

**AGENDA**  
**KEIZER CITY COUNCIL**  
**REGULAR SESSION**  
Monday, May 18, 2015  
7:00 p.m.  
Robert L. Simon Council Chambers  
Keizer, Oregon

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **SPECIAL ORDERS OF BUSINESS**
5. **COMMITTEE REPORTS**
6. **PUBLIC TESTIMONY**  
*This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.*
7. **PUBLIC HEARINGS**
8. **ADMINISTRATIVE ACTION**
  - a. Proposed Remand of Herber Farm LLC LUBA Appeal
  - b. ORDINANCE – Amending Keizer Development Code Regarding Section 2.107 (Mixed Use) and Section 2.414 (Veterinary Services); Amending Ordinance 98-389
  - c. ORDINANCE – Correcting Scrivener’s Error with Regard to Ordinance No. 2015-718
  - d. RESOLUTION – Adopting Website Disclaimer and Policies
9. **CONSENT CALENDAR**
  - a. RESOLUTION – In the Matter of Adoption of the Municipal Judge Evaluation Process; Repealing R2010-2027

- b. RESOLUTION – Authorizing the City Manager to Enter Into Second Amendment to Contract Agreement with Leathers and Associates
- c. RESOLUTION – Approving City Engineers Report; Declaring the City's Intent to Form Misty Meadows Street Lighting Local Improvement District; Providing Notice and Setting Hearing
- d. RESOLUTION – Approving City Engineers Report; Declaring the City's Intent to Form Northfield Estates Street Lighting Local Improvement District; Providing Notice and Setting Hearing for Northfield Estates Street Lighting Local Improvement District
- e. RESOLUTION – Amending R2015-2556 (Supporting 2015 Public Arts Commission Holiday Card Contest)

10. COUNCIL LIAISON REPORTS

11. OTHER BUSINESS

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

12. WRITTEN COMMUNICATIONS

*To inform the Council of significant written communications.*

13. AGENDA INPUT

June 1, 2015

7:00 p.m. – City Council Regular Session

June 8, 2015

5:45 p.m. – City Council Work Session

- Oregon Government Ethics Commission Training

June 15, 2015

7:00 p.m. – City Council Regular Session

14. ADJOURNMENT

*Upon request, auxiliary aids and/or special services will be provided. To request services, please contact us at (503)390-3700 or through Oregon Relay at 1-800-735-2900 at least two working days (48 hours) in advance.*

**CITY COUNCIL MEETING: May 18, 2015**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: PROPOSED REMAND OF HERBER FARM LLC LUBA APPEAL**

Last September, the City Council held a public hearing on the Herber Farm LLC application for a zone change and a comprehensive plan change to allow multi-family development on the Herber Farm property located on Verda Lane between Chemawa and Dearborn. Following the hearing, the Council voted to deny the application. The Herber family then appealed this denial to the Land Use Board of Appeals (LUBA).

The appeal has been on hold based on technical objections to the Record. In the meantime, the Community Development Director, City Manager, and I have discussed the matter at length.

A reality to keep in mind in this matter is that the Herber land use application is likely to be back before the City Council regardless of the outcome at LUBA. If LUBA remands the matter, of course the City must reconsider it; that is the outcome of a remand. However, even if LUBA affirms the City's decision, the Herbers can renew their application after October 6, 2015 because the development code allows for the re-application after one year from the date of the date of decision. The LUBA decision probably would not be issued before that.

The resources for a LUBA appeal (City Attorney/Legal Assistant time) are substantial. If the ultimate outcome of that appeal is that the matter would be before the Council in any event, it would seem that avoiding the appeal would be appropriate. If a new proposal by the Herbers for multi-family development could meet the City Council's concerns and comply with the applicable criteria, then the need for the LUBA appeal goes away.

Given that, the City Manager authorized raising the issue informally with the Herbers through their attorney. The Herbers have since committed to reducing the multi-family development to two stories instead of three, and to reduce the density and provide an attractive design. This may or may not address all of Council's concerns, but it would be a step in the right direction.

Therefore, staff is recommending that the City Council authorize a voluntary remand from LUBA and direct staff to move forward with a new public hearing. In such an instance there would be a full and complete opportunity for all the parties to express their support or opposition for the proposal. There would be no obligation on the Council to approve the proposal. If the application does not meet the criteria, then it must be denied. However, if the changed proposal addresses the Council's concerns, and meets the criteria, then approval would be appropriate.

**RECOMMENDATION:**

By minute motion, direct staff to submit a stipulated motion for voluntary remand at LUBA and move forward with scheduling a date for a new public hearing.

If you have any questions in this regard, please contact me. Thank you.

ESJ/tmh

**CITY COUNCIL MEETING: May 18, 2015**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: ORDINANCE AMENDING KEIZER DEVELOPMENT CODE**

At the May 4, 2015 Council meeting, Council directed staff to prepare an Ordinance approving the Keizer Development Code text changes to revise the Code to allow veterinary services in the Mixed Use (MU) zone. Such Ordinance is attached for your review.

Please note that I made a small change on the last page (Section 2.414 – Veterinary Services). I left in the phrase under subsection A that states “Except as provided in subsection B., of this section...” I believe that this had been inadvertently deleted at the Planning Commission meeting.

**RECOMMENDATION:**

Adopt the attached Ordinance.

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

ESJ/tmh

1 BILL NO. \_\_\_\_

A BILL

ORDINANCE NO.

2015-\_\_\_\_\_

3 FOR

4  
5 AN ORDINANCE

6  
7 AMENDING KEIZER DEVELOPMENT CODE REGARDING  
8 SECTION 2.107 (MIXED USE) AND SECTION 2.414  
9 (VETERINARY SERVICES); **AMENDING ORDINANCE 98-389**

10  
11 WHEREAS, the Keizer Planning Commission has recommended to the Keizer

12 City Council amendments to the Keizer Development Code (Ordinance No. 98-389);

13 and

14 WHEREAS, the City Council has held a hearing on this matter and considered  
15 the testimony given and the recommendation of the Keizer Planning Commission; and

16 WHEREAS, the Keizer City Council has determined that it is necessary and  
17 appropriate to amend the Keizer Development Code as set forth herein; and

18 WHEREAS, the Keizer City Council has determined that such amendments  
19 meet the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer  
20 Development Code;

21 NOW, THEREFORE,

22 The City of Keizer ordains as follows:

23 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth in  
24 Exhibit "A" attached hereto and by this reference incorporated herein.

1           Section 2.   AMENDMENT TO THE KEIZER DEVELOPMENT CODE.

2   The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the  
3   adoption of the changes to Section 2.107 (Mixed Use) and Section 2.414 (Veterinary  
4   Services) as set forth in Exhibit "B" attached hereto, and by this reference incorporated  
5   herein.

6           Section 3.   SEVERABILITY. If any section, subsection, sentence, clause,  
7   phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional,  
8   or is denied acknowledgment by any court or board of competent jurisdiction,  
9   including, but not limited to the Land Use Board of Appeals, the Land Conservation  
10   and Development Commission and the Department of Land Conservation and  
11   Development, then such portion shall be deemed a separate, distinct, and independent  
12   provision and such holding shall not affect the validity of the remaining portions  
13   hereof.

14           Section 4.   EFFECTIVE DATE. This Ordinance shall take effect thirty  
15   (30) days after its passage.

16           PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

17           SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

## EXHIBIT “A”

### **Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.107 – Mixed Use, and 2.414 – Veterinary Services)**

The review criteria are listed in Section 3.111.04 of the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.

- a. The particulars of this case are found within planning file text amendment 2015-04.
- b. In February, the Planning Commission voted to initiate the text amendment process, at the request of Doctor and Mr. Eggert, to consider whether to allow a veterinary service to have the overnight boarding of animals in a Mixed Use (MU) zone.
- c. A public hearing was held before the Planning Commission on April 8, 2015 and a public hearing was held before the City Council on May 4, 2015. The Planning Commission voted unanimously that the revisions be adopted and the City Council unanimously voted to direct staff to prepare an ordinance with findings to adopt the proposed revisions.

