

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

A G E N D A

KEIZER CITY COUNCIL

Monday, June 2, 1997

7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

a. Claggett Creek Neighborhood Association Report - Cynthia Vannoy

b. Council Liaison Reports

- Parks Advisory Board - Councilor Miller
- River Road Redevelopment Board - Councilor Beach
- Traffic Safety Commission - Mayor Koho
- Community Policing - Councilor Meier

5. OTHER BUSINESS

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

a. New Business

b. Old Business

- City Council Management Committee
- Keizer Tree Ordinance Editorial
- Welcome to Keizer/Salem Gateway Sign
- Municipal Court Collection Proposal
- Utility Billing Procedures

6. PUBLIC HEARINGS

a. Solid Waste Collection Rate Increase and Yard Debris Proposals

b. Appeal of Hearings Officer Decision - Approval of Subdivision -
Case No. 97-03 (Reimann)

c. Amendment to PUD/Conditional Use/Floodplain Development -
Case No. 93-02 (Staats Lake)

7. **ADMINISTRATIVE ACTION**

- a. **ORDINANCE** - Comp Plan Amendment/Zone Change - Case No. 97-02
(McCawley)
- b. **ORDER** - Conditional Use - Case No. 96-7 - City of Keizer Water Reservoir
- c. **ORDINANCE** - Comp Plan Amendment/Zone Change/Subdivision
Case No. 96-05 - Special Policy Area (Whalen/Chandler/Pierce)

8. **CONSENT CALENDAR**

- a. **RESOLUTION** - Bike Path Enhancement Program Project Agreement
- b. **MOTION** - Awarding Bid to Cherry City Electric for Claggett/River Road
Signal

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications and petitions.

10. **AGENDA INPUT**

JUNE 9, 1997

5:30 P.M. City Council Work Session

- Wetland Inventory

JUNE 16, 1997

7:00 P.M. City Council Meeting

- Amendment to Zoning Ordinance - Wireless Telecommunication
Facilities Public Hearing
- Salem-Keizer Baseball Stadium Liquor License App. Public Hearing
- Keizer Police Association Agreement

JUNE 23, 1997

7:00 P.M. Urban Renewal Agency Meeting

- Urban Renewal Agency 1997/98 Budget Public Hearing and Adoption

7:30 P.M. City Council Special Session

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

JULY 7, 1997

7:00 P.M. City Council Meeting

- City of Keizer Employee Compensation Study Implementation
- Revocation of Hiring Freeze

JULY 14, 1997

5:30 P.M. City Council Work Session

- City of Keizer Parks Tour

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 1-800-735-2500 at least two working days (48 hours) in advance.



June 2, 1997

AGENDA ITEM 4a

**CLAGGETT CREEK NEIGHBORHOOD ASSOCIATION
REPORT**

CITY COUNCIL MEETING: June 2, 1997

AGENDA ITEM NUMBER: 4a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: CLAGGETT CREEK NEIGHBORHOOD ASSOCIATION
REPORT

**Cynthia Vannoy, Chair of the Claggett Creek Neighborhood Association
will give the Council an update on the activities of the association.**



June 2, 1997

AGENDA ITEM 5b

OLD BUSINESS REPORT

TO: Mayor Koho and City Council Members

SUBJECT: Old Business Report

- **City Council Management Committee**
- **Keizer Tree Ordinance Editorial**
- **Welcome to Keizer/Salem Gateway Sign**
- **Municipal Court Collection Proposal**
- **Utility Billing Procedures**

**City Council Management Committee
(John Morgan - Interim Co-City Manager)**

The Council /Management Committee, which was established at the Council meeting on April 14, has met weekly since then. Mayor Koho, Council President Keller and Position 1 City Councilor Garry Whalen attend the meetings, with the exception of one time when Councilor McGee sat in during Councilor Whalen's absence. John Morgan and Wally Mull also attend the meetings.

Staff finds these meetings have been extremely useful in improving communications between the management staff and Council. Discussions have ranged from follow-up on Council actions to briefings on upcoming Council agenda items to alert on issues or events taking place in the community. Morgan and Mull have taken the results of the discussions back to the management staff and have counted on the Councilors to do so with the balance of the City Council.

Staff recommends these meetings continue indefinitely.

**Keizer Tree Ordinance Editorial
(John Morgan - Interim Co-City Manager)**

A guest opinion was prepared for the Statesman Journal about the City's efforts in preserving trees and enhancing the urban forest. A copy of the article is attached. It is tentatively scheduled to run within the next week.

**Welcome to Keizer/Salem Gateway Sign
(Wally Mull - Interim Co-City Manager)**

On May 18, 1997 Teofilo Benevidez was involved in an accident that resulted in damage to the Keizer/Salem gateway sign just south of the Keizer city limits. He was later arrested and charged with Hit and Run by Salem Police. He will be arraigned on May 28, 1997 in Salem Municipal Court. The City of Salem will be seeking restitution. Northwest Natural Gas has volunteered to provide the maintenance for this gateway.

Municipal Court Collection Proposal
(Tracy Davis - City Recorder)

Originally, this matter was scheduled as an agenda item for tonight's meeting. However, due to time commitments, I have not been able to gather all of the necessary information to present each of the options as previously discussed. This matter will be presented to the Council on June 16, 1997.

Utility Billing Procedures
(Dianne Suek - Personnel Officer/Interim Finance Officer)

At previous City Council meetings, there had been some discussions about the City's utility billing procedures, specifically when bills and disconnect notices are mailed to customers and when water is actually shut off. This 'Old Business' update is in response to those discussions and is intended to answer any questions you may have about this process. Please contact Dianne at City Hall if you have any questions or would like any clarification about the process.

The City currently has 8,280 utility customers. Each customer is billed bi-monthly for the previous two months of service. The following is an example of a typical billing cycle which illustrates the procedure, the date of the procedure, and the number of days between actions.

Billing Service (dates of service)	Meters Read	4,280 Bills Mailed	Date Payments are due	450-600 Disconnect Notices Sent	Disconnect Due Date	Phone Calls Made⁽¹⁾	75-100 ⁽²⁾ Water Meters Shut off w/ Hangers Left
2/20 - 4/21	4/18-21	4/24	5/23	5/30	6/16	6/16	6/17
			30 days from date bills are mailed	7 days from date payments are due	16 days from date disconnect notices are mailed		53 days ⁽³⁾ from date bills are mailed

(1) Telephone calls are made to residential customers who have never been shut off and to commercial customers, such as doctor's offices, restaurants, and care homes. Payment (either by after hours dropbox or in person) must be received by 9:00 a.m. the following day (6/17) to avoid shut-off.

(2) Of the 75-100 customers who have their water meters shut off, approximately 95% pay by the end of shut-off day and 5% pay within one week. Currently, there are 3 customers with locks on their water meter for non-payment.

(3) We have received complaints about why a customer receives a bill when they just paid; however, by this time, the next billing cycle is in progress and customers will receive their next bill within 7-10 days.

Keizer's Growing Urban Forests

The Statesman-Journal has run several articles recently highlighting the cutting of trees in Salem. These articles tended to group Keizer in with Salem in questioning the appropriateness of allowing these practices. I believe the community should know that the City of Keizer cares a great deal about our urban forests and has developed a series of initiatives to preserve and enhance the local environment through tree preservation and planting.

- First, the City, through its Urban Renewal District, is working with property owners to add street trees along both River Road and Cherry Avenue. Along River Road, grants have been given to several property owners to add street trees, and several other projects are in the planning stages including major tree planting at the Bi-Mart/Keizer Village Shopping Center area. With the improvement of Cherry Avenue, which is scheduled to be completed in the fall of 1998, dozens of trees will be planted lining the entire corridor. Naturally, these will be a broad variety of flowering cherry trees.
- Second, the City's draft development code, which is now in the public hearing process, will, if adopted, require street trees in all new subdivisions. Every project will install trees just as sidewalks and street lights are installed today.
- Third, the City's Street Tree Ordinance regulates the cutting, pruning, and planting of trees in the public right-of-way. No tree can be cut without permission by the Public Works Director, and that permission is given only if the trees in question are breaking up sidewalks or the street, causing vision hazards, or are in ill health. When street trees are removed, the Public Works Director can require they be replaced. Whenever trees are planted in the right-of-way, they must be from the City's approved list of street trees. The varieties on this list are all proven to be successful due to their characteristics of having deep root systems and tall columnar shapes.
- Fourth, the City identifies Heritage Trees, which are trees that due to location, size, age, or historical context, are significant to the entire community. Heritage Trees cannot be cut or pruned without City permission.
- Finally, the City's Tree Ordinance allows the Community Development Director to require replacement plantings for any significant tree removed as part of a development or construction process. A significant tree is one more than 12 inches in diameter and/or more than 50 feet in height. This includes any significant tree cut up to one year prior to the application. This provision has been invoked several times over the last few years.

These five initiatives present a cohesive City effort to preserve and enhance our urban forest. Part of the livability and character of Keizer is the large number of second generation trees planted when houses were built over the last 40 years. Adding to these trees with new planting efforts along the major arterials and within new developments will continue to build Keizer's attractiveness and livability.

John N. Morgan
Community Development Director
City Manager Pro Tem

May 15, 1997



June 2, 1997

AGENDA ITEM 6a

SOLID WASTE COLLECTION RATE INCREASE PROPOSALS

CITY COUNCIL MEETING: June 2, 1997

AGENDA ITEM NUMBER: 6a

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING
SOLID WASTE COLLECTION RATE INCREASE PROPOSALS

DISCUSSION:

Estle Harland, on behalf of the City's two franchised solid waste haulers Loren's Sanitation Service, Inc., and Valley Garbage Service, presented the Council two proposals for garbage rate increases at the Council's April 14, 1997 work session. These rate increases are before the Council tonight for public hearing and decisions.

A detailed packet of information including a summarizing cover letter from Ms. Harlan is attached for the Council's information. That packet includes draft orders for the Council's consideration.

RECOMMENDATION:

It is recommended Council:

1. Open and conduct the public hearing, continuing the hearing until June 16, 1997;
2. Deliberate on the testimony received this evening; and
3. Either adopt the order presented in Ms. Harlan's material choosing option 1, 2, or 3; or, by motion, reject all the rate change proposals.

HARLAN BUSINESS CONSULTANTS, INC.
2202 S.E. LAKE RD.
MILWAUKIE, OREGON 97222
(503) 654-9533

ESTLE HARLAN
CONSULTANT

FAX (503) 654-8414

May 22, 1997

Honorable Mayor Koho and Council, City of Keizer
Re: Solid Waste Rate Adjustment

In accordance with your instructions at the Worksession on April 14, I have prepared Rate Schedules that correspond with the three rate proposals we presented, as follows:

1. Council Order, calling for an effective date of September 1, 1997, with the attached Exhibit "A" which is Proposal 1:

4.9% rate adjustment over-all

2. Council Order, calling for an effective date of September 1, 1997, with the attached Exhibit "A" which is Proposal 2:

(a) 4.9% rate adjustment over-all, plus

(b) \$0.15 for city clean-up added to residential and multi-family rates

3. Council Order, calling for effective dates of September 1, 1997 and March 1, 1998, with the attached Exhibit "A" which is Proposal 3:

Effective September 1, 1997

(a) 4.9% rate adjustment over-all, plus

(b) \$0.15 for city clean-up added to residential and multi-family rates, plus

Effective March 1, 1998

(c) \$4.70 for the yard debris/scrap paper collection program added to residential rates (but only \$0.50 for the scrap paper portion of the program added to rates for multi-family units where there are 5 units or more).

Your decision at the Council Meeting on June 2, 1997 will determine whether you approve Proposal 1, Proposal 2, or Proposal 3.

If you need any material in addition to what we provided at the Worksession and with this memo, please do not hesitate to contact me.

Sincerely,



ESTLE HARLAN, Consultant for
LOREN'S SANITATION SERVICE, INC.
and VALLEY GARBAGE SERVICE

EH:e

CITY COUNCIL, CITY OF KEIZER

ORDER

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

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

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

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

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

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

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

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

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

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

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

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

PASSED this ____ day of _____, 1997

SIGNED this ____ day of _____, 1997

Mayor

City Recorder

FRANCHISE SOLID WASTE MAXIMUM COLLECTION RATES

CITY OF KEIZER

Effective September 1, 1997

PROPOSAL NO. 1

<u>CURRENT</u>	<u>PROPOSED AS OF 9-1-97</u>
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I. CART SERVICE, WEEKLY SERVICE, MONTHLY RATE

A. RESIDENTIAL - CURB	-	One 20 Gal Cart per week	8.60
One Can per week	9.75	One 32 Gal Cart per week	10.25
Each additional Can per week	5.50		-
Occasional extra Can	2.50		2.60
90 Gal. Roll Cart per week	15.80	One 90 Gal Cart per week	16.55
B. RESIDENTIAL - MULTI FAMILY & MOBILE HOME PARK			
(1) 4 Units or less - Single Billing			
1 20 Gal Cart per week - Curb	-		7.85
1 32 Gal Cart per week - Curb (32 Gal. Can)	9.05		9.50
(2) 5 Units or more - Single Billing			
1 20 Gal Cart per week - Curb	-		7.85
1 32 Gal Cart per week - Curb	9.05		9.50
Add \$0.75 per month to Rate for Individual Billings			
C. ON-CALL RATE	5.20		5.45
D. RECYCLING - ONLY RATE	4.65		4.90
E. COMMERCIAL ROLL CART SERVICE			
Commercial 32 Gal. Roll Cart - Curb	-		14.55
Commercial 90 Gal. Roll Cart - Curb	26.95		28.30

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

20 Gallons - 40 pounds per week

32 Gallons - 60 pounds per week

64 Gallons - 120 pounds per week

90 Gallons - 150 pounds per week

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

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

F. BUNDLES, BOXES, SACKS OR OVERFILLED CARTS

Rate based on volumes equivalent to 32 Gal. Cart

G. CALL BACK - See special service

CURRENT PROPOSED AS OF 9-1-97

II. CONTAINER SERVICE weekly service, monthly rate

A. CONTAINER - LOOSE

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

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

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

Minimum Service: 20 Cubic Yards

A. LOOSE MATERIAL

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

B. COMPACTED MATERIAL

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

C. ADDITIONAL CHARGES

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

IV. COMMERCIAL MEDICAL WASTE COLLECTION RATES

Services provided by Marion Environmental Services:

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

Residential Bio-Medical Sharps Container (1 Gallon Box). 11.00 11.20

Delivered to the door to be used until filled and then collected by garbage haulers separately from regular municipal solid waste.

V. SPECIAL SERVICES AND MISCELLANEOUS SERVICES

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

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

One man on truck. All fees in addition to disposal

1/4 hour = 17.50 plus disposal

1/2 hour = 35.00 plus disposal

2/3 hour = 52.50 plus disposal

1 hour = 70.00 plus disposal

(\$1.15 per minute)

Additional disposal charged at \$10.12 per yard.

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

B. TIRES

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

C. LARGE MAJOR APPLIANCES AND FURNITURE

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

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

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

Hot Water Heaters:	\$10 - \$15
Car Batteries:	\$ 5 (minimum rate)
Carpets:	Negotiable wet/dry

VI. RESTART

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

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

CITY COUNCIL, CITY OF KEIZER

ORDER

IN THE MATTER OF THE RATES FOR FRANCHISED
SOLID WASTE COLLECTION WITHIN THE CITY OF
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IT IS FURTHER ORDERED that collection franchisees notify their affected customeres prior to implementing the new rates as prescribed by Marion County Ordinance No. 615, as amended.

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

PASSED this ____ day of _____, 1997

SIGNED this ____ day of _____, 1997

Mayor

City Recorder

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

PROPOSAL NO. 2

CURRENT PROPOSED AS OF 9-1-97

I. CART SERVICE, WEEKLY SERVICE, MONTHLY RATE

A. RESIDENTIAL - CURB	-	One 20 Gal Cart per week	8.75
One Can per week	9.75	One 32 Gal Cart per week	10.40
Each additional Can per week	5.50		-
Occasional extra Can	2.50		2.60
90 Gal. Roll Cart per week	15.80	One 90 Gal Cart per week	16.70
B. RESIDENTIAL - MULTI FAMILY & MOBILE HOME PARKS			
(1) 4 Units or less - Single Billing			
1 20 Gal Cart per week - Curb	-		8.00
1 32 Gal Cart per week - Curb (32 Gal.Can)	9.05		9.65
(2) 5 Units or more - Single Billing			
1 20 Gal Cart per week - Curb	-		8.00
1 32 Gal Cart per week - Curb	9.05		9.65
Add \$0.75 per month to Rate for Individual Billings			
C. ON-CALL RATE	5.20		5.60
D. RECYCLING - ONLY RATE	4.65		5.05
E. COMMERCIAL ROLL CART SERVICE			
Commercial 32 Gal. Roll Cart - Curb			14.55
Commercial 90 Gal. Roll Cart - Curb	26.95		28.30

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

20 Gallons - 40 pounds per week

32 Gallons - 60 pounds per week

64 Gallons - 120 pounds per week

90 Gallons - 150 pounds per week

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

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

F. BUNDLES, BOXES, SACKS OR OVERFILLED CARTS

Rate based on volumes equivalent to 32 Gal. Cart

G. CALL BACK - See special service

CURRENT PROPOSED AS OF 9-1-97

II. CONTAINER SERVICE weekly service, monthly rate

A. CONTAINER - LOOSE

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

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

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

Minimum Service: 20 Cubic Yards

A. LOOSE MATERIAL

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

B. COMPACTED MATERIAL

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

C. ADDITIONAL CHARGES

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

IV. COMMERCIAL MEDICAL WASTE COLLECTION RATES

Services provided by Marion Environmental Services:

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

Residential Bio-Medical Sharps Container (1 Gallon Box).

11.00

11.20

Delivered to the door to be used until filled and then collected by garbage haulers separately from regular municipal solid waste.

V. SPECIAL SERVICES AND MISCELLANEOUS SERVICES

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

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

One man on truck. All fees in addition to disposal

1/4 hour = 17.50 plus disposal

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2/3 hour = 52.50 plus disposal

1 hour = 70.00 plus disposal

(\$1.15 per minute)

Additional disposal charged at \$10.12 per yard.

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

B. TIRES

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

C. LARGE MAJOR APPLIANCES AND FURNITURE

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

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

Bathtub/sink/toilet:	Fiberglass tub/shower	\$10
	Cast iron tub/shower	\$ negotiable
	Sink/toilet	\$ 5 each
	Double sinks	\$ negotiable
Hot Water Heaters:		\$10 - \$15
Car Batteries:		\$ 5 (minimum rate)
Carpets:		Negotiable wet/dry

VI. RESTART

Precise charge for container pick up and return, all areas

Current
\$15.00

Proposed as of 9-1-97
\$15.75

VII OTHER TYPES OF SERVICE

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

CITY COUNCIL, CITY OF KEIZER

ORDER

IN THE MATTER OF THE RATES FOR FRANCHISED
SOLID WASTE COLLECTION WITHIN THE CITY OF
KEIZER, EFFECTIVE AS OF SEPTEMBER 1, 1997, AND
THAT THE INCREASE FOR YARD DEBRIS COLLECTION
BE EFFECTIVE MARCH 1, 1998 UNTIL REPLACED.

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

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

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

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

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

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

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

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

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

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

IT IS FURTHER ORDERED that this order shall be effective the 1st day of September, 1997, and that the increase for yard debris collection be effective March 1, 1998, until replaced.

PASSED this ____ day of _____, 1997

SIGNED this ____ day of _____, 1997

Mayor

City Recorder

FRANCHISE SOLID WASTE MAXIMUM COLLECTION RATES
CITY OF KEIZER
Effective March 1, 1998

PROPOSAL NO. 3

CURRENT PROPOSED AS OF 3/1/98

I. CART SERVICE, WEEKLY SERVICE, MONTHLY RATE

A. RESIDENTIAL - CURB

One Yard Debris Exempt Cart	-	One 20 Gal Cart per week	9.65
One 20 Gallon Cart Per Week	-	One 20 Gal Cart per week	13.45
One Can per week	9.75	One 32 Gal Cart per week	15.10
Each additional Can per week	5.50		-
Occasional extra Can	2.50		2.60
90 Gal. Roll Cart per week	15.80	One 64 Gal Cart per week	21.40

B. RESIDENTIAL - MULTI FAMILY & MOBILE HOME PARKS

(1) 4 Units or less - Single Billing			
1 20 Gal Cart per week - Curb	-		12.70
1 32 Gal Cart per week - Curb (32 Gal.Can)	9.05		14.35
(2) 5 Units or more - Single Billing			
1 20 Gal Cart per week - Curb	-		8.50
1 32 Gal Cart per week - Curb	9.05		10.15

Add \$0.75 per month to Rate for Individual Billings

C. ON-CALL RATE	5.20	5.60
-----------------	------	------

D. RECYCLING - ONLY RATE	4.65	5.55
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E. COMMERCIAL ROLL CART SERVICE

Commercial 32 Gal. Roll Cart - Curb	-	14.55
Commercial 90 Gal. Roll Cart - Curb	26.95	28.30

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

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

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

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

F. BUNDLES, BOXES, SACKS OR OVERFILLED CARTS

Rate based on volumes equivalent to 32 Gal. Cart

G. CALL BACK - See special service

CURRENT PROPOSED AS OF 9/1/97

II. CONTAINER SERVICE weekly service, monthly rate

A. CONTAINER - LOOSE

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

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

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

Minimum Service: 20 Cubic Yards

A. LOOSE MATERIAL

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

B. COMPACTED MATERIAL

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

C. ADDITIONAL CHARGES

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

IV. COMMERCIAL MEDICAL WASTE COLLECTION RATES

Services provided by Marion Environmental Services:

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

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

V. SPECIAL SERVICES AND MISCELLANEOUS SERVICES

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

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

One man on truck. All fees in addition to disposal

1/4 hour = 17.50 plus disposal

1/2 hour = 35.00 plus disposal

2/3 hour = 52.50 plus disposal

1 hour = 70.00 plus disposal

(\$1.15 per minute)

Additional disposal charged at \$10.12 per yard.

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

B. TIRES

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

C. LARGE MAJOR APPLIANCES AND FURNITURE

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

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

Bathtub/sink/toilet:	Fiberglass tub/shower	\$10
	Cast iron tub/shower	\$ negotiable
	Sink/toilet	\$ 5 each
	Double sinks	\$ negotiable
Hot Water Heaters:		\$10 - \$15
Car Batteries:		\$ 5 (minimum rate)
Carpets:		Negotiable wet/dry

VI. RESTART

Precise charge for container pick up and return, all areas	Current \$15.00	Proposed as of 9/1/97 \$15.75
--	-----------------	-------------------------------

VII OTHER TYPES OF SERVICE

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

James A. Willhite and Patricia H. Ehrlich
2387 Woodlawn Court NE
Keizer, OR 97303-1059

RECEIVED

May 29, 1997

'97 MAY 30 PM 3 27

Mayor Dennis Koho and Keizer City Councilors
Keizer City Hall
PO Box 21000
Keizer, OR 97307

CITY OF KEIZER
OREGON 97303

Re: Solid Waste Rates and Yard Debris Collection

Dear Mayor and Councilors:

We regret we are unable to attend the City Council meeting on June 2 when we understand the Council will be discussing a proposal for a general rate increase for solid waste pickup and the addition of yard debris collection. We must be out of town on professional business.

We have reviewed an April 10, 1997 memo to the Council from Harlan Business Consultants, Inc. which we assume will be the basis for your discussions. In addition we have read some articles in the newspaper which we are also assuming are part of the discussion on June 2. Unfortunately we have had difficulty in trying to learn details of what the council will be considering.

However we would like to share some concerns and questions based on what bits we have been able to learn. They are as follows:

1. Company provided cart for regular trash:

A. If regular trash service will be changed to requiring a company provided cart which could be lifted mechanically, will the trucks still go to the "garage door" for pickup in an apartment complex where each resident has their own trash can? An illustration of our particular concern is attached. If they will not go to the door will there be some arrangement for elderly or handicapped people who are unable to take their can to the curb side?

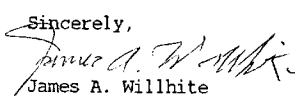
B. Many elderly people have very little trash. Are they going to be required to find a place for a large container such as those used now for mechanical pickup or will the container for regular trash be more like the 33 gallon container many Keizer residents provide for trash pickup.

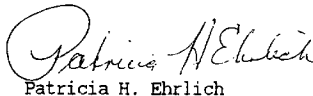
2. Yard Debris Pickup:

A. Some people, such as those living in an apartment complex where each resident has individual trash pickup arrangements, have no yard debris because they have no yard. In the case of the illustrated complex, the yard work is all done by the management company. Will these individuals be charged for yard debris pickup?

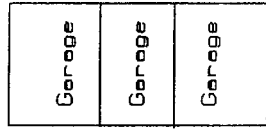
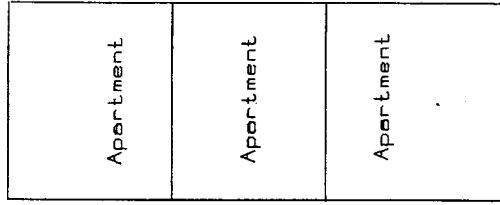
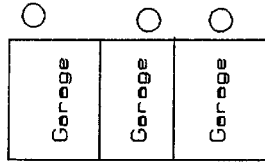
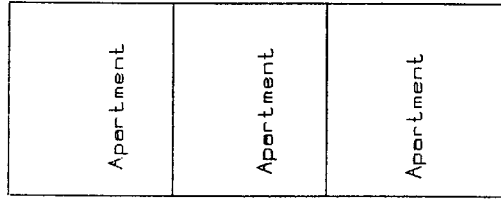
For ourselves, we support the addition of yard debris pickup to keep this material out of the landfill (even though we'll have to find a location for a huge container) and we look forward to apparently having curbside recycling for all of the "white" paper we receive in the mail. But we are also concerned about the issues stated previously and believe they need to be addressed.

Sincerely,


James A. Willhite


Patricia H. Ehrlich

FENCE →



Sidewalk

Sidewalk

KEY: Trash ○ STREET



June 2, 1997

AGENDA ITEM 6b

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

CITY COUNCIL MEETING: June 2, 1997

AGENDA ITEM NUMBER: 6b

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING
APPEAL OF SUBVISION 97-03

DISCUSSION:

This is an appeal of the Hearings Officer decision approving Subdivision Case 97-03, which is a division of 12.07 acres into 57 lots on property on the east side of Wheatland Road. The applicant is Reimann Associates.

Robert S. Simon, Attorney at Law, on behalf of Derek L. Brown Associates, Inc, files the appeal.

Derek L. Brown Associates, Inc., is the developer of a manufactured home park located immediately east of the subject property.

Attached to this report are the following documents:

- Reimann Associates application
- Brown notice of appeal with attachments 1 through 10
- Hearings Officer Decision
- Staff Report to the Hearings Officer with attachments

The basis of the appeal is two fold:

- The appellant contends that the approved sewer system plan for the subdivision does not conform to the Sewer Master Plan.
- The appellant is petitioning the Council to add a condition of approval requiring the subdivision to take its sewer service from a line within the Brown manufactured home park. This connection could compel Reimann Associates to pay a reimbursement to Brown for a portion of the cost of the sewer line within the manufactured home park.

Staff is not developing a recommendation at this time, as the Applicant and the Appellant at the hearing will raise the arguments for and against the proposal. Also, Bill Peterson, City Engineer, will participate on behalf of the City in explaining the City's original approval of the Reimann sewer plan and his response to the Brown proposal.

An error was made in the original notice of public hearing, which compels the Council to keep the hearing open until June 16th, at which time additional testimony can be expected. However, as it is customary to hold a hearing on a land use case over until the date at which an order is presented for consideration, this should have no impact on the consideration of the case nor delay the proceedings.

RECOMMENDATIONS:

It is recommended Council:

1. Open and conduct the public hearing, continuing the hearing until June 16, 1997;
2. Deliberate on the testimony received this evening; and
3. Direct staff to prepare a draft order either granting or denying the appeal. That order shall be brought to the Council on June 16, 1997 for consideration and adoption.

CITY OF KEIZER
SUBDIVISION APPLICATION

APPLICATIONS RETURNED BY MAIL WILL NOT BE ACCEPTED

If there are any questions
about this application, who
should be contacted?

Mark D. Grenz, P.E.
Name
1155 13th Street SE
Address
(503) 363-9227
Daytime telephone

1. Applicant Address and Zip Code
Reimann Associates P.O. Box 21209, Keizer
2. Property Owners (if other than applicant) Address and Zip Code
Jack Yarbrough 3790 River Road North, Suit F
Keizer, Oregon 97303
3. Contract and/or mortgage holders(if any) Address and Zip Code

4. This application is made for ____ conceptual X detail approval for a proposed
X subdivision ____ planned development to be known as Yarbrough Estates

5. Property address: 7600 Block of Wheatland Road N
6. Total Property Acreage: 12.09 acres
7. Acreage to be subdivided (if different from above) Same acres
8. Number of lots to be created: 57
9. Range of lot sizes: smallest 5,562 sq. ft. largest 8,529 sq. ft average 7,107 sq. ft.
10. If the property is served by a city street, please indicate name:
Wheatland Road N
11. If the property borders more than on city street please list:

12. Is this road paved? yes If not, please describe type and level of improvement on the access road to the property: _____
13. Sewage disposal to be provided by: _____ septic tank X public sewer system.
14. Water supply to be provided by: _____ individual well X community water system.
15. If sewage disposal or water supply is to be provided through a community service arrangement, please list the name of the servicing agency or district and enclose a letter from the agency or district verifying that service will be provided: City of Keizer

FOR OFFICE USE ONLY

Section 22D Township 6 Range 3W

Tax lot number(s) 101, 102

Zone UT

Zone Map Number _____

iw 2-19-87
Date app. determined to be complete

Application elements submitted:

- (a) Title transfer instrument
(b) Assessor's Map
(c) Scale Map
(d) Adjacent property

owner's list

(e) Filing Fee

JN MORGAN
Application accepted by

In order to assure an adequate evaluation of your proposal, please answer the following questions. If you need more space, use a separate sheet.

