

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

A G E N D A
URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, July 17, 2006

6:45 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. PUBLIC HEARING

5. ADMINISTRATIVE ACTION

- a. RESOLUTION – Authorizing the City Manager to Enter Into Agreement to Purchase Real Property Located on Bailey Road NE, Keizer (Richard Hatten)**

6. CONSENT CALENDAR

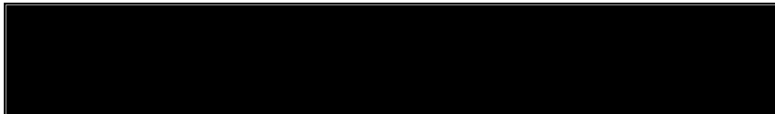
- a. Approval of June 5, 2006 Urban Renewal Agency Minutes**
b. Approval of June 19, 2006 Urban Renewal Agency Minutes

7. OTHER BUSINESS

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

8. AGENDA INPUT

9. ADJOURN



URBAN RENEWAL AGENCY MEETING: July 17, 2006

AGENDA ITEM NUMBER: _____

TO: URBAN RENEWAL AGENCY

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: PURCHASE OF FOUR FOOT STRIP ON BAILEY ROAD

Richard V. Hatten (dba New Idea Products, Inc.) owns a four foot strip of property running from Bailey Road back to the city hall complex. The property is bordered on the north and south by property held by the City/Urban Renewal Agency.

The City Manager has negotiated with Mr. Hatten to purchase the property on behalf of the Urban Renewal Agency for a purchase price of \$5,000.00. The matter is before the Agency to authorize the City Manager to enter into the formal agreement and purchase such property.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to purchase a four foot strip of real property located on Bailey Road.

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

ESJ/tmh
attachment

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

2 Resolution UR2006-_____

3
4 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
5 AGREEMENT TO PURCHASE REAL PROPERTY LOCATED
6 ON BAILEY ROAD NORTHEAST, KEIZER, MARION
7 COUNTY, OREGON (RICHARD V. HATTEN, DBA NEW
8 IDEA PRODUCTS, INC.) (URBAN RENEWAL FUND)
9

10 WHEREAS, Richard V. Hatten, dba New Idea Products, Inc. is the owner of
11 property located on Bailey Road Northeast, Keizer, Marion County, Oregon;

12 WHEREAS, the Urban Renewal Agency owns property to the south of such
13 property;

14 WHEREAS, such property is situated as to be useful to the Urban Renewal
15 Agency of the City of Keizer;

16 WHEREAS, Richard Hatten has agreed to sell the subject real property to the
17 Urban Renewal Agency;

18 WHEREAS, the parties have negotiated the terms for the purchase of such
19 property and the Sale Agreement and Receipt for Earnest Money has been prepared for
20 the City Manager's signature;

21 NOW, THEREFORE,

1 BE IT RESOLVED by the Urban Renewal Agency of the City of Keizer that the
2 City Manager is hereby authorized to enter into that certain Sale Agreement and Receipt
3 for Earnest Money, a copy of which is attached as Exhibit "A" and by this reference
4 incorporated herein.

5 BE IT FURTHER RESOLVED that the City Manager is directed and authorized
6 to take all actions necessary and appropriate to consummate the transaction as
7 contemplated therein.

8 BE IT FURTHER RESOLVED that the funds for this purchase shall be from the
9 Urban Renewal fund.

10 PASSED this _____ day of _____, 2006.

11 SIGNED this _____ day of _____, 2006.

12

13

14

Agency Chair

15

16

17

City Recorder

**SALE AGREEMENT AND
RECEIPT FOR EARNEST MONEY**

DATE: _____, 2006

SELLER: RICHARD V. HATTEN
dba NEW IDEA PRODUCTS, INC.
PO Box 7104
Keizer, OR 97307

BUYER: URBAN RENEWAL AGENCY OF
THE CITY OF KEIZER, an
Oregon Municipal Corporation
c/o E. Shannon Johnson
4855 River Road N.
Keizer, OR 97303

RECITAL:

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

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

AGREEMENT:

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

1. Sale and Purchase. Buyer agrees to purchase the Property from Seller and Seller agrees to sell the Property to Buyer for the sum of \$5,000.00 (the "Purchase Price").

2. Earnest Money. Buyer shall pay the sum of \$500.00 as earnest money. The earnest money shall be deposited with escrow within three (3) business days of Buyer's signature and such earnest money shall be applied to the Purchase Price on the Closing Date, as that term is defined below.

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

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

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

4. Closing. Closing shall take place on or before July 27, 2006 (the "Closing Date"), at the offices of Phyllis McCall, Ticor Title. The exact closing date shall be chosen by Buyer.

5. Condition. Buyer's obligation to purchase the Property is contingent on satisfaction of the following condition:

5.1 The title company is in a position to issue its standard Owner's title policy pursuant to their preliminary title report dated June 29, 2006.

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

6. Deed. On the Closing Date, Seller shall execute and deliver to Buyer a statutory warranty deed conveying the Property to Buyer, free and clear of all liens and encumbrances except the exceptions listed on the preliminary title report dated June 29, 2006.

7. Title Insurance. Within fifteen (15) days after closing, Buyer shall be furnished with an owner's policy of title insurance in the amount of the purchase price insuring Buyer as the owner of the Property subject only to the exceptions listed on the preliminary title report dated June 29, 2006.

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

9. Taxes; Prorates. Real property taxes for the current tax year and all other usual items shall be prorated as of the Closing Date.

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

11. Property Included. The property is bare land only. No fixtures are part of

the property.

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

13. Seller's Representations. To the best of Seller's actual knowledge, Seller represents and warrants to Buyer as follows:

(1) Seller has received no written notice of any liens to be assessed against the Property.

(2) Seller has received no written notice from any governmental agency of any violation of any statute, law, ordinance, or deed restriction, rule, or regulation with respect to the Property.

(3) Seller is not a "foreign person" as that term is defined in IRC ' 1445.

(4) The Property has never been used for the storage or disposal of any hazardous material or waste. There are no environmentally hazardous materials or wastes contained on or under the Property and the Property has not been identified by any governmental agency as a site upon which environmentally hazardous materials or wastes have been or may have been located or deposited.

All representations and warranties contained in this Agreement will survive closing and the conveyance of the Property to Buyer.

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

Other than the Seller's representations and warranties contained in this Agreement and those contained in any instrument delivered to the Buyer at closing, the Buyer acknowledges that it is purchasing the Property AS IS.

14. Buyer Held Harmless as Municipal Government. Seller agrees and understands that Buyer's responsibility and obligations under this Agreement do not and cannot bind Buyer as to its duties as municipal government which are necessarily separate and apart from its obligations hereunder. To that end, with regard to any actions that may affect Seller's operation of the Premises in any manner whatsoever, Seller agrees that enforcement in good faith of any lawful ordinances or regulations or any other acts Buyer

may take with regard to the adoption of appropriate and necessary laws and ordinances, or any other acts Buyer may take in its role as municipal government shall not be restricted by the fact that Buyer entered into this Agreement. However, nothing in this Section shall be interpreted to permit Buyer to act or fail to act in any way inconsistent with any common law, constitutional or statutory rights of Seller or the established duties and obligations of Buyer as a municipal body. This provision shall survive closing and shall not merge with the deed.

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

16. Remedies. TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT. If the condition described in Section 5 above is satisfied or waived by Buyer and the transaction does not thereafter close, through no fault of Seller, before the close of business on the Closing Date, Buyer shall forfeit the earnest money deposit to Seller as liquidated damages, and this Agreement shall be of no further effect, it being the intention of the parties that Buyer may forfeit the earnest money and be free of any further obligations under this Agreement. If Seller fails to deliver the deed described in Section 6 above on the Closing Date or otherwise fails to consummate this transaction, the earnest money shall be refunded to Buyer, but acceptance by Buyer of the refund will not constitute a waiver of the right to pursue any other remedy available to it at law or equity, including the specific performance of this Agreement.

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

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

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

20. Applicable Law. This Agreement shall be construed, applied, and enforced in

accordance with the laws of the state of Oregon.

21. Required Statutory Warning. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

22. Agreement Preparation. Seller understands that the law firm of Lien & Johnson prepared this Agreement on behalf of the Buyer and in no way represents the Seller. Seller is advised to seek independent legal counsel.

23. Acceptance. This Agreement shall be null and void unless accepted by Buyer, by Buyer's execution of it, on or before July 18, 2006. Buyer may not withdraw this offer prior to this date.

SELLER:

BUYER:

DATE: _____

DATE: _____

RICHARD V. HATTEN,
dba NEW IDEA PRODUCTS, INC.

URBAN RENEWAL AGENCY OF
THE CITY OF KEIZER, an Oregon
Municipal Corporation

By: _____
Richard V. Hatten

By: _____
Christopher C. Eppley,
City Manager



MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, June 5, 2006
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Christopher called the session to order at 6:50 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Chair
Richard Walsh
Troy Nichols
Jim Taylor
Charles E. Lee
David McKane
Jacque Moir

Staff:

Chris Eppley, City Manager
Tracy Davis, City Recorder

Absent:

A.J. Perez

PUBLIC TESTIMONY

None

PUBLIC HEARING

None

**ADMINISTRATIVE
ACTION**

**a. RESOLUTION –
Adopting
Policies for
Building Façade
Improvement
Grants –
Amending UR
96-022**

Nate Brown reported that up until this time the only grant program available was for sidewalk and frontage improvements. The proposed policy is for façade improvements in the urban renewal district and it is patterned after the Portland Development Commission program. Discussion took place regarding spreading the funds to multiple properties along River Road, caps on funding, limitations on national franchise businesses and those having offices outside Keizer. Stuart Crosby, Chair of Keizer Urban Renewal Board, responded to questions from the Agency and voiced support for the policy.

Agent Walsh moved to adopt Resolution UR 2006 Adopting Policies for Building Façade Improvement Grants (Amending Resolution UR 96-022. Agent Nichols seconded.

Agent Moir offered a friendly amendment to change the amount from \$25,000 to \$20,000.

Agent Walsh refused the friendly amendment.

Agent Moir moved to amend the resolution to change the amount from \$25,000 to \$20,000. Agent McKane seconded. Motion failed as follows:

AYES: Moir and McKane (2)
NAYS: Christopher, Walsh, Nichols, Lee and Taylor (5)
ABSTENTIONS: None (0)
ABSENT: None (0)

Agent McKane offered a friendly amendment to allow the awarding of this grant to businesses with multiple locations outside of Keizer but not to national franchises.

Councilor Walsh did not accept the friendly amendment.

Agent McKane moved to amend the motion on the table by revising line 4 of the Criteria for Building Façade Improvement grant by striking "businesses with multiple locations outside of Keizer are ineligible."
Agent Moir seconded. Motion passed as follows:

AYES: Moir, Nichols, Lee and McKane (4)
NAYS: Walsh, Taylor and Christopher (3)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Christopher restated the motion: To adopt Resolution UR 2006 Adopting Policies for Building Façade Improvement Grants (Amending Resolution UR 96-022) as amended. Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Nichols, Lee, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. Keizer Plaza Property Improvement Grant

Nate Brown showed a photo of the development stating that two grants had been requested: Streetscape Improvements and Façade Improvements. He described the planned improvements for the Streetscape Improvement Grant detailing the costs and fielding questions.

Councilor Walsh moved to authorize expenditure of up to \$84,258 of funding allocated for Streetscape Improvement projects. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Nichols, Lee, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mr. Brown described the planned improvements for the Façade Improvement grant and fielded questions.

Agent Walsh moved to authorize expenditure of up to \$74,212 in Urban Renewal Funds for building façade improvements and direct staff to prepare all necessary contracts. Agent Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Nichols, Lee, McKane and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

a. Approval of April 3, 2006 Agency Minutes

Agent Walsh moved for approval of the March 20, 2006 Minutes. Agent Nichols seconded. Motion passed as follows:

AYES: Christopher, Walsh, Nichols, Lee, McKane and Taylor (6)

NAYS: None (0)

ABSTENTIONS: Moir (1)

ABSENT: None (0)

OTHER BUSINESS

None

ADJOURNMENT

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

APPROVED:

Debbie Lockhart, Deputy City Recorder

Lore Christopher, Chair

AGENCY MEMBERS

David McKane

Charles E. Lee

Jim Taylor

Jacque Moir

Troy Nichols

Richard Walsh

Minutes approved:



MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, June 19, 2006
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Lore Christopher, Chair
Richard Walsh
Troy Nichols
Jim Taylor
Charles E. Lee
David McKane
Jacque Moir

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development
Rob Kissler, Public Works
Susan Gahlsdorf, Finance Director
Marc Adams, Police Chief
Tracy Davis, City Recorder

PUBLIC TESTIMONY

None

PUBLIC HEARING

**a. RESOLUTION –
Authorization of
Resolution
Transfer
(Supplemental
Budget)**

Finance Director Susan Gahlsdorf explained that additional funding was necessary to cover vehicle allowance and educational/tuition assistance costs, additional attorney fees, notice requirements and bond defeasance costs associated with the 6th amendment action and costs for a city hall expansion project.

