

CITY OF SALEM

Meeting Agenda

City Council

Monday, May 8, 2017

6:00 PM

Council Chambers

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

Call to Order

Roll Call

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

1.2 COUNCIL AND CITY MANAGER COMMENT

1.3 PROCLAMATIONS

1.3 a. [17-183](#) Proclamation recognizing Make Music Day Salem

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation: Information Only.

Attachments: [Proclamation - Make Music Day Salem.pdf](#)

1.3 b. [17-208](#) Proclamation recognizing National Safe Boating Week

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation: Information Only.

Attachments: [Proclamation - National Safe Boating Week.pdf](#)

1.3 c. [17-214](#) Proclamation recognizing Police Week

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: [Proclamation - Police Week.pdf](#)

1.3 d. [17-215](#)

Proclamation recognizing Fill the Boot Days

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: [Proclamation - Fill the Boot Days.pdf](#)

1.4 PRESENTATIONS

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

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

3.1 MINUTES

3.1 a. [17-217](#)

April 24, 2017 Council Minutes

Attachments: [4-24-17 Council Minutes](#)

3.2 RESOLUTIONS

3.3 ACTION ITEMS

3.3 a. [17-152](#)

Intergovernmental Agreement with Marion County for Slurry Seal Maintenance

Ward(s): 1, 2, 3, 4, 6, 7 and 8

Councilor(s): Kaser, Andersen, Nanke, McCoid, Hoy, Cook, Lewis

Neighborhood(s): Highland, SESNA, NOLA, South Gateway, Sunnyslope, Morningside, SWAN, West Salem

Recommendation:

Authorize the City Manager to execute an Intergovernmental Agreement with Marion County for the design and construction of an asphalt slurry seal surfacing project on various City streets and at the Geren Island Water Treatment Facility.

Attachments: [2017 Slurry Seal Streets](#)

[IGA Marion County Slurry Seal](#)

3.3 b. [17-191](#)

Subordination of a HOME Investment Partnership Single Family Rehabilitation Loan

Ward(s): Ward 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

Recommendation:

Authorize the subordination of a HOME Investment Partnership (HOME) Single Family Rehabilitation deferred payment loan for a property located at 5212 9th Court SE.

3.3 c. [17-192](#)

Intersection improvements at Commercial and Union Streets

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO, Grant

Recommendation:

Approve grant amendment to receive \$125,000 of Riverfront-Downtown Urban Renewal Area (RDURA) funding for construction of improvements to the intersection at Commercial and Union Streets.

Attachments: [Grant Amendment for Commercial & Union](#)

3.3 d. [17-196](#)

Streetlight Re-lamping Incentives through the Energy Trust of Oregon

Ward(s): All

Councilor(s): All

Neighborhood(s): All

Recommendation:

Authorize the City Manager to submit an application, which if accepted, would constitute an agreement with the Energy Trust of Oregon for funding incentives in support of the streetlight re-lamping project?

Attachments: [Attachment 1 - Agreement](#)

3.3 e. [17-201](#)

Affordable housing development at 3350 Portland Road, NE.

Ward(s): Ward 5

Board Member(s): Ausec

Neighborhood(s): Northgate, Highland

Recommendation:

Authorize the execution of a Development Agreement with Cornerstone GP, LLC and Cornerstone Apartments Limited Partnership, consistent with the terms and conditions identified in the related commitment letters and HOME Funding Agreements, to support the construction of a 180 unit affordable housing development at 3350 Portland Road, NE.

Attachments: [Map](#)
[Draft HOME funding Commitment Letter](#)
[HOME Agreement](#)

3.3 f. [17-222](#)

Position on elements of a possible state transportation funding package

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Ratify Salem's position on elements of a possible transportation funding package, as may be proposed in the Oregon State Legislature, as recommended by the Council Legislative Committee.