1. Please describe the current use of the property. If the property contains more than one use, estimate the number of acres devoted to each use:
Currently is vacant and the majority has been used for some minor agricultural uses.
2. Describe the current use of the lands surrounding this property (include land across roads): On all sides of the project, the area has been developed in a rural residential setting with the exception of on the west side of Wheatland Road, where the Willamette Lutheran Home is located.
3. Describe intended use of the property: The project site is to be developed in to a single family residential subdivision.
4. Discuss the proposed density and type of development in regards to the intent of the Comprehensive Plan and Zoning designations applicable to the subject property: The project is proposed to be developed to a density of 4.91 units per acre. This is in keeping with the goal of the City of Keizer Comprehensive Plan that recommend that the City achieve an average density of 4.6 units per acre. The lots as proposed, make the best use of the site.
5. Discuss how the proposed design makes the best use of the property, considering lot size, road placement, open space, etc.: The proposed layout takes advantage of Wheatland Road for its access. In the configuration of the project site, future street extensions have been provided for with the stub of two streets to the east and one to the south. Internal circulation was a key to this development and its configuration. We believe that we have made the most efficient use of the site in its street pattern and the goal in lot sizes. All of the corner lots within the development meet the requirements of the City of Keizer for the minimum street frontage of 70 feet.

SUPPLEMENTARY INFORMATION.

In addition to this written application the following information is required:

FOR CONCEPTUAL APPROVAL:

1. A copy of the latest officially recorded title transfer instrument (deed, warranty deed, or contract) giving the legal descriptions for the property.
2. A copy of the most recent Assessor's maps for the property: available at the Marion County Assessor's Office in the Courthouse.
3. Fifteen copies of a scale map of the subject property showing dimensions, access, location of existing structures and improvements, all proposed lot lines, streets, easements, water and sewer source, topographical contours and location of drainage ways.
4. A list of all property owners within 250 feet of the subject property (100 feet for a mini-subdivision). The list must be certified by a Title Company or County Assessor's Office (see attached "Procedures for Preparing Notification List"). The list must have been prepared to be current to within 30 days of the date of application.
5. Filing fee made payable to the City of Keizer.

FOR DETAIL APPROVAL: The name of the subdivision which shall not be the same or similar to any name used on a recorded subdivision in the City of Keizer. Fifteen copies of the detailed plan of the proposed subdivision shall be submitted on a scale of not less than one inch equals 200 feet and showing the following information:

1. The township, range, section and the County in which the subdivision is located.
2. The location of all existing or proposed roads within or on the boundary of the proposed roadways are to be public or private.
3. Lot layout and approximate dimensions.
4. Total land area of the proposed subdivision and approximate size of each lot.
5. The zoning in and adjacent to the proposed subdivision. The preliminary plan shall indicate any uses proposed other than residential.
6. An outline of proposed restrictions or covenants, if any.
7. The location of all existing buildings within the proposed subdivision and their present uses. Those to remain shall be indicated.
8. The location, size, and use of all contemplated and existing public or common areas within the proposed subdivision, a description of the adaptability of the area

9. The location and kind of public utilities in or adjacent to the proposed subdivision and, if possible, the location should also be shown on the vicinity map.
10. Location of any existing or proposed drainage ways, or easements in or adjacent to the proposed subdivision.
11. Topography, including accurate contours, within and adjacent to the proposed subdivision. the base for such information shall be the datum obtained from an official bench mark in Marion County or the City of Salem or recognized USGS elevations, provided its location, description, and elevation is furnished. Datum used shall be identified.
12. True north, scale and date.
13. Intent to develop in phases.
14. Any additional information deemed necessary by the City.

Jack Young

DATED this 2nd day of January 1997.

(A) The above request does not violate any deed restrictions that may be attached to or imposed upon the subject property.

(B) If the application is granted, the applicant(s) will exercise the right of granted in accordance with the terms and subject to all the conditions and limitations of the approval.

© All the above statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.

(D) The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

SIGNATURE of Applicant(s):

DATED this 2nd day of JANUARY 1997

After recording, return to:
(File No. 77253003)

Until a change is requested, all tax
statements shall be sent to the following
address:
Same as After recording

Jack Yarbrough
3791 River Road North, Suite F
Salem, Oregon 97303

WARRANTY DEED

MARLIN W. SCHAAD and PAULA SCHAAD, as tenants in common, Grantor, conveys
to JACK R. YARBROUGH, Grantee, the following described real property, free of
encumbrances except as specifically set forth herein:

Parcel 2 of Partition Plat Number 1990-82 of Keizer, Marion County, Oregon,
recorded December 7, 1990, in Reel 819, Page 197, Marion County Records.

SUBJECT TO: Two-thirds of the 1993/94 property taxes in the amount of
\$127.66 (account #48531-001)

The rights of the public in and to that portion of the herein described property
lying within the limits of public road, street or highways;

A 16' roadway easement along the South lot line as delineated on Partition Plat
90-82, recorded December 9, 1990, Reel 819, Page 197;

An easement created by instrument, including the terms and provision thereof,
recorded April 2, 1951, Book 426, Page 664, in favor of Portland General
Electric Company for an electric transmission line.

The true and actual consideration for this conveyance is \$180,000.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED
IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND
REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON
ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED
USES.

DATED this 11 day of December, 1993.

Marlin W. Schaad
MARLIN W. SCHAAD

x Paula Schaad
PAULA SCHAAD

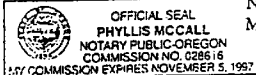
18-41849-81

STATE OF OREGON)
) ss.
County of Marion)

This instrument was acknowledged before me on the 4th day of January, 1994,
by MARLIN W. SCHAAD.

Before me:

(SEAL)



Phyllis McCall
NOTARY PUBLIC FOR OREGON

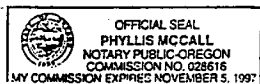
My Commission Expires: 11-5-97

STATE OF OREGON)
) ss.
County of Marion)

This instrument was acknowledged before me on the 16th day of Dec, 1993,
by PAULA SCHAAD.

Before me:

(SEAL)



Phyllis McCall
NOTARY PUBLIC FOR OREGON

My Commission Expires: 11-5-97

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

RECEIVED

'97 MAY 27 AM 10 07

CITY OF KEIZER
OREGON 97033

CERTIFIED
TRUE COPY

Attorney for Appellant

NOTICE OF APPEAL

Applicant: Reiman Associates

File No.: Subdivisions Case No. 97-03

Appellant: Derek L. Brown Associates, Inc.

Appeal Fee: \$150, check no. 2567

Appeal Deadline: May 23, 1997 (postmark)

Written Appeal: See attached narrative.

Applicable Criteria: Section VIII (8) Appeal, Keizer Subdivision and Partition Ordinance (KSPO), Section 4.13(g), Keizer Zoning Ordinance (KZO)

Master Sewer Plan Update, pages 6-1, 6-2, 6-3

Section III (E) Keizer Comprehensive Plan
January 1987.

I. APPEAL PROCEDURE:

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

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

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

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

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

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

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

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

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

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

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

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

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

II. APPELLANT'S NARRATIVE:

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

line which can serve most of the proposed subdivision as is, and wants the city to require the applicant to connect to that line.

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

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

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

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

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

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

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

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III. CONCLUSION:

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

DATED THIS May 23, 1997.

A handwritten signature in black ink, appearing to read "Robert S. Simon", is written over a horizontal line.

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

CERTIFICATE OF FILING

I hereby certify that on May 23, 1997, I filed the original and eight (8) copies of the NOTICE OF APPEAL with the City of Keizer, 930 Chemawa Road, N.E., Keizer, Oregon 97307, by hand-delivering said documents to the individual(s) indicated above / by placing said document in a sealed envelope, addressed to the individual(s) indicated above with the postage prepaid, mailed via first class, and deposited with the U.S. Postal Service on the date below written.

DATED THIS May 23, 1997.



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

CERTIFICATE OF SERVICE

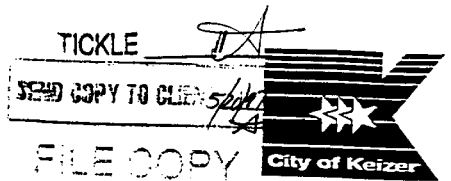
I hereby certify that I served a true copy of the foregoing **NOTICE OF APPEAL** on the individual(s) indicated below by **hand-delivering said documents to the individual(s) indicated below / by placing said document in a sealed envelope, addressed to the individual(s) indicated below, with the postage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

City of Keizer
930 Chemawa Road, N.E.
Keizer, Oregon 97307

DATED this May 23, 1997.



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



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

May 19, 1997

Derek Brown
Derek Brown Associates
13620 SW Beef Bend Road #78
Tigard, OR 97224

Dear Derek:

This letter is to confirm that the City of Keizer hand-delivered a Notice of Decision regarding Subdivision #97-03 to you and Robert Simon on Tuesday, May 13, 1997.

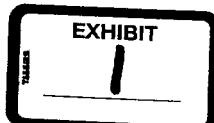
We acknowledge that you were not mailed the original Notice of Decision, and should have been. Therefore, the City of Keizer has extended for you the appeal period for Subdivision Case #97-03 until 5:00 p.m. Friday, May 23.

Please contact me if you have any questions.

Sincerely,

Amy C. Drought
City Planner

c: Robert Simon
Reiman Associates
John Morgan, Community Development Director



MAY 20 1997

•
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

FILE COPY SEND COPY TO CLIENTS/229

Post-It™ brand fax transmittal memo 7671		# of pages » 1
To <i>Robert Simon</i>	From <i>Amy C. Drought</i>	
Co.	Co.	
Dept.	Phone # <i>390 3700</i>	
Fax #	Fax #	



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

MEMO TO: Robert S Simon

FROM: Amy C. Drought, Keizer City Planner

RE: Derek Brown and Appeal of Subdivision 97-03

DATE: May 22, 1997

An appeal to the City Council is \$150.00 and must be made in writing. Although the City of Keizer does not have a specific form for the appeal, you should indicate the reason for your appeal. To be considered, an appeal must be postmarked within 10 days from the date the Notice of Decision was issued



•
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
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MAY-22-1997 09:25

5033939437

95%

P. 01

 **DEREK L. BROWN**
19244 SW 35TH PL.
LAKE OSWEGO, OREGON 97034

91-119
1221(1)

2567

DATE May 21, 1997

Pay to the order of City of Keizer

One hundred fifty and 00/100 \$150.00

WELLS FARGO BANK
322 SOUTHWEST AVENUE, LAKE OSWEGO, OR 97034

ALLIED CREDITORS RING INC.

Keizer appeal

End 7A

⑆ 22101191⑆ 2567 0092 707793⑆



FILE

MEMO

To: Staff
From: Robert S Simon
Subject: Brown/Yarbrough (Reimann)
Date: February 25, 1997

RE: Applicant: Reimann Associates (Jack Yarbrough)
Our Client: Derek Brown and Associates
Case No: Subdivision 97-03
Re: Comments on application by Derek Brown and Associates

I. SUMMARY:

Derek Brown and Associates wants the following:

1. That the record be held open for an additional seven (7) days for more information on sewer capacity at the Wheatland Road Pump Station.
2. That the conditions of approval require the Applicant to commit to a sanitary sewer connection at the Wheatland Road pump station.
3. That the findings of fact and conclusions of law make a finding of a specific flow capacity of the sanitary sewer at the Wheatland Road pump station.
4. That the conditions of approval contain a specific time limit for the pump station connection if the City or the Applicant envision that it is to be "temporary."
5. That the findings include a discussion of what improvements have been made to the Master Sewer system subsequent to the March 22, 1994 Update, and discuss how these improvements led to a determination that there is excess peak capacity at the Wheatland Road pump station .
6. That the City be required to place into the record the most recent sanitary sewer system capacity analysis.

II. DISCUSSION:

The Applicant proposes to build a 57 lot subdivision subject to the UT and RS zoning requirements. One requirement is the showing of adequate sanitary sewer service for the proposed



Staff
Page 2
February 25, 1997

use. In the past the City has indicated that there is not adequate sewer service for properties fronting Wheatland Road. See Exhibit #1.

The March 22, 1994 Sewer Master Plan Update indicated that Basin 36 (which includes the subject property) suffers from peak capacity deficiencies at the Wheatland Road pump station. See Exhibit #2. The Update envisions some future fine tuning through the comparisons of modeled projections with the actual flow rate indicated on two (2) monitors which were to be installed by the City of Salem. However, it is unclear whether Salem installed the monitors, and no "fine tuning" has been done to replace the Update conclusion of inadequate sanitary sewer capacity.

The City of Keizer has proposed and Derek Brown and Associates have agreed to pay for an updated analysis of the Master Sewer Plan Trunk Line locations and capacity. See Exhibit #3. Even though there was an acknowledged urgency of such an analysis the City has not produced the analysis. Such information is essential to determining sewer capacity in Basin 36 based on the current system and the projected flow levels from the proposed subdivision.

The City has already placed restrictions on the location of alternate sanitary sewer connections which bypass the Wheatland Road Pump Station. See Exhibit #4. Therefore, it is evident that the record must include updated flow and capacity analysis before approving a Wheatland Road Pump Station connection.

Additionally, if there is capacity at the Pump Station, then there should be an indication of how much capacity will be absorbed by this one subdivision. There are several additional parcels which could or would benefit from connections to the Pump Station. A determination must be made whether there will be any excess capacity remaining at the pump station after the applicant connects.

III. CONCLUSION:

It is evident that the public documents do not support a finding that there is adequate sanitary sewer capacity at the Wheatland Road Pump Station. The applicant does not commit to a particular point of connection in the application but has led all to believe that connection will be made at the Pump Station. If this connection is to be made, then it should be a condition of approval.

Derek Brown and Associates requests the following:

- I. That the record be held open for an additional seven (7) days for more information on sewer capacity at the Wheatland Road Pump Station.

Staff

Page 3

February 25, 1997

2. That the conditions of approval require the Applicant to commit to a sanitary sewer connection at the Wheatland Road pump station.
3. That the findings of fact and conclusions of law to make a finding of a specific flow capacity of the sanitary sewer at the Wheatland Road pump station.
4. That the conditions of approval contain a specific time limit for the pump station connection if the City or the Applicant envision that it is to be "temporary."
5. That the findings include a discussion of what improvements have been made to the Master Sewer system subsequent to the March 22, 1994 Update, and discuss how these improvements led to a determination that there is excess peak capacity at the Wheatland Road pump station.
6. That the City be required to place into the record the most recent sanitary sewer system capacity analysis.

Dated this February 25, 1997

Robert S Simon
for
Attorneys for Derek Brown & Associates

cc: Client

CHAPTER 6 - PLANNING

BASINS NOT FULLY DEVELOPED

Six basins are not fully developed. They are Basins 10, 23, 24, 33, 36, and 41. Basin 10 has a small amount of vacant land along North River Road zoned commercial and multi-family. Basin 23 has vacant land in the City of Salem's industrial parks. Basin 24 has vacant land on the City of Salem's side of the Parkway. Basin 33 has vacant land in the Trail Avenue - Lockhaven area. Basin 41 has vacant land on the far west side of the City of Keizer north of Chemawa. The development of vacant lands in these basins, excluding Basin 36, should not require major sewer construction.

Principal expansion will occur north of the City between Wheatland Road and North River Road (mostly single family residences), east of North River Road the development will be mixed zoning, and north east will be the Chemawa Activity Center. Currently, the land is primarily orchards and farm land. McNary Estates and Staats Lake will also require additional sewer service.

Areas without sanitary service were evaluated based upon the following:

Residential Without Sewers	318 acres
CAC Area Without Sewers	182 acres
Total Area Without Sewers	500 acres

DEVELOPMENT OF BASIN 36

Basin 36 is of the greatest interest because of its development requiring trunk, collector, and other sewer line construction in the City of Keizer's urban growth boundary.

The Middle Labish Trunk sewer has recently been extended easterly along the Labish ditch, and then northerly to the intersection of North River Road and O'Neil Road.

The proposed system is shown on Exhibit B.

As development occurs it is logical to assume the O'Neil trunk line will continue north up O'Neil Road until it reaches Clear Lake Road. At Clear Lake Road, 8 inch lines to the west and to the east will be required.

An east - west 12 & 10 inch line has recently been built along the northern property line of The Meadows. The Wheatland Road pump station flow will temporarily be diverted to this line, until the O'Neil Road - Clear Lake Road line can pick up the flows from the Wheatland

Road and Clear Lake pump stations. This area will be served solely by gravity lines in the future.

A second east - west line will be built from O'Neil Road, along Barnick Road, to Wheatland Road. An 8 inch northerly line off this second east - west line will eventually be built.

A short 8 inch line off O'Neil west on Oppek and another 8 inch line south off Clear Lake Road down Timothy Lane will be required to complete the proposed construction in the northern part of Basin 36.

When the Chemawa Activity Center (CAC) plans are finalized, a trunk line will be needed from the approximately 98 acres (area north of Lockhaven) to the 24 inch portion of the North River Road - O'Neil line. The flow from the remaining 52 acres of the CAC south of Lockhaven can also become a part of Basin 36 according to model Hydra runs.

The area north of Lockhaven on the east end of Staats Lake will be serviced by directly entering the existing interceptor in Lockhaven Drive.

HYDRA ANALYSIS OF THE PROPOSED FULLY DEVELOPED BASIN 36

The City of Salem has recommended using the following gallons per acre per day volumes in model Hydra computer runs:

- 6,000 gpad for sewers built before 1970,
- 3,000 gpad for sewers built between 1970 and 1979, and
- 1,500 gpad for sewers built in 1980 to the present.

Two possible deficiencies occur in the model Hydra runs for a completely developed Basin 36 using the infiltration and inflow figures recommended by the City of Salem.

The first occurs at the end of the Wheatland Road sub basin before the 10 inch Wheatland Road trunk line enters the 36 inch trunk line around the intersection of Wheatland Road and North River Road.

The peaking (PEA) method using the agreed upon standards indicate that, when the pump station flow is removed and Wheatland Road is fully developed, surcharging may occur in the last three lengths of pipe in the sub basin.

Running the same model using the diurnal curve (DIU) method no surcharging occurs in the last three lengths of pipe. The highest percent of capacity reached in the last three lengths is 93.88%.

The City of Salem has placed a monitor, in manhole #45-500-009, in the Wheatland Road trunk line, where this theoretical surcharging is occurring. More accurate projections can be made as actual data on this pipe is generated from the meter. Actual data can be compared to the assumed data being used in the Hydra models.

The second deficiency occurs in the "interim" 21 inch line between McNary Estates and the 75 inch interceptor.

This line is composed of seven lengths of pipe. In both the PEA and the DIU methods of analysis all links are surcharging in the 21 inch line.

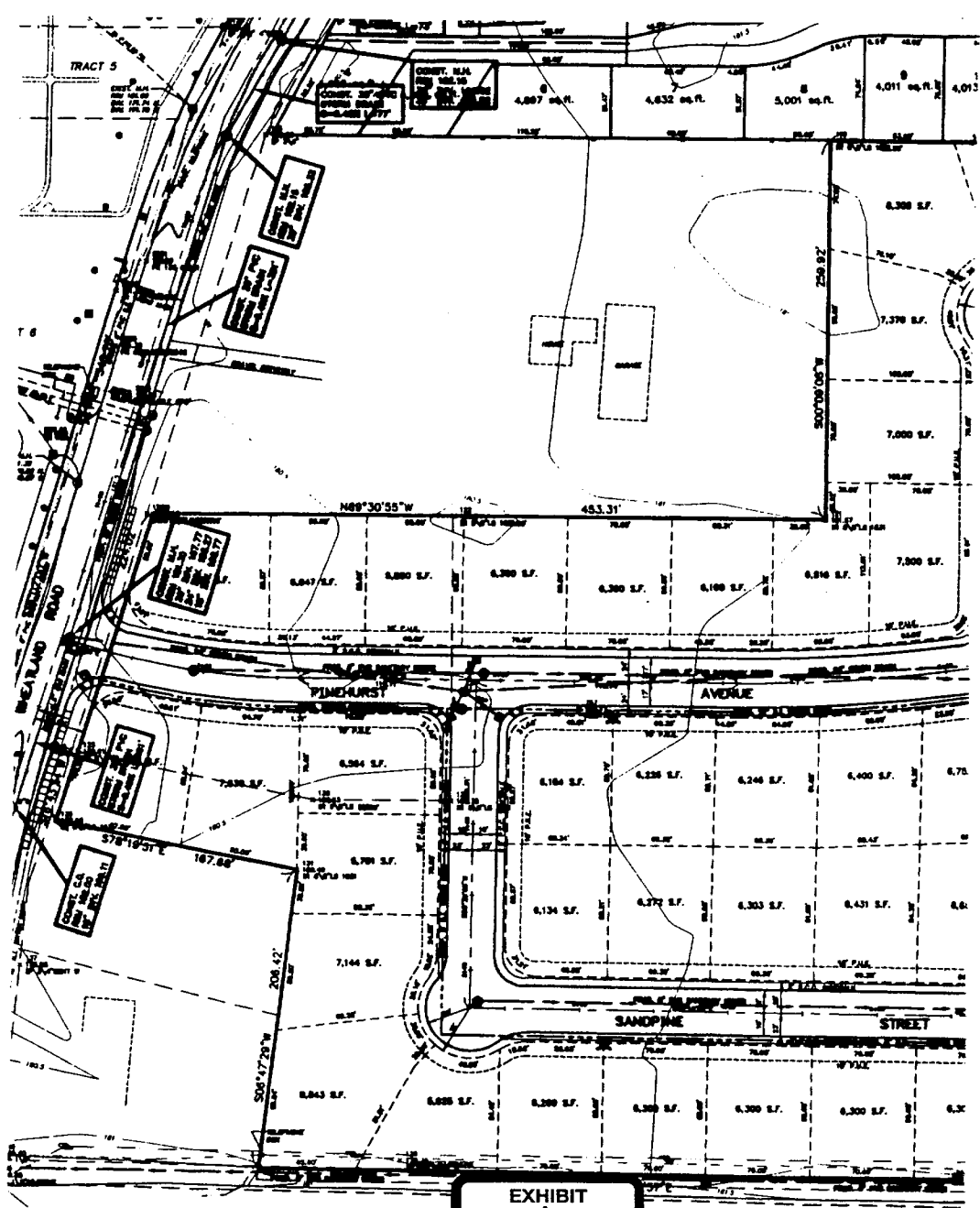
The City of Salem has placed a meter in manhole #42-498-009 between the first link and second link of pipe in this line. As true data is received, it can be analyzed with the theoretical Hydra models to make more accurate projections about the potential ultimate capacity in this 21 inch line.

The limited actual flow data received, to date, from the two meters in Basin 36 indicate the I/I figures being used in the basin models are too high.

The "Keizer Area Sanitary Sewer Master Plan Update 1984" document used an Infiltration/Inflow rate of 1,200 gallons per acre per day for new sewer systems and a 2,500 gallons per acre per day for older areas. These Infiltration/Inflow rates for basin modeling in the City of Keizer appear to be relatively accurate.

CONCLUSION

As Basin 36 develops the available capacity in the existing "interim" 21 inch line will be exceeded. It may be necessary to construct an extension to the existing 36 inch line ending in McNary Estates. The extension would be from McNary Estates to the Willow Lake Treatment Plant. (See Exhibit E, letter from Mauldin, City of Salem, to Mull, May 20, 1993.) When this line will be needed depends upon the rate of development in Basin 36, the need for sewer service to the CAC, and the ultimate land use of the CAC area.



8 inch Sewer Capacity

The question is the capacity of an 8 inch sanitary sewer system, as has been designed and constructed within the Waterford Subdivision.

The limiting pipe run will be the run located in Bachman Drive as it runs away from O'Neil Road.

This pipe run has the following elements:

Diameter	8 inch
Slope	0.003 ft/ft
Manning Coef.	0.013 (Salem Standard)
Minimum Velocity	2.0 ft per sec.
Design Depth	0.46 feet (Salem Standard)
Design Capacity	0.54 cfs

Based on the design criteria that we are aware of for the City of Kalzer sewer facilities is as follows:

2.6 person per house

6 units per acre

75 gpd

1,500 gpd (infiltration)

2.6 peaking factor

Flow per acre 6,942 gpd

Based on the above, the 8 inch sewer main has the capacity to service a total of 4.4 acres. This would be approximately 260 dwelling units.



b. Resource Conservation. Policies are included in Section A of this chapter.

j. 100-year Floodplain

1. Establish an overlay district to regulate development within the 100 - year floodplain. Policies are included in Section A of this chapter.

k. Keizer Dike

1. Establish an overlay district to regulate development on or near the dike. See Section A of this Chapter.

E. PUBLIC FACILITIES TO SUPPORT DEVELOPMENT

1. FINDINGS: GENERAL

a. General

1. The City of Keizer provides sanitary sewer, water, drainage, parks, police protection, local streets and general government services within the existing city boundary. Education services are provided by School District 24J, and fire protection is provided by the Keizer Rural Fire Protection District and Marion County Fire District #1.

2. Sewage treatment is provided by the City of Salem through a services agreement which expires in 1991.

3. Approximately 40 percent of the vacant buildable land within the city has existing sewer and water service designed to serve the area. Within the served area, the Comprehensive Plan diagram provides for:

a. Approximately 50 percent of needed housing.

b. Approximately 30 percent of needed commercial land.

c. Approximately 30 percent of needed industrial land.

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



5. Several major development projects are pending in the area near McNary Golf Course and gravel pit. This area is adjacent to currently served areas, and requires the extension of major public facilities.
6. The Clear Lake area in north Keizer has areas where on-site septic systems have failed. The DEQ has determined that the long-term solution is to provide sanitary sewer service.
7. Currently, no sewer service is available in areas designated for industrial development. The economic development objectives of the City are directly related to the extension of major public facilities to these areas.
8. The cost of providing basic key services and facilities to existing and future development in Keizer is significant.
9. The Salem Area Transportation Study (SATS) is a comprehensive regional transportation plan, and provides policies, standards, implementation programs and coordination for transportation improvements. The City of Keizer has participated in the development of the plan.
10. Response to alternative urban growth alternatives during public workshops, presentations to citizen, business groups and property owners support residential, commercial and industrial growth in Keizer.

2. GOALS AND POLICIES: GENERAL

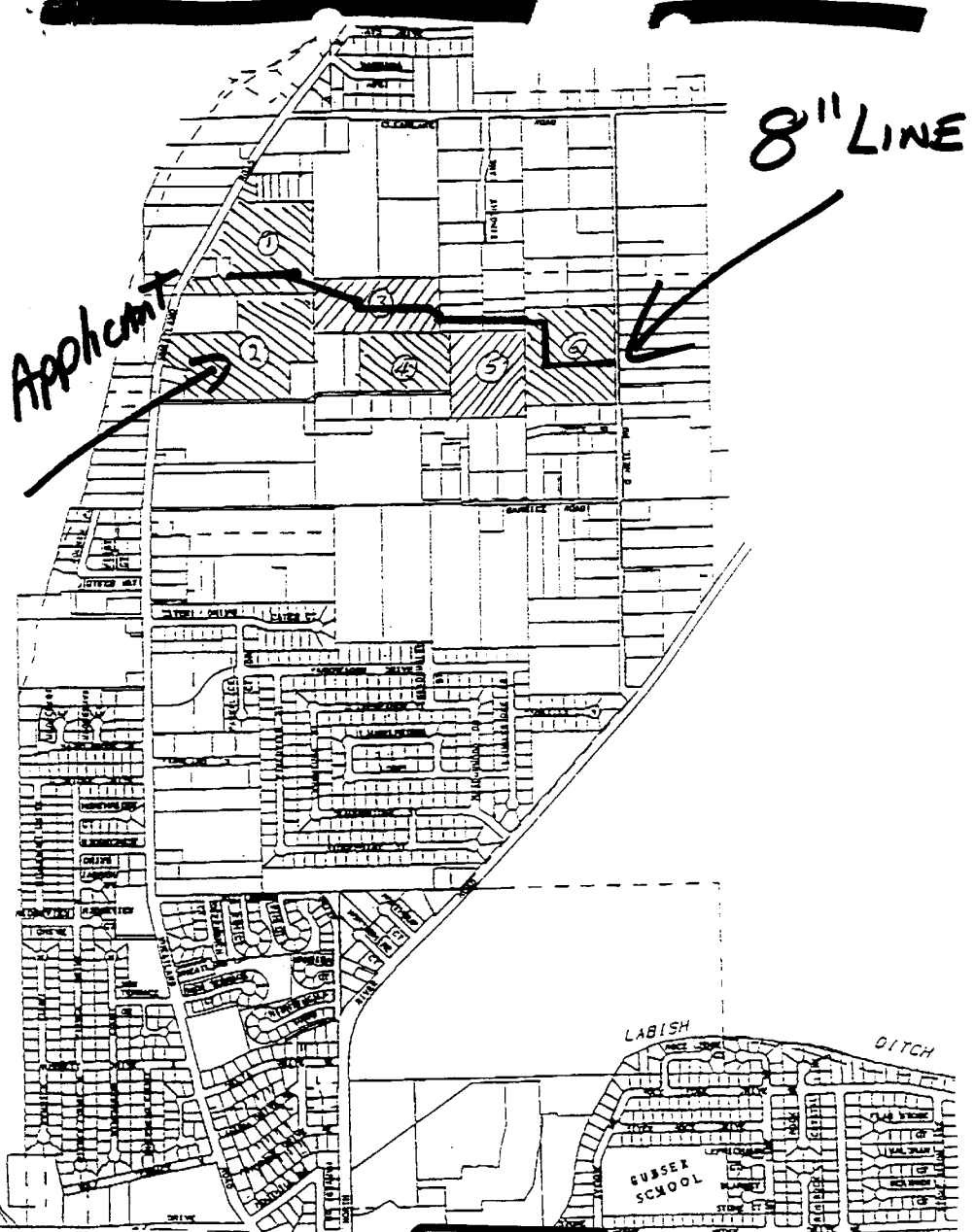
a. General Goals

1. Plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.
2. Provide and encourage a safe, convenient and economic transportation system.

b. General Policies

1. Reduce generally the amount of public subsidy for public utilities, services and facilities in new development.
2. Restrict extension of major public facilities such as sewer and water to areas outside the Urban Growth Boundary, except for cases where exception to Goals 11 and 14 can be secured, when agreed to by the City of Salem and Marion County.

3. Require that long-term planning for major public facilities based on logical, functional boundaries. These boundaries may be outside the urban growth boundary, but such lands will not be needed for development until after 2005.
4. Encourage development in areas already served by major public facilities before extending services to unserved areas.
5. Establish as a high priority the extension of public facilities to the McNary Activity Center.
6. Establish as a high priority the extension of interim public facilities, especially sanitary sewers to areas in Clear Lake having failing on-site disposal systems.
7. Establish as a medium priority the extension of public facilities to the Chemawa Activity Center.
8. Establish as a low priority the extension of public facilities to the special policy area around the Willow Lake Sewage Treatment Plant.
9. Ensure that sewer and water services are provided at an urban level of service comparable to similar services provided throughout the Salem/Keizer urban area.
10. Continue to cooperate and participate with other jurisdictions in the region for the provision of regional services such as sewage treatment, solid waste disposal, public transportation, and other services of regional concern.
11. Ensure that public facility and service planning and implementation are consistent with the Urban Growth and Growth Management policies of this Plan.
12. Continue to participate in the SATS, and ensure that the periodic updating of the plan recognizes the most current forecasts for population and employment growth, and other policies of this plan.
13. Prepare at the time of the first periodic review after acknowledge a Public Facilities Plan.