Mayor Christopher opened the Public Hearing.

With no one wishing to give testimony, Mayor Christopher closed the Public Hearing.

Agent Walsh moved to Adopt Resolution UR06 Authorization for Appropriation Transfer. Councilor Nichols seconded. Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Nichols, Lee, McKane and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. RESOLUTION –
Adopting FY
2006-07 Urban**

Finance Director Susan Gahlsdorf explained the background of this Resolution along with other issues and the fiscal impact. She reviewed these in detail and pointed out that if the adjustments are approved, the ending fund balance should provide sufficient working capital in the

**Renewal
Agency Budget,
making
Appropriations
and Imposing
and Declaring
Tax Increment
Revenue**

following fiscal year until tax increment revenues come in December 2007.

Mayor Christopher opened the Public Hearing.
With no one wishing to give testimony, Mayor Christopher closed the Public Hearing.

Agent Walsh moved to Adopt Resolution UR06 Adopting FY 2006-07 Urban Renewal Agency Budget, making Appropriations and Imposing and Declaring Tax Increment Revenue. Councilor Nichols seconded. Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Nichols, Lee, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

**ADMINISTRATIVE
ACTION**

**a. RESOLUTION -
Authorizing the
City Manager to
Enter Agreement
to Purchase Real
Property Located
at 4995 Rickman
Road NE, Keizer
(Purcell)**

City Attorney, Shannon Johnson, explained the location of the property and reported that a sale agreement had been negotiated. Chris Eppley fielded questions regarding the closing and vacation date.

Agent Walsh moved for adoption of Resolution UR2006 Authorizing the City Manager to Enter Agreement to Purchase Real Property Located at 4995 Rickman Road NE, Keizer, Marion County, Oregon (Edward and Jacqueline Purcell) (Urban Renewal Fund). Agent Moir seconded. Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Nichols, Lee, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

OTHER BUSINESS

None

ADJOURNMENT

The meeting was adjourned at 6:47 p.m.

APPROVED:

Debbie Lockhart, Deputy City Recorder

Lore Christopher, Chair

AGENCY MEMBERS

David McKane

Charles E. Lee

Jim Taylor

Jacque Moir

Troy Nichols

Richard Walsh

Minutes approved:

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

AGENDA

KEIZER CITY COUNCIL

REGULAR SESSION

Monday, July 17, 2006

7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. PUBLIC TESTIMONY

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

5. PUBLIC HEARINGS

- a. Mai Thai Restaurant (5438 River Road N, Keizer) Liquor License Application**

6. ADMINISTRATIVE ACTION

- a. ORDINANCE – Amending Keizer Development Code Regarding Section 2.113 (Industrial Business Park) and Section 2.119 (General Employment); Amending Ordinance No. 98-389**
- b. Police Facilities/City Administrative Offices – Civic Center Project Funding**

7. CONSENT CALENDAR

- a. Approval of Change of Ownership – Albertson's Liquor License**
- b. RESOLUTION – Authorizing Acceptance of Lexipol Grant for Keizer Police Department Policy and Procedure update**
- c. Approval of June 26, 2006 Work Session Minutes**

8. **COMMITTTTEE REPORTS**

- a. Swearing in of Keizer Police Officer Ben Joliff

9. **OTHER BUSINESS**

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

- a. New Business or Old Business Issues

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

August 7, 2006

5:45 p.m. City Council Work Session

- Keizer Public Works Department Strategic Plan

7:00 p.m. City Council Regular Session

August 14, 2006

5:45 p.m. City Council Work Session

August 21, 2006

7:00 p.m. City Council Regular Session

12. **ADJOURNMENT**

CITY COUNCIL MEETING: July 17, 2006

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

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

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

**SUBJECT: MAI THAI RESTAURANT
LIMITED ON-PREMISES SALES**

BACKGROUND:

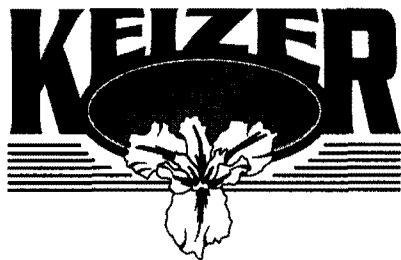
On June 30, 2006 Bounoum and Vongpheth Phraphakdy submitted an application for a Limited On-Premises Sales liquor license for Mai Thai Restaurant located at 5438 River Road N, Keizer, Oregon. This location is in the Creekside Shopping Center (Albertson's and Rite-Aid).

As required by Keizer Ordinance 95-318, a public hearing was scheduled; notice was published and mailed to all property owners within 200 feet of the proposed establishment. No responses have been received as of the writing of this report.

On July 7th a request was sent to the Keizer Police Department to conduct a background check on the applicants. The Department reports a clear background report on each of the individual applicants. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned and has no additional comment on the application.

RECOMMENDATION:

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



Keizer Police Department

Phone: (503) 390-3713 • Fax: (503) 390-8295
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council

Thru: Chris Eppley, City Manager

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

Subject: Liquor License Application for:
Mai Thai Restaurant

Issue: Shall the City Council approve the liquor license application of Mai Thai Restaurant located at 5438 River Rd N., Keizer, Oregon 97303.

Background

There have been no calls for service at this address since October 2005 under former ownership.

The applicants, Bounoum and Vongpheth Phraphakdy have no Oregon criminal conviction history on record at this time.

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

Recommendation

The Keizer Police Department recommends approval of the liquor license for Mai Thai Restaurant at 5438 River Rd. N., Keizer, Oregon 97303.

OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION



Please Print or Type

Applicant Name: VONGPHETH PHAPHA KOL Phone: 503-393-1893

Trade Name (dba): MAI THAI RESTAURANT

Business Location Address: 5438 RIVER ROAD NORTH

City: KEIZER OREGON ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 11:00AM to 10:00PM
Monday 11:00AM to 10:00PM
Tuesday 11:00AM to 10:00PM
Wednesday 11:00AM to 10:00PM
Thursday 11:00AM to 10:00PM
Friday 11:00AM to 10:00PM
Saturday 11:00AM to 10:00PM

Outdoor Area Hours:

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

The outdoor area is used for:

☐ Food service Hours: _____ to _____
☐ Alcohol service Hours: _____ to _____
☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

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

ENTERTAINMENT

Check all that apply:

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

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

Restaurant: 46 Outdoor: _____
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: 46

OLCC USE ONLY

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

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

Applicant Signature: VONGPHETH PHAPHA KOL Date: 6-30-06

1-800-452-OLCC (6522)

www.olcc.state.or.us

(rev. 04/03)

CITY COUNCIL MEETING: July 17, 2006

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: KEIZER DEVELOPMENT CODE AMENDMENTS (EG AND
IBP ZONE PROVISIONS)**

Following a public hearing at the last Council meeting, Council directed our office to prepare an appropriate Ordinance adopting the amendments to the Employment General (EG) zone and the Industrial Business Park (IBP) zone. Such Ordinance is attached for your review.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh
attachment

1 BILL NO. ____

A BILL

ORDINANCE NO.

2006-_____

3 FOR

4 AN ORDINANCE

5
6
7
8 AMENDING KEIZER DEVELOPMENT CODE
9 REGARDING SECTION 2.113 (INDUSTRIAL BUSINESS
10 PARK) AND SECTION 2.119 (GENERAL EMPLOYMENT);
11 AMENDING ORDINANCE 98-389

12
13
14 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
15 City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

16 WHEREAS, the City Council has held a hearing on this matter and considered the
17 testimony given and the recommendation of the Keizer Planning Commission; and

18 WHEREAS, the Keizer City Council has determined that it is necessary and
19 appropriate to amend the Keizer Development Code as set forth herein; and

20 WHEREAS, the Keizer City Council has determined that such amendments meet
21 the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer
22 Development Code;

1 NOW, THEREFORE,

2 The City of Keizer ordains as follows:

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

5 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The
6 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption
7 of the changes to Section 2.113 (Industrial Business Park) and Section 2.119 (General
8 Employment) as set forth in Exhibit "B" attached hereto, and by this reference
9 incorporated herein.

10 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
11 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
12 is denied acknowledgment by any court or board of competent jurisdiction, including,
13 but not limited to the Land Use Board of Appeals, the Land Conservation and
14 Development Commission and the Department of Land Conservation and Development,
15 then such portion shall be deemed a separate, distinct, and independent provision and
16 such holding shall not affect the validity of the remaining portions hereof.

1 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days
2 after its passage.

3 PASSED this _____ day of _____, 2006.

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5 SIGNED this _____ day of _____, 2006.

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Mayor

City Recorder

EXHIBIT "A"

FINDINGS

I. GENERALLY

The proposal is for amendments to the Keizer Development Code (KDC). One amendment concerns the EG zoning district (KDC 2.119.09(B) and .10(6)). The second amends the IBP zoning district (KDC 2.113.02(L)(4)) and the IBP provisions of the EG zoning district (KDC 2.119.03(L)(4)). The third amends the EG Zoning district provisions in KDC 2.119.10 to make the minimum required street side setback for industrially designated land in the EG district the same as for commercially designated land in the EG district. (A fourth amendment is in the nature of a housekeeping amendment that clarifies when the term "lot" or "lots" are used in the EG district provisions below, that the term also refers to the term "parcel" or "parcels." Finds are not presented for this amendment.)

1. Proposed Amendment One

Amendments to EG zoning district (2.119.09(B) and .10(6)). The EG district only exists within the City's KSP Village Center. The proposed amendments are first to create and define the concept of "qualified abutting lots" and establish that groups of up to four qualified abutting lots may be considered together for purposes of determining compliance with the dimensional standards of this part of the KDC. The amendment also creates an exemption from the dimensional standards chart of KDC 2.119.09(B) for lots composed of less than one acre the perimeter of which is 80% or more surrounded by existing public rights of way or other land that has previously been dedicated to the public for public access purposes. Finally, the amendment codifies an existing interpretation of city parking provisions that parking for master planned areas may be approved if the parking for the entire master planned area is within the amount of parking that the city's code allows or requires.

2. Proposed Amendment Two:

Proposed Amendment Two is an amendment to the IBP zoning district (KDC 2.113.02(L)(4)) and the IBP provisions of the EG zoning district (KDC 2.119.03(L)(4)).

The majority of the City's IBP designated land is in the KSP area. A small amount of IBP land is located elsewhere in the City. Under the proposed amendment, the opportunity for an applicant to apply for a theater (as described in SIC Code 78) among the kinds of public recreational uses allowed in the IBP district is to be made available to anyone owning or controlling IBP zoned land. The only kind of theater proposed to be authorized as a use permitted in the IBP district by this amendment is a theater of a type described in the City's SIC manual, which is identified as SIC Code (78). All references

in this amendment and associated findings to the term “theater” refers to a theater as described in the City’s SIC Code (78).

3. Proposed Amendment Three:

This amendment makes required minimum street setbacks consistent within the EG zoning district. After the amendment, minimum street side setbacks are 10 feet for both industrially and commercially designated land in the KSP’s EG areas. The amendment also clarifies that this development standards chart above has applicability to both lots and parcels. See the table set forth below:

2.119.10 Development Standards

A. Height, Setback, Coverage, and Landscaping Requirements

Development Type	Building Standards		Building Setbacks				Minimum Landscaping
Commercial (2.119.05 & .06)	Maximum Height	Maximum Lot or parcel Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot or Parcel Area
			Min	Max			
Industrial (2.119.03 & .04)	100 ft. (1)	85% (2)	10 ft.	20 ft. (3)	None	40 ft.	15% (5)(6)
	100 ft. / 15ft. within 50 of any residential zone (1)	80% (2)	10 ft.	None	None	40 ft.	20% (5)(6)

II. FINDINGS OF COMPLIANCE WITH APPLICABLE STANDARDS

The following standards apply or potentially apply to the proposed amendments to the Keizer Development Code. The proposal does not amend the City’s Comprehensive Plan. Therefore, no findings of compliance with plan amendment standards are required.

