

AGENDA

KEIZER CITY COUNCIL **REGULAR SESSION**

Monday, June 16, 2014

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
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**
6. **ADMINISTRATIVE ACTION**
 - a. **Parking Ordinance No. 2005-535 (Request by Tow Company to Amend Ordinance to Allow Parking of Tow Trucks in Public Right-of-Way)**
 - b. **ORDINANCE - Amending Keizer Development Code Regarding Section 2.129 (Chemawa Interchange Overlay Zone (CIO)), Section 2.301 (General Provisions), Section 3.202 (General Procedures – Types I, II, and III Actions), and the Zoning Map; AMENDING ORDINANCE 98-389; Amending the City of Keizer Transportation System Plan (April, 2009) Regarding Chapter 2 and Chapter 4; AMENDING ORDINANCE NO. 2009-589; and Amending Ordinance No. 87-077 (the Keizer Comprehensive Plan); AMENDING ORDINANCE 87-077 to Allow Implementation of the Interchange Area Management Plan (IAMP)**
 - c. **Regulations Relating to Medical Marijuana Facilities Within the City of Keizer**
7. **CONSENT CALENDAR**
 - a. **RESOLUTION – Authorizing the City Manager to Enter Into Agreement with Specialized Pavement Marking, Inc. for Repainting of Pavement Legends**
 - b. **RESOLUTION – Authorizing City Manager to Enter Into Purchase Agreement with Trebron Company Inc. for Purchase of Sophos Email and Web Protection**
 - c. **RESOLUTION – Authorizing the City Manager to Award and Enter Into an Agreement With K & E Excavating, Inc for Reconstruction of Shoreline Drive**
 - d. **RESOLUTION – Adopting the FY14-15 Budget, Making Appropriations and Imposing and Categorizing Taxes; Repealing Resolution R2014-2456**
 - e. **RESOLUTION – Repealing Resolution R83-021, Resolution R84-072, Resolution R85-139, Resolution R87-252, Resolution R87-260, Resolution R87-**

290, Resolution R88-361, Resolution R89-416, Resolution R90-476, Resolution R92-549, and Resolution R94-708 Relating to Land Use Permit Fees, Appeal Fees, and Planning and Building Fees

ORDER – Repealing Order Dated February 17, 1983 (Relating to Ordinance 83-002 and Establishing a Fee Schedule for Fees to be Collected by Marion County in Return for Services Performed in Implementing the Ordinance)

- f. RESOLUTION - Repealing Resolution R92-564 (Establishing the Amount of the Parks System Development Charge), Resolution R93-683 (Clarifying the Parks System Development Charges), Resolution R2000-1231 (Establishing the Amount of the Parks System Development Charge (2000)), and Resolution R2005-1619 (Amending the Parks System Development Charge (2000))
- g. RESOLUTION – Ratifying the Community Development Director’s Execution of a Transportation and Growth Management Grant for Revision of Transportation System Plan
- h. RESOLUTION – Authorizing City Manager to Enter Into User’s Agreement for Law Enforcement Participants of the Regional Automated Property Information Database (“RAPID”) with City of Portland
- i. RESOLUTION – Certification of Delinquent Sewer Accounts (Repealing R2014-2463)
- j. Approval of May 19, 2014 Regular Session Minutes

8. COMMITTEE REPORTS

- a. RESOLUTION – Amending the Keizer Festivals and Events Services Team (K-FEST) Committee; AMENDING RESOLUTION R2011-2155; REPEALING RESOLUTION R2013-2315

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 7, 2014

7:00 p.m. – City Council Regular Session

July 14, 2014

5:45 p.m. – City Council Work Session

July 21, 2014

7:00 p.m. – City Council Regular Session

12. ADJOURNMENT

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

CITY COUNCIL MEETING: June 16, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: PARKING ORDINANCE NO. 2005-535 (REQUEST BY TOW COMPANY TO AMEND ORDINANCE TO ALLOW PARKING OF TOW TRUCKS IN PUBLIC RIGHT-OF-WAY)

This matter is before the City Council for consideration of a change in the parking ordinance to allow two trucks to park in the public right-of-way. The current regulations prohibit parking "motor trucks" on any highway or public right-of-way.

At the public hearing on April 7 and the public forum on June 2, tow truck operators as well as opponents to the suggested change were able to testify. The main concerns from the opponents were safety considerations, including the size of the tow trucks leading to blocking vision areas and aesthetics. It was also expressed that commercial operations should not be in residential neighborhoods.

The tow truck operators indicated that the new trucks are quiet and believe that it is important have trucks in the residential areas to reduce response times.

Liz Rummelhart from Wiltse Towing suggested a compromise may work by allowing trucks to park in driveways and not in public streets. Under current Keizer Development Code provisions for off-street parking, one vehicle used in conjunction with a home occupation or other employment may be parked on the lot providing it complies with the Home Occupation regulations in this regard. A relatively recent change in the Home Occupation section increased the vehicle weight to 16,000 pounds. It is my understanding that that would cover some tow trucks, but probably not the larger flatbed/car carrier type tow trucks. Those type of tow trucks are approximately 25,000 pounds gross vehicle weight and approximately 25-30 feet in length.

Ms. Rummelhart also suggested that increasing the response to twenty minutes would really not make much difference. She also indicated that if drivers are not allowed to park in the driveways, she would be unable to hire anyone who lived in Keizer.

This matter is a policy question for the City Council. The issue is one of possible safety and aesthetics concerns, versus the potential for reduced response times by the tow trucks. I have enclosed copies of the two previous staff reports and any and all attachments in this matter. These attachments provide more details regarding these issues.

Here are some options for Council to consider:

1. Make no change to the parking ordinance or any other regulations. This option would mean the trucks could not be parked on any "highway" or public right-of-way in the city.
2. Direct staff to return with amendments to the parking ordinance to allow tow truck parking on public streets with certain restrictions regarding width, paving, curbs, sidewalks, etc. This option would require a fully paved street not less than 32-34 feet in width, with curbs and sidewalks, as well as requiring a minimum distance from intersections. The Council could also address other issues such as a limit on the size of tow trucks or the type of engine, if you wish to get specific about the noise issues.
3. Direct staff to draft changes to the Keizer Development Code or other regulations to allow for tow truck parking off-street only. This option would allow tow trucks to park in driveways. The Council could consider regulating the size and engine type in this option also.

Staff also recommends that the Council move forward with the house-keeping issues noted in the April 7, 2014 staff report regarding certain fine amounts, private street parking regulations, and truck route amendments.

RECOMMENDATION:

Deliberate and debate the matter. Direct staff as deemed appropriate regarding the tow truck issue. In addition, staff recommends that Council by separate motion directs staff to move forward with the house-keeping amendments.

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

ESJ/tmh

SPECIAL CITY COUNCIL MEETING: June 2, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: PUBLIC FORUM - PARKING ORDINANCE NO. 2005-535
(REQUEST BY TOW COMPANY TO AMEND ORDINANCE TO
ALLOW PARKING OF TOW TRUCKS IN RESIDENTIAL
AREAS)**

City Council scheduled the public forum for tonight to further consider the issue of allowing tow trucks to park in residential zones. Currently, the parking ordinance does not allow any vehicle over 10,000 lbs gross vehicle weight. B.C. Towing initially requested the amendment after the issue was raised in the Clearview Court area.

On April 7, 2014, the Council held a public hearing on this matter. I have attached a copy of the staff report and attachments from such meeting, as well as an excerpt from the April 7, 2014 minutes. At the hearing, representatives of the tow companies, as well as neighbors on Clearview Court presented their point of view to the Council. After closing the hearing, the Council directed staff to prepare an ordinance to amend the regulations to allow tow trucks in residential areas with certain restrictions. The restrictions generally discussed included being on paved streets with curbs and sidewalks, no tow trucks over Class 5, minimum street widths, and certain distances from the intersections.

Council had asked what Salem allows in this regard. Salem's parking ordinance prohibits vehicles in excess of 23 feet in residential zones; there does not appear to be any other prohibitions.

Following that meeting, additional publicity appeared regarding the tow truck issue and the Council received additional input, mainly via email from the citizens. I have enclosed copies of such comments. At the April 21, 2014 meeting, Council passed a motion to hold a public forum on tow truck parking in residential areas. Consequently, the matter is scheduled for public forum tonight.

The matter is a policy decision for Council. When previously considered, the Council comprehensively reviewed the safety issues to the degree possible. The restrictions requiring the tow trucks to be parked on streets with curbs and sidewalks, and kept from the intersections all went towards mitigating safety problems.

On the other hand, the aesthetic or livability issues are more difficult to address. The question for the Council is whether the aesthetic/livability issues outweigh the possibility of a quicker response time by the stand-by drivers. I will point out to the Council that the tow contracts the City has currently require a 15-minute response time and do not address the issue of where the tow trucks are located, other than to require the tow yards to be within the City of Keizer or within five street traveled miles of the Keizer city limits.

The Council should also consider the house-keeping measures noted in the April 7, 2014 staff report regarding certain fine amounts, private street parking regulations, and truck route amendments.

RECOMMENDATION:

Open the public forum and take public testimony. If there are no remaining questions of the public, close the public forum and either defer deliberation or direct staff as Council deems appropriate. (Since this item is a Special Council meeting, not a work session, Council can take action if you wish to do so).

If the Council takes action at tonight's meeting, the motion should include the house-keeping measures on the parking ordinance as referenced above.

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

ESJ/tmh

CITY COUNCIL MEETING: April 7, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: PUBLIC HEARING - PARKING ORDINANCE NO. 2005-535
(REQUEST BY TOW COMPANY TO AMEND ORDINANCE TO
ALLOW PARKING OF TOW TRUCKS IN RESIDENTIAL
AREAS)**

At the March 3, 2014 meeting, Council directed staff to schedule a public hearing to gather citizen input regarding this issue. Notice of tonight's public hearing was published in the March 28, 2014 edition in Keizertimes.

As way of background, at the February 3, 2014 meeting, the owners of B.C. Towing appeared before the City Council and requested that the Parking Ordinance be reviewed to allow parking of tow trucks on the street in front of a tow driver's home. Ordinance No. 2005-535 was initially developed by members of the police department most familiar with enforcing the parking ordinance. The current ordinance has a definition of a "motor truck" that has a gross vehicle weight rating of more than 10,000 pounds. The attached TRAA Vehicle Identification Guide provided by B.C. Towing identifies a Class 1 and Class 2 vehicle fitting the category of a "motor truck" under the current Parking Ordinance. It does not prevent such vehicles from temporarily parking to load or unload (limited to the actual time spent in such operation). When this Ordinance was developed, it was determined that the size of truck being parked created a traffic safety issue, not the actual loaded weight.

The tow truck owners indicated that state law makes tow trucks "emergency vehicles." If a tow truck is assisting at the side of the road, a driver must move to the left or slow down just as if for a police, fire, or ambulance. However, tow trucks are not defined otherwise as emergency vehicles.

Other Ordinances need to be considered when reviewing the Parking Ordinance. City of Keizer Ordinance No. 87-098 (Ordinance Designating Truck Routes; Prohibiting use of Other Highways in Keizer for Operation of Trucks; Prohibiting Use of Air Exhaust Brakes) as amended by Ordinance No. 89-142 currently prohibits motor trucks, trailers or truck tractors on any highway or alley within the City unless such highway or alley has been designated as a truck route. Ordinance No. 87-098 defines a “Motor Truck” as “a vehicle that is primarily designed or used for carrying loads other than passengers and having a combined weight of vehicle and maximum load to be carried thereon of more than 10,000 pounds.” A “Trailer” is defined as “every vehicle without motive power designed to be drawn by another vehicle and which has a combined weight of vehicle and maximum load to be carried on the trailer of more than 10,000 pounds.” “Truck Tractor” is defined as “a motor vehicle designed and used primarily for drawing other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load or both as drawn and having a combined weight of vehicle and maximum load to be carried thereon of more than 10,000 pounds.” Ordinance No. 87-098 does exempt tow vehicles from the prohibitions imposed by the Ordinance.

Another Ordinance (98-389) needing review is the Keizer Development Code, Home Occupation Section. KDC Section 2.407.G states that “No single vehicle or trailer that is associated with a home occupation may have a gross vehicle weight rating of more than 16,000 pounds.” As can be seen on the attached TRAA Vehicle Identification Guide, this would allow a Class 1, Class 2, Class 3 or Class 4 vehicle to be parked on a lot.

There have been complaints about not being able to park large vehicles (trucks) on property and in the street, and there have been complaints about large vehicles being parked in driveways and in the street. On the one hand, parking large vehicles on one’s property or in the street in front of the house can be a convenience, especially when there is not room on the lot to park. On the other hand, parking of large vehicles on property or in the street may have safety concerns, such as vision hazards or livability concerns such as noise and dust. Council should evaluate the potential issues relating to the parking of tow trucks, or parking trucks in general, and give staff direction on how to proceed. I have attached the referenced Ordinances and KDC Sections for your convenience.

Some items to consider when reviewing the Parking Ordinance are:

1. Does the Council want to allow tow trucks to park in residential areas?
2. If the Council desires to allow tow trucks to park in residential areas, what is the largest Class of vehicle allowed to park in residential areas?
3. If the Council wants to allow tow trucks to park in residential areas, do you want to add any restrictions such as hours of day, how many days a week, etc.?
4. Does the Council want to allow other types of trucks to park in residential areas? If

so, do you want to limit the vehicle weight? Under the current Ordinances, the Keizer Development Code states that “No single vehicle or trailer that is associated with a home occupation may have a gross vehicle weight rating of more than 16,000 pounds,” while the Parking Ordinance does not allow a motor truck (gross vehicle weight rating of more than 10,000 pounds), truck trailer or bus to park on any highway or public right-of-way in the City. The Truck Route Ordinance allows vehicles less than 10,000 pounds on any street, while vehicles over 10,000 pounds must use the designated truck routes. Staff suggests that these three Ordinances should complement each other so that regulating of one Ordinance does not conflict with another.

In addition to the tow truck issue, the Parking Ordinance needs to be updated. This Ordinance indicates that the violation of the ordinance is an infraction punishable by a fine of \$50.00, except for violations such as the obstructing of enforcement, damaging of traffic control devices, and installation of unauthorized traffic control devices. These exceptions are punishable by a fine of \$500.00. It has been suggested that the \$50.00 fine be revised to allow the Judge to fine higher amounts up to \$500.00 if warranted.

One other issue relating to the Parking Ordinance is how it applies to private streets. If a derelict vehicle is parked on a private street, does that vehicle’s abatement/infraction fit under the Parking Ordinance or under the Keizer Development Code? If it is determined that it belongs under the Keizer Development Code, the owner of the vehicle as well as the owner(s) of the private street are responsible persons. If it is determined that this is a Parking Ordinance issue, then only the owner of the vehicle is the responsible person. Staff recommends that the Parking Ordinance apply to private streets as well as public streets.

Finally, the Truck Route Ordinance needs to be amended to add an exemption for the home occupation vehicle to allow these vehicles to travel on any highway or public right-of-way for the purposes of getting to the home.

RECOMMENDATION:

Open the public hearing and take testimony. Close the public hearing and if you have no further questions, deliberate the matter and direct staff to draft Ordinance amendments as Council deems appropriate. Some options for the Council are as follows:

1. Take no action on the tow truck issue. By taking no action, the Ordinances remain in effect as is and tow trucks would not be allowed to park on the streets in front of the tow driver’s home.

2. Direct staff to move forward with amendments to allow tow trucks. If this is the direction of the Council, Council should be very specific with regard to the types of trucks and any specific restrictions the Council wishes to add.
3. Direct staff to move forward with other amendments. Staff recommends moving forward with the housekeeping changes noted above, involving the amount of fines, private streets, and truck route amendments.

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

ESJ/tmh

TRAA VEHICLE IDENTIFICATION GUIDE[®]

CLASS 1 • LIGHT-DUTY • (6,000 lbs. or less GVW - 4 tires)*



CLASS 2 • LIGHT-DUTY • (6,001 - 10,000 lbs. GVW - 4 tires)*

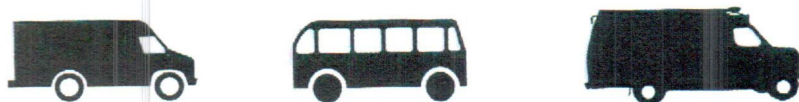


Classes 1 and 2 include passenger vehicles, light trucks, minivans, full size pickups, sport utility vehicles and full size vans.

CLASS 3 • MEDIUM-DUTY • (10,001 - 14,000 lbs. GVW - 6 tires or more)*



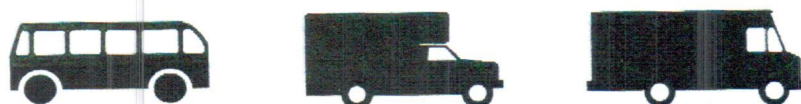
CLASS 4 • MEDIUM-DUTY • (14,001 - 16,000 lbs. GVW - 6 tires or more)*



CLASS 5 • MEDIUM-DUTY • (16,001 - 19,500 lbs. GVW - 6 tires or more)*



CLASS 6 • MEDIUM-DUTY • (19,501 - 26,000 lbs. GVW - 6 tires or more)*

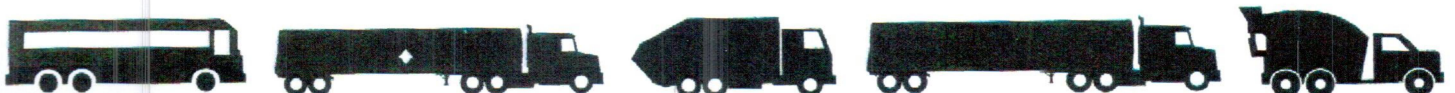


Classes 3 through 6 include a wide range of mid-size vehicles, delivery trucks, utility vehicles, motorhomes, parcel trucks, ambulances, small dump trucks, landscape trucks, flatbed and stake trucks, refrigerated and box trucks, small and medium school and transit busses.

CLASS 7 • HEAVY-DUTY • (26,001 - 33,000 lbs. GVW - 6 tires or more)*



CLASS 8 • HEAVY-DUTY • (33,001 lbs. and over GVW - 10 tires or more)*



Classes 7 and 8 include a wide range of heavy vehicles, large delivery trucks, motor coaches, refuse trucks, cement mixers, all tractor trailer combinations including double trailers.

Information Needed To Correctly Dispatch Towing and Recovery Units:

- Year, Make and Model of Vehicle to be Towed or Recovered
- DOT Classification (Class 1 – 8 based on GVW)
- Location of Vehicle
- Type of Tow (impound, accident, recovery motorist assist, etc.)
- Additional Vehicle Information
 - 2 wheel drive, 4 wheel drive, all wheel drive
 - damage to vehicle, tire condition
 - vehicle loaded or empty
 - cargo contents
 - does the vehicle have a trailer
 - are the keys with the vehicle

Note: Any vehicle may carry hazardous materials. Advise if placarded.

*** Note:** The Gross Vehicle Weight Rating (GVWR) of the vehicle to be towed or recovered can be found on the identification label on the vehicle's driver's side doorframe. The number of pounds listed on the label can then be compared with the DOT Classification Vehicle Type Chart for the correct DOT class.

Law enforcement communications with towing and recovery operators describing an incident and the vehicles involved can insure quick and efficient clearing of these scenes and less disruption to traffic flow. In an effort to standardize communications, the towing industry is adopting the federal vehicle class standards as outlined herein.

VIN CODES

The year of the vehicle is critical information for towing operators in order for them to reference correct towing procedures. The diagrams on the front are examples of classifications. The following information about vehicle identification numbers affixed to the chassis will help determine the vehicle's year. As noted, the vehicle's year, identified by a letter or number in the VIN sequence, is the eighth character from the right.

1P8ZA1279SZ215470

EXAMPLE 1995 VIN NUMBER: _____

1980.....A	1987.....H	1994.....R	2001.....1	2008.....8
1981.....B	1988.....J	1995.....S	2002.....2	2009.....9
1982.....C	1989.....K	1996.....T	2003.....3	2010.....A
1983.....D	1990.....L	1997.....V	2004.....4	2011.....B
1984.....E	1991.....M	1998.....W	2005.....5	2012.....C
1985.....F	1992.....N	1999.....X	2006.....6	
1986.....G	1993.....P	2000.....Y	2007.....7	

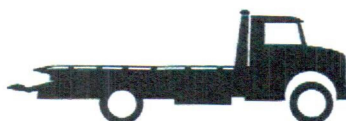
TOW TRUCK/CAR CARRIER CLASSIFICATION

LIGHT-DUTY

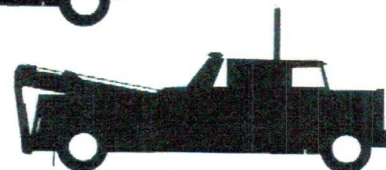
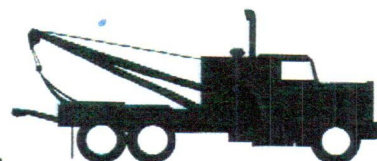
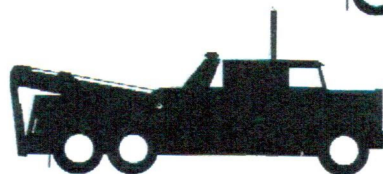
TOW TRUCK



CAR CARRIER



HEAVY-DUTY

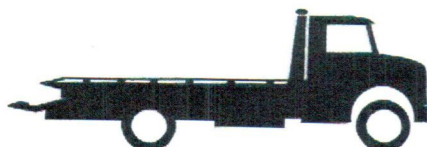


MEDIUM-DUTY

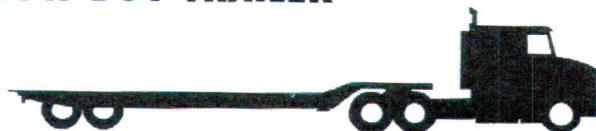
TOW TRUCK



CAR CARRIER



LOW BOY TRAILER



1 BILL NO. 514

A BILL

ORDINANCE NO.

2005- 535

3 FOR

4 AN ORDINANCE

5 **REGULATING PARKING AND ESTABLISHING**

6 **ENFORCEMENT PROCEDURES; REPEALING ORDINANCE 98-388**

7
8 The City of Keizer ordains as follows:

9
10 SECTION 1. DEFINITIONS. The definitions set forth in Oregon Revised Statutes
11 801.100 through 801.375 and 801.385 through 801.610 and the definitions herein shall
12 apply to this ordinance except where the context requires otherwise.

13 (a) Abandoned: A vehicle is abandoned for purposes of ORS 819.100
14 and 819.110 if it is found parked on a highway in the City of Keizer in violation of
15 Section 5, Section 6 or Section 7 of this Ordinance and the vehicle has not been
16 removed from its location for five (5) days or more.

17 (b) Bus: A "bus" means a vehicle that is designed to carry 16 or more
18 passengers, including the driver.

19 (c) Disabled: A vehicle is disabled for purposes of ORS 819.100 and
20 819.110 if the vehicle is presently inoperable indicated by deflated tires, missing
21 mechanical parts or other indications consistent with vehicles that are not capable
22 of being driven. Disabled includes vehicles parked for an extended period of time
23 indicated by the overgrowth of vegetation or the accumulation of debris under, in,
24 on or around the vehicle.

25 (d) Motor Truck: A "motor truck" means a vehicle defined by ORS 801.355
26 that has a gross vehicle weight rating of more than 10,000 pounds.

1 (e) Motor Vehicle: A "motor vehicle" means a vehicle defined by ORS
2 801.360.

3 (f) Park: "Park" means the standing of a vehicle, whether occupied or not,
4 otherwise than temporarily for the purpose of and while actually engaged in
5 loading or unloading property or passengers.

6 (g) Recreational Vehicle: A "Recreational Vehicle" means a vehicle
7 defined by ORS 801.407.

8 (h) Traffic Control Device: A "Traffic Control Device" is a traffic control
9 device defined by ORS 801.540.

10 (i) Trailer: A "trailer" means any vehicle defined by ORS 801.560.

11 (j) Truck Trailer: A "truck trailer" means a vehicle defined by ORS 801.580.

12 (k) Travel Trailer: A "Travel Trailer" means a vehicle defined by ORS
13 801.565.

14 (l) Vehicle: A "vehicle" means a vehicle defined by ORS 801.590.

15 **SECTION 2. AREAS PROHIBITED TO ALL PARKING.**

16 (a) It shall be unlawful for any person to park, stop or stand:

17 1) At any place prohibited by ORS 811.550; or

18 2) On any highway of this city, public right-of-way, or upon
19 premises open to the public marked by a sign indicating "Fire Lane" or
20 adjacent to a curb or on a roadway painted red with a marking of "Fire
21 Lane" placed under the authority of the fire code official of the Keizer Fire
22 District; or

1 3) On any highway of this city or public right-of-way adjacent to a
2 curb painted yellow placed under the authority of the City of Keizer.

3 4) On any highway of this city or public right-of-way for the principle
4 purpose of displaying a vehicle or combination of vehicles for sale; or
5 repairing or servicing a vehicle, combination of vehicles, except repairs
6 necessitated by an emergency; or displaying advertising from the vehicle
7 or combination of vehicles; or selling merchandise from a vehicle or
8 combination of vehicles; or

9 5) At any place in such a manner that interferes with any public
10 improvement project; or

11 6) At any place in such a manner that interferes with or blocks the
12 delivery of mail from the United States Postal Service.

13 (b) Nothing in this section prohibits stops that are made in response to
14 traffic control devices, emergencies related to the operation of a vehicle during
15 the actual period of such emergency, or temporary stops for the expeditious
16 loading or unloading of persons or property. The exemptions from prohibitions
17 on stopping, standing and parking set forth in ORS 811.560 shall apply to section
18 2 of this ordinance.

19 SECTION 3. DESIGNATION OF NO PARKING ZONES. The Director of Public
20 Works is delegated the authority to designate, by written order, areas within 50 feet of
21 an intersection that are prohibited to all parking due to traffic hazards including, but not
22 limited to, restricted vision clearance, pedestrian movements, turning movements, and

1 street ingress and egress volumes. The City Council shall designate, by written order,
2 other areas prohibited to all parking or where parking is otherwise limited.

3 **SECTION 4. PROHIBITED PARKING OF MOTOR TRUCKS, TRUCK TRAILERS**
4 **AND BUSES.** It shall be unlawful for any person to park a motor truck, truck

5 trailer or bus as defined herein on any highway or public right-of-way of this city.

6 However, this section shall not prohibit the temporary parking of such vehicles for
7 the actual loading or unloading of goods, passengers or services, provided that
8 "loading" or "unloading" as used in this section shall be limited to the actual time
9 spent in such operation.

10 **SECTION 5. PROHIBITED PARKING OF VEHICLES IN EXCESS OF**
11 **SEVENTY-TWO HOURS.**

12 (a) Except as provided in Section 8, it shall be unlawful for any person to
13 park any vehicle for any period of time in excess of seventy-two consecutive
14 hours on any highway of the city or public right-of-way.

15 (b) For the purposes of this ordinance, a vehicle is no longer considered
16 "parked" if the vehicle is removed from a location. It is no defense to a
17 prosecution of a violation under this ordinance if the vehicle is simply moved for
18 the purpose of repositioning.

19 **SECTION 6. PROHIBITED PARKING OF VEHICLES (EXCEPT**
20 **RECREATIONAL VEHICLES) NOT DESIGNED FOR SELF-PROPULSION IN EXCESS**
21 **OF FORTY-EIGHT HOURS.** Except for recreational vehicles, it shall be unlawful for

22 any person to park any vehicle which is not designed for self-propulsion and which is

1 not attached to a motor vehicle in excess of forty-eight hours on any highway of this city
2 or public right-of-way.

3 SECTION 7. PROHIBITED PARKING OF INOPERABLE, UNINSURED OR
4 UNREGISTERED VEHICLES. It shall be unlawful for any person to park any motor
5 vehicle which is inoperable or uninsured, or is in violation of ORS 803.230, 803.300,
6 803.315, 803.325, 803.455, 803.540, 803.545, 803.550, 803.560, 803.635 or 803.655
7 on any highway of this city or public right-of-way.

8 SECTION 8. EXCEPTION FOR RECREATIONAL VEHICLES; PERMIT
9 REQUIRED.

10 (a) A person may park a recreational vehicle in excess of seventy-two
11 consecutive hours, if a permit described in this section is granted prior to a
12 recreational vehicle being cited for a violation of this ordinance. In no cases
13 shall a permit be granted for the parking of a recreational vehicle in excess of
14 twenty (20) days in any 90-day period. Three permits shall be the maximum
15 granted in any 12-month period.

16 (b) The Keizer Police Department may establish additional written criteria
17 for issuing parking permits described in this section, and shall be responsible for
18 the issuance of such permits.

19 SECTION 9. OBSTRUCTING ENFORCEMENT. It shall be unlawful for any
20 person to:

21 (a) Cover, erase, alter or otherwise render indistinguishable any mark
22 placed on the tires of a vehicle by any person having enforcement responsibility

1 as provided in section 12. Subsection (a) of this section does not apply to a
2 vehicle that is no longer parked in violation of this ordinance.

3 (b) Knowingly and willfully give any false, untrue, or misleading information
4 to such a person who is acting in the discharge or apparent discharge of the
5 officer's duty with the intent to hinder, delay, mislead or impede an alleged
6 violation of this ordinance or with the intent to obstruct justice.

7 (c) Discard, mutilate, or destroy any parking citation which charges a
8 violation of this ordinance if such charge has not yet been finally resolved by
9 payment of fine or final Court action.

10 SECTION 10. DAMAGING TRAFFIC CONTROL DEVICES. It shall be unlawful
11 for any person to intentionally destroy, damage, deface, alter, tamper with or in any way
12 impair the usefulness of any parking or traffic control device placed, installed or
13 maintained by the City of Keizer.

14 SECTION 11. UNAUTHORIZED TRAFFIC CONTROL DEVICES. It shall be
15 unlawful for any person to place, erect, paint, inscribe or otherwise establish any traffic
16 control device which purports to guide, direct, warn or regulate traffic except those such
17 traffic control devices that are authorized by the City of Keizer or the laws of the State of
18 Oregon.

19 SECTION 12. ENFORCEMENT RESPONSIBILITY. The Chief of Police and
20 every person authorized by the Chief of Police shall have the responsibility for
21 enforcement of the provisions of this ordinance.

22 SECTION 13. METHOD OF CHARGING PARKING VIOLATIONS. Whenever a
23 person described in Section 12 has probable cause to believe that a vehicle is parked in

1 violation of any of the provisions of this ordinance, the person may issue a citation in
2 conformance with ORS 221.333 and file a duplicate original thereof with the Municipal
3 Court Clerk or such other appropriate Court Clerk as the Council may designate from
4 time to time.

5 SECTION 14. RESPONSIBILITY FOR VIOLATIONS.

6 (a) The owner of a vehicle parked in violation of this ordinance shall be
7 responsible for the offense, except where the use of the vehicle was secured by
8 the operator without the owner's consent.

9 (b) In a prosecution involving a vehicle owner charged with a violation of
10 this ordinance, proof that the vehicle was registered to or owned by the
11 defendant shall raise a disputable presumption that the defendant was the owner
12 in fact.

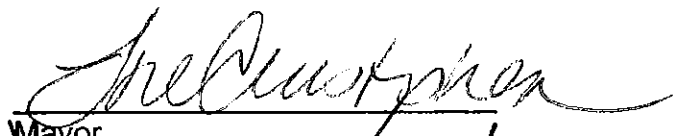
13 SECTION 15. VIOLATIONS. Violation of this ordinance is an infraction
14 punishable by a fine of \$50.00, except violation of Sections 9, 10 and 11 is an infraction
15 punishable by a fine of \$500.

16 SECTION 16. REPEAL. Ordinance number 98-388, an Ordinance Regulating
17 Parking and Establishing Enforcement Procedures, is repealed.

18 SECTION 17. SEVERABILITY. If any section, subsection, sentence, clause,
19 phrase, or portion of the Ordinance is for any reason held invalid or unconstitutional by
20 any court or board of competent jurisdiction, such portion shall be deemed a separate,
21 distinct, and independent provision and such holding shall not affect the validity of the
22 remaining portions hereof.

23 PASSED this 12th day of December, 2005.

SIGNED this 15th day of December, 2005.



Mayor


City Recorder

1 BILL NO. 081

A BILL FOR

ORDINANCE NO. 87-09

2 AN ORDINANCE DESIGNATING TRUCK
3 ROUTES; PROHIBITING USE OF OTHER
4 HIGHWAYS IN KEIZER FOR OPERATION OF
TRUCKS; PROHIBITING USE OF AIR
EXHAUST BRAKES

5 WHEREAS, commercial truck traffic in areas not specifically
6 designated for such usage impacts the safety, aesthetics, road
7 surface condition and the general welfare of the adjacent
8 neighborhood property and the living environment of the
9 community; now, therefore,

10 The City of Keizer ordains as follows:

11 Section 1. Definitions. (a) The definitions set forth in
12 Oregon Revised Statutes 801.100 through 801.375 and 801.385
13 through 801.610 shall apply to this ordinance except where the
14 specific definitions contained in this ordinance apply or the
15 context requires otherwise.

16 (b) "Motor truck" means a motor vehicle that is primarily
17 designed or used for carrying loads other than passengers and
18 having a combined weight of vehicle and maximum load to be
19 carried thereon of more than 10,000 pounds.

20 (c) "Trailer" means every vehicle without motive power
21 designed to be drawn by another vehicle and which has a combined
22 weight of vehicle and maximum load to be carried on the trailer
23 of more than 10,000 pounds. "Trailer" includes but is not
24 limited to the following types of trailers:

25 1) balance trailers,

26 2) bus trailers,

1 - ORDINANCE 87-_____

- 3) commercial bus trailers,
- 4) farm trailers,
- 5) mobile homes,
- 6) pole trailers,
- 7) semi-trailers,
- 8) truck trailers,
- 9) self-supporting trailers,
- 10) special use trailers.

(d) "Truck route" means any highway in Keizer which has been designated by this ordinance as an acceptable highway in Keizer for the through-city transportation of motor trucks, trailers, and truck tractors.

(e) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load or both as drawn and having a combined weight of vehicle and maximum load to be carried thereon of more than 10,000 pounds.

Section 2. Motor truck, trailer and truck tractor traffic prohibited. (a) Except as provided in sub-section (b) and (c) of this section, no person shall operate any motor truck, trailer or truck tractor on any highway or alley within the City of Keizer unless such highway or alley has been designated as a truck route.

(b) Motor trucks, trailers or truck tractors being operated on a highway or alley in Keizer for the following specific purposes are exempt from the prohibition imposed by section 2 (a)

1 of this ordinance:

- 2 1) Loading or unloading goods at any location in
- 3 Keizer.
- 4 2) Going to or from a business in Keizer for
- 5 the purpose of fuel, service or repair.
- 6 3) Servicing utility facilities or construction
- 7 sites in Keizer.

8 (c) The following vehicles are exempt from the prohibition
9 imposed by section 2 (a) of this ordinance:

- 10 1) motor homes,
- 11 2) travel trailers,
- 12 3) emergency vehicles,
- 13 4) tow vehicles,
- 14 5) commercial buses,
- 15 6) school buses.

16 Section 4. Truck Routes Established. (a) Those highways
17 located within Keizer as shown on Exhibit "A", attached hereto
18 and by this reference incorporated herein, are designated as
19 truck routes.

20 (b) The Public Works Director is hereby authorized and
21 directed to erect and maintain specialized traffic control
22 devices in a conspicuous manner and place at each end of the
23 highway or section of highway designated as a truck route herein
24 to give notice of the designation imposed. The Public Works
25 Director is further authorized and directed to erect and maintain
3 traffic control devices giving notice of the truck route

1 designations and prohibitions imposed under this ordinance at
2 such other places as may be necessary to inform the public.

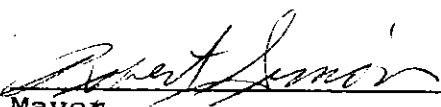
3 Section 5. Air Exhaust Brakes Prohibited. The use of air
4 exhaust brakes (Jake brakes) on highways or alleys in Keizer is
5 prohibited.

6 Section 6. Penalties. A violation of Section 5 of this
7 ordinance is a city infraction.

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

12 PASSED this 2nd day of November, 1987.

13 SIGNED this 5th day of November, 1987.

14
15
16 
17 Mayor

18 
19 City Recorder
20
21
22
23
24
25

6 824G.11

4 - ORDINANCE 87-_____

WARREN COUNTY, OREGON
POPULATION 15,700

FEBRUARY 1985

CLIMATE CHANGE

[illegible]

T. G. I. S. H. D. W. H. M.

Track Route—

(Prohibited Places)

811.430 Driving on highway divider; exceptions; penalty. (1) A person commits the offense of driving on a highway divider if the person drives a vehicle over, across or within a dividing space, barrier or section that is an intervening space, physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic and that divides a highway into two or more roadways.

(2) This section does not apply when the movement of a vehicle that is otherwise prohibited by this section is made:

(a) At an authorized crossover or intersection; or

(b) At the specific direction of a road authority.

(3) The offense described in this section, driving on a highway divider, is a Class B traffic infraction. [1983 c.338 §642]

811.435 Operation of motor vehicle on bicycle trail; exemptions; penalty. (1) A person commits the offense of operation of a motor vehicle on a bicycle trail if the person operates a motor vehicle upon a bicycle lane or a bicycle path.

(2) Exemptions to this section are provided under ORS 811.440.

(3) This section is not applicable to mopeds. ORS 811.440 and 814.210 control the operation and use of mopeds on bicycle lanes and paths.

(4) The offense described in this section, operation of a motor vehicle on a bicycle trail, is a Class B traffic infraction. [1983 c.338 §643]

811.440 When motor vehicles may operate on bicycle lane. This section provides exemptions from the prohibitions under ORS 811.435 and 814.210 against operating motor vehicles on bicycle lanes and paths. The following vehicles are not subject to ORS 811.435 and 814.210 under the circumstances described:

(1) A person may operate a moped on a bicycle lane that is immediately adjacent to the roadway only while the moped is being exclusively powered by human power.

(2) A person may operate a motor vehicle upon a bicycle lane when:

(a) Making a turn;

(b) Entering or leaving an alley, private road or driveway; or

(c) Required in the course of official duty.

(3) An implement of husbandry may momentarily cross into a bicycle lane to permit other

vehicles to overtake and pass the implement of husbandry. [1983 c.338 §645]

811.445 Use of throughway when prohibited; penalty. (1) A person commits the offense of use of a throughway when prohibited if any use restrictions or prohibitions are posted by appropriate signs giving notice thereof and the person violates any restriction or prohibition so posted.

(2) The authority to impose restrictions and prohibitions for purposes of this section is granted under ORS 810.020.

(3) The offense described in this section, use of throughway when prohibited, is a Class C traffic infraction. [1983 c.338 §646]

811.450 Violation of posted truck routes; defense; penalty. (1) A person commits the offense of violation of posted truck routes if appropriate signs designating truck routes are posted and the person does not operate a vehicle in compliance with the posted requirements.

(2) Authority to establish and change truck routes for purposes of this section is established in ORS 810.040.

(3) It is a defense to a charge of violation of this section if the person so charged can establish that the person could not reach the person's destination without traveling upon the street, road or highway prohibited under the posted requirements.

(4) The offense described in this section, violation of posted truck routes, is a Class C traffic infraction. [1983 c.338 §647; 1985 c.393 §39]

(Rail Crossings)

811.455 Failure to stop for railroad signal; penalty. (1) A person commits the offense of failure to stop for a railroad signal if the person fails to comply with any of the following requirements:

(a) A person who is driving a vehicle must stop the vehicle at a clearly marked stop line on the near side of a railroad crossing or, if there is no clearly marked stop line, not less than 15 feet nor more than 50 feet from the nearest rail of the crossing under any of the following circumstances:

(A) When a clearly visible electric or mechanical signal is given by a device that warns of the immediate approach of a railroad train.

(B) Upon the lowering of a crossing gate.

(C) When a signal given by a flagperson indicates the approach or passage of a railroad train.

1 BILL NO. 124

2 A BILL
FOR

ORDINANCE NO.
89- 142

3 AN ORDINANCE AMENDING
4 DESIGNATED TRUCK ROUTES

5 WHEREAS, Lockhaven Drive North is complete and open to
6 traffic, it is appropriate to revise the City truck routes; now,
7 therefore,

8 The City of Keizer ordains as follows:

9 Section 1. Amendment. Section 4(a) of Ordinance 87-098 is
10 amended to read:

11 Section 4. Truck Routes Established. (a) Those
12 highways located within Keizer as shown on exhibit "A March
13 1989", attached hereto and by this reference incorporated
14 herein, are designated as truck routes.

15 Section 2. Emergency. This Ordinance being necessary for
16 the immediate preservation of the public health, safety and
17 welfare, an emergency is declared to exist and this Ordinance
18 shall take effect immediately upon its passage.

19 PASSED this 6th day of March, 1989.

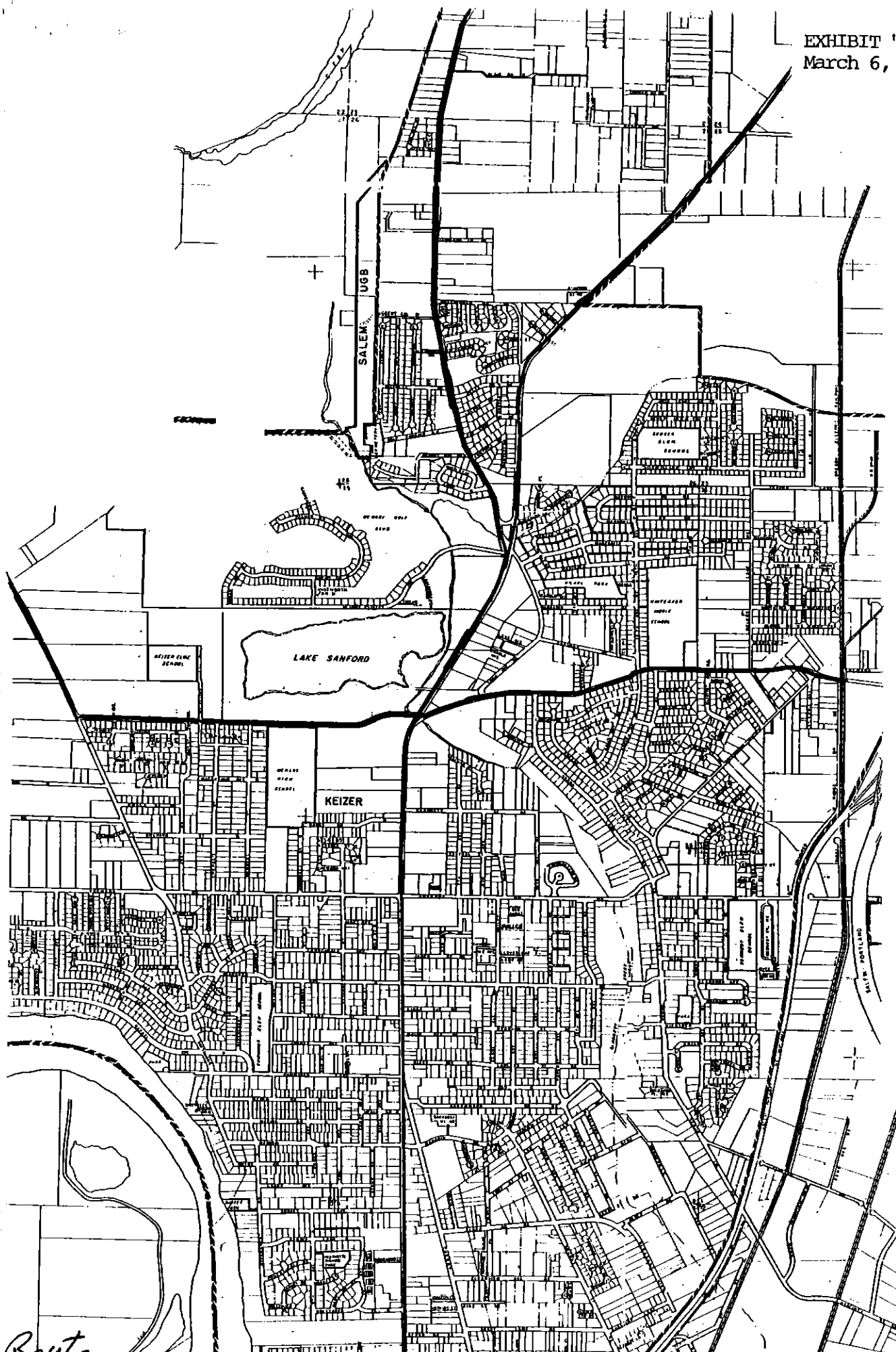
20 SIGNED this 7th day of March, 1989.

21
22 
Mayor

23
24 
City Recorder

25 824G.013/c

EXHIBIT "A"
March 6, 1989



2.407 HOME OCCUPATIONS

The purpose of a home occupation is to allow residents an opportunity to use their homes to engage in small-scale business activities. The standards outlined below are to ensure that home occupations are conducted as a lawful use subordinate to the residential use of the property. Where permitted as a special use, a home occupation shall meet the following use and development standards. (12/11)

- A. Operations. The owner/operator of the home occupation(s) shall reside in the home in which the home occupation is conducted. No more than one outside employee shall be permitted per residence. (12/11)
- B. Compatibility. The home occupation(s) shall be continuously conducted in such a manner as not to create any off premise nuisance, public or private, including but not limited to noise as outlined in the city's Noise Ordinance, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference. This includes uses occurring within the residence, garage, or accessory structure, and also any equipment such as, but not limited to, air compressors or refrigerator trucks that may be used as part of the home occupation. (12/11)
- C. Signs. Signs shall comply with all sign code regulations including the provisions in Section 2.308.08.F(1) of this Ordinance. (12/11)
- D. Location. The home occupation(s) shall be conducted entirely within the dwelling, an attached garage, or in an unattached accessory building. (12/11)
- E. Area. The total floor area devoted to the home occupation(s) shall not exceed 500 square feet. Any structural additions to the dwelling or accessory structure shall be consistent with zoning regulations and shall not result in the change of the primary use of the structure. (12/11)
- F. Alterations. Structural alterations are permitted consistent with Section 2.314 and provided the residential character of the building is not altered nor will result in the change of the primary use of the structure as the residence. (12/11)
- G. Parking. The number of required on-site parking spaces shall not be reduced; however, no additional parking is required. If the home occupation(s) requires an outside employee that will stay on-site, then an additional off-street parking space consistent with Section 2.303 shall be provided. One motor vehicle plus a trailer that is used in conjunction with a home occupation may be parked on the lot. No single vehicle or trailer that is associated with a home occupation may have a gross vehicle weight rating of more than 16,000 pounds. (12/11)

area marathon which will follow the Willamette Valley Scenic Bikeway Route. Mr. Wallery added that the tent will be at the Keizer Lions Club on Cherry Avenue; Cherry will be closed on May 14, the tent will be open from the 15th through the 17th. Ms. Butler announced that she is in charge of volunteers and encouraged any interested parties to volunteer. Councilor Quinn added that half of the proceeds from the golf ball drop will go towards the Big Toy project.

PUBLIC HEARINGS

a. Parking Ordinance No. 2005-535 (Request by Tow company to Amend Ordinance to allow Parking of Tow Trucks in Residential Areas)

City Attorney Shannon Johnson explained that some tow companies have their drivers on call so they take the tow trucks home with them and if they can't park them in their driveway, they have to park them in the street and that is a violation of the City parking ordinance so they have asked Council to consider amending the ordinance to exempt tow trucks. Some "housekeeping" measures have also been included.

