

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

A G E N D A

KEIZER CITY COUNCIL
EXECUTIVE SESSION

Monday, June 16, 1997

6:00 p.m.

Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon 97303

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION**
 - a. Pursuant to ORS 192.660(1)(h) - Potential Litigation**
 - b. Pursuant to ORS 192.660(1)(b) - Personnel Issues**
- 4. ADJOURN**

Upon request, auxiliary aids and/or special services for those with disabilities will be provided. To request services, please contact us at 504-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.

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



NOTICE is hereby given that the City Council of the City of Keizer will hold an executive session on Monday, June 16, 1997 at 6:00 p.m. pursuant to ORS 192.660(1)(h) - possible litigation and ORS 192.660(1)(b) - personnel issues.

The Session will be held in the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

Questions regarding this session may be directed to John Morgan or Wally Mull, Co-City Managers at 390-3700.

Dated this 12th day of June, 1997.

Tracy L. Davis
City Recorder

Notice for Information Purposes Only.

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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

Monday, June 16, 1997

7:00 p.m.

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

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on matters not scheduled for public hearing or listed on the agenda.

4. COMMITTEE REPORTS

- a. Council Liaison Reports**
 - Parks Advisory Board - Councilor Miller**
 - Community Policing Committee - Councilor Meier**
 - Claggett Creek Task Force - Mayor Koho**
 - Planning Commission - Council President Keller**
 - Council Management Committee - Council President Keller**
- b. City Manager Recruitment Update/Selection of Screening Committee**
- c. Keizer Police Department Service Awards**

5. OTHER BUSINESS

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

- a. New Business**
- b. Old Business**
 - City Codification Project**
 - Citizens for Class Limits Initiative Petition Update**
 - Wireless Communication Facilities**

6. PUBLIC HEARINGS

- a. ORDER - Appeal of Hearings Officer Decision - Approval of Subdivision - Case No. 97-03 (Reimann)**
- b. Salem-Keizer Baseball Stadium Liquor License Application**

7. **ADMINISTRATIVE ACTION**

- a. **ORDER** - Solid Waste Collection Rate Increase
- b. **RESOLUTION** - Community Policing Committee
- c. **RESOLUTION** - Authorizing Co-City Managers to Sign Keizer Police Association Agreement
- d. **ORDINANCE** - Comp Plan Amendment/Zone Change/Subdivision Case No. 96-05 - Special Policy Area (Whalen/Chandler/Pierce)

8. **CONSENT CALENDAR**

- a. **RESOLUTION** - Awarding Bid for Lockhaven Widening - McLeod to 14th
- b. **ORDER** - Amendment to PUD/Conditional Use/Floodplain Development Case No. 93-02 (Staats Lake)
- c. Authorization of Payment for Lobbyist Services (Measure 47/50)

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications and petitions.

10. **AGENDA INPUT**

JUNE 23, 1997

4:00 P.M. Urban Renewal Agency Meeting

- Urban Renewal Agency 1997/98 Budget Public Hearing and Adoption
- Changing Name of River Road Redevelopment Board

4:30 P.M. City Council Special Session

- City of Keizer 1997/98 Budget Public Hearing and Adoption

JULY 7, 1997

7:00 P.M. City Council Meeting

- Revocation of City Employee Hiring Freeze
- Amendment to Compensation Resolution - Cost of Living Adjustment
- Amendment to Zoning Ord - Wireless Telecommunication Facilities PH

JULY 14, 1997

5:30 P.M. City Council Work Session

- City of Keizer Parks Tour

JULY 21, 1997

7:00 P.M. City Council Meeting

- City of Keizer Employee Compensation Study Implementation

11. **ADJOURN**



June 16, 1997

AGENDA ITEM 4c

KEIZER POLICE DEPARTMENT SERVICE AWARDS

CITY COUNCIL MEETING OF JUNE 16, 1997

AGENDA ITEM NO. 4c

TO: MAYOR AND CITY COUNCIL
THRU: WALLY MULL, CO-INTERIM CITY MANAGER
FROM: LT. C. PATRICK BOWE 
SUBJECT: **POLICE DEPARTMENT SERVICE AWARDS**

The police department is proud to present service awards to the following officers:

Raymond C. Byrd	5 year service award; hired as police officer on March 15, 1992
Juan J. Mendoza	5 year service award; hired as police officer on March 16, 1992
Edwin D. Sigurdson	Appointed as reserve officer on August 17, 1988; Officer Sigurdson has attained the age of 55 and has elected to retire from the reserve program with nearly 9 years of volunteer service

cp



June 16, 1997

AGENDA ITEM 5b

OLD BUSINESS REPORT

City Council Meeting: June 16, 1997

Agenda Item: 5b

TO: Mayor Koho and City Council Members

SUBJECT: Old Business Report

- **City Codification Project**
- **Citizens for Class Limits Initiative Petition Update**
- **Wireless Communication Facilities**

**City Codification Project
(Tracy L. Davis - City Recorder)**

In 1992, the City of Keizer entered into an agreement with Sterling Codifiers of Weiser, Idaho to codify the City's charter and adopted legislation between 1982 and 1992. The total cost of the entire project was quoted at \$8200. This cost was based on the amount of adopted documents during the initial ten years of the City. In 1993 a draft code workbook was compiled and returned to the City with numerous clarifications and questions. The workbook was reviewed by each of the departments and discussed at several staff meetings. In December, 1995 the draft work book was finally returned to Sterling Codifiers for completion of this project.

During a phone conversation with Sterling Codifiers in March of 1996, City Manager Dotty Tryk approved a request to include the added legislation adopted between 1992 and 1996. In addition, the adopted development code ordinance will be incorporated in this document. These additions will cost \$3200, bringing our total cost of the project to \$11,500. To date, the City has paid \$5,740 towards this amount. This project should be very beneficial to the City Council, employees and citizens upon completion.

If there are any additional questions regarding this project, please let me know.

**Citizens for Class Limits Initiative Petition Update
(Tracy L. Davis - City Recorder)**

On May 19, 1997 Lesli McBride and Theresa Thomson, chief petitioners of Citizens for Class Limits filed a prospective petition for an initiative measure with the City. This initiative is a charter amendment which will prohibit city approval of funding for school facilities not meeting the class size limitations. Following the election law guidelines, it

has been determined the petition complies with the single subject ruling and a ballot title has been drafted by City Attorney, Shannon Johnson. The ballot title was published in the Statesman Journal and Keizertimes last week to allow any registered voter to file a petition for review in Marion County Circuit Court of the ballot title. The challenge period ends on June 13, 1997. If a review is not requested, the petitioners may begin collecting the 2,435 (15% of the Keizer registered voters on May 19, 1997) valid signatures required to perfect the petition. It is anticipated this matter will be reviewed by the City Council at the September 2, 1997 meeting. If successful, this matter will be placed on the November 4, 1997 ballot. A copy of the ballot title is attached for your review.

**Wireless Communication Facilities
(John Morgan - Interim Co-City Manager)**

Staff is working on two fronts to resolve the wireless communication facilities issue. A hearing is scheduled for July 7, 1997 to consider an amendment to the zoning ordinance creating regulations on such facilities. The regulations are based on the Springfield ordinance as a model.

On the second front, staff has reached a tentative agreement with Western Wireless for establishment of a mono-pole on City Hall property at the east end of the Police impound yard immediately west of the Auditorium. This pole is to be sized so that it can have three providers on it in a co-location situation. Final design issues are being resolved and financial agreements reached. The proposal is scheduled to be before the Council on July 7th for consideration.

Note: If you have a matter that you would like to see under an old business report, please contact one of the members of the Council Management Committee to forward to the appropriate department.

**NOTICE OF BALLOT TITLE RECEIPT AND FINDING OF COMPLIANCE WITH
SINGLE SUBJECT REQUIREMENT OF OREGON CONSTITUTION**

Regarding a prospective petition for an initiative measure for Keizer to limit school class sizes filed by chief petitioners, Leslie McBride and Theresa Thomson, notice is hereby given that:

- (1) As Election Officer for the City of Keizer, I have reviewed the proposed measure and have determined it to be in compliance with the single subject requirements of the Oregon Constitution.
- (2) The following ballot title was filed with my office by the Keizer City Attorney for the proposed initiative on June 4, 1997:

BALLOT TITLE

CAPTION: AMENDS CHARTER: LIMITS CLASS SIZE IN PUBLIC SCHOOLS

QUESTION: Shall city charter limit class size in public schools, prohibit city approval or funding of school facilities not meeting limits?

SUMMARY: Amends charter. Limits average number of kindergarten through 12th grade students per public school classroom, depending on grade. Limits are 25 to 28 students in 1997-98 school year, 24 to 27 in 1998-99, 23 to 26 thereafter. Excludes music and physical education. School district board to implement limits without reducing sports, music, field trips below 1996-97 levels. Prohibits city approval of new school facilities, transfer of city funds or property to district for additional school facilities unless necessary to comply with limits.

Persons dissatisfied with the finding of single subject compliance or with the language of the ballot title, may file a petition for review with the Marion County Circuit Court. Any such petition must be filed with the Court not later than **5:00 p.m. on June 13, 1997.**

Dated this 4th day of June, 1997.

Tracy L. Davis
Keizer City Recorder/Elections Officer



June 16, 1997

AGENDA ITEM 6a

**ORDER - APPEAL OF HEARINGS OFFICER DECISION -
APPROVAL OF SUBDIVISION - CASE NO. 97-03 (REIMANN)**

CITY COUNCIL MEETING: June 16, 1997

AGENDA ITEM NUMBER: 6a

TO: MAYOR KOHO AND COUNCIL MEMBERS
THROUGH: JOHN MORGAN, COMMUNITY DEVELOPMENT DIRECTOR
FROM: E. SHANNON JOHNSON, CITY ATTORNEY
SUBJECT: SUBDIVISION CASE 97-03 (REIMANN ASSOCIATES)
DATE: June 12, 1997

DISCUSSION:

The Council continued the hearing in the above referenced case to this evening. Because the hearing is still open, the Council did not direct our office to prepare an appropriate Order in the matter. However, upon review of the planning department file, it appears that the 120 day deadline for decision will be up within a few days.

Therefore, I have prepared a proposed Order which does not directly discuss the issue of the appeal regarding sanitary sewers. Instead, I have provided two alternatives for Council's consideration. Alternative "A" favors the applicant's position (Reimann Associates). Alternative "B" favors the appellant's position (Derek L. Brown Associates, Inc.). One of the alternatives may be chosen after the hearing is closed.

ALTERNATIVE "A"

Add the following to the findings set forth in Exhibit "C" (Facts):

The Master Sewer Plan-1994 Update shows an existing trunk line in Wheatland Road. Such trunk line will eventually connect to the proposed Barnick Road line which will flow from west to east. Currently, the Wheatland Road line flows to a pump station on Wheatland Road south of the subject property. Such pump station is a temporary facility. The update plan calls for sewer lines served "solely by gravity lines in the future."

FINDING: The City Council interprets the phrase in the Master Sewer Plan-1994 Update ("solely by gravity lines in the future") to mean when the entire master plan trunk lines are completed, all service will be by gravity lines. The Master Sewer Plan-1994 Update acknowledges the existing line in Wheatland Road. Such trunk line is an appropriate connection point for the subject subdivision. Applicant has stipulated to a condition in which the sanitary sewer service for the subdivision will

connect at such point, and such stipulation shall be made a condition of approval.

Add the following condition to Exhibit "E" (Action):

Applicant shall connect all sanitary sewers to the Wheatland Road sewer line which currently flows to a pump station. Such line is part of the master plan trunk lines which will connect to the proposed line in Barnick Road.

ALTERNATIVE "B"

Add the following to the findings set forth in Exhibit "C" (Facts):

The Master Sewer Plan-1994 Update shows an existing trunk line in Wheatland Road. Such trunk line will eventually connect to the proposed Barnick Road line which will flow from west to east. Currently, the Wheatland Road line flows to a pump station on Wheatland Road south of the subject property. Such pump station is a temporary facility. The update plan calls for sewer lines served "solely by gravity lines in the future."

FINDING: The City Council interprets the phrase in the Master Sewer Plan-1994 Update ("solely by gravity lines in the future") to mean that all sewer lines installed after the date of adoption of the master plan update shall be connected to gravity sewer trunk lines only. Applicant cannot connect to the Wheatland Road sewer line because such line is served by a temporary pump station, and is therefore not a gravity line.

Add the following condition to Exhibit "E" (Action):

Applicant shall not connect the sanitary sewers for the subdivision to the Wheatland Road sewer trunk line. Applicant shall connect such sanitary sewers to the lines in the subdivision to the northeast (Derek L. Brown Associates - Case No. CPU/LLA 97-01).

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

ESJ/tmh

The

ROBERT S SIMON
Law Firm

Reply To:

712 Main Street
Oregon City, Oregon 97045
(503) 557-0409
(503) 656-2281 facsimile

Portland, Oregon	(503) 241-8112
McMinnville, Oregon	(503) 472-6767
Salt Lake City, Utah	(801) 595-0475
Scottsdale, Arizona	(602) 443-1474
Toll Free	(888) 524-5075
Emergency	(503) 250-6767
Internet	RSSimonlaw@AOL.com

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Robert S Simon,
Member Oregon, Washington, California State Bars; Northwestern School of Law at Lewis & Clark College, J.D. Natural Resources Certificate; Member of the Hon. Gus J. Solomon Chapter-American Inns of Court;
Member of the Transportation Lawyers Association; Affiliate of the Oregon Board of Realtors; Affiliate of the Metro Multifamily Housing Association.

June 6, 1997

Mr. John Morgan,
Community Plan Director
903 Chemawa Road, N.E.
P.O. Box 21000
Keizer, Oregon 97307-1000

VIA FIRST CLASS U.S. MAIL

RE: Applicant: Reiman Associates
File No.: Subdivision Case No. 97-03
Appellant: Derek L. Brown Associates, Inc.
Re: Filing of Amended Notice of Appeal

Dear Mr. Morgan:

The Appellant has amended the appeal as marked on page four (4). That amendment reflects that the sewer line is constructed west to Timothy Road and then planned further West to Wheatland Road, as is marked in Exhibit 11, a map provided by the program engineer, Mark Grenz, which shows the construction of the eight (8) inch line and the planned eight (8) inch line segments.

Enclosed for filing in the above-referenced matter is the original Amended Notice of Appeal and eight (8) copies. Please complete the attached confirmation card after filing. The changes in the amendment are consistent with the concerns of the City Counsel regarding the existence of the eight (8) inch sewer line. The eight (8) inch line is constructed up to Timothy Lane. It is planned to extend west to approximately Wheatland Road.

The Applicant has agreed to a condition of approval requiring connection at the Wheatland Road pump station. As part of that condition the applicant should be required to pay for a capacity analysis which states the number of homes that can use the system. The applicant should be required to state on his deeds that the sanitary sewer system is a temporary system thus ensuring that no one is defrauded. The City should decide on a method for allocating the excess pump station capacity in the future so Mr. Brown may apply to use it.

The ROBERT S SIMON Law Firm

June 6, 1997

Page 2

The appellant continues to assert that the eight (8) inch sewer line he constructed and plans to construct should be used by the applicant for at least the eastern half of his subdivision. This requirement should be another condition of approval.

Finally, the underlying issue here is that the white guy gets to use the pump station for a cost of \$20,000-30,000. The black guy has to spend \$250,000 to bring sewer to his manufactured dwelling park. It is evident that affordable housing, which purchased by the working poor minorities, the disabled, single parents, and women is treated much differently from subdivision lots purchased by the more affluent, white population. The decision to not allow Mr. Brown to use the pump station for his park is a violation of the state and federal Fair Housing Laws. Therefore, the City should enforce our suggestions as a fair compromise to resolve this blatant discrimination.

I will not be able to attend the June 16, 1997 meeting as I previously informed you. Therefore, I request that an opportunity be afforded to the Appellant to rebut any new evidence or argument presented by the Applicant.

Sincerely,



Robert S Simon
for The Robert S Simon Law Firm
Attorneys for Derek L. Brown Associates Inc.

RSS:skc

cc: Client

Encl: Amended Notice of Appeal (original and 8 copies)

Robert S Simon, OSB 90120
for The Robert S Simon Law Firm
712 Main Street
Oregon City, Oregon 97045
(503) 557-0409

Attorney for Appellant

AMENDED NOTICE OF APPEAL

Applicant:	Reiman Associates
File No.:	Subdivisions Case No. 97-03
Appellant:	Derek L. Brown Associates, Inc.
Appeal Fee:	\$150, check no. 2567 (paid 5/23/97)
Appeal Deadline:	May 23, 1997 (postmark)
Written Appeal:	See attached narrative.
Applicable Criteria:	Section VIII (8) <u>Appeal</u> , Keizer Subdivision and Partition Ordinance (KSPO), Section 4.13(g), Keizer Zoning Ordinance (KZO) Master Sewer Plan Update, pages 6-1, 6-2, 6-3 Section III (E) Keizer Comprehensive Plan January 1987.

I. APPEAL PROCEDURE:

The appeal procedure for a subdivision application is set forth in Section VIII (8), of the Keizer Subdivision and partition Ordinance (KSPO). The KSPO states as follows:

APPEAL The decision of the Hearing Officer may be appealed to the City Council as provided in the zone code for an appeal of a Hearings Officer decision on a zone change.

The appeal process is directed to the Keizer Zoning Ordinance (KZO). Chapter 4 addresses "Zone Change" issues, and Section 4.13 specifically sets forth the process for appeal to the City Council. Section 4.13(g) read as follows:

If someone with standing requests a hearing pursuant to section 4.13 (d), the Council shall hold a de novo hearing following notice procedures set forth in 4.13 (b) and issue its decision taking the appropriate action.

The appeal is "de novo" to the City Council. This means that new evidence may be submitted, and the City is not bound by the determination of the Hearings officer.

The Appellant has filed the Notice of Appeal within ten (10) days of receiving notice of decision. **Exhibit 1.** The filing is consistent with Section 4.13 (d) which reads as follows:

Those with standing may, within 10 days of notice of recommendation, request that the Council hold a hearing before taking action on the Hearings Officer's or Planning Commission's recommendation. The request shall explain wherein the Hearings Officer or Planning Commission failed to conform to the provisions of this ordinance.