2. **A demonstrated need exists for the product of the proposed amendment - Section 3.111.04.B.**

**Findings:** The proposed revision to the zone code reflects a demonstrated need. The City Council has recognized that from time to time the City’s Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. The intent is to identify chapters that can be updated in a manageable format. The proposed revision will allow for the zone code to be updated so that it is both easier to read and also eliminates identified confusions within the regulations. The revisions to Section 2.107.03 in the Mixed Use zone will add Veterinary Services as a Special Permitted Use subject to meeting the standards as noted in Section 2.414 (Veterinary Services). The revisions will permit the overnight stay of animals only that are incidental to the practice of veterinary medicine and not the general boarding of animals not in the care of a veterinarian. The City Council has determined that a demonstrated need exists and so complies with this provision.

3. **The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules – Section 3.111.04.C.**

**FINDINGS:** The proposed text amendment complies with the statewide land use planning goals as discussed below.

**Goal 1 – Citizen Involvement:** The adoption of this ordinance followed notice to interested parties, a public process of decision making involving a public hearing, deliberation, and ordinance adoption. Public notice was provided in the Keizer Times. Public hearings were held before the Planning Commission and the City Council. Citizens were afforded the opportunity to participate in the public process. Dr. and Mr. Eggert participated in the public hearing process before both the Planning Commission and the City Council. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as required by this Goal and with implementing administrative rules within Oregon Administrative Rules.

**Goal 2 – Land Use Planning:** This ordinance amends the Keizer Development Code. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times. Public hearings were conducted before both the Planning Commission and City Council where opportunities for both verbal and written testimony were provided. Therefore, the proposed revisions to the zone code is consistent with this statewide planning goal and administrative rules.

**Goal 3 – Farm Land:** The purpose of this goal is to protect lands that are designated for agricultural uses. The proposed amendment will only affect lands that are within the boundaries of the city limits of Keizer. Within the city limits lands that allow commercial agriculture are the Special Agriculture (an EFU qualifying zone), a 10 acre parcel with an EFU designation which is not recognized by the state as an EFU qualifying zone, and the Urban Transition zone. The amendment will not impact any properties that are designated to allow for agricultural uses as none of these designated parcels are likely to have any veterinary businesses on them. The SA zoned parcel is owned by the city is intended for future park uses, the EFU zoned parcel is a field with no buildings, and the UT zoned parcels are mostly small parcels with residences. Therefore, the proposed amendments will comply with the Farm Land Goal and with any implementing administrative rules.

**Goal 4 – Forest Land:** The intent of this goal is to protect lands that are designated for commercial forest uses. The only lands in the city limits that will allow commercial forestry are the UT, SA, and EFU zones. None of the parcels with these designations are currently in timber production. There are no other

lands designated within the city limits that allow for commercial forestry. The amendments to Section 2.107 and 2.414 of the zone code does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

**Goal 5 – Natural Resources:** The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. The proposed amendment to the zone code regulations will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. Therefore, the amendments to the code regulations to allow the boarding of animals in the care of a veterinarian in a MU zoned facility will be consistent with this goal and with administrative rules designed to implement this goal.

**Goal 6 – Air, Water and Land Quality:** The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. New construction is required to be connected to the established sanitary sewer system reducing the likelihood of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are geared to maintain water quality in Willamette River and other local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city's development code regulations which limit certain types of uses in certain zones. Primarily, air quality regulations will continue to be enforced by the appropriate state agencies which govern air emission standards. The revisions to the city's zone code regulations will not impact the quality of air, water, or land resources, and so complies with this goal and with administrative rules that implement this goal.

**Goal 7 – Natural Hazards:** The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains within the city limits. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment, the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing

through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. The revisions to the zone code will neither impact this goal nor any administrative rules.

**Goal 8 – Recreation:** This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. The city has an adopted Parks and Recreation Master Plan that details the city’s inventory of park facilities and estimates future park needs for the city’s future residents. The proposed text amendments to Section 2.107 and 2.414 will have no impact on the recreational activities or uses within the city. Therefore, this goal and any related rules are not applicable.

**Goal 9 – Economic Development:** The intent of this goal is to ensure that the city plans for its overall economic vitality. The city recently adopted the Keizer Economic Opportunities Analysis (EOA) that documented the economic trends and economic opportunities which are geared specifically to Keizer.

The EOA documenting the composition of employment by industry in Keizer exhibits several large deviations from the statewide composition. The deviations represent Keizer's competitive advantages in the economy, which fall largely in population-driven services. Industry classifications such as Retail Trade, Education & Health, and Food Service & Drinking Places have a high representation locally. These well-represented industries, in combination with economic development goals and input from the stakeholders, were used to devise potential future target industries. Current employment levels by industry were projected forward based on regional job growth estimates and the above target industry goals. The growth forecast calls for a total of 3,774 new jobs over the next 20 years, representing growth of 55% over current levels.

The EOA estimated the need for 160 gross acres of land to accommodate the projected employment growth. An inventory of remaining buildable lands finds 123 acres of buildable land remaining within the city boundary, in the commercial and industrial categories. However, there is no land available that is well-suited for the institutional category, which includes hospitals, higher education facilities, and other uses that figure heavily into the City’s economic development strategy. Finally, the EOA shows there is a need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the City’s remaining buildable employment lands can accommodate. While the proposal will only affect properties that are zoned MU it will have a positive

economic impact as it will allow additional business opportunities for this type of business. Therefore, the proposal is consistent with this goal.

**Goal 10 – Housing:** This goal requires the city to plan and provide for the housing needs of its residents. The city recently adopted its local housing needs analysis geared specifically to Keizer and identified the projected 20 year housing needs for the city. The HNA indicated that over the upcoming 20-year period, that there will be a growth in the number of non-group households by 4,366 households which will represent a population growth of 11,833 new residents. This is consistent with Keizer’s adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population. The HNA documented that the largest share (50%) of one housing type is projected to be single-family detached homes, due to the stronger need for new ownership housing. The remainder of units is projected to be some form of attached housing (46%), or mobile homes (4%). 54% are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential lands finds a current supply of 315.2 acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the City’s remaining capacity within its current boundary. When this remaining land need is apportioned to Keizer’s residential zones, the HNA estimates a 20-year need for 267 gross acres of residential land, to be accompanied by 43.5 acres of new land for parks to serve this new population, and 10 acres of land for new school facilities. This is a total of 385 gross acres. The proposed amendments to Section 2.107 and 2.414 will have no impact on either this goal or on any related rules.

**Goal 11- Public Facilities and Services:** The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer, and an established street system. Administrative services, police services, and public safety are also provided by the city. Fire protection services are provided by the Keizer Fire District or Marion County Fire District #1. The proposed amendments to Section 2.107 and 2.414 will not impact any of the city’s public facilities and services, and so this goal and any rules are not applicable.

**Goal 12 – Transportation:** The city has an adopted Transportation System Plan that describes the city’s transportation systems. This system includes streets, transit, bike, and pedestrian systems and outlines future needs and improvements to these facilities. The revisions to Section 2.107 and 2.414 will not impact any of the city’s public transportation systems, and so this goal and any implementing rules are not applicable.

**Goal 13 – Energy Conservation:** This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed text amendments will not affect this goal or implementing administrative rules, and so is determined to be not applicable.

**Goal 14 – Urbanization:** The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed zone code revisions will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land being transitioned from rural to urbanized uses and so this section is not applicable.

**Goal 15 – Willamette River:** This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revisions to the city’s code regulations will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

**Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources)** govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable

In consideration of the above findings, the proposed zone code revisions to Section 2.107 and 2.414 complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

**4. The amendment is appropriate as measured by at least one of the following criteria – Section 3.111.04.D:**

- a. It corrects identified error(s) in the previous plan.
- b. It represents a logical implementation of the plan.
- c. It is mandated by changes in federal, state, or local law.
- d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

**FINDINGS:** The proposed text amendment is intended to correct identified errors within the exiting code regulations. In February, the Planning Commission voted to initiate the text amendment process, at the request of Doctor and Mr. Eggert, to consider whether to allow a veterinary service to have the overnight boarding of animals in a Mixed Use (MU) zone. Currently, a veterinary business is only permitted in the Commercial Mixed Use (CM), Commercial General (CG), Employment General (EG), Commercial Retail (CR), and the Commercial Office (CO) zones. If approved, this revision will clarify some ambiguities within the code, will make moot an interpretation regarding this type of use, and will allow this type of use in a MU zone.

