic
5 the development will generate, that there can be other kinds of
6 developmental impacts that residential developments can have on
7 street systems, and that all of the impacts appropriately enter
8 into the analysis. See J. C. Reeves Corp., 131 Or App at 622.⁵

9 Nevertheless, although LUBA did not duplicate the error,
10 the hearings officer did err by treating petitioner's numerical
11 evidence as irrelevant. Further, we agree with petitioner's
12 related point that it is the "government's burden," not
13 petitioner's, to articulate the numerical and other facts
14 necessary to demonstrate rough proportionality.

15 Finally, petitioner argues that the following passage
16 from LUBA's opinion misapplies Dolan:

17 "Rough proportionality is more than a simple

5 Petitioner contends that LUBA misunderstood its
argument. Whether or not that is correct, it has no bearing on
our disposition. We have already concluded that a remand is
necessary. Our comments at this point are principally for
guidance on remand.

1 mathematical equation as to the number of cars
2 generated by development. Rather, as we understand
3 the Court of Appeals' explanation of the Dolan test as
4 applied in J. C. Reeves, the 'comparison between the
5 traffic and other effects of the subdivision and the
6 subdivision frontage improvements that the county has
7 required' is a mechanism to determine a developer's
8 'fair share of the total road cost.' The county is
9 not required to artificially isolate proposed
10 development. Rather, rough proportionality allows the
11 county to consider the subdivision's real traffic
12 impacts to the adjoining road generally in assessing
13 the extent of frontage improvements necessary to
14 alleviate the impact."

15 Relatedly, the hearings officer's order states:

16 "[The zoning ordinance] requires that all new
17 development, including subdivisions, provide additional
18 right-of-way and make road improvements as required to
19 bring their road frontage to the road classification
20 standard for their abutting road. The impact of this
21 legislation is that road improvements and new road
22 construction [are] provided by development as it occurs.
23 The residents of this subdivision will utilize the road
24 system constructed by other developments at no cost to
25 these residents. The cost to any particular development,
26 including this subdivision, may be high compared to its
27 use of its specific section of a road, but it is clearly
28 comparable to the cost of the system as a whole."

29 Petitioner's principal target is the term "fair share" in
30 the passage from LUBA's opinion. Petitioner points out that that

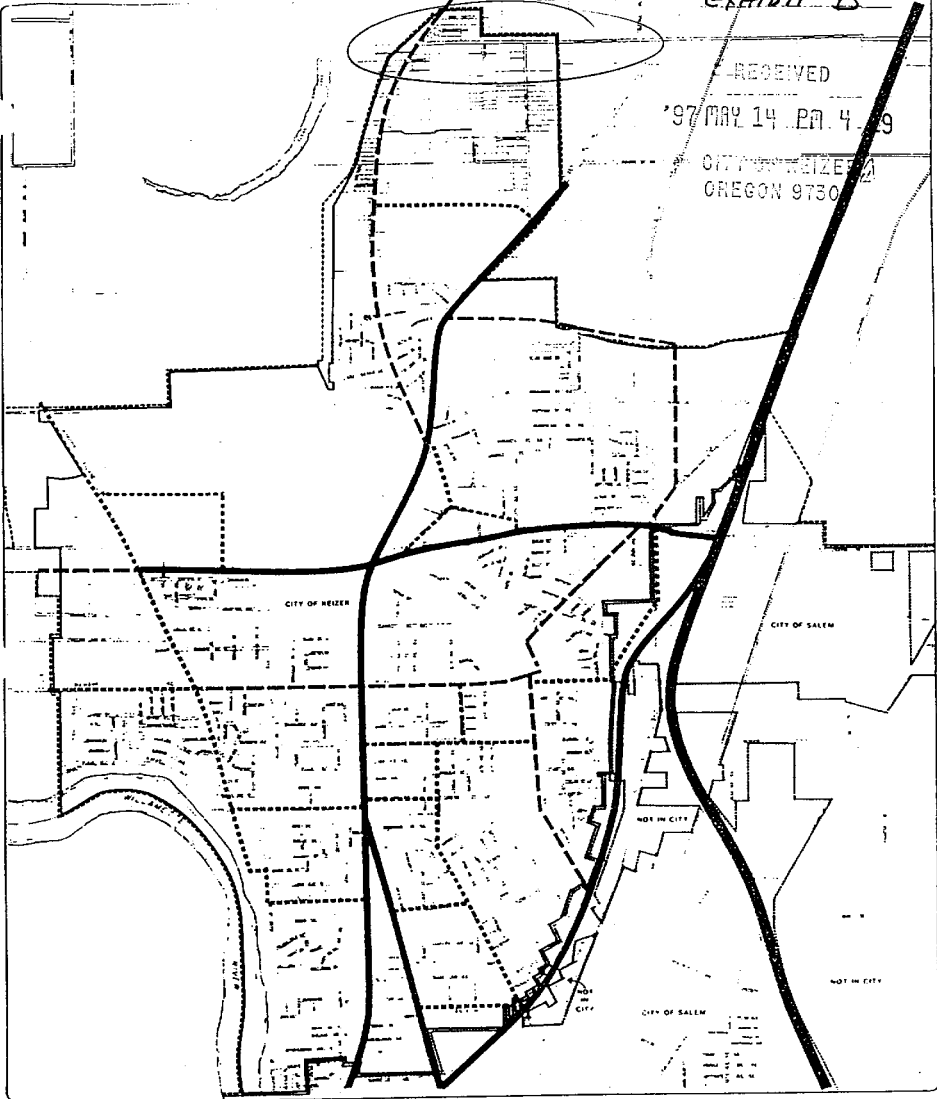
6 As we noted in J. C. Reeves Corp. and Schultz, the fact that a specific condition that, by its nature, is subject to the rough proportionality test is mandated by general local legislation does not alter the Dolan analysis in any way.

EXHIBIT 6D 10

RECEIVED

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CITY OF KEIZER
OREGON 9730



Legend

- MAJOR HIGHWAY
- - - MINOR HIGHWAY
- LOCAL ROAD
- ... CANTONMENT

FUNCTIONAL HIGHWAY CLASSIFICATIONS

January, 1997

EXHIBIT "E"

RECEIVED

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**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
STAFF RECOMMENDATION**

SUBDIVISION CASE No. 97-03

TO: Barry Adamson, Keizer Hearings Officer (Interim)
FROM: Walter J. Wendolowski, AICP, Keizer City Planner (Contract)
SUBJECT: Subdivision Case No. 97-03
DATE: February 14, 1997

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

I. GENERAL INFORMATION

- A. **APPLICANT:** Reimann Associates (for property owned by Jack Yarbrough).
- B. **PROPERTY LOCATION:** The subject property is located on the east side of Wheatland Road within the 7600 Block. The property is not addressed but the Assessor's map identifies the property as being located within Township 6 South, Range 3 West, Section 23CD, Tax Lot #101, 102. See Exhibit "A".
- C. **EXISTING PARCEL SIZE:** 12.07 acres.
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The property fronts a public street and may be served by public water and sewer.
- E. **PLAN DESIGNATION AND ZONING:** The property is designated Low Density Residential and zoned Urban Transition (UT).
- F. **ADJACENT ZONING AND LAND USES:** Property to the north, east and south is also zoned UT. The dominant land use in these areas is large acreage residences. To the west is Medium Density Residential (RM) zoned property containing the Lutheran Retirement facilities. See Exhibit "B".
- G. **PROPOSAL:** The applicant is requesting approval to create a 57 lot single family subdivision. See Exhibit "C".

permits the City to prescribe conditions or make changes to the proposed subdivision to bring it into conformance with the applicable policies and regulations.

FINDINGS: 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.

The proposal provides new development within an area designated for residential development. All surrounding land is either in residential use or designated for residential development. The property has access to Wheatland Road, a designated arterial street.

Public facility goals and policies generally encourage the availability of sufficient public facilities prior to development. Full public services, including sewer, water, storm drainage and public access, can be extended to the property. As noted by the City Engineer, these facilities are adequate to serve the site and the proposed development.

- C. The Comprehensive Plan allows a dwelling density of up to 8 units per acre for Low Density Residential designated land with an expected development density of 3.7 units per acre.

FINDINGS: The 57 lot subdivision will have a dwelling density of 4.71 units per acre. This exceeds the minimum expected development density proscribed by the Comprehensive Plan.

- D. Pursuant to Chapter 36, the subject property is automatically rezoned to Single Family Residential (RS) upon recordation of the final plat. Therefore, the lot sizes and dimension must comply with the requirements of the RS zone.

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. In addition, Chapter 23 specifies setback requirements for any existing or proposed structures on the proposed lots.

FINDINGS: All of the proposed subdivision lots exceed the minimum lot size and dimension standards. The development creates a large undeveloped parcel. This parcel will need to be identified as a separate lot or tract and the access cannot be platted as a separate lot or parcel. Compliance with the building setback provisions can be determined at the time of the building permit

- E. Section IV., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for roads, streets and easements. These standards, and staff's comments, are noted as follows

FINDINGS: Based on available topographic information, all street grades are less than 12%.

6. RESERVE STRIPS Reserve strips controlling access to public ways may be required by the City. The land comprising such strips shall be deeded to the City of Keizer until such time as the Council finds they are no longer needed.

FINDINGS: A reserve strip will be required along the stub street to the south

7. DEDICATION OF RIGHT-OF-WAY If land to be subdivided or partitioned will cause the termination of a street or borders of a street right-of-way of less than standard width, the applicant shall dedicate sufficient land to provide for a cul-de-sac, or, increase the half (or halves) of right-of-way bordering his land to one-half of the standard width. Standard right-of-way widths and improvements shall comply with the requirements in Table 1.

FINDINGS: The applicant is required to dedicate sufficient land along Wheatland Road to create a 34 foot right-of-way from centerline.

8. ADDITIONAL RIGHT-OF-WAY WIDTHS Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way will be required to be dedicated to allow all cut and fill slopes to be within the right-of-way.

FINDINGS: The parcel is relatively level without the need for cuts and fills for the proposed streets.

9. UTILITY EASEMENTS Utility Easements meeting the approval of the City shall be provided to all newly created lots.

FINDINGS: Utility easements were not identified but are located as part of the engineering design phase and placed on the final recorded plat.

10. TWO-LEVEL ROADS OR STREETS Where it is determined by the Commission or Hearings Officer that two-level streets best serve hillside tracts, the right-of-way shall be of sufficient width to provided on each level, space for one sidewalk, plus a minimum width of 20 feet for roadway, curbs, and drainage facilities. Between the two levels and out to the right-of-way lines, there shall be space for all cut and fill slopes.

FINDINGS: The streets will be on relatively level ground; two-level streets are not required.

FINDINGS: As previously noted, the proposed lots exceed all parcel size and dimension requirements of the RS zone.

4. CURVED FRONT LOT LINES. When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance. In cul-de-sacs, the minimum lot line fronting the turnaround shall be 40 feet and in no case shall the lot width be less than 60 feet at the building line.

FINDINGS: Proposed Lots 11, 26, 27, 52 and the access to the large lot or tract do not comply with this either requirement. These lots will either need to be reconfigured on the final plat, or, the applicant must receive variance approval for the reduced frontage.

5. CORNER LOT. All corner lots shall be at least 70 feet wide adjacent to each street.

FINDINGS: The corner lots comply with this requirement..

6. 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.

FINDINGS: Where practicable, the lot lines are run at right-angles. Otherwise the shape of the parcel dictates the remaining irregular lot lines.

7. BUILDING LINES ALONG STREETS. When any road or street designated as an arterial on the official zoning map projects into or across a proposed subdivision, the building setback line established by the Zoning Ordinance for such road or street shall be shown on the final plat if greater than specified in the applicable zone.

FINDINGS: The subdivision fronts Wheatland Road which is a designated arterial. All homes are required to maintain a 20 foot setback from this street.

- G. Section VI, Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for public facility improvements. These standards, and staff's comments, are noted as follows:

1. SEWAGE DISPOSAL. All lots or parcels shall be served by an authorized sewage disposal system. Subsurface sewage disposal for individual parcels shall meet the requirements of the State Department of Environmental Quality and the Marion County Health Department and the City of Keizer.

IV. DEVELOPMENT CONSIDERATIONS

- A. The City Engineer submitted a list of development requirements. The requirements are necessary to ensure public health and safety. Staff recommends their placement 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.

V. 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 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), and private utility providers.
 - 2. 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.
 - 3. 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.

- c. The applicant shall have the option of phasing the facility improvements and the City financial agreements, except that frontage improvements along Wheatland Road which shall be completed prior to the occupancy of any one dwelling.
7. 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.

CLEAR
LAKE

CR

CLEAR LAKE
SCHOOL

BARBARA AVE
CLEAR LAKE
GARDENS

EXHIBIT "B"

MARKS DR N

TIMOTHY LN

KP90-5

KCU 87-2

CU 77-91

BLAIR RD N

KCU 87-6

UT

Wolterspoon
Dr NE

KP91-4

RS

RS

PS 12
KCU 89-6

P

F

KSUB
KU 89

KU 89-3
PT 8-129
KCU 89-3

M 79-5

CELESTINE
6229
PARK
IST C
6228

TLAND

ROAD

EXHIBIT "D"

DATE: FEBRUARY 14, 1997

TO: CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUBDIVISION CASE NO. 97-3
REIMANN ASSOCIATES
7600 Block of Wheatland Rd.

DEPARTMENT COMMENTS

It is the understanding of the Public Works Department that the property is located within a zone that is appropriate for the intended use.

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

The plan for the proposed subdivision is create 57 lots on 12.09 acres. Access is from Wheatland Road.

SANITARY SEWERS:

The subject property is subject to a current acreage charge of \$4,400.00 per acre for the development of sanitary sewer trunk lines required to serve the general area. The policy of the City of Keizer is that the acreage charge be paid at time of platting and that the charge is based on the charge currently in place at the time of platting.

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
- d.) The Department of Public Works may require public sanitary sewers to be constructed through the proposed development as a system that will provide public sewer service to adjacent property.

Subdivision 97-3
February 14, 1997
Page 3

- c.) Wheatland Road improvements along the frontage of the subject property shall be required as a condition of the proposed development. Right of Way dedication shall be made to the City of Keizer to provide 34 feet of right of way from the existing centerline of Wheatland Road. Roadway improvements to Wheatland Road shall be made to provide for a one half street section along the subject property to the arterial standards of the City of Keizer.
- d.) The Public Works Department notes that several lots shown in the proposed subdivision do not meet the city standard frontage requirements. If a variance request for a reduction is submitted, the Public Works Department requests that driveway drop curb designs be submitted for those lots to ensure conformance with handicap access requirements.
- e.) A one-half street is indicated at the southeast corner of the development. The right of way needed at this time for consideration of a half-street is 24 feet. Improvements may be required for the future street at the time of platting of the proposed subdivision.
- f.) The most northeasterly stub street (in the vicinity of lots 18 and 19) ends at a property line adjacent to a proposed manufactured home park under consideration for approval at this time. The manufactured home park is proposed to have private streets. It appears that the intent is to create a through way at this location. In a discussion with the engineer for this project, he indicated that the street system was being laid out this way to provide for emergency access. The Public Works Department agrees with the emergency access at this point but will require a standard cul de sac roughly centered with lots 17, 18, 19, and 20. A private drive from the end of the cul de sac is acceptable for access to the manufactured home street system.

OTHER

- a.) A public street light district shall be created to provide for adequate street lights along the frontage of Wheatland Road and the proposed new subdivision streets.
- b.) 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.

- c.) A Pre-design meeting will be required prior to the Developer's Engineer submitting plans to the city for review.

EXHIBIT 4 P1

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CITY OF KEIZER
OREGON 97303



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

April 9, 1997

NOTICE OF HEARINGS OFFICER DECISION

Subdivision Case No. 97-03

Attached please find a copy of the Hearings Officer Decision for Subdivision Case NO. 97-03.

The attached Notice of Decision contains a Summary of the Proposal, Applicable Criteria, Findings, Conclusion, and 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, NE, PO Box 21000, Keizer, Oregon 97307 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. Please see Page 6, Appeal Rights, for more information.

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

•
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

HEARINGS OFFICER DECISION:

Approved, subject to the conditions of approval set forth beginning at page 7, the proposed a 57-lot single-family subdivision on 12.07 acres in the City's Urban Transition (UT) zoning district.

I. PROPOSAL SUMMARY

Applicant seeks approval of a 57-lot single-family subdivision on 12.07 acres in the City's Urban Transition (UT) zoning district on property designated Low-Density Residential within the City's Comprehensive Plan.

The proposed subdivision features a single access from Wheatland Road, with an internal loop street and stub streets to the south and east. Lots sizes range from 5,562 square feet to 8,529 square feet, with an average lot size of 7,107 square feet resulting in a density of 4.71 units per acre.

For further and additional details, the Hearings Officer adopts, and incorporates by reference, the proposal summary and accompanying background information that appear at pages 1 to 9 of the February 14, 1997, "Keizer Community Development Department Staff Recommendation" ("STAFF REPORT").

II. APPLICABLE CRITERIA

The following criteria apply to the proposed development:

A. SUBDIVISION AND PARTITIONING ORDINANCE

The City of Keizer SUBDIVISION AND PARTITIONING ORDINANCE ("KSPO") 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." (KSPO § III ["General Regulations"], § 1.)

The KSPO additionally provides, in pertinent part:

Ron Bassett-Smith, who owns property adjoining the southeast corner of the proposed subdivision, questioned the necessity for the 24-foot half-width requirement for that portion of the development's stub street that exits on Blair Road. Staff responded that the City has required a 48-foot right-of-way to accommodate a future designation of Blair Road as a collector.

On the day of the public hearing, attorney Robert Simon submitted a February 25, 1997, letter (the "Simon letter") containing written "comments" on behalf of Derek Brown. Mr. Brown's relationship or interest in the proposed subdivision is not readily apparent from the Simon letter, but it appears that Mr. Brown has corresponded with the City in the past about sanitary sewer issues in the area.

The Simon letter asked:

- "1. That the record be held open for an additional seven (7) days for more information on sewer capacity at the Wheatland Road Pump Station.
- "2. That the conditions of approval require the Applicant to commit to a sanitary sewer connection at the Wheatland Road pump station.
- "3. That the findings of fact and conclusions of law make a finding of a specific flow capacity of the sanitary sewer at the Wheatland Road pump station.
- "4. That the conditions of approval contain a specific time limit for the pump station connection if the City or the Applicant envision[s] that it is to be 'temporary.'
- "5. That the findings include a discussion of what improvements have been made to the Master Sewer system subsequent to the March 22, 1994[,] Update, and discuss how these improvements led to a determination that there is excess peak capacity at the Wheatland Road pump station.
- "6. That the City be required to place into the record the most recent sanitary sewer system capacity analysis."

In essence, the Simon letter asserts that "the showing of adequate sanitary sewer service for the proposed use" is a subdivision approval criterion (although the letter neglects to cite a source for that assertion), and it further suggests that the City or Applicant would be unable to make the requisite showing.

Upon receipt of the Simon letter, the Hearings Officer asked for the City's written response to the Simon letter. The Hearings Office also left the record open according to the following schedule: (1) on or before March 4, 1997, the City would submit the requested written response to the Simon letter, and any other interested participant could submit writ-

"[i]t is apparent that a number of the questions raised in the Simon letter are not really planning issues which relate directly to the criteria for preliminary approval of a subdivision plan, but are instead the type of issues which are more properly addressed through detailed discussions between the developer and the Community Development and Public Works departments following approval of the preliminary plan." (Sherman letter of March 6, 1997.)

Applicant's engineer similarly responded that "the requests of Mr. Simon are outside of the approval criteria." (Grenz letter of March 7, 1997.)

The Hearings Officer agrees. The Hearings Officer can find nothing in the City's subdivision approval criterion that mentions or prescribes "adequate sanitary sewer service." KSPD § VI ("Sewage, Water, and Utilities") provides, in pertinent part:

- "1. Sewage Disposal. All lots or parcels shall be served by an authorized sewage disposal system. . . . The City shall require connection to an existing sewage collection and treatment system . . . if the connection is available or requires an agreement to connect when it becomes available.

* * * * *

- "3. Sewer and Water Lines and Connections. All proposed subdivisions within the City, upon a finding by the City that public sewer and water services are imminent, shall be developed with water and sewer lines that meet the specifications of the City."

KZO § 36.31(a) within the City's UT zoning district development provisions provides that

"[a] subdivision . . . may be considered on property in the UT zone if public sewer and water will be available at the time of development."

The Hearings Officer has found no other sewer-related approval criteria. More importantly, the Hearings Officer has found no subdivision criterion that requires — as the Simon letter declares — a "showing of adequate sanitary sewer service for the proposed use" in the manner framed by the contents of that letter, nor has the Hearings Officer found any approval criterion or criteria that even remotely implicate the kinds of "findings" that the Simon letter desires.

In any event, the City's Public Works Department responded with a letter of March 4, 1997, in which the City declares that "sufficient capacity does exist in the system to provide service for the entire development of the subject property." (*Id.* at 1.) Applicant's engineer concurs. (Grenz letter at 1.) Furthermore, the City's proposed conditions of approval — which the Hearings Officer adopts as his own and incorporates by reference beginning at

1. Except as modified in this paragraph, Applicant shall comply with and otherwise fulfill the various conditions identified and recommended in parts IV ("Development Considerations") and V ("Recommendations and Conditions") at pages 9-11 of the STAFF REPORT. The Hearings Officer adopts those proposed conditions as his own, and incorporates them herein by reference, *except*, however, that proposed condition 3c on page 10 of the STAFF REPORT shall be replaced with the following condition:

"c. The final plat shall contain a turnaround on the northeastern stub street, approximately centered on proposed Lots 17, 18, 19, and 20, which turnaround shall be constructed to the requirements of, and shall be approved by, the Marion County Fire District No. 1 and the City of Keizer Public Works Department."

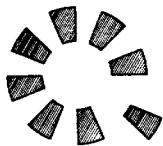
2. Applicant shall comply with and otherwise fulfill the comments and recommendations that appear in the Public Works Department's February 14, 1997, comment letter (Exhibit D to the STAFF REPORT). The Hearings Officer adopts those comments and recommendations as his own (including the Public Works Department's comments), and incorporates them herein by reference.
3. Applicant shall either obtain a variance to the City's frontage requirements for Lots 11, 26, 27, and 52, as identified on page 7 of the STAFF REPORT, or reconfigure those lots in order to comply with frontage requirements.

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



MULTI/TECH
ENGINEERING SERVICES, INC.

CONSULTANTS
1155 13th Street, S.E.
Salem, Oregon 97302
(503) 363-9227

MEMORANDUM

From the desk of:

Mark D. Grenz, P.E.
President
MULTI/TECH Engineering Services, Inc.
1155 13th Street SE
Salem, OR 97302

DATE: May 17, 1997

TO: Barry Adamson
Keizer Hearings Officer

REGARDING: Subdivision Case No. 97-07

AS we had requested, we had our meeting with the City of Keizer Department of Public Works on the matter of the conditions recommended by Public Works related to Sanitary Sewer, Domestic Water, and Streets for this project.

At that meeting it was agreed that we would provide the City Engineer with our concerns and our recommendations for the conditions in question.

We provided that information to them as requested. We were informed that the City Would respond to the concerns and that they would attempt to mitigate our concerns.

On May 14th. The City Engineer informed our office that he would be providing a response to our May 10th memorandum with providing some flexibility to the conditions.

At the end of the day, May 14th we received a copy of the only response from Public Works on the matter of the conditions of concern. It is our opinion that the response does not respond to our concerns in any form.

That the response does not provide any documentation that supports the City of Keizer justification of the responsibility of this project to extend the trunk sanitary sewer and trunk water mains to the extent requested.



City of Keizer

Administration
930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700

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MAY 21 PM 4 59

CITY OF KEIZER
COURT REPORTERS

DATE: May 21, 1997
TO: Barry Adamson, Hearings Officer
FROM: Wally Mull, Public Works Director
SUBJECT: Subdivision Case Number 97-07

The record for subdivision Case Number 97-07 was held open for the City to respond to the applicant's concerns. The applicant had three major concerns as follows:

1. A recommended requirement in the staff report to extend the sanitary sewer trunk line up O'Neil Road to the intersection with Clearlake Road and then along Clearlake Road to the west boundary of the subject project.
2. Staff recommendation was to require an extension of the 12 inch domestic water main up O'Neil Road to the intersection with Clearlake Road and then along Clearlake Road to the western boundary of the subject project.
3. Staff recommended requiring improvements to Clearlake Road by a dedication of 34 feet of right-of-way from centerline and a 3/4 street improvement with 25 feet of pavement from centerline to curb along the frontage of the project. In addition, the staff recommended requiring 12 feet of pavement for the travel aide on the north side of the street. The applicant also is concerned about the requirement for all sidewalks to be completed along Clearlake Road before a building permit is issued.

City staff has the following comments:

Sanitary Sewers: The Master Sewer Plan Update (March 22, 1994) has been adopted as an element of the Keizer Comprehensive Plan and is relevant to this decision. The Master Plan calls for construction of a trunk sewer line north up O'Neil Road, then west and east along Clearlake Road. (Please see "Exhibit B" following Page 7-3 of the Master Plan, a copy of which is enclosed). The purpose of the Master Plan is to guide future development and maintenance of the Keizer sanitary sewer system (Plan Update Page 1-1).

A developer cannot choose where they connect their project with the sanitary sewer system. Though developers may construct certain portions, the sewer system is owned and controlled by the City. A developer may not simply decide to construct sewers where it is cheaper or easier for him/her to connect to the system.

With the requirement of a reimbursement agreement, which the City staff agrees to enter into with applicant, the condition imposes burdens on the developer no greater than those that are roughly proportional to the impacts caused by the proposed project pursuant to the requirements of the Dolan case.

Water Mains: Water lines in the area need to be constructed in the same fashion as do the sewer lines. The Water System Master Plan Update (February 1988) shows the 12 inch line going up O'Neil Road and a 14 inch line along Clearlake Road. (See figure 9-2 in the enclosed Master Plan Update. In this case, the City can accept a 12 inch line in Clearlake because demand is lower than expected). For the same reasons as stated above regarding the sewer trunk lines, City staff urges the Hearings Officer to require extensions of those water lines as set forth in the staff recommendation.

There is additional reason beyond the requirements of the Water Master Plan. Water lines are designed to be "looped." The developer proposed line results in a dead-end line. Looped lines are preferred because they prevent the buildup of manganese and iron at the end of a line. In addition, they are more easily flushed out as is occasionally necessary. Finally, water can be routed around a broken line if necessary.

The Water Master Plan Update suggests participation by developer as a method of paying for these lines. (See page 70, Table 9-2). As with the sewer lines, the City is willing to enter into a reimbursement agreement with the applicant. City staff recommends changing the condition to read as follows:

A Master Water System Plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. A 12 inch water main will be required along O'Neil Road from the current end of the existing main to the intersection of Clearlake Road. The 12 inch water main will be required to be further extended along Clearlake Road to the western line of the subject property. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections. Lots 7, 8, 9, 10, 11, and 12 will be served by a 4 inch dead end main to be located in acceptable easements

REIMBURSEMENT AGREEMENT

Between the CITY OF KEIZER, a municipal corporation of the State of Oregon, herein called "City"; PICULELL & CHEMENTO, an Oregon general partnership comprised of ARTHUR C. PICULELL, JR. and CHARLES W. CHIMENTO, JR., herein called "P&C", and BENCHMARK LAND COMPANY—LEEWOOD MEADOWS, L.L.C., an Oregon limited liability company, herein called "Benchmark";

Recitals:

- A. P&C is developing one tract of land consisting of approximately 9.57 acres presently planned to accommodate a total of 50 single family residential dwelling lots to be known as "Waterford Subdivision", more particularly described at "Exhibit A" annexed hereto and by this reference incorporated herein as if set forth verbatim.
- B. Benchmark is developing one tract of land consisting of approximately 8.76 acres presently planned to accommodate a total of 55 single family residential dwelling lots to be known as "Leewood Meadows", more particularly described at "Exhibit B" annexed hereto and by this reference incorporated herein as if set forth verbatim.
- C. The City desires to provide adequate sanitary sewer collection and disposal facilities to serve existing and potential development of property within its boundaries including, but not limited to, the properties to be developed by P&C and Benchmark as above-stated.
- D. P&C and Benchmark have each agreed, to provide and connect a sanitary sewer to an existing 18-inch sanitary sewer now located within the O'Neil-Baker Road right-of-way south of both the P&C tract and the Benchmark tract above-described. The sanitary sewer to be provided by P&C and Benchmark will be located, sized and configured in such a manner as to adequately serve and directly benefit the Waterford Subdivision and Leewood Meadows projects as well as developments and improvements located on other and additional tracts and properties which will hereafter effect connection to the so-called O'Neil Road, Barnick Road and Clear Lake Road collection system referred to and described in the City's *Master Sewer Plan Update March 22, 1994* ("Clear Lake Sector Properties").
- E. The existing sanitary sewer above-mentioned terminates in O'Neil-Baker Road at a point in line with the northerly boundary of the premises described as Lot 5, KEIZER PRAIRIE, PHASE I ("Station A0+00").
- F. The sanitary sewer subject of this Agreement ("Sewer Improvements") consists of the following components or "Segments":
- "Segment A": Sanitary Sewer in O'Neil-Baker Road north from Station A0+00 to Station A6+72 which lies in line with the southerly boundary of the Leewood Meadows project (extended across O'Neil-Baker Road):

Item SA-1. Installation of approximately 672 lineal feet of 18-inch PVC sewer complete including excavation, rock backfill and testing at a maximum depth of approximately 21-feet below planned finished grade;

Item SA-2. Installation of one (1) standard manhole complete including standard frame and cover in O'Neil-Baker Road at Station A3+50, and

Item SA-3. Removal of stub at existing manhole at Station A0+00; connection of above installations to existing 18-inch sanitary sewer; and connection to Segment B described below.

Agreement:

Therefore, in consideration of the foregoing premises and recitals and the mutual promises and undertakings on the part of each of the parties hereinafter set forth, it is hereby agreed:

1. P&C and Benchmark will each and respectively pay one-half (50%) of the total costs incurred to construct and install the following Sewer Improvements: Segment A, Items SA-1, SA-2 and SA-3.
2. Benchmark will pay all (100%) of the total costs incurred to construct and install the following Sewer Improvements: Segment B, Items SB-1, SB-2 and SB-3.
3. P&C will pay all (100%) of the total costs incurred to construct and install the following Sewer Improvements: Segment C, Items SC-1, SC-2, SC-3, SC-4 and SC-5.
4. P&C and Benchmark will each become obligated to the City for payment of a \$4400 per acre assessment on account of the eventual connection of the Waterford Subdivision and Leewood Meadows developments to sanitary sewer facilities which have already been constructed and in place as aforesaid. However, the City acknowledges that the amount of such assessments which would otherwise become payable by P&C and by Benchmark combined, will exceed amounts which the City is contractually bound to reimburse one or more third parties under agreements analogous to this Agreement. The City also agrees that it would serve no useful purpose to exact payment of such excess from P&C and from Benchmark and thereafter effect reimbursements to said parties as hereinafter provided for in amounts greater than the amount of such excess. Accordingly:

(a) On the effective date of this Agreement hereinafter stated, P&C and Benchmark will become obligated to pay to the City on account of assessments of the nature described in the first sentence of paragraph 4., immediately above, only such sums as, when added together, are required in order to enable the City to satisfy its obligation for reimbursement to the third party or parties entitled thereto under any such analogous agreement(s) and the City shall be entitled to offset against the first amounts to become due to P&C and to Benchmark by way of reimbursement hereunder a sum equal to the unpaid balance which each of said parties respectively would otherwise have been required to pay to the City on account of said assessments.

(b) In determining the sums to be paid by P&C and by Benchmark to the City as aforesaid, the total amount which the City is obligated to pay to said third party or parties as aforesaid shall be divided between P&C and Benchmark in the same proportion which the total assessment which would otherwise be payable by each of said parties bears to the total assessment which would otherwise be payable by both parties combined.

5. Each contractual agreement or other document(s) evidencing the obligation of P&C and Benchmark to pay all or any portion of any costs of construction and installation of any Sewer Improvements subject of

REIMBURSEMENT AGREEMENT

Exhibit A page 3 of 9

the same be provided not more than ten (10) days after acceptance of the Sewer Improvements on behalf of the City.

(b) The City Engineer shall review the certificates submitted by P&C and by Benchmark respectively and all documentation submitted therewith to determine the accuracy and appropriateness of the Upgrade Costs claimed by said parties. Within thirty (30) days of receipt of such certificates and documentation from P&C and from Benchmark, the City Engineer shall notify P&C and Benchmark of the City's approval of the Upgrade Costs as claimed, or such portion thereof as are approved by the City. If the City disputes the appropriateness or amount of any Upgrade Costs claimed by either P&C or by Benchmark, then within the thirty (30) day period described in the preceding sentence, the City Engineer shall also notify P&C and Benchmark of those Upgrade Costs in dispute by the City, detailing the reason(s) why such Upgrade Costs are disputed by the City, and set forth the amount, if any, which the City will approve on account of said Upgrade Costs.

(1) If P&C or Benchmark, or both P&C and Benchmark, do not agree with the amount, if any, which the City will approve on account of any such disputed Upgrade Costs, either or both shall so notify the City within fourteen (14) days of receipt of the City Engineer's notification and the matters in dispute shall be submitted to arbitration as set forth below.

(2) The City is not obligated to make any payments under this Agreement to either P&C or to Benchmark unless and until both P&C and Benchmark agree as to the total Upgrade Costs, or until any award on arbitration conducted in accordance with subparagraph (1) immediately above becomes final.

(c) Failure by the City to provide timely notice of approval and/or dispute with respect to sums claimed on account of Upgrade Costs on the part of P&C or on the part of Benchmark as aforesaid, shall be conclusively deemed acceptance by the City of the Upgrade Costs claimed by said party or parties. Similarly, failure by P&C or Benchmark to give timely notice of objection respecting Upgrade Costs disputed by the City as aforesaid, shall be conclusively deemed acceptance by the party or parties affected by such dispute of the amount of disputed Upgrade Costs which will be approved by the City and the City's reasons therefor.

(d) The City is not obligated to make any payments under this Agreement as set forth in paragraph 12 unless and until all Sewer Improvements subject of this Agreement are fully completed.

8. At such time as all of the certified statements and supporting documentation described in paragraphs 5., 6., and 7., above has been provided by P&C and Benchmark as therein prescribed, the total Upgrade Costs approved incurred and paid by P&C and by Benchmark, in the amounts approved on behalf of the City respectively, shall each be divided by the total approved Upgrade Costs incurred and paid by both P&C and Benchmark together. The result of each such calculation, expressed as a percentage value rounded to then nearest 1/100th of a percent, shall be finally, conclusively and for all purposes whatsoever fixed as the "Proportionate Share" of each of said parties' contribution to the total approved Upgrade Costs incurred by both P&C and by Benchmark combined and as each of said parties' Proportionate Share of the assessments or development charges to be recovered by the City and paid over to P&C and to Benchmark in accordance with the terms of this Agreement.

9. The City hereby expressly agrees it will in the regular course collect, reimburse and pay to P&C and to Benchmark respectively out of assessments or development charges of the nature subject of said Ordinance No. 94-276 collected by the City on account of Clear Lake Sector Properties as hereinafter described, each of said party's Proportionate Share of said Upgrade Costs plus interest thereon computed from and after the date upon which the amount of P&C's and Benchmark's Proportionate Shares of Upgrade Costs are determined and fixed as aforesaid, until fully paid.

12. In addition to the development charges or fees to be collected and remitted by the City to P&C and to Benchmark on account of Upgrade Costs as aforesaid, whenever applicable in accordance with City policy as aforesaid, the City will require payment of front footage charges in an amount of not less than \$ _____ a front foot for properties east and west of O'Neil-Baker Road, other than those described at Exhibits A and B to this Agreement, which are, or may be, directly connected to Segments A or B or C of the Sewer Improvements.

(a) As and when any such front footage charges are received by the City on account of connection(s) to Segment A of the Sewer Improvements, the City will remit one-half (50%) of the sum(s) so received to P&C and the remaining one-half (50%) of the sum(s) so received to Benchmark.

(b) As and when any such front footage charges are received by the City on account of connection(s) to Segment B of the Sewer Improvements, the City will remit the total sum(s) so received to Benchmark.

(c) As and when any such front footage charges are received by the City on account of connection(s) to Segment C of the Sewer Improvements, the City will remit the total sum(s) so received to P&C.

Sums received and remitted on account of front footage charges pursuant to the foregoing provisions of this paragraph 12., shall have no effect whatsoever on the amounts which P&C and Benchmark respectively will become entitled to recover on account of Upgrade Costs under this Agreement. Sums received on account of front footage charges will be collected and remitted as aforesaid in order to effect reasonable contributions on the part of properties directly connecting to the Sewer Improvements to the basic costs incurred by P&C and by Benchmark with respect to said sewer.

13. Should there be any dispute between P&C and Benchmark with respect to the amounts which either of said parties are entitled to recover pursuant to the terms of this Agreement, the City shall have the right, but not the obligation, to interplead such amounts pursuant to statutory or common law. In such a case, P&C and Benchmark shall be jointly and severally liable for any legal fees and expenses the City may incur in connection with such interpleader. The City's right to interpleader pursuant to this paragraph 13, shall not be subject to arbitration in accordance with paragraph 16 below.

14. Nothing herein contained in this Agreement shall be deemed or construed to prohibit or impair the right and prerogative of the City to collect and retain for its own use and account an additional assessment, development charge or fee Agreement (for purposes of compensating the City for any administrative expenses it may incur in connection with the collection and reimbursement of development charges and fees for the benefit of P&C and Benchmark provided for under this Agreement) equal to not more than one (1%) of the assessments or development charges to be collected and remitted by it to P&C and to Benchmark under this Agreement.

15. Unless and until such time as any party shall deliver notice in writing to all other parties to this agreement of any changes therein, all notices, correspondence and, where applicable, remittances intended for delivery to the parties shall be addressed and delivered to the parties as follows:

If directed to P&C:

Picullell & Chimento
3236 SW Kelly Street, Suite 105
Portland, OR 97201
Attention: Chuck Chimento

If directed to Benchmark:

Benchmark Land Company--Leewood Meadows, L.L.C.
16325 SW Boones Ferry road, Suite 203
Lake Oswego, OR 97035

PICULLELL & CHIMENTO

By

Arthur C. Piculell, Jr.
Arthur C. Piculell, Jr., General Partner

Date:

10/16/86

By

Charles W. Chimento, Jr.
Charles W. Chimento, Jr., General Partner

Date:

Oct 16, 1986

BENCHMARK LAND COMPANY—LEEWOOD MEADOWS, L.L.C.

By PACIFIC SANTA FE CORPORATION, Manager and Member

By

Thomas A. Sherwood
Thomas A. Sherwood, its Vice President & General Counsel

Date:

Oct 16, 1986

REIMBURSEMENT AGREEMENT

Exhibit A page 9 of 10 AK

Page 9 of 9

May 21, 1997

Amy Drought, City Planner
City of Keizer
930 Chemawa Road, N.E.
Keizer, Or. 97307

Re: Subdivision No. 97-07

Art Piculell and myself have reviewed the memo to Barry Adamson dated May 21, 1997 which contains the City of Keizer's response to comments I submitted on May 14, 1997 pertaining to the above mentioned subdivision case.