The Code does not authorize an appeal fee, but the City has imposed one of one hundred fifty dollars (\$150.00). **Exhibit 2.** The applicant has paid the one hundred fifty dollars (\$150.00) by check. **Exhibit 3.**

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There are additional notice procedures for this appeal set forth in Section 4.13 (b):

Mailed notice shall not be required for subsequent hearings on the same proposal. If more than 50 ownerships are involved, the Zoning Administrator may substitute posted notice. The notice shall be posted along the nearest public road at the boundaries of the affected area. The notice shall be visible from the public road, indicate "notice of public hearing on proposed land use change for this area" and provide a phone number where information on the proposal can be obtained.

A signed certification of notice describing the types of notice, the date notice was provided, a copy of any mailing list, and other information that demonstrates that the notification requirements have been met, shall be placed in the record of the initial hearing.

Notice and conduct of the hearing shall comply with the requirements of Section 5.10 (e) and 5.12. A notice shall be published in a newspaper of general circulation in the affected area one or more times at least 10 days prior to the date of the hearing. The notice shall provide information prescribed for mailed notice under section 5.10 (e). Notice of the initial hearing shall be provided to the State Department of land Conservation and Development, to the Chairman of the Citizen Involvement Committee, and to any person who requests, in writing, notice of the initial hearing.

There are no specific forms for appeal, and the City allows for the post marking of the Notice of Appeal to satisfy the deadline requirements. **Exhibit 2.**

II. APPELLANT'S NARRATIVE:

The Appellant, Derek L. Brown Associates, Inc., appeared below in writing at the public hearing dated February 25, 1997. **Exhibit 4.** The issues raised focused upon how sanitary sewer service would be provided to the applicant's subdivision. The Code requires that the Applicant must serve the development with an "authorized sewage disposal system." The applicant proposes to connect his subdivision to the Wheatland Road Pump Station which is a temporary facility. The Appellant has constructed at his own cost a gravity sewer

line extending west to Timothy Lane and planned to extend further west to Wheatland Road, Exhibit 11, which can serve most of the proposed subdivision as is, and wants the city to require the applicant to connect to that line.

The subdivision approval criteria (KSPO) at Section III (1) requires that the development be consistent with the Comprehensive Plan and other city policies. Specifically, KSPO Section III (1) reads as follows:

CONSIDERATIONS FOR APPROVAL OR DENIAL When considering a subdivision or partitioning plan, the City shall consider whether or not it is in accordance with the **Comprehensive Plan and its complementary ordinances and all other land development policies of the city of Keizer**. In reviewing an application, the City may prescribe conditions or make changes or modifications to the proposed subdivision or partitioning plan to bring it into conformance with any applicable ordinances or regulations.
(Emphasis added)

The applicant's proposal to connect to the Wheatland Road Pump Station is directly contrary to the Master Sewer Plan Update Policy for Basis 36 in which the subject property is located. The update Plan is a "land development polic[y]" of substantial importance in the Wheatland Road area. Specifically, the update Plan calls for the Wheatland Road area to be served "solely by gravity lines in the future." (Emphasis added). See, Master Sewer Plan Update 1987, Chapter 6, p 602. **Exhibit 5**. The applicant plans to use the pump station in his application. **Exhibit 6**. The pump station is not a gravity line and it is a "temporary" facility. The adjacent property, owned by the Appellant has an eight inch (8") line with sufficient capacity to carry most of the subdivision flow as is. If properly graded, then all of the subdivision could be served. The applicant's engineer agrees to the assessment of the eight inch (8") system capacity. **Exhibit 7**.

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If the site is properly graded, then the applicant could place all of these homes on the eight inch (8") line. Therefore, the gravity line exists, and the Master Sewer Update Plan commands that the applicant use it.

The City of Keizer Comprehensive Plan encourages land use decisions which use permanent and easily extended public services. Specifically, the Plan states under Section III (E)(1)(a)(4):

Urban expansion accomplished through in-filling within and adjacent to existing development in an orderly, unscattered fashion permits new development to utilize existing utilities, services and facilities or those which can be easily extended.

The pump station is a temporary facility, and a subdivision should not be based on a temporary utility when a City owned gravity line exists and can be "easily extended." **Exhibit 8.** A map showing the location of the gravity line shows its close proximity to the applicant's property. **Exhibit 9.** Also evident is that the eight inch (8") line serves many of the purposes of the planned ten inch (10") lateral line envisioned in the Master Sewer Plan Update. **Exhibit 10.** Thus, the need for the pump station shall diminish as the eight inch (8") line and the planned lateral line are used together for gravity flow.

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III. CONCLUSION:

The Applicant plans to use the Wheatland Road Pump Station for its subdivision. such a proposal violates the KSPO, the Master Sewer Plan Update, and the Comprehensive Plan policies to force new development to use gravity lines. Therefore, the City must condition the subdivision approval on the connection of sanitary sewer to a gravity line rather than a temporary facility.

DATED THIS June 6, 1997.



Robert S Simon, OSB 90120 / WSB 20382
for The Robert S Simon Law Firm
Of Attorneys for Appellant

CERTIFICATE OF FILING

I hereby certify that on June 6, 1997, I filed the original and eight (8) copies of the **AMENDED NOTICE OF APPEAL** with Mr. John Morgan, Community Plan Director, City of Keizer, 930 Chemawa Road, N.E., P.O. Box 21000, Keizer, Oregon 97307, by hand-delivering said documents to the individual(s) indicated above / by placing said document in a sealed envelope, addressed to the individual(s) indicated above with the postage prepaid, mailed via first class, and deposited with the U.S. Postal Service on the date below written.

DATED THIS June 6, 1997.



Robert S Simon, OSB 90120 / WSB 20382
for The Robert S Simon Law Firm
Of Attorneys for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing **AMENDED NOTICE OF APPEAL** on the individual(s) indicated below by **hand-delivering said documents to the individual(s) indicated below / by placing said document in a sealed envelope, addressed to the individual(s) indicated below, with the postage prepaid, mailed via first class, and deposited with the U.S. Postal Service** on the date below written.

Mr. John Morgan
Community Plan Director
City of Keizer
930 Chemawa Road, N.E.
P.O. Box 21000
Keizer, Oregon 97307-1000

DATED this June 6, 1997.



Robert S Simon, OSB 90120 / WSB 20382
for **The Robert S Simon Law Firm**
Of Attorneys for Appellant

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE APPLICATION OF REIMANN
4 ASSOCIATES FOR CONCEPTUAL APPROVAL OF A 57-LOT
5 SUBDIVISION ON A 12.07 ACRE PARCEL IN THE VICINITY
6 OF THE NORTHEAST CORNER OF WHEATLAND ROAD
7 NORTH AND BAIR ROAD NORTH (CASE NO. K-SUB 97-03)

8 The City of Keizer orders as follows:

9 Section 1. THE APPLICATION. This matter came before the Keizer
10 City Council on the appeal of Derek L. Brown Associates, Inc. from the
11 Hearings Officer's decision dated April 8, 1997. The Hearings Officer granted
12 approval of the subdivision to the applicant to allow a 57-lot subdivision on a
13 12.07 acre parcel located on the east side of Wheatland Road within the 7600
14 block (Township 6 South; Range 3 West; Section 23CD; Tax Lots 101 and
15 102).

16 Section 2. JURISDICTION. The land in question in this Order is within
17 the city limits of the City of Keizer. The City Council is the governing body
18 for the City of Keizer. As the governing body, the City Council has the
19 authority to make final land use decisions concerning land within the city limits
20 of the City of Keizer.

21 Section 3. PUBLIC HEARING. In addition to the public hearings held
22 before the Hearings Officer, public hearings were held before the Keizer City
23 council on June 2, 1997 and June 16, 1997. The following persons either
24 appeared at the June 2, 1997 hearing or provided written testimony on the
25 application before the Council:

- 1 1) John Morgan, Community Development Director
- 2 2) Kenneth Sherman, Jr., Applicant's Attorney
- 3 3) Robert S. Simon, Appellant's Attorney
- 4 4) Derek L. Brown, Appellant's Representative
- 5 5) William Peterson, City Engineer

6 Section 4. EVIDENCE. Evidence before the City Council in this matter
7 is summarized in Exhibit "A" attached.

8 Section 5. OBJECTIONS. No objections have been raised as to notice,
9 alleged conflicts of interests, bias, evidence presented or testimony taken at the
10 hearing. The applicant objected to jurisdiction due to the appeal being untimely,
11 but requested the Council to hear the merits of the case without waiving its
12 argument regarding the untimely appeal. (See Exhibit "A".)

13 Section 6. CRITERIA AND STANDARDS. The criteria and standards
14 relevant to the decision in this matter are set forth in Exhibit "B" attached.

15 Section 7. FACTS. The facts before the City Council in this matter are
16 set forth in Exhibit "C" attached.

17 Section 8. JUSTIFICATION. Justification for the City Council's decision
18 in this matter is explained in Exhibit "D" attached.

19 Section 9. ACTION. The decision of the City Council is set forth in
20 Exhibit "E" attached.

21 Section 10. FINAL DETERMINATION. This Order is the final
22 determination in this matter.

1 Section 11. EFFECTIVE DATE. This Order shall take effect
2 immediately upon its passage.

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

6 PASSED this ____ day of _____, 1997.

7 SIGNED this ____ day of _____, 1997.

8
9

Mayor

10
11

City Recorder

EXHIBIT "A"

Evidence

Official notice has been taken of the Planning Department files and reports in this matter, including the application and exhibits contained therein.

Mayor Koho opened the public hearing on June 2, 1997.

Shannon Johnson, City Attorney, requested the reading of the applicable criteria as outlined in the staff report be waived at this time. There were no objections raised by any of the parties members of the audience. In addition, there were no announcements of conflict of interest, ex parte contacts or defective notices in this case.

John Morgan, Community Development Director, reported this is an appeal of the hearings officer's approval of a subdivision located on the east side of Wheatland Road in the Clear Lake area, which is a division of 12.07 acres into 57 lots. The applicant in this case is Reimann and Associates. Mr. Morgan noted this is one of several new developments in this area. The applicant has met all the criteria for development in the zone, however the issue of the appeal brought forth by an adjacent property owner is the hookup of the sewer lines. Mr. Morgan pointed out the standard conditions of approval for sewer issues are standard requiring the applicant to obtain sewer permits, connection to existing sewers will be the responsibility of the developer, and sewers shall be constructed through the development as a system that will provide public sewer service to adjacent property. Mr. Morgan indicated there is nothing specific in the conditions of approval that require the actual location or direction of the sewer line. These issues are covered through the design process and discussions with the city engineering staff.

Mr. Morgan stated the issue of the appeal brought forth by adjacent property developer, Derek Brown pertains to obligating Mr. Reimann to hook up to his sewer line as opposed to connections on Wheatland Road.

Mr. Johnson confirmed there is not a reimbursement agreement in affect with Mr. Brown at this time.

Ken Sherman Jr., 687 Court Street, Salem, announced he is the attorney representing the applicant, Mr. Reimann, on this matter. Mr. Sherman pointed out this is a 12.09 parcel of property, owned by Jack Yarbrough, located in the 7600 block of Wheatland Road. Mr. Reimann is attempting to divide this parcel into 57 single family lots ranging from 5562 to 8529 square feet with an average density of 4.91 units per acre. Mr. Sherman requested the testimony and evidence presented at the February 25, 1997 hearing before the Keizer Hearing's Officer be made part of this proceeding.

Mr. Sherman pointed out the first objection to the appeal is the violation of an oral agreement made on March 5, 1997 between Mr. Reimann and Mr. Brown. Mr. Sherman presented a memorandum from Mark Grenz, Multi-Tech Engineering, (exhibit a) outlining the conversation and oral agreement of this date. He noted the parties in this matter had agreed not to appeal the subdivision approvals in each of their cases.

Citing his second objection, Mr. Sherman indicated the appeal is invalid due to the time the appeal was filed. Mr. Sherman reviewed the Section VIII of the city's Subdivision and Partitioning Ordinance provides that Hearings Officer decisions in subdivision cases may be appealed to the City Council as provided in the zone code on a zone change. This section states an appeal of the hearings officer decision on a zone change is final unless it is appealed to the City Council within 10 days of the date it was issued. Mr. Sherman pointed out the decision was issued on April 8, 1997, therefore the appeal period expired on April 18, 1997. Mr. Robert Simon, attorney for Mr. Brown filed the appeal on May 27, 1997. The appeal was filed using sections 4.13(d) and (g) of the zoning ordinance as the guidelines. Mr. Sherman pointed out there seems to be some conflict with the content of these sections, however he feels section 4.11 (a) overrides the other section.

In discussing this issue with Mr. Johnson, Keizer City Attorney, it was agreed the analysis of the two sections indicate the filing period for the appeal is ten days, however there was an error by the City in not providing Mr. Simon with a copy of the hearings officer decision in a timely manner. Mr. Sherman recommended amending section 4.11(a) to be reviewed and possibly amended to give reasonable opportunity for citizen involvement. In conclusion, Mr. Sherman requested this matter not be dismissed on the lateness of the appeal filing. In regards to the appeal, Mr. Sherman requested the Council hear the appeal and then deny it based on the lack of merit.

Mr. Sherman explained this appeal is frivolous due to the fact that Mr. Brown nor his attorney did not participate or provide oral testimony during the hearing, only submitted a letter. Mr. Sherman distributed a copy of this letter (exhibit b) which requests the hearings officer to place conditions on the approval of the subdivision. One of the requested conditions states the applicant shall be required to commit to a sanitary sewer connection at the Wheatland Road pump station. However, the letter of appeal is based on the request the applicant be required to connect to the gravity sewer line which has been constructed by Mr. Brown his own cost. This contradicts the previous request, in which the hearings officer granted, to commit to a sanitary sewer connection at the Wheatland Road pump station. Mr. Sherman believes this is an abuse of the land use process.

Furthermore, Mr. Sherman pointed out the appeal notice also is a mis-statement of fact. The gravity sewer line constructed by Mr. Brown, and indicated on a map attached to Mr. Brown's appeal notice, does not exist in entirety. Mr. Sherman questioned how Mr. Reimann can be required to hook up to this sewer line if it does not exist.

In discussing this development with the City Engineer as it relates to the City's master sewer plan, Mr. Sherman pointed out by allowing these interim arrangements (Mr. Brown's eight-inch sewer line and Mr. Reimann's temporary hook-up to the Wheatland pump station) development of these north properties can occur which would generate significant system development charges which can be used for the permanent sewer line construction as indicated in the master plan.

In regards to Mr. Simon's notice of appeal, Mr. Sherman indicated Mr. Reimann's development plans show hooking into the existing gravity line on Wheatland Road and run from that point south down to the pump station. In addition, section VI(3) of the subdivision ordinance states a partial development on a planned scale may utilize temporary methods of providing sewage disposal and water supplies may be authorized. This authorization by the City was granted upon the condition that the development be hooked up to the trunk line when it is built. Furthermore, the most significant shortcoming of Mr. Simon's argument that Mr. Reimann is deviating from the sewer master plan, is that Mr. Brown will not be able to use the permanent eight-inch sewer line he supposedly built.

Mr. Sherman believed Mr. Brown appeal is based upon an attempt to get financial reimbursement from Mr. Reimann if the City requires the connection to his sewer line. However, Mr. Brown's sewer line is not a reimbursable line as defined in the sewer master plan. This is evident in the letter (exhibit c) sent to Mr. Brown's engineer, Mark Grenz on November 14, 1996. Also, the notice of appeal contains an additional inaccurate statement in regards to the proper grading of Mr. Reimann's development. Mr. Sherman pointed out there would not be any way for Mr. Brown's line to service the westerly portion of Mr. Reimann's development.

In summary, Mr. Sherman believed the appeal is in breach of an agreement between the applicant and the appellant; the appeal was not timely filed; it is frivolous in asking for an overturn of the ordered condition, when in fact the condition was requested by Mr. Brown; it is based upon incorrect information that Mr. Brown's sewer line is in place and ready to be hooked up to; and it maintains the City has no flexibility to approve temporary arrangements.

Robert Simon, 712 Main Street, Oregon City, announced he is the attorney for the appellant, Mr. Derek Brown. He suggested that Mr. Reimann connect to Mr. Brown's eight-inch sewer gravity feed line to service his property or Mr. Reimann disclose to the purchasers of his lots that he has a temporary sewer facility. Mr. Simon explained that the misstatement regarding the completion of the sewer line in the notice of appeal was not intentional. Mr. Brown pointed out the hearing's officer approved an authorized sewer system for Mr. Reimann, however he did not indicate which direction it should go. Furthermore, the approval was to a temporary facility on Wheatland road. Mr. Simon explained the application in a land use matter may be considered part of the approval process, and therefore the map submitted by Mr. Reimann shows the lines going to the Wheatland road pump station. Mr. Simon

believes this was done so fictitiously, so the initial letter of appeal asked for clarification and commitment on the direction. This information would clarify the amount of capacity available at the pump station. Mr. Simon explained a denial of a request for an adjacent property developer to hook up to the temporary pump station was denied due to the fact it was for a mobile home park. Mr. Brown also will be developing a mobile home park in the future in this area and would like to hook up to the pump station. Mr. Simon questioned the approval process indicating who is allowed to utilize the extra capacity and hook up to a temporary pump station. Mr. Brown reiterated the notice of appeal only asked for clarification and did not misrepresent the facts.

Mr. Simon explained that Mark Grenz of Multi-Tech Engineering is responsible for approximately 80% of the engineering in this area. Due to a earlier dispute between the developers, Mr. Grenz expressed his consideration of resigning from this case. This delayed the engineering plans being submitted to the City for the completion of the eight-inch sewer line on Mr. Brown's property. Mr. Simon believes there is no difference between actually having the line in the ground and having the plans submitted to the City Engineer and being bonded to go forth. However, due to the possible resignation of Mr. Grenz, the plans were not completed and submitted. Mr. Simon disclosed this sewer line can serve the easterly half of Mr. Reimann's 57-unit development.

