

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

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

Monday, June 16, 2008

6:50 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. PUBLIC HEARING

5. ADMINISTRATIVE ACTION

6. CONSENT CALENDAR

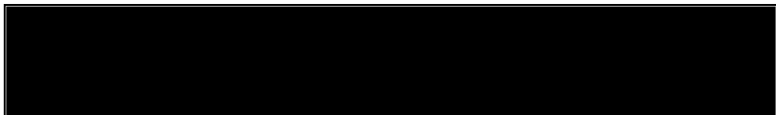
a. Approval of June 2, 2008 Agency Minutes

7. OTHER BUSINESS

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

8. AGENDA INPUT

9. ADJOURN





MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, June 2, 2008
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Agent Christopher called the session to order at 6:30 p.m. Roll Call was taken as follows:

Present:

Lore Christopher
Richard Walsh
David McKane
Jim Taylor
Jacque Moir
Cathy Clark
Brandon Smith

Staff:

Chris Eppley, City Manager
Nate Brown, Community Development
Director
Kevin Watson, Assistant to the City
Manager
Susan Gahlsdorf, Finance Director
Tracy Davis, City Recorder

**PUBLIC
TESTIMONY**

None

**PUBLIC
HEARING**
a. RESOLUTION ~
Adopting FY 08-
09 Urban
Renewal Agency
Budget, Making
Appropriations
and Declaring
Tax Increment

Mayor Christopher opened the Public Hearing.

Finance Director, Susan Gahlsdorf, noted that the Urban Renewal Budget was before the Agency for approval and pointed out that Keizer Times had omitted the second publication of the budget prior to the May 13 Budget Committee meeting and had apologized for that error. She reviewed adjustment options, reminded Agency members that the budget needs to be approved by June 30, 2008 and recommended approval.

With no testimony, Mayor Christopher closed the Public Hearing.

Agent Walsh moved to adopt a Resolution Adopting the FY08-09 Budget, Making Appropriations, Imposing and Declaring Tax Increment Revenue. Agent Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

**a. RESOLUTION ~
Authorization for
Debt Issuance
to Fund Civic
Center**

Finance Director, Susan Gahlsdorf, explained that the Keizer Urban Renewal District has been the designated funding source of the Civic Center. The district currently has sufficient funds to fund project costs through July 2008 but needs to borrow the balance so that the project can be completed on schedule. The completion date is set for January 2009. It is expected that this debt will be paid off within the next five years. Responding to questions, Ms. Gahlsdorf explained that this funding does not affect River Road Renaissance projects because they have already been funded.

Agent Walsh moved to adopt a Resolution of the Urban Renewal Agency of Keizer Oregon Authorizing Its Urban Renewal Bonds, Series 2008 and Prescribing Terms Under Which Future Obligations May Be Issued. Agent Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Smith, McKane, Moir, Clark and Taylor (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR None

AGENDA INPUT None

ADJOURNMENT The meeting was adjourned at 6:39 p.m.

APPROVED:

Debbie Lockhart, Deputy City Recorder

Lore Christopher, Chair

AGENCY MEMBERS

David McKane

Jacque Moir

Jim Taylor

Cathy Clark

Brandon Smith

Richard Walsh

Minutes approved:

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

AGENDA

KEIZER CITY COUNCIL

REGULAR SESSION

Monday, June 16, 2008

7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. PUBLIC TESTIMONY

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

5. PUBLIC HEARINGS

a. Servicios Monarca Off-Premises Liquor License

b. ORDINANCE – Setting Water Rates – 2008

c. City of Keizer Comprehensive Plan Periodic Review Work Program

**d. RESOLUTION – Forming Craftsman Ridge Street Lighting District
ORDINANCE – Spreading Assessments to Craftsman Ridge Street Lighting District**

**e. RESOLUTION – Forming Taylor’s Ridge Street Lighting District
ORDINANCE – Spreading Assessments to Taylor’s Ridge Street Lighting District**

6. ADMINISTRATIVE ACTION

a. ORDINANCE – Approving JDC Homes’ Application for a Comp Plan/Zone Change/Lot Line Adjustment/Subdivision Application – Case No. 2008-06 (Bowden Estates)

b. ORDINANCE – Disposing of City Owned Surplus Property, Police Confiscated Unclaimed Personal Property, Contraband Firearms and Other Contraband

- c. **RESOLUTION** – Keizer Heritage Foundation Lease Agreement – Third Amendment
- d. **RESOLUTION** – Approval of Transfer of Appropriation – Keizer Station LID Expense

7. **CONSENT CALENDAR**

- a. **RESOLUTION** – Authorizing the City Manager to Enter Agreement for Collection Agency Services

8. **COMMITTEE REPORTS**

9. **OTHER BUSINESS**

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

- a. New Business or Old Business Issues

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

July 7, 2008

5:45 p.m. – Executive Session

- City Manager Performance Evaluation

7:00 p.m. City Council Meeting

July 14, 2008

5:45 p.m. City Council Work Session

- Periodic Review/Urban Growth Boundary Discussion

July 21, 2008

7:00 p.m. City Council Meeting

12. **ADJOURNMENT**

CITY COUNCIL MEETING: June 16, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS C. EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, MMC
CITY RECORDER

SUBJECT: SERVICIOS MONARCA LIQUOR LICENSE APPLICATION
OFF-PREMISES SALES

BACKGROUND:

On May 29, 2008 the City received an application for an Off-Premises Sales liquor license for Servicios Monarca which is located at 3739 Cherry Avenue N, Keizer, Oregon.

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

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

The applicant has been invited to attend the meeting to answer any questions the Council may have.

RECOMMENDATION:

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



Keizer Police Department

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

City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council

Thru: Chris Eppley, City Manager

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

Subject: Liquor License Application for:
Servicios Monarca

Issue: Shall the City Council approve the liquor license application of Servicios Monarca located at 3739 Cherry Ave. N.E., Keizer, Oregon 97303?

Background

Records indicate only one call for police services at this address occurring in April, 2007. It was not in conflict with the ordinance.

The applicant, Juan Carlos Pimentel has no Oregon Criminal History Record.

Thus, the background investigation did not reveal any information to be in conflict with Keizer City Ordinance 95-318.

Recommendation

The Keizer Police Department recommends approval of the liquor license application for Servicios Monarca, 3739 Cherry Ave. N.E., Keizer, Oregon 97303.



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES ☐ Full On-Premises Sales (\$402.60/yr) ☐ Commercial Establishment ☐ Caterer ☐ Passenger Carrier ☐ Other Public Location ☐ Private Club ☐ Limited On-Premises Sales (\$202.60/yr) ☒ Off-Premises Sales (\$100/yr) ☐ with Fuel Pumps ☐ Brewery Public House (\$252.60) ☐ Winery (\$250/yr) ☐ Other: _____	ACTIONS ☐ Change Ownership ☒ New Outlet ☐ Greater Privilege ☐ Additional Privilege ☐ Other: _____
---	---

Applying as:

☐ Limited Partnership
 ☐ Corporation
 ☐ Limited Liability Company
 ☒ Individuals

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____

(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: _____

Date: _____

90-day authority: ☐ Yes ☐ No

- Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
 ① Juan Carlos Pimentel _____ ③ _____
 ② _____ ④ _____
- Trade Name (dba): Servicios Monarca
- Business Location: 3739 Cherry Ave NE Keizer Marion OR 97303
 (number, street, rural route) (city) (county) (state) (ZIP code)
- Business Mailing Address: 3739 Cherry Ave NE Keizer OR 97303
 (PO box, number, street, rural route) (city) (state) (ZIP code)
- Business Numbers: 503-390-2185 503-390-2185
 (phone) (fax)
- Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No
- If yes to whom: _____ Type of License: _____
- Former Business Name: _____
- Will you have a manager? ☐ Yes ☒ No Name: _____
 (manager must fill out an individual history form)
- What is the local governing body where your business is located? Keizer Marion Co
 (name of city or county)
- Contact person for this application: Juan C. Pimentel 503-990-2385
 (name) (phone number(s))
3739 Cherry Ave NE Keizer OR 97303 503-390-2185 servicios-monarca@hotmail.com
 (address) (city) (state) (ZIP code) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① [Signature] Date 5/28/08 ③ _____

② _____ Date _____ ④ _____

RECEIVED
 OREGON LIQUOR CONTROL COMMISSION
 Date _____

1-800-452-OLCC (6522)
www.oregon.gov/olcc

MAY 28 2008
 (rev. 12/07)
SALEM REGIONAL OFFICE



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Juan Carlos Pimentel Phone: 503-390-2185

Trade Name (dba): Servicios Monarca

Business Location Address: 3739 Cherry Ave Ne

City: Kelzer, OR ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 10:00 to 10:00 pm
Monday 10:00 to 10:00 pm
Tuesday 10:00 to 10:00 pm
Wednesday 10:00 to 10:00 pm
Thursday 10:00 to 10:00 pm
Friday 10:00 to 10:00 pm
Saturday 10:00 to 10:00 pm

Outdoor Area Hours:

Sunday N/A to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

The outdoor area is used for: N/A

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

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

(Investigator's Initials)

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

ENTERTAINMENT

Check all that apply: N/A

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

DAYS & HOURS OF LIVE OR DJ MUSIC

N/A
Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

SEATING COUNT

N/A

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

OLCC USE ONLY

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

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

Applicant Signature: [Signature] Date: 5/28/08

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)

COUNCIL MEETING: June 16, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

FROM: SUSAN GAHLSDORF, FINANCE DIRECTOR

SUBJECT: WATER RATE INCREASE

BACKGROUND AND ISSUES:

Staff has completed the Water Rate Model update for fiscal year 2008-2009. The model is a cost of service model and is the method adopted by the City Council in 2002 and modified in 2004. The modification in 2004 combined the Single-Family and Multi-Family customer classes so that fixed rates and consumption rates are the same for both classes. The model shows that a 3.0% system-wide increase is needed to pay for increases in operating costs and infrastructure costs as outlined in the City's Capital Improvement Program.

Attachment #1 is a schedule showing the existing water rates compared to the proposed water rates. Attachment #2 is a schedule showing the impact of proposed water rates on typical customers for both the Single-Family/Multi-Family class and the Commercial class.

FISCAL IMPACT:

A 3.0% system-wide increase will bring in an additional \$81,500 in revenue in fiscal year 2008-2009. The FY08-09 Council Adopted Budget provides for a 3.0% increase in water rates beginning with the August 1, 2008 billings.

RECOMMENDATION:

Staff recommends Council open the public hearing on the proposed water rate increases. After all public testimony has been received, staff recommends the Council close the public hearing, deliberate on this issue and approve the attached Ordinance, setting new water rates and repealing Ordinance 2007-561, if it so chooses.

CITY OF KEIZER
COMPARISON OF EXISTING WATER RATES TO PROPOSED WATER RATES

Meter Charge - \$/Meter/Bi-Monthly

Meter Size

5/8 - 3/4"

1"

1-1/2"

2"

3"

4"

6"

8"

Volume Rate - \$/ccf

Customer Class

Residential

Commercial

Private Fire Protection - \$/Hydrant-Bi-Monthly

Hydrant Size

4"

6"

8"

10"

Service Fee

Shut-Off Processing Fee

After Hours Fee

Tampering Fee

	Franchise			Franchise			Percent Increase
	Rate	Fee 5%	Total	Rate	Fee 5%	Total	
5/8 - 3/4"	\$ 8.17	\$ 0.41	\$ 8.58	\$ 8.42	\$ 0.42	\$ 8.84	3.0%
1"	16.61	0.83	17.44	17.10	0.86	17.96	3.0%
1-1/2"	32.12	1.61	33.73	33.08	1.65	34.74	3.0%
2"	50.77	2.54	53.31	52.29	2.61	54.91	3.0%
3"	98.68	4.93	103.61	101.64	5.08	106.72	3.0%
4"	156.41	7.82	164.23	161.10	8.06	169.16	3.0%
6"	311.70	15.59	327.29	321.05	16.05	337.10	3.0%
8"	533.81	26.69	560.50	549.82	27.49	577.32	3.0%
Residential	\$ 1.07	\$ 0.05	\$ 1.12	\$ 1.10	\$ 0.06	\$ 1.16	3.0%
Commercial	1.02	0.05	1.07	1.05	0.05	1.10	2.9%
4"	\$ 22.78	\$ 1.14	\$ 23.92	\$ 23.46	\$ 1.17	\$ 24.63	3.0%
6"	63.29	3.16	66.45	65.19	3.26	68.45	3.0%
8"	132.89	6.64	139.53	136.88	6.84	143.72	3.0%
10"	227.83	11.39	239.22	234.66	11.73	246.40	3.0%
Service Fee		\$ 16.00			\$ 16.00		0.0%
Shut-Off Processing Fee		32.00			32.00		0.0%
After Hours Fee		80.00			80.00		0.0%
Tampering Fee		32.00			32.00		0.0%

**CITY OF KEIZER
ANALYSIS OF RATE INCREASE ON TYPICAL BILLS
FY 07-08**

RESIDENTIAL

3/4" meter		Existing Rate Structure			Proposed Rate Structure		
		Base Rate	Cons in cf	TOTAL	Base Rate	Cons in cf	TOTAL
Consumption in Cubic Ft.		\$ 8.58	\$ 1.12		\$ 8.84	\$ 1.16	
April	8	\$ 8.58	8.96	\$ 17.54	\$ 8.84	9.28	\$ 18.12
February	10	\$ 8.58	11.20	\$ 19.78	\$ 8.84	11.60	\$ 20.44
December	10	\$ 8.58	11.20	\$ 19.78	\$ 8.84	11.60	\$ 20.44
October	45	\$ 8.58	50.40	\$ 58.98	\$ 8.84	52.20	\$ 61.04
August	42	\$ 8.58	47.04	\$ 55.62	\$ 8.84	48.72	\$ 57.56
June	17	\$ 8.58	19.04	\$ 27.62	\$ 8.84	19.72	\$ 28.56

\$ 199.32

\$ 206.16

Annual Difference

\$ 6.84

COMMERCIAL

1 1/2" meter		Existing Rate Structure			Proposed Rate Structure		
		Base Rate	Cons in cf	TOTAL	Base Rate	Cons in cf	TOTAL
Consumption in Cubic Ft.		\$ 33.73	1.07		\$ 34.74	1.10	
April	1	\$ 33.73	1.07	\$ 34.80	\$ 34.74	1.10	\$ 35.84
February	1	\$ 33.73	1.07	\$ 34.80	\$ 34.74	1.10	\$ 35.84
December	46	\$ 33.73	49.22	\$ 82.95	\$ 34.74	50.60	\$ 85.34
October	126	\$ 33.73	134.82	\$ 168.55	\$ 34.74	138.60	\$ 173.34
August	119	\$ 33.73	127.33	\$ 161.06	\$ 34.74	130.90	\$ 165.64
June	67	\$ 33.73	71.69	\$ 105.42	\$ 34.74	73.70	\$ 108.44

\$ 587.58

\$ 604.44

Annual Difference

\$ 16.86

1 BILL NO. _____

A BILL

ORDINANCE NO.

2008-_____

3 FOR

4 AN ORDINANCE

5
6
7 **SETTING WATER RATES (2008);**
8 **REPEALING ORDINANCE 2007-561**
9

10 The City of Keizer ordains as follows:

11 Section 1. WATER RATES. Water rates for the Keizer Water Department are
12 imposed as set forth on Exhibit "A" attached hereto and by this reference incorporated
13 herein.

14 Section 2. REPEAL OF ORDINANCE NO. 2007-561. Ordinance No. 2007-
15 561 is hereby repealed.

16 Section 3. EFFECTIVE DATE. This Ordinance shall take effect for the August
17 2008 billings and all successive billings.

18 PASSED this _____ day of _____, 2008.

19
20 SIGNED this _____ day of _____, 2008.

21
22
23
24 _____
25 Mayor

26
27 _____
City Recorder

EXHIBIT "A"

Meter Charge - \$/Meter/Bi-Monthly

<u>Meter Size</u>		<u>Rate</u>
5/8 - 3/4"	\$	8.42
1"	\$	17.11
1-1/2"	\$	33.08
2"	\$	52.29
3"	\$	101.64
4"	\$	161.10
6"	\$	321.05
8"	\$	549.82

Volume Rate - \$/ccf

<u>Customer Class</u>		<u>Rate</u>
Residential	\$	1.10
Commercial	\$	1.05

Private Fire Protection - \$/Hydrant-Bi-Monthly

<u>Hydrant Size</u>		<u>Rate</u>
4"	\$	23.46
6"	\$	65.19
8"	\$	136.88
10"	\$	234.66

Miscellaneous Fees:

Service Fee	\$	16.00
Shut Off Processing Fee	\$	32.00
After Hours Fee	\$	80.00
Tampering Fee	\$	32.00
Removal of Meter Following Third Tampering Incident		Cost Plus 15%

The Service Fee will be charged for all new accounts, account transfers, landlord/rentals and vacation accounts. The Service Fee will not be charged for customers voluntarily terminating service or moving out.

The Shut off Processing Fee will be charged for all accounts remaining unpaid as of the day of shut off, whether or not such meter is physically shut off.

The After Hours Fee will be charged to customers requesting water to be turned on after regular business hours. This fee does not apply to emergency calls.

The Tampering Fee will be charged to all customers whose water has been shut off if they turn the water back on themselves or otherwise tamper with the water meter or City water equipment.

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER

FROM: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PERIODIC REVIEW

Attachment: Periodic Review Evaluation

DISCUSSION:

The City has received notice from the Department of Land Conservation and Development (DLCD) to commence periodic review and update its comprehensive plan. Every 10 years cities over a certain population are required to determine if any changes need to be made to their planning document. These changes can be the result of revisions to state law from bills passed by the legislature, court cases, or amendments to administrative rules. Changes can also be the result of unique changes that a city has experienced. For example, in Keizer this would include the development of the Keizer Station, Keizer Rapids Park, residential developments since the early 1990's, and the on-going commercial developments along River Road which have all affected the city.

It is not a requirement that the entire comprehensive plan be updated. Rather, DLCD stresses that only those sections that are considered to be the most out of date, and which can be completed within a 3 year time period, be updated. Several on-going updates, such as the Transportation System Plan, Parks and Recreation master plan, and Public Facilities master plans are appropriate to be independent of the periodic review process.

The planning commission recommends that the city undertake an economic opportunities analysis, a buildable lands inventory, and a housing needs analysis as part of periodic review. This information will be used to determine the land that the city will need to accommodate residential, commercial and industrial developments during the 20 year planning period. The planning commission also recommends that a visioning process be conducted to gauge citizen's views of how Keizer should best plan for the future. Finally, one item which is also independent of the review process is for the city to work with Salem, Marion and Polk counties to consider ways to update the mutual coordination agreement, or SKAPAC. Upon council's adoption, the work program will be submitted to DLCD for their review. Upon DLCD approval of the work program definite time lines and necessary funding will be identified.

RECOMMENDATION:

Approve the proposed Periodic Review Work Plan.

PERIODIC REVIEW WORK PROGRAM

DATE: **June 16, 2008**

DISCUSSION:

Consistent with ORS 197.628 – 197.644 the City of Keizer has received notice that it is to commence periodic review. This will require the City to evaluate which elements within the comprehensive plan that needs to be updated. The comprehensive plan is intended to reflect and implement on a local level the state land use planning goals. City staff is not recommending that all of the elements within the comprehensive plan be updated. While it may seem appropriate to update the entire planning document it is not a requirement of periodic review. In fact, the department of Land Conservation and Development (DLCD) urges cities undertaking periodic review to only revise those sections of the comprehensive plan which can be accomplished within a three year time frame. Many portions of the comprehensive plan are adequate to help guide the city during the upcoming planning period and are not proposed to be updated.

The proposed periodic review evaluation is consistent with the factors identified in ORS 197.628 (3). The city last updated its Comprehensive Plan as part of periodic review in 1987 and there was a plan amendment in 2003. Since then the city has experienced a number of significant changes. These include an increase in population from 19,654 at the time of the city's incorporation in 1982 to a population of 35,435 in November, 2007, an almost 100% increase. In addition, there is the on-going development of the Keizer Station, Keizer Rapids Park, the sustained residential development that happened during the 1990's and early 2000's, and on-going River Road projects. Land use decisions that are based on the acknowledged comprehensive plan make use of out of date data. The periodic review will allow land use decisions to be based on current data and will result in decisions meetings the goals of the economic development, housing, transportation, public facilities and urbanization elements.