In regards to the extension of the sanitary sewer line along Clear Lake Rd. the City states on page 2, paragraph 2 that "the net costs to the developer are roughly proportional to the burden imposed by the subject development" and again on page 3 paragraph 2 the City states "the condition imposes burdens on the developer no greater than those that are roughly proportional to the impacts caused by the proposed project pursuant to the requirements of the Dolan case". In regards to the extension of the Water Mains along Clear Lake Rd. the City states on page 4 "With the requirement of a reimbursement agreement, the suggested condition imposes burdens on the developer no greater than those that are roughly proportional to the impact caused by the subject development". The City seems to be asserting, that because they are offering reimbursement agreements for the extensions of oversized offsite sanitary sewer and water mains, the burdens on the developer are roughly proportional to the impacts caused by the project. It is our belief that these statements are being made in reference the Dolan issue which we raised at the April 30, 1997 hearing.

We have also reviewed the letter dated May 14, 1997 from Barry Adamson and addressed to Amy Drought. The letter states that Barry Adamson left the record open until May 14, for the City to submit whatever evidence it desired with respect to the Dolan issue raised by the applicant. Based on this condition, it seems that this evidence submitted by the City on May 21, 1997 should not be allowed into the record, since it is clearly evidence that was submitted with respect to the Dolan issue and the record was closed on May 14, 1997 in regards to the Dolan issue.

Please advise me as to your response. Whatever it may be, I consider the record now closed and would expect a decision from the hearings officer within 10 days from today.

Thank you,



Charles Chimento
Piculell Chimento Group

cc: Barry L. Adamson

May 22, 1997

Barry L. Adamson
Attorney At Law
47 Eagle Crest Drive #13
Lake Oswego, Oregon 97035

Dear Barry,

Enclosed is a copy of a letter I submitted to Amy Drought, City Planner at Keizer, Oregon. This letter pertains to subdivision case # 97-07. I feel that the Public Works Department submitted information which pertains to the Dolan issue in the letter dated May 21, 1997. This submittal is in contradiction to your letter dated May 19, 1997 and addressed to Amy Drought which stated that the City had until May 14, 1997 to submit whatever evidence it desired with respect to the Dolan issue. It seems to me, that this information should be removed from the file and not included in the record since it was improperly submitted.

Thank you,

A handwritten signature in cursive script, appearing to read "Charles Chimento".

Charles Chimento
Piculell Chimento Group

THE PICULELL GROUP, INCORPORATED

3236 S.W. KELLY STREET, SUITE 105
PORTLAND, OREGON 97201

Telephone (503)243-3827

Fax (503)243-3829

FAX COVER SHEETTO: Barry AdamsonNO. OF PAGES 2
(INCLUDING COVER)FROM: Chuck ChimentoDATE: 6/3YOUR FAX #: 699-994

**WE ARE CURRENTLY BUYING LAND FOR RESIDENTIAL DEVELOPMENT
THROUGHOUT OREGON AND WASHINGTON**

June 3, 1997

Barry L. Adamson
Attorney At Law
47 Eagle Crest Drive #13
Lake Oswego, Oregon 97035

Re: Your memo dated May 30, 1997 regarding Subdivision Case No. 97-07

Dear Barry,

A review of the Comprehensive Plan of the City of Keizer reflects that on page 74, paragraph 5, there is a list of accompanying Plan documents. The 1994 Master Sewer Plan Update is not reflected by amendment, or any periodic review or update. On page 74, under Technical Plans and Reports, Item 5, there was a mistake where they included the "1991 Sewage Treatment Agreement" when in fact it should have been the "1981 Sewage Treatment Agreement".

A review of Chapter IV. "Procedures For Amending the Keizer Comprehensive Plan" as found on pages 69-75 of the Keizer Comprehensive Plan is reflective of no adoptions by reference of either the 1994 "Master Sewer Plan Update" or the 1988 "Water Master Plan Update" to the Comprehensive Plan since 1987.

Thank you,



Charles Chimento
Piculell Chimento Group

Post-It™ brand fax transmittal memo 7671		# of pages > 12
To: Barry Adamson	From: Amy Drought	
Co.	Co. Keizer Planning	
Dept.	Phone #	
FAX #	Fax #	



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

MEMO TO: Barry Adamson, Keizer Hearings Officer

FROM: Amy Drought, Keizer City Planner

RE: Subdivision 97-07

DATE: June 3, 1997

C: Charles Chimento, fax no. 243-3829
Mark Grenz, fax no. 364-1260

This memo is in response to your faxed memo dated May 30, 1997 requesting additional information regarding Subdivision 97-07. Following are the responses to your questions:

- 1) The City adopted the "1994 Master Sewer Plan Update" as an element of the City's Comprehensive Plan. This was adopted per Ordinance No 94-277 which I have attached and is included as part of this fax.
- 2) I could not find an ordinance adopting the 1988 Water System Master Plan Update as part of the City's Comprehensive Plan. However, the City's Comprehensive Plan went through Periodic Review in 1992 and was updated at that time. As part of this 1992 update and acknowledgment, the City included a Public Facilities Plan which references this 1988 Water System Master Plan.
- 3) As mentioned in #2 above, the City's Comprehensive Plan went through Periodic Review in 1992 and was updated at that time. I will mail you tomorrow 6/4/97, under separate cover, a copy of this Periodic Review document.

Please contact me at (503) 390-3700 if you have further questions.

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

1 Section 5. SEVERABILITY. If any section, subsection, sentence,
2 clause, phrase, or portion of this Ordinance is for any reason held invalid or
3 unconstitutional by any court or board of competent jurisdiction, such portion
4 shall be deemed a separate, distinct, and independent provision and such holding
5 shall not affect the validity of the remaining portions hereof.

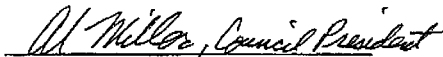
6 Section 6. EFFECTIVE DATE. This Ordinance being necessary for the
7 immediate preservation of the public health, safety, and welfare, an emergency
8 is declared to exist and this Ordinance shall take effect immediately upon its
9 passage.

10 PASSED this 21st day of March, 1994.

11 SIGNED this 21st day of March, 1994.

12

13


Mayor

14

15


City Recorder

16 824MCOK2.001

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

This goal does not apply as the 1993 Update will not affect any areas subject to natural disasters or hazards.

GOAL 8: RECREATIONAL NEEDS

This goal does not apply as the 1993 Update will neither enhance or detract from recreational needs.

GOAL 9: ECONOMIC DEVELOPMENT

The 1993 Update may improve the economy of the Keizer area in that housing, and therefore population will increase thereby drawing businesses to the Keizer area.

GOAL 10: HOUSING

The 1993 Update will assist in meeting this goal in that, when completed, the sewer improvements will provide for additional housing development within the urban growth boundary.

GOAL 11: PUBLIC FACILITIES AND SERVICES

This goal is directly addressed by the 1993 Update as the 1993 Update provides a timely, orderly and efficient arrangement of public sewer facilities and services for both and rural development.

GOAL 12: TRANSPORTATION

This goal does not apply as the 1993 Update will not affect the transportation system.

GOAL 13: ENERGY CONSERVATION

This goal does not apply as the 1993 Update will not affect energy conservation.

GOAL 14: URBANIZATION

This goal is beneficially affected by the 1993 Update in that the nature of the sewer improvements called for in the 1993 Update leads to orderly and efficient transition from rural to urban land uses.



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

MEMO TO: Barry Adamson, Keizer Hearings Officer

FROM: Amy Drought, Keizer City Planner

RE: Subdivision 97-07

DATE: June 3, 1997

C: Charles Chimento, fax no. 243-3829
Mark Grenz, fax no. 364-1260

This memo is in response to your faxed memo dated May 30, 1997 requesting additional information regarding Subdivision 97-07. Following are the responses to your questions:

- 1) The City adopted the "1994 Master Sewer Plan Update" as an element of the City's Comprehensive Plan. This was adopted per Ordinance No 94-277 which I have attached and is included as part of this fax.
- 2) I could not find an ordinance adopting the 1988 Water System Master Plan Update as part of the City's Comprehensive Plan. However, the City's Comprehensive Plan went through Periodic Review in 1992 and was updated at that time. As part of this 1992 update and acknowledgment, the City included a Public Facilities Plan which references this 1988 Water System Master Plan.
- 3) As mentioned in #2 above, the City's Comprehensive Plan went through Periodic Review in 1992 and was updated at that time. I will mail you tomorrow 6/4/97, under separate cover, a copy of this Periodic Review document.

Please contact me at (503) 390-3700 if you have further questions.

•
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

1 BILL NO. 259

2 A BILL
3 FOR
AN ORDINANCE

ORDINANCE NO.
94- 277

4 AMENDING THE CITY OF KEIZER MASTER SEWER PLAN
5 BY ADOPTING THE MASTER SEWER PLAN UPDATE DATED
6 DECEMBER 1993 (AMENDING ORDINANCE NOS. 87-077
7 AND 92-238)
8

9 The City of Keizer ordains as follows:

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

12 Section 2. ADOPTION OF THE MASTER SEWER PLAN UPDATE.
13 The City of Keizer hereby adopts the Master Sewer Plan Update dated December
14 1993 (hereinafter "1993 Update") as set forth in Exhibit "B" attached and by this
15 reference incorporated herein, and such 1993 Update is hereby made a part of
16 the Keizer Comprehensive Plan in connection with facilities planning.

17 Section 3. AMENDMENT OF ORDINANCE NOS. 87-077 AND
18 92-238. Ordinance No. 87-077 (Keizer Comprehensive Plan) and Ordinance
19 No. 92-238 (Master Sewer Plan Update - Basin 36) are hereby amended by the
20 addition of the Master Sewer Plan Update (December 1993).

21 Section 4. OFFICIAL RECORD. One copy of the 1993 Update
22 referenced above shall be marked "Official Text" and kept on file in the office
23 of the City Recorder.

24 ///

25 ///

26 ///

27 ///

1 - ORDINANCE NO. 94- 277

LIEN, HOBSON & JOHNSON

Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 355-1635

EXHIBIT "A"

Findings Regarding the Adoption of the Master Sewer Plan Update (December 1993) (See criteria set forth at Keizer Zoning Ordinance 4.15)

The City of Keizer finds that:

1. Pursuant to the criteria in Keizer Zoning Ordinance Section 4.15(a), the 1993 Update complies with the statewide land use goals and related administrative rules as follows:

GOAL 1: CITIZEN INVOLVEMENT

Public hearings were conducted on this matter and review and adoption proceedings were consistent with local land use regulations.

GOAL 2: LAND USE PLANNING

The 1993 Update amends the Keizer Comprehensive Plan. The adoption proceedings were conducted in a manner consistent with the requirements of the Keizer Comprehensive Plan, Keizer Zoning Ordinance, and applicable state law.

GOAL 3: AGRICULTURE LAND

This goal does not apply as the 1993 Update does not involve land designated or zoned for agricultural use.

GOAL 4: FOREST LANDS

This goal does not apply as the 1993 Update does not involve land designated or zoned for forestry uses.

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

This goal does not apply as the 1993 Update will not affect any open spaces, scenic and historic areas, or natural resources.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

This goal is met as the 1993 Update will maintain air, water and land resources quality.

GOAL 15: WILLAMETTE GREENWAY

This goal does not apply as none of the provisions of the 1993 Update will affect the Willamette Greenway.

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

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

The following findings relate to the criteria found in Keizer Zoning Ordinance (KZO) Section 4.15:

2. The 1993 Update conforms with the Keizer Comprehensive Plan (KCP) goals, policies and intent, particularly with regard to the goals involving public facilities (KCP, page 53). One such policy is the planning and development of a timely, orderly and efficient arrangement of public facilities. In addition, the 1993 Update will meet the policy of reducing the amount of public subsidy for public utilities. [KZO 4.15(b)].

3. Public need is best satisfied by the adoption of the 1993 Update in that it provides for public facility needs and fits within the goals and policies of the Keizer Comprehensive Plan. [KZO 4.15(c)].

4. The 1993 Update will not adversely affect the health, safety and welfare of the community, but rather will enhance such goals. [KZO 4.15(d)].

5. The criteria listed at Keizer Zoning Ordinance 4.15(e) is not applicable. Such criteria involves site-specific development and whether public facilities, services and transportation networks are in place. This Plan Update is not a site-specific one.

Findings with regard to this Ordinance are based on all written and oral testimony received at the City Council hearings on this matter. Such testimony includes, but is not limited to, staff reports, and other written documents submitted in connection with this Ordinance. This evidence is incorporated by this reference as if fully set forth herein.

824MCOK2.001

BARRY L. ADAMSON

— ATTORNEY AT LAW —

47 EAGLE CREST DRIVE, #13

POST OFFICE BOX 1172

LAKE OSWEGO, OREGON 97035

TELEPHONE: (503) 699-9914

May 19, 1997

Amy Drought, City Planner
City of Keizer
930 Chemawa Road, N.E.
Post Office Box 21000
Keizer, Oregon 97307

Re: Subdivision No. 97-07

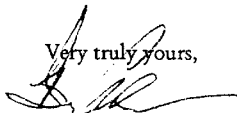
Dear Amy:

My notes of the April 30 hearing reflect that I allowed the record to remain open for the following reasons, and according to the following schedule:

- ◆ *First*, the applicant asked that the record remain open for 14 days — or until May 14 — in order to resolve the “public works” matters. In order to accommodate the possibility that the applicant and the City might jointly resolve the issue(s), I left the record open until May 14 for purposes of a joint submittal. However, I alternatively left the record open until May 21 for the City to respond to further evidence submitted by the applicant in the event that the applicant and City could not file a joint submittal.
- ◆ *Second*, I left the record open until May 14 for the City to submit whatever evidence it desired with respect to the *Dolan* issue raised by the applicant. In turn, I left the record open until May 21 to accommodate the applicant's response to the *Dolan* issue.

Thus, unless anyone asks for a further extension, the record will close on May 21 for both of the above issues.

Very truly yours,



BARRY ADAMSON



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

MEMO TO: Barry Adamson, Keizer Hearings Officer

FROM: Amy Drought, Keizer City Planner

RE: Subdivision 97-07

DATE: June 3, 1997

C: Charles Chimento, fax no. 243-3829
Mark Grenz, fax no. 364-1260

This memo is in response to your faxed memo dated May 30, 1997 requesting additional information regarding Subdivision 97-07. Following are the responses to your questions:

- 1) The City adopted the "1994 Master Sewer Plan Update" as an element of the City's Comprehensive Plan. This was adopted per Ordinance No 94-277 which I have attached and is included as part of this fax.
- 2) I could not find an ordinance adopting the 1988 Water System Master Plan Update as part of the City's Comprehensive Plan. However, the City's Comprehensive Plan went through Periodic Review in 1992 and was updated at that time. As part of this 1992 update and acknowledgment, the City included a Public Facilities Plan which references this 1988 Water System Master Plan.
- 3) As mentioned in #2 above, the City's Comprehensive Plan went through Periodic Review in 1992 and was updated at that time. I will mail you tomorrow 6/4/97, under separate cover, a copy of this Periodic Review document.

Please contact me at (503) 390-3700 if you have further questions.

•
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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Pride, Spirit, Volunteer

RECEIVED
JUN 10 1997
BARRY L. ADAMSON
— ATTORNEY AT LAW —
16266 S.W. INVERURIE
POST OFFICE BOX 1172
LAKE OSWEGO, OREGON 97035
TELEPHONE: (503) 699-9914

June 9, 1997

Amy Drought
City Planner
City of Keizer
930 Chemawa Road, N.E.
Post Office Box 21000
Keizer, Oregon 97307

Re: Subdivision Case No. 97-07

Dear Amy:

I am enclosing my decision in Subdivision Case No. 97-07. Due to their bulk, I will be forwarding the various exhibits in a separate envelope. I do not have the sign-up sheets, however.

Very truly yours,


BARRY ADAMSON

HEARINGS OFFICER DECISION:

Approved, subject to the conditions of approval set forth at the end of this decision, the proposed 16-lot single-family subdivision on 2.67 acres in the City's Urban Transition (UT) zoning district.

I. PROPOSAL SUMMARY

Applicant seeks approval of a 16-lot single-family subdivision on 2.67 acres in the City's Urban Transition (UT) zoning district on property designated Low-Density Residential within the City's Comprehensive Plan.

The proposed subdivision lies to the west of O'Neil Road and south of Clear Lake Road. It features a single access from Clear Lake Road, which is designed to connect with the street system in the recently-approved subdivision to the south. The proposed lots range in size from 5,273 to 7,116 square feet, with an average lot size of 6,235 square feet and a dwelling density of 5.99 units per acre.

For further and additional details, the Hearings Officer adopts as his own, and incorporates by reference, the proposal summary and accompanying background information that appear in the April 23, 1997, Staff Recommendation ("STAFF REPORT").

II. APPLICABLE CRITERIA

The following criteria apply to the proposed development:

A. SUBDIVISION AND PARTITIONING ORDINANCE

The City of Keizer SUBDIVISION AND PARTITIONING ORDINANCE ("KSPO") 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." (KSPO § III ["General Regulations"], ¶ 1.)

The KSPO additionally provides, in pertinent part:

III. FINDINGS

A. SUBDIVISION AND PARTITIONING ORDINANCE

The STAFF REPORT examines and discusses the various subdivision approval criteria and the Applicant's evidentiary submittals at pages 3-9 therein. Except as may be modified or distinguished below in the discussion of public works requirements, the hearings officer adopts that discussion as his own, and incorporates it herein by reference.

1. CITY'S PROPOSED SEWER, WATER, AND STREET IMPROVEMENT CONDITIONS

KSPO §§ VI(1), VI(3), and IV(1)-(11) prescribe that sewer, water line, and roadway construction, respectively, occur in the manner prescribed by the City. For instance, KSPO § VI, ¶ 3, provides that "[a]ll proposed subdivisions within the City, upon a finding by the City that public sewer and water services are imminent, shall be developed with water and sewer lines that meet the specifications of the City." KSPO § IV, ¶ 7, provides that "[s]tandard right-of-way widths and improvements shall comply with the requirements of Table 1," the latter of which establishes improvement widths dependant upon classification as, among other choices, a "local street" or "collector."

Applicant questioned three aspects of the Public Works Department's proposed conditions of approval: (1) sanitary sewers, (2) water system, and (3) street improvements. (4-30-97 letter from Mark Grenz to City.)

The City had proposed the following:

- ◆ **Sanitary Sewers:** Applicant would be required to extend the existing sanitary sewer trunk line north from the current end in O'Neil Road to the intersection of Clear Lake Road, then west along Clear Lake Road to the western boundary of the subject property. (STAFF REPORT, Exhibit C at 1-2.)
- ◆ **Water System:** Applicant would similarly be required to extend the existing water main north from the current end in O'Neil Road to the intersection of Clear Lake Road, then west along Clear Lake Road to the western boundary of the subject property. (STAFF REPORT, Exhibit C at 2.)
- ◆ **Street and Drainage Improvements:** Applicant would be required to dedicate right-of-way along Clear Lake Road sufficient to provide a 34-foot right-of-way from the centerline, and construct $\frac{3}{4}$ -width street improvements comprising a 25-foot (center-line-to-curb) roadway along the subject property. (STAFF REPORT, Exhibit C at 3.)

- ◆ **Water System:** “The requirement of connecting the proposed development to a new water main in Clear Lake Road is consistent with the City of Keizer Master Water Plan. Dead-end mains are not encouraged in Keizer and the proposed developments (including the applicant's property to the south) will allow for a looped system to be installed that will facilitate fire flows in the area and eliminate the need for dead-end water mains.” (4-30-97 memo from the Public Works Department to the Community Development Department.)
- ◆ **Street and Drainage Improvements:** “The Functional Highway Classification System map for the Salem/Keizer area indicates Clear Lake Road to be a Collector Street with bike lanes on both sides. . . . [T]his street will function as a collector street for the area.” (4-30-97 memo from the Public Works Department to the Community Development Department.)

4. POST-HEARING EVIDENTIARY TIMETABLE

At the conclusion of the April 30 hearing, the Hearings Officer left the record open for two purposes, according to the following timetable:

- ◆ The record would remain open until May 14 for purposes of a joint submittal by Applicant and the City that would resolve the utility and road issues. If, however, the City and Applicant could not agree on the language of such a joint submittal, then the Applicant would have until May 14 to submit additional evidence pertaining to the propriety of the City's proposed conditions of approval, and the City would have until May 21 to respond to the Applicant's additional evidence (if any).
- ◆ The record would remain open until May 14 for the City to provide additional evidentiary materials with respect to the *Dolan* issue.^[1] The Applicant would have until May 21 to respond to the City's additional evidence (if any).

5. ADDITIONAL EVIDENCE RECEIVED

Applicant and the City were apparently unable to arrive at a joint resolution of the utility and road issues.

On May 14, Applicant submitted additional evidence — almost all of which duplicated evidence it introduced at the April 30 hearing — with an explanatory statement asserting the following contentions:

¹ Under *Dolan*, the City bears the evidentiary burden of substantiating the challenged development conditions.

dated February, 1998 — both prepared by independent consultants for the City.^[3] The City also submitted a May 21, 1997, comment letter from the Public Works Department, to which was attached an October 16, 1996, “Reimbursement Agreement” among Applicant, the City, and a third party. The City’s May 21 comments included a proposal to modify the utility conditions to incorporate a “reimbursement agreement” obligation.

However, the City’s May 21 comment letter specifically mentions *Dolan* and includes the *Dolan*-related terms “roughly proportional” at least three times in the discussion of the sewer and water line requirements. Applicant has objected to the receipt of all of the evidence submitted by the City on May 21 because, to the extent it includes *Dolan*-related analysis, it plainly exceeds the deadline established by the Hearings Officer for the City’s submittal of *Dolan*-related evidence. To the extent that the City’s May 21 comments from the Public Works Department appear to address *Dolan*-type issues, Applicant’s objection is well taken.

But the dispositive question is whether the City’s May 21 submittal *in its entirety* can be construed to address only *Dolan* issues, or whether it can also be construed to include a response to the Applicant’s May 14 evidentiary submittals. The Hearings Officer finds that the City’s May 21 letter from the Department of Public Works commingles a response to the Applicant’s May 14 submittals with a *Dolan* analysis. The Hearings Officer further finds that only the May 21 letter’s discussion of “reimbursement agreements” appears to relate to *Dolan* issues.

Therefore, the Hearings Officer will accept as timely and properly submitted the sewer and water master plans, and will also accept as timely and properly submitted the City’s May 21 comments that discuss those plans. But the Hearings Officer will adhere to the evidentiary timetable and exclude from the record all references in the May 21 submittal to “reimbursement agreements” and inferences therefrom. However, Applicant’s objection to the City’s May 21 evidentiary submittal might not achieve as much as the Applicant hoped; the Hearings Officer observes that the City’s May 14 submittal from the Public Works Department specifically mentions the “reimbursement” issue, and, to the extent that the “reimbursement” issue connotes or addresses a *Dolan* issue, that submittal is timely filed. Thus, the “reimbursement” issue is properly before the Hearings Officer, notwithstanding the City’s belated May 21 mention of *Dolan* and reimbursement issues.

6. SEWER AND WATER LINE ISSUES

(a). The City’s Adoption Of Sewer And Water Master Plans

The City’s MASTER SEWER PLAN UPDATE and WATER SYSTEM MASTER PLAN UPDATE both anticipate construction of a sewer trunk line and water main north up O’Neil Road to its intersection with Clear Lake Road, then west and east along Clear Lake Road. The City’s

³ The extent to which these facilities updates have been adopted by the City is addressed below.

- ♦ The document bearing a cover page labeled “Local Review Order for the Periodic Review of the Keizer Comprehensive Plan,” dated January, 1992 — but which throughout the remainder of the document identifies itself as the “Fifth Draft” of a “*Proposed* Local Review Order” (emphasis added) — indeed incorporates a “Public Facilities Plan” as an amendment to the City’s Comprehensive Plan (*id.* at page 2–16) and discusses certain undated sewer and water master plans (*id.* at pages 2–19 and 2–20, respectively). However, although the document contains references to maps that might shed light on the subject (Map 2–3 [sewer] and Map 2–6 [water]), it omits the maps themselves.

Thus, nowhere in the record can the Hearings Officer find documents that explicitly or unequivocally adopt either the MASTER SEWER PLAN UPDATE dated March 22, 1994, or the WATER SYSTEM MASTER PLAN UPDATE dated February, 1988. However, the record does contain evidence that in March, 1994, the City (via Ordinance No. 94–277) adopted a “Master Sewer Plan Update” dated December, 1993. The record further contains evidence (via the City’s June 3, 1997, letter) that the Periodic Review proceedings in 1992 resulted in the City’s adoption of a Public Facilities Plan that incorporated the 1988 water master plan.

Because it seems unlikely from any rational perspective that a master sewer plan update dated March 22, 1994, would differ in any material respects from a master sewer plan dated December, 1993, and adopted by an Ordinance dated March 21, 1994, the Hearings Officer concludes that it would defy common sense to differentiate between the two sewer master plans; indeed, the City itself does not.

Therefore, the Hearings Officer finds that, while inexplicably skimpy, the record nevertheless contains sufficient evidence from which he can conclude that the City has incorporated into its subdivision approval criteria the master plan requirements that sewer and water line extensions occur north up O’Neil Road in the manner recommended by the proposed conditions of approval in this case.

(b). The “Master Plans” Comprise Controlling Approval Criteria

It appears from prior subdivision approvals in Subdivision Case No. 97–04 (Vanderhoof Village), Subdivision Case No. 97–06 (Vanderhoof South), and Subdivision Case No. 97–02 (Waterford) — the three adjacent subdivisions immediately to the south of the subject property — that both sewer and water lines have been (or will be) extended north in O’Neil Road to serve those subdivisions, consistent with the MASTER SEWER PLAN UPDATE dated March 22, 1994, and the WATER SYSTEM MASTER PLAN UPDATE dated February, 1998. Applicant is the developer of those subdivisions, and it accepted — without objection — the sewer and water line conditions

- ◆ *First*, the MASTER SEWER PLAN UPDATE and WATER SYSTEM MASTER PLAN UPDATE represent significant public infrastructure mechanisms that provide uniform standards and designs for the extension of public services to the area as a whole. (See, for instance, the April 30, 1997, and May 14, 1997, memos from the Department of Public Works to the Community Development Department.)
- ◆ *Second*, because the City owns and controls the sewer and water systems, developers cannot make unilateral, cost-driven determinations with respect to the manner in which proposed developments connect to existing systems. (See, for instance, the May 21, 1997, memo from the Department of Public Works to the Hearings Officer.)
- ◆ *Third*, Applicant's water line design would result in a dead-end line that would diminish fire-fighting capabilities, allow the build-up of metals in the end of the line, increase the difficulties of flushing the line when necessary, and pose unnecessary difficulties when rerouting a broken line. (See, for instance, the April 30, 1997, and May 14, 1997, memos from the Department of Public Works to the Community Development Department.)

Applicant offered no evidence to rebut the City's arguments, but instead merely urged that "[w]e do not believe the City has the authority to require us to extend offsite the [sewer] trunkline . . . *where it is not needed* for this subdivision," and "[s]ince this project *does not need* water from Clear Lake Rd., I do not believe that it should be required to construct offsite water lines." (May 14, 1997, memo from Charles Chimento to the Hearings Officer, at 1 and 3.)

The Hearings Officer has already found that the City's MASTER SEWER PLAN UPDATE and WATER SYSTEM MASTER PLAN UPDATE represent facilities plans duly adopted by the City and incorporated into the City's subdivision approval process. As such, that process directs that development proceed in accordance with those master plans. The Hearings Officer lacks the authority or obligation to assess the merit of the sewer or water line facilities and extensions identified in those master plans, and he likewise lacks the authority or obligation to independently assess whether Applicant's proposed (alternative) sewer and water line extensions would yield the functional equivalent of the extensions directed by those master plans. The Hearings Officer does observe from the record, however, that the Applicant has successfully obtained subdivision approvals for at least three subdivisions directly to the south of the subject property along O'Neil Road, and that in each instance the City directed that sewer and water line extensions for those subdivisions occur in accordance with the City's master plans.

The Hearings Officer therefore rejects Applicant's argument that the City lacks the authority or capacity to compel Applicant to adhere to the City's sewer and water master plans simply because, in Applicant's words, the subject property does not "need" to be served in accordance with those master plans.

Grenz to the City and in the May 14, 1997, memo from Charles Chimento to the Hearings Officer.

It is indeed true that, as best as the Hearings Officer can determine from the record, the subject property represents the only subdivision on the west side of O'Neil Road between Bachman Avenue and Clear Lake Road that does not abut or have access from O'Neil Road. However, the Hearings Officer concludes that that factor makes no difference; indeed, it only diverts attention from the real issue.

Certainly if the subject property represented the initial subdivision along O'Neil Road Applicant would not be heard to complain about the City's master plan requirements that it extend sewer and water lines along O'Neil Road; Applicant could not compel the City to accept some alternative to the master plans whose sole purpose would be a reduction in construction costs, nor could Applicant complain that the City could not properly compel Applicant to construct sewer and water lines along rights-of-way not abutting the subject property in order to serve the subject property. In general, the "first-in-time" developer confronts the choice of either constructing the necessary line extensions and then obtaining reimbursement via various "latecomers agreements" or waiting until other intervening subdivisions develop and extend the necessary line extensions in an incremental fashion.⁶ But there seems little question but that the "first-in-time" developer — which, to some extent, Applicant would be with respect to extensions north in O'Neil Road to the intersection of Clear Lake Road — is directly, materially, and primarily served by those extensions.

The Hearings Officer therefore finds that, contrary to Applicant's argument that Applicant's proposed subdivision would not "benefit" from the extension of sewer and water lines in accordance with the City's master plans, the subject property would *directly, materially, and necessarily* derive a primary "benefit" from that extension. To put it more simply, but for the extension of sewer and water lines in accordance with the City's recommendation, Applicant's subdivision could not occur.

The possibility that Applicant's investment might benefit "latecomer" developers does not alter the analysis, because until those subsequent subdivisions actually occur it must be assumed for purposes of the *Dolan* analysis that the extension required by the City in this case will *only* benefit the subject property. In other words, the question of "rough proportionality" raised by *Dolan* can scarcely be answered by speculating whether "latecomer" developers will surface to take advantage of Applicant's labors. Thus, as the situation now stands, the Hearings Officer

⁶ The City has offered to allow the Hearings Officer to impose a condition of approval that the City enter into a reimbursement agreement with the Applicant. The Hearings Officer concludes that he has no such authority.

The STAFF REPORT comments that Lot 13 does not meet the 40-foot "street frontage" requirement. (*Id.* at 4.) However, although KZO § 23.12(c) requires a minimum *lot width* of 40 feet, KZO § 17.44(a) requires only a minimum *frontage* of 20 feet.

The Hearings Officer finds that the evidence in the file, as supplemented by testimony at the April 30, 1997, public hearing, reflects that Applicant's proposal either fulfills or can, with appropriate conditions of approval, fulfill each of the RS zoning district development criteria that apply at this point in the subdivision approval process.

IV. CONCLUSION

The Hearings Officer concludes that, based upon the above findings, that the Applicant has either fulfilled or can, by complying with the conditions of approval set forth below, fulfill the various subdivision approval criteria.

Prior to final plat approval, the Applicant shall comply with the following conditions of approval:

1. Except as modified in subparagraphs 1(a) and 1(b) and in paragraph 3 in these conditions of approval, Applicant shall comply with, and otherwise fulfill, the various conditions identified and recommended in parts IV ("Development Considerations") and V ("Recommendations and Conditions") at pages 10-12 of the STAFF REPORT. As so modified, the Hearings Officer adopts those proposed conditions as his own, and incorporates them herein by reference.

However:

- (a). Applicant will not have to reconfigure Lot 13 or apply for a variance for that lot to correct the street frontage issue mentioned in the STAFF REPORT.
 - (b). Applicant will not have to construct sidewalks in the manner described in paragraph 6.a. on page 11 of the STAFF REPORT; however, Applicant shall provide adequate bonding or other financial security, in a form acceptable to the City, to ensure the completion of sidewalks.
2. Except as modified in paragraphs 1 or 3 in these conditions of approval, Applicant shall further comply with all subdivision and development requirements identified within any of the various "findings" that appear at pages 3-9 in the STAFF REPORT. As so modified, the Hearings Officer adopts those requirements as his own, and incorporates them herein by reference.



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

June 19, 1997

Barry Adamson, Hearings Officer
47 Eagle Crest Drive, #13
PO Box 1172
Lake Oswego, OR 97035

RE: Subdivision 97-07

Dear Barry:

The City of Keizer and Chuck Chimento, Applicant for Subdivision 97-07, are submitting this joint letter to request that the June 9 Hearings Officer decision on Subdivision Case No 97-07 be withdrawn for purposes of reopening the evidentiary record. The reason for the request for modification is that the City and the applicant have devised a method for allowing Subdivision 97-07 to develop after the completion of improvements to Subdivision 97-04 directly to the south have occurred. The conditions requested below serve to comply with the applicable criteria and will provide the City with appropriate infrastructure to permit continued development, while making the developer's obligations commensurate with the expected input of the subject subdivision.

Therefore, we are requesting that all conditions of the original decision remain the same except for the following:

1) Eliminate City of Keizer requirement (as outlined in Exhibit C of the Staff Recommendation) to have applicant extend the sewer trunk line along O'Neil Road to the intersection of Clear Lake road and continuing along Clear Lake Road to the most western boundary of the subject property. We request that this requirement be replaced with the following:

The applicant shall pay to the City of Keizer, as determined by the Department of Public Works, one-half the cost of an 8" equivalent sanitary sewer along subject property frontage on Clear Lake Road. No sewer construction for the subject subdivision shall begin prior to adequate permits being in place for the subdivision to the south (Subdivision Case No 97-04).

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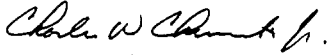
June 18, 1997

Amy Drought, City Planner
City of Keizer
930 Chemawa Rd., NE
Keizer, Or. 97307

Dear Amy,

In order to facilitate the reopening of the evidentiary record for subdivision case no. 97-07, we agree to waive the 120-day period in ORS 227.178 in order to accommodate the City's and our requested modification of the Hearings Officer's June 9 decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Chimento Jr.", with a stylized flourish at the end.

Charles W. Chimento Jr.
Piculell Chimento Group

June 19, 1997

RECEIVED

'97 JUN 20 PM 1 09

CITY OF KEIZER
GREGORY ST203

Dear City of Keizer Councilors and Keizer Community Development Department,

We appeal the decision to approve Subdivision Case No. 97-07 for several reasons including the following:

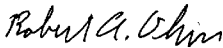
The City of Keizer and the Applicant have apparently reached an agreement regarding sewer and water line extensions for this development. We are not yet privy to the terms of this agreement. We appeal their agreement if it does not conform to the City of Keizer Master Sewer and Water Plans.

We assert that the proposed subdivision is in violation of the City of Keizer Comprehensive Plan general goal for residential development (page 34) to "Ensure compatibility among all types of residential uses, both new and existing, and between residential and non-residential uses."

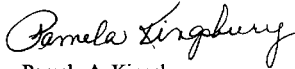
The proposal violates Comprehensive Plan guidance to "Coordinate new residential development with the provision of an adequate level of services and facilities, such as sewers, water, transportation facilities, schools and parks" (page 35).

We feel we were denied due process during the public hearing and decision making process. We submitted written and oral testimony addressing the issues of concern to us. We suggested solutions that would allow the city to better comply with the Comprehensive Plan. The Hearings Officer did not address the issues we raised in his decision document approving the subdivision. We don't think we should have to pay \$150.00 to raise our issues to the City Council to get a response to our concerns. We therefore request a refund of our appeal fee.

Sincerely,



Robert A. Ohrn
7950 Timothy Ln. NE
Keizer, OR 97303



Pamela A. Kingsbury
7950 Timothy Ln. NE
Keizer, OR 97303

COPY

BARRY L. ADAMSON

— ATTORNEY AT LAW —

47 EAGLE CREST DRIVE, #13

POST OFFICE BOX 1172

LAKE OSWEGO, OREGON 97035

TELEPHONE AND FACSIMILE: (503) 699-9914

— FACSIMILE TRANSMITTAL —

PAGES: 3 (including this page)

TO: Amy Drought, Fax No. 393-9437
Mark Grenz, Fax No. 364-1260
Charles Chimento, Fax No. 243-3829

FROM: Barry Adamson

DATE: June 16, 1997

REGARDING: Subdivision Case No. 97-07

INSTRUCTIONS / COMMENTS: See accompanying letter

120-day period in ORS 227.178 in order to accommodate the City's and Applicant's requested modification of the Hearings Officer's June 9 decision.

Upon receipt of all of the above information on or before the 5:00 p.m. deadline on June 19, I will deem the decision to be withdrawn solely for the reasons provided by the City and Applicant as described above. I will confirm in writing no later than June 20 whether the above conditions have been fulfilled, and whether the decision will be treated as withdrawn.

Upon withdrawal of the decision pursuant to the above procedures, I will concurrently reopen the evidentiary record in order to accommodate the receipt of any additional evidence — in the form of an agreement, mutually-agreed conditions of approval, or any other pertinent documents — that the City or Applicant desires to incorporate in any revised decision. I will reopen the record effective upon the withdrawal of the June 9 decision, and I will close the evidentiary record at 5:00 p.m. on June 27.

The provisions of ORS 197.763(7) shall also apply, which means that the City and Applicant shall collaborate to provide the following to all other persons who testified or entered an appearance at the April 30 public hearing, or who otherwise submitted evidence in this matter: (1) a copy of this letter, and (2) a copy of the City's and Applicant's request to have the June 9 decision withdrawn. The City and Applicant shall provide this notice to such other persons on or before June 19.

I conclude that nothing in either the City's Subdivision and Partitioning Ordinance, the City's Zoning Ordinance, or state law precludes the above procedures. For purposes of any appeal, section VIII.8. of the City's Subdivision and Partitioning Ordinance treats the Hearings Officer's decision as a decision on a requested zone change. Section 4.11 of the City's Zoning Ordinance treats such a decision as final on the 11th day after the date the Hearings Officer renders the decision, unless appealed. The appeal provisions also determine finality for other purposes as well, such as withdrawal of a decision for one reason or another. Thus, the June 9 decision will not become final until after the close of City business on June 19. Finally, ORS 197.763(7) authorizes a Hearings Officer to reopen the record to admit new evidence or testimony. I construe that provision to apply at any time up to the point that a Hearings Officer's decision becomes final, although the provision is also entirely discretionary.

Very truly yours,

Barry L. Adamson

BARRY ADAMSON
Hearings Officer



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

July 3, 1997

NOTICE OF HEARINGS OFFICER DECISION

Subdivision Case No. 97-07

Attached please find a copy of the Hearings Officer Decision for Subdivision Case No. 97-07.

