The City of Keizer is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). The Keizer Civic Center is wheelchair accessible. If you require any service such as language translation or other interpretive services that furthers your inclusivity to participate, please contact the Office of the City Recorder at least 48 business hours prior to the meeting by email at bissetm@keizer.org or phone at (503)390-3700 or (503)856-3412. To provide oral comments via electronic means, please contact the City Recorder's Office no later than 2:00 p.m. on the day of the meeting. Most regular City Council meetings are streamed live through www.KeizerTV.com and cable-cast on Comcast Channel 23 within the Keizer City limits. Thank you for your interest in the City of Keizer.

AGENDA

KEIZER CITY COUNCIL
REGULAR SESSION

Monday, February 5, 2024
6:00 PM
Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **SPECIAL ORDERS OF BUSINESS**

   a. Black History Month Proclamation

   b. Marion Polk Food Share Presentation

5. **COMMITTEE REPORTS**

6. **PUBLIC COMMENTS**

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

7. **PUBLIC HEARINGS**

   a. OLCC Application - Limited On-Premises Sales Liquor License - Quetzal's Nest - 4415 River Road N.

   b. Appeal of Planning Commission Order - In the Matter of the Application of Michael and Susie Le for a Partition and Major Variance on Property Located at 527 Dearborn Avenue N, Keizer, Oregon (Case No. 2023-12)

8. **ADMINISTRATIVE ACTION**

   a. RESOLUTION - Council Determination Regarding Adoption of Personnel Policies

   b. Non-Represented Employee Salary Survey, City-wide Internal Pay Equity Review and Additional Pay Adjustment for all Non-Represented Employees

   c. RESOLUTION - Amending City of Keizer City Council Rules of Procedure (Amending

Resolution R2022-3269)

d. <u>RESOLUTION</u> - Authorizing Keizer Heritage Foundation to Exhibit Thomas Dove Keizur on a Morgan Horse Maquette

e. Discussion on whether all future fees for service created by the Keizer City Council that do not currently exist and are not directly related to a Keizer utility would require a public vote, by ballot, by the citizens of Keizer. (Requested by Councilor Kohler, Councilor Cross, and Councilor Juran.)

f. <u>RESOLUTION</u> - Authorizing the City Manager to Sign the Sale Agreement and Receipt for Earnest Money with Verda Crossing LLC for Purchase of a Portion of Property Adjacent to Claggett Creek

9. CONSENT CALENDAR

a. Approval of January 2, 2024 Regular Session Minutes.

b. Approval of January 8, 2024 Work Session Minutes.

c. Approval of the January 15, 2024 Emergency Meeting Minutes.

d. Approval of the January 18, 2024 City Council and Traffic Safety, Bikeways, and Pedestrian Committee Work Session Minutes.

e. Approval of the January 22, 2024 Work Session Minutes.

10. OTHER BUSINESS

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

11. STAFF UPDATES

12. COUNCIL MEMBER REPORTS

13. AGENDA INPUT

<u>Monday, February 12, 2024 - 6:00 p.m.</u>
Long Range Planning Task Force

<u>Tuesday, February 20, 2024 - 7:00 p.m.</u>
City Council Regular Session

<u>Monday, February 26, 2024 - 6:00 p.m.</u>
Long Range Planning Task Force

<u>Monday, March 4, 2024 - 7:00 p.m.</u>
City Council Regular Session

<u>Monday March 11, 2024 - 6:00 p.m.</u>
Joint City Council and Community Diversity Engagement Committee Meeting

14. ADJOURNMENT

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 Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

Proclamation

***WHEREAS,** Black History Month celebrates rich cultural heritage, triumphs and adversities that are an integral part of our country's history; and,*

***WHEREAS,** fifty years after the first celebrations, then-President Gerald R. Ford officially recognized Black History Month at the country's 1976 bicentennial and called on Americans to "seize the opportunity to honor the too-often neglected accomplishments of Black Americans in every area of endeavor throughout our history"; and,*

***WHEREAS,** Dr. Carter G. Woodson, a founder of the Association for the Study of African American Life and History, first had the idea of this month-long celebration in 1926 out of concern that Black children were not being taught about their ancestors' achievements in American schools; and,*

***WHEREAS,** the 2024 theme, African Americans and the Arts; and,*

***WHEREAS,** African American art is infused with African, Caribbean, and the Black American lived experiences. In the fields of visual and performing arts, literature, fashion, folklore, language, film, music, architecture, culinary and other forms of cultural expression, the African American influence has been paramount; and,*

***WHEREAS,** African American artists have used art to preserve history and community memory as well as for empowerment. Artistic and cultural movements such as the New Negro, Black Arts, Black Renaissance, hip-hop, and Afro-futurism, have been led by people of African descent and set the standard for popular trends around the world; and,*

***WHEREAS,** in celebrating the entire history of African Americans and the arts, we join people across our nation in spotlighting the richness of the past and present with an eye towards what the rest of the twenty-first century will bring.*

***THEREFORE,** I, Cathy Clark, Mayor of the City of Keizer, together with the Keizer City Council assembled in Regular Session, do hereby proclaim the month of February 2024, as*

Black History Month

And urge all the people of Keizer to heed the call to study the history of Black Americans' responses and support efforts to establish safe spaces, institutions, communities, and homes, where Black life can be sustained, fortified, and respected.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer to be herein affixed this 5th day of February 2024.

_____

MAYOR CATHY CLARK
City of Keizer, Oregon

City Council Meeting Date: February 5, 2024

To: Mayor Clark and City Council Members

Thru: Adam J. Brown, City Manager

From: Melissa Bisset, City Recorder

Subject: OLCC Application - Limited On-Premises Sales Liquor License - Quetzal's Nest - 4415 River Road N.

Proposed Motion

I move the City Council recommend approval of the application for a new outlet Limited-On-Premises Liquor License for Quetzal's Nest under the guidelines established by ORS 471.175 and the Ordinances of the City of Keizer.

I. Summary

On December 21, 2023, the City received an application for a new outlet Limited On-Premises Liquor License for Quetzal's Nest located at 4415 River Road N, Keizer, Oregon. As required by Keizer Ordinance 2010-623 a public hearing was scheduled; notice was published and mailed to all property owners within 200 feet of the establishment as well as the West Keizer Neighborhood Association. The Keizer Police Department conducted a background check of the applicants and has no reason to recommend denial of the application. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned and has no additional comment on the application.

II. Background

A. Keizer Ordinance 2010-623 includes guidelines for review of liquor license applications in the City of Keizer.
B. The Ordinance states liquor licensees should promote, sell, and serve alcohol in a responsible manner which minimizes the risks associated with its use, and should work in partnership with the community to improve community livability.

III. Current Situation

A. The owners of Quetzal's Nest have submitted an application for an OLCC On-Premises Liquor License for their business located at 4415 River Road N. in Keizer, Oregon.
B. The Oregon Liquor Control Commission requires a new application be submitted for

review by the local governing body.

IV. Analysis

A. **Strategic Impact** - N/A
B. **Financial** - The application requires a $100 fee, which has been paid.
C. **Timing** - As required by Keizer Ordinance 2010-623 a public hearing was scheduled; notice was published and mailed to all property owners within 200 feet of the establishment as well as the West Keizer Neighborhood Association.
D. **Policy/Legal** - The review process for a liquor license application is outlined in City Ordinance 2010-623.

V. Alternatives

A. Recommend approval of the license application.
B. If no action is taken, the Oregon Liquor Control Commission will have the authority to make a determination.
C. File an unfavorable recommendation with the OLCC based on the license refusal bases of Oregon State Statutes and Oregon Administrative rules and supported by reliable factual information.

VI. Recommendation

Staff recommends the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council recommend approval of the application for Quetzal's Nest located at 4415 River Road N, under the guidelines as established by ORS 471.175 and the Ordinances of the City of Keizer. This recommendation will then be forwarded to the Oregon Liquor and Cannabis Commission for final approval.

Attachments

1. APP_Quetzal's Nest Application_02_05_24

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

LIQUOR LICENSE APPLICATION

Check the appropriate license request option:

☑ New Outlet | ☐ Change of Ownership | ☐ Greater Privilege | ☐ Additional Privilege

Select the license type you are applying for.

More information about all license types is available online.

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd ☐4th ☐5th

Brewery

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Distillery

- ☐ Primary location

Additional tasting locations: (Use the DISTT form HERE)

☑ **Limited On-Premises**

☐ **Off Premises**

☐ **Warehouse**

☐ **Wholesale Malt Beverage and Wine**

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT
After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received:

Optional: Date Stamp Received Below

☐ Recommend this license be granted

☐ Recommend this license be denied

☐ No Recommendation/Neutral

Printed Name _____ Date _____

Signature _____

Trade Name

LIQUOR LICENSE APPLICATION

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:	Name of entity or individual applicant #2:
Quetzal's Nest LLC	
Name of entity or individual applicant #3:	**Name of entity or individual applicant #4:**

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Quetzal's Nest

Premises street address (The physical location of the business and where the liquor license will be posted):

4415 River Rd N

City:	Zip Code:	County:
Keizer	97303	Marion

Business phone number:	Business email:
(503) 602-6332	Quetzalsnest2023@gmail.com

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1].):

3185 Starr ct NE

City:	State:	Zip Code:
Salem	OR	97301

Does the business address currently have an OLCC liquor license?	Does the business address currently have an OLCC marijuana license?
☐ Yes ☑ No	☐ Yes ☑ No

APPLICATION CONTACT INFORMATON – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative Form must be completed and submitted with this application.

Application Contact Name:

Carlos Chon Vasquez

Phone number:	Email:

Please note: liquor license applications are public records.

LIQUOR LICENSE APPLICATION

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Print name	Signature	Date	Atty. Bar Info (if applicable)
Carlos D Chan Vasquez		11/21/23	
Vilma Chan Vasquez		11/21/23	
Christian Franco		11/21/23	

OREGON LIQUOR & CANNABIS COMMISSION

BUSINESS INFORMATION

Please Print or Type

Applicant Name: Carlos Chan Vasquez Phone: (503) 602-6332

Trade Name (dba): Quetzal's Nest

Business Location Address: 4415 River Rd N

City: Keizer ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 11:00 am to 8:00 pm
Monday 11:00 am to 8:00 pm
Tuesday 11:00 am to 8:00 pm
Wednesday 11:00 am to 8:00 pm
Thursday 11:00 am to 8:00 pm
Friday 11:00 am to 8:00 pm
Saturday 11:00 am to 8:00 pm

Outdoor Area Hours:

Sunday 11:00 am to 8:00 pm
Monday 11:00 am to 8:00 pm
Tuesday 11:00 am to 8:00 pm
Wednesday 11:00 am to 8:00 pm
Thursday 11:00 am to 8:00 pm
Friday 11:00 am to 8:00 pm
Saturday 11:00 am to 8:00 pm

The outdoor area is used for:

☑ Food service Hours: 11:00 am to 8:00 pm
☐ Alcohol service Hours: _____ to _____
☐ Enclosed, how _____

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

_____ (Investigator's Initials)

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

ENTERTAINMENT

Check ALL that apply:

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

*Minor Entertainers in an area prohibited to minors need prior approval from the OLCC

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

SEATING COUNT

Restaurant: 0 Outdoor: _____ Lounge: 0

Banquet: 0 Other (explain): _____ Total Seating: _____

OLCC USE ONLY

Investigator Verified Seating: ____(Y) ____(N)

Investigator Initials: _____

Date: _____

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

Applicant Signature: _____ **Date:** 12/18/23

www.oregon.gov/olcc

Rev: 2.1.23

City Council Meeting Date: February 5, 2024

To: City Council

From: Shane Witham, Planning Director

Subject: Public Hearing - Appeal of Planning Commission Order Approving Partition/Major Variance Case 2023-12

Proposed Motion

I move that City Council direct staff to prepare an Order approving the Application of Michael and Susie Le for a Partition and Major Variance on Property Located at 527 Dearborn Avenue N, Keizer, Oregon (Case No. 2023-12).

I. Summary

The staff decision approving (with conditions) Partition/Major Variance Case 2023-12 was issued on September 18, 2023. An appeal was filed on September 28, 2023. The appeal required a public hearing before the Planning Commission to consider the merits of the appeal and make a decision regarding the approval or denial of the application. The Planning Commission held a public hearing on November 8, 2023 and unanimously adopted an Order, approving Partition/Major Variance Case 2023-12, as outlined in the Staff Decision. An appeal of the Planning Commission Order was filed on November 22, 2023. An appeal of a Planning Commission Order requires a public hearing before the City Council for consideration and final decision to be adopted by Order.

II. Background

A. The staff decision approving Partition/Major Variance Case 2023-12 (issued on September 18, 2023 and adopted as part of the subsequent Planning Commission Order on November 8, 2023) contains findings of fact and conditions of approval addressing the criteria of approval identified in the Keizer Development Code (KDC). The application sought to partition an existing property containing a single family dwelling and an accessory dwelling unit into two separate parcels. In addition, a major variance was requested to reduce the setback from the newly proposed access easement to a portion of the existing home due to the existing location of the dwelling. The details of the request are found in the staff decision. There are numerous conditions of approval which ensure that all provisions of the development code are met at the time of development of the site. The Planning Commission Order and staff decision are attached.

B. At the public hearing on November 8, 2023, both the applicant and appellant submitted written information to the Planning Commission which is also attached for

your reference. Testimony was received relating to issues over trees, noisy tenants, and other neighbor-related concerns. However, no specific errors were identified in relation to the relevant review criteria for approving the Partition and Major Variance request.

C. Partition and Major Variance requests are reviewed based upon the review criteria outlined in the Keizer Development Code. The staff decision systematically addresses the relevant review criteria and, where appropriate, requires conditions of approval to ensure the provisions of the Keizer Development Code are met at the time of development of the property.

III. <u>Current Situation</u>

A. An appeal of the November 8, 2023 Planning Commission Order was received on November 22, 2023. The appeal form is attached for your reference. The appeal form cited the following errors:
   1. *3.105.05 Exhibit 1, errors/omissions - setback variances (trees+health+) OAR 690.21, KZR 2.309.*
   2. *3.107.07.A rationality to grant yourself easement on - rental +home+ADU.*
   3. *Partition proposal based on unproven housing need, and*
   4. *Inconsistent with Keizer blight policy.*
   5. *Disgorgement of ill gotten gains thru socializing gains form criminal acts.*
   6. *ORS 105.810 City becomes accessory to criminal and civil damage claims, suites.*
   7. *ORS 368.256 Creation of public hazards.*
   8. *5th Amendment Constitutional property and other rights to due process.*

B. Staff offers the following response to the alleged errors:

1. *3.105.05 Exhibit 1, errors/omissions - setback variances (trees+health+) OAR 690.21, KZR 2.309.*
   1. KDC section 3.105.05 contains the Criteria for Major Variance approval. The Staff Decision includes findings of fact addressing all the review criteria listed.
   2. I am uncertain as to what is meant by the reference to OAR 690.21. OAR Chapter 690 relates to the Water Resource department and ORS Chapter 690 relates to Cosmetic Professionals. Regardless of the appellant's intent, OAR and ORS references are not relevant review criteria for considering the approval or denial of a Partition and Major Variance request.
   3. KDC Section 2.309 (Site and Landscaping Design) is a relevant review criterion which is addressed in the staff decision.

2. *3.107.07.A rationality to grant yourself easement on - rental +home+ADU.*
   1. KDC Section 3.107.07.A - This review criteria requires that parcels meet the access requirements of KDC 2.310.03.D, pertaining to lot frontage along a street or access easement. This criterion is specifically addressed in the staff report. The applicant proposes to serve both parcels with a newly created 20 foot wide access easement. Both proposed lots meet the requirement outlined in the KDC.

3. *Partition proposal based on unproven housing need, and*
    1. Partitions are listed as a special permitted use in the RS zone. Housing need is not a pre-requisite for partitioning approval. However, the City's Housing Needs Analysis and Buildable Lands Inventory does identify a need for additional housing.

4. *Inconsistent with Keizer blight policy.*
    1. The City has many ordinances related to livability and preventing "blight" conditions, but those are not relevant review criteria for a Partition and Major Variance request. In addition, the proposed partitioning and new development will comply with the provisions of KDC.

5. *Disgorgement of ill gotten gains thru socializing gains from criminal acts.*
    1. This is not a criteria for review and approval of Partition and Major Variance requests.

6. *ORS 105.810 City becomes accessory to criminal and civil damage claims, suites.*
    1. This ORS relates to "treble damages for injury to or removal of produce, trees or shrubs". This is not a relevant review criterion for Partition and Major Variance requests.

7. *ORS 368.256 Creation of public hazards.*
    1. This ORS relates to the creation of road hazards and is not a relevant review criterion listed in the KDC.

8. *5th Amendment Constitutional property and other rights to due process.*
    1. This is not a review criterion, and it is unclear how the 5th amendment relates to this appeal.

The appeal does not identify any errors in the process or approval of the Partition and Major Variance Request based upon relevant review criteria. The Planning Commission Order signed on November 8, 2023 approved the Partition and Major Variance request (Case 2023-12) and includes the findings and conditions addressing the relevant criteria of approval for the Partiton/Major Variance request.

IV. Analysis

A. **Strategic Impact** - not applicable

B. **Financial** - none

C. **Timing** - Notice of the public hearing was mailed to surrounding property owners as required, posted in the newspaper, and the property was posted identifying the time and place for the public hearing.

D. **Policy/Legal** - The process of review and approval and subsequent appeals are outlined in the Keizer Development Code and have been adhered to. Approval or denial of a Partition and Major Variance request are based upon the criteria found in the Keizer Development Code.

V. Alternatives

A. Direct staff to prepare an Order approving the application of Partition/Major Variance (Case 2023-12).
B. Direct staff to come back with an Order denying Partition/Major Variance Case 2023-12 based upon relevant review criteria. If the City Council chooses this option, staff will need to be directed as to which criteria have not been met.
C. Direct staff to come back with an Order approving Partition/Major Variance Case 2023-12 with modified conditions of approval. If the City Council chooses this option, staff will need to be directed as to which conditions of approval need modifications or which additional conditions should be provided, as well as findings to support the conditions proposed.
D.

VI. Recommendation

Staff recommends that the City Council open the public hearing, take testimony and, if there are no questions, close the hearing. Unless additional evidence at the hearing indicates otherwise, staff recommends the City Council pass a motion directing staff to prepare an Order for adoption, approving Partition/Major Variance Case 2023-12.

Attachments

1. APPEAL to CC - Weckert
2. ORDER - Planning Commission
3. Submitted by Michael Le Nov 8
4. Submitted by W Weckart Nov 8

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

11-17-23

CITY OF KEIZER
APPEAL FORM

RECEIVED
CITY OF KEIZER
NOV 22 2023
PLANNING DEPARTMENT

Staff Decision - $250.00
Hearing's Officer or Planning Commission - ~~$365.00~~ 440.00

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

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

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

Land Use Case Appealed: Partition/major Variance 2023-12

Final Date of Appeal Period: NOV. 27, 2023

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

1. 3.105.05 Exhibit 1, errors/omission- setback variances (trees+health+) OAR 690.210, KZR 2.309.
2. 3.107.07.A rationality to grant yourself easement on - rental + home+ADU.
3. Partition proposal based on unproven housing need, and
4. Inconsistent with Keizer blight policy.
5. Disgorgement of ill gotten gains thru socializing gains from criminal acts.
6. ORS 105.810 City becomes accessory to criminal and civil damage claims, suites.
7. ORS 368.256 Creation of public hazards.
8. 5th Amendment Constitutional property and other rights to due process.

Appellant Name: Wendell Weekent

Address, City, Zip: 557 DEARBORN AVE N. / 8700 S.W COMANCHE
KEIZER, OR / Tualatin, OR
97303 / 97062

Daytime Phone #: 503 380-4039

The City of Keizer Community Development Department will be in contact to notify you of the scheduled hearing for the appeal of this land use case. If you have any questions, contact the department at (503) 856-3441.

City of Keizer

Phone: (503) 856-3442 • Fax: (503) 390-8288
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

November 13, 2023

NOTICE OF PLANNING COMMISSION ORDER

Partition/Major Variance Case 2023-12

You are receiving this Notice of the Planning Commission order because you provided either written or verbal testimony on a proposed subdivision. Attached is a copy of the Hearings Officer's decision Partition/Major Variance Case 2023-12 for a 2-lot partition located at 527 Dearborn Av N, Keizer, OR also identified by Marion County Tax Assessor's Map No. 073W03AD Tax Lot 02700.

Any interested person, including the applicant, who disagrees with this decision, may appeal the decision to the City Council. Any such appeal must be filed with the Keizer Planning Department on an appeal form provided by the City. A fee of $440.00 is required for any appeal filed. The appeal form is to be submitted to Keizer Planning Department, 930 Chemawa Road NE, PO Box 21000, Keizer, Oregon 97307-1000. The appeal form and fee must be received by the City by 5:00 pm **November 27, 2023**. Please see the Section 3.207 (Appeal Provisions*)* in the Keizer Development Code, for more information.

If you any questions, concerns or comments regarding this decision, please contact the Keizer Planning Department at (503) 856-3439 or 856-3442.

All attachments can be viewed at:
https://www.keizer.org/maps/location/Partition/MajorVariance2023-12

BEFORE THE PLANNING COMMISSION FOR THE CITY OF KEIZER

ORDER

IN THE MATTER OF THE APPLICATION OF MICHAEL AND SUSIE LE FOR A PARTITION AND MAJOR VARIANCE ON PROPERTY LOCATED AT 527 DEARBORN AVENUE N, KEIZER, OREGON (CASE NO. 2023-12)

The Keizer Planning Commission orders as follows:

Section 1. THE APPLICATION. This matter comes before the Keizer Planning Commission on the application of Michael and Susie Le to divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet and approximately 6,600 square feet. The proposal also includes a major variance request to reduce the minimum required setback from the existing home to the private access easement. The property is identified on the Marion County Tax Assessor's Map as Township 7 South, Range 3 West, Section 03AD, Tax Lot 02700. On September 18, 2023, the Planning Director approved the requested partition and major variance request. The Planning Director's decision was appealed to the Planning Commission.

Section 2. JURISDICTION. The land in question in this Order is within the city limits of the City of Keizer. This appeal concerns both a Partition (Type I-B) and a Major Variance (Type I-D). Pursuant to KDC 3.201.01(B), cases involving multiple

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

application types are heard and decided at the higher type. Because the higher type is the Major Variance case, this appeal is before the Planning Commission. See KDC 3.105.05 and the Land Use Application Process matrix following KDC 3.101.04

Section 3. PUBLIC HEARING. A public hearing was held on this matter before the Keizer Planning Commission on November 8, 2023.

Section 4. ADOPTION OF NOTICE OF DECISION. The Keizer Planning Commission adopts the attached Keizer Planning Department Notice of Decision as its own, including the evidence, criteria, facts and justification set forth therein.

Section 5. ACTION. The Keizer Planning Commission hereby approves the partition and major variance request as conditioned in the attached Keizer Planning Department Notice of Decision.

Section 6. FINAL DETERMINATION. This Order is the final determination in this matter, unless appealed.

Section 7. EFFECTIVE DATE. This Order is effective immediately.

Section 8. APPEAL. A party aggrieved by the final determination in this matter may appeal to the Keizer City Council pursuant to the procedure set forth in the Keizer Development Code.

DATED: Nov 8th, 2023.

Matt Lawyer, Chair

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
Partition Case 2023-12

I. REQUEST

The following report reviews a land use application to divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet (Parcel 1) and approximately 6,600 square feet (Parcel 2). The proposal also includes a major variance request to reduce the minimum required setback from the existing home to the private access easement. Currently, the property is developed with a single-family dwelling and accessory dwelling unit (ADU). (Exhibit 1)

II. BACKGROUND

A. ***APPLICANT/PROPERTY OWNER***: Michael and Susie Le

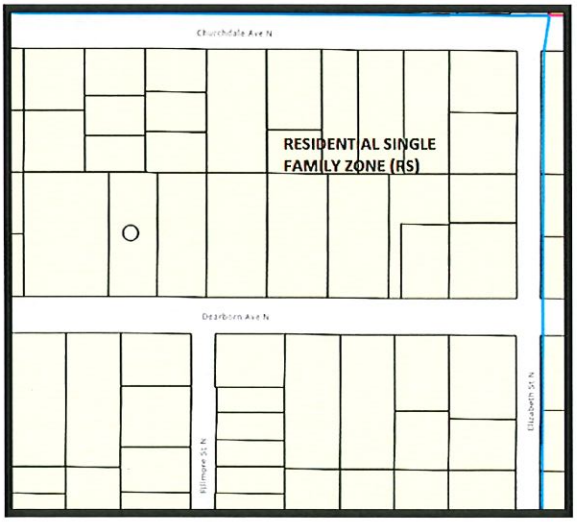
B. ***PROPERTY LOCATION:*** The subject property is located in the 527 Dearborn Av N, identified on the Marion County Tax Assessor's as Township 7 South, Range 3 West, Section 03AD Tax Lot 02700. (Exhibit 2)

C. ***PARCEL SIZE:*** The subject property is approximately 16,160 square feet in area.

D. ***EXISTING DEVELOPMENT AND PUBLIC FACILITIES:*** The subject property is currently developed with a single-family home and accessory dwelling unit. The property is currently served by both public water and public sewer.

E. ***ZONING:*** The subject property is zoned RS (Single Family Residential) and designated Low Density Residential (LDR) in the Comprehensive Plan.

F. ***ADJACENT ZONING AND LAND USES:*** Surrounding properties are zoned RS and developed with single family dwellings.



III. COMMENTS

A. The Keizer Public Works Department submitted comments (Exhibit 3) regarding requirements for public facilities and improvements necessary to serve the subject property.

B. The Marion County Surveyor's office submitted comments (Exhibit 4) regarding the process for platting the partition.

C. The Keizer Fire District submitted comments (Exhibit 5) regarding the major variance request.

D. The City of Salem Public Works Department submitted comments (Exhibit 6) stating the process for the sewer connection.

E. The Salem-Keizer Public Schools submitted comments (Exhibit 7) noting the school capacities, current enrollments and expected impact of development.

F. The City of Keizer Police Department and the West Keizer Neighborhood Association submitted that they have reviewed the proposal and have no comments.

G. A letter requesting comments was sent to the surrounding property owners within 250 feet of the subject property. Comments were received from the following:

   a. Wendell Weckert - 557 Dearborn Av N (Exhibit 8)

   b. Sharla Hill - 497 Dearborn Av N (Exhibit 9)

   c. John Hill - 497 Dearborn Av N (Exhibit 10)

   d. Stephen Kalb - 4880 Delight St N (Exhibit 11)

   e. Patsy Ozenna-LeMay - 507 Dearborn Av N (Exhibit 12)

   f. Arthur Mauer - 4860 Delights St N (Exhibit 13)

STAFF RESPONSE: This report includes findings and conclusions that systematically address the applicable review criteria of the Keizer Development Code. Staff has placed conditions of approval on this application which will ensure the applicant's proposal adheres to the requirements of the Development Code. Some of the concerns expressed by neighbors are addressed through the findings and conditions in this report, but unfortunately many concerns expressed are outside the scope of the applicable review criteria. While staff understands the sentiment behind the concerns expressed over the partitioning of this property, the applicant has shown a preliminary plan that exceeds the minimum requirements of the RS zone for lot size and dimensional standards. Staff also had several phone conversations and in-person conversations with some of those that submitted comments. Staff appreciates the engagement, effort, and participation in the land use process of those individuals that submitted comments.

IV. FINDINGS AND CONCLUSIONS - PARTITION

The following are findings that address the Partition request to divide the property into two lots in accordance with the Keizer Development Code. The approval, or denial, of a partition application is based on compliance with the decision criteria found in Section 3.107 of the Keizer Development Code. The criteria and staff's findings for the applicable sections of the Keizer Development Code are listed below:

A. <u>SECTION 3.107.07.A - EACH PARCEL SHALL MEET THE ACCESS REQUIREMENTS OF SECTION 2.310.03.D.</u>

All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum width required by the underlying zone. Exceptions apply for Lots or parcels that are accessed via an access easement and flag lots.

FINDINGS: The intent of this provision is to ensure that all lots have a minimum frontage along a public street so that development may occur in compliance with city standards and building setback requirements. An exception applies for lots or parcels that are accessed via an access easement.

The existing home has frontage along Dearborn Avenue of approximately 80' which exceeds the minimum lot width requirement of 40'. The applicant is proposing the existing driveway on Dearborn Av N be removed and that both lots obtain vehicular access from the proposed access easement. Both parcels will exceed the minimum requirement of 20' of frontage along the access easement. This will be placed as a condition of approval and will be confirmed through the process of platting the partition. Staff finds this proposal can comply with this criterion.

B. <u>SECTION 3.107.07.B - EACH PARCEL SHALL SATISFY THE DIMENSIONAL STANDARDS OF THE APPLICABLE ZONING DISTRICT, UNLESS A VARIANCE FROM THESE STANDARDS IS REQUESTED AND APPROVED.</u>

FINDINGS: The subject property is located in the RS zone. The RS zone requires new lots to have a minimum width of 40' and a minimum depth of 70' for a single-family home. The applicant's proposed plan and written statement indicate both lots exceed the minimum width requirement and the minimum depth requirement of the RS zone.

The RS zone also regulates setback requirements in the dimensional standards section of the development code. The minimum rear-yard setback required for a one-story home is 14'. The existing one-story home on Parcel 1 will need to demonstrate the minimum rear-yard setbacks will be met with the new created Parcel 2. A site plan, prepared by a licensed engineer or surveyor and submitted to the City of Keizer Planning Department demonstrating the existing dwelling on Parcel 1 meets the minimum rear setback requirement of the RS zone for a one-story dwelling will be placed as a condition of approval. With this condition, staff finds this request can satisfy this criterion.

C. SECTION 3.107.07.C - EACH PARCEL SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 2.310.

1. *Section 2.310.03.A. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.*

FINDINGS: The minimum lot size for development in the RS zone is 4,000 square feet for a single-family dwelling or duplex, 5,000 square feet for a triplex, and 7,000 square feet for a quadplex or cottage cluster. In no case can the proposed parcels be less than the minimum required by the RS zone without variance approval. Comments were received from neighbors expressing concern over the submitted site plan and questioning the accuracy of the proposal. As a condition of partition approval, all requirements of the Marion County Surveyor's Office must be met. This includes surveying the property and showing both gross and net area of the proposed parcels which will ensure that minimum lot sizes and dimensions are adhered to.