Mayor Christopher opened the Public Hearing.

Liz Rummelhart, Wiltse Towing, Salem, explained that towing companies are not able to afford having shifts of drivers so drivers are on call from their homes at night in order to meet Keizer response time requirements. She expressed understanding for the inconvenience of the various noises of tow trucks, noted that her company had never had an issue in Keizer and added that she has no employees who live in Keizer. She voiced concern over a blanket policy exempting tow trucks but suggested that guidelines be put in place such as no parking within 100 feet of an intersection and a stipulation to allow for mediation should neighbors object.

Jack Conwell, Salem, indicated he did not need to testify because Ms. Rummelhart had covered everything he planned on saying.

Ron Duncan, Salem, agreed that there should be rules in place particularly a size limitation (no higher than class 5).

Nick Develin and *John Blake*, Keizer, noted that Clearview has a definite problem with tow trucks making a mess and parking too near the intersection. They requested that a stop sign be put at the end of their cul-de-sac to which Mr. Lawyer indicated he could accommodate them.

With no further testimony Mayor Christopher closed the Public Hearing.

Councilor Egli moved that the Keizer City Council direct staff to bring back an ordinance regarding allowing for tow vehicles in residential areas with restrictions. Councilor Clark seconded.

Discussion then took place regarding current regulations, sight distance and street width restrictions, weight/size limitations, limiting parking to specific areas, changing the response time requirements and reviewing Salem's restrictions.

Motion passed as follows:

AYES: Christopher, Egli, Koho, Quinn, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Freeman (1)

Councilor Egli moved that the Keizer City Council direct staff to review other amendments in the parking ordinance and code enforcement as related to parking issues #3 on the staff report. Councilor Clark seconded.

Mayor Christopher clarified that this relates to the amount of fines, private streets and truck route amendments. Mr. Johnson noted that the current fine is \$50 maximum but other fines are usually up to \$500. Councilor Taylor suggested that staff check with Judge Meyers for his input to improve the ordinance

Motion passed as follows:

AYES: Christopher, Egli, Koho, Quinn, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Freeman (1)

**b. Keizer
Development
Code Section
2.310 – Shadow
Plats**

Community Development Director Nate Brown explained that this is based on a consultant recommendation that shadow platting or a concept plan be required when a property is being partially divided. It is created with the intent that as the City looks forward to an urban growth boundary expansion and larger parcels are incorporated, the City has tools to look at how the overall property will be developed.

Mayor Christopher opened the Public Hearing. Hearing no testimony Mayor Christopher closed the Public Hearing.

Councilor Koho stated that he felt this was an unnecessary regulation. Councilor Egli pointed out that originally staff had recommended that the sites requiring the shadow platting be 10 acres or larger and the Planning Commission reduced it to three.

Councilor Egli moved that the Keizer City Council direct staff to prepare an ordinance with findings to adopt the proposed revisions. Councilor Clark seconded. Motion passed as follows:

AYES: Egli, Quinn, Taylor and Clark (4)

NAYS: Christopher and Koho (2)

ABSTENTIONS: None (0)

ABSENT: Freeman (1)

Harms, Tammie

From: Davis, Tracy
Sent: Monday, April 14, 2014 9:06 AM
To: Keizer City Councilors
Subject: FW: Contact Us Submission

Below is a letter received thru the webpage addressed to the Mayor and Councilors.

Tracy L. Davis, MMC
City Recorder/Event Center Manager
City of Keizer
(503)856-3412

-----Original Message-----

From: JeffreyA.Kelder [REDACTED]
Sent: Saturday, April 12, 2014 8:13 AM
To: Administrator
Subject: Contact Us Submission

The following is a Contact Us form submission from the web:

Submitted by: Jeffrey A. Kelder

Comments:
April 11, 2014

Keizer City Mayor and Councilors,

This evening I read in the Keizer Times that a local towing company presented a proposal to Council to allow the parking of tow trucks on residential streets for the convenience of the towing company's on-call drivers.

May I share with you my first-hand experience with this exact situation, which occurred at my home on Hornet Court North, here in Keizer.

Several years ago my neighbor got a new job as a tow truck driver with a Keizer towing firm. He brought the Jerr-Dan flatbed tow truck home with him during the evenings. His own garage was filled with possessions, so he parked his car in his driveway, and he parked his pickup truck at the curb in front of his house. Guess where he parked the Jerr-Dan - in front of my house, with the truck pointed counter to the flow of traffic. And he strung an extension cord down the public sidewalk and across my park strip grass in order to plug in the engine's block heater during the winter months.

Without fail, at 2am in the morning as the local taverns began to close, the CB radio from within the truck's cab, set at a loud enough volume, would alert him to a call. Out of his house he came, and soon the diesel engine would fire up, rattling as necessary for numerous minutes in order to warm up, and then off he'd roar. Sometime later he returned to our cul-de-sac, and because the truck is too long to turn around, he had to complete a multi-point turn at the end of the street, with the back-up warning horn blaring the whole time.

Again he'd park the truck in front of my house, slam the truck cab door closed, and then walk back across my yard and into his house. Thirty minutes later, the whole scene starts again.

As the Keizer Times editorial mentioned, there are numerous large size commercial business parking lots distributed throughout the city. Let the towing companies negotiate with local

business owners and pay a rental fee to park their tow trucks at these locations - not for free on city streets. The Bi-Mart parking lot is only a three minute drive from my home. If my neighbor needs to go to work at 2am, let him drive his personal car to the towing company's Jerr-Dan parked at a nearby commercial parking lot.

Businesses should operate from locations zoned for business activities, not from within areas designated as residential. Tow trucks degrade the value and the community environment of all nearby homes when these trucks conduct commercial activities from residential neighborhoods.

Why would Council allow a towing business to operate a truck dispatch center from within a residential area?

Is this the livability we want in Keizer?

Jeffrey A. Kelder
[REDACTED]
[REDACTED]

NOTE: This Email was created and sent by an automated system.

Harms, Tammie

From: Davis, Tracy
Sent: Thursday, April 17, 2014 10:18 AM
To: Keizer City Councilors
Subject: FW: Contact Us Submission

Correspondence from a Keizer citizen on the parking/tow truck issue.

Tracy L. Davis, MMC
City Recorder/Event Center Manager
City of Keizer
(503)856-3412

-----Original Message-----

From: WilliamDyke [REDACTED]
Sent: Wednesday, April 16, 2014 5:23 PM
To: Administrator
Subject: Contact Us Submission

The following is a Contact Us form submission from the web:

Submitted by: William Dyke

Comments:

Sir/Madam: I reside at 1380 Clearview Ave NE and have since 1978. My issue is with parking on the land adjacent to the street that is city property. My understanding is that BC towing has proposed a zone change to enable them to park their vehicles on this property. To date, BC's sole accomplishment in our neighborhood has been to create a large mud bog where no one may park. Additionally, they have created a safety hazard for both children of the neighborhood and the adult residents who must back their vehicles from their driveway into the street. I urge you not to make a zone change and particularly one that is in the interest of BC towing as they have proved to be an undesirable neighbor based on their destruction of the city land. Do not open Pandora's box by enabling any proposed legislation. These decisions should be rightly weighted toward the interest of the area's taxpaying residents. Thank you. Bill Dyke

NOTE: This Email was created and sent by an automated system.

Harms, Tammie

From: Davis, Tracy
Sent: Monday, April 28, 2014 5:31 PM
To: Keizer City Councilors
Subject: FW: Comments for the Council
Attachments: Parking Comments.pdf

FYI - Comments from David McKane regarding the parking of tow vehicles.

Tracy L. Davis, MMC
City Recorder/Event Center Manager
City of Keizer
(503)856-3412

From: Dave's Shooting Supply [REDACTED]
Sent: Monday, April 28, 2014 5:25 PM
To: Davis, Tracy
Subject: Comments for the Council

Attached please find comments regarding the current parking debate in Keizer. Would you please distribute copies to the Council?

Thank you.

David McKane

April 28, 2014

Keizer City Council
930 Chemawa Rd NE
Keizer, OR 97303

Dear Council Members,

Please accept these comments regarding whether or not to allow heavy vehicles to park on streets in residential areas of Keizer.

I have lived at my current address in south west Keizer since 1991. Over the years I have dealt with heavy vehicles (vehicles with a gross vehicle weight rating over 10,000 lbs.), parking on streets in my neighborhood. Some vehicles were truck-tractors and others were large trucks and large trucks pulling heavy utility trailers. While the vehicle type varied the outcome was always the same. The parking of these large vehicles made navigating our residential streets more difficult. The ability to see around these larger vehicles makes driving more demanding; especially when one considers that children and bicycle users often find themselves in our residential streets. Add to that the other smaller vehicles parking on the streets and the end result is usually a congested roadway.

Aside from the safety concerns please consider the quality of life in our neighborhoods. Being able to view large trucks from a living room or dining room window does nothing to enhance the livability of our neighborhoods. Add the noise of operating the vehicles and throwing tools around in the middle of the night and the situation is even worse.

The comments regarding tow truck drivers being able to live in Keizer seem disingenuous. I believe one read, "I want my drivers to be able to live in Keizer". "If this law is not passed, I won't be able to hire drivers who live in Keizer. I need to be able to have drivers take their trucks home." Surely there are other options to consider if it is so important to have a tow truck at the ready. I find it hard to believe that arrangements cannot be made to stage tow trucks at locations other than residential neighborhoods. One would think commercial lots, service stations, the Keizer Fire District or even Keizer City Hall could provide options to have a tow truck at the ready in the city of Keizer.

Zoning ordinances and ordinances that reasonably restrict certain activities enhance the safety and livability of our neighborhoods. I do not support allowing larger vehicles being able to park in residential neighborhoods and encourage the City Council to maintain the current parking restrictions.

Sincerely,



David McKane

[REDACTED]
[REDACTED]

This e mail and any files transmitted with it may contain privileged and confidential financial or other information and are intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient, the employee, or the person responsible for delivering the e mail to the intended recipient, you are hereby notified that any use, distribution, or copying of this e mail or its attachment(s) is strictly prohibited. If you have received this e mail in error, please immediately delete the original e mail and attachment(s) from your computer system.

CITY COUNCIL MEETING: June 16, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: ORDINANCE AMENDING KEIZER DEVELOPMENT CODE/
TRANSPORTATION SYSTEM PLAN/COMPREHENSIVE
PLAN TO ALLOW IMPLEMENTATION OF THE
INTERCHANGE AREA MANAGEMENT PLAN (IAMP)**

Following the public hearing on May 19, 2014, the Council directed staff to come back with an Ordinance approving the Keizer Development Code/Keizer Transportation System Plan (April 2009)/Comprehensive Plan Map text changes to revise the Code/Plans involving the Interchange Area Management Plan (IAMP). Such Ordinance is attached for your review.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh

1 BILL NO. ____

A BILL

ORDINANCE NO.

2014-_____

3 FOR

4
5 AN ORDINANCE

6
7
8 AMENDING KEIZER DEVELOPMENT CODE REGARDING
9 SECTION 2.129 (CHEMAWA INTERCHANGE OVERLAY ZONE
10 (CIO)), SECTION 2.301 (GENERAL PROVISIONS), SECTION 3.202
11 (GENERAL PROCEDURES – TYPES I, II, AND III ACTIONS), AND
12 THE ZONING MAP; **AMENDING ORDINANCE 98-389**;
13 AMENDING THE CITY OF KEIZER TRANSPORTATION SYSTEM
14 PLAN (APRIL, 2009) REGARDING CHAPTER 2 AND CHAPTER 4;
15 **AMENDING ORDINANCE NO. 2009-589**; AND AMENDING
16 ORDINANCE NO. 87-077 (THE KEIZER COMPREHENSIVE PLAN);
17 **AMENDING ORDINANCE 87-077 TO ALLOW**
18 **IMPLEMENTATION OF THE INTERCHANGE AREA**
19 **MANAGEMENT PLAN (IAMP)**
20

21
22 WHEREAS, the Keizer Planning Commission has recommended to the Keizer

23 City Council amendments to the Keizer Development Code (Ordinance No. 98-389);

24 WHEREAS, the Keizer Planning Commission has recommended to the Keizer

25 City Council amendments to the Keizer Transportation System Plan (April 2009)

26 (Ordinance No. 2009-589);

27 WHEREAS, the Keizer Planning Commission has recommended to the Keizer

28 City Council amendments to the Keizer Comprehensive Plan Map (Ordinance 87-077);

29 WHEREAS, the Keizer Planning Commission and the Keizer City Council have

30 held hearings on this matter and considered the testimony given;

1 WHEREAS, the Keizer City Council has considered the recommendation by the
2 Planning Commission and determined that it is necessary and appropriate to amend the
3 Keizer Development Code, the Keizer Transportation System Plan, and the Keizer
4 Comprehensive Plan Map as set forth herein;

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

8 NOW, THEREFORE,

9 The City of Keizer ordains as follows:

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

12 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The
13 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption
14 of the changes to Section 2.129 (Chemawa Interchange Overlay Zone (CIO)), Section
15 2.301 (General Provisions), and Section 3.202 (General Procedures – Types I, II, and III
16 Actions), as set forth in Exhibit "B" attached hereto, and by this reference incorporated
17 herein. The Keizer Development Code (Ordinance No. 98-389) is also hereby amended
18 by the revision of the zoning map as indicated in Exhibit “D” attached hereto, and by this
19 reference incorporated herein.

20

1 Section 3. AMENDMENT OF THE CITY OF KEIZER TRANSPORTATION
2 SYSTEMS PLAN (APRIL 2009). The City of Keizer Transportation Systems Plan
3 (April 2009) is hereby amended by the adoption of the changes to Chapter 2 (Goals,
4 Objectives, and Policies) and Chapter 4 (Roadway System) as set forth in Exhibit “C”
5 attached hereto, and by this reference incorporated herein.

6 Section 4. AMENDMENT OF THE KEIZER COMPREHENSIVE PLAN
7 (ORDINANCE NO. 87-077). Ordinance No. 87-077 (Keizer Comprehensive Plan) is
8 hereby amended by the revision of the comprehensive plan map as indicated in Exhibit
9 “D” attached hereto, and by this reference incorporated herein, as well as the changes
10 noted in the Transportation Systems Plan noted above.

11 Section 5. SEVERABILITY. If any section, subsection, sentence, clause,
12 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
13 is denied acknowledgment by any court or board of competent jurisdiction, including,
14 but not limited to the Land Use Board of Appeals, the Land Conservation and
15 Development Commission and the Department of Land Conservation and Development,
16 then such portion shall be deemed a separate, distinct, and independent provision and
17 such holding shall not affect the validity of the remaining portions hereof.

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EXHIBIT “A”

Findings regarding the adoption of amendments to Section 2.301 (General Provisions); Section 3.202 (General Procedures – Types I, II, and III Actions); add Section 2.129 (Chemawa Interchange Overlay Zone) in the Keizer Development Code; amend the zone map and comprehensive plan map to include Chemawa Interchange Management Plan Overlay Zone; add goals, objectives, and policies relating the Chemawa Interchange Management Plan into Chapter 2 of the Transportation System Plan (TSP); and include an alternative Mobility Standards table within Chapter 4 of the TSP.

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

The City of Keizer finds that:

1. General Findings.
 - a. The particulars of this case are found within planning file Text Amendment 2012-06. Public hearings were held before the Planning Commission on July 11, 2012 and before the City Council on May 19, 2014. The Planning Commission reviewed the proposed revisions and voted unanimously to recommend that it be adopted. The City Council voted to direct staff to prepare findings and an ordinance to adopt the proposed text amendment.
 - b. The proposed amendments will:
 - 1) Add Section 2.129 (Chemawa Interchange Overlay Zone) into the Keizer Development Code.
 - 2) Add goals, objectives, and policies relating the Chemawa Interchange Management Plan into Chapter 2 of the Transportation System Plan (TSP).
 - 3) Include an alternative Mobility Standards table within Chapter 4 of the TSP.
 - 4) Amend the zone map to include Chemawa Interchange Management Plan Overlay Zone.
 - 5) Amend the comprehensive plan map to include Chemawa Interchange Management Plan Overlay Zone.
 - 6) Amend to Section 2.301 (General Provisions) of the KDC to include reference for consulting with ODOT when TIA is required.
 - 7) Amend to Section 3.202 (General Procedures – Types I, II, and III Actions) of the KDC to include provision for noticing transit providers and ODOT.
 - c. The IAMP was developed in coordination with ODOT, Keizer, Salem, and Marion County at the initial request of the City.

2. **Section 3.111.04.A – Impact of proposed amendment on development patterns**

Findings: Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the following: Text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment, Section 3.111.04 A is not applicable.

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

Findings: The proposed revisions to the zone code reflect a demonstrated need. The City Council has recognized that from time to time the Keizer 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 revisions to these sections of the Keizer Development Code are intended to identify options to meet the needs of future residents. The demonstrated need is related to meeting the transportation needs of future residents. The IAMP was developed in coordination with ODOT, Keizer, Salem, and Marion County at the initial request of the City. The IAMP establishes the projected 20 year future functionality and deficiencies at the I-5 / Chemawa interchange and identifies a variety of strategies to maintain the functionality of the interchange. As such, the proposed code revision complies with this review criterion.

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

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, a public process of decision making involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizer Times. Public hearings were held before the Planning Commission and the City Council. Public hearings were held before the Planning Commission on July 11, 2012 and before the City Council on May 19, 2014. Citizens were afforded the opportunity to participate in the public process. Finally, the Planning Commission and City Council meetings are televised further providing an avenue for awareness of the issue. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this proposed planning process as is 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 city’s comprehensive plan, the Transportation System Plan, the zone and comprehensive plan maps. The city has an adopted comprehensive plan which has been acknowledged by the state. 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 in accordance with public notice requirements within the Keizer Development Code. The public hearings conducted before both the planning commission and city council provided an opportunity for both verbal and written testimony. No public testimony was received at either the planning commission or at the city council’s public hearing. Therefore, the proposed revisions 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 the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) allow commercial agricultural uses. However, only the SA zone is a state recognized EFU qualifying zone. The amendment involves regulations within the boundaries of the city limits of Keizer. Since the amendments will only involve lands that are designated inside the city limits and which are designated to allow for urban development, it will not affect either the EFU or the SA zoned lands or lawful uses occurring on those lands nor will it affect lands outside the city’s urban growth boundary that are in agricultural production. 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 zone districts that are specifically designated within the city limits that will allow for commercial forestry. Also, there are no commercial forest lands near, or adjacent to the city limits of Keizer. The amendments to the KDC, comprehensive plan and TSP do not involve any land which is designated as forest land, nor will it impact the use of any forest lands. The amendments will only involve lands that are designated inside the city limits and which are designated to allow for residential development, it will not affect lands which allow for commercial forestry or lawful uses occurring on those 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 has a local wetland inventory to identify sites within the city limits where wetland soils may be present. The city has an adopted Willamette River Greenway Overlay zone aimed to protect the resources along the Willamette River. There are no identified big game habitats within the city limits of Keizer.

The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. In addition, the city has also been developing storm water regulations which will further protect water quality of the local water ways. The proposed amendments to the zone code, comprehensive plan, and TSP regulations will not affect any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. Therefore, the proposed text and map amendments will be consistent with this goal and with administrative rules designed 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 thereby reducing the likelihood of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are geared to maintain water quality in Willamette River and other local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city's development code regulations which limit certain types of uses in certain zones. However, air quality regulations are primarily enforced by the appropriate state agencies which govern air emission standards. The amendments will not result in any impacts on the quality of air, water, or land resources and so will comply with this goal and with the 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 within the city limits. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience

very significant water depth and velocity flows. The proposed amendments 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. The city has an adopted Parks and Recreation Master Plan that inventories the parks, playgrounds, and other recreational opportunities within the city limits and also plans for the city’s future park and recreation needs. This plan inventoried 92 acres of parks within the city and another 120 acres under the city’s jurisdiction but which is outside the UGB. This is comprised of one large incorporated park (Keizer Rapids Park); one large 10.6 acre city park; 10 small city parks ranging in size from 1.3 acres to 5.9 acres; three water front parks ranging in size from 1.5 acres to 11.2 acres; one 15.4 acre special use park; two natural area parks ranging from 3.7 acres to 9.5 acres; and one 6.1 acre undeveloped park. The needs assessment determined that there are gaps in park level of service coverage and that the general west Keizer area is under served and that additional park land is needed. The adopted master plan contains a level of service of 5 acres per 1,000 residents. The recently adopted Housing Needs Analysis further refined this and determined that the city will need to provide an additional 43.5 acres to meet future park needs. The proposed amendments will not have any impact on the recreational activities or uses that occur on any park land within the city. The amendments will not impact either this goal or any administrative rules that implement it.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The intent of this amendment is to expand Keizer’s urban growth. The proposed amendment does not impact the ability of either the City of Keizer to seek any additional types of commercial development nor will it affect any established economic development strategies to encourage economic growth. The City of Keizer and Marion County, along with the cities of Salem and Turner, and Polk County developed a regional economic opportunities analysis which identified the economic potentials and constraints within the Salem – Keizer regional area. This will allow for better planning efforts to be made so as to enhance local economies.

The EOA documenting the composition of employment by industry in Keizer exhibits several large deviations from the statewide composition. The deviations represent Keizer's competitive advantages in the economy, which fall largely in population-driven services. Industry classifications such as Retail Trade, Education & Health, and Food Service & Drinking Places have a high representation locally. These well-represented industries, in combination with economic development goals and input from the stakeholders, were used to devise potential future target industries. After discussing and ranking industries based on local aspirations and current representation of that industry in Keizer, the City Council determined that the following list of target industries are appropriate for Keizer to target:

- Medical facilities, including research, development and support
- Information technology/back office
- Educational services, including educational research and job training
- Professional services, including corporate headquarters
- Sporting events

Current employment levels by industry were projected forward based on regional job growth estimates and the above target industry goals. The growth forecast calls for a total of 3,774 new jobs over the next 20 years, representing growth of 55% over current levels. The EOA estimated the need for 160 gross acres of land to accommodate the projected employment growth. An inventory of remaining buildable lands finds 123 acres of buildable land remaining within the city boundary, in the commercial and industrial categories. However, there is no land available that is well-suited for the institutional category, which includes hospitals, higher education facilities, and other uses that figure heavily into the City's economic development strategy. Finally, the EOA shows there is a net need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the City's remaining buildable employment lands can accommodate. The proposed text and map amendments will allow for the adoption of the IAMP and associated comprehensive plan, zone code, and TSP revisions. The intent is to establish a pathway which will lead to eventual improvements to the I-5/Chemawa Road interchange. The continued long-term operation of this interchange will have a positive impact on the city's long-term economic development activities or uses within the city. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: This goal requires the county to plan and provide for the housing needs of its residents. The City of Keizer with Marion County, Polk County, and the City of Salem has developed a regional housing needs analysis for the upcoming 20 year planning period. In a follow up to the regional study, the city adopted its own local housing needs analysis as part of the city's Periodic Review that was geared specifically to Keizer and identified the projected 20 year housing needs for the city. The HNA indicated that over the upcoming 20-year period, that there will be a growth in the number of non-group households by 4,366 households which will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population.

The HNA documented that the largest share (50%) of one housing type is projected to be single-family detached homes, due to the stronger need for new ownership housing. The remainder of units is projected to be some form of attached housing (46%), or mobile homes (4%). 54% are projected to be ownership units, while 46% are projected to be rental units. The inventory of

buildable residential lands finds a current supply of 315.2 acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the City's remaining capacity within its current boundary. When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need for 267 gross acres of residential land, to be accompanied by 43.5 acres of new land for parks to serve this new population, and 10 acres of land for new school facilities. This is a total of 385 gross acres.

The proposed text and map amendments will allow for the adoption of the IAMP and associated comprehensive plan, zone code, and TSP revisions. The intent is to establish a pathway which will lead to eventual improvements to the I-5/Chemawa Road interchange. The continued long-term operation of this interchange will have a positive impact on the city's residential development activities or uses within the city and so will meet with this goal.

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, an established street system, administrative services, police services, and public safety services. Fire protection services are provided by the Keizer Fire District or Marion County Fire District #1. There is sufficient capacity in the municipal water delivery system and also within the sanitary sewer treatment system to accommodate planned growth within the upcoming 20 year planning period. The proposed amendments will not impact any of the city's public facilities and services and the amendments will comply with this goal and all administrative rules.

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. It inventories existing systems and contains plans for improving these systems. As a requirement of development, frontage improvements will be required if it is determined that necessary improvements are lacking. The proposed text amendments regarding the IAMP was developed in coordination with ODOT, Keizer, Salem, and Marion County at the initial request of the City. The IAMP establishes the projected 20 year future functionality and deficiencies at the I-5 / Chemawa interchange and identifies a variety of strategies to maintain the functionality of the interchange. No funding has been identified for the improvement projects within the plan--or is implied. With that in mind, ODOT has asked the city to implement the portion of the plan that affects Keizer. Salem and Marion will likewise incorporate changes to their own codes for the area to the east of I-5 within their jurisdictions. ODOT will then present the plan to the Oregon Transportation Commission for approval of the IAMP and advise us on developing funding

strategies for future improvements. Therefore, the proposed amendments will be consistent with this goal and any implementing rules.

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. The proposed amendments will have no impact this goal or any of the implementing administrative rules.

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 amendments 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, and 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 amendments will not impact the Willamette River. The proposed amendments 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 transportation systems plan, development code, zone and comprehensive plan map revisions comply with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**
- 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 be desirable, appropriate, and proper.

FINDINGS: The IAMP was developed in coordination with ODOT, Keizer, Salem, and Marion County at the initial request of the City. The IAMP establishes the projected 20 year future functionality and deficiencies at the I-5 / Chemawa interchange and identify a variety of strategies to maintain the functionality of the interchange. No funding has been identified for the improvement projects within the plan--or is implied. With that in mind, ODOT has asked the city to implement the portion of the plan that affects Keizer.

Salem and Marion will likewise incorporate changes to their own codes for the area to the east of I-5 within their jurisdictions. ODOT will then present the plan to the Oregon Transportation Commission for approval of the IAMP and advise us on developing funding strategies for future improvements.

It will affect only lands that are within the identified overlay zone, which is Keizer Station Areas A-D; includes a new section to the city's development code which contains the requirements for certain types of development in the overlay zone; will modify the TSP to include goal, objectives and policies relating to this overlay zone; will also modify the TSP to include a table with alternative mobility standards which will essentially allow a degree of flexibility in developing and elevating a traffic impact analysis as a proposal may have on the included intersections; and, identify when a TIA is required and noticing transit providers and ODOT. As a result, the adoption of this plan will reestablish the mobility standard contained in the ODOT Access Permit, raising the Volume/Capacity standard to $0.95(\pm 0.02)$ from $0.87(\pm 0.02)$.

While there are no Comprehensive Plan goals or policies that offer guidance, it is determined that the proposed amendments to the zone code, TSP, comprehensive plan, and maps represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendments are not mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text and map revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

Section 2.129 (CHEMAWA INTERCHANGE OVERLAY ZONE (CIO))

2.129.01 Purpose

The purpose of the Chemawa Interchange Overlay Zone (CIO) is the long-range preservation of operational efficiency and safety of the Chemawa/I-5 Interchange and to implement the Chemawa/I-5 Interchange Area Management Plan (IAMP). The Chemawa/I-5 Interchange is located at the east end of Keizer and the northern edge of Salem. The interchange serves a wide range of land uses and a very large geographic area. These land uses are primarily residential, commercial, educational services, and agricultural. Access to traveler services and industrial uses are not primary functions of the interchange.

The Chemawa Interchange is the primary access to I-5 for the City of Keizer and its predominantly residential land uses as well as Keizer Station, a developing commercial area that is located in the northwest and southwest quadrants of the interchange. The Chemawa Indian School, in the southeast quadrant of the interchange, outside the city limits of Keizer is a large educational use in the interchange area and will likely continue to grow on its existing site. The area northeast of the interchange includes land within Salem city limits, which is planned to be developed as a “gateway” business park with supportive commercial services. Land on the east side of the interchange also includes county-zoned agricultural parcels.

2.129.02 Boundary of the CIO

The boundary of the CIO Zone is shown on the Keizer Comprehensive Land Use Plan Map and Zoning Map^[H1].

2.129.03 Applicability

The provisions of this section shall apply to all Type II, III, and IV land use applications pursuant to Section 3.101 for parcels wholly or partially within the CIO zone, as defined by Section 2.129.02. The standards of the CIO Zone shall supersede where conflicts arise between the standards of the CIO Zone and those contained within other sections of the Keizer Development Code. Applications under this section which are subject to the CIO zone are herein referred to as “Subject Applications”.

2.129.04 Permitted Land Uses

Uses allowed in the underlying zoning district are allowed subject to other applicable provisions in the Development Code and Chapter 2, Zoning Districts.

2.129.05 Access Management

In addition to the standards and requirements of Sections 2.302 (Street Standards), and 2.303 (Off Street Parking and Loading), ~~parcels wholly or partially within the CIO Zone~~ Subject Applications are governed by the Access Management Plan in the Chemawa/I-5 IAMP (Section 5.3). The following applies to ~~land use and development applications~~ Subject Applications ~~for parcels within the overlay district that are governed by~~ subject to Section 2.302.03.O (Street Standards, General Provisions, Access Control Standards).

A. Access Approval

DRAFT IAMP 5-12

1. Access to local streets that are subject to Section 2.129.06(B) within the CIO Zone shall be subject to joint review by the City and the Oregon Department of Transportation (ODOT) and, where applicable, by Marion County. Coordination of this review will occur pursuant to Section 2.129.06.
2. Approval of an access driveway permit shall be subject to the is an Type I decision and is based on the standards contained in this section, the provisions of Sections 2.302, Street Standards, and Section 2.303 (Off Street Parking and Loading) in the Keizer Development Code, and the Access Management Plan in the Chemawa/I-5 IAMP (Section 5.3). Where the recommendations of the Access Management Plan conflict with other access and spacing requirements in Section 2.301 (Street Standards), the Access Management Plan shall govern.

2.129.06 Administration

This section delineates the responsibilities of the City and ODOT to monitor and evaluate vehicle trip generation on the Chemawa Interchange from development approval under this section.

A. Transportation Assessment Report

For all Subject Applications and use applications located within the CIO Zone, the applicant shall prepare and submit to the City a Transportation Assessment Report that documents the following:

1. Expected weekday p.m. peak hour trip generation.
2. Off-site improvements that will be constructed as part of the development.
3. Proposed site-access driveways and streets that are in conformance with the requirements of Section 2.302 (Street Standards), Section 2.303 (Off Street Parking and Loading), and the IAMP Access Management Plan (Section 5.3) to ensure that adequate intersection sight distance and traffic control will be provided.
4. An on-site parking and circulation plan to ensure safe and efficient travel for all modes of travel, including turn movement templates (e.g.: AutoTurn analysis) for anticipated trucks and emergency service vehicles.

B. Traffic Impact Analysis

For all land use applications located within the CIO Zone that increase site traffic volume generation by 250 Average Daily Trips (ADT) or more above the level shown in the the most recent City-approved Keizer Station TIA (or as required by the City Engineer), the applicant shall prepare and submit to the City a Traffic Impact Analysis (TIA) that demonstrates the level of impact of the proposed development on the surrounding street system and the Chemawa/I-5 interchange and prepared pursuant to the requirements in Section 2.301.04 Traffic Impact Analysis (TIA).

DRAFT IAMP 5-12

The determination of impact or effect, and the scope of the TIA, shall be jointly determined by the City and the jurisdiction responsible for coordinated with the provider of the affected transportation facility. The developer shall be required to mitigate impacts attributable to the project, including any impacts that may occur outside of the CIO Zone. Such mitigation requirements shall be binding conditions of approval.

C. Agency Coordination

1. The City shall not deem the land use application complete unless it includes a Traffic Assessment Report or, if required by Section 2.129.06.B, a Transportation Impact Analysis prepared in accordance with the requirements of this SectionChapter.
2. The City shall provide written notification to ODOT no later than ten (10) days afterwhen the application is deemed complete. This notice shall include an invitation to ODOT, City of Salem, and Marion County to participate in the City's site team review meeting, pursuant to Section 3.210, Pre-Application Conference.
3. The City shall also provide written notification to the transit agency and other public or quasi-public agencies that serve the CIO Zone no later than ten (10) days afterwhen the application is deemed complete.
4. ODOT shall have at least 20 days, measured from the date completion notice was mailed, to provide written comments to the City. If ODOT does not provide written comments during this 20-day period, the City staff report will be issued without consideration of ODOT comments.

2.129.07 Comprehensive Plan and Zoning Map and Text Amendments^[H2]

This section applies to all Comprehensive Plan Map and Zoning Map amendments for parcels wholly or partially within the CIO Zone and code amendments that affect development within the CIO Zone.

- A. Transportation Planning Rule Requirements. Applications for Comprehensive Plan amendments, Zoning Map amendments, or development regulation amendments shall determine whether the proposed change will significantly affect a collector or arterial transportation facility and must meet the requirements of Oregon Administrative Rule (OAR) 660-012-0060.
- B. Limitations on Comprehensive Plan and Zoning Map and Text Amendments. To improve safety and ensure that the capacity of the Chemawa/I-5 Interchange is reserved for residential, commercial, and educational service uses surrounding the interchange, consistent with the principal function of the facility, legislative amendments that allow land uses that will generate traffic in excess of the number of trips generated by SKATS modeling conducted for the IAMP are prohibited unless part of a legislative update of the IAMP, pursuant to the provisions of the IAMP and Subsection 2.129.08. In such case, prior to adoption of such legislative amendment, the City shall request IAMP Review and Update pursuant to Section 2.129.08.

DRAFT IAMP 5-12

B.C. IAMP Review and Update. Comprehensive Land Use Plan Map or Zoning Map amendments proposed for land within the CIO Zone that have a “significant affect” on the transportation system and/or Chemawa/I-5 Interchange, pursuant to Section -0060 of the Transportation Planning Rule, will trigger a review of the IAMP in accordance with the provisions of the IAMP.

2.129.08 Interchange Area Management Plan Review and Update^[H3]

A. IAMP Review and Update. Comprehensive Land Use Plan Map or Zoning Map amendments proposed for land within the CIO Zone that have a “significant affect” on the transportation system and/or Chemawa/I-5 Interchange, pursuant to Section -0060 of the Transportation Planning Rule, will trigger a review of the IAMP in accordance with the provisions of the IAMP.

AB. IAMP Updates.

1. If the findings and conclusions from an IAMP review demonstrate the need for an update to the plan, review participants will initiate an IAMP update process pursuant to the provisions of the IAMP.
2. An updated IAMP that results from a Comprehensive Plan Map amendment, pursuant to Section 2.129.07, shall require legislatively adopted amendments to the City of Keizer Transportation System Plan, Comprehensive Plan, and/or Development Code necessary to maintain consistency with the updated IAMP. The updated IAMP will subsequently be adopted by the Oregon Transportation Commission (OTC) as an update to the Oregon Highway Plan.
3. If a proposed land use change would result in the need for additional capacity at the interchange, the initiating party also shall prepare a mitigation funding plan for ODOT and local jurisdiction review as part of an update to the IAMP.

2.301 GENERAL PROVISIONS

2.301.01 Purpose

The purpose of this Section is to:

- A. Carry out the Comprehensive Plan and adopted planning documents such as the Transportation System Plan, with respect to development standards and policies. (11/09)
- B. Insure that natural features of the landscape, such as land forms, natural drainage-ways, trees and wooded areas, are preserved as much as possible and protected during construction. (11/09)
- C. Promote energy conservation and efficiency in development through site planning and landscaping. (11/09)
- D. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods. (11/09)
- E. Encourage quality development that contributes to the needs and character of the community. (5/98)

2.301.02 Application of Standards

- A. Application. The standards governing development as set forth in Section 2.3, the applicable zone district, and/or within Section 2.4 as applicable shall apply to partitions; subdivisions; planned unit developments; commercial and industrial development; public and non-commercial development; single family dwellings, duplexes and multi-family structures. (11/09)
- B. Phasing. Phasing or delay of improvements may be authorized as allowed by this section. When it is determined by the City that the strict application of the requirements outlined in the table below is impractical or not feasible then consideration may be given for delaying or phasing the required public facilities improvements. Phasing may be considered when: (11/09)
 - 1. lack of connecting facilities exists; (11/09)
 - 2. any plans that the city may have for future public facilities improvements that may justify phasing or delaying so that the project may be incorporated into the city's improvement plans; (11/09)
 - 3. other engineering factors that may justify that the improvements should be delayed exist. (11/09)

If a delay or phasing is allowed it is not to be considered as a modification of the required improvements or that the improvements are to be eliminated. The property owner shall sign an appropriate agreement with the city in a recordable form that shall obligate the property owner to construct the improvements at the specified time within the agreement. Phasing is authorized only if specifically allowed for in the land use decision or the building permit. (11/09)

2.301.03 Public Facility Improvement Requirements

Standards for the provision and utilization of public facilities or services available within the City of Keizer shall apply to all land developments in accordance with the following table. No development permit, including building permit, shall be approved or issued unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured in accordance with Subsection 2.310.05.D or 2.310.06.P as applicable. (11/09)

Public Facilities Improvement Requirements Table

LAND USE	FIRE HYDRANT	STREET IMPROVE- MENT	WATER HOOK-UP (PF-1)	SEWER HOOK-UP (PF-6)	STORM DRAIN (PF-7)	STREET LIGHTS (PF-8)
Single Family Dwelling /Duplex	No (unless required by U.F.C.)	PF-3	Yes	Yes	Yes	No
Multi- Family Dwellings	PF-2	Yes and PF -5	Yes	Yes	Yes	Yes
New Public, Commercial or Industrial	PF-2	Yes and PF -5	Yes	Yes	Yes	Yes
Public, Commercial or Industrial Expansion	PF-2	PF-5	Yes	Yes	Yes	Yes
Partition, Subdivision, PUD, MHP	PF-2	PF-4 and PF-5	Yes	Yes	Yes	Yes

Footnotes to Public Facilities Improvement Requirements Table

Legend: No = Not required Yes = Required

PF – Public Facility

PF-1 An approved potable water supply capable of supplying both domestic water supply and also meeting the required fire flow for fire protection shall be provided prior to the start of combustible construction. (11/09)

PF-2. Fire Hydrants shall meet the requirements as set forth in the Uniform Fire Code. (11/09)

PF-3. Street Improvements for Single Family Dwellings / Duplexes: New single family dwellings / duplexes that require a street extension must provide street improvements, and right of way dedication where deemed necessary by the Department of Public Works. Street improvements are required when the improvement will extend an existing street improvement adjacent to the property. The improvements that must be extended when they exist include street lanes to the same width as on adjacent property, curbs, gutters, storm drainage, and sidewalk. In all cases the improvements shall be done to Department of Public Works standards. (11/09)

PF-4. As specified in Section 2.310. (11/09)

PF-5. If a Traffic Impact Analysis (TIA) is required pursuant to Section 2.301.04 the City will require improvement (s) as recommended in such TIA, in addition to those specified in the Public Facilities Improvement Requirements Table as set above. (11/09)

PF-6 Connection to municipal sanitary sewer system shall be required unless property is within a zone district which allows the option of using an on-site septic system. (11/09)

PF-7 New developments and expansion shall connect into an approved storm drainage system or shall provide on-site storm drainage facilities in a system meeting city approval. (11/09)

PF-8 Generally, street lights are not required of partitions but are for subdivisions. Street lights for other developments will be required on a case by case basis. (11/09)

MFD = Multi-family dwelling (3 or more units)

MHP = Manufactured home park

PUD = Planned unit development

SFD = Single family dwelling

2.301.04 Traffic Impact Analysis (TIA)

- A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study. (07/09)
- B. Typical Average Daily Trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips.
- C. When Required. A Traffic Impact Analysis shall be required to be submitted to the City with a development application, when the following conditions apply: (11/09)
 - 1. The development application involves one or more of the following actions:
 - a. A change in zoning or a plan amendment designation; or
 - b. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - 1) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer); or
 - 2) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - 3) The location of the access driveway does not meet minimum intersection sight distance requirements, or

is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or

- 4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
- 5) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

D. Traffic Impact Analysis Requirements. (11/09)

1. Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer. The traffic analysis will be paid for by the applicant.
2. Transportation Planning Rule Compliance. See Section 3.111.05 Transportation Planning Rule Compliance.
3. Pre-application Conference. The applicant will meet with Keizer Public Works prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected. The City shall also consult the Oregon Department of Transportation (ODOT) on analysis requirements when the proposed development is adjacent to or otherwise affects a State roadway.

E. Approval Criteria. (11/09)

1. Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:
 - a. The Traffic Impact Analysis was prepared by a professional engineer; and
 - b. If the proposed development shall cause one or more of the effects in Section 2.301.04.C, above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the City's Level-of-Service and Volume/Capacity standards and are satisfactory to the City Engineer, and ODOT when applicable; and

- c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - 1) Have the least negative impact on all applicable transportation facilities; and
 - 2) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
 - 3) Make the most efficient use of land and public facilities as practicable; and
 - 4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - 5) Otherwise comply with applicable requirements of the City of Keizer Development Code.
- F. Conditions of Approval. The City may deny, approve, or approve a development proposal with appropriate conditions.
 - 1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
 - 2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use may be required.

3.202 GENERAL PROCEDURES –TYPES I, II, AND III ACTIONS

3.202.01 Procedure for Type I-A Review

(Type 1-A: Temporary Use Permit, Signs excluding variances or conditional uses) (3/10)

Applications subject to a Type I-A administrative review shall be reviewed and decided by the Zoning Administrator. (5/98)

- A. Initial Review. Upon receipt of an application for a Type I-A land use action, the City staff shall review the application for completeness. (5/98)
 - 1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of processing the application and all related timing provisions either: (5/98)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)
 - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; (5/98)
- D. Conditions. Approvals of a Type I-A action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (2/01)
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)

- a. Ensure that the standards of the development code are met; or, (2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (2/01)
- 2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (5/98)
- F. Appeals. A Type I-A land use decision may be appealed by the applicant to the Hearings Officer, except that Site plan Reviews shall be appealed to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (5/98)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

3.202.02 Procedure for Type I-B and I-D Review

(Type I-B: Minor Variance, Lot Line Adjustment, Conditional Use, Partition, Greenway Development Permit, Floodplain Development Permit, including Floodplain Development Permit Variances) (Type I-D Major Variance) (3/10)

Applications subject to administrative review shall be reviewed and decided by the Zoning Administrator. (5/98)

- A. Initial Review. Upon receipt of an application for a Type I-B or I-D land use action, the City staff shall review the application for completeness. (07/07/03)
 - 1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)

2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Agency Referrals. Referrals may be sent to interested agencies such as City departments, police and fire departments, school district, utility companies, regional and local transit service providers and applicable city, county, and state agencies at the Director's option. Notice of projects affecting state transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (5/98)
- D. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; The Administrator shall have the option of referring a type I-B application to the Hearings Officer or City Council for the initial decision. The Administrator shall have the option of referring a type I-D application to the Planning Commission or City Council for the initial decision. (07/07/03)
- E. Conditions. Approvals of a Type I-B and I-D action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (07/03)
 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
 - a. Ensure that the standards of the development code are met; or, (2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (5/98)
 2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
 3. Performance bonding to comply with applicable conditions of approval shall comply with the provisions in Section 3.202.05B. (2/01)
- F. Notice. Notice of the decision shall comply with the provisions in Section 3.204.01. (5/98)
- G. Appeals. A Type I-B land use decision may be appealed to the Hearings Officer, by either the applicant or persons receiving notice of the decision. A Type I-D land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. (07/07/03)

The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. (5/98)

- H. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (5/98)

3.202.03 Procedure for Type I-C Review

- A. Initial Review. Upon receipt of an application for a Type I-C land use action, the City staff shall review the application for completeness. (2/01)
1. Incomplete applications shall not be scheduled for Type I-C review until all required information has been submitted by the applicant. (2/01)
 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (2/01)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: processing the application and all related timing provisions either: (2/01)
1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (2/01)
 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (2/01)
- C. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; (2/01)
- D. Conditions. Approvals of a Type I-C action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (2/01)
1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
 - a. Ensure that the standards of the development code are met; or, (2/01)

- b. Fulfillment of the need for public service demands created by the proposed use. (2/01)
- 2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (2/01)
- F. Appeals. A Type I-C land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (2/01)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

3.202.04 Procedures for Type II and Type III Actions

(Type II. Subdivision, Planned Unit Development and Manufactured Home Parks). (04/10)

(Type II-B. Conditional Use for Nursing and Residential Care Facilities - Planning Commission decision) (06/11)

(Type II-B. Transit Station – City Council decision) (06/11)

(Type III. Annexation, Zone Changes involving 5 or fewer adjacent land ownership and Comprehensive plan Map Amendments involving 5 or fewer adjacent land ownerships, and Keizer Station Master Plan Review which may include Subdivision and Partitioning) (4/10)

- A. Initial Review. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness. (5/98)
 - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant. (5/98)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;

2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only. (5/98)
- C. Agency Referrals. Referrals will be sent to interested agencies such as City departments, police and fire districts, school district, utility companies, regional and local transit service providers and applicable city, county, and state agencies. Affected jurisdictions and agencies could include the Department of Environmental Quality, The Oregon Department of Transportation, Salem-Keizer Transit District, and the City of Salem. Notice of projects affecting state transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (07/09)
- D. Public Hearing. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.204.02. (5/98)
- E. Staff Review. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties. The Zoning Administrator may refer the initial decision to the City Council. (5/98)
- F. Notice of Application. Notice of a subdivision application shall be mailed to owners of property within 250 feet of the site and neighborhood association representatives. The notice to owners and neighborhood association members will invite the submittal of written comments on the proposal to the City within 10 days. (01/02)
- G. Hearings Procedures. The public hearing shall comply with the provisions in Section 3.205 or Section 3.206. (06/11)
- H. Conditions. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (5/98)
 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (5/98)
 - a. Protection of the public from the potentially deleterious effects of the proposed use; or, (5/98)
 - b. Fulfillment of the need for public service demands created by the proposed use. (5/98)

2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
 3. Performance bonding for applicable conditions shall comply with the provisions in Section 3.202.05B. (2/01)
- I. Notice. The applicant shall be notified, in writing, of the decision or recommendation. In addition, notice of the decision shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing. (06/11)
- J. Appeals. With the exception of a conditional use for a Transit Station, which is a final decision by the City Council, a Type II land use decision may be appealed to the City Council by either the applicant, persons receiving notice of the decision or the Administrator. The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council. (06/11)
- K. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (2/01)

3.202.05 Special Procedural Requirements

A. 120 Day Time Limit

If for any reason it appears that such final action may not be completed within the 120 day period, unless the applicant voluntarily extends the time period, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance. (5/98)

1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period. (5/98)
2. Public notice shall be mailed to affected parties as specified in Section 3.204.02. (5/98)
3. The City Council shall hold in a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application. (5/98)

B. Performance and Maintenance Bonding (2/01)

Conditions of approval required by the City shall be completed prior to the issuance of any building permit within a residential subdivision or partitioning, or an occupancy permit for any other use. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions. (2/01)

1. Types of Guarantees - Performance guarantees may be in the form of performance bond payable to the City of Keizer, cash, certified check, time certificate of deposit, or other form acceptable to the City. The City Attorney must approve the form and appropriate documents filed with the City Recorder. Agreements may be recorded to restrict building permits. (2/01)
2. Amount of Guarantee - The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance. (5/98)
3. Completion of Performance - All improvements shall be completed within one year of filing the performance guarantee. The Administrator may extend this time limit for up to one additional year. (2/01)
4. Maintenance Bonds for public improvements of 40% of the total cost of improvements is required for one year warranty. (2/01)

DRAFT IAMP REVISIONS to TSP 5-12

Reviewed by planning commission 7-12. Language highlighted in blue is planning commission revision found in Policy #1.