The attached Notice of Decision contains a Summary of the Proposal, Applicable Criteria, Findings, Conclusion, and 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, NE, PO Box 21000, Keizer, Oregon 97307 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. Please see Section V, **Appeal Rights**, for more information.

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

•
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Public Works
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Fax 503.393.9437
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HEARINGS OFFICER DECISION:

Approved, subject to the conditions of approval set forth at the end of this decision, the proposed 16-lot single-family subdivision on 2.67 acres in the City's Urban Transition (UT) zoning district.

I. PROPOSAL SUMMARY

Applicant seeks approval of a 16-lot single-family subdivision on 2.67 acres in the City's Urban Transition (UT) zoning district on property designated Low-Density Residential within the City's Comprehensive Plan.

The proposed subdivision lies to the west of O'Neil Road and south of Clear Lake Road. It features a single access from Clear Lake Road, which is designed to connect with the street system in the recently-approved subdivision to the south. The proposed lots range in size from 5,273 to 7,116 square feet, with an average lot size of 6,235 square feet and a dwelling density of 5.99 units per acre.

For further and additional details, the Hearings Officer adopts as his own, and incorporates by reference, the proposal summary and accompanying background information that appear in the April 23, 1997, Staff Recommendation ("STAFF REPORT").

II. APPLICABLE CRITERIA

The following criteria apply to the proposed development:

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"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." (KSPO § III ["General Regulations"], ¶ 1.)

The KSPO additionally provides, in pertinent part:

III. FINDINGS

A. SUBDIVISION AND PARTITIONING ORDINANCE

The STAFF REPORT examines and discusses the various subdivision approval criteria and the Applicant's evidentiary submittals at pages 3-9 therein. Except as may be modified or distinguished below in the discussion of public works requirements, the hearings officer adopts that discussion as his own, and incorporates it herein by reference.

1. CITY'S PROPOSED SEWER, WATER, AND STREET IMPROVEMENT CONDITIONS

KSPO §§ VI(1), VI(3), and IV(1)-(11) prescribe that sewer, water line, and roadway construction, respectively, occur in the manner prescribed by the City. For instance, KSPO § VI, ¶ 3, provides that "[a]ll proposed subdivisions within the City, upon a finding by the City that public sewer and water services are imminent, shall be developed with water and sewer lines that meet the specifications of the City." KSPO § IV, ¶ 7, provides that "[s]tandard right-of-way widths and improvements shall comply with the requirements of Table 1," the latter of which establishes improvement widths dependant upon classification as, among other choices, a "local street" or "collector."

Applicant questioned three aspects of the Public Works Department's proposed conditions of approval: (1) sanitary sewers, (2) water system, and (3) street improvements. (4-30-97 letter from Mark Grenz to City.)

The City had proposed the following:

- ♦ **Sanitary Sewers:** Applicant would be required to extend the existing sanitary sewer trunk line north from the current end in O'Neil Road to the intersection of Clear Lake Road, then west along Clear Lake Road to the western boundary of the subject property. (STAFF REPORT, Exhibit C at 1-2.)
- ♦ **Water System:** Applicant would similarly be required to extend the existing water main north from the current end in O'Neil Road to the intersection of Clear Lake Road, then west along Clear Lake Road to the western boundary of the subject property. (STAFF REPORT, Exhibit C at 2.)
- ♦ **Street and Drainage Improvements:** Applicant would be required to dedicate right-of-way along Clear Lake Road sufficient to provide a 34-foot right-of-way from the centerline, and construct ¾-width street improvements comprising a 25-foot (centerline-to-curb) roadway along the subject property. (STAFF REPORT, Exhibit C at 3.)

- ♦ **Water System:** "The requirement of connecting the proposed development to a new water main in Clear Lake Road is consistent with the City of Keizer Master Water Plan. Dead-end mains are not encouraged in Keizer and the proposed developments (including the applicant's property to the south) will allow for a looped system to be installed that will facilitate fire flows in the area and eliminate the need for dead-end water mains." (4-30-97 memo from the Public Works Department to the Community Development Department.)
- ♦ **Street and Drainage Improvements:** "The Functional Highway Classification System map for the Salem/Keizer area indicates Clear Lake Road to be a Collector Street with bike lanes on both sides. . . . [T]his street will function as a collector street for the area." (4-30-97 memo from the Public Works Department to the Community Development Department.)

4. POST-HEARING EVIDENTIARY TIMETABLE

At the conclusion of the April 30 hearing, the Hearings Officer left the record open for two purposes, according to the following timetable:

- ♦ The record would remain open until May 14 for purposes of a joint submittal by Applicant and the City that would resolve the utility and road issues. If, however, the City and Applicant could not agree on the language of such a joint submittal, then the Applicant would have until May 14 to submit additional evidence pertaining to the propriety of the City's proposed conditions of approval, and the City would have until May 21 to respond to the Applicant's additional evidence (if any).
- ♦ The record would remain open until May 14 for the City to provide additional evidentiary materials with respect to the *Dolan* issue.^[1] The Applicant would have until May 21 to respond to the City's additional evidence (if any).

5. ADDITIONAL EVIDENCE RECEIVED

Applicant and the City were apparently unable to arrive at a joint resolution of the utility and road issues.

On May 14, Applicant submitted additional evidence — almost all of which duplicated evidence it introduced at the April 30 hearing — with an explanatory statement asserting the following contentions:

¹ Under *Dolan*, the City bears the evidentiary burden of substantiating the challenged development conditions.

dated February, 1998 — both prepared by independent consultants for the City.^[3] The City also submitted a May 21, 1997, comment letter from the Public Works Department, to which was attached an October 16, 1996, "Reimbursement Agreement" among Applicant, the City, and a third party. The City's May 21 comments included a proposal to modify the utility conditions to incorporate a "reimbursement agreement" obligation.

However, the City's May 21 comment letter specifically mentions *Dolan* and includes the *Dolan*-related terms "roughly proportional" at least three times in the discussion of the sewer and water line requirements. Applicant has objected to the receipt of all of the evidence submitted by the City on May 21 because, to the extent it includes *Dolan*-related analysis, it plainly exceeds the deadline established by the Hearings Officer for the City's submittal of *Dolan*-related evidence. To the extent that the City's May 21 comments from the Public Works Department appear to address *Dolan*-type issues, Applicant's objection is well taken.

But the dispositive question is whether the City's May 21 submittal *in its entirety* can be construed to address only *Dolan* issues, or whether it can also be construed to include a response to the Applicant's May 14 evidentiary submittals. The Hearings Officer finds that the City's May 21 letter from the Department of Public Works commingles a response to the Applicant's May 14 submittals with a *Dolan* analysis. The Hearings Officer further finds that only the May 21 letter's discussion of "reimbursement agreements" appears to relate to *Dolan* issues.

Therefore, the Hearings Officer will accept as timely and properly submitted the sewer and water master plans, and will also accept as timely and properly submitted the City's May 21 comments that discuss those plans. But the Hearings Officer will adhere to the evidentiary timetable and exclude from the record all references in the May 21 submittal to "reimbursement agreements" and inferences therefrom. However, Applicant's objection to the City's May 21 evidentiary submittal might not achieve as much as the Applicant hoped; the Hearings Officer observes that the City's May 14 submittal from the Public Works Department specifically mentions the "reimbursement" issue, and, to the extent that the "reimbursement" issue connotes or addresses a *Dolan* issue, that submittal is timely filed. Thus, the "reimbursement" issue is properly before the Hearings Officer, notwithstanding the City's belated May 21 mention of *Dolan* and reimbursement issues.

6. SEWER AND WATER LINE ISSUES

On June 9, 1997, the Hearings Officer rendered a written decision that, in effect, rejected Applicant's arguments and approved the application with certain conditions. On June 16, 1997, the City informed the Hearings Officer that the parties had reached an agreement concerning the sewer and water line issues, and asked that the June 9 decision be withdrawn before it attained finality at the close of business of June 19. Via a June 16 letter, the Hearings Officer agreed to

³ The extent to which these facilities updates have been adopted by the City is addressed below.

C. SINGLE-FAMILY RESIDENTIAL (RS) ZONING DISTRICT (KZO Chapter 23)

The STAFF REPORT examines and discusses the pertinent RS zoning district development criteria and the Applicant's evidentiary submittals at page 4 thereof. Except as modified in the following paragraph, the Hearings Officer adopts that discussion as his own, and incorporates that discussion herein by reference.

The STAFF REPORT comments that Lot 13 does not meet the 40-foot "street frontage" requirement. (*Id.* at 4.) However, although KZO § 23.12(c) requires a minimum *lot width* of 40 feet, KZO § 17.44(a) requires only a minimum *frontage* of 20 feet.

The Hearings Officer finds that the evidence in the file, as supplemented by testimony at the April 30, 1997, public hearing, reflects that Applicant's proposal either fulfills or can, with appropriate conditions of approval, fulfill each of the RS zoning district development criteria that apply at this point in the subdivision approval process.

IV. CONCLUSION

The Hearings Officer concludes that, based upon the above findings, that the Applicant has either fulfilled or can, by complying with the conditions of approval set forth below, fulfill the various subdivision approval criteria.

Prior to final plat approval, the Applicant shall comply with the following conditions of approval:

1. Except as modified in subparagraphs 1(a) and 1(b) and in paragraph 3 in these conditions of approval, Applicant shall comply with, and otherwise fulfill, the various conditions identified and recommended in parts IV ("Development Considerations") and V ("Recommendations and Conditions") at pages 10-12 of the STAFF REPORT. As so modified, the Hearings Officer adopts those proposed conditions as his own, and incorporates them herein by reference.

However:

- (a). Applicant will not have to reconfigure Lot 13 or apply for a variance for that lot to correct the street frontage issue mentioned in the STAFF REPORT.
- (b). Applicant will not have to construct sidewalks in the manner described in paragraph 6.a. on page 11 of the STAFF REPORT; however, Applicant shall provide adequate bonding or other financial security, in a form acceptable to the City, to ensure the completion of sidewalks.

"Actual roadway improvement on Clear Lake Road shall be a 3/4 width street (17 feet from centerline to curb line along the frontage of the subject property, together with any necessary improvements to the north side of the existing improvement to provide a 12-foot travel lane on that side of Clear Lake Road) and the depth of the section shall be constructed to conform to the City of Keizer Collector Street Standards."

V. APPEAL RIGHTS

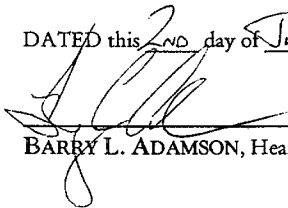
Any interested person, including the applicant, who disagrees with this decision may appeal the decision to the City Council. Any such appeal must be filed with the Keizer Community Development Department, 930 Chemawa Road, N.E., Keizer, Oregon 97303, by 5:00 p.m. on or before the tenth day following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

Unless appealed, this decision shall be effective ten days after the date of mailing.

DATED this 2ND day of June, 1997.



BARRY L. ADAMSON, Hearings Officer

Robert A. Ohrn and Pamela A. Kingsbury
7950 Timothy Lane NE
Keizer, OR 97303

RECEIVED

'97 JUL 14 PM 4 01

CITY OF KEIZER
OREGON 97303

July 14, 1997

Keizer Community Development Department
930 Chemawa Road NE
Keizer, OR 97303

Dear Keizer City Council and Keizer Community Development Department:

The purpose of this letter is to appeal the decision approving Subdivision Case No. 97-07 and to request a hearing before the City Council. We believe the decision to approve the subdivision was faulty for several reasons including the following:

The Hearings Officer initially resolved a dispute between the applicant and the City by ruling in favor of the City by requiring the applicant to extend water and sewer lines up O'Neil Road to Clear Lake Road, then west on Clear Lake Road to this proposed subdivision. This arrangement insured compliance with the Keizer Comprehensive Plan by providing city services to residents in the path of this development before this initial decision was final. The City and applicant requested that the record be held open so the hearings officer could be supplied with a deal the City and applicant had cut and submitted for approval. This deal was approved. It allowed the applicant to bring sewer and water up from the proposed road immediately to the south of this proposed development and pay a fee equal to 1/2 the cost of an eight inch sewer line along the property fronting Clear Lake Road, and build and install a 12-inch water main along the entire frontage of subject property on Clear Lake Road. We would like to know why there are different requirements for water and sewer. This represents a deviation from the Master Sewer Plan as updated in 1994, and we would like to know what impact, if any, these changes in conjunction with the other deviations from the Master Sewer Plan in the area will have on the overall ability and cost of serving areas not yet developed - specifically residences on Timothy Lane.

The applicant is only required to improve the south half of Clear Lake Road to minimal collector street standards. This is the customary procedure, since the developer on the other side of the street would normally improve the other side. In this case, there won't be a developer on the other side of the street because the urban growth boundary and exclusive farm use zoning lie 100 feet north of Clear Lake Road. Clear Lake road functions as a collector street connecting Wheatland Road, O'Neil Road and River Road and is experiencing increasing traffic as a result of the rapid growth and development along all of these roadways. It is our understanding that the roadway is presently constructed to local street standards. We are confused regarding the need for improvement of this roadway. If the current roadway is inadequate to handle the level of traffic that will result from the proposed development in conjunction with other area development, requiring the applicant to improve one side of Clear Lake Road along



August 4, 1997

AGENDA ITEM 7a

**RESOLUTION - REVOCATION OF DUAL INTEREST
AGREEMENT (SPECIAL POLICY AREA)**

CITY COUNCIL MEETING: August 4, 1997

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND COUNCIL MEMBERS

THROUGH: JOHN MORGAN, COMMUNITY DEVELOPMENT DIRECTOR

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *RESOLUTION DISSOLVING DUAL-INTEREST AGREEMENT*

DATE: July 31, 1997

At the July 7, 1997 meeting, the Council directed staff to bring back a Resolution dissolving Dual-Interest Agreement between Keizer, Salem and Marion County. Such Resolution is attached for your review.

Please let me know if you have any questions. Thank you.

ESJ/tmh
enclosure

2490COK.032

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R97-_____

DISSOLVING THE DUAL INTEREST AREA AGREEMENT
FOR WILLOW LAKE TREATMENT PLANT AREA.

WHEREAS, the cities of Keizer and Salem and the County of Marion entered into that certain "Dual Interest Area Agreement" for Willow Lake Treatment Plant Area in 1991 which was recorded at Reel 903, Page 78 of the Marion County Records;

WHEREAS, such agreement provided for the establishment of a Dual Interest area in the vicinity of the Willow Lake Wastewater Treatment Plant;

WHEREAS, such agreement further provided that studies would be completed to identify, among other things, practical plant modifications to reasonably mitigate noise and odor emanating from the plant;

WHEREAS, such studies were completed and certain study recommendations were implemented thereafter;

WHEREAS, policies regarding land in the Dual Interest area were to remain in effect only until the studies were implemented;

WHEREAS, such studies have been implemented and there is no further necessity for the Dual Interest Agreement;

NOW, THEREFORE,

1 BE IT RESOLVED that the Dual Interest Area Agreement for Willow Lake Treatment
2 Plant Area is hereby dissolved, terminated, and of no further effect.

3 BE IT FURTHER RESOLVED that this action is neither a land use decision or a
4 limited land use decision as defined in state law, as this action is taken solely as a formal
5 declaration on a status of the Dual Interest Area Agreement for Willow Lake Treatment
6 Plant Area as a contract, and not as a specific decision regarding the uses to which land can
7 be put.

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9 PASSED this _____ day of _____, 1996.

10 SIGNED this _____ day of _____, 1996.

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Mayor

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14

City Recorder

15 2490COK.030



August 4, 1997

AGENDA ITEM 7b

ORDINANCE - COMPREHENSIVE PLAN/ZONE CHANGE
ORDER - APPROVAL OF SUBDIVISION
CASE NO. 96-05 (WHALEN/CHANDLER/PIERCE)
SPECIAL POLICY AREA

CITY COUNCIL MEETING: August 4, 1997

AGENDA ITEM NUMBER: 7b

TO: MAYOR KOHO AND COUNCIL MEMBERS

THROUGH: JOHN MORGAN, COMMUNITY DEVELOPMENT DIRECTOR

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *ORDINANCE AMENDING COMPREHENSIVE PLAN
DESIGNATION AND ZONE (CHANDLER/WHALEN/PIERCE)
ORDER ON SUBDIVISION CASE NO. 96-05 (WHALEN WOODS
SUBDIVISION)***

DATE: July 31, 1997

At the July 7, 1997 meeting, the Council directed staff to prepare the necessary documents to approve case number 96-05. As you may remember, the case has three components. The first two, the Comprehensive Plan amendment and the zone change were legislative matters. Therefore, I have prepared an Ordinance for those two decisions. The third element was approval of a subdivision in a portion of the subject property (Whalen Woods subdivision). Approval of such subdivision is attached in the enclosed Order. If the Council wishes to take action on this matter at tonight's meeting, the Ordinance should be passed first, followed by the Order.

Please let me know if you have any questions. Thank you.

ESJ/tmh
enclosures

2490COK.033

1 BILL NO. ____

A BILL

ORDINANCE NO.

97-_____

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ADOPTING LEGISLATIVE AMENDMENTS TO THE
KEIZER COMPREHENSIVE PLAN AND KEIZER
ZONING ORDINANCE BY CHANGING THE
DESIGNATION OF CERTAIN PROPERTIES FROM
SPECIAL POLICY AREA (SPA) TO LOW DENSITY
RESIDENTIAL (LDR) AND CHANGING THE ZONE
FROM EXCLUSIVE FARM USE (EFU) TO SINGLE
FAMILY RESIDENTIAL (RS) (AMENDING
ORDINANCES 87-077 AND 87-078)

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WHEREAS, Garry Whalen, Dan Chandler and Dale Pierce, through their
representative, Mark Grenz of Multi-Tech Engineering, Inc. requested the City to initiate
a comprehensive plan map amendment and zone change for the property currently
located within a portion of the Special Policy Area south of the imaginary extension of
Lockhaven Drive and west of Windsor Island Road, specifically tax lots 300, 400, 500,
and 600 (County Tax Map 06 3W 34C) (hereinafter "the property");

WHEREAS, such parties requested that the comprehensive plan designation of
Special Policy Area (SPA) be changed to Low Density Residential (LDR) and the zone
changed from Exclusive Farm Use (EFU) to Single Family Residential (RS);

WHEREAS, the Keizer City Council by Resolution No. R96-952 initiated such
legislative amendment;

1 WHEREAS, the Keizer City Council has held several hearings on this matter
2 pursuant to the Keizer Comprehensive Plan, Keizer Zoning Ordinance and state law, and
3 has accepted the recommendation of the Keizer Planning Commission to change the
4 comprehensive plan designation and zone on the property as stated above;

5 WHEREAS, the Keizer City Council has determined that the Keizer
6 Comprehensive Plan change made herein is appropriate and meets the criteria set forth
7 in state law, the Keizer Comprehensive Plan, and the Keizer Zoning Ordinance;

8 NOW, THEREFORE, the City of Keizer ordains as follows:

9 Section 1. FINDINGS. The City of Keizer adopts the findings set forth in
10 Exhibit "1" attached hereto and by this reference incorporated herein.

11 Section 2. KEIZER COMPREHENSIVE PLAN MAP CHANGE. The Keizer
12 Comprehensive Plan Map designation for the property is hereby changed from Special
13 Policy Area (SPA) to Low Density Residential (LDR).

14 Section 3. AMENDMENT OF THE KEIZER COMPREHENSIVE PLAN.
15 Ordinance No. 87-077 (Keizer Comprehensive Plan) is hereby amended as set forth
16 herein.

17 Section 4. AMENDMENT OF THE ZONE. The zone for the property is
18 hereby changed from Exclusive Farm Use (EFU) to Single Family Residential (RS).

19 Section 5. AMENDMENT OF THE KEIZER ZONING ORDINANCE.
20 Ordinance No. 87-078 (Keizer Zoning Ordinance) is hereby amended as set forth herein.

1 BILL NO. 350

A BILL

ORDINANCE NO.

97- 370

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FOR

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ADOPTING LEGISLATIVE AMENDMENTS TO THE
KEIZER COMPREHENSIVE PLAN AND KEIZER
ZONING ORDINANCE BY CHANGING THE
DESIGNATION OF CERTAIN PROPERTIES FROM
SPECIAL POLICY AREA (SPA) TO LOW DENSITY
RESIDENTIAL (LDR) AND CHANGING THE ZONE
FROM EXCLUSIVE FARM USE (EFU) TO SINGLE
FAMILY RESIDENTIAL (RS) (AMENDING
ORDINANCES 87-077 AND 87-078)

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WHEREAS, Garry Whalen, Dan Chandler and Dale Pierce, through their
representative, Mark Grenz of Multi-Tech Engineering, Inc. requested the City to initiate
a comprehensive plan map amendment and zone change for the property currently
located within a portion of the Special Policy Area south of the imaginary extension of
Lockhaven Drive and west of Windsor Island Road, specifically tax lots 300, 400, 500,
and 600 (County Tax Map 06 3W 34C) (hereinafter "the property");

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WHEREAS, such parties requested that the comprehensive plan designation of
Special Policy Area (SPA) be changed to Low Density Residential (LDR) and the zone
changed from Exclusive Farm Use (EFU) to Single Family Residential (RS);

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WHEREAS, the Keizer City Council by Resolution No. R96-952 initiated such
legislative amendment;

1 WHEREAS, the Keizer City Council has held several hearings on this matter
2 pursuant to the Keizer Comprehensive Plan, Keizer Zoning Ordinance and state law, and
3 has accepted the recommendation of the Keizer Planning Commission to change the
4 comprehensive plan designation and zone on the property as stated above;

5 WHEREAS, the Keizer City Council has determined that the Keizer
6 Comprehensive Plan change made herein is appropriate and meets the criteria set forth
7 in state law, the Keizer Comprehensive Plan, and the Keizer Zoning Ordinance;

8 NOW, THEREFORE, the City of Keizer ordains as follows:

9 Section 1. FINDINGS. The City of Keizer adopts the findings set forth in
10 Exhibit "I" attached hereto and by this reference incorporated herein.

11 Section 2. KEIZER COMPREHENSIVE PLAN MAP CHANGE. The Keizer
12 Comprehensive Plan Map designation for the property is hereby changed from Special
13 Policy Area (SPA) to Low Density Residential (LDR).

14 Section 3. AMENDMENT OF THE KEIZER COMPREHENSIVE PLAN.
15 Ordinance No. 87-077 (Keizer Comprehensive Plan) is hereby amended as set forth
16 herein.

17 Section 4. AMENDMENT OF THE ZONE. The zone for the property is
18 hereby changed from Exclusive Farm Use (EFU) to Single Family Residential (RS).

19 Section 5. AMENDMENT OF THE KEIZER ZONING ORDINANCE.
20 Ordinance No. 87-078 (Keizer Zoning Ordinance) is hereby amended as set forth herein.

Section 6. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after its passage.

3 PASSED this 4th day of August, 1997. Unanimously on first
reading

4 SIGNED this 7th day of August, 1997.

5 _____
6 Mayor Donis (CL)

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8

Gracyn K. Davis
City Recorder

9 2490COK.027

EXHIBIT 1

FINDINGS

FINDINGS - GENERAL:

1. The applicants are Garry Whalen, Dan Chandler, and Dale Pierce.
2. The subject properties are located at south and west of Bowden Lane. The property is identified on the County Assessor maps as within Township 6 South; Range 3 West; Section 34C.
3. The Whalen piece, which is the subject of a subdivision application is 14.42 acres. Such subdivision application is the subject of a separate Order. The Chandler and Pierce properties, which are the subject of the Comprehensive Plan and Zone Change requests only, total 6.82 acres.
4. The Chandler property has preliminary subdivision approval, which is subject to the property being removed from the Special Policy Area. The Pierce property is relatively small and contains a single family home. The Whalen property is vacant. Public sewer and water facilities as well as a public street can be extended to the properties.
5. The properties are designated Special Policy Area in the Comprehensive Plan and zoned Exclusive Farm Use (EFU).
6. Property to the north and west is also within the Special Policy Area and zoned EFU. This land is primarily in farm use. To the east and south are subdivisions (Apple Tree Estates and Willow Lake Estates) on Single Family Residential (RS) zoned land.
7. This legislative amendment would change the Comprehensive Plan Map designation and zone to establish the Low Density Residential (LDR) designation and the Single Family Residential (RS) zone on the subject property.
8. The subject property is located within an area designated as the Special Policy Area (SPA). The SPA designation applies to land potentially influenced by the operation of the nearby Wastewater Treatment Facility. Permitted or conditionally permitted uses are primarily limited to farming and other resource-related activities. Subdivisions and other developments, which may result in a concentration of population, are prohibited. These limitations are enforced through the property's Exclusive Farm Use (EFU) zoning.

9. Studies were recently completed which analyzed the odors emitting from the facility. The studies appear to indicate the subject property is not impacted by the facility's odors. For this reason, it is appropriate to change the existing Plan designation to allow alternative uses on the property. The proposal would change the Plan designation to Low Density Residential and change the zoning to Single Family Residential. This Plan and zone change would allow residential development.

FINDINGS - COMPREHENSIVE PLAN MAP AMENDMENT:

10. The proposal would change the existing Plan designation from the Special Policy Area to Low Density Residential. This action is classified as a legislative action as it involves more than 15 acres of land.

11. The decision criteria for legislative Plan amendments are found in Section 4.17 of the Keizer Zoning Ordinance. The specific criteria, and the related findings are noted below:

- A. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LDCD Administrative Rules for the type of exception needed shall also apply.

FINDINGS: This action will occur entirely within the City limits; no goal exceptions are required. Compliance with the Statewide Land Use Goals is reviewed below:

Goal 1 - Citizen Participation: Consistent with local requirements, this amendment required a public hearing with the final decision resting with the City Council. Citizens and other parties had an opportunity to comment and testify.

Goal 2 - Planning: The application is being reviewed consistent with the procedures in the acknowledged Comprehensive Plan and Zoning Ordinance.

Goal 3 - Farm Land: Consistent with the intent and purpose identified in the Comprehensive Plan, the Plan designation is designed to address treatment facility issues and not to promote agricultural uses within the City limits. Therefore, the proposal does not involve land located within designated farmland.

Goal 4 - Forest Land: The proposal does not involve land located within designated forestland.

Goal 5 - Natural Resources: Based on the Comprehensive Plan, the property does not contain any significant resources.

Goal 6 - Air, Water and Land Quality: This action does not involve uses or activities which will have an adverse impact on the City's air, water and land quality. To ensure public health is maintained public sewer and water connections are in place or will be required prior to development.

Goal 7 - Natural Hazards: The site is located within the identified flood plain. Any new construction must comply with flood plain development requirements.

Goal 8 - Recreation: This action will not directly affect identified park or recreation sites. In addition, recreational opportunities are often, and usually, provided on the individual lots.

Goal 9 - Economic Development: Benefits are expected to accrue from the potential residential development on the property and the economic activities of the residents.

Goal 10 - Housing: The proposal provides additional housing opportunities.

Goal 11 - Public Facilities: Comments received from the Department of Public Works indicate adequate public facilities are available, and can be extended, to serve the site.

Goal 12 - Transportation: Access is available from the eventual development to a designated collector street. Each individual parcel will front a public street.

Goal 13 - Energy Conservation: In general, the proposal will likely be neutral with regard to energy conservation.

Goal 14 - Urbanization: The Plan designation permits the establishment of urban uses at urban densities.

Goal 15 - Willamette Greenway: The proposal does not involve land within the identified Willamette Greenway.

Goals 16 to 19 - Estuarine Resource, Coastal Shorelands, Beaches and Dunes, and, Ocean Resources: This proposal does not involve property subject to these goal requirements.

Based on the above, the proposal complies with the Statewide Land Use Goals.

B. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

FINDINGS: The primary goals and policies that need to be addressed are contained within the Special Policy Area, Residential Development, and Public Facilities.

The Wastewater Treatment Facility emits odors that may impact nearby uses. Unless limitations are placed on nearby development, the operation of the facility may be placed in jeopardy due to perceived or realized impacts. Therefore, the Special Policy Area (SPA) was designed specifically to limit development near the Treatment Facility until such time more detailed studies can determine an appropriate area of impact.

The cities of Keizer and Salem, as well as the counties of Polk and Marion are parties to that certain "Agreement Establishing a Regional Comprehensive Plan Coordination Association". Such Association is known as the Salem/Keizer Area Planning Advisory Committee (SKAPAC). The agreement establishes a process to coordinate comprehensive planning activities. This SKAPAC process has been used in this matter to attempt to reach a resolution on the issue of an amendment to the SPA boundary which would exclude the subject property, along with other related issues.

The parties have been unable to come to agreement and the SKAPAC process has come to a conclusion. The agreement provides that if the governing bodies cannot reach unanimous agreement, then the proposing jurisdiction (in this case Keizer) may take whatever action it deems appropriate and other

jurisdictions shall have standing in any appeal of a final decision in the matter.

Although the Keizer City Council agrees that caution should be used in considering the allowance of development any closer to the treatment plant, it is clear that the SPA boundary would be moved eventually. The concurrence of Salem or other jurisdictions is not necessary for this final land use action to occur.

It was never the intent to maintain the boundary in perpetuity and Plan policies specifically note the boundary can, and will likely, be altered as new information is processed. Recent studies indicated the subject property is located outside the influence of the facility's odor plume and no longer subject to the restrictions of the SPA. For this reason, the proposed change in designation is entirely consistent with the policies and expectations of the Special Policy Area. However, to protect the cities of Keizer and Salem and the rate payers of the wastewater treatment system, a condition of approval will require property owners to execute easement/waivers in appropriate form releasing the cities of Salem and Keizer from liability for noise or odor impacts.

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. The LDR Plan designation and RS zone permits additional in-fill residential development within the City limits. The proposed dwelling density is an efficient use of the land with regard to the designation. Public access is available as well as public and private utility facilities.

Public facility goals and policies generally encourage the availability of sufficient public facilities prior to development. Full public services, including sewer, water and street access, can be extended to the property. As noted by the City Engineer, these facilities are adequate to serve the site and the proposed development.

- C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property the inventory of lands so designated is consistent with the projected needs for such lands in the Comprehensive Plan.

FINDINGS: The City is near its limit in developable Low Density Residential designated property. It is clearly apparent additional land is necessary for residential development. This action has the additional benefit of providing more residential land without: (a) expanding the urban growth boundary; or, (b) reducing the availability of lands for commercial or industrial purposes. There is an inadequate supply of the land in this designation to meet the expected growing demand.

- D. The Plan provides for more than the projected need for lands in the existing land use designation.

FINDINGS: This proposal is somewhat unusual as the existing Plan designation was established to meet a temporary need. Plan policies fully expect the amount of SPA land to diminish as additional studies address the impacts of the sewage facility. As noted, the most recent study indicates the property is not affected by the sewage plant; its inclusion within the Special Policy Area is no longer warranted.

- E. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity.

FINDINGS: The proposed Plan designation (Low Density Residential) is specifically designed for single family homes. A majority of the surrounding land is currently in residential development. The proposed Plan and zone change is entirely consistent with the current and expected land use pattern, and will not destabilize the land use pattern in the vicinity.

- F. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on the adjacent lands.

FINDINGS: Again, the majority of adjacent land is developed

with single family homes. The proposed Plan amendment, and subsequent zone change, does not radically alter the existing land use pattern, and for this reason, will not significantly affect existing or planned uses on adjacent lands.

- G. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future

FINDINGS: Comments provided by the City Engineer indicate public services can be extended to serve the site. Future improvements must comply with Public Works Standards.

12. Based on the above findings, the proposal complies with decision criteria for the proposed change in the Comprehensive Plan designation.

FINDINGS - ZONE CHANGE:

Based on Section 4.02, of the Zoning Ordinance, the appropriate zones for the Low Density Residential designation are: (a) Single Family Residential (RS) or (b) Urban Transition (UT). The primary difference between the two zones is dwelling density and permitted uses. The zone change review criteria are found in Section 4.16 of the Keizer Zoning Ordinance. The appropriate decision criteria for residential zone changes are found under subsection (a), items (1) through (6). Those criteria and the related findings are set forth below:

13. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

FINDINGS: Section 4.02 identifies Comprehensive Plan designations and their corresponding appropriate zones. Pursuant to this Section, the RS zone is appropriate for the Low Density Residential designation.

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

FINDINGS: Whalen submitted a subdivision plan that indicates the parcel is capable of accommodating uses allowed on the property. The subdivision will need to comply with the requirements for development within the identified flood plain. The Pierce property is already developed to its probable ultimate density. The Chandler property has preliminary approval for a single family

subdivision. The proposed uses are clearly demonstrated to be able to be accommodated on the property.

15. Allowed uses in the proposed zone can be established in compliance with the development requirements in Chapters 17 to 20 without need for adjustments or variances.

FINDINGS: 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. The subject property can comply with such requirements without adjustments or variances.

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

FINDINGS: The Public Works Department noted sewer and water facilities can be extended to serve the property. Future improvements must comply with Public Works Standards. Public transit and road surface transportation networks are nearby and are adequate to serve the subject property.

17. Satisfaction of any zone change criteria in the Keizer Comprehensive Plan is demonstrated.

FINDINGS: This criteria is not applicable as the Comprehensive Plan does not contain specific review criteria.

18. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met (see Sections 23.00, 24.00, 25.00, and 26.00).

FINDINGS: The purpose of the RS zone is to allow development of attached or detached residences on individual lots and provided with urban services at low urban densities. Based on the submitted subdivision plan, the proposed use of the property is entirely consistent with this purpose.

19. Based on the above findings, the proposal complies with the decision criteria for the proposed zone change.

2490COK.028

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE APPLICATION OF GARRY WHALEN AND
4 DAN CHANDLER FOR DETAIL APPROVAL FOR A 73 LOT
5 SUBDIVISION IN THE VICINITY OF BOWDEN LANE
6 (SUBDIVISION CASE NO. 96-05)

7 The City of Keizer orders as follows:

8 Section 1. THE APPLICATION. This matter came before the Keizer City
9 Council on the application of Garry Whalen and Dan Chandler for detail approval of
10 a 73 lot subdivision on a 14.42 acre parcel located in the vicinity of Bowden Lane
11 Northeast (Tax Lot 300, GLADS map 06 3W 34C).

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

16 Section 3. PUBLIC HEARING. A hearing was held on this matter before the
17 Keizer City Council on March 3, 1997, April 7, 1997, May 19, 1997, June 2, 1997, June
18 16, 1997, and July 7, 1997. The following persons either appeared at the City Council
19 hearing or provided written testimony on the application:

- 20 1) John Morgan, Community Development Director
21 2) George Weathers, Son of Adjacent Property Owner
22 3) Ken Sherman, Jr., Attorney for Applicant

1 4) Tom Bowden, Adjacent Property Owner

2 5) Jim Murch, Attorney for Applicant

3 6) Mark Grenz, Multi-Tech Engineering, Consultant for Applicant

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

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

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

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

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

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

17 Section 10. FINAL DETERMINATION. This Order is the final determination
18 in this matter.

19 ///

20 ///

1 Section 11. EFFECTIVE DATE. This Order shall take effect upon the effective
2 date of the ordinance changing the Comprehensive Plan Map designation and zone for
3 the property (Ordinance No. _____).

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

7 PASSED this _____ day of _____, 1997.

8 SIGNED this _____ day of _____, 1997.

9
10

Mayor

11
12

City Recorder

EXHIBIT 1

FINDINGS

FINDINGS - GENERAL:

1. The applicants are Garry Whalen, Dan Chandler, and Dale Pierce.
2. The subject properties are located at south and west of Bowden Lane. The property is identified on the County Assessor maps as within Township 6 South; Range 3 West; Section 34C.
3. The Whalen piece, which is the subject of a subdivision application is 14.42 acres. Such subdivision application is the subject of a separate Order. The Chandler and Pierce properties, which are the subject of the Comprehensive Plan and Zone Change requests only, total 6.82 acres.
4. The Chandler property has preliminary subdivision approval, which is subject to the property being removed from the Special Policy Area. The Pierce property is relatively small and contains a single family home. The Whalen property is vacant. Public sewer and water facilities as well as a public street can be extended to the properties.
5. The properties are designated Special Policy Area in the Comprehensive Plan and zoned Exclusive Farm Use (EFU).
6. Property to the north and west is also within the Special Policy Area and zoned EFU. This land is primarily in farm use. To the east and south are subdivisions (Apple Tree Estates and Willow Lake Estates) on Single Family Residential (RS) zoned land.
7. This legislative amendment would change the Comprehensive Plan Map designation and zone to establish the Low Density Residential (LDR) designation and the Single Family Residential (RS) zone on the subject property.
8. The subject property is located within an area designated as the Special Policy Area (SPA). The SPA designation applies to land potentially influenced by the operation of the nearby Wastewater Treatment Facility. Permitted or conditionally permitted uses are primarily limited to farming and other resource-related activities. Subdivisions and other developments, which may result in a concentration of population, are prohibited. These limitations are enforced through the property's Exclusive Farm Use (EFU) zoning.

9. Studies were recently completed which analyzed the odors emitting from the facility. The studies appear to indicate the subject property is not impacted by the facility's odors. For this reason, it is appropriate to change the existing Plan designation to allow alternative uses on the property. The proposal would change the Plan designation to Low Density Residential and change the zoning to Single Family Residential. This Plan and zone change would allow residential development.

FINDINGS - COMPREHENSIVE PLAN MAP AMENDMENT:

10. The proposal would change the existing Plan designation from the Special Policy Area to Low Density Residential. This action is classified as a legislative action as it involves more than 15 acres of land.

11. The decision criteria for legislative Plan amendments are found in Section 4.17 of the Keizer Zoning Ordinance. The specific criteria, and the related findings are noted below:

- A. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LDCD Administrative Rules for the type of exception needed shall also apply.

FINDINGS: This action will occur entirely within the City limits; no goal exceptions are required. Compliance with the Statewide Land Use Goals is reviewed below:

Goal 1 - Citizen Participation: Consistent with local requirements, this amendment required a public hearing with the final decision resting with the City Council. Citizens and other parties had an opportunity to comment and testify.

Goal 2 - Planning: The application is being reviewed consistent with the procedures in the acknowledged Comprehensive Plan and Zoning Ordinance.

Goal 3 - Farm Land: Consistent with the intent and purpose identified in the Comprehensive Plan, the Plan designation is designed to address treatment facility issues and not to promote agricultural uses within the City limits. Therefore, the proposal does not involve land located within designated farmland.

Goal 4 - Forest Land: The proposal does not involve land located within designated forestland.

Goal 5 - Natural Resources: Based on the Comprehensive Plan, the property does not contain any significant resources.

Goal 6 - Air, Water and Land Quality: This action does not involve uses or activities which will have an adverse impact on the City's air, water and land quality. To ensure public health is maintained public sewer and water connections are in place or will be required prior to development.

Goal 7 - Natural Hazards: The site is located within the identified flood plain. Any new construction must comply with flood plain development requirements.

Goal 8 - Recreation: This action will not directly affect identified park or recreation sites. In addition, recreational opportunities are often, and usually, provided on the individual lots.

