PUBLIC TESTIMONY

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

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

Name: BOB NEWTON

Address: KEIZER

Subject or Agenda Item Number: IRIS PARADE #3

Your Comments:

Proponent _____ Opponent _____ General _____

Date MAY 16 '94

PUBLIC TESTIMONY

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

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

Name: JEFF TAYLOR

Address: 5890 River Rd NE

Subject or Agenda Item Number: Tree Ordinance Committee

Your Comments:

Proponent _____ Opponent X General _____

Date 5/14/98

PUBLIC TESTIMONY

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

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

Name: Donald R Allenby

Address: 284 Manbain Dr. N

Subject or Agenda Item Number: #3 General

Your Comments:

Proponent _____ Opponent _____ General X

Date 16 May 1994

PUBLIC HEARING REGARDING: Housing: Related Code Amendments DATE: 5-16-94

BEFORE: City Council PLACE: Council Chambers TIME: 7:00 pm

PRINTED NAME	MAILING ADDRESS	PROPONENT	OPPONENT	GENERAL
Scott Graves	6642 Amy Ct NE	X		
Emily Cedarleaf	Multifamily Housing Council 545 Union St Salem			X
Robert Rau	581 Cummings Ln, Keizer			

PUBLIC TESTIMONY

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

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

Name: Terri Applen

Address: 5495 Ridge Dr. NE
Keizer, 97303

Subject or Agenda Item Number: _____

Solid Waste Ordinance

Your Comments:

Proponent _____ Opponent _____ General _____

Date 5-16-94

MULTIFAMILY HOUSING COUNCIL
MFHC OREGON

May 16, 1994

City of Keizer - Proposed Housing Code

The Multifamily Housing Council of Oregon is a trade association of rental property owners and managers in the state of Oregon with a chapter membership in the Salem/Keizer area. The statewide membership is 2,200 and represents over 380,000 rental units statewide. Of that 2,200 member organizations, the Salem/Keizer membership numbers over 600.

I am Emily Cedarleaf, Executive Director of the Council, and am responsible for the administration of the Council and representation regarding issues which affect rental property ownership or management. I have been directly involved in Oregon landlord/tenant statutes since 1979 as well as the federal and state Fair Housing Civil Rights statutes. I am familiar many of the city ordinances as well as the multiple statutes which affect rental property.

I have reviewed the proposed housing code and offer the following comments:

Section 4 (3). The definition of "dwelling" does not identify a "family". Under Oregon statutes, the term family does not necessarily mean related by blood or marriage. What does the city intend for the definition of "one family"?

Section 4 (7). The definition of "owner" should include the authorized representative or agent to allow for those owners who have contracted for property management with a real estate licensee.

Section 6. Right of Entry. The second line from the bottom indicates that the authorized designee "he" shall first make a reasonable effort to locate the owner or other persons having charge or control of the building

Recommend that the "he" be changed to be corrected to be "he/she". Concern is raised that the tenant not be the one served with the notice for inspection or entry, but that the owner and/or agent of the property be served and enough time allowed to provide for compliance by the landlord with Oregon landlord/tenant statutes. If the owner is to be responsible, then the owner should be the party notified of a pending inspection.

545 Union Street NE • Salem OR 97301 • (503) 378-1912 • FAX: (503) 378-0574
9498 SW Barbur Blvd #302 • Portland OR 97219 • (503) 245-1721

Abatement of Nuisance Proposal

Section 4 (3) defines a "condition of unsightliness" to include an inoperable vehicle. Section 6 refers to an inoperable vehicle as one "left on private property for more than twenty days".

Under Oregon landlord/tenant statutes, if property is deemed "abandoned" the landlord must send a notice to the tenant giving them 15 days plus 3 days mailing time to remove the property. To hold a landlord responsible after 20 days will not allow enough time to have the property removed and be in compliance with landlord/tenant statutes.

If the vehicle is a titled vehicle, why not notify the title holder and hold that person responsible rather than the property owner?

Under Section 7, unauthorized dumping, states no person shall dispose and no "shall permit" any land to be used for illegal dumping. How do you propose to handle the "Tanya Harding" method of illegal dumping. Is the owner of the property going to be held responsible for that which "midnight dumpers" dump on their property? Will the city make efforts to prosecute against those that illegally dump and can be identified?

545 Union Street NE • Salem OR 97301 • (503) 378-1912 • FAX: (503) 378-0574
9498 SW Barbur Blvd #302 • Portland OR 97219 • (503) 245-1721

PUBLIC HEARING REGARDING: Comp Plan Amendment - 94-2 (Meadows Group) DATE: 5-16-94

BEFORE: City Council PLACE: Council Chambers TIME: 7:00pm

PRINTED NAME	MAILING ADDRESS	PROPONENT	OPPONENT	GENERAL
Jim Reimann	5309 Rivers Rd S., Keizer			

PUBLIC HEARING REGARDING: Sign Code Revisions DATE: 5-16-94

BEFORE: City Council PLACE: Council Chambers TIME: 7:00 pm

PRINTED NAME	MAILING ADDRESS	PROPONENT	OPPONENT	GENERAL
Nela McGarvey	7849 Timothy Lu NE, Keizer			
Gordon Howard	196 Salem Heights Ave. SE, Salem			

5-16-94

DAYSPRING
FELLOWSHIP

As a non profit organization

We approve of the proposed amendment of KZO 15.40 with the addition of a new subsection (10)

See attached;

Thank you —

Pat Doughton
Ministries Coord.

RECEIVED
'94 MAY 16 PM 5 02
CITY OF KEIZER
OREGON 97303

BRUCE PORTER, PASTOR
1755 LOCKHAVEN DRIVE NORTHEAST, KEIZER, OREGON 97303
(503) 390-3900

BILL NO. ____ A BILL ORDINANCE NO. 94-_____

FOR

AN ORDINANCE

AMENDING KEIZER SIGN REGULATIONS (KZO CHAPTER 15) WITH REGARD TO PORTABLE SIGNS FOR NONPROFIT ORGANIZATIONS; AMENDING ORDINANCE NO. 87-078 (KEIZER ZONING ORDINANCE); AND DECLARING AN EMERGENCY

The City of Keizer ordains as follows:

Section 1. AMENDMENT OF KZO 15.40. Keizer Zoning Ordinance Section 15.40 (SIGNS GENERALLY PERMITTED) is amended by the addition of a new subsection (10):

(10) A nonprofit organization may display a portable sign subject to the following regulations:

a. Two (2) signs per organization at a time.

b. Maximum sign area: 16 square feet.

c. The sign shall be displayed no more than four times in any 365-day period, and shall not be displayed longer than five (5) days each time.

d. The sign shall not be placed on public property or in the right-of-way.

e. The nonprofit organization shall request and receive consent from the owner of the property on which the sign is placed.

f. As used herein, "nonprofit organization" means a corporation or unincorporated association organized for nonprofit purposes.

///

///

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

(1)

NOTE VARIANCE REQUEST

PUBLIC HEARING REGARDING: HILLMAN PROPERTIES (MCNARY GOLF CSE) DATE: 5-16-94

BEFORE: City Council PLACE: Council Chambers TIME: 7:00 pm

PRINTED NAME	MAILING ADDRESS	PROPONENT	OPPONENT	GENERAL
Gregg Smith	285 McNary Heights Dr. N.		X	
Fred Mitchell	649 McNary Estates Dr. N.		X	
Jean + Joe Stimac	380 Snead Dr N.	X		
Jim White	769 McNary Estates	X		
Ernie Fish	844 Crenshaw Loop NE	X		
Ken McKibben	295 McNary Hts Dr. N.	X		
Alan Moberg	329 McNary Estates Dr N.	X		
Dick Howsley	P.O. Box 61448, Vancouver, WA	X APPLICANT	*	
Myron Emery	6489 Crampton Dr.	X		
Jim Goddard	440 McNary Hts Dr. N.	+		
Ted E Boone	237 McNary Hts Dr. N	X		
Stephen A Senter	3291 Mayfield Pl N.	X		
David B. Hallock	209 McNary Est Dr	X		
Ted Steinke	560 Snead Dr N.	X		

Testimony of Gregg Smith re. Hillman Properties Northwest Variance Request - Noise Ordinance No. 93-269

Keizer City Council Meeting - May 16, 1994

Mayor Koho and Members of the City Council:

My name is Gregg Smith. I live at 285 McNary Heights Drive N. I am a fifth-generation Oregonian and I have been a resident of Marion County since 1971. I am a real estate developer. I develop and operate apartment projects.

I ask that you not grant the request by Hillman Properties for a variance to the Keizer Noise Ordinance for early mowing at McNary Golf Course. My reasons are as follows:

1. Requirement To Mow

I am a golfer. I understand that golf courses must mow. The only question here tonight is when mowing will begin each morning at McNary Golf Course.

2. The Right To Sleep

People have a right to an undisturbed night of sleep. This right should take precedence over the preferred mowing schedule of Hillman Properties. Hillman Properties has many options as to when and how it mows the McNary Golf Course. Most citizens have no option as to when they must sleep.

3. Similar Oregon Noise Ordinances

The current Keizer Noise Ordinance is similar to most noise ordinances in other Oregon cities in holding to the basic principle that there is a "quiet time" from 10:00 p.m. to 7:00 a.m. I talked with officials in Portland, Salem, Eugene, Corvallis and Gresham and found that none of these cities exempt golf courses from this requirement. Note the attached sheet with names and telephone numbers.

4. Alleged Economic Loss To McNary Golf Course

I understand that Hillman Properties alleges it will lose money if it is not permitted to McNary Golf Course mow before 7:00 a.m. I am a real estate developer and I understand how one makes a case like this before a public body.

Inasmuch as the golf course has been meeting the Keizer Noise Ordinance for the past month, the allegation of economic calamity should be easy to test.

However, there may be a twist, which I will come to shortly.

I ask the Council to, at this moment, direct a police officer to go with an official of Hillman Properties and bring back corporate records pertaining to the golf course.

First, bring back the "tee sheet" for the golf course from April 15 to May 15 for 1993 and 1994. Let us see if there has been a decline in "tee offs" this year versus last year as a result of the Noise Ordinance.

Second, let us see if there were fewer "tee offs" the week before the golf course began complying with the Noise Ordinance and the week after it began complying with the ordinace.

Third, bring back the balance sheets for McNary Golf Course for the first five months of 1993 versus the first five months of 1994. Let us see if the golf course is losing money due to declining "tee offs."

I do not believe there is any financial loss to McNary Golf Course as a result of compliance with the Noise Ordinance. To test my contention I made some phone calls.

The City of Eugene has an even more stringent noise ordinance than Keizer's. Golf courses in Eugene begin mowing at 7:00 a.m., as McNary Golf Course is now doing. I called the two golf courses within the Eugene city limits and talked with the managers, Jeff Lake at Oakway (484-1927) and Irv Carlisle at Laurelwood (687-5321). I asked them if the city noise ordinance, which prohibits them from mowing before 7:00 a.m. causes them to lose <u>any</u> business. Both said "no." They said there is no economic effect due to their compliance with Eugene's noise ordinance. None.

I feel it is possible that Hillman Properties has been trying recently to discourage play at McNary Golf Course to artificially create a short-term economic loss. I called McNary Golf Course Friday for a "tee off" time Monday morning and was told by a man named Brian that there was a problem with the Keizer Noise Ordinance and that "tee offs" were being held back. He made it sound like a problem to golf in the morning. He made it sound discouraging. As a businessman I felt it was a strange way to market a service.

It is intersting to note that in Eugene the two golf courses within the city limits allow "tee off" any time a person wants. A golfer can "tee off" at 5:00 a.m. if he wishes and then pay when he plays through. The Eugene golf course owners are not seeking to discourage use of their courses.

5. Economic Loss To Others

I like Keizer due to its ease of shopping and easy freeway access for my business activities along the I-5 corridor. I have no doubt that the annoyance of mowing at McNary Golf Course before 7:00 a.m. is an economic detriment to the City of Keizer at least equivalent to the alleged economic losses to Hillman Properties if it can not mow before 7:00 a.m.

6. Health

The early morning hours are the period of deep "rapid eye movement" sleep, which is critical to good health. I think the physical and mental health of Keizer residents is damaged by mowing noise that awakens them from deep, early morning sleep. What is the economic and social cost of that?

Summary

In summary I would like to say that the City of Keizer is growing rapidly. I have no doubt that city procedures which were acceptable in the past are being up-dated regularly to accomodate the new reality of this city.

Personally, I would rather see the Noise Ordinance limit all mowing to 8:00 a.m. on weekdays and 9:00 a.m. on weekends. But I feel that the 7:00 a.m. start time for mowing is a reasonable compromise between the preferred mowing schedule of Hillman Properties and the rights of Keizer citizens to a full night's sleep.

In closing I would like to ask the Council two questions:

First, how would you feel about someone in your neighborhood mowing near your home at 5:30 a.m. - even if they felt they had a good reason to do so? Rich Brown is quoted in the Statesman Journal as saying he would not like it. Neither do I.

Second, if you grant this variance, can't any other business come to you, allege a potential economic loss and, based on this precedent, be granted a variance?

What this all comes down to is the most convenient mowing schedule of Hillman Properties verus the health and repose of hundreds of Keizer families. I urge you to reject the variance request by Hillman Properties.

Noise Ordinances in Various Larger Oregon Cities - Mowing

Portland

Source: Paul Herman 823-7350

No mowing 10:00 p.m. to 7:00 a.m.

No exemption for golf courses

Eugene

Source: Joe Hudzikiewicz 687-5086

No mowing 9:00 p.m. to 7:00 a.m.

No exemption for golf courses

Corvallis

Source: Police Department 757-6924

Can not disturb the repose of another citizen at any hour.

No exception for golf courses.

Salem

Source: City Attorney 588-6003

During the night, defined as 10:00 p.m. to 7:00 a.m. it is "unlawful for any person knowingly to create, assist in creating, permit, continue, or permit the continuance of any noise disturbance. A noise disturbance is any sourch which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City."

No exemption for golf courses.

Gresham

Source: Code Enforcement 669-2487

No "plainly audible" noise between 10:00 p.m. and 7:00 a.m.

No exception for golf courses.

[redacted]

We, the undersigned, support McNary Golf Club in its effort to acheive a variance on Section 3, Part 4 of Noise Ordinance 93–269, which prohibits operating lawn mowing equipment with a combustion engine between the hours of 10:00 p.m. and 7:00 a.m.

Name	Signature	Address
DAVID CURRY	[illegible]	1320 WESTWAY NW
J.C. NISSEN	[illegible]	669 McNARY EST DR N
DUANE DAENZER	Duane Daenzer	719 McNARY EST. DR.
Lochie M. Bowles		6424 Crampton Dr N.
MICHAEL L. Allen	[illegible]	420 Snead Dr.
COREY SPADY	[illegible]	2590 Wayside NE
Elwood E Obert	Elwood Obert	6419 Crampton Dr
Patricia J. Obert	Patricia J Obert	6419 Crampton Dr.
HARRY WOLBERS	Harry S Wolbers	951 PLAYER DRIVE N.
LEO L CHANDLER	Leo L Chandler	6301 CRENSHAW DR. N.
DONA Idso	Dona Idso	699 McNary Dr. N.
Mike Nelke	M Nelke	4669 Lowell Ave N.
[illegible]	Diane E Allen	420 Snead Dr. N.
[illegible]	SCOTT AMEND	3417 Hippel VALLEY
Gerald R. Gregg	Gerald R. Gregg	928 Mistletoe Loop N.
Gary H. Cheek	[illegible]	425 Snead Dr Keizer OR
MELVIN J STAUDINGER	[illegible] Staudinger	6182 TREVINO CT N
[illegible]	[illegible]	6142 Trevino Ct N
Bill Thacker	Bill Thacker	801 Player Dr. Keizer
Wil Wilson	Wil Wilson	17900 MALLARD LN. DAYTON OR.
Peter A. Tosi	[illegible]	366 Khyber Ct SE Salem 97306
Evelyn L Ellis	Evelyn L. Ellis	6358 Crenshaw Dr. N. Keizer 97303
GLORIA Lesher	G O Lesher	555 Snead Dr N.
David W. Fasher	David W. Fasher	555 SNEAD DR N. 97303
Betty D. Staudinger	Betty D Staudinger	6182 Trevino Ct N, Keizer, OR 97303
BARBARA WILSON	Barbara Wilson	17900 MALLARD LN. DAYTON OR 97114
THOMAS WOOD	Thomas W. Wood	519 McNARY ESTATES Dr. Keizer 97303
MARTY FILSINGER	Marty Filsinger	569 McNary ESTATES
Carolyn Kilday	Carolyn Kilday	389 McNary Estates Dr. N.
Michael R Fitzgerald	MICHAEL R. FITZGERALD	213 McNARY HTS. DR. N.
Carson Eugene Kilday	Carson Eugene Kilday	389 McNary Estates Dr. Keizer 97303
DONN NISSEN	[illegible]	650 Snead Dr. N.
CHRIS SHORT	C A Short	990 PARKWAY DR N.W. Salem.
LYNN L. BAXTER	Lynn L Baxter	6586 DORAL DR SE Salem 973
Roger Tofte	Roger Tofte	460 MYERS SALEM OR 97302

We, the undersigned, support McNary Golf Club in its effort to acheive a variance on Section 3, Part 4 of Noise Ordinance 93–269, which prohibits operating lawn mowing equipment with a combustion engine between the hours of 10:00 p.m. and 7:00 a.m.

Name	Signature	Address
Barb Knudson	Barbara E. Knudson	848 Greenwood Dr. N.E.
Nancy Glatt	NANCY GLATT	6133 Irvine Ct NO
Harmony Breeden	Harmony F Breeden	6305 Crenshaw Dr N.
Mitzi Vittone	Mitzi Vittone	1252 Larchwood NE
James E Vilton	James E Vilton	1252 Larchwood Keizer
E S Hunter	E.S. Hunter	1399 Greenwood Dr. N.E.
Jerry Herman	JERRY HERMAN	570 SNEAD DR N
John Bauer	523 FOUNTAIN CT	John Bauer
Bonnie Bauer	Bonnie Bauer	523 FOUNTAIN CT
James M Olson	4918 Viewcrest Rd	Salem
Steve Senter	Stephen A Senter	3291 Mayfield N.
Gillian Herndon	Gillian Herndon	182 Triple Tree Cir Keizer
Charlie Bradley	Charles P Bradley	P.O. 20385 Keizer Or. 97307
Don Ferguson	Don Ferguson	6087 Hogan Dr N
ANIN PEDERSEN	Anin Pedersen	553 FOUNTAIN CT
R.C. EMMERICH	R C Emmerich	6188 Crampton
W.O. Reil	Walter O Reil	6130 Lakeshore Ct N
B.M. Renshaw	B.M. Renshaw	6167 LAKE SHORE CT. N
Howard Butler	Howard C Butler	562 Fountain Ct N. Keizer Or
Don Condt	Donald Condt	439 Palmer Dr Keizer OR
Don Chandler	Don Chandler	1176 Manzanita Way NE Keizer, OR
Walt Gibson	Walt Gibson	1827 CLAVIER Rd NE Keizer
James Lewis	James Lewis	549 McNary Est Keizer
Ted Boone	Ted E Boone	237 McNary Hts Dr. N Keizer
Maurice M. Emery	Maurice M. Emery	6489 Crampton Dr. N
GORDON LARSON	Gordon Larson	441 McNary Hts Dr Keizer.
June & Kaz Wilson	June & Kaz Wilson	6399 Crampton Dr N.
GARY D. BURDON	Gary D. Burdon	6429 CRAMPTON Dr. N.
WM BREEDEN	W. A. Breeden	6305 Crenshaw Dr N Keizer
Butler Virginia	Virginia Butler	562 Fountain Ct. N. "
Pedersen Dolores	Dolores Pedersen	553 Fountain Ct. N
Greg Miller	Greg Miller	389 Dorcas Dr. N Keizer
Tom Robinson	[illegible]	
Gregg Pedersen		
Robert B Smith	ROBERT B SMITH	6459 CRAMPTON Dr N, Keizer

We, the undersigned, support McNary Golf Club in its effort to acheive a variance on Section 3, Part 4 of Noise Ordinance 93–269, which prohibits operating lawn mowing equipment with a combustion engine between the hours of 10:00 p.m. and 7:00 a.m.

Name	Signature	Address
FELIX CARDINAL	Felix H. Cardinal	480 SNEAD DR. N. KEIZER, O.
BLANCHE CONAT	Blanche Conat	439 Palmer DR N Keizer, OR
Vivian Herman	Vivian Herman	570 Snead Dr N. Keizer, Ore.
Mike Eyerly	[illegible]	1595 Evergreen NE. Salem - 97301
Frances Davis	Frances L Davis	7431 2nd Ave. Keizer - 97303
Martha Van	MARTHA VAN	472 FOUNTAIN CT. N KEIZER 97303
Ralph Martin	Ralph Martin	6187 LAKESHORE CT. N.
Voyle R. SHELTON	Voyle R. Shelton	941 Glayer Dr. Keizer, OR 97303
JAN NISSEN	Jan Nissen	669 McNary East Dr N 97303
MARJORIE McDONALD	Marjorie McDonald	6479 Crampton Dr N. 97303
Barbara FISHER	Barbara Fisher	7106 Parkridge NE 97303
TONY BRAY	Tony Bray	599 GREENWOOD DR. 97303
SHERRY Vaughn	Sherry Vaughn	599 Greenwood Dr 97303
Robert Hunter	[illegible]	7850 Orel Rd NE. 97303
Ted Steinke	[illegible]	560 Snead Dr Keizer
Debbie Steinke	Debbie Steinke	560 Snead Dr. Keizer 97303
Larry Bent	Larry Bent	826 Pearlman Dr NE 97303
John Killits	John T Killits	6153 Trevino Ct 393.2730
Ernest A Fuhl	Ernest A Fuhl	844 Crenshaw Loop N. 97303
Donald J. Trombley	Donald J Trombley	299 McNary Est Dr N
ALAN M. MOBERG	[illegible]	329 McNARY EST. DR. N. 97303
David B. Hallock	[illegible]	209 McNary Est Dr. Keizer OR 97303
Mike W. GREGG	[illegible]	6345 55th Ave NE 97305
Val Carlson	[illegible]	2061 Kennedy Circle Keizer, OR
Chris S. Patton	Chris S. Patton	289 Crenshaw Ct Keizer
Ted Hawes	Ted Hawes	4521 Harlan Dr NE Salem
Bill Pearl	Bill Pearl	6137 Hogan Dr NE Keizer
Gloria Carlson	Gloria Carlson	809 Crenshaw Loop No.
George Lewis	George Lewis	2838 LIVINGSTON 97303
DOT LEWIS	Dot Lewis	" " " "
JOSEPH VALKO	Joseph A Valko	6219 CRAMPTON DR N. 97303
RITA VALKO	Rita Valko	6219 Crampton Dr N.
MITCH NICHOLS	Mitchell F. Nichols	568 Palmer Dr. N. Keizer OR 97303
Sidney Nichols	Sidney F. Nichols	568 Palmer Dr. N. Keizer 97303
MARTY PHELPS	Marty Phelps	6743 SHEPHERD CT. KEIZER 97303

We, the undersigned, support McNary Golf Club in its effort to acheive a variance on Section 3, Part 4 of Noise Ordinance 93–269, which prohibits operating lawn mowing equipment with a combustion engine between the hours of 10:00 p.m. and 7:00 a.m.

Name	Signature	Address
ROBT McHUGH	Robt McHugh	Keizer, OR
C S Melott	Charles S Melott	" " 97303
ROBERT B. MARR	Robert B. Marr	874 CRENSHAW LOOP NO. - KEIZER
RICH KENNEDY	[illegible]	1266 Kimberly Ct NE
JAN KENNEDY	Jan Kennedy	1266 Kimberly Ct NE
Jean Fish	Jean Fish	844 Crenshaw Loop N.
CARL BECHERT	Carl Bechert	6171 LAKESHORE CT. N
Dr Robert Davis	Robert Davis	7431 2nd Ave Keizer
MARVIN JONES	Marvin D Jones	528 PALMER DR N
[illegible]	John Bowler	6500 Wheatland Ct N #14
GUS WYBENGA	Gus Wybenga	6388 Crampton
Al Tunnisen		417 McNary [illegible]
WILLIAM A. HOFFMAN	William A. Hoffman	219 McNARY EST. DR KEIZER
Marty Townsend	Marty Townsend	289 McNary Est Dr Keizer
STAN STUTTAFORD	[illegible]	592 FOUNTAIN CT. N. Keizer
Charles H. Seger	Charles H Seger	885 Player Drive, N.
J. L. Bowlin		567 Fountain Ct. N
Ray Kerr		452 " " "
Wally Wittwer	W. K. WITTWER	482 " " "
Al Houweling	Al Houweling	522 " " "
R E Hjort	R E HJORT	644 Rosepark Ln Keizer
MARK MARKOVITZ	M Markovitz	575 Snead Dr Keizer
Joel Leming	Joel Leming	923 Mistletoe Lp N, Keizer
Matt Silbernagel	Matt Silbernagel	919 Mistletoe Lp N Keizer
Gale DeKuss	Gale DeKuss	1059 Northrup Ct NE
William S. SANFORD	William S. Sanford	5336 WINDSOR IS Rd N
Janis Sanford	Janis M Sanford	5336 Windsor Is Rd N
David Boysen	David J Boysen	6172 Lakeshore Ct. N Keizer
Arnie Vogland	Arnie Vogland	6350 River Rd N Keizer
Bill Stabler	Bill Stabler	629 McNary Estates Drive Keizer
Roger Idso	Roger Idso	699 McNary Estates Dr. N
Gerald L. Griffey	Gerald L. Griffey	479 McNary Estates Dr. N
JACK W. SUGGS	Jack W. Suggs	855 CRENSHAW LOOP N, KEIZER
FRANK ELLIS	Frank Ellis	6358 CRENSHAW
Geo Green	George Green	6113 TREVINO CT N Keizer

We, the undersigned, support McNary Golf Club in its effort to acheive a variance on Section 3, Part 4 of Noise Ordinance 93–269, which prohibits operating lawn mowing equipment with a combustion engine between the hours of 10:00 p.m. and 7:00 a.m.

Name	Signature	Address
Chet Fitzell	Chet Fitzell	6303 Crenshaw Dr. N
Bruce Barker	Bruce H Barker	6431 Sandwedge Ct. NE
E. Wayne Hurlbutt	E Wayne Hurlbutt	898 Crenshaw Lp N.
Robert D Carlson	Robert D Carlson	809 Crenshaw Lp N
Virginia S. Wittwer	Virginia S Wittwer	482 Fountain Ct. N
Wandaline Purcell	Wandaline Purcell	6271-11th Ave. N.E.
Genevieve Tapping	Genevieve Tapping	543 Kingwood Dr. NW
Betty Taylor	Betty Taylor	739 McNary Est. Dr. N.
Bonnie Goodlett	Bonnie L Goodlett	779 McNary Est Dr N.
Wanda Heard	Wanda Heard	6137 Hogan Dr N.
Nancy McConnell	Nancy McConnell	834 Crenshaw Lp.
Carole Prall	Carole Prall	4739 13th Ave N.
Joleen Vohland	Joleen Vohland	6390 River Rd. N.E. Keizer
Ruth Lunnisin		419 McNary Estates Dr.
Dillie Flannery	Dillie Flannery	569 McNary Est Dr N.
Caroline Hurlbutt	Caroline Hurlbutt	898 Crenshaw Loop N.
Betty Lewis	Betty Lewis	549 McNary Est. Dr. N.
Gay Nance	Gay Nancy	6068 Crampton
Thelma Nissen	Thelma Nissen	650 Snead Dr. N.
Judy Glore	Judy Glore	1029 Oakwood St NE
Janet Suggs	Janet Suggs	855 Crenshaw Loop N.
Gladys Pilot	Gladys Pilot	6122 Trevino Ct N.
Lenore Kypis	Lenore Kypis	583 Fountain Ct. N
Ales Elort	Ales Elort	1899 Mistwood N.
Arlota Fisher	Arlota Fisher	3663 31st Ave NE
Janice Fitzell	Janice Fitzell	6303 Crenshaw Dr N.
Willie B Jones	Willie B Jones	528 Palmer Dr N
Minnie Green	Minnie Green	6113 Trevino Ct N
Cardinal	June Cardinal	480 Snead Dr. N.
Jonell Washburn	Jonell Washburn	6309 Crenshaw Dr N.
Helen Shotts	Helen Shotts	5276 Arcadia Ave
Martha Margonis		785 Dion NW
Clarice Larson	Clarice Larson	441 McNary Hb Dr. N.
Beverly G. Paprocki	Beverly G. Paprocki	6985-9th Ct. N.E.
Alice White		1170 Troy Way NE

We, the undersigned, support McNary Golf Club in its effort to acheive a variance on Section 3, Part 4 of Noise Ordinance 93–269, which prohibits operating lawn mowing equipment with a combustion engine between the hours of 10:00 p.m. and 7:00 a.m.

Name	Signature	Address
ROBERT GREEN	ROBERT S GREEN	931 PLAYER Dr. N.
Mary Lou Wolters	Mary Lou Wolters	951 Player Dr. N.
DIANE Shelton	Diane Shelton	941 Player Dr. N.
Don & Gloria Trachsel	DON & GLORIA TRACHSEL	961 Player Dr. N.
WILMA VASAS	Wilma Vasas	6409 Littler Dr. N
PETE VASAS	[illegible]	6409 Littler Dr N
DONALD PORTER	Donald A. Porter	6499 CRAMPTON DR N
JAMES W. ROOP	James W. Roop	6428 CRAMPTON DR. N.
ARDEN ROOP	[illegible]	6428 Crampton Dr. N.
BERT D. HUFF	[illegible]	6448 Crampton Dr N.
GWEN HUFF	Gwen Huff	" " "
Dorothy Skoda	Dorothy Skoda	6319 Crampton Dr N.
Lee B. Longfellow	Lee B. Longfellow	6259 Crampton Dr. N.
Ann Manning	Ann Manning	6149 Crampton Dr.
GILDA SILVERMAN	Gilda Silverman	6088 Crampton Dr.
Michael Callahan	[illegible]	6179 Crampton Dr.
SYLVIA WYBENGA	Sylvia Wybenga	6388 Crampton Dr
Sharon H Miller	Sharon H Miller	6408 Crampton Dr
~~Bonnie~~ Bonnie Youngberg	Bonnie Youngberg	6458 Crampton
EARL LIVENGOOD	Earl H Livengood	6468 CRAMPTON Dr
RAY LINDLEY	Raymond E. Lindley	6478 Crampton Dr.
Bonnie McCain	Bonnie McCain	6498 Crampton Dr.
Jim McCain	James B. McCain	" "
Rosalie Weathers	Rosalie Weathers	901 Player Dr
EMILY C. SLABACK	Emily C. Slaback	831 Player Dr
RICHARD SLABACK	Rich Slaback	"

We, the undersigned, support McNary Golf Club in its effort to acheive a variance on Section 3, Part 4 of Noise Ordinance 93–269, which prohibits operating lawn mowing equipment with a combustion engine between the hours of 10:00 p.m. and 7:00 a.m.

Name	Signature	Address
CHARLES HAVENS		7026 FOREST LN NE
Jim White	Jim White	769 McNary Estates Keizer
MARK HANNA		1250 Bates Rd.
Eldon H. Haas	Eldon H. Haas	1258 Marigold NE
Kim Gilchrist		6645 McLeod Ln
Dwayne Hofstetter		3825 3rd Ave N
Charlotte Martin	Charlotte Martin	6187 Lakeridge Ct N.
Judith Hoffman	Judith A Hoffman	219 McNary Est Dr N.
Jean M. White	Jean M. White	769 McNary Est. Dr N.
Paul Cowell		674 Rockledge Ct Keizer
Elene Kemper	Elene Kemper	5385 Arcade Ave Keizer
Ty Gross		928 Mistletoe Dr. N

May 16, 1994

Keizer City Council
Keizer, Oregon 97303

Gentlemen,

Since October 1990 my wife and I have lived at McNary Estates and Golf Course, (6428 Crampton Dr., N., Keizer), immediately adjacent to the 6th fairway and green. By actual measurement the back wall of our bedroom, which is nearly entirely glass panels, is 17' 6" from the edge of the golf course.

At no time during the 3 years and 7 months we have lived in this home has the mowing of grass on the 6th green and fairway, nor has any other maintenance activity for that matter, disturbed our sleep or the quality of life we enjoy by living here.

It is strongly recommended that a variance be granted applicable to Keizers noise ordinance to allow McNary Golf Course to commence mowing its property prior to 7:00 a.m..

Sincerely,

James W. Roop
6428 Crampton Drive N.
Keizer, Oregon 97303

538 Palmer Dr. N.

Keizer OR 97303

May 15, 1994

Mayor Dennis Koho
3796 Hart Dr. North
Keizer Or 97303

Dear Mayor Koho

I had intended to attend and testify at the May 16th. Council Meeting concerning the Keizer Noise Ordinance, but I have been called out of town.

