

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, August 26, 2019

6:00 PM

Council Chambers

City Council

EXECUTIVE SESSION

City Council

5:30 p.m. - City Manager's Conference Room

Current or Pending Litigation ORS 192.660(2)(h)

WORK SESSION

None.

1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)

Call to Order

6:18 p.m.

Roll Call

Barbara Fuller served as Guest Councilor for Councilor Cook.

Present: 7 - Councilor Andersen, Councilor Nanke, Councilor Ausec, Councilor Lewis, Councilor Hoy, Mayor Bennett, and Councilor Leung

Absent: 2 - Councilor Kaser, and Councilor Cook

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilor Andersen, Mayor Bennett, and City Manager Powers.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)

None.

3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

A motion was made by Councilor Hoy, seconded by Councilor Nanke to approve the consent calendar.

Comments by Councilors Hoy, Andersen, and Mayor Bennett.

The motion carried by the following vote:

Aye: 7 - Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 0

Absent: 2 - Kaser, and Cook

Abstain: 0

3.1 MINUTES

3.1 a. August 12, 2019 Draft City Council Minutes

Attachments: [8-12-19 Draft Council Minutes](#)

Action: Approved.

3.2 RESOLUTIONS

None.

3.3 ACTION ITEMS

3.3 a. Petition-initiated vacation of a portion of Dogwood Drive.

Ward(s): 7

Councilor(s): Cook

Neighborhood(s): SWAN

Result Area(s): Safe, Reliable, and Efficient Infrastructure

Attachments: [Vicinity Map](#)
[Legal and Map \(Dogwood Drive S Vacation\)](#)
[Excerpt of Dogwood Heights Subdivision Site Plan](#)
[Assessor's Map](#)

Accepted a petition to vacate an unimproved portion of Dogwood Drive S and direct the City Manager to set a public hearing date to consider this petition-initiated vacation.

3.3 b. Intergovernmental Agreement with the Drug Enforcement

Administration for Narcotics Task Force Operations

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community.

Attachments: [Program - Funded State and Local Task Force Agreement](#)

Authorized the City Manager to execute the IGA between the United States Department of Justice, Drug Enforcement Administration and the City of Salem for the operation of a narcotics task force in FY 19/20.

3.3 c. Agreement for sale of surplus real property to Troy D. Jerman.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

Result Area(s): Good Governance; Strong and Diverse Economy.

Attachments: [Proposed Agreement](#)

Authorized the City Manager to execute the attached Purchase and Sale Agreement for disposition of City-owned surplus real property to Troy D. Jerman.

4. PUBLIC HEARINGS

4. a. Petitioner-Initiated Annexation of Territory Located at the 4400-4600 Blocks of Hazelgreen Road NE - 97305 (Annexation Case No. C-735)

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

Attachments: [Vicinity Map](#)
[Order No. 2019-8 ANX Adopting the Final Decision and Findings of Compliance](#)
[Planning Commission Recommendation on Land Use Designations](#)
[Fire Department Comments](#)
[Public Works Department Development Services Section Comments](#)
[Finance Division Comments](#)

Staff presentation by Pamela Cole, Planner, Community Development Planning Services.

Persons Testifying: None.

Organizations Testifying: None.

A motion was made by Councilor Ausec, seconded by Councilor Nanke to:

- (1) Find that the Petitioners have signed a valid triple majority petition for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;
- (2) Determine that Annexation Case No. ANXC-735 satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2019-8 ANX (Attachment 2);
- (3) Change the Salem Area Comprehensive Plan (SACP) map designation of the Territory from "Industrial" to "Parks, Open Space, and Outdoor Recreation";
- (4) Change the zoning from Marion County UT-20-IND (Urban Transition - 20 Acre - Industrial) to City of Salem PA (Public Amusement); and
- (5) Withdraw the Territory from Marion County Fire District #1.

The motion carried by the following vote:

Aye: 7 - Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 0

Absent: 2 - Kaser, and Cook

Abstain: 0

4. b.

Petitioner-Initiated Annexation of Territory Located at 4980 Center Street NE - 97301 (Annexation Case No. C-731)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure.

Attachments: [Vicinity Map](#)

[Order No. 2019-7 ANX Adopting the Final Decision and Findings of Compliance](#)

[Public Works Department Parks Comments](#)

[Fire Department Comments](#)

[Public Works Department Development Services Section Comments](#)

[Finance Division Comments](#)

[Salem-Keizer Public Schools Comments](#)

[Marion County Public Works Comments](#)

Staff presentation by Pamela Cole, Planner, Community Development Planning Services.

Persons Testifying: Thu Thuy Tran, 4752 Happy Drive NE.

Organizations Testifying: None.

Questions or Comments by: Councilors Hoy and Andersen.

A motion was made by Councilor Hoy, seconded by Councilor Lewis to:
(1) Find that the Petitioners have signed a valid triple majority petition for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;
(2) Determine that Annexation Case No. ANXC-731 satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2019-7 ANX (Attachment 2);
(3) Apply the City of Salem RA (Residential Agriculture) zone to the Territory from Marion County UT-5 (Urban Transition - 5 Acres); and
(4) Withdraw the Territory from Marion County Fire District #1.

Comments by: Councilor Hoy.

The motion carried by the following vote:

Aye: 7 - Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 0

Absent: 2 - Kaser, and Cook

Abstain: 0

5. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)

None.

6. INFORMATION REPORTS: (Items that require no Council action)

6. a.

NOTICE OF APPEAL RECEIVED - An appeal has been received for the below cited application and this case will be heard by the City Council at a later date.

Planning Commission Decision - To allow two new residential units, for a total of three units, on the subject property - Approved.

Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment Case No. DR-SPR-ADJ19-07 - Jose Garcia - 1175 Nebraska Avenue NE.

Ward(s): 1
Councilor(s): Kaser
Neighborhood(s): Grant

Attachments: [Land Use Decision DR-SPR-ADJ19-07](#)
[Appeal Application & Argument DR-SPR-ADJ19-07](#)

Information Only.

- 6. b.** Planning Commission Decision - To allow a new four-unit residential development - Approved.

Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP19-06 - James Caughlin - 1100 Jefferson Street NE.

Ward(s): 1
Councilor(s): Kaser
Neighborhood(s): Grant

Attachments: [Land Use Decision DR-SPR-ADJ-DAP19-06](#)

Information Only.

- 6. c.** Hearings Officer Decision - To allow a hemp and essential oil extraction use within an existing building - Approved.

Conditional Use / Class 3 Site Plan Review Case No. CU-SPR19-03 -Lojco, LLC (Paul Vettrus) - 3850 Mainline Dr NE -

Ward(s): 5
Councilor(s): Ausec
Neighborhood(s): Northgate

Attachments: [Land Use Decision CU-SPR19-03](#)

Information Only.

- 6. d.** Economic Development Quarterly Report

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Strong and Diverse Economy

Information only.

Questions and Comments by: Mayor Bennett, Kristin Retherford, Urban Development Director, Peter Fernandez, Public Works Director, and Councilor Andersen.

7. ORDINANCES

7.1 FIRST READING:

None.

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

6:49 p.m.