Goal 9 - Economic Development: Benefits are expected to accrue from the potential residential development on the property and the economic activities of the residents.

Goal 10 - Housing: The proposal provides additional housing opportunities.

Goal 11 - Public Facilities: Comments received from the Department of Public Works indicate adequate public facilities are available, and can be extended, to serve the site.

Goal 12 - Transportation: Access is available from the eventual development to a designated collector street. Each individual parcel will front a public street.

Goal 13 - Energy Conservation: In general, the proposal will likely be neutral with regard to energy conservation.

Goal 14 - Urbanization: The Plan designation permits the establishment of urban uses at urban densities.

Goal 15 - Willamette Greenway: The proposal does not involve land within the identified Willamette Greenway.

Goals 16 to 19 - Estuarine Resource, Coastal Shorelands, Beaches and Dunes, and, Ocean Resources: This proposal does not involve property subject to these goal requirements.

Based on the above, the proposal complies with the Statewide Land Use Goals.

B. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

FINDINGS: The primary goals and policies that need to be addressed are contained within the Special Policy Area, Residential Development, and Public Facilities.

The Wastewater Treatment Facility emits odors that may impact nearby uses. Unless limitations are placed on nearby development, the operation of the facility may be placed in jeopardy due to perceived or realized impacts. Therefore, the Special Policy Area (SPA) was designed specifically to limit development near the Treatment Facility until such time more detailed studies can determine an appropriate area of impact.

The cities of Keizer and Salem, as well as the counties of Polk and Marion are parties to that certain "Agreement Establishing a Regional Comprehensive Plan Coordination Association". Such Association is known as the Salem/Keizer Area Planning Advisory Committee (SKAPAC). The agreement establishes a process to coordinate comprehensive planning activities. This SKAPAC process has been used in this matter to attempt to reach a resolution on the issue of an amendment to the SPA boundary which would exclude the subject property, along with other related issues.

The parties have been unable to come to agreement and the SKAPAC process has come to a conclusion. The agreement provides that if the governing bodies cannot reach unanimous agreement, then the proposing jurisdiction (in this case Keizer) may take whatever action it deems appropriate and other

jurisdictions shall have standing in any appeal of a final decision in the matter.

Although the Keizer City Council agrees that caution should be used in considering the allowance of development any closer to the treatment plant, it is clear that the SPA boundary would be moved eventually. The concurrence of Salem or other jurisdictions is not necessary for this final land use action to occur.

It was never the intent to maintain the boundary in perpetuity and Plan policies specifically note the boundary can, and will likely, be altered as new information is processed. Recent studies indicated the subject property is located outside the influence of the facility's odor plume and no longer subject to the restrictions of the SPA. For this reason, the proposed change in designation is entirely consistent with the policies and expectations of the Special Policy Area. However, to protect the cities of Keizer and Salem and the rate payers of the wastewater treatment system, a condition of approval will require property owners to execute easement/waivers in appropriate form releasing the cities of Salem and Keizer from liability for noise or odor impacts.

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. The LDR Plan designation and RS zone permits additional in-fill residential development within the City limits. The proposed dwelling density is an efficient use of the land with regard to the designation. Public access is available as well as public and private utility facilities.

Public facility goals and policies generally encourage the availability of sufficient public facilities prior to development. Full public services, including sewer, water and street access, can be extended to the property. As noted by the City Engineer, these facilities are adequate to serve the site and the proposed development.

- C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property the inventory of lands so designated is consistent with the projected needs for such lands in the Comprehensive Plan.

FINDINGS: The City is near its limit in developable Low Density Residential designated property. It is clearly apparent additional land is necessary for residential development. This action has the additional benefit of providing more residential land without: (a) expanding the urban growth boundary; or, (b) reducing the availability of lands for commercial or industrial purposes. There is an inadequate supply of the land in this designation to meet the expected growing demand.

- D. The Plan provides for more than the projected need for lands in the existing land use designation.

FINDINGS: This proposal is somewhat unusual as the existing Plan designation was established to meet a temporary need. Plan policies fully expect the amount of SPA land to diminish as additional studies address the impacts of the sewage facility. As noted, the most recent study indicates the property is not affected by the sewage plant; its inclusion within the Special Policy Area is no longer warranted.

- E. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity.

FINDINGS: The proposed Plan designation (Low Density Residential) is specifically designed for single family homes. A majority of the surrounding land is currently in residential development. The proposed Plan and zone change is entirely consistent with the current and expected land use pattern, and will not destabilize the land use pattern in the vicinity.

- F. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on the adjacent lands.

FINDINGS: Again, the majority of adjacent land is developed

with single family homes. The proposed Plan amendment, and subsequent zone change, does not radically alter the existing land use pattern, and for this reason, will not significantly affect existing or planned uses on adjacent lands.

- G. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.

FINDINGS: Comments provided by the City Engineer indicate public services can be extended to serve the site. Future improvements must comply with Public Works Standards.

12. Based on the above findings, the proposal complies with decision criteria for the proposed change in the Comprehensive Plan designation.

FINDINGS - ZONE CHANGE:

Based on Section 4.02, of the Zoning Ordinance, the appropriate zones for the Low Density Residential designation are: (a) Single Family Residential (RS) or (b) Urban Transition (UT). The primary difference between the two zones is dwelling density and permitted uses. The zone change review criteria are found in Section 4.16 of the Keizer Zoning Ordinance. The appropriate decision criteria for residential zone changes are found under subsection (a), items (1) through (6). Those criteria and the related findings are set forth below:

13. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

FINDINGS: Section 4.02 identifies Comprehensive Plan designations and their corresponding appropriate zones. Pursuant to this Section, the RS zone is appropriate for the Low Density Residential designation.

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

FINDINGS: Whalen submitted a subdivision plan that indicates the parcel is capable of accommodating uses allowed on the property. The subdivision will need to comply with the requirements for development within the identified flood plain. The Pierce property is already developed to its probable ultimate density. The Chandler property has preliminary approval for a single family

subdivision. The proposed uses are clearly demonstrated to be able to be accommodated on the property.

15. Allowed uses in the proposed zone can be established in compliance with the development requirements in Chapters 17 to 20 without need for adjustments or variances.

FINDINGS: 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. The subject property can comply with such requirements without adjustments or variances.

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

FINDINGS: The Public Works Department noted sewer and water facilities can be extended to serve the property. Future improvements must comply with Public Works Standards. Public transit and road surface transportation networks are nearby and are adequate to serve the subject property.

17. Satisfaction of any zone change criteria in the Keizer Comprehensive Plan is demonstrated.

FINDINGS: This criteria is not applicable as the Comprehensive Plan does not contain specific review criteria.

18. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met (see Sections 23.00, 24.00, 25.00, and 26.00).

FINDINGS: The purpose of the RS zone is to allow development of attached or detached residences on individual lots and provided with urban services at low urban densities. Based on the submitted subdivision plan, the proposed use of the property is entirely consistent with this purpose.

19. Based on the above findings, the proposal complies with the decision criteria for the proposed zone change.

2490COK.028

EXHIBIT "A"

Evidence

Official notice has been taken of the Planning Department files and all documents contained therein.

Mayor Koho opened the public hearing on March 3, 1997.

Councilor Whalen announced he is an applicant in this case with a financial interest and therefore he will remove himself from the Council table and any discussions or votes on this matter.

Shannon Johnson, City Attorney reviewed the applicable criteria and procedures for this case. There were no objections raised in regards to defective notice, jurisdiction, or bias on this matter.

John Morgan, Community Development Director noted this land use matter is part of the pending issues surrounding the Willow Lake Treatment Plant special policy area. Mr. Morgan acknowledged receipt of correspondence on this issue from the City of Salem and Marion County and recommended continuation of this hearing pending further determination by all involved parties.

Mr. Morgan pointed out the justification for the change outlined in the staff report is based upon a concurrence from Salem and Marion County. In reviewing the subdivision component of this land matter, Mr. Morgan indicated the plan conforms with all the standards of the ordinance.

Mayor Koho indicated he would be willing to continue making a decision on this matter until a later date as requested by Marion County and the City of Salem.

Councilor Miller concurred in delaying this matter for a decision. He requested any changes to the design plan be submitted prior to the next hearing.

In response to a question from Councilor Keller, City Manager Tryk indicated Salem has not set this matter for discussion before the Council. Councilor Keller pointed out time is of the essence and does not wish this matter be delayed until another building season.

Presenting testimony were:

George Weathers, 6980 Windsor Island Road NE, Keizer, indicated he is speaking on behalf of his mother, who is an adjacent property owner. He pointed out the plans denote a fence on the southern portion of the property line, however he would also request a fence be placed at the northern property line. This fence would limit the public access to their ongoing agricultural operation which also involves the use of pesticides and other chemicals. A six-foot chain link fence on the north, south and west side of the development would serve as a buffer between the residents and farm operation.

Responding to a question from Councilor Meier, Mr. Morgan indicated to the south is Bowden Lane, a private drive which a fence was recommended to deter public access.

Mr. Weathers requested the fencing be constructed on the subdivision owner property to separate it from the PGE utility easement and farming operation.

Councilor McGee suggested the adoption of a standard when residential property adjoins agricultural property, a fence would be constructed as a barrier or buffer. Mr. Morgan suggested in this case a condition be added that a fence would be constructed to separate the property from the adjacent EFU zoned land.

Mr. Weathers believed there had been some discussion of a hold harmless agreement between the developer and the effect of the treatment plant. He questioned if a hold harmless agreement pertaining to the agricultural aspect be added also.

Mr. Morgan noted there is a "right-to-farm" state statute that covers such issues. He suggested additional research should be conducted.

Councilor Beach believed combining residential development and agricultural operations will require a balance between the resident and the farmer.

Ken Sherman Jr., Attorney for Applicant, 687 Court Street NE, Salem, submitted a memorandum in support of the comprehensive plan/zone change/subdivision approval in this matter. Mr. Sherman noted Mark Grenz of Multi-Tech Engineering has worked on the design plan and is available for any questions. Mr. Sherman believed the reclassification of this property will be consistent with the statewide goals regarding housing and the growth policies of the comprehensive plan. Keizer is nearing a crisis stage in terms of inventory of developable single-family lands in this area, even ahead of the previous predictions.

Mr. Sherman agreed this property is unique with its location within the special policy area. He believed the special policy area was never intended to be a fixed-permanent boundary, as it was created to provide space until the jurisdictions could determine answers to the issues surrounding the operation of the treatment plant. Recent information has suggested there is more flexibility for development in this area and urged the Council to move forward. Mr. Sherman noted there is a substantial amount of acreage in this area which is critical to the development needs of the community, however he understands the needs to work with the other entities in making the final decisions.

In closing, Mr. Sherman recognized the need for the construction of a fence to buffer some of the agricultural operation, however he requested the developer be allowed to retain control over the type of materials that are used and the flexibility of who will be responsible for the building of the fence. Furthermore, he sees no objection to working on the inclusion of some type of hold harmless agreement between the developer and farmers in the area.

Mayor Koho thanked Mr. Sherman for his client's willingness to work with the property owners in the area.

Tom Bowden, 525 Bowden Lane, Keizer, indicated he is the owner of the property to the west of the subdivision, which is outside of the city limits. He also requested a fence be constructed between his property and the development. Mr. Bowden indicated a flood plain runs through this development and with continued filling, it will cause flood waters to run towards his property and cause damage. Mr. Bowden pointed out there are three residences which are served by Bowden Lane and is concerned with the width of the right of way area. He indicated he would be willing to give up the right of way if given right of way from the southwest corner of this development.

Mr. Morgan responded this may be an issue that could be worked out and will pursue discussions with the applicant and Mr. Bowden in the future.

Mayor Koho continued the public hearing until Monday, April 7, 1997.

Mayor Koho opened the public hearing on April 7, 1997.

Councilor Whalen excused himself from the discussion since he was one of the applicants.

Mr. Morgan gave the staff report noting the City of Salem has scheduled consideration of the Keizer proposal on April 21. He offered four options for the Council in dealing with the issue:

- Continue the hearing until May 5 to allow additional negotiation
- Deliberate on the case and ask staff for orders after Salem and Marion County take action
- Deliberate on the case and ask staff for orders on April 21, but include a condition limiting development until the special policy area issue is resolved
- Deliberate on the case and return on April 21 for action.

He explained the ramifications of each decision stating the hearing should be opened no matter what course is chosen.

Mr. Johnson reminded the Council of the work done in a recent work session on the indemnity issues. The original request was for consideration of an odor level greater than the Council would wish to indemnify. Since that discussion, Mr. Johnson stated he has had numerous phone conversations with the City of Salem legal counsel. Initial discussions questioned the type of measurement to be utilized. The City of Salem is working to determine the best scale. Mr. Johnson advised against choosing options three or four.

Presenting testimony to the Council were:

Jim Murch, Attorney for the Applicants, 687 Court Street, Salem, spoke for Ken Sherman. He noted Mr. Sherman had submitted material to meet the criteria and has a preference for the second option. He believed that would give the City of Salem deference but also include the City of Keizer's concerns. He introduced Mark Grenz to answer technical questions.

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem, spoke as the consultant for the applicants and the Appletree subdivision. He used an area map to point out elements changed from the first submitted plan. Mr. Grenz said an agreement has been reached which would allow access from Appletree Estates through another landowner's property. This property, owned by Mr. Pierce, provides more direct access to Windsor Island Road.

Mr. Grenz stated discussions have also been held with other property owners having access. A verbal agreement has resulted in elimination of Bowden Lane as an access making a better situation for all. Portions of the subdivision within the flood plain will be filled to eliminate flooding. With those changes, Mr. Grenz believed the plan to be a good one. He stated his willingness to work with staff to make sure minor points of the conditions are acceptable.

Councilor McGee asked if option two were chosen, what developer progress could be made. Mr. Grenz stated it would depend upon the amount of risk a developer would be willing to take. Probably his firm would move forward and work with the Public Works staff to finalize plans so that when the decision is final, work can begin. He said it does allow them to take advantage of the stalled time.

Councilor Meier said previously a farm on the north boundary desired a buffer, probably a fence. Since an access road has been added, she asked about plan changes. Mr. Grenz replied that the change differs from the previous plan because landowner approval was not available at that time. Mr. Morgan clarified that the road Mr. Grenz allude to was on the south boundary. For the north edge, he suggested including a condition of approval that a fence be installed on the north and west boundaries. He cautioned the Council not to require the developer specifically to provide the fence unless other development did not construct the barrier. Mr. Grenz said he would be comfortable with the staff wording regarding the fencing and will construct the fence if needed.

In answer to a question by Councilor Keller, Mr. Grenz clarified he had completed construction documents and received approval from the City of Salem, although it has since expired.

Tom Bowden 525 Bowden Lane, Keizer, said he had testified in the previous public hearing about fencing on the west side. He also had a concern regarding the flood plain being filled. In the event of flooding, the water will then go into his house. He would prefer the subdivision being built with minimal disturbance of the land. Mayor Koho said the Council was very concerned about flooding issues. Mr. Morgan said a separate flood plain development permit process is required which will address Mr. Bowden's concerns.

Mayor Koho closed the Public Hearing.

EXHIBIT "B"

Criteria and Standards

The applicant has the burden of proving that the proposal meets the applicable criteria and standards.

The applicable criteria and standards in this case are set forth in:

1. Section III(1) of the Keizer Subdivision and Partitioning Ordinance.
2. Keizer Zoning Ordinance Chapter 23 relating to lot sizes, parcel dimensions and other development criteria in the RS zone.
3. Section IV, Keizer Subdivision and Partitioning Ordinance (development requirements for roads, streets and easements).
4. Section V, Keizer Subdivision and Partitioning Ordinance (development requirements for blocks and lots).
5. Section IV, Keizer Subdivision and Partitioning Ordinance (public facility improvements).

In addition, an opponent to the proposal, the City of Salem, has noted that the Keizer Comprehensive Plan requires the designation to be changed from the Special Policy Area. However, the Keizer City Council rejects this as a criteria as that issue is a criteria only in the context of a Comprehensive Plan Map change.

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

EXHIBIT "C"

Facts

FINDINGS - GENERAL:

1. The applicant is requesting approval of a 73 lot single family subdivision. The initial access would be obtained from the adjacent Apple Tree Estates development. A secondary access can be constructed when a future subdivision north of Apple Tree is developed. The internal street layout is a grid pattern; there are no cul-de-sacs. Lot sizes will range from 5,580 square feet to 10,112 square feet. The average lot size is 6,362 square feet with a dwelling density of 5.06 units per acre. This subdivision is designed to accommodate single family homes.

2. 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.

FINDINGS: 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.

The proposal provides new development within an area designated for residential development. The Plan designation and RS zone permits additional in-fill residential development within the City limits. The proposed dwelling density is an efficient use of the land with regard to the designation. Public access is available as well as public and private utility facilities

Public facility goals and policies generally encourage the availability of sufficient public facilities prior to development. Full public services, including sewer, water, storm drainage and public access, can be extended to the property. As noted by the City Engineer, these facilities are adequate to serve the site and the proposed development.

3. The Comprehensive Plan allows a dwelling density of up to 8 units per acre for Low Density Residential designated land with an expected development density of 3.7 units per acre.

FINDINGS: The 73 lot subdivision will have a dwelling density of 5.06 units per acre. This exceeds the minimum expected development density proscribed by the Comprehensive Plan but is below the maximum allowed density.

4. 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. In addition, Chapter 23 specifies setback requirements for any existing or proposed structures on the proposed lots.

FINDINGS: All of the proposed subdivision lots exceed the minimum lot size and dimension standards. Compliance with the building setback provisions can be determined at the time of the building permit.

5. Section IV., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for roads, streets and easements. These standards, and the related findings are noted as follows:

- A. **ENGINEERING STANDARDS AND REQUIREMENTS.** Engineering standards and requirements, including but not limited to streets, easements, and thoroughfare improvements, shall be those currently approved by the City.

FINDINGS: All new development or redevelopment must comply with current City Public Work's engineering standards. This may be placed as a condition or requirement of development and is verified when engineering plans are submitted.

- B. **DEDICATION OR DEEDING OF ROADWAY.** No person shall dedicate for public use or deed to the City of Keizer a parcel of land that is used or proposed to be used as a roadway without following established procedures, obtaining the approval of the City and delivering the deed to the City for its endorsement. No dedication is effective unless the City accepts the property following the procedure established for that purpose.

FINDINGS: The applicant will be required to dedicate to the City the street right-of-way within the subdivision.

- C. **DEAD END STREETS.** When it appears necessary to continue streets to an adjacent acreage, the streets shall be platted to the boundary or property line of the proposed subdivision without a turnaround. In all other cases, dead end shall

be platted a minimum of 45 feet from the boundary or property line of the subdivision and shall have a turnaround with a configuration approved by the City not less than 45 feet to the property line.

FINDINGS: The proposal includes one dead-end street which will access the Chandler subdivision to the east when a portion of the Pierce property can be acquired and the connecting link built. A turn-around area is unnecessary as the street will serve, at best, one parcel.

Property to the west of the subdivision is also located within the City limits and may be subject to future residential development. For this reason, stub streets serving the area will be required on both east-west streets identified on the subdivision plan. Again, a turn around area is unnecessary as these dead-end streets will each serve, at best, one parcel.

- D. RADIUS AT STREET INTERSECTIONS. The property line radius at street intersections shall be 20 feet.

FINDINGS: The proposal complies with this requirement.

- E. STREET GRADES. No street grade shall be in excess of 12 percent unless the City finds that, because of topographic conditions, a steeper grade is necessary. The City shall require a written statement from the City Engineer indicating approval of any street grade that exceeds 12 percent.

FINDINGS: Based on available topographic information, all street grades are less than 12%.

- F. RESERVE STRIPS. Reserve strips controlling access to public ways may be required by the City. The land comprising such strips shall be deeded to the City of Keizer until such time as the Council finds they are no longer needed.

FINDINGS: A reserve strip will be required along all stub streets.

- G. DEDICATION OF RIGHT-OF-WAY. If land to be subdivided or partitioned will cause the termination of a street or borders of a street right-of-way of less than standard width, the applicant shall dedicate sufficient land to provide for a cul-de-sac, or, increase the half (or halves) of right-of-way bordering his land to

one-half of the standard width. Standard right-of-way widths and improvements shall comply with the City requirements.

FINDINGS: Lot 45 in the adjacent Apple Tree Estates must be dedicated as right-of-way to provide access to the development.

- H. ADDITIONAL RIGHT-OF-WAY WIDTHS. Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way will be required to be dedicated to allow all cut and fill slopes to be within the right-of-way.

FINDINGS: The layout does not require cuts and fills for the proposed streets.

- I. UTILITY EASEMENTS. Utility Easements meeting the approval of the City shall be provided to all newly created lots.

FINDINGS: Utility easements were not identified but are located as part of the engineering design phase and placed on the final recorded plat.

- J. TWO-LEVEL ROADS OR STREETS. Where it is determined by the Commission or Hearings Officer that two-level streets best serve hillside tracts, the right-of-way shall be of sufficient width to provide on each level, space for one sidewalk, plus a minimum width of 20 feet for roadway, curbs, and drainage facilities. Between the two levels and out to the right-of-way lines, there shall be space for all cut and fill slopes.

FINDINGS: Two-level streets are not required.

- K. STREET OR ROAD IMPROVEMENTS. All street or road improvements including pavement, curbs, sidewalks, and surface drainage shall be in accordance with the specifications and standards prescribed by the City Engineer. Subdivision plans shall not have final approval until such time as the City, in its judgment, is satisfied that the following street improvements will be completed in accordance with the specifications and standards set forth in this section.

FINDINGS: Compliance with these provisions is a development requirement. All engineering plans must be reviewed and approved by the City prior to construction.

- L. PRIVATE STREET. In the event that the subdivider or developer elects to provide private streets or thoroughfares, they shall be maintained by the Homeowners' Association and a maintenance agreement shall be submitted to the Administrator and the City for approval and as a matter of record.

FINDINGS: The proposal does not contain private streets.

6. Sections V., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for blocks and lots. These standards, and the related criteria are noted as follows:

- A. SUBDIVISION BLOCKS. Block lengths and widths shall be determined after considering factors such as the distance and alignment of existing blocks; topography; lot size; and local traffic flow. Blocks shall not be less than 160 feet nor exceed 1,200 feet special conditions justify greater length.

FINDINGS: No block length exceeds 600 feet.

- B. MIDBLOCK WALKS. Where topographic or other conditions make necessary a block of unusual length, the City may require midblock pedestrian walks with a right-of-way at least 10 feet in width, which shall be hard-surfaced through the block and extending from street curb to street curb.

FINDINGS: The blocks are relatively short so that mid-block walks are unnecessary.

- C. 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.

FINDINGS: As previously noted, the proposed lots exceed all parcel size and dimension requirements of the RS zone.

- D. CURVED FRONT LOT LINES. When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance. In cul-de-sacs, the minimum lot line fronting the turnaround shall be 40 feet and in no case shall the lot width be less than 60 feet at the building line.

FINDINGS: Proposed Lots 4 and 23 do not comply with this requirement. There is sufficient area in which to reconfigure these lots to meet this requirement.

- E. CORNER LOT. All corner lots shall be at least 70 feet wide adjacent to each street.

FINDINGS: Lot 37 does not comply with this requirement. There is sufficient area along this portion of the street to meet this requirement. Corner lots created as the result of the two new stub streets must also comply with this requirement.

- F. 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.

FINDINGS: Where practicable, the lot lines are run at right-angles.

- G. BUILDING LINES ALONG STREETS. When any road or street designated as an arterial on the official zoning map projects into or across a proposed subdivision, the building setback line established by the Zoning Ordinance for such road or street shall be shown on the final plat if greater than specified in the applicable zone.

FINDINGS: Special setback lines are not required as the development does not contain a collector or arterial street.

7. Section VI., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for public facility improvements. These standards, and the related findings are noted as follows:

- A. SEWAGE DISPOSAL. All lots or parcels shall be served by an authorized sewage disposal system. Subsurface sewage disposal for individual parcels shall meet the requirements of the State Department of Environmental Quality and the Marion County Health Department and the City of Keizer.

FINDINGS: Pursuant to comments received by the City Engineer, public sanitary sewer lines can be extended to the property. There are no capacity issues. All improvements must comply with City Public Works Standards.

- B. WATER SUPPLY. An authorized public or private water supply system or individual private wells shall serve all lots or parcels.

FINDINGS: The development can, and will be required to connect to the City's water system. All improvements must comply with City Public Works Standards.

- C. SEWER AND WATER LINES AND CONNECTIONS. All proposed subdivisions within the City, upon a finding by the City that public sewer and water services are imminent, shall be developed with water and sewer lines that meet the specifications of the City.

FINDINGS: All connections will be required to comply with City Public Works standards. Compliance with engineering requirements can be verified when staff reviews the engineering plans for subdivision.

- D. UTILITIES. All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted.

FINDINGS: Compliance with this requirement can be verified when staff reviews the engineering plans for subdivision.

- E. UTILITY EASEMENTS. Underground easements for utilities and overhead utility facilities shall be provided by the subdivider and shall be set forth on the final plat.

FINDINGS: As previously noted, utility easements are determined at the time of the engineering review and placed on the final subdivision plat.

- F. STREET LIGHTING. Proposed subdivisions located within established street lighting district boundaries shall submit street lighting plans from the appropriate power company to the City for approval. All provisions for wiring for

underground installation shall be completed before the final street improvement is made.

FINDINGS: This is a development requirement that may be placed as a condition of approval.

FINDINGS - MISCELLANEOUS

8. Bowden Lane, a private access, borders the property to the south. On the opposite side of Bowden Lane is the Willow Lake Estates development. The City previously required the Willow Lake developer to install and maintain a fence along the north property line to reduce public access to the adjacent private property. This requirement is also appropriate for the subject development. Further, recognizing there is no immediate need to install the fence, it is appropriate to defer this improvement until building permits are issued for 1/3 of the lots.
9. The City Engineer submitted a list of development requirements. The requirements are necessary to ensure public health and safety and will be imposed as conditions of approval.
10. 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.
11. 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.
12. The sewage treatment plant is still a dominant feature within the area. To ensure new residents are aware of potential impacts, a hold-harmless agreement must be recorded against each lot. The agreement will indicate a wastewater treatment plant is located within the vicinity and the plant operator cannot be held liability for any noise, odors or other impacts resulting from normal and legal operation of the facility.

EXHIBIT "D"

Justification

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

In this case the applicants are requesting approval of a 73 lot subdivision on a 14.42 acre parcel located approximately 1000 feet west of Windsor Island Road and immediately south of the imaginary extension of Lockhaven Drive.

The proposal includes internal streets laid out in a grid pattern which are accessed from Windsor Island Road via an adjacent subdivision. The streets and other infrastructure meet all applicable criteria.

Concerns were expressed regarding the placement of fences to buffer the subdivision from nearby agricultural operations. A fence was required in the adjacent subdivision and it is appropriate to require a similar fence to be placed in this development. A condition of approval to that effect will be imposed.

There was also concern regarding the odor and noise impacts from the Willow Lake Wastewater Treatment Plant. Though recent studies have shown that this property is outside the plume of the odor, and improvements have since been made to the plant's operation, it is appropriate to require the property owner to execute and record easement/waiver documents to protect the Cities of Keizer and Salem. The execution and recordation of such document will be imposed as a condition of approval.

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

EXHIBIT "E"

Action

The City of Keizer ORDERS as follows:

The requested detail approval of the subdivision is hereby GRANTED subject to the following conditions:

1. 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), and private utility providers.
2. 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. Public Works Department and the City Engineer have submitted detailed conditions as part of the staff report and such conditions are incorporated by this reference.
3. 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 Public Works and City Engineer staff reports (item #2, above).
 - c. The final plat shall contain a stub street on both east-west streets providing a connection from the subject property to the property to the west.
 - d. Lots shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone.
 - e. Lots shall comply with the frontage and corner lot requirements of the Keizer Subdivision and Partitioning Ordinance.

4. Upon approval of the detailed site plan and engineering plans, the applicant shall submit a final plat for the subdivision that 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. Plat submittal shall be subject to the following:

- a. A bond will be required by the County Surveyor for post monumentation of the subdivision plat.
- b. The applicant shall submit evidence of legal access through Lot 45 of the adjacent Apple Tree Estates subdivision.

5. Street names for the subdivision shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names.

6. The preceding items 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. Street improvements, including curb, sidewalk, paving and drainage, shall be installed on the new right-of-way access through Apple Tree Estates. The applicant shall also install full street improvements and other public services within the entire development. All improvements shall conform to the plans approved by the City of Keizer Department of Public Works. Adequate bonding or other financial security shall be provided.
- 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 street improvements through Apple Tree Estates (item a., above) shall be completed prior to the occupancy of any one dwelling.
- d. A easement/waiver document shall be recorded against the subject property. The document shall indicate a wastewater treatment plant is located within the vicinity and the plant operator shall not be held liable for any noise, odors or other impacts resulting from normal and legal operation of the facility. The agreement shall be reviewed and approved by the City of Keizer prior to recording.

- e. The applicant shall install a fence along the south property line prior to receiving building permits for more than 24 of the platted subdivision lots. This fence shall be a minimum of 6 feet in height and shall be continually maintained. The applicant shall have the option of creating a home-owners association, or, require each individual property owner to maintain the fence. If individual property owners are required to maintain the fence, such obligations shall be placed in the deed record of each adjacent lot. The method chosen by the applicant shall be reviewed and approved by City of Keizer Legal Counsel prior to issuance of building permits for more than 24 lots.

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

8. 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.

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



August 4, 1997

AGENDA ITEM 7C

ORDINANCE - PROHIBITING TRUANCY

To: Mayor and City Council
Thru: Wally Mull Co-City Manager
From: Lt. C. Pat Bowe
Jodi Sherwood, Community Policing Coordinator
Subject: TRUANCY ORDINANCE

BACKGROUND

On August 21, 1995 the City Council adopted Truancy Ordinance #95-335. A sunset clause was included so that the effectiveness and necessity of the ordinance could be reviewed. The Main Community Policing Committee has spent time over the last several months reviewing the information. They have recommended passage of this ordinance as presented to you today.

There is one change in Section Two. An additional exception was added to clearly state home and private schooled children are exempt from this ordinance. In the two years that we have had the ordinance, we have no recorded instance that a home school student was found to be in violation. We met frequently with homeschool representatives and agreed to recommend the following inclusion in Section Two:

- (e) *Such child is exempt from compulsory school attendance pursuant to ORS 339.030, including but not limited to children taught by a parent or private teacher, provided that the child and/or parent complies with all laws and regulations regarding such exemptions.*

The Keizer Police Department employees also were asked questions regarding the Truancy Ordinance. Twenty-one of the twenty-two that responded felt the ordinance should be renewed. Generally, you will see that the officers find the ordinance is helpful in returning minors back to the schools. However, there are several suggestions that will be looked into over the next school year to improve the process. For example, the school pass system may not be effective enough for this ordinance. West Keizer Neighborhood Association has expressed interest in working on a better system with the schools. The entire survey results are included with this recommendation. A questionnaire was also sent out to the business community through the Chamber Newsletter. While only a few were received back (five) there were no negative responses from over 500 that were sent out. A letter is also attached from McNary High School with their continued support of this ordinance.

Number of truancy incidents/citations:

Sept. 95 - June 96		Sept. 96 - June 97	
Incidents	Citations	Incidents	Citations
10	7	33	26

FISCAL IMPACT

There is no anticipated fiscal impact with the passage of this ordinance.

RECOMMENDATION

That the Council approve this ordinance. If approved this ordinance would repeal the previous Truancy Ordinance #95-335 and this ordinance would take its place. It has been helpful in returning those children who have decided on their own, and without parent or guardian permission, that they do not have to attend school and are roaming the neighborhoods. Patterns could not be developed to see if this ordinance has had an effect on juvenile crime during the daylight hours. It may not have been enough time to measure this activity and this should be tracked more carefully over the course of the next two years. Calls and complaints from the neighborhoods appear to be down, however, they do peak at certain times of the year, such as the beginning of the school year, the days prior to spring break, etc. Also, we have not cited a parent or guardian under this ordinance.

We have received requests from several other states for copies of this ordinance and have seen other local jurisdictions (such as Salem) implement similar measures. The sunset clause was again included and the ordinance will be reviewed in August of 1999.

1 BILL NO. _____

A BILL

ORDINANCE NO.
97- _____

2
3 FOR

4 AN ORDINANCE

5 PROHIBITING TRUANCY;
6 DECLARING AN EMERGENCY
7 **REPEALING ORDINANCE 95-335**
8

9 WHEREAS, the City of Keizer finds that it furthers the interests of the City to
10 encourage children to regularly attend school; and

11 WHEREAS, children between the ages of 7 and 18 who have not completed the
12 twelfth grade are required under state law to regularly attend school; and

13 WHEREAS, under state law there is no fine or penalty attached to a child failing
14 to regularly attend school; and

15 WHEREAS, the City of Keizer finds that special circumstances exist that call for
16 the special regulation of minors within the City in order to protect them from being
17 victimized and enhancing the overall public safety of the community; NOW,
18 THEREFORE

19 The City of Keizer ordains as follows:

20 Section 1. CHILDREN REQUIRED TO ATTEND SCHOOL. All children
21 between the ages of 7 and 18 years who have not completed the twelfth grade are
22 required to attend regularly a public full-time school of the school district in which the
23 child resides, or comply with the exemptions set forth in ORS 339.030 and ORS 339.035
24 and state regulations thereunder.

25 Section 2. CHILDREN NOT TO BE IN A PUBLIC PLACE. No child between
26 the ages of 7 and 18 years who have not completed the twelfth grade may be in or upon
27 any street, highway, park, alley or other public place during regular school hours unless:

- 28 (a) Such child is accompanied by a parent, guardian or other person 21 years of
29 age or over and authorized by the parent or by law to have care and custody
30 of the minor, or

- 1 (b) Such child is engaged in a lawful pursuit or activity which requires the
2 presence of the child, or there exists a reasonable necessity for the presence
3 of the child during regular school hours, or
4
5 (c) Such child is emancipated pursuant to ORS 419B.550 and 419B.558,
6 or
7
8 (d) Such child is authorized and approved to be away from the school by the
9 school in which the minor is enrolled, or
10
11 (e) Such child is exempt from compulsory school attendance pursuant to ORS
12 339.030, including but not limited to children taught by a parent or private
13 teacher, provided that the child and/or parent complies with all laws and
14 regulations regarding such exemptions.
15

16 Section 3. VIOLATION BY PARENT OR CUSTODIAN. Any parent,
17 guardian or person having the care and custody of any child between the ages of 7 and
18 18 who has not completed the twelfth grade is required to take reasonable steps to prevent
19 such child from violating Sections 1 and 2 of this Ordinance and is further required to:

- 20
21 (a) Send such child to and maintain such child in regular attendance at a public
22 full-time school during the entire school term, or
23
24 (b) Comply with the exemption set forth in ORS 339.030 and ORS 339.035
25 and state regulations thereunder.
26

27 As used herein, "regular attendance" is given the meaning set forth in ORS
28 339.065.

29 Section 4. VIOLATION OF ORDINANCE. Violation of Sections 1, 2 or 3 of
30 this Ordinance is a civil infraction.

31 Section 5. TAKING CHILD INTO CUSTODY. Any police officer is
32 authorized to take into custody a minor violating any provision of Section 2 as provided
33 in ORS 419C.080, 419C.085 and 419C.088. The officer shall use due diligence to find
34 the parents or guardian or other authorized custodian, or school officials.

35 Section 6. SEVERABILITY CLAUSE. Should any section or portion of this
36 Ordinance be held unlawful and unenforceable by any court of competent jurisdiction,

1 such decision shall apply only to the specific section, or portion thereof, directly specified
2 in the decision. All other sections or portions of this Ordinance shall remain in full force
3 an effect.

4 Section 7. REPEAL OF PREVIOUS ORDINANCE. Ordinance No. 95-335 is
5 hereby repealed.

6 Section 8. SAVING CLAUSE. Ordinance No. 95-335, repealed by this
7 ordinance, shall remain in force to authorize the citation, prosecution, conviction and
8 punishment of a person who violates Ordinance No. 95-335 prior to the effective date of
9 this ordinance.

10 Section 9. EMERGENCY. This Ordinance being necessary for the immediate
11 preservation of the public health, safety, and welfare, an emergency is declared to exist.
12 This Ordinance shall take effect on September 1, 1997.

13 Section 10. SUNSET CLAUSE. This Ordinance is repealed on August 30,
14 1999.

15
16 PASSED this _____ day of _____, 1997.

17 SIGNED this _____ day of _____, 1997.

18
19 _____
20 Mayor
21

22 _____
23 City Recorder

TRUANCY QUESTIONNAIRE (you will receive a separate survey of
sunsets at the same time) **Thank you for your time --- questionnaire due by A**

QUESTIONNAIRE
responses submitted by
KPD employees

Have you cited for truancy under this ordinance?

16 YES

8 NO

lots

Did the juveniles seem to have knowledge about the ordinance prior to being cited?

17 YES

1 NO

they claim

1 OTHER some

did/some didn't

What is their reaction to being cited? (nonchalant, uncaring, doesn't make a difference to them, angry, unhappy, etc. please expound)

•3 -unhappy •upset •scared mostly - then angry •Chronic truants seem uncaring - those that are victim of circumstance have shown remorse and find other people to associate with •Didn't really seem to care - maybe it should go through Muni Court - most juveniles today just laugh at the court system - especially MIP and truancy type cites •all of the above, some did appear scared to tell parents many brag this is the first time caught •nonchalant •unhappy - being picked up and brought into school office in front of peers seems to be effective •unhappy because parents found out about citation •reactions vary greatly among students some troubled students don't care, but most do on some level •uncaring at times •different every time •most kids have just acted like it's no big deal •"no big deal" upset that they missed lunch •for some it was not a big deal because they had "experience" with it - for the first timers - it was a big deal

How have parents responded?

•Defensive - they think police have nothing better to do •angry at child •2 - unknown •My experience is that parents are upset that their children are skipping •more concerned •not happy •Only talked with one parent, he was ticked at son and was happy son was caught •not contacted •supportive •upset with kids •yes •different every time •from what I have observed at the front counter they react with hostility •concerned •haven't had them respond •some are unhappy and call us

How has the school district responded?

•They are in favor of it & support it (somewhat) they need to do more about restricting lunch passes to those who "deserve" lunch passes •Love it! •Well - very supportive and positive •They appear to like the ordinance and call when students leave the school grounds •Great! sometimes they act like it creates more work for them •very responsive •good - happy •positive •supportive •I have full support from McNary's Administrative staff - they encourage more •yes •good •very well •thanked me for bringing them back

What is your normal procedure after you cite? (call parents, notify school, take them to school, etc.)

•all of the above •3 - notify school, take back to school •2 - call parents - take them to school •transport to school - advise staff - notify parent •transport to school, notify school or I would call parents •take them to school •return them to school and issue citation •transport to school office who in turn notifies parents •notify parent or SRO's •take them to school and release them to an assistant principal (after citing them) •return student to school •notify school •arrest - take to school - turn over to assistant principal - call parent •usually take them back to school •notify parent or SRO's

The number of truancy violations have increased in the 96/97 schoolyear Why do you think the numbers are higher this year?