I would have testified as follows;

1. My name is Pat Love and I live in McNary.
2. I am opposed to changing the Keizer Noise Ordinance.
3. I am an early morning golfer but not at McNary. I am familiar with the problems of early morning golf.
4. The McNary situation is <u>not</u> unique. Contrary to what McNary and other local golf courses have reported, <u>all</u> golfers who start between 6 and 7.30 AM have to compete with mowers and sprinklers.
5. If the Ordinance stays as is, it does <u>not</u> mean <u>no</u> golf. I have never met a golfer that would give up his game, rather than play a few holes under something less than perfect conditions.
6. I see no reason why my family should be required to have their sleep interfered with so as to provide a little extra pleasure for a few early morning golfers.

I would appreciate it if you could ensure that the Councilors see this testimony,

Yours sincerely,

C. P. Love

May 15, 1994

Mr. Dennis Koho &
Keizer City Council
Keizer, OR 97303

I won't be able to attend the council meeting Monday to voice my opinion about the early a. m. mowing at McNary Golf Course and as I believe the "squeaky wheel" gets the grease, let me share a "silent majority viewpoint."

As I am typing this I can hear two lawnmowers, one chainsaw, kids hollering, parents hollering back, birds chirping, dogs barking and cars racing by. Welcome to suburbia!

I'm very concerned with the recent trend of a few people demanding that their complaints no matter what, take priority over what may be best for the community. There is no "give and take" or attempts made to solve the problem, just an immediate fix no matter what the cost may be. The best example before this "mowergate" is the Keizer council's decision to close Sandy Drive. I would estimate 95% of the neighbors on Sandy Drive moved there after McNary High School was built. They knew full well the street they chose to move to, was a very busy street, of course no one was willing to move. What few people know is that another street off of Lockhaven will be required. So far the estimate is at least $100,000, half to be paid by the city of Keizer and the other half the school district, which is essentially you and me the taxpayer. I believe it is dangerous to have Sandy Drive closed as it is the closest access for emergency vehicles to get to McNary. Not to mention the congestion now at Chemawa and Delight which is I feel very dangerous to the students.

Sorry I got off track. I want you to know I have no connection with McNary Golf Course. I've never played there, but I know what a positive asset the Golf Course is to Keizer. Again, the golf course has been there long before Mr. Greg Smith's condo was built, in fact, it is makes the property value higher for the homes built on the course and the surrounding area. Because of the value of the Golf Course, I do not see why Keizer is not working harder to keep the course profitable and viable as it only strengthens Keizer. If we can spend $100,000 for a new road that really isn't necessary, we can spend some money in investing in mufflers for the mowers which may have to be special made if there is none available on the market. With my background in small engines, I know of several builders who could design such a muffler. Has Keizer inquired at other courses nationwide what is the acceptable noise level in their area and how did they work out this problem if indeed it has ever become one? It doesn't seem right to dump all of this

on the Golf Course owner, not when if you think about it, McNary golf course is probably the city's biggest drawing card, unless your prefer one of our many pizza parlor's or burger joints!

Apparently grandfather clauses aren't allowed in our current society. It does seem we let only a few to run our current city government even at the expense of others.

Please let us work on a solution together and not shoot down the golf course. I'm not clear if Mr. Greg Smith owns or rents his condo, if he owns it, being in the proximity of this beautiful course will only add to his property value, if he rents, and is not willing to work on a solution, he does have the option of moving, it would be easier for him than the golf course.

Of course, there are wonderful earplugs on the market at your local pharmacy, or try masking the noise with soothing music, it works!!

Sincerely,

Karyn Pfau

Karyn Pfau
464 Hornet Ct. N.
Keizer, OR 97303

cc: McNary Golf Course

P.S. I also think Keizer should make developers more responsible and contribute to the community. Keizer is being allowed to grow too rapidly with little thought to overcrowding at our schools. I think each developer should contribute to a fund to add a classroom and/or additional staff - They come in, build, make a fortune & leave us with the problems!

MOWING PRACTICES OF MAJOR METROPOLITAN GOLF COURSES IN OREGON

SALEM AREA	WEEKENDS	WEEKDAYS
SALEM GOLF CLUB	5:30	6:30
ILLAHE COUNTRY CLUB	5:30	6:00
BATTLECREEK GOLF COURSE	5:30	6:00
SATIAM GOLF COURSE	5:15	5:15
CREEKSIDE GOLF CLUB	5:30	6:00
PORTLAND AREA		
PORTLAND GOLF CLUB	5:00	6:00
WAVERLY COUNTRY CLUB	6:00	6:00
EASTMORELAND GOLF COURSE	4:00	5:00
GLENDOVEER GOLF COURSE	4:30	5:30
HERON LAKES GOLF COURSE	4:30	5:30
BROADMOOR GOLF COURSE	6:00	6:30
COLWOOD NATIONAL GOLF COURSE	5:00	5:30
RIVERSIDE COUNTRY CLUB	5:45	5:45
COLUMBIA EDGEWATER COUTRY CLUB	5:00	5:30
TUALATIN COUNTRY CLUB	5:00	5:30
OSWEGO LAKE COUNTRY CLUB	5:30	6:30
PROGRESS DOWNS GOLF COURSE	5:00	5:30
CHARBONNEAU GOLF COURSE	5:30	6:00
SUMMERFIELD GOLF COURSE	5:30	6:00
EUGENE AREA		
EUGENE COUNTRY CLUB	6:00	6:00
EMERALD VALLEY	5:30	6:00
SPRINGFIELD COUNTRY CLUB	5:45	6:15
CORVALLIS COUNTRY CLUB	6:00	6:00

May 11, 1994

David Bashaw, Supt
McNary Golf Course
1620 Madison St. N.E.
Salem OR 97303

Regarding Keizer Bill # 251, Ordinance # 93-269

The writer served as a golf course superintendent in Oregon for nearly 25 years. He has served on the Board of Directors of the Oregon Golf Course Superintendents Association for many years and as president for four years. Presently, he is Executive Director of the Association. He served on the board of the Golf Course Superintendent Association of America for seven years and as president in 1976-77.

A golf course is a unique operation. Golfers play at all hours of the day. It is not unusual at a public golf course in many areas of the country for golfers to be waiting to tee off at daylight. This poses a problem for the superintendent and his crew since many tasks need to be completed prior to golfers coming on to the golf course. Greens and tees must be mown as it is nearly impossible to complete this job once golfers start play as one foursome follows another to the green. Fairways should be mown for the same reason as it is difficult to complete this job with from one to three foursomes on a fairway waiting to hit their shots. Cups and tee markers must be moved before play starts for the same reason.

Irrigation is usually done at night to eliminate the possible interruption of play.

Tournaments pose a particular problem and most courses host many of these during the course of the golfing season. Since the course has to be set up prior to play in order for everyone to tee off from the same spot and cups on the green cannot be moved during tournament play, this many times means that the crew has to mow with lights and perform other necessary tasks very early in the morning.

Most generally golf course equipment is well mufflered, and operates relatively quietly. Operators are well aware of some objections to noise, but the work has to be done or the golf course cannot operate.

Sincerely,

Dick Malpass, Exec. Dir.

Oregon Golf Association

8364 S.W. Nimbus Avenue · Beaverton, Oregon 97005
Phone: (503) 643-2610 / Fax: (503) 641-6795

EXECUTIVE COMMITTEE
TIM STETSON
President
ROBERT HUENERGARD
Vice President
JERRY PEARSON
Treasurer
STAN BURATTO
GCA&U Chairman
ED ELLIS
Director at Large
CHUCK FISK
Immediate Past President
CHARLES GANTER
Public Links Chairman
JIM GIBBONS
Tournament Chairman
BOB HARRINGTON
Junior Golf Co-Chairman
DUTCH KAWASOE
Director
DON KRIEGER
Director at Large
LYNN M. MYRICK
Director
BOB NORQUIST
Junior Golf Co-Chairman
STEVE NOSLER
Director
DAVID WEINER
Handicap Chairman

ADVISORS
SALLY BOLLIGER
Ladies Advisory Chairperson
JERRY MOWLDS
PGA Advisor

STAFF
STEVE THORWALD
Executive Director
TINA KRIEGER
Assistant Executive Director
KRISTEY COMER
Handicap & Finance Manager
CHARLOTTE PLANK
Junior Golf Administrator
DON KOWITZ
Men's Course Rating
Coordinator

DATE: May 12, 1994

TO: The City Of Keizer

FROM: Oregon Golf Association by Steve Thorwald, Executive Director

SUBJ: Bill #251 repealing city ordinance 90-190

At the request of Rich Brown, Director of Golf at McNary Golf Club, located at 6255 River Road North in Keizer, I ask you to consider an exception of Section 3 - B - 4, Lawn Mowing Equipment, particularly during daylight savings time.

Golf Courses must either complete or be far along in their daily maintenance before play commences. In McNary's case, their Spring and Summer tee times begin at 7 am (or earlier). If they are restricted to operating their lawn mowing equipment with combustion engines after 7 am, they will be unable to complete their work.

Should this happen, the condition of their course will markedly suffer and their regular players will, undoubtedly, seek other courses to play. With reduced play, their revenues will fall and employees might have to be laid off.

Thank you for your consideration of this appeal for exception to bill 251.

THE PROFESSIONAL GOLFERS' ASSOCIATION OF AMERICA

OREGON CHAPTER
PACIFIC NORTHWEST
SECTION

4035 12TH ST. CUTOFF SE
SUITE 190
SALEM, OR 97302

TELEPHONE: (503) 399-9251
FAX: (503) 399-9252

May 13, 1994

Memo to: Keizer City Council

Re: Moratorium on mowing prior to 7:00 a.m.

Dear Council Members:

Let me begin by stating that I understand what you are trying to achieve. The operation of motorized equipment in the early morning hours can cause some tension. The plus side of your proposed moratorium on mowing would appear to be reduced noise and therefore reduced complaints.

Please allow me to point out the negative side of such a moratorium.

During the prime golfing season, the summer months, golfers may wish to begin play early in the morning. No golfer, regardless of tee time or ability, wants to play a mediocre golf course. All golfers will agree that unmowen greens equals a mediocre course. If forced to play under these conditions golfers will go elsewhere.

The PGA is in the business of running golf tournaments. USGA and PGA tournament rules state that once play has begun on a course the condition of that course may not be altered in any way until the completion of the round. If a local ordinance causes a tournament to be played on an improperly prepared course, i.e. unmowen, we will not hold a tournament at that course.

The loss of revenue that will occur, as a direct result of the proposed ordinance, will effect more than just the golf industry. It will effect the entire community of Keizer. I am sure you are aware that the golf industry draws numerous persons to the Keizer area. While in the area these people do more than golf. They may stop at the grocery store, fill the car with gas, grab a bite to eat, take care of business, etc. When these golfers choose to go elsewhere the entire community will be effected.

Early morning mowing of golf courses is done on a daily basis at golf courses all over the world. It is an accepted, important and necessary part of the industry. For persons to move on or near a golf course, and then complain about the mower noise, makes little sense. A few minutes of noise in return for several hours of enjoyment and pleasurable living would seem to be more than a fair trade.

I urge the council to please consider all of the ramifications of the proposed ordinance prior to making a decision. I am sure you will see that the results to be gained from mowing far out weigh the paltry price.

Sincerely,

Jeff K. McFarland
Executive Director
Oregon Chapter PGA

May 15, 1994

Dennis Koho, Mayor
City of Keizer
P.O. Box 2100
Keizer, OR 97307

A. Lee Sjothun
310 McNary Heights Dr., N.
Keizer, OR 97303

To whom it may concern:

I live on the 10th green located just adjacent to the maintenance road. I have resided there since 1987 and before that I lived in McNary View Estates for two years. I am responding to the noise ordinance and variance request by McNary Golf Course.

I have never been bothered by the mowing of the golf course or the early morning golfers. It seems only logical to me that one would assume that there would be some disquiet when living in the vicinity of a golf course.

I am in favor of the variance request from McNary Golf Course!

Yours Truly,

A. Lee Sjothun

May 16, 1994

Dennis Koho, Mayor
City of Keizer
P.O. Box 2100
Keizer, OR 97307

James V. Reimann
459 Palmer Dr. N.
Keizer, OR 97303

To whom it may concern:

I am writing in regards to the noise ordinance and the variance request by McNary Golf Course. Please be aware that I am in favor of the variance. I was one of the former owners of the golf course for eight years and to my knowledge I never once received a complaint in regards to noise.

I currently reside on the golf course and have so for eight years. It is common knowledge that when one lives on or around a golf course that there is going to be a certain amount of activity and noise from golfers as well as maintenance crews.

Let's keep McNary Golf Course up and running.

Sincerely,

James V. Reimann

May 16, 1994

Dennis Koho, Mayor
City of Keizer
P.O. Box 2100
Keizer, OR 97307

LaMoyne & Judie Mapes
299 McNary Heights Dr. N.
Keizer, OR 97303

To whom it may concern:

We are homeowners at McNary View Estates and have been for 15 years. We have never been bothered by any activities on the golf course including the maintenance. We are in favor of allowing McNary to receive a variance to the mowing ordinance.

Sincerely,

Judie L Mapes

Judie Mapes

LEARNING FOR A LIFETIME
SALEM•KEIZER
PUBLIC SCHOOLS

DANIEL E. KUZLIK, Director
Community Relations
2575 Commercial Street SE • Salem, Oregon 97302-4448
(503) 399-3074 • FAX (503) 375-7803

Homer Kearns, Superintendent

RECEIVED
'94 MAY 11 AM 10 04
CITY OF KEIZER
OREGON 97303

May 6, 1994

Dotty Trick
Keizer City Council
P.O. Box 2100
Keizer, Oregon 97307

Dear Dotty,

Thank you for presenting the attached proposal to the Keizer City Council to form a partnership that will keep the Kennedy School library open to the community part of the summer. We would love to keep it open all summer but the Kennedy library is being moved during August to another part of the building and time will be needed to box up the materials and move them. The amount of $1,000 will fully fund the Kennedy Library Summer Bookshelf Project.

If you have any questions, please call myself at 399-3364 for Jenifer Billman, Kennedy principal, at 399-3163.

If the Keizer City Council wishes to fund this proposal a check should be made payable the Salem-Keizer School District and mailed to my attention at 1687 Summer St. N.E., Salem, Oregon 97303.

Thank you for your consideration.

Sincerely,

Jayne Mickles
Community Education Coordinator

cc: Jenifer Billman
Dan Kuzlik

The Summer Bookshelf
Kennedy Elementary School
Keizer, Oregon

Description

The Salem-Keizer School District Community Education Program and Kennedy Elementary School seek funds to open the Kennedy School library during the summer to promote reading and education in the Keizer community.

The library would compliment the U.S.D.A. Free Summer Lunch program and be open Monday, Wednesday, and Fridays, June 27 through July 29 from 11:30 am to 1:30 p.m. The library would be open to the entire community and all ages.

Participants would complete an application form for a summer library card. Children would need parental signature before being issued a card. Children six and under would need a parent or child 12 or older to accompany them when checking out books. The library would operate on a check-in/check-out system to control book loss. The program would be widely publicized and sponsors would be given credit.

A school staff familiar with the school library system will operate the program along with an assistant. Occasionally story time will be offered and a big celebration is planned for the closing date on July 29.

Need

The Summer Bookshelf will provide Keizer children easy access to reading during the summer. Although the library doesn't have a large supply of adult books, adults will be welcome also to check out books. Although the library can't be kept open all summer due to construction, this project will serve as a trial to determine interest from the Keizer community and will serve as an indicator of need for future years.

Budget

Personnel including fringe benefits		$570
Replacement Cost	(30 x $10)	$300
Publicity/Supplies		$130
		$1,000

City of Keizer

Keizer City Hall, P.O. Box 21000, Keizer, OR 97307-1000

Fax Cover Sheet

DATE: June 6, 1994

TO: Al Miller FAX: (503) 390-1899

FROM: Tracy L. Davis Tracy
City Recorder
PHONE: (503) 390-3700 Ext. 108
FAX: (503) 393-9437

RE: Transcript - Tree Ordinance Committee Report

Number of pages including cover sheet: 4

Message:

Al:

This is the transcript of the Tree Report you gave and all other comments from the May 16th meeting.

If you have any questions, please give me a call at extension 108.

Tree Ordinance Task Force Report

Verbatim Transcript of Agenda Item Number 4c
Keizer City Council Meeting
May 16, 1994

Mayor Koho: Move on to the proposed tree ordinance. I would like to get a brief staff or what ever staff report there is, then Jeff Taylor a member of the committee has signed up to speak on this.

Dotty Tryk: This staff report is Councilor Miller's report because it is his committee.

Mayor Koho: Would you like Jeff Taylor to speak before or after?

Councilor Miller: Uh, doesn't matter.

Mayor Koho: Go ahead.

Councilor Miller: Basically the first part of the report is an outline of most of the concepts that were proposed by the Committee and it has been a long time in coming as far as the hours taken to review the Ordinances from many many jurisdictions and trying to compile it in an outline form. But the three main concepts agreed upon by the Committee was a need to regulate the trees in the public right of way and what trees can be planted, the next part, the City parks part is pretty self explanatory and non controversial, that was not actually discussed by the Committee but I added it in there as a result of seeing it in some other ordinances. The new development and building permits defines what significant trees are and mainly says that for trees over fifty feet or more than twelve inches in diameter on applications for construction that they will be located as to the existing trees, what trees are to be removed and what are to be left standing. And then there are some provisions for replanting and that that applies to trees located in the right of way. There's a provision on heritage trees, the details of which were not specifically discussed by the committee other than I was given the task to try and come up something to provide for heritage trees in a non controversial way. So that's what that provision was and then the enforcement and the penalties so that the basic three things that the Committee wanted to do is to provide for regulation of trees in the public right of way, attempt to restrict clear cutting for new development and building permits without being unduly restrictive to developers, and to provide for some type of provision for heritage trees and this is presented to the Council tonight for input of any suggested changes, the tree ordinance committee will meet tomorrow night to consider your input tonight and to offer their own and hopefully tomorrow night the committee can finalize this part of the outline and send it on to legal counsel for drafting and then later presenting it to the Council.

The second part of the report at the last committee meeting, Skip Wendolowski and staff had expressed a concern for a need to change some landscaping provisions of the zoning ordinance. These are what is proposed by him. They were not specifically reviewed by the Committee, so that this part of it has not been discussed. In looking at this it would appear more appropriate, I believe to maybe separate it from the tree ordinance, get the input from the tree ordinance part and go on back to the committee and maybe refer these zoning types of changes to the committee either for input and then to the Planning Commission or just to the Planning Commission.

Mayor Koho: Thank you. Jeff. Would you like to come up and talk to us a bit?

Jeff Taylor: My name is Jeff Taylor and I was on the Tree Ordinance Committee and no disrespect Councilor Miller but I want it to be clear that I received a copy of this Saturday and it was the first thing that we have done on that Committee since over a year and I have to disagree with the part where it says that this was, I think it was, the consensus of the Committee because in the two meetings that we had a year ago we weren't even sure what we wanted to do as far as whether we wanted to take the trees, about the clear cutting of the development that was pretty much in agreement and we had some general discussions about the heritage trees but when we left a year ago we were just looking at some, we were going to get some other samples from other cities, and this is the first I've seen of it in a year and I just have to disagree with the part that this was the consensus of the tree ordinance committee and that's all I wanted to say.

Councilor Miller: I don't know if you were at the last meeting, Jeff

Jeff Taylor: I made both of the meetings.

Councilor Miller: At the last meeting there were three principals that were agreed upon. One was to come up with a designation for the heritage trees, one was to regulate the trees in the public right of way, and the other was to talk about trees with new development and significant trees. My notes reflected that there were definite criteria involved, which is reflected in this outline and then I was supposed to draft an outline based on that and Skip was supposed to draft proposed changes to the zoning ordinance for the landscaping, so that's all this is and the committee is going to have their opportunity to have input on it tomorrow if they disagree with anything and the Council is going to have input on it tonight, so there is nothing cast in stone, there is nothing that is going to be voted on, the Committee is going to get a chance to review all of this tomorrow night.

Jeff Taylor: I am not worried about it being cast in stone, I realize that the wheels don't move that fast. I guess I'm just more concerned that, you know, this said this was the consensus. Yes we talked about these ideas but I would have thought we would have gotten back together before anything would have come to Council, that's the way I understood the Committee was to be. That's my only problem with this. I think the ideas are fine, Al. I don't have a problem with that.

Councilor Miller: The idea of presenting it to Council for input first and then have the Committee consider it as a whole is was to keep from having to have two extra meetings; one for the Committee to review it, one for the Council to review it, one for the Committee to review what the Council had and then one to redo it all in the first place. This was a way to avoid one or two different meetings by considering all the input at once.

Mayor Koho: Well I appreciate both points of view. I am glad that we got to this point where there will be a meeting tomorrow and a product that will move forward.

Councilor Watson: I am glad we have a product that we can look at. I am inclined to think that that we however should simply take this draft and not discuss it and let the committee do its work on it and if we want to do something with it as Councilors before it comes to us after hearing, I suggest we go to the tree committee meeting tomorrow and make our viewpoints known. I think we will bias it to much if we discuss it now.

Councilor Keller: I concur with Councilor Watson I think its just a good informative message for us to let us know what direction they are going. The second part maybe Dotty or John can answer for me. On the tree ordinance commercial development, the impression I get is what they are looking at is primarily the commercial properties in the urban renewal district. Weren't they going to be addressed under the urban renewal project anyway?

John Morgan: This is a zoning ordinance provision idea that would apply universally to any commercial property. It just happens the majority of that is in the urban renewal district. R3B has never talked about trees inside private parking lots and this speaks to that for new construction, so you know R3B ought to look at this, Planning Commission ought to look at it. There's a lot...

Councilor Keller: I would certainly concur with it going back to the Planning Commission to really take a good hard look at it and possibly massage a little bit so it is not quite as cumbersome as it is right now.

Mayor Koho: The only input I'd offer is to encourage the Committee to come up with some product. If there's not consensus to do everything at least there is likely consensus to do some things and doing something now is better than doing nothing, I think. So, I would appreciate you finding those areas you most agree upon and bring those back to us.

Councilor Miller: okay.

Mayor Koho: Anything further?

(No comments made)

Prepared by: Tracy L. Davis, City Recorder

AL

KT

Recollection
By free ordinance

transcript

Report what AL said

- verbatim transcript
prepared by
Tracy Davis, CR

Keizer Opinion

Volunteers deserve say in deliberations over tree ordinance

Being busy isn't a good reason for City Hall to ignore citizen input, but that's the appearance given the handling of the city's new tree ordinance. Councilor Al Miller recently gave the city council an update on the work of his Tree Ordinance Task Force, leaving the impression that the recommendations were from the group. They weren't.

Instead, Miller hammered out a report that was supposed to reflect the consensus of the tree group. Trouble is, members of the tree group didn't even see the report until the weekend before the council was to hear it.

That rankled one task force member, who was upset the way the report was handled. Miller wrote a long defense of his handling of the report, explaining in detail how busy he got this spring. He blamed the haste for getting the report to the council on pressure from Mayor Dennis Koho.

Miller took the issue one step farther, complaining that he had been working hard on the tree ordinance and the mayor was no help. In a letter to his fellow task force members, Miller used the occasion to declare that the city needed a change, and he was supporting Jim Keller for mayor.

What the mayor's race has to do with a tardy tree ordinance report is puzzling. But what's more troubling is the hint that the council would be given a report that supposedly represents the work of citizens appointed by the city.

Everyone at City Hall knows how difficult it is to recruit volunteers for any task, and the surest way to discourage volunteers is to do something that suggests their work isn't important.

That's what Miller did, albeit unintentionally, in his handling of the tree report. The people asked to sit on the Tree Ordinance Task Force are left scratching their heads, wondering what they volunteered for and why no one is making use of their help.

The council wisely sent the report back to the task force for more citizen work. No report should come before the council as representing the considered opinions of a group when the group hasn't even seen the report. Miller's desire to meet a deadline imposed by Koho is understandable, but brushing past the citizen committee to meet it wasn't the best course to take.

On the fence

Task force for courts t

"I went from tucking my son in every night to seeing him four times a month."

"It took me four years before my divorce was final."

"It cost me $4,000, and I still don't see my child."

These were some of the comments about custody battles that I heard during a forum held by the Governor's Task

Dispute over Nixon day tarnishes state unions

CITY OF KEIZER MISSION STATEMENT

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

AGENDA

KEIZER CITY COUNCIL
Monday, May 16, 1994
7:00 p.m.
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC TESTIMONY**

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

4. **COMMITTEE REPORTS**

   a. **Keizer Police Department Service Awards**

   b. **Keizer Budget Committee Appointment**

   c. **Tree Ordinance Task Force Report**

5. **PUBLIC HEARING AND DELIBERATION**

   a. **Comp Plan Amendment 94-2 (The Meadows Group)**

   b. **Noise Variance Request - Hillman Properties (McNary Golf Club)**

   c. **ORDINANCE - Sign Code Revisions**

   d. **Housing and Related Code Amendments**

      - **ORDINANCE - Housing Code**

        - **RESOLUTION - Adoption of Council Policy on the Administration of the Housing Code**

      - **ORDINANCE - Solid Waste Amendments**

      - **ORDINANCE - Nuisance Abatement Process**

6. ADMINISTRATIVE ACTION

   a. RESOLUTION - Authorizing Temporary Suspension of Ordinance Prohibiting Street Vendors

7. CONSENT CALENDAR

   a. RESOLUTION - Northrup/Northshire Street LID (Engineer Report)

   b. Community Development Workplan

   c. Approval of April 18, 1994 Regular Session Minutes

   d. Approval of May 2, 1994 Regular Session Minutes

8. OTHER BUSINESS

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

9. WRITTEN COMMUNICATIONS

   To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

    June 6, 1994

    5:00 p.m. Council Worksession

    Transportation Planning Rule

    Employee Suggestion Award Program Policy

    7:00 p.m. City Council Meeting

    Graffiti Ordinance

    Vehicle Seizure Ordinance

    Community Policing Committee Report

    June 20, 1994

    6:00 p.m. Urban Renewal Agency Board Meeting

    1994-95 URA Budget Public Hearing

    Relocation Policy

    7:00 p.m. City Council Meeting

    Franchise Agreements

    Adoption of 1994-95 Budget

    Backyard Burning Committee Report

11. ADJOURN

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

Keizer Police Department
930 Chemawa Rd. N.E. • P.O. Box 21060
Keizer, Oregon 97307-1060 • 390-3713 / FAX 390-8295

Charles R. Stull
Chief of Police

KEIZER CITY COUNCIL: May 16, 1994
AGENDA ITEM NUMBER: 4a

DATE: May 12, 1994

TO: Mayor and City Council

THRU: Dotty Tryk, City Manager

FROM: Charles R.Stull, Chief of Police

SUBJECT: POLICE EMPLOYEE SERVICE AWARDS

On May 19, 1984 the Keizer Police Department was formed and this year marks a decade of service to the community! The following employees have worked for the department since formation and are eligible for a ten (10) year service award:

Bruce W. Jenness, Lieutenant
David L. Kominek, Patrol Sergeant
C. Patrick Bowe, Detective Sergeant
Mark J. Miranda, Patrol Sergeant
Kent W. Barker, Patrol Sergeant

The following employee is eligible for a five (5) year service award:

Carol Pacholl, Administrative Assistant

These awards will be presented at the Keizer City Council meeting scheduled for May 16, 1994.

crs:cp

CITY COUNCIL MEETING: May 16, 1994

AGENDA ITEM NUMBER: 4b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK
CITY MANAGER

FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: BUDGET COMMITTEE APPOINTMENT

Issue:

On May 10, 1994 the Volunteer Coordinating Committee reviewed several applications for the Budget Committee vacancy recently created by the resignation of Sheree Goll. The Committee unanimously recommended the appointment of Diane Hansen to fill the unexpired three-year term of Ms. Goll. This term will expire on August 31, 1996.

Recommendation:

It is recommended the Council move to appoint Diane Hansen to fill the unexpired three-year term on the Budget Committee.

Draft Committee

CITY OF KEIZER
VOLUNTEER APPLICATION FORM

NAME DIANE HANSEN

ADDRESS 1944 NORTHVIEW DR NE
KEIZER, OREGON 97303

DATE 4/25/94
DAY
PHONE 945-6430
EVENINGS/WEEKENDS
PHONE 390-4917

****

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

I FEEL MY EDUCATION AND PAST EXPERIENCE COULD BE A BENEFIT TO THE CITY AND AS A RESIDENT WITH TWO SMALL CHILDREN, I WANT TO DO WHAT I CAN TO ENSURE THE BEST COMMUNITY POSSIBLE. (RESUME ATTACHED)

Number of hours per week you can volunteer: 5-10+

Day or days of week available: OPEN

Time of Day available: EVENINGS / WEEKENDS

RECEIVED
'94 APR 26 AM 10 46
CITY OF KEIZER
KEIZER, OR 97303

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED

Budget Committee	X	**Clerical**	____
		Computer Entry	____
Parks Committee	____	**Research**	____
		Maintenance	____
Planning Commission	____	**Reception**	____
		Landscape	____
Volunteer Coordinating Comm	____	**Other**	____

List Other: _____

EDUCATION BACKGROUND

High School EVERGREEN H.S. EVERGREEN, COLO — **Date Completed** 1971

College NORTHERN AZ. UNIV. FLAGSTAFF, AZ — **Date Completed** 1976 - BS ACCOUNTING

1985 - MASTERS MANAGEMENT

UNIVERSITY OF PHOENIX PHOENIX AZ.

'ERSONAL REFERENCE

Name JOANN BEILKE Telephone 393-2776

Address

:URRENT PLACE OF EMPLOYMENT

Employer's Name STATE OF OREGON - SENIOR AND DISABLED SERVICES

Employer's Address and Telephone 4TH FLOOR, 500 SUMMER ST. NE SALEM, OR 97310

Your Position FISCAL ANALYST Beginning Date

May we contact you at work? YES

'REVIOUS VOLUNTEER EXPERIENCE

CITY OF KEIZER BUDGET COMMITTEE
(Volunteer Agency)

Address Telephone

Supervisor Duties

****

AUTHORIZATION WAIVER

I HAVE COMPLETED THE ABOVE QUESTIONS AND TO THE BEST OF MY KNOWLEDGE, WHAT HAS BEEN STATED IS TRUE.

IF APPOINTED TO A VOLUNTEER POSITION, I AGREE TO SERVE WITHOUT REIMBURSEMENT OF ANY KIND, AND WITH THE UNDERSTANDING AND AGREEMENT THAT ACCIDENT AND MEDICAL INSURANCE IS NOT PROVIDED BY THE CITY OF KEIZER.

Diane Nanson
Signature of Applicant

4/25/94
Date

****

PLEASE RETURN COMPLETED APPLICATION TO:

VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
930 CHEMAWA ROAD N.E.
P. O. BOX 21000
KEIZER, OREGON 97307-1000

Telephone: 390-3700 ext. 108
Tracy L. Davis
City Recorder

DIANE HANSEN
1944 Northview Drive NE
Keizer Oregon 97303
(503) 390-4917

OVERVIEW

Twelve years of proven accomplishments in the areas of auditing, budgeting, and business administration. Strong background in finance, tax, and business licence research as well as extensive ordinance writing.

DETAILS OF EXPERIENCE

AUDITING

Planned the scope and procedure of audits and determined the means of verification, appropriated test periods and extent of test checking required. Ascertained gross receipts by verifying, in accordance with generally accepted auditing standards and procedures, the appropriate operating, asset, capital, and liability accounts to determine that all receipts are reflected in the records and to locate any improperly recorded or unrecorded receipts that may exist. Auditing included actual, random, and statistical auditing techniques.

BUDGETING

Direct the preparation of analysis and evaluates a variety of fiscal reports such as year end reports. Responsible for the technical fiscal functions involving accounting, budgeting, and grants to assure that all financial transactions and reporting comply with the appropriate rules and regulations. Responsible for the preparation and evaluation of all monthly program forecasts.

ADMINISTRATION

Managed two municipal tax and business license departments which included overall responsibility for personnel, departmental budgeting, implementing new systems and procedures. Hired, trained and supervised the auditing, collection, and clerical staff. Further responsibilities included the research and implementation of writing and updating ordinances. This position required considerable interaction with the city legal staff, city manager, city council, and various city groups; also attended numerous council meetings and tax hearings. Other responsibilities required the preparation of departmental budgeting, working closely with the finance and accounting departments in preparing other departmental budgets, developed departmental revenue forecasting, and monitored such forecasting by a variety of different categories and classifications.

PROFESSIONAL EXPERIENCE

Fiscal Analyst STATE OF OREGON	1993 - Present Salem, OR
Auditor/Reviewer STATE OF OREGON	1990 -1993 Salem, OR
Tax Manager CITY OF GLENDALE	1983 - 1987 Glendale, AZ
Auditor STATE OF CALIFORNIA	1978 - 1983 Sepulveda, CA
Tax Administrator CITY OF FLAGSTAFF	1976 - 1978 Flagstaff, AZ

EDUCATION

Masters of Arts Degree UNIVERSITY OF PHOENIX Degree: Management	1985 Phoenix, AZ
Bachelor of Science Degree NORTHERN ARIZONA UNIVERSITY Major: Accountancy	1976 Flagstaff, AZ

COMMUNITY ACTIVITIES

Past member of:

Budget Committee - City of Keizer
Solid Waste Advisory Board - Marion County

PROFESSIONAL ORGANIZATIONS

Lions Club International
Beta Sigma Phi - Xi Alpha Beta

PERSONAL

During 1987 through 1990 I remained home to raise two children.