A. *KDC 3.111.04 Criteria for Approval*

“Amendments to the Comprehensive Plan or Development Ordinance text shall be approved if the evidence can substantiate the following: (2/01)

“A. Impact of the proposed amendment on land use and development patterns within the city, as measured by: (5/98)”

INTRODUCTORY FINDING : At the outset the City notes that the measurement of impacts under this provision of the KDC does not establish a series of individual approval standards. Rather, this provision is interpreted to mean that the City is to measure and balance impacts of each impact category listed below that are anticipated from the proposed amendments, in order to determine whether any anticipated impacts are unacceptable and, if not, whether anticipated impacts are capable of being mitigated to the City's satisfaction.

“1. Traffic generation and circulation patterns; (5/98)”

FINDING: Proposed Amendment One will have no impact on traffic generation and circulation patterns. Proposed Amendment One simply allows a group of up to four (4) qualified abutting lots to be considered together for purposes of determining whether such qualified abutting lots meet certain dimensional standards in the EG district. By definition, a qualified abutting lot cannot add an additional curb cut that would not otherwise be allowed, so it cannot add traffic impacts not already contemplated by the zoning district. Similarly, the same use types and their attendant traffic generation impacts are allowed and disallowed in the EG zone regardless of the proposed amendment for qualified abutting lots. Calculating compliance with dimensional standards has no impact on the number or type of uses allowed in the zoning district. Further, exempting what are essentially small remnant lots or parcels that are 80% or more surrounded by existing public accesses or existing rights of way, from the dimensional standards and classification chart has no impact on traffic generation and circulation patterns.

Finally, the amendment to KDC 2.119.10(6) simply codifies an existing city interpretation of existing city code provisions that parking in mixed use master planned areas need not be measured by parking standards for the individual uses in the master planned area. Rather, the KDC required parking minimums and maximums may be spread over the entire master planned mixed use area. All city parking standards are met under this codified interpretation of existing city code standards, as neither the total aggregate amount of parking required as a minimum or maximum for the master planned area is violated; rather parking is supplied within the city code requirements as spread over the entire master planned area.

Therefore, proposed Amendment One has no impact on traffic generation and circulation patterns.

Proposed Amendment Two also has no impact on traffic generation and circulation patterns. Regarding circulation, Proposed Amendment Two as it affects the KSP area does not authorize circulation patterns to differ from those authorized and required by applicable master plans and other standards that apply. In the KSP area, where “any project” has a “projected daily average traffic” that exceeds “250 vehicle trips per day”, a traffic impact analysis and a “written explanation of how negative impacts will be mitigated” is required as a part of required master plans. KDC 3.113.03(A)(11), (B)(2), (C)(2), (D)(2), (E)(2). Any theater approved under the

standard to be adopted under Proposed Amendment Two will be required to meet this and other standards. For other areas of the City having IBP land, the particular standards of the IBP district must also be met; as well as City general and City Development Standards, as well as City Street Standards. While Proposed Amendment Two will allow another type of public amusement use in the IBP district, in addition to those that already are allowed by the KDC to be established in that district, this amendment does not of itself approve any particular use, including any particular theater proposal. Any proposal must still meet applicable standards and may be disallowed in the City's discretion if the use proposal fails to do so.

Proposed Amendment Three has no impact on traffic generation and circulation patterns. It simply makes the minimum street side setbacks within the EG district consistent between use types.

2. Population concentrations; (5/98)

FINDING: Proposed Amendment One has no direct impact on the concentration of population within the EG zone in the KSP area, where it simply relates to the manner of determining the dimensions of certain lots or parcels; it does not increase the number or types of uses otherwise allowed in the KSP area. However, it is anticipated that Proposed Amendment One indirectly facilitates the development of the KSP area as it was envisioned, by minimizing regulatory hurdles in order to achieve the KSP's public benefits and regulatory objectives. This amendment helps the KSP to achieve its planned objective of being an intensely developed economic center so that no land area is wasted. In this regard, the other part of the proposed amendment -- exemption of small essentially remnant lots or parcels -- similarly ensures KSP developability as envisioned in the intensive KSP economic development area and that no valuable urban lot or parcel is wasted. As such, Amendment One facilitates development within the City limits as opposed to putting pressure outside the City or on the UGB. To this extent, Proposed Amendment One has a positive impact on population centers by maintaining population centers within the City, in a centralized industrial and commercial business area represented by the City's chosen locations of the IBP district. *See* Keizer Comprehensive Plan Policy B "Urban Growth and Growth Management." However, the codification of existing city interpretation of existing city parking requirements has no impact on population centers. Rather, it simply reflects an interpretation of an existing code provisions regarding the manner in which required parking minimum and maximums for master planned areas are determined.

Proposed Amendment Two potentially affects population centers to the extent it clarifies that, among the recreational and entertainment uses otherwise already allowed in the IBP zone, including the IBP carry over provisions in the EG district, that theaters may also be allowed if an applicant applies for that use and meets applicable standards. There are no current plans for a theater in the KSP or any other IBP area. But it is particularly noted that the potential for a theater should be

allowed in the KSP area as Area A Sports has established significance as an important recreational area of the City.

It is further noted that any recreational use, including a theater, will contribute to a concentration in population. But recreational uses, including an intensive baseball stadium, are already allowed in the IBP zone in the KSP area. The KSP area is by definition a population center and a theater in that location is likely to draw people who are otherwise already in the KSP area; whether they are shopping, eating, playing or working. Therefore, the proposal has potentially positive impact to the City under this standard.

It is also noted that there is no effect on population concentrations from Proposed Amendment Two that would change the intensity or use assumptions supporting the KSP or the City Comprehensive Plan. The applicable requirements for any development of a theater remain in place. Importantly, the requirement noted above regarding transportation analyses and mitigation if more than 250 trips are contemplated remains in place in the KSP area.

Proposed Amendment Three has no impact on population centers. It simply unifies the minimum street side setback standards for the uses allowed in the EG district.

3. Demand for public facilities and services: (5/98)

FINDING: Proposed Amendment One does not create a demand or change the demand for public services and services for uses in the EG zone in the KSP area. It simply establishes a way for a group of up to four qualified abutting lots to meet dimensional standards in the EG district and exempts small essentially remnant lots or parcels nearly completely surrounded by existing public accesses or existing rights of way to be developed as intended by the KSP. To the extent that Proposed Amendment One has any impact at all on public facilities and services, the impact is a positive one because it allows the requisite level of modest regulatory flexibility to facilitate the contemplated level of development to occur in the KSP area, thus better amortizing the public's investment in infrastructure in this area. The parking averaging provisions of Amendment One do not increase or decrease demand for public facilities and services as these provisions simply codify an existing city interpretation of existing city code provisions for master planned areas.

Proposed Amendment Two also does not itself have any impact on public facilities and services. The proposal to allow theaters in the IBP and EG IBP zone provisions zone does not cause usage of public facilities and services beyond those already programmed or in place for the City's EG and IBP zones including those in the KSP area. The other locations in the City where IBP zoning exists is adequately served by public facilities and services. The KSP area is also adequately served by public facilities and services. It is specifically noted that Area A Sports where an theater could be located, is served by an existing 14 inch water main in Tepper Lane to the north of the property. Sanitary sewer can be provided through the existing 18-inch

sewer main already along the northern boundary of the property. Moreover, any theater in the KSP area would be required to meet the KSP master planning requirements as well as design standards. Any other area of the City for which an IBP designation applies would have to meet applicable standards, including General and Development Standards as well as public works standards, as well.

Proposed Amendment Three has no impact on public facilities or services.

4. Maintenance of public health and safety: (5/98)

FINDING Proposed Amendment One does not change any uses allowed in the KSP area and has no direct impact on the public's health and safety. Any indirect impacts are that this amendment facilitates development, which in turn causes a better amortization of public facilities and services already in the area, thus indirectly benefiting the public's health and safety.

Proposed Amendment Two similarly has no impact on public health and safety. Transportation and other aspects associated with the development of a theater are all governed by applicable approval standards that will provide for the public health and safety for any public recreational use from a baseball stadium to any proposal for a theater.

Proposed Amendment Three has no impact on the public health and safety.

5. Level of park and recreation facilities: (5/98)

FINDING Proposed Amendment One has no impact under this standard as its provisions neither detracts from nor enhances the City's park and recreation opportunities or facilities.

Proposed Amendment Two has a positive impact under this standard. It enhances the possibility that a theater can be developed in the KSP Area A Sports, which was always intended to provide the public with a broad spectrum of recreational opportunities. It provides a similar opportunity to the modest amount of IBP land located elsewhere in the City. Providing the opportunity for a recreational amenity of a theater in the City, including the KSP area, materially enhances the opportunity for City citizens to enjoy a broader spectrum of recreational facilities. The Keizer Comprehensive Plan provides that the "Need for additional * * * recreational facilities is a high priority with Keizer residents." It also states the City Goal to: "Provide for the recreational needs of the City of Keizer through the * * * development of * * * recreation facilities." Plan p 63.

Proposed Amendment Three has no impact on recreational facilities.

6. Economic activities: (5/98)

FINDING: The proposed amendments as a whole either enhance existing, or provide additional, economic opportunities to the City and its citizens. The Keizer Comprehensive Plan as well as the KSP identifies the KSP/Chemawa area as places of primary economic opportunity for the City. See for example: Keizer Comprehensive Plan page 35 et seq.; KSP Purpose Statement.

7. Protection and use of natural resources: (5/98)

FINDING: Neither Proposed Amendment One nor Proposed Amendments Two or Three redesignates the use or function of any land that was otherwise designated for natural resources. Neither amendment has any direct impact on natural resources. Indirect impacts arise from the fact that the regulatory flexibility offered by Proposed Amendments One and Two encourage the anticipated intensive development within the KSP area, thus relieving pressure on natural resources areas in and outside of the City.

8. Natural hazards and constraints:

FINDING: There are no known natural hazards or constraints impacts from the proposed modest amendment to the classification and dimensional standards in Proposed Amendment One for the EG district, from the codification of the interpretation of existing city interpretation of parking standards or regarding Proposed Amendment Two concerning the addition of a movie theater to the listed permitted uses in the IBP district, or Proposed Amendment Three to unify the minimum required street side setbacks. Furthermore, clarifying that in the EG zone lots also refer to parcels is similarly of no impact. The areas of the City designated with an EG or IBP district have already been evaluated for their natural hazard or constraints in determining the areas were appropriate for the intensive urban development that these districts otherwise already allow. The proposals simply provide a means to establish the mechanism for determining a master planned area's compliance with parking standards. They also provide a means to calculate compliance with dimensional standards and of classifying lots and parcels in the KSP under a particular dimensional standard and thus encouraging the anticipated commercial and industrial developments to occur. Exempting essentially remnant lots or parcels nearly completely surrounded by existing public rights of way or existing public accesses, from the dimensional standards and classification chart similarly has no impact under this provision.

9. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs. (5/98)

FINDINGS: The only special purpose plan that includes area having EG or IBP districts is the KSP. Proposed Amendment One is consistent with this special purpose plan because it allows groups of up to four (4) qualified abutting lots to be considered

together for purposes of compliance with dimensional standards and for classification purposes. It also makes clear that small essentially remnant lots or parcels surrounded at least to the extent of 80% by existing public accesses (including rights of way) are developable as the land in the KSP area is intended to be developed. Furthermore, codifying existing parking standards has no impact on this special purpose plan other than a positive one to the extent it adds clarity regarding how this important mixed use special plan area's parking is to be determined and planned. Moreover, proposed Amendment Two is also consistent with the KSP because it allows an application to be submitted for a theater and with Proposed Amendment Three which allows a unified minimum required side street setback of 10 feet. Proposed Amendments One and Three are consistent with the purpose of the KSP itself which states it is to: "designed to allow flexibility with applicable development standards." KSP page 3. Regarding Proposed Amendment Two, the KSP encourages public recreational amenities within the KSP Area A Sports which is the most likely venue for a theater.

B. A demonstrated need exists for the product of the proposed amendment.
(5/98)

FINDINGS: Proposed Amendment One and Three are designed to further enhance regulatory flexibility which was one of the purposes of establishing the KSP. Without the regulatory flexibility of Proposed Amendments One and Three, development in the Keizer Station Area A will be constrained by regulatory prohibitions that are unnecessary to any KSP or City purpose. Moreover, the codification of existing city interpretation of its existing parking standards avoids case by case interpretation that is cumbersome and confusing, in favor of legislatively establishing the city's intentions for how parking is to be determined in KSP master planned areas. As such, in order to facilitate the important goals of the KSP, it is necessary to add the flexibility of groups of up to four (4) qualified abutting lots to be developed with the uses intended for the EG district under the KSP as well as unifying the EG district's minimum required street side setback to 10 feet. Further, small essentially remnant lots or parcels that are nearly completely surrounded by existing public accesses including rights of way are developable as intended under the proposed amendments.