The City of Keizer is recommending the following be included as part of periodic review:

1. Visioning

Finding: In recognition that there have been numerous changes that have occurred since the time the city became incorporated in 1982 it would be appropriate to involve the public in a visioning process. This planning process will engage community residents about how they view the city and how they would like to see the plan for future. The visioning process would be based on technical data and background.

Conclusion: The city is proposing as part of the periodic review process a visioning process be conducted to better gauge issues facing the city and to better guide the city during the periodic review process. The city also believes it would be most beneficial and expedient if grant funding is approved to allow a consultant to assist the city in this process.

Product:

The results of the visioning process will be included into other relevant sections of the periodic review process.

2. Buildable lands – Goal 14

This section is designed to assess the future land use needs of the city. To determine this involves inventorying the existing land uses and then developing a methodology to project future needs. This element is related to the housing and economic tasks.

Findings: The primary component of this task is to update the existing buildable land inventory to assure that the assumptions that were used to develop it and its results are still accurate. This inventory was developed by the Mid-Willamette Valley Council of Governments and has been recently updated. The sections of the Comp Plan that are related to the urbanization aspects are found in the Buildable Lands, Expected Future Growth, and to some extent the policies within the Urban Growth Management and Land Use and Economic Development sections. It is anticipated that this work will utilize the existing work of the Council of Governments. Also, the City will coordinate with Marion County regarding the county's update of its population forecast.

Conclusion: To complete this task will require staff to work with a consultant and so will request grant funding. It is envisioned that the same consultant would also work on developing the housing needs analysis as is identified in Task #3 below, as these two tasks are closely related.

Products:

- a. Updated land use inventory of all land use designations in the city.
- b. Updated Land Use Element of the comp plan
- c. Possible revisions to Development Code based
- d. Possible Comp Plan and Zone map amendment

3. Housing – Goal 10

The intent of this section is to implement the goal of planning to meet all projected residential needs during the upcoming planning period.

Findings: Like many elements within the Comprehensive Plan the Housing and the Residential Development sections of the Comp Plan rely on data that is from the early 1980's. The housing developments of the 1990's and of this decade are not reflected in the planning document. It is envisioned that the results of this task would be to have a better understanding of what the projected future

residential housing needs for the city are. This may also result in possible Development Code revisions to better implement the identified goals and policies and will necessitate the city make relevant decisions about growth assumptions.

Conclusion: It is believed that the most efficient use of resources is for staff to work with a consultant to accomplish this task and so will request grant funding. This task and Task #2 are closely related.

Products:

- a. Updated housing inventory
- b. Updated housing needs analysis
- c. Revised Housing Element of Comp Plan.
- d. Revised Goals and Policies for Residential Development in Comp Plan.
- e. Revisions to Development Code to implement policy changes.
- f. Possible Comp Plan and Zone map amendments.

4. Economic – Goal 9

The City is required to take into consideration economic factors that may affect the city and to identify and plan for economic opportunities at the local level. The economic provisions of the Comprehensive Plan are related to the Population and Employment, and the Land Use and Economic Development sections. An economic opportunities analysis will allow the city to better assess the economic trends that developed and to better project and plan for future economic opportunities.

Findings: The data which was used to generate the existing economic goals and policies are based on economic factors and data from the early 1980's and are considered to be out of date and inadequate to help guide the city during the coming planning period. Since that time the city has experienced significant growth and many of the assumptions related to economic growth are lacking. An example is the recent, and on-going, development of the Keizer Station, River Road Renaissance, Keizer Urban Renewal, along with the revitalization of businesses along River Road.

Conclusion: It is considered that the level of work required to accomplish this task will need to be done by a consultant who has had experience conducting an economic opportunity analysis and so will request grant funding. Given the unique relationship between Keizer and Salem the consultant will need to analyze and document the broad economic factors to assure that applicable assumptions of the two jurisdictions are not in conflict. It may be possible to work together in a joint EOA.

Products:

- a. Economic Opportunities Analysis
- b. Update of Population and Employment sections in the Comp Plan

- c. Update of Population and Employment guidelines in Comp Plan
- d. Update of Land Use and Economic Development.

The City is proposing to update the following elements but independent of the periodic review process:

5. Transportation – Goal 12

The TSP is the City's 20-year planning document governing all transportation systems – streets, pedestrian, bicycle, transit, rail, etc. It will include an inventory of existing systems, an analysis of projected future needs and a discussion of the ability of the City to provide these identified needs.

Findings: The city is currently updating its Transportation System Plan (TSP). This update is being funded by a Transportation and Growth Management grant from ODOT/DLCD. The city is working with a consultant, Kittleson and Associates, on the update of the TSP. To date there have been several technical advisory committee meetings, and two public open house meetings. This task will not require any additional funding from DLCD.

Conclusion: The TSP update is scheduled to be completed by the end of 2008.

Products:

- a. Updated TSP
- b. Updated Transportation Element of the Comp Plan.
- c. Development code revisions as determined to be necessary.

6. Parks and Recreation – Goal 8

This document identifies the city parks and recreation needs for a 20-year planning period. The master plan contains an inventory of all park lands within the community and an assessment of future park and recreation needs for the coming 20-year planning period.

Findings: The City recently updated its Parks and Recreation Master Plan. The city's previous parks plan was adopted in 1992. The updated Parks and Recreation Master Plan and an updated Parks and Recreation Element of Comp Plan were each adopted by the City Council in February, 2008.

Conclusion: Completed.

7. Public facilities – Goal 11

The city is required to plan for future public facility and services that will be needed to serve the city's residents. These include water, sanitary sewer, storm sewers.

Findings: The City has recently updated some aspects such as the Water Master Plan so it will not be necessary to update all of the various public facilities master plans. A high priority of the City is to update its Storm Water Master Plan to be able to comply with state water quality discharge requirements. The City recently hired a new staff person whose primary responsibilities will include implementing the requirements of this program.

Conclusion: This task is not proposed to be part of periodic review although these will be updates during this periodic review process.

Products:

- a. Storm water master plan
- b. Update of the Public Facilities Element of the Comp Plan to reflect new studies, inventories, and other applicable planning documents.
- c. Adoption by City council of any ordinance needed to implement any aspects of this task.

8. Coordination agreement

Within the Comprehensive Plan is the Regional Comprehensive Plan Coordination Association Agreement. This agreement, reached in the mid-1980's between Keizer, Salem, and Marion and Polk County, establishes a voluntary regional coordination association known as the Salem/Keizer Area Planning Advisory Committee (SKAPAC).

Findings: While this document outlines the process to be used for resolving issues between the parties, it has been criticized as being unwieldy and ineffective, it should be reviewed to determine if it is still appropriate as written, or if it needs to be modified to better reflect the current times and to better assist the parties in regional planning and to establish a process effective at ensuring coordination and facilitation of mutual objectives and processes.

Conclusion: Given the fact that there are four jurisdictions are required to agree to any changes to this document the process used to update this agreement may require facilitation by an outside party.

Product:

An updated regional agreement between the four jurisdictions.

Additional possible outcomes

As part of this periodic review the city will consider whether there is sufficient land to accommodate the 20-year planning period needs. If, through documentation and study it is determined that there is insufficient inventory of buildable land then alternatives to satisfy this identified need will be identified. Among these alternatives would be discussion of possible expansion to the city's

urban growth boundary, possible rezoning strategies, additional in-fill strategies, urban reserve strategies, to name a few.

Conclusion: Independent of the mandated time frame adopted for completion of periodic review and based upon outcomes of studies listed above.

CONCLUSION

The city proposes that the following elements of the comprehensive plan are updated and included in the work program. The City is requesting funding to accomplish Tasks 1 thru 4.

	<u>Task</u>	<u>Time line</u>
1.	Visioning	7-08 – 1-09
2.	Buildable lands Inventory	9-08 – 6-10
3.	Housing inventory	9-08 - 6-10
4.	Economic opportunities Analysis	10-08 – 10-09

Tasks not specifically part of period review:

5.	TSP update	2-09
6.	Parks & recreation update	Completed
7.	Public Facilities updates	completed by 12-09
8.	Coordination agreement	completed by 7-11

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

**SUBJECT: PUBLIC HEARING – FORMING AND SPREADING ASSESSMENTS TO
CRAFTSMAN RIDGE SUBDIVISION STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

ISSUE:

On October 1, 2007 the developer of Craftsman Ridge subdivision filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted a Resolution to initiate formation of a street lighting local improvement district and direct the City Engineer to make a survey and file a report. On May 19, 2008 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements was distributed as required under City of Keizer Ordinance 94-278.

FISCAL IMPACT:

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and an administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION:

Open the public hearing to consider oral objections and written remonstrances to formation of Craftsman Ridge Subdivision Street Lighting Local Improvement District. If remonstrances are not received, close the public hearing and consider adoption of the Resolution forming the lighting district. If Council forms the district, consider adoption of the proposed assessment ordinance.

BILL NO. _____

ORDINANCE NO. 2008- _____

A BILL FOR

**AN ORDINANCE SPREADING ASSESSMENTS TO
CRAFTSMAN RIDGE SUBDIVISION STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

Section 1. FINDINGS. The City Council of the City of Keizer makes the following findings:

- a. The City Council did heretofore declare its intention to install street lights to serve an area known as Craftsman Ridge Subdivision Street Lighting Local Improvement District which is described as follows:

Craftsman Ridge Subdivision - identified on the
assessors map 06 3W 26CD – tax lots 9301
and 9302 in the City of Keizer, County of
Marion, State of Oregon;

which includes the installation of five (5) 100-watt high pressure sodium flat lens luminaries mounted on six-foot long mast arms and attached to 30 foot gray fiberglass poles located within the subject local improvement district, all in accordance with the City Engineer's Report for Craftsman Ridge Subdivision Street Lighting Local Improvement District.
- b. The total initial estimated cost of Craftsman Ridge Subdivision Street Lighting Local Improvement District is \$746.10
- c. The per space/lot assessment formula was used for this district.
- d. The improvements in the district have been or will be constructed as provided in the Engineer's Report.
- e. Notice was duly mailed to the benefited property owners on June 3, 2008.

- 1 f. A meeting of the City Council was held at the time and place fixed by public
2 notice for the purpose of considering any such written objections to the
3 proposed assessments.
- 4 g. No written objections to the proposed assessments were filed.
- 5 h. The Council has considered the matter and determined that construction of
6 said improvements was and is of material benefit to the City, and all the
7 property to be assessed therefore will be specially benefited by the
8 improvements in the amounts shown on the assessment roll.

9 NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

10 Section 2. ASSESSMENTS.

- 11 a. First Annual Assessment. It is hereby determined that the share of the cost
12 of the improvements for Craftsman Ridge Subdivision Street Lighting Local
13 Improvement District for each parcel and property benefited thereby for the
14 first annual assessment is the amount set opposite the description of each
15 piece or parcel of land as described in Craftsman Ridge Subdivision Street
16 Lighting District Assessment Roll as set forth in Exhibit "A" attached, and
17 that each piece or parcel of land benefited by the improvements, to the full
18 extent of the amount so set opposite such piece or parcel and that the
19 respective amounts represent the proportionate benefits of said
20 improvements to said respective parcels of property, and the Council does
21 hereby declare that each of the parcels of property described in Craftsman
22 Ridge Subdivision Street Lighting District Roll as set forth in Exhibit "A"
23 attached is hereby assessed the first annual assessment amount set
24 opposite each respective description.

i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Craftsman Ridge Subdivision Street Lighting Local Improvement District":

5 – Poles and 100 Watt Luminaries	\$414.60
Engineering Costs	\$210.00
Administrative Fee	<u>\$121.50</u>
Total Estimated Assessments	\$746.10

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for Craftsman Ridge Subdivision Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _____ day of _____, 2008.

SIGNED this _____ day of _____, 2008.

Mayor

City Recorder

PRELIMINARY ASSESSMENT ROLL

**CRAFTSMAN RIDGE SUBDIVISION
STREET LIGHTING DISTRICT**

***Assessors Maps 06 3W 26CD**

<u>Tax Lot #:</u>	<u>Owners Name and Address</u>	<u>Cost per Lot</u>	<u>Lots</u>	<u>Assessment</u>
9301	LOWERY DEVELOPMENT LLC CRYSTAL SPRINGS LN N KEIZER, OR 97303	\$49.74	14	\$696.36
9302	CHRISTOPHER, RON & CHRISTOPHER, LORE 6598 STONE MASON LN NE KEIZER, OR 97303	\$49.74	1	\$49.74

TOTAL ASSESSMENT: \$746.10

COUNCIL MEETING: June 16, 2008

AGENDA ITEM NUMBER:

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

**SUBJECT: PUBLIC HEARING – FORMING AND SPREADING ASSESSMENTS TO
TAYLOR RIDGE SUBDIVISION STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

ISSUE:

On March 25, 2008 the developer of Taylor Ridge subdivision filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted a Resolution to initiate formation of a street lighting local improvement district and direct the City Engineer to make a survey and file a report. On June 2, 2008 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements was distributed as required under City of Keizer Ordinance 94-278.

FISCAL IMPACT:

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and an administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION:

Open the public hearing to consider oral objections and written remonstrances to formation of Taylor Ridge Subdivision Street Lighting Local Improvement District. If remonstrances are not received, close the public hearing and consider adoption of the Resolution forming the lighting district. If Council forms the district, consider adoption of the proposed assessment ordinance.

BILL NO. _____

ORDINANCE NO. 2008- _____

A BILL FOR

**AN ORDINANCE SPREADING ASSESSMENTS TO
TAYLOR RIDGE SUBDIVISION STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

Section 1. FINDINGS. The City Council of the City of Keizer makes the following findings:

- a. The City Council did heretofore declare its intention to install street lights to serve an area known as Taylor Ridge Subdivision Street Lighting Local Improvement District which is described as follows:

Taylor Ridge Subdivision - identified on the assessors map 06 3W 23CD – tax lots 17500, 17600, 17700, 17900, 18000, 18100, 18200, and 17800 in the City of Keizer, County of Marion, State of Oregon;

which includes the installation of three (3) 100-watt high pressure sodium flat lens luminaries mounted on six-foot long mast arms and attached to 30 foot gray fiberglass poles located within the subject local improvement district, all in accordance with the City Engineer's Report for Taylor Ridge Subdivision Street Lighting Local Improvement District.

- b. The total initial estimated cost of Taylor Ridge Subdivision Street Lighting Local Improvement District is \$425.20
- c. The per space/lot assessment formula was used for this district.
- d. The improvements in the district have been or will be constructed as provided in the Engineer's Report.
- e. Notice was duly mailed to the benefited property owners on June 3, 2008.

1 f. A meeting of the City Council was held at the time and place fixed by public
2 notice for the purpose of considering any such written objections to the
3 proposed assessments.

4 g. No written objections to the proposed assessments were filed.

5 h. The Council has considered the matter and determined that construction of
6 said improvements was and is of material benefit to the City, and all the
7 property to be assessed therefore will be specially benefited by the
8 improvements in the amounts shown on the assessment roll.

9 NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

10 Section 2. ASSESSMENTS.

11 a. First Annual Assessment. It is hereby determined that the share of the cost
12 of the improvements for Taylor Ridge Subdivision Street Lighting Local
13 Improvement District for each parcel and property benefited thereby for the
14 first annual assessment is the amount set opposite the description of each
15 piece or parcel of land as described in Taylor Ridge Subdivision Street
16 Lighting District Assessment Roll as set forth in Exhibit "A" attached, and
17 that each piece or parcel of land benefited by the improvements, to the full
18 extent of the amount so set opposite such piece or parcel and that the
19 respective amounts represent the proportionate benefits of said
20 improvements to said respective parcels of property, and the Council does
21 hereby declare that each of the parcels of property described in Taylor Ridge
22 Subdivision Street Lighting District Roll as set forth in Exhibit "A" attached is
23 hereby assessed the first annual assessment amount set opposite each
24 respective description.

i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Taylor Ridge Subdivision Street Lighting Local Improvement District":

3 – Poles and 100 Watt Luminaries	\$248.40
Engineering Costs	\$112.00
Administrative Fee	<u>\$64.80</u>
Total Estimated Assessments	\$425.20

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for Taylor Ridge Subdivision Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _____ day of _____, 2008.

SIGNED this _____ day of _____, 2008.

Mayor

City Recorder

PRELIMINARY ASSESSMENT ROLL

**TAYLOR RIDGE SUBDIVISION
STREET LIGHTING DISTRICT**

***Assessors Maps 06 3W 23CD**

<u>Tax Lot #:</u>	<u>Owners Name and Address</u>	<u>Cost per Lot</u>	<u>Lots</u>	<u>Assessment</u>
17500, 17600 17700, 17900 18000, 18100 18200	DARRELL BEAM CONST. INC. 149 SHYRINA CT. N KEIZER, OR 97303	\$53.15	7	\$372.05
17800	BOCKING LT & BOCKING, PHILLIP R TRE & BOCKING, JOYCE M TRE P.O. BOX 21598 KEIZER, OR 97303	\$53.15	1	\$53.15

TOTAL ASSESSMENT: \$425.20

CITY COUNCIL MEETING: June 16, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: ORDINANCE APPROVING JDC HOMES' APPLICATION FOR
COMPREHENSIVE PLAN MAP CHANGE, ZONE CHANGE,
LOT LINE ADJUSTMENT, AND SUBDIVISION (CASE NO.
2008-06)**

At the last Council meeting, Council directed our office to prepare an appropriate Ordinance approving the above referenced land use action. Such Ordinance is attached.

Please note that except as set forth in Section 9 of the Ordinance, this action adopts the hearings officer recommendations in full. The amendments set forth in Section 9 are restatements of the May 30, 2008 email which was a subject of discussion at the hearing.

There was discussion regarding the fence on the west and south sides of the proposed subdivision. Such fence would be not in the back yard of the individual houses and would instead be on the edge of the right-of-way just beyond the curb line. Placement of a fence in this location is unusual. Future maintenance of the fence is problematic because there is no homeowners association proposed for this development, unlike a planned unit development with common area and assessments. Upon discussion with staff and applicant's attorney, staff suggests a requirement for a high-quality (20 year) fence along with a payment of ten percent of the total costs of such fence. Such payment would defray future costs for the City to maintain and repair such fence.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh
attachments

1 BILL NO. ____

A BILL

ORDINANCE NO.

2008-_____

3 FOR

4 AN ORDINANCE

5
6
7
8 **IN THE MATTER OF THE MULTIPLE APPLICATION**
9 **SUBMITTED BY DOUG HARNAR OF JDC HOMES, LLC**
10 **FOR A COMPREHENSIVE PLAN MAP CHANGE,**
11 **ZONE CHANGE, LOT LINE ADJUSTMENT AND**
12 **SUBDIVISION (CASE NO. 2008-06) (ADOPTION OF**
13 **HEARINGS OFFICER RECOMMENDATION)**
14

15
16 The City of Keizer ordains as follows:

17 Section 1. THE APPLICATION. This matter comes before the Keizer City

18 Council on the multiple application submitted by Doug Harnar of JDC Homes, LLC for a

19 lot line adjustment decreasing the acreage of Tax Lot 06 03W 33 01600 owned by

20 Robert Bowden to 5.43 acres; increasing the acreage of Tax Lot 06 03W 33C 00200

21 owned by James Scott Erickson to 6.93 acres; eliminating Tax Lot 06 03w 33DA 01600

22 owned by Doug Harnar of JDC Homes, LLC; increasing the square footage of Tax Lot

23 06 03W 33DA 01500 owned by Doug Harnar of JDC Homes, LLC to 6,353 square feet;

24 and increasing the square footage of Tax Lot 06 03W 33DA 01700 owned by Bob and

25 Lori Cavell to 9,029 square feet. In addition, Tax Lot 06 03W 33 01600 is proposed to

26 have a Comprehensive Plan Map Change from Special Policy Area – Odor/Noise Impact

1 Overlay to Low Density Residential and a Zone Change from Exclusive Farm Use (EFU)
2 to Residential Single Family (RS). This multiple application also includes the
3 subdivision which involves subdividing the property into 34 lots ranging in size from
4 4,400 to 9,566 square feet.

5 Section 2. JURISDICTION. The land in question in this Ordinance is within the
6 city limits of the City of Keizer. The City Council is the governing body for the City of
7 Keizer. As the governing body, the City Council has the authority to make final land
8 use decisions concerning land within the city limits of the City of Keizer.