•more awareness by officers and more comfortable with issuing citations - high school is still too lax with issuing lunch passes •"arrest" stats mandated by the chief •Easy stat - I think officers (especially traffic) are trying to spend more time in neighborhoods and come across the truants - I also think more citizens are calling in truants and are tired of the students roaming around the neighborhoods •Awareness of ordinance by officers - it's an easy arrest stat •because we have not been strict, kids see we're not stopping them and word gets out quick - then groups of them leave •more officer awareness of ongoing program •SRO encouragement to cite, not just bring juv's back to school •increased patrol officer assistance with identifying truants •more activity by the police •increased officer familiarity - more officers on the road •not because there are more of them - but because our officers are doing a better job of enforcement •officers are becoming more comfortable with the process •I don't know •more officers are aware of the ordinance and it's uses - more kids have less interest in attending school

Do you feel the ordinance should be renewed? 21 YES 1 NO

What changes if any would you recommend by made or researched to enhance the current ordinance?

•leave it as written - it's a good tool that can be used without appearing to be abused by officers •Stiffer penalty! they (the truants) know nothing is going to happen to them - this is the same as the M.I.P., tobacco violations •stiff fine or more bite in the punishment - it's a joke now •Question - does ORS 339.030 and 339.035 apply to kids that have been expelled •ability to enforce truancy when juv's are inside of a residence normally not theirs •ordinance is fine as written-we need to establish better communication between patrol officers and the school when the patrol officers lost their cell phones the number of truancy citations dropped - the school district is unwilling to provide student roster •good the way it is •cite the kids to muni court and make them do community service •should include tougher penalties or sanctions for the violator "community service " or something •give municipal court the jurisdiction in these cases so that there will be more of a chance of consequences than there is now •don't know of any off hand •more officers to be available to handle the calls that come in for this reason or to stage in high impact areas - also to have closed campus to help cut down the confusion

Should any changes be made to the pass system?

• 2 - no •Yes!!-No passes to freshman - no passes to students who have disciplinary problems at school - attach a clear and easy to read pass that specify ordinance restrictions on card •That is something the school needs to deal with - McNary needs to be a closed campus - a truly closed campus like Whiteaker •that's not really up to us, seems to me the school needs to look into their pass policy •they should have to keep a schedule with them, several kids stopped have said they are on their free periods - as in, they don't have to be in school at that time - ref to section 2 of 95-335 - should have written notice by school •passes should be for exceptional case's only - tighter controls are needed •the problems caused by McNary's open campus are many and varied - not the lease of which is the speeding traffic - I'd prefer to see a closed campus •it's a joke - all persons with passes must have them displayed in plain sight if off of school grounds or do away with it •do away with passes - close the campus •don't know of any off hand •I am not very familiar with the system I do know that several students have only a few classes per day - could be confusing...

Other comments?

•Right now - you can't tell if a student walking the street is truant - on half days or is not going to school at all •McNary pass system is grossly absurd •students who are violating the pass policy in part or whole should lose their pass •I have not used this ordinance but it is a good tool to use to protect our youths •I haven't dealt with this ordinance a lot, so I don't have real detailed answers or suggestions on how to make it better •I strongly support a truancy ordinance - kids have a right to an education - I pay school taxes whether or not I want to if the funds are being spent I mean if we must pay - they must attend, that's my view, if they don't attend I feel we will continue to pay for them (i.e. jail, welfare, etc.)



1982

KEIZER POLICE

QUESTIONNAIRE
sent in the Chamber
NEWSLETTER

*Please return
by May 15, 1997*

April 29, 1997

Dear Keizer Chamber Business Members,

The City of Keizer Curfew and Truancy Ordinances are currently set to "sunset" in August, 1997. When these ordinances were written two years ago, this clause was added so that these ordinances could be reviewed for their effectiveness. The Main Community Policing Committee is reviewing these ordinances to see if we should recommend they be renewed. We would appreciate your feedback and comments.

Following is a brief overview of each ordinance:

Curfew:

Youths 15 and under the curfew hours are 10:00 p.m. - 6:00 a.m.

Youths 16 and 17 the curfew hours are 12:00 a.m. - 6:00 a.m.

There are exemptions for youths if they are accompanied by a parent or guardian, are working, or doing an activity where there "exists a reasonable necessity for the child's presence."

Truancy:

The truancy law basically requires all school-age kids to be in school during school hours unless they must be away and it is approved by their parents or the school. There are exemptions for home-school, emancipated, or if they are "engaged in a lawful pursuit or activity which requires the presence of the child..."

Both ordinances hold parents accountable.

Please complete the questionnaire on the reverse side of this page. Your answers will be forwarded from the Main Community Policing Committee in a report to the City Council in June. If you would like a full copy of these ordinances please call Jodi Sherwood at 390-3713. Thank you.

Sincerely,

Jodi Sherwood
Community Policing Coordinator

Suzy Riches
Keizer Chamber Representative to the Main
Community Policing Committee

Please complete and fax or mail to:

Attn: JODI SHERWOOD
KEIZER POLICE DEPARTMENT
P O BOX 21000
KEIZER OR 97307-1000

PHONE 390-3713

FAX 390-8295

THANK YOU FOR YOUR TIME AND INPUT!

TRUANCY ORDINANCE

Have you ever called the Keizer Police Department to report juveniles in and around your business during school hours? ☐ YES ☐ NO

How did the Police Department handle the call? _____

Do juveniles loiter during school hours around your business? ☐ YES ☐ NO

Do juveniles loiter around other businesses during school hours? ☐ YES ☐ NO

Locations = _____

Has the ordinance made any difference to your business? ☐ YES ☐ NO

if yes, please expound _____

Do you feel the ordinance should be reviewed every two years or have no sunset clause?

☐ Reviewed every two years ☐ No sunset clause

Would you recommend the ordinance be renewed as is or do you have any recommended changes or ideas on what to add to enhance the ordinance?

☐ renewed as is ☐ add the following comments ☐ research the following ideas

CURFEW ORDINANCE

Have you ever called the Keizer Police Department to report juveniles in and around your business after curfew hours? ☐ YES ☐ NO

How did the Police Department handle the call? _____

Do juveniles loiter after curfew hours around your business? ☐ YES ☐ NO

Do juveniles loiter around other businesses after curfew hours? ☐ YES ☐ NO

Locations = _____

Has the ordinance made any difference to your business? ☐ YES ☐ NO

if yes, please expound _____

Do you feel the ordinance should be reviewed every two years or have no sunset clause?

☐ Reviewed every two years ☐ No sunset clause

Would you recommend the ordinance be renewed as is or do you have any recommended changes or ideas on what to add to enhance the ordinance?

☐ renewed as is ☐ add the following comments ☐ research the following ideas

Other Comments: _____

Business Name: (optional) _____

Your Name: (optional) _____

Phone Number: (optional) _____
department? ☐ YES ☐ NO

Would you like a call back from the police

Thanks!



RECEIVED 4/16/97 C.L.T. BAUE

McNARY HIGH SCHOOL
David Annala, Principal
595 Chemawa Road N, Keizer, Oregon 97303-5398
(503) 399-3233 • FAX (503) 391-4025

Homer Kearns, Superintendent

April 15, 1997

TO:

Charles R. Stull
Chief of Police
City of Keizer

FROM:

Tom Pickens
Interim Principal
McNary High School

SUBJECT:

SUPPORT FOR CONTINUATION – TRUANCY ORDINANCE

The McNary High School administrative staff would like to go on record as fully supporting the continuance of the truancy ordinance currently in effect in the City of Keizer.

Your police department's participation and cooperation in returning students who should have been in school has been of great assistance.

We realize your resources are limited and you must necessarily have higher priorities, but any assistance you can provide is much appreciated.

Please complete and fax or mail to:

Attn: JODI SHERWOOD
KEIZER POLICE DEPARTMENT
P O BOX 21000
KEIZER OR 97307-1000

QUESTIONNAIRE
*responses from Chamber
newsletter insert*

THANK YOU FOR YOUR TIME AND INPUT!

TRUANCY ORDINANCE

Have you ever called the Keizer Police Department to report juveniles in and around your business during school hours? 3 YES 1 NO

How did the Police Department handle the call? ✓ in 25 minutes they were by ✓ Excellent service

Do juveniles loiter during school hours around your business? 1 YES 2 NO

Do juveniles loiter around other businesses during school hours? 1 YES 2 NO

Locations = none listed

Has the ordinance made any difference to your business? 1 YES 2 NO

if yes, please expound kids don't hang around as much

Do you feel the ordinance should be reviewed every two years or have no sunset clause?

1 Reviewed every two years 2 No sunset clause

Would you recommend the ordinance be renewed as is or do you have any recommended changes or ideas on what to add to enhance the ordinance?

3 renewed as is 0 add the following comments 0 research the following ideas

Businesses and residents have called the Keizer Police and students have been brought to school. We contact parents notifying them of the truancy and the disciplinary action we took - note made on questionnaire by a representative of Whiteaker Middle School

Other Comments:

Business Name: (optional)

Your Name: (optional)

Phone Number: (optional)

Would you like a call back from the police

department? ☐ YES ☐ NO

Thanks!

Those responding to questionnaire:

John Oswald, John's Car Wash

Whiteaker Middle School

Ted Anaganos

Dr. Jim Warner

one anonymous

(note: all did not answer every question)



August 4, 1997

AGENDA ITEM 7d

ORDINANCE - SPECIFYING HOURS OF CURFEW FOR
MINORS

To: Mayor and City Council 
Thru: Wally Mull Co-City Manager
From: Lt. C. Pat Bowe 
Jodi Sherwood, Community Policing Coordinator 

Subject: CURFEW ORDINANCE

BACKGROUND

On August 21, 1995 the City Council adopted Curfew Ordinance #95-334. A sunset clause was included so that the effectiveness and necessity of the ordinance could be reviewed. The Main Community Policing Committee has spent time over the last several months reviewing the information. They have recommended passage of this ordinance as presented to you today.

The ordinance before you has no changes from the ordinance we have had for the last two years. The hours of curfew for minors ages 16 and 17 are from 12:00 midnight to 6:00 a.m. For minors fifteen and under the curfew is 10:00 p.m. to 6:00 a.m.

These hours continue to coincide with surrounding jurisdictions such as; Marion County, Woodburn and Salem. There is no anticipated changes, at this time, that these agencies will be making to their ordinances.

Recently, officers and members of the Keizer Police Department were asked if they felt the ordinance should be renewed and 22 of the 23 that responded felt that it should. Several officers noted that the tiered system is effective. The entire survey results are included in your council packet for your review. A questionnaire was also sent out to the business community through the Chamber Newsletter. While only a few were received back (five) there were no negative responses from over 500 that were sent out.

Number of curfew citations:

1993	1994	1995	1996	1997(as of June)
17	46	74	61	12

FISCAL IMPACT

There is no anticipated fiscal impact with the passage of this ordinance.

RECOMMENDATION

That the Council approve this ordinance. If approved this ordinance would repeal the previous Curfew Ordinance #95-334 and this ordinance would take it's place. In recent curfew sweeps the number of minors out after curfew has gone down. However, occasionally there are minors out in the early hours roaming the streets. This ordinance is not only to protect those juveniles but to help reduce juvenile crime. The sunset clause was again included and the ordinance will be reviewed in August of 1999.

1 BILL NO. _____

A BILL

ORDINANCE NO.
97- _____

2 FOR

3 AN ORDINANCE

4
5 SPECIFYING HOURS OF CURFEW FOR MINORS
6 REPEALING ORDINANCE 95-334
7

8 WHEREAS, state law sets curfew hours for minors under the age of 18; and

9 WHEREAS, such state statutes provides that municipalities may make regulations
10 concerning the conduct of minors provided that the local ordinance restricts curfew hours
11 to at least the extent required by state law; and

12 WHEREAS, state law sets curfew hours at between 12:00 midnight and 4:00 a.m.
13 the following morning with some exceptions; and

14 WHEREAS, the City of Keizer finds that special circumstances exist that call for
15 the special regulation of minors within the City in order to protect them from being
16 victimized and enhancing the overall public safety of the community; NOW,
17 THEREFORE,

18 The City of Keizer ordains as follows:

19 Section 1. HOURS OF CURFEW.

20 (A) No minor under the age of 16 years shall be in or upon any street, highway,
21 park, alley, or other public place between the hours of 10:00 p.m. and 6:00 a.m. the
22 following morning unless such minor is:

- 23 (1) Accompanied by a parent, guardian or other person 21 years of age or over
24 and authorized by the parent or by law to have care and custody of the
25 minor; or
26
27 (2) Engaged in a lawful pursuit or activity which requires the
28 presence of the child, or there exists a reasonable necessity for the presence
29 of the child during the hours specified in this Section, or
30
31 (3) Such child is emancipated pursuant to ORS 419B.550 and 419B.558
32 (B) No minor who has attained the age of 16 years, but is under the age of 18

years, shall be in or upon any street, highway, park, alley, or other public place between the hours of 12:00 midnight and 6:00 a.m. the following morning unless such minor is:

- (1) Accompanied by a parent, guardian or other person 21 years of age or over and authorized by the parent or by law to have care and custody of the minor; or
 - (2) Engaged in a lawful pursuit or activity which requires the presence of the child, or there exists a reasonable necessity for the presence of the child during the hours specified in this Section, or
 - (3) Such child is emancipated pursuant to ORS 419B.550 and 419B.558
- Violation of this Section is a civil infraction.

Section 3. VIOLATION BY PARENT OR CUSTODIAN. Any parent, guardian or person having the care and custody of any child under the age of 18 years shall knowingly allow such minor to be in or upon any street, highway, park, alley or other public place between the hours specified in Section 1, except as otherwise provided in that Section. Violation of this Section is a civil infraction.

Section 4. TAKING CHILD INTO CUSTODY. Any police officer is authorized to take into custody a minor violating any provision of Section 1 as provided in ORS 419C.080, 419C.085 and 419C.088. The officer shall use due diligence to find the parents or guardian or person having custody of the minor and shall release the minor to the parent, guardian, juvenile authorities or other authorized custodian.

Section 5. SEVERABILITY CLAUSE. Should any section or portion of this Ordinance be held unlawful and unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this Ordinance shall remain in full force and effect.

Section 6. REPEAL OF PREVIOUS ORDINANCE. Ordinance #95-334 is hereby repealed.

Section 7. SAVING CLAUSE. Ordinance No. 95-334, repealed by this ordinance, shall remain in force to authorize the citation, prosecution, conviction and

1 punishment of a person who violates Ordinance No. 95-334 prior to the effective date of
2 this ordinance.

3 Section 8. EFFECTIVE DATE. This Ordinance shall become effective thirty
4 (30) days after it's passage.

5 Section 9. SUNSET CLAUSE. This Ordinance is repealed two years after the
6 effective date.

7
8 PASSED this _____ day of _____, 1997.

9 SIGNED this _____ day of _____, 1997.

10
11 _____
12 Mayor
13

14 _____
15 City Recorder

CURFEW QUESTIONNAIRE

Thank you for your time --- questionnaire due by April 9, 1991

Please answer all of the questions that you can, even if you have never cited under curfew. If you have any comments or add comments and provide as much input as you can, use the back of this page if necessary.

QUESTIONNAIRE
responses submitted by
KPD employees

Have you cited for curfew under this ordinance?

19 YES

4 NO

I have cited under ORS

Did the juveniles seem to have knowledge about the ordinance prior to being cited?

15 YES

2 NO but they did know there was a curfew

2 OTHER

law, curfew they knew about - specific hours they didn't,

They know about the state time but not the City Ordinance, Some yes - some no,

What is their reaction to being cited? (nonchalant, uncaring, doesn't make a difference to them, angry, unhappy, etc. please expound)

*4 - unhappy * 2 - didn't want parents called *2 - most seem more concerned about curfew than they did if cited for truancy * nonchalant * angry * different each time * they felt they got caught * generally unhappy * somewhat indifferent but - nonetheless would rather not have had parents contacted * all of the above * shocked-scared-dumbfounded * most uncaring - others upset/crying * nonchalant - the parents usually determine juvenile attitudes about citations * if parents don't care juveniles will not care * the majority didn't care - they knew nothing legally was going to happen - the others were upset and knew their parents were going to be upset * for some it was a big deal - but for others it wasn't because they'd been involved with us before.

How have parents/guardians responded?

*some indifferent - some upset *they respond to scene *all have been cooperative *concerned *all upset with child *mostly with anger towards the juvenile *upset with juvenile *most have been very grateful as they thought their kids were at a friends house *very glad we found the child and advised of the activities their child was doing and who they were with *most angered at child-others don't care *supportive *most parents I have contacted are aware their children are out late and don't care about curfew citations *kids sneak out-parents thankful *both ways - some unhappy with their child *some unhappy with me *hear the comment "don't you have anything better to do" *most were upset with their children and did not like (more embarrassed than anything else) being woke up at 0200 hrs to respond to PD to pick up their child *yes they usually respond to the PD most of them have been very supportive of our efforts and upset with their kids for staying out too late *some could have cared less that their kids were out others denied the fact their kids were out - that is until they checked their kids bedroom!

What is your normal procedure after you cite? (call parents, cite/release, take them to juvenile, etc.)

*6 call parents *7 call parents - then release to parent *call parents - then take them to juvenile *3 call parents then cite and release *notify parents and transport juvenile home *call parents - provide info. of ordinance - educate violators *have parents respond to my location - if no parents available go to JDH.

The curfew ordinance is in two tiers = for minors 15 and under hours are 10:00 p.m. - 6:00 a.m., for minors 16 and 17 the hours are 12:00 p.m. - 6:00 a.m. This was mainly for the purpose of being the same as Marion County, Woodburn, Salem.

Do you think the tiered system works? or do you think it makes a difference?

*3 - it works *2 - yes - keep the same *2 - I like the tiered system 16 & 17 yrs old are growing up and should be able to handle the added responsibility 15 and under have not business being out late *actually - I use the midnight time for all my arrest for curfew under the State ORS *tiered system works but is confusing to kids and parents - it makes a little difference *I believe the tiered system is quite effective *I believe that it should remain in effect *yes to both *should be just one time - would be easier to keep track of *I have found no problem with

*the two tiered system, it works and does make a difference - a 15 year old in junior high should not be staying out as late as a 17 1/2 year old high school student *causes confusion - juv's are being told different times normally hang out with wide range of age groups *I like the tiered system - the younger kids need to be home earlier *It's hard to get into the mindset of looking for curfew violators when its still early (10-11 p.m.) during these hours -there are still a lot of people out.*

Do you feel the ordinance should be renewed?

21 YES 1 NO 1 both - it's good for certain circumstances, but I usually use 12 p.m.

What changes if any would you recommend be made or researched to enhance the current ordinance?

**7 - none *none - because we have a State ORS to work from *leave ordinance as is *hours should be the same for both age groups *give municipal. court the jurisdiction in these cases *post information at schools *make it OK to be out with a person 18 yrs or older with parent permission - ran into a few cases this year where 15 and 16 yr old with 18 and 19 yr old sibling participating in legal activities (or doing nothing) and it was OK with parent and they knew about it *Again, maybe muni court - needs more teeth in the punishment *we would want to stay the same as neighboring agencies so the kids will all have the same playing field *I see that violation by a parent is a civil infraction but I don't see anything that allows punishment for the juvenile - could possibly cite them into muni-court to do community service *unless the circumstances allows it (i.e. underage parties, etc.) I don't have time to actually look for juvs violating curfew until it slows down - usually after 12 p.m.*

If this ordinance is not renewed we could still use the state statute which has curfew from 12:00 pm. - 4:00 p.m. Should we just go back to that?

**we could, but it would be nice to be able to stop if they were out between 5-6 a.m. *5 - no *no - its still dark at 0400 many car clouts occur in the a.m. *if we have to *only if the other doesn't pass *no - I believe that the 10:00 p.m. curfew for 15 and under is imperative *unknown *our curfew ordinance is a good tool for dealing with juveniles out late at night *might be OK - it's nice to have local control *no - I think midnight is too late for a 12 yr old to be out unless they are engaged in a lawful activity *we could go back - but I don't see a justifiable reason for a 14 year old kid to be out on the street until midnight *it's needed for certain circumstances - but for me - those are rare - it's nice to have - but I don't recall finding 14 yrs and under out that late anyway.*

Other comments?

**Time for another curfew sweep!! *This is another good tool for us to use *ordinance needs more teeth - kids should be cited into muni-court and made to do community service (i.e. painting over graffiti, etc.)*

7849 Timothy Ln,
Keizer, Or 97303

July 18, 1997

To the City of Keizer
Keizer, Or

Ladies & Gentlemen:

What is the City of Keizer thinking? You talk about making the City of Keizer look nice and tear it apart and destroy it beauty at the same time.

You let developers come out on Timothy Ln and on approximately 2½ acres admist homes put 13 mobile units around a house that already exist. It is not comparable nor compatible with the houses that already exist. The development is inconsistent with the types of dwellings on Timothy Ln. We have homes on parcels of land of 3/4 acres and up to 3 acres; now you want to stick 13 mobile units in the middle of these parcels--not very desirable, I wouldn't think. I watched these people uproot the trees, knock down the barn, destroy the habitat. I wonder what you would do if this happen on your street? This is not progress, this is destruction. I'll bet not one of you have been out here to see what is happening. And now there are trees on each side that will probably blow down, destroying something of these property owners. It wouldn't have been bad if you would have allowed 2 mobile units there; we wouldn't have said anything and so much destruction wouldn't have been done.

Timothy Ln owner


Lela J McGarvey
393-1066

Please complete and fax or mail to:

Attn: JODI SHERWOOD
KEIZER POLICE DEPARTMENT
P O BOX 21000
KEIZER OR 97307-1000

PHONE 390-3713

FAX 390-8295

THANK YOU FOR YOUR TIME AND INPUT!

TRUANCY ORDINANCE

Have you ever called the Keizer Police Department to report juveniles in and around your business during school hours? ☐ YES ☐ NO

How did the Police Department handle the call?

Do juveniles loiter during school hours around your business? ☐ YES ☐ NO

Do juveniles loiter around other businesses during school hours? ☐ YES ☐ NO

Locations = _____

Has the ordinance made any difference to your business? ☐ YES ☐ NO

if yes, please expound _____

Do you feel the ordinance should be reviewed every two years or have no sunset clause?

☐ Reviewed every two years ☐ No sunset clause

Would you recommend the ordinance be renewed as is or do you have any recommended changes or ideas on what to add to enhance the ordinance?

☐ renewed as is ☐ add the following comments ☐ research the following ideas

CURFEW ORDINANCE

Have you ever called the Keizer Police Department to report juveniles in and around your business after curfew hours? ☐ YES ☐ NO

How did the Police Department handle the call?

Do juveniles loiter after curfew hours around your business? ☐ YES ☐ NO

Do juveniles loiter around other businesses after curfew hours? ☐ YES ☐ NO

Locations = _____

Has the ordinance made any difference to your business? ☐ YES ☐ NO

if yes, please expound _____

Do you feel the ordinance should be reviewed every two years or have no sunset clause?

☐ Reviewed every two years ☐ No sunset clause

Would you recommend the ordinance be renewed as is or do you have any recommended changes or ideas on what to add to enhance the ordinance?

☐ renewed as is ☐ add the following comments ☐ research the following ideas

Other Comments: _____

Business Name: (optional) _____

Your Name: (optional) _____

Phone Number: (optional) _____

department? ☐ YES ☐ NO

Would you like a call back from the police

Thanks!

Please complete and fax or mail to:

Attn: JODI SHERWOOD
KEIZER POLICE DEPARTMENT
P O BOX 21000
KEIZER OR 97307-1000

PHONE 390-3713

FAX 390-8295

THANK YOU FOR YOUR TIME AND INPUT!
TRUANCY ORDINANCE

Have you ever called the Keizer Police Department to report juveniles in and around your business during school hours? ☐ YES ☐ NO

How did the Police Department handle the call? ☐ YES ☐ NO

Do juveniles loiter during school hours around your business? ☐ YES ☐ NO

Do juveniles loiter around other businesses during school hours? ☐ YES ☐ NO

Locations = ☐ YES ☐ NO

Has the ordinance made any difference to your business? ☐ YES ☐ NO

if yes, please expound _____

Do you feel the ordinance should be reviewed every two years or have no sunset clause?
☐ Reviewed every two years ☐ No sunset clause

Would you recommend the ordinance be renewed as is or do you have any recommended changes or ideas on what to add to enhance the ordinance?

☐ renewed as is ☐ add the following comments ☐ research the following ideas

CURFEW ORDINANCE

Have you ever called the Keizer Police Department to report juveniles in and around your business after curfew hours? ☐ YES ☐ NO

How did the Police Department handle the call? ☐ YES ☐ NO

Do juveniles loiter after curfew hours around your business? ☐ YES ☐ NO

Do juveniles loiter around other businesses after curfew hours? ☐ YES ☐ NO

Locations = ☐ YES ☐ NO

Has the ordinance made any difference to your business? ☐ YES ☐ NO

if yes, please expound _____

Do you feel the ordinance should be reviewed every two years or have no sunset clause?
☐ Reviewed every two years ☐ No sunset clause

Would you recommend the ordinance be renewed as is or do you have any recommended changes or ideas on what to add to enhance the ordinance?

☐ renewed as is ☐ add the following comments ☐ research the following ideas

Other Comments: _____

Business Name: (optional) _____
Phone Number: (optional) _____
department? ☐ YES ☐ NO

Your Name: (optional) _____
Would you like a call back from the police _____

Thanks!

Please complete and fax or mail to:

Attn: JODI SHERWOOD
KEIZER POLICE DEPARTMENT
P O BOX 21000
KEIZER OR 97307-1000

QUESTIONNAIRE
*responses from Chamber
newsletter insert*

THANK YOU FOR YOUR TIME AND INPUT!

CURFEW ORDINANCE

Have you ever called the Keizer Police Department to report juveniles in and around your business after curfew hours? 0 YES 3 NO

How did the Police Department handle the call? 1 YES 2 NO

Do juveniles loiter after curfew hours around your business? 2 YES 1 NO

Do juveniles loiter around other businesses after curfew hours? 0 YES 3 NO

Locations =

Has the ordinance made any difference to your business? if yes, please expound

Do you feel the ordinance should be reviewed every two years or have no sunset clause?

1 Reviewed every two years 2 No sunset clause

Would you recommend the ordinance be renewed as is or do you have any recommended changes or ideas on what to add to enhance the ordinance?

3 renewed as is 0 add the following comments 0 research the following ideas

*Hold parents responsible for their childrens actions - financially, but let parents discipline their children without so much fear of accusations by their children, John Oswald - John's Car Wash

*Neighbors and interested citizens call the school when they notice youngsters not in school. We follow up on reporting the issue to alternative programs. They in turn contact the parents. note made on questionnaire by a representative of Whiteaker Middle School

Other Comments:

Business Name: (optional)

Phone Number: (optional)

department? ☐ YES ☐ NO

Your Name: (optional)

Would you like a call back from the police

Those responding to questionnaire:

John Oswald, John's Car Wash

Whiteaker Middle School

Ted Anaganos

Dr. Jim Warner

one anonymous

(note: all did not answer every question)



August 4, 1997

AGENDA ITEM 7e

IMPLEMENTATION OF COMPENSATION STUDY

RESOLUTION - GRANTING WAGE ADJUSTMENT FY96-97

RESOLUTION - SETTING NEW SALARY RANGE STRUCTURE

RESOLUTION - ESTABLISHING COMPENSATION POLICY

CITY COUNCIL MEETING: Aug. 4, 1997

AGENDA ITEM NUMBER: 7e

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
CO-CITY MANAGER

DIANNE SUEK,
PERSONNEL OFFICER

SUBJECT: IMPLEMENTATION OF COMPENSATION STUDY

DISCUSSION:

A compensation study for the city's non-represented employees was commissioned in 1995. This study had the purpose of establishing the most appropriate classification plan and compensation package to meet the City's needs. The study had several objectives including:

1. evaluate positions using an objective process to assure written job descriptions match actual work being performed;
2. provide equity within the organization comparing positions to positions; and
3. create a salary range structure for employees providing internal equity and placing salaries at appropriate market levels.

This study was performed because there was inconsistency in job descriptions and pay grades for some employees and because all the position descriptions would benefit from an objective evaluation. The study used a point system to evaluate job responsibilities in terms of knowledge, skills and abilities to develop the internal consistency. The study then used surveys of Keizer's recognized standard comparable cities to provide labor market consistency. The study, completed in May 1995, was updated in April 1996 and again in July 1997.

The recommendations of the study are:

1. To adopt the placement of positions in each recommended pay grade;
2. To adopt the salary range plan; and
3. To adjust individual salaries to fit the recommended ranges over time.

In 1996, Council formed a Compensation Task Force to review the findings of the study and to look at any inconsistencies in employee benefits. Those benefits specifically are the retirement plans and social security, the management benefit package and incentive pay for certification and/or education staff benefits.

After reviewing staff benefits, the Task Force decided to make no changes to the benefit package.

The recommendation of this Task Force is to adopt the recommendations of the Compensation Study as soon as financially feasible. Staff recommended implementation occur on October 1, 1996.

However, at that time, the Council decided to hold on implementing the study until the financial uncertainty of Measure 47 and the City's proposed tax base was settled. Since then, Keizer's new tax base, previously threatened by Measure 47 has been reinstated, and the City's Fiscal Year 1997-98 budget approved by the Budget Committee and the Council. Staff recommends the City proceed with implementation.

The study was distributed to the Council earlier this year. The most recent update includes the following changes:

1. The study is not a study of total compensation. It does not analyze fringe benefits as part of a total compensation package.
2. The 4% cost of living adjustment Council approved July 1, 1997 for non-bargaining employees has raised salaries that much closer to the market average which lessens the amount of money needed for "catch-up".
3. Several position descriptions have been significantly modified. These are attached and include:
 - A. The three Administrative Assistant positions were re-evaluated which is reflected in their revised job descriptions and recommended salary ranges.
 - B. A description is created for the Recording Secretary

- C. The position of Parks Superintendent/Cross Connection Supervisor was eliminated due to a vacancy. The responsibilities were assigned to other employees.
 - D. A new position has been added to the study called Code Enforcement/Zoning Technician. This position was approved during the budget process.
4. Job descriptions have been updated to reflect normal changes in jobs. Classifications have been given new names in the Public Works Department to better reflect responsibilities and create consistency with titles in other agencies.

Implementation of the updated study will result in the City finally having a staffing plan that reflects the City's various functions, accurately identifies specific positions and job descriptions, and establishes market rate wages for each position.

Another part of the recommendation deals with bringing equity between represented and non-represented employees. With the adoption of the Keizer Police Association contract, the represented employees were granted a 5% increase retroactive to July 1, 1996 and a 5% increase effective July 1, 1997. During that same period, non-represented employees were granted a 2.88% increase for FY 96-97 and a 4% increase for FY 97-98. Staff is recommending these inequities be resolved through two actions:

1. A retroactive 2.12% increase be granted to non-represented employees effective July 1, 1996. This will cost approximately \$20,000. A resolution is attached for the Council's consideration.
2. A 1% increase be granted to non-represented employees effective July 1, 1997. This will cost approximately \$11,400. This 1% increase is reflected in the revised Compensation Resolution.

In addition, Staff is recommending the Council adopt, by resolution, a compensation policy to guide both the Staff and Council in future budget processes, negotiations, and personnel issues. The attached draft of the resolution reflects the Council's "historic" actions and serves to memorialize past practice as adopted policy.

ANALYSIS OF RECOMMENDATIONS

Staff recommends Council take three actions in order to implement the updated study and to create a stable platform for compensating employees now and in the future.

First, the Council should adopt the resolution granting a 2.12% increase for FY 96-97 for non-represented employees.

Second, the Council should adopt the recommended positions and adjust wages for positions that remain below the market level. This is accomplished by adopting the attached revised Compensation Resolution. This resolution sets salary ranges with the top step of each range near the market maximum adjusted for internal consistency and including the 1% increase for this fiscal year. Employees will generally have their new salary set on the nearest step up within the range. This will provide a track for employees that have been well below market to grow through future step increases to their market level. This will also lower the initial fiscal impact of implementing the study.

Attached to this report is a worksheet showing the necessary adjustments. It shows that this action will increase the total salaries paid by approximately \$66,500 annually. This amount, plus the adjustment for last fiscal year, will be partially absorbed through this fiscal year through cost savings from vacant positions. Any remaining difference may need to be provided through adoption of a supplemental budget transferring contingency funds, which will be done before the end of the fiscal year.

Second, the Council should approve a "Compensation Policy" resolution which addresses a consistent approach to setting wages during each budget cycle. A draft resolution is attached for the Council's consideration.

RECOMMENDATION:

It is recommended Council approve:

1. The resolution granting the increase for FY 96-97;
2. The revised Compensation Resolution; and
3. The Compensation Policy Resolution.



JOB DESCRIPTION

Administrative Assistant

DRAFT

Class Title: Administrative Assistant
Working Title: Administrative Assistant
Department: Police

Effective Date:
Supervisor: Chief of Police
Supervision: None

Position: ☒ Full Time ☐ Part Time ☐ Temporary ☐ Seasonal ☐ Job Share

FLSA: ☐ Exempt ☒ Non-exempt

Eligible for Overtime: ☒ Yes ☐ No

JOB SUMMARY

This professional level staff assistant provides administrative and technical support to the Chief of Police, Lieutenant and supervisors. This position prepares policies, procedures, staff reports and other technical documents; maintains police department files; and other related duties. Assignments involve the use of initiative and judgment in the independent conduct of work and reviewed on the basis of results obtained. This position works under the supervision of the Chief of Police.

WORKING CONDITIONS

Work is performed in an office setting and may require bending, stooping and lifting up to 10 pounds. Requires use of a personal computer, calculator and telephone. Occasional contact with employees and customers in conflictive situations.

DUTIES, RESPONSIBILITIES, AND ESSENTIAL FUNCTIONS

The following examples of duties and responsibilities do not encompass all job requirements.

Administrative Staff Support:

1. Handles confidential materials/documents with discretion exercised in releasing such information;
2. Composes correspondence, assists in research and preparation of statistical reports, personnel reports, budget preparation, and other tasks of a confidential nature;
3. Prepares staff reports and other documents for distribution to City Manager, City Council, etc. as well as police officer's monthly statistical reports;
4. Maintains appointment calendar and makes travel arrangements for the Chief and other personnel;
5. Responds to public inquiries and/or complaints regarding Police operations;
6. Maintains Police Department files such as staff, budget, Chamber, Fire Department, and Animal Control.

Purchasing:

1. Maintains inventory control of department office supplies, uniforms and equipment;
2. Orders and obtains office supplies for the department;
3. Orders uniform, equipment and other items for personnel and the department;
4. Obtains bids on certain supply items, makes recommendation to the Chief, contacts vendors to obtain proposals, places orders and assures timely delivery.

Financial Responsibilities:

1. Maintains and reviews department financial records; handles problems with vendors.
2. Verifies department invoices for accuracy; prepares purchase orders and request, codes invoices with proper budget accounts, and routes to City Finance Dept. after Chief's approval;
3. Receives monetary and non-monetary contributions/donations from agencies, businesses, citizens, etc., and forwards to City Finance Dept. for processing.
4. Reconciles and verifies income reports received by department, and routes to City Finance Dept. for processing and deposit;
5. Maintains department petty cash fund, including disbursement of funds, reconciliation of expenditures and requests for replenishment of funds;
6. Reviews maintenance agreements, contracts and other expenditures for accuracy and fair market price for goods and/or services received.

Other Administrative Duties

1. Provides administrative and technical support to supervisors and assumes various job duties when needed.
2. Assists with recruitment process, processes necessary paperwork and correspondence for individuals offered employment, handles the issuance of department uniform, equipment, and other related items for new hires.
3. Responsible for taping and storage/filing system of LETN training tapes, prepares/distributes correspondence to staff regarding current programs available.
4. Monitors department performance evaluation system, ensures timely preparation by supervisors, and processes personnel action forms;
5. Participates in department staff meetings and prepares/distributes minutes of meeting;
6. Other related duties as assigned.

MINIMUM QUALIFICATIONS

Experience and Training

High school graduate or equivalency, plus three years of progressively responsible experience in a staff professional/technical position with at least one year experience in a police department, or any satisfactory combination of experience and training which demonstrates the knowledge, skills and ability to perform the duties, responsibilities and essential functions of the job.

Knowledge, Skills and Abilities

Knowledge of Governmental and particularly police operational practices, procedures and methods; research and study methodologies; budget concepts and preparation; business English, composition, grammar, accounting.

Skill in proficient use of personal computers; word processing, spreadsheet and graphics software applications; effective interpersonal and written communication; organization; analysis.

Ability to organize and prioritize multiple projects; conduct analysis; interpret and apply information in making decisions and providing information; maintain professional integrity of sensitive and confidential information; comprehend and interpret Police policies and standard operating procedures, City Ordinances, Oregon Revised Statutes, Oregon Administrative Rules and federal laws; establish and maintain effective working relationships with other employees, representatives of governmental and community agencies, and the public.

APPROVED:

City Manager

Job Description - Administrative Assistant
(formerly Police Secretary) Created 9/91;
Revised 12/92; 8/96; 7/97

Date



JOB DESCRIPTION

Personnel Officer

DRAFT

Class Title: Personnel Officer
Working Title: Personnel Officer
Department: Administration

Effective Date:
Supervisor: City Manager
Supervision: None

Position: (X) Full Time () Part Time () Temporary () Seasonal () Job Share
FLSA: () Exempt (X) Non-exempt
Eligible for Overtime: (X) Yes () No

JOB SUMMARY

This professional level staff position maintains and enhances the City's human resources by planning, implementing, and evaluating employee relations and human resources policies, programs, and practices, including recruitment, selection, employee orientation, compensation, and employee benefits. Performs a variety of confidential and highly sensitive duties/tasks. This position works under the general supervision of the City Manager. This is normally not a supervisory classification.

WORKING CONDITIONS

Work is performed in an office setting and may require bending, stooping and lifting up to 10 pounds. Requires use of a personal computer, calculator and telephone. Occasional contact with employees and customers in conflictive situations.

DUTIES, RESPONSIBILITIES, AND ESSENTIAL FUNCTIONS

The following examples of duties and responsibilities do not encompass all job requirements

Establishes a recruiting, testing, and interviewing program; counsel department heads on candidate selection; conduct and analyze exit interviews and recommends changes.

Develops and conducts employee orientation, and training programs.

Maintains and monitors performance appraisal system.

Maintains employee benefits programs by assessing benefit needs and recommending benefit programs to management; obtaining and evaluating benefit contract bids; assist employees with processing benefit claims.

Develops, interprets, updates, and recommends personnel policies and procedures.

Conducts compensation and classification studies, monitors and prepares personnel action forms (PAF), and conducts analysis and research on personnel issues.

Develops and refines position descriptions and job classification specifications into a standardized format.

Ensures legal compliance by monitoring and implementing applicable federal and state requirements; maintaining personnel records and representing the city at hearings.

Maintains the integrity of sensitive and confidential information.

