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
EXECUTIVE SESSION

Monday, July 2, 2007
6:00 p.m.
Keizer City Hall
Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **DISCUSSION**

   a. **Pursuant to ORS 192.660(2)(i) –** ***To review and evaluate the employment-related performance of the chief executive officer (City Manager) of any public body.***

4. **ADJOURN**

[redacted]

The Oregon Public Meeting Law authorizes governing bodies to meet in executive session in certain limited situations. An executive session is defined as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberations on certain matters as defined by ORS 192.660. These sessions are closed to the public. The media may attend the session, unless the Oregon State Statutes specifically prohibits media attendance. The governing body is not allowed to take any final action or make any final decisions during the executive sessions. Any final action or decision must be made after returning or at the next regularly scheduled meeting.

CITY OF KEIZER MISSION STATEMENT

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

AGENDA

KEIZER CITY COUNCIL

REGULAR SESSION

Monday, July 2, 2007

7:00 p.m.

Robert L. Simon Council Chambers

Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **PUBLIC TESTIMONY**

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

5. **PUBLIC HEARINGS**

   a. **Public Forum – City of Keizer Water Tank Design**

6. **ADMINISTRATIVE ACTION**

   a. **ORDINANCE – Amending the Keizer Development Code for Tree Replacement; Partition Requirements; Street Frontage Improvements; and Reallocation of Commercial Square Footage in Keizer Station**

7. **CONSENT CALENDAR**

   a. **RESOLUTION – Initiating Wheatland Meadows Subdivision Street Lighting District**

   b. **RESOLUTION – Authorizing the City Manager to Enter Intergovernmental Agreement with Marion County for Keizer Peer Court**

c. **RESOLUTION – Authorizing the City Manager to Waive the Potential Conflict of Interest – Jillian Bruce, Attorney at Law**

d. **Approval of June 4, 2007 Regular Session Minutes**

8. **COMMITTTTEE REPORTS**

9. **OTHER BUSINESS**

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

a. **New Business or Old Business Issues**

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

July 9, 2007
5:45 p.m. City Council Work Session
- **City of Keizer Public Works Building – Telemetry System Tour**

July 16, 2007
7:00 p.m. City Council Regular Session

12. **ADJOURNMENT**

COUNCIL MEETING: July 2, 2007

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

FROM: CHRIS EPPLEY
CITY MANAGER

SUBJECT: KEIZER WATER TOWER

The City of Keizer requested public comment on the design and color scheme for the Keizer Water Tower located in Chemawa Station – Area D of the Keizer Station project. Interested citizens have been invited to attend tonight's meeting to submit their ideas.

CITY COUNCIL MEETING: July 2, 2007

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: ***KDC AMENDMENTS (SITE DESIGN, LAND DIVISIONS, PARTITIONS, KSP SQUARE FOOT ALLOCATIONS)***

Following the public hearing at the last Council meeting, Council directed our office to prepare an appropriate Ordinance adopting the Keizer Development Code amendments. Such Ordinance is attached.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh
attachments

BILL NO. ____ A BILL ORDINANCE NO. 2007-_____

FOR

AN ORDINANCE

AMENDING KEIZER DEVELOPMENT CODE REGARDING SECTION 2.309 (SITE AND LANDSCAPING DESIGN), SECTION 2.310 (DEVELOPMENT STANDARDS FOR LAND DIVISIONS), AND SECTION 3.107 (PARTITIONS); AMENDING KEIZER STATION PLAN AREAS AND DESIGN GUIDELINES (PAGE 9 OF KEIZER STATION PLAN); AMENDING ORDINANCE 98-389 AND ORDINANCE 2003-479 (EXHIBIT 2, PAGE 9)

WHEREAS, the Keizer Planning Commission has recommended to the Keizer City Council amendments to the Keizer Development Code (Ordinance No. 98-389) and the Keizer Station Plan (Ordinance No. 2003-479); and

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

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

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

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

NOW, THEREFORE,

The City of Keizer ordains as follows:

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

Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption of the changes to Section 2.309 (Site and Landscaping Design), Section 2.310 (Development Standards for Land Divisions), and Section 3.107 (Partitions) as set forth in Exhibit "B" attached hereto, and by this reference incorporated herein.

Section 3. AMENDMENT TO THE KEIZER STATION PLAN. The Keizer Station Plan (Ordinance No. 2003-479, Exhibit 2, Page 9) is hereby amended by the adoption of the changes to the Keizer Station Plan Areas and Design Guidelines as set forth in Exhibit "C" attached hereto, and by this reference incorporated herein.

Section 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or is denied acknowledgment by any court or board of competent jurisdiction, including, but not limited to the Land Use Board of Appeals, the Land Conservation and Development Commission and the Department of Land Conservation and Development, then such portion shall be deemed a separate, distinct, and independent provision and

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such holding shall not affect the validity of the remaining portions hereof.

Section 5. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its passage.

PASSED this _____ day of _____, 2007.

SIGNED this _____ day of _____, 2007.

_____
Mayor

_____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

EXHIBIT "A"

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.309, Site and landscaping Design; Section 3.107, Partitions; Section 2.310, Development Standards for Land Divisions; and Reallocation of commercial square footage in the Keizer Station)

The review criteria are listed in Section 3.111.04 of the Keizer Development Code.

The City of Keizer finds that:

1. **A demonstrated need exists for the product of the proposed amendment - Section 3.111.04.B.**

   Findings: The proposed revisions to the zone code reflect a demonstrated need. The City Council has recognized that from time to time the City's Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. The intent is to identify chapters that can be updated in a manageable format. The proposed revisions will allow for the zone code to be updated so that it is both easier to read and also eliminates identified confusions within the regulations. Section 2.309 (Site and Landscaping Design) is proposed to be amended to allow off-site tree planting on public land. The intent of this revision is to explicitly allow off-site tree mitigation as an alternative. When development of property involves the removal of significant trees (trees that are greater than 50 feet tall or more than 12 inches) the developer must replace these trees at a rate of up to 2 to one. Section 3.107 (Partitions) includes amendments that apparently were omitted during drafting of the development code. These include references to the requirement of a tree removal and replacement plan as noted in Section 2.309, and complying with infill standards in Section 2.316. Also is an amendment to allow a one year extension for the recording of a final plat, provided that no code revisions have been adopted that might otherwise impact the proposed partition. Section 2.310 (Development Standards for Land Divisions) will specify when frontage improvements as part of a partition proposal are required. Currently, street frontage improvements are required as part of the subdivision approval process but not necessarily as part of every partition application. Presently, if property has greater than 250 feet of frontage along a street then frontage improvements will be required. However, if the property has less than 250 feet of frontage no frontage improvements will be required.

   The amendment will specify that properties with more than 100 feet front, or that have frontage along either an arterial or collector road that frontage improvements to provide for lacking sidewalks, curbs, street width, drainage, or other facility will be required unless it is determined by the City that any or all of

the required improvements are not practical or desirable due lack of connecting facilities, or topographical or engineering constraints that may preclude the placement of improvements. For properties that have less than 100 feet of frontage and are not either an along arterial or collector street the applicant would not be required to provide any lacking improvements but would still be required to sign a non-remonstrance agreement stipulating that the property owner will agree to participate in right of way improvements. In addition, a proposed revision specifies when lot line adjustment applications are required. Currently, the code only requires a lot line adjustment application for properties that are residentially designated be submitted. This revision would require that a lot line adjustment application be submitted and reviewed regardless of the zone designation of the properties.

Finally, an amendment will reallocate the maximum commercial square foot limit between the 5 Keizer Station areas. The total allowed commercial area (975,000 square feet) will not change. Therefore, the proposed code revision complies with this review criterion.

2. **The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules – Section 3.111.04.C.**

FINDINGS: The proposed text amendment complies with the statewide land use planning goals as discussed below.