KEIZER CITY COUNCIL MEETING: May 16, 94

AGENDA ITEM NUMBER: 4c

TO: Mayor and City Council

FROM: Tree Ordinance Committee

DATE: May 12, 1994

SUBJECT: PROPOSED TREE ORDINANCE

The Tree Ordinance Committee has reached consensus on the general concepts to be incorporated into a tree ordinance. The following is an outline of the concepts proposed by the committee. Following that outline is a memorandum and draft proposal by Skip Wendolowski for proposed modifications to Chapter 18 of the Zoning Ordinance. Input from the Mayor and Council is requested prior to finalizing an ordinance.

Intent

The intent of the proposed ordinance is to regulate the planting, maintenance, and removal of trees in public right-of-ways, parks, and other municipal-owned property, in new developments and in the issuance of building permits, and to designate certain trees as Heritage Trees.

Public Right of Way

Trees located in the public right-of-way, including parking strips between streets and sidewalks, shall be maintained by the immediate property owner and shall not be cut down, removed, topped, or transplanted without first obtaining a permit from the City of Keizer. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees located within the public right-of-way may only be removed when there is damage occurring to the surrounding lawn, sidewalk, and/or curb, or when a tree is damaged or sick or creating an eminent danger to persons or property. Any such tree removed must be replaced with a new tree and must be of a species included on a list adopted by the Director of Public Works. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City of Keizer.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet above the street surface or eight feet above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements.

The city shall have the right to cause or order the removal of any tree, or part thereof, which is located in the public right-of-way and which is in an unsafe condition thereby constituting a hazard to life or property, or which is infected by or harbors any injurious fungus, insect or disease which constitutes a potential threat to other trees within the city, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements. The City will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within thirty days after the date of service of notice. In the event of failure of owners to comply

with such provisions, the city shall have the authority to remove such trees and charge the cost of removal as a lien against the property.

All stumps of trees in the public right-of-way shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

It shall be unlawful to intentionally damage, deface or attach any rope, wire, nail, sign, poster, or any other man-made object to any tree located in the public right-of-way.

It shall be unlawful to plant any tree in the public right-of-way without first obtaining the approval of the City of Keizer. Only those trees included in the draft River Road Design Plan as those trees recommended for planting along River Road may be approved for planting in the public right-of-way.

City Parks

No person, other than an employee of the City of Keizer acting at the direction of the Parks Superintendent, shall plant, trim, top, cut down, or transplant any tree in any city-owned park. The City of Keizer shall maintain the right to take any action it deems prudent with any tree located in a city-owned park.

It shall be unlawful to intentionally damage, deface, or attach any rope, wire, nail, sign, poster, or any other man-made object to any tree located in a city-owned park.

New Development And Building Permits

It is the intent of the ordinance to recognize the existing trees located on the subject property and to ensure that the inherent character and benefits, including visual screening and noise reduction, of the trees are not diminished by the proposed development. The City does, however, fully recognize that factors such as disease, concerns for safety and the requirements for site development will require removal of mature trees. All plans for new development shall attempt to save as many existing trees as possible.

All applications for new development (residential, commercial, industrial, or institutional) and building permits shall include a site plan which indicates the following:

1) Existing significant trees.
2) Which significant trees are proposed to be removed.
3) Which significant trees are to be left standing.

Significant trees are defined as trees having a height of more than 50 feet or having a trunk whose diameter is more than 12 inches.

The planting of new trees may be included as a condition for approval of the application and site plan. Any such new development may be required to replace any

removed significant trees up to the rate of two new trees per each one removed. Replacement trees shall have a trunk with a diameter of at least 1 1/2 inches when planted and shall have a trunk of at least 12 inches in diameter when fully mature.

Any applicant who removes, or causes to be removed, any trees from the subject property within twelve months prior to applying for a permit shall at the time of their application for a permit be subject to the provisions of this ordinance.

The above provisions include and apply to all significant trees located in the public right-of-way on the subject property.

Heritage Trees

Heritage Trees are those trees designated as such due to their location, size or age of their species, botanical interest, commemorative plantings, or historical significance. The trees will be designated by the City Council through nominations from the general public. City staff will review all nominations and send recommendations to the City Council. Nominations must be accompanied with the written permission from the property owner where the tree stands. The type of tree, size, location, and reason for nomination should be included. If a nominated tree is designated by the City Council as a Heritage Tree, the property owners will receive a certificate evidencing the designation.

It shall be unlawful to cut down, prune or top a tree designated as a Heritage Tree without first obtaining the approval of the City of Keizer. It shall also be unlawful to intentionally damage, deface, or attach any rope, wire, nail, sign, poster, or any other man-made object to any Heritage Tree.

Enforcement

The City's current infraction processes would apply to this ordinance as well. Enforcement of infractions of this ordinance would be handled in a process comparable to the current infraction procedure. The city code includes an infraction chapter that sets forth the procedure.

Penalty

Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to provisions of the ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed $500 for each separate offense. If, as the result of a violation of any provision of this ordinance, the injury, mutilation, or death of a tree located on city-owned property is caused, the cost of repair or replacement of such tree shall be borne by the party in violation.

MEMORANDUM

TO: Tree Ordinance Committee

FROM: Walter J. Wendolowski, AICP; City Planner

SUBJECT: Tree Ordinance; Commercial Development

DATE: May 10, 1994

During the last meeting of the Tree Ordinance Committee, the issue of trees and landscaping on commercial property was discussed. The Committee was concerned that landscaping regulations in Chapter 18 of the Zoning Ordinance do not provide adequate protection for the maintenance of existing trees. The Committee requested staff develop alternative landscaping language, specifically designed for commercial development, and containing provisions for: (1) maintenance of existing trees; and, (2) planting of replacement trees and new trees.

A copy of Chapter 18 and the draft proposal for modifications to the are attached. Both sections specifically address tree retention, removal and replacement for new commercial and industrial development. Section 18.06 (Parking Lot Landscaping) is modified to include the planting (or retention) of trees in parking and driveway areas. Section 18.10 is a new section specifically addressing trees with regard to required landscaped areas.

As a final note, staff recommends the establishment of a list of "appropriate" trees to help developers in tree selection for landscaping purposes. This will not only help the developers but will ensure compliance with the letter and spirit of the tree regulations.

DRAFT: PROPOSED CHANGES TO CHAPTER 18

18.06 PARKING LOT LANDSCAPING.

(a) Where more than 20 uncovered parking spaces are provided, an area equal to not less than five percent of the area devoted to driveways and parking spaces shall be landscaped. The landscaping required in this section shall be within or abutting the area devoted to parking spaces and shall not include, but shall be in addition to, any required yard.

(b) In addition to the requirements in Subsection (a), development meeting the definitional requirement for "new commercial or industrial development" in Section 18.10 shall comply with the following provisions:

(1) Sufficient trees shall either be retained or planted to shade a minimum of 20 percent of the vehicle parking and driveway area.

(2) In computing tree shading area, each retained or planted tree required by Section (1) shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center.

(3) Retained or planted trees shall have (or will have when fully mature) a trunk at least 12 inches in diameter.

(4) No paving may be placed within 12 1/2 feet (measured from the center of the trunk) of any tree retained to comply with Subsection (1), and new trees planted to comply with Subsection (1) shall be located so that they are surrounded by at least 200 square feet of unpaved area.

(5) Vehicle parking shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three feet, six inches.

18.10 SPECIAL LANDSCAPING PROVISIONS FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT. New commercial and industrial development shall comply with the following additional landscaping provisions:

(a) Definitions. For the purpose of this Section the following definitions shall apply:

(1) Drip Line - A drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of the tree lands on the ground.

(2) New Commercial and Industrial Development - Any improvement of existing vacant commercial or industrial land, or, an increase in the square footage of existing commercial or industrial development (either land or building area) by 50% or more.

(3) Unreasonable Burden - If to accomplish the retention or protection of trees 18 inches in diameter or more, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered, and, such alteration would work an unreasonable hardship upon the developer.

(b) Tree Retention Requirements. Every new commercial and industrial development shall retain all existing trees 18 inches in diameter or more unless the retention of such trees would unreasonably burden the development. One additional tree of similar height or growth potential shall be planted for every tree 18 inches in diameter or more that must be removed.

(c) Excavation, Subsurface Disturbance and Impervious Surfaces. No excavation or other subsurface disturbance may be undertaken within the drip line of any tree 18 inches in diameter or more, and no impervious surface (included, but not limited to, paving or buildings) may be located within 12 1/2 feet (as measured from the center of the trunk) of any tree 18 inches in diameter or more unless compliance with this subsection would unreasonably burden the development. One additional tree of similar height or growth potential shall be planted for every two trees affected by excavation, subsurface disturbance and impervious surfaces.

(d) Parking Reduction. If space that would otherwise be devoted to parking cannot be so used because of the requirements of Subsections (b) or (c) and, as a result, the parking requirements set forth in Chapter 19 cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of the provisions in Subsections (b) and (c), up to a maximum of 15 percent of the required spaces.

(e) Trees retained or replaced as a result of requirements in Subsections (b) and (c) shall be in addition to trees required to comply with the parking lot landscaping requirements in Section 18.06(b).

(f) Landscaping Plan. Every new commercial and industrial development shall submit a landscaping plan as required in Section 18.09 for review by the Zoning Administrator. In

addition to the requirements in Section 18.09, the location and size of all existing trees shall be included on the submitted plan.

CHAPTER 18

LANDSCAPING

Contents

Section	Title	Page
18.00	Landscaping Requirements	1
18.01	Existing Development	1
18.02	Existing Vegetation	1
18.03	Prohibited Landscaping	1
18.04	Maintenance	1
18.05	Landscaping Exemptions	2
18.06	Parking Lot Landscaping	2
18.07	Landscaped Yards	2
18.08	Installation and Design Requirements	2
18.09	Landscaping Plan	3

18.00 LANDSCAPING REQUIREMENTS. The provisions of Sections 18.00 to 18.09 apply to all landscaping required under this zoning ordinance.

18.01 EXISTING DEVELOPMENT. Where the construction of, or addition to, a structure or parking area increases the total area of the lot covered by structures, paving, or both by more than 50 percent, the entire lot shall meet the landscaping requirements of this zoning ordinance; otherwise, only landscaping associated with the expansion shall be provided.

18.02 EXISTING VEGETATION. Existing vegetation which is retained as part of the development may be included as part of the landscaping requirement unless prohibited under Section 18.03.

18.03 PROHIBITED LANDSCAPING. No area required to be landscaped under any provision of this zoning ordinance shall include any artificial trees, plants, or turf, impervious surfacing or any carpeting designed as a visual substitute for lawn or other ground cover. Neither areas devoted to the cultivation of commercial crops nor any area used for pasture shall be considered as landscaped for purposes of fulfilling any landscaping requirement under this zoning ordinance.

18.04 MAINTENANCE. All required landscaped areas, except for single family dwellings shall include a permanently installed irrigation system unless a planting or maintenance plan not dependent on a permanent system has been approved by the Zoning Administrator. All required landscaped areas shall be cleared of all unplanned vegetation including weeds at least

once each year prior to July. Plants that die shall be replaced by April 1. A cover of organic or rock material shall be maintained in areas not covered by plants or water.

18.05 LANDSCAPING EXEMPTIONS.

(a) Undeveloped lots are exempt from all landscaping requirements of this zoning ordinance provided that undeveloped lots in residential zones shall be maintained so that weeds and wild vegetation do not adversely affect developed lots.

18.06 PARKING LOT LANDSCAPING. Where more than 20 uncovered parking spaces are provided, an area equal to not less than five percent of the area devoted to driveways and parking spaces shall be landscaped. The landscaping required in this section shall be within or abutting the area devoted to parking spaces and shall not include, but shall be in addition to, any required yard.

18.07 LANDSCAPED YARDS. Required yards shall be landscaped as provided herein:

(a) In residential zones, all portions of required yards lying between a street or roadway and the dwelling or between the street or roadway and any sight-obscuring fence or hedge located within the required yard shall be landscaped.

(b) In commercial, industrial, P and UT zones landscaping shall be provided in any yard adjacent to a residential zone and in any required front or street yard, except area used for a driveway.

(c) A landscaped area at least 3 feet wide shall be provided between any parking or loading spaces or driveway thereto, and a street or a lot in a residential zone unless a sight-obscuring fence or wall is provided along the lot line.

18.08 INSTALLATION AND DESIGN REQUIREMENTS.

(a) Installation of required landscaping shall be a condition of issuance of a determination. Required landscaping shall be planted and installed prior to occupancy of any structure or establishment of a use except a single family dwelling. Landscaping required on a lot occupied by a single-family dwelling shall be provided within 2 years of occupancy of the dwelling.

(b) Plantings within landscaped areas shall be spaced so that the plants will achieve, within five growing seasons, ground coverage of at least 75 percent of the landscaped area. Landscaped areas not occupied by water shall be covered by organic or rock material.

(c) Except in vision clearance areas and special setback areas, areas required to be landscaped in commercial and industrial zones between public streets and parking spaces and driveways shall be landscaped with berms and/or planting that will screen the parking area from view from the public.

18.09 LANDSCAPING PLAN. A landscape plan may be required as a condition of land-use approval, and is required for all landscaping required under Section 18.08 (c). The Zoning Administrator shall determine if the plan meets the requirements of this ordinance before issuing a determination of conformance. A landscape plan shall be drawn to workable scale showing all plantings by common names together with their size at time of planting or expected coverage within five growing seasons, the location and type of ground cover, the size and configuration of other landscaping features, and show the areas to be watered by an irrigation system.

CITY COUNCIL MEETING: May 16, 1994

AGENDA ITEM NUMBER: 5a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CP/P/V/CU/SUB/V(SUB) 94-2 - The Meadows Group

DISCUSSION:

This complex land use case involves, in part, a Comprehensive Plan amendment, which the Council will need to consider and approve after a public hearing. That hearing was scheduled and advertised for this Council meeting. However, it will be held until June 6, 1994 as the Hearings Officer has not completed consideration of the other components of this case.

RECOMMENDATION:

Hold this item over until June 6, 1994.

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK; CITY MANAGER

FROM: JOHN MORGAN, AICP; COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: COMPREHENSIVE PLAN AMENDMENT/PARTITIONING/VARIANCE/ CONDITIONAL USE/SUBDIVISION/VARIANCE (SUBDIVISION) CASE No. 94-4 - MEADOWS GROUP

DATE: MAY 16, 1994

BACKGROUND

The Keizer Hearings Officer heard the above noted case on April 28, 1994. The applicant is the Meadows Group, in conjunction with property owned by Duane and Sue Van Cleave, and, Randy and Judy Jacobsen. The subject area includes three parcels located on the east side of Wheatland Road, approximately opposite its intersection with Otter Way and north of the Caterwood Subdivision. The three parcels total 13.51 acres; each parcel contains a single family home.

Of the 13.51 acres, 8.42 acres is designated Medium-High Density Residential and 5.09 acres is designated Low Density Residential; the entire area is zoned UT (URBAN TRANSITION). The purpose of the Medium-High Density Designation is to provide land for multi-family residential development at densities greater than 8 dwelling units per acre. The purpose of the Low Density Designation is to provide single family residences at densities of less than 8 units per acre.

This case involves the following land use actions:

1. Comprehensive Plan Amendment to change the Plan designation from Medium-High Density Residential to Low Density Residential on approximately 8.42 acres.
2. Three partitionings: (a) dividing 3.47 acre parcel into a 2.72 acre and 0.75 acre parcels, (b) dividing a 1.62 acre parcel into 0.85 acre, 0.49 acre and 0.28 acre parcels; and, (c) dividing an 8.42 acre parcel into 1.3 acre and 7.12 acre parcels.
3. Variances to the lot size and dimension standards of the UT (URBAN TRANSITION) zone for the three partitionings identified in item (2).
4. Conditional Use to place a single family home on property within the UT zone on the 0.28 acre parcel identified in item (2)(b).
5. Conceptual approval of a 50 lot single family Subdivision on 10.7 acres
6. Subdivision variance to permit a reduction in the right-of-way from 60 feet to 50 feet.

The primary purpose of this request is to establish a 50 lot subdivision on 10.7 acres. To achieve this objective required partitionings, variances, a conditional use and an amendment to the Comprehensive Plan Map.

Attached to this report is the Hearings Officer's decision and the original staff report. They detail the proposal, the criteria and analysis, conclusions and recommendation.

DISCUSSION

This is a complex report which consolidates four applications involving nine separate land use actions. Staff consolidated the four applications under one heading in order to properly organize the request and better understand the relationship between the properties and the expected outcome.

Pursuant to Chapters 4 and 5 of the Zoning Ordinance, the Hearings Officer's decisions on the Partitionings, Variances, Conditional Use, Subdivision and Variance to the Subdivision and Partitioning Ordinance are final decisions and subject only to Council review if appealed. The Hearings Officer granted approval to each request, subject to specific development conditions.

The City Council, however, is required to review and issue a final determination on any amendments to the Comprehensive Plan and Plan Map. As noted, the specific amendment request is to change the Comprehensive Plan designation from Medium-High Density Residential to Low Density Residential on approximately 8.42 acres of land. The applicant was able to justify the change in Plan designation. Recent residential density transfers from Wheatland Road to River Road (Larry Epping property) and significant multi-family development on commercial property indicate the City has more than adequate supply of multi-family property to meet future needs. Both City staff and the Hearings recommend approval of the Comprehensive Plan Amendment.

RECOMMENDED ACTION

It is recommended that Council direct staff to return with an Ordinance granting approval to the Comprehensive Plan Amendment for consideration at the June 6, 1994 , meeting.

Attachments: Hearings Officer Report
Staff report
Area map
Site plan
Applicant's statement

BEFORE THE CITY OF KEIZER HEARINGS OFFICER

In the matter of the application of:	)	Case No. 94-2
	)	
THE MEADOWS GROUP	)	COMPREHENSIVE PLAN AMENDMENT/PARTITION/ CONDITIONAL USE/SUBDIVISION/ SUDIVISION VARIANCE
	)	

RECOMMENDATION AND ORDER

1. Nature of the Application

This matter came before the City of Keizer Hearings Officer upon the application of The Meadows Group for a comprehensive plan amendment to change the plan designation from Medium-High Density Residential to Low Density Residential on approximately 8.42 acres of land. In addition, applicant seeks three partitionings to divide a 3.47 acre parcel into a 2.72 acre parcel and a 0.75 acre parcel, to divide a 1.62 acre parcel into three parcels of 0.85 acre, 0.49 acre and 0.28 acre, and to divide an 8.42 acre parcel into two parcels of 1.3 acres and 7.12 acres; variances to the lot size and dimension standards of the UT (URBAN TRANSITION) zone for the three partitionings; a conditional use to place a single family home on property within the UT zone on the 0.28 acre parcel; conceptual approval of a 50 lot single family subdivision on 10.7 acres; and a subdivision variance to permit a reduction in the right-of-way width from 60 feet to 50 feet.

The principal purpose of this request is to establish a 50 lot single family subdivision on 10.7 acres. The applicant requires a series of partitionings, variances and a comprehensive plan amendment to establish the 10.7 acre parcel needed for the subdivision. The planning staff consolidated the four separate applications for the purpose of logically identifying the relationship between each of the parcels and applications.

The properties contain 13.51 acres. 8.42 acres are designated Medium-High Density Residential. 5.09 acres are designated Low Density Residential. The entire area is zoned UT (URBAN TRANSITION). The properties are located at 7448 Wheatland Road North and 7410 Wheatland Road North, Keizer, Oregon. (Section 26BA; Township 6 South; Range 3 West; Tax Lot #s 200, 700 and 800).

2. Relevant Criteria

The applicable criteria for this application are embodied in the following:

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

2. Keizer Zoning Ordinance Sections 4.17, 6.30 and 8.30.

3. Public Hearing

A public hearing was held on April 28, 1994. Official notice was taken of the Keizer Community Development Department files in this matter. No person requested tat the record be left open or that the hearing be continued. The hearing and record were closed. The following persons appeared at the hearing and provided testimony on the application:

1.	Walter Wendolowski	City Planner
2.	Ken Sherman, Jr.	Applicant's Attorney
3.	Bonnie Terhaar	Area resident
4.	Ron Bassett Smith	Area resident
5.	Weldon Swick	Area resident

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

Ex. 1 Comments of Portland General Electric
Ex. 2 Comments of Cindy Schaeffer, Clear Lake Neighborhood Assoc.

No objections were raised as to notice or jurisdiction, alleged conflicts of interest, bias, 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 is composed of three separate parcels. Each parcel contains a single family home. The subject property contains 13.51 acres and is composed of 3 tax lots located at 7448 and 7410 Wheatland Road North. 8.42 acres of the subject property is designated Medium-high Density Residential and 5.09 acres is designated Low Density Residential in the Keizer Comprehensive Plan. The entire property is zoned UT (URBAN TRANSITION) in the Keizer Zoning Ordinance. The purpose of these plan designations are to provide land for multi-family residential development at densities greater than 8 dwelling units per acre, and to provide single family residential development at densities less than 8 dwelling units per acre, respectively.

2. Property to the northeast, north and west is zoned UT and developed with single family homes on subdivision lots or acreage parcels. Land to the south is zoned RL and contains the Caterwood Estates subdivision. This land will also contain the new elementary school. To the east is land zoned UT, which contains a single family home.

3. Applicant seeks approval of the following land use actions:

a. Comprehensive plan amendment to change the plan designation from Medium-High Density to Low Density Residential on approximately 8.42 acres;

b. Three partitionings to divide a 3.47 acre parcel into a 2.72 acre parcel and a 0.75 acre parcel, to divide a 1.62 acre parcel into three parcels of 0.85acre, 0.49 acre and 0.28 acre; and to divide an 8.42 acre parcel into two parcels of 1.3 acres and 7.12 acres;

c. Variances to the lot size and dimension standards of the UT (URBAN TRANSITION) zone for the three partitionings;

d. Conditional Use to place a single family dwelling on property within the UT zone on the 0.28 acre parcel;

e. Conceptual approval of a 50 lot single family subdivision on 10.7 acres; and

f. Subdivision variance to permit a reduction in the right-of-way from 60 feet to 50 feet.

The principal purpose of this request is to establish a 50 lot single family subdivision on 10.7 acres. The applicant requires a series of partitionings, variances and a comprehensive plan amendment to establish the 10.7 acre parcel needed for the subdivision. The planning staff consolidated the four separate applications for the purpose of logically indentifying the relationship between the parcels and the applications. One hearing was held. One decision, involving all four applications will be made, to maintain continuity. However, it should be kept in mind that four applications are involved, and each application must be approved for the basic plan to succeed. Each application can be appealed independently, except for the recommendation concerning the comprehensive plan amendment, which will be reviewed by the City Council.

4. The following agency comments were received:

a. Viacom, U.S. West Communications and Northwest Natural Gas noted that services are available. Northwest Natural Gas and U.S. West Communications requested a 10 foot easement along the front property lines. U.S. West Communications also requested a trench to Wheatland Road on an existing 30 foot utility easement.

b. The Keizer Public Works Department and the Keizer Engineer commented regarding public facility improvements. In general, the developer should be required to construct the necessary public facilities to serve the property. Their comments are attached as "Exhibit E".

c. Salem Community Development Department commented that three of the proposed lots do not meet Salem's design standards and there is no stub street to the east.

d. Marion County Fire District #1 identified fire hydrant locations.

e. Salem-Keizer Schools indicated that there is capacity for the elementary school students expected because of the construction of a new elementary school. The district also noted that there was sufficient capacity for the expected new high school students. The district noted that under current school boundaries, there will be slight overcapacity for middle school students, but the district can deal with the temporary overcrowding. The district did not oppose the subdivision.

f. The Salem Transit District offered no comment.

PARTITIONING AND VARIANCE (VAN CLEAVE PROPERTY)

5. The Van Cleave property is on the east side of Wheatland Road approximately 400 feet north of its intersection with Otter Way. The property address is 7448 Wheatland Road North. The property is 8.42 acres in size, and contains a single family home. The plan designation is Medium-High Density Residential.

6. The applicant has modified the request to now seek a partitioning to divide the property into two parcels: a 1.3 acre parcel with the existing dwelling, and a 7.12 acre parcel. A variance to the lot line dimension standards is required. The applicant no longer seeks a conditional use to place a single family dwelling on the vacant parcel.

7. The applicant intends to change the plan designation on the entire parcel to Low Density Residential, in conjunction with property to the south, to create a single family residential subdivision.

8. Partitionings must comply with the requirements of Section III (1) of the Keizer Subdivision and Partitioning Ordinance, which generally requires all partitionings to be consistent with the comprehensive plan and implementing ordinances. The basic plan designation designation is residential. The partition will separate the existing dwelling from the remainder of the property, and create a large vacant parcel suitable for in-fill residential development.

9. The lot size and dimension standards for the UT zone in the Priority "3" area are found in Section 36.31 (c) of the Keizer Zoning Ordinance. The parcel containing the dwelling is served by public sewer and is over 20,000 square feet in size. The partitioning also creates a large vacant parcel capable of additional residential development. The parcel lines proposed create a series of right angles. The proposed parcels will be rectangular in shape. With this size and shape, future development options for the two parcels will not be diminished. The proposal satisfies the requirements of the zoning ordinance.

10. Section 36.31 (c) (4) of the Keizer Zoning Ordinance contain special provisions for partitionings which create vacant parcels. The proposed vacant parcel exceeds 5 acres in size. However, the parcel does not contain 100 feet of frontage along Wheatland Road,

and includes one interior dimension of less than 100 feet. A variance will be required because of the dimensions of under 100 feet.

11. Variance criteria are contained in Section 6.30 of the Keizer Zoning Ordinance. The reduced interior dimension on the larger parcel is required to keep the existing accessory structure with the existing dwelling. The dimension adjustment is the minimum necessary to meet setback requirements. The total property is almost 1,000 feet deep, but only has 180 feet of frontage on Wheatland Road. It is physically impossible to create two parcels with 100 feet of frontage on Wheatland Road. The location of the existing home further restricts the length of frontage available to the larger parcel. The larger parcel will be developed as a single family residential subdivision. The proposed plan calls for creation of a local street with access to Cater Drive eventually. The reduced frontage does not limit development of the larger parcel. The variance is the minimum necessary to preserve development of this larger parcel.

There are no prior land use decisions that would prohibit the approval of this variance. The variance will allow creation of a large parcel suitable for residential development as a single family subdivision. Such development will be compatible with the surrounding property--more so than multi-family residential uses would be.

The variance requests will be consistent with the purpose of the zoning requirements by allowing further residential development. Since the larger parcel will become part of a subdivision with access from the south, the minimum street frontage requirement need not be maintained.

This application satisifies the requirements for a variance.

PARTITIONING/VARIANCE/CONDITIONAL USE (JACOBSEN)

12. The Jacobsen properties are 3.47 acres and 1.62 acres in size. The proposed partitioning will create a 2.72 acre and a 0.75 acre parcel from the 3.47 acres, and 0.85, 0.49 and 0.28 acre parcels from the 1.62 acres.

13. Partitionings must comply with the requirements of Section III (1) of the Keizer Subdivision and Partitioning Ordinance, which generally requires all partitionings to be consistent with the plan and implementing ordinances. The intent of the Low Density Residential plan designation is to provide for residential development. Each partition will separate an existing dwelling from the remainder of the property to create a large vacant parcel capable of additional development. Additionally, a third parcel will be created out of the 1.62 acre parcel for establishment of a single family home. Each partitioning is consistent with the plan since it will provide for in-fill residential development.

14. The lot size and dimension standards for the UT zone are found at Section 36.31 (c) of the Keizer Zoning Ordinance for Priority "3" areas. Sewer is available to each of the proposed parcels Each of the parcels will contain more than 20,000 square feet. The

layout of the divisions and the subdivision proposal will not diminish future development of the properties.

15. Section 36.31 (c) (4) has special partitioning requirements for the proposed vacant parcels. None of the proposed new parcels will meet these requirements. Variances must be obtained for the lot areas and dimensions.

16. The vacant 2.75, 0.85 and 0.28 arcre parcels are all below the 5 acre minimum size. The existing parcels are also below 5 acres in size. The 2.75 acre and 0.85 acre parcels will be consolidated with other property to create a subdivision. The 0.28 acre parcel will be developed for a single family home. It is as small as possible to ensure suitable space for the new home, while permitting a larger vacant parcel, the 0.85 acre parcel, to be created for more intense residential development. The size reduction of all partitionings is the minimum necessary to permit development of all properties.

There are no prior land use decisions that prohibit approval of the variances. The variance requests allow the creation of new parcels suitable for residential development consistent with the plan designation and with adjacent property. The purpose of the lot size standards is to ensure development options for the property. The main thrust of these applications is to create sufficient land for a single family residential subdivision. The reduction below the 5 acre minimum lot size will not adversely affect development opportunities. The 0.28 acre parcel can also be redeveloped with an additional single family residence. The variance requests satisfy the requirements of the zoning ordinance.

17. Criteria for a lot dimension variance are contained in Section 6.30 of the Keizer Zoning Ordinance. The 2.72 acre parcel and the 0.28 acre parcel both have dimensions less than 100 feet in length. The small interior dimension is not significant for the larger parcel. The 80 and 90 foot dimensions will be combined with the 167 foot dimension to form the eastern boundary of the property. The reduced dimension was necessary on the 0.28 acre parcel due to the 190 foot width and the location of existing buildings.

All three of the parcels, 2.72, 0.85 and 0.28 acres, are interior parcels and cannot have frontage. The two larger parcels will be part of a subdivision with a dedicated local street access to Cater Drive. Loss of frontage does not diminish development potential for these two parcels. The0.28 acre parcel will have a single family home. An existing 30 foot easement provides adequate access to the property. Additional right-of-way is unnecessary.

There are no prior land use decisions that prohibit approval of the variances. The variance proposals allow creation of additional parcels suitable for additional residential development consistent with the plan designation and adjacent property. The purpose of minimum parcel dimensions is to ensure future development options. In this case, the variance requests support future development. The variance requests comply with the zoning criteria.

18. The UT zone allows any permitted use listed in the most restrictive zone corresponding to the plan designation if a conditional use permit is obtained. Here, the placement of a single family home on the 0.28 acre parcel will require a conditional use permit. The RS zone is the most restrictive for the Low Density Residential designation. Section 23.01 (a) of the Keizer Zoning Ordinance allows a single family dwelling in the RS zone.

19. The obtain a conditional use permit, the application must comply with the criteria in Section 36.03 (a), (d) and (g) of the Keizer Zoning Ordinance. The property will have access to Wheatland Road, which is adequate to serve the anticipated additional homes. The development standards for the RS zone are found in Chapter 23 of the zoning ordinance. The submitted site plan indicates that the proposed dwelling can comply with all development standards. The property is designated for residential development. The RS zone permits single family dwelling. The proposed use satisfies the comprehensive plan and zoning ordinance, subject to use of public sewer.

COMPREHENSIVE PLAN AMENDMENT

20. The Meadows Group seeks a change of the existing designation of Medium-High Density Residential to Low Density Residential. This would reduce the maximum housing density from 29 units per acre to 8 units per acre. The proposed change will affect the entire 8.42 acre parcel. The only testimony and evidence presented at the hearing was provided by the applicant and the planning staff. This testimony and evidence amply demonstrated compliance with the criteria found in Section 4.17 of the Keizer Zoning Ordinance. The Hearings Officer adopts this testimony and evidence as facts supporting the comprehensive plan amendment, which are incorporated herein by reference as Exhibit "A", attached hereto. Public testimony by area residents uniformly supported the plan amendment as consistent and compatible with development in the adjacent neighborhoods, including available public streets and schools.

21. Sufficient information was provided to justify the proposed comprehensive plan amendment, which will not adversely affect the supply of multi-family housing, which provide additional needed single family housing, and ensure development compatible with surrounding lands.

SUBDIVISION

22. The 10.7 acre subdivision will include newly created parcels of 7.12 acres, 2.75 acres, and 0.85 acres. The entire subject properties will be designated Low Density Residential Development. The proposed subdivision is consistent with this plan designation. The subdivision will contain 50 residential lots ranging in size from 5,500 square feet to 11, 472 square feet. The average lot size is 7,200 square feet. All lots are single family lots, although duplexes may be placed on corner lots. Access to the subdivision will be from the south, off Cater Drive. There will be no direct access to Wheatland Road.

23. Section III (1) requires the subdivision to be consistent with the comprehensive plan and implementing ordinances. The plan contains a number of policies which apply to this proposal. The plan policies support stabilization, in-filling and improvement of existing neighborhoods. Residential development is encouraged where full urban services, public facilities and public transportation routes are available. The plan policies also encourage maximum efficient use of available land to create a compact urban form.