Proposed Amendment Two is designed to respond to the City need for additional recreation lands for City residents. See Keizer Comprehensive Plan pages 62-63. In order for the development of adequate recreational opportunities it is necessary for the addition of at least the opportunity for Keizer Citizens to have a theater in the Keizer Station Plan EG/IBP areas and other IBP areas. That allowing a theater as a permitted use does not solve for all the public's recreational needs, does not mean that this proposal which adds to the City's base of recreation is not designed to satisfy a public need for recreation lands.

C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements. (5/98)

The proposal is not a major amendment of the City KDC. It does not amend the KSP or any Keizer Comprehensive Plan provision. Rather it is simply an amendment to the text of the KDC to allow what the framework of the KDC already allows. The proposal is consistent with the terms of the KSP and City's overall comprehensive plan. ORS 197.835(7) provides that a text amendment to a land use regulation is reviewed for compliance with the acknowledged comprehensive plan governing the amendment. The City Comprehensive Plan and the KSP are both acknowledged. As explained above, the proposal is consistent with the City's Comprehensive Plan, including its KSP sub-element. Specific provisions of the City's comprehensive plan govern the amendments herein proposed. Therefore, compliance with the Statewide Planning Goals and administrative rules need not be addressed, unless a rule expressly states its applicability. Unless listed, administrative rules are inapplicable or redundant to standards for which compliance is otherwise established herein.

In an abundance of caution and, in the alternative only, compliance with any potentially applicable statewide goals and administrative rules are herein established.

Goal One: Citizen Involvement: The City's acknowledged citizen involvement program has been and will continue to be followed in the adoption of the Proposed Amendments One, Two and Three as well as the housekeeping amendments that clarify that the term Lot covers the term parcel in the EG district. Therefore, Goal One is met.

Goal Two: Land Use Planning: There is an adequate factual basis for the proposed decision as established in the evidence submitted herein. The proposal is consistent with the City's general plan as well as specific KSP plan as explained above. The proposal has been coordinated with other governmental units. No exceptions are contemplated or required. Goal 2 is met.

Goals Three and Four: Agriculture and Forest Uses. All property subject to the proposed amendments is located within the City limits and within the UGB. No land subject to City zoning standards is planned or zoned for exclusive farm or forest use. Both of these goals are inapplicable.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: There are no identified Goal 5 resources in the KSP area covered by EG or IBP zoning. See Keizer Comprehensive Plan page 8 (identifying the Willamette River Greenway and Claggett Creek as the natural resource in the City warranting protection and also determining that: "There are no significant cultural or natural resources" in the City. Both proposals have no impact on any Goal 5 resources in any area because both proposals only apply on land already designated as either EG or IBP land and these

lands are designated for intensive industrial or commercial development and are not protected from development by any Goal 5 program.

Goals 6, (Air Water and Land Resources) Goal 7 (Natural Hazards): No EG nor any IBP land in the KSP area has any identified Goal 6 or 7 resource or issue. *See* Economic Opportunities Analysis portion of the KSP p 12. The balance of the IBP land in the City is similarly unconstrained. Development of the City's EG and IBP districts with intensive commercial or industrial development is consistent with protecting more sensitive resources elsewhere.

Goal 8 Recreation. Regarding Proposed Amendments One and Three, there are no impacts associated with this goal from modifying how certain qualified abutting lots dimensions are calculated or by allowing a required minimum of a 10 foot street setback for land in the EG district. Similarly, there are no impacts associated with simply codifying existing city interpretation of its parking standards. Proposed Amendment One and Two simply adds a modest amount of regulatory certainty regarding parking and regulatory flexibility for qualified abutting lots as well as small lots nearly completely surrounded by existing public accesses or by existing rights of way.

Proposed Amendment Two, the addition of a theater as a potential allowed recreational use enhances the recreational opportunities of the City's citizens and complies with Goal 8. As explained above, the City's plan specifies that an important objective is to provide additional recreational opportunities.

Goal 9 Economy: Both Proposed Amendment One, Two and Three facilitates economic development. Proposed Amendment One and Three facilities regulatory certainty for parking standards compliance as well as regulatory flexibility and Proposed Amendment Two facilitate an additional economic opportunity for the City of a theater for the enjoyment of Keizer citizens.

Goal 10 Housing: None of the proposed amendments have any impact on housing. This Goal is inapplicable.

Goal 11 Public Facilities and Services. The proposals are consistent with existing acknowledged public facility plans for timely, orderly and efficient arrangement of public facilities and services that serve as the City's framework for urban development in the EG and IBP areas. Proposed Amendments One and Three as well as the housekeeping amendments which clarify in the EG zone the terms "lots and parcels" are used interchangeably, have nothing to do with public facilities or services as are consistent with the planned level of facilities and services for the EG area. These amendments codify an existing parking interpretation for master planned areas as well as simply allows modest adjustments for dimensional standards and dimensional standards classification for certain qualified abutting lots, exempt very small constrained lots or parcels from dimensional and classification standards they could never meet, dooming

such land use inappropriate land waste, and for a unified minimum required 10 foot street setback across the EG district. Proposed Amendment Two is consistent with the types and levels of urban public facilities that are adequate to support the urban development of recreational amenities in the IBP areas of the City. A theater is type of recreational urban development that is contemplated in the KSP IBP area especially Area A Sports.

Goal 12 Transportation.

Goal 12 is implemented by the Transportation Planning Rule (OAR 660-012-000 et seq.) ("TPR"). OAR 660-012-0060 ("Plan and Land Use Regulation Amendments") specifies that certain steps must be taken "Where an amendment to a * * * land use regulation would significantly affect an existing or planned transportation facility * * *." Proposed Amendment One and Three and the Housekeeping Amendments have no effect on a transportation facility. Goal 12 and the TPR do not apply to Proposed Amendment One and Three. To the extent required, ODOT and the City of Salem have received notice of the proposed amendment. So far, no comments have been received by either ODOT or Salem. Therefore, Proposed Amendment One and Three has been coordinated.

With respect to Proposed Amendment Two, the addition of a theater as an allowed use in the IBP district and EG IBP district provisions does not have a significant effect on a transportation facility. For the IBP district generally, all proposals for theaters would have to meet City development standards as well as general City standards which require, respectively, an evaluation of and determination that there are adequate transportation facilities and, also, for uses generating more than 100 trips per day per 1000 gross square feet of building that any theater would meet "full City standards." For the KSP area IBP district, master plan standards require a detail traffic impact analysis and mitigation and also require that ODOT interchange facilities maintain an .87 v/c ratio. Therefore, the conditions and restrictions on any IBP district theater application limit allowed uses to levels consistent with the function, capacity and performance standards of affected transportation facilities. *Citizens for Protection of Neighborhoods, v. Salem*, 47 Or LUBA 111,119-20 (2004); *ODOT v. City of Klamath Falls*, 39 Or LUBA 641, 660, aff'd 177 Or App 1, 34 P2d 667 (2001) (a condition that effectively prevents development allowed by the amendment from impacting a transportation facility at all unless and until the facility is improved is sufficient to ensure compliance with the TPR). As in the *Citizens for Protection of Neighborhoods Id.* case, no development of a theater in the IBP district in the KSP area is permitted at all unless and until a master plan is approved. That master plan must demonstrate, based on a TIA, which allowed development will be consistent with the function, capacity and performance standards of affected transportation facilities.

Moreover, the focus of inquiry under OAR 660-012-0060(2)(d) is the net difference in impacts on transportation facilities between the unamended plan and zoning code and the amended plan and zoning code. *ODOT v. Klamath Falls*, 39

Or App at 648. In this case the transportation impacts associated with a theater being among the allowed uses is the equivalent of that which could occur if it were not among the allowed uses on IBP land. LUBA pointed out in *Citizens for Protection of Neighborhoods*, Id 47 Or LUBA at 120: “The causative element inherent in OAR 660-0012-0060(2) and the focus of the rule on the net difference between the amended and unamended plan and zoning code renders it legally irrelevant whether the former Fairview Training Center caused transportation facility failures.” While here there are no existing failures, the point is an important one. Comparing transportation impacts allowed under the existing listed permitted uses and those with the addition of a theater among potentially permitted uses, establishes there are no greater impacts.

Finally, to the extent required, ODOT and the City of Salem have received notice of the proposed amendment. So far, no comments have been received by either ODOT or Salem. Therefore, Proposed Amendment Two has been coordinated.

Goal 13 Energy Conservation

Proposed Amendment One and Three indirectly furthers the objectives of Goal 13 by assuring that land is efficiently used for the purposes for which it is designated. Relatedly, Goal 13 is furthered by Proposed Amendment One and Three because it assures a dense concentration of development in the EG area of the KSP rather than land being inefficiently unused due to classification, setback or dimensional requirements constraints.

Proposed Amendment Two indirectly furthers the objectives of Goal 13 because allowing the potential for a theater in the IBP area of the KSP provides the opportunity for occupants of nearby concentrations of residential development to walk to theater recreation as opposed to having to drive to engage in such family entertainment. Proposed Amendment Two has no impact positive or negative on energy conservation for the areas of IBP land outside the KSP IBP areas.

No other Statewide Planning Goals or their administrative rules are applicable.

D. The amendment is appropriate as measured by at least one of the following criteria: (5/98)

1. It corrects identified error(s) in the provisions of the plan. (5/98)
2. It represents a logical implementation of the plan. (5/98)
3. It is mandated by changes in federal, state, or local law. (5/98)
4. It is otherwise deemed by the council to be desirable, appropriate, and proper. (5/98)

FINDING: The Council deems it to be desirable, appropriate and proper for the City's IBP district and the City's EG IBP provisions to allow theaters among other recreational uses. The Council deems it to be desirable, appropriate and proper to codify its existing city interpretation of existing parking standards for master planned areas. It also deems it to be desirable, appropriate and proper to for the dimension of qualified abutting lots to be calculated as established above and for lots or parcels in the EG district to have the same minimum required street setback of 10 feet. The Council deems it desirable, appropriate and proper to exempt lots or parcels consisting of less than one acre and surrounded at least to the extent of 80% by existing public accesses or existing rights of way. The Council deems it desirable, appropriate and proper to clarify that both lots and parcels are subject to the qualified abutting lots standard as well as the 10 foot minimum required street setback provision.

