

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

KEIZER CITY COUNCIL

REGULAR SESSION

Monday July 15, 2002

7:00 p.m.

**Robert L. Simon Council Chambers
Keizer, Oregon 97303**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

a. Proclamation – National Kids Day (August 4, 2002)

b. River City 2002 Conference Report/Mid Willamette River Connection

c. Council Liaison Reports

➤ Parks Advisory Board – Council President Moir

➤ Planning Commission – Councilor Walsh

➤ Chamber of Commerce Governmental Affairs – Councilor Walsh

➤ Mid Willamette Valley Area Commission on Transportation – Councilor Smith

➤ Volunteer Coordinating Committee – Councilor McGee

➤ Community Policing Committee – Mayor Christopher

5. OTHER BUSINESS

This time is provided to allow the Mayor, 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

b. Old Business

6. PUBLIC HEARINGS

a. Appeal of Partition Case No. 02-19 (872 Cummings Lane)

b. Chemawa Activity Center/Keizer Station Plan – Text Amendment/Comprehensive Plan Change/Zone Change Case No. 01-50 (continued from July 1, 2002)

- c. Comprehensive Plan Map Interpretation for Property Located at 1355 Alder Drive NE
- d. ORDINANCE – Renaming of Alder Street NE to Alder Drive NE
- e. RESOLUTION – Adoption of Chalmers Jones Park Master Plan

7. ADMINISTRATIVE ACTION

8. CONSENT CALENDAR

- a. Scheduling Public Hearing for August 5 – Recovery of Costs for Removal of Dangerous Building at 4915 Rickman Rd. NE, Kelzer
- b. Approval of April 15, 2002 Regular Session Minutes
- c. Approval of May 6, 2002 Regular Session Minutes
- d. Approval of May 20, 2002 Regular Session Minutes
- e. Approval of May 28, 2002 Work Session Minutes
- f. Approval of June 3, 2002 Regular Session Minutes

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

10. AGENDA INPUT

August 5, 2002

7:00 p.m. City Council Regular Session

- City of Salem Presentation on Satellite Treatment Plant
- Community Policing Resolution
- Designating No Parking on Alder Drive – Public Hearing
- Thai Lotus Liquor License Application Hearing
- Keizer Mart Liquor License Application Hearing

August 12, 2002

5:30 p.m. City Council Work Session

August 19, 2002

7:00 p.m. City Council Meeting

- Water Task Force Final Report and Recommendation

11. ADJOURN

Upon request, auxiliary aids and/or special services will be provided. To request services; please contact us at 503-390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.



July 15, 2002

AGENDA ITEM 4a

PROCLAMATION – NATIONAL KIDS DAY

**CITY OF KEIZER
PROCLAMATION
NATIONAL KIDS DAY**

WHEREAS, the Children of Oregon are the foundation on which our future success is built; and

WHEREAS, children seek parents, mentors and friends to aid them in reaching important goals, and

WHEREAS, families and communities play vital roles in helping children develop a positive self image, sense of belonging and a sense of competence; and

WHEREAS, National Kids Day is a special day set aside each year (the first Sunday in August) to encourage and remind adults that the meaningful time they share with children is important to their development; and

WHEREAS, National Kids Day emphasizes the importance of meaningful time spent with kids on this Day and everyday, all year long;

WHEREAS, the National Kids Day Alliance is working to establish time National Kids Day on the national calendar;

NOW, THEREFORE, I LORE D. CHRISTOPHER, MAYOR OF THE CITY OF KEIZER DO HEREBY PROCLAIM

SUNDAY, AUGUST 4, 2002

AS

NATIONAL KIDS DAY

And call upon all citizens of Keizer to join with me in recognizing and commending the National Kids Day Alliance organization in our area for providing their everyday contributions and commitment to improving the lives of the children and young adults in our communities.

**IN WITNESS WHEREOF, I have
hereunto set my hand and caused the Seal
of the City of Keizer, Oregon to affixed
this ____ day of _____, 2002.**

MAYOR LORE D. CHRISTOPHER

May 1, 2002

Lore Christopher
930 Chemawa Rd. NE
Keizer, OR 97303

Dear Lore,

Do you want to help make history? There's an exciting initiative that can do just that. It's called **National KidsDay**, and it's happening the first Sunday of August annually. This year's event is on Sunday, August 4th.

Simply stated, **National KidsDay** is an annual day set-aside specifically for adults to celebrate and honor America's Children. Four youth-serving organizations united to launch this new national tradition. Boys & Girls Clubs of America, 4-H, KidsPeace and the YMCA are encouraging adults and children to share in relationship-building activities that create positive and memorable experiences. Our organizations, like you, know that building strong families helps build strong kids. That's why we need your support and leadership.

As a community leader and the voice for millions of Americans, you are pivotal in bringing **National KidsDay** to Salem. That **National KidsDay** Alliance respectfully asks you to:

- Proclaim Salem a **National KidsDay** community.
- Participate in the **National KidsDay** event that will take place in Salem on Sunday, August 4th. I know your schedule fills up quickly so I'd love it if you could mark your calendar for August 4 from 5:00pm-7:00pm. Any time you give is greatly appreciated.

I have enclosed an overview of the day and the **National KidsDay** Proclamation. Please look them over and send the proclamation back to me with your signature of approval. If there are any questions or concerns you would like to discuss please do not hesitate to contact me at 503-581-7383.

Thank you in advance for supporting this worthy and long overdue endeavor, while helping us share a moment, create a memory and make a kid's day.

Best Regards,

Gina McCluhan
Boys & Girls Club of Salem, Marion and Polk Counties

Enc.

Do 2nd Mtg Sunday July



BOYS & GIRLS CLUB
OF SALEM
MARION AND POLK COUNTIES

Boys & Girls Club of Salem
Marion and Polk Counties
1395 Summer Street N.E.
Salem, Oregon 97303
fax (503)581-7383
e-mail: admin@bgc-salem.org
web: www.bgc-salem.org

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President

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• Jerry Wipper

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Doug Thompson

• Past Presidents



"Remember the Boys & Girls Club in your estate plan."



July 15, 2002

AGENDA ITEM 6a

**APPEAL OF PARTITION CASE NO. 02-19
(872 CUMMINGS LANE)**

TO: Mayor Christopher and City Councilors

THROUGH: Chris Eppley, City Manager

FROM: Maria Meier, Planning Director

SUBJECT: Appeal of Hearings Officer Decision – Partition Case No. 02-19

Background

Partition Case No. 02-19 was approved by the Zoning Administrator with conditions of approval (See attached Community Development Department Notice of Decision). The subject property is located at 872 Cummings Lane N. The applicant is John Lottis. The applicant appealed the staff decision to the Hearings Officer. The applicant specifically disagreed with the conditions of approval relating to the requirement to abandon the well and right-of-way turnaround dedication and improvement requirements.

On June 6, 2002, the Hearings Officer conducted a public hearing. The record was held open for an additional 14 days, then closed on June 20, 2002. On June 27, 2002, the Hearings Officer rendered a decision to deny the appeal request and uphold the Zoning Administrator decision (See attached Hearings Officer Order – Findings of Fact, Conclusions of Law, and Decision on Appeal).

On June 28, 2002, the applicant appealed the Hearings Officer decision. An appeal of a Hearings Officer decision for a Type I-B, partition, land use application is then heard by the City Council.

Notice: Quasi-judicial land use applications are required to be completed within 120 days of the date of completion of the application. Including the 14 day extension by the applicant, the 120-day is August 16, 2002.

Recommendation

Staff recommends the City Council open the public hearing and accept testimony for the appeal of Partition Case No. 02-19. Staff recommends the City Council then close the public hearing and deliberate. Staff recommends the City Council approve Partition Case No. 02-19 with conditions as outlined in the Zoning Administrator decision.

For your information, the application materials, staff decision, and Hearings Officer decision are attached to this staff report. Please let me know if you have any questions. Thank you.

KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF DECISION
PARTITION CASE NO. 2002-19

I. REQUEST

The following report reviews a land use application to divide an existing 3.30 acre parcel into three parcels containing approximately 13,301 sq ft (Parcel 1), 2.19 acres (Parcel 2) and 11,654 sq ft (Parcel 3).

II. BACKGROUND

- A. APPLICANT/OWNER: John Lottis
- B. AGENT: Mark Grenz
- C. PROPERTY LOCATION: The subject property is located at 872 Cummings Ln N. The Marion County Tax Assessor's Office identifies this property as Township 7 South, Range 3 West, Section 03DB, Tax Lot 6500. (Exhibit "A")
- D. PARCEL SIZE: The subject property contains approximately 3.30 acre.
- E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES: The subject property contains two single-family dwellings. One of the dwellings is currently serviced by public sewer. The proposed parcels can be served by both public sewer and water. Parcels 2 and 3 will have access from a public street and Parcel 1 will be served by a private access easement.
- F. ZONING: The subject property is zoned Residential Single Family (RS) and is designated Low Density Residential (LDR) on the Comprehensive Plan Map.

Partitioning 2002-19
Staff Decision Dated May 7, 2002

872 Cummings Ln N

Agency Comments Page 6
Appeal Date Page 6
Conditions and Requirements Page 2
Decisions Page 2
Final Date Page 6
Exhibit "A" Proposed Plan Page 14
Exhibit "B" Vicinity Map Page 13
Exhibit "C" Comments from Citizen Page 15
Exhibit "D" Turn Around Page 16

- H. **PROPOSAL:** The applicant is requesting approval to divide the existing 3.30 acre parcel into three separate parcels containing 13,301 sq ft (Parcel 1), 2.19 acres (Parcel 2) and 11,654 sq ft (Parcel 3). (Exhibit "B")

III. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED WITH CONDITIONS AND REQUIREMENTS** the Partition subject to the conditions and requirements noted below. Findings in support of this decision are found in Section VII, Page 7.

IV. CONDITIONS AND REQUIREMENTS

This decision does not include approval of a building permit.

A. PARTITION

CONDITIONS: The following requirements for the Partition must be met before approval of the final plat can be obtained or must be continually met as a condition of the particular land use:

- a. **Utility easements shall be provided for Parcel 1 where necessary to accommodate public facilities and shall be recorded on the final plat.**
- b. **The private access easement shall be a minimum of twenty (20) feet in width. The minimum paved width of the access easement shall be 12 feet for 1 dwelling unit and 16 feet for two or more dwelling units and built to Public Works standards. The paved area of the easement must be centered within the boundaries of the access easement width.**
- c. **Provisions for the maintenance of the access easement shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City.**
- d. **If the access easement for Parcel 1 is in excess of 150 feet a turn around built to the standards outlined in Section 2.302.08.C of the Keizer Development Code. The turn around shall be recorded on the final plat.**
- e. **Any existing or proposed structures shall comply with all dimensional standards and setback provisions identified in Section 2.102 of the Keizer Development Code.**

- H. **PROPOSAL:** The applicant is requesting approval to divide the existing 3.30 acre parcel into three separate parcels containing 13,301 sq ft (Parcel 1), 2.19 acres (Parcel 2) and 11,654 sq ft (Parcel 3). (Exhibit "B")

III. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED WITH CONDITIONS AND REQUIREMENTS** the Partition subject to the conditions and requirements noted below. Findings in support of this decision are found in Section VII, Page 7.

IV. CONDITIONS AND REQUIREMENTS

This decision does not include approval of a building permit.

A. PARTITION

CONDITIONS: The following requirements for the Partition must be met before approval of the final plat can be obtained or must be continually met as a condition of the particular land use:

- a. Utility easements shall be provided for Parcel 3 where necessary to accommodate public facilities and shall be recorded on the final plat.
- b. The private access easement shall be a minimum of twenty (20) feet in width. The minimum paved width of the access easement shall be 12 feet for 1 dwelling unit and 16 feet for two or more dwelling units and built to Public Works standards. The paved area of the easement must be centered within the boundaries of the access easement width.
- c. Provisions for the maintenance of the access easement shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City.
- d. If the access easement for Parcel 1 is in excess of 150 feet a turn around built to the standards outlined in Section 2.302.08.C of the Keizer Development Code. The turn around shall be recorded on the final plat.
- e. Any existing or proposed structures shall comply with all dimensional standards and setback provisions identified in Section 2.102 of the Keizer Development Code.

- f. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor that conforms to the requirements in ORS Chapter 92. The final plat shall substantially conform to the proposed partition plan and shall include the five (5) foot maintenance area and the turn-around as outlined in "c & d" above. Title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by May 18, 2003. Following plat approval the applicant shall record it with the Marion County Clerk.
 - g. After the title transfer instruments accomplishing the property adjustments are recorded no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.
2. CONDITIONS: The following conditions for the Partition must be met before a building permit can be obtained and must be continually met as a condition of the particular land use:
- a. Addressing to properties shall be prominently located at the street fronting the access to rear properties in compliance with the City of Keizer Addressing Ordinance.
 - b. Applicant shall meet all requirements for adequate water supplies, emergency apparatus access, and turn arounds.

B. OTHER CONDITIONS:

1. The Department of Public Works submitted the following comments for conditions of approval:

SANITARY SEWERS:

It is the developer's responsibility to connect the proposed development to the appropriate sewer lines designed to serve the area.

- a. City of Salem approval for local sewer permits will need to be issued prior to construction.
- b. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- c. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
- d. As-built plans for the subject property indicate sewer service is currently available from a sewer line in Cummings Lane. Sewer services will be

required for all parcels. A street opening permit will be required prior to construction of the new sewer services.

WATER SYSTEM:

- a. Any existing wells on the subject property are to be abandoned in accordance with the rules of the Oregon State Water Resources Department.
- b. All parcels are to serviced by individual water services. Location of all new water services and meters to be approved by the Keizer Water Department. Any system development charges to be the charge in place at the time of development.

STREET AND DRAINAGE IMPROVEMENTS:

- a. Right of way shall be dedicated on the partition plat to provide for the required turn-a-round as indicated on the attached exhibit.
- b. Street improvements shall be required in accordance with Public Works Standards. Street improvement plans shall be prepared to provide for a ¾ width street along the Cummings Lane street frontage from the easterly property line to the end of the proposed turn around.
- c. Storm drainage easements shall be provided on proposed Parcel 2 for the existing public drainage improvements.
- d. Plans for all required public improvements shall be submitted prior to recording of the partition plat.
- e. An improvement agreement shall be signed by the developer prior to the recording of the partition plat.
- f. A site-grading plan shall be submitted to the Department of Public Works indicating where fill or excavations will be made and showing that no storm water runoff in the area will be impacted by the proposed development. The site-grading plan shall be approved by the Department of Public Works prior to any grading operations on the subject property.
- g. The access easement indicated on proposed Parcel 2 for proposed Parcel 1 to meet City of Keizer standards. Removal of existing fencing and shrubbery may be required to provide for adequate sight distance due to the approximation of the existing driveway easterly of the proposed access easement. The applicant's engineer shall submit data indicating the

existing obstructions along the easterly property line of proposed Parcel 2 in the vicinity of Cummings Lane to allow the Department of Public Works to determine the amount of obstructions to be removed.

OTHER

- a. **Construction permits are required by the Department of Public Works prior to any public facility construction.**

Contact Scott Peterson at the City Engineer's office at 390-7402 for the necessary permit information that is required.
 - b. **A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.**
 - c. **Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.**
 - d. **A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.**
 - e. **No development or alteration of the existing ground within the flood plain of the Willamette River shall be allowed prior to applicant's obtaining a flood plain development permit. Any removal of vegetative material in the Willamette Greenway without proper permits shall result in a requirement that restoration be done under the rules of the State of Oregon.**
2. **The Keizer Fire District submitted the following comments: Applicant shall meet all Fire Code and City of Keizer Development Code requirements pertaining to:**
 - a. **Adequate Emergency Apparatus Access**
 - b. **Approved Turn-Around**
 - c. **Water Supplies [Fire Hydrant]**
 - d. **Appropriate Address Signage**
 3. **Marion County Surveyor's Office submitted the following four comments for conditions of approval. Questions regarding the following four (4) conditions below may be address to Phil Jones, Marion County Surveyor's Office, 5155 Silverton Rd NE, Salem, OR 97305:**

- a. Parcels ten acres and less must be surveyed.
 - b. Per ORS 92.050, plat must be submitted for review to Marion County Surveyor's Office.
 - c. Checking fee, second Mylar fee, and recording fee are required by the Marion County Surveyor's Office.
 - d. Plant service report and/or title report must be submitted to the Marion County Surveyor's Office at the time of review.
- C. **OTHER PERMITS AND RESTRICTIONS:** This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other Local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

V. APPEALS

Any interested person, including the applicant, who disagrees with this decision, may request an appeal be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$175.00 fee. This fee will be refunded if the appeal is successful.

An appeal request for a hearing in front of the Hearings Officer must be submitted in writing on a form provided by the City of Keizer and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on May 17, 2002.

Unless the decision is appealed, this decision becomes final on May 18, 2002.

This approval is valid only when the final plat is recorded by May 18, 2003.

VI. COMMENTS

AGENCY COMMENTS:

- A. The Public Works Department submitted comments, which can be found in Section IV *Condition and Requirements*.
- B. The Keizer Fire District submitted comments, which can be found in Section IV *Condition and Requirements*.

ADDITIONAL COMMENTS:

Noble and Shirley Deckard of 911 Cummings Ln. N, Keizer, OR submitted the following comments: "After reviewing the partition application by John Lottis for the property at 872 Cummings Ln. N. we support Mr. Lottis's partition of the property into three parcels. We feel the parcel sizes are in keeping with the other property sizes in the area and have not been reduced to the minimum lot sizes.

The three partitions also seem to fit with the location and contours of the land along Cummings Lane and the Willamette River."

R. Cook Cloninger of 4465 Shoreline Dr N, Keizer, OR submitted the following comments. "I am happy to hear of the purchase of this property. I am whole heartedly in favor of any and all improvements."

Duane and Sue Doyle of 821 Cummings Ln N, Keizer, OR submitted the following comments. "We have no objections. It will be nice to have that area cleaned up and developed."

Mary Jane Comer of 4385 Shoreline Dr N. submitted comments which are attached and made a part of this decision. (See Exhibit 'C')

VII. FINDINGS PARTITION

Findings for a Partition request to divide a 3.30 acre parcel into three parcels in accordance with Section 2.310 of the Keizer Development Code.

- A. The proposal is to divide the existing 3.30 acre parcel to create three separate parcels containing 13,301 sq ft (Parcel 1), 2.19 acres (Parcel 2) and 11,654 sq ft (Parcel 3). (Exhibit "B.") The proposal indicates Parcels 2 and 3 will have direct accessed via a public street. Parcel 1 will have access via an access easement.
- B. The approval or denial of a partitioning is based on compliance with decision criteria found in Section 2.316 and 3.107 of the Keizer Development Code. Section 2.316 requires all land divisions that meet the definition of Infill Development to comply with the provisions found in that Section. Section 3.107.07 requires all land divisions to comply with the provisions in Sections 2.301 through and including 2.307, 2.310 and the dimensional standards of the applicable zoning district. The criteria and staff's findings are listed below:

INFILL PARTITIONING CRITERIA:

1. An infill development parcel is any residential parcel not more than two (2) acres in size that is a lot of record, and which meets any two of the following criteria: 1) A parcel with less than 250 feet of frontage along a public street; 2) A parcel with an existing structure; 3) A parcel that is irregular in shape, such that it cannot be partitioned or subdivided to meet the maximum density of the underlying zone without a variance; 4) A parcel that is bounded on two or more sides by existing development or natural constraints (i.e. waterways, steep slopes, resource protections areas).

FINDINGS: The subject parcel is over 2 acres in area and is therefore not subject to the requirements outline in the Infill Development Standards.

ADDITIONAL PARTITIONING CRITERIA:

1. Each parcel shall meet the access requirements of Section 2.310.03(D):

All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum width required by the underlying zone. The following exceptions apply: 1. Lots obtaining access from an access easement, cul-de-sac lots shall have a min frontage of 25 feet, flag lots.

FINDINGS: The subject parcel is located in an RS zone. The minimum frontage width required in an RS zone is forty (40) feet. The proposed parcels meet the frontage standard to public streets and private access easements. (See Exhibit 'B')

2. Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.

FINDINGS: The subject property is located in an RS zone. The minimum average depth requirement of a lot in an RS zone is 70 feet. The minimum average width requirement of a lot is forty (40) feet. Each parcel meets the minimum lot and depth requirements. (See Exhibit "B")

Two single-family residences currently occupy the subject property. Parcel 1 and 3 will each contain one of the single-family residences. The creation of this partition will alter the setback for the residential structures. The plans submitted indicate the residences will meet the minimum setback requirements for a residential structure in an RS zone.

3. Each parcel shall comply with the requirements of Section 2.310

- A: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.**

FINDINGS: The subject parcel is zoned RS (Single Family Residential). The minimum lot area for a single-family dwelling unit in a RS zone is 5,000 square feet for detached dwellings and 4,000 sq ft for zero lot line dwellings. The partition proposal divides the existing lot into three parcels containing approximately 13,301 sq ft (Parcel 1), 2.19 acres (Parcel 2), and 11,654 sq ft (Parcel 3). Each parcel meets the minimum lot size requirements.

- B: Any adjustment of a lot line between two adjacent parcels shall require approval of a Lot Line Adjustment.**

FINDINGS: This section does not apply because the request is for a land division, not a boundary adjustment.

- C: Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel.**

FINDINGS: Each proposed parcel does not contain a depth greater than three times the average width.

- D. All lots and parcels shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone, with the following exceptions: 1) Residential lots with access via an access easement; 2) Flag lots; and 3) Cul-de-sac lots shall have a minimum frontage of 25 feet.**

FINDINGS: The subject property is located within an RS zone. The minimum lot frontage on a public street in an RS zone is forty (40) feet. Parcel 2 and 3 and will have access from an existing street and meet this requirement. Parcel 1 will have access from an access easement and therefore is exempt from this requirement.

- E. Flag Lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot may be accessed and complies with Section 2.302.03.B.**

FINDINGS: This section does not apply because no flag lots are proposed with this partition.

- F: Through lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation.**

FINDINGS: This section does not apply because the proposed partition does not contain a through lot.

- G: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the adjacent street. The rear lot line shall be no less than ½ the dimension of the front lot line.

FINDINGS: The property boundaries run, as far as practicable, at right angles to the right-of-way lines of the adjacent streets. The front and rear lot lines are not less than ½ the dimension of the front lot line.

- H: Utility easements shall be provided on lot area where necessary to accommodate public facilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of the Keizer Development Code.

FINDINGS: Appropriate easements will be required for any public water or public sewer mains located within the subject property, if located outside platted right of ways.

- I. Adequate public facilities shall be available to serve the existing and newly created parcels.

FINDINGS: Public water and sewer are available to the subject property. The applicant would be required to extend services as necessary. Storm drainage plans for any development on the subject property shall be designed to be consistent with Section 2.306 of the Keizer Development Code.

- J. Street Frontage Improvements. If the street frontage of the subject property is less than or equal to 250 feet the applicant shall sign a non-remonstrance agreement with the City of Keizer. If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right of way, the applicant shall make improvements as outlined in Section 2.310.05.b.2 or the Keizer Development Code.

FINDINGS: The subject property has over 250 feet of frontage. Street improvements shall be required in accordance with Public Works standards and as outlined in Section of this report.

4. Improvements or dedications that are required as a condition of development approval, if not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development.

FINDINGS: Additional right of way shall be required to provide for the required turn around as indicated on Exhibit "D." See Public Works Comments *Street and*

Drainage Improvements found in Section IV Conditions and Requirements Page 2 of this report.

5. Each parcel shall comply with the requirements of Section 2.301 through and including 2.307:

- A. Private access easements shall only be allowed where the applicable criteria of Section 2.310.03.D are satisfied. Provision for the maintenance of the private access easement shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City.

FINDINGS: The minimum width of a private access easement is twenty (20) feet with no parking within the minimum required width. The minimum paved width of an access easement shall be 12 feet for 1 dwelling unit and 16 feet for two or more dwelling units and built to Public Works standards. The paved area of the easement must be centered within the boundaries of the private access easement width.

Provisions for the maintenance of the access easement shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City per 2.302.08.B. of the Keizer Development Code.

- B. Section 2.302.08.C *Private Access Easements* require a turn around for any access easement which is the sole access and which is in excess of 150 feet long. Turn arounds shall be either a circular turn-around with a minimum paved radius of 38 feet, or a "tee" or a "hammerhead" turn-around with a minimum paved dimension across the "tee" of 60 feet.

FINDINGS: If the access easement for Parcel 1 is in excess of 150 feet a turn around shall be required and recorded on the final plat.

- C. Section 2.302.08.D.2. *Private Access Easements* requires that all private access easements serving more than 2 dwelling units provide one additional parking space per dwelling unit, in addition to those required by 2.303. The parking space shall be provided adjacent to the easement or on each individual property. If the parking is parallel to and adjacent to the easement, its area shall be included within the maintenance agreement for the easement.

FINDINGS: This section does not apply because the proposed private access easement does not serve more than two (2) dwelling units.

