

AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Monday, December 2, 2019
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **SPECIAL ORDERS OF BUSINESS**
5. **COMMITTEE REPORTS**
6. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

7. **PUBLIC HEARINGS**
 - a. Public Meeting to Discuss Severely Rent Burdened Status of the City of Keizer
 - b. Text Amendment to Keizer Development Code Section 2.403 (Shared Housing Facilities)
 - c. **RESOLUTION** – Authorization for Supplemental Budget – Administrative Services Contingency
RESOLUTION – Authorization for Supplemental Budget – General Fund – Police Department
RESOLUTION – Authorization for Supplemental Budget – Community Center Fund – Staffing
8. **ADMINISTRATIVE ACTION**
 - a. **RESOLUTION** – Authorizing Temporary Signage Subject to Conditions for In-N-Out Opening
 - b. **RESOLUTION** – Authorizing Mayor to Send Letter of Support to League of Oregon Cities for Revisions to the Bylaws to Create a People of Color Caucus

9. CONSENT CALENDAR

- a. RESOLUTION – Amending the Charter Review Committee; Amending Resolution No. R2019-3001
- b. RESOLUTION – Authorizing City Manager to Award and Enter Into an Agreement with C&M Excavation & Utilities LLC for Water Main Replacement Project 2019-2020
- c. RESOLUTION – Declaring the House at 1900 Chemawa Road North, Keizer Oregon to be Surplus and Authorizing its Demolition; Repeal of Resolution R2019-2980
- d. Approval of November 18, 2019 City Council Regular Session Minutes

10. COUNCIL LIAISON REPORTS

11. OTHER BUSINESS

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

12. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

13. AGENDA INPUT

December 9, 2019

6:00 p.m. – City Council Work Session

- Emergency Preparedness

December 16, 2019

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

January 6, 2020

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

14. ADJOURNMENT

The City of Keizer is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). The Keizer Civic Center is wheelchair accessible. If you require any service that furthers inclusivity to participate, please contact the Office of the City Recorder at least 48 business hours prior to the meeting by email at davist@keizer.org or phone at (503)390-3700 or (503)856-3412. Most regular City Council meetings are streamed live through the City's website and cable-cast on Comcast Channel 23 within the Keizer City limits. Thank you for your interest in the City of Keizer.

CITY COUNCIL MEETING: December 2, 2019**AGENDA ITEM NUMBER:_____**

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: Public Meeting to Discuss Severely Rent Burdened Status of the City of Keizer.

Background:

Passed in 2018, HB 4006 requires cities which are considered “Severely Rent Burdened” (defined as a household spending more than 50% of household income on housing according to the American Community Survey) to hold a public meeting to discuss the issues surrounding rent burden. Keizer was identified as being a severely rent burdened City, based on the ACHS survey, which identified 25.5% of our population being affected. It should be noted, this is a slight reduction from 27% identified last year.

Specifically the Statute requires:

- (1) When a city with a population greater than 10,000 is informed by the Housing and Community Services Department that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting within the year of being informed, to discuss:
 - (a) The causes and consequences of severe rent burdens within the city;
 - (b) The barriers to reducing rent burdens; and
 - (c) Possible solutions to reduce the rent burdened households within the city.

- (2) Conduct of public meeting requires the city’s governing body, most senior administrative employee or delegate of the governing body to:
 - (a) Conduct the meeting and provide notice in accordance with Oregon’s public meeting laws (ORS 192.610 through 192.690).
 - (b) Invite representation from local housing providers and service providers, and residents experiencing severe rent burden to the public meeting, including the Public Housing Authority, Community Action Agency, and nonprofit housing and service providers.
 - (c) Submit the public meeting agenda together with a list of attendees, their affiliation and geographic location within the city, to the Housing and Community Services Department by February 1.

Attached to the this staff report is the Administrative Order OHCS 18-2018, DLCD/Oregon Housing and Community Services and the Table of Cities who are Severely Rent Burdened.

The City has notified the following groups of the meeting:

- Simonka Place
- Shelter Management Inc.
- Salem Housing Authority
- Community Action Agency
- Arches
- Catholic Community Services – Both Portland Road and PO Box
- Union Gospel Mission
- Salvation Army
- Salvation Army Family Services
- Mid-Willamette Valley Council of Governments
- Keizer Chamber Foundation
- Greater Gubser Neighborhood Association
- Southeast Keizer Neighborhood Association
- West Keizer Neighborhood Association
- Keizer Community Food Bank

Additionally, the City has posted this information on Social Media, as well as the City's web page and published the notice in the Keizertimes.

HB 4006 requires rent burdened cities to complete a survey. Such required survey has been completed and submitted to DLCD. A copy of the survey is attached.

RECOMMENDATION:

Open the public hearing and discuss the items listed at the beginning of this staff report and receive testimony from the public. If there are no further questions, close the hearing and direct Staff to submit the required information to the State as required by HB 4006.

Attachments:

- Order OHCS 18—2018
- Table of Rent Burdened Cities
- Completed Keizer Survey

OFFICE OF THE SECRETARY OF STATE
 DENNIS RICHARDSON
 SECRETARY OF STATE

 LESLIE CUMMINGS
 DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
 MARY BETH HERKERT
 DIRECTOR

 800 SUMMER STREET NE
 SALEM, OR 97310
 503-373-0701

PERMANENT ADMINISTRATIVE ORDER

OHCS 18-2018
 CHAPTER 813
 OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILED

10/25/2018 10:14 AM
 ARCHIVES DIVISION
 SECRETARY OF STATE
 & LEGISLATIVE COUNSEL

FILING CAPTION: Adopting new rules to implement HB 4006 (2018) to address Rent Burdened Cities

EFFECTIVE DATE: 10/25/2018

AGENCY APPROVED DATE: 10/22/2018

CONTACT: Ariel Nelson
 503-986-2079
 ariel.nelson@oregon.gov

Oregon Housing and Community
 Services
 725 Summer St. NE, Suite B
 Salem, OR 97301

Filed By:
 Colleen Needham
 Rules Coordinator

RULES:

813-112-0000, 813-112-0010, 813-112-0020, 813-112-0030, 813-112-0040, 813-112-0050

ADOPT: 813-112-0000

RULE TITLE: Applicability and Purpose

NOTICE FILED DATE: 08/31/2018

RULE SUMMARY: This rule outlines the three main requirements of HB 4006 (2018), and the responsibility of the cities to report and address rent burdened populations.

RULE TEXT:

The rules in division 813-112 clarify the contents and timing of an annual housing affordability survey prepared by the Housing and Community Services Department and Department of Land Conservation and Development, outline the responsibilities of cities experiencing severe rent burden to complete the survey and hold an annual public meeting on severe rent burden in that city, and provide detail regarding annual reporting requirements on new housing for cities with populations greater than 10,000.

STATUTORY/OTHER AUTHORITY: HB 4006 (2018)

STATUTES/OTHER IMPLEMENTED: HB 4006 (2018)

ADOPT: 813-112-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 08/31/2018

RULE SUMMARY: Definitions described in detail, as used in division 813-112. For definitions not included here, refer to OHCS general definitions rule, OAR 813-005-0005.

RULE TEXT:

For purposes of division 813-112, the following definitions apply:

- (1) "Dwelling unit" is a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (2) "Multifamily residential unit" is a dwelling unit that includes triplex, fourplex and other structures with five or more dwelling units, whether owned or rented.
- (3) "Permitted" is a building permit issued by a building official that authorizes construction of one or more new dwelling units.
- (4) "Produced" is a new dwelling unit that has received a certificate of occupancy or a temporary certificate of occupancy.
- (5) "Regulated affordable unit" is a dwelling unit subject to a regulatory agreement that runs with the land and that requires affordability for an established income level for a defined period of time.
- (6) "Severe rent burden" or "severely rent burdened" is the circumstance where a household spends more than 50 percent of the household income on gross rent for housing.
- (7) "Severely Rent Burdened City" is a city where at least 25 percent of the renter households in the city are severely rent burdened, based upon the most current data available from the United States Census Bureau, as determined by the Housing and Community Services Department.
- (8) "Single-family unit" means a dwelling unit, including single-family homes, accessory dwelling units, duplexes, townhomes, row homes and manufactured homes, whether owned or rented.

STATUTORY/OTHER AUTHORITY: HB 4006 (2018)

STATUTES/OTHER IMPLEMENTED: HB 4006 (2018)

ADOPT: 813-112-0020

RULE TITLE: Cities Rent Burden Determination

NOTICE FILED DATE: 08/31/2018

RULE SUMMARY: This rule outlines the steps that OHCS follows to determine which cities are rent burdened.

RULE TEXT:

No later than the March 1 of each year, the Housing and Community Services Department shall:

- (1) Determine percentage of severely rent burdened households for each city;
- (2) Provide the data described in subsection (1) to all cities in Oregon with a population greater than 10,000; and
- (3) Notify all Severely Rent Burdened Cities that have a population greater than 10,000 of the obligation to submit a response to the survey described in OAR 813-112-0040.

STATUTORY/OTHER AUTHORITY: HB 4006 (2018)

STATUTES/OTHER IMPLEMENTED: HB 4006 (2018)

ADOPT: 813-112-0030

RULE TITLE: Public Meeting

NOTICE FILED DATE: 08/31/2018

RULE SUMMARY: Once a city has been informed by OHCS that they are rent burdened, they are required by HB 4006 (2018) to hold a public meeting. This rule outlines that process and the requirements of the public meeting.

RULE TEXT:

(1) When a city with a population greater than 10,000 is informed by the Housing and Community Services Department that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting within the year of being informed, to discuss:

- (a) The causes and consequences of severe rent burdens within the city;
- (b) The barriers to reducing rent burdens; and
- (c) Possible solutions to reduce the rent burdened households within the city.

(2) Conduct of public meeting requires the city's governing body, most senior administrative employee or delegate of the governing body to:

- (a) Conduct the meeting and provide notice in accordance with Oregon's public meeting laws (ORS 192.610 through 192.690).
- (b) Invite representation from local housing providers and service providers, and residents experiencing severe rent burden to the public meeting, including the Public Housing Authority, Community Action Agency, and nonprofit housing and service providers.
- (c) Submit the public meeting agenda together with a list of attendees, their affiliation and geographic location within the city, to the Housing and Community Services Department by February 1.