24. This proposed subdivision is an extension of existing residential development to the south. Full public services are available. The subdivision will have direct access to an improved local street capable of serving the residential development. Minimum dwelling density in the RS zone is recommended at 4 units per acre. This proposal will have a 4.6 dwelling unit per acre density. This density satisifies minimum standards, and is consistent with the density of the Caterwood subdivision to the south.

25. Upon recordation of the final plat, the property will automatically be rezoned RS. Chapter 23 of the Keizer Zoning Ordinance contains development standards for lot sizes, parcel dimensions, permitted uses, setbacks and other standards. All proposed lots meet or exceed the minimum lot size and dimension standards.

26. Sections IV, V and VI of the Keizer Subdivision and Partitioning Ordinance contain subdivision design and development requirements, which include street improvements, special lot dimensions and utilities. The proposed subdivision complies with these standards, except for the right-of-way width of 60 feet. Applicant seeks a variance of this standard. Otherwise, the proposed subdivision complies with all design and development requirements.

SUBDIVISION RIGHT-OF-WAY VARIANCE

27. Section IV (7) of the Subdivision and Partitioning Ordinance requires a 60 foot right-of-way for local streets. The applicant is proposing a 50 foot right-of-way. A variance to this standard is permitted if the affected city department concurs and the variance criteria are met. In general, the criteria are: (a) special circumstances or conditions exist requiring a variance to permit property development of the property, and (b) the variance will not be detrimental to the public welfare.

28. The Department of Public Works noted that there is no difference in the required street improvement. Even with a 50 foot right-of-way, a 34 foot paved road and aa 5 1/2 foot curb and sidewalk on either side of the roadway will be required. Utilities will be placed in 10 foot easements along the front property lines. Strict compliance with the right-of-way requirement is possible. However, traffic safety is not a significant issue here. Maintaining a 60 foot right-of-way would reduce the size of each lot, often by more than 250 square feet. The requested variance will provide full street improvements, while allowing slightly larger lots while meeting minimum density standards. The Department of Public Works and the planning staff concurred in the requested variance.

29. 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.

30. The applicant must also connect to public utility services. Utilities must be placed below ground. The developer is responsible for all utiility connection costs.

31. The City's system development charge for park development is $300 per single-family or duplex dwelling unit and $200 for each apartment unit. These development charges will apply to this proposal.

5. ORDER/RECOMMENDATION

It is hereby found that the applicant has met the burden of proving that these applications should be approved for:

1. The partitioning and variance of the 8.42 acre Van Cleave property;
2. The partitioning, variance and conditional use of the 3.47 and 1.62 acre Jacobsen properties;
3. The comprehensive plan amendment;
4. The conceptual approval of the proposed subdivision; and
5. The subdivision variance to reduce the right-of-way width.

It is hereby recommended that the City Council approve the comprehensive plan amendment.

It is hereby ordered that the partitionings, variances, conceptual approval of the proposed subdivision, and the subdivision right-of-way variance are granted, subject to the conditions set forth below:

VAN CLEAVE PARCEL PARTITIONING/VARIANCE CONDITIONS:

1. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor which conforms with the requirements of ORS Chapter 92. The final plat shall substantially conform to the proposed partition plan. The applicant shall identify an access to serve the vacant parcel, which meets the standards of the Marion County Surveyor's Office. Following plat approval the applicant shall record the plat with the Marion County Clerk.

2. The applicant shall dedicate sufficient right-of-way to provide for a 34 foot half-width along Wheatland Road. This dedication shall be placed on the partitioning plat.

3. After the final partitioning plat has been recorded no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.

4. The applicant shall submit for recording a non-remonstrance agreement for future frontage improvements along Wheatland Road. These improvements shall include paving, curbs, sidewalks and storm drainage.

JACOBSEN PARCELS PARTITIONING/VARIANCE/CONDITIONAL USE:

1. The proposed dwelling shall be located substantially as indicated on the site plan.

2. The proposed dwelling shall connect to the public sewer system prior to occupancy of the home.

3. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor which conforms with the requirements of ORS Chapter 92. The final plat shall substantially conform with the proposed partition plan. Applicant shall identify an access to serve the vacant parcel which meets the standards of the Marion County Surveyor's Office. Following plat approval the applicant shall record the plat with the Marion County Clerk.

4. The applicant shall dedicate sufficient right-of-way to provide for a 34 foot half-width along Wheatland Road. The dedication shall be placed on the partitioning plat.

5. After the final partitioning plat has been recorded no alteration of the property lines shall be permitted without first obtaining approval from the Zoning Administrator.

6. The applicant shall submit for recording a non-remonstrance agreement for future frontage improvements along Wheatland Road. These improvements shall include paving, curbs sidewalks and storm drainage.

SUBDIVISION:

1. The partitionings shall be recorded. The comprehensive plan amendment shall be approved by the City Council prior to any recordation of the subdivision plat.

2. 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, Marion County Fire District #1, City of Salem Department of Public Works (sewer), U. S. West Communication, Portland General Electric, and Northwest Natural Gas.

3. Prior to submitting a final plat, the applicant shall submit a detailed site plan to the Keizer Community Development Department for its review and approval. The site plan shall:

a. Shall substantially conform to the proposed subdivision request and contain aminimum of 50 dwelling units.

b. Include all engineering elements as required by Exhibit E.

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 comply with development standards. Additional requirements are attached as Exhibit E.

5. Upon approval of the detailed site plan and engineering plans, the applicant shall submit a final plat for the subdivision which conforms to the detail plan approval. The plat shall be prepared by a registered professional surveyor and conform with the requirements of ORS Chapter 92. A bond will be required by the County Surveyor for post monumentation of the sudivision plat. Street names for the subdivision shall be coordinated with the Mid-Willamette Valley Council of Governments on forms available at the City of Keizer. No plat shall be released that does not contain apporved street names.

6. Items 1, 2 , 3 and 4 above shall be completed, including review and approval by the appropriate department, prior to issuance of an occupany permit for any one building. The following additional items shall likewise be completed before issuance of a building permit:

a. The applicant shall also install full street improvements and other public services within the entire development. These improvements shall conform to the plans approved by the City of Keizer Department of Public Works. Adequate bonding or other financial security shall be obtained.

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

7. Unless specifically restricted by this decision, nothing in this decision shall be construed as prohibitig the development of the property for other uses permitted or conditionally permitted in the RS (SINGLE FAMILY RESIDENTIAL) zone.

8. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

SUBDIVISION RIGHT-OF-WAY WIDTH VARIANCE:

1. The minimum right-of-way width shall be 48 feet. The minimum street improvement shall be 34 feet, curb-to-curb.

2. The minimum cul-de-sac radius shall be 45 feet.

6. APPEALS

Any interested person, including the applicant, who disagrees with the decisions concerning any partitioning, variance, conditional use or subdivision, may appeal the 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 26th day of May, 1994 (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 ordinances and regulations governing the application. (Consult the Community Development Department to determine if a filing fee is required.)

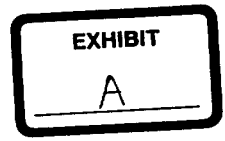
This order shall be effective ten days from the date the Order is mailed, unless appealed.

The Hearings Officer only makes a recommendation to the City Council for approval of a comprehensive plan amendment. All comprehensive plan amendments are granted by the City Council, and no appeal from this recommendation is necessary to obtain City Council review.

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 16th day of May, 1994.

Michael J. Hansen
City of Keizer Hearings Officer



1. The proposal is in compliance with the following applicable Statewide Goals:

Goal 1: Citizen Involvement. The proposal will be the subject of a public hearing before the Keizer City Council and notice of the hearing will given by publication in a newspaper of general circulation in Keizer. Thus, the proposal is consistent with and is in compliance with Goal 1, which encourages citizen involvement in land use decisions.

Goal 2: Land Use Planning. The proposals are considered by the City to be within the framework of the City's acknowledged Keizer Comprehensive Plan and its adopted zoning and implementing ordinances. The Keizer Comprehensive Plan specifically provides for amendments to reflect changing conditions and circumstances in the community. The provisions of KZO 4.17 are part of Keizer's implementing ordinance to provide for changes in the map designation.

Goal 9: Economic Development. The proposed reclassification to low density residential would facilitate economic development by permitting single family residences to be developed to meet the need for such residential developments by the expanding population of Keizer.

Goal 10: Housing. For the reasons stated herein, permitting residential development under the Low Density Residential designation will allow more existing land within the Keizer Urban Growth development boundary to be used for single family residences and will help alleviate the pressure to expand the Urban Growth Development Boundary. Because other land is being developed or is developed as Medium-High Density residential, the current amount of such designated property exceeds Keizer's twenty year plan need. On the other hand, land designated for single family residential development will only meet the needs of Keizer for six years at its present rate of expansion. Thus, clearly, the need in Keizer is for single family residences and the proposed change from MHDR to LDR will facilitate Keizer's meeting this need.

Goal 11: Public Facilities. Adoption of the proposed change will facilitate the orderly and efficient arrangement of public facilities and services. The designation to the lower residential density will likewise lower the potential traffic volumes on Wheatland Road North and will concentrate the higher residential densities closer to the core of the city and closer to public transportation. Trunk sewer and water lines are already in place on the subject property and are of sufficient capacity to accommodate the development of this property under the LDR designation as single family residences.

Goal 12: Transportation. Approval of the proposal will promote the goal of providing and encouraging a safe, convenient transportation system because it will reduce potential vehicular traffic on Wheatland Road North, a minor arterial, and concentrate higher residential densities on major arterials nearer the city center.

Goal 13: Energy Conservation. The proposed change will facilitate energy conservation by locating higher density residential development closer to the city center and on property that is convenient to public transit services.

2. Consistency with applicable goals and policies in the Keizer Comprehensive Plan is demonstrated.

The proposal is consistent with energy conservation policies of the Keizer Comprehensive Plan because the proposed change will foster the efficient use of energy and land use in transportation planning in that MHDR land is now located closer to the city core where there are more services available and more efficient centralized transportation systems.

The proposed changes are consistent with the goals and policies of the Keizer Comprehensive Plan for residential development, specifically:

(a) The change from higher residential densities in other parts of the City will help to stabilize and protect the low density single family residential environment which exists along Wheatland Road. General Goal No. 7.

(b) The unexpected rates of residential development now being experienced in Keizer may lead to an exhaustion of the supply of single family residential land before the end of the 20-year planning cycle. Approval of the proposals will help the City meet its goal of providing a 20-year supply of single family residential land because there will be an increase in single family residential acreage. General Policy No. 15.

3. The Keizer Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this

property to the inventory so designated is consistent with projected needs for such lands in the Keizer Comprehensive Plan.

Keizer is developing its residential properties in a ratio of approximately 55% single family and 45% multi-family. Keizer recognizes that in the past, the number of multi-family units in Keizer has increased as a percentage of housing units faster than single family housing.

Keizer also recognizes that the boom in multi-family residential development has peaked. If the community meets its projected population growth target of 30,220 residents by the year 2005, it will need approximately 2,800 new residential units by then with approximately 1,540 single family and 1,260 multi-family units needed under the 55/45 ratio. At current development densities, this will require approximately 340 acres for single family residential development and about 80 acres for multi-family development. At its present rate of development of 240 single family units per year, Keizer will exhaust its supply of single family property within six years and much of the land remaining undeveloped is in small parcels which will be difficult to develop efficiently. Thus, there is a need to increase the supply of available single family land and the reclassification of the land to LDR will facilitate that need.

4. The Keizer Comprehensive Plan provides more than the projected need for lands in existing land use designation.

The subject property was added to the MHDR inventory to help satisfy a perceived 88 to 100 acre shortage of MHDR land. To date, Keizer has exceeded its target of residential units per acre in the MHDR areas (8-16 units per acre) by about 40% and is currently building at nearly 22 units per acre in that designation. If the city continues to experience this density of development in the MHDR areas, the City will not need as much MHDR acreage as was originally anticipated. In addition, there has been and continues to be high density residential developments on land not previously designated for such use. For example, The Triple Tree Apartments contain 60 units built on land zoned and designated for commercial use. Also, the preliminary plan for the Staats Lake Development includes 220 multi-family units on land designated for commercial use. When this land, together with about 20 acres of vacant land for development previously designated Commercial and Low Density Residential, have been redesignated mixed use, the potential for increased multi-family units is apparent. Finally, the redesignation of approximately 30 acres of the CAWS (Country Glen Estates) property for Mixed Use will create the same opportunity as exists on the above described portion of the Staats Lake development to increase the construction of multi-family units.

In combination, these circumstances mean that there will in all likelihood be an excess of MHDR acreage in Keizer for the 20-year planning period. Thus, the subject property may be redesignated for Low Density Residential development and this proposal will comply with the goals and polices in the Keizer Comprehensive Plan.

5. The proposed land use designation will not allow zones or uses that will de-stabilize the land use pattern in the vicinity.

The proposed change will not de-stabilize the prevailing land use pattern in the area. In fact, the change will be entirely consistent with the existing and expected land use pattern of single family homes on subdivision lots. Allowing the change in the Plan designation will therefore have the effect of stabilizing the character of the neighborhood.

6. Uses allowed in the proposed designation will not significantly adversely affect the planned uses on adjacent land.

As stated above, the proposed change from MHDR designation to LDR will tend to conform and stabilize the land use patterns in the neighborhood surrounding the development. Therefore, there are no adverse affects on the existing or planned uses in the neighborhood in question.

7. Public services necessary to support uses allowed in the proposed designation are available.

Public streets, sanitary sewer and water lines will be extended to serve the proposed subdivision. This reduction in density may be expected to have some positive impact on the demand for services and for space in public schools. As this proposed redesignation will decrease the total number of residential units which may be built, that decrease should have a positive impact on public facilities and services including a positive impact on school crowding.

EXHIBIT "E"

City of Keizer, Oregon

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

FROM: CITY OF KEIZER
PUBLIC WORKS DEPARTMENT

DATE: APRIL 19, 1994

TO: CITY OF KEIZER
PLANNING DEPARTMENT

SUBJECT: CLEAR LAKE ESTATES SUBDIVISION
PUBLIC WORKS DEPARTMENT COMMENTS
COMPREHENSIVE PLAN AMENDMENT/SUBDIVISION CASE NO. 94-2

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

SANITARY SEWERS:

a.) City of Salem approval for local sewer lines will be required and construction permits will need to be issued prior to construction.

b) City of Keizer Systems Development Charges for the area wide sanitary sewer collection system will be required to be paid prior to filing of the final plat. The current charge for this area is $4,400.00 per acre.

WATER SYSTEM:

a.) Unless otherwise approved by the Public Works Department, all water mains shall be a minimum of 8 inch diameter ductile iron pipe unless otherwise approved by the Department of Public Works..

b.) The Keizer Fire District will need to review the project and determine appropriate locations for fire hydrants.

c) The City of Keizer will require water line permits.

d.) Final design of any part of the water system shall be dependant on outcome of recommendation from Ductile Iron Pipe Institute regarding polywrap.

e.) Wells on the property shall be located and identified on the final plan and appropriate steps for abandonment shall be taken.

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

Incorporated 1982
Pride, Spirit, Volunteerism

f.) All dwelling units shall be on individual meters and water mains shall be public unless approved by the Public Works Department.

STREETS AND STORM DRAINAGE:

a.) The developer's engineer shall submit a storm drain plan that conforms with the City Street Construction Standards and is acceptable to the Department. Of specific concern will be the provision of storm drainage outlets for adjacent properties to eliminate ponding around the perimeter of the proposed project. Adequate drainage provision shall be made to provide a permanent storm drain solution to the area east of proposed lots 18 through 22.

b.) It is the department's understanding that this area is within a previously approved area-wide drainage system developed by The Meadows Group. Storm water detention has been developed in the Meadows area that can handle this development. However the developer of this project needs to provide an accounting satisfactory to the public works staff for the costs to be paid to the Meadows Group prior to approval of any storm drain system for this project.

CERTIFICATE OF MAILING

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

Keizer Times Newspaper
142 Chemawa Rd N
Keizer, Oregon, 97303

Mark D. Grenz, P.E.
Multi Tech, Inc.
1155 13th St. SE
Salem, Oregon, 97302

Ron Bassett Smith
965 Bair Road NE
Keizer, Oregon, 97303

The Meadows Group
P.O. Box 21209
Keizer, Oregon, 97307-1209

Randy and Judy Jacobsen
7410 Wheatland Road N
Keizer, Oregon, 97303

Ken Sherman, Jr.
Attorney at Law
P.O. Box 2247
Salem, Oregon, 97308

Weldon Swick
7455 Wheatland Road N
Keizer, Oregon, 97303

Bonnie Terhaar
7445 Wheatland Road N
Keizer, Oregon, 97303

Duane and Carolyn Van Cleave
1148 Lisa Court NE
Salem, 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 16th day of May, 1994, and that the postage thereon was prepaid.

Michael J. Hansen
City of Keizer Hearings Officer

KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
STAFF RECOMMENDATION
COMPREHENSIVE PLAN AMENDMENT
PARTITION/CONDITIONAL USE/SUBDIVISION
VARIANCE/SUBDIVISION VARIANCE CASE No. 94-2

TO: Michael J. Hansen; Keizer Hearings Officer

FROM: Walter J. Wendolowski, AICP; Keizer Planning

DATE: April 20, 1994

The Planning staff reviewed the above referenced case and offers the following comments.

I. GENERAL INFORMATION

A. APPLICANT: The Meadows Group, in conjunction with property owned by Duane and Sue Van Cleave, and, Randy and Judy Jacobsen.

B. PROPERTY LOCATION: The parcels are addressed as 7448 Wheatland Road North and 7410 Wheatland Road North, Keizer; (Sec. 26BA; T6S; R3W; Tax Lot #s 200, 700 and 800). These properties are located on the east side of Wheatland Road, approximately opposite its intersection with Otter Way and north of the Caterwood Subdivision (see Exhibit A).

C. PARCEL SIZE: The subject area is comprised of three separate parcels totaling 13.51 acres.

D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES: Each parcel contains a single family home.

E. PLAN DESIGNATION AND ZONING: Of the 13.51 acres, 8.42 acres is designated Medium-High Density Residential and 5.09 acres is designated Low Density Residential; the entire area is zoned UT (URBAN TRANSITION). The purpose of the Medium-High Density Designation is to provide land for multi-family residential development at densities greater than 8 dwelling units per acre. The purpose of the Low Density Designation is to provide single family residential development at densities of less than 8 units per acre.

F. ADJACENT ZONING AND LAND USES: Property to the northeast, north and west is zoned UT and is developed primarily with single family homes on either subdivision lots or acreage parcels. To the south is RL zoned property containing the Caterwood Estates subdivision. Land to the east is zoned RS. This property will contain the new elementary school. Also to the east is a large UT zoned parcel containing a single family home.

G. PROPOSAL: The applicants are requesting approval of the following a land use actions (see Exhibits B, C, and D):

1. Comprehensive Plan Amendment to change the Plan designation from Medium-High Density Residential to Low Density Residential on approximately 8.42 acres.
2. Three partitionings: (a) dividing 3.47 acre parcel into a 2.72 acre and 0.75 acre parcels, (b) dividing a 1.62 acre parcel into 0.85 acre, 0.49 acre and 0.28 acre parcels; and, (c) dividing an 8.42 acre parcel into 1.3 acre and 7.12 acre parcels.
3. Variances to the lot size and dimension standards of the UT (URBAN TRANSITION) zone for the three partitionings identified in item (2).
4. Conditional Use to place a single family home on property within the UT zone on the 0.28 acre parcel identified in item (2)(b).
5. Conceptual approval of a 50 lot single family Subdivision on 10.7 acres
6. Subdivision variance to permit a reduction in the right-of-way from 60 feet to 50 feet.

H. The primary purpose of this request is to establish a 50 lot single family subdivision on 10.7 acres. The applicant requires a series of partitionings, variances, and a Comprehensive Plan Amendment to establish the 10.7 acre parcel necessary for the subdivision. This request consolidates four separate applications for the purpose of logically identifying the relationship between the parcels to create the subdivision.

II. AGENCY COMMENTS

A. The Salem Community Development Department commented that 3 of the lots do not meet Salem's design standards and there is no stub street to the east. The Salem-Keizer School District noted there is capacity available for the elementary school students due to the construction of a new elementary school. The District also noted there is adequate capacity for the expected number of high school students. Given the current school boundaries, there will be a slight overcapacity for middle school students, but the District noted they have options available to deal with temporary overcrowding. The District did not oppose the subdivision proposal. Marion County Fire District #1 identified fire hydrant locations. The Salem Transit District reviewed the proposal and offered no comment.

B. The City Public Works Department and City Engineer provided comments regarding public facility improvements. These comments are attached as "Exhibit E" and are incorporated into this staff report.

C. Viacom Cable, Northwest Natural Gas and U.S. West did not oppose the proposed subdivision, noting services are available. Northwest Natural Gas and U.S. West requested a 10 foot easement along the front property lines. In addition, U.S. West requested a trench to Wheatland Road on an existing 30 foot utility easement.

D. No other contacted agency responded.

III. PROCEDURES

A. This is a complex report which consolidates four applications involving nine separate land use actions. Staff believes it appropriate to consolidate the four applications under one heading in order to understand the relationship between the properties and the expected outcome.

B. As noted the primary purpose of this request is the establishment of a 50 lot subdivision on 10.7 acres. To achieve this objective requires partitionings, variances, a conditional use and an amendment to the Comprehensive Plan Map. This report will proceed in the following manner: (1) the three partitionings and their related variances and conditional uses will be reviewed first to establish the subject property for the proposed subdivision; (2) the Comprehensive Plan Amendment will be reviewed second to establish the appropriate Plan designation for part of the subdivision; and, (3) the subdivision and subdivision variance will be reviewed last.

IV. FINDINGS - PARTITIONING AND VARIANCE: VAN CLEAVE

A. BACKGROUND

1. The property owners for this portion of the application are Duane and Sue Van Cleave. The subject property is located on the east side of Wheatland Road approximately 400 feet north of its intersection with Otter Way and is addressed as 7448 Wheatland Road North (see Exhibit B). The 8.42 acre parcel contains a single family home. This parcel 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 residences at densities of at least 8 units per acre.

2. In 1993, the applicants originally requested approval of a partitioning to divide the property into three parcels and a variance to the lot line dimension standards. The applicant also requested approval of a conditional use to place a single family dwelling one of the newly created parcels. Subsequent to submitting the original application the

applicants requested staff delay the decision indicating alternative development plans were being explored.

3. The applicants are now requesting a partitioning to divide the property into two parcels. The smaller parcel will contain 1.3 acres and the existing dwelling; the larger parcel will contain 7.12 acres. A variance to the lot line dimension standards is still required. The applicants withdrew the Conditional Use request for the placement of a single family dwelling on the vacant parcel.

4. It is important to note the purpose of this change in request. While the property was originally intended for multi-family development the applicants intend to change the Plan designation on the entire parcel to Low Density Residential, and in conjunction with additional property to the south, create a single family residential subdivision.

B. PARTITIONING

1. The partition will create two parcels: a 1.3 acre parcel fronting Wheatland Road and containing the existing dwelling and a vacant 7.12 acre parcel. As noted, this application is necessary to create a parcel that will become part of a future subdivision. For this reason, staff will view the proposal in light of expected development on the land.

2. Approval of a partitioning requires compliance with certain decision criteria. The criteria for partitionings are found in Section III(1) of the Keizer Subdivision and Partitioning Ordinance. This Section requires all partitionings to be consistent with the rules and regulations in Comprehensive Plan and it's implementing ordinances.

3. The intent of the Medium-High Density Residential Plan designation, and the expected change to the Low Density Residential designation, is to provide land for residential development. The partition will separate the existing dwelling from the remainder of the property and create a large vacant parcel capable of additional residential development. This land division is consistent with the purpose of the Comprehensive Plan as it provides for additional, in-fill residential development.

4. The lot size and dimension standards for the UT zone are found in Chapter 36 of the Keizer Zoning Ordinance. Requirements for parcels in a Priority "3" area, are found in Section 36.31(c) and, in general, include: (a) an existing dwelling served by either public sewer or water may be separated provided the parcel contains a minimum of 20,000 square feet; and (b) the location of the parcel lines may not reduce the future development potential of the property; a redevelopment plan may be necessary.

5. The parcel containing the existing dwelling is served by public sewer and will exceed the minimum 20,000 square foot parcel size. The partitioning creates a parcel

capable of sustaining the existing house and accessory structure while establishing a large vacant parcel capable of additional residential development. The proposed parcel lines create a series of right angles, essentially creating two rectangles. Given its size and shape, future development options will not be diminished.

6. Section 36.31(c)(4), of the Zoning Ordinance, has special partitioning requirements for proposed vacant parcels within Priority "3" areas. These include: (a) the parcel must contain a minimum of five (5) acres; (b) the property will have no dimension less than 100 feet; and, (c) the property must have at least 100 feet of frontage on a dedicated street having a minimum 40 foot right-of-way.

7. The proposed vacant parcel exceeds five acres in size. However, the parcel does not contain 100 feet of frontage along Wheatland Road and includes one interior dimension of less than 100 feet. Approval of a variance is required as the proposed partitioning fails to comply with the criteria contained in Section 36.31(c)(4), of the Zoning Ordinance.

C. VARIANCE

1. The decision criteria for a variance are contained in Section 6.30 of the Keizer Zoning Ordinance. Both the variance to the dimension standard and the variance to the frontage requirement will be reviewed simultaneously. The criteria and staff's response are as follows:

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

The reduced interior dimension (see Exhibit B) on the larger parcel is necessary to ensure the accessory structure remains with the existing dwelling. This adjustment is the minimum necessary to ensure the accessory structure meets the Ordinance setback requirements.

The subject property is nearly 1000 feet deep but only 180 feet wide at its Wheatland Road frontage. Staff recognizes it is physically impossible to create two parcels each with 100 feet of frontage. The location of the existing home places additional restrictions on the length of frontage available to the larger parcel. However, this larger parcel is expected to be developed for single family residential uses. The proposed plan calls for the creation of a local street with eventual access to Cater Drive. Eliminating the frontage for the larger parcel does not change or alter the development opportunities on the parcel and may be considered the minimum degree of variance necessary to partition the property and maintain the development options.

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

There are no prior land use decisions that would prohibit the approval of either variance.

c. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property. The variance will not significantly affect the health or safety of persons working or residing in the vicinity.

The variance request allow the creation of a parcel suitable for additional residential development which is entirely consistent with the intent and purpose of the expected Plan designation. With a single family subdivision, future development will likely be far more compatible with surrounding property than its current potential for multi-family residences. For these reasons the variance request will not create a use or action which is unreasonably detrimental to adjacent property or significantly affects the health and safety of neighborhood residents.

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

The purpose and intent of the minimum parcel dimensions is to ensure the parcel's development options are not reduced. As indicated, the interior parcel dimension reduction is necessary to accommodate an existing building; this will in no way affect development opportunities on the vacant parcel.

The purpose and intent of the minimum street frontage dimension requirement is to provide adequate access for future development. As indicated, the larger parcel will become part of a subdivision with access from the south; the frontage requirement need not be maintained.

2. Based on the above findings, staff concludes the variance requests comply with the Ordinance decision criteria.

V. FINDINGS - PARTITIONING /VARIANCE/CONDITIONAL USE : JACOBSEN

A. BACKGROUND

1. The property owners for this portion of the application are Randy and Judy Jacobsen. The subject area is composed of two parcels, one containing 3.47 acres; the second 1.62 acres, located on the east side of Wheatland Road approximately opposite the intersection with Otter Way (see Exhibit C). Access to these properties is by a 30 foot easement; both parcels contain single family dwellings. The parcels are designated Low Density Residential in the Keizer Comprehensive Plan and zoned UT (URBAN TRANSITION). The purpose of this Plan designation is to provide land for single family residences at densities of at less than 8 units per acre.

2. The applicants are requesting approval to partition each parcel. The proposal would divide the 3.47 acre parcel into a 2.72 acre parcel and a 0.75 acre parcel; and, the 1.62 acre parcel into parcels containing 0.85 acres, 0.49 acres and 0.28 acres. The existing dwellings will remain with the 0.75 and 0.49 acre parcels, respectively. A variance to the lot line dimension and parcel size standards is required. The applicants are also requesting conditional use approval to place a single family home on the newly created 0.28 acre piece.

3. The purpose of the partitioning request is to create two large vacant parcels (0.85 acres and 2.75 acres) that in conjunction with the 7.12 acre parcel created in Section IV., will create a single family residential subdivision.

B. PARTITIONING

1. As noted, the proposal would divide the 3.47 acre parcel into a 2.72 acre parcel and a 0.75 acre parcel; and, divide the 1.62 acre parcel into parcels containing 0.85 acres, 0.49 acres and 0.28 acres. This application is necessary to create the parcel for a future subdivision. For this reason, staff will view the proposal in light of expected development on the land. In addition, the partitionings and variances will be reviewed simultaneously as each partitioning request is similar and the decision criteria is the same.

2. Approval of a partitioning requires compliance with certain decision criteria. The criteria for partitionings are found in Section III(1) of the Keizer Subdivision and Partitioning Ordinance. This Section requires all partitionings to be consistent with the rules and regulations in Comprehensive Plan and it's implementing ordinances.

3. The intent of the Low Density Residential Plan designation is to provide land for residential development. Each partition will separate the existing dwelling from the remainder of the property and create a large vacant parcel capable of additional development. Further, with regard to the 1.62 acre parcel, a third parcel will be created for the establishment of a single family home. Each partitioning is consistent with the purpose of the Comprehensive Plan as it provides for additional, in-fill residential development.

4. The lot size and dimension standards for the UT zone are found in Chapter 36 of the Keizer Zoning Ordinance. Requirements for parcels in a Priority "3" area, are found in Section 36.31(c) and, in general, include: (a) an existing dwelling served by either public sewer or water may be separated provided the parcel contains a minimum of 20,000 square feet; and (b) the location of the parcel lines may not reduce the future development potential of the property; a redevelopment plan may be necessary.

5. Sewer is available to each of the proposed parcels containing the existing dwelling, although neither parcel is connected. Each of these parcels will exceed the minimum 20,000 square foot parcel size. The partitioning on the 3.47 acre parcel creates a parcel capable additional residential development. Two smaller parcels will be created from the 1.62 acre parcel, one of which is designed to accommodate a dwelling and a second larger piece which will become part of the proposed subdivision. Given the layout and the subdivision proposal, staff concludes future development options will not be diminished on either property.

6. Section 36.31(c)(4), of the Zoning Ordinance, has special partitioning requirements for proposed vacant parcels within Priority "3" areas. These include: (a) the parcel must contain a minimum of five (5) acres; (b) the property will have no dimension less than 100 feet; and, (c) the property must have at least 100 feet of frontage on a dedicated street having a minimum 40 foot right-of-way. None of the vacant parcels complies with these standards; the applicants requested approval of a variance to these standards.

C. VARIANCE - LOT AREA STANDARD

1. The decision criteria for a variance are contained in Section 6.30 of the Keizer Zoning Ordinance. The variances to the lot area standards for all three parcels will be reviewed simultaneously. The criteria and staff's response are as follows:

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

The lot size reduction variance applies to the 2.75 acre, 0.85 acre and 0.28 acre parcels. Staff notes the existing "parent" parcels already contain less than 5 acres each so that further partitioning will require some reduction in the 5 acre minimum parcel size.

The 2.75 acre and 0.85 acre parcels will be consolidated with other property to create a single family subdivision. This size reduction represents the minimum parcel area available for the applicant to proceed with the subdivision

proposal. The 0.28 acre parcel will be developed for a single family home. It is as small as possible to ensure suitable space for the new home while concurrently permitting a larger vacant parcel (0.85 acres) that is suitable for more intense residential development.

Given the objective of the proposal, the size reduction is the minimum necessary to permit development of all three properties for uses allowed in the applicable zone.

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

There are no prior land use decisions that would prohibit the approval of the variances.

c. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property. The variance will not significantly affect the health or safety of persons working or residing in the vicinity.

The variance request allow the creation additional parcels suitable for additional residential development which is entirely consistent with the intent and purpose of the Plan designation. For these reasons the variance request will not create a use or action which is unreasonably detrimental to adjacent property or significantly affects the health and safety of neighborhood residents.

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

The purpose and intent of the minimum lot size standards is to ensure development options are not reduced. The 0.85 acre parcel and the 2.75 acre will be combined with additional property to the north to create a subdivision. Therefore, the reduction in parcel size below 5 acres will in no way affect development opportunities on these two vacant parcel.

Development options on the 0.28 acre parcel will not be altered as well. The applicant is requesting approval of a conditional use to place a single family home on the 0.28 acre parcel. This is about the smallest size possible to accommodate existing buildings on the parcel and the new house. Staff also notes that if the accessory buildings are removed at some future date, the 0.28 acre parcel could be partitioned one additional time for a single family home.