- D. To provide for the drainage of surface water from all residential, commercial and industrial development and to minimize erosion, reduce degradation of water quality due to sediment and pollutants in storm water runoff, and to reduce

downstream flooding all partitions must comply with section 2.306 Storm Drainage of the Keizer Development Code.

FINDINGS: See Public Works Comments *Street and Drainage Improvements* found in Section IV Conditions and Requirements Page 2 of this report.

Based upon the requirements outlined in Sections 2.310, 2.316, and 3.107 of the Keizer Land Development Code, the City grants approval of the proposed partition request with the conditions and requirements stated in *Section IV Conditions and Requirements* of this report.

If you have any questions about this application or the decision please call (503) 390-3700 or visit the Community Development Department at the above address.

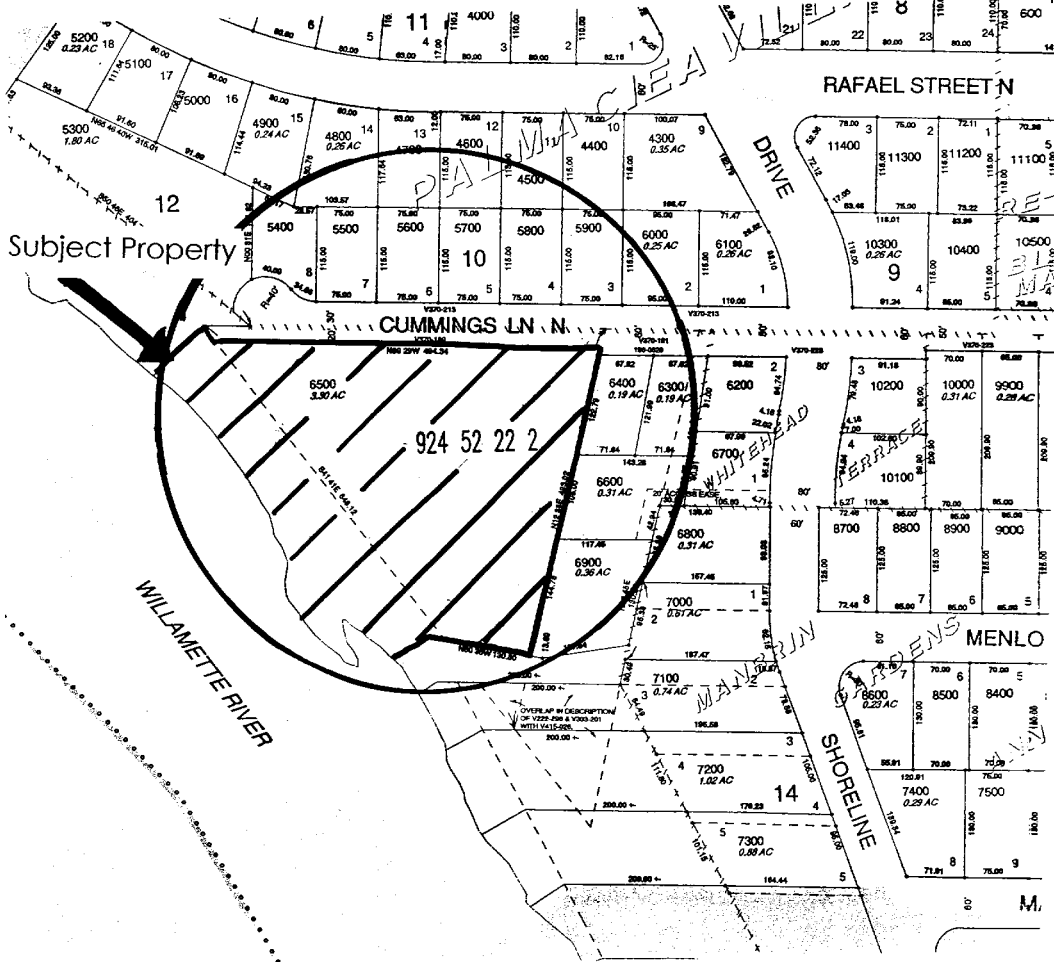
REPORT PREPARED BY: Cheryl Vafakos, Associate Planner

APPROVED BY: Maria Meier, Planning Director

Maria C Meier

DATE: *May 7, 2002*

13

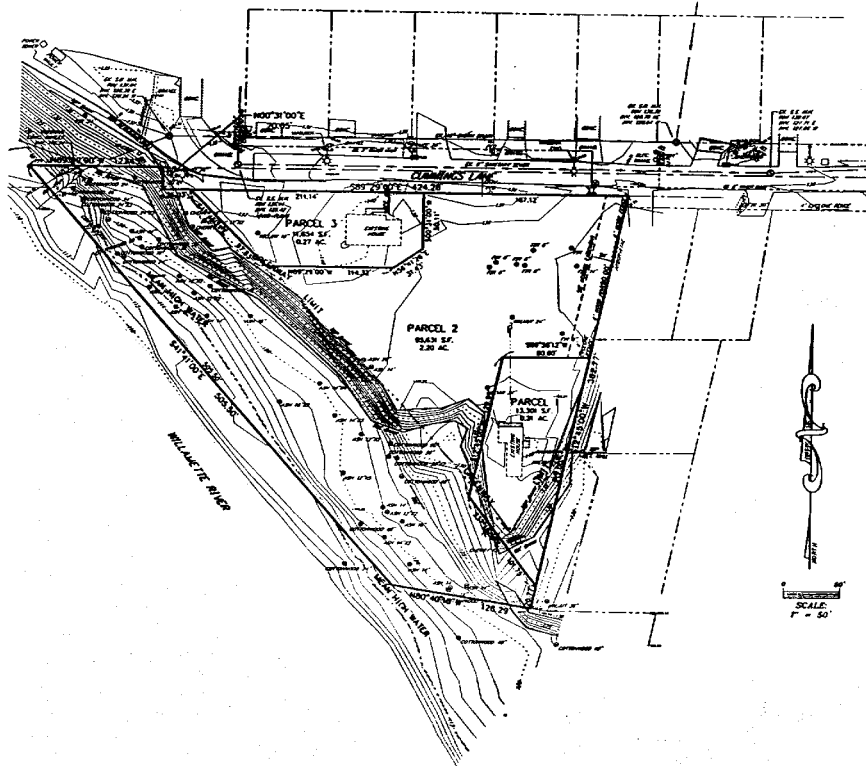
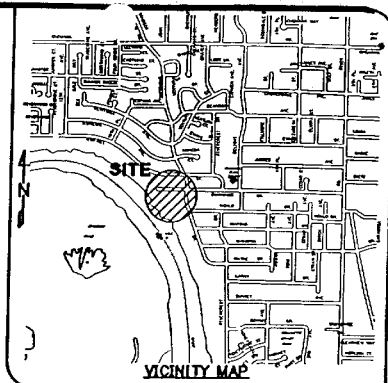


Proposed Plan

Owner / Developer:

JOHN LOTTIS

802 RIVERGLEN DR. N
KEIZER, OREGON 97303



BY: _____
CITY OF KEIZER

2002 APR 19 PM 2 40

Mary Jane Comer
4385 Shoreline Dr. N
Keizer, Oregon 97303

April 19, 2002

Keizer Planning Department
PO Box 21000
Keizer, Oregon 97307-1000

Re: CASE NO: Partition No. 2002-19

To whom it may concern:

My name is Mary Jane Comer and I live at 4385 Shoreline Dr. in Keizer.
I have concerns regarding the partitioning of property at 872 Cummings Lane.

My concerns and wishes are as follows:

1. Prior to the City recording this partition, I request an independent survey to **determine the true South Property line.** There is confusion about where this property begins and ends. I have included my 1957 survey, which appears to show a different property line than the information provided.
2. Regardless of the property line outcome, I request the applicant leave all existing trees near the property line to protect the bank.
3. The density of the brush and trees has been altered recently on my property. This may be possibly due to the confusion of the property line. I request the applicant cease all activity in the flood plain and on the bank such as tree, tree limb, shrubbery and other undergrowth and stump removal. Additionally, I request that the apparent spraying of vegetation on my property cease. Which brings me to a question? Can someone decide individually to remove trees and vegetation or is there a process to go through? Does Keizer have a tree removal ordinance?
4. I am concerned about the size of the largest parcel of 95,631. Will I have an opportunity to comment should the applicant decide to put in 12 houses on the two plus acres in the partition? Does the Keizer Infill ordinance apply to this partition? I am concerned about the number of persons living on the parcels. My concerns are the walking, running, playing or various other ways of destroying the riverbank and affecting not only my property but possibly others in Keizer.

Thank you for letting me write about my concerns. I have no problem with this property being developed unless the impact of this development is detrimental to my neighborhood and possibly all of Keizer.

Sincerely,



Mary Jane Comer
4385 Shoreline Dr. N.
Keizer, Oregon 97303

Issue:

PARTITION CASE NO. 2002-19

Date of Decision:

May 7, 2002

Applicant:

John Lottis

Address:

872 Cummings Ln N, OR

Purpose of Request:

PROPOSAL: The applicant is requesting approval to divide the existing 3.30 acre parcel into three separate parcels containing 13,301 sq ft (Parcel 1), 2.19 acres (Parcel 2) and 11,654 sq ft (Parcel 3).

Action: Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED WITH CONDITIONS AND REQUIREMENTS** the proposed Partition subject to the conditions and requirements noted below.

This decision does not include approval of a building permit.

A. PARTITION

CONDITIONS: The following requirements for the Partition must be met before approval of the final plat can be obtained or must be continually met as a condition of the particular land use:

- a. Utility easements shall be provided for Parcel 1 where necessary to accommodate public facilities and shall be recorded on the final plat.
- b. The private access easement shall be a minimum of twenty (20) feet in width. The minimum paved width of the access easement shall be 12 feet for 1 dwelling unit and 16 feet for two or more dwelling units and built to Public Works standards. The paved area of the easement must be centered within the boundaries of the access easement width.
- c. Provisions for the maintenance of the access easement shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City.
- d. If the access easement for Parcel 1 is in excess of 150 feet a turn around built to the standards outlined in Section 2.302.08.C of the Keizer Development Code. The turn around shall be recorded on the final plat.
- e. Any existing or proposed structures shall comply with all dimensional standards and setback provisions identified in Section 2.102 of the Keizer Development Code.
- f. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor that conforms to the requirements in ORS Chapter 92. The final plat shall substantially conform to the proposed partition plan and shall include the five (5) foot maintenance area and the turn-around as outlined in "c & d" above. Title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by May 18, 2003. Following plat approval the applicant shall record it with the Marion County Clerk.
- g. After the title transfer instruments accomplishing the property adjustments are recorded no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.

2. **CONDITIONS:** The following conditions for the Partition must be met before a building permit can be obtained and must be continually met as a condition of the particular land use:
- Addressing to properties shall be prominently located at the street fronting the access to rear properties in compliance with the City of Keizer Addressing Ordinance.
 - Applicant shall meet all requirements for adequate water supplies, emergency apparatus access, and turn arounds.

B. OTHER CONDITIONS:

1. The Department of Public Works submitted the following comments for conditions of approval:

SANITARY SEWERS:

It is the developer's responsibility to connect the proposed development to the appropriate sewer lines designed to serve the area.

- City of Salem approval for local sewer permits will need to be issued prior to construction.
- Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
- As-built plans for the subject property indicate sewer service is currently available from a sewer line in Cummings Lane. Sewer services will be required for all parcels. A street opening permit will be required prior to construction of the new sewer services.

WATER SYSTEM:

- Any existing wells on the subject property are to be abandoned in accordance with the rules of the Oregon State Water Resources Department.
- All parcels are to serviced by individual water services. Location of all new water services and meters to be approved by the Keizer Water Department. Any system development charges to be the charge in place at the time of development.

STREET AND DRAINAGE IMPROVEMENTS:

- Right of way shall be dedicated on the partition plat to provide for the required turn-a-round as indicated on the attached exhibit.
- Street improvements shall be required in accordance with Public Works Standards. Street improvement plans shall be prepared to provide for a ¼ width street along the Cummings Lane street frontage from the easterly property line to the end of the proposed turn around.
- Storm drainage easements shall be provided on proposed Parcel 2 for the existing public drainage improvements.
- Plans for all required public improvements shall be submitted prior to recording of the partition plat.
- An improvement agreement shall be signed by the developer prior to the recording of the partition plat.
- A site-grading plan shall be submitted to the Department of Public Works indicating where fill or excavations will be made and showing that no storm water runoff in the area will be impacted by the proposed development. The site-grading plan shall be approved by the Department of Public Works prior to any grading operations on the subject property.
- The access easement indicated on proposed Parcel 2 for proposed Parcel 1 to meet City of Keizer standards. Removal of existing fencing and shrubbery may be required to provide for adequate sight distance due to the approximation of the existing driveway easterly of the proposed access easement. The applicant's engineer shall submit data indicating the existing obstructions along the easterly property line of proposed Parcel 2 in the vicinity of Cummings Lane to allow the Department of Public Works to determine the amount of obstructions to be removed.

OTHER

- Construction permits are required by the Department of Public Works prior to any public facility construction.
Contact Scott Peterson at the City Engineer's office at 390-7402 for the necessary permit information that is required.
- A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.
- Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.

- d. A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
 - e. No development or alteration of the existing ground within the flood plain of the Willamette River shall be allowed prior to applicant's obtaining a flood plain development permit. Any removal of vegetative material in the Willamette Greenway without proper permits shall result in a requirement that restoration be done under the rules of the State of Oregon.
2. The Keizer Fire District submitted the following comments: Applicant shall meet all Fire Code and City of Keizer Development Code requirements pertaining to:
- a. Adequate Emergency Apparatus Access
 - b. Approved Turn-Around
 - c. Water Supplies [Fire Hydrant]
 - d. Appropriate Address Signage
3. Marion County Surveyor's Office submitted the following four comments for conditions of approval. Questions regarding the following four (4) conditions below may be address to Phil Jones, Marion County Surveyor's Office, 5155 Silvertown Rd NE, Salem, OR 97305:
- a. Parcels ten acres and less must be surveyed.
 - b. Per ORS 92.050, plat must be submitted for review to Marion County Surveyor's Office.
 - c. Checking fee, second Mylar fee, and recording fee are required by the Marion County Surveyor's Office.
 - d. Plant service report and/or title report must be submitted to the Marion County Surveyor's Office at the time of review.
- C. OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other Local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

Appeal Period Ends:

5:00 p.m. on May 17, 2002

Any interested person, including the applicant, who disagrees with this decision may request that the application be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$175.00 fee. This fee will be refunded if the appeal is upheld. Requests for review by the Hearings Officer must be in writing on a form provided by the City of Keizer and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer, 5:00 p.m. on May 17, 2002.

Unless further consideration is requested, or the decision is appealed, this decision becomes final on May 18, 2002.

*Copies of the complete decision containing the Facts and Findings adopted by the Zoning Administrator for the City of Keizer are available upon request at the City of Keizer, Planning Department, 930 Chemawa Road NE, Keizer Oregon during City business hours 8:00 am to 5:00 pm.



CITY OF KEIZER APPEAL FORM

PA \$175.00
5-14-02
DSB

RECEIVED
MAY 14 2002
CITY OF KEIZER
COMMUNITY DEVELOPMENT

Appeal of Staff Decision Fee:
Appeal of Hearing Officer Fee:

\$175.00
\$115.00

APPEAL RIGHTS: Upon final action on a land use application by the Zoning Administrator, Hearings Officer or Planning Commission, the applicant or any persons receiving notice of decision may appeal the decision by filing within ten (10) days from the date of the mailing of the decision. An appeal to the Hearings Officer, Planning Commission or City Council shall include notice at least ten (10) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

Any interested person, including the applicant, who disagrees with this decision, may request that the appropriate body at a public hearing consider the application. The appeal is subject to the appellant paying a fee (see fee schedule above) at the time the appeal form is submitted. This fee will be refunded if the appeal is upheld.

The appeal form must be received by the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on the tenth day following the date of the mailing of the decision. The failure to submit the required fee with the appeal form or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect resulting in the dismissal of the case. *Appeals shall state the alleged errors in the original action and the specific criteria, which the appeal is based upon.*

Land Use Case Appealed: Partioning # 2002-19

Final Date of Appeal Period: May 17, 2002

Errors identified in original action & Specific Criteria the appeal is based upon: _____

a) Abandonment of well

b) turn around and associated requirements

c) sidewalks

Criteria

a) well needed for irrigation

b) see attached Deed

c) see attached Deed

Please call if you
have any questions.

Thank you!

Appellant Name: John Loths

Address, City, Zip: 802 Rivergreen Dr N
Keizer, OR 97303

Daytime Phone #: 503-390-5756 or 503-510-6281

The City of Keizer Community Development Department will be in contact to notify you of the scheduled hearing for the appeal of this land use case. If you have any questions, contact the department at (503) 390-3700.

Larry Cummings
872 Cummings Ln N
Seaside, Oregon 97138
John Lottis
Seaside

State of Oregon, County of Marion, City of Seaside

Larry Cummings
872 Cummings Ln N
Seaside, Oregon 97138

Larry Cummings
872 Cummings Ln N
Seaside, Oregon

STATE OF OREGON,
 County of _____

I certify that the within instrument was
 received for recording on _____
 at _____ o'clock _____ M., and recorded in
 book/tw/volume No. _____ on page _____
 and/or as fee/instrument/microfilm/reception
 No. _____, Records of this County.

Witness my hand and seal of County affixed.

By _____, Deputy.

QUITCLAIM DEED

KNOW ALL BY THESE PRESENTS that Larry D. Cummings

hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto John Lottis

hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain real property, with the improvements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in Marion County, State of Oregon, described as follows, to-wit:

See Exhibit A

"Tax Lot 6500 Marion Co. Map 73W 03DB
"As is" Condition
Save and except from the southwest
property line to the mean low water
and the meanderings of the river.

The property is not to be conveyed in
any form to a public agency; city, county
state or federal.

BY SPACE NECESSARY, CONTINUOUS CONCISENESS OR OTHERWISE

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.
 The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 175,000.
 The actual consideration consists of or includes other property or value given as part of the whole (check the
 whole) consideration. (The number between the symbols 0, if not applicable, should be deleted. See ORS 93.050.)

In witnessing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on 5 Oct, 2001; if
 grantee is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized
 to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN
 THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGU-
 LATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON
 ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRI-
 ATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES
 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FRAMING OR FOREST
 PRACTICES AS DEFINED IN ORS 30.020.

Larry D. Cummings

STATE OF OREGON, County of Marion
 This instrument was acknowledged before me on Oct 5, 2001
 by Larry D. Cummings

This instrument was acknowledged before me on _____
 by _____
 as _____
 of _____

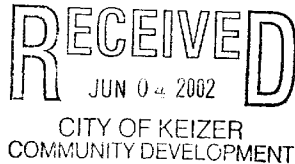


Julie A. Miller
 Notary Public for Oregon
 My commission expires 7-11-05

June 3, 2002

4465 Shoreline Dr N
Keizer, OR 97303

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



Re: Appeal of Partition Case #2002-19

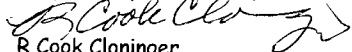
To Whom it May Concern:

I write in favor of the proposal to partition an existing 3.30 acre parcel of land into three separate lots on the west end of Cummings Lane. Earlier I wrote that I approve of **any and all improvements** to this parcel of land.

The property in question has been allowed to fall into serious disrepair. Over the past several years it has become overgrown with vegetation and the home and grounds at 872 Cummings Lane have not been properly maintained. The questioned parcel has abandoned vehicles, and seriously detracts from the potential beauty of this area of our city. All of the other properties on this street are neat and well kept. Please note that this is a dead end street.

I feel that if the Keizer Community Development Department demands the vast improvements (sidewalks, street improvement, and a turn around in excess of 150 feet to accommodate large fire trucks) a serious disservice is being done to the City of Keizer in general, and specifically to the west Cummings Lane community. Please reconsider your decision. This property can become an asset to our area rather the eyesore it currently is.

Respectfully Submitted,


R Cook Cloning

Copy to John Lottis



CONSULTANTS

1155 13th Street, S.E.

Salem, Oregon 97302

(503) 363-9227

June 16th, 2002

Cheryl Vafakos
Associate Planner
City of Keizer
930 Chemana Road NE
Keizer, OR 97303

RE: Partition Case No. 2002-19

Dear Cheryl:

On Tuesday, June 11, 2002, the Applicants and City of Keizer Public Works Staff met on site to review the proposed conditions of approval, contained in the original decision.

During that site visit, it was clear that "Public Works" could not accept the modifications to the conditions that the Applicants felt were necessary to meet the intent of the Deed Restriction contained in the Quitclaim Deed.

Accept this letter as official notice from the Applicants for the record to be closed.

Call if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark D. Grenz".

Mark D. Grenz, P.E.I.C.

cc: John Lottis
Bill Peterson, P.E.

We provide a full spectrum of engineering & related technical services _____

Design, Coordination & Construction Management

TOTAL P. 02

BEFORE THE HEARINGS OFFICER

FOR THE CITY OF KEIZER

In the matter of Appeal of
Partition Case No. 2002-19

)
)
)

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND DECISION ON APPEAL**

I. STATEMENT OF THE MATTER

This appeal of the Zoning Administrator's approval of Partition Case No. 2002-19 came before the Hearings Officer for the City of Keizer at 7:00 p.m. on June 6, 2002. A hearing was held pursuant to Keizer Development Code § 3.205.02 and in accordance with Or. Rev. Stat. § 197.763.

John Lottis, applied to partition a parcel of land, located at 872 Cummings Ln. N. The Marion County Tax Assessor identifies the parcel as Tax Lot 6500, T7S, R3W, Sec. 03DB. In his appeal form, Mr. Lottis appeals conditions of the Zoning Administrator's approval relating to "a) abandonment of well, b) turn around and associated requirements, c) sidewalks." Mr. Lottis did not identify the specific conditions of approval he is contesting. At the hearing, Mr. Lottis clarified that he is appealing the requirement that he abandon the existing well on the property, that he dedicate sidewalks and turnarounds, and the scope of the required street improvements.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION ON APPEAL**

The record was held open for 14 days to allow the applicant to meet with the City, attempt to resolve Mr. Lottis' concerns, and submit a settlement agreement. Mr. Lottis, through Marc Grenz, project engineer, agreed to a 14-day extension of the 120-day clock. The record closed on Thursday June 20, 2002. Neither Mr. Lottis, nor the City submitted a settlement agreement. The City communicated to the Hearings Officer that no settlement was reached in this case.

II. SUMMARY OF EVIDENCE

Appellant's Presentation of the Appeal

1. *Abandonment of well*

Mr. Lottis stated that he believed the well is currently used for domestic water for one house on the subject parcel and for irrigation of the entire parcel. He wishes to use the well to irrigate all three lots following the partition, or if that were not possible, then he would like to use the well to irrigate the large lot. He stated that he would be willing to work with restrictions concerning connecting to dwellings.

Mr. Lottis stated that he believed the existing well was located under the concrete floor in the garage of house located on parcel 3.

2. *Scope of Street Improvements*

Mr. Lottis clarified at the hearing that he is requesting that he not be required to construct the following:

(1) the required turnaround – Mr. Lottis believes this requirement is excessive because there are already two pre-existing homes, each with separate

access to Cummings Lane, and that he would be adding only one additional home, and he is proposing only one additional home, which would not require an additional separate access to Cummings Lane. Mr. Lottis also noted that the turnaround shown in the decision (Exhibit D¹) was off-centered such that it was primarily on his land.

3. *Dedication of right-of-way and sidewalks*

Mr. Lottis stated that the requirement to dedicate a portion of the land and the improvements would force him to violate a term in his deed prohibiting transfer of the land to the public. Mr. Lottis stated that he and Mr. Cummings (the seller) negotiated these terms. Mr. Lottis stated that he has gotten legal advice that the restriction is probably invalid, but that he feels committed to developing the property in a manner consistent with his agreement with Mr. Cummings.

Finally, Mr. Lottis stated that he has spent a considerable amount of time and money cleaning the property resolving other outstanding [unspecified] issues, and that if he would be required to comply with these conditions of approval, then he would have to quit claim the property back to Mr. Cummings.

¹ There was some confusion about Exhibit D. Mr. Lottis thought that the City drew this plan to include with the decision. The City stated that Marc Grenz, Multi-Tech Engineering services, Inc., the project engineer, submitted the drawing. Mr. Grenz stated that he submitted it upon request of the City, but only as demonstrative that a cul-de-sac could be developed on the subject parcel, not as a document to be relied on in the decision.

(2) sidewalks – Mr. Lottis stated that there are no other sidewalks on Cummings Lane and thus having to construct sidewalks would not serve a purpose.

Staff Response to the Appeal

Cheryl Vafakos, Associate Planner, and Bill Peterson, City Engineer, appeared on behalf of the City.