STATUTORY/OTHER AUTHORITY: HB 4006 (2018)

STATUTES/OTHER IMPLEMENTED: HB 4006 (2018)

ADOPT: 813-112-0040

RULE TITLE: Housing Affordability Survey

NOTICE FILED DATE: 08/31/2018

RULE SUMMARY: This rule outlines the survey requirements that all rent burdened cities must fill out. For those cities not rent burdened, it is encouraged, but optional.

RULE TEXT:

(1) The Housing and Community Services Department, in collaboration with the Department of Land Conservation and Development, shall develop a survey to collect information on housing affordability within a city. The survey will request specific information related to the affordability of housing within a city, including the actions relating to land use and other matters that a city has taken or intends to take to increase housing affordability and reduce rent burdens for severely rent burdened households.

(2) No later than July 1 every year, the Housing and Community Services Department will provide the survey to the governing bodies of all Severely Rent Burdened Cities with populations greater than 10,000.

(3) No later than July 1 every year, the survey will be made available to all other cities.

(4) All Severely Rent Burdened Cities with a population over 10,000 must complete the annual survey and return it to Housing and Community Services Department and the Department of Land Conservation and Development within 60 days.

(5) Cities other than those identified in subsection (4) above may complete the annual survey and return it to Housing and Community Services Department and the Department of Land Conservation and Development within 60 days.

(6) The survey may be completed and submitted by a governing body of a city, most senior administrative employee or delegate of the governing body.

STATUTORY/OTHER AUTHORITY: HB 4006 (2018)

STATUTES/OTHER IMPLEMENTED: HB 4006 (2018)

ADOPT: 813-112-0050

RULE TITLE: Reporting Requirements

NOTICE FILED DATE: 08/31/2018

RULE SUMMARY: Following the public meeting and survey, all rent burdened cities are required to submit a report to OHCS and DLCD. This rule describes the requirements of the rent burdened city report.

RULE TEXT:

No later than February 1 of each year, the governing body of a city with a population greater than 10,000 shall submit a report to Oregon Housing and Community Services and the Department of Land Conservation and Development. Cities must provide the data on a form provided by the Department of Land Conservation and Development. The data shall be from the preceding calendar year and include the total number of units that were permitted, and the total number of dwelling units that were produced for the following:

- (1) Multi-family residential units, including the total number of units, and whether the unit is in a triplex, fourplex, or structure with five or more dwelling units;
- (2) Regulated affordable multi-family residential units, including the total number of units, and whether the unit is in a triplex, fourplex, or structure with five or more dwelling units;
- (3) Single-family units, including the total number of units, and whether the unit is a single-family detached home, accessory dwelling unit, townhome, row home, manufactured home, or in a duplex; and
- (4) Regulated affordable single-family units, including the total number of units, and whether the unit is a single-family detached home, accessory dwelling unit, townhome, row home, manufactured home, or in a duplex.

STATUTORY/OTHER AUTHORITY: HB 4006 (2018)

STATUTES/OTHER IMPLEMENTED: HB 4006 (2018)

Severe Rent Burden in Oregon Report for 2019

Severe rent burden by City (population >10,000): Share of households that spend more than 50 percent of income on rent

City	% Severely Rent Burdened	# Severely Rent Burdened	Total Renter Households	Population
Albany	26.1%	2,082	7,966	53,145
Ashland	33.6%	1,416	4,217	20,815
Beaverton	24.3%	4,745	19,522	97,000
Bend	24.4%	3,444	14,103	89,505
Canby	14.1%	291	2,060	16,800
Central Point	16.6%	439	2,648	17,895
Coos Bay	25.9%	673	2,601	16,680
Cornelius	16.7%	118	705	11,935
Corvallis	39.6%	4,658	11,759	59,280
Cottage Grove	33.0%	497	1,507	10,005
Dallas	25.8%	527	2,040	15,830
Eugene	37.8%	12,450	32,946	169,695
Forest Grove	31.4%	954	3,038	24,125
Gladstone	35.2%	627	1,782	11,880
Grants Pass	33.6%	2,393	7,126	37,285
Gresham	34.3%	6,100	17,794	110,505
Happy Valley	20.0%	206	1,031	20,945
Hermiston	15.5%	394	2,537	18,200
Hillsboro	19.9%	3,423	17,228	101,920
Keizer	25.5%	1,292	5,061	38,505
Klamath Falls	30.4%	1,473	4,848	21,890
La Grande	23.3%	556	2,382	13,340
Lake Oswego	25.7%	1,232	4,802	38,215
Lebanon	35.8%	1,047	2,921	16,920
McMinnville	23.1%	1,138	4,933	33,810
Medford	31.4%	4,543	14,460	80,375
Milwaukie	24.5%	861	3,516	20,525
Newberg	28.6%	870	3,045	23,795
Newport	24.0%	511	2,129	10,125
Ontario	27.8%	574	2,067	11,470
Oregon City	24.4%	977	3,996	34,860
Pendleton	18.7%	497	2,660	16,810
Portland	28.2%	32,699	115,949	648,740
Prineville	27.6%	523	1,894	10,010
Redmond	31.0%	1,498	4,825	29,190
Roseburg	29.1%	1,222	4,206	24,820
Salem	23.4%	6,233	26,645	165,265
Sandy	17.8%	204	1,145	10,990
Sherwood	18.4%	298	1,618	19,505
Silverton	17.2%	185	1,075	10,325
Springfield	23.7%	2,690	11,335	60,865
St. Helens	21.8%	403	1,846	13,240
The Dalles	29.4%	643	2,189	14,735
Tigard	29.1%	2,283	7,849	52,785
Troutdale	32.9%	704	2,137	16,185
Tualatin	26.5%	1,262	4,766	27,055
West Linn	20.5%	411	2,007	25,830
Wilsonville	17.6%	869	4,933	25,250
Woodburn	26.1%	735	2,819	24,760

Source: 2013-2017 ACS 5-Year Estimates, Table B25070 and PSU Certified Population Estimates as of July 1, 2018

#22

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 14, 2019 1:32:11 PM
Last Modified: Monday, October 14, 2019 2:07:12 PM
Time Spent: 00:35:01
IP Address: 50.78.190.253

Page 2: City Information

Q1 What city do you work for?

Keizer

Q2 What is the city's population? **25,000 - 49,999**

Page 3: Assessment of Issue

Q3 Please indicate the extent to which you perceive housing affordability to be important relative to other issues in your city. **About the same importance****Q4** Has your city passed a resolution declaring a housing emergency? **No**

Page 4: Assessment of Issue (cont'd)

Q5 Is housing affordability more of a problem in the rental market, for sale market, or both? **Equally a problem in the rental and homeownership markets****Q6** Please rate your level of agreement or disagreement with the following statements relative to your perception of the housing need in your city. HB 4006 defines the term "regulated affordable" unit as a residential unit that is subject to a regulatory agreement that runs with the land and requires affordability for an established income level for a defined period of time.

There is a lack of market-rate rental units	Agree
There is a lack of regulated affordable rental units	Strongly disagree
There is a lack of market-rate rental units that are family-sized	Strongly disagree
There is a lack of regulated affordable rental units that are family-sized	Strongly disagree
There is a lack of units that are manufactured homes	Neither Agree nor disagree
There is a lack of emergency shelters for homeless	Neither Agree nor disagree
Concentrated poverty is a problem (clustering of locations where 20-40% or more of residents live below the poverty threshold).	Agree

Oregon Housing Affordability & Rent Burden Survey

Q7 Please indicate your city's need for various income levels of housing, stated as a percentage of Area Median Income (AMI):

Less than 30% of AMI (Extremely Low Income)	Somewhat needed
Between 30% and 50% of AMI (Very Low Income)	Moderate need
Between 50% and 80% of AMI (Low Income)	Moderate need
Between 80% and 120% AMI (aka Workforce Housing)	Moderate need
Greater than 120% AMI	Moderate need

Q8 Please indicate your city's level of additional need for the types of housing shown below:

Detached single family	Extreme need
Attached single family (e.g., condos, town homes, row houses, etc.)	Extreme need
Duplexes (2 units)	Moderate need
Multi-Family (3 or 4 units)	Moderate need
Multi-Family (5 to 9 units)	Moderate need
Multi-Family (10 to 19 units)	Moderate need
Multi-Family (20 or more units)	Moderate need
Accessory Dwellings	Moderate need
Manufactured Dwellings	Somewhat needed
Single Room Occupancy	Somewhat needed
Nontraditional housing types (e.g., tiny homes)	Somewhat needed

Q9 Please indicate your city's level of additional housing need for types of populations with special housing needs shown below:

Transitional Housing	Somewhat needed
Short-Term Housing	Somewhat needed
Emergency Shelter	Somewhat needed
Permanent Supportive Housing	Somewhat needed
Independent Living for Adults with Special Needs	Somewhat needed
Assisted Living for Adults with Special Needs	Somewhat needed
Independent Living for Seniors	Somewhat needed
Memory Care Facilities	Somewhat needed

Q10 Please rate your level of agreement or disagreement with the following statements:

Our city has sufficient tools to address housing affordability	Strongly disagree
The tools our city has implemented have helped address housing affordability	Neither agree nor disagree
Our local officials perceive a housing affordability problem	Agree
Our issues with housing affordability are more challenging than other Oregon communities	Neither agree nor disagree

Q11 Do community members have access to emergency shelters year round? **Don't know**

Q12 Where are emergency shelters allowed to be sited (i.e., in what zoning districts are they allowed)?

CO, CR, CM, P & EG zoning districts

Page 5: Understanding Barriers

Q13 Please indicate the extent to which you perceive the following to be a barrier to reducing rent burden in your city:

Lack of economic opportunity (wages too low and/or too few jobs to support housing costs)	Moderate barrier
Lack of affordable housing units	Moderate barrier
Lack of funding for development of new affordable housing units	Extreme barrier
Lack of affordable housing development in high opportunity areas	Moderate barrier
Lack of housing vouchers	Minor barrier
Lack of family-sized affordable housing units	Moderate barrier
Increasing demand for affordable housing units	Minor barrier

Q14 Are there other barriers to reducing rent burden in your city? If so, please describe:

Resource availability

Oregon Housing Affordability & Rent Burden Survey

Q15 Please indicate the extent to which you perceive the following to be a barrier to new housing development in your city? Please also indicate when an item is more of a barrier for "regulated affordable housing."

