

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

A G E N D A
KEIZER CITY COUNCIL

Monday, June 7, 1993

7:30 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on matters not on the agenda.

4. COMMITTEE REPORTS

- a. Mayor's Proclamation
- b. Volunteer of the Month Award - Rosemary Emmerich
- c. Five Year Service Award - Police Department
- d. Tree Ordinance Task Force Report

5. PUBLIC HEARINGS

6. DELIBERATION

7. ORDINANCE

- a. Property Access; Larsen Subdivision (second reading)
- b. Zone Change - Larsen Subdivision

8. DISCUSSION

- a. **RESOLUTION** - Keizer Heritage Use Agreement
- b. **RESOLUTION** - Authorizing City Manager to Enter Agreement Regarding Housing Issues

- c. Preparation for June 10 LCDC Meeting Concerning Keizer's Periodic Review

9. CONSENT CALENDAR

- a. RESOLUTION - Cherrylawn Court Street Lighting District
- b. RESOLUTION - Appletree Estate Street Lighting District
- c. RESOLUTION - Rivercrest Street Lighting District
- d. Approval of May 17, 1993 Regular Session Minutes

10. OTHER BUSINESS

This time is provided to allow Council members the opportunity to bring matters before the Council which are not on tonight's agenda.

11. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

12. AGENDA INPUT

June 14, 1993 - 7:00 p.m. Special Council Worksession

June 21, 1993 - 7:00 p.m.

Urban Renewal Agency Meeting
Public Hearing - Budget
Appointment to Position #2
Bond Issuance

Regular Session - 7:30 p.m.

Closure of Sandy/Newberg Drive Report
Adoption of 1993-94 Budget
Supplemental Budget
Neighborhood Association Public Hearing
Chemawa Activity Center Report
Chronic Nuisance Ordinance

July 6, 1993 (Tuesday) - 7:30 p.m.

Chemawa Activity Center Public Hearing
Update on progress of Goals
Marion County Building/Planning Agreement

13. ADJOURN



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER: 4b

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *tracy*
CITY RECORDER

SUBJECT: VOLUNTEER OF THE MONTH AWARD

A member of the Volunteer Coordinating Committee, will present the May Volunteer of the Month Award to Rosemary Emmerich. Ms. Emmerich was nominated by Lynn Owen, Administrative Assistant.

Attached to this report is a copy of the press release issued for Ms. Emmerich's nomination.

"Pride, Spirit and Volunteerism"



City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 390-8295

FOR IMMEDIATE RELEASE:

June 1, 1993

Keizer -- The City of Keizer will honor Rosemary Emmerich as its June "Volunteer of the Month" at the City Council meeting on June 7th, 7:30PM at City Hall. Emmerich was selected by the City's Volunteer Coordinating Committee for donating her time each week to City Hall.

The letter nominating Emmerich, described her as someone who always brings cheer and smiles to City Hall along with her high energy level. "While Rosemary has been a volunteer with City Hall, she has truly made a difference in our workload..... Like the many other City Hall volunteers, Rosemary Emmerich's generosity continues to rekindle the spirit of volunteerism in Keizer. It is people like her who truly make our world go 'round!'"

Emmerich has spent much of her volunteer time updating the City's filing systems, along with completing other tasks for Keizer City staff. Emmerich also donates her time to the Oregon State Library, processing lending orders for audio tapes from blind citizens throughout Oregon. Her volunteer time with Keizer follows a life-long career of volunteerism with her church and in other communities where she has lived.

"Volunteering has provided the opportunity to see local government from the City staff's side; not just as a taxpayer. It's rewarding for me to know I've done something to help someone." said Emmerich.

The City of Keizer has an active volunteer program. Anyone interested in volunteering should contact City Recorder, Tracy Davis at 390-3700.



City of Keizer

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COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER: 4c

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: CHARLES STULL
POLICE DEPARTMENT

SUBJECT: FIVE YEAR SERVICE AWARD

The Police Department will present a five-year service award to Beverly Birr for her contributions to the Department over the last five years.

"Pride, Spirit and Volunteerism"



City of Keizer

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COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER: 4d

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK
CITY MANAGER

FROM: TRACY L. DAVIS *tracy*
CITY RECORDER

SUBJECT: TREE ORDINANCE TASK FORCE

Al Miller, Chair of the Keizer Tree Ordinance Task Force will present a status report to the Council.

"Pride, Spirit and Volunteerism"



City of Keizer

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Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *Doty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: ORDINANCE - PROPERTY ACCESS - LARSEN SUBDIVISION

The Bill for an Ordinance relating to the sale of city property located at the corner of Brandon Street and 19th Court to Marvin R. Larsen is before the Council for second reading. Councilor McGee moved for adoption of the Ordinance with a purchase price of \$500.00. The Motion was seconded by Councilor Keller with a vote of 5-2 with Councilor Miller and Councilor Watson in opposition. The attached Ordinance has been amended to show the purchase price of \$500.00.

"Pride, Spirit and Volunteerism"

1 BILL NO. _____

A BILL

ORDINANCE NO.

2
3 FOR

93-_____

4 AN ORDINANCE

5 RELATING TO THE SALE OF CITY PROPERTY LOCATED AT
6 THE CORNER OF BRANDON STREET AND 19TH COURT TO
7 MARVIN R. LARSEN
8

9 The City of Keizer ordains as follows:

10 Section 1. PUBLIC HEARING. A public hearing was held before
11 the City Council on May 17, 1993. Notice of such hearing was
12 published concerning the above referenced sale.

13 Section 2. FINDINGS. The notice requirements of ORS 221.725
14 have been complied with. The nature of the proposed sale and the
15 general terms thereof, including an appraisal or other evidence of
16 the market value of the property have been fully disclosed by the
17 City Council at the public hearing. Any resident of the city has
18 been given an opportunity to present written or oral testimony at
19 the hearing.

20 The property is described as Lot 8, Block 5 Northview Terraces
21 Annex No. 1. The property is not developable as it is bisected by
22 storm and sanitary sewer easements, including working easements.
23 The property is not necessary for public use, except for such
24 easements. The subject property is necessary to the proposed buyer
25 in that it provides the only access to the buyer's approved
26 subdivision (Land Use Case No. ZC/SUB93-2).

27 ///

28 ///

29 ///

1 - ORDINANCE NO. 93-_____

LIEN, HOBSON & JOHNSON

Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

1 It is necessary and convenient to sell the real property at this
2 time as it would be of little or no use to anyone other than the
3 proposed buyer herein and the proposed buyer now wishes to buy the
4 property.

5 Section 3. DECISION TO SELL. Following the public hearing,
6 the City Council voted to sell the subject property to the buyer,
7 Marvin R. Larsen, on the terms set forth below.

8 Section 4. SALE. The City Council, being fully advised in
9 the matter, hereby directs the Mayor and City Recorder to sign a
10 bargain and sale deed on a form approved by the City Attorney in
11 consideration of payment of the sum of \$500.00, the appropriate
12 easements and dedications to the City, and the completion of all
13 required public improvements to be determined by the Public Works
14 Director. This authority to sell is automatically revoked if the
15 subdivision plat has not been filed with the Community Development
16 Director by the first day of the 18th month following the date of
17 detailed approval of the subdivision.

18 Section 5. CLOSING. If the plat is filed as set forth above,
19 the Mayor and City Recorder shall sign the deed and such deed shall
20 be delivered to the buyer when the purchase price has been paid, the
21 buyer has completed the public improvements referred to above, the
22 appropriate easements and dedications to the City have been made, and
23 the subdivision plat is recorded or has received final approval.

24 ///

25 ///

26 ///

4 SIGNED this _____ day of _____, 1993.

7
8 City Recorder

9 824.107

3 - ORDINANCE NO. 93-

LIEN, HOBSON & JOHNSON

Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635



City of Keizer

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COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER: 7b

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *city*
CITY MANAGER

FROM: SKIP WENDOLOWSKI *W*
CITY PLANNER

SUBJECT: ORDINANCE - APPROVING ZONE CHANGE CASE NO. 93-2, LARSEN
SUBDIVISION

ISSUE:

Shall the City of Keizer adopt an Ordinance approving a zone change from UT (Urban Transition) to RL (Low Density Residential) for Case No. 93-2?

DISCUSSION:

On March 1, 1993 a completed application was filed for a zone change by Marvin R. Larsen to change from UT (Urban Transition) to RL (Low Density Residential). A public hearing was held on April 1, 1993 and the Hearings Officer found the applicant had met the burden of proof for the zone change and issued an Order approving the request.

RECOMMENDATION:

It is recommended that the City Council adopt the proposed Ordinance for the zone change.

"Pride, Spirit and Volunteerism" _____

BILL NO. _____

A BILL

ORDINANCE NO.

93-_____

FOR

AN ORDINANCE

IN THE MATTER OF THE APPLICATION OF MARVIN R. LARSEN FOR
A ZONE CHANGE FROM UT (URBAN TRANSITION) TO RL (LOW
DENSITY RESIDENTIAL) ON 3.05 ACRES OF PROPERTY IN WHICH
THE CITY RECOMMENDS APPROVAL OF THE ZONE CHANGE REQUESTED
IN ACCORDANCE WITH THE KEIZER HEARINGS OFFICER'S ORDER
DATED APRIL 29, 1993.

The City of Keizer ordains as follows:

Section 1 - THE APPLICATION. This matter comes before the
Keizer City Council on the application of Marvin R. Larsen (Owner
and Applicant) for a zone change from UT (Urban Transitional) to RL
(Low Density Residential) on 3.05 acres of land located between
19th Avenue NE and the Salem Parkway, Keizer, Oregon (Section 01B;
Township 7 South; Range 3 West; Tax Lots 1800, 1900, and 2000).

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

Section 3 - PUBLIC HEARING. A public hearing was held on this
matter before the Hearings Officer on April 1, 1993. The following
persons either appeared at the hearing or provided written
testimony on the application:

1. Skip Wendolowski

City Planner

2.	Marvin R. Larsen	Applicant
3.	Ken Larsen	Proponent
4.	Rich Peterson	Area Resident
5.	Rick Rupp	Area Resident
6.	Gary Short	Area Resident
7.	Carol Phelps	Area Resident

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

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

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

Section 7 - FACTS. The facts before the City Council in this matter are set forth in Exhibit "A" attached.

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

Section 9 - ACTION. The decision of the City Council is set forth in Exhibit "A" attached.

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

Section 11 - EFFECTIVE DATE. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

Section 12 - APPEAL. A party aggrieved by the final determination in a proceeding for a discretionary permit or a zone

change may have it reviewed under ORS 197.830 to ORS 197.834.

PASSED this _____ day of _____, 1993.

SIGNED this _____ day of _____, 1993.

Mayor

City Recorder

BEFORE THE CITY OF KEIZER HEARINGS OFFICER

In the matter of the application of:) Case No. ZC/SUB 93-2
)
MARVIN R. LARSEN) ZONE CHANGE/SUBDIVISION

ORDER

1. Nature of the Application

This matter came before the City of Keizer Hearings Officer upon the application of Marvin R. Larsen for a zone change from UT (URBAN TRANSITION) to RL (LOW DENSITY RESIDENTIAL) and for conceptual approval of a subdivision creating 20 lots on approximately 3.05 acres of land located between 19th Avenue NE and the Salem Parkway, Keizer, Oregon (Section 01B; Township 7 South; Range 3 West; Tax Lots 1800, 1900 and 2000).

2. Relevant Criteria

The applicable criteria for this proposed zone change and subdivision are embodied in the following:

1. Keizer Subdivision and Partitioning Ordinance, especially Sections III(1) and IX.

2. Keizer Comprehensive Plan, especially residential development policies 4 (coordinate new residential development with provision of adequate sewer, water, transportation, schools and parks), 5 (promote higher density residential densities for compact urban form), 7 (encourage in-filling of existing undeveloped lots), Policy 9 (encourage consolidation of small parcels or residential land for projects), and 15 (provide three levels of residential density: low, medium and high).

3. Keizer Zoning Ordinance, especially Chapters 4, 24, and 36.

3. Public Hearing

A public hearing was held on April 1, 1993. Official notice was taken of the Keizer Community Development Department file in this matter. The record was left open until April 5, 1993, at the request of the participants.

The following persons appeared at the hearing and provided testimony on the application:

- | | | |
|----|------------------|---------------|
| 1. | Skip Wendolowski | City Planner |
| 2. | Marvin R. Larsen | Applicant |
| 3. | Ken Larsen | Proponent |
| 4. | Rich Peterson | Area resident |
| 5. | Rick Rupp | Area resident |
| 6. | Gary Short | Area resident |
| 7. | Carol Phelps | Area resident |

The following documents were marked as exhibits and entered into the record:

- Ex. 1 Statement of Ted Minden opposing zone change
 and subdivision

Following the hearing, a statement of the Keizer City Planner concerning access to the subject property.

No objections were raised as to notice or jurisdiction, alleged conflicts of interest, bias or prejudice, or evidence presented or testimony taken at the hearing.

4. Findings of Fact and Conclusions

The Hearings Officer, after careful consideration of the testimony and evidence in the record, issues the following findings and conclusions:

1. The subject property contains 3.05 acres and is composed of three tax lots located between 19th Avenue NE and the Salem Parkway south of the Kennedy Mobile Home Park. The property is designated Medium-High Density Residential in the Keizer Comprehensive Plan and zoned UT (URBAN TRANSITION). The purpose of this Plan designation is to provide land for residential development at a dwelling density of greater than 8 units per acre.

2. Property to the south and west is designated Low Density Residential and zoned RS (SINGLE FAMILY RESIDENTIAL) with single family residences dominating. Land to the north is zoned RM (MEDIUM DENSITY RESIDENTIAL), and contains a mobile home park. The Salem Parkway borders the property on the east.

3. The applicant seeks a zone change to RL (LOW DENSITY RESIDENTIAL) and conceptual approval of a 20 lot subdivision. The subdivision is designed to accommodate either single family residences or duplexes. Subsequently, the applicant submitted a modified site plan that would create 12 lots. This application will consider the modified site plan.

4. The following agency comments were received:

a. U.S. West Communications (Pacific Northwest Bell) requested five(5) foot easements around each lot, as well as the implementation of a development agreement. Northwest Natural Gas noted that it could serve the property, and requested a 5 foot utility easement along the side lot lines and ten foot easements on the front lot lines.

b. Viacom stated that the property can be served.

c. The Keizer Public Works Department and City Engineer commented that engineering plans for water, sewer, storm water drainage and streets would need the department's review and approval. Access to the property was a significant concern.

d. Salem Area Transit reviewed the proposal and had no comment.

e. Salem Community Development Department provided comments concerning potential wetland impacts, the need for noise buffering, and street grade.

f. The Division of State Lands was contacted concerning wetland impacts. The Division made no response.

5. The subject property has a steep slope on the south side and a gentle slope on the north side. The slopes converge at the midpoint of the property and form a draw. Along this draw there is a possible wetland area. The subject property also has three large utility easements, a 30 foot storm easement and a 10 foot sanitary sewer easement running diagonally across the property from the southwest to the northeast, and a 10 foot utility easement along the southwest corner of the property.

6. The subject property does not have frontage on a public street. The nearest street is Brandon Street, which can be accessed through an undeveloped subdivision lot owned by the City of Keizer. The lot is used for storm drainage and sanitary sewer lines. On April 5, 1993, the Keizer City Council declared the lot surplus property and directed city staff to negotiate

a sale of the lot to Mr. Larsen, the applicant. The applicant has an opportunity to obtain the access necessary to develop the proposed subdivision.

7. Development of the property requires two land use actions. One is a zone change, which would permit residential development outright. The other is a proposal for a 12 lot subdivision, with lots ranging from 6,200 to 14,500 square feet in size. The lots are designed to accommodate single family residences or duplexes.

8. Keizer Zoning Ordinance Section 4.02 identifies three zones for the comprehensive plan designation of Medium-High Density: RL, RM, and RH. The RL zone requires at least 3,000 square feet per dwelling unit and a density of 8 to 15 dwelling units per acre. Applicant seeks an RL zone.

9. Keizer Zoning Ordinance Section 4.16 sets forth the zone change review criteria. The RL zone is an appropriate zone for the Medium-High Density plan designation. The proposed 12 lot subdivision, even with the topographical features and easements identified in 5 above, can accommodate the dwelling units anticipated and meet density requirements. The submitted site plan demonstrates that the development standards in Keizer Zoning Ordinance Chapters 17 to 20 can be satisfied. Generally, adequate public facilities are available to serve the property. Conditions can be imposed to ensure connection to public sewer, water and storm drainage facilities. The Keizer Comprehensive Plan contains no zone change criteria relevant to this application. The zone change is consistent with the proposed RL zone, which is the most compatible zone with adjacent existing development. The proposal complies with the zone change criteria.

10. The proposed subdivision is tentatively identified as the Larsen Park Subdivision. The subdivision will contain 12 residential lots. Lot sizes will range from 6,200 square feet to 14,500 square feet. The minimum lot size in the RL zone is 3,000 square feet per dwelling unit. The proposed lots are large enough to accommodate duplexes. The proposed lots will be compatible with the general residential character of the area. Access to the subdivision will be from Brandon Street.

11. Section III(1) of the Keizer Subdivision and Partitioning Ordinance requires the City to consider whether a proposal is in accordance with the Keizer Comprehensive Plan and the implementing ordinances and development policies of the City. This Section also authorizes the City to prescribe conditions or make changes to the proposal to bring it into conformance with applicable policies and regulations.

12. This application qualifies for review as a mini-subdivision. The relatively small size of the parcel and its location and topographical features and existing easements preclude usual subdivision practices. The property is 3.05 acres, within the 5 acre guide for mini-subdivision developments. Residential development to the north, west and south and the Parkway to the east prevent combination of the property with adjacent lands. The property cannot be developed at single family densities and the property is not suitable for development as a mobile home park. The proposed development is the most compatible with existing development. Many of the comments at the hearing reflected the belief of area residents that the limitation to 12 lots would minimize traffic impacts and provide flexibility to adapt to inherent limitations on the subject property. The proposed site plan calls for a cul-de-sac. The proposed site plan indicates that the 12 lots can conform to development standards, and the proposed right-of-way meets subdivision ordinance standards. The mini-subdivision requirements are satisfied and appropriate for this proposed subdivision.

13. The Comprehensive Plan contains a number of residential development policies pertinent to this proposal. Policy 4 encourages coordination of residential development with public services and facilities. Policy 5 promotes higher residential densities for a compact urban form. Policy 7 encourages in-filling of existing undeveloped lots. Policy 9 encourages the consolidation of small undeveloped parcels for large projects. Policy 15 anticipates 8 to 15 dwelling units per acre.

14. The proposal provides in-filling by extending existing residential development and the consolidation of three undeveloped tax lots to provide efficient development of the subdivision. Full public services will be available when the subdivision is developed. The extension of and connection to public facilities prior to the submittal of a final plat can be placed as a condition of approval. Access to Brandon Street can be obtained by the applicant. The subdivision does provide compact urban development, given limitations applicable to this property. The existence of topographical features and easements reduce the developable area from 3.05 acres to 1.9 acres and make high density development, such as apartment buildings, impractical. Furthermore, high end density would adversely affect use of a local street, such as Brandon Street. The 12 lots can provide up to 24 dwelling units, which is consistent with the density range of 15 to 27 units provided for 1.9 acres. The proposal is consistent with comprehensive plan policies.

15. The proposed lots must conform to the standards in Chapter 24 of the Keizer Zoning Ordinance for lot sizes, parcel dimensions, permitted uses, setbacks and other related development standards for property developed for residential lots.
16. The applicant must obtain access to Brandon Street from the city.
17. A portion of the property may lie within a wetland. The final plat and construction should be delayed until comments are received from the Division of State Lands concerning wetland status and its impact on subdivision design.
18. The Subdivision and Partitioning Ordinance requires a 30 foot right-of-way with a 35 foot bulb for a cul-de-sac. The street pattern must comply with these dimensions.
19. The Keizer Department of Public Works submitted a list of public facility improvements required to complete the subdivision. These requirements are necessary to ensure the public's health and safety, and will be a condition of development.
20. The developer must also connect to public utility services. Utilities must be placed below ground. The developer is responsible for all utility connection costs.
21. The City's system development charge for park development is \$300 per single-family or duplex dwelling unit. These development charges will apply to this proposal.
22. Approval of a zone change allows the applicant or subsequent owners to develop the property consistent with the permitted uses in the zone without further land use approval or review. Some uses in the RL zone are not appropriate for this land and the adjacent neighborhood. A limited use overlay zone can restrict permitted development to residential development at appropriate densities, which should be a maximum of 24 dwelling units.