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice to interested parties, and a public process of decision making involving a public hearing, deliberation, and ordinance adoption. This is consistent with provision of the opportunity for citizens to be involved in all phases of this planning process as required by this Goal and with implementing administrative rules within Oregon Administrative Rules.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times, and public hearings were conducted before both the planning commission and city council. As such, the proposed revisions to the zone code are consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits there is only one zone located in the northwest portion of the city near the city's urban growth boundary that is designated to allow for commercial agricultural uses. The amendments involve the regulations within the boundaries of the city limits of

Keizer. The amendments do not impact any properties that are designated to allow for agricultural uses. Therefore the proposed amendments will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no lands designated within the city limits to allow for commercial forestry. The amendments to the zone code do not involve any land which is designated as Forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. Amendments to the zone code regulations will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. Therefore, the amendments will be consistent with this goal and with administrative rules deigned to implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. New construction is required to be connected to the established sanitary sewer system reducing the likelihood of groundwater contamination from failing on-site septic systems. The revisions to the city's zone code will not impact the quality of air, water, or land resources and so complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains. The revisions to the zone code will neither impact this goal nor any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. The proposed amendments will have no impact on the recreational activities or uses within the city. Therefore, this goal and any related rules are not applicable.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. One amendment will reallocate the maximum commercial square foot limit between the 5 Keizer Station areas. This is due to the fact that the area allocated for Area 'A' is not projected to be developed with the level of development as originally was anticipated. The

reallocation will allow other areas to absorb some of the commercial square footage. The total allowed commercial area (975,000 square feet) will not change. The proposed amendments to tree replacement, and regulation regarding property division will have no impact on the economic development activities or uses within the city.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The proposed revision to require that the development of property through the partitioning process will require that some applicants be made responsible for the impacts associated with their development. This will include providing lacking street improvements when the property has frontage along either a collector or an arterial, or has more than 100 feet of frontage. While some applicants will be responsible for providing certain improvements which historically have not been required which may result in increased costs in some cases overall the impact associated with this amendment is not anticipated to significantly impact the cost of housing in the community. The proposed revisions to reallocate commercial square footage and the off-site tree mitigation amendment will have no impact on the ability to develop property with a residential development and will have no impact on either this goal or on any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer, has an established street system, administrative and police and public safety is also provided by the city. The proposed amendment to require that partitions along collector or arterial or that have greater than 100 feet of frontage be required to provide lacking street improvements will result in those improvements being provided along streets were they are currently lacking will be consistent with this goal. The proposed revisions to allow a reallocation of commercial square footage or tree mitigation plan will not impact any of the city's public facilities and services, and so this goal and any rules are not applicable.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit bike, and pedestrian systems. The revision to Section 2.310 (Development Standards for Land Divisions) will specify when frontage improvements are required. The amendment will specify that for properties with more than 100 feet of frontage, or that have frontage along either an arterial or collector road, frontage improvements are required to provide for lacking sidewalks, curbs, street width, drainage, or other facility, unless it is determined by the City that any or all of the required improvements are not practical or desirable due lack of connecting facilities, or topographical or engineering constraints that may preclude the placement of improvements. For properties that have less than 100 feet of frontage and are not either an along

arterial or collector street, the applicant would not be required to provide any lacking improvements, but would still be required to sign a non-remonstrance agreement stipulating that the property owner will agree to participate in right of way improvements. The proposed amendment to tree replacement plans, or the reallocation of commercial square footage within the Keizer Station will not impact any of the city's public transportation systems, and so this goal and any rules are not applicable.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards and so this goal and implementing administrative rules is not applicable.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed zone code revisions will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land being transitioned from rural to urbanized uses.

Goal 15 – Willamette River: This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revisions will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable

In consideration of the above findings, the proposed zone code revisions to Section 2.113 (Industrial Business Park); Section 2.31 (Accessory Structures and Uses); Section 3.204 (Public Notice Requirements) complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

3. **The amendment is appropriate as measured by at least one of the following criteria – Section 3.111.04.D:**
   a. It corrects identified error(s) in the previous plan.
   b. It represents a logical implementation of the plan.
   c. It is mandated by changes in federal, state, or local law.
   d. It is otherwise deemed by the council to the desirable, appropriate, and proper.

FINDINGS: The proposed amendments to the zone code represent a logical implementation of the Keizer Comprehensive Plan. The amendments will correct several identified errors such as the apparent omission to relevant standards in the Section 3.17 (Partitions) within the existing zone code and is intended to make a number of clarifications that will make the code easier to read. None of other the proposed amendments are mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.309 SITE AND LANDSCAPING DESIGN

2.309.01 Purpose

The purpose of the site and landscaping design requirements is to provide standards that can be used in the development of property. A development design that incorporates landscaping serves to enhance the appearance of not only the subject property but also that of the City; provides shade and windbreaks where appropriate to conserve energy in building and site design; and provides for buffer and screening of conflicting land uses. (0706)

2.309.02 Scope

A. Landscaping Required. All new construction, expansion of, or redevelopment of structures including interior remodeling as specified in Section 2.315, or parking lots for commercial, multi-family, or industrial uses shall be subject to the site and landscaping requirements of this Section. (07/06)

B. Landscape Plan Review. Landscaping plans shall be submitted for review subject to procedures of this Section and subject to Type 1-A review procedures set forth in section 3.2. (07/06)

C. Tree Plan. A tree plan in accordance with section 2.309.04.B.7 is required with all Type II and III applications and the following Type I applications: Conditional Use and Partitioning. (5/98)

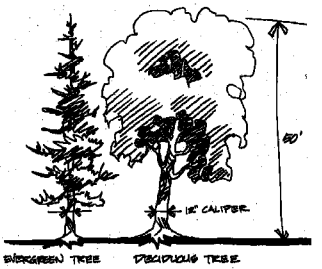
2.309.03 Minimum Area Requirements

Landscaped areas may include landscaping around buildings; open spaces and outdoor recreation areas; islands and perimeter planting areas in parking and loading areas; and areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. The minimum areas devoted to landscaping are established within the applicable zone district the property lis located. (07/06)

Expansions. For addition(s) onto an existing development including interior remodeling as specified in Section 3.15, and parking lots, the minimum new landscaped area shall be determined by: first calculating the percentage of the increase of total floor area or parking area; multiplying the gross site area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development, as noted above. This provision is not intended to include phase construction within a development. (07/06)

2.309.04 General Provisions

A. Landscaped Area. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in a mixture of landscaping elements to include such things as lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Ordinance. Landscaping shall be designed, planted, and maintained in accordance with professional landscaping standards. Landscaping installed over asphalt shall be prohibited. (07/06)



Significant Trees

B. Submittal Requirements. A submitted landscaping plan shall include the following: (5/98)

1. Type, variety, scale and number of plants used; (5/98)

2. Placement and spacing of plants; (5/98)

3. Size and location of landscaped areas; (5/98)

4. Contouring, shaping and preparation of landscaped areas; (5/98)

5. Use and placement of non-plant elements within the landscaping. (5/98)

6. Method of irrigation. (5/98)

7. Location, and identification of any trees, both existing and planned consistent with Section 2.309.04.C. (07/06)

   a. On the Landscaping Plan, the existing significant trees identified by their common names, along with the size of such significant trees. Existing significant trees shall include any trees which were removed within the two-year period prior to the date the application was first submitted shall be shown on the landscape plan. (07/06)

   b. Which significant trees are proposed to be removed, or have been removed within the past two years. (07/06)

c. Which significant trees are to be left standing and what steps will be taken to protect and preserve those trees. (5/98)

d. Location, size and type of replacement trees proposed to be added, if any. (5/98)

C. Significant Trees. As used herein, "significant trees' are trees having a height of more than fifty (50) feet and/or having a trunk whose diameter is more than twelve (12) inches diameter at breast height (5 feet above ground level). (07/06)

a. The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of significant trees. Depending on these factors, the removal of significant trees may be appropriate and approved as part of the landscaping plan. Development of the property shall be in conformance with an approved landscaping site plan that is a condition of a land use approval or a building permit. The City may require that significant trees that are removed (including trees removed within the two years prior to the application) be replaced at the rate of up to two new trees for each significant tree removed or less if a tree specimen which will result in an increased tree size is planted. Replacement trees shall have a trunk, when measured at six (6) inches above ground level, of at least two (2) inches when planted, and shall be a type that will be at least twelve (12) inches in diameter at ground level when fully mature. In lieu of an on-site tree replacement plan, an off-site tree mitigation plan that is consistent with requirements within this section shall be submitted to the Community Development Director for approval. Such off-site location shall be within the city limits or in a city park as approved by the Community Development Director. (07/06)

b. The above provisions include and apply to all significant trees located on the subject property or on any adjacent public right-of-way.