9 Section 3. PUBLIC HEARING. A public hearing was held on this matter before
10 the Hearings Officer on April 24, 2008. In addition, a public hearing was held before the
11 Keizer City Council on June 2, 2008. The following persons either appeared at the City
12 Council hearing or provided written testimony on the application:

- 13 1. Nate Brown, Community Development Director
- 14 2. Mark Hoyt, Applicant's Attorney
- 15 3. Chuck Gregory, Applicant's Engineer
- 16 4. Marlene Quinn
- 17 5. Rod Augée
- 18 6. Marilee Jeller Bowden
- 19 7. Doug Hamar, Applicant

1 Section 4. EVIDENCE. Evidence before the City Council in this matter is
2 summarized in Exhibit "A" attached. In addition, the minutes of the June 2, 2008 City
3 Council public hearing are incorporated by this reference.

4 Section 5. OBJECTIONS. No objections have been raised as to notice,
5 jurisdiction, alleged conflicts of interest, evidence presented or testimony taken at the
6 hearing.

7 Section 6. CRITERIA AND STANDARDS. The criteria and standards relevant
8 to the decision in this matter are set forth in Exhibit "A" attached.

9 Section 7. FACTS. The facts before the City Council in this matter are set forth
10 in Exhibit "A" attached. The City Council specifically adopts these findings of facts as
11 their own.

12 Section 8. JUSTIFICATION. Justification for the City Council's decision in this
13 matter is explained in Exhibit "A" attached.

14 Section 9. ACTION. The decision of the City Council is set forth in Exhibit "A"
15 attached. The Council adopts the Hearings Officer's Recommendations in full, except as
16 amended below:

17 a. Condition No. 27 is deleted and replaced with the following: "Applicant
18 shall construct a 6-foot high, sight-obscuring cyclone fence with high
19 quality vinyl slats to be approved in writing by the City. The fence shall

be designed for no less than a twenty (20) year life span. In addition, Applicant shall pay the City in cash ten percent (10%) of the total costs of the fence as a payment to help defray future maintenance and repair costs. Upon completion of the fence and payment of such sums, City shall be responsible for future maintenance and repair of the fence.”

b. Condition No. 1 shall be revised to indicate that the new 17th Street shall have a 36-foot wide right-of-way and the street cross section as set forth in the exhibit submitted to the City Council hearing.

c. Condition No. 13 regarding requirement for a master utility plan is hereby deleted. (Utility planning occurs after City approval of the subdivision plans.)

d. Condition No. 25 shall be amended by the addition of the following: “Following recording of the final plat, one (1) model home may be constructed prior to the completion of Conditions 26 through 33 inclusive, if the Applicant signs an appropriate Improvement Agreement.”

Section 10. FINAL DETERMINATION. This Ordinance is the final determination in this matter.

Section 11. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after its passage.

1 Section 12. APPEAL. A party aggrieved by the final determination in a
2 proceeding for a discretionary permit or a zone change may have it reviewed under ORS
3 197.830 to ORS 197.834.

4 PASSED this _____ day of _____, 2008.

5
6 SIGNED this _____ day of _____, 2008.

7

8

9

10

11

12

13

Mayor

City Recorder

**DECISION OF THE HEARINGS OFFICER
FOR THE CITY OF KEIZER, OREGON**

**COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE /
LOT LINE ADJUSTMENT / SUBDIVISION CASE NO. 2008-06**

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I. GENERAL INFORMATION

- A. PROPERTY OWNERS/APPLICANT:** Tax Lot 06 03W 33 01600 owned by Robert Bowden; Tax Lots 06 03W 33DA 01500, and 01600 owned by Doug Harnar of JDC Homes, LLC; Tax Lot 06 03W 33C 00200 owned by James Scott Erickson; and, Tax Lot 06 03W 33DA 01700 owned by Bob and Lori Cavell.
- B. PROPERTY LOCATION:** Tax Lot 06 03W 33 01600 is located in the 5400 block of Windsor Island Road; Tax Lot 06 03W 33DA 01500 is located at 5437 Burbank Street; Tax Lot 06 03W 33DA 01600 is located at 5447 Burbank Street; Tax Lot 06 03W 33DA 01700 is located at 5467 Burbank Street; Tax Lot 06 03W 33C 00200 is located in the 5400 block of Windsor Island Road.
- C. EXISTING PARCEL SIZE:** Tax Lot 06 03W 33 01600 is 10.7 acres; Tax Lot 06 03W 33DA 01500 is 5,333 square feet; Tax Lot 06 03W 33DA 01600 is 5,723 square feet; Tax Lot 06 03W 33DA 01700 is 8,221 square feet; and, Tax Lot 06 03W 33C 00200 is 1.66 acres.
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** Four of the properties are undeveloped and can be served by public water and sewer, and one is developed with a single-family home.
- E. PLAN DESIGNATION AND ZONING:** Tax Lots 06 03W 33 01600 and 06 03W 33C 00200 are designated Special Policy Area – Odor/ Noise Impact Overlay and zoned

Exclusive Farm Use (EFU). Tax Lots 06 03W 33DA 01500, 01600 and 01700 are designated Low Density Residential and zoned Residential Single-family (RS).

- F. ADJACENT ZONING AND LAND USES:** To the east, properties are designated Low Density Residential on the Comprehensive Plan Land Use map and zoned RS (Residential Single-family), and are developed with single-family residences. Properties to the south and southwest are outside the urban growth boundary and are designated by Marion County as Exclusive Farm Use. Lands to the north and northeast are inside the urban growth boundary and designated Agricultural Industrial. To the northwest is the Willow Lake Sewer Treatment Plant on land designated Community Service Sewerage and Solid Waste.
- G. PROPOSAL:** a multiple application: a Lot Line Adjustment involving Tax Lot 06 03W 33 01600 owned by Robert Bowden; Tax Lots 06 03W 33DA 01500, and 01600 owned by Doug Harnar of JDC Homes, LLC; Tax Lot 06 03W 33C 00200 owned by James Scott Erickson; and, Tax Lot 06 03W 33DA 01700 owned by Bob and Lori Cavell. The result of the lot line adjustment is that Tax Lot 06 03W 33 01600 will be decreased to 5.43 acres; Tax Lot 06 03W 33C 00200 will be increased to 6.93 acres; Tax Lot 06 03W 33DA 01600 will be eliminated and Tax Lot 06 03W 33DA 01500 will be increased 6,353 square feet and Tax Lot 06 03W 33DA 01700 will be increased to 9,029 square feet. Tax Lot 06 03W 33 01600 is then proposed to have a Comprehensive Plan Map Changed from Special Policy Area – Odor/ Noise Impact Overlay to Low Density Residential and a concurrent Zone Map Changed from Exclusive Farm Use (EFU) to RS (Residential Single-family) to then be able to Subdivide the property into 34 lots ranging in size from 4,400 to 9,566 square feet as shown on site plan (Exhibit ‘2’).
- H. NOTICE:** Public notice was mailed, published, and posted consistent with notice requirements in KDC § 3.204.
- I. CONDUCT OF THE HEARING:** The hearing on this matter was held at 6:00 pm on April 24, 2008. The Hearings Officer held the record open for seven days to receive additional evidence and testimony, another seven days for rebuttal evidence and testimony, and a final seven additional days for final argument from the applicants. Evidence and testimony submitted during these periods is discussed below.

II. SUMMARY OF THE EVIDENCE

Staff Recommendation

Sam Litke, Senior Planner, presented the staff report and recommendation for the proposal. Mr. Litke noted an error on page 43 in the staff report; the subject property is outside of the original Keizer Sewer District, and sanitary sewer trunk line fee would be required. Mr. Litke also clarified that the City of Salem’s comment about the settlement agreement specifying a maximum density of 5 units per acre was applicable to a different parcel.

Bill Peterson, City Engineer presented information about street widths and storm drainage. He stated that Public Works would approve the new configuration for Golden Lane as presented in Exhibit 17. He also stated that the City would be open to allowing the applicant to study downstream capacity for stormwater runoff as an alternative to on-site detention, which is mentioned in the staff report as a requirement.

Shane Witham, Associate Planner, was present but did not present any portion of the staff report.

Applicant's Presentation

Mark Hoyt, Attorney at Law, Salem Oregon, and Chuck Gregory, Civil Engineer, Saunders and Co. represented the applicant, JDC Homes, LLC. MR. Hoyt explained that the lot line adjustments are necessary to create an extension of Trent Ave. to access to the subject property, and to eliminate the split zoning on the subject parcel. He noted that the EFU zoning on the subject parcel is unusual because EFU is not a zone typically found within city limits. Finally, he noted that the proposed subdivision was designed to with the current agricultural activities in mind—specifically, that 17th Ave. and Golden Lane provide additional buffer between homes and the adjoining agriculture where there may be spraying and dust, and that a 6-foot high fence along 17th Ave. and Golden Lane would reduce the possibility of trespass.

Mr. Hoyt stated that the applicant generally concurred with the staff report and recommended conditions of approval. He discussed four of the recommended conditions specifically. First, he requested that the conditions of approval concerning sight-obscuring fencing specifically give the applicant flexibility in choosing materials to use for the required sight-obscuring fencing. Second, he requested that the condition of approval addressing storm drainage give the applicant flexibility to study whether there is sufficient downstream capacity such that on-site retention is not necessary, and if there is capacity that the applicant not be required to provide on-site retention. Third, Mr. Hoyt requested that the condition of approval for extending the right-of-way for Golden Lane from 36 to 39 feet be eliminated because Golden Lane does not provide direct access for any of the subdivision lots. Exhibit 17 shows how the same paved width for a 39-foot right-of-way can be accomplished with only 36 feet by putting a portion of the sidewalk within an easement, which the Keizer Public Works Department has tentatively stated would be acceptable. Finally, he requested that the width of 15th Ave. be reduced down to 44 feet. The Keizer Code does not contain a street standard for a 46-foot wide street. The 44-foot street serves up to 19 dwelling units and the proposed plan is for only 15 dwelling units. The additional two feet would be added to 17th Ave. to increase that width to 39 feet.

Chuck Gregory, Civil Engineer, Saunders Co. discussed the storm drainage retention issue and mentioned that the code allows for a waiver of on-site detention if there is downstream capacity.

Oral Testimony Before the Hearings Officer

Ryan Mikesh stated that he had two concerns. First, he was concerned about the additional traffic on Trent Ave. Bill Peterson stated that Trent Ave. was already the widest possible street (Local Street III) without making a collector or arterial. Second, Mr. Mikesh asked whether the

City provided notice to property owners along Trent Ave. Sam Litke stated that the City provided notice to property owners within 250 feet of the subject property as the code requires. Finally, Mr. Mikesch stated that parking on Trent Ave. already causes difficulty for traffic to pass through.

Marvin Derwin had a question about the PGE easement immediately west of the lots that border Burbank Street. He was concerned about trespass and illegal dumping if more people were given access to that easement. Sam Litke responded that the easement would be part of the back yards in the new lots, that nothing can be built in the easement, and that PGE might need access to the new lots to maintain the poles and lines, but that no other access was being provided.

Doug Harnar stated that he was one of the owners of JDC Homes, and that he was available to answer questions. He requested approval of the application.

George Baldwin asked who would look after the fence on the west side of the property and stated that the emergency access gate opens onto a private road.

John Blake stated that he farms the property to the north and west of the subject parcel and that he was concerned about contaminants in the storm water. He requested that stormwater be moved under the streets rather than in above-ground ditches, which run into Willow Lake. Bill Peterson explained that no matter whether the stormwater is detained on site in large under-street pipes, or moved downstream, it would end up in Willow Lake. Mr. Blake was also concerned about the emergency access gate because it opens onto private property.

Marilee Teller-Bowden had several questions. First, she asked what would constitute a sight-obscuring fence. Sam Litke responded that the sight-obscuring fence would only be adjacent to the new homes and would have to use good quality materials such as wood. He also stated that the City does not usually require vinyl slats in chain-link fences because the slats fade and break. Ms. Bowden asked about street widths for 17th Ave. and Golden Lane. Bill Peterson clarified that there would be curbs on both sides, sidewalks on one side, and the paved widths would be full-size city streets. The only difference would be an easement rather right-of-way for a portion of the sidewalk. Ms. Bowden asked about maintenance of the fence. Mr. Peterson stated if the fence would be on City property, then the City would be responsible for its maintenance, but that it could also be the responsibility of a Homeowners Association—that detail has not been worked out yet.

Ms. Bowden asked who would have access to the emergency access. Mr. Peterson stated that typically only the Fire Department would have access and if necessary would cut the chain that holds the gate closed. Ms. Bowden had a question for the developer about when construction would start because walnut season is in the fall and construction during harvest tie would disrupt the harvest. Finally, Ms. Bowden stated that she was generally concerned about building homes on flat ground that should be used for the production of food.

Naomi Derwin stated that cars can sometimes barely get through Trent St. and that someone should do a study before adding more cars.

Additional Staff Comments

Staff did not have any additional comments.

Applicant's Rebuttal

Mark Hoyt stated that the applicant was asking for flexibility in how much stormwater would be detained on site, not where the location of the discharge—if the applicant must detain stormwater on site, then it would need to install oversized pipes in the street. He repeated that the sight-obscuring fences would only be in areas adjacent to the proposed lots and the fencing along 17th Ave. and Golden Lane would be open. He stated that the emergency access would have a Knox Lock and that only the fire department would have a key—nobody else could obtain a key for the lock. Finally, Mr. Hoyt stated that Trent Ave. is the largest local street already and that if it can't handle the traffic, then that is a legislative problem.

Joe Schiewe, Saunders Co. stated that at the pre-application conference, the fire department was pleased to get the emergency access because it would provide a secondary access to the existing homes in the areas. He stated that the fire department has the right to use a private road for fire, life and safety emergencies. He noted that Exhibit B to the application was a letter from the City of Salem stating that would grant a stormwater easement across city property to serve the development. Finally, Mr. Schiewe stated that many cities use narrow streets as a traffic calming mechanism to slow speed.

Documents Considered by the Hearings Officer

Bowden Estates Land Use Application (March 5, 2008) binder, including aerial photo cover and the following contents:

- Project Team

- Project Scope and Description/Proposal Summary

- Copy of Application Payment – JDC Homes, LLC (Ck #'s 18481 & 18833)

- Section 1 – Lot Line Adjustment Application(s) and Narrative

- Section 2 – Comprehensive Plan Amendment & Zone Change Application and Narrative

- Section 3 – Subdivision Application and Narrative

- Appendices:

- A. Preliminary Plans (LLA, CPA & ZC, Subdivision)

- B. City of Salem Tentative Approval Letter for Storm Water Easement

- C. Property Title Information

- D. FEMA Flood Insurance Rate Map

- E. Willow Lake Settlement Agreement

- F. City of Keizer Public Works Strategic Plan/Keizer Demographics/Comprehensive Plan – Appendix C

Keizer Community Development Department Staff Recommendation, Case No. 2008-06 (April 17, 2008) with Exhibits 1–15 attached.

- Exhibit 1 – Reduced copies of Comprehensive Plan Amendment & Zone Change Proposed Plan and Existing Conditions, Preliminary Subdivision Plan, and Preliminary Lot Line Adjustment
- Exhibit 2 – Vicinity Map
- Exhibit 3 – Public Works’ Requirements for Case 2008-06
- Exhibit 4 – City of Salem Public Works’ comments
- Exhibit 5 – Marion County Surveyor’s Office’s comments
- Exhibit 6 – Marion County Public Works’ comments
- Exhibit 7 – Salem/Keizer School District’s comments
- Exhibit 8 – Northwest Natural’s comments
- Exhibit 9 – Keizer Fire District’s comments
- Exhibit 10 – Comments from Jesse Hanson
- Exhibit 11 – Comments from Barbara Knighton
- Exhibit 12 – Comments from George and Violet Baldwin
- Exhibit 13 – Comments from Marilee Teller-Bowden
- Exhibit 14 – Comments from Beth and David Thorndike
- Exhibit 15 – Comments from Robert Baker

Exhibits submitted at the Hearing:

- Exhibit 16 – Letter from D. Patrick Dodge, City of Salem Public Works (dated April 15, 2008), submitted by staff
- Exhibit 17 – Typical section – Golden Lane (undated), submitted by Applicant)

III. FINDINGS FOR LOT LINE ADJUSTMENTS

The approval or denial of a lot line adjustment is based on compliance with decision criteria found in Section 3.106 of the Keizer Development Code. Section 3.106.04 establishes the decision criteria.

The applicant proposes to adjust the boundary between several lots. First, the applicant proposes to reconfigure three subdivision lots: 03 3W 33DA 01700, 01600, and 01500 so that lot 1600 becomes an extension of Trent Ave. that would lead to the new 5.43-acre parcel (the subject of the second lot line adjustment). Lots 1700 and 1500 would increase in size with portions of lot 1600. Second, the applicant proposes to reduce 06 3W 33 01600 from 10.70 acres down to 5.43 acres. The other half of the existing lot would be connected to 06 3W 33C 00200. The purpose of these lot line adjustments is to facilitate development of the new 5.43-acre parcel.

A. Section 3.106.04.A. The adjustment of the lot lines results in no more parcels than originally existed.

FINDINGS: The proposal adjusts the common property lines between five existing parcels. It will not result in the creation of a new parcel. In fact, it will result in the elimination of one parcel because the area of one of the parcels will be dedicated for roadway purposes. The result of the reconfiguration is that three parcels will increase in size and the two parcels will decrease in size. Five separate parcels currently exist, and after the lot line adjustment and right-of-way dedication four parcels will exist. Therefore, this request satisfies this criterion.

B. Section 3.106.04. B. The proposed lot line adjustment results in parcels that meet all area and dimension standards of the Keizer Development Code

FINDINGS: Three of the subject properties (Tax Lots 33DA 01500, 01600, 01700) are zoned RS (Residential Single-family). Two of the subject properties (Tax Lots 33C 00200, and 33 01600) are zoned EFU. The minimum lot size in the RS zone is 5,000 square feet for a detached, single-family dwelling and 4,000 square feet for an attached or zero side yard dwelling. The minimum average lot depth required is 70 feet and the minimum average lot width required is 40 feet. The EFU zone does not contain clear dimensional standards as in the other zones. For the EFU lots, the partitioning process within Section 2.117.04.C may be used for guidance. This process requires that new parcels shall not be less than 5 acres in size, no dimension shall be less than 100 feet, and that property shall not have less than 100 feet of frontage on a dedicated street with a right-of-way width of not less than 40 feet. The standards in this process are not binding. The existing and proposed lot sizes and dimensions are listed below for each of the parcels.

PROPERTY	LOT SIZE		DIMENSIONS	
Tax Lot	Existing	Proposed	Existing	Proposed
33DA 01500	5,333 sq ft	6,353 sq ft	100' x 55'	100' x 64'
33DA 01600	5,723 sq ft	4,101 sq ft	99' x 60'	99' x 46'
33DA 01700	8,221 sq ft	9,029 sq ft	130' x 70'	130' x 90'
33C 00200	1.66 acres	6.93 acres	1,800' x 40'	plus 513' x 445'
33 01600	10.7 acres	5.43 acres	1,042' x 445'	529' x 445'

As the chart above demonstrates, each of the RS-zoned lots (in sec. 33DA) will meet both the area and dimension standards of the RS and the EFU zone after the property line adjustment. The EFU lots will meet the size and dimensional standards in Sec. 2.117.04.C, but not the frontage standard; however, this is not fatal because 2.117.04.C is not binding in this lot line adjustment application.

In addition to the area and dimension standards for individual lots, the Keizer Development Code requires that lots have access fronting on an existing or proposed public street, or to a public street via an access easement or flag lot. In this case the lots have frontage onto a public street in excess of the minimum lot width required. The applicant will be required to comply with the Marion County Surveyor's Office requirements regarding the replat process to accomplish the lot line adjustment. As a condition of approval, it is appropriate to require that the replat shall show all area and dimensional standards of each of the lots, which shall conform to the requirements of the RS zone and the EFU zone. This request satisfies this criterion.

C. Section 3.106.04.C. The proposed lot line adjustment does not locate lines in violation of the setback and height provisions of the Code relative to existing structures and improvements.

FINDINGS: The proposal will adjust the common property lines such that the existing one-story dwelling at Tax Lot 01700 will be located in accordance with the minimum setback requirements of the RS zone. The RS zone requires that single-family dwellings provide a minimum side yard setback of 5 feet and a minimum rear yard setback of 14 feet for a one-story structure. This proposal will alter the existing side yard setback of the home, and after the lot line adjustment, the home at Tax Lot 01700 will be located greater than 14 feet from the new adjusted property line and so complies with setbacks to a public street. The other parcels are undeveloped and setbacks will be regulated at the time of development of those parcels. Therefore, this request satisfies this criterion.

D. Section 3.106.04.D. The proposed lot line adjustment does not result in creating Infill parcels which previously did not meet the criteria for an Infill Development parcel as defined in Section 2.316.03.