2.113 INDUSTRIAL BUSINESS PARK (IBP)

2.113.01 Purpose and Uses

- A. Purpose. The IBP zone is intended to provide for high quality light industrial and office parks with related commercial uses. It sets high design standards focusing on visual aesthetics, while providing a framework for the marketplace to work within creating vibrant, economically viable commerce centers. (5/98)
- B. Classification of Uses: Most permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC), Manual, Numbers in parenthesis following a use designation indicate that the use is listed and described under the number in the SIC. Where particular activities otherwise included under a SIC category are excluded from the permitted, a special, or conditional uses, those particular activities are listed, preceded by the words, "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter. The IBP zone may be utilized in conjunction with overlay zones, such as the AC (Activity Center) overlay zone used within the Keizer Station Plan, which may include use and development standards which are more restrictive than those found in this chapter. (02/03)

2.113.02 Permitted Uses

The following uses, when developed under the general development standards in this zoning code applicable to the IBP district and to all such uses, generally, are permitted in the IBP district: (5/98)

- A. **Agriculture forestry and fishing;** (5/98)
 - 1. Agricultural production-crops (01). (5/98)
- B. **Manufacturing;** (5/98)
 - 1. Grain mill products. (5/98)
 - 2. Bakery products. (5/98)
 - 3. Beverages. (5/98)
 - 4. Miscellaneous food preparations and kindred products. (5/98)

5. The manufacture of meat products but excluding both meat packing plant and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (5/98)
6. Textile mill products. (5/98)
7. Apparel and other finished products made from fabrics and similar products. (5/98)
8. Wood kitchen cabinets. (5/98)
9. Nailed and lock corner wood boxes and shook. (5/98)
10. Wood products, not elsewhere classified. (5/98)
11. Furniture and fixtures. (5/98)
12. Paperboard containers and boxes. (5/98)
13. Printing, publishing, and allied industries. (5/98)
14. Drugs. (5/98)
15. Soaps detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations. (5/98)
16. Miscellaneous plastic products. (5/98)
17. Leather and leather products BUT EXCLUDING leather tanning and finishing. (5/98)
18. Glass products, made of purchased glass. (5/98)
19. Pottery and related products. (5/98)
20. Metal cans and shipping containers. (5/98)
21. Cutlery, hand tools, and general hardware. (5/98)
22. Heating equipment, except electric and warm air, and plumbing fixtures. (5/98)
23. Fabricated structural metal products. (5/98)
24. Screw machine products, and bolts, nuts, screws, rivets, and washers. (5/98)
25. Metal forgings and stampings. (5/98)

26. Metalworking machinery and equipment. (5/98)
 27. Special industry machinery, except metalworking machinery. (5/98)
 28. Pumps and pumping equipment. (5/98)
 29. Office, computing, and accounting machines. (5/98)
 30. Electrical and electronic machinery, equipment, and supplies. (5/98)
 31. Transportation Equipment. (5/98)
 32. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (5/98)
 33. Miscellaneous manufacturing industries. (5/98)
- C. **Transportation, communications, electric, gas, and sanitary services;**
1. Motor freight transportation and warehousing. (5/98)
 2. Communication. (5/98)
 3. Public Utility Structures and Buildings. (5/98)
- D. **Wholesale trade-nondurable goods** BUT EXCLUDING poultry and poultry products, livestock, farm-product raw materials, not elsewhere classified, chemicals and allied products, tobacco and tobacco products, and nondurable goods, not elsewhere classified. (5/98)
- E. **Wholesale trade-durable goods** BUT EXCLUDING automobiles and other motor vehicles, lumber and other construction materials, coal and other minerals and ores, construction and mining machinery and equipment and scrap and waste materials. (5/98)
- F. The uses (b) through (e), excluding c) iii) shall:
1. Be within an enclosed building; and
 2. Permit retail sales of products manufactured on the site. (5/98)
- G. **Services** (5/98)

1. Computer and data processing services. (5/98)
2. Research and development laboratories. (5/98)
3. Management, consulting, and public relations services. (5/98)
4. Noncommercial educational, scientific, and research organizations. (5/98)

H. Public administration; (5/98)

1. Fire protection. (5/98)

I. Office Uses; (5/98)

1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in 2.108.02.A, B, C, PP, and RR. (5/98)

J. Retail trade; (5/98)

1. Eating and drinking places. (5/98)

K. Finance, Insurance, and Real Estate; (5/98)

1. Commercial and Stock Savings Banks. (5/98)
2. Mutual Savings Bank. (5/98)
3. Savings and Loan Associations. (5/98)
4. Personal Credit Institutions. (5/98)

L. Services (5/98)

1. Hotels, motels, and tourist courts. (5/98)
2. Child daycare services. (5/98)
3. Membership sports and recreation clubs. (5/98)
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (5/98)

5. Motion pictures (78), BUT EXCLUDING drive-in motion picture theaters (7833).
 6. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (5/98)
 7. Miscellaneous services. (5/98)
- M. **Transit stop shelters.** (5/98)
- N. **Flexible Space Uses**
1. The following uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted in the IBP district
 - a. Food Stores (54). (5/98)
 - b. Apparel and Accessory Stores (56). (5/98)
 - c. Furniture, Home Furnishings and Equipment Stores (57). (5/98)
 - d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (5/98)
 - e. Business Services. (5/98)
 - f. Miscellaneous Repair Services. (5/98)
 2. In the Keizer Station Plan where Flexible Space uses are to be developed within the IBP district, the following development limits apply; (02/03)
 - a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection 1(a) through (d). (7/04 Ord 2004-510)
 - b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district. "IBP district" is defined as IBP zoned property within the Keizer Station, including any internal

public streets. In no case shall each contiguously zoned IBP district within the Keizer Station exceed 32,400 square feet of Flexible Use Space as set forth in sub-sections 1.a through d. (7/04 Ord 2004-510)

- c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the IBP district. (5/98)
- d. Any outdoor storage area shall:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
 - ii. Be enclosed with a sight-obscuring fence or wall;
 - iii. Have at least one side conterminous with the building that it serves;
 - iv. Have no opening within fifty feet and visible from any property boundary; and
 - v. Meet the other applicable requirements of this ordinance. (5/98)
- e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary. (5/98)
- f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall. (5/98)
- g. All buildings shall be capable of development as flexible industrial space. (5/98)

O. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)

2.113.03 Prohibited Uses

Within any IBP district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under this chapter. (5/98)

2.113.04 Industrial Performance Standards

In an IBP district no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulation, local ordinance, and state and federal law. (5/98)

2.113.05 Development Standards

- A. **Design Standards** – Unless specifically modified by provisions in this Section, buildings located within the IBP zone shall comply with the Development Standards in Section 2.315. (5/98)
- B. **Location Standards**. (5/98)
1. Each IBP district shall have direct access onto an arterial or collector street. (5/98)
 2. Access to a local street abutting the district shall not be permitted from any lot within the IBP district; except that, access may be permitted to a local street if 75 percent of the property is zoned industrial or designated industrial in the Keizer Comprehensive Plan along both sides of the street for a distance of 600 feet from the center line of a proposed access in both directions along the street, or for the distance from said centerline to the next intersecting arterial or collector street in both directions, whichever is less. (5/98)
 3. Calculation of the percent of industrial property shall be based upon the street frontage of properties having frontage on the local street within the described distance of the centerline of the proposed access. (5/98)
 4. The Zoning Administrator may require street right-of-way and improvements for streets abutting or within the IBP district in accordance with the Development Code, except that for local streets to which access is not allowed under 2. above, the Zoning Administrator may only require right-of-way dedication, and not improvements. (5/98)
- C. **Height**. Within the IBP district buildings and structures erected, altered or enlarged shall not exceed 100 feet in height, except for the area within 50 feet of any residential zone where the maximum height shall be 15 feet. (5/98)

D. **Lot Area and Dimensions.** There are no minimum lot area requirements in an IBP district. (5/98)

E. **Yards Adjacent to Streets.** Within an IBP district:

1. Along the full extent of each lot line adjacent to a street, there shall be a required yard 20 feet in depth. (5/98)
2. Setbacks for accessory building and structures, except fences, shall be the same as for primary buildings. (5/98)
3. No parking will be allowed in required yards. (5/98)
4. No buildings or structures except transit shelters approved by the Salem Area Transit District shall be permitted in a required yard adjacent to a street. (5/98)

F. **Yards Adjacent to Other Districts.** (5/98)

1. Where an IBP district within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 40 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
2. Where an IBP district not within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 15 feet in depth plus 1 foot of depth for each foot of building height over 10 feet, adjacent to the lot line separating the IBP district from the abutting district. (5/98)
3. Where an IBP district within the Keizer Station Plan abuts another "I" district, directly or across an alley, there shall be a required yard 20 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
4. No buildings or structures shall be permitted in a required yard adjacent to an abutting district. (5/98)
5. All parking shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district. (5/98)
6. Driveways shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district, except where

the driveway provides direct access to the abutting property or to a street. (5/98)

G. **Side and Rear Yards.** Notwithstanding Section 2.113.05.F, There are no side or rear yard requirements in the IBP district except:

1. As may be required for a yard adjacent to another district as defined above. (5/98)
2. Where a side or rear yard is not required but is provided it shall:
 - a. Be at least ten feet in depth;
 - b. Not include buildings, structure, parking or driveways; and
 - c. Be landscaped. (5/98)
3. Driveways and accessways shall set back at least ten feet from property lines, except where the driveway or accessway provides direct access to an adjacent street, or where a common driveway is provided along a lot line between two separately owned properties. In case of the latter exception, at least ten feet of landscaped yard shall exist parallel and along each side of the common driveway. (5/98)

H. **Lot Coverage.** Each lot within an IBP district shall have a least 20 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 20 percent landscaped area. (5/98)

I. **Open Storage**

1. Open storage of materials and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall or berm at least six feet in height, or a sight obscuring hedge no less than four feet in height and capable of obtaining a height of six feet within two years, any of which shall be located on the property at the required set back line in the same manner as if such berm, fence, wall, or hedge were a building. (5/98)
2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area. (5/98)

J. **Landscaping**

1. Landscaping shall meet the requirements of the Keizer Development Code as well as the following requirements. (5/98)
2. Required yards shall include the following plant materials:. (5/98)

**Number of Plant Units or Square Feet of Living Ground Cover
Per 1000 Square Feet of Landscaped yard**

Plant Type	Boundary of IBP District	Other Locations
Trees	2	1
Shrubs	5	3
Evergreens and Conifers	1	
Living Ground Cover	500 sq. ft.	500 sq. ft.

3. Plant units shall be distributed not less than two units per each 100 linear feet of boundary or lot line and each ten feet of depth. (5/98)
4. Plant units meeting the above standards shall also be planted and maintained in any planting strip or area within the public right of way adjacent to a use. Trees within the planting strip shall be in conformance with City standards for street trees. (5/98)

K. **Off-Street Parking and Loading.** Within an IBP district all uses shall meet the requirements of the Parking Chapter of the Keizer Development Code as well as the additional requirements of this section:

1. **Parking**
 - a. All parking shall be set back at least ten feet from all interior property lines. (5/98)
 - b. Transit stop(s) approved, as to location, design and construction, by the Keizer Area Transit District may satisfy five percent of the parking space requirements for building sites located within 400 feet of any such transit stop(s). (5/98)

- c. A ride sharing program approved by the Director of Public Works may satisfy five percent of the parking space requirements. (5/98)
 - d. Bicycle parking at a ratio of one bicycle space for each twenty vehicle parking spaces may satisfy three percent of the parking space requirements. (5/98)
- 2. Loading
 - a. All loading spaces shall be screened from adjacent property by a sight-obscuring fence, wall, hedge, or berm at least four feet in height. (5/98)
 - b. Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings. (5/98)
- L. **Lighting.** Exterior lights fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground and five feet outside the boundary of the IBP district, shall within 50 feet of the base of the light standard be either:
 - 1. Completely shielded from direct view, or. (5/98)
 - 2. Not greater than five foot candles. (5/98)

2.119 GENERAL EMPLOYMENT (EG)

2.119.01 Purpose

The General Employment (EG) zone is located within the Keizer Station Plan (KSP) Area A – Village Center, and it corresponds directly with the Special Planning District (SPD) designation as described in the KSP and the Keizer Comprehensive Plan. Consistent with the KSP, the EG zone promotes a complementary mix of economic uses, development intensity, and development standards along with a wide range of employment opportunities. The EG zone regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns, while enhancing economic opportunities in Keizer. The intent is to promote attractive industrial/commercial areas, which will support the economic viability of the City. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. (2/03)

2.119.02 Commercial and Industrial Use Limitations

- A. To implement the KSP, the EG zone requires that a minimum of 25% of all the EG zone land area be devoted to listed Industrial Uses and allows a maximum of 75% of the EG zone land area to be developed with Commercial Uses. The specific Industrial and Commercial Uses are defined in this chapter. The EG zone is unique because the location of the particular areas devoted to Industrial and Commercial Uses shall be determined as part of the required Site Master Plan review described in Chapter 2.125 of this Zoning Ordinance. (2/03)
- B. The land use limitations of the EG zone include: (2/03)
1. Permitted and Special Permitted Industrial Uses, in Sections 2.119.03 and 2.119.04 respectively, represent the allowable uses for the portion of the EG zone so designated as part of the Site Master Plan approval required by Chapter 2.125. A minimum of 25% of the land area of the EG zone shall be devoted to these uses. (2/03)
 2. Permitted and Special Permitted Commercial Uses, in Sections 2.119.05 and 2.119.06 respectively, represent the allowable uses for the portion of the EG zone so designated as part of a Site Master Plan approval required by Chapter 2.125. A maximum of 75% of the land area of the EG zone may be devoted to these uses. (2/03)
 3. Use restrictions, which apply to the entire EG zone, are identified in Section 2.119.07. (2/03)

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2.119.03 Permitted Industrial Uses

Industrial Development. The following uses, drawn from the IBP and IG zones, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the EG zone on a minimum 25% gross acreage of the Village Center: (2/03)

A Construction contractor's offices. (15) (2/03)