Lack of available vacant land (e.g., for sale or owned by builders)	Extreme barrier
Inability to bring land to a development ready state (e.g., bringing infrastructure to create serviced lots ready for development is too costly or not available)	Not a barrier
High cost of land	More of a barrier for "regulated affordable housing"
High construction costs (labor and materials)	More of a barrier for "regulated affordable housing"
Not enough land zoned for "missing middle housing" (e.g., duplexes, triplexes, quads, townhouses, row houses, etc)	Extreme barrier
Not enough land zoned for multi-unit development (e.g., apartments, condos)	More of a barrier for "regulated affordable housing"
Other zoning requirements (e.g., lot size, density, etc)	Moderate barrier
Parking requirements	Moderate barrier
Building code requirements	Not a barrier
Constrained lands (e.g., wetlands, steep slopes, etc)	Minor barrier
Developers are not building the type of housing that is needed and affordable	More of a barrier for "regulated affordable housing"
Lack of market demand	Not a barrier
Lack of political will or leadership	Minor barrier
City system development charges (SDCs)	Not a barrier
Other system development charges (e.g., special districts)	Not a barrier
Permit fees	Not a barrier
General uncertainty in the land use entitlement process	Not a barrier
Opposition from neighbors	Moderate barrier
Length of time it takes to process land use entitlements	Not a barrier
Length of time it takes to process building permits	Not a barrier
Lack of financing available for land development	Moderate barrier
Lack of financing available for housing construction	Moderate barrier
Not enough construction workers	Not a barrier

Q16 Are there other barriers to housing development in your city? If so, please describe:

Overall lack of available land

Oregon Housing Affordability & Rent Burden Survey

Q17 One issue that has emerged from prior research from the University of Oregon is the difficulty and or cost of bringing infrastructure (e.g., water, sewer, etc.) to land already within an urban growth boundary, making it "development ready." To what extent would you rate this barrier for your city?

Not a barrier

Q18 Please indicate the extent to which each of the following present barriers to infrastructure development:

Funding

Extreme barrier

Capital improvement planning

Not a barrier

Environmental review

Not a barrier

Local approval and adoption

Moderate barrier

Physical constraints (e.g., topography, wetlands, etc.)

Not a barrier

Coordination with state agencies

Minor barrier

Regulations (e.g., TPR, etc)

Minor barrier

Rate of growth in city (e.g., can't keep up)

Not a barrier

Water capacity constraints (e.g., water treatment facility is insufficient, needs upgrades, or additional capital improvement)

Not a barrier

Sewer capacity constraints (e.g., sewer treatment facility is insufficient, needs upgrades, or additional capital improvements)

Not a barrier

Q19 Please describe any other barriers to providing infrastructure

Respondent skipped this question

Q20 What financial measures has your city adopted or considered adopting to increase housing affordability?

Defer payment of system development charges to the date of occupancy of the housing unit	Not adopted
For low income housing only, defer payment of system development charges to the date of occupancy of the housing unit	Not adopted
Eliminate some or all of the system development charges for low-income housing (less than 60% AMI)	Not adopted
Eliminate system development charges for accessory dwelling units	Not adopted
Property tax exemptions under ORS 307.517 to 307.535 for low-income housing development, under criteria in both ORS 307.517 and 307.518, with no additional development review standards	Not adopted
Property tax exemptions under ORS 307.540 - 307.548 for non-profit corporation low income housing development, with no additional development review standards	Not adopted
Property tax exemptions under ORS 307.600 - 307.637 for multiple-unit housing, with no additional restrictions on location of such housing in addition to those contained within ORS 307.600 to 307.637, and with required benefits pursuant to ORS 307.618 that are clear and objective and do not have the effect of discouraging the use of the property tax exemption through imposition of unreasonable cost or delay.	Not adopted
Property tax exemptions under ORS 307.651 - 307.687 - single unit housing in distressed areas - with clear and objective design standards that do not have the effect of discouraging the use of the property tax exemption through imposition of unreasonable cost or delay.	Not adopted
Property tax freezes under ORS 308.450 - 308.481 - rehabilitated residential property - if the boundaries of the distressed area consist of at least 10% of the qualifying city's total land area, and with clear and objective that do not affect or discourage use of the program through unreasonable cost or delay. for rehabilitated housing (ORS 308.450 - 308.481)	Not adopted
Construction excise tax consistent with the provisions of ORS 320.192 and 320.195 (Oregon Laws 2016, chapter 59, sections 8 and 9)	Not adopted
Inclusionary zoning requirements consistent with provisions of ORS 187.309.	Not adopted
Vertical housing development zone approved by Oregon Housing and Community Services (under ORS 307.841-307.867)	Not adopted

Oregon Housing Affordability & Rent Burden Survey

Q21 What other financial measures or rental assistance measures has your city adopted or considered adopting?

Funding emergency housing assistance	Not adopted
City-funded vouchers	Not adopted
General obligation bonds for affordable housing	Not adopted
Affordable housing trust fund	Not adopted
Program to acquire naturally-occurring affordable housing	Not adopted
Relocation assistance	Not adopted
Relocation ordinance (e.g., requiring landlord relocation assistance if no cause eviction, or annual rent increase greater than certain percent)	Not adopted
Ordinances to increase tenant notices for rent increases	Not adopted

Page 9: Actions to Increase Land Use Efficiency

Q22 What land use and zoning measures has your city adopted or considered adopting? Note that in some of the questions vary by degree. Please answer each as it applies to your city code. NOTE ALSO: This list does not reflect passage of HB 2001 by the 2019 Oregon Legislature. The provisions regarding "middle housing" in HB 2001 are to be implemented by cities in 2021 or 2022.

Accessory dwelling units allowed in any zoning district that allows detached single family housing units, with no off-street parking requirement, any structure type allowed, allowing owner to live in either the primary or accessory dwelling unit, and with clear and objective review standards.	Working on or considering
Accessory dwelling units allowed in any zoning district that allows detached single-family housing units.	Adopted
All residential zoning districts have a minimum density standard of at least 70% of the maximum density allowed, with optional exemptions for lands that do not qualify as buildable lands under OAR 660-008-0005(2) and lands that are being partitioned as defined by ORS 92.010(7).	Not adopted
All residential zoning districts have a minimum density standard of at least 50% of maximum density allowed, with optional exemptions for lands that do not qualify as buildable lands under OAR 660-008-0005(2) and lands that are being partitioned as defined by ORS 92.010(7).	Not adopted
Density bonuses for affordable housing of at least 20% with no additional development review standards than required for development applications that do not include a density bonus, with reservation of affordable housing units for at least 50 years	Not adopted
Density bonuses for affordable housing of at least 20%, with additional development review standards than required for development applications that do not include a density bonus	Not adopted
No more than 25% of residences in medium density zoning districts may be detached single family housing units, unless the detached single family housing unit is on a lot less than or equal to 3,000 square feet, with exemptions for lands that are being partitioned as defined by ORS 92.010(7) .	Not adopted

Oregon Housing Affordability & Rent Burden Survey

No detached residences single family housing units allowed in high density residential zoning districts.	Not adopted
Off-street parking requirement is no more than one space per housing unit in multiple family housing developments of four or more units, or 0.75 spaces per housing unit in multiple family housing developments of four or more units within one-quarter mile of transit service with weekday peak hour service headway of 20 minutes or less.	Not adopted
Off-street parking requirement is no more than 0.75 spaces per housing unit in multiple family housing developments of four or more units within one-quarter mile of transit service with weekday peak hour service headway of 20 minutes or less.	Not adopted
Off-street parking requirement is no more than one space per housing unit for single-family detached or attached dwellings, duplexes, or triplexes.	Not adopted
At least 15% of all residentially-zoned land is zoned for high-density residential development.	Not adopted
At least 8% of all residentially-zoned land is zoned for high-density residential development.	Not adopted
At least 50% of the commercially-zoned land allows residential uses with off-street parking requirements no greater than one space per housing unit.	Not adopted
Duplexes are allowed in low-density (single-family) residential zoning districts with no additional development review standards than required for detached single-family dwellings.	Not adopted
Duplexes are allowed on corner lots in low-density (single-family) residential zoning districts with no additional development review standards than required for detached single-family dwellings.	Adopted
Attached single-family residential units (e.g., townhouses, row houses) are allowed in low-density (single-family) residential zoning districts, with minimum lot sizes of 5,000 sf or less.	Adopted
Triplexes are allowed in low-density (single-family) residential zoning districts with no additional development review standards than required for detached single-family dwellings.	Not adopted
Triplexes are allowed on corner lots in low-density (single-family) residential zoning districts with no additional development review standards than required for detached single-family dwellings.	Not adopted
Quads (4-plexes) are allowed in low-density (single-family) residential zoning districts with no additional development review standards than required for detached single-family dwellings.	Not adopted
Quads (4-plexes) are allowed on corner lots in low-density (single-family) residential zoning districts with no additional development review standards than required for detached single-family dwellings.	Not adopted
Cottage housing: development code allows cottage cluster development of at least 12 units per acre	Not adopted
Minimum lot size in low density (single-family) residential zoning districts is at least 25% less than the minimum lot size corresponding to the maximum density allowed in the district.	Not adopted

Oregon Housing Affordability & Rent Burden Survey

Residential street standards: required street width is 28 feet or less with parking on both sides, 24 feet or less with parking on one side, or 20 feet or less with no parking.
Please list any other land use or zoning measures your city has taken to increase housing affordability that are not listed above?

Not adopted

Modifications to ADU standards, giving more flexibility; Cottage clusters allowed at standard densities; Incentive for vertical mixed use to allow greater density.

Page 10

Q23 Do you feel you understand how to assess the applicability and effectiveness of the measures listed above (questions 20-22)? Note that the survey is designed to allow you to navigate back and forward to review or preview questions.

I understand how most of the tools work

Q24 Is there a tool or measure that has been particularly successful in your city?

No,

Please explain::

We have allowed ADUs in Keizer since 1998 and the City recently expanded allowance for ADUs . We have allowed cottage cluster development since 2014, and have seen none developed. Two separate developers looked at collage cluster developments and chose to build standard detached single family dwellings (detached) based on their expected return on investment.

Page 11: Local Capacity and Partnerships

Q25 Does your city have a housing director?

No

Q26 Does your city have a housing committee appointed by your city council?

No

Q27 Does your city have dedicated housing staff?

No

Page 12: Partnerships

Oregon Housing Affordability & Rent Burden Survey

Q28 Please use the following checkboxes to describe your city's relationship with the following organizations.