FINDINGS: The proposed lot line adjustment will not change the status of the lots as infill or non-infill parcels. As a result of this application the large vacant parcels (Tax Lot 00200, 6.93 acres, and Tax Lot 1600, 5.43 acres) are both not subject to the criteria for infill development. Three other parcels (Tax Lots 33DA 01500, 01600, and 01700) are within an approved non-infill subdivision. One of these lots is developed with a single-family home and two are undeveloped. One of the undeveloped lots will be eliminated and become dedicated right-of-way. The other parcel will be available for residential single-family development. Therefore, this request satisfies this criterion.

**RECOMMENDATION AND CONDITIONS OF APPROVAL
LOT LINE ADJUSTMENTS**

Based on the above findings, the Hearings Officer recommends the proposed lot line adjustments would comply with the applicable criteria subject to the following condition of approval and recommends the City Council approve the proposed lot line adjustments with the following condition of approval. Compliance with this condition of approval shall be the sole responsibility of the applicant and/or property owners.

1. The replat showing the lot line adjustments shall show the lot dimensions for all of the newly adjusted lots. The replat shall substantially conform to the Preliminary Lot Line Adjustment (dated Feb. 2008) submitted with the application. Any variation in the lot sizes or dimensions shall conform to the size and dimensional requirements of the applicable zoning designation.

IV. FINDINGS FOR COMPREHENSIVE PLAN MAP AMENDMENT

The following discussion affects property identified as Tax Lot 33 01600. The decision criteria for Comprehensive Plan Map Amendments are found in Section 3.109 of the Keizer Development Code. The specific criteria and the related findings are set forth below:

A. 3.109.04A. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.

FINDINGS: This action will occur entirely within the city limits and no goal exceptions are required. Compliance with the Statewide Land Use Goals is reviewed below:

Goal 1 – Citizen Involvement: The adoption of an ordinance approving the change to the Comprehensive Plan Map followed notice to interested and potentially affected parties. A public process included a public hearing, deliberation, and ordinance adoption. Consistent with local requirements citizens were given an opportunity to comment and testify. The final decision rests with the City Council's decision. This is consistent with the provision for the opportunity for citizens to be involved in all phases of this planning process as required by this Goal and with implementing administrative rules within Oregon Administrative Rules. The request complies with this goal.

Goal 2 – Land Use Planning: The City of Keizer's Development Code has an established process for all decisions and actions related to this proposal, which was acknowledged by LCDC in 1998. This change is being reviewed consistent with the approved procedures, which are outlined in the Comprehensive Plan and Development Code. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times, and a public hearing was conducted before the Keizer Land Use Hearings Officer with a recommendation forwarded to the city council which will also schedule a public hearing. As such, the proposed Comprehensive Plan Map change is consistent with this statewide planning goal and administrative rules. The request satisfies this goal.

Goal 3 – Agricultural Lands: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits there are only two zones (Exclusive Farm Use and Agricultural Industrial--both located in the northwest portion of the city near the city's urban growth boundary) that are designated to allow commercial agricultural uses. The property involved in this application is currently designated Special Policy Area—Odor/Noise Impact Overlay, is within the boundaries of the city limits of Keizer, and has been in agricultural production. However, it is important to note that because this land is located within city limits it is not anticipated that it would continue to remain in long-term agricultural production but it is planned that it would one day be developed with urban land uses which could, include single-

family development. The central component of the city's designation is that it allows the historical use of the property to continue until such time that public facilities can serve the property. As well, the statewide planning system recognizes that lands within an urban area will be converted to urbanized uses. Finally, LCDC has approved this designation. The main thrust of this planning goal is to protect non-urban agricultural land from urban encroachment. It is a bit of a rarity for a city to have EFU land within its jurisdiction because this is almost exclusively a rural land use designation. This application confines the residential development to land that is within the city limits and not outside of the urban growth boundary. In that regard, while the proposed change is adjacent to lands that are designated to allow agricultural production, the change will not impact these properties since the urban development will be confined to land planned for urban development and not on lands planned for commercial agricultural uses. Therefore, the proposed Comprehensive Plan Map amendment will not be inconsistent with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no lands designated within the city limits that allow commercial forestry and the property in question is not considered forest land. The proposed Comprehensive Plan Map change to Low Density Residential does not involve land which is designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed Comprehensive Plan Map amendment.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: The intent of the Natural Resources Goal is to protect significant natural resources such as wetlands, waterways, big game habitat, etc. The city has a number of policies aimed to protect these natural resources that are within the city. The property does not contain any historic structures nor does it contain an identified historic area. The property does not contain any identified open space, scenic, or any natural resources such as riparian, wetlands, etc. The proposed Comprehensive Plan Map change to Low Density Residential will allow the property to be developed with a residential single-family subdivision. This change will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. Therefore, the Comprehensive Plan Map change to Low Density Residential will be consistent with this goal and with administrative rules designed to implement this goal.

Goal 6 – Air, Water and Land Resources Quality: The intent of this goal is to protect the city's air, water and land resource qualities. The city provides its residents with city water from groundwater sources. Development on the property will be required to connect to the municipal water system and so no private wells will be drilled. Development will also be required to be connected to the established sanitary sewer system thereby eliminating the likelihood of groundwater contamination from any failing on-site septic systems. The Comprehensive Plan Map change to Low Density Residential will result in the construction of single-family dwellings and not result in any manufacturing uses and so there will not be any odors produced that might otherwise have an adverse impact on the air quality of either the immediate area, or that of Keizer as a whole. The proposed Comprehensive Plan Map change to Low Density Residential

will not impact the quality of air, water, or land resources and so complies with this goal and with administrative rules that implement this goal. The request complies with this goal.

Goal 7– Areas Subject to Natural Disasters and 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. According to FIRM map # 41047C0193G, dated January 19, 2000, the majority of the property is not located within an identified 100 year floodplain. However, a small portion of the property appears to be in Zone X as defined as being areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood. And development within this portion of the site will need to be in accordance with local and state floodplain regulations so there will be no issues associated with floodplain hazards for this property. There are no identified steep slopes on the subject property. There are no other identified natural hazard areas on the subject property. The proposed Comprehensive Plan Map change to Low Density Residential does not conflict with this goal, or any administrative rules. The request complies with this goal.

Goal 8 – Recreational Needs: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. The city has recently updated its Parks and Recreation Master Plan, which will help the City to plan for its future park and recreation needs. This property is not identified as being needed to serve future park or recreation needs. Nor is the property within a sub-zone where future park land is needed. This land use action will neither reduce nor will it alter or impact any other identified park or recreation sites within the city limits. The request complies with this goal.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality during the 20-year planning period. The proposed Comprehensive Plan Map change to Low Density Residential will have a positive economic impact. Because the change will allow the property to be developed with a residential single-family subdivision it will result in the creation of a number of construction jobs and additional patrons of many local businesses. The request complies with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. This change will affect one parcel that has historically been used for agricultural purposes. The proposed Comprehensive Plan Map change will have a positive impact on the city’s overall housing inventory as discussed in greater detail further in this report. The Comprehensive plan recognizes that a significant percent of future residential needs will be met through the use of infill development. *The Keizer 2000 - 2030 Housing and Population Forecast in 2004* is the most recent document addressing population growth and land inventory. This document looked at vacant, partial developed land, and underutilized land. This document indicated that vacant or partial developed land accounted for 280 acres, mixed-use land would result in 38 acres for residential use, and 692 acres are potentially available as infill on existing

larger sized parcels. Development of Tax Lot 1600 will fill in some of this land as anticipated in the 2004 report. The request satisfies 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, and administrative, police and public safety. There is an 8-inch water line located in Trent Ave., and an 8-inch sanitary sewer line located in Trent Ave. Each of these lines is adequate to serve the property. The Keizer Police Department and the Keizer Fire District will provide public safety. Transportation facilities are discussed below. The request complies with this goal.

Goal 12 –Transportation: The city’s adopted Transportation System Plan (TSP) that describes the city’s transportation systems. This system includes street, transit, bike, and pedestrian systems. The city is in the process of updating this planning document. Although the document is months away from formal review and adoption, work to date on the report has not identified any impact on transportation facilities as a result of development of this property. Trent Ave. and Burbank Street are each classified as local streets in the TSP. Local streets provide the highest level of direct property access and generally make up the roads in residential neighborhoods. This part of the street network comprises the vast bulk of the total roadway mileage in the city. Local streets provide adequate levels of transportation service to ensure that localized travel demand does not inappropriately burden the city’s higher-level streets. Trent Ave. has 34 feet of pavement within a 48-foot wide right-of-way. The proposal to develop the site proposes serving the subdivision by an extension of Trent Ave. rather than via the private access easement currently serving the site. This is consistent with city standards and recognizes that the access easement is not adequate to accommodate the access needs for the development that is proposed on this property. The street system that would be developed within the site would be a looped system. Public Works has reviewed the proposal and has indicated that it is capable of serving the transportation needs of the property. The request is consistent with this goal.

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 will result in the utilization of energy savings materials that will enhance energy efficiency. The request complies with this goal.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city’s adopted Comprehensive Plan and Development Code comply with this goal. The subject property is within the urban growth boundary and is also within the city limits of the City of Keizer. This change will not result in the need for an extension of urban services to a rural area. The proposed Comprehensive Plan Map change to Low Density Residential will have no impact on the intent of this goal, because it only will involve one parcel that is within the city limits and not the use of any land that is being transitioned from rural to urbanized uses. The request complies with this goal.

Goal 15 – Willamette River Greenway: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands adjacent to the Willamette River. Although the Willamette River is located along the western flanks of Keizer, the proposed Comprehensive Plan map change will not impact the Willamette River, because the property involved in this application is not located within the Willamette River Greenway. This goal is not applicable to this application.

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

B. Section 3.109.03 B. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

FINDINGS: The proposed re-designation is appropriate for the Plan designations. The policy statements in the Plan that relate to this application request are as follows:

1. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Goal 2

(a)(1) Preserve and maintain agricultural lands within the UGB until needed for urban development.

FINDINGS: The purpose of this goal is to protect lands that are designated for agricultural uses, while the land is used for agriculture, but to allow conversion to urban uses. Within the city limits, the EFU zone is only located on the two parcels involved in this application. The intent of this designation is to preserve and maintain agricultural lands within the UGB until needed for urban development. This application is for 5.43 acres of land that has been in agricultural production; however, because this land is located within the city limits, the Comprehensive Plan did not anticipate that it would continue to remain in agricultural production, but rather would one day be developed with urban land uses. The current application to change the Comprehensive Plan Map amendment to Low Density Residential is consistent with this goal within the Comprehensive Plan.

2. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Goal 2

(a)(2) Conserve open space and protect natural, cultural and scenic resources.

FINDINGS: The intent of this goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city has developed policies to protect the natural resources that are within the city. The property does not contain any historic structures on it nor does it contain an identified historic area. The property does not contain any significant open space, scenic, or any natural resources such as riparian, wetlands, aggregate, etc. that preclude or constrain its use. The proposed Comprehensive Plan Map change to Low Density Residential will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. The request complies with this goal.

3. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Goal 2

(a)(3) Maintain and improve the quality of air, water and land resources.

FINDINGS: The intent of this goal is to protect the city's air, water and land resource qualities. The city provides its residents with city water from groundwater sources. New construction will be required to be connected to the established sanitary sewer system, thereby eliminating the likelihood of groundwater contamination from a failing on-site septic system. In addition there will be improvements to the storm water system that will prevent water resource contamination from point source discharge. The Comprehensive Plan Map change will result in the construction of a subdivision for single-family dwellings. It will not result in any manufacturing uses and so will not result in the production of any odors and so will have no adverse impact on the air quality of either the immediate area, or that of Keizer as a whole. The request complies with this goal.

4. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Goal 2

(a)(4) Protect life and property from natural disasters and hazards.

FINDINGS: 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. According to FIRM map 41047C0193G, dated January 19, 2000, the majority of the property is not located within an identified 100 year floodplain. Based on a review of floodplain maps it appears that perhaps a small portion of the property appears to be in Zone X, which is defined as being an area of 500-year flood. This zone is also defined as being an area of a 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile and also being areas that are protected by levees from 100-year flood. And development within this portion of the site will need to be in accordance with floodplain regulations so there will be no issues associated with floodplain hazards for this property. There are no identified steep slopes on the subject property so there will be no hazards resulting from steep slopes. There are no other identified natural hazard areas on the subject property. The request complies with this goal.

5. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Goal 2

(a)(5) Encourage energy conservation.

FINDINGS: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. Typical new single-family home construction makes use of many energy savings materials that will enhance energy efficiency. The request complies with this goal.

6. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Goal

2(a)(6) Protect, conserve, enhance and maintain the natural, scenic, historical, economic and recreational qualities of lands along the Willamette River.

FINDINGS: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands adjacent to the Willamette River. The Willamette River is located along the western flanks of Keizer, but the proposed Comprehensive Plan map change will not impact the Willamette River because it is not adjacent to the Willamette River. The City of Keizer owns and operates the nearby Keizer Rapids Parks, a 120-acre park that is located relatively nearby. The park is in a natural state, which demonstrates that the city is working to protect and conserve and maintain the natural and recreational qualities associated with the Willamette River. The property is not located within the Willamette River Greenway, hence the proposed Comprehensive Plan Map change to Low Density Residential will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulation. The request complies with this goal.

7. Section III.B. URBAN GROWTH AND GROWTH MANAGEMENT – Goal (2)(c) and Policy 2(b)(4) Encourage development in areas already served by major public facilities before extending services to unserved areas.

FINDINGS: The subject property is located within the Urban Growth Boundary. The site can be served by all necessary public utilities, fire protection and transportation facilities. This map change will allow the proposed development to be located in an area that can be served by major public facilities, including water, sanitary sewer, storm drainage, and streets, and transit. The request complies with this goal.

8. Section III.C. LAND-USE AND ECONOMIC DEVELOPMENT – Goal (2)(a)(7) Stabilize and protect the essential characteristics of residential environments, including natural features.

FINDINGS: This request will result in the construction of a 34-lot subdivision, which is the same as the adjacent land use to the east. Additional residential development will not destabilize the adjacent residential development. Under the current Comprehensive Plan designation, uses can occur on the property that might be considered to be incompatible with lawful uses that are permitted in the adjacent Low Density Residential designation. Surrounding uses to the west and south are outside the urban growth boundary neither within the jurisdiction of the city's comprehensive plan policies but are a combination of agricultural and rural residential homesites. Because the proposal involves land that is within the city limits and is already planned for future development, this request would not destabilize these adjacent uses. The request complies this goal.

9. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Policy 2(b) Encourage agricultural lands within the UGB to continue in agricultural use until such lands are planned for public facilities per the public facilities and urban growth management elements of this plan and are available for urban development.

FINDINGS: As indicated previously the 5.43 acre involved in this application has been in agricultural use. This land is located within city limits it is not anticipated that it would continue to

remain in agricultural production but it is planned that it would one day be developed with urban land uses, including single-family development. The central component of the city's designation is that it allows the historical use of the property to continue until such time as public facilities can serve the property. This is consistent with the state's goal of protecting agricultural uses. And with the recognition that lands within an urban area are planned to be converted to urbanized uses is consistent with other tenets of the statewide planning system. The main thrust of this planning goal is to protect non-urban agricultural from urban encroachment. It is a bit of a rarity for a city to have land within its jurisdiction designated for exclusive farm use since this is almost exclusively a rural land use designation. While this application seeks to ultimately develop land that is presently in agricultural use it will protect the rural farm lands since it will confine the residential development to land that is within the city limits and not outside of the urban growth boundary. In that regard while the proposed change is adjacent to lands that are designated to allow agricultural production the change will not impact these properties since the urban development will be confined to land planned for urban development and not on lands planned for commercial agricultural uses.

10. Section III.D. PLAN DIAGRAM AND SPECIAL LAND USE POLICIES – Policy 2(g) West Keizer Special Area.

FINDINGS: This policy contains 6 sub-policies that largely pertain to limiting uses that could potentially be affected by noise and odors coming from the nearby Willow Lake Sewerage Treatment Plant. Sub-policies 5 and 6 discourage subdivisions and allow continuation of agricultural uses until a series of studies have been completed. These policies are no longer applicable following the city's adoption of Ordinance 2001-451 in 2001. The ordinance ratified the Dual Interest Area Agreement between the City of Salem, which operates the sewer treatment plant, and the City of Keizer. By agreement, properties within the identified area of concern surrounding the sewer treatment plant are allowed to develop provided that a waiver/easement acknowledging that the odors, noise may be emitted from the sewer treatment is signed and recorded by the property owners of land within a ½ mile of the plant.

C. Section 3.109.03 C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.

FINDINGS: The City of Keizer currently lacks adequate supply of land for residential development within the Urban Growth Boundary to meet the projected growth for this type of development. Amending the current Comprehensive Plan designation to Low Density Residential will provide additional land to meet this need in a positive manner. This request involves approximately 5 1/2 acres of land that is currently designated for Exclusive Farm Use. The City of Keizer's land use inventory is found in the city's Comprehensive Plan. That information is shown in Table 1, Buildable Lands Analysis, and indicates that in 1985, 1,530 acres were used for Single-Family Residential. This accounted for 35% of the total area. Total buildable vacant land was indicated as 1,688 acres. In particular it identified a category of 'backyard vacant,' which would be

most applicable to the subject the application, because it involves potentially developing large back yard situations. 116 acres were identified in this category.

The Keizer 2000 – 2030 Housing and Population Forecast provides a more current view of the city's land use inventory. This document was reviewed by the Mid Willamette Valley Council of Governments, author of the same study, in January 2007. That study found:

Keizer Population

1970 - 11,405 (Keizer CDP)
 1980 - 18,592 (Keizer CDP)
 1990 - 21,884 (Census)
 2000 - 32,203 (Census)
 2005 - 34,735 (June 2005, Portland State U.)
 2006 - 34,880 (June 2006, Portland State U.)
 2007 - 35,435 (November 2007, PSU)

City of Keizer Housing Forecast, 2000 to 2030		
2000 Land Use was:	Total Potential Units	Units Developed by 2030
Vacant	1084	1066
Underutilized	2680	1703
Mixed Use	601	468
Total	4,365	3236

Type of Housing	Housing Units
Single-family	1919
Duplex	164
Apartments	1153
Total	3236

	Single-family	Duplex Units	Apartments	Total	Population Forecast
2000					32,230
2000-2005	867	138	276	1281	35,364
2005-2010	490	26	289	805	37,308
2010-2015	260	0	200	460	38,404
2015-2020	156	0	256	412	39,338
2020-2025	93	0	89	182	39,767
2025-2030	53	0	43	96	39,994
Total	1919	164	1153	3236	

To analyze the demand for land supply, staff reviewed applications for partitions and subdivision that were approved from 2000 to 2006. These are illustrated in the tables below.

Partitions

Year	Acres	Lots	Units/acre
2000	4.9	24	4.9
2001	5.88	27	4.59
2002	5.94	33	5.55
2003	6.22	27	4.34
2004	11.11	35	3.1
2005	11.6	20	1.7
2006	4.1	20	4.9
Total	49.75	186	
Yearly average	7.1	26.6	4.15

Subdivisions

Year	Acres	Lots	Units/ acre
2000	37.56	185	4.9
2001	5.3	29	5.47
2002	6.56	38	5.8
2003	9.94	56	5.63
2004	19.75	115	5.8
2005	2.63	14	5.32
2006	36.95	174	4.7
Total	118.69	611	
Yearly average	16.9	87.28	4.73

Partitions + Subdivisions = Total land divisions. This is 49.75 acres + 118.69 acres for a total of 168.44 acres. Total number of lots is 186 through partitions and 611 through the subdivision process for a total of 797 lots. This is 114 lots per year with an average density of 4.76 units per acre. These numbers indicate that approximately 24 acres are needed each year for both partitions and subdivisions. Also there have been 410 multi-family units during the past seven years with an average density of 15.6 units per acre. This is 58.57 multi-family units on approximately 3.8 acres each year. If land that is used for multi-family is added to the inventory of land used for land divisions then 27.8 acres is used yearly.

The Keizer 2000 - 2030 Housing and Population Forecast in 2004 is the most recent document addressing population growth and land inventory. This document looked at vacant, partial developed land, and underutilized land. This document indicated that the city is using its available land use supply at a rate that requires that additional land will be needed for residential development. Conversion of this 5.43 acres will help to meet this need for available residential lands to provide housing opportunities. The request complies with this criterion.