Mr. Peterson noted that the original application did not show access for Parcel 2 (the currently undeveloped parcel). Mr. Peterson also explained that the City has occasionally allowed existing wells to remain intact if there is sufficient notice, such as a deed restriction or a redevelopment plan showing the location of the well and sewer services on the subject parcel. The City's concern is ensuring compliance with Oregon Department of Environmental Quality standards and cross-connections. Finally, Mr. Peterson noted that the fact that the well is located within a house raises additional problems with inspection and ensuring compliance.

Ms. Vafakos stated (1) the Zoning Ordinance was amended at the beginning of 2002 such that private streets are no longer allowed; (2) private sidewalks are allowed only in the City's infill zone, and the subject parcel is not located in an infill zone; and pursuant to KDC § 2.302.05, the subject parcel does not qualify for reduced width from the required 3/4 width street.

Oral Testimony Before the Hearings Officer

Duane Doyle spoke in favor of Mr. Lottis' application. Mr. Doyle stated that he is 100% in favor of Mr. Lottis' plans, and that Mr. Lottis has turned the

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION ON APPEAL

subject parcel from a junkyard into a park. Mr. Doyle also stated that he is opposed to the street improvement requirements because he believes it will increase speed along Cummings Lane and that widening the street will require the removal of maple trees lining the street.

Marian Nelson spoke in favor of Mr. Lottis' application. Ms. Nelson stated that she has lived in along Cummings Lane for 37 years and that she is opposed to the required street improvements because she believes the improvements will not serve any purpose because Cummings Lane is a dead-end street.

Robert Davis spoke in favor of Mr. Lottis' application. Mr. Davis stated that he supports Mr. Lottis' idea for the property and that he has cleaned up the property. Mr. Davis also stated that he is opposed to the requirement that Mr. Lottis build sidewalks.

Noble Deckard spoke in favor of Mr. Lottis' application. Mr. Deckard stated that he fully supports Mr. Lottis' proposal, that he is opposed to the required street improvements because (1) the required sidewalk would not connect on the east or west ends, and (2) there is already a problem with traffic because Cummings Lane is a dead-end street and he believes the street improvements will make the traffic problems worse.

Marc Grenz, Multi-Tech Engineering services, Inc., the project engineer, spoke in favor of the application. Mr. Grenz stated that he spoke with Mr. Lottis and was authorized to request that the record be kept open for 14 days to resolve Mr. Lottis' issues with the City staff. This request was granted as noted above.

Written Testimony Submitted to the Hearings Officer

At the hearing, a letter from R. Cook Cloninger, was submitted to the Hearings Officer. This letter was marked as Exhibit E.

Documents and Exhibits Considered by the Hearings Officer

1. City of Keizer Appeal Form (May 14, 2002).
2. Quitclaim Deed from Larry B. Cummings to John Lottis (October 5, 2001).
3. City of Keizer Development Department Notice of Decision Partition Case No. 2002-19 with Exhibits A-D attached (May 7, 2002).
Exhibit A – Vicinity Map
Exhibit B – Proposed Plan
Exhibit C – Letter from Mary Jane Comer, April 19, 2002 (note, this letter indicates an attached survey; the Hearings Officer did not receive a copy of the attached survey)
Exhibit D – Proposed Turn-a-round
4. City of Keizer Partition Application with attached written statement and proposed plan by Multi-Tech Engineering Services, Inc. (March 9, 2002).
5. Exhibit E – Letter from R. Cook Cloninger to Keizer Community Development Department (June 3, 2002).

III. DISCUSSION

FINDINGS OF FACT

The findings of fact contained in the decision of Zoning Administrator are adopted by reference into this decision with the following additional findings.

1. The appellant obtained ownership of the subject property by quitclaim deed, dated October 5, 2001. See document No. 2, listed above.

2. The quitclaim deed purports to restrict transfer (alienation) of the subject property by the following restrictive language, "The property is not to be conveyed in any form to a public agency; city, county state or federal."

3. Mr. Lottis stated that he is only dividing the subject parcel into 3 lots, when the zoning code would allow him six lots.

4. The required dedication of sidewalks and turnaround are roughly proportional to the impact of the proposed development. The required sidewalk is only along the frontage of the lots approved by the partition. The required turnaround is located on Mr. Lottis' land. The proposed development includes **construction of one new house and the separation of two existing houses.** The impact of the development would be creating three distinctly developed or developable lots on the subject parcel. Additional development, consistent with the Keizer Development Code, may occur on all three lots. Parcel 2 can be further divided. The requirement for the sidewalk is a requirement for the development or improvement of all lots in the City

- a. Mr. Lottis is required to construct and dedicate the sidewalk at this time because he has more than 250 feet of frontage on Cummings Lane. If Mr. Lottis had less than 250 feet of frontage, he would not be excused from the requirement, but would rather be required to sign a stipulation that when the City undertook street improvements, he would participate in those improvements at that time. Lots with greater than 250 feet of frontage can usually be divided into several lots, and that it is easier for the City to require a

single developer of land, who stands to make a profit from the development (even if only potentially by not fully dividing the land immediately), to construct the improvements, rather than require the improvements from multiple owners in the future.

- b. The turnaround is necessary for health and safety reasons, there needs to be a safe means for vehicles to pass each other on Cummings Lane and for fire access. The turnaround is in lieu of requiring Cummings Lane to be developed to a full-width street. In other words, the Public Works Director determined that a 3/4-width **street would suffice, if a turnaround were built.** Pursuant to KDC § 2.302.05, the subject parcel does not qualify for reduced width from the required 3/4-width street.

5. The street standards table, KDC §2.302, indicates that the average single family home generates 10 ADT (average daily trips). If Mr. Lottis were correct that he could divide the subject parcel into a total of six lots, then there would be an additional 40 vehicle trips per day.

6. Based upon Exhibit A, it appears that Mr. Lottis' parcel is the only parcel in the vicinity along Cummings Lane that has more than 250 feet of frontage. It is unclear to the Hearings Officer when, and under what circumstances, the other parcels on Cummings Lane in the vicinity of Mr. Lottis' parcel would be required to develop and dedicate street improvements and sidewalks.

7. The City may, but is not required to allow an existing well to remain intact if there is sufficient notice, such as a deed restriction or a redevelopment plan showing the location of the well and sewer services on the subject parcel. The City must ensure compliance with Oregon Department of Environmental Quality standards and prevent cross-connections. That the subject well is located within one of the existing houses raises an additional problem with inspection and ensuring compliance.

8. The Keizer Development Code was recently amended to prohibit private streets. Private sidewalks are allowed only in the City's infill zone, and the subject parcel is not located in an infill zone.

CONCLUSIONS OF LAW

1. A quitclaim deed is generally described in the following way:

A 'quitclaim' is a deed intended to pass title, interest or claim, which the grantor may have in the premises, but not professing that such title is valid. 23 Am. Jur. 2d *Deeds* §10 (2002).

2. Typically, disabling language, which prohibits free conveyance of property is invalid, but disabling language, which allows conveyance to anyone except a small group may be valid. In this case, however, I find the restriction on transfer to the public is unreasonable and contrary to public policy to the extent it interferes with well-established land use planning and development standards.

3. In this case, the appellant argues that the terms of his deed supercedes Keizer's well-established and reasonable land use planning standards, which encourage orderly urban development. One need only

consider a couple of examples of the effect of all deeds containing the same restriction to understand why such a restriction would be unenforceable. First, the public could not ensure orderly development, regular repair and maintenance, and other government services. Cities would become a hodgepodge of private ownerships where individuals could limit free travel by the public, or various factions of the public. Second, government's authority to condemn land (or require dedication) for public purpose would be rendered meaningless.

4. I conclude that the restriction in the deed prohibiting transfer of the property to the public is unenforceable in the context of requiring public services improvements for two reasons. First, as noted above, I believe that a court would find such a restriction repugnant to public policy. Second, I do not believe that the transferor owned the right or interest in the property prohibiting public ownership of public service improvements; hence, the quitclaim deed, which by definition may transfer only such rights as the transferor has in the property, cannot transfer such the prohibition.

5. The Hearings Officer cannot invalidate a term of a deed or reform a deed; those are remedies that only a court may order. The Hearings Officer may only disregard the disabling restriction and require the dedications, which the Hearings Officer is mindful may lead to litigation over the deed.

6. The dedication of the required sidewalk and turnaround are necessary to ensure pedestrian and vehicular safety, and emergency access due

to increased traffic and are roughly proportional to the impact of the proposed development.

7. The street improvements serve a valid public purpose and are **rationally related to the impact of the proposed development.**

8. Even though these required improvements would not at this time connect to other adjacent improvements, the improvements are timely because there is no way to predict when similar improvements on adjacent properties would be developed.

9. At this time, Mr. Lottis has not demonstrated either sufficient notice, such as a deed restriction or a redevelopment plan showing the location of the well and sewer services on the subject parcel or how he intends to comply with DEQ standards and prevent cross connections. The Hearings Officer, therefore, cannot grant this aspect of Mr. Lottis' appeal. This conclusion should not be read to mean that the applicant couldn't make a showing to the City Engineer in the future. The City Engineer considers the circumstances of each well individually, and does not have to allow using the well.

IV. DECISION

Based upon the document and exhibits listed above, and the testimony and evidence presented before the Hearings Officer, and the findings of fact and conclusions of law presented herein, the appeal is **DENIED**.

The decision of the Zoning Administrator, including all findings of fact and conclusions of law is incorporated by reference into this decision. The Hearings Officer adopts all conditions of approval imposed by the Zoning Administrator into

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION ON APPEAL**



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

810 SW ALDER STREET, SUITE 100 • PORTLAND, OREGON 97205 • PHONE (503) 241-4141 • FAX (503) 241-4141

MEMORANDUM

Date: July 15, 2002

Project #: 4539

To: Keizer City Council
City of Keizer
930 Chemawa Rd NE
Keizer, Oregon 97307

From: Christopher Stanley, P.E.

Project: Keizer Station Plan

Subject: Peak Hour

The purpose of this memorandum is to address the concern expressed by the 1000 Friends of Oregon on the peak hour used in our analysis. We have not received a copy of their letter, but our understanding is that they are concerned that the analysis was based on the weekday p.m. peak hour instead of the Saturday peak hour, and that because many retail uses generate more trips during the Saturday peak hour, this is the time period that should have been studied.

The methodology used in our analysis was developed with Oregon Department of Transportation (ODOT) and City of Keizer staff. The analysis compares the impacts on the transportation system by changing the zoning assumed in the City's Transportation System Plan. The City's Transportation System Plan is based on the weekday p.m. peak hour. Therefore, consistent with the City's plan, the analysis was based on the weekday p.m. peak hour.

Before development can occur, a detailed traffic study must be conducted for each use. This study will address other peak time periods, such as the Saturday peak hour, as appropriate. As required by the Keizer Station Plan, acceptable operations must be maintained on the surrounding transportation system for development to occur. Therefore, if mitigation is required to maintain acceptable operations on Saturday, this will be required as a part of development.

In summary, our study analyzed the impacts associated with the zone change accurately and consistently with the City's Transportation System Plan. The City of Keizer, the City's traffic consultant, and ODOT all agree with our methodology and conclusion that the proposed plan will have a comparable or less impact on the surrounding transportation system than the current zoning.

Miss Adams
submitted
7-15-02
A-88

Comments on Keizer Station Plan

Submitted by:

**The Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes
of Grand Ronde Community of Oregon**

July 15, 2002

The comments to follow are submitted on behalf of the Confederated Tribes of Siletz and the Confederated Tribes of Grand Ronde (hereinafter referred to as "Tribes") who hold in joint ownership 15.6 acres of property known as Area D of the Keizer Station Plan development. The Tribes previously submitted comments to the record at the City of Keizer's City Council meeting on Monday, July 1, 2002. We would ask that the following comments supplement, and amend if necessary, our original comments.

Area D of the Keizer Station Plan will contain a very important access road to the entire future development plan. The south loop of the jug handle (to be known as "Radiant Loop") will provide ingress for traffic coming west from Keizer and egress east onto Chemawa Road for traffic flow. In addition, this property is highly visible from the I-5 Highway and partially visible from the Salem Parkway, thus it is a very lucrative interchange parcel to the Tribes and to the development as a whole.

Therefore, the Tribes ask that a plan for appropriate zoning be developed that would create flexibility for development opportunities and eliminate size restrictions for potential future businesses and potential tenants.

The Tribes have not yet begun to develop a master plan for what types of business we would like to attract to the property nor have we begun to identify what types of tenant relationships will best benefit our governments. So, we ask the City Council to provide zoning requirements that will allow for the best and highest use of the property and allow the Tribes and City to capitalize on the potential development of the property.

Our previous comments requested a change to your current proposed zoning of the property to allow us to have equal development opportunities provided by the General Employment (EG) zoning designation, and to include under this zoning the allowance of hotels, motels and tourist courts as a permitted use of the Industrial Park Uses. We now understand that a change to the zoning designations could complicate the approval of the plan or lengthen the timelines. Thus, we would request that the proposed IBP zoning designation be amended to enhance the flexibility of future development as follows.

The Tribes request that Attachment H, Section 2.113 Industrial Business Park (IBP), of the Planning Commission Recommendation to the City Council dated March 20, 2002 be amended as follows:

Add to section 2.113.02 N. 1.

- g. General Merchandise Stores.

Delete from section 2.113.02 N.2.

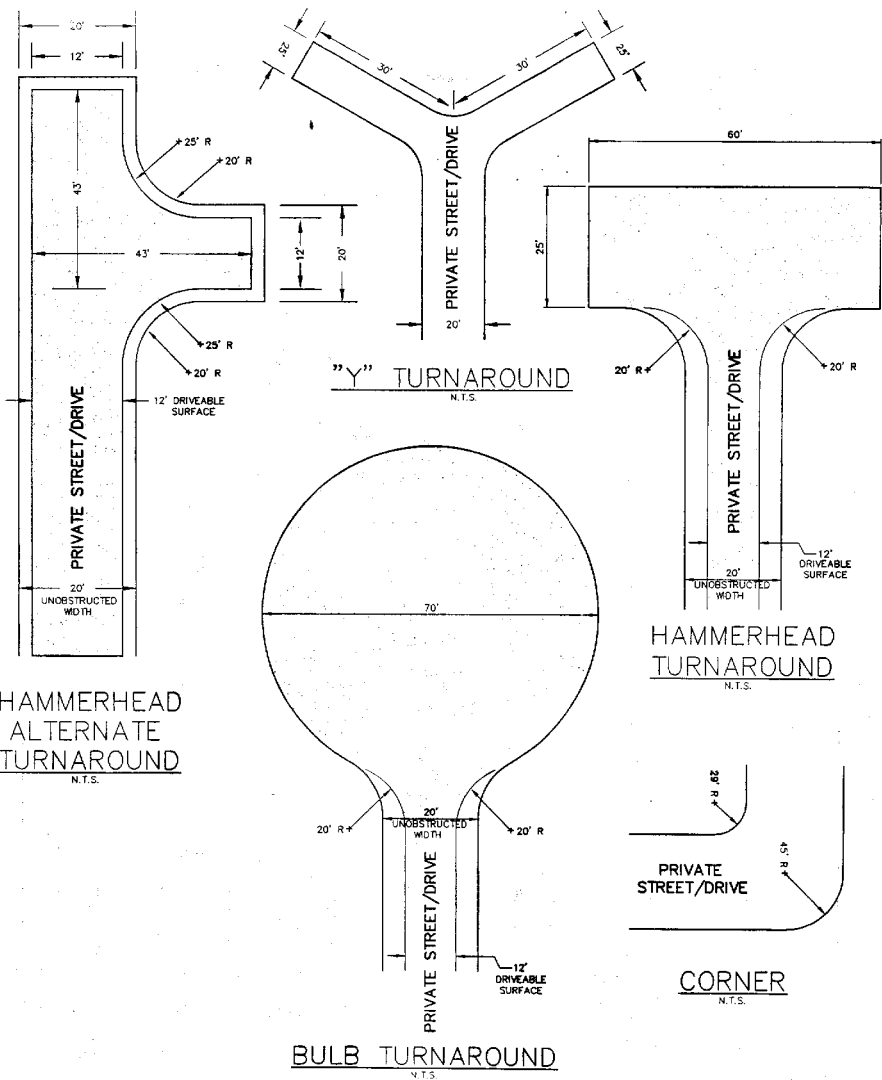
- a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (a)(i)-(iv). (5/98)
- b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, 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 contiguous, IBP zoned property including any internal public streets. (5/98)
- 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)

Add to section 2.113.02 L. Services

- 7. Gasoline Service Stations (SIC 554).

The size of the property at 15.6 acres will be further reduced by the construction of the jug handle loop, and because of the location of the parcel in relation to the I-5 Interchange, the property and future development lends itself to interstate travelers and retail users. So, it should not be restricted to percentages that unduly limit development.

In closing, we (the Tribes) ask that you consider our comments and make the requested changes to allow us to develop our property to it highest and best use. The property is a key development parcel for the Keizer Station Plan development and to the Tribes. We look forward to our future endeavors and relations with the City of Keizer.



APPROVED BY:

DATE

STANDARD DETAIL DRAWING

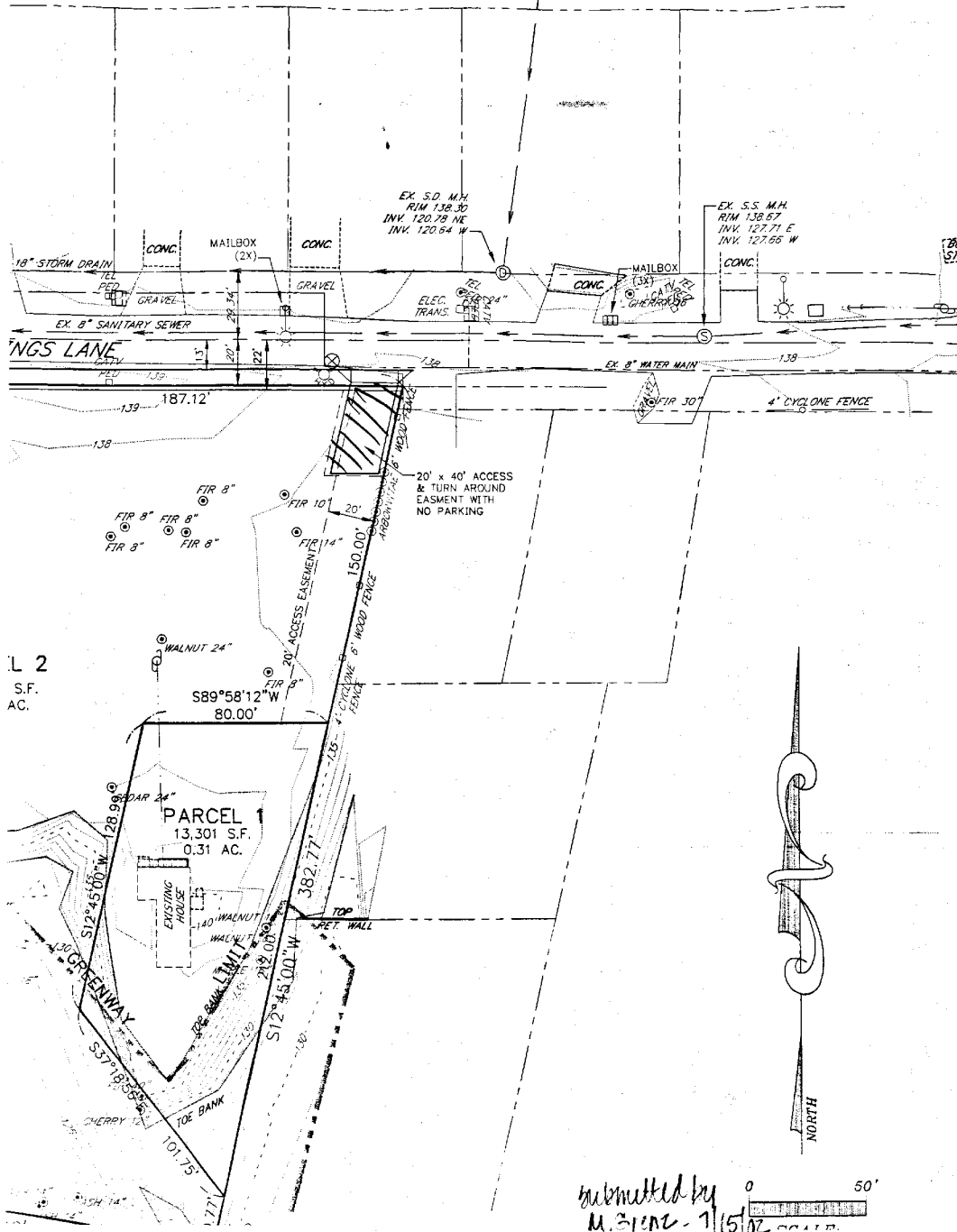
**FIRE APPARATUS ACCESS ROAD
REQUIREMENTS \ PRIVATE STREETS**

DRAWN: S.W.P.

DATE: 04-10-96

APPROVED: W.I.P.

NUMBER: ST-14



L 2
S.F.
AC.

PARCEL 1
13,301 S.F.
0.31 AC.

submitted by
M. B. [unclear] 1/5/02
0 50'
SCALE



What is the Willamette?

It's a Big River

By volume, the Willamette is the 13th largest river in the continental US and the largest in Oregon.¹ At its mouth, the Willamette delivers about 24 million acre-feet each year²—enough water to cover the OSU campus 13 miles deep. In its middle-stretch, the Willamette discharges about 17 million acre-feet each year³. At 187 miles, the Willamette is also one of the longest rivers in Oregon.

It's Home



For thousands of years, the Willamette River has provided for our human family. The Calapooya people, Molalla people, and many more Native Americans depended on the River for food and transportation.⁴ The word Willamette comes from the Native American "Wal-lam-ti," probably meaning "green river."⁵ The first permanent American settlement in the Pacific Northwest was the Reverend Jason Lee's Willamette Mission, established just north of present-day Salem in 1834.⁶ When Captain William Clark went up the Willamette in 1806 as far as Willamette Falls, he

wrote: "This valley would be competent to the maintenance of 40 or 50 thousand souls if properly cultivated..."⁷ Today, about 2 million people—or 70 percent of Oregon's population—live within 20 miles of the Willamette River.⁸



It's a Natural Delight



While the Willamette faces many problems throughout its watershed that require our careful attention, the mid-Willamette is a basically a healthy River. Studies by the Oregon Department of Environmental Quality have shown that the river's biological health is fair above Wilsonville and good in the Eugene area.⁹ The City of Corvallis, in fact, taps the River for drinking water.¹⁰ Many species of fish and wildlife make the River their home. Some are rare, such as the Western pond turtle, the Oregon chub (a native minnow), or spring Chinook salmon. And some are common, but spectacular—

such as osprey, red-tail hawks, beaver, black-tail deer, or Canada geese. The middle stretch of the River offers a tranquil window on nature, both as it was, and with a little work, as it can be again.



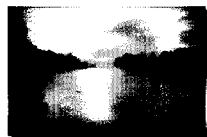
It's a Special Place Protected for Your Careful Use



The Oregon Parks and Recreation Department now oversees 90 properties in the Willamette Greenway program, established by the Oregon Legislature in 1967.¹¹ There are over 40 public parcels along the Willamette from Corvallis to Willamette Mission State Park.¹² In addition to the environment protected by parks, each local government bordering the Willamette must comply with the environmental provisions of Oregon's Land Use Planning Willamette River Greenway Goal.¹³ The State of Oregon has also determined the Willamette's riverbed and its banks (either up to the ordinary low water mark or the ordinary high water mark, depending on the location) are public property.¹⁴ That doesn't mean it's OK to cut across private property to get to or from the river. Landowners next to

the River are understandably very protective of the river and their property. Visitors owe it to the river and everyone else to observe all laws, behave courteously, and under no circumstances trespass.

The Willamette's special character was also recognized in 1998 when by Presidential Executive Order it was proclaimed one of the nation's 14 American Heritage Rivers—an honor reserved for rivers of national significance historically, culturally, and environmentally.¹⁵ The designation awarded the Willamette a federally funded "River Navigator" to respond to local community needs by better leveraging more resources from existing federal and other funding sources.