The applicant's proposed site plan shows Parcel 1 as approximately 7,000 square feet in area with an existing single-family dwelling. The applicant's site plan indicates the existing house will remain. Currently, an ADU is located on the new proposed Parcel 2. ADU's are only allowed in conjunction with a single-family dwelling. Even though Parcel 2 is proposed to be approximately 6,600 square feet in area, future development will be limited to a single-family home, unless the existing ADU were to be removed. Due to the ADU's current location, the ADU cannot qualify as a primary dwelling as it does not meet the setback requirements of a primary dwelling. As a condition of partition approval, a new dwelling is required to be built on Parcel 2 within one-year of the recording of this partition, or the ADU must be removed. To ensure this requirement is met, an Improvement Agreement (or other instrument acceptable to the City) will be required to be recorded with Marion County Clerk's office. Cost for recording will be the responsibility of the applicant.

All parcels exceed the minimum 4,000 square feet required. Staff finds with the above-mentioned conditions of approval; this request can satisfy this criterion.

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

***FINDINGS*:** The intent of this provision is to prevent the creation of parcels unusually deep and narrow which can be difficult to serve and develop, and to promote an orderly and efficient development pattern and use of property. The submitted site plan shows the proposed parcels comply with this standard. Neither of the two parcels will have a length three times its width and therefore meets the minimum lot width and depth ratio requirements as outlined in the KDC. This proposal complies with this criterion.

3. ***Section 2.310.03.D. Access. All lots and parcels shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply - lots accessed via an access easement, lots in townhouse or Planned Unit Developments, cul-de-sac lots and flag lots.***

   FINDINGS: The applicant's site plan indicates Parcel 1 complies with this standard. Both lots will obtain vehicular access from the proposed private access easement and exceed the minimum frontage requirement of 20' on the easement. Therefore, staff finds this request satisfies this criterion.

4. ***Section 2.310.03.E. Flag Lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration maybe accessed.***

   FINDINGS: The applicant's site plan indicates Parcel 2 will be accessed via an access easement and will not be developed as a flag lot, therefore this criterion does not apply.

5. ***Section 2.310.03.G. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the adjacent street. The rear lot line shall be no less than ½ the dimension of the front lot line.***

   FINDINGS: The intent of this provision is to allow the division of property that will result in uniform shaped lots thereby avoiding difficult to develop lots. The subject property is a rectangular shaped property that will result in dividing the lot into 2 rectangular shaped lots. The proposed lot lines run at right angles and the rear lot lines are all uniform with each front line not less than ½ the dimension of the front lot line. This development proposal will allow the property to be developed consistent with the provisions of the KDC. Therefore, staff finds this request satisfies this criterion.

6. ***Section 2.310.03.H. Utility easements shall be provided on lot area where necessary to accommodate public facilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of the Keizer Development Code.***

   FINDINGS: Both the City of Keizer and City of Salem Public Works Department's submitted comments pertaining to utility easements and facilities which have been included as conditions for the partition approval. This is a development requirement and shall be placed as a condition of approval of this partition application. Therefore, this request can comply with this criterion.

7. ***Section 2.310.05.A. Private Access. Private driveways serving flag lots, or private streets and access easements, shall be surfaced per the requirements of this Code.***

FINDINGS: The applicant is proposing a 20' wide access easement to serve the newly created lots with a turnaround located on Parcel 2. The standards governing access easements will be further addressed later in this report. As a condition of partition approval, the proposed access easement will be required to be paved a minimum of 16' wide. Staff finds this request can comply with this criterion.

8. ***Section 2.310.05.C. Street Frontage Improvements.***

FINDINGS: The City has a legitimate governmental interest in assuring the development does not cause a public problem of inadequate, unsafe and inefficient public transportation facilities. This is done by ensuring that adequate street improvements are provided. If the street frontage of the subject property exceeds 100' or is located along a collector or arterial street, as designated by the City's Transportation System Plan (TSP), or extends an existing dedicated right of way, the applicant shall improve the public street to current public standards. Dearborn Av N is designated in the City's TSP as a collector street. Collector streets are designed to be an intermediate street classification that distributes traffic from local streets onto arterial streets. They are designed to function with between 1,600 and 10,000 average daily trips.

The Public Works Department submitted comments pertaining to the street improvement requirements (Exhibit 3). Dearborn Avenue is proposed to be widened according to Collector Street Standards. The exact design and construction of improvements will be regulated through the public improvement permit review and approval process, and will be required to comply with the City of Keizer Design Standards. With these requirements placed as conditions of approval, this proposal will comply with this criterion.

D. <u>SECTION 3.107.07.D - IMPROVEMENTS OR DEDICATIONS THAT ARE REQUIRED AS A CONDITION OF DEVELOPMENT APPROVAL, IF NOT VOLUNTARILY ACCEPTED BY THE APPLICANT, SHALL BE ROUGHLY PROPORTIONAL TO THE IMPACT OF THE DEVELOPMENT.</u>

FINDINGS: The City has a legitimate governmental interest in assuring the development does not cause a public problem of inadequate, unsafe and inefficient public transportation facilities. This is done by ensuring that adequate streets are provided in order to avoid traffic generation that exceeds the street system's carrying capacity. The Keizer Development Code requires that all new development make road improvements to bring their road classification up to the road classification and construction standards. The legislative adoption of the street standards requires road improvements and road construction to be provided by the

development as it occurs in proportion to its impacts. The functional classification of Dearborn Avenue is based upon the cumulative traffic impacts from the development of properties in the area which will use the streets, and in this case, the TSP designates Dearborn Avenue as a collector street. The existing improvements along the frontage of the subject property are inadequate and substandard. The proposed development will generate additional traffic (vehicle trips, bicycle, pedestrian) which will further strain the already inadequate transportation system in place. Therefore, staff finds that any increase in vehicle, bicycle, or pedestrian traffic would cause dangerous and/or hazardous traffic conditions. Failure to provide the appropriate improvements as outlined in the Keizer Development Code would be grounds for denial of the partition. The Keizer Public Works Department submitted requirements which have been made conditions of approval regarding the improvements necessary (Exhibit 3). The exact design will be regulated through the public construction permit process, as required by the Public Works Department. Therefore, staff finds the required improvements are roughly proportional to the impact of the development.

E. <u>SECTION 3.107.07.E - EACH PARCEL SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS WITHIN SECTIONS 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Stormwater Management); 2.307 (Utility Lines and Facilities); and 2.309 (Site and Landscaping Design).</u>

1. Section 2.301 General Provisions.

***FINDINGS*:** The intent of this provision is to ensure that new development is served by adequate public facilities and avoid having the situation where the public facilities are inadequate. The Keizer Development Code requires that appropriate public facilities be provided and the Public Works Department submitted comments (Exhibit 3) which specifically outline the requirements for the provision of public facilities to the proposed development of the lots. The City of Salem also submitted comments (Exhibit 6) specific to sanitary sewer utilities which will be required to be followed at the time of development. The installation of appropriate public facilities will be ensured through the Public Works construction permit and building permit approval processes and will be placed as a condition of partition approval; therefore, staff finds this proposal satisfies this criterion.

2. Section 2.302 Street Standards.

***FINDINGS*:** The intent of this provision is to assure parcels are created in a manner consistent with city standards thereby avoiding the creation of a substandard access that might be unusable for vehicular traffic. No new public streets are proposed with this development, but as was addressed elsewhere in this report, street frontage improvements along Dearborn Avenue are proposed and will be required with this application. A private access easement is proposed to serve the development, providing access to both parcels. Staff finds this request can comply with this criterion.

3. ***Section 2.302.08. Private Access Easements. A. Width; B. Maintenance; C. Turn-around; D. Parking; E. Trees Along Access Easements; F. Screening:***

FINDINGS: The intent of this provision is to assure private access easements are constructed in a manner consistent with city standards thereby avoiding the creation of a substandard access that might be unusable for vehicular traffic and emergency personnel. In addition, the City requests comments from the Keizer Fire District where the Fire Code may differ from the City's Development Code. The Fire District has submitted comments pertaining to the access easement (Exhibit 5) that are incorporated into this decision. Staff finds the proposed plan can satisfy this criterion.

Width: A 20' wide easement, not to exceed 300' in length, with paved width of 16' is required for private access easements serving two or more dwelling units. In addition, the RS zone requires a 5' setback from the edge of an access easement to a structure. The applicant has submitted an application for a major variance to this setback requirement reducing the setback to 2'. No modification to the access width is requested. This variance request will be reviewed later in this report.

The improvement of the access easement shall be completed prior to approval of the final plat. In lieu of this, the applicant may obtain a performance bond, improvement agreement or other instrument acceptable to the City as outlined in Section 3.202.02.E.3 and 3.202.05.B of the Keizer Development Code. The applicant shows a 20' wide easement that does not exceed 300' in length, and therefore can comply with these standards. As a condition of partition approval, the access easement area and location must be shown on the partition plat ensuring all standard are met.

Maintenance: Provisions for the maintenance of the access easement, fencing/hedge along the access easement, address display signage and "no parking" signs shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City and shall be recorded with the Marion County Clerk. The agreement shall include language stipulating the agreement cannot be extinguished without written approval from the City of Keizer. The City of Keizer Planning Department will review and approve the agreement before recording. The applicant is required to record the Maintenance Agreement immediately after the recording of the Plat and provide a copy to the City. Prior to issuance of a building permit for the new dwellings, submission of proof of recording to the City is required. This will be a condition of partition approval.

Turn-around: The KDC requires a turn-around for access easements serving two or more dwelling units. The access easement is proposed to serve both lots, therefore a turn-around is required. The applicant has submitted a site plan (Exhibit 1) that shows a turn-around located on Parcel 2. This will be reviewed by the City Engineer at the time of plat review to ensure dimensions and turning radius requirements are met.

Parking: No parking is allowed within the 20' required access easement width or turn-around areas allowing emergency vehicles to be able to access the new parcels. Installation of "No Parking" signage is required to be installed when the access easement is constructed.

Trees Along Access Easements: In certain cases, streetscape trees are required along access easements. When required, trees shall comply with the provisions of Section 2.309 of the KDC. Lots measuring along the access easement less than 60 feet shall plant one streetscape tree and lots measuring more than 60 feet along the access easement shall be required to plant two streetscape trees. Streetscape trees are selected from a list of approved trees and planted within 10 feet of the access improvements within the boundaries of each lot. Both lots measure more than 60 feet along the access easement and will be required to plant two streetscape trees along the access easement. Planting of streetscape trees is a condition of Certificate of Occupancy for each new dwelling.

Screening: Unless waived in writing by the adjacent property owners, a 6' tall sight-obscuring fence, wall, or hedge is required along the exterior side of an access easement to provide screening to any adjacent properties. This requirement is placed as a condition of partition plat approval.

Based upon the submitted site plan, the proposed private access easement can comply with Section 2.302.08, and with the above-mentioned conditions, staff finds this request satisfies this criterion.

4. ***Section 2.303 Off-Street Parking and Loading:***

FINDINGS: Oregon Administrative Rule (OAR) 660-012-0440 eliminates off-street parking requirements for properties within ½ mile of frequent transit corridors. The subject property is located approximately .30 miles from the Cherriot's bus route on River Road. However, the applicant's site plan indicates parking will be provided. Parcel 1 will relocate the parking area to the rear of the existing house and parking areas are shown for both the new single-family dwelling and the existing ADU on Parcel 2. When parking spaces are provided, they are required to be a minimum 9' x 18'. Staff finds this request can comply with this criterion.

5. ***Section 2.305 Transit Facilities:***

FINDINGS: No transit facilities are proposed with this development, and are not necessary. Therefore, this criterion is not applicable to this proposal.

6. ***Section 2.306 Provide for the management and control of stormwater runoff from all new development.***

FINDINGS: The intent of this provision is to ensure adequate storm drainage is provided, and avoid having runoff from properties becoming a nuisance or hindrance to other properties. The Public Works Department has submitted

comments (Exhibit 3) regarding the requirements for storm drainage facilities. Specifically, all impervious surfaces on the site are to be designed to keep all storm water runoff on-site. No storm water runoff, from the new development, shall be directed to Dearborn Av N.

Prior to final plat approval, plans consistent with Section 2.306 of the KDC, for on-site drainage including storm water quality and detention shall be submitted to the Public Works Department for review and approval. Before any soil disturbance on the subject property, an Erosion Control Permit must be obtained from the City of Keizer. As a condition of approval, a final grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on the plan prior to the recording of the partition plat. With this placed as a condition of approval, staff finds this request can satisfy this criterion.

7. ***Section 2.307 – Utility Lines and Facilities: Adequate public facilities shall be available to serve the existing and newly created parcels.***

FINDINGS: The intent of this provision is to allow new development to be served by public facilities thereby avoiding the need to connect into private systems and avoid any potential groundwater contamination issues. Public water and sewer are available to serve the development. The Public Works Department submitted written requirements that are conditions of this partition approval addressing the specific public facility requirements relating to sanitary sewer, water, and street and drainage improvements necessary to accommodate the development. The existing ADU is connected to public water through a shared water meter with the existing house on Parcel 1. As a condition of approval, a new water meter will be required to be installed for Parcel 2 prior to recording of the partition plat. With these conditions of approval, staff finds that this request complies with this criterion.

8. ***Section 2.309 Site and landscaping design.***

FINDING: The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of mature/significant trees. Significant trees defined in Section 2.309.04.C of the KDC as having a height of more than 50' and/or having a trunk diameter more than 12" at breast height.

The applicant has indicated on the site plan submitted that no trees are planned to be removed and no other trees have been removed in the last 2 years. However, if it is determined later that a tree or trees need to be removed, replanting will be required at the City's 2:1 replacement ratio. Two trees are to be planted to replace each tree that is removed. Trees must be a minimum 2" caliper and planted prior to final building permit approval. If trees are removed, a *Tree Replacement Plan* will be required to be submitted and approved by the Planning Department. Development of the property in

conformance with an approved *Tree Removal and Replacement Plan* will be a condition of Certificate of Occupancy of any new dwellings. Staff finds with the above-mentioned conditions; this request will comply with this criterion.

F. SECTION 3.107.07.F - ADEQUATE PUBLIC FACILITIES SHALL BE AVAILABLE TO SERVE THE EXISTING AND NEWLY CREATED PARCELS:

FINDINGS: The applicant has indicated that public water and sewer are available or can be extended to serve the subject property. As a condition of partition approval, the requirements of the Public Works Department regarding public facilities must be adhered to as outlined in Exhibit 3 of this report. This request satisfies this criterion.

V. FINDINGS AND CONCLUSIONS – MAJOR VARIANCE

A. The applicant is proposing to reduce the setback required to an access easement to 2' where a minimum of 5' is required. Therefore, variance approval is required as this proposal does not comply with requirements of the Keizer Development Code.

B. The decision criteria for a Major Variance are contained in Section 3.105.05 of the Keizer Development Code. The criteria and staff's findings are listed below:

1. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: The subject property is zoned RS and is intended for residential development. Partitions are listed as a special permitted use in the RS zone subject to provisions including but not limited to such things as minimum lot size, dimensions, access, and utilities. The Comprehensive Plan and Buildable Lands Inventory assume the possibility of redevelopment and infill development in residential areas. The subject property is approximately 0.37 acres in area, which is more than 3x larger than the minimum lot size of the RS zone, and the applicant is proposing to Partition the property into two separate parcels.

The applicant is requesting this variance due to the location of the existing home in relation to the proposed access easement. The minimum setback required is 5' from the edge of an access easement to the exterior wall of a building. A portion of the existing home is located only 2' from where the edge of the proposed access easement will be, therefore, a variance is being requested in order to allow for the establishment of the access easement.

It should be noted, the applicant had conversations with City Staff and the Keizer Fire District regarding this issue, and originally proposed a Minor Variance request to reduce the access easement width from 20' to 17'. This would not have necessitated the need for a variance to the setback, however, based upon input from the Fire District related to fire, life, and safety concerns, the applicant is requesting a Major Variance to the setback provision instead. The Fire District submitted comments which indicate support for this variance request to ensure the access easement width is maintained.

As a condition of variance approval, the applicant will be limited to variance approval only for that which is proposed. With this condition, staff finds this request satisfies this criterion.

2. ***The applicant in good faith is unable to comply with the standard without undue burden. The applicant must demonstrate that the burden is substantially greater than the potential adverse impacts caused by the proposed variance.***

FINDINGS: The applicant is requesting variance approval to the 5-foot setback requirement so they can provide a 20-foot wide access easement to the proposed partitioned lot. While the applicant could remove a portion of the existing home, it would entail a significant expense and process and would also displace existing residents creating a significant burden. If the applicant were to remove 3' from a portion of the existing home, the setback provision could be met and no variance would be needed, however, because it only affects the existing property, there are no real potential adverse impacts caused by this proposed variance request to adjacent property owners. By locating the easement closer to the existing home than the required 5', there could, theoretically, be greater potential for property damage due to a vehicle striking the existing home. In order to address this possibility, the applicant proposes to install bollards to provide protection to the existing home. This will be placed as a condition of approval.

Therefore, staff finds the burden of this particular development code provision is substantially greater than any potential adverse impact. Therefore, this request satisfies this criterion.

3. ***The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property.***

FINDINGS: The variance request in itself will not be detrimental to property or improvements in the neighborhood of the subject property. The request only affects the subject property and will not locate the development closer to any adjacent property. Comments were received from multiple neighbors who are opposed to both the partition and variance request and concerns were expressed regarding the variance request that the existing home is not "up to code" and shouldn't be rented out. However, the requested variance is only for reducing the setback to the proposed access easement and has nothing to do with other "code" provisions. Due to the fact that this request has no impact on adjacent properties, staff finds this request satisfies this criterion.

4. ***There has not been a previous land use action approved on the basis that variances would not be allowed.***

FINDINGS: There are no other previous land use actions that would not allow this particular variance. Staff therefore finds this request satisfies this criterion.

5. ***The variance will not significantly affect the health or safety of persons working or residing in the vicinity.***

FINDINGS: The requested variance will not affect the health or safety of persons in the vicinity. The variance request is not adjacent to another property, but rather is a request for a smaller setback from the existing home to the private access easement located on the subject property. The reduction in setback only impacts the subject property. The existing home has no doors that open towards the easement and the applicant proposes to install bollards which will provide protections for the existing home. The variance is being requested to allow for the access easement to be 20' in width which will ensure fire, life, and safety needs will be met.

6. ***The variance will be consistent with the intent and purpose of the provision being varied.***

FINDINGS: The intent and purpose of the access easement setback requirement is to provide adequate separation between the travel lane and existing and proposed structures for safety. This also results in aesthetic benefits of landscaping and providing open space for protection against property damage. The setback requested to be varied is for the distance between the proposed private access easement and a portion of the existing home. Currently, there is an existing gravel driveway (located in the same area as the proposed access easement) which is used for access to the existing ADU. The existing gravel driveway is proposed to be paved and enlarged to comply with City standards for access easements and to allow for the division of the existing parcel into 2 separate parcels.

Considering the driveway area is already in existence, the built environment will not be adversely affected by this request, and the reduction in setback will only impact the existing home. The applicant has indicated their intent to install bollards to protect the existing home. Staff finds with these conditions; this request satisfies this criterion.

C. The proposed Major Variance conforms to Section 3.105 of the Keizer Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and recommends approval of the proposal subject to conditions outlined below.

VI. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED THE PARTITION AND MARJOR VARIANCE WITH CONDITIONS AND REQUIREMENTS** noted below.

Any interested person, including the applicant, who disagrees with this decision, may request an appeal be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a $250.00 fee. This fee may be refunded if the appeal is successful. An appeal request must be submitted in writing on a form provided by the City of Keizer. The appeal request must be received in the Keizer Planning

Department, 930 Chemawa Road NE, Keizer by **5:00 p.m. on September 28, 2023**.

Unless appealed, this decision becomes final on September 29, 2023.

Partition approval is only valid if the final plat is recorded prior to September 29, 2025.

VII. CONDITIONS AND REQUIREMENTS

The following conditions shall be completed, including review and approval by the appropriate department, prior to the time lines outlined below. Compliance with the Conditions of Approval shall be the sole responsibility of the applicants and/or property owner.

General:

1. The Keizer Development Code requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs. The City's System Development Charges for park development, water system improvements and transportation improvements shall be the fee in place at the time of building permit application. These Development charges, as well as those involving the extension of sewer, water, and storm drainage, will apply to this request.

Prior to Preliminary Plat Approval:

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

   a. Parcels ten acres and less must be surveyed.
   b. Per ORS 92.050, plat must be submitted for review.
   c. Checking fee and recording fee is required.
   d. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

   The detailed preliminary plat shall include the following provisions:

   e. The preliminary plat shall substantially conform to the proposed partition request.
   f. Lots shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone.

g. Both gross and net area calculations must be shown on the preliminary and final plat.

h. Include all engineering elements as required by the Department of Public Works requirements.

i. Include a signature line for the City Engineer.

Prior to Final Plat approval (Mylar):

3. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor which conforms to the approved preliminary plat. Following plat approval, the final plat and title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by September 29, 2025. The plat shall include all engineering elements as required by the Department of Public Works.

4. Provisions for the maintenance of the access easement, fencing/hedge along the access easement, address display signage and "no parking" signs shall be provided in the form of a maintenance agreement, homeowners association, or other instrument and provided to the City of Keizer Planning Department for review and approval.

5. The access easement, turn around area, address display signage and "no parking" signs must be built or installed prior to approval of the final plat. In lieu of this, the applicant may obtain a performance bond, improvement agreement or other instrument acceptable to the City as outlined in Section 3.202.02.E.3 and 3.202.05.B of the Keizer Development Code. Contact the Planning Department for Improvement Agreements.

6. A site plan, prepared by a licensed engineer or surveyor must be submitted to the City of Keizer Planning Department demonstrating the existing dwelling on Parcel 1 meets the minimum rear setback requirement of the RS zone.

7. Unless waived in writing by the adjacent property owners, a 6' sight-obscuring fence, wall, or hedge is required along the east side of the access easement to provide screening to the adjacent property. If waived, documentation must be submitted to the City of Keizer Planning Department.

8. Bollards shall be installed to protect the existing home. The location and number of bollards provided shall be reviewed and approved by the City and Keizer Fire District prior to installation.

9. An improvement agreement or other instrument acceptable to the City shall be executed ensuring the construction of a new home on Parcel 2 or removal of the ADU within one year of recording the partition plat. All recording fees shall be the responsibility of the applicant.

10. A new water service shall be provided to Parcel 2 to serve the ADU and future home consistent with the requirements of the Public Works Department.

11. The following applicable requirements/conditions of the Public Works Department must be met as outlined below:

GENERAL CONDITIONS

The application is for creating 2 Parcels where 1 Parcel currently exists. The subject property is approximately 16,160 square feet in area. Proposed Parcel 1 will be 7,000 square feet and Proposed Parcel 2 will be 6,600 square feet. The existing Parcel has an existing access easement to Dearborn Avenue along the East property line as well as an additional driveway access on the West property line. The applicant is proposing to utilize the existing access easement along the East property line for proposed Parcels 1 and 2 and remove the existing driveway along the West property line. The application is also for a Major Variance to reduce the required 5-foot setback to a 2-foot setback along a portion of an existing structure adjacent to the existing access easement.

SANITARY SEWERS:

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

a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Street opening permits will be required for any construction within a public street.

b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for proposed parcel 2 and shall be permitted by the City of Salem prior to approval of the proposed partition plat.

c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways. Easements will be required for all private sewer lines that cross private properties.

d.) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.

WATER SYSTEM:

a.) The application indicates where a new water service meter will be located to serve Proposed Parcel 2. All new services shall be connected to an existing Public water main. The Keizer Fire District shall determine if a new hydrant is required to serve the proposed development. An overall plan indicating how water service will be provided to the proposed new parcels shall be submitted to the Public Works Department for approval.

b.) Each parcel shall have its own water service. Location of water meters shall be submitted for approval to the Public Works Department.

STREET AND DRAINAGE IMPROVEMENTS:

a.) The Keizer Development Code states that all new development on collector streets will require street improvements at the time of development. The City of Keizer Transportation System Plan classifies Dearborn Avenue as a Collector Street. Dearborn Ave will be required to be widened to Collector Street Standards to include curb, sidewalk and storm drainage. Plans will be required to be prepared by a Professional Engineer registered in the State of Oregon. No development of the subject property will be allowed until the required access easement has been platted and improved per the conditions of the subject partition. Access easements are required to be 20 feet in width with a 5-foot setback from existing dwellings. A plan providing adequate turning movements shall be submitted for review and approval by the Public Works Department prior to approval of the partitioning plat.

b.) The Keizer Development Code requires standards for private access easements. It will be the responsibility of the applicant to provide for adequate maintenance agreements for any existing or proposed access easements.

c.) All impervious surfaces on the site, including the proposed access easement area shall be designed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Dearborn Avenue. The plans for storm water quality and detention shall be submitted to the City of Keizer Public Works Department for review and approval prior to approval of the partition plat.

OTHER

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

b.) A Pre-design meeting with the City of Keizer Public Works Department will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.

c.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.

d.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.

e.) The Partition Plat shall include a signature line for the City Engineer.

f.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements.

Prior To Obtaining Building Permit(s):

12. All required public utility services shall be completed to the satisfaction of the Department of Public Works.

13. The new dwelling to be built on Parcel 2 is required to be built within one-year of the recording of this partition, or the ADU must be removed.

14. The property owner must submit documentation to the City of Keizer Planning Department that the Maintenance Agreement has been recorded with Marion County Recorder's Office.

15. Provided parking must comply with the provisions of the Keizer Development Code. Spaces must be 9' wide and 18' long and must be a hard, durable, dust-free surface built according to public works standards.

Prior to Obtaining Building Permit Final:

16. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District and City of Keizer Planning Department. Address display sign are required at Dearborn Road N identifying addresses on access easement.

17. Two streetscape trees must be planted on each lot along the access easement. The trees must be a minimum 2" caliper when planted.

The proposed Partition complies with Section 3.107 of the Keizer Land Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and approves the proposal subject to conditions outlined in Section *VI. Conditions and Requirements* of this report.

If you have any question about this application or the decision please call (503) 856-3441 or visit the Planning Department at 930 Chemawa Rd NE, Keizer, Oregon.