Job Description - Personnel Officer
(formerly Administrative Assistant/
Personnel Officer) - Revised 8/96

MINIMUM QUALIFICATIONS

DRAFT

Experience and Training:

Bachelor's degree in personnel or business administration and three years of experience in a professional/technical position, plus three years of experience in personnel administration; or any equivalent combination of experience and training which provides the following knowledge, skills and abilities.

Knowledge, Skills and Abilities:

Knowledge of personnel management, procedures, and classification methods; labor laws and employment practices; research and study methodologies; employee relations; budget concepts and preparation; payroll procedures.

Ability to develop and administer city personnel policies, performance appraisal systems, training and development programs; organize and prioritize multiple projects; interpret and apply information in making decisions and providing information; maintain professional integrity of sensitive/confidential information; and interpret federal and state personnel laws, rules and regulations.

Skill in effective interpersonal and written communications; analysis; and use of personal computers - Windows, spreadsheet applications, and desktop publication software, preferably PageMaker.

APPROVED:

City Manager

Date



JOB DESCRIPTION

Community Services Coordinator

Class Title:
Working Title:
Department:

Community Services Coordinator
Community Services Coordinator
Police

Effective Date:
Supervisor: Chief of Police
Supervision: CSOs

Position: ☒ Full Time ☐ Part Time ☐ Temporary ☐ Seasonal ☐ Job Share
FLSA: ☐ Exempt ☒ Non-exempt **Eligible for Overtime:** ☒ Yes ☐ No

JOB SUMMARY

Under the general direction of the Chief of Police, this professional level staff position performs administrative tasks relative to the community policing programs and community service projects; organizes and administers the activities of the programs related to crime prevention and other community safety related needs; and coordinates the Neighborhood Watch/Crime Prevention Programs. This position also provides direction and supervision to the Community Services Officers.

WORKING CONDITIONS

Work is performed primarily in an office setting with some meetings taking place off-site. This position may require bending, stooping and lifting up to 10 pounds. Requires use of a personal computer, calculator and telephone. Occasional contact with employees and customers in conflictive situations.

DUTIES, RESPONSIBILITIES AND ESSENTIAL FUNCTIONS

The following examples of duties and responsibilities do not encompass all job requirements

Community Policing:

Assists in recruitment and maintenance of community policing volunteer committees (Main Group, Districts 1, 2, and 3), provides support to these groups and to individual volunteers. Participates as an active member on the Main Committee. Provides administrative support for projects such as research, prepares staff reports and other materials to be shared with the committees. Works with the Chief of Police in developing the format for the committees and develops/implements new community policing activities and programs. Gathers information and anticipate needs for community policing related activities and programs. Presents programs to citizens. Promotes community policing through other law enforcement agencies, the media, community groups, and individuals.

Neighborhood Watch:

Develops/implements new neighborhood watch activities and programs. Maintains department neighborhood watch files. Provides information to the department for projects, such as gathering and preparing information to be shared with the neighborhood watch groups. Staff liaison for neighborhood watch groups. Develops/implements crime prevention activities and programs. Works with department members on crime prevention activities. Maintains crime prevention brochures, video-tapes and other material. Gathers information and anticipate needs for crime prevention information. Promotes crime prevention through the media, community groups, neighborhood watch, etc.

Job Description - Community Services Coordinator
(formerly Administrative Assistant/Community
Policing Coordinator) - Revised 8/96; 7/97

Special Projects:

Works directly with the Chief of Police, Lieutenant, and Sergeants on special projects and programs as directed to improve public relations. Develops and implements Community Policing and Crime Prevention Budget. Develops, implements, and monitors Business Watch, Community Assistance Program, State Fair, Open House, recruitment, etc. Coordinates activities such as group tours, requests for speaking presentations, etc. Composes correspondence, reports, and other materials requiring independent judgment as to content, accuracy and completeness, including administrative reports dealing with grants.

Community Service Officers:

Develops programs for the Community Service Officers. Develops and maintains public relations and public safety through customer service related projects. Maintains public safety assistance programs as outlined in the Community Service Officer program.

MINIMUM QUALIFICATIONS**Experience and Training:**

A combination of training and experience in the administration of community policing services or crime prevention and education activities as they relate to the community.

Knowledge, Skills and Abilities:

Knowledge of community policing; public education methods and media relations techniques.
Knowledge of supervision principles and personnel practices.

Ability to schedule, assign and review the work of others.
Ability to establish and maintain effective working relationships with employees, other law enforcement agencies and the general public.

Skill in use of personal computers, including word processing, spreadsheets, and desktop publishing.
Ability to comprehend and react to community concerns and formulate programs to address them; meet and work with diverse groups and individuals; speak effectively before groups on a variety of community topics; effectively plan, direct and coordinate activities of staff and volunteers in community services program.

APPROVED:

City Manager

Date



JOB DESCRIPTION

Recording Secretary

Class Title: Recording Secretary
Working Title: Recording Secretary
Department: Court

Effective Date:
Supervisor: City Recorder
Supervision: None

Position: ☐ Full Time ☒ Part Time ☐ Temporary ☐ Seasonal ☐ Job Share

FLSA: ☐ Exempt ☒ Non-exempt

Eligible for Overtime: ☒ Yes ☐ No

JOB SUMMARY

Under the direction of the City Recorder, this advanced clerical position is primarily responsible for taking and transcribing minutes of meetings of City boards and commissions, including: Planning Commission, River Road Redevelopment Board, Parks Board and other City meetings as needed.

WORKING CONDITIONS

Work involves periods of sitting during meetings and at a personal computer and keyboarding for extended period of time; attendance is required for at least three evening meetings each month.

DUTIES, RESPONSIBILITIES, AND ESSENTIAL FUNCTIONS

The following examples of duties and responsibilities do not encompass all job requirements

Arranges meetings, prepares materials and notifies committee members and other participants;

Attends day and evening meetings.

Takes and transcribes minutes and prepares an official record of the proceedings.

Assists the City Recorder in developing and maintaining the City's records management system (FileMagic).

Performs related work as required.

MINIMUM QUALIFICATIONS

Experience and Training:

- High school diploma or equivalent, supplemented with course work in secretarial science, plus one year of experience in taking and transcribing minutes of board and commission meetings.
- Experience with personal computers required.
- Experience with record management systems preferred.
- Must be available for evening meetings.

DUTIES continued:

Knowledge, Skills and Abilities:

Considerable knowledge of business English, spelling, punctuation and grammar.

Knowledge of office practices and procedures.

- Ability to perform duties with initiative and judgment and to use resourcefulness and tact in public contacts.
- Ability to maintain complex clerical records and to prepare reports.
- Ability to work independent and to plan and organize own work.
- Skill in the use of transcription equipment

APPROVED:

City Manager

Date



JOB DESCRIPTION

Code Enforcement/Zoning Technician

Working Title: Code Enforcement/Zoning Technician
Class Title: Code Enforcement/Zoning Technician
Department: Community Development
Effective Date:
Supervisor: Community Development Director
Supervision: None
Position: ☒ Full Time ☐ Part Time ☐ Temporary ☐ Seasonal ☐ Job Share
FLSA: ☐ Exempt ☒ Non-exempt
Eligible for Overtime: ☒ Yes ☐ No

JOB SUMMARY

This position is the codes compliance officer of the city responsible for enforcing city ordinances including the zoning ordinance, solid waste ordinance, dangerous and abandoned buildings ordinance, and others as assigned, identifying violations and issuing citations as appropriate, and assisting in explaining the various codes to the public. This position reports to the Community Development Director.

WORKING CONDITIONS

Work is performed both in the office and in the field. The position requires operating a vehicle. The position will require wearing a uniform and/or meeting a dress standard. While in the field, a moderate degree of hazard exists both with angry citizens and some unsafe physical circumstances. In addition there is some physical effort, exposure to weather extremes, dirt or other disagreeable conditions and moderate local travel requirements.

DUTIES, RESPONSIBILITIES, AND ESSENTIAL FUNCTIONS

The following examples of duties and responsibilities do not encompass all job requirements

Examples of work:

1. Identify violations of the City's civil codes through the receipt of complaints from citizens or staff or through field inspections.
2. Investigate complaints by making site inspections, researching appropriate codes and talking with citizens and staff.
3. Pursue voluntary code compliance through conversation and letters with violators.
4. Where voluntary compliance cannot be obtained then prepare and serve appropriate citations and present evidence and other material to support prosecution by the City Attorney.
5. Maintain code enforcement processing records including initiating files, collecting appropriate documentation, and monitoring follow-up in the compliance process.
6. Prepare brochures, flyers, etc., describing code requirements. Distribution of flyers.
7. Answer questions of the public and staff regarding zoning and code compliance.

Job Description - Code Enforcement/Zoning Technician

Created 7/97

8. Performs related work as required and assigned.

MINIMUM QUALIFICATIONS

Experience and Training:

Requires a high school diploma; at least two years of experience in code and regulation compliance, principles and practices of zoning and municipal codes, and legal procedures and terminology as they relate to the enforcement of municipal regulation and ordinances. Other equivalent combinations of education, training and experience. Requires a valid Oregon Driver's License.

Knowledge, Abilities and Skills:

Ability to read, write, and comprehend basic English.

Ability to show excellence in customer service through interpersonal communication skills.

Approved:

City Manager

Date

CITY OF KEIZER
COMPENSATION STUDY -- July 15, 1997
CITY OF KEIZER IN RELATION TO THE MARKET

Salary Grade	Position	Current Data		Keizer to Market Avg	% Increase to Market Avg
		7-01-97 Keizer Maximum (Step 5)	7-01-97 Market Avg Maximum		
NA	City Recorder	3129	4082	0.77	30.5%
NA	Finance Director	5312	5376	0.99	1.2%
NA	PW Director	5346	5540	0.96	3.6%
NA	Community Dev Director	5325	5353	0.99	0.5%
NA	Chief of Police	5388	5654	0.95	4.9%
11	Lieutenant	4660	4583	1.02	-1.7%
9	Police Sergeant	3963	4105	0.97	3.6%
	PW Superintendent	3709	3971	0.93	7.1%
8	Personnel Officer	2602	3383	0.77	30.0%
7	Community Services Coord	2602	2766	0.94	6.3%
	Municipal Utility Worker III ¹	3709	2900	1.28	-21.8%
	Planner ²	3383	3583	0.94	5.9%
	Accountant	3115	3358	0.93	7.8%
6	Administrative Assistant	2602	2606	1.00	0.2%
5	Municipal Utility Worker II ¹	2782	2718	1.02	-2.3%
	Utility Billing Technician	3029	2537	1.19	-16.2%
4	Municipal Court Clerk	2080	2312	0.90	11.2%
	Code Enforcement/Zoning Tech ³	0	2460	0.00	N/A
2	Municipal Utility Worker I ¹	2250	2379	0.95	5.7%
1	Clerical Specialist	2016	1940	1.04	-3.8%
	Recording Secretary ⁴	1976	2171	0.91	9.9%
	Utility Billing Clerk	2016	2374	0.85	17.8%

¹ Position relationship to market is a result of a reorganization.

² Position is a combination of several levels of position in the market -- Assoc. Planner, Planner and Sr. Planner. Position was not matched to market positions which supervised other Planners or had considerable higher knowledge/responsibility requirements.

³Not applicable. This is a new position.

⁴ Wage rate is annualized.

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 Revised 4-01-96
 Revised 6-15-96
 Revised 7-15-97

CITY OF KEIZER - COMPENSATION STUDY - July 15, 1997
COST IMPACT ANALYSIS ¹

			Proposed Salary Structure Effective July 1, 1997				
Recommended Position Title	Current Title	Current Salary	Recomm Salary Grade	Step	Proposed Salary	Increase Dollars	Percent
Police Chief	Same	4,432	NA	1	4,652	220	5.0%
PW Director	Same	5,346	NA	5	5,540	194	3.6%
Community Dev Director	Same	5,325	NA	5	5,353	28	0.5%
Finance Director	Same	4,370	NA	1	4,423	53	1.2%
City Recorder	Same	3,129	NA	1	3,358	229	7.3%
Lieutenant	Same	4,660	11	5	4,877	217	4.7%
Police Sergeant	Same	3,774	9	4	3,910	136	3.6%
	Same	3,774	9	4	3,910	136	3.6%
	Same	3,963	9	5	4,105	142	3.6%
	Same	3,963	9	5	4,105	142	3.6%
	Same	3,963	9	5	4,105	142	3.6%
PW Superintendent	Water Works Supv	3,709	9	4	3,910	201	5.4%
Personnel Officer	Admin Assistant	2,602	8	1	3,098	496	19.1%
Municipal Util Worker III	Parks Supv/CX Supv ²	3,709	7	5	3,455	0	-6.8%
	Water Prod/Qual Tech ²	2,602	7	2	2,985	383	14.7%
Community Services Coord	Admin Assistant	2,783	7	1	2,842	59	2.1%
Planner	Associate Planner	2,825	7	2	2,985	160	5.7%
Accountant	Accountant	2,602	6	2	2,738	136	5.2%
Administrative Assistant	Same	2,782	5	4	2,875	93	3.3%
Municipal Util Worker II	Water Works Oper	2,782	5	4	2,875	93	3.3%
	Water Works Oper.	3,029	5	5	2,908	0	-4.0%
Utility Billing Technician	Water Office Supervisor ³	2,080	4	1	2,365	285	13.7%
Municipal Court Clerk	Same	1,040	4	1	1,183	0	13.8%
	Same - (new)		4	1	2,365	0	N/A
Code Enforcement/Zoning Tec	Same - FT (new)	2,250	2	3	2,365	115	5.1%
Municipal Util Worker I	Mun Utility Worker	2,041	2	2	2,253	212	10.4%
	Mun Utility Worker	2,041	2	2	2,253	212	10.4%
	Mun Utility Worker	1,944	2	1	2,145	201	10.3%
	Mun Utility Worker	1,851	2	1	2,145	294	15.9%
Recording Secretary	Same ⁴	960	1	1	1,022	62	6.5%
Clerical Specialist	Same	1,742	1	1	2,043	301	17.3%
Utility Billing Clerk	Same	1,742	1	1	2,043	301	17.3%
	Same	1,742	1	1	2,043	301	17.3%
Total Cost per Month			95,557		183,234	5,544	8.0%
Total Cost per Year			1,146,684		2,238,808	66,528	

¹ It should be noted that the City of Keizer is undergoing significant growth and reorganization which, when coupled with budgetary constraints, may impact promotions, salary grade and/or salary implementation.

² This classification has been eliminated.

³ An employee whose current salary equals or exceeds the maximum is placed at the maximum until the range catches up to his/her salary.

⁴ Calculation reflects part time (.5 FTE) salary.

CITY OF KEIZER, STATE OF OREGON

RESOLUTION GRANTING
WAGE ADJUSTMENTS FOR
FISCAL YEAR 1996-1997

Resolution 97- _____

WHEREAS, The Keizer Police Association contract with the City of Keizer granted a 5% increase to represented employees for Fiscal Year 1996-1997, and

WHEREAS, non-represented employees were granted a 2.88% increase for Fiscal Year 1996-1997, and

WHEREAS, the Council wishes to create equity for all employees in matters of compensation,

NOW, THEREFORE, The City Council hereby resolves that a 2.12% increase in the wages for all non-represented employees, currently employed by the City, is retroactively granted for the period from July 1, 1996 to June 30, 1997.

Passed this _____ day of _____

Signed this _____ day of _____

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON
Resolution R97- _____

**SETTING FORTH A NEW
 SALARY RANGE STRUCTURE EFFECTIVE JULY 1, 1997.**

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

SECTION 1. That Resolution R97-971 is hereby repealed in its entirety.

SECTION 2. Salary grades for unrepresented classifications have been revised as recommended by the City Manager and approved by the City Council, and are currently assigned to the following classifications.

classifications.			Base Monthly Salary Ranges					
Salary Grade	Classification	Flat	Step 1	Step 2	Step 3	Step 4	Step 5	
NA	City Manager	\$5,587						
NA	Chief of Police		4,698	4,933	5,180	5,439	5,711	
NA	City Recorder		3,392	3,562	3,740	3,927	4,123	
NA	Community Development Dir		4,448	4,671	4,904	5,150	5,407	
NA	Finance Director		4,467	4,691	4,925	5,171	5,430	
NA	Public Works Director		4,603	4,833	5,075	5,329	5,595	
11	Police Lieutenant		4,053	4,255	4,468	4,691	4,926	
10	-- ²		3,718	3,904	4,099	4,304	4,519	
9	Police Sergeant		3,411	3,582	3,761	3,949	4,146	
8	Public Works Superintendent							
8	Personnel Officer		3,129	3,286	3,450	3,623	3,804	
7	Accountant		2,871	3,014	3,165	3,323	3,490	
7	Community Services Coordinator							
6	Municipal Utility Worker III							
6	Planner		2,634	2,766	2,904	3,049	3,202	
6	Administrative Assistant		2,508	2,634	2,766	2,904	3,049	
5	Municipal Utility Worker II							
5	Utility Billing Technician		2,389	2,508	2,634	2,766	2,904	
4	Municipal Court Clerk							
4	Code Enforcement/Zoning Tech.		2,275	2,389	2,508	2,634	2,766	
3	-- ²		2,167	2,275	2,389	2,508	2,634	
3	Municipal Utility Worker I		2,064	2,167	2,275	2,389	2,508	
1	Clerical Specialist							
	Recording Secretary							
	Utility Billing Clerk							
///								

SECTION 3. The following salary grades have been adjusted based upon a contracted agreement

as recommended by the City Manager and approved by the City Council, and are currently assigned to the following Police Department classifications, effective July 1, 1997:

Salary Grade	Classification	Flat	Step 1	Base Monthly Salary Ranges				
				Step 2	Step 3	Step 4	Step 5	
NA	Police Officer		2,696	2,831	2,973	3,122	3,278	
NA	Police Support Specialist		1,997	2,097	2,202	2,312	2,428	
NA	Community Service Officer		1,997	2,097	2,202	2,312	2,428	

SECTION 4. A City employee who is determined to be fluent in a second language which is deemed to be of benefit to the City, shall receive a maximum incentive of two and one-half percent (2.5%) per month. Determination of whether the second language is of benefit to the City, will be at the discretion of the City Manager. Fluency will be determined by the City Manager, based upon a standard and testing program which the City will implement by policy with the assistance of high school and/or college faculty members and/or court-approved translators.

SECTION 5. Holiday schedules for all non-represented employees, except Sergeants, are as follows:

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

SECTION 6. Sergeants shall be entitled to take twelve (12) paid floating holidays per fiscal year. A holiday shall accrue on the first of each month and be taken or paid as earned. Holiday time off shall be scheduled at the request of the employee who may accrue no more than four (4) holidays at any time and who shall make every effort to schedule all of the holidays off during that fiscal year. Should the employee be unable to obtain this schedule because of a request denial by the City, then the employee shall be allowed to accumulate additional holiday time and carry over to the next fiscal year, or be paid for the accrued holiday time at the City's option.

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SECTION 7. Vacation schedules for all non-represented employees are as follows:

REGULAR EMPLOYEES

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

DEPARTMENT HEADS

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

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

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

SECTION 9. Compassionate Leave: 5-days for each death in the immediate family.

SECTION 10. The City shall pay an incentive of two and one-half percent (2.5%) per month to a Sergeant holding an Associate of Arts Degree. The City shall pay five percent (5%) to a Sergeant holding a Bachelor's degree from an accredited college or university.

SECTION 11. Standby pay for Water Department is \$100.00 per week for 24-hour standby.

SECTION 12. The City shall pay an incentive of:

\$0.10 per hour for Waterworks Certification I;

\$0.25 per hour for Waterworks Certification II;

\$0.75 per hour for Waterworks Certification III;

2.5% per month for an Intermediate BPSST Certificate;

5% per month for an Advanced BPSST Certificate.

1 **SECTION 13.** Mileage reimbursement for all employees is set by current IRS rate.

2
3 **SECTION 14. RETIREMENT PLAN:**

4
5 Management employees: If eligible for PERS, employer contribution will be based upon the
6 actuarial report received from PERS but not more than 19% of gross salary. If eligible for defined
7 contribution (ICMA 401a) employer contribution equaling 11% of base salary.

8 Non-management employees: If eligible for PERS, employer contribution will be based upon the
9 actuarial report received from PERS. If eligible for defined contribution (ICMA) employer contribution
10 in an amount equaling 11% of base salary.

11 In addition the City will match employee deferred compensation contributions (ICMA 457) up to
12 six percent (6%) of salary for unrepresented employees.

13 Upon retirement, unrepresented employees may also apply 50% of unused sick leave toward
14 retirement benefits.

15
16 **SECTION 15. HEALTH AND WELFARE**

17 Management benefit package: An amount equal to 32% over and above base monthly pay. For
18 those eligible for defined contribution, an amount equal to an additional 1% of base monthly pay toward
19 defined contribution.

20
21 PASSED this ____ day of _____, 1997.

22
23 SIGNED this ____ day of _____, 1997.

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28 _____
29 Mayor

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32 _____
33 City Recorder

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CITY OF KEIZER, STATE OF OREGON

RESOLUTION ESTABLISHING
COMPENSATION POLICY

Resolution 97-_____

WHEREAS, The City Council and Administration have used several informal policies in establishing wages for City employees over several years, and

WHEREAS, the informal policies present a workable and fair system for establishing wages that are competitive in the labor market, and

WHEREAS, it will greatly aid the Council and City Administration in studying, responding, and developing wage proposals if those proposals can be evaluated within the context of consistent policies,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Keizer adopts the following Compensation Policies:

- A. Positions shall be established appropriate to the needs of the community. These shall be developed by the City Manager and approved by the City Council.
- B. The City shall evaluate pay for positions based on comparable work and positions in a series of comparable cities. Those cities are Woodburn, McMinnville, Newberg, Oregon City, Albany, Roseburg, Ashland, Lake Oswego, Milwaukie, Tigard, and Tualatin.
- C. Wages for comparable work shall generally be set at the average amount paid by the comparable cities disregarding the highest and lowest reported wages.
- D. The City shall grant a cost of living increase to all non-represented employees at the start of each fiscal year based on the CPI-W for the Portland Market for the prior calendar year as reported by the League of Oregon Cities.
- E. Each of these policies is subject to change and fund availability.

IT IS FURTHER RESOLVED that the City Manager is directed to use these policies in developing all compensation and budget proposals.

Passed this _____ day of _____

Signed this _____ day of _____

Mayor

City Recorder



August 4, 1997

AGENDA ITEM 8a

APPROVAL OF THREE-MONTH EXTENSION FOR CCTV

CITY COUNCIL MEETING: August 4, 1997

AGENDA ITEM NUMBER: 8a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: WALLY G MULL
PUBLIC WORKS DIRECTOR

SUBJECT: COMMUNITY TV/CCTV

BACKGROUND:

As of 30 June 1997 our agreement with CCTV to broadcast Council meetings and the Keizer Community Town Forum has expired. Council is currently undergoing a survey to determine the public interest in CCTV. The Cable Regulatory Commission is putting together a proposal as to the cost of joining the (CRC) and to continue community TV work with CCTV.

While these two processes are being completed CCTV has agreed to extend the working agreement with CCTV for three months.

FISCAL IMPACT:

The current working agreement calls for a monthly fee of \$1,000.00. The extension of the agreement, for the three month period, would be at a cost of \$2,000.00 per month. Our current agreement was subsidized by job training funds that have since run out.

Funding for the three month extension is available in the General Fund Administration Contractual Services line item.

RECOMMENDATION:

Council by motion extend the working agreement with CCTV for a three month period at a cost of \$2,000.00 per month.



August 4, 1997

AGENDA ITEM 8b

**RESOLUTION - CERTIFICATION OF DELINQUENT SEWER
ACCOUNTS**

CITY COUNCIL MEETING: August 4, 1997

8b

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: JOHN N. MORGAN/WALLY MULL
INTERIM CO-CITY MANAGERS 

FROM: MARIT BLECHA
ACCOUNTANT

SUBJECT: CERTIFICATION OF DELINQUENT SEWER ACCOUNTS

ISSUE:

The City of Keizer collects sewer fees for the City of Salem from residents of Keizer. The attached list, marked as exhibit "A" represents an itemized list of delinquent accounts from August 1, 1996 through July 25, 1997. Each resident has been notified by certified letter and given a sufficient amount of time to remit payment for their account. ORS 454.225 authorizes the City to certify the delinquent amounts to the County Assessor to be assessed against the premises serviced. The statute also allows City to collect penalty, interest or costs associated with the delinquencies. A 10% delinquent amount has been added as a penalty and a \$10.00 administration costs has been added to the delinquent amount.

RECOMMENDATION:

It is recommended the City Council adopt the attached Resolution which certifies the delinquent sewer accounts to the County Assessor for collection.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R97-_____

CERTIFICATION OF DELINQUENT SEWER ACCOUNTS

WHEREAS, the City of Keizer is responsible for the collection of sewer fees for the City of Salem from the residents of Keizer; NOW THEREFORE,

BE IT RESOLVED that the attached Exhibit "A" is an itemized list of delinquent sewer charges through and including July 25, 1997 that the City has been unable to collect through the usual collection procedures; and

BE IT FURTHER RESOLVED that ten percent (10%) of the delinquent amount has been added as a penalty and that a \$10.00 administration cost has also been added to the delinquent amount; and

BE IT FURTHER RESOLVED that the amounts certified on Exhibit "A" shall be added to the appropriate tax accounts as indicated pursuant to ORS 454.225.

PASSED this _____ day of _____, 1997.

SIGNED this _____ day of _____, 1997.

Mayor

City Recorder

EXHIBIT "A"
DELINQUENT SEWER ACCOUNTS

<u>TAX ID#</u>	<u>OWNER NAME</u>	<u>SERVICE ADDRESS</u>	<u>ASSESSMENT</u>
53762-371	Dan Allen	4120 River Road N.	63.89
53685-000	Virginia Savedra	852 Cade Ave NE	29.78
80130-450	McDonald	1633 Sieberg	60.36
71160-080	Sami Samhan	4351 Adam Court	64.36
73780-170	Jim Vaughn	918 Ventura	46.15
71091-071	James Ralfton	1476 Rozilla Ct NE	75.62
73266-101	Wayne Paschall	7121 Fieldview St NE	68.18
82257-530	Clovis Gibson	1295 1/2 Shady Ln NE	97.41
70840-650	James Cowley	4915 Rickman Rd NE	269.47
49233-000	Kathleen Redfern	6255 McLeod Ln NE	227.14
49121-000	Dennis King	1620 Chemawa Rd NE	142.48
52991-000	Francis Lara	1618 Chemawa Rd NE	269.47
82256-530	Robert Carlson	1208 Candlewood Dr NE	309.53
70790-030	Edward Murphy	1256 Jays Rd N	272.22
48881-000	Patrick Bryant	7495 Wheatland Rd N	272.22
53415-000	Michael Terhell	4935 Delight St N	187.34
00085-930	Werner Knedel	150 Sunset Ave N	100.16

TOTAL \$2,555.78



August 4, 1997

AGENDA ITEM 8C

AFFIRM HIRING OF COMMUNITY SERVICE OFFICER

CITY COUNCIL MEETING: August 4, 1997

AGENDA ITEM NUMBER: 8c

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: JOHN N. MORGAN/WALLY MULL
INTERIM CO-CITY MANAGERS

SUBJECT: APPROVING CO-MANAGER PROTEM'S DECISION TO HIRE
COMMUNITY SERVICE OFFICER

BACKGROUND:

Since early 1997, there has been a vacant Community Service Officer position in the Keizer Police Department. Recruitment for this position was not initiated due to the hiring freeze implemented by the City Council after the passage of Measure 47. With the passage of Measure 50 and the hiring "thaw", the recruitment process was began to fill this position. After advertisement, evaluation of the applications, interviews and background checks, the Department is ready to offer this position to an individual. (The particulars on the candidate will be provided to the Council at the meeting on Monday evening.)

ISSUE:

The Keizer City Charter specifically states that a manager pro tem may not appoint or remove a city employee without the approval of three-fourths of the members of the City Council. Therefore this issue is being brought before the Council for approval to hire the Community Service Officer.

RECOMMENDATION:

It is recommended the Council, by motion, affirm the hiring of an individual to fill the vacant Community Service Officer position.



August 4, 1997

AGENDA ITEM 8d

APPROVAL OF MAY 19, 1997 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, May 19, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:10 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Dawn Meier, Councilor
Garry Whalen, Councilor

Absent:

Al Miller, Councilor

Staff:

John Morgan, Community Development Director
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Pat Bowe, Lieutenant, Keizer Police Department
Tracy L. Davis, City Recorder

Mayor Koho announced that Councilor Miller was absent due to illness.

**PUBLIC
TESTIMONY**

Frederic George, 974 Koala Street N, Keizer from the Traffic Safety Commission proposed a revision to the Zoning Ordinance Section 17.18 dealing with vision hazards. He distributed an outline of the major points differing from the present ordinance, and presented them to the Council.

The Traffic Safety Commission believed the ordinance should be amended to require vision clearance at stop signs as well as including a fee increase for failing to trim or remove vision hazards. Mr. George said the current ordinance does not include an enforcement tool, which would be changed by the proposed revision.

Mayor Koho asked for an outline of the proposed changes. Mr. George used the colored exhibit to explain the revisions. He noted the shrubby maximum height was basically the only measurement addition to the ordinance. He reviewed the other limits.

Councilor Meier asked if the ordinance pertained to permanent fixtures or only to landscaping. Mr. George answered that the original ordinance under paragraph "d" discusses permanent fixtures such as fences. Those must correspond with the heights and diameters in the ordinance. He did say utility poles, street signs, etc. were exempt.

Councilor Meier wondered if the new store for Daisy Maze was too close to the street. John Morgan, City Development Director, said the existing ordinance says no vision clearance was required because of the stop sign on Linda. Under the new proposal, vision clearance would be required for any construction following the date of approval for the changes.

Mr. Morgan elaborated on the process behind the Traffic Safety Commission's proposal. He explained Mike Kirby and Ernest Smyres, members of the Traffic Safety Commission, testified before the Planning Commission regarding the Development Code. Mr. Morgan's suggestion was to include Section 18 as testimony in the Code, and then make the remaining Zoning Code information into a different ordinance type. He recommended the Council offer direction regarding their desire.

Councilor Whalen asked if vision clearance was required at stop signs in residential areas. Mr. Morgan said yes, under the present ordinance. Councilor Meier asked whether present landscaping would be acceptable, with the ordinance change to apply only to new landscaping. Mr. Morgan said the Council would have to make a decision whether to "grandfather" in present landscaping. The City of Salem did not when they approved their vision clearance provisions. They hired a code enforcement officer to make residents comply with the new rules.

Councilor Whalen asked if the Public Works department had reviewed the changes. Wally Mull, Public Works Director, answered that the changes had not been reviewed by Public Works. He voiced a concern about vision hazard situations where no sidewalks are present. He also said right-of-ways and property lines are difficult to determine in some Keizer neighborhoods.

Regarding enforcement, Councilor Keller asked for clarification that the regional park director would correct the problem. Mr. George said that would be the case. Councilor McGee believed wordsmithing was still needed on the ordinance. He disagreed with

Mr. Morgan and preferred an ordinance that would stand alone. If the Planning Commission needed, they could extract language to include in the Development Code.

Councilor McGee continued, saying he did not believe that anything could be done at less expense to increase city safety than to pass the ordinance. He believed the City's liability would be decreased, especially in situations where stop signs are presently covered.

On the issue of education, Councilor McGee asked if the Traffic Safety Commission had plans for public dissemination. Mr. George answered that preliminary discussions on the subject have begun. He said enforcement could not begin without citizens being notified first. Pamphlets for the City offices, use of the newspaper and mailings with the water bills are all initial ideas. Councilor McGee believed the average lay person would see the sense of the ordinance through the drawing. Mr. George said the pamphlet was planned to include the art work and an actual complaint form.

Councilor Beach discussed the procedure for enforcement. He asked who will notify the property owner. Mayor Koho suggested the nuisance abatement process already in use might be a possibility. Mr. George clarified that if the property owner neglects or refuses to make a change, then the regional parks director will give notice and then 10 business days will be allowed for compliance.

Mayor Koho suggested that staff take the ordinance, work up needed revisions and then send the document to the Neighborhood Associations for their review and input. Councilor Beach agreed broad community involvement will result in endorsement.

The Council agreed by consensus to direct staff to take the Ordinance, make the necessary revisions and distribute to the neighborhood associations for comment.

Mayor Koho thanked the Traffic Safety Commission for their work.

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

Due to Councilor Miller's absence, no Parks Advisory Board report was given.

Council President Keller reported the Planning Commission began review of the Development Code at their last meeting. He said the majority of the time was spent reviewing proposed revisions from the business community. Discussion on the sign code and vision clearance filled the remaining time.

COMMITTEE REPORTS

COUNCIL LIAISON REPORTS

Neither Mayor Koho or Councilor Meier were able to attend the **Claggett Creek Task Force** meeting, therefore no report was available.

OTHER BUSINESS

*Councilor Beach introduced an item from the League of Oregon Cities' newsletter regarding the idea of using phone payment for parking fines. He said some cities accept credit cards and suggested this system might accommodate citizens. The Councilor requested the option be considered for Keizer.

*Mayor Koho stated the Welcome to Keizer sign was damaged again. Lieutenant Pat Bowe, Keizer Police Department, said he would research the issue. Mr. Morgan reported the City paid \$5,000 on the original sign effort and asked if the Council objected to a contribution of \$500 for repairs if no settlement is received from a private party.

Councilor McGee suggested the City remain silent on the issue at this point until the insurance decision is made. Councilor Meier asked if maintenance was completed by NW Natural Gas. Mayor Koho said maintenance takes place when the area becomes an eyesore. He would like to see a service club adopt the area for upkeep. Councilor Meier was concerned about the long term damage and encouraged reporting of any destruction sighted.

*Regarding revenue received from the baseball stadium, Councilor McGee introduced the need for designation of the money. He said that property tax and other bills will be received. He suggested the moneys received should not be intermingled with the General Funds. He preferred the expenses be prioritized and connected to the revenue.

Mayor Koho did not believe the origination of the money would matter in the final analysis. Mr. Mull stated systems are in place to put the revenue specifically into a baseball account and code the expenses. He also would like to present a plan for fund repayment within a few weeks. Councilor McGee wanted income to be placed against expenses and was pleased with Mr. Mull's idea. Councilor Keller remembered that the accounting system to do that had been mentioned prior, along with tracking of the systems development charges received for the Chemawa Activity Center.

Councilor Meier asked a clarifying question regarding the property tax responsibility. Councilor McGee clarified the City pays taxes on the stadium less \$6,000 and the owners are responsible for the parking lot taxes.

*Lieutenant Bowe from the Police Department reported Keizerfest '97 was a quiet weekend for the Department. He noted a few incidents happened at the end of the parade including an officer

being hit by a drunk driver on the wrist. Six official complaints resulted from the Keizerfest noise variance along with several voice mail messages. The noise was monitored and flyers were distributed to the nearby neighborhoods with a pager number for noise complaints. No word was received from irate citizens.

*On another subject, the Lieutenant reported May is Bicycle Awareness Month and a presentation will be put on by officers from the Department.

*Councilor Keller inquired if Karen Trucke from the Gubser Neighborhood Association made contact with the Community Service Officer to see how the noise monitors worked. Lieutenant Bowe said that did not happen. Councilor Keller reported language regarding the Gubser Noise Ordinance for the baseball stadium needed to be tightened. At this point, no cap is included for variances.

*Wally Mull reported on discussions with residents of unimproved streets. Some did not want any action taken but others will receive grading. He also reported a July 4th parade will be held by the Veterans Associations and the Police Department will be participating.

*Mr. Morgan distributed a flyer on an upcoming wetlands workshop. A wetlands inventory of the urban area was just distributed. Potential wetland "banking" sites where wetlands could be built were included. He said the consultants also found flood mitigation sites. A Council work session, on the issue, will take place in July.

*The Planning Commission will hold a meeting June 4 at 7:00 p.m. regarding preparation of a local transportation plan. Many city groups will be invited to bring information, especially any work done in their neighborhood.

*Mr. Morgan announced with the Clear Lake subdivision development moving so rapidly, appeals to the Council may be forthcoming.

*Finally, Mr. Morgan reported an initiative for class size limit was filed which raises the need for a single subject issue determination by City legal counsel.

OLD BUSINESS

Councilor McGee was pleased with the Old Business report and hoped it will continue in that format.

**PUBLIC HEARING
COMP PLAN
AMENDMENT/
ZONE CHANGE -
CASE NO. 97-02
(McCawley)**

Mayor Koho opened the public hearing.

Shannon Johnson, City Attorney, suggested waiving the reading of applicable criteria from the Zone Code and the Comprehensive Plan due to their length. No objections were raised. He also gave the procedures for the Public hearing. No objections or comments were received from the audience regarding the procedure, nor were announcements made from Councilors on the conflict of interest issue.

Mr. Morgan gave the staff report. He stated the matter originated from a homeowner who found her property was zoned commercial retail. She has been unable to receive refinancing due to the present zone designation.

The maps in the staff report, Mr. Morgan stated, clarify the issue. He noted the home accesses Faymar Drive and has no access to Creekside Shopping Center. He recommended the Council give staff direction to return on June 2nd for action.

Mayor Koho noted the inclusion of a supportive letter from the Claggett Creek Neighborhood Association in the packet for the record.

There was no public testimony.

Mayor Koho closed the Hearing.

Council President Keller moved to direct staff to return on June 2, 1997 with the appropriate ordinance approving the zone change and comprehensive plan. Councilor McGee seconded the Motion.

Councilor Meier clarified an adjacent property was developed as commercial and had access to the west. Mr. Morgan confirmed that.

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Miller (1)

ADMINISTRATIVE ACTION

ORDER - CONDITIONAL USE - CASE NO. 96-7 - CITY OF KEIZER WATER RESERVOIR

Mr. Johnson gave an update from previous discussion. He reviewed the history of the issue, saying the Council had asked for an order to be returned to the April 21st meeting. The counsel prepared the order but objections were filed by Mr. Beck's attorney. He met with the attorney to discuss the objections. As a result small changes were made to the order. The main part of the discussions, as stated by Mr. Johnson, were not substantive but concerns regarding procedure.

Following the meeting, Mr. Johnson viewed the video tape of the meeting in question. In the tape, he said the Mayor closed the hearing but several minutes later, a Councilor asked additional questions and requested the staff return with a report. At that point, legal counsel noted a specific date must be attached for the staff report return. Eventually, the Council determined Public Works would bring the report on March 30 and the opposition would have until April 21 to respond.

Mr. Johnson continued, saying the opposition's complaint stated the report was not completed by March 30 and when they did receive it, time was not adequate to prepare for the meeting on the 21st. They also said their information was not allowed to be included. In a discussion with the CO-City Managers, a decision was made to accept information until the close of Council packet preparation on May 15 at 5:00 p.m. Mr. Beck and his attorney, Mrs. Barnhouse, agreed to waive appeal of the procedural defect with the concession of accepting information. Mr. Johnson noted only Mrs. Barnhouse's clients were included in the waiving of the defect.