Community Action Agency	No interaction
County Housing Authority	No interaction
Non-Profit Housing/Services Provider	No interaction
Other Nonprofits	No interaction
Citizen and Community Groups	No interaction
Foundations	No interaction
Private Developers	Networking
Homebuilders Associations	Networking
Other municipalities in your region	Cooperation
Counties	No interaction
DLCD	Coordination
OHCS	No interaction
Other state agencies	No interaction
US HUD	No interaction
USDA Rural	No interaction
Other federal agencies	No interaction

Q29 How could OHCS be helpful as your city addresses housing issues?

provide resources

Q30 How could DCLD be helpful as your city addresses housing issues?

Provide resources

Page 13: Learning More About Technical Assistance

Q31 When did your city last update its Goal 10 Housing Needs Analysis? **2018**

Q32 Was the updated Housing Needs Analysis adopted by your City Council?

No,

Comment::

Update was in 2019 - not adopted by City Council as it showed a housing deficit which we are working on an action plan.

Q33 Has your city conducted other housing studies?

No

Q34 Would your city be interested in learning more about programs and services from the Department of Land Conservation and Development to help cities update Housing Needs Analyses?

Other (please specify):

We are already in the process (working with DLCD)

Q35 Would your city be interested in learning more about programs and resources from Oregon Housing and Community Services? **Yes**

Q36 Has your city completed a code audit to determine whether your code contains clear and objective standards for housing development? **No**

Q37 Would your city be interested in learning more about programs and services at the Department of Land Conservation and Development to undertake a review and update of your development code? **Yes**

Page 14: Contact Information

Q38 Please provide the name and contact information for the person(s) answering this survey (each field is required; use n/a if not applicable)

Name	Nate Brown
City Name or Department	City of Keizer Community Development
Address	930 Chemawa Rd NE
City/Town	Keizer
State/Province	OR
ZIP/Postal Code	97303
Email Address	brownn@keizer.org
Phone Number	(503)856-3437

Q39 Please provide the title(s) of the person(s) answering to the survey. **Community Development Director**

COUNCIL MEETING: December 2, 2019
AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER
NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

FROM: SHANE WITHAM, SENIOR PLANNER

SUBJECT: Text amendment to Keizer Development Code Section 2.403(Shared Housing Facilities) to modify standards for Accessory Dwelling Units (ADU) governing parking and owner occupancy requirements, in order to be consistent with state law.

ATTACHMENTS:

- Section 2.403 Shared Housing Facilities – draft
- Written Testimony Received from William Johnson
- Planning Commission Packet – November 13, 2019

ISSUE:

Planning Commission held a public hearing on November 13, 2019 to consider the proposed text amendment to Section 2.402 Shared Housing Facilities. Staff proposed changes to implement the legal requirements of House Bill 2001, which prohibits local regulations requiring off-street parking or owner-occupancy. Staff also proposed a size limitation (60/40% split) for attached ADUs. The size limitation is intended create a quantifiable standard to differentiate between an attached ADU and a duplex. The reason this differentiation is desired is due to the fact that a duplex has a greater impact than an ADU, which by definition, is “...*a residential structure that is used in connection with, or that is accessory to, a single family dwelling.*”

Though not part of the staff proposal, public testimony was received at the public hearing requesting Planning Commission increase the size allowance for detached ADUs from 750 square feet up to 850-900 square feet in area. The testimony received specifically cited the desire to accommodate a 2 bedroom dwelling unit, claiming it was difficult to accomplish with the existing limitation of 750 square feet.

Ultimately, Planning Commission recommended the allowable square footage for a detached ADU be changed to mirror the state recommended model code, and City of Salem standard of 900 square feet of floor area or 75% of the primary dwelling’s floor area, whichever is smaller.

The recommended text will:

- Eliminate parking and owner occupancy requirements consistent with legislation passed in HB 2001.
- Limit the size of an attached ADU to 40% of the overall structure and allow only one attached garage.
- Change the size limitation for a detached ADU (including existing outbuilding conversions) from an outright allowance of 750 square feet to a maximum of 900 square feet and/or 75% of the primary dwelling unit floor area.

POLICY DISCUSSION:

While some of the proposed changes are necessary to comply with state law, there are also some policy issues which staff feels merit careful consideration. The following policy issues to be considered are:

1. Is increasing the size allowance for a detached ADU necessary/desirable?

Changing the size allowance for detached ADUs to a 900 square foot/75% cap will allow larger detached ADUs (20% increase) to be developed in many cases. However, it will also create a barrier to development of ADUs in situations where a small house exists on a lot. In order to build a 900 square foot ADU, the existing home would have to be a minimum of 1200 square feet, and in some areas of Keizer, there are smaller homes on oversized lots which may be unable to be partitioned, but could provide additional housing opportunities through ADU development. A flat cap would be easier for the citizen to know what is allowed, without having to research tax assessment records or building permit files to determine how large an existing home is.

2. Is consistency between attached and detached ADU size limitations important?

Both the state model code and City of Salem code regulate the size of attached and detached ADUs the same way (total area/% of main dwelling), with the exception that an “entire floor” may be converted to an ADU regardless of size. The proposed language Planning Commission recommends creates a different standard for attached versus detached ADUs with different percentages (60/40 for attached, 75 for detached). If a percentage cap for detached ADUs is desired, it may be easier for citizens to understand the regulation, if it is consistent across the board for both attached and detached ADUs. Planning Commission was specific in their recommendation for a separate standard

Attached is written testimony received on November 20, 2019 for Council’s consideration.

RECOMMENDATION:

That City Council open the public hearing to consider the proposed text amendment, close the public hearing, deliberate, and direct staff to prepare an ordinance with findings to adopt the proposed revisions.

2.403 SHARED HOUSING FACILITIES

In zones permitting single family dwellings, an Accessory Dwelling Unit (ADU) may be allowed subject to the standards in this section. An ADU may be a detached building, in a portion of a detached accessory building (e.g. part of/above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g. an addition or conversion of an existing floor). (1/19)

2.403.01 Attached Accessory Dwelling Unit (1/19)

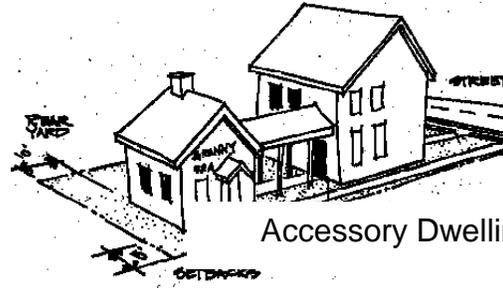
Where permitted as a special use, attached Accessory Dwelling Units shall meet the following use and development standards. (1/19)

- A. Orientation and Access. A structure with an attached ADU shall not have more than one front entry facing the same direction. Entries on different building frontages, or shared entries shall be required. Only one attached garage and driveway is allowed for a property containing an attached ADU. (1/19)
- B. Dwelling Units. The building must contain not more than two dwelling units and there must be not more than 1 total ADU per lot. ADUs are not included in minimum or maximum density calculations. (1/19)
- C. Area Requirements. Square footage of the attached ADU is limited to 40% of the total dwelling square footage excluding garage or accessory structure. The attached ADU ~~One dwelling unit~~ must contain at least 300 square feet of floor area and the primary dwelling ~~other~~ must contain at least 600 square feet of floor area. - Area requirements do not apply to the conversion of an entire level or floor. (1/19)
- ~~D. Occupancy. At least one owner of the property must reside in either the principal residence or the ADU. (1/19)~~
- DE. Ownership. An attached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)
- E. Design. The building must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence.

2.403.02 Detached Accessory Dwelling Unit (1/19)

Where permitted as a special use, a detached Accessory Dwelling Unit shall meet the following use and development standards. (1/19)

- A. Location. Except as allowed below, the detached ADU shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of 5 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. (1/19)



- B. A detached ADU may be located in the front yard only if approved through an alternative design review process as specified in Section 3.101.01. If located in the front yard, the applicant must show that the design of the ADU will be compatible with the surrounding neighborhood and adjoining properties through architectural features, landscaping and orientation, as well as meeting the requirements set forth below. (1/19)
- C. Parking. No additional off-street parking is required. If provided, the following standards apply except as set forth below:
- ~~1. One off-street parking space is required if there is no adjacent on-street parking allowed. (1/19)~~
 - 2.1. If required, the aAdditional off-street parking space(s) must be provided within or adjacent to an existing driveway. Modification to any existing driveway approach will require public works approval. The width of the existing driveway approach cannot be increased in excess of the public works standard. (1/19)
 - 3.2. No separate driveway is permitted, unless allowed by the Public Works Director. (1/19)
- D. Design. The detached ADU must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence. (1/19)
- E. Area. The detached ADU shall be no larger than 750 square feet in total area not exceed 900 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is less. (1/19)
- F. Setbacks and Height. The minimum rear yard setback shall be 5 feet for a 1 story structure and 10 feet for a 2 story structure, unless located on an alley in which case the setback shall be 1 foot; the minimum side yard setback shall be 5 feet. The maximum height shall be 25 feet, and in no case may the detached ADU be taller than the primary home. (1/19)

~~G. Occupancy. At least one owner of the property must reside in either the principal residence or the ADU. (1/19)~~

H.G. Ownership. A detached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)

H.H. Dwelling Units. The lot or property shall contain no more than 1 total ADU. ADUs are not included in minimum or maximum density calculations. (1/19)

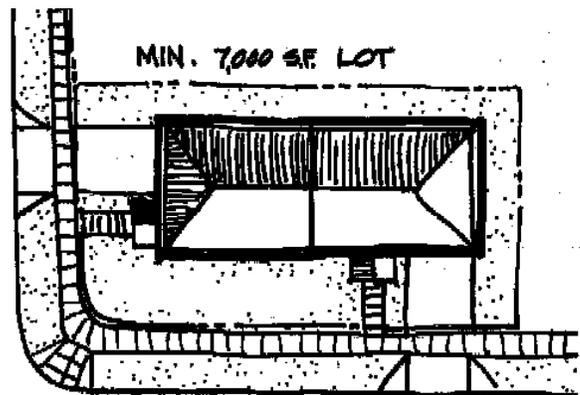
J.I. Building Conversion. Conversion of an existing accessory structure to a detached ADU shall be allowed, subject to the following standards. (1/19)

1. If the existing building is setback less than 3 feet from an adjacent property line, a maintenance easement agreement must be obtained prior to conversion to allow for ongoing access and maintenance of the structure. (1/19)
2. Conversion of an existing legal non-conforming accessory structure to a detached ADU is allowed, provided the conversion does not increase the non-conformity. (1/19)
3. The ~~area of the~~ detached ADU ~~is limited to a maximum of 750 square feet regardless of the total area of the existing structure shall not exceed 900 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is less.~~ Any additional square footage may not be accessible from the interior of the ADU, and may only be used as an accessory structure use for non-dwelling purposes. (1/19)

2.403.03 Duplex on a Corner Lot

Where permitted as a special use, a duplex on a corner lot shall meet the following additional use and development standards. (5/98)

- A. Lot Area. The corner lot shall contain at least 7,000 square feet. (5/98)



Duplex

- B. Access. Each dwelling unit shall derive its pedestrian and vehicular access from a different street, unless otherwise required by the City Public Works Director.
(5/98)

From: [Billy Johnson](#)
To: [Witham, Shane](#)
Subject: Potential ADU size change
Date: Wednesday, November 20, 2019 4:28:48 PM

Good afternoon,

I was hoping to offer my input concerning the recent proposal to look at a possible change in the size limit of an ADU in Keizer. Keizer currently has a very reasonable size cap of 750 sf. Having lived in apartments for a good amount of my life, I've found this is a great size for either a large 1 bedroom or comfortable 2 bedroom dwelling.