5. ORDER

It is hereby found that the applicant has met the burden of proving that this application for a zone change to RL-LU (LIMITED DENSITY RESIDENTIAL-LIMITED USE OVERLAY) and for conceptual approval of a subdivision conforms to the relevant criteria in the Keizer Subdivision and Partitioning Ordinance, the Keizer Comprehensive Plan and the Keizer Zoning

Ordinance. It is hereby ordered that the zone change and conceptual approval of the proposed subdivision is granted, subject to the following conditions:

1. Prior to review of any site development plan, engineering plans, or building permit applications, the applicant shall furnish evidence that he has obtained access to Brandon Street.

2. Prior to the review of any site development plans, engineering plans or building permit applications, applicant shall provide information regarding development within any identified wetland area from DSL. Future development shall comply with permit and development requirements of DSL.

3. The applicant shall take part in a conference with the applicable public facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings. It is recommended the conference participants include the Keizer Department of Public Works, Keizer City Engineer, Keizer Fire District, City of Salem Department of Public Works (sewer), U. S. West Communication, Portland General Electric and Northwest Natural Gas.

4. The applicant shall submit an engineering site plan to the Keizer Department of Public Works for its review and approval. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to show compliance with Public Works development standards. Specific requirements are attached hereto as Exhibit C. Construction standards shall be the current standards at the time the construction permit is issued.

5. The applicant shall submit a detailed subdivision plan to the Keizer Community Development Department for review and approval. The detailed plan shall substantially conform with the submitted conceptual plan and shall include the following additional provisions:

- (a) Create a minimum of 12 lots.
- (b) Include all engineering elements as required by Exhibit C.
- (c) Include any site development considerations required by the

Division of State Lands.

6. Upon approval of the detailed site plan, engineering plans and the landscape plan, the applicant shall submit a final plat for the subdivision, which conforms to the detail plan approval. The plat shall be prepared by a

registered professional surveyor, and conform to the requirements in ORS Chapter 92. A bond will be required by the County Surveyor for post-monumentation of the subdivision plat.

7. Items 1 through 6 above shall be completed, including review and approval by the appropriate department, prior to the issuance of a building permit for any one building.

8. The following additional items shall also be completed prior to receiving a building permit:

(a) Full street improvements, including curbs, sidewalks, paving and drainage, shall be installed within the entire subdivision. These improvements shall conform to the plans approved by the City of Keizer . Department of Public Works. Adequate bonding or other financial security shall be obtained.

(b) The applicant shall apply to the City of Keizer for the creation of a Local Improvement District for street lighting. Street lighting improvements shall comply with the city regulations and requirements.

(c) Street names shall be coordinated with the Mid-Willamette Valley Council of Governments. (Forms are available at the City of Keizer.) No plat shall be released that does not contain approved street names.

9. The applicant shall have the option of phasing the facility improvements and city financial agreements.

10. The maximum number of dwelling units permitted on the entire property shall be 24.

11. Permitted uses are limited to those found in Section 24.01(a)-(e), (g)(1-4, 11, 13) and (h) of the Keizer Zoning Ordinance. All other uses permitted or subject to conditional approval shall require specific approval as a conditional use.

6. APPEALS

Any interested person, including the applicant, who disagrees with this decision, may appeal this decision to the City Council. An appeal must be filed with the Keizer Community Development Department, 930 Chemawa Road NE, Keizer, Oregon, 97303, by 5:00 p.m. on the 10th day of May, 1993, (ten days from the mailing of this order).

The appeal must be in writing, must request that the Council hold a hearing on the application, and must explain why the decision is factually or legally incorrect, or based on incomplete facts, or present new facts material to the decision, or present modifications that will conform the proposal to the requirements of the ordinance and regulations governing the application. (Consult the Community Development Department to determine if a filing fee is required.)

This Order shall be effective ten days from the date the Order is mailed, unless appealed.

If you have any questions about this application or the decision please call 390-3700 or visit the Community Development Department at the above address.

DATED this 29th day of April, 1993.

A handwritten signature in dark ink, appearing to read "Michael J. Hansen", written over a horizontal line.

Michael J. Hansen
City of Keizer Hearings Officer

DATE: MARCH 30, 1993

TO: CITY OF KEIZER
PLANNING DEPARTMENT

SUBJECT: PRELIMINARY PLAN FOR LARSEN PARK SUBDIVISION
PUBLIC WORKS DEPARTMENT COMMENTS

The following comments are directed to the planning staff to incorporate recommendations in the staff report to the hearings officer:

The plan indicates a Brandon Street right of way exists on the west side of the property. The area indicated as Brandon Street right of way is property owned by the City of Keizer but to our knowledge it has never been dedicated as a public street. The public works department does not have the authority to grant access to the subject property over property owned by the City of Keizer.

If the developer is successful in obtaining city approval to convert the city owned property to public right of way the following minimal improvements will be required:

SANITARY SEWERS

1. The developer will be required to obtain City of Salem approval to connect to the existing sanitary sewer line that bisects the property. No buildings will be allowed to be placed within the current sewer easements.
2. Plans approved by the City of Salem shall be submitted to the City of Keizer for review prior to any construction permits being issued for water system improvements or public streets and storm drainage.

WATER SYSTEM

1. An approved connection to the present city water system in 19th Ave. will be required. Final details of the point of connection will be determined after the developer submits existing utility information within the present developed street system.
2. The Keizer Fire Department shall determine required fire hydrant locations.

3. Requirement of Polywrap in this area will be determined after review of soils information.
4. Individual meters shall be required for each dwelling unit.
5. Public Utility easements shall be provided on each side of the proposed right of way. Minimal width of easements shall be 10 feet.
6. All water system construction shall conform to City of Keizer Water System Specifications.

STREETS AND STORM DRAINAGE

1. A minimum width of 40 feet of right of way will accommodate the standard city improvement of 34 feet, curb, and sidewalk on both sides of the street. The standard city street section will allow parking on both sides of the street. It is recommended that the city standard street section be constructed for this project.
2. The standard curb radius for a cul-de-sac turnaround is 38 feet. The right of way should be 45 feet in radius.
3. Public utility easements 10 feet in width shall be located on both sides of the proposed street.
4. Lot 1 appears to have a storm drain easement bisecting the lot diagonally near the midpoint of the lot. The developer needs to provide accurate information regarding the actual location and width of the easement to determine if a building can actually be located on the lot without building over the easement.
5. City of Keizer Standard Specifications for Street Construction shall apply to all street and storm drainage improvements.
6. Storm water detention is a standard requirement in the City of Keizer and will be applied to this site unless the developer can provide information that indicates that storm water detention would not be beneficial to this site.
7. The area appears to be have poorly drained soils and the standard base construction requirements may not be adequate. The developer should provide adequate soils information to the city for review to indicate the base design selected.

8. The present intersection of Brandon and 19th streets may require some modification to provide a safe new intersection of the proposed Brandon extension. The developer shall submit an intersection design for review by the Public Works staff prior to developing final engineering plans for the project.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Order on the following persons:

Marvin Larsen
8440 SE 55th
Portland, Oregon, 97206

Pam Tipton
4783 19th Pl NE
Salem, Oregon, 97303

Ken Larsen
2445 LaJolla Ct NW
Salem, Oregon, 97304

Gary Short
1948 Brandon Ave NE
Keizer, Oregon, 97303

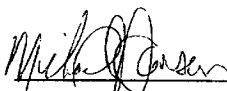
Rich Peterson
1998 Brandon St NE
Salem, Oregon, 97303

Carol Phelps
4782 19th Pl NE
Keizer, Oregon, 97303

Rick Rupp
4797 19th
Keizer, Oregon, 97303

Ted Minden
1969 Wiessner Dr NE
Keizer, Oregon, 97303

by mailing to them copies thereof. I further certify that said copies were placed in sealed envelopes addressed as noted above, that said copies were deposited in the Post Office at Salem, Oregon, on the 29th day of April, 1993, and that the postage thereon was prepaid.



Michael J. Hansen
City of Keizer Hearings Officer



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER: 8a

TO: Mayor Koho and City Council Members

FROM: Dotty Tryk *Dotty Tryk*
City Manager

SUBJECT: Keizer Heritage Use Agreement

SUBJECT:

Resolution authorizing the Mayor to sign a Use Agreement with the Keizer Heritage Foundation.

BACKGROUND:

The Keizer Heritage Foundation approached the City with a request to renegotiate some of the terms of their Use Agreement. The City staff, Mayor and members of the Keizer Heritage Foundation Board worked out language which is summarized in the attached memo from Shannon Johnson. The Board voted to ratify the attached agreement at their meeting, June 2.

RECOMMENDATION:

This agreement protects the City and offers the flexibility the Foundation needs to be able to complete the project. Staff recommends that the resolution be adopted.

MEMORANDUM

TO: Mayor Koho and City Council
FROM: E. Shannon Johnson, City Attorney
RE: Keizer Heritage Use Agreement
DATE: June 2, 1993

Keizer Heritage Foundation approached the City and asked to renegotiate the current Use Agreement. Their main concern was an extension of the deadlines to finish the restoration work, as well as arranging a long term agreement. This latter point was crucial because Keizer Heritage Foundation felt they could not get the needed grants if they did not have a permanent site for the Old School.

Initially, Keizer Heritage wanted an indefinite term to the agreement. After several staff meetings and negotiations between myself and Keizer Heritage's attorney, we had a meeting with the Mayor, the City Manager, members of Keizer Heritage and their attorney, and myself. At such meeting the final issues were negotiated.

The essential terms of the Agreement are as follows:

1. The initial term shall be ten years. Thereafter, the Agreement may be terminated by either party without cause with a one-year notice of such termination.
2. Other than Keizer Art Association and Keizer Heritage, all tenants of the Old School must be approved by the City, though public and private groups may rent facilities for weddings, meetings, etc.
3. All required work on the first floor of the building and the landscaping next to the Old School must be completed by June 30, 1995. The remainder of the building work and landscaping for the rest of Fernwood Park must be completed by January 1, 1997.
4. Keizer Heritage is responsible for maintaining the entirety of Fernwood Park.

The new Use Agreement has been approved by the Keizer Heritage Foundation Board and is now before the Council for their approval. The Use Agreement is attached to the enclosed resolution, which authorizes the Mayor and City Manager to sign on behalf of the City. Members of Keizer Heritage will be at the meeting to answer any questions you might have in this regard. Thank you.

ESJ:clt
Enclosures

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R93-_____

3 AUTHORIZING MAYOR AND CITY MANAGER TO SIGN KEIZER
4 HERITAGE FOUNDATION USE AGREEMENT (FERNWOOD PARK)

5 WHEREAS, the City of Keizer, an Oregon municipal
6 corporation, and the Keizer Heritage Foundation, Inc.
7 (hereinafter "Keizer Heritage") entered into a Use Agreement
8 dated November 20, 1988, whereby Keizer Heritage was allowed use
9 of Fernwood Park for the placement and operation of the Old
10 Keizer School;

11 WHEREAS, there is general agreement that a new Use
12 Agreement be entered into between the parties; and

13 WHEREAS, the Old Keizer School is the only building on the
14 City Historical Register and the City wishes that Keizer
15 Heritage have the opportunity to restore such building; NOW,
16 THEREFORE,

17 BE IT RESOLVED by the City of Keizer that the Mayor and
18 City Manager are authorized to sign the Use Agreement, which is
19 attached as Exhibit "A" and by this reference incorporated
20 herein.

21 PASSED this _____ day of _____, 1993.

22 SIGNED this _____ day of _____, 1993.

23 _____
24 Mayor

25 _____
26 City Recorder
27 824.108

PAGE 1 - Resolution R93-_____

LIEN, HOBSON & JOHNSON

Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

USE AGREEMENT

This Agreement is made and entered into by and between the CITY OF KEIZER, an Oregon Municipal Corporation, hereinafter referred to as "the City," and KEIZER HERITAGE FOUNDATION, INC., an Oregon nonprofit corporation, hereinafter referred to as "Keizer Heritage."

RECITALS

WHEREAS, by agreement between the City and Keizer Heritage dated November 20, 1988, the City and Keizer Heritage agreed to allow the relocation of the old Keizer School on Fernwood Park and its use as a public facility and art and cultural center serving the Keizer community; and

WHEREAS, certain conditions relating to actions and performance were placed on Keizer Heritage in consideration of the City allowing the use of Fernwood Park; and

WHEREAS, the original agreement between the City and Keizer Heritage called for Keizer School to be open and operating as a community facility by November 15, 1991; and

WHEREAS, Keizer Heritage asked the City for an extension and was granted an extension to March 16, 1992; and

WHEREAS, there is general agreement to revise the use agreement.

NOW, THEREFORE, in consideration of the mutual agreements between the parties and the mutual advantages and obligations assumed herein, the City and Keizer Heritage do hereby agree by and among themselves as follows:

1. Keizer Heritage agrees to be responsible for all operation, maintenance and restoration costs associated with the old Keizer School building, and hold the City harmless from such costs.
2. Keizer Heritage has submitted and the Parks and Recreation Advisory Board has approved the site plan dated June 29, 1992, which is attached as Exhibit "A" and by this reference incorporated herein.
3. Keizer Heritage agrees to pay all fees and obtain all necessary permits associated with the restoration of the building, improvement of the site, and establishment of land uses in accordance with the Zoning Ordinance, and all other applicable regulations and laws. Keizer Heritage also agrees to improve and maintain the Keizer School building and all other improvements required under the terms of this Agreement according to all applicable standards and regulations for public occupancy.
4. Keizer Heritage shall comply with the conditions of all conditional use, partitioning, or other planning related approvals either now existing or granted in the future. Nothing contained in this Agreement shall be interpreted as impliedly or expressly authorizing any particular use, and Keizer Heritage understands that all uses of the

Keizer School building and Fernwood Park must meet applicable land use and Keizer park regulations.

5. Keizer Heritage agrees to improve the entirety of Fernwood Park in accordance with the site plan referenced in Section 2 (with the exception of Phases II and III, and future walkway/gazebo) according to the timelines set forth in Sections 6 and 7. The City will not require the installation of playground equipment or landscape features, other than grass and the screening required by this Agreement. However, Keizer Heritage may choose to install these park elements in accordance with any City approved and adopted park plan (hereinafter "Keizer Heritage improvements"). Any and all Keizer Heritage improvements installed on park property outside the old Keizer School shall become the property of the City upon installation. The City may choose to add additional landscaping or playground equipment in the future (hereinafter "City improvements"). The City shall consult with and garner input from Keizer Heritage with regard to the appropriate materials and locations prior to installation of improvements, however, the type and location of City improvements shall rest solely with the City. Keizer Heritage will be responsible for maintenance of both Keizer Heritage improvements and City improvements, unless there is a specific agreement to the contrary.
6. Keizer Heritage shall complete the following on or before June 30, 1995:
 - a. Construct and provide all necessary utilities to the site and connect the Keizer School to all necessary public utilities.
 - b. Complete installation of parking as required by the zoning ordinance. This Agreement acknowledges the requirements of the land use actions establishing Schoolhouse Square to require them to provide parking for Keizer School.
 - c. Grade and install the parking lot, if established on-site, in a manner consistent with the approved site plan, and provide all site improvements required by the Zoning Ordinance and any other applicable regulations.
 - d. Complete exterior renovation and renovation of the first floor of the interior.
 - e. Complete installation of the site improvements within twenty (20) feet of any portion of the building and parking area.
 - f. Complete installation of any additional site improvements required as a condition of any conditional use permit or other land use approval.
 - g. Have an occupancy permit for the first floor and be open to the public.
7. On or before January 1, 1997, Keizer Heritage shall complete all remaining renovation of the old Keizer School building and the improvement and development of the entirety of Fernwood Park pursuant to Phase I of the approved site plan and Section 5, and in addition receive an occupancy permit for the entire building. Phases II and III, and future walkway/gazebo as noted on the site plan are optional.

8. Keizer Heritage agrees to maintain the entirety of Fernwood Park in accordance with the standards and procedures used for other developed parks in Keizer, or other written standards and procedures adopted by the City Council. Such maintenance shall include, but is not limited to, irrigation, weed control, mowing, trimming and other maintenance of landscaping, and repair and maintenance of walkways and equipment.
9. Keizer Heritage shall operate the Keizer School as a public resource consistent with the intended use of the site as a public park. The Keizer School may be operated by Keizer Heritage as a museum for the preservation of art and historical objects appropriate to the School and for other public purposes appropriate to the use of the premises as a public park, subject to all applicable land use regulations and approvals. The selection of objects to be observed or displayed shall be exclusively under the control of Keizer Heritage. Also, Keizer Heritage may operate a small gift shop, with all net proceeds dedicated to the preservation of the Keizer School and the operation of the museum. Keizer Heritage may rent meeting rooms to service clubs (e.g., the Masons) or to private groups for special occasions (e.g., wedding parties); provided, however, that other than as listed above, all uses shall be noncommercial. Any tenant other than Keizer Heritage or Keizer Art Association, or any use of the building other than as a museum or as provided above, must be approved by the City Council in writing, in addition to any applicable land use approvals.
10. To the extent the parties agree from time to time, Keizer Heritage shall provide for the care, storage, and exhibition of any art or historical objects which the City may own or hereafter may acquire and entrust to Keizer Heritage for such purposes. Keizer Heritage shall have the right to place in storage or to return to the City any such objects which Keizer Heritage deems unsuitable for exhibition.
11. Keizer Heritage shall keep and maintain the public rooms of the Keizer School open to the public, admission free, for at least four days each year. As used herein, "public rooms" shall mean all rooms which are open to the public upon payment of a fee, including, but not limited to, any museum operated by Keizer Heritage. The days of such free admission shall be fixed by Keizer Heritage and stated in a notice posted upon the Keizer School where it may be seen by the public. In addition, between September 1 and the following May 30 of any school year, groups of public schoolchildren under school supervision may visit the Keizer School building free of charge during regular visiting hours by prior appointment. Otherwise, Keizer Heritage may charge admission and rental fees for tours and public or private uses of the Keizer School. The amount of such fees and the posted hours shall be approved by the City Council.
12. Keizer Heritage, with the advice of the Parks and Recreation Advisory Board and with the approval of the City Manager, may prescribe such rules and regulations as may be deemed necessary for the operation of the old Keizer School building. However, only the City Council may prescribe rules and regulations for Fernwood Park, and only the City shall regulate the use of the park and issue permits to groups and individuals for special events. The operating hours of the school and parking lots shall be determined by Keizer Heritage, subject to the limitations set forth in any land use approvals. The park hours shall be set by ordinance by the City Council.