Chapter 2

Goals, Objectives, and Policies

GOALS, OBJECTIVES, AND POLICIES

This chapter provides the goals, objectives, and policies for the future of Keizer’s transportation system. The goals, objectives, and policies for the City’s transportation system guide the development of the transportation system in the City. Objectives and policies for each goal are provided to identify and clarify the course of action to achieve each goal. The goals, objectives, and policies are based on those identified in the previous TSP, conversations with City of Keizer staff, and interactions with the project Technical Advisory Committee.

Public Involvement

Goal 1: Continued coordination with all residents of Keizer for regular monitoring and improvement of the Transportation System.

- Policy 1: Revisions to the TSP shall require a public hearing consistent with state and local requirements.
- Policy 2: The public shall be given an opportunity to comment on various transportation improvements projects through open house presentations and City Council meetings where public input will be considered.

Environment

Goal 2: Provide for a sustainable transportation system which respects the environment and community.

- o *Objective 1: Minimize adverse effects on environmentally sensitive areas and water quality.*
 - Policy 1: Along existing streets which do not have storm drainage systems environmentally sensitive techniques such as the use of rain gardens shall be encouraged.
 - Policy 2: Analysis of all potential transportation improvements shall include potential impacts to wetlands and threatened or endangered species.
 - Policy 3: The planning and construction of future roads shall meet the requirements of applicable federal, state, and local environmental legislation.
 - Policy 4: Potential impacts from increased surface run-off associated with all transportation improvements shall be evaluated when comparing projects, options, or alternatives.
 - Policy 5: Road modernization and construction improvements shall be in compliance with all federal, state, and local water quality regulations.

Policy 6: Recommended improvements shall meet the requirements stipulated in the Clean Air Act Amendments of 1990 and the Oregon State Conformity Rule (OAR Section 340-20-700, et. seq.)

- o *Objective 2: Minimize adverse effects (e.g. noise, air, speed) on neighborhoods.*
- o *Objective 3: Consider opportunities to minimize impervious surfaces through alternative material use and pavement width reductions while still meeting the necessary standards.*

Policy 1: Where possible, such as on in-fill streets, the use of pervious surfaces shall be encouraged.

Streets

Goal 3: Maximize the efficiency of the existing transportation system.

- o *Objective 1: Provide a street system emphasizing connectivity that minimizes travel time and congestion while being compatible with other modes of transportation.*

Policy 1: The city shall periodically review street classifications to ensure that all streets are correctly classified.

Policy 2: New development shall be required to connect to existing streets wherever possible and should avoid new cul-de-sacs unless it is determined through the review of the land use proposal to be impractical.

Policy 3: New development which will adversely impact the street system shall be required to make necessary improvements or mitigation measures that are determined to be roughly proportional to the new development.

Policy 4: Identify, designate, and adopt functional classifications for city streets.

Policy 5: Higher accident locations will be periodically evaluated for potential safety improvements.

Policy 6: Safety issues will be considered when evaluating improvement projects.

Policy 7: Minimize through traffic infiltration in residential neighborhoods by the application of the appropriate road standards and other measures.

Policy 8: Minimize disruption of neighborhoods when designing and constructing new roads.

Policy 9: The pedestrian, bicycle, and street system shall provide connectivity and continuity of travel between city entrance and exit points and major destinations and activity centers. The purpose is to minimize out-of-direction travel and circuitous routing.

o *Objective 2: Maximize available system capacity.*

- Policy 1: Street cross section design may be modified by the City without the need for a variance for City initiated street improvement projects.
- Policy 2: The City shall consider measures such as signal coordination to maintain an efficient street system.
- Policy 3: As much as practical, maintain a street inventory that satisfies planning and decision-making needs. The inventory and/or portions thereof should be updated on a regular basis.
- Policy 4: Techniques that improve capacity shall be used within existing rights of way to the extent practical.
- Policy 5: When appropriate, access management strategies should be employed on arterials to improve safety and facilitate through traffic flow.
- Policy 6: Consider installation of the appropriate bikeway, pedestrian, and public transportation amenities and facilities during design of new streets or major improvements.
- Policy 7: The City shall inventory unused rights of way to determine the viability of certain sections of this portion of the transportation system.

o *Objective 3: Maintain the physical integrity of existing roads to preserve and maximize infrastructure investments.*

- Policy 1: The City shall periodically review its maintenance schedule to ensure the street system is adequately maintained.
- Policy 2: The costs associated with maintaining the existing roads at an acceptable condition shall be determined and addressed prior to the allocation of funds for all improvements.

o *Objective 4: Manage on and off-street parking to support community needs.*

o *Objective 5: Maintain an acceptable level of service within the transportation system.*

- Policy 1: Signalized intersections will operate at Level of Service "D" or better during weekday peak hour conditions. Unsignalized intersections will operate at LOS "E" or better during weekday peak hour conditions. Intersections of two arterial streets will also operate with a volume-to-capacity ratio less than 0.95.

Comprehensive, Connected, and Multimodal**Goal 4: Provide efficient and comprehensive linkages between all modes of transportation.**

- o *Objective 1: Develop paths, connections, and facilities to provide simple access between modes at different parts of work, shopping, or recreational trips.*

Policy 1: Support development of an appropriate transportation infrastructure that is comprehensive, connected, and multimodal.

Policy 2: Work with surrounding jurisdictions to provide improvements to the regional bicycle system.

Policy 3: Support the incorporation of multimodal connections and modal balance into local transportation facilities.

- o *Objective 2: Safety must be an underlying concept for any element of the transportation system.*

Pedestrians and Cyclists**Goal 5: Develop a comprehensive system of pedestrian and bicycle facilities for the City of Keizer.**

- o *Objective 1: Establish a continuous, direct, and safe system of bicycle and pedestrian facilities within the Keizer urban area and connect it to the greater regional system.*

Policy 1: The City shall continue to work with pedestrian and bicycle groups to evaluate improvements to these facilities.

Policy 2: New developments shall be required to provide for pedestrian and bicycle facilities along the property frontage and connect to adjacent or nearby facilities.

Policy 3: The City shall evaluate strategies such as the formation of a local improvement district (LID) as a means to fill in the gaps in the pedestrian and bicycle system.

Policy 4: All bicycle facilities shall be constructed in accordance with ODOT bicycle facility standards where applicable.

Policy 5: Project designs that accommodate bicycle facilities within the roadway rights of way shall be implemented where practical.

Policy 6: The bicycle facilities inventory shall be updated on a regular basis to maintain accuracy.

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| Policy 7: | Bicycle safety devices such as bicycle-proof drain grates, rubberized pads at railroad crossings, and appropriate signage shall be utilized. |
| Policy 8: | Pedestrian issues shall be included in the prioritization of projects for allocation of all city funds. |
| Policy 9: | Support continuation of current (or equivalent) federal, state, and local funding sources to construct or improve pedestrian facilities. |
| Policy 10: | Encourage the timely repair and maintenance of existing pedestrian facilities including those identified as regionally significant. |
| Policy 11: | Ensure that all pedestrian facilities are accessible and constructed in accordance with ADA and City sidewalk standards, including reasonable grades and adequate clearances. |
| Policy 12: | The City shall work toward the completion of the street lighting system, designed to City illumination standards, on all arterial and collector streets. Through the use of neighborhood street lighting districts, property owners shall be encouraged to provide street lighting, designed to City illumination standards, on all public local streets. |
| Policy 13: | Support an urban design that adequately considers pedestrian needs. |
| Policy 14: | Where appropriate, such as on steep slopes or in environmentally sensitive areas, natural material in pedestrian facilities may be considered. |
| Policy 15: | Pedestrian facilities that are not located within the right of way shall be within an easement granting the public the right to use the facility. |
| Policy 16: | Designate a continuous and direct system of bicycle facilities that provides access to activity centers, schools, and other major destinations. |
| Policy 17: | Identify necessary facility improvements on the bicycle system to ensure adequate bicycle access to activity centers, schools, and other major destinations. |
| Policy 18: | The City will evaluate the feasibility and opportunity for Safe Routes to Schools programs in Keizer. |
| Policy 19 | The city has identified in its Parks Master Plan a priority for multi-use paths adjacent to green spaces. |
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Objective 2: Achieve greater public awareness of safe pedestrian, bicycling, and motoring practices, procedures, and skills.

Policy 1: The City shall monitor pedestrian and bicycle crash data to formulate ways to reduce pedestrian and bicycle crashes.

Policy 2: Encourage the delineation of safe pedestrian ways, emphasizing separation from vehicular areas using planting strips, crosswalks, and increased lighting where appropriate.

Transit

Goal 6: Support a public transit system for all Keizer residents focusing on accessibility and mobility.

- o *Objective 1: Facilitate public transit services throughout the urbanized portions of the Keizer area that ensures convenient accessibility to a variety of destinations at different times of the day. Advocate affordable transit service and increase ridership.*

Policy 1: The City will work with the Transit District to assure continued high quality transit system responsive to local community needs.

Policy 2: Support the implementation of region-wide transportation system efficiency strategies and activities that encourage the diversion of commuter trips away from the single-occupant vehicle.

Policy 3: Encourage preferential transit treatments, transit-related facility improvements, and appropriate transit-supportive land uses and development along the regional transit corridors.

Policy 4: Support incremental increases in the frequency and capacity of service in the regional transit corridors as warranted by demand.

Policy 5: Support regional efforts to identify and implement transit funding strategies and programs that will provide adequate, long-term, stable revenue source(s) for the public transportation system.

Policy 6: Support ongoing review and analysis of farebox revenues, ridership levels, and service costs to optimize the transit fare structure.

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- o *Objective 2: Encourage a transit system which offers connectivity between activity centers, such as schools, parks, shopping centers, and residences with a minimum of transfers.*
 - Policy 1: Future development in Keizer Station in Area C may require the development of a commuter rail link and/or a satellite transit connection.
 - Policy 2: Establish a transit station to serve the needs of the community. The site should accommodate the proposed use and provide adequate buffering and screening to mitigate any impacts on adjacent properties.
 - Policy 3: Consider transit operations in the design of street infrastructure and land use developments wherever practical.
 - o *Objective 3: Support transit programs that serve transportation disadvantaged citizens consistent with Americans with Disabilities Act (ADA) requirements.*
 - Policy 1: Support continued development and implementation of accessible fixed-route and appropriate complementary paratransit services as identified in the ADA Transit Plan.
 - Policy 2: Consider supporting efforts of the Special Transportation Advisory Committee or its successors in implementing the RTP and/or similar efforts to improve transportation for the transportation disadvantaged.

Supplementary Transportation Resources

Goal 7: Collaborate with lead agencies (jurisdictions or organizations who lead the efforts to manage the various systems) to support development and maintenance of an adequate aviation, maritime, pipeline, and rail system to serve area demand.

- o *Objective 1: Collaborate with lead agencies to support cost-effective regional aviation system operations and facilities adequate to serve area demand.*
 - Policy 1: Support appropriate, cost-effective improvements to the region's aviation and related facilities based on sound economic analysis.
 - Policy 2: Support efforts to renew commercial airline service to McNary Field as demand and financial considerations warrant.
 - Policy 3: Support maintenance efforts that will preserve the region's general aviation facility in a manner that makes resumption of commercial aviation activities viable.

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- Policy 4: Support development of an appropriate multimodal transportation infrastructure that provides adequate access to the regional aviation facility, including a transit drop point at the terminal when scheduled commercial service becomes available.
- o *Objective 2: Collaborate with lead agencies to support restoration of commercial and recreational navigation through the upper Willamette River where environmental impacts can be mitigated or minimized and economic justification exists.*
- Policy 1: Support the design and development of a boat ramp for recreational users to be located in Keizer Rapids Park.
- Policy 2: Provide appropriate assistance to further efforts to restore commercial navigation in the upper Willamette River through the SKATS area as warranted.
- o *Objective 3: Collaborate with lead agencies to support a safe pipeline system that provides an adequate level of service for the movement of natural gas into, within, and through the Keizer area.*
- Policy 1: Support activities that maintain adequate pipeline operations and services into, within, and through the Keizer area.
- Policy 2: Support activities and procedures that ensure compliance with federal and state regulations pertaining to the safety of pipeline facilities and operations in the Keizer area.
- o *Objective 4: Collaborate with lead agencies to support an adequate level of service to passenger and freight rail consumers within the Mid-Willamette Valley Council of Government area.*
- Policy 1: Support the development of a commuter rail station as shown in the Keizer Station Master Plan to be provided in Area C of Keizer Station. While no specific design or analysis has been done, this facility is to be either provided or an area set aside for its future development within Area C, unless it can be shown that a better location can be provided that will satisfy the design specifications for a commuter rail station, parking and associated facilities.
- Policy 2: Encourage continued and improved rail service to and from the Salem-Keizer metropolitan area.
- Policy 3: Support the continued improvement of the region's existing rail infrastructure and facilities.
- Policy 4: Encourage the development and implementation of adequate infrastructure and facilities to address the needs of both passenger and freight movements in the region.
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- Policy 5: Encourage improvements to the regional transportation system that enhance rail safety as well as safety between railroads and other transportation modes.
- Policy 6: Encourage actions that maximize efficient use of existing rail infrastructure and improved service levels to address Salem-Keizer metropolitan area rail transportation needs.
- Policy 7: Designate all rail corridor rights of way as "Transportation Corridor Preserves" pending results of alignment specific suitability studies.
- Policy 8: Promote infrastructure upgrades to the passenger rail terminal.
- Policy 9: Promote and support intercity and intracity public transportation system connections to the passenger rail terminal.

Funding

Goal 8: Provide adequate funding to meet current and future capital, maintenance, and operations needs of Keizer's transportation system.

- o *Objective 1: Strive to meet the current and future capital improvement needs of the transportation system through an optimum mix of funding sources.*

- Policy 1: As defined by Oregon Revised Statutes and City Ordinances, Systems Development Charges may be collected by the City to mitigate impacts placed on area-wide transportation facilities.
- Policy 2: As authorized in the Keizer Development Code and Oregon Revised Statutes, those responsible for new development will mitigate their development's impacts on the transportation system concurrent with the development of the property.
- Policy 3: Seek federal funding for capital improvements projects through participation in the MPO or other designated distribution process.
- Policy 4: Continue to set aside one (1) percent of its allocation of State Highway Gas Tax funds for creation of on-street bicycle and pedestrian facilities.
- Policy 5: Whenever possible, reserve funds for acquisition of property for future right of way opportunities.
- Policy 6: Assuming no changes in state funding mechanisms, the primary funding sources for street system maintenance activities shall be the City's allocation of the State Highway Fuel Tax.

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- Policy 7: Continue to participate in cooperative agreements with other state and local jurisdictions for maintenance and operations activities based on equitable determinations of responsibility and benefit.
- Policy 8: Transportation improvement projects identified on the Projects List in the TSP reflect the planning project list for these improvements. It is understood that this list is not the City's Capital Improvement Project list but is to be used as guidance as to the funding of transportation projects. While the City is not bound to fund all projects on this list it shall endeavor to complete as many projects within the specified time periods as is possible.
- o *Objective 2: Strive to secure adequate funding to implement a street maintenance program which sustains a maximum service life for pavement surfaces and other transportation facilities.*
- Policy 1: Seek additional funding sources to meet the long term financial requirements of sustaining a perpetual life street maintenance program.
- o *Objective 3: Strive to secure funding to adequately operate the transportation system including advance planning, design engineering, signal operations, system management, and illumination and cleaning activities.*
- Policy 1: Encourage and facilitate the formation of local street lighting districts to enable neighborhoods the opportunity for street illumination. The city shall consolidate street lighting districts by subdivision to achieve cost equity and benefits from economies of scale. The City may consider consolidation of existing street lighting local improvement districts.
- Policy 2: Pursue the award of federal, state, and private grants to augment operations activities, especially in the planning and engineering functions.

Transportation Demand Management

Goal 9: Reduce the single occupant vehicle demands on the current and future transportation system.

- o *Objective 1: Work towards reducing the City's vehicle miles traveled.*
- Policy 1: Implement and monitor the performance measures identified in Chapter 3 of this document in order to reduce vehicle miles traveled within Keizer.
- o *Objective 2: Reduce automobile travel demand generated by employment sites, retail development, schools, and public events in cooperation with the Metropolitan Planning Organization and other public interest groups.*
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| Policy 1: | Continue support of the Regional TDM Program, including the Cherriots Rideshare Program. |
| Policy 2: | The City shall explore the availability of funding sources to ensure the ongoing viability of the Regional TDM Program. |
| Policy 3: | Identify groups which have the greatest potential for reducing automobile trips, including employers and employment sites, and commuting students. Flexible-work schedules, telecommuting, transit ridership and car/van-pooling shall be emphasized as means to reducing trips. |
| Policy 4: | Increase contacts to employers and schools by periodically contacting employers and schools to encourage trip reduction efforts. The City may also use public recognition for those organizations' efforts. |
| Policy 5: | Increase ridesharing within the City by implementing internal incentive and recognition programs for employees who already use alternative transportation modes. |
| Policy 6: | Develop a program, possibly through the permit process, to encourage promoters of public events to raise awareness of available alternative transportation. An example is placing bus routes and times in advertisements for sporting events. |
| Policy 7: | Conduct marketing campaigns through various media to raise awareness of transportation options and to encourage the use of alternative transportation modes. |
| Policy 8: | Conduct outreach activities at schools and community groups to inform them about transportation mode choices and the effects. |

Goal 10: Ensure that the City of Keizer has an appropriate supply of parking facilities.

o *Objective 1: Determine Keizer's need for on-street parking facilities.*

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| Policy 1: | On-street parking is second in priority to the needs of the travel modes (i.e., vehicle, transit, bicycle, pedestrian) using the street right of way, except where abutting properties have no ability to provide their own off-street parking or where on-street parking is needed to support an existing business district. |
| Policy 2: | Where practical, existing on-street parking will be removed in preference to widening streets for additional travel lanes. |
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- o *Objective 2: Promote economic vitality and neighborhood livability by requiring an appropriate supply of off-street parking facilities.*
 - Policy 1: New development must provide, or have access to, an appropriate supply of off-street parking.
 - Policy 2: Through the land use process, continue to utilize maximum parking requirements. The purpose of this policy is to avoid the unnecessary use of land for off-street parking for new developments.
 - Policy 3: Major activity centers shall be accessible by transit and shall meet their parking demand through a combination of shared, leased, and new off-street parking facilities.
 - o *Objective 3: Reduce the City's parking supply per capita by ten percent by the year 2031.*
 - Policy 1: Work with the Metropolitan Planning Organization (MPO) to better estimate, evaluate, and monitor the parking inventory for commercial, industrial, and institutional lands within the MPO so as to meet the statewide goal of reducing per capita parking supply.
 - Policy 2: Develop strategies to implement the MPO's adopted parking measures on a local level.
 - Policy 3: Periodically review the City's off-street parking requirements to ensure that it is comprehensive and implements the goals of the TSP. This can include analysis of industry standards, changes in consumer behavior trends, or other measures.
 - Policy 4: Encourage new developments to establish parking plans which can utilize shared parking areas and alternative transportation options that will result in a reduction in the overall area needed for car parking.

Transportation System Management

Goal 11: Maximize the efficiency of the existing surface transportation system through management techniques and facility improvements.

- o *Objective 1: Provide a system of traffic control devices maintained and operated to an acceptable LOS.*
 - Policy 1: Continue modernization of the signal system and improvements in coordination and efficiency. The City shall employ traffic signal timing plans that maximize the efficiency of the system given the particular travel demand of that time of day.

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| Policy 2: | Conduct regular, preventive signal maintenance to avoid traffic delays and congestion from avoidable malfunctions. |
| Policy 3: | Regularly maintain all traffic control devices (signs and markings) to minimize congestion and driver delay due to confusion. While priority shall always be given to regulatory and warning signs, informational (street name and directional) signs shall also be given attention. |
| Policy 4: | Strive to give the physical improvement of intersections a higher priority than general street widening when seeking ways to increase capacity and relieve congestion. |
| Policy 5: | Install bus turnouts on existing rights of way for arterial streets as a means of facilitating traffic flow during peak travel periods. The feasibility, location, and design of bus bays shall be developed in consultation with the Salem Area Mass Transit District. |
| Policy 6: | Improve vision clearance through enforcement of maintenance requirements. |
- o *Objective 2: Improve physical design and management of on-street parking consistent with community need.*
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| Policy 1: | When on-street parking is permitted on an arterial street, removing the on-street parking shall be the first consideration for enhancing capacity. Depending upon the situation and proper analysis, timed on-street parking prohibitions during peak travel periods may be considered in lieu of permanent removal. |
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- o *Objective 3: Increase street system safety and capacity through access management.*
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| Policy 1: | Develop and adopt specific access management standards. |
| Policy 2: | When developed, access management standards will be incorporated into all arterial street design projects. |
| Policy 3: | Consistent with the goal of improving mobility, develop access management projects for arterials to improve safety and traffic flow. |

Goal 12: To protect the function and operation of the Chemawa/I-5 Interchange consistent with the planned land uses in the vicinity of the interchange. The primary function of this interchange is to serve statewide travel through the Salem/Keizer Metropolitan Area, and regional travel, where one trip end is in the Salem/Keizer Metropolitan Area and one is outside of the area. As the City's primary access to I-5, the Chemawa Interchange is also essential to the area's growth and economic development. Consequently, it is also a primary function of this interchange to serve the wide range of adopted land uses within the City that depend on the interchange for access to Interstate 5.

- Policy 1: The City supports the improvements described in the Chemawa/I-5 IAMP as the Recommended Alternative and, in partnership with ODOT, Marion County and Salem, shall pursue funding for the Recommended Alternative improvements. The City of Keizer does not favor or oppose the part of the plan known as Phase III (the Tepper Lane over-crossing and extension). It is expected that these improvements will be funded by some combination of City funds, County funds, transportation system development charges, development exactions, potential local improvement districts, transportation utility fees, and/or state and federal funds. Negotiations about proportional "fair share" contributions to the eventual financing strategies shall (1) reflect that the improvements benefit each jurisdiction involved in this IAMP, even when an improvement is not located within a jurisdiction's boundaries; and (2) recognize previous financial contributions to improve the interchange area transportation system.
- Policy 2: The potential projects described in the IAMP as the Recommended Alternative and illustrated in Figure 5-1 and Appendix I, are not currently included in the Salem-Keizer Area Transportation Study (SKATS) 2031 RTSP. Until adequate funding is specifically identified for all, or a component, of these recommended improvements in the RTSP, these shall not consider as "planned improvements" or "reasonably likely" to be constructed within the 20-year (2031) planning horizon pursuant to the Oregon Transportation Planning Rule (TPR), Oregon Administrative Rules (OAR) 660-012-0060.
- Policy 3: The City will coordinate with ODOT before amending the Transportation System Plan (TSP), proposing transportation improvements that could affect the function of the Chemawa/I-5 Interchange Area, or considering other land use plan or ordinance changes that are inconsistent with the adopted IAMP or the assumptions upon which it is based.
- Policy 4: Given that it has been determined that the improvements recommended in the Chemawa IAMP are not reasonably likely to be constructed within the 2031 planning horizon and are therefore not planned improvements that can be relied
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upon to support subsequent land use changes, the City shall establish alternative mobility standards for local intersections shown in Table 6-3 of the IAMP and incorporated into Chapter 4 (Table 4-7) of the TSP to match their expected performance through 2031 to the existing adopted land use plans. These alternative standards shall supersede any alternative standards previously adopted.

Policy 5: Privately initiated, quasi-judicial plan amendments within the Chemawa Interchange Overlay Zone that would result in an increase in travel demand and would cause the adopted alternative mobility standards in either the Oregon Highway Plan or the TSP to be exceeded must be mitigated as provided for under OAR 660-012-0060 or OAR 731-017. Legislative plan amendments initiated by the City that will result in an increase in travel demand that causes these alternative mobility standards to be exceeded shall require mutual agreement between the City and ODOT. Such agreement may be predicated upon improvement or other mitigation agreements and must be instituted through amendments to the IAMP and relevant local plans and ordinances.

Policy 6: In the event that all or a component of the Recommended Alternatives identified in this IAMP are included in the SKATS RTSP and become planned improvements that are therefore considered reasonably likely to be funded during the 2031 planning horizon, the City and ODOT will reassess the alternative mobility standards, as established in the IAMP and adopted in the TSP and OHP, and if necessary, adjust them (to be either more or less stringent) to support the land uses and travel demand associated with the existing adopted comprehensive plans at the time the specific improvements have been determined to be reasonably likely.

Policy 7: When the City legislatively updates the comprehensive plan and/or UGB in a manner that increases the future travel demand above the level assumed in this IAMP, the City shall coordinate with ODOT to update the IAMP, as mutually determined to be appropriate by ODOT and the affected jurisdictions. This kind of update may address land use assumptions, changes to recommended improvements, alternative mobility standards, and other relevant plan policies or ordinances.

Policy 8: The City shall notify and coordinate with ODOT in the review of proposed land use actions within the Chemawa Interchange Overlay Zone. Land use actions within the Chemawa Interchange Overlay Zone that may increase the future travel demand above the level assumed in this IAMP, such as zone changes, land use applications, development applications, non-land use actions such as requests for access to facilities under ODOT's jurisdictional authority, and other changes to the transportation system within the interchange management area must be found to be consistent with the adopted IAMP. Actions that are not

consistent with the IAMP may only be approved by also amending the IAMP and related TSPs in compliance with OAR 660-012-0050 and -0055.

Policy 9: In order to protect transportation facilities in the Chemawa Interchange Overlay Zone, the City shall require a Traffic Assessment Report for all land use changes, land use applications, and development applications in the area, or a Traffic Impact Analyses (TIAs), developed pursuant to the requirements of the Development Code, for high traffic generation proposals. The City will coordinate with ODOT Region 2 staff, as appropriate, to determine the extent of the impact analysis.

Policy 10: The Chemawa IAMP serves as the Access Management Plan for the Chemawa Interchange Overlay Zone; all proposed new approach roads and changes to approaches within the overlay must be consistent with this plan.

Policy 11: The City supports the expansion of transit service in the vicinity of the interchange and, specifically, supports the development of a transit center within the Chemawa Interchange Overlay Zone, as well as a potential future commuter rail connection when and/or if warranted.

Policy 12: The City shall notify and coordinate with the local public transit service provider (Salem-Keizer Transit, “Cherriots”) when land use applications are made in the Chemawa Interchange Overlay Zone.

Policy 13: Before or during the first review and update of the IAMP, which will occur within 5 to 10 years after its adoption, the City shall develop a strategy to enhance transportation demand management (TDM) in the Chemawa Interchange Overlay Zone. The TDM strategy may consist of either development requirements, a TDM program coordinated with employers within the Chemawa Interchange Overlay Zone, or some combination thereof.

Policy 14: The City supports walking and bicycling in the Chemawa Interchange Overlay Zone and will continue to explore ways to provide safe and accessible pedestrian and bicycle facilities in the vicinity of the interchange, especially in areas with environmental or other right-of-way constraints. In addition, the City will encourage enhanced treatments and facilities in the overlay, such as the existing pedestrian and bicycle undercrossings at Keizer Station in order to establish a safe, convenient, and continuous walking and bicycling system within the overlay that is connected to the existing and recommended surrounding transportation system.

Policy 15: The City will continue to explore ways to improve the local road system in order to relieve traffic on Chemawa Road and Lockhaven Road including improvements that are consistent with the IAMP Recommended Alternative

(Section 5.1). The City will confer with ODOT about opportunities for state funding to be secured for local circulation improvements, pursuant to OHP Policy 2B, Off-System Improvements.

REVISION IS A NEW TABLE 4-7 FOUND ON PAGE 4-15.

Chapter 4
Roadway System

ROADWAY SYSTEM

The roadway system is the primary means of mobility for Keizer residents. Pedestrians, bicyclists, and motorists all utilize public roads for the vast majority of their trips. Typically, roadways can be owned, operated, and maintained by the State of Oregon, a County, and/or a local jurisdiction. In Keizer all of the arterials and collectors are owned, operated, and maintained by the City of Keizer as illustrated in Figure 4.1. Salem Parkway (99E Business) and I-5 are owned and maintained by the Oregon Department of Transportation (ODOT).

With jurisdiction of the roadways, the City of Keizer is responsible for:

- Determining the road's functional classification. This sets the roadway's role in the transportation system and its design features, such as width, right-of-way requirements, driveway (access) spacing standards, and the types of pedestrian and bicycle facilities provided.
- General maintenance and upkeep.
- Approving construction and access permits.

Functional Classification

A roadway's functional classification describes its role in the transportation system. In general, the basis of the functional classification of a roadway is dependent upon the priority given to each of its two primary functions: 1) providing regional mobility, and 2) promoting local accessibility. Mobility refers to physical movement and is evaluated based on travel distance and speed, while accessibility refers to the ability to connect desired goods, services, activities, and destinations. The City of Keizer defines streets based on the following classifications:

- **Major Arterials** serve as the supporting framework for the City's roadway network. These roadways are intended to serve higher volumes of traffic and provide the highest level of mobility into, out of, and within the City of Keizer. Approximately 15,000 to 50,000 Average Daily Traffic (ADT) travel on major arterials. Cherry Avenue, Lockhaven Drive between River Road and I-5, and River Road are major arterials in Keizer.
- **Minor Arterials** complement the major arterial system and primarily handle trips within Keizer. Minor arterials function to provide access between major arterials and collector roads and can also provide access to community activity centers, such as schools and parks. Minor arterials should not go through residential neighborhoods. Minor arterials function with approximately 7,000 to 20,000 ADT. Chemawa Road between River Road and Lockhaven Drive, and Wheatland Road are examples of minor arterials in Keizer.

Figure 4.1 Roadway Jurisdictional Responsibility

- **Collectors** represent the intermediate roadway class. As their name suggests, these roadways collect traffic from the local street system and distribute it to the arterial street system. These roadways provide a balance between traffic movement and land access and facilitate traffic circulation through the city. Collectors function at 1,600 to 10,000 ADT. Chemawa Road between Windsor Island Road and 15th Avenue, and Dearborn Avenue are examples of collectors in Keizer.
- **Local roads** and streets are the lowest roadway class. Their primary purpose is to provide local land access and to carry locally generated traffic at relatively low speeds to the collector street system. Local streets provide connectivity through neighborhoods and are designed to discourage cut-through vehicular traffic. The majority of roadways in Keizer are local streets. As a general rule of thumb, residential livability concerns arise at approximately 1,600 ADT. This discussion is provided for reference only because the TSP focuses exclusively on Collector and Arterial Streets.



It is common for a street to have different classifications on some sections. As noted in the classification examples, Chemawa Road operates as both a minor arterial and collector within the City of Keizer. Figure 4.2 shows the classification of all roadways within the City of Keizer. As previously noted, Salem Parkway (99E Business) is owned and operated by ODOT. According to the ODOT functional classification system, Salem Parkway is classified as a Regional Highway (Expressway). As such its function is to provide regional mobility and, in this particular location, a connection between I-5 and Salem.

Figure 4.2 Roadway Functional Classification Map

Design Standards

The roadway design standards are shown in Table 4.1. The City of Keizer has developed street design standards based on the functional classification and operational needs of the roadway. The design standards were developed with close collaboration between planning and public works staff at the City. These standards are in accordance with the Transportation Planning Rule's requirement for minimum standards consistent with operational needs (Section 660-012-0045-7). Figures 4.3 and 4.4 illustrate the street design standard cross-sections.

The street design standards show five different options for local streets. These standards allow the City flexibility in the design of the street network.

Table 4.1 Street Design Standards

Functional Classification ¹	Number of Lanes	Parking	Bike Lanes ²	Roadway Width (ft.) ³	Sidewalks ⁴	Right-of-Way Width (ft.) ^{4,5}	Maximum Dwelling Units Served
Major Arterial	5	No ⁶	Yes	50-72	Yes	84	-
Minor Arterial	3	No ⁶	Yes	36-50	Yes	72	-
Collector	2	No ⁶	Yes	36-50	Yes	68	-
Local V	2	Yes	No	34	Yes	48	-
Local IV	2	Yes	No	32	Yes	46	79
Local III	2	Yes	No	30	Yes	44	19
Local II	2	Yes	No	30	Yes	42	14
Local I	2	Yes ⁷	No	28	Yes ⁷	35	9

¹ All local street categories have a ten-foot public utility easement on both sides and a five-foot slope and utility easement on collectors and arterials.

² Standard bike lane widths are six feet; although five feet may be approved on a case by case basis.

³ Street improvement and right-of-way widths may be increased on a case by case basis as required by the city in accordance with Public Works Design Standards.

⁴ All streets will have five foot wide sidewalks on both sides, unless noted. Meandering sidewalks may be considered/required on arterials and collectors.

⁵ Additional right-of-way may be required at intersections for additional turning lanes. Right-of-way at intersections is required to provide for a minimum 20 foot curb return radius.

⁶ Depending on installed improvements.

⁷ Parking/sidewalks only required on one side of street.

Table 4.1 shows that parking is generally not allowed on higher order streets (i.e. arterial and collector streets), however under some circumstances it may be permitted where it is considered appropriate by the City. This will be determined at the discretion of the City Engineer or City Council on a case by case basis.

These guidelines also include five foot planter strips on collectors and minor arterials. Additionally, use of transit is facilitated by construction of bus pullouts on Local Street V, collectors, and arterials.

The City of Keizer has also developed design standards for access easements. An access easement is a private roadway that serves less than five dwelling units. These standards are shown in Table 4.2 and illustrated in Figure 4.3.

Table 4.2 Private Easement Street Design Standards

Easement Type	Minimum Right-of-Way Width (ft.)	Minimum Pavement Width (ft.)	Parking	Sidewalks	Maximum Dwelling Units Served
Access Easement II	16	16	No	No	4
Access Easement I	12	12	No	No	2

Figure 4.3 Roadway Cross Sections

Figure 4.4 Local Roadway Cross Sections

Access Management Strategies

As noted earlier in this chapter, arterial streets serve two functions; 1) providing regional mobility for through traffic, and 2) promoting local accessibility for properties fronting and adjacent to the roadway. Because of the conflicting nature of these two functions, the traffic mobility function of arterial streets can be hampered by providing too much access to individual properties.

It is the purpose of this section to try and maintain the balance between these two arterial functions, recognizing both the rights of property owners to reasonable access and the public purpose of efficient traffic flow. These standards apply to new development or redevelopment; existing accesses are allowed to remain as long as the land use does not change. As a result, access management is a long term process in which the desired access spacing of a street evolves as redevelopment occurs.

In implementing access management standards, parcels cannot be landlocked but must have some way of accessing the public street system. This may mean allowing shorter access spacing than would otherwise be allowed, but the possibility of providing shared access with a neighboring parcel should also be explored.

Arterial Access Spacing Standards

On arterial streets, the minimum distance between curb cuts on any one block face, or between curb cuts and an intersecting street, is based on the posted speed of the street and shall not be less than 150 feet. No driveway will be permitted within the operational area of a traffic signal. Minimum distance for a curb cut from a signalized intersection will be 200 feet. Measurements shall be taken from the inside edge of the driveway, excluding any apron.

Table 4.3 shows the minimum spacing for public streets and driveways on an arterial street. Minimum and maximum allowed widths for private driveways for various land uses are summarized in Table 4.4.

Table 4.3 Arterial Access Spacing Standards

Posted Speed (miles per hour)	Minimum Spacing (feet)
25	150
30	150
35	150
40	185
45	230
50 or higher	275

Table 4.4 Private Access Driveway Width Standards

Land Use	Minimum Width (feet)	Maximum Width (feet)
Single Family Residential	12	24
Multi-Family Residential	24	30
Commercial	30	40
Industrial	30	40

Where the existing configuration of properties and curb cuts in the vicinity of the building site precludes spacing of an access in accordance with Table 4.3, the Public Works Director shall be authorized to reduce the spacing requirement if all of the following conditions have been met:

1. Joint access driveways and cross access easements are provided, where possible, in accordance with the standards;
2. The site plan incorporates a unified access and circulation system in accordance with standards; and
3. The property owner enters into a written agreement with the City that pre-existing connections to the site will be closed and eliminated after construction of each side of the joint use driveway.

Driveway approaches must be designed and located so that an exiting vehicle will have an unobstructed sight distance (exclusive of tree trunks and post or columns less than one foot in diameter) in accordance with Table 4.5.

Table 4.5 Driveway Access Sight Distance Standards

Posted Speed (miles per hour)	Minimum Sight Distance (feet)
25	150
30	175
35	225
40	275
45	325
50 or higher	350

Access Management Techniques

From an operational perspective, access management measures limit the number of redundant access points along roadways. This enhances roadway capacity and benefits circulation. Enforcement of the access spacing standards should be complemented with the provision of

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alternative access points. Purchasing right of way and closing driveways without a parallel road system and/or other local access could seriously affect the viability of the impacted properties. Thus, if an access management approach is taken, alternative access should be developed to avoid “landlocking” a given property.

As part of every land use action, the City of Keizer will evaluate the potential need for conditioning a given development proposal with the following items in order to maintain and/or improve traffic operations and safety along arterial and collector roadways.

- Crossover easements should be provided, where possible, on all compatible parcels (considering topography, access, and land use) to facilitate future access between adjoining parcels.
- Conditional access permits may be issued to developments having proposed access points that do not meet the designated access spacing policy and/or have the ability to align with opposing driveways.
- Right of way dedications may be provided to facilitate the future planned roadway system in the vicinity of proposed developments.
- Half-street improvements (sidewalks, curb and gutter, bike lanes/paths, and/or travel lanes) may be provided along site frontages that do not have full build out improvements in place at the time of development.

Figure 4.5 illustrates the application of crossover easements and conditional access permits over time to achieve access management objectives. The individual steps are described in Table 4.6. As illustrated in the figure and supporting table, using these guidelines, driveways along the arterials will eventually move in the overall direction of the access spacing standards as development and redevelopment occur.

Figure 4.5 Crossover easement consolidation

Table 4.6 Crossover Easement/Access Consolidation/Conditional Access Process

Step	Process
1	EXISTING – Currently Lots A, B, C, and D have site access driveways that neither meet the access spacing criteria nor align with driveways or access points on the opposite side of the roadway. <i>Under these conditions motorists are put into situations of potential conflict (conflicting left turns) with opposing traffic. Additionally, the number of side-street (or site-access driveway) intersections decreases the operation and safety of the roadway.</i>
2	REDEVELOPMENT OF LOT B – At the time that Lot B redevelops, the City would review the proposed site plan and make recommendations to ensure that the site could promote future crossover or consolidated access. Next, the City would issue conditional permits for the development to provide crossover easements with Lots A and C, and grant a conditional access permit to the lot. <i>After evaluating the land use action, the City would determine that LOT B does not have either alternative access, nor can an access point be aligned with an opposing access point, nor can the available lot frontage provide an access point that meets the access spacing criteria for this segment of roadway.</i>
3	REDEVELOPMENT OF LOT A – At the time Lot A redevelops, the City would undertake the same review process as with the redevelopment of Lot B (see Step 2); however, under this scenario the City would use the previously obtained crossover easement at Lot B to consolidate the access points of Lots A and B. The City would then relocate the conditional access of Lot B to align with the opposing access point and provide safe and efficient access to both Lots A and B. <i>The consolidation of site-access driveways for Lots A and B will not only reduce the number of driveways accessing the roadway, but will also eliminate the conflicting left-turn movements on the roadway by the alignment with the opposing access point.</i>
4	REDEVELOPMENT OF LOT D – The redevelopment of Lot D will be handled in the same manner as the redevelopment of Lot B (see Step 2)
5	REDEVELOPMENT OF LOT C – The redevelopment of Lot C will be reviewed once again to ensure that the site will accommodate crossover and/or consolidated access. Using the crossover agreements with Lots B and D, Lot C would share a consolidated access point with Lot D and will also have alternative frontage access via the shared site-access driveway of Lots A and B. <i>By using the crossover agreement and conditional access permit process, the City will be able to eliminate another access point and provide the alignment with the opposing access points.</i>
6	COMPLETE – After Lots A, B, C, and D redevelop over time, the number of access points will be reduced and aligned, and the remaining access points will either meet or move in the direction of the access spacing plan.

Traffic Operations Standards

Traffic operations at intersections are described using two measures known as level of service (LOS) and volume-to-capacity (v/c) ratio.

Level of Service Standard

Level of service represents ranges in the average amount of delay that motorists experience when passing through the intersection. LOS is measured on an “A” (best) to “F” (worst) scale. At signalized and all-way stop-controlled intersections LOS is based on the average delay experienced by all vehicles entering the intersection. At two-way stop-controlled intersections LOS is based on the average delay experienced by the worst movement at the intersection, typically a left-turn from the stop-controlled street. For signalized intersections in the City of Keizer, LOS “D” (representing no more than 55 seconds of average delay) is considered to be the minimum acceptable operational level. For unsignalized intersections LOS “E” (representing no more than 50 seconds of average delay) is considered to be the minimum acceptable level.

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Volume-to-Capacity Standard

The volume-to-capacity (v/c) ratio is a measure of how close an intersection is operating to its theoretical capacity. The theoretical capacity of an intersection is the number of vehicles that can pass through in a given period of time. A v/c ratio of 1.00 or more indicates that more traffic is traveling through the intersection per hour than the theoretical capacity of the intersection.

The City of Keizer maintains a v/c standard for arterial/arterial intersections as the operation of these intersections is critical to the operation of the network as a whole. Therefore an intersection of two arterial roadways must have a v/c ratio of 0.95 or less to be operating acceptably. For all other intersection types, only the LOS is used for determining intersection operation.

Table 4-7: Alternative Mobility Standards for City of Keizer Facilities in the Chemawa Interchange Overlay (CIO) Zone

<u>Intersection</u>	<u>Existing Mobility Standard</u>	<u>Forecasted 2031 V/C Ratio Applying AMS</u>	<u>Alternative Standard (AMS) Assumptions and Thresholds</u>
<u>Lockhaven @14th</u>	<u>V/C 0.87</u>	<u>0.97</u>	<u>Apply non-Seasonally Adjusted Volumes for analysis</u> <u>Apply hourly Peaking instead of 15-minute peaking</u> <u>Increase mobility standard to V/C<1.0</u>
<u>Lockhaven@ McLeod</u>	<u>V/C 0.87</u>	<u>0.76</u>	<u>Increase mobility standard to V/C < 1.0</u>
<u>Lockhaven@ Chemawa/Keizer Station</u>	<u>V/C 0.87</u>	<u>0.85</u>	<u>Increase mobility standard to V/C < 1.0</u>
<u>Lockhaven @ River</u>	<u>V/C 0.87</u>	<u>0.87</u>	<u>Increase mobility standard to V/C < 1.0</u>
<u>Lockhaven @Verda</u>	<u>V/C 0.87</u>	<u>0.69</u>	<u>Increase mobility standard to V/C < 1.0</u>

Transportation System Management

Transportation system management (TSM) is a term used to describe measures and techniques that attempt to maximize street system capacity and reduce demand. TSM measures are typically low cost, localized improvements to the existing infrastructure to increase its efficiency. TSM measures should always be considered in addition to roadway and capacity improvement projects. TSM measures relevant to Keizer include:

- Access management (apply access spacing standards, implement access management strategies).
- Improve traffic control devices (optimize signal timing, maintain and modernize signs and signals).
- On-street parking management (remove parking when extra capacity is required, prohibit parking on busy streets during peak periods).

As projects are identified and designed for the community, TSM measures should be considered as viable solutions to be integrated into projects.

Existing Traffic Operations Analysis

A detailed description of the existing conditions analysis (completed in January 2008) is found in the Existing Conditions Assessment memorandum provided in Appendix D of Volume II of this Transportation System Plan. Figures 4.6 and 4.7 provide a summary of the existing conditions operations analysis at the study intersections during the weekday a.m. and p.m. peak hours, respectively.



Signalized Intersections

According to the existing conditions summary, all signalized study intersection along City of Keizer arterials and collectors currently operate at a LOS "D" or better during the weekday a.m. and p.m. time periods. An intersection of two arterial roads must also have a v/c ratio of 0.95 or less to be considered to have an acceptable level of operation.

The performance of the intersections of Cherry Avenue and Verda Lane on Salem Parkway are measured against the ODOT volume-to-capacity ratio standard of 0.85. Both intersections are operating at acceptable volume-to-capacity ratios.

Unsignalized Intersections

During the existing weekday p.m. peak hour the Lockhaven Drive/Verda Lane intersection operates at LOS "F" due to the critical shared northbound left/right movement. The shared northbound left/right movement on Verda Lane is currently under capacity with a v/c ratio of 0.46, and it is likely that adequate gaps exist in traffic on Lockhaven Drive due to the signalized intersection of River Road/Lockhaven Drive, and 14th Avenue/Lockhaven Drive surrounding the intersection. All other traffic movements through this intersection currently experience acceptable levels of service.

Roadway Safety

The critical rate method was used to identify if any of the study intersections had crash rates exceeding what would be expected at comparable intersections. The intersection of Verda Lane/Salem Parkway was identified as having more crashes than expected. Because this intersection is not under City of Keizer jurisdiction it is recommended that the City work closely with ODOT on future monitoring and possible intersection improvements.

In addition, a review of crash type and severity data, and intersection geometry was also conducted at the other study intersections. Based on this review, three additional intersections were identified for further study:

- River Road/Manbrin Drive – because of the relatively high number of turning-movement collisions and injury accidents,
- River Road/Dearborn Avenue – because of the relatively high number turning-movement collisions and injury accidents.
- River Road/Wheatland Road – because of the complexity of the intersection involving off-setting eastbound and westbound approaches and the curvature of the eastbound approach in close proximity to the signal. In addition, the collision diagrams showed a potential issue with the northbound left-turn movement and revealed that there could also be issues with sneakers – vehicles attempting to make the northbound left-turn movement during the yellow or all-red clearance interval.

There were no fatalities at any of the study intersections between 2002 and 2006.

Figure 4.6 Existing Conditions Traffic Conditions, Weekday AM Peak Hour

Figure 4.7 Existing Traffic Conditions, Weekday PM Peak Hour

Future No-Build Conditions Analysis

The “no-build” scenario transportation analysis consists of 2031 forecasted traffic volumes assigned to the existing roadway system with no capacity improvements other than those currently programmed (i.e. those projects with committed funding). The programmed improvements include the following:

- Additional east/west travel lanes on Lockhaven Drive/Chemawa Road between McLeod Lane and Ulali Drive/ Stadium Drive.
- Widening of Verda Lane from Chemawa Road to the south City limits to include additional travel lanes, bicycle lanes, and sidewalks.
- Widening of Chemawa Road to major arterial design standards including sidewalks and bike lanes.
- Traffic signal interconnects along River Road and Lockhaven Drive.

Methods for developing the forecast traffic volumes are shown in Appendix E of Volume II of the TSP. Assuming the existing transportation system plus the programmed projects shown above, and if growth occurs as assumed in the SKATS model, traffic operations at all of the study intersections will degrade. Figure 4.8 illustrates the future volumes and traffic operations analyses during the weekday p.m. peak hour.