B. Manufacturing;

1. Bakery products. (205) (2/03)
2. Beverages. (208) (2/03)
3. Miscellaneous food preparations and kindred products. (209) (2/03)
4. The manufacture of meat products (201) but excluding both meat packing plant (2011) and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (Poultry slaughtering and processing (2015)) (2/03)
5. Textile mill products. (22) (2/03)
6. Apparel and other finished products made from fabrics and similar products. (23) (2/03)
7. Wood kitchen cabinets. (2434) (2/03)
8. Nailed and lock corner wood boxes and shook. (2441) (2/03)
9. Wood products, not elsewhere classified. (2499) (2/03)
10. Furniture and fixtures. (25) (2/03)
11. Paperboard containers and boxes. (265) (2/03)
12. Printing, publishing, and allied industries. (27) (2/03)
13. Drugs (283), **BUT EXCLUDING biological products, except diagnostic substances (2836)** (2/03)
14. Leather and leather products (31) **BUT EXCLUDING** leather tanning and finishing. (311) (2/03)

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15. Glass products, made of purchased glass. (323) (2/03)
16. Pottery and related products. (326) (2/03)
17. Metal cans and shipping containers. (341) (2/03)
18. Cutlery, hand tools, and general hardware. (342) (2/03)
19. Heating equipment, except electric and warm air, and plumbing fixtures. (343) (2/03)
20. Fabricated structural metal products. (344) (2/03)
21. Screw machine products, and bolts, nuts, screws, rivets, and washers. (345) (2/03)
22. Metal forgings and stampings. (346) (2/03)
23. Metalworking machinery and equipment. (354) (2/03)
24. Special industry machinery, except metalworking machinery. (355) (2/03)
25. Pumps and pumping equipment. (3561) (2/03)
26. Office, computing, and accounting machines. (Computer and Office Equipment (357); Calculating and Accounting Machines, Except Electronic Computers (3578); Office Machines, Not Elsewhere Classified (3579) (2/03)
27. Electrical and electronic machinery, equipment, and supplies. (Electronic and other electrical equipment and components, except computer equipment (36) (2/03)
28. Transportation Equipment. (37) (2/03)
29. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (38) (2/03)
30. Miscellaneous manufacturing industries. (39) (2/03)

C. Transportation, communications, electric, gas, and sanitary services;

1. Communication. (48) (2/03)

2. Public Utility Structures and Buildings. (Electric, Gas, and Sanitary Services (49)) (2/03)
- D. **Wholesale trade-nondurable goods (51)** BUT EXCLUDING poultry and poultry products (5144), livestock (5154), farm-product raw materials, not elsewhere classified (5159), chemicals and allied products (516), tobacco and tobacco products (5194), and nondurable goods, not elsewhere classified. (5199) (2/03)
- E. **Wholesale trade-durable goods (50)** BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082) and scrap and waste materials. (5093) (2/03)
- F. **The uses listed in above A through D, excluding B(1) shall:**
 1. Be within an enclosed building; and(2/03)
 2. Permit retail sales of products manufactured on the site. (2/03)
- G. **Services**
 1. Computer and data processing services. (737) (2/03)
 2. Research and development laboratories. (2/03)
 3. Management, consulting, and public relations services. (Management and Public Relations Services (874) (2/03)
 4. Noncommercial educational, scientific, and research organizations. (2/03)
- H. **Office Uses:**
 1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots U. (2/03)
- I. **Finance, Insurance, and Real Estate;**
 1. Commercial and Stock Savings Banks. (602) (2/03)
 2. Mutual Savings Bank. (2/03)

3. Savings and Loan Associations. (603) (2/03)

4. Personal Credit Institutions. (614) (2/03)

J Public Administration; (2/03)

1. Fire Protection. (9224) (2/03)

K. Retail trade;

1. Eating and drinking places. (2/03)

L. Services;

1. Hotels, motels, and tourist courts. (2/03)

2. Child daycare services. (2/03)

3. Membership sports and recreation clubs. (2/03)

4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (2/03)

5. Motion pictures (78), BUT EXCLUDING drive-in motion picture theaters (7833).

6. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (2/03)

7. Miscellaneous services, including pest control (7342). (2/03)

M. Transit stop shelters. (2/03)

N. Flexible Space Uses. (2/03)

1. The following flexible space uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted as industrial business park uses within the EG zone:

a. Food Stores (54). (2/03)

b. Apparel and Accessory Stores (56). (2/03)

c. Furniture, Home Furnishings and Equipment Stores (57). (2/03)

- d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (2/03)
 - e. Business Services. (2/03)
 - f. Miscellaneous Repair Services. (2/03)
2. In the Keizer Station where Flexible Space uses are to be developed as industrial business park uses within the EG zone, the following development limits apply; (2/03)
- a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (L)(1)(a) – (d). (2/03)
 - b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the acreage identified for IBP uses within the EG zone. The acreage identified for IBP uses within the EG zone is defined as parcel or area of land used for IBP use land development including building site, parking, landscaping, drainage facilities and any other development on site to support the use on site. (2/03)
 - c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the acreage identified for IBP uses within the EG zone. (2/03)
 - d. Any outdoor storage area shall:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building; (2/03)
 - ii. Be enclosed with a sight-obscuring fence or wall; (2/03)
 - iii. Have at least one side conterminous with the building that it serves; (2/03)
 - iv. Have no opening within fifty feet and visible from any property boundary; and (2/03)

- v. Meet the other applicable requirements of this ordinance. (2/03)
- e. Loading doors shall have no opening within 75 feet and visible from any street or property boundary. (2/03)
- f. All buildings shall be capable of being redeveloped as flexible industrial space. (2/03)

2.119.04 Special Permitted Industrial Uses

- A. **Accessory structures and uses** prescribed in Section 2.203 are permitted when developed in conjunction with a use listed in Section 2.119.03 under the applicable development standards in this Zoning Ordinance. (2/03)

2.119.05 Permitted Commercial Uses

Commercial Development. The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the EG zone on a maximum 75% gross acreage of the Village Center: (2/03)

- A. **One or more buildings with one or more dwelling units** or guest rooms, and/or, one or more other uses allowed in this section on a lot. (2/03)
- B. **Residential homes** and facilities. (2/03)
- C. **Child day care** service, including family day care provider. (8351) (2/03)
- D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (2/03)
- E. **Landscape** counseling and planning (0781). (2/03)
- F. **Offices** for any use listed in SIC Division C - Construction. (2/03)
- G. **Commercial printing** (275). (2/03)
- H. **Transportation, Communication and Utilities.** (2/03)
 - 1. **Public utility structures and buildings.** (2/03)
 - 2. **Post office** (43). (2/03)
 - 3. **Travel agency** (4722). (2/03)
 - 4. **Communications** (48). (2/03)

I. **Retail Trade.** (2/03)

1. **Building materials, hardware, retail nurseries, and garden supply** (52), BUT EXCLUDING mobile home dealers (527). (2/03)
2. **General merchandise stores** (53). (2/03)
3. **Food stores** (54). (2/03)
4. **Apparel and accessory stores** (56). (2/03)
5. **Home furniture, furnishings, and equipment stores** (57). (2/03)
6. **Eating and drinking places** (58). (2/03)
7. **Miscellaneous retail** (59), BUT EXCLUDING fuel and ice dealers (598). (2/03)
8. **Electrical and lighting shops and office machines and equipment stores.** (2/03)

J. **Business, Professional and Social Services.** (2/03)

1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67). (2/03)
2. **Hotels, motels and tourist courts** (701). (2/03)
3. **Organization hotels and lodging houses** on membership basis (704). (2/03)
4. **Personal services** (72) BUT EXCLUDING industrial launderers (7218). (2/03)
5. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342). (2/03)
6. **Parking lots** in accordance with Section 2.303.04 of this Ordinance. (7521) (2/03)
7. **Miscellaneous repair services** (76). (2/03)
8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838). (2/03)
9. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (2/03)
10. **Health services** (80), BUT EXCLUDING hospitals (806). (2/03)
11. **Legal services** (81). (2/03)
12. **Elementary and secondary schools** (8211). (2/03)

13. **Correspondence schools and vocational schools** (824). (2/03)
14. **Schools and educational services** not elsewhere classified (829). (2/03)
15. **Social services** (83). (2/03)
16. **Museums, art galleries, botanical and zoological gardens** (84). (2/03)
17. **Membership organizations** (86). (2/03)
18. **Miscellaneous services** (89). (2/03)

K. **Public Administration** (91 - 97). (2/03)

2.119.06 Special Permitted Commercial Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the EG zone: (2/03)

- A. **Accessory structures and uses** prescribed in Section 2.203 are permitted when developed in conjunction with a use listed in Section 2.119.05 under the applicable development standards in this Zoning Ordinance. (2/03)
- B. The following **special uses** subject to the applicable standards in Section 2.4 and shall be considered commercial uses in the EG zone: (2/03)
 1. **House of Worship** (Section 2.423). (2/03)
 2. **Veterinary services** (074) (Section 2.414). (2/03)
 3. **Funeral service and crematories** (726) (Section 2.415). (2/03)
 4. **Used Merchandise Store** (Section 2.417). (2/03)
 5. **Service stations** (554) (Section 2.419) (2/03)
 6. **Automobile services** (75) (Section 2.420) BUT EXCLUDING automotive rental and leasing, without drivers (751), automotive repair shops (753), automotive repair (754). (2/03)
 7. **Commuter Rail Station**(2/03)

2.119.07 Use Restrictions

- A. The following uses are **prohibited** to be established in the EG zone: (2/03)

1. Farm Use. (2/03)
 2. The rendering, processing, or cleaning of animals, fish, seafood's, fowl, poultry, fruits, vegetables, or dairy products for wholesale use.
 3. Vehicle sales and secondary repair.
 4. General Storage, including boat and RV storage.
 5. Recreational vehicle parks (7033).
 6. Automotive Dealers (55).
 7. Automotive rental and leasing, without drivers (751).
 8. Automotive repair shops (753).
 9. Automotive services, except repair (754).
- B. A limitation of the total floor area of specified uses applies to all of Area A – Village Center of the Keizer Station Plan. A maximum total floor area of 800,000 square feet shall apply to the uses identified in Sections 2.119.03 (K) and 2.119.05 (I).

2.119.08 Development Standards

- A. Purpose. The Keizer Station Plan requires the development of Master Plans for each of the four areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Master Plans for each sub-area are required to meet the criteria identified in Section 3.113 of the Code.
- B. Master Plan Required. A master plan must be reviewed and approved by the City Council prior to subdivision platting or development. The Master Plan shall be reviewed through a Type II-B review process in accordance with this Section. It is recognized that the applicant of the master plan for the area may not own or control all the land within the master plan boundary. The master plan shall still cover the entire EG zone. For those portions not owned or controlled by the applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general guidelines to be used throughout the Master Plan area. Subdivision approval shall be based upon the zone and Section 3.108 as applicable.
1. The Master Plan will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (Section 2.125 of the Keizer Development Code). Once a Master Plan is adopted, the proposed development of each use shall be

code revisions draft

Red proposed revisions to City Council

Page 10 of 16

reviewed through Development Review as required in Section 2.315 of the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.

2. The Master Plan shall include a detailed transportation system design plan for the EG zone. The location of transit facilities shall conform to Section 2.305 of the Code.

2.119.09 Dimensional Standards

- A. Purpose. The lot size standards promote new lots and parcels with sizes and shapes that are practical to assemble and develop. The standards are intended to prevent the creation of small lots or parcels, which are difficult to develop or to aggregate with other lots or parcels. The standards also discourage narrow lots or parcels, which increase demand for curb cuts. The EG zone is specifically designed for the property Contained in Area A – Village Center in the Keizer Station Plan. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial uses listed in Sections 2.119.05 and .06 and a minimum twenty-five percent (25%) industrial uses listed in Sections 2.119.03 and 04. Uses shall be established in conformity with this Section and all other applicable regulations within the Keizer Development Code. Therefore, the division of such ground shall be approved to the standards in subsection 2.119.09.B. below.

B. Minimum Lot Dimension Requirements.

1. Unless exempted under Section (4) below, w Within the acreage identified for commercial uses, at least eighty percent (80%) of the area of lots or qualified abutting lots must meet Standard A stated in the table within this subsection and the remainder lots or parcels must meet Standard B.
2. Unless exempted under Section (4) below, w Within the acreage identified for industrial uses, at least eighty percent (80%) of the area of lots or qualified abutting lots must meet Standard C stated in the table within this subsection and the remainder of the lots or parcels must meet Standard D.
3. Qualified abutting lots:
 - a. Qualified abutting lots are defined as lots or parcels having the same classification as either all industrial or all commercially designated lands, lots that abut one another on at least one side and where there is no plan or proposal for curb cuts that would otherwise not be allowed if each

individual lot was required to meet the dimensional standards of this section. Qualified abutting lots may be considered in the aggregate as if they were a single whole lot for purposes of determining such qualified abutting lots' compliance with the dimensional standards of this section. Qualified abutting lots may be considered in the aggregate as if they were a single whole lot for purposes of classification of such qualified abutting lots under Section A, B, C, or D below.