13. Keizer Heritage shall select and supervise a person or persons to act as manager. Keizer Heritage shall provide the staff necessary to supervise programs at the school building. Keizer Heritage shall maintain an up-to-date roster of Board Members and Staff and shall continue to provide this up-to-date roster to the City.
14. Keizer Heritage shall provide the staff necessary to conduct public tours of the Keizer School building during the usual visiting hours and provide regular custodial care of the premises. At no cost to the City, Keizer Heritage shall provide for the interior care and cleaning of the building, replacement of janitorial supplies, and for all maintenance.
15. No later than July 31 of each year, Keizer Heritage shall submit to the City a detailed report of the operations and transactions of Keizer Heritage in connection with the operation of Keizer school for the previous fiscal year. This shall include, at a minimum, data on attendance, classes, activities, a detailed revenue and expense statement, and a budget projecting revenues and expenses for the coming fiscal year.
16. Keizer Heritage shall promptly provide any repairs and maintenance needed for the protection of the public and the property.
17. Keizer Heritage shall be responsible for all utility costs except for water, which the City will provide at no cost for both the school building and the park.
18. If any ad valorem tax liability is asserted by any taxing authority, Keizer Heritage shall indemnify, defend, and save harmless the City of Keizer from the amount thereof, together with any interest and costs connected therewith; and, in no event suffer or permit any assessed ad valorem tax to become a lien against the property.
19. Keizer Heritage shall neither assign, transfer, attempt to assign or transfer, nor permit any involuntary assignment or transfer of its rights or obligations under this Agreement, in whole or in part, without the prior written consent of the City. Any such assignment, transfer, or attempt to do so, whether voluntary or involuntary, without such prior written consent shall automatically and without further notice render this Agreement null and void.
20. Keizer Heritage shall obtain and maintain during the term of this Agreement a policy or policies of liability insurance in the form and limits specified herein. Such insurance shall be evidenced by one or more certificates of insurance issued by agents licensed in Oregon, and shall evidence coverage by insurance companies authorized to transact insurance in Oregon. Evidence of insurance is subject to approval by the City Attorney as to form and sufficiency under the provisions of this Agreement.
 - a. Coverage and Form - All policies of insurance shall be written in "occurrence" and not "claims made" form unless otherwise agreed to by the City. Coverage shall include "Comprehensive General Liability" or "Commercial Liability" coverage; provided, however, that where specific coverage or endorsements are required by the City, the City Attorney may demand specific evidence that such requirements are met.

- b. Limits of Liability - All liability insurance required under this contract shall, unless otherwise specified by the City of Keizer, provide limits of not less than \$500,000.00 combined single limits for property damage and bodily injury. Where "personal injury" cost coverage is required, separate limits of not less than \$100,000.00 per claimant and \$500,000.00 per occurrence shall be provided. Where "errors and omissions" (professional malpractice) coverage is required, not less than \$1,000,000.00 limits shall be shown in one or more policies, with not more than \$25,000.00 deductible per claim. Except as to "errors and omissions" coverage, insurance required herein shall be "first dollar" coverage, without deductible, unless expressly approved by the City.
- c. City's Interest as Insured - All liability insurance policies which are required herein, except "errors and omissions" and "automobile liability" coverage, shall name "the City of Keizer, Oregon, its officers, employees, and agents" as additional insured. Such "additional insured" coverage shall be without prejudice otherwise existing, and shall protect each insured in the same manner as though a separate policy had been issued to each; provided that the aggregate limits of liability shall not thereby be increased beyond the limit the insurer would be obligated to pay if only one person or interest had been named as insured. All such policies shall unequivocally obligate the insurer to provide the City not less than ten (10) days' prior written notice of cancellation or material change in the terms of the policy.
21. Keizer Heritage shall obtain and maintain proof of compliance with the provisions of the Oregon Workers' Compensation law by satisfactory evidence that Keizer Heritage is a "carrier-insured" or "self-insured" employer complying with that law; or that Keizer Heritage employs and will employ no persons who are entitled to coverage under said law in connection with the work hereunder. In the latter event, Keizer Heritage shall execute and file with the City of Keizer a "Declaration of Independent Contractor Status" in a form provided by the City. Keizer Heritage shall provide evidence of compliance subject to approval by the City Attorney as to form and sufficiency under the provisions of this contract.
22. If Keizer Heritage becomes a custodian of City-owned property, then to the extent that the parties then agree, Keizer Heritage shall obtain and maintain insurance such as will reimburse the actual cash value of such property. Unless otherwise specified, such coverage shall be without deductible; and in the event a deductible is authorized in writing by the City, Keizer Heritage shall be solely responsible for payment of any and all deductible amounts. Such insurance shall be evidenced by one or more certificates of insurance issued by agents licensed in Oregon, and shall evidence coverage by insurance companies authorized to transact insurance in Oregon. Evidence of insurance is subject to approval by the City Attorney as to form and sufficiency under the provisions of this Agreement. All property insurance shall provide protection against fire, theft, vandalism, and natural perils including flood, storm, and earthquake. Coverage for additional perils may be specified by the City of Keizer. If any such insurance on City-owned property should become unavailable or cost prohibitive in the opinion of Keizer Heritage, then at the option of either party, Keizer Heritage may return such property to the City.

23. The City shall allow Keizer Heritage to use the site on Fernwood Park where Keizer School is located subject to the terms and conditions set forth herein and subject to and conditioned upon the rights of any dedicators of Fernwood Park and the lawful rights of the public.
24. If Keizer Heritage fails to comply with any of the terms of this Agreement and such failure shall continue for a period of sixty (60) days after written notice of the failure is given by the City, then the City may terminate this Agreement by giving written notice to Keizer Heritage. In the event that such failure is of a requirement under Sections 3 (second sentence), 8 or 16 and such failure cannot be reasonably corrected within such 60-day period, then the City may not terminate this Agreement if Keizer Heritage commences corrective action within the 60-day period and continues diligently thereafter until the failure is corrected. Notwithstanding the above, all requirements of Sections 6 and 7 shall be met within the times set forth in such sections. Termination, as provided herein, is in addition to and not in lieu of any other remedy which may be provided by law.
25. This Agreement shall become effective when fully executed, and shall continue for a period of 10 years. Thereafter, this agreement may be terminated by either party at any time, effective as of a stated date at least one year after delivery of a written notice to the other party. If the City wishes to give notice of termination under this section, such decision to give notice shall only be by action of the City Council after a public hearing at which Keizer Heritage is allowed to participate.
26. Upon termination, Keizer Heritage shall have ninety (90) days to remove the Keizer School and its contents from the site on Fernwood Park and to restore the site to a level grade with a consistency suitable for continued park purposes, as determined by the City. If the Keizer School and its contents are not removed as provided herein, the Keizer School and its contents shall become the exclusive property of the City of Keizer and Keizer Heritage shall have no further rights therein.
27. If Keizer Heritage should fail to remove the Keizer School and its contents from Fernwood Park within ninety (90) days of termination as set forth in Section 26 above, Keizer Heritage shall transfer the Keizer School and its contents by Bill of Sale to the City of Keizer. If Keizer Heritage fails to do so at the end of the ninety (90) day period set forth above, then the City can pursue its rights under the Uniform Commercial Code. This Agreement shall constitute a security agreement and "fixture filing" under the Uniform Commercial Code-Secured Transaction statutes of the State of Oregon. Keizer Heritage agrees to cooperate in preparing and executing the appropriate financing statements and other UCC documents.
28. Keizer Heritage understands and agrees that the City does not hold title to Fernwood Park, but has jurisdiction over the park as trustee for the public and has authority to regulate the park as such trustee. This Agreement is not a lease or an estate for years and does not convey any legal interest in the park to Keizer Heritage.

Should any party claim an interest in the park, or should any party claim that the use by Keizer Heritage and/or the placement of the old Keizer School are not consistent with the use of a public park, Keizer Heritage hereby agrees to indemnify the City for any costs, disbursements and attorney fees connected with such claims, and

further, to indemnify and hold the City harmless from any and all claims, causes of actions, suits, and complaints of any kind whatsoever. Keizer Heritage understands and agrees that the City may choose not to defend the use of the park by Keizer Heritage and/or the placement of the old Keizer School on public property.

29. Amendments to this Agreement shall be recognized only if reduced to writing and executed by formal action of the Board of Directors of the Keizer Heritage Foundation and by formal action of the City Council of the City of Keizer.
30. This Agreement is the entire, final and complete agreement of the parties and supersedes and replaces all written and oral agreements heretofore made or existing by and between the parties or their representatives.
31. Upon execute of this Agreement, the Agreement dated November 30, 1988 is hereby terminated.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed in their respective names by their authorized representatives as of the date hereinafter set forth.

CITY OF KEIZER

KEIZER HERITAGE
FOUNDATION, INC.

By: _____
Mayor

By: _____
President

Dated: _____

Dated: _____

Attest:

Attest:

By: _____
City Recorder

By: _____
Secretary

Dated: _____

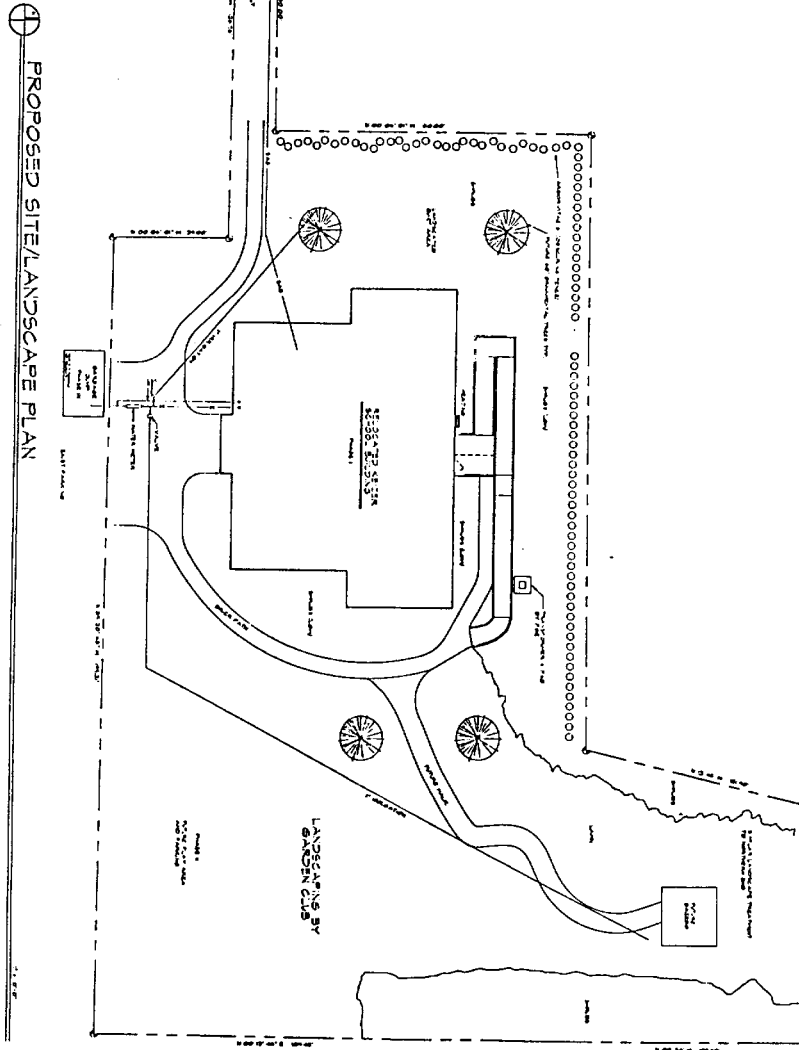
Dated: _____

Approved as to form:

By: _____
City Attorney

Dated: _____

EXHIBIT "A"



carlson/veit architects p.c.
members american institute of architects

3000 rue 1033 north, astoria oregon 97103 phone 503 370-6000



City of Keizer — Community Development

Phone: 390-3700 • Fax # 393-9437

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

CITY COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER: 8b

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK *[Signature]*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP *[Signature]*
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: HOUSING ISSUES

SUMMARY:

On November 16, 1992, the Council held a regular meeting with a focus on housing issues. This meeting brought together many discussions on the quality of housing in Keizer, and the need to provide some intervention to assure continued maintenance of the housing stock. There was a recognition that housing in Keizer is generally in good condition, with a few significant exceptions. At that meeting, the results of a regional housing condition survey were reported, which confirmed this recognition. From that meeting, Staff left challenged to find ways to help assure that housing in Keizer is and remains safe and sanitary, and that also do not involve major time, investment, or intervention by Keizer City Government.

The problems to be addressed distilled to two major focus areas:

1. Keeping all housing in a condition that meets minimum standards for health and safety.
2. Assisting those in need with necessary repairs to keep the existing housing stock in relatively good condition.

In the intervening half year, Staff has worked closely with Salem and Marion County, and with a consortium of other Marion County cities, in exploring these issues, and reaching specific recommendations. The results of this work are presented to Council this evening for consideration and action. Two specific actions are being recommended; a chronic nuisance ordinance to address housing conditions; and entering into a housing consortium with Salem to provide assistance to homeowners in maintaining existing housing. Each of these will be described below:

ISSUE ONE - Housing Conditions

Within the last two years the City has received numerous complaints regarding housing conditions. The complaints concern faulty wiring, leaky roofs and substandard plumbing. These problems can result in unsafe and unsanitary living conditions. In response the City Council directed Staff to investigate the possibility of enacting a housing code. The purpose of a housing code is to establish regulations which continually ensure clean and safe housing, with special emphasis on multi-family residences.

The City joined with other Marion County communities to form the North Willamette Valley Housing Coalition (NWVHC). The group met once a month to discuss and explore possible remedies to housing and nuisance problems through the sharing of information and ideas. After eight months of work the Coalition reached a conclusion as to what is practical and possible. The following is a summary of the Coalition's work and its application in Keizer.

The Coalition is recommending a chronic nuisance ordinance as the best way to approach problem housing. Such an ordinance generally says that if a property is the site of chronic illegal activity, the city can take action to remedy the situation, including ordering the property closed. A draft ordinance to this effect has been prepared and currently is under review by the Police Department. It will be presented to the Council for consideration on June 21, 1993.

ISSUE TWO - Repair and Rehabilitation

It is with great regularity that Staff receives inquiries about the City's programs to assist low to moderate income homeowners with household repairs. Of course, there are no such programs in Keizer and these people are told we cannot help. Generally this is met with dismay, as people are aware such programs operate in surrounding communities.

Housing rehabilitation programs generally take two forms; the first is the provision of services by a local jurisdiction, the second is provision of houses through a non-profit housing organization. In both cases, the bulk of the funds comes from Federal sources. Keizer has never taken the steps necessary to participate in these programs, primarily because of the extensive staff time involved. Such programs require the jurisdiction to first have a Comprehensive Housing Affordability Strategy (or CHAS), second to make the necessary applications through the State Housing Division, and third to administer the program, either through direct service

delivery, or through administration of grants to the non-profit organizations. In any case, one or more staff people are necessary to establish and administer such a program.

New Federal regulations have provided Keizer with an opportunity to meet the housing need within the community without the extensive involvement outlined above. The National Affordable Housing Act of 1990 created the HOME program. The HOME program is a form of housing grants to entitlement cities based upon a formula taking population and housing needs into account. Cities with a long and successful history of housing program administration can be designated "entitlement" cities. Salem is such a city and has participated in the HOME program for about one year. Entitlement cities have a great deal of authority and latitude to administer housing programs independently, and without direct involvement from the State Housing Division. They also can form "housing consortiums" with surrounding cities extending their programs into these other jurisdictions. Springfield enjoys such a relationship with Eugene, as do several Metro communities with Portland. Salem has asked Keizer to join with it in a housing consortium.

HOME funds allocated to Salem this year totaled \$598,000. Adding Keizer's population to the formula will result in the allocation to the new Consortium reaching or possibly exceeding \$750,000.

Attached to this report is a draft intergovernmental agreement that will establish a Housing Consortium. General points of consideration include the following:

1. Allocation of funds is based on individual project proposals. In a given year both cities and several non-profit housing organizations may propose specific projects. For example, in Keizer, Oregon Housing and Associated Services, Inc., (a private non-profit organization that has expressed strong interest in operating in Keizer), could propose a rehabilitation grant program for low-income homeowners to assist with basic repairs such as leaky roofs; or Keizer, through the River Road Redevelopment District, could propose establishment of a revolving loan fund to be used for repairs for elderly homeowners within the District's boundaries. All such proposals are considered for funding from the total amount available.
2. Administration of projects and administration of the program is by Salem. As the entitlement city, Salem retains control of the funding. Just as with federal transportation funding, there is no requirement to allocate a certain amount of money to each political jurisdiction. However, the agreement states that efforts will be made to spend funds in proportion to the population of each city, but the top priority for projects will be the merit of the project, not its geographic location. The agreement requires consultation with the Keizer staff before decisions are made.
3. Keizer does not need to provide staff for administration of any aspect of the program. Ten percent of the HOME allocation pays for program administration. The existing Salem staff will use these funds to continue to operate the program, expanding the operation in to Keizer.
4. For all projects, a local match is required. This match can come from many sources such as state or local bond proceeds, assessed projects, Oregon Housing Trust funds, cost sharing

such as the City doing necessary utility work for a site paid from enterprise funds, private funds as may be put forward by a non-profit housing corporation, bank write-down of a loan rate, urban renewal funds, or general fund. Keizer has total control of any City funds, and may decide to not enter into a project because of local budget priorities.

5. A CHAS needs to be developed for the entire two-jurisdiction area. Salem is proceeding with a CHAS and, if this consortium is approved, the CHAS will be expanded to cover Keizer. The document, and its strategies and priorities for housing, will need to be adopted by both Cities. There may be a small cost for Keizer's participation in the CHAS development. It is expected this would not exceed \$3,000 which is available in FY 93-94 through the Urban Renewal and Community Development budgets.
6. Having an adopted CHAS makes Keizer eligible for many other outside funding sources. The primary source is Community Development Block Grants (CDBG). CDBG money can be used for a broad variety of projects in identified low to moderate income areas for projects such as street improvements and storm drain construction.
7. With a CHAS in place, Keizer can choose to develop and administrate its own HOME program, working through the State Housing Division. However, entering into the consortium allows the same benefits to be available to the City without the administrative overhead.

Key benefits of the Housing Consortium to Salem include:

- Greater assurance of continued funding
- Increased administrative funding while probably not requiring additional staff
- Development of a service area that is geographically almost identical to that of the Salem Housing Authority allowing greater coordination of programs
- Greater intergovernmental cooperation on a local and regional problem

Key benefits of the Housing Consortium to Keizer include:

- Funding to address identified housing problems
- Provision of a needed service without impacting the City Budget or creating new staff positions
- Availability of HOME funds without having to administer a local program
- Creation of a Comprehensive Housing Affordability Strategy with minimal city financial involvement

- As a result of having an adopted CHAS, the availability of other funds, especially Community Development Block Grants, to supplement other City funds for necessary projects.

CONCLUSIONS

1. Keizer has a relatively good housing stock. However, there are areas where dilapidation and decay are taking place. Plus, the health of the housing stock is threatened by the inability to assist low and moderate homeowners with necessary repairs and rehabilitation to maintain minimum levels of quality.
2. The Chronic Nuisance Ordinance provides a way to help assure maintenance of housing, while having the added benefit of extending to all structures and uses, and addressing issues beyond housing conditions.
3. The Housing Consortium provides the means to assist low and moderate homeowners with necessary repairs and rehabilitation to maintain minimum levels of quality.
4. No additional staff or financial commitments are necessary to carry out the program, other than relatively minor involvement in the preparation of the CHAS.
5. These two programs provide the structure the Council was seeking to addressing housing issues without making major changes in City staff or programs.

RECOMMENDATIONS:

It is recommended Council adopt the attached resolution authorizing the Mayor to enter into the intergovernmental agreement with the City of Salem establishing a Housing Consortium.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R93- _____

3 AUTHORIZING A HOUSING CONSORTIUM AGREEMENT WITH
4
5 THE CITY OF SALEM

6 WHEREAS, the City Council of the City of Keizer is desirous of
7 entering into agreement with the City of Salem establishing a
8 Housing Consortium; NOW, THEREFORE,

9 BE IT RESOLVED by the City Council of the City of Keizer that
10 the City enter into the attached Agreement with the City of Salem
11 and that the Mayor and City Attorney are authorized to sign said
12 agreement on behalf of the City of Keizer.

13 PASSED this _____ day of _____, 1993.

14 SIGNED this _____ day of _____, 1993.

15 _____
16 Mayor

17 _____
18 City Recorder

DRAFT

CONSORTIUM COOPERATION AGREEMENT

between

The CITY OF SALEM, an Oregon municipal corporation (Salem)

and

The CITY OF KEIZER, an Oregon municipal corporation (Keizer).