Citations:

- ¹ U.S. Geological Survey, 1998. *Water Quality in the Willamette Basin, Oregon, 1991-95*. USDI-USGS Circular 1161.
- ² Bastasch, Rick 1998. *The Waters of Oregon*. Oregon State University Press.
- ³ U.S. Geological Survey. From STATION --14191000 WILLAMETTE RIVER AT SALEM, OREGON as found at http://oregon.usgs.gov/rt/cgi/gen_stn_pg?station=14191000.
- ⁴ Kathleen Feehan and Rod Thompson. 2001. *The Confederated Tribes of Grand Ronde Unified Watershed Assessment—Understanding Our Waters*.
- ⁵ Center for Columbia River History. nd. *Wal-lamt: The Green River*. At <http://ccrh.org/comm/cottage/green.htm>. "The Kalapuyans called the Willamette River the Wal-lamt, loosely translated as 'green river.'"
- ⁶ *Willamette Mission near Salem, Oregon, Heritage Landmark of The United Methodist Church*. nd. At http://www.gcqh.org/Heritage_Landmarks/Willamette.htm.
- ⁷
- ⁸ Willamette River Basin Task Force. 1997. *Recommendations to Governor John Kitzhaber*.
- ⁹ Oregon Department of Environmental Quality. Nd. Willamette River Basin Water Quality Study Overview. At <http://www.deq.state.or.us/wq/wqfact/willstdev.htm>
- ¹⁰ City of Corvallis. At <http://www.ci.corvallis.or.us/pw/util/waterfacilities.html#taylor>. "The Taylor Water Treatment Plant... draws water from the Willamette River and produces the majority of Corvallis's drinking water. ...in 1999; the Taylor Plant's production varied between 2 to 16 million gallons a day, depending on the time of year and customer demand."
- ¹¹ Oregon Parks and Recreation Department. At <http://www.prd.state.or.us/about.php>.
- ¹² Oregon Parks and Recreation Department. 1998. *Willamette River Recreation Guide*.
- ¹³ University of Oregon, Department of Planning Public Policy. At <http://utopia.uoregon.edu/projects/landuse/goal15.html>. "To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."
- ¹⁴ Oregon Division of State Lands. *Navigability*. At <http://statelands.dsl.state.or.us/navigwaterways.htm>.
- ¹⁵ U.S. Environmental Protection Agency. *What is the American Heritage Rivers Initiative? and Designated Rivers*. At <http://www.epa.gov/rivers/98rivers/willamette.html>.



Frequently Asked Questions

1. *What's the idea behind the Mid-Willamette River Connections effort?*

The Mid-Willamette River Connections effort is an exploration of how current and future residents of (and visitors to) the Mid-Willamette Valley—roughly Corvallis to Newberg—can enjoy, experience, understand and protect the Willamette River. There are four main thoughts behind this: 1) the Willamette River, its environs, history, and communities are wonderful resources worth discovering and treasuring; 2) individual riverside communities in the Mid-Willamette Valley are busily engaged in re-connecting with the river through riverfront revitalization, trails, and parks—and there's an inter-community value in finding out personally the breadth and depth of what's going on; 3) that despite its being in our backyard, the Willamette is an over-looked resource in terms of recreational use, tourism, and environmental value; and, 4) that one of the best ways to protect the River is to get more people to personally experience the Willamette.

2. *Who's organizing this effort?*

A group of about 20 representatives from local governments, state and federal agencies, and private organizations started meeting in August 2001 to explore potentials for better connecting people to the Willamette. The group was convened by the Willamette Restoration Initiative and the Willamette American Heritage River program after many individual conversations with communities. The group requested, and is receiving, advice from the National Park Service's Rivers and Trails Program. The group has developed a mission and goals statement that's available on-request or by visiting the website shown at the end of this FAQ.

3. *I've heard that there's going to be a trail along the River. Where will it go?*

There are no plans for a single, continuous trail along the River. There does seem to be a high level of interest in better connections with the River—and that's being considered broadly. "Connections" could include car tours, bike routes, bike and walking trails, and water trails. It's worth noting that there are existing trails next to the River in different places now that might be connected, and that the River itself is was designated in the Oregon's 1996 Recreation Trail Plan as a water trail. So, in terms of better connections, trails are likely to play an important role, but aren't the only option. But the purpose of this "exploration" is to gage the public's interest in better connections and to begin to get some idea of how those might come about. No routes or connection venues are being "pushed."

4. *Getting more people down to the River may sound good, but won't that mean more litter, vandalism and crime, especially for local residents?*

That's not been the experience of most other people along trails. While no public place is crime-free, studies show that trail problems are minimal—and occur at a lower rate than most other places. For example, a study of the Burke-Gilman Trail in Seattle found incidents of vandalism and burglary did not increase as a result of the trail. Rather, the rate of vandalism and break-ins to adjacent property was well below the neighborhood average. (*Evaluation of the Burke-Gilman Trail's Effect on Property Values and Crime*, 1987) A National Park Service study of trails in Iowa, Florida, and California found that property owners experienced few problems resulting from the trail. Most reported that rates of vandalism, burglary and trespassing had remained the same or decreased since the opening of the trail. (*Economic Benefits of Trails and Greenways*, undated)



July 15, 2002

AGENDA ITEM 6b

CHEMAWA ACTIVITY CENTER/KEIZER STATION PLAN PUBLIC
HEARING

To: Mayor Christopher and City Council
From: Maria Meier, Planning Director
Through: Chris Eppley, City Manager
Date: July 11, 2002
Re: Text Amendment/Comprehensive Plan Amendment/Zone Change
Case No. 01-50; Amendment to Chemawa Activity Center Plan –
Proposed Keizer Station Plan

On July 1, 2002, the City Council continued the public hearing to July 15, 2002. Staff recommends the City Council accept additional testimony. The SKAPAC record is not complete to date. At a minimum, the written record must be extended to include the SKAPAC record to the legislative review record. The City Council may continue the public hearing as deemed necessary. The City Council may choose to close the public hearing, and leave the written record open to a date certain.

Please find attached a new exhibit to be submitted to the record, labeled as Exhibit "A-86".



INTRAOFFICE MEMORANDUM

EXHIBIT "A-86"

ANKROM MOISAN ASSOCIATED ARCHITECTS

DATE: July 1, 2002
TO: Keizer City Council
FROM: Charles R. Matschek, Associate
RE: Keizer Station Plan - Proximity between Large Format Retail Shopping and Traditional Downtown / Village Retail Shopping

Public testimony both for and against the Keizer Station Plan has been heard at at every Planning Commission and City Council hearing. Generally both proponents and opponents have relied on anecdotal and emotive reasoning to express their view: Positive comments are for diversity, convenience, and this much needed resource in Keizer. Negative comments focused on existing retail along River Road being at risk unable to compete with new development resulting in social and economic disaster in Keizer. Despite factual economic documentation provided by Hobson and Ferrarini and testimony by Keizer citizens, both for and against who admit they travel the length of the Willamette Valley to retail shop, negative testimony maintains that new development at the I-5 interchange is too great a risk to River Road continuing as a viable commercial area and Keizer's downtown, their "Heart" will die.

The consultant team exhibited two diagrams at the June 3rd, 2002 City Council meeting to illustrated some proximity's in the greater Portland area between large format retail development and established village scale, traditional, "main street" retail districts. The distances between these areas are similar to the distances between River Road in Keizer, Lancaster Mall and downtown Salem; that is between two and five miles. In all cases the smaller established areas have retained their vitality and in some instances are doing better. This is due partly to their recognizing they are distinct and different from their larger competitors and promoting this distinction especially to local residents.

Our first exhibit illustrated the relative locations of large and small retailing areas within Portland, Beaverton, Hillsboro, Tigard and Milwaukie lying within Multnomah, Washington and Clackamas counties. The second exhibit is a map of the Portland area with Multnomah Village as the starting point with one-mile increments measuring relative distances.

Council expressed concern that these proximities were less relevant to Keizer due to the large resident population the level of available choice. Council suggested a closer comparison would be Springfield to Eugene and asked what the proximity of downtown Springfield was in relation to large format retail in the Eugene area.

Large retail shopping areas have developed along I-5, close to the interchanges and west and to the north of Eugene's downtown; These areas compete with both the Springfield and Eugene downtown's. Generally the distance between the large retailers and the downtown's are five miles or less, again similar to the distance between River Road, Lancaster Mall and downtown Salem. The best known development is Valley River Center, a power center developed in the 1970's to compete directly with the retailers in downtown Eugene. Though smaller, Springfield has maintained their downtown shopping area while competing with large format retailers. Eugene on the other hand, created a pedestrian type shopping mall, closing Willamette Street to cars in the central area. The new mall was a disaster for downtown retailers; literally driving customers away to seek the convince they were used to. New retailers used this opportunity to establish themselves outside the central area. Most of Willamette Street is open to cars again and together with local businesses promoting the traditional "heart" of Eugene, the downward trend in retailing has started turn around.

6720 SW Macadam, Suite 100, Portland, Oregon 97219, 503/245-7100, FAX 503/2457710

Principals: Stewart Ankrom, Thomas Moisan, David N. Vonada, Lorraine Kellow, Jeff Hamilton, Karen Bowery

TOTAL P.02



July 15, 2002

AGENDA ITEM 6C

**COMPREHENSIVE PLAN MAP INTERPRETATION FOR
PROPERTY LOCATED AT 1355 ALDER DRIVE NE**

Memo To: Mayor Christopher and City Councilors
From: Maria Meier, Planning Director
Through: Chris Eppley, City Manager
Date: July 5, 2002
Re: Comprehensive Plan Map Interpretation for Property Located at 1355 Alder Drive NE.

Background

The subject property is located at 1355 Alder Drive NE. The property owner is Jamie Jenniches. Mr. Jenniches requested the Planning Department for an interpretation of the Comprehensive Plan map designation for the subject property. The Zoning Administrator analyzed the adopted Comprehensive Plan Map, and referenced the old Zoning Map, GIS Comprehensive Plan Map, and Marion County Tax Assessor Map to derive a final interpretation of the designation for the property. The Zoning Administrator interpreted that the subject property is zoned Single Family Residential (RS) and is designated on the Comprehensive Plan map as Low Density Residential (LDR). Mr. Jenniches agreed that the subject property is zoned RS. However, he disagreed that his property was designated LDR. Mr. Jenniches believes that his property is designated Medium High Density Residential (MHDR) similar to property located west of the subject property.

Keizer Development Code Section 1.103.03 **Boundaries**, states the following:

- "A. Zoning Map. The zoning district boundaries are shown on the zoning map of the City of Keizer. This map is made a part of this Ordinance and shall be filed in the office of the Zoning Administrator. The Zoning Administrator shall amend the map as required. The map shall be available for public review with copies provided at reasonable cost. (5/98)
- B. Zoning Map Interpretation. The Zoning Administrator shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of the zoning boundaries, the Zoning Administrator shall rely on the Keizer Comprehensive Plan Map and the following guidelines:

1. **Right-of-way.** Boundaries indicated as approximately following the centerline or the right-of-way boundary of streets, highways, railways or alleys shall be construed to follow such centerline or boundary. (5/98)
 2. **Lot Lines.** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. (5/98)
 3. **Water Courses.** Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerline. (5/98)
 4. **Extensions.** Boundaries indicated as parallel to or extensions of features indicated in subsections 1., through 3., above shall be so construed. (5/98)
 5. **Specific Description.** Where a Plan map designation or zoning action referenced a specific property description, that description shall establish the boundary. Where 2 or more property descriptions establish conflicting boundaries, the most recent description shall govern."
-

The following outlines the chronological review staff used to determine the Comprehensive plan designation for the subject property.

Mr. Jenniches approached City Staff with his personal interpretation of 1355 Alder Dr NE to have a Comprehensive Map designation MHDR (Medium High Density Residential). Mr. Jenniches proposed to use Brooks Avenue to determine a scale for the Comprehensive Plan Map. He indicated that assuming that Brooks Avenue has a right of way width of fifty feet that we could use it to determine a scale. However, Staff found other streets on the map that were drawn the same width as Brooks Avenue on the Comprehensive Plan Map that have different actual right of way widths (For example, River Rd, which has a right of way width of 72 feet and Linda Ave has a right of way width of 60 feet, are both drawn on the Comprehensive Plan Map as the same width as Brooks Avenue. Therefore, Staff found the use of the streets was not a viable method to obtain a scale for the original adopted Comprehensive Plan Map.

In determining that no scale could be determined on the previously adopted Comprehensive Plan Map, Staff proceeded with the following review:

Assumptions

1. *Although the Comprehensive Plan Map is not drawn to an identified scale, it is drawn proportionally accurate throughout the City on the map.*
2. *Typically, boundaries of zoning designations were established consistent with property line boundaries.*
3. *The adopted Comprehensive Plan Map should be proportionally accurate in scale when compared to the old Zoning Map, GIS Comprehensive Plan Map, and Marion County Tax Assessor Map.*

Chronological Review by Staff

First, Using the original adopted Comprehensive Plan Map:

(See Exhibit 'A')

1. Staff first took a straight edge, and placed it in a north/south direction along the line designating the boundary of the MHDR designation from Clearview. Staff drew an extension of this line on the map extending it north until it intersected with Brooks drive. (Marked Line "A")
2. Staff then took a straight edge, and placed it on the jogged portion of the MHDR designated property west of Line "A", drawn north/south. Staff took a straight edge and placed it in a north/south direction along this line and drew an extension of this line in red until it intersected with Brooks Dr NE. (Marked Line "B")

Second, Using the Marion County Tax Assessor's Map:

(See Exhibit 'B')

3. Staff located the tax parcel with the same boundary as Line "A", extending the boundary line to the subject property to show the relationship of scale between the maps. Western boundary of Tax lot # 2600, map no. 073W11AB.
4. Staff located the tax parcel with the same Line "B" and drew a north/south line, extending the boundary line to the subject property to show the relationship of scale between the maps. Eastern boundary of tax lot # 1600, map no. 073W11AB.

Third, Using the GIS map with tax parcels shown on map:

(See Exhibit 'C')

5. Again to compare the maps, staff then took a straight edge and placed it in a north/south direction along the same properties as Line "A", designating the boundary of the MHDR designation from the jog. Staff drew an extension of this line on the GIS map to show the relationship of scale between maps.
6. To make a comparison of the maps staff then took a straight edge and placed it in a north/south direction along the same property designated MHDR as Line "B". Staff drew an extension of this line to the subject property on the GIS map to show the relationship of scale between maps.

Fourth, Using the old Zoning Map showing original parcel lines:

(See Exhibit "D")

***Notice:** The same methodology was used to draw Lines "A" and "B" on the old zoning map. It clearly shows the original corner parcel at Alder Drive and Brooks Avenue to be one full parcel. Compare the large corner parcel (Exhibit "D") to the identified subject property and outlined old large parcel lines on Exhibit "B".

The relationship between the old property lines and the location of the boundary between the Holly Court Subdivision and the subject property clearly indicates that the zoning of property is directly compatible with Zoning Administrator interpretation of the Comprehensive Plan Map.

Zoning Administrator Interpretation:

The extension of the MHDR line from the district to the south, drawn as Line "A", clearly extends through Tax Lot 800 (Exhibit "B") at a point that is close to the NW corner of the property. Also, The extension of the MHDR line from the district to the south, drawn as Line "B", clearly extends through the southwest corner of Tax Lot 1000 (Exhibit "B"). The extensions of these lines verify that the relationship of scale of the Marion County Tax Assessor's Map, old zoning map and GIS map are proportionally accurate to the adopted Comprehensive Plan Map.

The extension of the MHDR Line "B" and east connects at a point where it creates a small triangle of MHDR designation on Tax Lot 1000 (Exhibit "B"). Both the Tax Assessor's and GIS map reflect the scale of this triangle. This indicates to staff the current GIS map is the best information available.

Due to the above described analysis, the Zoning Administrator determined that the subject property located at 1355 Alder Drive NE is designated Low Density Residential (LDR) on the Comprehensive Plan Map (Exhibit "A").

Issue

Mr. Jenniches disagreed with the Zoning Administrator determination of the Comprehensive Plan map for the subject property.

Section 1.102.04, Interpretation, states the following:

"When a certain provision of this Ordinance conflicts with another provision of this Ordinance or is unclear, the correct interpretation of the Ordinance shall be determined by the Zoning Administrator. The Zoning Administrator may, at his/her discretion, request that City Legal Council, the Planning Commission or the City Council resolve the conflict or uncertainty."

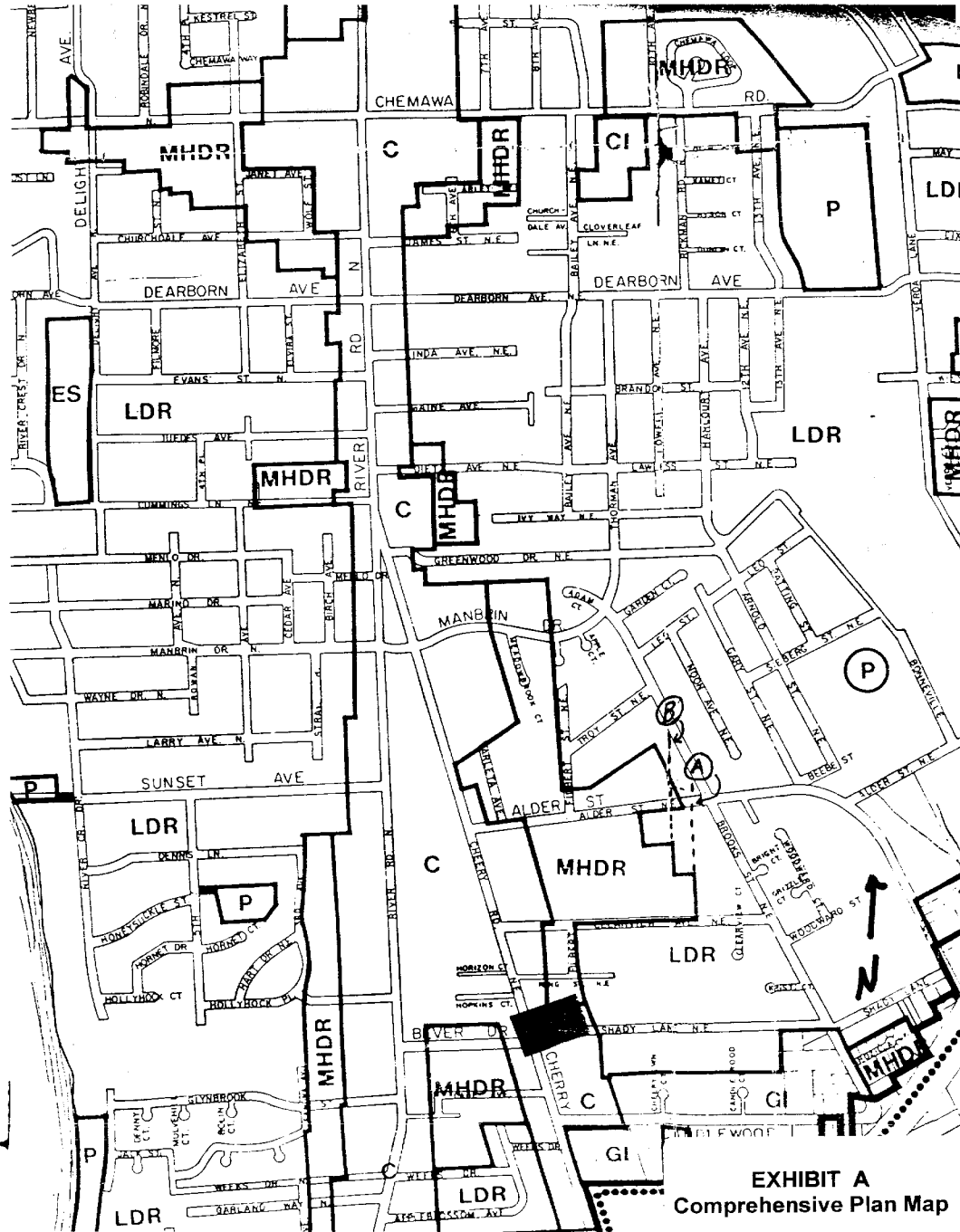
Whereas otherwise a Zoning Administrator interpretation of the Keizer Development Code or Comprehensive Plan would require a direct appeal to the Land Use Board of Appeals, the Zoning Administrator recommends that the City Council have an opportunity to evaluate the Administrator's interpretation.

Recommendation

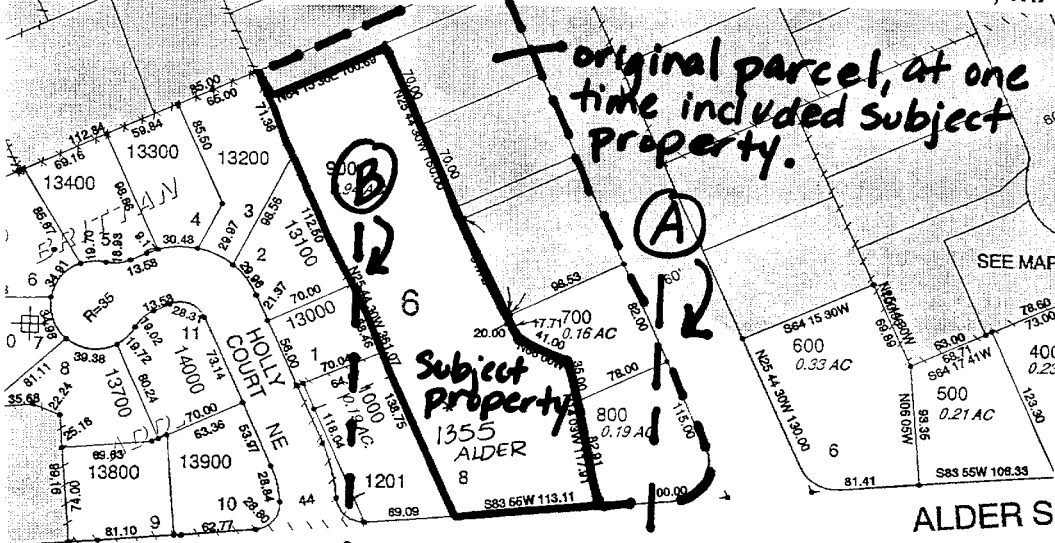
Staff recommends the City Council evaluate the Zoning Administrator interpretation of the Comprehensive Plan Map designation for the subject property. Staff recommends the City Council make a formal interpretation of the of the Comprehensive Plan Map designation for the subject property. Staff then recommends the City Council direct staff to prepare an order for adoption to confirm the Council interpretation.

Attachments

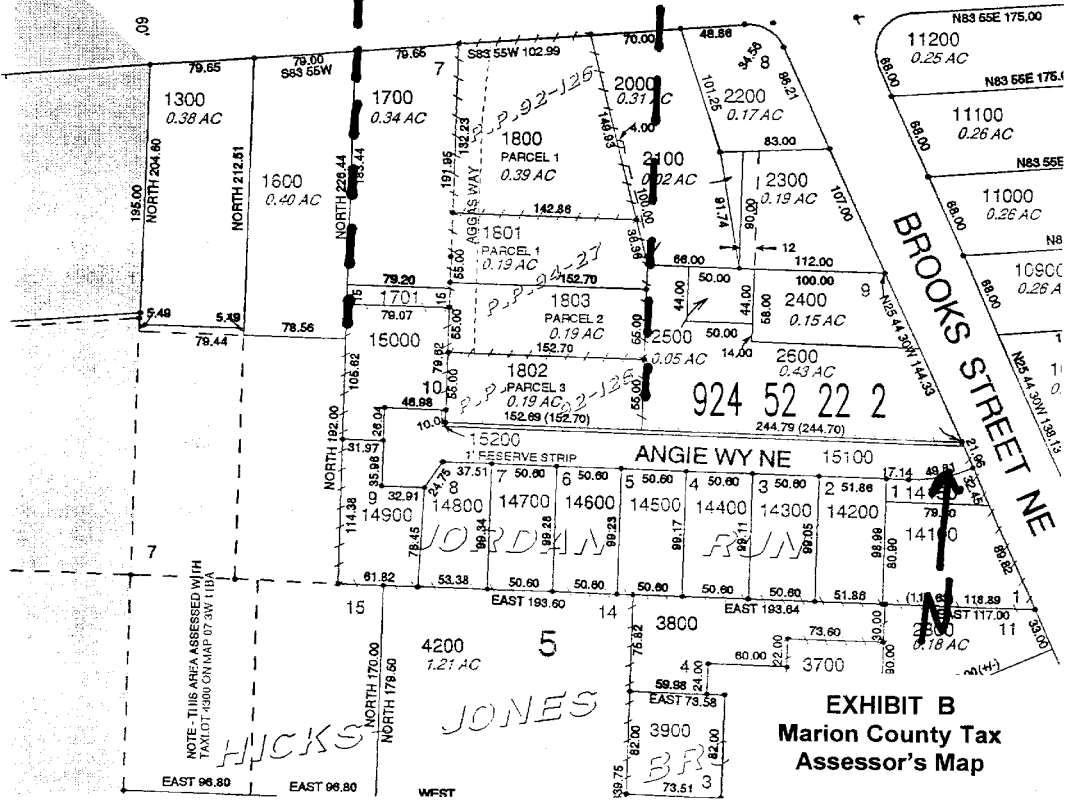
- Exhibit A** **Adopted Comprehensive Plan Map**
- Exhibit B** **Marion County Tax Assessor's Map**
- Exhibit C** **GIS Comprehensive Plan Map**
- Exhibit D** **Adopted/Old Zoning Map**
- Exhibit E** **Letter from adjacent property owner**



original parcel, at one time included subject property.