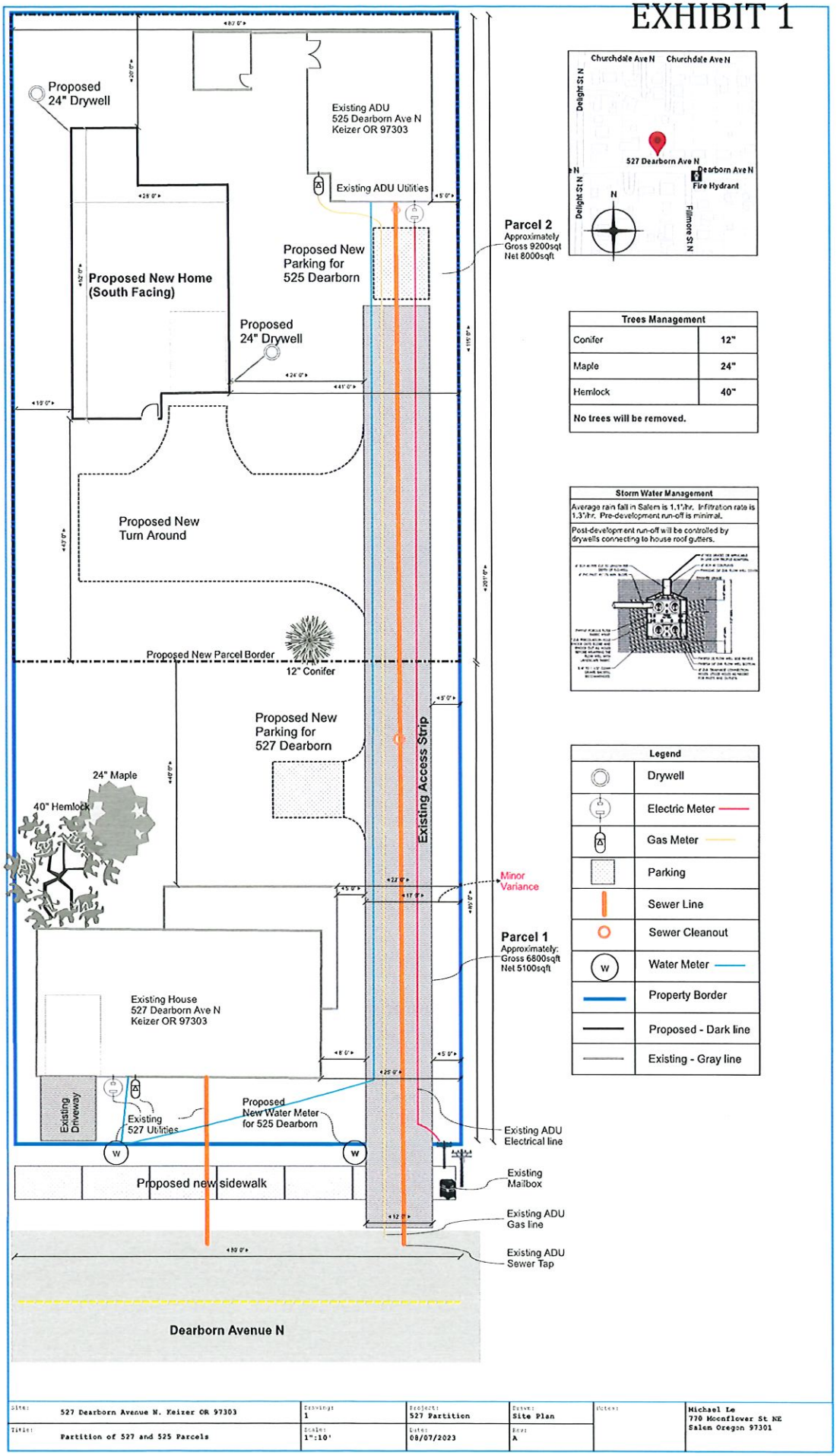
REPORT PREPARED BY: Dina Horner, Assistant Planner

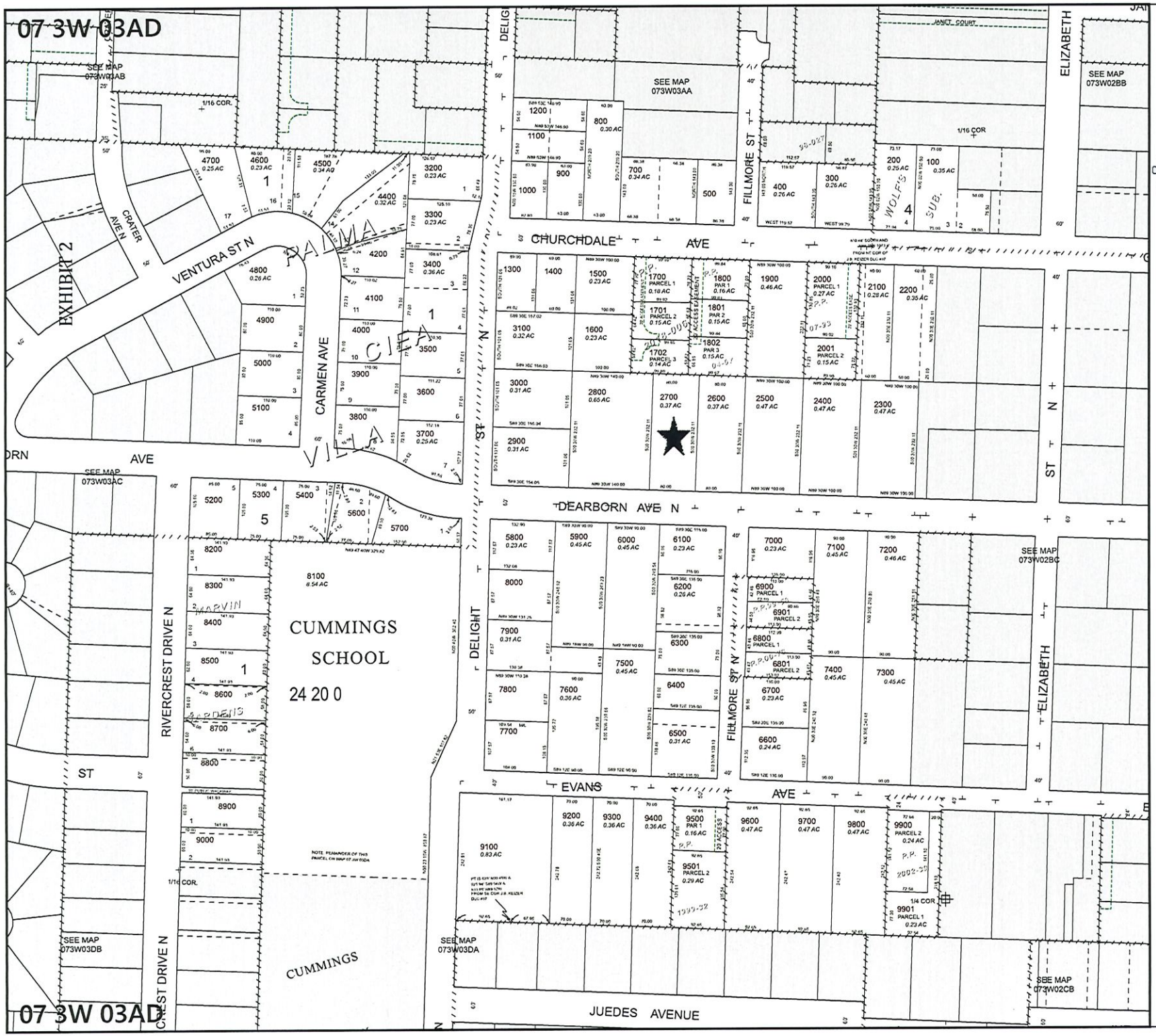
Approved by:

_____ DATE: September 18, 2023

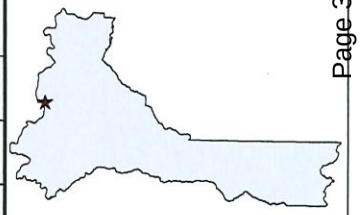
Shane Witham, Planning Director

EXHIBIT 1


Proposed 24" Drywell
Existing ADU 525 Dearborn Ave N Keizer OR 97303
Existing ADU Utilities
Proposed New Home (South Facing)
Proposed New Parking for 525 Dearborn
Parcel 2 Approximately Gross 9200sqt Net 8000sqft
Proposed 24" Drywell
Proposed New Turn Around
Proposed New Parcel Border
12" Conifer
Proposed New Parking for 527 Dearborn
24" Maple
40" Hemlock
Existing Access Strip
Minor Variance
Parcel 1 Approximately: Gross 6800sqft Net 5100sqft
Existing House 527 Dearborn Ave N Keizer OR 97303
Existing Driveway
Existing 527 Utilities
Proposed New Water Meter for 525 Dearborn
Existing ADU Electrical line
Existing Mailbox
Proposed new sidewalk
Existing ADU Gas line
Existing ADU Sewer Tap
Dearborn Avenue N
Churchdale Ave N
Delight St N
527 Dearborn Ave N
Dearborn Ave N
Fire Hydrant
Fillmore St N
N
Trees Management
Conifer 12"
Maple 24"
Hemlock 40"
No trees will be removed.
Storm Water Management
Average rain fall in Salem is 1.1"/hr. Infiltration rate is 1.3"/hr. Pre-development run-off is minimal.
Post-development run-off will be controlled by drywells connecting to house roof gutters.
Legend
Drywell
Electric Meter
Gas Meter
Parking
Sewer Line
Sewer Cleanout
Water Meter
Property Border
Proposed - Dark line
Existing - Gray line
Site: 527 Dearborn Avenue N. Keizer OR 97303
Drawings: 1
Projects: 527 Partition
Drawn: Site Plan
Notes:
Michael Le 770 Moonflower St NE Salem Oregon 97301
Title: Partition of 527 and 525 Parcels
Scale: 1":10'
Date: 08/07/2023
Rev: A



07 3W 03AD
KEIZER



MARION COUNTY, OREGON
SE1/4 NE1/4 SEC3 T7S R3W W.M.
SCALE 1" = 100'

LEGEND

LINE TYPES

- Taxlot Boundary
- Historical Boundary
- Road Right-of-Way
- Easement
- Railroad Right-of-Way
- Railroad Centerline
- Private Road ROW
- Taxcode Line
- Subdivision/Plat Bndry
- Map Boundary
- Waterline - Taxlot Bndry
- Waterline - Non Bndry

CORNER TYPES

- 1/16TH Section Cor.
- 1/4 Section Cor.
- DLC Corner
- Section Corner (16 15 / 21 22)

NUMBERS

Tax Code Number
00 00 0

Acreage 0.25 AC — All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

CANCELLED NUMBERS

600
4300
5500
7901

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

Marion County OREGON — Assessors Office Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

PLOT DATE: 10/16/2020

KEIZER
07 3W 03AD

EXHIBIT 3

PARTITION/MAJOR VARIANCE CASE NO. 2023-12
APPLICANT – MICHAEL AND SUSIE LE
ADDRESS – 527 DEARBORN AVENUE N

PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

GENERAL CONDITIONS

The application is for creating 2 Parcels where 1 Parcel currently exists. The subject property is approximately 16,160 square feet in area. Proposed Parcel 1 will be 7,000 square feet and Proposed Parcel 2 will be 6,600 square feet. The existing Parcel has an existing access easement to Dearborn Avenue along the East property line as well as an additional driveway access on the West property line. The applicant is proposing to utilize the existing access easement along the East property line for proposed Parcels 1 and 2 and remove the existing driveway along the West property line. The application is also for a Major Variance to reduce the required 5-foot setback to a 2-foot setback along a portion of an existing structure adjacent to the existing access easement.

SANITARY SEWERS:

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

a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Street opening permits will be required for any construction within a public street.

b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for proposed parcel 2 and shall be permitted by the City of Salem prior to approval of the proposed partition plat.

c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways. Easements will be required for all private sewer lines that cross private properties.

d.) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.

WATER SYSTEM:

a.) The application indicates where a new water service meter will be located to serve Proposed Parcel 2. All new services shall be connected to an existing Public water main. The Keizer Fire District shall determine if a new hydrant is required to serve the proposed development. An overall plan indicating how water service will be provided to the proposed new parcels shall be submitted to the Public Works Department for approval.

b.) Each parcel shall have its own water service. Location of water meters shall be submitted for approval to the Public Works Department.

c.) STREET AND DRAINAGE IMPROVEMENTS:

a.) The Keizer Development Code states that all new development on collector streets will require street improvements at the time of development. The City of Keizer Transportation System Plan classifies Dearborn Avenue as a Collector Street. Dearborn Ave will be required to be widened to Collector Street Standards to include curb, sidewalk and storm drainage. Plans will be required to be prepared by a Professional Engineer registered in the State of Oregon. No development of the subject property will be allowed until the required access easement has been platted and improved per the conditions of the subject partition. Access easements are required to be 20 feet in width with a 5-foot setback from existing dwellings. A plan providing adequate turning movements shall be submitted for review and approval by the Public Works Department prior to approval of the partitioning plat.

b.) The Keizer Development Code requires standards for private access easements. It will be the responsibility of the applicant to provide for adequate maintenance agreements for any existing or proposed access easements.

c.) All impervious surfaces on the site, including the proposed access easement area shall be designed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Dearborn Avenue. The plans for storm water quality and detention shall be submitted to the City of Keizer Public Works Department for review and approval prior to approval of the partition plat.

OTHER

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

b.) A Pre-design meeting with the City of Keizer Public Works Department will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.

c.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.

d.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.

e.) The Partition Plat shall include a signature line for the City Engineer.

f.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements.

Marion County Surveyor's Office

Comments on Planning Action: ___Keizer Partition/Major Variance 2023-12____

Date__9_/_08_/_2023_ Person Commenting __ Kent Inman_____

EXHIBIT 4

Subdivision:

____ 1. Subdivision name must be approved per ORS 92.090.

____ 2. Must be surveyed and platted per ORS 92.050.

____ 3. Subdivision plat must be submitted for review.

____ 4. Checking fee and recording fees required.

____ 5. Per ORS 92.065 - Remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation.

____ 6. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Partition:

____ 1. Per ORS 92.055 – Parcels over 10 acres can be unsurveyed.

__X__ 2. Parcels ten acres and less must be surveyed.

__X__ 3. Per ORS 92.050, plat must be submitted for review.

__X__ 4. Checking fee and recording fees required.

__X__ 5. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Property Line Adjustment:

____ 1. The adjusted line must be surveyed and monumented per ORS 92.060 (7).

____ 2. Survey checking fee required at the time of review.

(See Page 2 for additional comments)

Property Line Adjustment (continued):

____4. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.

____5. A re-plat **(in the form of a partition plat)** is required, due to the adjustment of a partition plat parcel line or subdivision lot line. A property line adjustment deed for the area being transferred shall be recorded with the Marion County Clerk's Office. As per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.

The deeds conveying the re-platted parcels shall be recorded after the recording of the re-plat.

Re-plat: (Re-configuration of lots or parcels and public easements within a recorded plat)

____1. Must comply with all provisions per ORS 92.185 (6)

____2. Must be surveyed and platted per ORS 92.050, and the plat submitted for review.

____3. Checking fee and recording fees required.

____4. A current or updated title report must be submitted at the time of review.

____5. The portion of the subdivision or partition plat proposed for replatting contains utility easement(s) that will need to be addressed. Per ORS 92.185 (4), when a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.

Other comments specific to this Planning Action:

REQUEST FOR COMMENTS

EXHIBIT 5

DATE: August 24, 2023
CASE: Partition 2023-12

The Planning Division is soliciting comments you may wish to have considered in the City's review of the above land use case. Application materials area attached.

Comments must be submitted in writing and received in our office by 5:00 pm on 9/7/2023. If we do not receive a response by the end of the comment period, we will assume you have no concerns.

Send comments or questions to:
Dina Horner, Assistant Planner
Email: Hornerd@keizer.org Phone: (503) 856-3442
City of Keizer Planning Division
930 Chemawa Rd NE, Keizer OR 97303

REQUEST: The applicant is requesting to divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet (Parcel 1) and approximately 6,600 square feet (Parcel 2). The proposal also includes a major variance request to reduce the minimum required setback of 5 feet from the existing home to the private access easement to 2 feet. Currently, the property is developed with a single-family dwelling and accessory dwelling unit. The property is located at 527 Dearborn (073W03AD02700).

APPLICANT: Michael and Susie Le
ZONE: Residential Single Family (RS)

PLEASE CHECK THE APPROPRIATE ITEMS:

_____ Our agency reviewed the proposal and determined we have no comment.

_____ Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.

_____ Our comments are in the attached letter.

X Our Agency's comments are: _____

~~The fire district supports the major variance as it allows the required 20 foot access to the ADU~~ and the proposed SFD at the rear of the property.

Name: Anne-Marie Storms
Agency: Keizer Fire District
Phone: 503-390-9111
Email: astorms@keizerfire.com
Address: 661 Chemawa Road NE, Keizer
Date: 9/8/23

EXHIBIT 6

REQUEST FOR COMMENTS

DATE: August 24, 2023
CASE: Partition 2023-12

The Planning Division is soliciting comments you may wish to have considered in the City's review of the above land use case. Application materials area attached.

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Dina Horner, Assistant Planner
Email: Hornerd@keizer.org Phone: (503) 856-3442
City of Keizer Planning Division
930 Chemawa Rd NE, Keizer OR 97303

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APPLICANT: Michael and Susie Le
ZONE: Residential Single Family (RS)

PLEASE CHECK THE APPROPRIATE ITEMS:

_____ Our agency reviewed the proposal and determined we have no comment.

_____ Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.

_____ Our comments are in the attached letter.

X Our Agency's comments are:

Any connections to City of Salem Sewer, located in Dearborn Avenue N, will require construction permits in accordance with the City of Salem Revised Code, the City of Salem Public Works design Standards, and City of Salem Standard Construction Specifications. Permits will not be issued by the City of Salem until all construction plans have been approved by the Public Works Department. Construction Drawings can be submitted by email to: Developmentservices@cityofsalem.net

Name: Laurel Christian, Planner II
Agency: City of Salem Public Works Department
Phone: 503-588-6211 ext. 7445
Email: Lchristian@cityofsalem.net
Address: 555 Liberty Street SE, Salem, OR 97301
Date: August 25, 2023

EXHIBIT 7

SALEM•KEIZER PUBLIC SCHOOLS

Business & Support Services
2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309
503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

September 5, 2023

Dina Horner, Planner
Keizer Community Development Department
P.O. Box 21000
Keizer, OR 97307-1000

RE: Land Use Activity Case No. Partition 2023-12, 527 Dearborn Av N

The City of Keizer issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Cummings	Elementary	K thru 5
Claggett Creek	Middle	6 thru 8
McNary	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Cummings	Elementary	433	498	87%
Claggett Creek	Middle	803	969	83%
McNary	High	2,102	2,200	96%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	4	SF	0.168	1
Middle			0.098	0
High			0.144	1

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll. /Cap. Ratio
Cummings	Elem.	433	7	1	8	498	89%
Claggett Creek	Mid.	803	17	0	17	969	85%
McNary	High	2,102	35	1	36	2,200	97%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Cummings	Elementary	Walk Zone
Claggett Creek	Middle	Eligible for School Transportation
McNary	High	Walk Zone

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	1	$86,190	$86,190
Middle	0	$92,235	$0
High	1	$98,280	$98,280
TOTAL			$184,470

Table 6

*Estimates based on average of Indicative Construction Costs from "RLB Construction Cost Report North America Q4 2022"

Sincerely,

David Fridenmaker
Business and Support Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation

EXHIBIT 8

City of Keizer

Phone: (503) 856-3442 • Fax: (503) 390-8288
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

RECEIVED
CITY OF KEIZER
SEP - 7 2023
PLANNING DEPARTMENT

REQUEST FOR COMMENTS

TO: Neighboring Property Owner of 527 Dearborn
DATE: August 24, 2023
CASE: Partition Application with Major Variance Case 2023-12

The Planning Division is soliciting comments you may wish to have considered in the City's review of the above land use case. Application materials are attached.

If you would like to submit comments, comments must be submitted in writing and received in our office by 5:00 pm on September 7, 2023.

To:

Send comments or questions to:
Dina Horner, Assistant Planner
Email: Hornerd@keizer.org Phone: (503) 856-3442
City of Keizer Planning Division
930 Chemawa Rd NE, Keizer OR 97303

REQUEST: The applicant is requesting to divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet (Parcel 1) and approximately 6,600 square feet (Parcel 2). The proposal also includes a major variance request to reduce the minimum required setback from the existing home to the private access easement. Currently, the property is developed with a single-family dwelling and accessory dwelling unit. The property is located at 527 Dearborn (073W03AD02700).

APPLICANT & PROPERTY OWNERS: Michael and Susie Le
ZONE: Residential Single Family (RS)

PLEASE CHECK THE APPROPRIATE ITEMS:

✓ My/Our comments are in the attached letter.

____ My/Our comments are: _____

Name: Wendell Weckert
Phone: 503 692-0873 503 380 4039 cell
Email: w.weckert@gmail.com
Address: 557 DEARBORN AVE N. KEIZER, OR 97303
~~8700 S.W. COMANCHE WAY, TUALATIN, OR 97062~~
Date: 8-07-2023

13:32

Notes

September 7, 2023 at 13:32

KEIZER COMMENT#1-09/7 - Drainage

Neighboring property owner 527 Dearborn
Partition Application with Major Variance
Case 2023-12

Planning Division
Diana Horner, Assistant Planner
City of Keizer Planning Division
930 Chemawa Rd NE, Keizer OR 97303

Wendell Weckert
557 Dearborn Ave N
Keizer, OR 97303

(directly adjacent to west property line of subject property.

Also
Wendell Wallace Weckert II TRE
8700 SW Comanche WY
Tualatin, OR 97062

Continuous ownership >70 years.
(Greater than construction date of 1954)
Page 1 of 5

Keizers garden lots were not laid out for what the city is now trying to make them, whatever that is. There were small lots for people who wanted just a house. Large lots for people who wanted gardens, trees, space for kids, full frontage parking and absence of noise or congestion. And alternative arrangements for those who wanted neither.

These Garden lots provide:
Option to raise food for cash or donation
Gardens to raise affordable clean food
Trees for food, shade, environment
Soil vegetation and drainage
Parking for family, friends, and visitors
Setbacks for privacy
Noise isolation for peace and relaxation
These are some family values we were raised with, still hold and want to preserve, share and pass on.
Garden lots should minimize or eliminate conflicts over trees, drainage, parking, noise, and setbacks.

Government is acting as if they don't realize these values, don't agree with them and want to override with what?

We want to restore as many of these properties and values as possible. Fix these homes fix these deficiencies, do not destroy them. They are not replaceable.

Subject property (527) has since 1947 been a distressed, home carpentry built and modified structure. There have been about five owners. The foundation was poured on faulty assumptions of where property boundaries were located.
Consequently, the scaled back garage has not been large enough for most cars.
Drainage has always been inadequate for the roof and yard runoff.
After the drains silted up drainage has migrated to garage floor and discharges to my property, a current violation. Sand bags in front of garage door and diversionry trenches on my property were evidence of this prior to property going on market for this last sale.
Remedial action would require excavation and conversion of asphault- cement driveway into a drywell.
Because minimal side set back requirements were never possible all drainage is discharged to my property. Simple eye or measuring would have made this very evident to any buyer prior to sale.

13:36

Notes

Back yard drainage is equally problematic. Roof downspouts if they ever existed. Seem to have silted up. After the last of several remodels including foundation extensions, it is likely drain fields were not completed. For whatever reason, the approximately 40 inches of annual roof rain discharges near the foundation and again flows to temporary ditches and berms on my property needed to arrest further water incursion. This is a discharge violation in many jurisdictions and requires additional maintenance on my part for shortcomings of the subject property.
To make matters worse,the back of the subject property as well as other property to the east form a visible shallow silt lined depression feature which adds a plume of settling storm water to the downspout water.

The evidence of this is the mud which has infiltrated the gravel and it is too wet to grow grass. If you follow the contours of this flow you find as it continues under Dearborn. My relatively new driveway and parking is cracking and sinking into the mud. The most recent repave of Dearborn is cracking and deteriorating as the water moves west towards lot 5800. It is reasonable to conclude this pattern is the reason for the topographical dip at this place on Dearborn and the depth of the road fill on Delight Street.

4 1

13:36

Notes

The addition of each new impervious roof structure, and caping of the soil with foundations has only compounded the drainage problem. While all concrete flatwork can be specked with bricks it is expensive and can not be guaranteed forever. Drywells cut tree roots and tree roots plug drywells. The drywell noted on the NE corner of the sketch needs to come out. This excavation cuts across the tree roots, this will compromise, weaken, then kill the trees.

This project is already in a flood plain I see nothing in this partition or variance package that addresses more than a meaningless perculation down a small hole, then what happens to the water? What about the rest of the water? Where does it go?

Page5 of 5

13:49

September 7, 2023 at 13:49

KEIZER COMMENT#2-09/7 - Parking

The existing house and ADU has no usable covered garage or parking.

Keizers lots were never laid out with sufficient parking. The exception is those houses with parking across the full front or long drives. When people have a family or group barbecue cars can fill the gravel in front of 4 houses head in with their tail hanging out and twice that if they park parallel. Existing parking for this house with its ADU now is only half of what is needed. Adding more units will add more drivers hence more cars. Their kids are just now reaching driving age, their friends will be driving.

Please don't say park on the lawn, that ruins the lawn and half the year turns the lawn into a mud hole. This is not what a lawn is for. If I parked on the lawn at City Hall especially in winter I am sure I would be ticketed. The back yard with fire lane prohibitions rule out additional adequate parking in the rear.

I am tired of being the parking lot and attendant for the neighborhood, their kids, family, party guests and contractors. During the rainy season after they leave I am the one who must go out a rake in the tire tracks. Pick up cigarette butts, and food wrappers. Every house needs their own adequate parking not some abbreviated ADU based on the naive assumption they, their friends and associate's don't own vehicles. Even if occupants take public transit they still own and in Oregon use covered parking for their and their friends cars and motorcycles.

When I go out weekly to pull or spray weeds I don't want others cars and trucks on my property covering the weeds, that is my property not theirs. Weed pulling and spraying is temperature and moisture dependent. Miss these window and the workload increases geometrically.

If this lot proposal goes thru with its plan to add curb ditch and sidewalks to the fog line vehicle parking, walking, jogging and even bicycling becomes even more prohibitively dangerous, not a good idea.

13:50

Notes

If this shoulder were a safe option McNary High School Track would have them, they don't. The reason they do not is it would lead to falls, broken bones, eye and face injuries. People should not need to jump curbs, ditches, and bushes when they go out for an evening walk, jog, run or bicycle.
The city really really needs to get input from everyone with more real world experiences on this. Right now Keizer has a mess going. Don't replicate the Dearborn NE mistake in front of this or any other lot. The existing fog line and quarter minus gravel is good for travel, drainage and it's cheap. Put the money elsewhere. Many adjacent streets should be an embarrassment for Keizer. Not everyone wants their front parking taken away we need it, it's our property.

13:56

Notes

September 7, 2023 at 13:56

KEIZER
COMMENT#3-09/7 - Noise

The existing ADU at the back NE corner is served by a round River rock road going straight back near the side property line (about 160′ long, and about 20′ wide). As expected the sound when traveled by car or garbage cart is like an amplified metal can full of rock. Morning, noon, and night this noise is unexpected, unnerving, and unallowable at any time or location even if it were on a logging road in the mountains. The badly chosen rock needs to be removed with a front loader. The ADU does not need a road. It needs a sidewalk or path. The garbage cart needs to go up near the main house. Neighbors should not be forced to listen to this rock tumbler day and night.

The shorter section of this road from the street to the back of the main house needs to be eliminated or quieted. The objective of all this is to restore some acceptability to the neighbors next door and across the street.

Any further parking or transit needs to be met in front of the house if possible, or thru restricting vehicle ownership on this site.

Again this house, this neighborhood, was never made for this type of renter occupancy. This is not to say there would not be the chance for another property to offer or rent off -street, out of sight parking on another piece of property nearby.

The next category of noise involves party and domestic noise. Ownership needs to either have someone on sight who is responsible, or make it clear that neighbors are encouraged to escalate the complaint at volume and times appropriate without exception and renters are screened more closely for lifestyle until a compatible renter occupancy is found. The city and police need to recognize these are rentals not owner occupied homes, someone needs to fill those responsibility rolls with regard to behavior, drugs, alcohol, health and everything else a responsible adult owner would be doing. With all proposed dwellings fully occupied this could be a daunting task.

13:57

Notes

needs to fill those responsibility rolls with regard to behavior, drugs, alcohol, health and everything else a responsible adult owner would be doing. With all proposed dwellings fully occupied this could be a daunting task.

Page 3 of 4

If the partition applicants are not ready to do this they need to reconsider if they want to get into this business. This is a zero tolerance situation everyone needs to understand the owners will be responsible to the full extent of the law. Some things can not be relegated. The propert owners need to be more open with their business identity, names, real address, availability and location.

Page 4 of 4

14:06

September 7, 2023 at 14:05

KEIZER COMMENT#4-09/7 - Setback

The city of Keizer has been remiss with property set back disclosure and enforcement. There have been multiple opportunities to correct this during the many permittings and remodels. This partitioning exercise provides still another opportunity for correction. The first application of capital should be to correct prior oversights and errors.

The existing main house, west propert line, has always been in violation and is the first variance. This is visible, easily disclosed to the new buyer before they purchased. Yet the site drawing mailed from the city intentionally hides this. The city needs to start doing their jobs not trying to cover up for developers. We are entitled to correct and complete information.

The existing ADU is the same. It started life as a garden shed. Thru successive modifications setbacks were never repermitted or corrected. The city stopped the previous owners from completing and occupying once, then rubber stamped the current owners for construction, utilities and occupancy. The current drawings mailed by the city failed to disclose and misstated set backs in place for this building. We have been on the receiving end of misstatements and misbehavior by these people but should be able to rely on the city. It is apparent we can not.

Moving forward, the drawings are bad for various reasons. The most significant features missing along the western property line are major living trees and shrubs. Not purely a setback, they have similar legal consequences.

First there is no 40 inch hemlock tree there or anywhere else on the property.

There are approximately a dozen significant items growing on or over the property line. Those growing on the line are under Oregon Law jointly owned and protected. Those growing over the line have their own protections.

Some of these trees have roots covering an acre. This conflicts with anything sighted on this proposed partition. The majority of these trees were planted to commemorate Oregons 1959 Centennial Celebration.

The NW drywell is a threat cutting across all tree roots, probably addressed elsewhere.

Again, Keizer is playing into the partitioners agenda of deceipt and misrepresentation. By definition doing this in conjunction with a government procedure constitutes fraud. Not new or unexpected from the partitioner, but certainly not expected in material sent thru the US Mail from the city.

The perspective portrayed in these drawings is deceptive there is not room for all these structures.

The address in the lower right corner is not their full address. Try Honolulu.

The print is too small to read, and being mailed with a holiday makes full response problematic but strategically understandable. Certainly trumps 70 years complying with ethical expectation and laws.

14:13

Notes

September 7, 2023 at 14:13

KEIZER
COMMENT#5-09/7 - Trees

The trees topic is partly addressed in section #4 setback. It is now noon on the 7th and I will try to wrap this up so I can meet your submission deadline of 5:00 PM.

Fortunately I opened mail more timely than usual and was able to spread the word. Because of lockboxes and priorities many people open Mail on an intermittent basis. Much of my time in the last week has been talking with others, taking measurements, verifying information generally sorting it out. The time available to do this more thoroughly has not been there. However in discussions with arborists, attorneys, and data search I believe ADU legislation has created a bag of worms which at this stage puts the burden on residents and local government to maintain order and quality of life for everyone.

There is a lot of land grab going on in Oregon with unfortunate consequences which will be regretted down the road. There is a lot of bad uncontrolled development without provisions. The idea was to provide needed housing, but without regulation we are ending up with deteriorated neighborhoods and a lot of mancaves.

My personal big loss will be of the 100 foot to 150 foot trees near the property line. While jointly supported by previous owners, these trees have been a red flag to those seeking the partition. Thru e-mail harassment, intimidation, fraud, lies, and trespass an attempt has been to take more than was paid for. In return so far, we have gotten a lot of nuisance. The removal of these trees is key to their partitioning and turning a profit on their purchase. The existing residents have paid and will continue to pay for the partitioners profits.

I have already lost one large 100′ plus pine to inappropriately poured concrete and construction of a shed to close to the property line. The concrete, sheet metal, and limb debris is still stacked on my property. The responsibility for removal and cleanup rests squarely on the partitioners. To avoid controversy I foolishly cleaned up the debris. The breaks, limbs, branches and damage was all on the partitioners property.

My future legal and cost burden will occur years down the road after additional trees are killed because of trimming, and excavation into the upper branches and shallow root zones of this grove of trees. Remember, these trees were grown, watered, fertilized, and encouraged over the last 60 years by all owners on land zoned, protected and used for that and other compatible purposes.
Also remember that these roots extend and cover more than an acre.

Every lot has a development maximizing potential. There are better options for this lot that are compatible with existing and future neighborhood goals. This partition proposal locks in bad development which will probably be turned and put back on the market, leaving just problems for the rest of us.

Sorry, I need to print and deliver this. I am not taking time to adequately proof. Please excuse spelling and grammaticals.

14:14

Notes

Please be aware I have compelling photo documentation and e-Mail to back up any claims I have made. Also be aware the petitioners are already so sure of this they have already begun cutting my trees and clearing theirs. Fortunately their arborist refused to cut into my trees as drastically as the partitioners told him to cut. Probably to not get involved in professional and legal violations. The arborist was also told adjacent property owners had given full permission to cut when none had.