Mr. Simon noted the eight-inch gravity sewer line works because of the topography. Mr. Brown will spend approximately \$250,000 to bring in this sewer line to facilitate the master sewer plan, ahead of schedule. Mr. Simon hoped Mr. Reimann would hook up to this line and pay for this privilege to do so. By participating in the cost of this line, it will ultimately reduce the costs to the consumer and provide affordable housing for those moving to Keizer. Mr. Simon reiterated his request for the City to order Mr. Reimann to hook up to his sewer line or to disclose to the buyers of his lots the sewer system is a temporary facility.

Responding to a question from Mayor Koho, Mr. Simon confirmed his misstatement in the letter of appeal requesting Mr. Reimann be ordered to connect to the existing line. The line did not exist at that time.

Mr. Simon believed the appeal was filed timely. As an appellant and a participant in the previous hearing, they are entitled to a notice of the decision according to the zoning ordinance and state statute. Mr. Simon noted the notice of decision was personally received from the City Planner and the notice of appeal was filed within 10 days of that date.

In response to questions from Councilor Miller, Mr. Simon noted he had not reviewed the exhibits submitted, except exhibit b, until this evening. Furthermore, he has not had an opportunity to discuss the meeting of March 5, 1997 held in Mr. Grenz's office with his client. Mr. Simon confirmed he did not attend this meeting with his client.

Councilor Whalen questioned the process and documentation of the plans for the sewer line construction up until Mr. Grenz's resignation a week ago. Mr. Simon replied the process is very cooperative between Mr. Grenz and the City Engineer and the review of the plans would be expedited and Mr. Brown acquire the performance bond. During a meeting with City staff on May 13th, he was informed it would be two weeks before having the final plans completed so the performance bond for improvement could be obtained and submitted. Mr. Brown anticipated at the time of this hearing, the plans would have been submitted and the performance bond obtained so there would be no issue regarding the construction of the sewer line. Mr. Brown voiced his uncertainty if Mr. Grenz has completed the plans.

Mr. Simon indicated the method of reimbursement would be a hook up charge per dwelling under a pro rata formula.

Mr. Simon stated if Mr. Reimann is allowed to go to the temporary facility on Wheatland road, then there is not an opportunity to discuss utilizing Mr. Brown's sewer line and potential reimbursement. Mr. Simon apologized for his misstatement of facts regarding the existence of the sewer line in the notice of appeal and asked that this not be held against his client. He indicated \$90,000 has been spent for easements and a portion of the line has been constructed on the west side, therefore it is unfair to say that the line does not exist.

In response to an inquiry from Councilor Whalen, Wally Mull, Public Works Director reported the Wheatland road system was designed to be a gravity system eventually. Upon completion of the master sewer plan in the Clear Lake area, these temporary stations will be removed.

In clarification of the initial request for Mr. Reimann to commit to a sanitary sewer connection at the Wheatland Road pump station and Mr. Sherman's testimony that this was his intention, Mr. Simon stated it is a misstatement to indicate this was a requirement of the Hearing's Officer decision. It only states that he will be required to hook up to an appropriate sanitary sewer system. This does not require him to go one direction or another. Mr. Simon explained there was not an initial concern of who would hook up to Mr. Brown's line, only a concern of who would be allowed to use the excess capacity discovered at the Wheatland road station. If there was excess, he hoped to be able to use it. Mr. Simon explained it would be less costly to move towards the street than to build the sewer line.

Mr. Mull explain a request to the City Engineer would be appropriate to determine the actual capacity at the pump station. This has been done on previous occasions at the expense of the developer.

Mr. Simon indicated in the initial packet to the Hearings Officer, a letter was included from Bill Peterson, City Engineer asking if Mr. Reimann and Mr. Brown would agree to jointly pay for a capacity analysis. Mr. Reimann did not agree to pay his portion, therefore this was not completed.

Mr. Simon confirmed the sewer line was planned and constructed prior to the knowledge that there was capacity at the pump station. He believed a commitment to construct the line was made in the winter of 1996 and there was no intention to pursue reimbursement from Mr. Reimann. Mr. Simon explained the sewer line was developed to create a greater capacity by using depth and distance. All of the calculations were prepared by Mr. Grenz prior to the construction of the sewer lines and are included in the packet.

In response to a concern voiced by Councilor Miller, Mr. Simon indicated Mr. Reimann has not indicated a direction for the connection of a sewer system for his development. The reason for the appeal is for a request for a commitment to hook up to the pipe constructed by Mr. Brown or for a declaration to the purchasers of the Reimann parcels that the sewer system is temporary. The answer to these questions will provide information for the completion of Mr. Brown's developments. In addition, this will provide further information on the actual capacity of the pump station and the possibility of utilizing this capacity for Mr. Brown's mobile home park.

Derek Brown, 13620 SW Beef Bend Road #78, Tigard, Oregon, indicated he is the appellant in this matter and clarified the location and direction of the sewer line on the map. He noted this sewer line location has been approved by Salem and Keizer. Mr. Brown believes it would make sense for Mr. Reimann to hook up to this line, therefore avoiding a temporary situation which may become a liability issue.

Mr. Brown explained many developers have been denied access to the temporary pump station over the years. He believed there has been preferential treatment given to certain developers. Some developers have been required to do additional off site work that is not required for all developers. Mr. Brown noted he has been successful in determining how this sewer line could be constructed and obtaining easements for this line. Mr. Brown did not plan any deception only a solution to service this area with a permanent gravity flow sewer line.

In response to a question from Councilor Meier, Bill Peterson, City Engineer, explained other developers have been apprised of the sewer situation in this area. Mr. Peterson confirmed he has had correspondence from Mr. Brown clarifying his direction on the sewer issues beginning in September 1996. This was prior to any indication of the applicants potential development.

Responding to a statement made by Councilor Whalen, Mr. Brown indicated he is not appealing the subdivision plan only the way the services are being provided to the subdivision.

In rebuttal to the testimony, Mr. Sherman pointed out the letter of appeal is dated May 23, 1997 and Mr. Grenz letter indicating he must step aside due to the filing of the appeal is also dated May 23, 1997. Mr. Sherman questioned how the appeal letter could be drafted stating the line had been constructed. Therefore there is no connection between Mr. Grenz's resignation and the delay in the design of the line.

Furthermore, Mr. Reimann and Mr. Brown are both developers and realize time is money. Mr. Reimann cannot control the receipt of permits for extension of the sewer line and therefore does not wish to depend on Mr. Brown completion timeline. This may delay Mr. Reimann's subdivision development for a number of years. In regards to the reimbursement, there is no policy in effect that allows this. In regards to Mr. Brown's request for commitment by Mr. Reimann on the sewer issue, Mr. Sherman indicated Mr. Reimann has always planned on hooking up to the Wheatland Road pump station and if the Council wishes to impose this specific condition, there would be no objection.

Mr. Sherman pointed out the initial notice of hearing issued by the City erroneously stated the hearing would be held on March 2, 1997 rather than June 2, 1997 and therefore would request the hearing be continued and the record remain open until June 16, 1997 for additional notice to be distributed.

Mayor Koho continued the hearing until June 16, 1997 at 7:00 p.m. The minutes from such meeting are incorporated by this reference.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found in the Keizer Comprehensive Plan (KCP), the Keizer Zoning Ordinance (KZO) and the Keizer Subdivision and Partitioning Ordinance (KSPO). The following criteria have been identified as applicable:

1. KSPO Section III(1).
2. KSPO Section VIII(5).
3. KSPO Sections IV, V, and VI with regard to roads, blocks and lots, and utilities.
4. KSPO Section III.
5. KCP policies relating to stabilization, in-fill, public facilities and density.
6. KZO Chapter 36 regarding rezoning UT land to RS.
7. KZO Chapter 23 regarding lot sizes, parcel dimensions, permitted uses, setbacks and other development standards.
8. Master Sewer Plan-1994 Update.

No particular additional criteria were identified by any of the parties to the hearings.

EXHIBIT "C"

Facts

FACTS - GENERAL:

1. The applicant (Reimann Associates) is requesting approval to create a 57-lot single family subdivision on property owned by Jack Yarbrough.
2. The 12.07 acre subject property is located on the east side of Wheatland Road within the 7600 Block. The property is not addressed but the Assessor's map identifies the property as being located within Township 6 South; Range 3 West; Section 23CD; Tax Lot #101, 102.
3. The subject property fronts a public street and may be served by public water and sewer.
4. The subject property is designated Low Density Residential and zoned Urban Transition (UT). Property to the north, east and south is also zoned UT. The dominant land use in these areas is large acreage residences. To the west is Medium Density Residential (RM) zoned property containing the Lutheran Retirement facilities.
5. TCI Cable reviewed the proposal and offered no comment. The Salem Transit District indicated the proposal may generate the need for transit service. Such service is not currently available.
6. The City Engineer provided comments regarding public facility improvements. The complete comments are attached as Exhibit "E-1" and are incorporated herein. A brief summary follows:
 - a. Sanitary Sewer - There are no capacity issues relating to the development. Engineering plans must be approved by the City and the applicant is responsible for systems charges. The system must be designed to continue through the development to provide connection with adjacent properties.
 - b. Water - There are no capacity issues relating to the development. Engineering plans must be approved by the City and the applicant is responsible for systems charges. A 12" main from Wheatland Road to the east end of the property will be required. The location of fire hydrants must be approved by the Marion County Fire District.
 - c. Street - Sufficient land must be dedicated to provide a 34 foot right-of-way from centerline along the property's Wheatland Road frontage. A

standard half-street improvement will be required. Several cul-de-sac lots will either need to increase the minimum frontage or receive variance approval to this requirement.

The stub street at the east end of the property will provide an emergency access to a future manufactured home park. This is acceptable provided a cul-de-sac is constructed, roughly centered with Lots 17, 18, 19 and 20. A private drive from the end of the cul-de-sac may then be installed.

d. Drainage - A overall master storm plan must be developed for the area. Storm water detention will likely be necessary.

FINDINGS - SUBDIVISION:

7. The proposed subdivision features a single access from Wheatland Road. There is an internal loop street with stub streets to the south and the east. The lots range in size from 5,562 square feet to 8,529 square feet. The average lot size is 7,107 square feet with a dwelling density of 4.71 units per acre. This subdivision is designed to accommodate single family homes.

8. Section III(1) of the Keizer Subdivision and Partitioning Ordinance requires the City to consider whether or not a proposed subdivision is in accordance with the Comprehensive Plan, its implementing Ordinances and other land development policies of the City. This Section also permits the City to prescribe conditions or make changes to the proposed subdivision to bring it into conformance with the applicable policies and regulations.

The Comprehensive Plan contains a number of policies pertinent to the subdivision proposal. The Plan indicates stabilization, in-fill and improvement should be emphasized for existing residential neighborhoods. Residential development is encouraged where full urban services, public facilities and routes of public transportation are available. The Plan also encourages the maximum efficient use of the available land.

FINDINGS: The proposal provides new development within an area designated for residential development. All surrounding land is either in residential use or designated for residential development. The property has access to Wheatland Road, a designated arterial street.

Public facility goals and policies generally encourage the availability of sufficient public facilities prior to development. Full public services, including sewer, water, storm drainage and public access, can be extended to the property. As noted by the City Engineer, these facilities are adequate to serve the site and the proposed development.

9. The Comprehensive Plan allows a dwelling density of up to 8 units per acre for Low Density Residential designated land with an expected development density of 3.7 units per acre.

FINDINGS: The 57 lot subdivision will have a dwelling density of 4.71 units per acre. This exceeds the minimum expected development density proscribed by the Comprehensive Plan.

10. Pursuant to Chapter 36, the subject property is automatically rezoned to Single Family Residential (RS) upon recordation of the final plat. Therefore, the lot sizes and dimension must comply with the requirements of the RS zone.

Chapter 23, of the Keizer Zoning Ordinance, contains requirements for lot sizes, parcel dimensions, permitted uses, setbacks and other related development standards for property within the RS zone. Single family lots must be a minimum of 4000 square feet in size with an average lot width of 40 feet and average lot depth of 70 feet. In addition, Chapter 23 specifies setback requirements for any existing or proposed structures on the proposed lots.

FINDINGS: All of the proposed subdivision lots exceed the minimum lot size and dimension standards. The development creates a large undeveloped parcel. This parcel will need to be identified as a separate lot or tract and the access cannot be platted as a separate lot or parcel. Compliance with the building setback provisions can be determined at the time of the building permit.

11. Section IV., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for roads, streets and easements. These standards, and related findings, are noted as follows:

a. **ENGINEERING STANDARDS AND REQUIREMENTS.**
Engineering standards and requirements, including but not limited to streets, easements, and thoroughfare improvements, shall be those currently approved by the City.

FINDINGS: All new development or redevelopment must comply with current City Public Works engineering standards. This may be placed as a condition or requirement of development and is verified when engineering plans are submitted.

b. DEDICATION OR DEEDING OF ROADWAY. No person shall dedicate for public use or deed to the City of Keizer a parcel of land which is used or proposed to be used as a roadway without following established procedures, obtaining the approval of the City and delivering the deed to the City for its endorsement. No dedication is effective unless the property is accepted by the City following the procedure established for that purpose.

FINDINGS: The applicant will be required to dedicate to the City the street right-of-way within the subdivision.

c. DEAD END STREETS. When it appears necessary to continue streets to an adjacent acreage, the streets shall be platted to the boundary or property line of the proposed subdivision without a turnaround. In all other cases, dead end streets shall be platted a minimum of 45 feet from the boundary or property line of the subdivision and shall have a turnaround with a configuration approved by the City not less than 45 feet to the property line.

FINDINGS: The proposal includes two dead-end streets. The one to the east will serve an adjacent development. The City Engineer recommended a turn-around area (cul-de-sac) for emergency vehicles. This will be placed as a condition of approval.

The second stub street enters onto Bair Road, a private street. The half-street on this stub will need to be a minimum of 24 feet in width.

d. RADIUS AT STREET INTERSECTIONS. The property line radius at street intersections shall be 20 feet.

FINDINGS: The proposal complies with this requirement.

e. STREET GRADES. No street grade shall be in excess of 12 percent unless the City finds that, because of topographic conditions, a steeper grade is necessary. The City shall require a written statement from the City Engineer indicating approval of any street grade that exceeds 12 percent.

FINDINGS: Based on available topographic information, all street grades are less than 12%.

- f. RESERVE STRIPS. Reserve strips controlling access to public ways may be required by the City. The land comprising such strips shall be deeded to the City of Keizer until such time as the Council finds they are no longer needed.

FINDINGS: A reserve strip will be required along the stub street to the south

- g. DEDICATION OF RIGHT-OF-WAY. If land to be subdivided or partitioned will cause the termination of a street or borders of a street right-of-way of less than standard width, the applicant shall dedicate sufficient land to provide for a cul-de-sac, or, increase the half (or halves) of right-of-way bordering his land to one-half of the standard width. Standard right-of-way widths and improvements shall comply with the requirements in KSPO Table 1.

FINDINGS: The applicant is required to dedicate sufficient land along Wheatland Road to create a 34 foot right-of-way from centerline.

- h. ADDITIONAL RIGHT-OF-WAY WIDTHS. Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way will be required to be dedicated to allow all cut and fill slopes to be within the right-of-way.

FINDINGS: The parcel is relatively level without the need for cuts and fills for the proposed streets.

- i. UTILITY EASEMENTS. Utility Easements meeting the approval of the City shall be provided to all newly created lots.

FINDINGS: Utility easements were not identified but are located as part of the engineering design phase and placed on the final recorded plat.

j. TWO-LEVEL ROADS OR STREETS. Where it is determined by the Commission or Hearings Officer that two-level streets best serve hillside tracts, the right-of-way shall be of sufficient width to provided on each level, space for one sidewalk, plus a minimum width of 20 feet for roadway, curbs, and drainage facilities. Between the two levels and out to the right-of-way lines, there shall be space for all cut and fill slopes.

FINDINGS: The streets will be on relatively level ground; two-level streets are not required.

k. STREET OR ROAD IMPROVEMENTS. All street or road improvements including pavement, curbs, sidewalks, and surface drainage shall be in accordance with the specifications and standards prescribed by the City Engineer. Subdivision plans shall not have final approval until such time as the City, in its judgment, is satisfied that the following street improvements will be completed in accordance with the specifications and standards set forth in this section.

FINDINGS: Compliance with these provisions is a development requirement. All engineering plans must be reviewed and approved by the City prior to construction.

l. PRIVATE STREET. In the event that the subdivider or developer elects to provide private streets or thoroughfares, they shall be maintained by the Homeowners' Association and a maintenance agreement shall be submitted to the Administrator and the City for approval and as a matter of record.

FINDINGS: The proposal does not contain private streets.

12. Sections V., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for blocks and lots. These standards, and related findings, are noted as follows:

a. SUBDIVISION BLOCKS. Block lengths and widths shall be determined after considering factors such as the distance and alignment of existing blocks; topography; lot size; and local traffic flow. Blocks shall not be less than 160 feet nor exceed 1,200 feet special conditions justify greater length.

FINDINGS: No block length exceeds 600 feet.

- b. MIDBLOCK WALKS. Where topographic or other conditions make necessary a block of unusual length, the City may require midblock pedestrian walks with a right-of-way at least 10 feet in width, which shall be hard-surfaced through the block and extending from street curb to street curb.

FINDINGS: The blocks are relatively short so that mid-block walks are unnecessary.

- c. LOT SIZE. All lots approved under this ordinance shall have sufficient area to be consistent with the intent of the Comprehensive Plan and implementing ordinances, and to provide adequate area for the intended structures and uses, and all setbacks, access and spacing required for water supply and waste water disposal.

FINDINGS: As previously noted, the proposed lots exceed all parcel size and dimension requirements of the RS zone.

- d. CURVED FRONT LOT LINES. When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance. In cul-de-sacs, the minimum lot line fronting the turnaround shall be 40 feet and in no case shall the lot width be less than 60 feet at the building line.

FINDINGS: Proposed Lots 11, 26, 27, 52 and the access to the large lot or tract do not comply with this either requirement. These lots will either need to be reconfigured on the final plat, or, the applicant must receive variance approval for the reduced frontage.