- (1) Authority. This Agreement is entered into pursuant to ORS 190.010.
- (2) Purpose. By this Agreement, the parties hereby form a consortium for the purpose of participation in the Federal Housing and Urban Development (HUD) Home Investment Partnership Program (HOME Program).
- (3) Administration. Salem is designated the representative for both Salem and Keizer and assumes overall responsibility for ensuring that the consortium's HOME Program is carried out in compliance with the HOME Program law, including requirements concerning a Comprehensive Housing Affordability Strategy (CHAS) in accordance with federal law.
- (4) CHAS. Keizer and Salem will jointly submit a single CHAS to HUD covering the entire geographic area of both cities. Keizer is responsible for assisting Salem in a timely manner to gather all information necessary for participation in the HOME Program including information for CHAS.
- (5) Allocation of Funds. Funds will be allocated throughout the city limits of Salem and Keizer. Efforts shall be made to expend funds approximately in proportion to each jurisdiction's population over the life of the agreement. The top priority for funding projects will be the merit of the project and its conformance to the CHAS, rather than geographic location. Project priorities will be established with the advice of the Community Development Directors of Salem and Keizer.
- (6) Publication of Materials. Any informational materials published for general public distribution shall display the Salem and Keizer logos with a notation that funding is provided by the Salem/Keizer HOME consortium.
- (7) Fair Housing. The parties agree to take affirmative action to further fair housing in their jurisdictions. The parties also agree to cooperate to undertake or assist in undertaking housing assistance activities for the HOME Program.

- (8) Adding New Members. Keizer authorizes Salem to amend this consortium agreement on behalf of the entire consortium to add qualified new members to the consortium.
- (9) Term of Agreement. The parties shall not terminate this agreement prior to the completion of all activities to be funded by the HOME funds during the three federal fiscal years following the fiscal year in which this Agreement is executed. The parties are required to remain in the consortium and cannot terminate or withdraw during the entire period.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement as of the date set forth below.

CITY OF SALEM

By: _____
Mayor

Date: _____

APPROVED AS TO FORM:

City Attorney

CITY OF KEIZER

By: _____
Mayor

Date: _____

APPROVED AS TO FORM:

City Attorney



City of Keizer — Community Development

Phone: 390-3700 • Fax # 393-9437

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

CITY COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER: *8C*

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR *JM*

SUBJECT: PREPARATION FOR LAND CONSERVATION AND DEVELOPMENT
COMMISSION HEARING ON THE PERIODIC REVIEW OF THE KEIZER
COMPREHENSIVE PLAN

SUMMARY

Keizer's Periodic Review Order updating the Keizer Comprehensive Plan goes before the Land Conservation and Development Commission for consideration on Thursday, June 10, 1993. A copy of the staff report is attached. While the report recommends approval of the majority of the order, it finds fault with three areas dealing with the Urban Growth Boundary, Industrial Lands policy, and policy relative to residential zone changes. Staff is recommending positions for the City to take on each of these points. These positions are discussed in some detail in the following sections but are summarized in the following points:

1. There is adequate language to indicate the UGB is regional in nature and can be amended only by mutual consent. There is no need to amend the plan to make Keizer party to Salem's "first out-first in" policy.
2. A regional economic development strategy will be developed to guide future land use decisions relative to industrial lands. In the interim land will be protected according to existing policy. The policy will be amended to include an exceptions provision for properties to be considered on a case by case basis for land-use actions.
3. The zoning ordinance will be amended to create more clear and objective standards to guide rezoning to allow needed housing.

4. An extension for compliance until December 1993 is necessary in order to carry out the work, and to be in coordination with Salem.

DISCUSSION

In 1987 the City of Keizer adopted the Keizer Comprehensive Plan. It was acknowledged as being in compliance with the state planning goals and guidelines later that year. Every five years all jurisdictions are required to perform a "periodic review" of their comprehensive plans to assure the documents are current and relevant given changes that have occurred in the community, and changes that may have occurred in other regulations impacting the Plan. Keizer adopted its periodic review order in January of 1993.

With the formation of Keizer in 1982 the cities of Salem and Keizer have operated within a single urban growth boundary (UGB) and consequently are required to coordinate their land use decisions within the UGB with Marion and Polk Counties. In November 1992 the City of Salem submitted to the Land Conservation and Development Commission (LCDC) the Final Order for the comprehensive plan periodic review. The City of Keizer submitted its Final Order in February 1993. As of May 21, 1993, no objections from interested parties about the final orders have been received by the LCDC staff. Since the periodic review orders from Keizer and Salem are coordinated, they are being treated as one during the state review and approval process.

The LCDC staff has recommended that the joint Periodic Review Order, comprehensive plans and related ordinances be amended by the Salem/Keizer UGB jurisdictions to comply with Statewide Goal 2 (Land Use Planning), 9 (Economic Development), 10 (Housing), and in Salem's case but not Keizer, 14 (Urbanization). The specifics of the amendments are related to the urban growth boundary, industrial lands, and needed housing. In all other respects DLCD accepts the Periodic Review Final Order.

FACTS AND FINDINGS

The LCDC staff report provides the basis for the LCDC to consider "segmented" approval of the periodic review at its June 10, 1993 meeting. Under the segmented approach the accepted portions are approved and the remaining issues are scheduled for refinement and compliance by the local jurisdictions. A copy of the entire LCDC report on the final order is attached.

Keizer staff has met on two occasions with the planning staffs of the other jurisdictions involved to coordinate a response to LCDC. The following reflects the LCDC staff's recommendations to the Commission and commentary by city staff regarding the impact of these comments on the Keizer, and the Salem/Keizer urban area. Quotes from the LCDC staff report are in italics.

1. *In order to comply with the Periodic Review Factor One and Goals 2 and 14, the Cities of Salem and Keizer, Marion and Polk County must:*

Comment: The Regional Policy relative to LCDC Staff recommendations 1a, 1b, 1c, and 1d reads as follows:

G. URBAN GROWTH BOUNDARY

1. The cities of Salem and Keizer and Counties of Marion and Polk have adopted by legal description the Salem/Keizer urban growth boundary for the Salem and Keizer urban areas and shall review the Salem/Keizer urban growth boundary on a periodic basis or upon the request of one of the jurisdictions to identify if changes are necessary.
 2. All parties shall work toward the development of the most efficient and economical method for providing specific urban services to the area within the Salem/Keizer urban growth boundary.
 3. Changes to the Salem/Keizer urban growth boundary shall be based upon consideration of the following factors. This consideration does not include comparison of the proposed change with the lands within the Salem/Keizer urban growth boundary.
 - a. Demonstrated need to accommodate long-range urban population growth requirements consistent with State land use goals.
 - b. Need for housing, employment opportunities and livability.
 - c. Orderly and economic provision for public facilities and services.
 - d. Environmental, energy, economic and social consequences.
 - e. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority.
 - f. Compatibility of the proposed urban uses with nearby agricultural activities.
 - g. Other criteria as required by the State Land Use Goals and Administrative rules.
- a. *Amend Regional Policy G.1 to state that amendments to the Salem/Keizer urban growth boundary (UGB) must be adopted concurrently by all four affected jurisdictions.*

Comment: Staff believes that this issue has been dealt with in the following statement from the adopted plan:

C. PROCEDURES FOR AMENDMENT

1. Regional Planning Actions Procedures

- a. Regional planning actions may be initiated by any one of the four jurisdictions (Cities of Salem and Keizer and Counties of Marion and Polk), but must be concurred by all of the other jurisdictions as set forth below before they are considered effective amendments to the Plan.

Comment: Staff suggests that the intent is clear and the above statement is adequate to address concurrent adoption by the four jurisdictions. If the statement is not adequate, then the structure of the statement can be changed.

- b. *Amend Regional Policy G.3 to delete the following sentence: "This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary."*

Comment: The intent of the direction was for a change in the UGB to be a separate consideration by Salem and Keizer of the use of land within their individual UGBs. The intent was for Keizer to be able to deal with the UGB change without having to give consideration to the "first out-first in" regional UGB policy which reads:

"If the Urban Growth Boundary for the Salem Urban Area is expanded to include additional land for residential development, first priority shall be given to lands that have been removed from the 1982 boundary."

This policy relates to land removed from the Salem UGB several years ago. By policy, this land must be given first consideration for inclusion in the UGB when such expansion is justified. Policy B, above, exempts Keizer from this "first out-first in" commitment, and allows Keizer UGB expansion proposal to be considered on their own merits. Keizer was not party to the agreement between Salem, the counties, and the individual land owners, and does not feel any need to be bound by such a commitment. Therefore, Staff recommends this point be argued before the Commission.

- c. *Amend Regional Policy G to state that amendments to the Salem/Keizer UGB must be based on projections of land needs and the supply of buildable land within the whole urbanizable area.*

Comment: This DLCD recommendation is an amplification of the issue in item b.

- d. *Amend Regional Policy G.3 to include all of the seven factors of Goal 14.*

Comment: The Goal 14 policy that is lacking reads: "Maximum efficiency of land uses within and on the fringe of the existing urban area". This issues is tied to items b and c

and reflecting Goal 14 criteria in any change of the UGB. This criteria will need to be included in the regional policy.

2. *In order to comply with Periodic Review Factor Two and Goals 2 and OAR 660-09-000 "Industrial and Commercial Development", the Cities of Salem and Keizer, Marion and Polk County must:*

Comment: The comprehensive plan policy about which DLCD is concerned reads as follows:

2. The division of industrial designated parcels of 40 or more acres shall be subject to a special review and approval process. the proposed industrial use must be verified by the applicant. The parcels may be divided after a public hearing process and recommendation by the Hearings Officer and a final public hearing and approval by the City Council. Notice will be given to all urban area governments. Parcels will only be divided so that no more than 30 percent of the original parcel is divided into parcels of less than 20 acres.
- a. *Adopt policies and implementing measures which regulate divisions of large industrial sites (i.e., 20, 40, and 80 acres) so that large sites provided under the recommendations of Project 90 remain available for their intended use.*
- b. *Adopt measures which prevent the rezoning of large industrial sites in the UGB. Alternatively, jurisdictions may assure simultaneous replacement of rezoned large industrial sites, using surplus lands in other uses already in the UGB.*

Comment: DLCD finds that the foundation of the industrial portions of the comprehensive plan is the "Project 90" Report. However, DLCD says that the comprehensive plan and implementing ordinances do not reflect the "Project 90" criteria. There are two apparent alternatives to deal with the issue. In the near term, additional policy could be crafted regarding preventing the conversion of industrial land to other uses, except through an exception process. In the longer term, the entire industrial land needs of Salem and the surrounding area should be reassessed to determine the basis for modifying the "Project 90" position on land inventory issues. This two step approach works for the "big picture" of a new economic development strategy for the region. However, it is intended to include an "exceptions" process for individual properties where there are clear reasons to remove them from the industrial lands inventory. Such a property is the Epping property on River Road.

3. *To comply with Periodic Review Factors One and Two, Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307, the Cities of Salem and Keizer, and Marion County and Polk County must:*
 - a. *Adopt clear and objective approval processes and standards for upzoning lands to meet 20-year housing needs. Alternatively, the jurisdictions may have*

sufficient land to meet these needs in advance, and provide clear and objective review process for needed housing types.

Comment: This recommendation is related to the policy of Keizer to not legislatively predesignate multiple and high density housing. The objective of the LCDC is to provide a clear and objective set of standards to which both the developer may meet housing goals without an indiscriminate appeal and the current resident may have a better idea of what may happen in the vacant nearby lot without a constant reaction to the unknown. Some crafting of the comprehensive plan and the implementing codes will be necessary to better state these directions.

LCDC PUBLIC HEARING

The public hearing for the periodic review is scheduled for June 10, 1993 at the Lands Board Room in the State Lands Building beginning at 9:00 a.m. An exact time for the Periodic Review has not been set, but should be prior to 12:00 p.m. Staff is asking Council for authorization to represent the City in the hearing presenting the general views and arguments outlined in this report.

The general direction to be presented at the hearing can be summarized as follows:

1. There is adequate language to indicate the UGB is regional in nature and can be amended only by mutual consent. There is no need to amend the plan to make Keizer party to Salem's "first out-first in" policy.
2. A regional economic development strategy will be developed to guide future land use decisions relative to industrial lands. In the interim land will be protected according to existing policy. The policy will be amended to include an exceptions provision for properties to be considered on a case by case basis for land-use actions.
3. The zoning ordinance will be amended to create more clear and objective standards to guide rezoning to allow needed housing.
4. An extension for compliance until December 1993 is necessary in order to carry out the work, and to be in coordination with Salem.

RECOMMENDATION:

It is recommended Council:

1. Concur in the directions discussed above for responding to the LCDC staff report; and
2. Authorize staff to represent the City and present these positions to the LCDC on June 10, 1993.

May 27, 1993

RECEIVED

'93 JUN 2 AM 9

DEPARTMENT OF
LAND
CONSERVATION
AND
DEVELOPMENT

TO: Land Conservation and Development Commission
FROM: Richard P. Benner, Director *RS* CITY OF KEIZER
SUBJECT: Agenda Item 4.1, June 10, 1993, LCDC Meeting OREGON 97303

SALEM AND KEIZER PERIODIC REVIEWS

BACKGROUND

On May 21, 1993, the department issued its report on the final periodic review orders for the Cities of Salem and Keizer. The report finds that the cities have met all requirements of periodic review except with regard to three issues, outlined on pages 3 through 12 of the attached report. The attached report refers the Cities of Salem and Keizer periodic review orders to the Commission for final action.

Objections

The department received no objections to either city's final periodic review order.

Unresolved Issues

The findings in the report are divided into two sections:

1. Section A, "Referral Issues," consists of the issues referred to LCDC for resolution. These issues concern portions of the submittal which are found not in compliance with the requirements of periodic review, statewide goals, rules, and statutes (see pages 3 through 12).
2. Section B, "Consistency with Periodic Review Requirements," refers to the remaining portions of the local periodic review orders which satisfy all statutory and rule requirements of periodic review (see pages 13 through 16).

The following is a summary of the unresolved periodic review issues and compliance recommendations for each issue:

Barbara Roberts
Commissioner



1175 Court Street, N.E.
Salem, OR 97301-0005
(503) 586-0050
FAX (503) 586-0073

Urban Growth Boundary:

The comprehensive plans for the Cities of Salem and Keizer are bounded by a regional urban growth boundary (UGB) which was jointly adopted by the City of Salem, City of Keizer, Marion County, and Polk County. The regional boundary recognizes that these jurisdictions share a common housing, employment and business market area.

The two comprehensive plans which govern this urban area are coordinated through the adoption of "regional policies" by the four local jurisdictions. Regional Policy G governs amendments to the UGB. The department's report lists several changes to this policy which are necessary to comply with Goals 2 and 14. The most important change is to clarify that UGB amendments must be adopted by all four jurisdictions, based on coordinated projections for population, housing and employment as well as coordinated inventories of developable land.

Industrial Lands:

During the original acknowledgment process, a large amount of land was justified for inclusion within the UGB to meet the need for large industrial uses (in the range of 20 to 59 acres, 60 to 119 acres, and 120 acres and above).

At periodic review, it became apparent that these industrial sites are not adequately protected against conversion to other uses and/or divisions into smaller parcels. The four jurisdictions attempted to address this problem. However, they were unable to agree on a policy which provides adequate protection for these needed industrial sites.

Based on our conversations with the planning directors, this issue may require considerable effort to resolve.

Needed Housing:

All urban jurisdictions are required to provide a 20-year supply of buildable land within the UGB. Salem and Keizer have planned and zoned a supply of buildable land which is only adequate for 12 years. The remaining areas of the UGB are planned and zoned "developing residential" in Salem and zoned "Urban Transition" in Keizer (the plan map designations in Keizer are specific).

Since specific zoning is not applied in all areas, the plans must rely on upzoning (rezoning for higher density) to provide land for needed housing over 20 years. Some of the future sites for multifamily development, for example, require a rezoning before they can be developed.

The Goal 10 rule, OAR 660-08-020 and 660-025-030, allows such an "upzoning" process under certain circumstances when the process is clear and objective. The department has reviewed the

jurisdictions' plan and ordinance provisions related to rezoning, and finds that the approval standards, conditions and procedures are not clear and objective.

OVERALL RECOMMENDATION

Require the jurisdictions in the Salem/Keizer urban area to amend their Periodic Review Order, comprehensive plan and related ordinances in order to comply with Statewide Goals 2, 9, 10, and 14, regarding:

- regional policies governing amendments to the Salem/Keizer urban growth boundary;
- protection of industrial sites; and
- clear and objective standards for housing.

Sustain portions of the Salem/Keizer periodic review orders as in compliance with the periodic review factors as specified in the department's report.

The department also recommends that the Commission establish October 1, 1993, as the final submittal date for all amendments required to remedy these problems.

RPB:JH:BR/deb
<pr>

Attachment: Salem/Keizer Periodic Review Report

cc: Kenn Battaile, City of Salem
John Morgan, City of Keizer
Russ Nebon, Marion County
Art Schlack, Polk County
Bob Rindy, Field Representative
DLCD Files (Ptld, Lib(2), LR)

**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
PERIODIC REVIEW**

Salem and Keizer Urban Area

FINAL ORDERS RECEIVED:
February 24, 1993

COMMISSION REVIEW:
June 10, 1993

I. ACTION OF THE DIRECTOR

Referral of the Salem/Keizer final periodic review submittal to the Land Conservation and Development Commission.

Recommended Action:

Require the jurisdictions in the Salem/Keizer urban area to amend their Periodic Review Order, comprehensive plan and related ordinances in order to comply with Statewide Goals 2, 9, 10, and 14, as specified in this report.

Sustain portions of the Salem/Keizer periodic review orders as in compliance with the periodic review factors as specified in this report.

DLCD FIELD REPRESENTATIVE:
Bob Rindy, 373-0067

DLCD REVIEWERS:
Jim Hinman, 373-0088
Bill Adams, 373-8009
Bob Rindy, 373-0067

LOCAL GOVERNMENT CONTACTS:
Kenn Battaile, City of Salem, 588-6173
John Morgan, City of Keizer, 390-3700
Russ Nebon, Marion County, 588-5038
Art Schlack, Polk County, 623-9237

DATE OF REPORT: May 21, 1993

II. BACKGROUND

The Salem/Keizer urban area plans are administered by the Cities of Keizer and Salem and by Polk and Marion Counties. The planning area is within a single urban growth boundary (UGB). In 1990, the population of Salem was 108,200 and the population of Keizer was 21,950.

The City of Keizer was incorporated in 1982, subsequent to the initial 1982 acknowledgment of the Salem area plan by LCDC. At the time of Salem's acknowledgment, the Keizer urban area was unincorporated land inside the Salem urban growth boundary. The City of Keizer' comprehensive plan and land use ordinances were adopted in January, 1987. LCDC did not review nor acknowledge this document; it was "deemed acknowledged" through ORS 197.625, i.e., as an unchallenged post acknowledgment amendment to the Salem area plan.

The Salem/Keizer urbanizable area has remained a single urban growth boundary (UGB) with two separate comprehensive plans. The four jurisdictions have adopted an intergovernmental agreement in order to coordinate land use decisions within the boundary. The coordination program includes certain "regional policies" which are adopted by all four jurisdictions.

<u>Chronology</u>	<u>Salem</u>	<u>Keizer</u>
Acknowledgment	5/20/82	1/19/87
Periodic Review Notice Sent	1/15/88	1/15/88
Proposed Order Submitted	11/15/88	5/5/89
DLCD Comments Mailed	2/10/89	7/19/89
Final Order Submitted	11/4/92	2/24/93

Proposed orders and proposed amendments to the plan were submitted to the department on November 15, 1988 and May 5, 1989. The department's comments on these proposed orders were mailed on February 10, 1989 and July 19, 1989.

The Cities of Salem and Keizer chose to remain under the "old" periodic review process contained in OAR 660--Division 19.

Upon receiving final periodic review orders from both cities, the department found the cities' periodic review submittals to be complete on February 24, 1993. The department notified interested parties about receipt of these orders. No objections were received.

III. FINDINGS

The Cities of Salem and Keizer and Marion and Polk Counties, each held a final periodic review hearing and adopted a final "periodic review order" addressing the state's requirements and the four Periodic Review Factors under OAR 660-19-055. The final local periodic review orders are considered to include all land use documents referenced by the jurisdictions' adopted findings.