Appears they have already been given a green light by someone at the city.

Horner, Dina EXHIBIT 9

Subject: FW: Comments for Requested variance for 527 Dearborn Ave N,

----- Forwarded Message -----
From: "Sharla" <kapshill@aol.com>
To:
Cc: "SHARLA HILL" <kapshill@aol.com>
Sent: Mon, Sep 4, 2023 at 7:47 PM
Subject: Comments for Requested variance for 527 Dearborn Ave N,
Dear City Planner
930 Chemawa Rd. NE. Keizer OR
97303

My name is Sharla Hill I live at 497 Dearborn Ave. N.

Grievance 1:
The proposed subdivision/lot division and building of two more homes to add to the original 1947 home and an ADU in the back that was only meant to be a shop back when it was built all this at the address of 527 Dearborn Ave. N.
To add these additional homes that could and most likely will add two cars per new dwelling, means that lot (original 527 Dearborn N) would add now up to 8 cars then to our little stretch of Dearborn that is already seeing to my eye almost a 75% increase in traffic as it is now as people avoid Chemawa . They are all speeding, loud cars all day all night.
Not to mention the added vehicle noise coming and going up that little driveway that will be only a few feet from my friend and neighbor's home. The addition of the one ADU conversion in the back and the renters that came to both houses on 527 when it sold to the Le's . It has been a consistent noise nuisance to the neighbors on both sides as well as myself one lot away. Adding two more rentals there will only multiply the discomfort for all of us here who have up until all this new building has been allowed, enjoyed a nice quiet and safe neighborhood.

Grievance 2:
For Mr. and Mrs Le to say they have a hardship that keeps them from abiding by the codes that says they need 5 feet and only have 2 feet they are requesting an easement to get those cars to the back of that lot is a joke! If they can afford to build so many rental houses and yes they are all rentals how could this cause them a hardship! In my mind if they can't bring the original home up to code it should not be able to be rented!
The Le's as far as I know have never lived at 527. In fact they do not even own the property they have listed as contact address that is 770 Moonflower St. NE in Salem on the paperwork sent to my FIL who owns our house 497, in fact they are known to reside in Honolulu, so they have no hardship nor concern for how those of us who actually live here feel or the impact these new dwelling additions of more people more cars more noise ect, will affect our health and wellbeing. Saying they want to provide housing for a growing Keizer population is a huge stretch of the imagination.
My in laws John and Joyce Hill own 497 Dearborn Ave, N, and in fact John's mother and brother built 497 in 1946 . Hills have always lived here. Now my husband, my disabled son and I have lived here for 18 years. In that time, I have seen Keizer grow exponentially and not for the better in my opinion. Noise, crime and traffic on Dearborn are to the point of becoming unbearable for the people who have lived here for many years or sometimes generations as in the case of the Hill family. Many of the neighbors

have also lived here for almost as many years and we look out for each other and none I have spoken to are happy with this proposal.
I have a simple request also I would like to suggest that the proposal drawing does not look to be the correct scale for that property. I have walked that property before the Le's bought it and looked at satellite photos of that property going back to 2016 I suggest you do the same before allowing this to happen. John HIll was a working contractor up till recently and my husband works in the trade and they both say that the drywell for the proposed SFD in the back is too close to the fence. Has that code changed from the 10ft that it was before?
One question I have, does the City of Keizer care at all about the longtime residents that have lived here and loved our small town? Peace, quiet and safety are disappearing and being replaced with transient renters and absentee owners of these rental properties. This has brought in too much noise from parties, construction, loud cars and sirens day and night ect, pollution, crime and even gangs now! Wasn't letting the abomination that is the apartment development on the cow property on Verda enough for Keizer? That development alone will add hundreds of more cars to make driving any place here impossible, considering it's already so hard to navigate River Rd now! More people and children our schools can't handle all added to our already congested little space and side roads like Dearborn N. So now Keizer is allowing every little space to be divided and built on by people who don't even live, work or shop here!
If you allow this request to change the rules this time it will set a precedent that we as long time residents of Keizer do not count or matter and shame on Keizer for allowing this to happen to this once nice little town.
Sincerely.
Sharla Hill
497 Dearborn Ave N
Keizer, Or 97303

EXHIBIT 10

City of Keizer

Phone: (503) 856-3442 • Fax: (503) 390-8288
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

REQUEST FOR COMMENTS

RECEIVED
CITY OF KEIZER
SEP 07 2023
PLANNING DEPARTMENT

TO: Neighboring Property Owner of 527 Dearborn
DATE: August 24, 2023
CASE: Partition Application with Major Variance Case 2023-12

The Planning Division is soliciting comments you may wish to have considered in the City's review of the above land use case. Application materials are attached.

If you would like to submit comments, comments must be submitted in writing and received in our office by 5:00 pm on September 7, 2023.

Send comments or questions to:
Dina Horner, Assistant Planner
Email: Hornerd@keizer.org Phone: (503) 856-3442
City of Keizer Planning Division
930 Chemawa Rd NE, Keizer OR 97303

95 x 80 = 7600 ft

REQUEST: The applicant is requesting to divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet (Parcel 1) and approximately 6,600 square feet (Parcel 2). The proposal also includes a major variance request to reduce the minimum required setback from the existing home to the private access easement. Currently, the property is developed with a single-family dwelling and accessory dwelling unit. The property is located at 527 Dearborn (073W03AD02700).

106 x 80 = 8480 ft

APPLICANT & PROPERTY OWNERS: Michael and Susie Le
ZONE: Residential Single Family (RS)

PLEASE CHECK THE APPROPRIATE ITEMS:

____ My/Our comments are in the attached letter.
✓ My/Our comments are: you have 2 cars parking in front of 525 Where is the SFD parking? The driveway is not big enough for a fire truck to turn around. I am against the Variance. This means there will be 4 rental house there.

Name: Sally Hill
Phone: 503-449-8600
Email: -0-
Address: 497 Dearborn Ave N. Keizer, Or. 97303
Date: 9-5-23

EXHIBIT 11

4880 Delight ST N
Keizer, Oregon 97303

September 4, 2023

Dina Horner, Assistant Planner
City of Keizer
930 Chemawa Rd NE
Keizer, OR 97307-1000

RE: Partition Application with Major Variance Case 2023-12

Comments regarding development at 527 Dearborn

My property abuts 527 Dearborn to the north. The flow of ground water is from south to north at this location. The increase in hardscape of the proposed development may affect the drainage on my property and impact my horticultural activities. Although the plans include so-called dry wells for the drainage of the proposed SDF, the inclusion of significant pavement for the easement will increase runoff since the existing access is graveled and thus provides drainage. With the proposed ADU in the future, the total amount of hardscape is significant and will certainly impact the hydrology and ecology of the neighborhood.

It is not clear in the site plan how the proposed SFD will be positioned regarding front, side and back of the building and the compliance with setback requirements. In addition the city code prohibition of parking in the access easement, including the turnaround, raises concern that adequate parking spaces are provided. It appears that the development code requires 3 parking spaces unless on-street parking is available. Does the turnaround incorporate the required 60' diameter?

While not a fan of infilling which I feel detracts from the character of RS zoning in Keizer, I respect the right of the property owner to legally develop his property as he chooses. I do request that the City of Keizer exercise its responsibility to provide proper oversight during the progression of the development. My recent experience with the construction of a new house on the north side of my property was that contractors will not always honor the requirements of the approved plans and that the City was not vigilant to ensure compliance without being prompted.

Thank you for the opportunity to participate in this process.

Sincerely yours,

Stephen Kalb
Ke7exx@yahoo.com
971-2184257

EXHIBIT 12

To: City of Keizer Planning Division, Dina Horner, Assistant Planner

Date: September 3, 2023

Case: Partition Application with Major Variance Case 2023-12 at 527 Dearborn Ave. N

Dear Ms. Horner,

I am writing this to express my concern over the application to subdivide the property at 527 Dearborn Ave. N. and the major variance to reduce the minimum requirements for the width of the easement used as a driveway. I live adjacent to the property at 507 Dearborn Ave. N.

The guidance of how the contents of the comments are to be directed leaves out the background information that needs to be taken into consideration. The points outlined should also include the human element. I purchased my property 24 years ago with the intent that it is my "foverever" home. I bought the house because of its location in an established single family dwelling residentially classified area with large lots.

The property at 527 was purchased in 2019 with the intent that it was going to resided in by the owners. That did not happen. I spoke with the owner shortly before it was to be rented. At that time, there was a temporary wire fence behind the house. I asked if the land was going to be subdivided. The answer was no. Now that is not the case. I have had to experience the noise of renters in the primary home in the form of parties every weekend for the first two and a half years. The noise and foul language during the parties is disturbing. Parties have went until 2:30 am on many occasions. I generally have to sleep on my couch on the nights of the parties because it is located at the front of my house. My bedroom is at the rear of my home, which is directly across from the noise of the parties.

When the shop in the back of the lot became an ADU, neighbors were not notified by the city. The remodeling of the shop took place during online teaching. My windows rattled when the utility lines were being put in the ground. My students could hear the construction vehicles while trying to learn. The ADU has had

people in it that pull the garbage can down the lane at late hours. It has happened between the hours of 10:00pm through 2:20 am. It is loud enough to wake me up.

The following correspondence directly relates to items listed in the proposal:

Regarding Section 2.310.03D It is stated that the current driveway the renters of 527 Dearborn use (as well as parking behind the house) will be closed off due to the proposed new sidewalk. This means that there will be eight cars driving down the lane next to my house. The lot map shows parking for 527 in the back located close to the proposed new ADU. Four cars have to share the proposed parking area. If people in either unit have family or friends over, there will be no parking for them. They will have to park on Fillmore. Parking for the existing ADU is shown in its current location. However, there is no notation of parking for the new proposed home. The easement area next to the proposed new parcel border is not labeled. I would assume that parking will not be allowed there so emergency vehicles can have a place to backup. The driveway is not "grandfathered" into being able to pass the ordinance that would allow emergency vehicles to back out in a single lane.

Putting in a sidewalk sets a precedent for future sidewalks to be built along Dearborn Ave N. All neighbors will have to have family and friends also park along Fillmore to visit us. That is not easy for elders to do.

Section 2.301 (general provisions)

1. "Both parcels will be accessed from Dearborn Ave. N." This means an increase in traffic next to my property. There will be times when more than one car needs to leave at the same time. Eight cars in a tight area mixed with possible kids walking, on bikes or playing is a tight fit that brings safety forward as an issue.
2. "The development will meet the landscape, health and environmental requirements during construction." Adjacent to the property on the west is a grove of redwood trees that were planted in 1959 and are now 64 years old. When construction is being done, there may be potential damage to the root system. Keizer celebrates unique and historical trees. These trees should be listed as such. (see Keizer.org for tree locations throughout Keizer.)

The clean up for the first ADU unit was not completed. There is still an unsightly containment "rope" of about six-eight inches in diameter made of straw and netting located near the mailbox that we see every day. It is left over from repurposing the shop into the ADU in 2020.

Maintaining health standards means that there will be a porta potty on site for the duration of construction. The renters will have to have that located near one of them so it can be accessed for servicing.

Listening to prolonged construction isn't good for anyone's mental health; especially when I spend my time outdoors developing my yard into a peaceful retreat. Years worth of effort will not be enjoyed with the addition of two homes containing an unknown amount of people, eight cars and possible dogs that bark and cats that enter my yard. Both rental agreements for the existing two units state that pets are not allowed. Both units have had barking dogs and cats in them.

Section 2.302 (street standards)

1. "Owners are aware that new curb and sidewalk improvements are required for this application." As mentioned, this puts all the traffic for four houses down a single lane. On garbage pick up days, how do 8-12 containers for four houses even fit across the front of the property for garbage pick up? The noise for putting out cans and retrieving them doubles increases with the additional units.

Section2.303 (off street parking)

1. As mentioned, there is no notation of parking for the new proposed home. It can not possibly share the same area as the existing ADU due to the limited with of the existing parking area. The area next to the proposed new parcel border is not labeled as parking. I would assume that parking will not be allowed there so emergency vehicles can have a place to backup. The driveway is not "grandfathered" into being able to pass the ordinance that would allow emergency vehicles to back out in a single lane.

Section 2.306 (storm water management)

1. If there is no current storm water management control, then why was the retro fit of the shop allowed in the first place? Digging for the control area may damage the trees on the property to the west of the proposed drywell (one of two drywalls proposed).

Additional concerns:

Page one of the variance application states that "The owners are unable to comply with Keizer City Code without undue burden. The existing SFD was built in 1947 and to bring it up to current development codes would create a substantial financial hardship." One should wonder if the SFD meets safety codes for renters. Renters are not generally made aware of code improvements that are needed but owners are made aware of them at the time of purchase. If updating such things would be a financial hardship for the owners, then one has to wonder how they plan on being financially solvent to build two new structures that will comply with current code requirements.

The addition of a steel bollard is mentioned at the back of the property. What will it be protecting? It is supposed to be used to create a protective or architectural perimeter. No mention is made of why it is needed.

"The owners are aware that the variance will be consistently varied with the current Keizer Development Code." Does that mean if they are granted the variance, they get to operate under rules that are different than what is used for other people? If the variance is allowed, it opens up possibilities for other developers to pursue different types of variances as well. We have city wide rules to help people comply with ordinances, not to allow for individuals to ask that changes be made to benefit them. The changes will benefit the owners financially.

In tiny print at the bottom of the map for the site, the owners list their address as being in Salem. That is the address of a family member as stated by the owner the first time I met him. The owners reside in Honolulu, Hawaii. They are out of state owners who are not emotionally attached to our city.

Also in tiny print are measurements on the plan that are not easy to read, even with magnification. Neighbors have had a challenge in reading the measurements.

The proposed property map does NOT look like it was made to scale. It appears on paper that there is room for building. The reality is that there will be two more

homes added with little space between them. My quality of life and of those who live near 527 and 525 Dearborn Ave. N. will significantly be impacted if the variance is allowed and the property is divided into two parcels for the purpose of adding an additional home and ADU unit.

The owners state that the additional homes would help Keizer. Keizer has been robustly adding apartments as evidenced by the current construction of 112 units at Verda Crossing and the addition of Cherry City Crossing apartments. There are many other apartments and homes for rent or for sale already.

In conclusion, please review the comments about the human elements that need to be taken into consideration when deciding the future of any property changes being proposed in established neighborhoods where homes are occupied by long term owners that do not wish to live by rotating renters that have no attachment to where they live or how they behave.

Respectfully submitted,

Pat Ozenna-LeMay
507 Dearborn Ave. N
Keizer, Or 97303

EXHIBIT 13

City of Keizer

Phone: (503) 856-3442 • Fax: (503) 390-8288
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

RECEIVED
CITY OF KEIZER
SEP - 7 2023
PLANNING DEPARTMENT

REQUEST FOR COMMENTS

TO: Neighboring Property Owner of 527 Dearborn
DATE: August 24, 2023
CASE: Partition Application with Major Variance Case 2023-12

The Planning Division is soliciting comments you may wish to have considered in the City's review of the above land use case. Application materials are attached.

If you would like to submit comments, comments must be submitted in writing and received in our office by 5:00 pm on September 7, 2023.

Send comments or questions to:
Dina Horner, Assistant Planner
Email: Hornerd@keizer.org Phone: (503) 856-3442
City of Keizer Planning Division
930 Chemawa Rd NE, Keizer OR 97303

REQUEST: The applicant is requesting to divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet (Parcel 1) and approximately 6,600 square feet (Parcel 2). The proposal also includes a major variance request to reduce the minimum required setback from the existing home to the private access easement. Currently, the property is developed with a single-family dwelling and accessory dwelling unit. The property is located at 527 Dearborn (073W03AD02700).

APPLICANT & PROPERTY OWNERS: Michael and Susie Le
ZONE: Residential Single Family (RS)

PLEASE CHECK THE APPROPRIATE ITEMS:

_____ My/Our comments are in the attached letter.
* My/Our comments are: I approve of this variance. Should make a nice addition to the neighborhood

Name: Arthur V Mauer
Phone: 503-339-7415
Email: avmauer@comcast.net
Address: 4860 Delight St.
Date: 9-6-23

From:	Email of Michael
To:	Horner, Dina
Subject:	Hearing Docs
Date:	Wednesday, November 8, 2023 2:45:08 PM
Attachments:	image.png Jan082020_FallenBranch.pdf Feb232020_FallenTree.pdf Feb232020LetterScanned.pdf June162023Letter.pdf

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CAUTION: This email originated from Outside Your Organization. Exercise caution when opening attachments or on clicking links from unknown senders. Please contact Information Technology for assistance.

Hello Dina,

I would like to present the following documents to the Planning Commission - only if Mr. Weckert talk about his trees at the hearing.

Communication Timeline:

1. Jan082020_FallenBranch.pdf: First incident of a fallen branch from Mr. Weckert's trees
2. Feb232020_FallenTree.pdf: Fallen trees less than 2 months after the branch fell.
3. Feb232020LetterScanned.pdf: First written letter to Mr. Weckert regarding cutting down his dead tree.
4. June162023Letter.pdf: Second written letter reminded Mr. Weckert to cut down his dead tree after 3 years.
5. Picture of broken tops cedars in NE corner of Mr. Weckert's yard taken November 5, 2023.

Gmail

Crown Property Management, Inc. 527 Dearborn

6 messages

Cara Tapken <e2d14f02f183013f6b2b10f79a00e0949a940287@crownpropertymanagement.mailer.appfolio.us> Wed, Jan 8, 2020 at 8:42 AM

To: xxxxxxxxxxxxxxx@gmail.com

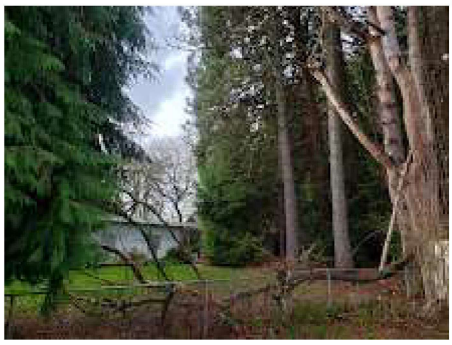
Michael,

We have received the attached photos of a limb breaking off from the trees in the yard. I figured you may want to pass this info along to the landscapers.

Kind Regards,

Cara Tapken
Project Manager, Compliance & Inspections
cara@crownpm.net
Office 503-485-2600

----------Confidentiality Notice----------This electronic message transmission contains information from Crown Property Management, Inc., which may be confidential. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the original message and any attachment without reading or saving in any manner.



20200105_151459.jpg
7009K

xxxxxxxxxxxxxxx <xxxxxxxxxxxxxxx@gmail.com> Wed, Jan 8, 2020 at 8:59 AM
To: Kent Mack <kent@crownpm.net>

This tree belongs to the neighbor. Please advise.
[Quoted text hidden]

Gmail

Crown Property Management, Inc. 527 Dearborn

<xxxxxxxxxxxxxxxx@gmail.com> Sun, Feb 23, 2020 at 10:32 AM
To: Cara Tapken <e2d14f02f183013f6b2b10f79a00e0949a940287@crownpropertymanagement.mailer.appfolio.us>
Cc: Kent Mack <kent@crownpm.net>

Hello Cara,

Our landscaper just informed us that the same neighbor tree collapsed onto our back yard.

Do you have any contact information for the owner next door? Last time the owner removed the fallen trunk in your picture but today's incident was a much bigger trunk.

Regards,
Michael
[Quoted text hidden]

February 23rd, 2020

Mr. Wendell Wallace Weckert II
8700 SW Comanche Wy
Tualatin, Oregon 97062

Dear Mr. Weckert,

This is an urgent matter and I have to contact you with this letter.

Today, two very large and tall tree trunks fell across our yard. One was at least 50 feet long. So far, there have been reports of damages to our shed and broken water pipes. We had to shut off the water to prevent flooding. These trees were already dead from before we bought the property in last September. We asked the previous owner about having it removed and she told us that she talked to you before with no outcome. I am attaching pictures for your reference.

Our safety is at risk. We are very stressed after today's incident. The kids are not allowed to play in the back yard. Please take action and help us prevent another incident that could cause more damages and loss of life. The dead tree has several large trunks and some are still standing. Today's wind was reported at 25mph. You should know that the wind speed recorded in 2019 for this area was at 40mph.

This dead tree has been neglected for a long time. **Please take action and help us prevent another incident that could cause more damages and loss of life.** There are many other tall trees in your property. I would appreciate very much if you have an arborist to do a survey and ensure that they are not in a condition that could endangered our safety.

I am hoping to come to an amicable arrangement for both sides. I am including my phone number and I look forward to hear from you.

Sincerely,
Michael Le
408-759-4880

1. This picture was taken on October 14 shortly after we purchased the property. In the picture it clearly shows the tree was already dead next to the fence and our shed. There were attempts in the past to cut off some of the dead branches.

Figure 1- October 14, 2019

2. On January 8, 2020, we saw a fallen trunk leaned against the fence in our back yard. It bent the fence and you had it removed shortly after. Thank you for that.

Figure 2 - January 8, 2020

3. February 23, 2020, two trees fell across our back yard and damaged the shed and broken water spigots on our property. We had to shutoff the water to prevent flooding.

Figure 3 - February 23, 2020

Figure 4 - Broken Water Spigots

Figure 5 - February 23, 2020

Figure 6 - Damaged Shed

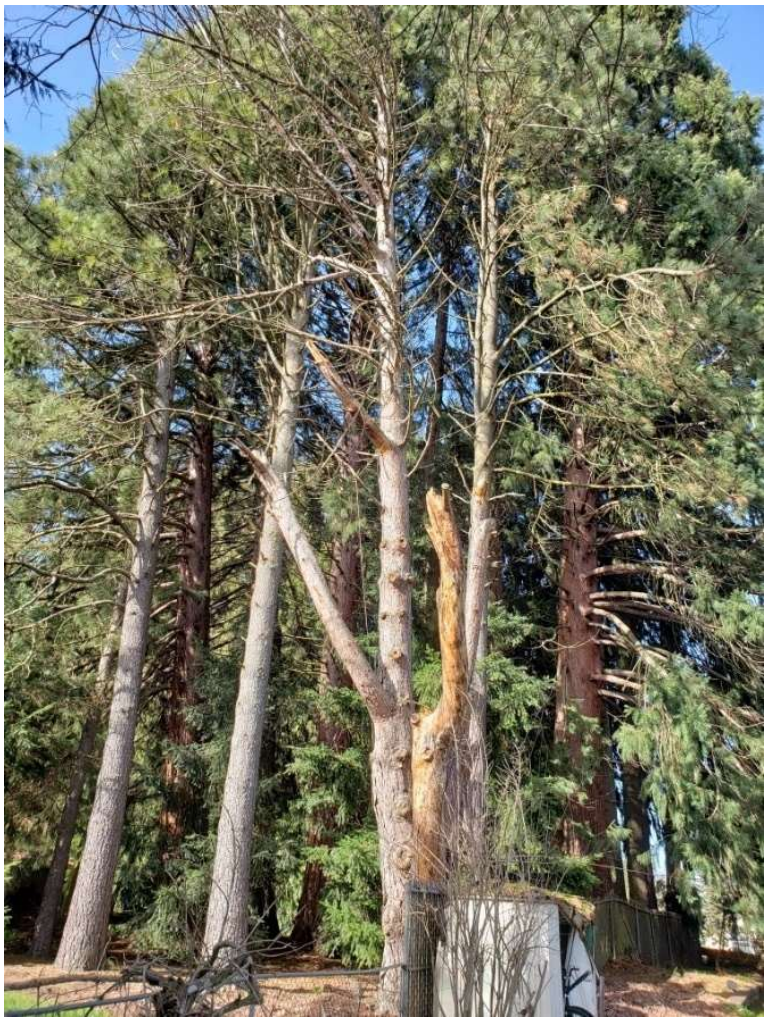


Figure 7 - Dead Tree as of February 23, 2020 – Three visible trunks are still standing.

June 16th, 2023

Mr. Wendell Wallace Weckert II
8700 SW Comanche Wy
Tualatin, Oregon 97062

Dear Mr. Weckert,

I hope that this letter finds you in good health & spirits.

It has been more than 3 years since I last wrote a letter to you regarding the fallen and dead trees from your property at 557 Dearborn Avenue N Keizer Oregon 97303. Please see attached letter dated February 23rd, 2020. At that time, you made a verbal promise that you would remove the dead tree next to the fence.

As of today, the dead tree is still there. My tenants had alerted me that the dead tree was making cracking noises and they feared that it would fall soon. Will you please remove the tree as you have promised to avoid accidents?

I look forward to hearing from you.

Sincerely,
Michael

cc. Ryan Wilson

R

Now that it's summer, this rotten tree keeps splitting more and more each hot day. It's going to fall soon. I just wanted to give you a heads up as I feel like it's going to take out the fence when it falls

Ryan • Sat 8:18 AM

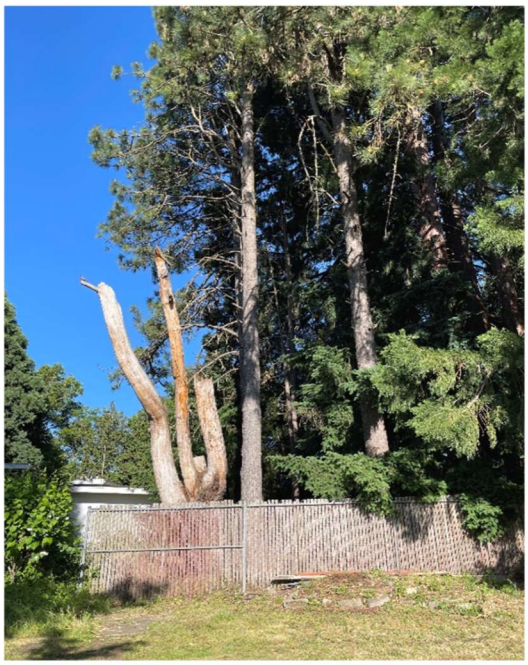
R

We keep our kids and animals out of that area for that reason. I just heard it split more. Which is what reminded me to text you

Ryan • Sat 8:20 AM

Hey Ryan. Thank you for letting me know. I've texted Wally and will also send him a formal letter to his home address

October 2019



May 2023

1. This picture was taken on October 14 shortly after we purchased the property. In the picture it clearly shows the tree was already dead next to the fence and our shed. There were attempts in the past to cut off some of the dead branches.

Figure 1- October 14, 2019

2. On January 8, 2020, we saw a fallen trunk leaned against the fence in our back yard. It bent the fence and you had it removed shortly after. Thank you for that.

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3. February 23, 2020, two trees fell across our back yard and damaged the shed and broken water spigots on our property. We had to shutoff the water to prevent flooding.

Figure 3 - February 23, 2020

Figure 4 - Broken Water Spigots

Figure 5 - February 23, 2020

Figure 6 - Damaged Shed

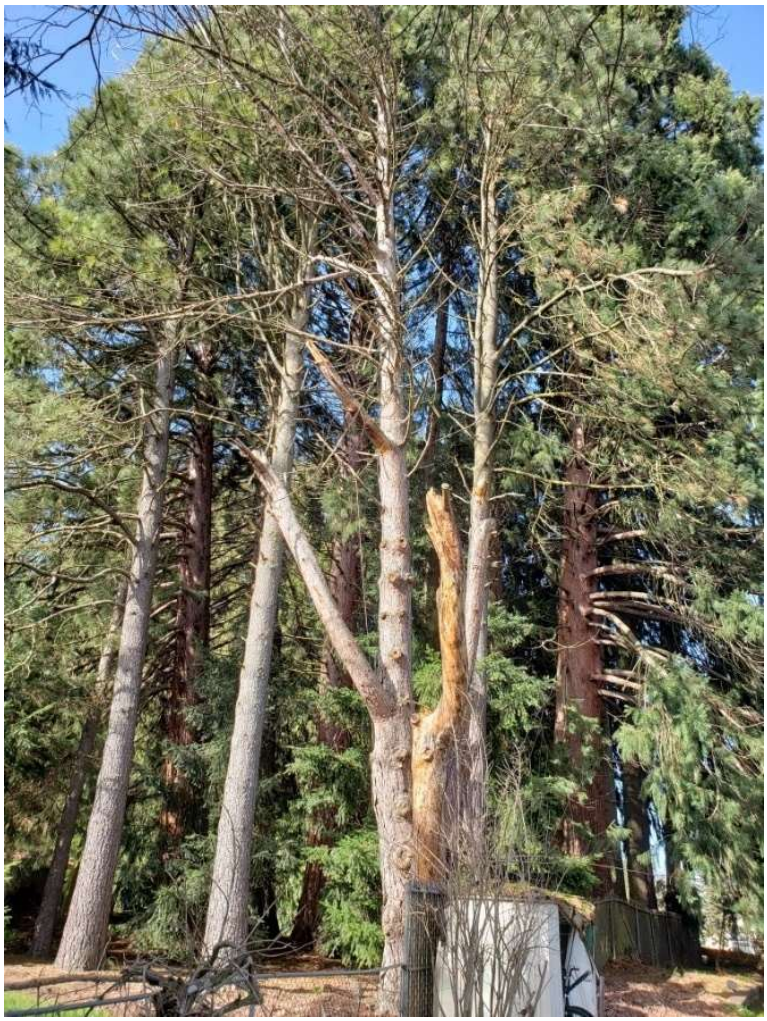

Figure 7 - Dead Tree as of February 23, 2020 – Three visible trunks are still standing.