The purpose and intent of the minimum parcel size requirement is to maintain future development options. The two larger parcels will be part of a future subdivision proposal, thereby fulfilling their development expectations. The 0.28 acre parcel will contain a single family residence with the possibility for an additional partitioning. For these reasons the purpose and intent of the minimum parcel size will remain intact.

2. Based on the above findings, staff concludes the variance requests comply with the Ordinance decision criteria.

D. VARIANCE - LOT DIMENSION STANDARDS

1. The decision criteria for a variance are contained in Section 6.30 of the Keizer Zoning Ordinance. The variances to the dimension standard and the frontage requirement will be reviewed simultaneously. The criteria and staff's response are as follows:

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

The 2.72 acre parcel and the 0.28 ace parcel both have dimensions less than 100 feet in length. The reduced interior dimension is not critical on the larger parcel as the 80 foot and 90 foot dimensions are combined with the 167 foot dimension to form the eastern boundary of the property. A reduced dimension was necessary on the smaller parcel due to the 190 foot width as well as the location of existing buildings.

The 2.72 acre, 0.85 acre and 0.28 acre parcels are interior parcels and are incapable of any frontage dimension. The two larger parcels will be developed as part of a single family subdivision with a dedicated local street access to Cater Drive. Eliminating the frontage for theses parcels does not change or alter the development opportunities and may be considered the minimum degree of variance necessary to partition the property and maintain the development options. The 0.28 acre parcel will be developed with one single family home. An existing 30 foot easement provides adequate access to this property; additional right-of-way is unnecessary.

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

There are no prior land use decisions that would prohibit the approval of the variances.

c. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property. The variance will not significantly affect the health or safety of persons working or residing in the vicinity.

The variance request allow the creation additional parcels suitable for additional residential development which is entirely consistent with the intent and purpose of the Plan designation. For these reasons the variance request will not create a use or action which is unreasonably detrimental to adjacent property or significantly affects the health and safety of neighborhood residents.

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

The purpose and intent of the minimum parcel dimensions is to ensure the parcel's development options are not reduced. As indicated, previously indicated these parcel dimension reductions do not alter, and in many cases, enhance the development of the property. With the advent of the proposed subdivision, access will still be available in spite of currently lacking any street frontage.

2. This partitioning and future development will eliminate the access easement serving a parcel to the east. The applicants indicated an easement will be preserved to provide the necessary access.

3. Based on the above findings, staff concludes the variance requests comply with the Ordinance decision criteria.

E. CONDITIONAL USE

1. The last part of the request includes the placement of a single family home on the 0.28 acre parcel. The Urban Transition zone allows any permitted use listed in the most restrictive zone corresponding to the Comprehensive Plan designation, provided, a Conditional Use permit is obtained. The most restrictive zone in the Low Density Residential designation is the RS (SINGLE FAMILY RESIDENTIAL) zone. Section 23.01(a), of the Keizer Zoning Ordinance, identifies a single-family dwelling as a permitted use within the RS zone.

2. In order to obtain a Conditional Use permit, the UT zone requires compliance with the criteria contained in Section 36.03(a), (d) and (g). These criteria, and staff's responses, are as follows:

a. The use will not increase traffic beyond the capacity of existing roads.

The subject property will access Wheatland Road. This street has adequate additional capacity to serve one additional household.

b. The use meets the development standards of the most restrictive zone in the Zoning Ordinance consistent with the Comprehensive Plan designation.

The most restrictive zone consistent with the Comprehensive Plan designation is the RS (SINGLE FAMILY RESIDENTIAL) zone. Development standards for the RS zone are found in Chapter 23 of the Zoning Ordinance. The applicant submitted a site plan identifying the dwelling's proposed location on the property. Based on this plan, staff concludes the parcel and the proposed dwelling comply with all development standards for the RS zone.

c. No new residential structure shall be permitted unless the area is designated for residential development and the most restrictive zone would permit the residential use.

The parcel is designated Low Density Residential in the Comprehensive Plan, a Plan map designation designed for single family residences. Pursuant to Section 23.01(a), the most restrictive zone (RS) consistent with this designation identifies single family dwellings as a permitted use.

3. The proposed use is entirely consistent with the Comprehensive Plan and the expected development of the parcel. Based on the above findings, staff concludes the proposal complies with the applicable conditional use decision criteria in the UT zone.

4. The parcel size (0.28 acres) will not lend itself to service by a septic system. For this reason, any future home must connect to public sewer.

VI. FINDINGS - COMPREHENSIVE PLAN AMENDMENT

A. The applicant for this particular portion of the proposal is the Meadows Group. The subject area is the Van Cleave property described in Section IV (see Exhibit B). The proposal would change the existing Comprehensive Plan Designation from Medium-High Density Residential to Low Density Residential. Medium-High Density land is designated or "designed" for multi-family use. Through the selection of the appropriate zone, the current Plan designation would permit the placement of apartments on the subject property at a density of up to 29 units per acre. The proposed Plan change would essentially limit development to single family homes at a maximum density of 8 units per acre. The proposed change in the Plan designation includes the entire 8.42 acre parcel.

B. The basis of the Comprehensive Plan change is three-fold: (1) with recent Plan designation changes there is an abundance of Medium-high Density Residential land to meet the City's future needs; (2) there is insufficient land available to meet the future needs of the City for single family homes; and, (3) the change in the Plan designation is more in keeping with the character of this portion of Wheatland. Specific findings are attached as Exhibit F.

C. Approval of a Comprehensive plan Amendment requires compliance with certain decision criteria. The applicable criteria are found in Section 4.17 of the Keizer Zoning Ordinance. The criteria, and staff's comments, are noted below:

1. The proposal is in compliance with the following applicable Statewide Goals:

Goal 1: Citizen Involvement. The proposal will be the subject of a public hearing before the Keizer City Council and notice of the hearing will given by publication in a newspaper of general circulation in Keizer. Thus, the proposal is consistent with and is in compliance with Goal 1, which encourages citizen involvement in land use decisions.

Goal 2: Land Use Planning. The proposals are considered by the City to be within the framework of the City's acknowledged Keizer Comprehensive Plan and its adopted zoning and implementing ordinances. The Keizer Comprehensive Plan specifically provides for amendments to reflect changing conditions and circumstances in the community. The provisions of KZO 4.17 are part of Keizer's implementing ordinance to provide for changes in the map designation.

Goal 9: Economic Development. The proposed reclassification to low density residential would facilitate economic development by permitting single family residences to be developed to meet the need for such residential developments by the expanding population of Keizer.

Goal 10: Housing. For the reasons stated herein, permitting residential development under the Low Density Residential designation will allow more existing land within the Keizer Urban Growth development boundary to be used for single family residences and will help alleviate the pressure to expand the Urban Growth Development Boundary. Because other land is being developed or is developed as Medium-High Density residential, the current amount of such designated property exceeds Keizer's twenty year plan need. On the other hand, land designated for single family residential development will only meet the needs of Keizer for six years at its present rate of expansion. Thus, clearly, the need in Keizer is for single family residences and the proposed change from MHDR to LDR will facilitate Keizer's meeting this need.

Goal 11: Public Facilities. Adoption of the proposed change will facilitate the orderly and efficient arrangement of public facilities and services. The designation to the lower residential density will likewise lower the potential traffic volumes on Wheatland Road North and will concentrate the higher residential densities closer to the core of the city and closer to public transportation. Trunk sewer and water lines are already in place on the subject property and are of sufficient capacity to accommodate the development of this property under the LDR designation as single family residences.

Goal 12: Transportation. Approval of the proposal will promote the goal of providing and encouraging a safe, convenient transportation system because it will reduce potential vehicular traffic on Wheatland Road North, a minor arterial, and concentrate higher residential densities on major arterials nearer the city center.

Goal 13: Energy Conservation. The proposed change will facilitate energy conservation by locating higher density residential development closer to the city center and on property that is convenient to public transit services.

2. Consistency with applicable goals and policies in the Keizer Comprehensive Plan is demonstrated.

The proposal is consistent with energy conservation policies of the Keizer Comprehensive Plan because the proposed change will foster the efficient use of energy and land use in transportation planning in that MHDR land is now located closer to the city core where there are more services available and more efficient centralized transportation systems.

The proposed changes are consistent with the goals and policies of the Keizer Comprehensive Plan for residential development, specifically:

(a) The change from higher residential densities in other parts of the City will help to stabilize and protect the low density single family residential environment which exists along Wheatland Road. General Goal No. 7.

(b) The unexpected rates of residential development now being experienced in Keizer may lead to an exhaustion of the supply of single family residential land before the end of the 20-year planning cycle. Approval of the proposals will help the City meet its goal of providing a 20-year supply of single family residential land because there will be an increase in single family residential acreage. General Policy No. 15.

3. The Keizer Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this

property to the inventory so designated is consistent with projected needs for such lands in the Keizer Comprehensive Plan.

Keizer is developing its residential properties in a ratio of approximately 55% single family and 45% multi-family. Keizer recognizes that in the past, the number of multi-family units in Keizer has increased as a percentage of housing units faster than single family housing.

Keizer also recognizes that the boom in multi-family residential development has peaked. If the community meets its projected population growth target of 30,220 residents by the year 2005, it will need approximately 2,800 new residential units by then with approximately 1,540 single family and 1,260 multi-family units needed under the 55/45 ratio. At current development densities, this will require approximately 340 acres for single family residential development and about 80 acres for multi-family development. At its present rate of development of 240 single family units per year, Keizer will exhaust its supply of single family property within six years and much of the land remaining undeveloped is in small parcels which will be difficult to develop efficiently. Thus, there is a need to increase the supply of available single family land and the reclassification of the land to LDR will facilitate that need.

4. The Keizer Comprehensive Plan provides more than the projected need for lands in existing land use designation.

The subject property was added to the MHDR inventory to help satisfy a perceived 88 to 100 acre shortage of MHDR land. To date, Keizer has exceeded its target of residential units per acre in the MHDR areas (8-16 units per acre) by about 40% and is currently building at nearly 22 units per acre in that designation. If the city continues to experience this density of development in the MHDR areas, the City will not need as much MHDR acreage as was originally anticipated. In addition, there has been and continues to be high density residential developments on land not previously designated for such use. For example, The Triple Tree Apartments contain 60 units built on land zoned and designated for commercial use. Also, the preliminary plan for the Staats Lake Development includes 220 multi-family units on land designated for commercial use. When this land, together with about 20 acres of vacant land for development previously designated Commercial and Low Density Residential, have been redesignated mixed use, the potential for increased multi-family units is apparent. Finally, the redesignation of approximately 30 acres of the CAWS (Country Glen Estates) property for Mixed Use will create the same opportunity as exists on the above described portion of the Staats Lake development to increase the construction of multi-family units.

In combination, these circumstances mean that there will in all likelihood be an excess of MHDR acreage in Keizer for the 20-year planning period. Thus, the subject property may be redesignated for Low Density Residential development and this proposal will comply with the goals and polices in the Keizer Comprehensive Plan.

5. The proposed land use designation will not allow zones or uses that will de-stabilize the land use pattern in the vicinity.

The proposed change will not de-stabilize the prevailing land use pattern in the area. In fact, the change will be entirely consistent with the existing and expected land use pattern of single family homes on subdivision lots. Allowing the change in the Plan designation will therefore have the effect of stabilizing the character of the neighborhood.

6. Uses allowed in the proposed designation will not significantly adversely affect the planned uses on adjacent land.

As stated above, the proposed change from MHDR designation to LDR will tend to conform and stabilize the land use patterns in the neighborhood surrounding the development. Therefore, there are no adverse affects on the existing or planned uses in the neighborhood in question.

7. Public services necessary to support uses allowed in the proposed designation are available.

Public streets, sanitary sewer and water lines will be extended to serve the proposed subdivision. This reduction in density may be expected to have some positive impact on the demand for services and for space in public schools. As this proposed redesignation will decrease the total number of residential units which may be built, that decrease should have a positive impact on public facilities and services including a positive impact on school crowding.

D. In general, staff believes the applicant supplied sufficient information to justify the proposed change in the Comprehensive Plan designation. Accordingly, this change will not affect the supply of multi-family housing and provide additional land for single family homes. In addition, the Plan change will ensure consistency in the existing and expected land use pattern of the area.

VII. FINDINGS - SUBDIVISION

A. The subject area for the proposed 10.7 acre subdivision includes the 7.12 acre parcel created by the partitioning in Section IV, and, the 2.75 acre and 0.85 acre parcels in Section V. The entire subject area will be designated for Low Density Residential Development; the proposed

subdivision is entirely consistent with the expectations of the Plan designation. The proposed subdivision will contain 50 residential lots ranging in size from 5500 to 11,472 square feet. The average lot size is 7200 square feet (see Exhibit D). All the lots are designed for single family residences, although duplexes may be placed on corner lots. Access to the subdivision will be from the south, off of Cater Drive. There will be no direct access to Wheatland Road.

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

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

D. The proposal is essentially an extension of existing residential development to the south. This proposal does not create a "leap-frog" situation. According to the Public Works Department, full public services are available to serve the site. The extension of, and connection to, public facilities will be placed as a condition of approval. The subdivision will have direct access to an improved local street which is adequate to serve the residential development.

E. The recommended minimum dwelling density for the RS zone is 4 units per acre; the proposed dwelling density is 4.6 units per acre. This exceeds minimum expectations and is generally consistent with the Caterwood development to the south.

F. Pursuant to Section 36.31 of the Zoning Ordinance, the subdivision is automatically rezoned to RS (SINGLE FAMILY RESIDENTIAL) upon recordation of the final plat. Chapter 23, of the Keizer Zoning Ordinance, contains requirements for lot sizes, parcel dimensions, permitted uses, setbacks and other related development standards for property within the RS zone. Single family lots must contain at least 4000 square feet with an average lot width of 40 feet and average lot depth of 70 feet. All lots meet, and exceed, these minimum lot size and dimension standards.

G. Sections IV, V and VI of the Keizer Subdivision and Partitioning Ordinance contain subdivision design and development requirements. These include standards for street improvements, special lot dimensions and utilities. Staff notes the proposal complies with these standards with one exception: the right-of-way width is less than the 50 foot standard established in Section IV.,7. Otherwise, the proposal complies with the design and development requirements in the Subdivision and Partitioning Ordinance. Staff also notes, with these exceptions, the proposed lots comply with the lot size and dimension requirements in the RS zones.

J. The proposed subdivision layout provides a sufficient number of lots with a variety of lot sizes. The property will be served by a dedicated street and public sewer and water facilities are available. The lots comply with the development standards for property within the RS zone, and with the exception of the previously noted variance requests, with the requirements in the Subdivision Ordinance.

VIII: FINDINGS: SUBDIVISION VARIANCES - RIGHT-OF-WAY

A. Section IV., 7., of the Subdivision and Partitioning Ordinance requires a 60 foot right-of-way dimension for local streets. The applicant is proposing to reduce the 60 foot right-of-way requirement to 50 feet (see Exhibit D).

For clarification, "right-of-way" refers to the area dedicated for public use. The "street" contains the actual physical improvements located within the right-of-way (paving, curbs and sidewalks) and is always less than the right-of-way width.

B. The Subdivision Ordinance permits a variance to the development standards if certain criteria can be met and if there is concurrence with the affected City Department. In general, the criteria are: (a) special circumstances or conditions exist requiring a variance to permit proper development of the property; and, (b) the variance will not be detrimental to the public welfare. Staff comments will address the requests simultaneously as both variances involve the reduction of a street right-of-way standard.

C. The Department of Public Works reviewed the variance request as it concerns right-of-way and street improvement issues. With regard to the reduction in the right-of-way to 50 feet, the Department noted there is no difference in the required street improvement between a 60 foot right-of-way and a 50 foot right-of-way. Both require 34 feet of paved surface for travel and parking, and a 5 1/2 foot curb line sidewalk on either side of the travel surface. In addition, the reduction of the right-of-way does not reduce the area used for utility lines as these are placed within a 10 foot easement along the front property lines.

D. Strict compliance with the right-of-way dimension requirements is possible; compliance is important if traffic safety were a critical issue. However, maintaining a 60 foot right-of-way would reduce the size of each lot, in many cases by more than 250 square feet. While the Comprehensive Plan encourages the efficient use of land, staff finds there is no practical need to maintain the standard right-of-way width if a lesser width does not reduce either the street improvements or traffic safety. The variance request will provide sufficient street improvements and safety while simultaneously permitting slightly larger lots and meeting minimum levels of development density.

E. Based on the above findings, and the concurrence by the Department of Public Works, staff concludes the proposal complies with the decision criteria for the variance.

IX. GENERAL DEVELOPMENT CONSIDERATIONS

A. The Keizer Public Works Department submitted several recommendations and requirements concerning public facility improvements (Exhibit E). The items deal with issues involving public health and safety and will be placed as conditions of approval.

B. The Subdivision and Partitioning Ordinance requires the developer to connect to public utility services. The Ordinance also requires all utility services to be placed below ground. Both requirements apply to this request. These Development charges, as well as those involving the extension of sewer and water, will apply to this request.

C. The City's System Development Charge (SDC) for park development is $300.00 per single-family dwelling or duplex unit and $200.00 for each apartment unit. These charges will apply to this development.

D. Staff recognizes the complexity in this application. Broken down into its individual parts the proposal logically arrives at the core of the request: the establishment of a single family subdivision. The available evidence indicates each of the proposals complies with the applicable decision criteria.

X. RECOMMENDATION - PARTITIONING/VARIANCE VAN CLEAVE PARCEL

A. Staff recommends approval of the partitioning and variance request on the 8.42 acre Van Cleave property subject to the following requirements:

1. REQUIREMENTS: The following are procedural or developmental requirements established by the Keizer Zoning Ordinance, and, the Keizer Subdivision and Partitioning Ordinance. Inclusion of these requirements is for the benefit of the applicant to assist in the development of the property:

a. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor and which conforms with the requirements in ORS Chapter 92. The final plat shall substantially conform with the proposed partition plan and the applicant shall identify an access to serve the vacant parcel which meets the standards of the Marion County Surveyor's office. Following plat approval the applicant shall record it with the Marion County Clerk (final plat instructions enclosed).

b. The applicant shall dedicate sufficient right-of-way to provide for a 34 foot half-width along Wheatland Road. This dedication shall be placed on the partitioning plat.

c. After the final Partitioning plat has been recorded no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.

d. The applicant shall submit for recording a non-remonstrance agreement for future frontage improvements along Wheatland Road. These improvements shall include paving, curbs, sidewalks and storm drainage.

2. OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon. The applicant is advised of the following:

a. The applicant should contact Marion County Fire District #1 and obtain a copy of the District's Recommended Building Access and Identification Guidelines. It is strongly recommended the applicant follow the guidelines to ensure proper identification of the dwelling in the event of an emergency.

XI. RECOMMENDATION - PARTITIONING/VARIANCE/CONDITIONAL USE JACOBSEN PARCELS

A. Staff recommends approval of the partitioning, variance and conditional use requests on both the 3.47 acre and 1.62 acre Jacobsen properties subject to the following requirements:

1. CONDITIONS: The following conditions shall apply:

a. The proposed dwelling shall be located substantially as indicated on the site plan.

b. The proposed dwelling shall connect to the public sewer system prior to occupancy of the home.

2. REQUIREMENTS: The following are procedural or developmental requirements established by the Keizer Zoning Ordinance, and, the Keizer Subdivision and Partitioning Ordinance. Inclusion of these requirements is for the benefit of the applicant to assist in the development of the property:

a. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor and which conforms with the requirements in ORS Chapter 92. A plat shall be required The final plat shall substantially conform with the proposed partition plan and the applicant shall identify an access to serve the vacant parcel which meets the standards of the Marion County Surveyor's office. Following plat approval the applicant shall record it with the Marion County Clerk (final plat instructions enclosed).

b. The applicant shall dedicate sufficient right-of-way to provide for a 34 foot half-width along Wheatland Road. This dedication shall be placed on the partitioning plat.

c. After the final Partitioning plat has been recorded no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.

d. The applicant shall submit for recording a non-remonstrance agreement for future frontage improvements along Wheatland Road. These improvements shall include paving, curbs, sidewalks and storm drainage.

3. OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon. The applicant is advised of the following:

a. The applicant should contact Marion County Fire District #1 and obtain a copy of the District's Recommended Building Access and Identification Guidelines. It is strongly recommended the applicant follow the guidelines to ensure proper identification of the dwelling in the event of an emergency.

XII. RECOMMENDATION - COMPREHENSIVE PLAN AMENDMENT

A. Staff recommends the Hearings Officer recommend approval of the Comprehensive Plan Amendment to the Keizer City Council.

XIII. RECOMMENDATION - SUBDIVISION

A. Staff recommends approval of the proposed subdivision subject to the following conditions of approval:

1. The partitionings identified in Sections X., and XI., shall be recorded; and, the Comprehensive Plan Amendment shall be approved by the City Council prior to any recordation of the subdivision plat.

2. 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, Marion County Fire District #1, City of Salem Department of Public Works (sewer), U.S. West Communication, Portland General Electric and Northwest Natural Gas.

3. The applicant shall submit an engineering site plan to the Keizer Department of Public Works for its review and approval. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to show compliance with Public Works development standards. Additional requirements are attached as Exhibit "G" and are, by reference, included in this condition.

4. The applicant shall submit a detailed site plan (plat) to the Keizer Community Development Department for review and approval prior to submittal of a final plat. The detailed plan shall include the following provisions:

   a. Shall substantially conform to the proposed subdivision request and contain a minimum of 50 lots.

   b. Include all engineering elements as required by Exhibit "G".

5. Upon approval of the detailed site plan and engineering plans, the applicant shall submit a final plat for the subdivision which conforms to the detail plan approval. The plat shall be prepared by a registered professional surveyor and conform with the requirements in ORS Chapter 92. A bond will be required by the County Surveyor for post monumentation of the subdivision plat. Street names for the subdivision shall be coordinated with the Mid-Willamette Valley Council of Governments on forms available at the City of Keizer. No plat shall be released that does not contain approved street names.

6. Items 1., 2., 3., 4, and 5, above, shall be completed, including review and approval by the appropriate department, prior to the issuance of a building permit for any one building. These additional items shall also be completed prior to receiving a building permit:

a. The applicant shall also install full street improvements, including a full street improvement along the park land area, and other public services within the entire development. These improvements shall conform to the plans approved by the City of Keizer Department of Public Works. Adequate bonding or other financial security shall be obtained.

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

7. Unless specifically restricted by this decision, nothing in this decision shall be construed as prohibiting the development of the property for other uses permitted or conditionally permitted in the RS (SINGLE FAMILY RESIDENTIAL).

8. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

XIV. RECOMMENDATION: SUBDIVISION VARIANCE

A. Staff recommends approval of the subdivision variance request for a reduction in the required street right-of-way subject to placement of the following conditions:

1. The minimum right-of-way width shall be 48 feet. The minimum street improvement shall be 34 feet, curb-to-curb.

2. The minimum cul-de-sac radius shall be 45 feet.

XV. RECOMMENDATION: GENERAL

A. Staff recommends the decisions regarding the partitionings, variances and conditional use and subdivision be allowed to stand separately and not require City Council review unless specifically appealed.

XVI. REQUIREMENTS

A. The Keizer Zoning Ordinance establishes specific development requirements. These requirements are mandatory and in most cases cannot be modified even through the variance process. These requirements are included for the benefit of the applicant.

1. Completion, submittal and recording of the final subdivision plat shall comply with the requirements contained in the Keizer Subdivision and Partitioning Ordinance.

2. Development of the individual lots shall comply with the applicable requirements of the Keizer Zoning Ordinance and building requirements of the Marion County Building Inspection Division.

3. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges for sewer, water, parks and other facilities and shall comply with established City rules and regulations in effect at the time of the final approval of the Subdivision.

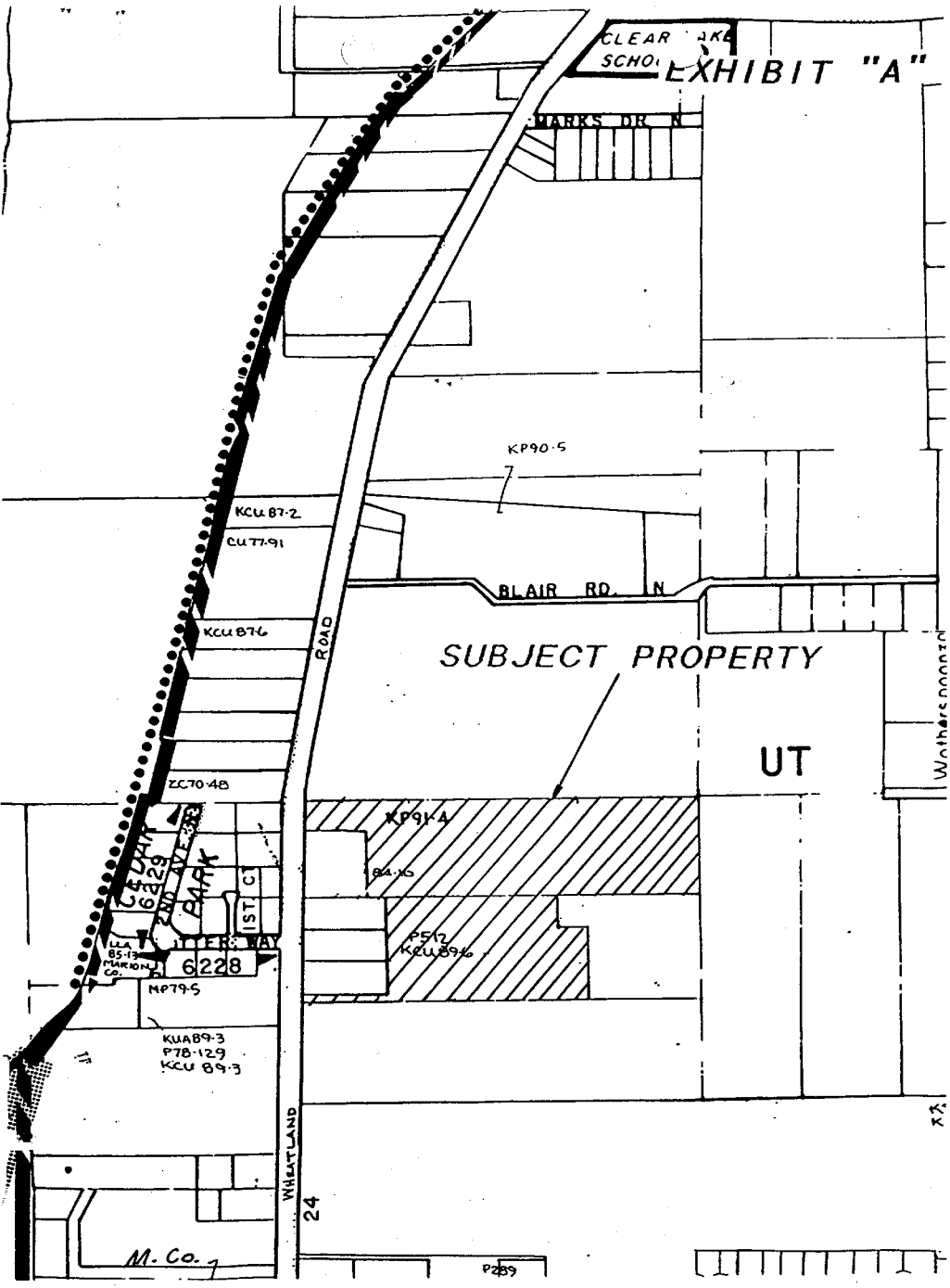
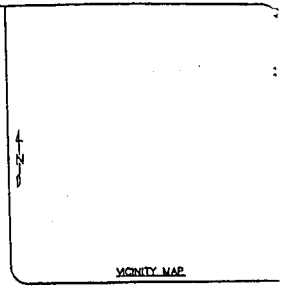
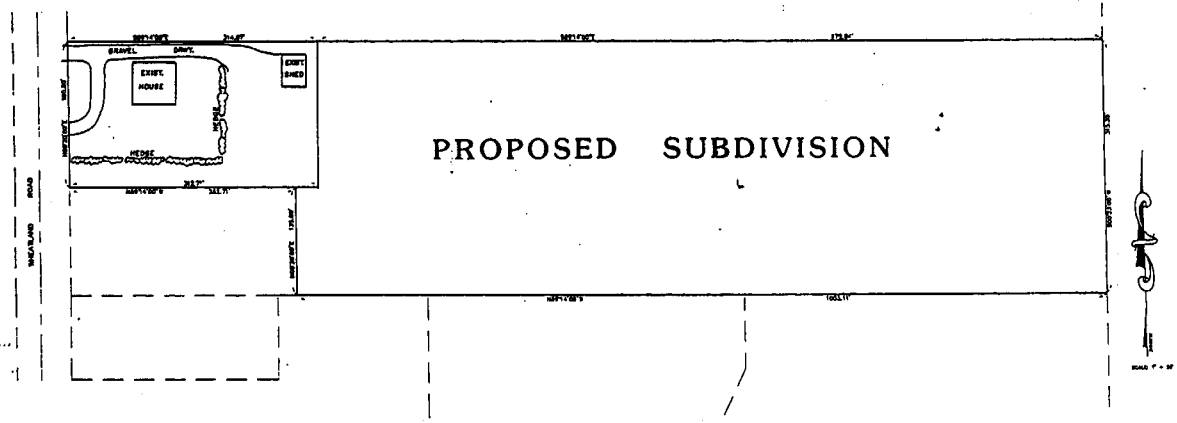


EXHIBIT "A"
CLEAR LAKE SCHO
MARKS DR N
KP90.5
KCU 87.2
CU77.91
BLAIR RD. N
KCU 87.6
ROAD
SUBJECT PROPERTY
UT
ZC70.48
KP91.4
84.16
CEDAR 6229
2ND AVE
PARK
1ST CT
P512
KCU 89.6
LLA 85.13 MARION CO.
6228
MP79.5
KUA89.3
P78.129
KCU 89.3
WHEATLAND
24
M. Co.
P289

VAN CLEAVE COMP. PLAN CHANGE

NE 1/4 NW 1/4 SEC. 26 T. 6 S., R. 3 W., W.M.
CITY OF SALEM
MARION COUNTY, OREGON





Owner Tract 1 & 2:

DUANE W. & CAROLYN S. VAN CLEAVE
1148 LISA COURT, N.E.
SALEM, OREGON 97303

EXHIBIT "B"

MULTI/TECH

VAN CLEAVE PROPERTY

COMP. PLAN CHANGE

EXHIBIT "C"

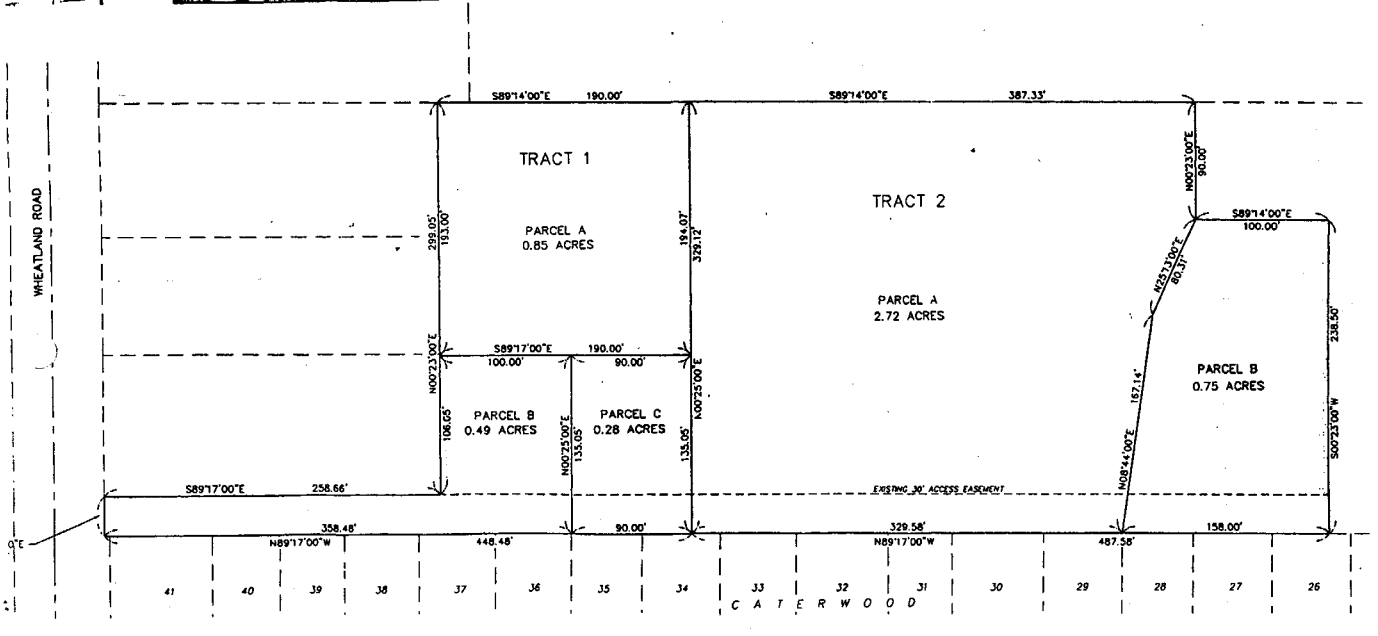

WHEATLAND ROAD
S89°14'00"E 190.00'
S89°14'00"E 387.33'
TRACT 1
PARCEL A
0.85 ACRES
TRACT 2
PARCEL A
2.72 ACRES
N00°23'00"E 90.00'
S89°14'00"E 100.00'
N25°13'00"E 80.37'
PARCEL B
0.75 ACRES
S00°23'00"W 238.50'
299.05'
193.00'
194.07'
329.12'
S89°17'00"E 190.00'
100.00'
90.00'
N00°23'00"E
N00°25'00"E
S00°25'00"E
PARCEL B
0.49 ACRES
PARCEL C
0.28 ACRES
106.05'
135.05'
135.05'
157.14'
N08°44'00"E
S89°17'00"E 258.66'
EXISTING 30' ACCESS EASEMENT
358.48'
N89°17'00"W
448.48'
90.00'
329.58'
N89°17'00"W
487.58'
158.00'
41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26
CATERWOOD