The Council, in tonight's meeting, must determine the procedure in regards to the record. Mr. Johnson discussed the recommendation options. He said no further testimony could be allowed, having action either decided tonight or postponing to the next meeting. The second option would be to allow written testimony only to be submitted in time for the June 2, 1997 Council packet. Mr. Johnson recommended the Council could chose to allow written and oral testimony at the June 2, 1997 meeting.

Mayor Koho disagreed with Mr. Johnson's review of the record, stating the hearing was closed. No further testimony was to be allowed but the record was left open for the receipt of material on the feasibility of placing the water facility underground. He said the issue was limited to undergrounding.

Councilor McGee asked about the timeline. Mr. Mull said since the tank is already built, the building season will not be lost. Councilor McGee agreed with the Mayor's recollection of the events, but asked if any harm would come from allowing additional, new testimony.

Mr. Johnson said since the applicant is the City a waiver of the 120 deadline is implied. No legal reason would keep the Council from hearing additional testimony. He also clarified that the Mayor was correct, in that the Hearing was closed. The record was left open for Mr. Mull's staff report. He said a great deal of confusion surrounded the completion of the staff report, but opponents need to be allowed to respond to additional testimony. He reiterated the choices before the Council.

Mayor Koho believed time had been allowed for adequate response. Councilor Meier asked if the Site Specific Review, included in the present Council packet, would be considered new testimony. Mr. Johnson said yes. He stated the report was in the works in the last meeting but would not be included as part of the record if the Council chooses to exclude all new testimony.

Councilor Keller stated his choice to agree with the Council majority. He had no problem with accepting new information, such as the height of the tank. Councilor Beach believed that although the issue had been discussed for several months, he wanted the neighborhood to be treated fairly in the process. He recollected information not being given in a timely manner to the opponent, which made quick response difficult. He recommended the Council agree to accept written and new testimony until the June 2nd meeting because of the impact on the area.

Councilor McGee noted one issue in the information submitted by Mr. Beck was new to him which he would like to have entered in the record. In his brief discussion with staff, he thought the option for two tanks to supplant the three needed further discussion. To accomplish this, his only option would be to agree with the June 2nd plan, look at all possible options and then have a vote. Mayor Koho thought the Council receiving the additional information in their packets had poisoned the record, although no discussion took place. He asked legal counsel for suggestions in putting the matter right.

Mr. Johnson had suggested to the Co-City Managers the safest option would be to re-notice and ask for submission of material. He said, at a minimum, he believed the items in the present packet would have to be included in the record. Since the main opponent had agreed with a waiver on the procedural issue, he did not believe the record was poisoned. He did note the information in the packets would have to be included in the record for the waiver to stand.

Councilor Whalen asked, if the information in the Council packet were made part of the written record, could action be taken in the present meeting. Mr. Johnson said action could be taken.

Continuing, Councilor Whalen asked if a date for further written testimony is set, what would be the timeline. Mr. Johnson said action could be taken at the next meeting.

Returning to the Site Specific Review - Seismic Hazard Study, Councilor Meier asked if testimony could be taken in the present meeting. Mr. Johnson said although the safer course would be to extend the deadline for written testimony, the main opponent had agreed to a waiver which would include the information in tonight's packet but allow for closing the record. Mayor Koho believed the next meetings have full agendas and action would realistically take place later than June 2nd.

Councilor Whalen moved to acknowledge the new documentation, making it part of the record and to move forward tonight.

The motion died for lack of a second.

Councilor McGee moved to leave the record open for written testimony on new issues until the next meeting on May 29, 1997.
Mayor Koho seconded the motion.

The motion failed with the following votes:

AYES: Keller, McGee, and Whalen (3)
NAYS: Beach, Koho, Meier (3)
ABSTENTIONS: None (0)
ABSENT: Miller (1)

Councilor Meier moved to leave the record open for written testimony on new issues until the June 2, 1997 meeting. Council President Keller seconded the motion.

Councilor McGee noted the Council had a very busy schedule on May 29 and June 2. Mr. Johnson pointed out May 29 would be the packet deadline for the June 2 meeting. He asked Councilor Meier for clarification of her motion. She said her preference would be for including written or oral testimony of new information. Mr. Johnson pointed out that a practical problem arises if written statements are received at the June 2nd meeting and must be reviewed before action. Councilor McGee believed the Council wished to have the information in the packet.

Councilor McGee requested a friendly amendment to the motion to add the material would be written testimony only and shall be received by noon on Thursday, May 29, 1997 in order to be placed in the Council packet for a decision at the June 2, 1997 meeting

Both Councilor Meier and Council President Keller accepted the amendment.

The amended motion passed with the following votes:

AYES: Beach, Keller, McGee, Meier, and Whalen (5)

NAYS: Koho (1)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

Councilor Beach began to pose an informational question and Mr. Johnson suggested no further discussion should take place until the June 2nd meeting. After saying the question did not apply to the tank, Councilor Beach began to ask about a water shortage. Councilor McGee called a point of order and stated the question should be answered in the written documents.

ORDINANCE -
COMP PLAN
AMENDMENT/ZONE
CHANGE/
SUBDIVISION CASE
NO. 96-05

Mr. Morgan asked if the Council wished to postpone the item until after the Executive Session.

The Council agreed by consensus to discuss this matter upon conclusion of the Executive Session.

(Upon conclusion of the Executive Session, the Council agreed by consensus to hold this matter over for discussion until June 2, 1997.)

ORDER -
VARIANCE -
CASE NO. 97-01
(Roemer, Culps and
Gilleland)

Mr. Morgan gave the staff report, stating this case related to a variance for the minimum lot size on a Mixed Use zoned property. Staff recommended approval of the variance.

Mayor Koho moved adoption of an Order in the Matter of the Application by Rick and Sarah Roemer for a Variance to Allow Commercial Development on Less than One Acre in the Mixed Use (MU) Zone. Council President Keller seconded the Motion.

Councilor Meier remembered the Council as suggesting an exit on Chemawa not be approved. Mr. Morgan said that item was debated previously. The City Engineer worked with the applicant to allow the driveway to exit onto Chemawa but still be as far as possible from 7th Street. Mr. Morgan said if the building remained in the same location on the site, there would be no practical way to exit traffic onto 7th Street.

Councilor Meier asked the distances from the driveway to 7th and from the driveway to the adjacent lot's exit. Mr. Morgan replied that

the driveway was approximately 45 feet from the corner of 7th Street and about 10 feet from the lot's driveway. He noted both exits are low traffic generators. Councilor Meier voiced her dissatisfaction with the solution.

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

MOTION -
APPROVING THE
COPS PROBLEM
SOLVING
PARTNERSHIP
PROGRAM

Lieutenant Bowe introduced Jodi Sherwood who gave information on a grant recently awarded to the Keizer Police Department.

Ms. Sherwood stated the Keizer Police Department applied last August for a grant through the US Department of Justice under their COPS Problem Solving Program. Keizer was one of three Oregon Police Departments selected to receive funds. Overall 900 applications were received with only 400 to receive funding through this process. The amount to be received by Keizer, \$58,033.00, was the total amount requested. Ms. Sherwood indicated Larceny will be the focus of the program. At present 44% of the larceny takes place in District 1. The grant will cover payroll, benefits, office materials and a required 5% for community surveys.

Councilor Beach commended Ms. Sherwood on the work of the Department. He asked if larceny included both businesses and residences. Ms. Sherwood stated that was the case and clarified that the remaining larceny cases took place in District 2 and 3.

Responding to a question from Councilor McGee Ms. Sherwood indicated if other needs resulted during this time period, they be addressed. Councilor McGee also mentioned his pleasure at the inclusion of a time limit in the job description.

Council President Keller moved to approve the acceptance of the COPS Problem Solving Partnership Grant. Mayor Koho seconded the Motion.

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

CONSENT CALENDAR

The consent calendar consisted of the following:

- a. Approval of March 17, 1997 Regular Session Minutes
- b. Approval of April 7, 1997 Regular Session Minutes
- c. Approval of April 21, 1997 Regular Session Minutes

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

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

WRITTEN COMMUNICATION

Mayor Koho noted the City also received a letter from US Senator Gordon Smith regarding Keizer's grant approval and offering any needed assistance.

AGENDA INPUT

Councilor Keller asked if the Labish Ditch Public Hearing will include information on the Parkersville Dam. Mr. Mull stated that will be included. In answer to a related question, he said nothing was planned regarding briefing on the Claggett Creek area or the Keizer Dike but he could include an update at the Hearing.

Councilor Meier questioned how the wetland inventory project will affect some needed widening on the Labish Ditch. Mr. Mull stated all those issues will be addressed by the State since a permit is now required to do any work.

Mayor Koho added Tuesday, May 27 at 1:00 p.m. as a Special Session for the Council.

Mr. Morgan said the Budget Committee meetings need to be scheduled and suggested the work could be done in two meetings with the Public Hearing planned for June 23.

Mayor Koho thought allocating three hours the first night and two hours the second meeting might be adequate. The meetings were set for Tuesday, May 27 at 7:00 p.m. and Wednesday, May 28 at 4:00 p.m. The Management Committee will meet at 3:00 p.m. on Wednesday.

The meeting was recessed at 8:53 for Executive Session.

EXECUTIVE SESSION

The Council moved into Executive Session pursuant to ORS 192.660(1)(h) - Possible Litigation at 9:06 p.m.

Councilor Whalen declared he was a party to the application and excused himself. The Council discusses the Willow Lake Treatment Plant in the session.

Executive Session was adjourned at 9:47 p.m.

RETURN TO OPEN SESSION

The Council returned to Regular session at 9:47 p.m.

Mayor Koho announced the Willow Lake treatment plan issue would be held over until the June 2, 1997 meeting. There was no other action necessary as a result of the Executive Session.

ADJOURNMENT

The meeting was adjourned at 9:48 p.m.

Tracy L. Davis
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

(absent)
Councilor #5 - Al Miller

Council President - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

HOME SCHOOL LEGAL DEFENSE ASSOCIATION

Advocates for Family & Freedom

MICHAEL P. FARRIS, ESQ.
PRESIDENT (DC, WA)

J. MICHAEL SMITH, ESQ.
VICE PRESIDENT (CA, DC, VA)

CHRISTOPHER J. KLICKA, ESQ.
SENIOR COUNSEL (VA)

DEWITT T. BLACK, III, ESQ.
SENIOR COUNSEL (AR, SC, DC)

SCOTT W. SOMERVILLE, ESQ.
ATTORNEY (VA)

DAVID E. GORDON, ESQ.
ATTORNEY (VA, TN, DC)

DOUGLAS W. PHILLIPS, ESQ.
ATTORNEY (DC)

August 1, 1997

MEMORANDUM IN OPPOSITION TO PROPOSED CITY OF KEIZER ORDINANCE ESTABLISHING A DAYTIME CURFEW

By way of introduction, Home School Legal Defense Association is a national organization which has as its primary purpose the protection of the right of parents to educate their children at home. We presently have more than 55,500 member families in all 50 states, with 552 member families in the state of Oregon.

We have been asked by member families in the City of Keizer to evaluate the above referenced ordinance. The section designated as "An Ordinance Prohibiting Truancy" is constitutionally defective as applied to minors and their parents for the following reasons:

1. The ordinance violates the Oregon constitutional provision of Article XI, Section 2, as the ordinance is in conflict with state law and enters an area of law fully occupied by general state law.
2. The ordinance violates minors' fundamental right to travel and move about freely.
3. The ordinance is unconstitutionally overbroad.
4. The ordinance violates the search and seizure protections of the Fourth Amendment to the U.S. Constitution.

We will support these contentions with case law in an attempt to persuade the City Council not to pass this ordinance. The following represents a legal analysis pointing out the constitutional problems with the ordinance.

I. THE PROPOSED ORDINANCE VIOLATES THE OREGON CONSTITUTION PROVISION OF ARTICLE XI, SECTION 2, AS THE ORDINANCE IS PREEMPTED BY STATE LAW ON THE SUBJECT OF TRUANCY.

Article XI, § 2 of the Oregon State Constitution provides, in part: "The legal voters of every city in town are hereby granted power to enact and amend their municipal charter subject to the Constitution and criminal laws of the state of Oregon." The Supreme Court of Oregon held in the case of *City of Portland v. Jackson* that "if the ordinance prohibits conduct that the statute permits, the laws are in conflict and the ordinance is displaced under Article XI, Section 2." 316 Or. 143, 151, 850 P.2d 1093 (1993). In *City of Portland v. Jackson*, the issue was whether a statute that prohibits "public indecency" with the "intent of arousing the sexual desire" of another person preempted a city ordinance that prohibited "indecent exposure," no matter what the intent. This is a common form of preemption in which the scope of the statute and the scope of the ordinance are, essentially, concentric circles, addressing the same subject but with the ordinance covering a broader range of conduct. The Supreme Court in Oregon invalidated the city ordinance prohibiting "public indecency" on a finding that the ordinance was preempted by the state statute on the same subject. The prohibition of conduct by the city that was permitted by the state statute was held unconstitutional.

Similarly, the daytime curfew proposed by the city of Keizer makes conduct unlawful that has previously been addressed by the state legislature. ORS 339.055, 339.080 and 339.090 are the state statutes pertaining to truancy. These statutes prescribe the way in which a school attendance officer is to investigate truancy and report the same to the school superintendent. The city council has, in effect, broadened the truancy provisions of state law by sweeping any minor in a public place into its net and then characterizing the prohibited conduct as an infraction. This expansion of the state's truancy provisions is a violation of the state constitution and is, therefore, preempted by state law. See also *City of Portland v. Lodi*, 308 Ore. 468, 782 P.2d 415 (1989) (city concealed weapons ordinance that prohibited types of knives not prohibited by concealed weapons statute was preempted by state law).

The fact that the ordinance gives law enforcement the authority to take a minor into custody for being in a public place during school hours is a deprivation of freedom incompatible with state law. The state legislature has given no similar authority to law enforcement in connection with unexcused school absence or truancy. The particular state law sections allegedly authorizing the seizure of a minor, ORS 419C.080, 419C.085 and 419C.088, do not grant such authority to police officers. Those code sections give police the authority to take juveniles into custody only when the youth, if he were an adult, could be arrested without a warrant or where a juvenile court has ordered the seizure. The proposed ordinance must be displaced by the current truancy statutes in effect:

"... the primacy of the state's criminal law over city penal ordinances forbade this city not only to extend the reach of an offense but also to increase the penalties for a substantively

identical offense without a showing of legislative consent to such an extension."

City of Portland v. Lodi, 308 Ore. 468, 471, 782 P.2d 415, 416 (1989). Characterizing the curfew infraction as civil does not alter the penal nature of the ordinance, nor does it protect the ordinance from preemption. (Excess fines and costs recovered from violations of compulsory school attendance infractions are to be paid by the clerk to the State Treasurer to be deposited in the Criminal Fine and Assessment Account of the General Fund. ORS 339.925(5))

II. THE ORDINANCE VIOLATES MINORS' FUNDAMENTAL RIGHTS

That a minor has constitutional rights has been affirmatively decided by the Supreme Court of the United States. *In re Gault*, 387 U.S. 1 (1967); *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969). In the case of *Planned Parenthood v. Danforth*, the Supreme Court stated, "Constitutional rights do not mature and come into being magically, only when one attains the state defined age of majority." 428 U.S. 52, 74 (1976).

The Supreme Court expressly recognized the fundamental importance of a citizen's right to move about at will, stating that such activities as "night walking," "loafing," and "strolling," while "not mentioned in the constitution or the Bill of Rights are historically part of the amenities of life as we have known them." *Papachristou v. City of Jacksonville*, 405 U.S. 156, 164 (1972). "The right to walk the streets, or to meet publicly with one's friends for a noble purpose or no purpose at all, and to do so when ever one pleases - is an integral component of life in a free and ordered society." *Id.*

On June 10, 1997, in the case of *Nunez v. San Diego*, the Ninth Circuit Court of Appeals ruled that a juvenile curfew ordinance violated the fundamental right of minors to move about freely. 97 Daily Journal D.A.R. 7221, 7224 (9th Cir.). The Ninth Circuit acknowledged the government's compelling interest in reducing juvenile crime and victimization, but was not persuaded that the ordinance was narrowly tailored to meet that interest. *Id.* "The curfew's blanket coverage restricts participation in, and travel to or from, many legitimate recreational activities, even those that may not expose their special vulnerability." *Id.* at 2227. The court held that San Diego's failure to provide adequate exceptions excessively burdened the minors' fundamental right to free movement:

We therefore conclude that the City has not shown that the curfew is a close fit to the problem of juvenile crime and victimization because the curfew sweeps broadly, with few exceptions for otherwise legitimate activity The Court recognizes that, in the eyes of many, the crippling effects of crime demand stern responses. With the Act, however, the District has chosen to address the problem through means that are stern to the point of unconstitutionality. Rather than a narrowly drawn, constitutionally sensitive response, the District has effectively

chosen to deal with the problem by making thousands of this city's innocent juveniles prisoners at night in their homes. *Id.*

The ordinance unconstitutionally infringes the fundamental right of minors to travel and move about freely without the interference of the government as guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution.

III. THE ORDINANCE VIOLATES THE FOURTH AMENDMENT

Daytime curfews violate the Fourth Amendment standard for stopping and detaining minors. The Fourth Amendment forbids officials from stopping or detaining minors simply because they are not in school during school hours, which will be the practical effect of this ordinance. In determining the range and depth of the Fourth Amendment guarantees, courts must be aware that "in the end life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals as from the actual criminals themselves." *Spano v. New York*, 360 U.S. 315, 320-321 (1959).

"Among deprivation of rights, none is so effective in cowing a population, crushing the spirit of the individual and putting terror in every heart. Uncontrolled search and seizure is one of the first and most effective weapons in the arsenal of every arbitrary government."

Brinegar v. U.S., 338 U.S. 160, 180-181 (1949).

The curfew ordinance proposed by this City Council jeopardizes the liberty of citizens, liberty that is guaranteed by the Constitution's Fourth Amendment. Reasonable suspicion to stop and detain minors does not occur simply because the minor is not in school. This ordinance is violative of the Fourth Amendment as applied in the body of law dealing with stops and detentions without probable cause.

IV. THE ORDINANCE IS UNCONSTITUTIONALLY OVERBROAD

The Ordinance is Unconstitutionally Overbroad Because it Infringes Impermissibly Upon Minors' Constitutional Rights.

The ordinance's restriction on the legitimate exercise of minors' First Amendment rights makes the ordinance unconstitutionally overbroad. Minors, like adults, have a fundamental right to freedom of expression. *Tinker v. Des Moines Sch. Dist.*, 393 U.S. 503, 511 (1969). Expression includes both speech and expressive conduct. Therefore, the Supreme Court has held that a challenge may be made against a regulation of "spoken words" or where a statute regulates the time, place and manner of expressive or communicative conduct *Broadrick v.*

Oklahoma, 413, 601 612-613 (1973). Curfew ordinances, including one in San Diego, have been successfully challenged on this basis.

The court in *Allen v. Bordentown City* found the night curfew ordinance overbroad when it prohibited every minor under the age of 14 years from being in a public place between the hours of 9:00 p.m. and 6:00 a.m. every day of the year. The ordinance contained exceptions for minors accompanied by a parent or guardian, minors with a pass from the police department, and minors on an emergency errand. Nevertheless, the court held that the ordinance contained unnecessarily sweeping restrictions of fundamental liberties of children: their freedom of speech, assembly and religion, as well as their right to travel and to loiter. 216 N.J. Supra. 557, 566, 524 A.2d 478, 483 (1987). Similarly, the proposed ordinance is overbroad because it effectively prohibits every minor from being in public during school hours, even those who are not required to attend traditional school.

The Ninth Circuit Court of Appeals recently struck down for overbreadth a San Diego curfew ordinance similar to the proposed Keizer daytime curfew. The San Diego ordinance prohibited minors to "loiter, wander, idle, stroll or play," interpreted by the Ninth Circuit to be a "presence" prohibition. In holding the ordinance unconstitutionally overbroad, the court stated:

San Diego's curfew ordinance restricts access to any and all public forums. This all-encompassing restriction was not present in *Roulette*, where we specifically noted that the Seattle ordinance reached only public sidewalks in certain commercial areas and did not reach "public parks, private or public plazas, or alleys, nor sitting on the sidewalk in non-commercial areas of the city." *Roulette*, 97 F.3d at 302. Unlike the Seattle ordinance in *Roulette*, the San Diego ordinance significantly restricts expression in all forums for one third of each day.

Nunez v. City of San Diego, 97 Daily Journal D.A.R. 7221, 7228 (9th Cir.). Since the Ninth Circuit Court of Appeals' ruling is controlling in Oregon, when federal constitutional issues are raised, the proposed Keizer "presence" ordinance is guilty of the identical prohibition as the *Nunez* case, but for different hours. Therefore, the proposed ordinance will be struck down.

The proposed ordinance is overbroad because it clearly prohibits constitutionally protected conduct, i.e., speech, assembly, association and travel, all of which are being unnecessarily abridged by this ordinance. To pass this ordinance would arguably be a violation of the Council's oath to uphold the Constitution and its principles.

IV. CONCLUSION

The discussion above clearly demonstrates that there are two distinct problems with the proposed ordinance. First, that the ordinance is an attempt to enforce the compulsory attendance requirements in the state of Oregon when the ordinance has been preempted by the legislative

scheme for addressing compulsory attendance in the state. The ordinance imposes additional requirements to the state law, it duplicates the state law and contradicts the state law regarding compulsory attendance. Either of these violations subjects the ordinance to being stricken as violative of the preemption doctrine as pronounced in Article XI, Section 2 of the Oregon State Constitution.

Second, the daytime curfew ordinance will not pass constitutional muster because it violates minors' fundamental rights as guaranteed by the U.S. and Oregon Constitutions; the ordinance is unconstitutionally overbroad; the ordinance violates the time-honored and tested principle of presumption of innocence, best embodied in the Fourth Amendment.

As a practical matter, history has shown that curfews have little effect in deterring crime, but are tremendously effective at restricting the freedoms on law-abiding citizens. Certainly, after giving further thought, this would not be the intended desire of the City Council in passing this ordinance. It is without question that this ordinance will involve the City in immediate and expensive litigation with little likelihood of prevailing.

For all of these reasons, we would respectfully request that the City Council vote against the proposed ordinance establishing a daytime curfew.

Respectfully submitted,



J. Michael Smith
Home School Legal Defense Association
Post Office Box 3000
Purcellville, VA 20134
(540) 338-5600

JMS:plr



City of Keizer

MEMORANDUM

T-
This memo
distributed to
all Council
Diane

DATE: August 4, 1997

TO: Mayor Koho and Councilors
John Morgan, Co-City Manager
Wally Mull, Co-City Manager

FROM: Dianne Stueck, Personnel Officer (ext. 110)

SUBJECT: CHIEF OF POLICE - RECRUITMENT SCHEDULE

A tentative recruitment schedule for the Chief of Police position is outlined below. Advertisements will take place mid-August through mid-September, and the screening of applications during the second half of September. Interviews with the final candidates will be scheduled after a city manager is hired.

8/97	In addition to the following ads, job announcement will be mailed to universities, police academies, and police departments throughout Oregon.
8/13/97	AD - Jobs Available
8/17/97	ADS - Oregonian, Statesman/Journal
8/24/97	
8/19/97	AD - ICMA J.O.B. (minorities and women)
8/21/97	AD - Keizertimes
8/22/97	AD - LEDS (police computer ads throughout state)
8/23/97	AD - League of Oregon Cities - Deadline for Sept. issue
8/18/97	APPLICATION PACKETS AVAILABLE AT CITY HALL (City application, EEOC confidential data sheet, job description and brochure)
9/19/97	CLOSING DATE FOR APPLICATIONS - 5:00 p.m.
9/22-30/97	PREScreen APPLICATIONS
10/97	INTERVIEW FINALISTS and identify the individual(s) for community visit
	BACKGROUND INVESTIGATION/REFERENCE CHECKS
11/97	NEW CHIEF OF POLICE STARTS WORK



JOB DESCRIPTION

DRAFT

Chief of Police

Working Title: Chief of Police
Class Title: Chief of Police
Department: Police

Effective Date:
Supervisor: City Manager
Supervision: Police Personnel

Position: (X) Full Time () Part Time () Temporary () Seasonal () Job Share
FLSA: (X) Exempt () Non-exempt
Eligible for Overtime: () Yes (X) No

JOB SUMMARY

Directs all functions and operations of the Police Department by providing progressive management leadership internally and by applying the philosophy of community policing throughout the community and region. Provides leadership to the Police Department employees and activities. Duties include planning, organizing, staffing, coordinating, budgeting and reporting all activities of the Police Department. Works under the general direction of the City Manager, who reviews all aspects of Police Department operations. The ability to act independently is a prerequisite in this position.

DUTIES, RESPONSIBILITIES, AND ESSENTIAL FUNCTIONS

The following examples of duties and responsibilities do not encompass all job requirements

Examples of work:

- Plans the activities, programs and goals of the Police Department including operations, patrol, investigations to insure maximum service to the community.
- Develops and insures the implementation of rules and regulations for the Police Department.
- Responsible for the proper and efficient enforcement of all state, and federal laws and local ordinances which the police department is authorized to enforce.
- Prepares a schedule and assigns personnel to best meet the needs of the public.
- Provides supervision over all police personnel, including issuing orders to subordinate officers; setting up training programs for each officer, making periodic inspections of the department personnel for discipline and efficiency and evaluation of individual performance of officers and other personnel. Makes reassignments, promotions and appointments within the department with the approval of the City Manager.
- Assists in the coordination of efforts and information between police agencies within the district.
- Establishes and maintains an effective public relations program between the department and the community.
- Meets and confers with citizens, the press and groups concerning complaints, problems, requests and suggestions.

DATE: August 4, 1997
TO: Keizer City Council
FROM: Gubser Neighborhood Association
RE: Stadium Traffic

The Gubser Neighborhood Association has met many times in reference to the stadium traffic. We have spent many hours listening to each others concerns and recommendations. At our latest special meeting, Thursday, July 31, 1997, regarding problems associated with stadium traffic, we all agreed to the following recommendations as a solution to the present traffic problems.

The Gubser Neighborhood Association is presenting these recommendations, along with our rationale for them, and ask that the City Council act on them by directing staff to implement these recommendations as soon as possible, preferably by the next home game.

These are the recommendations of the Gubser Neighborhood Association:

1. KEEP RADIANT DRIVE TWO-WAY AT ALL TIMES. (Before, during, and after the games.)
2. HAVE THE OFFICER/GATE ATTENDANT AT THE SOUTH GATE ON RADIANT DRIVE DIVERT EVERY THIRD VEHICLE TO THE EAST GATE.
3. HAVE A SIGN AT THE SOUTH GATE POINTING TO THE EAST GATE STATING THAT THERE IS AN EAST GATE.
(It could be mounted on the fence at the South gate.)
(Both gates need to be labeled and indicated on maps.)
4. HAVE CORRECT COMPLETE MAPS OF THE AREA PREPARED. THE MAP SHOULD INCLUDE COMPLETE DIRECTIONS TO AND FROM THE STADIUM FOR BOTH NORTH AND SOUTH ROUTES. THESE MAPS SHOULD BE PROVIDED TO ALL ENTRANTS TO THE GAME PROVIDED TO THE NEWSPAPERS PROVIDED TO THE RADIO STATION(S), AND HAVE LARGE MAPS PLACED AT PROMINENT LOCATIONS AT THE STADIUM. SUCH AS: AT EACH ENTRANCE AND/OR AT EACH CONCESSION STAND.
5. HAVE ENTRANCE AND EXIT ROUTES ANNOUNCED AT THE GAMES AND ON THE RADIO, INCLUDING AND STRESSING THE FACT THAT RADIANT DRIVE IS A TWO-WAY STREET AT ALL TIMES.
6. KEEP THE USE OF TEPPEL LANE AS IT IS PRESENTLY.
7. LOWER THE SPEED LIMIT ON RADIANT DRIVE TO 25 MPH.

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To: Keizer City Council
From: Gubser Neighborhood Association
Re: Stadium Traffic
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These are our recommendations and here is our rationale for each of these recommendations:

For recommendation number 1; Keep Radiant Drive TWO-WAY at ALL TIMES, the Gubser Neighborhood Association wants the council to know that this is our number one concern and recommendation.

The draft of the Keizer Ballfield Event Management Plan states as its purpose "to establish the process necessary for the safe and efficient movement of traffic to and from the ... stadium." In addition, it states that "Success often hinges on the ability of a system to change as necessary to achieve the safest and most efficient system possible." The Gubser Neighborhood Association believes that the current traffic plan is neither safe nor efficient and it's time for a change. By adopting and implementing our recommendation of keeping Radiant Drive TWO-WAY at ALL TIMES you guarantee consistency, thus promoting safety by eliminating the confusion now present.

Consistency is guaranteed, because there would be NO worry or questions as to when the traffic pattern would change, **IT WOULD NOT CHANGE**. Currently, Radiant Drive is changed from two-way to one-way any time from the 6th inning to the 9th inning (from 8:30 pm to 9:30 pm). Many times this change takes place prior to the street signs being flipped. At every home game this year residents on Radiant Drive have observed traffic using the street as a one-way prior to the game (which it is not) and after the game prior to the signs being flipped. Under this present traffic pattern the residents of the Radiant Drive neighborhood do not know when, or if, they can go North on Radiant Drive. The Gubser Neighborhood Association, which includes the residents of the Radiant Drive area, are concerned for the safety of the residents and for the safety of anyone using Radiant Drive after a game has started.

This brings up the next point for keeping Radiant Drive TWO-WAY at ALL times, **SAFETY**. This recommendation will be safer than the present traffic pattern because you would not have drivers using Radiant Drive as a one-way prior to it being changed. Under the present traffic pattern drivers are confused and unsure of the pattern, they do not know when Radiant Drive is two-way or one-way. As stated before, drivers are using Radiant Drive as a one-way at all times, including going North on Radiant. By keeping Radiant Drive two-way at all times you would eliminate this confusion, thus making Radiant Drive safer for all drivers. This would also provide more safety for the residents, the police officers working traffic, and for pedestrians walking on Radiant Drive. In addition, emergency vehicles and residents will have

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an easier time getting into and out of the neighborhood, allowing them more flexibility in their choice of a route. Additionally, no one would be required to drive down Radiant Drive to change signs. We believe this will also encourage drivers to use the East gate or other alternate routes to get to and from the stadium.

To assist with this recommendation we believe additional two-way signs should be placed on Radiant Drive.

The Gubser Neighborhood Association is asking the City Council to approve a safe and consistent traffic pattern for the stadium and we believe that keeping Radiant Drive two-way at all times is the first important step to accomplish this.

Recommendation number two, to divert traffic from the South gate to the East gate, will help with traffic backup on Radiant Drive. It is being used to some extent with the present traffic plan, but those who are directing drivers to the East gate don't always get cooperation from the drivers. This is where recommendation number three, a sign pointing to the East gate and having the gates marked, would help. Many of the drivers going to the stadium do not even know there is a second gate into the parking lot and a sign would let them know.

Recommendations number four and five, those dealing with maps and announcements, will also help with the above recommendation to get people to use the East gate. Because of poor maps and directions that have appeared in the local papers, people driving to the stadium are confused about how to get there. Most believe that Radiant Drive is the only entrance/exit to the stadium. By having correct directions and maps it will be easier to encourage people to use alternate routes. By having these maps at the stadium and having the announcers give directions will also encourage drivers to use routes other than Radiant Drive. One 7th and 8th inning announcement about exiting the stadium emphasizes exiting on Radiant Drive and mentions as an after thought "Or you may travel NORTHBOUND by exiting the parking lot on the East side and turning left." There needs to be more directions announced about turning left and going northbound.

In addition, the announcers need to tell drivers to be courteous and considerate to the residents who live along the routes to and from the stadium. To please allow them to enter and exit their driveways.

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Recommendation number six is not a change in the present traffic pattern. The Gubser Neighborhood Association wants to keep Tepper Lane traffic as is; that is, to put road closed signs at the intersection of Radiant Drive and Tepper Lane and on Tepper Lane, west of the rail road tracks. Allow only emergency vehicles, Radiant Drive residents, and their visitors to use Tepper Lane east bound to get to residences in the Radiant Drive area.

The last recommendation, number seven, is to lower the speed limit on Radiant to 25 mph. Because Radiant Drive is a narrow street and has three sharp curves, lowering the speed limit will make it a safer street. If this is something the city council does not usually initiate, the Gubser Neighborhood Association is willing to undertake whatever steps are necessary to get this done.

In closing, let me again state that these recommendations come from the Gubser Neighborhood Association and we are asking that the City Council act on them by directing staff to implement these recommendations as soon as possible.

Thank You.

Attachments: Sample Announcement
Routes

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To: Keizer City Council
From: Gubser Neighborhood Association
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The following announcement, or one similar to it, should be used by the game announcers and the radio announcers. It should be read many times during the game, for example, at the start of the game, after the 2nd inning, after the 4th inning, after the 7th inning, after the 8th inning, and at the end of the game.

SAMPLE ANNOUNCEMENT

Fans, we have a very important traffic safety advisory for all traffic leaving the stadium, for those who may have to leave early and for post game traffic. A major change in traffic has been made to Radiant Drive: **Radiant Drive is a TWO-WAY street after the game!** That is, Radiant Drive is a two-way street at all times, before the game, as it always was, during the game, and after the game. **RADIANT DRIVE IS A TWO-WAY STREET BEFORE, DURING, AND AFTER THE GAME. IT WILL REMAIN TWO-WAY AT ALL TIMES.**

(The following should be added to the announcements at the end of the 7th, 8th, and 9th innings.)

To assist you in exiting the stadium and in returning to your next game, maps have been provided to all vehicles. If you did not get a map, please ask for one at the ticket booth (or some location within the ballpark). There is also a large map posted outside the entrances to the park.
REMEMBER, RADIANT DRIVE IS A TWO-WAY STREET AT ALL TIMES.

At the end of the 7th, 8th, and 9th innings, in addition to reading the above announcement, it should be emphasized that there are two gates out of the parking lot. The announcers also need to include a request for drivers to be courteous and considerate to the neighborhood residents.

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ENTRANCE ROUTES TO THE STADIUM
IN ADDITION TO RADIANT DRIVE

SOUTHBOUND TRAFFIC FROM I-5:

Use Brooks Exit No. 263. Take Brooklake Road West to River Road, South to Quinaby or Perkins Road, East to 35th Avenue, South to Stadium.

OR

From the Brooks Exit No. 263. Take Brooklake Road East to Highway 99 (Portland Road), South to Quinaby or Perkins Road, West to 35th Avenue, South to Stadium.

NORTHBOUND TRAFFIC FROM I-5:

Continue North on I-5 to the Brooks Exit No. 263 and follow same directions as Southbound traffic from I-5.

OR

Use Chemawa Road/Keizer Exit, Go East to Highway 99 (Portland Road), North to Perkins Road, West to 35th Avenue, South to Stadium.

NORTHBOUND TRAFFIC FROM RIVER ROAD:

North on River Road to Perkins Road, East to 35th Avenue, South to Stadium.

EXIT ROUTES FROM STADIUM:

Reverse of above routes.

NOTE: The above routes would be placed on the maps. If the routes are going to be announced at the games, they should be rewritten so that they can be understood by someone listening to them.

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: Rebecca Boone

Address: 1226 Harmony Dr. N.E.

Subject or Agenda Item Number: installing
Speed bumps on Harmony Dr
NE

Your Comments:

Proponent ☒ Opponent ☐ General ☐

Date 08-04-97

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:

Tina Sloan

Address:

5905 Radiant DR
Keizer OR 97303

Subject or Agenda Item Number:

Traffic Stadium

Your Comments:

Proponent _____ Opponent _____ General _____

Date _____

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:

WAYNE TRUCKE

Address:

6330 14TH AVE NE
KEIZER

Subject or Agenda Item Number:

FOR GNA

STADIUM TRAFFIC

Your Comments:

Proponent _____ Opponent ☒ General _____

Date

8/4/97

Advised it was your decision if allowed
to testify to
PUBLIC TESTIMONY to

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:

Steve Johnston

Address:

660 Sneed Dr. N
Keizer.

Subject or Agenda Item Number:

7a, Flooding
(Willow Lake)

Your Comments:

Proponent _____

Opponent ☒

General _____

Date

8-4-97

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: Cathy Clark

Address: 715 Ventura St N

Subject or Agenda Item Number: _____

7A - Prohibiting Truancy

Your Comments:

Proponent _____ Opponent X General _____

Date _____

7849 Timothy Ln NE
Keizer, Or 97303

Aug 2, 1997

City of Keizer
Keizer, Or

Ladies & Gentlemen:

Thank you for your letter of Aug 1, 1997 in response to my concern about the development of 1.63 Acres (not 2½ Acres--should have done my home work better); the section where 13 mobile units will be put around a existing house. However, it is still my contention that it is wrong to do this. We on Timothy Ln have come out here to develop this area the way it best suits us. We have worked for years at this. You are telling us our developing is wrong, that it's not good to have some room around us. We bought this in a "raw source" (as such) and made it attractive.

It seems to me you have plenty of urban renewal ground to make urban density; you don't need Timothy Ln.

Sincerely,



Lela McGarvey
Timothy Ln Resident

Red 8-4-97
AL

Robert A. Ohrn and Pamela A. Kingsbury
7950 Timothy Lane NE
Keizer, OR 97303

August 4, 1997

Keizer Community Development Department
930 Chemawa Road NE
Keizer, OR 97303

Dear Keizer City Council and Community Development Department:

In our letter dated July 14, 1997, we appealed the decision approving Subdivision Case No. 97-07 and requested a hearing before the Keizer City Council. Unfortunately, the date set for the appeal hearing was August 4, 1997, a date we are out of town due to prior commitments. Enclosed is written testimony we request be entered into the record of the appeal proceedings. We further respectfully request a continuance and that the record be left open so that we may respond to questions and other testimony following our return on August 18, 1997. We apologize for any inconvenience our absence may cause.

We have spent considerable time since the decision approving this subdivision in reviewing Keizer's land use plans including the Comprehensive Plan (January 1987), the Comprehensive Plan Periodic Review (January 1992), the Water System Master Plan Update (February 1988), the Master Sewer Plan Update (March 1994), Keizer zoning ordinances, and correspondence relevant to this decision. This was a somewhat daunting task for the uninitiated and we would like to thank Ms. Amy Drought, Mr. Bill Peterson, and Tiffany in the City Hall Office for their help in obtaining, explaining and copying various documents. We appreciate their time, patience, and helpfulness in accommodating our requests.

Sincerely,

Robert A. Ohrn

Robert A. Ohrn
7950 Timothy Lane NE
Keizer, OR 97303

Pamela A. Kingsbury

Pamela A. Kingsbury
7950 Timothy Lane NE
Keizer, OR 97303

cc:

Clear Lake Neighborhood Association

Enclosure

*Red
8497
BL*

TESTIMONY
Pamela A. Kingsbury and Robert A. Ohrm
APPEAL of SUBDIVISION CASE No. 97-7

We oppose the subdivision as approved for two reasons 1) because we believe it conflicts with the intent of the Keizer Comprehensive Plan goals and policies with regard to residential development; and 2) because it does not yet meet the city's landscaping plan and tree preservation requirements.