By 4:00

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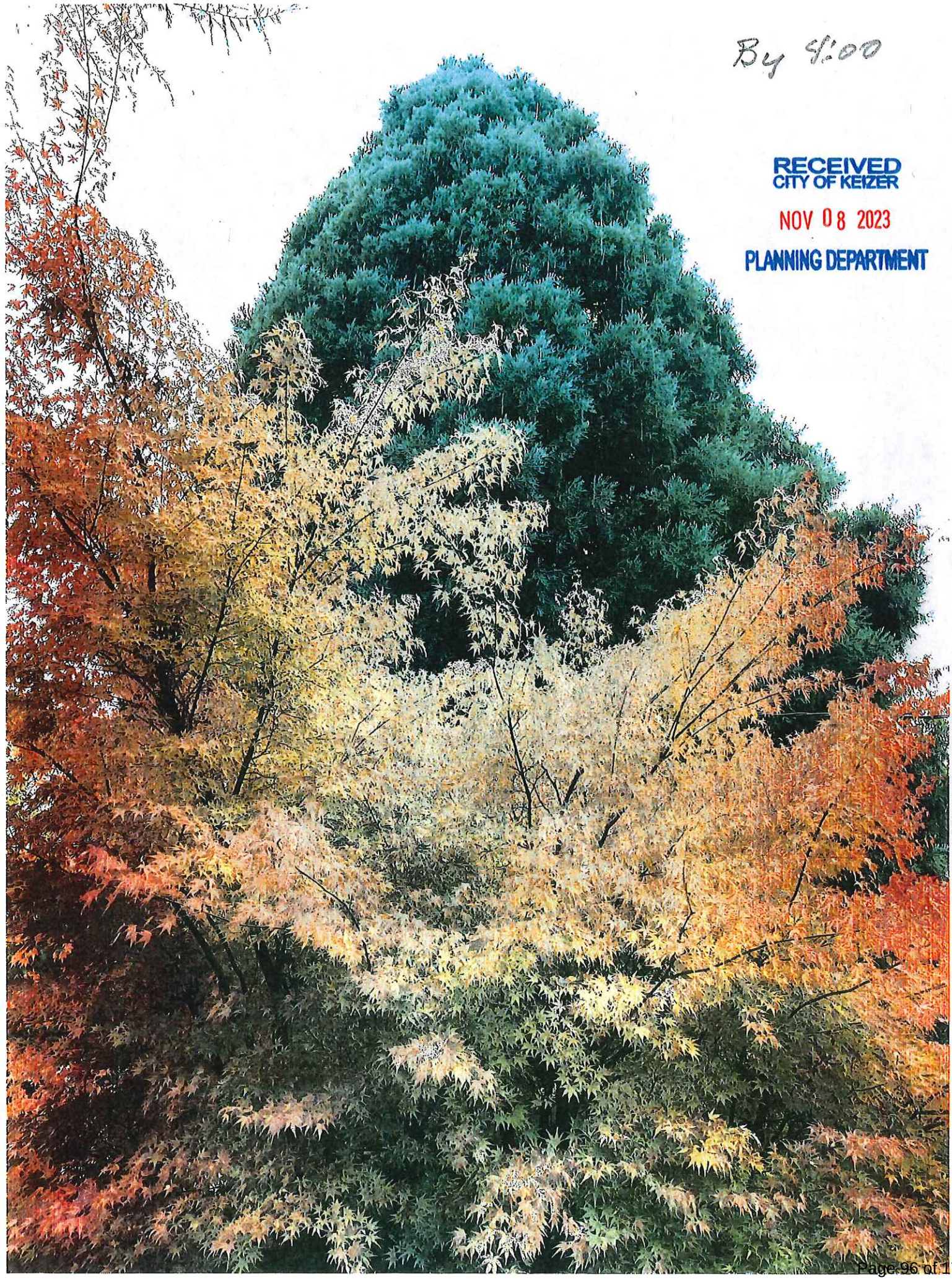

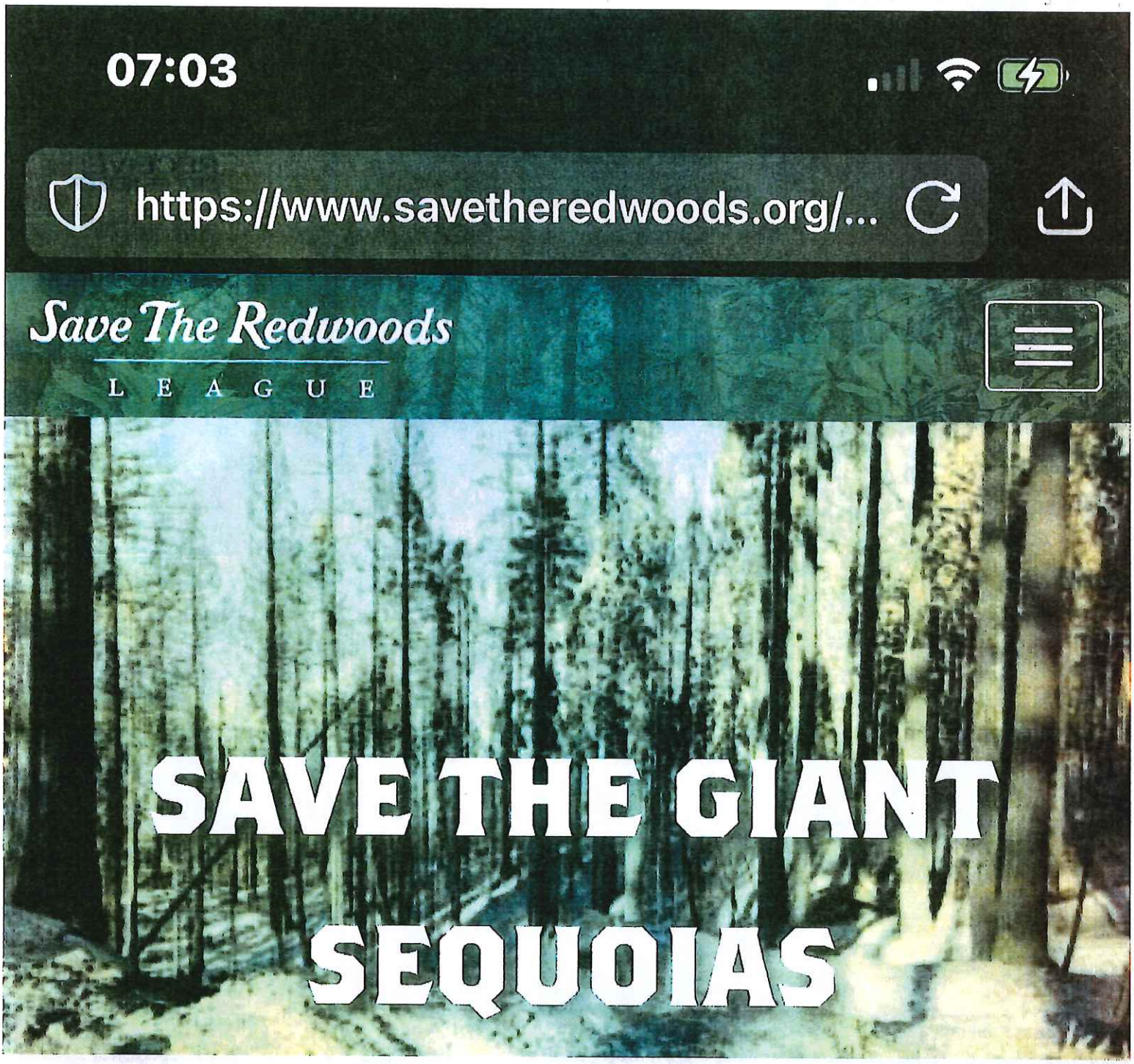

Policymakers can ensure a future for giant sequoias right now

09:36

Notes

KEIZER APPEAL 2023-12 11/01/2023 (6)

To:
Keizer Planning
From:
Wendell Weckert
557 Dearborn Ave. N
Keizer, OR

Generally, I should not need to revisit your basic criteria for zoning and partitioning. Planning knows square footage and other basic standards required. However factors unique to this parcel or individual and detrimental to nearby residents and lots also need to be part of any decision. I do not believe they were. Zoning and partitioning changes are supposed to serve and protect more than just one party.

This letter is procedurally necessary to establish basis for reversal of 527 Dearborn partition and rezoning by City of Keizer. This letter will be used at Appeal, City Council, LUBA (Land Use Board of Appeals), as well as subsequent legal and financial actions taken for acts committed by the Lee's , City of Keizer, and others.

Specifically these actions involve failure to disclose or comply with City codes and violation of state laws. These actions will involve liens filed against the Lees on any properties they own or may own in the future for costs, damages and penalties which will be born by the Lees and their properties future owners.

KEIZER narrow attic stairs non-compliant
KEIZER attic/loft 4th bedroom non-compliant
KEIZER I paved road surface non-compliant

KEIZER downspout drain front/back missing
KEIZER surface discharge to 557 not allowed
KEIZER downspout dry well to close to 557
zinc / asphalt impacts garden, water, trees.

KEIZER water well roof setback omitted
KEIZER water well property line omitted
.....OAR 690.210
KEIZER West foundation setback omitted
KEIZER North foundation setback omitted
KEIZER Northeast foundation setback wrong
KEIZER East foundation setback not found
KEIZER lot survey marker not found

If in compliance all should be listed at 5′ or greater. They are all omitted and out of compliance. The only disclosed setback dimension is for requested "Major Variance". Nonsense, the hard "bollard" 3′ setback reduction simply moves east 3′ into the soft landscape or shrub setback and closer to the adjacent property. Be honest, get this "Variance" out and call it what it is.

Forced Assault
— New Explanation

Can't be enforced

Page 13 . 5
FINDINGS
Certainly does affect Safety of adjacent lot.

KEIZER Ident of hanging (cedar-3) missing
KEIZER Ident of hanging (firs-3) missing
KEIZER Ident of line-tree (sequoia) missing
KEIZER Ident of hanging (sequoia) missing
KEIZER Ident of hanging (fir) missing
KEIZER Ident of hanging (pine) missing
KEIZER Ident of line-tree (cedar) missing — New
KEIZER Ident of 40′ hemlock) ghost
KEIZER line-tree damage(arborvite-1)missing
KEIZER Ident line-tree (arborvitae-5)missing

Page 10 . 8
FINDINGS
Removal of mature trees
My Trees
Live trees
$50,000 ea.
To remove
1yr Time

All these conveniently missing Exhibit 1 trees impact parcels responsibility, limitations and liability under ORS 105.810 and Keizer code section 2.309 Site and Landscape Design. By conveniently leaving these off Exhibit 1 an attempt has been to leave trees and shrubs out of the discussion and explains why the applicant has been so intent even to the extent of violating Oregon laws.

old Topics but new interpretations

EXHIBIT 1 Was altered after mailed with all changes and procedures not disclosed to effected parties prior to the comment period. And still it contains omissions and misstatement's of fact. This key exhibit is wrong, but why not important enough to correct? For some purposes it is useless. The obvious pattern is labels impacting decision and other homeowners have been falsified or selectively omitted.

Experiences have shown Lees to be, at best, inexperienced, at worst negligent or manipulative. If they can't handle a paper project like Exhibit 1, how can they be trusted with the responsibilities to make serious life changing detailed decisions that endanger real people and our connected property?

ORS164.354 Malicious Mischief penalties
ORS105.810 Treble Tree Trespass penalties
ORS 105.810 Line Tree penalties

Three arborists were hired, trespassed, tree trespassed, and damaged adjacent property owners trees. Lees lied and told arborist other owners had authorized the work. We had not. Arborist refused to carry thru with cutting as extensively as had been requested by Lees. I am working with police to prosecute Michael and Susan Lee under these and other names.

Electric, gas and sewer for parcel seem to have been installed a year before partition request was publicly submitted, let alone approved.

I believe these criminal and civil acts, endangerment, fraud, lying and failures should have resulted in the denial of the request to rezone and partition 526 Dearborn into two separate parcels and the resulting eventual construction of additional separate dwelling and potential construction of additional ADUs, (remodels, attached and non-attached).

Further, I believe it not to be in my or the larger communities interest to rezone and redevelope what had been a single family self substaining family residential lot into an over developed and over occupied complex for as many as six crowded non-sustainable families.

Under original zoning and code protections existing and nearby residents were protected from speculative, irresponsible, over development. Once approved and finalized rezoning and certainly repartitioning can not easily be undone.

Keizer's apparent pre approval decision to partition failed to recognize and project all cost factors because they are not being born by The City of Keizer, their employees, or by the Keizer Fire Department.

Most city costs will be reimbursed from the petitioner and Keizers property tax revenue will increase from the additional tax parcel.

The petitioner as a business will deduct costs as a business-expense credit where they will be made-up for and "paid" by the public.

The petitioner wins financially. The City of Keizer wins financially. Which explains why this deal and others like it are verbally pre-approved in most cities even before they are submitted for public comment. Developers are not stupid, businesses do not invest their money without assurances. At this time their identity is not known but probably rests with the standard planning department process.

Costs not discussed nor acknowledged are those born by myself and many other nearby residents.

Every home in this neighborhood will in some manner bear costs, be they noise, traffic congestion, visual blight, construction, parking, nuisance, drainage or taxes.

557 Dearborn (existing property on west side of proposed parcel). The grove of pine and protected sequoia trees have been killed, trespassed, cut and will be excavated then logged. Adjacent foundations, driveways, mandated fire lanes and fire defense zones will again smother roots requiring unsightly, continuous logging and removal.

Possible DEQ Violation Jim & Tree

Further logging and removal costs will not be born by Michael and Susan. They will have pocketed their profits and be long gone. Antiquated easements indicate their intent is to partition then sell off the resulting properties. Subsequent owners of the partitioned property will be liable, but massive costs and time expenditures from these and their previous mistakes will, as in the past, also likely revert back, with hardship, to me. We are estimating many tens of thousands of dollars and wasted hours in unnecessary personal mitigation costs and damage claims involving both parties.

507 Dearborn (existing property on east side of newly partitioned street/drive) was not developed and purchased as a corner lot with noise, traffic and privacy breaches from the equivalent of a new side street. Shrubbery will take years and additional space to develop. All at additional disruption, time and financial hardship.

If the developer or city had to pay our costs of repartitioning no one would even consider repartitioning and associated rezoning.

While awkward, at this stage to prevent harm to other residents, this decision to repartition and rezone needs to be reversed.

Partitioning drives up all housing costs. The housing foundations, required driveway, required parking, required fire truck turnaround, required access road all combined take up capital and most of the lot land and surface drainage. Subsistence, vegetable or life style gardening and family recreation activities won't fit. That was why this land was historically zoned and used as it has. The new zoning standard has dried up the supply of traditional affordable multi gererational, multi purpose and extended family housing.

If people don't want the responsibilities of land they could consider purchasing condos or renting apartments. Destruction of traditional home ownership should not be supported by Keizers insensitivity in partitioning and zoning requirements.

Archaic permitting and punitive local tax policy has costed Keizer out of affordable traditional housing into formats that have not worked for decades. Related government policy, or lack of, has aggrivated parking, traffic congestion, commute times, air quality, cost of living, quality of life and almost every other societal problem we now have.

There are an abundance of laws and standards for dealing with human weaknesses, we still come up short when it comes to government. Consequently we have lost faith in the comprehensive reliability, and common sense of government.

The partitioning of this site does not make any sense and creates future problems for everyone associated. The purchase price was fair. Lees got what they paid for. Long term, windfall business profits from partitioning are not likely. Please honor the repeal and remove the partition. Allow prior proven zoning and land use laws to stand.

I and others have provided more than sufficient justification to repeal the original approval. I believe the original approval only survived because of the requested variance. I first told Michael June 2020 that he was a foot short on the east setback. This combined with all other setback violations and attempts to cover up and otherwise manipulate the partitioning process should offset any hesitancy by Keizer to deny the partition and rezoning.

All of the cautions contained herein were included in the original comments process from all deeply committed responders. But in its haste to approve the petition based on technical criteria they were ignored. Also, as before my reply is backed by e-mails, data searches, photos, and videos.

Over the years this is the fourth infill letter I have written the city. This is the first infill that will be costly to me and hits this close to home. Recognize I have nothing against small houses or increasing housing density. But with each category of housing there should be unique development requirements. Ignore them and you create problems for adjacent lot owners. Keizer policy has never achieved this. So Keizer continues, unnecessarily, to create enclaves of problem housing.

The Governor and Legislature have given cities the freedom to make housing better not a mandate to make it worse.

If you still believe we have a housing cost and availability gap then study specific Vancouver, B.C tax timing and property improvement codes from the 1980s, modify, and adapt them to the present. It will change Keizers future for the better.

City Council Meeting Date: February 5, 2024

To: Mayor Clark and City Council Members

Thru: Adam J. Brown, City Manager

From: Machell DePina, Human Resources Director

Subject: Personnel Policies

Proposed Motion

I move that the City Council adopt Resolution R2024-_____ Council Determination Regarding Adoption of Personnel Policies.

I. Summary

City Manager Brown, City Attorney Johnson and Human Resources Director DePina recommend a change in practice regarding personnel policy management to streamline and simplify the review and approval process with the goal of more timely policy updates and reduced workload for all parties involved. The recommended change has been presented to the Personnel Policy Committee and has their support.

II. Background

A. The current Personnel Policy Manual (PPM) was adopted in full in 2010.
B. There have been three amendments since then, one in 2010 regarding Cell Phone Stipends and two in 2022 regarding the addition of Juneteenth as a holiday and provision of special assignment premiums to Sergeants for K-9 Handler, Motorcycle Officer, Interagency Bomb Squad and Interagency Special Weapons and Tactics (SWAT) Team.
C. In January 2023, City Manager Brown, City Attorney Johnson and HR Director DePina met with the Personnel Policy Committee (PPC) to discuss the PPC Purpose and Procedures. As part of the discussion, they discussed policies that should be approved by the City Council and those which should not require approval beyond the City Manager. Examples of those to be approved by City Council include any policies with discretionary fiscal impact and any policies that also apply to the City Council. Examples of those to be approved by the City Manager include any policies which are operational or specific to personnel as well as policies that are required due to changes in state or federal law. Attached is an excerpt from the 2022 4th Quarter Report which was presented at that meeting.
D. The subject was again discussed at the PPC meetings in July and October and again support was confirmed, including the statement that the PPC wants to be

deliberate about staying in their lane with respect to involvement in personnel policies.

III. Current Situation

A. Attached is a document showing Policies Proposed to Remain Under Council Approval. This document includes both what PPC has reviewed (in January, July and October 2023) and confirmed support, as well as a 2nd version which is shortened and simplified for ongoing reference. Also attached is a document showing the Current Personnel Policy Manual Table of Contents.
B. Today we are asking the City Council to support changing the process going forward. Over the coming months, we anticipate finalizing the work on the update of the City's Personnel Policy Manual and would then bring forward those policies and sections of policies requiring Council approval.
C. When we bring those policies for Council approval, we will also request the repeal of prior personnel policy manual resolutions. We are not making that request at this time as that would inactivate our current policies before the updated ones are ready for implementation.

IV. Analysis

A. **Strategic Impact** - The anticipated improved efficiency upon implementation of this recommendation supports Goal Six: Strong + Sustainable Government in the Draft Keizer Strategic Plan, which includes the action item of assessing and evaluating organizational efficiency and implementing recommendations.
B. **Financial** - Changing the policies required to be reviewed by the City Council does not change any direct cost to the City. It is expected there will be some cost savings in less staff and Council time and workload with the reduction of administrative time reviewing and approval policies only for procedural purposes.
C. **Timing** - If approved, this practice change would take effect upon the finalization of the attached Resolution.
D. **Policy/Legal** - The City Council is currently charged with approval of all City Personnel Policies. Therefore, the City Council must agree with a change in practice that no longer requires all policies to be approved at the Council level.

V. Alternatives

A. Adopt the attached Resolution.
B. Take no action and Council would continue to review all recommended changes to Personnel Policies.

VI. Recommendation

Staff and the Personnel Policy Committee recommends adoption of the attached Resolution.

Attachments

1. Excerpt from Personnel Policy Committee Meeting Report
2. Policies Proposed to Remain Under Council Approval

3. Current Personnel Policy Manual Table of Contents
4. RES_CC_Res 2024 Determination Regarding Adoption of Personnel Policies_2 5 2024

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

Excerpt from Personnel Policy Committee
2022 4th Quarter Report on HR Activities (Staff Liaison Report)
January 23, 2023

PPC Purpose & Procedures
City Attorney Shannon Johnson and City Manager Adam Brown would like to discuss the PPC's purpose and procedures. A copy of the related Resolution R2013-2320 is attached for review and reference.

In November, information was gathered from Human Resources Directors around the state regarding their personnel policy processes. In summary, of 17 responding entities (mostly cities but a few counties and districts), the following information was provided:

Do you update on a set schedule or as needed? If on a schedule, how often?

Summary Results: 4-Yes, 13-No

2-As Needed, 1-Annually, 3-Every 2 to 3 Years

Do you use a committee/workgroup and if so, when and who is involved?
Summary Results: Other than Keizer, only 1 involves the Council in the committee process.

The majority responded that the City Manager has the final say/approval.

7 use committees or workgroups, mostly consisting of a work session or special workgroup formed just for a moment in time, not ongoing.

10 do not use committees or workgroups and describe their processes as only HR, legal and the leadership team participating in review and adoption.

Does your process include a requirement of City Council adoption of new and changed policies?

Summary Results: 5-Yes, 12-No

Do any of your personnel policies apply to your City Council members or separate set for them?

Summary Results: 6-Yes, 11-No

4-Separate Set

POLICIES PROPOSED TO REMAIN UNDER COUNCIL APPROVAL
(AS PRESENTED JANUARY, JULY, OCTOBER 2023)

- Travel
- Equal Employment Opportunity – Entire Section (includes 7 sub-sections)
- Classification Review and Reclassification
- Volunteers
- Compensation – Majority of Section (includes 8 of 10 sub-sections), approval required only on level of benefits, not language controlling accrual, usage, etc.
- City Faxes, Copiers and Other Office Equipment – Fee Schedule approved by Council Resolution.
- Holiday, Vacation, Other Paid Leave Benefits – Majority of Section (includes 5 of 6 sub-sections).
- Sick Leave Eligibility and Accrual - Approval required only on level of benefits, not language controlling accrual, usage, etc.
- Health Insurance Benefits – Entire Section (includes 7 sub-sections), approval required only on level of benefits, not language controlling accrual, usage, etc.
- Retirement – Entire Section (includes 5 sub-sections), approval required only on level of benefits, not language controlling accrual, usage, etc.

POLICIES PROPOSED TO REMAIN UNDER COUNCIL APPROVAL – SIMPLIFIED LIST

Any Changes Require Council Approval

- Travel
- Equal Employment Opportunity
- Classification Review and Reclassification
- Volunteers
- Portions of any existing or future policies applicable to Council members

Changes in Level of Benefits Require Council Approval
Changes in Language Controlling Access to Accruals, Usage, etc. Do Not Require Council Approval

- Compensation
- City Faxes, Copiers and Other Office Equipment
  (Note: Fee Schedule approved by Council Resolution)
- Holiday, Vacation, Other Paid Leave Benefits
- Sick Leave Eligibility and Accrual
- Health Insurance Benefits
- Retirement

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Political Activity
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Paydays and Paychecks
Payroll Deductions

SECTION 7 - HOURS AND WORK SCHEDULES
Work Schedules
Flexible Scheduling
Telecommuting
Meal and Rest Breaks
Lactation Breaks
Changes in Hours and Work Schedules
Overtime
Time Sheets

SECTION 8 - COMPUTERS, TELECOMMUNICATION DEVICES AND OTHER ELECTRONIC EQUIPMENT
Monitoring and Public Records Disclosure
Network Access
City Computer Equipment
Software Licensed to the City
Software Not Licensed to City
City Telephones
Cell Phones
City Faxes, Copiers and Other Office Equipment

SECTION 9 - STANDARDS OF CONDUCT
Standards of Conduct

SECTION 10 - GRIEVANCE AND COMPLAINT PROCEDURE
Step 1 – Supervisor
Step 2 – Department Director
Step 3 – City Manager

SECTION 11 - PROGRESSIVE DISCIPLINE
General Guidelines
Steps of Progressive Discipline

SECTION 12 - EMPLOYEE RESIGNATIONS AND TERMINATIONS
Resignations
Layoffs
Involuntary Terminations
Exit Interviews
References
Final Paychecks

SECTION 13 - HOLIDAY, VACATION, OTHER PAID LEAVE BENEFITS
Holiday Leave
Compensatory Leave
Paid Personal Leave
Floating Holidays
Vacation Leave
Exceptional Performance Recognition Leave with Pay

SECTION 14 - SICK LEAVE
Eligibility and Accrual
Use of Paid Sick Leave
Reporting Sick Leave
Verification
Health Insurance Portability and Accountability Act (HIPPA)
Abuse of Sick Leave
Donation of Sick and Vacation Leave
Sick Leave without Pay
Effect of Separation

SECTION 15 - OTHER LEAVES OF ABSENCE
Requesting Personal Leave of Absence
Bereavement Leave
Military Leave
Jury Duty and Witness Leave
Family Medical Leave, Parental or Pregnancy Leave
Oregon Family Leave
Other Medical Leaves
Domestic Violence Leave and Accommodation
Worker's Compensation
Early Return to Work
Administrative Leave

SECTION 16 – HEALTH INSURANCE BENEFITS
Eligibility
Contribution to Premiums
Changes in Coverage and Benefits
Termination of Coverage
Life & Accidental Death and Dismemberment (AD&D) Insurance
Long Term Disability Insurance
Employee Assistance Program (EAP)

SECTION 17 - WORKPLACE SAFETY AND HEALTH
City/Supervisor Responsibilities
Employee Responsibilities
Reporting Injuries
Reporting Accidents
Reporting Unsafe Working Conditions
Retaliation
Use of Tobacco Products
First Aid Kits
Blood Borne Pathogens
Contagious Diseases
Workplace Violence Policy
Safety Committee
Inclement Weather
Emergency Situation Procedures

SECTION 18 - ALCOHOL AND DRUG FREE WORKPLACE (non-DOT)
Prohibited Conduct
Mandatory Testing
Searches
Safeguards
Prescribed Medication
Rehabilitation and Return to Work
Compliance

SECTION 19 - ALCOHOL AND DRUG TESTING (DOT)
Applicable Law
Employees Covered
Prohibited Conduct
Mandatory Testing
Security and Integrity Procedures
Refusal to Submit to Testing
Consequences of Violations
Resources for Employees

SECTION 20 - RETIREMENT
Retirement Plan
Deferred Compensation with City Match
Retiree Health Insurance Coverage
Payment of Unused Sick Leave
Social Security

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2024-_____

COUNCIL DETERMINATION REGARDING ADOPTION OF PERSONNEL POLICIES

WHEREAS, Keizer City Council has adopted the entire personnel policy manual in its entirety;

WHEREAS, by Resolution R2010-2040 as amended by R2015-2599, R2022-3276, and R2022-3297, Council adopted the most recent personnel policy manual;

WHEREAS, Council has reviewed the matter and determined that except as noted below, it is appropriate for the City Manager to adopt the personnel policy manual in consultation with the Human Resources Director and legal counsel;

WHEREAS, Council has determined that Council should adopt only portions of the personnel policy manual that either directly impacts the Council and that Council is required or suggested to adopt pursuant to agreement, law or regulation;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that in the future, Council shall adopt or amend the provisions of the personnel policy manual that relate to the following:

a. Travel;

b. Equal Employment Opportunity;

c. Classification Review and Reclassification;

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

d. Volunteers;

e. Other Policies. Other policies or portions of policies applicable to Council Members shall be approved by Council. These include, but are not limited to electronic mail, social media, and building access policies.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that in the future, the following policies shall be adopted by either the City Council or City Manager as determined below:

a. Compensation. Council approval is required for portions concerning change in the level of benefits. Language concerning individual access to accruals, usage, etc. shall be adopted by the City Manager;

b. City Faxes, Copiers and Other Office Equipment. Policies applicable to the individual Council Members and the fee schedule shall be approved by Council. All other provisions shall be adopted by the City Manager;

c. Holiday, Vacation, Other Paid Leave Benefits. Council approval is required for portions concerning the change in the level of benefits. Language concerning individual access to accruals, usage, etc. shall be adopted by the City Manager;

d. Sick Leave Eligibility and Accrual. Council approval is required for portions concerning change in the level of benefits. Language concerning individual access to accruals, usage, etc. shall be adopted by the City

Keizer City Attorney
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PO Box 21000
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503-856-3433

Manager;

e. Health Insurance Benefits. Council approval is required for portions concerning change in the level of benefits. Language concerning individual access to accruals, usage, etc. shall be adopted by the City Manager;

f. Retirement. Council approval is required for portions concerning change in the level of benefits. Language concerning individual access to accruals, usage, etc. shall be adopted by the City Manager.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that all other personnel policies not referenced above shall be adopted by the City Manager and shall not require City Council approval.

BE IT FURTHER RESOLVED that staff is directed to return to Council with proposed language for those portions of the personnel policy manual that require Council adoption as referenced above.

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

PASSED this _____ day of _____, 2024.

SIGNED this _____ day of _____, 2024.

_____
Mayor

_____
City Recorder

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

City Council Meeting Date: February 5, 2024

To: Mayor Clark and City Council Members

Thru: Adam J. Brown, City Manager

From: Machell DePina, Human Resources Director

Subject: Non-Represented Employee Salary Survey, City-wide Internal Pay Equity Review and Additional Pay Adjustment for all Non-Represented Employees

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Proposed Motion

I move that the City Council direct staff to prepare a resolution to accept the Non-Represented Employee Salary Survey, City-Wide Internal Pay Equity Review recommendations and the Additional Pay Adjustment for all Non-Represented Employees for adoption at the February 20, 2024, City Council meeting. In addition, prepare a supplemental budget adjustment resolution to transfer from contingency to personnel services to provide appropriations for the Non-Represented Employee Salary Survey, City-Wide Internal Pay Equity Review recommendation and the Additional Pay Adjustment for Non-Represented Employees.

I. Summary

The Non-Represented Employee Salary Survey and City-Wide Internal Pay Equity Review have been completed with 9 classifications recommended to be adjusted, impacting 16 employees retroactively to July 1, 2022 and 14 employees effective January 1, 2024. Recommendations from the Executive Leadership Team, supported by the Personnel Policy Committee are to direct staff to prepare a resolution accepting the Non-Represented Employee Salary Survey, City-wide Internal Pay Equity Review recommendations and a resolution accepting a Mid-year Additional Pay Adjustment for all non-represented employees for consideration at the February 20, 2024, City Council meeting.