Table ~~4.7~~ 4.8 provides a comparison of the existing and future traffic operations at each of the study intersections. In Table ~~4.7~~ 4.8 the intersection operation is described as a function of under, near, at, or over capacity based upon the v/c ratio. An intersection is considered to operate “under capacity” when the v/c ratio is 0.90 or less. If the v/c is between 0.90 and 0.94, the intersection is considered to be “near capacity”. An intersection is “at capacity” when the v/c ratio is between 0.95 and 0.99. If the v/c is greater than or equal to 1.00, then the intersection is considered to be “over capacity.”

Table 4.8 2031 Base Intersection Operations

Intersection	Existing 2007		Future 2031	
	LOS	Capacity	LOS	Capacity
Two-Way Stop Controlled Intersections				
Verda Lane / Lockhaven Drive	F	Under Capacity	F	Over Capacity
All-Way Stop Controlled Intersections				
Verda Lane / Chemawa Road	C	Under Capacity	F	Over Capacity
Signalized Intersections				
River Road / Wheatland Road	C	Under Capacity	C	At Capacity
River Road / Manzanita Street	C	Under Capacity	C	Under Capacity
River Road / Lockhaven Drive	D	Under Capacity	D	Near Capacity
Lockhaven Drive / 14 th Avenue	B	Under Capacity	E	Over Capacity
Lockhaven Drive / Chemawa Road	B	Under Capacity	D	Under Capacity
River Road / Chemawa Road	D	Under Capacity	D	Near Capacity
River Road / Dearborn Avenue	B	Under Capacity	C	At Capacity
River Road / Manbrin Drive	B	Under Capacity	C	Under Capacity
River Road / Shangri-La	A	Under Capacity	B	Under Capacity
River Road / Broadway	B	Under Capacity	C	Under Capacity
Salem Parkway / Cherry Avenue	C	Under Capacity	D	Near Capacity
Salem Parkway / Verda Lane	D	Under Capacity	E	Over Capacity

Notes:

-Shading represents intersections where the level of service (LOS) is exceeding adopted standards or the volume-to-capacity ratio is near, at, or over capacity.

-Under Capacity = volume-to-capacity ratio (v/c) <0.90, Near Capacity = v/c Ratio 0.90-0.94, At Capacity = v/c Ratio 0.95-0.99, Over Capacity = v/c Ratio ≥1.0

-Signalized and all-way stop delay represents the average vehicle delay for the whole intersection.

-Unsignalized delay represents the highest minor street approach delay.

-For a detailed review of the intersection level of service and capacity conditions, see Appendix B in Part II of the TSP.

Figure 4.8 Future Traffic Conditions

Roadway Capacity Upgrade Projects

The results of the future conditions no-build analysis showed a number of intersections that are projected to have operating deficiencies. Notably, the following signalized intersections are forecast to operate at an unacceptable level of service (LOS “E” or worse) and exceed their available capacity by the year 2031:

- 14th Street/Lockhaven Drive
- Verda Lane/Salem Parkway
- Salem Parkway/Cherry Avenue

In addition, the critical movements at the following unsignalized intersections are projected to exceed capacity and operate with a level of service “F” in year 2031:

- Verda Lane/Chemawa Road
- Verda Lane/Lockhaven Drive

Finally, several intersections are projected to operate near, at, or over capacity by the year 2031 without exceeding the level of service standards. These intersections include:

- River Road/Wheatland Road (identified for further investigation based on the existing crash analysis)
- River Road/Lockhaven Drive
- River Road/Chemawa Road
- River Road/Dearborn Avenue (identified for further investigation based on the existing crash analysis)
- River Road/Manbrin Drive (identified for further investigation based on the existing crash analysis)

The following section provides an evaluation of alternative intersection improvements and other street improvements that would mitigate the above deficiencies. Table 4.98 provides a summary of roadway system improvement projects discussed in detail. These projects are not listed in any order of priority or cost.

The first four projects listed are expected to be carried out in conjunction with one another and have been evaluated accordingly (i.e. River Road/Wheatland Road; River Road/Manzanita Street; Verda Lane Extension; and Verda Lane/Lockhaven Drive). The remaining projects are expected to be undertaken independent to other projects noted herein.

Conceptual sketches of the upgrades are also included for each project. Because these sketches are conceptual, full pedestrian and cyclist facilities have not been illustrated on all of the figures. Nonetheless, these facilities will be included during the detailed planning stage and the ultimate design.

A number of options are available to provide for cyclists at these intersections including on-street cycle lanes. There is currently no clear guidance as to whether cycle lane marking can extend through an intersection. However the Manual on Uniform Traffic Control Devices (MUTCD) (Section 3B08) notes that if markings are to continue through an intersection, they must be the same color and width as the lane on either side of the intersection. This is one option for providing cycle lanes through various intersections that should be investigated when designing new projects.

Table 4.9 Roadway Improvement Project Summary

#	Location	From	To	Description of Improvement	Priority	Cost*
R1	Salem Parkway I-5 On-Ramp	N/A	N/A	– Widen Salem Parkway on-ramp to I-5 to two lanes. – Coordination with ODOT required	High	\$
R2	River Road/ Manzanita Street	N/A	N/A	– Move intersection approximately 250 feet to the south. – Realign and reconstruct Manzanita Street and McNary Estates Drive approaches to River Road. – Construct separate westbound through and right-turn lanes.	Medium	\$\$\$
R3	River Road/ Wheatland Road	N/A	N/A	– Construct dual northbound left-turn lanes. – Change north and south left-turn phases to a protected left-turn phase. – Extend length of second southbound through lane.	Medium	\$\$\$
R4	River Road/ Lockhaven Drive	N/A	N/A	– Convert westbound approach to dual left-turn lanes, single through lane, and separate right-turn lane. – Convert east/west split phasing to protected left-turn phasing. – Implement access management measures on adjacent properties with driveways within intersection influence area at the time of property redevelopment.	Medium	\$\$
R5	Verda Lane Extension	River Road	Lockhaven Drive	– Extend Verda Lane north of Lockhaven Drive to connect with River Road at new alignment of McNary Estates Drive. – Realign Trail Avenue.	Low	\$\$\$
R6	Lockhaven Drive/ 14 th Avenue	N/A	N/A	– Construct westbound right-turn lane. – Modify northbound and southbound approaches to include separate left-turn lane and shared through and right-turn lane.	High	\$
R7	Chemawa Road/ Verda Lane	N/A	N/A	– Install a single-lane roundabout at intersection.	Medium	\$\$-\$\$\$
R8	Lockhaven Drive/ Verda Lane	N/A	N/A	– Signalize intersection with Verda Lane extension to the north. – Restrict north/south through movements on Verda Lane.	Low	\$\$
R9	Transportation and Access Management – Various Locations	River Road	Chemawa Road	– Perform Lockhaven Drive Corridor Study.	High	\$
		South City Limits	Lockhaven Drive	– Perform River Road Corridor Study.	High	\$
		Lockhaven Drive	Windsor Island Drive	– Perform Chemawa Road Corridor Study.	High	\$

* \$\$\$ - Expected to have major ROW needs and/or a significant project scope.

\$\$ - Expected to have some ROW needs and/or a moderate project scope.

\$ - Expected to have minor ROW needs and/or a small project scope.

River Road / Wheatland Drive

This intersection is forecast to operate near capacity ($v/c=0.98$) due to a heavy northbound and southbound traffic on River Road and a particularly heavy northbound left-turn movement from River Road to Wheatland Drive. The crash analysis revealed a potential issue with the northbound left-turn movement and revealed that there could also be issues with sneakers – vehicles attempting to make the northbound left-turn movement during the yellow or all-red clearance interval. Given the constrained geographic nature of the northern part of the City and the lack of parallel north/south roadways, the River Road/Wheatland Road intersection is an intersection of critical importance. As such, the noted capacity constraints will need to be addressed at the intersection.

Improvements at this intersection include the following:

- The heavy northbound left-turn movement will need dual left-turn lanes and a protected left-turn phase to provide additional capacity and minimize vehicle queuing.
- The outside (curb lane) southbound through lane will need to be lengthened to improve lane utilization and better accommodate directional southbound through volumes.

The improvements can help improve safety by accommodating additional vehicles during each phase of the signal cycle. This will reduce driver delay and may reduce the number of vehicles entering the intersection during yellow or all-red time. Additionally, the protected phase for northbound left turn will provide protection from southbound traveling vehicles on River Road. Table 4.910 summarizes the no-build and the improvement alternatives. A sketch of the improvement is presented in Figure 4.9.

As noted earlier, this sketch is conceptual and does not include details of pedestrian or cyclist facilities. These features will be added as part of the detailed design stage to ensure that the needs of all road users are met.

Table 4.10 Summary of River Road / Wheatland Road Project

	No-Build Alternative	Improvement Alternative – Add second northbound left-turn lane and protected left-turn signal phase. – Lengthen outside southbound through lane
Traffic Operations	Will operate at capacity. Excessive vehicle queues on the northbound left-turn lane and southbound through lane.	Will operate with sufficient capacity. Better southbound through lane utilization and vehicle queues.
Safety	Likely to see crash patterns consistent with existing conditions which include rear-end collisions and angle collisions associated with the northbound left-turn. Increasing traffic volumes and vehicle queuing concerns may lead to additional collisions involving the northbound left-turn movement.	Protected left-turn phasing has the potential to reduce the frequency and severity of angle type crashes. Better southbound through lane utilization has the potential to reduce vehicle queues and limit rear-end collisions.
Impacts	Potential for bottleneck conditions. Increasing vehicle delay, intersection safety, and congestion.	Will require significant intersection modifications and lane widening on River Road and Wheatland Road. Significant property impacts to the northwest quadrant of intersection.
Cost	N/A	High (\$) due to significant ROW needs, additional receiving lanes on Wheatland Road, and property impacts.

Figure 4.9 River Road / Wheatland Road

River Road / Manzanita Street

The River Road/Manzanita Street intersection is currently located within close proximity of the River Road/Wheatland Drive intersection. Given the projected traffic volume increases along River Road, greater separation between these two intersections would improve the progression of traffic flow along River Road and minimize the potential for vehicle queue spillback and rear-end crashes. The alternative to achieve greater intersection separation involves relocating the existing River Road/Manzanita Street intersection approximately 250 feet south of its current location. This relocation also involves the reconstruction of both the McNary Estates Drive and Manzanita Street approaches. The existing section of Manzanita Street, east of River Road, would be vacated or converted to a cul-de-sac with access from Trail Avenue to meet access requirements, if necessary. A shared path for pedestrians and cyclists would also be created in this area as part of the realignment to provide convenient connections to the north on River Road for non-motorized modes.

Coupled with the extension of Verda Lane discussed below, this intersection becomes a key component in the establishment of a partial north/south alternative to River Road. An evaluation of the alternative is presented in Table 4.10~~1~~. Figure 4.10 illustrates a conceptual sketch of the alternative. Pedestrian and cyclist facilities through the intersection are not illustrated in detail in this figure but will be required as the plan for this intersection is developed.

Table 4.11 Summary of River Road / Manzanita Street Project

	No Build Alternative	Realignment Alternative
		– Move intersection approximately 250 feet to the south. Reconstruct McNary Estates Drive and Manzanita Street approaches. – Construct separate westbound through and right-turn lanes.
Traffic Operations	Will operate near capacity. Close spacing to River Road/Wheatland Drive intersection will result in poor progression and queuing conflicts. Long westbound vehicle queues.	Will operate with sufficient longer-term capacity. Improved intersection spacing with River Road/Wheatland Drive. Westbound right-turn lane will decrease delay and add long-term capacity to the intersection.
Safety	No change to the existing condition; therefore safety concerns are likely to continue which include rear-end collisions along River Road.	Increased intersection spacing from Wheatland Drive will reduce the potential for vehicle queue backups and rear-end crashes.
Impacts	Without improvements, queue spillbacks are likely from the River Road/Wheatland Drive intersection. Increasing vehicle delay, intersection safety, and congestion.	Both the McNary Estates Drive and Manzanita Street approaches will need to be reconstructed, requiring significant amounts of right-of-way. Although right-of-way will be needed, adjacent properties are currently undeveloped.
Cost	N/A	High (\$) due to ROW acquisition needs, roadway and traffic signal construction costs, intersection realignment, and property impacts.

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Figure 4.10 River Road / Manzanita Street

Extension of Verda Lane

The north/south movements within the City of Keizer are currently limited to a few key corridors such as River Road and portions of Verda Lane and Chemawa Road. Opportunities for the development of new corridors are limited. One potential corridor that could still be established is an extension of Verda Lane from its current terminus at Lockhaven Drive to a new connection with River Road just south of the existing Manzanita Street intersection.

If pursued, the Verda Lane extension would be constructed concurrently with intersection modifications at the Lockhaven Drive/Verda Lane, detailed in the following section, and following completion of upgrades at the River Road/Manzanita Street intersection, outlined in the section above.

This project consists of extending Verda Lane north of Lockhaven Drive and connecting to River Road at the new alignment of the Manzanita Street/McNary Estates Drive intersection.

Utilizing a portion of the Trail Avenue corridor, this extension will provide an alternative route to allow some traffic the opportunity to bypass the River Road/Lockhaven Drive intersection. In addition, the more direct connection between River Road and Lockhaven Drive would potentially minimize the amount of neighborhood cut-through traffic that currently takes place along the 14th Avenue and Harmony Road corridors.

An evaluation of the project is presented in Table 4.12. A conceptual layout is shown in Figure 4.11. It is expected that the extension will provide appropriate facilities for pedestrians and cyclists.

Table 4.12 Summary of Verda Lane Extension Project

	No Build Alternative	Extension Alternative – Extend Verda Lane from Lockhaven Drive to River Road.
Traffic Operations	Traffic destined for River Road will continue to cut through the residential neighborhoods to the north using 14 th Avenue, Harmony Drive, and Manbrin Street.	Alternative route has the potential to reduce cut through traffic on local streets. May potentially reduce traffic demand at the River Road/Lockhaven Drive intersection.
Safety	No change to the existing condition.	Would help to reduce through traffic on residential streets, thereby improving the safety of those streets.
Impacts	Continue to see cut-through traffic on local neighborhood streets. River Road/Lockhaven Drive will continue to be the primary intersection for accommodating traffic from the northern part of the City that is destined to/from the Chemawa interchange.	Would require significant amounts of right-of-way. Special intersection design treatments would be necessary at the Lockhaven Drive/Verda lane intersection to reduce north/south through movements (see Lockhaven Drive/Verda Lane intersection project).
Cost	N/A	High (\$) due to ROW acquisition needs, roadway

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		construction costs, and property impacts.
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Figure 4.11 Verda Lane Extension

Lockhaven Drive / Verda Lane

In order to establish the extension of Verda Lane, consideration was given to its intersection with Lockhaven Drive. A number of different concepts were developed and reviewed for this location, including traffic calming and a roundabout. These concepts were rejected by the local community in keeping with their desire to minimize through traffic volumes on Verda Lane south of Lockhaven Drive. Figure 4.12 illustrates the community's preferred intersection form.

As shown in this figure, the intersection improvements include a treatment to limit the volume of through traffic along Verda Lane south of Lockhaven Drive. Such channelization would effectively preclude Verda Lane from becoming a through route and thus maintain local street volumes on this portion of Verda Lane; a desire clearly expressed by residents of this neighborhood. A description and evaluation of the project is provided in Table 4.132 below.

While pedestrian and cyclist facilities are not shown on Figure 4.12 they will be considered during the detailed design stage of the project. Since the intersection will be signalized, these users can be safely accommodated with this design.

Table 4.13 Summary of Lockhaven Drive / Verda Lane Project

	Limited Movement Intersection Configuration – Signalize the intersection of Lockhaven Drive and Verda Lane. – Restrict north/south through movements on Verda Lane at Lockhaven Drive.
Traffic Operations	As a signalized intersection with limited movements, the improvement will result in LOS "A" with sufficient longer-term capacity.
Safety	Signalization will improve the accessibility and safety for turning movements to/from Verda Lane. Signalization will also improve the ability for pedestrians and cyclists to safely cross at this intersection.
Impacts	Extension of Verda Lane will require right-of-way. Adjacent property is currently undeveloped, resulting in minimal impacts to existing properties. Restriction of through movements will likely keep traffic volumes to levels that are desirable for a local street through a residential neighborhood.
Cost	Moderate (\$) due to traffic signal construction costs, medians, and other intersection modifications.

Figure 4.12 Lockhaven Drive / Verda Lane

River Road / Lockhaven Drive

River Road/Lockhaven Drive intersection is projected to operate at LOS "D". This, according to City standards, is acceptable. However the long-term capacity of the intersection is limited due to existing geometric and signal phasing inefficiencies. To improve the long-term capacity, the westbound approach will need dual left-turn lanes, a single through lane, and a separate right-turn lane. This widening and lane reconfiguration will allow the existing east/west split phasing to be replaced with a more conventional and efficient protected left-turn phasing. An evaluation of the project is presented in Table 4.14. A sketch illustrating this project is provided in Figure 4.13.

Table 4.14 Summary of River Road / Lockhaven Drive Project

	No Build Alternative	Improvement Alternative
		– Convert westbound approach to dual left-turn lanes, a single through lane, and a separate right-turn lane. – Convert east/west split phasing to a more conventional protected left-turn phasing. – Upon redevelopment of adjacent properties, implement access management measures for those driveways within the influence area of the signalized intersection.
Traffic Operations	Will operate at LOS "D" and near capacity. Excessive vehicle queues on the westbound approach.	With westbound dual left-turn lanes and separate through and right-turn lanes, the intersection will operate at LOS "D" and under capacity.
Safety	No change to the existing layout; therefore safety concerns are likely to worsen as traffic volumes grow.	Additional westbound lanes will minimize vehicle queues and reduce the potential for rear-end collisions. Improved access management will reduce turning movement conflicts within the intersection influence area.
Impacts	Without improvements, the long-term capacity of the intersection is limited through the 2031 study period. Increasing vehicle delay, intersection safety, and congestion.	Lane additions on Lockhaven Drive will require right-of-way and will likely have significant property impacts to adjacent businesses.
Cost	N/A	Moderate (\$) due to ROW acquisition needs for the westbound right-turn lane and traffic signal modification.

Figure 4.13 River Road / Lockhaven Drive

Lockhaven Drive / 14th Avenue

A high east/west travel demand is projected to limit the long-term capacity of the Lockhaven Drive/14th Avenue intersection. To maximize the available capacity of the intersection, a westbound right-turn lane will be needed. In addition, the north and south 14th Avenue approaches will need to be modified to include a separate left-turn lane and shared through/right-turn lane. A sketch of the project is presented in Figure 4.14. A summary of the project is provided in Table 4.154.

Table 4.15 Summary of Lockhaven Drive / 14th Avenue Project

		Improvement Alternative
	No Build Alternative	– Construct a westbound right-turn lane. – Modify the northbound and southbound approaches to include a separate left-turn lane and shared through/right-turn lane.
Traffic Operations	Traffic volumes are projected to continue to increase, limiting the overall capacity of the intersection along this primary east/west arterial.	A westbound right-turn lane will provide additional longer-term capacity at the intersection.
Safety	No change from existing conditions.	May reduce the potential for rear-end collisions along Lockhaven Road.
Impacts	Significant vehicle queues and delays.	Will require some ROW acquisition and have some property impacts.
Cost	N/A	Low (\$) due to some relatively minor ROW needs and traffic signal modification requirements.

Figure 4.14 Lockhaven Drive / 14th Avenue

Verda Lane / Chemawa Road

This intersection is forecast to operate at LOS "F" and exceed its available capacity as an all-way stop-controlled intersection. Mitigation for this intersection includes the installation of a single lane roundabout. A roundabout will provide for continuous traffic flow through the intersection and can effectively reduce the severity of crashes. The traffic operations at a single lane roundabout are comparable to those of a traffic signal. Details of the single lane roundabout are provided in Table 4.165. A sketch of the intersection is presented in Figure 4.15. Pedestrian and cyclist facilities will be included during the detailed design of the intersection.

If the installation of a roundabout becomes unfeasible, alternatively a traffic signal could be installed at this intersection. Analysis of traffic signal warrants was completed and the forecast 2031 volumes indicate that the signal warrants will be met for this intersection. It was assumed that Chemawa Road was the major road when conducting the traffic signal warrant analysis. A summary of the signalized intersection operation and preliminary sketch was completed as part of the Future Alternatives Analysis which is documented in Appendix F in Part 2 of the TSP.

Table 4.16 Summary of Verda Lane / Chemawa Road Project

	Roundabout Alternative - Acquire right-of-way (SW & NW quadrants) - Install single lane roundabout (120 ft inscribed circle diameter).
Traffic Operations	Eliminates forecast congestion. $v/c=0.69$
Safety	Roundabouts typically have fewer high-speed injury collisions and collisions are typically less severe than signalized intersections.
Impacts	The larger footprint of the roundabout requires more right-of-way compared to the signalized intersection. Some potentially significant property impacts are likely along the southwest and southeast quadrants.
Cost	Moderate to High (\$) due to increased ROW acquisition, property impacts, and roadway construction costs.

Figure 4.15 Verda Lane / Chemawa Road

Access Management Studies

Managing access to the City's road system is necessary to preserve the capacity of the City's arterial street system. This is accomplished by minimizing the number of points where traffic flow can be disrupted by traffic entering and exiting the roadway. Additionally, access management can enhance safety along City roadways by minimizing the number of potential conflict points.

Several access management measures can potentially be implemented as described below:

- Work with developers during the application process to consolidate driveways and limit new ones where feasible.
- Consider the use of raised medians on busy arterials to limit driveway access to right-in/right-out turning movements.
- Develop access management plans for arterials and collector streets.

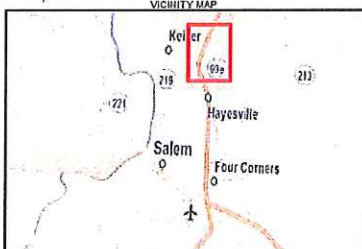
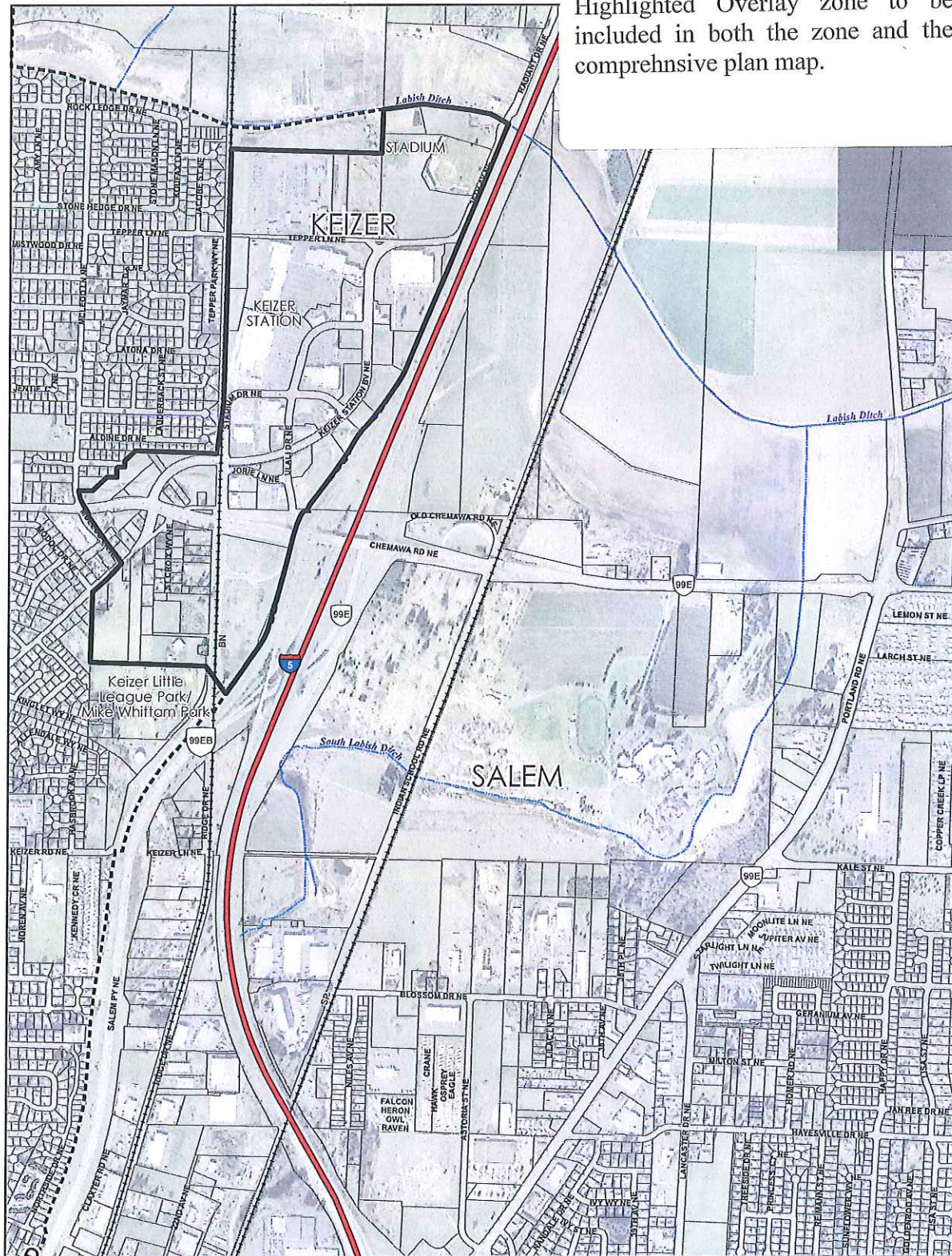
These types of access management measures should be considered on segments such as:

- River Road from the south City Limits to Lockhaven Drive;
- Lockhaven Drive between Windsor Island Drive and Chemawa Road; and
- Chemawa Avenue between Lockhaven Drive and Windsor Island Drive.

Salem Parkway

The Salem Parkway is an ODOT owned and maintained facility. The two study intersections at Cherry Avenue and Verda Lane are under the jurisdiction of ODOT, but have been included in the long-term analysis as they are significant portals to/from the City of Keizer. Due to a projected increase in regional transportation demand, both intersections are forecast to operate above ODOT's 0.85 volume-to-capacity standard. To mitigate these forecast conditions, improvements could include a separate southbound right-turn lane and dual northbound left-turn lanes on the Salem Parkway at both intersections. In addition, Verda Lane may need additional through lanes to better facilitate movements across the Parkway. As traffic continues to grow at these locations, ODOT and the City of Keizer should continue to monitor operations and collaboratively plan for improvements as appropriate.

Highlighted Overlay zone to be included in both the zone and the comprehensive plan map.



- LEGEND**
- Taxlot Boundaries
 - City Boundaries
 - Interchange Overlay Zone
 - Railroad

CITY COUNCIL MEETING: June 16, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: REGULATIONS RELATING TO MEDICAL MARIJUANA
FACILITIES WITHIN THE CITY OF KEIZER**

Early this year, City Council adopted a moratorium on medical marijuana facilities. Council also created the Medical Marijuana Facilities Regulations Task Force. The purpose of such Task Force is as follows:

The Task Force will serve in an advisory capacity to the Keizer City Council to research the feasibility of development of a medical marijuana permit process, to recommend regulations on the operation of medical marijuana facilities, including, but not limited to, appropriate zoning designations and separation distance from schools, parks, day-care facilities, churches or other dispensaries, to recommend a fee structure related to the regulation and/or registration of medical marijuana facilities, and to recommend on any other issues regarding medical marijuana. The Task Force will also recommend to the Keizer City Council policy considerations such as the City's position on state requirements and the City's relationship to Marion County's requirements.

The Task Force completed its duties and made recommendations to Council. The following recommendations are taken verbatim from the minutes:

1. Annual License (fee to be determined based on administrative costs: Supported by all
2. Fees determined by Council resolution: Supported by all
3. Revocation or Suspension: Task Force suggested that a requirement be put in place for inter-dispensary communication to verify how much medical marijuana is

purchased by an individual in a given time period in order to monitor possible violations. The Task Force asked that staff develop a hearing and decision process.

4. Siting: Task Force supported allowing dispensaries in commercial or industrial zones but prohibiting them from spaces 1500 feet from schools, 1,000 feet from public spaces and in the Keizer MU zone.
5. Background Checks: Task Force supported requiring owners, proprietors, workers and/or volunteers to pass a background investigation check to prove an absence of any felony convictions.
6. No consumption on site: Supported by all.
7. Hours of operation: Task Force requested that hours be limited to those of a liquor store and indicated that closing at 7 or 8 p.m. would be acceptable.
8. Signage: Task Force suggested relaxing what was proposed in the memo somewhat, indicating that they found the green cross acceptable but not pictures of cannabis leaves.
9. Sharing security: Deputy Chief Kuhns indicated that KPD would like the ability to mirror what the State Inspectors would be allowed to do. Mr. Robinson suggested that a specific liaison be assigned so that a relationship can be developed between the Police Department and dispensaries. Staff indicated that they would work on this.
10. Minors prohibited: Task Force indicated they supported staff recommendation. [Staff's recommendation defined minor as under 21 years old, rather than the state's definition of 18 years old.]

Task Force suggested that a "severability clause" be included in the Keizer regulations so that if the courts throw out one part of the regulation, the entire regulation will not be lost.

This matter is before the Council for discussion. Most jurisdictions in Oregon have adopted moratoria to delay opening of the medical marijuana facilities to allow time for adoption of regulations. Most have not yet adopted regulations. I have enclosed copies of regulations from Beaverton, Central Point, and Marion County. I have also enclosed copies of the Task Force's minutes and the April 28 memorandum from the Community Development Director to the Task Force.

Though there are some regulatory models here, there are still questions left unanswered. Community Development Director Nate Brown and I attended a League of Oregon Cities conference on medical marijuana and here is a partial list of some of the concerns that some people feel are not fully addressed in the state regulations:

How to track and monitor grow receipts

How to provide adequate police inspections/notice etc

Require minimum distance from residences

Regulating the aspects of the businesses that the statute does not address...

- extraction, (butane honey oil etc)
- grow sites,
- discharge of pollutants,
- regulating the businesses “security measures” such as booby traps etc,
- how to regulate “medibles” (purity, concentration etc)
- whether to limit the number of stores
- minimum standards for security requirements, i.e., minimum video resolution
- traffic issues
- how does the required auditing process
- required fingerprinting

There are two general issues. One is procedural. This issue is whether Council wishes to schedule the matter for additional public hearings. The Task Force had a form of public hearing on March 19, 2014, and also took informal testimony on April 22, 2014. The Council should decide initially whether they want to hold additional public hearings or instead move directly towards adopting regulations.

If the Council wishes to move forward without additional public hearings, the second issue is a substantive one: i.e., does the Council wish to move forward now with regulations or wait to see what other cities do regarding regulations? Or, does the Council wish to wait until possible ballot measures on recreational marijuana use are decided?

At this point, though some general interest has been expressed, staff is not aware of any businesses that have available sites and are ready to open. Therefore, though delaying the regulations should be avoided, I am not sure that waiting for additional review would cause undue hardship. There are advantages to waiting for additional input from the League of Oregon Cities and other jurisdictions. For example, the City of Salem appears to be close to releasing draft regulations for discussion purposes; perhaps as soon as later this month. (Salem is under some pressure to move quickly, because their moratorium expires in October 2014.)

The other issue is the possible ballot measure. Though we do not know at this time, it appears there is still one group moving forward with an initiative petition to allow recreational use of marijuana. The deadline for submitting signatures is July 3, 2014. If that type of ballot measure qualifies for the ballot and passes in November, it will likely undo all the work with regard to the draft regulations. I would anticipate that in such an instance, there would be no longer any need for “medical marijuana” per se.

Here are some decision points for Council:

A. Process.

1. Direct staff to schedule the matter for public hearing within the next month, or
2. Direct staff to wait to schedule public hearings until further draft regulations can be reviewed. (We will also report back regarding possible ballot measures.), or
3. Decline to hold additional public hearings, as the matter has already been heard by the Task Force.

If the Council wishes to have more input under Options 1 or 2 above, then the Council should not need to determine the more substantive issues. However, if the Council wishes to move forward without additional public input, the following are some decision points for Council to consider:

B. Substantive.

1. Direct staff to move forward to draft regulations consistent with the Task Force recommendations only, or
2. Direct staff to consider and draft additional or changed recommendations based on Council direction, or
3. Direct staff to garner specific information as the Council may desire.

RECOMMENDATION:

Review the above matter and direct staff accordingly.

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

ESJ/tmh

ORDINANCE NO. 4636**AN ORDINANCE AMENDING CHAPTER SEVEN
OF THE BEAVERTON CITY CODE RELATING TO
REGULATORY BUSINESS LICENSES FOR
MEDICAL MARIJUANA FACILITIES AND
DECLARING AN EMERGENCY**

Whereas, Oregon law authorizes businesses to distribute marijuana for medical use at facilities located in areas zoned for commercial, industrial or mixed use; and

Whereas, federal law prohibits the distribution of medical marijuana for any purpose outside of the narrow confines of a government-approved research project; and

Whereas, one of the consequences of the conflict between state and federal law regarding the commercial distribution of marijuana for medical use is that many of the medical marijuana facilities that distribute marijuana are shut out of the traditional banking system because the financial industry fears that if they provide services to marijuana businesses they may be found to have aided and abetted a criminal enterprise, possibly subjecting themselves to civil or criminal sanctions for violating prohibitions on money laundering, among other federal laws and regulations; and

Whereas, the lack of access that medical marijuana facilities have to traditional financial services results in the facilities having large amounts of cash on site; and

Whereas, US Attorney General Eric Holder has expressed concern about the public safety component of having such large amounts of cash in retail marijuana outlets, saying that "there's a public safety component to this. Huge amounts of cash—substantial amounts of cash just kind of lying around with no place for it to be appropriately deposited"; and

Whereas, the City of Beaverton seeks to regulate medical marijuana facilities to reduce the risk these businesses pose to the health, safety and welfare of the community; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**SECTION 1:**

Chapter Seven of the Beaverton City Code is amended by adding section BC 7.02.005 through 7.02.085 as set out below:

7.02.005 SHORT TITLE

BC 7.02.005 to 7.02.085 shall be known and may be cited as the "Medical Marijuana Ordinance" and may be referred to herein as "this ordinance."

7.02.010 DEFINITIONS

As used in this ordinance:

"Debilitating medical condition" has the meaning given that term in ORS 475.302.

"Marijuana" has the meaning given that term in ORS 475.005.

"Medical Marijuana" means marijuana used for the exclusive benefit of a person to mitigate the symptoms or effects of the person's debilitating medical conditions.

"Medical marijuana facility" means the business that distributes marijuana to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

"Medical use of marijuana" has the meaning given that term in ORS 475.302.

"Person responsible for a medical marijuana facility" means an individual who owns, operates, or otherwise has legal responsibility for a facility, or who intends to own, operate, or otherwise have legal responsibility for a facility.

"Registry identification card" means a document issued by the Oregon Health Authority that identifies a person authorized to engage in the medical use of marijuana, and the person's designated primary caregiver, if any.

"Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

7.02.015 LICENSING REQUIREMENT

A person may not conduct, maintain, manage, or operate a medical marijuana facility in Beaverton unless a person responsible for the medical marijuana facility has a medical marijuana facility license issued pursuant to this ordinance.

7.02.020 LICENSE APPLICATION; CONTENTS; FEE

A. The person responsible for a medical marijuana facility shall apply to the City for a medical marijuana facility license in writing on a form and in a manner prescribed by the City. The application shall request and the applicant shall provide information including:

1. The name of the person responsible for the medical marijuana facility;
2. The address or location of the medical marijuana facility;
3. The registry identification card number of the person responsible for a medical marijuana facility;
4. Proof that the Oregon Health Authority has registered the medical marijuana facility at the location indicated on the application; and
5. Any other information the City considers necessary.

B. At the time the person responsible for a medical marijuana facility submits an application under this section, the applicant shall pay to the City a license application fee of \$100. The license application fee is not refundable. The council may establish a different license application fee by adoption of a resolution.

7.02.025 LICENSE APPLICATION APPROVAL; ISSUANCE; FORM; DENIAL

A. Within 180 days after receiving an application for a medical marijuana facility license, the City shall issue a license to conduct, maintain, manage, or operate a medical marijuana facility in Beaverton at the location identified in the application if the City finds that:

Ordinance No. 4636

1. The application is complete and accurate;
2. The Oregon Health Authority has registered the medical marijuana facility at the location indicated on the application; and
3. The applicant has paid the required application fee under BC 7.02.020.

B. The mayor shall prescribe the form of the license the City issues under this ordinance. At minimum, the license must display the expiration date of the license, the address or other location of the medical marijuana facility and the name of the person responsible for the medical marijuana facility.

C. The City shall disapprove an application and deny the applicant a license if the City finds that the applicant does not meet one or more of the standards set forth in subsection A. of this section.

D. If the City disapproves an application or denies the applicant a license under subsection A. of this section, the City shall notify the applicant promptly and state the reasons for the disapproval and denial.

E. As reasonably required to complete the review of an application for a license issued under this ordinance, the City may conduct a criminal history background check.

7.02.030 LICENSE AUTHORIZATION; TERM

A medical marijuana facility license:

- A. Is not transferable or assignable;
- B. Authorizes the person responsible for the medical marijuana facility to conduct, maintain, manage, and operate a medical marijuana facility only at the location displayed on the license;
- C. Remains in full force and effect for one year from date of issuance, unless sooner surrendered, suspended or revoked as provided herein.

7.02.035 ANNUAL LICENSE RENEWAL; FEE

A. The person responsible for a medical marijuana facility shall apply to the City annually for renewal of a medical marijuana facility license in writing on a form and in a manner prescribed by the City. The application shall request and the applicant shall provide information including:

1. The name of the person responsible for the medical marijuana facility;
2. The address or location of the medical marijuana facility;
3. The registry identification card number of the person responsible for a medical marijuana facility;
4. Proof that the Oregon Health Authority has registered the medical marijuana facility at the location indicated on the application; and
5. Any other information the City considers necessary.

B. At the time the person responsible for a medical marijuana facility submits a license renewal application under this section, the applicant shall pay to the City a license renewal application fee of \$75. The license renewal application fee is not refundable. The council may establish a different license renewal application fee by adoption of a resolution.

7.02.040 LICENSE RENEWAL APPLICATION APPROVAL; ISSUANCE; FORM; DENIAL

A. After receiving a license renewal application for a medical marijuana facility, the City shall renew the license to conduct, maintain, manage, and operate a medical marijuana facility in Beaverton at the location identified in the application if the City finds that:

1. The application is complete and accurate;
2. The Oregon Health Authority has registered the medical marijuana facility at the location indicated on the application; and
3. The applicant has paid the required renewal application fee under BC 7.02.035.

B. The mayor shall prescribe the form of the license renewal the City issues under this ordinance.

C. The City shall disapprove an application and deny the applicant renewal of a medical marijuana facility license if the City finds that the applicant does not meet one or more of the standards set forth in subsection A. of this section.

D. If the City disapproves an application or denies the applicant renewal of a medical marijuana facility license under subsection A. of this section, the City shall notify the applicant promptly and state the reasons for the disapproval and denial.

7.02.045 LICENSE SURRENDER

A licensee may surrender a medical marijuana facility license by delivering written notice to the City that the licensee thereby surrenders the license. A licensee's surrender of a license under this section does not affect the licensee's civil or criminal liability for acts the licensee committed before surrendering the license.

7.02.050 GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE

A. The City may suspend or revoke a medical marijuana facility license if:

1. The licensee knowingly makes a material false statement or omission in connection with the issuance or renewal of the license;
2. The Oregon Health Authority suspends or revokes the registration of the medical marijuana facility to which the license pertains;
3. Oregon Health Authority suspends or revokes the authority of the person responsible for the medical marijuana facility to operate a medical marijuana facility; or
4. The license is exercised in violation of any state, federal or local law, rule or regulation.

B. The City may initiate proceedings to suspend or revoke a medical marijuana facility license if the City has reasonable cause to believe that one or more grounds for suspension or revocation provided under subsection A. of this section exists.

C. Any proceeding under this section shall be substantially in accord with the procedure provided in BC 2.05.056 through 2.05.058.

D. Upon a determination that grounds for suspension or revocation of a medical marijuana facility license exists, the factors to be considered in determining whether to suspend or revoke the license must include:

1. The nature of the conduct constituting the grounds for suspension or revocation;
2. The frequency of the conduct;

3. The effect the conduct has upon the enjoyment of life, health and property of members of the community;
4. The efforts of the person responsible for the medical marijuana facility to prevent, mitigate or eliminate the conduct;
5. The actual results of any actions taken by the person responsible for the medical marijuana facility to prevent, mitigate or eliminate the conduct;
6. The license history of either or both the medical marijuana facility and the person responsible for the medical marijuana facility; and
7. The cost to the City of investigating the conduct, including bringing the proceeding.

7.02.055 APPEAL

A decision pursuant to this ordinance to deny an application for a new license or to deny an application for the renewal of an existing license, or to suspend or revoke a license, is final. Appeal of a final decision shall be by writ of review to the Circuit Court of Washington County, Oregon, as provided by law.

7.02.060 ENFORCEMENT

The City may institute appropriate suit or legal action in a court of competent jurisdiction to enforce the provisions of any decision or order issued pursuant to this ordinance.

7.02.065 PUBLIC NUISANCE

A. Any premise, house, building, structure or place of any kind where marijuana is sold, manufactured, bartered, distributed or given away in violation of state law or this ordinance, or where persons are permitted to resort for the purpose of consuming marijuana in violation of state law or this ordinance, or any place where marijuana is kept or possessed for sale, barter, distribution or gift in violation of state law or this ordinance, is a public nuisance.

B. The City may institute an action in the Circuit Court for Washington County in the name of the city to abate, and to temporarily and permanently enjoin, such nuisance. The court has the right to make temporary and final orders as in other injunction proceedings. The plaintiff shall not be required to give bond in such action.

7.02.070 CLOSURE DURING PENDENCY OF ACTION; EMERGENCY CLOSURES

The City may institute an action for a temporary restraining order or preliminary injunction pursuant to ORCP 78 if a threatened or existing nuisance under this ordinance creates an emergency that requires immediate action to protect public health, safety or welfare. In such instances, the notice requirements of this ordinance need not be fulfilled.

7.02.075 ENFORCEMENT OF CLOSURE ORDER; COSTS

The court may authorize the City to physically secure the medical marijuana facility against use or occupancy in the event that the person in charge of the facility fails to do so within the time specified by the court. In the event that the City is authorized to secure the premises, all costs incurred by the City to effect a closure shall be allowed and recovered as provided under ORCP 68. As used in this subsection, "costs" include those reasonable and necessary expenses incurred by the City for the physical securing of the premises.

7.02.080 REMEDIES CUMULATIVE

Ordinance No. 4636

Any penalty or remedy imposed pursuant to this ordinance is in addition to, and not in lieu of, any other civil, criminal or administrative penalty, sanction or remedy otherwise authorized by law. The abatement of a nuisance under this ordinance does not prejudice the right of any person to recover damages for its past existence.

7.02.085 SEVERABILITY

The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or

B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

SECTION 2: EMERGENCY CLAUSE; EFFECTIVE DATE

This ordinance being necessary for the preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on February 28, 2014.

SECTION 3: OPERATIVE DATE

Section A. of BC 7.02.025 of this ordinance becomes operative on September 1, 2014, to allow the City to take such action that is necessary to enable the City to exercise, on or after the operative date, all the duties, functions and powers conferred on the City by this ordinance.

First reading this 18th day of February, 2014.

Second reading and passage by the Council this ____ day of February, 2014.

Approved by the Mayor this ____ day of February, 2014.

ATTEST:

APPROVED:

CATHERINE JANSEN, City Recorder

DENNY DOYLE, Mayor

Ordinance No. 4636

Ordinance

Amending Chapter 17 Allowing Dispensaries as Conditional Use

STAFF REPORT



Planning Department

Tom Humphrey, AICP,
Community Development Director/

STAFF REPORT

March 27, 2014

AGENDA ITEM: File No. 13020

Second Reading of Municipal Code Amendments to revise Chapter 17.37, **C-2(M)**; Chapter 17.44, **C-4**; and Chapter 17.46, **C-5** to allow Medical Marijuana Dispensaries as Conditional Uses. **Applicant:** City of Central Point.

STAFF SOURCE:

Tom Humphrey, Community Development Director

BACKGROUND:

At its last meeting the City Council conducted a public hearing to consider amendments to Chapter 17 – Zoning which would reinforce changes to Title 5 (Chapter 5.40) which manages Medical Marijuana Dispensaries in Central Point until such time as the Council chooses to prohibit such dispensaries. The zoning amendments were sent to the Department of Land Conservation and Development (DLCD) for their review and comment and the City has received nothing from them to date.

The Planning Commission conducted a public hearing on March 4, 2014 and no one spoke either in support or in opposition to this amendment. The Commission recommended 4 to 2 in favor of approval. The dissenting members preferred that the Council prohibit dispensaries outright.

DISCUSSION:

The City's approach to the new state law has been to add CPMC Chapter 5.40 which defines medical marijuana dispensaries and specifies the conditions under which they would be allowed. The Attached Ordinance is being proposed to amend Chapter 17 in order to reinforce language in Chapter 5.40 allowing dispensaries in three commercial zones (C-2M, C-4 and C-5) as a *conditional use*. The Council believes that prohibiting dispensaries outright would simply invite expensive and unnecessary litigation.

The State Legislature recently adopted HB 1531 which makes clear that reasonable time, place and manner (TPM) restrictions are permitted by jurisdictions which is what Central Point amendments accomplish. A moratorium allowed by HB 1531, if adopted, would be effective only for one year until May 1, 2015. In our case there does not appear to be much benefit to adopting a moratorium. The only reason to adopt a moratorium would be that in the event the law is further clarified in the next year to allow cities to ban dispensaries, Central Point would not run the risk of allowing such a business to open, and then later prohibiting the use, which would create an enforcement issue between the business license and the legal nonconforming use. The Council has appeared to be in favor of the changes staff is advocating until the State makes an outright prohibition more clear.

The following section changes are summarized as follows:

1. **Section 17.37 C-2(M) Commercial-Medical District.** This section has been revised to add Medical Marijuana Dispensaries, as defined in Chapter 5.40 as *Conditional uses* noted in Attachment “A”. Given that the C-2(M) zoning district is surrounded by residential uses and that there is a 500 foot buffer from those uses, there are no properties in the existing C-2(M) zone where a dispensary can be established.
2. **Section 17.44 C-4 Tourist and Office-Professional District.** This section has been revised to add Medical Marijuana Dispensaries, as defined in Chapter 5.40 as *Conditional uses* also noted in Attachment “A”. This is the principle zoning district where the City could see some applications.
3. **Section 17.46 Thoroughfare Commercial District.** This section has been revised to add Medical Marijuana Dispensaries, as defined in Chapter 5.40 as *Conditional uses* also noted in Attachment “A”.

ISSUES:

As discussed, the primary issue has been whether to have an outright prohibition on dispensaries or to allow them under limited circumstances. The current belief is that allowing them under limited circumstances minimizes city liability. After having adopted Chapter 5.40 regulating dispensaries in general, the zoning districts referred to should be consistent with the rest of the CPMC. Adoption of these zoning amendments would reinforce the Council’s earlier action. It should also be noted again that state law allows dispensaries in *both* commercial and industrial zones. However, Central Point does not typically allow *any* retail businesses in industrial zones unless they are incidental to the industrial use. Therefore, the City is not advocating any changes to industrial zoning districts at this time.