D. Existing Vegetation. The landscape design shall also incorporate as much of the existing desirable vegetation on the site as is possible. (07/06)

2.309.05 Screening and Buffering

A. Screening and Buffering. Screening and buffering shall be used to eliminate or reduce the impacts of the following uses: (07/06)

1. Commercial and industrial uses when abutting residential uses. (5/98)

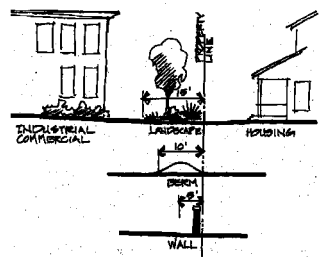
2. Industrial uses when abutting commercial uses. (5/98)

3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas. (5/98)

4. Outdoor storage areas. (5/98)

5. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses. (5/98)

6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners. (5/98)



Alternative Buffering Techniques

7. Shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. (07/06)

B. Where screening or buffering is determined to be necessary, one of the following alternatives shall be employed: (07/06)

1. Width not less than 15 feet shall be planted with the following materials: (07/06)

   a. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart. (5/98)

   b. At least one row of evergreen shrubs that will grow to form a continuous hedge at least five feet in height within one year of planting. (5/98)

   c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area. (5/98)

2. Width not less than 10 feet shall be developed in accordance with the following standards: (07/06)

a. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary. (5/98)

b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use. (5/98)

c. The combined total height of the berm and hedge shall be not less than five feet. (5/98)

3. Width must not be less than five feet shall be developed in accordance with the following standards: (07/06)

a. A masonry wall or sight-obscuring fence not including vinyl slatted chain link fences not less than six feet in height. In addition, a fence shall be maintained in a safe and attractive manner. (07/06)

b. A mixture of lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area. (07/06)

4. Other alternative methods which produce an adequate screening or buffering, may be approved by the City. (07/06)

2.309.06 Planting and Maintenance

A. Planting Height. No sight-obscuring plantings exceeding 30 inches in height shall be located within any required vision clearance area in accordance with Section 2.312.09 of this Ordinance. (5/98)

B. Plant Materials. Plant materials shall not cause a hazard. Landscape plant materials over walkways, pedestrian paths and seating areas shall be pruned to a minimum height of eight feet and to a minimum height of 15 feet over streets and vehicular traffic areas. (5/98)

C. Utility Interference. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground. (5/98)

D. Installation. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic. (5/98)

E. Suitability. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems, and be sound, healthy, free from defects, diseases, and infections. (5/98)

F. Deciduous Trees. Deciduous trees shall have a minimum of 2 inches, and a minimum height of 8 feet at the time of planting. (07/06)

G. Evergreen Trees. Evergreen trees shall be a minimum of 6 feet in height and fully branched at time of planting. (5/98)

H. Shrubbery. Shrubs shall be supplied in a minimum 1 gallon containers or 8 inch burlap balls with a minimum spread of 12 to 15 inches. (5/98)

I. Ground Cover. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container. (07/06)

J. Irrigation. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1,000 square feet of landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials unless otherwise approved by the Zoning Administrator. Sprinkler heads shall not cause any hazard to the public. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. (07/06)

K. Re-planting. Trees or shrubbery which die-off shall be replaced with a new plant of the same or similar type. Replacement is ultimately the responsibility of the property owner. (5/98)

L. Maintenance. Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property. (5/98)

M. Plant Protection. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods. (5/98)

2.310 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

2.310.01 Purpose

To provide for the orderly, safe, efficient and livable development of land within the City of Keizer. (5/98)

2.310.02 Scope

A. Application. The provisions of this Section shall apply to all subdivisions and partitions within the City of Keizer. (5/98)

B. Modification. The design standards in this Section may be modified, provided, findings are established which indicate compliance with these standards is infeasible due to parcel shape, terrain, or location of existing structures. (5/98)

2.310.03 Standards for Lots or Parcels, Lot Line Adjustment Required

A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. (5/98)

B. Lot Line Adjustment. Any adjustment of a lot line between two adjacent parcels ~~in a RS, RH, RM, RH, or RC zone~~ shall require approval of a Lot Line Adjustment in accordance with the standards of Chapter 3.1 and the procedures of Chapter 3.2. (5/98)

C. Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the following exceptions: (5/98)

1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet with no dimension less than 6 feet of semi-private outdoor living space for each unit. (5/98)

2. Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than 3 1/2 times lot width. (5/98)

3. Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions. (5/98)

D. Access. 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 lot width required by the underlying zone. The following exceptions shall apply: (5/98)

1. Residential lots or parcels, including townhouse developments and Planned Unit Developments, may be accessed via an access easement developed in accordance with the provisions of Section 2.302.08. (10/02)

2. Lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, in accordance with the following standards: (5/98)

   a. Internal local streets or drives may be private if allowed in Section 2.302.02F and shall be subject to the provisions of Section 2.302. (10/02)

   b. Collector and arterial streets shall be public and shall comply with the applicable provisions of Section 2.302. Collector or arterial streets may be determined either by design or anticipated traffic volumes. (5/98)

   c. Local streets that are needed to provide access to adjoining properties shall be public and shall comply with the applicable provisions of Section 2.202. (5/98)

3. Cul-de-sac lots shall have a minimum frontage of 25 feet. (5/98)

4. Flag lots, as permitted in Subsection 2.310.03, E. (5/98)

E. Flag Lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed and when in compliance with Section 2.302.03.B. If a flag-lot is permitted, the following standards shall be met: (5/98)

1. The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards. (5/98)

2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance. (5/98)

F. Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major street, adjacent non-residential activities, or to overcome specific development constraints due to topography or lot orientation. Through lots shall be no less than 100 feet in depth. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. Screening or buffering, pursuant to the provision of Section 2.307, may be required by the City during the review of the land division request. (5/98)

G. Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than 1/2 the dimension of the front lot line. (5/98)

H. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of this Code. (5/98)

2.310.04 Additional Design Standards for Subdivisions

A. Standards for Blocks

1. General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography. (5/98)

2. Sizes: Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet. (5/98)

B. Traffic Circulation. The proposed subdivision shall be laid out to provide safe and, convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas,

and industrial areas; and to provide safe and convenient traffic circulation. At a minimum, "nearby" is interpreted to mean uses within 1/4 mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists. (5/98)

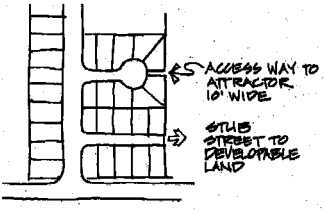


FIGURE 459
3.209.03 Criteria for – Connectivity Standard Examples

C. Connectivity. To achieve the objective in B., above, the Director may require the following: (5/98)

1. Stub Streets: Where the potential exists for additional residential development on adjacent property. (5/98)

2. Pedestrian/Bicycle Accessways: Public accessways to provide a safe and efficient connection from a residential area to nearby residential areas, transit stops, neighborhood activity centers, including schools, parks, shopping centers, other community services and other commercial and industrial areas when such connections are not available by streets and when a pedestrian must go at least one quarter of a mile out of his or her way to make that connection using the street system. (5/98)

D. Design Standards. Pedestrian/bicycle accessways shall meet the following design standards: (5/98)

1. Minimum dedicated width: 10 feet

2. Minimum improved width: 10 feet

3. Maximum length: 250 feet. A clear line of vision for the entire length of the accessway shall be required. (5/98)

4. Lighting shall be provided illuminating any walkway exceeding 150 feet in length to a level where the system can be used at night. Lighting shall be included in the lighting district(s) established for the subdivision. (5/98)

5. The accessway shall be designed to prohibit vehicle traffic. (5/98)

2.310.05 Improvement Requirements - Partitions

During the review of partition proposals, the City shall require, as a condition of approval, the following improvements: (5/98)

A. Private Access. Private driveways serving flag lots, or private streets and access easements, shall be surfaced per the requirements of this Code. (10/02)

B. Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 and 2.316 only if sidewalks currently exist along the connecting street. (10/02)