EXHIBIT

9

TOTAL P.03

CITY OF KEIZER

Subject Property

BASIN 36

TRUNK LINES

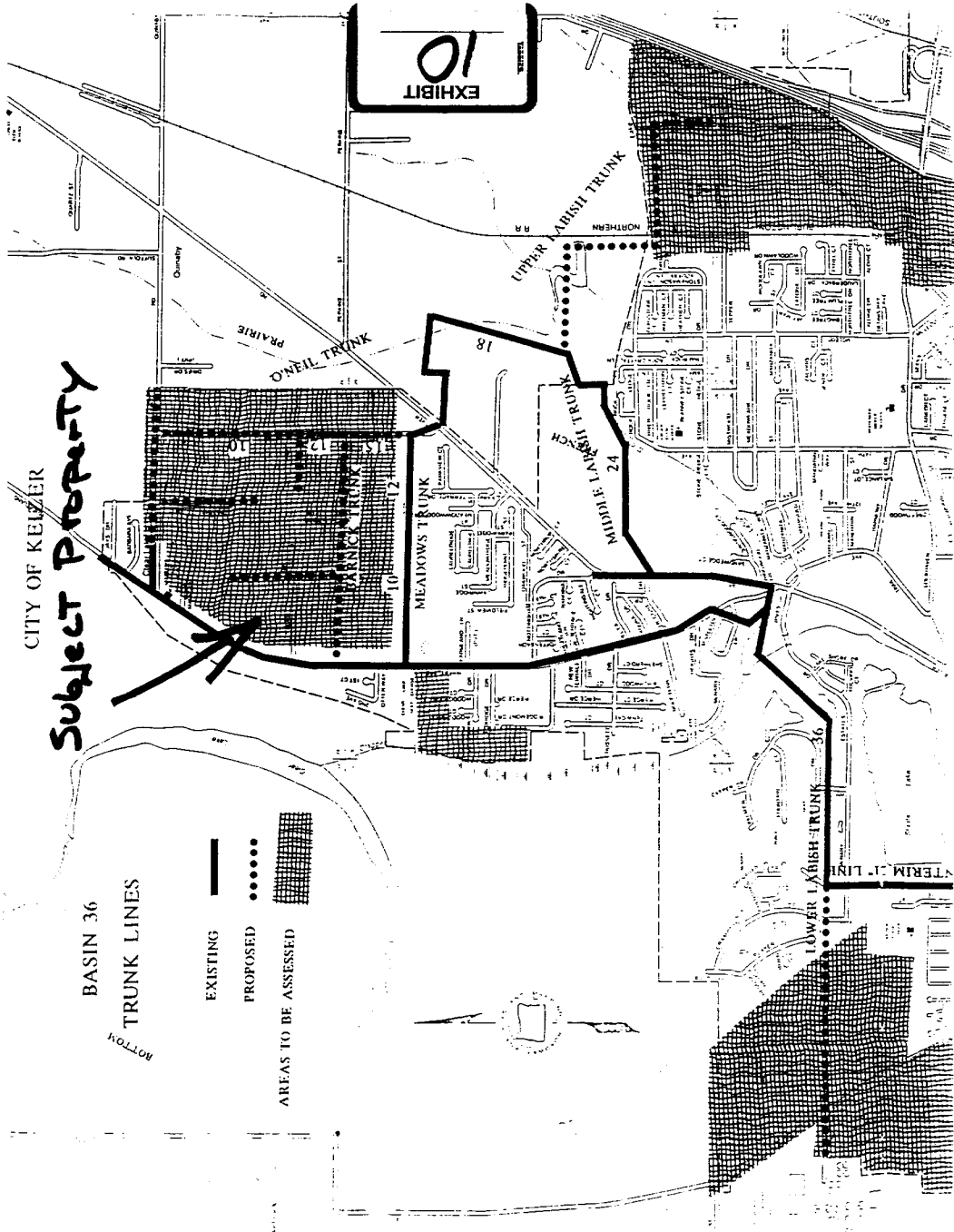
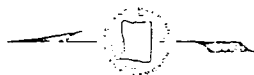
EXISTING

PROPOSED

AREAS TO BE ASSESSED



EXHIBIT 10





930 Chemawa Rd. N.E.
P.O. Box 21000
Keizer, Oregon 97307-100X

April 9, 1997

NOTICE OF HEARINGS OFFICER DECISION

Subdivision Case No. 97-03

Attached please find a copy of the Hearings Officer Decision for Subdivision Case NO. 97-03.

The attached Notice of Decision contains a Summary of the Proposal, Applicable Criteria, Findings, Conclusion, and Appeal Rights.

Any interested person, including the applicant, who disagrees with this decision may appeal the decision to the City Council. Any such appeal must be filed with the Keizer Community Development Department, 930 Chemawa Road, NE, PO Box 21000, Keizer, Oregon 97307 by 5:00 p.m. on or before the tenth day following the date of mailing of this decision, and accompanied by any necessary filing fee. Please see Page 6, **Appeal Rights**, for more information.

If you have any questions, concerns or comments regarding this decision, please contact the Keizer Community Development Department at 390-3700.

•
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
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CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT
930 Chemawa Road, N.E.
Post Office Box 21000
Keizer, Oregon 97307 (503) 390-3700

HEARINGS OFFICER DECISION

Subdivision Case No. 97-03

—————●●●●●—————

APPROVED, SUBJECT TO CONDITIONS OF APPROVAL

—————●●●●●—————

Applicant seeks approval to create a 57-lot single-family subdivision on 12.07 acres in an Urban Transition (UT) zoning district, on property designated Low-Density Residential in the City's Comprehensive Plan

Location: West side of Wheatland Road within the 7600 Block

Legal: Tax Lots 101 and 102; T6S, R3W, Sec. 23CD

Site Size: 12.07 acres

Applicant: Reimann Associates

Property Owner: Jack Yarbrough

Comprehensive Plan: Low-Density Residential

Zoning: Urban Transition (UT)

HEARINGS OFFICER DECISION:

Approved, subject to the conditions of approval set forth beginning at page 7, the proposed a 57-lot single-family subdivision on 12.07 acres in the City's Urban Transition (UT) zoning district.

I. PROPOSAL SUMMARY

Applicant seeks approval of a 57-lot single-family subdivision on 12.07 acres in the City's Urban Transition (UT) zoning district on property designated Low-Density Residential within the City's Comprehensive Plan.

The proposed subdivision features a single access from Wheatland Road, with an internal loop street and stub streets to the south and east. Lots sizes range from 5,562 square feet to 8,529 square feet, with an average lot size of 7,107 square feet resulting in a density of 4.71 units per acre.

For further and additional details, the Hearings Officer adopts, and incorporates by reference, the proposal summary and accompanying background information that appear at pages 1 to 9 of the February 14, 1997, "Keizer Community Development Department Staff Recommendation" ("STAFF REPORT").

II. APPLICABLE CRITERIA

The following criteria apply to the proposed development:

A. SUBDIVISION AND PARTITIONING ORDINANCE

The City of Keizer SUBDIVISION AND PARTITIONING ORDINANCE ("KSPO") provides, in pertinent part:

"CONSIDERATIONS FOR APPROVAL OR DENIAL When considering a subdivision or partitioning plan, the City shall consider whether or not it is in accordance with the Comprehensive Plan and its implementing ordinances and all other land development policies of the City of Keizer." (KSPO § III ["General Regulations"], § 1.)

The KSPO additionally provides, in pertinent part:

"CONFORMANCE WITH REGULATIONS Unless a variance is granted as provided herein, the subdivision shall conform to applicable regulations contained in Sections IV, V, and VI of this ordinance . . ." (KSPO § VIII ["Subdivision Procedure"], § 5.)

KSPO §§ IV, V, and VI prescribe criteria for "ROADS, STREETS, AND EASEMENTS," "BLOCKS AND LOTS," and "SEWAGE, WATER, AND UTILITIES," respectively. Although most of those criteria more appropriately control the physical development of the proposed subdivision at a point in time subsequent to any approval of the subdivision application, Applicant must demonstrate that the proposed subdivision either does now or can, with appropriate conditions of approval, comply with the designated approval criteria prior to subdivision approval.

The STAFF REPORT identifies particular KSPO approval criteria from § III at pages 2-3, from § IV at pages 3-6, from § V at pages 6-7, and from § VI at pages 7-8. The Hearings Officer adopts that identification as his own, and incorporates it herein by reference.

B. SINGLE-FAMILY RESIDENTIAL (RS) ZONING DISTRICT

Chapter 36 of the Keizer Zoning Ordinance ("KZO") — which prescribes various approval and development criteria for the City's UT zoning district — provides that "[n]otwithstanding the zone change procedures in Chapter 4, upon approval and recordation of the plat the land included in the plat *shall automatically be rezoned* to the RS (Single-Family Residential) Zone." (KZO § 36.31(a) [emphasis added].)

Thus, the various development criteria in KZO Chapter 23 ("Single Family Residential [RS]") will apply as well. The STAFF REPORT identifies particular approval criteria from KZO Chapter 23 at page 3. The Hearings Officer adopts that identification as his own, and incorporates it herein by reference.

III. FINDINGS

A. SUBDIVISION AND PARTITIONING ORDINANCE

The STAFF REPORT examines and discusses the various subdivision approval criteria and the Applicant's evidentiary submittals at pages 2-8 thereof. The hearings officer adopts that discussion as his own, and incorporates it herein by reference.

Ron Bassett-Smith, who owns property adjoining the southeast corner of the proposed subdivision, questioned the necessity for the 24-foot half-width requirement for that portion of the development's stub street that exits on Blair Road. Staff responded that the City has required a 48-foot right-of-way to accommodate a future designation of Blair Road as a collector.

On the day of the public hearing, attorney Robert Simon submitted a February 25, 1997, letter (the "Simon letter") containing written "comments" on behalf of Derek Brown. Mr. Brown's relationship or interest in the proposed subdivision is not readily apparent from the Simon letter, but it appears that Mr. Brown has corresponded with the City in the past about sanitary sewer issues in the area.

The Simon letter asked:

- "1. That the record be held open for an additional seven (7) days for more information on sewer capacity at the Wheatland Road Pump Station.
- "2. That the conditions of approval require the Applicant to commit to a sanitary sewer connection at the Wheatland Road pump station.
- "3. That the findings of fact and conclusions of law make a finding of a specific flow capacity of the sanitary sewer at the Wheatland Road pump station.
- "4. That the conditions of approval contain a specific time limit for the pump station connection if the City or the Applicant envision[s] that it is to be 'temporary.'
- "5. That the findings include a discussion of what improvements have been made to the Master Sewer system subsequent to the March 22, 1994[,] Update, and discuss how these improvements led to a determination that there is excess peak capacity at the Wheatland Road pump station.
- "6. That the City be required to place into the record the most recent sanitary sewer system capacity analysis."

In essence, the Simon letter asserts that "the showing of adequate sanitary sewer service for the proposed use" is a subdivision approval criterion (although the letter neglects to cite a source for that assertion), and it further suggests that the City or Applicant would be unable to make the requisite showing.

Upon receipt of the Simon letter, the Hearings Officer asked for the City's written response to the Simon letter. The Hearings Office also left the record open according to the following schedule: (1) on or before March 4, 1997, the City would submit the requested written response to the Simon letter, and any other interested participant could submit writ-

ten comments as well; (2) on or before March 7, 1997,^[1] the Applicant would submit any reply to *either* the City's written comments *or* the Simon letter.

As of Tuesday, March 11, the Hearings Officer had received nothing forwarded from the City in response to the oral directive at the February 25 public hearing. Thus, the Hearings Officer sent a letter to both the City and the Applicant's representatives that prescribed a new timetable for the rendition of the written decision in this matter.^[2] Via a subsequent telephone call soon thereafter, the City advised the Hearings Officer that the City's response would be delivered shortly. On March 31, 1997, the Hearings Officer received the following items from the City (postmarked March 28): (1) the City's Department of Public Works comments dated March 4, 1997, with accompanying technical data; (2) a March 6, 1997, letter from Kenneth Sherman, Jr., Applicant's attorney, and (3) a March 7, 1997, letter from Mark Grenz, Applicant's engineer. Thus, it appears that the City's Public Works Department and the Applicant each complied with the Hearings Officer's schedule established at the February 25 hearing, but the City did not forward any of the evidentiary submittals to the Hearings Officer until almost a month later.^[3]

Applicant's attorney responded to the Simon letter by observing that

¹ The Hearings Officer initially set March 11 as the reply deadline, in order to accommodate a seven-day reply period. At the Applicant's request, the March 11 deadline was shortened to a three-day reply deadline, or no later than March 7.

² That letter read, in pertinent part:

"During the February 25 public hearing on Subdivision Case No. 97-03, I held the record open according to a schedule that allowed the applicant until March 7 to respond to any new evidence. As of March 11, I have not yet received any materials forwarded from the City. I just wanted to clarify that I will have my written decision to the City within ten business days from the date that I receive the new evidence that had been filed with the City during the time I left the record open. In the event that no one submitted any new evidence at all, then I will have my written decision to the City within ten business days from the date that I receive notice to that effect."

³ At the February 25 public hearing, the Hearings Officer committed to having his written decision to the City within ten business days from March 7. That schedule assumed that the Hearings Officer would receive the additional evidentiary submittals on or before March 10. This decision has been submitted to the City within ten business days from March 31, the date the Hearings Officer actually received those evidentiary submittals from the City.

"[i]t is apparent that a number of the questions raised in the Simon letter are not really planning issues which relate directly to the criteria for preliminary approval of a subdivision plan, but are instead the type of issues which are more properly addressed through detailed discussions between the developer and the Community Development and Public Works departments following approval of the preliminary plan." (Sherman letter of March 6, 1997.)

Applicant's engineer similarly responded that "the requests of Mr. Simon are outside of the approval criteria." (Grenz letter of March 7, 1997.)

The Hearings Officer agrees. The Hearings Officer can find nothing in the City's subdivision approval criterion that mentions or prescribes "adequate sanitary sewer service." KSPO § VI ("Sewage, Water, and Utilities") provides, in pertinent part:

"1. Sewage Disposal. All lots or parcels shall be served by an authorized sewage disposal system. . . . The City shall require connection to an existing sewage collection and treatment system . . . if the connection is available or requires an agreement to connect when it becomes available.

* * * * *

"3. Sewer and Water Lines and Connections. All proposed subdivisions within the City, upon a finding by the City that public sewer and water services are imminent, shall be developed with water and sewer lines that meet the specifications of the City."

KZO § 36.31(a) within the City's UT zoning district development provisions provides that

"[a] subdivision . . . may be considered on property in the UT zone if public sewer and water will be available at the time of development."

The Hearings Officer has found no other sewer-related approval criteria. More importantly, the Hearings Officer has found no subdivision criterion that requires — as the Simon letter declares — a "showing of adequate sanitary sewer service for the proposed use" in the manner framed by the contents of that letter, nor has the Hearings Officer found any approval criterion or criteria that even remotely implicate the kinds of "findings" that the Simon letter desires.

In any event, the City's Public Works Department responded with a letter of March 4, 1997, in which the City declares that "sufficient capacity does exist in the system to provide service for the entire development of the subject property." (*Id.* at 1.) Applicant's engineer concurs. (Grenz letter at 1.) Furthermore, the City's proposed conditions of approval — which the Hearings Officer adopts as his own and incorporates by reference beginning at

page 7 — plainly requires the Applicant to connect to an appropriate sanitary sewer facility and to submit engineering detail with respect to sanitary sewer connections prior to final plat approval.

The Hearings Officer finds that the evidence in the file, as supplemented by testimony at the February 25, 1997, public hearing, reflects that Applicant's proposal either fulfills or can, with appropriate conditions of approval, fulfill each of the applicable subdivision approval criteria.

B. SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT

The STAFF REPORT examines and discusses the pertinent RS zoning district development criteria and the Applicant's evidentiary submittals at pages 3-9 thereof. The Hearings Officer adopts that discussion as his own, and incorporates that discussion herein by reference.

The Clearlake Neighborhood Association submitted comments on the subdivision's density, and urged that the density be kept as low as possible. However, the subdivision design falls within with the density limitations in the City's Comprehensive Plan. The Neighborhood Association also suggested the imposition of "buffer" requirements. However, neither the City's Subdivision and Partitioning Ordinance nor the City's Zoning Ordinance contains any approval criteria that incorporates "buffer" standards or requirements for adjacent single-family residential developments.

The Hearings Officer finds that the evidence in the file, as supplemented by testimony at the February 25, 1997, public hearing, reflects that Applicant's proposal either fulfills or can fulfill each of the RS zoning district development criteria that apply at this point in the subdivision approval process.

IV. CONCLUSION

The Hearings Officer concludes that, based upon the above findings, that the Applicant has either fulfilled or can, by complying with the conditions of approval set forth below, fulfill the various subdivision approval criteria.

Prior to final plat approval, the Applicant shall comply with the following conditions of approval:

1. Except as modified in this paragraph, Applicant shall comply with and otherwise fulfill the various conditions identified and recommended in parts IV ("Development Considerations") and V ("Recommendations and Conditions") at pages 9-11 of the STAFF REPORT. The Hearings Officer adopts those proposed conditions as his own, and incorporates them herein by reference, *except*, however, that proposed condition 3c on page 10 of the STAFF REPORT shall be replaced with the following condition:

"c. The final plat shall contain a turnaround on the northeastern stub street, approximately centered on proposed Lots 17, 18, 19, and 20, which turnaround shall be constructed to the requirements of, and shall be approved by, the Marion County Fire District No. 1 and the City of Keizer Public Works Department."
2. Applicant shall comply with and otherwise fulfill the comments and recommendations that appear in the Public Works Department's February 14, 1997, comment letter (Exhibit D to the STAFF REPORT). The Hearings Officer adopts those comments and recommendations as his own (including the Public Works Department's comments), and incorporates them herein by reference.
3. Applicant shall either obtain a variance to the City's frontage requirements for Lots 11, 26, 27, and 52, as identified on page 7 of the STAFF REPORT, or reconfigure those lots in order to comply with frontage requirements.

V. APPEAL RIGHTS

Any interested person, including the applicant, who disagrees with this decision may appeal the decision to the City Council. Any such appeal must be filed with the Keizer Community Development Department, 930 Chemawa Road, N.E., Keizer, Oregon 97303, by 5:00 p.m. on or before the tenth day following the date of mailing of this decision, and accompanied by any necessary filing fee.

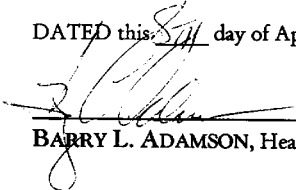
The appeal must:

- ♦ be in writing,
- ♦ request that the Council hold a hearing on the application, and
- ♦ *either* explain why the appellant believes the decision to be factually or legally incorrect or based on incomplete facts, *or* present new facts material to the decision, the omission of which resulted in a factually or legally incorrect decision, *or* offer

modifications to the decision that will conform the proposal to the requirements of the pertinent criteria governing the application.

This decision shall be effective and final after the tenth day following the date of mailing, unless appealed.

DATED this 8th day of April, 1997.



BARRY L. ADAMSON, Hearings Officer

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
STAFF RECOMMENDATION**

SUBDIVISION CASE No. 97-03

TO: Barry Adamson, Keizer Hearings Officer (Interim)
FROM: Walter J. Wendolowski, AICP, Keizer City Planner (Contract)
SUBJECT: Subdivision Case No. 97-03
DATE: February 14, 1997

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

I. GENERAL INFORMATION

- A. **APPLICANT:** Reimann Associates (for property owned by Jack Yarbrough).
- B. **PROPERTY LOCATION:** The subject property is located on the east side of Wheatland Road within the 7600 Block. The property is not addressed but the Assessor's map identifies the property as being located within Township 6 South, Range 3 West, Section 23CD; Tax Lot #101, 102. See Exhibit "A".
- C. **EXISTING PARCEL SIZE:** 12.07 acres.
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The property fronts a public street and may be served by public water and sewer.
- E. **PLAN DESIGNATION AND ZONING:** The property is designated Low Density Residential and zoned Urban Transition (UT).
- F. **ADJACENT ZONING AND LAND USES:** Property to the north, east and south is also zoned UT. The dominant land use in these areas is large acreage residences. To the west is Medium Density Residential (RM) zoned property containing the Lutheran Retirement facilities. See Exhibit "B".
- G. **PROPOSAL:** The applicant is requesting approval to create a 57 lot single family subdivision. See Exhibit "C".

II. AGENCY COMMENTS

- A. TCI Cable reviewed the proposal and offered no comment. The Salem Transit District indicated the proposal may generate the need for transit service. Such service is not currently available.
- B. The City Engineer provided comments regarding public facility improvements. The complete comments are attached as "Exhibit D" and are incorporated into this staff report. A brief summary follows:
 - 1. Sanitary Sewer - There are no capacity issues relating to the development. Engineering plans must be approved by the City and the applicant is responsible for systems charges. The system must be designed to continue through the development to provide connection with adjacent properties.
 - 2. Water - There are no capacity issues relating to the development. Engineering plans must be approved by the City and the applicant is responsible for systems charges. A 12" main from Wheatland Road to the east end of the property will be required. The location of fire hydrants must be approved by the Marion County Fire District.
 - 3. Street - Sufficient land must be dedicated to provide a 34 foot right-of-way from centerline along the property's Wheatland Road frontage. A standard half-street improvement will be required. Several cul-de-sac lots will either need to increase the minimum frontage or receive variance approval to this requirement.

The stub street at the east end of the property will provide an emergency access to a future manufactured home park. This is acceptable provided a cul-de-sac is constructed, roughly centered with Lots 17, 18, 19 and 20. A private drive from the end of the cul-de-sac may then be installed.
 - 4. Drainage - A overall master storm plan must be developed for the area. Storm water detention will likely be necessary.

III. FINDINGS - SUBDIVISION

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

FINDINGS: 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.

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

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

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

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

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

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

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

- E. Section IV., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for roads, streets and easements. These standards, and staff's comments, are noted as follows:

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

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

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

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

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

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

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

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

FINDINGS: The proposal complies with this requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINDINGS: The proposal does not contain private streets.

- F. Sections V., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for blocks and lots. These standards, and staff's comments, are noted as follows:

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

FINDINGS: No block length exceeds 600 feet.

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

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

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

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

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

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

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

FINDINGS: The corner lots comply with this requirement..

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

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

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

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

- G. Section VI., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for public facility improvements. These standards, and staff's comments, are noted as follows:

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

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

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

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

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

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

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

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

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

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

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

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

IV. DEVELOPMENT CONSIDERATIONS

- A. The City Engineer submitted a list of development requirements. The requirements are necessary to ensure public health and safety. Staff recommends their placement 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. These requirements apply to this request. Further, the developer is responsible for all utility connection costs.
- C. The City's System Development Charge for park development is \$300.00 per single-family dwelling or duplex unit and \$200.00 for each apartment unit. These Development charges, as well as those involving the extension of sewer and water, will apply to this request.

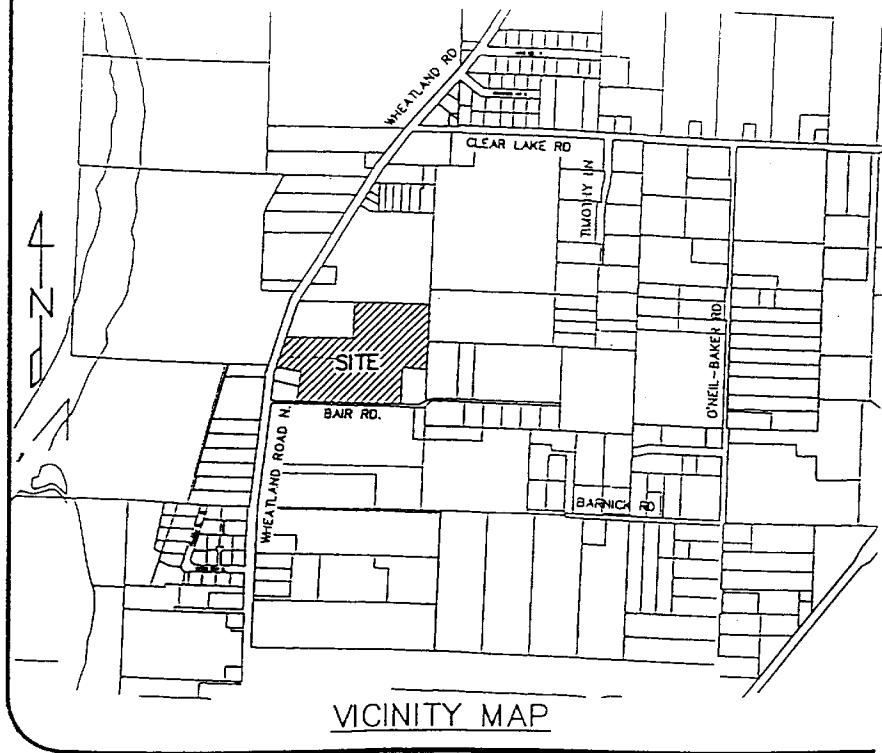
V. RECOMMENDATION AND CONDITIONS

- A. The available evidence indicates the subdivision proposal complies with the decision criteria. Staff recommends approval of the subdivision subject to the following conditions:
 - 1. The applicant shall take part in a conference with the applicable public facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings. It is recommended the conference participants include the Keizer Department of Public Works, Keizer City Engineer, Keizer Fire District, City of Salem Department of Public Works (sewer), and private utility providers.
 - 2. The applicant shall submit an engineering site plan to the Keizer Department of Public Works for its review and approval. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to show compliance with Public Works development standards. Additional requirements are attached as Exhibit "D" and are, by reference, included in this condition.
 - 3. The applicant shall submit a detailed site plan (plat) to the Keizer Community Development Department for review and approval prior to submittal of a final plat. The detailed plan shall include the following provisions:
 - a. Shall substantially conform to the proposed subdivision request.

- b. Include all engineering elements as required by Exhibit "D" (item #2, above).
 - c. The final plat shall contain a cul-de-sac on the northeastern stub street, approximately centered on proposed Lots 17, 18, 19 and 20.
 - d. The stub street on the southeast corner shall have a minimum right-of-way width of 24 feet.
 - e. Lots shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone.
 - f. The lots shall comply with the frontage requirements of the Keizer Subdivision and Partitioning Ordinance. Alternatively, the applicant may apply for a variance to reduce the frontage dimension.
 - g. The large lot between Lots 27 and 28 shall be identified on a the final plat as a lot or tract.
4. 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.
5. Street names for the subdivision shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names.
6. The preceding items 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. Frontage improvement, including curb, sidewalk, paving and drainage, shall be installed along the portions of Wheatland Road fronting the subject property. The applicant shall install full street improvements and other public services within the entire development. These improvements shall conform to the plans approved by the City of Keizer Department of Public Works. Adequate bonding or other financial security shall be obtained.
 - 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.

- c. The applicant shall have the option of phasing the facility improvements and the City financial agreements, except that frontage improvements along Wheatland Road which shall be completed prior to the occupancy of any one dwelling.
 7. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.
- B. REQUIREMENTS: The Keizer Zoning Ordinance, and Keizer Subdivision and Partitioning Ordinance, establish specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment 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. Unless otherwise required by this decision, development of the individual lots shall comply with the applicable requirements of the Keizer Zoning Ordinance and building requirements of the Marion County Building Inspection Division.
 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 Plat.

EXHIBIT "A"



CLEAR
LAKE

CR

BARBARA AVE
CLEAR LAKE
GARDENS

VB2-1

K4B-10

CLEAR LAKE
SCHOOL

EXHIBIT "B"

MARKS DR N

TIMOTHY LN

KP90-5

KCU 87-2

CU 77-91

KCU 87-6

BLAIR RD. N

UT

Wotherspoon DR NE

KP91-4

RS

BA-10

RS

PS12
KCU 89-6

P

F

CECHIN
6329
2ND AVE
BARK
1ST CT
LITTLE WAY
6228
MPT9-5

KUA 89-3
PTS 129
KCU 89-3

KSUB-1
K4 89

ATLAND

EXHIBIT "C"

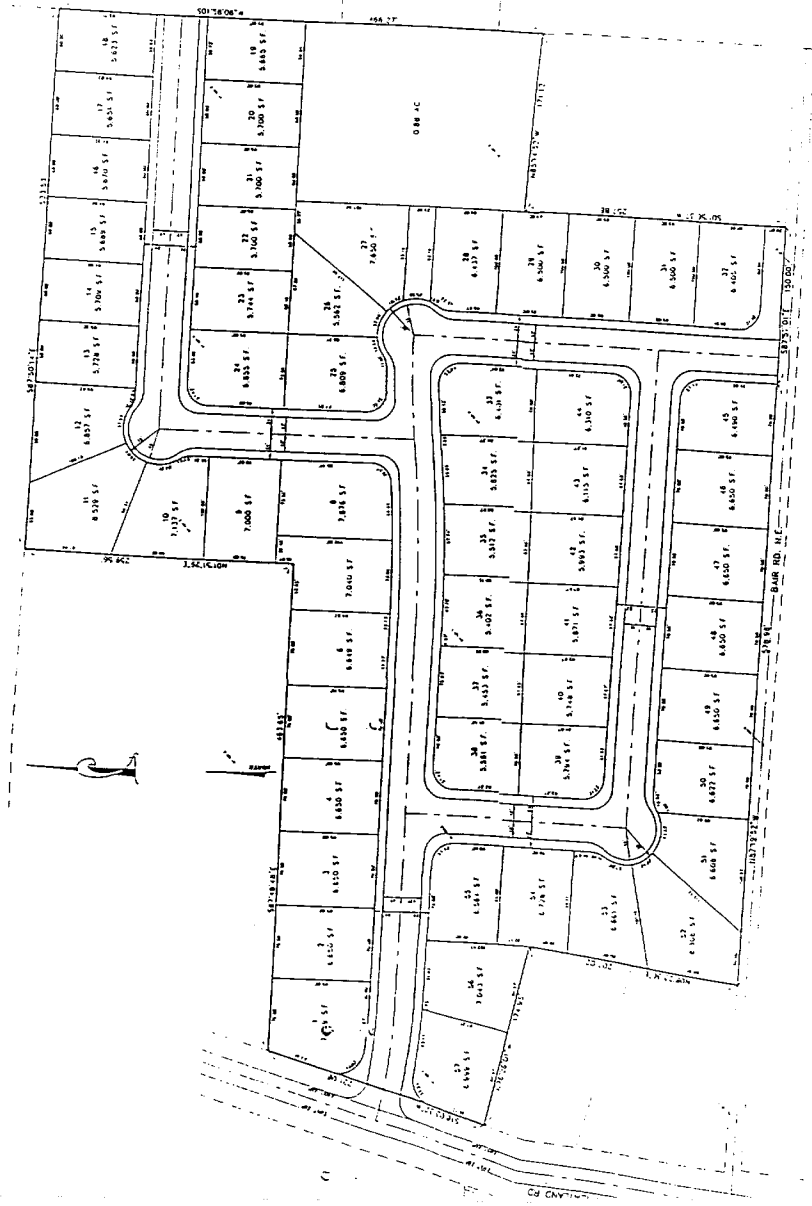


EXHIBIT "D"

DATE: FEBRUARY 14, 1997

TO: CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUBDIVISION CASE NO. 97-3
REIMANN ASSOCIATES
7600 Block of Wheatland Rd.