EXHIBIT "D"

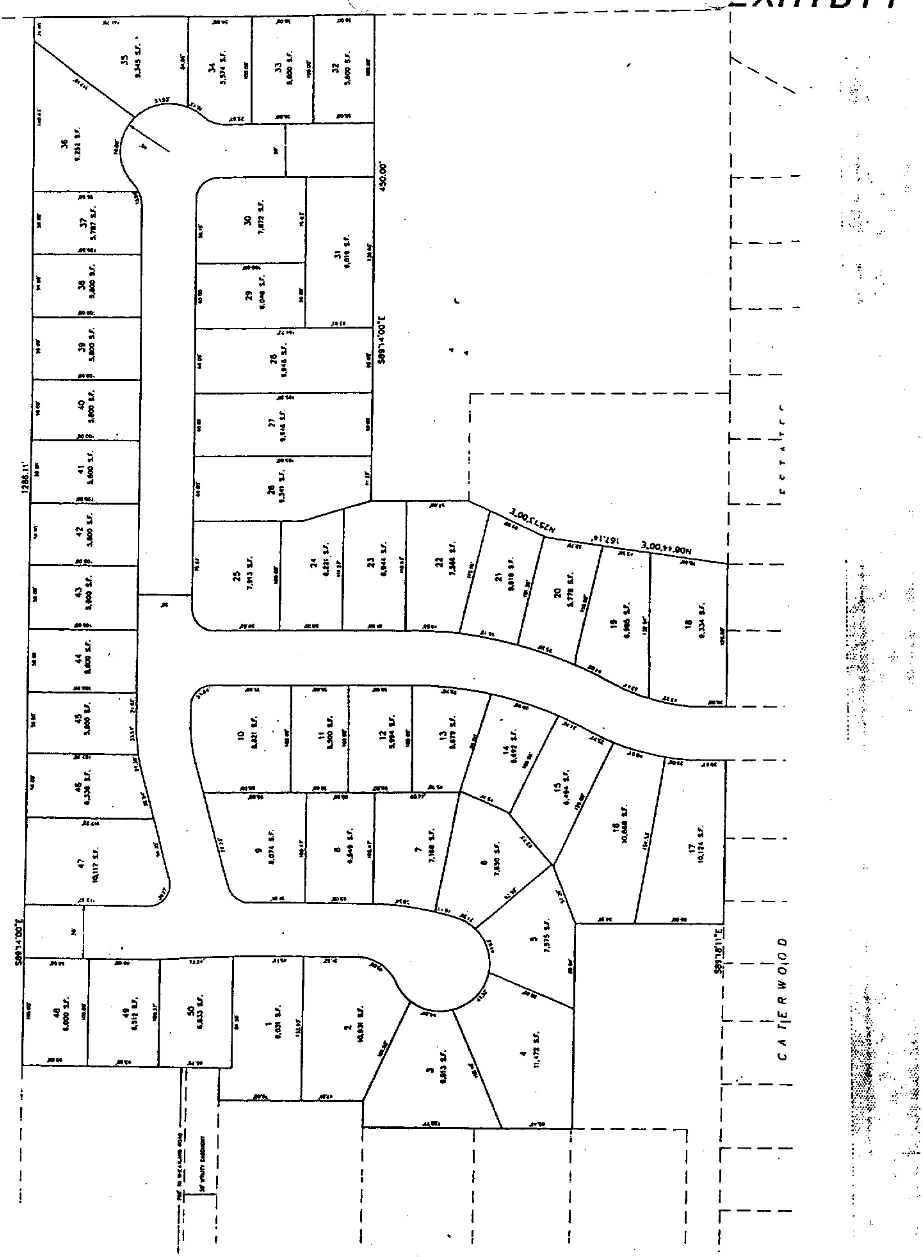


EXHIBIT "E"

City of Keizer, Oregon

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

FROM: CITY OF KEIZER
PUBLIC WORKS DEPARTMENT

DATE: APRIL 19, 1994

TO: CITY OF KEIZER
PLANNING DEPARTMENT

SUBJECT: CLEAR LAKE ESTATES SUBDIVISION
PUBLIC WORKS DEPARTMENT COMMENTS
COMPREHENSIVE PLAN AMENDMENT/SUBDIVISION CASE NO. 94-2

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

SANITARY SEWERS:

a.) City of Salem approval for local sewer lines will be required and construction permits will need to be issued prior to construction.

b) City of Keizer Systems Development Charges for the area wide sanitary sewer collection system will be required to be paid prior to filing of the final plat. The current charge for this area is $4,400.00 per acre.

WATER SYSTEM:

a.) Unless otherwise approved by the Public Works Department, all water mains shall be a minimum of 8 inch diameter ductile iron pipe unless otherwise approved by the Department of Public Works..

b.) The Keizer Fire District will need to review the project and determine appropriate locations for fire hydrants.

c) The City of Keizer will require water line permits.

d.) Final design of any part of the water system shall be dependant on outcome of recommendation from Ductile Iron Pipe Institute regarding polywrap.

e.) Wells on the property shall be located and identified on the final plan and appropriate steps for abandonment shall be taken.

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

Incorporated 1982
Pride, Spirit, Volunteerism

f.) All dwelling units shall be on individual meters and water mains shall be public unless approved by the Public Works Department.

STREETS AND STORM DRAINAGE:

a.) The developer's engineer shall submit a storm drain plan that conforms with the City Street Construction Standards and is acceptable to the Department. Of specific concern will be the provision of storm drainage outlets for adjacent properties to eliminate ponding around the perimeter of the proposed project. Adequate drainage provision shall be made to provide a permanent storm drain solution to the area east of proposed lots 18 through 22.

b.) It is the department's understanding that this area is within a previously approved area-wide drainage system developed by The Meadows Group. Storm water detention has been developed in the Meadows area that can handle this development. However the developer of this project needs to provide an accounting satisfactory to the public works staff for the costs to be paid to the Meadows Group prior to approval of any storm drain system for this project.

EXHIBIT "F"

STATEMENT OF REASONS
SUPPORTING COMPREHENSIVE PLAN MAP
AMENDMENT FOR VAN CLEAVE PROPERTY
(7448 WHEATLAND ROAD N., KEIZER, OREGON)

The applicant submits that the proposed amendment to the Keizer comprehensive plan land use map, redesignating the 8.96 acres described in the application from Medium and High Density Residential to Low Density Residential, meets each of the criteria which have been established by the City of Keizer for such amendments. The requisite criteria are as follows:

(1) Compliance with applicable state-wide land use goals.
(2) Consistency with applicable goals and policies of the Keizer comprehensive plan.
(3) Demonstration that the existing comprehensive plan does not provide adequate areas in appropriate locations for Low Density Residential Uses, and that the addition of the subject property to the inventory of Low Density Residential lands is consistent with projected needs for such lands.
(4) Demonstration that the existing comprehensive plan provides more than the projected need for Medium and High Density Residential lands.
(5) A showing that the redesignation of the subject property for Low Density Residential uses will not destabilize the land use pattern in the vicinity.
(6) Evidence that Low Density Residential uses of this property will not significantly adversely affect existing or planned uses on adjacent lands.
(7) A showing that public facilities and services necessary to support both Low Density Residential uses are available or are likely to be available in the near future.

1. COMPLIANCE WITH APPLICABLE STATE-WIDE GOALS

This proposal to reduce the density on the subject property from MHDR to LDR is in compliance with the following applicable state-wide goals:

A. Goal 1: Citizen Involvement. In accordance with its normal procedures, the City of Keizer will hold public hearings before either the city hearings officer or the planning commission and also before the Keizer city council. General notice of these hearings will be given by publication in a local newspaper, and the public will have ample opportunity to appear at and participate in these hearings. Thus, the proposal is consistent with and in compliance with Goal 1, which encourages citizen involvement in land use decisions.

B. **Goal 2: Land Use Planning.** The city will consider this proposal within the framework of its acknowledged comprehensive plan and its adopted zoning and implementing ordinances. The comprehensive plan specifically provides for amendments to reflect changing conditions and circumstances in the community. Specifically, Section 4.17 of the Keizer zoning ordinance provides for changes in the designation of land uses on the comprehensive plan map.

C. **Goal 9: Economic Development.** The city originally included the subject property in its inventory of MHDR lands on the Keizer comprehensive plan map in order to encourage economic development and diversity in housing. However, Medium and High Density Residential development has not occurred on the subject property because of an over abundance of similarly designated property for development in Keizer, a higher than anticipated demand for Low Density Residential development and because the subject property is relatively poorly situated for Medium and High Density Residential development. In consideration of these factors and for the reasons stated below, the proposed reclassification to Low Density Residential development would facilitate economic development of the subject property by permitting single-family residences to be developed to accommodate the demand for such development among the expanding population of Keizer.

D. **Goal 10: Housing.** For the reasons stated below, the applicant submits that permitting residential development of the subject property under the Low Density Residential designation will allow the city to do a better job of meeting the demand for single-family residences, and will help alleviate the pressure to expand the urban growth boundary. Because other lands within the city (including significant parcels which were not originally designated for Medium and High Density use) have been, are being and will be developed for Medium and High Density Residential, and because Keizer has substantially exceeded its density targets in development of Medium and High Density Residential areas to date, the current amount of Medium and High Density property exceeds the city's 20-year plan need. On the other hand, it is currently predicated that land designated for single-family residential use will only meet Keizer's needs for approximately 6 years at the present rate of growth. Thus, the predominate need in this community is for more land to be available for single-family residences, and the proposed change from MHDR to LDR will facilitate the meeting of this need.

E. **Goal 11: Public Facilities.** Largely through the previous development work of the applicant, public facilities such as public sewer and water lines which are necessary to serve development on the subject property are already in place at or near the boundaries of the subject property. The lines are of sufficient size to serve either Low Density or Medium and High Density Residential development.

F. **Goal 12: Transportation.** Redesignation of the subject property for Lower Density Residential use will promote the goal of providing and encouraging safe and convenient transportation because it will reduce potential vehicular traffic along Wheatland Road and particularly upon the neighborhood street which will provide access to the developments on the subject property. Prior to a comprehensive plan redesignation of this general area which took place in the Fall of 1993, the subject property was part of a larger

group of properties which were designated MHDR. All of those properties, except the subject property, were redesignated for Low Density Residential use in part because the city determined that it would be consistent with applicable state-wide and comprehensive plan goals and policies to concentrate High Density Residential development nearer to the urban core. Redesignation of the subject property for Low Density Residential will be consistent with that established policy.

G. Goal 13: Energy Conservation. Similarly, redesignation of the property to Low Density Residential will promote conservation of energy resources, specifically gasoline which would be consumed in moving higher numbers of people to and from the urban area from the subject property. If left at Medium and High Density Residential designation, the subject property could accommodate approximately 70 apartments. If the subject property is redesignated for Low Density Residential, the applicant plans to develop 29 single-family lots and five duplex lots, for a total of 39 residential units. The resulting 31-unit decrease will translate to approximately 300 saved trip units per day.

2. CONSISTENCY WITH APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES

A. Residential Development Policies. The proposed redesignation will have the effect of stabilizing and protecting the Low Density Residential quality of the properties which surround the subject property. As is noted above, several of the surrounding properties were recently redesignated from MHDR to LDR. The redesignation of the subject property is consistent with that previous action.

The residential policies also call for the city to maintain a reasonable balance of Low Density and Medium and High Density properties in its inventory. As is noted above, the unexpected rates of single-family residential development now being experienced in Keizer will probably lead to an exhaustion of the supply of Low Density Residential land before the end of the 20-year planning cycle. On the other hand, since multi-family land has in recent years been developed to higher densities than was originally anticipated, the city now has a more than adequate supply of High Density land to meet its needs over the balance of the 20-year cycle.

B. Energy Goals and Policies. As is discussed above, the proposed change will encourage the efficient use of energy in transportation in that it will tend to concentrate MHDR land closer to the city core where there are more services available, and it will provide for Low Density Residential development on properties more remote from the urban core, with the resulting decrease in trip units to and from those properties.

C. Urban Growth. The proposed redesignation of the subject property will facilitate one of the city's urban growth goals in that it will help to ensure adequate buildable land is available for all uses. As is discussed elsewhere herein, Keizer is moving toward an imbalance in the ratio of single-family versus multi-family dwelling lands, which imbalance will be improved by approval of this proposal.

Another Keizer policy for urban growth is to preserve and enhance the livability of the area. As was noted above, the surrounding properties have already been redesignated for Low Density Residential use. Redesignation of the subject property for similar use will help to preserve and enhance the liveability of this area. Similarly, approval of this proposal will prompt one of the comprehensive plan goals for residential development–to stabilize and protect essential characteristics of residential environments and to ensure compatibility among residential uses.

3. EXISTING PLAN PROVIDES INADEQUATE LDR LAND

It is becoming more and more apparent that the existing plan does not designate adequate areas in appropriate locations for Low Density Residential uses. The redesignation of the subject property for such use will help to meet the projected needs for this type of property through the 20-year planning cycle.

Keizer is developing its residential properties in a ratio of appropriately 55 percent single-family and 45 percent multi-family. The city recognizes that in the past the number of multi-family units in Keizer has increased as a percentage of housing units faster than single-family housing.

The plan also recognizes that the boom in multi-family residential development appears to have peaked. If the community meets its projected population growth target of 30,220 residents by the year 2005, it will need approximately 2,800 new residential units by that date, with approximately 1,540 of these units being single-family and 1,260 being multi-family. At current development densities, this will require approximately 340 acres for single-family residential development and about 80 acres for multi-family. At the present rate of development of 240 single-family units per year, Keizer will exhaust its supply of single-family lands within six years. And much of the land remaining undeveloped is in small parcels which will be difficult to develop efficiently. Thus, there is a need to increase the supply of available single-family land and the reclassification of the 8.96 acres contained in the subject property will facilitate that need.

4. CURRENT PLAN PROVIDES EXCESS OF MHDR LAND

To date, Keizer has exceeded its target of residential units per acre in the MHDR areas (16 units per acre) by about 40 percent, and is currently building at nearly 22 units per acre in that designation. If the city continues to experience this density of development in the MHDR areas, it will not need as much MHDR acreage as was originally anticipated. In addition, there has been and continues to be High Density Residential developments on land not previously designated for such use. For example, the Triple Tree Apartments contain 60 units built on land previously zoned and designated for Commercial use. Also, the preliminary plan for Staats Lake development includes 220 multi-family units on land previously designated for Commercial use. When this land, together with about 20 acres of vacant land for development previously designated Commercial and Low Residential, have been redesignated Mixed use, the potential for increased multi-family units is apparent.

Finally, the redesignation of approximately 30 acres of the Epping property located just North of Hidden Creek for Mixed use will create the same opportunity as exists on the above-described portion of the Staats Lake development, to increase the construction of multi-family units.

In combination, these circumstances mean that in all likelihood there will be an excess of MHDR acreage in Keizer over the 20-year planning period. Thus, the subject property may be redesignated for Low Density Residential development, and such a redesignation will promote the goal of reducing the apparent overage of High Density property.

5. PROPOSED REDESIGNATION WON'T DESTABILIZE AREA LAND USE PATTERN OR ALLOW USE AS HAVING ADVERSE EFFECT ON AREA

The proposed redesignation will stabilize rather than destabilize the prevailing present and planned land use pattern in the area. As is noted above, the subject property lies within a group of properties all the rest of which were recently redesignated from MHDR to LDR. Retention of this property in the High Density classification and development of it to Medium or High Density Residential uses would tend to defeat some of the goals of the earlier redesignation, and would be contrary to some of the reasons for which said redesignation was approved. Development of the subject property for Low Density Residential purposes will hold down the vehicular traffic that will flow through neighboring residential streets to reach this property, and will result in the erection of structures which are similar in size and mass to those projected to occur within the surrounding residential area.

6. AVAILABILITY OF NECESSARY PUBLIC SERVICES

Public streets, sanitary sewer and water lines either are or will be in place to serve the subject property when it is developed to the proposed Low Density Residential use. Since this proposed redesignation will decrease the total number of residential units which may be built on the subject property, this decrease should have a positive impact on public facilities and services.

Based upon the foregoing evidence, the applicant submits that each of the criteria applicable to the proposed land map redesignation are satisfied in this case.

Respectfully submitted,

SHERMAN, BRYAN, SHERMAN & MUCH

By _____
Kenneth Sherman, Jr.

KEIZER CITY COUNCIL MEETING: May 16, 1994

AGENDA ITEM NUMBER: 5b

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK
CITY MANAGER

SUBJECT: REQUEST FOR VARIANCE FROM THE NOISE ORDINANCE

BACKGROUND:

The City has received a request for a variance from the Keizer Noise Ordinance from Hillman Properties for the purposes of mowing greens. This request is attached. They are requesting to begin mowing at 5:30 a.m. At your last meeting, the course manager stated that the early mowing time was needed for some duration in the summer, however this variance request is not limited to time of year. The Ordinance allows the operation of lawn mowing equipment between 7:00 a.m. and 10:00 p.m.

The variance request process calls for posted and published notice and a public hearing at the Council's option. At your last meeting, the Council agreed by consensus to hold a public hearing on this issue at this meeting. Both proponents and opponents of the variance will be in attendance.

The staff surveyed several Oregon communities by telephone to determine what kinds of approaches to golf course mowing noise are taken. Their responses are attached.

ALTERNATIVES/OPTIONS:

Hillman Properties appears to be requesting a permanent variance for their equipment. This can be accomplished either through a variance or an amendment to the Ordinance. Such an amendment could in the form of a specific clause addressing golf courses and establishing special requirements on them.

RECOMMENDATION:

If the Council chooses to amend the Ordinance, staff will return at your next meeting with language that meets the Council's intention.

NOISE RESTRICTIONS ON GOLF COURSES

Albany	Noise abatement doesn't apply to golf courses specifically. Prohibits excessive noise, generally. No time restrictions. Prohibits unmuffled engines.
Beaverton	Noise abatement doesn't apply to golf courses specifically. Prohibits excessive noise, generally. No time restrictions. Prohibits unmuffled engines.
Corvallis	Noise abatement doesn't apply to golf courses specifically. Prohibits excessive noise, generally. No time restrictions. Prohibits unmuffled engines.

(These three ordinances are practically the lame language.)

Salem	No specific restriction on golf courses or lawn mowers. (Our ordinance was based on Salem's with the addition of mowing equipment.)
McMinnville	Noise ordinance does not apply to golf coursed.
Medford	Golf courses apply for a variance for the heavy mowing season.
Portland	Ordinance allows a decibel level of 80 which is much louder than course mowers.

Richard T. Howsley, P.S.

[redacted]

LISA M. GRAHAM
RICHARD T. HOWSLEY

1400 WASHINGTON STREET, SUITE 200
POST OFFICE BOX 61448
VANCOUVER, WASHINGTON 98666-1448

(206) 693-4481
VANCOUVER

(503) 222-5507
PORTLAND

(206) 695-1093
FACSIMILE

May 9, 1994

DOCUMENT PREVIOUSLY SENT VIA FACSIMILE
THIS COPY FOR YOUR RECORDS ONLY
RECEIVED
94 MAY 11 AM 9 51
CITY OF KEIZER
KEIZER, OR 97303

Ms. Dotty Tryk, City Manager
City of Keizer
P.O. Box 21000
Keizer, OR 97307

RE: VARIANCE REQUEST--NOISE ORDINANCE NO. 93-269

Dear Ms. Tryk:

This letter is written to you on behalf of Hillman Properties Northwest and will serve as a formal Type B Variance Request, as outlined in Section 7. VARIANCES A)(2) "for an event or activity which does not exceed 72 hours in duration". This request is made as follows in accordance with Section 8. VARIANCE APPLICATION A) 1-6:

1) A reference to the provision from which the variance is sought;

A variance is sought from Section 3. NOISE DISTURBANCE PROHIBITED B)(4), which reads:

4) Lawn mowing equipment. Operating lawn mowing equipment with a combustion engine between 10:00p.m. and 7:00 a.m.

2) The reason or reasons why the variance is necessary;

The variance is necessary because of the extreme financial and practical hardship the prohibition would cause to the operations and integrity of McNary Golf Club.

The McNary Golf Club begins daily tee times at 7:00 a.m., and must have the greens mowed for players utilizing the Course. If the greens were not allowed to begin being mowed at 5:30 a.m. which is before Ordinance provisions of 7:00 a.m., the financial integrity of the operation of McNary Golf Club would be in jeopardy. During the 7:00 a.m. to 8:00 a.m. tee time, there are 8 groups of four

that begin play on the course. This represents $896.00 per day lost to the Club if the tee times had to be deferred for mowing of the greens. This total times 365 days amounts to $327,040.00 loss of income per year, which the Club has depended on for operations.

Hillman Properties Northwest has spent substantial funds to this date to improve the quality of play on the McNary Golf Club course. It stands as one of the best 18-hole Golf Clubs in the area and is a facility that the City of Keizer can be proud to have within its jurisdiction. In addition, significant new investments (over $1 million) are being spent at this time to totally refurbish and replace the existing Clubhouse, Restaurant, and Banquet Facilities. Hillman and McNary Golf Club depend on the monies generated from daily play on the course to support these commitments to continued excellence in recreational opportunities for the community.

3) The physical characteristics of the involved sound;

The sound emitted from mowing of the greens is the sound characterized by small engine operation or small farm equipment operation.

4) The times when the involved sound will be emitted and the anticipated duration of the sound;

The sound emission will commence at 5:30 a.m., on a daily basis. The sound will be emitted from the areas of the greens beginning with the front nine and proceeding around to the back nine, and it is anticipated would be completed at 8:00 a.m.

5) [This section does not apply--since the sound source will move beyond the boundaries of one block].

6) Any other supporting information which the City Manager or Council may reasonably require to allow consideration of the conditions set forth in Section 10.

Section 10. VARIANCE REVIEW. gives the City Council the discretion to grant a variance when it appears that the following conditions exist:

1) There are unnecessary or unreasonable hardships or

practical difficulties which can be most effectively relieved by granting the variance; and

2) That granting the application will not be unreasonably detrimental to the public welfare.

In the instant application before the City of Keizer, these conditions are clearly met. The unreasonable hardship would be the substantial loss in income to the operations of McNary Golf Course. There are no other practical alternatives to enabling Course play to begin at it normal and historic starting times. These starting times, beginning at 7:00 a.m., are and industry standard in the State of Oregon, and would place McNary Golf Club at a severe disadvantage financially and in competition with other courses if the mowing of greens were not allowed to commence at 5:30 a.m.

The application variance approval will not be unreasonably detrimental to the public welfare. The time period is fixed and has been so for many years. Persons purchasing homes and residing in McNary Estates have a clear understanding that they are moving adjacent to a major recreational facility that requires daily care and maintenance.

The mowing operations that commence at 5:30 a.m., begin on the front nine holes, and thus, by the time the mowers reach the last few holes, it is past the curfew of the 7:00 a.m. time, and off-site residences are not impacted as directly as those residents within McNary Estates by the granting of the variance.

SUMMARY

The City of Keizer has the ability to provide conditions and safeguards in the issuance of a Variance, in accordance with Section 11. VARIANCE DECISION. C). This should provide the City Council and City Manager with the assurances that the impacts to the general public welfare will not be "unreasonably detrimental" when compared with the severe "unnecessary or unreasonable hardships or practical difficulties which can be most effectively relieved by granting the variance".

Thus, it is the request of Hillman Properties Northwest and McNary Golf Club, that a Variance be granted to allow commencement of

daily mowing of greens beginning at 5:30 a.m.

Thank you for your serious consideration of this matter.

Sincerely,

RICHARD T. HOWSLEY

RTH:ms

cc: Donald Z. Guthrie, Hillman Properties Northwest
Phil Bostwick, McNary Golf Club
Ernest Fish

PUBLIC HEARING NOTICE
NOISE VARIANCE REQUEST

NOTICE is hereby given the City Council of the City of Keizer will hold a public hearing to consider a request for a Class B Noise Variance submitted by Hillman Properties Northwest for the mowing of greens prior to 7:00 a.m. at McNary Golf Club, located at 6255 River Road North, Keizer, Oregon. The Council will consider this application at their meeting on **Monday, May 16, 1994 at 7:00 p.m.** in the Council Chambers, 930 Chemawa Road NE, Keizer, Oregon.

Anyone wishing to make comments on this variance application may provide testimony at the hearing or submit written comments to the City Recorder no later than 5:00 p.m. on May 16, 1994. Responses may be mailed to Tracy L. Davis, City Recorder, P.O. Box 21000, Keizer, Oregon 97307.

If you have any questions regarding this process, please contact Dotty Tryk, City Manager at 390-3700, ext. 113.

DATED this 9th day of May, 1994.

Tracy L. Davis
City Recorder

CITY COUNCIL MEETING: May 16, 1994

AGENDA ITEM NUMBER: 5c

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK,
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: SIGN CODE REVISION - PORTABLE SIGNS

DISCUSSION:

The proposed revisions to the Sign Code to allow non-profit organizations to use portable signs are before the Council tonight for public hearing. Attached to this report is the ordinance bill which incorporates the changes made by the Council when this matter was last discussed.

The draft has been mailed to all non-profit organizations Staff could identify in Keizer, notifying them of this hearing. One written response from the Keizer Grange was received and is included with this staff report.

The Planning Commission in regular session on May 11, 1994 reviewed the proposed changes and voted to recommend their approval to the Council.

PROCESS:

The Keizertimes failed to publish the notice of public hearing that was properly presented to them. Mailed notice was provided of tonight's hearing to all non-profit organizations. Therefore, the hearing must be opened and conducted this evening, and then held over until June 6 to allow for proper publication of the notice.

RECOMMENDATION:

It is recommended Council open the hearing, take testimony, and then hold it over until June 6, 1994.

BILL NO. ____ A BILL ORDINANCE NO. 94-_____

FOR

AN ORDINANCE

AMENDING KEIZER SIGN REGULATIONS (KZO CHAPTER 15) WITH REGARD TO PORTABLE SIGNS FOR NONPROFIT ORGANIZATIONS; AMENDING ORDINANCE NO. 87-078 (KEIZER ZONING ORDINANCE); AND DECLARING AN EMERGENCY

The City of Keizer ordains as follows:

Section 1. FINDINGS. The City of Keizer makes the findings attached as Exhibit "A", and by this reference incorporated herein.

Section 2. AMENDMENT OF KZO 15.40. Keizer Zoning Ordinance Section 15.40 (SIGNS GENERALLY PERMITTED) is amended by the addition of a new subsection (10):

(10) A nonprofit organization may display a portable sign subject to the following regulations:

a. Two (2) signs per organization at a time.

b. Maximum sign area: 16 square feet.

c. The sign shall be displayed no more than four times in any 365-day period, and shall not be displayed longer than five (5) days each time.

d. The sign shall not be placed on public property in any right-of-way, or in any residential zones.

e. The nonprofit organization shall request and receive consent from the owner of the property on which the sign is placed.

///
///
///
///

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

f. If requested, the nonprofit organization shall provide appropriate proof that such organization is organized not to make a profit, but for charitable, educational, religious, or philanthropic purposes.

Section 2. AMENDMENT OF KZO 15.50. Keizer Zoning Ordinance Section 15.50 (PROHIBITED SIGNS) is amended at subsection (2) as follows:

(2) Portable signs [except as provided in Section 15.50(10)].

Section 3. EFFECTIVE DATE. This act being necessary for the immediate preservation of the public health, safety and welfare of the community, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED this _____ day of _____, 1994.

SIGNED this _____ day of _____, 1994.

_____
Mayor

_____
City Recorder

2697COK2.001

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

EXHIBIT "A"

Findings Regarding the Adoption of the Amendment to Keizer Zoning Ordinance Chapter 15 - Sign Regulations
[See criteria set forth at Keizer Zoning Ordinance (KZO) 4.15]

The City of Keizer finds that:

1. The amendment to the sign regulations complies with statewide land use goals and related administrative rules as follows [KZO 4.15(a)]:

GOAL 1: CITIZEN INVOLVEMENT

Public hearings were conducted on this matter with the review and adoption proceedings consistent with local land use regulations.

GOAL 2: LAND USE PLANNING

The ordinance amends the Keizer Zoning Ordinance. The adoption proceeding was conducted in a manner consistent with the requirements of the Keizer Comprehensive Plan, Keizer Zoning Ordinance, and applicable state law.

GOAL 3: AGRICULTURE LAND

The amendment does not affect agricultural operations.

GOAL 4: FOREST LANDS

The amendment does not affect forest lands.

GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

The amendment does allow the possibility of a slight increase in the number of signs, because nonprofit organizations will be able to place portable signs under the amendment. However, any increase in the number of signs is expected to be very minimal, and therefore, the City of Keizer finds that there is no effect on open spaces, scenic and historic areas, and/or natural resources.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

The amendment will not affect air, water and land resources quality.

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

The amendment will not affect any areas subject to natural disasters or hazards.

GOAL 8: RECREATIONAL NEEDS

The amendment will not impact recreational needs.

GOAL 9: ECONOMIC DEVELOPMENT

This amendment does not directly affect economic development. However, the allowance of portable signs for nonprofit organizations may, to a small degree, provide for increased economic development.

GOAL 10: HOUSING

The amendment does not affect sign rights in residential zones.

GOAL 11: PUBLIC FACILITIES AND SERVICES

The amendment does not affect public facilities and services.

GOAL 12: TRANSPORTATION

The amendment will not affect any transportation facilities or services.

GOAL 13: ENERGY CONSERVATION

The amendment will not affect energy conservation.

GOAL 14: URBANIZATION

The amendment will not adversely affect urbanization efforts.

GOAL 15: WILLAMETTE GREENWAY

The amendment will not affect the Willamette Greenway.

GOALS 16, 17, 18 AND 19: ESTUARINE RESOURCES, COASTAL SHORELANDS, BEACHES AND DUNES, AND OCEAN RESOURCES

These goals do not apply as Keizer is not located in an ocean shoreland area.

2. The amendment regarding allowance for nonprofit organizations to have portable signs conforms with the Keizer Comprehensive Plan goals, policies and intent. Specifically, it provides for encouraging public and private efforts to increase economic development [KZO 4.15(b)].

3. Public need is best satisfied by this amendment because the extra flexibility allowed for nonprofit organizations provides advertisement for their projects with minimal detracting from the goal of aesthetic improvement [KZO 4.15(c)].

4. The amendment will not adversely affect the health, safety and welfare of the community [KZO 4.15(d)].

5. (The criteria in Keizer Zoning Ordinance 4.15(e) regarding adequate public facilities, services and transportation is not applicable to this Ordinance.)

Findings with regard to this Ordinance are based on all written and oral testimony received at the City Council hearing on this matter. This evidence is incorporated by this reference as if fully set forth herein.

2697COK2.001

7849 Timothy LN NE
Keizer, Or 97393

May 5, 1994

Mr John Morgan
Community Development Director
City of Keizer
930 Chemawa Rd NE
Keizer, Or 97303

Dear Mr Morgan
I have reviewed the amendment of KZO 15.40 in reference to the displaying of signs, and would like you know my thoughts about it and ask your consideration.

Part "C" to display No more that 4 times: We have the Pancake Breakfast's 6 times a year and we also have the Community Fair. We also have an Open House, however, I don't if we'll use the signs this time but we have used some in the past. These are events that are for the Community's participation.

Part "B" My thought of a sign 16 feet square would be ugly, too big, not in keeping with a good looking display. We do not (I Think) use more than a 12 square foot one.

Part "A" I would like to have one more so I could display one out on Wheatland Rd.

I'll be gone until the 15th of May but would appreciate your consideration of my thoughts. I will be at the Council meeting May 16.

Thank you,
Lela J McGarvey
Keizer Grange.