ALDER S



NOTE - THIS AREA ASSESSED WITH TAX LOT 4300 ON MAP 07-2V-115A

EXHIBIT B
Marion County Tax
Assessor's Map

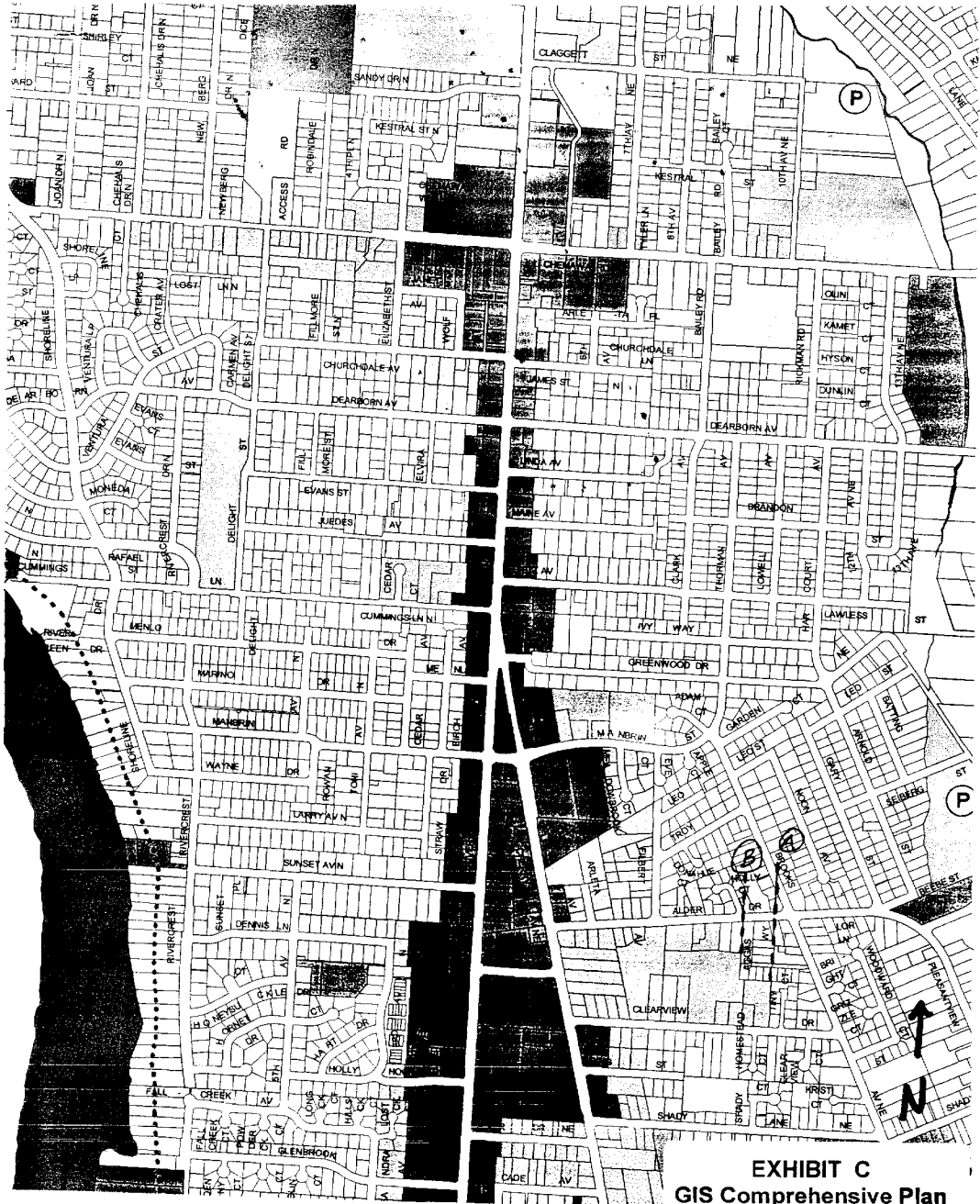


EXHIBIT C
GIS Comprehensive Plan
Map

July 8, 2002

Keizer Community Development Dept.
930 Chemawa Road NE
Keizer, Or. 97303

RE: Property at 1355 Alder Dr. NE

To whom it may concern:

I have viewed the comp. plat map, shown to me by Jamie Jenniches regarding his property.

I would like to state that the property located adjacent to the property in question already has two story apartments which are located in the Holly cul-de-sac. I believe there is to be 16 units total. These apartments are located on the west side of Mr. Jenniches.

Also, I did not see any scale to size, (example) $\frac{1}{4}$ inch = 100 feet. on the map. Therefore, it was impossible to locate any true line.

I am the property owner adjacent to Mr. Jenniches on the east side and have no objection to him building on the back of his lot. Also,

I have no objection to the property being re-zoned to a higher density.

A handwritten signature in cursive script, appearing to read "S. Powell", is written over a horizontal line.

EXHIBIT E
Letter from adjacent
property owner



July 15, 2002

AGENDA ITEM 6d

**ORDINANCE – RENAMING OF ALDER STREET NE TO ALDER
DRIVE NE**

MEMO TO: Mayor Christopher and City Councilors
FROM: Maria C. Meier, Planning Director
THROUGH: Chris Eppley, City Manager
RE: Street Name Change of "Alder Street NE"
DATE: July 5, 2002

BACKGROUND

City of Keizer Ordinance 88-111 provides procedures for naming of public and private streets and addressing of property. The City of Keizer Ordinance does not require a public hearing to be held to name a street. However, Oregon Revised Statutes 221.410 and 227.120 require the City Council to conduct a public hearing to name streets within six miles of the city limits of any city. The County Surveyor interprets this requirement to include all streets within the city limits as well, for this is the only ORS that designates what the County Surveyor can record.

Upon development of the new schools in southeast Keizer, the City required the dedication of a roadway through the property to connect Alder Drive to Verda Lane. The roadway was recorded with the Marion County recorders office named as Alder "Street". The roadway was actually an extension of the existing street named Alder "Drive". Section 2 (2) of Keizer Ordinance 88-111 states that the name shall be continued through any extension of an existing street. Also, the suffix of "Street" is specifically provided for roads running north and south. Meandering streets and roads are required to bear the suffix "Drive" or "Boulevard". This newly developed section of Alder is an east-west connector and slightly meanders north to connect to Verda Lane. For these reasons, the appropriate designation for the newly developed section of Alder is Alder "Drive" NE. To correct the recorded street name, a public hearing must be held and Council must approve the change. There is only one property owner along this section of Alder. Salem-Keizer School District 24-J has been notified of the proposed change.

RECOMMENDATION

It is recommended that the City Council open the public hearing and receive public testimony. It is recommended that the City Council adopt the proposed street name change from "Alder Street NE" to "Alder Drive NE", as directed by ORS 221.410 and 227.120.

ATTACHMENTS

EXHIBIT "A" Map of Alder (Street) Drive
Resolution for Adoption of Street Name Change

1 BILL NO. _____

A BILL

ORDINANCE NO.

2002- _____

3 FOR

4
5 AN ORDINANCE

6
7 IN THE MATTER OF THE RENAMING OF ALDER STREET NE, KEIZER,
8 MARION COUNTY, OREGON; DECLARING AN EMERGENCY
9
10

11 WHEREAS, Keizer City Ordinance No. 88-111- Section 2 – Street Naming (4)(d)
12 requires meandering streets to bear the suffix “Drive” and maintain the designated street
13 name as “Alder”;

14 WHEREAS, Oregon Revised Statutes 221.410 and 227.120 set forth procedures
15 for City Council to conduct a public hearing and approve the renaming of streets;

16 WHEREAS, the existing street meets the definition of a street and is incorrectly
17 named “Alder Street NE”;

18 WHEREAS, the name of such type of street should contain the “Drive” suffix;

19 WHEREAS, the name of the street should maintain the designated street name as
20 “Alder”;

21 WHEREAS, the City Council of the City of Keizer has held a public hearing and
22 the City Council has considered the testimony taken pursuant to ORS 227.120 and
23 221.410;

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

25 Section 1. – RENAMING OF STREET. The portion of the public right-of-way
26 now known as Alder Street NE, within the Shady Addition Subdivision is hereby
27 renamed Alder Drive NE.



July 15, 2002

AGENDA ITEM 6e

RESOLUTION – ADOPTION OF CHALMERS JONES PARK MASTER PLAN

CITY COUNCIL MEETING: July 15, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS**

SUBJECT: CHALMERS JONES PARK MASTER PLAN

BACKGROUND:

At the June 17, 2002 City Council meeting staff presented the Chalmers Jones Park Draft Master Plan. Staff has included the additional detailed map as suggested, located on page 7 (Attachment A). The City's Park Advisory Board was presented with the Master Plan and has recommended adoption by City Council (Attachment B).

FISCAL IMPACT:

The 2001-2002 Revenue Sharing Budget, line item number 24 will be used for printing and final maps costs. Funds in this line item are adequate to complete the Master Plan.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution adopting the Chalmers Jones Community Park Master Plan.

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS**

SUBJECT: CHALMERS JONES PARK MASTER PLAN

DATE: JUNE 13, 2002

BACKGROUND:

At the October 15, 2001 City Council adopted Ordinance 2001-463 (Attachment A) redesigning Chalmers Jones Park to a 2.9 acre Community Park. Staff has completed a **Draft** Master Plan for Chalmers Jones Park (Attachment B) for Council consideration. The City's Park Advisory Board was presented with the Master Plan and has recommended adoption by City Council.

Staff recommends adding an additional map to the Draft Master Plan showing existing improvement locations in the Park.

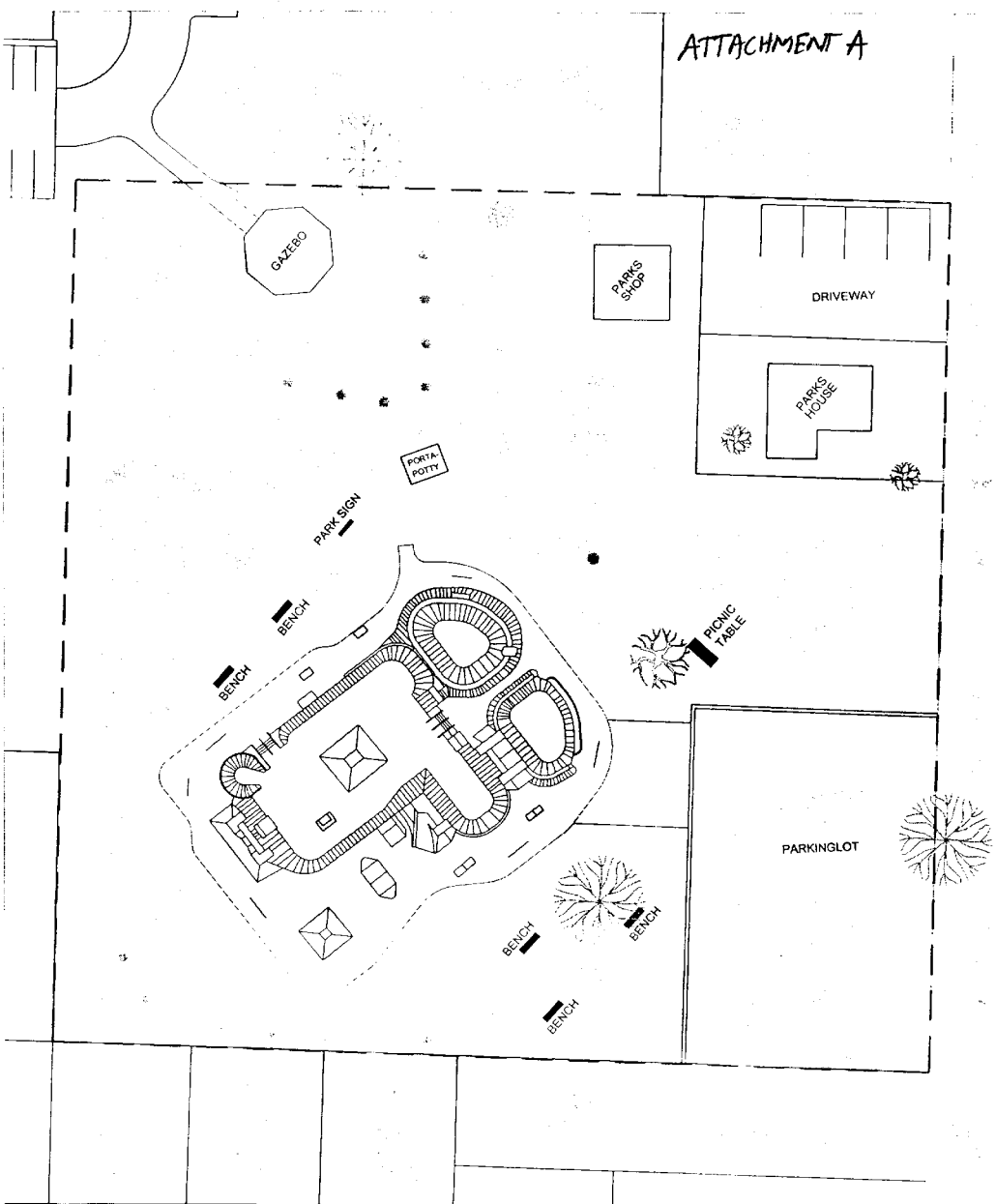
FISCAL IMPACT:

The 2001-2002 Revenue Sharing Budget, line item number 24 will be used for printing and final maps costs. Funds in this line item are adequate to complete the Master Plan.

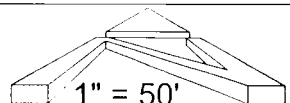
RECOMMENDATION:

City Council consider the Chalmers Jones Park Draft Master Plan, make changes if necessary and direct staff to prepare a Resolution adopting the Master Plan at the July 1, 2002 Council meeting.

ATTACHMENT A



CHALMERS JONES PARK
CARLSON SKATE PARK



1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002-_____

3 ADOPTING A MASTER PLAN FOR CHALMERS JONES PARK

4 WHEREAS, the City of Keizer owns property known as "Chalmers Jones" park;

5 WHEREAS, Chalmers Jones park is designated as a community park;

6 WHEREAS, the Parks Advisory Board held a series of public meetings to solicit
7 input on the creation of the master plan for Chalmers Jones Park from the citizens,
8 neighborhood associations, and other interested parties;

9 WHEREAS, the City Council reviewed the draft master plan and scheduled a
10 public hearing for July 15, 2002 to receive final comment on the plan;

11 WHEREAS, ORS 223.309 allows governmental units to prepare a plan for capital
12 improvements which will be financed by system development charges;

13 NOW, THEREFORE,

14 BE IT RESOLVED by the City Council of the City of Keizer that the Chalmers
15 Jones Park Master Plan, attached hereto marked Exhibit "A" and by this reference
16 incorporated herein, is hereby adopted pursuant to ORS 223.309.

17 PASSED this _____ day of _____, 2002.

18 SIGNED this _____ day of _____, 2002.

19 _____
20 Mayor

21 _____
22 City Recorder

Master Plan For:
Chalmers Jones Park
City of Keizer July 2002

ALL ABOUT THE
Edwell
FITNESS TRAIL

CARLSON
SKATE PARK
City of KEIZER

Master Plan For:

Chalmers Jones Park

Prepared By:

City of Keizer Parks Maintenance Supervisor

Terry Witham

City of Keizer Public Works Superintendant

Bill Lawyer

Parks and Recreation Advisory Board

Jim Taylor : Chair

Clark Williams : Vice-Chair

Richard Ford

Kenny Perry

Ed Bartlett

Ron Burns

Carol Dicksa

Chalmers Jones Park

Contents:

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History.....pages 2&3

Scope of Improvement.....page 4

Miscellaneous.....page 5

Possible Capital Improvements.....page 6

Map

Introduction

This Master Plan is the result of work that began in Autumn of 2001. It was one of the goals outlined by City Council for fiscal year 2001-2002. In October 2001 the final delineation of the Park boundary was adopted, enabling the drafting of this document.

Chalmers Jones Park is located to the west of Rickman Road and east and south of the City Hall - Police Department property. It is 2.9 acres in size and designated as a Community Park. This designation is due to the availability of parking and the presence of amenities that provide for recreational activities not found elsewhere in Keizer.

The purpose of this Master Plan is to establish a direction for future development. This development must be in concert with plans for expansion and or development of the City Hall - Police Department property. This plan is a compilation of the desires of the citizenry, the vision of the Parks Advisory Board and the recommendations of City staff.

History

The history of Chalmers Jones Park really begins in March of 1986. At that time the City Council was in negotiations to purchase the Salem Private School buildings to house Keizer City Hall and Police Department. After considerable deliberation it was decided to include the 4.1 acres of land adjacent to the buildings. The inclusion of the acreage was for possible expansion of facilities or possibly a Community Center Complex. It was further decided to use the acreage for Park and playground purposes until such time as need for expansion was warranted. The property was purchased on July 1, 1986.

The Park was detailed as "City Hall Park" in the 1992 Comprehensive Park System Development Plan. There are two notable improvements outlined. First was a multi-purpose ball field that was subsequently completed. Second was a pedestrian walkway. This walkway became the "Edgell Fitness Trail", by official proclamation in October of 1994. This project was a cooperative effort between the City of Keizer and a volunteer group spearheaded by Joe and Marty Edgell.

History continued

In March of 1996 City Councilors renamed the Park as Chalmers Jones Park. This was in recognition of Keizer resident Chalmers Jones, described in the March 1, 1996 issue of the Statesman-Journal newspaper as being best known for "breaking racial barriers and his long time service in State government". It was noted in the article that he was known in Keizer as a neighbor and friend.

In September of 1996 a task force group, headed by Steve and Charlane Carlson, made a presentation to the Parks Advisory Board. This was the beginning of Carlson Skatepark. It was completed and dedicated in July 1999. Since that time picnic tables and benches have been added and the Public Works department has constructed a gravel parking lot bordering Rickman Road.

In 2001 a Gazebo kit (covered structure) was purchased by the City and erected by the Oregon Army National Guard Civil-Military Projects Group based in Salem, Oregon. This structure serves as a reservable picnic shelter, bandstand and meeting place for the citizens of Keizer.

The final piece of history comes in October of 2001, when City Councilors adopted the present delineation for Chalmers Jones Park. A map of that delineation is available in this Master Plan.

Scope of Improvements

This Master Plan is meant to be a guideline for the development of this property. It is not meant to dictate a particular order of development or to be considered a binding document. Issues specific to timelines or locations of amenities will be considered as funding availability, volunteer resources, and Staff recommendations occur.

Landscaping

Development of landscaping will occur in coordination with with landscaping of City Hall - Police Dpartment property. This should include irrigation, shubbery and tree plantings and new sod or seeded lawn areas.

Play Areas

A play area adjacent to the Skatepark has been suggested as desireable. These examples of amenities may be added as priorities and funding are established. All play areas and amenities will meet A.D.A. and safety standard requirements.

Miscellaneous

Picnic tables and benches are currently being placed or replaced. Additional tables and benches, as well as litter receptacles and other site amenities may be added as need arises.

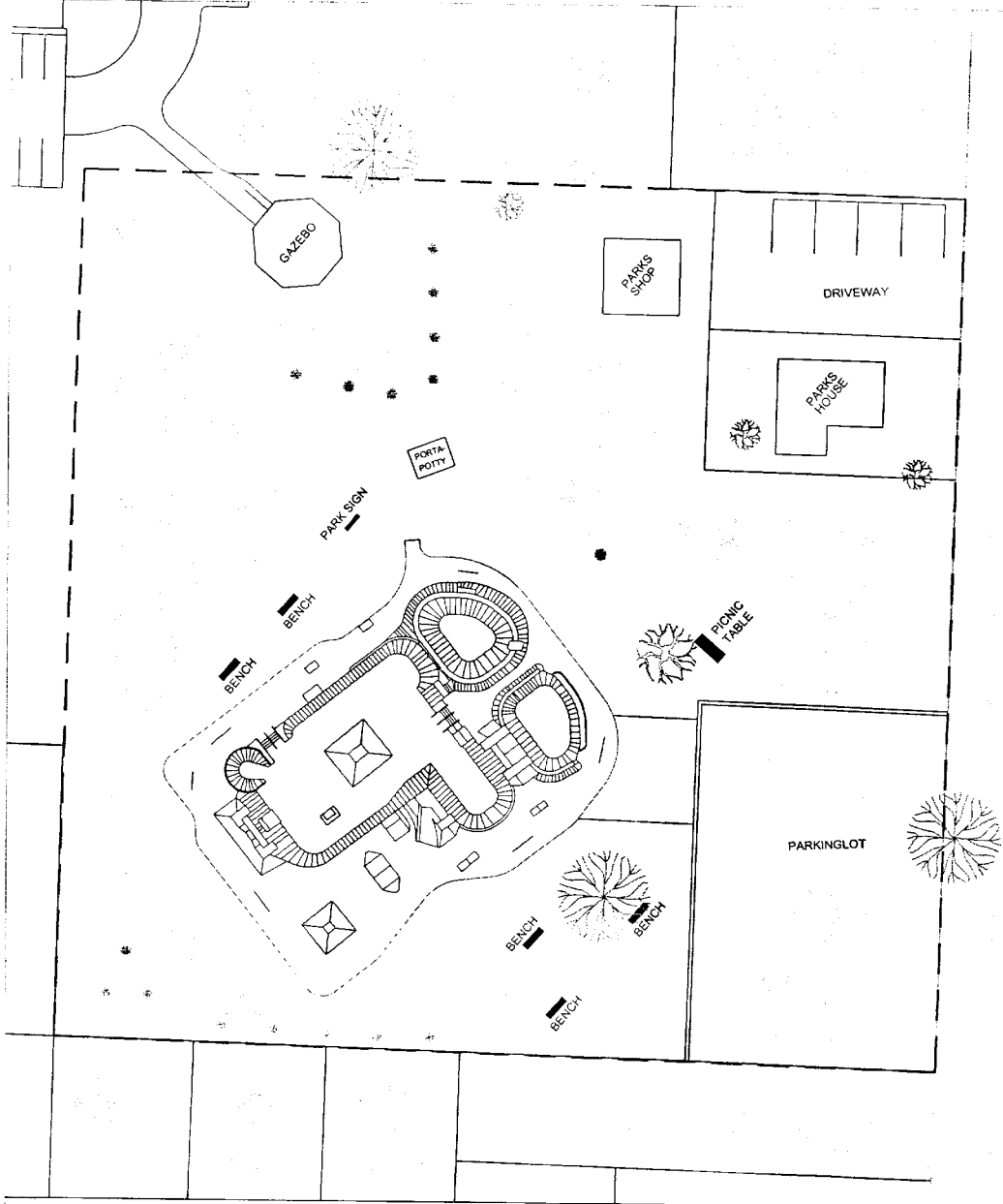
The Edgell Fitness Trail was changed by the construction of Carlson Skatepark. It needs to be realigned and refurbished in the area of the Skatepark and Gazebo. This should be accomplished in cooperation with that area of the trail on City Hall - Police Department property.

Other amenities and structures may be added as are appropriate at the discretion of City staff, Parks Advisory Board and City Council. Due consideration for future development will be given to the requests and volunteer efforts of civic groups, neighborhood associations, special requests and Eagle Scout projects.



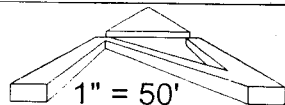
Capital Improvements

- 1. Irrigation - \$3,000.00**
- 2. Lawn-turf renovation - \$5,000.00**
- 3. Parking lot paving - \$13,000.00**
- 4. Playstructure/playarea - \$30,000.00**
- 5. Picnic tables/benches - \$2,500.00**
- 6. Bike racks - \$1,000.00**
- 7. Permanent restrooms - \$75,000.00 plus
(if built with concession stand add \$50,000.00)**
- 8. Trees and landscaping - \$2,000.00**



CHALMERS JONES PARK CARLSON SKATE PARK

PREPARED BY PETERSON ENGINEERS, Inc.





July 15, 2002

AGENDA ITEM 8a

**SCHEDULING OF PUBLIC HEARING FOR RECOVERY OF COSTS OF
REMOVAL OF DANGEROUS BUILDING AT 4915 RICKMAN RD.**

COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILOR MEMBERS

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

FROM: TRACY L. DAVIS, CMO
CITY RECORDER

**SUBJECT: RECOVERY OF COSTS – DEMOLITION OF BUILDING AT
4915 RICKMAN ROAD NE, KEIZER**

ISSUE:

City of Keizer Ordinance 90-184 outlines guidelines for the abatement of dangerous buildings located within the City of Keizer. Beginning in August 2001, a complaint was received by the Planning Department in regards to the dangers of a building located at 4915 Rickman Road NE. The building is an accessory building owned by James and Risa Cowley. The Keizer Planning Department has followed steps as outlined in the ordinance and on April 22, 2002 the structure was demolished. The costs of the demolition are attached to this report.

Chapter 9 of the Ordinance requires an itemized account of the expenses to be reported and filed with the City Recorder. Upon receipt of this report, the City Recorder shall present it to the City Council for consideration and scheduling of a public hearing.

RECOMMENDATION:

It is recommended the City Council set this matter for a public hearing on Monday, August 5, 2002 at 7:00 p.m. and direct the City Recorder to prepare notice as required by the ordinance.



CITY OF KEIZER

MEMORANDUM

Date: July 10, 2002
To: Tracy Davis, City Recorder
CC: Maria Meier, Planning Director
From: Shane Witham, Code Enforcement/Zoning Technician
Re: 4915 Rickman Rd NE – Dangerous Building Removal History

Here is an account of the code enforcement case at 4915 Rickman Rd – the Cowley property. This is not all-inclusive but rather highlights the main points of the case.

- August 10, 2001: Initial complaint was received in the planning office. (I was on leave as I had just become a new father). Maria took the complaint and talked with Keizer Fire regarding the concern of the dangerous building.
- August 14, 2001: Received letter from Keizer Fire indicating they considered the building to be a fire, life, and safety hazard.
- September 10, 2001: Sent notice to property owner via certified mail, regular mail, and posted the property.
- February 14, 2002: Received amended notices from City attorney's office and mailed notices certified and regular mail, and physically posted the property. (City attorney had recommended we send an amended notice because of a grammatical discrepancy in the original notice.)
- April 22, 2002: Tore down and disposed of dangerous building with the assistance of staff from the public works department.
- May 15, 2002: After receiving the work order from public works, and the invoice from Valley Recycling (For dump box cost), I prepared a statement of costs for the work done signed by myself, and the public works director.
- That brings us to now.

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

Date of this Statement: May 15, 2002

1. Report of Work Performed:

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

2. Itemization of Abatement Costs:

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

3. Description of Real Property:

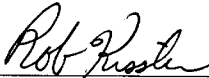
The real property on which the building existed is located at 4915 Rickman Rd NE. The structure declared a dangerous building that was removed, was the accessory structure located in the rear of the property.

4. Names and addressed of persons entitled to notice:

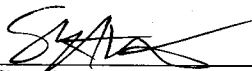
James Cowley
4915 Rickman Rd NE
Keizer, OR 97303

Risa Cowley
4915 Rickman Rd NE
Keizer, OR 97303

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



Rob Kissler
City of Keizer
Public Works Director



Shane Witham
City of Keizer
Code Enforcement/Zoning Technician

FOR

AN ORDINANCE

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

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

The City of Keizer ordains as follows:

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CHAPTER 1 TITLE AND SCOPE

TITLE

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

PURPOSE AND SCOPE

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

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

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

ALTERATIONS, ADDITIONS AND REPAIRS

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

CHAPTER 2 ENFORCEMENT

GENERAL

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

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

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

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

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

ABATEMENT OF DANGEROUS BUILDINGS

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

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

VIOLATIONS

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

INSPECTION OF WORK

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

CHAPTER 3 DEFINITIONS

GENERAL

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

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

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

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

DANGEROUS BUILDING

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

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

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

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

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

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

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

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

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

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

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

10. Whenever the exterior walls or other vertical structural

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

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

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

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

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

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

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

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

18. Whenever any portion of a building or structure remains

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

CHAPTER 4 NOTICES AND ORDERS OF CITY MANAGER

GENERAL

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

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

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

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

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

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

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

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

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

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

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

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

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

RECORDATION OF NOTICE AND ORDER

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

REPAIR, VACATION AND DEMOLITION

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

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

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

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

NOTICE TO VACATE

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

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

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

CHAPTER 5 APPEAL

GENERAL

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

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

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

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

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

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

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

EFFECT OF FAILURE TO APPEAL

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

SCOPE OF HEARING ON APPEAL

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

STAYING OF ORDER UNDER APPEAL

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

**CHAPTER 6
PROCEDURE FOR CONDUCT
OF HEARING APPEALS**

GENERAL

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

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

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

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

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

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

FORM OF NOTICE OF HEARING

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

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

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

SUBPOENAS

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

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

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

CONDUCT OF HEARING

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

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

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

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

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

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

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him;
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

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

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

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

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

METHOD AND FORM OF DECISION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 7

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

COMPLIANCE

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

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

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

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

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

**DANGEROUS BUILDING
DO NOT OCCUPY**

It is a violation of City of Keizer
Ordinance No. 90-184 to occupy this building
or to remove or deface this notice

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

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

EXTENSION OF TIME TO PERFORM WORK

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

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

INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

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

CHAPTER 8 PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

GENERAL

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

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

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

ACCOUNT OF EXPENSE, FILING OF REPORT: CONTENTS

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

REPORT TRANSMITTED TO COUNCIL - SET FOR HEARING

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

PROTESTS AND OBJECTIONS-HOW MADE

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

HEARING OF PROTESTS

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

PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

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

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

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

CONTEST

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

AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST

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

LIEN OF ASSESSMENT

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

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

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

EFFECTIVE DATE

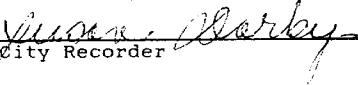
Sec. 909. This ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage.

PASSED this 20th day of August, 1990.

SIGNED this 22nd day of August, 1990.



Mayor



City Recorder

2988COK.001



July 15, 2002

AGENDA ITEM 8b

APPROVAL OF APRIL 15, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, April 15, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the **regular meeting** to order at 7:02 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY
(heard after Committee Reports)

City Manager Eppley reported that Mr. Elder had spoken with him and requested a burning permit. Mr. Eppley was unable to accommodate him and suggested that the citizen speak to the Council regarding the issue.

Paul Elder, 1968 Weissner, Keizer -reported that there are large stumps that needed removal and an arborvitae in need of repair at his residence. He indicated that the costs to have this done professionally were too expensive to have done and Mr. Elder requested that the Council allow him a one-time burning permit to take care of the problem.

Responding to questions City Attorney Johnson indicated that he was not aware of any provision within the ordinance to allow for the burning of material other than that accumulated by a natural disaster. He offered to review the ordinance with the City Manager.

Mr. Elder indicated that he had spoken to some of his neighbors regarding doing a burn and that they had no objection.

COMMITTEE REPORTS

Council President Moir interjected that a free Clean-Up Day was taking place in Keizer on April 27th at McNary High School that would allow Mr. Elder to dispose of some of the debris he was speaking of.

Mr. Elder provided his background for working with controlled burns.

The Council discussed the ordinance and the burn ban.

Mr. Elder expressed an interest in an initiative process to recall the ordinance. Mr. Johnson provided him with information to do this.

a. Keizer 20th Anniversary Logo Design Contest Winner

Mayor Christopher announced David Barker as the winner of the Keizer 20th Anniversary Commemorative Logo Contest. As the winner of the contest Mr. Barker was awarded a hot air balloon ride for two donated by Balloon Flying Service of Oregon. The prize was valued at \$380.00.

Mayor Christopher also noted the runner up in the contest Robert Stern and congratulated both gentleman for their efforts.

b. Appointment to City Council Position Number Two

City Manager Eppley reported due to the resignation of Ray Kelly on February 28, 2002 a vacancy was left for Council position number two. This position was scheduled to expire in January 2005.

City Manager Eppley outlined the Charter requirements and City Council Rules of Procedure in the role of filling the vacancy.

Three letters of interest were received from the following citizens, Carl Beach, Michel Gaynor and Alex Miller.

It was recommended that the Council fill Council position number two as outlined in the staff report.

Councilor McGee moved the nominations of Carl Beach, Michel Gaynor and Alex Miller and moved to close the nominations. Council President Moir

seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Each candidate was given three minutes to supply a brief presentation to the Council regarding their backgrounds.

Mayor Christopher reviewed the rules for voting. Each member of Council cast their ballot and upon the tally of the ballots it was determined that a second vote was necessary. The results of the second vote were:

Council President Moir voted for Michel Gaynor
Councilor Walsh voted for Michel Gaynor
Mayor Christopher voted for Michel Gaynor
Councilor Smith voted for Michel Gaynor
Councilor McGee voted for Carl Beach
Councilor Lee voted for Carl Beach

The successful candidate for appointment to the City Council was Michel Gaynor.

Council President Moir moved a Resolution Validating the Appointment to the City Council Position Number Two, Michel Gaynor. Councilor Walsh seconded the motion.

Councilor McGee moved a motion that the vote was a unanimous selection. Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

The main motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher thanked the other candidates for their participation in the process.

c. Council Liaison Reports

➤ **Parks Advisory Board-**

Council President Moir reported that the Board was working on capital improvement projects for fiscal year 2002-2003. An announcement from Mayor Christopher indicated the attempt to secure lottery dollars to update the city's parks master plan. It was also noted that the park's donations were currently at approximately \$3900 after expenses and would be used for deferred maintenance.

Council President Moir showed pictures of the completed play structure at Country Glen Park.

➤ **Planning Commission-**

Council President Moir reported that the Commission met with the Council to outline their decision regarding the Keizer Station Plan.

➤ **Community Policing Committee**

Mayor Christopher reported that the Committee had agreed to take on the task of organizing ways to acquire donations to obtain a bulletproof vest for the police dog, Cigo.

Mayor Christopher also reported that the committee would meet on a quarterly basis in January, April, June and October.

➤ **Mid-Willamette Valley Area Commission on Transportation-**

Council Smith summarized the 2004-2007 STIP funds as financed by ODOT. She explained her recommendation for that interchange expansion at Lockhaven and I-5 to be a regional effort since it affected other entities along with Keizer.

➤ **Willamette River Crossing Study-**

Councilor Smith reported the two areas that had been

defined for the placement of a new bridge was at Pine/Tyron and in the Kuebler area. Studies would continue regarding this effort.

➤ **Chamber of Commerce Governmental Affairs-**
Councilor Walsh reported that the group met on April 4th to review the Keizer Station Plan. A candidate's forum was also discussed. More information regarding this will be outlined at a later date. He noted some of the goals of the group for the next year including participating in the state fair booth.

➤ **Civic Center Task Force-**
Councilor Lee reported that the group had established a process for reviewing the existing buildings which included touring the buildings and interviewing staff. Copies of the structural analysis were also provided.

Councilor's Lee and Smith outlined some of the pros and cons of the City Hall building, which were examined during the process. It was recommended that remaining status quo was not appropriate and that additional options needed to be reviewed.

Council President Moir provided a brief history of the Police building and the needs as identified during the process.

Councilor Lee noted the Keizer Fire Department Study conducted in 1994 and recommended as part of the group to allocate funds to conduct a study similar to that done by the Fire Department. He offered the assistance of Randy Jackson with the Keizer Fire Department to answer questions regarding the process they undertook.

Randy Jackson, Keizer Fire District-supplied a brief history of the Fire Department's review of their facilities and the analysis similar to what the Civic Center Task Force was currently undertaking to make a determination pertaining to the City Hall/Police facilities.

Responding to questions, Mr. Jackson addressed how the group organized their RFP format and the individuals involved in the process. He indicated the initial part of the process took approximately eight months and emphasized that the needs analysis RFP

was separate from the architectural designs RFP.

Councilor McGee indicated that he felt that there had not been adequate facts presented to warrant a new building. He agreed that this should be debated further during the budget process.

Councilor Smith indicated that the Task Force was not advocating a specific resolution but felt it was important to address the costs for upgrades and renovations in addition to the possibility of new buildings.

Councilor Lee reiterated some of Councilor Smith's comments and agreed that it would be important to discuss this process at the Budget Committee level.

Mayor Christopher thanked the Task Force for the work that they had completed and by consensus the task was forwarded to the Budget Committee for further review of the issue.

Also by consensus the Council directed the Finance Director to put a placeholder in the budget for \$25,000 and to discuss this process during the Budget Committee meetings.

Mayor Christopher recessed the meeting at 9:00 p.m. and reconvened at 9:10 p.m.

OTHER BUSINESS

Focal Point

Councilor Lee indicated the task force was still soliciting names for the project.

Alarm Ordinance

Councilor Lee requested an update on how this ordinance was working by the second meeting in May.

Federal Highway Symposium

Councilor Smith reported she would be attending a symposium in Cambridge, Massachusetts May 12th-14th courtesy of the Lincoln Institute.

Annual Mayor's Prayer Breakfast

Mayor Christopher noted this event would be taking place on May 2nd at 7:00 a.m. at McNary Restaurant.

Police Updates

Chief Adams noted the new Explorer Post, Unit 930, which had been developed.

Chief Adams reported that he had been elected the President of the OACP (Oregon Association of Chiefs of Police) association. He noted the issues that were addressed during the conference.

Chief Adams shared that a property viewing would take place on April 18th, 19th and 20th. He directed those interested to contact Detective Roberts for more information.

City Manager Eppley commended Chief Adams on his appointment as President of the OACP.

Human Resources Update

Human Resource Director Dianne Hunt reported that a review of the salary survey was taking place and that she would provide more information regarding the update in the near future.

Ms. Hunt noted the seasonal openings that the city would be interviewing for (Parks Maintenance and Water Division employee)

Ms. Hunt reported that the CPIW had been posted at 2.45% and the employee benefit cap would be adjusted accordingly.

Public Works Updates

Public Works Director Rob Kissler reported that the contractors for River Road would be adjusting their work schedule to four days a week.

Responding to questions Mr. Kissler indicated that the funds for this project were being funded from urban renewal.

PUBLIC HEARINGS

a. Pat's Cigs and Gifts Liquor License Application

City Manager Eppley reported on March 22, 2002 Pat Wait submitted an application for an Off-Premises Sales liquor license for Pat's Cig and Gifts Galore located at 4486 River Road North, Keizer, Oregon.

City Manager Eppley noted the requirements as written in Ordinance 95-318 and the city's following of those requirements.

It was recommended that the public hearing take place to allow testimony and upon completion to recommend approval of an Off Premises liquor license for the above-mentioned business.

Mayor Christopher opened the public hearing.

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

Council President Moir moved to approve the application for an Off Premise Liquor License for Pat's Cig's and Gifts Galore under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer and to forward this recommendation to the Oregon Liquor Control Commission. Councilor McGee seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. Air Quality/Facility Clean Up Project

Human Resources Director Dianne Hunt supplied a report regarding phase four of the clean up, which included cleaning of the ductwork and the identification of any unforeseen issues. Ms. Hunt indicated that no unforeseen issues were identified during this process.

Staff recommended that the Council direct staff to move forward with the duct cleaning bid from Mr. Power Clean in the amount of \$5,450.00.

Ms. Hunt answered questions from the Council.

Councilor McGee moved to approve the staff's recommendation and direct staff to move forward with the funding for phase four of the project. Councilor Walsh seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. RESOLUTION-
Community Policing
Committee Policy and
Guideline Amendments**

Chief Adams reported that on May 17, 1993 the Council adopted Resolution R93-636 forming the Community Policing Committee, which was repealed with the adoption of R97-995 to update and outline the values, charge, operating procedures and membership of the committee.

In an attempt to make the committee more efficient and effective the committee had been reviewing the resolution.

Staff recommended review and adoption of the resolution by the City Council.

Councilor McGee suggested amendments to Exhibit A, this included striking the word "safe" from page two under the paragraph entitled Empowerment and adding that these recommendations would be brought before the Council for review. He stressed the need for the committee to remain parallel with the other committees (i.e.: no voting representation by staff and keeping the appointment process for the members at large through the Volunteer Coordinating Committee)

Councilors Smith suggested that members of the committee are Keizer citizens, and on line 24 of the resolution that the wording "and citizens" is added.

Council President Moir recommended that the changes and comments be forwarded to the committee for clarification and input from the committee. She also requested that a member of the committee attend the Council meeting to answer questions.

Chief Adams indicated that it has been difficult to raise a quorum with the committee to enable them to address and vote on these types of issues.

Responding to questions Mayor Christopher indicated that Sgt. Kuhns was currently working on a proposal to submit to IkeMedia regarding televising information

pertaining to community policing.

After further discussion regarding the Main Community Policing Committee and the continuing problems with obtaining a quorum Councilor McGee suggested that this committee be dropped due to the lack of interest.

City Attorney Johnson advised for the purpose of any of the committees that if a quorum was not present that a meeting should not take place.

It was the consensus of the Council to forward the recommendations back to the Committee Policing Committee for review and comment.

**c. RESOLUTION-
Adoption of Housing and
Community Development
Action Plan**

Planning Director Maria Meier reported by resolution that the City was required to adopt the Housing and Community Development Action Plan on a yearly basis.

She supplied a history of the project with coordination with of the City of Salem for this funding.

It was recommended that the Council adopt the resolution adopting the Housing and Community Development FY 2002-2003 Action Plan.

Ms. Meier also noted the need to change the Keizer Neighborhood Association maps to enable recognition of the McNary/Inland Shores Neighborhood Association and the Country Glen Neighborhood Association.

Council President Moir moved to adopt the resolution Adopting the Housing and Community Development Action Plan One Year Use of Funds-Salem and Keizer 2002-2003. Councilor Smith seconded the motion.

Councilor McGee spoke in favor of the program.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

a. Approval of March 18, 2002 Regular Session Minutes

Council President Moir moved for approval of the Consent Calendar. Councilor Smith seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

City Manager Eppley noted on May 14, 2002 that staff would be attending the first meeting of the McNary/Inland Shores Neighborhood Association meeting.

Councilor Walsh noted the letter of appreciation from the KYBA (Keizer Youth Basketball Association) regarding the Council's recognition of the group.

AGENDA INPUT

April 22, 2002

5:30 p.m. City Council Work Session

➤ Marion County Growth Management

May 6, 2002

7:00 p.m. City Council Regular Session

- Public Hearing-Amendments to Chemawa Activity Center/Keizer Station Plan
- Collection Agency Agreement
- Water Rate Task Force Presentation
- Budget Cover Award
- Swearing-In of New Councilor-Michel Gaynor

May 13, 2002

5:30 p.m. City Council Work Session

Mayor Christopher noted the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:07 p.m.



July 15, 2002

AGENDA ITEM 8C

APPROVAL OF MAY 6, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, May 6, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:00 p.m. Roll call was taken as follows:

Present:

Lore Christopher, Mayor
Position #2-Vacant
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Keith Liden, Planning Consultant
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

Christine Jones, 980 Chemawa Rd NE, Keizer Chamber of Commerce Visitors Center-expressed thanks for the support of the Council pertaining to the Iris Festival.

Robin Barney, Education Coordinator Keizer Chamber of Commerce-proposed to the Council a one-year youth mentor membership of a McNary High School student through the Keizer City Council to act as a non-voting student member of the Council. Ms. Barney provided a background of the program and what it would entail.

Ms. Barney answered questions from the Council.

Mayor Christopher moved a motion to direct staff to bring back a resolution accepting the proposal. Councilor Walsh seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Bill Quinn, 4918 Shoreline Loop, Keizer-requested input from the Council regarding the purpose and or philosophy as outlined by the Council for the Community Policing Program. He expressed concerns regarding the diminished role of Community Policing. Mr. Quinn suggested that the name of the group be changed to Community Policing Advisory Committee that would be responsible to the City Council. He outlined some of the other duties, which he felt could fall to this committee.

Council President Moir addressed Mr. Quinn's comments by indicating that community policing was a philosophy that the city and its citizens chose to implement as the program was presented. She felt it was important for the committee and the police department to make this decision.

Mr. Quinn stressed the need to revamp the system by having the appointments made by the Volunteer Coordinating Committee and having appointments made from each district.

Councilor McGee agreed that the Council had returned the resolution to the Community Policing Committee in an attempt to have them parallel the other committees in their operating procedures.

Mayor Christopher requested that Mr. Quinn attend the next meeting of Community Policing to provide his input.

Councilor Walsh concurred with Mr. Quinn's comments and urged Mr. Quinn's participation in the process.

Chief Adams elaborated that community policing is a philosophy, which is an intricate part of how the police department operates. He addressed avenues that have been taken to make the committee more visible before the

Council and the community.

Larry and Dawn Monagan, 1585 Chemawa Road North, Salem

Wayne and Iova Sturgill, 1656 Willow Lake Road, Salem- Mr. Monagan spoke in opposition to a park in west Keizer on the vacant land near their property. He noted that the property was located outside of the UGB on viable farmland and urged the Council to consider another alternative for a city park.

Responding to questions Mrs. Sturgill reported that information had been provided to the Parks Board regarding three areas of land that could be potential parks. The first was a 37-acre parcel located across from the sewer plant.

Mrs. Sturgill expressed concern that the citizens were being misled by the property being labeled as being in west Keizer when it is located in Marion County. She addressed the limitations on the property and urged the Council to consider an area that would better serve the citizens of Keizer as parkland.

Mayor Christopher thanked Mr. Monagan and Mrs. Sturgill for their comments.

David Menken, 5288 Springleaf Court, Keizer- addressed the unofficial park and ride area that was being used at Lockhaven and I-5. He addressed the unsightliness of some of the vehicles being sold on the site and requested that the Council review the issue.

Responding to questions, Chief Adams indicated that the property is not within the city limits making it difficult to enforce.

City Manager Eppley interjected that the property was within the city limits, but was not city right-of-way. He indicated that the city was coordinating with ODOT regarding enforcement.

Planning Director Maria Meier indicated that if the property was in the ownership of the State of Oregon she would work with the city's Code Enforcement Officer to relieve the problem.

COMMITTEE REPORTS

Mayor Christopher thanked Mr. Menken for his testimony.

a. Oath of Office-Councilor Michel Gaynor

City Attorney Shannon Johnson issued the Oath of Office to Michel Gaynor to fill Council position number two.

Councilor Gaynor took a seat at the Council table.

b. Keizer Budget Committee Appointment

City Manager Christopher Eppley reported in April 2002 Bob Gebhardt announced his resignation from the Keizer Budget Committee. Mr. Gebhardt was serving a three-year term scheduled to expire on August 31, 2002.

At the May 2nd Volunteer Coordinating Committee meeting, five applications were reviewed for recommendation. The Committee voted to recommend the appointment of Mark Atwood to fill the vacancy.

It was recommended that the City Council accept the recommendation of the Volunteer Coordinating Committee and appoint Mark Atwood to fill the vacancy on the Keizer Budget Committee.

Council President Moir moved to accept the recommendation of the Volunteer Coordinating Committee and appoint Mark Atwood to fill the vacancy on the Keizer Budget Committee. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. Council Liaison Reports

- **Focal Point-Councilor Lee**-summarized the purpose and goal behind the Focal Point. He indicated that the Task Force had been working to secure resources to enable to project to happen and

encouraged the public to submit donations.

Drawings of the proposed project were displayed along with a synopsis of its features and the support received from the community.

Councilor Lee moved a motion to name the plaza within the "focal point" as the McGee/Newton Plaza. Councilor Smith seconded the motion.

Councilor McGee expressed his appreciation for the honor.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: McGee (1)

ABSENT: None (0)

Councilor Lee expressed optimism to be able to submit a complete written project to the city within the next two weeks.

➤ **Bikeways Committee-**

Councilor Smith reported that a quorum was not present at this months meeting.

➤ **Traffic Safety Commission-**

Councilor Smith reported that the Commission reviewed the draft and public comments regarding the Gubser Neighborhood Traffic Management Plan. A public hearing regarding the plan would take place in the near future.

➤ **Salem Keizer Area Transportation System (SKATS)-**

Councilor Smith reported a public hearing was held to review the RTSP and to review the air quality documents.

➤ **Mid-Willamette Area Commission of Transportation (MWACT)-**

Councilor Smith reported that the group was still working on STIP.

➤ **Library Task Force-**

Councilor Walsh reported that the Task Force had prepared a draft that would be brought before the Council in the near future.

➤ **Salem Futures Committee-**

Councilor Walsh reported that this committee would be meeting in the next few weeks.

➤ **Emergency Operations Committee-**

Councilor President Moir reported that 51 people attended the EVAK exercise on May 4th. She noted the active participation of staff during these exercises.

➤ **Claggett Creek Watershed Council-**

Councilor President Moir reported that Gary Miller would be making a presentation to the Council during the next meeting. She summarized the process of adopting a "reach" and how volunteers would undertake this task.

➤ **Volunteer Coordinating Committee-**

Councilor McGee reported that the committee met on May 2nd and that the group would meet regularly on the second Thursday of each month. He indicated that Mark Atwood was selected to fill the position on the Budget Committee and Greg McLeod was recommended to fill the Keizer Urban Renewal Board opening.

Councilor McGee noted that October would be recognized as Volunteer Recognition Month. He indicated more information would be provided at a later date.

OTHER BUSINESS

a. New Business

Mayor Christopher outlined the Council's committee and board assignments. She requested that changes to the list provided be emailed to her.

b. Old Business

➤ **Bikeways Donations**

Councilor Smith reported that Bikeways Committee was seeking donations to replenish the helmet supply, which the committee provides to children who are unable to purchase their own.

➤ ***Letter in Support of Lake Labish Wetlands Project***

City Manager Eppley reported on April 20, 2002 Marion County Commissioners made a presentation on the Lake Labish Restoration Project and requested that the City of Keizer endorse the project through a letter of support.

Staff recommended that the City Council agree by consensus to agree to formalize the draft letter in support of the project.

City Attorney Shannon Johnson indicated he had received a letter from Mark Grenz expressing areas of concern regarding the project.

It was the consensus of the City Council to direct the City Manager to forward the letter in support of the proposal.

➤ ***Police Department Updates***

Chief Adams reported that the North American Motor Officers would be holding their annual meeting this week in Keizer.

Chief Adams noted under the neighborhood watch concept the department wished to post signs in the neighborhoods indicating support of Homeland Security through the Keizer Police Department. He requested consensus from the Council to do this.

The Council agreed by consensus to direct Chief Adams to move forward with this plan.

➤ ***Human Resources Update***

Human Resource Director Dianne Hunt summarized the EVAK training and it's success.

Ms. Hunt reported that the seasonal parks and water maintenance workers had been hired and would be working up to six months.

➤ ***Qwest Update***

City Attorney Johnson reported that the city had agreed on a dollar amount with Qwest regarding the amount that would be paid to the city. He thanked the staff for their work to get this done. Mr. Johnson answered questions from the Council.

PUBLIC HEARINGS
a. Chemawa Activity
Center/Keizer Station
Plan-Text
Amendment/Compre
hensive Plan
Change/ Zone
Change Case No 01-
50

Responding to additional questions City Manager Eppley indicated his recommendation that any proceeds from Qwest be held as an Ending Fund Balance.

Mayor Christopher opened the public hearing.

Planning Director Maria Meier reported that on May 21, 2002 the City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development regarding the Chemawa Activity Center Plan.

Mrs. Meier summarized the history behind the Chemawa Activity Center Plan; it's current zoning and the proposed changes in the Keizer Station Plan.

It was indicated that staff analyzed the proposed Keizer Station Plan and based upon this analysis staff recommended the Keizer Station Plan with amendments, referred to as the Alternative Plan.

Mrs. Meier outlined the suggested changes in the Alternative Plan which included;

Area "A":

- To establish an EG Zone with a maximum of 75% commercial and a minimum of 25% industrial uses.
- Staff concurred with the developer's recommendation to zone the BPA and property to the north as IG (Industrial General).
- The Planning Commission's recommendation included allowing for a maximum of three buildings over 60,000 square feet for the total square footage of the three buildings of a maximum of 350,000 square feet or a maximum of a single building being 120,000 square feet.

Area "B":

- Staff recommended a cul-de-sac on Dennis Ray that would allow pedestrian and bicycle access to the area.
- Because of traffic concerns at McLeod and Lockhaven staff recommended vehicular intensive use limitations similar to that on River and Chemawa Road.

Area "C":

- Staff recommended a ratio to the Mixed-Use requirement, 75% high density residential and 25% commercial.

Area "D":

- Staff concurred with the recommendation make by the developer.

Mrs. Meier reported that the Planning Commission held three public hearings and provided copies of the exhibits submitted during the public hearing process, in addition to, recently submitted information.

Staff recommended that the public hearing be opened and continued to a date as defined by the City Council.

Mayor Christopher expressed interest in the net impact of the IBP land available in the UGB.

Mrs. Meier responded that this would cause an approximate three-percent or less change in the total industrial land supply.

Public Testimony:

Frank Angelo, Northwest National LLC, Angelo, Eaton and Associates, 620 SW Main, Portland, OR 97205- expressed appreciation of the work which had been done by the Planning Commission and members of staff. Mr. Angelo provided a brief history of the plan and spoke in favor of the staff's alternative plan.

Mr. Angelo articulated the team's anticipation in working with staff during the master planning process. He and the team offered to answer questions.

Responding to questions Mr. Angelo furnished examples of other areas that have intertwined the mixed use of retail and commercial. He used examples of the Cascade Station and the Tannasborne area. He did express some concern regarding the 75/25 split, noting the difficulty in master planning an area with a twenty-five percent industrial requirement. Mr. Angelo requested consideration of this during the process noting that it may be ill advised to mix industrial and commercial.

Regarding limiting the size and number of retail buildings in the proposed plan Mr. Angelo indicated that the team agreed with limiting the number to three, but would like the size limitation to be removed. He felt it was important to allow the market to determine the need.

Mayor Christopher thanked Mr. Angelo for his testimony.

George Storey, 6494 Crampton Drive, Keizer- addressed the continued growth and need for additional tax resources. Mr. Storey urged the development of the Keizer Station Plan to assist the growing community.

Responding to questions Mr. Storey indicated he would like to see retail in the development.

Jack Carroll, 585 Snead Drive, Keizer- expressed support of retail in the proposed development. Mr. Carroll also suggested that a park and ride be included in the development to help alleviate traffic concerns.

Mayor Christopher thanked Mr. Carroll for his testimony.

Doug Parrow, 6782 Amy Lane NE, Keizer-spoke in opposition to the proposed rezoning of the Chemawa Activity Center. He felt the proposed zoning would be devastating to River Road businesses and cause a multitude of traffic concerns for the city. Mr. Parrow asked the Council to consider how some of the amenities within the development would be financed and operated. (i.e.: library and aquatic center)

Responding to questions from Council Mr. Parrow indicated that industrial development in the area would be more beneficial to the center as opposed to retail development. He felt once the rezoning of the area took place that the community would lose control of what could be developed in the area.

Councilor Walsh addressed the traffic studies noting if the development was to expand with a density of industrial that traffic problems would be worse than with the proposed retail development.

Mr. Parrow stressed that he felt this was not a fair comparison as it was unlikely that the area would completely develop out under the current plan causing the worst case scenario aspect, which he felt was used in the study. He went on to express concerns regarding traffic and Lockhaven Road.

Councilor Smith indicated the concerns regarding additional lane development along Lockhaven was a rumor. She stressed that additional lanes would be impossible because of the setback requirements in the City's Development Code.

Mr. Parrow interjected that the transportation consultant for the developer testified to the Planning Commission that in order to accommodate traffic to the development that Lockhaven to River Road would need to be widened.

Councilor Smith asserted that the majority of citizens who currently shop in Salem or Portland currently take Lockhaven to I-5 to reach their destination. She requested an explanation regarding why this development would cause more traffic to Lockhaven if it were currently being used to access the freeway.

Mr. Parrow suggested that this would be a good question for the development team and again noted the transportation consultant's testimony during the Planning Commission hearings.

Mayor Christopher thanked Mr. Parrow for his testimony.

Sid Friedman, 1000 Friends of Oregon, 388 State Street #604, Salem, OR- noted the organization had previously submitted testimony expressing opposition to the development. Mr. Friedman summarized questions, which he felt the Council would need to address during the process. These issues included the vitality of River Road and Cherry Avenue, locally owned businesses versus national chains, commercial sprawl, additional traffic congestion and housing affordability.

Mr. Friedman noted some of the differences between the

current plan and the proposed plan and their opposition to the increased amount of retail in addition to the decreased amount of industrial in the staff alternative plan.

Mr. Friedman supplied copies of information from DLCD regarding Keizer's last periodic review in 1993. He quoted from the material regarding the consideration of a regional UGB.

Robert Lindsey, Friends of Marion County, 7505 Windsor Island Road, Keizer-expressed opposition to the proposed plan. Mr. Lindsey felt livability within the city would be seriously effected by the development. He urged the Council to protect the taxpayer's investments along River Road and Cherry Avenue.

Jacob Brostoff, Transportation Advocate 1000 Friends of Oregon, 534 SW 3rd, Suite 300, Portland, OR-addressed the traffic analysis. He felt the comparisons of retail and industrial peak traffic patterns were inconsistent because of the various peaks. He also noted the Employment General zone as it is used in Portland versus how it is being used in the staff's alternative plan. Mr. Brostoff indicated a better comparison of the plan would be what had taken place Jantzen Beach.

Responding to questions Mr. Brostoff provided his background as a transportation advocate. He noted his training was geared as a transportation planner rather than a traffic engineer. Mr. Brostoff encouraged the Council to compare the methodology of their traffic report with the developer's report.

Council President Moir provided information from the 1988 and 1993 Chemawa Activity Center Plan's, which offered more retail acreage. She went on to address with the decreased amount of retail acreage in the 1997 plan and the fact that no developer's showed an interest in the plan.

Mr. Friedman felt this might have been due to the lack of work done by the city to ensure industrial development and add to the marketability of the site. He indicated if the city was able to reach the conclusion that there was a

surplus of industrial land that they would recommend that the area be developed with a mix of neighborhood scale retail, which would limit the amount of outside traffic. For the benefit of the Council he summarized what he considered neighborhood scale retail.

Staff from 1000 Friends of Oregon and Friends of Marion County fielded additional questions from the Council addressing the issues of small businesses and "Big Box" Stores.

Mayor Christopher thanked the group for their testimony.

Klaus Schilde, City of Salem, Community Development Department, 555 Liberty Street, Salem-supplied additional written testimony from the City of Salem regarding the proposed amendments to the Comprehensive Plan and Zoning Map. Mr. Schilde summarized this material.

Mr. Schilde commended staff for the work done during the process and addressed the City of Salem's main concerns, which included the proposed reduction of industrial land along with the proposed increase of commercial property. He expressed concern with compliance with statewide goals, specifically goals two, nine and ten. Mr. Schilde urged a regional analysis of the development and implored the Council's review of the submitted written comments.

Mr. Schilde answered questions regarding the amount of commercial development in Salem versus Keizer in retrospect to the size and population of each city. At the request of the Council Mr. Schilde delineated the City of Salem's definition of "regional".

Responding to questions Mr. Schilde indicated that Salem Future's began approximately three-years ago with the second phase of the process encompassing another year.

Councilor Walsh addressed the Salem Futures Project and Keizer's recent ability to participate in the process. He felt the core of this project did not take Keizer into consideration. He went on to observe and address Salem's

urban renewal district indicating that this area was slated for increased industrial development.

Councilor Walsh and Mr. Schilde debated the Salem Futures Project intentions versus the development of the Keizer Station Plan. The difference in retail scale was argued.

Glen Hadley, Salem Area Transit, Salem-urged the Council keep transit and pedestrian access in mind as an alternative mode in the proposed development. Mr. Hadley felt the enhancement of other alternative modes would help to alleviate some of the possible traffic issues being debated.

Mr. Hadley answered questions from the Council pertaining to transportation incentive programs and other areas that had experimented with this type of option.

Council President Moir addressed the transportation portion of Keizer's Development Code. She felt these issues were outlined and urged Mr. Hadley to review this and supply his input regarding this information.

Mayor Christopher recessed the meeting at 9:40 p.m. The meeting was reconvened at 9:50 p.m.

Cathy Philbrick, 1180 Lockhaven Drive, Keizer- spoke in opposition to the proposed increase in commercial space in the Keizer Station Plan. She commented on the amount of vacant retail space in Keizer and how she felt the development would be detrimental to the neighborhoods surrounding the development and the remainder of the city.

Councilor Walsh clarified his earlier comments regarding Lancaster Avenue. He stressed this type of development should be clearly avoided.

Anthony Bozeman, 1543 Riverrock Road, Keizer- spoke of the ease of accesses to the interstate and urged the Council to keep in mind the quality of life during the process.

Rich Rawlins, 15165 Indigo Trail Road, Sisters, Oregon-

spoke of the difficulties the proposed development had endured over its lifetime. He urged accommodation of the market to make the development happen.

Mary Hupy, Keizer Florist, Chemawa Rd, Keizer- addressed the amount of empty retail space in Keizer and spoke against the amount of proposed commercial in the Keizer Station Plan. Ms. Hupy spoke in support of a park and ride, and urged the Council to keep in mind the amount of additional land owned by the Bureau of Indian Affairs which would be adjacent to the proposed development.

Council President Moir addressed Ms. Hupy's comments and the data, which she provided. Councilor Moir questioned the data provided regarding the number of businesses leaving the area and why.

Councilor McGee rebutted Ms. Hupy's comments regarding the developer "dangling a carrot" regarding the Safeway property.

Councilor Walsh felt the development might assist with the revitalization of River Road opposed to draining it. He questioned Ms. Hupy whether she had evidence to support her concerns.

Ms. Hupy continued to caution the Council regarding this type of development. She felt the number of variables should be reviewed prudently.

Wendee Kellington, P.O. Box 1930, Lake Oswego- Attorney representing Northwest National LLC. She offered herself and additional staff representing Northwest National to answer questions.

Responding to questions, Ms. Kellington summarized what she felt was the city's position in regards to Goals Two, Nine and Ten. She expressed a comfort level for each goal regarding the efforts met to meet these goals. She also outlined the SKAPAC process and Keizer's attempt to work with the City of Salem during the course.

Councilor Walsh expressed an interest in information from the Hobson Ferrarini analysis pertaining to sales

leakage from Keizer. Ms. Kellington offered to provide this information during the next meeting.

Dale Johnson, 5862 Rhinestone Court SE, Salem- urged the Council to move forward with the proposed plan. He indicated that three million people live within a one-hour drive of the proposed development, which he felt would be beneficial to the city. He expressed his pleasure with the work that had been done by the staff and the development team.

Mayor Christopher thanked everyone for his or her testimony and continued the public hearing until May 20, 2002 at 7:00 p.m.

ADMINISTRATIVE ACTION

None

CONSENT CALENDAR

- a. RESOLUTION-Extending Workers Compensation Insurance Coverage to City of Keizer Volunteers
- b. RESOLUTION-Authorizing City Manager to Award Bid to Morse Bros Inc. For Verda Lane
- c. Widening/Clearlake Road
- d. Approval of April 1, 2002 Regular Session Minutes
- e. Approval of April 8, 2002 Work Session Minutes
- f. Approval of April 15, 2002 Regular Session Minutes

Councilor Smith requested that item "e" is pulled from the Consent Calendar.

Public Works Director Rob Kissler requested that item "b" is pulled from the Consent Calendar.

Council President Moir moved for approval of the remainder of the Consent Calendar. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and

Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Smith noted corrections to the April 8th minutes, which would be changed and brought back to Council for approval at a later date.

Public Works Director Rob Kissler addressed the Clearlake Road widening and walkway improvements near Forrest Ridge Elementary School. A synopsis was provided regarding the partnership between the City and the School District to complete the project.

Council President Moir moved for approval of item "b" on the Consent Calendar. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Christopher read a letter from Bruce McCartney regarding participating in a Sister City Program.

The Council briefly discussed and agreed to have a member of the organization supply a presentation to the Council.

Mayor Christopher noted that The Boys and Girls Club's had requested that Keizer proclaim August 4th as National Kids Day.

It was the consensus of the Council to do this.

AGENDA INPUT

May 13, 2002

5:30 p.m. Keizer Budget Committee Meeting

➤ 2002-2003 City of Keizer Budget

May 20, 2002

7:00 p.m. City Council Regular Session

- Chemawa Activity Center/Keizer Station Plan Public Hearing
- Swearing in of Keizer Police Reserve Officers Cummings and Kistler
- Claggett Creek Watershed Council Presentation

June 3, 2002

5:30 p.m. City Council Work Session

- Marion County Juvenile Facility Tour

Mayor Christopher noted the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:18 p.m.

APPROVED:
MAYOR:

Cindy Perry
Recording Secretary

Lore Christopher

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith

Councilor #4 - Jacque Moir

Councilor #2 - Michel Gaynor

Councilor #5 - Richard Walsh

Councilor #3 - Charles E. Lee

Councilor #6 - Jerry McGee

Minutes approved:



July 15, 2002

AGENDA ITEM 8d

APPROVAL OF MAY 20, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, May 20, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:00 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Staff:

Chris Eppley, City Manager
Susan Gahlsdorf, Finance Director
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Shannon Johnson, City Attorney

PUBLIC TESTIMONY

Lova Sturgill, 1656 Willow Lake Road North, Salem-read from a letter submitted to the Council expressing her concerns regarding the city's budget and use of Parks funds to purchase additional parks property, especially that outside of the UGB. She posed questions to the Council regarding this and asked that her questions be answered.

Wayne Sturgill, 1656 Willow Lake Road North, Salem-referred to the letter which he submitted to Council. He addressed property at Tax Lot #700, 6000 Windsor Island Road North, and suggested that this property would be a better choice for a park opposed to the property being discussed by the Parks Board.

Mr. Sturgill indicated that if the city purchased Tax Lot #700 for a park that he would be willing to donate 50 trees for this park.

Councilor McGee felt it would be appropriate for the City

COMMITTEE REPORTS

Manager to reply to the Sturgill's questions via a letter.

Mr. and Mrs. Sturgill responded to questions from the Council regarding the suggested properties.

Councilor McGee noted the difficulties with the suggested property including it acting as a buffer for the sewage treatment plant and that the land was owned by the City of Salem.

Mr. and Mrs. Sturgill urged the Council to review the possibility of this property and work in conjunction with the City of Salem to make it happen.

Mayor Christopher thanked the Sturgill's for their testimony.

a. Oath to Keizer Reserve Officers Craig Kistler and Rich Cummings

Chief Adams supplied a brief biography for each officer.

City Attorney Shannon Johnson issued the oath of office to Officer Kistler and Officer Cummings.

Mayor Christopher welcomed the newly sworn-in Reserve Officers.

b. Proclamation- Appreciation for Services-Former Councilor Ray Kelly

Mayor Christopher read the proclamation for services provided by former Councilor Ray Kelly.

c. Proclamation- Mark Atwood and Cathy Clark/Budget Committee Members

Mayor Christopher read the proclamation and provided copies to Ms. Clark and Mr. Atwood for their recent appointment to the volunteer positions on the Keizer Budget Committee.

d. Claggett Creek Watershed Presentation

Gary Miller and members of his class from McNary High School supplied a Power Point Presentation regarding the Claggett Creek Watershed Wetland Mitigation Project and the importance of wetlands. Each of the students provided a brief summary regarding the many aspects of a wetland.

Mr. Miller noted the fall planting plan and the assistance of the community to make this happen. He also summarized an "Adopt a Reach Program" which would help to keep the reed canary grass at bay.

Responding to questions Mr. Miller indicated that a volunteer in the Adopt a Reach Program would be committing to walking a 100-foot reach once every couple of weeks to remove canary grass. He noted how the involvement of the students was an attempt to get them interested in their community.

Mayor Christopher thanked Mr. Miller and his students for their presentation.

e. Council Liaison Reports

- **Bikeways Committee-**

Councilor Smith reported the committee's participation in the Iris Parade and the additional efforts of Dr. Wallace Dick to make this successful. She noted the committee's allegiance to seek donations for the purchase of additional bike helmets, which would be given out to children whose family cannot afford to purchase one for them.

- **Mid Willamette Valley Area Commission on Transportation (MWACT)-**

Councilor Smith reported on the STIP funds and the progress taken place by the commission regarding the 2004-2007 STIP.

- **Planning Commission-**

Councilor Walsh reported that the commission reviewed the private street ordinance and would continue with this discussion during the next meeting.

- **Mid-Willamette River Corridor Project**

Councilor Walsh reported that the Willamette Initiatives Program would be hosting a seminar on May 22, 2002 at Western Oregon University. He outlined some of this seminar and its components.

- **Community Policing Committee-**

Mayor Christopher reported the City Council would be holding a joint work session with this committee on May 28, 2002 pertaining to the Community Policing Resolution.

OTHER BUSINESS

Iris Festival

Mayor Christopher complemented the Keizer Chamber of Commerce on their work during the Iris Festival.

Symposium Update

Councilor Smith shared information regarding the symposium she attended in Cambridge, Massachusetts pertaining to land-use and transportation.

EVAK Update

Council President Moir requested a work session between Council and EVAK to update the Council on EVAK's progress.

After a brief discussion it was the consensus of Council to direct staff to schedule this work session in July.

Alarm Ordinance

Councilor Lee requested updates regarding this ordinance.

City Attorney Johnson indicated this was currently being reviewed and a report would be brought back to Council the second meeting in June.

Police Department Updates

Chief Adams supplied updates regarding the Iris Festival and the department's participation in the process.

PUBLIC HEARINGS

a.

Chemawa Activity Center/Keizer Station Plan-Text Amendment/ Comprehensive Plan change/Zone Change Case No. 01-50 (cont from May 6, 2002)

Mayor Christopher opened the public hearing.

Public Testimony

Bruce Anderson, 1290 Leo Street NE, Keizer-Chair of Keizer Planning Commission supplied a history of the Activity Center and the process taken by the Commission to consider all the information and testimony and to consider amendments to the plan as submitted by Northwest National LLC.

He referred to the extensive process taken by the Commission to critique the plan in conjunction with the Statewide Planning Goals, Land-Use Planning Goals and the Keizer Comprehensive and Keizer Development Code. Mr. Anderson expressed the Commission's feeling that the plan met all the necessary requirements. He urged the

Council to move forward with the project.

Mayor Christopher thanked Mr. Anderson for his testimony.

Responding to questions Mr. Anderson indicated that the Commission reviewed the technical issues of conformance to land use planning. He indicated that the Council should decide issues outside of that realm relating to policy. Mr. Anderson urged the Council to review the possible impacts on River Road businesses, traffic along Lockhaven Drive and within the Gubser neighborhood.

Frank Moore, 7796 St. Charles St NE, Keizer-speaking as a member of the Planning Commission Mr. Moore thanked Mr. Anderson for his role as chair of the Commission and reiterated Mr. Anderson's comments regarding the process taken by the Commission.

Jacob Brostoff, 534 SW 3rd Avenue, Suite 300, Portland, OR, Transportation Advocate for 1000 Friends of Oregon-supplied a copy of the *Shils Report* which illustrates the impacts of "Big Box" retail on rural and small town communities.

Responding to questions, Mr. Brostoff indicated the chapters, which might refer more to Keizer and the proposed development. (Chapters I, III, IV and IX)

Mayor Christopher thanked Mr. Brostoff for his testimony.

Bob Thompson, 4970 Chauncy Court, Salem, representing Chuck Sides and Northwest National LLC-indicated they would like to tweak staff's alternative recommendation. He supplied copies of these suggested changes to Council.

Charles Matschek, Associate Architect, Ankrom Moisan Associated Architects, 4131 SW Gerald Court, Portland, OR-supplied a brief history of the team's work on the plan in conjunction with staff. Mr. Matschek addressed the private/public aspect of the plan.

Steve Ferrarini, Hobson Ferrarini Associates, 610 SW Alder, Suite 515, Portland, OR-summarized the economic analysis as provided in the Keizer Station staff alternative document. Mr. Ferrarini indicated that the analysis showed

the current need for a total of 85 acres of commercial land, growing to 107 acres by the year 2021.

Mr. Ferrarini stressed that the plan would not impact industrial development opportunities within the city and noted that the proposed plan would reduce the current level of industrial land to 82 acres still providing a 40-year inventory of industrial land.

Mr. Ferrarini addressed some of the vacancy issues for businesses along River Road. He used the area across from Bi-Mart as an example and fielded additional questions from Council. (remainder of testimony missing from tape)

Tom Jones, 8405 SW Nimbus Ave, Beaverton, OR- addressed service capacity issues for the plan including sewer, water, fire and storm water treatment. He indicated that the impact on Labish Ditch would be minimal. Mr. Jones answered questions from the Council pertaining to storm water retention and water quality improvements for the development.

Public Works Director Rob Kissler responded to questions from the Council relating to the new water regulations.

Responding to additional questions, Mr. Jones outlined the developments additional water needs specific to fire protection.

Frank Angelo, Angelo Eaton and Associates, 620 SW Main, Suite 201, Portland, Oregon-affirmed the development team's support of the staff's recommended alternative plan. Mr. Angelo clarified comments and testimony from citizens. He noted when comparing the existing Chemawa Activity Center Plan versus staff's proposed plan that the net change in industrial land was an approximate reduction of 45 acres and an increase of approximately 52 acres of commercial above the current Chemawa Activity Center Plan.

Mr. Angelo summarized the letter from Chuck Sides noting staff's recommended changes to the plan and the development team's request that the Council considers removal of the 25-percent requirement in the Employment General Zone. He also outlined the team's difference of

opinion regarding gasoline stations in the Commercial Mixed Zone. In the interest of time Mr. Angelo offered to address the remainder of the letter with staff outside of the meeting.

Councilor Walsh outlined other possible concepts to meet the suggestions as outlined in the Shils report. Mr. Angelo indicated he could not answer this at this time.

Mayor Christopher thanked Mr. Angelo for his testimony.

Wendie Kellington, Lake Oswego, Attorney for Northwest National LLC-supplied and reviewed with the Council a seven page matrix pertaining to the legal standards and goals for the proposed development.

Ms. Kellington, Mrs. Meier and the City Attorney answered questions from the Council.

Mayor Christopher thanked Ms. Kellington for her testimony.

Kelly Walther, 344 Lake Point Place, Keizer-spoke as a representative for the Keizer Chamber of Commerce. Ms. Walther referred to Exhibit A-19, which included the survey taken of the Chamber members regarding the development.

She answered questions from the Council regarding Exhibit A-19.

Mayor Christopher thanked Ms. Walther for her testimony.

With no one else wishing to testify Mayor Christopher continued the public hearing until June 3, 2002.

ADMINISTRATIVE ACTION

No Administrative Action was brought before the Council.

CONSENT CALENDAR

- a. RESOLUTION-Authorizing the City Manager to Enter Agreement with Valley Credit Services for Collection Services
- b. RESOLUTION-Authorizing City Manager to Award Bid to R.L. Houck Construction for 2002 Street Resurfacing

Council President Moir moved for approval of the Consent Calendar. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Christopher noted written communications from the Board of Commissioner's regarding the development of an ornament for the U.S. Capital Holiday Tree for 2002.

By consensus the Council agreed to participate in the program by submitting the information to the Keizer residents to participate. Mayor Christopher indicated she would provide additional information at the next Council meeting.

AGENDA INPUT

May 23, 2002

5:30 p.m. Special City Council Session (Keizer Heritage Center)

- SKAPAC Meeting with Salem City Council/Marion County Commission/Polk County Commission-Chemawa Activity Center/Keizer Station Plan

June 3, 2002

6:30 p.m. Urban Renewal Agency Meeting

- 2002-2003 City of Keizer Budget Public Hearing and Adoption of Budget
- Housing Consortium Intergovernmental Agreement

June 10, 2002

5:30 p.m. City Council Work Session

- Marion County Juvenile Facility Tour

June 17, 2002

7:00 p.m. City Council Regular Session

Mayor Christopher noted the agenda input.



July 15, 2002

AGENDA ITEM 8e

APPROVAL OF MAY 28, 2002 WORK SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL/COMMUNITY POLICING COMMITTEE
WORK SESSION

Tuesday, May 28, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 5:30 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor (arrived at 5:55 p.m.)
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Community Policing Committee

Ken Gierloff
Kevin Baker
Susan Ortiz
Randy Mosely
Markey Humberstad
Judith Holtzinger
Bill Quinn
Joan Allen
Verena Wessel
Mark Miranda, Captain
Kent Barker, Lieutenant
Jeffrey Kuhns, Sergeant

Staff:

Chris Eppley, City Manager
Tracy L. Davis, City Recorder

DISCUSSION
a. RESOLUTION-
Community Policing
Committee

Mayor Christopher opened the meeting noting a community policing audit report from 1994. She requested that members in attendance review the document.

Ken Gierloff, staff and members of Council provided a

historical background on community policing, as well as, the description of the charge and structure of the committee as it is currently written.

Council also summarized their perceptions of Community Policing. Concerns arose regarding staff acting as voting members on the committee, organizing the committee to match the processes similar to other city committees and boards, the need for a minute taker, in addition to obtaining a consistent quorum for the committee to conduct business.

The above issues were debated among staff, Council and members of the Committee Policing Committee.

Mayor Christopher summarized the discussion by noting the need to apply consistency for the committees. This could include the recommendation for a city staff member to attend the meeting for the purpose of minute taking. Also to address the quorum requirement and the absence policy with the resolution.

Mayor Christopher thanked everyone for his or her attendance and noted that the Council would address these issues in the near future.

For informational purposes it was noted that the next COP meeting would be held on June 4th with June 11th scheduled as the main Community Policing meeting.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 7:00 p.m.

APPROVED:
MAYOR:

Lore Christopher

Cindy Perry
Recording Secretary



July 15, 2002

AGENDA ITEM 8f

APPROVAL OF JUNE 3, 2002 REGULAR SESSION MINUTES

MINUTES

KEIZER CITY COUNCIL

Monday, June 3, 2002

Keizer City Hall

Robert L. Simon Council Chambers

Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:04 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Staff:

Chris Eppley, City Manager
Susan Gahlsdorf, Finance Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Larry Monagon, 1585 Chemawa Rd North-spoke in opposition to the purchase of park land near the Sturgill's home, which was being referred to as the west Keizer park. Mr. Monagon submitted a letter from Marion County also expressing concerns regarding the possible use of this site as a park. He urged the Council to review this information.

Wayne Sturgill, 1656 Willow Lake Road North-submitted and read a letter into the record a letter pertaining to land located at 6000 Windsor Island Road, Tax Lot 700, which he indicated has the possibility to be used as a city park. Mr. Sturgill urged cooperation between Salem and Keizer to make this happen.

COMMITTEE REPORTS

a. Library Task Force Report-

Chair Jerry Watson, 1237 Manzanita Way NE, Keizer-submitted and reviewed the report from the Task Force.

He noted the Task Force's charge and the review of five library alternatives.

Mr. Watson summarized these options, which included remaining status quo, a threshold library, a 21st Century Library, partnering with Salem or a library district. The Task Force provided data from each option for analysis by the Council. He also addressed some of the budget issues that would need to be reviewed by the Council.

Jane Kirby, 6657 14th Avenue NE, Keizer-member of the Library Task Force provided a copy of a document from the Salem Library. The map indicated the number of Keizer residents that currently hold a Salem library card.

Mayor Christopher and members of the Council thanked the Task Force for their report.

Councilor Walsh moved to accept the report submitted by the Library Task Force. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Council Liaison Reports

- **Traffic Safety Commission**
- **Emergency Operations Committee**
- **Claggett Creek Watershed Council**
- **Keizer Urban Renewal Board**

Due to the number of items on the agenda Mayor Christopher postponed the above Council Liaison reports until the next Council meeting.

- **Focal Point-**

Councilor Lee supplied a brief history of the project and what had taken place to bring the project into fruition. He noted the businesses that had provided donations to

assist with the project. Councilor Lee expressed optimism that an adequate amount of donations had been acquired to move forward with the project.

Councilor Lee noted a variation in the type of brick that was originally proposed for the project. He indicated that the new brick had been donated and was complimentary to surrounding development in the area. He requested consensus of the Council to move forward with the brick variation described.

Councilor McGee moved for consensus of the Council to proceed with the construction of the focal point with the change in the type of brick as described. Council President Moir seconded the motion.

Responding to questions, Councilor Lee indicated the Task Force would soon be making a recommendation to Council regarding the name of the Focal Point.

Mayor Christopher and Council expressed their gratitude for the work done on the project.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

(reviewed after Public Hearings)

Finance Updates

Finance Director Susan Galshdorf requested clarification regarding continuation of the Park Donation Program. Council President Moir agreed to bring this up during the next Parks Board meeting.

Human Resource Updates

Human Resource Director Dianne Hunt reported that the final ductwork had been completed and that she was reviewing insurance quotes.

PUBLIC HEARINGS

a. Chemawa Activity

Mayor Christopher reopened the public hearing continued from May 20, 2002.

**Center/Keizer Station
Plan-Text
Amendment/Comprehensive
Plan Change/Zone
Change Case No 01-50
(cont. from May 20, 2002)
(heard after public hearing
b.)**

Planning Director Maria Meier reported on May 20, 2002 that the City Council had continued the public hearing until this evening. Additional testimony may be received and the hearing continued to a date as defined by the Council.

Mrs. Meier also noted that staff would be compiling the SKAPAC record to enter into the legislative review record for Council consideration. Due to this staff recommended that the Council continue the public hearing until July 1, 2002. Mrs. Meier provided copies of additional comments, which were to be submitted to the record.

Public Testimony

Karen Trucke, 6330 14th Avenue NE, Keizer-spoke in favor of the additional items that had been added relating to the traffic flow consideration. She urged the continued input from the public when this process is further reviewed.

Mrs. Trucke continued to **urge the careful planning and management of traffic designs for the development.** She felt an additional access to the freeway, in addition to Lockhaven, should be reviewed as part of the plan and suggested Chemawa Road as this additional access.

Council President Moir indicated that the discussion of increasing Lockhaven to five lanes was only between McLeod and the freeway.

Mayor Christopher thanked Mrs. Trucke for her testimony.

David Schriner, 6233 13th Avenue NE, Keizer-addressed the 1997 Chemawa Activity Center Plan and it's philosophy versus the current plan which he felt differed largely when comparing retail and light industrial. He requested that the Council balances the two plans and incorporate a plan that would be in the best interest of the community.

Councilor Moir provided additional history from the 1988 and 1993 Chemawa Activity Center Plans noting

that these two plans were more in-line with the current proposal, regarding the amount of commercial land.

Responding to questions Mrs. Meier answered that in the current plan the IBP zoning was only in Area A with the proposed plan IBP zoning being suggested in sections within Area D.

Ross Day, 7478 Everwood Street NE-speaking as a member of the Planning Commission Mr. Day outlined the process which the Commission undertook to reach their decision that was forwarded onto the Council for review. Mr. Day strongly expressed his opinion that this was a good plan for the city to move forward with. He noted that the Commission did express some concern regarding possible traffic impacts and received evidence supporting the plan via the traffic analysis. Mr. Day noted although there was a great deal of testimony regarding perceived traffic impacts, but no evidence was provided that contested the traffic analysis presented by the development team.

Responding to questions Mr. Day indicated the Commission did not review Design Standards for the plan as it was not the role, which the Planning Commission was assigned.

Mrs. Meier also noted that the Development Code provided conditions of approval for review of the design standards that would take place during the master planning process.

Mr. Ross also addressed the 75/25 split in the IBP zone, and his opinion regarding the future of River Road and the buffer between the development and residential.

Mayor Christopher thanked Mr. Ross for his testimony.

Jacob Brostoff, Transportation Advocate for 1000 Friends of Oregon-provided a study that indicated that the market for office space was stronger than retail space. He indicated based on his estimation the development would render the amount of retail space in Keizer twice that of the national average.

Council President Moir felt the statement was erroneous as the figures included Salem and Keizer. She requested that a study based strictly on Keizer would be more beneficial to the Council.

Mr. Brostoff shared that 1000 Friends did not commission the study, but he would attempt to see if this type of analysis was available.

Mrs. Meier answered questions from the Council regarding the IBP and the EG zone.

City Manager Eppley questioned Mr. Brostoff regarding 1000 Friends position about the advantage of industrial development versus retail development.

Mr. Brostoff felt the trip generation trip impacts of industrial versus retail were less and that industrial revenue may bring about more revenue into the tax base through industrial land assessments and providing family wage jobs for the area.

Councilor Smith urged Mr. Brostoff to provide information to the Council that would address their concerns relating to the area to be developed and or the City of Keizer in general.

Mr. Brostoff indicated he would be happy to further address 1000 Friends concerns in writing to meet the Council's needs and questions.

Development Team

Charlie Marcheck, Ankrom Moisan Associated Architects, Portland-noted the antidotal stories presented to Council regarding the development and the possible impacts to the city as a whole. He provided a map with a segment of Portland showing the various jurisdictions that have worked in conjunction with each other to develop a successful retail development that worked well with the surrounding residential areas.

Responding to questions Mr. Marcheck indicated that an area, which may have more similarities to Keizer, would be the in Willamette Area.

Steve Ferrarini, 610 SW Alder, Portland-reported that their analysis showed that Keizer had more than enough residential and industrial land over a twenty year period. He indicated the analysis indicated there was not enough commercial land to meet this need over the next twenty-years.

Mr. Ferrarini discounted the Shil's report noting the lack of supporting evidence to meet its claims. He indicated that the team, before the close of the record would provide written testimony pertaining to this information.

Chuck Side, 2555 Hollywood Drive NE, Salem-provided copies of a document with amended language regarding the retail limits. (Exhibit A-78)

Mr. Sides thanked the Council and staff regarding the work done on the project and noted an amendment, which would be presented to the Council regarding the 75/25 split.

Wendi Kellington, Legal Counsel-responding to questions Ms. Kellington indicated that the 25/75 percent split was not needed to comply with statewide planning goals. She addressed additional questions from the Council.

Mayor Christopher continued the public hearing until July 1, 2002.

**b. RESOLUTION-
Adopting City of Keizer
2002-2003 Budget, Making
Appropriations, and
Imposing and
Categorizing Taxes**

Finance Director **Susan Gahlsdorf** reported that the Budget Committee approved the Manager's Recommended Budget on May 14, 2002. The appropriate publications were placed in the local newspaper.

Staff recommended that the Council hold a public hearing, deliberate and adopt the budget with amendments, if any.

Mayor Christopher opened the public hearing.

Public Testimony

Vic Backlund, State Representative-spoke regarding

the Power After School Program. Mr. Backlund spoke in favor of the program and urged the Council to continue their financial support.

Cyndi Astley, 4766 Coloma Drive SE, Salem-Program Director of the Salem-Keizer Together Community Drug Prevention Network. Ms. Astley provided a brief history of the program and the changes that had taken place within the program with the opening of the new middle school. She noted the dedicated efforts of those involved in making the program work, and their continued attempts to acquire funding.

Ms. Astley urged the Council to continue their financial commitment.

Responding to questions, Ms. Astley indicated that the Power Program augments other programs such as the Boys and the Girls Club, which are unable to handle the number of children that the program now provides services for.

Members of Council spoke in support of the program as a whole, but some Councilors questioned the continued use of city funds for the program.

Councilor Lee suggested a letter of support, or a proclamation, for the program rather than financial support.

Ms. Astley continued to answer questions from the Council pertaining to the program such as fees, scholarships and the continued financial support of Council to allow the program to seek additional in-kind funding.

Mayor Christopher thanked Ms. Astley for her report.

Janet Porter, Chairperson of Keizer Visitor Center Services Committee-spoke in support of the Budget Committee's recommendation that 20% of the Hotel/Motel tax is used to the Keizer Chamber of Commerce/Visitor Center.

Ms. Porter expressed appreciation for the support from

the Council and provided data, which summarized their budget, projected projects for 2002-2003 and accumulated volunteer hours.

Councilor McGee provided a brief history of the Hotel/Motel tax and expressed support of the grant request for the upcoming budget year.

Mayor Christopher thanked Ms. Porter for her testimony, and with no one else wishing to testify she closed the public hearing.

Council President Moir moved to drop the \$1,000 allocated for the POWER Program from the 2002-2003 budget. Councilor McGee seconded the motion.

Council President Moir addressed her motion indicating her decision was due to fiscal reasons within the city's budget and did not reflect on the program.

Councilor Walsh argued for the financial support of the POWER Program. He reasoned that submitting a proclamation in support of the program would not hold the same weight as financial backing.

Councilor McGee differed from Councilor Walsh's comments noting that the issue was not the quality of the program, but rather a philosophical one pertaining to local governments financially supporting social programs.

Mayor Christopher indicated she would be voting against the motion. She noted changes within the structure of the program, which had caused the need for the program to have to rebuild and that the use of these funds was important to help the program succeed. She also strongly felt that the lack of funding would send a message to the community that the Council does not care about children in the community.

Councilor Lee expressed his uneasiness with Mayor Christopher's comments. He indicated he would vote against the motion, but would work diligently to assist the program in acquiring other sorts of funding.

The motion passed as follows:

AYES: Lee, McGee, Moir and Smith (4)

NAYS: Christopher, Gaynor and Walsh (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor McGee requested that the issue with the Lighting District be addressed prior to the adoption of the budget. He went on to summarize the *Street Lighting District Fund Administration Fee Analysis* in 7b of the packet and proposed that his information be passed on indexing and requested that staff address the remaining deficit.

Ms. Gahlsdorf indicated staff involvement was reallocated in this program to address more accurate costs within this fund.

Councilor McGee moved to approve the Resolution to Establish the Administrative Costs for the Formation and Maintenance of Street Lighting Districts (Repealing R99-1106). Mayor Christopher seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved a Resolution Adopting the FY'03 Budget, Making Appropriations and Imposing and Categorizing Taxes as amended. Councilor McGee seconded the motion.

Responding to questions regarding the financial impact of contracted computer services versus an Information System Specialist Human Resources Director Dianne Hunt noted some of the potential duties for this position and the costs. Her research indicated that the cost for this position would run approximately \$4,680 a month and that the line item used for computer contractual services could fund this position at half time

for twelve months.

Councilor McGee felt that a carefully described job description would need to be outlined before a vote could be taken on this position.

Ms. Hunt agreed that this would need to be analyzed and brought back before Council for review.

Councilor McGee outlined input received during various work sessions. He indicated concern from the public for the need to have additional officers patrolling the streets and felt this position should be filled prior to an administrative position being filled.

Councilor McGee moved a motion as a policy to direct the City Manager to fill the open police position as soon as practical. Councilor Smith seconded the motion.

Responding to questions, Chief Adams indicated the only way to add another police position with the current dollars allocated would be to layoff from another position.

City Manager Eppley indicated that the Council's authority in this type of process would be through the allocation of funds.

Councilor McGee felt it would be appropriate for the Council to address the issue at this time.

Council and staff discussed this topic. City Manager Eppley strongly encouraged Council to request a work session with the police department if they wished to iron out the issues being addressed.

City Attorney Johnson addressed some of the philosophical issues within the budget pertaining to the funding of various positions within the police department. He read excerpts from the City Charter pertaining to powers and duties of the City Manager and the City Council.

Councilor McGee agreed that it would be appropriate to further review the issue in a work session setting.

At this point Councilor McGee withdrew his motion.

Councilor Smith noted the additional planning position written into the budget. She requested that the position be of limited duration and approved on a yearly basis during the budget process.

Councilor Smith moved a motion to make the planning position a six month limited duration position with review at the next budget cycle. Mayor Christopher seconded the motion.

Ms. Hunt cautioned the Council against the six- month duration as the Council would only be analyzing a position that would actually have three months of duty before being reviewed again. She also noted a six-month duration could also have a negative impact on the recruitment process.

City Manager Eppley indicated that the funding be allocated by Council pending approval of classification.

Councilor Smith agreed with this process and withdrew her motion.

Mayor Christopher requested of the Finance Director that this issue be added to the budget notes for future reference.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher recessed the meeting at 9:25 p.m. and reconvened the meeting at 9:30 p.m.

ADMINISTRATIVE ACTION

a. RESOLUTION- Authorization of

Finance Director Susan Gahlsdorf provided a brief outline of Interfund loans and their purpose because of

**Interfund Loans to the
General Fund and Street
Lighting District Fund**

a revenue shortfall.

Council President Moir moved a Resolution
Authorizing Interfund Loans to the General Fund and
Street Lighting District. Councilor Lee seconded the
Motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. RESOLUTION-
Establishing
Administrative Costs for
Formation and
Maintenance of Street
Lighting Districts
(Repealing R99-1106)**

This issue was addressed under the adoption of the
budget.

**c. RESOLUTION-
Authorizing City Manager
to Enter Housing
Consortium Agreement
with City of Salem
RESOLUTION-
Authorizing City Manager
to Enter
Intergovernmental
Agreement with City of
Salem for Administrative
Housing Rehabilitation
Program.**

Planning Director Maria Meier provided a brief report
regarding the housing partnership between Salem and
Keizer. This was an agreement, which was reviewed
every three years.

Council President Moir moved a Resolution
Authorizing the City Manager to Enter Housing
Consortium Agreement with the City of Salem.
Councilor. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved a motion Authorizing
the City Manager to Enter Intergovernmental
Agreement with City of Salem for Administrative
Housing Rehabilitation Program. Councilor Smith

CONSENT CALENDAR

seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

- a. RESOLUTION- Certifying that the City of Keizer
Provides Four or More Municipal Services
- b. RESOLUTION- Declaring City's Intention to Receive
State Revenue Sharing
- c. Approval of Change of License Type and Trade
Name for Kat's Korner Billiards and Sports Lounge
- d. Approval of April 22, 2002 Work Session Minutes

Councilor Lee requested that item "c" is pulled from the
consent calendar.

Council President Moir moved for approval of the
remainder of the items on the consent calendar.

Councilor Smith seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Responding to questions City Recorder Tracy Davis
noted that the change of license type and social gaming
would be issues dealt with separately. Councilor Lee
agreed with this.

Council President Moir moved for approval of item "c"
on the consent calendar. Councilor Smith seconded the
motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

June 10, 2002

5:30 p.m. City Council Work Session

- Marion County Juvenile Facility Tour

June 17, 2002

7:00 p.m. City Council Regular Session

- 2001-2002 Supplemental Budget
- Increasing Sanitation Franchise Fee
- Establishing Sewer Franchise Fee
- Audit Services Agreement

July 1, 2002

7:00 p.m. City Council Regular Session

Mayor Christopher noted the agenda items with Councilor's Lee and McGee noting they would not be in attendance of the July 10th work session.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:20 P.M.



DATE: July 15, 2002 TIME: 7:00 p.m. AGENDA ITEM # 6a

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS

[illegible]



DATE: July 15, 2002 TIME: 7:00 p.m. AGENDA ITEM # 6b

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS

[illegible]



DATE: July 15, 2002 TIME: 7:00 p.m. AGENDA ITEM # 6c

[illegible]



PUBLIC HEARING RE: ORDINANCE – RENAMING OF ALDER STREET NE TO ALDER DRIVE NE

DATE: July 15, 2002 TIME: 7:00 p.m. AGENDA ITEM # 6d

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS
(PLEASE PRINT)

[illegible]



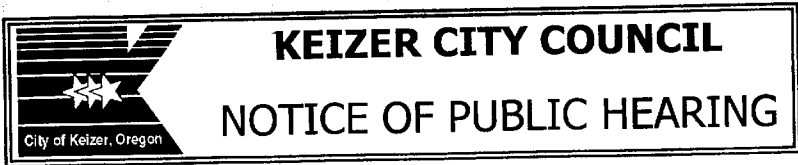
PUBLIC HEARING RE: ADOPTION OF CHALMERS JONES
PARK MASTER PLAN

DATE: July 15, 2002 **TIME:** 7:00 p.m. **AGENDA ITEM #** 6e

BEFORE THE: KEIZER CITY COUNCIL **PLACE: ROBERT L. SIMON COUNCIL CHAMBERS**

(PLEASE PRINT)

[illegible]



CHALMERS JONES PARK MASTER PLAN

NOTICE is hereby given that the City Council of the City of Keizer will hold a public hearing to review and adopt a master plan for Chalmers Jones Park, located at 930 Chemawa Road NE, Keizer, Oregon. A copy of the plan may be viewed at City Hall during business hours.

The hearing shall be held on Monday, July 15, 2002 at 7:00 p.m. in the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

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

The location of the hearing is accessible to the disabled. Please contact the City Recorder at (503) 390-3700, extension 108 at least 48 hours prior to the hearing if you will need any special accommodations to attend or participate in the hearing.

If you have any questions, please contact Bill Lawyer or Terry Witham at (503) 390-3700.

Dated this 2nd day of July 2002.

Tracy L. Davis, CMC
City Recorder

AFFIDAVIT OF PUBLICATION
STATE OF OREGON, COUNTY OF MARION, SS:

I, Scotta Callister, being first duly sworn, depose and say that I am Publisher of the Keizertimes, a newspaper of general circulation as defined by Section 58, Oregon Laws, as amended by Chapter 445 General Laws of Oregon, 1929, printed and published in Keizer, in aforesaid county and state; that the Notice – Chalmers Jones Park Plan, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for One (1) successive and consecutive week(s) in the following issue(s): July 12, 2002.

KEIZER CITY COUNCIL
NOTICE OF PUBLIC HEARING
CHALMERS JONES PARK
MASTER PLAN

NOTICE is hereby given that the City Council of the City of Keizer will hold a public hearing to review and adopt a master plan for Chalmers Jones Park, located at 930 Chemawa Road NE, Keizer, Oregon. A copy of the plan may be viewed at City Hall during business hours.

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Dated this 2nd day of July 2002.
Tracy L. Davis, CMC
City Recorder

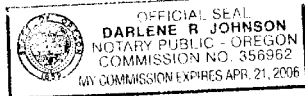
Subscribed and Sworn to before me this

12th day of July, 2002

Scotta Callister
Scotta Callister

Carole R. Johnson
Notary Public for Oregon, Marion County

April 21, 2006
My Commission Expires





CITY OF KEIZER
APPEAL FORM

RECEIVED
JUN 28 2002

CITY OF KEIZER
COMMUNITY DEVELOPMENT

Appeal of Staff Decision Fee:
Appeal of Hearing Officer Fee:

\$175.00
\$115.00

APPEAL RIGHTS: Upon final action on a land use application by the Zoning Administrator, Hearings Officer or Planning Commission, the applicant or any persons receiving notice of decision may appeal the decision by filing within ten (10) days from the date of the mailing of the decision. An appeal to the Hearings Officer, Planning Commission or City Council shall include notice at least ten (10) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

Any interested person, including the applicant, who disagrees with this decision, may request that the appropriate body at a public hearing consider the application. The appeal is subject to the appellant paying a fee (see fee schedule above) at the time the appeal form is submitted. This fee will be refunded if the appeal is upheld.

The appeal form must be received by the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on the tenth day following the date of the mailing of the decision. The failure to submit the required fee with the appeal form or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect resulting in the dismissal of the case. *Appeals shall state the alleged errors in the original action and the specific criteria, which the appeal is based upon.*

Land Use Case Appealed: Partitioning #2002-19

Final Date of Appeal Period: _____

Errors identified in original action & Specific Criteria the appeal is based upon: _____

- a) Abandonment of well
- b) turn around and associated requirements
- c) Sidewalks

Appellant Name: _____

John Lottis

Address, City, Zip: _____

802 Rivergreen Dr N
Keizer, OR 97303

Daytime Phone #: _____

503-390-5756 or 503-510-6281

The City of Keizer Community Development Department will be in contact to notify you of the scheduled hearing for the appeal of this land use case. If you have any questions, contact the department at (503) 390-3700.