DEPARTMENT COMMENTS

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

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

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

SANITARY SEWERS:

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

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

Subdivision 97-3
February 14, 1997
Page 2

WATER SYSTEM:

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

STREET AND DRAINAGE IMPROVEMENTS:

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

Subdivision 97-3
February 14, 1997
Page 3

- c.) Wheatland Road improvements along the frontage of the subject property shall be required as a condition of the proposed development. Right of Way dedication shall be made to the City of Keizer to provide 34 feet of right of way from the existing centerline of Wheatland Road. Roadway improvements to Wheatland Road shall be made to provide for a one half street section along the subject property to the arterial standards of the City of Keizer.
- d.) The Public Works Department notes that several lots shown in the proposed subdivision do not meet the city standard frontage requirements. If a variance request for a reduction is submitted, the Public Works Department requests that driveway drop curb designs be submitted for those lots to ensure conformance with handicap access requirements.
- e.) A one-half street is indicated at the southeast corner of the development. The right of way needed at this time for consideration of a half-street is 24 feet. Improvements may be required for the future street at the time of platting of the proposed subdivision.
- f.) The most northeasterly stub street (in the vicinity of lots 18 and 19) ends at a property line adjacent to a proposed manufactured home park under consideration for approval at this time. The manufactured home park is proposed to have private streets. It appears that the intent is to create a through way at this location. In a discussion with the engineer for this project, he indicated that the street system was being laid out this way to provide for emergency access. The Public Works Department agrees with the emergency access at this point but will require a standard cul de sac roughly centered with lots 17, 18, 19, and 20. A private drive from the end of the cul de sac is acceptable for access to the manufactured home street system.

OTHER

- a.) A public street light district shall be created to provide for adequate street lights along the frontage of Wheatland Road and the proposed new subdivision streets.
- b.) Construction permits are required by the Department of Public Works prior to any public facility construction.

Contact Scott Peterson at the City Engineer's office at 390-7402 for the necessary permit information that is required.

- c.) A Pre-design meeting will be required prior to the Developer's Engineer submitting plans to the city for review

Subdivision 97-3
February 14, 1997
Page 4

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



June 2, 1997

AGENDA ITEM 6C

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

CITY COUNCIL MEETING: June 2, 1997

AGENDA ITEM NUMBER: 6c

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING
PLANNED UNIT DEVELOPMENT CASE 97-91
AMENDMENT TO STAATS LAKE PLANNED UNIT DEVELOPMENT

DISCUSSION:

Staats Lake Planned Unit Development (CU/PUD/FP Case 93-02) was approved by the City Council in March of 1993. Approval of the project fulfilled the requirement of the McNary Activity Center Plan that a master plan for the site must be reviewed and approved through a planned unit development process. That process assured the specific development proposal conformed to the design standards of the McNary Activity Center Plan.

A copy of the approved plan is attached for the Council's reference.

This is a proposal to amend the PUD plan by dividing several of the large parcels shown on the original plan. However, the land divisions are intended to facilitate sales of individual buildings, not to change the design or design concepts of the property.

A detailed staff report is attached that describes the proposal in detail and includes the staff analysis and recommendations. A summary is presented below.

There are two major components to the proposed PUD change:

- The original plan shows a row of townhouses along the northern edge of Staats Lake with houseboats on the water. The townhouses are all on one lot and the houseboats do not have any lots established. The proposed design includes separate lot for groups of townhouses for a total of 12 lots. In addition, a water lot is created for the houseboats.

- The second component is a division of a large lot shown on the original plan for commercial development into five lots, with four being relatively small and fronting the lake, and one larger lot sitting behind.

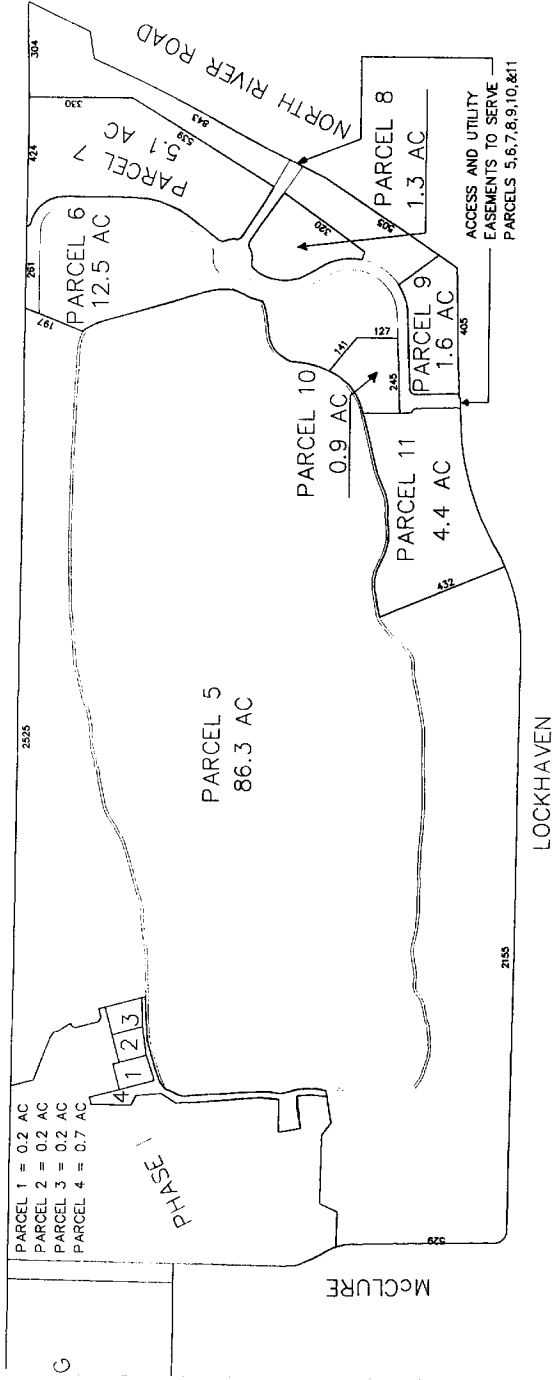
Staff finds that the proposed lot configuration conforms with and helps to implement the originally approved PUD design. It also conforms with the design standards of the McNary Activity Center Plan, however, all conditions of approval of the original PUD, such as pedestrian and vehicular circulation requirements, should be specifically noted as continuing to apply with this revisions.

RECOMMENDATION:

It is recommended Council:

1. Open and conduct the public hearing, continuing the hearing until June 16, 1997;
2. Deliberate on the testimony received this evening; and
3. Direct staff to prepare an order approving PUD 97-01 subject to the conditions of approval found in the detailed staff report and including the provision that all conditions of approval of CU/PUD/FP Case 93-02 still apply. That order shall be brought to the Council on June 16, 1997 for consideration and adoption.

PROPOSED PARCELS



Owner (All Lots)
Staats Lake, LLC
P.O. Box 12095
Salem, OR 97302

SCALE 1" = 300'



TO: Mayor Koho and City Council

FROM: Amy C. Drought, Keizer City Planner

THROUGH: John Morgan, Community Development Director

SUBJECT: Staats Lake Planned Unit Development Amendment Case No 97-01

DATE: May 28, 1997

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

I. GENERAL INFORMATION

- A. **APPLICANT:** Staats Lake LLC
- B. **PROPERTY LOCATION:** The subject property is located in the Staats Lake Planned Unit Development, off of Inland Shores Way N. The subject property are Parcels 5 and 6 which located along the northern shore of Staats Lake, and the northeastern edge of the development adjacent to North River Road. The subject property is identified by the County Assessor as located within Township 6 South, Range 3 West; Section 35; Tax Lot 600; and Township 6 South, Range 3 West, Section 35BD, Tax Lots 2300 and 2400.
- C. **EXISTING PARCEL SIZE:** Parcel 5: 68.1141 acres; Parcel 6: 12.6158 acres.
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The property is served by private streets and may be served by public water and sewer.
- E. **PLAN DESIGNATION AND ZONING:** The property is zoned Mixed Use.
- F. **ADJACENT ZONING AND LAND USES:** McNary Estates golf course to the north and mixed use residential and commercial to the east.
- G. **PROPOSAL:** The applicant is requesting approval to divide the unimproved parcels 5 & 6 into 23 lots. This proposal is in complete accordance to the Staats Lake Planned Unit Development Master Plan which was approved in March of 1993. The applicant is proposing to create 12 lots for Townhomes along the northern shore of the Lake. The

applicant is also proposing to create a lot for houseboats, and lots along the eastern boundary of the property for commercial development. Access to these lots will be off of Inland Shores Way which is a private street.

II. AGENCY COMMENTS

- A. The Keizer Fire District is requiring the applicant to have a pre-design meeting with the Fire District. All Fire Department access and suppression issues must be addressed and a plan developed that complies with the Uniform Fire Code prior to the start of any construction.
- B. The City Engineer provided comments regarding public facility improvements. The complete comments are attached as "Exhibit C" and are incorporated into this staff report. A brief summary follows:
 - 1. Sanitary Sewer - The subject property is not within the original Keizer Sewer District and was therefore assessed an acreage charge when the original sanitary sewer system was constructed for this area of Keizer.
 - a) City of Salem approval for local sewer permits will need to be issued prior to construction.
 - b) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
 - c) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
 - d) No sanitary sewer construction shall begin prior to the recording of the development agreement for the subdivision improvements.
 - e) Utility easements shall be required over the proposed private access shown on the preliminary plan. Additional easements may be necessary to obtain the necessary separation between sewer and water mains.
 - f) Lot 13 will require a pumping station for service. It will be the applicant's responsibility to show that there is adequate downstream capacity for the pumped system. Lot 13 is located on the lake and was not part of the original assessment for the subject property. The lot will be subject to an acreage charge for the construction of sewer trunk lines for this area of Keizer. The current charge is \$4,000.00 per acre. The actual assessment will be the assessment in place at the time of actual platting of the subdivision.

2. Water

- a) Appropriate easements for all public water mains and fire hydrants will be required for all construction outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections.. An overall master water plan for the proposed development shall be submitted for review by the Department of Public Works prior to the submission of any construction plans for the development.
- b) Final development plans shall be reviewed by the Keizer Fire Department with regard to access and adequate location of fire hydrants prior to any issuance of building permits by the City of Keizer.
- c) Any existing wells on the subject property are to be abandoned in accordance with the rules of the Oregon State Water Resources Department.
- d) Location of all meters to be approved by Keizer Water Department.
- e) No Polywrap will be required for public water mains for the subject property.
- f) Existing grade conflicts between the water and sanitary sewer lines shall be corrected prior to additional approvals for development within the subject property.

3. Street and drainage improvements

- a) The Developer's engineer shall submit a storm drainage plan that will provide service to this area of Keizer. Review of the plan shall be completed prior to the submission of street and drainage plans for permits.
- b) Storm water detention will not be required for this site. All storm water and roof drains to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces.
- c) It will be the responsibility of the applicant's engineer to provide evidence to the public works department that no natural drainage from or to adjacent property will be impeded by the development of the subject property.

d) Adequate provisions for recorded turn arounds or backing areas with appropriate signage will be required. Reciprocal easements will also be required. Proposed turning maneuvers at ends of private drives shall be approved by the City Traffic Engineer and Keizer Fire District.

4. Other - A public street light district shall be created to provide for adequate street lights along the frontage of the proposed new subdivision. A pre-design meeting will be required prior to the Developer's Engineer submitting plans to the City for review. A pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.

III. FINDINGS

- A. The current proposal is to subdivide property within the Staats Lake Planned Unit Development according to the 1993 approved master plan. The proposed subdivision features access from North River Road onto Inland Shores Way which is a private street. Inland Shores Way will provide access to the townhouses along the northern boundary of the development and will eventually connect to the lots to the west. The proposed new lots range in size from .28 acres to 53.36 acres.
- 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.

FINDINGS: The proposed development is within the McNary Activity Center, which is a special overlay zone regulating development in an integrated pattern emphasizing employment opportunities, transit and pedestrian facilities and circulation patterns. The overlay zone implements policies contained in the City's comprehensive plan, in particular the McNary Activity Center Design Plan, which established specific design guidelines for this property. The guidelines include a mixture of higher density residential development and commercial activities on the subject property such as the applicant proposes.

In March 1993, the applicant received approval for a Conditional Use Permit, Floodplain Development Permit, and Planned Unit Development permit. As part of this approval, the applicant submitted a master plan for the entire development. The current proposal is consistent with the expected mixture and residential and commercial uses as outlined in the approved master plan, including density levels.

- C. Section IV., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for roads, streets and easements. These standards, and staff's comments, are noted as follows:

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

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

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

FINDINGS: The applicant will not be required to dedicate to the City any right-of-way as this is a private development.

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

FINDINGS: The proposed street, Inland Shores Way, will be extended to the lots to the west in the future. Therefore, it is platted without a turnaround.

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

FINDINGS: The proposed subdivision meets this standard.

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

FINDINGS: Street grades are not expected to exceed 12 percent.

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

FINDINGS: No reserve strips will be required.

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

FINDINGS: The applicant will not be required to dedicate to the City any right-of-way as this is a private development.

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

FINDINGS: The applicant will not be required to dedicate to the City any right-of-way as this is a private development.

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

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

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

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

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

FINDINGS: The applicant will be required to meet the street and drainage improvements as specified in the Engineer's Requirements contained in Exhibit C.

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

FINDINGS: The proposal does contain private streets and they will be maintained by the Homeowners' Association.

- F. Sections V. of the Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for blocks and lots. These standards, and staff's comments, are noted as follows:

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

FINDINGS: The proposed subdivision meets this standard.

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

FINDINGS: The Planned Unit Development Master Plan provides for a pedestrian walk way around the perimeter of the Lake. Therefore, midblock walks are unnecessary.

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

FINDINGS: The proposed subdivision is in accordance with the 1993 approved Planned Unit Development Master Plan.

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

FINDINGS: The proposed subdivision complies with this standard.

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

FINDINGS: All corner lots meet this standard.

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

FINDINGS: The proposed lots comply with this provision.

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

FINDINGS: No designated Arterial Street projects into, or across the proposed subdivision.

- G. Section VI., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for public facility improvements. These standards, and staff's comments, are noted as follows:

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

FINDINGS: Pursuant to comments received by the City Engineer, public sanitary sewer lines can be extended to the property. All improvements must comply with City Public Works Standards.

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

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

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

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

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

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

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

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

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

FINDINGS: The City Engineer noted that the development will require a public street light district to be created to provide for adequate street lights along the frontage of the proposed new subdivision street.

IV. DEVELOPMENT CONSIDERATIONS

- A. The City Engineer submitted a list of development requirements. The requirements are necessary to ensure public health and safety. Staff recommends these 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. These requirements apply to this request. Further, the developer is responsible for all utility connection costs.
- C. The City's System Development Charge for park development is \$300.00 per single-family dwelling or duplex unit and \$200.00 for each apartment unit. These Development charges, as well as those involving the extension of sewer and water, will apply to this request.

V. RECOMMENDATION AND CONDITIONS

- A. The available evidence indicates the subdivision proposal complies with the decision criteria. Staff recommends approval of the subdivision subject to the following conditions:
 1. The applicant shall take part in a conference with the applicable public facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings. It is recommended the conference participants include the Keizer Department of Public Works, Keizer City Engineer, Keizer Fire District, City of Salem Department of Public Works (sewer), and private utility providers.
 2. The applicant shall submit an engineering site plan to the Keizer Department of Public Works for its review and approval. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to show compliance with Public

Works development standards. Additional requirements are attached as Exhibit "F" and are, by reference, included in this condition.

3. The applicant shall submit a detailed site plan (plat) to the Keizer Community Development Department for review and approval prior to submittal of a final plat. The detailed plan shall include the following provisions:
 - a. The plan shall substantially conform to the proposed subdivision request.
 - b. Include all engineering elements as required by Exhibit "C"
4. 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.
5. Street names for the subdivision shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names.
6. The preceding items 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 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.
 - b. The applicant shall have the option of phasing the facility improvements.
7. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

- B. **REQUIREMENTS:** The Keizer Zoning Ordinance, and Keizer Subdivision and Partitioning Ordinance, establish specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment 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. Unless otherwise required by this decision, development of the individual lots shall comply with the applicable requirements of the Keizer Zoning Ordinance and building requirements of the Marion County Building Inspection Division.
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 Plat.

REPORT PREPARED BY: Amy C. Drought, City Planner

REPORT APPROVED BY:

John N. Morgan, AICP
Community Development Director

Date

EXHIBIT A

EXHIBIT MAP NO. 1

In NE 1/4 and S.E. 1/4 Sec. 34 and
N.W. 1/4 and S.W. 1/4 Sec. 35, T. 6 S., R. 3 W., W.M.
CITY OF KEIZER, MARION COUNTY, OREGON

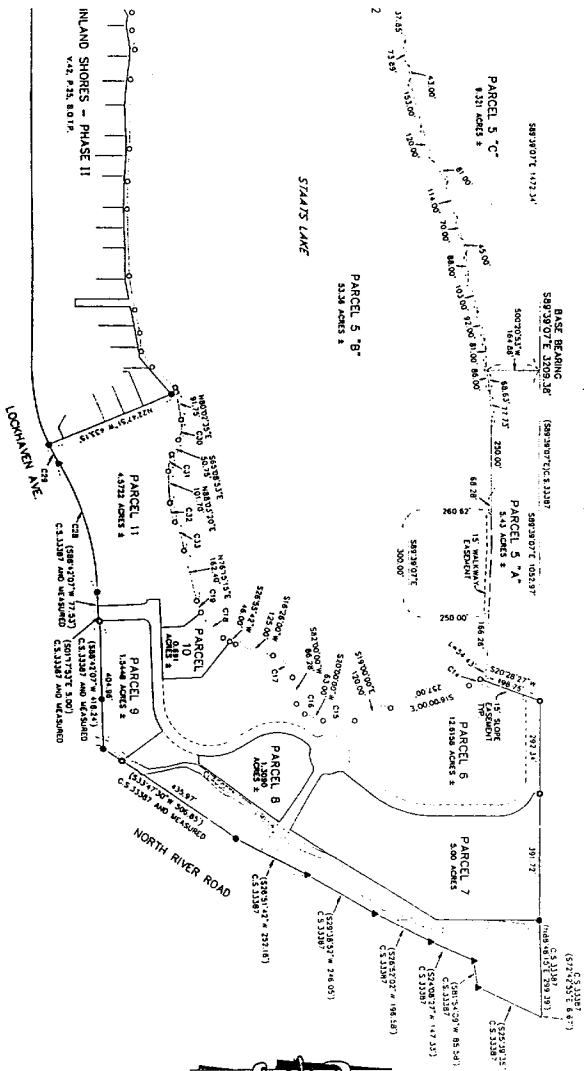
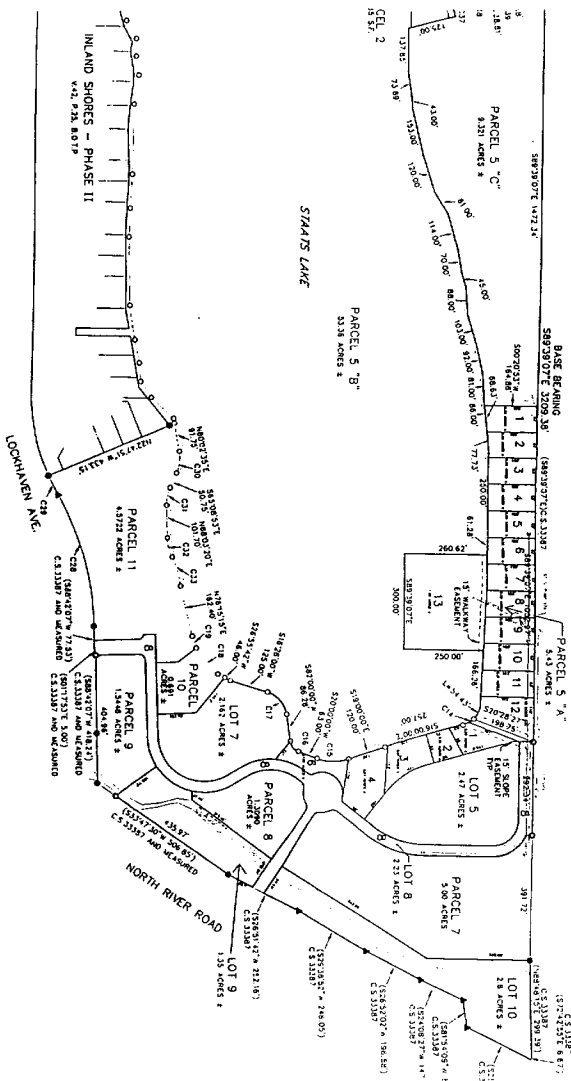


EXHIBIT B

EXHIBIT MAP NO. 2

IN N.E. 1/4 and S.E. 1/4 Sec. 34 and
N.W. 1/4 and S.W. 1/4 Sec. 35, T. 6 S., R. 3 W., W.M.
CITY OF KEIZER, MARION COUNTY, OREGON



DATE: MAY 26, 1997

EXHIBIT C

TO: CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: PUD AMENDMENT CASE NO. 97-01
INLAND SHORES PARCELS 5 AND 6
STEVE WARD, WESTECH ENGINEERING



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

DEPARTMENT COMMENTS

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

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

The plan for the proposed subdivision is create 26 lots on 78 acres, more or less. Vehicular access is from Inland Shores Way, a private drive.

Plat approval will be withheld until it is determined that conditions of PUD Case 93-02 have been or will be met.

SANITARY SEWERS:

The subject property is not within the original Keizer Sewer District and was therefore assessed an acreage charge when the original sanitary sewer system was constructed for this area of Keizer

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
- d.) No sanitary sewer construction shall begin prior to the recording of the development agreement for the subdivision improvements.
- e.) Utility easements shall be required over the proposed private access shown on the preliminary plan. Additional easements may be necessary to obtain the necessary separation between sewer and water mains.

•
Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3710
Fax 503.393.9437
Police (business only)
Phone 503.390.3710
Fax 503.390.8295
•

Incorporated 1982
Pride, Spirit, Volunteerism

SANITARY SEWERS. CONTINUED

- f.) Lot 13 will require a pumping station for service. It will be the applicant's responsibility to show that there is adequate downstream capacity for the pumped system. Lot 13 is located on the lake and was not part of the original assessment for the subject property. The lot will be subject to an acreage charge for the construction of sewer trunk lines for this area of Keizer. The current charge is \$4,400.00 per acre. The actual assessment will be the assessment in place at the time of actual platting of the subdivision.

WATER SYSTEM:

- a.) Appropriate easements for all public water mains and fire hydrants will be required for all construction outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections. An overall master water plan for the proposed development shall be submitted for review by the Department of Public Works prior to the submission of any construction plans for the development.
- b.) Final development plans shall be reviewed by the Keizer Fire Department with regard to access and adequate location of fire hydrants prior to any issuance of building permits by the City of Keizer.
- c.) Any existing wells on the subject property are to be abandoned in accordance with the rules of the Oregon State Water Resources Department.
- d.) Location of all meters to be approved by Keizer Water Department.
- e.) No Polywrap will be required for public water mains for the subject property.
- f.) Existing grade conflicts between the water and sanitary sewer lines shall be corrected prior to additional approvals for development within the subject property.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) The Developer's engineer shall submit a storm drainage plan that will provide service to this area of Keizer. Review of the plan shall be completed prior to the submission of street and drainage plans for permits.

- b.) Storm water detention will not be required for this site. All storm water and roof drains to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces.

STREET AND DRAINAGE, CONTINUED

- c.) It will be the responsibility of the applicant's engineer to provide evidence to the public works department that no natural drainage from or to adjacent property will be impeded by the development of the subject property.
- d.) Adequate provisions for recorded turnarounds or backing areas with appropriate signage will be required. Reciprocal easements will also be required. Proposed turning maneuvers at ends of private drives shall be approved by the City Traffic Engineer and Keizer Fire District.

OTHER

- a.) A street lighting plan shall be created to provide for adequate street lights along the frontage of the proposed new subdivision streets.
- b.) Construction permits are required by the Department of Public Works prior to any public facility construction. A development agreement will be required to be in place prior to the issuance of construction permits for the proposed development.

Contact Scott Peterson at the City Engineer's office at 390-7402 for the necessary permit information that is required.
- c.) A Pre-design meeting will be required prior to the Developer's Engineer submitting plans to the city for review.
- d.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- e.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.



June 2, 1997

AGENDA ITEM 7a

**ORDINANCE - COMP PLAN AMENDMENT/ZONE CHANGE
CASE NO. 97-02 - MCCAWLEY**

CITY COUNCIL MEETING: June 2, 1997

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND CITY COUNCIL
THROUGH: JOHN MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

FROM: E. SHANNON JOHNSON
CITY ATTORNEY 

SUBJECT: COMPREHENSIVE PLAN CHANGE/ZONE CHANGE
CASE NUMBER 97-02 (McCAWLEY)

At the last Council meeting, the Council directed our office to prepare an Ordinance approving the requested Comprehensive Plan change and zone change. The Council may remember that this Comprehensive Plan change/zone change was requested by Crystal McCawley as her single family home had been left with a Commercial designation and zone.

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

1 BILL NO. _____

A BILL

ORDINANCE NO.

2
3 FOR

97- _____

4 AN ORDINANCE

5 IN THE MATTER OF THE APPLICATION OF
6 CRYSTAL McCRAWLEY FOR A COMPREHENSIVE
7 PLAN CHANGE FROM COMMERCIAL (C) TO LOW
8 DENSITY RESIDENTIAL (LDR) AND A ZONE
9 CHANGE FROM COMMERCIAL RETAIL (CR) TO
10 SINGLE FAMILY RESIDENTIAL (RS) FOR A 0.28
11 ACRE PARCEL LOCATED AT 669 FAYMAR DRIVE
12 N.E., KEIZER, OREGON (CASE NO. CP/ZC 97-02)

13 The City of Keizer ordains as follows:

14 Section 1. THE APPLICATION. This matter came before the Keizer City
15 Council on the application of Crystal McCawley for a comprehensive plan change
16 and zone change for her property located at 669 Faymar Drive N.E. The applicant
17 is requesting a comprehensive plan change from Commercial (C) to Low Density
18 Residential (LDR) as well as a zone change from Commercial Retail (CR) to Single
19 Family Residential (RS).

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

24 Section 3. PUBLIC HEARING. A public hearing on this matter was held
25 before the Keizer City Council on May 19, 1997. The following persons either
26 appeared at the hearing or provided written testimony on the matter:

1 ORDINANCE NO. 97-

1 1) John Morgan, Community Development Director

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

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

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

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

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

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

15 Section 10. FINAL DETERMINATION. This ordinance is the final
16 determination in this matter.

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

20 /////

21 /////

22 /////

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

4 PASSED this _____ day of _____, 1997.

5 SIGNED this _____ day of _____, 1997.

6 _____
7 Mayor

8 _____
9 City Recorder

EXHIBIT "A"

Evidence

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

Mayor Koho opened the public hearing on May 19, 1997.

Shannon Johnson, City Attorney reviewed the applicable criteria as set forth in the Zoning Code and Comprehensive Plan in regards to this case. In addition, he reviewed the procedure and process for this land use case. No objections or conflict of interest were noted at this time.

John Morgan, Community Development Director reported this matter involves a parcel of land at the west end of Faymar Drive which houses a single family home. The parcel is designated as Commercial on the Keizer Comprehensive Plan Land Use Map and is zoned Commercial Retail (CR). The property owner has requested a change of the Plan designation to Low Density Residential and the zoning to Residential Single Family (RS).

Mr. Morgan explained the history of this case which involved a zone change and comprehensive plan change granted in the early 1980's for development of the Creekside Shopping Center, which included this parcel. However, the property was not incorporated into the shopping center complex. Mr. Morgan explained this parcel is fenced off from the center leaving its access solely from Faymar Drive. Mr. Morgan recommended the hearing be conducted and the staff be directed to return with an Order approving the changes.

Mayor Koho announced a letter from the Claggett Creek - Central Keizer Neighborhood Association had been received supporting the requested change.

There was no further testimony to come before the Council.

Mayor Koho closed the Public Hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found the following sections of the Keizer Zoning Ordinance (KZO):

1. KZO Section 4.17 (Comprehensive Plan Map Criteria)
2. KZO Section 4.16 (Zone Change Criteria)

No other specific criteria and standards were raised at the hearings.

EXHIBIT "C"

Facts

FACTS: GENERAL

1. The 0.28 subject property is located at 669 Faymar Drive NE, Keizer. This property is identified on the County Assessor maps as within Township 6 South; Range 3 West; Section 35CA; Tax Lot 2300.

2. The subject property is at the end of a public street which is served by public sewer and water and is designated Commercial in the Comprehensive Plan and zoned Commercial Retail.

3. Property to the east is zoned Single Family Residential (RS), and property to the west is zoned Commercial Retail (C). The predominate land use in the residential zone is single family residential. The commercial retail property immediately to the west is the Payless/Albertson shopping center.

4. The applicant, Crystal McCawley, is requesting approval of a Comprehensive Plan Map Amendment and Zone Change to establish a Low Density Residential Comprehensive Plan Designation and the Single Family Residential (RS) zone designation on the subject property.

5. The subject property is located in a residential area, at the end of a residential street and has no direct access to a major street or any adjacent commercial use.

6. The Applicant contends that a mistake was made in the Comprehensive Plan map and zoning map by including a single family home within a commercial area when that home and its lot are within the residential portion of the neighborhood and has no access to the adjacent commercial area.