RECEIVED
'94 MAY 10 AM 9 45
CITY OF KEIZER
OREGON 97303

CITY COUNCIL MEETING: May 16, 1994

AGENDA ITEM NUMBER: 5d

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: HOUSING AND RELATED CODE AMENDMENTS

DISCUSSION:

Presented to the Council tonight for public hearing are three ordinances and one resolution. These documents, upon adoption, will finalize major components of the Council's work to create and implement a housing strategy for Keizer. The three ordinances have all been reviewed by the Council several times at prior meetings, and reflect the direction presented by the Council members. The ordinances are:

- Housing Code
- Solid Waste Ordinance Amendments
- Nuisance Abatement Process

Coupled with the Housing Code is a resolution setting a Council Policy on Administration of the Housing Code. This is in response to the Council discussion about when the Code would be utilized and who would do the actual work.

PROCESS:

The Keizertimes failed to publish the notices of public hearing that were properly presented to them. Mailed notice was provided of tonight's hearing to all property management

companies. Therefore, the hearing must be opened and conducted this evening, and then held over until June 6 to allow for proper publication of the notice.

RECOMMENDATION:

It is recommended Council open the hearing, take testimony, and then hold it over until June 6, 1994.

BILL NO. ____ A BILL ORDINANCE NO. 94-_____

FOR

AN ORDINANCE

ADOPTING THE KEIZER HOUSING CODE

The City of Keizer ordains as follows:

Section 1. PURPOSE. The purpose of this Code is to provide minimum requirements for the protection of life, limb, health, property safety and welfare of the general public and the owners, occupants and users of residential buildings.

Section 2. SCOPE. The provisions of this Code shall apply to all buildings or portions thereof used or designed, or intended to be used, for human habitation. Such occupancies in existing buildings may be continued, except such structures as are found to be substandard as defined in this Code.

Each mobile home, trailer, and recreational vehicle which is used as a residence and which does not meet the requirements prescribed pursuant to ORS 446.002 to 446.200 shall comply with all of the requirements of this Code, whether or not such mobile home, trailer, or recreational vehicle is placed on a permanent foundation or otherwise affixed to real property.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this Code shall apply to the separate portions as if they were separate buildings.

Every rooming and boarding house shall comply with all the requirements of this Code for dwellings.

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

Section 3. INTENT. It is not the intent of this Code to impose any requirements more stringent than those contained in the Uniform Building Code (UBC), Uniform Mechanical Code (UMC), Uniform Plumbing Code (UPC), Uniform Fire Code (UFC), or the National Electrical Code (NEC) in effect at the time the structure or portion thereof was built. In addition, it is not the intent of this Code to be in conflict with any state or federal mandated requirement, including, but not limited to, any Fair Housing Act requirements. Compliance with the laws listed above shall be considered compliance with this Code.

Section 4. DEFINITIONS. For the purpose of this Uniform Housing Code:

(1) Authorized Designee(s). Qualified inspectors designated by City Manager.

(2) Ceiling Height. The clear vertical distance between the finished floor and the finished ceiling.

(3) Dwelling. Any building or portion thereof which contains living facilities (including provision for sleeping, eating, cooking and sanitation as required by this Code) for not more than one family.

(4) Efficiency Dwelling. A combination apartment house/hotel.

(5) Guest Room. Any room used or intended to be used by a guest for sleeping purposes. Every 100 square feet of a superficial area in a dormitory shall be considered to be a guest room.

///

///

LIEN, HOBSON & JOHNSON
Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1535

(6) Habitable Space (Room). Space in a structure for living, sleeping, eating or cooking, and bathrooms. Closets, halls, storage or utility space and similar areas are not considered habitable space.

(7) Owner. Any person, firm, or corporation (or agent of such party) having a legal or equitable interest in the subject property, other than a leasehold or an interest less than a leasehold.

(8) Rooming and Boarding House. Any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise.

(9) Superficial Floor Area. The net floor area within the enclosing walls of a habitable room, excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures and excluding all space where the ceiling height is less than four feet.

(10) Water Closet. A room with a toilet, but no other plumbing fixtures.

(11) Window. A glazed opening, including glazed portions of doors, which directly admits natural light from the outdoors, and, if openable, opens directly upon the outdoors.

Section 5. AUTHORITY. The City Manager and/or authorized designee are hereby authorized to enforce all of the provisions of this Code.

Section 6. RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the City Manager has probable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises in violation

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

of Section 8 of this Code, the City Manager and/or designee shall present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the City Manager shall have recourse to every remedy provided by law to secure entry, including, but not limited to, requesting the Keizer Municipal Court to issue an inspection warrant.

Section 7. RESPONSIBILITY DEFINED. Every owner is responsible for maintaining their property or premises in full compliance with the requirements of this Code even though the owner has, by agreement, imposed on the occupant(s) the duty of furnishing required equipment or of complying with this Code.

Every owner, in addition to being responsible for maintaining his or her building in compliance with the requirements of this Code, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary, and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Section 8. CODE REQUIREMENTS. Any dwelling unit, rooming and boarding house, guest room or suite of rooms, or the premises on which the same is located shall meet the following requirements:

(1) Sanitation Requirements.

(a) Every dwelling unit shall be provided with a water closet, a lavatory, and a bathtub or shower.

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

(b) Each dwelling unit shall be provided with kitchen facilities complete with kitchen sink. Such facility shall be separate from the lavatory, bath, and toilet facilities required by subsection (a) of this section.

(c) All plumbing fixtures shall be drained into an approved sanitary sewer or private sewage disposal system in conformance with the UPC. All plumbing fixtures shall be provided with hot and cold running water from an approved water supply system, provided however, that water closets may be supplied with cold water only. All plumbing fixtures shall be of approved nonabsorbent materials.

(d) Any room in which a toilet is located shall be separated from kitchen facilities, food preparation, and food storage areas by a tight-fitting door.

(e) All sanitary facilities, drain, waste, vent, and water piping shall be of approved materials, and shall be installed and maintained in a safe and sanitary condition, free from cross-connections and siphonage between fixtures, and free from any other condition which would allow impure water to enter the potable water supply system.

(2) Structural Requirements.

(a) Buildings or structures may be of any type of construction permitted by the UBC. Roofs, floors, walls, fireplaces,

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

chimneys, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the design criteria specified in the appropriate sections of the UBC.

(b) All wood shall be protected against insect damage and other decay. Exterior surfaces shall be protected in an approved manner from damage resulting from moisture penetration.

(c) Access to all attic and underfloor areas shall be provided by means of openings not less than 14 inches by 24 inches in size.

(3) Occupancy Requirements.

(a) The occupancy load for any dwelling, rooming and boarding house, and guest room shall be determined by dividing the total superficial floor area of the occupancy by 100, and rounding any fraction to the next higher whole number. (See Section 8(9) for occupancy requirements for efficiency dwellings.)

(b) A building within the scope of this Code shall not be used, designed, or equipped for use by or for more occupants than the occupancy load determined under subsection (a) of this section.

///

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

(4) Electrical Requirements.

(a) All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with the NEC. All electrical equipment shall be of an approved type.

(b) Every habitable room shall contain at least two supplied electric convenience outlets, or one supplied electric convenience outlet and one supplied electric light fixture.

(5) Lighting Requirements.

(a) Each habitable room, bathroom, and water closet compartment shall be provided with natural light by means of windows or skylights with a minimum area of five percent (5%) of the superficial floor area of the room.

(b) In lieu of natural light as provided in subsection (a) of this section, interior rooms, bathrooms, and water closet compartments may be provided with artificial light equivalent to one 40 watt incandescent bulb for each 100 square feet of superficial floor area or fraction thereof, provided the light is so located as to illuminate all foot traffic areas of the room and the interior of any tub or shower stall with light having an intensity of one foot candle at floor level.

///

///

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

(c) Each laundry room, utility room, storage room, closet, workshop, service room, and cellar having more than 20 square feet of superficial floor area shall be provided with natural or artificial light, or any combination thereof, equivalent to that specified in subsection (a) or (b) of this section.

(6) Heating Requirements.

(a) Every dwelling unit and guest room shall be provided with comfort heating facilities capable of maintaining a temperature of 60 degrees Fahrenheit at a point three feet above the floor in all habitable rooms. All heating devices or appliances shall be of an approved type.

(b) Combustion air for fuel burning appliances shall be provided as required in the UMC.

(c) All fuel burning appliances shall be installed and maintained in accordance with the provisions of all applicable Codes. Unvented fuel-burning heaters are prohibited.

(7) Ventilation Requirements. Each habitable room, bathroom, and water closet compartment shall be equipped with openable windows, openable skylights, a mechanical ventilation system, or any combination thereof, capable of producing at least two air changes per hour. Openable windows or skylights with an area at least one-twentieth of the superficial floor area of the room, but in no event

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

less than five square feet, shall be deemed to satisfy the requirements of this section.

(8) General Sanitary Requirements. All buildings and premises shall be kept free of dead organic matter, debris, garbage, offal, rate harborage, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards. In addition, all premises shall be kept from of insect and rodent infestation, and every owner shall be responsible for the extermination of any insects, rodents, or other pests.

(9) Efficiency Dwelling Requirements. An efficiency dwelling unit shall conform to all requirements of this Code except as herein provided:

(a) The unit shall have not less than 220 square feet of superficial floor area and 100 additional square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

(b) The unit shall be provided with a separate closet.

(c) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

Section 9. REMEDIES. Violations of this Code are infractions, and the responsible parties may be cited under the Keizer Civil Infraction Ordinance. In addition, as a nuisance, the nuisance may be abated under Keizer Nuisance Abatement Procedures, Ordinance No. _____. These procedures and/or remedies shall not prohibit in any way any alternative remedies set out in city ordinances

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

or state statutes intended to alleviate ordinance violations. The remedies set forth herein are not exclusive, but are in addition to any and all common law remedies for the abatement of nuisances.

PASSED this _____ day of _____, 1994.

SIGNED this _____ day of _____, 1994.

_____
Mayor

_____
City Recorder

824COK2.009

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

CITY COUNCIL
CITY OF KEIZER
STATE OF OREGON

Resolution R94- ____

ADOPTION OF COUNCIL POLICY ON THE ADMINISTRATION OF THE HOUSING CODE

WHEREAS, the Council has determined there is a need in the Community to have a Housing Code to set minimum standards to help assure safe and decent housing for all citizens;

WHEREAS, the Council adopted Comprehensive Housing Affordability Strategy identifies as a major housing problem in Keizer the existence of "pockets" of housing in poor condition which, through blighting influences, negatively impact the housing conditions and values on surrounding properties;

WHEREAS, the intent of the Housing Code and its adoption is to address the most severe housing problems and not to regulate all housing in Keizer;

WHEREAS, the Council expects the Housing Code to be administered without the addition of staff; NOW THEREFORE,

BE IT RESOLVED THAT, the City Council of the City of Keizer does hereby adopt the Policy on Administering the Housing Code, a copy of which is attached to this resolution and made a part hereof.

PASSED this 16th day of May 1994.

SIGNED this 16th day of May 1994.

_____

Dennis Koho, Mayor

ATTEST:

_____

Tracy Davis, City Recorder

Council Policy on Administration of the Housing Code

May 16, 1994

It is the policy of the City Council of the City of Keizer to have the Housing Code administered in the following manner:

1. The Housing Code is to be used to address the following substandard housing conditions:

   a. A rental property not being maintained in accordance with the Housing Code by the owner and a complaint is filed by the tenant.

   b. Conditions are such on a property that, due to odor, drainage, fire danger, or other external impact, surrounding properties are negatively impacted.

2. Enforcement of the Housing Code shall be on a complaint only basis.

3. The City Manager shall use existing staff and contracted inspectors to administer the Code.

BILL NO. ____ A BILL ORDINANCE NO. 94-_____

FOR

AN ORDINANCE

RELATING TO THE ABATEMENT OF NUISANCES CREATED BY THE ACCUMULATION OF SOLID WASTE OR INOPERABLE VEHICLES; REPEALING ORDINANCE NO. 91-210

The City of Keizer ordains as follows:

Section 1. SHORT TITLE. This Ordinance shall be known as the "Keizer Solid Waste Abatement Ordinance" and shall be so cited and pled.

Section 2. PURPOSE, POLICY AND SCOPE. It is the declared policy of the City of Keizer, in furtherance of the protection of the public health, safety and welfare of the people of the City of Keizer, to enact an ordinance regulating the accumulation of solid waste and inoperable vehicles on public and private property as a public nuisance and providing means for abatement of such accumulation of solid waste or inoperable vehicles . Such accumulations are hereby declared to be a public nuisance.

Section 3. EXEMPTIONS. Unless specifically provided otherwise, this Ordinance does not apply to:

(1) Disposal sites approved by the City of Keizer and operated in compliance with regulations promulgated by the Environmental Quality Commission, Department of Environmental Quality and other ordinances or regulations of the City of Keizer.

///

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

(2) Agricultural operations (including the growing and harvesting of crops and timber, the raising of fowl or animals, and the storage or use of agricultural waste, sprays and fertilizer) provided that all operations comply with all applicable laws and regulations. This exception does not apply in those City of Keizer land use zones that do not permit such activities.

(3) The operation of a wrecking yard with a valid and current license or permit to operate a wrecking yard under ORS 377.605 to 377.655 and in an area zoned and/or permitted for use as a wrecking yard.

(4) Compost piles used only for the decomposition of garden and yard trimmings and located on the tax lot where the garden or yard trimmings were generated.

Section 4. DEFINITIONS.

(1) "Antique vehicle" means a motor vehicle that is older than one-half the number of years between the current year and 1900 and that is maintained as a collector's item.

(2) "City Council" means the City Council of the City of Keizer.

(3) A "condition of unsightliness" means uncovered or partially uncovered inoperable vehicles or solid waste upon private property which can be seen from public property or from property belonging to other persons.

///

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

(4) "Dispose" or "disposal" means the accumulation, storage, collection, or transportation of solid waste to a transfer facility, disposal site, sanitary landfill, or resource recovery facility.

(5) "Disposal site" means land used for the disposal or handling of solid waste, including but not limited to, dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, composting plants, salvage sites, incinerators for solid waste delivered by the public or by a franchised collector or franchised transporter of solid waste; but the term does not include a hazardous waste facility subject to the permit requirements of ORS Chapter 466 or a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable materials, unless the site is used by the public, either directly or indirectly.

(6) "Inoperable vehicle" means a vehicle that is not an antique vehicle and which:

(a) Has been left on private property for more than twenty (20) days; and

(b) Either:

(i) Has broken or missing window(s); or broken or missing windshield; or missing wheel(s); or missing tire(s); or lacks an engine or the engine will not run;

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

or lacks a transmission or the transmission is inoperable; or

(ii) Is not licensed, not registered, or if operated on a public highway of this state, would be in violation of one or more of the provisions of ORS 815.005 through 815.325.

(7) "Person" includes individuals, corporations, associations, firms, partnerships and joint stock companies.

(8) "Putrescible material" means organic material that can decompose and may give rise to foul or offensive odors or foul or offensive byproducts.

(9) "Solid waste" means all putrescible and nonputrescible material, including but not limited to, garbage, rubbish, refuse, ashes, wastepaper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure; vegetable or animal solid and semisolid wastes; dead animals, useless or discarded material, or infectious waste as defined in ORS 459.387 or other wastes; but the term "solid waste" does not include hazardous wastes as defined by ORS Chapter 466 or regulations adopted by the Department of Environmental Quality or Environmental Quality Commission.

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

Section 5. ADMINISTRATION. The City Manager or his designee shall be responsible for the administration of this Ordinance.

Section 6. SOLID WASTE ACCUMULATION PROHIBITED. No person shall accumulate, store, collect, maintain or display on private property inoperable vehicles or solid waste that (a) is offensive or hazardous to the health and safety of the public; or (b) creates odors that are offensive to the extent that a reasonable person is denied their right to quiet enjoyment of their property; or (c) creates a condition of unsightliness.

Section 7. UNAUTHORIZED DUMPING. Except as provided in Section 3 of this Ordinance, no person shall dispose of solid waste at any place within the city limits of the City of Keizer. No person shall use or permit to be used any land within the City of Keizer as a public or private disposal site without securing all necessary permits and approvals.

Section 8. VEHICLE REPAIR OR RESTORATION EXCEPTIONS. This Ordinance shall not apply to vehicles being repaired in a land use zone that allows such use outright.

Section 9. OWNER OR TITLE HOLDER. The equitable or legal owner of land upon which the nuisance exists is equally responsible for the abatement of the nuisance as is the lessee, tenant, possessor or user of the land.

Section 10. DISPOSAL OF WASTE. It will be the responsibility of all persons producing solid waste within the City of Keizer to dispose of their waste in an approved method.

///

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

Section 11. PENALTIES. A violation of this Ordinance is an infraction under the Civil Infraction Ordinance No. 86-063.

Section 12. ABATEMENT OF NUISANCE/CITATION FOR INFRACTION. The City Manager or his/her designee may make an investigation to determine whether a violation of this Ordinance has occurred. If the City Manager or his/her designee determines that there is a violation of this Ordinance, he or she may proceed to abate the nuisance pursuant to the Keizer Uniform Nuisance Abatement Procedure (Ordinance No. _____) or may seek any other legal or equitable remedy provided by law for the abatement of the nuisance or for the enforcement of the provisions of this Ordinance.

Section 13. SAVINGS CLAUSE. Should any section or portion of this Ordinance be held unlawful and unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this Ordinance shall remain in full force and effect.

Section 14. REPEAL. Ordinance No. 91-210 (Keizer Nuisance Abatement Ordinance) is repealed, but such Ordinance shall remain in force for the purpose of authorizing the citation, prosecution, conviction and judgment of a person who violated that Ordinance, or for the purposes of abating a nuisance that occurred when such Ordinance was in effect.

///

///

///

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

Section 15. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after its passage.

PASSED this _____ day of _____, 1994.

SIGNED this _____ day of _____, 1994.

_____
Mayor

_____
City Recorder

824CCOK2.001

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

BILL NO. ____ A BILL ORDINANCE NO. 94-_____

FOR

AN ORDINANCE

ADOPTING THE KEIZER UNIFORM NUISANCE ABATEMENT PROCEDURE

The City of Keizer ordains as follows:

Section 1. PURPOSE. The purpose of this Ordinance is to provide a uniform process for the abatement of nuisances within the City of Keizer.

Section 2. SHORT TITLE. This Ordinance may be cited as the Keizer Uniform Nuisance Abatement Procedure.

Section 3. SCOPE. The provisions of this Ordinance apply for the abatement of nuisances as defined by municipal ordinances when such ordinances specifically authorize abatement by this Uniform Nuisance Abatement Procedure or if the municipal ordinance does not specify an abatement procedure. This Ordinance also applies for all common law nuisances not otherwise defined by ordinance.

Section 4. DEFINITIONS.

a. Responsible Person: The equitable or legal owner of the subject property, a lessee, tenant or person in possession of the property, or the person or persons who causes the nuisance to come into or continue in existence. In situations where the nuisance is defined by separate ordinance, such ordinance shall be used to determine who the Responsible Person or Persons are.

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

b. City Manager: The City Manager of the City of Keizer, or his/her designee.

c. Nuisance: Any condition defined or declared as a nuisance by any City ordinance, or any common law nuisance.

Section 5. FORM AND SERVICE OF NOTICE.

a. If the City Manager determines that a nuisance exists, the City Manager shall send the Responsible Person a Notice to Abate by certified mail, postage prepaid, return receipt requested to the Responsible Person's last known address. In addition, the subject property shall be posted with the required Notice to Abate.

b. As an alternative to posting and certified mail, the Responsible Person may be personally served with the required notice. If the City Manager elects to have the Notice to Abate personally served on the Responsible Person, such personal service shall be conducted in accordance with the Oregon Rules of Civil Procedure.

c. If there exists more than one Responsible Person, the City Manager shall attempt to give notice to all of them, however, failure to give notice to one Responsible Person is not a defense for those who received notice.

///

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

d. Upon completion of the posting and mailing, the City Manager shall prepare and file an affidavit stating the date and place of the mailing and posting and attach a copy of the Notice to Abate. If the Responsible Person has been personally served, the officer perfecting the service shall prepare a Proof of Service.

e. The required Notice to Abate shall contain the following information:

i. Description of the real property, by street address or otherwise, on which the nuisance exists.

ii. A direction to abate the nuisance within fourteen (14) days from the date of the notice.

iii. A description of the nuisance.

iv. A statement that unless the nuisance is abated, the City may abate the nuisance and the cost of the abatement will be charged to the Responsible Person.

v. A statement that failure to abate the nuisance may result in court prosecution and imposition of a fine.

///

///

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

vi. A statement that the Responsible Person may request judicial review of the City Manager's action by the Municipal Court and deliver a copy of the request to the City Manager.

f. Failure of the Responsible Person to receive the Notice to Abate or an error in the name or address of the Responsible Person shall not render the notice void.

Section 6. ABATEMENT BY RESPONSIBLE PERSON OR BY THE CITY. Within the time set forth in the Notice to Abate, the Responsible Person shall abate the nuisance or file a request for judicial review. If the Responsible Person neither abates the nuisance, nor files a request for judicial review within such time, the City Manager may proceed to enter onto the subject property and abate the nuisance in a reasonable manner.

Section 7. JUDICIAL REVIEW.

a. The Responsible Person may file a request for judicial review within the time set forth for abating the nuisance. The person filing the request shall deliver a copy of the request to the City Manager. The request need not be in any particular form except that it must:

i. Be in writing;

///

///

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

ii. Identify the place and nature of the alleged nuisance;

iii. Specify the name and address of the person seeking judicial review;

iv. Set forth the reasons why the condition of the subject property does not constitute a nuisance.

b. If a Responsible Person fails to request judicial review within the time set forth in the Notice to Abate, then such person waives their right to any review or appeal.

c. The Municipal Court shall hear the matter on an expedited basis, but in any event, no less than five (5) calendar days, nor more than ten (10) calendar days following receipt of the request for judicial review. The hearing date may be postponed by agreement of the parties, or by order of the court for good cause shown.

d. At the hearing, the Court shall determine, based on a preponderance of the evidence, whether a nuisance exists. If a nuisance exists, the court shall order the Responsible Person to abate it within forty-eight (48) hours, or within such longer time as the court determines, for good cause, should be given. The Court shall specify how the nuisance shall be abated and shall further specify that if the nuisance is not abated within the time

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

set forth in the order, the City is authorized to enter onto the property and abate the nuisance and charge the costs of such abatement as set forth in this Ordinance.

If the Court finds that there is no nuisance, it shall dismiss the matter.

Section 8. RECORD OF COSTS OF ABATEMENT. If the City abates the nuisance, the City Manager shall keep an accurate record of the expense incurred by the City in abating the nuisance, including attorney fees and other out-of-pocket expenses, and shall include a ten percent (10%) charge for administrative overhead.

Section 9. JOINT RESPONSIBILITY FOR COSTS OF ABATEMENT. If more than one person is responsible, they shall be jointly and severally liable for abating the nuisance or for the cost incurred by the City in abating the nuisance.

Section 10. ASSESSMENT OF ABATEMENT COSTS.

a. Following completion of abatement by the City, the City Manager, by certified mail, postage prepaid, return receipt requested, shall forward to the Responsible Person a statement of costs which include:

i. The total costs of abatement, including administrative overhead.

///

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

ii. A statement that the costs as indicated will be assessed against the subject property unless paid within ten (10) days of the date of the statement.

iii. A statement that the City Council will hold a public hearing to determine the correctness of the statement and to declare a lien against the subject property on a date which is at least ten (10) days from the date of the statement.

b. After the expiration of ten (10) days after the date of the statement, the City Council, in the regular course of business, shall hold a public hearing to hear the matter. Following the hearing, the Council may, by ordinance, determine the correctness of such statement and declare the same to be a lien upon the subject property, to be entered in the lien docket and enforced against the property, in the same manner provided for the enforcement of liens for street improvement.

c. An error in the name of the Responsible Person shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

///

///

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

d. The lien shall bear interest at the rate of nine percent (9%) per annum. The interest shall commence to run from the date of entry of the lien in the lien docket.

Section 11. SUMMARY ABATEMENT. The procedure set forth herein is not exclusive, but is in addition to any and all procedures provided by law. The City Manager may proceed to summarily abate a health or other nuisance which imminently endangers human life, health or property.

Section 12. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after its passage.

PASSED this _____ day of _____, 1994.

SIGNED this _____ day of _____, 1994.

_____
Mayor

_____
City Recorder

824CCOK2.002

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

KEIZER CITY COUNCIL MEETING: May 16, 1994

AGENDA ITEM NUMBER: 6a

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK
CITY MANAGER

SUBJECT: RESOLUTION ALLOWING STREET VENDORS DURING THE IRIS FESTIVAL PARADE

BACKGROUND:

Attached is a letter from Bob Newton, Iris Festival Chairman, requesting a suspension of the prohibition against street vending during the Festival Parade. The intent is to provide a service to the parade participants at the assembly and disassembly area. No other street vending will be allowed.

The two locations for the vending would be Lockhaven for assembly and the Bi-Mart Parking lot for disassembly.

Ordinance 90-193 provides that the Council may authorize temporary suspension of the prohibition during a festival approved by the Council.

Ordinance 87-078 regulating temporary businesses states that the Council may authorize temporary used during a specific event and set forth reasonable types of uses, appropriate zones and time restrictions as deemed necessary.

A resolution is attached to authorize street vending as requested by the Iris Festival Chairman.

RECOMMENDATION:

It is recommended that the Resolution be adopted.

BILL NO. 175

A BILL
FOR
AN ORDINANCE

ORDINANCE NO.
90- 193

PROHIBITING STREET VENDORS

The City of Keizer ordains as follows:

Section 1. Purpose and application. The purpose of this ordinance is to regulate and restrict street vendors, in order to promote the free flow of pedestrian traffic and in order to prevent the creation of a nuisance. The provisions of this ordinance shall apply on the public streets, sidewalks and rights of way belonging to or dedicated to the city.

Section 2. Definition. "Street vendor" means any person who sells or attempts to sell any commodity or service by means of vending such commodity or service upon any street, sidewalk or any other public right of way within the City.

Section 3. Vending prohibited. Vending by street vendors is prohibited.

Section 4. Suspension of regulations during festival. The City Council by resolution may authorize temporary suspension of this ordinance during a festival approved by the City Council.

Section 5. Severability. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

Section 6. Penalty. Violation of this ordinance is an infraction.

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

KEIZER
I·R·I·S
FESTIVAL

May 10, 1994

Dotty Tryk, Manager
City of Keizer
PO Box 21000
Keizer, OR 97307-1000

Dear Mrs. Tryk:

I am writing to request the City Council suspend the prohibition against vending by street vendors on Saturday, May 21, 1994, during the Iris Festival Parade. (Ordinance No. 90-193, December 3, 1990)

The parade chairman has been asked to have a street vending capability in the assembly and disassembly areas only. The Chairman is requiring vendors to remit a parade entry application and fee unless the sponsor is a local non-profit organization. As an example, we have asked the Keizer Little League to establish a vending capability in the vicinity of the future Iris Lane.

This type of vending is actually satisfying a need of our parade entrants in that this service is either not available (in the assembly area) or overwhelms available resources (in the disassembly area).

The parade chairman and festival committee is not endorsing any street vendors along the parade route nor in any other area except for the assembly/disassembly areas.

Best regards,

Bob Newton

Bob Newton
Iris Festival Chairman

kdc

Keizer Chamber of Commerce
3700 River Rd. N., #4
Keizer, Oregon 97303
Phone 393-9111

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R94-____

AUTHORIZING A TEMPORARY SUSPENSION OF THE ORDINANCE PROHIBITING STREET VENDORS

WHEREAS, the Keizer Iris Festival Parade is an event of community wide interest, and;

WHEREAS, the parade participants would benefit from a temporary suspension of the Ordinance prohibiting street vendors, NOW, THEREFORE,

BE IT RESOLVED that a temporary suspension of the Ordinance prohibiting street vendors is hereby granted and street vendors will be permitted at the assembly and disassembly areas of the parade route for the purpose of serving parade participants on Saturday, May 21, 1994.

PASSED this ____ day of _____, 1994.

SIGNED this ____ day of _____, 1994.

_____
Mayor

_____
City Recorder

COUNCIL MEETING: May 16, 1994

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK
CITY MANAGER

FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: NORTHRUP/NORTHSHIRE STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

ISSUE:

The Council should review the City Engineer's report filed for Northrup/Northshire Street Lighting Local Improvement 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 4, 1994, the City Council adopted Resolution R94-719 initiating the Northrup/Northshire Street Lighting Local Improvement 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 in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an 8.5% administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Utility Fund.

RECOMMENDATION:

It is recommended City Council adopt the Resolution setting the public hearing for June 6, 1994 and directing the City Recorder to provide notice of the public hearing and notice of proposed assessments to the property owners.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R94-_____

NORTHRUP/NORTHSHIRE STREET LIGHTING LOCAL IMPROVEMENT 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 Northrup/Northshire Street Lighting Local Improvement District which was filed with the City Recorder on May 10, 1994, 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 Northrup/Northshire Street Lighting Local Improvement District and hereby declares that the improvements to be made shall consist of six (6) 70 watt high pressure sodium luminaries and mounted on 8 foot long mast arms and attached to 25 foot wood 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 $ 804.72 the first year and $636.72 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 sending notice to the property owners within the district stating a public hearing will be held on June 6, 1994, said notice to also provide that information required under City of Keizer Ordinance 94-278, 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 proposed assessments to each owner in the local improvement district with notice that any objections to the Engineer's Report and the proposed assessment will be considered by the City Council at the aforesaid June 6, 1994 public hearing.

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

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

PASSED this ____ day of _____, 1994.

SIGNED this ____ day of _____, 1994.

_____
Mayor

_____
City Recorder

KEIZER CITY COUNCIL MEETING: May 16, 1994

AGENDA ITEM NUMBER: 7b

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK
CITY MANAGER

SUBJECT: COMMUNITY DEVELOPMENT WORK PLAN FY '95

BACKGROUND:

A task force of the Council reviewed the Community Development Departments workload in detail early this year. The result of this review were several recommendations, one of which was that the Council review the department's annual workplan. This plan is attached listing the major projects we expect to put our efforts toward and prioritizing based on mandates, Council policy and the ability to leverage outside resources.

In summary, major focus activities for 94-95 will include:

1. Management of Development Activity
2. Transportation Plan and Related Ordinances
3. Periodic Review Finalization (i.e. residential rezoning process, UGB amendment process, regional economic strategy)
4. Cherry Avenue Design Plan
5. River Road Phase 1 Administration

Daily development activity must take first priority, both by law and by our customer service philosophy. The transportation related activity and periodic review are both mandated by law. The completion of River Road Phase 1 and the Cherry Avenue design plan are the next step in the advancement of the goals of the Urban Renewal Agency.

Almost all of the Long Range Planning projects are dependent on outside resources, with Staff providing project management, policy direction, and administration of citizen involvement efforts. There is consulting funding in both the Community Development and the Urban Renewal Budgets to fund many of the required projects. Others cannot be completed without outside funding through grants and cooperative efforts. The staff is actively pursuing grant funding and we expect to be successful on at least some of them.

Some of the grant requests that are pending include:

Transportation and Growth Management grant

Source:	ODOT and LCDC
Partners:	SKATS joint project
Amount:	$350,000± related to Keizer
Projects:	Regional and Local Transportation Plans Transportation Rule required code amendments Chemawa Activity Center Land Use/Transportation Plan

Technical Assistance Grant

Source:	LCDC
Partners:	None
Amount:	$25,000
Projects:	Zoning and Subdivision Ordinances Update

Technical Assistance Grant

Source:	Economic Development Administration
Partners:	Council of Governments
Amount:	$25,000
Projects:	Chemawa Activity Center Plan - Economic Analysis

Technical Assistance Grant

Source:	Economic Development Administration
Partners:	Council of Governments, Salem
Amount:	$25,000
Projects:	Willow Lake Treatment Plant - Feasibility Analysis of using plant bi-products as resources for surrounding agricultural and industrial uses

Other projects in the work plan that may not get done due to resource limitations include:

- Comprehensive Housing Affordability Strategy Implementation
- Sign Code Update
- Development of Capital Improvements Program
- River Road Redevelopment Program - Phase II Planning
- River Road Special Projects
- Community Marketing
- River Road Zone
- Geographic Information System Implementation
- Current Planning Procedure Manual
- Development Data Base
- Community Development Bulletins

Summary:

The Keizer Community Development Department is very small compared to other cities, particularly with the growth that is occurring in this area. For example, the Salem Interim City Manager recently justified the addition of planning staff based on a zoning caseload going from 27 per staff in 1992 to 43 in 1993. In Keizer, one planner handled 81 cases in 1993. I have attached a staff comparison chart for your information.

Some of the reasons the department is so successful are that they do an excellent job of speedy and creative customer service and they remain committed to the City's Mission of providing cost effective service through regional efforts, use of outside consultants and garnering grant money.

This doesn't change the increased federal and state mandated work, the need for Keizer to manage development and the importance of properly guiding our urban renewal program. These continue to be the department's priorities. Other projects will be initiated as resources become available.

RECOMMENDATION:

It is recommended that Council pass a motion adopting the workplan as printed.