With the current housing shortage ADUs have served an important role in local communities. Especially in communities like Keizer where we have several large lots that aren't quite set up for conventional infill development (i.e. subdivide or partition).

I'm concerned with the proposal to possibly change the cap from an even 750 sf to more limiting 900 sf or 75% the size of the main dwelling. While some folks might be attracted to the larger 900 sf it's important to not overlook the impact of a 75% cap in relation to the main dwelling. Many of these old houses on large lots have primary dwellings well under 1000 sf, in effect these lots would have limited potential to build a livable/versatile ADU, because due to a 75% cap the new structure would have to be far less than 750 sf. This seems like a huge loss. These larger lots would accommodate an ADU very well, allowing for a functional site layout with less impact to neighbors than newer, tighter developments. In my opinion these are the exact lots where an ADU 750 sf or larger would be best suited, considering the fabric of most or out local neighborhoods.

I'm personally invested in this decision as I currently have a larger lot with a small 680 sf primary dwelling where I'm working with an architect, designing an ADU that would meet the current 750 sf size cap.

Having owned multiple properties across the City, I believe there are several neighborhoods/properties that would be wrongly limited by a percentage of primary dwelling cap. It also makes it harder for investors or homeowners to navigate their due diligence in deciding whether to invest in the addition of an ADU on their property in Keizer. The City has already done a great job of protecting the fabric of a neighborhood by creating setbacks and landscaping/open space percentage requirements on single family lots.

I appreciate your time and hope you'll be able to share my concerns with the planning commission as they consider future changes to code regarding ADUs.

Sincerely,

William Johnson
503-779-9163
williamgeorgejohnson@gmail.com

TO: PLANNING COMMISSION
THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR
FROM: SHANE WITHAM, SENIOR PLANNER

DATE: November 6, 2019

SUBJECT: Proposed text amendments (Sections 2.403) – modifying standards for Accessory Dwelling Units.

ATTACHMENTS:

- **Development Code Section 2.403 (Shared Housing Facilities) – draft**
- **State Model Development Code**
- **City of Salem – ADU standards (SRC Sec. 700.007)**

DISCUSSION:

The City of Keizer allows for Accessory Dwelling Units (ADU) and has been pro-active in creating rules and regulations to allow flexibility for the creation of housing options throughout Keizer. The standard for ADUs (Section 2.403) has been modified multiple times in response to legislative action and market driven factors over the past few years. Previous revisions have attempted to create meaningful standards that are consistent with both neighborhood expectations, as well as state law. However, striking the appropriate balance has proven to be challenging, as shown by the most recent legislative action in House Bill 2001.

House Bill 2001 was signed into law on August 8, 2019 and established that off-street parking and owner-occupancy requirements are not considered “reasonable local regulations relating to siting and design” for ADUs. Essentially, the bill clarifies what exactly can and cannot be regulated by local governments in relation to ADUs. Therefore, since the KDC requires both parking and owner occupancy, it is necessary to modify Section 2.403 of the Keizer Development Code (KDC) once again, for compliance with State law.

Over the past 2 years, the Community Development Department has issued 11 permits for ADUs in Keizer. It has become apparent during the review of these permits, as well as spending time answering questions and working with property owners, that it is necessary to differentiate between an attached ADU and a duplex structure. Staff proposes to do this by limiting the number of attached garages and creating a size limitation for attached ADUs. This will ensure that ADUs continue to truly be “accessory to” the main single family use of the property and will also establish the appropriate rates for collection of System Development Charges (SDCs).

The proposed text amendment will:

- Eliminate parking requirements
- Eliminate owner occupancy for both attached and detached ADUs
- Limit the size of an attached ADU to 40% of the overall structure and allow only one attached garage.

Included for your reference is a copy of the model code issued by the State of Oregon, along with the City of Salem's code regulating ADUs. As you can see from these examples, there are different options as to how ADUs can be regulated, and that we have chosen to regulate certain aspects differently than Salem or the State model code.

RECOMMENDATION:

That Planning Commission considers the proposal and recommends approval to the City Council, including any additional text changes identified.

2.403 SHARED HOUSING FACILITIES

In zones permitting single family dwellings, an Accessory Dwelling Unit (ADU) may be allowed subject to the standards in this section. An ADU may be a detached building, in a portion of a detached accessory building (e.g. part of/above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g. an addition or conversion of an existing floor). (1/19)

2.403.01 Attached Accessory Dwelling Unit (1/19)

Where permitted as a special use, attached Accessory Dwelling Units shall meet the following use and development standards. (1/19)

- A. Orientation and Access. A structure with an attached ADU shall not have more than one front entry facing the same direction. Entries on different building frontages, or shared entries shall be required. Only one attached garage and driveway is allowed for a property containing an attached ADU. (1/19)
- B. Dwelling Units. The building must contain not more than two dwelling units and there must be not more than 1 total ADU per lot. (1/19)
- C. Area Requirements. Square footage of the attached ADU is limited to 40% of the total dwelling square footage excluding garage or accessory structure. The attached ADU ~~One dwelling unit~~ must contain at least 300 square feet of floor area and the primary dwelling ~~other~~ must contain at least 600 square feet of floor area.- Area requirements do not apply to the conversion of an entire level or floor. (1/19)
- ~~D. Occupancy. At least one owner of the property must reside in either the principal residence or the ADU. (1/19)~~
- DE. Ownership. An attached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)
- E. Design. The building must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence.

2.403.02 Detached Accessory Dwelling Unit (1/19)

Where permitted as a special use, a detached Accessory Dwelling Unit shall meet the following use and development standards. (1/19)



- A. Location. Except as allowed below, the detached ADU shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of 5 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. (1/19)
- B. A detached ADU may be located in the front yard only if approved through an alternative design review process as specified in Section 3.101.01. If located in the front yard, the applicant must show that the design of the ADU will be compatible with the surrounding neighborhood and adjoining properties through architectural features, landscaping and orientation, as well as meeting the requirements set forth below. (1/19)
- C. Parking. No additional off-street parking is required. If provided, the following standards apply except as set forth below:
- ~~1. One off-street parking space is required if there is no adjacent on-street parking allowed. (1/19)~~
- 2.1. ~~If required, the a~~Additional off-street parking space(s) must be provided within or adjacent to an existing driveway. Modification to any existing driveway approach will require public works approval. The width of the existing driveway approach cannot be increased in excess of the public works standard. (1/19)
- 3.2. No separate driveway is permitted, unless allowed by the Public Works Director. (1/19)
- D. Design. The detached ADU must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence. (1/19)
- E. Area. The detached ADU shall be no larger than 750 square feet in total area. (1/19)
- F. Setbacks and Height. The minimum rear yard setback shall be 5 feet for a 1 story structure and 10 feet for a 2 story structure, unless located on an alley in which case the setback shall be 1 foot; the minimum side yard setback shall be 5 feet. The maximum height shall be 25 feet, and in no case may the detached ADU be taller than the primary home. (1/19)
- ~~G. Occupancy. At least one owner of the property must reside in either the principal residence or the ADU. (1/19)~~
- H.G. Ownership. A detached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)

H. Dwelling Units. The lot or property shall contain no more than 1 total ADU. (1/19)

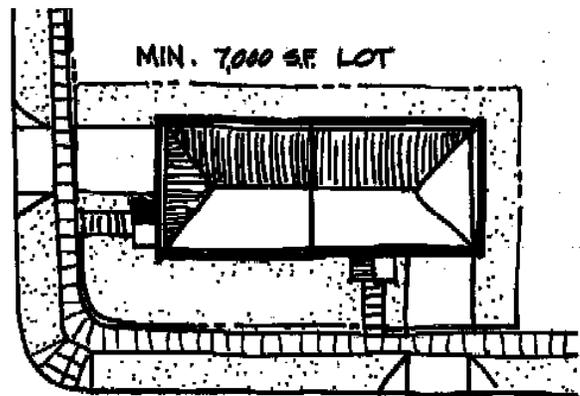
I. Building Conversion. Conversion of an existing accessory structure to a detached ADU shall be allowed, subject to the following standards. (1/19)

1. If the existing building is setback less than 3 feet from an adjacent property line, a maintenance easement agreement must be obtained prior to conversion to allow for ongoing access and maintenance of the structure. (1/19)
2. Conversion of an existing legal non-conforming accessory structure to a detached ADU is allowed, provided the conversion does not increase the non-conformity. (1/19)
3. The area of the detached ADU is limited to a maximum of 750 square feet regardless of the total area of the existing structure. Any additional square footage may not be accessible from the interior of the ADU, and may only be used as an accessory structure use for non-dwelling purposes. (1/19)

2.403.03 Duplex on a Corner Lot

Where permitted as a special use, a duplex on a corner lot shall meet the following additional use and development standards. (5/98)

- A. Lot Area. The corner lot shall contain at least 7,000 square feet. (5/98)
- B. Access. Each dwelling unit shall derive its pedestrian and vehicular access from a different street, unless otherwise required by the City Public Works Director. (5/98)



Duplex

Accessory Dwellings (model code)

Note: ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. The statute does not allow local jurisdictions to include off-street parking nor owner-occupancy requirements. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section _____,] and shall conform to all of the following standards:

[A. One Unit. *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

A. Two Units. *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75-85] percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75-85] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity;

2. No off-street parking is required for an Accessory Dwelling;
3. Properties with two Accessory Dwellings are allowed [10-20%] greater lot coverage than that allowed by the zone in which they are located; and
4. Accessory dwellings are not included in density calculations.

Definition (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

Sec. 700.007. - Accessory dwelling unit.

Where designated as a special use, accessory dwelling units shall comply with the standards set forth in this section. Where the standards in this section conflict with other standards in the UDC, the standards in this section shall be the applicable standard. Standards for accessory structures elsewhere in the UDC shall not apply to accessory dwelling units.

- (a) *All accessory dwelling units.* The standards set forth in this subsection shall apply to all accessory dwelling units.
- (1) *Number.* Only one accessory dwelling unit shall be allowed per lot.
 - (2) *Size.* Accessory dwelling units shall not exceed 900 square feet, or 75 percent of the main building gross area, whichever is less.
 - (3) *Types of structures allowed.* Accessory dwelling units shall only be allowed in lawfully-built dwelling units that meet building code requirements. Accessory dwelling units shall not be allowed in:
 - (A) A recreational vehicle, travel trailer, or similar structure;
 - (B) A motor vehicle;
 - (C) Any structure not intended for permanent human occupancy.
 - (4) *Condominium ownership.* Accessory dwelling units shall not be separated in ownership from the underlying property on which it and the main house to which it is accessory are located. Attached accessory dwelling units shall not be separated in ownership from the main house to which it is accessory.
 - (5) *Other uses.* Accessory dwelling units shall be prohibited from being used as short-term rentals or accessory short-term rentals.
 - (6) *Exemptions.* Accessory dwelling units are exempt from the following standards required elsewhere in the UDC:
 - (A) Dwelling unit density requirements, including requirements for a minimum or maximum number of dwelling units;
 - (B) Development standards, design review guidelines, and design review standards within overlay zones;
 - (C) Requirements to build garages.
- (b) *Detached accessory dwelling units.* The standards set forth in this subsection shall apply to all detached accessory dwelling units and are in addition to the standards in subsection (a) of this section.
- (1) *Location.* Detached accessory dwelling units shall be located in the side yard or rear yard.
 - (2) *Setbacks.* Setbacks for detached accessory dwelling units shall be provided as set forth in Table 700-1.

Table 700-1. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Detached accessory dwelling unit	Min. 12 ft.	Applicable along local streets.

	Min. 20 ft.	Applicable along collector or arterial streets.
Interior Side		
Detached accessory dwelling unit	Min. 3 ft.	
Interior Rear		
Detached accessory dwelling unit	Min. 5 ft.	
	Min. 1 ft.	Applicable to detached accessory dwelling units adjacent to an alley.

- (3) *Lot coverage.* The total lot coverage for buildings, accessory structures, and accessory dwelling units shall not exceed a maximum lot coverage of 60 percent.
- (4) *Height.* Detached accessory dwelling units shall be no more than 25 feet in height.

(Ord. No. 10-17, § 23(700.006), 7-10-2017)

COUNCIL MEETING: December 2, 2019

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: TIM WOOD, FINANCE DIRECTOR

SUBJECT: AUTHORIZATION FOR SUPPLEMENTAL BUDGET

ISSUE: Oregon Budget Law, when authorized by resolution of the governing body of a municipal corporation, provides that a supplemental budget may be adopted when an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year which requires a change in financial plan.

Administrative Services Fund – General Administration

The City participates in a “Retro Plan” agreement for its General and Auto liability insurance premiums. Under this plan, initial premium contributions are 75% of the base premium. The City is then responsible for claims up to a maximum exposure of 112.5% of the base premium. The City budgets the difference between the 75% base premium and the 112.5% maximum exposure as contingency to be used in the event a claim is received.

The supplemental budget is to transfer \$6,000 from Contingency to General Administration to provide appropriations for the retrospective liability insurance claim.

General Fund – Police Department

The supplemental budget is to recognize and appropriate \$7,200 in donations received from Advantage Heating in support of ongoing Police Department operations and capital outlay.

Community Center Fund

The supplemental budget is to recognize and appropriate \$45,000 in unanticipated Transient Occupancy Tax revenue in support of wages, taxes, retirement and insurance for an additional event center employee.

RECOMMENDATION: Staff recommends the council open the public hearing and receive any public testimony. Once the public hearing is closed the council should adopt the attached resolutions authorizing the supplemental budgets as described above.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2019-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET - Administrative Services Contingency

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year which requires a change in financial planning.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2020:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
Administrative Services Fund - General Administration				
General Administration Expenditures	297,000	6,000		303,000
Contingency	71,000		6,000	65,000
To transfer appropriations from Contingency to General Administration to provide for a restrospective liability insurance payment.				

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

PASSED this ___ day of _____, 2019

SIGNED this ___ day of _____, 2019

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2019-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET - General Fund - Police Department

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year which requires a change in financial planning.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2020:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
General Fund - Police Department				
Resources	13,778,500	7,200		13,785,700
Expenditures - Police Department	8,014,000	7,200		8,021,200
To recognize and appropriate \$7,200 in donations received from Advantage Heating for the Police Department's ongoing operations and capital outlay.				

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

PASSED this ___ day of _____, 2019

SIGNED this ___ day of _____, 2019

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2019-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET - Community Center Fund Staffing

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year which requires a change in financial planning.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2020:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
Community Center Fund Staffing				
Resources	521,000	45,000	-	566,000
Expenditures	400,300	45,000	-	445,300
To recognize and appropriate unanticipated Transient Occupancy Tax in support of wages, taxes, retirement and insurance for an additional event center employee.				

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

PASSED this ___ day of _____, 2019

SIGNED this ___ day of _____, 2019

Mayor

City Recorder

COUNCIL MEETING: December 2, 2019
AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER

FROM: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TRAFFIC CONTROL SIGNAGE FOR UPCOMING IN-N-OUT OPENING

BACKGROUND: As the In-N-Out building nears completion, staff has met with their management team to identify how to address the expected volume of traffic, vehicle stacking, and queuing. Anecdotally, they expect they would have to plan for approximately 170 vehicles waiting in line for the duration of their “honeymoon” period, with the potential for even more.

They are committed to working with the City, neighboring businesses, and Donahue Schriber to deal with the issues they anticipate will be created.

In meeting with City staff, including representatives from Community Development, Public Works, and Police, they are requesting that several traffic direction signs be placed where they will be amply visible to drivers—both for their customers as well as other businesses. We believe because of the safety concerns this event creates, Council should grant permission for signs to be placed in the right-of-way only under the following conditions:

1. Signage should be for traffic direction only—to include premise names.
2. No product advertisement.
3. Signage cannot create any lane of travel or vision obstruction for vehicles, pedestrians, or bicyclists.
4. Flexibility be granted for the specific placement of signs, only upon approval of City staff.

In 2004 the City Council passed Ordinance 2004-498, amending Section 2.203 of the Keizer Development Code (Ordinance No. 98-389), which regulates “Permitted Temporary Uses”. This amendment affords Council discretion in authorizing “additional temporary uses” during a specific event or festival, and specifically allows for the council to authorize temporary signage in conjunction with a temporary use. The Development Code reads as follows:

Additional Permitted Temporary Uses. The City Council may, by resolution, authorize additional permitted temporary uses during a specific event or festival. This may include setting forth reasonable types of uses, appropriate zones for such uses, temporary signs and any time restrictions the Council finds necessary to protect the health, safety and welfare of the Public. (Section 2.203.04.E)

ACTIONS: Staff believes the most appropriate action would be for the City Council to authorize temporary signs for this specific event. As the opening event unfolds, some flexibility

should be granted on the specific placement location of the signs and City staff will work closely with company management to provide as much information to drivers as is effective.

RECOMMENDATION: Staff recommends that City Council adopt the attached Resolution.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2019-_____

3 AUTHORIZING TEMPORARY SIGNAGE SUBJECT TO
4 CONDITIONS FOR IN-N-OUT OPENING
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6 WHEREAS, the Keizer Development Code provides pursuant to Section
7 2.203.04(E) that the City Council may by resolution authorize temporary uses during a
8 specific event or festival;

9 WHEREAS, the Keizer Development Code also provides that the Council may set
10 forth the reasonable types of uses, zones and time restrictions, including temporary signs;

11 WHEREAS, In-N-Out Burgers has requested the City to authorize temporary
12 signs in the right-of-way for its opening;

13 WHEREAS, the City Council has considered this matter and finds that it is
14 appropriate to grant the request with certain restrictions necessary to protect the health,
15 safety and welfare of the public;

16 NOW, THEREFORE,

17 BE IT RESOLVED by the City Council of the City of Keizer that the In-N-Out
18 Burgers opening is authorized as a specific temporary use and the temporary signage in
19 the right-of-way for the event is hereby allowed pursuant to the design, restrictions and

1 conditions as set forth in the attached Exhibit "A" which is incorporated herein by this
2 reference.

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

5 PASSED this _____ day of _____, 2019.

6 SIGNED this _____ day of _____, 2019.

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Mayor

City Recorder

EXHIBIT "A"

Design, Restrictions and Conditions

The City Council approves the proposed temporary right-of-way signage for the In-N-Out Burgers opening as follows:

1. Signage shall be for traffic direction only and will only include premise name.
2. No product will be advertised on the signage.
3. Signage shall not create any lane or travel or vision obstructions for vehicles, pedestrians, or bicyclists.
4. Electronic signs are allowed only as specifically directed in writing by the Community Development Director.
5. The locations and size of the signage must have prior approval of the Community Development Director. Such signage may be placed no earlier than the opening day and must be removed no later than two weeks after the opening day.
6. Signs and banners shall be placed to ensure there shall be no traffic interference or distraction, and if deemed to be a hazard by the Community Development Director, shall be removed immediately without notice.
7. No signs, banners, flags or other items may be placed in the right-of-way, except for signage referenced in Section 5. No signs shall be placed on private property without the specific permission of the private property owner. Signs placed on private property are not subject to content restriction in Section 1 and 2. Placement of any sign not specifically allowed in Section 5 in any public right-of-way or sidewalk easement shall cause the City to remove such signs immediately without notice. In such instance, In-N-Out Burgers shall pay for City staff time, including benefits.
8. All activities shall also comply with Keizer Police Department's direction and requirements of Keizer Fire District.

CITY COUNCIL MEETING: December 2, 2019

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: LETTER OF SUPPORT FOR REVISION OF LEAGUE OF OREGON CITIES BYLAWS TO CREATE A PEOPLE OF COLOR CAUCUS

Councilor Herrera has been working with Sean O’Day, former League of Oregon Cities staff person in an effort to create a local government People of Color Caucus within the League of Oregon Cities.