D. Section 3.109.03 D. The Plan provides more than the projected need for lands in the existing land use designation.

FINDINGS: The designation of Special Policy Area – Odor/ Noise Impact Overlay is a unique designation owing exclusively to the proximity of the Willow Lake Sewer Treatment Plant. The designation is directly related to concerns that nearby property owners might have over odors coming from the treatment plant. This designation is applied to a number of properties which are all nearby the treatment plant. Since the adoption of this designation, a number of significant events have occurred that affect this designation. These include recent upgrades at the treatment plant that have resulted in a reduction in odors being emitted from the plant, and also an agreement being reached between the City of Salem, which operates the treatment plant, and the City of Keizer.

Adoption of Ordinance 2001-451 (implementing the Dual Interest Area Agreement) largely eliminated the public policy concerns associated with this designation. The result of the Dual Interest Area Agreement is that property that is within this designation can be developed with the requirement that a document be recorded acknowledging that the property owner knows that there is a sewer treatment facility nearby and that this type of facility can produce odors. Because this is a unique designation and is not as straight forward as the Low Density Residential, it is appropriate for the proposed redesignation of the property. The city could have chosen to redesign these properties when the agreement was enacted but it did not. However, the city recognized that a change in the comprehensive plan designation would be appropriate in light of the Dual interest Area Agreement. In other words, the current land use designation is just a holding designation rather than a designation to direct certain land urban development. As such, this criterion is not applicable to this request.

E. Section 3.109.03 E. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity.

FINDINGS: The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity of the proposed map change. The surrounding lands are developed with a variety of existing uses. To the east are residential subdivisions, designated Single-Family Residential, and developed with single-family homes. The proposed change and subsequent development of the site with single-family homes will be a slightly higher density subdivision. To the south and southwest, there are number of rural residences and lands used for agriculture; these adjacent lands are outside of the urban growth boundary. There is no requirement for additional setbacks or buffering to lands in this type of use; however, the applicant's site plan 17th Ave. and Golden Lane to be located along almost all of the south and the west property lines, which avoids dwellings backing directly up to these lands. This effectively increases the setback of each dwelling from these lands. To the northwest is the Willow Lake Sewerage Treatment facility. This facility is owned and operated by the City of Salem, but is located within Keizer's portion of the combined urban growth boundary. A requirement that the applicants record a document acknowledging the location of the sewer treatment and that odors and noise emanate from this facility will alert future landowners of the potential conflicts between these two land uses. Land to the north will remain in its current land use designation. The change adds residential uses adjacent to existing subdivisions and rural residences and agriculture. Those existing land uses

are unlikely to be destabilized by this change. The most likely problem would not be caused to existing land uses, but rather could result from adding dwellings closer to the existing sewerage treatment facility. This criterion does not focus on impacts to the subject parcel. With a condition of approval requiring a recorded document that informs future landowners of the subject parcel (or subdivision lots created from the subject parcel) of the presence of the Willow Lake Sewerage Treatment facility and the potential for noise and odor, the application complies with this criterion.

F. Section 3.109.03 F. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.

FINDINGS: The proposed Comprehensive Plan Map change to Low Density Residential will allow the property to be developed with a 34-lot single-family subdivision. To the east are residential subdivisions, designated Single-Family Residential, and developed with single-family homes. The proposed change and subsequent development of the site with single-family homes will result in similar use and hence would not adversely affect existing use of this land. As well, this subdivision is nearly built-out; hence it would not affect planned use of the subdivision. To the south and southwest, there are number of rural residences and lands used for agriculture; these adjacent lands are outside of the urban growth boundary. There is no requirement for additional setbacks or buffering to lands in this type of use; however, the applicant's site plan 17th Ave. and Golden Lane to be located along almost all of the south and the west property lines, which avoids dwellings backing directly up to these lands. Neighbors have submitted comments relative to the compatibility of new homes near properties in farm use. In an effort to mitigate concerns about the residential/agricultural land interface, the applicant should record a document informing future property owners of the presence of adjacent agriculture and acknowledging that agricultural use may involve noise, dust, chemical spraying, odors, etc, and that such agricultural use may continue even if noxious to the residential. To the northwest is the Willow Lake Sewer Treatment facility. Findings above in response to 3.109.03 E specify recording a document acknowledging this facility. With conditions of approval requiring the applicant to record documents acknowledging agricultural and sewerage treatment uses adjacent or nearby, this comprehensive plan map change will not impact these properties and would comply with this criterion.

G. Section 3.109.03 G. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.

FINDINGS: The property will be served by all necessary public facilities, transportation and community services. The proposed comprehensive plan map change will allow for development of the site with a single-family subdivision. There is an 8-inch water line located in Trent Ave. that is adequate to serve the proposed development. There is an 8-inch sanitary sewer line in Trent Ave. that is adequate to serve the proposed development. Trent Ave. is classified as a local street in the TSP. It is developed to a local street III. Several neighbors testified at the hearing before the Hearings Officer that Trent Ave. is insufficient to carry the increased traffic. There are no traffic studies, photos, or other objective evidence in the record to evaluate this. The City Engineer commented at the hearing that Trent Ave. is adequate. The applicant stated that street widths are

often narrower than ideal to serve traffic needs alone because narrower streets act to calm (slow) traffic. But, the Hearings Officer notes that there is nothing in the comprehensive plan or development code to suggest that the City of Keizer developed its street standards specifically to calm traffic. According to the development code, section 2.302.04, a local street III serves more than 80 dwelling units or more than 800 ADT (average daily trips). The code does not specify a maximum number of dwelling units or ADT for a local street III or require the applicant to submit a traffic study. Neither the comprehensive plan nor the development code specify a minimum level of service, which could be used to evaluate the impact on Trent Ave. of redesignating the subject parcel to Low Density Residential. Based on the presence of the existing Trent Ave., and the testimony of the City Engineer, the Hearings Officer must conclude that this transportation facility is available.

RECOMMENDATION AND CONDITIONS OF APPROVAL COMPREHENSIVE PLAN MAP AMENDMENT

Based on the above findings, the Hearings Officer recommends that the proposed comprehensive plan map amendment to Low Density Residential for the property located at Tax Lot 03 3W 33 01600, as that lot would be configured after the lot line adjustment approved above (approx. 5.43 acres), complies with all applicable criteria, recommends the City Council approve the proposed comprehensive plan map amendment with the following conditions of approval. Compliance with the conditions of approval shall be the sole responsibility of the applicant and/or property owners.

1. The applicant shall record a document acknowledging that the Willow Lake Sewerage Treatment facility is located within 1/2 mile of the subject property and that odors and noise emanate from this facility. The acknowledgment shall appear in the title record for all of the resulting subdivision lots.
2. The applicant shall record a document informing future property owners of the presence of adjacent agriculture and acknowledging that agricultural use may involve noise, dust, chemical spraying, odors, etc, and that such agricultural use may continue even if noxious to the residential. The acknowledgement shall appear in the title record for all of the resulting subdivision lots.

V. FINDINGS FOR ZONE CHANGE

The zone change review criteria are found in Section 3.110 of the Keizer Development Code. The specific criteria and the related findings are set forth below:

A. Section 3.110.04.A - The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

FINDINGS: If the proposed Comprehensive Plan Map amendment to Low Density Residential on property located at Tax Lot 01600 is approved then the proposed rezoning of the property to Single-Family Residential is appropriate and consistent with the description and policies for the proposed Comprehensive Plan land use designation of the property.

B. Section 3.110.04.B - The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

FINDINGS: The subject property involved in this application consists of 5.43 acres. The parcel would be developed with a 34-lot single-family subdivision. The ground on the property is flat with no change in elevation and has no unusual features or any apparent physical limitations that might require special measures or considerations that would prevent or impair the development of the proposed use on either parcel. The site will be required to connect to the municipal sanitary sewer lines and so there will be no on-site septic system that might fail and cause groundwater contamination. The permitted uses in the proposed zone, including a subdivision, can be accommodated on the proposed site without exceeding its physical capacity. The merits of the proposed subdivision are discussed below. A finding that a subdivision can be accommodated on the subject parcel is not tacit approval of any subdivision.

C. Section 3.110.04.C - Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

FINDINGS: The Keizer Development Code outlines specific requirements for property development. These standards govern parking, buffering, vision clearance areas, special setbacks, and other applicable development requirements. There is nothing unusual about this property that suggests that the allowed uses in the proposed zone change would have any particular difficulty in meeting those development requirements. No variances would be necessary to establish at least some of the allowed uses, such as residential development.

D. Section 3.110.04.D - Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

FINDINGS: The public facilities have the capacity to meet the service needs of the proposed uses that are permitted within the proposed zone change. The intent of the proposed zone change on the parcel is so that this parcel can then be developed in conjunction with a single-family subdivision. There is an 8-inch water line located in Trent Ave. This is adequate to serve the proposed new development. There is an 8-inch sanitary sewer located Trent Ave. that is adequate to serve the proposed new development. Trent Ave. is classified as a local street in the TSP and has a right-of-way width of 48 feet and paved street 34 feet wide, making it a local street III. As noted above in response to KDC § 3.109.03 G, several neighbors testified at the hearing before the Hearings Officer that Trent Ave. is insufficient to carry the increased traffic. There are no traffic studies, photos, or other objective evidence in the record to evaluate this. The City Engineer commented at the hearing that Trent Ave. is adequate. The applicant stated that street widths are often narrower than ideal to serve traffic needs alone because narrower streets act to calm (slow) traffic. But, the

Hearings Officer notes that there is nothing in the comprehensive plan or development code to suggest that the City of Keizer developed its street standards specifically to calm traffic. According to the development code, section 2.302.04, a local street III serves more than 80 dwelling units or more than 800 ADT (average daily trips). The code does not specify a maximum number of dwelling units or ADT for a local street III or require the applicant to submit a traffic study. Neither the comprehensive plan nor the development code specify a minimum level of service, which could be used to evaluate the impact on Trent Ave. of rezoning the subject parcel to Single-Family Residential. The surrounding streets have sidewalks. As part of the proposed development sidewalks will be constructed along the proposed streets within the proposed subdivision. Based on the testimony of the City Engineer, the Hearings Officer concludes the application complies with this criterion.

E. Section 3.110.04.E -For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

FINDINGS: The proposed zone change is to allow residential single-family development on land that the applicant proposes to change to Single-Family Residential. KDC § 2.102.01 states, “The purpose of the RS (Single Family Residential) zone is to allow development of single family homes on individual lots provided with urban services at low urban densities. Other uses compatible with residential development are also appropriate. These areas are designated as Low Density Residential in the Comprehensive Plan.” The apparent criteria in this purpose statement are that the land must be suitable for the uses permitted in the zone, and that the land use designated Low Density Residential in the Comprehensive Plan. The suitability of the parcel for uses in the zone was evaluated above in response to section 3.110.04.C. Assuming the concurrent comprehensive plan designation to Low Density Residential is approved, this zone change application would meet the second criterion as well. This application meets this criterion.

F. The following additional criteria shall be addressed:

1. Section 3.110.04.F.1 -The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next five years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed site.

FINDINGS: The City of Keizer currently lacks an adequate supply of land to allow for development within the Urban Growth Boundary to meet projected growth. Amending the zone designation from Exclusive Farm Use to Single-Family Residential will provide additional land to meet this need in a positive manner.

It is important to note that this request involves 1 acre of land that is currently designated for residential use. The City of Keizer’s land use inventory is found in the city’s Comprehensive Plan. That information is shown in Table 1, Buildable Lands Analysis and indicates that 1,530 acres of and were in use for Single-Family Residential in 1985. This accounted for 35% of the total area.

Total buildable vacant land was indicated as 1,688 acres. In particular it identified a category of 'backyard vacant' which would be most applicable to the application at hand since it involves potentially developing large back yard situations. 116 acres were identified in this category.

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Total	1919	164	1153	3236	

To analyze the demand for land supply staff reviewed applications for partitions and subdivision that were approved from 2000 to 2006. These are illustrated in the tables below.

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Total	49.75	186	
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Subdivisions

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Total	118.69	611	
Yearly average	16.9	87.28	4.73

Partitions + Subdivisions = Total land divisions. This is 49.75 acres + 118.69 acres for a total of 168.44 acres. Total number of lots is 186 through partitions and 611 through the subdivision process for a total of 797 lots. This is 114 lots per year with an average density of 4.76 units per acre. These numbers indicate that approximately 24 acres are needed each year for both partitions and subdivisions. Also there have been 410 multi-family units during the past seven years with an average density of 15.6 units per acre. This is 58.57 multi-family units on approximately 3.8 acres each year. If land that is used for multi-family is added to the inventory of land used for land divisions then 27.8 acres is used yearly.

The Keizer 2000 - 2030 Housing and Population Forecast in 2004 is the most recent document addressing population growth and land inventory. This document looked at vacant, partial developed land, and underutilized land. This document indicated that the city is using its available land use supply at a rate which requires that additional land be available for residential development. The conversion of this 5.43 acres will help to meet this need for available residential lands to provide housing opportunities. The application meets this criterion.

2. Section 3.110.04.F.2 -The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next 5 years.

FINDINGS: The property is zoned Exclusive Farm Use. It is one of two parcels that have this unique land use designation. As indicated previously, the 5.43 acres involved in this application have been in agricultural use. This land is located within city limits and it is not anticipated that it would continue to remain in agricultural production but it is planned that it would one day be developed with urban land uses, including single-family development. The central component of the city's designation is that it allows the historical use of the property to continue until such time as public facilities can serve the property. This is consistent with the state's goal of protecting agricultural uses. And with the recognition that lands within an urban area are planned to be converted to urbanized uses is consistent with other tenets of the statewide planning system. The main thrust of this planning goal is to protect non-urban agricultural land from urban encroachment. It is a bit of a rarity for a city to have land within its jurisdiction designated for exclusive farm use since this is almost exclusively a rural land use designation. While this application seeks to ultimately develop land that is presently in agricultural use it will protect the rural farm lands since it will confine the residential land to be within the city limits and not outside of the urban growth boundary. The city long-range planning needs do not include maintaining a 20-year land supply for lands that would be designated for exclusive farm use operations. This request complies with the intent of the section.

3. Section 3.110.04.F.3 -The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

FINDINGS: The findings in response to section 3.109.03.F and G are incorporated by reference here and demonstrate compliance with this criterion. The conditions of approval recommended in those findings are also necessary to ensure compliance with this zone change.

**RECOMMENDATION AND CONDITIONS OF APPROVAL
ZONE CHANGE**

Based on the above findings, the Hearings Officer recommends that the proposed zone change from Exclusive Farm Use to Residential Single-family for the property located at Tax Lot 03 3W 33 01600, as that lot would be configured after the lot line adjustment approved above (approx. 5.43 acres), complies with the applicable criteria, and recommends the City Council approves the proposed zone change with the following conditions of approval. Compliance with the conditions of approval shall be the sole responsibility of the applicant and/or property owners.

1. The applicant shall record a document acknowledging that the Willow Lake Sewerage Treatment facility is located within 1/2 mile of the subject property and that odors and noise emanate from this facility. The acknowledgment shall appear in the title record for all of the resulting subdivision lots.

2. The applicant shall record a document informing future property owners of the presence of adjacent agriculture and acknowledging that agricultural use may involve noise, dust, chemical spraying, odors, etc, and that such agricultural use may continue even if noxious to the residential. The acknowledgement shall appear in the title record for all of the resulting subdivision lots.

VI. FINDINGS FOR SUBDIVISION

The proposal is to subdivide the newly created 5.43-acre property into 34 lots ranging in size from 4,400 to 9,566 square feet. The subdivision will be accessed via an extension of Trent Ave. within the subdivision to the east. The review criteria for a subdivision are listed in section 3.108.06 of the Keizer Development Code (KDC).

A. SECTION 3.108.06.A – THE PROPOSAL SHALL COMPLY WITH THE APPLICABLE DEVELOPMENT STANDARDS IN SECTION 2.405 AND SECTION 2.3 AS APPROPRIATE, INCLUDING PROVISIONS FOR STREETS AND UTILITIES.

Section 2.405 KDC contains development standards for manufactured home parks and is therefore not applicable in this situation. Section 2.3 KDC contains the standards that guide all development approvals within the City of Keizer. Listed below are the development standards contained in Section 2.3 that are pertinent to this subdivision review.

1. SECTION 2.301.03 - APPLICATION OF PUBLIC FACILITY STANDARDS

FINDINGS: In order to promote and maintain healthy, safe environments and to minimize development impacts upon surrounding properties and neighborhoods the public facilities improvement requirements specified in the table found in Section 2.301.03 are the minimum necessary. The applicant will be required to provide the following public facilities: fire hydrant, street improvements, water hook-up, sewer hook-up, storm drain and street lights within the proposed subdivision. With these items placed as conditions of approval this request can meet this criterion.

2. SECTION 2.302 - STREET STANDARDS – GENERAL PROVISIONS

- a. *Section 2.302.03.A - General Requirement. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets.*

FINDINGS: The area to be subdivided is generally flat with little change in elevation. The applicant proposes to develop the site with 34 lots that would then be available for development, each with a single-family dwelling. The applicant proposes that an extension of the existing Trent Ave. will serve the lots within the proposed subdivision. The applicant will be responsible for constructing this street extension. The Public Works Department commented that prior to

submitting construction plans for the proposed subdivision, a pre-design meeting with the developer's engineer and the Department of Public Works is required. With this placed as a condition of approval, this proposal can satisfy this criterion.

b. Section 2.302.03.B - Continuation of Street. *Development proposals shall provide for the continuation of, and connection to, existing streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of lane, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length. Exemptions from these street extensions can be found in Section 2302.03.B.1 – 5.*

FINDINGS: The proposed lots within the subdivision will be served by a new looped street system that will be served by an extension of the street system from the subdivision adjacent to the east. To facilitate this extension, the applicant has a concurrent lot line adjustment application that will eliminate one existing lot in the adjacent Windsor Woods Subdivision, and in its place, construct the extension of Trent Ave. to the subject parcel. This extension will then extend to the west property line of the subdivision. This extension could be available to serve the property to the west; but the west property line of the subject parcel is the urban growth boundary, so land to the west and south cannot be served by an extension until, if ever, they come into the city limits. However, the extension to the property line allows for this future possibility. With the street system shown being a looped system no turnarounds will be required. The proposed street system complies with this section.

c. Section 2.302.03.C - Alignment. *All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the existing centerlines. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.*

FINDINGS: The centerline of the proposed extension of Trent Ave. lines up with the centerline of the existing Trent Ave. The street layout complies with this provision.

d. Section 2.302.03.D – Future extension of streets. *When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, streets, bicycle paths and/or pedestrian accessway facilities shall be platted and built to a boundary of the subdivision. The street may be platted without a turnaround unless the Public Works Department finds a turnaround is necessary for reasons of traffic safety. Any street extension exceeding 150 feet in length shall be provided with an approved turnaround as set forth in Section 902.2.2.4 “Dead Ends” of the Uniform Fire Code, 1994 edition.*

FINDINGS: The applicant proposes that the street system on the subject parcel include new streets along the west and south property lines. If the properties to the west and south are brought into the

urban growth boundary, they could be served by the proposed 17th Ave., Golden Lane and extension of all the proposed streets. The application complies with this criterion.

e. Section 2.302.03.E - Intersection angles. *Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections that are not at right angles shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet.*

FINDINGS: The new street system that is proposed to serve the subdivision is a looped system that has four intersections. Each of the intersections within the subdivision is a right angle. The application complies with this criterion.

f. Section 2.302.03.F - Existing Streets. *Whenever existing public streets adjacent to or within a tract are of a width less than the street design standards, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.*

FINDINGS: This criterion is typically applied to streets that run parallel and adjacent to a tract of land, not streets that dead-end at the property line for a tract of land proposed to be divided, as would be the case after the concurrent lot line adjustment. The subject property does not currently have frontage along a public street. However, the concurrent lot line adjustment application will eliminate one of the lots in the Windsor Words subdivision to create an extension of Trent Ave., which currently complies with the street design standards for a Local Street III. The extension of Trent Ave. will meet the street design standards. The application complies with this criterion.

g. Section 2.302.03.G - Half-streets may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. *When a ¾ width street can reasonably be developed, as determined the Department of Public Works, a half street will be constructed with an additional 10 feet of pavement on the opposite side of the street from full improvement.*

FINDINGS: The applicant is proposing to construct 3/4-width streets along the south and west property lines. Public Works commented that the proposal is not acceptable. Because the land to the south and west is outside of the urban growth boundary it is not reasonable to assume that this land will be annexed into the city limits anytime in the near future. Thus, Public Works recommended that the applicant construct a 30-foot improvement width street with sidewalks on one side, all within a 39-foot wide right-of-way. At the hearing before the Hearings Official, the applicant submitted an alternative design for Golden Lane (Exhibit 17), which shows a 30-foot improvement width street with sidewalks on one side within a 36-foot right-of-way and a portion of the sidewalk within a sidewalk easement. At the hearing, the City Engineer stated that this design would be acceptable. These are not full-sized streets; they would be considered 3/4-width streets,

but with additional right-of-way dedication and improvement width. A condition of approval requiring such construction will ensure compliance with this criterion.

h. *Section 2.302.03.H - Cul-de-sacs. The maximum length shall be 800 feet.*

FINDINGS: No cul-de-sacs are proposed so this section is not applicable.

i. *Section 2.302.03.I - Street names and numbers shall conform to the established standards and procedures in the City.*

FINDINGS: The applicant submitted a list of names for the new streets. These are being reviewed by city staff. The streets that will serve the lots are required to be named in accordance with City standards and procedures. Approved street names must be shown on final plat.

j. *Section 2.302.03.J - Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves.*

FINDINGS: The subject property is predominately flat and has no grade or slope that will constrain or impact the development of the property. A grading and drainage plan will be required as a condition of approval to ensure that adequate drainage is provided, as well as construction permits for constructing all street improvements. With conditions of approval requiring a drainage plan, this proposal can satisfy this criterion.

k. *Section 2.302.03.K - Frontage Streets. If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street.*

FINDINGS: Both Burbank Street and Trent Ave. are designated as local streets in Keizer's Transportation System Plan and so this section is not applicable.

l. *Section 2.302.03.L - Alleys shall be provided in commercial and industrial zones unless other permanent provisions for access to off-street parking and loading facilities are provided. The corners of alley intersections shall have radii of not less than 10 feet.*

FINDINGS: No alleys are proposed therefore, this provision is not applicable.

m. *Section 2.302.03.M. - Street Landscaping. Where required as part of the right-of-way design, planting strips shall conform with the following standards:*

1. *Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property.*

2. *Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip.*

FINDINGS: A priority of the Keizer's Transportation System Plan is to provide a safe pedestrian and bicycle facility along streets. The applicant shall provide street trees along the frontage of the lots along the new street within the subdivision. Street trees shall be planted consistent with the spacing requirements within Section 2.302. Information regarding the care and maintenance of the street trees must be included in the CC&R's, Homeowners' Association Agreement or other similar type of agreement approved by the Community Development Department. With these placed as conditions of approval, the application can comply with this provision.

n. *Section 2.302.03.N - For streets serving infill development as defined under Section 2.316.03, the Infill Street and Access Easement Standards of Section 2.316.06 may be applied.*

FINDINGS: The property to be subdivided is more than two acres in size and so does not meet the definition as qualifying for infill development. The infill standards are not applicable.