- b. In the absence of the approval of a variance, for purposes of determining compliance with the dimensional standards below, any groups of qualified abutting lots shall consist of no more than four (4) individual lots or parcels.
4. Exemption Lots, Parcels or Tracts. Individual Lots, parcels or tracts created ~~(a)~~ only for the purposes of providing a right-of-way or dedicated utilities, public drainage facilities or open space or ~~(b)~~ having public rights of way frontage in excess of 40% of the perimeter of such individual lots or tracts are exempt from the lot size and shape standards of this section. Lots, parcels, or tracts that are less than one acre in size, the perimeter of which is 80% or more surrounded by existing public rights of way or land that has previously been dedicated to the public for public access purposes are exempt from the classification standards and dimensional standards in the chart in the section that immediately follows.

COMMERCIAL (2.119.05 & .06)	Standard A	20,000 sq. ft.	100 ft.	100 ft.
	Standard B	10,000 sq. ft.	75 ft.	75 ft.
INDUSTRIAL (2.119.03 & .04)	Standard C	3 acres	350 ft.	350 ft.
	Standard D	1 acre	150 ft.	150 ft.

* Note: by definition, Qualified Abutting lots are lots or parcels of the same use type designation – either commercial or industrial – that may be considered as if they are a single lot or parcel for purposes of determining compliance with applicable dimensional standards and to determine classification as Standard A-D under this chart.

individual lot minimum width and depth averages may be calculated in the aggregate

2.119.10 Development Standards

A. Height, Setback, Coverage, and Landscaping Requirements

Development Type	Building Standards		Building Setbacks				Minimum Landscaping
	Maximum Height	Maximum Lot or <u>parcel</u> Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot or <u>parcel</u> Area
Commercial (2.119.05 & .06)			Min	Max			
	100 ft. (1)	85% (2)	10 ft.	20 ft. (3)	None	40 ft.	15% (5)(6)
Industrial (2.119.03 & .04)							
	100 ft. / 15ft. within 50 of any residential zone (1)	80% (2)	20 10 ft.	None	None	40 ft.	20% (5)(6)

- (1) Height Exceptions. Exceptions to the maximum height standard are stated below.
 - a. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
 - b. Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment, which

cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.

- c. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.
- (2) Maximum lot coverage allowed for buildings, accessory structures and paved parking.
- (3) Alternative maximum setback option for large commercial uses.
- a. Purpose. The intent of these regulations is to allow significantly deeper street setbacks for very large retail stores locating along transit street or street in a pedestrian district in exchange for a pedestrian and transit-friendly main street type of development. These large commercial sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks. (2/03)
 - b. Regulation. Commercial buildings that exceed 100,000 square feet of floor area are exempt from the maximum setback requirements identified in Section 2.119.10.A. provided the pedestrian system connects buildings on the site to all adjacent properties. (2/03)
- (4) Landscaping. All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscape area requirements. Landscaping shall meet all applicable standards identified in Section 2.309 of the Keizer Development Code. In addition to landscaping provisions identified in Section 2.309, landscaping for properties within the EG zone shall be defined as follows: (2/03)
- "Landscaped Area" must be native or non-native trees, vegetation, ponds, rocks, ground cover, bark chips, cinders, terraces, vegetable or flower gardens, trellises, pathways, or structural features including but not limited to fountains, reflecting pools, outdoor art work, screen walls, fences and benches, which reasonably requires and continues to reasonably require human management to distinguish the area from a natural area. (2/03)
- Within the EG zone, landscape area requirements may be determined by the City Council to have a portion of landscaped or

streetscaped area within the right-of-way to be included within the minimum landscape area requirement. (2/03)

- (5) Streetscaping. Streetscaping is defined as pedestrian oriented improvements to property. Streetscape may include, but is not limited to, walkways with varied materials (other than plain concrete or asphalt), art features, water features, planters, benches, hanging plant baskets, and plazas. (2/03)
- (a) In accordance with Section 3.113 Keizer Station Master Plan Review, at the time of master plan approval by the Council, the Council may determine if streetscape areas may be included in the minimum landscape area for a proposed development. (2/03)

(6) Parking

- (a) Averaging. KSP areas are master planned and as such are designed to be both planned and developed as a whole. Shared parking is encouraged in master planned areas. Therefore, parking within the KSP areas subject to a master plan, shall be deemed to meet the maximum and the minimum parking requirements set forth in the City's code so long as a parking plan is approved that contains a total number of parking spaces which is neither above the aggregate maximums nor below the aggregate minimums which result when parking requirements for the individual uses within the parking plan are calculated separately and the resulting maximums and minimums are totaled.
- (b) Modify or waive off-street parking standards. The applicant may request a modification to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of carpool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City.

- B. Design Standards. All development in the EG zone shall comply with applicable standards in Section 2.315 of the Keizer Development Code, in addition to the standards below: (2/03)

1. Exterior Display, Storage, and Work Activities.
- a. Exterior display and storage is allowed. Exterior display and storage shall not be located within required setbacks nor required landscaped areas. Exterior display and exterior

storage areas shall not be located within 100 feet of any property line within 60 feet of a residential zone. (2/03)

- b. Exterior work activities are allowed in the areas identified for industrial development. Exterior work activities shall not be located within required setbacks nor required landscaped areas. Such exterior work activities shall not be located within 100 feet of any property line within 60 feet of a residential zone. (2/03)

2. All development must comply with the applicable standards identified in the Keizer Development Code including, but not limited to, the following: (2/03)

Section 2.125	Activity Overlay Zone
Section 2.3	General Development Standards
Section 2.301	General Provisions
Section 2.302	Street Standards
Section 2.303	Off-Street Parking and Loading
Section 2.305	Transit Facilities
Section 2.306	Storm Drainage
Section 2.307	Utility Lines and Facilities
Section 2.308	Signs
Section 2.309	Site and Landscaping Design
Section 2.310	Development Standards for Land Divisions
Section 2.312	Yard and Lots Standards
Section 2.315	Development Standards
Section 2.4	Special Uses

COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: NATE BROWN
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: Police Facilities and Civic Center Project Funding

BACKGROUND:

The City Council at its July 10 meeting directed staff to prepare information regarding placing a bond measure on the November '06 ballot for funding the Police and Administrative office complex. Since that time, staff has researched the issue further and now recommends that the City of Keizer not place a bond measure on the ballot at this time.

ISSUE:

The overwhelming input from citizens, gathered through questionnaires, letters and conversations, is that the Police Facilities and City Administrative offices (Civic Center) project for the City has strong support from the general public. The City has a firm policy of being fiscally responsible and as such has garnered a sense of trust with its citizens. As such it would be incongruous to ask voters to authorize a bond levee even though there may be resources available to construct the project.

Two citizen task forces, the first formed in 2002 and the second formed in 2004 have reviewed the options available to the City in regards to civic facilities. The first task force determined that status quo was not a feasible option and suggested a more thorough study of options. The second task force reviewed those options with the help of Arbuckle & Costic Architects and determined that the most cost effective way to move forward was to replace the existing facilities with new facilities at the City's current location of 930 Chemawa Road, NE.

The funds raised through the sale of parcels previously acquired by the Urban Renewal District could be applied to the project. A significant amount of funds could be realized because some parcels have appreciated in value. After careful review of all resources, and additional legal research regarding the requirements of Urban Renewal program income, staff believes that there are enough resources available for the project to question the need for a bond measure.

Also at issue, in relation to issuing a bond request is the project cost estimate. The current estimate is based on the best available information on the proposed project. These costs are, however, based on estimates. Until such time as the construction and engineering drawings are finalized, all estimates are subject to revision. Having a general cost estimate gives a measure of confidence in the relative scale of the project. To issue a Bond Request based on preliminary cost estimates is subject to a certain level of uncertainty. To identify the project costs more precisely, however, will require construction drawings..

Once construction drawings are created, they, in essence, then require action to ensure construction of the project. Construction drawings and their resulting project costs must be implemented quickly due to the changing nature of construction costs and the ever-present code changes. A commitment to create construction drawings should be considered as a commitment to construct the project immediately.

Staff recommends that work be commenced immediately to provide an accurate analysis of all resources that could be applied to the project, including program income available, and reasonable dedication of the maximum indebtedness from the Urban Renewal District, without violating the Urban Renewal Plan, and other sources such as grants.

Based on the analysis of existing information, staff feels that there may be enough resources available to construct the Civic Center, at least enough of a question to not proceed with a bond measure request at this time. Staff should issue a Request for Proposals (RFP) for design and engineering, then immediately request Council fund and issue a contract based on the results of that RFP.

RECOMMENDATION:

Staff recommends that Council direct staff to:

- Prepare a report for Council on assets available, including program income, urban renewal funds available, and any other resource or grant that could be used in the construction of the Civic Center.
- Immediately prepare and issue an RFP for design and engineering of the Civic Center, using the work that has already been prepared, then convene a budget amendment process to issue a contract for design and engineering.
- Prepare an analysis of the Urban Renewal Plan to identify any needed amendments to that plan to accomplish the construction of the Civic Center without increasing the maximum indebtedness, or eliminating the programs already approved in the plan.
- Forgo placing a Geo-Bond measure on the November '06 ballot with the understanding that a bond measure may still be required after construction drawings are prepared and the sale of properties takes place.

CITY COUNCIL MEETING: July 17, 2006

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: CITY/URBAN RENEWAL AGENCY REAL PROPERTY

It is my understanding that the City Council wishes to review available information regarding the value of City/Urban Renewal Agency property in Areas B and C of the Keizer Station Plan. The purpose of this review is to determine the potential for raising revenues sufficient to "fill the gap" in civic center funding without a bond measure.

At the last meeting, the City Manager presented the following potential revenue sources for the civic center:

Urban Renewal (At 60% of Projected Cost)	\$ 8,040,000
Urban Renewal (Redistribution of Land Acquisition Budget)	600,000
Bond Measure	4,000,000
Grants & City Asset Liquidation	760,000
TOTAL	\$13,400,000

If the bond measure is eliminated, then the "Grants & City Asset Liquidation" line item would need to equal \$4,760,000.

Rob Kissler, Nate Brown and I reviewed the Area B and Area C properties. At the outset, I must caution the Council that we are not appraisers. However, our analysis did include a review of the proposed Area B site plan, using some assumptions based on a recent appraisal.

We determined that the Area C properties should not be included at this time. The Area C properties were purchased recently and have not increased dramatically in value. In addition, large portions of the Area C properties were used for right-of-way, unlike Area B. These properties were all purchased with Street Fund money and therefore the proceeds of sale of these properties would have to first go back towards repayment (on a square foot basis) of the Street Fund expenditures. Consequently, we believe there may be relatively small amounts available from the proceeds of the sale of the Area C properties.

The City/Urban Renewal Agency owns five properties in Area B: The Weigel parcel, Stevens parcel, Nopp parcel, Schmidt parcel, and the Ficek parcel. These properties are identified on the attached map. The Nopp property was appraised in May 2005. The vast majority of the Nopp property had an appraisal of \$15 per square foot. There were additional portions of the Nopp property that were either subject to easement or were otherwise constrained which limited their value. I have set forth the Nopp appraisal values below:

	<u>Square footage</u>		<u>Appraised value/ft</u>	<u>Estimated value</u>
Unencumbered western remainder	59,929	x	\$15.00=	\$898,935
Encumbered western remainder	4,403	x	\$11.25=	\$ 49,534
Eastern unencumbered remainder	8,049	x	\$ 3.75=	\$ 30,104
Encumbered eastern remainder	3,571	x	\$ 2.80=	\$ 9,999
TOTAL				\$988,572

The Ficek and Schmidt parcels are located on the west side of Keizer Station Boulevard adjacent to the Nopp parcel. If one assumes the same \$15 per square foot, the values of these properties would be as set forth below:

PARCEL	SQUARE FOOTAGE	ESTIMATED VALUE
Schmidt	129,818	\$1,947,270
Ficek	28,117	\$ 421,755

Unlike the other three parcels, the Weigel and Stevens parcels will not access McLeod Lane. Access from this property will be "right-in/right-out" only via Keizer Station Boulevard and Chemawa Road. In other words, someone on this property wishing to return to Interstate 5 or the Salem Parkway would need to turn right onto Keizer Station Boulevard, go under the railroad tracks, loop through the Area D (Tribes) property to access the freeway/parkway. Alternatively, such driver could turn right onto Chemawa and loop around Chemawa, McLeod and Lockhaven to return eastbound on Chemawa toward the freeway/parkway.