7. The Claggett Creek - Central Keizer Neighborhood Association submitted a letter of support for the application which is attached. No other agencies commented on the application.

FACTS: COMPREHENSIVE PLAN MAP CHANGE

The proposal would change the existing Comprehensive Plan designation from Commercial to Low Density Residential. This action is classified as a non-legislative action as it involves 4 or less lots in separate ownership and less than 15 acres of land.

The decision criteria for non-legislative Comprehensive Plan amendments are found in Section 4.17 of the Keizer Zoning Ordinance (KZO). The specific criteria, and the related findings are set forth below:

8. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply. KZO 4.17(a)

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

Goal 1 - Citizen Participation: Consistent with local requirements, the application was considered at a public hearing with the final decision resting with the City Council. Citizens had an opportunity to comment and testify.

Goal 2 - Planning: The application is being reviewed consistent with the procedures in the acknowledged Comprehensive Plan and Zoning Ordinance.

Goal 3 - Farm Land: The proposal does not involve land located within designated farm land.

Goal 4 - Forest Land: The proposal does not involve land located within designated forest land.

Goal 5 - Natural Resources: Based on the Comprehensive Plan, the property does not contain any significant resources.

Goal 6 - Air, Water and Land Quality: This action does not involve uses or activities which will have an adverse impact on the City's air, water and land quality.

Goal 7 - Natural Hazards: The site is not located within the identified flood plain or any other natural hazard area.

Goal 8 - Recreation: This action will not affect any identified park or recreation sites.

Goal 9 - Economic Development: Benefits will accrue from the continued residential use of the property.

Goal 10 - Housing: The proposal ensures that residential development will continue to be a permitted use on this site.

Goal 11 - Public Facilities: Public water and sewer are already in place to serve the site.

Goal 12 - Transportation: Access is available to the site off of Faymar Street.

Goal 13 - Energy Conservation: In general, the proposal will be neutral with regard to energy conservation.

Goal 14 - Urbanization: The Plan designation permits the establishment of urban uses at urban densities.

Goal 15 - Willamette Greenway: The proposal does not involve land within the identified Willamette Greenway.

Goal 16 to 19 - Estuarine Resource, Coastal Shorelands, Beaches and Dunes, and, Ocean Resources: This proposal does not involve property subject to these goal requirements.

Based on the above findings, the proposal is in compliance with the Statewide Land Use Goals.

9. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated. KZO 4.17(b).

FINDINGS: The primary Comprehensive Plan goals and policies which need to be addressed are related to residential and commercial development.

The Comprehensive Plan indicates stabilization and in-fill 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 Comprehensive Plan also encourages the maximum efficient use of the available land. The Comprehensive Plan designation and RS zone standards permits additional in-fill residential development within the City limits. Public access is available as well as public and private utility facilities. The proposed dwelling density is an efficient use of the land with regard to the designation. The proposal fulfills the goals of the stabilization and in-fill.

The Comprehensive Plan requires that commercial activities have convenient access to arterial and collector streets for traffic generated by industrial and commercial uses. The Comprehensive Plan also states that the City should provide for sufficient land adjacent to commercial areas available for commercial expansion. However, the subject property is not suitable for commercial development as it is located at the end of a local street within a residential neighborhood. If this property would develop as a commercial use in the future, there would be no access to commercial or arterial streets, except through the existing residential neighborhoods. Therefore, the subject property is not suitable for future commercial expansion.

10. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Plan. KZO 4.17(c).

FINDINGS: The Plan does not provide residential land with regard to this location. This application would add a piece of property which is already in residential use into the Low Density Residential designated property inventory, thereby making the designation consistent with the use. The subject property is best suited for residential use in an area already dedicated for residential purposes.

11. The Plan provides more than the projected need for lands in the existing land use designation. KZO 4.17(d).

FINDINGS: The subject property is best suited for residential use in an area already dedicated for residential purposes. There are other areas within the City better suited for commercial activities and expansion.

12. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity. KZO 4.17(e).

FINDINGS: The proposed Plan designation (Low Density Residential) is specifically designed for single family homes. A majority of the surrounding land is currently in residential development. The subject property is located in a residential area, at the end of a residential street and has no direct access to a major street or any adjacent commercial use. The subject property has no commercial character or potential. The proposed Plan and zone change is entirely consistent with the current and expected future land use pattern of the area.

13. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands. KZO 4.17(f).

FINDINGS: The majority of adjacent land is developed with single family homes. The proposed Plan amendment, and subsequent zone change, does not radically alter the existing land use pattern, and for this reason, will not significantly affect existing or planned uses on adjacent lands.

14. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future. KZO 4.17(g).

FINDINGS: The subject property is already served by public water and sewer.

Based on the above findings, the proposal complies with decision criteria for the proposed change in the Plan designation.

FACTS: ZONE CHANGE

The zone change review criteria are found in Section 4.16 of the Keizer Zoning Ordinance. The appropriate decision criteria for residential zone changes are found under subsection (a), items (1) through (6). The specific criteria, and the related findings are set forth below:

15. The zone must be appropriate for the Plan designation. KZO 4.16(a)(1).

FINDINGS: Based on Section 4.02 of the Zoning Ordinance, the appropriate zones for the Low Density Residential designation are: (a) Single

Family Residential (RS) or (b) Urban Transition (UT). The primary difference between the two zones is dwelling density and permitted uses. The surrounding area is already zoned RS and the RS zone is appropriate for the Low Density Residential designation on this property.

- 4.17(a)(2). 16. Potential uses can be accommodated on the property. KZO

FINDINGS: The applicant is requesting the zone change to allow the current non-conforming residential use to be a permitted residential use on the property. Current residential use of the property indicates that the parcel is capable of accommodating this use on the property.

17. Allowed uses can comply with the development standards found in Chapters 17 to 20 of the Zoning Ordinance. KZO 4.16(a)(3).

FINDINGS: Chapters 17 to 20 in the Keizer Zoning Ordinance outline specific requirements for property development. The current residential uses of the property is in conformance with these standards.

18. Adequate public facilities are available. KZO 4.16 (a)(4).

FINDINGS: Faymar Street is a public street and is served by public sewer and water, as well as other public facilities.

19. The zone change complies with applicable review criteria in the Comprehensive Plan. KZO 4.16(a)(5).

FINDINGS: This criteria is not applicable as the Comprehensive Plan does not contain specific review criteria.

20. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met (see Sections 23.00, 24.00, 25.00, and 26.00). KZO 4.16(a)(6).

FINDINGS: The purpose of the RS zone is to allow development of attached or detached residences on individual lots and provided with urban services at low urban densities. The existing use of the property is entirely consistent with this purpose.

EXHIBIT "D"

Justification

The Applicant has the burden of proving that the proposal meets the applicable criteria in this particular case.

In this case, the Applicant is requesting a Comprehensive Plan Map change and a zone change to make the zoning and plan designation consistent with the existing use of as a single family residential dwelling. The available evidence shows that the subject property's designation and zone was changed to Commercial, but that the property was not part of the commercial development (Albertson's/Payless store). The Applicant requests the change so her home will be in the correct designation and zone as the rest of the residential neighborhood.

This Ordinance addresses the appropriate criteria and the evidence supports the fact that the criteria are complied with in every case. The requested Comprehensive Plan change/zone change should be granted.

EXHIBIT "E"

Action

The City of Keizer hereby GRANTS the requested comprehensive plan map change to Low Density Residential (LDR) and also hereby GRANTS the requested zone change to Single Family Residential (RS).



June 2, 1997

AGENDA ITEM 7b

**ORDER - CONDITIONAL USE - CASE NO. 96-7
CITY OF KEIZER WATER RESERVOIR**

CITY COUNCIL MEETING: June 2, 1997

AGENDA ITEM NUMBER: 7b

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: JOHN MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

FROM: E. SHANNON JOHNSON 
CITY ATTORNEY

SUBJECT: WATER RESERVOIR CONDITIONAL USE PERMIT

At the last meeting the Council directed staff to re-open the record for written testimony only on new issues. All written testimony that has been submitted by the deadline is enclosed, along with the proposed Order approving the Conditional Use Permit for the water reservoir.

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

RECEIVED

May 30, 1997

'97 MAY 30 PM 1 32

TO: Keizer City Council

CITY OF KEIZER
OREGON 97303

From: Karen Trucke
6330 14th Ave N. E.
Keizer, Oregon 97303

RE: Keizer Water Reservoir

I am writing regarding the Council's points of discussion on Case, 96-07, City of Keizer Water Reservoir.

It was stated that the property values of homes close to the reservoir in another location (Salem I believe) were not lower than other homes in the area. However, at a previous Council meeting there was testimony that a realtor indicated the Keizer properties would be degraded. A realtor is a subject expert thus it is difficult to use the Salem information as a basis for the Keizer situation without a comparative analysis that includes, but is not limited to, the following: 1) distance from the reservoir, 2) visibility of the reservoir, 3) is the value based on taxes or purchase price and when were the homes sold/purchased in relation to the existence of the reservoir, and 4) market conditions (housing availability) at the time home sales occurred.

It was stated, "I would not buy one of these houses". Most people would concur with this statement. This directly relates to the public's expectations/definition, of land use in a residential zone.

It was stated that the homes could still be lived in and thus did not change the use. This only defines the use of a house (which can basically be lived in unless it is full of water or on fire); not the use of the land. I would have expected the discussion to be about the use of the land, that is, why does residential zoning exist? What is the definition of land use in a residential zone? Although land use in a residential zone may be based on difficult to define feelings of livability, tranquility, beauty, etc. these are the primary reasons citizens expect residential zoning. Thus a large structure, such as the reservoir, most certainly changes the intended use of the surrounding land. Additionally, if the land on which the structure will stand is also zoned residential, it cannot not be used for residential properties (can't build a house on top of the reservoir).

There are certainly problems associated with changes to this location but it does not change the fact that this land is zoned residential and that locating a reservoir in this location does change the purpose of the land use. Lastly, is there a conflict of interest between Councilor Waylen and financial impacts to builders associated with alternatives to this location?

Tina + Khalid Hamoud
4528 Northside Dr NE
Keizer, OR 97303

Conditional Land
Use case 96-07

RECEIVED

'97 MAY 29 PM 3 46

CITY OF KEIZER
OREGON 97303

We live on the alley walkthru
to the path. To this day we continuously
have littering and theft at, or near our
home the City has done a poor job
keeping this type of activity away from
Northside Dr. The water tank is just
another reason for more littering & trespassing
to increase. There is no lighting, no police
patrolling, no access to this location.
It is perfect for criminal activity
to take place (i.e. graffiti, littering, theft.)
The water tank is very ugly and
unsafe. My home will decrease in
value it will change the character
of my neighborhood. I do not want
this monstrosity in my front
yard. Everyday I must look at
this gross structure and be reminded
of how insensitive my City of Keizer
treated the residents of Northside Dr.
Tina Hamoud

RECEIVED

'97 MAY 29 PM 3 46

May 22, 1997

CITY OF KEIZER
OREGON 97503

Dear Mr. Mayor and Council members,

RE: Conditional Land Use Permit - Case 96-07:

If you have read the soil report regarding the water tank site you will find that the area designated is not the best type of land to build the type of water tank the city is purposing. The soil being a class 'B' earthquake soil, (the B does not stand for best either), would constantly be changing and shifting. We have already stated that in an earlier letter. Sitting a tank of water weighing approximately 10M pounds on top of this hill could only mean disaster for those residents surrounding and below the tank site. The natural erosion itself is something that should be addressed yet nothing appears in the soil report. The report says proper drainage must be supplied. 12-14 inches of crushed rock is not proper drainage unless the runoff from the dome is suppose to run down the hill onto the houses below. When the soil samples were taken the truck sank 3 times before it made it back to the road and the 3rd time it had to be pulled out and left ruts 1 1/2 foot deep at the corner of our fence.

The City Council has often brought up the cost of the tank and the money already spent on the tank purchase, and site preparation and the loss that may be incurred if this tank does not go in at this site. My understanding is cost is not part of the conditional land use criteria and therefore can not be taken into consideration when making your decision. If cost can be considered, consider our house. I just had two independent appraisals done and both came in below the 96-97 tax appraisal. It appears the Coldwell Banker appraisals done last October have proven to be true. The value placed on my home at that time was approximately \$125,500. Today, one appraisal came in right at tax value and the second appraisal was \$4,000 less than tax value. Wally Mull stated himself that houses in West Salem had no decrease in tax value, well apparently that will not be the same for Keizer. By the time I sell my house and pay real estate fees I might net what I originally paid for my house, \$107,800.

Why do the residents have to suffer for the mistakes of the City Water district. It's not our fault that work was started without proper permits, and failed to notify residents of what the future of that site encompassed. If the citizens of Keizer attempted to do the same without permits they would face severe fines. The City of Keizer continues to make bad decisions and when brought to their attention tries to ram it down our throats. This can be a win-win situation if the City of Keizer and the water district would work with the residents of Northside Drive instead of creating a hostile environment.

Reggie R. Bender
4598 NORTHSIDE DR. NE.

May 26, 1997

Erica Simon and Matt Faatz
4538 Northside Drive, NE
Keizer, Oregon 97303

RECEIVED

'97 MAY 29 PM 3 46

CITY OF KEIZER
OREGON 97303

Dear Keizer City Council:

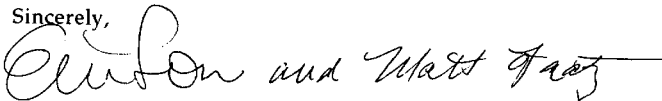
We are writing to ask that you do not allow the 1.5 million gallon water tank to be built in our neighborhood. If it must be constructed at the intersection of Weissner and Northside Drive, then please insist it be buried underground. The following are reasons we object to the construction as currently stated under city plans:

- Soils reports indicate soil movement when an earthquake hits. This will cause our family to be in danger of losing our home and our lives.
- Because of its enormity and obtrusiveness, it would be a permanent pimple on the face of our neighborhood.
- Because it would overpower the neighborhood, the tank will deter potential home buyers and reduce the value of homes throughout the neighborhood.
- With the reduction of value, the city will lose money in property tax revenues.
- An additional year or two of savings would garner the additional revenue you need to meet the needs of the residents while still achieving city goals.

In closing, please understand that the residents of the Northside/Weissner neighborhood want to work constructively with the city of Keizer in good faith but are concerned that the city struck out upon an agenda without clearly scrutinizing the ramifications a three storey water tank would have on the hearts and minds of the people in our neighborhood.

We appreciate all the time and commitment you have dedicated to this matter and look forward to your decision soon.

Sincerely,

A handwritten signature in cursive script that reads "Erica Simon and Matt Faatz". The signature is written in dark ink and is positioned above the printed names of the signers.

Erica Simon and Matt Faatz
Citizens

RECEIVED

'97 MAY 29 PM 3 46

CITY OF KEIZER
OREGON 97303

THE CITY OF
CITY OF KEIZER
KEIZER, OREGON

Dear Council Members:

We have lived on Wiessner Drive since 1974. Until this time we have had a stable and safe neighborhood. We are asking that you approve an underground water tank only in our neighborhood if, indeed that water tank is needed at all.

Why should only our neighborhood be penalized and be caused concern for our family's safety, have reduced home values, and lose the stability of our neighborhood? The whole city of Keizer should carry the cost of the water tower and put it where belongs.

Thank you for thinking of the future of our neighborhood.

Sincerely,

Boyd Byrd, Doris Byrd

Boyd and Doris Byrd
1998 Wiessner Drive

Conditional Land Use Case 96-07

May 22, 1997

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

RE: Case 96.07 for a 1.5 Million Gallon Water Tank

Attn: Mayor Koho & City Council Members,

I, Marvin Larsen am the owner of the Larsen Park Subdivision, located below the proposed site of the Water Tank. I am in the process of selling my lots. I am extremely worried that this water tank will totally alter the character of the neighborhood. This will make it very difficult for me to sell my lots.

I am also very concerned about the condition of the soil. The soil is extremely poor; class B earthquake zone and class 4 sand and silt.

During the development of my subdivision, I was asked by the City of Keizer to put in an overflow drain line from the city of Keizer Pump House through my #12 lot, creating an easement which ended in a manhole in the street below my #12 lot. When I was installing the drain line from the pump station, the soil was very sandy & silty and was easily liquified. I feel that they may have some erosion problems on the hill where the water tank will be placed. It is also a possibility that the tank can rupture during an earthquake or other catastrophes and could slide off of the hill and ruin the multi-family dwellings that will be in the Larsen Park Subdivision, not to mention the lives of the families living in these homes.

Please re-consider the placement of this tank either to another location, or put it underground.

Thank you for your consideration in this matter,

Marvin Larsen

Marvin Larsen
Owner/Larsen Park Subdivision

REC
5-21-97
th

May 27, 1997

RECEIVED

'97 MAY 29 PM 3 46

To: Keizer City Council
From: Torey and Danyelle Lam, Keizer Resident Citizens
Re: Weissner water tower issue *case 96-07*

CITY OF KEIZER
OREGON 97303

Dear Keizer City Council,

Over the last few months, we've heard many good reasons why we should not put a water tower in a clean and peaceful neighborhood. However, the only two opposing reasons to put up this tower; because it is the cheapest and quickest, has been the favored arguments for this council with no other citizens coming forth to support the building of such a structure.

Of course we all know that putting up the tower will be one step to achieving the immediate goals of this council. But is this in the best interest of Keizer? Has quick and easy government solutions to complex problems benefited its society over the generations? Or has sacrifices today improved the quality of life for all that live today and tomorrow. The Keizer City Council has forgotten this basic concept that this is the way government should be run. In 10, 20, 30 years from now and beyond, what can be said of the people that lived here? Did they realize that resources are becoming more scarce? Did they forecast that the availability of land would decrease and utilize it in a way as precious as it is? Or did the people indiscriminately use space to meet needs of the coming seasons that only affected them? This land use issue of the water tower is a fundamental decision that reaches far beyond the destruction to the quality of life and depreciation of home values. It also involves our obligation to our children and their children in all tough decisions we make for our city. Did we hold their interests in mind? Are we giving them the best living conditions we can? So much can be benefited by putting the tower underground because of such a large amount of space that it occupies in a growing populated area. Such a decision can only show the same caliber of wisdom and insight that our forefathers had in bringing us great national parks and other investments. On the other hand, if a final decision is made to put in an above ground water tower, not only will it negate the important responsibility to our children, it also blatantly shows a disregard to the livelihood of these residents.

It is absolutely disturbing to us when we heard that the councilmen that voted to build a water tower above ground say that it would not limit or preclude the function of the area because people could still live and breath here. On what basis do these men determine life? Obviously councilmen such as Whalen, McGee and Miller feel that the residents of Keizer are only entitled to a biological process of living in which quality has no merit. These men are wrong! Building a water tower on Weissner is a violation of The Constitution of The United States.

Every U.S. citizen has the right to life, liberty and the **pursuit of happiness**. The functional use of this area is residential. The United States of America guarantees U.S. residents the pursuit of happiness. The conditional land use permit case 96-07 states that such a water tower cannot be built in the area that would limit or preclude the areas use, which is residential. Such a massive water tower inhibits the residents pursuit to happiness. Therefore, a water tower built in a residential area is a violation to the Conditional Land Use Permit.

I hope that the councilmen and women have the courage to decide what is right for this city and not to just focus on the seasonal issues and immediate budgets. They should consider implications and benefits in all issues as we build the home for the next generation.

Sincerely,

A handwritten signature in cursive script that reads "Torey and Danyelle Lam". The ink is dark and the signature is fluid, with the first names being more prominent than the last name.

Torey and Danyelle Lam

27th May, 1977

4488 Northside Dr NE
Keizer OR 97303.
Tel: 503 393 8960

Dear Keizer City Council Members -

Please find below my letter of complaint & disappointment in our local council.

My husband and I moved back to Or. 3yrs this Oct, Jeff was from Salem originally.

We wanted to bring our daughter then 3rs old up in this area, we then found Northside Dr. which was just what we had hoped for. We lost Jeff last year June in a motor accident - July 5th I had our 2nd daughter.

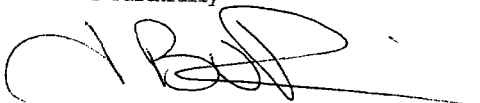
Our house is very special to us for ALL of the above reasons, emotionally and financially especially now I am alone with the girls. When we put the fence up on the right side of the house, we have a lovely view of the end of the street and so the fence was put behind the window so we have the view and now you plan to spoil it by the towering holding tank which will go to the sky let alone our eye view.

I can not believe you in any way say it wont change our view, street, area and price of our homes and property!

I do know as everyone else does if you had lived in an area which you enjoyed, then you and your families were told down the line there would be such changes - don't say you would not be annoyed and want to fight this as we are.

Please reconsider the tank being above ground for the people trust who they vote into councils and government to act and work for the people not against our financial gains etc.

Yours Faithfully



Jacqueline Butler

Lcd
52797
4

RECEIVED

'97 MAY 30 AM 8 58

To: Mayor and City Council**From: Richard and Sibylle Beck, owner of property located at 1999 Wiessner Dr. NE, Keizer**CITY OF KEIZER
OREGON 97303**Subject: Conditional Use Case No. 96-7 (Water Reservoir)**

Discussion

The reality of this conditional use appeal is that the land use issues are consistently set aside by a few members of the Council. The subject is always moved to a water issue of the city. We have continually tried to keep the discussion on those areas which we felt were pertinent to the conditional use case.

Is the parcel suitable for the proposed use? It is our opinion that there are many safety and soil questions related to erosion and earthquake that leave the site with many unresolved features.

The other issue is that the proposed use as conditioned will materially alter the character of the area. We still maintain that the construction of a mini astro dome in our residential neighborhood does not meet the goals outlined in the criteria outlined in Section 8:30 of the Conditional Use Keizer Zoning Ordinance.

With that being said I will address a few issues towards the Keizer Water System:

#1 As mentioned before the City of Keizer has the piping already in the system to sell water to the City of Salem. To divert any emergency in the future for those 4 to 5 days per year when additional water is needed Keizer can purchase the needed supply from the City of Salem. This will remove the emergency.

#2 Concerning the report by Staff regarding the value increase from 1987 to 1996 on homes facing water tanks I would like to point out that the values shown are not real property values from a market sell of the properties. They only show that the tax base in Marion County has been increasing each

consecutive year. The report does not address the real issue. The questions is what was the asking price compared to the selling price on any of the homes in the general area of the water tank and how long were they on the market before they sold. I also would like to point out that of the three tanks investigated the tank at Madrona and Pioneer was constructed after the area was developed. It also sits on the edge of a CR and CO Zone and just on the edge of the RS Zone. The other two locations (Browning and Kurth) show a tank which was constructed before the area was developed. The tank at Olympic and Seeger also was constructed in a RA Zone which is adjoined by the RS Zone. The tank was constructed before any development in the area. It would seem that the information provided is somewhat misleading in this case. It does not address the real reduction in values which will accrue because of a water tank which has the size of a mini astro dome. It also does not address the issue of the construction the tank after the area has been developed which is what Staff is proposing in our case.

#3 The information we presented regarding the study of property values by Coldwell Banker in the Wiessner/Northside area shows that after the construction of the tank the adjacent property owners will experience a 10% to 15% reduction in the selling price of their homes. The Coldwell Banker evaluation placed present properties in the area just around the tank site at the total of \$ 1,270,170. A 10% reduction in these values amounts to a reduced tax base value of \$ 127,000 per tax year. For the life of the tank of 40 years this will amount to % 5,080,000 at present dollars which is a lot of money in the Keizer tax base. It is surely a lot of money to the property owners in the area. We are constantly told by Staff that reduced property values are not part of the zoning criteria. However, it is obvious that the major issue the Council is concerned with is how much the water tank will cost and where the additional money will come from. I would again point out that we, the residents, have the same problem when it comes to our funds. This places us in opposition of the proposed tank site.

Having the necessary funds available always is the problem for any of us. It appears from our research regarding the construction of a 1.5 to 2 million gallon concrete water reservoir at the Wiessner/Northside site would cost in the \$ 800,000 to 1,000,000 range. This is approximately \$ 600,000 more then there is left in the steel tank construction fund.

In contacting several members of the Municipal Bond Market in Salem and Seattle/Washington at Smith Barney we were informed that the Bond Market in the area of urban renewal for items such as water reservoirs are selling in the range of 4.6 % to 4.8 % return with a set-up fee of 8 % to 10 %. We also were told that bonds of this type in the range of \$ 600,000 to \$ 700,000 total offering would be sold before the day ended on their letting. It would appear that the funds to do the project could be arranged under a Urban Renewal Bond Program. The payment for the bonds would come from an increase in the SDC as proposed by Staff. An increase to a total of \$ 800 at a rate of 250 homes per year would produce \$ 200,000 per year towards payment of the debt. A ten year bond could be paid off in 4 year at an additional savings to the City of Keizer. The increase in the SDC then moves the burden of payment for additional services to where it belongs - from those who are presently using to those who want or need additional capacity that will overload the system. The only real fair way is the pay-for-what-you-get-plan and not the have-someone-else-pay-for-what-I-want-plan.

A total review of the last Staff report indicates that by the year 2005 a total storage of 3.45 million gallons of water will be needed. The locations and costs of this increased supply are as follows (resource: Staff report and estimates from previous Staff information):

#1 Wiessner budgeted 1.5 million gallon	\$ 620,000
#2 Chemawa Activity Center Tank 1 million gallon	\$ 500,000
#3 Clear Lake area steel tank 1 million gallon	\$ 500,000
#4 Clear Lake well 750 g/m	\$ 75,000
#5 Clear Lake land	\$ 50,000?
#6 Chemawa Activity Center land	\$ 50,000?
#7 Misc. Staff and outside engineering	\$ 200,000?
Total	<u>\$ 1,995,000</u>

It appears from the information we have that in the next few years the SDC will need to be increased to meet the Staff's projected water storage needs of an estimated \$ 2,000,000 in construction cost.

We again propose that there are some real savings in the construction of a 2 million gallon water below-grade concrete reservoir at the Wiessner site plus the additional storage at one of the other locations. Our estimate for the total of 3.5 million gallon water storage would be as follows:

#1 Wiessner site below-grade concrete reservoir, projected engineering, etc. 2 million gallon	\$ 1,100,000
#2 1.5 million gallon tank already purchased	(\$ 316,000)
#3 Chemawa/Clear Lake ground work, install tank	\$ 200,000
#4 Chemawa/Clear Lake land	\$ 50,000 ?
#5 Clear Lake well 750 g/m	\$ 75,000 ?
#6 Misc. Staff and outside engineering 1/3	\$ 66,000 ?
Total	<u>\$ 1,807,000</u>

It would appear that a real saving of at least \$ 200,000 could be gained with the two storage area program. Along with the up-front savings there are the long range operation and maintenance savings. This is an issue that really needs to be addressed in a 40 to 75 year program. Operation and maintenance can be a killer to your cash flow. I would like to take the opportunity to point out that the tank purchased is a Permaglas storage system with carbon-steel panels bolted together. The panels are base-coated with a cobalt blue base coat covered with silica glass which is fired. It fuses the glass to the steel base coat (a glass like epoxy finish on steel). A meager problem with this type of finish is that it is not very rugged and many times will crack when the steel plates are flexed during construction or are damaged during transportation. When the panels are bolted together it flexes the steel or the lock washers break through the glass like finish all of which will result in a break of the coating which will allow the steel to rust. In most cases the epoxy like glass finish will start to show signs of rust in 2 to 3 years. The best example are the old style steel epoxy coated lawn furniture which were on the market before the plastic types arrived. As you know if you had any of those you spent every winter cleaning, scraping and painting your steel epoxy coated lawn furniture to keep them in shape. It was a continual maintenance program. I would also point out that the concrete patio which they set on only required an occasional wash down with the garden hose. The operation and maintenance of a steel or concrete water tank or reservoir is much the same. The steel tank will require 5 times the maintenance of a concrete tank. It is important to note that the only way to repaint your steel tank will probably require sandblasting and epoxy painting. This might be needed to be done 4

to 5 times in the life of the tank. The location of the steel tank at Wiessner Drive will present a problem with sandblasting and painting due to its close proximity of the residential homes. I would also like to point out that the environmental requirements for removing paint residues are fast increasing costs as many communities are now finding out as they try to paint and maintain enormous types of steel tanks. In some cases the maintenance cost will reach the original construction cost of the steel tank when it was first purchased. You can be assured that the steel tank will cost you less up-front but the maintenance will be added cost in the future. Just like your steel lawn furniture and your concrete patio the maintenance of a below-grade concrete reservoir will be next to none in comparison to steel.

In our conversation with numerous contractors, manufacturers and engineers it is apparent that the Wiessner site will accommodate a 2 million gallon water concrete below-grade reservoir. The dimensions would be in the range of 110' diameter and 29' depth. The Wiessner location boring and test pit logs show that there is to be sand from the surface well below the 29' depth. This will make for easy earth removal work. At the 29' depth you are still well above the water table which will also enhance the operation. In a site review it would appear that the earth work would be easy to complete if the reservoir was moved 20' to 30' to the north which then allows access from Brandon Court for the entire project. Access across Mr. Marvin Larson's three lots would be granted by Mr. Larson if this alternative were selected. This would be to no cost to the City of Keizer. There also is the possibility of depositing material at this location which will again reduce cost of the total project. In our investigation of concrete tank we found there were two major types: Pre-stressed concrete and Monolithic or poured-in-place concrete. We talked to Mr. Robert G. Vreim from Morse Bros about pre-stressed concrete. Mr. Vreim provided design and cost information which supported our assumption. This information has been forwarded to Mr. Wally Mull of the City of Keizer for review. We talked to several engineering firms about monolithic or poured-in-place concrete reservoir. It would appear that HGE and Westech Eng. lead in the design area in the Willamette Valley. In conversations with Mr. John Yarnell of Westech Eng. he confirmed that a concrete below-grade tank seemed appropriate at the Wiessner location. Westech Eng. recently designed and constructed a 1.25 million gallon concrete reservoir in Philomath, Oregon, which was installed for \$ 525,000. In Jefferson, Oregon, they just designed a 1.75 million gallon monolithic concrete tank which they estimate will be constructed for around \$ 780,000.

Mr. Yarnell is a firm believer that the concrete reservoir is more expensive up-front but will pay for itself over its 75 year life through savings on maintenance.

It would seem more then reasonable to assume that the concrete reservoir constructed below grade will remove the major liabilities that would arise from possible failure due to earthquake or rapture creating erosion of the land around the tank. All of which would surely endanger life in the area. The cost associated with a failure are beyond any reasonable estimate.