The director's report contains the findings of the department about whether the submittal complies with Statewide Goals, rules and statutes. This report is divided into two sections:

- Section A consists of the issues referred to LCDC for resolution. These issues concern portions of the submittal which are found not in compliance with the requirements of periodic review, statewide goals, rules, and statutes.
- Section B refers to the remaining portions of the local periodic review orders which satisfy all statutory and rule requirements of periodic review.

SECTION A. REFERRAL ISSUES

Urban Growth Boundary

Goal 2 requires the comprehensive plans of neighboring cities and counties to be "consistent" and "coordinated." ORS 197.190 requires that counties coordinate comprehensive planning within each county to "assure an integrated comprehensive plan for the entire area." In addition, LCDC's housing rule, OAR 660-08-030, requires regional coordination to assure "that needed housing is provided for on a regional basis through coordinated comprehensive plans."

Salem and Keizer comprise one of the largest metropolitan areas in the state. In the decade from 1980 to 1990, the populations of Marion and Polk Counties increased by 11% and 10%, respectively. The City of Salem's population increased by 21% during the same period. Because of its size and robust population growth, it is particularly important that decisions on where and how growth will occur be coordinated among the affected jurisdictions.

The comprehensive plans for the Cities of Salem and Keizer are bounded by a regional urban growth boundary (UGB) which was jointly adopted by the City of Salem, City of Keizer, Marion County and Polk County. Although Salem and Keizer are separate political jurisdictions, they share a common housing, employment and business market area. Many people live in one city while working or shopping in the other. In addition, the two cities share major public facilities such as a regional sewage treatment plant, a bus system and arterial streets.

Prior to periodic review, the comprehensive plans of the two cities contained policies requiring concurrent (joint) adoption of major plan map amendments. During periodic review, the comprehensive plans of Salem and Keizer were amended to delete this requirement. A new mechanism for regional coordination was adopted. The new mechanism specifies that "regional policies" must be adopted concurrently by all four jurisdictions and "urban area policies" must be adopted by the two cities. However, there is no longer a concurrency requirement for plan map amendments.

The following regional policy on UGB amendments has been adopted by the four jurisdictions:

"G. Urban Growth Boundary

1. The Cities of Salem and Keizer and counties of Marion and Polk have adopted by legal description the Salem/Keizer urban growth boundary for the Salem and Keizer urban areas and shall review the Salem/Keizer urban growth boundary on a periodic basis or upon request of one of the jurisdictions to identify if changes are necessary. . .
3. Changes to the Salem/Keizer urban growth boundary shall be based upon consideration of the following factors. This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary.
 - a. Demonstrated need to accommodate long-range urban population growth requirements consistent with State Land Use Goals.
 - b. Need for housing, employment opportunities and livability.
 - c. Orderly and economic provision for public facilities and services.
 - d. Environmental, energy, economic and social consequences.
 - e. Retention of agricultural land, as defined with Class I being the highest priority for retention and Class VI the lowest priority.

- f. Compatibility of the proposed urban uses with nearby agricultural activities.
- g. Other criteria as required by the State Land Use Goals and administrative rules.

Policy G.1, above implies that amendments to the UGB require concurrent adoption by all four jurisdictions. However, this is not explicitly stated. To clarify this point, Policy G needs to be amended to clearly state that UGB amendments require concurrent adoption by all four jurisdictions.

Policy G.3, above states that for an UGB amendment, no consideration will be given to lands already within the UGB. This statement directly conflicts with Goal 14. To determine the need for additional land within an UGB, one must determine whether an adequate supply of vacant land is available within the existing UGB. The second sentence in paragraph 3 violates this fundamental principle and must be deleted.

As described above, the Salem/Keizer UGB is based on regional land needs for residential, commercial, and industrial land and open space. This UGB was not acknowledged as two separate but adjacent UGB's. This distinction is important. LUBA has upheld the proposition that "any UGB expansion must be justified by the need to accommodate population growth within the entire UGB." (Baker vs. Marion County, LUBA No. 92-174.) The implication of this opinion as applied to the Salem/Keizer UGB is that the UGB can be amended only if there is insufficient land in both the Salem and Keizer urbanizable area to meet the projected need.

Because the UGB is regional, Policy G.3 needs to include a clear statement that findings to justify any future UGB amendments must address the entire UGB rather than only the Keizer or Salem portions of the boundary. This requires coordinated projections for population, housing and employment as well as coordinated inventories of developable land.

Regional Policy G.3 lists six of the seven "factors" from Goal 14 for amending a UGB. Factor (4) "Maximum efficiency of land uses within and on the fringe of the existing urban area" has been omitted. Factor (4) must be addressed as part of any UGB amendment and must be included in Policy G.3.

Conclusion:

For the reasons stated above, Regional Policy G "Urban Growth Boundary" does not comply with Goals 2 and 14.

In order to comply with Periodic Review Factor One and Goals 2 and 14, the Cities of Salem and Keizer, Marion County and Polk County must:

- a. Amend Regional Policy G.1 to state that amendments to the Salem/Keizer urban growth boundary (UGB) must be adopted concurrently by all four affected jurisdictions.
- b. Amend Regional Policy G.3 to delete the following sentence: "This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary."
- c. Amend Regional Policy G to state that amendments to the Salem/Keizer UGB must be based on projections of land needs and the supply of buildable land within the entire Salem and Keizer urban areas.
- d. Amend Regional Policy G.3 to include all of the seven factors of Goal 14.

Industrial Lands

The Salem and Keizer area Urban Growth Boundary (UGB) was initially adopted in 1974, and was expanded in 1981 in response to concerns about a shortage of suitable and available industrial sites. The 1981 "Project 90" study found that much of the city's industrial land was fragmented, in "numerous scattered parcels" less than 10 acres in size. The Project 90 report indicated new industrial sites were needed in the 20 to 40 and 80 to 200 acre range "to ensure a competitive market in industrial lands".

The city's 1982 findings in support of LCDC acknowledgment (called the "Conformance Report" findings) explained that almost 3,000 acres of additional industrial land was added to the UGB so that the inventory would contain parcels, in single ownership, in the range of 20 to 59 acres, 60 to 119 acres, and 120 acres and above. The large industrial parcels added to the UGB were intended to remain undivided and available for industries needing larger sites.

The 1982 Conformance Document also noted that the city's industrial land was:

"currently contained in zones that . . . allow the fragmentation of large parcels and the development of residences and other uses that could hamper future industrial development. In order to correct this problem, the city and Counties commit themselves to work together and develop those techniques . . . which will ensure that industrially designated lands, in large parcels within the UGB, will be held in sizes appropriate for use by a variety of industries. These techniques should be ready for adoption by City Council and Board of Commissioners by December, 1982" (Page 33).

The City of Salem did adopt an amended industrial zone for Campus Industrial in 1983, but these zones did not prevent division or

rezoning of the large industrial parcels rezoned or added to the UGB under Project 90. Keizer also adopted industrial policies and zoning in 1987. Since acknowledgment, some of the Project 90 sites have been divided, some have been developed with industrial use, and some have been rezoned to permit commercial or other types of development.

During periodic review, the City of Salem conducted a survey of industrial lands (Order, Pages 3-1 and Pages 10-1 and ff.). This determined that some industrial property has been rezoned to permit other uses such as commercial. The survey does not evaluate land division activity on the larger industrial sites in the UGB, but it is clear that a significant supply of large sites, provided under Project 90, still remains in the boundary.

During periodic review, the jurisdictions modified the plan policies for industrial use. A policy discouraging division of any industrial parcels currently over 20 acres ("Economic Development Policy 3") was modified to discourage their division below 20 acres. (Order, Page 1-56)

Therefore, the parcels ranging from "20, 40, and 70 acres or greater", described in the plan's intent statements as necessary "for the type of industries Salem wishes to attract", could ultimately be divided into numerous 20 acre pieces. In addition, there are no measures in effect to implement this policy, i.e., to "discourage" division of industrial parcels below 20 acres. The word "discourage" renders this a non-mandatory policy.

The Industrial Development Policies section of the plan was amended at periodic review in response to a concern about the issue of large industrial sites. Different regional policies were adopted by Salem and Keizer on this issue. For Salem, the amended policies state:

"(a) The division of Industrially designated parcels of 40 acres or more which were included in the urban growth boundary in 1982 or were unincorporated at that time shall be subject to a special review and approval process. The parcels may be divided after a public hearing process and recommendation by the Salem Planning Commission and final concurrence by the City of Salem and Marion County as the final decision. The purpose of this provision is to maintain two or more sites suitable for large labor intensive industries (the subject parcels are generally located: (1) at the SE corner of Boone Road and 36th Avenue, (2) between Gaffin Road and Culver Drive, and (3) between Kale Road and Hazelgreen Road)"

"(b) The division of other industrial designated parcels of 40 acres or more planned shall be the subject of a public hearing and decision making process before the Salem Planning Commission provided: 1) the proposed industrial use is verified by the applicant and 2) Marion County is

afforded an opportunity to review and comment, as an interested party, on the proposed division prior to the initial land use decision."

These policies do not provide protection for these sites. First, policy (a) simply requires a public hearing and concurrence by Marion County. There are no criteria provided to direct that the parcels be preserved. The stated purpose, to maintain two or more sites suitable for large labor intensive industries, is not stated in Project 90 or elsewhere in the plan. It appears only here in the plan, i.e., there is no justification provided regarding a decision to only preserve two large sites, rather than preserve the larger inventory provided in 1982.

The Department believes that simply requiring county concurrence when industrial land divisions are requested is not sufficient to conserve a variety of parcel sizes for use by industry.

For Keizer the regional policy is worded differently:

"2. The division of industrial designated parcels of 40 or more acres shall be subject to a special review and approval process. The proposed industrial use must be verified by the applicant. The parcels may be divided after a public hearing process and recommendation by the Hearings Officer and a final public hearing and approval by the City Council. Notice will be given to all urban area governments. Parcels will only be divided so that no more than 30 percent of the original parcel is divided into parcels of less than 20 acres."

This policy apparently applies to only one approximately 67 acre industrial parcel currently inside the Keizer urban area. The policy does not prevent the city from redesigning this property to other uses. The owner of the parcel has recently indicated the intent to ask the city to redesignate this property for residential use.

Conclusion

It is recommended that the policies and implementing ordinances in the Salem and Keizer plans be revised to prevent the division or redesignation of the large industrial parcels that were designated in 1992 to assure opportunity for a new industries seeking large sites.

We recognize that some division of these sites may be needed to accommodate new industries, as those industries commit to locating in the Salem/Keizer area. However, the current policy and implementing ordinances for the City of Salem are not worded so that protection of these large sites is mandatory.

Redesignation of large industrial parcels is not addressed by the policies in these plans. There are at least two pending requests

to redesignate Project 90 sites for other uses, and we should anticipate additional requests in the future. If the City of Keizer redesignates its large site, this would leave the city with no role in accommodating large industrial development in the region. The jurisdictions have no policies to assure replacement of lost sites.

Since the boundary is to contain a 20-year supply of lands for industrial use, it is anticipated that some sites may not develop for many years. The fact that no activity has occurred since 1982 is not an indication that these sites are no longer needed. Nevertheless, owners of large industrial sites may not realize or accept the notion that their site is in the UGB in order to provide for a need that may be many years away. Therefore, continual rezoning pressure should be anticipated, and the plan needs a mechanism to deal with this. Otherwise, the supply of available industrial land will not remain sufficient.

The Salem/Keizer UGB is estimated to contain an approximately 35 year supply of residential land. The UGB should not be expanded while there remains such a large surplus of residential land, but this becomes a real possibility if suitable industrial sites are lost to other types of uses.

Past rezoning activity and the pending proposals to change two more of the Project 90 sites indicate a pressing need for the jurisdictions to reaffirm their commitment to maintain a supply of suitable and available industrial sites in the UGB. That should be done by either (1) providing stronger resistance to the conversion of these sites, in the plan and zoning ordinance, or (2) providing an alternative process to simultaneously replace these sites, using other lands currently in the boundary.

The four jurisdictions also need to provide a coordinated agreement about their share of industrial development in the region. Keizer may not unilaterally choose to defer provision of their share of the region's industrial employment.

In order to comply with Periodic Review Factor Two, Goal 2 and OAR 660-09-000 "Industrial and Commercial Development" the Cities of Salem and Keizer, and Marion County and Polk Counties must:

- a. Adopt policies and implementing measures which regulate divisions of large industrial sites (i.e., 20, 40 and 80 acres) so that large sites provided under the recommendations of Project 90 remain available for their intended use.
- b. Adopt measures which prevent the rezoning of large industrial sites in the UGB. Alternatively, jurisdictions may assure simultaneous replacement of rezoned large industrial sites, using surplus lands in other uses already in the UGB.

Needed Housing

All urban jurisdictions are required to provide a 20 year supply of buildable land for "needed housing" within the UGB. Salem and Keizer have planned and zoned the current developed area (CDA) of the city with an adequate supply of buildable land for the next 12 years. The remaining areas of the UGB are planned and zoned "developing residential" in Salem, and zoned "Urban Transition" in Keizer (planning designations in the Keizer UT areas are specific). These areas are intended to ultimately provide the remaining supply of needed housing types, but have not yet been zoned to allow the needed housing.

The Commission's Goal 10 Rule (OAR 660, Section 8) requires that "specific plan designations" be applied to "all buildable land. However, jurisdictions may defer specific designations provided the following conditions are met.

First, the plan must demonstrate that the reason for this deferral is due to uncertainties about the location, funding, and timing of public facilities (OAR 660-08-020(2)(a) and (b)). The "Intent" chapter of the Salem plan provides this demonstration (see also pp. 11-9 through 11-11 of the Final Order). The Keizer plan does not defer specific plan designations.

Second, OAR 660-08-020(2)(c) requires that plans include "a time specific strategy for resolution of identified public facilities uncertainties and a policy commitment to assign specific residential plan designations when identified public facilities uncertainties are resolved". The Salem plan does not provide a time specific strategy for assigning specific plan designations.

Since specific zoning is not applied in Salem's developing residential and Keizer's urban transitional area, the plans must rely on upzoning in order to provide for needed housing types over the 20 year time frame. The Goal 10 Rule indicates that deferred "rezoning of land within an urban growth boundary to maximum planned residential density" is permitted provided standards and procedures governing the process for future rezoning are clear and objective. The department has reviewed the jurisdictions' plan and ordinance provisions related to rezoning, and finds that the approval standards, conditions and procedures are not clear and objective.

Salem Urban Area

The Salem Periodic Review Order states that "... the applicant must demonstrate that the conditions and character of the neighborhood has changed to warrant a higher intensity residential use, as well as review the proposal's impact on public facilities and services" (Order, Page 11-9).

Policy 12 (Rezoning Policy) on page 1-49 of the Salem Order contains vague statements such as "physical conditions and location warrant." These phrases are not clear and objective. Regional residential development policy 1 (Page 1-47) also establishes vague criteria involving "Character of existing neighborhoods" and "need."

In addition to these policies, there are other policies in the Salem plan that may apply to upzoning or to other development decisions, including land divisions. Salem zoning code Section 114.160 requires "an applicable goal or policy" to be a criteria for certain development decisions. Policies and goals throughout the plan contain vague and discretionary wording.

Policy 8 (page 1-45 of the Salem Order) and Policy 1 (listed on page 1-47 of the Order) contain vague and subjective language. Terms and phrases such as "will not adversely affect" or "are compatible with," or "the character of existing neighborhoods" are not clear and objective.

Policies 3, 8, 9, and 12 (listed on pages 1-47 and 1-48 of the Salem Order) also contain vague and subjective language if used as approval criteria. Terms such as "convenient," "due consideration," and "warrant" are not clear and objective.

Goal E "Residential Development" is not clear and objective. The term "quality living environment" is particularly vague, and could be used to block virtually any housing development if used as a review criterion.

Keizer Urban Area

The Keizer urban area includes land planned for single family and multifamily, but zoned urban transition (UT). The UT zoned areas may be upzoned to permit the uses shown on the plan, guided by Section 4 of the Zoning Ordinance. Zone Change criteria in 4.16 require review against the "description and policies" of the applicable classification, development requirements of Chapters 17 and 20, and the "purpose" section of the zone. These sections are not clear and objective, for reasons similar to those described above for the Salem plan.

Section 4.18 also requires that zone changes may be "conditioned," without limit, if necessary to "serve a public purpose such as mitigating the negative impacts on adjacent properties."

Conclusion:

The Salem and Keizer Area Periodic Review Orders do not meet Factors One and Two, and the plans do not comply with Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307.

The Salem area plan defers specific zone designations due to public facility uncertainties, but has not provided a schedule

for resolving these uncertainties and providing specific zone categories, as required by OAR 660, Section 8. (It is possible that the decision to defer specific designations in the developing residential area was made prior to completion of the Public Facilities Plan, and more specific zoning decisions may now be possible).

The Salem and Keizer plan rely on upzoning to meet needs in the developing residential and urban transition areas. However, upzoning standards are not clear and objective. The jurisdictions must either provide for a clear and objective upzoning process, or upzone applicable areas legislatively prior to termination of periodic review.

Salem policies which are not clear and objective may also be applicable to development decisions for all types of housing. To which decisions they apply should be clearly stated in the plan and ordinances (see Stotter v. City of Eugene, 18 Or LUBA 135(1989), and Murphy v. City of Ashland, 19 Or LUBA 182(1990)).

In order to comply with Periodic Review Factors One and Two, Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307, the Cities of Salem and Keizer, and Marion County and Polk County must:

- a. Adopt clear and objective approval processes and standards for upzoning lands to meet 20-year housing needs. Alternatively, the jurisdictions may upzone sufficient land to meet these needs in advance, and provide clear and objective review process for needed housing types.
- The City of Salem must:
- b. Provide a schedule for applying specific plan designations to land needed for 20-year housing needs in the developing residential area, including resolution of public facility uncertainties that prevent application of specific zone districts.

SECTION B. CONSISTENCY WITH PERIODIC REVIEW REQUIREMENTS

Except for the issues discussed in Section A, the Salem and Keizer Area periodic review orders meet state requirements. The following findings outline the requirements of periodic review, and the findings from the local periodic review orders concerning these requirements.

FACTOR ONE**SUBSTANTIAL CHANGE IN CIRCUMSTANCES
(OAR 660-19-055 (2) (a))**

Substantial change in circumstances are defined in OAR 660-19-055(2) (a) and (3) (a) through (d) as follows:

- A. Major developments or events which have occurred that the acknowledged plan did not assume or anticipate or major developments or events which have not occurred that the acknowledged plan did assume or anticipate;
- B. Cumulative effects, resulting from amendments to and implementation of the acknowledged plan's factual base, map designations, and policies;
- C. Either an oversight or a decision by the local government to delay or not carry out plan policies which implement a statewide goal requirement;
- D. New inventory material, which affects a statewide goal issue, made available to the jurisdiction after acknowledgment; or,
- E. Consistency of the plan and land use regulations with new or amended statutes.

In addition to the five subfactors listed above, OAR 660-19-055(4) requires consideration of:

- F. "Other issues or objections involving the 'substantial change in circumstances' factor..."

Response

The City of Salem considered the substantial changes in circumstances which have occurred since acknowledgment (final order, pages 1-1 through 9-1) and amended its plan and regulations addressing those changes.

The City of Keizer considered the substantial changes in circumstances which have occurred since acknowledgment (final order, pages 1-1 through 1-38) and amended its plan and regulations addressing those changes.

CONCLUSION-FACTOR ONE

Based on the findings in the City of Salem's periodic review order, the city satisfies the requirements of Factor One, except for the policy on urban growth boundaries, as described in Section A, above.

Based on the findings in the City of Keizer's periodic review order, the city satisfies the requirements of Factor One, except for the policy on urban growth boundaries, as described in Section A, above.

FACTOR TWO

**NEW OR AMENDED GOALS OR RULES
ADOPTED SINCE THE DATE OF ACKNOWLEDGMENT
(OAR 660-19-055(2) (b))**

Under this factor, the jurisdiction must address the following statewide planning goals and administrative rules which were amended since acknowledgment.