The attached revision to Section 2.107.03 in the Mixed Use zone will add Veterinary Services as a Special Permitted Use subject to meeting the standards as noted in Section 2.414 (Veterinary Services). The revision will permit the overnight stay of animals only that are incidental to the practice of veterinary medicine and not the general boarding of animals not in the care of a veterinarian. The proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendment is not mandated by any federal, state, or local laws. The city council found that it was appropriate to consider the proposed amendments and that a need was demonstrated for the proposed text amendments. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

## 2.107 MIXED USE (MU)

### 2.107.01 Purpose

The Mixed Use (MU) zone promotes development that combines differing uses (permitted or special permitted) in a single building or complex. This zone will allow increased development on busier streets without fostering a strip commercial appearance. The zone encourages the formation of neighborhood "nodes" of activity where residential and commercial uses mix in a harmonious manner. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. (4/08)

The Mixed Use zone is intended to include a variety of uses identified in this section in relative close proximity to each other as compared to a traditional zone district in which differing uses are segregated. Vertical mixed use is a building in which significant amounts of differing uses are located in the same building with different uses on different floors. While mixed use development is primarily intended to consist of retail or other businesses on the ground floor with housing or office uses on upper stories it is not required that every building within a mixed use area is developed with different uses within it. Clusters of residential and commercial uses around landscaping features or parking areas will also occur. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. Parking may be shared between residential and commercial uses. (4/08)

The Mixed Use zone is suitable for the Medium Density Residential, Medium-High Density Residential and Mixed Use Comprehensive Plan designations. (5/98)

### 2.107.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the MU zone:

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot. (5/98)
- B. **One or more buildings with one or more dwelling units** or guest rooms and one or more other uses allowed in this section on a lot. (5/98)
- C. **Residential homes** and facilities. (5/98)
- D. **Child day care service**, including family day care provider. (5/98)
- E. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)

F. **Public or private utility substation**, but excluding electrical substation. (5/98)

G. **Landscape counseling and planning (078)**. (5/98)

H. **Transportation, Utilities and Communication**. (5/98)

1. **Travel agency (4722)**. (5/98)

2. **Communication (48) BUT EXCLUDING** communication services, not elsewhere classified (489). (5/98)

3. **Public utility** structures and buildings. (5/98)

4. **Transit Facilities (Section 2.305)**. (5/09)

I. **Retail Trade:**

Except as allowed under Section 2.107.05.B, the following retail uses shall be limited to buildings of 10,000 square feet or less:

1. **General merchandise stores (53)**. (04/08)

2. **Food stores (54)**. (04/08)

3. **Apparel and accessory stores (56)**. (04/08)

4. **Home furnishing, appliance and equipment stores (57)**. (04/08)

5. **Eating and drinking places (58)**. (04/08)

6. **Retail, (59) BUT EXCLUDING** non-store retailers (596) and fuel and ice dealers (598). (04/08)

7. Uses listed in 2.107.02.I. a through f if developed in a vertical mixed use development shall not be considered as a specified use in 2.107.05.E. (04/08)

J. **Business, Professional and Social Services:** The following business and professional and service oriented uses are allowed:

1. **Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67)**. (5/98)

2. **Hotels, motels and lodging** facilities (701). (5/98)

3. **Personal services (72) BUT EXCLUDING:** power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial launders (7218). (5/98)

4. **Business services (73) BUT EXCLUDING** disinfecting and exterminating services (7342), building and cleaning services (7349), and equipment rental (735). (5/98)
  5. **Watch, clock and jewelry repair (763).** (5/98)
  6. **Recreational or athletic clubs.** (5/98)
  7. **Health services (80) BUT EXCLUDING** hospitals (806). (5/98)
  8. **Legal services (81).** (5/98)
  9. **Miscellaneous services (89).** (5/98)
  10. **Community or neighborhood clubs.** (5/98)
  11. **Parking lots.** (5/98)
  12. **Pet Grooming** (6/01)
- K. **Public administration (91 - 97).** (5/98)

### **2.107.03 Special Permitted Uses**

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the MU zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
  1. **Shared housing facilities** (Section 2.403). (5/98)
  2. **Zero side yard dwelling** units (Section 2.404). (5/98)
  3. **Home occupations** (Section 2.407). (5/98)
  4. **Bed and breakfast** establishments (Section 2.408). (5/98)
  5. **Residential sales offices** (Section 2.409). (5/98)

6. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
7. **Boat and RV storage** area (Section 2.411). (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage** space (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
12. **Cottage Cluster Development** without the creation of any new lots (Section 2.432). (6/14)
13. **Veterinary Services** (Section 2.414)

#### **2.107.04 Conditional Uses**

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. Transit Station (Section 2.429). (5/09)
- C. **Cottage Cluster Development** with the creation of new lots (Section 2.432). (6/14)

#### **2.107.05 Use Restrictions**

- A. The following uses are not permitted: (04/08)
  1. Farm Use. (5/98)
  2. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
  3. Any outdoor display or storage of merchandise or materials unless consistent with Section 2.107.05.B.7. (04/08)
  4. Camping or over-night in parking lots. (04/08)
- B. Retail uses as set forth in Section 2.107.02(I) are limited to buildings not exceeding 10,000 square feet of gross leasable area except as provided herein. Such retail uses over 10,000 square feet may be permitted as allowed in an approved master plan subject to meeting the following requirements: (04/08)

1. In addition to the requirements in Section 2.309 (Site and Landscaping Design), provide increased screening and buffering when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas so as to adequately screen the building. (04/08)
2. In addition to the requirements in Section 2.107.06(B), provide increased building setbacks when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas. (04/08)
3. In addition to the requirements in Section 2.315.08, provide increased architectural features such as the use of three differing materials, color, textures, on building facades that are visible from a public street so as to minimize the effect of large blank walls. The elevations of all buildings shall be varied in textures, and material and shall incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements such as materials, patterns and textures, architectural features such as columns, projections, and differing planes shall be used liberally with no greater than 22 feet between such features. Materials shall be varied at the same frequency as the architectural elements. These materials shall incorporate cultured stone, split face Concrete mortar units (CMU's), as well as smooth faced CMU walls. (04/08)
4. Include architectural features that reflect those of the remainder of the building around any outdoor garden / nursery area to include such things as hard walls, windows and awnings. (04/08)
5. Limit any outdoor display or storage of merchandise to the area adjacent to the building. (04/08)
6. Direct lighting to avoid causing glare onto adjacent properties and be generally low in height, light sources shall not be visible beyond development boundaries. (04/08)
7. Provide mitigation measures that address adverse traffic and livability impacts in the surrounding neighborhood. This will include such things as enclosing all service equipment and service areas and any other issues identified in a master plan or traffic impact analysis. (04/08)
8. Drive-thru businesses shall have the drive-thru oriented away from both existing and planned residential areas. (04/08)

- C. A retail building of the type described in Section 2.107.02(I) is allowed to exceed the 10,000 square foot limit subject to Master Plan approval and compliance with all requirements of this Chapter. (04/08)
- D. Larger Format Stores.
  - 1. Retail buildings of the type described in Section 2.107.02(I) that exceed 10,000 square feet ("Larger Format Stores") require the development of non-retail/non-single family home uses in the Master Plan area that have a total square footage of at least 25% of the gross leasable area of the Larger Format Store. As used herein, "non-retail" shall mean uses other than those listed in Section 2.107.02(I). (04/08)
  - 2. Larger Format Stores in excess of 80,000 square feet of the type described in Section 2.107.02(I) shall meet the requirement set forth in Subsection D(1) above. In addition to such requirement, for each square foot of vertical mixed use development in the Master Plan area, the Larger Format Store can be increased above 80,000 square feet by an equivalent amount. The mixed use square footage requirements of Subsection D(1) and this Subsection cannot be combined. (04/08)
  - 3. The development required in Subsections D(1) and D(2) above shall take place in the same Master Plan area. The approved Master Plan shall be conditioned to require such development to be constructed before or concurrently with the Larger Format Store. (04/08)
- E. A limitation of the total floor area for specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Section 2.107.02(I). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved master plan or amended master plan. (06/10)
- F. Proposals to develop properties within Area C of the Keizer Station shall comply with Master Plan requirements outlined in Section 3.113, and also with requirements specified in 2.107.05.G.1 through 6 below. (04/08)
- G. Proposals to develop properties outside of Area C of the Keizer Station shall require approval of a Master Plan and compliance with the following: (04/08)
  - 1. Pedestrian Access, Safety and Comfort (04/08)

