

MINUTES
KEIZER CITY COUNCIL
Monday, August 3, 1998
Keizer City Hall
Robert L. Simon Council Chambers, Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:07 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Lore Christopher, Councilor (Sworn in at 7:09 p.m.)
Jim Keller, Council President
Jerry McGee, Councilor
Al Miller, Councilor
Garry Whalen, Councilor

Staff:

Wally Mull, City Manager
H. Marc Adams, Chief of Police
Dianne Hunt, Human Resources Officer
Rob Kissler, Public Works Director
Susan Gahlsdorf, Finance Director
Amy Drought, City Planner
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**SWEARING IN OF
COUNCILOR LORE
CHRISTOPHER**

Mayor Koho announced at an earlier special session, Lore Christopher was appointed to fill the vacancy on City Council. She will fulfill the unexpired term of Dawn Meier who recently tendered her resignation from Council Position Number Two.

Shannon Johnson, City Attorney issued the oath of office to Councilor Christopher.

Councilor Christopher took her place at the Council table.

PUBLIC TESTIMONY There was no public testimony to come before the Council.

COMMITTEE REPORTS

SWEARING IN OF KEIZER POLICE OFFICERS

Chief H. Marc Adams introduced Officer Jeffery Isham and Officer Jennifer Perkins as the newest members of the Keizer Police Department. He provided a brief background on each of the new officers.

Shannon Johnson, City Attorney issued the oath of office to Officer Isham and Officer Perkins.

VOLUNTEER AWARD

Jim Nightengale, member of the Volunteer Coordinating Committee announced the Volunteer of the Quarter award was being presented to the family of Ben Miller in recognition for Mr. Miller's contributions to the Keizer Community during his lifetime. Mr. Nightengale pointed out Mr. Miller's willingness to provide services or equipment through his rental agency at no or minimal cost.

Mayor Koho presented a clock in recognition of Mr. Miller's volunteer efforts to his wife and family.

KEIZER BICYCLE ADVISORY COMMITTEE REPORT

Hersch Sangster, Chair of the Keizer Bikeways Committee updated the Council on the projects and activities during the last year. One of the goals of the Committee is to provide bicycle education for kids in the community. Recently, a group of 15 individuals from Keizer, including 5 police officers, participated in a SMART training session. Knowledge learned at this program will ensure coordinated training efforts. There will be an opportunity for sharing this training at the Bike Rodeo at Day Springs Church on Saturday, August 22nd, 10:00 a.m. to 2:00 p.m.

In response to an inquiry from Mayor Koho, Mr. Sangster pointed out the Bicycle Committee is working in conjunction with the Traffic Safety Commission on many issues. Representatives attend each of the monthly meetings. He believes this is valuable communication as well as an opportunity to apply for traffic safety grants pertaining to bicycle issues.

KEIZER VOLUNTEER COORDINATING COMMITTEE APPOINTMENTS

Mayor Koho announced the Volunteer Coordinating Committee terms of Anne Rasmus and Mike Hart were scheduled to expire on August 31, 1998. Ms. Rasmus serves in Councilor Whalen's position and Mr. Hart in the Mayor's position. He indicated both individuals were contacted and wished to be reappointed to serve an additional term.

Mayor Koho moved to appoint Anne Rasmus (Councilor Whalen's position) and Mike Hart (Mayor's position) to another three-year term on the Volunteer Coordinating Committee. Council President Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Christopher, Keller, Koho, McGee, Miller, and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

COUNCIL LIAISON REPORTS

Councilor Miller reported the **Parks Advisory Board** met on July 14th and discussed the annual Parks Tour will be held on Monday, August 10th at 5:30 p.m. He indicated the Council should meet at City Hall and then proceed via shuttle to Claggett Creek Park for a barbecue dinner prior to the tour. In addition, he pointed out the construction of the picnic shelter at Claggett Creek Park has been completed, the play structure at the Meadows Park has been completed, installation of underground sprinklers at the Meadows Park, Willark Park and Willamette Manor Park will soon be complete.

At the July **Keizer Urban Renewal Board** meeting, Councilor Beach explained they discussed current development projects and the upcoming construction of Iris Lane. John Morgan, consultant led a discussion of the second phase of the River Road design plan. The board will continue discussions on this plan at their August meeting.