C. Street Frontage Improvements. The following improvements shall be required: (5/98)

1. If the street frontage of the subject property is less than or equal to ~~250~~ 100 feet, and not along a collector or arterial street the applicant shall sign a non-remonstrance agreement with the City of Keizer. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. (5/98)

2. If the street frontage of the subject property exceeds ~~250~~ 100 feet or is located along a collector or arterial street, or extends an ~~d~~ existing dedicated right-of-way, the applicant shall improve the following unless it is determined by the City that any or all of the required improvements may not be practical or desirable due lack of connecting facilities, or topographical or engineering constraints that may preclude the placement of ~~:~~improvements: (5/98)

a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities. (5/98)

b. Sidewalks, meeting City standards, along public street frontage. (5/98)

c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street. (5/98)

D. Completion Requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the partition. At the discretion of the Public Works Director, certain improvements may be further postponed through a non-remonstrance agreement, or other performance agreement. (5/98)

2.310.06 Improvement Requirements - Subdivisions

The following improvements shall be required for all subdivisions in the City of Keizer: (5/98)

A. Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.302 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood. (5/98)

B. Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 and 2.316 only if sidewalks currently exist along the connecting street. (10/02)

C. Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302. (5/98)

D. Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines. (5/98)

E. Bench Marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure. (5/98)

F. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property. (5/98)

G. Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. (5/98)

If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the City may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is equitable to assure financing his share of the construction and to provide for appropriate reimbursements of costs above those directly attributable to the subdivision. (5/98)

The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the subdivider as is desirable to assure his share of the construction. (5/98)

H. Water System. Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the developer will be responsible for water main sizes necessary to meet minimum fire flow requirements per Uniform Fire Code. The City will not expect the developer to pay for the extra pipe material cost of mains exceeding 8 inches in size. (5/98)

I Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision.

The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g. pedestrian walkways) or sidewalks fronting public property shall not be deferred. (5/98)

J. Street Lights. The installation of street lights is required at locations and of a type required by City standards. (5/98)

K. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits. (5/98)

L. Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works. (5/98)

M. Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards. (5/98)

N. Street Trees. Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.302.03(M). (5/98)

O. Grading & Fills. All grading which results in fills in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered. (5/98)

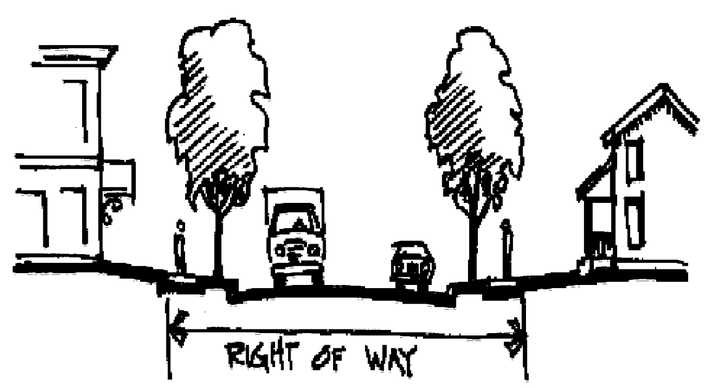


Figure s PAGEREF _Toc168104 \h – Street Tree Plantings

P. Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision. (5/98)

2.310.07 Improvement Procedures

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and

improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure: (5/98)

A. Plan Review. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City. (5/98)

B. Notification. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified. (5/98)

C. Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change. (5/98)

D. Underground Facilities. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made. (5/98)

E. Final Engineering Plans. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City Engineer by the Developer's engineer. (5/98)

3.107 PARTITIONS

3.107.01 Purpose

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other development standards that apply to various uses. The development standards for Partitioning are provided for the orderly, safe, efficient and livable development of land within the City of Keizer. (2/01)

3.107.02 Applicability

A partition is required for any land division that creates two or three parcels in a calendar year. (2/01)

3.107.03 Application and Fee

An application for a partition shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section. (2/01)

3.107.04 General Provisions

A. Validity. Partition approval is valid in perpetuity, upon recording of the final surveyed plat. (2/01)

B. Number of Parcels. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process. (2/01)

C. Master Plan. A master plan for development ~~is~~ may be required for any application that leaves a portion of the subject property capable of replatting. (2/01)

3.107.05 Submittal Requirements for Preliminary Review

A. Application Process. Applications for partitions shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section. (5/98)

B. Submittal Requirements. Each application shall be accompanied by a preliminary partition plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following: (5/98)

1. Appropriate identification stating the drawing is a preliminary plan. (5/98)

2. North point, scale and date. (5/98)

3. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (5/98)

4. Assessor Map number and tax lot number of subject property. (2/01)

5. The property lines and approximate area of the subject property. (2/01)

6. Dimensions and size in square feet or acres of all proposed parcels. (5/98)

7. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines. (5/98)

8. Future Street Plan. A future street plan shall be submitted with partition proposals that include (a) public street(s) to connect to adjacent property for future development. The future street plan shall show the pattern of existing and future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet of the proposed land division property line. The City may determine future neighborhood street connections. A future street proposal may be modified when subsequent development proposals are submitted. (01/02)

3.107.06 Process for Preliminary Review

Preliminary plats for partitions shall be reviewed in accordance with the Type I-B review procedures specified in Section 3.202.02. (2/01)

3.107.07 Review Criteria

Approval of a partitioning shall require compliance with the following: (5/98)

A. Each parcel shall meet the access requirements of Section 2.310.03.D. (5/98)

B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is requested and is approved. (5/98)

C. Each parcel shall comply with the requirements of Section 2.310. (2/01)

D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the

development approval shall indicate how the required improvements or dedications are roughly proportional to the impact. (01/02)

E. Each parcel shall comply with the applicable requirements within ~~of~~ Sections 2.301 (General Provisions) ~~through~~; 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 2.309 (Site and Landscaping Design); and, 2.316 (Infill Development). (2/01)

F. Adequate public facilities shall be available to serve the existing and newly created parcels. (5/98)

3.107.08 Process for Final Plat Approval

A. Survey. Within 1 year of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within 1 year, the preliminary approval shall lapse. A one time one year extension may be granted by the Community Development Director provided that no code revisions have been adopted by City Council that might otherwise affect the partition as proposed. Applicant shall submit written extension request prior to expiration of decision. (5/98)

B. Final Approval. If the partition plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City shall sign the final plat. (5/98)

C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees. (2/01)

D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney, as provided for in Subsection 3.202.05.B. (2/01)

The Keizer Station Plan will be amended at Page 9 as follows:

KEIZER STATION PLAN AREAS AND DESIGN GUIDELINES

The Keizer Station Plan has evaluated each of the four areas from a development, urban design, transportation and public facilities perspective. Based on this evaluation, this Plan recommends a number of specific design guidelines and identifies development issues that will need to be addressed as development occurs in each area. The following section provides the specific area descriptions, design guidelines and issues that will guide future development for each of the following areas:

- Area A – Village Center/Sports Center
- Area B – Retail Service Center
- Area C – Keizer Station Center
- Area D – Commerce Center

To help create the mix of uses envisioned in the Keizer Station Plan, the floor area for specified uses, which generally have retail and commercial characteristics, is limited as provided in the Keizer Development Code (KDC). Each area is limited with a prescribed amount of floor area for specific uses. The specific use restrictions are also included in the Keizer Development Code for each applicable zone and the Activity Center Overlay (ACO) Zone. The areas are restricted to the following amount of square footage for these specified uses as follows:

Areas	Square Footage Limitation for Specified Uses	
Area A –		
Village Center	~~800,000 sq. ft.~~	675,000 sq. ft.
Sports Center	~~15,000 sq. ft.~~	15,000 sq. ft.
Area B – *Retail Service Center*	~~25,000 sq. ft.~~	80,000 sq. ft.
Area C – *Keizer Station Center*	~~65,000 sq. ft.~~	135,000 sq. ft.
Area D – *Commerce Center*	~~70,000 sq. ft.~~	70,000 sq. ft.

[Any similar sections to the square foot limitations are also incorporated herein for all applicable sections of the KSP and Keizer Development Code.]