ATTACHMENTS:

Attachment “A” – Ordinance No. ____ An Ordinance amending CPMC Chapter 17.37, C-2(M); Chapter 17.44, C-4, Chapter 17.46, C-5 to allow Medical Marijuana Dispensaries as a Conditional Use.

ACTION:

Discuss proposed ordinance amendments and 1) adopt the ordinance as is; 2) adopt the ordinance with changes; or 3) deny the ordinance.

RECOMMENDATION:

Approve Ordinance No. ____, An Ordinance amending CPMC Chapter 17.37, C-2(M); Chapter 17.44, C-4, Chapter 17.46, C-5 to allow Medical Marijuana Dispensaries as a Conditional Use.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CPMC CHAPTER 17.37, C-2(M); CHAPTER 17.44, C-4 AND
CHAPTER 17.46, C-5 ALLOWING MEDICAL MARIJUANA DISPENSARIES
AS A CONDITIONAL USE**

RECITALS:

- A.** Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B.** On March 4, 2014, the Central Point Planning Commission recommended approval of a code amendment to CPMC Chapter 17.37; Chapter 17.44 and Chapter 17.46 (zoning) allowing Medical Marijuana Dispensaries as a conditional use in these zones.
- C.** On March 13, 2014, the City of Central Point City Council held a property advertised public hearing; reviewed the Staff Report and findings; heard testimony and comments, and deliberated on approval of the Municipal Code Amendment.

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Amendments to Chapter 17.37; Chapter 17.44 and Chapter 17.46 adds language to the zoning code to allow Medical Marijuana Dispensaries as a conditional use in these zones in response to the passage of House Bill 3460 which became effective on March 3, 2014.

**Chapter 17.37
C-2(M), COMMERCIAL-MEDICAL DISTRICT**

17.37.030 Conditional uses.

The following uses are permitted in the C-2(M) district when authorized in accordance with Chapter 17.76:

- A.** Insurance company offices;
- B.** Legal services;
- C.** Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, may be permitted as conditional uses when not included within the primary building or structure; and
- D.** Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type and size.

Ordinance No. _____ (032414)

E. Medical Marijuana Dispensaries, as defined in Chapter 5.40

Chapter 17.44
C-4, TOURIST AND OFFICE-PROFESSIONAL DISTRICT

17.44.030 Conditional uses.

A. The following uses are permitted in the C-4 district when authorized in accordance with Chapter 17.76, Conditional Use Permits:

1. Campgrounds and recreational vehicle overnight facilities; ...

19. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type and size.

20. Medical Marijuana Dispensaries, as defined in Chapter 5.40

Chapter 17.46
C-5, THOROUGHFARE COMMERCIAL DISTRICT

17.46.030 Conditional uses.

The following uses are permitted in the C-5 district when authorized in accordance with Chapter 17.76:

22. Adult businesses, as defined in Chapter 5.24; ...

28. Regional shopping centers.

29. Medical Marijuana Dispensaries, as defined in Chapter 5.40

PASSED by the Council and signed by me in authentication of its passage this ____ day of March 2014.

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance No. _____ (032414)

Return to Agenda

Chapter 5.40 MEDICAL MARIJUANA DISPENSARIES

Sections:

- 5.40.010 Purpose.
- 5.40.020 Definitions.
- 5.40.030 Regulations for medical marijuana dispensary.
- 5.40.040 License--Registration--Required.
- 5.40.050 License--Period.
- 5.40.060 License--Fees.

5.40.010 Purpose.

It is recognized that the presence of marijuana dispensaries within the community of Central Point may result in adverse social and economic impacts, increased crime incidents, and physical deterioration in the general areas of such businesses. It is evident that regulations applicable to such dispensaries are necessary to protect minors and to preserve the character, safety and stability of residential areas that are in proximity to such commercial businesses. The purpose of this section is to establish regulations applicable to marijuana dispensaries, as defined in the Oregon Revised Statutes and in Section 5.40.020. (Ord. 1982 §1(part), 2014).

5.40.020 Definitions.

For purposes of this chapter, the following terms and business types are defined in this section:

- A. "Medical marijuana" means all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.
- B. "Cultivation" means a location where marijuana is produced or cultivated for use by a medical marijuana qualifying patient including within a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from a medical marijuana dispensary.
- C. "Medical marijuana dispensary" means a medical marijuana facility registered by the Oregon Health Authority under ORS 475.300 to 475.346 and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.
- D. "Infusion" means a facility or business that incorporates medical marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.
- E. "Medical marijuana qualifying patient" means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS 475.302(3) or the designated primary caregiver of the cardholder as defined by ORS 475.302(5). (Ord. 1982 §1(part), 2014).

5.40.030 Regulations for medical marijuana dispensary.

A. Medical marijuana dispensary businesses may be granted a conditional use permit by the planning commission in accordance with the requirements of the zoning district in which the business is proposed, and in accordance with the following regulations:

1. Evidence that the business is currently registered under the state of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346;
2. The proposed use complies with all requirements set forth for the issuance of a conditional use permit (Chapter 17.76);
3. The lot on which the business is proposed to be located is classified commercial and includes the following designations: C-2(M) commercial medical district, C-4 tourist and office commercial district, and C-5 thoroughfare commercial district;
4. The business shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;
5. The subject lot is not within five hundred feet of the nearest residential R zoning district;
6. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors, a public park or recreational facility, a day nursery or child care center, or any other public facility which is customarily utilized by minors;
7. The lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;
8. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity;
9. The business shall be permitted an identification sign but shall not exhibit advertisements, displays, or any other promotional or advertising materials that may be visible to the public outside the structure;
10. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area;
11. No marijuana dispensary business, as defined in this chapter, shall have operating hours earlier than eight a.m. or later than six p.m. of the same day and only Monday through Saturday, except as specifically permitted by the terms of the conditional use permit;
12. Cultivation or infusion of medical marijuana at the site of the dispensary is prohibited;
13. The business shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers;
14. Drive-through services are prohibited.

B. The planning commission may, at its discretion, conduct a poll or survey of residents and property owners in the vicinity of a proposed medical marijuana dispensary business if such poll or survey is determined to be necessary to adequately assess the social, economic or other impacts of the proposed business.

C. Applicants for licenses under this chapter must file with the city recorder a sworn application in writing for the license which shall give the following information:

1. The name of the applicant;
2. Permanent home address and full local address of the applicant;
3. A brief description of the nature of the business and goods to be sold, if any;
4. Length of time for which the right to do business is desired;
5. The location of the proposed medical marijuana dispensary business.

D. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine as defined by Section 1.16.010. (Ord. 1982 §1(part), 2014).

5.40.040 License--Registration--Required.

No person, or his employee or agent, shall engage in or conduct within the city any medical marijuana dispensary business unless the license fee has been paid and a license issued as provided herein.

No person, his employee or agent shall engage in or conduct within the city any medical marijuana dispensary business unless the person possesses a current registration under the state's medical marijuana facility registration system. The city shall not issue a business license to any medical marijuana dispensary business while a moratorium is in effect prohibiting the operation of such business. (Ord. 1985 §1, 2014; Ord. 1982 §1(part), 2014).

5.40.050 License--Period.

License for dispensaries shall be for annual periods commencing on July 1st of each year. License renewals shall be consistent with criteria established in Section 5.04.092. (Ord. 1982 §1(part), 2014).

5.40.060 License--Fees.

The license fee to be charged by the city designee for a medical marijuana dispensary business license shall be as set forth in the city of Central Point business license fee schedule as set in Section 5.04.120. (Ord. 1982 §1(part), 2014).

The Central Point Municipal Code is current through Ordinance 1987, passed April 10, 2014.

Disclaimer: The City Recorder's Office has the official version of the Central Point Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

Pursuant to the charter and Ordinance 1969, all references throughout the code to "city administrator" have been changed to "city manager."

City Website: <http://www.centralpointoregon.gov/> (<http://www.centralpointoregon.gov/>)

City Telephone: (541) 824-2224

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

In the Matter of Regulating Medical)
Marijuana Dispensary Facilities in the)
Unincorporated Area of Marion County,)
Establishing a Permit Process, and)
Declaring an Emergency)

ORDINANCE NO. 1333

WHEREAS, on February 5, 2014, the Marion County Board of Commissioners, Marion County Sheriff, and Marion County District Attorney adopted Resolution No. 14R-4 opposing the legalization of marijuana and finding that allowing the operation of medical marijuana facilities to be contrary to their oaths to support the Constitution of the United States of America and the Constitution of the State of Oregon and the laws thereof, and detrimental to public peace, health and safety; and

WHEREAS, the public policy of Marion County is against legalization of marijuana; marijuana is illegal under federal law; federal law enforcement authorities by policy will not enforce federal law if state laws meet the eight federal priorities; state law has set up a conflict of laws by allowing medical marijuana and medical marijuana facilities without assurance that the state program meets these federal priorities, as well as inappropriately designating agricultural land as an allowable location for a medical marijuana facility, as more fully discussed in the findings attached as Exhibit A;

NOW THEREFORE,

THE MARION COUNTY BOARD OF COMMISSIONERS ORDAINS AS
FOLLOWS:

SECTION 1. TITLE

This ordinance adopts a new chapter to the county code and shall be known as the medical marijuana dispensary facilities ban and ban exemption permit ordinance of Marion County.

SECTION 2. FINDINGS AND PURPOSE

A. The board adopts the findings attached to this ordinance as findings to support this chapter.

B. The purpose of this ordinance is to enact a new chapter of the Marion County Code on the subject of medical marijuana dispensary facilities, which explicitly prohibits medical marijuana dispensary facilities in the unincorporated area of Marion County, particularly in farm and forest zones, and provides for a ban exemption permit for medical marijuana dispensary facilities in commercial, industrial or mixed use zones. This prohibition will be enforced until such time as the manufacture, distribution, and possession of medical marijuana is not prohibited under federal law.

C. This chapter is not intended to regulate the possession, cultivation or use of medical marijuana at a registered marijuana grow site or by anyone who is a registry identification cardholder.

SECTION 3. PROHIBITED ACTIVITIES

A. It is unlawful to operate, use or allow the operation of a medical marijuana dispensary facility in the unincorporated area of Marion County without having a current ban exemption permit under this chapter.

B. It is unlawful to lease, rent or otherwise allow any medical marijuana dispensary facility in any building, structure, premises, location or land in the

unincorporated area of Marion County unless the medical marijuana dispensary facility business has a current ban exemption permit.

SECTION 4. USE NOT PERMITTED IN ANY FARM OR FOREST ZONE

The use of any building, structure, location, premises or land for a medical marijuana dispensary facility is not allowed in any farm or forest zone.

SECTION 5. BAN EXEMPTION PERMIT REQUIRED

A. Commercial or industrial zoned land. A medical marijuana dispensary facility may be located in commercial or industrial zones in the unincorporated area of Marion County only if the business has first obtained a ban exemption permit.

B. Mixed use zoned land. A medical marijuana dispensary facility may be located in a mixed use zone in the unincorporated area of Marion County only if the nature of the mixed use zone is not primarily residential, farm or forest uses, and if the business has first obtained a ban exemption permit.

SECTION 6. APPLICATION FOR BAN EXEMPTION PERMIT

A. After March 1, 2014, a person or entity seeking a ban exemption permit shall submit an application to the county on forms provided by the county. At the time of application, applicant shall pay a nonrefundable application fee to cover the costs incurred by the county in processing the application.

B. The applicant shall be the individual to whom the Oregon Health Authority ("OHA") has granted a permit pursuant to Chapter 726, Oregon Laws 2013 and the corresponding administrative rules.

C. The applicant shall submit a separate application and pay a separate application fee for each physical location for which the applicant seeks a ban exemption permit.

D. The applicant shall provide the following information on the application form and other required information in support of the application:

1. Name of the business and business location;
2. Name of the business owner and manager (if different);
3. Copy of OHA permit for the business;
4. Confirmation of passing a criminal background check performed by the sheriff pursuant to ORS 181.533 and OAR 257-010-0025(1)(a) for all owners, employees, or volunteers that will work at the location identified in subsection 1 above;
5. Written authorization for OHA to disclose information to Marion County about the business and the applicant in conjunction with the OHA permit;
6. The permit holder shall save harmless, indemnify, and defend Marion County and any of its elected officials, officers, employees or agents for any and all claims, damages, losses and expenses, including but not limited to attorney fees, arising out of or resulting from county liability to agencies of the federal government pursuant to contracts or grants from those federal agencies occurring due to the issuance of a ban exemption permit to the permit holder;
7. The permit holder shall waive liability against Marion County and any of its elected officials, officers, employees or agents for any claims arising out of the revocation of or refusal to grant a permit; for any claims alleging a taking or inverse condemnation due to revocation of or refusal to permit a particular location or relocation

of a permitted facility for failing to satisfy all the requirements of a permit; or for any actions taken or not taken by Marion County pursuant to a permit;

8. The permit holder shall waive liability against Marion County and any of its elected officials, officers, employees or agents for any claims for any lawful arrest or prosecution of the applicant or any employees, clients or customers for a violation of federal or state criminal laws.

SECTION 7. TERM AND RENEWAL OF BAN EXEMPTION PERMIT

A. A ban exemption permit is effective upon the date of its issuance and expires at the end of the 365th day (one year) following its issuance.

B. In order to renew a ban exemption permit, the applicant shall submit an application to the county on forms provided by the county no more than ninety and at least sixty days prior to the expiration of the existing ban exemption permit. A renewal application shall contain all of the information and documentation required of an original application pursuant to subsection D of section 6 of this chapter.

C. At the time of filing a renewal application, applicant shall pay a nonrefundable application fee to cover the costs incurred by the county in processing the renewal application.

D. If a specific location that is the subject of a renewal application has a documented history of law enforcement contacts during the time that the specific location has been permitted under this chapter, the Sheriff may recommend denial of a renewal application. In the event that the Sheriff recommends denial of a renewal application, the Sheriff shall forward the recommendation to the planning division. The planning division may issue a notice of denial based upon the Sheriff's recommendation. Denial

of a renewal application based upon the Sheriff's recommendation may be reviewed by the hearings officer pursuant to section 12 of this chapter.

SECTION 8. BAN EXEMPTION PERMIT REGULATIONS

A person or entity having or required to obtain a ban exemption permit for a medical marijuana dispensary business shall comply with the following regulations:

- A. The person or entity shall comply with all building code and zoning requirements applicable to the property on which the business is located.
- B. The person or entity shall comply with all federal, state, and local laws applicable to the business.
- C. The medical marijuana dispensary facility cannot be located within 1000 feet of any boundary of a property containing a pre-kindergarten, Head Start program, community learning center, or certified child care facility regulated pursuant to ORS chapters 329, 329A, and 657A, a relief nursery regulated pursuant to ORS chapter 417, a public park, or a location prohibited by OHA regulations, which currently include being located within 1000 feet of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors, or within 1000 feet of another medical marijuana dispensary facility.
- D. The business shall comply with chapter 8.25 of the Marion County Code, the alarm system control ordinance.
- E. All employees and volunteers of the business must submit to a criminal background check by the sheriff pursuant to ORS 181.533 and OAR 257-010-0025(1)(a). It shall be a violation of this ordinance if an employee or volunteer has been convicted of the manufacture or delivery of a controlled substance in Schedule I or Schedule II within

five years of the date of the criminal background check; has been convicted more than once of the manufacture or delivery of a controlled substance in Schedule I or Schedule II at any time; or has been convicted of any of the following crimes at any time: criminal mistreatment based upon the unlawful manufacture of a controlled substance, child neglect I, racketeering, use of minor in controlled substance offense, manufacture or delivery of hydrocodone within 1000 feet of a school, manufacture or delivery of a controlled substance within 1000 feet of a school, causing another to ingest a controlled substance, application of a controlled substance to the body of another person, or felony driving under the influence of intoxicants.

F. The person or entity shall keep all real and personal property tax accounts current for the business for which it is the taxpayer.

G. The business may not be operated as a home occupation in any zone.

H. No minors are allowed on the business premises unless the minor is an Oregon Medical Marijuana Program (OMMP) cardholder and is accompanied by a parent or guardian and not in areas prohibited by OAR 333-008-1200.

I. No consumption of medical marijuana is allowed on the business premises unless otherwise as allowed for employees in OAR 333-008-1200. The business must comply with the Oregon indoor clean air act that prohibits indoor tobacco smoking. The business may not be co-located with a tobacco smoking lounge, or any kind of medical marijuana social club where medical marijuana is consumed.

SECTION 9. NO VESTED OR NONCONFORMING RIGHTS

This chapter prohibits medical marijuana dispensary facilities and other facilities for the storing or dispensing of marijuana in the unincorporated area of Marion County.

Neither this chapter nor any other provision of the Marion County Code, or any action, failure to act, statement, representation, certificate, approval, or permit issued shall create, confer or convey any vested or nonconforming right or benefit regarding any medical marijuana business, medical marijuana dispensary facility or other facility that is prohibited by this chapter.

SECTION 10. VIOLATIONS

Any violations of this chapter may be enforced including but not limited to as set forth in the Enforcement Ordinance, and by seeking administrative, injunctive, or other judicial relief. In addition, violations of this chapter may be deemed a public nuisance and may be abated by the county as a public nuisance.

SECTION 11. DENIAL OR REVOCATION OF A PERMIT

A. An application may be denied unless the applicant satisfies all the application requirements and regulations set forth in this chapter.

B. A permit may be revoked if the person or entity issued the permit fails to satisfy all the application requirements and regulations set forth in this chapter at any time after issuance of the permit, and the unsatisfied application requirement or regulation cannot be remedied within the time specified in the notice of revocation sent to the person or entity.

C. A permit may be suspended if the person or entity issued the permit fails to satisfy an application requirement or regulation set forth in this chapter at any time after issuance of the permit, but the unsatisfied application requirement or regulation can be remedied within the time specified in the notice of suspension sent to the person or

entity. Upon satisfaction of the application requirement or regulation, the notice of suspension will be withdrawn.

SECTION 12. APPEAL PROCEDURE

A. If an application is denied or a permit is revoked or suspended, the applicant or permit holder may appeal the denial, revocation or suspension to the hearings officer. Appeals must be in writing and filed within 15 days after receipt of notice of the denial, revocation, or suspension. The appeal shall be filed in the office of the Marion County planning division, accompanied by a nonrefundable appeal fee to cover the costs incurred by the county in processing the appeal.

B. The appeal shall set forth the following:

1. The name and address of the applicant or permit holder;
2. The proposed (for a denial) or current (for a revocation or suspension) location of the facility in question;
3. Whether the decision being appealed is a denial, revocation, or suspension; and
4. The reason the decision is incorrect.

C. The hearings officer shall hear the appeal within a reasonable time of the receipt of the appeal. At least 10 days prior to the hearing, the county shall mail notice of the time and location of the hearing to the applicant or permit holder.

D. The hearings officer shall determine whether the applicant or permit holder satisfies all the application requirements and regulations set forth in this chapter on the basis of the appellant's written statement and any relevant additional evidence submitted. At the hearing, the appellant may present testimony and oral argument

personally or by counsel. The planning division may appear with or without counsel. The planning division may present testimony and oral argument personally or by counsel. The burden of proof shall be on the planning division by a preponderance of the evidence.

E. The hearings officer shall issue a written decision within a reasonable time of the hearing date. The written decision of the hearings officer is final. Appeal of the hearings officer's decision shall be only by writ of review under ORS Chapter 34.

SECTION 13. FEES

Fees specified in this chapter shall be set by board order.

SECTION 14. SEVERABILITY

Should any section of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction that decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.

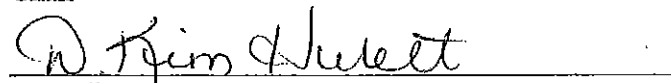
SECTION 15. DECLARATION OF EMERGENCY

This ordinance being necessary for the preservation of the health, safety, and welfare of the community, an emergency is declared to exist and this ordinance will take effect immediately upon passage.

Adopted this 8th day of February, 2014, at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS


Chair


Recording Secretary

MARION COUNTY, OREGON
MEDICAL MARIJUANA DISPENSARY FACILITIES BAN
AND BAN EXEMPTION PERMIT ORDINANCE

EXHIBIT A

Nature of the Legislative Proceeding

This matter is before the Marion County Board of Commissioners pursuant to its legislative authority under ORS 203.035 to by ordinance “exercise authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and of this state”, and that this power “...shall be liberally construed, to the end that counties have all powers over matters of county concern that it is possible for them to have under the Constitutions and laws of the United States and of this state.” The board held work sessions regarding medical marijuana dispensaries on November 25, 2013 and February 10, 2014, discussed the topic at Management Update on January 27, 2014, held a community forum with the Marion County Public Safety Coordinating Council on February 11, 2014, and received public comment at its business sessions on February 5, 12 and 19, 2014, as well as receiving written comment then and at other times. In addition, the commissioners individually have informed themselves on the topic through various means, including but not limited to, meetings, conferences, news media, research articles, citizen input, and discussions with other public officials.

Federal Law

Since 1970, federal law has prohibited the manufacture and possession of marijuana as a Schedule I drug, based on the federal government’s categorization of marijuana as having a “high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment.” *Gonzales v. Raich*, 545 U.S. 1, 14 (2005), Controlled Substances Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 et seq.

On August 29, 2013, the U.S. Department of Justice (USDOJ) issued a memorandum to all United States Attorneys, acknowledging that several states had adopted laws authorizing marijuana production, distribution and possession by establishing a regulatory scheme for these purposes.

In this memo, the DOJ advised that in recent years, the USDOJ has “focused its efforts on certain law enforcement priorities that are particularly important to the federal government,” such as (a) preventing the distribution of marijuana to minors; (b) preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, cartels; (c) preventing the diversion of marijuana from states where it is legal under state law in some form to other states; (d) preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; (e) preventing violence and the use of firearms in the cultivation and distribution of marijuana; (f) preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; (g) preventing the growing of marijuana on public lands and the attendant public safety and

environmental dangers posed by marijuana production on public lands: and (h) preventing marijuana possession and use on federal property.

Also, in this memo, the USDOJ warned that “[i]f state enforcement efforts are not sufficiently robust to protect against the harms [identified above] the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms,” and USDOJ further warned that a regulatory system adequate to this task “must not only contain robust controls and procedures on paper, it must also be effective in practice.”

The USDOJ advised that “in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department’s enforcement priorities [listed above]” and that federal prosecutors “should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including but not limited to, whether the operation is demonstrably in compliance with a strong and effective state regulatory system.”

On this same date, the U.S. Attorney for the District of Oregon, S. Amanda Marshall, issued a press release reiterating the priorities related to enforcing federal marijuana laws and further stating that “in Oregon, federal prosecutors will remain aggressive when it comes to protecting these eight federal enforcement interests” and will exercise “their prosecutorial discretion to investigate and prosecute individuals who infringe against any of these stated federal interests, regardless of state law.”

The Oregon U.S. Attorney further warned that the USDOJ expects strict regulatory schemes with strong, state-based enforcement efforts, backed by adequate funding, that it will take a “trust but verify approach” that the state regulatory scheme is adequate, and if the state does not follow through imposing strict controls regulating marijuana-related conduct that “the federal prosecutors will act aggressively to bring individual prosecutions and may challenge the regulatory scheme themselves.”

A decision by the USDOJ to “not enforce” criminal laws does not make medical marijuana lawful under federal law. The opinion of the USDOJ and Oregon’s US Attorney is that medical marijuana is unlawful under federal law. The USDOJ policy regarding enforcement of this law has flipped back and forth from enforcement to qualified non-enforcement over the last few years. For example, on June 3, 2011, the US Attorney for the District of Oregon in response to a memo from the USDOJ issued a notice to the owners, operators and landlords of medical marijuana dispensaries that marijuana dispensaries were unlawful under federal and state law and that people and businesses involved could face risk of prosecution, civil forfeiture, and seizure of assets. Although this has now changed to a policy of qualified non-enforcement, there are no guarantees that USDOJ’s stance on enforcement will not change once again, so long as marijuana is illegal under federal law.

Furthermore, Marion County has entered into federal grants and contracts that include in the required terms and conditions compliance with the Controlled Substances Act. In the award or implementation of these grants and contracts, these agencies are not bound by the USDOJ’s current position of non-enforcement of federal criminal laws. Contractual remedies against Marion County could include disqualification, non-selection, debarment, fines, penalties, or repayment of federal funds.

Local governments are not the only entities concerned about the fact that marijuana, including medical marijuana, is illegal under federal law. Banks, credit card companies, and other financial institutions across the nation are refusing or reluctant to offer banking services to

marijuana businesses out of caution that they could be found to have violated federal laws and regulations such as money laundering, that could subject the financial institutions to civil or criminal penalties. On February 14, 2014, the U.S. Treasury and Justice Department issued new regulations for banks wishing to do business with marijuana dealers; however, both the Colorado Bankers Association and the Washington Bankers Association have stated that it is not enough to issue guidelines that are not permanent and can change from administration to administration, with the only real and lasting solution being an act of Congress to change federal law. NBC News, 02/14/14, *Out of the Shadows: Pot sellers can now do business with banks*.

Until such time as marijuana is not listed as an unlawful drug under the CSA, or federal law recognizes medical marijuana as lawful, marijuana, including medical marijuana, is unlawful under federal law. The county is put in a conflict of laws position by the state to pick and choose which federal laws it will recognize or with which it must comply, or which federal contractual requirement it may ignore, and the individual county officers are placed in a conflict as to their oaths of office.

State Law

As with federal law, marijuana is considered a controlled substance under the Oregon Uniform Controlled Substances Act, Oregon Revised Statutes (ORS) 475.005 to 475.285. The unlawful manufacture, cultivation, transportation or possession of a controlled substance is a crime under ORS chapter 167 and ORS 475.752 to 475.980.

Oregon has adopted laws relating to medical marijuana, with the intent that a person with one of certain "debilitating medical condition[s], the person's primary caregiver and the person responsible for a marijuana grow site that is producing [for the registered cardholder]," is exempted from certain criminal laws related to the possession, delivery, or production of marijuana, ORS 475.309, ORS 475.300 to 475.346.

The Oregon State Legislature passed House Bill 3460 in 2013, now codified in ORS chapter 475, that added the person responsible for or employed by a medical marijuana facility (dispensary) to the list of persons exempt from certain criminal laws so long as they do not commit the acts anywhere other than at the medical marijuana facility, and directed the Oregon Health Authority (OHA) to establish rules for a medical marijuana facility registration system with an operative date of March 1, 2014. HB 3460 requires medical marijuana facilities to be a registered business, to only be located in areas zoned for commercial, industrial, mixed use, or agricultural, but not at the same location as a marijuana grow site, not be within 1000 feet of public or private elementary, secondary or career schools attended primarily by minors, or within 1000 feet of another dispensary, comply with authority rules related to security and health, and allow the authority to conduct a criminal background check only of the person listed as responsible for the medical marijuana facility for prior convictions of manufacture or delivery of a Schedule I or Schedule II controlled substance.

The statutory provisions of HB 3460 and the OHA temporary rules, Oregon Administrative Rules (OAR) 333-008-1000 to 333-008-0120, establish the state medical marijuana facility registration system, administrative, physical and technical facility requirements, and rules related to facility operations; however, the county has no assurances that this proposed state regulatory scheme is sufficiently robust or satisfies the enforcement priorities established by the federal government, and has serious concerns that the proposed staffing and funding are inadequate for meaningful review, inspection and enforcement of medical marijuana

facilities. The state granted itself immunity under HB 3460 for any actions that it takes, or doesn't take, under the medical marijuana facility registry program. Local government has no such immunity despite having many responsibilities related to businesses, land use and public safety.

Many deficiencies in the law were pointed out during the rulemaking process, but may need a legislative fix. See, for example, letter from Rob Bovett, Lincoln County District Attorney, dated November 22, 2013. The Association of Oregon Counties (AOC), of which Marion County is a member, took a position at its December 9, 2013, and January 13, 2014 meetings, to support legislation that would allow local governments to opt out of having marijuana businesses, and to support fixing the many problems and inadequacies with the Oregon medical marijuana dispensary law and program. Although there is legislation currently before the 2014 Oregon legislature that would acknowledge local authority for some time, place and manner restrictions, SB 1531, that bill has already been stripped of a local opt out, and there is no guarantee of its final form, or if it will pass and be signed by the governor. The current state law is HB 3460, as codified, and the OHA regulations.

There is no guarantee or word from the Oregon US Attorney or USDOJ's office that the provisions of HB 3460 or OHA's implementing regulations are sufficient to meet the eight federal priorities. For example, Oregon's law only prohibits a medical marijuana facility within 1000 feet of a public or private elementary, secondary or career school attended primarily by minors. A USDOJ priority is to prevent the distribution of marijuana to minors. Models of ordinances from Washington State banning or regulating medical marijuana dispensaries prior to the recreational marijuana rule development, as well as the current rule at Washington Administrative Code (WAC) 314-55-050, additionally prohibit a marijuana facility within 1000 feet of a playground, recreational facility, child care center, public park, public transit center, library, or a game arcade where admission is not restricted to age 21 years or older. Under Colorado's law and rules, a local government may either ban entirely, or impose separate local licensing and approval requirements, including additional buffer zones, 1 CCR R-1401. The Colorado State Licensing Authority specifically noted that United States Deputy Attorney General James M. Cole said that the federal interest in preventing the distribution of marijuana to minors "would call for enforcement not just when an individual or entity sells or transfers marijuana to a minor, but also when marijuana trafficking takes place near an area associated with minors; when marijuana or marijuana-infused products are marketed in a manner to appeal to minors; or when marijuana is being diverted, directly or indirectly, and purposefully or otherwise, to minors." Both Washington and Colorado have specific rules regarding the packaging and marketing of marijuana and marijuana-infused products to prevent appeal to children or minors. Preventing packaging and marketing attractive to minors is a significant concern raised by AOC this session, as well as the fact that current law would not restrict a dispensary located near a pre-school.

Another issue is that state law requires a limited background check of the one person listed as responsible for the facility, who could be an owner, operator or other person legally responsible for the facility, but does not require any background checks of employees or other individuals who may be dispensing a controlled substance. This is not sufficiently robust to prevent a facility from being run by a criminal enterprise, gang or cartel, or being used as a cover for the trafficking of other illegal drugs or activities. Marion County's District Attorney has recommended a short list of eleven additional felonies that should be considered in relation to the eight federal priorities, as well as a more comprehensive list. Washington law requires a

background check of all applicants, financiers and anyone who exercises control of the business. Under its point system, anyone who has a felony conviction within the last ten years would exceed the points to qualify for a license. WAC 314-55-040. In Colorado, any applicant with a felony in the last five years would not qualify. 1 CCR R-231. Oregon state law disqualifies an applicant only if he or she has been convicted either more than once, or within five years, for the manufacture or delivery of a Schedule I or II controlled substance. It does not consider any other felonies related to the federal enforcement priorities, and as written, would allow a facility to operate based on a limited criminal history record of an absentee owner.

A significant complication is that HB 3460 required that the business location of the medical marijuana facility and the name of the person responsible for the medical marijuana facility be kept confidential by OHA. Under the OHA rules, applicants will be asked, but not required, to sign an authorization to allow OHA to publish the location of the registered facility, but not the name of the person responsible for the facility. The law also states that OHA shall not publically disclose the location or the person responsible for the facility, and will verify information on the list only to authorized law enforcement with adequate identification and badge number. Verify means confirm only. For example, as the law and rules read, law enforcement responding to a dispatch to a particular location may call OHA to verify that the location is a registered medical marijuana facility, but OHA would be prohibited from telling law enforcement the name of the person responsible for the facility to contact.

Keeping the location of a registered medical marijuana facility and the person responsible for that facility confidential does not make sense for a registered business. No protected health information or individually identifiable health information would be disclosed by allowing the public disclosure to local government of the location of a registered medical marijuana dispensary and the person responsible for that facility. These confidentiality restrictions are also contrary to public comment received by the board from some medical marijuana facility business owners and individuals who want to operate in an open, above board business manner.

Due to the lack of transparency and confidentiality of the location of medical marijuana facilities and the identity of the person responsible for the facility under state law, the county is significantly impeded or finds it impossible to carry out many of its local responsibilities related to medical marijuana facilities including but not limited to, assessment and taxation of the real and personal property of the business, land use planning and permitting, public health and safety, and contract compliance. Voluntary disclosure to local government by some medical marijuana dispensary facilities, but not required of all, does not allow for consistent implementation of local responsibilities or equal treatment of medical marijuana facilities. For these reasons, Marion County's position is that medical marijuana dispensary facilities are banned unless the facility has obtained a Marion County ban exemption permit.

Zoning

Some of the provisions of HB 3460 and its implementing OHA rules are in conflict with other state laws, particularly land use laws, insofar as registering and thereby purporting to allow medical marijuana facilities in agricultural zones. Zoning and land use approval lies within the jurisdiction of local government under a proscribed state scheme. The Department of Land Conservation and Development (DLCD), the state agency charged with overseeing the state land use system, specifically commented that registration of a medical marijuana facility by OHA neither equates to, nor substitutes for land use approval. Letter from Katherine Daniels, DLCD,

submitted to OHA rulemaking, October 25, 2013. Communications with DLCD staff state that not all commercial, industrial, mixed use and agricultural zones are appropriate for medical marijuana facilities. "For instance, neighborhood commercial zones might not be suitable locations, and exclusive farm use zones don't permit such facilities." "[L]ocal zoning must be consistent with state standards for exclusive farm use zones, forest zones, and mixed farm-forest zones. The standards allow only certain specified uses in these zones, none of which could be interpreted to allow m[edical] m[arijuana] facilities." E-mail from Katherine Daniels, DLCD staff, dated October 8, 2013. While not binding on DLCD, it is illustrative of the agency's position, with DLCD having standing to appeal a county decision permitting a medical marijuana facility in a farm or forest zone.

First, when considering the proper zone for a new use or facility, the board may refer to the Standard Industrial Classification Manual (SIC) to interpret if the use or facility can fall within an SIC category. The November 18, 2013 memo from planning suggested two possible SIC categories for medical marijuana dispensary facilities, a health care facility and a pharmacy. OHA's rules generally prohibit consumption or other use on the premises, which is more like a pharmacy dispensing product than a health care facility where treatment is provided. OAR 333-008-1200. Also, because of the prohibition against use on the premises, the state medical marijuana dispensary facility law does not authorize registration of facilities that operate as a medical marijuana social club as opposed to a pharmacy model business. Public comment received by the board from medical marijuana dispensary owners, growers and cardholders describe the facilities as store front "dispensaries of medicine," supporting that a pharmacy SIC code would be most similar. They also commented that access and transportation to the facility are considerations for their clients, which is more of an urban-type development concern.

Within Marion County, a pharmacy-type business would be a permitted use in the Commercial Retail, Commercial General and Industrial Commercial zones under the Urban Zone Code, Marion County Code Chapter 16, and a permitted use in the Commercial zone, a conditional use in the Interchange District zone, and a permitted or conditional use in the Community Commercial zone under the Rural Zone Code, Marion County Code Chapter 17. However, a medical marijuana dispensary facility, or a pharmacy generally, would not be an allowed use in the Exclusive Farm Use (EFU), Special Agriculture, or forest zones.

Agricultural Land

Oregon has a long history of comprehensive land use planning implemented at the local level through state acknowledged comprehensive plans, zoning, subdivision and other ordinances. Included in state law is a strong and highly protective agricultural land use policy that: 1) conserves open agricultural land as a natural resource and an important physical, social, aesthetic and economic asset; 2) preserves the maximum amount of the limited supply of agricultural land; 3) finds that the expansion of urban development into rural areas is a matter of public concern that increases costs of community services, results in conflicts between urban and farm activities, and results in a loss of natural resources; and 4) finds that "[e]xclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land..." ORS 215.243. See also, Oregon's Statewide Planning Goals and Guidelines, Goal 3: Agricultural Lands, OAR 660-015-0000(3). A "farm use" in relevant part, means the current employment of land for the primary purpose of obtaining a profit by raising, harvesting and selling crops, including the preparation, storage and disposal by marketing or otherwise of the products *raised*

on such land and the on-site construction and maintenance of equipment and facilities to support farm activities. Farm use does not include timber or forest uses, except land used exclusively for growing cultured Christmas trees. ORS 215.203. Other than the farm use itself, Marion County Rural Zone Code also lists buildings customarily in conjunction with a farm use, a farm stand, a facility for processing farm crops if a percentage comes from that farm land, or a commercial activity in conjunction with the farm use at that location.

The Marion County Board of Commissioners likewise has a strong public policy to preserve agricultural lands in Marion County for farm use, and to that effect adopted Resolution No. 13-1 on January 2, 2013, declaring that agriculture holds a high priority in economic development for Marion County. According to OSU Extension Service, Marion County has the highest value of agricultural production of any county in Oregon, and is in the top five in the nation in growing many crops and Christmas trees.

HB 3460 has an internal contradiction in that it states that a medical marijuana facility must be in certain zones, including on agricultural land, yet then specifically states that the medical marijuana facility may not be located at the same address as a grow site. By prohibiting a medical marijuana facility from being located at a grow site, this also disqualifies the facility from consideration as a building customarily in conjunction with a farm use, a farm stand, a processing facility for farm crops, or a commercial activity in conjunction with farm use at that location. Furthermore, a medical marijuana facility may receive transfers of marijuana from more than one grower, or from grow sites that are not located on farm land at all. As stated above, even the state's own agency responsible for land use finds that it would not be appropriate to locate a medical marijuana facility in a farm or forest zone.

To the extent that medical marijuana dispensary facilities are allowed, they should be located in appropriate zones for similar uses of a commercial, storefront pharmacy. Public comment described a number of marijuana-infused products available at the dispensaries, including edibles, organic capsules, oils and tinctures, much like one would find at a pharmacy or health store. Accessibility to facilities by patients was a concern, including transportation to and from the facility. Locating a dispensary miles away from any urban center on farm land would result in an encroachment of urban uses into rural areas. It would also remove or distance the facility from access to other public services, like law enforcement, be less likely to have an inspection from the state or other authorities, and more prone to abuses as a pretext for other illegal activities or criminal cartels.

Pre-emption

Local governments are in a precarious position between federal law, which has declared marijuana for all purposes unlawful; state law, which is certifying certain individuals growing, dispensing and using medical marijuana as exempt from criminal prosecution, and the rights of local government to enact local laws reflective of its citizenry and public policies. Pre-emption is the rule of construction where a higher authority law trumps or takes precedence over a lower authority law. It can happen in one of two ways: 1) a higher level law can expressly pre-empt any lower level laws, or 2) a higher law can be so pervasive as to completely occupy a field from any lower level laws.

On November 5, 2013, Legislative Counsel for the State of Oregon issued an informational opinion to a state representative who asked if local governments were pre-empted from restricting or prohibiting the operation of state-registered medical marijuana facilities in

that local governments are pre-empted from most municipal laws on medical marijuana facilities, and that Senate Bill 863, a bill enacted in order to prevent local regulation of genetically modified seeds or crops, might also pre-empt local regulation of medical marijuana facilities despite no apparent legislative intent to do so. However, the opinion does not analyze preemption relative to other contexts like land use laws or contracts, and is not to be relied upon as legal advice for any individual, city or county. Some local government attorneys have expressed disagreement with some or all of the conclusions reached in this legislative counsel opinion. See, for example, League of Oregon Cities' rebuttal to the legislative counsel opinion by Sean O'Day; memo from John R. Huttl, Medford City Attorney, September 5, 2013; memorandum in support of SB 1531 submitted by Bill Kirby, Beaverton City Attorney, February 11, 2014. While SB 863 does contain express pre-emption language, in order for it to prohibit regulation of medical marijuana dispensaries, the state would be asserting that this bill also pre-empted federal law, specifically the CSA. This may be an unconstitutionally overbroad reading of SB 863.

A second opinion issued by Legislative Counsel on February 5, 2014, addressed the question of whether or not ORS 475.314 pre-empted local regulation of medical marijuana facilities in light of several local governments announced intention to deny a business license on the grounds that it would violate the CSA. This opinion notes that ORS 475.314 does not contain express pre-emption language. It opines that a local government cannot impose additional requirements on the state registration or require local registration, although it further acknowledges that the state has not fully occupied the field so some insignificant local regulation may be allowed. What is noteworthy is that the opinion describes federal pre-emption over state law as a positive conflict so that the two laws cannot consistently stand together, or more commonly "where state law stands as an obstacle to accomplishing and executing the full purposes and objectives of the federal law." However, for this opinion, the discussion was limited to how local law is restricted by state or federal law. According to legislative counsel, "[w]e expressly do not venture any examination for potential conflicts between ORS 475.314 and the CSA;" in other words, the state would have local governments ignore the positive conflict between state and federal law.

A full discussion of the legal basis for pre-emption is beyond the scope of these findings, and a matter that will ultimately need to be decided by the courts or rectified through changes in federal or state law. As acknowledged by the second legislative counsel opinion, the state has not completely occupied the field and ORS 475.314 does not contain express pre-emption language. The attempts to bootstrap SB 863 into a prohibition against local regulation of medical marijuana dispensaries is an overbroad interpretation.

MARION COUNTY, OREGON

REFERENCES

MEDICAL MARIJUANA DISPENSARY ORDINANCE FINDINGS

1. Marion County Resolution 14-R, Feb. 5, 2014
2. ORS 203.035
3. *Gonzales v. Raich*, 545 U.S. 1, 14 (2005)
4. Controlled Substances Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 et seq.
5. U.S. Department of Justice (USDOJ) memorandum from Deputy Attorney General James M. Cole (Cole II), August 29, 2013
6. USDOJ memo from U.S. Attorney for the District of Oregon, S. Amanda Marshall, August 29, 2013
7. USDOJ memo from the US Attorney for the District of Oregon, June 3, 2011
8. NBC News, 02/14/14, *Out of the Shadows: Pot sellers can now do business with banks.*
9. Oregon Uniform Controlled Substances Act, Oregon Revised Statutes (ORS) 475.005 to 475.285
10. Oregon Criminal Statutes, ORS chapter 167
11. Oregon Medical Marijuana Program, ORS 475.300 to 475.346
12. Oregon Legislature 2013, House Bill 3460
13. Oregon Health Authority (OHA) temporary rules, Oregon Administrative Rules (OAR) 333-008-1000 to 333-008-0120
14. Letter from Rob Bovett, Lincoln County District Attorney, dated November 22, 2013, member of Rules Advisory Committee
15. Association of Oregon Counties (AOC), AOC Position on Marijuana Issues, January 13, 2014
16. Draft ordinance for Washington cities adopting business license regulations, September 23, 2013; draft ordinance for Washington cities banning medical marijuana dispensaries, October 16, 2013
17. Washington Administrative Code (WAC) 314-55-050
18. Colorado Law and Rules, 1 CCR R-1401
19. Colorado Department of Revenue, Statement of Basis and Purpose – Colorado Rules Governing Retail Marijuana, September 9, 2013
20. AOC “Top 10 Deficiencies with House Bill 3460 and the OMMP,” AOC written testimony in support of Senate Bill 1531 and the Dash-3 and Dash-4 amendments, February 11, 2014
21. Memos from Kurt W. Miller, Marion County Deputy District Attorney, to Walter M. Beglau, Marion County District Attorney, January 31, 2014, and February 3, 2014

22. WAC 314-55-040
23. 1 CCR R-231
24. ORS 475.
25. ORS 475.
26. Letter from Katherine Daniels, DLCD, submitted to OHA rulemaking, October 25, 2013
27. E-mail from Katherine Daniels, DLCD staff, dated October 8, 2013
28. Memo from Marion County Public Work/Planning to Marion County Board of Commissioners, November 18, 2013
29. Marion County Urban Zone Code, Marion County Code Chapter 16
30. Marion County Rural Zone Code, Marion County Code Chapter 17
31. ORS 215.243.
32. Oregon's Statewide Planning Goals and Guidelines, Goal 3: Agricultural Lands, OAR 660-015-0000(3)
33. ORS 215.203
34. Marion County Resolution No. 13-1, January 2, 2013
35. Oregon Legislative Counsel opinion, November 5, 2013
36. SB 863
37. League of Oregon Cities, Sean O'Day rebuttal to the legislative counsel opinion
38. Memo from John R. Hutt, Medford City Attorney, September 5, 2013
39. Memorandum in support of SB 1531 submitted by Bill Kirby, Beaverton City Attorney, February 11, 2014
40. Oregon Legislative Counsel opinion, February 5, 2014

GMR/02-19-14

Medical Marijuana Task Force

Date		Time Called to Order:		Handouts:		Agenda		Medical Marijuana Regulations	
Committee Member		Present	Absent	Present		Absent		Present	
Dennis Koho		✓							
Art Maurer		✓							
Jonathan Thompson		✓							
Ted Anagnos		✓							
Kathleen Ashley		✓							
John Honey		✓							
Shilo Robinson		✓							
Evan Christopher, Esq.		✓							
Agenda Item		Introduced		Reviewed		Disputed		Action Taken	
1. All present		X							
2. Brief Introductions				✓					
3. Overview									
Council Action		X							
History		X							
Legislation		X							
Task Force Obj		X							
Plan		X							
Next meeting									
Apr 22 - Public Input, Apr 29 decision									
Adjourn 7:50 p.m.									



***Medical Marijuana Facilities Regulation Task Force
Meeting Minutes
Tuesday, April 22, 2014 at 7:00 p.m.
Keizer Civic Center***

CALL TO ORDER ~ Councilor Koho called the meeting to order at 7:02 p.m.
Attendance was taken as follows:

Present:

Dennis Koho	City Council
Art Mauer	West Keizer NA
Kathleen Ashley	Gubser NA
Jonathan Thompson	Planning Comsn
Ted Anagnos	Chamber
John Honey	Schools
Shilo Robinson	Medical Marijuana

Staff Attending:

Debbie Lockhart, Deputy City Recorder
Nate Brown, Community Development
Shannon Johnson, City Attorney
Jeff Kuhns, Deputy Police Chief

PUBLIC TESTIMONY

Kimberly Strand, operator of the Patient Grower Network Lodge in Keizer, explained that her facility is a social club for Oregon Medical Marijuana Program (OMMP) card holders, caregivers and growers. She provided details of the services her facility offers, noted that the facility has been operating for almost 4 years without an incident and asked the task force not to displace the people who frequent her facilities. She reviewed dispensary restrictions currently in place adding that she was in favor of restricting hours to 10 am to 7 pm, noted that with the State restrictions and social stigma it is difficult to find a place to rent in Keizer and explained that her facility is run solely by volunteers who have been part of the Lodge for several months.

George Weathers, Keizer, pointed out that taverns were not always allowed in Keizer and when they finally opened people thought it would be terrible, but it hasn't been. He expressed the opinion that the same thing would happen if medical marijuana dispensaries were allowed in Keizer. He explained that he currently uses marijuana to control muscle spasms and that medication received from the Veterans Administration leaves him impaired; he is in better shape with medical marijuana. He suggested that dispensary hours could be limited to 2 pm to 7 pm.

Jim Taylor, Keizer, voiced concern regarding the quality of the drug being purchased at dispensaries and suggested that, due to the conservative nature of the community, dispensaries be prohibited from opening in Keizer until May 2015 to find out how the State is going to handle the issue.

Timothy Brannies stated that he was a medical marijuana patient and grower and had been using medical marijuana for many years. He urged the Task Force to refrain from imposing another year moratorium on medical marijuana dispensaries because in Keizer there is a demand for a dispensary and it would be unfair to deny people the availability of safe cannabis which they are allowed by law. He concluded his testimony noting that House Bill 3460 sets forth stringent rules which cover all concerns.