- a. To ensure safe, direct, and convenient pedestrian circulation, development shall provide a continuous pedestrian and/or multi-use path system. (04/08)
  - b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (04/08)
  - c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (04/08)
  - d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (04/08)
  - e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (04/08)
  - f. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)
2. Vehicular Movement (04/08)
    - a. Encourage traffic to enter and exit the development at locations in a safe manner. (04/08)
  3. Crime Prevention and Security (04/08)

Crime prevention shall be considered in the site design through application of all of the following guidelines: (04/08)

- a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (04/08)
- b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or

see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (04/08)

- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (04/08)
- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (04/08)
- e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)

4. Reduced Parking (04/08)

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (04/08)

5. Creating and Protecting Public Spaces (04/08)

- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (04/08)
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (04/08)

## 6. Human Scaled Building Design (04/08)

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking. (04/08)

The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)

In addition, the provisions within Section 3.113.05 apply.

### **2.107.06 Dimensional Standards**

#### A. Minimum Lot Dimension and Height Requirements

| DIMENSION      | Single Family     | Duplex or Multi-Family | Commercial | Mixed Use  |
|----------------|-------------------|------------------------|------------|------------|
| Lot Size       | 4,000 sq. ft. (1) | 6,000 sq. ft. (2)      | None (3)   | None (3)   |
| Average Width  | 40 feet           | 50 feet                | None       | None       |
| Average Depth  | 70 feet           | 80 feet                | None       | None       |
| Maximum Height | 35 feet           | 50 feet                | 50 feet    | 50 feet(4) |

- (1) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (2) *Multi-family development must comply with the density standard in Section 2.107.07.I (06/07)*
- (3) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (06/07)*
- (4) *Height of vertical mixed use development may exceed this limitation without a concurrent variance and maximum height will be determined during master plan process. (04/08)*

## B. Minimum Yard Setback Requirements

| SETBACKS<br>(5)        | Single Family<br>or Duplex | Multi-Family | Commercial  | Mixed Use   |
|------------------------|----------------------------|--------------|-------------|-------------|
| Front                  | 10 feet                    | 10 feet (1)  | 10 feet (1) | 10 feet (1) |
| Side                   | 5 feet (2)                 | 10 feet      | (4)         | (4)         |
| Rear                   | (3)                        | (3)          | (4)         | (4)         |
| Street-side            | 10 feet                    | 10 feet      | 10 feet     | 10 feet     |
| Garage<br>entrance (6) | 20 feet                    | 20 feet      | 20 feet     | 20 feet     |

- (1) *For all MU zoned property fronting Cherry Avenue south of Manbrin Drive the minimum setback shall be 5 feet and the maximum shall be 10 feet for yards adjacent to Cherry Avenue. The maximum setback shall apply to the primary wall of the building. Indentations in the primary wall, such as alcoves, courtyards, etc. have no maximum setback. (5/98)*
- (2) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (3) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to the property lines. (06/07)*
- (4) *The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone. (5/98)*
- (5) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (6) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

## **2.107.07 Development Standards**

All development in the MU Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
  - 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
  - 2. Residential structures with four or more attached dwelling units<sup>1</sup> (including Cottage Cluster Developments), and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
  - 3. For MU zoned property fronting Cherry Avenue south of Manbrin Drive; residential use shall occupy no less than 35% and no more than 65% of the building floor area on any property. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)

|                                               |     |
|-----------------------------------------------|-----|
| Commercial development:                       | 15% |
| Mixed commercial and residential development: | 20% |
| Residential development:                      | 25% |

- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

|                                               |     |
|-----------------------------------------------|-----|
| Commercial development:                       | 85% |
| Mixed commercial and residential development: | 80% |
| Residential development:                      | 75% |

- I. **Density:**

1. For property zoned MU as identified in the Keizer Station Plan, the minimum density for subdivisions, partitions, multi-family or any residential development shall be a minimum 8 units per acre and a maximum 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (12/03)

The minimum density for multi-family development shall be 8 units per acre; the maximum density shall be 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (05/98)

## 2.414 VETERINARY SERVICES

Where permitted as a special use, veterinary services for animal specialties shall meet the following use and development standards. (5/98)

- A. Building Required. Except as provided in subsection B., of this section, all operations shall be conducted within completely enclosed and soundproof buildings and overnight stay shall be limited to short term care that is incidental to the practice of veterinary medicine. (5/98)
- B. Outside Runs. Outside runs for dogs and other animals shall be operated only between the hours of 7 a.m. and 6 p.m., with an attendant present on the premises. Outside runs shall be located at least 50 feet from every lot in a residential zone. Outside runs shall be screened from adjacent lots and streets in residential zones by a sight-obscuring fence, wall, or hedge. (5/98)

**CITY COUNCIL MEETING: May 18, 2015**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: CORRECTING SCRIVENER'S ERROR**

At its April 20, 2015 City Council meeting, Council considered an amendment to the criminal history record check policies. The Ordinance referenced that it was amending Ordinance No. 2007-532. Following the adoption of the Ordinance, it was discovered that the reference to Ordinance No. 2007-532 is inaccurate and that the correct reference should be to Ordinance No. 2007-553. Therefore, to correct the scrivener's error and ensure that Council's direction is clear, I have prepared an Ordinance to correct the error.

**RECOMMENDATION:**

Adopt the Ordinance Correcting Scrivener's Error with Regard to Ordinance No. 2015-718; Declaring an Emergency.

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

ESJ/tmh

1 BILL NO. \_\_\_\_\_ A BILL ORDINANCE NO.  
2 2015-\_\_\_\_\_  
3 FOR  
4  
5 AN ORDINANCE  
6

7 CORRECTING SCRIVENER'S ERROR WITH REGARD TO  
8 ORDINANCE NO. 2015-718; DECLARING AN EMERGENCY  
9

10 WHEREAS, the City Council of the City of Keizer passed Ordinance No. 2015-  
11 718 with regard to criminal history record check policies;

12 WHEREAS, the references to the Ordinance being amended is incorrect and the  
13 correct Ordinance being amended is 2007-553;

14 NOW, THEREFORE,

15 The City of Keizer ordains as follows:

16 Section 1. CORRECTION. Ordinance No. 2015-718 is hereby corrected by the  
17 deletion of all references to Ordinance No. 2007-532 and inserting the correct reference  
18 of Ordinance No. 2007-553.

19 Section 2. EFFECTIVE DATE. This Ordinance being necessary for the  
20 immediate preservation of the public health, safety, and welfare, an emergency is  
21 declared to exist and this Ordinance shall take effect immediately upon its passage.

22 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
23 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
24

25 \_\_\_\_\_  
26 Mayor  
27 \_\_\_\_\_  
28 City Recorder

**CITY COUNCIL MEETING: May 18, 2015**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: RESOLUTION ADOPTING WEBSITE DISCLAIMER AND POLICIES**

The new website is very close to going online. Prior to the new website going public, disclaimers and policies should be established for the purpose of informing the public of the purpose of the website, what information is gathered when viewing the content of the website, what third party links will be allowed, etc.

The IT Department, the Assistant Controller, and the Legal Department have been working on this project and have attached a Resolution adopting the website disclaimer and policies for your consideration.

**RECOMMENDATION:**

Adopt the Resolution Adopting Website Disclaimer and Policies.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2015-\_\_\_\_\_

ADOPTING WEBSITE DISCLAIMER AND POLICIES

WHEREAS, with the development of a new website the City has an opportunity to develop disclaimers and policies that will be accessible to the public;

WHEREAS, the City wishes to adopt the website disclaimers and policies;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the website disclaimers and policies attached hereto, and by this reference incorporated herein, are hereby adopted.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

## **CITY OF KEIZER WEBSITE DISCLAIMER AND PRIVACY, ACCESSIBILITY, AND ELECTRONIC COMMERCE POLICIES**

Keizer.org was developed to provide general information. The information on this website comes from a variety of sources, and may be subject to change without notice. Data contained at this location, any City of Keizer site, or any site linked from this or any City location, has not been reviewed for legal accuracy or legal sufficiency. The documents displayed are for general reference only, and the City of Keizer makes no warranty or guarantee concerning the quality, reliability, accuracy, content, adequacy or completeness of the materials at this website or at other sites to which this website links. Links or references to other information or organizations do not constitute an endorsement of any kind.

Your use of a particular area within the City of Keizer website may be subject to other terms, conditions and notices outlined specifically in that area. In the event that any of the general terms, conditions and notices contained herein conflict with the specific terms, conditions or notices contained within a particular area of the City of Keizer website, then the specific provisions of the particular area shall control over the general provisions stated herein.

The City of Keizer takes your privacy seriously. This policy is designed to let you know what information the City collects when you use Keizer.org, why we collect it, and how we use the information.

The City utilizes three principles in its approach to privacy and user information within Keizer.org:

1. Collect only information necessary to monitor and improve Keizer.org
2. Make the collection of personal information transparent
3. Be a responsible steward of the information we hold

This policy addresses collection, use, and security of and access to information obtained through use of Keizer.org. The information presented here is not meant to be a contract of any type, either express or implied, and should not be treated as such by you. The information in this statement and/or the policies described here may change at any time, without prior notice to you. This disclaimer and policy shall not be construed in any way as giving business, legal, or other advice, or warranting as fail-proof the security of private information. This policy does not describe information collection policies on any other site, including those linked to or from this site.

The disclaimer and policies cover the following topics:

- Section A. Information Collected and Its Use
- Section B. Personal Information and Choice
- Section C. Public Access to Information
- Section D. Information Accuracy

Section E. Cookies  
Section F. Security  
Section G. Electronic Commerce  
Section H. Third Party Links and Disclaimer  
Section I. Online Translation Services  
Section J. Children's Privacy Protection  
Section K. Interactive Features  
Section L. Disclaimer of Liability  
Section M. Contact Information

## **Section A. Information Collected and Its Use**

We collect limited non-personally identifying information that your browser makes available automatically whenever you visit Keizer.org. This information includes:

1. The Internet Protocol Address and the apparent Fully Qualified Domain Name ("Domain Name") used. The Internet Protocol address is a numerical identifier assigned either to your Internet service provider or directly to your computer. We use the Internet Protocol Address to direct Internet traffic to you. This address can be translated to determine the domain name of your service provider (e.g. xcompany.com or yourschool.edu) or if your computer has a domain name assigned to it. Generally, the City only determines visitor domain names if a security issue is suspected. Unless you have directly registered a domain name, this information will not provide the City with your name and/or address;
2. The type of browser and operating system you used;
3. The date and time you visited this site;
4. The web pages or services you accessed at this site; and
5. The web site you visited prior to coming to this web site.

Certain City created applications collect your email address. You control whether you provide your name and/or email address. If enabled, you may choose to rely on your mobile device to indicate the location of your service issue or you may choose to manually provide the location of your service issue. In either case, you transmit your location to the City for the purpose of identifying a service issue. The City uses your name and email address to provide you with personalized updates on the service issues you subscribed to.

We also collect aggregated information from all of our visitors to measure performance, analyze traffic patterns and improvement Keizer.org's content.

Some Keizer.org services require you to register for an account. We ask you for some information in order to create an account (typically your name, email address and a password for your account) and we will use that information to provide the service.

Except for authorized law enforcement investigations and the security purposes mentioned elsewhere in this notice, no other attempts are made to identify you or your

usage habits. The City strives to collect the minimum information necessary to comply with applicable law or provide the service requested.

The City does not sell or rent your information, including email addresses, to any outside organization, unless legally required to do so under state or federal law. The City does not disclose payment or other personally information other than as necessary to complete a financial transaction, upon explicit permission from the applicable user, or compelled by law.

If you have elected not to receive further information from the City, we will not send such information. If you have elected to receive further communication from the City, we will only send information in categories that have been requested.

### **Section B. Personal Information and Choice**

“Personal identifiable information” is information about a natural person that is readily identifiable to that specific individual. Personal information includes such things as an individual’s name in combination with their social security number, driver’s license number, or other financial information such as a payment card number. A domain name or Internet Protocol address is not considered personal information.

We collect no personal identifiable information about you unless you voluntarily provide it to us by sending us email, subscribing to notifications, participating in a survey, completing an online form, or engaging in an online transaction. You may choose not to contact us by email, participate in a survey, provide personal information using an online form, or engage in an electronic transaction.

If personal identifiable information is requested on the web site or volunteered by you, federal or state law may protect it. However, this information is treated like any other information provided to the City and may be subject to public inspection and copying if not protected by federal or state law.

If you believe that your personal identifiable information is being used for a purpose other than what was intended when submitted, you may contact the person identified in the Contact Information Section of this statement.

Users are cautioned that the collection of personal identifiable information requested from or volunteered by children online or by email will be treated the same as information given by an adult, and may be subject to public access.

### **Section C. Public Access to Information**

In the State of Oregon, laws exist to ensure that government is open and that the public has a right to access appropriate records and information possessed by City government. At the same time, there are exceptions to the public’s right to access public records that serve various needs including the privacy and safety of individuals.

In the event of a conflict between this Notice and the Oregon Public Records Act or other law governing the disclosure of records, the law will control.

#### **Section D. Information Accuracy**

The City of Keizer has made every reasonable effort to ensure the accuracy and timeliness of the information provided on this web site. However, the City does not guarantee the accuracy of the information provided on this site. Therefore, the City of Keizer shall assume no liability for any errors, omissions or in inaccuracies in the information.

#### **Section E. Cookies**

Keizer.org uses “cookies” to enable streamlined services, such as streamlined logins. Keizer.org does not use cookies to track or collect personal information. Cookies are text files, or entries in larger files, utilized to distinguish between visitors to a website and to track information during multiple visits to a website. The use of cookies is a standard practice among websites. Most web browsers may be customized to reject cookies, to only accept or reject cookies by your intervention, or to delete cookies. Rejecting and/or removing cookies may lead to loss of functionality on those Keizer.org pages that require cookies to function fully.

#### **Section F. Security**

Unauthorized attempts to upload information or change information on this site are prohibited and may be punishable under the state Computer Trespass law and federal statutes including the Computer Fraud and Abuse Act of 1984 and the National Information Infrastructure Protection Act of 1996.

#### **Section G. Electronic Commerce**

Increasingly, you have the option to do business with the City over the internet including making electronic payments for goods and services in certain situations. Such transactions are allowed only under tightly controlled circumstances, where there are appropriate technological and other safeguards in place to protect financial and other sensitive, personally identifiable data.

Under statute, the City is responsible for properly securing communications that are exempt from public disclosure including financial information.

Wherever possible, the City does not see or collect financial information. Instead, designated banks route the data, transfer the funds and confirm payment to both you and the City. Additional measures, including but not limited to encryption are used to ensure the integrity and security of your financial information.

#### **Section H. Third Party Links and Disclaimer**

The City’s web site has many links to other websites that are operated by third parties. These include links to websites operated by other government agencies, and nonprofit organizations that engage in activities that further the City’s mission.

The City does not endorse any content, viewpoint, product, or service by virtue of the fact that a link to a government agency's or non-profit organization's website has a link on the City's website, and the City may not be held liable for any losses caused by reliance on the accuracy, reliability or timeliness of any information on such other websites. Any user that relies on any information obtained from a website linked to the City's website does so at that user's own risk.

The following criteria will be used to decide whether to grant requests for City website links. If a particular request does not fit any of the following criteria, the City Council will decide whether to approve the request. The City Council will approve the requested website link if it serves the general purpose of the City's website.

**The City's website will provide links to websites for:**

1. Governmental and educational institutions;
2. Non-profit organizations that serve and/or support the Keizer community and to which the City commonly refers members of the public;
3. Public services in which the City collects franchise fees, such as:
  - a. Valley Recycling;
  - b. Loren's Sanitation;
  - c. PGE;
  - d. Salem Electric;
  - e. NW Natural;
  - f. Comcast;
  - g. CenturyLink;
4. Organizations providing information about art, cultural, and sporting activities in the City's area;
5. Organizations providing information about tourist attractions in the City's area;
6. Organizations with some relationship to the City (including but not limited to: Organizations sponsoring City activities or programs, and organizations participating in City activities or programs);
7. Popular social media and social networking sites, survey tools, maps and online translation services. When you link to another site, you are no longer on the City's website and this Privacy Notice will not apply. When you link to another website you are subject to the privacy policy of that new site. Visitors linking to another site are encouraged to examine the privacy policy of that site.

**The City's website will not provide links to websites for:**

1. Events in the Community Center, not sponsored by the City;
2. Fundraising events;
3. Candidates for local, state, or federal offices;
4. Political organizations or other organizations advocating a position on a local, state, or federal issue;
5. Corporate or other for-profit organizations unless they fit any of the criteria stated above;
6. Religious organizations unless they fit any of the criteria stated above;
7. Non-profit organizations unless they fit any of the criteria stated above;

8. Individual or personal home pages.

### **Section I. Online Translation Services**

The City provides a link to a popular online translation service. The link does not constitute an endorsement of that service provider and the City makes no representation as to the quality of the service offered nor the accuracy of any translation performed by that service. You may use any internet search function to find other translation services. You should make yourself aware of any terms and conditions of use of any online translation service.

### **Section J. Children's Privacy Protection**

The City of Keizer is not directed to children under 13, and does not knowingly collect personal information from children. For information on the Children's Online Privacy Protection Act (COPPA), please see: <http://www.coppa.org/>

### **Section K. Interactive Features**

Keizer.org interactive features (forums, comment boards and blogs, etc.) are not public forums and you are not anonymous. Prohibited uses include politics, advertising, and other such users as determined from time to time. Use of language inappropriate to minors and threatening or malicious comments are prohibited. Forums are monitored regularly and objectionable content deleted. Any comments submitted to these locations are public records subject to disclosure. The City of Keizer makes no warranty or guarantee concerning the accuracy or reliability of any information available at these sites or any other social media site to which these sites are linked. Links or references to other information or organizations do not constitute an endorsement.

### **Section L. Disclaimer of Liability**

In no event shall the City of Keizer be liable for any special, indirect, incidental or consequential damages or any damages whatsoever resulting from inconvenience, or loss of use, data or profits, whether in an action of contract, negligence or other tortuous action, arising out of or in connection with the use or performance of information available from this web site and server, even if the City of Keizer has been advised of the possibility of such damages or losses.

### **Section M. Contact Information**

If you have any questions or concerns about the City of Keizer's use of your information or about this Policy, please send an email to: [Administrator@keizer.org](mailto:Administrator@keizer.org).

This Policy is effective as of May 18, 2015.

**CITY COUNCIL MEETING: May 18, 2015**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: MUNICIPAL JUDGE EVALUATION PROCESS**

At the May 4, 2015 City Council meeting, Council directed staff to prepare a Resolution adopting a new Municipal Judge evaluation process. Such Resolution is attached.

**RECOMMENDATION:**

Adopt the attached Resolution in the Matter of Adoption of the Municipal Judge Evaluation Process; Repealing Resolution No. R2010-2027. Following adoption of the Resolution, the Mayor should announce the appointments for the upcoming year.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2015-\_\_\_\_\_

IN THE MATTER OF ADOPTION OF THE  
MUNICIPAL JUDGE EVALUATION PROCESS;  
**REPEALING RESOLUTION NO. R2010-2027**

WHEREAS, Resolution R2010-2027 adopted an evaluation process to be used in  
evaluation of the performance of the municipal judge;

WHEREAS, the City Council wishes to adopt a new evaluation process;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the following  
Municipal Judge Evaluation Process is hereby adopted:

No later than the first City Council meeting in June each year, the Mayor will  
announce two Councilors to attend arraignments and/or hearings and check in with the  
Judge for the upcoming year. The Councilors will report their observations to the City  
Council at a regularly scheduled meeting no later than the announcement of the  
Councilors each year. If the City Council deems it necessary, a formal evaluation  
between the City Council and the Municipal Court Judge shall be scheduled and such  
evaluation shall be held in executive session pursuant to state law. Failure to complete  
this process each year shall in no way effect the Municipal Judge's position of validity,  
effectiveness or jurisdiction of the municipal court or the Municipal Judge.

1 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that  
2 Resolution No. R2010-2027 is hereby repealed in its entirety.

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

5 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

6  
7 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

8

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\_\_\_\_\_  
Mayor

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\_\_\_\_\_  
City Recorder

**CITY COUNCIL MEETING: May 18, 2015**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

**FROM: BILL LAWYER  
PUBLIC WORKS DIRECTOR**

**SUBJECT: RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO  
SECOND AMENDMENT TO CONTRACT WITH LEATHERS AND  
ASSOCIATES**

**DATE: May 11, 2015**

**BACKGROUND:**

The City has a contract with Leathers and Associates for coordination and assistance with the Big Toy project at Keizer Rapids Park. The current contract provides for two staff members from Leathers and Associates to be on hand to oversee and supervise the volunteers constructing the Big Toy June 10<sup>th</sup> through June 14<sup>th</sup>. Due to the size of the project, over 13,000 square feet, Leathers has recommended a third staff member be present during the build.

Staff believes it is in the best interest of the project to have a third person to assist with the build and has worked with Leathers to minimize the cost to the project. Leathers has agreed to reduce the fee for the third consultant from \$6,750 to \$4,750.

**FISCAL IMPACT:**

Funds are available in the FY 14/15 Park Improvement Fund line 18 to cover this expense.

**RECOMMENDATION:**

Staff recommends the City Council adopt the attached Resolution Authorizing the City Manager to Enter into Second Amendment to Contract Agreement with Leathers and Associates providing an additional consultant for the build days of the Big Toy at Keizer Rapids Park. Please contact me with any questions or concerns.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2015-\_\_\_\_

4  
5  
6 AUTHORIZING THE CITY MANAGER TO ENTER INTO SECOND  
7 AMENDMENT TO CONTRACT AGREEMENT WITH LEATHERS  
8 AND ASSOCIATES  
9

10  
11 WHEREAS, the parties entered into a Contract Agreement dated September 17,  
12 2013;

13 WHEREAS, the parties entered into a First Amendment to Contract Agreement  
14 extended the termination date to August 1, 2015 to allow completion of the project and  
15 to amend the consideration paid for services rendered;

16 WHEREAS, the parties wish to add a third consultant for construction  
17 consultation during the actual project build;

18 WHEREAS, Leathers and Associates has requested an amendment to the  
19 existing Agreement to amend the consideration paid for services rendered to add the  
20 third consultant;

21 NOW, THEREFORE,

22 BE IT RESOLVED by the City Council of the City of Keizer that the City  
23 Manager is hereby authorized to execute the attached Second Amendment to Contract  
24 Agreement with Leathers and Associates.  
25

1

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

4           PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

5

6           SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

7

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\_\_\_\_\_  
Mayor

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\_\_\_\_\_  
City Recorder

## SECOND AMENDMENT TO CONTRACT AGREEMENT

**PARTIES:** City of Keizer, an Oregon  
Municipal corporation (hereinafter "CITY")  
Leathers and Associates (hereinafter "CONSULTANT")

### RECITALS:

- A. CITY and CONSULTANT entered into that certain Contract Agreement dated September 17, 2013 (hereinafter "Contract").
- B. CITY and CONSULTANT entered into that certain First Amendment to Contract Agreement on or about October 7, 2014 (hereinafter "First Amendment").
- C. CITY and CONSULTANT wish to enter into a second amendment to the existing Contract to amend the compensation paid to CONSULTANT to add another consultant of construction consultation.

NOW THEREFORE, the parties agree as follows:

### AGREEMENT:

1. Section 4 of the Contract dated September 17, 2013 and Section 2 of the First Amendment is hereby amended to read as follows:

- 4) Payment. CITY agrees to pay CONSULTANT a sum not to exceed \$40,850.00 Dollars plus travel expenses which may include airfare, travel time, car rental, and lodging. Payment to be made in periodic payments as outlined in the attached Fee Schedule and within thirty (30) days of receipt of CONSULTANT's billings.

2. Section F: Fee Schedule of the Contract dated September 17, 2013 and Section 5 of the First Amendment shall be replaced with the attached Section F: Fee Schedule.

3. Except as specifically modified herein, all remaining terms, conditions, obligations and duties set forth in the Contract and First Amendment shall remain in full force and effect.

**CITY OF KEIZER**

**LEATHERS AND ASSOCIATES**

By: \_\_\_\_\_  
Christopher C. Eppley,  
City Manager

By: \_\_\_\_\_  
Marc Leathers,  
President

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Keizer City Attorney

## **SECTION F: FEE SCHEDULE (separate envelope)**

### **Design Day** **\$ 950.00**

Schematic Drawings, Preliminary Materials List, Onsite Meetings. (The Design Day fee doesn't include travel expenses which are billed as airfare and travel time. The community has the option to provide transportation from and to the airport, as well as, secure hotel accommodations. If not, we bill for rental car and hotel with the travel expenses.)

### **Design Development** **\$16,500.00**

Final Drawings, Final Materials List and Project Management

### **Additional Design Services** **\$70.00 hr** **Not to Exceed \$ 1,000.00**

Requested modifications to current design drawings and final materials list

### **Construction Date Change Fee** **\$ 950.00**

Reserves amended City of Keizer construction dates

### **Organization Day** **\$ 1,400.00**

Onsite site meeting, organizational meetings with committee and City to review progress in detail and prepare for construction.  
(The Organization Day fee doesn't include travel expenses which are billed as airfare and travel time. The community has the option to provide transportation from and to the airport, as well as, secure hotel accommodations. If not, we bill for rental car and hotel with the travel expenses.)

### **Construction Consultation** **\$18,250.00**

L&A Construction Consultants for managing the playground build. (The Construction Consultation fee doesn't include airfare for the consultants but does include travel time. The community has the option to secure transportation and lodging for the consultants. If not, we bill for a rental car and hotel along with the airfare.)

### **Project Management Services** **\$60.00 hr** **Not to Exceed \$ 1,800.00**

Project management for additional nine months

#### **LEATHERS & ASSOCIATES**

225 South Fulton St. Ithaca, NY 14850 ∞ 727 N. A1A Unit E201, Jupiter, FL 33477

Toll Free 877-564-6464 ∞ Florida 561-746-9581 ∞ Fax 607-277-1433

[www.leathersassociates.com](http://www.leathersassociates.com)

**COUNCIL MEETING: May 18, 2015**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC  
CITY RECORDER**

**SUBJECT: MISTY MEADOWS STREET LIGHTING LOCAL IMPROVEMENT DISTRICT**

**ISSUE:**

On March 16, 2015 the City Council adopted Resolution R2014-2562 declaring the City's intent to initiate Misty Meadows Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

Attached to this staff report is a City Engineer's report filed for Misty Meadows Street Lighting Local Improvement District. The report was reviewed by the Public Works Department and found to meet the guidelines as outlined in the City of Keizer Ordinance for development of street lighting districts. Upon adoption of the report by the City Council, a public hearing will be scheduled to receive any remonstrances to the formation of this street lighting district.

**FISCAL IMPACT:**

The costs for establishing the district in the first year include a fee for the engineers report and an administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Street Lighting District Fund.

**RECOMMENDATION:**

It is recommended City Council adopt a Resolution approving the City Engineer's Report and set the public hearing date for June 15, 2015 to consider remonstrances and other comments on the district's formation and objections to proposed assessments.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2014-\_\_\_\_\_

**APPROVING THE CITY ENGINEER'S REPORT; DECLARING  
THE CITY'S INTENT TO FORM MISTY MEADOWS STREET LIGHTING LOCAL  
IMPROVEMENT DISTRICT; PROVIDING NOTICE AND SETTING HEARING**

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

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for Misty Meadows Street Lighting Local Improvement District which was filed with the City Recorder on May 8, 2015 to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to form Misty Meadows Street Lighting Local Improvement District and to make the lighting district improvements to serve Misty Meadows Street Lighting Improvement District.

Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form Misty Meadows Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on June 15, 2015, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

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

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2015.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

ENGINEER'S REPORT  
FOR  
MISTY MEADOWS SUBDIVISION  
STREET LIGHTING DISTRICT

For City Council Action May 18, 2015



Renew date: December 31, 2016

Prepared by:



Date: May 5, 2015

Project File: 4353-11

---

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Misty Meadows Subdivision

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 2015-2562** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefitted by the street lights proposed to be installed.

Lighting Plan: The lighting improvements will consist of 3, 47-Watt, LED luminaries and 1, 100-Watt, LED luminary at 30' mounting height on a 35', heavy duty gray direct burial fiberglass pole with 6' aluminum mast arm. This design is selected to meet current city standards and provide the most efficient light coverage. It is recommended that installation be accomplished by the following method:

Portland General Electric Co. (PGE) would install the underground wiring and supply the electrical power to the District. The luminaries and poles would be furnished, owned and maintained by PGE.

Estimated Costs:

|                                                                |               |
|----------------------------------------------------------------|---------------|
| Developer -                                                    |               |
| 3 Poles & 47 Watt luminaries @ \$14.20 per month ea. x 12 mos. | \$511.20      |
| 1 Pole & 100 Watt luminary @ \$18.02 per month ea. x 12 mos.   | \$216.24      |
| Administrative Fee @ \$8.10/Lot:                               | \$121.50      |
| Engineering @ \$14.00/Lot:                                     | <u>210.00</u> |
| Total Assessment                                               | \$1058.94     |
| (1)Per Lot Assessment (First Year, 15 Lots)                    | \$70.60       |

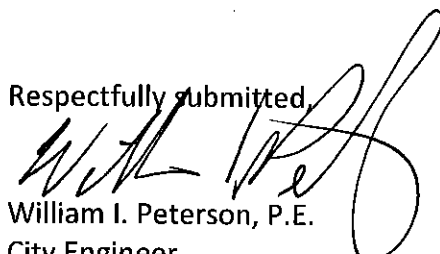
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

For the developer, the first year assessment would include the one-time costs for District formation and engineering. Subsequent year's assessments would reduce to \$48.50 per lot.

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

Respectfully submitted,



William I. Peterson, P.E.  
City Engineer

PRELIMINARY ASSESSMENT ROLL

MISTY MEADOWS SUBDIVISION  
STREET LIGHTING DISTRICT

\*Assessors Maps 06 3W 23DA

| <u>Lot #</u> | <u>Owner</u>                                                                       | <u>Cost (per lot)</u> |
|--------------|------------------------------------------------------------------------------------|-----------------------|
| 1-15         | TERRA FIRMA PROPERTY<br>DEVELOPMENT, INC.<br>360 BELMONT ST. NE<br>SALEM, OR 97301 | \$70.60 (first year)  |

TOTAL ASSESSMENT: \$1,058.94

**COUNCIL MEETING: May 18, 2015**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC  
CITY RECORDER**

**SUBJECT: NORTHFIELD ESTATES STREET LIGHTING LOCAL IMPROVEMENT  
DISTRICT**

**ISSUE:**

On April 20, 2015 the City Council adopted Resolution R2014-2568 declaring the City's intent to initiate Northfield Estates Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

Attached to this staff report is a City Engineer's report filed for Northfield Estates Street Lighting Local Improvement District. The report was reviewed by the Public Works Department and found to meet the guidelines as outlined in the City of Keizer Ordinance for development of street lighting districts. Upon adoption of the report by the City Council, a public hearing will be scheduled to receive any remonstrances to the formation of this street lighting district.

**FISCAL IMPACT:**

The costs for establishing the district in the first year include a fee for the engineers report and an administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Street Lighting District Fund.

**RECOMMENDATION:**

It is recommended City Council adopt a Resolution approving the City Engineer's Report and set the public hearing date for June 15, 2015 to consider remonstrances and other comments on the district's formation and objections to proposed assessments.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2014-\_\_\_\_\_

**APPROVING THE CITY ENGINEER'S REPORT; DECLARING  
THE CITY'S INTENT TO FORM NORTHFIELD ESTATES STREET LIGHTING LOCAL  
IMPROVEMENT DISTRICT; PROVIDING NOTICE AND SETTING HEARING**

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

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for Northfield Estates Street Lighting Local Improvement District which was filed with the City Recorder on May 8, 2015 to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to form Northfield Estates Street Lighting Local Improvement District and to make the lighting district improvements to serve Northfield Estates Street Lighting Improvement District.

Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form Northfield Estates Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on June 15, 2015, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

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

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2015.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

ENGINEER'S REPORT  
FOR  
NORTHFIELD ESTATES  
STREET LIGHTING DISTRICT

For City Council Action May 18, 2015



Renew date: December 31, 2016

Prepared by:



Date: May 7, 2015

Project File: 4353-11

---

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Northfield Estates

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 2015-2568** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefitted by the street lights proposed to be installed.

Lighting Plan: The lighting improvements will consist of 8, 47-Watt, LED luminaries at 30' mounting height on a 35', heavy duty gray direct burial fiberglass pole with 6' aluminum mast arm. This design is selected to meet current city standards and provide the most efficient light coverage. It is recommended that installation be accomplished by the following method:

Portland General Electric Co. (PGE) would install the underground wiring and supply the electrical power to the District. The luminaries and poles would be furnished, owned and maintained by PGE.

Estimated Costs:

|                                                                |               |
|----------------------------------------------------------------|---------------|
| Developer -                                                    |               |
| 8 Poles & 47 Watt luminaries @ \$14.63 per month ea. x 12 mos. | \$1,404.48    |
| Administrative Fee @ \$8.10/Lot:                               | \$97.20       |
| Engineering @ \$14.00/Lot:                                     | <u>168.00</u> |
| Total Assessment                                               | \$1,669.68    |
| (1)Per Lot Assessment (First Year, 12 Lots)                    | \$139.14      |

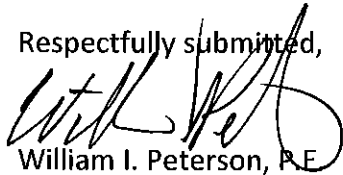
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

For the developer, the first year assessment would include the one-time costs for District formation and engineering. Subsequent year's assessments would reduce to \$117.04 per lot.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William I. Peterson', written over the printed name.

William I. Peterson, P.E.  
City Engineer

PRELIMINARY ASSESSMENT ROLL

NORTHFIELD ESTATES  
STREET LIGHTING DISTRICT

\*Assessors Maps 06 3W 23DC01500

| <u>Lot #</u> | <u>Owner</u>                                                                                               | <u>Cost (per lot)</u> |
|--------------|------------------------------------------------------------------------------------------------------------|-----------------------|
| 1-12         | LYDON DEVELOPMENT INC.<br>C/O LYDON HOMES CO.<br>4676 COMMERCIAL ST. SE<br>P.O. BOX 458<br>SALEM, OR 97302 | \$139.14 (first year) |

TOTAL ASSESSMENT: \$1,669.68

**CITY COUNCIL MEETING: May 18, 2015**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: 2015 KEIZER PUBLIC ARTS COMMISSION HOLIDAY CARD CONTEST**

At the March 16, 2015 City Council meeting, the Council adopted a Resolution supporting the 2015 Keizer Public Arts Commission Holiday Card contest (copy enclosed). At the April 28, 2015 Keizer Public Arts Commission meeting, a request was made to amend the Resolution to allow the display of the entries to be at a different time. The request was to remove the words “between the dates of September 25, 2015 and November 17, 2015.” No replacement language was suggested. Therefore, staff believes that it is appropriate to have the City Manager authorize the display dates and a draft Resolution to that effect is attached for your consideration.

**RECOMMENDATION:**

Adopt the attached Resolution Amending Resolution R2015-2556 (Supporting 2015 Keizer Public Arts Commission Holiday Card Contest).

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2015- 2556

4  
5 SUPPORTING 2015 KEIZER PUBLIC ARTS COMMISSION  
6 HOLIDAY CARD CONTEST

7  
8 WHEREAS, on December 1, 2014, the City Council set aside \$1,000 in the  
9 Miscellaneous Expense Fund to reimburse the Keizer Arts Commission for expenses  
10 incurred for calligraphy on the Community Center walls and student art kits for utility  
11 box painting;

12 WHEREAS, it is more appropriate for the funding to come from the entire  
13 General Fund for budgeting purposes;

14 WHEREAS, the Keizer Arts Committee reported at the March 2, 2015 meeting  
15 that approximately \$300 has been spent;

16 WHEREAS, the Keizer Arts Committee approached the City Council and  
17 requested that the Council support the 2015 Keizer Public Arts Commission Holiday  
18 Card Contest by allowing a portion of the set aside funds to be spent on a prize for the  
19 winning entry of the contest, on printing holiday cards and envelopes, and postage for  
20 mailing such holiday cards;

21 WHEREAS, the Keizer Arts Committee also requested that the Council support  
22 this contest by placing the entries received in the glass case in the entryway at City Hall,

1 by sending the holiday cards to business partners of the City, and by sending the holiday  
2 cards to the volunteers of the City;

3 WHEREAS, the City Council has considered the matter and agrees that it is  
4 appropriate to endorse and support such proposed 2015 Keizer Public Arts Commission  
5 Holiday Card Contest;

6 NOW, THEREFORE,

7 BE IT RESOLVED by the City Council of the City of Keizer that the City  
8 Council endorses and supports the 2015 Keizer Public Arts Commission Holiday Card  
9 Contest.

10 BE IT FURTHER RESOLVED that the Council's previous motion with regard to  
11 funding \$1,000 for the projects noted above is hereby amended to indicate that the funds  
12 are from the entire General Fund and not a particular line item.

13 BE IT FURTHER RESOLVED that the Keizer Arts Commission is authorized to  
14 spend a portion of the set aside funds on a prize for the winning entry, on printing  
15 holiday cards and envelopes, and postage for mailing such holiday cards.

16 BE IT FURTHER RESOLVED that Council supports this contest by assisting  
17 with displaying the entries received in the glass case in the entryway at City Hall  
18 between the dates of September 25, 2015 and November 17, 2015.

19

1 BE IT FURTHER RESOLVED that Council supports this contest by the  
2 commitment of sending the holiday cards to business partners and volunteers of the City.

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

5 PASSED this 16th day of March, 2015.

6

7 SIGNED this 16th day of March, 2015.

8

9

10

Mayor

11

12

13

City Recorder (Deputy)

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2015-\_\_\_\_\_

4  
5 AMENDING RESOLUTION R2015-2556 (SUPPORTING 2015 KEIZER  
6 PUBLIC ARTS COMMISSION HOLIDAY CARD CONTEST)

7  
8 WHEREAS, the City Council adopted Resolution R2015-2556 supporting the  
9 2015 Keizer Public Arts Commission Holiday Card contest on March 16, 2015;

10 WHEREAS, the last paragraph on Page 2 permitted displaying the entries in the  
11 glass case in the entryway between the dates of September 25, 2015 and November 17,  
12 2015;

13 WHEREAS, the Keizer Public Arts Commission has reconsidered those dates and  
14 requested that the Resolution be amended to allow a different time period;

15 WHEREAS, the City Council wishes to amend such Resolution to authorize the  
16 City Manager to determine the appropriate display dates;

17 NOW, THEREFORE,

18 BE IT RESOLVED by the City Council of the City of Keizer that the last  
19 paragraph on Page 2 of Resolution R2015-2556 is hereby deleted and the following  
20 language be inserted in its place:

21 BE IT FURTHER RESOLVED that the Council supports this  
22 contest by assisting with displaying the entries received in the glass case in  
23 the entryway at City Hall for a time period that is deemed appropriate in  
24 the City Manager's sole discretion.