3. **SECTION 2.302.04 - GENERAL RIGHT-OF-WAY AND IMPROVEMENT WIDTHS**

The standards outlined in this section shall be the minimum requirements for all streets, except where modifications are permitted under Subsection 2.302.05.

FINDINGS: The applicant requests a modification to the right-of-way widths for 17th Ave. and Golden Lane. In the staff recommendation, Public Works commented that the applicant should construct all the streets within the subdivision to full city standards. Subsequently, at the hearing, the applicant proposed narrower widths—39 feet for 17th Ave. and 36 feet for Golden Lane. At the hearing, the City Engineer stated that these widths would be acceptable. These widths would make the streets 3/4-width streets. Section 2.302.03.G authorizes streets that are less than full-width.

4. **SECTION 2.302.05 - MODIFICATION OF RIGHT-OF-WAY AND IMPROVEMENT WIDTH**

*The city, pursuant to variance approval, may allow modification to the public street standards of Subsection 2.302.04, when the following criteria are satisfied: * * **

FINDINGS: This section is not applicable because the right-of-way and improvement widths for 17th Ave. and Golden Lane are consistent with section 2.302.03.G, which authorizes 1/2 or 3/4 width streets, which is what the applicant proposes.

5. SECTION 2.302.06 - CONSTRUCTION SPECIFICATIONS

Construction specifications for all public streets shall comply with the standards of the most recently adopted public works street standards of the City of Keizer.

FINDINGS: A public street system is proposed to serve the lots within the subdivision, so this section is applicable. The applicant will be responsible for providing public street improvements to the area to be dedicated as the extension of Trent Ave. Other than this dedication and the street system internal within the subdivision, no dedication of additional right-of-way will be required. The applicant will be responsible for complying with all conditions regarding the design specifications of the street within the proposed subdivision and so will ensure compliance with this provision.

6. SECTION 2.303.06 - OFF-STREET AUTOMOBILE PARKING REQUIREMENTS

For single-family residences, 2 parking spaces per dwelling unit shall be provided on-site.

FINDINGS: The smallest lot within the proposed subdivision is 4,400 square feet, which can accommodate the development of a an attached, or zero side yard single-family dwelling while providing two on-site parking spaces. With a condition of a subsequent building permit requiring at least two off-street parking spaces per single-family dwelling, the application will meet this criterion.

7. SECTION 2.306 - STORM DRAINAGE

No construction of any facilities in a development included in Subsection 2.306.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by a professional engineer, and approved by the City. These provisions shall also apply to any cut or fill on a property, which may impact the velocity, volume, or quality of surface water on adjacent property, or may impact any permanent natural body of water.

FINDINGS: To provide for drainage of surface water from residential development, minimize erosion, reduce degradation of water quality due to sediments and pollutants in storm water run off, and reduce downstream flooding, a storm drainage and erosion control plan is required. Therefore, prior to any development of the proposed subdivision, the applicant shall submit a storm drainage and erosion control plan for the project. The applicant will be responsible to make any modifications necessary to the site-grading plan when the final grades are determined. The City of Keizer will require that storm water detention proposed to be underground will be located within improved street areas. Additional information regarding street grades, site grading, inverts, etc, shall be submitted prior to any plan approval. No development will be allowed until the plan is

reviewed and approved by the City and all prior facility charges (acreage fees) have been paid. At the hearing before the Hearings Officer, the applicant requested the flexibility to demonstrate that there is sufficient downstream capacity to allow stormwater to be conveyed off-site without or with less than full on-site detention; the City Engineer stated that the City would review the applicant's work and would consider such a plan. With these requirements placed as conditions of approval, this application complies with this provision.

8. SECTION 2.307 - UTILITY LINES AND FACILITIES

FINDINGS: To provide adequate services and facilities appropriate for residential development, the applicant shall meet the standards set forth in Section 2.307 of the Keizer Development Code relating to water, sanitary sewer, private utilities, street lights and easements. These are development requirements, and compliance will be ensured during review of the construction and engineering drawings. All easements existing on the property including the PGE utility easement shall be shown on the plat.

a. *Section 2.307.02.A - The location, design, installation and maintenance of all utility lines and facilities shall be carried with minimum feasible disturbance of soils and site.*

FINDINGS: The proposal to subdivide the site will require utility lines to serve the new lots. A preliminary site plan has been submitted showing water lines and sanitary sewer lines located within the right-of-way of the new streets within the subdivision. As a condition of approval, a detailed engineer's plan will be required to be submitted for review and approval. As part of the grading plan, erosion control measures will be required. The construction and installation of these facilities will be required to be done so that it satisfies this requirement. Therefore, this proposal can satisfy this criterion.

b. *Section 2.307.02(B) - All development that has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the City.*

FINDINGS: The intent of this provision is to ensure that water lines are installed to city specifications and, if placed outside of public rights-of-way are located within an easement to avoid conflicts. The applicant's statement and site plan indicate the proposed lots will be served by public water lines. The Keizer Development Code requires that water service installed outside of the right-of-way shall be placed within an easement, and the easement be shown on the final plat. Keizer Public Works Department commented that the developer shall prepare an overall water system plan showing the required changes to the existing system to bring the water mains, fire hydrants and individual services into compliance with the City of Keizer Design and Construction Standards. This plan must be prepared prior to submission of the subdivision plat. Appropriate easements for all public water mains and fire hydrants will be required if construction will be outside of a public right-of-way. Any system development charges for water system improvements will be those in place at the time of individual service connections. With these requirements placed as conditions of approval, this request can meet this criterion.

c. *Section 2.307.02(C) - Private Utilities. All development that has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.*

FINDINGS: The applicant's written statement indicates that all utilities will be placed underground. Unless otherwise prohibited, this is a development requirement. The Department of Public Works commented that to minimize utility line conflicts, a master utility plan including all proposed power, telephone, gas and cable lines shall be submitted for review prior to issuance of construction permits for the proposed project. With this placed as a condition of approval, this request can satisfy this criterion.

d. *Section 2.307.02(D) - Sanitary Sewers. All development that has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the city. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.*

FINDINGS: The Public Works Department submitted comments addressing this criterion. The subject property is not located within the original Keizer Sewer District; therefore a sanitary sewer trunk line acreage fee will be required. Sewer construction will be required to meet subdivision standards. Prior to platting of the proposed new subdivision, new sanitary sewer plans will need to be developed and approved to provide for a public system meeting both State and City requirements. The City of Salem commented that an 8-inch water line shall be located within the right-of-way of each street within the subdivision. City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property if located outside platted rights-of-way will need to be recorded which meet the City of Salem Design Standards and must be shown on the subdivision plat.

e. *Section 2.307.02(E) Street Lights. When required, installation of street lights shall be pursuant to the requirements of the city and the company serving the development.*

FINDINGS: Street lights will be required along the new streets to provide for public safety in the development. Consistent with City policy, formation of a street lighting district is required. With this as a condition of approval, this request meets this criterion.

f. *Section 2.309.04(B)(7f) – The City may require significant trees that are removed (including trees that are removed within the year prior to the application) be replaced at the rate of up to two new trees for each significant tree removed.*

FINDINGS: The applicant has indicated that there are no significant trees (trees greater than 50 feet in height and or 12 inches in diameter at 5 feet DBH) on the property that would be removed as part of the development of the property. Therefore, this section is not applicable.

g. *Section 2.309.05 – Screening and buffering shall be used to eliminate or reduce the impacts between a number of uses listed within this section, in particular to provide for compatibility between dissimilar adjoining uses.*

FINDINGS: If the concurrent applications for a comprehensive plan map and amendment and zone change are approved, then the property would be designated the same as land just to the west, and would be similarly developed with single-family homes. There is a 45-foot wide PGE easement along the east property line of the subdivision, which will cause the homes bordering it to maintain a greater setback than the RS rear building setback requires. This will ensure a greater building to building separation than might typically be found. Given this fact and that the uses are not dissimilar no screening and buffering will be required. In order to buffer the agricultural lands from the proposed new dwellings to the south and west, a 6-foot sight-obscuring fence bordering the new lots that would adjoin the agricultural land (lots 9 and 27) is appropriate. Where the road adjoins the agricultural lands, a sight-obscuring fence is not necessary, but some fencing is necessary to reduce trespass onto these lands. Specifically, the applicant shall construct a fence along the outside edge of the 17th Ave. and Golden Lane right-of-way along the south and west property lines. The applicant may construct the fence on land to be dedicated if the City agrees; otherwise, the applicant shall provide for permanent maintenance of this fence in the CC & R's or other similar binding document. With conditions of approval containing these specifications for the fencing, the application complies with this provision.

9. SECTION 2.310 - DEVELOPMENT STANDARDS FOR LAND DIVISIONS

a. *Section 2.310.03.A - Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcels are located.*

FINDINGS: The purpose of this requirement is to allow for the development of the property in a manner consistent with that of the underlying zone district. The subject property is proposed to be zoned RS (Residential Single-family). Within the RS zone, the minimum lot size for attached single-family dwellings, or zero side yard dwellings is 4,000 square feet and lots intended for detached single-family dwellings is 5,000 square feet. The applicant's site plan indicates that the lots within the proposed subdivision range in size from 4,400 sq ft to 9,556 square feet. Eight of the lots (Lots 1 through 8) are shown each containing approximately 4,400 square feet and will be required to be built with an attached, or zero side yard single-family dwelling. All other lots are shown exceeding 5,000 square feet. All of the proposed lots conform to the minimum lot size requirement of the RS zone district. As a condition of approval all lot sizes must be shown on the preliminary and final plat. In addition, the requirement for the zero side yard type of development should also be included in the subdivision CC & R's. This proposal satisfies this criterion.

b. Section 2.310.03.C - Lot width and depth. *The depth of a lot or parcel shall not be more than 3 times the width of the parcel.*

FINDINGS: The purpose for establishing lot width-to-depth ratios is to provide for the orderly, safe, efficient and livable development of land. The lot width-to-depth ratio also prevents lots from being created that would be practically unbuildable. All lots within the proposed subdivision meet this criterion and do not contain depths 3 times the width. The application complies with this criterion.

c. Section 2.310.03.D - Access. *All lots and parcels shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. Cul-de-sac lots shall have a minimum frontage of 25 feet and Flag lots shall have an access strip of no less than twenty (20) feet. The following exceptions shall apply: residential lots or parcels may be accessed via a private street or access easement developed in accordance with the provisions of Section 2.303 when the City finds that a public street is not necessary to provide for the future development of adjoining property.*

FINDINGS: All of the proposed lots exceed the minimum 40-foot requirement. No flag lots or cul-de-sac lots are proposed. The proposal satisfies this criterion.

d. Section 2.310.03.E -Flag Lots. *Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed and when in compliance with Section 2.302.03.B. If a flag-lot is permitted, the following standards shall be met:*

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

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

FINDINGS: No flag lots are proposed so this section is not applicable.

e. Section 2.310.03.F - Through Lots. *Through lots shall be avoided except where essential to provide separation of residential development from major streets, adjacent non-residential activities, or to overcome specific development constraints of topography and orientation. Through lots shall be no less than 100 feet in depth. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. Screening or buffering, pursuant to the provision of Section 2.307, may be required by the City during the review of the land division request.*

FINDINGS: No through lots are created by this application so this section is not applicable.

f. Section 2.310.03.G - Lot Lines. *The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than 1/2 the dimension of the front lot line.*

FINDINGS: The subject property is essentially a square shaped parcel, which will result in the creation of regularly shaped parcels. The proposed lot lines run at right angles to the street right-of-way lines. The rear lot lines are no less than one-half the dimension of the front lot lines. The application complies with this criterion.

g. Section 2.310.03.H - Utility Easements. *Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of this Code.*

FINDINGS: There will be utility lines located along the frontage of each of the lots. Public Works commented that it would require that easements be granted to the City and must be shown on the final plat for any utility lines that would be located on any lot. This is a development requirement and shall be placed as a condition of approval of this subdivision application. In addition there is a PGE power line easement located on the eastern portion of Lots 1 through 8. The application can comply with this criterion.

10. SECTION 2.310.04 - ADDITIONAL DESIGN STANDARDS FOR SUBDIVISIONS

a. Section 2.310.04.A - Standards for Blocks:

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

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

FINDINGS: The subdivision will make use of a new street system which will be a looped street that will essentially create a block. As shown on the submitted plans the loop section is approximately 200 feet west of the intersection of Trent Ave. and Burbank Street. The two north/south streets are approximately 350 feet in length, and the two east/west streets are approximately 250 feet in length. The street design will provide for a safe flow of traffic and also convenient and safe access for the proposed lots. The design dimensions comply with the standards within this section.

b. Section 2.310.04.B - Traffic Circulation. *The proposed subdivision shall be laid out to provide safe and convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas, and*

industrial areas; and to provide safe and convenient traffic circulation. At a minimum, "nearby" is interpreted to mean uses within ¼ mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists.

FINDINGS: The intent of this provision is to allow for safe vehicle, pedestrian, and bicycle access from the lots within the subdivision to other nearby facilities. The applicant will be required to provide sidewalks along the internal streets within the subdivision and along the portion of Trent Ave. that is technically outside the boundaries of the subdivision application, but is part of the lot line adjustment application and is necessary to provide vehicle access to the subdivision. The applicant will be responsible for constructing a sidewalk that will become part of the pedestrian system along the portion of the street that needs to be extended to serve the subdivision. Aside from improvements to the streets along the frontage of the property there will be no specific improvements to the bicycle infrastructure system. With the requirement for these improvements placed as conditions of approval, the application complies with this section.

11. SECTION 2.310.06 - IMPROVEMENT REQUIREMENTS

a. *Section 2.310.06.A - Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.303 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.*

FINDINGS: The applicant will be responsible for providing street improvements including street, curbs, gutter, and sidewalk along the frontage of each lot within the subdivision. Because Trent Ave. will need to be extended to serve the proposed subdivision, the applicant will be responsible for providing all necessary improvements along the extension of this street. Conditions of approval will assure that the application complies with this criterion.

b. *Section 2.310.06.B - Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 and 2.316 only if sidewalks currently exist along the connecting street.*

FINDINGS: There will be no private streets so this section is not applicable.

c. *Section 2.310.06.C - Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302.*

FINDINGS: Compliance with this criterion is addressed above in response to Sections 2.302.04 and 2.302.05.

d. Section 2.310.06.D - Monuments. *Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.*

FINDINGS: The applicant will be responsible for placing appropriate monuments at the street intersections and with this as a condition; this application can comply with this criterion.

e. Section 2.310.06.E - Bench Marks. *Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.*

FINDINGS: The applicant will be responsible for placing appropriate bench marks at the street intersections and with this as a condition; this application can comply with this criterion.

f. Section 2.310.06.F - Surface Drainage and Storm Sewer System. *Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property.*

FINDINGS: Stormwater drainage was adequately addressed above in response to Section 2.306. The application complies with this criterion.

g. Section 2.310.06.G - Sanitary Sewers. *Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.*

FINDINGS: The requirement to provide sanitary sewers was adequately addressed above in response to Section 2.307.02.D. Additionally, the applicant's engineer shall locate any existing wells (including on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Prior to platting, the developer shall remove any conflicts between existing wells and proposed sanitary sewers. With a condition of approval addressing this issues, the application can comply with this criterion.

h. Section 2.310.06.H - Water System. *Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the developer will be responsible for water main sizes necessary to meet minimum fire flow requirements per Uniform Fire Code. The City will not expect the developer to pay for the extra pipe material cost of mains exceeding 8 inches in size.*

FINDINGS: The proposed subdivision will require connection to the City's water system. Public Works commented that an overall water system plan shall be developed showing the required changes to the existing system to bring the water mains, fire hydrants and individual services into compliance with the City of Keizer Design and Construction Standards and shall be prepared prior to submission of the subdivision plat. Appropriate easements for all public water mains and a fire hydrant (if one is determined to be necessary) to serve the development will be required. Any system development charges for water system improvements will be those in place at the time of individual service connections. Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to approval of any plans for the development. The location of all meters is to be approved by the Keizer Water Department. With conditions of approval addressing these issues, the application can comply with this criterion.

i. Section 2.310.06.I - Sidewalks. *Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g., pedestrian walkways) or sidewalks fronting public property shall not be deferred.*

FINDINGS: As required by this criterion, sidewalks must be installed along the portion of each lot abutting streets adjacent to the subdivision. In his written statement, the applicant indicates that he will be providing a sidewalk as part of the development of the subdivision. Sidewalks may be deferred until the issuance of building permits. As previously indicated, the applicant will be responsible for providing only one sidewalk along the two streets that align along the south and west property lines. This sidewalk is to be provided along the interior of the streets. The application satisfies this criterion.

j. Section 2.310.06.J - Street Lights. *The installation of street lights is required at locations determined to be appropriate by the City and shall be of a type required by City standards.*

FINDINGS: Street lights are required within new subdivisions to ensure there is adequate lighting for public safety. The subdivision plan does not indicate the placement of any street lights. With a condition of approval requiring streetlights, the application can meet this criterion. A street lighting district will be required to be formed to ensure ongoing maintenance and operation of the street lights. Therefore, this proposal can satisfy this criterion.

k. Section 2.310.06.K - Street Signs. *The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits.*

FINDINGS: With this as a requirement will assure compliance with this provision.

L. Section 2.310.06.L - Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works.

FINDINGS: The application can meet this criterion. This is addressed as a condition of subdivision approval.

m. Section 2.310.06.M - Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards.

FINDINGS: With this as a condition of approval, the application can comply with this criterion.

n. Section 2.310.06.N - Street Trees. Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.302.03(M).

FINDINGS: The intent of this provision is to allow for street trees to be planted along streets to improve the streetscape appeal of the street. While no planting strip will be required, the applicant will still be required to plant streetscape trees along the frontage of each lot on each street. Section 2.302.03.M requires spacing of one tree every 30 feet of property frontage. The site plan and applicant statement indicates that there will be one tree planted along the frontage of each lot. With a condition of approval requiring street trees, this application can comply with this criterion.

o. Section 2.310.06.O - Grading & Fills. All grading which results in fills in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered.