Amy Drought, City Planner reported the **Planning Commission** met on July 8th for their monthly meeting. The Commission discussed the timeline for the transportation system plan and public involvement program for the plan. The next meeting will be held on August 12th.

Mayor Koho reported the **Traffic Safety Commission** held their monthly meeting on July 23rd and announced the receipt of applications for mini-grants for traffic safety projects.

Craig Campbell, 6736 Fenwick Court N, Keizer – Chair of the Community Policing Committee – reported at the last meeting the group narrowed the strategic planning process and will be joining the police department for their strategic planning. In reviewing the projects which have been completed and others that will be completed, Mr. Campbell made note of these items; Prostitution Ordinance, renewal of the Curfew and Truancy Ordinances, staffing levels, landlord training classes, and a review of the District Attorney's case prioritization for crimes committed in Keizer. Mr. Campbell also pointed out the Cadet program will be implemented by the Keizer Police Department. Some of the short term projects include a peer court, control of paint guns, bb guns, or air guns, creation of a false alarm ordinance, and a possible telephone reporting unit. Long term projects include a water emergency response at Inland Shores and crime prevention near the Plymouth Drive apartments. Details of the strategic plan will be presented to the Council in the near future.

Councilor McGee reported the steering committee of the **Cable Television Task Force** met recently to discuss production and improvements to the televised Council meetings. The purpose for this meeting was to set a time to call in additional people to discuss improvements. However, during this meeting a list of potential improvements was made. Gary Williams, CCTV will work on the technical aspects of the production. Councilor McGee pointed out the pre-meeting briefing was added for tonight's meeting. This briefing will include a various term or process that will be explained as well as the items on the agenda. He requested any members of the viewing audience or Council, please contact the City Manager with any suggestions or concerns with the broadcast. The goal of the Task Force is to make the meeting more enjoyable to the viewing audience.

OTHER BUSINESS

NEW BUSINESS

Wally Mull, City Manager reported the Keizer Municipal Court will hold an **Amnesty Week** during the week of August 24th through August 29th. The Court will accept fifty-cents (\$.50) per one-dollar (\$1.00) of the total balance. The Court hopes to close some of the past due accounts and allow those drivers to legally obtain their driver's license. Mr. Mull noted this will be a one-time event and after the one-week period, all fines will revert to the original balance and turned over to the Collection Agency for collection.

Councilor Beach requested the staff investigate the option of printing the entire list of past due accounts.

Councilor McGee requested the staff prepare a proposal for Council consideration outlining a process for **Council appointments** when a vacancy on the Council occurs. He noted during the last six years three different appointment processes have been used, each successfully, however different. He believed if a policy was in place it would make a smooth transition each and every time this situation arises.

Mayor Koho supported the concept of developing options for consideration by the Council for the appointment process. He requested the staff bring this matter back to the Council before the end of the year.

Councilor Beach **applauded the Budget Officer**, Susan Gahlsdorf on the beautiful budget document that was adopted by the Council. He requested a staffing allocation outline be included in the budget showing how different employees are spread throughout the various funds.

Councilor Beach voiced his appreciation to the Keizer Heritage Foundation and other citizens who have been working so diligently on the **old school house**. The improvements are coming along nicely.

Councilor Beach mentioned as chair of the **Charter Review Committee** he has not scheduled a meeting to review any necessary changes to the Charter. He would like to refer this matter back to the Council to discuss during a work session. He hoped this could be accomplished soon as the November election is approaching.

Mayor Koho announced the filing deadline for the November ballot is August 25th. There is insufficient time to get this matter on that ballot. In addition, he requested this issue be delayed until the newly elected members of the Council are in place so they may participate in this process.

Councilor Beach pointed out one amendment he wishes to discuss would be a limitation in spending urban renewal funds without voter's approval.

Councilor Whalen requested the staff begin the process of **evaluating the water rates and reviewing the water capital improvement plan**. The last time these issues were reviewed was in 1995. He would like to keep up the excellent systems we have in place and with the growth being experienced, a full review would be beneficial at this time. In addition, it may be appropriate to review all the system development fees at this time.

Councilor Miller noted the Parks Advisory Board has been discussing the Parks System Development Charges and will be bringing information forth to the Council in the near future.

Chief Adams announced the **National Night Out** is set for Tuesday, August 4th. Approximately 50 groups have signed up to participate in this night against crime. He commended Jodi Sherwood for organizing this event.