GOALS**EFFECTIVE DATE**

Goal 2	Land Use Planning 660-04-000	07/21/82
Goal 5	Natural Resources 660-16-000	06/29/81
Goal 9	Economic Development 660-09-000	Per. Rev.
Goal 10	Housing Rule 660-08-000	07/21/82
Goal 11	Public Facilities Rule 660-11-000	Per. Rev.

Response

The City of Salem has addressed the administrative rules on pages 10-1 through 13-2 of the final order.

The City of Keizer has addressed the administrative rules on pages 2-1 through 2-27 of the final order.

CONCLUSION-FACTOR TWO

Based on the findings in the City of Salem's periodic review order, the city satisfies the requirements of Factor Two, except for the Goal 9 rule on economic development and the Goal 10 rule on Housing, as described in Section A, above.

Based on the findings in the City of Keizer's periodic review order, the city satisfies the requirements of Factor Two, except for the Goal 9 rule on economic development and the Goal 10 rule on Housing, as described in Section A, above.

FACTOR THREE**NEW OR AMENDED STATE AGENCY PLANS OR PROGRAMS
ADOPTED SINCE THE DATE OF ACKNOWLEDGMENT
(OAR 660-19-055(2) (c))****Requirement**

"The comprehensive plan or land use regulations are inconsistent with a state agency plan or program relating to land use that was not in effect at the time the local government's comprehensive plan was acknowledged, and the agency has demonstrated that the plan or program:

- (A) Is mandated by state statute or federal law;
- (B) Is consistent with the goals; and
- (C) Has objectives that cannot be achieved in a manner consistent with the comprehensive plan or land use regulation."

State agency programs that apply to the city were listed in the DLCD periodic review notice.

Response

The City of Salem has addressed the state agency programs listed in the department's periodic review notice on pages 14-1 through 14-5 of the final order.

The City of Keizer has addressed the state agency programs listed in the department's periodic review notice on pages 3-1 through 3-4 of the final order.

CONCLUSION-FACTOR THREE

Based on the findings referenced above, the City of Salem and the City of Keizer satisfy the requirements of Factor Three. The cities have amended their comprehensive plans and regulations to be consistent with state agency plans and programs.

FACTOR FOUR

**ADDITIONAL PLANNING TASKS REQUIRED AT THE TIME OF
ACKNOWLEDGMENT OR AGREED TO IN RECEIPT OF STATE GRANT FUNDS
(OAR 660-19-055(2) (d))**

Requirement

The city or county must do additional planning that:

- (a) Was required in the comprehensive plan or land use regulations at the time of initial acknowledgment or that was agreed to by the city or county in the receipt of state grant funds for review and update; and
- (b) Is necessary to make the comprehensive plan or land use regulations comply with statewide goals.

Response

Factor four does not apply to the City of Salem's periodic review.

The City of Keizer finds that no additional plan or code amendments are required under Factor Four (final order, page 4-1).

CONCLUSION-FACTOR FOUR

Factor Four does not apply. Neither city nor the department have found any issues under this factor.

OVERALL CONCLUSION: SECTION B

Except for the issues discussed above under Section A, the periodic review orders for the Cities of Salem and Keizer meet the requirements of periodic review.

IV. OVERALL CONCLUSION

The periodic review orders of the City of Salem and the City of Keizer do not adequately address Periodic Review Factors One and Two. The Director refers this periodic review to the Land Conservation and Development Commission with a recommendation that the local jurisdictions be required to amend their comprehensive plans and implementing ordinances in order to comply with Goals 2, 9, 10, and 14.

1. In order to comply with Periodic Review Factor One and Goals 2 and 14, the Cities of Salem and Keizer, Marion County and Polk County must:
 - a. Amend Regional Policy G.1 to state that amendments to the Salem/Keizer urban growth boundary (UGB) must be adopted concurrently by all four affected jurisdictions.
 - b. Amend Regional Policy G.3 to delete the following sentence: "This consideration does not include comparison of the proposed change with lands within the Salem/Keizer urban growth boundary."
 - c. Amend Regional Policy G to state that amendments to the Salem/Keizer UGB must be based on projections of land needs and the supply of buildable land within the whole urbanizable area.
 - d. Amend Regional Policy G.3 to include all of the seven factors of Goal 14.
2. In order to comply with Periodic Review Factor Two, Goal 2 and OAR 660-09-000 "Industrial and Commercial Development" the Cities of Salem and Keizer, and Marion County and Polk Counties must:
 - a. Adopt policies and implementing measures which regulate divisions of large industrial sites (i.e., 20, 40 and 80 acres) so that large sites provided under the recommendations of Project 90 remain available for their intended use.
 - b. Adopt measures which prevent the rezoning of large industrial sites in the UGB. Alternatively, jurisdictions may assure simultaneous replacement of rezoned large industrial sites, using surplus lands in other uses already in the UGB.
3. To comply with Periodic Review Factors One and Two, Goal 10, OAR 660-08-015, 020, and 025, and ORS 197.307, the Cities of Salem and Keizer, and Marion County and Polk County must:
 - a. Adopt clear and objective approval processes and standards for upzoning lands to meet 20-year housing

needs. Alternatively, the jurisdictions may upzone sufficient land to meet these needs in advance, and provide clear and objective review process for needed housing types.

The City of Salem must:

- b. Provide a schedule for applying specific plan designations to land needed for 20-year housing needs in the developing residential area, including resolution of public facility uncertainties that prevent application of specific zone districts.

JH/BR/deb
<pr>



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER: 9a

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: CHERRYLAWN COURT STREET LIGHTING DISTRICT

ISSUE:

Review the City Engineer's report filed for the Cherrylawn Court Street Lighting District and consider a Resolution to adopt this report and to set a public hearing date to receive remonstrances to the project.

BACKGROUND:

On April 19, 1993, the City Council adopted Resolution R93-634 initiating the Cherrylawn Court Street Lighting District and directed the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the property owners requesting the formation of a lighting district.

FISCAL IMPACT:

There is no direct fiscal impact on the City aside from the cost of preparing the City Engineer's report which runs approximately \$150 to \$200, which is reimbursed during the first year. The City receives reimbursement from the property owners for electrical costs through assessments placed on the tax rolls each year. Spreading of the lighting district assessments on the annual basis takes a minimal amount of staff time when the assessments are made on a per lot basis. All activity is budgeted through the Utility Fund.

"Pride, Spirit and Volunteerism"

RECOMMENDATION:

It is recommended City Council adopt the Resolution setting the public hearing for July 6, 1993 and directing the City Recorder to provide notice of the public hearing and notice of proposed assessments to the property owners.

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CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R93-_____

CHERRYLAWN COURT STREET LIGHTING DISTRICT

BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

Section 1. That the City Council hereby finds the preliminary plans, an estimate of probable costs contained in the City Engineer's report for Cherrylawn Court Street Lighting District which was filed with the City Recorder on May 24, 1993 to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to make the lighting district improvements to serve Cherrylawn Court Street Lighting District and hereby declares that the improvements to be made shall consist of two (2) 100 watt high pressure sodium luminaries and mounted on 4 foot long mast arms and attached to either 25 foot aluminum or 30 foot fiberglass poles within the district, all in accordance with the aforesaid preliminary plans with the initial cost of installation to be borne by Portland General Electric and the operational and electrical power costs estimated at \$417.45 the first year and \$379.50 in subsequent years to be assessed against the properties benefitting from the improvements.

Section 3. That the City Council hereby directs the City Recorder to give notice of intention to make the improvements by publication once each week for two (2) successive weeks in a newspaper of general circulation in the City of Keizer stating a public hearing will be held on July 1, 1993, said notice to also provide that information required under City of Keizer Ordinance 87-14, an ordinance providing for procedures for municipal lighting districts and special assessments.

Section 4. That the City Council hereby directs the City Recorder to mail notice of the

1 proposed assessments to each owner in the local improvement district with notice that any objections
2 to the Engineer's Report and the proposed assessment will be considered by the City Council at the
3 aforesaid July 6, 1993 public hearing.

4 Section 5. That the City Council may abandon the proceedings for the lighting district
5 improvements if sufficient property owner support for the local improvement district does not
6 materialize.

7 Section 6. If any section, subsection, sentence, clause or phrase of this resolution is for any
8 reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction,
9 such decision shall not affect the validity of the remaining portions of the resolution. The City
0 Council hereby declares that it would have passed this resolution and each section, subsection,
1 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
2 sentences, clauses or phrases be declared invalid or unconstitutional.

PASSED this ____ day of _____, 1993.

SIGNED this ____ day of _____, 1993

Mayor

City Recorder



City of Keizer

Administration

930 Chemawa Rd. NE • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700

Tracy

ENGINEER'S REPORT
FOR
CHERRYLAWN COURT
STREET LIGHTING DISTRICT

For Keizer City Council Action on May 24, 1993



3063 RIVER RD. N. KEIZER, OR. 97303
(503) 390-7402 FAX # (503) 390-7401

Date: May 24, 1993
Project File: 93-0243

May 24, 1993

TO: Mayor Dennis Koho and Keizer City Council

FROM: William I. Peterson, PE
Keizer City Engineer

SUBJECT: Street Lighting District for Cherrylawn Court

Authority and Purpose

This report is being submitted in accordance with the requirements of City of Keizer Ordinance No. 87-094 for the purpose of creating the Cherrylawn Court Street Lighting District.

District Boundaries and Map

A map of the proposed district is attached showing the areas to be benefited by the proposed street lights.

Lighting Plan Agenda

The lighting improvements will consist of 2, 100 Watt HPS (High Pressure Sodium) luminaires mounted on four foot long mast arms and attached to either 25 foot aluminum, or 30 foot fiberglass poles. Fiberglass poles are currently less expensive than aluminum poles, but city preference has been to use aluminum poles in the past.

It has been the policy of the City of Keizer to allow local electric companies to install, maintain, and supply power to all street light districts in order to avoid to initial investment required to purchase the poles and luminaires. In accordance with this past policy a cost estimate has been obtained from Salem Electric Company, and is summarized in the following section of this report.

ESTIMATED COSTS**ANNUAL COSTS - Aluminum Light poles**

Rent 2 - 100 watt HPS streetlights	\$156.00
\$6.50 ea. / monthly	
Rent 2 - 25' Aluminum Poles	\$147.60
\$6.15 ea./monthly	
Annual Operating Cost @ 10% ¹	<u>\$75.90</u>
Total Assessable Costs	\$379.50
Cost per Lot per yr. for 8 lots =	\$47.44

ANNUAL COSTS - Fiberglass Light poles

Rent 2 - 100 watt HPS streetlights	\$156.00
\$6.50 ea. / monthly	
Rent 2 - 30' Fiberglass Poles	\$66.72
\$2.78 ea./monthly	
Annual Operating Cost @ 10% ¹	<u>\$55.68</u>
Total Assessable Costs	\$278.40
Cost per Lot per yr. for 8 lots =	\$34.80

Note 1 Includes engineering, tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the city in the first year. In succeeding years the annual cost may be expected to be reduced to approximately 40% of the first year cost.

RECOMMENDATIONS

Method of Installation

As engineers for the City of Keizer, we recommend the method of installation described in this report be used in the formation of the Cherrylawn Court Street Light District. The annual costs for this method will be higher than if the City of Keizer purchased the poles and luminaires from Salem Electric Co., but the large initial investment required for the purchase is avoided. By choosing to rent all poles and luminaires the city does not become involved in the ownership of street light districts, and maintains its general philosophy of contracting with local electric companies for the installation and maintenance of street light districts, as well as the maintaining the necessary supply of power to those districts.

We further recommend that the city use aluminum light poles in Cherrylawn Court in, as the majority of street lights in Keizer have aluminum poles. This assures the continuity of street lights between past subdivisions in the area and Cherrylawn Court.

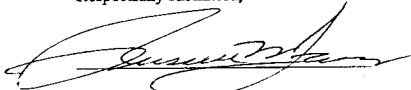
Method of Assessment

It is recommended that the costs be assessed equally to each lot or parcel in the district. The first year assessment would include the one time costs for engineering and district formation, depending on the method of installation chosen.

Assessment Roll

The attached preliminary assessment roll identifies the benefited properties and the recommended first year assessments to be levied against each owner.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Russell W. Faust", written over a horizontal line.

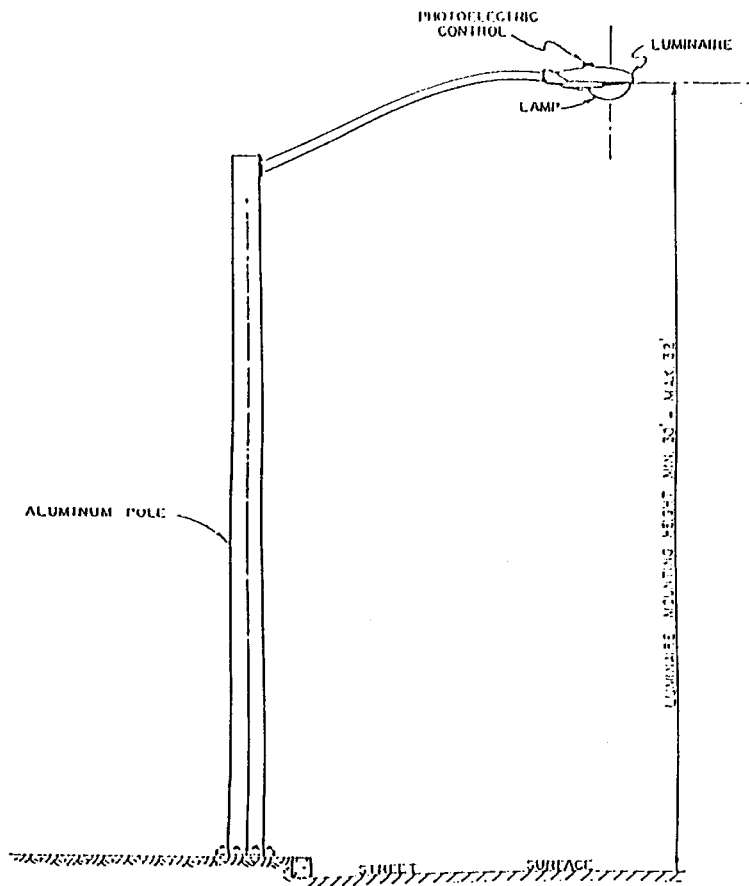
Russell W. Faust, PE

PRELIMINARY ASSESSMENT ROLL for:

Cherrylawn Court Street Lighting District

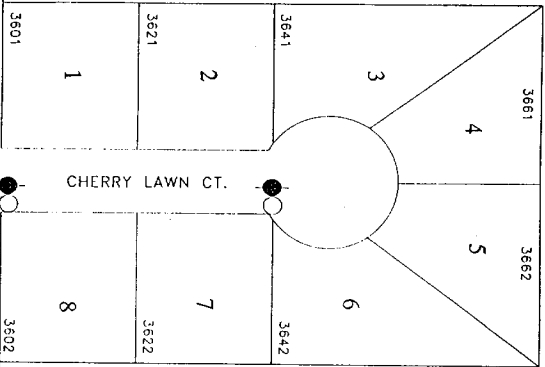
Located in Section 11, Township 7 South, Range 3 West, W.M. in the City of Keizer,
Marion County, Oregon.Total to be Assessed \$379.50

<u>LOT(s)</u>	<u>OWNERS *</u>	<u>COST/LOT</u>	<u>TOTAL</u>
1	Minnie M. Stacey 3601 Cherrylawn CT NE Salem, Or. 97303	\$ 47.44	\$ 47.44
2	Wendell and Joan Mann 1377 Mandarin Way NE Keizer, Or. 97303	\$ 47.44	\$ 47.44
3	John Lien 4855 River Rd. N Keizer, Or. 97303	\$ 47.44	\$ 47.44
4	Richard and Lori Thibodo 3661 Cherrylawn CT NE Salem, Or. 97303	\$ 47.44	\$ 47.44
5	David and Jean Gault 3662 Cherrylawn CT NE Salem, Or. 97303	\$ 47.44	\$ 47.44
6	Leo and Mary Moore 3642 Cherrylawn CT NE Salem, Or. 97303	\$ 47.44	\$ 47.44
7	Kim Sour and Auamporn Sieng 3622 Cherrylawn CT NE Salem, Or. 97303	\$ 47.44	\$ 47.44
8	Glenn Sanford 2280 Stone Hedge Dr. NE Salem, Or. 97303	\$ 47.44	\$ 47.44
8 LOTS		TOTAL	\$379.50



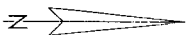
TYPICAL POLE & LIGHT DETAIL

- N.E.S. -



LEGEND

- 100 WATT HIGH PRESSURE SODIUM STREET LIGHT MOUNTED WITH 6' STEEL MAST ARM ON 30' ALUMINUM POLE



SALEM ELECTRIC		THE	
CHERRYLAWN CT. NE		STREET LIGHTING	
Scale	Feet	Feet	Feet
1" = 100'	1" = 100'	1" = 100'	1" = 100'
DATE: 11-11-11		NO. 111-1	



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER: 9b

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: APPLETREE ESTATES STREET LIGHTING DISTRICT

ISSUE:

Review the City Engineer's report filed for the Appletree Estates Subdivision Street Lighting District and consider a Resolution to adopt this report and to set a public hearing date to receive remonstrances to the project.

BACKGROUND:

On March 15, 1993, the City Council adopted Resolution R93-622 initiating the Appletree Estates Street Lighting District and directed the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the property owners requesting the formation of a lighting district.

FISCAL IMPACT:

There is no direct fiscal impact on the City aside from the cost of preparing the City Engineer's report which runs approximately \$150 to \$200, which is reimbursed during the first year. The City receives reimbursement from the property owners for electrical costs through assessments placed on the tax rolls each year. Spreading of the lighting district assessments on the annual basis takes a minimal amount of staff time when the assessments are made on a per lot basis. All activity is budgeted through the Utility Fund.

"Pride, Spirit and Volunteerism"

RECOMMENDATION:

It is recommended City Council adopt the Resolution setting the public hearing for July 6, 1993 and directing the City Recorder to provide notice of the public hearing and notice of proposed assessments to the property owners.

1 **CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**

2 **Resolution R93-_____**

3 **APPLETREE ESTATES STREET LIGHTING DISTRICT**

4 BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

5 Section 1. That the City Council hereby finds the preliminary plans, an estimate of probable
6 costs contained in the City Engineer's report for Appletree Estates Street Lighting District which
7 was filed with the City Recorder on May 19, 1993 to be satisfactory, and the same are hereby
8 approved and adopted.

9 Section 2. That the City Council hereby declares its intention to make the lighting district
10 improvements to serve Appletree Estates Street Lighting District and hereby declares that the
11 improvements to be made shall consist of thirteen (13) 100 watt high pressure sodium luminaries
12 and mounted on 4 foot long mast arms and attached to 25 foot aluminum poles within the district,
13 all in accordance with the aforesaid preliminary plans with the initial cost of installation to be borne
14 by Portland General Electric and the operational and electrical power costs estimated at \$3,830.98
15 the first year and \$3,482.71 in subsequent years to be assessed against the properties benefitting
16 from the improvements.

17 Section 3. That the City Council hereby directs the City Recorder to give notice of intention
18 to make the improvements by publication once each week for two (2) successive weeks in a
19 newspaper of general circulation in the City of Keizer stating a public hearing will be held on July
20 6, 1993, said notice to also provide that information required under City of Keizer Ordinance 87-
21 094, an ordinance providing for procedures for municipal lighting districts and special assessments.

22 Section 4. That the City Council hereby directs the City Recorder to mail notice of the

1 proposed assessments to each owner in the local improvement district with notice that any objections
2 to the Engineer's Report and the proposed assessment will be considered by the City Council at the
3 aforesaid July 6, 1993 public hearing.

4 Section 5. That the City Council may abandon the proceedings for the lighting district
5 improvements if sufficient property owner support for the local improvement district does not
6 materialize.

7 Section 6. If any section, subsection, sentence, clause or phrase of this resolution is for any
8 reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction,
9 such decision shall not affect the validity of the remaining portions of the resolution. The City
10 Council hereby declares that it would have passed this resolution and each section, subsection,
11 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
12 sentences, clauses or phrases be declared invalid or unconstitutional.