COUNCIL MEETING: July 2, 2007

AGENDA ITEM NUMBER:_____

TO: **MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

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

SUBJECT: **INITIATING WHEATLAND MEADOWS STREET LIGHTING LOCAL IMPROVEMENT DISTRICT**

ISSUE:

Shall the City Council initiate Wheatland Meadows Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on June 15, 2007 by the developer of Wheatland Meadows subdivision to form a local improvement district for street lights in this area of Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution Initiating Wheatland Meadows Street Lighting Local Improvement District and direct the City Engineer to prepare a survey of the area.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2007-_____

DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING LOCAL IMPROVEMENT DISTRICT (WHEATLAND MEADOWS) AND DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A WRITTEN REPORT WITH THE CITY RECORDER

WHEREAS, the City Council of the City of Keizer has received a petition from the developer to initiate a street lighting district in the Wheatland Meadows development in the City of Keizer, Oregon; and

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

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

1. The City Council declares its intent to initiate Wheatland Meadows Street Lighting Local Improvement District;
2. The map attached hereto, marked Exhibit "A", and by this reference incorporated herein sets forth the proposed boundaries of the district;
3. The City Engineer is hereby directed to make a survey of the District;
4. The City Engineer shall file a written report with the City Recorder to be considered by the City Council on August 6, 2007.

PASSED this ____ day of _____, 2007.

SIGNED this ____ day of _____, 2007.

_____
Mayor

_____
City Recorder

RCd 61507

PETITION TO FORM LOCAL IMPROVEMENT DISTRICT FOR STREET LIGHTING

To the City Council for the City of Keizer:

The undersigned being the owner or contract purchaser of the described property hereinafter set opposite my or its name, hereby petition the Keizer City Council to form a STREET LIGHTING LOCAL IMPROVEMENT DISTRICT for:

Wheatland Meadows Subdivision

within the City of Keizer.

The legal description of the proposed district is:

See Attached Map ~~SEE~~ T6S R3W Section 23db 1300 + 1801

PLEASE ATTACH A MAP OF THE AREA

This petition to form this district is in conformity with the charter, ordinances and regulations of the City of Keizer.

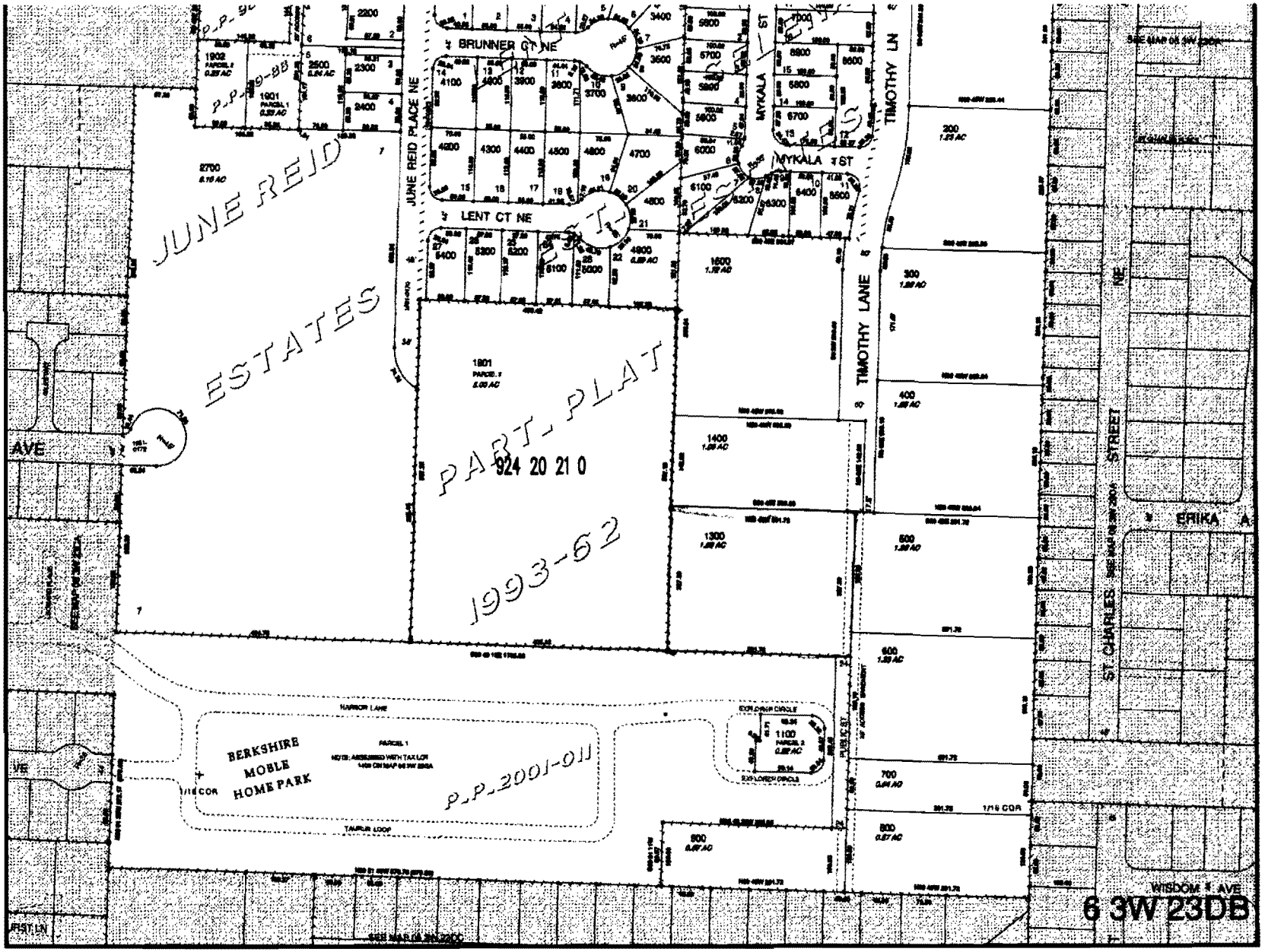
PETITION SUBMITTED BY:

NAME: Capital Enterprises, LLC

ADDRESS: PO Box 2779 Salem, OR 97308

PHONE NUMBER: 503.409.5025

DATE	DEED HOLDER/CONTRACT BUYER	SIGNATURE	ADDRESS OF PROPERTY (IF VACANT - LOT NUMBER/SECTION)
6/8/07	Capital Enterprises, LLC	Craig A Strand, manager	7829 Timothy Lane & 7880 Jive Reid Place



STREAM, LAKE, ETC. TAX LOT BOUNDARY

STREAM, LAKE, ETC. NON-BOUNDARY

SUBDIVISION BOUNDARY

PARTITION PLAT BDY.

TAX CODE BOUNDARY

EASEMENT

SYMBOL TYPES

D.L.C.

CONTROL POINTS

SURVEY MONUMENTS

G.L.O. CORNER

SECTION 1/4 SEC 1/16 SEC

NUMBERS

TAX CODE NO.

000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE DEDICATED PUBLIC RIGHT OF WAYS.

TICK MARKS - WHEN A TICK MARK IS INDICATED OR THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAYS.

ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.

Assessor GIS "We Care" Geographic Information System

SCALE 1" = 100'
or 1:1200

Plot file created: November 27, 2006

CITY COUNCIL MEETING: July 2, 2007

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *INTERGOVERNMENTAL AGREEMENT WITH MARION COUNTY FOR PEER COURT*

Peer Court funding is arranged through federal/state grants and is a "pass through" to the City. The funding is listed as revenue and then as an expenditure for Peer Court operations.

It is my understanding that funding is set for the 2007-08 Peer Court operation and the annual Peer Court agreement is attached. I have worded the resolution authorizing the city manager to sign in such a manner as this does not need to come before Council as an individual approval each year, so long as the funding is confirmed and it is in the budget.

RECOMMENDATION:

Adopt the attached resolution.

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

ESJ/tmh
attachments

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2007-_____

AUTHORIZING THE CITY MANAGER TO SIGN PEER COURT INTERGOVERNMENTAL AGREEMENT BETWEEN MARION COUNTY AND THE CITY OF KEIZER

WHEREAS, the City Council of the City of Keizer has determined that the continued operation of Peer Court is in the best interests of the City and its citizens;

WHEREAS, funding has been confirmed for the 2007-2008 fiscal year for Peer Court;

WHEREAS, Peer Court funding has been established in the City of Keizer budget;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager and other officials are authorized to sign the attached Intergovernmental Agreement – Peer Court Approval.