Mark Caillier, Keizer, representing Keizer Chamber of Commerce Economic Development and Government Affairs, noted that business owners are concerned about marijuana users and their businesses. He noted that as a group they support the Marion County Guidelines but they do not think the State law is comprehensive. Restrictions should include both public and private schools, day care centers, and parks. Dispensaries should not be allowed to operate during youth "free time". The group supports both the 1,000-foot restriction and the idea of a moratorium and hopes the Task Force will be thoughtful in their deliberations and consider suggestions that have been made.

TASK FORCE DELIBERATION AND DIRECTION

Jonathan Thompson suggested that a good neighbor policy be put in place so that the community knows that if a dispensary is not being a good neighbor the City can take action. He noted that the process for State approval is rigorous and if State approval is received perhaps Keizer could issue them a permit that is good for as long as the State approval runs, but if the facility has a certain number of citations from law enforcement, the permit would come before Council and Council would have the option to (1) do nothing, (2) suspend the permit until improvements were made, or (3) withdraw the permit. This would give local control and give elected representatives a way to address concerns.

Discussion followed regarding concerns that minors would approach patrons of the dispensaries to purchase the drug for them, restricting operating hours and locations, and details regarding allowance in certain zones and location of those zones.

Task Force members requested that Mr. Brown develop a draft which would include restricted operating hours and distances with a set of institutions to apply the distances to for review at the next meeting. Additional discussion took place regarding including some kind of buffer zone from residential areas. Mr. Brown was also directed to bring maps to the next meeting showing the various zones in Keizer.

Members also discussed dispensary employee requirements for background checks. Police Deputy Chief Jeff Kuhns pointed out that there is a background check required for the owner only, not for employees who would be doing the dispensing. He added that there is a very limited list of felonies that restrict ownership and encouraged everyone to read HB 3460 so that they know what it addresses. He noted that the Keizer Police Department is neutral on the issue but has concerns about minors, juveniles, and security.

City Attorney Shannon Johnson pointed out that Bill 1641 sets forth reasonable regulations: limitations on hours of operation and location, and conditions on the manner in which medical marijuana is dispensed, but Keizer could add additional employee background checks, perhaps through the licensing process. Councilor Koho suggested that the pieces of State legislation that Keizer supports should be included in the City regulations in case the State law changes.

ADJOURNMENT ~ Meeting adjourned at 8:10 p.m.

Next Meeting: April 29, 2014

Minutes approved: 4.29.14



**Medical Marijuana Facilities Regulation Task Force
Meeting Minutes
Tuesday, April 29, 2014 at 7:00 p.m.
Keizer Civic Center**

CALL TO ORDER ~ Councilor Koho called the meeting to order at 7:03 p.m.
Attendance was taken as follows:

Present:

Dennis Koho	City Council
Art Mauer	West Keizer NA
Kathleen Ashley	Gubser NA
Jonathan Thompson	Planning Comsn
Ted Anagnos (7:09)	Chamber
John Honey	Schools
Shilo Robinson	Medical Marijuana

Staff Attending:

Debbie Lockhart, Deputy City Recorder
Nate Brown, Community Development
Shannon Johnson, City Attorney
Jeff Kuhns, Deputy Police Chief

Also Attending:

Evan Christopher Interested Citizen

APPROVAL OF MINUTES: John Honey moved for approval of the April 22, 2014 Minutes. Jonathan Thompson seconded. Motion passed as follows: Koho, Mauer, Ashley, Thompson, Honey and Robinson in favor with Anagnos absent at time of vote.

REVIEW AND DISCUSSION OF PROPOSED REGULATIONS: Community Development Director Nate Brown explained that he had prepared maps for everyone and had some written comments to work from. He explained the "tracking" on the memo noting that the one on the dais was the most recent version because it included comments submitted by Deputy Chief Kuhns. He then reviewed, reiterated and explained various aspects of the memo.

Discussion took place with the following responses:

1. Annual License (fee to be determined based on administrative costs: Supported by all
2. Fees determined by Council resolution: Supported by all
3. Revocation or Suspension: Task Force suggested that a requirement be put in place for inter-dispensary communication to verify how much medical marijuana is purchased by an individual in a given time period in order to monitor possible violations. The Task Force asked that staff develop a hearing and decision process.
4. Siting: Task Force supported allowing dispensaries in commercial or industrial zones but prohibiting them from spaces 1500 feet from schools, 1,000 feet from public spaces and in the Keizer MU zone.

5. Background Checks: Task Force supported requiring owners, proprietors, workers and/or volunteers to pass a background investigation check to prove an absence of any felony convictions.
6. No consumption on site: Supported by all.
7. Hours of operation: Task Force requested that hours be limited to those of a liquor store and indicated that closing at 7 or 8 p.m. would be acceptable.
8. Signage: Task Force suggested relaxing what was proposed in the memo somewhat, indicating that they found the green cross acceptable but not pictures of cannabis leaves.
9. Sharing security: Deputy Chief Kuhns indicated that KPD would like the ability to mirror what the State Inspectors would be allowed to do. Mr. Robinson suggested that a specific liaison be assigned so that a relationship can be developed between the Police Department and dispensaries. Staff indicated that they would work on this.
10. Minors prohibited: Task Force indicated they supported staff recommendation.

Task Force suggested that a "severability clause" be included in the Keizer regulations so that if the courts throw out one part of the regulation, the entire regulation will not be lost.

John Honey moved to accept the Medical Marijuana Dispensaries Regulations as outlined at this meeting and recommend them to Council. Jonathan Thompson seconded. Motion passed unanimously as follows: Koho, Mauer, Ashley, Thompson, Honey, Robinson and Anagnos in favor.

City Attorney Shannon Johnson asked Task Force members if they were comfortable with dissolving the Task Force. He noted that it was scheduled to expire May 6. Members indicated that they felt they had completed their charge. Councilor Koho added that if Council needs more work done, the Task Force could come back but otherwise he was in favor of expiration.

ADJOURNMENT ~ Meeting adjourned at 8:32 p.m.

--Memo--

To: Medical Marijuana Task Force

From: Nate Brown, Community Development Director

Subject: Proposed Regulations for Medical Marijuana

Date: April 28, 2014

Staff has prepared a list of draft regulations which encompass the issues discussed by the task force in previous meetings together with those discussed at Planning Commission. It is intended that these conditions would be discussed and decided by the task force as a recommendation to the City Council. The Council would then deliberate on the proposed recommendation from the task force and direct staff to prepare an ordinance from the list of issues/conditions which are determined to be the City of Keizer's Medical Marijuana Dispensary (MMD) regulatory program as required by State Law.

The included conditions and their reasoning:

Annual License. This condition was established by the Planning Commission and agreed to by the task force. This would require an annual review of the individual MMD establishment and require applicants and the City to communicate and work together.

Fee. The fee should be established after a comprehensive evaluation has been undertaken, of what the administrative costs would be, and what costs, if any, the Council would be willing to assume etc. This was not part of the original charge of the Task Force by the Council and staff is not prepared to make a recommendation as to an appropriate amount without further evaluation.

Revocation or Suspension. Unlike some other jurisdictions, staff feels the ordinance should specifically identify what requirements an establishment must meet to remain in good standing as a license holder. Specifically, the actions of being a responsible and non-disruptive business are identified as a "good neighbor" standard. Loitering, littering, unpleasant odors/noise, and a limitation on advertising (as a medical facility, the need for 'impulse buying' is absent) should be prevented. Though some of the conditions are to some extent subjective, the general tone and concept is described. Additionally, the concept of "undue burden on City resources" is identified as meaning unreasonable demand on police/city administration—more than 10 calls for police service annually, significant, verifiable complaints from neighbors, or if statutes change requiring more demand on City services than the City bargained for.

Siting Requirements. Staff would propose the following limitations for MMD's:

1. **Increase the distance to public schools to 1500'.** The major reason would be the actual practice and the geographic conditions in Keizer. McNary HS is situated approximately 1200' from the commercial/retail establishments on the corner of Sandy and River Rd

(where Smoker Friendly, Mario's, Luigi's, the Chevron gas station etc., are located) This is a significant 'hang-out' area for HS students due to traffic/bus service patterns and drop-off areas. By increasing the buffer distance to 1500' this area would be eliminated for consideration as a location of a MMD, yet would not significantly reduce the commercial zones elsewhere on River Rd.

2. **Licensed Daycare Facilities.** (sites are from the current list from State) If the Task Force recommends including daycare, staff would suggest providing a buffer area of only 1000'. If the buffer were set at 1500' most of the commercial zones along River and Cherry would be eliminated. This may not pass the "reasonable" test set in statute.
3. **Public/park properties.** While both amount to about the same effect on the map, public properties also include such things as the 'Focal Point', City Hall, Fire District, water system pump stations (many of which are in residential zones anyway), and is therefore more restrictive on potential sites. The public sites have a higher amount of families and children present.
4. **Exclusion of Keizer MU Zone.** Staff recommends not including the MU zone, as this zone allows the development of high density housing and part of the entire discussion at both the state and at local level has been to separate MMD's from residential use. Most MU zoned property abuts residential uses and generally acts as a buffer between more intense commercial uses and low density residential uses.

Background Checks. All owners, operators, and volunteers should pass a background investigation to demonstrate (similar to pharmacy operation) no individual convicted of a felony is involved in the operation of a MMD.

Non-consumption. There shall be no consumption of Marijuana on site to prevent the attractive nuisance effect, the stray odors, and the difficulty of monitoring of levels of THC in the workplace.

Limited hours of Operation. As was heard in testimony, and as demonstrated by other controlled substance dispensaries (Liquor Store), and a desire to promote orderly, and safe dispensing, the hours should be limited. Staff is suggesting hours of operation similar to the liquor store, from 10AM to 7PM.

Signage Limitations. The representation of Cannabis leaves, "happy faces", green crosses, etc is deemed to be inappropriate for a Medical dispensary. The need to attract attention, generate spontaneous purchases, or demonstrate an attractive front to attract business is not consistent with the medical nature of the MMD.

Sharing of Security Information. As a requirement of the State Statute, the MMD's are required to have significant security information. This information should be available to the City Police Department as a condition of license, without the need for court order.

Minors prohibited. Unless accompanied by an adult, minors under the age of 21 are prohibited. This is an increase from the statute definition of 18.

RECOMMENDATION:

Consider the matter and determine if the Task Force wishes to recommend all or some of the items listed above.

The Task Force may wish to consider whether the matter should be concluded, or if you wish to review the recommendations further. The moratorium is until May 1, 2015. Currently, the task force ends on May 6, 2014. However, if the Task Force wishes to request an extension, you may vote to request Council to extend your term. It is entirely the decision of the Task Force. You may determine that there is no reason for further delay, and you do not wish to delay possible establishment of one or more facilities.

On the other hand, you may determine that more detailed regulations are appropriate and want to work further in that regard. If so, you may request a short extension. Another alternative is to determine whether it would be appropriate to wait to see what other jurisdictions do, or what the Legislature or voters do in the next several months. If that is the case, you would request a much longer extension.

In summary, the following would be appropriate sequence to consider:

1. By Motion, determine the appropriate regulations to recommend to Council.
2. If the Task Force feels there is no need for further delay, no further action is needed.
3. If the Task Force feels that an extension of the Task Force is appropriate, pass a motion to request that the Council extend the Task Force to a date certain depending on the reason for extension as noted above.

CITY COUNCIL MEETING:

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: BILL LAWYER
PUBLIC WORKS DIRECTOR**

SUBJECT: ANNUAL PAVEMENT MARKINGS

DATE: May 27, 2014

BACKGROUND:

The Streets Division of the Public Works Department solicited quotes for the annual pavement marking project. Requests for quotes were sent to four companies and two quotes were received. This project involves painting the stop bars, turning arrows, crosswalks, school zone markings, bike lane legends, and yellow curbs throughout the City. This work will also include the repair or replacement of all thermo-plastic pavement markings Citywide. The quotes ranged from \$68,064.75 to \$60,060.00 with the lowest quote received submitted by Specialized Pavement Marking Inc.

FISCAL IMPACT:

The funds for this project are included in the FY 14/15 Street Fund budget line 53.

RECOMMENDATION:

Staff recommends the City Council adopt the attached resolution authorizing the City Manager to enter into a contract with Specialized Pavement Marking Inc. for the 2014 Pavement Marking project.

Please contact me with any questions or concerns.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2014-_____

AUTHORIZING THE CITY MANAGER TO ENTER INTO
AGREEMENT WITH SPECIALIZED PAVEMENT MARKING,
INC. FOR REPAINTING OF PAVEMENT LEGENDS

WHEREAS, the pavement legends in the City requires repainting;

WHEREAS, bids were solicited for repainting of the City's pavement marking
legends;

WHEREAS, funds available to complete this project are in the 2014/15 Street
Fund;

WHEREAS, two bids for this project were received. Specialized Pavement
Marking, Inc. submitted the low bid for a total amount of \$60,060.00;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City
Manager is hereby authorized to enter into the attached agreement with Specialized
Pavement Marking, Inc. for a total cost of \$60,060.00 to repaint the pavement legends.
Funding for this project is from the Street Fund.

1 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
2 upon the date of its passage.

3 PASSED this _____ day of _____, 2014.

4

5 SIGNED this _____ day of _____, 2014.

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12

Mayor

City Recorder

CONTRACT
FOR
REPAINTING OF PAVEMENT MARKING LEGENDS

THIS AGREEMENT, made this 1st day of July, 2014, at Keizer, Oregon, by and between the City of Keizer, an Oregon municipal corporation, hereinafter called "Owner", and Specialized Pavement Marking, Inc., hereinafter called "Contractor".

WITNESSETH THAT: In consideration of the mutual covenants and conditions hereinafter set forth, the Owner and Contractor hereby agree as follows:

1. **WORK BY CONTRACTOR.** The Contractor shall perform the work of repainting pavement marking legends as described in Attachment "A" (Attachment "A" may include Contractor's Proposal, Request for Proposals, Scope of Work, Plans, Specifications, Drawings, Special Provisions, and any other related Contract documents) which is attached hereto and by this reference incorporated herein.
2. **TIME OF COMPLETION.** The Contractor shall commence the work covered by this Contract on July 1, 2014 and shall coordinate this work with the Public Works Director and/or designee to assure completion of all aspects of the project relating to schools or school zones no later than September 2, 2014 and all other aspects of the project no later than October 15, 2014, subject to adjustments as provided for in the Contract Documents. Time limits stated above are of the essence of this Contract.
3. **LIQUIDATED DAMAGES.** Contractor and Owner recognize that time is of the essence of this Contract and that Owner will suffer financial loss if the Work is not completed within the times specified in Section 2 above, plus any extensions allowed herein. The parties recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Therefore, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner One Hundred and no/100 Dollars (\$100.00) for each calendar day that expires after each of the times specified in Section 2 until the Work is complete.
4. **PROJECT SCHEDULE.** Contractor shall submit to the Public Works Director a weekly project schedule every Friday. The project schedule shall provide a detailed list indicating the exact description of work performed and the exact locations that have been completed from the date of the last project schedule up to the date of the submittal of the current weekly project schedule. Contractor understands and agrees that the weekly project schedule is MANDATORY and if not provided weekly is a breach of this Contract and Owner may immediately terminate this Contract.

5. **PRECONSTRUCTION CONFERENCE.** Before any Work is started, a Preconstruction Conference attended by the Contractor, Public Works Director, and others as appropriate, will be held to establish a working understanding among the parties as to the Work and to discuss the schedules referred to in Section 4, procedures for handling submittals, processing applications for payment, and maintaining records.
6. **CONTRACT SUM.** The Contract Sum is \$60,060.00 as described on the Contractor's Bid attached hereto as Attachment "B" and by this reference incorporated herein. Unless the Contract states otherwise, the actual sum payable to Contractor for the work shall be based on the Contractor's Bid, as modified by Change Orders and adjustments made as provided herein.
7. **PAYMENTS.** Contractor may request a partial payment for the work performed to September 2, 2014. Such request shall be prepared by the Contractor and approved by Owner, provided that the Contractor is performing the overall job in a diligent manner. The payment request shall accurately and completely detail all work completed up to the date of the request. Any and all additional forms and documentation required by statute or this Agreement shall be submitted with the pay request.

When final completion of the work has been achieved, Contractor shall prepare for Owner's acceptance a final application for payment stating that to the best of Contractor's knowledge, and based on Owner's inspections, the work has reached final completion in accordance with the Contract Documents. Payment of the Contract Sum shall be made to Contractor within twenty (20) days after acceptance of the work by Owner and Contractor's submittal of the final application for payment and the following submissions:

- A. Any and all additional forms and documentation required by statute or this Agreement;
- B. An affidavit declaring any indebtedness connected with the work, e.g. payrolls or invoices for materials or equipment, to have been paid, satisfied or to be paid with the proceeds of final payment, so as not to encumber the project property;
- C. A statement, under oath, that it has complied with all provisions of State law governing contractors on a public contract and it has complied with the provisions governing fair employment practices;
- D. A statement by each of Contractor's subcontractors, under oath, that each of the subcontractors has complied with all provisions of State law governing contractors on a public contract and has complied with the provisions governing fair employment practices;
- E. Release of any liens, conditioned on final payment being received;
- F. A report of any accidents or injuries experienced by Contractor or its Subcontractors at the worksite.

If the work has been substantially completed and full completion thereof is materially delayed through no fault of the Contractor and the Public Works Director so certifies, the Owner shall, upon the certificate of the Public Works Director, and without terminating the Contract, make payment for the balance due for that portion of the work fully complete and accepted, less a retained amount equal to ten percent (10%) of the amount requested.

8. PAYMENTS WITHHELD. Owner may withhold, or on account of subsequently discovered evidence, nullify the whole or part of any estimate to such extent as may be necessary to protect the Owner from losses on account of:
- a. Defective work not remedied within a reasonable time after written notice.
 - b. Claims filed or reasonable evidence indicating probable filing of claims.
 - c. Failure of the Contractor to make payments properly to subcontractors or for material or labor.
 - d. A reasonable doubt that the Contract can be completed for the balance then unpaid.
 - e. Damage to the site, adjacent public or private property, or to another contractor.
 - f. Failure of the Contractor to keep his work progressing in accordance with his time schedule.

When the above grounds are removed, payment shall be made for amounts withheld because of them.

9. CHANGES. Contractor may request and/or Owner may order changes in the work or the timing or sequencing of performance of the work that impacts the Contract Unit Price or the Contract Time. All such changes in the work that affect Contract Time or Contract Unit Price shall be formalized in a Change Order. Acceptance of the Change Order and any adjustment in the Contract Unit Price and/or Contract Time must be signed by all parties.
10. NOTICES. Any written notices permitted or required by this Contract shall be deemed given when personally delivered, or three days after deposit in the United States mail, postage fully prepaid, addressed to the parties as set forth below or such other address as either party may provide to the other by notice given in accordance with this provision.

OWNER:

Bill Lawyer
Public Works Director
City of Keizer
930 Chemawa Road NE
PO Box 21000
Keizer, OR 97307

CONTRACTOR:

Specialized Pavement Marking, Inc.
11095 SW Industrial Way, Suite A
Tualatin, OR 97062

11. **LICENSES AND PERMITS.** The Contractor shall obtain and maintain all licenses required for public works contracts in the State of Oregon and shall secure and pay for all fees and permits required for the project, if any. Contractor shall comply with all laws, ordinances and regulations, (Federal, State, or local) which may be applicable to the project to be conducted hereunder.
12. **RESPONSIBILITY OF PUBLIC WORKS DIRECTOR.** The term "Public Works Director" herein shall be Bill Lawyer, or his duly authorized representative. The Public Works Director shall have full authority to interpret the plans and specifications and shall determine the amount, quality, and acceptance of the work and supplies to be paid for under this Contract. It shall be the duty of the Public Works Director to enforce the specifications in a fair and unbiased manner, although he has the right to waive any term of the specifications if that term is found to be unreasonable and inconsistent with the general spirit of the specifications.
13. **WAIVER.** It is expressly understood and agreed that any waiver granted by the Public Works Director or the Owner of any term, provision or covenant of this Contract shall not constitute a precedent nor breach of the same of any other terms, provisions, or covenants of this Contract. Neither the acceptance of the work by Owner nor the payment of all or any part of the sum due the Contractor hereunder shall constitute a waiver, by the Owner, of any claim which the Owner may have against the Contractor.
14. **LIABILITY INSURANCE.** The Contractor shall procure and maintain at its own expense, during the life of this Contract, liability insurance as hereinafter specified. All such insurance shall be subject to the approval of the Owner for adequacy of protection and shall include a provision preventing cancellation without ten (10) day's prior notice to the Owner in writing. Contractor must provide the Owner with a certificate of insurance evidencing the insurance within five (5) days from Contractor's execution of this Contract. The certificate of insurance must include the following language: "The City of Keizer, its officers, agents, contractors, and employees are named as additional insured." The liability insurance required is as follows:
- a. Contractor's General Public Liability and Property Damage Insurance issued to the Contractor and protecting him from all claims for personal injury including death, and all claims for destruction of or damage to property, arising out of or in connection with any operations under this Contract, whether such operations be by himself or by any subcontractor under him, or anyone directly or indirectly employed by the Contractor or by a subcontractor under him.

All such insurance shall be written with a limit of liability of not less than \$1,000,000 for all damages arising out of bodily injury, including death, at any time resulting therefrom, sustained by any one person in any one accident; a limit of liability of not less than \$2,000,000 for any such damages sustained by two or more persons in any one accident; a limit of liability of not less than \$1,000,000 for all damages arising out of injury or destruction of property, damages arising out of injury or destruction of property, (including property of the City) in any one accident; and a limit of liability of not less than \$2,000,000 for all damage arising out of injury to or destruction of property, including property of City, during the policy period.

- b. Automobile Liability Insurance with a limit of liability of not less than \$1,000,000 issued to Contractor and protecting him from all claims arising out of or in connection with any operations under this Contract, whether such operations be by himself or by any subcontractor under him, or anyone directly or indirectly employed by Contractor or by a subcontractor under him.

15. **WORKERS COMPENSATION INSURANCE.** The Contractor shall procure and maintain, at his own expense, during the life of this Contract, in accordance with the provision of the laws of the state of Oregon, Workman's Compensation Insurance for all of his employees at the site of the project and in case any work is sublet, the Contractor shall require such subcontractor similarly to provide Workman's Compensation Insurance for all of its employees unless such employees are covered by the protection afforded by the Contractor. Certificates evidencing the issuance of such insurance shall be filed with the Owner within five (5) days after execution of this Contract.

16. **INDEMNITY.** The Contractor shall indemnify and save harmless the Owner, the Owner's agents and employees from and against all losses and all claims, demands, payments, suit actions, recoveries, and judgment of every nature and description brought or recovered against them by reason of any act or omission of the said Contractor, his agents, or employees, in the execution of the work or in guarding the same.

17. **SUBCONTRACTS.** The Contractor shall have full responsibility under these conditions, general provisions, plans and specifications for any subcontracts which he may let. Work not performed by Contractor with its own forces shall be performed by subcontractors. Contractor agrees to bind each subcontractor and material supplier (and require every subcontractor to so bind its subcontractors and material suppliers) to all the provisions of this Contract and the Contract Documents as they apply to the subcontractor's and material supplier's portions of the work. Contractor shall submit a certification to Owner that all subcontractors performing work will be registered with the Construction Contractors Board or licensed by the State Landscape Contractors Board in

accordance with ORS 701.035 to 701.055 before the subcontractors commence work under the contract.

18. **CONTRACTOR PAYMENTS.** Contractor shall: (1) make payment promptly, as due, to all persons supplying to Contractor labor or materials for the prosecution of the Work provided for in this Contract; (2) pay all contributions or amounts due the State Industrial Accident Fund and the State Unemployment Compensation Trust Fund from such Contractor or Subcontractor incurred in the performance of the Contract; (3) not permit any lien or claim to be filed or prosecuted against the Owner because of any labor or material furnished; and (4) pay to the Department of Revenue all sums withheld from employees.

If Contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to the Contractor or a Subcontractor by any person in connection with the Project as such claim becomes due, the proper officer(s) representing the Owner may pay the claim and charge the amount of the payment against funds due or to become due Contractor under this Contract.

19. **PROTECTION OF WORK AND PROPERTY.** The Contractor shall continuously maintain adequate protection of all his work and materials from damage or theft and shall protect the Owner's property and all adjacent property from injury or loss arising in connection with the activities under this Contract. The Contractor shall make good any such damage, injury, or loss, except such as may be due to errors in the Contract documents or such as may be caused by agents or employees of the Owner.

The Contractor shall take, use, provide, and maintain all necessary precautions, safeguards, and protection to prevent accidents, or injury to persons or property on, about, or adjacent to the work site, warning against any hazards created by the work being done under this Contract. He shall designate a responsible member of his organization on the work, whose duty shall be the prevention of accidents, and the name of the person so designated shall be reported to the Owner in writing. In any emergency affecting the safety of life, or of the work or adjoin property, the Contractor, without special instruction or authorization from the Owner, is hereby permitted to act, as his discretion, to prevent such threatened loss or injury, and he must take such action if so instructed or authorized by the Owner. The Contractor shall also protect adjacent property as required by law.

Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation furnishing medical, surgical, and hospital care or other needed care and attention, incident to sickness or injury, to the employees of such Contractor and sums of which the Contractor agrees to pay for such services and all moneys and sums which the Contractor has collected or deducted from the wages of personnel pursuant to any law, contract or agreement for the purpose of providing or paying for such services.

20. **WORK HOURS.** Contractor agrees that all work on River Road must be done after 9:00 a.m. and complete by 4:00 p.m. each day to avoid commuting traffic. Contractor may work at night upon notification to and permission by Owner.

Contractor must give notice to employees who work on this contract in writing, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work. Furthermore, Contractor shall not employ any person performing work under this contract for more than ten hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency, or where the public policy absolutely requires it. Contractor shall pay all individuals performing work under this contract at least time-and-a-half pay for:

- a. All overtime in excess of eight hours a day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday; and
- b. All overtime in excess of 10 hours a day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday; and
- c. All work performed on Saturday or Sunday and on any legal holiday specified in ORS 279C.540.

21. **PREVAILING WAGE.** Contractor must ensure that each worker in each trade or occupation employed in the performance of this Contract either by the Contractor, Sub-contractor or other person doing or contracting to do the whole or any part of the work on this Contract, shall be paid not less than the applicable prevailing rate of wage set forth in the attached schedule pursuant to ORS 279C.840(4) & OAR 839-016-0033(1).

Contractor shall maintain all records and file all wage certification forms as required by Oregon Administrative Rules.

A. Prevailing Wage Requirements

a. Applicable Prevailing Wage Rates

- i. If this project is subject to the applicable Oregon Prevailing Wage Rate publication and any amendments, and/or the federal Davis Bacon Wage Rate Act (40 U.S.C. 3141 et seq.), in effect at the time of solicitation, the Contractor shall pay the wage rate and fringe benefits listed in the Bureau of Labor and Industries publication titled "January 1, 2014 Prevailing Wage Rates for Public Works Contracts in Oregon", which is incorporated herein by reference or can be accessed and downloaded at BOLI's website at:

http://www.boli.state.or.us/BOLI/WHDPWR/pwr_state.shtml.

- ii. If the project is subject to the federal Davis Bacon Act, the current wage rate publication for Oregon can be accessed and downloaded at <http://www.gpo.gov/davisbacon/or.html>. ORS.279C.838.
 - iii. If the project is subject to the Davis-Bacon Act and if the state prevailing rate of wage is higher than the federal prevailing rate of wage that is in effect at the time a public agency enters into a contract with a contractor for the project, the contractor and every subcontractor on the project shall pay no less than the state prevailing rate of wage. ORS 279C.838.
 - iv. All prevailing wage rates that apply to the project must be posted at the job site. Every contractor on the site is responsible for this posting. ORS 279C.840(4) & OAR 839-025-0033(1).
 - v. All contracts and subcontracts for this project must include a provision that each worker in each trade or occupation employed in the performance of the contract either by the contractor, subcontractor or other person doing or contracting to do or contracting for the whole or any part of the work on the contract, must be paid not less than the applicable state prevailing rate of wage, or the applicable federal prevailing rate of wage, whichever is higher. ORS 279C.838.
- b. Certified Payroll Filing Requirements
- i. Every employer on a covered project must file certified payroll records with the Owner. Certified statements for each week during which the Contractor or Subcontractor employs a worker upon the public work shall be submitted once a month, by the fifth business day of the following month. Information submitted on certified statements may be used only to ensure compliance with the provisions of ORS 279C.845 to 279C.860.
- c. Certified Payroll Form
- i. To help employers satisfy the filing requirement, Form WH-38 is included in each PWR rate book. BOLI does not require contractors to use this form, but contractors must supply all information the form requests and this information must be certified.

Employers using their own forms or reports can comply with the certification requirement by attaching and completing a copy of the certification from the WH-38 form to their filing.

Employers must submit the hours worked each day by each employee, his or her name, address, the pay rate, work classification, gross pay to the employee and the amount contributed to any third party fringe benefits (and the type of benefit provided).

To meet filing requirements, the employer must sign the certified payroll to confirm that the information is true and complete. Unsigned reports do not satisfy the filing requirement. Submitting false or incomplete information can be the basis for civil penalties or debarment.

The Contractor and subcontractors shall preserve the certified statements for a period of three (3) years from the completion of the contract.

d. Certified Payroll Retainage

- i. As required in ORS 279C.845, the Owner will retain 25% of any amount earned by the Contractor on the project until the Contractor has filed the certified statements required in ORS 279C.845. The Owner will pay to the Contractor the amount retained within 14 days after the Contractor files the required certified statements, regardless of whether a subcontractor has failed to file certified statements.
- ii. As required in ORS 279C.845, the Contractor shall retain 25% of any amount earned by a first tier subcontractor on the project until the first tier subcontractor has filed with the Owner the certified statements required in ORS 279C.845. Before paying any amount retained, the Contractor shall verify that the first tier subcontractor has filed the certified statement. Within 14 days after the first tier subcontractor files the required certified statement the Contractor shall pay the first tier subcontractor any amount retained.

22. QUALIFYING EMPLOYEE DRUG TESTING PROGRAM. Contractor represents and warrants that Contractor has in place at the time of the execution of this Contract, and shall maintain during the term of this Contract, a Qualifying Employee Drug Testing Program for its employees that includes, at a minimum a written employee drug testing policy, required drug testing for all new subject employees or, alternatively, required testing of all subject employees every 12 months on a random selection basis, and required testing of a subject employee when the Contractor has reasonable cause to believe the subject employee is under the influence of drugs.

23. **TRAFFIC CONTROL MEASURES.** Contractor understands and agrees that work sites under this project vary from low traffic to very high traffic flow and that Contractor shall use appropriate traffic control measures. All traffic control measures must comply with the current edition of the Manual on Uniform Traffic Control Devices (MUTCD). Contractor agrees that all personnel must wear safety vests at all times and use safety cones as required.

24. **INSPECTION.** Owner and his representative shall at all times have access to the work during its construction, and shall be furnished with every reasonable facility for ascertaining that the stock and materials used and employed, and the workmanship are in accordance with the requirements and intentions of the specifications. All work done and all materials furnished shall be subject to inspection and approval. If any work should be covered up without approval or consent of Owner, it must, if required by Owner, be uncovered for examination at the Contractor's expense.

Re-examination of questioned work may be ordered by Owner. If such work be found in accordance with the Contract documents, the Owner shall pay the cost of re-examination and replacement. If such work is found to not be in accordance with the Contract documents, the Contractor shall pay such costs unless he shall show that the defect in the work was caused by another contractor, and in that event, the Owner shall pay such costs.

The inspection of the work shall not relieve the Contractor of any of his obligations to fulfill the Contract in full and as prescribed. Defective work shall be made good and unsuitable material shall be rejected, notwithstanding that such defective work and material may have been previously overlooked and accepted on estimates for payment. No work shall be done at night without the prior approval of Owner.

25. **DEFECTIVE WORK OR MATERIAL.** The Contractor shall promptly remove from the premises all work and materials condemned by Owner as failing to conform to the Contract, whether incorporated or not, and the Contractor shall promptly replace and re-execute his own work in accordance with the Contract and without expense to the Owner and shall bear the expense of making good all work of other contractors destroyed or damaged by such removal or replacement.

26. **LIENS.** Contractor shall not permit any lien or claim to be filed or prosecuted against the City of Keizer, Oregon or the private property owner, in connection with this contract and agrees to assume responsibility should such lien or claim be filed. If at any time there shall be evidence of any lien or claim for which the Owner might become liable and which is chargeable to the Contractor, the Owner shall have the right to retain out of any payment then due or thereafter to become due, an amount sufficient to provide complete indemnification against such lien or claim. In the event the Owner has already paid to the Contractor all sums due under this Contract or the balance remaining unpaid is insufficient to

protect the Owner, the Contractor shall be liable to the Owner for any loss so sustained.

27. OWNER'S RIGHT TO TAKE OVER THE WORK. If the Contractor should be adjudged as bankrupt, or if it should make a general assignment for the benefit of its creditors, or if a receiver should be appointed to take over its affairs, or if it should fail to prosecute its work with due diligence and carry the work forward in accordance with its work schedule and the time limits set forth in the Contract documents, or if it should fail to substantially perform one or more of the provisions of the Contract documents to be performed by it, the Owner may serve written notice on the Contractor stating its intention to exercise one of the remedies hereinafter set forth and the grounds upon which the Owner bases its right to exercise such remedy.

In any event, unless the matter complained of is satisfactorily corrected within ten (10) days after service of such notice, the Owner may, without prejudice to any other right or remedy, exercise one of the following such remedies, at once, having first obtained a certificate from the Public Works Director that sufficient cause exists to justify such action.

- a. The Owner may terminate the services of the Contractor, which termination shall take effect immediately upon service of notice thereof on the Contractor, whereupon Owner may itself take over the work, take possession of and use all materials, tools, equipment and appliances on the premises and prosecute the work to completion by such means as it shall deem best. In the event of such termination of its service, the Contractor shall not be entitled to any further payment under this Contract until the work is completed and accepted. If the Owner takes over the work and if the unpaid balance of the Contract price when the Owner takes over the work exceeds the cost of completing the work, including compensation for any damages or expenses incurred by Owner through the default of the Contractor, such excess shall be paid to the Contractor. In such event, if such costs, expenses and damages shall exceed such unpaid balance of the Contract price, the Contractor shall pay the difference to the Owner. Such costs, expenses, and damages shall be certified by the Public Works Director.
- b. The Owner may take control of the work and either make good the deficiencies of the Contractor itself or direct the activities of the Contractor in doing so, employing such additional help as the Owner deems advisable. In such event, the Owner shall be entitled to collect from the Contractor, or to deduct from any payment then or thereafter due the Contractor, the cost incurred by it through the default of the Contractor, provided the Public Works Director approves the amount thus charged to the Contractor.

The above remedies are in addition to any other remedies allowed by law or equity.

28. **CONTRACTOR'S RIGHT TO STOP OR TERMINATE CONTRACT.** If the work shall be stopped under an order of any court or other public authority for a period of no less than three (3) months through no act or fault of the Contractor or of any one employed by it, then the Contractor may on seven (7) days written notice to the Owner stop work or terminate this Contractor and recover from the Owner payment for all work executed to the date of stoppage, any losses sustained from any plant or material, and a reasonable profit. If the Public Works Director shall fail to issue any certificate for payment within ten (10) days after it is due, or if the Owner shall fail to pay the Contractor within fifteen (15) days after its maturity and presentation to the Owner any sum certified by the Public Works Director, then the Contractor may, on seven (7) days written notice to Owner, terminate the Contract and recover from the Owner payment for all work executed to date, any losses sustained upon any plant for material, and a reasonable profit.

29. **DELAYS AND EXTENSION OF TIME.** If the Contractor is delayed at any time in the progress of the work by an act or neglect of the Owner, or any employee of Owner, or by any separate contractor employed by the Owner, or by changes ordered in the work, or by strike, lockouts, fire, unusual delay in transportation, unavoidable casualties, or any cause beyond the Contractor's control, or by delay authorized by the Public Works Director, or by any cause which the Public Works Director shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as the Public Works Director may decide.

No such extensions shall be made for a delay occurring more than seven (7) days before claim therefore is made in writing to the Public Works Director. In the case of a continued cause of delay, only one claim is necessary. This section does not exclude the recovery of damages for delays by either party under other provisions in the Contract documents.

30. **ACCEPTANCE.** Final inspection and acceptance of the work shall be made by the Owner and local appointed authority. Such inspection shall be made as soon as practical after the Contractor has notified the Owner in writing that the work is ready for such inspection.

31. **DISPUTE RESOLUTION.**

(a) Any dispute arising out of or in connection with this Agreement, which is not settled by mutual agreement of the Contractor and the Owner within sixty (60) days of notification in writing by either party, shall be submitted to an arbitrator mutually agreed upon by the parties. In the event the parties cannot agree on the arbitrator, then the arbitrator shall be appointed by the Presiding Judge (Civil) of the Circuit Court of the State of Oregon for the County of Marion. The arbitrator shall be selected within thirty (30) days from the

expiration of the sixty (60) day period following notification of the dispute. The arbitration, and any litigation arising out of or in connection with this Agreement, shall be conducted in Salem, Oregon, shall be governed by the laws of the State of Oregon, and shall be as speedy as reasonably possible. The applicable arbitration rules for the Marion County courts shall apply unless the parties agree in writing to other rules. The arbitrator shall render a decision within forty-five (45) days of the first meeting with the Contractor and the Owner. Insofar as the Contractor and the Owner legally may do so, they agree to be bound by the decision of the arbitrator.

- (b) Notwithstanding any dispute under this Agreement, whether before or during arbitration, the Contractor shall continue to perform its work pending resolution of a dispute, and the Owner shall make payments as required by the Agreement for undisputed portions of work.

32. **ASSIGNMENT.** Neither Owner nor Contractor shall assign its interest in this Contract without the written consent of the other except as to the assignment of proceeds. The terms and conditions of this Contract shall be binding upon both parties, their partners, successors, assigns and legal representatives. Neither party to this Contract shall assign the Contract as a whole without written consent of the other.

31. **INDEPENDENT CONTRACTOR STATUS.** The service or services to be performed under this Contract are those of an independent contractor as defined in ORS 670.600. Contractor represents and warrants that it is not an officer, employee or agent of the Owner. Contractor is not entitled to, and expressly waives all claim to City benefits including, but not limited to health, life, and disability insurance, overtime pay, paid leave, and retirement.

32. **GOVERNING LAW.** This Contract shall be governed by the laws of the State of Oregon.

33. **SEVERABILITY.** Any provision or part of this Contract held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor. Owner and Contractor agree that this Contract shall be amended to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

34. **COMPLIANCE.** The Contractor shall comply with and require its subcontractors to comply with all applicable provisions of Federal, State and local statutes, ordinance, orders, rules, regulations, and all other specifications and provisions as contained within these Contract documents.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day and year first above written.

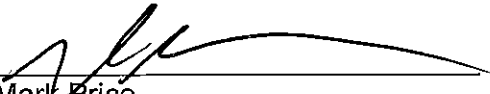
OWNER:

CONTRACTOR:

CITY OF KEIZER

SPECIALIZED PAVEMENT MARKING, INC.

By: _____
Christopher C. Eppley,
City Manager

By:  _____
Mark Price,
President

APPROVED AS TO FORM:

Keizer City Attorney

Exhibit "A"



City of Keizer - Department of Public Works

930 Chemawa Rd. N.E. * PO Box 21000

Keizer, OR 97307 (503)390-3700 fax (503) 393-9437

www.keizer.org

April 11, 2014

Dear Potential Bidder:

RE: PAVEMENT MARKINGS BID PROPOSALS

The City of Keizer is currently accepting bid proposals for the repainting of our pavement marking legends. We would like to offer you the opportunity to submit a bid proposal to perform this work. All bids are due no later than 5:00 p.m. Friday May 2nd, 2014. Insurance documents should accompany your bid proposal and must meet the amounts set forth in ORS 30.270. The amounts are \$1,000,000 for property damage and \$1,000,000 per person for bodily injury and no less than \$2,000,000 for any number of claims arising out of a single accident or occurrence. If the bid is awarded to you, you must make arrangements with your insurance carrier to provide a certificate showing the City of Keizer, its officers, agents, contractors, and employees as an Additional Insured's on an endorsement. You can submit your bid via United States Postal Service or hand deliver them to the City of Keizer City Hall. **Faxes or Electronic submittals will not be accepted.** City staff will recommend the City Council approve a contract for the apparent low bidder at the June 16th, 2014 City Council meeting. Please send bids to the attention of Mike Griffin Streets/Stormwater Supervisor at the City of Keizer Public Works Department, PO Box 21000 Keizer Oregon 97307-1000 by Friday May 2nd, 2014.

The City of Keizer currently has approximately 581+/- stop bars, 181 bike w/arrows symbols, 69 thermoplastic bike w/arrow symbols, 32 right arrows, 69 left arrows, 16 straight arrows, 2 left thermoplastic, 29 crosswalks, 550+/- feet of thermoplastic crosswalk patching, 35 school, 29 crossing, 15 speed bumps, 3 bumper islands and 41 yellow curbs. The project will be awarded on a lump sum basis based on the attached schedule of contract prices. There is the good chance that some of the totals may vary +/- due to slurry seals, street resurfacing, new projects, and some may have been converted to thermoplastic. The contractor will be compensated for each additional legend per bid item cost. It is **MANDATORY** that the contractor turn in an updated list of current stop bars and legends with each schedule of work completed. It is also **MANDATORY** that a project schedule be turned in at the end of each week so we may track which locations are done and do random sampling of VOC's if necessary. It is important to stay in contact with City liaison for clarification on anything that is questionable or unclear so the finished product is accurate and acceptable. We can provide a City map at no charge to create a grid for turning in a schedule if that is helpful. We are also incorporating the thermoplastic for our crosswalks and bike legends to be included in this proposal with a standard minimum of 3' strips of replacement so we recommend an on-site inspection prior to bidding, with pricing to be on a per foot basis. All paint

Keizer Public Works Department is a professional, dedicated team that proudly serves the community by effectively and efficiently building, operating and maintaining quality, safe and secure public facilities.

and thermoplastic materials shall meet current ODOT specifications for VOC content and reflectivity using glass beads. Thermoplastic stop bars in neighborhoods lacking reflectivity but still in good shape shall not need to be redone, only 3' spot patching as needed. The City of Kelzer will not supply any stencils for the legends. The contractor may make arrangements with the Marlon County Public Works Department and should copy their stencils to match the current painted surfaces. Due to the fact standards have changed over the years there are variations with the legends and they must be matched as best possible.

The work sites will vary from low traffic to very high traffic flow, so the contractor should allow for some traffic control measures in high traffic areas and **MUST** wear safety vests at all times and use safety cones as required. All traffic control measures shall comply with the current edition of the Manual on Uniform Traffic Control Devices (MUTCD). Any River Road work must be done after 9am and complete by 4pm in order to avoid commuting traffic, night work will be permitted with prior City notification.

The contractor can anticipate starting work July 1st with all signed documents and schedules submitted. All work pertaining to the schools or school zones shall be completed on or before September 2nd, 2014. The remainder of the work shall be completed on or before October, 15th 2014. The contractor may request a time extension due to weather and must do so in writing prior to the completion date. If the contractor does not complete the work by the required dates the City reserves the right to impose liquidated damages at \$100 per calendar day thereafter.

Attached you will find information needed to submit your bid. The contact information for Marlon County Public Works Department is at the bottom of this page. If you have any questions or comments please feel free to contact me at (503) 856-3551.