FINDINGS: Because the property is flat, there should be minimal placement of any fill prior to construction of any dwellings. However, since this is a State Building Code requirement it is intended as advisory at this point of the subdivision review.

p. Section 2.310.06.P - Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.

FINDINGS: This requirement will be placed as a condition of approval.

12. SECTION 2.316 - INFILL DEVELOPMENT

Section 2.316.03 - Infill Development Parcel Criteria - An infill development parcel is any residential parcel not more than two (2) acres in size that is a lot of record, and which meets any two of the following criteria:

- A. A parcel with less than 250 feet of frontage along a public street;***
- B. A parcel with an existing structure;***

- C. *A parcel that is irregular in shape, such that it cannot be partitioned or subdivided to meet the maximum density of the underlying zone without a variance;*
- D. *A parcel that is bounded on two or more sides by existing development or natural constraints (i.e. waterways, steep slopes, resource protections areas).*

FINDINGS: The subject parcel is more than two acres in size; therefore the Infill Development criteria are not applicable.

13. SECTION 2.128 - ODOR/NOISE IMPACT OVERLAY

No development shall occur in the Odor/Noise Impact Overlay Zone without execution by the property owner of an easement/waiver. As a condition of approval of any building permit or land use action in the AI zone, and as a precondition of any occupancy permit, the property owner shall sign and cause to be recorded in the real property records of Marion County a document granting an easement and a waiver of claims with regard to impacts from the Willow Lake Wastewater Treatment Plant. Such easement/waiver shall be approved by the City Attorney and be in substantially the same form as that attached to that certain Willow Lake Settlement Agreement executed by Salem, Marion County and Keizer. The recorded easement/waiver shall also be referenced on the plat of any partition, subdivision or PUD.

FINDINGS: As required in the Dual Interest Area Agreement, and with this section the applicant will be required to submit for review and to have record a Waiver/ Easement prior to the plat being record. This is already a requirement of the comprehensive plan map amendment and zone change, but will also be required on the subdivision plat.

B. SECTION 3.108.06.B - EACH LOT SHALL SATISFY DIMENSIONAL STANDARDS AND DENSITY STANDARDS OF THE APPLICABLE ZONING DISTRICT, UNLESS A VARIANCE FROM THESE STANDARDS IS APPROVED.

FINDINGS: The applicant has indicated that each of the lots will be developed with single-family homes. Section 2.104.05.A of the Keizer Development Code requires that each lot to be developed with a single-family dwelling contain a minimum average width of 40 feet. The lots have widths that range from approximately 40 feet to 58 feet, and so each satisfies this requirement. This section also specifies a minimum average depth of 70 feet for lots with single-family homes. The lots have depths that range from 108 feet to 126 feet and so exceed the minimum lot depth requirement. Section 2.102.06.I specifies a minimum density of 4 units per acre and a maximum density of 8 units per acres. The proposed subdivision has a density of 6.3 dwellings per acre. The comments provided by Marion County Planning regarding maximum density under the Dual Interest Agreement applied to a different parcel. The application complies with the minimum density requirements of this section of the code.

C. SECTION 3.108.06.C - ADEQUATE PUBLIC FACILITIES SHALL BE AVAILABLE TO SERVE THE EXISTING AND NEWLY CREATED PARCELS.

FINDINGS: As discussed above, public sewer and water are available and will be extended to serve the newly created lots within the proposed subdivision and the applicant will be responsible for complying with the applicable conditions governing the construction and installation of these facilities. Trent Ave. will provide transportation access; there is stormwater capacity (and if necessary, the applicant will provide underground detention). No utility providers indicated that service would be unavailable. The application complies with this criterion.

D. SECTION 3.108.06.D - ROUGH PROPORTIONALITY. IMPROVEMENTS OR DEDICATIONS REQUIRED AS A CONDITION OF DEVELOPMENT APPROVAL, WHEN NOT VOLUNTARILY ACCEPTED BY THE APPLICANT, SHALL BE ROUGHLY PROPORTIONAL TO THE IMPACT OF DEVELOPMENT. FINDINGS IN THE DEVELOPMENT APPROVAL SHALL INDICATE HOW THE REQUIRED IMPROVEMENTS OR DEDICATIONS ARE ROUGHLY PROPORTIONAL TO THE IMPACT.

FINDINGS: The City has a legitimate governmental interest in assuring the development does not cause a public problem of inadequate, unsafe and inefficient public transportation facilities. This is done by ensuring that adequate streets that logically continue the City's street system are provided in order to avoid traffic generation that exceeds the street system's carrying capacity, which then causes dangerous or hazardous traffic conditions. The conditions requiring the applicant to make particular street improvements or dedications address that public interest by improving the adjacent streets.

The applicant proposes a 34-lot subdivision. The Keizer Development Code requires that new development make road improvements to bring their road frontage up to the road classification and construction standards. The legislative adoption of the street standards require road improvements and the road construction to be provided by the development as it occurs in proportion to its impacts. The occupants of the subdivision will utilize road systems constructed by other developments at no cost to them or the applicant.

The functional classification of Trent Ave. is based on the cumulative traffic impacts from the development of properties in the area that will use the street. Trent Ave. is classified as a local street. Functional classification is established in order to ensure that the streets have adequate carrying capacity for the traffic which will utilize it to avoid traffic generation that would cause dangerous or hazardous traffic conditions. The proposed development will generate additional vehicle trips per day that will contribute to the cumulative traffic impacts on the area.

The City of Keizer has traditionally required developers to dedicate property for and construct standard street, sidewalk, sanitary sewer, storm drain and water supply improvements in subdivisions to meet the basic needs created by the development. The absence of the required street improvements would be cause for denial of the application on the basis that adequate street facilities are not available to serve the site. These traditional street improvements have been imposed to avoid excessive congestion, negative safety impacts and provide basic services to preserve the health of the community and the residents of the proposed development. Such street improvements

and dedications are now, and have traditionally been, part of the cost considered in the developer's reasonable investment-backed expectations for constructing the subdivision.

All of improvements and dedications are for facilities that only the residents of the proposed subdivision will use; hence their use is roughly proportional to the dedication.

E. DEVELOPMENT CONSIDERATIONS

A. The Keizer Development Code requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs.

B. The City's System Development Charge for park development shall be the fee in place at the time of building permit application. These Development charges, as well as those involving the extension of sewer, water, and storm drainage, will apply to this request.

C. The subject property is located outside of the original Keizer Sewer District. Therefore a sanitary sewer trunk line acreage fee will be required. Connection to existing sewer lines that serve the general area will be the responsibility of the developer. An overall sanitary sewer master plan for the proposed development shall be submitted to the City of Keizer Department of Public Works for review prior to the submittal of any engineering drawings for public sewer lines for the proposed development.

D. Any system development charges for water system improvements will be those in place at the time of individual service connections.

E. Street opening permits are required for any work within the City Right-of-way that is not covered by a Construction Permit.

F. All grading which results in fill in excess of three (3) feet located within the identified building envelop on a subdivision lot or parcel must be engineered.

RECOMMENDATION AND CONDITIONS OF APPROVAL **SUBDIVISION**

Based on the above findings, the Hearings Officer recommends the proposed subdivision complies with the applicable criteria and recommends the City Council approve the proposed subdivision with the following conditions of approval, which must be completed, including review and approval by the appropriate department, prior to the time lines stated. Compliance with the conditions of approval shall be the sole responsibility of the applicant and/or property owners.

General:

1. Improvement work shall not commence until plans have been checked for adequacy and approved by the Department of Public Works. Plans shall be prepared in accordance with requirements of the City. Trent Ave. and 15th Ave. are proposed as 46-foot rights-of-way with 32-foot street improvements and sidewalks on both sides. The proposal for Trent Ave. and 15th Ave. is acceptable to the Department of Public Works.

The applicant has proposed rights-of-way for 17th Ave. and Golden Lane that are less than the minimum 44-foot right-of-way for a local street I. Specifically, 17th Ave. would be constructed to a 39-foot right-of-way standard (22 feet from centerline on the east side of 17th Ave., 17 feet from centerline on the west side of 17th Ave.) and Golden Lane would be as shown in Exhibit 17.

2. Improvement work shall not commence until the Public Works Department has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the Public Works Department has been notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
4. Any wells on bordering properties within 50 feet of any proposed sanitary sewers shall be located. Development of the subject property will require the design and construction of an adequate public water system to provide for fire protection for the development. A preliminary water master plan shall be submitted to the Department of Public Works for review to indicate fire protection adequacy and where individual water meters are proposed. A 10 foot utility easement is required along the frontage of all public streets within the proposed development.
5. The developer shall prepare a plan for access to the existing home on Tax Lot 06 3W 33DA 01700. The plan shall be reviewed and approved by the City of Keizer.
6. Approval of the subdivision is contingent upon the Keizer City Council approving the request to change the Comprehensive plan designation to Low Density Residential and the zone designation to Single-Family Residential on the 5.43 acre parcel (Tax Lot 06 3W 33 01600 as configured after the lot line adjustment).
7. The applicant shall satisfy all of Marion County Surveyor's Office requirements necessary to accomplish the proposed lot line adjustments that are needed to allow the development of the property as proposed.

Prior to Plan Submittal:

8. A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review. An engineering site plan shall be submitted for review and approval to the Keizer Department of Public Works. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to show compliance with Public Works development standards. At the pre-design meeting the following items shall be submitted for review and approval:

- a. A master water system plan showing proposed size and routes of public water mains, fire hydrants as required by the Fire District and individual services.
- b. An overall storm drainage plan that provides service to this development consistent with the City of Keizer Master Storm Drain Plan for this area of Keizer. All storm water and roof drains are to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. No direct connection of roof drains will be allowed. A grading and drainage plan shall be developed for the subject property. The grading and drainage shall comply with Section 2.306 (storm drainage) of the Keizer Development Code. The City of Keizer will require that on-site storm water detention, if necessary, shall be underground and located within improved street areas. Access to an approved public storm drain system will be required. Additional information regarding street grades, site grading, inverts, etc, shall be submitted prior to any plan approval.
- c. Local sewer permits are required prior to construction and are issued through the City of Salem. The City of Salem requires sanitary sewer laterals be constructed that serve each lot conforming to the City of Salem Sewer Design Standards. Sewer laterals shall be located within the access and utility easement or appropriate easements.

Prior to submitting plans to the City of Salem for approval, plans shall be submitted to the Public Works Department for review and determination of compliance with the City of Keizer's Master Sewer Plan for the area.

Prior to Issuance of Construction Permits by the Department of Public Works:

9. Construction permits are required by the Department of Public Works prior to any public facility construction. Prior to issuance of construction permits, all required acreage fees (sanitary sewer and storm drain) shall be paid or evidence provided that previous payments have been made.

10. An improvement agreement shall be executed between the developer and the City of Keizer prior to recording of the subdivision plat. This agreement can be picked up at the City Engineer's Office.
11. Any required connection taps shall be to the City of Keizer standards paid for by the developer. The sanitary sewer acreage fee and the storm drainage acreage fee shall be paid at the time of issuance of construction permits by the Department of Public Works.
12. Final development plans shall be submitted to the Keizer Fire District for review and approval regarding access and adequate location of fire hydrants. Location of all water meters to be approved by Keizer Public Works Department.
13. A master utility plan including all proposed power, telephone, gas and cable TV lines shall be submitted to the Department of Public Works for review prior to the Department issuing construction permits for the proposed project.
14. A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
15. A power plan shall be submitted to Qwest.

During Public Improvements:

16. All underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of any streets or access ways.
17. A street opening permit is required for any construction within existing rights-of-way.

Prior to Satisfaction of Improvements:

18. Certified as-built drawings of all public utility improvements and street improvements shall be provided to the City's Public Works Department upon completion of the public improvements and prior to final acceptance of the improvements by the City. As-built conditions and information shall be reflected on one set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City Engineer. Additionally, digital files of the as built plans shall be submitted to the Department of Public Works.

Prior to Preliminary Plat Approval:

19. A detailed preliminary subdivision plat shall be submitted to the Marion County Surveyor's office for review. Marion County Surveyor's office will then submit the plat to Keizer for review and approval. The Preliminary Plat must be submitted for review prior to submittal of a final plat.

- a. A checking fee and second Mylar fee is required.
- b. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.
- c. Subdivision name must be approved per Oregon Revised Statute 92.090.
- d. Must be surveyed and platted per Oregon Revised Statute 92.050.
- e. Per Oregon Revised Statute 92.065 remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation.

The detailed preliminary plat shall include the following provisions:

- f. Include all engineering elements as required by the Department of Public Works requirements.
 - g. Right-of-way dedication for the proposed development.
 - h. For all public water mains, fire hydrants and any public sewer mains located within the subject property (if located outside platted rights-of-way) easements will be required and will need to be recorded. These easements shall meet the City of Keizer or City of Salem (where applicable) Design Standards and shall be shown on the subdivision plat.
 - i. 10-foot wide public utility easements (PUE) shall be indicated along all newly dedicated rights-of-way.
 - j. All lots shall conform to lot dimension standards within the RS zone.
 - k. All lots less than 5,000 square feet shall be required to be developed with attached or zero side yard single-family dwelling construction. If developed as zero side yard homes, then a 5-foot wide maintenance easement shall be shown on the plat.
 - l. Street names to be shown on plat.
 - m. PGE easement to be shown on plat.
- 20.** With the Preliminary plat a copy of the proposed CC&R's, Owners Agreements, Articles and By-Laws shall be submitted to the Community Development Department for review by the City Attorney as outlined in Section 3.108.07 of the Keizer Development Code. The following information should be included within the instrument(s):
- a. Streetscape tree requirements.
 - b. Zero side yard status for Lot 1 thru 8
 - c. All single-family dwellings shall provide a minimum of two off-street parking spaces.
 - d. Existence of all easements (PGE, storm sewer, etc) on the property that may affect use of lots.
 - e. Language indicating that property is near lands that are in agricultural production and acknowledges that farm uses can result in noise, dust and odors.

- f. Language indicating that property is near the Willow Lake Sewer Treatment Plant and acknowledges that this facility may produce noise and odors.
- g. Provisions for permanent maintenance of the fencing along the outside edges of 17th Ave. and Golden Lane, unless the City agrees that the fence may be constructed within dedicated land and the City agrees to maintain the fence.

Prior to Final Plat approval (Mylar):

- 21. All existing wells on the subject property shall be abandoned. Any existing neighboring well conflicts with proposed sanitary sewers shall be reported to the department of Public Works and a method for resolving the conflict shall be determined prior to the construction of any sanitary sewers on the subject property. A copy of a well abandonment permit from the State Water Resources Department indicating completion of the abandonment of all wells on the property shall be submitted to the Public Works Department.
- 22. Upon approval of the preliminary agreement, a final copy of any CC&R's, Homeowner Agreements, or other instrument shall be submitted to the Community Development Department. The instrument shall conform to the agreements submitted during preliminary plat approval.
- 23. Upon approval of the detailed preliminary plat and engineering plans, a final plat for the subdivision, which conforms to the preliminary plat approval, must be submitted for review to Marion County Surveyor's Office.
- 24. An easement/waiver regarding potential wastewater treatment plant impacts shall be developed and record prior to the final plat being recorded. This mechanism shall be reviewed by the City Attorney.

Prior To Obtaining Building Permit(s):

- 25. No building permits shall be issued until the plat is recorded and all conditions of any construction permits are completed to the satisfaction of the Department of Public Works.
- 26. The applicant shall apply to the City of Keizer for the creation of a Local Improvement District (L.I.D.) for street lighting. Street lighting improvements shall comply with the City regulations and requirements. A L.I.D. shall be obtained prior to obtaining any building permits.
- 27. Six (6) foot high fencing shall be in place along the south, and west property lines adjacent to the proposed streets.

Prior to Obtaining Building Permit Final for each dwelling within the Subdivision:

28. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District.
29. Streetscape trees shall be required to be planted at an interval of one tree per 30 feet of front and side frontage on each lot along the new street. The streetscape trees are in addition to those required by the replacement of any significant trees. The trees shall be planted prior to final inspection approval for each individual lot.
30. No building permits shall be issued until the plat is recorded, and all conditions of any construction permits are completed to the satisfaction of the Department of Public Works.
31. Sanitary sewer permits must be received and/or sewer taps and system development charges must be paid due and payable to the City of Salem.
32. Six foot high fencing shall be in placed along the north property line of Lot 27 thru 34.
33. Each single-family dwelling shall provide at least two off-street parking spaces.

DATED this ____ day of May 2008

Jeffrey B. Litwak
Hearings Officer

CITY COUNCIL MEETING: June 16, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *SURPLUS PROPERTY ORDINANCE*

City staff brought a new surplus property ordinance to Council last year. The reason for the new Ordinance is two-fold. First, there are state statutes regarding police evidence issues that needed to be incorporated into the Ordinance. Second, the current Ordinance calls for all items to be approved by Council every time surplus property is to be distributed. The new Ordinance would create a dollar limit of \$1,000.00 below which City staff could dispose of surplus property pursuant to the requirements of the Ordinance. Upon review, Council had concerns regarding grouping of items for valuation purposes and reporting to Council regarding surplus property activity.

I have amended the Ordinance to address these items. The grouping of items is described in Section 2(C) and Section 4(C). A new Section 5 has been added regarding the annual reporting to Council.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh
attachment

1 BILL NO. ____

A BILL

ORDINANCE NO.

2008-_____

3 FOR

4
5 AN ORDINANCE

6
7
8 DISPOSING OF CITY OWNED SURPLUS PROPERTY,
9 POLICE CONFISCATED UNCLAIMED PERSONAL
10 PROPERTY, CONTRABAND FIREARMS AND OTHER
11 CONTRABAND; REPEALING ORDINANCE 2000-427;
12 AND DECLARING AN EMERGENCY
13

14 WHEREAS, from time to time, the City of Keizer has surplus property, police
15 confiscated unclaimed property, firearms and contraband which needs to be disposed of; and

16 WHEREAS, the City of Keizer desires to create a process which fairly
17 disposes of such property in a manner that best serves the public interests;

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

19 Section 1 - DEFINITIONS.
20

21 A. City-Owned Surplus Property. City-owned property that the department head
22 responsible for its control determines to be of no further use for public purposes, and the
23 City Manager or designee approves such determination.

24 B. Police Unclaimed Personal Property. Property and/or evidence that has been
25 in the custody of Keizer Police Department for more than 60 days following the adjudication
26 of all criminal actions, and/or investigation (if no criminal action is filed) or at the
27 conclusion of any civil action brought against the city, any of which are related to the
28 seizure or impoundment of property. Unclaimed personal property is defined in ORS
29 98.245(1)(b) as property which ownership has not been established after the Keizer Police

1 Department has made a reasonable effort to identify and notify the owner of the property.

2 "Unclaimed personal property" does not include firearms or contraband.

3 C. Contraband Firearms. Firearms which are seized by the Keizer Police
4 Department under ORS 166.250 (unlawful possession of firearms) or 166.270 (certain ex-
5 convicts forbidden to possess arms) and not being held as evidence shall be classified as
6 contraband. Firearms seized under ORS 166.279 (Seizure of concealed weapons) and not
7 being held as evidence shall be classified as contraband.

8 D. Other Contraband. As used herein, "contraband" means any personal
9 property (except firearms) which is unlawful to produce or possess, including, without
10 limitation, illegal weapons, controlled substances as defined in ORS 475.005 and drug
11 paraphernalia as defined in ORS 475.525.

12 Section 2 –DISPOSITION PROVISIONS - CITY-OWNED SURPLUS PROPERTY.

13 Upon approval by the Keizer City Manager or designee, the following provisions apply to
14 City-owned Surplus Property:

15 A. City-owned surplus property with a value of less than \$1,000 per item/group
16 may be traded, donated, sold, destroyed, or transferred with or without consideration to an
17 agency of the State of Oregon, a political subdivision thereof authorized by law to enter into,
18 or an organization which has received Internal Revenue Service tax status as a nonprofit
19 organization.

20 B. City-owned surplus property with a value greater than \$1,000 per item/group
21 may be disposed of through the State of Oregon Surplus Property Program or sold at public
22 auction according to Section 3 of this Ordinance.

C. For purposes of this Section, the value of the surplus property shall be estimated by the City Manager or designee and shall be estimated per item or per group of property items if such grouping reasonably is estimated to net a higher value after expenses of the sale.