- e. CORNER LOT. All corner lots shall be at least 70 feet wide adjacent to each street.

FINDINGS: The corner lots comply with this requirement..

- f. LOT LINE. Side lot lines shall be as close to right angles to the front street line as practicable. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.

FINDINGS: Where practicable, the lot lines are run at right-angles. Otherwise the shape of the parcel dictates the remaining irregular lot lines.

- g. BUILDING LINES ALONG STREETS. When any road or street designated as an arterial on the official zoning map projects into or across a proposed subdivision, the building setback line established by the Zoning Ordinance for such road or street shall be shown on the final plat if greater than specified in the applicable zone.

FINDINGS: The subdivision fronts Wheatland Road which is a designated arterial. All homes are required to maintain a 20 foot setback from this street.

13. Section VI., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for public facility improvements. These standards, and related findings, are noted as follows:

- a. SEWAGE DISPOSAL. All lots or parcels shall be served by an authorized sewage disposal system. Subsurface sewage disposal for individual parcels shall meet the requirements of the State Department of Environmental Quality and the Marion County Health Department and the City of Keizer.

FINDINGS: Pursuant to comments received by the City Engineer, public sanitary sewer lines can be extended to the property. There are no capacity issues. All improvements must comply with City Public Works Standards.

- b. WATER SUPPLY. All lots or parcels shall be served by an authorized public or private water supply system or individual private wells.

FINDINGS: The development can, and will be required to connect to the City's water system. All improvements must comply with City Public Works Standards.

c. SEWER AND WATER LINES AND CONNECTIONS. All proposed subdivisions within the City, upon a finding by the City that public sewer and water services are imminent, shall be developed with water and sewer lines that meet the specifications of the City.

FINDINGS: All connections will be required to comply with City Public Works standards. Compliance with engineering requirements can be verified when staff reviews the engineering plans for subdivision.

d. UTILITIES. All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted.

FINDINGS: Compliance with this requirement can be verified when staff reviews the engineering plans for subdivision.

e. UTILITY EASEMENTS. Underground easements for utilities and overhead utility facilities shall be provided by the subdivider and shall be set forth on the final plat.

FINDINGS: As previously noted, utility easements are determined at the time of the engineering review and placed on the final subdivision plat.

f. STREET LIGHTING. Proposed subdivisions located within established street lighting district boundaries shall submit street lighting plans from the appropriate power company to the City for approval. All provisions for wiring for underground installation shall be completed before the final street improvement is made.

FINDINGS: This is a development requirement which may be placed as a condition of approval.

14. The City Engineer submitted a list of development requirements. The requirements are necessary to ensure public health and safety. Such recommendations should be conditions of approval.

15 The Subdivision and Partitioning Ordinance requires the developer to connect to public utility services. The Ordinance 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.

16. The City's System Development Charge for park development is \$300.00 per single-family dwelling or duplex unit and \$200.00 for each apartment unit. These charges, as well as those involving the extension of sewer and water, will apply to this request.

EXHIBIT "D"

Justification

The applicant has the burden of proving that the applicant meets the relevant standards and criteria to be applied in the particular case.

In this case, the applicant is asking for conceptual approval for a 57-lot subdivision on a 12.07 acre parcel located near the intersection of Wheatland Road and Bair Road. The lots would be accessed via Wheatland Road.

The appellant, Derek L. Brown Associates, Inc., has argued that the Hearings Officer's decision does not specifically require the applicant to connect the subdivision's sewer system to a particular trunk line. The appellant states that the Wheatland Road line is a temporary facility because it connects to a pump station. Appellant feels that such line should not be used when there are other gravity line options. In addition, the appellant states that the applicant should be required to either connect to the sewer line in its subdivision (Case No. CUP/LLA 97-01) or commit to connect to the Wheatland Road line.

Applicant has responded by stating that the Wheatland Road line will eventually connect to the proposed Barnick trunk line and is an appropriate connection point. In addition, the applicant has stipulated to committing to connect to the Wheatland Road line.

The proposal complies with all applicable criteria. With appropriate conditions, the subdivision will present a welcome addition to the needed housing stock for the community.

EXHIBIT "E"

Action

The City of Keizer ORDERS as follows:

The applicant for conceptual approval of the 57-lot subdivision is hereby GRANTED subject to the following conditions:

The following conditions must be met prior to submittal of the final plat:

1. The applicant shall take part in a conference with the applicable public facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings. The conference participants shall include the Keizer Department of Public Works, Keizer City Engineer, Keizer Fire District, City of Salem Department of Public Works (sewer), and private utility providers.
2. The applicant shall submit an engineering site plan to the Keizer Department of Public Works for its review and approval. 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. Additional requirements are attached as Exhibit "E-1" and are, by reference, included in this condition.
3. The applicant shall submit a detailed site plan (plat) to the Keizer Community Development Department for review and approval. The detailed plan shall include the following provisions:
 - a. Shall substantially conform to the proposed subdivision request.
 - b. Include all engineering elements as required by public works development standards and other requirements of this Order.
 - c. The final plat shall contain a cul-de-sac on the northeastern stub street, approximately centered on proposed Lots 17, 18, 19 and 20, which turnaround shall be constructed to the requirements of, and shall be approved by, the Marion County Fire District No. 1 and the City of Keizer Public Works Department.
 - d. The stub street on the southeast corner shall have a minimum right-of-way width of 24 feet.

e. Lots shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone.

f. The lots shall comply with the frontage requirements of the Keizer Subdivision and Partitioning Ordinance. Alternatively, the applicant may apply for a variance to reduce the frontage dimension.

g. The large lot between Lots 27 and 28 shall be identified on a the final plat as a lot or tract.

4. The applicant shall either obtain a variance to the City's frontage requirements for Lots 11, 26, 27 and 52, or reconfigure those lots in order to comply with KSPO frontage requirements.

5. Street names for the subdivision shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval.

Prior to recording the final plat:

6. Upon approval of the detailed site plan and engineering plans, the applicant shall submit a final plat for the subdivision which conforms to the detail plan approval. The plat shall be prepared by a registered professional surveyor and conform with the requirements in ORS Chapter 92. A bond will be required by the County Surveyor for post monumentation of the subdivision plat.

Prior to the issuance of a building permit for any one building:

7. Frontage improvement, including curb, sidewalk, paving and drainage, shall be installed along the portions of Wheatland Road fronting the subject property. The applicant shall install full street improvements and other public services within the entire development. These improvements shall conform to the plans approved by the City of Keizer Department of Public Works. Adequate bonding or other financial security shall be obtained.

8. 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.

9. The applicant shall have the option of phasing the facility improvements and the City financial agreements, except that frontage improvements along Wheatland Road which shall be completed prior to the occupancy of any one dwelling.

GENERAL CONDITIONS:

10. Completion, submittal and recording of the final subdivision plat shall comply with the requirements contained in the Keizer Subdivision and Partitioning Ordinance.
11. Unless otherwise required by this decision, development of the individual lots shall comply with the applicable requirements of the Keizer Zoning Ordinance and building requirements of the Marion County Building Inspection Division.
12. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges for sewer, water, parks and other facilities and shall comply with established City rules and regulations in effect at the time of the final approval of the Subdivision Plat.
13. The applicant shall comply with specific development and processing requirements found in the Keizer Zoning Ordinance and the Keizer Subdivision and Partitioning Ordinance. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process.
14. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

DATE: FEBRUARY 14, 1997
TO: CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT
SUBJECT: SUBDIVISION CASE NO. 97-3
REIMANN ASSOCIATES
7600 Block of Wheatland Rd.

DEPARTMENT COMMENTS

It is the understanding of the Public Works Department that the property is located within a zone that is appropriate for the intended use.

The following comments are being provided to assist in the overall evaluation of the proposal:

The plan for the proposed subdivision is create 57 lots on 12.09 acres.
Access is from Wheatland Road.

SANITARY SEWERS:

The subject property is subject to a current acreage charge of \$4,400.00 per acre for the development of sanitary sewer trunk lines required to serve the general area. The policy of the City of Keizer is that the acreage charge be paid at time of platting and that the charge is based on the charge currently in place at the time of platting.

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
- d.) The Department of Public Works may require public sanitary sewers to be constructed through the proposed development as a system that will provide public sewer service to adjacent property.

Subdivision 97-3
February 14, 1997
Page 2

WATER SYSTEM:

- a.) A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. A 12 inch water main will be required from the intersection of the subdivision street with Wheatland Road to the end of the street stubbed to the east property line at lots 18 and 19. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections.
- b.) Final development plans shall be reviewed by the Keizer Fire Department with regard to access and adequate location of fire hydrants prior to any issuance of building permits by the City of Keizer.
- c.) Any existing wells on the subject property are to be abandoned in accordance with the rules of the Oregon State Water Resources Department.
- d.) Location of all meters to be approved by Keizer Water Department.
- e.) No Polywrap will be required for public water mains for the subject property.
- f.) Payment of a front foot assessment charge for the existing water main in Wheatland Road will be required prior to issuance of any permits for water line construction for the subject property.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) An overall master storm drainage plan that will provide service to this area of Keizer needs to be in place prior to issuance of any permits for construction of the proposed development.
- b.) Storm water detention will be required for this site. All storm water and roof drains to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces.

Subdivision 97-3
February 14, 1997
Page 4

- d.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- e.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.
- f.) Reimbursement to the City of Keizer shall be made for sanitary sewer master plan determinations prior to any issuance of permits for the proposed development.



June 16, 1997

AGENDA ITEM 6b

**SALEM-KEIZER BASEBALL STADIUM LIQUOR LICENSE
APPLICATION**

CITY COUNCIL MEETING: June 16, 1997

AGENDA ITEM NUMBER: 6b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: WALLY MULL/JOHN MORGAN
CO-CITY MANAGERS

FROM: TRACY L. DAVIS 
CITY RECORDER

SUBJECT: SALEM-KEIZER BASEBALL STADIUM LIQUOR LICENSE
APPLICATION

BACKGROUND:

On May 27, 1997, Dan Hults of Food Management Corporation submitted an application for a retail malt beverage liquor license for the Salem-Keizer Baseball Stadium located at 6700 Field of Dreams Way NE, Keizer, Oregon. A retail malt beverage license allows the licensee to sell malt beverages and wine containing not more than 14 percent alcohol by volume to customers for consumption on or off of the licensed premises.

As required by Keizer Ordinance 95-318, a public hearing was scheduled, notice was published in the Keizertimes and mailed to all property owners within 200 feet of the proposed establishment. In addition, notice was sent to all of the Neighborhood Associations. As of this date, we have not received any responses.

On June 3, 1997 a request was sent to the Keizer Police Department to conduct a background check on the applicants. The response is attached to this report. In addition, there were no comments submitted by the Planning Department.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing shall be closed. It is further recommended the Council consider the approval of the retail malt beverage liquor license application for Salem-Keizer Baseball Stadium under the guidelines as established by ORS 471.260 and the Ordinances of the City of Keizer.

City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council

Thru: Wally Mull and/or John Morgan, Co-City Managers

From: ~~_____~~
John O. Teague, Police Sergeant

CDB

Subject: Liquor License Application of Salem-Keizer Baseball Stadium.

Issue

Shall the City Council approve the liquor license application of Food Management Corporation dba Salem-Keizer Baseball Stadium?

Background

The Keizer Police Department has never responded to any calls for service at the location, 6700 Field of Dreams Wy. NE. The address is new and the business has no history within Keizer.

The applicant(s) Hults, Williams, Raymond and Hilberg has/have no criminal history on record.

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

Recommendation

The Keizer Police Department recommends approval of the liquor license for Salem-Keizer Baseball Stadium.



NOTICE OF PUBLIC HEARING

NEW LIQUOR LICENSE APPLICATION SALEM-KEIZER BASEBALL STADIUM

NOTICE is hereby given that the City Council of the City of Keizer will hold a public hearing to consider a new liquor license application for Salem-Keizer Baseball Stadium located at 6700 Field of Dreams Way NE, Keizer, Oregon. This license falls under the retail malt beverage liquor license guidelines.

The hearing will be held on **Monday, June 16, 1997 at 7:00 p.m.** at the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

Anyone wishing to make comment on this matter may provide testimony at the hearing or submit written response to the City Recorder no later than **5:00 p.m. on June 16, 1997.** Responses may be mailed to Tracy L. Davis, City Recorder, P.O. Box 21000, Keizer, Oregon 97307.

The location of the hearing is accessible to the disabled. Please contact the City Recorder at 390-3700, extension 108 at least 48 hours prior to the hearing if you will need any special accommodations to attend or participate in the hearing.

If you have any questions, please contact the City Recorder at 390-3700, extension 108

Dated this 4th day of June, 1997.

Tracy L. Davis
City Recorder

publish June 12, 1997, edition of Keizertimes

APPLICATION

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

Return To:

4458
5/27/97

GENERAL INFORMATION

A non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Drugstore and Health Care Facility Licenses). The filing of this application does not commit the Commission to the granting of the license for which you are applying nor does it permit you to operate the business named below.

(THIS SPACE IS FOR OLCC OFFICE USE)	(THIS SPACE IS FOR CITY OR COUNTY USE)
Application is being made for: ☐ DISPENSER, CLASS A ☐ DISPENSER, CLASS B ☐ DISPENSER, CLASS C ☐ PACKAGE STORE ☐ RESTAURANT ☒ RETAIL MALT BEVERAGE ☐ SEASONAL DISPENSER ☐ WHOLESALE MALT BEVERAGE & WINE ☐ WINERY OTHER: _____ Redd \$52.60 Repl #3974	NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative. THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY COURT OF _____ (Name of City or County) RECOMMENDS THAT THIS LICENSE BE: GRANTED _____ DENIED _____ DATE _____ BY _____ (Signature) TITLE _____

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name of Corporation, Partnership, or Individual Applicants:

- 1) FOOD MANAGEMENT CORPORATION 2) _____
- 3) _____ 4) _____
- 5) _____ 6) _____

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

2. Present Trade Name FOOD MANAGEMENT CORPORATION

3. New Trade Name _____ Year filed _____ with Corporation Commissioner

4. Premises address SALEM-KEIZER BASEBALL STADIUM KEIZER MARION OR
(Number, Street, Rural Route) (City) (County) (State) (Zip)5. Business mailing address 1249 COMMERCIAL SE SALEM OR 97302
(P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)6. Was premises previously licensed by OLCC? Yes _____ No X Year _____

7. If yes, to whom: _____ Type of license: _____

8. Will you have a manager: Yes X No _____ Name DAN HULTS
(Manager must fill out Individual History)9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes X No _____ (SPORTS ENTERPRISES, INC.)10. What is the local governing body where your premises is located? KEIZER MARION COUNTY
(Name of City or County)11. OLCC representative making investigation may contact: BEN HILBERG/H. BUTCH GRAHAM
1249 COMMERCIAL SALEM OR 97302 (503) 316-9856
(Address) (City) (State) (Zip) (Tel. No. — home, business, message)

CAUTION: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

Applicant(s) Signature
(in case of corporation, duly
authorized officer thereof)

- DATE MAY 9, 1997
- 1) Beynon T Hilberg vice president
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____

Original —
Local Government

INDIVIDUAL HISTORY
& TIED HOUSE DISCLOSURE

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

TRADE NAME FOOD MANAGEMENT CORPORATION

CITY/COUNTY SEATTLE/KING

You must fill in all the blanks. If the question does not apply write N/A in the space.

1. Name HILBERG BENJAMIN THOMAS
(Last) (First) (Middle)

2. Other names used NA
(Maiden) (Other)

3. Home Address 44937 281ST SE ENUMCLAW WA 98022
(Number and Street) (City) (State) (Zip)

4. SSN 534 - 64 - 7381 Place of Birth SEATTLE WA Date of Birth 8/9/57

5. Sex M Height 6'1" Weight 197 Hair Color BROWN Eye Color BLUE Age 39

6. US Citizen: Yes X No NA Alien Reg. # NA Spouse Name SUSAN

7. Home phone (206) 825-0410 Business phone (206) 824-0887

CRIMINAL RECORD

OLCC makes a criminal offender records check through the Oregon State Police on all liquor license applicants.

ORS 181.555(3) provides that you can contact the Oregon State Police or challenge inaccurate criminal offender information. OLCC may require fingerprints.

8. Have you ever been convicted of any crime, violation, or infraction of any law? Include probation or bail forfeiture. (Include traffic violations for which a fine or bail forfeiture of more than \$50.00 was imposed.)

Yes NA No X

9. Do you have arrests or citations pending? Yes NA No X

10. If you have answered "Yes" to 8 or 9 list below:

NA	OFFENSE	DATE	CITY & STATE	RESULT

(ATTACH ADDITIONAL SHEET IF NECESSARY)

DIVERSION/TREATMENT

11. Have you ever entered into a Diversion Agreement? Yes NA No X
Where and When? NA

12. Have you ever been treated or in a treatment program for alcohol or other drug use/abuse? Yes NA No X
Where and When? NA

EMPLOYMENT & RESIDENCE HISTORY

13. List current and former employers or occupations during the past ten years:

Dates by Month/Year	Employer or Business	Occupation	City & State
From <u>8/86</u> To <u>4/89</u>	<u>FOOD DIMENSIONS</u>	<u>REGIONAL VP</u>	<u>SAN FRANCISCO CA</u>
From <u>4/89</u> To <u>PRESNT</u>	<u>FOOD SERVICE MANAGEMENT</u>	<u>VP</u>	<u>SEATTLE WA</u>

14. List other cities and states where you have lived in the past ten years other than those noted in Question 13 above.

From	To	City	State
From <u>NA</u> To <u>NA</u>			

(ATTACH ADDITIONAL SHEET IF NECESSARY)

ACTIVITY IN LIQUOR INDUSTRY (INSIDE OR OUTSIDE OREGON)

15. Are you presently or have you been licensed or employed in the liquor business?
Yes X No NA Where & When? FOOD MANAGEMENT CORPORATION/OREGON STATE FAIR

16. Is your spouse or any family member(s) working in any area of the liquor industry?
Yes NA No X If Yes, give: (Name) (Name of Business) (City & State)

17. Have you ever received a warning, a notice of violation, suspension, fine, or revocation as a licensee or permittee? Yes X No NA Where & When? 9/95 OREGON STATE FAIRGROUNDS

18. Have you ever been refused a permit or license to sell, serve, or dispense beer, wine, or distilled spirits?
Yes NA No X Where & When?