II. Background

A. City policy dictates that subject to available funding and budget approval, salary surveys for all classifications will be performed on a schedule of no less than every four years. The last salary survey for non-represented employees took place in 2017.
B. In August 2017, the first impact of Oregon's Pay Equity Act became effective. Employers were prohibited from seeking pay history of applicants.
C. In January 2019, the majority of the Oregon Pay Equity Act's requirements went into effect. The Act expanded from prohibiting only sex-based discrimination to encompass nine more classes: Race, Color, Religion, Sexual Orientation, National

Origin, Marital Status, Veteran Status, Disability and Age (18 & over). It also defined "work of comparable character" as work that requires "substantially similar knowledge, skill, effort, responsibility and working conditions in the performance of work, regardless of job description or job title."

D. In July 2019, an additional 15 legislative actions passed which required additional work for both preparation for the City's planned Internal Pay Equity Review and the Personnel Policy Manual Update project.
E. In June 2020, the Portland State University Total Employer Cost of Compensation (TECC) program was dissolved without notice. The information from this program was intended to jump start the City's 2021-22 Salary Survey efforts. We had to shift gears and transfer funds budgeted for this program to help fund an Intergovernmental Agreement with Local Government Personnel Services (LGPS) for 3rd party review of data to be collected by the Human Resources Director.
F. Additional unplanned Human Resource service intensive events occurred in 2020 - 2023 which impacted timelines for completion of the Salary Survey and Internal Equity Review activities including but not limited to: Pandemic response beginning March 2020 - ongoing, Springbrook Human Resource Information System (HRIS) attempted implementation October 2020-June 2021, Cyber Attack June 2020, departure of former City Manager and related transitions beginning March 2021 - April 2022, Oregon Paid Family Medical Leave Act passed January 2023 - ongoing.
G. Salary Survey data collection began in January 2021 and was completed and provided to LGPS in September 2021. LGPS provided recommendations for Executive Leadership Team (ELT) review in December 2021.
H. In January 2022, the ELT met, discussed LGPS recommendations and agreed to follow the recommendations to hold any pay adjustment decisions until an internal pay equity review could be completed. The goal was completion by the end of the calendar year.
I. In January 2023, the Internal Pay Equity Review began and was completed by May 2023. Legal review began in June and was completed by October when ELT review then began and was completed in January 2024.
J. In January 2024, civil litigation becomes an available course of action for Oregon employees who feel they are being paid unfairly based on the requirements of pay equity legislation.

III. <u>Current Situation</u>

A. The Executive Leadership Team (ELT) has confirmed the final recommendations of the Non-Represented Employee Salary Survey and City-Wide Internal Pay Equity Review. The results were confirmed on Tuesday, January 23, 2024. ELT members met with all impacted employees as well as employee groups that expressed specific interest in the results from January 23 – 25, 2024. In addition, information about the status of the project was shared at the All Staff meeting that took place on January 25th. In all cases, we have been clear that the results are recommendations at this time and must be reviewed and approved by the City Council. Presentation of the summary information was made to the Personnel Policy Committee (PPC) on Monday, January 29, 2024.
B. Attached is a summary document that shows all existing City of Keizer classifications as they are now in the first column and the recommended adjustments in the second column. There is also additional information on the reverse regarding each

classification recommended to be adjusted.

C. In summary, there are 9 classifications out of 62 recommended to be adjusted, which is only 14.5% as compared to 23% in 2017, 62% in 2013 and 59% in 2007. We believe this is a testament to the hard work the Executive Leadership Team and our supervisors have done to ensure we are keeping our job descriptions as accurate as possible and that we have been adhering to the intent of the Equal Pay Act since passage, even though it has taken some time to complete our internal review.

D. Included in the 9 classifications are 16 employees who would receive retroactive adjustments back to July 1, 2022 and 14 employees who would receive adjustments beginning January 1, 2024. The adjustment recommendations take into consideration the results of the 2021-22 Unrepresented Salary Survey which was completed but placed on hold based on both LGPS recommendation and legal advice until the Internal Pay Equity Review could be completed. Classifications fell into a number of categories:
    - Salary Survey recommended potential pay adjustment & Internal Pay Equity Review confirmed – recommended to be retroactive to 7.01.22.
    - Salary Survey recommended potential pay adjustment & Internal Pay Equity Review did not support an adjustment.
    - Salary Survey confirmed pay was appropriate & Internal Pay Equity Review required an adjustment upward – recommended effective date of 1.01.24.
    - Salary Survey confirmed pay was appropriate & Internal Pay Equity Review confirmed no change needed.
    - Salary Survey confirmed pay was appropriate & Internal Pay Equity Review required an adjustment downward – recommended effective date of 1.01.24. Note downward adjustment possible only because position is not currently filled.

E. With PPC support, we are now introducing the results to the City Council as a whole with a request for direction to return for resolution approval at the February 20, 2024 City Council Meeting. We see this topic as a compliance issue rather than a policy decision given the recommended action meets legislative requirements for pay equity.

F. As we've discussed in the past, while the Salary Survey is complicated in general, the Internal Pay Equity Review is even more complicated given the legislation only defined one factor of the five listed. We started with a vendor product and had to customize it to fit the City of Keizer's operations. With an end result of 13 different job characteristics, each with its own scoring criteria which had to be applied to each of the 62 classifications and then cross-referenced and qualified, it's safe to say that we have more than met the standards of the Equal Pay Act.

G. Council will recall concerns raised at the conclusion of Keizer Police Association collective bargaining (July 2023) that the City ensures we are fair and equitable to our non-represented employees with respect to pay and benefits. Included in the presentation to the PPC on January 29th was a recommendation for an Additional Pay Adjustment for All Non-Represented Employees. Based on our ongoing review of such increases for our represented employees as well as the increases provided by our comparable municipalities for the classifications that are not represented in the City of Keizer, the ELT recommends a 1% pay adjustment for all non-represented employees effective January 1, 2024. Accordingly, we request direction to return for resolution approval at the February 20, 2024 City Council Meeting. We

see this topic as a policy decision rather than a compliance situation and PPC has confirmed their support for this request. Much like the 1.5% pay adjustment provided to all employees (both represented and non-represented) on September 7, 2022, this action is intended to address the continued impact of cost of living increases and the data that shows the City of Keizer lags behind comparable municipalities for our non-represented classifications. While it is always challenging to consider pay increases when we have many other fiscal challenges and a very tight budget as always, we believe it is critical to invest in our employees given the only way we are able to operate on such lean staffing is by having excellent and loyal employees. We do not want to lose them or perhaps worse, send the message we do not value them as much as their coworkers.

IV. Analysis

A. **Strategic Impact** - Not Applicable

B. **Financial** - The financial impact of implementing the non-represented salary survey and the city-wide internal pay equity review is $145,100. To provide appropriations for the additional expenditures, a supplemental budget will be necessary to move the amounts from contingency to personnel services. In anticipation of the acceptance of the salary survey and the internal pay equity review, the General Fund contingency was increased during the 2023-24 budget process by $100,000. Existing additional contingencies are available in the General Fund and other impacted funds to provide for the adjustment. The supplemental budget adjustment will consist of the following departments:

- General Fund - Police - $110,000
- Administrative Services Fund - City Attorney - $28,600
- Stormwater Fund - $2,400
- Administrative Services Fund - City Recorder - $2,100
- Event Center Fund - $2,000

The financial impact of implementing a mid-year cost of living increase for non-represented employees is $36,100. To provide appropriations for the additional expenditures, a supplemental budget will be necessary to move the amounts from contingency to personnel services. Existing contingencies are available in the General Fund and other impacted funds to provide for the adjustment. The supplemental budget adjustment will consist of the following departments:

- Genearl Fund - Police - $10,800
- General Fund - Planning - $2,300
- General Fund - Municipal Court - $500
- Park Services Fund - $200
- Administrative Services Fund - City Manager - $1,400
- Administrative Services Fund - City Attorney - $1,800
- Administrative Services Fund - City Recorder - $1,400
- Administrative Services Fund - Human Resources - $1,800
- Administrative Services Fund - Finance - $2,500
- Administrative Services Fund - Information Technology - $1,400
- Administrative Services Fund - Utility Billing - $1,300
- Administrative Services Fund - Public Works Administration - $3,100
- Administrative Services Fund - Facilities - $600

- Stormwater Fund - $2,500
- Water Fund - $3,500
- Event Center Fund - $1,000

C. **Timing** - Topics returning to Council at February 20, 2024 meeting.
Implementation of Non-Represented Employee Salary Survey recommendations retroactive to July 1, 2022. Implementation of City-wide Internal Pay Equity recommendations effective January 1, 2024.
Implementation of Non-Represented Employee Pay adjustment recommendation effective January 1, 2024.

D. **Policy/Legal** - Current City of Keizer Personnel Policy states that subject to available funding and budget approval, salary surveys for all classifications will be performed on a schedule of no less than every four years. The Oregon Equal Pay Act requires all Oregon employers, regardless of size to ensure workers are paid based on "work of comparable character" regardless of job description or job title and lists "bona fide factors" that permit employees to be compensated differently including a seniority system, a merit system, a system that measures earning by quantity or quality of production, workplace location, travel (if regular and necessary), education, training, and/or experience.

V. Alternatives

1. Accept the results of the non-represented employee salary survey and city-wide internal pay equity review and the mid-year pay adjustment for non-represented employees.
2. Take no action and not accept the results of the non-represented employee salary survey, city-wide internal pay equity review recommendations or the mid-year pay adjustment for non-represented employees.
3. Accept the results of the non-represented employee salary survey and city-wide internal pay equity review recommendations but not the mid-year pay adjustment for non-represented employees.
4. Accept the mid-year pay adjustment for non-represented employees but not the non-represented employee salary survey and city-wide internal pay equity review recommendations.

VI. Recommendation

Staff and the Personnel Policy Committee recommends Council direct staff to prepare a resolution accepting the Non-Represented Employee Salary Survey, City-wide Internal Pay Equity Review recommendations and Mid-year Additional Pay Adjustment for all non-represented employees for consideration at the February 20, 2024, City Council meeting.

Attachments

1. Non-Rep Salary Survey-Internal Pay Equity One Page Summary 1-22-24

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

1.22.24 SUMMARIZED NON-REP SALARY SURVEY/INTERNAL PAY EQUITY REVIEW RESULTS

CURRENT CLASSIFICATIONS AND PAY RANGES		RECOMMENDED ADJUSTMENTS SALARY SURVEY/INTERNAL PAY EQUITY	
CURRENT RANGE	**CLASS TITLE**	**NEW RANGE**	**CLASS TITLE**
13	Event Center Assistant	**13**	Event Center Assistant
14	Administrative Specialist Municipal Court Clerk I Accounting Specialist	**14**	Administrative Specialist Municipal Court Clerk I Accounting Specialist
15	Municipal Court Clerk II	**15**	Municipal Court Clerk II
16		**16**	
17	Accountant Accounting Technician Building Permits Specialist Public Works Permit Specialist	**17**	Accountant Accounting Technician Building Permits Specialist Public Works Permit Specialist
18	Facility Maintenance Technician	**18**	Facility Maintenance Technician
19	Code Compliance Officer Deputy City Recorder Executive Assistant - Police Legal Assistant	**19**	Code Compliance Officer Deputy City Recorder Executive Assistant - Police
20	Assistant Planner	**20**	Assistant Planner Legal Assistant (+1)
21	Environmental Program Technician Event Center Manager GIS Technician	**21**	Environmental Program Tech GIS Technician
22	Planner	**22**	Event Center Manager (+1) Planner
23	Human Resources Generalist Sr. Environmental Program Technician Support Services Supervisor Systems Technician	**23**	Human Resources Generalist Sr. Environmental Program Tech Support Services Supervisor Systems Technician
24	Parks & Facilities Division Manager	**24**	Parks & Facilities Division Manager
25	Network Administrator Public Works Division Manager Public Works Project Manager Senior Planner	**25**	Network Administrator Public Works Division Manager Public Works Project Manager Senior Planner
26		**26**	
27	City Recorder	**27**	Assistant Finance Director (-3) Environ & Tech Division Mgr (+2)
28	Sergeant	**28**	
29		**29**	Sergeant (+1)
30	Assistant Finance Director Planning Director Public Works Superintendent	**30**	City Recorder (+3) Planning Director Public Works Superintendent
31	Lieutenant	**31**	
32		**32**	Lieutenant (+1)
33	Deputy Chief of Police	**33**	
34	Community Development Director Finance Director Human Resources Director Public Works Director	**34**	Community Development Director Deputy Chief of Police (+1) Finance Director Human Resources Director Public Works Director
35		**35**	
36	Assistant City Manager/Finance Director Chief of Police City Attorney	**36**	Assistant City Manager/Finance Director Chief of Police
37		**37**	City Attorney (+1)
38	City Manager	**38**	City Manager

1.22.24 SUMMARIZED NON-REP SALARY SURVEY/INTERNAL PAY EQUITY REVIEW RESULTS

ADDITIONAL DETAILS

Legal Assistant (1 employee)
Salary Survey result recommended a one range increase if City Attorney is also raised. Internal Equity Review Profile Total for updated job description with expanded communication responsibility supports shift up one range effective 1.1.2024.

Event Center Manager (1 employee)
Salary Survey result for the Community Center Coordinator classification was no pay change due to newness of the classification and market placement with the Community Center Assistant. Reclassification Event Center Manager completed in August 2023. Internal Equity Review Profile Total for the Event Center Manager classification supports a shift up one range effective 1.1.2024. Notably this classification does not have strong comp data given most similar classifications are within parks & rec programs with limited similar duties.

City Recorder (1 employee)
Salary Survey result for the prior classification was no pay change, even though above market, given unique duties assigned. Reclassification downward, removing unique duties, completed in September 2022. Internal Equity Review Profile Total for updated job description with expanded organizational responsibilities supports a shift up three ranges effective 1.1.2024.

Assistant Finance Director (0 employees)
Salary Survey result was within market so no pay change recommended. Reduced Internal Equity Review Profile Total due to lower Responsibility score supports a shift down three ranges. This classification not currently in use - job description to be revised and reviewed again prior to reactivation.

Environmental & Technical Division Manager (1 employee)
Classification was previously bundled with the majority of other Public Works Division Managers and no salary survey change recommended. Internal Equity Review Profile Total for this classification is higher due to higher education/experience minimum requirements supporting a shift up two ranges effective 1.1.2024.

Sergeant (6 employees)
Salary Survey result for this classification is unique in that it is based on total compensation given a Council Resolution in 2008. Survey results recommended a one range increase if other KPD command positions are also raised. Internal Equity Review supports such an increase effective 7.1.2022.

Lieutenant (3 employees)
Salary Survey recommended a one range increase if other KPD command positions were also raised. Internal Equity Review Profile total supports such an increase effective 7.1.2022.

Deputy Chief of Police (0 employees)
Salary Survey recommended a one range increase if other KPD command positions were also raised. Internal Equity Review Profile Total supports such an increase. This classification not currently in use - job description to be revised and reviewed again prior to reactivation.

City Attorney (1 employee)
Salary Survey recommended a one range increase if other Legal Department positions were also raised. Internal Equity Review Profile Total supports such an increase effective 7.1.2022.

Total = 9 Classifications (16 employees retroactive, 14 employees going forward*)

** While one Lieutenant promoted and the prior City Attorney retired, it is appropriate to also address the pay of those employees for the applicable months prior to promotion and retirement.*

City Council Meeting Date: February 5, 2024

To: Mayor Clark and City Council Members

Thru: Adam J. Brown, City Manager

From: Melissa Bisset, City Recorder

Subject: Amendment to the Council Rules of Procedure - Minutes & Electronic Mail/Social Media

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Proposed Motion

I move that the City Council adopt Resolution R2024-____ Amending City of Keizer City Council Rules of Procedure (Amending Resolution R2022-3269).

I. Summary

Section 13.1 of the current Council Rules of Procedures requires the City Council Meeting minutes to be signed by both the Mayor and Councilors as well as the individual taking the minutes.

The State of Oregon Department of Justice Attorney General's Public Records and Meeting Manual outlines the requirements for minutes. Signatures are not a requirement for minutes.

Based on the current City Recorder's experiences and a survey conducted through the Oregon Municipal Recorder's listserv (survey below), the Mayor and City Recorder typically only sign the minutes in similar organizations. As the City Council approves the minutes by motion during a Regular City Council Meeting which is documented permanently in the packet and the minutes, and it is not a legal requirement, it is an unnecessary additional step in the process. The City Recorder recommends having only the Mayor and not the Councilors sign the minutes.

City	Signature	Attests to signature
Lake Oswego	Mayor	City Recorder
McMinnville	Mayor	City Recorder
Canby	Mayor	City Recorder
Banks	City Recorder	None
The Dalles	Mayor	City Recorder

Myrtle Creek	Mayor	City Recorder
Happy Valley	No signature	None
Grants Pass	City Recorder	None
Pendleton	City Recorder	None

The other proposed change is recommended by City Attorney, Shannon Johnson. Mr. Johnson recommends revising Section 19.1 - Electronic Mail/ Social Media to provide clarity related to the intent. Mr. Johnson recommends removing the words related to acting in Council's "elected roles" and replacing them with the words "when dealing with public records".

II. Background

Section 13.1 Recording of Minutes states: "Minutes are the official record of the City Council meetings. They record the substance of a meeting and are a clear, accurate, concise, informative record of the proceedings. Minutes will generally follow the chronological order of items considered during a meeting. Minutes are not a verbatim transcript, and the meeting does not have to be sound recorded unless otherwise required by law. For practical purposes, however, it is general practice to sound record the meetings of the City Council for back-up reference. Reporting actions taken is the single most important segment of the final minutes. The minutes are to include, at a minimum:

a. Kind of meeting (regular, special, work session, etc.)
b. The name of the body meeting (City Council, Urban Renewal Agency, Budget Committee, etc.)
c. Date of the meeting and place where it is held.
d. Name and title of Presiding Officer (usually the Mayor).
e. All motions (main, amendments, withdrawals, etc.), with dispositions, with the name of the mover and, if applicable, the name of the Council member who seconded the motion.
f. Members present.
g. Proposals, resolutions, orders, ordinances, and measures proposed and their disposition.
h. Results of all votes and the vote of each member by name, including abstentions.
i. The substance of any discussion on any matter.
j. The name and city of residence, if available, on any person appearing before the City Council to offer testimony, and the substance of such testimony.
k. Exhibits or written testimony subject to ORS 192.311 to 192.338.
l. Reference to the appropriate ORS section under which an executive session was held.
m. The signature of the individual taking the minutes.
n. **Signature line for the Mayor and the councilors.**"

Section 19.1 Electronic Mail/Social Media states "The Council will observe the following guidelines when using any electronic method for correspondence or social media **in their elected roles**:

a. All e-mail/social media used by the Mayor and Councilors will comply with the requirements of the Oregon Public Records Law.
b. E-mail may be used for correspondence, to schedule meetings, send informative messages, or request information from other members of the Council, the City Manager, or Department Directors. Council members shall use and keep their email accounts updated. The City shall provide sufficient equipment and software for Council members.
c. E-Mail/social media may not be used to discuss policy issues with a quorum of the Council at one time or a quorum of any other governing body in any manner which would be in violation of the Oregon Public Meeting Laws.
d. All e-mail/social media used by Council members shall use City accounts **only when acting in Council's elected role.** No discussions or issues involving City business shall take place on non-City e-mail/social media accounts. This is required to be able to accurately archive these communications for public records purposes.

III. Current Situation

A. At the January 2, 2024 meeting, the City Council was asked to consider proposed changes to streamline the minutes process and to provide clarity regarding the intention of the Electronic Mail/ Social Media section as it relates to public records.
B. The City Council made a motion at the January 2, 2024, meeting to direct Staff to prepare a Resolution to incorporate changes specific to Section 13.1 - Minutes and Section that would require only the Mayor to sign the minutes and Section 19.1 - Electronic Mail/ Social Media to incorporate changes to provide clarity.

IV. Analysis

A. **Strategic Impact** - There is no Strategic Impact.

B. **Financial** - There is no Financial Impact.

C. **Timing** - There is not a pressing time constraint.

D. **Policy/Legal** - This is a policy decision of the City Council.

V. Alternatives

A. Make a motion to adopt a Resolution amending the Council Rules of Procedure by incorporating both proposed changes.
B. Make a motion to direct City Staff to amend the Resolution amending the Council Rules of Procedure by incorporating one of the proposed changes.
C. Make changes to the proposed Staff recommendations and direct Staff to prepare a new Resolution incorporating changes to the Council Rules of Procedures.
D. Take no action and the Council Rules of Procedure will not be changed.

VI. Recommendation

Staff Recommends that the City Council adopt the attached Resolution.

Attachments

1. RES_CC_Reso Amending Council Rules of Procedure_1 16 2024

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2024-_____

AMENDING CITY OF KEIZER CITY COUNCIL RULES OF PROCEDURE **(AMENDING RESOLUTION R2022-3269)**

WHEREAS, the City Council of the City of Keizer adopted the City of Keizer's City Council Rules of Procedures on April 4, 2022;

WHEREAS, the City Council of the City of Keizer adopted amendments to the City Council Rules of Procedures on May 1, 2023 and May 15, 2023;

WHEREAS, the City Council finds it appropriate and necessary to amend Section 13.1(n) (Recording of Minutes) and Section 19.1 (Electronic Mail/Social Media);

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution R2022-3269 (City Council Rules of Procedures) Section 13.1(n) is hereby amended as follows:

n) Signature line~~s~~ for the Mayor~~ and the Councilors~~.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that Resolution R2022-3269 (City Council Rules of Procedures) Section 19.1 is hereby amended as follows:

19.1 Electronic Mail/Social Media – The Council will observe the following guidelines when using any electronic method for correspondence or social media when dealing with public records~~in their elected roles~~:

a) All e-mail/social media used by the Mayor and Councilors will comply with the requirements of the Oregon Public Records Law.

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Keizer, Oregon 97307
503-856-3433

b) E-mail may be used for correspondence, to schedule meetings, send informative messages, or request information from other members of the Council, the City Manager, or Department Directors. Council members shall use and keep their email accounts updated. The City shall provide sufficient equipment and software for Council members.

c) E-Mail/social media may not be used to discuss policy issues with a quorum of the Council at one time or a quorum of any other governing body in any manner which would be in violation of the Oregon Public Meeting Laws.

d) All e-mail/social media used by Council members shall only use City accounts when dealing with public records~~only when acting in Council's elected roles~~. No discussions or issues involving City business shall take place on non-City e-mail/social media accounts. This is required to be able to accurately archive these communications for public records purposes.

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

PASSED this _____ day of _____, 2024.

SIGNED this _____ day of _____, 2024.

_____
Mayor

_____
City Recorder

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

City Council Meeting Date: February 5, 2024

To: Mayor Clark and City Council Members

Thru: Adam J. Brown, City Manager

From: Adam Brown, City Manager

Subject: Thomas Keizer Statue Maquette

Proposed Motion

I move that the Keizer City Council approve Resolution R2024-_____ authorizing Keizer Heritage Foundation to Exhibit Thomas Dove Keizur on a Morgan Horse Maquette.

I. Summary

The maquette (a sculptor's model) of the statue of Thomas Dove Keizur that was erected in front of Keizer City Hall has been requested to be displayed at the Keizer Cultural Center. A resolution agreeing to the terms of the exhibit is required to move the maquette to the Keizer Cultural Center.

II. Background

A. A maquette is a sculptor's prototype usually done at a smaller scale for proof of concept. A maquette was made for the statue of Thomas Dove Keizur that was erected in front of Keizer City Hall.

B. The maquette is held in the rear of the City Council Chambers, where only persons using the room can see the model. The model is largely underappreciated in its current location.

III. Current Situation

A. The Keizer Heritage Foundation has requested that the City authorize the Foundation to show the maquette of Thomas Dove Keizur on a Morgan Horse in the Keizer Cultural Center.

B. The proposal is for the model to be held in the Keizer Cultural Center until January 15, 2029. The Council received this request in December 2023 and requested that staff draft a resolution and agreement for the Foundation to display the model.

IV. Analysis

A. **Strategic Impact** - No strategic impact.

B. **Financial** - No financial impact.

C. **Timing** - The Heritage Foundation is ready to display the art.

D. **Policy/Legal** - An agreement approved by both parties is required to lend the asset to the Keizer Heritage Foundation for display.

V. Alternatives

A. Approve the resolution and allow the Keizer Heritage Foundation to display the maquette.
B. Take No Action - The maquette will stay in the Council Chamber, or could be moved at th direction of the City Council to another location within City Hall.

VI. Recommendation

Staff recommends approval of Resolution 2024-_____ Authorizing Keizer Heritage Foundation to exhibit Thomas Dove Keizur on a Morgan Horse maquette.

Attachments

1. RES_CC_Reso Authorizing Keizer Heritage Foundation to Exhibit Thomas Dove Keizur Maquette

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2024-_____

AUTHORIZING KEIZER HERITAGE FOUNDATION TO EXHIBIT THOMAS DOVE KEIZUR ON A MORGAN HORSE MAQUETTE

WHEREAS, on December 4, 2023, Keizer Heritage Foundation, Inc. expressed a desire to display the City-owned Thomas Dove Keizur on a Morgan Horse Maquette at the Keizer Cultural Center;

WHEREAS, the City Council has considered this matter and finds that it is appropriate to grant the request on the terms set forth in the attached Agreement;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is authorized to sign the Agreement for Exhibition of City-Owned Property as set forth in the attached Agreement which is incorporated herein by this reference.

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

PASSED this _____ day of _____, 2024.

SIGNED this _____ day of _____, 2024.

_____
Mayor

_____
City Recorder

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

AGREEMENT FOR EXHIBITION OF CITY-OWNED PROPERTY
CITY OF KEIZER, OREGON

This agreement, made and entered into the _____ day of _____, 2024, by and between the City of Keizer, an Oregon municipal corporation (referred to herein as "the City") and the Keizer Heritage Foundation, Inc., an Oregon nonprofit corporation (referred to herein as "Keizer Heritage").

WHEREAS, Keizer Heritage wishes to display City's property known as "Thomas Dove Keizur on a Morgan Horse Maquette" ("City Property") at the Keizer Cultural Center and the City is willing to loan City Property and authorize such public display in accordance with the agreements set forth herein;

THE PARTIES AGREE AS FOLLOWS:

1. Immediately following execution of this Agreement by the City, Keizer Heritage is authorized to display for the public those items set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

2. The location selected for the public display of City Property is at the Keizer Cultural Center ("Site").

3. Keizer Heritage agrees to transport and install City Property at no expense of the City. Except as provided in paragraph 8 below, City Property shall remain the property of the City. However, by virtue of this Agreement, Keizer Heritage is entitled to possession of the City Property, and the City agrees to relinquish possession of City Property, from the date of this agreement until the end of the Exhibition Period described in paragraph 7 below.

4. At the end of the Exhibition Period, Keizer Heritage agrees to remove City Property from the Site and return it to the City in the same condition as existed prior to removal of City Property.

5. Transportation of City Property to and from the Site, proper installation, and all associated costs and expenses, shall be the responsibility of Keizer Heritage.

6. During the Exhibition Period, Keizer Heritage shall be responsible for all cleaning, maintenance and upkeep of City Property.

7. The "Exhibition Period" means a period beginning with the date of this Agreement and ending January 15, 2029. This Agreement shall automatically renew for additional five year terms.

8. The City may sell City Property at any time during the Exhibition Period and, if so sold, may assign its right under this Agreement to remove City Property at the end of the Exhibition Period. Under no circumstances shall sale of City Property terminate this Agreement or adversely affect the party's rights hereunder, including, but not limited to Keizer Heritage's right of possession during the Exhibition Period. Nevertheless, the parties may mutually agree in writing that the City may remove sold City Property prior to the expiration of the Exhibition Period. The City agrees to promptly provide Keizer Heritage written notice of any sale of City Property, including designation of the party to whom City Property should be released upon expiration or other termination of the Exhibition Period.

9. The City hereby grants Keizer Heritage, in perpetuity, the right to photograph, film, videotape, or otherwise to record or depict City Property at any time during the Exhibition Period and to use such photographs, films, videotapes, records or depictions at any time thereafter, provided that Keizer Heritage gives artistic credit to the Artist concurrently with such use.

10. Keizer Heritage shall insure City Property against damage or loss for no less than $2,200.00, which amount the parties agree is the fair market value of City Property. Keizer Heritage's obligation to provide insurance is solely for the duration of the Exhibition Period and only when City Property is located at the Site and during any transportation of City Property. The City shall have no liability for damage or destruction that may occur during transportation to or from the Site, during installation, during display, or during removal.

11. Keizer Heritage agrees to indemnify City from any and all claims, losses, damages, injuries and/or liabilities of any kind whatsoever, including reasonable attorney fees and costs, arising out of or related to the transportation, installation or removal of City Property, or arising out of or related to any defects of City Property, faulty workmanship of the Artist or any acts of negligence by the City, the City's agents or employees.

12. This Agreement may be terminated at any time by mutual written consent of the parties or upon a thirty (30) day written notice of termination given by one party to the other party.

13. Except for assignment to a purchaser of the right to remove City Property after the Exhibition Period as provided in paragraph 8 above, this Agreement is not assignable by Keizer Heritage, either in whole or in part, without the prior written consent of the City. The City and Keizer Heritage are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any enforceable benefit or right, whether directly, indirectly, or otherwise, to third persons.

14. The failure of the City to enforce any provision of this Agreement shall not constitute a waiver by the City of that or any other provision.

15. This Agreement represents the entire and integrated Agreement between the City and Keizer Heritage, and supersedes all prior negotiations, representations or agreements, either written or oral relating to City Property. This Agreement may be amended only by written instrument signed by both Keizer Heritage and the City.

KEIZER HERITAGE FOUNDATION

By:_____
Robert W. Becker,
President

DATED:_____

980 Chemawa Road NE
Keizer, OR 97303

503-393-9660

CITY OF KEIZER

By:_____
Adam J. Brown,
City Manager

DATED:_____

930 Chemawa Road NE
Keizer, OR 97303

503-390-3700

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT “A”

1. Title of City’s property: Thomas Dove Keizur on a Morgan Horse Maquette

2. Medium of City’s property (provide additional detail as needed for public safety): Bronze

3. Approximate dimensions of City’s property (height, width, depth, and estimated weigh): 26” ht. 24” wd. 10” dpt. Approximately 100 lbs.