This constraint could cause a reduction in value. We have therefore reduced the estimated value to \$12 per square foot range for these properties:

Weigel	120,378 square feet	\$1,444,536
Weigel - (constrained area \$8/square foot)	38,579 square feet	\$ 308,632
Stevens	10,876 square feet	\$ 130,512

TOTAL GROSS PROCEEDS: \$5,241,277

There are some reductions to these proceeds. All of the properties in Area B were purchased

with Urban Renewal funds with the exception of the Schmidt parcel which was purchased in 1992 with Street Fund money. The Street Fund should be repaid (with interest) for this amount. We roughly estimate that repayment amount is \$232,000. In addition, the transaction with Alex Olsen in which the City paid part cash/part property for his parcel on Chemawa requires us to convey a 30,000 square foot parcel in Area B to Mr. Olsen. Assuming the value of \$15 per foot, the reduction in the gross proceeds would be \$450,000. There also is a portion of the Schmidt parcel that is zoned residential for completion of Dennis Ray Avenue. Estimating that area to be 63,950 square feet, the estimated value reduction (\$5.00 square foot) totals \$319,750. The calculation below shows what would remain after these reductions.

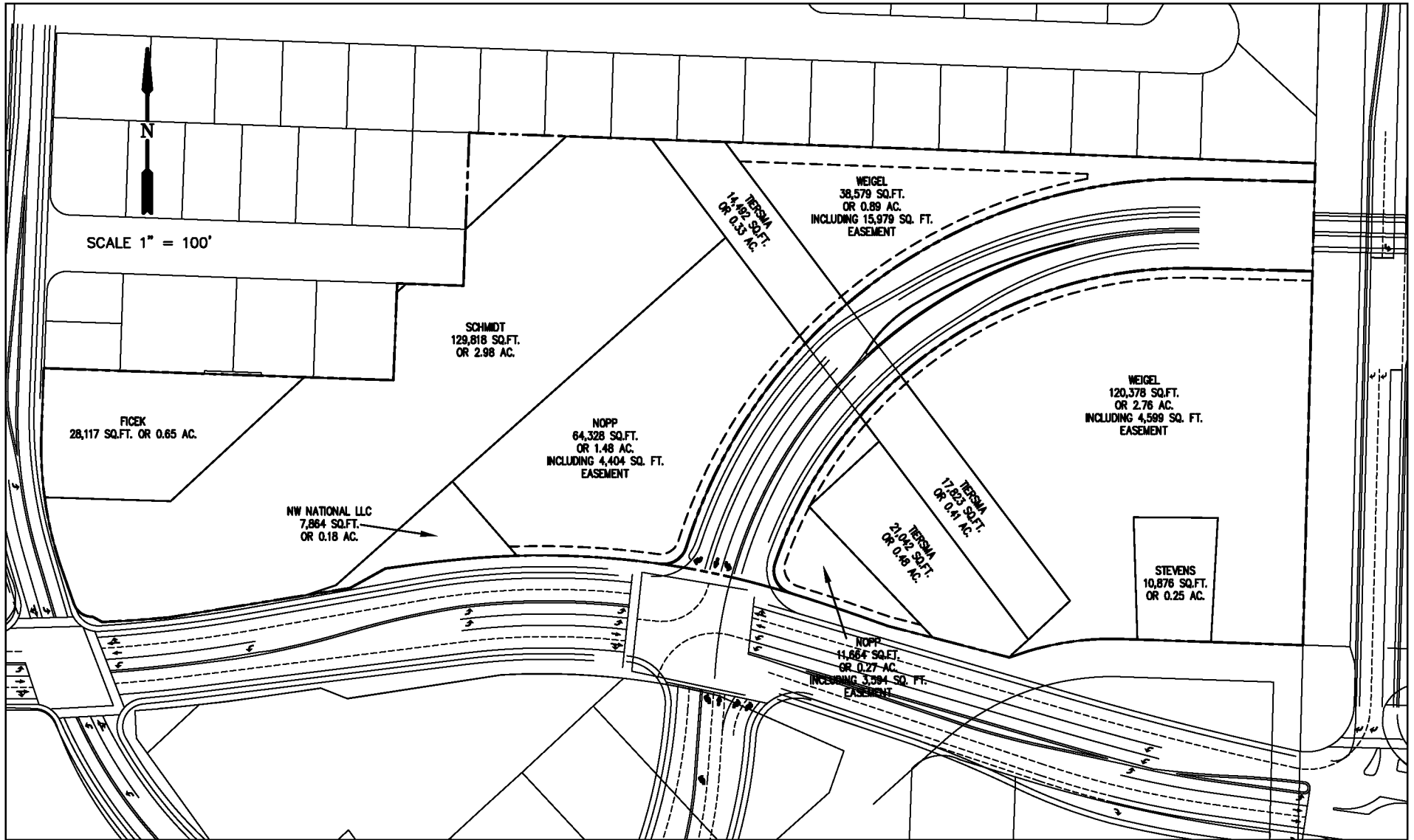
Total Gross Proceeds:	\$5,241,277
LESS total reductions:	<u>1,001,750</u>
Net value:	\$4,239,527

The City/Urban Renewal Agency owns all of Area B with the exception of the Tiersma and Northwest National parcels. (See attached map.) The rough estimate set forth in this staff report assume that those parties will consolidate their property for sale with the City. If that is not the case, then the value could be less.

Again, we are not appraisers. There may be constraints or market conditions that could cause these estimates to be incorrect.

If you have any questions or concerns in this regard, please do not hesitate to contact me. Thank you.

ESJ/tmh
attachments



CITY COUNCIL MEETING: July 17, 2006

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

**SUBJECT: ALBERTSON'S
CHANGE OF OWNERSHIP**

BACKGROUND:

On June 28th an application was received from New Albertson's Inc. requesting City approval of a change of ownership for their store located at 5450 River Road N, Keizer. The former owner was listed as Albertson's Inc. The City of Keizer Ordinance indicates the Council must review the requested change; however no public hearing is required.

On July 5th a request was sent to the Keizer Police Department for background check on the applicants. The Department reports there are no criminal history records for any of the applicants and the calls of service at this location have been within acceptable standards.

RECOMMENDATION:

It is recommended the City Council review the application and forward a recommendation for approval to the Oregon Liquor Control Commission for the change of ownership for the Albertson's store located at 5450 River Road N, Keizer.

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

552
56

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

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

ACTIONS

- ☒ Change Ownership
☐ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☒ Other chg T/A

P2855
L75269

Applying as:

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

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: M. O.

Date: 5/25/06

90-day authority: ☒ Yes ☐ No

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

① New Albertson's Inc ③ _____
② _____ ④ _____

2. Trade Name (dba): Albertson's #562

3. Business Location: 5450 River Rd N Keizer Marion OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: Attn. Dept 70428 P.O. Box 20 Boise, ID 83726
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-390-3922 503-856-0744
(phone) (fax)

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

7. If yes to whom: Albertson's Inc Type of License: off Premises

8. Former Business Name: Albertson's 562

9. Will you have a manager? ☒ Yes ☐ No Name: Darren Dye
(manager must fill out an individual history form)

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

11. Contact person for this application: Beverly Murphy 208-395-6946
(name) (phone number(s))
Attn Dept 70428 P.O. Box 20 Boise, ID 83728 Beverly.Murphy@Albertson.com
(address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① Jennifer Richards Date MAY 05 2006 Date _____
② _____ Date _____ ④ _____ Date _____

1-800-452-OLCC (6522)
www.olcc.state.or.us

CITY COUNCIL MEETING:_____

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THRU: CHRIS EPPLEY, CITY MANAGER

FROM: H. MARC ADAMS, CHIEF OF POLICE

SUBJECT: Authorization for Acceptance of Grant Funds

ISSUE:

The City of Keizer Police Department has been awarded a FY2006-7 Lexipol grant. Lexipol is a risk management service provided through City County Insurance Services (CIS) that enable member law enforcement agencies to develop appropriate operating policy manuals, update the documents on a regular basis and train officers to those policies. The grant will pay for 50 percent of the policy development one time fee.

FISCAL IMPACT:

The one time policy development fee is \$5,950. The CIS Grant will pay \$2,975 and the remaining \$2,975 will be paid out of the existing KPD budget. Training associated with the new manual will cost \$3,600 and will be paid from the existing KPD training budget.

RECOMMENDATION:

It is recommended that Council accept the CIS Lexipol grant and authorize the Chief of Police to provide CIS with a letter indicating your support for our participation in the program.

If you have any questions please contact H. Marc Adams, 503.390.3713 – adamshm@keizer.org

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2006-_____

AUTHORIZATION FOR ACCEPTANCE OF GRANT FUNDS

WHEREAS, the City of Keizer's has been awarded a grant from Lexipol, which is a risk management service provided through City County Insurance Services (CIS) that enables member law enforcement agencies to develop appropriate operating policy manuals, update the documents on a regular basis and train officers to those policies.

WHEREAS, the City of Keizer Police Department wishes to participate in the grant and is able to meet the matching requirement of \$2,975 from the FY2006-07 budget as well as fund policy updates and training, NOW, THEREFORE,
BE IT RESOLVED that the City Council of the City of Keizer, Council accept the CIS Lexipol grant and authorize the Chief of Police to provide CIS with a letter indicating support for participation in the program.

PASSED this _____ day of July 2006.

SIGNED this _____ day of July 2006.

Mayor

City Recorder



**MINUTES
KEIZER CITY COUNCIL
WORK SESSION**

Monday, June 26, 2006

Keizer City Hall

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

CALL TO ORDER

Mayor Christopher called the work session to order at 5:52 pm. Roll Call was taken as follows:

Councilors Present:

Lore Christopher, Mayor
Richard Walsh, Council President
Jacque Moir, Councilor
Jim Taylor, Councilor
Chuck Lee, Councilor (left @ 6:55)
David McKane, Councilor

Staff:

Rob Kissler, Public Works
Bill Lawyer, Parks Department
Dianne Hunt, Human Resources
Tracy Davis, City Recorder

Absent:

Troy Nichols, Councilor

**DISCUSSION
2006 City of
Keizer Public
Works
Department
Strategic Plan**

Rob Kissler introduced the consultants on the project, Jeanne Nyquist and Gary Corbin, who presented the draft Strategic Plan. Ms. Nyquist reviewed the Vision, Mission and Value statements, the Public Works profile and budget, Facility Master Plan Status, citizen surveys and stakeholder feedback, comparisons with other cities, key issues and trends as well as strategic issues relating to parks, stormwater, transportation, sewer, water and city partners. She added that normally some negative feedback or constructive criticism takes place at stakeholder meetings but it did not occur at the Keizer meetings. Stakeholders generally felt the Keizer PWD generally does a great job providing high quality customer service, setting priorities and crafting win-win situations. Stakeholders did note, however, that there was inadequate funding and facilities. Discussion followed regarding verification of the projected population growth, implementation of a "Calendar of Tasks", funding, parks organizational structure, stormwater plan implementation, strategic plan for capital improvements, education of the public, addressing staffing needs and the urban growth boundary. Additional discussion took place regarding a City Organizational Strategic Plan which would include benefits and cessation planning.

ADJOURNMENT Meeting adjourned at 7:22 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Deputy City Recorder

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Jacque Moir

~ Absent ~

Councilor #2 – Troy Nichols

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

Councilor #6 – James Taylor

Minutes approved:

COUNCIL MEETING: July 17, 2006

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: CHIEF H. MARC ADAMS
KEIZER POLICE DEPARTMENT**

SUBJECT: SWEARING IN OF POLICE OFFICER

ISSUE:

Shannon Johnson, City Attorney will be present to issue the oath of office to Keizer Police Officer Benjamin Jolliff.

Police Officer Benjamin Jolliff recently joined the Keizer Police Department as a reserve officer and has since been hired as a full time police officer. Ben has been with the department for a number of years, spending four years as a cadet before advancing to reserve officer status. Officer Jolliff is a graduate of McNary High School and is completing his Bachelor of Arts Degree in Economics with a minor in Business at Western Oregon University.

Please join us in congratulating and welcoming Officer Jolliff to the Keizer Police Department as a full time officer.