19. Is a manufacturer or wholesaler of alcoholic liquor financing or furnishing your business with money or property? Yes NA No X Where & When?

20. Do you have any right, title, lien, claim, or other interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any retailer, wholesaler, or manufacturer of alcoholic liquor?
(Do not include this business) Yes NA No X Where & When?

CAUTION: OLCC MAY DENY YOUR APPLICATION IF YOU LEAVE OUT INFORMATION OR GIVE FALSE ANSWERS ON THIS FORM.

SIGNATURE: Benjamin T Hilberg VICE PRESIDENT DATE 5/8/97

(Title (Manager, Owner, Corp. Officer))

INDIVIDUAL HISTORY
& TIED HOUSE DISCLOSURE

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

TRADE NAME FOOD MANAGEMENT CORPORATION

CITY/COUNTY SEATTLE/KING

You must fill in all the blanks. If the question does not apply write N/A in the space.

1. Name RAYMOND TERRESA JO
(Last) (First) (Middle)

2. Other names used LOWRY
(Maiden) (Other)

3. Home Address 1820 21STNW AUBURN WA 98002
(Number and Street) (City) (State) (Zip)

4. SSN 535 - 54 - 0639 Place of Birth BELLINGHAM WA Date of Birth 7/8/49

5. Sex F Height 5'9" Weight 135 Hair Color BROWN Eye Color BLUE Age 47

6. US Citizen: Yes X No NA Alien Reg. # NA Spouse Name NA

7. Home phone (206) 824-0445 Business phone (206) 824-0887

CRIMINAL RECORD

OLCC makes a criminal offender records check through the Oregon State Police on all liquor license applicants. ORS 181.555(3) provides that you can contact the Oregon State Police or challenge inaccurate criminal offender information. OLCC may require fingerprints.

8. Have you ever been convicted of any crime, violation, or infraction of any law? Include probation or bail forfeiture. (Include traffic violations for which a fine or bail forfeiture of more than \$50.00 was imposed.)
Yes NA No X *ADJ Convictions*

9. Do you have arrests or citations pending? Yes NA No X

10. If you have answered "Yes" to 8 or 9 list below:

OFFENSE	DATE	CITY & STATE	RESULT
<u>NA</u>			

(ATTACH ADDITIONAL SHEET IF NECESSARY)

DIVERSION/TREATMENT

11. Have you ever entered into a Diversion Agreement? Yes NA No X
Where and When? NA

12. Have you ever been treated or in a treatment program for alcohol or other drug use/abuse? Yes NA No X
Where and When? NA

EMPLOYMENT & RESIDENCE HISTORY

13. List current and former employers or occupations during the past ten years:

Dates by Month/Year	Employer or Business	Occupation	City & State
From <u>1973</u> To <u>PRESENT</u>	<u>FOOD SERVICE MANAGEMENT</u>		<u>SEATTLE WA</u>
From <u>NA</u> To <u>NA</u>			
From <u>NA</u> To <u>NA</u>			

14. List other cities and states where you have lived in the past ten years other than those noted in Question 13 above.

From	To	City	State
From <u>1982</u> To <u>1992</u>		<u>SEATTLE</u>	<u>WA</u>
From <u>NA</u> To <u>NA</u>			

(ATTACH ADDITIONAL SHEET IF NECESSARY)

ACTIVITY IN LIQUOR INDUSTRY (INSIDE OR OUTSIDE OREGON)

15. Are you presently or have you been licensed or employed in the liquor business?
Yes X No NA Where & When? 1995 OREGON STATE FAIR

16. Is your spouse or any family member(s) working in any area of the liquor industry?
Yes NA No X If Yes, give: (Name) (Name of Business) (City & State)

17. Have you ever received a warning, a notice of violation, suspension, fine, or revocation as a licensee or permittee? Yes NA No XX Where & When?

18. Have you ever been refused a permit or license to sell, serve, or dispense beer, wine, or distilled spirits?
Yes NA No X Where & When?

19. Is a manufacturer or wholesaler of alcoholic liquor financing or furnishing your business with money or property? Yes NA No X Where & When?

20. Do you have any right, title, lien, claim, or other interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any retailer, wholesaler, or manufacturer of alcoholic liquor?
(Do not include this business) Yes NA No X Where & When?

CAUTION: OLCC MAY DENY YOUR APPLICATION IF YOU LEAVE OUT INFORMATION OR GIVE FALSE ANSWERS ON THIS FORM.

SIGNATURE: [Signature] TITLE (Manager, Owner, Corp. Officer) PRESIDENT DATE 5/8/97

INDIVIDUAL HISTORY
& TIED HOUSE DISCLOSURE

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

TRADE NAME FOOD MANAGEMENT CORPORATION

CITY/COUNTY SEATTLE/KING

You must fill in all the blanks. If the question does not apply write N/A in the space.

1. Name WILLIAMS KENNETH ARLEN
(Last) (First) (Middle)

2. Other names used NA
(Maiden) (Other)

3. Home Address 21220 MILITARY RD S SEATTLE WA 98198
(Number and Street) (City) (State) (Zip)

4. SSN 518 - 34 - 5705 Place of Birth COEUR D'ALENE, IDAHO Date of Birth 7/16/36

5. Sex M Height 6'2" Weight 200 Hair Color GREY Eye Color BLUE Age 60

6. US Citizen: Yes X No NA Alien Reg. # NA Spouse Name NA

7. Home phone (206) 824-6416 Business phone (206) 824-0887

CRIMINAL RECORD

OLCC makes a criminal offender records check through the Oregon State Police on all liquor license applicants. ORS 181.555(3) provides that you can contact the Oregon State Police or challenge inaccurate criminal offender information. OLCC may require fingerprints.

8. Have you ever been convicted of any crime, violation, or infraction of any law? Include probation or bail forfeiture. (Include traffic violations for which a fine or bail forfeiture of more than \$50.00 was imposed.)
Yes X No NA *No convictions*

9. Do you have arrests or citations pending? Yes NA No X

10. If you have answered "Yes" to 8 or 9 list below:
OFFENSE DWI DATE JULY (est.) 1978 CITY & STATE SEATTLE WA RESULT FINE & CLASSES

(ATTACH ADDITIONAL SHEET IF NECESSARY)

DIVERSION/TREATMENT

11. Have you ever entered into a Diversion Agreement? Yes NA No X
Where and When? NA

12. Have you ever been treated or in a treatment program for alcohol or other drug use/abuse? Yes X No NA
Where and When? SEATTLE WA JULY (est.) 1978

EMPLOYMENT & RESIDENCE HISTORY

13. List current and former employers or occupations during the past ten years:
Dates by Month/Year Employer or Business Occupation City & State
From 8/69 To PRESENT FOOD SERVICE MANAGEMENT SEATTLE WA
From NA To NA
From NA To NA

14. List other cities and states where you have lived in the past ten years other than those noted in Question 13 above.
From M/A To NA City NA State NA
From NA To NA

(ATTACH ADDITIONAL SHEET IF NECESSARY)

ACTIVITY IN LIQUOR INDUSTRY (INSIDE OR OUTSIDE OREGON)

15. Are you presently or have you been licensed or employed in the liquor business?
Yes X No NA Where & When? KENNEWICK, WASHINGTON *closed*

16. Is your spouse or any family member(s) working in any area of the liquor industry?
Yes NA No X If Yes, give: (Name) (Home of Business) (City & State)

17. Have you ever received a warning, a notice of violation, suspension, fine, or revocation as a licensee or permittee? Yes NA No X Where & When?

18. Have you ever been refused a permit or license to sell, serve, or dispense beer, wine, or distilled spirits?
Yes NA No X Where & When?

19. Is a manufacturer or wholesaler of alcoholic liquor financing or furnishing your business with money or property? Yes NA No X Where & When?

20. Do you have any right, title, lien, claim, or other interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any retailer, wholesaler, or manufacturer of alcoholic liquor?
(Do not include this business) Yes NA No X Where & When?

CAUTION: OLCC MAY DENY YOUR APPLICATION IF YOU LEAVE OUT INFORMATION OR GIVE FALSE ANSWERS ON THIS FORM.

SIGNATURE: Ken Williams CHAIRMAN/CEO DATE 5/8/97
TITLE (Manager, Owner, Corp. Officer)

INDIVIDUAL HISTORY
& TIED HOUSE DISCLOSURE

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

TRADE NAME Fox Management Corp.
CITY/COUNTY Marion

You must fill in all the blanks. If the question does not apply write N/A in the space.

1. Name Huitts Daniel Roger
(Last) (First) (Middle)
2. Other names used _____
(Maiden) (Other)
3. Home Address 2000 SW 47th St SALEM OR 97306
(Number and Street) (City) (State) (ZIP)
4. SSN 241-76-3571 Place of Birth Pomona California Date of Birth 8-28-64
5. Sex M Height 5'8" Weight 210 Hair Color Brown Eye Color Green Age 32
6. US Citizen: Yes X No _____ Alien Reg. # _____ Spouse Name Carol Huitts
7. Home phone 503-371-0315 Business phone 503-311-2399

CRIMINAL RECORD

OLCC makes a criminal offender records check through the Oregon State Police on all liquor license applicants. ORS 181.555(3) provides that you can contact the Oregon State Police or challenge inaccurate criminal offender information. OLCC may require fingerprints.

8. Have you ever been convicted of any crime, violation, or infraction of any law? Include probation or bail forfeiture. (Include traffic violations for which a fine or bail forfeiture of more than \$50.00 was imposed.)
Yes X No _____ NO Convictions
9. Do you have arrests or citations pending? Yes _____ No X
10. If you have answered "Yes" to 8 or 9 list below:
OFFENSE DATE CITY & STATE RESULT
Driving Under the Influence 3-95 Oregon Oregon 5000 Fine

(ATTACH ADDITIONAL SHEET IF NECESSARY)

DIVERSION/TREATMENT

11. Have you ever entered into a Diversion Agreement? Yes _____ No X
Where and When? _____
12. Have you ever been treated or in a treatment program for alcohol or other drug use/abuse? Yes _____ No X
Where and When? _____

EMPLOYMENT & RESIDENCE HISTORY

13. List current and former employers or occupations during the past ten years:
Dates by Month/Year Employer or Business Occupation City & State
From 3-94 To Present Fox Management Corp Bar Sales Manager Spokane
From _____ To _____
From _____ To _____
14. List other cities and states where you have lived in the past ten years other than those noted in Question 13 above.
From 3-84 To 3-91 City State
SALEM OR

(ATTACH ADDITIONAL SHEET IF NECESSARY)

ACTIVITY IN LIQUOR INDUSTRY (INSIDE OR OUTSIDE OREGON)

15. Are you presently or have you been licensed or employed in the liquor business?
Yes X No _____ Where & When? Portland 4-1-94 104-1-95 (Hong Kong Lounge)
16. Is your spouse or any family member(s) working in any area of the liquor industry?
Yes _____ No X If Yes, give: (Name) (Name of Business) (City & State)
17. Have you ever received a warning, a notice of violation, suspension, fine, or revocation as a licensee or permittee? Yes _____ No X Where & When? _____
18. Have you ever been refused a permit or license to sell, serve, or dispense beer, wine, or distilled spirits?
Yes _____ No X Where & When? _____
19. Is a manufacturer or wholesaler of alcoholic liquor financing or furnishing your business with money or property? Yes _____ No X Where & When? _____
20. Do you have any right, title, lien, claim, or other interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any retailer, wholesaler, or manufacturer of alcoholic liquor?
(Do not include this business) Yes _____ No X Where & When? _____

CAUTION: OLCC MAY DENY YOUR APPLICATION IF YOU LEAVE OUT INFORMATION OR GIVE FALSE ANSWERS ON THIS FORM.

SIGNATURE Dan Huitts Manager DATE 5-4-97
TITLE (Manager, Owner, Corp. Officer)



June 16, 1997

AGENDA ITEM 7a

ORDER - SOLID WASTE COLLECTION RATE INCREASE

CITY COUNCIL MEETING: June 16, 1997

AGENDA ITEM NUMBER: 7a

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: SOLID WASTE COLLECTION RATE INCREASE PROPOSALS

DISCUSSION:

The City Council held a public hearing on June 2nd to take testimony on proposed garbage rate increases proposed by the City's two franchised solid waste haulers; Loren's Sanitation Service, Inc., and Valley Garbage Service.

The Council directed staff to return with an order approving three out of four parts of the proposal. These include an inflation adjustment, a charge for the spring and fall clean-up programs, and a charge for a new scrap paper recycling program. At Council direction, the order does not include a yard debris recycling program.

RECOMMENDATION:

It is recommended Council adopt the order.

CITY COUNCIL, CITY OF KEIZER

ORDER

IN THE MATTER OF THE RATES FOR FRANCHISED
SOLID WASTE COLLECTION WITHIN THE CITY OF
KEIZER, EFFECTIVE AS OF SEPTEMBER 1, 1997,
UNTIL REPLACED.

This matter comes before the City Council of the City of Keizer upon the request of the franchised solid waste collectors in the City of Keizer; and

IT APPEARING that under Keizer Resolution R91-527.1 and the terms and provisions of that certain Agreement Regarding Regulation of Solid Waste, Recycling and Nuisance Abatement Within the City of Keizer dated September 3, 1991 the City of Keizer has consented to the continued application of County Ordinance No. 615 as amended within the city limits of the City of Keizer; and

IT FURTHER APPEARING that beginning July 1, 1991 it is the responsibility of the City of Keizer to enforce the terms and provisions of Marion County Ordinance No. 615 as amended within the city limits of the City of Keizer which responsibility includes exercise of authority to set rates for franchised solid waste collection; and

IT FURTHER APPEARING that the franchised solid waste collectors in Keizer have requested a rate increase, the City Manager's office of the City of Keizer has investigated and reviewed the proposed solid waste collection rates and has recommended approval of the rates set forth in Exhibit "A" attached hereto; and

IT FURTHER APPEARING that the collection rates and charges for franchised solid waste collection in the City of Keizer have been considered at a public hearing held at 7:00 pm, June 2, 1997, by and before the City Council of the City of Keizer, now therefore:

THE CITY COUNCIL OF THE CITY OF KEIZER HEREBY FINDS, that current and projected revenues and expenses are reasonable; that the collection rates should be as set out in Exhibit "A" attached; and that the proposed rates will be just, fair, reasonable and sufficient to provide service to the public; and

IT IS HEREBY ORDERED that solid waste collection franchisees in the Municipal City Limits of the City of Keizer, to wit:

Loren's Sanitation Service, Inc; and
Valley Solid Waste Management Corp. dba Valley Garbage Service

are authorized to charge maximum rates as listed in Exhibit "A", copied and attached hereto and by this reference incorporated herein, for solid waste collection service in the City of Keizer; and

IT IS FURTHER ORDERED that collection franchisees notify their affected customeres prior to implementing the new rates as prescribed by Marion County Ordinance No. 615, as amended.

IT IS FURTHER ORDERED that this order shall be effective the 1st day of September, 1997, until replaced.

PASSED this ____ day of _____, 1997

SIGNED this ____ day of _____, 1997

Mayor

City Recorder

FRANCHISE SOLID WASTE MAXIMUM COLLECTION RATES
CITY OF KEIZER
Effective September 1, 1997

PROPOSAL NO. 4

CURRENT EFFECTIVE 9-1-97

I. CART SERVICE, WEEKLY SERVICE, MONTHLY RATE

A. RESIDENTIAL - CURB	-	One 20 Gal Cart per week	9.25
One Can per week	9.75	One 32 Gal Cart per week	10.90
Each additional Can per week	5.50		-
Occasional extra Can	2.50		2.60
90 Gal. Roll Cart per week	15.80	One 90 Gal Cart per week	17.20
B. RESIDENTIAL - MULTI FAMILY & MOBILE HOME PARKS			
(1) 4 Units or less - Single Billing			
1 20 Gal Cart per week - Curb	-		8.50
1 32 Gal Cart per week - Curb (32 Gal.Can)	9.05		10.15
(2) 5 Units of more - Single Billing			
1 20 Gal Cart per week - Curb	-		8.50
1 32 Gal Cart per week - Curb	9.05		10.15
Add \$0.75 per month to Rate for Individual Billings			
C. ON-CALL RATE	5.20		5.60
D. RECYCLING - ONLY RATE	4.65		5.55
E. COMMERCIAL ROLL CART SERVICE			
Commercial 32 Gal. Roll Cart - Curb			14.55
Commercial 90 Gal. Roll Cart - Curb	26.95		28.30

The collector will supply all roll carts as part of the service price. Customers will not place larger items or over fill the cart such that the lid cannot be closed. The maximum weight limitation is:

20 Gallons - 40 pounds per week
32 Gallons - 60 pounds per week
64 Gallons - 120 pounds per week
90 Gallons - 150 pounds per week

Customers will not place hazardous chemicals, paint, corrosive materials or hot ashes into the can. Roll-Cart service may not be appropriate for customers who do not provide access to the Roll-Cart or who do not comply with the above restrictions.

The collector also will provide a Recycling Basket that will be collected weekly.

F. BUNDLES, BOXES, SACKS OR OVERFILLED CARTS
Rate based on volumes equivalent to 32 Gal. Cart

G. CALL BACK - See special service

CURRENTEFFECTIVE 9-1-97

II. CONTAINER SERVICE weekly service, monthly rate

A. CONTAINER - LOOSE

One yard	First stop	63.80	66.95
	Each added stop	53.80	56.95
One & one-half yard	First stop	89.80	94.20
	Each added stop	79.80	84.20
Two-yard	First stop	115.05	120.70
	Each added stop	105.05	110.70
Three-yard	First stop	165.05	173.15
	Each added stop	155.05	163.15
Four-yard	First stop	209.60	219.85
	Each added stop	199.60	209.85
Five-yard	First stop	256.35	268.90
	Each added stop	246.35	258.90
Six-yard	First stop	301.25	316.00
	Each added stop	291.25	306.00

B. CONTAINER-COMPACTED. - Customer supplies the compactor and container. Rate for first and added stop is triple the rate that size for shredded, altered or mechanically compacted waste.