BE IT FURTHER RESOLVED that, unless revoked by further City Council action, city officials are authorized to sign future Peer Court agreements each year as

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

long as funding for such Peer Court operation has been confirmed and is set forth in the City of Keizer budget.

PASSED this _____ day of _____, 2007.

SIGNED this _____ day of _____, 2007.

_____
Mayor

_____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

INTERGOVERNMENTAL AGREEMENT
PEER COURT APPROVAL

This Agreement is between the City of Keizer, Oregon, hereinafter called **CITY,** and Marion County acting by and through its Juvenile Department, hereinafter called **COUNTY**.

I. **EFFECTIVE DATE AND DURATION.** This Agreement shall become effective on the date this Agreement has been signed by every party hereto, or on July 1, 2007, whichever date is later. This Agreement shall be binding until June 30, 2008 unless terminated sooner under any of the clauses listed under Section VI, Termination.

II. **BACKGROUND.** The **CITY** and **COUNTY** are committed to maximizing the effectiveness of the juvenile justice system through innovation and cooperation by providing a diversion through Peer and City Municipal Courts. Peer and Municipal Courts have operated and shall continue to operate according to the Memorandum of Understanding (Exhibit A), Letter of Agreement, Waiver of Cases, and Protocol for Municipal Courts for each jurisdiction.

III. **STATEMENT OF WORK.** The **CITY** shall directly and/or through subcontracts with individual contractors approved by the **COUNTY**, provide Peer Court programming as described in the Memorandum of Understanding, Letter of Agreement, Waiver of Cases and Protocol for Peer and Municipal Courts for each jurisdiction.

A. The CITY agrees to:

1. For purposes of Peer Court referral processing:
   a. Maintain written documentation of Peer Court activities.

2. For purposes of compliance:
   a. Provide the **COUNTY** copies of the Peer Court Contracts;
   b. Ensure that services provided by **CITY** Peer Court contractors are delivered appropriately;
   c. Provide accurate quarterly reports as determined by the **COUNTY** by the 15th day of the month in January, April, July and October;
   d. Provide a quarterly invoice detailing contractors' work and reimbursable cost for Peer Court;
   e. Make a written request for any change in established protocol or contractor.

3. Should **COUNTY's** role in monitoring and oversight exceed its capacity to provide same within existing resources, pay any mutually agreed upon administrative costs incurred by **COUNTY**.

B. COUNTY agrees to:

1. Provide ongoing oversight, monitoring and cooperation with Peer Court programs to assure compliance with Memorandum of Understanding, Letter of Agreement, Waiver of Cases and Protocol for Peer and Municipal Courts.

2. Make reimbursement of allowable costs not to exceed $5000.00 between July 1, 2007 and June 30, 2008.

3. Collaborate with the **CITY** in the development of any changes in service levels or processes. Any additions or reductions to existing Peer Court service levels shall require the approval of **COUNTY**.

4. Provide technical assistance and be available for consultation on Peer Court processes and reporting.

IV. **DESIGNATED LIAISONS.** Liaisons for the term of this Agreement shall be as follows, all correspondence or notices shall be directed to their attention:

CITY: Cari Emery, Keizer Youth Peer Court
City of Keizer
930 Chemawa Rd
Keizer, OR 97303

COUNTY:
Vicky Johnson, Probation Supervisor
3030 Center St NE, Salem, OR 97301
503-566-2900
vjohnson@co.marion.or.us

V. TERMINATION

A. This Agreement may be terminated by mutual consent of both parties upon 60 days notice, in writing, and delivered by certified mail or in person.

B. The **COUNTY** by written notice of default (including breach of Agreement) may terminate the whole or any part of this Agreement if the **CITY** fails to perform any provision of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from the **COUNTY**, fails to correct such failures within 10 calendar days or such longer period as the **COUNTY** may authorize.

The rights and remedies of **COUNTY** provided in the above clause related to default (including breach of Agreement) by the **CITY** shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

C. The **CITY** by written notice of default (including breach of Agreement) may terminate the whole or any part of this Agreement if the **COUNTY** fails to perform any provision of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from the **CITY**, fails to correct such failures within 10 calendar days or such longer period as the **CITY** may authorize.

The rights and remedies of **CITY** provided in the above clause related to default (including breach of Agreement) by the **COUNTY** shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

VI. **AMENDMENTS.** The terms of this Agreement shall not be waived, altered, modified, supplemented in any manner whatsoever, except by written instrument signed by the parties.

VII. **CONFIDENTIALITY**

A. All information as to personal facts and circumstances obtained by the **CITY** and any community subcontractors on clients shall be treated as privileged communication, shall be held confidential, and shall not be divulged without the written consent of the client, his or her attorney, the responsible parent of a minor child, his or her guardian except as required by other terms of this Agreement. Nothing prohibits the disclosure of information in summaries, statistical information, or other form, which does not identify particular individuals.

B. The use or disclosure of information concerning clients shall be limited to persons directly connected with the administration of this Agreement. Confidentiality policies shall be applied to all requests from outside sources. OYA, the **COUNTY** and all subcontractors will share information as necessary to effectively serve agency clients.

VIII. **INDEMNITY.** The **CITY** shall defend, save, hold harmless, and indemnify the **COUNTY**, its officers, employees, agents, and members from all claims, suits or actions of whatsoever nature resulting from or arising out of the negligent activities or omissions of the **CITY**, its officers, employees, subcontractors, or agents under this Agreement.

The **COUNTY**, through its Juvenile Department, subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution Article XI, Section 7, shall defend, save, hold harmless, and indemnify the **CITY**, its officers, employees, agents, and members from all claims, suits or actions of whatsoever nature resulting from or arising out of the negligent activities or omissions of the **COUNTY**, its officers, employees, subcontractors, or agents under this Agreement. The **COUNTY** shall not be required to indemnify or defend the **CITY** for any liability arising out of the wrongful acts of officers, employees, subcontractors or agents of the **CITY**.

IX. **MERGER CLAUSE.** This agreement constitutes the entire agreement between the parties. No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. Parties, by the signature below of their authorized representatives, hereby acknowledge that they have read this agreement, understand it, and agree to be bound by its terms and conditions.

X. SIGNATURES

MARION COUNTY

Recommended by:

Faye Fagel 6-14-07

Faye Fagel, Director Date

Catherine Grace

Cathy Linvill-Grace,
Administrative Services Manager

Vicky Johnson

Vicky Johnson, Program Supervisor

Approved

Chief Administrative Officer Date

APPROVED AS TO FORM:

Marion County Legal Counsel Date

Marion County Contracts Date

****

APPROVED:

City of Keizer (signature line) 6.18.07

Date

Christopher C. Eppley, City Manager

Name & Title

APPROVED as to LEGAL SUFFICIENCY:

CITY Attorney or Reviewer 18 June 07

Date

EXHIBIT A

LETTER OF AGREEMENT

Between the Marion County Juvenile Department
and the City of Keizer
June 30, 2007

WHEREAS, The City of Keizer is operating a juvenile Municipal Court and is interested in a continuation of this court pursuant to the existing agreement between the Marion County Juvenile Department and the City of Keizer; AND,

WHEREAS, ORS 419C.370 has been amended by the legislature of the State of Oregon to allow for additional offenses involving juvenile offenders to be heard at the Municipal Court level; AND,

WHEREAS, the City of Keizer and Marion County Juvenile Department are committed to maximizing the effectiveness of the juvenile justice system through innovation and cooperation; THEREFORE,

The undersigned parties hereby agree that vehicle, traffic and city ordinance violations be eligible for waiver from the Marion County Juvenile Court to the Keizer Municipal Court pursuant to ORS 419C.370 will be handled in the Keizer Municipal Court unless determined not appropriate.

The parties further agree that the attached list of procedures entitled "A Waiver of Juvenile Cases to Keizer Municipal Court, March 31, 2005" will govern which cases will be handled in Keizer Municipal Court and which will remain under the jurisdiction of the Marion County Juvenile Court.