13 PASSED this ____ day of _____, 1993.

14 SIGNED this ____ day of _____, 1993

16 _____
17 Mayor

18 _____
19 City Recorder



City of Keizer

Administration

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700

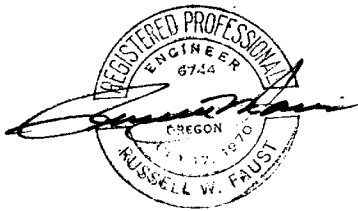
ENGINEER'S REPORT

FOR

APPLETREE ESTATES PH.1-3

STREET LIGHTING DISTRICT

For Keizer City Council Action on May 19, 1993



Date: May 19, 1993

Project File: 93-0240

3853 RIVER RD. N. KEIZER, OR. 97303
(503) 390-7402 FAX # (503) 390-7461

May 19, 1993

TO: Mayor Dennis Koho and Keizer City Council

FROM: William I. Peterson, PE
Keizer City Engineer

SUBJECT: Street Lighting District for Apple Tree Estates Phases 1, 2, and 3

Authority and Purpose

This report is being submitted in accordance with the requirements of City of Keizer Ordinance No. 87-094 for the purpose of creating the Apple Tree Estates Street Lighting District.

District Boundaries and Map

A map of the proposed district is attached showing the areas to be benefited by the proposed street lights.

Lighting Plan Alternatives

The lighting improvements will consist of 13, 100 Watt HPS (High Pressure Sodium) luminaries mounted on four foot long mast arms and attached to 25 foot aluminum poles. These components have been selected in order to maintain consistency between proposed and existing street light districts. Gray fiberglass poles may be substituted for aluminum poles at a cost savings, but would not be compatible with the aluminum light poles existing in the adjacent subdivision, Willow Lake Estates.

Installation may be accomplished by any one of the following methods:

Method A

Portland General Electric would supply, install and maintain all luminaries, poles and underground or overhead wiring in the Apple Tree Street Light District. PGE would also supply the electrical power to the district.

Method B

The City of Keizer would purchase all poles and luminaries from PGE, and would then contract with PGE for the installation, maintenance, and power supply in the Apple Tree Street Light District.

Method C

The City of Keizer would purchase all poles and luminaries from PGE, as well as provide the maintenance for the district. PGE would not install the street lights if this option is chosen, and the city would have to contract out for their installation.

ESTIMATED COSTS:**Method A****Annual Costs**

Rent 13 - 100 watt HPS streetlights	\$2,786.16
\$17.86 ea. / monthly	
Annual Operating Cost @ 10% ¹	<u>\$695.55</u>
Total Assessable Costs	\$3,482.71
Cost per Lot per yr. for 46 lots =	\$75.71

Method B**Installation Costs**

Purchase 13 - 100 watt Alum. Streetlights	\$19,500.00
@ \$1500 ea.	

Annual Costs

13 - 100 watt HPS Streetlights	\$698.88
\$4.48 ea. / monthly	
13 Aluminum poles	\$195.00
\$1.25 ea. / monthly	
Annual Operating Cost @ 10% ¹	<u>\$223.48</u>
Total Assessable Costs	\$20,617.35
Cost per Lot for 46 lots (year 1) =	\$448.20
Cost per Lot for 46 lots (after year 1) =	\$21.37

Note 1 Includes engineering, tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the city in the first year. In succeeding years the annual cost may be expected to be reduced to approximately 40% of the first year cost.

A cost estimate for Method C is not included in this report because it would cost the city more money to first purchase the luminaries and poles from PGE, and then contract out for their installation. In addition, the City of Keizer will also incur extra costs due to utility district formation

RECOMMENDATIONS

Method of Installation

As engineers for the City of Keizer we recommend the City of Keizer adopt Method A in the formation of the Apple Tree Street Light District. The annual costs for Method A will be higher than those for Method B in the long run, but Method A avoids the large initial investment that Method B places on the City of Keizer. By choosing Method A the city does not become involved in the ownership of street light districts, and maintains its general philosophy of contracting with local electric companies for the installation and maintenance of street light districts, as well as the maintaining the necessary supply of power to those districts.

Method of Assessment

It is recommended that the costs be assessed equally to each lot or parcel in the district. The first year assessment would include the one time costs for engineering and district formation, depending on the method of installation chosen.

Assessment Roll

The attached preliminary assessment roll identifies the benefited properties and the recommended first year assessments to be levied against each owner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William I. Peterson", is written over a horizontal line.

William I. Peterson, PE
City Engineer

PRELIMINARY ASSESSMENT ROLL for:

Appletree Estates - Phases 1, 2, & 3 Street Lighting District

Located in Section 34, Township 7 South, Range 3 West, W.M. in the City of Keizer,
Marion County, Oregon.

Total to be Assessed \$3482.71

LOT(s)	OWNERS *	COST/LOT	TOTAL
Phase 1			
4	Daniel and Janine Larkin 1224 Golden Lane N Keizer, Or. 97303	\$ 75.71	\$ 75.71
5	David and Jacklyn Bowen 1254 Golden Lane N Keizer, Or. 97303	\$ 75.71	\$ 75.71
6	Terrance and Cynthia Witham 1284 Golden Lane N Keizer, Or. 97303	\$ 75.71	\$ 75.71
7	Joyce Aldworth 1324 Golden Lane N Keizer, Or. 97303	\$ 75.71	\$ 75.71
8	David and Nancy Temple 1344 Golden Lane N Keizer, Or. 97303	\$ 75.71	\$ 75.71
9	Dennis and Vicki Miller 1364 Golden Lane N Keizer, Or. 97303	\$ 75.71	\$ 75.71
10	Gregory Parksion 1384 Golden Lane N Keizer, Or. 97303	\$ 75.71	\$ 75.71
11	Pro-Construct Inc. PO Box 12397 Salem, Or. 97309	\$ 75.71	\$ 75.71
12	Lirnel and Nancy Littleton 5332 Newton Ct. NE Keizer, Or. 97303	\$ 75.71	\$ 75.71
13	Ron and Mary Hudson 5352 Newton Ct. NE Keizer, Or. 97303	\$ 75.71	\$ 75.71

14	Douglas and Deborah McCune 5372 Newton Ct. NE Keizer, Or. 97303	\$ 75.71	\$ 75.71
15	John and Heather Pitts 5393 Newton Ct. N Keizer, Or. 97303	\$ 75.71	\$ 75.71
16	Henry and Dalia Gonzalez 5373 Newton Ct. NE Keizer, Or. 97303	\$ 75.71	\$ 75.71
17	Oliver and Winifred Jones 5353 Newton Ct. N Keizer, Or. 97303	\$ 75.71	\$ 75.71
18	Gary and Elizabeth Ritchie 5333 Newton Ct. NE Keizer, Or. 97303	\$ 75.71	\$ 75.71
19	Stephen and Karen Ayers 5334 Melrose Ct. NE Keizer, Or. 97303	\$ 75.71	\$ 75.71
20	James and Lilia Crawford 5354 Melrose Ct. N Keizer, Or. 97303	\$ 75.71	\$ 75.71
21	Arthur and Deborah Teeter 5374 Melrose Ct. N Keizer, Or. 97303	\$ 75.71	\$ 75.71
22	Pro-Construct Inc. PO Box 12397 Salem, Or. 97309	\$ 75.71	\$ 75.71
23	Joan-Trustee Frye 5375 Melrose Ct. NE Keizer, Or. 97303	\$ 75.71	\$ 75.71
24	Jack and Beverly Stewart 689 Garland Ct. N Keizer, Or. 97303	\$ 75.71	\$ 75.71
25	William and JoAnn Bailey 5335 Melrose Ct. N Keizer, Or. 97303	\$ 75.71	\$ 75.71

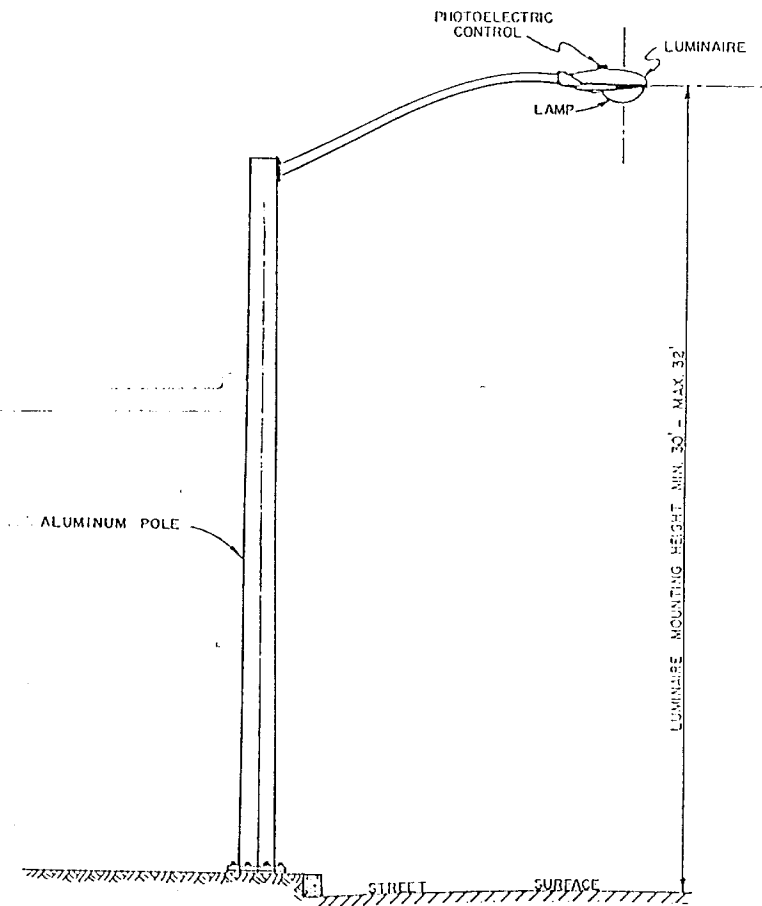
Phase 2

1	Pro-Construct Inc. PO Box 12397 Salem, Or. 97309	\$ 75.71	\$ 75.71
2	Bruce and Robin Looney 1184 Golden Lane NE Keizer, Or. 97303	\$ 75.71	\$ 75.71
3	Jeffrey and Teresa Fossholm 1214 Golden Lane N Keizer, Or. 97303	\$ 75.71	\$ 75.71
4	Daniel and Jeannine Larkin 1224 Golden Lane N Keizer, Or. 97303	\$ 75.71	\$ 75.71

Phase 3

25 - 46	Pro-Construct Inc. PO Box 12397 Salem, Or. 97309	\$ 75.71	\$ 1589.91
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46 LOTS**TOTAL****\$ 3482.71**



TYPICAL POLE & LIGHT DETAIL

— N.T.S. —

NOT TO SCALE

WILLIAM I. PETERSON
ENGINEERING CONSULTANTS INC.
10000 WINDSOR ISLAND RD.
SUITE 100
DALLAS, TEXAS 75243
PHONE 768-1100

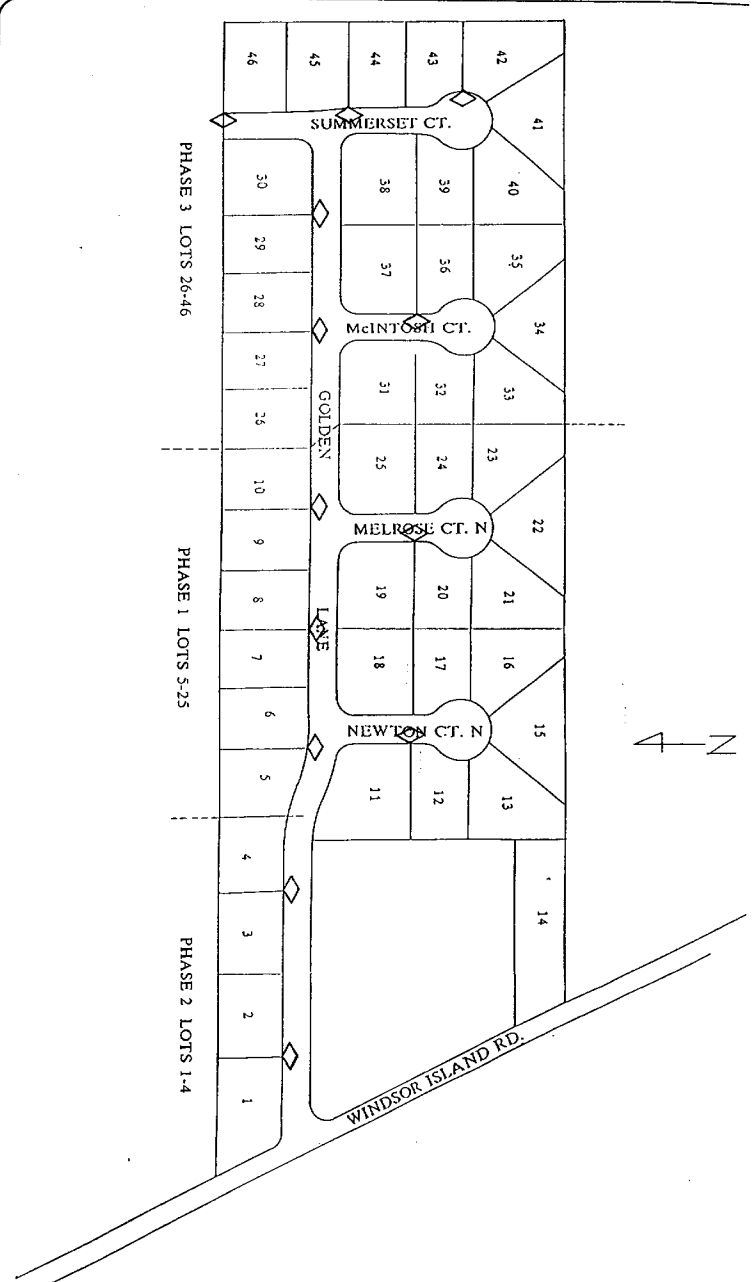
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APPLICABLE EST.
PHASES 1-3

STREET LIGHT
DISTRICT

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City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

COUNCIL MEETING: June 7, 1993

AGENDA ITEM NUMBER: 9c

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: RIVERCREST STREET LIGHTING DISTRICT

ISSUE:

Review the City Engineer's report filed for the Rivercrest Subdivision Street Lighting District and consider a Resolution to adopt this report and to set a public hearing date to receive remonstrances to the project.

BACKGROUND:

On October 5, 1992, the City Council adopted Resolution R92-599 initiating the Rivercrest Street Lighting District and directed the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the property owners requesting the formation of a lighting district.

FISCAL IMPACT:

There is no direct fiscal impact on the City aside from the cost of preparing the City Engineer's report which runs approximately \$150 to \$200, which is reimbursed during the first year. The City receives reimbursement from the property owners for electrical costs through assessments placed on the tax rolls each year. Spreading of the lighting district assessments on the annual basis takes a minimal amount of staff time when the assessments are made on a per lot basis. All activity is budgeted through the Utility Fund.

"Pride, Spirit and Volunteerism"

RECOMMENDATION:

It is recommended City Council adopt the Resolution setting the public hearing for July 6, 1993 and directing the City Recorder to provide notice of the public hearing and notice of proposed assessments to the property owners.

1 **CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**

2 **Resolution R93-_____**

3 **RIVERCREST STREET LIGHTING DISTRICT**

4 BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

5 Section 1. That the City Council hereby finds the preliminary plans, an estimate of probable
6 costs contained in the City Engineer's report for Rivercrest Street Lighting District which was filed
7 with the City Recorder on October 23, 1992 to be satisfactory, and the same are hereby approved
8 and adopted.

9 Section 2. That the City Council hereby declares its intention to make the lighting district
10 improvements to serve Rivercrest Street Lighting District and hereby declares that the improvements
11 to be made shall consist of ten (10) 100 watt high pressure sodium luminaries and mounted on 6
12 foot long mast arms at a height of 25 foot on gray fiberglass poles within the district, all in
13 accordance with the aforesaid preliminary plans with the initial cost of installation to be borne by
14 Portland General Electric and the operational and electrical power costs estimated at \$1,676.00 the
15 first year and \$1,523.64 in subsequent years to be assessed against the properties benefitting from
16 the improvements.

17 Section 3. That the City Council hereby directs the City Recorder to give notice of intention
18 to make the improvements by publication once each week for two (2) successive weeks in a
19 newspaper of general circulation in the City of Keizer stating a public hearing will be held on July
20 6, 1993, said notice to also provide that information required under City of Keizer Ordinance 87-
21 094, an ordinance providing for procedures for municipal lighting districts and special assessments.

22 Section 4. That the City Council hereby directs the City Recorder to mail notice of the

1 proposed assessments to each owner in the local improvement district with notice that any objections
2 to the Engineer's Report and the proposed assessment will be considered by the City Council at the
3 aforesaid July 6, 1993 public hearing.

4 Section 5. That the City Council may abandon the proceedings for the lighting district
5 improvements if sufficient property owner support for the local improvement district does not
6 materialize.

7 Section 6. If any section, subsection, sentence, clause or phrase of this resolution is for any
8 reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction,
9 such decision shall not affect the validity of the remaining portions of the resolution. The City
10 Council hereby declares that it would have passed this resolution and each section, subsection,
11 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
12 sentences, clauses or phrases be declared invalid or unconstitutional.

13 PASSED this ____ day of _____, 1993.

14 SIGNED this ____ day of _____, 1993.

15 _____
16 Mayor

17 _____
18 City Recorder

ENGINEER'S REPORT
FOR
RIVERCREST SUBDIVISION - PHASES 1 AND 2
STREET LIGHTING DISTRICT

For City Council Action November 2, 1992

Date: October 23, 1992

Project File 92-0209

October 27, 1992

TO: The Hon. Mayor and City Council

FROM: William I. Peterson, PE

SUBJECT: Street Lighting District for Rivercrest - Phases 1 & 2

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer Ordinance No. 87-094 for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the District is attached showing the areas benefited by the street lights proposed to be installed. Street lights have not been installed in either Phase 1, or Phase 2 of this subdivision. It is now proposed to install lights in both Phases under a single Street Light District.

Lighting Plan Alternatives: The lighting improvements within both Phases will consist of 10, 100 Watt, High Pressure Sodium luminaires. The lights will be mounted on 6 foot long mast arms at a height of 25 feet, on gray Fiberglass poles. A Typical Pole and Light Detail is attached.

Installation may be accomplished by either of the following methods.

METHOD A - Salem Electric would supply, install and maintain the luminaires, poles and underground or overhead wiring. Salem Electric would also supply the electrical power to the District.

METHOD B - The City of Keizer would buy the poles and luminaires and contract with Salem Electric for the installation, maintenance and power for the District.

Estimated Costs:

METHOD A:

Annual costs -

10 Poles & 100 W luminaires @ \$9.27 x 12 mos.	\$ 1,112.40
Annual operating costs @ 10 %	<u>411.24</u>

Total Annual Cost	\$ 1,523.64
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Total Assessable Costs = \$ 1,523.64

METHOD B:

Purchase 10 Poles & luminaires @ \$1,100.00 each = \$ 11,000.00

Annual Costs -

10 Poles & 100 W luminaires @ \$3.02 x 12 mos.	\$	362.40	
Annual operating costs @ 10 % ¹		<u>336.24</u>	
Total Annual Cost	\$	698.64	—

Total Assessable Costs = \$11,698.64

¹ Includes tax roll preparation, audit, delinquencies engineering and miscellaneous administrative costs to the City. These costs may be expected to be reduced to approximately \$111.24 per year (under Method A) in subsequent years.

We recommend the City adopt Method A. By doing so, the City avoids the initial cost of the poles and the higher costs associated with District formation.

Method of Assessment: It is recommended that the costs be assessed equally to each lot or parcel in the district. The first year assessment would include the one time costs for District formation and engineering.

Assessment Roll: The attached preliminary assessment roll identifies the benefited properties and the first year assessments to be levied against each.