Chief Adams reported the **K-9 unit** has received approximately \$7900 in donations to date. Chief Adams explained that this is a community project and the department is excited with this joint venture.

Chief Adams updated the Council on the **recruitment process** underway at the Police Department. Have hired four certified police officers, four reserve officers and a crime analyst. In addition, the process is just beginning for the records technician positions.

Council President Keller pointed out the idea of the K-9 unit was not brought to the budget committee or council and was turned down. The intent from the inception of the program was to make this a community project. He congratulated the department the support this program has received.

Council President Keller also commented on a recent article printed in the Statesman Journal regarding the increase in the **impoundment fee**. He is a strong supporter of this program which removes uninsured vehicles or suspended drivers from our streets. He noted in 1997 the Police Department impounded 662 cars off the streets of Keizer and 308 so far this year.

Susan Gahlsdorf, Finance Director reported the City is currently recruiting for the approved **Utility Billing Clerk position**. In

addition the **Utility Billing system conversion** is underway and the new billings will be printed in the next few days.

Wally Mull, City Manager announced the improvements at **McLeod Lane** are moving along according to schedule. This **Water Reservoir** at Keizer Little League Park has been filled. In addition, the construction at Iris Lane and Cherry Avenue will begin next week.

City Manager Mull also announced the **Skate Park** construction is behind schedule due to the weather and the number of volunteers during this construction period. He invited any volunteers that are interested in participating on this project should contact City Hall.

The Public Works and Parks Department are working in conjunction to place **ten trash receptacles** along River Road to help clean the area.

OLD BUSINESS

Council President Keller announced the Chamber of Commerce and the Keizer Heritage Association are continuing their discussion on the Old School building. The are contract issues that need to be reviewed and discussed and hopefully a resolution will be in place by the end of the month. Council President Keller indicated the September deadline for the improvements to the outside of the building is being taken very seriously.

PUBLIC HEARINGS

Mayor Koho reopened the public hearing which was continued on July 6, 1998.

RESOLUTION ADOPTING AGREEMENTS FOR CITY OF KEIZER NON-PREFERENCE TOWING SERVICES

Shannon Johnson, City Attorney announced the hearing was opened at the last meeting continued to this evening in order for the Council to review the language changes to the agreement.

Councilor Miller noted on page 7 – item A – the language states tow trucks shall not include car carrier or flat bed vehicles. However, throughout the document car carriers or flat bed vehicles are allowed.

Mr. Johnson explained this section only notes that the tow companies must have the minimum of one vehicle that is capable of towing/hooking onto a car to pull it out of a difficult area. A flat bed truck will not serve this purpose in all towing instances.

However, they are allowed to use flat beds or car carriers for towing purposes.

Councilor Miler suggested rewording this section to state... in order to qualify under this agreement, it is required to provide a minimum of one operable tow truck excluding car carriers or flat bed truck or other language that clarifies this statement. In addition, he noted on page 9 – Section E it should state indicating rather than indication.

Council President Keller pointed out on page 6 – Section 9 – it states *that no person convicted of a felony or a misdemeanor involving fraud, moral turpitude or a crime against property shall be an owner of or driver for a contractor.* He does not believe the City should be involved in these types of checks or record keeping.

Mr. Johnson indicated the Police Department requested this language be included to assure the drivers are licensed. It also ensures the safety of the public.

There was no public testimony to come before the Council.

Mayor Koho closed the public hearing.

In response to Councilor Beach, Mr. Johnson noted there are insurance requirements for the contractors, however no requirement to post a bond with the City.

Responding to Mayor Koho, Mr. Johnson explained the term moral turpitude is a fraudulent crime or describes a crime of character. A conviction of this nature may not be in the best interest of the customers or public.

Councilor McGee believed the contractors should be held to a standard to assure the citizens requiring the services of a towing company are trustworthy.

Councilor Miller agreed there should be a standard for the contractors. This is an excellent safeguard for the citizens.

Council President Keller supported the concept of this inclusion, however he is concerned with the clerical staff of the police department be overburdened with the overseeing of this

requirement. He suggested the tow company maintain this information and it would be available for inspection upon request.

Mr. Johnson noted this could be handled as an administrative matter by the Police Department rather than putting specific language into the agreement.

Mayor Koho moved a Resolution in the Matter of the Adoption of the Agreement for Non Preference Towing Services. Councilor McGee seconded the Motion.

Councilor Miller moved to amend the language on Page 7 – Section VIII – Section A to add a sentence at the end.... *As long as at least one tow truck is available, contractor may use flatbed or car carrier vehicles* and on Page 9 – Section VIII – E – changing the word *indication* to *indicating*. Mayor Koho seconded the amendment.

The amendment to the Motion passed as follows:

AYES: Beach, Christopher, Keller, Koho, McGee, Miller, and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

In response to Council President Keller's concern on the administration of the background and criminal checks, Lt. Mark Miranda believed during an inspection of the tow company, they would be required to produce the employees driving and criminal history background. This could be handled administratively by the Police Department.

The Motion as amended passed as follows:

AYES: Beach, Christopher, Keller, Koho, McGee, Miller, and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**APPEAL OF HEARINGS
OFFICER DECISION –
PARTITION CASE NO.
97-22 AND PARTITION/
ADJUSTMENT CASE
NO. 98-03 (CHOM
CONSTRUCTION)**

Mayor Koho opened the public hearing.

Shannon Johnson, City Attorney announced this will be a joint hearing on the appeal of the Hearing's Officer decision of Partition Case No. 97-22 and Partition/Adjustment Case No. 98-03. He noted the applicable criteria of each case is outlined in the staff report and requested the reading of the criteria be waived. There were no objections raised. Mr. Johnson also requested any testimony being presented be directed towards this criteria.

In response to an inquiry by Mr. Johnson, there were no conflict of interests, bias, jurisdiction, or defective notice issues raised at this time. Mr. Johnson noted that several Councilors have discussed the matter with him and the planning staff in recent weeks.

Amy Drought, City Planner reported this matter involves two appeals of the Hearing's Officer decision on Case No. 97-22 and Partition/Adjustment Case No. 98-03. The applicant in both cases is Chom Construction. The location of the subject property is 1250 Shady Lane NE, Keizer. The present zoning is single family residential with surrounding properties being zoned the same. Ms. Drought indicated these decisions involve complicated land-use issues and address implications for infill development in Keizer.

Ms. Drought announced that the complete planning files for both applications are being entered into the record at this time.

In reviewing the history of the cases, Ms. Drought explained in November 1997 Chom Construction filed a partition application to divide one lot into three lots. She displayed a drawing of the potential division of the lot showing the access easement and dimensions of each of the proposed lots. After staff approval of the partition application, an appeal was filed by M.J. and Cynthia Wilkens. Upon appeal, the Hearing's Officer concluded the proposed new lots (interior lots) did not meet the required lot depth requirement of the zoning ordinance. The Hearing's Officer based his decision on the fact that the front lot line was measured from the private access easement opposed to being measured parallel to Shady Lane.

Continuing with the history of the case, Ms. Drought pointed out a partition/adjustment (for the lot depth requirement) application was then filed by Chom Construction in March, 1998. After staff

approved the application, an appeal was then filed again by M.J. and Cynthia Wilkens. The Hearing's Officer ruled that the lot depth for the two interior lots should be measured from the edge of the easement not the exterior boundary of the lot. This resulted in lot depths of 52.5 feet for each lot, which is more than a difference of 20% as allowed. The application was then remanded back to the staff for a decision on a variance. This decision resulted in an appeal by Chom Construction.

Ms. Drought pointed out the central issue in both appeals is whether the applicant has satisfied the lot depth requirement of the zoning ordinance. She recommended the Council consider the testimony and then determine where the front lot line for the interior lots should be measured from; the side which faces the public street or the side of the lot which faces the access easement. She also recommended the Council determine the measuring point for an interior lot line. Upon making these decisions, the Council should direct the staff on the preparation of an order for adoption.

Mr. Johnson reiterated that this is a consolidated hearing on both cases in this matter.

In response to a question from Mayor Koho, Ms. Drought stated the minimum lot width is 40 feet and minimum lot depth of 70 feet. These minimums are intended to assure the lot has adequate buildable area. In addition, she stated that staff has historically determined on in-fill situations with existing dwellings, the front lot line is the line facing the public street. Ms. Drought noted the front lot line is only considered for the division of property, not to determine which direction the house will face when constructed. This decision is made at the time the building permit is approved.