The Oregon School Boards Association recently established a similar caucus within its membership and the League of Oregon Cities is currently reviewing and considering amendments to its bylaws which provides an opportunity to place this matter before the League of Oregon Cities Board.

Councilor Herrera and Mayor Cathy Clark desire to support the bylaw revisions and the establishment of the People of Color Caucus.

Mayor Clark is requesting that the City of Keizer provide a letter of support to present to the League of Oregon Cities Board.

RECOMMENDATION:

Adopt the attached Resolution authorizing the Mayor to send letter of support to the League of Oregon Cities.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2019-_____

AUTHORIZING MAYOR TO SEND LETTER OF SUPPORT TO LEAGUE OF OREGON CITIES FOR REVISIONS TO THE BYLAWS TO CREATE A PEOPLE OF COLOR CAUCUS

WHEREAS, the League of Oregon Cities Board is currently reviewing its bylaws;

WHEREAS, Councilor Herrera has been working toward creating a local government People of Color Caucus within the League of Oregon Cities;

WHEREAS, it has been requested that the Keizer City Council prepare a letter of support for a revision to the League of Oregon Cities bylaws to create a People of Color Caucus;

WHEREAS, the City Council desires to have the Mayor send a letter supporting the revisions of the League of Oregon Cities bylaws creating a People of Color Caucus;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Mayor is authorized to send the attached letter supporting revisions to the League of Oregon Cities bylaws creating a People of Color Caucus.

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

3 PASSED this _____ day of _____, 2019.

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5 SIGNED this _____ day of _____, 2019.

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Mayor

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City Recorder

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December 3, 2019

Board of Directors
League of Oregon Cities
1201 Court St NE #200
Salem, OR 97301

Re: Letter of Support for Revisions to Bylaws to Create a People of Color Caucus

Dear Board of Directors:

The League of Oregon Cities plays an important role in both advocating on behalf of its member governments as well as helping to strengthen those governments through effective advocacy and outstanding leadership. To those ends, the League has adopted a strategic plan that includes among its goals to “build a comprehensive an equitable engagement approach that services and includes all cities and underserved communities” and to “establish an organization that welcomes all and eliminates barriers to effective participation.”

The Keizer City Council applauds you for adopting those goals and we desire to assist you in achieving them. We understand that the League is currently undertaking a review of its by-laws. As an organization that recognizes diversity as a core value, now is an opportune time to create a mechanism to identify areas of concern and causation, convene a caucus of stakeholders, and take action on the League’s goals. Consequently, we request the League, as part of its by-laws amendments, to include a provision allowing for the creation of caucuses generally, and a City Leaders of Color Caucus specifically, to serve as a resource and provide guidance and leadership for the League’s initiatives.

Specifically, we see the mission of the Caucus as:

1. To inform, educate, and empower local governments to address issues and policies with directly affect people of color.

Board of Directors
League of Oregon Cities
Page 2
December 3, 2019

2. To leverage collective strength to inform, educate, and empower people of color to serve as a resource to local government and state leaders and community organizations on issues and policies affecting people of color, and to serve in positions of leadership in local and state government.

3. To inform the League of Oregon Cities policy agenda on issues and policies that directly affect people of color.

The Caucus' goals are:

- To promote positive and effective relationships among city officials of color, their communities, political leaders, and the League of Oregon Cities.
- To build and increase capacity of city officials of color and support a pipeline for people of color to engage in and serve in local government.
- To serve as a resource to the League of Oregon cities in the formulation of its policy agenda.
- To equip and advance city officials of color to serve in positions of leadership within the League of Oregon Cities.

Membership would be comprised of any elected or appointed member of any city in Oregon who are active members in good standing with the League of Oregon cities and identify as a person of color. The activities of the Caucus would align with the League's By-Laws as well as compliment, not duplicate, the Leagues efforts on behalf of all cities.

Attached to this letter is proposed wording to be added to the By-Laws. When adopted, we are committed, with the aid of League staff, to recruit members from the LOC membership and as a first order of business prepare a set of by-laws for the Caucus that would set out the programming and governance of the Caucus. Also attached is the Council Resolution supporting this effort.

Once again, the Keizer City Council applauds the League for its leadership on these important issues and, as people of color within the League's membership, we look forward to working with you in a more organized and structured way for the betterment of cities and the people of Oregon.

Board of Directors
League of Oregon Cities
Page 3
December 3, 2019

Please accept this letter as confirmation of the City of Keizer Council's support for revisions to the bylaws that allow the creation of a People of Color Caucus. Thank you for your considerate review of this matter.

Sincerely,

Cathy Clark
Mayor

Proposed LOC Bylaws Amendment

NEW SECTION (to be placed near Policy Committees)

X. Caucuses. Caucuses shall exist to enhance the work of the League by addressing the unique needs of members. Caucuses shall:

- (1) Clearly articulate the vision, mission and goals of the Caucus.
- (2) Adopt bylaws for operating, programming and governing within the context of the League bylaws described herein.
- (3) Caucuses shall be added or eliminated to this provision through the amendment process described in these bylaws.
- (4) The Executive Director shall designate a staff member to serve as a liaison representative to the Caucus. The designee shall not have voting rights.
- (4) With the adoption of this section, the City Leaders of Color Caucus is established.

CITY COUNCIL MEETING: December 2, 2019

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: RESOLUTION AMENDING THE CHARTER REVIEW COMMITTEE

The Charter Review Committee is currently set to dissolve on December 16, 2019. The Charter Review Committee has not completed its purpose and a six-month extension is requested. A six-month extension would set the dissolution date of the Committee as June 16, 2020.

RECOMMENDATION:

Adopt the Resolution amending the Charter Review Committee.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2019-_____

**AMENDING THE CHARTER REVIEW COMMITTEE; AMENDING
RESOLUTION NO. R2019-3001**

WHEREAS, the City Council adopted Resolution No. R2019-3001 establishing the Charter Review Committee;

WHEREAS, the Committee is set to dissolve on December 16, 2019 unless extended by City Council action;

WHEREAS, the Task Force has not completed its purpose;

WHEREAS, it is desired to extend the duration date;

WHEREAS, the Keizer City Council finds it necessary and appropriate to extend the duration date;

WHEREAS, the City Council wishes to amend Appendix "A" to extend its duration;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution No. R2019-3001 is hereby amended by replacement of Appendix "A" with the attached Appendix "A", and by this reference incorporated herein.

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

3 PASSED this _____ day of _____, 2019.

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5 SIGNED this _____ day of _____, 2019.

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Mayor

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City Recorder

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Appendix “A”
City Council Committee

Name: Charter Review Committee

Purpose: The Committee will serve in an advisory capacity to the City Council relating to Charter revisions. The Committee will receive recommendations for changes to the Charter, hold public hearings on proposed changes to the Charter and recommend appropriate changes to the City Council. The Committee will provide a written report with the proposed changes to the City Council on or before June 8, 2020.

Membership: The Committee will consist of nine (9) voting members: Two (2) members shall be Keizer City Councilors to be appointed by the Mayor and announced at a regularly scheduled Council meeting, and seven (7) members-at-large. Members-at-large must meet the following requirement:

a. Must be **residents** of the City of Keizer for not less than six (6) months prior to the date of this Resolution and remain residents until the Committee is dissolved.

The seven (7) members-at-large shall be nominated by the Volunteer Coordinator Committee and appointed as outlined by the City Council Rules of Procedure. The Committee will be staffed by the City Attorney and any other staff as appointed by the City Manager.

Since all members are non-liaison voting members, no member may have a substitute or proxy appear for them.

Term of Office: Each member shall be appointed for the duration of the Committee.

Chair and Vice-Chair: The Committee shall elect a Chair and Vice-Chair at the first meeting.

Meetings: Members of the Committee shall establish a regular meeting date and shall meet as deemed necessary by the Chair. All meetings of the Committee shall follow Roberts Rules of Order Newly Revised and the Oregon Public Meeting Laws.

Attendance: It is the duty of each member to attend at least 75% of the meetings each calendar year. When a member is unable to attend a meeting, the member shall notify the Chair. Members of the Committee may be removed by a two-thirds majority vote of the City Council.

Duration: This Committee shall be dissolved no later than June 16, 2020, unless extended by City Council action. However, the Committee may make recommendations to the City Council at any time.

CITY COUNCIL MEETING: December 2, 2019

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: BILL LAWYER
PUBLIC WORKS DIRECTOR**

SUBJECT: WATER MAIN REPLACEMENTS – FY 2019/2020

DATE: November 13, 2019

BACKGROUND:

The Public Works Department solicited bids for the replacement of the steel water main on various streets in the city. These streets include a portion of Cummings Lane N, a portion of Elizabeth Street N, Chemawa Way N, Kestrel Street N and 4th Place N. This project includes the replacement of approximately 2,856 feet of steel water main with ductile iron water main, new fire hydrants, valves, service updates and all other appurtenances necessary to completely replace the steel water main. Replacement of the steel water mains citywide is identified in the adopted Water Master Plan Update Capital Improvement Program.

A total of eleven bids were received and opened on November 12th 2019 at 2:00pm. The bids ranged from a high of \$763,847.60 to a low of \$414,055.00. The lowest responsive bid was submitted by C&M Excavation & Utilities LLC.

FISCAL IMPACT:

Funds for this project are included in the FY 2019/2020 Water Facility Replacement Fund.

RECOMMENDATION:

Staff recommends the City Council adopt the attached resolution authorizing the City Manager to enter into a contract with C&M Excavation & Utilities LLC in the amount of \$414,055.00 for the FY 2019/2020 Water Main Replacement project.

Please contact me with any questions or concerns.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2019-_____

AUTHORIZING THE CITY MANAGER TO AWARD AND ENTER INTO AN AGREEMENT WITH C&M EXCAVATION & UTILITIES LLC FOR WATER MAIN REPLACEMENT PROJECT 2019/2020

WHEREAS, replacement of water mains citywide is identified in the adopted Water Master Plan Update Capital Improvement Program;

WHEREAS, the City solicited bids for the replacement of water mains on portions of Cummings Lane North, portions of Elizabeth Street North, Chemawa Way North, Kestrel Street North and 4th Place North;

WHEREAS, eleven bids for this project were received and opened. C&M Excavation & Utilities LLC submitted the low bid for a total amount of \$414,055.00. The City Engineer has reviewed and certified the bids;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to award the contract to, and if no objections are received, enter into an agreement with C&M Excavation & Utilities LLC for a total of \$414,055.00 to replace water mains on portions of Cummings Lane North, portions of Elizabeth Street North, Chemawa Way North, Kestrel Street North and 4th Place North. Funding for this project is from the Water Facility Replacement Fund.