D. As an alternative to a public auction or disposition through the State of Oregon Surplus Property Program, the City Manager may solicit proposals from persons or organizations for City-owned surplus property by causing notice to be published in a newspaper of general circulation in the City at least one (1) week prior to the date set for opening of such proposals. Upon recommendation of the City Manager and approval by the City Council, the property shall be sold to the person or organization making the best offer. The property shall be delivered to the successful purchaser upon receipt of full payment.

Section 3 - AUCTION.

A. When the City Manager or designee determines that a public auction is in the best interests of the City, the City Manager or designee shall:

- i. Cause a notice of public auction to be published in a newspaper of general circulation in Keizer at least ten (10) days prior to the date of such auction. The notice shall include at a minimum a list of the property to be sold, and the time and place where the property can be viewed as well as the time and place of the auction itself.
- ii. Insure that all property shall be available for viewing by prospective buyers on the auction premises at least one-half hour prior to sale time.

1 iii. Sell the City-owned surplus property to the highest bidder. The City
2 Manager or designee may establish minimum bids for any and all
3 items. Items may be grouped for sale as particular lots, if it is in the
4 City's best interest to do so. Payment must be made before the
5 property can be removed. Payment shall be in the form of cash,
6 cashier's check, or money order or first party personal check. A receipt
7 shall be issued for each article or lot purchased.

8 B. All articles sold at auction having a title or registration shall require a Bill of
9 Sale. The Bill of Sale shall be signed by the City Manager or designee.

10 C. The City Manager or designee may hire a public auctioneer that is licensed and bonded
11 to conduct the public auction.

12 D. Proceeds from the sale or auction of City-owned surplus property shall be
13 used first to pay all costs associated with such sale or auction, including, but not limited to,
14 expenses of sale, storage and maintenance costs, and any public notice publication costs.

15 Section 4 - DISPOSITION PROVISIONS - POLICE UNCLAIMED PERSONAL
16 PROPERTY, CONTRABAND FIREARMS AND OTHER CONTRABAND.

17 A. Police Unclaimed Personal Property, as defined in Section 1, with a value
18 less than \$1,000 per item/group may be traded, donated, sold, destroyed or transferred with
19 or without consideration to an agency of the State of Oregon, a political subdivision thereof
20 authorized by law to enter into, or an organization which has received Internal Revenue
21 Service tax status as a nonprofit organization.

22

1 B. Police Unclaimed Personal Property, as defined in Section 1, with a value
2 greater than \$1,000 per item/group shall be disposed of in accordance with ORS Chapter
3 98.245. This includes a published statement of “intent to dispose” and posting of the notice
4 in three (3) public places within the city limits of Keizer. Thirty (30) days from the date of
5 publication, the remaining unclaimed personal property with greater than nominal value as
6 defined in Section 1(B) may be disposed of through the State of Oregon Surplus Property
7 Program, sold at Public Auction as described in Section 3, or through other means of
8 disposal as authorized by the Chief of Police and approved by the City Manager or designee.

9 C. For purposes of this Section, the value of the surplus property shall be
10 estimated by the City Manager or designee and shall be estimated per item or per group of
11 property items if such grouping reasonably is estimated to net a higher value after expenses
12 of the sale.

13 D. Contraband Firearms as defined in Section 1.

14 i. Firearms which were seized under ORS 166.250 (unlawful possession
15 of firearms) or 166.270 (certain ex-convicts forbidden to possess
16 arms) and not being held as evidence shall be classified as
17 contraband. Firearms which are in police custody and which have
18 been declared forfeited by the court under ORS 166.279 shall be
19 classified as contraband. In the event a firearm used to facilitate a
20 criminal offense was stolen from its lawful owner and was recovered
21 from a person other than the lawful owner, it shall be returned to its
22 lawful owner as soon as the weapon is no longer needed for

evidentiary purposes and the lawful owner is currently not prohibited from possessing the firearm.

ii. Except as noted in Section 1, firearms classified as contraband shall be destroyed in such a manner that the firearms are rendered wholly and entirely ineffective and useless for the purpose of which they were manufactured.

iii. Upon recommendation by the Chief of Police and approved by the Keizer City Manager or designee, firearms classified as contraband may be used as a service weapon or for demonstration or training purposes or sold per ORS 166.279 (4). However, the proceeds from the sale of such firearms shall be distributed as outlined in ORS 166.279 (4).

E. Contraband.

i. All contraband shall be rendered unusable by destruction in a legally acceptable manner. The destruction of contraband shall be recorded by the Evidence and witnessed by the Evidence Custodian.

ii. Contraband in the form of controlled substances shall also be destroyed in a legally acceptable manner, except when it is authorized by the District Attorney or a court of competent jurisdiction to be used as an investigative tool or for training purposes. In every instance, authorization to use a controlled substance as an investigative tool or as a training tool shall be obtained in writing from the Keizer Chief of

1 Police. All such authorizations shall be in writing and shall
2 accompany the property control report.

3 iii. Controlled substances used as an investigative tool or for training
4 purposes shall be returned to the Evidence Custodian upon completion
5 of the specific investigation or training. Prior to re-submitting the
6 substance(s) to the Evidence Custodian, the investigator shall
7 document and sign a post-investigation or post-training property
8 control report, verifying the substance(s) and weight of the item(s)
9 used.

10 Section 5. REPORT TO CITY COUNCIL. City staff shall report to the City Council
11 no later than August 31 each year for the previous fiscal year. Such report shall indicate the
12 surplus items sold, method of sale and revenue from sales.

13 Section 6. REPEAL. Ordinance number 2000-427, Disposition of Unclaimed Personal
14 Property, Surplus Personal Property, Firearms and Contraband, enacted October 2, 2000, is
15 repealed.

16 Section 7. EMERGENCY. This Ordinance being necessary for the immediate
17 preservation of the public health, safety, and welfare, an emergency is declared to exist and
18 this Ordinance shall take effect immediately upon its passage.

19 PASSED this _____ day of _____, 2008

20 SIGNED this _____ day of _____, 2008

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Mayor

City Recorder

CITY COUNCIL MEETING: June 16, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: KEIZER HERITAGE FOUNDATION (OLD SCHOOL) THIRD AMENDMENT TO GROUND LEASE

As you may know, Keizer Heritage Foundation owns the structure known as the Old Keizer School and has a long term Ground Lease from the City for placement of the Old School. In conjunction with the Civic Center construction project, the parties reviewed the legal description of the leased premises and discovered it needed to be modified.

A survey was completed and a description written to outline the Old School property, not including parking. Pursuant to the discussions between the Keizer Heritage Foundation officials, the City Manager and myself, the parking arrangement is that the new "East Side" parking lot would be for the primary use of the Old School, and all remaining parking would be for the primary use of the City staff, officials and customers.

The attached Third Amendment of Ground Lease covers these issues.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to enter into the Third Amendment of Ground Lease.

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

ESJ/tmh
attachments

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2008-_____

AUTHORIZING THE CITY MANAGER TO ENTER
INTO THIRD AMENDMENT OF GROUND LEASE
(KEIZER HERITAGE FOUNDATION)

WHEREAS, Keizer Heritage Foundation and the City of Keizer entered into that certain Ground Lease on or about July 19, 1995 pursuant to Resolution No. R95-846. The purpose of such Ground Lease was to provide Keizer Heritage with property on the city hall complex to place the Old Keizer School and to allow Keizer Heritage to refurbish such school;

WHEREAS, Keizer Heritage Foundation and the City of Keizer entered into a First Amendment of Ground Lease dated May 24, 1999 pursuant to Resolution No. R99-1110 to allow extension of time for completion of the refurbishment project;

WHEREAS, Keizer Heritage Foundation and the City of Keizer entered into a Second Amendment of Ground Lease dated September 28, 2001 pursuant to minute motion by the City Council on October 2, 2000 to modify the requirement of the Lease so that a formal opinion audit of the Keizer Heritage financial records would not be required;

WHEREAS, Keizer Heritage Foundation and the City of Keizer recognizes a need to amend the Lease a third time to provide for the new Civic Center construction at the city hall complex site. The Third Amendment of Ground Lease amends the legal description of the Premises and clarifies the terms of usage of adjacent parking lots;

1 NOW, THEREFORE,

2 BE IT RESOLVED by the City Council of the City of Keizer that the City
3 Manager is authorized to sign the Third Amendment of Ground Lease, a copy of which
4 is attached.

5 PASSED this _____ day of _____, 2008.

6 SIGNED this _____ day of _____, 2008.

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Mayor

City Recorder

THIRD AMENDMENT OF GROUND LEASE

DATE: _____, 2008

PARTIES:

CITY OF KEIZER,
an Oregon municipal corporation (hereinafter "the City")

KEIZER HERITAGE FOUNDATION, INC.,
an Oregon nonprofit corporation (hereinafter "Keizer Heritage")

RECITALS:

A. The City and Keizer Heritage are parties to that certain Ground Lease signed on or about July 19, 1995. The purpose of such Ground Lease was to provide Keizer Heritage with property on the city hall complex to place the Old Keizer School (the "Building") and to allow Keizer Heritage to refurbish such school.

B. On or about May 17, 1999, the City and Keizer Heritage entered into a First Amendment of Ground Lease to allow extension of time for completion of the refurbishment project.

C. On or about September 28, 2001, the parties entered into that certain Second Amendment of Ground Lease to modify the requirement of the Lease so that a formal opinion audit of the Keizer Heritage financial records would not be required.

D. City and Keizer Heritage recognize the need to amend the Lease at this time to provide for the new Civic Center construction at the city hall complex site. This amendment will allow a change in the legal description of the "Premises" as that term is used in the Ground Lease. In addition, the parties wish to clarify and agree on the terms of usage of adjacent parking lots.

NOW THEREFORE, based on the mutual promises and covenants made herein, the parties agree as follows:

AGREEMENT:

1. The legal description of the leases Premises is amended as set forth on Exhibit "A" and "B" attached and by this reference incorporated herein.

2. As part of the new Civic Center construction, the current parking lot located on the west side of the Old School building will be eliminated to provide for access to the Civic Center. The Civic Center plan provides for a new parking lot to be constructed on the east side of the Premises (Eastside Parking Lot). The City shall construct the Eastside Parking Lot, curbing, sidewalks, landscaping and irrigation pursuant to the site plan attached as Exhibit "C" and by this reference incorporated herein. This parking lot shall be for the primary use of Keizer Heritage employees, volunteers, patrons and other users of the Building. Keizer Heritage is responsible for removing litter and trash on the Eastside Parking Lot, but the City shall be responsible for maintenance and repair of the parking surface, lighting and storm drains.

3. All remaining parking other than the Eastside Parking Lot shall be primarily for non-Keizer Heritage users, including, but not limited to city employees, volunteers, officers and the public doing business with the City.

4. In instances where the primary user of any parking facility as stated above does not require the entirety of their parking, the other user shall have secondary use. The parties shall endeavor to inform one another on a regular basis as to any special events which may require use of the others' primary parking facilities.

5. Except as specifically amended herein, the existing Ground Lease as amended shall continue in full force and effect.

City of Keizer,
an Oregon municipal corporation

By: _____ DATED: _____

Keizer Heritage Foundation, Inc.,
an Oregon nonprofit corporation

By: _____ DATED: _____



City of Keizer
January 9, 2008
Lease Area for Schoolhouse

Beginning at a point marking the intersection of the South right-of-way line of Chemawa Road with the East line of Lot 18, Clover Leaf Farms Subdivision which point bears South $00^{\circ}15'48''$ East 10.00 feet from the Northeast corner of said Lot 18 and being situated in the Northeast Quarter of Section 2, Township 7 South, Range 3 West of the Willamette Meridian in the City of Keizer, Marion County, Oregon;

thence North $89^{\circ}58'05''$ East 4.00 feet;

thence South $00^{\circ}15'48''$ East 176.00 feet;

thence South $89^{\circ}58'05''$ West parallel with the South right-of-way line of said Chemawa Road, a distance of 22.50 feet;

thence southwesterly along the arc of a 25.00 foot radius curve to the left (the chord of which bears South $71^{\circ}31'59''$ West 15.81 feet) a distance of 16.09 feet;

thence southwesterly along the arc of a 25.00 foot radius curve to the right (the chord of which bears South $89^{\circ}58'05''$ West 30.00 feet) a distance of 32.17 feet;

thence northwesterly along the arc of a 25.00 foot radius curve to the left (the chord of which bears North $71^{\circ}35'50''$ West 15.81 feet) a distance of 16.09 feet;

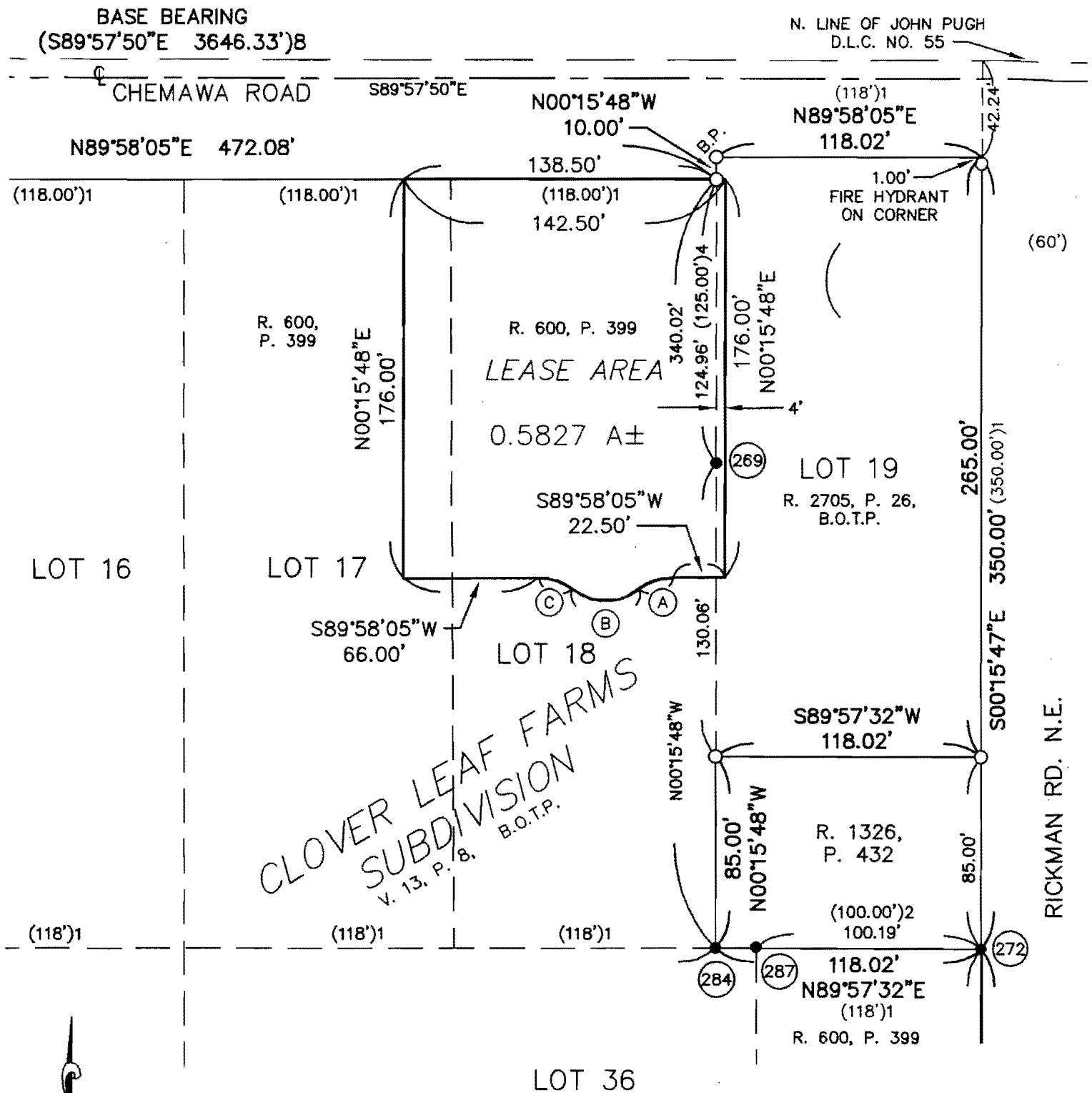
thence South $89^{\circ}58'05''$ West parallel with the South right-of-way line of said Chemawa Road, a distance of 60.00 feet;

thence North $00^{\circ}15'48''$ West parallel with the East line of said Lot 18, a distance of 176.00 feet to the South right-of-way line of said Chemawa Road;

thence North $89^{\circ}58'05''$ East along said right-of-way line, a distance of 138.50 feet to the Point of Beginning.

Contains 0.5827 acres of land, more or less.

EXHIBIT "B"



CURVE DATA TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING & DISTANCE
A	25.00'	36°52'12"	16.09'	S71°31'59"W 15.81'
B	25.00'	73°44'23"	32.17'	S89°58'05"W 30.00'
C	25.00'	36°52'12"	16.09'	N71°35'50"W 15.81'

BARKER SURVEYING CO.
 2035 25TH STREET S.E.
 SALEM, OREGON 97302
 PHONE (503) 588-8800
 FAX (503) 588-8804
 EMAIL: SURVEYING@WV1.COM

SCALE: 1"=60'

MAT 07001

COUNCIL MEETING: June 16, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR**

SUBJECT: Authorization for Appropriation Transfer

ISSUE: The Oregon Department of Revenue Budget manual recommends municipalities pass a resolution appropriating expenditure of bond proceeds issued during the year.

The attached resolution identifies the budget appropriation needed and a brief description the adjustment.

FISCAL IMPACT: The adjustments specified in the attached resolution were anticipated in preparing the fiscal year 2008-2009 budget.

RECOMMENDATION: Staff recommends the council adopt the attached resolution authorizing the expenditure of funds as described in the attached resolution.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2008-_____

AUTHORIZATION FOR APPROPRIATION TRANSFER

WHEREAS ORS 294.450 allows for the transfer of appropriation authority within a fund and for the appropriation of pass-through revenues during the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2008:

Keizer Station LID Fund	<u>Increase</u>	<u>Decrease</u>
Revenue:		
Debt Proceeds	\$27,130,000	
Assessments	2,200,000	
Interest	760,000	
Expenditures:		
Materials & Services	250,000	
Debt Service	27,159,000	
Debt Reserve	2,681,000	

During the fiscal year the Keizer Station LID project was completed. The City needs to repay the line of credit, related issuance costs and reserve requirements with the proceeds from long term bonds issued.

PASSED this _____ day of _____, 2008

SIGNED this _____ day of _____, 2008

Mayor

City Recorder

COUNCIL MEETING: June 16, 2008

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR**

SUBJECT: CITY OF KEIZER COLLECTIONS

BACKGROUND:

The City currently has an agreement with Valley Credit Services to provide collection services to the City of Keizer. The terms of this agreement expire on June 30, 2008. Collection Agency services are needed to pursue collections of delinquent traffic fines owing to the City of Keizer. Assistance of a professional collection agency is needed due to the limited staff available to follow up on these cases. These services are also used to collect other monies owing to the City, such as delinquent water accounts.

ISSUE:

In May, a request for proposals was distributed and five proposals were received. A subcommittee consisting of the Utility Billing Technician, Court Clerk, and the Finance Director reviewed each proposal. The subcommittee unanimously agreed that Valley Credit Service of Salem would be the best candidate to pursue collections for the City of Keizer. The City does not pay for collection agency services on any new accounts turned over to the Collection agency. State statutes allow the collection agency to add a collection fee onto the amount assessed by the City. The maximum fee on most of these collections is 25% of the City's assessed amount.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution authorizing the City Manager to enter an agreement with Valley Credit Service for collection services for the City of Keizer.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2008- _____

3 AUTHORIZING THE CITY MANAGER TO ENTER AGREEMENT WITH VALLEY
4 CREDIT SERVICES FOR COLLECTION SERVICE FOR THE CITY OF KEIZER
5

6 WHEREAS, the City of Keizer has identified a need to collect delinquent traffic
7 fines and other monies owing to the City;

8 WHEREAS, a request for proposals for collection services was distributed in
9 May 2008. Upon receipt of proposals, a subcommittee recommended Valley Credit
10 Services to pursue collections for the City of Keizer; NOW, THEREFORE

11 BE IT RESOLVED by the City Council of the City of Keizer that the City
12 Manager is hereby authorized to execute an agreement, which by this reference
13 made a part hereof and attached as exhibit "A", with Valley Credit Services for
14 collection services for the City of Keizer for a term of three (3) years.
15

16 PASSED this ____ day of _____, 2008.

17 SIGNED this ____ day of _____, 2008.
18

19 _____
20 Mayor

21 _____
22 City Recorder
23
24