III. DROP BOX SERVICE - All rates are plus disposal fee, demurrage charge, monthly rental, and mileage, where applicable.

Minimum Service: 20 Cubic Yards

A. LOOSE MATERIAL

Cost per yard for service per dump	4.20	4.40
Minimum charge	85.00	88.00

B. COMPACTED MATERIAL

Cost per yard for service customer supplies compactor or box	6.10	6.40
Minimum charge	121.80	128.00

C. ADDITIONAL CHARGES

Demurrage per day, after first 48 hours	4.40	4.60
Monthly rental	58.20	61.05
Mileage charge for more than five miles radius from base station, per running miles	1.00	1.05
Call back for blocked box - see special service		

IV. COMMERCIAL MEDICAL WASTE COLLECTION RATES

Services provided by Marion Environmental Services:

A. 20 Gal. Box - first box	9.45	10.85
Each additional box	7.40	8.50
B. 35 Gal. Box - first box	10.60	12.20
Each additional box	8.55	9.85

Residential Bio-Medical Sharps Container (1 Gallon Box). 11.00 11.20
 Delivered to the door to be used until filled and then collected by garbage haulers separately from regular municipal solid waste.

V. SPECIAL SERVICES AND MISCELLANEOUS SERVICES

If debris equals excess of 20 yards, use drop box at collector's discretion.

A. JANITORIAL SERVICES, CALL BACKS, AND OTHER SPECIAL SERVICEES

One man on truck. All fees in addition to disposal

1/4 hour = 17.50 plus disposal

1/2 hour = 35.00 plus disposal

2/3 hour = 52.50 plus disposal

1 hour = 70.00 plus disposal

(\$1.15 per minute)

Additional disposal charged at \$10.12 per yard.

(Based upon .033725 per lb. @ avg. 300 lbs. Yard).

B. TIRES

(up to 16") Passenger tires	\$3.00	\$3.50 with rims
Truck tires	\$7.00 Lg.	\$10.50 with rims
(plus hourly rate when applicable)		

C. LARGE MAJOR APPLIANCES AND FURNITURE

Appliances: \$15.00 service fee for large appliances – add \$10.00 for freon removal – plus hourly labor to remove. Hauler may also quote alternate disposal.

Special Items: A) Large Furniture (couch, console TV, etc.	\$10 - 15	
B) Small Furniture (armchair)	\$ 5 - 15	
C) Hide-a-bed	\$10 - 15	
D) Table & 3-4 chairs	\$5	
E) Mattresses: Twin mattress	\$4	} \$ 7.50
Twin box spring	\$3.50	
Double/queen mattress	\$6	} \$11.00
Double box spring	\$5	
King mattress	\$8	} \$15.00
Double twin box spring	\$7	
(If wet, rate negotiable)		

Bathtub/sink/toilet:	Fiberglass tub/shower	\$10
	Cast iron tub/shower	\$ negotiable
	Sink/toilet	\$ 5 each
	Double sinks	\$ negotiable

Hot Water Heaters: \$10 - \$15

Car Batteries: \$ 5 (minimum rate)

Carpets: Negotiable wet/dry

VI. RESTART

Precise charge for container pick up and return, all areas	Current \$15.00	Effective 9-1-97 \$15.75
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VII OTHER TYPES OF SERVICE

If services are needed, the charge for the service shall not be discriminatory, shall be reasonable and shall be commensurate with the rates above and shall not exceed the rates most generally applicable in the area.



June 16, 1997

AGENDA ITEM 7b

RESOLUTION - COMMUNITY POLICING COMMITTEE

To: Mayor and City Council

Thru: Wally Mull, Acting Co-City Manager

From: Jodi Sherwood, Community Policing Coordinator
Lt. Pat Bowe, Acting Chief of Police

Subject: RESOLUTION REESTABLISHING COMMUNITY POLICING COMMITTEES

BACKGROUND

The Keizer Police Department began the Community Policing Program in November 1993. Resolution #R93-636 was originally adopted to acknowledge the formation of the original Community Policing Committee. Over the course of the program the committee has evolved into four separate and distinct committees.

The original committee met several times to discuss community policing related issues. It became apparent, that operating as one group would not adequately address the needs of the program. On March 9, 1994 the Community Policing Committee considered and approved the restructuring of it's membership into four committees. This proposal created the Main Community Policing Committee, and a committee for each of the three policing districts. This change allowed better representation at the district level and more time to work on each district's individual concerns and situations. The Main Committee would then oversee the district groups activities, handle issues that affected the City as a whole and make formal recommendations to the City Council. Resolution #R93-636 was never changed to acknowledge the restructuring of the committees.

The current Main Community Policing Committee (now requested to be referred to as the Keizer Community Policing Committee) has developed the attached resolution. The basics of the resolution include current practices that are being conducted by these four committees, as has been done since March of 1994. Elections, roles, appointments, and reporting of information, as well as other topics, are now more plainly defined.

The resolution does add the recognition of an Executive Committee. This committee is mainly for the purpose of addressing needs of timeliness if a purpose requires action before the Keizer Community Policing Committee can meet. An example would be a grant application which requires partnership with the Community Policing Committees (as this last one). The committee would also meet on an as needed basis. This committee will be reviewed along with the structure and operations of all of the committees on an annual basis. The Keizer Community Policing Committee will conduct the review and will measure the effectiveness of each group.

FISCAL IMPACT

There is no anticipated fiscal impact with adopting this resolution.

RECOMMENDATION

I recommend that you adopt the resolution acknowledging each of the Community Policing Committees. Their inclusion in the Community Policing Program is vital to its existence. We are reducing crime by preventing crime and, perhaps most importantly, reducing the fear of crime. Working with the community members will continue to allow the Keizer Police Department an effective way to resolve residents' concerns and for the department to learn more about community problems. It will promote the encouragement of the community having more say in deciding how law enforcement resources should be spent and in setting law enforcement goals.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R97-_____

A RESOLUTION REESTABLISHING COMMUNITY POLICING COMMITTEES;

REPEALING RESOLUTION R93-636

WHEREAS, the City Council has approved the implementation of a Community Policing Program for the City of Keizer; and

WHEREAS, the City Council has continued it's commitment towards improving Community Policing in the City of Keizer; and

WHEREAS, the program has progressed into separate forums to address Community Policing needs in various areas of the City of Keizer; NOW, THEREFORE;

BE IT RESOLVED that the following Committees be established as directed in attachment "A", "B", and "C";

BE IT FURTHER RESOLVED that Resolution R 93-636 be repealed.

PASSED this _____ of June, 1997.

SIGNED this _____ of June, 1997.

Mayor

City Recorder

APPENDIX "A"

NAME: Keizer Community Policing Committee

PURPOSE: The Keizer Community Policing Committee will be a policy advisory group for the Keizer Police Department, Keizer City Council and city staff. The Committee will work to implement and improve community policing in Keizer. The objectives of the committee are to educate, prioritize, develop and where appropriate, implement community policing programs. The committee will provide a forum for the community at large regarding community policing issues. The committee will be responsible for maintaining open communications with all parties represented by its members.

RULES OF OPERATION AND PROCEDURES: The Keizer Community Policing Committee will operate according to Roberts Rules of Order.

SELECTION OF MEMBERS: The Keizer Community Policing Committee will consist of the following members who shall be appointed on a yearly basis:

One representative appointed by each of the neighborhood associations including but not limited to:

- Gubser Neighborhood Association
- Clearlake Neighborhood Association
- Claggett Creek Neighborhood Association
- West Keizer Neighborhood Association
- South East Keizer Neighborhood Association

The chair and vice-chair (when applicable) of each District Committee

- District One Community Policing Committee
- District Two Community Policing Committee
- District Three Community Policing Committee
- Three Representatives at large
Executive committee shall compile and submit a list of people to the Keizer Community Policing Committee to fill the at large positions. The Committee shall select from this list of nominees to fill these positions.
At-Large positions should, at the discretion of the committee, be drawn from: Neighborhood Watch captains; students and senior citizens; and neighborhoods not represented by neighborhood associations.
- One Representative appointed by the Chamber of Commerce
- A Liaison appointed by the City Council from it's members
- The Chief of Police
- The Community Policing Coordinator
- A Representative appointed by the Police Officer's Association from it's membership

REMOVAL OF MEMBERS: The Keizer Community Policing Committee may vote to remove a member if the member is absent from three or more consecutive meetings.

OFFICERS: At the beginning of each calendar year, the Keizer Community Policing Committee will elect a Chair and Vice-Chair.

ELECTIONS: The Chair and Vice-Chair shall be elected from the membership of the Keizer Community Policing Committee at the first meeting of each calendar year. Nominations shall be submitted to the Keizer Community Policing Committee either in advance of, or at the meeting during which the election will take place. Each nominee shall be allowed five minutes to state his or her reason for running.

Voting - The Chair and Vice-Chair shall be elected by a majority vote. The vote shall be tallied by a role call vote, with each member indicating their choice for Chair and Vice-Chair from the list of nominees. A separate vote will be taken for each position with the election for Chair to be held first.

Term Limitations - No person shall hold the position of Chair or Vice-Chair for more than three full consecutive 1-year terms.

Vacancies - Should the position of Chair or Vice-Chair become vacant during the course of the year a special election shall be held at the next meeting of the committee following the date of the vacancy. The election shall be held in the manner specified above.

Quorum - The committee shall be considered to have a quorum when 50% of the standing members (positions filled) are present.

ROLES OF THE MEMBERS: To attend meetings of the Keizer Community Policing Committee. To provide input, which reflects the concerns, visions and ideas of the community and/or the organization they represent related to community policing. To report back to the group which the member represents with information on Committee activities. To recommend issues for the committee to consider. To debate and consider issues that come before the committee. To debate, consider and vote on decision items that come before the committee. To be an active advocate for community policing.

ROLE OF THE KEIZER COMMUNITY POLICING CHAIR: To preside over meetings of the Keizer Community Policing Committee and the Executive Committee. To develop the agendas for the Keizer Community Policing Committee and Executive Committee meetings. To appoint ad hoc sub-committees, as needed, to address issues for recommendation back to the Keizer Community Policing Committee or Executive Committee. To present oral reports at Council Meetings every 3rd Monday of the month regarding community policing activities, in conjunction with the Keizer Chief of Police. To act as the contact person for council regarding community policing issues and concerns. To receive information and recommendations from the city council conveyed via written document and bring them forward for consideration at Keizer Community Policing Committee or Executive Committee. Present the Community Policing Annual Report to the Keizer City Council along with the Chief of Police and the Community Policing Coordinator.

ROLE OF THE COMMUNITY POLICING VICE-CHAIR: To preside over meeting of the Committee and Executive Committee in the absence of the Chair. Assume roles and responsibilities of the Chair in the event the Chair position becomes vacant until a new chair is elected (see "vacancies" above).

ROLE OF THE KEIZER POLICE CHIEF: To suggest issues to be brought before the committee. To provide resources to carry out tasks for the committee. To share issues raised and decisions made with appropriate staff and report back to committee with progress made on recommendations. To act as the contact person for council regarding community policing issues and concerns. To present oral reports at Council Meeting every 3rd Monday of the month regarding community policing activities, in conjunction with the Community Policing Committee Chair. To forward formal committee request for council action, in writing, to the City Manager for consideration by the City Council. Present the Community Policing Annual Report to the Keizer City Council, in conjunction with the Community Policing Chair and the Community Policing Coordinator.

ROLE OF THE COMMUNITY POLICING COORDINATOR: To suggest issues to be brought before the committee. To work with the chair to develop the agenda for the Keizer Community Policing Committee and the Executive Committee meetings. To share issues raised and decisions made with appropriate staff and report back to the committee with progress made on recommendations. To act as the contact person for council regarding community policing issues and concerns. Prepare or designate preparation of minutes and agendas of Community Policing Committee, Executive Committee and District Community Policing Meetings for distribution to Community Policing Members, Keizer City Council Members and others as required to comply with Oregon Public Meeting Laws. Provide dates of Community Policing Meetings and activities at beginning and middle of each month for inclusion in the community calendar. Present the Community Policing Annual Report to the Keizer City Council, in conjunction with the Chair and Keizer Police Chief.

COMMUNITY POLICING ANNUAL REPORT TO THE CITY COUNCIL AND YEARLY COMMUNITY WIDE GOAL SETTING FORUM: The Keizer Community Policing Committee will develop an Annual Report consisting of a strategic plan, identifying the goals for the next calendar year and a review of community policing progress on strategic plan goals from the previous year. Each year the Keizer Community Policing Committee will hold a community -wide open forum on community policing to assist the committee in setting goals for the upcoming year. The forum will be held at a time, date and place to allow for community input and the development of recommendations to coincide with the city budgeting process.

COMMITTEE REVIEW: The committee will review its structure and operations on an annual basis.

APPENDIX "B"

NAME: EXECUTIVE COMMITTEE of the Keizer Community Policing Committee.

MEMBERSHIP: The Executive Committee of the Keizer Community Policing Committee will be composed of the Chair and Vice-Chair, the District Chairs, the Chief of Police and the Community Policing Coordinator.

RULES OF OPERATION AND PROCEDURES: The Executive Committee will operate according to Roberts Rules of Order.

QUORUM: The Executive Committee shall be considered to have a quorum when 50% of the standing members (positions filled) listed above are present.

DUTIES: The Executive Committee will meet to discuss and take action on issues whose timeliness requires action before the Keizer Community Policing Committee can meet. The Executive Committee may develop recommendations for consideration by the Keizer Community Policing Committee. Decisions made by the Executive Committee must be ratified by the Keizer Community Policing Committee at its next regularly scheduled meeting.

APPENDIX "C"

NAME: COMMUNITY POLICING DISTRICT COMMITTEES (recognition of District One, District Two, District Three Community Policing Committees)

MISSION STATEMENT: A citizen partnership between the city, police and neighborhoods of Keizer to solve issues that affect public safety and livability in our community.

DISTRICT COMMITTEE BOUNDARIES: There shall be one community policing district committee for every policing district in the City of Keizer:

District One covers the area East of River Road and South of Lockhaven Drive

District Two covers the area West of River Road and South of Lockhaven Drive

District Three covers the area North of Lockhaven both East and West of River Road

RULES OF OPERATIONS AND PROCEDURES: The District Committee will generally operate informally by consensus with the exception of elections of District Chair and Vice-Chair.

PURPOSE: It shall be the purpose of the District Committees to discuss and resolve issues of importance to citizens of the district regarding community policing; advise the Keizer Community Policing Committee on issues of a budgetary or policy nature; integrate community policing in the neighborhoods within the district; build partnerships with organizations and business to advance community policing efforts; and provide a forum open to all citizens in the district to resolve policing issues.

MEMBERSHIP: Any person, who resides, is employed, operates a business, is a member of a private institution including schools or service clubs, or owns property within the boundaries may be a member with the right to participate and vote.

ELECTIONS: The District Chair and Vice-Chair shall be elected from the membership of the Community Policing District Committee at first meeting of each calendar year. Nominations shall be submitted to the appropriate District Community Policing Committee either in advance of, or at the meeting during which the election will take place. Each nominee shall be allowed five minutes to state his or her reason for running.

VOTING: The District Chair and Vice-Chair shall be elected by a majority vote. Voting may not be made by proxy. The vote shall be tallied by a hand vote, with each member indicating their choice for District Chair and Vice-Chair by raising their hands when their choice is called from the list of nominees. A separate vote will be taken for each position with the election for District Chair to be held first.

VACANCIES: Should the position of Chair or Vice-Chair become vacant during the course of the year a special election shall be held at the next meeting of the committee following the date of the vacancy. The election shall be held in the manner specified above.

ROLES OF THE MEMBERS: To attend meetings of their District Committee. To represent the group the member represents, and the community as a whole by providing input, which reflects the concerns, visions and ideas of the community related to community policing. To report back to the group or neighborhood which the member represents. To recommend issues for the committee to consider. To

debate and consider issues that come before the committee. To be an active advocate for community policing. To recruit members to the committee.

ROLE OF THE DISTRICT COMMUNITY POLICING CHAIR: To preside over meeting of the District Committee. To develop the agenda for the District committee meetings. To appoint ad hoc committees as needed to address issues for recommendation back to the District Committee. To present oral reports at each Keizer Community Policing Committee meeting regarding activities occurring in the respective district. To act as contact persons in community policing for activities that are occurring in the district for those that may have issues or concerns. To be a member of the Keizer Community Policing Committee and the Executive Committee.

ROLE OR THE DISTRICT COMMUNITY POLICING VICE-CHAIR: To preside over meetings of the District Committee in the absence of the District Chair. Assume roles and responsibilities of the District Chair in the event District Chair Position becomes vacant prior to the beginning of the next calendar year. To be a member of the Keizer Community Policing Committee.

ROLE OF THE DISTRICT SERGEANT: To share issues raised and decisions made with appropriate staff and report back to committee with progress made on recommendations. To act as contact persons in community policing for activities that are occurring in the district for those that may have issues or concerns. Prepare or designate preparation of minutes and agendas of their District Community Policing Committee. The minutes shall be delivered to the Community Policing Coordinator no later than one week following the date of the meeting. Provide dates and information on activities that are occurring in the district to the Community Policing Coordinator. To develop the agenda along with the District Chair for the District Committee Meetings.

ROLE OF THE OFFICERS, DETECTIVES AND OTHER KEIZER POLICE DEPARTMENT EMPLOYEES THAT ARE ASSIGNED TO A DISTRICT: To share issues raised and decisions made with appropriate staff and report back to committee with progress made on recommendations. To act as contact persons in community policing for activities that are occurring in the district for those that may have issues or concerns. To work towards involving those who have an interest in the respective grids to reduce crime and fear of crime in their area.



