

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

AGENDA

KEIZER CITY COUNCIL

REGULAR SESSION

Monday, May 18, 2009

7:30 p.m.

**Robert L. Simon Council Chambers
Keizer, Oregon**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. 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.

5. PUBLIC HEARINGS

- a. **ORDER** – Amendment of Rates for Medical Waste Collection Within the City of Keizer
- b. **RESOLUTION** - Amendment to Keizer Parks Master Plan – Keizer Rapids Park – Disc Golf Course

6. ADMINISTRATIVE ACTION

- a. **RESOLUTION** – Authorizing City Manager to Enter Into Keizer Rotary Amphitheater Management Agreement with Keizer Rapids Amphitheater
- b. **ORDINANCE** – Adopting the Updates to the Transportation System Plan and Keizer Development Code Text Amendments (Second Reading)
- c. **RESOLUTION** – Establishing Keizer Park Use Fees – Keizer Rotary Amphitheater Permit Application Fees and Use Fees

7. **CONSENT CALENDAR**

- a. **RESOLUTION** – Authorization for Disposition of Police K-9 Dog – Czar

8. **COMMITTEE REPORTS**

- a. Presentation - Proposed Marion County Charter

9. **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.

- a. New Business or Old Business Issues

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

June 1, 2009

7:00 p.m. City Council Meeting

June 8, 2009

5:45 p.m. – City Council Work Session

- Salem-Keizer Transit

June 15, 2009

7:00 p.m. City Council Meeting

12. **ADJOURNMENT**



CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR & CITY COUNCIL

**FROM: CHRISTOPHER C. EPPLEY
CITY MANAGER**

**SUBJECT: MEDICAL WASTE RATE INCREASE FOR MARION
ENVIRONMENTAL SERVICES**

BACKGROUND

Medical waste generated within City of Keizer is managed by Marion Recycling Center, Inc. Doing business as Marion Environmental Services (MES), a consortium created to represent all of the municipal solid waste haulers within Marion County (including Loren's Sanitation Service, Inc and Valley Recycling & Disposal, Inc, the two franchised haulers within the city of Keizer) to provide this specific service. The company's customers include commercial accounts such as hospitals, medical clinics, dental offices, veterinarian offices, and other generators of infectious wastes, as well as citizens that generate "sharps" (needles, syringes, and lancets) for disposal.

Due to rising costs, MES is requesting a rate increase for its "low volume" commercial customers, only. These customers are defined as companies or organizations that require pickup of less than 75 boxes of infectious medical waste per month. The rate increase requested for these customers would equate to an increase of 11.2%. No rate increase is requested for "high volume" commercial or residential customers. Additionally, MES is requesting price increases for some medical waste disposal supplies that are sold to customers. MES is requesting that the new rates be effective as of June 1, 2009.

MES serves a total of 36 customers within the city of Keizer. One customer is high volume and would not be impacted by this request except to the extent it purchases supplies from MES. The other 35 customers are low volume and would be subject the requested increase. On average, low volume customers will experience a rate increase of less than \$2 per month although certain customers could experience more of an increase (depending on the number of boxes collected on a monthly basis).

This is the first rate increase for this service since July 2006.

RECOMMENDATION

Staff recommends that the City Council open s the public hearing a nd takes input f rom those in attendance. Staff further recommends that the C ouncil close the public hearing and approve the attached resolution allowing for a rate in crease f or the colle ction of medical waste by MES.

Marion Recycling, Inc.
Medical Waste Rates

Item	Description	Heavy Volume 75+ Boxes	Low Volume 1-74 Boxes	Low Volume 11.20%	Low Volume New Rate
Area 1					
Salem, West Salem, Keizer					
SK20BxBg	20 Gallon Bx/Bg S/K	11.95	14.85	1.66	16.51
SKA20BxBg	Ea. Addtl. 20 Gallon Bx/Bg S/K	9.35	11.65	1.30	12.95
SK35BxBg	35 Gallon Bx/Bg S/K	13.40	16.70	1.87	18.57
SKA35BxBg	Ea. Addtl. 35 Gallon Bx/Bg S/K	10.85	13.50	1.51	15.01
Area 2					
erton, Mt. Angel, Woodburn, Aurora, Hubbard, Marion County, N. Marion County, Gervais, St Paul					
NM20BxBg	20 Gallon Box/Bag	13.40	16.60	1.86	18.46
NMA20BxBg	Ea. Addtl. 20 Gallon Bx/Bg NMarion	10.80	13.35	1.50	14.85
NM35BxBg	35 Gallon Bx/Bg NMarion	14.95	18.50	2.07	20.57
NMA35BxBg	Ea. Addtl. 35 Gallon Bx/Bg NMarion	12.30	15.25	1.71	16.96
Area 3					
Stayton, Sublimity, Jefferson, Turner, Aumsville					
ST20BxBg	20 Gallon Bx/Bg Stayton area	14.20	17.55	1.97	19.52
STA20BxBg	Ea. Addtl. 20 Gallon Bx/Bg Stayton area	11.60	14.30	1.60	15.90
ST35BxBg	35 Gallon Bx/Bg Stayton area	15.70	19.40	2.17	21.57
STA35BxBg	Ea. Addtl. 35 Gallon Bx/Bg Stayton area	13.00	16.10	1.80	17.90
Area 4					
Gates, Mill City					
MC20BxBg	20 Gallon Box/Bag/Mill City	15.75	19.45	2.18	21.63
MCA20BxBg	Ea. Addtl. 20 Gallon Bx/Bg Mill City	14.10	17.40	1.95	19.35
MC35BxBg	35 Gallon Bx/Bg Mill City	17.45	21.55	2.41	23.96
MCA35BxBg	Ea. Addtl. 35 Gallon Bx/Bg Mill City	15.80	19.50	2.18	21.68
Area 5					
Detroit					
DE20BxBg	20 Gallon Box-Bag	26.75	33.05	3.70	36.75
DEA20BxBg	Ea. Addtl. 20 Gallon Bx/Bg Detroit	25.10	31.00	3.47	34.47
DE35BxBg	35 Gallon Bx/Bg Detroit	28.45	35.15	3.94	39.09
DEA35BxBg	Ea. Addtl. 35 Gallon Bx/Bg Detroit	26.80	33.10	3.71	36.81
Items Purchased					
LIDS	20 Gallon ~ 35 Gallon Lids	Current Price		Increase	New Price
		3.50		0.39	3.89
Sharps					
Sharps***:Each	Sharps Containers	7.05			7.05
Sharps***:Haul-Case	Haulers Sharps Case	160.00			160.00
Sharps***:Hauler-Eac	Haulers Sharps Containers	4.00			4.00
Box/Bags					
20BAG	20 Gallon Bag only	1.05			1.05
20BOX	20 Gallon Box only	4.70		0.52	5.22
20Bx-Bg	20 Gallon Box-Bag	5.75		0.52	6.27
20BAGCS	20 Gallon Bags per case/100	55.85		6.14	61.99
35BAG	35 Gallon Bag only	1.55			1.55
35BOX	35 Gallon Box only	5.35		0.59	5.94
35Bx-Bg	35 Gallon Box-Bag	6.90		0.59	7.49
35BAGCS	35 Gallon Bags per case/100	155.00		17.05	172.05
Storage Container Rental					
Storage C	Storage Container Rental	18.00			22.00

Off Route Charge Minimum \$25.00/\$80.00 Hourly Rate Trip Charge = \$1.33 per Minute

Marion Recycling Center, Inc.
Medical Waste Cost Study
For the year ended September 30, 2008

	High Volume	Low Volume	Total
Ordinary Income/Expense			
Income			
Fees For Service - MRI	-	-	-
Fees For Services - MES	201,990	112,679	314,669
Haulers Return Income	-	-	-
Lease Income	-	-	-
Total Income	201,990	112,679	314,669
Cost of Goods Sold			
Material Purchases MES			
Total COGS	43,295	24,102	67,396
Gross Profit	158,785	88,577	247,362
Expense			
Building Expenses			
Maintenance & Repair			
Janitorial Expenses			
Security Monitor			
Telephone			
Landscape & Site Expense			
Utilities			
Total Building Expenses	5,403	3,014	8,417
Insurance			
Commercial Pkg.			
Life			
Kanz Health/Life Insurance			
Health			
SAIF			
Umbrella			
Total Insurance	9,568	5,338	14,906
Marion Environmental Services			
US Bank - Truck Interest	-	-	-
Disposal Fees	16,964	9,463	26,427
Franchise Expense	9,026	5,035	14,061
Gas, Fuel & Oil-MES	1,427	4,542	5,969
MES Operating Supplies			
Uniforms & Laundry			
Vehicle Rent			
Vehicle Insurance			
Vehicle License & Registration			
Vehicle Maintenance			
Total Marion Environmental Services	30,642	29,304	59,945
Miscellaneous Other			
Depreciation-truck	-	-	-
Depreciation-building & improvements	3,986	2,223	6,209
Depreciation-furniture & equipment	1,556	868	2,424
Mileage			
Hauler Meetings			
Other			
Operating Supplies			
Bank Charges			
Donation			
Total Miscellaneous Other	7,675	4,282	11,957
Total Misc. Employee Costs	3,648	2,035	5,683
Education/Seminars/Classes/Meet			
Safety Programs			
Reimbursements			
Misc. Employee Costs - Other			
Total Misc. Employee Costs	3,648	2,035	5,683

Marion Recycling Center, Inc.
Medical Waste Cost Study
For the year ended September 30, 2008

	High Volume	Low Volume	Total	
Office Expense				
QB Service Charge				
Public/Employee Relations				
Advertising & Promotion				
Dues & Subscriptions				
Permits & Licenses				
Office Equipment				
Office Equipment R&M				
Office Supplies				
Postage				
Printing				
Property Tax				
Total Office Expense	705	14,163	14,868	
Payroll Expenses				
SS/FICA				
Medicare				
FUTA				
OR Unemployment				
SEP				
SEP/Putman				
WBF Assessment				
Smith Barney				
Bonus MRI				
Payroll Expenses - Other				
Management fee				
Wages - MRI				
Wages - MVGRA				
Wage Subtotal				
Total Payroll Expenses	63,924	35,660	99,584	
Professional Fees				
Accounting				
Computer Consulting				
Other				
Legal				
Total Professional Fees	8,415	4,694	13,110	
Taxes				
Income taxes	-	-	-	
Total TAXES	-	-	-	
Total Expense	129,981	98,489	228,470	
Net Ordinary Income	129,981	(9,912)	18,892	
Other Income/Expense				
Other Income				
Interest income	-	-	-	
Other Income	-	-	-	
Total Other Income	-	-	-	
Net Other Income	-	-	-	
Net Income	28,804	(9,912)	18,892	
	16.1% income	14.3%	-8.8%	6.0%
Income needed to Low Volume to obtain desired overall profit			12,575	
Desired Profit - 10% of total company revenue			\$ 31,467	
Dollar Increase Needed in Rates			12,575	12,575
Overall Net Income after Rate Increase	\$ 28,804	\$ 2,663	\$ 31,467	
Percent Increase Needed in Rates	0.0%	11.2%	4.0%	

Cost Adjustments

Fuel Inflation	140.00.0%
No changes	while

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2

3 ORDER

4

5

6 IN THE MATTER OF THE AMENDMENT OF RATES

7 FOR MEDICAL WASTE COLLECTION WITHIN THE

8 CITY OF KEIZER, EFFECTIVE AS OF JUNE 1, 2009

9

10

11 This matter comes before the Keizer City Council upon the request of Marion

12 Recycling Center, Inc. dba Marion Environmental Services. Marion Environmental

13 Services (MES) as a consortium created to represent all the municipal solid waste

14 haulers within Marion County to provide commercial medical waste collection.

15 IT APPEARING that it is the responsibility of the City of Keizer to enforce the

16 terms and provisions of Marion County Ordinance No. 615 as amended within the city

17 limits of the City of Keizer which responsibility includes the exercise of authority to set

18 rates for franchise solid waste collection; and

19 IT FURTHER APPEARING that commercial medical waste collection costs have

20 increased, particularly for "low volume" commercial customers; and

21 IT FURTHER APPEARING that MES and the franchised solid waste collectors

22 in Keizer have requested a revision of the commercial medical waste collection rates,

23 and the City Manager has investigated and reviewed the proposed commercial medical

24 waste collection rates and has recommended approval of the rates set forth in Exhibit

25 "A" attached hereto; and

1 IT FURTHER APPEARING that the commercial medical waste collection rates,
2 charges and services have been considered at a public hearing held on May 18, 2009, by
3 and before the City Council of the City of Keizer; and

4 IT FURTHER APPEARING that the City Council of the City of Keizer expressly
5 hereby finds that current projected revenues and expenses are reasonable and the
6 proposed rates and services will be just, ~~far~~, reasonable and sufficient to provide service
7 to the public;

8 NOW, THEREFORE;

9 IT IS HEREBY ORDERED that the solid waste collection franchisees in the
10 municipal city limits of the City of Keizer, to wit:

11 Loren's Sanitation and Recycling Service, Inc. and

12 Valley Solid Waste Management Corp., dba Valley Recycling & Disposal, Inc.
13 are authorized to charge maximum rates as listed in Exhibit "A", a copy of which is
14 attached to this Order and by this reference incorporated herein, for commercial medical
15 waste collection service in the City of Keizer; and

16 IT IS HEREBY FURTHER ORDERED that the collection franchisees notify their
17 affected customers prior to implementing the new rates as prescribed by Marion County
18 Ordinance 615, as amended; and

19 IT IS HEREBY FURTHER ORDERED that except as ~~amended~~ herein, all other
20 rates, charges and services shall remain in effect without change; and

1 IT IS HEREBY FURTHER ORDERED that this Order shall be effective the first
2 day of June, 2009, until replaced.

3 PASSED this _____ day of _____, 2009.

4 SIGNED this _____ day of _____, 2009.

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11

Mayor

City Recorder

Exhibit "A"
Commercial
Medical Waste Rates

Item	Description	Low Volume
		New Rate
Area 1		
Salem, West Salem, Keizer		
SK20BxBg	20 Gallon Bx/Bg S/K	16.51
SKA20BxBg	Ea. Addtl. 20 Gallon Bx/Bg S/K	12.95
SK35BxBg	35 Gallon Bx/Bg S/K	18.57
SKA35BxBg	Ea. Addtl. 35 Gallon Bx/Bg S/K	15.01
Items Purchased		
		New Price
LIDS	20 Gallon -- 35 Gallon Lids	3.89
Sharps		
Sharps***:Each	Sharps Containers	7.05
Sharps***:Haul-Case	Haulers Sharps Case	160.00
Sharps***:Hauler-Eac	Haulers Sharps Containers	4.00
Box/Bags		
20BAG	20 Gallon Bag only	1.05
20BOX	20 Gallon Box only	5.22
20Bx-Bg	20 Gallon Box-Bag	6.27
20BAGCS	20 Gallon Bags per case/100	61.99
35BAG	35 Gallon Bag only	1.55
35BOX	35 Gallon Box only	5.94
35Bx-Bg	35 Gallon Box-Bag	7.49
35BAGCS	35 Gallon Bags per case/100	172.05
Storage Container Rental		
Storage C	Storage Container Rental	22.00

CITY COUNCIL MEETING: May 18, 2009

AGENDA ITEM NUMBER: _____

TO: KEIZER CITY COUNCIL

THRU: NATE BROWN – COMMUNITY DEVELOPMENT DIRECTOR

FROM: KEVIN WATSON - ASSISTANT TO THE CITY MANAGER

**SUBJECT: AMENDMENT OF KEIZER RAPIDS PARK MASTER PLAN AND
DIRECTION TO ALLOW DISC GOLF IN THE PARK**

BACKGROUND

Disc golf is quickly becoming one of the fastest growing sports with more than 2,000 installed disc golf courses across the world. Few recreational activities that offer such high benefit-to-cost ratio of disc golf with relatively low capital improvement and maintenance costs. It is environmentally sound; is played year-round in all climates; and is enjoyed immediately by community members of all ages and skill levels.

On March 10th, 2009, it was proposed to the Keizer Parks Advisory Board to have the City of Keizer and disc golfers of the greater Salem-Keizer area (with specific support by the Capital City Disc Golf club) to collaborate to construct a disc golf course in Keizer Rapids Park. The proposal requested an amendment to the Keizer Rapids Park Master Plan to include an 18-hole disc golf course. In addition, the proposal requested \$5,400 in Parks Staff time (est. @ \$100/hr) and \$11,800 for costs of materials, specifically:

Baskets, with collars:	18ea @ \$400/ea	=	\$7,200
Hole signs:	18ea @ \$100/ea	=	\$1,800
Entry sign/kiosk:	1ea @ \$1,000	=	\$1,000
<u>Concrete, gravel and misc.</u>	<u>18ea @ 100/ea</u>	<u>=</u>	<u>\$1,800</u>
Total Material Expenses:			\$11,800

It is intended, the Capital City Disc Golf Club will donate/volunteer labor to ensure the installation of the course goes smoothly. The Club will have on-going work parties to maintain and improve the course. It's estimated, the group will provide 540hrs of labor to properly install the course. In addition, Daniel Hatfield with the Boy Scouts is

working for his Eagle badge and has offered to coordinate his troop to assist on the day of installation.

The proposed land for this project has outstanding qualities for a superb disc golf course including a variety of large and mature trees; elevation changes; uneven terrain; and established shrubbery. The existing land would require minimal development compared to other possible uses for this area since a natural habitat is a benefit to the game of disc golf. The proposed disc golf course will be laid out so as to work well with the walking paths.

The Keizer Parks Advisory Board recommended to City Council to amend to the Keizer Rapids and approve the allocation of \$12,000 in Parks SDC funds for the project.

Amendment will to the Keizer Rapids Park Master Plan will include an amendment to the following;

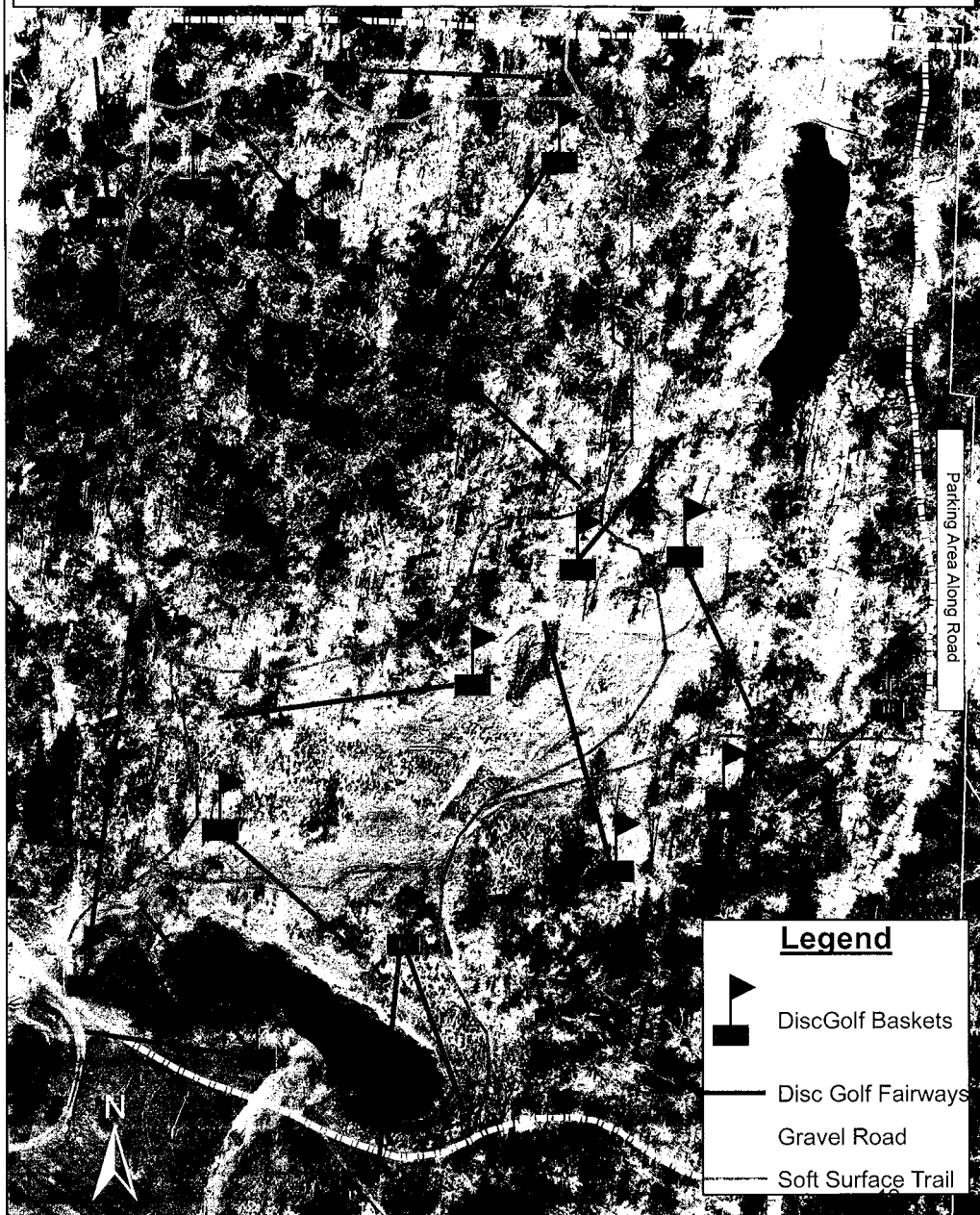
- Map on pg. 27 (see attached map) includes an identification of the general area where the disc golf course will be located.
- A paragraph will be added on pg. 28, “The western portion of the park has outstanding qualities for a high quality disc golf course including a variety of large and mature trees; elevation changes; uneven terrain; and established shrubbery. The existing land would require minimal development compared to other possible uses allowing both disc golf players and other park users to simultaneously benefit from the natural habitat. The proposed disc golf course will be laid out so as to work well with the walking paths.”
- Line item on page 34 will be added to include disc golf with a cost of \$17,200.

An attached proposal of the course layout has been attached. This proposal is flexible and can be adjusted as needed.

RECOMMENDATION

It is recommended the City Council approve the attached resolution to amend the Keizer Rapids Park Master Plan to allow disc golf in the park. In addition, dedicate \$12,000 from line 21 of the Parks Improvement Fund for purchase of materials.

Keizer Rapids Park : Proposed Disc Golf Course



CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2009-_____

AMENDMENT OF KEIZER RAPIDS PARK MASTER PLAN AND DIRECTION TO
ALLOW DISC GOLF IN THE PARK

WHEREAS, on October 2nd, 2006, the City of Keizer adopted the Keizer Rapids
Park Master Plan;

WHEREAS, on March 10th, 2009, it was recommended by the Keizer Parks
Advisory Board to amend the Keizer Rapids Park Master Plan to include disc golf;

WHEREAS, the City has solicited and received informal public input on such
an amenity in the park;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Keizer
Rapids Park Master Plan be amended to allow disc golf;

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
attached map is hereby approved.

PASSED this ____ day of _____, 2009.

SIGNED this ____ day of _____, 2009.

Mayor

City Recorder

CITY COUNCIL MEETING: May 18, 2009

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO KEIZER ROTARY AMPHITHEATER MANAGEMENT AGREEMENT*

At the last meeting, the Council directed staff to prepare an agreement between the City and Clint Holland's group (Keizer Rapids Amphitheater) to manage the new Keizer Rotary Amphitheater. (Clint Holland is not acting on behalf of Keizer Rotary in this matter.)

The attached agreement calls for Keizer Rapids Amphitheater (KRA) to manage, operate and maintain the amphitheater. An applicant will check with the City to see if a date is open and after that, KRA will handle the event. All permit fees and use fees shall be paid directly to the City, however KRA can use the use fees to offset approved expenses for amphitheater maintenance and events.

The use fees are not set forth within the agreement. They are to be adopted by the Council by separate resolution.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to enter into the agreement.

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

ESJ/tmh
attachment

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2009-_____

AUTHORIZING THE CITY MANAGER TO ENTER
INTO KEIZER ROTARY AMPHITHEATER
MANAGEMENT AGREEMENT WITH KEIZER RAPIDS
AMPHITHEATER

WHEREAS, the City of Keizer owns or leases real property and improvements
located on Chemawa Drive North, Keizer, Marion County known as Keizer Rapids Park;

WHEREAS, within the Park are improvements known as the Keizer Rotary
Amphitheater.

WHEREAS, the City of Keizer has the need of services to manage, operate and
maintain the Amphitheater;

WHEREAS, Keizer Rapids Amphitheater (KRA) desires to manage, operate and
maintain the Amphitheater as a public resource;

NOW, THEREFORE,

BE IT RESOLVED that the City Manager is authorized to execute the Keizer
Rotary Amphitheater Management Agreement, a copy of which is attached as Exhibit
“A” and by this reference incorporated herein.

PASSED this _____ day of _____, 2009.

SIGNED this _____ day of _____, 2009.

Mayor

City Recorder

KEIZER ROTARY AMPHITHEATER MANAGEMENT AGREEMENT

PARTIES:

CITY OF KEIZER, an Oregon
municipal corporation (hereinafter "City")

KEIZER RAPIDS AMPHITHEATER, LLC (hereinafter "KRA")

RECITALS:

A. City owns or leases real property and improvements located on Chemawa Drive North, Keizer, Marion County, Oregon known as Keizer Rapids Park (hereinafter "Park").

B. Within the Park are improvements known as the Keizer Rotary Amphitheater (hereinafter "Amphitheater"). City has need of services to manage, operate and maintain the Amphitheater. For purposes of this Agreement, "Amphitheater" shall include the amphitheater and area described in Exhibit "A" attached hereto and by this reference incorporated herein.

C. KRA desires to manage, operate and maintain the Amphitheater as a public resource, subject to KRA's use of the facilities as set forth herein.

D. This Agreement is intended to grant no property interest or lease rights to KRA, or any third party that may result in the loss of property tax exempt status of the Amphitheater.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties do mutually agree as follows:

AGREEMENT:

1. Term. Unless terminated as set forth herein, the term of this Agreement shall be from May 18, 2009 to November 30, 2009. KRA agrees and understands that following this term, the City intends to issue a formal Request for Proposals for future management and operation of the Amphitheater.

2. Improvements. KRA agrees that all Amphitheater improvements are the property of City and are considered to be part of the premises that is the subject of this Agreement. KRA further agrees that all permanent improvements made upon the premises by KRA or any other person or entity after the date of this Agreement become part of the premises and the property of City. City shall not be liable for any costs, or materials and/or labor associated with the initial construction work or improvements made

to the premises or personal property included in the premises or for any future improvements made to the premises except as expressly agreed to in writing by City. KRA shall not cause or permit any change in Amphitheater layout, any addition or deletion of any permanent improvements, or any action on the part of KRA or permitted by KRA that affects the Amphitheater without the prior written consent of City. City reserves the right to make changes, additions and deletions with regard to any present or future improvements on the premises.

3. Use and Conditions. Subject to the terms and conditions set forth herein, KRA agrees to manage, operate and maintain the Amphitheater in its entirety for the term of the Agreement as follows:

- A. KRA would maintain and operate the Amphitheater area as follows:
 - i. Maintain turf, irrigation system, and leaf removal.
 - ii. Arrange for garbage pickup, utilities, etc.
 - iii. Coordinate amphitheater events with City staff.
 - iv. Develop suggested plan for future improvements of the amphitheater area.

- B. A permit application fee shall be charged to the applicant. This fee is \$50.00.

- C. City staff shall maintain a master calendar for the amphitheater events. If a date is open, the applicant shall be transferred to KRA for workup of the permit application and details of the event. The applicant and KRA will work together to complete the permit application. The date would be held for seven (7) days to allow completion of the application.

Notwithstanding any of the above provisions, any individuals may use the Amphitheater at any time the Amphitheater is open if such use does not interfere with the priority or reserved use, cause safety concerns, or cause undue wear and tear in KRA's reasonable discretion.

- D. The applicant shall submit the permit application to the City for review, along with the application fee. City staff shall review the matter and if appropriate, issue the permit with particular conditions. For example, depending on the type and size of the event, security or extra portable bathrooms may be needed. There may be specific conditions on parking, timing and noise.

- E. Use fees shall be charged to applicants at the rates adopted by the City Council. All use fees shall be paid in full directly to the City at the same time as the application is submitted. If the event permit is denied or the event is cancelled within City regulations, the use fee shall be refunded in full.

- F. All use fees collected by the City shall be kept segregated and shall only be used for Amphitheater operations, maintenance, repairs and improvements. KRA may request that City revise use fees if necessary to cover Amphitheater costs.

Complaints from either members of the public, users of the Amphitheater or others shall be first submitted in writing to KRA. Complaints shall not be submitted to the City. KRA shall have a reasonable period of time to remedy or otherwise respond depending on the nature of the complaint. If the remedy or response is not satisfactory to the complainant, the complainant may request the City Manager or designee to review the matter.

In the event of a dispute, the decision of the City concerning the use, operation or management of the Amphitheater shall be final and binding. The City reserves the right to make final determination on all policies and procedures relative to the operation and management of the Amphitheater. KRA has no right or authority to allow any use of the Amphitheater without formal issuance of the event permit by the City.

The City, acting through the City Manager, reserves the right, in its sole discretion, to cancel, terminate or interrupt any event, and cause one or more patrons to be dismissed during any event, if necessary to protect the public or property. City shall not be liable to KRA or any third parties for any loss or damages by any such determination or action by the City Manager, or his/her designee taken in good faith for the benefit or protection of the City and the public generally, or the protection of the Amphitheater, Park, or other public or private property.

4. Maintenance. KRA shall, throughout the term of this Agreement, at its own cost and without any expense to City, keep and maintain the entire Amphitheater, including all improvements thereto, in good, sanitary and neat order, condition and repair throughout the entire term. KRA covenants and warrants that KRA will leave the premises in good, sanitary and neat order, to the satisfaction of City upon termination of this Agreement. City shall not be obligated to make any repairs or in any way maintain the premises at any time throughout the term of this Agreement.

5. Expenditure of Use Fees. All use fees shall be submitted to City and KRA has no right to collect use fees, permit application fees, or any other fees directly from the applicant, except for independent fees for services as indicated in Section 7. KRA shall submit invoices or receipts for Amphitheater-related expenses, including, but not limited to portable bathrooms, parking, security, mowing and other maintenance or repair items. If in the discretion of the Public Works Director the expenses are appropriate, they shall be paid or reimbursed to KRA. However, expenses and reimbursements shall only be made if funds are available in the use fee fund. KRA shall be responsible for any expenses if there is no remaining amount in the use fee fund.

6. KRA Events. KRA can also act as an applicant. In such case, KRA would pay the same permit application fee and use fee as other applicants. KRA could retain any admission fee or vendor fees charged.

7. Other KRA Services. KRA may offer concession, coordination, and other services, but it must clearly disclosed to the applicant that those services are not required. The applicant must be informed that if they want additional services, they are free to use any party they choose.

8. Maintenance Standard. KRA agrees to perform all maintenance of the premises including all improvements, at its own cost throughout the term of this Agreement. Such maintenance shall include the following:

- A. Supervision - KRA shall direct and guide the efforts and use of all maintenance workers, equipment and materials to manage the Amphitheater and to maintain it in proper order and form.
- B. Vandalism - KRA shall monitor and repair any and all vandalism to turf, water systems, stage/seating area, fencing, and other structures or facilities.
- C. Turf Maintenance - KRA shall maintain the turf in good husband-like manner and shall do at least the following
 - 1. Conduct weed and grass control around fences, stage/seating area, parking lots, etc.
 - 2. Mow, fertilize and control weeds in all turf areas as necessary. All chemicals and fertilizers shall be applied by a State of Oregon Licensed Applicator. The City shall be advised in writing at least 48 hours in advance of all applications as to the type and time of application.
- D. Water Systems - KRA shall maintain and repair the water system and irrigate as necessary.
- E. Structural - KRA shall maintain, repair and paint as necessary all signs, property and improvements in the Amphitheater area.
- G. Portable Toilets - KRA shall be responsible for servicing the chemical toilets on a regular basis.
- H. General Housekeeping - KRA shall remove and dispose of all litter and garbage and keep the area in a clean and safe condition. In addition to the above, KRA shall at all times, during the term of the Agreement,

maintain the premises, and all property and equipment brought onto the premises by KRA or used by KRA on the premises, in a safe condition. If at any time during the term of this Agreement it appears to City that any maintenance or repairs as outlined above are needed on the premises, City shall notify KRA in writing. City shall give KRA thirty (30) days to perform the requested maintenance or repair. If KRA fails to perform as required by City, City may do the necessary repairs or maintenance and any reasonable costs incurred by City shall be paid by KRA within thirty (30) days after written demand for payment has been delivered to KRA. Election by City hereunder to do the necessary repairs or maintenance and charge the cost to KRA shall not prohibit City from electing to declare KRA in default pursuant to the provisions of this Agreement. Nothing contained on this paragraph shall be construed to relieve KRA of its responsibility for diligence and maintenance.

9. Licenses and Taxes. KRA shall pay all ad valorem real and personal property and excise taxes, if any or any tax that might be levied upon the Amphitheater as a result of this Agreement or for any other reason resulting from operation of the Amphitheater; and shall pay all royalties arising from the sale of patented, copyrighted material or trademarks in its operation. KRA shall indemnify City and hold City harmless from any and all costs or damages of any kind under this section.

10. Utilities. City shall provide water services to the Amphitheater without charge to KRA. Subject to Section 5, KRA shall be responsible for all charges for electricity, garbage collection (including provision for garbage cans and dumpsters), and other utilities on the premises. KRA shall pay all charges for temporary and permanent utility hookups, connections, or installations.

11. Security. It will be the responsibility of KRA to maintain adequate security on the premises. The City will furnish no more than the normal and routine police protection as provided in any Amphitheater, subject to demands for police throughout the City from time to time.

12. Discipline and Control. Subject to prior approval as required elsewhere herein, selection, compensation, direction, discipline, and control of KRA's employees, agents, volunteers and subcontractors shall be the sole responsibility of KRA. KRA shall be responsible for removing from the premises any employee, agent, volunteer or subcontractor who is disorderly, dishonest, dangerously careless, or any person violating any law, ordinance, or regulation.

13. Insurance. City will insure all improvements on the property against loss or damage by fire or other hazard. The City will not insure or replace personal property owned by KRA.

KRA shall maintain in effect throughout the term of this Agreement for all KRA activities, personal injury and property damage liability insurance of at least one million dollars covering the premises. Such insurance shall specifically insure KRA against all liability assumed by it thereunder, as well as liability imposed by law. City shall be named as an additional insured on any such policy of insurance procured by KRA as required under this Agreement. City and KRA will require personal injury liability insurance of at least one million dollars naming the City and KRA as additional insured for other groups using the Amphitheater for any organized event. An insurance binder shall be provided to the City by May 28, 2009.

14. Indemnification and Hold Harmless. KRA shall be responsible for and shall pay and discharge any and all claims of any nature whatsoever under this Agreement or KRA's use or management of the Amphitheater. KRA shall indemnify, defend, and save harmless the City and its officers, agents, and employees for and against any and all loss damage, injuries, action, causes of action, or liability of any kind whatsoever resulting from or arising out of the condition of the premises, products sold, and all operations, activities, or undertakings of KRA or any of KRA's employees, agents, volunteers or independent contractors. Notwithstanding the above, if City directly authorizes an activity by any party other than KRA during the period of this Agreement, this paragraph shall not apply to claims arising out of that activity.

15. Assignment and Subcontracting. KRA shall not assign or transfer this Agreement, or any interest thereon. Any such assignment shall be void, and shall, at the option of the City, terminate this Agreement. KRA shall not subcontract any of its responsibilities hereunder without the express written consent of the City.

16. Default. Upon failure by KRA to perform any term, condition, or covenant of this Agreement within thirty (30) days after written notice from City has been sent by regular mail, addressed to:

Keizer Rapids Amphitheater

specifying the nature of the failure with reasonable particularity, City shall have the option to declare KRA to be in material breach and default hereunder and shall enable City to pursue its legal remedies including but not limited to those referred to in this Agreement. If the failure is of such a nature that it cannot be completely remedied within the said thirty (30) day period, the failure will not be a default if KRA begins correction of the failure within the thirty (30) day period and thereafter proceeds with reasonable diligence and in good faith to correct the failure as soon as possible.

17. Remedies. Upon default, and after the notice period described above, City may elect to terminate this Agreement and bring an action to recover any damages

suffered by City as a result of KRA's actions or as a result of any breach by KRA of any term, covenant or condition of this Agreement.

18. Audit. The City, at its' sole expense, may audit any and all KRA records. KRA shall cooperate in all respects. Should such audit disclose material discrepancies, the City may terminate this Agreement at its' option.

19. Attorney Fees. If suit or action is instituted to enforce or interpret this Agreement or in conjunction with any claim or controversy arising out of this Agreement, the prevailing party shall be entitled to recover, in addition to costs, such sum as the Court may adjudge reasonable as attorney fees at trial and on appeal of the suit or action.

20. Amendments. Amendments to this Agreement shall be recognized only if reduced to writing and executed by formal action of the Board of Directors of Clint Holland & Associates and by formal action of the City Council of the City of Keizer.

21. Relationship of the Parties. The City and KRA have entered into this Agreement for the purpose of establishing an independent contractor relationship between the City and KRA. This Agreement is not, nor should it be construed as, a lease or an agreement in the nature of a lease. No covenant of quiet enjoyment shall be implied in this Agreement. It is further understood and agreed by and between the parties that nothing herein shall constitute or be construed to be an employment, partnership, joint venture, or joint employer relationship between the City, its successors or assigns on the one part, and KRA, its successors or assigns on the other part.

KRA has no property interest or possessory interest in the Amphitheater. KRA shall have the right to use the Amphitheater pursuant to the terms in this Agreement.

22. Non-Discrimination. KRA agrees not to discriminate against any employee or applicant for employment because of race, creed, ancestry, sexual orientation, disability, color, sex, marital status, age, religion or national origin, and further agrees not to discriminate for the same aforementioned reasons against any person or persons in connection with admission, services, or privileges offered to or enjoyed by the general public.

23. Agreement. This Agreement is the entire, final and complete agreement of the parties and supersedes and replaces all written and oral agreements heretofore made or existing by and between the parties or their representatives.

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IN WITNESS WHEREOF, the parties hereto have executed this document as of the date first above written.

CITY:
CITY OF KEIZER

KRA:
KEIZER RAPIDS AMPHITHEATER

By: _____
City Manager

By: _____

Amphitheatre Maintenance Boundary



CITY COUNCIL MEETING: May 18, 2009

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *ORDINANCE ADOPTING KEIZER TRANSPORTATION SYSTEM
PLAN – SECOND READING***

Following the public hearing on April 20, 2009, the Council directed staff to prepare an Ordinance adopting the new Keizer Transportation System Plan (TSP) and amending the Keizer Development Code.

At the May 4, 2009 meeting, the Council passed such Ordinance with certain changes by a four-to-three vote. Because the vote was not unanimous, it is back before Council for a second reading.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh
attachment

1 BILL NO. _____

A BILL

ORDINANCE NO.
2009-_____

2
3 FOR

4
5 AN

ORDINANCE

6
7

8 ADOPTING THE CITY OF KEIZER TRANSPORTATION SYSTEM
9 PLAN (APRIL, 2009); AMENDING ORDINANCE NO. 87-077
10 (THE KEIZER COMPREHENSIVE PLAN) AND ORDINANCE
11 NO. 98-389 (THE KEIZER DEVELOPMENT CODE);
12 REPEALING ORDINANCE NO. 2000-425 (ADOPTING THE
13 KEIZER TRANSPORTATION SYSTEMS PLAN) AND
14 ORDINANCE NO. 2004-504 (AMENDING THE KEIZER
15 TRANSPORTATION SYSTEMS PLAN)
16
17

18 WHEREAS, the Transportation Systems Plan was adopted on September 5, 2000
19 and amended on May 17, 2004;

20 WHEREAS, it is appropriate to review such Transportation Systems Plan (TSP)
21 for appropriate amendments and modifications;

22 WHEREAS, the Keizer Planning Commission and the Keizer City Council have
23 held hearings to consider a new Transportation Systems Plan;

24 WHEREAS, the City of Keizer makes findings referenced below regarding the
25 adoption of a new Transportation Systems Plan;

26 NOW, THEREFORE,

27 The City of Keizer ordains as follows:

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

3 Section 2. ADOPTION OF THE CITY OF KEIZER TRANSPORTATION
4 SYSTEMS PLAN (APRIL, 2009). The City of Keizer hereby adopts the City of Keizer
5 Transportation Systems Plan (April, 2009) as set forth in Exhibit "B" attached hereto and
6 by this reference incorporated herein, and such City of Keizer Transportation Systems
7 Plan (April, 2009) is hereby made a part of the Keizer Comprehensive Plan.

8 Section 3. AMENDMENT OF THE KEIZER COMPREHENSIVE PLAN
9 (ORDINANCE NO. 87-077). Ordinance No. 87-077 (Keizer Comprehensive Plan) is
10 hereby amended by the addition of the City of Keizer Transportation System s Plan
11 (April, 2009).

12 Section 4. AMENDMENT TO THE KEIZER DEVELOPMENT CODE
13 (ORDINANCE NO. 98-389). The Keizer Development Code (Ordinance No. 98-389) is
14 hereby amended as set forth in Exhibit "C" attached hereto, and by this reference
15 incorporated herein.

16 Section 5. REPEAL OF ORDINANCE NO. 2000-425 AND ORDINANCE
17 NO. 2004-504. Ordinance No. 2000-425 (Adopting the Keizer Transportation System
18 Plan) and Ordinance No. 2004-504 (Amending the Keizer Transportation Systems Plan)
19 are hereby repealed in their entirety.

1 Section 6. OFFICIAL RECORD. One copy of the City of Keizer
2 Transportation Systems Plan (April, 2009) referenced above shall be marked “Official
3 Text” and kept on file in the office of the City Recorder.

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

11 Section 8. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days
12 after its passage.

13 PASSED this _____ day of _____, 2009.

14

15 SIGNED this _____ day of _____, 2009.

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Mayor

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22

City Recorder

Exhibit "A"

CITY OF KEIZER TRANSPORTATION SYSTEMS PLAN FINDINGS

The City of Keizer finds that:

General Findings.

- a. The Keizer Transportation Systems Plan (TSP) is a long-range (20-year) plan that provides the city with the goals and policies to guide development of all its transportation modes (pedestrian, bicycle, motor vehicles, etc.). The TSP establishes an interconnected network of arterial and collector streets that improve the operation of the transportation systems. It also outlines a Capital Improvement Program (CIP) that shows the construction work necessary to meet the goals of the TSP. The proposal to adopt the Keizer Transportation Systems Plan would amend the Comprehensive Plan to meet the requirements for the City of Keizer and to meet federal and state policies and regulations
- b. The Keizer Development Code contains the relevant regulations regarding the use and development of land within the city limits. Periodically it is updated to take into consideration new information.
- c. The city's last update of the TSP was in 2004. Since that time there have been a number of significant developments that were determined to warrant a re-examination of the TSP. Notable new developments include: the on-going development within the Keizer Station, the Keizer Rapids Park, and continuing commercial development and re-development along River Road.
- d. The particulars of this case are found within planning file Text Amendment 2009-01. Such information is incorporated herein by this reference.

The decision criteria for legislative text amendments are found in Section 3.111.04 of the Keizer Development Code. The specific criteria, and related findings, are noted below:

1. **A demonstrated need exists for the product of the proposed amendment – Section 3.111.04 B.**

FINDINGS: An update of the plan is needed to continue to develop a strategy to improve the public transportation facilities within the City in light of current information and conditions. The city's last update of the TSP was in 2004. Since that time there have been a number of significant developments that were determined to warrant a re-examination of the TSP. Examples of notable new developments include:

the on-going development within the Keizer Station, the Keizer Rapids Park, and continuing commercial developments and re-development along River Road. These and other developments, including on-going residential developments all justify the update of the city's TSP. For example, the Keizer Station was in the planning stages when the TSP was last updated. Now with Area A more than half developed it was considered that the update was an appropriate time to reevaluate the assumptions that were used and the conditions associated with its development. At the time of the last TSP update the Keizer Rapids Park, a regional natural park, did not exist and so its impact was obviously not considered. Finally, the development patterns, both residential and commercial continued strong in the years since the last update and it was determined that a reevaluation of the levels of service at a number of the city's intersections were in order. The need for the associated text amendments is specifically related to their relationship to the TSP. As part of the TSP update the consultant provided an audit of the city's development code regulations and determined that a number of provisions either were in conflict with state Transportation Planning Rule requirements or with provisions of the city's own regulations. For these reasons it was determined that the proposed TSP update and the text revisions complied with this criteria.

2. The proposed amendment complies with all the applicable Statewide Planning Goals and administrative rule requirements – Section 3.111.04.C.

Goal 1 - Citizen Participation: Consistent with local and state requirements, the Keizer Transportation Systems Plan was developed cooperatively with an technical advisory committee consisting of the Planning Commission, staff, residents, and members of other agencies such as Marion County, Oregon Department of Transportation, Department of Land Conservation and Development, City of Salem, and Mid Willamette Valley Council of Governments. Altogether 24 members made up the technical advisory committee. As a part of the Salem-Keizer Area Transportation Study (SKATS), the City of Salem participated and recommended the approval of the proposed Plan. The TSP was considered at public hearings before both the planning commission and the city council, with the final decision resting with the City Council. Citizens had an opportunity to comment and testify. 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 in February, March, and April 2009 and before the city council in April 2009. Staff spent over 300 hours on this project, and 264 hours have been spent by the TAC and planning commission members on this review. There have been 9 TAC beginning in July 2007 (including subgroups) meetings. Two community open houses were held to solicit public comment. Almost 100 people attended these forums. Three planning commission meetings were dedicated to work on this TSP revision. A survey was developed and placed on the city's web page to solicit opinions on transportation related issues. More than 100 people responded to this survey. Citizens were afforded the opportunity to participate in the public process. The process used to update the TSP 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 updates the city’s TSP and also 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. The public was also given an opportunity to provide comments at each of the two public open houses. Therefore, the proposed update of the TSP and associate revisions to the zone code are 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. Within the city limits there is only one zone located in the northwest portion of the city near the city’s urban growth boundary that is designated to allow for commercial agricultural uses. The update of the TSP and the related development code amendment involves regulations within the boundaries of the city limits of Keizer. They will not impact any properties that are designated to allow for agricultural uses. Therefore, the proposed update of the TSP and the related development code 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. There are no lands designated within the city limits to allow for commercial forestry. The update of the city’s TSP and the amendments to the zone code does not involve any land which is designated as Forest land, nor will this action impact the use of any forest lands. Therefore, this goal and implementing administrative rules are not applicable.

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 update of the city’s TSP and amendments 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. One of the goals of the TSP is to encourage a reduction in vehicles miles traveled by encouraging the construction of sidewalks, and bicycle facilities and by providing greater opportunities for transit operations thereby reducing the amount of oil that is needed for vehicle operation. Therefore, the TSP update and the related zone code text amendments 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 TSP contains a number of policies which will comply with this goal by encouraging the design and use of alternative storm water facilities, such as rain gardens, that will minimize potential water contamination issues resulting from storm drainage from new city streets. The update of the city's TSP and the revisions to the city's zone code 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 including new transportation improvement projects within identified 100-year floodplains. There are minimal steep slopes within the city limits as the city is fairly flat. The update of the city's TSP and the proposed 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. Currently there are a number of gaps in the city's sidewalk and bicycle system. One of the goals of the TSP is to provide pedestrian and bicycle connection to parks and other recreation sites. The TSP contains a 20-year project list for improvements to streets, pedestrian and bicycle facilities. There are a number of transportation improvement projects that have been identified that will expand this pedestrian and bicycle facilities and fill in the missing improvements along city streets and so provide needed access to many of the city's parks. An example of this are the projects such as the sidewalk improvement project along Chemawa Road west of River Road providing a connection to the Keizer Rapids Park; sidewalk project planned for Cummings lane that will provide a connection between Palma Ciea Park and Cummings School; sidewalk project planned along Delight Street providing a connection between Cummings and McNary High School. Several bicycle project seek to the same goal to provide connections to recreation areas. These include: Chemawa Road west of River Road providing a connection to the Keizer Rapids Park; sidewalk project planned for Cummings lane that will provide a connection between Palma Ciea Park and Cummings School; sidewalk project planned along Delight Street providing a connection between Cummings and McNary High School. The proposed TSP update and text amendments will have a positive impact on the recreational activities or uses within the city. Therefore, this goal and any related rules are satisfied.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The proposed amendment will allow for which will therefore have a positive impact on the economic development activities or uses within the city. The Keizer Transportation Systems Plan has the potential to improve economic activities in the city. Improvements to the transportation facilities within the City will improve access to sites with economic development opportunities and will also result in a more efficient movement of vehicles. Therefore, the proposed update of the city's TSP and the text revisions is consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. By providing a more efficient transportation system, the TSP may enhance infill housing and other housing opportunities as it results in a greater number of sites more desirable on account of improved transportation facilities. The proposed update to the TSP and related text amendments 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, has an established street system, administrative and police and public safety is also provided by the city. The Keizer Transportation Systems Plan outlines a Capital Improvement Program that shows the transportation improvements necessary to meet the goals within the Plan. The TSP identifies improvements to the street infrastructure within the City to meet existing and future traffic volumes at the end of a 20-year planning horizon. The adoption of the Keizer Transportation Systems Plan will not increase demand for public facilities. The proposed amendments 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 Keizer Transportation Systems Plan provides a framework of goals, objectives, and policies that will guide efforts for achieving an acceptable level of transportation facilities and services through the year 2031. In addition, the Plan will help guide use of resources in future transportation programs and infrastructure. The proposed amendment identifies policy and develops methodology to prioritize City transportation facility improvements to accommodate traffic generation and circulation patterns for future growth.

Chapter 1 is an introduction and Chapter 2 contains the State mandated transportation goals, objectives and policies. These are grouped into 10 sub-sections ranging from topics such as public involvement to streets, and pedestrians. These policies will be used to review future land use applications to determine appropriate design requirements, impact mitigation, and off-site improvement exactions. In addition, the language within this chapter will be used in grant applications for funding for transportation improvement projects.

Chapter 3 contains alternative mode performance measures. These detail various benchmarks and measures that will be used to increase opportunities for non-vehicular means of transportation. The 4 measures are: pedestrian, bicycle; transit / land use; and funding. Essentially, they seek to provide increased opportunities for pedestrians and bicyclists by increasing the amount of these facilities along streets in Keizer. These measures along with the projected funding level and future development percentage within a transit influenced area will be monitored every 5 years to ensure compliance with these performance measures.

Chapter 4 contains forecasts for future levels of service at various intersections and has 9 transportation improvement alternatives. These improvements include:

- I-5 on-ramp – This project is required by agreement with the state related to the development of the Keizer Station and involves the widening of the southbound on-ramp to two lanes.
- River Road / Manzanita Street – This design will move the intersection approximately 250 feet to the south; realign and reconstruct Manzanita Street and McNary Estate Drive approaches to River Road; and construct a separate westbound and through lane and right turn lane.
- River Road / Wheatland Road – Construct dual northbound left-turn lane; extend length of second southbound through lane.
- River Road / Lockhaven Drive – Convert westbound approach on Lockhaven to dual left-turn lanes; modify lanes to protected left-turn lanes; single through and separate right turn lane.
- Verda Lane extension – This design will allow for the continuation of Verda Lane north of Lockhaven Drive to connect with Harmony and Trail Avenue and then into River Road, with flexibility as to specific alignment.
- Lockhaven Drive / 14th Avenue – This alternative will construct a westbound right turn lane on Lockhaven and also make necessary improvements to the 14th Avenue section of the intersection.
- Chemawa Road/ Verda Lane – The design alternative is for a single lane roundabout located at this intersection. This design had probably the most interest of all of the options.
- Lockhaven Drive / Verda Lane – This design will include signalization of the intersection and will restrict north / south through movements on Verda Lane.
- Perform corridor studies of arterials to determine access management strategies that may be needed.

Chapter 5 outlines the existing pedestrian and bicycle facilities and planned improvements to these transportation facilities. Twenty three projects of the 32 total projects are planned to improve the city's sidewalks and bicycle system. This includes 11 bicycle projects for approximately \$2.5 million and 12 sidewalk projects totaling almost \$13 million. Together this accounts for almost 2/3 of the total expenditures of all transportation projects and represents a commitment on behalf of the city to increase these facilities.

Chapters 6, 7 and 8 contain the aspects related to transit, transportation demand management, and facilities that might not normally be considered as transportation facilities such as air, water, pipeline and rail. These chapters only minimally affect Keizer.

Chapter 9 details the project improvements and the estimated costs for these projects. The project list identifies 32 projects. Eight projects are identified needed in the immediate term (0-5 years); 11 in the near term (5-10 years); 7 as mid-term (10-15 years); and 6 as long term (15-20 years). The cost of the planned projects is projected to be \$24.2 million.

Chapter 10 contains a number of issues that are considered to be outstanding actions (potential UGB expansion) or projects (connection to Kroc Community Center across the Salem Parkway in Salem) that were considered to be outside the scope of the TSP at this time but may require additional work in the future.

The revisions to the development code include a provision to require a Traffic Impact Analysis from applicants of certain type of applications; access control provisions; notice provisions; compliance with State Transportation Planning Rule; and a number of development standards aimed to encourage transit use.

The proposed TSP update and text amendments are consistent with regional TSP and Transportation Planning Rule.

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. By providing a more efficient transportation system the TSP strives to enhance energy conservation. A major goal of the TSP is to identify gaps and missing segments within the pedestrian and bicycle transportation systems which strive to result in a reduction of vehicles miles traveled. Thereby reducing energy consumption. The proposed revision will be consistent with this goal and implementing administrative rules.

Goal 14 - Urbanization: The Keizer Transportation Systems Plan provides a framework of goals, objectives, and policies that will guide efforts for achieving an acceptable level of transportation facilities and services through the year 2020. Through the implementation of the Plan, the City will accommodate long-range urban population growth requirements consistent with Land Conservation and Development Commission goals.

Goal 15 - Willamette Greenway: This goal seeks to protect, conserve, 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 update of the TSP and the related text amendments will not impact the Willamette River. The revisions 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. The proposal does not impact this goal.

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

Based on the above findings, the proposal to update the city's TSP and the related revisions to the development code are consistent with the Statewide Land Use Goals.

3. **The amendment is appropriate as measured by at least one of the following criteria - Section 3.111.04.C :**
- a. It corrects identified error(s) in the provisions of the 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 appropriate by the council to be desirable, appropriate and proper.

FINDINGS: The city's last update of the TSP was in 2004. Since that time there have been a number of significant developments that were determined to warrant a re-examination of the TSP. Notable new developments include: the on-going development within the Keizer Station, the Keizer Rapids Park, and continuing commercial development and re-development along River Road. While these developments do not necessarily represent errors in the current TSP it was determined that they represent outdated information that should be updated in consideration of recent changes. The Keizer Transportation Systems Plan and the associated text amendment represent a logical implementation of Keizer Comprehensive Plan Chapter III, Section E: Public Facilities to Support Development.

The Keizer Transportation Systems Plan would amend the Comprehensive Plan to meet the requirements for the City of Keizer to meet the following federal and state policies and regulations: Transportation Efficiency Act for the 21st Century, 1998, Clear Air Act Amendments of 1990, American with Disabilities Act of 1990, Oregon Transportation Plan, Oregon Shines II, State Land Use Planning Goals, State Transportation Planning Rule (ORS 660-12), and the State Conformity Rule (ORS 340-02-0700).

The council has determined that it is desirable, appropriate and proper to adopt the proposed Keizer Transportation Systems Plan and the related revisions to the development code to provide the city with goals and policies to guide development of all its transportation modes (pedestrian, bicycle, motor vehicles, etc.).

Based on the above findings, the proposal complies with Statewide goals, administrative rules, and the decision criteria for the proposed TSP update and related text amendments to the Keizer Development Code.

2.301 GENERAL PROVISIONS

2.301.01 Purpose

The purpose of this Section is to: (5/98)

- A. Comprehensive Plan. Carry out the Comprehensive Plan with respect to development standards and policies. (5/98)
- B. Natural Areas. Insure that natural features of the landscape, such as land forms, natural drainage-ways, trees and wooded areas, are preserved as much as possible and protected during construction. (5/98)
- C. Energy Conservation. Promote energy conservation and efficiency in development through site planning and landscaping. (5/98)
- D. Healthy Environment. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods. (5/98)
- E. Encourage quality development that contributes to the needs and character of the community. (5/98)

2.301.02 Application of Standards

- A. Application. The standards set forth in Section 2.3 shall apply to partitions; subdivisions; planned unit developments; commercial and industrial development; public and non-commercial development; single family dwellings, duplexes and multi-family structures. These regulations shall apply in all zones. (5/98)
- B. Modification to Standards. The application of these standards to a particular development shall be modified as follows: (5/98)
 - 1. Development standards that are unique to a particular use, or special use, shall be set forth within the district or in Section 2.4. (5/98)
 - 2. Those development standards that are unique to a particular district shall be set forth in the Section governing that district. (5/98)

2.301.03 Application of Public Facility Standards

Standards for the provision and utilization of public facilities or services available within the City of Keizer shall apply to all land developments in accordance with the following table of reference. No development permit, including building permit, shall be approved or issued unless the following improvements are provided prior to

occupancy or operation, or unless future provision is assured in accordance with Subsection 2.310.05.C or 2.310.06.O as applicable. (5/98)

Public Facilities Improvement Requirements Table

LAND USE	FIRE HYDRANT	STREET IMPROVE- MENT	WATER HOOK-UP (C-1)	SEWER HOOK-UP	STORM DRAIN	STREET LIGHTS
SFD/Duplex	No (If not required by U.F.C.	2 C-2	Yes	Yes	Yes	No
MFD	Yes	Yes	Yes	Yes	Yes	Yes
New Public, Commercial or Industrial	Yes	Yes	Yes	Yes	Yes	Yes
Public, Commercial or Industrial Expansion	C-2	C-3	Yes	Yes	Yes	Yes
Partition, Subdivision, PUD, MHP	Yes	Yes	Yes	Yes	Yes	Yes

Legend: No = Not required Yes = Required

C = Conditional, as noted: (5/98)

- C-1 When required, an approved water supply capable of supplying the required fire flow for fire protection shall be provided prior to the start of combustible construction. (5/98)
- C-2. Fire Hydrants including but not limited to Commercial or Industrial Expansions shall meet the requirements as set forth in Appendix III-B of the Uniform Fire Code, 1994 edition. (5/98)
- C-3. Street Improvements for Single Family Dwellings: New single family dwellings that require a street extension must provide street improvements, and right of way dedication where deemed necessary by the Department of Public Works, to City street standards. Street improvements are required when the improvement will extend an existing street improvement adjacent to the property. The improvements

that must be extended when they exist include street lanes to the same width as on adjacent property, curbs, gutters, storm drainage, and sidewalk. In all cases the improvements shall be done to Department of Public Works standards. (5/98)

- C-4. Lots Abutting a Partial Street. Development of property abutting an existing public street which does not meet the minimum right-of-way standards in Section 2.202 shall provide sufficient yard setback equal to the minimum yard requirements of the zoning district, plus, the additional land required to meet the minimum right-of-way width. (5/98)
- C-5. Street Improvements for Commercial or Industrial Expansions: Street access permits must obtain access permits from the Marion County Public Works Department. The City will require improvement to full City standards when the use meets any of the following criteria: (5/98)
- a. The use generates an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
 - b. The use includes daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight. (5/98)

MFD = Multi-family dwelling (3 or more units)

MHP = Manufactured home park

PUD = Planned unit development

SFD = Single family dwelling

2.301.04 Traffic Impact Analysis (TIA).

A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

- B. Typical Average Daily Trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips.
- C. When Required. A Traffic Impact Analysis shall be required to be submitted to the City with a land use application, when the following conditions apply:
 - 1. The development application involves one or more of the following actions:
 - a. A change in zoning or a plan amendment designation; or
 - b. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - (i.) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer); or
 - (ii.) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - (iii.) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or
 - (iv.) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
 - (v.) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.
- D. Traffic Impact Analysis Requirements.
 - 1. Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer in accordance with OAR 734-051-180. The traffic analysis will be paid for by the applicant.
 - 2. Transportation Planning Rule Compliance. See Section 3.111.05 Transportation Planning Rule Compliance.
 - 3. Pre-application Conference. The applicant will meet with Keizer Public Works prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected.
- E. Approval Criteria.
 - 1. Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:
 - a. The Traffic Impact Analysis was prepared by a professional engineer in accordance with OAR 734-051-180; and

- b. If the proposed development shall cause one or more of the effects in Section 2.301.03.C, above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the City's Level-of-Service and Volume/Capacity standards and are satisfactory to the City Engineer, and ODOT when applicable; and
 - c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - (i.) Have the least negative impact on all applicable transportation facilities; and
 - (ii.) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
 - (iii.) Make the most efficient use of land and public facilities as practicable; and
 - (iv.) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - (v.) Otherwise comply with applicable requirements of the City of Keizer Development Code.
- F. Conditions of Approval. The City may deny, approve, or approve a development proposal with appropriate conditions.
 - 1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
 - 2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use may be required.

2.302 STREET STANDARDS

2.302.01 Purpose

- A. Safety. To provide for safe, efficient, and convenient vehicular movement in the City of Keizer. (5/98)
- B. Access. To provide adequate access to all proposed developments in the City of Keizer. (5/98)
- C. Public Facility Access. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way. (5/98)

2.302.02 Scope

The provisions of this Section shall be applicable for the following: (5/98)

- A. Land Divisions. The creation, dedication or construction of all new public or private streets in all subdivisions, partitions or other developments in the City. (05/98)
- B. Street Expansion. The extension or widening of existing public or private streets or rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals. (10/02)
- C. Utility Improvements. The construction or modification of any utilities or sidewalks in public rights-of-way, existing private street, or private access easements. (10/02)
- D. Street Trees. The planting of any street trees or other landscape materials in public rights-of-way. (5/98)
- E. Exceptions. Provisions of this Section do not apply in existing developed areas of the City. Improvements in these areas shall be based on standards adopted by the Department of Public Works. (5/98)
- F. Private Streets. Private streets and improvements on private streets are allowed only in the following situations:
 - 1. Improvements and/or widening of existing and allowed private streets.
 - 2. Creation of new private streets within an existing subdivision or PUD already containing approved private streets.
 - 3. Creation of new private streets in a proposed subdivision, PUD, or partition if the only access to the proposed subdivision, PUD, or partition is via existing and approved private streets. (10/02)

2.302.03 General Provisions

The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of Keizer: (5/98)

- A. General Requirement. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. (5/98)
- B. Continuation of Streets. Development proposals, including subdivisions and partitions, shall provide for the continuation of, and connection to, streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of adjoining land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length. (01/02)

No street or utility extensions are required when any of the following circumstances exist: (01/02)

- 1. Less than three additional existing or future lots on adjoining parcels would gain access from the extension. For purposes of this criterion, the size of said future lots shall be no greater than two times the minimum lot size of the zone. (01/02)
- 2. Parcel shape or size prevents new lots from meeting lot width or depth standards when a public street or infill street is proposed through the parcel. (01/02)
- 3. Partial-width streets where adjoining development would provide a full-width public street or infill street; does not eliminate the need for variances to lot depth or width requirements. (01/02)
- 4. Natural physical obstructions or barriers, such as parkland, floodplain, slopes, or significant trees, make access and connectivity unreasonable or impracticable. (01/02)
- 5. Providing access and connectivity to one or more adjoining parcel(s) would not be useful given that at least one of the following conditions exist: (01/02)
 - a. A future street plan demonstrates that adequate access and connectivity is provided from the adjacent parcel(s). (01/02)

- b. The development potential of the adjoining parcel(s) is (are) limited due to physical or jurisdictional constraints to such a degree that connectivity is unreasonable or impracticable. (01/02)
- C. Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the existing centerlines. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet. (5/98)
- D. Future extension of streets. When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, streets, bicycle paths and/or pedestrian accessway facilities shall be platted and built to a boundary of the subdivision. The street may be platted without a turnaround unless the Public Works Department finds a turnaround is necessary for reasons of traffic safety. Any street extension exceeding 150 feet in length shall be provided with an approved turnaround as set forth in Section 902.2.2.4 "Dead Ends" of the Uniform Fire Code, 1994 edition. (5/98)
- E. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections that are not at right angles shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet. (5/98)
- F. Existing Streets. Whenever existing public streets adjacent to or within a tract are of a width less than the street design standards, additional right-of-way shall be provided at the time of subdivision, partitioning, or development. (5/98)
- G. Half-Streets. Half-streets may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. When a $\frac{3}{4}$ width street can reasonably be developed, as determined the Department of Public Works, a half street will be constructed with an additional 10 feet of pavement on the opposite side of the street from full improvement. (5/98)
- H. Cul-de-sacs. The maximum length shall be 800 feet. (5/98)
- I. Street Names. Street names and numbers shall conform to the established standards and procedures in the City. (5/98)

- J. Grades and Curves. Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves. (5/98)
- K. Frontage Streets. If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street. (5/98)
- L. Alleys. Alleys shall be provided in commercial and industrial zones unless other permanent provisions for access to off-street parking and loading facilities are provided. The corners of alley intersections shall have radii of not less than 10 feet. (5/98)
- M. Street Landscaping. Where required as part of the right-of-way design, planting strips shall conform with the following standards: (5/98)
1. Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property. (5/98)
 2. Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip. (5/98)
- N. Infill Streets. For streets serving infill development as defined under Section 2.316.03, the Infill Street and Access Easement Standards of Section 2.316.06 may be applied. (01/02)

O. Access Control Standards

The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the City of Keizer Transportation System Plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access management is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly

designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

1. Traffic Impact Analysis Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 2.301.03 Traffic Impact Analysis.)
2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.
3. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required; planned access shall be consistent with adopted public works standards for road construction). These methods are "options" to the developer/subdivider.
 - a. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
 - b. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
 - c. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection 6, below.
4. Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).
5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

6. Access Spacing: The following minimum access spacing standards apply to public streets and driveways on arterial streets:

Arterial Access Spacing Standards

Posted Speed (miles per hour)	Minimum Spacing (feet)
25	150
30	150
35	150
40	185
45	230
50 or higher	275

7. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Subsection 6, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection 8 below, in order to maintain the required access spacing, and minimize the number of access points.
8. Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
- a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

- b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
 - c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
9. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
- Block Length. The maximum block length shall be consistent with 2.310.04 Additional Design Standards for Subdivisions.
 - Street Standards. Public and private streets shall also conform to Section 2.302 Street Standards in the City of Keizer Development Code (Table 4.1 Street Design Standards in the TSP).
 - Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of 2.310.04(C)(2)).
10. Pedestrian/Bicycle Accessways. Accessways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

2.302.04 General Right-of-Way and Improvement Widths

The following standards are general criteria for public streets in the City of Keizer. These standards shall be the minimum requirements for all streets, except where modifications are permitted under Subsection 2.202.05. ^(5/98)

The street design standards show five different options for local streets. These standards allow the City flexibility in the design of the street network.

Table 4.1 Street Design Standards

Functional Classification ¹	Number of Lanes	Parking	Bike Lanes ²	Roadway Width (ft) ³	Sidewalks ⁴	Right-of-Way Width (ft) ^{4, 5}	Maximum Dwelling Units Served
Major Arterial	5	No ⁶	Yes	50-72	Yes	84	-
Minor Arterial	3	No ⁶	Yes	36-50	Yes	72	-
Collector 2		No ⁶	Yes	36-50	Yes	68	-
Local V	2	Yes	No	34	Yes	48	-
Local IV	2	Yes	No	32	Yes	46	78
Local III	2	Yes	No	30	Yes	44	10
Local II	2	Yes	No	30	Yes	42	14
Local I	2	Yes ⁷	No	28	Yes ⁷	35	8

¹ All local street categories have a ten-foot public utility easement on both sides and a five-foot slope and utility easement on collectors and arterials.

² Standard bike lane widths are six feet; although five feet may be approved on a case-by-case basis.

³ Street improvement and right-of-way widths may be increased on a case-by-case basis as required by the city in accordance with Public Works Design Standards.

⁴ All streets will have five-foot wide sidewalks on both sides, unless noted. Meandering sidewalks may be considered/required on arterials and collectors.

⁵ Additional right-of-way may be required at intersections for additional turning lanes. Right-of-way at intersections is required to provide for a minimum 20-foot curb return radius.

⁶ Depending on installed improvements.

⁷ Parking/sidewalks only required on one side of street.

STREET STANDARDS

SERVICE-AREA (street must be under all three thresholds to be in a classification) (a);(b);(c);(d)	IMPROVE- MENT WIDTH CURB/CUR- B	FULL HEIGHT CURB (f);(g)	SIDEWAL- K (e)	TOTAL RIGHT-OF- WAY WIDTH	UTILITY EASEMENT (h) (Adjacent to R-O-W)
LOCAL STREET-I Up to 19 d/u or serving 190 ADT or 70,000 sq. ft.	Parking two sides: (5/08) 30 feet	6" each side (1 foot total)	5-foot curbline Two sides	44 feet	5 ft. minimum 40 ft. maximum
LOCAL STREET-II 20 to 70 d/u or 200 to 700 ADT or 70,000 to 310,000 sq. ft.	Parking two sides: (5/08) 32 feet	6" each side (1 foot total)	5-foot curbline Two sides	56 feet	5 ft. minimum 40 ft. maximum

LOCAL STREET III 80 or more d/u or 800 or more ADT or more than 320,000 sq. ft.	Parking two sides: (5/98) 34 feet	6" each side (1 foot total)	5-foot curbline Two sides	58 feet	5 ft. minimum 10 ft. maximum
CUL-DE-SAC Max. length = 800 feet or less than 450 ADT or less than 183,999 sq. ft.	Width as above; (5/98) Min. Curb Radius 38 feet	6" each side (1 foot total)	5-foot curbline for entire cul-de-sac	Width as above; (5/98) Min. ROW/ Radius: (5/98) 45 feet	5 ft. minimum 10 ft. maximum
COLLECTOR	64 to 68 feet	(i)	(i)	(i)	5 ft. minimum 10 ft. maximum
MINOR ARTERIAL	68 feet	(i)	(i)	(i)	5 ft. minimum 10 ft. maximum
MAJOR ARTERIAL	68 to 84 feet	(i)	(i)	(i)	5 ft. minimum 10 ft. maximum
(a) ADT = Average Daily Trips (ITE, Trip Generation Manual) (b) Trip Generation Rate for SFD = 10 ADT (c) Minimum Lot Size = 4,000 sq. ft.; Duplex = 7,000 sq. ft. (5/98) (d) Calculated per street entrance; use largest number. (5/98) (e) Required width around signs, mailboxes, utility poles, etc.		(f) Full curb height between driveways. (5/98) (g) Max. 2 weep holes through curb face per lot. (5/98) (h) Additional easements may be necessary. Widths may be reduced or increased on a case by case basis as determined by the Department of Public Works. (5/98) (i) Collector and arterial streets will be evaluated on an —individual basis.			

2.302.05 Modification of Right-of-Way and Improvement Width

The City, pursuant to variance approval, may allow modification to the public street standards of Subsection 2.302.04, when the following criteria are satisfied: (5/98)

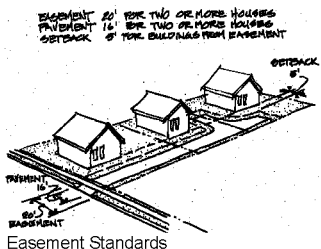
- A. Modification Permitted. The modification is necessary to provide design flexibility where: (5/98)
1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
 2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.302.04; or
 3. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or
 4. The modification of street standards is necessary to provide greater privacy or aesthetic quality to the development. (5/98)
- B. Vehicular Access Maintained. Modification of the standards of Section 2.302.04 shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes. (5/98)

2.302.06 Construction Specifications

Construction specifications for all public and private streets shall comply with the standards of the most recently adopted public works/street standards of the City of Keizer. Construction permits are required by the Public Works Department. (10/02)

2.302.07 Improvement Width for Private Streets (If allowed in Section 2.302.02F)

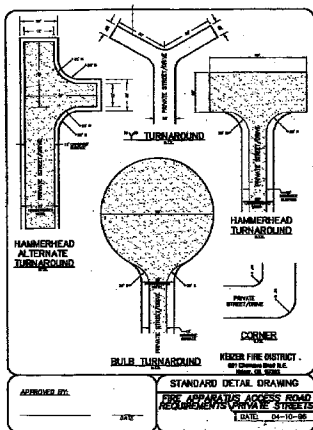
Private streets may be constructed to the same or greater width of the existing connecting private street. (10/02)



2.302.08 Private Access Easements

A private access easement created as the result of an approved partitioning or subdivision shall conform to the following: (5/98)

- A. Width. Private access easements shall only be allowed where the applicable criteria of Section 2.310.03.D., are satisfied. The easement shall comply with the following standards: (5/98)
1. Minimum width: 14 feet for 1 dwelling unit; 20 feet for two or more dwelling units with no on-street parking within the minimum required width.. (5/98)
 2. Minimum paved width: 12 feet for 1 dwelling unit; 16 feet for two or more dwelling units. (5/98)
 3. Maximum length: 300 feet
 4. No more than 4 dwelling units shall have their sole access to the easement
- B. Maintenance. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City. (5/98)
- C. Turn-around. A turn-around shall be required for any access easement which is the sole access and which is in excess of 150 feet long or which serves two or more residences. Turnarounds shall be either a circular turn-around with a minimum paved radius of 38 feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of 60 feet. (5/98)
- D. Parking
1. Fire Lanes. All private access easements serving as the sole access for two or more residences shall



Approved Turnaround Designs

be designated as fire lanes and shall display No Parking signs approved by the Fire District unless additional paved width is provided. (5/98)

2. For all private access easements serving more than 2 dwelling units, one parking space per dwelling unit, in addition to those required by 2.303 shall be provided adjacent to the easement or on each individual property. If the parking is parallel to and adjacent to the easement, its area shall be included within the maintenance agreement for the easement. (5/98)

2.303 OFF-STREET PARKING AND LOADING

2.303.01 Purpose

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of Keizer. (5/98)

2.303.02 Scope

The provisions of this Section shall apply to the following types of development: (5/98)

- A. New Building. Any new building or structure erected after the effective date of this Ordinance. (5/98)
- B. Expansion. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure. (5/98)
- C. Change in Use. A change in the use of a building or structure which would require additional parking spaces or off-street loading areas under the provisions of this Section. (5/98)

2.303.03 General Provisions Off-Street Parking and Loading

- A. Owner Responsibility. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. (5/98)
- B. Additional Parking Required Prior to Occupancy. Should the owner or occupant of any lot or building change the use to which the lot or building is used, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed. (07/06)
- C. Interpretation by Administrator. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator based upon the requirements of comparable uses listed and expectations of parking and loading need. The Zoning Administrator shall have the authority to make adjustments based on parking demand analysis prepared by an applicant. (07/06)

- D. Combined Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Subsection 2.303.05. (5/98)
- E. Use of Parking Spaces. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons or employees only, and shall not be used for storage of vehicles or materials including solid waste collection containers. Garages for single family and duplex dwelling units shall not be counted in determining required parking spaces. (5/98)

2.303.04 Location and Use Provisions

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that: (5/98)

- A. Residential Zone. In any residential zone, automobile parking areas may be located on another lot if the lot is within 200 feet of the lot containing the main building, structure or use and a parking agreement is recorded. (07/06)
- B. Non-residential Zone. In any non-residential zone, the parking area may be located off the site of the use if it is within 500 feet of such site and a parking agreement is recorded. (07/06)
- C. Accessory Parking Use, Non-residential. Parking of vehicles in a structure, or outdoors, is a permitted accessory or secondary use in non-residential zones. (07/06)
- D. Accessory Parking Use, Residential. Parking of vehicles in a structure or outdoors is a permitted accessory use in conjunction with a dwelling in any zone provided: (5/98)
 - 1. All of the vehicles are owned by the owner or lessee of the lot. (5/98)
 - 2. Vehicles parked outdoors in a residential zone may be parked in a space within the front yard meeting the requirements for required parking in this Section. In the RS zone no more than four total vehicles shall be parked outdoors on a property. (07/06)
 - 3. Vehicles parked on a lot in a residential zone shall be for the personal use of the occupants of the dwelling. One vehicle used in conjunction with a home occupation or other employment may be parked on the lot provided that in the RS, RL, RM, RH, RC and MU zones the vehicle shall be parked in an enclosed structure if it is rated at more than 1 ton capacity. (5/98)

- E. Yard Parking Restrictions. Exclusive of driveways, no parking vehicles, trailers, boats or recreational vehicles shall be allowed placed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may be used for parking of vehicles, boats, trailers, or recreational vehicles unless otherwise prohibited by this Ordinance. (07/06)
- F. Storage Restrictions. The yard areas adjacent to a street, other than driveways, shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles, unless the storage area is screened by a six foot sight-obscuring fence, wall, or hedge. The fence, wall, or hedge shall comply with the provisions regarding the location for fences and maintaining a vision clearance area. (07/06)

2.303.05 Joint Use

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to Zoning Administrator's approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties. (07/06)

2.303.06 Off-Street Automobile Parking Requirements

Off-street parking shall be provided in the amount not less than listed below. (5/98)

A. Parking Requirements

LAND USE ACTIVITY	SPACES	HOW MEASURED*
Single Family and Duplex	2	2 per dwelling unit
All other dwelling types	2	Per dwelling unit
Hotel, motel	1	Per guest room
Club, lodge		Combination of heaviest uses being conducted: hotel, restaurant, etc.
Hospital	1	Per 2 beds
Nursing Home, convalescent home	1	Per 3 beds
Health service, medical or doctor's office	1	Per 350 square feet

House of worship, auditorium, stadium, theater	1	Per 4 seats or every 8 feet of bench length
Elementary, middle school	2 + 1	Per classroom + per 350 sq ft of administrative office
High school	1 + 1 + 1	Per classroom + per 10 students + per 350 sq ft of administrative office
Bowling alley, skating rink, community center, recreation facility	1	Per 200 square feet
Golf Course	4	Per green
Theater for movies or plays	1	Per 3 seats
Tennis courts, racquetball courts	2	Per court
Retail store	1	Per 300 square feet
Service repair center; retail store handling bulky merchandise (e.g. furniture, home furnishing, major equipment)	1	Per 900 square feet
Bank	1	Per 250 square feet
Office used for real estate, lawyer, insurance brokers	1	Per 500 square feet
General Office	1	Per 300 square feet
Eating and drinking establishment	1	Per 125 square feet
Wholesale establishment	1	Per 2,000 square feet
Government offices open to the general public	1	Per 500 square feet
Industrial, manufacturing, processing (0 - 24,999 sf)	1	Per 1,000 square feet
Industrial, manufacturing, processing (25,000 - 49,999 sf)	1	Per 1,000 square feet
Industrial, manufacturing, processing (50,000 - 79,999 sf)	1	Per 1,000 square feet
Industrial, manufacturing, processing (80,000 - 199,999 sf)	1	Per 2,000 square feet

Industrial, manufacturing, processing (200,000 sf and over)	1	Per 3,000 square feet
Warehousing and storage terminals 0 - 49,999 sf	1	Per 2,000 square feet
Warehousing and storage terminals 50,000 sf and over	1	Per 5,000 square feet

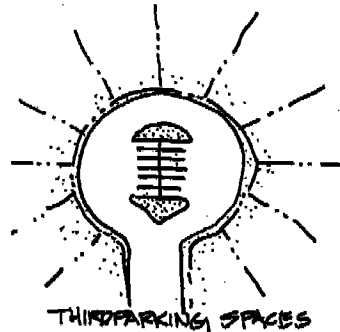
*Square footage = Gross floor area. (07/06)

B. Parking Reduction

The number of minimum required parking spaces may be reduced by up to 10% if transit related amenities such as transit stops, pull-outs, shelters, park and ride lots, transit oriented developments and is when abutting a street with transit service are available. (07/06)

C. Parking Increase

The number of minimum required parking spaces shall not be increased by more than 50%. (5/98)



3rd Parking Space in Cul-De-Sac



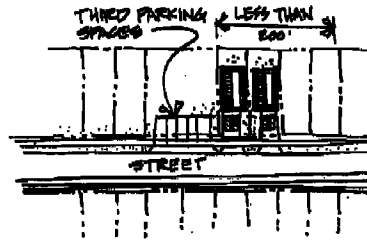
FIGURE 168110 VH 459
3.210.03 P – 3rd Parking Space
on Alley

2.303.07 Standards for Disabled Person Parking Spaces

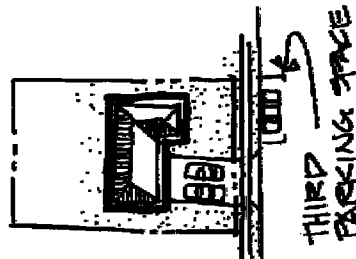
Disabled Person Parking Spaces shall comply with the requirements of the Uniform Building Code and ODOT standards. (5/98)

2.303.08 Bicycle Parking

- A Bicycle Parking Required. Bicycle Parking shall be required in all public and semi-public, commercial and industrial development as well as park-and-ride lots. Bicycle parking shall be provided in the following amounts: (5/98)



3rd Parking Space in Parking Bay

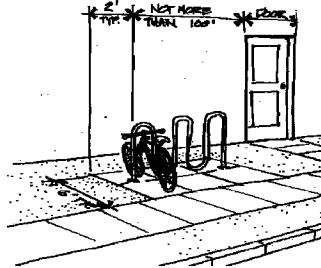


3rd Park Space Provided On-Street

LAND USE ACTIVITY	BICYCLE SPACES	HOW MEASURED
Multi-family apartments with 4 or more units	1	Per 2 units
Hotel, motel	1	Per 40 guest rooms
Hospital, nursing home, convalescent home	1	Per 50 beds
House of worship, auditorium, stadium, theater	1	Per 20 required vehicle parking spaces
Elementary school	1	Per classroom with a maximum of 10 required
Middle school	1	Per classroom with a maximum of 10 required
High school	1	Per classroom with a maximum of 10 required
Bowling center, skating rink, community center	1	Per 40 required vehicle parking spaces with a maximum of 6 required
Retail store	1	Per 10 required vehicle parking spaces with a maximum of 6 required
Service repair center; retail store handling bulky merchandise (e.g. furniture)	1	Per 30 required vehicle parking spaces with a maximum of 6 required
Bank, offices, medical clinic, government offices	1	Per 20 required vehicle parking spaces with a maximum of 6 required
Eating and drinking establishment	1	Per 20 required vehicle parking spaces with a maximum of 6 required
Wholesale establishment	1	Per 30 required vehicle parking spaces with a maximum of 6 required
Industrial, manufacturing, processing	1	Per 30 required vehicle parking spaces
Warehousing and storage terminals	1	Per 30 required vehicle parking spaces

B. Bicycle Parking Development Requirements

1. Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum four foot aisle. (5/98)
2. Location. All bicycle parking areas shall be within 50 feet of a building entrance and located within a well-lit area. (07/06)
3. Rack Design. Bicycle racks must be designed to secure the bicycle frame and at least one wheel, and, accommodate a locking device. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure. As an alternative, the bicycle spaces can be provided within a secured compound. (5/98)
4. Access. Access to a public right-of-way and pedestrian access from the bicycle parking area to the building entrance must be provided. (5/98)



Bicycle Parking

C. Exemptions

The following uses are exempt from the bicycle parking requirements: (5/98)

1. Seasonal or temporary businesses. (5/98)
2. Drive-in theaters
3. Self-storage facilities
4. Automobile oriented businesses such as automobile service stations, automobile repair shops, restaurants without seating facilities (either indoors or outdoors), or oil and lubrication services, but excluding automobile retail businesses such as dealers or auto parts stores. (5/98)

2.303.09 Carpool and Vanpool Parking

New office or industrial development with 100 or more parking spaces shall designate at least 5% of the parking spaces for carpool or vanpool parking. These designated spaces shall be the closest parking spaces to the building entrance normally used by employees, with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" along with specific hours of use. Any other use establishing car and vanpool spaces may reduce the minimum parking requirement by 3 spaces for each carpool/vanpool space created. (5/98)

2.303.10 Off-Street Loading Requirements

Off-street loading space shall be provided as listed below: (5/98)

- A. Commercial Office. Commercial office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long and 14 feet high in the following amounts: for buildings over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. (5/98)
- B. Commercial and Industrial. All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high in the following amount: for buildings containing over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. (5/98)

2.303.11 Parking and Loading Area Development Requirements

All Parking and loading areas shall be developed and maintained as follows:

- A. Surfacing. All driveways, parking and loading areas shall have a durable, hard, dust free surface built to Department of Public Works standards. (5/98)
- B. Parking Spaces
 - 1. Dimensions. Parking spaces shall be a minimum 9 feet wide and 18 feet in length.
 - 2. Compact Spaces. Compact parking spaces, at a reduced width of 8.5 feet, shall be permitted on sites with more than

five (5) parking spaces. No more than 30% of the required parking shall be compact spaces and each space must be identified as a "Compact Space."

C. Aisle

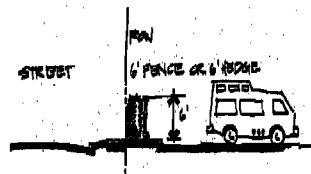
The following minimum aisle dimensions shall apply: (5/98)

1. Without adjacent parking:
 - a. Single family residence: 12 feet
 - b. One-way: 12 feet
 - c. Two-way: 22 feet
2. With adjacent parking: (07/06)

PARKING ANGLE	AISLE WIDTH
0 to 40	14 feet
41 to 55	15 feet
56 to 70	18 feet
71 to 90	24 feet

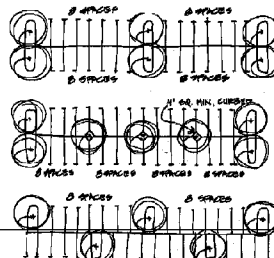
- D. Screening. When any parking or loading area abuts a residential zone, the parking or loading area shall be screened or buffered as is required in Section 2.309.05. (07/06)

- E. Lighting. All lighting shall be directed entirely onto the loading or parking area and away from any residential use. The lighting shall not cast a glare or reflection onto the public rights-of-way. (5/98)



Parking Lot Screening

- F. Landscaping. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building. The planting space shall measure no less than 4 feet square and be surrounded by concrete curbing.



The plant shall be of a species that the root system will not interfere with underground utilities or the parking surface, and, is capable of achieving a 15 foot radius. (07/06)

- G. Traffic Flow. Service drives to off-street parking areas shall be designed and constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. (5/98)
- H. Entrance/Exits. Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway. (5/98)
- I. Bumper Rails. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail to prevent a motor vehicle from extending over an adjacent property, a street, or a sidewalk. The bumper shall be at least 4" high and located a minimum of 3 feet from the property line. (5/98)
- J. Existing development may redevelop a portion of existing parking areas in order to accommodate or provide transit-related amenities such as transit stops, pull-outs, shelters, and park and ride stations. The number of parking spaces may be reduced by up to 10% of the minimum required parking spaces for that use.

2.315 DEVELOPMENT STANDARDS

2.315.01 Purpose

The Development Standards herein called Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. The Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this ordinance shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of the Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (01/04)

2.315.02 Applicability

- A. Exterior changes to all buildings in matters relating to color or facade materials only shall comply with the applicable or relevant development standards found in Section 2.315.08.B(4) and (5) of this code. (01/04)
- B. Serial additions, alterations or expansions as defined in Section 1.2 of this code shall be limited so that the standards specified in Section 2.315.03.A and B are not exceeded in a 3-year period. (01/04)
- C. The provisions of this section shall apply to all development as defined in Section 1.2 of this code. (01/04)

2.315.03 Exemptions

The following are exempt from the Standards: (01/04)

- A. Structural additions, alterations, or expansions which are 25 percent or less of existing building(s) gross floor area and/or impervious surface area are affected; **OR**, when 500 square feet or less of an existing building(s) gross floor area and/or impervious surface area, whichever is less, is affected. (01/04)

- B. Exterior changes involving the addition, alteration or moving of a door, window, porch, canopy, or awning where the combined area of change is less than 500 square feet in area in a 3-year period. (01/04)
- C. Repainting of exterior walls due to minor repairs or vandalism, which is 25% or less, or no more than 100 sq. ft. (01/04)
- D. Agricultural uses (01/04)
- E. Any residential building housing three or fewer dwelling units (01/04)
- F. Accessory structures of less than 500 square feet. (5/98)
- G. Any interior remodeling (01/04)
- H. A temporary business (01/04)

2.315.04 Administration of the Development Standards

These Standards are intended to be objective and to serve as a guide to designers of developments. The Standards are applied in one of four ways: (01/04)

- A. The Standards embodied in this ordinance are administratively reviewed at the time of a building permit application. Compliance to the Standards is a condition of building permit approval. (01/04)
- B. In instances where conformance to the standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these Standards as contained in Section 2.315.02. (01/04)
- C. The Standards embodied in this ordinance are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may change without requiring a building permit. (01/04)
- D. In the event a development proposal or a change to an existing building does not conform to the standards contained in this ordinance due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Standards Alternative application. A Development Standards Alternative application shall comply with the same procedures as a Conditional Use Permit in Section 3.103, with the initial decision rendered by the Planning Commission (Section 3.103.06.C.). No building permit will be issued for a use requiring Development Standards Alternative approval until the application is approved. (01/04)

2.315.05 Non-Conforming Buildings

Any building that did not conform to the Standards on May 18, 1998 is considered a legally non-conforming building as-regulated within this Code. (01/04)

2.315.08 Development Standards

All applicable development must meet the following standards: (5/98)

- A. Pedestrian Circulation. As used herein "walkway" means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks. (01/04)
1. Connection Required. The-pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets, and, nearby existing and planned (as adopted in the City Transportation System Plan) transit stops-facilities within 600 feet of the site. (01/04)
 2. Walkway Location and Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code Requirements. (01/04)
 3. Additional Street Access. A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage. (01/04)
 4. Driveway Crossings. Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method. (01/04)
 5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. (01/04)
 6. Walkway Coverage.

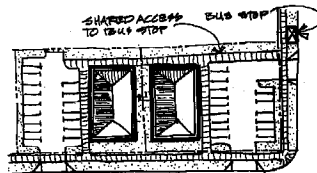


Figure 1 – Pedestrian Access Standards

- a. Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs. The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet. (01/04)
 - b. In the EG zone, Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet. (01/04)
 7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a minimum unobstructed width of eight feet. (01/04)
 8. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall comply with the accessibility requirements of the Oregon State Building Code. (01/04)
 9. Access to Adjacent Property. If the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (01/04)
 10. The building permit application or Development Standards Alternative-application shall designate walkways and pedestrian connections on the proposed site plan. If the applicant considers walkways are infeasible or proposed findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated in conjunction with the building permit or Development Standards Alternative process. (01/04)
- B. Building Design
1. Ground floor windows
 - a. In the CM, CR, and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the

ground floor wall area with windows, display areas or doorway openings. (5/98)

- b. In the EG zone, one elevation of any building with more than 100,000 square feet of floor area, which contains permitted uses listed under Sections 2.119.05 F, G, H, I, J, and K,

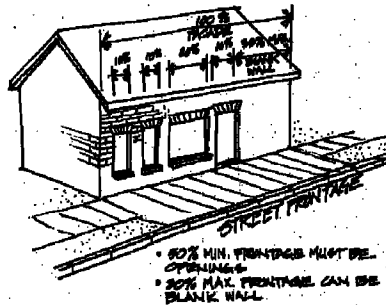


Figure 2 – Façade Standards

shall have no less than 33 percent of the ground floor wall area, defined from the ground to the height of the awning, with windows or window facsimiles or other architectural features that simulate windows, display areas or doorway openings. The location of this elevation shall be determined as part of the required Site Master Plan review described in Chapter 2.125 of this Zoning Ordinance. (01/04)

2. Building facades

- a. In the CM, CR, and MU zones, facades that face a public street shall extend no more than 30 feet without providing a variation in building materials, a building off-set of at least 2 feet, or a wall area this is entirely separated from other wall areas by a projection, such as a porch or a roof over a porch. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)
- b. In the EG zone, facades facing a public street shall extend no more than 60 feet without providing a variation of building materials for buildings over 20,000 square feet. In the EG zone, no building facade shall extend for more than 400 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)

3. Awnings – Awnings or canopies, shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall

be constructed of canvass, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit. (01/04)

4. Materials and Texture

a. Building Materials. (01/04)

1. All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. Metal siding as described in this section shall be allowed. (5/98) In the EG zone, all buildings shall have wood, brick, stone, architectural block, slump stone, architectural concrete or stucco siding, or vinyl siding made to look like wood siding. (01/04)
2. Metal siding other than corrugated or reflective material are allowed except for residential buildings housing 3 or more dwellings and buildings within the EG zone metal siding is allowed with the exception of corrugated or reflective metal. (01/04)
3. Plain concrete block, plain concrete, plywood and sheet press board may not be used as exterior finish materials. (01/04)

b. Trim Material. (01/04)

Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal. (01/04)

c. Roofing Material. (01/04)

Any roofing material is allowed including metal roofs. (5/98)

d. Foundation Material. (01/04)

Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet. (5/98)

5. Color

- a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, any color which meets all of the following criteria: (01/04)
 1. The Red-Green-Blue factors (also known as XYZ factors) shall not exceed a saturation level of 20%. (01/04)
 2. Each component factor, as a percentage of the whole component value, shall equal or exceed 38%, with no greater than a 20% difference between any of the three values. (01/04)
 3. Light Reflectance Value (LRV) of any color shall be between the values of 30 and 85. (01/04)
 4. The finish shall be either matt or satin. (01/04)
 - b. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color. (01/04)
 - c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (01/04)
6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
 7. Roof-mounted equipment – In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard. (01/04)

E. Accessory Structures

Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by either a hedge or fence: **OR**, with the exception of trash receptacles, accessory structures including buildings, sheds, mechanical devices, and other structures outside the

main building must be screened by painting them the same color as the main color of the building. (01/04)

F. Alternative Design Solutions. (01/04)

Depending upon the applicable review process identified in this code, the Planning Commission or City Council may approve design alternatives to the Standards in this chapter, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (01/04)

G. Transit Facility Requirement. New retail, office and institutional buildings at, or within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide either the transit facility on site or connection to a transit facility along a transit route when the transit operator requires such an improvement.

H. Transit Access. New retail, office and institutional buildings within 600 feet of a transit facility, as identified in the city TSP, shall provide for convenient pedestrian access to transit through the measures listed in Subsections 1. and 2. below.

1. Walkways shall be provided connecting building entrances and streets adjoining the site;
2. Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable. Pedestrian connections shall connect the on site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, accessways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property;
3. In addition to Subsections 1. and 2. above, sites at transit facilities must provide the following:
 - a. Either locate buildings within 20 feet of the transit facility, a transit street, or an intersecting street or provide a pedestrian plaza at the transit facility or a street intersection;
 - b. A reasonably direct pedestrian connection between the transit facility and building entrances on the site;
 - c. A transit passenger landing pad accessible to disabled persons;
 - d. An easement or dedication for a passenger shelter if requested by the transit provider; and
 - e. Lighting at the transit facility.

2.315.09 Determination of Conformance to Development Standards as Part of Building Permit Review

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application, shall include as part of that review, a determination of the proposal's conformance with the provisions of this chapter. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the standards or a design alternative, which was approved by the planning Commission or City Council. Building plans shall not be approved unless there is conformance with the provisions of this chapter. (01/04)

2.315.10 Criteria for Development Review

The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (5/98)

3.108 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, AND MANUFACTURED HOME PARKS

3.108.01 Purpose

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other development standards that apply to various uses. Development standards for Subdivisions are provided for the orderly, safe, efficient and livable development of land within the City of Keizer. Planned Unit Development standards allow flexibility and encourage a more creative approach in the development of land. Manufactured Home Park standards are developed to protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other applicable development standards. (2/01)

3.108.02 Application and Fee

An application for a Subdivision, Planned Unit Development or Manufactured Home Park shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application in accordance with Section 3.201.03 and that addresses the review criteria of this Section. (2/01)

3.108.03 Applicability

A subdivision (or planned unit development) is required for any land division that creates more than three parcels in a calendar year. A Manufactured Home Park approval is required for establishing such a park. (2/01)

3.108.04 Submittal Requirements

- A. Application Process. Applications for all subdivisions, planned unit developments, and manufactured home parks shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, and to assure that it addresses the review criteria of this Section. (2/01)
- B. Submittal Material. The following submittal requirements shall apply to all Preliminary Plan applications for subdivisions, planned unit developments, and manufactured home parks. (5/98)
 - 1. All applications shall be submitted on forms provided by the City to the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section. (5/98)

2. Submittal Requirements. Each application shall be accompanied by a preliminary plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following: (5/98)
 - a. Appropriate identification stating the drawing is a preliminary plan. (5/98)
 - b. North point, scale and date. (5/98)
 - c. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (5/98)
 - d. Assessor Map and tax lot number of subject property. (2/01)
 - e. The property lines and approximate area of the subject property. (2/01)
 - f. Dimensions and size in square feet or acres of all proposed parcels. (5/98)
 - g. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines. (5/98)
 - h. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application; (5/98)
 - i. Name of the PUD, subdivision, or manufactured home park. (5/98)
 - j. Date the drawing was produced. (2/01)
 - k. Vicinity sketch showing location of the proposed land division. (5/98)
 - l. Identification of each lot or parcel and block by number. (5/98)
 - m. Gross acreage of property being subdivided or partitioned. (5/98)
 - n. Direction of drainage and approximate grade of abutting streets. (5/98)

- o. Streets proposed and their names, approximate grade, and radius of curves. (5/98)
 - p. Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street. (5/98)
 - q. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information. (5/98)
 - r. All areas to be offered for public dedication. (5/98)
 - s. Future Street Plan. Applicants for a subdivision, planned unit development, or manufactured home park shall submit as a part of their application, a future street plan. The future street plan shall show the pattern of existing and future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet of the proposed land division property line. The City may determine future neighborhood street connections. A future street proposal may be modified when subsequent development proposals are submitted. (01/02)
- C. Supplemental Information. The following supplemental information shall be required for all PUD Preliminary Plan applications: (2/01)
 - 1. Calculations justifying the proposed density of development. (5/98)
 - 2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses. Clearly indicate the purpose, conditions and limitations of such reservations. (2/01)
 - 3. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site. (5/98)
 - 4. Written statement identifying improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed. (2/01)
 - 5. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities. (5/98)
- 6. Traffic Impact Analysis, if required pursuant to Section 2.301.03 of this code.

3.108.05 Review Procedures

- A. Hearings Officer. All Preliminary Plans for subdivisions, PUDs, and manufactured home parks shall be heard by the Hearings Officer pursuant to the procedures set forth in Section 3.202.04. (2/01)
- B. Time Limit. Approvals of any preliminary plans for a subdivision, PUD, or manufactured home park shall be valid for one year after the date of the written decision. A Final Plat for a subdivision shall be recorded within this time period or the approvals shall lapse. PUDs or manufactured home parks, which do not involve the subdivision of property, shall show substantial progress toward the construction of the project within the one year period or the approval shall lapse. (2/01)
- C. Time Extension. The City staff may extend the approval period for any subdivision, PUD, or manufactured home park for not more than 1 additional year at a time. Requests for extension of approval time shall be submitted in writing thirty days prior to the expiration date of the approval period. (5/98)
- D. Reapplication Required. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Hearings Officer. The applicant will be subject to all applicable standards currently in effect. (5/98)

3.108.06 Review Criteria

Approval of a subdivision, PUD, or manufactured home park shall require compliance with the following: (2/01)

- A. The proposal shall comply with the applicable development standards in Section 2.405 and Section 2.3, as appropriate, including provisions for streets and utilities. (5/98)
- B. Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved. (5/98)
- C. Adequate public facilities shall be available and shall serve the existing and newly created parcels. (2/01)
- D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact. (01/02)

3.108.07 Form of Final Subdivision Plat

- A. Final Plat Requirements. The final plat shall be prepared in a form and with information consistent with ORS 92.010-92.160, and approved by the County Surveyor. (2/01)
- B. Owners Association. Where applicable, all Owners Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney. (5/98)
 - 1. The Zoning Administrator, until the Owners Association Agreement, Articles and By-Laws are approved shall not approve the final plat. (5/98)
 - 2. The Owner's Association Agreement shall be consistent with Chapter 94, Oregon Revised Statutes. (5/98)
 - 3. A Certificate of Formation of a non-profit corporation, with a State seal, for the Owners Association, shall be submitted with the final plat for review by the Planning Commission. (5/98)
 - 4. Signed, original documents of the Owners Association Agreement, Articles and By-Laws and the Certificate of Formation described in (3) above, shall be recorded with the final plat. (5/98)
- C. Subdivision Names. All plat names shall conform to ORS 92.090. (5/98)

3.108.08 Final Plat Review of Subdivisions

- A. Final Review. The final subdivision or planned unit development plat shall be submitted to the City staff for review. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Zoning Administrator shall signify staff approval of the final plat by signing the final plat. (2/01)
- B. Filing Final Plat. The final subdivision plat shall be filed with the Marion County Clerk's Office. (5/98)

3.111 TEXT AMENDMENTS

3.111.01 Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as “map & text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in law. (2/01)

3.111.02 Process

Amendments to the Comprehensive Plan and Development Ordinance texts shall be reviewed in accordance with Type IV procedures specified in Section 3.203. Type IV reviews shall also apply to Comprehensive Plan amendments and Zone Changes involving more than 5 adjacent land ownerships, or, non-adjacent properties. (2/01)

3.111.03 Application and Fee

A Plan or Ordinance text amendment can be initiated by staff, the Planning Commission or City Council. Upon initiation of an amendment staff shall establish a file and set a schedule to review the proposed changes before the Planning Commission and the City Council. No fee is required. (07/06)

3.111.04 Criteria for Approval

Amendments to the Comprehensive Plan or Development Ordinance text shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed for compliance with B, C, and D: (07/06)

- A. Impact of the proposed amendment on land use and development patterns within the city, as measured by: (5/98)
 - 1. Traffic generation and circulation patterns; (5/98)
 - 2. Population concentrations; (5/98)
 - 3. Demand for public facilities and services; (5/98)
 - 4. Maintenance of public health and safety; (5/98)
 - 5. Level of park and recreation facilities; (5/98)
 - 6. Economic activities; (5/98)
 - 7. Protection and use of natural resources; (5/98)

8. Natural hazards and constraints;
9. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs. (5/98)
- B. A need exists for the proposed amendment. (07/06)
- C. The proposed amendment complies with all applicable Statewide Planning Goals and applicable administrative rule requirements. (07/06)
- D. The amendment is appropriate as measured by at least one of the following criteria: (5/98)
 1. It corrects identified error(s) in the provisions of the plan. (5/98)
 2. It represents a logical implementation of the plan. (5/98)
 3. It is mandated by changes in federal, state, or local law. (5/98)
 4. It is otherwise deemed by the council to be desirable, appropriate, and proper. (5/98)

3.111.05 Transportation Planning Rule Compliance

- A. Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the City or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:
1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 2. Change standards implementing a functional classification system; or
 3. As measured at the end of the planning period identified in the adopted transportation system plan:
 - a. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
 - c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum

acceptable performance standard identified in the TSP or comprehensive plan.

- B. Amendments That Affect Transportation Facilities. Amendments to the comprehensive plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section -0060 of the TPR.
 3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
 4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- C. Traffic Impact Analysis. A Traffic Impact Analysis shall be submitted with a plan amendment or zone change application. (See Section 2.301.03 Traffic Impact Analysis (TIA)).

3.202 GENERAL PROCEDURES – TYPES I, II, AND III ACTIONS

3.202.01 Procedure for Type I-A Review

(Type 1-A: Temporary Use Permit, Floodplain Development permit excluding variances or conditional uses, Signs excluding variances or conditional uses)

Applications subject to a Type I-A administrative review shall be reviewed and decided by the Zoning Administrator. (5/98)

- A. Initial Review. Upon receipt of an application for a Type I-A land use action, the City staff shall review the application for completeness. (5/98)
 - 1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of processing the application and all related timing provisions either:
(5/98)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)
 - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; (5/98)
- D. Conditions. Approvals of a Type I-A action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (2/01)
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
(2/01)
 - a. Ensure that the standards of the development code are met; or, (2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (2/01)

2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (5/98)
- F. Appeals. A Type I-A land use decision may be appealed by the applicant to the Hearings Officer, except that Site plan Reviews shall be appealed to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (5/98)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

3.202.02 Procedure for Type I-B and I-D Review

(Type I-B: Minor Variance, Lot Line Adjustment, Conditional Use, Partition, Greenway Development Permit) (Type I-D Major Variance)

Applications subject to administrative review shall be reviewed and decided by the Zoning Administrator. (5/98)

- A. Initial Review. Upon receipt of an application for a Type I-B or I-D land use action, the City staff shall review the application for completeness. (07/07/03)
 1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)
 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Agency Referrals. Referrals may be sent to interested agencies such as City departments, police and fire departments, school district, utility companies, and applicable city, county, and state agencies at the Director's option. Referrals will be sent to affected neighborhood associations. (5/98)
- D. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall

review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; The Administrator shall have the option of referring a type I-B application to the Hearings Officer or City Council for the initial decision. The Administrator shall have the option of referring a type I-D application to the Planning Commission or City Council for the final decision. (07/07/03)

- F. Conditions. Approvals of a Type I-B and I-D action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (07/07/03)
1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
 - a. Ensure that the standards of the development code are met; or, (2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (5/98)
 2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
 3. Performance bonding to comply with applicable conditions of approval shall comply with the provisions in Section 3.202.05B. (2/01)
- G. Notice. Notice of the decision shall comply with the provisions in Section 3.204.01. (5/98)
- H. Appeals. A Type I-B land use decision may be appealed to the Hearings Officer, by either the applicant or persons receiving notice of the decision. A Type I-D land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. (07/07/03)
- The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. (5/98)
- I. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (5/98)

3.202.03 Procedure for Type I-C Review

- A. Initial Review. Upon receipt of an application for a Type I-C land use action, the City staff shall review the application for completeness. (2/01)

Adopted by council 4-09

1. Incomplete applications shall not be scheduled for Type I-C review until all required information has been submitted by the applicant. (2/01)
2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (2/01)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: processing the application and all related timing provisions either: (2/01)
 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (2/01)
 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (2/01)
- C. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; (2/01)
- D. Conditions. Approvals of a Type I-C action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (2/01)
 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
 - a. Ensure that the standards of the development code are met; or, (2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (2/01)
 2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (2/01)
- F. Appeals. A Type I-C land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (2/01)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

3.202.04 Procedures for Type II and Type III Actions

*(Type II. Subdivision, Planned Unit Development and Manufactured Home Parks)
(Type III. Annexation, Zone Changes involving 5 or fewer adjacent land ownership
and Comprehensive plan Map Amendments involving 5 or fewer adjacent land
ownerships)*

- A. Initial Review. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness. (5/98)
 - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant. (5/98)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
 - 2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only. (5/98)
- C. Agency Referrals. Referrals will be sent to interested agencies such as City departments, police and fire ~~departments~~ districts, school district, utility companies, and applicable city, county, and state agencies. Affected jurisdictions and agencies could include the Department of Environmental Quality, the Oregon Department of Transportation, Salem-Keizer Transit District, and the City of Salem. Notice of projects affecting state transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (5/98)
- D. Public Hearing. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.204.02. (5/98)
- E. Staff Review. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties. The Zoning Administrator may refer the initial decision to the City Council. (5/98)
- F. Notice of Application. Notice of a subdivision application shall be mailed to owners of property within 250 feet of the site and neighborhood association representatives. The notice to owners and neighborhood association

Adopted by council 4-09

members will invite the submittal of written comments on the proposal to the City within 10 days. (01/02)

- G. Hearings Procedures. The public hearing before the Hearings Officer shall comply with the provisions in Section 3.205. (2/01)
- H. Conditions. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (5/98)
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (5/98)
 - a. Protection of the public from the potentially deleterious effects of the proposed use; or, (5/98)
 - b. Fulfillment of the need for public service demands created by the proposed use. (5/98)
 - 2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
 - 3. Performance bonding for applicable conditions shall comply with the provisions in Section 3.202.05B. (2/01)
- I. Notice. The applicant shall be notified, in writing, of the Hearings Officer's decision or recommendation. In addition, notice of the decision shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing. (5/98)

- J. Appeals. A Type II land use decision may be appealed to the City Council by either the applicant, persons receiving notice of the decision or the Administrator. The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council. (5/98)
- K. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (2/01)

3.202.05 Special Procedural Requirements

A. 120 Day Time Limit

If for any reason it appears that such final action may not be completed within the 120 day period, unless the applicant voluntarily extends the time period, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance. (5/98)

1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period. (5/98)
2. Public notice shall be mailed to affected parties as specified in Section 3.204.02. (5/98)
3. The City Council shall hold in a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application. (5/98)

B. Performance and Maintenance Bonding (2/01)

Conditions of approval required by the City shall be completed prior to the issuance of any building permit within a residential subdivision or partitioning, or an occupancy permit for any other use. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions. (2/01)

1. Types of Guarantees - Performance guarantees may be in the form of performance bond payable to the City of Keizer, cash, certified check, time certificate of deposit, or other form acceptable to the City. The City Attorney must approve the form and appropriate documents

filed with the City Recorder. Agreements may be recorded to restrict building permits. (2/01)

2. Amount of Guarantee - The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance. (5/98)
3. Completion of Performance - All improvements shall be completed within one year of filing the performance guarantee. The Administrator may extend this time limit for up to one additional year. (2/01)
4. Maintenance Bonds for public improvements of 40% of the total cost of improvements is required for one year warranty. (2/01)

3.204 PUBLIC NOTICE REQUIREMENTS

3.204.01 Type I-A, Type I-B and Type I-D Actions

- A. Type I-A. Written notice of any Type I-A decision shall be mailed or delivered to the applicant. The notice shall be sufficient to indicate approval or denial of the request. (5/98)
- B. Type I-B and I-D. Written notice of any Type I-B and I-D decision shall be mailed to the applicant, all property owners within 250 feet of the subject property, and any affected neighborhood association. An affected neighborhood association is one containing the subject property, or within 250 feet of the subject property regardless of the jurisdiction. Written notice for a Type I-B and I-D shall be a summary of the application and the decision, plus a notice that the recipient may request a copy of the full decision, which shall include the following: (07/07/03)
 - 1. Summary of the request. (5/98)
 - 2. Relevant decision criteria. (5/98)
 - 3. Findings of fact indicating how the request does or does not comply with the decision criteria. (5/98)
 - 4. Conclusionary statement indicating approval or denial of the request. (5/98)
 - 5. Information regarding the appeal process including whom may appeal, where appeal must be submitted, fees and the appeal deadline. (5/98)
- A. Type I-C. Written notice of any Type I-C decision shall be mailed or delivered to the applicant. The notice shall be sufficient to indicate approval or denial of the request. Upon appeal of a Type I-C action, notice shall be sent to the applicant, all property owners within 250 feet of the subject property, and any affected neighborhood association. An affected neighborhood association is one containing the subject property, or within 250 feet of the subject property regardless of the jurisdiction. (2/01)

3.204.02 Type II and Type III Actions

- A. Written Notice. Written notice of any public hearing shall be mailed at least 10 days prior to the hearing date to the applicant, owners of property within 250 feet of the boundaries of the subject property, and any affected neighborhood association. An affected neighborhood association is one containing the subject property, or within 250 feet of the subject property regardless of the jurisdiction. (5/98)

B. Posting Notice.

1. For application-initiated proceedings, including appeal from or review of administrative decisions, it shall be the applicant's responsibility to provide a sign frame and to place the notice. The City shall provide the notice to be attached to the frame. The applicant must post the notice on the subject property at least 10 days prior to the initial public hearing. At least five days prior to the hearing, the applicant shall file an affidavit with the Administrator that such posting has occurred. (01/07)
2. Notice of public hearing for legislative zone changes shall be given by posting in accordance with subsection 3.204.02B3. Each individual property need not be posted so long as there is such notice posted on each property or group of properties, which is not contiguous with other properties so posted. (2/01)
3. Notices shall be posted facing all streets adjoining the subject property so as to be visible from the street. If no street abuts the subject property, the notice shall be placed in such a manner as near as possible to the subject property that can be readily seen by the public. The posted notice shall include the following: (2/01)
 - a. The proposed action. (2/01)
 - b. Land use case number. (2/01)
 - c. The date, time and place of the public hearing. (2/01)
 - d. Name and phone number of the City representative to contact where additional information may be obtained. (2/01)

- C. Published Notice. Notice of the time, place and purpose of the Hearings Officer, Planning Commission, or City Council hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than ten days prior to the date of the initial hearing before the Hearings Officer, Planning Commission, or City Council. (01/07)

3.204.03 Type IV Actions

Notice of the time, place and purpose of the Planning Commission or City Council hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than ten days prior to the date of the hearing before the Planning Commission or City Council. (01/07)

3.204.04 Notice of Public Hearing

Notice of a hearing for any Type II, III or IV proposal that includes a new transportation facility or improvement, and where these facilities or improvements include or may impact a collector or arterial street, will be sent to the Oregon Department of Transportation and any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and disabled persons interest groups. Information that should be conveyed with the notice includes the following:

- (a) Project location
- (b) Proposed land use action
- (c) Location of project access point(s)

3.204.04-05 Notice for Appeals

An appeal to either the Hearings Officer, Planning Commission or City Council the city shall provide written notice at least 10 days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision. (01/07)

3.204.05-06 Public Hearing Notice Requirements

Public notice shall: (5/98)

- A. Explain the nature of the application and the proposed use or uses which could be authorized; (5/98)
- B. Cite the applicable criteria from the ordinance and the plan that apply to the application at issue; (5/98)
- C. Set forth the street address or other easily understood geographical reference to the subject property; (5/98)
- D. State the date, time and location of the hearing; (5/98)
- E. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Appeals Board of Appeals; (5/98)
- F. Include the name and phone number of the City representative where additional information may be obtained; (5/98)
- G. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost; (5/98)

Adopted by council 4-09

- H. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost; (5/98)
- I. Include a general explanation of the requirements for submission of testimony (5/98)

CITY COUNCIL MEETING: May 18, 2009

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *RESOLUTION – SETTING KEIZER ROTARY AMPHITHEATER
PERMIT APPLICATION FEES AND USE FEES***

Council has directed staff to work with Clint Holland's group to provide for amphitheater management and maintenance. As part of that discussion, the amphitheater permit fees and use fees were reviewed.

There is a current Resolution (R99-1112) which discusses park use fees. That Resolution was amended slightly by an increase in fees in 2006 (Resolution R2006-1700).

With the addition of the Keizer Rotary Amphitheater, it is appropriate to adopt a new resolution and repeal the older resolutions and incorporate the amphitheater fees in such new Resolution. Therefore, our office has prepared a new Resolution setting forth the current park use fees and adding a new section (Section 3) discussing the amphitheater permit/use fees and connected matters.

RECOMMENDATION:

Adopt the attached Resolution.

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

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2009-_____

3 ESTABLISHING KEIZER PARK USE FEES; **REPEALING**
4 **RESOLUTION R99-1112 AND RESOLUTION R2006-1700**
5

6 WHEREAS, Keizer Parks Regulations provide for use fees to be set by
7 resolution;

8 WHEREAS, Resolution R99-1112 and Resolution R2006-1700 set such fees;

9 WHEREAS, the City Council of the City of Keizer wishes to amend the fees with
10 regard to use of the Keizer Rotary Amphitheater at Keizer Rapids Park;

11 NOW, THEREFORE,

12 BE IT RESOLVED by the City Council of the City of Keizer that park use fees
13 shall be as follows:

14 Section 1. \$35.00 minimum for two (2) hours and then \$12.00 per hour for
15 each additional hour for park areas in which any shelters, temporary structures or
16 facilities are constructed, except for the Keizer Rotary Amphitheater.

17 Section 2. \$30.00 per hour for any single sport field reserved for organized
18 events.

19 Section 3. Keizer Rotary Amphitheater use fees shall be as follows:

20	A. RATE 1	RATE 2	RATE 3	RATE 4
21	Hourly Private	Day Private	Keizer-related	Commercial
22	(4 hr min)		non-profits	(with sales)
23				
24			\$50/hour (2 hr min.)	
25	\$50/hour	\$350/day	or	\$1,000/day
26			\$350/day	
27				

28 (Excessive power or portable restroom use will be charged at actual cost.)

29 a. If the permit applicant is a "Keizer-related" non-profit,

then the "private rate" would be charged. A "Keizer-related" non-profit is a non-profit entity that is either headquartered in Keizer or benefits the Keizer community.

b. If the permit applicant is a non-profit entity, but not "Keizer-related", then the non-profit entity would qualify under the "private rate" if no admission fee or vendor fee is charged.

c. If the non-profit entity is not "Keizer-related" and there is an admission fee charged or vendor fee charged, then such applicant shall pay the "commercial rate".

d. "Vendor" fees include any charge, whether direct or indirect for any and all type of vendors, concessionaires, etc, including any commission or percentage rent. If a free event is sponsored, and there is incidental concessions served, then that shall be considered vendor fees.

B. In addition to the use fees above, there shall be a permit application fee submitted in the amount of \$50.00. If the event is cancelled within city regulations (see below) or the event permit denied, the use fees shall be refunded. The permit application fee shall only be refunded if the event permit is denied.

C. Use fees shall be refunded in full if the event is cancelled thirty or more days prior to the date of the event. Such cancellation shall be in writing to the City and must be confirmed by the City in order to receive a refund.

D. The process set forth herein shall be followed instead of the process set forth in the Parade/Special Event Ordinance (Ordinance No. 2000-419).

Section 4. Waiver of Fees. At the discretion of the City Manager or the City Manager's designee, fees may be waived for City of Keizer sponsored events, and for State of Oregon approved schools when requesting a park for educational use.

1 At the discretion of the City Manager or the City Manager's designee, park
2 materials or services may be accepted in lieu of all or part of the applicable park
3 reservation fee.

4 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that this
5 Resolution shall take effect immediately.

6 BE IT FURTHER RESOLVED that Resolution R99-1112 and Resolution R2006-
7 1700 are hereby repealed in their entirety.

8 PASSED this _____ day of _____, 2009.

9 SIGNED this _____ day of _____, 2009.

10

11

12

13

14

15

Mayor

City Recorder

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THRU: CHRIS EPPLEY, CITY MANAGER

FROM: H. MARC ADAMS, CHIEF OF POLICE

SUBJECT: Authorization for Disposition of Police Service Dog

ISSUE:

The City of Keizer Police Department has identified that K-9 Czar, due to age and physical ailments, is no longer suitable for police work.

Keizer City Ordinance 90-167 allows for disposition of police service dogs.

RECOMMENDATION:

It is recommended that Council authorize Officer Jefferson to acquire K-9 Czar for the sum of \$1.00 and assume all responsibility for the dog including its maintenance, condition, and conduct.

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Chris Eppley, City Manager
City of Keizer
930 Chemawa Rd NE
Keizer, OR 97303

April 22, 2009

Dear Chris,

Re: Presentation for Keizer City Council:
"Bringing Marion County into the 21st Century"

Thanks for offering us time to make a presentation at the Keizer City Council on May 18. Please see the enclosed CD. It contains a brief 10 minute version of the proposal along with other supporting documents. With time for Q&A, it normally can take 30-45 minutes.

Thanks for your help with this.

Sincerely,



Roger Kaye
10095 Parrish Gap Rd., SE
Turner, OR 97392
503-743-4567
rkaye2@gmail.com



Marion County Commission

After 150 Years:
It's Time For A Change



Purpose

Present and discuss a grass roots, cost neutral proposal to improve our Marion County Government by changing the Marion County Commission to 5 non-partisan positions elected by district.

Overview

- Background
- Current Situation
- Reasons for Change
- The Proposal
- Advantages
- Next Steps



BACKGROUND

What Counties Do

Shared State-County Services

All Serving the Same Oregonians

Health & Community Services	Public Safety	Economic Dev., Natural Resources & Recreation	Transportation & Land Use	Other Community Services
- Child Protection - Housing - Mental Health Hospital - Aging Services - Alcohol/Drug Treatment - Children & Families Svcs. - Dev. Disabled Services - Mental Health Services - OHIP Services - Veterans Services - Public Health Services - Environmental Health - Housing Services - Medical Examiner - Solid Waste/Recycling	- Appellate Courts - State Patrol - State Prison - Trial Courts - District Attorney - County Jail 911/Emerg. Communications - Emergency Management - Homeland Security - Community Corrections - Court Security - Juvenile Services - County Law Library - Sheriff Patrol - Animal Control	- State Parks - State Lands - Water Regulation - Wildlife Regulation - State Fair - Economic Development - Oregon Plan Implementation - State Forest Management - Federal Land Policy - Extension Service - Telecommunications - County Fair - Watermaster - County Forest Management - County Library - County Parks - County Museums	- Highways - Land Use Planning & Coordination - Highway & Road System - Senior & Disabled Transport. - Development Services - Engineering - Building Permitting & Inspect. - Surveying - Capital Projects	- Management & Admin. - Property Management - Shared Management & Admin. - Assessment & Taxation - PERS - Human Res. & Employee Rel. - Elections - Property & Facilities Mgmt. - Procurement - Recording Public Documents

☞ = Directly Supports Schools/Education



Green = State-provided services Red = State-county shared services Blue = County delivered services

06-25-04

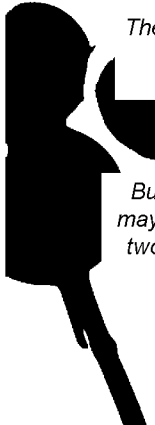


Three Ways to Guide Counties

- General Law County Courts
- General Law County Commission
- Home Rule Counties

Marion County Commission

Article VII of Oregon's 1857 Constitution



There shall be elected in each County for the term of Four Years a County Judge...

But the Legislative Assembly may provide for the election of two commissioners to sit with the County Judge...

Section 11.

There shall be elected in each County for the term of Four years a County Judge, who shall hold the County Court at times to be regulated by law. —

Section 12.

The County Court shall have the jurisdiction pertaining to Probate Courts and boards of County Commissioners, and such other powers and duties, and such civil jurisdiction, not exceeding the amount or value of five hundred dollars, and such criminal jurisdiction not extending to death or imprisonment in the penitentiary, as may be prescribed by law. But the Legislative Assembly may provide for the election of two Commissioners to sit with the County Judge whilst transacting County business, in any, or all of the Counties, or may provide a separate board for transacting such business. —

After 150 Years of Growth...

...several Oregon counties have transitioned to home rule with 5 commissioners:

- ✓ Clatsop
- ✓ Hood River
- ✓ Lane
- ✓ Washington
- ✓ Multnomah

Marion County's General Law Commission

- 3 Commissioners
- Each elected county-wide
- Partisan balloting/appointments



THE PROBLEM

Current Structure Problems

1: Not Representative

- 3 commissioners at-large, each for 300,000 citizens
- 2 people can decide major issues
- Local issues can be ignored or overlooked
- Complex management needs a wide range of viewpoints
- Potential new candidates discouraged to compete
- Two control budget > \$300M

Current Structure Problems

2: Openness

- Since transparency is vital for trust, we have the...
- Oregon Open Meeting Law (OML)
 - When a quorum meets for business
 - Meeting: phone, e-mail, in-person
 - Advance notification to press/public
 - Minutes kept

...but for Marion County

...2 is a quorum



Current Structure Problems

2: Openness (cont.)

Therefore, in the interest of openness...

... it is illegal for any 2 commissioners to communicate about any policy matter outside of a formal public meeting.

Current Structure Problems

2: Openness (cont.)

- With only 3 commissioners, OML chokes informal debate
- Public “debate” seems unauthentic
- Trust is diminished
- Poor decisions, or...
- Appearance of poor decisions

Current Structure Problems

3: Partisanship

- Partisan input played upstream of counties
- Party help to candidates comes at a price
- Want candidates to focus on District and constituency issues



Current Structure Summary

- Inadequate for today's complexities
 - Financial magnitudes and choices
 - Population size and diversity
 - Services/infrastructure coordination
- Not Representative
- Deliberately partisan



THE SOLUTION

A Home Rule Charter for Marion County

- A process outlined in Oregon law
- Guidelines provide wide flexibility
- A big change; to succeed:
 - Solid rationale
 - Clearly visible end product

Two Main Features

- Five Districts - Five Commissioners
- Non-partisan

Five Districts

- See map
- Rigorous design criteria
- Like wards for a city
- Must be seen as fair
- Major reason for non-partisanship

Five Commissioners

- Each represents and elected by one district
- Ratio of 1: 60,000 vs 1:300,000
- 5 people vs 3 to think and decide, manage and lead
- Quorum, manages budget, is now 3 vs 2

Non-partisan (more or less)

- County issues less openly political
- Commissioners' focus:
 - More district constituency issues
 - Less county-wide politics/money
- Candidates' party less of a factor
- Mid-term vacancies will not be filled by a party



HOME CHARTER ADVANTAGES

Solves the Representation Problem

- Citizens have a “go-to” rep
- “Local” issues have a champion
- Each citizen has 5x the leverage
- Commissioners can’t “hide” as easily (more accountability)
- Easier for citizens to get involved
- Easier to run for office

Solves the Openness Problem

- Informal, candid deliberation now legal
- 10 communication paths now possible vs 0
- Greater diversity of thought with 5
- Voter-driven commissioners inclined to share more with the public
- More ideas + more discussion =

BETTER DECISIONS &
MORE TRUST

Bonus Advantages

- Meetings more efficient—
Commissioners more prepared
- Surprise, last-minute issues
reduced
- Don't have to reinvent the wheel—
five sister counties up and running

Getting it Done

- Charter being drafted
- Widespread input and review
- Petitions and ballot qualification
- Target: May, 2010

Home Rule for Our Marion County

- Better Representation
- Real Openness
- Higher Quality Decisions

More Effective Government

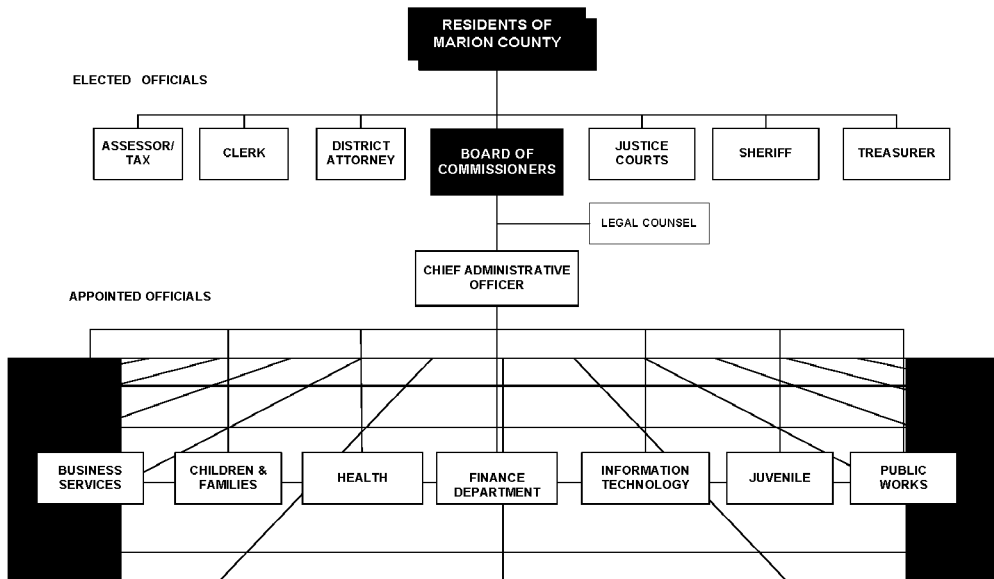


Marion County



COUNTY ORGANIZATION

ORGANIZATION CHART FOR FY 2007-2008 BUDGET



OREGON COUNTY STRUCTURES

Judge (full time) + 2 Commissioners (part time)

County Judge as Chair/Administrator- NP

Judge with Juvenile & Probate Jurisdiction:
Gilliam, Sherman, Wheeler

Judge with Probate only:
Grant, Harney, Malheur

Judge with Juvenile only:
Morrow

County Judge as Chair/Administrator

Crook, Wasco

**GENERAL LAW
County Courts**

Three Commissioners Elected At Large

Elected Chair- Chair is Administrator:
Chair (full time) + 2 commissioners (part time)
Baker, Wallowa

Rotated Chair- Appointed Administrator:
Full Time: Deschutes, Linn, Polk, Marion, Union, Yamhill (NP)
Part Time: Jefferson, Lake

Rotated Chair- No Administrator:
Columbia, Coos (NP), Curry, Douglas (NP), Klamath,
Lincoln, Tillamook

Five Commissioners Elected At large- NP

Elected Chair- Appointed Administrator:
Clackamas (effective January 1, 2009)

**GENERAL LAW
County Commission**

**HOME RULE
COUNTIES**

GENERAL GOVERNMENT GROUP

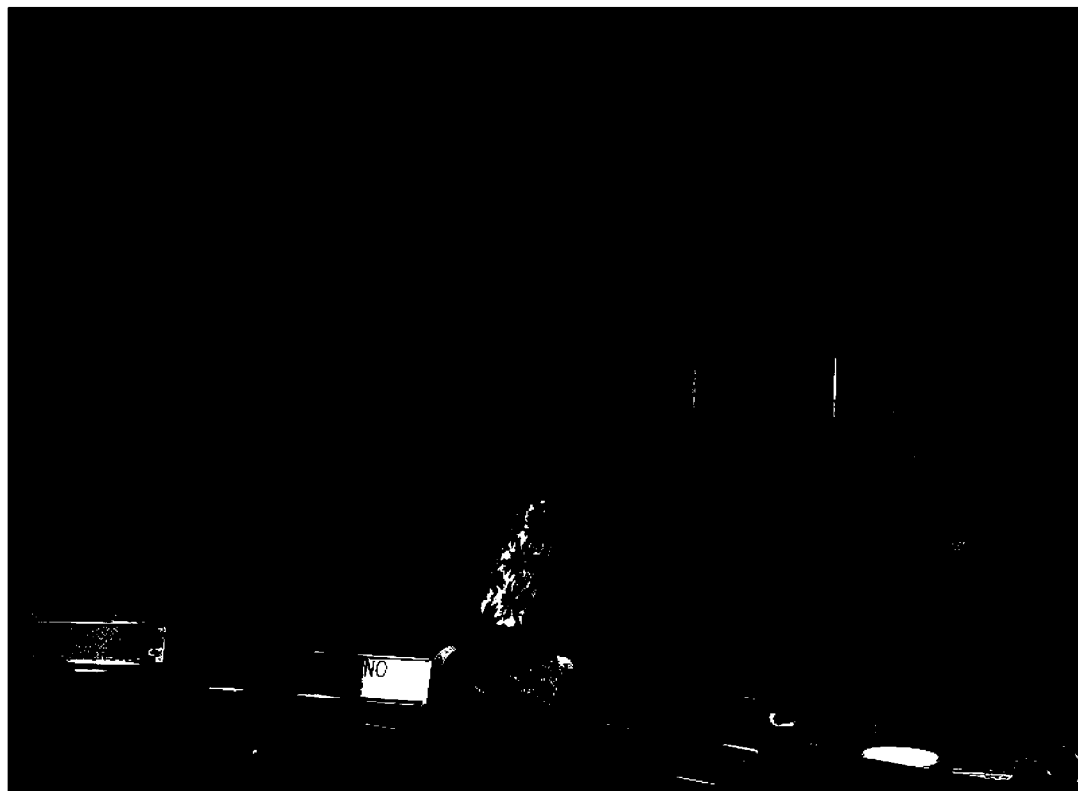
- Board of Commissioners
 - Assessor/Tax Office
 - Clerk's Office
 - Treasurer's Office
-



Marion County

BOARD OF COMMISSIONERS

General Government



Janet Carlson

Sam Brentano, Chair

Patti Milne

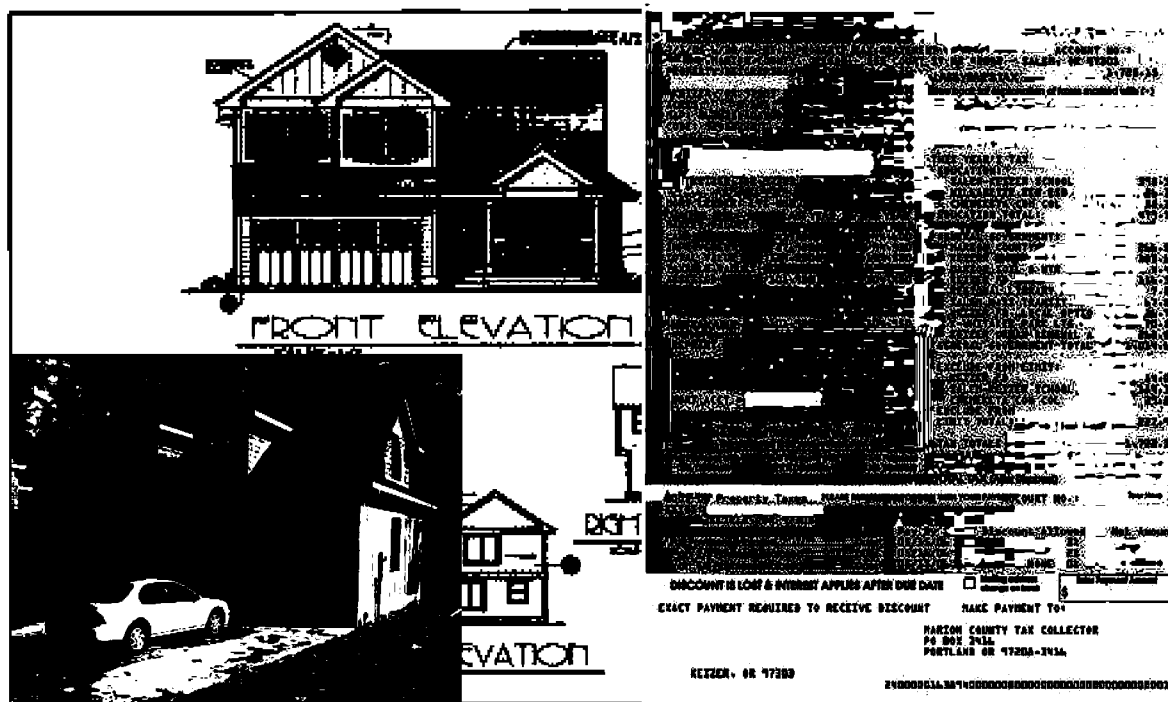
Chief Administrative Officer John Lattimer



Marion County

ASSESSOR/TAX OFFICE

General Government



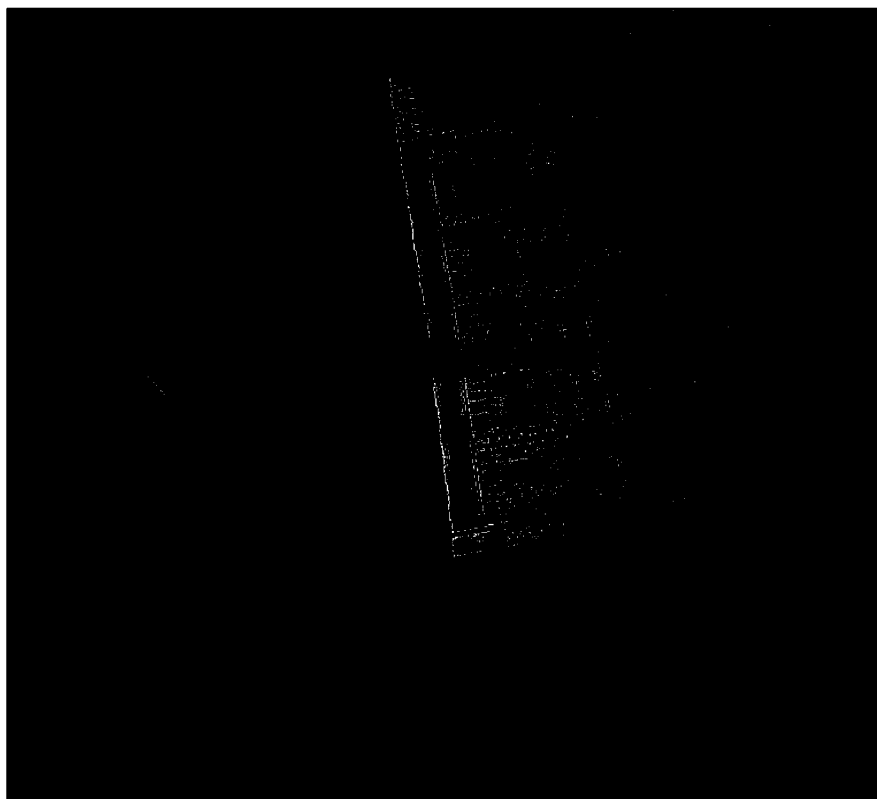
Dick Kreitzer Assessor



Marion County

CLERK'S OFFICE

General Government



County Clerk Bill Burgess



Marion County

TREASURER'S OFFICE

General Government



Treasurer Laurie Steele

PUBLIC SAFETY GROUP

- District Attorney
 - Justice Courts
 - Juvenile
 - Sheriff
-



Marion County

DISTRICT ATTORNEY'S OFFICE

PUBLIC SAFETY

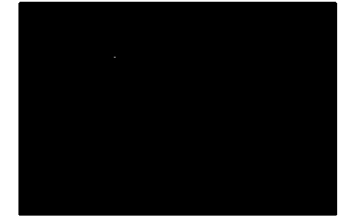


District Attorney Walter M. Beglau



Marion County
DISTRICT ATTORNEY'S OFFICE

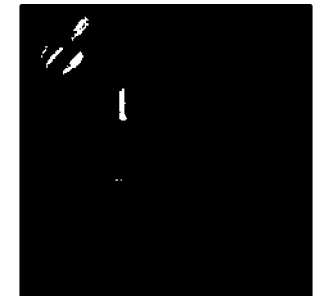
- Criminal Prosecution



- Support Enforcement



- Victim Assistance



- Medical Examiner



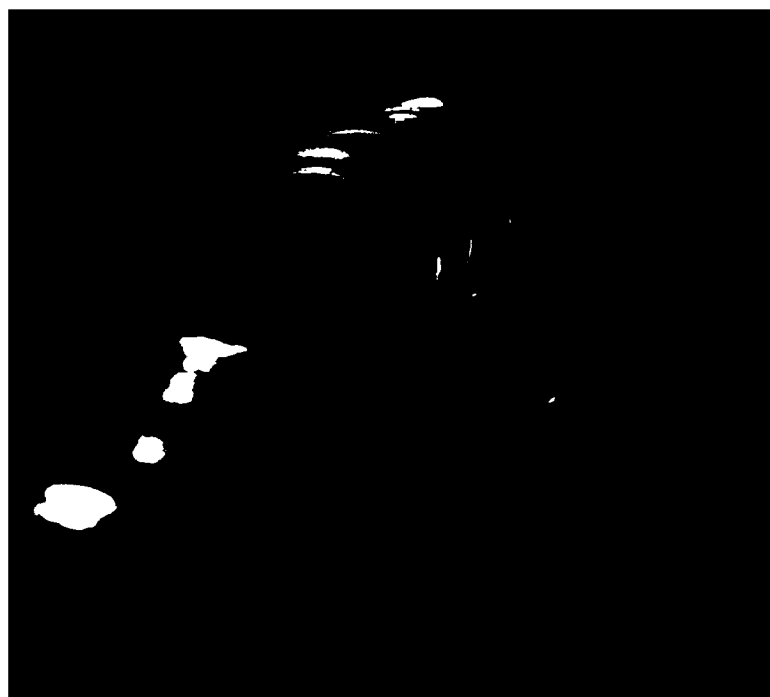
Public Safety Group



Marion County

JUSTICE COURTS

PUBLIC SAFETY



Justices of the Peace
Steven Summers &
Janice Zyryanoff



Marion County
JUVENILE DEPARTMENT

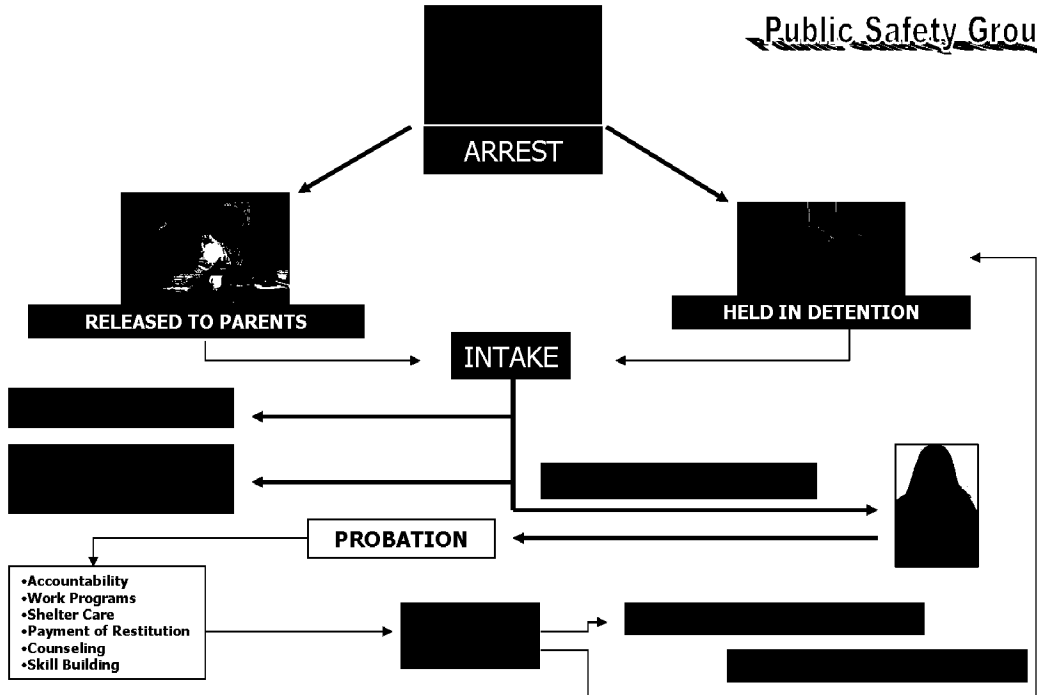
PUBLIC SAFETY



Director Faye Fagel

Marion County
JUVENILE DEPARTMENT

Public Safety Group





Marion County

SHERIFF'S DEPARTMENT

PUBLIC SAFETY



Sheriff Russ Isham



SHERIFF'S DEPARTMENT

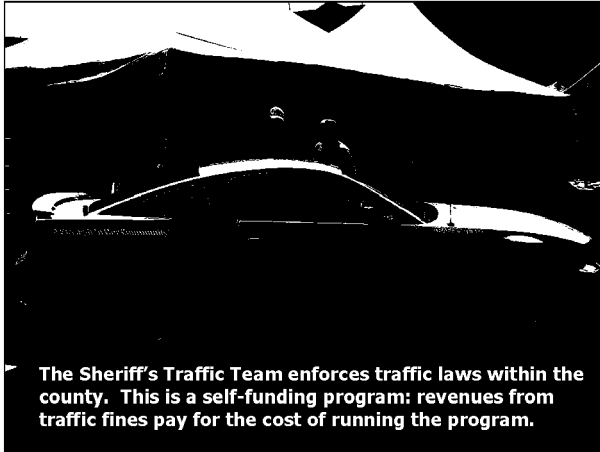


- The Marion County Sheriff's Office Canine Unit consists of 6 canine teams, 5 are patrol teams and one dedicated completely to narcotics detection.
- The patrol dogs are trained to track for suspects who have fled from crime scenes.
- The narcotics detection dog is trained to detect narcotics substances and is assigned to the correctional facility, although, he is routinely called out to assist Detectives.

Public Safety Group



SHERIFF'S DEPARTMENT



The Sheriff's Traffic Team enforces traffic laws within the county. This is a self-funding program: revenues from traffic fines pay for the cost of running the program.

Public Safety Group



SHERIFF'S DEPARTMENT



The Sheriff's Marine Patrol at Lake Detroit. The Patrol is responsible for enforcing boating laws and conducting boating safety inspections for the health and safety of all members of the public who are visiting the Lake.

Public Safety Group



SHERIFF'S DEPARTMENT

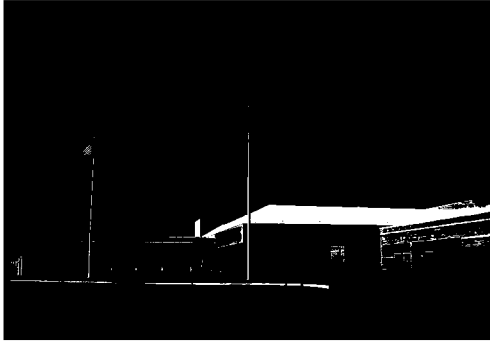
Detectives from the Street Crime Unit investigate a marijuana growing enterprise. The Street Crimes Unit is comprised of three Detectives and one Detective Sergeant. The primary function of the Street Crimes Unit is to investigate drug related crime.



Public Safety Group



SHERIFF'S DEPARTMENT

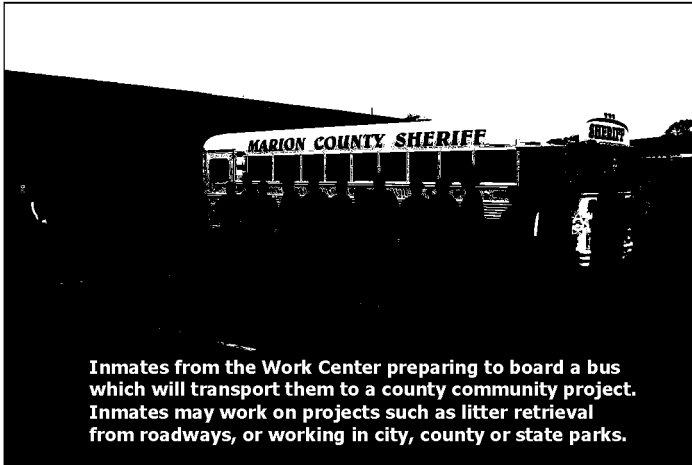


- The Marion County jail is the second largest in the state. It houses 528 inmates.
- The facility books more than 19,000 people annually, and houses inmates waiting trial and those inmates sentenced to a year or less in jail.
- Also notable is that more than 275 citizen volunteers donate their services to the facility at no cost to the county.

Public Safety Group



SHERIFF'S DEPARTMENT



Inmates from the Work Center preparing to board a bus which will transport them to a county community project. Inmates may work on projects such as litter retrieval from roadways, or working in city, county or state parks.

Public Safety Group



SHERIFF'S DEPARTMENT



Public Safety Group

TRANSPORTATION & NATURAL RESOURCES GROUP

- Public Works





Marion County

DEPARTMENT OF PUBLIC WORKS



Interim Director Bill Worcester



DEPARTMENT OF PUBLIC WORKS



Public Works employees sealing cracks. The equipment behind the truck heats the asphalt to 400 degrees, which is transported through the red tube to the wand the operator is holding. The Department is responsible for 1,114 miles of roadway and 147 bridges in the county.



DEPARTMENT OF PUBLIC WORKS



The Department also operates the Wheatland Ferry.



DEPARTMENT OF PUBLIC WORKS



**The Public Works Department operates and maintains 19 parks in the county.
(Volunteers installing playground equipment at Santana Park in East Salem, 2004.)**



DEPARTMENT OF PUBLIC WORKS



**The Public Works Department also oversees the annual Marion County Fair.
Last year over 23,000 visitors attended the fair.
There were over 350 exhibits.**



DEPARTMENT OF PUBLIC WORKS



The Public Works Department Shops repairs and maintains all county owned vehicles, including heavy road work machinery, the county fleet and patrol cars from the Sheriff's Office.



DEPARTMENT OF PUBLIC WORKS



The Marion County Dog Shelter opened in the fall of 2006. In its first year it took in over 2,400 stray dogs, returned 860 dogs to their owners and found homes for nearly 400 dogs!



DEPARTMENT OF PUBLIC WORKS



The County Emergency Management team in action. The team goes through several exercises a year to prepare for major emergencies/disasters in the county.



DEPARTMENT OF PUBLIC WORKS



The Planning Division is responsible for administering the County Comprehensive Plan and implements land use regulations for all unincorporated areas of the County. It also assists the Board of Commissioners, Planning Commission and Hearings Officer in their consideration of land use regulations, and processes a variety of land use applications.



DEPARTMENT OF PUBLIC WORKS



The Department's Building Inspection Division reviews new construction and remodeling plans for buildings in unincorporated areas of the county and, by contract, in incorporated cities of Marion County which do not have their own building inspection programs.



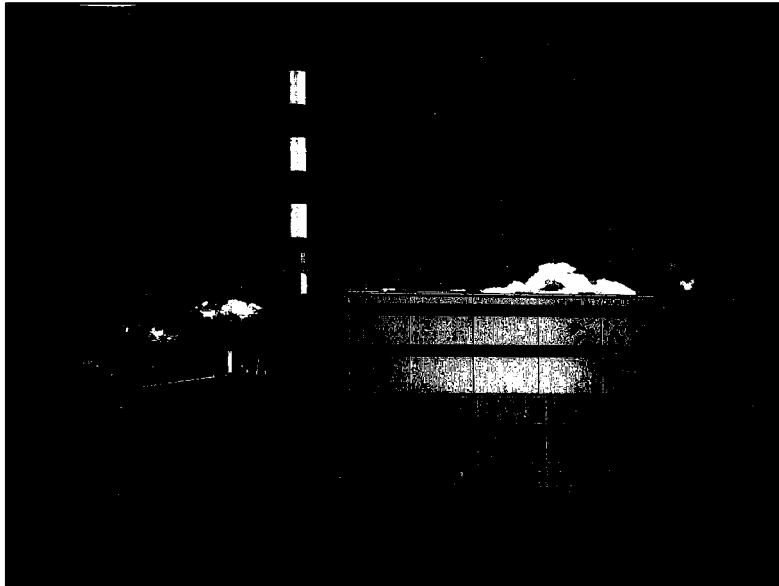
DEPARTMENT OF PUBLIC WORKS



Marion County recycling trucks picking up recycling from residents and businesses. The materials are then shipped up to Hillsboro where they are sorted and then sold to recycling markets.



DEPARTMENT OF PUBLIC WORKS



Marion County also operates transfer stations throughout the county to which the public brings their garbage. Garbage from here is then transported to the Marion county Waste to Energy Facility and incinerated. The facility processes on average 550 tons of garbage each day and provides the citizens of Marion County with a reliable and environmentally safe means of garbage disposal. The energy is turned into electricity and purchased by Portland General Electric. By burning garbage, the facility generates approximately 13 Megawatts of electricity annually, enough to provide power for a city the size of Woodburn every year.

COMMUNITY SERVICES

- Department of Children & Families
 - Health Department
 - Housing
-



Marion County

DEPARTMENT OF CHILDREN & FAMILIES

COMMUNITY SERVICES



Acting Director Tamra Goettsch



Marion County

HEALTH DEPARTMENT

COMMUNITY SERVICES



Administrator Roderick Calkins



Marion County

HEALTH DEPARTMENT

COMMUNITY SERVICES

The County Health Department functions as both the Local Mental and Public Health Authority responsible for providing mandated and state contracted services in the county. The Department Programs can be broken down into two general areas:

County Mental Health Program:

Services for persons with mental, emotional disorders, developmental disabilities, and alcohol and drug dependencies

County Public Health Services:

- Preserve health of community and prevent diseases in the county**
- Provide parent/child health services including family planning clinics**
- Collect health statistics**

Administrator Roderick Calkins

Marion County
HEALTH DEPARTMENT
COMMUNITY SERVICES

County Mental Health Programs

Developmental Disabilities

(Must meet State-eligibility guidelines)

- Case management, adult protective services
- Information & referral, advocacy



Gero-Psych Mental Health Services

- Pre-Admission Screening for nursing home clients
- Outreach services for those discharged from the Oregon State Hospital



Outpatient Behavioral Health Mental Health Counseling

- Medication Management Group & Family Counseling
- Psychiatric Evaluations
- Juvenile Drug Court



Community Services

Marion County

HEALTH DEPARTMENT

COMMUNITY SERVICES

County Mental Health Programs

Methadone/Alcohol and Drug

- Outpatient, Residential and Detox Services
- Adolescent alcohol and drug counseling services



Acute/Residential/Forensic

- Jail Mental Health Services
- Drug Court Mental Health Services
- 24 hour 7 day per week psychiatric crisis services
- Youth Crisis Workers



Community and Provider Services

- Oregon Health Plan Funding
- Children's System Change Initiative
- Residential Placement and Licensure
- Protective Services



Community Services

Marion County

HEALTH DEPARTMENT

COMMUNITY SERVICES

County Public Health Services

Communicable Disease Services

- TB Screening
- Sexually Transmitted Infections
- Investigate Disease Outbreaks
- Bio-Terrorism Coordination



Prevention/Rural/HIV

- Teen Pregnancy Prevention
- Ryan White HIV Case Management



Immunizations

- Childhood Immunizations
- Adult immunizations and vaccines



Community Services

Marion County

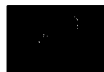
HEALTH DEPARTMENT

COMMUNITY SERVICES

County Public Health Services

Environmental Health & Vital Statistics

- Food Handler Classes
- Licensing of restaurants,schools, food vendors
- Vector Control
- Issuing of Birth and Death Certificates
- Pool and Water Supply Inspection



Maternal/Child Health & Women's Health

- Family Planning
- Pregnancy Testing
- Prenatal Care
- Breast and Cervical Cancer Screening
- Public Health Nurse visits to high risk infants



Women Infants and Children, WIC

- Food supplement program for women infants and children
- Health & nutrition information



Community Services



Marion County

HOUSING



Edelweiss Village, Mount Angel
28 housing units for Seniors

Director Dennis Kilfoil

CENTRAL SERVICES

- Business Services
 - Finance
 - Information Technology
 - Legal Counsel
-



Marion County

BUSINESS SERVICES

CENTRAL SERVICES



Director Gayle S. Horton



Marion County

FINANCE DEPARTMENT

CENTRAL SERVICES



Jeff White Director



Marion County

INFORMATION TECHNOLOGY

CENTRAL SERVICES



Director Grisha Alpernas





Marion County

LEGAL COUNSEL & LAW LIBRARY

CENTRAL SERVICES



Jane Ellen Stonecipher, Legal Counsel



The End

BILL BURGESS

MARION COUNTY CLERK

General Law County
vs.
Home Rule Charter County

County Structure

In 1958, Counties acquired the authority to enact charters.

A Home Rule Charter County may alter its structural organization.

County Structure

Oregon has 36 Counties.

27 are General Law Counties.
9 are Home Rule Charter Counties.



ORS 203.035

Enacted in 1973

- General law grant of authority “over matters of County concern” extends the legislative power of counties without home rule.

ORS 203.035

Enacted in 1973

- Gives general law counties virtually the same authority to legislate on matters of county concern as county charters, e.g. changing the number of commissioners, declaring offices non-partisan, etc.

ORS 203.035

Enacted in 1973

- Marion County used this provision to refer a measure to the voters at the November, 1986, election changing the County Surveyor from an elective position to an appointed position.

ORS 203.035

Enacted in 1973

- An ordinance adopted by the County Commissioners changing the number or mode of selection of elective county officers shall not take effect unless the ordinance is submitted to and approved by the electors of the county.

ORS 203.035
Enacted in 1973

(4) Nothing in this section shall be construed to limit the rights of the electors of a county to propose county ordinances through exercise of the initiative power.

Referral

A County Referral is a resolution prepared by the County Commissioners to place a question on the ballot for Marion County Electors to decide.

The resolution must be legislative in nature or seek an advisory opinion from the voters.

Referral Steps

- The resolution is given to the County Clerk or District Attorney for ballot title.
- The County Clerk publishes a notice in the newspaper advising the public of the ballot title.
- The County Clerk assigns a measure number.
- The resolution is placed on the ballot.

Citizen Initiative

- A prospective initiative petition consists of a proposed County Charter prepared by the chief petitioners.

Or

- An initiative changing (non-charter) the structure of County officials.

Initiative Steps

- Chief Petitioners file the prospective initiative with the County Clerk.
- County Clerk reviews to determine if it meets constitutional requirements.
- District Attorney prepares a ballot title.
- County Clerk provides chief petitioner with copy of ballot title.
- The petition is circulated for signatures.
- The County Clerk verifies the signatures.
- The initiative is placed on the ballot.

Article VI, Section 10

- State Constitution provision that permits County voters to adopt, amend or repeal a County Charter.
- A County Charter shall prescribe the organization of County Government.

Marion County Proposed Charter History

Proposed Charters from Home Rule Charter
Committees:

1964 General Election

Yes 35% No 65%

1974 Primary Election

Yes 43% No 57%

1982 General Election

Yes 26% No 74%

Marion County

Proposed Charter History

					
Yes	No	Yes	No	Yes	No
1964		1974		1982	

County Home Rule Statutes

Oregon Statutes 203.710 to 203.810 set out the procedures for changing a General Law County to a Home Rule Charter form of government.

County Home Rule Statute

-ORS 203.720

- Electors may adopt, amend, revise or repeal a charter by majority vote.
- Charter shall contain provisions to amend, revise or repeal a county charter.

County Home Rule Statute

ORS 203.730

Charter Committee

- May be initiated by the Board of Commissioners.
- May be initiated by citizen petition.

County Home Rule Statute

ORS 203.740

Charter Committee Members

- Committee shall be appointed within 60 days of filing of resolution or certification of petition.
- Four members are appointed by the County Board; four by the local state legislative delegation; majority of those 8 members appoint the ninth member of the charter committee.
- Committee members must be electors of the County and cannot be directly or indirectly engaged in business with the County,
- Terms of committee members are two years from the filing of the resolution or certification of the petition, or until a proposed charter is voted upon.

County Home Rule State

ORS 203.750

County funds for charter committee; staff;
county cooperation.

- County must provide funds in the amount of at least one cent per elector to pay the expenses of the committee in preparation of the charter.
- Charter Committee members serve without pay.
- County shall provide adequate office space.



Marion County Commission

After 150 Years...It's time for a
CHANGE

Proposal

In the 21st Century, the citizens of Marion County need and deserve a 21st Century government:

- 5 members
- Elected by district
- Non-partisan
- Home Rule

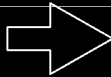
What's wrong with what we have?

What we have:

- 3 Commissioners
- Elected at large
- Partisan representation / partisan appointments
- A General Law County

PROBLEM 1. SIZE

- We've grown: From a few thousand people in 1857 to over 300,000 people today, but ...
- The structure under which we are governed remains essentially unchanged.



PROBLEM 2: QUORUM

- With three (3) commissioners, two comprise a quorum, resulting in...
- **Only two** individuals needed to decide any county matter of policy, law, or finance, yet...
- **Oregon's Open Meetings Law** *prohibits* a quorum - In this case: **two commissioners** - from having any **private discussions** in person, by phone or e-mail, regarding county business

Problem 3. Diminished voice of the public

- With three commissioners elected at large, they each must represent over 300,000 constituents! 1:300,000
That's roughly...
- 3X's more than a state house representative! 1:100,000
- Only Congressional representatives 1:600,000; and statewide elected offices, 1:3,000,000 have a higher ratio.

Problem 4. Partisan Politics

- Party help to candidates = party influence
- Party influence distorts local decision making process
- Shouldn't local decisions be made without the coloration of party ideology?

What's this all add up to?

- Two officials representing too many people,
- Who can't talk to one another
- Whose decisions may be influenced by the color of their politics,
- Managing a budget of more than \$300 million of *your tax money*.

IS THIS THE WAY TO RUN A
COUNTY???

A BETTER WAY

Non-partisan, 5 district elected commissioners with home rule flexibility

- A choice that affords several advantages...
- Better representation - 1:60,000 vs 1:300,000
- Citizens empowered by having “own representative = wider range of input
- Better decision making: Two can now talk informally; 5 people vs. 3 to think, decide, manage and lead.

More advantages:

- Citizen Legislator: Less expensive to run = more citizen candidates
- Focus on local, or regional county issues vs partisan politics
- Ever increasing demands on commissioners spread over five instead of three.
- Home Rule: A clear charter for governance; more flexibility for the county

Nothing New...

Five (5) counties in Oregon have home rule, five member, district elected commissioners:

Multnomah

Washington

Lane

Hood River

Clatsop

(Clackamas - 5 member, at-large, general law county)

Getting There:

- Charter currently being drafted
- Gathering input, spreading the word
- Petitions and ballot qualification
- Initiative Election: May 2010

Marion Co. Home Rule Charter Initiative

- Better Representation
- Better Decision Making
- **BETTER GOVERNMENT**

MARION COUNTY GOVERNANCE

Future Challenges and Ideas: Configuring the County into Districts

1. Does this map show exactly how the County would be divided into districts?

No. It's only one idea that follows the rules for districting. Many other configurations are possible. The map is a rough picture of how the County might divide into districts.

2. What are the criteria that dictate how the County might be divided into districts?

The rules are a mixture of federal and state law and court precedents:

- **Equal Population:** This requirement comes from the Supreme Court's "One Person/One Vote" standard. Districts should be of equal population size to the fullest possible extent; deviations are permitted only if no practicable alternative exists and can range up to 5% to 10%.

Note that population, not party affiliation, is the determining factor. Population equality constrains gerrymandering^{*} since fewer maps can be created using equal-populated districts. Allowing some flexibility is desirable to achieve competitiveness and other goals. This "first-look" map divides the county into five districts, each having a population of about 62,000.

- **Contiguous:** All parts of a district must be connected. Some rules call for the connection to be "on-land" and not, for example, over-a-bridge or on the opposite side of a river. Contiguity is the most widely accepted criterion for drawing district boundaries.
- **Compact:** Districts should not have "odd" shapes. One goal of districting is to allow elected representative to communicate more efficiently with their constituents. District shapes should not ignore existing geographic, transportation or political boundaries.

Another goal of districting is collecting "shared community interests" in a single political unit. This means basing districts on common socio-economic, ethnic, geographic or other interests. A relationship between a community and a political party, incumbent or candidate is not a shared community interest.

^{*} The term "gerrymandering" comes from a re-districting plan approved in 1812 by Massachusetts Governor Elbridge Gerry. In order to keep his party in power, one of the plan's districts ended up looking like a salamander. Combining the Governor's name and the district's shape produced the term, gerrymandering which, is defined to be dividing political units to give special advantages to one group.

- Competitiveness: In addition to testing district configurations for population equality, their “partisan fairness” must also be evaluated. Even though a district may satisfy the population-equality requirements, its political party registration should not be unreasonably lop-sided. The Competitiveness standard is aimed at producing elected representatives who will be more attentive to their constituents and the broader community; “safe” districts where election results are pre-ordained lack this important virtue.

3. How would a District’s boundaries get changed? When could that happen? Who would do the re-districting? Would the public be involved?

- Re-districting is usually linked to the national census, which happens every 10 years. This may not be frequent enough in rapidly-changing areas, but obtaining the necessary population data more often is time-consuming and very expensive.
- Certainly, any elected official directly affected by re-districting should not be involved with drawing new district boundaries: allowing that would be an obvious conflict-of-interest. One generally-accepted solution is to make re-districting a duty of someone elected on a county-wide, non-partisan basis. In Marion County, that might be the County Clerk.
- Independent commissions have sometimes been used, but achieving truly independent membership is difficult: appointees are not directly accountable to voters or may reflect the values of the elected official who appointed them.
- A process that has proven popular in many places involves four steps: (1) a non-partisan official elected on a county-wide basis (the Clerk, for example) assembles the information necessary for and prepares a “recommended” re-districting; (2) an “oversight commission” is convened and reviews the recommendation. This commission’s membership would not be appointed, but set instead by rule. It might include, for example, the County’s Chief Judge, the County Clerk and the President of either Willamette University or Corban College; (3) this Commission would hold at least one public hearing in each of the districts to get constituent reaction; and (4) after deliberation, the Commission would “certify” the re-districting plan for adoption.
- Many local governments include, as part of re-districting, an overall review of their governing policies. Changes are similarly considered in “town-hall” meetings and adopted, depending on their nature, by either ordinance or popular vote.

* * *

Shared State-County Services

All Serving the Same Oregonians

Health & Community Services	Public Safety	Economic Dev., Natural Resources & Recreation	Transportation & Land Use	Other Community Services
- Child Protection - Housing - Mental Health Hospital - Apog Services - Alcohol/Drug Treatment - Children & Families Svcs. - Dev. Disabled Services - Mental Health Services - OBH Services - Veterans Services - Public Health Services - Environmental Health - Housing Services - Medical Examiner - Solid Waste/Recycling	- Appellate Courts - State Patrol - State Prison - Trial Courts - District Attorney - County Jail 911/Emerg. Communications - Emergency Management - Homeland Security - Community Corrections - Court Security - Juvenile Services - County Law Library - Sheriff Patrol - Animal Control	- State Parks - State Lands - Water Regulation - Wildlife Regulation - State Fair - Economic Development - Oregon Plan Implementation - State Forest Management - Federal Land Policy - Extension Service - Telecommunications - County Fair - Watermaster - County Forest Management - County Library - County Parks - County Museums	- Highways - Land Use Planning & Coordination - Highway & Road System - Senior & Disabled Transport. - Development Services - Engineering - Building Permitting & Inspect. - Surveying - Capital Projects	- Management & Admin. - Property Management - Shared Management & Admin. - Assessment & Taxation - PERS - Human Res. & Employee Rel. - Elections - Property & Facilities Mgmt. - Procurement - Recording Public Documents

* = Directly Supports Schools/Education



Green = State-provided services

Red = State-County shared services

Blue = County delivered services

05-26-04

**Marion County Governance for the 21st Century
Comparison of Current Form (General Law) with Home Rule Charter**

TOPIC	CURRENT FORM (GENERAL LAW)	HOME RULE CHARTER PROPOSAL	COMMENTS
Nature of Local Control	State legislature determines and controls County government organization, powers, functions and procedures; County may enact local legislation only within scope of authority granted by State constitution and statutes.	County can take action on “matters of county concern” regardless of whether state law requires or authorizes such action.	Charter provides options for county government organization and operation not available under general-law status. General law counties must, for example, elect an Assessor, Sheriff, Clerk and Treasurer; Charter permits County to add or eliminate elected officials (Qualifications and election of Judges and District Attorneys are exclusively controlled by state law). General Law counties in Oregon have more authority than other states, but remain subject to legislative directive.
Governing Body	Three-member Board of Commissioners elected on County-wide Basis as required by State law.	Five-member Board of Commissioners who (1) are registered voters and (2) satisfy one-year residency requirement.	Both Governance forms can change Governing Body’s size. Most common change is increasing Board size from three (3) to five (5) members. Advantages of Increasing Board Size: improved citizen representation, intra-Board dialogue and candidate participation. Disadvantages of Increasing Board Size: Perception that larger board will cost more and be less-efficient.
Representation	Commissioners elected on County-wide basis (at-large)	Commissioners elected by districts	Key Issues regarding At-large Elections: (1) Promotes county-wide perspectives; (2) Expands voter influence on commissioner elections; and (3) Avoids reapportionment costs and possible controversies. Key Issues regarding District Elections: (1) Promotes representation of more constituencies; (2) Reduces and simplifies election costs and process; (3) Improves access and accountability.

Full-time or Part-time Service	Commissioners serve on full-time basis.	Commissioners serve on full-time basis.	Arguments favoring Part-time Commissioners: (1) Implicitly orients Board towards policy-making instead of administering (or “micro-managing”) and (2) Will attract more candidates because service won’t require giving up “day-job.” Arguments against Part-time Commissioners: (1) Creates two “classes” of Board membership and representation and (2) Unrealistic to expect candidate to successfully manage both county responsibilities and independent employment.
Political Party Affiliation	Partisan elections with nominations through primary elections as required by State law.	Nonpartisan elections with two leading candidates from primary election, if necessary, competing in general election.	Charter prohibits references to political parties and party affiliations.
Operational Issues: Vacancies	State law directs Board members appoint replacement for remaining term of vacant office; Candidate nominations made by political party of former office holder	Manner of replacement depends on length of remaining term of vacated office; Vacancies occur for specified causes including failure to attend Board meetings	Replacement Methods: (1) Remaining term is one (1) year or longer – Special Election; (2) Remaining terms less than one (1) year but more than ninety (90) days – Board appointment; and (3) Remaining terms if less than ninety (90) days – vacancy not to be filled.
Operational Issues: Board Organization and Management Processes	State law might allow “tailoring” operational practices to fit local desires	Localized features include (1) At least one monthly Board meeting be held after 5:00 PM; (2) Charter Review Committee be convened every ten (10) years; (3) Appointive officers be selected solely on qualifications and not political affiliation; (4) No running for another elective office during midterm	Charter can mandate practices that might require voter approval under General Law regime.
Other Elected Officials	State law requires County to elect (1) Assessor, (2) Treasurer, (3) Sheriff and (4) Clerk.	Charter converts Assessor from elective to appointive office and eliminates position of Treasurer.	Total number of elected officials and number of elections is unchanged. Treasurer and Assessor positions are managerial, not policy-making. Performance and tenure should be subject to periodic evaluation by Board and County Administrative Officer.

Rank	County	Population*	Governance Form and Governing Body	Population per Commissioner
1	Multnomah	710,025	Home Rule Charter: 5-Member Commission (Chair elected at-large; Commissioners elected by Districts)	142,005
2	Marion	311,070	General Law: 3-Member Commission (Commissioners elected at large)	103,690
3	Washington	511,075	Home Rule Charter: 5-Member Commission (Chair elected at-large; Commissioners elected by Districts)	102,215
4	Clackamas	372,270	General Law: 5-Member Commission (Commissioners elected at large)	74,454
5	Lane	343,140	Home Rule Charter: 5-Member Commission (Commissioners elected by Districts)	68,628
6	Jackson	181,269	Home Rule Charter: 3-Member Commission (Commissioners elected at large)	60,423
7	Deschutes	160,810	General Law: 3-Member Commission (Commissioners elected at large)	53,603
8	Linn	109,320	General Law: 3-Member Commission (Commissioners elected at large)	36,440
9	Douglas	104,675	General Law: 3-Member Commission (Commissioners elected at large)	34,892
10	Yamhill	93,085	General Law: 3-Member Commission (Commissioners elected at large)	31,028
* Population Research Center, Portland State University (March 2008)				

County	Unincorporated Areas		Incorporated Areas		Percent Population Change: 2000 to 2007		
	Population	Percent of Total	Population	Percent of Total	Net Natural Increase	Net Migration	Total
Clackamas	177,382	47.6%	194,888	52.4%	2.7%	7.3%	10.0%
Washington	208,210	40.7%	302,865	59.3%	8.0%	6.8%	14.8%
Lane	92,630	27.0%	250,510	73.0%	1.5%	4.8%	6.2%
Marion	83,168	26.7%	227,902	73.3%	5.6%	3.6%	9.2%
Multnomah	13,438	1.9%	696,587	98.1%	4.2%	3.3%	7.5%
State Totals	1,136,990	30.4%	2,608,465	69.6%	3.3%	6.2%	9.5%

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

BUDGET OVERVIEW

The fiscal year 2008-2009 proposed budget totals \$331,223,250. This is a \$22,821,831 increase over the total fiscal year 2007-2008 budget. Oregon local budget law requires a balanced budget to be adopted by the governing body. Therefore, total resources and total requirements are both equal to this amount.

The budget includes a \$77,472,816 general fund and \$253,750,434 for all other funds. Some county departments are funded partially or entirely through the general fund which revenues include property tax revenues and fees. The majority of non-general fund revenues are federal, state and other agencies' contracts and grants that must, by law, be spent for specific purposes.

Resources

In addition to revenues expected to be collected during the fiscal year, local budget law requires other available resources to be disclosed in the budget, including beginning net working capital, internal transactions, and transfers. These together are referred to as resources. Revenues are those funds received during the course of the fiscal year from outside sources. Beginning net working capital is that portion of the last fiscal year's ending fund balance available to finance the succeeding fiscal year's budget. Marion County's internal transactions are transactions between funds resulting from one department providing a service to another. On the resources side, they are called administrative cost recoveries. The sum of revenues, working capital, internal transactions and transfers is the total resources. The total resources budget is \$331,223,250.

FY 2008-2009 Resources

Fund	Net Working Capital	Administrative Cost Recoveries	Transfers In	Current Revenues	Total Resources
General Fund	11,211,545	-	4,799,880	61,461,391	77,472,816
Non-General Fund	72,294,523	40,005,353	16,842,387	124,608,171	253,750,434
Total	83,506,068	40,005,353	21,642,267	186,069,562	331,223,250
% of total	25%	2%	6%	67%	100%

Requirements

The amount planned for expenditure during the fiscal year is considerably less than the total budget. Oregon local budget law requires reporting of expenditures, internal transactions between funds, transfers, contingencies, and unappropriated reserves in the total budget. These together are referred to as requirements.

The total budget includes internal transactions and transfers that are counted twice. Internal transactions are transactions between funds resulting from one department providing a service to another. On the expenditure side they are referred to as internal service ("administrative") charges. Transfers are a special type of internal transaction that involves transferring resources out of one fund into another fund. For example, funds are transferred out of the general fund into the capital improvement projects fund. In the general fund, the transfer out is an expenditure, and in the capital improvement projects fund the incoming funds are a resource which is in turn allocated to expenditures. The total budget includes funds allocated for contingency. A subsequent budget amendment is required to transfer funds from this category into expenditure categories. The total budget also includes unappropriated reserves and unappropriated ending fund balance (collectively, unappropriated balance) that cannot be expended during the year while they are budgeted in those categories.

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

The total requirements budget is \$3 31,223,250. This is the sum of the expenditures budget plus transfers out, contingency and unappropriated balance.

The expenditures budget is \$255,890,409. This is the total of direct expenditures, internal service charges and transfers out. Contingency, reserves, and unappropriated ending fund balance which total \$75,332,841 are excluded.

The net budget is \$2 11,923,146. This is the total direct expenditures (resulting in cash outlays) for personal services, materials and services, capital outlay and special payments.

FY 2008-2009 Requirements

Fund	Total Direct Expenditures	Internal Service Charges	Transfers Out	Contingency	Reserves and Unappropriated Balance	Total Requirements
General Fund	52,946,275	9,496,319	9,101,957	657,573	5,270,692	77,472,816
Non-General Fund	158,976,871	12,912,358	12,456,629	16,288,355	53,116,221	253,750,434
total	211,923,146	22,408,677	21,558,586	16,945,928	58,386,913	331,223,250
% of total	64%	7%	6%	5%	18%	100%

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

PRINCIPAL REVENUES

Property Taxes

In Oregon, property taxes are collected by the county and distributed to each taxing district (schools, cities, county fire districts, special districts, etc.). The amount of property tax paid is based on (1) the assessed value of a property and (2) tax rates and bond debt service amounts individual county taxing districts levy. Generally, the increase in assessed value is limited to 3 percent unless changes have been made to the taxed property. The county assessor compares the real market value (how much property is worth, as determined by the assessor as of Jan. 1 each year) to the maximum assessed value (the 1995 value reduced by 10 percent, plus any changes that were made to the property, increased by 3 percent each year after 1997). The lower of these two values is called the assessed value.

The Oregon Constitution limits the amount of property value subject to taxation. The value limit is called maximum assessed value (MAV). The limit was established for all properties in existence in 1997-98 by a formula described in the constitutional amendment, Measure 50. MAV for new property is computed using a different formula also contained in the amendment. A property's MAV is the taxable value limit established by the voters in 1997. An increase in MAV is limited to 3 percent annually unless changes have been made to the property being taxed. Taxes may increase by more than 3 percent through voter-approved ballot measures. Taxes can also increase or decrease due to other changes, such as the amount a district needs to pay for voter-approved bond debt or property annexations.

Property taxes are placed on the tax roll in the form of a rate per \$1,000 of assessed value. In most cases, the taxes for operations are the permanent rate limits certified by the districts. Marion County's permanent property tax levy limit is \$3.0252 per \$1,000 of assessed value.

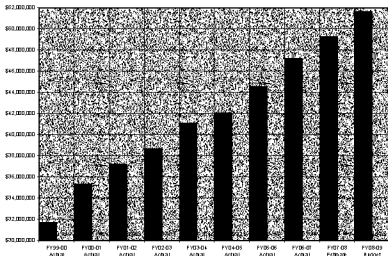
Property tax collections for Marion County totaling \$51,640,519 million constitute 28 percent of the total county current revenues budget. Property taxes are deposited to the county general fund, and they constitute more than 84 percent of the fund's total current revenue. The FY 2008-09 estimate is based on the assessor's record of tax imposed, total tax for distribution (tax records). Property tax revenue is projected to be up 4.8 percent in FY08-09. The percent increase was recommended by the Council of Economic Advisors after review of the tax data and history of property tax collections.

The annual growth in dollars and percent is shown below.

	FY99-00 Actual	FY00-01 Actual	FY01-02 Actual	FY02-03 Actual	FY03-04 Actual	FY04-05 Actual	FY05-06 Actual	FY06-07 Actual	FY07-08 Budget	FY08-09 Proposed
Collections	31,663,230	35,335,387	37,202,729	38,634,913	41,062,085	42,020,071	44,508,236	47,173,996	49,282,766	51,640,519
Increase	4.9%	11.6%	5.3%	3.8%	6.3%	2.3%	5.9%	6.0%	4.5%	4.8%

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

Property Tax Revenue History and Estimates



The percentages are the increase in revenue collection over the prior fiscal year.

Federal O&C Land – Title I

This is Bureau of Land Management revenue earned on National Forest and public domain lands under the Oregon and California ("O&C") land grants program. The funds are appropriated and distributed under Title I of the Secure Rural Schools and Community Self-Determination Act. The funding for Secure Rural Schools has not been reauthorized by the U.S. Congress. Therefore, after a steady \$1.4 million per year for several years for the county General Fund, the FY08-09 revenue estimate is zero dollars.

State Oregon Liquor Control Commission (OLCC) – General

The estimate of \$1,151,346 is based on the state's estimate of increase in distribution of OLCC funds to local governments in the second year of the state biennial budget. These funds are allocated to the county general fund.

County Clerk Recording Fees

Recording revenue is highly dependent on the level of activity in the real estate and mortgage markets, particularly home and home loan markets. The county clerk has recommended a decrease in the FY2008-09 revenue estimate based on the assumption that existing home sales, new single-family home sales, housing starts, and residential construction are on a slight downturn. Also, some lending institutions are expected to take advantage of a program that will reduce home loan recordings from an average of 16 pages to four pages. Recording fees are charged on a per page basis. The Council of Economic Advisors concurred that a decrease in the FY2008-09 revenue estimate was in order. Following the clerk's recommendation revenue of \$1,339,439, a fifteen percent (15%) reduction from the current year estimate. These funds are allocated to the county general fund.

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

State Gas Tax

Oregon's constitution dedicates gas tax revenue to transportation funding. State fuel taxes are calculated on a per gallon basis. Gas tax revenues have not kept pace with the increase in population and vehicle miles driven. Significant increases in gasoline prices have had some impact in slowing the normal growth in vehicle mileage. State gas tax revenues have flat lined, and the FY2008-09 revenue estimate of \$12.8 million, a four percent (4%) decline from the FY2007-08 \$13.3 million.

National Forest Revenue Title I

These revenues are from collections by the Federal Government for forest reserve rentals, sales of timber, and other sources from forest reserves within Marion County. However, federal appropriations are also authorized under the Secure Rural Schools and Community Self-Determination Act, and funding authorization has ended. Therefore, after a steady \$3.4 million per year for several years, the FY08-09 revenue estimate is zero dollars. In prior years, 20 percent of these revenues were allocated to projects that benefit federal forest land. 80 percent was allocated at 75 percent to Public Works for road work and 25 percent to the County School Fund. Allocations are determined in accordance with Oregon statute.

State Video Poker Lottery

The county receives from the state 2.5 percent of the net receipts from video-lottery revenue generated in Marion County. Funds are expended on economic development related programs or projects recommended by the county's Economic Development Advisory Board and approved by the Board of Commissioners. There has been a steady growth in the annual revenues. The county revenue estimate for FY08-09 is \$1,509,989, an increase of \$137,272 (10%) over FY07-08.

Net Working Capital

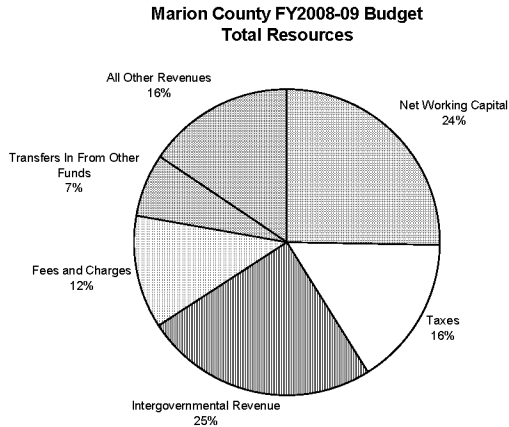
Net working capital is a substantial part of many funds and the total county resources. Net working capital is the unexpended balance, or savings, of a fund after the end of a fiscal year that carries over into the following fiscal year as a resource. A close examination of current year resources and requirements and a realistic estimate of ending fund balances for all funds in the current year have been made. Net working capital constitutes twenty-five percent (25%) of FY2008-09 total government resources, and slightly more than fourteen percent (14%) of general fund resources.

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

WHERE THE MONEY COMES FROM

Total County Resources

The county's \$331,223,250 revenues and other available resources are shown in major categories as follows.



Net Working Capital	83,506,069
Taxes 1/	52,408,519
Intergovernmental Revenue	82,158,207
Charges for Services 2/	42,234,793
Transfers In From Other Funds	21,552,267
All Other Revenues	49,363,395
TOTAL	331,223,250

1/ Total taxes include property tax collections (current year collections, delinquent taxes anticipated to be collected in the current year, and interest and penalties on delinquent tax), and cable television franchise taxes.

2/ Includes licenses, permits, fee, other charges for services, and fines.

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

PRINCIPAL EXPENDITURES

Personal Services

The County's personnel regulations allow for an annual 5 percent step increases for satisfactory service (merit). However, the county has a high percent of employees who have worked enough years to have reached the last step (i.e., 7) in their grade level, or are at longevity pay steps for 10 or 15 years of service. There are no merit pay increases between longevity steps. The number of employees in the step 7 and longevity steps tends to keep overall pay increases down. Cost-of-living allowance (COLA) increases have been set at 3 percent for all units.

Through prudent management of Public Employee Retirement System (PERS) liabilities, the County is now in a position to reduce PERS assessments to departments (per employee). Limited Tax Pension Obligations were issued in 2002 and 2004, and the total net proceeds of \$43.6 million were transferred to the Oregon PERS, which covered the county's unfunded actuarial liability. In addition, through the annual assessment to departments, a PERS reserve was created to offset potential excessive increases in the employer contribution rate the county may be required by law to pay into the Oregon Public Employees Retirement System. These increases have not materialized, and the amount of reserve (which is now incorporated in the Rainy Day Fund) has been deemed sufficient for near future needs. Therefore, the PERS assessment is reduced by four percent (4%) for FY2008-09, thereby driving down the total cost of fringe benefits. A ten percent (10%) increase in health insurance fringe benefits is more than offset by the PERS reduction.

A strict policy of requiring vacant positions to be budgeted at no higher than step 2 rather than allowing higher steps to be budgeted, has had a significant effect in some funds and programs in lowering the personal services budget. This is particularly true for positions that became vacant when the incumbent was being paid at step 7 or longevity, and departments were not allowed to budget at the same level for replacements. If any such positions are ultimately allowed to be filled at a higher step than budgeted, savings from the turnover and hiring lag must be used to offset the higher actual cost compared to budgeted cost.

A normal increase in the cost of personal services for FY2008-09 is in the range of two to five percent for funds, departments and programs. This depends on the number of employees in step 7 and longevity, the number of vacant positions budgeted to be filled at lower steps, and the amount budgeted for temporary wages and overtime pay. In addition, individual employee fringe benefits have decreased proportionate to pay as discussed in the following paragraph. Variances from the normal two to five percent range are a result of adding or reducing positions.

The trend in personal services has been to reduce reliance on temporary employees and payment of premium (overtime) pay, and shift this cost to regular (permanent) positions. There has also been a significant impact from the increase in the annual cost of medical and dental insurance premiums on total benefits costs.

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

Materials and Services

Departments are not allowed to budget for across-the-board increases in materials and services. High inflation items such as construction materials and petroleum oil products, as well as some contracted services, have put a strain on some program budgets. Non-general fund programs have been allowed to reflect these inflationary increases to the extent that available resources allow. Such inflationary increases are reviewed and allowed on a case-by-case basis. General fund and central services fund program budgets have been required to absorb inflationary increases by reducing whatever line items are considered lower priority than the inflation-driven line items, or simply do with less. A four-year look at materials and services expenditures is shown in the table below.

Materials and Services Major Types of Expenditures

		<i>Actual FY05-06</i>	<i>Actual FY06-07</i>	<i>Budget FY07-08</i>	<i>Proposed Budget FY08-09</i>	<i>Change 4 Years</i>
SUPPLIES		4,033,189	4,088,984	4,374,145	4,586,402	14%
	Supplies as percent of total M&S	3.9%	3.8%	3.9%	5.0%	
MATERIALS AND SMALL EQUIPMENT		4,562,748	4,058,188	4,879,420	3,758,193	-18%
	Materials as percent of total M&S	4.4%	3.8%	4.8%	9.2%	
COMMUNICATIONS		1,497,907	1,549,717	1,776,104	1,865,594	25%
	Communications as a percent of total M&S	1.5%	1.4%	2.2%	2.0%	
UTILITIES		1,591,063	1,776,631	1,816,792	1,953,454	23%
	Utilities as percent of total M&S	1.5%	1.6%	2.2%	2.1%	
SERVICES		71,843,733	75,460,931	45,844,087	46,773,760	-35%
	Services as percent of total M&S	69.8%	69.9%	56.0%	51.8%	
MAINTENANCE		2,112,708	2,406,830	2,507,980	2,525,009	20%
	Maintenance as percent of total M&S	2.1%	2.2%	3.1%	2.8%	
RENTALS		1,321,054	1,297,586	1,543,189	3,086,243	134%
	Rentals as percent of total M&S	1.3%	1.2%	1.9%	3.3%	
INSURANCE		13,907,612	13,755,135	17,390,989	19,470,582	40%
	Insurance as percent of total M&S	18.5%	12.7%	21.3%	21.5%	
EMPLOYEE MILEAGE AND TRAINING		644,432	624,053	827,896	1,070,428	66%
	Employee as percent of total M&S	0.5%	0.6%	1.0%	1.1%	
ALL OTHER EXPENSES		1,448,060	2,979,917	1,751,300	1,279,126	-12%
	All other as percent of total M&S	1.4%	2.8%	2.1%	1.4%	
TOTAL Materials and Services		102,962,506	107,997,972	81,694,243	86,368,791	-18%

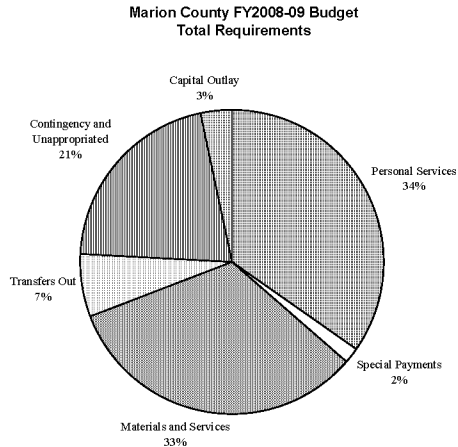
The subcategory Services has by far the largest budget. Services include, but are not limited to, auditor, legal/attorney, insurance broker, engineering, 911 communications, health managed care, psychiatric, doctors, hospitals, laboratory, health contracts, food preparation, printing, advertising, and security services. It also includes solid waste landfill, waste-to-energy, transfer station, ash hauling, and appliance hauling contracts. In FY07-08, a \$31 million decrease in health contracts drove total materials and services expenditures to a pre-21st century level. Of particular note are insurance costs, which have increased 40 percent in the last four years. Also, a new fleet lease expenditure account budgeted at \$1.5 million has been added to the Rentals category in FY08-09. For comparative purposes, Materials and Small Equipment in FY08-09 includes telecommunications charges of \$522,662 that are actually classified as administrative charges in FY08-09 but were classified as in materials and services/communications in FY07-08.

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

WHERE THE MONEY GOES

Total County Requirements

The county's \$331,223,250 requirements budget is allocated to expenditures and other purposes as shown below.



Personal Services	114,896,165
Special Payments	6,078,891
Materials and Services	108,254,806
Transfers Out	21,558,586
Contingency and Unappropriated	69,432,654
Capital Outlay	11,002,148
TOTAL	331,223,250

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

Resources and Requirements Compared to Prior Years

FISCAL YEAR 2008-2009 PROPOSED BUDGET

	FY2005-06 Actual	FY2006-07 Actual	FY2007-08 Budget 1/	FY2008-09 Proposed
RESOURCES				
Taxes - Property and Franchises	45,585,637	47,984,937	50,176,455	52,408,519
Federal and State Revenues	95,046,893	92,236,708	66,627,529	64,656,475
From Cities, Counties, and Other Agencies	15,337,154	15,992,076	15,536,281	17,501,732
Charges for Services 2/	42,061,323	39,684,220	41,371,015	42,234,793
Investment Interest and Miscellaneous 3/	14,603,979	9,643,032	4,496,112	9,355,042
Transfers In	25,725,086	14,922,572	18,900,811	21,552,267
Administrative Cost Recoveries	31,894,709	32,640,389	36,302,999	40,008,353
Net Working Capital	82,238,069	79,179,666	74,990,217	83,506,069
total resources	352,490,849	332,283,600	308,401,419	331,223,250
REQUIREMENTS				
Personal Services	95,299,894	96,426,134	107,432,454	114,896,165
Materials and Services	102,962,586	107,997,972	85,052,137	85,846,129
Administrative Charges	18,366,594	18,859,730	20,788,404	22,408,677
Capital Outlay	23,859,203	7,918,108	9,694,000	11,002,148
Special Payments	2,477,482	1,988,547	1,438,143	637,132
Debt Service 4/	4,650,418	5,207,082	5,454,181	5,441,759
Transfers Out 5/	25,725,085	14,922,572	18,956,564	21,558,586
subtotal expenditures	273,341,262	253,320,145	248,815,883	261,790,596
Contingency 6/	-	-	11,970,598	11,045,928
Unapprop. Ending Fund Bal./Reserves 6/	-	-	47,614,938	58,386,726
total requirements	273,341,262	253,320,145	308,401,419	331,223,250

1/ Including two supplemental budgets.

2/ Includes licenses, permits, fees, other charges for services, fines, and forfeitures.

3/ FY05-06 includes \$10.3M insurance settlements for damages to the Courthouse; FY08-09 includes \$6.4M loan proceeds for facility renovation of the Courthouse and Workrelease Center.

4/ Debt Service is shown separately from other special payments. The debts include PERS unfunded liability, Courthouse Square construction, and the Courthouse Work Release Center facility renovation loan debt service bond and loan payments and interest.

5/ Transfer out fund-to-fund and to outside agencies.

6/ Expenditures are not allowed in contingency, unappropriated ending fund balance/reserves : these are budget items only.

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

Summary Budget By Fund, Department and Program

Later sections of this book will present summary budgets for departments and program budgets for each department. One summary schedule will show all funds. The following table puts this together in a unique way that shows which funds are connected to which departments and the subsequent allocation to programs.

Marion County FY2008-09 Budget By Program

<i>Fund</i>	<i>Fund Title</i>	<i>Department and Programs</i>	<i>Departments and Funds FY08-09 Proposed Budget</i>	<i>Programs</i>
100	General Fund	Assessor/Tax Department	6,124,940	
		Administration		5,561,258
		Tax Office		563,682
580	Central Services Fund	Board of Commissioners Department	1,988,914	
		Board of Commissioners		1,988,914
580	Central Services Fund	Business Services Department	6,647,322	
		Administration		981,337
		Facilities Operations		1,450,642
		Facilities Maintenance		2,067,780
		Liability and Workers Comp Mgt		490,342
		Benefits and Wellness		320,490
		HR Admin and Employee Relations		882,502
		Employee Recruitment and Develop.		454,229
160	Children & Families	Children and Families Department	3,131,980	
		Family Support Systems		2,219,636
		Mobilizing Communities		378,259
		Infrastructure		502,695
		Comprehensive Planning		31,390
more than one fund		County Clerk Department	2,944,076	
100	General Fund		2,781,720	
		Administration		180,832
		Board/Property Tax Appeals		59,159
		Licensing and Recording		1,066,345
		Elections		1,475,384
120	County Clerk Records	Records	162,356	162,356
more than one fund		District Attorney Department	10,314,826	
100	General Fund		7,513,625	
		Criminal Prosecution		7,260,387
		Medical Examiner		253,238
220	Child Support	Support Enforcement	1,678,858	1,678,858
225	Interagency Meth Strike Force	Interagency Meth Strike Force	163,119	163,119
300	DA Grants	Grants	884,224	884,224
240	Liquor Law Enforcement	Liquor Law Enforcement	75,000	75,000
580	Central Services Fund	Finance Department	2,244,960	
		Financial Services		2,244,960

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

Marion County FY2008-09 Budget By Program

<i>Fund</i>	<i>Fund Title</i>	<i>Department and Programs</i>	<i>Departments and Funds FY08-09 Proposed Budget</i>	<i>Programs</i>
190	Health	Health Department	56,461,960	
		Developmental Disabilities		9,586,437
		Outpatient Behavioral Health		5,650,437
		Methadone/Alcohol & Drug		3,515,850
		Community and Provider Services		9,362,927
		Prevention/Rural/HIV		2,024,978
		Acute/Residential/Forensic		6,886,608
		Communicable Disease Services		1,939,508
		Immunization		680,015
		Environmental Health & Vital Statistics		1,163,212
		Early Childhood & Women's Health		2,661,573
		WIC		1,601,131
		Health Administrative Services		4,576,971
		Unappropriated Reserves		5,716,178
		Gero-Psych		1,096,135
580	Central Services Fund	Information Technology Department	8,007,956	
		Administration		949,371
		Infrastructure		1,378,246
		FIMS		910,427
		GIS		127,289
		Imaging		151,959
		Direct Services		2,581,684
		Telecommunications		544,950
		Support Services		1,364,030
100	General Fund	Justice Courts Department	836,470	
		East Marion Justice Court		498,384
		North Marion Justice Court		338,086
	more than one fund	Juvenile Department	13,246,180	
100	General Fund		9,050,611	
125	Juvenile Grants		4,195,569	
		Alternative Programs (AP)		1,775,783
		Guaranteed Attendance Program (GAP)		1,784,721
		Probation		3,594,491
		Detention		3,221,655
		Family Support Program (FSP)		1,041,877
		Administration		1,301,956
		Market		358,670
		Co-Occuring Program Experience		167,027
	more than one fund	Legal Counsel Department	2,001,064	
580	Central Services	Legal Counsel	1,324,953	1,324,953
260	Law Library	Law Library	676,111	676,111

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

Marion County FY2008-09 Budget By Program

<i>Fund</i>	<i>Fund Title</i>	<i>Department and Programs</i>	<i>Departments and Funds FY08-09 Proposed Budget</i>	<i>Programs</i>
more than one fund		Public Works Department	89,133,370	
130	Public Works		32,027,873	
		PW Administration		11,406,971
		PW Engineering		5,612,809
		PW Operations		9,088,923
		PW Shops		3,188,705
		PW Communications		364,053
		PW Ferry Operations		873,353
		PW Emergency Management		1,493,059
230	Dog Control	Dog Control	1,260,295	1,260,295
270	County Fair	County Fair	342,916	342,916
305	Land Use Planning	Planning	1,541,459	1,541,459
310	Parks	County Parks	386,512	386,512
320	Surveyor	Surveyor's Office	2,885,761	2,885,761
330	Building Inspection	Building Inspection	3,321,459	3,321,459
510	Environmental Services	Environmental Services	45,557,715	45,557,715
595	Fleet Management Fund	Fleet Management	1,809,380	1,809,380
more than one fund		Sheriff Department	52,330,206	
100	General Fund		33,171,407	
180	Community Corrections		14,460,156	
250	Sheriff Grants		2,652,788	
		Enforcement Operations		10,785,521
		Judicial Security Unit		925,875
		Enforcement Criminal Records/Civil Process Unit		1,217,665
		Grants		741,475
		Enf/Inst Contract Work, Special Accounts		1,538,344
		Operations Services		1,239,818
		Parole & Probation Operations		12,752,007
		Parole & Probation Special Programs		1,340,122
		Institution Operations		14,384,521
		Medical Unit		2,014,721
		Institution Records/Warrants/Court Desk		1,052,253
		Work Center Operations		2,260,363
		K-9 Replacement		31,646
255	Traffic Safety Team	Traffic Safety Team	1,690,561	1,690,561
290	Inmate Welfare	Inmate Welfare	355,314	355,314
100	General Fund	Treasurer Department	343,640	
		Treasurer		343,640

MARION COUNTY PROPOSED FY2008-09 BUDGET SUMMARY

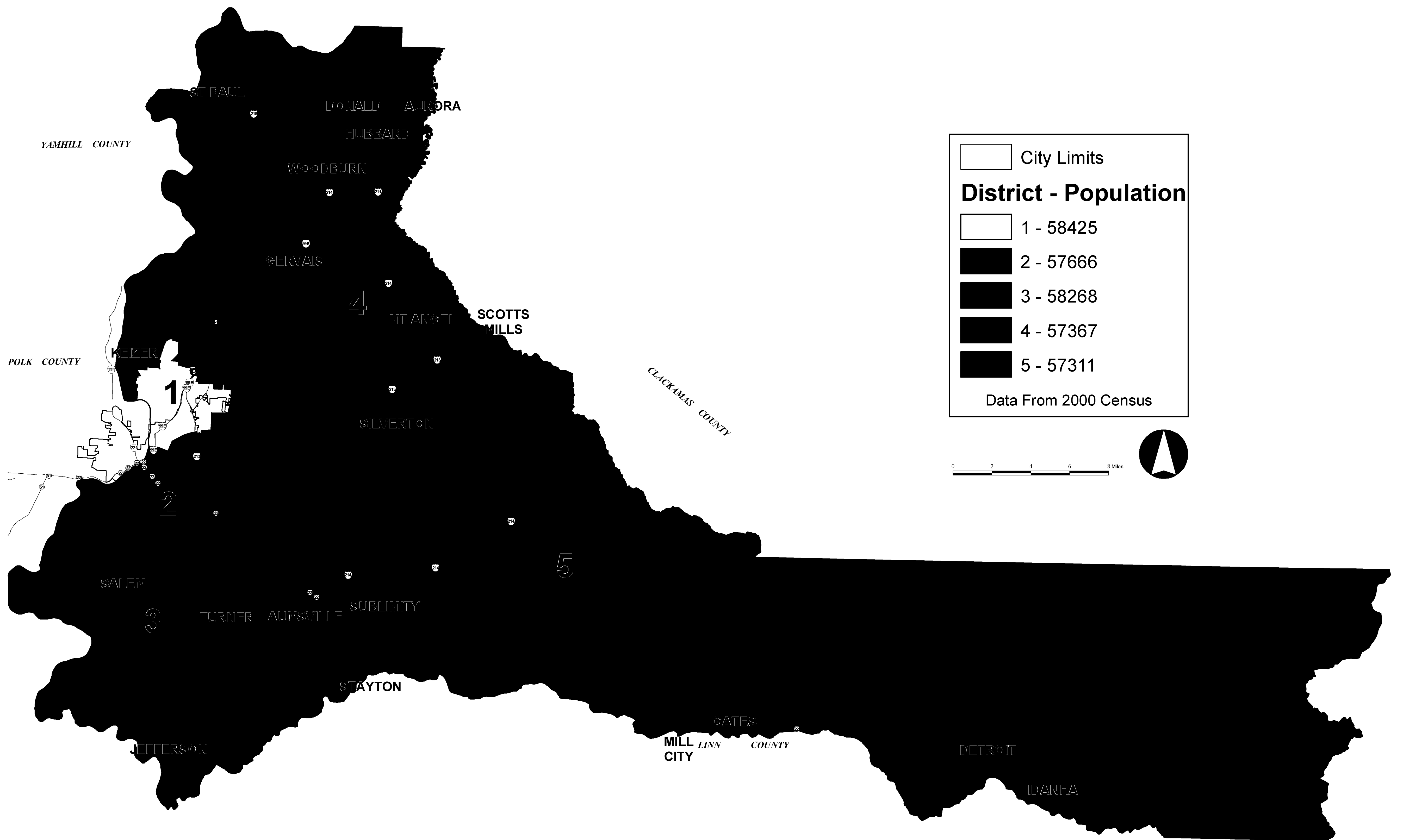
Marion County FY2008-09 Budget By Program

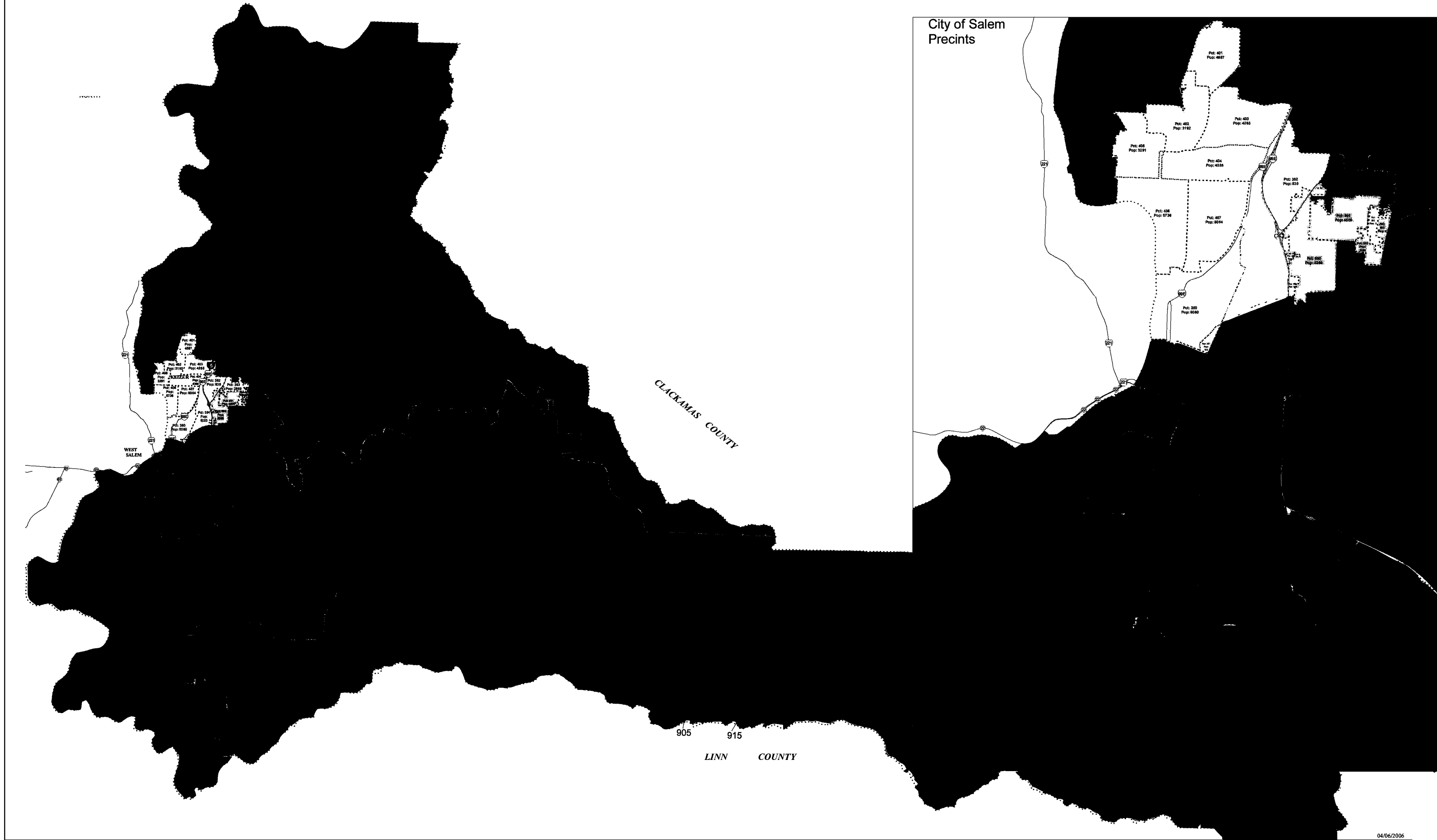
<i>Fund</i>	<i>Fund Title</i>	<i>Department and Programs</i>	<i>Departments and Funds FY08-09 Proposed Budget</i>	<i>Programs</i>
	more than one fund	Non-Departmental	75,455,386	
100	General Fund		17,650,403	
		Materials & Services/Administrative Charges		2,492,510
		Transfers to Other Funds		9,101,957
		Special Payments		87,671
		Capital Outlay		40,000
		Contingency		657,573
		Unappropriated Ending Fund Balance		5,270,692
115	Non-Departmental Grants		1,708,664	
		Title II and III		944,250
		Other Grants		764,414
155	Tax Title Land Sales	Tax Title Land Sales	165,854	165,854
165	Lottery Distribution	Lottery Fund	2,057,481	2,057,481
170	Block Grant		238,473	
		Block Grant		238,473
		Farm Rehab		-
185	Criminal Justice Assessment		1,152,036	
		Court Security		652,836
		Criminal Justice Assessments		499,200
210	County Schools	County School Fund	606,840	606,840
381	Rainy Day Fund	Rainy Day Reserve	4,025,000	4,025,000
383	Capital Bldg & Equip Reserve	Capital Building & Equipment Reserve	510,000	510,000
384	Health IDS Reserve	Health IDS Reserve	4,000,000	4,000,000
385	Health Building Reserve	Health Building Reserve	1,000,000	1,000,000
410	Debt Service		4,819,837	
		PERS Limited Tax Revenue Obligations		2,999,674
		Courthouse Square Certificates of Participation		1,550,088
		Courthouse and Work Center Renovation Loan		270,075
480	Capital Improvement Projects	All Projects	9,030,002	9,030,002
580	Central Services Fund	Utilities	1,612,258	1,612,258
585	Self-Insurance Fund	Self-Insurance Fund	26,878,538	26,878,538

Marion County Governance

A Model For the Future

Marion County, Oregon





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