Thank you for your interest in this project,



Mike Griffin
Streets/Stormwater Supervisor
P.O. Box 21000
Kelzer, OR 97307
(503) 393-9437 fax

Enclosures: 21 total pages

Cc:

Bill Lawyer/City of Kelzer Public Works Director
Tammie Harms/City of Kelzer Legal Assistant

Contact for Marion County Public Works Department to Obtain Stencil Templates

*Mike Harmell
Sign Shop Supervisor
5155 Silverton Rd N.E.
Salem, OR 97305
(503) 588-5344*

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operating and maintaining quality, safe and secure public facilities.*

SCHEDULE OF CONTRACT PRICES					
PROJECT: PAVEMENT MARKINGS OWNER: CITY OF KEIZER					
ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
1	STOP BARS	581 +/- 1	EA	22.00	12,782.00
2	BIKE w/ARROWS	181	EA	37.00	6,697.00
3	THERMO BIKE w/ARROWS	69	EA	235.00	16,215.00
4	RIGHT ARROWS	32	EA	48.00	1,536.00
5	LEFT ARROWS	69	EA	48.00	3,312.00
6	STRAIGHT ARROWS	16	EA	48.00	768.00
7	COMBO ARROWS		EA	125.00	-
8	THERMO ARROWS	2	EA	250.00	500.00
9	CROSSWALKS	29	EA	140.00	4060.00
10	THERMO CROSSWALKS		PER FOOT	8.25	-
11	SCHOOL	35	EA	185.00	6475.00
12	CROSSING	29	EA	210.00	6090.00
13	YELLOW CURBING		PER FOOT	2.00	-
14	SPEED BUMPS	13	EA	125.00	1625.00
TOTAL BID					60,060.00

Specialized Pavement Marking, Inc.
11095 SW Industrial Way
Suite A
Tualatin OR 97062


Mark Price, President

5-2-14

PAINTED STOP BARS

AMT	LOCATED ON	AT/NEAR	DBL BAR
1	1st "CT" GOING	West from Sandra	
2	2nd Ave	Appleblossom	
1	2nd Ave	Garland Way	
1	2nd Ave	Wheatland Rd	
1	2nd "CT" GOING	West from Sandra	
1	3rd St	Hollyhock Place	
1	4th Place N	Cummings Ln	
1	5th Avenue	Fall Creek Drive	
1	5th Avenue	Sunset	
1	6th Avenue	James St	
1	7th St	Chemawa Rd	
2	7th Ave	Claggett St	
1	8th Ave	Claggett St	
1	8th St	Chemawa Rd	
1	8th Ct	Nottingham Dr	
1	9th Ct	Nottingham Dr	
1	10th Ave	Chemawa Rd	
2	10th Pl	Moneda Ave	
1	10th Pl	Rafael Ave	
2	10th Pl	Ventura Ave	
2	11th Ave	Manzanita St	
1	12th Ave	Dearborn Ave NE	
2	13th Ave	Manzanita Rd	
2	13th Ave	Dearborn Rd	
1	13th Ave	Chemawa Rd	
1	13th Ave	Rafael	
2	14th Ave	Mandarin Way	
2	14th Ave	Manzanita St	
1	15th Ave	Chemawa Rd	
1	15th Ave	Willow Lake Rd	
2	18th St	Chelan St	
2	18th St	Wiessner Dr	
2	18th St	Dearborn Rd	
1	18th St	Verda Lane	
1	35th Ave	Volcano Stadium Exit	
1	Alder Dr	Cherry Ave	
2	Alder Dr	Pleasant View Dr	
1	Alder Dr	Verda Lane	
1	Aldine	McLeod Ln	
1	Aldridge	Wheatland Rd	
1	Alexis Lane	Windsor Island RD	
1	Allendale Way	Keizer Rd	
1	Alliance Ct	Northside Dr.	
2	Amy	Rockledge Dr.	
1	Amy	Stone Hedge	
1	Angle	Brooks Ave	
2	Appleblossom	River Rd	
1	Arborwood Ct	Horizon Ridge Ct	
2	Arcade	Kalmia	
1	Arcade	Chemawa Rd	
1	Arieta	Alder Dr	
1	Arrow Point Ct	Country Glen	

PAINTED STOP BARS

AMT	LOCATED ON	AT/NEAR	DBL BAR
1	Arrowwood	Horizon Ridge Ct	
1	Autumn Leaf Ct	Willow Lake Rd	
2	Bailey Rd	Chemawa Rd	
1	Bailey Rd	Dearborn Ave NE	
1	Bair Rd	O'Neil	
1	Barnick	O'Neil	
1	Beebe	Alder	
1	Benevan Ct NE	Harmony Dr	
1	Bent Grass Ct	Prairie St.	
1	Bent Grass	Pineview St	
1	Bever	Cherry Avenue	
1	Bever	River Rd	
1	Bingtree	Northtree	
1	Birch Ave	Manbrin Dr	
1	Birchwood Ct	Russell Dr	
1	Blarney Stone Ct	Amy Ln	
1	Bobbie Ct	Willow Lake Rd	
1	Bolf Terrace	Wheatland Rd	
1	Bolf Terrace	Craftsman Loop	1
1	Bolin Ct	Glynbrook	
1	Bond	Northside Dr.	
1	Brandon Ave	18th St.	
1	Briarwood Circle	Chemawa Rd	
1	Broken Top Ave	Merlot Ave	
2	Brooks Ave	Alder Dr	
1	Brooks Ave	Manbrin/Thorman	
1	Brunner Ct	June Reid Place	
1	Bundy Ave	Cynthia	
1	Caleb	Harbour Ln	
1	Caleb	Maddy Ave	
1	Camden St	Barnick Rd	
1	Candlewood Rd	Cherry Avenue	
1	Caneberry	Parkmeadow	
1	Carilor Ct	Kalmia	
1	Carmen Ave	Dearborn Rd	
1	Caler	Wheatland Rd	
1	Cedar Ct	Cummings Ln	
1	Cedar Ave	Manbrin Dr	
1	Cedar Bluff	Wheatland Rd	
1	Celtic Way	Chemawa Rd	
1	Chardonnay Lp	Zinfandel St	
2	Chemawa Rd	Shoreline/Windsor Island	1
1	Chemawa Rd	Verda Lane	
1	Chemawa Lp	Chemawa Rd	
1	Chehalis Dr	Chemawa Rd	
1	Chehalis	Lockhaven Dr	
1	Chehalis Ct	Chemawa Rd	
1	Cherry Ave	Greenwood Dr	
1	Cherry Ave	Manbrin Dr	
1	Chetco	Chemawa Rd	
1	Churchdale	Bailey Rd	
1	Churchdale	River Rd	
1	Churchdale	Delight St	
2	Clark Ave	Dietz/Lawless	

PAINTED STOP BARS

AMT	LOCATED ON	AT/NEAR	DBL BAR
2	Clark Ave	Dietz/Lawless	
1	Clark Ave	Dearborn Rd	
1	Claxter	Verda Lane	
1	Clearlake Rd	Wheatland Rd	
1	Clearview Ave	Brooks St	
1	Clearview Ave	Cherry Avenue	
1	Cloverleaf Ln	Bailey Rd	
1	Country Glen	River Rd	
1	Courtlyn St	Lucinda Ave	
1	Craftsman Loop	Bolf Terrace	
1	Craftsman Loop	Veranda	
1	Crater	Chemawa Rd	
1	Crater	Ventura St	
1	Crestview Ct	Lockhaven Dr	
1	Crestwood	Lockhaven Dr	
2	Crystal Springs	McClure	
1	"CT" @ or near	3583 Jack St	
2	Cummings Ln	Shoreline	
1	Cynthia	Joan Dr	
2	Dearborn Ave	Shoreline Dr	
2	Dearborn Ave	Ventura	
2	Dearborn Ave	Verda Lane	
1	Dearborn Ave	Delight St	
2	Dearborn Ave	18th St.	
2	Delaplane St	Rupp Ave	
2	Delight St	Evans St	
2	Delight St	Dearborn Ave	
1	Delight St	Chemawa Rd	
2	Delight St	Cummings Ln	
1	Delight St	Menlo Dr	
1	Dennis Ray	McLeod Ln	
1	Delta	Wheatland Rd	1
1	Delta	Wheatland Rd	
1	Dennis Ln	Rivercrest Dr	
2	Dennis Ln	5th Ave	
1	Denny Ct	Glynbrook	
1	Dietz	River Rd	
1	Dixon	Noren Avenue	
1	Dixon	Verda Ln	
1	Donnan	Rickman	
1	Dorcas Dr	Jack St	
1	Dorcas Dr	Dorcas Dr East end	
1	Dorcas Dr	Dorcas Dr West end	
1	Drysdale St	Koufax Ln	
2	Drysdale Ct	Jacobe St	
1	Eastward Ct	Four Winds Dr	
1	El Segundo Ave	O'Neil	
1	Elizabeth	Chemawa Rd	
2	Elizabeth	Churchdale	
1	Elizabeth	Dearborn Ave N	
1	Elizabeth	Evans Ave	
1	Elvira	Dearborn Ave N	
1	Erika	O'Neil	
1	Erika	St Charles	

PAINTED STOP BARS

AMT	LOCATED ON	AT/NEAR	DBL BAR
1	Espana Ave	10th Pl	
1	Espana Ave	Shoreline	
1	Eugene Ct	Kaimla	
1	Evans Ave	Delight St	
1	Evans Ave	River Rd	
1	Fall Creek Ct	Fall Creek Drive	
1	Farmland Ln	Wheatland Rd	1
2	Fenwick	Russet Dr	
1	Feldview	Parkmeadow	
1	Filbert St	Alder DR	
1	Fillmore St	Dearborn Ave N	
1	Fillmore St	Evans Ave	
1	Fir Cone	River Rd	1
1	Firview Pl	Brianwood East	
1	Foothill Ct	Wheatland Rd	1
1	Four Winds Dr	Chemawa Rd	
1	Freeman Ct	Kaimla Dr	
1	Garland	River Rd	
1	Garland Ct	Jack St	
1	Garland Wy	Jack St	
1	Garland Wy	River Rd	
1	Glynbrook	Rivercrest Dr	
2	Gobert	Dixon St	
2	Gobert	May St	
2	Gobert	Kelzer Rd	
1	Golden Ln	Willow Leaf St	
1	Golden Ln	Windsor Island Rd	
2	Greenwood	Thorman Ave	
1	Greenwood	River Rd	1
1	Greenwood	Cherry Avenue	
2	Greenwood	Harcourt/Arnold	2
1	Griswold Ave	Pleasant View Dr	
1	Harcourt	Dearborn Ave N	
2	Harcourt	Lawless	
1	Harmony Dr	14th St	
1	Harmony Dr	Trail Ave	
1	Harvest	Fir Cone	
1	Hasbrook Ave	Allendale Wy	
1	Hasbrook Ave	Keizer Rd	
1	Hassel Ct	Jacobe St	
1	Hazelbrook Dr	Wheatland Rd	
1	Hidden Creek Dr	River Rd	
1	Hills Creek Ct	Fall Creek Drive	
1	Hollyhock Pl	5th Ave	
1	Hollyhock Pl	River Rd	
1	Homestead Ct	Clearview	
1	Homewood Ct	River Rd	
1	Honeysuckle St	5th Ave	
1	Honeywood Ct	Tepper Ln	
1	Hopkins	Cherry Avenue	
1	Horizon	Cherry Avenue	
1	Hornet Ct	5th Ave	
1	Hornet Dr	5th Ave	
1	Inland Shores	Lockhaven Dr	

PAINTED STOP BARS

AMT	LOCATED ON	AT/NEAR	DBL BAR
1	Ivy Way	Harcourt	
2	Ivy Way	Thorman Ave	
1	Jack St	Rivercrest Dr	
2	Jack St	Appleblossom	
2	Jack St	Wilshire Dr	
1	Jacobe Dr	Tepper Ln	
1	Jakewood	Horizon Ridge	
1	James St	River Rd	
1	Jani Ct	Erica	
1	Jasper	Pierce	
1	Jaymar	Tepper Ln	
2	Jaymar	Manzanita	
1	Jays Dr	Wheatland Rd	1
1	Jerdon Ct	New Terrace	
1	Joan Dr	Lockhaven Dr	
1	Jo Delle Ct	15th Ave	
1	Joan Ct	Chemawa Rd	
1	Juedes	Delight St	
1	Juedes	River Rd	
1	Julie	Joan Dr	
1	June Reid Pl	Clearlake	1
1	Juniper Ct	Four Winds Dr	
2	Juniper St	13th Ave	
1	Juniper St	Four Winds Dr	
1	Kalmia	Verda Lane	
1	Kalmia	Lockhaven Dr	
1	Karm	Alder Dr	
1	Katie Ave	O'Neil	
1	Kelzer Rd	Allendale	
1	Kelly St	Kalmia	
1	Kephart Ct	18th Ave	
1	Keystone Lp	Bair Rd	
1	Kelzer Rd	Verda Lane	
1	Kinglet Way	Chemawa Rd	
1	Kinglet Way	Kalmia	
1	Kirby	Caleb St	
1	Kilclat	Lockhaven Dr	
1	Koala	Joan Dr	
1	Koala	Windsor Island Rd	
1	Lacey Ct	Willow Lake Rd	
1	Laguna	Wheatland Rd	
1	Lake Fair	Lockhaven Dr	
1	Lakeport	Trent Ave	
1	Larchwood St	Verda Lane	
1	Larchwood St	Kafir Dr	
1	Larry Ave	Rivercrest Dr	
2	Lauderback	Northtree	
2	Laurelridge St	Meadowwood	
2	Lawless	Harcourt	
2	Lawless	Thorman Ave	
1	Leeward Ct	Four Winds Dr	
1	Leewood	Kayla Shae St	
1	Leewood	O'Neil	
1	Lent Ct	June Reid Place	

PAINTED STOP BARS

AMT	LOCATED ON	AT/NEAR	DBL BAR
1	Leo	Brooks Ave	
2	Leo	Arnold	
1	Leprichaun Ct	Amy Ln	
1	Lexie Ct	Jacobe St	
1	Linda Ave	River Rd	
2	Lockhaven Dr	Windsor Island Rd	
1	Long Creek	Fall Creek Drive	
2	Lowell	Lawless	
1	Lowell	Dearborn Ave	
1	Lucinda Ave	Chemawa Rd	
1	Mac Arthur Sr	Newberg	
1	Maebelle Ln	Bair Rd	
1	Maine Ave	River Rd	
1	Maddy Ave	Caleb St	
1	Madelyn Ct	McLeod Ln	
2	Manbrln Dr	Cherry Ave	
1	Manbrln Dr	Shoreline Dr	
2	Manbrln Dr	Rivercrest Dr	
2	Mandarin Way	14th Ave	
1	Mandarin Way	Trail Ave	
1	Manzanita	13th Ave	
1	Manzanita	14th Ave	
2	Manzanita	McLeod Ln	
2	Manzanita	River Rd	
1	Manzanita	Trail Ave	
2	Marigold	14th St	
2	Marino Dr	Rivercrest Dr	
1	Marino Dr	Shoreline Dr	
1	Marks Dr	Wheatland Rd	
1	Mason St	Merlot Ave	
1	Max Ct	Newberg	
1	May St	Noren Ave	
1	May St	Verda Ln	
1	McClure	McNary Estates Dr	
1	McClure	Lockhaven Dr	1
1	McGee Ct	River Rd	
1	McLeod Ln	Chemawa Rd	
1	McLeod Ln	Rock Ledge Dr	
2	McLeod Ln	Stone Hedge Dr	
1	McNary Hts	Wheatland Rd	1
1	Meadowbrook	Manbrln	
1	Meadowlark	14th St	
1	Meadowlark	McLeod Ln	
1	Meadowglen St	Parkmeadow Dr	
1	Meadowridge	River Rd	
1	Meadowwood	Meadowridge	
1	Meeks	River Rd	
1	Melrose	Golden	
1	Menlo Dr	Shoreline	
1	Menlo Dr	Cedar Dr	
1	Merlot	Wheatland Rd	
1	Merlot	Zinfandel St	
1	Mirage St	Trent Ave	
1	Mistletoe Lp	Wheatland Rd	

PAINTED STOP BARS

AMT	LOCATED ON	AT/NEAR	DBL BAR
2	Mistwood	14th St	
1	Mistwood	McLeod Ln	
1	Modoc Dr	Chemawa Rd	
1	Moneda Ave	Shoreline	
1	Moneda ct	Shoreline	
1	Mulvehill Ct	Glynbrook	
1	Murphy Ave	O'Neil	
1	Mykala St	Clearlake Rd	
1	Mykala St	Timothy Lane	
1	Nandina Ct	Nottingham Dr	
1	New Terrace Ct	Wheatland Rd	
1	New Terrace Drive	Wheatland Rd	1
1	Newberg	Lockhaven Dr	
1	Newberg	Chemawa Rd	
1	Newton Ct	Golden	
1	Nightengale Ct	Nottingham Dr	
1	Nomore St	Chemawa Rd	
1	Nomore St	Dearborn Ave	
1	Noren	Keizer Rd	
1	Northern Hts	Ridgetop	
1	Northern Hts	Country Glen	
1	Northridge	Pierce	
1	Northside	River Rd	
1	Northside	Claxter	
1	Northshire Ct	River Rd	
1	Northtree	McLeod Ln	
1	Northwind	Juniper St	
1	Nottingham	River Rd	1
1	Nottingham	Wheatland Rd	
1	Oakwood St	River Rd	
1	Offenbach Ct	Nottingham Dr	
1	O'Neil	Clearlake Rd	
1	O'Neil	Parkmeadow	
1	Oppek	O'Neil	
2	Orchard St	Windsor Island Rd	
1	Orchard St	Joan Dr	
1	Orchard St	Newberg	
2	Orchard St	Chehalis	
1	Orchard Ct	Windsor Island Rd	
1	Otter way	Wheatland Rd	
1	Parklawn Ct	Trail Ave	
1	Parkmeadow	River Rd	
2	Parkmeadow	Meadowglen	
2	Parkplace	Parkmeadow	
1	Parkplace	Boardwalk	
2	Parkplace	Cater Ct	
1	Parkplace	Wheatland Rd	
1	Parkside Ct	Jakewood Ct	
1	ParkTerrace Dr	Parkmeadow	
1	Park Tree	Parkmeadow	
1	Paulette St	Dearborn Ave	
1	Peyton St	Chemawa Rd	
1	Pierce Dr	Aldridge Dr	
2	Pierce Dr	Russell	

PAINTED STOP BARS

AMT	LOCATED ON	AT/NEAR	DBL BAR
1	Pinehurst	Wheatland Rd	1
1	Pineview	Parkmeadow	
1	Pleasant View Dr	Alder Dr	
1	Plum Tree	Northtree	
1	Plymouth Dr	Cherry Ave	
1	Plymouth Dr	River Rd	
1	Powder Creek Ct	Fall Creek Drive	
1	Prairie Clover	O'Neill	
1	Prairie Grass	Meadowglen	
1	Prairie St	Bent Grass	
1	Prairie St	Prairie Clover Ave	
1	Prestige Ct	Chemawa Rd	
1	Ridgetop	Country Glen	
1	Rafeal Ave	15th Ave	
2	Rafeal Ave	Shoreline	
1	Rickman	Dearborn Ave	
1	Rickman	Chemawa Rd	
1	Ridgecrest	Pierce	
1	Ridgecrest	Wheatland Rd	1
1	Ridgemont Dr	Ridgeview	
1	Ridgemont Dr	Aldridge Dr	
1	Ridgetop	Horizon Ridge	
1	Ridgetop	Country Glen	
1	Ridgeview Ct	Pierce	
1	Ridgeview Dr	Pierce	
1	Rlm Rock	Stone Hedge	
1	Ring St	Cherry Avenue	
1	River Rock	14th St	
1	River Rock	Amy Ln	
1	Rivercrest Dr	Menlo Dr	
1	Rivercrest Dr	Menlo Dr	
2	Rivercrest Dr	Wayne	
1	Rivercrest Dr	Dearborn Ave	
1	Rivercrest Dr	Cummings Ln	
1	Riverwood Dr	15th Ave	
1	Robindale	Chemawa Rd	
2	Rock Crystal Ln	Rockledge Dr.	
1	Rock Ledge Ct	Rock Ledge Dr	
1	Roofop	Horizon Ridge	
1	Rowen	Manbrin Dr	
1	Rupp Ave	Wheatland Rd	
1	Rushmore	15th St	
1	Russett Dr	Wheatland Rd	
2	Sandra	Glynbrook	
1	Sandy Dr	River Rd	
1	Sarah Jean Ct	O'Neill	
2	Sea Gale Wy	Juniper St	
1	Segundo	O'Neill	
2	Shadowwood St	Merlot Ave	
2	Shady Ln	Brooks Ave	
1	Shady Ln	Cherry Avenue	
1	Shannon Ct	Wheatland Rd	1
1	Shepherd Ct	Russet Dr	1
2	Shoreline	Cummings Ln	

PAINTED STOP BARS

AMT	LOCATED ON	AT/NEAR	DBL BAR
1	Shoreline Dr	Shoreline Lp	
2	Shoreline Lp	Shoreline Dr	
1	Shoreline Dr	Chemawa Rd	
1	Shyrina Ct	Wheatland Rd	
1	Sir Lancelot	Harmony Dr	
1	Sonata	McClure	
1	Sophia	Bair Rd	
1	Spring Leaf Ct	Willow Lake Rd	
1	Springridge Dr	Wheatland Rd	
1	Springtime Ct	Chemawa Rd	1
1	Spirit Way	Chemawa Rd	
1	St Charles	Bair Rd	
1	St Charles	Clearlake Rd	
1	St Croix Way	Ridge Drive	
1	Steven	Lockhaven Dr	
1	Stickles	Tepper Ln	
1	Stone Bridge	Taurus Lp	
2	Stone Hedge Dr	McLeod Ln	1
1	Stone Hedge Ct	14th St	1
1	Stone Hedge Dr	14th St	1
1	Stone Mason	Rockledge Dr.	
1	Stone Mason	Stone Hedge	
1	Straw Dr	Manbrin Dr	
1	Summer Leaf Ct	Willow Lake Rd	
1	Sunset Ave	Rivercrest Dr	
1	Swingwood Dr	River Rd	
1	Tecumseh St	Chemawa Rd	
1	Tepper Ln	McLeod Ln	
1	Thorman Ave	Greenwood	
1	Thorman Ave	Dearborn Ave	
2	Thorman Ave	Lawless	
1	Timothy	Clearlake Rd	1
1	Todd Ct	Willow Lake Rd	
2	Toni Ave	Manbrin Dr	
1	Trade Wind	Juniper St	
1	Trade Wind	Chemawa Rd	
1	Trail Ave	Harmony Dr	
1	Trail Ave	Mandarin St	
1	Trail Ave	Lockhaven Dr	1
1	Trail Ave	Manzanita	1
1	Trent	Windsor Island Rd	
1	Troy	Brooks St	
1	Troy	Filbert St	
1	Ventura Ave	Shoreline Dr	
1	Ventura St	Shoreline Dr	
2	Ventura St	Dearborn Ave	
1	Ventura Lp	Dearborn Ave	
2	Verda Ln	Chemawa Rd	
1	Verda Ln	Dearborn Ave	
1	Verda Ln	Lockhaven Dr	
1	Waterloo	Clearlake Rd	
2	Windsor Island/Shoreline	Chemawa Rd	1
1	Waste Treatment Plant	Windsor Island Rd	
2	Wayne Dr	Rivercrest Dr	

PAINTED STOP BARS

AMT	LOCATED ON	AT/NEAR	DBL BAR
1	Weeks Dr	Cherry Avenue	
1	Wiessner	Verda Ln	
1	Willow Lake Rd	Windsor Island Rd	
1	Willow Leaf St	Golden	
1	Willow Leaf St	Trent Ave	
1	Winter Leaf Ct	Willow Lake Rd	
1	Wittenburg Ln	Chemawa Rd	
1	Wittenburg Ln	Claggett	
1	Wolf	Churchdale	
1	Woodcrest Ct	Hazelbrook	
1	Woodgrove Ct	Hazelbrook	
1	Woodwind Ct	Willow Lake Rd	
1	Zachris Ct	McLeod Ln	

581 TOTAL

27

BIKE LANE SYMBOLS

AMT LOCATION

PAINTED

- | | |
|----|--|
| 1 | AT THE I-5 SOUTH FWY EXIT - EAST ON CHEM/LOCKHAVEN |
| 1 | AT THE I-5 NORTH EXIT RAMP - EAST ON CHEM/LOCKHAVEN |
| 5 | WESTBOUND ON LOCKHAEN - WEST OF RIVER RD |
| 11 | WESTBOUND ON LOCKHAVEN - EAST OF RIVER RD |
| 13 | EASTBOUND ON LOCKHAVEN - EAST OF RIVER RD |
| 8 | EASTBOUND ON LOCKHAVEN - WEST OF RIVER RD |
| 2 | SOUTHBOUND ON CHEMAWA AT OR NEAR LOCKHAVEN |
| 2 | ON MCLEOD SOUTH OF LOCKHAVEN INTERSECTION |
| 8 | NORTHBOUND ON MCLEOD NORTH OF LOCKHAVEN |
| 7 | SOUTHBOUND ON MCLEOD NORTH OF LOCKHAVEN |
| 4 | WESTBOUND ON ALDER NEAR SCHOOL |
| 4 | EASTBOUND ON ALDER NEAR SCHOOL |
| 9 | WESTBOUND ON CHEMAWA BETWN RIVER & SHORELINE |
| 4 | EASTBOUND ON CHEMAWA BETWWN RIVER & SHORELINE |
| 4 | WESTBOUND ON CUMMINGS LANE EAST OF RIVER RD |
| 3 | EASTBOUND ON CUMMINGS LANE EAST OF RIVER RD |
| 10 | NORTHBOUND ON CHERRY AVENUE |
| 10 | SOUTHBOUND ON CHERRY AVENUE |
| 5 | EASTBOUND ON CLEARVIEW FROM CHERRY TO BROOKS |
| 4 | WESTBOUND ON CLEARVIEW FROM CHERRY TO BROOKS |
| 4 | WESTBOUND ON DEARBORN FROM RIVER TO DELIGHT ST |
| 4 | EASTBOUND ON DEARBORN FROM RIVER TO DELIGHT ST |
| 3 | WEST OF R&R TRACKS BEFORE KEIZER STA BLVD ON LOCKHAVEN |
| 3 | ON LOCKHAVEN BETWEEN KEIZER STA BLVD AND MCLEOD |

BIKE LANE SYMBOLS

PAINTED

19	BOTH SIDES OF KEIZER STA BLVD
17	BOTH SIDES OF ULALI DRIVE
12	BOTH SIDES OF STADIUM DRIVE
4	BOTH SIDES OF JORIE LANE
4	BOTH SIDES OF HARMONY DRIVE
6	BOTH SIDES OF TRAIL AVE
181	TOTAL

THERMO

AMT	LOCATION
33	CHEMAWA RD NE FROM RIVER RD TO VERDA LN
20	DEARBORN AVENUE NE FROM RIVER RD TO VERDA LN
2	VERDA LANE NORTH OF CHEMAWA
11	VERDA LANE SOUTH OF CHEMAWA
1	NE CORNER OF DEARBORN AND VERDA
1	WEST SIDE OF WIESSNER AND VERDA LANE
1	5273 VERDA LANE
69	TOTAL

PAINTED DIRECTIONAL ARROWS

AMT	TYPE	ARROW/LOCATION	AT or NEAR
2	L	RIVER RD	FIR CONE
1	L	RIVER RD	SWINGWOOD
1	L	RIVER RD	NOTTINGHAM
1	L	RIVER RD	NORTHSHIRE
1	L	RIVER RD	NORTHRUP
1	L	RIVER RD	HIDDEN CREEK
1	L	MANZANITA	RIVER RD
2	L	LOCKHAVEN	CHEMAWA
2	R	LOCKHAVEN	CHEMAWA
3	L	LOCKHAVEN	McLEOD
2	L	McLEOD	LOCKHAVEN
1	R	14TH ST	LOCKHAVEN
2	L	LOCKHAVEN	KAFIR
2	L	LOCKHAVEN	14TH ST
1	L	LOCKHAVEN	CRESTWOOD
1	L	LOCKHAVEN	VERDA
8	L	LOCKHAVEN	B/T TRAIL & EAST OF RIVER
2	R	LOCKHAVEN	B/T TRAIL & EAST OF RIVER
1	L	LOCKHAVEN	CELTIC WAY
1	L	LOCKHAVEN	NEWBERG
1	L	LOCKHAVEN	CHEHALIS
1	L	McCLURE	LOCKHAVEN
1	R	McCLURE	LOCKHAVEN
1	L	LOCKHAVEN	McCLURE
1	L	LOCKHAVEN	JOAN
1	L	LOCKHAVEN	STEVEN
2	L	LOCKHAVEN	WINDSOR ISLAND
3	R	CHEMAWA	RIVER (W OF INTERSECTION)
2	L	CHEMAWA	RIVER (W OF INTERSECTION)
2	STRAIGHT	CHEMAWA	RIVER (W OF INTERSECTION)
1	L	ALDER	VERDA
1	R	ALDER	VERDA
3	STRAIGHT	CHERRY AVE NB	SALEM PARKWAY
2	L	CHERRY AVE NB	PLYMOUTH
1	R	CHERRY AVE NB	PLYMOUTH
2	R	CHERRY AVE SB	PLYMOUTH
1	L	CHERRY AVE	WEEKS DR
1	L	CHERRY AVE	CANDLEWOOD
1	L	CHERRY AVE	ALDER DR
1	L	CHERRY AVE	CLEARVIEW AVE
2	L	CHERRY AVE	RING ST
1	L	CHERRY AVE	HORIZON CT
1	L	CHERRY AVE	HOPKINS CT
1	L	CHERRY AVE	SHADY LN
1	L	CHERRY AVE	BEVER DR
2	L	CHERRY AVE	SAM ORCUTT WAY

PAINTED DIRECTIONAL ARROWS

AMT	TYPE	ARROW/LOCATION	AT or NEAR
2	L	SAM ORCUTT WAY	CHERRY AVE
2	R	SAM ORCUTT WAY	SAM ORCUTT WAY
9	L	INTERSECTIONS @ RIVER/	CHERRY/GREENWOOD
9	R	INTERSECTIONS @ RIVER/	CHERRY/GREENWOOD
9	STRAIGHT	INTERSECTIONS @ RIVER/	CHERRY/GREENWOOD
1	R	AT CHERRY/GREENWOOD & RIVER	
2	R	DEARBORN	RIVER (EAST SIDE)
2	R	SAM ORCUTT WAY	RIVER RD
2	L	SAM ORCUTT WAY	RIVER RD
2	STRAIGHT	SAM ORCUTT WAY	RIVER RD
2	R	GLYNBROOK	RIVER RD
1	L	ALDER	VERDA
1	R	ALDER	VERDA
117	TOTAL		
THERMO			
2	L	RIVER	WHEATLAND

PAINTED CROSSWALKS

AMT	CROSSWALK LOCATION	AT/NEAR
1	STONEHEDGE	14TH ST
1	14TH ST	STONEHEDGE
1	14TH ST	GUBSER SCHOOL
1	PARKMEADOW	MEADOWGLEN
1	WHEATLAND	PARKMEADOW
2	CHERRY AVE	SAM ORCUTT
2	MANBRIN	CHERRY
2	LOCKHAVEN	MCLEOD
2	MCLEOD	LOCKHAVEN
2	LOCKHAVEN	14TH ST
1	KAFIR	LOCKHAVEN
1	14TH ST	LOCKHAVEN
1	MCCLURE	LOCKHAVEN
1	LOCKHAVEN	MCCLURE
1	WINDSOR ISLAND	KOALA
1	CHEMAWA	CELTIC WAY
1	DELIGHT	SCHOOL
1	SHORELINE	RAFAEL
1	CUMMINGS	SCHOOL
1	NOREN	SCHOOL
1	KEIZER RD	HASBROOK
1	KEIZER RD	NOREN
1	VERDA	DEARBORN
1	GLYNBROOK	RIVER RD

29

THERMO

AMT	CROSSWALK LOCATION	AT/NEAR
1	RIVER RD	GLYNBROOK ST
1	RIVER RD	SAM ORCUTT WAY
1	RIVER RD	SUNSET AVENUE
1	RIVER RD	MANBRIN DRIVE
1	RIVER RD	CUMMINGS LANE
1	RIVER RD	DEARBORN AVENUE
1	RIVER RD	CHEMAWA RD
1	RIVER RD	CLAGGETT ST
1	RIVER RD	LOCKHAVEN DRIVE
1	RIVER RD	MANZANITA ST
1	LOCKHAVEN DRIVE	MCLEOD ST
1	LOCKHAVEN DRIVE	CHEMAWA RD/KZR STATION BLVD
1	ULALI DRIVE	KZR STATION BLVD
1	ULALI DRIVE	EASTBD CHEMAWA
1	ULALI DRIVE	JORIE LANE
1	JORIE LANE	STADIUM DRIVE
1	STADIUM DRIVE	EASTBD CHEMAWA
1	VERDA	ALDER
1	ALDER	VERDA

19

SCHOOL LOCATIONS

SCHOOL	LOCATION
Claggett Creek Middle School	On Alder Drive between Verda Lane and Pleasantview areas
Clearlake Elementary	On Meadowglen and Parkmeadow Drive
Cummings Elementary	On Cummings Lane and Delight Street and crossings in vicinities
Forest Ridge Elementary	On Clearlake Rd and June Raid Place Crossing also on Wheatland Road and Clearlake Area
Gubser Elementary	On 14th Street and also various vicinity locations
Kelzer Elementary	On McClure and Lockhaven and crossings at Windsor Island Road.
Kennedy Elementary	On Noren Avenue and Kelzer Rd
McNary High School	On Chemawa Rd and Lockhaven Drive
Weddle Elementary	Same as Claggett Creek Middle School
Whitteaker Middle School	On Lockhaven Drive and crossings near 14th St

PAINTED YELLOW CURBING

AMT	LOCATION	AT OR NEAR	FEET
1	CHERRY	SALEM PARKWAY (ISLAND)	1180'
1	PLYMOUTH	CHERRY	16'
2	HOLLYHOCK	RIVER	66'
3	HOLLYHOCK	3RD	168'
1	WHEATLAND	RIVER (ISLAND AREA)	123'
1	RIVERCREST	MANBRIN	20'
1	MANBRIN	CHERRY (ISLAND)	295'
1	CHERRY	MANBRIN (ISLAND)	705'
3	MEADOWBROOK	MANBRIN	65'
1	LOCKHAVEN	RIVER (ISLAND)	108'
2	KEIZER RD	MOBILE PARK	94'
2	RIVER RD	COUNTRY GLEN	114'
2	COUNTRY GLEN	RIVER	106'
2	14TH ST	GUBSER SCHOOL	131'
4	DELTA	WHEATLAND	188'
2	JERDON CT	NEW TERRACE	63'
2	15TH AVE	GARWOOD WAY	33'
1	SHORELINE	WAYNE DR	120'
2	SWINGWOOD DR	RIVER RD	26'
5	NIGHTENGALE CT	NOTTINGHAM DR	223'
1	GARY	BEEBE	103'
2	GARWOOD WAY	15TH AVE	36'
4	BAILEY RD	CHEMAWA RD NE	106'
1	PEYTON ST	CHEMAWA RD N	30'
1	LOCKHAVEN	EAST OF RIVER RD-ALBERTSONS ENTRANCE	861'
1	RIVER RD	SOUTH OF LOCKHAVEN-ALBERTSONS ENTRANCE	174'
1	CHEMAWA RD NE	ST. CROIX	444'
2	JUEDES	RIVER RD	167'
1	14TH ST	LOCKHAVEN	24'
6	NANDINA	NOTTINGHAM DR	168'
4	9TH CT.	NOTTINGHAM DR	163'
4	8TH CT.	NOTTINGHAM DR	179'
67			6,295'

PAINTED WHITE CHECKERED SPEED BUMPS

AMT	LOCATION	AT OR NEAR
11	KEIZER RD	B/T VERDA & LITTLE LEAGUE FIELDS
2	ALDER	CLAGGETT MIDDLE SCHOOL

Exhibit "B"

SCHEDULE OF CONTRACT PRICES					
PROJECT: PAVEMENT MARKINGS OWNER: CITY OF KEIZER					
ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
1	STOP BARS	581 +/- 1	EA	22.00	12,782.00
2	BIKE w/ARROWS	181	EA	37.00	6,697.00
3	THERMO BIKE w/ARROWS	69	EA	235.00	16,215.00
4	RIGHT ARROWS	32	EA	48.00	1,536.00
5	LEFT ARROWS	69	EA	48.00	3,312.00
6	STRAIGHT ARROWS	16	EA	48.00	768.00
7	COMBO ARROWS		EA	125.00	-
8	THERMO ARROWS	2	EA	250.00	500.00
9	CROSSWALKS	29	EA	140.00	4060.00
10	THERMO CROSSWALKS	PER	FOOT	8.25	-
11	SCHOOL	35	EA	185.00	6475.00
12	CROSSING	29	EA	210.00	6090.00
13	YELLOW CURBING	PER	FOOT	2.00	-
14	SPEED BUMPS	13	EA	125.00	1625.00
TOTAL BID				60,060.00	

Specialized Pavement Marking, Inc.
 11095 SW Industrial Way
 Suite A
 Tualatin OR 97062


 Mark Price, President

5-2-14

CITY COUNCIL MEETING: June 16, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: QUOTE AND PURCHASE AGREEMENT WITH TREBRON
COMPANY INC. FOR SOPHOS EMAIL AND WEB
PROTECTION**

The City previously entered into an agreement with Trebron Company Inc. for email and web protection. Such agreement is set to expire soon. The City continues to be in need of email and web protection. Trebron Company Inc. desires to continue providing email and web protection for the City. Funding for this service is requested in the 2014-2015 budget.

RECOMMENDATION:

Adopt the attached Resolution.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2014-_____

AUTHORIZING CITY MANAGER TO ENTER INTO PURCHASE
AGREEMENT WITH TREBRON COMPANY INC. FOR
PURCHASE OF SOPHOS EMAIL AND WEB PROTECTION

WHEREAS, the City previously entered into a four-year agreement with Trebron

Company Inc. for purchase of Sophos email and web protection;

WHEREAS, the four year agreement is set to expire soon;

WHEREAS, Trebron Company Inc. has proposed a three year agreement;

WHEREAS, Council desires to enter into a three year agreement with Trebron

Company Inc. for purchase of Sophos email and web protection;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City
Manager to authorized to execute the attached Quote and Purchase Agreement with
Trebron Company Inc.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
upon the date of its passage.

PASSED this _____ day of _____, 2014.

SIGNED this _____ day of _____, 2014.

Mayor

City Recorder



www.trebron.com



May 19, 2014

QUOTE #: 05192014-SPG

Billed to: City of Keizer
P.O. Box 21000
Keizer, OR 97307-1000
Attn: Bill Hopkins 503-856-3435
hopkinsb@keizer.org

Account Executive	Quote Valid Until	Payment Terms
Scott Griffin (360) 275-9100	6-17-14	Special Trebron Payment Plan / Net 30

3 Year Pricing

Qty (Users)	Included Components	Term (Months)	Total Price (\$USD)
125	Sophos Email Protection – Advanced		\$4,278.75
100	Sophos Web Protection -- Advanced		\$4,200.00
-	4- hours Trebron Remote Consulting	-	Included
Subtotal:			\$8,478.75
Total (Excluding tax and shipping as applicable):			\$8,478.75

***Email Service Dates 5-28-14 – 9-16-17**

***Web Protection Service Dates 7-15-14 – 9-16-17**

Special Trebron Payment Plan

- ☐ Payment 1 Due July 1, 2014 \$2,826.25
- ☐ Payment 2 Due July 1, 2015 \$2,826.25
- ☐ Payment 3 Due July 1, 2016 \$2,826.25

Notes:

- Licenses - granted pursuant to the terms of the Sophos End User License Agreement (EULA)

Order Confirmation: Please sign and fax to **(206-527-4288)** or email to your Trebron Sales Rep.

I understand that by signing this Purchase Order/Quote confirmation I agree to the following:

- I am authorized by the "billed to" party to purchase the item listed above.
- All information is accurate with regard to price, description, quantity and address.
- The "billed to" party agrees to pay the invoice in accordance with terms of net 30.
- Late Charges will be billed after 30 days at 18% rate of interest including, but not limited to legal fees to collect.
- Product licenses provide rights to utilize the subject software to a maximum of the quoted quantity.
- Nothing in this quote shall be construed as creating an obligation on the part of Sophos rather than a right to enter into an agreement with the "billed to" party described above.
- **To take advantage of the Trebron Payment Plan a "Trebron Purchase Agreement" will also need to be signed.**

Authorized Signature: _____

Date: _____

Printed Name: _____

Title: _____

Purchase Order #: _____

Ship to address same as Billed to? ☐ Yes ☐ No

Ship to Address: _____

Seattle, WA (Corporate)
Spokane, WA
Springfield, MO

5506 35th Ave NE, Seattle, WA 98105

Office (206) 527-3477 | Fax (206) 527-4288
Office (800) 499-3079 | Fax (206) 527-4288
Office (417) 473-9199 | Fax (206) 527-4288

Date: April 9, 2014

Buyer: City of Keizer

Trebron Account Executive: Scott Griffin
Trebron Company, Inc. 5506 35th Ave. N.E.
Seattle, WA 98105

Mailing P.O. Box 21000
Address: Keizer, OR 97307

Telephone: 206-527-3477 Corporate
Telephone: 800-499-3079 Toll Free
Email: sgriffin@trebron.com

Purchase Agreement 3 Years

The Parties hereto, Buyer, City of Keizer and Seller, Trebron Company, Inc. hereby agree as follows:

- Description:** Buyer agrees to purchase from Seller, "Product" as listed in the table below for \$8,478.75 (Eight Thousand Four Hundred Seventy Eight United States Dollars and 75/100), plus applicable shipping costs & sales tax, unless Buyer is exempt from the payment of such tax and provides Seller with evidence of such exemption.

Qty (Users)	Included Components	Term (Months)	Total Price (\$USD)
125	Sophos Email Protection – Advanced		\$4,278.75
100	Sophos Web Protection -- Advanced		\$4,200.00
-	4- hours Trebron Remote Consulting	-	Included

- Payment:** To be made to Seller in three annual installments of \$2,826.25 each. The first payment, plus shipping as applicable, is due on or before July 1, 2014. The second payment is due on or before July 1, 2015. The third and final payment is due on or before July 1, 2016. Payment Terms are net thirty (30) days. All payments shall be by check made payable to Trebron Company, Inc. at the address listed above.
- Term:** Buyer's license for the product expires on. 9-16-17.
- Representations:** Buyer understands that Seller is a reseller of hardware and software products. Buyer acknowledges that it has not relied on any representations by Seller and has independently investigated the products and determined the suitability of the products for Buyer's intended purposes.
- Warranty:** Seller shall pass through to Buyer any original manufacturers' warranties for Product acquired by Seller for Buyer, including Licensor's warranties for Product. Except for the foregoing, Seller shall deliver the Product "as is" and Seller makes no other warranty, express or implied, including any warranty of merchantability or fitness for a particular purpose.
- Limitation of Liability:** Under no circumstances will Seller be liable for any incidental, indirect, special or consequential damages from Buyer or any third party, including damages for lost revenue, profits, data or use even if Seller has been advised of the possibility of such damages. In no event shall Seller's entire liability under this agreement exceed the price of the products under this Agreement.
- Late Fees:** Late payments shall accrue interest beginning from the payment date at a rate of eighteen percent (18%) per annum, or at the maximum allowable legal rate whichever is lower. In the event that any payment or amount owed is more than ninety (90) days past due, in addition to accrued fees and costs, Seller may declare the entire amount due and owing. Buyer's failure to pay under this agreement may result in termination of Buyer's software license.
- Cancellation:** Once Seller has accepted Buyer's order Buyer cannot cancel the agreement, in whole or in part, without Seller's express written consent. Such cancellation is conditioned upon Buyer's reimbursement to seller for all costs incurred by Seller in connection with the order up to the time of cancellation including, but not limited to, Seller's cost for cancellation.
- Attorneys' Fees:** In the event any cost or expense, including reasonable attorney's fees ("Costs") are incurred in the enforcement of this Agreement, the prevailing party shall be entitled, in addition to damages, to reimbursement for all such Costs.
- Software:** Buyer will negotiate all software license provisions of Product directly with the Licensor.
- Miscellaneous:** This Agreement must be executed on or before 6-17-14 or it becomes void.

12. **Waiver:** The waiver of any breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach and shall be effective only if in writing.
13. **Severability:** If any provision of this Agreement is deemed invalid or unenforceable, the other provisions of this Agreement shall remain in full force and effect.
14. **Entire Agreement:** This Agreement constitutes the entire Agreement of the parties and may not be amended or superseded except in writing signed by the parties.

City of Keizer

IT Director Signature

Business Office Signature - Required

Printed Name

Printed Name

Title

Date

Title

Date

Must be signed by an authorized representative of Buyer

Trebron Company, Inc.

Billing Information

Do you accept invoices via Email? Y ☐ N ☐



Signature

Accounts Payable Contact

Norbert van Dam

Printed Name

Email Address

President

Title

Date 6-4-2014

Phone

CITY COUNCIL MEETING:_____

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: BILL LAWYER
PUBLIC WORKS DIRECTOR**

SUBJECT: SHORELINE DRIVE REBUILD PROJECT

DATE: June 9, 2014

BACKGROUND:

The Streets Division of the Public Works Department solicited competitive bids for the reconstruction of a portion of Shoreline Drive between Cummings Lane and Wayne Drive. This project involves approximately 1,486 linear feet of road reconstruction including removing and replacing the pavement, concrete curbs, sidewalks, catch basins, and appurtenances common to road reconstruction projects.

A total of 6 bids were received and opened on June 3, 2014. The bids ranged from \$432,996.50 to \$362,974.00. The City Engineer has certified the bids. After bid certification, the low responsive bidder on this project was **K & E Excavating, Inc.**, whose bid was **\$362,974.00**.

FISCAL IMPACT:

Funds for this project are available in the Fiscal Year 2014/2015 Street Fund Budget line 75.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution authorizing the City Manager to enter into a contract with the low responsive bidder, **K & E Excavating, Inc.**, for an estimated cost of **\$362,974.00**.

Please contact me with any questions or concerns.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2014-_____

AUTHORIZING THE CITY MANAGER TO AWARD AND ENTER
INTO AN AGREEMENT WITH K & E EXCAVATING, INC FOR
RECONSTRUCTION OF SHORELINE DRIVE

WHEREAS, approximately 1,486 linear feet of Shoreline Drive is in need of reconstruction, including removing and replacing HMAC pavements, PCC curbs, sidewalks, and cath basins and appurtenances common to road reconstruction projects;

WHEREAS, six bids for this project were received. K & E Excavating, Inc. submitted the low bid for a total amount of \$362,974.00. The City Engineer has reviewed and certified the bids;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to award the contract to, and if no objections are received, enter into an agreement with K & e Excavating, Inc. for a total cost of \$362,974.00 to reconstruct a portion of Shoreline Drive. Funding for this project is from the Street Fund.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2014.

SIGNED this _____ day of _____, 2014.

Mayor

CITY COUNCIL MEETING: June 16, 2014

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER

FROM: SUSAN GAHLSDORF, FINANCE DIRECTOR

**SUBJECT: CORRECTION OF RESOLUTION ADOPTING FISCAL YEAR 2014-2015
BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND
CATEGORIZING TAXES**

ISSUE:

On June 2, 2014 the City Council Adopted the FY14-15 City of Keizer budget. The resolution adopting the budget included the incorrect amount of General Services appropriation for the General Fund. The amount provided was listed as \$1,709,400 and should have been \$1,715,200. The difference of \$5,800 is attributed to a reduction in a Materials & Services line item during budget deliberations; however, as supported by the Budget Committee meeting minutes, a motion to re-establish the line item back to the Manager Recommended amount passed budget committee.

FISCAL IMPACT:

The net fiscal impact is a reduction of \$5,800 of the total unappropriated and reserve amounts in the General Fund. The reduced amount is within the minimum 15% ending fund balance and is the amount recommended by the budget committee.

RECOMMENDATION:

Staff recommends that the City Council repeal resolution R2014-2456 Adopting Fiscal Year 2014-2015 budget, making appropriations, and imposing and categorizing taxes and adopt the attached resolution as corrected.

CITY OF KEIZER, STATE OF OREGON

RESOLUTION R2014-_____

**ADOPTING THE FY14-15 BUDGET, MAKING APPROPRIATIONS
AND IMPOSING AND CATEGORIZING TAXES;
REPEALING RESOLUTION R2014-2456**

BE IT RESOLVED, that the City Council of the City of Keizer hereby adopts a budget for fiscal year 2014-15 in the sum of \$37,996,300 now on file at City Hall in Keizer, Oregon.

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2014 and for the purposes shown below are hereby appropriated:

General Fund	General Services	\$1,715,200	
	Parks	337,500	
	Community Development	649,300	
	Police	6,147,600	
	Municipal Court	225,700	
	Revenue Sharing	298,000	
	Contingency	55,000	
TOTAL GENERAL FUND			\$9,428,300
Public Education Government Fund	Materials & Services	91,300	
	Capital Outlay	37,900	
	Contingency	50,000	
TOTAL PUBLIC EDUCATION GOVERNEMENT FUND			179,200
Law Enforcement Grant Fund	Capital Outlay	30,000	
TOTAL LAW ENFORCEMENT GRANT FUND			30,000
Administrative Services Fund	Personnel Services	2,394,800	
	Materials & Services	853,500	
	Capital Outlay	87,500	
	Contingency	248,800	
TOTAL ADMINISTRATIVE SERVICES FUND			3,584,600

Parks Improvement Fund			
TOTAL PARKS IMPROVEMENT FUND	Capital Outlay	480,600	480,600
Keizer Station LID Fund			
TOTAL KEIZER STATION LID FUND	Debt Service	1,708,900	1,708,900
Transportation Improvement Fund			
TOTAL TRANSPORTATION IMPROVEMENT FUND	Capital Outlay	1,450,000	1,450,000
Off-Site Transportation Improvement Fund			
TOTAL OFF-SITE TRANSPORTATION IMPROVEMENT FUND	Capital Outlay	52,900	52,900
Housing Services Fund			
TOTAL HOUSING SERVICES FUND	Materials & Services	33,600	33,600
Energy Efficiency Revolving Loan Fund			
TOTAL ENERGY EFFICIENCY REVOLVING LOANFUND	Materials & Services	20,400	20,400
Street Fund			
	Personnel Services	119,300	
	Materials & Services	752,900	
	Capital Outlay	1,605,500	
	Transfer Out	327,500	
	Contingency	43,600	
TOTAL STREET FUND			2,848,800
Sewer Fund			
	Personnel Services	3,400	
	Materials & Services	5,454,200	
	Contingency	16,200	
TOTAL SEWER FUND			5,473,800

Water Fund	Personnel Services	856,500	
	Materials & Services	1,450,600	
	Capital Outlay	73,200	
	Debt Service	234,000	
	Transfers Out	90,100	
	Contingency	115,400	
TOTAL WATER FUND			2,819,800
Water Facility Replacement Reserve Fund	Capital Outlay	779,100	
TOTAL WATER FACILITY REPLACEMENT RESERVE FUND			779,100
Street Lighting Districts Fund	Materials & Services	494,100	
	Contingency	24,700	
TOTAL STREET LIGHTING FUND			518,800
Storm Water Utility Fund	Personnel Services	603,100	
	Materials & Services	632,800	
	Capital Outlay	183,800	
	Contingency	71,000	
STORM WATER UTILITY FUND			1,490,700
Sewer Reserve Fund	Capital Outlay	103,500	
TOTAL SEWER RESERVE FUND			103,500
Community Center Fund	Personnel Services	60,300	
	Materials & Services	109,900	
	Capital Outlay	1,000	
	Contingency	5,000	
TOTAL COMMUNITY CENTER FUND			176,200
TOTAL APPROPRIATIONS ALL FUNDS			31,179,200
TOTAL UNAPPROPRIATED AND RESERVE AMOUNTS, ALL FUNDS			6,817,100
TOTAL ADOPTED BUDGET			<u>\$37,996,300</u>

BE IT FURTHER RESOLVED that the ad valorem property taxes are hereby imposed for tax year 2014-15 upon the assessed value of all taxable property within the district in the amount of \$2.0838 per \$1,000 of assessed value for permanent rate tax.