With all the data gathered about cost to date it would appear a 2 million gallon reservoir constructed of concrete and placed below ground level would provide the best long term bang for the Keizer buck. It will offer an additional win/win with another open space in Keizer which might be used for a neighborhood park with tennis or basketball courts or just a play ground with swings and pick-nick tables. A win/win situation for everybody in Keizer.

Sincerely



Richard & Sibylle Beck
4485 River Road S.

Salem, OR 97302

Property Owner of 1999 Wiessner Dr. NE, Keizer

May 29, 1997

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE APPLICATION OF THE
4 CITY OF KEIZER FOR A CONDITIONAL USE
5 PERMIT TO PLACE A 1.5 MILLION GALLON
6 WATER RESERVOIR ON PROPERTY LOCATED
7 AT 2005 WIESSNER DRIVE NORTHEAST
8 (CONDITIONAL USE CASE 96-07)

9 The City of Keizer orders as follows:

10 Section 1. THE APPLICATION. This matter came before the Keizer
11 City Council on the appeal of Richard D. Beck of the Zoning Administrator's
12 approval of an application by the City of Keizer for a conditional use permit to
13 place a 1.5 million gallon water reservoir on a 0.91 acre parcel located at 2005
14 Wiessner Drive Northeast, Keizer, Oregon.

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

20 Section 3. PUBLIC HEARING. A hearing was held on this matter
21 before the Keizer City Council on December 2, 1996, December 16, 1996,
22 February 3, 1997, February 18, 1997, and March 3, 1997. The following
23 persons either appeared at the City Council hearing or provided written
24 testimony on the application:

- 25 1) John Morgan, Community Development Director
26 2) Wally Mull, Public Works Director

3) Richard D. Beck

4) Marvin Larsen

5) Peggy Bender

6) Fred Bender

7) Scott Pulsifer

8) Clem Pereira

9) Karen Trucke

10) Ken Larsen

11) Ora Taylor

12) Blake J. Schwabauer

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

Section 5. OBJECTIONS. Except as noted below, no objections have been raised as to notice, jurisdiction, alleged conflicts of interests, bias, evidence presented or testimony taken at the hearing. Appellant raised objections regarding closing the record, but withdrew such objections and waived the right to object, when a cure of the defect was allowed by allowing written testimony to be submitted by May 15, 1997.

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

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

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

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

5 Section 10. FINAL DETERMINATION. This Order is the final
6 determination in this matter.

7 Section 11. EFFECTIVE DATE. This Order shall take effect
8 immediately upon its passage.

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

12 PASSED this ____ day of _____, 1997.

13 SIGNED this ____ day of _____, 1997.

14 _____
15 Mayor

16 _____
17 City Recorder

EXHIBIT "A"

Evidence

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

Mayor Koho opened the public hearing on December 2, 1996.

Shannon Johnson, City Attorney read the applicable criteria for the case from Chapter 8 of the Keizer Zoning Ordinance, Conditional Uses:

- ◆ The use is listed as a conditional use in the zone.
- ◆ The parcel is suitable for the proposed use.
- ◆ The proposed use, as conditioned, will not materially alter the character of the area.
- ◆ The proposed use will not adversely affect existing wind and solar energy systems.
- ◆ Adequate public utility facilities are available.

Mr. Johnson then reviewed the procedures for the hearing.

In response to the request for disclosure of bias, Councilor McGee stated that on November 24th at 10:00 he received a phone call from Richard Beck who is involved in the case. He was requesting the name of the chair of the Citizen's Involvement Committee. Councilor McGee suggested that might be the Planning Commission and he stated he might call Mr. Beck back with a name. In the conversation, Mr. Beck also discussed the height of the water reservoir in question since the Councilor had previously received incorrect information. Councilor McGee said that was the extent of their conversation and he intended to vote on the issue.

Mr. Morgan, Community Development Director, reported the request is a conditional use in a public zone for the building of a 1.5 million gallon water reservoir. The reservoir has been in the Water System Master Plan since 1980 which has since been adopted as part of the Comprehensive Plan. It is also one of the Council's goals to fund and construct a reservoir.

As background, Mr. Morgan stated that the reservoir is to meet a variety of water needs including provisions for peak hour demands, fire flow and emergency storage. He said the property is one of the highest in the city and works with gravity flow from

the site in the center of a parcel of .91 acres. He also addressed each of the applicable criteria as stated by Mr. Johnson stating the crux issue appears to be whether the reservoir will materially alter the character of the area.

Mr. Morgan explained the RS zone is designed for single family homes and other types of uses can go in any zone although conditions may need to be attached to assure compatibility with the surrounding area. The reservoir will impact the neighborhood but the conditions should diminish the effect.

He outlined some of those conditions. Location of the reservoir will be in the center of the property and the proposed height of 36 feet is one foot taller than that allowed for a single family structure even though it could have been 70 feet as it is not a residence. A reservoir does not have noise, dust or odor associated with it. Landscaping will be completed on the remainder of the site and the facility will be secured. Mr. Morgan felt the proposed use will meet the larger needs of the City without materially altering the character of the area.

Mayor Koho asked questions regarding Mr. Beck's November 3rd letter stating erroneous information had been provided neighbors and construction may have begun before a permit is in place. In response to the second issue, Mr. Morgan stated property site work was not illegal done in advance of receiving a building permit.

Mr. Mull, Public Works Director addressed the issue of erroneous information. He related that prior to the bidding and awarding of the bid for the reservoir, a staff member visited some of the residents to discuss the tank showing computerized pictures. Since some neighbors were not available at that time, the first official notification they received was the conditional use notice.

Councilor McGee asked for a chronology, stating when he first received information, the reservoir would only have 12 feet above the ground. During the planning process, 24 feet had been mentioned and Councilor McGee passed that figure to Mr. Beck. The Councilor asked about the present decision of 36 feet.

Mr. Mull related the sequence of events. In September 1993, the committee hoped to build a partially buried concrete tank which turned out not to be financially feasible. The engineer worked with the group to develop a steel reservoir above ground. Site selection in 1980 was based on the property elevation. At the time of purchase, the present subdivision was vacant land. Design plans partially shield the reservoir from Wiessner and Northside drive where subdivisions have been developed. He clarified the tank is 24 feet high with an additional 11 feet as it reaches the dome crest.

Councilor McGee initiated a discussion about auxiliary power sources being used to compensate for the elevation as is done at other sites. Mr. Mull said if auxiliary power sources were used, a tank probably would not be needed. In times without

power, the reservoir would be at Keizer's highest point with an 18 inch wide pipe to River Road to supply water for emergencies.

Addressing the Council were:

Richard Beck, 4485 River Road South, Salem, stated he owned property at 1999 Wiessner Drive NE, Keizer, adjacent to the proposed reservoir site. He read a portion of his written testimony as submitted to the Councilors. Mr. Beck believed the City had let the bid before giving the neighborhood notice, delivering the plans to Marion County, and receiving a building permit. He emphasized that a Conditional Use permit has been approved without conditions, which he believed to be a first for the City of Keizer.

Mr. Beck related what he believed to be the present plan for the reservoir including information from a brochure about the proposed tank and his understanding about each condition. He commented that little attention had been given in addressing the impact of the project on a residential area. In questioning need for a high location, Mr. Beck stated the only gravity feed will be from the tank to the pump station. He also stated the tank will be placed in the south-east corner of the property instead of the center.

In reviewing the Zone Ordinance, Mr. Beck said the actual wording reads "water supply", an establishment primarily engaged in distributing water which he believed was intended for pump stations. The site did not appear to be suitable for the proposed site in his opinion. A real estate report stated addition of the tank could represent a 10% to 15% decrease in value for the homeowners. Mr. Beck also showed simulated photographs of the property with the tank in place.

Mr. Beck concluded two reasonable solution were available. He suggested denying the permit based on incompatibility to the location or modifying the tank to be set below grade. He discussed ways to accomplish the latter possibility.

Councilor Watson complimented Mr. Beck on his report. He asked staff why their map did not appear to be current regarding the tank location. Mr. Morgan stated the tank was actually centered on the vacant portion of the property up against the parkway. Councilor Watson reflected on how the old Keizer School looked when relocated against the residences. The Councilor asked Mr. Mull if the pictures were accurate approximations to how the tank would look in each setting, including 20 feet below grade. Mr. Mull stated he did not know but he also had some pictures that showed a different result although it is difficult to predict accurately. Mr. Beck noted his photographs were completed through a digitized computer program using the actual measurements rather than cutting and pasting.

Councilor Newton like the alternative idea of lowering the tank and letting it flow toward the Parkway. He asked if it would be financially feasible. Mr. Mull was

uncertain. In answer to a question about whether plans could be changed at this point, Mr. Mull stated the contract has been awarded and some site work has been done. He was very comfortable with the present recommendation to build above ground.

Also mentioning the old Keizer School, Councilor Keller stated Mr. Beck had a compelling argument about the impact on the neighborhood and commented staff seemed set on having the tank above ground. Mr. Mull felt the plan was the best being done for the funding available. He also would like to address several issues raised.

Councilor McGee agreed the presentation was an excellent one. He felt the property values might change but certainly property sales would be delayed. With a \$200,000 property loss of value to the city and considering a 50 year life of the tank, it would be cost effective to pay for moving the dirt to allow an underground tank. Councilor McGee asked about the cost of maintenance above vs. below ground. Mr. Mull stated essentially costs were the same except cleaning would be a slightly greater for a below ground tank.

In answer to the cost for placing the tank underground, Mr. Beck clarified that he was not discussing putting the tank totally underground. He was talking about excavating a horseshoe shaped space, placing the tank in the structure, and landscaping the tank. The tank would be completely open with a road around it. The visual impact would be toward the Parkway and, if the tank broke it would run onto the street. His best guess for cost estimation was \$60,000 to \$80,000 more.

Councilor McGee questioned the present finances and the bid figures. Mr. Mull responded the bid came in at \$492,000 plus \$30,000 for engineering. Even though the budget was \$650,000, staff will be requesting the remainder of the funds to be used for a booster/pump station cut because of earthquake requirements.

Mayor Koho asked about the procedure to be able to discuss alternatives. Mr. Johnson suggested the Council could recess the hearing until additional information is gathered by staff. The Mayor announced those persons signed up to testify may do so in the present meeting or when the hearing is opened again.

Mr. Beck thought it would be helpful to gather additional information. He also thanked the Public Works Department for giving him the necessary information for his presentation.

Marvin Larsen, 4125 SW 25th Court, Gresham, Oregon stated he was the owner of the subdivision directly below the proposed site for the reservoir. He used the previous pictures to show Brandon Court and the four duplexes planned which would have 1.5 million gallon water tank within 100 feet. He was concerned about the loss of life that could result from an earthquake cracking the reservoir. Mayor Koho noted that was the reason the Council would be looking at directing the water away from the property.

Mr. Larsen related the work he had done on his property to upgrade pipes owned by the City. Although the materials were provided by the City, he provided the labor as a contingency of his permit. Mr. Larsen believed the value of the property would be downgraded and the savings of placing the tank above ground would not be passed on to those homeowners. He repeated his safety concern for persons living in the subdivision. Having money already being spent without project approval seems improper to him.

Councilor Watson pointed out the development code only requires a six-foot fence to be constructed around the site.

Councilor McGee asked Mr. Larsen if the alternative suggestion by Mr. Beck would satisfy his concerns. Mr. Larsen felt the new idea would be a win-win situation.

The Council directed staff to return on the 16th of December with additional information.

There was no further public testimony to come before the Council.

Mayor Koho recessed the hearing until the Council meeting of December 16th at 7:00 p.m.

On December 16, 1996, Mayor Koho reopened the public hearing continued from December 2, 1996.

Mr. Mull gave the staff report beginning with the background of the Reservoir planning. He noted the land was purchased when no houses were nearby and efforts were made to make developers aware of the reservoir plans. He then addressed issues raised by Richard Beck, who had filed the appeal to the conditional use.

One suggestion which arose in the previous public hearing was the possibility of burying the tank and opening it with a slope easement toward the Salem Parkway. Mr. Mull related such a solution would require a property purchase from Oregon Department of Transportation who is unwilling to sell. They specifically lowered the highway for sound and environmental issues. Mr. Mull then contacted the State Health Division to discuss putting the tank in the ground. The maximum amount to be lowered would be 8' and would require a retaining wall with the estimated cost being \$150,000 to \$175,000.

Mr. Mull highlighted his concerns about water needs since the present system has operated at maximum capacity on several different occasions. In answer to a noise concern, Mr. Mull and Mr. Beck visited the wells with the pumps running and they could not be heard over the traffic noise.

Mr. Mull commented that he understood that Mr. Beck was concerned about property values. He felt the City had four options:

- ◆ Construct the reservoir as planned at no additional cost
- ◆ Construct the reservoir underground at a cost of \$1.2 Million
- ◆ Construct the reservoir and lower it 8' into the ground at a cost of \$150,000 to \$170,000
- ◆ Construct a smaller reservoir by removing the top 8', saving the City approximately \$5,700

He recommended the Council uphold the Zoning Administrator's decision and construct the reservoir as planned and work with the neighbors to lessen the visual impact with landscaping.

Mr. Mull stated he had met with the property owners although no solution resulted. Councilor Beach asked about how much site preparation has been done. Mr. Mull stated some work had been done underground, including piping.

Shannon Johnson, City Attorney, reminded the Council this was a Land Use Hearing and five specific criteria apply. He reviewed the applicable criteria in this case and procedures in this case.

Councilor McGee mentioned his previous conversation with Mr. Mull about other potential sites. He asked Mr. Mull to explain why these sites would not fit. Mr. Mull stated an elevated site is needed which limits the City to land east and south of Dearborn and in the Clear Lake area. The master plan calls for two above ground sites so one would be located in each area. Also needed is a well which is available at the present selected site. Two wells are located in the Clear Lake area.

In the event of a disaster, Councilor McGee noted the area closest to the reservoir would receive water first which if placed in the Chemawa Activity Center would be industrial instead of residential customers. Mr. Mull added that since Keizer is about 99% residential even finding a site for a well is difficult.

Councilor Watson asked if there was a site designated in the Clear Lake area. Mr. Mull stated they were waiting to see how the land developed. Councilor Watson suggested making the decision now so that developers would have prior knowledge. He also asked about the planned size. Mr. Mull answered that the total projected need was 3 million gallons and the cost for a 1.5 gallon reservoir was economical. The Councilor suggested the option of building a 1 million gallon reservoir at this site and then a larger one at another.

In answer to the question of the number of properties visually impacted by the present plan, Mr. Mull felt 15 to 20 homes would be involved. Councilor Newton appreciated the staff report but did not like the options so requested more study be done. Councilor Keller asked about recorded responses to the City drawings by the neighbors. Mr. Mull stated no official feedback was available.

Councilor Beach asked about landscaping options and a wider tank. Mr. Mull talked to landscapers about trees which would screen during their leaf season. He also offered pictures of similar tanks in Salem. The site does not have room at the facility for a broader type.

Providing testimony were:

Richard Beck, 4485 River Road S, Salem, thanked Mr. Mull for the time spent with the neighbors reviewing the staff report. He did note a hearings officer has not been involved. When visiting the site, the electric pumps were about the same as the background traffic. He still was uncertain about the noise of diesel pumps in night hours.

A 1994 study has shown the present system will support 40,000 residents. Mr. Beck also noted that in an emergency with the 1.5 million gallon reservoir alone, only 2 hour and 20 minutes of water would be supplied for Keizer. He asked the Council, if they did not deny the conditional use permit, to at least continue the hearing for 60 days to allow time for work on solutions. Mr. Beck offered some suggestions to be considered.

Mr. Beck said the previous UT zoning did support the reservoir but the zone was changed to RS which is not as clear cut. He also addressed the criteria regarding a material alteration of the character of the area which is now residential. He believed a 1.5 million gallon reservoir would alter the character.

Mayor Koho asked if there is a way to make this work in the present location. Mr. Beck felt a conclusion could be reached but it may not be satisfactory to all. Mayor Koho polled the Council about the next steps for the issue.

Councilor Watson suggested the services of a mediator be considered to assist in making decisions. Councilor Newton believed the character of the neighborhood will be materially changed. He felt legal advice on the contract was needed and better alternative ideas. If the proposed site must be used, Councilor Newton preferred waiting until the money is available to bury the tank.

Councilor Keller questioned Mr. Beck about the cost on his idea of putting generators at all the pumps. Mr. Beck explained his suggestion and Mr. Mull clarified problems that might result in the peak summer usage. If all the 14 wells are running and pressure drops below 55 PSI there would be no reserve to come on line. The reservoir is planned for this possibility.

Regarding the capacity information, Mr. Beck clarified the findings in the 1994 report. He stated capacity was reached once in that year. Mr. Mull added capacity has been reached several times since. Mr. Beck stated the residents did not question the Keizer water system. Their concern was the permit did not meet the requirements.

Councilor Beach suggested more time was needed to find alternative solutions. Councilor Miller asked about the effect of delaying the contractor's work. Mr. Mull stated he did not have all the details. Councilor McGee did not support the idea of mediation, but he thought more time was needed to exhaust all the possibilities.

Mayor Koho suggested the hearing be recessed for two months and asked all parties get together. He asked for a report in February.

Councilor McGee asked if the Councilors could get involved in the work despite it being a Land Use issue. Mr. Johnson said the main problem would be contacts with the parties directly involved. Staff could provide information. Ex parte contacts themselves are not the problem but failure to disclose them could cause a problem, although Mr. Johnson suggested such contacts are best to avoid.

Councilor McGee noted several Councilors were heavily involved in the committee work on the original site determination and he was looking to use their experience. Mayor Koho suggested one option would be to withdraw the application which would allow a subcommittee of the Council to be formed. Councilor Beach liked the idea of the extension but not of mediation.

Councilor Watson felt mediators could bring a wide range of skills to assist. He did not like the idea of abandoning the Land Use decision, engaging in negotiations and returning to the Land Use decision. He did share the interest in allowing additional time and working out an acceptable solution to all parties. Councilor McGee stated the entire community must be considered in all solutions. Councilor Miller felt the staff should spend as much time as necessary to discuss and explore alternatives with the neighbors.

The Council directed staff to implement a process that brings the neighbors and the City together towards a solution.

Peggy Bender, 4598 Northside Drive N, Keizer said her home was next to the water tank and she was also concerned about the width of the tank. The size is as large as their entire house and she was concerned only tank would be visible for them.

Ms. Bender felt landscaping would take time and not be adequate. She requested the City consider burying the tank.

Fred Bender, 4598 Northside Drive N, Keizer agreed with the previous speaker and asked the Comprehensive Plan Land Use rules be added to the record.

Scott Pulsifer, 4588 Northside Drive, Keizer offered the idea of using the steel tank for another site and perhaps using beautification funds to solve this problem.

Clem Pereira, 4568 Northside Drive, Keizer, supported the tank being underground.

Marvin Larsen, 4135 SW 25th Court, Gresham, stated his definition of reservoir is an artificial lake which is underground. He also did not believe he had ever been told about the possibility of a storage tank. The property values will be reduced and he strongly spoke in favor of putting the tank underground, citing all the negatives. As a developer living outside the City, Mr. Larsen was concerned that he has been told each of the past three Council visits that his remarks would be better heard another time.

Karen Trucke, 6033 14th Avenue N, Keizer wondered if during the change to residential zoning the reservoir was discussed and if so how the issue of notification could be handled in the Clear Lake area.

Mayor Koho recessed the Hearing to February 3 at 7:00 pm.

On February 3, 1997, Mayor Koho reopened the public hearing continued on December 16, 1997.

Public Works Director Mull reported that due to the Holidays and flooding emergencies in January he had been unable to schedule a meeting with the property owners in the area of the facility as Council had directed at the December meeting. He hoped to arrange a meeting this week and then come back to Council on February 18.

There was no further public testimony to come before the Council.

Councilor Miller asked if any more had been done to check into the possibility of putting the reservoir in the Clearlake area. He recalled the intent to have two reservoirs, and wondered if something should be done soon in light of the decreasing availability of land.

Mr. Mull responded that staff is looking for a location in the Clearlake area. The engineer who designed the water system has written a letter recommending which tank should go first. An analysis of property values where tanks are located in the

Salem area was done. This and other information prepared by the engineers will be shared with the Wiessner property owners. Mr. Mull noted that on the 18th staff will report to Council on both the Wiessner and Clearlake locations.

Mayor Koho recessed the public hearing until February 18, 1997.

On February 18, 1997, Mayor Koho reopened the Public Hearing continued from February 3, 1997.

Wally Mull, Public Works Director, reported the City staff is still trying to meet with the neighborhood. A meeting is tentatively set for the weekend and he would like the hearing continued until March 3, 1997.

There was no further testimony to come before the Council.

Mayor Koho continued the public hearing until March 3, 1997 at 7:00 p.m.

On March 3, 1997, Mayor Koho reopened the Public Hearing continued from February 3, 1997.

Wally Mull, Public Works Director, reported this matter is before the Council on an appeal filed by Mr. Richard Beck. In reviewing the history of this matter, Mr. Mull indicated in September 1996 advertisements were distributed for bids to construct a 1.5 million gallon water reservoir next to the Wiessner pump station. The low bidder, Northwest Permastore Inc., of Dallas, Oregon was awarded the contract at a cost of \$492,053.09 to construct the water reservoir.

Upon filing an application for land use compatibility with the Oregon Health Division, it was determined a conditional use application would need to be filed. Mr. Mull pointed out when the property was purchased in the mid-1980's, it was zoned Urban Transitional (UT) which would have allowed for outright construction of the water reservoir. However, in 1988 the City had rezoned all of the Urban Transitional property along the parkway to be Single Family Residential (RS). The conditional use process was initiated with legal notices being sent to all property owners within the area.

Mr. Mull pointed out the Wiessner site was selected due to the elevation and the ability to provide complete gravity flow to 75% of Keizer residents in case of a system failure. He noted the system has operated at maximum capacity on several occasions during the last two years causing concern for peak hour and fire flows. The system was designed to provide water to all developable areas within the urban growth boundary, however with the rapid development, it is causing concern. Mr. Mull stressed it is important to provide additional water supplies to meet the demands. The Water Master Plan designates a water reservoir to be built at the Wiessner site and in the Clearlake area.

After presenting several options at a previous meeting, Mr. Mull was directed to meet with the local residents of this area to try to come to a compromise on the construction. Mr. Mull indicated this meeting was held on February 26, 1997 and several options were presented. However, the residents were only interested in not having the reservoir at this site at all.

In closing, Mr. Mull felt all of the conditional use criteria has been met in this case and recommended the City authorize the construction of a 1.5 million gallon reservoir at the Wiessner site.

In response to a question from Councilor Keller, Mr. Mull stated there were approximately fourteen residents who attended the February meeting.

Councilor Meier confirmed this matter was originally decided by the City Zoning Administrator, John Morgan.

Mr. Mull indicated a building permit application has been received and a geo technical report has been completed. Mr. Mull pointed out the engineer on this project, Mr. Ed Butts of Stettler Company was unable to attend tonight's meeting due to illness. However, he submitted information which is contained in the packet.

Shannon Johnson, City Attorney announced the procedures for this hearing and reviewed the applicable criteria as set forth in chapter 8 of the Keizer Zoning Ordinance. There were no responses received objecting to the notice or conflict of interest from the audience.

Councilors Meier and Whalen indicated that they were present in the audience during the December 2 and December 16, 1996 hearings. Therefore, they will be voting on this issue.

Councilor Miller pointed out he visited the potential site and observed where the tank would be constructed and the surrounding areas. He indicated this visit did not alter his perceptions of this matter.

Councilor McGee also visited the site in accompaniment of Mr. Mull. He noted several factual questions were answered and he came away with a better perception of the size of the reservoir and the proximity to the nearby residences. Councilor McGee also reminded the Council of his previous declaration of his ex parte contact with Mr. Beck.

In addition, Councilor Beach noted he had visited the site but only came away with a better perception of the size and proximity of the reservoir to the homes. He stated he discussed landscaping options with Mr. Mull, which would cost approximately \$10,000.

Mayor Koho stated he also visited the site, however as a former resident of that area he did not gain anything from the visit.

Councilor Keller indicated upon his visit to the site he gained a better understanding of the lay of the land.

Councilor Meier noted she too visited the site with Mr. Mull. She used the pictures taken by Mr. Beck as a reference to visualize the proximity of the reservoir to the homes.

Councilor Whalen also pointed out he had visited the site with Mr. Mull. However, he did not come to any conclusions from the visit.

Mr. Johnson requested the Council pay attention to the conditional use criteria listed in section 8.30 of the Keizer Zoning Ordinance, particularly item (c) - *The proposed use, as conditioned, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the applicable zone.*

Presenting testimony to the Council were:

Richard Beck, 4485 River Road S, Salem distributed his written statement to the Council. In summary of this statement, Mr. Beck indicated he contacted the City Planning department requesting this matter be set for a hearing before the Hearing's Officer due to the land-use nature, however this matter was moved directly to the City Council for a hearing. In addition, he pointed out the records of Marion County show that on December 2, 1996 there was no record of a building permit for the water reservoir. The permit was filed in late December, however he is unsure if it has been approved at this time. Mr. Beck stated his objections do not relate to the water system performance, only the land use issues.

Mr. Beck stated at the meeting held on February 26, 1997 the same options were discussed as had been previously reviewed in December. At this meeting the neighborhood group discussed moving the reservoir to the ball park near the Chemawa interchange, however they were advised this was not feasible. Mr. Beck noted he called several other cities who were constructing below grade tanks in their areas. In his discussion with the City of Beaverton, he was advised their tanks were being built below grade with soccer fields placed on top of them. In investigating this with the contractor, Mr. Beck relayed that a 1.5 million gallon tank could be constructed underground for approximately \$600,000 to \$700,000. He believed the City should investigate other alternatives than those recommended by the Public Works Department.

Regarding Keizer Zoning Ordinance, Section 8.30 - Conditional Use Criteria, Mr. Beck explained the construction will materially alter the character of the surrounding area. He noted materially is defined as physically; to a great extent; and

substantially. Mr. Beck stated there is no question that the 1.5 million gallon water tank, 101 feet in diameter, over 24 feet height and covering 8000 square feet will substantially, physically and to a great extent alter the character forever. He urged the Council not to grant the conditional use permit in this matter.

Councilor Miller questioned if the reservoir was partially buried, how would this affect the gravity flow. Mr. Beck believed the effect would be minimal, however alterations to the location of the pump would improve the flow. He added the sites in other cities he contacted were flat locations and used a pump for assistance. If the pump was to fail, there would be several other wells within the City to provide water.

Councilor McGee pointed out section (c) of the conditional use criteria is of major concern to the residents. He questioned how the construction of this reservoir will limit, impair or preclude the use of this area as residential.

In response, Mr. Beck indicated this will substantially alter the character and ability to function as a neighborhood. The residents are concerned that with the construction of the reservoir, the neighborhood will never be the same, it will change the character.

Peggy Bender, 4598 Northside Drive N, Keizer indicated her home is adjacent to the proposed site of the water reservoir. She believes the construction of the water reservoir will materially alter the characteristic since she will only see the tank when she looks out her window. In addition, Ms. Bender pointed out she is concerned with the safety aspects of this addition to the neighborhood.

In response to a question from Councilor Whalen, Ms. Bender noted she was not informed of the intended use of the adjacent lot when she purchased her home. However, she was contacted by City staff in October or November in regards to the construction of the reservoir.

Marvin Larsen, 4135 SW 25th Court, Gresham noted he is the owner of the Larsen Park subdivision south of the intended site of the water reservoir. He feels this reservoir will look like a flying saucer hovering above his property. Mr. Larsen blamed the potential construction of the water reservoir for his lack of selling any lots in his subdivision.

Mr. Larsen questioned the testimony which described the value of the reservoir if the entire water system failed. He believed this is the basis for wanting the reservoir constructed above the ground. Furthermore, the cost estimates provided by City staff and Mr. Beck for lowering the tank in the ground differ substantially.

Mr. Mull indicated \$650,000 was budgeted for this project, however it is estimated it would cost \$1,000,000 to build a concrete reservoir underground.

Mr. Larsen pointed out one of the 1996-1997 City Council goals is to construct a water reservoir. He noted the definition of a reservoir is an underground storage tank. Mr. Larsen believed all the residents of the area would be satisfied with an underground storage tank. The additional construction costs would be covered in the increase in assessed value his lots will provide after being developed.

In conclusion, Mr. Larsen strongly believes this construction will substantially alter the character of this neighborhood.

Councilor Keller indicated he visited Mr. Larsen's subdivision and noted a substantial slope on the property. He questioned the additional costs a builder would experience in building a home on this sloped land.

Responding, Mr. Larsen noted there are disadvantages and advantages to this topography. The lots are listed at a reduced price, however there are many options available to a builder to compensate for the slope. Furthermore, Mr. Larsen indicated there are four lots on this hillside, which would require two-story homes with a second floor height of 25 feet to 30 feet. The water reservoir would be seen from these homes constructed at this height. Mr. Larsen also indicated he is very concerned with a potential leakage or rupture of the tank and the potential damage to these homes and the harm to the residents living on this hillside.

Councilor Meier confirmed Mr. Larsen's belief the property was not selling due to the information being released by the City staff.

Mr. Larsen stated he did not have proof of this, however this is his belief. He is concerned that if this tank is allowed to be built, it could result in lawsuits against him as the developer. In addition, Mr. Larsen requested this facility be defined as a water storage tank and not a reservoir. The use of the term reservoir is very misleading.

Councilor Whalen pointed out as a builder, he would be concerned with the economic reasons for constructing a house on these sites, not the potential of a water reservoir being placed above the subdivision.

Mr. Mull announced he has not discussed the water reservoir with any potential buyers of Mr. Larsen's lots. Also, Mr. Mull pointed out having a backup reservoir during a system failure is not the only reason the storage tank is necessary. It will also provide additional water supply during peak demand periods and fire flows, plus provide additional supply while the auxiliary powered wells come on line.

Responding to an inquiry from Councilor Miller, Mr. Mull indicated if the system failed completely, the water pressure will be minimal by the time it reaches River Road. Furthermore, the water reservoir would maintain a minimum of twenty pounds of pressure until the other wells are manually turned on. Also, pumping the water from below the ground will increase the costs of pumping the water into the system.

Fred Bender, 4598 Northside Drive N, Keizer indicated he owns a home directly in front of the potential reservoir site. He estimated the distance between his property line and the tanks is 15 to 20 feet, the distance from his back door to the reservoir is approximately 45 feet and from the master bedroom to the reservoir is 20-25 feet. Mr. Bender indicated the construction of this water reservoir will definitely alter the character of the neighborhood and in addition decrease the value of his home. Mr. Bender pointed out he is completely against the construction of the water reservoir.