Respectfully submitted,



William I. Peterson, PE

WIP/RWF
<RCREST2.RPT>

PRELIMINARY ASSESSMENT ROLL

Rivercrest Subdivision - Phases 1 & 2 Street Lighting District
in Secs. 10 and 11, Township 7 S. Range 3 W., W.M. in the City
of Keizer, Marion County, Oregon

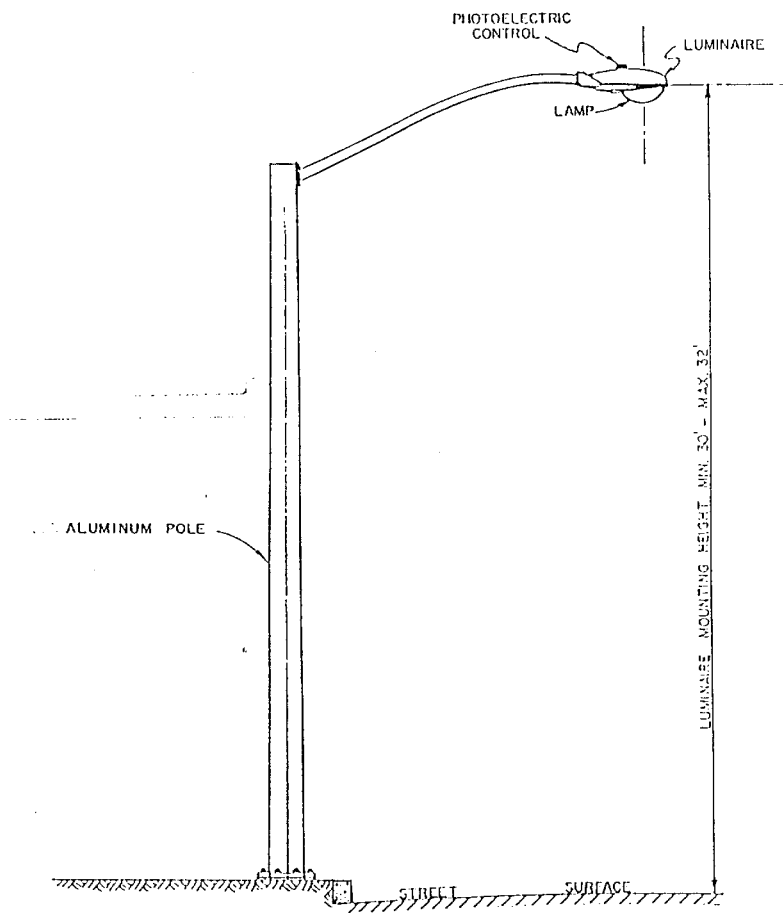
Total to be Assessed = \$ 1,523.64

<u>Lot(s)</u>	<u>Owners *</u>	<u>Cost Per Lot</u>	<u>Total</u>
Phase 1			
1 - 3	Lydon Construction Co., Inc. 3795 River Rd. N Keizer, OR 97303	\$ 34.628	\$ 103.88
4 - 5	Daniel L. Chandler, et al. 3693 Rivercrest Dr. NE Keizer, OR 97303	"	69.26
6	Christopher R. & Kathie D. Beach 3692 Rivercrest Dr. NE Keizer, OR 97303	"	34.63
7 - 8	Lydon Construction Co., Inc. 3795 River Rd. N Keizer, OR 97303	"	69.26
9	David J. & Judy K. McKane 674 Fall Creek Ave. N Keizer, OR 97303	"	34.63
10	Donald E. Karen L. Herriott 3655 Sandra Ct. NE Keizer, OR 97303	"	34.63
11	David D. & Connie D. Kittrell 3644 Sandra Ct. NE Keizer, OR 97303	"	34.63
12	David & Carol Lynn Gonzales 3654 Sandra Ct. NE Keizer, OR 97303	"	34.63
13	Lydon Construction Co., Inc. 3795 River Rd. N Keizer, OR 97303	"	34.63

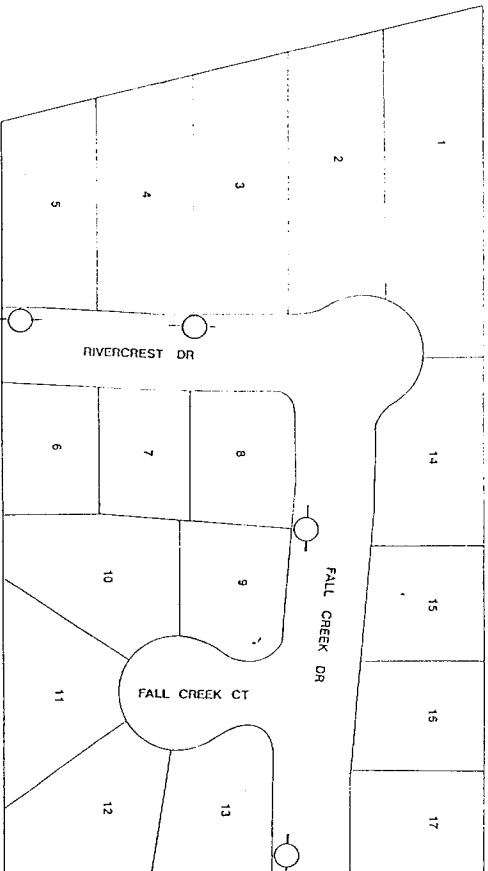
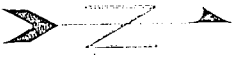
(Continued)

<u>Lot(s)</u>	<u>Owners *</u>	<u>Cost Per Lot</u>	<u>Total</u>
14	David J. & Linda M. Lichty 685 Sandra Dr. NE Keizer, OR 97303	34.628	34.63
15	Daniel R. & Ronna L. Chandler 665 Sandra Dr. NE Keizer, OR 97303	"	34.63
16	Lydon Construction Co., Inc. 3795 River Rd. N Keizer, OR 97303	"	34.63
17	Eliazer B. & Miroslava Martinez 625 Fall Creek Dr. NE Keizer, OR 97303	"	34.63
Phase 2			
18-44	Lydon Construction Co., Inc. 3795 River Rd. N Keizer, OR 97303	34.628	934.95
44 Lots	TOTAL		<u>\$ 1,523.64</u>

* Owners names verified by Marion County Assessor on October 22, 1992.



TYPICAL POLE & LIGHT DETAIL



LEGEND

○ 100 WATT HIGH PRESSURE SODIUM STREET LIGHT

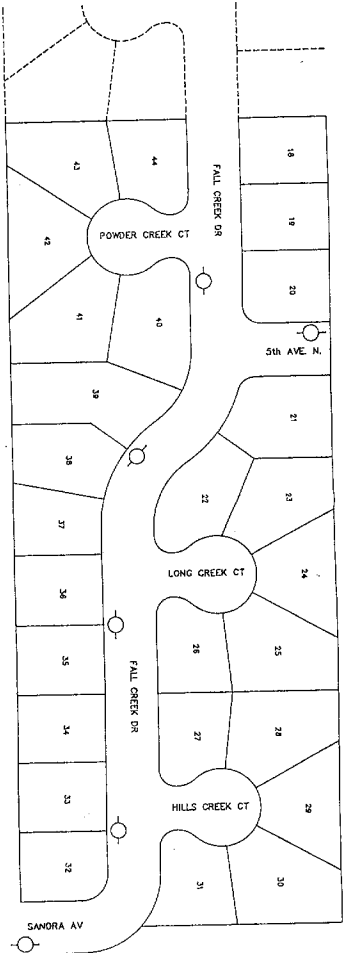


SALEM ELECTRIC

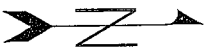
TITLE

**STREET LIGHTS - RIVERCREST SUBDIVISION
FALL CREEK DR - RIVERCREST DR**

DATE	6-24-92	SCALE	1"=100'
DRAWN	JACOBSEN	APPROVED	REDING



LEGEND
 ○ 100 WATT HIGH PRESSURE SODIUM STREET LIGHT
 MOUNTED WITH 6' STEEL MAST ARM ON 30'
 FIBERGLASS POLE



 SALEM ELECTRIC	
TITLE RIVERCREST II SUBDIVISION STREET LIGHTING	
DATE 10-20-82 DRAWN BY J. D. JOE	SCALE NONE APPROVED
WO 92-20	

MINUTES**KEIZER CITY COUNCIL****Monday, May 17, 1993****Robert L. Simon Council Chambers
Keizer City Hall****CALL TO ORDER**

Mayor Koho called the regular meeting to order at 7:31 p.m.
Roll call was taken as follows:

Present

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff

Dotty Tryk, City Manager
John Morgan, Community Development Director
Wally Mull, Director of Public Works
Charles Stull, Chief of Police
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

Naomi Rodriguez, 935 Claggett Street, Keizer voiced her concerns for the accessibility to the vacant hydrotube building located on River Road. She stated the gate has not been kept locked, the fence has been torn down in places and no trespassing signs are not posted. Ms. Rodriguez is also concerned for the safety of the children in the area. City Attorney Shannon Johnson will review this issue to see if it would fall under the dangerous building ordinance. Mayor Koho extended his appreciation to Ms. Rodriguez for bringing this matter to the attention of the Council.

There was no other testimony to come before the Council.

COMMITTEE REPORTS

Appointment to Planning Commission

City Manager, Dotty Tryk stated the Volunteer Coordinating Committee has recommended the appointment of Elaine Smith to fill the unexpired term of David Siegel on the Planning Commission. Mayor Koho stated the Committee reviewed twelve applications and Ms. Smith surfaced because of her professional background in planning.

Councilor Patterson moved to appoint Elaine Smith to fill the unexpired term of David Siegel on the Planning Commission. Councilor Watson seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None

PUBLIC HEARING

Property Access; Larsen Subdivision

Mayor Koho opened the Public Hearing.

Wally Mull, Public Works Director, reported the City had received an application for a zone change from Marvin Larsen to create a 12 lot single family/duplex subdivision on property located between the Salem Parkway and Brandon Street. The Keizer Hearings Officer approved the request at a Public Hearing on April 1, 1993. Previously the City acquired the property from Marion County solely for the purpose of providing sanitary and storm sewer easements. Mr. Mull stated the major issue surrounding the subdivision is property access. He is recommending selling the proposed property for \$1500 to Marvin R. Larsen for access purposes. In return, Mr. Larson will provide dedication of a 50' public right-of-way and construction of street improvements consistent with the subdivision ordinance requirements.

Speaking during the Public Hearing were:

Ken Larsen, 2445 LaJolla Court NW, Salem and Marvin Larsen, 8440 SE 55th, Portland, stated by developing this

property the taxes generated for the City will increase from \$1000 to approximately \$40,000. Marv Larsen stated if they are required to pay the \$1500 purchase price as quoted, it would create additional financial hardship to them. Prior to purchasing the property in March 1988, Marion County issued a letter to him allowing access across the lot. Mr. Larsen stated the Marion County letter should be honored by the City of Keizer.

Councilor McGee asked if the letter from Marion County had been recorded along with the deed. Mr. Ken Larsen stated it had not been. John Morgan, Community Development Director stated as a condition of approval for the subdivision, the urban residential street design standard is constructed across property and then the street and right-of-way would be given back to the City.

Councilor Patterson traced the history of the property from Marion County to the City of Keizer. Councilor Watson asked Mr. Larsen if he realized the property was landlocked when he purchased the property in 1988. Marv Larsen said the only reason the lot is there is to provide access and Marion County should have included this in the transaction.

Councilor Miller inquired of the purchase price for the three acre parcel. Ken Larsen stated three individual parcels were included in the transaction to make up the three-acre subdivision. He also stated he is only interested in gaining access to the property and hopes this matter will be finalized this evening.

Mayor Koho closed the public hearing.

DELIBERATION

Property Access; Larsen Subdivision

Councilor McGee stated the letter from Marion County appears to be valid and if it would have been recorded we would not have this issue before us. On the other hand he stated the City should not give away anything of value.

Councilor Miller stated the letter from Marion County is not binding. He also stated the Larsens benefitted from the low purchase price and the City should proceed with the \$1500 price.

Councilor Watson confirmed the dedicated right of way is 50 feet rather than 30 feet as shown on the map. He also feels the letter should not bind us in our decision for selling the property rather than giving it to the Larsens.

Councilor Keller supported a lower price than \$1500 due the circumstances surrounding this transaction. Councilor Patterson stated since this is not a significant piece of property, the City should consider less than the \$1500 price.

Councilor McGee moved a bill for an ordinance relating to the sale of city property located at the corner of Brandon Street and 19th Court to Marvin R. Larsen with a purchase price of \$500.00. The Motion was seconded by Councilor Keller.

Councilor Miller stated \$1500 is fair compensation to the City since the Larsens obtained half the property at less than 50% market value. Councilor Watson stated the property does have value and supported a purchase price of \$1100.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Patterson and Wellin (5)

NAYS: Miller and Watson (2)

ABSTENTIONS: None

ABSENT: None

The Ordinance will be returned for a second reading at the next Council Meeting.

DISCUSSION

Taco Bell Traffic Report

John Morgan, Community Development Director stated the City traffic engineer had completed a traffic study for the area surrounding the Taco Bell driveways. The restaurant was completed and has been operating with the driveway on Maine Avenue gated. Upon completion of the report, a copy was distributed to the residents of the area. Mr. Morgan

summarized the issues regarding access control and outlined possible solutions. He also stated the City is in the process of developing access control standards and recommended Council receive and file the report. This would allow the River Road Redevelopment Board and the Planning Commission to work through the access control issues and develop a policy to bring back before the Council in the fall of 1993.

Councilor McGee asked if a grandfather clause would be included in the policy. John Morgan stated that most policies have grandfather clauses but renewal areas have been proactive in closing of driveways to bring areas into compliance.

Margaret Kirkpatrick, legal counsel for First Interstate Bank inquired if the City would solicit views of the businesses prior to adoption. Mayor Koho stated residents and businesses in the area would be notified of the public hearing on the matter. Ms. Kirkpatrick stated First Interstate Bank is opposed to closing one of its driveways as recommended in the traffic engineer's report.

Will Wolford, Director of Planning Services, Barghouse and Consultant Inc., 18215 72nd Avenue S., Kent, Washington 98032, representing the Arco station. Mr. Wolford stated Arco will most likely object to the closure of their northern driveway but would like to be involved in any decision making process.

Mayor Koho stated he had received a letter from Norman West, a resident of Maine Avenue, in regards to this issue.

Dick Woelk, Traffic Engineer reviewed the contents of his report. He outlined the dates and times the traffic counts were conducted and the results of these counts.

Councilor Miller moved to receive and file the traffic report without taking any action and directed staff to bring the issue back to the Council after the access control policy is adopted in the fall of 1993. Councilor Patterson seconded this Motion.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None

**RESOLUTION:
Negotiate Final
Terms of Riveredge
Park**

City Manager, Dotty Tryk reported the City of Salem purchased the Riveredge park property in 1968. This property is now located within the Keizer city limits. The City of Salem is interested in selling this property to Keizer and has explored several options to place a purchase price on the 10 acre parcel. The conclusion was a price of \$20,000.

Councilor Keller hoped the City would consider testing the soil for hazardous materials and conduct an inspection of the ground for debris prior to purchase. Councilor McGee recently visited the park and stated the park contains yard debris.

Councilor Patterson inquired if there is any potential for development of this property as a park. Wally Mull stated presently there is not funding available to develop the land.

Dotty Tryk advised the Council that since the park was purchased with federal funds, it could not be sold to another individual unless the exact amount of land was dedicated for park use elsewhere. The City of Keizer will need to commit to using the property for park purposes upon purchase.

Councilor McGee voiced his concerns about the timing of purchasing the property with regards to the budget. He stated this purchase should be reviewed at the Budget Committee level and then proceed to Council.

Mayor Koho stated this has been in the works for over the last year and Salem does need to delete the property from their park inventory as they lack justification for the cost of the maintenance.

Councilor Watson suggested offering the City of Salem a \$1000 payment with the option to purchase the property after the matter has been reviewed at the Budget Committee level.

Councilor Miller said it would be very difficult for the City of Salem to sell this property to another individual. Keizer is the most likely candidate to purchase the property so therefore time is not a factor and the price should be reduced.

Councilor Patterson stated the City of Keizer needs more park property due to the population and to purchase the property for \$2000 an acre would be a good bargain.

Councilor Patterson moved for adoption of a Resolution authorizing the Mayor to sign a contract to purchase park property from the City of Salem. Councilor Watson seconded the Motion.

Councilor Keller asked to amend the Motion to include the property be inspected by the City of Salem to assure it is free of any hazardous waste or debris prior to the purchase. Mayor Koho stated this could be listed as a prerequisite in the agreement.

Councilor McGee moved to amend the Motion to have the proposal reviewed by the Budget Committee. The Motion died for a lack of a second.

Councilor Miller moved to amend the Motion to have the proposal reviewed by the Budget Committee. Councilor McGee seconded the Motion.

Councilor McGee stated this is a substantial amount of money and feels it is a poor faith effort to the Community to purchase the property at this time. Councilor Keller stated he is willing to defend the City's position in purchasing this property.

Mayor Koho stated this is an excellent piece of property and should be a part of Keizer's park inventory.

The Amendment to the Motion failed with the following votes:

AYES: McGee and Miller (2)

NAYS: Keller, Koho, Patterson, Watson and Wellin (5)

ABSTENTIONS: None

ABSENT: None

The main motion with the inclusion of the inspection for hazardous material and debris passed with the following votes:

AYES: Keller, Koho, Patterson, Watson and Wellin (5)

NAYS: McGee and Miller (2)

ABSTENTIONS: None

ABSENT: None

**RESOLUTION:
Creation of
Community Policing
Committee**

Chief of Police, Charles Stull stated in January 1993 a Task Force was created to advise the City Council on the concept of Community Policing. The Council adopted the recommendation of the Task Force and referred back to staff to establish a Community Policing Committee. Chief Stull also specified the mission statement and primary goals of the Community Policing Committee.

Councilor Keller asked if members of the Task Force would have the opportunity to participate on this committee. Chief Stull stated if they meet the criteria they could be included as part of the committee. Councilor Keller asked for the addition of a member of the Keizer Fire District to the Committee.

Mayor Koho expressed his concern for expanding the staff of the Police Department in order to adopt Community Policing.

Councilor Watson stated he is concerned by the size of the committee. He would like to see a reduction in neighborhood watch, geographical areas and neighborhood associations.

Councilor Keller moved for a Resolution for the establishment

and formation of a Community Policing Committee with the addition of a member of the Keizer Fire District. Councilor Wellin seconded the Motion.

Mayor Koho appointed Councilor Keller and Councilor Patterson to represent the City Council on the Community Policing Committee. The Mayor and City Manager will appoint additional members to the Committee and would value any input from the Council.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None

CONSENT CALENDAR

The Consent Calendar consisted of the following:

- a. RESOLUTION - Initiate Max Court Street Lighting District
- b. RESOLUTION - Initiate Meadows Phase 6 Street Lighting District
- c. RESOLUTION - Ratify Change in City's Medical Plan
- d. Alarm Control Report
- e. Approval of March 22, 1993 Special Session Minutes
- f. Approval of April 19, 1993 Regular Session Minutes
- g. Approval of May 3, 1993 Regular Session Minutes

Councilor Miller moved for approval of the consent calendar. Councilor Patterson seconded the Motion.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None

OTHER BUSINESS

Councilor Miller confirmed there was not a conflict with legal representation on the Ackerly sign dispute.

Councilor Miller inquired of the purchase of the park property with the new school. City Manager Doty Tryk advised this will be back before the Council for final approval.

Councilor Miller asked for an update on the Marion County Building/Planning Agreement.

Councilor Patterson inquired of the drainage problems on Alder and Pleasant View streets.

Mayor Koho suggested the Council discuss the unapproved streets within the City at a work session.

**WRITTEN
COMMUNICATION**

There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho scheduled a work session for Monday, June 14, 1993 at 7:00 p.m. to discuss the City Manager's evaluation and other items of interest to the Council.

ADJOURNMENT

The meeting was adjourned at 10:09 p.m.

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:
