



CITY OF SALEM

Meeting Agenda

City Council

555 Liberty St SE
Salem, OR 97301

Monday, May 22, 2017

6:00 PM

Council Chambers

WORK SESSION

5:30 p.m. - Council Chambers

Short-term Rental Development Standards and Licensing Requirements

EXECUTIVE SESSION

City Council:

Immediately following City Council Meeting - City Manager Conference Room

To conduct deliberations with persons designated by the governing body to negotiate real property transactions - ORS 192.660(2)(e)

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

Call to Order

Roll Call

Pledge of Allegiance

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

1.2 COUNCIL AND CITY MANAGER COMMENT

1.3 PROCLAMATIONS

1.3a. [17-241](#) Proclamation recognizing Salem Electric's 75th Anniversary

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: [Proclamation - Salem Electric's 75th Anniversary](#)

1.4 PRESENTATIONS

1.4a. The Energy Trust of Oregon will present an incentive check to the City for installation of an energy efficient blower at the Willow Lake Water Pollution Facility.

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

3.1a. [17-268](#) May 6, 2017 Council Work Session Minutes

Attachments: [5-6-17 Council Work Session Minutes.pdf](#)

3.1b. [17-269](#) May 8, 2017 Council Minutes

Attachments: [5-8-17 Council Minutes.pdf](#)

3.2 RESOLUTIONS

3.3 ACTION ITEMS

3.3a. [17-228](#) Ratification of Amendment to Intergovernmental Agreement with the Department of Corrections

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation: Ratify the City Manager's execution the attached amendment to the IGA with the Department of Corrections extending the term of the Equipment Space Lease.

Attachments: [Equipment Space Lease Agreement 5011](#)
[Amendment 01 Equipment Space Lease Agreement 5011.pdf](#)

3.3b. [17-239](#) Chemeketa Parkade Retail Lease - Rudy's Steakhouse LLC

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Recommendation: Authorize lease for property located at 290-350 Chemeketa Street NE with Rudy's Steakhouse LLC.

Attachments: [Site Map](#)
[Proposed Lease](#)

- 3.3c.** [17-246](#) Amendment of Intergovernmental Agreement with State of Oregon to provide plan review and inspection services

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

Recommendation: Staff recommends that the City Council authorize the City Manager to execute an amendment to the Intergovernmental Agreement with the State of Oregon to provide plan review and inspection services.

Attachments: [Attachment 1 - Proposed Amendment IGA](#)
[Attachment 2 - Current IGA](#)

- 3.3d.** [17-257](#) Reappointment of Deborah Wilson as Municipal Judge Pro Tempore

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

Recommendation: Reappoint Deborah Wilson as a Municipal Judge Pro Tempore for the Salem Municipal Court for a two-year term.

Attachments: [Deborah Wilson Resume](#)

4. PUBLIC HEARINGS

- 4.a.** [17-260](#) Short-term rental development standards and licensing requirements

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

Recommendation: Direct staff to engross 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, and advance it to second reading for enactment.

Attachments: [Short-Term & Accessory Short-Term Comparison](#)
[Written Testimony - Lawson](#)
[Written Testimony - Gaynair](#)
[Written Testimony - Anderson](#)
[Written Testimony - Palermo](#)

Add- Added Written Testimony

4.b. [17-265](#)

Utility Code

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Advance Ordinance Bill No. 7-17, relating to the Utility Code and amending Salem Revised Code Chapters 70, 70A, 71, 72, and 73 to second reading for enactment.

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

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)

5.a. [17-274](#)

Creation of City Council Transit Committee

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [resolution](#)*Add- Added Report*

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

6.a. [17-245](#)

Mayoral appointments to the Human Rights and Relations Advisory Commission

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: [Alexandra Jovita Dass Application - Redacted.docx](#)[Elizabeth Soto Application - Redacted.docx](#)[Lindsey Ann Williams Application - Redacted.docx](#)**6.b.** [17-157](#)

North Santiam Watershed Council Annual Report-July 1, 2015 to June 30, 2016

Ward(s): All Wards

Councilor(s): Councilors Kaser, Andersen, Nanke, McCoid, Ausec,
Hoy, Cook, and Lewis
Neighborhood(s): All Neighborhoods

Recommendation: Information Only.

Attachments: [North Santiam Watershed Council Report 2015-2016](#)

- 6.c. [17-220](#) Planning Commission Decision - Comprehensive Plan Map
Amendment / Neighborhood Plan Change / Zone Change Case No.
CPC-NPC-ZC17-04 - Approved - Ryan Salas-Mitchell - 2440
McGilchrist Street SE - A consolidated application to change the
Comprehensive Plan Map designation, Neighborhood Plan Map
designation, and zoning of an approximately 0.56 acre property
from "Industrial" with IG (General Industrial) zoning to "Industrial
Commercial" with IC (Industrial Commercial) zoning. The property is
at the southwest corner of 25th Street SE and McGilchrist Street SE,
just west of the Salem Municipal Airport.