4. PUBLIC HEARINGS

4. a. [17-194](#)

Public hearing regarding vacation of a portion of Rose Garden Way NE

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

Recommendation:

Approve the vacation of a portion of Rose Garden Way NE, and waive payment of the Assessment of Special Benefit of \$28,620.

Attachments:

[Surveyor's Map of Proposed Vacation](#)

[Rose Garden Way NE Vicinity Map](#)

[Portland Road Apartment Complex Site Plan](#)

[Notice of Public Hearing](#)

[Right-of-way Vacation Valuation](#)

4. b. [17-199](#)

Short-term rental development standards and licensing requirements

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Advance Ordinance Bill No. 5-17, amending the SRC to establish development standards and licensing requirements for short-term rentals and accessory short-term rentals and allowing those uses in the RA, RS, RD, RM-I, RM-II, RH, CN, CO, FMU, PM, and IG zones, to second reading for enactment.

Attachments:

[Attachment 1 Ordinance Bill 5-17](#)

[Attachment 2 Planning Commission Recommendation \(March 7, 2017\)](#)

[Attachment 3 Neighborhood Association Comments](#)

[Attachment 4 Airbnb Comments](#)

[Written Testimony - SCAN](#)

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)

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

6. a. [17-174](#) Purchases approved administratively - March 1, 2017, through March 31, 2017.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Recommendation: Information only.

Attachments: [Purchases approved administratively - March 2017](#)

6. b. [17-190](#) Planning Administrator's Decision - Partition - Approved - Boone Road Land SL LLC (Douglas Sproul) - 2900 Block of Boone Road SE - A proposed partition to divide a property approximately 14.5 acres in size into two parcels, approximately 6.72 acres and 8.86 acres in size.

Ward(s): 4
Councilor(s): McCoid
Neighborhood(s): South Gateway

Recommendation: Information Only.

Attachments: [Land Use Decision PAR17-01](#)

6. c. [17-203](#) Hearings Officer Decision - Conditional Use Case No. CU17-03 - Approved - Wade Harris - 1248-1290 Winter Street NE - A request for a Conditional Use Permit to allow a child day care center (Educational Services) use on the subject property.

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

Recommendation: Information Only.

Attachments: [Land Use Decision CU17-03](#)
[Grant Neighborhood Letter](#)

6. d. [17-205](#)

Planning Commission Decision - Class 3 Design Review/Class 3 Site Plan Review/Class 2 Adjustment/Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP17-01 - Approved - Modelia LLC (Robyn Morley, Patrick Morley) - 2758 Claxter Road NE - Proposed development of a 24-unit apartment complex, with an Adjustment request to reduce required interior setbacks.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

Recommendation: Information Only.

Attachments: [Land Use Decision Case No. DR-SPR-ADJ-DAP17-01](#)

6. e. [17-210](#)

Planning Administrator Decision - Subdivision Case No. SUB17-02 - Approved - MRB Enterprises Inc. (Mike Barnes) - 5320 and 5390 Sunnyside Road SE - An 11-lot subdivision ("9th Court Addition") on the east side of Sunnyside Road SE, just north of Baxter Road SE. The two existing residences along Sunnyside Road SE would remain.

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

Recommendation: Information Only.

Attachments: [Land Use Decision SUB17-02](#)

6. f. [17-213](#)

Planning Commission Decision - Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC17-02 - Approved - MWSH Boone Road Property LLC (Chris Jundt, Pam Gray, Kelley D Hamilton) - 3290 Boone Road SE - A consolidated application to change the Comprehensive Plan Map designation and zoning of an approximately 80 acre property from "Industrial" with IP (Industrial Park) zoning to "Industrial Commercial" with IC (Industrial Commercial) zoning.

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): SEMCA

Recommendation: Information Only.

Attachments: [Land Use Decision CPC-ZC17-02](#)

6. g. [17-216](#)

Planning Administrator Decision - Subdivision / Urban Growth Preliminary Declaration SUB-UGA17-01 - Approved - Trademark Enterprises LLC (Ryan L. Bloedel), Clear View II LLC (R. Dean

Pickett, Richard Brandvold and Kenneth A. Coe)- 3800 Block of Illahe Hill Road S - A consolidated application for an 11-lot subdivision and Urban Growth Preliminary Declaration to determine public facilities required to serve the development.