AGENDA ITEM 7C

June 16, 1997

**RESOLUTION - AUTHORIZING CO-CITY MANAGERS TO
SIGN KEIZER POLICE ASSOCIATION AGREEMENT**

TO: MAYOR KOHO AND COUNCIL MEMBERS
FROM: DIANNE SUEK, PERSONNEL OFFICER
THRU: WALLY MULL AND JOHN MORGAN
CO-CITY MANAGERS PRO TEM
SUBJECT: COLLECTIVE BARGAINING AGREEMENT WITH THE KEIZER POLICE ASSOCIATION

BACKGROUND:

The City's contract with the Police Association expired June 30, 1996. We have been negotiating over the past 18 months. A mediator unsuccessfully assisted with the proposals; however, before going to arbitration, the City and the Association came to an agreement which is attached.

The proposed contract includes the following major points:

1. **Wages:** A 5% increase effective July 1, 1996; a 5% increase July 1, 1997 and a 5% increase July 1, 1998. The increases are a combination of cost of living adjustments and maintaining market equity.
First year *additional* cost to the city is approximately \$19,000.
2. **Incentives:** A change in how the City calculates incentives from a flat rate to a percentage of the base pay. The incentives proposed are:
 - 2.5%: BPSST Intermediate Certificate
Associates Degree
 - 2.5%: Fluency in Spanish or American Sign Language
 - 5.0%: BPSST Advanced Certificate
Bachelors Degree

The maximum an employee may receive is 12.5% of base pay.
First year *additional* cost to the City is about \$6,000.

3. **Retirement:** An increase in the City's match of employee contributions in the ICMA 457 deferred compensation program from 2% of base salary to 6% of base salary. The Internal Revenue Code maximum contribution will continue to be imposed.
If all eligible employees increased their voluntary contributions to 6% of their base salary, the first year *additional* cost to the City would be approximately \$36,000.

4. **Clothing:** A reduction in clothing allowance for the undercover narcotics investigator from \$400 per year to \$250 per year.
The first year *savings* to the City is \$150.
 5. **Health Insurance:** For as long as the City's health plan has a co-pay of at least \$10, the City will reimburse 50% of co-payments paid for health benefits in excess of \$100. Employees must submit proof of co-payments paid during the prior fiscal year only from July 1 to July 15 of each year.
The approximate cost to the City will be less than \$1,000 per year.
 6. **Longevity:** It was agreed that the City and the Association would commence bargaining this item within thirty (30) days following ratification and execution of this Agreement.
 7. **Contract Length:** Three years - July 1, 1996 through June 30, 1999.
- This agreement has been ratified by the Association.

FISCAL IMPACT:

The first year (1996-97 fiscal year) costs are included in the current Police budget.

The second year (1996-98 fiscal year) costs are included in the Budget Committee Approved Budget scheduled for adoption on June 23, 1997.

RECOMMENDATION:

It is recommended that the Council adopt the resolution authorizing the Co-City Managers to sign the Collective Bargaining Agreement between the City of Keizer, Oregon and the Keizer Police Association.



June 16, 1997

AGENDA ITEM 7d

**ORDINANCE - COMP PLAN AMENDMENT/ZONE
CHANGE/SUBDIVISION CASE NO. 96-05 - SPECIAL POLICY
AREA (WHALEN/CHANDLER/PIERCE)**

CITY COUNCIL MEETING: June 16, 1997

AGENDA ITEM NUMBER: 7d

TO: MAYOR AND CITY COUNCIL
FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: COMPREHENSIVE PLAN/ZONE CHANGE/SUBDIVISION CASE 96-05

DISCUSSION:

This matter was last postponed on May 19th in order to allow more consideration by Keizer and Salem of the City of Keizer's proposal for resolving current issues. Council will be briefed in an executive session before tonight's regular meeting on the particulars of the processes so far, but it can be summarized by saying some progress has been made informally toward an agreement. Salem City Council has scheduled this matter for discussion at its June 23rd meeting. This will lead to more discussions between the jurisdictions and should have a bearing on the Council's action on this land use case.

RECOMMENDATION:

The Council, based on the strategy its develops to deal with Salem on the SPA issues, should either adopt the ordinance approving the Comprehensive Plan amendment, zone change, and subdivision tonight, or hold the matter over until a date certain in the future.



AGENDA ITEM 8a

June 16, 1997

**RESOLUTION - AWARDING OF BID FOR LOCKHAVEN DRIVE
WIDENING FROM MCLEOD LANE TO 14TH STREET**

June 16, 1997

8a



930 Chemawa Rd. N.E.
P.O. Box 21000
Keizer, Oregon 97307-1000

June 11, 1997

TO: Wally Mull
Public Works Director

FROM: Preston Van Meter
Project Manager

THROUGH: Bill Peterson, City Engineer

RE: Lockhaven Drive Widening - 14th St. to McLeod Ln.

Bids were received and opened at 10 a.m. on Wednesday June 11, 1997 in the City Hall Library for construction of the widening of Lockhaven Drive from the terminus of last year's project at 14th Ave. to the existing improvements on McLeod Lane.

The proposed construction involves the construction of curbs and sidewalks for the full width of the improvement. In addition the construction allows for a complete overlay of the street, thus matching the improvement constructed last year on Lockhaven Drive between Trail Ave. and 14th St.

Construction is scheduled to begin in the last week of June or the first week of July. All requirements are required to be completed by September 1, 1997 prior to the start of the coming school.

Three bids were received, and are summarized as follows:

BIDDER	TOTAL BID
MORSE BROS. CONSTRUCTION (LOW)	\$255,497.50
GELCO	\$279,667.00
D&D PAVING	\$285,736.51

All bids were received on time, and appear to be balanced. The engineer's estimate for the project was \$271,196.55.

We recommend that the project be awarded to Morse Brothers Construction for the contractual sum of \$255,497.50.

•
Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3700
Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295
•

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CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R97-_____

AWARDING OF BID FOR

LOCKHAVEN DRIVE WIDENING - 14TH STREET TO MCLEOD LANE

WHEREAS, an invitation to bid was submitted for advertising for the widening of Lockhaven Drive from 14th Street to McLeod Lane. The proposed construction includes curbs and sidewalks for the full width of the improvement as well as an overlay of the street;

WHEREAS, on June 11, 1997, three bids were opened. Low bidder on the project was Morse Brothers Construction with a total bid of \$255,497.50; NOW THEREFORE;

BE IT RESOLVED by the City Council of the City of Keizer to authorize the interim Co-City Managers to sign the necessary contracts awarding the contract to Morse Brothers Construction for the widening of Lockhaven Drive, from 14th Street to McLeod Lane, including construction of sidewalks and curbs and a complete overlay of the street within the City of Keizer at a total cost of \$255,497.50.

PASSED this _____ day of _____, 1997.

SIGNED this _____ day of _____, 1997.

Mayor

City Recorder



June 16, 1997

AGENDA ITEM 8b

**ORDER - AMENDMENT TO PUD/CONDITIONAL
USE/FLOODPLAIN DEVELOPMENT CASE NO. 93-02
(STAATS LAKE)**

KEIZER CITY COUNCIL MEETING: June 16, 1997

AGENDA ITEM NUMBER: 8b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

**FROM: WALLY MULL/JOHN MORGAN
CO-CITY MANAGERS**

**SUBJECT: ORDER - Amendment to PUD/Conditional Use/Floodplain
Development - Case No. 93-02 (Staats Lake)**

ISSUE:

On June 2, 1997 the Council directed staff to prepare an Order approving approving PUD 97-01 subject to the conditions of approval found in the detailed staff report including the provisions that all conditions of approval of CU/PUD/FP Case No. 93-02 still apply and return for review and consideration on June 16, 1997. However, this Order had not been finalized at the time the agenda packet was prepared. This Order will be held over to the July 7, 1997 meeting.

RECOMMENDATION:

It is recommended this matter be held over until July 7, 1997.



June 16, 1997

AGENDA ITEM 8C

AUTHORIZATION FOR PAYMENT OF LOBBYIST SERVICES

CITY COUNCIL MEETING: June 16, 1997

AGENDA ITEM NUMBER: 8c

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PAYMENT FOR LOBBYIST SERVICES

DISCUSSION:

Earlier this year the City Council authorized retaining the services of Jim Markee & Associates, Inc., to lobby on the City's behalf concerning the specific language of Measure 50. Mr. Markee was successful in getting language included which affirmed Keizer's successful tax base election. As the Council knows, Measure 50 was approved by Oregon's voters and therefore the tax base was formally approved.

The final bill for Mr. Markee's time was \$1,000. The Council had authorized \$500 but indicated additional payment may be appropriate if the effort was successful.

RECOMMENDATION:

It is recommended Council, by motion, authorize payment to Jim Markee & Associates, Inc., of \$1,000 for lobbying services.

June 16th
PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: Derek L. Brown

Address: 6969 S.W. Hampton Street #101
Portland, Oregon 97223

Subject or Agenda Item Number: Case No. 97-03 Reiman

Your Comments:

Proponent _____ Opponent  General _____

Date 6/14/97


BOB WILLIAMS

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: Beth Daniell

Address: Amey Ct
Keizer

Subject or Agenda Item Number: _____
Labish Ditch Modification

Your Comments:

Proponent _____ Opponent _____ General _____

Date 6/16/97

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: Amber & Arlyn Dunn

Address: 713 max Ct. N
Keizer

Subject or Agenda Item Number: Ordinance
RE: liens

Your Comments:

Proponent _____ Opponent _____ General _____

Date 6/16/97

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: Steve Entz

Address: 672 Springridge
Keizer

Subject or Agenda Item Number: Springridge Estates
Zoning Duplex

Your Comments:

Proponent _____ Opponent _____ General _____

Date _____

Labish Ditch Testimony

to City Council 6/16/97

Beth Danell, Gubser Area I Rep 463-1134

Neighborhood Poll

<u>Street</u>	<u>Vertical Feet</u> <u>Floodwater to Home</u>	<u>Floodwater</u> <u>In Yard</u>
1) Rockledge / 14th	4-5'	No
2) Rockledge Ct	5-7'	Yes
3) Amy Ct	4'	No
4) Rock Crystal	5'	No
5) Rockledge near McLeod	Unknown	Yes

submitted by Beth Danell
6-16-97



**PUBLIC HEARING
SIGN UP SHEET**

PUBLIC HEARING RE: APPEAL OF HEARINGS OFFICER DECISION - APPROVAL OF
SUBDIVISION - CASE NO. 97-03 (REIMANN AND ASSOCIATES)

DATE: JUNE 16, 1997 TIME: 7:00 p.m. AGENDA ITEM # 6a

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS

[illegible]



Lydon Construction, Inc.

3795 River Rd., N.E., Unit A • Keizer, Or 97303

Bill Lydon
Mike Lydon
390-1559

June 16, 1997

Keizer City Council
PO Box 21000
Keizer, OR 97307-1000

Dear Sirs and Madam:

We have previously submitted requests to place single family dwellings on Lot 1 and Lot 32 of Springridge Estates, but were told that we had to place duplexes on those lots and could not put single family dwellings there.

This letter is to serve as formal notice to the City Council and to the Neighbors of Springridge Estates that it is our preference to place single family dwellings on Lot 1 and Lot 32 of Springridge Estates.

As a form of trade, we would be willing to increase density in another subdivision- e.g. two additional lots in the development at O'Neil and Clearlake.

We feel that this proposal is a solution that best fulfills the desires of all parties concerned- the planning department by increasing density in another development in the city and the Neighbors of Springridge Estates by completing their subdivision with single family dwellings.

Sincerely,

Bill Lydon
Mike Lydon

cc: Neighbors of Springridge
- Steve and Carol Entz
- Randy and Kelly Boese
- Don and Linda Paterson
- Dave and Joan Stauber

submitted by
Steve Entz 6/16/97

SPRINGRIDGE ESTATES NEIGHBORHOOD

742 Springridge Dr. NE, Keizer, OR 97303

April 18, 1997

Keizer City Council
City Hall
930 Chemawa Rd. NE
Keizer, OR 97303

City Council;

The residents of Springridge Estates petition the City Council to reconsider their requirement of Two Duplexes within our subdivision. These Two Duplexes will be built on lots #1 and 32, see attached plot plan. We have many concerns regarding these duplexes but our main concern is congestion and safety.

The Country Glen Subdivision has duplexes within it's subdivision and they have caused considerable amount of congestion. The reason duplexes cause congestion is because only one vehicle per unit fits in the driveway, therefore their second vehicle is parked along the street. This will cause our only entrance and exit to become much narrower. Our crossroad is Wheatland road, which is highly traveled and has a speed of 40 mph. This could make entering and exiting our street difficult and dangerous. Country Glen Subdivision's crossroad is River Road. This is also highly traveled and has a 45 mph speed, but there is a southbound turning lane and a large shoulder from the northbound, which makes it much easier to enter and exit.

We feel there is amply supply of duplexes and apartments in our area. More multi-family dwellings will only put additional strain on our Elementary School, (which is now reconstructing it's boundaries because of over crowding, see enclosed article), our Middle School (which is the largest in Salem) and Fire and Police Departments. Maybe if Keizer's density requirments were revamped the Keizer schools wouldn't be bursting at the seams.

We would like to point out other subdivisions which have not been forced to include duplexes within their subdivision, for example: The Ridge and Cedar Bluff subdivisions and many in Salem City Limits. At your next City Council please consider this **petition: regarding removing the requirement of 2 duplexes within the Springridge Estate Subdivision.**

Thank you

Springridge Estate Residents

Enclosures: Petition/Article/Subdivision Map

1. Ann & Sanders
742 Springridge Dr
Keizer OR 97303
2. Gene & Jean Newell
7085 Sycamore Ct NE
Keizer, OR 97303
3. David & Michelle Hammond
7076 Sycamore Ct NE
Keizer, OR 97303
4. Peter G. Davis
7086 Sycamore Ct.
Keizer OR 97303
5. James & Susan
793 Springridge Dr NE
Keizer OR 97303
6. Don & Jo
703 Springridge Dr NE
Keizer OR 97303
7. Melanie Austin
733 Springridge Dr. NE
Keizer, OR 97303
8. Larry Boese
7023 Cedar Falls
Keizer, OR 97303
9. John & Jo
672 Springridge Dr NE
Keizer, OR 97303
10. Darwin Starn
742 Springridge Dr. NE
Keizer, OR 97303
11. Paul Indell
7073 Cedar Falls Ct
Keizer OR 97303
12. Charles & Beverly
7024 Cedar Falls Ct NE
Keizer, OR 97303
13. Gene & Doreen
7073 Cedar Falls Ct
Keizer, OR 97303
14. Elizabeth & Kenney
7033 Cedar Falls Ct NE
Keizer OR 97303
15. Swain Jensen
7033 Cedar Falls Ct NE
Keizer OR 97303
16. Leonard A. Muck
7094 Cedar Falls Ct NE
Keizer, OR 97303
17. James L. Chapman
7054 Cedar Falls Ct NE
Keizer OR 97303
18. James J. Chbrown
7054 CEDAR FALLS CT
KEIZER, OR 97303
19. Larry Boese
7023 Cedar Falls
Keizer OR 97303
20. Doreen W. Allen
7044 Cedar Falls Ct NE
Keizer, OR 97303
21. Phyllis Allen
7014 Cedar Falls Ct NE
Keizer, OR 97303
22. Frank & John Kewin
7096 Sycamore Ct. NE
Keizer, OR 97303
33. Frank & John Kewin
7096 Sycamore Ct. NE
Keizer, OR 97303

23. Larry George
7110 Wheatland Rd W.
Keizer, OR 97303

24. Diane George
7110 Wheatland Rd W.
Keizer, OR 97303

25. Mike Hay
7074 CEDARFALLS CT. N.E.
SAULT, ORE 97303

26. Richard Cloutier
733 Springridge Dr NE
Keizer, OR 97303

27. Carl Galt
1672 Springridge Dr
Keizer OR 97303

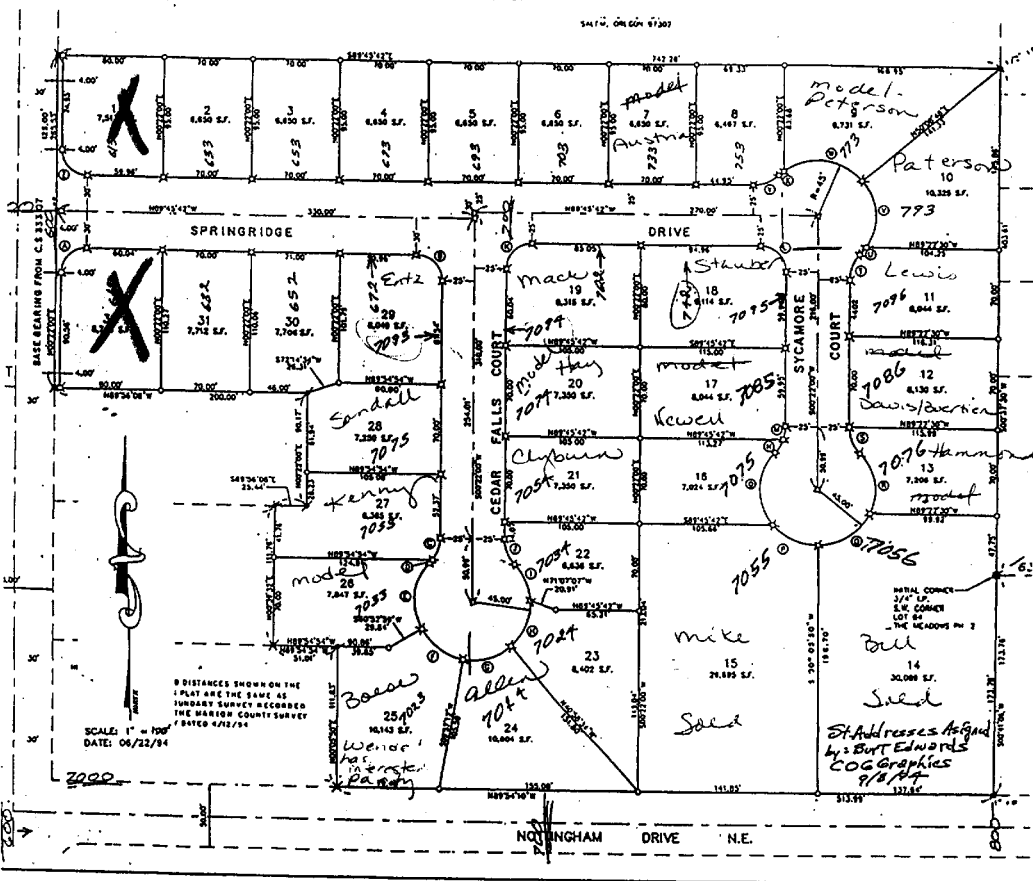
28. Mary Mack
7094 CEDARFALLS CT NE
KEIZER, ORE 97303

29. Donald M. Peterson Sr
773 Spring Ridge Dr NE
Keizer, OR 97303

30. Jean F. Peterson
773 Springridge Dr N.
Keizer, OR 97303

IN N.W. 1/4 SEC. 26, T. 6 S., R. 3 W., W.M.
CITY OF KEIZER, MARION COUNTY, OREGON

IN N.W. 1/4 SEC. 26, T. 6 S., R. 3 W., W.M.
CITY OF KEIZER, MARION COUNTY, OREGON



SPRINGRIDGE ESTATES NEIGHBORHOOD
742 Springridge Dr. NE, Keizer, OR 97303

April 18, 1997

Keizer City Council
City Hall
930 Chemawa Rd. NE
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Thank you

Springridge Estate Residents

Enclosures: Petition/Article/Subdivision Map

1. ~~John~~ ~~Barber~~
742 Springridge Dr
Keizer, OR 97303
2. ~~Gene~~ ~~June~~ ~~Newell~~
7085 Sycamore Ct NE
Keizer, OR 97303

3. ~~Elizabeth~~ ~~Hubb~~ ~~Hammond~~
7016 Sycamore Ct NE
Keizer, OR 97303

4. ~~Peter~~ ~~G~~ ~~Davis~~
7086 Sycamore Ct
Keizer, OR 97303

5. ~~James~~ ~~D~~ ~~Dawson~~
793 Springridge Dr NE
Keizer, OR 97303

6. ~~Don~~ ~~John~~
793 Springridge Dr NE
Keizer, OR 97303

7. ~~Marion~~ ~~Christie~~
733 Springridge Dr NE
Keizer, OR 97303

8. ~~Randy~~ ~~Riese~~
7023 Cedar Falls Ct
Keizer, OR 97303

9. ~~Tom~~ ~~Ed~~
672 Springridge Dr NE
Keizer, OR 97303

10. ~~Nancy~~ ~~Staub~~
742 Springridge Dr NE
Keizer, OR 97303

11. ~~Paul~~ ~~Andall~~
7073 Cedar Falls Ct
Keizer, OR 97303

12. ~~John~~ ~~Barber~~
742 Springridge Dr
Keizer, OR 97303

13. ~~Gene~~ ~~June~~ ~~Newell~~
7085 Sycamore Ct NE
Keizer, OR 97303

14. ~~Elizabeth~~ ~~Hubb~~ ~~Hammond~~
7016 Sycamore Ct NE
Keizer, OR 97303

15. ~~Peter~~ ~~G~~ ~~Davis~~
7086 Sycamore Ct
Keizer, OR 97303

16. ~~Leonard~~ ~~A~~ ~~Much~~
7094 Cedar Falls Ct NE
Keizer, OR 97303

17. ~~James~~ ~~L~~ ~~Clay~~
7054 Cedar Falls Ct NE
Keizer, OR 97303

18. ~~Gene~~ ~~J~~ ~~Chlorn~~
7054 Cedar Falls Ct
Keizer, OR 97303

19. ~~Randy~~ ~~Riese~~
7023 Cedar Falls Ct
Keizer, OR 97303

20. ~~Larry~~ ~~W~~ ~~Allen~~
7094 Cedar Falls Ct NE
Keizer, OR 97303

21. ~~Philip~~ ~~Allen~~
7094 Cedar Falls Ct NE
Keizer, OR 97303

22. ~~Paul~~ ~~Andall~~
7073 Cedar Falls Ct NE
Keizer, OR 97303

23. Larry George
710 Wheatland Rd N.
Keizer, OR 97303

24. Diane George
710 Wheatland Rd N.
Keizer, OR 97303

25. Mike Hay
774 CEDARFALL CT NE
SALEM, OR 97303

26. Patrick Corrigan
733 Springridge Dr NE
Keizer, OR 97303

27. Carol G. F.
672 Springridge Dr
Keizer, OR 97303

28. Amy, Marc
11014 CEDAR FALLS CT NE
KEIZER, OR 97303

29. Donald M. Satterman Sr
273 Springridge Dr NE
Keizer, OR 97303

30. Jean J. Peterson
773 Springridge Dr N.
Keizer, OR 97303

Crowding shifts kids to Gubser

By Travis Moore
Of the Keizertimes

An explosion of growth in north Keizer has prompted a plan from the Salem-Keizer School District which will move about 120 local students from Gubser Elementary School beginning next school year to Clear Lake Elementary School.

Four kindergarten classes, approximately 100 youngsters, who would have normally been bused to Keizer Elementary next fall will stay on the bus and ride to Gubser Elementary.

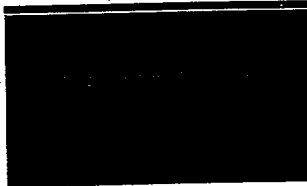
Keizer Principal Jim Adams said projections for enrollment next school year would put his school about 120 students over its capacity without the move.

"We have about 840 students right now," he said. "The school was built 10 years ago for a maximum capacity of 740. Next year we are projected to have 860 students."

Housing developments which have pushed to the edge of the Keizer Elementary playground have forced the school to use its quad-areas, art room and community education room as classrooms.

"This is my third year at this school," Adams said. "My first year we had 620 or 630 students. With all of the developments around here we have 200 more students over those couple years."

Adams said Keizer will still have two kindergarten classes, both of which will be comprised of students who walk to school and bi-lingual students. The two classrooms



opened by the transfer of kindergarten sessions will add two more teachers at Keizer.

"We didn't want students who already go here to be sent to another school," he said. "That's why we chose incoming kindergartners. We wanted to cause as little upset as possible. The problem we might run into is when one of the bus-riding kindergartners has brothers or sisters who already go to school here. We know that is a problem. This is a temporary solution to the overcrowding problem. We want our kinders back."

Keizer Elementary will hold a kindergarten orientation for parents May 21. Gubser will have a similar orientation May 22. Parents with questions about which school their child will attend can call Keizer at 399-3161 or Gubser at 399-3275. Parents can also add their input to the process at the Keizer Local School Advisory Committee meeting May 1, Adams said.

Wink Miller, McNary and North Elementary school coordinator, said room for the new students was created at Gubser a few years ago after the construction of Yoshikai Elementary. About 100 students who went

to Gubser were transferred to Yoshikai. The space created at Gubser remains today, Miller said.

Parents of students currently going to Clear Lake Elementary found out last Thursday that their children may be rerouted to Gubser next year by changing school boundaries. About 20 students who live in the Hidden Creek and Country Glen areas will make the switch, according to Clear Lake Principal Nanci Schneider.

"We have 220 students in our area," Schneider said. "This boundary move will affect about 20 students who currently live in those areas. But who knows how many more students will move into those areas this summer with all of the development going on?"

Schneider said a new footbridge over Labish Ditch would make the trip to Gubser easy for the Hidden Creek and Country Glen students.

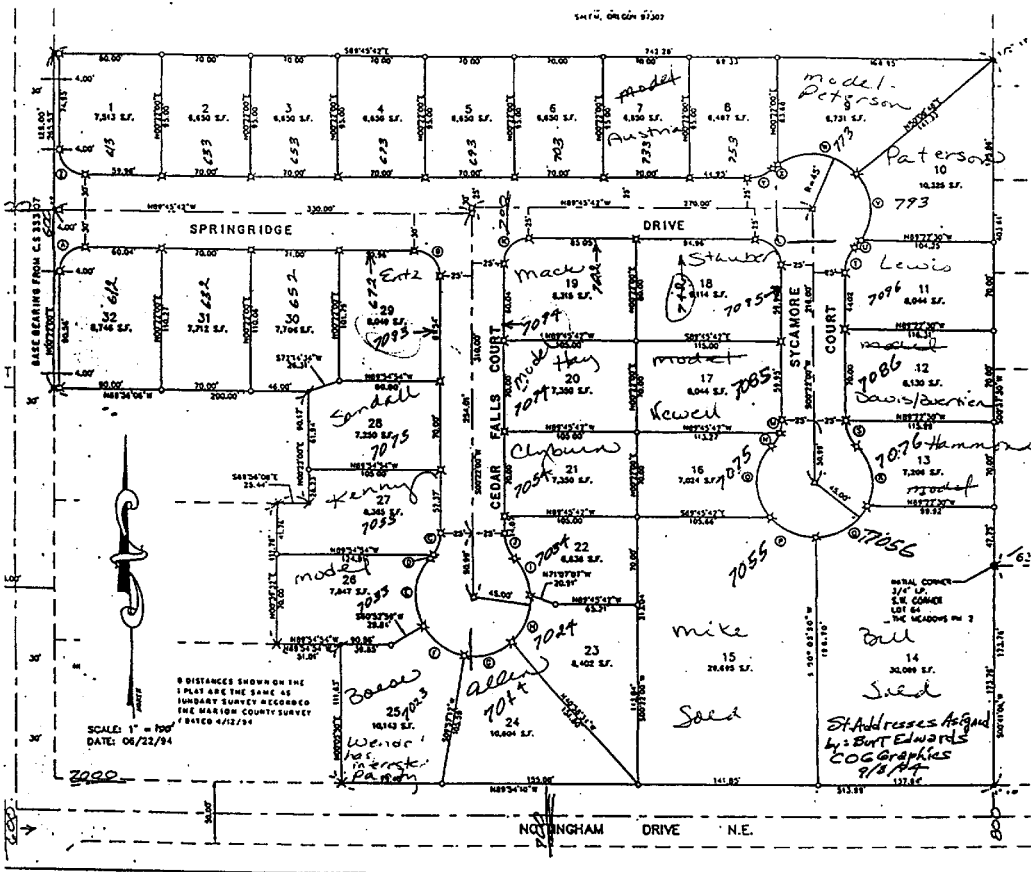
"We had one parent at the meeting Thursday who had a student who went to Gubser," she said. "Then they moved to the Clear Lake boundary, and had to sever those ties with the friends at Gubser. Now, a few years later they don't want to sever the ties they have made at Clear Lake. It is a tough situation and we'll have to look at these things case by case."

The plans for the student transfers are likely to be approved by the Salem-Keizer School Board in the next few months, Miller said.

IN N.W. 1/4 SEC. 26, T. 6 S., R. 3 W., W.M.
CITY OF KEIZER, MARION COUNTY, OREGON

IN N.W. 1/4 SEC. 26, T. 6 S., R. 3 W., W.M.

CITY OF KEIZER, MARION COUNTY, OREGON



June 10, 1997

Springridge Estates Neighborhood
742 Springridge Drive NE
Keizer, OR 97303



Ladies and Gentlemen:

RE: Your letter received May 14, 1997 concerning duplexes

Your letter will be given to the City Council members this week along with a copy of this response. You may wish to appear at the June 16, 1997 Council meeting at the first part of the agenda under "Appearance of Interested Citizens" to present your issue and to ask that the Council to set it for a future agenda item or take other action.

I will be recommending the Council take no action. Let me explain my reason for this position.

Urban planning is often managing a competing set of values and priorities. Such is the case with your concerns. A chronology of events leading up to the decision on duplexes will explain the background for the current situation.

- In 1973 Salem adopted the first urban growth boundary in the nation. This boundary had two primary functions. First, it was intended to establish urbanizable land so that public facilities and services could be most efficiently extended. Second, and much more importantly, the boundary was established to be the line between city and country. All urbanization was to occur within the line creating a "compact urban form" while land outside was to be saved from rampant urban sprawl. The importance of prime agricultural land being preserved was the primary driving force behind establishment of the boundary.
- In 1974 the Statewide Planning Goals and Guidelines were adopted which required the establishment of urban growth boundaries for all cities. The boundaries were to be established based on a set of criteria, with the primary criteria preserving prime farm and forest land.
- In 1982 Keizer was incorporated with the city limits being generally co-terminus with the urban growth boundary. This includes the land that eventually will become Springridge Estates and the rest of the Clear Lake neighborhood.

•
Administration
Public Works
Community Development
Municipal Court
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Fax 503.393.9437
Police (business only)
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Fax 503.390.8295
•
Incorporated 1982
Pride, Spirit, Volunteerism

- In 1987 the first Keizer Comprehensive Plan was adopted. This plan re-adopted the urban growth boundary based on its capability to contain the 30,000 people projected to be living in Keizer by 2005. However, in order to house 30,000 people without expanding the boundary onto prime farmland, the need for development to occur at efficient densities was highlighted. Also, the need to provide for housing at a variety of price points and for both the ownership and rental markets was established, leading to the zoning provision allowing duplexes on corner lots in RS (Residential Single Family) zoned areas as an outright use. All of these concepts are formally recognized as policies in the Comprehensive Plan and in regulations within the zoning and subdivision ordinances.
- In 1994 Lydon Construction applied for and received approval for Springridge Estates subdivision.

The specific analysis that goes into evaluating the subdivision proposal is based totally on a set of criteria. One of the criteria is showing that the proposal conforms to the policies of the Comprehensive Plan. Let me summarize one part of the analysis for Springridge Estates.

- The Comprehensive Plan sets a density range of 4 to 8 dwelling units per acre for single family development. This density must be met if the urban growth boundary is to contain the projected population. All subdivisions must fall within this density range. Most subdivisions over the last few years have been between 4.5 and 6 dwelling units per acre.
- The Lydon proposal at first was below 4 dwelling units per acre. This was due to the two very large lots proposed for the end of Sycamore Court, which the Lydons intended to reserve for their personal homes. The Lydons were given two options to meet the density minimum. They could divide the large lots into smaller lots, or keep the large lots and put in duplexes in another part of the subdivision. They chose the later option and the decision was made to require duplexes at the corner of Springridge Drive and Wheatland Road.
- The City's Hearings Officer, who sits as a judge in land use matters, made the decision approving the subdivision with conditions. It was not made by the City Council. The final decision was rendered on March 9, 1994. The plat as recorded shortly thereafter.

In order to change the decision a very difficult process would need to be followed. The original applicant would need to apply for an amendment to the subdivision approval. In the petition for the amendment, the applicant would need to ask that the requirement to build duplexes on these corners be revoked. In order to fully achieve your position, the applicant would also want to ask for a prohibition on building duplexes on these corners. Remember

that duplexes are allowed on any corner in a RS zone, so lifting the requirement still leaves the option to the property owner. Hence, you would want to see a specific prohibition.

The Hearings Officer will hold a public hearing on the application. After the hearing, he has 60 days to render a written decision, though it usually takes about 3 weeks. If any party to the original hearing objects to the Hearings Officer's decision, they can appeal the matter to the City Council. The Council would then hold its own hearing on the appeal and render a decision.

Please be advised that I would recommend to the Hearings Officer and the Council against making this change as it would directly violate Comprehensive Plan policy and violate the Community's intent to develop efficiently within the boundary in order to preserve the prime farmlands outside.

Let me speak specifically to your concerns.

- You contend that only one vehicle will fit in a duplex's driveway. I am perplexed by this position as most of the newly built duplexes I am aware of have double car driveways. A duplex dweller is just as likely to park in the driveway as you are in your homes. There is nothing that forces a duplex dweller to park on the street.
- Country Glen cannot be used as a corollary as there are dozens of duplexes in the western part of that development. I will admit that some of them have only a single car driveway, but it is a 34 foot street that provides ample room to park on both sides. It may seem constrained, but two ample travel lanes are provided even if cars are parked on both sides.
- There is a significant shortage of housing of all types in Keizer, especially two and three bedroom rental housing. Vacancy rates run near 2 percent, which is well below the norm of 4 to 5 percent. We have a legal obligation to see that city laws and decisions are helping to assure housing needs are met.
- These duplexes will put no more strain on the school system than if the subdivision was developed with smaller lots on Sycamore Court. The number of dwelling units is the same. The issue with over crowding at the schools is squarely the District's fault for not keeping up with growth through new facility development. The District consistently comments in subdivision applications, including this one, that it has the tools to manage student loads from new housing which include portable classrooms, building expansions, double shifting, and adjusting attendance boundaries. The District is following the later course to deal with the current crowding issue.
- You state that "...if Keizer's density requirements were revamped the Keizer schools wouldn't be bursting at the seams." That is not necessarily a correct statement. If the

density standards were revamped there would still be a strong housing market and rapid growth, it just would be spilling over onto prime farmland. The impact on the schools would be just the same, except the costs for bussing would go up due to the longer distances to school.

- Your argument about schools is not with Keizer. It is with the District and its programs for keeping up with growth. It is with the taxpayers that won't pass bond elections to pay for new school facilities. It is with the Legislature that has historically refused to authorize System Development Charges for schools so that new construction contributes directly to a fund to build new schools. (Which, by the way, would have added to the cost of your homes if that had been in place.) For the first time, however, school SDC's may make it out of the Legislature.

Please forgive me for this long essay, but I am very concerned about our citizens understanding the complexities of efficiently and effectively managing our physical and financial resources. Also, the public needs to understand the careful balancing act that goes into every decision we make. Plus, you need to know, and hopefully will accept, the core values that lead to the City's policies and laws, such as the protection of prime farmland.

Again, this will be before the Council on Monday, June 16th for their information. The Council may choose to provide some comments back to you, but I will suggest to them that the only course legally open to you is to have a new subdivision application filed requesting the amendment.

I encourage you to work with the builder on these two lots, as you may be able to work out an understanding on the things that are important to you, such as double car driveways for each home.

If I can be of any assistance, or answer any questions, please contact me at your convenience.

Yours truly,



John N. Morgan, AICP
Community Development Director

cc: City Council
Amy Drought, City Planner