Responding to a question from Council President Keller, Ms. Drought explained the easement would be viewed the same regardless of the type of easement. The edge of easement would not be considered the lot line if it was a sewer easement.

Councilor Whalen believed the issues being brought forth in this case will be faced in other future decisions. He hoped this case would be dealt with as an interpretation question and not a policy decision on amendments to the code.

Norm Hill, Attorney for Applicant (Chom Construction) 1114 Twelfth Street SE, Salem distributed a written applicants statement to the Council and requested this be made a part of the record. Mr. Hill concurred with the staff recommendation in the first case (97-22) in which stated the lot line is measured from Shady Lane. This is consistent with previous planning actions. Using an enlarged version of the Keizer Development Code, Mr. Hill pointed out his position is that the exterior lot boundaries should always be definitive when determining the lot depth. The development code defines a lot line as one of the property lines forming the exterior boundaries of the lot. He believes the Hearings Officer erred in his analysis of determining the location of the front lot line. Mr. Hill recommended the Council adopt the staff recommendation that the front lot line should be parallel to the public street right of way.

Mr. Hill also pointed out the decision by the Hearing's Officer in reference to the lot area creates an absurdity. The Code states the lot area is defined as the area in square feet or acres of a horizontal plane bounded by the vertical extensions of the lot lines. The lot lines used to determine the lot area would be different than those lines used to determine lot depth. Therefore the conclusion is inconsistent.

Referring to the memorandum in the staff report from the City Attorney, Mr. Hill pointed out there is a large amount of discretion to interpret the City's ordinances. However, there are limitations which restrict the Council from adopting an interpretation that is in violation of the Comprehensive Plan. In conclusion, Mr. Hill believed the Hearing's Officer determination in these cases is wrong and urged the Council to adopt the staff recommendation.

Marcy Wilkins, 1240 Shady Lane NE, Keizer indicated she owns the property directly next to the property in question. In the first case, 97-22 Ms. Wilkins pointed out under the rules of the Oregon State Land Use Board this matter has passed the 120 day appeal period. Therefore, she believes this has become a standing land use decision under the provisions of ORS 215.428.

Responding, Mr. Johnson noted the statute cited is incorrect, however there is another statute which addresses the 120 day appeal period. He pointed out in this case the City allowed the applicant for sake of efficiency to wait on the first appeal believing

the matter could be resolved by an adjustment or variance. Furthermore, the applicant waived the 120 day period in order to proceed with the second case. Mr. Johnson questioned if anyone other than the applicant is allowed to enforce the 120-day rule.

Ms. Wilkins stated the judgement rendered in case 98-03 indicating the lot depth of 52.5 feet is correct. This is based upon the ruling in case 97-22, where the actual lot depth came into contention. The appeal was based upon the actual definition of front lot line. According to Keizer Zoning Ordinance 2.228 the front lot line is defined as the roadway easement – the edge of the roadway easement not the center of the road. Citing the definitions of Keizer Zoning Ordinance 2.230 and 17.10 which define the rear lot line, Ms. Wilkins pointed out because it was an easement, it grants ownership at this point. With this configuration four separate properties are separated from the direct ownership of the principal parcel. Therefore it cannot be included in any size calculations based upon the lot.

Ms. Wilkins pointed out parcel one is insufficient to meet the requirements of the lot area dimensions under Keizer Zoning Ordinance 23.12. It states that a minimum lot area for a single family dwelling in a mobile home park or planned unit development is 4000 square feet. In areas other than those, it is a minimum of 6000 square feet. The application in cases 97-22 and 98-03 states the square footage of parcel one is only 4515 square feet. This falls short of the 6000 square foot requirement.

Based upon the fact that the front line is used to determine all other lot lines on a property and in light of the definition of a corner lot (Keizer Zoning Ordinance 2.080), Ms. Wilkins declared the first parcel should be considered a corner lot under this planning action. Therefore the lot should have a minimum depth of 70 feet from both Shady Lane and the private access easement. The determination of the front footage is addressed in Keizer Zoning Ordinance 2.152. Based upon this definition and the ruling by the Hearings Officer in case 98-03, the actual size of the lots is 52.5 wide by 70 feet deep. This calculates to 3675 square feet which is below the minimum required.