Ward(s): 7
Councilor(s): Cook
Neighborhood(s): SWAN

Recommendation: Information Only.

Attachments: [SUB-UGA17-01 Decision Revised](#)

7. ORDINANCES

7.1 FIRST READING:

7.1 a. [17-163](#) Utility Code

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Recommendation: Proceed to second reading for enactment of Ordinance Bill No. 7-17, amending Salem Revised Code Chapters 70, 70A, 71, 72, and 73.

Attachments: [Ordinance Bill No. 7-17](#)

7.1 b. [17-166](#) Proposed amendments to Salem Revised Code (SRC) Chapter 102 relating to parking

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Recommendation: Advance Ordinance Bill No. 9-17 amending SRC Chapter 102 to simplify regulations and to reflect new parking technology, to second reading for enactment.

Attachments: [Ordinance Bill No. 9-17](#)

7.1 c. [17-197](#) Vacating a portion of Rose Garden Way NE and declaring an emergency

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

Recommendation: Conduct first reading of Ordinance Bill No. 12-17, which vacates a portion of Rose Garden Way NE, advance it to second reading for enactment, and declare an emergency.

Attachments: [Ordinance Bill No. 12-17](#)
[Surveyor's Map of Vacation Area](#)
[Rose Garden Vicinity Map](#)
[Portland Road Apartment Complex Site Plan](#)

7.1 d. [17-202](#)

Proposed Amendments to the Salem Revised Code (SRC) to allow multiple family residential use in publicly owned historic buildings in the Public and Private Health Services (PH) Zone. (Ordinance No. 11-17; Case No. CA17-04)

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Recommendation: Direct staff to schedule a public hearing before the City Council on Ordinance No. 11-17 for the purpose of amending Salem Revised Code (SRC) Chapters 543 and 702 to allow multiple family residential use in publicly owned historic buildings in the Public and Private Health Services (PH) Zone.

Attachments: [Attachment 1. Ordinance No. 11-17](#)
[Attachment 2. Exhibit to Ordinance No. 11-17](#)

7.1 e. [17-211](#)

Comprehensive Plan Map Change - "Industrial" to "Industrial Commercial" for a 80- acre property located at 3290 Boone Road SE.

Ward(s): 4
Councilor(s): McCoid
Neighborhood(s): SEMCA

Recommendation: Conduct first reading of Ordinance Bill No. 13-17 changing the Comprehensive Plan Map designation from Industrial to Industrial Commercial for an approximately 80-acre property located at 3290 Boone Road SE and proceed to second reading.

Attachments: [Vicinity Map](#)
[Planning Commission Recommendation](#)
[Ordinance 13-17](#)
[Ordinance 13-17, Exhibit 1](#)
[Ordinance 13-17, Exhibit 2](#)

7.2 SECOND READING:

7.2 a. [17-204](#)

Amendments to the Salem Revised Code (SRC) to permit domestic violence shelters in residential and commercial zones (Ordinance Bill No. 6-17; Case No. CA17-02)

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Conduct second reading for enactment of Ordinance Bill No. 6-17, amending the Salem Revised Code to allow non-profit shelters for victims of domestic violence with 10 or fewer people as a permitted use in residential and commercial zones, remove some siting requirements for domestic violence shelters in certain residential zones, and establish an off-street parking requirement for domestic violence shelters of one parking space per guest room or suite.