In response to a question from Councilor Miller, Mr. Bender noted he purchased his home from the builder in 1994 who did not disclose the fact a water reservoir would be constructed adjacent to the property.

Scott Pulsifer, 4588 Northside Drive N, Keizer pointed out he owns the property directly south of the location of the water reservoir. He indicated at the December Council meeting, the residents were informed they would be contacted by City staff to discuss options in this matter, however the notification only came a few days before this meeting. He believes this is insufficient time to work out a compromise on this issue. Mr. Pulsifer supported the tank being at this location, however there should be alternatives to the design.

In response to a question from Councilor McGee, Mr. Mull stated due to the holidays, critical parties being out of town and limited staff time, a meeting with the residents was not scheduled sooner.

Ken Larsen, 4835 Tanglewood Drive SE, Salem stated he is the brother of Marvin Larsen and a partner in the Larsen Park subdivision. He indicated when the subdivision was being planned, the City did not disclose the potential location of the water reservoir. Mr. Larsen pointed out he worked in conjunction with the City to construct an oversize water line in this area. At no time was there ever an indication a water reservoir would be built above his property.

Mr. Larsen believed it would be difficult to file a lawsuit against a developer if the developer did not know of the potential construction. He indicated he has owned this parcel of land since 1981. In conclusion, Mr. Larsen believed this will definitely alter the material characteristics of the neighborhood.

Ora Taylor, 4597 Northside Drive NE, Keizer pointed out her home will look directly from the front window to the water reservoir. She does not wish to view this tank from her windows for the rest of her life. Ms. Taylor also expressed her concern

for the safety of the children in the area during the construction of this reservoir. She believes whether the storage tank is above or below the ground, it will affect the neighborhood. However, if the tank is constructed she would favor it being placed underground and a park facility built on the site.

Blake J. Schwabauer, 4577 Northside Drive NE, Keizer believed the construction of this water reservoir will alter the character of the neighborhood. This large object will be an attraction for graffiti, difficult to patrol due to the lack of streets surrounding the area, and look out of place due to the dome type construction. Mr. Schwabauer moved from Portland to Keizer for the character of the neighborhood. However, he would not have made the decision to buy his home if he knew or observed a water tank in the vicinity. Mr. Schwabauer understood the need for the storage facility, however he believed it should be buried underground.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found in Chapter 8 (Conditional Use Permit) of the Keizer Zoning Ordinance (KZO) and the development standards set forth in Chapter 23 (Single Family Residential Zone). No other criteria and standards were raised at the hearings.

EXHIBIT "C"

Facts

FACTS - GENERAL:

1. The applicant is the City of Keizer.
2. The property is located at the east end of Wiessner Drive, adjacent to the Salem Parkway. The site address is 2005 Wiessner Drive NE and the property is identified on the Assessors Maps as located within T7S; R3W; Sec. 01BC; Tax Lots 7500 and 7600.
3. The parcel contains 0.91 acres and has access to a public street (Wiessner Drive) and may be served by public sewer and water.
4. The property is designated Low Density Residential in the Comprehensive Plan and zoned Single Family Residential (RS). The purpose of this Plan designation and zone is to provide for single family homes and other compatible uses.
5. Property to the west and south is also zoned RS with single family homes on subdivision lots the predominate land use. To the north is property zoned Limited Density Residential (RL) containing a multi-family subdivision. The Salem Parkway borders the site to the east.
6. The applicant is requesting approval of a conditional use to permit the construction of a 1.5 million gallon water storage reservoir on property located at the east end of Wiessner Drive, adjacent to the Salem Parkway. The reservoir is designed to meet a variety of City's water needs, including provisions for peak hour demand, fire flows and emergency water storage. The subject property was selected as it is one of the highest point within the City thereby allowing the transmission of water by gravity flow.
7. The proposed storage reservoir will be located in the approximate center of the 0.91 acre property. The reservoir will consist of a 100 foot diameter metal storage tank, some 36 feet in height, and capable of storing 1.5 gallons. The reservoir will occupy approximately 8,000 square feet of area. Besides the reservoir, site improvements will include fencing, landscaping, a perimeter roadway surrounding the tank and a future booster station.

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FACTS - CONDITIONAL USE CRITERIA:

8. Establishment of the proposed use (water supply) requires compliance with the conditional use decision criteria. Such criteria are found in Section 8.30 of the Zoning Ordinance. The criteria, and the related findings are set forth below:

- (a) The use is listed as a conditional use in the zone.

Section 23.02(f) of the Keizer Zoning Ordinance identifies the water storage facility as a conditionally permitted use within the RS zone.

- (b) The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.

Based on the submitted site plan the subject property is physically capable of accommodating the proposed 1.5 million gallon reservoir. The ground has no unusual features that require special construction measures or that would prevent development of the proposed use. Based on the parcel's size and topography, there does not appear to be any physical limitation which would prohibit the construction of the reservoir.

Concern was raised at the hearings regarding the slope stability, soils, and drainage. Specifically, appellants were concerned with regard to earthquake potential and soil stability. However, the City Council finds the Foundation Engineering reports dated May 17, 1996 and May ____, 1997 persuasive. Such reports indicate that the site is suitable for the water tank with regard to the above referenced issues. A condition will be added to require the applicant to construct the reservoir to meet all recommendations set forth in the Foundation Engineering reports.

- (c) The proposed use, as conditioned, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the applicable zone.

The RS zone is designed for single family homes. Other generally compatible uses may also be permitted in the RS zone. In this instance, the RS zone conditionally permits facilities related to the City's water supply. The water reservoir may visually impact the neighborhood. Potential impacts are diminished by the following:

- i. The water reservoir is located in the center of the property, increasing the potential setbacks from adjacent residential uses.

- ii. The maximum building height in the RS for a single family residence is 35 feet. The approximate 36 foot water reservoir will be generally consistent with this residential height limitation.
- iii. The reservoir does not involve a process, or produce a product, which creates noise, odors, dust or other adverse impacts.
- iv. Undeveloped areas of the site will be landscaped, establishing a park-like setting for the reservoir.
- v. The site will be fenced and secured, reducing the potential for vandalism.

Though the storage reservoir will impact the surrounding residential area, this conditional use will not materially alter the character of the area in a manner which substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses listed in this residential zone. The nearby residences can still be used for residential purposes. There will be some affect from the scale of the above-ground water storage reservoir, however, such impact is not to the degree where the cited criteria is not met.

The opponents cited evidence indicating that the water storage facility would depress property values. However, even if that is true, City Council finds that a decrease in property values is not a factor in this criteria. A decrease in property values (at least to the degree suggested by appellant) does not materially alter the character of the area in a manner which substantially limits, impairs or precludes the use for residential purposes. In the alternative, the Council finds applicant's evidence showing that the tank has no affect on property values to be more persuasive than the evidence presented by appellant.

- (d) The proposed use will not adversely affect existing wind and solar energy systems.

There are no existing wind or solar energy systems within the immediate area.

- (e) Adequate public utility facilities are available.

The property fronts an improved public street and can be served by all public utility facilities.

FACTS - DEVELOPMENT STANDARDS:

9. Chapter 23 contains specific development standards which apply to the request. Such standards, and the facts supporting these standards, are set forth below:

- (a) Parcel Size (Section 23.12): There is no minimum parcel size, provided the parcel has a minimum width of 40 feet and a minimum depth of 80 feet.

The 0.91 acre subject property exceeds these minimum dimension requirements.

- (b) Setbacks (Section 23.13 - 23.15): The minimum front yard, rear yard and street side setback is 20 feet while the minimum side yard setback is 5 feet.

Setbacks from adjacent property lines will range from 20 feet to 145 feet. In all cases the proposal exceeds the minimum setback requirements.

- (c) Building Height (Section 23.11): The maximum height is 70 feet, provided the minimum setback is increased at least one foot for each foot above 35 feet.

Based on the construction plans, the reservoir height will be 35.65 feet, well within the 70 foot limitation. The proposed height, however, requires each minimum setback to be increased by 0.65 feet. The tank exceeds the minimum setback requirements and no additional setbacks are required as a result of the slight increase in height above 35 feet.

10. Section 23.30 also references additional standards which may apply to the development of the site. One applicable requirement involves off-street parking and loading areas. Section 19.15(8) requires the greater of 0.75 spaces per employee, or, one space per 5,000 square feet of building area. Further, all parking and driveways must be paved.

Based on the size of the facility and support structures, at least three spaces would be required. There is an adjacent, paved parking area that can accommodate at least six vehicles. The proposal exceeds the minimum Ordinance parking requirements.

11. Based on the above findings, the proposal either complies, or can comply with appropriate conditions, with the applicable decision criteria for a conditional use.

EXHIBIT "D"

Justification

In this application the City of Keizer is requesting a conditional use permit to allow construction of a 1.5 million gallon water reservoir. Such reservoir is an above-ground tank to be sited in the approximate center of the 0.91 acre parcel.

The 1988 Water System Master Plan Update indicated that the tank would be located in this area. However, because the land was rezoned to Single Family Residential (RS), the construction of the tank requires a conditional use permit. The water storage facility is permitted conditionally in the RS zone.

The evidence shows that the criteria in this case is met. In particular, the criteria set forth in KZO Section 8.30 are met and physically the subject site can accommodate the proposed storage facility.

The applicant and other opponents have focused on the visual impact that the storage facility will cause. The facility will be approximately 36 feet tall and 100 feet in diameter. It will to some degree interfere with the backyard views from some of the nearby homes. In addition, the storage facility will be visible from other homes and Wiessner Drive.

The applicant concedes that there will be some impact from the storage facility on the surrounding properties. However, the applicant points to the criteria and indicates that all of the criteria have been met. The criteria most at issue is set forth in KZO Section 8.30(c), and reads as follows:

The proposed use, as conditioned, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the applicable zone.

Though the storage reservoir will cause a visual impact in the area, the City Council concludes that this particular criteria is met. This criteria can be broken into two parts. First, is a showing that the proposed use will not materially alter the character of the surrounding area. Second, if such use does materially alter the character, there needs to be a showing that such alteration will not be a manner which substantially limits, impairs, or precludes the use of surrounding properties for residential purposes in this case.

Dealing with the first part of the criteria, the City Council finds that the alteration of the character of the surrounding area will not be material. The term "material" means more than something minor, something that might have great consequences. In this instance, any alteration of the character of the surrounding area does not approach a material alteration.

Second, even if such alteration is material, the second portion of the criteria is met. The storage tank certainly does not preclude the use of the properties for residential purposes. Though the storage facility may impair or limit the residential uses, such as interfering with views during backyard recreation, etc., it certainly does not do so to a substantial degree.

The City Council interprets this criteria to mean that the proposed use will be disallowed if it would cause substantial interference with, or directly conflicts with, the allowed surrounding uses; such as causing serious traffic, noise, and/or odor impacts. The Council finds that the proposed use in this case does not rise to such a level.

Appropriate conditions required of the applicant will mitigate the adverse impacts. Landscaping and fencing will be required to partially obscure the reservoir facility. In addition, appropriate fencing will be required. As conditioned, the proposed use meets all applicable criteria.

EXHIBIT "E"

Action

The City of Keizer hereby GRANTS the requested conditional use permit to construct the 1.5 million gallon water storage reservoir, subject to the following conditions:

1. The proposed water reservoir shall be located and constructed substantially as indicated on the submitted site plan and supporting construction documents, including all proposed improvements, access and setbacks.
2. Prior to operation of the facility the applicant shall complete the following:
 - a. A minimum 6-foot fence shall be installed along the perimeter of the subject site, substantially as indicated on the submitted site plan.
 - b. Undeveloped portions of the site shall be landscaped consistent with the submitted landscaping plan. The plan shall provide that the landscaping shall be designed and installed so as to substantially obscure the water storage facility from adjacent properties upon maturity of the vegetation.
3. The approval shall be limited to the proposed storage tank, future booster station and required site improvements. Modification of the site plan, expansion of the facilities, or construction of new facilities shall require a new conditional use application and review.
4. Applicant shall construct the storage tank and all site improvements incorporating all recommendations set forth in the Foundation Engineering reports.
5. Development of the property shall comply with the requirements of the Marion County Building Inspection Division and comply with all applicable development and operation standards of the Keizer Zoning Ordinance.
6. 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.



June 2, 1997

AGENDA ITEM 7C

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

COUNCIL MEETING: June 2, 1997

AGENDA ITEM NUMBER: 7c

TO: MAYOR KOHO AND CITY COUNCILORS

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: DELIBERATION ON COMPREHENSIVE PLAN/ZONE
CHANGE/SUBDIVISION CASE 96-05 (WHALEN/CHANDLER/PIERCE)

DISCUSSION:

This matter was set over until tonight for deliberation so that additional time could be taken to attempt to reach resolution on the Special Policy Area issues.

Staff has continued to work with Salem staff and will be meeting with some of the parties soon.

RECOMMENDATION:

Staff recommends the Council postpone decision on this case until more information has been received.



June 2, 1997

AGENDA ITEM 8a

**RESOLUTION - BIKE PATH ENHANCEMENT PROGRAM
PROJECT AGREEMENT**

COUNCIL MEETING: June 2, 1997

AGENDA ITEM NUMBER: 8a

TO: MAYOR KOHO AND CITY COUNCILORS

FROM: WALLY MULL
PUBLIC WORKS DIRECTOR

SUBJECT: LOCAL AGENCY AGREEMENT #12636
ENHANCEMENT PROGRAM PROJECT AMENDMENT
NORTH RIVER ROAD BIKE LANES

BACKGROUND:

In May, 1993 the city of Keizer applied for and received a Enhancement Program grant to construct a 1.2 mile bikeway, both northbound and southbound, from Swingwood Court to the north city limits of Keizer. The original enhancement funding approved was \$128,640. This amendment will increase the enhancement funds to total \$295,040.

FISCAL IMPACT:

The estimated cost of the project is \$425,000. The City will be responsible for the match for the federal funds and any portion of the project which is not covered by federal funding. The project must have a minimum financing of 50 percent federal funds.

RECOMMENDATION:

It is recommended the Council adopt the attached Resolution which authorizes the Mayor and City Recorder to sign the agreement with the Oregon Department of Transportation on behalf of the City of Keizer.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R97- _____

AUTHORIZING THE MAYOR TO SIGN ENHANCEMENT PROGRAM PROJECT
AGREEMENT AMENDMENT NO. 1 WITH THE OREGON DEPARTMENT OF
TRANSPORTATION FOR NORTH RIVER ROAD BIKE LANES

WHEREAS, the City of Keizer applied for and received an Enhancement
Program Grant to construct 1.2 mile bikeway along River Road, both northbound
and southbound, from Swingwood Court to the north city limits of Keizer;

WHEREAS, an Enhancement Agreement between the City of Keizer and the
Oregon Department of Transportation has been forwarded to the City for the
signature of the Mayor and City Recorder; NOW THEREFORE;

BE IT RESOLVED by the City Council of the City of Keizer to authorize the
Mayor and City Recorder to sign the Enhancement Agreement Amendment No 1
attached hereto as Exhibit "A" and return to the Oregon Department of
Transportation for further processing.

PASSED this _____ day of _____, 1997.

SIGNED this _____ day of _____, 1997.

Mayor

City Recorder

May 14, 1997

Misc. Contracts & Agreements
Agreement No. 12,636, Amendment No. 1

**LOCAL AGENCY AGREEMENT
ENHANCEMENT PROGRAM PROJECT
AMENDMENT NO. 1**

The State of Oregon, acting by and through its Department of Transportation, hereinafter referred to as State, and the City of Keizer, acting by and through its City Council, hereinafter referred to as Agency, entered into an agreement on August 9, 1994. Said agreement covers the North River Road Bikelanes project.

It is now determined by State and Agency that the agreement referenced above, although remaining in full force and effect, shall be amended by this agreement to increase the amount of federal funds.

Item 4, of the Recitals, Page 1, which now reads:

The project shall be conducted as a part of the Enhancement Program under Title 23, United States Code, and the Oregon Action Plan. The Enhancement Funds are limited to \$128,640. Agency shall be responsible for the match for the federal funds and any portion of the project which is not covered by federal funding. The project must have a minimum financing of 50 percent federal funds.

Shall be amended to read:

The project shall be conducted as a part of the Enhancement Program under Title 23, United States Code, and the Oregon Action Plan. The Enhancement Funds are limited to \$295,040. Agency shall be responsible for the match for the federal funds and any portion of the project that is not covered by federal funding. The project must have a minimum financing of 50 percent federal funds.

IN WITNESS WHEREOF, the parties hereto have set their hands and their seals as of the day and year hereinafter written.

This project was approved by the Oregon Transportation Commission on January 20, 1993, as a part of the Six-Year Transportation Improvement Program and was restored to the 1996-98 Statewide Transportation Improvement Program on May 1, 1997.

The Oregon Transportation Commission on March 7, 1996, adopted Delegation Order 2, which grants authority to the Region Manager to approve and execute agreements for work in the current Statewide Transportation Improvement Program.

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region Manager

Date _____

CITY OF KEIZER, by and through
its elected officials

By _____

Title _____

By _____

Title _____

Date _____

APPROVED AS TO LEGAL
SUFFICIENCY

By _____
City Legal Counsel

Date _____



June 2, 1997

AGENDA ITEM 8b

**MOTION - AWARDING BID TO CHERRY CITY ELECTRIC FOR
CLAGGETT/RIVER ROAD TRAFFIC SIGNAL**



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

May 28, 1997

TO: Wally Mithel
Public Works Director

FROM: Preston Van Meter

THROUGH: Bill Peterson, City Engineer
Dick Woelk, City Traffic Engineer

RE: Traffic Signal at Claggett Street and North River Road
Recommendation of Award

Bids were received and opened at 9 a.m. on Thursday, May 22, 1997 in the City Hall Library for construction of a traffic signal at the intersection of Claggett Street and North River Road. The proposed construction at the intersection involves the following:

1. TRAFFIC SIGNAL

The complete, in place construction of a traffic signal to serve North River Road, Claggett Street on the East, and the church on the West. The driveway for the church was realigned during the utility undergrounding in the summer of 1996 to make the traffic signal location a four way intersection.

2. CONDUIT CONNECT

The installation of a conduit to provide an electrical connection between the proposed new traffic signal at Claggett Street with the existing traffic signal on North River Road at Lockhaven Drive. The conduit connection will allow the proposed new traffic signal at Claggett Street to be programmed into the established timing pattern on North River Road.

Two bids were received, and are summarized as follows:

BIDDER	TRAFFIC SIGNAL	CONDUIT CONNECT	TOTAL BID
CHERRY CITY ELECTRIC	\$99,589.00	\$28,887.00	\$128,476.00
LINNCO ELECTRIC	\$117,138.00	\$20,000.00	\$137,138.00

All bids were received on time, and appear to be balanced.

We recommend that the project be awarded to Cherry City Electric for the contractual amount of \$128,476.00.

•
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

James A. Willhite and Patricia H. Ehrlich
2387 Woodlawn Court NE
Keizer, OR 97303-1059

RECEIVED

May 29, 1997

*97 MAY 30 PM 3 27

CITY OF KEIZER
OREGON 97303

Mayor Dennis Koho and Keizer City Councilors
Keizer City Hall
PO Box 21000
Keizer, OR 97307

Re: Solid Waste Rates and Yard Debris Collection

Dear Mayor and Councilors:

We regret we are unable to attend the City Council meeting on June 2 when we understand the Council will be discussing a proposal for a general rate increase for solid waste pickup and the addition of yard debris collection. We must be out of town on professional business.

We have reviewed an April 10, 1997 memo to the Council from Harlan Business Consultants, Inc. which we assume will be the basis for your discussions. In addition we have read some articles in the newspaper which we are also assuming are part of the discussion on June 2. Unfortunately we have had difficulty in trying to learn details of what the council will be considering.

However we would like to share some concerns and questions based on what bits we have been able to learn. They are as follows:

1. Company provided cart for regular trash:

A. If regular trash service will be changed to requiring a company provided cart which could be lifted mechanically, will the trucks still go to the "garage door" for pickup in an apartment complex where each resident has their own trash can? An illustration of our particular concern is attached. If they will not go to the door will there be some arrangement for elderly or handicapped people who are unable to take their can to the curb side?

B. Many elderly people have very little trash. Are they going to be required to find a place for a large container such as those used now for mechanical pickup or will the container for regular trash be more like the 33 gallon container many Keizer residents provide for trash pickup.

2. Yard Debris Pickup:

A. Some people, such as those living in an apartment complex where each resident has individual trash pickup arrangements, have no yard debris because they have no yard. In the case of the illustrated complex, the yard work is all done by the management company. Will these individuals be charged for yard debris pickup?

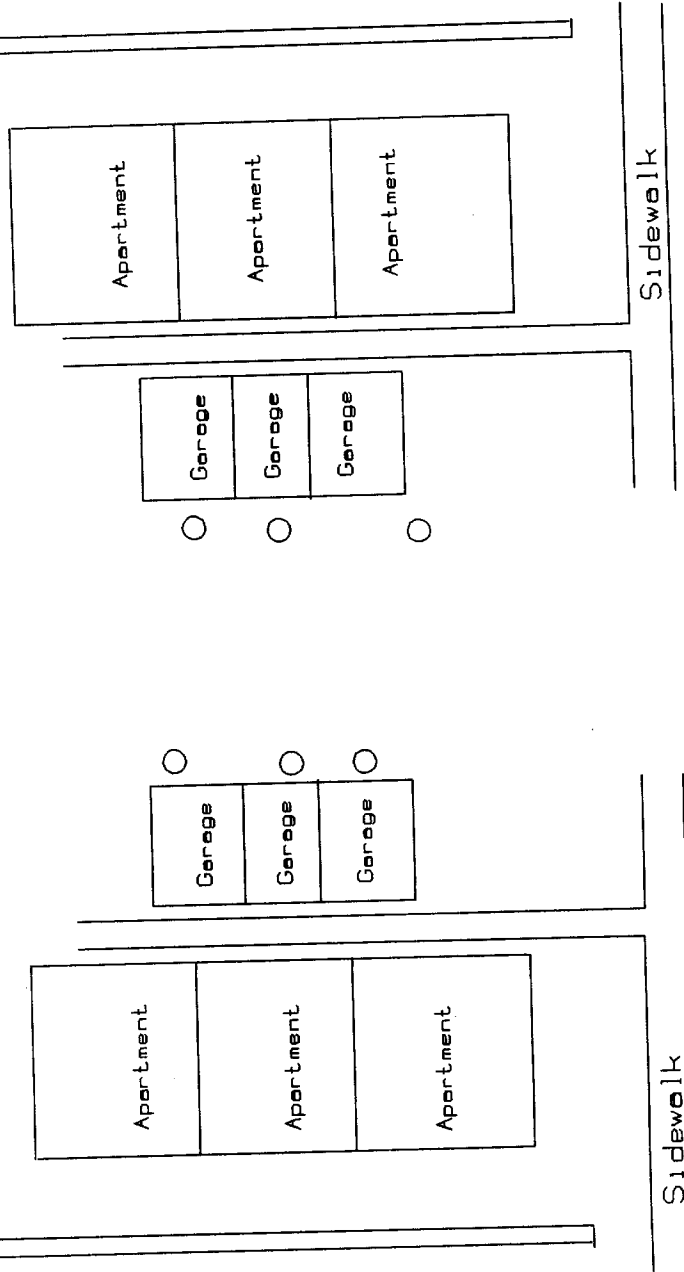
For ourselves, we support the addition of yard debris pickup to keep this material out of the landfill (even though we'll have to find a location for a huge container) and we look forward to apparently having curbside recycling for all of the "white" paper we receive in the mail. But we are also concerned about the issues stated previously and believe they need to be addressed.

Sincerely,

James A. Willhite

Patricia H. Ehrlich

FENCE



KEY: Trash ○ STREET

April 18, 1997

To members of the Keizer City Council

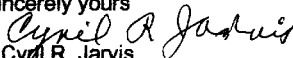
I wish to strenuously object to any consideration by the council, of an additional monthly charge of \$4.70 to be charged to all customers for pickup service they do not need, or want. Most of us recycle our own leaves, and lawn clippings, for our gardens, and flower beds. We only trim our shrubs, and trees once or twice a year, and haul our trimmings to the waste transfer station, or pay a one time price for the extra pickup.

If the council decides to support the extra service, let the people using the extra service pay for it. It would be dishonest to make us all pay whether we use it or not. It is easy to see why the local trash haulers favor this program because it would be like an extra tax subsidy tacked on to our monthly garbage bill. If they think they need more money to operate on, let them be honest and request a rate increase

Please do not give us this added expense without first giving the Keizer residents a chance to vote on it. It is my understanding the City counsel's duty is to serve the best interest's of the taxpayer's, and not the garbage haulers. Their will be many more important money issues that need our support, but this is not one of them. I am sure a great many Keizer people will agree me on this request.

Respectfully requesting favorable action on my request I remain

Sincerely yours


Cyril R. Jarvis

2128 Flagstone CT.
Keizer OR. 97303=1089

Mr. Larsen related the work he had done on his property to upgrade pipes owned by the City. Although the materials were provided by the City, he provided the labor as a contingency of his permit. Mr. Larsen believed the value of the property would be downgraded and the savings of placing the tank above ground would not be passed on to those homeowners. He repeated his safety concern for persons living in the subdivision. Having money already being spent without project approval seems improper to him.

Councilor Watson pointed out the development code only requires a six-foot fence to be constructed around the site.

Councilor McGee asked Mr. Larsen if the alternative suggestion by Mr. Beck would satisfy his concerns. Mr. Larsen felt the new idea would be a win-win situation.

The Council directed staff to return on the 16th of December with additional information.

There was no further public testimony to come before the Council.

Mayor Koho recessed the hearing until the Council meeting of December 16th at 7:00 p.m.

On December 16, 1996, Mayor Koho reopened the public hearing continued from December 2, 1996.

Mr. Mull gave the staff report beginning with the background of the Reservoir planning. He noted the land was purchased when no houses were nearby and efforts were made to make developers aware of the reservoir plans. He then addressed issues raised by Richard Beck, who had filed the appeal to the conditional use.

One suggestion which arose in the previous public hearing was the possibility of burying the tank and opening it with a slope easement toward the Salem Parkway. Mr. Mull related such a solution would require a property purchase from Oregon Department of Transportation who is unwilling to sell. They specifically lowered the highway for sound and environmental issues. Mr. Mull then contacted the State Health Division to discuss putting the tank in the ground. The maximum amount to be lowered would be 8' and would require a retaining wall with the estimated cost being \$150,000 to \$175,000.

Mr. Mull highlighted his concerns about water needs since the present system has operated at maximum capacity on several different occasions. In answer to a noise concern, Mr. Mull and Mr. Beck visited the wells with the pumps running and they could not be heard over the traffic noise.

Mr. Mull commented that he understood that Mr. Beck was concerned about property values. He felt the City had four options:

- ◆ Construct the reservoir as planned at no additional cost
- ◆ Construct the reservoir underground at a cost of \$1.2 Million
- ◆ Construct the reservoir and lower it 8' into the ground at a cost of \$150,000 to \$170,000
- ◆ Construct a smaller reservoir by removing the top 8', saving the City approximately \$5,700

He recommended the Council uphold the Zoning Administrator's decision and construct the reservoir as planned and work with the neighbors to lessen the visual impact with landscaping.

Mr. Mull stated he had met with the property owners although no solution resulted. Councilor Beach asked about how much site preparation has been done. Mr. Mull stated some work had been done underground, including piping.

Shannon Johnson, City Attorney, reminded the Council this was a Land Use Hearing and five specific criteria apply. He reviewed the applicable criteria in this case and procedures in this case.

Councilor McGee mentioned his previous conversation with Mr. Mull about other potential sites. He asked Mr. Mull to explain why these sites would not fit. Mr. Mull stated an elevated site is needed which limits the City to land east and south of Dearborn and in the Clear Lake area. The master plan calls for two above ground sites so one would be located in each area. Also needed is a well which is available at the present selected site. Two wells are located in the Clear Lake area.

In the event of a disaster, Councilor McGee noted the area closest to the reservoir would receive water first which if placed in the Chemawa Activity Center would be industrial instead of residential customers. Mr. Mull added that since Keizer is about 99% residential even finding a site for a well is difficult.

Councilor Watson asked if there was a site designated in the Clear Lake area. Mr. Mull stated they were waiting to see how the land developed. Councilor Watson suggested making the decision now so that developers would have prior knowledge. He also asked about the planned size. Mr. Mull answered that the total projected need was 3 million gallons and the cost for a 1.5 gallon reservoir was economical. The Councilor suggested the option of building a 1 million gallon reservoir at this site and then a larger one at another.

In answer to the question of the number of properties visually impacted by the present plan, Mr. Mull felt 15 to 20 homes would be involved. Councilor Newton appreciated the staff report but did not like the options so requested more study be done. Councilor Keller asked about recorded responses to the City drawings by the neighbors. Mr. Mull stated no official feedback was available.

Councilor Beach asked about landscaping options and a wider tank. Mr. Mull talked to landscapers about trees which would screen during their leaf season. He also offered pictures of similar tanks in Salem. The site does not have room at the facility for a broader type.

Providing testimony were:

Richard Beck, 4485 River Road S, Salem, thanked Mr. Mull for the time spent with the neighbors reviewing the staff report. He did note a hearings officer has not been involved. When visiting the site, the electric pumps were about the same as the background traffic. He still was uncertain about the noise of diesel pumps in night hours.

A 1994 study has shown the present system will support 40,000 residents. Mr. Beck also noted that in an emergency with the 1.5 million gallon reservoir alone, only 2 hour and 20 minutes of water would be supplied for Keizer. He asked the Council, if they did not deny the conditional use permit, to at least continue the hearing for 60 days to allow time for work on solutions. Mr. Beck offered some suggestions to be considered.

Mr. Beck said the previous UT zoning did support the reservoir but the zone was changed to RS which is not as clear cut. He also addressed the criteria regarding a material alteration of the character of the area which is now residential. He believed a 1.5 million gallon reservoir would alter the character.

Mayor Koho asked if there is a way to make this work in the present location. Mr. Beck felt a conclusion could be reached but it may not be satisfactory to all. Mayor Koho polled the Council about the next steps for the issue.

Councilor Watson suggested the services of a mediator be considered to assist in making decisions. Councilor Newton believed the character of the neighborhood will be materially changed. He felt legal advice on the contract was needed and better alternative ideas. If the proposed site must be used, Councilor Newton preferred waiting until the money is available to bury the tank.

Councilor Keller questioned Mr. Beck about the cost on his idea of putting generators at all the pumps. Mr. Beck explained his suggestion and Mr. Mull clarified problems that might result in the peak summer usage. If all the 14 wells are running and pressure drops below 55 PSI there would be no reserve to come on line. The reservoir is planned for this possibility.