BE IT FURTHER RESOLVED that the taxes imposed are hereby categorized for purposes of Article XI section 11b as Permanent Rate Tax.

General Government Limitation \$2.0838/\$1000

BE IT FURTHER RESOLVED that Resolution R2014-2456 (Adopting the FY14-15 Budget, Making Appropriations and Imposing and Categorizing Taxes) is hereby repealed in its entirety.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this ____ day of _____, 2014.

SIGNED this ____ day of _____, 2014.

Mayor

City Recorder

CITY COUNCIL MEETING: June 16, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: RESOLUTION REPEALING VARIOUS RESOLUTIONS/
ORDER RELATING TO LAND USE ACTIONS FEES AND
APPEAL FEES**

At its June 2, 2014 meeting, the City Council established fees for planning and land use action applications. It has been discovered that there were several Resolutions and an Order relating to land use action fees and appeals fees that have never been repealed. To reduce confusion as to which fees are valid, it is appropriate for Council to repeal the outdated Resolutions and Order. A proposed Resolution and Order repealing the outdated Resolutions and Order are attached for consideration.

RECOMMENDATION:

Adopt the attached Resolution and Order.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2014-_____

REPEALING RESOLUTION R83-021, RESOLUTION R84-072, RESOLUTION R85-139, RESOLUTION R87-252, RESOLUTION R87-260, RESOLUTION R87-290, RESOLUTION R88-361, RESOLUTION R89-416, RESOLUTION R90-476, RESOLUTION R92-549, AND RESOLUTION R94-708 RELATING TO LAND USE PERMIT FEES, APPEAL FEES, AND PLANNING AND BUILDING FEES

WHEREAS, Resolution No. 83-021 (Relating to Ordinance 83-002 and Providing for a Contract with Marion County to Secure the Assistance of the Marion County Planning Department and the Marion County Building Department in Implementing the Ordinance) adopted the Keizer Land Use Permit Fees effective July 1, 1983;

WHEREAS, Resolution R84-072 (Relating to Ordinance 83-002 and Providing for an Intergovernmental Agreement With Marion County for Planning and Building Inspection Services to Implement the Ordinance) adopted the Keizer Land Use Permit Fees effective July 1, 1984;

WHEREAS, Resolution R85-139 (Relating to Ordinance 83-002 and Providing for an Intergovernmental Agreement With Marion County for Planning and Building Inspection Services to Implement the Ordinance) adopted the Keizer Land Use Permit Fees effective July 1, 1985;

WHEREAS, Resolution R87-252 (Providing for an Intergovernmental Agreement With Marion County for Planning Administration and Building Inspection Services and

1 Establishing a Fee Schedule for Land Use Applications) adopted the Keizer Land Use
2 Permit Fees effective February 2, 1987;

3 WHEREAS, Resolution R87-260 (Adopting an Appeal Fee for Land Use
4 Appeals) adopted appeal fees;

5 WHEREAS, Resolution R87-290 (Providing for an Intergovernmental Agreement
6 With Marion County for Planning Administration and Building Inspection Services and
7 Establishing a Fee Schedule for Land Use Applications) adopted the Keizer Land Use
8 Permit Fees effective July 13, 1987;

9 WHEREAS, Resolution R88-361 (Providing for an Intergovernmental Agreement
10 With Marion County for Planning Administration and Building Inspection Services and
11 Establishing a Fee Schedule for Land Use Applications) adopted the Keizer Land Use
12 Permit Fees effective July 11, 1988;

13 WHEREAS, Resolution R89-416 (Providing for an Intergovernmental Agreement
14 With Marion County for Planning Administration and Building Inspection Services and
15 Establishing a Fee Schedule for Land Use Applications) adopted the Keizer Land Use
16 Permit Fees effective June 5, 1989;

17 WHEREAS, Resolution R90-476 (Providing for an Intergovernmental Agreement
18 With Marion County for Planning Administration and Building Inspection Services and
19 Establishing a Fee Schedule for Land Use Applications) adopted the Keizer Land Use
20 Permit Fees effective June 28, 1990;

1 WHEREAS, Resolution R92-549 (Adopting a Fee Schedule for Planning and
2 Building Applications) adopted the fee schedule effective March 2, 1992;

3 WHEREAS, Resolution R94-708 (Amending the Fee Schedule for Planning and
4 Building Applications) adopted an amendment to the fee schedule on February 7, 1994;

5 WHEREAS, Council adopted Resolutions on June 2, 2014 establishing fees for
6 land use actions/applications that make the above resolutions moot;

7 WHEREAS, Resolutions R83-021, R84-072, R85-139, R87-252, R87-260, R87-
8 290, R88-361, R89-416, R90-476, R92-549, and R94-708 are no longer necessary and
9 should be repealed;

10 NOW, THEREFORE,

11 BE IT RESOLVED by the City Council of the City of Keizer that Resolutions
12 R83-021, R84-072, R85-139, R87-252, R87-260, R87-290, R88-361, R89-416, R90-476,
13 R92-549, and R94-708 are hereby repealed in their entirety.

14 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
15 upon the date of its passage.

16 PASSED this _____ day of _____, 2014.

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18 SIGNED this _____ day of _____, 2014.

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Mayor

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City Recorder

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CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

ORDER

REPEALING ORDER DATED FEBRUARY 17, 1983 (RELATING TO ORDINANCE 83-002 AND ESTABLISHING A FEE SCHEDULE FOR FEES TO BE COLLECTED BY MARION COUNTY IN RETURN FOR SERVICES PERFORMED IN IMPLEMENTING THE ORDINANCE)

WHEREAS, on February 17, 1983, the City Council adopted the Keizer Land Use Permit Fees;

WHEREAS, the Order adopted on February 17, 1983 relating to the Keizer Land Use Permit Fees is no longer necessary and should be repealed;

NOW, THEREFORE;

IT IS HEREBY ORDERED by the City Council of the City of Keizer that the Order adopted on February 17, 1983 relating to the Keizer Land Use Permit Fees is hereby repealed in its entirety.

IT IS HEREBY FURTHER ORDERED that this Order shall be effective immediately upon the date of its passage.

PASSED this _____ day of _____, 2014.
SIGNED this _____ day of _____, 2014.

Mayor

City Recorder

CITY COUNCIL MEETING: June 16, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: RESOLUTION REPEALING VARIOUS RESOLUTIONS
RELATING TO PARKS SYSTEM DEVELOPMENT CHARGES**

At its June 2, 2014 meeting, the City Council reviewed proposed fees. While staff was reviewing various fee Resolutions, it was discovered that there were several Resolutions relating to parks system development charges that had never been repealed. To reduce confusion as to which fees are valid, it is appropriate for Council to repeal the outdated Resolutions. A proposed Resolution repealing the outdated Resolutions is attached for consideration.

RECOMMENDATION:

Adopt the attached Resolution.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2014-____

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5 REPEALING RESOLUTION R92-564 (ESTABLISHING THE
6 AMOUNT OF THE PARKS SYSTEM DEVELOPMENT CHARGE),
7 RESOLUTION R93-683 (CLARIFYING THE PARKS SYSTEM
8 DEVELOPMENT CHARGES), RESOLUTION R2000-1231
9 (ESTABLISHING THE AMOUNT OF THE PARKS SYSTEM
10 DEVELOPMENT CHARGE (2000)), AND RESOLUTION R2005-
11 1619 (AMENDING THE PARKS SYSTEM DEVELOPMENT
12 CHARGE (2000))
13

14 WHEREAS, Ordinance 92-231 sets forth that the amount of the parks system
15 development charge may be established by resolution;

16 WHEREAS, Resolution R92-564 as amended by Resolution R93-683 adopted the
17 amount of the parks system development charge effective June 1, 1992 through January
18 1, 2001;

19 WHEREAS, Resolution R2000-1231 as amended by Resolution R2005-1619
20 adopted the amount of the parks system development charge effective January 1, 2011
21 through April 1, 2010;

22 WHEREAS, Council adopted Resolution R2010-2004 on January 4, 2010 that
23 sets forth the parks system development charge effective April 1, 2010;

24 WHEREAS, Resolution R92-564, Resolution R93-683, Resolution R2000-1231,
25 and Resolution R2005-1619 are no longer necessary and should be repealed;

26 NOW, THEREFORE,
27

1 BE IT RESOLVED by the City Council of the City of Keizer that Resolution
2 R92-564, Resolution R93-683, Resolution R2000-1231, and Resolution R2005-1619 are
3 hereby repealed in their entirety.

4 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
5 upon the date of its passage.

6 PASSED this _____ day of _____, 2014.

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8 SIGNED this _____ day of _____, 2014.

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Mayor

City Recorder

COUNCIL MEETING: June 16, 2014

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: NATE BROWN
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: TRANSPORTATION AND GROWTH MANAGEMENT GRANT
APPLICATION**

BACKGROUND:

The Oregon Transportation and Growth Management (TGM) program has encouraged the City of Keizer to apply for a grant to revise our current Transportation System Plan (TSP). As part of the submittal requirements, the City Council must formally adopt a resolution directing submittal of the application.

Staff intends to seek funding for the study of transportation issues related to different scenarios regarding the choices faced by the city in its quest to resolve the housing and commercial lands supply deficits. Though the city's adopted TSP is fairly recent (2008) the recent work done as part of Periodic Review has significant impacts to this plan.

The TGM staff has encouraged the city to apply for what other cities have seen as TSP amendment costs. That amount would be \$200,000, and which is the amount staff seeks to receive Council authorization. The City obligation would be 10.27% of that amount, or \$20,540, which would be accomplished through staff time and incidental costs of publication, advertising and notice.

The deadline for submitting an application was Friday, June 13, 2014. The deadline did not allow an opportunity to request City Council approval prior to the deadline.

RECOMMENDATION:

Adopt the attached Resolution ratifying the Community Development Director's application for a TGM grant in the amount of \$200,000 to study and document the impacts of alternate scenarios of city growth.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

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3 Resolution R2014-_____

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5 RATIFYING THE COMMUNITY DEVELOPMENT
6 DIRECTOR'S EXECUTION OF A TRANSPORTATION AND
7 GROWTH MANAGEMENT GRANT FOR REVISION OF
8 TRANSPORTATION SYSTEM PLAN
9

10 WHEREAS, Transportation and Growth Management Grant applications have
11 been recently requested for assistance for transportation planning projects such as
12 revision of the Transportation System Plan;

13 WHEREAS, the City of Keizer desired to participate in this grant program to the
14 greatest extent possible as a means of revising the Transportation System Plan and
15 studying transportation issues related to potential growth boundary expansion, including
16 traffic impacts, costs and benefits;

17 WHEREAS, the City of Keizer hereby certifies that the estimated costs will be
18 approximately \$200,000;

19 WHEREAS, the City of Keizer hereby certifies that the City match will be
20 approximately 10.27% of the total project cost and that it be in the form staff time and
21 direct project expenses;

22 WHEREAS, the Community Development Director has executed the grant
23 application because the deadline for submitting the application was expiring;

24 WHEREAS, the authority to sign the application must be authorized by the City
25 Council;

1 NOW, THEREFORE,

2 BE IT RESOLVED by the City Council of the City of Keizer that the execution of
3 the Transportation and Growth Management Grant application by the Community
4 Development Director is ratified.

5 BE IT FURTHER RESOLVED that should local match be required, such funds
6 are authorized from the Community Development Program in General Fund.

7 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
8 upon the date of its passage.

9 PASSED this _____ day of _____, 2014.

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11 SIGNED this _____ day of _____, 2014.

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Mayor

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City Recorder

CITY COUNCIL MEETING: June 16, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: RAPID AGREEMENT

The City has an opportunity to access the City of Portland's RAPID system which will allow the Police Department access for the purpose of viewing and printing data regarding pawn and secondhand store transactions. To utilize this opportunity, the City of Portland has requested that the City enter into the User's Agreement. There is no cost to the City at this time. The agreement has a provision that advance notice will be given if there is to be a cost to the City. Staff believes that access to this database will be a benefit to the Police Department.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to enter into the RAPID User Agreement.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2014-____

4
5 AUTHORIZING CITY MANAGER TO ENTER INTO USER'S
6 AGREEMENT FOR LAW ENFORCEMENT PARTICIPANTS OF
7 THE REGIONAL AUTOMATED PROPERTY INFORMATION
8 DATABASE ("RAPID") WITH CITY OF PORTLAND
9

10 WHEREAS, ORS Chapter 190 provides for intergovernmental agreements;

11 WHEREAS, the City of Keizer and the City of Portland wish to enter into that
12 certain User's Agreement for the use of the Regional Automated Property Information
13 Database ("RAPID") in which the City of Portland will provide access to information
14 regarding pawn and secondhand store transactions on the system referred to as "RAPID"
15 to the Keizer Police Department;

16 WHEREAS, the City Council of the City of Keizer has considered this matter and
17 wishes to move forward with such agreement;

18 WHEREAS,

19 NOW, THEREFORE,

20 BE IT RESOLVED by the City Council of the City of Keizer that the City
21 Manager is authorized to enter into the User's Agreement for Law Enforcement
22 Participants of the Regional Automated Property Information Database ("RAPID")
23 attached as Exhibit "A" and by this reference incorporated herein.
24

1

2 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately

3 upon the date of its passage.

4 PASSED this _____ day of _____, 2014.

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6 SIGNED this _____ day of _____, 2014.

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Mayor

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City Recorder

**USER’S AGREEMENT FOR
LAW ENFORCEMENT PARTICIPANTS
OF THE
REGIONAL AUTOMATED PROPERTY INFORMATION
DATABASE (“RAPID”)**

This User’s Agreement (“Agreement”) is made effective on June 6, 2014 (“Effective Date”) by and between the City of Portland, a municipal corporation of the State of Oregon, and its successors or assigns (hereinafter referred to as “City”) and Keizer Police Department (hereinafter referred to as “NAMED USER”), by and through their duly authorized representatives. This Agreement may refer to the City and NAMED USER individually as a “Party” or jointly as the “Parties.”

This Agreement shall be valid for five (5) years from the Effective Date.

Authority to enter into the Agreement is pursuant to Oregon Revised Statutes (“ORS”) 190.110.

RECITALS

WHEREAS, in 2008 the City implemented the Regional Automated Property Information Database (“RAPID”), a cooperative multi-agency, multi-jurisdictional effort to share information regarding pawn and secondhand store transactions on a regional basis including pawned, stolen and lost article data held by OSP, specifically OSP’s Law Enforcement Data System (“LEDS”); and

WHEREAS, since 2009 the City has had a license agreement (the “License Agreement”) with Business Watch International (“BWI”) which grants the City a license to use BWI’s software in the RAPID system; and

WHEREAS, NAMED USER desires to become a Participant and obtain the right to use and access RAPID; and

WHEREAS, the City and NAMED USER desire to enter into this Agreement and being fully advised; and

NOW THEREFORE, IN CONSIDERATION of the mutual promises and covenants contained herein, it is agreed as follows:

1.0 Definitions

“Amendment” means a written document, required to be signed by authorized representatives of both Parties, which alters the terms and conditions of this Agreement.

“Authorized Use” means functions and capabilities that a User is assigned and able to perform based on User ID password and rights, as established by the City or a RAPID administrator.

“BWI” means Business Watch International of Regina, Saskatchewan, Canada, the developer and licensor of the Software.

“Contributor” means a law enforcement agency that enters data into RAPID or has Dealers who submit current data for entry into RAPID. Contributors are required to have a Software license.

“Dealer” means a pawn shop, second-hand store or other commercial entity, such as a scrap metal dealer, engaged in the purchase or resale of goods who may encounter stolen property, and who is within the jurisdiction of a Contributor.

“Participant” means a law enforcement agency or other entity that accesses information in RAPID but does not submit current data into RAPID. Participants may search for data in the RAPID system and save search results. Participants are not required to have a Software license.

“PPDS” means the Portland Police Data System.

“RAPID” means the Regional Automated Property Information Database, the cooperative effort of regional law enforcement agencies, initiated and managed by the City, to collect and share data on pawn, secondhand and metal recycler dealer transactions. RAPID may also refer to the Web-based information system that accesses the database.

“Software” means the proprietary or licensed computer programs, firmware, applications, or Operating System Software which are components of the RAPID System and are sublicensed to NAMED USER by the City pursuant to this User Agreement, specifically BWI’s Internet-based information reporting and exchange system RPDSS and ADXStudio’s related utility software, and including, without limitation, any custom Software or Customization, application software, base software, diagnostic software, Updates, Upgrades and any related Documentation to RPDSS and ADXStudio.

“User” means a law enforcement agency, insurance company, or other entity or individual that accesses RAPID. A User may be a Contributor or a Participant.

2.0 Software License

2.1 NAMED USER represents and certifies that it is not a Contributor and therefore does not need to obtain a Software license.

3.0 User Warranties and Obligations

3.1 NAMED USER warrants it has read and understands and is in agreement with the principles and requirements set forth herein for participation in RAPID.

3.2 NAMED USER warrants it has complied and shall comply with all applicable law, ordinances, orders, decrees, labor standards and regulations of its domicile and wherever performance occurs in connection with the execution, delivery, and performance of this Agreement and access and use of RAPID.

3.3 NAMED USER acknowledges and agrees that NAMED USER, its employees, agents, and Dealers will use RAPID only by Authorized Use and only for a legitimate, official, and authorized law enforcement or public safety purpose. Permission to use the information available in or through RAPID other than for Authorized Use shall be obtained in writing from the City RAPID Program Coordinator prior to any such use.

3.4 NAMED USER acknowledges and agrees that NAMED USER, its employees, and agents, will not modify or attempt to modify through computer programming, hacking, or other techniques the functions, capabilities, and operations of the Software.

3.5 NAMED USER is responsible for providing its own computers, Internet connections and any other equipment, devices or capabilities required for its authorized Users to have use of and access to RAPID. NAMED USER is responsible for configuring and maintaining its computers and devices to conform to RAPID access and security requirements as set forth in Sections 5.0 and 6.0 of this Agreement.

4.0 Ownership, Entry, and Maintenance of Information

4.1 RAPID will be populated with mirrored information derived from each Contributor's reported stolen property. RAPID is not in any manner intended to be an official repository of original reported stolen property records, nor to be used as a substitute for an official repository of original reported stolen property records. The stolen property information in RAPID is not to be accorded any independent record system status. RAPID is merely a means to provide timely access for RAPID Users to report stolen property information that replicates existing files/records systems found within the records of Contributors.

4.2 To the extent that any newly discovered links, matches, relationships, interpretations, etc., located in "mining" of RAPID information may be relevant and appropriate for preservation as independent records, it will be the responsibility of the accessing party to notify the appropriate User in order that the information is incorporated as records of the User party in the User party's own official records system(s) in accordance with that User party's records management processes.

4.3 There is no obligation and there should be no assumption by NAMED USER that a particular Contributor's records housed in RAPID represent the totality of all records of that Contributor's records system for any subject or person.

5.0 Access to and Use of Information

5.1 As a Participant, NAMED USER will be able to use RAPID to search data entered by Contributors and their Dealers. Functionality available to a Participant includes but is not limited to:

- a. Searching for persons or things from transaction data in RAPID and saving those searches for automated notification.
- b. Placing possible theft-related comments on transactions that can be seen by other Participants and Contributors who view the transaction.
- c. Placing holds on transactions that contain case numbers, comments and directions to the Dealer. This information can be viewed by other Participants and Contributors.

5.2 NAMED USER and its Dealers shall access RAPID via a secure Internet connection.

5.3 NAMED USER shall not use information in RAPID for general licensing and employment purposes, background investigations of federal, state or local employees or any other non-law enforcement purpose, or to establish or verify the eligibility of applicants, recipients,

beneficiaries, participants, or providers of services with respect to cash or in-kind assistance or payments under the Federal or State benefit programs, or to recoup payments or delinquent debts under such Federal or State benefit programs. NAMED USER shall not use information in RAPID to establish or verify continuing compliance with statutory and regulatory requirements by such persons.

5.4 Information in RAPID, shall not be disseminated outside of NAMED USER without first obtaining express permission of each Contributor or Participant that contributed the information in question.

5.5 Agencies other than those who are Contributors or Participants will not have direct access to RAPID. Requests by such agencies for copies of information contained in RAPID must be referred to the individual RAPID Contributor or Participant that owns the information, unless otherwise required by law.

5.6 However, NAMED USER shall not share User IDs or passwords or provide direct access to RAPID to any entity that has not executed a User agreement with the City and, if required, a license agreement with the City or BWI.

5.7 RAPID includes an audit capability that logs all User actions, including the identity of the User, time of access, queries executed, responses, alerts set, and notifications received. The log is maintained indefinitely unless periodic purging is required by law.

6.0 Security

6.1 NAMED USER will authorize specific employees to access RAPID. Access shall be granted only to those employees and agents with an official “need to know” such information. Upon request by the City, NAMED USER shall provide the City with lists of employees requiring access and list of employees no longer requiring access

6.2 NAMED USER is responsible for training its Users who are authorized to access RAPID regarding the use and dissemination of information obtained from RAPID. NAMED USER shall ensure its authorized Users have a clear understanding of the need to verify the reliability of the information from RAPID with the User that provided the information before using the information for preparing affidavits, obtaining subpoenas and warrants, or other law enforcement purposes. Training should also ensure employees understand the restrictions on use of RAPID data and information set forth herein.

6.3 NAMED USER will ensure that its Users will not access RAPID until after successfully completing appropriate training.

6.4 NAMED USER agrees to immediately deactivate the RAPID User ID and password of any User who is no longer an employee or agent or contractor of NAMED USER, or who no longer requires Authorized Use of RAPID.

6.5 NAMED USER shall provide immediate notification to the City of any actual or suspected unauthorized use of a User ID and password or of any security breach that affects RAPID or any other City systems. NAMED USER shall provide notification to the City of any incident relating to the integrity of the Software, such as a computer virus.

6.6 NAMED USER acknowledges that RAPID will contain Sensitive but Unclassified (SBU) information from the records systems of the Contributors. RAPID is managed by the Portland Police Bureau. NAMED USER agrees to use at least the same degree of care in protecting information accessed in RAPID that NAMED USER exercises with respect to its own sensitive information.

6.7 NAMED USER acknowledges that unauthorized disclosure of SBU information or misuse of the Software or a City computer system or network will result in irreparable harm to the City. In the event of a breach or threatened breach of this Agreement, the City may obtain equitable or injunctive relief prohibiting the breach, in addition to any other appropriate legal or equitable relief and remedies at law.

6.6 Failure to comply with the security and Authorized Use specifications contained in this Agreement may, at the sole discretion of the City, result in the suspension of NAMED USER and access to RAPID by NAMED USER and its Users until such failures are corrected to the City's satisfaction.

7.0 Cost

7.1 NAMED USER shall bear its own costs in relation to RAPID unless otherwise provided herein or in an amendment to this Agreement.

7.2 As of the Effective Date of this Agreement, Participants are not presently charged a fee for accessing RAPID. There will be no charges for NAMED USER to use RAPID as a Participant. This policy may be changed by the City upon sixty (60) days' written notice to NAMED USER.

8.0 Disclaimers, Limitation of Liability, and Indemnity

8.1 RAPID and its website, services, data, and information are supplied "as is" without warranty of any kind, whether express or implied. NAMED USER acknowledges that access to RAPID, its website, and services may be subject to delay, and the data and information may be subject to deletion, theft, errors, or omissions. The City has no responsibility for the accuracy, timeliness, or completeness of information in RAPID. To the maximum extent permitted by law, the City disclaims all warranties, including without limitation, any implied warranties of merchantability, fitness for a particular purpose, and non-infringement.

8.2 RAPID is not a separate legal entity capable of maintaining an employer-employee relationship and, as such, all personnel assigned by NAMED USER to perform RAPID-related functions shall not be considered employees of RAPID or of any other party for any purpose. NAMED USER remains solely responsible for the supervision, work schedules, performance appraisals, compensation, overtime, vacations, retirement, expenses, disability, and all other employment-related benefits incident to assignment of its personnel to RAPID access.

8.3 Unless specifically addressed by the terms of this Agreement, NAMED USER shall be responsible for the negligent or wrongful acts or omissions of its own respective officers and employees performing under this Agreement, but only to the extent they would be liable under the laws of the jurisdiction(s) to which they are subject.

8.4 SUBJECT TO CONSTITUTIONAL AND STATUTORY LIMITATIONS AND RESTRICTIONS, NAMED USER SHALL INDEMNIFY AND DEFEND THE CITY AND ITS

OFFICERS, EMPLOYEES AND AGENTS FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES OF ANY NATURE WHATSOEVER ARISING OUT OF OR RELATING TO ITS ACTS OR OMISSIONS OR THOSE OF ITS OFFICERS, EMPLOYEES, SUBCONTRACTORS, AGENTS, OR DEALERS UNDER THE TERMS OF THIS AGREEMENT.

9.0 Term and Termination

9.1 This Agreement shall be in effect for the period of time stated on the first page unless terminated as set forth in this Section.

9.2 The following conditions apply to termination of this Agreement.

9.2.1 This Agreement may be terminated at any time by the mutual written agreement of the duly authorized representatives of the Parties.

9.2.2 Either Party may terminate this Agreement upon thirty (30) days' written notice to the other Party.

9.2.3 The City may terminate the Agreement with immediate effect in the event of a breach of any provision of this Agreement by NAMED USER.

9.3 Upon termination of this Agreement all information contributed to RAPID by NAMED USER will be deleted from RAPID if so requested in writing by NAMED USER.

9.4 The rights, obligations, responsibilities, limitations, and other understandings with respect to the disclosure and use of information in RAPID shall survive any termination of this Agreement. This applies to NAMED USER's information, and to other parties' disclosure and use of NAMED USER's information.

10.0 Written Notifications

10.1 All written notifications and Amendments shall be sent to the following:

For City of Portland:	For NAMED USER:
Brent Bates, RAPID Program Coordinator	Name:
City of Portland - Portland Police Bureau	Title:
4735 E Burnside St	Address:
Portland, OR 97214	City, State:
e-mail: Brent.Bates@portlandoregon.gov	e-mail:
Copy to:	Copy to:
Technology Contracts	
City of Portland - Procurement Services	
1120 SW Fifth Avenue, Room 750	
Portland OR 97204	

If either Party makes a change to the name or contact information in the table above, it shall provide written notice to the other Party within thirty (30) days of such change.

11.0 General

11.1 Assignment. Neither Party shall assign, transfer, subcontract, or delegate all or any part of this Agreement, or any interest therein, without the other Party's prior written consent, except that the City may assign this Agreement to another law enforcement entity or organization upon thirty (30) days' written notice to NAMED USER if management of RAPID is transferred to another law enforcement entity or organization.

11.2 Governing Law and Jurisdiction. This Agreement shall be construed according to the laws of the State of Oregon without reference to its conflict of laws' provisions. Any litigation between the City and User arising under this Agreement shall occur, if in the state courts, in the Multnomah County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon.

11.3 Amendment. No provision of this Agreement may be amended or modified unless such Amendment or modification is approved as to form by the City Attorney and executed in writing by authorized representatives of the Parties. All changes that would permanently change any provisions of this Agreement shall be memorialized in the form of an Amendment. If the requirements for Amendment or modification of this Agreement as described in this section are not satisfied in full, then such Amendments or modifications automatically will be deemed null, void, invalid, non-binding, and of no legal force or effect.

11.4 Severability. The Parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

11.5 No Waiver. The failure of the City to enforce any provision of this Agreement shall not constitute a waiver by the City of that or any other provision.

This Agreement, together with all Exhibits, Attachments and those documents which by their reference have been incorporated herein, constitutes the entire Agreement between the City and NAMED USER and supersedes all agreements, written and oral, between the Parties on this subject.

The Parties agree that they may execute this Agreement, and any Amendments to this Agreement, by electronic means, including the use of electronic signatures.

IN WITNESS WHEREOF, the Participant hereto has caused this Agreement to be executed.

**FOR Keizer Police Department
NAMED USER (PARTICIPANT)**

Authorized Signature

Date

Printed Name and Title

Address: _____

Phone: _____

Fax: _____

Email: _____

COUNCIL MEETING: June 16, 2014

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILORS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR

SUBJECT: DELINQUENT SEWER ASSESSMENTS (REPEALING R2014-2463)

ISSUE:

At the June 2, 2014 City Council Meeting council adopted a resolution certifying delinquent sewer and stormwater accounts so that past due amounts could be added to the County Assessors tax rolls. Staff recently discovered the statute authorizing the City to certify delinquent amounts only pertains to sewer assessments not stormwater assessments.

FISCAL IMPACT:

Delinquent stormwater assessments plus penalties and administrative charges total \$1,106.07 of the total amount certified on June 2, 2014 of \$6,569.29. The reduced amount to certify to the county is \$5,463.22 and includes Sewer delinquent charges only.

City staff will pursue other means of collection on the delinquent Stormwater fees including turning the accounts over to a collection agency.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution, which certifies the delinquent sewer accounts to the County Assessor for collection, repealing R2014-2463.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2014-_____

CERTIFICATION OF DELINQUENT SEWER ACCOUNTS

(Repealing R2014-2463)

WHEREAS, the City of Keizer is responsible for the collection of sewer fees from the residents of Keizer

NOW THEREFORE, BE IT RESOLVED that the attached Exhibit "A" is an itemized list of delinquent sewer charges through and including February 28, 2014 that the City has been unable to collect through the usual collection procedures; and

BE IT FURTHER RESOLVED that ten percent (10%) of the delinquent amount has been added as a penalty and that a \$37.00 administration fee has been added to cover the City's costs; and

BE IT FURTHER RESOLVED that the amounts certified on the attached Exhibit "A" shall be added to the appropriate tax accounts as indicated pursuant to ORS 454.225.

BE IT FURTHER RESOLVED that Resolution R2014-2463 (Certification of Delinquent Sewer and Storm Water Accounts) is hereby repealed in its entirety.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2014.

SIGNED this _____ day of _____, 2014.

Mayor

City Recorder

CITY OF KEIZER
 DELINQUENT SEWER ACCOUNTS
 EXHIBIT A

Property ID	Service Address	Owner's Name	Total
R25449	752 CHEMAWA RD N	JACK & NANCY HOLT	\$ 73.62
R25632	390 WEEKS DR N	DELLA M PARK	103.23
R19693	7585 WHEATLAND RD N	GAREN & DIANA JIRACEK	301.15
R45798	1095 CLEAR LAKE RD N	JERRY & PAT WAIT	146.84
R20087	7225 WHEATLAND RD N	ROBERT/BARBARA HASKINS	434.39
R25374	4935 DELIGHT ST N	RUBEN LIMAS	434.39
R20165	7029 FIR GROVE LN N	SHANNON & SCOTT WHITE	434.39
R20126	7495 WHEATLAND RD NE	PATRICK & TANA BRYANT	368.16
R20048	6995 RIVER RD NE	DONALD & TAMARA PALMER	115.38
R45871	4985 BAILEY RD NE	DAWN M CHIKE	279.73
R20571	5525 ST CROIX WY NE	JENEPP INVESTMENTS LLC	437.46
R20579	5565 ST CROIX WYNE	E-VILLAGE LLC - C/O CHARLES SIDES	371.22
R20405	1630 CHEMAWA RD NE	TUNG KAR HUNG	112.05
R20577	5625 MCLEOD LN NE	JUSTINDER BHATIA & ALICIA SINGH	437.46
R20567	2200 CHEMAWA RD NE	E-VILLAGE LLC - C/O CHARLES SIDES	437.46
R20570	5530 ST CROIX WY NE	E-VILLAGE LLC	437.46
R20578	2045 CHEMAWA RD NE	JUSTINDER BHATIA & ALICIA SINGH	101.42
R20573	5540 ST CROIX WY NE	E-VILLAGE LLC - C/O CHARLES SIDES	437.46
			<u>\$ 5,463.22</u>



MINUTES
KEIZER CITY COUNCIL
Monday, May 19, 2014
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the meeting to order at 7:01pm. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Joe Egli, Council President
Cathy Clark, Councilor
Marlene Quinn, Councilor
Jim Taylor, Councilor
Kim Freeman, Councilor

Absent:

Dennis Koho, Councilor
Sky Cater, Youth Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community
Development
Bill Lawyer, Public Works
John Teague, Police Chief
Debbie Lockhart, Deputy City
Recorder

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

**PUBLIC
TESTIMONY**

Kyle Juran, Keizer, reported that the Planning Commission had discussed the proposed land use fees and approved them as submitted by staff. Community Development Director Nate Brown added that re-evaluation of all fees was triggered when fees for the newly formed Cottage Cluster category were considered; staff adjusted the fees to more closely capture staffing costs. The fees will be on the next Council agenda.

**PUBLIC
HEARINGS**

**a. Caruso's Italian
Café Liquor
License –
Change of
Ownership/
Trade Name
(Delaney
Madison Grill)**

City Manager Chris Eppley reported that an application was submitted for a Change of Ownership and Trade Name for the Liquor License for Caruso's Italian Café (to Delaney Madison Grill) located in Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done, and Keizer Planning Department found the location of the establishment to be properly zoned and had no comment on the application. Staff recommends that following a public hearing, Council recommend approval of the application.

Mayor Christopher opened the Public Hearing.

Owner/Applicant James Marshall provided background information about himself and shared his plans for the establishment. The name is the

middle names of his 13-year old twin daughters.

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

Councilor Egli moved that the Keizer City Council recommend approval of the application for Change of Ownership and Trade Name 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 Clark seconded. Motion passed as follows:

AYES: Christopher, Egli, Quinn, Freeman, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

**b. Porter's Pub
Liquor License
– Change of
Ownership**

City Manager Chris Eppley reported that an application was submitted for a Change of Ownership for the Liquor License for Porter's Pub, Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done, and Keizer Planning Department found the location of the establishment to be properly zoned and had no comment on the application. Staff recommends that following a public hearing, Council recommend approval of the application.

Mayor Christopher opened the Public Hearing.

Owner/Applicant Dennis Graue provided background information about himself, shared his plans for the establishment and voiced support for the OLCC "Responsible Vendor" Program.

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

Councilor Egli moved that the Keizer City Council recommend approval of the application for a Change of Ownership 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 Clark seconded. Motion passed as follows:

AYES: Christopher, Egli, Quinn, Freeman, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

**c. Keizer
Development
Code Text
Amendment**

Community Development Director Nate Brown provided history on the project and introduced Terry Cole with Oregon Department of Transportation who was attending to help with the process. He reviewed the three phases listed by priority noting that costs were 2010 dollars:

**Implementing
the Interchange
Area
Management
Plan (IAMP)**

- 1) Widening Lockhaven/Chemawa from Verda to Portland Road (\$40 million)
- 2) New lanes on I-5 and improved ramp spacing, new overcrossing at Tepper Road, and new connections to Tepper Overcrossing (\$80 million)
- 3) Added ramps to the Tepper Road overcrossing and improved ramps on the east side of the interchange. (\$20 million)

Mr. Cole explained that funding goes through the metropolitan planning organization in conjunction with SKATS. SKATS keeps two lists, one constrained and the other illustrative, with funding being a possibility for the constrained list. This project is not on either list but would start out on the illustrative list. ODOT does not expect funding for this project given the backlog of other projects but the IAMP should be valid until 2035 because of the recession. Adoption of the plan allows it to move forward in the political discussion through the MPO; it puts the project in line for funding.

Mayor Christopher opened the Public Hearing.

Mr. Brown indicated that the City has already started putting money aside for this project and that UGB expansion would affect River Road to a greater degree than the interchange which is why staff is applying for a grant to update the Transportation System Plan. Additional discussion took place regarding the mobility standard, adoption of the plan, funding, improvements not shown on the plan, and other interchanges on I-5 in need of improvement.

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

Councilor Egli moved that the Keizer City Council direct staff to prepare appropriate ordinances with findings to adopt the proposed revisions. Councilor Clark seconded. Motion passed as follows:

AYES: Christopher, Egli, Quinn, Freeman, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

**ADMINISTRATIVE
ACTION**

**a. RESOLUTION –
Authorizing City
Manager to Sign
Street Light
Conversion
Documents with
PGE and**

City Attorney Shannon Johnson reminded Council that this was addressed at a recent meeting and Council had directed staff to move forward. Public Works Director Bill Lawyer added that if the City does not participate in this change, the rates will increase. He added that if there are dark spots between the lights, additional poles will be added.

Councilor Egli moved to adopt a Resolution Authorizing City Manager to Sign Street Light Conversion Documents with PGE and Authorizing Disposition of Surplus Property. Councilor Clark seconded. Motion passed as follows:

**Authorizing
Disposition of
Surplus
Property**

AYES: Christopher, Egli, Quinn, Freeman, Taylor and Clark (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Koho (1)

**b. Construction
Schedule of the
Community
Build Play
Structure
Located at
Keizer Rapids
Park**

Mr. Johnson explained that with the expansion of the UGB to include the 57 acres at Keizer Rapids Park, the community build consideration of an alternative site, and the resultant need for a Parks Master Plan amendment, staff feels it would be appropriate to do a comprehensive Parks Master Plan for the park as a whole but this cannot be accomplished by the scheduled build date of September 17, 2014. Staff is requesting amendment of the previous motion changing the date from September 17, 2014 to June 10, 2015. The Parks Board and the Community Build Task Force have recommended the new build date.

Councilor Egli moved that the Keizer City Council amend the Community Build project construction date from September 17, 2014 to June 10, 2015. Councilor Clark seconded. Motion passed as follows:

AYES: Christopher, Egli, Quinn, Freeman, Taylor and Clark (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Koho (1)

Mr. Lawyer added that the Parks Board had approved the recommended timeline for the Master Plan. Meetings are scheduled to be held at the Keizer Civic Center. Mayor Christopher urged that meetings be held at the Light of the Valley Church recreation hall, St. Edwards Church and McNary High School in order to reach a full spectrum of the community.

**CONSENT
CALENDAR**

- A. RESOLUTION – Authorizing City Manager to Enter Into Intergovernmental Agreement with Salem-Keizer School District 24J (School Resource Officers)
- B. RESOLUTION – Authorizing City Manager to Enter Into Intergovernmental Agreement with State of Oregon Department of Public Safety Standards and Training
- C. Approval of May 5, 2014 Regular Session Minutes

Councilor Taylor pulled item A. Councilor Egli moved to adopt Items B and C of the Consent Calendar. Councilor Clark seconded. Motion passed as follows:

AYES: Christopher, Egli, Quinn, Freeman, Taylor and Clark (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Koho (1)

Councilor Taylor asked if this was the same percentage the School District paid last year to which Mr. Eppeley replied in the affirmative. He

asked Mr. Eppley to find out when the District would be willing to pay their fair share.

Councilor Egli moved to adopt Item A of the Consent Calendar. Councilor Clark seconded. Motion passed as follows:

AYES: Christopher, Egli, Quinn, Freeman, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

COMMITTEE REPORTS

- a. Proclamation – Sons of American Revolution Day** *Taken out of order.* Mayor Christopher read the document proclaiming April 30, 2014, Sons of the American Revolution Day. President of the Oregon Chapter, Johnny Alexander, thanked the Mayor on behalf of the 45 local members and the 145 Oregon members.
- b. Oath of Office – Keizer Police Reserve Jacob Colvin** *Taken out of order.* Chief Teague introduced the newest Reserve Police Officer, Jacob Colvin, who began the process 11 months ago attending the Mid-Valley Reserve Training Academy and graduating on Friday night. City Attorney Shannon Johnson swore him in.

OTHER COMMITTEE REPORTS

Councilor Clark announced that she had attended the Keizer United fundraiser, Raising the Bar for Oregon, and the Turnaround Awards event in which Samuel Partida from Claggett Creek, Jacqueline Ryder from Whitaker and Freddy Santiago from McNary were recognized.

Councilor Freeman thanked the volunteers who worked on the Iris Festival.

Councilor Egli reported that he had been busy with Iris Festival events; debriefing will take place with public safety, City staff, Lions Club and the Elks Club. He commended Bill Lawyer and Trevor Wenning for their assistance in the event and pointed out that there was one occurrence with about 20 Subaru's in the parade that were driving in a way to create a safety hazard. They were pulled from the parade without incident.

Councilor Quinn, reported that the Community Build Task Force moved the date of the build and Parks Advisory Board agreed to the timeline for the master plan.

Councilor Taylor reported that Keizer Points of Interest Committee and the Traffic Safety/Bikeways/Pedestrian Committee meetings were cancelled. He commended Councilor Egli for his role in the Iris Festival.

OTHER BUSINESS

Chief John Teague reported that it was a slow weekend.

Public Works Director Bill Lawyer announced the flag raising ceremony at Ryan J. Hill Memorial Park scheduled for Memorial Day at 10 a.m. This is put on by the American Legion Riders Chapter of Post 136 in Salem, Matthew Price. They built and donated the flagpoles. The Chemawa Road

project has been delayed due to a conflict with gas and power lines. Extra steps are being taken: staff will vacuum excavate every utility to make sure they are out of the way.

Deputy City Recorder Debbie Lockhart announced that there are openings on the Keizer Points of Interest Committee and the Keizer Festivals and Events Services Team; applications are available on the website.

Councilor Freeman questioned when the tour of vacant buildings would take place. Mayor Christopher responded that Christine Dieker with the Chamber was planning that; she would remind her.

WRITTEN COMMUNICATION None

AGENDA INPUT **June 2, 2014**

5:45 p.m. – Public Forum

- Parking Regulations – Allowance for Parking of Tow Truck in Residential Areas

6:45 p.m. – Urban Renewal Agency Meeting

- 2014-2015 Budget Public Hearing

7:00 p.m. – City Council Regular Session

- 2014-2015 City of Keizer Budget Public Hearing

June 9, 2014

5:45 p.m. – City Council Work Session

- Tour with Keizer Points of Interest Committee

June 16, 2014

7:00 p.m. – City Council Regular Session

ADJOURNMENT

Councilors sang Happy Birthday to Councilor Taylor.

Mayor Christopher adjourned the meeting at 8:45 p.m.

MAYOR:

APPROVED:

Lore Christopher

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Dennis Koho

Councilor #4 – Cathy Clark

Councilor #2 – Kim Freeman

Councilor #5 – Joe Egli

Councilor #3 – Marlene Quinn

Councilor #6 – James Taylor

Minutes approved: _____

CITY COUNCIL MEETING: June 16, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: AMENDING MEMBERSHIP OF KEIZER FESTIVALS AND
EVENTS SERVICES TEAM (K-FEST) COMMITTEE**

Council adopted Resolution No. R2011-2155 establishing the Keizer Festivals and Events Services Team (K-Fest) Committee. The Committee currently consists of nine voting members. Three of those positions are vacant.

The Volunteer Coordinating Committee (VCC) has been recruiting to fill the positions, but have not been successful. It is becoming difficult to have a quorum attend the meetings with the three vacant positions. It is recommended that the membership be reduced from nine voting members to seven voting members.

Therefore, we have prepared a new Resolution reducing the membership from nine voting members to seven voting members. This reduction will continue to leave one vacant position which is the Chamber of Commerce representative to be appointed by the Chamber Board of Directors.

RECOMMENDATION:

Adopt the attached Resolution amending the membership of the Keizer Festivals and Events Services Team (K-Fest) Committee.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2014-_____

4
5
6 AMENDING THE KEIZER FESTIVALS AND EVENTS
7 SERVICES TEAM (K-FEST) COMMITTEE; **AMENDING**
8 **RESOLUTION R2011-2155; REPEALING RESOLUTION**
9 **R2013-2315**
10
11

12 WHEREAS, the City Council adopted Resolution No. R2011-2155 establishing
13 the Keizer Festivals and Events Services Team (K-Fest) Committee;

14 WHEREAS, the City Council adopted R2013-2315 amending the Committee to
15 include the purpose of the City Summer Concert Band Selection Task Force and
16 dissolving the City Summer Concert Band Selection Task Force;

17 WHEREAS, the City Council desires to amend the membership section of the
18 Keizer Festivals and Events Services Team (K-FEST) Committee to reduce the
19 membership from nine to seven members;

20 NOW, THEREFORE,

21 BE IT RESOLVED by the City Council of the City of Keizer that Resolution No.
22 2011-2155 is hereby amended by replacement of Appendix "A" with the attached
23 Appendix "A", and by this reference made a part hereon.

24 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that
25 Resolution R2013-2315 is hereby repealed in its entirety.

1

2 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately

3 upon the date of its passage.

4 PASSED this _____ day of _____, 2014.

5

6 SIGNED this _____ day of _____, 2014.

7

8

9

10

Mayor

11

12

13

City Recorder

Appendix “A” City Council Committee

Name: Keizer Festivals and Events Services Team (K-Fest) Committee

Purpose: The Committee will serve in an advisory capacity to the City Council to research the feasibility for developing venues for events and festivals, to streamline policies and ordinances to allow a “one-stop shop” for all future event promoters, to identify and research options for development of a community calendar, and to develop a marketing plan and strategy to enhance the use of Keizer-area facilities for events, festivals, conferences, and other travel/visitor services. In addition, the Committee shall work with the City sponsored concert/live theatre amphitheatre management contractor to select bands for the summer concert services that the community can enjoy and be proud of. The K-FEST Committee will have final approval on the selection of the bands for the City sponsored concert series.

Membership: The Committee will consist of seven (7) voting members: Two (2) members shall be Keizer City Councilors to be appointed by the Mayor and announced at a regularly scheduled Council meeting, one (1) representative from the Chamber of Commerce to be appointed by the Chamber Board of Directors, one (1) representative from the Keizer Parks Board to be appointed by the Keizer Parks Board, and three (3) citizen-at-large members. Though not required, it is preferred that at least one (1) of the citizen-at-large members be a representative from sports and/or recreation organizations and one (1) of the citizen-at-large members be a representative from the hospitality/tourism/event professionals community. The three (3) citizen-at-large members shall be appointed as outlined by the City Council Rules of Procedure. The Committee will be staffed by a non-voting staff liaison to be appointed by the City Manager.

Term of Office: Except for the initial terms, each member of the Committee shall be appointed for a three-year term. The initial terms shall be staggered so that not more than three will expire in the same year. Members may be reappointed.

Chair and Vice-Chair: The Committee shall elect a Chair and Vice-Chair at the first meeting of each calendar year.

Meetings: Members of the Committee shall establish a regular meeting date and shall meet as deemed necessary by the Chair. All meetings of the Committee shall follow Roberts Rules of Order Newly Revised and the Oregon Public Meeting Laws.

Attendance: It is the duty of each member to attend at least 75% of the meetings each calendar year. When a member is unable to attend a meeting, the member shall notify the Chair. Members of the Committee may be removed by a two-thirds majority vote of the City Council.