4. Market value of City’s property at time of this Agreement: $2,200.00.

5. Suggested maintenance procedures, including any special materials to be used and the process: Dry Cloth Only

January 16, 2024

To: Keizer City Council
From: Councilor Dan Kohler
Subject: Public Process for Fees for Service

Background: In 2018 two new fees were established to add additional funding to the Police Department and the Parks Division of Public Works. State limits on property taxes (Measures 5 and 50) were creating issues with the General Fund. The existing need for services were beginning to be harder to accomplish with the available resources. Debates over spending $11,000 to repair a tennis court or put towards a skate park were very real and actively discussed at the Parks Board. Meanwhile, police staffing had not recovered to pre-2008 numbers and growing populations demanded more service.

From June 2016 through Spring 2018 a massive public engagement process started from the Parks Board and then evolved into work with the Police Department. The effort was to inform the public of existing levels of service, where the gaps were and what options existed to shore up those gaps. The efforts included many former and existing City Councilors doing public outreach. A survey for parks was completed that anticipated updates and fixes to existing operations and maintenance deficits as well as aspirations for new amenities and a plan to maintain and operate the parks system moving forward. The options that existed were a Parks District, a bond or levy or a city services fee similar to wastewater added to the existing utility billing. A bond could only be used for capital improvements, not for operation and maintenance. A levy is only temporary, lasting no more than five years.

The extensive public outreach with each neighborhood association and many town hall meetings and countless hours of debate within the Parks Board resulted in the formation of a survey. The City Council supported sending the survey to each address connected to a City of Keizer utility bill to ask residents if they supported the idea and to actually weigh in on what effectively would become the 3-5 year plan the City would take on to eliminate the existing backlog of parks projects and issues.

The police fee was a bit more straightforward, this is how many officers and associated equipment for this amount of money. Do you support, yes or no and how much?

Both surveys performed exceptionally well and provided the Council enough information to make a choice to either enact the fees or send to a vote of the public. It was only because of the robust public engagement process that the Council at that time felt comfortable with moving forward. But it was passed with the intention of a delay that would allow any resident of Keizer to come forward with a process to refer it to the ballot. After the period passed, no one came forward and the fees were enacted.

That was then. The constraints from Measure 5 and 50 continue to require very thoughtful and creative budgeting with Keizer's resources. Other jurisdictions have attempted and failed to enact fees on their own, with no or very little public engagement or process.

Keizer set the platinum standard for excellence in public process at a time when it made sense.

While the existing Council has the historic memory of how these fees were enacted, the weight of needs and wants compared to resources continues to plague the budget. Regardless, Keizer continues to press forward and be extremely responsible with the budget.

It should be stated categorically that it is the intent of Councilors making this proposal and should be the intent of the Council that the current parks and police fees should remain in existence.

However, all future 'fees for service' created by the Keizer City Council that are not mandated by Federal Law, Oregon Revised Statute, or Oregon Administrative Rule or do not currently exist and are not directly related to a Keizer utility, service or the existing parks and police fee should require a public vote, by ballot, by the citizens of Keizer. To go a step further, it should also be stated that any potential new fee shall be vetted by the Council through a well thought out and similarly extensive public outreach process that was completed to establish the parks and police fee. Voters deserve the opportunity to craft the language and elements to be referred to Council for consideration of a vote. By allowing the public to be part of the process from start to finish the City of Keizer can only benefit from what it does best and that is engage the people of our City.

Here is a proposal on how to consider a new proposed fee:

Step 1: Idea.
Step 2: Placed within a committee, work group, task force, etc
Step 3: Define the scope and public engagement / outreach plan
    1. Required to meet a set of minimum expectations from Council.
    2. Neighborhood associations, groups, Diversity Equity group etc.
Step 4: Make recommendation from entity in Step 2 to Council.
Step 5: Council directs to move to public engagement
Step 6: Public engagement / outreach plan
Step 7: Discussion, work the analysis, seeking additional information possibly going back to Step 6 as needed to get more detail.
Step 8: Complete the analysis and from recommendation to Council.
Step 9: Bring findings to Council

Step 10: Council asks for more (go back to Step 3), or Council accepts findings and refers to ballot or Council declines to put matter on the ballot and the proposed fee is not adopted.
Step 11: Campaign and vote of the people
Step 12: Council takes action on the results of the ballot

Again, this proposal considers the importance of exempting existing parks and police "Fee for Service" charges, as well as allowing for adjustments to existing utility charges. It aims to strike a balance between necessary fiscal adjustments and preserving the right of citizens to approve new fees or taxes related to services not directly linked to utilities or existing services.

The proposed resolution should clearly outline areas where the City Council retains flexibility, such as adjusting garbage fees, system development fees, franchise fees, and existing parks fees up to a maximum of $8.00, with no maximum for the police fee.

Recommendation: It is recommended that the Keizer City Council direct staff to draft a Resolution for discussion purposes. Such Resolution would require a public vote for any fee for new services along the lines discussed above.

Council should honor the work that was done before, but demand the same thoughtful and thorough public engagement process for any new fee as described above. Fees for non-mandatory, non-existing services should be created through a public process, vetted and recommended to the voters by the Keizer City Council.

Thank you for your consideration.

Brown, Adam

From: Kyle Juran
Sent: Friday, January 5, 2024 2:31 PM
To: Brown, Adam
Subject: Re: Please place this item on city council agenda for Jan 15th

Adam, I concur with this request bringing the latest version to the next council meeting.
Thank you.

Thank You,
Kyle Juran, Keizer city councilor.

From: Brown, Adam <BrownA@keizer.org>
Sent: Thursday, January 4, 2024 5:07:01 PM
To: Soraida Cross <CrossS@keizer.org>
Cc: Daniel Kohler <KohlerD@keizer.org>; Kyle Juran <JuranK@keizer.org>; Johnson, Shannon <JohnsonS@keizer.org>
Subject: RE: Please place this item on city council agenda for Jan 15th

Got it. I just need the third from Kyle. Email, text, voicemail, or in person.

From: Soraida Cross <CrossS@keizer.org>
Sent: Thursday, January 4, 2024 5:03 PM
To: Brown, Adam <BrownA@keizer.org>
Cc: Daniel Kohler <KohlerD@keizer.org>; Kyle Juran <JuranK@keizer.org>; Johnson, Shannon <JohnsonS@keizer.org>
Subject: Re: Please place this item on city council agenda for Jan 15th

With written material as reviewed by Mr. Johnson.

Let me know if you know if you need any other information or clarification.

Thanks!

Soraida

From: Brown, Adam
Sent: Thursday, January 4, 2024 4:22 PM
To: Soraida Cross
Cc: Daniel Kohler; Kyle Juran; Johnson, Shannon
Subject: RE: Please place this item on city council agenda for Jan 15th

Got it, thanks. Did you want me to use the draft that Councilor Kohler provided or would you rather present the issue without written material. Your choice.

From: Soraida Cross <CrossS@keizer.org>
Sent: Thursday, January 4, 2024 3:08 PM
To: Johnson, Shannon <JohnsonS@keizer.org>; Brown, Adam <BrownA@keizer.org>
Cc: Daniel Kohler <KohlerD@keizer.org>; Kyle Juran <JuranK@keizer.org>; Brown, Adam <BrownA@keizer.org>; Harms, Tammie <HarmsT@keizer.org>
Subject: Re: Please place this item on city council agenda for Jan 15th

I concur with this request.

Please let me know if you require any further clarification and or emails from me.

Soraida

From: Johnson, Shannon
Sent: Thursday, January 4, 2024 3:03:13 PM
To: Soraida Cross
Cc: Daniel Kohler; Kyle Juran; Brown, Adam; Harms, Tammie
Subject: RE: Please place this item on city council agenda for Jan 15th

Dan and Kyle-

Please send your requests to Adam and copy me. CC rules say the requests should go to city manager. You can simply say you concur with this request. Dan, sorry I misspoke when I told you to send to me. Thanks.

Shannon

From: Soraida Cross <CrossS@keizer.org>
Sent: Thursday, January 4, 2024 11:40 AM
To: Johnson, Shannon <JohnsonS@keizer.org>
Cc: Daniel Kohler <KohlerD@keizer.org>; Kyle Juran <JuranK@keizer.org>
Subject: Please place this item on city council agenda for Jan 15th

Good afternoon!

Can you please place the following item on the next city council agenda:

Words are not exact **

All future "fees for service" created by the Keizer City Council that do not currently exist and are not directly related to a Keizer utility would require a public vote, by ballot, by the citizens of Keizer."

Please let me know if you need any other information from me to get this item on the agenda for 1/16/24.

Thank You!

Soraida

City Council Meeting Date: February 5, 2024

To: Mayor Clark and City Council Members

Thru: Adam J. Brown, City Manager

From: Bill Lawyer, Public Works Director

Subject: Verda Lane Property Purchase

Proposed Motion

I move the City Council adopt Resolution R2024-____ Authorizing the City Manager to Sign the Sale Agreement and Receipt for Earnest Money with Verda Crossing LLC for Purchase of a Portion of Property Adjacent to Claggett Creek.

I. Summary

The City is working on a wetland enhancement project on City-owned property on the east side of Claggett Creek. Additional wetland property is available for purchase and will benefit the project. Council approval is needed to purchase the property and take action necessary to close the transaction, including signing the Property Line Adjustment application.

II. Background

A. The Public Works Department initiated design work for a wetland enhancement project on city-owned property on the east side of Claggett Creek across from Claggett Creek Park. Staff shared the concept with Clutch Industries, the developers of the multifamily project known as Verda Crossing. During the initial phases of development, Clutch Industries contacted staff to see if the City was interested in obtaining some additional property for the wetland enhancement project. Staff evaluated the opportunity and determined the additional property would benefit the proposed wetland enhancement project.

B. The acquisition of approximately 2.14 acres from Verda Crossing LLC will benefit the City and the project by providing area for the planned boardwalk traversing the property from Chemawa Road to Dearborn Avenue to be constructed mostly out of the identified wetlands on the current City-owned property. The ability to construct the proposed boardwalk out of the wetland boundaries will save a considerable amount of money and greatly reduce the impact on wetlands that the project aims to enhance, not impact.

C. Staff negotiated with Verda Crossing LLC for the acquisition of the approximately 2.14 acre parcel and reached an agreement that is contained in the Sale Agreement and Receipt for Earnest Money document attached to the Resolution.

D. The purchase price is $46,654 or $0.50 per foot which is substantially less than the adjacent developable ground. The developable ground is valued at $4.50 per foot per County Real Market Value.

III. Current Situation

A. The Public Works Department is proceeding with design and permitting for the wetland enhancement project with a goal of beginning construction in the summer of 2025. The permitting process timeline will not allow for construction to start in the summer of 2024.
B. Purchasing additional property will benefit the project.
C. A Property Line Adjustment application will need to be submitted to the City of Keizer Planning Department for consideration and approval prior to closing the property acquisition process.

IV. Analysis

A. **Strategic Impact** - Acquisition of this property is listed as a goal in the City Council adopted 2021 Parks Master Plan.
B. **Financial** - Funds for the purchase of this property are available in the adopted FY 23-24 Parks Improvement Fund budget. The cost of the property is $46,654.50. The City will also be paying costs of a land survey, the property line adjustment, construction of sidewalks on the property being purchased, and a 5-foot vinyl coated chain link fence along the new property line.
C. **Timing** - Authorizing the purchase of this property now will enable the project design and permitting process to be complete in time for 2025 construction.
D. **Policy/Legal** - City Council authorization is necessary for property acquisition.

V. Alternatives

A. Adopt the attached Resolution.
B. Do nothing. The proposed project can still be constructed, just at a higher cost and with more impacts to the existing wetlands.

VI. Recommendation

Staff recommends the City Council adopt the attached Resolution.

Attachments

1. RES_CC_Res 2024 Authorizing Signing Sale Agreement - Verda Crossing LLC_2 5 2024
2. EXH_CC_Exhibit A - Sale Agreement - Verda Crossing LLC_2 5 2024

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2024-_____

AUTHORIZING THE CITY MANAGER TO SIGN THE SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY WITH VERDA CROSSING LLC FOR PURCHASE OF A PORTION OF PROPERTY ADJACENT TO CLAGGETT CREEK

WHEREAS, the City initiated design work for a wetland enhancement project on city-owned property on the east side of Claggett Creek across from Claggett Creek Park;

WHEREAS, approximately 2.14 acres of wetland property became available for purchase from Verda Crossing LLC;

WHEREAS, City staff has negotiated a Sale Agreement and Receipt for Earnest Money for such land;

WHEREAS, as part of the transaction a new survey and Property Line Adjustment needs to be prepared;

WHEREAS, the Council has considered the matter and determined it is beneficial for the City to purchase the additional property for the wetland enhancement project;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is authorized to sign that certain Sale Agreement and Receipt for Earnest

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

Money, a copy of which is attached as Exhibit "A" and by this reference incorporated herein.

BE IT FURTHER RESOLVED that the City Manager is authorized to take all action necessary and appropriate to close the transaction, including signing the Property Line Adjustment application.

BE IT FURTHER RESOLVED that the funds for this transaction will be paid from the Parks Improvement fund.

PASSED this _____ day of _____, 2024.

SIGNED this _____ day of _____, 2024.

_____
Mayor

_____
City Recorder

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

SALE AGREEMENT AND
RECEIPT FOR EARNEST MONEY

DATE: _____, 2024

SELLER: VERDA CROSSING LLC, an
Oregon Limited Liability Company
360 Belmont Street NE
Salem, OR 97301

BUYER: CITY OF KEIZER, an
Oregon Municipal Corporation
c/o E. Shannon Johnson
930 Chemawa Road NE
Keizer, OR 97303

RECITAL

Seller desires to sell to Buyer and Buyer desires to purchase from Seller certain real property approximately 2.14 acres of the western most portion of Tax Lot 07W02AA03000 in the City of Keizer, County of Marion, Oregon, as generally depicted in Exhibit A, having the following legal description (the "Property"):

[To be provided following the survey work and property line adjustment process.]

AGREEMENT

Now, therefore, for valuable consideration, the parties agree as follows:

1. Sale and Purchase. Buyer agrees to purchase the Property from Seller and Seller agrees to sell the Property to Buyer for the sum of $46,654.50 (the "Purchase Price").

2. Earnest Money. Buyer shall pay the sum of $1,000.00 as earnest money within three (3) days of signing of this Agreement by Buyer. The earnest money shall be delivered to Fidelity National Title Insurance Company ("Escrow") at 500 Liberty St SE, Suite 200, Salem, OR 97301 and shall be applied to the Purchase Price on the Closing date, as that term is defined below.

3. Payment of Purchase Price. The Purchase Price must be paid as follows:

3.1 At closing, the earnest money will be credited to the Purchase Price.

3.2 At closing, Buyer must pay the balance of the Purchase Price in cash.

4. Closing. Closing must take place on a mutually agreed upon date, but in no event later than June 28, 2024 (the "Closing Date"), at the offices of Fidelity National Title Insurance Company. The terms *closed*, *closing*, or *closing date* mean when the deed or contract is recorded and funds are available to Seller. Each party must pay one-half of the escrow fee.

5. Preliminary Title Report. Within 10 days after full execution of this Agreement, Seller will furnish to Buyer a preliminary title report showing the condition of title to the Property, together with copies (or links to online copies if the report is furnished in digital form) of all exceptions listed therein (the "Title Report"). Buyer will have 10 days from receipt of the Title Report to review it and to notify Seller, in writing, of Buyer's disapproval of any special exceptions shown in the Title Report. Those exceptions the Buyer does not object to are referred to below as the "Permitted Exceptions." Zoning ordinances, building and use restrictions, property taxes that are not yet paid for the current tax year, and reservations in federal patents and state deeds are deemed Permitted Exceptions. If Buyer notifies Seller, in writing, of disapproval of any exceptions, Seller will have 10 days after receiving the disapproval notice to either remove the exceptions or provide Buyer with reasonable assurances of the manner in which the exceptions will be removed before the transaction closes (the "Seller Assurance Period"). If Seller does not remove the exceptions or provide Buyer with such assurances, Buyer may terminate this Agreement by written notice to Seller given within 10 days after expiration of the Seller Assurance Period, in which event the earnest money will be promptly refunded to Buyer and this Agreement will be of no further binding effect.

6. Buyer's Conditions.

6.1 Buyer's obligation to purchase the Property is contingent on satisfaction of each of the following conditions:

6.1.1 Buyer's approval of the preliminary title report pursuant to Section 5.

6.1.2 The Title Company shall be ready, willing, and able to issue, and shall issue to Buyer on recordation of the deed mentioned below, the title insurance policy required by Section 10.

6.1.3 Buyer obtaining a land survey of the Property indicating to Buyer's satisfaction that there are no discrepancies in the boundaries of the Property, there are no material encroachments on or protrusions from, the Property, and that the Property contains at least 2.14 acres. Such survey shall be at Buyer's expense.

6.1.4 Buyer obtaining a property line adjustment and a recorded property line adjustment plat. Such property line adjustment fees and plat recording shall be at Buyer's expense. Seller agrees to sign all necessary documents and plat required in the property line adjustment process.

6.1.5 Buyer shall obtain an easement(s) from Seller on the north and south ends of the Seller's property to the east allowing sidewalks to be constructed for public access to Property. Buyer shall pay for the cost of recording such easement(s). Seller shall grant the easement at no additional cost.

6.1.6 Seller has or will be developing Catch Basins, Flow Control Manholes, Standard Manholes, Area Drain Catch Basins, and a Bioswale/Detention Area (hereinafter "Facilities") and entering into a Private Stormwater Facilities Agreement and Easement with the City of Keizer in its regulatory role. The Facilities subject to such Private Stormwater Facilities Agreement and Easement are at least partially located on the Property. Prior to closing, Buyer and Seller shall enter into a separate agreement reasonably acceptable to both parties' legal counsel to assure that Seller is still responsible for all requirements of the Private Stormwater Facilities Agreement and Easement.

6.1.7 Seller and Buyer entering into an agreement for the construction of sidewalks on the Property in which Seller builds the sidewalks, at Buyer's expense, as part of the planned development of Seller's property to the East, ensuring that the work will be performed using prevailing wages.

6.1.8 Buyer's approval no less than seven (7) days prior to closing of the agreements referenced in Sections 7.1.1, and 7.1.2. The agreements will be executed by Buyer and Seller at closing.

7. Seller's Conditions.

7.1 Seller's obligation to sell the Property is contingent on satisfaction of each of the following conditions:

7.1.1 Seller and Buyer entering into an agreement for the construction of sidewalks on the Property in which Seller builds the sidewalks, at Buyer's expense, as part of the planned development of Seller's property to the East, ensuring that the work will be performed using prevailing wages.

7.1.2 Buyer providing access to Facilities in order for Seller to maintain the Facilities as required under the Private Stormwater Facilities Agreement and Easement.

7.1.3 Seller obtaining bank's approval in writing to this transaction.

7.1.4 Seller's approval no less than seven (7) days prior to closing of the agreements referenced in Sections 6.1.5, 6.1.6, and 6.1.7. The agreements will be executed by Buyer and Seller at closing.

8. Buyer Representation. Buyer represents that Buyer will cause to be constructed a 5-foot vinyl coated chain link fence along the new property line and along the easements for the sidewalk on the north and south ends of the property. Such fence shall be constructed at Buyer's sole expense and completed within three (3) months after closing.

9. Marketable Title; Deed. On the Closing Date, unless agreed otherwise herein, Seller will convey marketable title to the Property to Buyer by statutory warranty deed, free and clear of all encumbrances, except for the Permitted Exceptions.

10. Title Insurance. Within 30 days after closing, Seller must furnish Buyer with an owner's policy of title insurance in the amount of the purchase price, insuring Buyer as the owner of the Property subject only to the usual printed exceptions and the Permitted Exceptions.

11. Taxes; Prorates. Real-property taxes for the current tax year and other usual items must be prorated as of the Closing Date.

12. Possession. Buyer will be entitled to possession immediately on closing.

13. Property Included. The Property is bare land only. No personal property is included in this transaction.

14. Insurance. Seller will insure the Property through closing against the losses typically covered by a liability insurance policy.

15. Seller's Representations – AS IS. Subject to Seller's written representations contained herein, and any statutory property disclosures given as part of this transaction, Buyer acknowledges that Buyer has accepted and executed this Agreement on the basis of Buyer's own examination and personal knowledge of the Property; that Seller and Seller's agents have made no representations, warranties, or other agreements concerning matters relating to the Property; that Seller and Seller's agents have made no agreement or promise to alter, repair, or improve the Property; and that Buyer takes the Property in its present condition "AS IS."

16 Buyer Held Harmless as Municipal Government. Seller agrees and understands that Buyer's responsibility and obligations under this Agreement do not and cannot bind Buyer as to its duties as municipal government which are necessarily separate and apart from its obligations hereunder. To that end, with regard to any actions that may affect Seller's operation of the Premises in any manner whatsoever, Seller agrees that enforcement in good faith of any lawful ordinances or regulations or any other acts Buyer may take with regard to the adoption of appropriate and necessary laws and ordinances, or any other acts Buyer may take in its role as municipal government shall not be restricted by the fact that Buyer entered into this Agreement. However, nothing in this Section shall be interpreted to permit Buyer to act or fail to act in any way inconsistent with any common law, constitutional or statutory rights of Seller or the established duties and obligations of Buyer as a municipal body. This provision shall survive closing or termination of this Agreement and shall not merge with the deed.

17. Binding Effect/Assignment Restricted. This Agreement is binding on and will inure to the benefit of Seller, Buyer, and their respective heirs, legal representatives, successors, and assigns. Nevertheless, Buyer will not assign its rights under this Agreement without Seller's prior written consent, which may not be unreasonably withheld by Seller.

18. Remedies. TIME IS OF THE ESSENCE OF THIS AGREEMENT. If the conditions described in Section 6 above are satisfied or waived by Buyer and the transaction does not thereafter close, through no fault of Seller, before the close of business on the Closing Date, Seller will have the right to retain all earnest money as liquidated damages and such retention is Seller's sole remedy. If the conditions described in Section 7 above are satisfied or waived by Seller and Seller fails to deliver the deed described in Section 9 above on the Closing Date or otherwise fails to consummate this transaction, through no fault of Buyer, all earnest money must be refunded to Buyer, but Buyer shall retain all legal and equitable remedies.

19. Attorney Fees. If an action is instituted to enforce or interpret any term of this Agreement, the prevailing party will recover from the losing party reasonable attorney fees incurred in the action as set by the trial court and, in the event of appeal, as set by the appellate courts.

20. Notices. All notices and communications in connection with this Agreement must be given in writing and will be transmitted by certified or registered mail, return receipt requested, to the appropriate party at the address first set forth above. Any notice so transmitted will be deemed effective three days after the date it is placed in the United States mail, postage prepaid. Either party may, by written notice, designate a different address for purposes of this Agreement.

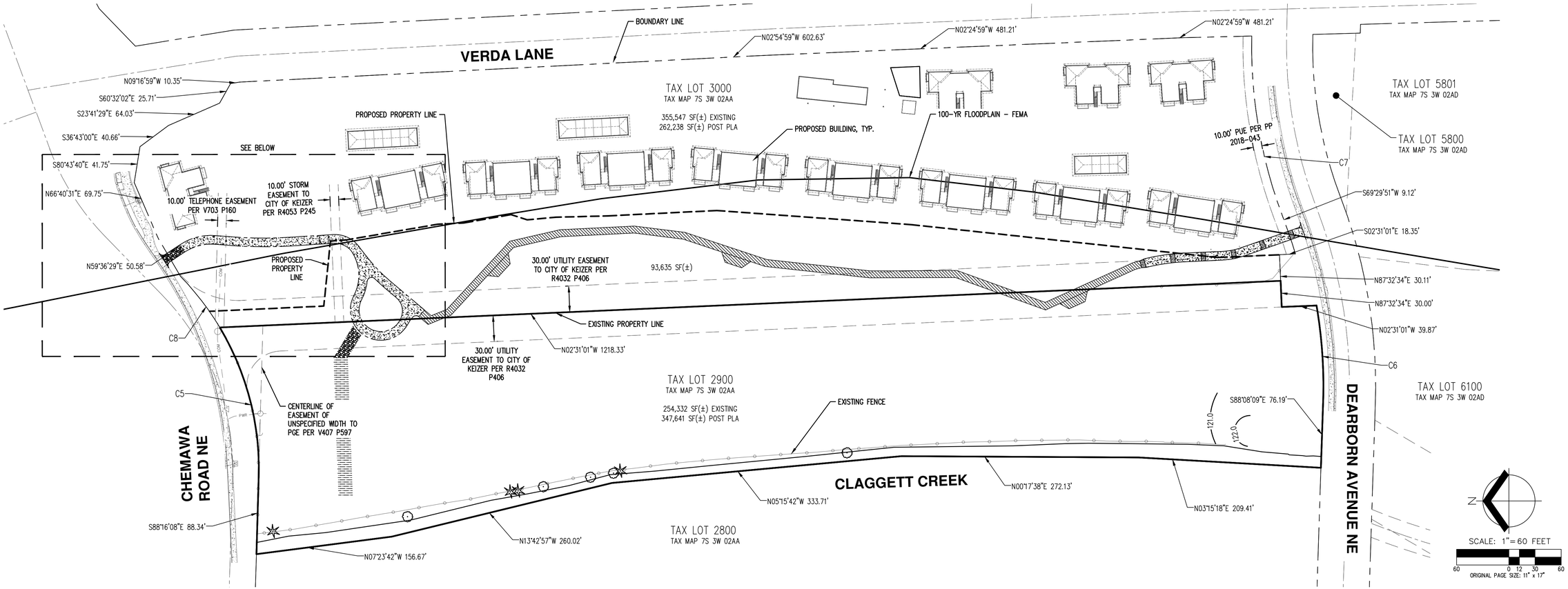
21. Time for Performance. When the last day for performance of an act by a party falls on a Saturday, Sunday, or legal holiday, the performance of the act shall be considered timely if it is performed on the next day that is not a Saturday, Sunday, or legal holiday.

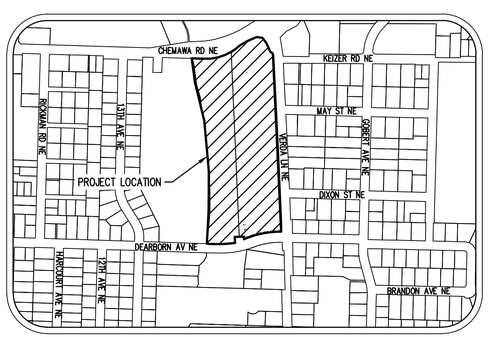
22. Entire Agreement. This Agreement sets forth the entire understanding of the parties with respect to the purchase and sale of the Property. This Agreement supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This Agreement may not be modified or amended except by a written agreement executed by both parties.

23. Applicable Law. This Agreement will be construed, applied, and enforced in accordance with the laws of the State of Oregon.

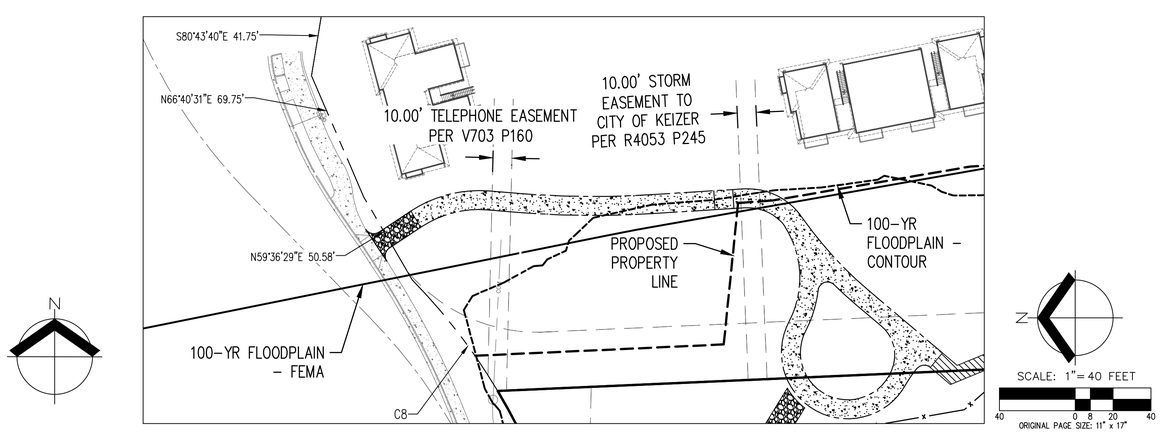
24. Statutory Warning. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010, ORS 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

SELLER	BUYER
VERDA CROSSING LLC By: 4845 Verda LLC Its: Member	CITY OF KEIZER
By: _____ Terence C. Blackburn, Member	By:_____ Adam J. Brown, City Manager





VICINITY MAP
NOT TO SCALE



PROPERTY OWNERS:

TAX LOT: 2900
NAME: CITY OF KEIZER
ADDRESS: 930 CHEMAWA RD. NE
KEIZER, OR 97303

TAX LOT: 3000
NAME: VERDA CROSSING, LLC.
ADDRESS: 360 BELMONT ST. NE
SALEM, OR 97301

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C5	316.47'	32°35'00"	179.97'	N75°26'22"E 177.56'
C6	542.96'	11°40'19"	110.61'	N86°01'42"E 110.42'
C7	557.86'	21°38'50"	210.77'	S80°19'16"W 209.52'
C8	316.47'	13°25'05"	74.12'	N52°26'19"E 73.95'

DATE: 01/08/2024 AKS JOB: 4353-34

AKS ENGINEERING & FORESTRY, LLC
3700 RIVER RD N, STE 1
KEIZER, OR 97303
503.400.6028
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

SITE PLAN

CLAGGETT CREEK PARK AND VERDA LN CROSSING

KEIZER, OR

MINUTES
KEIZER CITY COUNCIL

Tuesday, January 2, 2024
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER Mayor Clark called the meeting to order at 7:02 p.m.