Regarding the capacity information, Mr. Beck clarified the findings in the 1994 report. He stated capacity was reached once in that year. Mr. Mull added capacity has been reached several times since. Mr. Beck stated the residents did not question the Keizer water system. Their concern was the permit did not meet the requirements.

Councilor Beach suggested more time was needed to find alternative solutions. Councilor Miller asked about the effect of delaying the contractor's work. Mr. Mull stated he did not have all the details. Councilor McGee did not support the idea of mediation, but he thought more time was needed to exhaust all the possibilities.

Mayor Koho suggested the hearing be recessed for two months and asked all parties get together. He asked for a report in February.

Councilor McGee asked if the Councilors could get involved in the work despite it being a Land Use issue. Mr. Johnson said the main problem would be contacts with the parties directly involved. Staff could provide information. Ex parte contacts themselves are not the problem but failure to disclose them could cause a problem, although Mr. Johnson suggested such contacts are best to avoid.

Councilor McGee noted several Councilors were heavily involved in the committee work on the original site determination and he was looking to use their experience. Mayor Koho suggested one option would be to withdraw the application which would allow a subcommittee of the Council to be formed. Councilor Beach liked the idea of the extension but not of mediation.

Councilor Watson felt mediators could bring a wide range of skills to assist. He did not like the idea of abandoning the Land Use decision, engaging in negotiations and returning to the Land Use decision. He did share the interest in allowing additional time and working out an acceptable solution to all parties. Councilor McGee stated the entire community must be considered in all solutions. Councilor Miller felt the staff should spend as much time as necessary to discuss and explore alternatives with the neighbors.

The Council directed staff to implement a process that brings the neighbors and the City together towards a solution.

Peggy Bender, 4598 Northside Drive N, Keizer said her home was next to the water tank and she was also concerned about the width of the tank. The size is as large as their entire house and she was concerned only tank would be visible for them.

Ms. Bender felt landscaping would take time and not be adequate. She requested the City consider burying the tank.

Fred Bender, 4598 Northside Drive N, Keizer agreed with the previous speaker and asked the Comprehensive Plan Land Use rules be added to the record.

Scott Pulsifer, 4588 Northside Drive, Keizer offered the idea of using the steel tank for another site and perhaps using beautification funds to solve this problem.

Clem Pereira, 4568 Northside Drive, Keizer, supported the tank being underground.

Marvin Larsen, 4135 SW 25th Court, Gresham, stated his definition of reservoir is an artificial lake which is underground. He also did not believe he had ever been told about the possibility of a storage tank. The property values will be reduced and he strongly spoke in favor of putting the tank underground, citing all the negatives. As a developer living outside the City, Mr. Larsen was concerned that he has been told each of the past three Council visits that his remarks would be better heard another time.

Karen Trucke, 6033 14th Avenue N, Keizer wondered if during the change to residential zoning the reservoir was discussed and if so how the issue of notification could be handled in the Clear Lake area.

Mayor Koho recessed the Hearing to February 3 at 7:00 pm.

On February 3, 1997, Mayor Koho reopened the public hearing continued on December 16, 1997.

Public Works Director Mull reported that due to the Holidays and flooding emergencies in January he had been unable to schedule a meeting with the property owners in the area of the facility as Council had directed at the December meeting. He hoped to arrange a meeting this week and then come back to Council on February 18.

There was no further public testimony to come before the Council.

Councilor Miller asked if any more had been done to check into the possibility of putting the reservoir in the Clearlake area. He recalled the intent to have two reservoirs, and wondered if something should be done soon in light of the decreasing availability of land.

Mr. Mull responded that staff is looking for a location in the Clearlake area. The engineer who designed the water system has written a letter recommending which tank should go first. An analysis of property values where tanks are located in the

Salem area was done. This and other information prepared by the engineers will be shared with the Wiessner property owners. Mr. Mull noted that on the 18th staff will report to Council on both the Wiessner and Clearlake locations.

Mayor Koho recessed the public hearing until February 18, 1997.

On February 18, 1997, Mayor Koho reopened the Public Hearing continued from February 3, 1997.

Wally Mull, Public Works Director, reported the City staff is still trying to meet with the neighborhood. A meeting is tentatively set for the weekend and he would like the hearing continued until March 3, 1997.

There was no further testimony to come before the Council.

Mayor Koho continued the public hearing until March 3, 1997 at 7:00 p.m.

On March 3, 1997, Mayor Koho reopened the Public Hearing continued from February 3, 1997.

Wally Mull, Public Works Director, reported this matter is before the Council on an appeal filed by Mr. Richard Beck. In reviewing the history of this matter, Mr. Mull indicated in September 1996 advertisements were distributed for bids to construct a 1.5 million gallon water reservoir next to the Wiessner pump station. The low bidder, Northwest PermaStore Inc., of Dallas, Oregon was awarded the contract at a cost of \$492,053.09 to construct the water reservoir.

Upon filing an application for land use compatibility with the Oregon Health Division, it was determined a conditional use application would need to be filed. Mr. Mull pointed out when the property was purchased in the mid-1980's, it was zoned Urban Transitional (UT) which would have allowed for outright construction of the water reservoir. However, in 1988 the City had rezoned all of the Urban Transitional property along the parkway to be Single Family Residential (RS). The conditional use process was initiated with legal notices being sent to all property owners within the area.

Mr. Mull pointed out the Wiessner site was selected due to the elevation and the ability to provide complete gravity flow to 75% of Keizer residents in case of a system failure. He noted the system has operated at maximum capacity on several occasions during the last two years causing concern for peak hour and fire flows. The system was designed to provide water to all developable areas within the urban growth boundary, however with the rapid development, it is causing concern. Mr. Mull stressed it is important to provide additional water supplies to meet the demands. The Water Master Plan designates a water reservoir to be built at the Wiessner site and in the Clearlake area.

After presenting several options at a previous meeting, Mr. Mull was directed to meet with the local residents of this area to try to come to a compromise on the construction. Mr. Mull indicated this meeting was held on February 26, 1997 and several options were presented. However, the residents were only interested in not having the reservoir at this site at all.

In closing, Mr. Mull felt all of the conditional use criteria has been met in this case and recommended the City authorize the construction of a 1.5 million gallon reservoir at the Wiessner site.

In response to a question from Councilor Keller, Mr. Mull stated there were approximately fourteen residents who attended the February meeting.

Councilor Meier confirmed this matter was originally decided by the City Zoning Administrator, John Morgan.

Mr. Mull indicated a building permit application has been received and a geo technical report has been completed. Mr. Mull pointed out the engineer on this project, Mr. Ed Butts of Stettler Company was unable to attend tonight's meeting due to illness. However, he submitted information which is contained in the packet.

Shannon Johnson, City Attorney announced the procedures for this hearing and reviewed the applicable criteria as set forth in chapter 8 of the Keizer Zoning Ordinance. There were no responses received objecting to the notice or conflict of interest from the audience.

Councilors Meier and Whalen indicated that they were present in the audience during the December 2 and December 16, 1996 hearings. Therefore, they will be voting on this issue.

Councilor Miller pointed out he visited the potential site and observed where the tank would be constructed and the surrounding areas. He indicated this visit did not alter his perceptions of this matter.

Councilor McGee also visited the site in accompaniment of Mr. Mull. He noted several factual questions were answered and he came away with a better perception of the size of the reservoir and the proximity to the nearby residences. Councilor McGee also reminded the Council of his previous declaration of his ex parte contact with Mr. Beck.

In addition, Councilor Beach noted he had visited the site but only came away with a better perception of the size and proximity of the reservoir to the homes. He stated he discussed landscaping options with Mr. Mull, which would cost approximately \$10,000.

Mayor Koho stated he also visited the site, however as a former resident of that area he did not gain anything from the visit.

Councilor Keller indicated upon his visit to the site he gained a better understanding of the lay of the land.

Councilor Meier noted she too visited the site with Mr. Mull. She used the pictures taken by Mr. Beck as a reference to visualize the proximity of the reservoir to the homes.

Councilor Whalen also pointed out he had visited the site with Mr. Mull. However, he did not come to any conclusions from the visit.

Mr. Johnson requested the Council pay attention to the conditional use criteria listed in section 8.30 of the Keizer Zoning Ordinance, particularly item (c) - *The proposed use, as conditioned, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the applicable zone.*

Presenting testimony to the Council were:

Richard Beck, 4485 River Road S, Salem distributed his written statement to the Council. In summary of this statement, Mr. Beck indicated he contacted the City Planning department requesting this matter be set for a hearing before the Hearing's Officer due to the land-use nature, however this matter was moved directly to the City Council for a hearing. In addition, he pointed out the records of Marion County show that on December 2, 1996 there was no record of a building permit for the water reservoir. The permit was filed in late December, however he is unsure if it has been approved at this time. Mr. Beck stated his objections do not relate to the water system performance, only the land use issues.

Mr. Beck stated at the meeting held on February 26, 1997 the same options were discussed as had been previously reviewed in December. At this meeting the neighborhood group discussed moving the reservoir to the ball park near the Chemawa interchange, however they were advised this was not feasible. Mr. Beck noted he called several other cities who were constructing below grade tanks in their areas. In his discussion with the City of Beaverton, he was advised their tanks were being built below grade with soccer fields placed on top of them. In investigating this with the contractor, Mr. Beck relayed that a 1.5 million gallon tank could be constructed underground for approximately \$600,000 to \$700,000. He believed the City should investigate other alternatives than those recommended by the Public Works Department.

Regarding Keizer Zoning Ordinance, Section 8.30 - Conditional Use Criteria, Mr. Beck explained the construction will materially alter the character of the surrounding area. He noted materially is defined as physically; to a great extent; and

substantially. Mr. Beck stated there is no question that the 1.5 million gallon water tank, 101 feet in diameter, over 24 feet height and covering 8000 square feet will substantially, physically and to a great extent alter the character forever. He urged the Council not to grant the conditional use permit in this matter.

Councilor Miller questioned if the reservoir was partially buried, how would this affect the gravity flow. Mr. Beck believed the effect would be minimal, however alterations to the location of the pump would improve the flow. He added the sites in other cities he contacted were flat locations and used a pump for assistance. If the pump was to fail, there would be several other wells within the City to provide water.

Councilor McGee pointed out section (c) of the conditional use criteria is of major concern to the residents. He questioned how the construction of this reservoir will limit, impair or preclude the use of this area as residential.

In response, Mr. Beck indicated this will substantially alter the character and ability to function as a neighborhood. The residents are concerned that with the construction of the reservoir, the neighborhood will never be the same, it will change the character.

Peggy Bender, 4598 Northside Drive N, Keizer indicated her home is adjacent to the proposed site of the water reservoir. She believes the construction of the water reservoir will materially alter the characteristic since she will only see the tank when she looks out her window. In addition, Ms. Bender pointed out she is concerned with the safety aspects of this addition to the neighborhood.

In response to a question from Councilor Whalen, Ms. Bender noted she was not informed of the intended use of the adjacent lot when she purchased her home. However, she was contacted by City staff in October or November in regards to the construction of the reservoir.

Marvin Larsen, 4135 SW 25th Court, Gresham noted he is the owner of the Larsen Park subdivision south of the intended site of the water reservoir. He feels this reservoir will look like a flying saucer hovering above his property. Mr. Larsen blamed the potential construction of the water reservoir for his lack of selling any lots in his subdivision.

Mr. Larsen questioned the testimony which described the value of the reservoir if the entire water system failed. He believed this is the basis for wanting the reservoir constructed above the ground. Furthermore, the cost estimates provided by City staff and Mr. Beck for lowering the tank in the ground differ substantially.

Mr. Mull indicated \$650,000 was budgeted for this project, however it is estimated it would cost \$1,000,000 to build a concrete reservoir underground.

Mr. Larsen pointed out one of the 1996-1997 City Council goals is to construct a water reservoir. He noted the definition of a reservoir is an underground storage tank. Mr. Larsen believed all the residents of the area would be satisfied with an underground storage tank. The additional construction costs would be covered in the increase in assessed value his lots will provide after being developed.

In conclusion, Mr. Larsen strongly believes this construction will substantially alter the character of this neighborhood.

Councilor Keller indicated he visited Mr. Larsen's subdivision and noted a substantial slope on the property. He questioned the additional costs a builder would experience in building a home on this sloped land.

Responding, Mr. Larsen noted there are disadvantages and advantages to this topography. The lots are listed at a reduced price, however there are many options available to a builder to compensate for the slope. Furthermore, Mr. Larsen indicated there are four lots on this hillside, which would require two-story homes with a second floor height of 25 feet to 30 feet. The water reservoir would be seen from these homes constructed at this height. Mr. Larsen also indicated he is very concerned with a potential leakage or rupture of the tank and the potential damage to these homes and the harm to the residents living on this hillside.

Councilor Meier confirmed Mr. Larsen's belief the property was not selling due to the information being released by the City staff.

Mr. Larsen stated he did not have proof of this, however this is his belief. He is concerned that if this tank is allowed to be built, it could result in lawsuits against him as the developer. In addition, Mr. Larsen requested this facility be defined as a water storage tank and not a reservoir. The use of the term reservoir is very misleading.

Councilor Whalen pointed out as a builder, he would be concerned with the economic reasons for constructing a house on these sites, not the potential of a water reservoir being placed above the subdivision.

Mr. Mull announced he has not discussed the water reservoir with any potential buyers of Mr. Larsen's lots. Also, Mr. Mull pointed out having a backup reservoir during a system failure is not the only reason the storage tank is necessary. It will also provide additional water supply during peak demand periods and fire flows, plus provide additional supply while the auxiliary powered wells come on line.

Responding to an inquiry from Councilor Miller, Mr. Mull indicated if the system failed completely, the water pressure will be minimal by the time it reaches River Road. Furthermore, the water reservoir would maintain a minimum of twenty pounds of pressure until the other wells are manually turned on. Also, pumping the water from below the ground will increase the costs of pumping the water into the system.

Fred Bender, 4598 Northside Drive N, Keizer indicated he owns a home directly in front of the potential reservoir site. He estimated the distance between his property line and the tanks is 15 to 20 feet, the distance from his back door to the reservoir is approximately 45 feet and from the master bedroom to the reservoir is 20-25 feet. Mr. Bender indicated the construction of this water reservoir will definitely alter the character of the neighborhood and in addition decrease the value of his home. Mr. Bender pointed out he is completely against the construction of the water reservoir.

In response to a question from Councilor Miller, Mr. Bender noted he purchased his home from the builder in 1994 who did not disclose the fact a water reservoir would be constructed adjacent to the property.

Scott Pulsifer, 4588 Northside Drive N, Keizer pointed out he owns the property directly south of the location of the water reservoir. He indicated at the December Council meeting, the residents were informed they would be contacted by City staff to discuss options in this matter, however the notification only came a few days before this meeting. He believes this is insufficient time to work out a compromise on this issue. Mr. Pulsifer supported the tank being at this location, however there should be alternatives to the design.

In response to a question from Councilor McGee, Mr. Mull stated due to the holidays, critical parties being out of town and limited staff time, a meeting with the residents was not scheduled sooner.

Ken Larsen, 4835 Tanglewood Drive SE, Salem stated he is the brother of Marvin Larsen and a partner in the Larsen Park subdivision. He indicated when the subdivision was being planned, the City did not disclose the potential location of the water reservoir. Mr. Larsen pointed out he worked in conjunction with the City to construct an oversize water line in this area. At no time was there ever an indication a water reservoir would be built above his property.

Mr. Larsen believed it would be difficult to file a lawsuit against a developer if the developer did not know of the potential construction. He indicated he has owned this parcel of land since 1981. In conclusion, Mr. Larsen believed this will definitely alter the material characteristics of the neighborhood.

Ora Taylor, 4597 Northside Drive NE, Keizer pointed out her home will look directly from the front window to the water reservoir. She does not wish to view this tank from her windows for the rest of her life. Ms. Taylor also expressed her concern

for the safety of the children in the area during the construction of this reservoir. She believes whether the storage tank is above or below the ground, it will affect the neighborhood. However, if the tank is constructed she would favor it being placed underground and a park facility built on the site.

Blake J. Schwabauer, 4577 Northside Drive NE, Keizer believed the construction of this water reservoir will alter the character of the neighborhood. This large object will be an attraction for graffiti, difficult to patrol due to the lack of streets surrounding the area, and look out of place due to the dome type construction. Mr. Schwabauer moved from Portland to Keizer for the character of the neighborhood. However, he would not have made the decision to buy his home if he knew or observed a water tank in the vicinity. Mr. Schwabauer understood the need for the storage facility, however he believed it should be buried underground.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found in Chapter 8 (Conditional Use Permit) of the Keizer Zoning Ordinance (KZO) and the development standards set forth in Chapter 23 (Single Family Residential Zone). No other criteria and standards were raised at the hearings.

EXHIBIT "C"

Facts

FACTS - GENERAL:

1. The applicant is the City of Keizer.
2. The property is located at the east end of Wiessner Drive, adjacent to the Salem Parkway. The site address is 2005 Wiessner Drive NE and the property is identified on the Assessors Maps as located within T7S; R3W; Sec. 01BC; Tax Lots 7500 and 7600.
3. The parcel contains 0.91 acres and has access to a public street (Wiessner Drive) and may be served by public sewer and water.
4. The property is designated Low Density Residential in the Comprehensive Plan and zoned Single Family Residential (RS). The purpose of this Plan designation and zone is to provide for single family homes and other compatible uses.
5. Property to the west and south is also zoned RS with single family homes on subdivision lots the predominate land use. To the north is property zoned Limited Density Residential (RL) containing a multi-family subdivision. The Salem Parkway borders the site to the east.
6. The applicant is requesting approval of a conditional use to permit the construction of a 1.5 million gallon water storage reservoir on property located at the east end of Wiessner Drive, adjacent to the Salem Parkway. The reservoir is designed to meet a variety of City's water needs, including provisions for peak hour demand, fire flows and emergency water storage. The subject property was selected as it is one of the highest point within the City thereby allowing the transmission of water by gravity flow.
7. The proposed storage reservoir will be located in the approximate center of the 0.91 acre property. The reservoir will consist of a 100 foot diameter metal storage tank, some 36 feet in height, and capable of storing 1.5 gallons. The reservoir will occupy approximately 8,000 square feet of area. Besides the reservoir, site improvements will include fencing, landscaping, a perimeter roadway surrounding the tank and a future booster station.

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FACTS - CONDITIONAL USE CRITERIA:

8. Establishment of the proposed use (water supply) requires compliance with the conditional use decision criteria. Such criteria are found in Section 8.30 of the Zoning Ordinance. The criteria, and the related findings are set forth below:

- (a) The use is listed as a conditional use in the zone.

Section 23.02(f) of the Keizer Zoning Ordinance identifies the water storage facility as a conditionally permitted use within the RS zone.

- (b) The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.

Based on the submitted site plan the subject property is physically capable of accommodating the proposed 1.5 million gallon reservoir. The ground has no unusual features that require special construction measures or that would prevent development of the proposed use. Based on the parcel's size and topography, there does not appear to be any physical limitation which would prohibit the construction of the reservoir.

Concern was raised at the hearings regarding the slope stability, soils, and drainage. Specifically, appellants were concerned with regard to earthquake potential and soil stability. However, the City Council finds the Foundation Engineering reports dated May 17, 1996 and May ____, 1997 persuasive. Such reports indicate that the site is suitable for the water tank with regard to the above referenced issues. A condition will be added to require the applicant to construct the reservoir to meet all recommendations set forth in the Foundation Engineering reports.

- (c) The proposed use, as conditioned, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the applicable zone.

The RS zone is designed for single family homes. Other generally compatible uses may also be permitted in the RS zone. In this instance, the RS zone conditionally permits facilities related to the City's water supply. The water reservoir may visually impact the neighborhood. Potential impacts are diminished by the following:

- i. The water reservoir is located in the center of the property, increasing the potential setbacks from adjacent residential uses.

- ii. The maximum building height in the RS for a single family residence is 35 feet. The approximate 36 foot water reservoir will be generally consistent with this residential height limitation.
- iii. The reservoir does not involve a process, or produce a product, which creates noise, odors, dust or other adverse impacts.
- iv. Undeveloped areas of the site will be landscaped, establishing a park-like setting for the reservoir.
- v. The site will be fenced and secured, reducing the potential for vandalism.

Though the storage reservoir will impact the surrounding residential area, this conditional use will not materially alter the character of the area in a manner which substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses listed in this residential zone. The nearby residences can still be used for residential purposes. There will be some affect from the scale of the above-ground water storage reservoir, however, such impact is not to the degree where the cited criteria is not met.

The opponents cited evidence indicating that the water storage facility would depress property values. However, even if that is true, City Council finds that a decrease in property values is not a factor in this criteria. A decrease in property values (at least to the degree suggested by appellant) does not materially alter the character of the area in a manner which substantially limits, impairs or precludes the use for residential purposes. In the alternative, the Council finds applicant's evidence showing that the tank has no affect on property values to be more persuasive than the evidence presented by appellant.

- (d) The proposed use will not adversely affect existing wind and solar energy systems.

There are no existing wind or solar energy systems within the immediate area.

- (e) Adequate public utility facilities are available.

The property fronts an improved public street and can be served by all public utility facilities.

FACTS - DEVELOPMENT STANDARDS:

9. Chapter 23 contains specific development standards which apply to the request. Such standards, and the facts supporting these standards, are set forth below:

- (a) Parcel Size (Section 23.12): There is no minimum parcel size, provided the parcel has a minimum width of 40 feet and a minimum depth of 80 feet.

The 0.91 acre subject property exceeds these minimum dimension requirements.

- (b) Setbacks (Section 23.13 - 23.15): The minimum front yard, rear yard and street side setback is 20 feet while the minimum side yard setback is 5 feet.

Setbacks from adjacent property lines will range from 20 feet to 145 feet. In all cases the proposal exceeds the minimum setback requirements.

- (c) Building Height (Section 23.11): The maximum height is 70 feet, provided the minimum setback is increased at least one foot for each foot above 35 feet.

Based on the construction plans, the reservoir height will be 35.65 feet, well within the 70 foot limitation. The proposed height, however, requires each minimum setback to be increased by 0.65 feet. The tank exceeds the minimum setback requirements and no additional setbacks are required as a result of the slight increase in height above 35 feet.

10. Section 23.30 also references additional standards which may apply to the development of the site. One applicable requirement involves off-street parking and loading areas. Section 19.15(8) requires the greater of 0.75 spaces per employee, or, one space per 5,000 square feet of building area. Further, all parking and driveways must be paved.

Based on the size of the facility and support structures, at least three spaces would be required. There is an adjacent, paved parking area that can accommodate at least six vehicles. The proposal exceeds the minimum Ordinance parking requirements.

11. Based on the above findings, the proposal either complies, or can comply with appropriate conditions, with the applicable decision criteria for a conditional use.

EXHIBIT "D"

Justification

In this application the City of Keizer is requesting a conditional use permit to allow construction of a 1.5 million gallon water reservoir. Such reservoir is an above-ground tank to be sited in the approximate center of the 0.91 acre parcel.

The 1988 Water System Master Plan Update indicated that the tank would be located in this area. However, because the land was rezoned to Single Family Residential (RS), the construction of the tank requires a conditional use permit. The water storage facility is permitted conditionally in the RS zone.

The evidence shows that the criteria in this case is met. In particular, the criteria set forth in KZO Section 8.30 are met and physically the subject site can accommodate the proposed storage facility.

The applicant and other opponents have focused on the visual impact that the storage facility will cause. The facility will be approximately 36 feet tall and 100 feet in diameter. It will to some degree interfere with the backyard views from some of the nearby homes. In addition, the storage facility will be visible from other homes and Wiessner Drive.

The applicant concedes that there will be some impact from the storage facility on the surrounding properties. However, the applicant points to the criteria and indicates that all of the criteria have been met. The criteria most at issue is set forth in KZO Section 8.30(c), and reads as follows:

The proposed use, as conditioned, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the applicable zone.

Though the storage reservoir will cause a visual impact in the area, the City Council concludes that this particular criteria is met. This criteria can be broken into two parts. First, is a showing that the proposed use will not materially alter the character of the surrounding area. Second, if such use does materially alter the character, there needs to be a showing that such alteration will not be a manner which substantially limits, impairs, or precludes the use of surrounding properties for residential purposes in this case.

Dealing with the first part of the criteria, the City Council finds that the alteration of the character of the surrounding area will not be material. The term "material" means more than something minor, something that might have great consequences. In this instance, any alteration of the character of the surrounding area does not approach a material alteration.

Second, even if such alteration is material, the second portion of the criteria is met. The storage tank certainly does not preclude the use of the properties for residential purposes. Though the storage facility may impair or limit the residential uses, such as interfering with views during backyard recreation, etc., it certainly does not do so to a substantial degree.

The City Council interprets this criteria to mean that the proposed use will be disallowed if it would cause substantial interference with, or directly conflicts with, the allowed surrounding uses; such as causing serious traffic, noise, and/or odor impacts. The Council finds that the proposed use in this case does not rise to such a level.

Appropriate conditions required of the applicant will mitigate the adverse impacts. Landscaping and fencing will be required to partially obscure the reservoir facility. In addition, appropriate fencing will be required. As conditioned, the proposed use meets all applicable criteria.

EXHIBIT "E"

Action

The City of Keizer hereby GRANTS the requested conditional use permit to construct the 1.5 million gallon water storage reservoir, subject to the following conditions:

1. The proposed water reservoir shall be located and constructed substantially as indicated on the submitted site plan and supporting construction documents, including all proposed improvements, access and setbacks.
2. Prior to operation of the facility the applicant shall complete the following:
 - a. A minimum 6-foot fence shall be installed along the perimeter of the subject site, substantially as indicated on the submitted site plan.
 - b. Undeveloped portions of the site shall be landscaped consistent with the submitted landscaping plan. The plan shall provide that the landscaping shall be designed and installed so as to substantially obscure the water storage facility from adjacent properties upon maturity of the vegetation.
3. The approval shall be limited to the proposed storage tank, future booster station and required site improvements. Modification of the site plan, expansion of the facilities, or construction of new facilities shall require a new conditional use application and review.
4. Applicant shall construct the storage tank and all site improvements incorporating all recommendations set forth in the Foundation Engineering reports.
5. Development of the property shall comply with the requirements of the Marion County Building Inspection Division and comply with all applicable development and operation standards of the Keizer Zoning Ordinance.
6. 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.



June 2, 1997

AGENDA ITEM 7c

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

COUNCIL MEETING: June 2, 1997

AGENDA ITEM NUMBER: 7c

TO: MAYOR KOHO AND CITY COUNCILORS

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

**SUBJECT: DELIBERATION ON COMPREHENSIVE PLAN/ZONE
CHANGE/SUBDIVISION CASE 96-05 (WHALEN/CHANDLER/PIERCE)**

DISCUSSION:

This matter was set over until tonight for deliberation so that additional time could be taken to attempt to reach resolution on the Special Policy Area issues.

Staff has continued to work with Salem staff and will be meeting with some of the parties soon.

RECOMMENDATION:

Staff recommends the Council postpone decision on this case until more information has been received.

June 2

DRAFT
FOR REVIEW AND COMMENT ONLY

AD HOC WORKGROUP ON COMMUNITY POLICING/CITY
COUNCIL COMMUNICATIONS

Decision Points from 4/23/97 meeting

- What information does the council need regarding community policing, and at what frequency should the council be provided with the information?
 - Notification of decision items that could have policy or budgetary impact to be provided by 5pm on Thursday immediately prior to nearest council meeting date via Staff (CPC to Jodi to Tracy to each City Council Member via member boxes):
 - Heads up prior to discussion of issue (to inform council members of upcoming debates)
 - Notification of key points of discussion and likely action (to inform council members of direction of discussions and anticipated action)
 - Action taken (to inform council members of what official actions the CP Committee has taken) [see formal request for action below]
 - Oral report at Council Meeting every 3rd Monday of the month by Chair of Community Policing Committee and Chief of Police regarding success stories of Community Policing Activities.
 - Community Policing Annual Report (Specific date to be identified to coincide with appropriate stage of budgetary cycle)
 - Yearly update by Community Policing District Chairs (Oral and Written)
 - Yearly presentation of strategic plan for Community Policing (Oral and Written)
 - Yearly Review of Community Policing progress on strategic plan goals (Oral and Written)
 - Dates of Community Policing Meetings and Activities to be provided at beginning and middle of each month via Jodi to Person in Charge of Community Calendar for inclusion in Community Calendar.
- Who should the council contact to gain additional information that that provided in the usual manner set forth above?
 - Chair of the Community Policing Committee may be contacted via phone or mail for clarification of any Community Policing activity.
- What is the manner to bring formal recommendations from community policing to the city council?

- A formal request for Council Action shall be provided in writing via the Chief of Police to the City Manager for inclusion on the agenda for the next Council Meeting or Work Session. (Liaison to confirm?)
- What is the manner to bring recommendations or suggestions from the city council to community policing?
 - Informal Recommendations from the city council may be conveyed via written document to the Chair of the Community Policing Committee for consideration at the next Community Policing Committee Meeting
 - Formal recommendations shall be provided via the City Manager to the Chief of Police to the Community Policing Committee for consideration at the next Community Policing Committee Meeting.
- Who will be the key contact persons on the council regarding community policing issues concerns, etc?
 - The City Council Liaison to the Community Policing Committee
- Who will be the key contact persons in community policing for council to contact regarding community policing issues, concerns, etc?
 - The Chair of the Community Policing Committee and the Chief of Police

OTHER ISSUES DISCUSSED:

- Agenda for Community Policing Committee will include a segment dedicated to determining if anything will be under consideration that will have policy or budgetary impacts thus necessitating a heads up to the city council.
- Minutes of Community Policing Committee and Agendas (and or minutes?) of District Community Policing Meetings should be included FYI to council members on a routine basis via Jodi to Tracy to the Council Members through member boxes.
- Should Council Members attend District Community Policing Meetings as designated Liaison?
- Council should continue to have Liaison on Community Policing Committee, but role needs to be clarified by council.
- May require new resolution on community policing to reflect a change in community policing structure.



**PUBLIC HEARING
SIGN UP SHEET**

**PUBLIC HEARING RE: SOLID WASTE COLLECTION RATE INCREASE
AND YARD DEBRIS PROPOSALS**

DATE: JUNE 2, 1997 TIME: 7:00 p.m. AGENDA ITEM # 6a

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

(PLEASE PRINT)

[illegible]



DATE: JUNE 2, 1997 TIME: 7:00 p.m. AGENDA ITEM # 6b

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

(PLEASE PRINT)

[illegible]