Attachments:

[Attachment 1. Planning Commission Recommendation](#)

[Attachment 2. Ordinance Bill No. 6-17](#)

[Attachment 3. Ordinance Exhibit 1](#)

[Attachment 4. SCAN Comments](#)

[Attachment 5. ELNA Comments](#)

[Attachment 6. NEN Comments](#)

[Attachment 7. SESNA Comments](#)

[Attachment 8. Letter from the Center for Hope & Safety](#)

[Attachment 9. Grant Neighborhood Comments](#)

7.2 b. [17-209](#)

Vehicles for hire, taxis, and transportation network companies, Engrossed Ordinance Bill No. 3-17 amending SRC chapter 30.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Advance Engrossed Ordinance Bill No. 3-17 to second reading for enactment.

Attachments:

[Engrossed Ordinance Bill No. 3-17](#)

[Attachment 2 Comparison of Current City Regulations with the Draft Amendments](#)

[Attachment 3 - Background Check Comparison](#)

[Comments from Willamette Valley Yellow Cab](#)

[Written Testimony - Hughes](#)

[Written Testimony - Kirk, Hemmer, Denning, Jones, Urban](#)

[Written Testimony 1](#)

[Written Testimony - Talbot](#)

[Draft amendments to Ordinance 3-17](#)

[Written Testimony](#)

8. PUBLIC COMMENT: (Other than agenda items)

9. ADJOURNMENT

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To request accommodations or services, please call 503-588-6255 or 503-588-6003 (TTD/TTY 503-588-6439), or by e-mail at: cityrecorder@cityofsalem.net at least two business days in advance.

Si necesita ayuda para comprender esta información, por favor llame 503-588-6003.

FUTURE AGENDA ITEMS**To appear on the May 22, 2017 agenda**[17-195](#)

Proposed amendments to Salem Revised Code (SRC) to allow accessory dwelling units in all residential zones, most commercial and industrial zones, and the neighborhood center mixed-use zone.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Ordinance Bill 10-17](#)

[Planning Commission Recommendation to Council](#)

[Public Comments](#)

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS[17-219](#)

PUBLIC HEARINGS - Held in the Council Chambers unless otherwise noted

Relating to the Utility Code; Amending SRC Chapters 70, 70A, 71, 72, 73

Monday, May 22, 2017 at 6:00 p.m.

Fiscal Year 2018 Proposed Budget

Monday, June 12, 2017 at 6:00 p.m.

Proposed Code Amendments to Allow Accessory Dwelling Units

Monday, June 12, 2017 at 6:00 p.m.

WORK SESSIONS - Held in the Council Chambers unless otherwise noted

BUDGET COMMITTEE MEETINGS - Held in the Council Chambers unless otherwise noted

Joint Meetings of the City of Salem and Salem Urban Renewal Agency Budget Committees:

Budget Committee Recommends FY 2018 Budget to City Council

Monday, May 15 at 6:00 p.m.

Budget Committee Recommends FY 2018-22 Capital Improvement Plan to City Council

Monday, May 15 at 6:00 p.m.

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor

Morningside - May 10 - Andersen, Nanke

Highland - May 11 - Kaser, Ausec

Faye Wright - May 11 - Nanke, Cook

ELNA - June 1 - Hoy

SCAN - June 14 - Andersen, Cook

Sunnyslope - June 15 - McCoid, Cook

MEETING PROCEDURES

City Council meets on the second and fourth Mondays of each month at 6:00 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four-year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part-time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at:
<http://www.cityofsalem.net/Pages/council-rules.aspx>.

THE CONSENT CALENDAR

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

PUBLIC COMMENT

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 5:00 pm on the day of the City Council meeting when the item will be considered. If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 205, Salem, OR, or by e-mail to:

manager@cityofsalem.net.

PUBLIC HEARINGS

The City Council can hold public hearings to consider legislative, quasi-judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi-judicial hearings in non-land use cases are as follows:

- 1. Staff Presentation – 15 minutes**
- 2. Affected Party – 15 minutes**
- 3. Neighborhood Associations – 5 minutes**
- 4. Other Interested Persons – 3 minutes per person**
- 5. Rebuttal by Affected Party – 7 minutes**

Time limits for quasi-judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503-588-6173 or email at: lmanderson@cityofsalem.net.

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.