The parties further agree that the Keizer Municipal Court will, upon its judgment, divert certain juvenile offenders to the Keizer Youth Peer Court if such a diversion is deemed by the Keizer Municipal Court to be appropriate given the circumstances.

This agreement will be reviewed annually to determine the efficacy of handling juvenile cases in Keizer Municipal Court and whether this practice furthers the goals of the Keizer community and the Marion County juvenile justice system.

This agreement, entered into this 30th day of June, 2007 will remain in effect until the Circuit rescinds or modifies the waiver order of either party gives the other party (30) days notice of its intent to terminate the agreement.

Faye Fagl 6-14-07
Director
Marion County Juvenile Department

6-19-7
Chief of Police
Keizer Police Department

Judge
Keizer Municipal Court

Exhibit B

OPERATION PROTOCOL
Keizer Peer Court
Marion County Juvenile Department

September 23, 2004

The Marion County Juvenile Department wishes to cooperate with the Keizer Peer Court to offer a juvenile justice diversion to youth from the Keizer Community who meet agreed upon criteria. The following is a protocol on how this will occur.

1. Youth will be cited to Juvenile Court by Law Enforcement per current policy.

2. The Juvenile Department Intake/Diversion Unit will review referrals received and when appropriate will refer cases to the Keizer Peer Court. Appropriate referrals will meet the following criteria:

    i) Offenders will be between the ages of 12 - 17
    ii) Offenders will reside within the boundaries of the Keizer Community
    iii) First time offenders
    iv) Offenses to be referred will be those listed on appendix A
    v) The Offense appears to have legal merit
    vi) In cases involving restitution, co-defendants who reside in Marion County will be referred to Peer Court even if they do not meet criteria ii above.

3. Appropriate referrals will be routed to the Peer Court Coordinator. The Juvenile Department will open a file and indicate the disposition as "Peer Court".

4. If the referral is successful, the peer court will close their file and provide the youth and family with information on expunction. Requests for expunction will be forwarded by the Peer Court Coordinator to the Juvenile Department Intake/Diversion Unit. The Court will order expunction when notified of successful completion of the peer court process.

    Exception: All cases involving Minor in Possession of Alcohol, Possession of Marijuana less than one ounce, or Possession of Marijuana less than one ounce within 1,000 feet of a school. For these cases, the Peer Court file will be returned to the Juvenile Department.

5. A referral may be unsuccessful for the following reasons:

    i) The youth and family either do not admit to the offense or do not agree to go through the peer court process.
    ii) The youth fails to follow through with the sanctions imposed by the peer court.

6. Unsuccessful referrals will be sent back to the Juvenile Department for further action. The peer court will return the original police report with a summary letter indicating why the referral is being sent back. The letter should detail the sanctions imposed, sanctions not completed, other pertinent case information, and a recommendation from the peer court regarding what further action would be appropriate. No additional sanctions will be provided by the Juvenile Department for status offenses.

7. If a youth receives a new referral while involved with peer court, the Juvenile Department Intake/Diversion probation officer will contact the Peer Court Coordinator to discuss the case. Possible actions would be:

    i) Peer court may be appropriate to handle the new referral if it is relatively minor (curfew, MIP tobacco, Criminal Trespass 3, minor traffics, etc).
    ii) Peer court may continue to handle the original referral and the new referral may be assigned to a Juvenile Department probation officer.
    iii) Peer court may decide to send the original referral back to the Juvenile Department to be dealt with along with the new referral.

8. Successful Peer Court cases may apply for expunction 6 months after the final disposition of Peer Court **if** they have received no subsequent referrals. **Exception:** Minor in Possession of Alcohol, Possession of Marijuana less than one ounce, or Possession of Marijuana less than one ounce within 1,000 feet of a school cases will not be eligible for this expungement process.

9. Sanctions for youth referred for drug/alcohol referrals will include at least the following sanctions:

    i) The Municipal court or Peer Court will hold the youth=s driver=s license or permit for the duration of the case. Youth will not drive during the duration of the case.
    ii) Youth will complete a drug/alcohol evaluation at a certified drug/alcohol treatment provider. Youth will participate in education and/or treatment as recommended. (The Municipal Court, Peer Court and Marion County Juvenile Department will

be included on release of information agreements with drug/alcohol providers.)

iii) Youth will complete 8 hours of community service.

iv) Youth will pay a $50 supervision fee to the Municipal Court or Peer Court.

v) For Possession of Marijuana within 1000 feet of a school, require additional community service, participation in a civic responsibility class or other sanctions to impress upon the youth the seriousness of introducing a controlled substance near an area that should be safe for students.

10. **Note:** For Minor in Possession of Alcohol and Possession of Marijuana less than one ounce charges, the District Attorney has only 6 months from the **date of citation** to file a petition. Therefore, the Juvenile Department needs to be notified when cases are **5 months** from the date of the citation, in order to have enough time to file a petition. This will enable the Juvenile Court to be able to provide a sanction should the youth fail Peer court.

11. Material related to drug/alcohol referrals, such as drug/alcohol evaluations, will be kept in a locked cabinet. Peer Court volunteers will not be allowed access to this material.

12. The Municipal Court and Peer Court will annually provide the Juvenile Department with a report on number of cases, completion rates and other relevant information and statistics.

13) Referrals other than those listed in Appendix A may be reviewed on a case-by-case basis.

6/14/2007

APPENDIX A

Appropriate Peer Court Referrals:

General age range for Peer Courts is 12 to 17 years of age.

- Bicycle/Skateboard violations
- Carrying a concealed weapon (discretion of the Juvenile Department)
- City Ordinances
- Criminal Mischief 2 and 3, Graffiti-related offenses
- Criminal Trespass 1 and 2
- Curfew (including Daytime Curfew), Runaways and Truancy
- Harassment, Telephonic Harassment, Disorderly Conduct, Giving False Information to Police, Misuse of 911, Initiating a False Report
- Menacing (discretion of the Juvenile Department)
- MIP – Tobacco
- MIP of Alcohol by Consumption or Possession
- Misrepresentation of Age
- Pedestrian Interference
- Possession of Less than 1 oz Marijuana
- Possession of Less than 1 oz Marijuana within 1000 Feet of a school
- Reckless Burn
- Theft 2 and 3, Theft by Receiving, Theft of Lost or Mislaid Property, Theft by Deception, Theft of Services less than $750, Mail Theft or Receipt of Stolen Mail
- Traffic, Boating and Game violations/offenses as referred by Municipal Courts – 15 years of age and younger
- Unlawful Possession of Inhalants
- Other offenses not listed may be referred to the Peer Court by the Juvenile Department with agreement of the Peer Court

Keizer Peer Court

Name of Peer Court

CITY COUNCIL MEETING: July 2, 2007

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: AUTHORIZING EXECUTION OF WAIVER OF CONFLICT LETTER (JP MORGAN CHASE BANK/JILLIAN R. BRUCE, ATTORNEY AT LAW)

As you may remember, Jillian R. Bruce was one of the attorneys from the Preston Gates law firm that assisted the City with the negotiation and drafting of the Disposition and Development Agreement (DDA) with Northwest National LLC in connection with the development of Keizer Station. Following that matter, Ms. Bruce moved to the Harrang Long law firm.

Jill contacted me recently indicating that her new law firm had been approached to represent JP Morgan Chase Bank in connection with a possible loan to Northwest National LLC.

Because it possible that the interests of JP Morgan Chase Bank and those of the City could be adverse, Jill is required to have such conflict of interest waived by both the bank and the City.

I have discussed this matter with John Lien and Chris Eppley. We are of the opinion that the conflict does not involve any secrets or confidences that may have been shared with Jill Bruce during her representation of the City. Since Jill is no longer with the Preston Gates firm, there would be no conflict should we require a Preston Gates attorney, such as Harvey Rogers, to assist us. Therefore, we believe it would be appropriate to allow Jill Bruce and the Harrang Long firm to represent JP Morgan Chase Bank and would recommend waiving the conflict of interest.

RECOMMENDATION:

Adopt the attached resolution authorizing the City Manager to sign a conflict waiver letter.