On a final note, Ms. Wilkins believed parcel one provides insufficient yard set back on the east side. Based upon the definitions in Keizer Zoning Ordinance 17.10 the actual depth

from the street easement needs to be 12 feet. Currently it is 1.7 feet from the edge of the street. Even if it is to be a side yard, it fails to meet the 5 foot requirement. Ms. Wilkins cited Keizer Zoning Ordinance section 17.20 which addresses minimum set backs which this development also fails to meet.

In response to a question by Councilor Whalen, Ms. Wilkins pointed out section 17.10 deals with the separation of lots or yard areas. She believes this states that you cannot figure a portion of another property or not under complete ownership of one person or parcel to be included in the area specified for another lot.

Ms. Wilkins reiterated that she owns the parcel of property to the immediate west of this proposed development and is very concerned with the application.

Gary Steiner, President of South East Keizer Neighborhood Association, 4054 Noon Avenue NE, Keizer believed the Council will set make decisions that the future development of Keizer will be based upon. This will affect the livability and productivity of the community. Mr. Steiner pointed out the decision in this case will have an affect on the livability of the southeast area of Keizer. He urged the Council to take into consideration this entire area when making this decision.

Ken Gierloff, Vice-President of South East Keizer Neighborhood Association, 4035 Arnold Street, Keizer indicated the board voted unanimously to request the Council uphold the hearings officer decision. This decision is based upon livability and reality. Mr. Gierloff concluded the siting of the house will most likely face the private access easement rather than Shady Lane, which would also allow the adjacent lot to develop similarly. This will create an impact of four additional lots in this area.

In case 98-03, Mr. Gierloff believed the frontage area of the house should not be considered part of the square footage or set backs. He cited an example on Danwood Street in which the house lacks a front yard due to the setback allowance.

In reviewing the lots similar to the case in point along Shady Lane, there could be six lots that can be developed in a similar fashion. The density will be abundant and the livability will be poor. In addition, park space, traffic congestion, and pedestrian safety will

become major concerns. Mr. Gierloff urged the Council to consider these issues when making a policy decision on this case.

In response to a question by Councilor McGee, Mr. Gierloff confirmed he agrees with the decision of the hearings officer on these cases. Furthermore, by adding the easement into the front property line, this will allow the house too close to the street without having a front yard. This situation is a detriment to the community because it does not provide adequate play area, access for police patrols, or promote pedestrian use. Mr. Gierloff requested this application be denied and further comprehensive plans developed for infill projects of this type.

In rebuttal, **Norm Hill, Attorney for the Applicant** pointed out most items brought up by the opponent during this hearing were rejected by the Hearings Officer. Also, the reference to Keizer Zoning Ordinance 17.10 that Ms. Wilkins brought forth refers to Planned Unit Developments and this is not one.

Mr. Hill stated none of the arguments raised by the opponent at this time were raised in the appeal. Therefore for the purposes of this hearing the only item in front of the Council for consideration is the interpretation that is put forth by the applicant. Mr. Hill pointed out the adopted Comprehensive Plan is implemented by the Keizer Zoning Ordinance and therefore interpretation of the code must be consistent. The Comprehensive Plan allows for infill development. Also, the purpose for the lot depth is to insure there is adequate space for development. The parcels in question are almost double the required area.

In response to an inquiry by Mayor Koho, Mr. Hill indicated the easement will be paved to at least the required 16 feet. He was unsure if the entire 24 feet would be paved.

Mr. Johnson, responding to questions from Councilor Whalen believed the 120 day rule violation raised by Ms. Wilkins, only applies to the applicant which has waived the appeal period. Therefore, he felt comfortable with the Council making a decision on case 97-22. He also stated the Council may decide the case on any facts or references raised during this hearing.

Amy Drought, City Planner pointed out during the testimony a statement was made that the house must face the front property

line. This is not a requirement under the code. The siting of the homes will be considered during the building permit process. The front lot line is only defined for calculations of lot depth not building orientation.

Responding to concerns raised by Council President Keller, Ms. Drought indicated the infill projects in Keizer are continuing to increase. She indicated the Planning Commission would like to develop infill design standards to assist staff in dealing with these issues.

Councilor Miller requested additional time to review the material and issues raised during testimony. He believes infill development is increasing in the community and would like to make sure all points are addressed.

Councilor McGee expressed the difficulty of dealing with these conflicting values. He believes staff has interpreted the code correctly, however if infill is not desirable narrower guidelines must be developed.

Councilor Whalen pointed out this application was filed in November, 1997 and by delaying the decision to investigate this issue further, it is not fair to the applicant.

Mr. Hill explained the applicant waived the 120 day appeal period in the first case pending outcome of the second case. The waiver in the second case will expire on August 17th, 1998. Mr. Hill believed his client would not be willing to extend the waiver, however he would request time to discuss the issue if necessary.

The Council recessed at 9:05 p.m.

The Council reconvened at 9:12 p.m.

Mr. Hill announced the applicant would waive the 120 day period until Tuesday, September 8, 1998.

Mayor Koho closed the public hearing.

Mayor Koho announced the Council would deliberate on this issue on August 17, 1998.

**WITTENBERG LANE
STREET LIGHTING
DISTRICT**

Mayor Koho opened the public hearing.

Wally Mull, City Manager requested this hearing be held over until August 17th, 1998 in order for Mr. Wittenberg to investigate an upgrade of the street lights being recommended for installation.

There was no testimony to come before the Council.

Mayor Koho announced the public hearing would be continued until Monday, August 17, 1998.

**BAHNSEN WOODS
STREET LIGHTING
DISTRICT**

Mayor Koho opened the public hearing.

Wally Mull, City Manager reported the developer of Bahnsen Woods filed a petition to create a street lighting district. At a previous meeting the engineer's report and lighting layout was approved.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Council President Keller moved a Resolution Forming the Bahnsen Woods Street Lighting District. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Christopher, Keller, Koho, McGee, Miller, and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Keller moved a bill for an Ordinance Spreading Assessments to Bahnsen Woods Street Lighting Local Improvement District. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Christopher, Keller, Koho, McGee, Miller, and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

Items on the Consent Calendar were as follows:

- a. Resolution – Adopting Fiscal Year 1998-99 City of Keizer Budget (Repealing R98-1042)
- b. Resolution – Calling Up Comp Plan/Zone Change/PUD Amendment (McNary Estates Phase 20)
- c. Approval of July 6, 1998 Regular Session Council Minutes
- d. Approval of July 27, 1998 Special 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, Christopher, Keller, Koho, McGee, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATION

Mayor Koho announced there were no written communications to come before the Council.

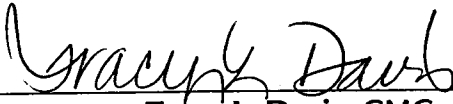
AGENDA INPUT

Mayor Koho noted the agenda input items. He reminded the Council of the annual Parks Tour on Monday, August 10, 1998. All members of the Council should meet at City Hall at 5:15 p.m.

ADJOURNMENT

The City Council meeting was adjourned at 9:29 p.m.

After a ten minute break the Council reconvened in an executive session pursuant to ORS 192.660(1)(h) -Litigation.

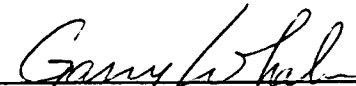


Tracy L. Davis, CMC
City Recorder

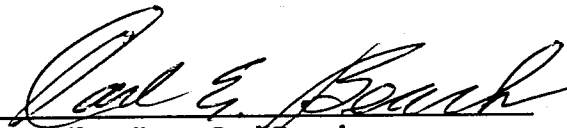
APPROVED:

Dennis Koho-Mayor

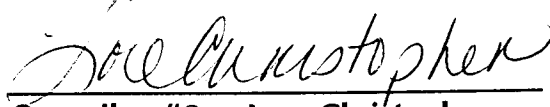
COUNCIL MEMBERS:



Councilor #1 - Garry Whalen



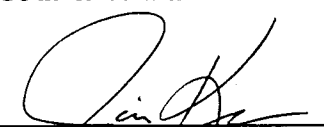
Councilor #4 - Carl Beach



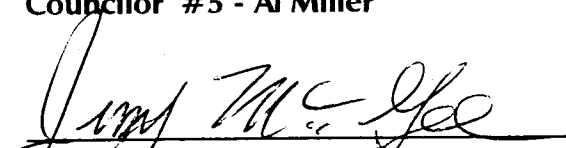
Councilor #2 - Lore Christopher



Councilor #5 - Al Miller



Council President - Jim Keller



Councilor #6 - Jerry McGee

Minutes approved:

September 8, 1998