It is our understanding that the criteria upon which this appeal will be judged include the Keizer Subdivision and Partitioning Ordinance (KSPO), Section III(1) and Keizer Zoning Ordinance, Chapter 23 - Single Family Residential (RS) Zone. Referring to the KSPO, Section III(1) **CONSIDERATIONS FOR APPROVAL OR DENIAL** states "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."

We, and our neighbors, have submitted comments on this subdivision proposal (97-07, Attachment 1) and on the approved subdivision immediately to the south (Subdivision Case No. 97-04, Attachment 2). As noted in our initial comments on the proposal, this proposal appears to be in violation of the Comprehensive Plan in some respects. We believe the purpose of Keizer Zoning Ordinances and policies is to implement the Comprehensive Plan, not to replace nor ignore portions of it and the city should ensure that proposed developments comport with the stated goals.

Referring to the Comprehensive Plan Section III(c)2, **GOALS and POLICIES; RESIDENTIAL DEVELOPMENT**, we note that general goal No. 8 states "Ensure compatibility among all types of residential uses, both new and existing, and between residential and non-residential uses." This proposal does not comply with the stated goal. Immediately north of the proposed development is a peach orchard (described further in our initial comments) and the area approximately 100 feet north of the of the proposed subdivision is outside the Urban Growth Boundary (UGB) and is zoned Exclusive Farm Use (EFU). There is clearly a conflict between urban development in the area and continued farming in the UT zone within the UGB and the EFU zone to the north.

This issue is dealt with in Marion County Zoning requirements for Acreage Residential Zone (AR) governing development of lands designated Rural Residential in the Marion County Comprehensive Plan (Attachment 3). This zone is intended to meet the housing needs of those desiring the advantages of a rural homesite. Regulations for this zone address the issue of dwellings near resource areas. Specifically with regard to EFU, the regulations typically require a 100 foot setback adjacent to farm use and require owners of proposed dwellings within 500 feet of EFU zones to file a Declaratory Statement. The Declaratory Statement for EFU Section 136.060(B) (Attachment 4) reads as follows:

Declaratory Statement: The owner shall be required to sign and allow the entering of the following declaratory statement into the chain of title for the subject parcel.

“The property herein described is situated in or near a farm or forest zone or area in Marion County, Oregon where the intent is to encourage, and minimize conflicts with, farm and forest use. Specifically, residents may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce dust, smoke, odor and other impacts. And, activities by residents may create management difficulties or increased cost for nearby farm or forest operations. The grantees, including their heirs, assigns and lessees, by the recording of this declaratory statement, and in return for allowing a (use) on this property, hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a (use) in this area, and grantee acknowledges the need to avoid activities that conflict with nearby farm or forest uses.”

A major goal of land use planning in Oregon is the preservation of farm and forest lands. We believe it is important for Keizer's ordinances and policies to support that goal. To the north of the UGB in this area is Marion County EFU zoning with predominately agricultural soil classification II. (see also Comprehensive Plan pages 15 and 16.) This is considered very good agricultural land and it is noted in the Comprehensive Plan that agricultural soil classes I through IV are considered suitable for protection. We expect that the EFU land to the north should remain as farmland for some time as there is adequate land for development in other areas within the Salem/Keizer UGB. We also note that UGB expansion is addressed in the City of Keizer Period Review of the Keizer Comprehensive Plan in Section 1G (beginning on page 1-10 of our copy). Retention of agricultural land is a factor to be considered when changing the UGB with Class I being the highest priority and Class VI the lowest. We note that there are many places within the Salem/Keizer area with agricultural soils of poorer quality.

Because the proposed development is at the fringe of the UGB and is within the 500 feet that Marion County acknowledges as posing a potential conflict between uses we believe that the issue of compatibility between the proposed development and farming activities to the north are clear. We believe that a reduced housing density in this area is necessary to allow protection of farming activities to the north and preservation of the adjacent EFU area.

Additionally, the proposed subdivision is adjacent to small acreage homesites to the west and east. As noted previously, the Comprehensive Plan has as a goal “compatibility among all types of residential uses both new and *existing*” [emphasis added]. It appears from reading the staff report and Hearings Officer Decision that the impact of this proposal on small acreages in the area was not considered. While this area may be within the UGB, we believe that more should be done to fulfill the intent of the Comprehensive Plan in ensuring that new development is compatible with existing residences. As discussed in the following paragraph, we believe that the more rural nature of Timothy Lane residences will remain for some time. We suggest that a lower density of development combined with appropriate landscaping would better fulfill the intent of the Comprehensive Plan.

In our letter appealing the Hearings Officer decision (Attachment 5), we stated a concern regarding the agreement reached between the applicant and the city of Keizer on routing of sewer lines to the proposed development. The agreement represents a deviation from the Master Sewer

Plan as updated in 1994, and we wanted to know what impact, if any, these changes, in conjunction with the other deviations from the Master Sewer Plan in the area, will have on the overall ability and cost of serving areas not yet developed - specifically residences on Timothy Lane. In a meeting on July 30 with Bill Peterson, it was suggested that there would be adequate capacity to service Timothy Lane development from the proposed development to the east (at least for our property) if a suitable agreement could be reached with the applicant. While this might meet our need (if we desired development), it does not address the larger question of service to Timothy Lane in general. We argue that parcels along Timothy Lane are generally small acreages with little opportunity for large-scale development that would make provision of sewer service and other public services economical. In addition, most of the homeowners in the area would like to maintain its rural character. We believe that the city should recognize that with the approved routing of sewer service in the area, the parcels along Timothy Lane are unlikely to be developed in the near future.

We believe the proposal does not meet the city's landscaping plan and tree preservation requirements. Chapter 18 of the Keizer Zoning Ordinance addresses landscaping requirements. According to documents available at City Hall:

"Section 18.09, of the Keizer Zoning Ordinance, establishes guidelines for landscaping site plans and tree preservation as follows:

(a) *All applications for land use approvals, and applications for building permits shall include a site plan which identifies the following.*" [emphasis added]

A list of requirements follows (see Attachment 6) for identification of trees, their type, size and location. Having reviewed the documents for this application we find no evidence of such a site plan being provided by the applicant although the site does contain "significant" trees. We request that city require a site plan and landscaping site plan in accordance with the ordinance prior to approval of the development.

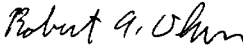
ADDITIONAL COMMENTS NOT SPECIFIC TO THE PROPOSAL:

We would also like to raise to the Council's attention the need for public services as rapid development in our area has been allowed. In a letter to the Clear Lake Neighborhood Association, dated February 20, 1997, Mr. John Morgan responded to concerns about the impact rapid development in the area may have on public services. In his letter Mr. Morgan states that "The city has not considered the demands the developments place on emergency services, or schools for that matter, as we are basically not allowed to do so.....No public service issues can be used to stop development. Public facilities such as inadequate sewer and water can, but not services." Clearly development has impacted public services, particularly schools. As school district documents indicate, current school facilities are not adequate to accommodate the additional students expected from development in the area. We can only ponder how overcrowded schools, with students literally bursting out the seams can be construed as a "service" and not a "facility" issue. We wonder what is meant by the Comprehensive Plan guidance to "Coordinate new residential development with the provision of an adequate level of services and facilities, such as sewers, water, transportation facilities, schools and parks" (page 35). As citizens of Keizer we expect an adequate level of public services - not just sewer and

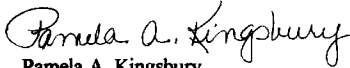
water facilities - and we encourage the city to do whatever it can to provide such public services to long-time residents as well as to the new citizens it so willingly accepts.

One of the disturbing aspects of our review of land use planning guidelines and our discussions with public officials is the apparent lack of respect for those of us who have small acreages we would like to maintain. Many of us have planted vegetation and provided landscaping to provide habitat for birds and other wildlife, some have planted rare and interesting plants, others have focused on native vegetation and trees, some have small farms, others seek privacy and quiet. We do not believe these needs should be at odds with development, but it requires appropriate housing densities, design, and landscaping. When compatibility issues come up, we are generally advised to make some money by subdividing our property. We purchased this property to have space in which to plant trees and plants, learn about and provide for habitat needs of other animals, and teach our children respect and appreciation for nature. After almost 15 years of nurturing how can we teach our children respect for life if we participate in its destruction for monetary gain?

Respectfully submitted,



Robert A. Ohrn
7950 Timothy Lane NE
Keizer, OR 97303



Pamela A. Kingsbury
7950 Timothy Lane NE
Keizer, OR 97303

Attachment 1

April 30, 1997

Mr. Barry Adamson
Keizer Hearings Officer
Keizer City Hall
930 Chemawa Rd.
Keizer, OR 97303

Ms. Amy Drought
Community Development Department
Keizer City Hall
930 Chemawa Rd.
Keizer, OR 97303

Dear Mr. Adamson and Ms. Drought:

I'm a homeowner whose property borders the south side of the west edge of the proposed development described as Subdivision Case No. 97-047. I've resided in my home at 7950 Timothy Lane NE since 1984. I knew I was locating within the Salem-Keizer Urban Growth boundary when I moved to the area and that the area would eventually be urbanized. I also thought the City of Keizer would make an effort to accommodate the concerns of residents and attempt to ensure compatibility among all residential uses, and between residential and non-residential uses. Sadly, this has not turned out to be the case.

I oppose the existing proposal. The City of Keizer SUBDIVISION AND PARTITIONING ORDINANCE ("KSPO") reads, in pertinent part:

"CONSIDERATION 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." (KSPO reference on page 2 of the Staff Report). This proposal appears to be in violation of the City of Keizer Comprehensive Plan in some areas. I'll state pertinent Comprehensive Plan guidance, then make recommendations which are intended to result in improved compliance with the Comprehensive Plan.

A Comprehensive Plan general goal for residential development (page 34) is to "Ensure compatibility among all types of residential uses, both new and existing, and between residential and non-residential uses." Problems with this goal include:

- There is a peach orchard immediately north of the proposed development, owned by the Johnson's, the same people who own the land proposed for this subdivision. In addition, the area 100 feet north of the boundary of the proposed subdivision is zoned exclusive farm use. Subdivisions and commercial farms are incompatible uses. Rick Johnson has told me that one reason he must develop his land is that he can't farm it anymore with a subdivision adjacent to his operation. Reduced housing density as urbanization approaches the urban growth boundary to the north is necessary as a buffer to allow continued farming in the exclusive farm use area to the north.
- There is a very abrupt change from small acreage home sites to high density subdivision on the west side of the proposed development. Reducing the number of lots on the west edge of the subdivision would better blend the new subdivision with existing rural residences adjacent to the proposed subdivision.

April 30, 1997

An additional concern I have is water drainage. During periods of heavy rainfall, water accumulates on top of the ground. There have been some problems with flooding beneath houses and some problems with septic systems. If water from this development drains onto adjacent properties, flooding problems will be increased. I know the developer will be required to engineer drainage so this is not a problem, but I still want to get my concern on the record. I'm sure residents of Hidden Creek were assured there would be no problems with drainage and flooding there either.

I'm concerned about the private driveway in this proposed development labeled 25' access easement. Whose road is that and who maintains it? Wouldn't it be better to plan for a public road with public maintenance?

At the last hearing I attended for subdivision case no. 97-04, the representative of the developer was asked if he could address my concern about tiny lots on the west side of that development. He responded that that would be too difficult. This time I drafted a 13 lot subdivision which addresses my concerns. It has larger lots on the north nearest the exclusive farm use area. My hope there is to allow the exclusive farm use area to continue to be farmed as intended. It also slightly increases lot sizes elsewhere blend in better with existing residences and reduce, however slightly, the impacts on overcrowded schools. I did push the north-south through street east four feet, which would require redrawing the plan for the subdivision to the south to get the streets to match up. Drafting this plan was not difficult. I spent about an hour on it. I'd be happy to work with the developer to redraw lot lines on this and the adjacent subdivision to the south to address our mutual concerns.

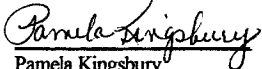
I further request that the record be held open until such time as the City of Keizer complies with the Comprehensive Plan in regards to working with the Salem-Keizer School District to identify and make provision for a new Middle School site.

Thank you for this opportunity to comment. Please address my concerns and recommendations.

Sincerely,



Robert A. Ohm



Pamela Kingsbury
7950 Timothy Ln NE
Keizer, OR 97303

Attachment 2

March 31, 1997

Mr. Barry Adamson
Keizer Hearings Officer
Keizer City Hall
930 Chemawa Rd.
Keizer, OR 97303

Ms. Amy Drought
Community Development Department
Keizer City Hall
930 Chemawa Rd.
Keizer, OR 97303

Dear Mr. Adamson and Ms. Drought:

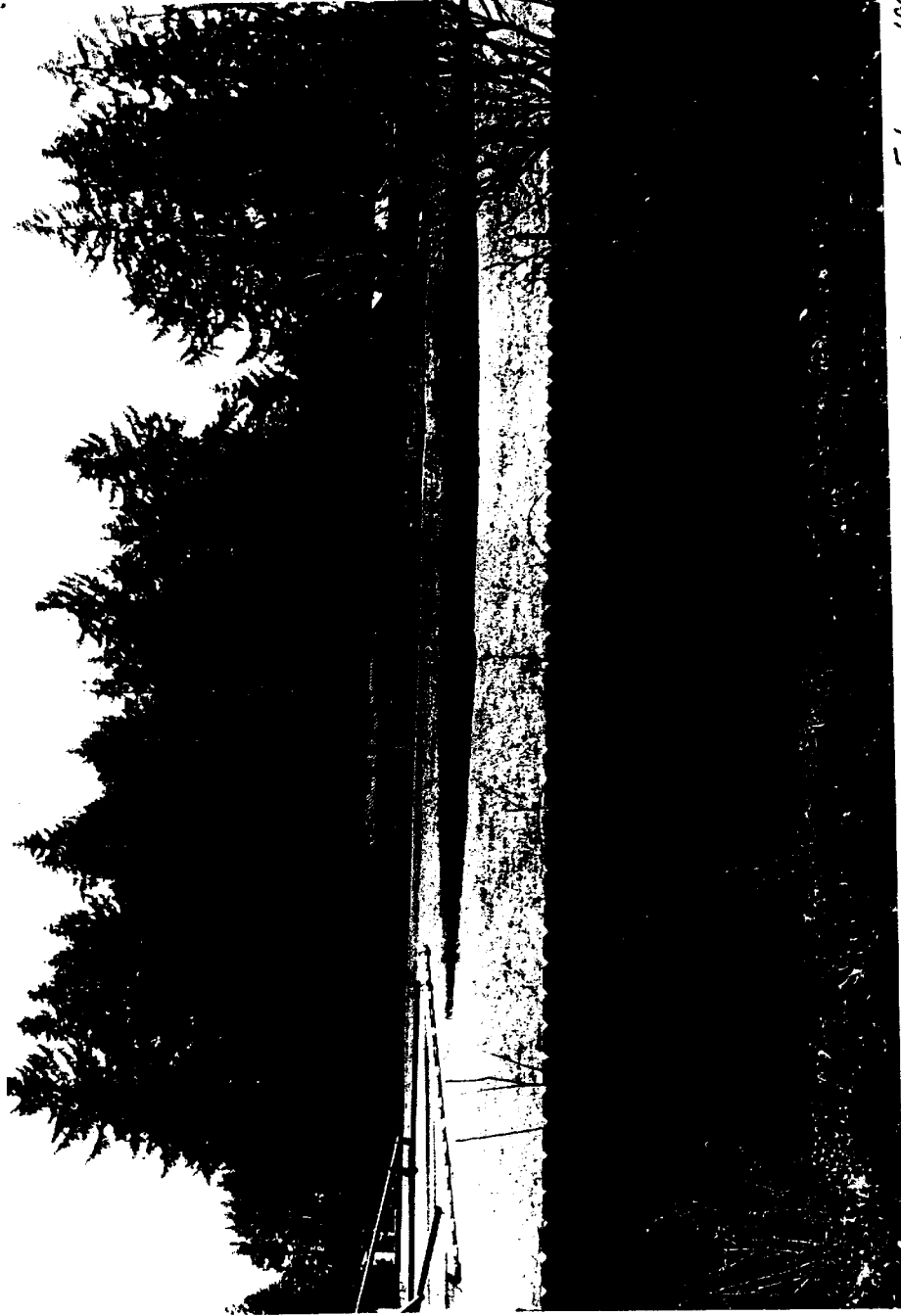
We are writing with regard to Subdivision Case No. 97-04, a proposed development adjoining our properties. We hope to accomplish the following by speaking and providing written comments on the proposal:

1. Integrate the proposed subdivision with existing rural homes (referred to as "large acreage residences" in Staff Recommendations).
2. Maintain the quality of life within the areas served by Clear Lake Elementary School and Whiteaker Middle School.

We are opposed to the current proposal, but would support it with the following modifications:

- Reduced housing density. We specifically recommend reducing the number of lots along the west edge of the conceptual lot plan as shown on Exhibit "C" of the Staff Recommendations from twelve to six lots resulting in a total of 44 lots. This would accomplish the following:
 - 1) Better blend the new subdivision with existing rural residences adjacent to the west edge of the proposed subdivision. It appears this was done on the east side of the subdivision.
 - 2) Lessen school overcrowding aggravated by the proposed new subdivision as described in Exhibit "E", submitted by the Salem-Keizer School District. Exhibit "E" refers to temporary overcrowding. It is unclear why the overcrowding is considered temporary rather than permanent. There are no firm plans to deal with the overcrowding, only talk of an upcoming bond measure to build new schools, and an assumption that it will pass, even in the face of Measure 47. The city of Keizer should work with the Salem-Keizer School District to identify new school sites and set them aside while there are still suitable sites available within the urban growth boundary.
 - 3) Increase the likelihood that farms will continue to be able to operate in the exclusive farm use zone to the north of the urban growth boundary. Reduced housing density as urbanization approaches the urban growth boundary is necessary as a buffer to allow continued farming in the exclusive farm use area to the north.

Reducing the number of lots from 50 to 44 as recommended would reduce housing density from 5.6 to 4.9 units per acre. The lower density of 4.9 units per acre would improve



W. t. Accumulation On Subdivision Case No. 97-04 Property

February 1996

Attachment 3

CHAPTER 128

Revised 04/97

AR ACREAGE RESIDENTIAL ZONE

Contents

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128.010 PURPOSE. The purpose and intent of the Acreage Residential zone is to provide appropriate regulations governing the division and development of lands designated Rural Residential in the Marion County Comprehensive Plan. (Acreage Residential zones are areas that are suitable for development of acreage homesites.) Such areas are necessary to meet the housing needs of a segment of the population desiring the advantages of a rural homesite.) It is the intent that residential sites be provided with adequate water supply and wastewater disposal without exceeding the environmental and public service capability of the area or compromising the rural character of the area.

128.020 USES. Within an AR (ACREAGE RESIDENTIAL) zone no building, structure or premises shall be used or arranged except for the following purposes:

- (a) Single family dwelling (conventional);
- (b) Mobile home dwelling;
- (c) Planned developments;
- (d) Playgrounds and parks operated by governmental agencies;
- (e) Farm use, including the sale of produce that is raised on the premises;
- (f) Home occupations;
- (g) Public utility substations and transmission facilities;

- (c) The owner of a proposed dwelling located on a parcel adjacent to the FT or TC zone shall, as a condition of approval, be required to provide for fire hazard management in accordance with Chapter 3 of "Fire Safety Considerations For Developments in Forested Areas, 1978" and any revisions thereto.

128.050 HEIGHT. In an AR zone, buildings or structures shall not exceed 35 feet or 2 1/2 stories in height except public and semi-public buildings, where permitted, may be built to a height of 70 feet or 6 stories.

128.060 REAR YARDS. A minimum of 30 feet, except as otherwise provided in the AR zone. In the case of a corner lot the minimum rear yard shall be 20 feet and the rear yard may be provided adjacent to either interior lot line.

128.070 SIDE YARDS. A minimum of 10 feet, except as otherwise provided in the AR zone. In the case of a corner lot any side yard adjacent to a street shall be not less than 20 feet.

128.080 FRONT YARDS. A minimum of 20 feet. When by this Ordinance or any other ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply (See Section 112).

128.090 DENSITY AND LOT AREA. The maximum density for subdivisions and planned developments is 1.5 acres per dwelling. The minimum lot size is 1.5 acre except in planned developments the minimum lot size shall not apply. When a density suffix has been applied to the AR zone the maximum density and minimum lot size shall conform to the density designation. In any case parcels shall be large enough to provide a stable dwelling site free from flooding, with adequate water supply and waste water disposal facilities, that does not adversely affect adjacent property or the public.

CHAPTER 136
EXCLUSIVE FARM USE ZONE

Revised 6/24/96

Contents

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136.010 PURPOSE. The purpose of the Exclusive Farm Use Zone (EFU) is to provide areas for the continued practice of commercial agriculture. It is intended to be applied in those areas composed of tracts that are predominantly high-value farm soils as defined in OAR 660-33-020 (8). These areas are generally well suited for large scale farming. It is also applied to small inclusions of tracts composed predominantly of non-high value farm soils to avoid potential conflicts between commercial farming activities and the wider range of non-farm uses otherwise allowed on non-high value farmland. Moreover, to provide the needed protection within cohesive areas it is sometimes necessary to include incidental land unsuitable for farming and some pre-existing residential acreage.

To encourage large scale farm operations the EFU zone consolidates contiguous lands in the same ownership. It is not the intent in the EFU zone to create, through land divisions, small scale farms. There are sufficient small parcels in the zone to accommodate those small scale farm operations that require high value farm soils.

To minimize impacts from potentially conflicting uses it is necessary to apply to non-farm uses the criteria and standards in OAR 660-33-130 and in some cases more restrictive criteria are applied to ensure that adverse impacts are not created.

Non-farm dwellings generally create conflicts with accepted agricultural practices. Therefore, the EFU zone does not include the lot of record non-farm dwelling provisions in OAR 660-33-130 (3). The provisions limiting non-farm dwellings to existing

subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new parcels result.

- (K) Temporary public street detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- (L) Minor betterment of existing public street related facilities such as maintenance yards, weigh stations and rest areas, within rights-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public streets.

136.030 USES PERMITTED SUBJECT TO STANDARDS. The following uses may be permitted in the EFU zone subject to approval of the request by the planning director, based on satisfaction of the standards and criteria specified for each use, pursuant to Section 110.680.

Primary Farm Dwellings

- (A) A single-family dwelling customarily provided in conjunction with farm use. The dwelling will be considered customarily provided in conjunction with farm use when:
 - (1) It is located on high-value farmland, as defined in Section 136.130(B), and satisfies the following standards:
 - (a) There is no other dwelling on the subject tract other than seasonal farm worker housing. The term "tract" means all contiguous lands in the same ownership;
 - (b) The subject tract produced in the last two years or three of the last five years at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract;
 - (c) The subject tract is currently employed for the farm use that produced the income required in subsection 2 of this section; and
 - (d) The proposed dwelling will be occupied by a person or persons who produced the commodities which generated the income in subsection 2 of this section; or

- (f) Commercial farm or ranch tracts identification and gross sales capability calculations shall be performed in conformance with OAR 660-33-135(3); or
- (4) It is not located on high-value farmland, as defined in Section 136.130(B), and satisfies the following standards:
 - (a) The parcel on which the dwelling will be located is at least 160 acres;
 - (b) The subject tract is currently employed for farm use, as defined in ORS 215.203;
 - (c) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing, or caring for livestock, at a commercial scale; and
 - (d) There is no other dwelling on the subject tract other than seasonal farm worker housing. The term "tract" means all contiguous lands in the same ownership.

Secondary Farm Dwellings

- (B) Secondary single-family dwelling customarily provided in conjunction with farm use. The dwelling will be considered customarily provided in conjunction with farm use when:
 - (1) The principal dwelling and the proposed dwelling will each be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator.
 - (2) There is no other dwelling on lands in the EFU zone owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm and could reasonably be used as an additional farm dwelling.
 - (3) The proposed dwelling will be located:
 - (a) On the same lot or parcel as the principal farm dwelling; or
 - (b) On the same contiguous ownership as the principal dwelling, and the lot or parcel on which the proposed dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the same ownership; or

Dwelling Alteration and Replacement

- (D) Alteration, restoration, or replacement of a lawfully established dwelling, other than as permitted in Section 136.020(F), when the dwelling:
- (1) Has intact exterior walls and roof structure;
 - (2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (3) Has interior wiring for interior lights;
 - (4) Has a heating system; and
 - (5) In the case of replacement, the replaced dwelling is removed, demolished or converted to an allowable non-residential use within three months of the occupancy of the replacement dwelling.

Other Uses

- (E) Winery, as defined in Section 136.130(F). The winery shall include only the sale of:
- (1) Wines produced in conjunction with the winery; and
 - (2) Items directly related to wine, the sales of which are incidental to the sale of wine on-site. Such items include those served by a limited service restaurant, as defined in ORS 624.010.
- (F) Farm stands subject to the following standards:
- (1) Structures shall be designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area;
 - (2) The sale of incidental retail items is permitted provided the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand;
 - (3) Farm stands shall not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
- (G) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is "necessary" if it must be situated in the EFU zone in order for the service to be provided.

136.040 CONDITIONAL USES. The following uses may be permitted in an EFU zone subject to obtaining a conditional use permit and satisfying the criteria in Section 136.050 (A), and any additional criteria specified for the use:

- (A) Portable or temporary facility for primary processing of forest products as defined in ORS 215.283 (2)(i) subject to section 136.050 (G);
- (B) The propagation, cultivation, maintenance and harvesting of aquatic species;
- (C) Seasonal farm housing, meeting the criteria in 136.050 (B);
- (D) Temporary residence for hardship purposes subject to the requirements of Section 120.040. If it is not feasible to locate the temporary residence near an existing dwelling, the temporary residence shall be located on that portion of the parcel that is least suitable for farm use;
- (E) Single-family dwelling or manufactured home not in conjunction with farm use, subject to the requirements of Sections 136.050(c) and 136.060.
- (F) Residential facility as defined in ORS 197.660, in an existing dwelling.
- (G) Room and board arrangements for a maximum of five unrelated persons in existing dwellings;
- (H) A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed in the Comprehensive Plan Inventory as historic property as defined in ORS 358.480 and is not used as a dwelling.
- (I) Home occupations, subject to section 136.050(I).
- (J) Expansion of a lawfully established dog kennel;
- (K) Commercial activities in conjunction with farm use including a winery not permitted under Section 136.030(I);
- (L) Operations conducted for:
 - (1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in section 136.020;
 - (2) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298 and Section 120.400;
 - (3) Processing, as defined by ORS 517.750, or aggregate into asphalt or portland cement subject to Section 120.400 and 136.050(D); and

forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.

- (2) Adequate fire protection and other rural services are, or will be, available when the use is established.
 - (3) The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.
 - (4) Any noise associated with the use will not have a significant adverse impact on nearby land uses.
 - (5) The use will not have a significant adverse impact on potential water impoundments identified in the comprehensive plan, and not create significant conflicts with operations included in the comprehensive plan inventory of significant mineral and aggregate sites.
- (B) Seasonal farm housing: The standards in Section 125.090 (2) and (3) may be modified or waived in approving seasonal farm housing. Conditions deemed necessary to maintain the intent of a modified or waived standard may be imposed. The limits in subsection (5) of this section cannot be modified.
- (1) If the seasonal farm housing will be removed or dismantled each year, the housing shall be located on part of a farm operation which has produced in the last two years or three of the last five years at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products.
 - (2) The farm operation will require as many seasonal farm workers as the housing will accommodate. If the housing will be permanent the applicant must demonstrate that there are commercial farm enterprises in the vicinity that customarily require seasonal farm workers and there is a long term need that is not met by other seasonal farm housing in the vicinity.
 - (3) A dwelling occupied by a manager of the seasonal farm housing is located within a distance that facilitates adequate supervision of the residents and management of the housing facilities.
 - (4) There will be adequate public and utility services to serve the housing, including fire and police protection, schools, roads, and franchised solid waste collection.

(F) Golf course expansion:

- (1) An existing golf course cannot be expanded to contain more than 18 total holes, and the expanded area must be regulation as defined in Section 136.130(A).
 - (2) The existing facility must be a 9 hole regulation golf course as defined in Section 136.130(a). It does not include non-regulation golf courses such as executive golf courses, Par 3 golf courses, pitch and putt golf course, miniature golf courses and driving ranges.
 - (3) Accessory uses provided as part of a golf course shall be limited as provided in Section 136.130(A)(3).
- (G) A facility for the primary processing of forest products is subject to the following criteria and limitations:
- (1) The use shall be found to not seriously interfere with accepted farming practices;
 - (2) The use shall be compatible with farm uses described in ORS 215.203 (2);
 - (3) The use may be approved for a maximum one-year period, which is renewable;
 - (4) The use shall be portable or temporary in nature, and shall consist of a chipper, stud mill, or other similar facility for initial treatment of a forest product in order to enable its shipment to market.

(H) Campgrounds shall satisfy the following criteria:

- (1) It shall be devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.
- (2) A camping site may be occupied by a tent, travel trailer or recreational vehicle.
- (3) It shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(I) Notwithstanding sections 110.270 and 120.075, home occupations, including the parking of vehicles in conjunction with the home occupation and bed and breakfast inns, are subject to the following criteria:

- (1) A home occupation shall be operated by a resident of the property on which the business is located;
- (2) A home occupation or bed and breakfast inn may employ on the site up to three full-time or part-time persons,

their heirs, assigns and lessees, by the recording of this declaratory statement, and in return for allowing a (use) on this property, hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a (use) in this area, and grantee acknowledges the need to avoid activities that conflict with nearby farm or forest uses."

- (C) Fire Hazard Reduction: As a condition of approval for any non-farm dwelling located closer than 200 feet to timber, the owner shall be required to maintain a primary and secondary fuel-free break area in accordance with the provision in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991 and published by the Oregon Department of Forestry.
- (D) Prior to issuance of any residential building permit for an approved non-farm dwelling under Section 136.040(e), the applicant shall provide evidence that the county assessor has disqualified the lot or parcel for valuation at true cash value for farm or forest use; and that the additional tax or penalty has been imposed, if any is applicable, as provided by ORS 308.370 or 308.765 or ORS 321.352, 321.730, and 321.815. A parcel that has been disqualified under this section shall not requalify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel.

136.070 OTHER STRUCTURES. For the purposes of regulating structures, other than dwellings, the following regulations shall apply.

- (A) Legally established structures accessory to a dwelling, farm or forest use, or other authorized use, existing when the EFU zone is applied shall be considered in conformance with the EFU zone and may be repaired, replaced, altered, or enlarged unless conditions applied to the use require that changes to the structure be reviewed.
- (B) New structures shall be permitted if:
 - (1) Accessory to a farm or forest use;
 - (2) Accessory to a use authorized under 136.020, 136.030, or 136.040 subject to any limitation included in the authorization of the use;
 - (3) Integral to an accessory, secondary or temporary use authorized pursuant to Chapter 126.
- (C) Notwithstanding section 114.070, if a nonfarm use exists in the EFU zone and is unintentionally destroyed by fire, other casualty or natural disaster, the use may be reestablished to its previous nature and extent, but the reestablishment

pursuant to Section 136.080(a)(1), the same number of parcels shall be as large or larger than the minimum parcel size after the adjustment. When all parcels subject to the proposed adjustment are as large or larger than the minimum parcel size, no parcel shall be reduced below the applicable minimum parcel size.

- (2) If the minimum parcel size in subsection 136.080(a)(1) is larger than 80 acres, and a parcel subject to lot line adjustment is smaller than the minimum parcel size but larger than 80 acres, the parcel shall not be reduced in size through lot line adjustment to less than 80 acres.
- (3) Any lot line adjustment shall result in a configuration of parcels that are at least as suitable for commercial agriculture as were the parcels prior to the adjustment.

136.090 HEIGHT. No height limitations for farm-related structures on farm parcels. All dwellings - 35 feet. Non-residential and non-farm structures shall not exceed 35 feet unless they are in conjunction with conditional uses allowed in Section 136.040 and greater height is requested and approved as part of the conditional use permit.

136.100 SETBACK REQUIREMENTS. Except as required in Section 136.060(a), the following setback requirements shall be implemented for all new structures except farm-exempt buildings, signs and fences:

- (A) Rear yard - A minimum of 20 feet;
- (B) Side yard - A minimum of 20 feet, except for lots or parcels of one-half acre or smaller created prior to January 1, 1994, in which case the side yard setback shall be five (5) feet.
- (C) Front yard - A minimum of 20 feet. When by ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply (See Section 112).

136.110 CONTIGUOUS OWNERSHIP.

- (A) After June 29, 1994 it shall be a condition of approval that a new deed be recorded consolidating all contiguous lands in the same ownership when such contiguous lots or parcels are included in the application and must be considered in order for the application to meet the applicable criteria and standards. Consolidation shall be accomplished prior to exercising the rights granted in the land use decision and obtaining building permits, or concurrent with filing of a partitioning plat or lot line adjustment survey.

a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.

- (3) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course and conforms to the following:

(a) An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course include parking, maintenance buildings, cart storage and repair, practice range or driving range, clubhouse, restrooms, lockers and showers, food and beverage service, pro shop, and a practice or beginners course.

(b) Accessory uses to a golf course do not include sporting facilities unrelated to golf such as tennis courts, swimming pools, or weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.

(c) A use is accessory to a golf course only when limited in size and orientation to serve the needs of persons and their guests who patronize the golf course to golf.

(d) Commercial activities such as food and beverage service and pro shop are accessory to a golf course only when located in the clubhouse.

— (B) High-value farmland - A tract composed predominantly of:

(1) Soils rated Class I or II, prime, or unique, either irrigated or not irrigated;

(2) The following Class III soils: Chehalem (CeC), Concord (Co), Hullt (HuD), Jory (JoD), Nekia (NeC, NeD, NkC), Salkum (SkD), Silverton (SuD), and Woodburn (WuD);

(3) The following Class IV soils: Bashaw (Ba), Camas (Ca), Courtney (Cu), Dayton (Da), and Jory (JoE).

(C) Owner - As the term is used in section 136.030(D) only, the term "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or business entity owned by any one or combination of these family members.

(D) Seasonal Farm Worker - Any person who, for an agreed remuneration or rate of pay, performs temporary labor for

Attachment 5

Robert A. Ohrn and Pamela A. Kingsbury
7950 Timothy Lane NE
Keizer, OR 97303

July 14, 1997

Keizer Community Development Department
930 Chemawa Road NE
Keizer, OR 97303

Dear Keizer City Council and Keizer Community Development Department:

The purpose of this letter is to appeal the decision approving Subdivision Case No. 97-07 and to request a hearing before the City Council. We believe the decision to approve the subdivision was faulty for several reasons including the following:

The Hearings Officer initially resolved a dispute between the applicant and the City by ruling in favor of the City by requiring the applicant to extend water and sewer lines up O'Neil Road to Clear Lake Road, then west on Clear Lake Road to this proposed subdivision. This arrangement insured compliance with the Keizer Comprehensive Plan by providing city services to residents in the path of this development before this initial decision was final. The City and applicant requested that the record be held open so the hearings officer could be supplied with a deal the City and applicant had cut and submitted for approval. This deal was approved. It allowed the applicant to bring sewer and water up from the proposed road immediately to the south of this proposed development and pay a fee equal to 1/2 the cost of an eight inch sewer line along the property fronting Clear Lake Road, and build and install a 12-inch water main along the entire frontage of subject property on Clear Lake Road. We would like to know why there are different requirements for water and sewer. This represents a deviation from the Master Sewer Plan as updated in 1994, and we would like to know what impact, if any, these changes in conjunction with the other deviations from the Master Sewer Plan in the area will have on the overall ability and cost of serving areas not yet developed - specifically residences on Timothy Lane.

The applicant is only required to improve the south half of Clear Lake Road to minimal collector street standards. This is the customary procedure, since the developer on the other side of the street would normally improve the other side. In this case, there won't be a developer on the other side of the street because the urban growth boundary and exclusive farm use zoning lie 100 feet north of Clear Lake Road. Clear Lake road functions as a collector street connecting Wheatland Road, O'Neil Road and River Road and is experiencing increasing traffic as a result of the rapid growth and development along all of these roadways. It is our understanding that the roadway is presently constructed to local street standards. We are confused regarding the need for improvement of this roadway. If the current roadway is inadequate to handle the level of traffic that will result from the proposed development in conjunction with other area development, requiring the applicant to improve one side of Clear Lake Road along



LANDSCAPING PLAN AND TREE PRESERVATION REQUIREMENTS

CITY OF KEIZER DEVELOPMENT ASSISTANCE BULLETIN

Section 18.09, of the Keizer Zoning Ordinance, establishes guidelines for landscaping site plans and tree preservation as follows:

- (a) All applications for land use approvals, and applications for building permits shall include a site plan which identifies the following:
 - (1) The existing significant trees identified by their common names, along with the size of such significant trees. Existing significant trees shall include any trees which were removed within the one year period prior to the date the application was submitted.
 - (2) Which significant trees are proposed to be removed, or have been removed within the past year.
 - (3) Which significant trees are to be left standing and what steps will be taken to protect and preserve those trees.
 - (4) Location, size, and type of replacement trees proposed to be added, if any.
 - (5) Development in commercial and industrial zones shall also show the following on the site plan:
 - (i) The layout of the irrigation systems.
 - (ii) The location of all plantings (other than significant trees) by common names, together with their size at time of planting or expected coverage within five (5) growing seasons.
 - (iii) The location and type of ground cover.
 - (iv) The size and configuration of other landscaping features.
- (b) As used herein, "significant trees" are trees having a height of more than fifty (50) feet and/or having a trunk whose diameter is more than twelve (12) inches at ground level.
- (c) The City recognizes such factors such as disease, safety concerns, and site development requirements may require removal of mature trees. Depending on these factors, the City of Keizer may require removal of mature trees.

Development of the property in conformance with an approved landscaping site plan shall be a condition of land use approval or building permit. The City may require that significant trees that are removed (including trees removed within the year prior to the application) be replaced at the rate of up to two (2) new trees for each significant tree removed. Replacement trees shall have a trunk, when measures six (6) inches above ground level, of at least one and one-quarter (1 ¼) inches when planted, and shall be a type that will be at least twelve (12) inches in diameter at ground level when fully mature.

- (d) The above provisions include and apply to all significant trees located on the subject property 9 or on any adjacent public right-of-way.



**PUBLIC HEARING
SIGN UP SHEET**

PUBLIC HEARING RE: CLEAR LAKE ROAD SUBDIVISION APPEAL CASE NO. 97-07
(PICULELL-CHIMENTO)

DATE: AUGUST 4, 1997 TIME: 7:00 p.m. AGENDA ITEM # 6b

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS
(PLEASE PRINT)

[illegible]



**PUBLIC HEARING
SIGN UP SHEET**

PUBLIC HEARING RE: WIRELESS COMMUNICATION FACILITIES

DATE: AUGUST 4, 1997 TIME: 7:00 p.m. AGENDA ITEM # 6a

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS

[illegible]