Keizer Community Development Department

Work Plan for 1994-1995

In order to best implement the Department and City's Mission Statements during FY 94-95, the following projects and priorities are identified. The list below includes the program area, the project title, and the priority. Additional detail, including descriptions of each project, is included in the attached Project List. Priorities are based on the following criteria:

- Priority One - Projects that must be done are those that are mandated by law or are a high priority as determined by City policy. These projects will involve the greatest amount of staff time.
- Priority Two - Projects that need to be done are other projects mandated by policy. Generally, these projects are funded through grants and, to a great extent, performed by consultants or in cooperation with other jurisdictions under the direction of the Department Staff.
- Priority Three - Projects desired to be done are those that will enhance the Community but have not been given priority. These projects will be done if resources permit.

Current Planning Program

Resources

Associate Planner	100%
Director	25%
Volunteers	Sign Code Notification

Priority One - Projects that Must be Done

Project	Staff Hours	Other Resources
Citizen Contact	1300	
Building Permit Administration	150	
Zoning & Subdivision Administration	700	
Sign Code Notification	150	Volunteers

Priority Two - Projects that Need to be Done

Project	Staff Hours	Other Resources
Geographic Information System	100	

Priority Three - Projects Desired to be Done

- Current Planning Procedure Manual
- Development Data Base
- Community Development Bulletins

Long Range Planning Program

Resources

Associate Planner	00%
Director	50%
Consultants	Transportation Planning & Ordinance Revisions Chemawa Activity Center Zoning & Subdivision Ordinance Update Willow Lake Economic Study

Priority One - Projects that Must be Done

Project	Staff Hours	Other Resources
Periodic Review Finalization	200	Consultant
Regional Transportation Coordination	50	
Regional Transportation Plan	100	Consultant
Local Transportation Plan	200	Consultant
Transportation Rule required Zoning and Subdivision Ordinance amendments	100	Consultant
Willow Lake Strategy Implementation - Zoning & Comp Plan Revisions	50	
School Facility Planning	25	

Priority Two - Projects that Need to be Done

Project	Staff Hours	Other Resources
Chemawa Activity Center Plan - Phase II	100	Consultant
Update of the Zoning and Subdivision Ordinances	100	Consultant
Willow Lake Strategy Implementation - Economic Study	50	Consultant
Willamette River Bridge Study	50	

Comprehensive Housing Affordability Strategy Implementation	100	
Sign Code Update	50	

Priority Three - Projects Desired to be Done

- Development of Capital Improvements Program

Economic Development/Urban Renewal

Resources

Associate Planner	00%
Director	25%
Consultants	Administration Assistance Project Management Assistance Cherry Avenue Design Plan

Priority One - Projects that Must be Done

Project	Staff Hours	Other Resources
Urban Renewal Agency Administration	100	Consultant
River Road Redevelopment Program - Phase I Administration	50	Consultant
Cherry Avenue Design Plan	300	Consultant

Priority Two - Projects that Need to be Done

Project	Staff Hours	Other Resources
River Road Redevelopment Program - Phase II Planning	100	Consultant
Property Improvement Program	50	Consultant
River Road Zone	50	

Priority Three - Projects Desired to be Done

- Community Marketing
- River Road Special Projects

STAFFING LEVEL COMPARISON USING SIMILAR POSITIONS FROM COMPARABLE CITIES

CITY	1992 POPULATION	COMM. DEVEL.	STAFF PER THOUSAND RESIDENTS
TIGARD	31265	14.0	0.45
LAKE OSWEGO	31885	12.0	0.38
TUALATIN	16640	6.0	0.36
ASHLAND	17320	6.0	0.35
ALBANY	34125	6.0	0.18
MILWAUKIE	19550	5.8	0.29
WOODBURN	14005	4.5	0.32
MCMINNVILLE	19175	4.0	0.21
ROSEBURG	17910	3.0	0.17
OREGON CITY	16810	3.0	0.18
NEWBERG	13735	3.0	0.22
KEIZER	**23435**	**2.0**	0.09

PROGRAM	PROJECT	DESCRIPTION	RESOURCES	PRIORITY
Current Planning	**Citizen Contact**	The Planning Office is open from 12 until 5 every day. On an average day, 25 to 30 citizens will either come in or call during this period to get information about planning and development issues.	Skip - Primary John - Secondary	One
Current Planning	**Building Permit Administration**	The Department manages and reviews every building and related permit to determine local code compliance. Work is coordinated with Public Works, Keizer Fire, and the Marion County Building Division. Between 350 and 500 permits are processed each year.	Skip - Primary John - Secondary	One
Current Planning	**Zoning & Subdivision Administration**	The Department must process between 70 and 80 applications for various planning actions every year. These include zone changes, subdivisions, variances, partitionings, conditional uses, and several others. Each involves case management, research, development of a detailed staff report, a public involvement process, and decision-making.	Skip - Primary John - Secondary Hearings Officer	One
Current Planning	**Sign Code Notification**	The Sign Code requires that all property owners be notified by May 1995 of any signs currently in use on their property that are in violation of the Sign Code and that must be brought into conformance with the Code by May 1997. This project involves an inventory of all signs, analysis of each property's signage, and notification to each property owner.	Skip - Primary John - Secondary Governmental Affairs Committee	One
Current Planning	**Geographic Information System Implementation**	In order to substantially improve staff efficiency and service delivery, the development and implementation of a geographic information system has been an on-going project. Planning is complete. The final design and development of the system, which is being done in conjunction with the Marion/Salem Data Center, is the next phase, with on-going system utilization, maintenance, and enhancement then being on-going. This is also a Long Range Planning project.	John - Primary Skip - Primary Public Works Police Peterson Engineering	Two
Current Planning	**Current Planning Procedure Manual**	Providing accurate and timely information to the public, and managing highly complex processes for considering planning applications, involves a great deal of knowledge of law, history, procedure, and practices. This knowledge has never been written down in a "procedure manual" format. This project will codify this "corporate memory" so that consistency and efficiency are maintained over time and through future changes in staff.	Skip - Primary	Three

PRIORITIES: One = Project must be done - Two = Project needs to be done - Three = Project desired to be done

PROGRAM	PROJECT	DESCRIPTION	RESOURCES	PRIORITY
Current Planning	**Development Data Base**	A system on storing and compiling statistical data on the City's physical structure and development activity should be developed and maintained. Currently, paper records are kept but are not readily accessible or convenient to research and extract important summary data. The proposed computerized system will be created using existing computer hardware and software. The cost is in the time to design, implement, and maintain the system.	John - Primary Skip - Primary	Three
Current Planning	**Community Development Bulletins**	The Department would like to prepare and publish a series of bulletins on specific development issues, such as flood plains, sign code, fence regulations, access management, etc., to provide to citizens inquiring about these areas. Having well prepared and readable bulletins for citizen use will save the Staff time in both answering questions and, more importantly, in enforcing the codes "after the fact" when a person has created an illegal situation. Obviously, the citizenry will be well served by knowing the rules before they undertake development activity.	Skip - Primary John - Secondary	Three

PRIORITIES: One = Project must be done - Two = Project needs to be done - Three = Project desired to be done

PROGRAM	PROJECT	DESCRIPTION	RESOURCES	PRIORITY
Long Range Planning	**Periodic Review Finalization**	The LCDC approval of the City's periodic review of the Comprehensive Plan included several additional projects that must be completed. First is a revision to the zoning ordinance to clarify procedures for residential re-zonings. Second is amendments to the Regional Policies relative to the Urban Growth Boundary. Third, and most significant, is the development of a new regional economic development strategy. The second and third tasks will be done in conjunction with Salem.	John - Primary	One
Long Range Planning	**Regional Transportation Coordination**	Keizer is a member of the Salem/Keizer Area Transportation Study (SKATS), which is the official metropolitan planning organization for the Salem/Keizer Urban Area. As such, it has the responsibility for planning, acquiring, and administering all federal and state transportation funds to be used in the Urban Area. It also acts, through the SKATS Policy Committee and Technical Advisory Committee, as the regional coordination body for all transportation issues. Keizer must play a major role in the SKATS processes in order to best position the City for financing and political decisions relating to the transportation system of Keizer.	John - Primary	One
Long Range Planning	**Regional Transportation Plan**	The region, through the Salem/Keizer Area Transportation Study, must adopt a new regional transportation plan by December of 1995. As a major player in the SKATS process, Community Development staff will be integral to the planning and implementation work to be done.	John - Primary	One
Long Range Planning	**Local Transportation Plan**	A local transportation plan, addressing all modes of transportation plus land use implications, must be adopted by December 1995. This plan must conform with the Regional Transportation Plan, and, in fact, will be developed in conjunction with the regional document.	John - Primary Traffic Engineer	One
Long Range Planning	**Transportation Rule required Zoning and Subdivision Ordinance Revisions**	The Transportation Planning Rule requires amendments to the Planning Ordinances to make them more "pedestrian" and "transit" friendly. This project will be done in conjunction with Salem through the development of model ordinance provisions.	John - Primary SKATS staff Salem staff	One

PRIORITIES: One = Project must be done - Two = Project needs to be done - Three = Project desired to be done

PROGRAM	PROJECT	DESCRIPTION	RESOURCES	PRIORITY
Long Range Planning	**Willow Lake Strategy Implementation - Zoning & Comp Plan Revisions**	Implementation of the Willow Lake Noise & Odor Implementation Strategy involves revising the Comprehensive Plan and Map, creating and applying a new zone, and revising the Dual Interest Agreement. These all are done in cooperation with other urban area jurisdictions. This project started in 1993-1994, but will extend into this fiscal year.	John - Primary Consultant	One
Long Range Planning	**School Facility Planning**	The 1993 Legislature amended the Statewide Planning Statues by adding schools to the list of facility plans that must be developed in coordination with local comprehensive plans. Salem/Keizer Public Schools is leading a two year project to create a 20 year facility plan. Keizer participates in both the technical advisory committee and the citizens advisory committee for the project.	John - Primary	One
Long Range Planning	**Chemawa Activity Center Plan - Phase II**	The adopted Chemawa Activity Center Plan calls for the development of a detailed economic and land use plan for the area. This project will result in a specific plan and strategy for the area. It also will include implementation of the strategy	John - Primary Consultant	Two
Long Range Planning	**Update of the Zoning and Subdivision Ordinances**	There are several significant areas of the zoning and subdivision ordinances that must be revised in order to meet requirements of state law and rules. There are many other areas that have been identified by the Planning Commission and Staff as needing revision in order to create a workable and modern development code. Given the amount of revision that is needed in specific areas, this project intends to take the opportunity to create a totally new development code that will encompass all existing codes and create a much better tool for managing development.	Skip - Primary John - Primary Consultant	Two
Long Range Planning	**Willow Lake Strategy Implementation - Economic Study**	The economic development component of the Willow Lake strategy will involve managing and implementing a plan for industrial and business development working in concert with the Willow Lake Treatment Plant.	John - Primary Consultant	Two
Long Range Planning	**Willamette River Bridge Study**	SKATS and Marion County are undertaking a study of the need and best location for a major new bridge to cross the Willamette River. Since Keizer is potentially strongly impacted by a new bridge, the City will be very involved throughout this planning process.	John - Primary	Two

PRIORITIES: One = Project must be done - Two = Project needs to be done - Three = Project desired to be done

PROGRAM	PROJECT	DESCRIPTION	RESOURCES	PRIORITY
Long Range Planning	**Comprehensive House Affordability Strategy Implementation**	The CHAS sets a specific program for 1994 and 1995. It includes addressing housing needs particularly in the Cherry Avenue corridor; development of a housing information system; and participation in a regional affordable housing study.	John - Primary	Two
Long Range Planning	**Sign Code Update**	As the detailed inventory of the Community's signs is completed, as required by the Sign Code, it is expected there will be areas identified within in the Code that will required review. These will be areas where the practical application of the Code in the field shows it does not work in all cases. The Update will concentrate on making these "fine-tuning" adjustments before the Code becomes fully effective in May of 1997.	Skip - Primary John - Secondary	Two
Long Range Planning	**Development of Capital Improvements Program**	A Capital Improvements Program (CIP) is a very important planning and budgeting tool. In it, all of the capital improvement projects are identified, with descriptions and budgets, and then prioritized. Development of a CIP is citizen involvement intensive. The final document, which is adopted by the Council, is used to guide annual budgeting and financing efforts, as well as to guide and channel growth.	John - Primary	Three

PRIORITIES: One = Project must be done - Two = Project needs to be done - Three = Project desired to be done

PROGRAM	PROJECT	DESCRIPTION	RESOURCES	PRIORITY
Economic Development	**Urban Renewal Agency Administration**	Administration of the Agency Budget and Programs is an on-going responsibility.	John - Primary Spencer & Kupper	One
Economic Development	**River Road Redevelopment Program - Phase I**	Construction of the components of Phase I will continue for two to three years. Management of the program will include financial control, construction management, and community involvement	John - Primary Peterson Engineering	One
Economic Development	**Cherry Avenue Design Plan**	This detailed document will develop the specific plan for redevelopment in the Cherry Avenue corridor. It will include identifying projects and programs to implement the District's goals, as well as developing a financial strategy.	John - Primary Consultant	One
Economic Development	**River Road Redevelopment Program - Phase II Planning**	Planning for the next phase of the River Road Project will be a major focus for the River Road Redevelopment Board and Urban Renewal Agency. The project will create the specific plan and its financing program.	John - Primary Spencer & Kupper Peterson Engineering	Two
Economic Development	**River Road Zone**	This project will create a special zoning district for the commercial corridor encompassing River Road and Cherry Avenue. This zone will address the City's and Renewal Agency's economic development objectives relative to the land use pattern and development style in the commercial corridor.	John - Primary Spencer & Kupper	Two
Economic Development	**River Road Special Projects**	The River Road Redevelopment Board wishes to undertake several smaller projects and programs to enhance the aesthetics and economic viability of the renewal area. This project includes both planning and administering these programs.	John - Primary Spencer & Kupper	Three
Economic Development	**Community Marketing**	In order to help achieve the City's economic development goals and objectives, the City should become more proactive in marketing development opportunities in Keizer. This program will include development of statistical and other written material to provide to development interests, and will include active involvement by City staff in soliciting development and other investments in the Community.	John - Primary	Three

PRIORITIES: One = Project must be done - Two = Project needs to be done - Three = Project desired to be done

MINUTES

KEIZER CITY COUNCIL
Monday, April 18, 1994
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Dennis Koho called the regular meeting to order at 7:02 p.m. Roll call was taken as follows:

Present
Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Council President (arrived 7:07 p.m.)
Jerry Watson, Councilor (arrived 7:07 p.m.)
Marlene Wellin, Councilor

Absent
Chet Patterson, Councilor

Staff
Dotty Tryk, City Manager
John Morgan, Community Development Director
Bruce Jenness, Police Lieutenant
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

Volunteer Awards Ceremony

Mayor Dennis Koho announced the upcoming Volunteer Awards Ceremony scheduled for April 26, 1994 at 6:00 p.m. in the Council Chambers at City Hall.

ADMINISTRATIVE ACTION

Noise and Odor Study Report

John Morgan, Community Development Director, reported the Keizer Planning Commission has been developing a course of action for implementing the Willow Lake Wastewater Treatment Plan Noise and Odor Study. He presented a draft strategy the Commission had developed. He outlined the three major components contained in the strategy; the boundary of the Special Policy Area will be changed, a new zone will be placed on land (special industrial) within the Special Policy Area and the City will work to foster economic development of the area by exploring options for use of the by-products from the plant. Mr. Morgan stated the strategy would require an amendment to the Comprehensive Plan and an amendment to the dual interest agreement with Salem.

Mayor Koho cited concerns for the special industrial zone in regards to trucking and transportation issues. He hoped the Commission would keep in mind the proximity of the schools and pedestrians in this area. Mr. Morgan stated all the proposed industrial zones except food processing would be subject to a conditional use permit. This would allow the City to evaluate each on a case by case basis.

Mayor Koho suggested the Commission explore the possibility and feasibility of Salem purchasing the property surrounding treatment plant for development of park land.

In response to a question from Councilor McGee, Mr. Morgan stated the City has applied for a grant in order to hire a consultant to study the feasibility of utilizing treatment plant by-products. As of this date no response has been received. Additionally, Mr. Morgan stated presently the treatment plant is pursuing options to reduce and determine the source of the odors. Councilor McGee cited his concern that encapsulation is listed as a reasonable possibility for elimination of the odor.

Mr. Morgan stated by rezoning this area industrial it will could relieve the pressures in regards to stock of industrial-commercial land.

Councilor Watson stated this is an important issued due to the long range implications it could place on Keizer. He stated Keizer is opening itself up for a risk that previously was Salems. Councilor Watson also voiced his concern with controlling development by a conditional use process in the special industrial area. He also raised concerns with the wording in the disclosure statement and dual interest agreement.

Mayor Koho suggested removal of the dual interest agreement because it only gives Salem an interst in Keizer's operation. Councilor McGee agreed with Mayor Koho and stated the agreement seems to be a one-way street at this time. He would favor rataining the agreement as long as it is made dual to allow Keizer to become involved in the future of the entire treatment plant.

Mayor Koho referred the matter back to the Planning Commission for additional work on this matter.

Housing and Related Code Amendments

City Manager, Dotty Tryk reported three code drafts related to the City's effort to improve housing conditions were back before the Council for consideration; housing code, solid waste ordinance amendments and nuisance abatement procedure.

Housing Code

City Attorney, Shannon Johnson advised the Council of the revisions made after the last meeting. These revisions include clarification of the inspector and the modification to the section regarding the City's right of entry.

Councilor Keller asked if the inspectors will be hired on a contractual basis. City Manager Tryk stated an inspector will be contracted on a case by case basis. Councilor Keller suggested in the definition section, qualified inspectors be changed to read contracted rather than designated by the City Manager. He stated this will reflect the intent of the Council not to allow a City staff member to conduct the inspections.

Councilor Watson disagreed with Councilor Keller and stated the Council controls staffing through the budget process.

Councilor McGee stated the intent to contract should be included in the Ordinance to clearly state the Councils' intent not to increase staff.

Mayor Koho stated the addition of this wording may be cumbersome in the future. He asked staff to bring back options for wording within the next draft.

Councilor Miller inquired of the anticipated annual costs for the inspections. City Manager Tryk stated she will research this matter prior to the scheduled public hearing.

Councilor Watson voiced his concerns of the restrictiveness of the Ordinance. He hoped the Ordinance would not propose additional requirements to property owners and suggested the wording be revised to reflect this intent.

Councilor Watson cited concerns with the occupancy requirements which are outlined differently in state statute than in this Ordinance. He suggested the Ordinance parallel the statute in this respect. Councilor Watson stated the lighting requirements were excessive in his opinion.

Solid Waste Ordinance

City Attorney, Shannon Johnson outlined the amendments to the Ordinance based upon Council direction at the last meeting. These changes included the allowance for vehicles to be tarped, definition of inoperable vehicles, allowance for antique vehicles and allowance for vehicle repair in the commercial general zone.

Councilor Watson inquired of the process that will be used in the Housing Code and Solid Waste Ordinance for the issuance of citations for violations.

Nuisance Abatement Procedure

City Attorney, Shannon Johnson outlined how the nuisance abatement procedure would work.

Mayor Koho suggested specifying business days or calendar days within the procedure.

In response to a question from Councilor Keller, City Manager Tryk stated this process would be used in cases involving an absolute defiance of an Ordinance. City Attorney Johnson added this could be used in an emergency situation when the nuisance is life threatening. He also added this process should be used in certain ordinance violations only.

Councilor Keller suggested the inclusion of an intent section and including different timeline for different nuisances within the Ordinance.

Councilor McGee proposed listing the code violations this process would apply to.

Councilor Watson stated the procedure is cumbersome and suggested expediting the hearing process.

Mayor Koho referred these matters back to staff for suggested revisions. A Public Hearing will be scheduled for May 16, 1994.

1994 STREET RESURFACING

Public Works Director, Wally Mull advised Marion County has completed the 1994 pavement analysis report and has suggested streets for resurfacing this summer. Bids will be opened in May and the work will be completed in August or September of this year.

Councilor McGee discussed the recreation of the Street and Traffic Safety Commission to review these improvements.

Councilor Watson questioned the need to have a committee review these improvement.

Mayor Koho expressed his desire to appoint a Traffic Safety Commission before the end of the year.

KEIZER ADOPT A STREET PROGRAM

Public Works Director, Wally Mull informed the Council of his research of other area adopt-a-street programs. The program would be voluntary and would be designed for organizations, businesses and individuals. The City would provide safety equipment, materials and training.

Councilor Watson inquired of the costs benefit to the City. Mr. Mull indicated there will not be any cost savings since the City does not pick up the litter at this time. This program would assist in the beautification of Keizer.

Councilor Keller moved for a Resolution Authorizing the Public Works Department to Develop an Adopt-A-Street Program within the City of Keizer. Councilor Wellin seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Patterson (1)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

a. RESOLUTION - Awarding Audit Contract

b. Approval of April 4, 1994 Regular Session Minutes

Councilor Miller moved for approval of the Consent Calendar. Councilor Watson seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, Koho, McGee, Miller, Watson and Wellin (6)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Patterson (1)

OTHER BUSINESS

In response to a question from Councilor Miller, Public Works Director, Wally Mull advised the Council that due to the many violations of the posted stop signs, a blinking light was temporarily installed at the intersection of Manbrin and Cherry Avenue.

City Manager Tryk updated the Council on the status of the Flood Plain situation. She stated it will be approximately four months before we receive an updated map from FEMA. The Corp of Engineers was also contacted to reactivate their study for improvements to the dike.

Public Works Director Wally Mull reported the recent open house at the Water Department shop drew approximately 250 people. He thanked the Council and the City Manager for their support on this event. He also reported the Annual Spring Clean Up accumulated 18 large drop boxes of debris.

There was no other business to come before the Council.

WRITTEN COMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items listed. He also noted he will not be attending the May 2, 1994 Council Meeting.

ADJOURNMENT

The meeting was adjourned at 8:28 p.m.

TRACY L. DAVIS
City Recorder

APPROVED:
MAYOR:

(Chet Patterson absent)

MINUTES

KEIZER CITY COUNCIL
Monday, May 2, 1994
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Council President, Al Miller called the regular meeting to order at 7:06 p.m. following the adjournment of the Urban Renewal Agency Board meeting. Roll call was taken as follows:

Present
Al Miller, Council President
Jim Keller, Councilor
Jerry McGee, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor

Absent
Dennis Koho, Mayor
Marlene Wellin, Councilor

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

PUBLIC TESTIMONY

Providing testimony to the Council were:

Lela McGarvey, Keizer Grange, 7849 Timothy Lane NE, Keizer appeared before the Council regarding the amendments to the Sign Code. Council President Miller advised Ms. McGarvey this matter has been scheduled for a public hearing on Monday, May 16, 1994 at 7:00 p.m.

Rich Brown, 3812 Victoria Way, Newberg, appeared before the Council on behalf of McNary Golf Club to request a variance to the Noise Ordinance - Section 3(4) - Operating lawn mowing equipment. Mr. Brown voiced his concerns with the restriction for the mowing of grass prior to 7:00 a.m. McNary Golf Club begins mowing at 5:30 a.m. from April through October in order for golfers to begin using the course at 7:00 a.m. This practice has been followed for 30 years at the Golf Club. In his eight years with McNary Golf Club, he recalled receiving only one complaint from the noise generated by the mowing.

Mr. Brown stated the mowing at McNary Golf Club is not excessive, unnecessary, unnatural or unusually loud. He also said the mowing of the greens prior to 7:00 a.m. is common practice among other golf courses around the state and is not the intent of McNary Golf Club to disturb anyone. Mr. Brown parallelled their mowing to the exemptions listed in section 5(d) of the Ordinance.

In response to a question from Council President Miller, Mr. Brown stated a written variance application has not been submitted. Mr. Brown said he was given a copy of the proposed Ordinance last fall prior to its adoption. However, he was uncertain if the Ordinance was adopted or in effect until he was recently contacted by the Keizer Police Department for his violation.

Councilor Keller stated he did not recall a representative from McNary Golf Club providing written or verbal testimony against this Ordinance at the public hearing in November, 1993.

Councilor McGee requested holding a public hearing in order to consider the variance or possible amendments to the Ordinance. This would allow the Council to hear the full debate on the issue.

Councilor Watson stated a variance should not be considered since the time restrictions on mowing apply to all citizens. He suggested changing the hours of operation at the Golf Club to reflect this constraint. Mr. Brown stated this would cause a severe financial impact on the Golf Club.

Councilor Patterson suggested McNary Golf Club submit a written variance in order to operate as needed until a final decision or amendments to the Ordinance could be considered.

The Council agreed to set this matter for a hearing on May 16, 1994. Interested parties shall be notified and McNary Golf Club shall post notification of the hearing as outlined in the Ordinance.

Councilor Keller suggested limiting the variance to the mowing of greens only prior to 7:00 a.m. Mr. Brown stated it is not common practice to mow other areas around the Golf Club prior to this time.

Dave Buchaw, 4632 Jade Street NE, Salem addressed the Council. Mr. Buchaw, Greens Superintendent, has been employed at McNary Golf Club since 1979. He explained the process involved with the mowing and noted the importance of beginning prior to 7:00 a.m. to stay ahead of the golfers. He suggested allowing the mowing to begin at 6:00 a.m.

Don Guthrie, Vice-President of Hillman Properties (owner of McNary Golf Club) reiterated the need for the variance due to the constraints placed on the Golf Club by the Ordinance. Hillman Properties has developed numerous home on golf courses in other areas and has never had complaints regarding the early morning mowing.

In response to a question from Councilor Keller, Mr. Guthrie stated Hillman Properties was not notified of the proposed Ordinance last fall.

Councilor Watson restated the need for notification to all interested parties of the upcoming hearing.

Council President Miller noted the variance request should be filed soon in order to provide adequate notification. He also stated McNary Golf Club is under the restrictions of the Ordinance until a variance is granted or amendments to the Ordinance are decided.

Councilor McGee requested staff outline possible options for treating this matter as an agricultural use as defined in land-use planning as a permanent solution for the Golf Club.

Council President Miller recognized the Governmental Affairs Class from Western Mennonite High School who were in attendance at the meeting.

ADMINISTRATIVE ACTION

RESOLUTION - Recognition of Gubser Neighborhood Association

John Morgan, Community Development Director, reported the Gubser Neighborhood Association has petitioned the City for formal recognition of the association. He noted a board of directors was elected and by-laws have been created and adopted by the board.

President, Joanie Mann listed the members of the board. They are:

President - Joanie Mann
Vice-President - Manny Martinez
Secretary - (vacant)
Treasurer - Dennis Boucher
Area Representatives:
Area 1 - Jackie Moyer and Carla Nagely
Area 2 - Jay Gaffney
Area 3 - John Fisher
Area 4 - Erik Land

Councilor Patterson moved for a Resolution in the matter of the Recognition of the Gubser Neighborhood Association. Councilor Keller seconded the Motion.

Councilor Watson complimented the association on their formation and hoped more neighborhood associations are formed throughout the community to provide input to the City. He suggested changes to the by-laws regarding membership and the adequacy of the notice to people in the neighborhood in the future. He also suggested providing a procedure for residents to call a meeting of the board or to place items on the agenda for meetings.

In response to a question from Councilor McGee, Ms. Mann explained how the area was geographically divided into areas. Councilor McGee complimented the association on their formation.

The Motion passed with the following votes:

AYES: Keller, McGee, Miller, Patterson and Watson (5)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Koho and Wellin (2)

ORDER - Keizerfest Noise Variance Request

Councilor Keller advised the Council he is a member of St. Edward's Church and also a member of the Keizerfest Committee. He assisted in the development of information requesting the Class B Noise Variance. However, Councilor Keller stated he did not feel any need to declare a conflict of interest in this matter.

Chief of Police, Charles Stull stated St. Edward's Catholic Church filed for a Class B Noise Variance for the Keizerfest event which will be held May 19 through May 22, 1994. All requirements of the variance request have been met. Chief Stull recommended adopting an Order to allow the variance.

Speaking on behalf of the applicant was:

Paul Koch, St. Edward's Catholic Church Keizerfest Chairman, 1226 Kimberly Court NE, Keizer asked the Council to consider the request for a noise variance for the Keizerfest event. Over the past years, the Keizerfest has tried to moderate the noise level emitted from the entertainment area. He is unaware of any complaints which resulted from last years event.

Councilor Keller stated St. Edward's Church has purchased a db meter to monitor the noise level from within the entertainment tent to stay in compliance with the restrictions placed in the order.

Councilor Patterson moved for approval of an Order in the Matter of the Application of St. Edward's Church for a Variance from the Requirements of the Keizer Noise Ordinance (Ordinance No. 93-269). Councilor McGee seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, McGee, Miller, Patterson and Watson (5)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Koho and Wellin (2)

RESOLUTION - Establishing Plan Check and Construction Permit Fees

Wally Mull, Public Works Director, reported developers currently pay a permit fee of 3 percent for the construction and installation of water system extensions. This fee included the coordination with the City of Salem for chlorinating new water lines. The City of Salem charged developers an average of $400.00 per subdivision for this process. Mr. Mull said due to new requirements, the City of Salem will no longer be able to perform this function for Keizer developers. Therefore, in order to offset the costs to the City for this function, Mr. Mull recommended increasing this fee to 4 percent.

In response to a question from Councilor McGee, Mr. Mull stated the developer will pay approximately the same amount as previously required. This increase will cover the costs to have staff monitor the valves, flushing and sample analysis.

Councilor Keller moved for a Resolution Establishing Plan Check and Construction Permit Fees (Repealing R90-467). Councilor McGee seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, McGee, Miller, Patterson and Watson (5)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Koho and Wellin (2)

RESOLUTION - Master Storm Drain Reimbursement Agreement

Wally Mull, Public Works Director, stated the developer of the Meadows Subdivision was required to construct a portion of the City of Keizer master storm drainage system. Mr. Mull displayed a map which explained the location and direction of the system. The total costs to the Meadows Group for these improvements was $363,360. Of this amount, $129,789 has been proposed to be shared by future developers of the remaining 46 acres. Mr. Mull stated an agreement has been drafted for reimbursement to J.V.R. Inc. dba The Meadows Group for these costs at $2598.63 per acre.

In response to a question from Council President Miller, Mr. Mull indicated this agreement has been reviewed and agreed to by J.V.R. Inc. Mr. Mull also indicated the proposed developers of these areas are aware of the anticipated costs.

Councilor Watson voiced his concern with the notification process of the affected land owners in this area. City Attorney, Shannon Johnson stated the City will go through a separate process when the land is actually assessed.

Councilor Keller moved for a Resolution Authorizing the City Manager to Enter a Reimbursement Agreement for Master Storm Drainage Construction with J.V.R. Inc dba The Meadows Group. Councilor Patterson seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, McGee, Miller, Patterson and Watson (5)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Koho and Wellin (2)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

a. RESOLUTION - Initiating Honeysuckle Street Lighting LID

b. RESOLUTION - Initiating Clearview Street Lighting LID

c. RESOLUTION - Initiating Fircone Street Lighting LID

d. Approval of April 18, 1994 Regular Session Minutes

Councilor McGee asked to remove item "d" from the Consent Calendar.

Councilor Patterson moved for approval of the remaining items on the Consent Calendar. Councilor Watson seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, McGee, Miller, Patterson and Watson (5)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Koho and Wellin (2)

item "d"

Councilor McGee requested the City Recorder review the audio tape for confirmation of the comments on Page 3 of the April 18, 1994 minutes.

The minutes will be brought back for approval at the next scheduled meeting.

OTHER BUSINESS

Councilor Watson shared a recent article which appeared in the Oregonian Parade Magazine on the use of volunteers by a City in Maine.

Councilor Watson moved for City Manager, Dotty Tryk to send a letter to the magazine "parading" Keizer's accomplishments and use of volunteers. Councilor Keller seconded the Motion.

The Motion passed with the following votes:

AYES: Keller, McGee, Miller, Patterson and Watson (5)
NAYS: None (0)
ABSTENTIONS: None
ABSENT: Koho and Wellin (2)

Councilor McGee inquired of the promise by US West to provide additional space to Keizer for the spelling error contained in the last edition of the phone book. City Manager Tryk stated she has brought the error to the attention of US West and was unable to locate a photo to be placed in the upcoming edition of the phone book.

Councilor McGee announced the Backyard Burning Committee will hold a public input meeting on Thursday, May 5, 1994 at 7:00 p.m. in the Council Chambers at City Hall.

Councilor McGee also invited members of the Council and staff to a meeting on May 10, 1994 at 7:00 p.m. at John Knox Presbyterian Church to organize an informal "get out to vote" rally for the upcoming May 17 election. They will also be offering transportation to the polls for those of need.

Council President Miller confirmed with City Manager Tryk that there are not any low-income housing projects in the works or being discussed within the City of Keizer.

There was no other business to come before the Council.

WRITTEN COMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Council President Miller noted the agenda input items listed.

Councilor Patterson noted he will not be attending the May 16, 1994 Council meeting due to business out of town.

ADJOURNMENT The meeting was adjourned at 8:16 p.m.

TRACY L. DAVIS
City Recorder

APPROVED:

COUNCIL PRESIDENT:

(Councilor Wellin absent)

(Mayor Koho absent)