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

ESJ/tmh
attachment

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2007-_____

AUTHORIZING THE CITY MANAGER TO WAIVE THE POTENTIAL CONFLICT OF INTEREST (JP MORGAN CHASE BANK/JILLIAN R. BRUCE, ATTORNEY AT LAW)

WHEREAS, Jillian R. Bruce, Attorney at Law, represented the City of Keizer in a previous matter;

WHEREAS, JP Morgan Chase Bank, has requested Jillian R. Bruce and/or her law firm to represent it regarding a possible loan to Northwest National LLC in connection with Keizer Station development;

WHEREAS, Jillian R. Bruce has fully disclosed the potential conflict to the City and the City has been fully advised by the City Attorney;

WHEREAS, the City Council wishes to waive the conflict of interest to allow Jillian R. Bruce to represent JP Morgan Chase Bank;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to waive the potential conflict of interest.

PASSED this _____ day of _____, 2007.

SIGNED this _____ day of _____, 2007.

_____
Mayor

_____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

MINUTES
KEIZER CITY COUNCIL
Monday, June 4, 2007
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:	Staff:
Lore Christopher, Mayor	Chris Eppley, City Manager
Richard Walsh, Council President	Shannon Johnson, City Attorney
Troy Nichols, Councilor	Nate Brown, Community Development
Jim Taylor, Councilor	Rob Kissler, Public Works
Jacque Moir, Councilor	Marc Adams, Chief of Police
Cathy Clark, Councilor	Tracy Davis, City Recorder
Absent:	
David McKane, Councilor	

FLAG SALUTE

The Pledge of Allegiance was led by Chase Rogers who received international recognition by becoming an international AT Ambassador for Tae Kwon Do.

PUBLIC TESTIMONY

None

PUBLIC HEARING

a. Sushi Town Liquor License Application

City Manager Chris Eppley reported that an application was submitted for a Limited On Premises Sales Liquor License for Sushi Town located at 3854 River Road North, Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done with the Department's response attached to the report and Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application. Staff recommends that following a public hearing Council approve the application.

Mayor Christopher opened the Public Hearing.

The owners of the establishment explained the offerings of the restaurant.

With no further testimony, Mayor Christopher closed the Public Hearing.

Councilor Walsh moved to recommend approval of the application for a Limited On-Premises liquor license for Sushi Town 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 for final approval. Councilor Moir seconded.

Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Moir, Clark and Taylor (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: McKane (1)

ADMINISTRATIVE ACTION

a. Storm Water Utility Presentation – FCS Group

Public Works Director, Rob Kissler, explained that the Storm Water Utility will be managed by the Public Works Department to meet the Federal Clean Water Act and reviewed the program and funding. He then introduced John Ghilarducci who presented an informational program covering the rate structure and financial analysis and comparative rates for neighboring communities. He and Mr. Kissler then fielded questions from Councilors relating to hard surfaces, catch basins, credits, scheduling and funding.

Councilor Walsh moved to direct staff to schedule a public hearing for this matter on June 18. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Moir, Clark and Taylor (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: McKane (1)

b. ORDINANCE ~ Amending Keizer Development Code (Residential Setbacks, Through Street Revisions, and Fence Amendment)

City Attorney, Shannon Johnson, explained that this matter had come before Council at the previous meeting and was herewith presented for adoption.

Councilor Walsh moved to adopt a Bill for an Ordinance Amending Keizer Development Code Regarding Section 1.2 (Definitions), Section 2.103 (Limited Density Residential (RL)), Section 2.104 (Medium Density Residential (RM)), Section 2.105 (High Density Residential (RH)), Section 2.106 (Residential Commercial (RC)), 2.107 (Mixed Use (MU)), Section 2.310 (Development Standards for Land Divisions), and Section 2.312 (Yard and Lot Standards); Amending Ordinance 98-389. Councilor Moir seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Moir, Clark and Taylor (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: McKane (1)

c. Preliminary Choice of Library Services

City Attorney Shannon Johnson explained the process that the Library Task Force had undertaken to solicit a Library Consultant and noted that the task force recommends engaging Ruth Metz Associates to conduct a survey and complete a report.

Consultant

Councilor Walsh moved to authorize the City Manager to request approval from the Oregon State Library to enter into a consulting contract with Ruth Metz Associates. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Moir, Clark and Taylor (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: McKane (1)

CONSENT CALENDAR

A. RESOLUTION – Establishing Bikeways Committee (Amendment to Membership)
B. Approval of May 16, 2007 Special Session Minutes
C. Approval of May 21, 2007 Regular Session Minutes

Councilor Walsh moved for approval of Items A and B. Councilor Nichols seconded. Motion passed as follows:

AYES: Christopher, Walsh, Nichols, Moir and Clark (5)
NAYS: None (0)
ABSTENTIONS: Taylor (1)
ABSENT: McKane (1)

Councilor Walsh moved for approval of Item C. Councilor Nichols seconded. Motion passed unanimously as follows:

AYES: Walsh, Nichols, Moir and Taylor (4)
NAYS: None (0)
ABSTENTIONS: Christopher and Clark (2)
ABSENT: McKane (1)

COMMITTEE REPORTS

a. Volunteer of the Quarter Award

Second Quarter 2007 – Tesdale Family –Valley Mailing

(Taken out of order) Jan Deardorff and Lyndon Zaitz explained that the Tesdales, through Valley Mailing Service, had contributed labor, materials and printing for the Second Edition of the Keizer Cookbook. Proceeds from the cookbook go to the Keizer Community Library.

Elizabeth and Lucy Tesdale accepted the award because Don and Jan are retiring from the business.

COMMITTEE REPORTS (General)

Councilor Moir reported that the Planning Commission would not be meeting in June.

Councilor Walsh reported that

- The Water Trail opening was held June 2
- He will be going to Bend on June 12 for a grant presentation.
- Library Task Force next meeting will be July 19 in order to coordinate with the new consultant. The June meeting has been cancelled.
- Salem-Keizer Area Transportation System approved previously discussed plans.

- Bridge Group is considering six different ideas which will be revealed in a "sneak preview" at the July Planning Commission meeting.

Mayor Christopher noted that the address for the Council Work Session was inaccurate; it should be on Concomly. She asked that Parks Board and KURB members be invited to attend. She urged Councilors to complete City Manager performance evaluations so that an Executive Session could be held on July 2nd.

Councilor Taylor reported that
- KPIC would meet on June 6
- Something Special Task Force meets on June 14, 2007

Councilor Clark reported that
- K23 Task Force decided last month to end their work and the final report is pending. It will be forwarded to City Attorney Shannon Johnson for review and then brought to Council.
- Budget Committee has completed their work. She congratulated City Manager Chris Eppley and Finance Director Susan Gahlsdorf for a great job.
- KARES meets on June 5 at 7 p.m.

OTHER BUSINESS

a. New Business

Chief Adams reviewed Police Department staff changes and added that a new K-9 dog would be arriving soon.

b. Old Business

Public Works Director, Rob Kissler updated Council on the Labish Creek improvements adding that construction of walking paths is scheduled for August with over 900 different types of plant species being added to the park.

Community Development Director Nate Brown reported that
- Meetings are taking place with the consultant to map out a calendar for the Transportation System Plan update project. He will be coming back with a recommendation for the establishment of a task force.
- The power point presentation for the $500,000 grant request was turned in. He commended Shane Witham for his efforts.

WRITTEN COMMUNICATIONS

There were no written communications to come before the Council.

AGENDA INPUT

<u>June 11, 2007</u>

5:45 p.m. City Council Work Session
- **Tour of Outdoor Building at 12423 Concomolly Road NE, Gervais**

<u>June 18, 2007</u>

6:30 p.m. Urban Renewal Agency Meeting
- **2007-2008 Urban Renewal Agency Budget Public Hearing**

7:00 p.m. City Council Regular Session

- **2007-2008 City of McKane Budget Public Hearing**
- **Storm Water Utility Fee Public Hearing**

July 2, 2007

7:00 p.m. City Council Regular Session

ADJOURNMENT Mayor Christopher adjourned the meeting at 8:24 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Deputy City Recorder

Lore Christopher

COUNCIL MEMBERS

~ Absent ~
Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Troy Nichols

Councilor #5 – Richard Walsh

Councilor #3 – Jacque Moir

Councilor #6 – James Taylor

Minutes approved: