

CITY COUNCIL AGENDA PACKET

MONDAY, MAY 18th, 1998

- 6:45 P.M. URBAN
RENEWAL AGENCY
- 7:00 P.M. CITY COUNCIL
MEETING

Please contact Wally Mull, City Manager if you have any questions or need additional information regarding any of the staff reports or issues contained on the agenda.

CITY OF KEIZER MISSION STATEMENT

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

A G E N D A

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, May 18, 1998

6:45 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Urban Renewal Agency on matters not on the agenda.

4. **PUBLIC HEARINGS**

5. **ADMINISTRATIVE ACTION**

a. **RESOLUTION** - Urban Renewal Debt Refunding

6. **OTHER BUSINESS**

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

7. **WRITTEN COMMUNICATIONS**

To inform the Urban Renewal Agency of significant written communications and petitions.

8. **ADJOURN**

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at 390-3700 at least two working days (48 hours) in advance.

TO: MAYOR KOHO AND CITY COUNCILORS

**THROUGH: WALLY G. MULL
CITY MANAGER**

**FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR**

SUBJECT: URBAN RENEWAL DEBT REFUNDING

The attached resolution provides for the refunding of the Urban Renewal Agency's 1996 Series A (tax-exempt) and 1996 Series B (taxable) bonds with Bank of America.

FISCAL IMPACT:

The negotiated rates, net the cost of refinancing, save approximately \$150,000 (present value) over the remaining life of the bonds. The debt service payment dates and maturity dates of this refinancing remain the same as with the original bonds.

RECOMMENDATION:

Staff recommend the City Council adopt the attached resolution.

RESOLUTION NO. R98-____

A RESOLUTION AUTHORIZING THE ISSUANCE AND NEGOTIATED SALE OF URBAN RENEWAL REFUNDING BONDS 1998 SERIES A (TAX-EXEMPT) AND THE URBAN RENEWAL REFUNDING BONDS 1998 SERIES B (TAXABLE) TO REFUND THE AGENCY'S SERIES 1996 BONDS.

WHEREAS, the Urban Renewal Agency of the City of Keizer (the "Agency") has issued its Series 1996 Bonds pursuant to Resolution No. 93-010 and Resolution No. 96-024; and,

WHEREAS, the Agency finds it desirable to refund its Series 1996 Bonds to reduce debt service costs; and,

WHEREAS, Resolution No. 93-010 permits the Agency to issue Parity Bonds to refund outstanding Bonds if the debt service on the refunding Parity Bonds in each year in which any Bonds are outstanding will not exceed by more than \$5,000 the amount of debt service in that year for the Bonds which are refunded; and,

WHEREAS, the debt service on the 1998 Series A Refunding Bonds in each year in which any Bonds are outstanding will not exceed by more than \$5,000 the amount of debt service in that year on the Series 1996 Bonds which are refunded by the 1998 Series A Refunding Bonds; and,

WHEREAS, the debt service on the 1998 Series B Refunding Bonds in each year in which any Bonds are outstanding will not exceed by more than \$5,000 the amount of debt service in that year on the Series 1996 Bonds which are refunded by the 1998 Series B Refunding Bonds; and,

WHEREAS, based on the above findings, the Series 1998 Refunding Bonds will be issued as Parity Bonds pursuant to Section 7.3 of the Agency's Resolution No. 93-010; and,

WHEREAS, the 1998 Series A Refunding Bonds will be issued pursuant to sections of the Code which will make interest thereon excludable from gross income; and,

WHEREAS, the Agency consents that the interest on the 1998 Series B Refunding Bonds will be includable in gross income under the Code; and,

WHEREAS, the Agency finds it desirable to sell its Series 1998 Refunding Bonds to Bank of America National Trust and Savings Association pursuant to the proposal of that bank which is attached to this resolution as Exhibit C; now, therefore,

THE URBAN RENEWAL AGENCY OF THE CITY OF KEIZER, OREGON,
RESOLVES:

Section 1. Definitions.

For purposes of this Resolution, the following capitalized terms shall have the following meanings unless the context clearly requires otherwise:

“1997 Revenues” means the dollar amount of Tax Increment Revenues which the Agency certified for collection in Fiscal Year 1996-1997. However, if the Agency certified all its Tax Increment Revenues for collection in Fiscal Year 1996-1997 rather than certifying a stated amount for collection, “1997 Revenues” shall mean the amount of Tax Increment Revenues the Agency was entitled to receive in Fiscal Year 1996-1997.

“1998 Series B Refunding Bonds “ means the Agency's Urban Renewal Refunding Bonds Series B (Taxable)1998 which are issued pursuant to Section 2 of this Resolution.

“Agency Official” means the City Manager, Finance Director or the Community Development Director.

“Agency” means the Urban Renewal Agency of the City of Keizer, Oregon.

“Area” means the North River Road Economic Development Area which is described in the Plan, and all additions thereto.

“Available Tax Increment Revenues” means the maximum amount of Tax Increment Revenues which the Agency could legally have received during the most recently completed Bond Year. In calculating Available Tax Increment Revenues, any variables affecting the certification or collection of the Tax Increment Revenues which are within the control of the Agency or the City (other than the levy of ad valorem taxes by the City and the collection of other charges by the City which are subject to the limitations of Article XI, Section 11b of the Oregon Constitution) may be assumed to have been at their most favorable levels. For example, if the Agency certified less than the maximum amount of Tax Increment Revenues for collection for the most recently completed Bond Year, in calculating Available Tax Increment Revenues for that Bond Year it may be assumed that the Agency certified the maximum amount of Tax Increment Revenues.

“Bond Account” means the account of that name in the Tax Increment Fund heretofore created and to be maintained pursuant to Section 4.

“Bond Year” means the twelve month period beginning on July 2 of each year, and ending on July 1 of the following year.

“Bonds” means the Series 1993 Bonds, the Series 1996 Bonds, the Series 1998 Refunding Bonds, and any Parity Bonds. The Series 1996 Bonds will be defeased or paid in full at Closing of the Series 1998 Refunding Bonds.

“City” means the City of Keizer, Oregon, a city duly organized and existing under and by virtue of the laws of the State of Oregon and the Charter of the City.

“Closing” means the date on which a Series of Bonds are delivered in exchange for payment.

“Code” means the United States Internal Revenue Code of 1986, as amended.

“Fiscal Year” means the one year period commencing July 1 and ending the following June 30.

“Subordinate Indebtedness Account” means the account of that name in the Tax Increment Fund heretofore created and to be maintained pursuant to Section 4.

“Maximum Annual Debt Service” means the greatest amount of Bond principal and interest which are scheduled to be paid in any single fiscal year on which Bonds are outstanding, whether at maturity or through mandatory redemption.

“Owners” or “Bondowners” means the registered owners of registered Bonds, as shown on the Bond Register maintained by the Bond Registrar for each issue of Bonds, and the holders of any bearer Bonds pursuant to Resolution No. 93-010. “Owners” or “Bondowners” also means the Purchaser pursuant to this Resolution.

“Parity Bonds” means obligations issued pursuant to Section 7 of Resolution 93-010.

“Payment Date” means a date on which Bond principal or interest is due to be paid.

“Plan” means the Agency's Urban Renewal Plan for the North River Road Economic Development Area, which is dated September, 1990, as it may be amended from time to time.

“Purchaser” means Bank of America National Trust and Savings Association.

“Reserve Account” means the account of that name in the Tax Increment Fund heretofore created and to be maintained pursuant to Section 4.

“Reserve Equivalent” means an insurance policy, surety bond or guarantee or letter of credit issued by a municipal bond insurance company, a domestic corporation or a commercial bank having a credit rating (when the policy, bond, or letter of credit is issued) of at least A by Moody's Investors Service, Standard & Poor's Corporation, or Fitch Investors Service, or their successors, in which the insurance company, corporation or commercial bank agrees unconditionally to provide the Agency with funds for the payment of debt service on Bonds.

“Reserve Requirement” means an amount equal to the lesser of the Maximum Annual Debt Service on all outstanding Bonds or the amount described in the next sentence. If at the time of issuance of a Series of Bonds, the amounts required to be added to the Reserve Account to make the balance in the Reserve Account equal to Maximum Annual Debt Service on all outstanding Bonds exceeds the Tax Maximum calculated with respect to such Series of

Bonds, then the Required Reserve shall mean the Required Reserve in effect immediately prior to the issuance of that Series of Bonds, plus the Tax Maximum calculated with respect to such Series of Bonds.

“Resolution” means this Resolution.

“Series 1993 Bonds” means the Agency's Urban Renewal Bonds, Series 1993 which were issued pursuant to Section 2 of Resolution No. 93-010.

“Series 1996 Bonds” means, collectively, the Agency's Urban Renewal Bonds 1996 Series A and its Urban Renewal Bonds 1996 Series B which were issued pursuant to Section 2 of Resolution No. 96-024.

“Series 1998 Refunding Bonds” means, collectively, the 1998 Series A Refunding Bonds and 1998 Series B Refunding Bonds.

“1998 Series A Refunding Bonds” means the Agency's Urban Renewal Refunding Bonds 1998 Series A (Tax-Exempt) which are issued pursuant to Section 2 of this Resolution.

“Series” or “Series of Bonds” refers to all Bonds which are issued at one time, pursuant to a single resolution, ordinance or other authorizing document of the issuer, regardless of variations in maturity, interest rate or other provisions.

“Stabilized Tax Increment Revenues” means the sum of all Tax Increment Revenues actually received in a period, plus any withdrawals from the Tax Rate Stabilization Account for that period, minus any deposits to the Tax Rate Stabilization Account for that period.

“Tax Increment Fund” means the fund heretofore created and to be maintained pursuant to ORS 457.440(3) to hold the Tax Increment Revenues.

“Tax Increment Revenues” means all taxes levied against or allocable to the increase in value of property in the Area, as permitted by Article IX, Section 1c of the Oregon Constitution or ORS Chapter 457, which are received by the Commission on or after July 1, 1993, all taxes levied in connection with the Area pursuant to Article XI, Section 11(16), and all earnings thereon while the Tax Increment Revenues are held in the Tax Increment Fund.

“Tax Maximum” means, for any Series of Bonds, the lesser of: Maximum Annual Debt Service on the Series; 125% of average amount of principal, interest and premium, if any, required to be paid on that Series during all Fiscal Years in which that Series will be outstanding, calculated as of the date of issuance of that Series; or, ten percent of the proceeds of such Series, as “proceeds” is defined for purposes of Section 148(d) of the Code.

“Tax Rate Stabilization Account” means the account of that name in the Tax Increment Fund heretofore created and to be maintained pursuant to Section 4.

Section 2. Authorization of Series 1998 Refunding Bonds.

2.1. The Agency hereby authorizes the issuance of the 1998 Series A Refunding Bonds in an aggregate principal amount sufficient to refund the Agency's Urban Renewal Bonds 1996 Series A, fund reserves and pay costs of issuance. The 1998 Series A Bonds shall be issued on parity with the Agency's Outstanding Bonds pursuant to Section 7 of Resolution No. 93-010, to refund the Agency's Urban Renewal Bonds 1996 Series A. The 1998 Series A Refunding Bonds shall bear interest at rates, mature and otherwise have the terms established by the Agency Official pursuant to Section 14 of this Resolution. Interest on the 1998 Series A Refunding Bonds shall be excludable from gross income under the Code.

2.2. The Agency hereby authorizes the issuance of the 1998 Series B Refunding Bonds in an aggregate principal amount sufficient to refund the Agency's Urban Renewal Bonds 1996 Series B, fund reserves and pay costs of issuance. The 1998 Series B Bonds shall be issued , on parity with the Agency's Outstanding Bonds pursuant to Section 7 of Resolution No. 93-010, to refund the Agency's Urban Renewal Bonds 1996 Series B. The 1998 Series B Refunding Bonds shall bear interest at rates, mature and otherwise have the terms established by the Agency Official pursuant to Section 14 of this Resolution. Interest on the 1998 Series B Refunding Bonds shall be includable in gross income under the Code.

Section 3. Security for Bonds.

3.1. The Bonds shall not be general obligations of the City or the Agency. The Bonds and the interest and premium, if any, thereon shall be payable solely from the Tax Increment Revenues and amounts in the Tax Increment Fund, all as provided herein. The Agency hereby irrevocably pledges the Tax Increment Revenues to pay the Bonds. To the extent that the Tax Increment Revenues on deposit in the Bond Account are not sufficient to pay debt service on the Bonds when due, the Agency covenants to pay such debt service from any Tax Increment Revenues in the Tax Increment Fund, including amounts on deposit in the Reserve Account, the Tax Rate Stabilization Account and the Subordinate Indebtedness Account as provided in this Resolution. Other than the Series 1993 Bonds and the Series 1996 Bonds, the Agency has no obligations outstanding to which the Tax Increment Revenues have been pledged, and the lien on, and pledge of, the Tax Increment Revenues to pay the Bonds shall be superior to all other claims against the Tax Increment Revenues. The provisions of this Resolution shall constitute a contract with the Purchaser, and shall be enforceable by them.

3.2. So long as the Bonds are outstanding, the Agency covenants, to the extent permitted by law, to cause an amount of Tax Increment Revenues to be certified to the County Assessor for collection each Bond Year which will result in the Agency having Stabilized Tax Increment Revenues for that Bond Year which are at least equal to the sum of: the principal and interest payments due on the Bonds in that Bond Year; plus, any amounts which will be required to be deposited into the Reserve Account that Bond Year pursuant to Section 4.1.2. However, this provision shall not require the Agency to seek voter approval to collect Tax Increment Revenues outside the limitations imposed by Article XI, Sections 11 or 11b of the Oregon Constitution.

3.3. In addition, the Agency covenants with the owners of the Series 1998 Refunding Bonds that it shall, to the extent permitted by law, cause an amount of Tax Increment Revenues to be collected in Fiscal Year 1998-1999 and thereafter which is at least equal to the 1997 Revenues.

Section 4. The Tax Increment Fund.

4.1. **Tax Increment Fund.** The Tax Increment Fund was heretofore divided into a Bond Account, a Reserve Account, a Subordinate Indebtedness Account and a Tax Rate Stabilization Account. Beginning with the Closing of the Series 1998 Refunding Bonds, each Bond Year the Agency shall deposit all Tax Increment Revenues in its Tax Increment Fund, and shall credit each deposit to the following accounts within the Tax Increment Fund, in the following order of priority:

4.1.1. to the Bond Account, until the Bond Account contains an amount sufficient to pay all Bond principal and interest which is scheduled to be paid during the current Bond Year, including principal, interest, and premium (if any) on Bonds which are subject to mandatory redemption;

4.1.2. to the Reserve Account, if the balance in the Reserve Account is then less than the Reserve Requirement, an amount sufficient to make the balance in the Reserve Account equal to the Reserve Requirement;

4.1.3. to the Subordinate Indebtedness Account, any amounts which remain after the foregoing deposits have been made.

4.2. **Bond Account.** Money in the Bond Account shall be used only to pay debt service on the Bonds. Amounts credited to the Bond Account shall be invested in the Oregon Short Term Fund/Local Government Investment Pool, or securities which are legal investments for local governments in the State of Oregon and which mature within one year.

4.3. **Reserve Account.** Money in the Reserve Account shall be used to pay debt service on Bonds, and only if sufficient funds are not available in the Bond Account, the Tax Rate Stabilization Account, the Subordinate Indebtedness Account or any other account in the Tax Increment Fund. The Agency covenants to maintain, but solely from the Tax Increment Revenues, a balance in the Reserve Account at least equal to the Reserve Requirement. Amounts credited to the Reserve Account shall be invested in the Oregon Short Term Fund/Local Government Investment Pool, or securities which are legal investments for local governments in the State of Oregon and which mature within one year.

4.4. **Accelerated Redemption Account.** On payment in full of the Series 1996 Bonds the Agency may eliminate the Accelerated Redemption Account.

4.5. **Subordinate Indebtedness Account.** Money in the Subordinate Indebtedness Account may be used at any time for any legal purpose permitted under Chapter 457 of the Oregon Revised Statutes, including deposits to the Tax Rate Stabilization

Account. However, if there is a deficiency in the Bond Account or the Reserve Account, Tax Increment Revenues credited to the Subordinate Indebtedness Account shall be used to eliminate the deficiency (in the order of priority described in Section 4.1) before money in the Subordinate Indebtedness Account is used for any other purpose.

4.6. Tax Rate Stabilization Account. Money in the Tax Rate Stabilization Account shall be used only as provided in this Section 4.6. Tax Increment Revenues may be deposited into the Tax Rate Stabilization Account only from the Subordinate Indebtedness Account. Amounts deposited in the Tax Rate Stabilization Account shall be treated as Tax Increment Revenues which have not been received by the Agency. When amounts are withdrawn from the Tax Rate Stabilization Account, the amount withdrawn shall be treated as Tax Increment Revenues which are received by the Agency on the date of withdrawal, and shall be credited to the accounts listed in Section 4.1, in the order of priority described in Section 4.1. Withdrawals from the Tax Rate Stabilization Account affect the calculation of Stabilized Tax Increment Revenues, and therefore affect the amount of Tax Increment Revenues which the Agency is required to certify for collection each year pursuant to Section 3.2.

4.7. Earnings on all accounts in the Tax Increment Fund shall be credited to the Subordinate Indebtedness Account unless the balance in the Reserve Account is less than the Reserve Requirement. While the balance in the Reserve Account is less than the Reserve Requirement, earnings on all accounts in the Tax Increment Fund shall be credited to the Reserve Account.

4.8. Five (5) days before any payment of principal, premium or interest on the Bonds is due, if the balance in the Bond Account is less than the amount due, the Agency shall credit to the Bond Account an amount equal to the deficiency from the following accounts in the following order of priority:

4.8.1. the Subordinate Indebtedness Account;

4.8.2. the Tax Rate Stabilization Account;

4.8.3. the Reserve Account.

Section 5. Use of Proceeds of the Series 1998 Refunding Bonds.

5.1. The proceeds of the Series 1998 Refunding Bonds shall be disbursed in the following order of priority:

5.1.1. *First*, an amount sufficient to pay in full all Series 1996 Bonds shall be transferred to the owner of the Series 1996 Bonds.

5.1.2. *Second*, any amount required to make the balance in the Reserve Account equal to the Reserve Requirement shall be deposited in the Reserve Account.

5.1.3. *Third*, any remaining proceeds of the Series 1998 Refunding Bonds shall be deposited in the Tax Increment Fund and used to pay a portion of the first interest payment due on the Series 1998 Refunding Bonds, or held by the Agency separately from the Tax Increment Fund and applied to pay costs of issuing the Series 1998 Refunding Bonds.

5.2. The proceeds of the Series 1998 Refunding Bonds shall be used in accordance with Chapter 457 of the Oregon Revised Statutes.

Section 6. Tax-Exempt Status.

6.1. The Agency covenants for the benefit of the owners of the 1998 Series A Refunding Bonds to comply with all provisions of the Code which are required for 1998 Series A Refunding Bonds' interest to be excludable from gross income under the Code. The Agency further covenants for the benefit of the Owners of the 1998 Series A Refunding Bonds to comply with all provisions of the Code which are required so that the 1998 Series A Refunding Bonds are not "private activity bonds" within the meaning of Section 141 of the Code. The Agency specifically covenants that it shall not take any action or omit any action, if it would cause the 1998 Series A Refunding Bonds to become "arbitrage bonds" under Section 148 of the Code, and that it shall pay, but solely from the Tax Increment Revenues, all rebates or penalties on the "gross proceeds" of the 1998 Series A Refunding Bonds when and as required under that Code Section.

6.2. The covenants contained in this Resolution and any covenants in the closing documents for the 1998 Series A Refunding Bonds shall constitute contracts with the owners of the 1998 Series A Refunding Bonds, and shall be enforceable by them.

6.3. The Agency Official may designate the 1998 Series A Refunding Bonds as qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code if the City (and all its subordinate entities, including the Agency) does not, as of the date of issuance of the 1998 Series A Refunding Bonds, reasonably expect to issue more than \$10,000,000 of tax-exempt obligations during the current calendar year. If the 1998 Series A Refunding Bonds are so designated, the City and the Agency covenant not to so designate tax-exempt obligations in the current calendar year in an aggregate amount of more than \$10,000,000.

Section 7. Parity and Subordinate Bonds.

7.1. The Agency covenants not to issue any obligations payable from the Tax Increment Revenues which have a lien or claim on the Tax Increment Revenues which is superior to the lien of the Bonds.

7.2. The Agency may issue Parity Bonds under Section 7 of Resolution 93-010.

Section 8. Amendment.

This Resolution may be amended or supplemented without the consent of the Bondowners as specified in Section 8 of Resolution 93-010.

Section 9. Redemption of the Series 1998 Refunding Bonds.

The Series 1998 Refunding Bonds shall be subject to redemption upon the terms stated in the proposal attached as Exhibit C.

Section 10. Execution of the Series 1998 Refunding Bonds.

The Series 1998 Refunding Bonds shall be signed with the manual or facsimile signatures of the Chair and Agency Official of the Agency. The Series 1998 Refunding Bonds shall be in substantially the form attached hereto as Exhibit A and Exhibit B.

11. Notice of Redemption. The Agency Official shall establish the requirements for notice of redemption pursuant to Section 14 of this Resolution..

Section 12. Defeasance.

Bonds shall be deemed paid if noncallable, non-prepayable direct obligations of the United States, or obligations guaranteed by the United States, are irrevocably deposited in escrow in amount sufficient, without reinvestment, to pay all principal, interest, and redemption premium (if any) on the Bonds as they become due, either at maturity or upon prior redemption and the Agency obtains:

12.1. a verification report from a nationally recognized independent certified public accountant to the effect that the cash and securities irrevocably placed in escrow and sufficient to pay the Bonds being defeased when due without reinvestment; and

12.2. an opinion of nationally recognized bond counsel to the effect that such bonds have been defeased, are no longer outstanding under this Resolution and the defeasance will not cause interest on any such defeased bonds to become includable in gross income under the Code (provided that the opinion may assume the Agency will comply with any covenants it makes in connection with the defeasance).

Section 13. Bond Counsel.

The Agency appoints Preston Gates & Ellis LLP to serve as Bond Counsel and Seattle-Northwest Securities Corporation to serve as Financial Advisor in connection with the issuance of the Series 1998 Refunding Bonds.

Section 14. Sale of Series 1998 Refunding Bonds.

The Series 1998 Refunding Bonds shall be sold to Bank of America National Trust and Savings Association, or its successor (the "Purchaser") in accordance with a Bond

Purchase Agreement to be negotiated and approved by the Agency Official. The Agency Official is hereby authorized, on behalf of the Agency:

14.1. To determine the dates, amounts, interest rates, redemption provisions and other terms of the Series 1998 Refunding Bonds, subject to the limitations of this Resolution;

14.2. To negotiate the terms of and execute a bond purchase agreement, which establishes the price at which the Series 1998 Refunding Bonds shall be sold; and

14.3. To execute all documents on behalf of the Agency and to take any other action which is desirable in order to issue, sell and deliver the Series 1998 Refunding Bonds in accordance with this Resolution.

Section 15. Rules of Construction.

Unless the context clearly requires otherwise: capitalized words and phrases used in this Resolution which are defined in Section 1 shall be construed to have the meanings defined for such words and phrases in Section 1; references to sections shall be construed as references to sections of this Resolution; references to one gender shall include the other; references to the singular shall include the plural; and references to the plural shall include the singular.

ADOPTED this ____ day of May, 1998.

Urban Renewal Agency of the City of Keizer,
Marion County, Oregon

Authorized Officer

Exhibit A

No. R-1

\$ _____

United States of America
Urban Renewal Agency of the City of Keizer
Marion County
State of Oregon
NORTH RIVER ROAD ECONOMIC DEVELOPMENT AREA
Urban Renewal Refunding Bond
1998 Series A (Tax-Exempt)

The Urban Renewal Agency of the City of Keizer, Oregon (the "Agency"), for value received, acknowledges itself indebted and hereby promises to pay to Bank of America National Trust and Savings Association, the aggregate principal amount of \$ _____ in the following installments, together with interest on those installments at the rates indicated below.

Principal Installment	Principal Payment Date	Interest Rate
	[insert when terms are established]	

Interest is payable semiannually on June 1 and December 1 of each year, commencing December 1, 1998, and shall be computed on the basis of a 360-day year of twelve 30-day months.

This bond is designated as the Urban Renewal Refunding Bond, "1998 Series A (the "1998 Series A Refunding Bond") of the Agency, and is issued by the Agency for the purpose of refunding the Agency's Urban Renewal Bond Series A 1996, which were issued pursuant to the Agency's Resolution 96-024, and which financed the costs of urban renewal projects within the North River Road Economic Development Area (the "Area") in full and strict accordance and compliance with all of the provisions of the Constitution and Statutes of the State of Oregon.

This 1998 Series A Refunding Bond is a special obligation of the Agency, payable solely from the Tax Increment Revenues received by the Agency from the North River Road Economic Development Area as defined and provided in Resolution R98-____ of the Agency adopted on _____, 1998, authorizing issuance of the Series 1998 Refunding Bonds (the "Bond Resolution"). The Agency has reserved the right to issue additional bonds on a parity of lien with this bond, and has issued, and may issue in the future, obligations which have a subordinate lien on the Tax Increment Revenues, as provided in the Bond Resolution.

The Agency has pledged the Tax Increment Revenues of the Area, as defined and described in the Bond Resolution, to pay the Bonds, including the 1998 Series A Refunding Bond.

The pledge of the Tax Increment Revenues to pay the 1998 Series A Refunding Bond is not subordinate to any other lien on, or pledge of, such Tax Increment Revenues.

THIS 1998 SERIES A REFUNDING BOND IS NOT A GENERAL OBLIGATION OF THE AGENCY OR THE CITY OF KEIZER, OREGON AND IS PAYABLE SOLELY FROM THE TAX INCREMENT REVENUES, AS PROVIDED IN THE BOND RESOLUTION.

The 1998 Series A Refunding Bond may be prepaid at any time at the option of the Agency, in whole or in part, without penalty.

Any transfer of this 1998 Series A Refunding Bond must be registered with the Agency and the Agency may treat the person in whose name this 1998 Series A Refunding Bond is registered as its absolute owner for all purposes, as provided in the Bond Resolution.

Interest on this 1998 Series A Refunding Bond is excludable from gross income under the Internal Revenue Code of 1986, as amended (the "Code"). This 1998 Series A Refunding Bond has been designated, or is deemed designated, as a "qualified tax exempt obligation under Section 265 of the Code.

The Purchaser may exchange or transfer any 1998 Series A Refunding Bond only by surrendering it, together with a written instrument of exchange or transfer which is satisfactory to the Agency and duly executed by the Purchaser or his or her duly authorized attorney.

IT IS HEREBY CERTIFIED, RECITED, AND DECLARED that all conditions, acts, and things required to exist, to happen, and to be performed precedent to and in the issuance of this 1998 Series A Refunding Bond have existed, have happened, and have been performed in due time, form, and manner as required by the Constitution and Statutes of the State of Oregon; and that the issue of which this 1998 Series A Refunding Bond is a part, and all other obligations of such Agency, are within every debt limitation and other limit prescribed by such Constitution and Statutes.

IN WITNESS WHEREOF, the Agency has caused this 1998 Series A Refunding Bond to be signed by facsimile signatures of its Chair and its Agency Official as of this _____ day of _____, 1998.

Urban Renewal Agency of the City of Keizer, Oregon

Authorized Officer

Authorized Officer

ASSIGNMENT
FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____

(Please insert social security or other identifying number of assignee)

this 1998 Series A Refunding Bond and does hereby irrevocably constitute and appoint _____
_____ as attorney to transfer this 1998 Series A Refunding Bond on
the books kept for registration thereof with the full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears upon the face of this 1998 Series A Refunding Bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed

(Bank, Trust Company or Firm)

Authorized Officer

The following abbreviations, when used in the inscription on the face of this 1998 Series A Refunding Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM -- tenants in common

TEN ENT -- as tenants by the entireties

JT TEN -- as joint tenants with right of survivorship
and not as tenants in common

OREGON CUSTODIANS use the following

_____ CUST UL OREG _____ MIN

as custodian for (name of minor)

OR UNIF TRANS MIN ACT

under the Oregon Uniform Transfer to Minors Act

Additional abbreviations may also be used though not in the list above.

Exhibit B

No. R-1

\$ _____

United States of America
Urban Renewal Agency of the City of Keizer
Marion County
State of Oregon
NORTH RIVER ROAD ECONOMIC DEVELOPMENT AREA
Urban Renewal Refunding Bond
1998 Series B (Taxable)

The Urban Renewal Agency of the City of Keizer, Oregon (the "Agency"), for value received, acknowledges itself indebted and hereby promises to pay to Bank of America National Trust and Savings Association the aggregate principal amount of \$_____ in the following installments, together with interest on those installments at the rates indicated below.

Principal Installment	Principal Payment Date	Interest Rate
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Interest is payable semiannually on June 1 and December 1 of each year, commencing December 1, 1998, and shall be computed on the basis of a 360-day year of twelve 30-day months.

This bond is designated as the Urban Renewal Refunding Bond, "1998 Series B (the "1998 Series B Refunding Bond") of the Agency, and is issued by the Agency for the purpose refunding the Agency's Urban Renewal Bond Series B 1996, which was issued pursuant to the Agency's Resolution 96-024, and which financed the costs of urban renewal projects within the North River Road Economic Development Area (the "Area") in full and strict accordance and compliance with all of the provisions of the Constitution and Statutes of the State of Oregon.

This 1998 Series B Refunding Bond is a special obligation of the Agency, payable solely from the Tax Increment Revenues received by the Agency from the North River Road Economic Development Area as defined and provided in Resolution R98-_____ of the Agency adopted on _____, 1998, authorizing issuance of the Series 1998 Refunding Bonds (the "Bond Resolution"). The Agency has reserved the right to issue additional bonds on a parity of lien with this 1998 Series B Refunding Bonds, and has issued, and may issue in the future, obligations which have a subordinate lien on the Tax Increment Revenues, as provided in the Bond Resolution.

The Agency has pledged the Tax Increment Revenues of the Area, as defined and described in the Bond Resolution, to pay the 1998 Series B Refunding Bond.

The pledge of the Tax Increment Revenues to pay the 1998 Series B Refunding Bond is not subordinate to any other lien on, or pledge of, such Tax Increment Revenues.

The 1998 Series B Refunding Bond may be prepaid at any time at the option of the Agency, in whole or in part, without penalty.

THIS 1998 SERIES B REFUNDING BOND IS NOT A GENERAL OBLIGATION OF THE AGENCY OR THE CITY OF KEIZER, OREGON AND IS PAYABLE SOLELY FROM THE TAX INCREMENT REVENUES, AS PROVIDED IN THE BOND RESOLUTION.

Any transfer of this 1998 Series B Refunding Bond must be registered with the Agency and the Agency may treat the person in whose name this 1998 Series B Refunding Bond is registered as its absolute owner for all purposes, as provided in the Bond Resolution.

The Purchaser may exchange or transfer any 1998 Series B Refunding Bond only by surrendering it, together with a written instrument of exchange or transfer which is satisfactory to the Agency and duly executed by the Purchaser or his or her duly authorized attorney.

Interest on this 1998 Series B Refunding Bond is includable in gross income under the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED, RECITED, AND DECLARED that all conditions, acts, and things required to exist, to happen, and to be performed precedent to and in the issuance of this 1998 Series B Refunding Bond have existed, have happened, and have been performed in due time, form, and manner as required by the Constitution and Statutes of the State of Oregon; and that the issue of which this 1998 Series B Refunding Bond is a part, and all other obligations of such Agency, are within every debt limitation and other limit prescribed by such Constitution and Statutes.

IN WITNESS WHEREOF, the Agency has caused this 1998 Series A Refunding Bond to be signed by facsimile signatures of its Chair and its Agency Official as of this _____ day of _____, 1998.

Urban Renewal Agency of the City of Keizer, Oregon

Authorized Officer

Authorized Officer

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____

(Please insert social security or other identifying number of assignee)

this 1998 Series B Refunding Bond and does hereby irrevocably constitute and appoint _____
_____ as attorney to transfer this 1998 Series B Refunding Bond on
the books kept for registration thereof with the full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears upon the face of this 1998 Series B Refunding Bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed

(Bank, Trust Company or Firm)

Authorized Officer

The following abbreviations, when used in the inscription on the face of this 1998 Series B Refunding Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM -- tenants in common

TEN ENT -- as tenants by the entireties

JT TEN -- as joint tenants with right of survivorship
and not as tenants in common

OREGON CUSTODIANS use the following

_____ CUST UL OREG _____ MIN
as custodian for (name of minor)

OR UNIF TRANS MIN ACT

under the Oregon Uniform Transfer to Minors Act

Additional abbreviations may also be used though not in the list above.

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

A G E N D A

KEIZER CITY COUNCIL

Monday, May 18, 1998

7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

- a. Keizer Police Reserve Swearing In**
 - Chris A. Brodniak
 - William C. Garlington
 - Leigh B. Meyer
 - Jennifer V. Perkins
 - Trevor A. Wenning
 - Michael W. Yann
- b. Gubser Neighborhood Association Annual Report**
- c. Council Liaison Reports**
 - Parks Advisory Board – Councilor Miller
 - Planning Commission – Council President Keller
 - Claggett Creek Task Force – Mayor Koho

5. OTHER BUSINESS

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

- a. New Business**
 - Planning Commission Vacancies
- b. Old Business Report**
 - Baseball Stadium Traffic Report

6. PUBLIC HEARINGS

- a. C and D Event Management Liquor License Application
(Keizer Baseball Stadium)**

7. **ADMINISTRATIVE ACTION**

- a. **ORDINANCE** – Adopting Zone Changes to Various Areas in Keizer (second reading)
- b. **ORDINANCE** – Reconsideration of Development Code to add UT and CR Zone
- c. **ORDINANCE** - Amending Comprehensive Plan/Zone Change/Conditional Use Permit – Keizer Baseball Stadium – Case No. 96-04 (Traffic Management Plan) (second reading)
- d. **RESOLUTION** - Housing and Community Development Action Plan
- e. **ORDER** – McNary High School Sign Variance

8. **CONSENT CALENDAR**

- a. **RESOLUTION** – Initiating Bahnsen Woods Estates Street Lighting District

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications and petitions.

10. **AGENDA INPUT**

May 27, 1998

7:00 p.m. Budget Committee Meeting

- Urban Renewal Budget

June 1, 1998

7:00 p.m. City Council Meeting

- Towing Agreements
- Commercial Garbage Rates
- Ordinance Regulating Floating Structures

June 15, 1998

7:00 p.m. City Council Meeting

- 1998-99 Budget Public Hearing
- Adoption of Budget

June 22, 1998

7:00 p.m. Urban Renewal Agency Meeting

- 1998-99 Budget Public Hearing
- Adoption of Budget

11. **ADJOURN**

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



May 18, 1998

AGENDA ITEM 4a

**KEIZER POLICE RESERVE OFFICERS
SWEARING IN**

CITY COUNCIL MEETING: May 18, 1998

AGENDA ITEM NUMBER: 4a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

**THROUGH: WALLY G. MULL
CITY MANAGER**

**FROM: H. MARC ADAMS
CHIEF OF POLICE**

SUBJECT: KEIZER POLICE RESERVE SWEARING IN

Shannon Johnson, City Attorney will issue the oath to the following Keizer Police Reserve Officers:

- Chris A. Brodniak
- William C. Garlington
- Leigh B. Meyer
- Jennifer V. Perkins
- Trevor A. Wenning
- Michael W. Yann



May 18, 1998

AGENDA ITEM 4b

**GUBSER NEIGHBORHOOD ASSOCIATION
ANNUAL REPORT**

CITY COUNCIL MEETING: May 18, 1998

AGENDA ITEM NUMBER: 4b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER

SUBJECT: GUBSER NEIGHBORHOOD ASSOCIATION ANNUAL REPORT

BACKGROUND:

In June, 1993 the City Council adopted Ordinance 93-257 outlining the purpose and guidelines for recognition of neighborhood associations. The Ordinance states in order to maintain recognition, the neighborhood association shall make an annual report to the City Council. On May 2, 1994 the City Council adopted Resolution 94-725 recognizing Gubser Neighborhood Association.

President Wayne Trucke has requested time on this agenda to present the Gubser Neighborhood Association's annual report.

RECOMMENDATION:

It is recommended the Council, by motion extend recognition to Gubser Neighborhood Association for an additional year.



May 18, 1998

AGENDA ITEM 5a

NEW BUSINESS

City Council Meeting: May 18, 1998

Agenda Item: 5a

TO: Mayor Koho and City Council Members

SUBJECT: New Business Report
• Planning Commission Vacancies

**Planning Commission Vacancies
(Tracy L. Davis, City Recorder)**

During the month of April, Alan Youse resigned from his position on the Keizer Planning Commission due to his relocation to another area. Then on May 4th, Elaine Smith submitted her resignation. Therefore there are two vacancies on the Planning Commission. A press release has been issue and applications will be considered by the Volunteer Coordinating Committee at their June meeting.

If you know of anyone who is interested, please have them contact City Hall for a volunteer application.

Elaine Smith
2457 Waltman Court NE
Keizer, Oregon 97303

May 4, 1998

Bill Wolf, Chair
Keizer Planning Commission
PO Box 21000
Keizer, Oregon 97307

Dear Bill:

This letter is to inform you that I will be resigning from the Keizer Planning Commission effective the end of this month. I have learned a lot during my years serving as a planning commissioner and genuinely enjoyed the experience. It is my hope that I've contributed to a better Keizer future during my tenure on the commission.

If there is a specific issue that you think I could help with in the future, please let me know. I would be happy to assist.

I have enjoyed working with you and leave knowing that the commission is in the hands of a good commissioner and chair. I wish you the best.

Sincerely,



Elaine Smith

cc: Amy Drought

REC
5898
dl



For Immediate Release
May 8, 1998

KEIZER - The City of Keizer is soliciting applications for volunteers to serve on the following committee:

- Planning Commission - Assist the City Council in land use decisions and recommendations regarding Keizer's future growth, development, and beautification. The commissioners are appointed by the City Council to serve a three year term. The Commission meets on the second Wednesday of the month at 7:00 p.m. Presently there are two openings on the Commission.

Anyone interested in more information on this opening or an application should contact Tracy Davis, City Recorder at 390-3700, extension 108 or stop by City Hall at 930 Chemawa Road N, Keizer. Applications should be submitted by June 1, 1998.

The City of Keizer is committed to a culturally diverse work place. ADA/EOE

"We're Building a Better Community - Together"



May 18, 1998

AGENDA ITEM 5b

OLD BUSINESS

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND COUNCIL MEMBERS

THROUGH: WALLY MULL, CITY MANAGER

FROM: H. MARC ADAMS, CHIEF OF POLICE
MARK J. MIRANDA, LIEUTENANT

SUBJECT: BASEBALL STADIUM TRAFFIC PLAN

DATE: MAY 12, 1998

The Keizer Police Department in conjunction with the Keizer Public Works Department have developed a traffic plan to handle Volcanoes Stadium traffic during large events. Prior to any event, Tepper Lane will remain open to all traffic. After the event, signs will be posted at the south exit directing motorists to three streets depending on their destination. Motorists traveling north towards Portland will be directed to turn left and travel north on Radiant Drive / 35th Avenue. They will be able to meet up with Interstate 5 at Brooklake Road. Those intending to travel south towards Eugene on Interstate 5 will be directed to turn right onto Tepper Lane. These motorists will follow Tepper Lane to McLeod Lane, then they will be allowed to turn east on Lockhaven Drive at the traffic signal. This allows the motorists to make a safe left turn across Lockhaven Drive. Those motorists wishing to return to the local Keizer area will be directed to proceed south on Radiant Drive. At Chemawa Road a police officer will be posted to direct traffic to turn right, only, onto Chemawa Road. Two motorcycle officers will be assigned to monitor traffic problems on Chemawa/Lockhaven. They will be watching traffic flow and be alert for DUII drivers. Motorist leaving the stadium by the east gate, will only be allowed to turn left onto Radiant Drive / 35th Avenue.



May 18, 1998

AGENDA ITEM 6a

**C & D EVENT MANAGEMENT LIQUOR LICENSE
APPLICATION (KEIZER BASEBALL STADIUM)**

CITY COUNCIL MEETING: May 18, 1998

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC 
CITY RECORDER

SUBJECT: C & D EVENT MANAGEMENT – CATERER'S LIQUOR LICENSE
APPLICATION

BACKGROUND:

On April 23, 1998, Marla Rae submitted an application on behalf of Carroll and Debbie Unruh of C & D Event Management Inc. for a caterer dispenser license. This license would allow the selling of alcoholic beverages at the Keizer Baseball Stadium located at 6700 Field of Dreams Way, Keizer, Oregon. A caterer dispenser license permits a caterer who contracts with clients to provide food services at places other than the licensed premises, to sell and serve alcoholic beverages at off-premises functions at which the caterer is catering food.

As required by Keizer Ordinance 95-318, a public hearing was scheduled, notice was published in the Keizertimes and mailed to all property owners within 200 feet of the proposed establishment. In addition, notice was sent to the Gubser Neighborhood Association. As of the writing of this report, we have not received any responses to these notices.

On May 5, 1998 a request was sent to the Keizer Police Department to conduct a background check on the applicants. The response is attached to this report. In addition, the Keizer Planning Department finds the stadium is properly zoned.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for a caterer's liquor license for C & D Event Management, Inc under the guidelines as established by ORS 471.260 and the Ordinances of the City of Keizer and forward this recommendation to the Oregon Liquor Control Commission.

APPLICATION

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

Return To:

GENERAL INFORMATION

A non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Druggist and Health Care Facility Licenses). The filing of this application does not commit the Commission to the granting of the license for which you are applying nor does it permit you to operate the business named below.

(THIS SPACE IS FOR OLCC OFFICE USE)	(THIS SPACE IS FOR CITY OR COUNTY USE)
Application is being made for: ☐ DISPENSER, CLASS A ☐ DISPENSER, CLASS B ☐ DISPENSER, CLASS C ☐ PACKAGE STORE ☐ RESTAURANT ☐ RETAIL MALT BEVERAGE ☐ SEASONAL DISPENSER ☐ WHOLESALE MALT BEVERAGE & WINE ☐ WINERY ☐ Add Partner ☐ Additional Privilege ☐ Change Location ☐ Change Ownership ☐ Change of Privilege ☐ Greater Privilege ☐ Lesser Privilege ☒ New Outlet ☐ Other	NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative. THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY COURT OF _____ (Name of City or County) RECOMMENDS THAT THIS LICENSE BE: GRANTED _____ DENIED _____ DATE _____ BY _____ (Signature) TITLE _____

OTHER: CATERER'S
License
Rec'd \$77.60
Receipt 6193

RECEIVED
 APR 22 1998
 J. M. L. L. L.
 REGULATORY FIELD SERVICES
 Oregon Liquor Control Commission

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name of Corporation, Partnership, or Individual Applicants:

- 1) C and D Event Management, Inc. 2) _____
 3) _____ 4) _____
 5) _____ 6) _____

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

2. Present Trade Name C and D Event Management, Inc.

3. New Trade Name N/A Year filed 1996
 with Corporation Commissioner 97307

4. Premises address 6700 Field of Dreams Way, Keizer, Oregon
 (Number, Street, Rural Route) (City) (County) (State) (Zip)

5. Business mailing address 794 Haas Lane S.E., Salem, Oregon 97302
 (P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)

6. Was premises previously licensed by OLCC? Yes _____ No X Year _____

7. If yes, to whom: _____ Type of license: _____

8. Will you have a manager: Yes X No _____ Name Debbie Unruh
 (Manager must fill out Individual History)

9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes _____ No X

10. What is the local governing body where your premises is located? Keizer, Oregon
 (Name of City or County)

11. OLCC representative making investigation may contact: Carroll and/or Debbie Unruh
 (Name)
794 Haas Lane S.E., Salem, Oregon 97302 (503)585-7137 or (503)930-1882
 (Address) (Tel. No. — home, business, message)

CAUTION: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

Applicant(s) Signature
 (In case of corporation, duly
 authorized officer thereof)

- DATE 3-30-98
- 1) Carroll & Unruh
 2) Debbie Unruh
 3) _____
 4) _____
 5) _____
 6) _____

Original —
 Local Government

INDIVIDUAL HISTORY
& TIED HOUSE DISCLOSURE

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

TRADE NAME C and D Event Management, Inc.

CITY/COUNTY Salem/Marion

You must fill in all the blanks. If the question does not apply write N/A in the space.

1. Name Unruh Carroll C.
(Last) (First) (Middle)
2. Other names used None
(Maiden) (Other)
3. Home Address 794 Haas Lane S.E. Salem Oregon 97302
(Number and Street) (City) (State) (Zip)
4. SSN 543 60 - 1068 Place of Birth Alva, OK Date of Birth 7-10-51
5. Sex M Height 6'2" Weight 240 Hair Color Blonde/ Eye Color Green Age 46
Gray
6. US Citizen: Yes X No Alien Reg. # Spouse Name Debra Marie Unruh
7. Home phone (503) 585-7137 Business phone (503) 930-1882

CRIMINAL RECORD

OLCC makes a criminal offender records check through the Oregon State Police on all liquor license applicants. ORS 181.555(3) provides that you can contact the Oregon State Police or challenge inaccurate criminal offender information. OLCC may require fingerprints.

8. Have you ever been convicted of any crime, violation, or infraction of any law? Include probation or bail forfeiture. (Include traffic violations for which a fine or bail forfeiture of more than \$50.00 was imposed.)
Yes X No
9. Do you have arrests or citations pending? Yes No X *No convictions*
10. If you have answered "Yes" to 8 or 9 list below:
OFFENSE Speeding Ticket Do not recall DATE CITY & STATE Portland, Oregon RESULT Paid fine

(ATTACH ADDITIONAL SHEET IF NECESSARY)

DIVERSION/TREATMENT

11. Have you ever entered into a Diversion Agreement? Yes No X
Where and When?
12. Have you ever been treated or in a treatment program for alcohol or other drug use/abuse? Yes No X
Where and When?

EMPLOYMENT & RESIDENCE HISTORY

13. List current and former employers or occupations during the past ten years:
Dates by Month/Year From 1994 To Present Employer or Business The Hoop Occupation Director of Facilities City & State Salem & Beaverton OR
From 1975 To 1994 Thomas Distributing General Manager Vancouver WA
From To Salem OR

14. List other cities and states where you have lived in the past ten years other than those noted in Question 13 above.
From To City State
From To City State

(ATTACH ADDITIONAL SHEET IF NECESSARY)

ACTIVITY IN LIQUOR INDUSTRY (INSIDE OR OUTSIDE OREGON)

15. Are you presently or have you been licensed or employed in the liquor business? Has sued, no salesperson
Yes X No Where & When? 1975-1994 Thomas Distributing, Salem, Oregon
16. Is your spouse or any family member(s) working in any area of the liquor industry?
Yes X No If Yes, give Debra Unruh C and D Event Management Salem, Oregon
(Name) (Name of Business) (City & State)
17. Have you ever received a warning, a notice of violation, suspension, fine, or revocation as a licensee or permittee? Yes No X Where & When?
18. Have you ever been refused a permit or license to sell, serve, or dispense beer, wine, or distilled spirits?
Yes No X Where & When?
19. Is a manufacturer or wholesaler of alcoholic liquor financing or furnishing your business with money or property? Yes No X Where & When?
20. Do you have any right, title, lien, claim, or other interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any retailer, wholesaler, or manufacturer of alcoholic liquor?
(Do not include this business) Yes No X Where & When?

CAUTION: OLCC MAY DENY YOUR APPLICATION IF YOU LEAVE OUT INFORMATION OR GIVE FALSE ANSWERS ON THIS FORM.

SIGNATURE: Carroll C. Unruh President DATE 3-30-98
TITLE (Manager, Owner, Corp. Officer)

INDIVIDUAL HISTORY
& TIED HOUSE DISCLOSURE

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

TRADE NAME C and D Event Management, Inc.

CITY/COUNTY Salem/Marion

You must fill in all the blanks. If the question does not apply write N/A in the space.

1. Name Unruh Debra Marie
(Last) (First) (Middle)

2. Other names used Blackman
(Maiden) (Other)

3. Home Address 794 Haas Lane S.E. Salem Oregon 97302
(Number and Street) (City) (State) (Zip)

4. SSN 543 66 7960 Place of Birth Salem, Oregon Date of Birth 8-26-51

5. Sex F Height 5'4" Weight Hair Color Brown/Gray Eye Color Brown Age 46

6. US Citizen: Yes X No Alien Reg. # Spouse Name Carroll C Unruh

7. Home phone (503) 585-7137 Business phone (503) 585-7137

CRIMINAL RECORD

OLCC makes a criminal offender records check through the Oregon State Police on all liquor license applicants. ORS 181.555(3) provides that you can contact the Oregon State Police or challenge inaccurate criminal offender information. OLCC may require fingerprints.

8. Have you ever been convicted of any crime, violation, or infraction of any law? Include probation or bail forfeiture. (Include traffic violations for which a fine or bail forfeiture of more than \$50.00 was imposed.)

Yes No X

9. Do you have arrests or citations pending? Yes No X

10. If you have answered "Yes" to 8 or 9 list below:

OFFENSE	DATE	CITY & STATE	RESULT
No Convictions			

(ATTACH ADDITIONAL SHEET IF NECESSARY)

DIVERSION/TREATMENT

11. Have you ever entered into a Diversion Agreement? Yes No X

Where and When?

12. Have you ever been treated or in a treatment program for alcohol or other drug use/abuse? Yes No X

Where and When?

EMPLOYMENT & RESIDENCE HISTORY

13. List current and former employers or occupations during the past ten years:

Dates by Month/Year	Employer or Business	Occupation	City & State
From <u>6-1997</u> To <u>8-1997</u>	<u>FMC Sports Ent.</u>	<u>Concessions @ Volcanoes</u>	<u>Salem, Oregon</u>
From <u></u> To <u></u>	<u></u>	<u></u>	<u></u>
From <u></u> To <u></u>	<u></u>	<u></u>	<u></u>

14. List other cities and states where you have lived in the past ten years other than those noted in Question 13 above.

From	To	City	State
<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>

(ATTACH ADDITIONAL SHEET IF NECESSARY)

ACTIVITY IN LIQUOR INDUSTRY (INSIDE OR OUTSIDE OREGON)

15. Are you presently or have you been licensed or employed in the liquor business? SUED

Yes X No Where & When? Summer of 1997 at Volcano Stadium Salem, Oregon

16. Is your spouse or any family member(s) working in any area of the liquor industry?

Yes X No If Yes, give: Carroll Unruh C and D Event Management Inc. Salem, Oregon
(Name) (Name of Business) (City & State)

17. Have you ever received a warning, a notice of violation, suspension, fine, or revocation as a licensee or permittee? Yes No X Where & When?

18. Have you ever been refused a permit or license to sell, serve, or dispense beer, wine, or distilled spirits? Yes No X Where & When?

19. Is a manufacturer or wholesaler of alcoholic liquor financing or furnishing your business with money or property? Yes No X Where & When?

20. Do you have any right, title, lien, claim, or other interest, financial or otherwise in, upon or to the premises, equipment, business or merchandise of any retailer, wholesaler, or manufacturer of alcoholic liquor?
(Do not include this business) Yes No X Where & When?

CAUTION: OLCC MAY DENY YOUR APPLICATION IF YOU LEAVE OUT INFORMATION OR GIVE FALSE ANSWERS ON THIS FORM.

SIGNATURE: Debra Unruh Manager DATE 3-30-98
(Name) (Title) (Manager, Owner, Corp. Officer)

City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council

Thru: Wally Mull, City Manager

From:  Marc Adams, Chief of Police
John O. Teague, Police Sergeant

Subject: Liquor License Application of C&D Event Management.

Issue

Shall the City Council approve the liquor license application of C&D Event Management?

Background

The Keizer Police Department responded to 29 calls for service at the location, 6700 Field of Dreams Way NE, in 1997. Of those 29 calls for service, 12 were in conflict with the City of Keizer City Ordinance 95-318; however, of those 12, only one of them was directly related to the sale of alcoholic beverages at the location.

The applicant(s) Unruh and Unruh has/have no criminal history on record.

Thus, despite the number of calls for service, the background review did not reveal any significant history or events with a positive correlation to the business's sale of alcoholic beverages.

Recommendation

The Keizer Police Department recommends approval of the liquor license for C&D Event Management.

DISPLAY INCIDENTS CAR545 001007/23/97

RE AGEN:KZP DATE:010197 TO:123197 LOCATION:06700 FIELD OF DREAMS WY NE
ESTIMATED NUMBER OF RAIN HITS:29 (PRESS "PF8" FOR ACTUAL COUNT.)

AGCY INC#	TP INCIDENT TYPE	LOCATION	DATE STAT
KZP 97-005759	I THEFT OT	06700 FIELD OF DREAMS WY NE	062297 A
KZP 97-005786	I FUGITIVE	06700 FIELD OF DREAMS WY NE	062397 A
KZP 97-005841	I PROP LOST	06700 FIELD OF DREAMS WY NE	062597 U
KZP 97-005907	I ASSIST PUBLIC	06700 FIELD OF DREAMS WY NE	062697 EN
KZP 97-006069	I DISTURB OT	06700 FIELD OF DREAMS WY NE	070197 EN
KZP 97-007372	I THEFT BLDG	06700 FIELD OF DREAMS WY NE	070597 A
KZP 97-006385	I TRAFFIC MOVING	06700 FIELD OF DREAMS WY NE	070997 EN
KZP 97-006710	I DISTURB MUSIC	06700 FIELD OF DREAMS WY NE	071897 EN
KZP 97-006888	I VANDALISM MV	06700 FIELD OF DREAMS WY NE	072297 D

SCREEN NUMBER 1

12/29 1 4Q

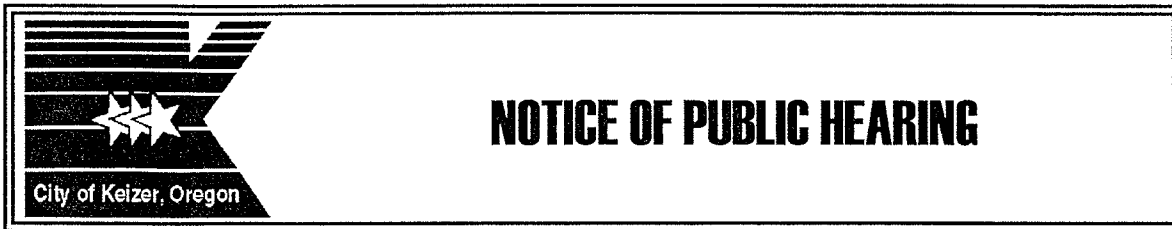
DISPLAY INCIDENTS		CAR545	001007/23/97
AGCY INC#	TP INCIDENT TYPE	LOCATION	DATE STAT
KZP 97-007149	I DISTURB MUSIC	06700 FIELD OF DREAMS WY	NE 073097 EN
KZP 97-007189	I SUSP ACTIVITY	06700 FIELD OF DREAMS WY	NE 080197 EN
KZP 97-007386	I SUSP MV	06700 FIELD OF DREAMS WY	NE 080597 EN
KZP 97-007526	I SUSP MV	06700 FIELD OF DREAMS WY	NE 080997 EN
KZP 97-007809	I LIQ LAW	06700 FIELD OF DREAMS WY	NE 081697 EN
KZP 97-007812	I DISTURB OT	06700 FIELD OF DREAMS WY	NE 081697 EN
KZP 97-007824	I DISTURB OT	06700 FIELD OF DREAMS WY	NE 081697 EN
KZP 97-007833	I VANDALISM MV	06700 FIELD OF DREAMS WY	NE 081697 EV
KZP 97-007887	I ANIMAL OT	06700 FIELD OF DREAMS WY	NE 081897 EN
KZP 97-007896	I ASSIST LAW	06700 FIELD OF DREAMS WY	NE 081897 EN
KZP 97-007899	I ASSIST PUBLIC	06700 FIELD OF DREAMS WY	NE 081897 EN

SCREEN NUMBER 2

AGCY INC#	TP INCIDENT TYPE	LOCATION	DATE STAT
DISPLAY INCIDENTS CAR545 001007/23/97			
KZP 97-008142	I THEFT OT	06700 FIELD OF DREAMS WY NE	082597 EV
KZP 97-009856	I ALARM FLS BURG	06700 FIELD OF DREAMS WY NE	101497 EN
KZP 97-011033	I ALARM FLS BURG	06700 FIELD OF DREAMS WY NE	111797 EN
KZP 97-011125	I SUSP ACTIVITY	06700 FIELD OF DREAMS WY NE	111997 EN
KZP 97-011179	I ALARM ACCID BURG	06700 FIELD OF DREAMS WY NE	112197 EN
KZP 97-011331	I SUSP ACTIVITY	06700 FIELD OF DREAMS WY NE	112697 EN
KZP 97-011559	I ALARM ACCID BURG	06700 FIELD OF DREAMS WY NE	120497 EN
KZP 97-011600	I ALARM OT BURG	06700 FIELD OF DREAMS WY NE	120697 EN
KZP 97-011650	I ALARM OT	06700 FIELD OF DREAMS WY NE	120897 EN

ACTUAL NUMBER OF RAIN HITS:29

END OF CURRENT DATA BASE HITS.



**NEW LIQUOR LICENSE APPLICATION
C AND D EVENT MANAGEMENT, INC
KEIZER BASEBALL STADIUM**

NOTICE is hereby given that the City Council of the City of Keizer will hold a public hearing to consider a new liquor license application for C and D Event Management, Inc. doing business at Keizer Baseball Stadium, 6700 Field of Dreams Way NE, Keizer.

The hearing will be held on **Monday, May 18, 1998 at 7:00 p.m.** at the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

Anyone wishing to make comment on this matter may provide testimony at the hearing or submit written response to the City Recorder no later than **5:00 p.m. on May 18, 1998.** Responses may be mailed to Tracy L. Davis CMC, City Recorder, P.O. Box 21000, Keizer, Oregon 97307.

The location of the hearing is accessible to the disabled. Please contact the City Recorder at 390-3700, extension 108 at least 48 hours prior to the hearing if you will need any special accommodations to attend or participate in the hearing.

If you have any questions, please contact the City Recorder at 390-3700, extension 108

Dated this 8th day of May, 1998.

Tracy L. Davis, CMC
City Recorder

publish May 14th, 1998, edition of Keizertimes

May 8, 1998

Wayne Trucke
Gubser Neighborhood Association
6330 14th Avenue NE
Keizer, Oregon 97303

Re: Caterer's Liquor License – Keizer Baseball Stadium

Dear Wayne:

In February, 1995 the Keizer City Council adopted a Liquor License Review Ordinance in an effort to make Keizer a better and safer place to live and do business. The ordinance states business owners have a responsibility to contribute to, rather than jeopardize, the well-being of the community and liquor licensees should promote, sell and serve alcoholic beverages in a responsible manner which minimizes the risks associated with its use.

Recently, the City received an application for a caterer's liquor license from C and D Event Management for **Keizer Baseball Stadium**, located at 6700 Field of Dreams Way, Keizer.

A notice was sent to all property owners within 200 feet to solicit comments on this application. In addition, we are notifying your neighborhood association for any potential comments you may have. You can give your comments orally at the public hearing scheduled for **Monday, May 18, 1998 at 7:00 p.m.** or you can provide written comments on this application. Please forward any written comments to Tracy L. Davis, City Recorder, P.O. Box 21000, Keizer, Oregon 97307. Your comments should be received no later than Monday, May 18, 1998.

If you have any questions regarding this process, please do not hesitate to contact me at 390-3700. Thank you for your interest to improve and maintain the livability of our community

Sincerely,

Tracy L. Davis, CMC
City Recorder

May 7, 1998

Dear Keizer Property Owner:

In February 1995 the Keizer City Council adopted a Liquor License Review Ordinance which provides an opportunity for the owners of property within 200 feet of a proposed liquor outlet to be contacted upon an application for a license. The City has received an application for a caterer's license from **C and D Event Management, Inc.** for **Keizer Baseball Stadium** located at 6700 Field of Dreams Way, Keizer. Your property has been identified as being within this distance from the establishment.

You are invited to provide written comments or oral testimony at the public hearing scheduled for **Monday, May 18th, 1998 at 7:00 p.m.** If you wish to provide written comments, please submit to Tracy L. Davis, City Recorder at P.O. Box 21000, Keizer, Oregon 97307 no later than 5:00 p.m. on May 18, 1998.

If you have any questions regarding this process, please do not hesitate to contact me at 390-3700, extension 108.

Sincerely,

Tracy L. Davis, CMC
City Recorder



May 18, 1998

AGENDA ITEM 7a

**ORDINANCE – ADOPTING ZONE CHANGES TO VARIOUS
AREAS IN KEIZER (SECOND READING)**

KEIZER CITY COUNCIL MEETING: May 18, 1998

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER



SUBJECT: ORDINANCE – LEGISLATIVE ZONE CHANGE FOR SEVERAL PROPERTIES IN CONJUNCTION WITH THE ADOPTION OF THE KEIZER DEVELOPMENT CODE

ISSUE:

On May 4, 1998 an ordinance making a legislative zone change to several properties in conjunction with the adoption of the development code was before the Council for consideration. The following motion was made and passed with the following votes:

Mayor Koho moved a bill for an Ordinance in the Matter of the Legislative Zone Change for Several Properties in Conjunction with the Adoption of the Keizer Development Code – part of this is the findings which were presented to Council. In addition, Exhibit A – page 1 - delete 1a and page 2 – delete 2a(1) and adopt the map without the blue on top (this area will remain UT). Furthermore, the property identified as the Bowden property will remain EFU. Councilor Whalen seconded the Motion.

The Motion passed with the following votes:

AYES: Koho, Meier, Miller, and Whalen (5)

NAYS: Beach, Keller, and McGee (3)

ABSTENTIONS: None (0)

ABSENT:

The Ordinance is before the Council for a second reading. The amendments suggested by the Council have been incorporated as well as a revised map showing the appropriate zones has been included.

1 BILL NO. _____

A BILL

ORDINANCE NO.

98-_____

3 FOR

4 AN ORDINANCE IN THE MATTER OF THE
5 LEGISLATIVE ZONE CHANGE FOR SEVERAL
6 PROPERTIES IN CONJUNCTION WITH THE
7 ADOPTION OF THE KEIZER DEVELOPMENT CODE

8 WHEREAS, the Keizer City Council has adopted the Keizer Development Code
9 to replace the Keizer Zoning Ordinance and Keizer Subdivision and Partitioning
10 Ordinance;

11 WHEREAS, certain old zones were redesignated to other zones and certain areas
12 of the city need to be rezoned to be consistent with the adoption of the Keizer
13 Development Code;

14 WHEREAS, the Keizer Planning Commission and Keizer City Council have held
15 public hearings in this regard and it is appropriate to legislatively rezone certain
16 properties;

17 NOW, THEREFORE, the City of Keizer ordains as follows:

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

20 Section 2. ADOPTION OF ZONE CHANGES. The City of Keizer hereby
21 adopts zone changes for properties as set forth in the map attached as Exhibit "B", and
22 by this reference incorporated herein.

1 Section 3. OFFICIAL RECORD. The original of the map attached as Exhibit
2 "B" shall be marked "Official Text" and shall be kept on file in the office of the City
3 Recorded. Such map shall be set forth as an attachment to the Keizer Development
4 Code.

5 Section 4. SEVERABILITY. If any section, subsection, sentence, clause,
6 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by
7 any court or board of competent jurisdiction, such portion shall be deemed a separate,
8 distinct, and independent provision and such holding shall not affect the validity of the
9 remaining portions hereof.

10 Section 5. EFFECTIVE DATE. This Ordinance shall become effective thirty
11 (30) days after its passage.

12 PASSED this _____ day of _____, 1998.

13 SIGNED this _____ day of _____, 1998.

14 _____
15 Mayor

16 _____
17 City Recorder

EXHIBIT "A"

Findings

GENERAL FINDINGS:

1. The City of Keizer has initiated a legislative rezoning of several properties within the City. The purpose of this legislative amendment is to make the City's zoning pattern reflect the new Development Code, to bring zoning into conformance with the Keizer Comprehensive Plan Land Use Map, and to implement updated public policy.

The proposed zone changes are as follows:

- a. All properties north of Barnick Road and an imaginary extension of Barnick Road both west and east, that are currently zoned Urban Transition (UT) and have the underlying Comprehensive Plan designation of Medium and High Density Residential (MHDR) are rezoned to Multi-Family Residential (RM). This zone change affects the Willamette Lutheran Home property only.
- b. The Urban Transition zoned properties on both sides of Candlewood Drive are rezoned to General Industrial (IG).
- c. The Urban Transition zoned properties on the east side of Cherry Avenue between Alder and Clearview are rezoned to Mixed Use (MU).
- d. The Urban Transition zoned properties along River Road are rezoned to Commercial Mixed Use (CM).
- e. The Commercial Retail (CR) zoned properties along River Road are rezoned to Commercial Mixed Use (CM).
- f. The Industrial Park (IP) zoned properties on both sides of Cherry generally between Shady Lane and the south city limits are rezoned to Industrial Business Park (IBP).
- g. All Exclusive Farm Use (EFU) zoned properties are rezoned to Agricultural Industrial (IA) with the exception of the property owned by FRTW Investment Company, LLC and the southern half of the Bowden property which will remain Exclusive Farm Use (EFU).

If there is any inconsistency between the above description and the attached map, the map shall control.

Findings and Conclusions Concerning Applicable Criteria

2. The Keizer Zoning Ordinance, in Section 4.16, states the following: The following criteria shall be used to review and decide either legislative amendments or applications that involve a change in the zoning classification of land

- (a) **The proposed zone is appropriate for the Comprehensive Plan land use designation of the property and is consistent with the descriptions and policies for the application Comprehensive Plan land use classification.** Section 4.16(1)(a), KZO)

FINDINGS: The proposed rezonings are appropriate for the Comprehensive Plan land use designations of the properties, and are consistent with the descriptions and policies for the applicable Comprehensive Plan land use classification for the reasons set forth below:

- (1) **UT zone to RM zone.** The zones appropriate within the MHDR Comprehensive Plan designation include the "Limited Density Residential" (RL), "Medium Density Residential" (RM), and "Residential High Density" (RH). KCP Section D.2.c. (Medium and High Density Residential), calls for allowing a mix of housing types in this category in two different densities (a) Medium density - over 8 and up to 16 units per gross acre, and (b) High density - over 16 units per gross acre. The policy also calls for allowing attached, duplex and multiple housing in this category. The subject property is already developed into the Willamette Lutheran Home facility at the RM density so this change is consistent with current development.
- (2) **UT zone to IG zone.** The only zoning district applicable in the General Industrial Comprehensive Plan Designation is IG. The Comprehensive Plan Section D (e) calls for locating industrial development with good access to the interstate freeway system and arterial streets. It also calls for allowing uses involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and

warehousing. This industrial area on Candlewood is marked by a variety of existing small industrial uses, with a great deal of undeveloped or under-developed land.

- (3) **UT zone to MU zone.** The only zoning district applicable in the Mixed Use Comprehensive Plan Designation is MU. The purpose of the MU zone is to promote development that combines commercial and residential uses in a single building or complex. The zone encourages the formation of neighborhood "nodes" of activity where residential and commercial uses mix in a harmonious manner. The proposed changes conform with and were recommended within the Cherry Avenue Design Plan (Ordinance 97-361), and are consistent with existing uses in the area.
- (4) **UT zone to CM zone.** Commercial Mixed Use (CM) is a zone proposed for inclusion in the new Keizer Development Code. It is applicable for the Commercial Comprehensive Plan Designation. The Comprehensive Plan section D (d) calls for providing retail-office centers that include department stores, offices, other retail facilities, and medium and high density housing. The proposed CM zone is to be the primary commercial zone within the City. The zone is specifically designed to promote development that combines commercial and residential uses. The zone will support transit use, provide new housing opportunities while allowing a full range of commercial retail, service and office uses.
- (5) **CR zone to CM zone.** As stated above, Commercial Mixed Use (CM) is a zone proposed for inclusion in the new Keizer Development Code and is applicable for the Commercial Comprehensive Plan Designation.
- (6) **IP zone to IBP zone.** Industrial Business Park (IBP) is a zone proposed for inclusion in the new Keizer Development Code and is applicable for the Campus Light Industrial Comprehensive Plan Designation. The Comprehensive Plan Section D (e) calls for campus light industrial areas to allow uses involved in the secondary processing of materials into components, the assembly of components into finished products, research and development activities, and supporting office based commercial development. The purpose of the IBP zone is to provide for high quality light industrial and office parks with related

commercial uses. This change conforms with and was recommended within the Cherry Avenue Design Plan (Ordinance No 97-361).

- (7) **EFU zone to IA zone.** Agricultural Industrial (IA) is a zone proposed for inclusion in the new Keizer Development Code. It is applicable for the Special Policy Area Plan Designation. As stated in the Comprehensive Plan D (g), the purpose of the special policy area is to limit uses to those that will not be adversely affected by noise and odor originating at the Willow Lake Sewage Treatment Plant, and allow within the Special Policy Area agricultural and related uses, industrial and commercial uses related to agriculture, institutional and other public uses. The purpose of the Agricultural Industrial (IA) zone is to provide areas suitable for agricultural uses, agricultural related industries, warehousing, transportation facilities, and other agricultural, industrial, and recreational uses that have relatively low employees per acre ratios.

- (b) **The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.** (Section 4.16(1)(b), KZO)

FINDINGS: The proposal is for a legislative rezoning of several properties, therefore, there is no specific use proposed on a specific property. Standards contained in the Keizer Development Code ensure that, as development occurs, it does so in such a way as to not exceed the properties physical capacity. These regulations help ensure that the uses permitted on these properties can be accommodated without exceeding the physical capacity of those properties.

- (c) **Allowed uses in the proposed zone can be established in compliance with the development requirements in Chapters 17-20 of the KZO without need for adjustments or variances.** (Section 4.16(1)(c), KZO)

FINDINGS: The development regulations contained in Chapters 17-20 pertain to setbacks, lot coverage, parking, height restrictions, landscaping and provisions for accessory structures. There is nothing unusual about these regulations that would suggest that the allowed uses in the proposed zone would have any particular difficulty in meeting those development requirements.

- (d) Adequate public facilities, services and transportation networks are in place or are planned to be provided concurrently with the development of the property. (Section 4.16(1)(d), KZO)

FINDINGS: The proposed legislative rezoning is in conformance with the Comprehensive Plan and the public facility, transportation and community services aspects of that Plan. Most of the public facilities, services and transportation networks are already in place. Public streets, sanitary sewer and water lines are either in place or will be available to service all of these properties if and when they are developed to the uses permitted under the proposed zones.

LEGEND

CURRENT ZONING		PROPOSED ZONING
	COMMERCIAL RETAIL (CR)	COMMERCIAL MIXED USE (CM)
	EXCLUSIVE FARM USE (EFU)	AGRICULTURAL INDUSTRIAL (IA)
	URBAN TRANSITION	MEDIUM DENSITY RESIDENTIAL (RM)
	URBAN TRANSITION	GENERAL INDUSTRIAL (IG)
	URBAN TRANSITION	MIXED USE (MU)
	URBAN TRANSITION	COMMERCIAL MIXED USE (CM)
	INDUSTRIAL PARK	INDUSTRIAL BUSINESS PARK (IBP)

Keizer

Salem



May 18, 1998

AGENDA ITEM 7b

**ORDINANCE – RECONSIDERATION OF DEVELOPMENT
CODE TO ADD UT AND CR ZONE**

CITY COUNCIL MEETING: May 18, 1998

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND COUNCIL MEMBERS

THROUGH: WALLY MULL, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

**SUBJECT: *RECONSIDERATION OF ORDINANCE
ADOPTING DEVELOPMENT CODE***

DATE: May 14, 1998

At the last meeting, the Council passed the new development code. However, after passage of the code, the Council when deliberating on the legislative rezone kept the Urban Transition (UT) designation for the Clear Lake area. Consequently, the Urban Transition (UT) zone chapter needs to be added back to the development code.

Along the same vein, the Commercial Retail (CR) was eliminated by changing the Commercial Retail (CR) land along River Road to Commercial Mixed (CM). However, there still remains Commercial Retail (CR) land at the Chemawa Activity Center. Therefore, that chapter should not be deleted.

RECOMMENDATION:

Since the Ordinance passed unanimously, any Councilor can move for reconsideration. Staff recommends moving for reconsideration and after passing such motion, readopting the Ordinance with the attached Commercial Retail (CR) and Urban Transition (UT) zone chapters.

Because the second reading of the rezone is also at tonight's meeting and both Ordinances have a 30-day effective date, they will go into effect at the same time.

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

ESJ/tmh

1 BILL NO. _____ A BILL ORDINANCE NO.
2 98-_____
3 FOR

4 AN ORDINANCE ADOPTING THE KEIZER DEVELOPMENT CODE;
5 **REPEALING ORDINANCE NO. 87-078 (KEIZER ZONING**
6 **ORDINANCE) AND ORDINANCE NO. 87-079 (KEIZER**
7 **SUBDIVISION AND PARTITIONING ORDINANCE)**

8 WHEREAS, the Keizer Comprehensive Plan calls for zoning regulations to
9 implement such Plan;

10 WHEREAS, the Keizer Planning Commission and the Keizer City Council has
11 held numerous public hearings to consider the draft Keizer Development Code;

12 WHEREAS, the City of Keizer has adopted the findings set forth below;

13 NOW, THEREFORE, the City of Keizer ordains as follows:

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

16 Section 2. ADOPTION OF THE KEIZER DEVELOPMENT CODE. The City
17 of Keizer hereby adopts the Keizer Development Code as set forth in Exhibit "B"
18 attached hereto and by this reference incorporated herein.

19 Section 3. REPEAL OF ORDINANCE NO. 87-078 AND NO. 87-079.
20 Ordinance No. 87-078 (Keizer Zoning Ordinance) and Ordinance No. 87-079 (Keizer
21 Subdivision and Partitioning Ordinance) are hereby repealed.

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Exhibit A
Finding of Fact
Adoption of the Keizer Development Code

Section 4.15 of the Keizer Zoning Ordinance establishes criteria for a legislative amendment of the text of the Zoning Ordinance.

The first criterion is: Compliance with the statewide land use goals and related administrative rules is demonstrated.

Goal 1 – Citizen Involvement

Finding – The Keizer Development Code was developed with extensive opportunity for public input and with significant public participation. Over the course of the Code’s three-year development, the Planning Commission discussed the Code draft at almost all of its meetings. The Planning Commission held several public workshops on the Code, inviting the general public, neighborhood associations, and the development industry. The Planning Commission and City Council each held public hearings over the course of several nights, and received extensive testimony, all of which was taken into consideration in developing the final Code.

Goal 2 – Land Use Planning

Finding - The Keizer Development Code was developed to implement the Keizer Comprehensive Plan as amended through the periodic review process in 1993. The Keizer Development Code is based on a thorough, factual analysis of the policies and needs of the Community and how those policies and needs can be met through regulation of the use of land.

Finding – The prior Keizer Zoning Ordinance was outdated and outmoded. That ordinance did not anticipate changing development patterns and styles. Nor did it conform to applicable requirements, such as the state Transportation Planning rule.

Goal 3 – Agriculture

Finding – This goal is not applicable.

Goal 4 – Forest Lands

1 Finding – This goal is not applicable.

2

3 Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

4

5 Finding - The Keizer Development Code meets this goal by maintaining the RC (Resource
6 Conservation) zone for application in flood plain areas adjacent to Claggett Creek. Tree
7 preservation and planting is established in the Code as a City requirement. Minimum landscaping
8 requirements for new development are established.

9

10 Goal 6 – Air, Water and Land Resource Quality

11

12 Finding – The Code requires coordination with applicable state and other agencies for matters
13 involving the quality of natural resources. For example, coordination with the Division of State
14 Lands is required for any work within a wetland.

15

16 Goal 7 – Areas Subject to Natural Disasters and Hazards

17

18 Finding – The Keizer Development Code includes the Floodplain Overlay zone. This zone
19 establishes development constraints and requirements for areas mapped as being in the 100-year
20 floodplain. There are no other known natural hazards within the community.

21

22 Goal 8 – Recreation Needs

23

24 Finding – Zoning for parks is maintained in the Keizer Development Code.

25

26 Goal 9 – Economy of the State

27

28 Finding – the Keizer Development Code establishes zones for business and industry, especially
29 the CM (commercial mixed) and IBP (industrial business park) that respect trends in economic
30 development allowing more flexibility in siting and location.

31

32 Goal 10 – Housing

33

34 Finding – The Keizer Development Code increases opportunities for housing development to meet
35 community needs by establishing standards helping to assure efficient use of land within the urban
36 growth boundary. More opportunity exists for non-traditional housing through the various types
37 of shared housing facilities now allowed in the Code. Zoning standards for multi-family

development, duplexes, and manufactured homes are established. More opportunity exists for housing by inclusion of housing as an allowed use in the CM (commercial mixed) zone.

Goal 11 – Public Facilities and Services

Finding - The Keizer Development Code requires the concurrent development of street, sewer, water, and storm drainage facilities to City standards with new development. The Code improves the standards for surface water management.

Goal 12 – Transportation

Finding – Goal 12 is implemented through the Transportation Planning Rule (OAR 660-012-0000).

Finding – New developments will provide on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided. (2.310.04)

Finding – Bicycle parking facilities are required as part of new retail, office and institutional developments. (2.303.08)

Finding – Sidewalks are required along arterials and major collectors and local streets. Bikeways are required along arterials and collectors. (2.302.04)

Finding – Internal pedestrian circulation within new office parks and commercial developments is provided through construction of accessways, walkways and similar techniques. (2.314.07)

Finding – New retail, office, and institutional buildings at or near transit streets will provide for convenient pedestrian access to transit through providing walkways providing connections from buildings to the street; through pedestrian connections to adjoining properties; and providing passenger landing pads at bus stops. (2.305) (2.315)

Finding – The Keizer Development Code includes regulations setting minimum and maximum parking requirements. (2.303.06)

Finding – The Code establishes standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility. (2.302.04)

1
2 Goal 13 - Energy

3
4 Finding – The Keizer Development Code provides for development in a compact manner through
5 in-fill techniques and increased residential densities that will reduce energy consumption.
6

7 Goal 14 – Urbanization

8
9 Finding – The Code establishes standards for achieving projected population and housing demand
10 within the established urban growth boundary, and is designed to implement the City’s adopted
11 goal of achieving an average overall residential density of 6.5 dwelling units per acre for all
12 development occurring after adoption of the Comprehensive Plan.
13

14 Goal 15 – Willamette Greenway

15
16 Finding – The Keizer Development Code includes the Willamette River Greenway overlay zone,
17 which provides protection of the greenway resource consistent with state requirements.
18

19 The second criterion is conformance with the Comprehensive Plan goals, policies, and intent is
20 demonstrated.
21

22 Agricultural Land Policy

23
24 Finding – the prior zoning ordinance was very successful in preserving agricultural lands within
25 the UGB for agricultural use until needed for urbanization. The new Keizer Development Code
26 recognizes that the UGB is nearing capacity and all lands appropriate for new construction should
27 be made available.
28

29 Natural resources and Open Space Policies

30
31 Finding – Land near the Willamette River is protected by the Greenway Overlay Zone. The
32 Resource Conservation Overlay Zone and the Floodplain Overlay Zone protect Land near Claggett
33 Creek.
34

35 Finding - The new Code strengthens standards for filling on property and for management of
36 floodwaters and surface drainage.
37

1 Historic and Cultural Resources

2
3 Finding – The Historic Preservation Overlay Zone protects identified historic sites.

4
5 Environmental Quality

6
7 Finding - Noise impacts are regulated through industrial performance standards and through the
8 requirement to provide buffering against noise between noise generators and residential areas.

9
10 Energy Conservation

11
12 Finding – the Keizer Development Code encourages the development of a compact urban
13 environment, incorporating higher density housing, mixed use developments, and closer proximity
14 of residential, commercial, and service uses thereby reducing reliance on energy.

15
16 Willamette Greenway

17
18 Finding – The Willamette River Greenway Overlay Zone provides protection to the river and the
19 adjacent riverbanks.

20
21 Resource Conservation

22
23 The Resource Conservation Overlay Zone prohibits new development within the RC zoned area,
24 and regulates the thinning and removal of natural vegetation.

25
26 100 Year Flood Plain

27
28 Finding - The Keizer Development Code includes the Floodplain Overlay Zone, which conforms
29 to State and Federal requirements.

30
31 Urban Growth

32
33 Finding – The Code allows new opportunities for creation of housing, thereby making more
34 efficient use of the land within the Urban Growth Boundary. The CM and MU zones both allow
35 higher density housing. The RS zone allows accessory residential structures.

1 Finding -- the Keizer Development Code, by allowing new opportunities for housing, works to
2 meet the objective of achieving an average of 6.5 dwelling units per acre for all new development.

3
4 Residential Development

5
6 Finding -- The development code provides for a variety of housing densities and types.

7
8 Finding -- The Keizer Development Code includes provisions to assure that site designs consider
9 important natural features such as drainage, slopes, flood plains, and significant stands of trees.

10
11 Finding -- The Code includes mixed use zoning for developments that are predominantly
12 residential in nature and those commercial in nature.

13
14 Commercial and Industrial Development

15
16 Finding -- The code requires from commercial and industrial development high design standards
17 including such standards as screening of outdoor storage areas, avoiding large expanses of blank
18 walls, and adequate landscaping.

19
20 Finding -- The Keizer Development Code includes provisions allowing and encouraging high
21 quality industrial and business park development.

22
23 The third criterion is public need is best satisfied by this particular change.

24
25 Finding -- The existing Zoning and Subdivision Ordinances are over 10 years in age, and are based
26 on earlier Marion County ordinances that are much older. These documents do not reflect current
27 development practices or public values in terms of allowing more flexibility in the use of land and
28 having greater standards for design and impacts.

29
30 Finding -- The Keizer Development Code was developed through extensive work by professional
31 and lay planners, development industry representatives, and citizens at large, to create a planning
32 tool that reflect current community needs.

33
34 Finding -- The existing Ordinances have proven to be difficult to administer by having internal
35 inconsistencies and numerous cross-references. This also makes the documents difficult for the
36 lay person to read and understand.

1 Finding – The Keizer Development Code is designed to be easier to read and administer than its
2 predecessor.

3
4 Finding – Many alternatives for specific code provisions were raised and explored, with the
5 resulting ones incorporated into the Code.

6
7 The fourth criterion is that the change will not adversely affect the health, safety, and welfare of the
8 community.

9
10 Finding – The Keizer Development Code works to protect and enhance the health, safety, and
11 welfare of the community by providing a modern, comprehensive set of regulations of the use of
12 land which will protect important natural and community resources, provide for the housing needs
13 of the citizens, support the City’s economic vitality, and assure a high quality of design.

14

2.116 URBAN TRANSITION (UT)

2.116.01 PURPOSE

The UT zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage, and streets. The zone allows the continuation of legally established uses and certain other limited uses which will not interfere with the efficient, later use of the land for urban development.

2.116.02 USES.

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

- A. Lawful uses other than those listed in this Section 36.01 on a property at the time of the effective date of this zone except as provided in Section 2.116.03.
- B. Farm use.
- C. The propagation of forest products.
- D. Public and semi-public buildings and structures rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations, reservoirs, and electrical transmission lines.
- E. A mobile home customarily provided in conjunction with farm use subject to an agreement requiring removal if the property is subsequently placed in a zone that does not permit mobile homes.
- F. A mobile home subject to an agreement requiring removal if the property is subsequently placed in a zone that does not permit mobile homes, and subject to Sections 36.30 to 36.32.
- G. Nursery.

2.116.03 CONDITIONAL USES.

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

- A. Any permitted use listed in the most restrictive zone in this zoning ordinance that can be applied in the applicable Comprehensive Plan designation subject to meeting the criteria in Section 36.03 (a), (b), (c) and, (d).

- B. Expansion or replacement of a use permitted under Section 36.01 (a) subject to meeting the criteria in Section 36.03 (a), (b), (c), (d), (e), (f), and (g).
- C. Commercial and industrial activities in conjunction with farm or forest use.
- D. Use of a mobile home as a temporary hardship dwelling subject to SU 12.10.
- E. Single family dwelling meeting criteria in Section 36.03(a), (d) and (g), and, Sections 36.30 to 36.32.

2.116.04 CONDITIONAL USE CRITERIA.

Before a conditional use permit may be approved, it must be found that the following criteria applicable to the proposed use will be satisfied:

- A. The use will not increase traffic beyond the capacity of existing roads.
- B. It will be located in such a manner that any significant unused portion of the property has adequate development options and will not restrict development options on adjacent properties.
- C. The use can utilize rural services or existing urban services, and will not individually or together with nearby uses increase pressure for installation of new urban services.
- D. The use meets the development standards of the most restrictive zone in the zoning ordinance consistent with the Comprehensive Plan designation.
- E. The expansion will result in an accumulated increase of no greater than 50 percent of the total ground floor and outside storage area lawfully existing on the effective date of the application of this zone to the property.
- F. The Comprehensive Plan designation clearly indicates that the use to be expanded will be a permitted use in the zones typically applied in the applicable designation.
- G. No new residential structures or mobile homes, except as provided for in section 36.01 (e), are permitted unless the area is designated for residential development and the most restrictive zone would permit the residential use or mobile home.

2.116.05 DEVELOPMENT STANDARDS

The standards and regulations in this chapter and the additional standards and regulations referenced in the Development Code apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

2.116.06 HEIGHT.

Within a UT zone, there is no height limit except a maximum of 35 feet for dwellings, and structures associated with special uses, and conditional uses. Buildings and structures erected, altered, or enlarged shall not exceed 45 feet in height. Greater height may be requested and approved as a conditional use.

2.116.07 FRONT YARDS AND YARDS ADJACENT TO STREETS

Within a UT zone:

- A. Along the full extent of each front lot line and lot line adjacent to a street, there shall be a required yard 10 feet in depth; provided however, that any corner lot having one single-family dwelling shall have a required yard of 10 feet along the front lot line and ten feet along the side lot line adjacent to the street, and garages or carports having a vehicle entrance facing a street shall be setback at least 20 feet from the street right-of-way line.
- B. Within 20 feet from the street right-of-way no more than two adjacent lots shall have the same setback from the right-of-way for the main building. Setbacks for the main building shall vary at least 4 feet in depth between adjacent lots. A single-family dwelling having a side yard adjacent to a street shall not be considered as affecting or affected by setbacks of adjacent buildings under this subsection.
- C. Notwithstanding the provisions of subsections A and B of this section, there shall be a required front yard of 20 feet from the right-of-way of a designated arterial or collector street, and a required rear yard of 14 feet from a designated arterial or collector street.
- D. Setbacks for accessory structures shall be subject to the requirements of Chapter 18.

2.116.08 INTERIOR SIDE YARDS

Within a UT zone, the following side yards shall be provided:

- A. Side yards of 0 feet on one side and a minimum of 10 feet on the other side when the Zoning Administrator determines that the lot adjacent to the 0 setback is in the same ownership at the time the dwelling is established and the 0 setback will not encroach on any easements. Both lots shall be designated residential in the Comprehensive Plan.
- B. Side yards of 0 feet on one side and a minimum of 10 feet on the other side, or 0 on both sides when any lot adjacent to the 0 setback is in the same ownership at the time the dwelling is established. Where a 0 setback is provided on one lot, the setback on the lot adjacent to the 0 setback shall be either 0 feet or a minimum of 10 feet. Both lots shall be designated residential in the Comprehensive Plan.
- C. For all other lots, side yard requirements for the most restrictive zone allowed in the appropriate Comprehensive Plan designation shall be required.

2.116.09 INTERIOR REAR YARDS

Within a UT zone, the following rear yards shall be provided:

- A. Fourteen (14) feet for any one story single-family dwelling and for any portion of any other building not more than 15 feet in height; and twenty feet for any portion of a building greater than 15 feet in height or a multi-story single-family dwelling.
- B. Setbacks for accessory structures shall meet the requirements of Chapter 2.312.

2.116.10 LANDSCAPING

Within a UT zone:

- A. All portions of required yards lying between a street or roadway and the dwelling or between the street or roadway and any sight-obscuring fence or hedge located within the required yard shall be landscaped.
- B. All required landscaped areas shall be landscaped as provided in Chapter 18.

2.116.11 DEVELOPMENT PRIORITIES AND GROWTH MANAGEMENT

The City of Keizer Comprehensive Plan establishes priorities for the future expansion of public facilities and services to currently unserved areas in the City. These unserved areas are in a UT or EFU zone. The map shown on Figure 2.116-1 indicates three development priorities for the UT and EFU zoned areas in the City. Priority 1 areas are surrounded by or are immediately adjacent to areas where public sewer and water currently exists, where LIDs or other commitments for service extension are approved, and where new growth is likely during the next 10 years. Priority 2 areas have a medium priority for service extensions, and will likely experience new growth in 5 to 15 years. Priority 3 areas have a low priority for service extensions, and are not expected to experience growth for 10 to 20 years. The following development standards apply to these development priority areas.

2.116.11 DIVISIONS OF LAND AND AUTOMATIC REZONING.

- A. A subdivision, residential planned development or other residential development involving the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes may be considered on property in the UT zone if public sewer and water will be available at the time of development. Notwithstanding the zone change procedures in Chapter 4, upon approval and recordation of the plat the land included in the plat shall automatically be rezoned to the RS (SINGLE-FAMILY RESIDENTIAL) Zone.
- B. Residential developments that are not allowable in the RS zone may only be considered as part of, or subsequent to, a change to a zone that allows the proposed development.
- C. The following regulations shall apply when lot line adjustments and partitionings of land within the UT zone subject to the provisions of the Subdivision and Partitioning Ordinance are proposed:
 - 1. Existing parcels with dwellings may be separated from the remaining property provided the dwelling parcel does not preclude future redevelopment of the remaining parcel to maximum densities allowed in the Comprehensive Plan designation, and any additional street right-of-way required by adopted standards is dedicated along the parcel's street frontage. In addition, the following minimum lot sizes apply for the parcel containing the dwelling:
 - (a) Served by both public sewer and water: 6,000 square feet.
 - (b) Lacking public sewer or water: 20,000 square feet.

- (c) Lacking both public sewer and water: 1 (one) acre in priority 1 and 2 development areas, 2 acres in priority 3 development areas.
 - (d) Notwithstanding subsection (c), if a lot area greater than the minimum standard specified in (c) is requested, a redevelopment plan as described above must be approved.
- 2. Street and drainage improvements applicable to any parcel created under 1. shall be imposed at the time the remnant parcel is developed for urban use.
- 3. The location of parcel lines shall not significantly reduce feasible options for the future location of urban roads or services, or preclude basic development options on the property or adjacent properties. A development plan may be required which indicates how the proposed division will not preclude future development at densities allowed in the Comprehensive Plan.
- 4. Partitioning of land creating an undeveloped parcel of less than 5 acres in area shall not be allowed in Priority 2 and 3 areas. Minimum lot dimension standards in Priority 2 and 3 areas are:
 - (a) The property shall have no dimension less than 100 feet.
 - (b) The property shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way width of not less than 40 feet.

2.116.12 REQUIREMENTS FOR ON-SITE SEWAGE DISPOSAL PERMITS

The following conditions shall be met prior to the approval of an on-site sewage disposal system permit in conjunction with other criteria when applicable:

- A. The property shall not lie within the boundary of a sewer service district as it was drawn prior to the inclusion within the City limits or within the boundary of an improvement district for sewer services that has been proposed by the City.
- B. The property must lie more than 300 feet in a straight line from an existing sewer line which can be extended to the property to provide gravity sewer service.

- C. The property shall not be serviced by a city or district water system.
- D. The property owner shall sign a non-remonstrance agreement for future sewer service by the City.
- E. The property shall have no dimension less than 100 feet.
- F. The property shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way of not less than 40 feet.
- G. Applicant shall have obtained from the County Sanitarian a favorable site evaluation to install an on-site sewage disposal system.
- H. The applicant shall have submitted an approved redevelopment plan that shows the following:
 - (1) How maximum densities allowed by the Comprehensive Plan can be met by further development of the property following the proposed construction.
 - (2) The location of public facilities and roads following full development to the maximum urban density allowed by the Comprehensive Plan.
 - (3) Location of the improvements proposed by the application.
- I. The applicant will be required to connect the proposed improvements to the public sewer system if, in the future, the public sewer system comes to within 300 feet of the building.

CHAPTER 28

COMMERCIAL RETAIL - CR ZONE

Contents

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28.00 PURPOSE. The purpose of the CR (Commercial Retail) zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations and commercial services. The Commercial Retail zone is appropriate in those areas designated Commercial in the Comprehensive Plan when the location has access to a collector or arterial street.

28.01 USES. The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the CR zone:

- (1) One dwelling unit in conjunction with the commercial uses(s) of the lot.
- (2) Offices for any use listed in SIC Division C - Construction.
- (3) Post offices (43).
- (4) Building materials, hardware, retail nurseries, and garden supply (52) except mobile home dealers (527).
- (5) General merchandise stores (53).
- (6) Food stores (54).
- (7) Auto and home supply stores (553).
- (8) Gasoline service stations (554) (SU 12.52) except as provided in Section 28.03, below.
- (9) Eating and drinking places (58) except as provided in Section 28.03, below.

- (10) Miscellaneous retail (59) except fuel and ice dealers (598) provided all display is within a building.
- (11) Used Merchandise Store (SU 12.48) provided all display is within a building.
- (12) Vehicle sales and secondary repair except as provided in Section 28.03, below.
- (13) Finance, insurance, and real estate (60, 61, 63, 64, 65, 66 and 67).
- (14) Hotels, motels, and tourist courts (701).
- (15) Religious organizations (SU 12.60).
- (16) Veterinary services (074) (SU 12.42 in urban areas).
- (17) Membership organizations (86).
- (18) Public utility structures and buildings except as provided in Section 28.03, below.
- (19) Recreational vehicle parks (7033) (SU 12.40) except as provided in Section 28.03, below.
- (20) Uses prescribed in Chapter 21.
- (21) Unlimited number of guest rooms including rooming and boarding houses (702), organization hotels and lodging homes on membership basis (704).
- (22) Signs (SU Chapter 15).
- (23) Bed and breakfast establishments (SU 12.26).
- (24) Miscellaneous amusement and recreation services (799) except golf courses (7992) and amusement parks (7996).
- (25) Landscape counseling and planning (0781).
- (26) News dealers and newsstands (5994).
- (27) Commercial printing (275).
- (28) Communications (48).
- (29) Apparel and accessory stores (56).
- (30) Furniture, home furnishings, and equipment stores (57).
- (31) Electrical and lighting shops and office machines and equipment stores.
- (32) Personal services (72) except carpet and upholstery cleaning (7217) and industrial launderers (7218).
- (33) Business services (73) except disinfecting and exterminating services (7342) and research and development laboratories (7391).
- (34) Automobile parking (752) except as provided in Section 28.03, below.
- (35) Watch, clock, and jewelry repair (763).
- (36) Motion picture distribution and allied services (782).
- (37) Motion picture theaters (783) except drive-ins (7838).
- (38) Dance halls, studios, and schools (791).
- (39) Theatrical producers (except motion pictures), bands, orchestras, and entertainers (792).
- (40) Bowling alleys and billiard and pool establishments (793).
- (41) Health services (80) except hospitals (806).
- (42) Ambulance service.
- (43) Legal services (81).

- (44) Educational services (82).
- (45) Social services (83).
- (46) Museums, art galleries, botanical and zoological gardens (84).
- (47) Miscellaneous services (89).
- (48) Executive offices (911).
- (49) Executive and legislative combined (913).
- (50) Finance, taxation, and monetary policy (93).
- (51) Administration of human resources programs (94).
- (52) Administration of environmental quality and housing programs (95).
- (53) Administration of economic programs (96).
- (54) National security and international affairs (97).
- (55) Automotive Dealers (55) but excluding gasoline service stations (554) except as provided in Section 28.03, below.
- (56) Adult entertainment business (SU 12.50).
- (57) Billboards (non appurtenant signs) (SU Chapter 15).
- (58) Mixed-use buildings (SU 12.46).
- (59) Residential home care and adult residential home care.
- (60) Printing & Publishing (Ord 87-078) (Ord 92-232) (Ord 96-357)

28.02 CONDITIONAL USES. The following uses may be permitted subject to obtaining a conditional use permit:

- (1) Water supply (494).
- (2) Carpet and upholstery cleaning (7217).
- (3) Automotive rental and leasing, without drivers (751) except as provided in Section 28.03, below.
- (4) Automotive repair shops (753) except as provided in Section 28.03, below.
- (5) Automotive services, except repair (754) except as provided in Section 28.03, below.
- (6) Electrical repair shops (762).
- (7) Reupholstery and furniture repair (764).
- (8) Professional sports clubs and promoters (7941).
- (9) Utilities - secondary truck parking and material storage yard except as provided in Section 28.03, below.
- (10) Manufacture of jewelry, silverware, and plated ware (391).
- (11) Manufacture of costume jewelry, novelties, buttons, etc. (396).
- (12) Local and suburban passenger transportation (411).
- (13) Intercity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access onto a major arterial (413).(Ord 87-078)(Ord 96-357)

28.03 PROHIBITED USES. The following uses are prohibited from the any property fronting on River Road or Chemawa Road in the following area; the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities.

- (1) Gasoline service stations (554) (SU 12.52).
- (2) Drive-Through windows or car service associated with eating and drinking places (58).
- (3) Vehicle sales and secondary repair.
- (4) Public utility structures and buildings.
- (5) Recreational vehicle parks (7033) SU 12.40).
- (6) Automobile parking not associated with an allowed use (752).
- (7) Automotive Dealers (55).
- (8) Automotive rental and leasing, without drivers (751).
- (9) Automotive repair shops (753).
- (10) Automotive services, except repair (754).
- (11) Utilities – secondary truck parking and material storage yard. (Ord 96-357)

28.10 DEVELOPMENT STANDARDS. The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 17 to 20 apply to all lots, structures, and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

28.11 HEIGHT. Within a CR zone, buildings and structures erected, altered, or enlarged shall not exceed 50 feet in height.

28.12 LOT AREA AND DIMENSIONS. Within a CR zone, there are no minimum lot area or dimension requirements.

28.13 FRONT YARDS AND YARDS ADJACENT TO STREETS. Within a CR zone:

- (a) Along the full extent of each lot line adjacent to a street, there shall be a required yard 5 feet in depth.

- (b) Setbacks for accessory structures, except fences, shall be the same as for primary buildings.

28.14 INTERIOR SIDE AND REAR YARDS. Within a CR zone, the following yards shall be provided:

- (a) Adjacent to a side or rear lot line abutting a lot in any residential zone, there shall be a required side or rear yard three feet in depth along the full extent of the side or rear lot line.
- (b) Except as provided in subsection (a) of this section, no interior rear or side yards are required; but any space between a building and another structure, other than a fence, shall be not less than three feet in depth exclusive of any alley area.
- (c) Setbacks for accessory buildings and structures except fences shall be the same as for main buildings.

28.20 LANDSCAPING. Within a CR zone:

- (a) Landscaping shall be provided in any yard adjacent to a residential zone and in any required front or side yard. Such yard adjacent to a residential zone shall be contained by a sight-obscuring fence, wall or hedge.
- (b) A landscaped area at least 3 feet wide shall be provided between any parking or loading spaces or driveway, and street or lot in a residential zone.
- (c) All required landscaped areas shall be landscaped as provided in Chapter 18.

28.30 REFERENCE TO ADDITIONAL STANDARDS. Additional use and development standards may be found in the following chapters:

Planned Developments	Chapter 13
Mobile Home Parks	Chapter 14
General Development Standards & Regulations	Chapter 17
Landscaping	Chapter 18
Off-Street Parking & Loading	Chapter 19
Development Standards for Secondary, Accessory and Temporary Structures	Chapter 20
Floodplain Overlay Zone	Chapter 42
Greenway Overlay Zone	Chapter 43

Activity Center Overlay Zone
Resource Conservation Overlay Zone

Chapter 46
Chapter 47 (Ord 87-078)



May 18, 1998

AGENDA ITEM 7C

**ORDINANCE – AMENDING COMPREHENSIVE PLAN/ZONE
CHANGE/CONDITIONAL USE – KEIZER BASEBALL STADIUM
CASE NO. 96-04 (TRAFFIC MANAGEMENT PLAN)**

KEIZER CITY COUNCIL MEETING: May 18, 1998

AGENDA ITEM NUMBER: 7c

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC 
CITY RECORDER

SUBJECT: ORDINANCE – IN THE MATTER OF AN AMENDMENT TO A
CONDITION OF APPROVAL IN CASE NO. CU 96-04 WITH REGARD TO
AMENDING THE CONDITION OF APPROVAL FOR USE OF TEPPER LANE
FOR STADIUM EVENTS; AMENDING ORDINANCE NO. 96-359; DECLARING
AN EMERGENCY

ISSUE:

On May 4, 1998 an ordinance in the matter of the amendment to a condition of approval in case no. 96-04 with regard to amending the condition of approval for use of Tepper Lane for stadium events was before the Council for consideration. The following motion was made and passed with the following votes:

Council President Keller moved a Bill For An Ordinance In The Matter Of An Amendment To A Condition Of Approval In Case No. Cu 96-04 With Regard To Amending The Condition Of Approval For Use Of Tepper Lane For Stadium Events; Amending Ordinance No. 96-359; Declaring An Emergency. Councilor Whalen seconded the Motion.

The Motion passed with the following votes:

AYES: Beach, Keller, McGee, Meier, and Whalen (5)

NAYS: Miller (1)

ABSTENTIONS: Koho (1)

ABSENT: None (0)

The Ordinance is before the Council for a second reading.

1 BILL NO. _____

A BILL

ORDINANCE NO.

98-_____

FOR

AN ORDINANCE

IN THE MATTER OF AN AMENDMENT TO A
CONDITION OF APPROVAL IN CASE NO. CU 96-04
WITH REGARD TO AMENDING THE CONDITION OF
APPROVAL FOR USE OF TEPPER LANE FOR
STADIUM EVENTS; **AMENDING ORDINANCE NO.
96-359; DECLARING AN EMERGENCY**

The City of Keizer ordains as follows:

Section 1. THE APPLICATION. This matter came before the Keizer City Council based on the City's application for amendment of Condition C(2) set forth in Exhibit "E" of Ordinance No. 96-359. Such Ordinance was a combined legislative and quasi judicial action approving a legislative comprehensive plan and zone change for property to allow the development of a multi-purpose stadium, as well as a quasi judicial decision on the conditional use permit. As part of the conditional use permit approval, Condition C(2) mandated an event traffic management plan that required Tepper Lane to be closed for stadium events. The application is to amend such condition to provide for the opportunity to have event traffic management plans that do not include closing Tepper Lane.

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

5 Section 3. PUBLIC HEARING. A public hearing was held on this matter
6 before the Keizer City Council on April 20, 1998. The following persons either
7 appeared at the April 20, 1998 hearing or submitted written testimony on the application:

- 8 1) Amy Drought, City Planner.
- 9 2) Jacque Moir
- 10 3) EJ Wright
- 11 4) Myrna Wogalmon
- 12 5) Lee Thomas
- 13 6) Wayne Trucke
- 14 7) Roy Tribe
- 15 8) Bob Herberger
- 16 9) Jim Bohanan
- 17 10) Bea Quest
- 18 11) Cynthia Vannoy
- 19 12) Tina Sloan
- 20 13) Karen Trucke

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

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

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

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

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

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

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

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

19 ///

20 ///

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

4 PASSED this _____ day of _____, 1998.

5 SIGNED this _____ day of _____, 1998.

6
7 _____ Mayor

8 _____
9 City Recorder

EXHIBIT "A"

Evidence

Council President Keller opened the public hearing on April 20, 1998.

Shannon Johnson, City Attorney reviewed the applicable criteria for the amendment to the conditional use, originally adopted in 1996. There were no questions regarding procedure or objections to any issues raised.

Wally Mull, City Manager pointed out there have been meetings held to discuss the traffic issues surrounding the baseball stadium since the closure of the 1997 baseball season. These meetings included representatives of the Salem-Keizer Baseball team, representatives of the Gubser Neighborhood Association, and members of the staff. Based upon previous Council action, this matter was scheduled for a hearing to consider an amendment to the Comprehensive Plan/Zone Change/Conditional Use Permit granted in December, 1996 pertaining to the traffic management plan.

Presenting testimony to the Council were:

Jacque Moir, 6745 McLeod Lane NE, Keizer, urged the Council to consider a sunset date for reconsideration of any changes made to the traffic management plan. She believes changing the traffic plan at this time is only a band-aid, not a solution to the problem, and therefore should be revisited again. Ms. Moir also voiced her frustration that this change is being considered just weeks before the opening of the baseball season. She believes by opening Tepper Lane, it will allow more vehicles into the neighborhoods, which may result in additional police calls. Ms. Moir explained this issue has been a dividing force between residents of the Gubser Neighborhood Association.

Ms. Moir reminded the Council that the traffic issue in the Gubser neighborhood began with the Chemawa Activity Center plan, not the baseball stadium. Industrial development in the area will result in trucks using the neighborhood streets. This was the initial reason for the closure of Tepper Lane. She pointed out if Radiant Drive was improved to three lanes, it could provide a solution to the traffic congestion. In describing the layout and condition of Tepper Lane, Ms. Moir indicated the traffic will become snarled by the short distance between stop signs and railroad crossings. In conclusion, Ms. Moir believed these concerns need to be fully addressed before a successful traffic management plan can be put in place and the neighborhood can be peaceful again.

EXHIBIT "A"

Page 1 of 5

EJ Wright, 2149 Aldine Drive NE, Keizer, questioned the promises previously made by the Council that a traffic management plan would be in place prior to the opening of the baseball stadium. He suggested alternate traffic routes should be considered rather than opening Tepper Lane and funneling the traffic through the neighborhoods. Mr. Wright indicated a northern exit option should also be considered so his residential area will not become landlocked or inaccessible. By opening Tepper Lane it will preclude the residential use of his property.

Myrna Wogalmont, 6255 Radiant Drive NE, Keizer, distributed a respirator filter used during an eight-game stretch at the baseball stadium during the 1997 season. These filters are an indication of the fumes generated by the number of cars passing by her home to and from the games. Ms. Wogalmont understands the amount of traffic associated with the stadium, however she believes alternate access and exit roads must be used to alleviate some of it from Radiant Drive.

Lee Thomas, 6300 Radiant Drive NE, Keizer, expressed his concern that emergency vehicles will not be able to access his home during life threatening situations. He is bound to a wheel chair and is worried help will not be available when necessary. Mr. Thomas pointed out Radiant Drive is a narrow street that becomes very congested during events at the stadium. He criticized the Council for placing the potential revenues generated from the stadium before the safety and well being of the residents in this area.

Wayne Trucke, Gubser Neighborhood Association President, 6330 14th Avenue NE, Keizer, indicated a report from the Gubser Neighborhood Association was submitted outlining the discussions and recommendations from the most recent meeting. The first recommendation is to keep Tepper Lane closed to all stadium traffic. In addition a traffic study should be conducted and prepared by an outside traffic engineer, and the traffic along Radiant Drive should be two-way at all times. However, if the Council goes against the wishes of the Gubser Neighborhood Association by opening Tepper Lane, consideration should be given to the nine recommendations included in the report.

In response to a question from Council President Keller, Mr. Trucke pointed out Tepper Lane is not considered a part of or an alternate exit route for vehicles visiting the Miracle of Christmas display.

On a personal note, Mr. Trucke indicated a letter was submitted from himself and his wife outlining their views on this issue. He pointed out several concerns with increasing the traffic on McLeod Street. Furthermore, the City has failed to address the traffic stadium issues in a timely manner. Reading from his letter, Mr. Trucke outlined several dates and

occurrences in which the City has failed to identify the solutions or prepare a traffic analysis for the area. In addition, the Gubser Neighborhood Association has continually requested this issue be discussed and the City has failed to respond.

Responding to the amount of traffic visiting the Gubser neighborhood during the Miracle of Christmas lighting event, Mr. Trucke pointed out this traffic is controlled by additional signage, is two-way at all times, no City funds are used, hours of visitation are set, children are not present on the streets due to darkness, and the traffic travels at a rate of 0 to 5 mph. Furthermore, this is a charitable event to collect food for the Marion and Polk Food Share program.

In conclusion, Mr. Trucke requested the Council postpone voting on this issue until the full Council is present (Mayor Koho absent) and if Tepper Lane is opened, structural improvements be considered immediately.

Roy Tribe, 6685 McLeod Lane NE, Keizer, and Bob Herberger, 2805 Chemawa Road NE, Keizer, explained they were a Gubser Neighborhood Association subcommittee formed to explore resolutions to the traffic issues at the Keizer Baseball Stadium. Mr. Tribe defined one of the goals was to work in cooperation with the entire neighborhood to arrive at solutions to the traffic problems.

Bob Herberger displayed a potential plan to remove stadium traffic in an efficient manner. This plan divides the parking lot into three colored-sections which will allow the cars to exit in three different directions. Mr. Herberger believes the stadium management would be willing to participate in implementing this solution. A cooperative effort by all parties would result in an efficient removal of the stadium traffic.

Councilor Whalen voiced his appreciation for the work done by this subcommittee to develop a potential solution to this problem. He pointed out there may be only 50 percent repeat visitors to the stadium, therefore an educational program must be developed to make this plan successful.

Mr. Tribe pointed out it will take a great deal of cooperation between all parties implement this plan. He believes the stadium management has a responsibility to assist in making the departure from the stadium a success.

Jim Bohanan, 6110 Radiant Drive NE, Keizer, favored distributing the traffic through all potential exits so no one particular area feels the full impact. He voiced his frustration with the traffic experiences during the Miracle of Christmas lighting event sponsored by the

Gubser Neighborhood Association. Mr. Bohanan requested the City distribute a schedule of the stadium events for notification to the residents affected by the increased traffic.

Bea Quest, 2033 Northtree Drive NE, Keizer, expressed her concerns an injustice has been done by allowing the baseball stadium to be built. She noted Radiant Drive and Tepper Lane are dangerous roads and should be improved to handle this additional traffic. Ms. Quest indicated her husband has medical problems and she is concerned with his welfare. The additional traffic generates noise, fumes, garbage, and speeding vehicles. Ms. Quest indicated the City is liable for allowing this structure to ruin the livability of her neighborhood.

Cynthia Vannoy, Claggett Creek Neighborhood Association President, 683 Faymar Drive NE, Keizer, pointed out this is not only a traffic issue but a broken promise to the neighborhood associations. This action has resulted in a break down of the working relationship between the City Council and the neighborhood associations.

Tina Sloan, 5905 Radiant Drive NE, Keizer, expressed her concern with the treatment of the Radiant Drive residents during this entire process. The traffic management plan implemented during the 1997 season was very dangerous, especially when the traffic patterns were changed to one-way traffic. This caused a negative impact on the residents, visitors, customers, and businesses along Radiant Drive. Ms. Sloan pointed out the substantial waste of tax dollars by improving Radiant Drive prior to the development of the Chemawa Activity Center.

By opening Tepper Lane, the traffic impact would be reduced on Radiant Drive. She also believed by opening additional exits, there would be a reduction of officers necessary to assist with traffic disbursement. With the planned improvements to McLeod Street, this would increase the safety of those traveling to and from the stadium. Ms. Sloan noted during the Gubser Neighborhood Association meetings, there has been a division of the members on this issue. However, she urged the Council to consider opening Tepper Lane to reduce the traffic impacts on Radiant Drive.

Karen Trucke, 6330 14th Avenue NE, Keizer, questioned the City's intent of disbursing traffic through a residential neighborhood. Ms. Trucke displayed a map of the Gubser Neighborhood Association indicating the number of residents in each of the four neighborhood districts. This totals approximately 960 households. Ms. Trucke explained there are few exits available to residents in the northern portion of the neighborhood. Traffic is already congested and she is concerned the opening of Tepper Lane would cause a great risk to this area.

EXHIBIT "A"

Page 4 of 5

Referring to the Comprehensive Plan, Ms. Trucke explained through-traffic should be discouraged in residential neighborhoods, residential areas should be protected from any land use activity involving an excessive level of noise and traffic volume, and the City should protect existing residential uses from traffic noise levels that exceed certain decibels. Ms. Trucke also expressed her concern with the safety of the children in the neighborhood. Stadium events may occur during the daytime hours causing potential safety risks to the Whiteaker Middle School children. Ms. Trucke pointed out she does not objecting to the rerouting of traffic, however she is concerned with the departure through the neighborhoods.

Responding to a question from Councilor McGee, City Attorney Johnson indicated a sunset clause may difficult to include in the Ordinance. However, an annual review by the City Council or City Manager may be appropriate language to place in the Ordinance.

Wally Mull, City Manager, explained Tepper Lane is in a residential area and therefore not considered a truck route. However, when the Chemawa Activity Center is developed, a truck route will be designated to avoid potential truck traffic through the neighborhood.

Councilor McGee expressed his concern with the testimony regarding promises being made to keep Tepper Lane closed at all times to stadium traffic. Councilor Beach believed there was not a promise made that Tepper Lane would be closed permanently to stadium traffic. Based upon the negative experiences from the previous season, new solutions needed to be created to deal with these traffic hazards.

Councilor Miller believed it was critical to keep two southbound exiting lanes open due to the percentage of the traffic coming from the south. City Manager Mull explained it would be necessary to obtain property from the Radiant Drive residents in order to widen the road to three lanes. Furthermore, improvements could not be completed prior to the opening of the baseball season.

Rob Kissler, Public Works Director, indicated the improvements to McLeod Street will begin in July and be completed prior to September 1st. The improvements will consist of the addition of curbs, gutters, and sidewalks. He believes there will be minimal impact to traffic during the construction period.

Council President Keller closed the Public Hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to the application are found in the Keizer Zoning Ordinance (KZO) at Section 8.30.

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

EXHIBIT "C"

Facts

FINDINGS: GENERAL

1. The original approval set forth in Ordinance 96-359 contains facts relevant to the requested amendment. Such facts are incorporated herein as if fully set forth.

2. Section 8.30 of the Keizer Zoning Ordinance identifies the criteria for a conditional use permit. The specific criteria and related findings are set forth below:

- a. The use is listed as a conditional use in the zone. KZO 8.30(a)

FINDING: The conditional use (commercial sports facility) is listed as a conditional use in the Public Zone.

- b. The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features. KZO 8.30(b)

FINDING: The site is ideally suited to the use because of its size, shape and location. There are no difficulties with the topography, soils, slope stability, drainage and natural features.

- c. The proposed use, as conditioned, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the applicable zone. KZO 8.30(c)

FINDING: The proposed use of the property (multi-purpose stadium) has already been established. The proposed amendment to Condition C(2) would allow the event traffic management plan to provide for Tepper Lane to be opened for cars to use Tepper Lane and McLeod Lane for access and egress from the stadium. There is a potential for impact in the Gubser neighborhood from such traffic. However, the Gubser neighborhood is not the property surrounding the stadium, and it is therefore inapplicable pursuant to the language of the criteria. Alternatively, the impact from the

traffic is not to the degree necessary to cause noncompliance with the criteria. The impact is not one that materially alters the character of the area in a manner which substantially limits, impairs or precludes the use of the properties.

- d. The proposed use will not have a detrimental effect on existing solar or wind energy systems. KZO 8.30(d)

FINDING: There are no such systems in the area.

- e. Adequate public and utility facilities and services to serve the use exist or will be made available prior to establishment of the use. KZO 8.30(e)

FINDING: Public facilities adequate to meet the needs of the use have been established.

EXHIBIT "D"

Justification

The applicant has the burden of showing that the application meets relevant criteria and standards.

In this case, the applicant is requesting an amendment to Condition C(2) of Ordinance No. 96-359. Such Ordinance, in part, approved a conditional use permit for construction of a multi-purpose stadium in the vicinity of the intersection of Tepper Lane and Radiant Drive. Condition C(2) reads as follows:

2. An event traffic management plan including having Tepper Lane closed before, during, and after stadium events shall be developed and approved by the City prior to occupancy of the stadium.

There has been discussion regarding having a traffic management plan which would allow Tepper Lane to be open to allow additional release point for traffic to and from the stadium. Such a plan would require an amendment of Condition C(2).

The previous traffic plan converted Radiant Drive to a one-way south bound street after stadium events. Tepper Lane was closed. Radiant Drive residents have complained about the inconvenience and safety issues of not being able to reach their property with emergency vehicles. In addition, testimony pointed to instances where confusion might result in head on accidents as some drivers are not familiar with the fact that Radiant Drive is temporarily made one-way. A plan which would open Tepper Lane for travel via McLeod Lane and Tepper Lane would give the opportunity to leave Radiant two-way at all times.

Some of the Gubser neighborhood residents in the vicinity of Tepper Lane and McLeod Lane have objected. They feel that the traffic going to and from the stadium on this neighborhood street (McLeod Lane) will cause inconvenience and air pollution, as well as provide for the opportunity of traffic "infiltration" through other streets in the neighborhood.

The applicable criteria in this matter are set forth in Keizer Zoning Ordinance 8.30. Of particular importance is subsection C of that criteria. It reads as follows:

EXHIBIT "D"

Page 1 of 2

The proposed use, as condition, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the applicable zone.

Though traffic on Tepper Lane and McLeod will no doubt impact the Gubser neighborhood to some degree, such impact does not equal noncompliance with the above quoted criteria. First, the focus in the criteria is the "use of the surrounding properties". The surrounding properties of the stadium are all farm dwellings. The parties objecting to the McLeod traffic are not surrounding properties. Therefore, the focus is on the wrong properties.

Second, even if the emphasis is on the correct properties, the impact does not rise to the level necessary to find noncompliance with the criteria. The criteria indicates that the use must materially alter the character of the surrounding area in a manner which substantially limits the use of surrounding properties for the primary uses. The properties that raised the concerns are single family residential. Those uses can still be made of the property. The fact that the access to the property may be more difficult during times of heavy traffic, or that noise and other secondary impacts from the traffic will inconvenience those property owners, though important, are not determinative with regard to this criteria. If the proposed use was one which would so severely impact the residential properties that they could not be used for residential purposes, then the criteria would not have been met.

The applicable criteria have been met. The amendment will not require Tepper Lane to be open for stadium event traffic. This decision leaves the opportunity for later closing of Tepper Lane should the facts warrant it. However, it also provides a way to allow Radiant to remain a two-way street, which is a safer alternative.

EXHIBIT "E"

Action

A. The City of Keizer hereby GRANTS the application to amend Condition C(2) set forth in Ordinance No. 96-359. Such condition is amended to read as follows:

2. An event traffic management plan shall be developed and approved by the City Manager on an annual basis.



May 18, 1998

AGENDA ITEM 7d

**RESOLUTION – HOUSING AND COMMUNITY DEVELOPMENT
ACTION PLAN**

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: WALLY MULL
CITY MANAGER



SUBJECT: HOUSING AND COMMUNITY DEVELOPMENT ACTION PLAN

BACKGROUND:

The City of Keizer, by resolution, must annually adopt the Housing and Community Development Action Plan.

A change in the Continuum of Care section would aid Northwest Human Services and other social service agencies in the community to successfully compete for additional funds from the Department of Housing and Urban Development (HUD) which would provide additional supportive services in the Salem/Keizer Consortium area. Northwest Human Services is currently preparing to submit an application for Supportive housing Program to HUD.

A copy of the Action Plan and the proposed changes, for Continuum of Care, Section J, are attached.

RECOMMENDATION:

It is recommended Council adopt the attached resolution adopting the Action Plan: One Year Use of Funds - Salem and Keizer 1998/99, with changes.

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

3 **Resolution R98-_____**

4 **ADOPTING THE HOUSING AND COMMUNITY DEVELOPMENT ACTION PLAN**

5 **ONE YEAR USE OF FUNDS - SALEM AND KEIZER 1998-1999**

6 **WHEREAS, the City of Keizer has joined with the City of Salem in forming**
7 **a housing consortium for the purposes of providing housing opportunities and**
8 **preserving existing housing stock; and**

9 **WHEREAS, the consortium must adopt a Housing and Community**
10 **Development Plan to apply for federal funds; and**

11 **WHEREAS, the Comprehensive Housing Affordability Strategy, which**
12 **was Keizer's first housing plan, was adopted in December of 1993; and**

13 **WHEREAS, the Housing and Community Development Strategic Plan for**
14 **1995-2000 was adopted in 1995 as an update to the Comprehensive Housing**
15 **Affordability Strategy; and**

16 **WHEREAS, an annual Action Plan for 1998-1999 to implement the**
17 **Strategic Plan has been prepared; NOW, THEREFORE,**

18 **BE IT RESOLVED by the City Council of the City of Keizer that the "Action**
19 **Plan: One Year use of Funds - Salem and Keizer 1998-1999 is hereby**
20 **adopted.**

21 **PASSED this _____ day of _____, 1998.**

22 **SIGNED this _____ day of _____, 1998.**

23 _____
24 **Mayor**

25 _____
26 **City Recorder**
27
28

Continuum of Care

Continuum of care refers to the range of activities in the community for anti-poverty and homeless services. Included activities are funded through federal, state, private foundations, investments, along with the city of Salem. These activities include providing shelter, related services to homeless persons, transitional housing, anti-poverty programs and community services, human services, special needs housing projects, tenant based rental assistance, rental housing projects, homebuyer assistance, owner occupied housing rehabilitation and other community development activities.

The consortium approach to planning recognizes the importance of and insures quality of services through broad based community involvement in the development of a coordinated plan. The continuum of care concept is part of the 1995-2000 Housing and Community Development Strategic Plan. The activities which are being funded in the 1998 Action Plan address continuum of care issues in a number of areas.

Components of a continuum of care strategy include (1) outreach and assessment (2) providing access to crisis services and stabilization, (3) meeting emergency basic needs, (4) supporting longer term transitional supportive housing, (5) Homelessness prevention strategies and (6) Access to permanent housing and permanent housing with supports.

The current spectrum of activities covers much of this strategy. The consortium will address gaps in the current activities to develop a strategy that fills those gaps. This funding action plan recognizes the critical areas currently in place and the need to maintain current levels of service. These include: (1) Crisis services: stabilization and emergency shelter services for single adults, as well as, specific targeted population including, homeless and runaway youth, mentally ill and victims of domestic violence/sexual assault. Along with shelter, crisis referral and information services are available through several community agencies, including Mid Valley Women's Crisis Service, Crisis and Information Hotline, HOST Youth and Family program, Safe Haven, drop-in center and outreach, Salvation Army and Union Gospel Mission among others. (2) Supportive services include respite and therapeutic childcare and preschool for families in crisis, parent education and counseling through community programs including the YWCA, Salem-Keizer School District, Mid Valley Women's Crisis Service, Northwest Human Services among others. (3) Emergency basic needs are provided through community shelters, Marion Polk Food Share, West Salem Clinic among others, (4) Transitional Housing and Supportive Services include case management, short term mental health services and independent living skills provided through government and not-for-profit agencies including Salem Outreach Shelter, County Mental Health, Commission on Children and Families, Northwest Human Services Homeless Outreach and Advocacy Project among others, (5) Integrating affordable housing projects with supportive services is beginning to be more effective through efforts of Salem Self Help Housing, Habitat for Humanity, Salem Community Development Council, Salem-Keizer Schools, and the city.

ACTION PLAN: ONE YEAR USE OF FUNDS-KEIZER

1998/1999

Adoption Date:

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Action Plan: One Year Use of Funds - Keizer

1998/1999

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A. ACTION PLAN DESCRIPTION

The Action Plan for Program Year 1998 (July 1, 1998 to June 30, 1999) includes projects that address the housing needs and priorities expressed in the Five-Year Strategy. Keizer is a member of the Salem/Keizer Consortium. As a member of that consortium, potential sites in Keizer can be locations for HOME projects that are proposed.

B. RESOURCES

Community Development Block Grant (CDBG) program funding can be utilized for neighborhood revitalization, provision of residential care facilities and other forms of special needs housing, and activities to aid very low and low-income families. These include the rehabilitation of rental or homeowner units, provision of emergency housing repair loans or grants, housing-related counseling services, and assistance with site purchase and other front-end costs associated with packaging housing projects for special needs and very low/low income households. The City of Keizer applies directly to the Oregon Department of Housing and Community Services for CDBG funds.

The HOME Investment Partnerships Program is a flexible grant program available to cities, urban counties and states. Funds can be utilized for acquisition, rehabilitation, new construction, tenant-based assistance, homebuyer assistance, planning and support services. Matching funds are required for HOME programs. All jurisdictions receiving HOME funds must have a HUD-approved Consolidated Plan. Salem and Keizer have formed a HOME consortium. HOME funds include \$788,000 HOME allocation, \$26,325 reallocated funds and \$44,000 anticipated HOME Program Income.

C. PROJECT ACTIVITIES

Current Priorities are addressed by the following projects. The Consortium projects are also listed in the Salem Action Plan since activity will take place in both cities. The total allocation for both cities is shown below. The homeowner occupied rehabilitation project is administered by the City of Keizer with CDBG funds from the State of Oregon in previous years. The housing rehabilitation program is now self-sustaining. The City does not anticipate receiving additional funds from state CDBG funds.

Budget - 1998 Projects

Activities	Location	Allocation
Low-Income homebuyer	Salem and Keizer	\$200,000.00
Tenant Based Assistance	Salem and Keizer	\$120,000.00
HOME Administration	Salem and Keizer	\$75,000.00
Homeowner Occupied Rehabilitation	Keizer	\$80,000.00
Total		\$475,000.00

Description

- **Low-Income Homebuyer**

Homebuyer Assistance for 1998 supports the expressed priority need to expand Homeownership opportunities throughout the community and to preserve existing housing stock. The program uses HOME funds provided by the Salem/Keizer Consortium. The program will encourage the purchase of existing housing stock becoming a prime engine in the effort to support existing neighborhoods. The primary financing for the project comes from private sector financial institutions.

- **Tenant Based Assistance**

The Tenant Based Assistance (TBA) proposal continues a rental assistance program operated by the Salem Housing Authority (SHA) for the past three years. The program provides "bridge" assistance for household on the Housing Authority's Section 8 rental assistance waiting list. The amount available for tenants is \$112,800. Total funding for this activity will be \$120,000 for the year 1998. This amount include a 6% administrative fee. Tenant Based Rental Assistance provides an important link in the continuum of care providing an opportunity for selected households to move toward home ownership. The Housing Authority operates in both Salem and Keizer. This project is entirely funded with HOME funds.

- **HOME Administration**

The funds provide staff support and supplies for the HOME program and is entirely funded with HOME funds.

- **Keizer Homeowner Occupied Rehabilitation**

Keizer operates a homeowner, single family unit rehabilitation program using funds originally received from the State of Oregon Community Development Small Cities program. The program receives payback when existing loans are paid off and reloans these funds. It is anticipated that 4 to 5 loans will be paid off the the 1998-99 period and that the same number of loans will be made. The City has included \$80,000 in it's budget as anticipated revenue and expenditures in the single family residential rehabilitation program. Households are placed on a waiting list throughout the year and are served on a first come-first served basis.

D. PROJECT LOCATIONS

The locations of the homebuyer projects funded through the HOME consortium and homeowner rehabilitation should the Community Development Block Grant application be successful, are not known at this time. Several projects on the project map in the previous section will serve both Salem and Keizer locations. The CDBG funded single family residential rehabilitation project is located in Keizer.

E. HOMELESSNESS

Needs related to homelessness do exist in Keizer and homeless persons are often referred to locations outside the City. Efforts to address the needs of the homeless will continue through discussions with service and housing providers to identify the type of services needed by its residents.

F. RELATIONSHIP OF FUNDED ACTIVITIES TO THE FIVE YEAR PLAN

The activities listed above address the priorities adopted by the City of Keizer as part of the five year plan. These include:

The owner-occupied rehabilitation assistance will serve approximately 4-5 households with available funds. The owner occupied assistance would include households using up to 30% of their income for housing. Nearly all of them fall into either the small family or elderly category.

It is expected that Homebuyer assistance and Tenant Based Assistance provided by the Consortium will increase the number of benefitted households. Homebuyer and Tenant Based Assistance estimates are included in the Salem Action Plan since it is administering consortium activities.

Renter characteristics are more difficult to determine. At the present time, it is estimated that 80% fit somewhere in the small family category by the nature of the project based on overall estimates. Tenant based assistance may also take place in Keizer as part of Consortium activities. This project as a bridge to Section 8 assistance, an important step on the housing continuum to homeownership.

The income burden is difficult to determine. In summary, nearly all the renter projects will include persons who would be qualified for the federal preference in the Section 8 program in regard to income burden. This represents 67% of the consortium total including security deposits.

G. ACTIONS TO FURTHER IMPLEMENTATION OF THE 1998 ACTION PLAN

These additional items are intended to further implementation of the plan. They include:

1. Lead Agencies

The lead agency for administration of the One-Year Action Plan will be the City of Keizer Community Development Department. Several agencies are responsible for implementing portions of the program. The housing projects will be administered directly through the department. Three certified Community Housing Development Organizations (CHDO) can operate in Keizer. Salem Self Help-Housing, Salem CDC, and Shangri-La Corporation act as developers for housing related projects.

2. Specific Program Requirements

The Consortium has developed procedures for determining compliance with HOME requirements. The City of Keizer has developed its Community Development Block Grant

requirements for the owner-occupied rehabilitation program. Additional appropriate procedures will be developed as required by other funding sources.

In the HOME program a project agreement is signed by the Consortium administrator, the City of Salem, and the beneficiary or subrecipient. This agreement details the project scope or statement of work and specifies the provisions under which funds will be provided.

a. HOME

■ Refinancing of Multi-Family Properties

Refinancing will be permitted on Multi-Family properties based upon the guidelines in 24CFR92.206(b). Refinancing will be considered for HUD expiring use properties (project based subsidies are being terminated) where HOME assistance is necessary for the units to remain affordable.

Guidelines for a project refinancing are as follows:

1. Rehabilitation is the primary eligible activity and each unit will require a minimum of \$5,000 in rehabilitation per unit.
2. Management practices of the property will be reviewed to ensure that disinvestment has not occurred and that the project can serve low-moderate income renters over the period of affordability.
3. A project scope which states whether the new investment is being made to maintain current affordable units and/or create additional affordable units.
4. The minimum period of affordability will be 15 years with longer periods where appropriate.
5. HOME funds will be available within the municipal limits of Salem and Keizer (Salem-Keizer Consortium).
6. HOME funds can not be used to refinance loans made or insured by any federal program including CDBG.

■ Resale Guidelines. The HOME resale guidelines include the following provisions:

Down payment assistance and principal reduction assistance is to be repaid to the City from the "net proceeds" of any sale of the property. Net proceeds are the sales price of the home minus the principal balance on the primary loan and any down payment made by the owner.

- a. If the net proceeds are sufficient, the owner shall repay the full amount of funding received through Down Payment Assistance, Principal Reduction Assistance, or combination of both. The owner will be allowed to retain all additional appreciation.

b. If the net proceeds are insufficient to repay Down Payment Assistance, Principal Reduction Assistance (or combination of both) and owner investment, then the City may forgive a prorated share of the net proceeds based on the amount of time the owner occupied the property during the twenty year period of affordability (as required under 24 CFR Part 92, HOME Investment Partnership program and stipulated in the Promissory Note and Trust Deed). For instance, if the homebuyer sells the home in year 10 of a 20 year affordability period, and the net proceeds are insufficient to repay the full amount of the HOME investment, then the City may forgive a maximum of one-half of the HOME investment.

c. Under no circumstances may the owner recover more than his or her investment (principal payments on the primary loan and down payment investment paid by owner) when the net proceeds are insufficient to repay the city Down Payment Assistance Loan, Principal Reduction Assistance Loan, or combination of both.

The period of affordability will also be specified. In addition, the agreement will require compliance with Housing Quality Standards (HQS) and the Salem Housing Code. The agreement will also specify other federal requirements which must be met by the project. A Covenant and Trust Deed are recorded where appropriate.

■ Lease-Purchase

Home funds may be used to assist homebuyers through a lease-purchase program. The housing must be purchased by the homebuyer within 36 months of signing the lease-purchase agreement. The homebuyer must qualify as a low-income family at the time the agreement is signed and at the time the property is transferred if more than six months has elapsed since it was determined that the family was income eligible. If HOME funds are used to acquire housing that will be resold to a homebuyer through a lease-purchase agreement, HOME affordability for rental housing will apply if the housing is not transferred to the homebuyer within 42 months after project completion.

2. Match. Each project application requests information about total financing for a project. When a project is funded by the HOME program, staff determine what other sources of project funding is available to count as match. The eligible contributions are documented and logged in as match. In some cases, a project cannot provide match. These projects use banked match provided by other sources.

b. Community Development

Procedures for monitoring Community Development projects depend upon the type of project. Construction or rehabilitation projects are determined to be eligible by city staff.

3. Anti-Displacement and Relocation Assistance.

Assistance will be provided in accordance with 24 CFR Part 42.

4. Replacement.

Standard condition will be defined as "average or better" in the Salem Housing Affordability Conditions and Needs Study, June 1992. An average or better condition rating will make the property eligible as a replacement unit. Housing which has been vacant more than three months prior to a contract for demolition for a HOME/CDBG project does not need to be replaced as part of the project.

5. Strategy to reduce the number of poverty level families

The anti-poverty strategy is best represented through the combined efforts of agencies which serve the Salem-Keizer area, working with and assisting households who are low income, homeless or threatened with homelessness. The emerging goals of this strategy include:

- mobilization of human and material resources from local, state and federal sources to benefit disadvantaged persons;
- capacity building through coalitions of public and private service providers and advocacy groups;
- prevention through early intervention, intensive case management and linking social services with affordable housing; and
- encouragement and empowerment toward independence and self-sufficiency through training, counseling, breaking the cycles of dependency, and involvement.

The Housing and Community Development Plan provides direction for housing needed to serve those with housing needs. The Housing and Community Development Advisory Committee and a wide range of public and private agencies has been involved with plan development, thus helping to insure consistency between housing and anti-poverty strategies.

Efforts are needed to review policies that affect housing production and affordability, and access to housing for large families. During this annual plan, efforts should be initiated to explore ways in which more affordable units can be produced through market and other incentives as well as through the use of local, state and federal assistance.

The continuing low vacancy rates, increasing costs and demand for affordable units suggest that affordability is a growing regional problem with specifically noticeable impacts on the cities and their existing housing stock.

6. Overcome obstacles to meeting needs

Lack of funds and inadequate coordination of effort are the greatest obstacles to meeting needs identified in the community. City policy as expressed in the Housing and Community Development Strategic Plan encourages greater cooperation in both project financing and operation. City staff is directed to encourage the use of multiple funding sources and collaboration between operating agencies.

7. Foster and maintain affordable housing

The city has indicated its support of applications from other agencies to outside sources for funds to foster and maintain affordable housing. The policy was adopted as part of the Housing and Community Development Strategic Plan.

8. Remove barriers to affordable housing

The Department of Community Development does outreach to the private sector to encourage applications for available Community Development Block Grant and HOME funds. Additional efforts will be made to attract applications from for-profit developers in future years.

9. Evaluate and reduce lead based paint

The Department of Community Development has a trained and certified lead risk assessor and supervisor on staff. This person inspects all sites having existing residential structures identified in applications for HUD funds. The inspector initiates abatement where appropriate.

10. Enhance coordination between public/private housing and social service agencies

The application process for Consortium projects requires applicant to indicate the source of social services support if it is required to serve the proposed clientele of the project. This has the effect of encouraging agencies to work together. The rating system employed in the initial application screening process gives points for the provision of social services where appropriate.

11. Foster public housing improvement/resident initiatives

The Salem Housing Authority is part of the Department of Community Services. The City Council acts as the Housing Authority Board. The city supports applications by the Salem Housing Authority to obtain funds from the Department of Housing and Urban Development as well as other outside sources to improve public housing and support the resident initiatives program.

12. Monitoring

Annual monitoring will be based on the anniversary date of the project agreement to the extent feasible. The monitoring will cover HOME program requirements, specifically including HQS, and income eligibility during the period of affordability.

In the HOME program a project agreement is signed by the City and the beneficiary or subrecipient. This agreement details the project scope or statement of work and specifies the provisions under which funds will be provided. If HOME resale provisions apply to the project, these will be spelled out in the agreement. The period of Affordability will also be specified.

Procedures for monitoring Community Development projects depend upon the type of project. Construction or rehabilitation projects are determined to be eligible by city staff. When projects begin staff ensures that the proper procurement procedures are followed. Upon completion, staff, ensures that the proper documentation is submitted as required.

All beneficiaries agree to comply with regulations relating to minority outreach and are required to make their services available to all eligible persons. A member of the Salem Human Rights and Relations Advisory Commission sits on the Housing and Community Development Plan Advisory Committee which recommends projects to the City Council to ensure that funds are available to minorities. The application process provides that information is provided on each project application to allow the citizen committee to determine how the project is structured and how it may fit with other projects. The committee ensures that comprehensive planning considerations are taken into account.

H. TIMETABLE

The target date for completion of this years activities is June 30, 1998. Actual completion dates will depend on a variety of factors that are unknown at the present time. If necessary, project completion dates may be extended up to another year.

I. GEOGRAPHIC DISTRIBUTION

Housing projects can be situated city wide.

J. CONTINUUM OF CARE

Continuum of Care refers to the range of activities which may be made available to low income persons. These activities include shelters and related services to homeless persons, transitional housing, special needs housing projects, tenant based rental assistance, rental housing projects, homebuyer assistance, and owner occupied housing rehabilitation. It includes different types of housing such as single and multi-family units. It also includes services where appropriate.

The current Action Plan recognizes the importance of this concept. Keizer projects include owner occupied rehabilitation. Homebuyer assistance, special needs housing, and tenant based assistance may be addressed through the consortium.

The continuum of care concept is part of the 1995-2000 Housing and Community Development Strategic Plan. The activities which are being funded in the 1998 Action Plan address continuum of care issues in a number of areas.

K. NUMBER AND TYPE OF PERSONS WHO WILL BENEFIT FROM THESE ACTIVITIES

The owner occupied rehabilitation project will assist approximately 4-5 households based on 1996 costs per unit. Additional households will be assisted in Keizer through consortium activities.

Renter characteristics are more difficult to determine. For owner occupied units, nearly all of them fall into either the small family or elderly category. The income burden is also difficult to determine. In summary, nearly all the renter projects will include persons who would be qualified for the federal preference in the Section 8 program in regard to income burden. This represents 67% of the total including security deposits. The owner occupied assistance would include households using up to 30% of their income for housing.



May 18, 1998

AGENDA ITEM 7e

ORDER – MCNARY HIGH SCHOOL SIGN VARIANCE

CITY COUNCIL MEETING: May 18, 1998

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND COUNCIL MEMBERS

THROUGH: WALLY MULL, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *MCNARY HIGH SCHOOL SIGN VARIANCE*

DATE: May 14, 1998

The City Council at its last meeting voted unanimously to direct staff to prepare the appropriate order granting the sign variance for McNary High School. The sign in question is to be placed at the intersection of Lockhaven and Celtic Way.

The proposed Order is attached. Please let me know if you have any questions in this regard.

Thank you.

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF A SIGN VARIANCE FOR MCNARY HIGH
4 SCHOOL AT THE INTERSECTION OF CELTIC WAY AND
5 LOCKHAVEN DRIVE (CASE NO. 98-06)

6 The City of Keizer orders as follows:

7 Section 1. THE APPLICATION. This matter came before the Keizer City
8 Council on the application of McNary High School for a variance from the size
9 restriction of signs set forth in Chapter 15 of the Keizer Zoning Ordinance. The
10 applicant proposes to erect a new sign of approximately 36 square feet in size at the
11 intersection of Celtic Way and Lockhaven Drive. Because of an existing free-standing
12 sign, as well as wall signs, the total allowed area of existing signs would not ordinarily
13 allow the additional requested sign area. Therefore, the applicant is requesting a
14 variance to place this particular sign.

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

19 Section 3. PUBLIC HEARING. A public hearing was held on this matter before
20 the Keizer City Council on May 4, 1998. The following persons either appeared at the
21 City Council hearing or provided written testimony on the application:

- 22 1) Amy Drought, City Planner

1 2) Jason Tinder, Applicant's Representative

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

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

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

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

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

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

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

17 Section 11. EFFECTIVE DATE. This Order shall take effect immediately upon
18 its passage.

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EXHIBIT "A"

Evidence

Mayor Koho opened the public hearing on May 4, 1998.

Shannon Johnson, City Attorney, reviewed the applicable criteria as set forth in Keizer Zoning Ordinance – Section 15.90(1) and (2). There were no questions, objections, or conflict of interest issues raised.

Amy Drought, City Planner, reported McNary High School has applied for a sign permit to allow a free standing sign to be located at the High School entrance at the intersection of Lockhaven Drive and Celtic Way.

Presenting testimony was:

Jason Tinder, 1637 Chemawa Road N, Keizer, explained as a McNary High School student he is involved with a community service class, Celtic Pride. The purpose of this class is to beautify the school and his intention is to place a sign at the northern entrance to the school.

Councilor Miller commended Mr. Tinder for this worthwhile project. He questioned the angle in which the sign will be placed. The proposal shows it will be visible only to westbound traffic. In response, Mr. Tinder understood the concerns, however statistics show ninety percent of the traffic approaches from the east. He voiced his willingness to change the angle of the sign and also to construct a two-sided sign which could be seen from both directions.

In response to an inquiry from Councilor Miller, Ms. Drought indicated she had visited the sight and determined there would not be a vision clearance issue with the sign.

Councilor Keller voiced his concern that these changes may incur additional cost to the students. He did not want to inhibit the success of this project.

Councilor McGee questioned the layout of the lettering in the word McNary. He believed it should be elevated to be consistent with “true Celtic fashion”.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant in this application are found in Keizer Zoning Ordinance (KZO) at Section 15.90 (Sign Variances).

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

EXHIBIT "C"

Facts

FINDINGS - SIGN VARIANCE:

Section 15.90 of the Keizer Zoning Ordinance identifies the criteria for allowing a variance from the sign regulations. The specific criteria and related findings are set forth below:

1. There are unique circumstances or conditions of the lot, building or traffic pattern such that:

(a) The existing sign regulations create an undue hardship. KZO 15.90(1)(a).

FINDINGS: The McNary High School property is extremely large and basically fronts on two arterials (Chemawa Road and Lockhaven Drive). Because of the total sign area already used, virtually no sign could be placed at the Lockhaven Drive entrance. This is true even though the sign regulation would allow one free-standing sign per street frontage for commercial or industrial properties. The large size of the property creates an undue hardship in this situation.

(b) The requested variance is consistent with the purpose of the chapter as stated in Section 15.01. KZO 15.90(1)(b).

FINDINGS: The purpose of the zoning regulations is to create equity between property owners and businesses. The location of this size and the facts set forth above indicate that the purpose is met in this situation.

(c) The granting of the variance compensates for those circumstances in the manner equitable with other property owners and is thus not a special privilege to any business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter. KZO 15.90(1)(c).

FINDINGS: The variance requested in this application compensates for the circumstances discussed above and is equitable with other property owners. Other property owners do not have the same circumstances and therefore this is not a special privilege to the applicant. The additional sign at the intersection of Celtic Way and Lockhaven Drive is the minimum size necessary to allow appropriate recognition for that entrance.

2. The granting of the variance shall not:

- (a) Decrease traffic safety nor detrimentally affect any other identified items of public welfare. KZO 15.90(2)(a).

FINDINGS: There were no objections at the hearing regarding traffic safety or other items of public welfare. The placement of the sign will comply with all applicable vision clearance regulations and is not of such a design, shape or size as to detract from drivers' attention.

- (b) Result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance. KZO 15.90(2)(b).

FINDINGS: As discussed above, the unique circumstances of McNary High School are the main reasons for granting of this variance. Such grant of a variance does not give McNary High School any special advertising advantage with regard to any businesses of a similar nature or neighboring businesses.

- (c) Be the result of a self-imposed condition or hardship. KZO 15.90(2)(c).

FINDINGS: There were no particular conditions or hardships that were self-imposed by the applicant that prevent construction of the requested sign.

EXHIBIT "D"

Justification

The applicant has the burden of showing that the application meets the relevant criteria and standards to be applied in the particular case.

In this case the applicant has requested a variance to the sign regulations to allow for the placement of a free-standing sign at the intersection of Celtic Way and Lockhaven Drive. Though the regulations would allow for a free-standing sign at this location, without a variance it could not be permitted because the total allowed sign area in the Public zone (64 square feet) is exhausted by the other existing signs. If this property was zoned Commercial or Industrial, there would be substantially more allowed sign area and a variance would most likely not be necessary.

The proposed sign is not large or obtrusive and is appropriate in scale and location. The available evidence indicates that the applicant has shown compliance with the applicable criteria. Therefore, the variance shall be granted.

EXHIBIT "E"

Action

The City of Keizer hereby GRANTS the application for a variance pursuant to KZO 15.90. Such approval is subject to the following condition:

1. The allowed sign shall be constructed in substantial compliance to the drawing attached as Exhibit "E-1".
2. The applicant shall be required to apply for and receive all applicable permits.

2697COK.006



May 18, 1998

AGENDA ITEM 8a

**INITIATING BAHNSEN WOODS ESTATES STREET LIGHTING
DISTRICT**

COUNCIL MEETING: May 18, 1998

AGENDA ITEM NUMBER:

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER

SUBJECT: INITIATING BAHNSEN WOODS ESTATES LIGHTING LOCAL
IMPROVEMENT DISTRICT

ISSUE:

Shall the City Council initiate the Bahnsen Woods Estates Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on May 1, 1998 by the developer of Bahnsen Woods Estates subdivision to form a local improvement district for street lights in this area of Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution initiating Bahnsen Woods Estates Street Lighting Local Improvement District and direct the City Engineer to prepare a survey of the area.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R98-_____

**DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT (BAHNSEN WOODS ESTATES) AND
DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A
WRITTEN REPORT WITH THE CITY RECORDER**

WHEREAS, the City Council of the City of Keizer has received a petition from the residents to initiate a street lighting district in the Bahnsen Woods Estates area in the City of Keizer, Oregon; and

WHEREAS, pursuant to City of Keizer Ordinance 94-278, the necessary signatures of land owner comprising two-thirds of the property to be included within Bahnsen Woods Estates Street Lighting District have requested the formation of the district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that:

1. The City Council declares its intent to initiate the Bahnsen Woods Estates Street Lighting Local Improvement District;
2. The map attached hereto, marked Exhibit "A", and by this reference incorporated herein sets forth the proposed boundaries of the district;
3. The City Engineer is hereby directed to make a survey of the District;
4. The City Engineer shall file a written report with the City Recorder to be considered by the City Council on June 1, 1998.

PASSED this ____ day of _____, 1998.

SIGNED this ____ day of _____, 1998.

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R98-_____

**DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING
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BE IT RESOLVED by the City Council of the City of Keizer that:

1. The City Council declares its intent to initiate the Bahnsen Woods Estates Street Lighting Local Improvement District;
2. The map attached hereto, marked Exhibit "A", and by this reference incorporated herein sets forth the proposed boundaries of the district;
3. The City Engineer is hereby directed to make a survey of the District;
4. The City Engineer shall file a written report with the City Recorder to be considered by the City Council on June 1, 1998.

PASSED this ____ day of _____, 1998.

SIGNED this ____ day of _____, 1998.

Mayor

City Recorder

PETITION TO FORM LOCAL IMPROVEMENT DISTRICT FOR STREET LIGHTING

To the City Council for the City of Keizer:

The undersigned being the owner or contract purchaser of the described property hereinafter set opposite my or its name, hereby petition the Keizer City Council to form a STREET LIGHTING LOCAL IMPROVEMENT DISTRICT for:

Bahnsen Woods Estates

within the City of Keizer.

The legal description of the proposed district is:

SEC 23 T6S R3W, W.M.

PLEASE ATTACH A MAP OF THE AREA

This petition to form this district is in conformity with the charter, ordinances and regulations of the City of Keizer.

PETITION SUBMITTED BY:

NAME: Lydon Construction

ADDRESS: 3795 River Rd. N. #A, Keizer, OR 97303

PHONE NUMBER: 390-1559

DATE	DEED HOLDER/CONTRACT BUYER	SIGNATURE	ADDRESS OF PROPERTY (IF VACANT - LOT NUMBER/SECTION)
		