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

3 PASSED this _____ day of _____, 2019.

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5 SIGNED this _____ day of _____, 2019.

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Mayor

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City Recorder

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CITY COUNCIL MEETING: December 2, 2019**AGENDA ITEM NUMBER: _____**

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: DECLARING HOUSE AT 1990 CHEMAWA ROAD NORTH,
KEIZER, OREGON SURPLUS PROPERTY**

In May 2019 the City Council declared the property at 1990 Chemawa Road North surplus property and authorized the City Manager to set the terms of the sale of such property pursuant to the Surplus Property Ordinance (Ordinance No. 2008-579). The City conducted a sealed bid auction and did not receive any bids. Due to the house no longer being habitable, this structure is of nominal value and staff recommends that the house be declared surplus property and that it be demolished.

RECOMMENDATION:

Review the matter and adopt the attached Resolution.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

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3 Resolution R2019-_____
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5 DECLARING THE HOUSE AT 1990 CHEMAWA ROAD NORTH,
6 KEIZER OREGON TO BE SURPLUS AND AUTHORIZING ITS
7 DEMOLITION; **REPEAL OF RESOLUTION R2019-2980**

8
9 WHEREAS, the Public Works Director responsible for City property has declared
10 the structure (without the real property) owned by the City and located at 1990 Chemawa
11 Road North, Keizer, Oregon to be of no further use for public purposes;

12 WHEREAS, the City Manager has approved the determination of the Public
13 Works Director and has declared the structure to be surplus property;

14 WHEREAS, the Public Works Director has determined that such structure has
15 nominal value;

16 WHEREAS, the Council authorized the sale of the structure by Resolution
17 R2019-2980;

18 WHEREAS, the City conducted an auction for the sale of the structure and
19 received no bids;

20 WHEREAS, it is reaffirmed that the structure located at 1990 Chemawa Road
21 North, Keizer, Oregon is surplus property and of no use for public purposes;

22 WHEREAS, Ordinance No. 2008-579 provides that the City may approve the
23 destruction of surplus personal property which is of nominal value;

24 NOW, THEREFORE,

1 BE IT RESOLVED by the City Council of the City of Keizer that the structure
2 (without the real property) located at 1990 Chemawa Road North, Keizer, Oregon to be
3 of no further use for public purposes and is hereby declared surplus property.

4 BE IT FURTHER RESOLVED that the City Manager is authorized to demolish
5 the structure located at 1990 Chemawa Road North, Keizer, Oregon.

6 BE IT FURTHER RESOLVED that the City Manager and City Attorney are
7 authorized to take any further action necessary or appropriate with regard to demolition
8 of the property.

9 BE IT FURTHER RESOLVED that Resolution R2019-2980 is hereby repealed in
10 its entirety.

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

13 PASSED this _____ day of _____, 2019.

14
15 SIGNED this _____ day of _____, 2019.

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17 _____

18 Mayor

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20 _____

21 City Recorder



MINUTES
KEIZER CITY COUNCIL
Monday, November 18, 2019
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the meeting to order at 7:00 pm. Roll call was taken as follows:

Present:

Cathy Clark, Mayor
Kim Freeman, Councilor
Daniel Kohler, Councilor
Marlene Parsons, Councilor
Laura Reid, Councilor (8:09)
Roland Herrera, Councilor
Elizabeth Smith, Councilor
Youth Councilor Christopher Wolfert

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development Director
John Teague, Police Chief
Tim Wood, Finance Director
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

SPECIAL ORDERS OF BUSINESS

a. Marion County Fire District #1 Presentation

Marion County Fire Chief Kyle McMann, Deputy Chief Mike Lee, and Board President Mike Welter showed a PowerPoint presentation about the Fire District.

**b. PROCLAMATION
– Small Business Saturday**

Mayor Clark read the proclamation and presented it to Keizer Chamber of Commerce members. Jonathan Thompson and other Directors of the Chamber accepted the proclamation.

COMMITTEE REPORTS

Jeremy Grenz, Keizer, reported that the Planning Commission had held a Public Hearing relating to Accessory Dwelling Units and had approved milestones related to the Housing Needs Analysis/Buildable Lands Inventory.

Matt Lawyer, Keizer, reported that 30 to 50 students from Whitaker and McNary as well as Rotarians and Council members helped recently with the Claggett Creek Watershed Council tree planting project.

He also reported that the Parks Advisory Board had approved a grant request from Jeff Davis for three exercise stations in area parks, postponed decision on a grant request from Wayne Frey for soccer field

improvements and is beginning work on development of a parks memorial policy.

**PUBLIC
TESTIMONY**

William McNutt, Salem, speaking on behalf of the Salem-Keizer Beacons Board whose mission is to promote athletic participation at the six Salem-Keizer high schools and to help student athletes participate who may not be able to pay the fees, shared information about the group noting that in 2018 the group donated \$30,000 to the schools – each school getting \$5000. He shared information regarding upcoming events, supporters, and goals.

PUBLIC HEARING

**a. RESOLUTION –
Authorizing the
City Manager to
Transfer City
Owned Property
Known as Tax
Lot
063W36BB03500
to Charles E.
Baker, Jr. and
Faith A. Baker**

Mayor Clark opened the Public Hearing.

City Attorney Shannon Johnson summarized his staff report.

With no testimony, Mayor Clark closed the Public Hearing.

Councilor Freeman moved that the Keizer City Council adopt a Resolution Authorizing the City Manager to Transfer City Owned Property Known as Tax Lot 063W36BB03500 to Charles E. Baker, Jr. and Faith A. Baker. Councilor Herrera seconded. Motion passed as follows:

AYES: Clark, Freeman, Parsons, Herrera, Smith and Kohler (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

**ADMINISTRATIVE
ACTION**

**a. Waiver of
Community
Center Fees for
Mid-Willamette
Valley Council
of Governments
Annual
Business
Meeting**

City Manager Chris Eppley read his staff report. Mayor Clark added that this waiver will go with whoever is the Chair of the Board and that although she has served two terms she will be happy to pass the gavel on in February.

Councilor Freeman moved that the Keizer City Council waive the room rental fee and the security/cleaning deposit but charge \$180 for the staffing costs and alcohol security cost of \$150 (total of \$330). Councilor Herrera seconded. Motion passed as follows:

AYES: Clark, Freeman, Parsons, Herrera, Smith and Kohler (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

**b. Waiver of Fee
Request for
Keizer Rapids
Park Rotary
Amphitheatre –
RISE Services**

Mr. Eppley read his staff report.

Crystal Leroux with RISE Services, explained that the goal of RISE is to create more events for individuals with disabilities and have events that are theirs. *Richard Stone*, RISE Coordinator, provided details regarding the proposed event noting that this would be a free private event.

Ms. Leroux fielded questions regarding RISE funding, timing, the park

Inc.

and amphitheater layout and cleanup.

Councilor Freeman moved that the Keizer City Council grant the request for a complete waiver of all fees (including rental fee, staffing costs, security/cleaning deposit, and alcohol security). Councilor Herrera seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera, Smith and Kohler (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. ORDINANCE –
Adopting the
Keizer
Revitalization
Plan; Amending
the Keizer
Development
Code;
Comprehensive
Plan Map and
Text; Zoning
Map; and
Ordinances 98-
389 and 87-077**

Mr. Johnson summarized his staff report and handed out and reviewed new recommendations.

Councilor Freeman moved that the Keizer City Council adopt a Bill for an Ordinance as amended by the handouts on the dais Adopting the Keizer Revitalization Plan; Amending the Keizer Development Code; Amending the Keizer Comprehensive Plan Map and Text; Amending the Keizer Zoning Map; Amending Ordinance 98-389 and Ordinance 87-077. Councilor Herrera seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera, Smith and Kohler (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**CONSENT
CALENDAR**

- a. RESOLUTION – Extending City Manager’s Employment Contract (2020-2021)
- b. RESOLUTION – Extending City Attorney’s Employment Contract (2020-2021)
- c. Approval of November 4, 2019 City Council Regular Session Minutes

Councilor Freeman moved for approval of the Consent Calendar. Councilor Herrera seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera, Smith and Kohler (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**COUNCIL LIAISON
REPORTS**

Councilor Kohler reported on meetings he had attended and reminded Council that the 11/27 Community Dinner would be from 3 to 6 pm.

Councilor Reid apologized for being late and explained that she had been at a McNary forum discussing how best to use the student investment account available to area schools. She reported on events and meetings she had attended.

Councilor Freeman reported on meetings and events she had attended and announced the upcoming ribbon cutting for the Veterans Services office on Mission and Commercial Street.

Councilor Smith reported on meetings she had attended and announced the upcoming Arts Commission meeting. Community Development Director Nate Brown added that the Arts Commission will be reviewing quilts for display in December and January.

Councilor Parsons reviewed meetings and events she had attended, announced the cancellation of the November and December Volunteer Coordinating Committee meetings and urged interested citizens to apply to serve on City committees.

Councilor Herrera reported on the Crystal Apple Awards ceremony and various other events and meetings he had attended and complimented Shannon Johnson for his work on the Charter review.

Mayor Clark shared information from various meetings and events she had attended, and announced upcoming ones focusing on several holiday events.

Youth Councilor Christopher Wolfert reported that construction continues at McNary and announced that there would be no school the week of Thanksgiving.

OTHER BUSINESS Responding to a question regarding printed annual reports from the Police Department, Chief Teague explained that that stopped in 2014 due to the intense work involved in compiling the data and because no one had asked for one, but the information is available. He pointed out that there is a link to CrimeReports.com on the City website and it is almost real time data.

Mr. Brown noted that the Police Department, Public Works and Community Development have been working with In 'N Out on anticipated traffic congestion. Their management is committed to being responsible and organized for the opening. A signage program will be coming to Council at the next meeting.

WRITTEN COMMUNICATIONS None

AGENDA INPUT December 2, 2019 – 7:00 p.m. – City Council Regular Session
December 9, 2019 – 7:00 p.m. – City Council Work Session on
Emergency Preparedness
December 16, 2019 – 7:00 p.m. – City Council Regular Session

ADJOURNMENT Mayor Clark adjourned the meeting at 8:55 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Elizabeth Smith

Councilor #3 – Marlene Parsons

Councilor #6 – Daniel R. Kohler

Minutes approved: _____