ROLL CALL Roll call was taken as follows:

Present:	**Staff:**
Cathy Clark, Mayor	Adam Brown, City Manager
Shaney Starr, Council President	Tim Wood, Assistant City Manager
Soraida Cross, Councilor	Shannon Johnson, City Attorney
Kyle Juran, Councilor	Shane Witham, Planning Director
Daniel Kohler, Councilor	Andrew Copeland, Police Chief
Laura Reid, Councilor	Machell DePina, Human Resource Director
Youth Councilor Grayton Woodard	Dawn Wilson, Deputy City Recorder

Absent:
Robert Husseman, Councilor

FLAG SALUTE Mayor Clark led the pledge of allegiance.

SPECIAL ORDERS OF BUSINESS None.

COMMITTEE REPORTS

a. Volunteer Coordinating Committee Recommendation for Appointment - Traffic Safety, Bikeways, and Pedestrian

City Manager Adam Brown reviewed the Staff Report.

Council President Starr moved that Council accept the recommendation of the Volunteer Coordinating Committee and appoint David Philbrick and Matt Myers and assign them to Positions 5 and 7 respectively on the Traffic Safety, Bikeways and Pedestrian Committee, for a term expiring December 31, 2026. Seconded by Councilor Reid. Motion passed unanimously as follows:

Committee	AYES: Clark, Reid, Cross, Kohler, Starr and Juran (6) NAYS: None (0) ABSTENTIONS: None (0) ABSENT: Husseman(1)
b. Volunteer Coordinating Committee Recommendation for Appointment - Keizer Public Arts Commission	City Manager Adam Brown reviewed the Staff Report. Council President Starr moved that Council accept the recommendation of the Volunteer Coordinating Committee and appoint Deborah Sisco to the Keizer Public Arts Commission to Position 7 with term expiring June 30, 2024. Seconded by Councilor Reid.Motion passed unanimously as follows: AYES: Clark, Reid, Cross, Kohler, Starr and Juran (6) NAYS: None (0) ABSTENTIONS: None (0) ABSENT: Husseman(1)
PUBLIC COMMENTS	*Richard "Dick" Withnell*, Keizer Resident, provided written comment on adding taxes to Keizer citizens, without voter approval. *Lore Christopher*, Keizer Resident, provided written comment on computers for Keizer Heritage Museum and preserving the Keizer Community Center. *Marlene Parsons*, Keizer Resident, provided written comment on Parks and Police Services Fees. *Jacqueline Moir*, Keizer Resident, provided written comment on fees in the Strategic Plan for City Hall and the Community Center. *Amy Ryan Courser* provided written comment on Park and Police Services Fees.
PUBLIC HEARINGS	
a. RESOLUTION - Exemption of the Brand Name Specifications Purchase of Goods from Competitive Bidding and Entering Into a Contract with CompuNet, Inc.	Assistant City Manager Tim Wood summarized the Staff Report. Councilor Kohler mentioned that constituents have inquired about this process. Mayor Clark stated that her prior experience with a completely different phone system and provider would create a lot of extra staff time and expense. Council President Starr moved to adopt Resolution R2024 Exemption of the Brand Name Specifications Purchase of Goods from Competitive Bidding and Entering into a Contract with CompuNet, Inc. Councilor Reid seconded. Motion passed unanimously as follows. AYES: Clark, Reid, Cross, Kohler, Starr and Juran (6) NAYS: None (0) ABSTENTIONS: None (0) ABSENT: Husseman (1)
ADMINISTRATIVE ACTION	

a. Discussion regarding amendment to the Council Rules - Adding Discussion Items

Mayor Clark summarized the Staff Report. Discussion ensued regarding the proposed changes, past practice, and when the Council Rules were updated.

Council President Starr moved that the Keizer City Council to Direct Staff to Draft a Resolution to Amend Council Rules as Presented in the Council Packet. Councilor Reid seconded. Motion Failed as follows:
AYES: Clark, Reid, and Starr (3)
NAYS: Cross, Juran, and Kohler (3)
ABSTENTIONS: None (0)
ABSENT: Husseman (1)

b. Discussion regarding amendment to the Council Rules of Procedure - Minutes & Electronic Mail/Social Media

City Attorney Shannon Johnson summarized the Staff Report.

Council President Starr moved that the Keizer City Council direct City Staff to prepare a Resolution to incorporate the proposed changes specific to Section 13.1 - Minutes and Section 19.1 - Electronic Mail/Social Media. Councilor Reid seconded. Motion passed unanimously as follows:
AYES: Clark, Reid, Starr, Cross, Kohler, and Juran (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Husseman (1)

c. Discussion regarding Gas and Electric Franchise Agreements

City Manager Adam Brown summarized the Staff Report.

There was discussion regarding the number of years of the contract.

Zachary Sielicly, Government Affairs Manager with Northwest Natural, stated that they have a resource center on Broadway and spoke about a streamlined permit process for working in right-of-ways and how a franchise creates stability. He asked that the Council support their Franchise Agreement.

Wendy Veliz, Portland General Electric (PGE), spoke to seek the Council's approval for a Franchise Agreement with PGE. She provided statistics for PGE's services and stated that PGE shared services with the City of Keizer by utilizing public right-of-ways. PGE asked that the Council move forward with staff's recommendation to agree with a Franchise Agreement. She confirmed that the standard, best practice is a ten-year contract with an auto-renewal of five years.

Tony Schacher, Salem Electric, summarized the number of members that they serve and the history of electric service. He stated that a Franchise Agreement instead of a right-of-way ordinance was a much more suited means to regulate their use within the right-of-way, although having both would likely strengthen the City's ability to regulate right-of-way use to meet its needs.

Council President Starr moved that the Keizer City Council to Direct the City Manager and City Attorney to move forward with negotiating gas and electric franchise agreements expiring in the next five months. Councilor Reid seconded. Motion passed unanimously as follows:
AYES: Clark, Reid, Starr, Cross, Kohler, and Juran (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Husseman (1)

There were no objections for an industry standard, 10-year Franchise Agreement.

d. ORDINANCE - In the Matter of the Application of Backus Investments LLC for a Partition to Divide the Property Into Two Parcels, and for a Comprehensive Plan Map Change From Commercial to Medium and High Density Residential for the Northern Parcel, and a Zone Change From Commercial General to Medium Density Residential for the Northern Parcel Located at 1141 Chemawa Road North, Keizer, Oregon (Case No. 2023-16)

Planning Director Shane Witham summarized the staff report.

Council President Starr moved to adopt an Ordinance 2024- In the Matter of Application of Backus Investments LLC for a Partition to Divide the Property Into Two Parcels, and for a Comprehensive Plan Map Change From Commercial to Medium and High Density Residential for the Northern Parcel, and a Zone Change From Commercial General to Medium Density Residential for the Northern Parcel Located at 1141 Chemawa Road North, Keizer, Oregon (Case No. 2023-16) Councilor Reid seconded. Motion passed unanimously as follows upon first reading.
AYES: Clark, Reid, Cross, Kohler, Starr and Juran (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Husseman (1)

e. RESOLUTION - Adopting Use Policies and Rates for the Keizer Event Center; Repealing Resolution R2023-3423

Assistant City Manager Tim Wood summarized the Staff Report. Event Center Manager Lily Von shared that the City was marketing and promoting the Event Center. She met with other people in the community and industry and attended various events. She stated that there were 17 community centers in the surrounding areas, and most of them share the same types of events available for rental. She stated that the name of Event Center captures the City services and uses for the Event Center rentals, and Event Center was more concise than Community Event Center.

There was discussion about adding a tagline like "Keizer's Living Room." Ms. Von stated that they have a Marketing Plan to include a tagline. There was discussion regarding parking. It was noted that the topic of changing the name had been discussed in a previous Work Session. Mr. Johnson stated that the reason for the Resolution returning to the Council is to be certain that the name change be at the Council's direction and a matter of format.

Council President Starr moved to adopt Resolution R2024 Adopting Use Policies and Rates for the Keizer Event Center; Repealing Resolution R2023-3423. Councilor Reid seconded. Motion passed unanimously as follows.
AYES: Clark, Reid, Kohler, and Starr (4)
NAYS: Juran and Cross (2)
ABSTENTIONS: None (0)
ABSENT: Husseman (1)

f. Event Center Use Fee Waiver - Keizer Chamber of Commerce - First Citizen's Banquet

Assistant City Manager Tim Wood summarized the Event Center Use Fee waiver for the Keizer Chamber of Commerce First Citizen's Banquet.

Corri Falardeau Executive Director at Keizer Chamber of Commerce, asked for a fee waiver and provided details about the event.

Council President Starr moved that the Keizer City Council approve a Waiver of the Event Center Use Fee of $3,275.00 for the Keizer Chamber of Commerce for First Citizen's Banquet on January 20, 2024, a charge for the Refundable Security Deposit of $1,500, and $262.50 for Third-Party Security Personnel Councilor Reid seconded. Motion passed unanimously as follows:
AYES: Clark, Reid, Starr, Cross, Kohler, and Juran (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Husseman (1)

CONSENT CALENDAR

Councilor President Starr moved that the Keizer City Council approve the Consent Calendar. Councilor Reid seconded. Motion passed unanimously as follows:
AYES: Clark, Reid, Starr, Cross, Kohler, and Juran (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Husseman (1)

a. RESOLUTION - Authorizing the City Manager to Award and Enter into an Agreement with Pacific Excavation, Inc. for 2024 Waterline Replacement Project

b. RESOLUTION - Authorizing the City Manager to Enter into a Contract with Cascade Water Works, LLC for New Reitz Well Pump Installation

c. Approval of December 4, 2023 Regular Session Meeting Minutes.

d. Approval of December 18, 2023 Regular Session Meeting Minutes.

OTHER BUSINESS

City Attorney Shannon Johnson spoke on a Resolution to sign an Employment Contract with Joseph Lindsay and asked the Council to suspend the Rules to consider this matter.

Councilor President Starr moved that the Keizer City Council suspend the rules and take up the matter before them. Councilor Reid seconded. Motion passed unanimously as follows:
AYES: Clark, Reid, Starr, Cross, Kohler, and Juran (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Husseman (1)

Councilor President Starr moved that the Keizer City Council adopt the Resolution for to sign an Employment Contract with Joseph Lindsay. Councilor Reid seconded. Motion passed unanimously as follows:
AYES: Clark, Reid, Starr, Cross, Kohler, and Juran (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Husseman (1)

Council President Starr shared that she spent quite a bit of time conducting City Attorney reference interviews with Mr. Lindsay's colleagues and councilors, and everyone had glowing and raving reviews about working with Mr. Joseph Lindsay. Council President Staff also received lots of comments about Mr. Lindsay being fun to work with and that he really knows his work.

Councilor Juran also conducted City Attorney reference interviews, and everyone said that he was easy to get along with, always down to earth, and very fun.

Mayor Clark noted that the recruitment was opened twice to ensure that someone could keep the ball rolling in forward momentum and to have a very capable and qualified team successor. Mayor Clark welcomed the incoming City Attorney Joseph Lindsay.

STAFF UPDATES

Assistant City Manager Wood suggested that everyone conserve water to help save costs on their water and sewer bills.

Chief Copeland reported that they lost some veteran officers and would be hiring some new officers. The Police Department had an opportunity to secure an emotional support dog who would reside with Lieutenant Nelson.

Human Resources Director DePina reported on the City Attorney hire and recruitment of the Police Dog.

Mayor Clark reported on Affordable Housing and expressed her appreciation to everyone who has helped out.

COUNCIL MEMBER REPORTS

Councilor Cross shared the meetings and events she had recently attended.

Councilor Juran conducted City Attorney reference interviews.

Council President Starr shared the meetings and events she had recently attended. She conducted City Attorney reference interviews.

Councilor Kohler shared the meetings and events he had recently attended. He thanked everyone who participated in the Miracle of Lights this year.

Councilor Reid toured the Youth Services facility with the Mid-Willamette Community Action and learned about how the youth have been overlooked and the homelessness situation.

Youth Councilor Woodard shared that McNary's musical on Mamma Mia would be coming up and the Federal Application for Student Aid (FAFSA) Scholarships recently opened.

Mayor Clark reviewed the meetings and events she had recently attended. She shared that the three Counties and Finance team for the Mid-Willamette Valley Council of Governments (MWVCOG) have completely overhauled the accounting system, and they completed the audit early with no issues. She stated that it was important to the City of Keizer because the City was a member of the MWVCOG's small business loans program, and they were a critical part of making sure that money was coming in and getting to the local businesses.

Mayor Clark participated with the Community Development Partnership Board. She thanked the Mayor of Independence for hosting the annual Mayor's Association. Coming up would be the Legislative Committee on Measure 110 to find solutions for people suffering with addictions. The Catholic Community Services Family Shelter would be opening soon.

AGENDA INPUT

Monday, January 8, 2024 - 6:00 p.m. - City Council Work Session
Discussion regarding Utility Service Utilizing the Public Rights-of-Way and Communications License Law.

Tuesday, January 16, 2024 - 7:00 p.m. - City Council Regular Session

Thursday, January 18, 2024 - 6:00 p.m. - Joint City Council & Traffic Safety/Bikeways/Pedestrian Committee Meeting
Neighborhood Traffic Management Program

Monday, January 22, 2024 - 6:00 p.m. - City Council Work Session
Review Status of Short-Term Goals

Monday, February 5, 2024 - 7:00 p.m. City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 8:48 p.m.

MAYOR: APPROVED:

Cathy Clark	Dawn Wilson, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid	Councilor #4 – Soraida Cross
Councilor #2 – Shaney Starr	Councilor #5 – Robert Husseman
Councilor #3 – Kyle Juran	Councilor #6 – Daniel R. Kohler

Minutes approved: _____

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

MINUTES
KEIZER CITY COUNCIL

Monday, January 8, 2024
Robert L. Simon Council Chambers
930 Chemawa Road NE
Keizer, Oregon

CALL TO ORDER Mayor Clark called the meeting to order at 6:02 p.m.

ROLL CALL Roll call was taken as follows:

Present:

Cathy Clark, Mayor
Shaney Starr, Council President
Robert Husseman, Councilor
Kyle Juran, Councilor
Daniel Kohler, Councilor
Laura Reid, Councilor

Staff:

Adam Brown, City Manager
Tim Wood, Assistant City Manager
Shannon Johnson, City Attorney
Machell DePina, Human Resources Director
Andrew Copeland, Police Chief
Dawn Wilson, Deputy City Recorder

Absent:
Soraida Cross, Councilor
Youth Councilor Grayton Woodard

DISCUSSION: Regarding Utility Service Utilizing the Public Rights-of-Way and Communications License Law.

City Manager Adam Brown gave a presentation. He shared that in December of 2021, the Council had special legal counsel present on the Right-of-Way Ordinance, and he provided a letter from Beery, Elsner and Hammond, LLP.

Mr. Brown summarized a timeline of the previous work.

Mr. Brown explained the differences, advantages, and disadvantages between the Franchise Agreements and a Right-of-Way Ordinance.

The legal counsel recommended a Right-of-Way Ordinance.

Staff recommended exploring the Ordinance and Franchise Agreement options while looking at other communities to see what they have, their

reasoning, and how it had been working with them. Staff would also obtain feedback from the utilities.

Discussion ensued concerning amending a Franchise Agreement with the individual utility providers, regarding the cooperative model. There was discussion about engaging utility providers, the undergrounding of cable, and the length of Franchise Agreement terms, looking at the different types of businesses operating in the right-of-way with set service areas and the ones governed by the Public Utility Commission, and the point of efficiency within the Public Works Department to enforce permits and proper work within the right-of-ways.

There would be additional engagement with interested citizens, partners, and the Council.

Mayor Clark called for a five-minute recess at 7:05 p.m.

RETIRE/REHIRE POLICY

Mayor Clark called the meeting back to order at 7:14 p.m.

City Manager Adam Brown prefaced the discussion by saying that the Oregon State Legislature extended the option for 10 more years beyond year 2024.

Assistant City Manager Tim Wood gave a presentation. He shared in July of 2021 adopted a retire-rehire policy for PERS eligible employees to retire and return to work for a limited duration. Mr. Wood explained the benefits of the policy, including that the City doesn't have to pay the 6% employee PERS contribution and the City can use the PERS contribution to pay-down the City's overall obligation. He listed the pros and cons of the cost-savings from the current Work After Retirement Policy and the need to retain experienced staff. It was noted that the majority of the staff utilizing this policy is from the Police Department.

The Executive Leadership Team recommended the extension of the policy for five years, revisiting the policy, limiting the rehire period to a maximum of two years, and limiting accrual caps and paid time off benefits.

Discussion ensued regarding the pros and cons of the policy, the changing workforce and the need to retain experienced staff, equality with regards to retirement, various options, and healthcare benefits.

Mr. Wood and Ms. DePina reviewed the proposed policy. There was a request for staff to provide estimates on cost-savings from bringing in new employees versus hiring retirees.

Based on Council's feedback, a revised policy would be brought to the City Council.

OTHER BUSINESS:
Mr. Johnson clarified a statement he made at the last meeting regarding the name change of the Community Center to the Event Center and apologized if there was any misunderstanding in that statement. There was a mention of the topic in the Keizertimes. Council President Starr had stated that there was consensus by the Council on the name change in the Work Session on this item, which was accurate.

The City wanted to be sure about it when it returned to the Council. Since corrections had to be made to the Resolution, he made note of the name change. He clarified his intent, noting he agreed with Council President Starr in that there was a clear consensus at the Work Session about the name change topic. He apologized to Council President Starr and any others who may have misunderstood his intent.

ADJOURNMENT Mayor Clark adjourned the meeting at 7:55 p.m.

MAYOR: APPROVED:

_____ _____
Cathy Clark Dawn Wilson, Deputy City Recorder

COUNCIL MEMBERS

_____ _____
Councilor #1 – Laura Reid Councilor #4 – Soraida Cross

_____ _____
Councilor #2 – Shaney Starr Councilor #5 – Robert Husseman

_____ _____
Councilor #3 – Kyle Juran Councilor #6 – Daniel R. Kohler

Minutes approved: _____

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

MINUTES
KEIZER CITY COUNCIL EMERGENCY MEETING

Monday, January 15, 2024
Virtual Zoom Meeting
Keizer, Oregon

CALL TO ORDER Mayor Clark called the meeting to order at 8:04 p.m.

ROLL CALL Roll call was taken as follows:

Present:	**Staff:**
Cathy Clark, Mayor	Adam Brown, City Manager
Shaney Starr, Council President	Tim Wood, Assistant City Manager
Soraida Cross, Councilor	Shane Witham, Planning Director
Robert Husseman, Councilor	Andrew Copeland, Police Chief
Kyle Juran, Councilor	Melissa Bisset, City Recorder
Daniel Kohler, Councilor	
Laura Reid, Councilor	

Mayor Clark stated that the Emergency Meeting was called to discuss the cancellation of the January 16, 2024 Keizer City Council Meeting due to the weather event that was due to occur beginning at 2 pm that would be causing unsafe traveling conditions. Mayor Clark asked staff if there would be any harm caused if any of the agenda items were delayed until the February 5, 2024 City Council Meeting. Staff did not have any concerns. The Council did not have any concerns about the agenda items from the January 16, 2024 City Council meeting being moved to the February 5, 2024 City Council Meeting.

Council President Starr moved to move to cancel the Keizer City Council Regular Session for Tuesday, January 16, 2024 and move all of the agenda items as applicable to the February 5, 2024 or date to be determined as necessary by Staff. Councilor Reid seconded. Motion passed unanimously as follows.
AYES: Clark, Reid, Cross, Kohler, Starr and Juran (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

ADJOURNMENT Mayor Clark adjourned the meeting at 8:08 p.m.

MAYOR: APPROVED:

_____ _____

Cathy Clark Dawn Wilson, Deputy City Recorder

COUNCIL MEMBERS

_____ _____

Councilor #1 – Laura Reid Councilor #4 – Soraida Cross

_____ _____

Councilor #2 – Shaney Starr Councilor #5 – Robert Husseman

_____ _____

Councilor #3 – Kyle Juran Councilor #6 – Daniel R. Kohler

Minutes approved: _____

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

MINUTES
JOINT MEETING OF THE KEIZER CITY COUNCIL & TRAFFIC SAFETY, BIKEWAYS & PEDESTRIAN COMMITTEE

Thursday, January 18, 2024
Robert L. Simon Council Chambers
930 Chemawa Road NE
Keizer, Oregon

CALL TO ORDER Mayor Clark called the meeting to order at 6:48 p.m.

ROLL CALL Roll call was taken as follows:

Present:
Cathy Clark, Mayor
Shaney Starr, Council President
Robert Husseman, Councilor
Kyle Juran, Councilor
Daniel Kohler, Councilor
Laura Reid, Councilor

Absent:
Soraida Cross, Councilor

Staff:
Adam Brown, City Manager
Tim Wood, Assistant City Manager
Shane Witham, Planning Director
Joseph Lindsay, City Attorney
Shannon Johnson, City Attorney Emeritus
Bill Lawyer, Public Works Director
Andrew Copeland, Police Chief
Melissa Bisset, City Recorder

Traffic Safety, Bikeways & Pedestrian Committee

Present:
Tammy Saldivar, Chair
David Dempster
Hersch Sangster
Michael De Blasi, Vice Chair
Brenda Lamb
David Philbrick
Matt Myers

Council Liaison/Staff Present:
Councilor Robert Husseman
Mike Griffin, Storm Ops & Streets
Tim Hein, Police Lieutenant

DISCUSSION

a. Neighborhood Traffic Management Program

Traffic Safety, Bikeways and Pedestrian Committee Chair Saldivar explained that the Neighborhood Traffic Management Program (NTMP) was outdated and the Committee provided a draft of the revised NTMP. She also stated that they were looking for feedback to incorporate in the revised plan.

It was noted that a Table of Contents would be added and the correct acronym for the Traffic Safety, Bikeways and Pedestrian Committee (TSBP) would be included in the revised NTMP.

Public Works Director Lawyer recommended changing the language to consult with the Public Works and Police Departments with regards to the process for the arterials.

Discussion ensued regarding including links to definitions, the Transportation System Plan and the maps with street classifications in the NTMP.

Mr. Lawyer explained that the plans are put together to identify an actual need and not a perceived problem.

Discussion ensued about the NTMP being designed to identify problems, the term cut-through traffic, and the importance of engineering.

The steps in the process of identifying a neighborhood problem were reviewed. The use of percentages and the amount of the percentage with regards to collecting signatures for petitions was discussed. Some residents expressed concern for collecting signatures.

There was a question about the definition of affected residents.

It was suggested that perhaps there could be funds directed to a mailing to the affected residents for those residents who do not have a Neighborhood Association.

The importance of outreach to affected residents was discussed.

Mr. Lawyer stated that a speed and volume study needed to be done first so that accurate data can be collected.

Police Chief Copeland explained that the Police Department would respond to traffic calls to the non-emergency number based upon the message conveyed by the caller. Usually, it would be best for a conversation to occur between a TSBP member and the police liaison. If the call is received by a regular dispatch center, then a random police officer would respond. He also commented that the Police Department has traffic counters that they use for their traffic studies, which is more accurate than a police officer observing traffic matters on random hours.

Mr. De Blasi expressed an interest for metrics to show education and enforcement accomplishments.

It was noted that the TSBP had a complaint tracking document.

Staff would review the thresholds and make suggestions.

Discussion ensued regarding the percentile for local streets the industry standard was becoming the 50 percentile rather than the 85th percentile for collectors.

Mayor Clark expressed her thanks to the TSBP for their work andr proposed updates to the NTMP.

Discussion ensued regarding project development and the budgeting process.

There was discussion regarding using the term residents versus property owners.

There were suggestions about adding certain demographics to the scorecard.

ADJOURNMENT Mayor Clark adjourned the meeting at 8:41 p.m.

MAYOR: APPROVED:

_____ _____

Cathy Clark Dawn Wilson, Deputy City Recorder

COUNCIL MEMBERS

_____ _____

Councilor #1 – Laura Reid Councilor #4 – Soraida Cross

_____ _____

Councilor #2 – Shaney Starr Councilor #5 – Robert Husseman

_____ _____

Councilor #3 – Kyle Juran Councilor #6 – Daniel R. Kohler

Minutes approved: _____

"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."

MINUTES
KEIZER CITY COUNCIL

Monday, January 22, 2024
Robert L. Simon Council Chambers
930 Chemawa Road NE
Keizer, Oregon

CALL TO ORDER Mayor Clark called the meeting to order at 6:00 p.m.

ROLL CALL Roll call was taken as follows:

Present:	**Staff:**
Cathy Clark, Mayor	Adam Brown, City Manager
Shaney Starr, Council President	Tim Wood, Assistant City Manager
Soraida Cross, Councilor	Shane Witham, Planning Director
Robert Husseman, Councilor	Joseph Lindsay, City Attorney
Kyle Juran, Councilor	Shannon Johnson, City Attorney Emeritus
Daniel Kohler, Councilor	Bill Lawyer, Public Works Director
Laura Reid, Councilor	Andrew Copeland, Police Chief
	Melissa Bisset, City Recorder

DISCUSSION

a. Review Status of Short-Term Goals

City Manager Brown provided a brief overview of the Budget Process, noting that the evening's meeting was Phase 1 of the 2024-2025 Budget and that the short-term goals would be discussed. Phase 2 would be the financial forecasting through the Long Range Planning Task Force, and that the long-range goals would be within the Strategic Plan.

Mr. Brown provided an update on the next steps for the Urban Growth Boundary Expansion. There was a discussion of the various options. There would be a City Council Work Session scheduled for after the short legislative session.

The goal of procurement simplification was discussed. The Council expressed a desire to have a Work Session regarding a draft procurement policy.

There was discussion regarding the goal of a City-wide camera system and

the potential costs, including the ongoing annual expense. There was a question about how much of a cost-savings there would be from the help of deterring crime and solving cases. Cameras would be in the parks, at road exits from the City, as well as Police Body Cameras. The upfront costs were estimated to be $500,000 plus the cost of power and $75,000 for the Police Body Cameras.

The Artificial Turf Project was bid and awarded, and the construction was scheduled to begin in the Spring for the first Phase. It would cost approximately $1 million to finish the parking lot and equipment building. The City would be applying for a grant for the bathroom. There was discussion about partnerships, potential sponsorships and future use of the fields.

City Attorney Emeritus Shannon Johnson shared that he was in the process of reviewing a draft Code. He was working with the vendor's legal counsel.

Mr. Brown shared that the implementation of the Agenda Management System was mostly implemented with the exception of a formatting correction. An email automation subscription would be launched soon. The new system improved public access and transparency and was used for all City Council, Board, Commission, and Committee meetings.

There was an update on the Human Resources Information System (HRIS) system. The first request for proposal (RFP) failed to attract a vendor that satisfied the review team. A second RFP was under review by the City Attorney. Human Resources Director DePina shared that it would take some time to implement the system.

A draft Social Media Policy, based on the League of Oregon Cities model policy, had been started and could come to the Council as early as March 2024.

City Staff had made proposed edits to the Emergency Operations Plan. The City was sixth in line to have Marion County conduct a professional review of the changes, and the review was anticipated to begin by the end of 2024. It was noted that the Emergency Intergovernmental Agreement was very old, and there was a request to review Intergovernmental Agreements more frequently.

Assistant City Manager Wood provided an update on the goal of Adapting Community Center Policies and Practices to run optimally. He shared that over the last year, the related Ordinance and fees had been updated. There would be improvements to the chairs and an expansion. It was noted that the marketing budget needed to be increased. Council commented on audio and visual improvements to the Event Center.

Mr. Brown provided an update on integrating the Strategic Plan into the next

Budget Process. He stated that the Strategic Plan was under further public engagement and feedback would be brought back to the City Council for further discussion.

Mr. Wood shared that there was a preliminary budget for a sidewalk gap and repair program using American Rescue Plan Act (ARPA) funds. It was noted that there was a need to create a program. Discussion ensued regarding street improvement requirements and leveraging local dollars for local sidewalks. Mayor Clark mentioned that the massive long sections of streets have been updated using Federal funding, which was based upon certain street classifications.

Mayor Clark encouraged neighbors to talk with Public Works about sidewalk repair projects because the City had been able to work with property owners by paying for the curbs, fronting the cost of the driveways, and the property owners installed new sidewalks. It was suggested that using a Local Improvement District would establish a way to find an effective and fair cost. It was suggested that there be a Work Session with the Traffic Safety, Bikeways and Pedistrians (TSBP) Committee and Community Diversity Engagement Committee (CDEC) to get the word out on projects that could be done collaboratively between the City and property owners. The TSBP and CDEC could also work collaboratively on outreach, prioritizing and participating in the conversation on creating the sidewalk gap and repair program.

Mr. Brown shared that there was some naturally occurring redevelopment taking place in the River-Cherry Overlay District. Planning Director Witham explained that this was a long-term goal and that there were overlay and financing opportunities, but the biggest challenge was the huge cost. The idea of creating an Urban Renewal District was discussed several years ago so that the City could re-invest. He noted that the draft Strategic Plan included the long-range plan with a more formalized type of financial assessment of Urban Renewal District possibilities. Also included in the draft Strategic Plan was a safety and mobility audit of River Road, specifically for rolling, walking, and bicycling to identify any hazardous areas with a look to analyze mid-block crossings on the South portion of River Road. Discussion ensued regarding the type of work that could be done related to the River-Cherry Overlay District over the next year or two. Discussion ensued regarding the various projects in the revitalization plan.

The Climate-Friendly and Equitable Communities (CFEC) implementation was discussed. A Walkable-Mixed Use Areas (Climate Friendly Areas) Study was completed in 2023. The implementation of zone changes for Walkable-Mixed Use areas would be coming in 2024. The Senario Planning Process was beginning, which would inform the future Transportation System Plan update.

Mr. Brown provided an update on the website. A team had been formed and immediate updates had been made to make it mobile-friendly and new imagery integrated into the home page. The team was also reviewing whether to use the current vendor to update or do a request for proposals. It was noted that some residents wished to have an option to pay their utility bill from the home page.

Mayor Clark expressed her appreciation to Staff.

ADJOURNMENT Mayor Clark adjourned the meeting at 8:21 p.m.

MAYOR: APPROVED:

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Cathy Clark Dawn Wilson, Deputy City Recorder

COUNCIL MEMBERS

_____ _____

Councilor #1 – Laura Reid Councilor #4 – Soraida Cross

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