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): SESNA

Recommendation: Information Only.

Attachments: [Land Use Decision CPC-NPC-ZC17-04](#)

- 6.d. [17-227](#) Planning Commission Decision - Comprehensive Plan Map
Amendment / Neighborhood Plan Change / Quasi-Judicial Zone
Change / Site Plan Review / Adjustment / Driveway Approach
Permit Case No. CPC-NPC-ZC-SPR-ADJ-DAP17-03 - Approved -
Seaman Real Estate Investments LLC (Michael W. Seaman, Alice M.
Seaman, Michael W. Seaman, Trustee of Donald L. Seaman QTIP
Trust Deed Dated 02-05-09, Janet M. Strom, Jill E. Seaman-Pollard)
- 1011 Lancaster Drive NE - A consolidated application to redevelop
a McDonald's restaurant at the northwest corner of Lancaster Drive
NE and D Street NE. The existing restaurant and parking area would
be demolished and rebuilt on an expanded site.

Ward(s): 6
Councilor(s): Hoy
Neighborhood(s): NESCA

Recommendation: Information Only.

Attachments: [Land Use Decision CPC-NPC-ZC-SPR-ADJ-DAP17-03](#)

- 6.e. [17-231](#) Planning Commission Decision - Class 3 Design Review / Class 3 Site
Plan Review / Class 2 Adjustment Case No. DR-SPR-ADJ17-02 -
Approved - M Parkside Living LLC (PDQ Investments LLC, Paul
Gehlar, Daphne Schneider) - 245 Court Street NE - Proposed

mixed-use development consisting of a five-story building with 40 multiple-family residential units above ground floor commercial space and parking; together with an approximate 3,307 square-foot single story commercial retail building.

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

Recommendation: Information Only.

Attachments: [Land Use Decision DR-SPR-ADJ17-02](#)

- 6.f. [17-235](#) Planning Administrator Decision - Class 3 Site Plan Review / Tree Regulation Variance Case No. SPR-TRV17-13 - Approved - Joe Gill, Oregon Military Department - 3225 State Street - Development of a building, parking, and landscaping for the emergency services facility of the Joint Force Headquarters of the Oregon Military Department.

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): NESCA

Recommendation: Information Only.

Attachments: [Land Use Decision SPR-TRV17-13](#)

- 6.g. [17-236](#) Hearings Officer Decision - Conditional Use / Class 2 Greenway Development Permit / Class 2 Adjustment Case No. CU-WGP-ADJ17-04 - Approved - Joe Green - 102 Pine St NE - An application for a conditional use, greenway development permit, and zoning adjustment to allow single-family or duplex dwellings on 8 lots in the IC (Industrial Commercial) zone.

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

Recommendation: Information Only.

Attachments: [Land Use Decision CU-WGP-ADJ17-04](#)

- 6.h. [17-248](#) Notice of Proposed Administrative Rulemaking for Utility Billing

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

Recommendation: Information only.

Attachments: [Notice of Proposed Rule - Utility Billing](#)
[Utility Billing Administrative Rule](#)

- 6.i. [17-249](#) Proposed Administrative Rulemaking for Water Curtailment Actions

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

Recommendation: Information only.

Attachments: [Notice of Proposed Rule - Water Curtailment](#)
[Water Curtailment Administrative Rule](#)

- 6.j. [17-250](#) Notice of Proposed Administrative Rule Making for the Cross-Connection Control Program

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

Recommendation: Information only.

Attachments: [Notice of Proposed Rule - Cross Connection](#)
[CCC Admin Rule](#)

- 6.k. [17-251](#) Salem Public Art Commission Annual Report

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

Recommendation: Information only.

Attachments: [The Salem Public Art Collection May 2017](#)
[Damien Gillev, Mirror Maze](#)
[Blaine Fontana, Waldo Stewards](#)

- 6.l. [17-259](#) Planning Administrator Decision - Subdivision Case No. SUB17-03 - Approved - Raymond Baker - 197 Rainier Drive SE - An 36-lot subdivision ("Rainier Ridge") on the north side of Rainier Drive SE, just north and west of the Rainier Estates subdivision. The existing residence on the property would remain.

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

Recommendation: Information Only.

Attachments: [Land Use Decision SUB17-03](#)

7. ORDINANCES

7.1 FIRST READING:

7.1a. [17-237](#)

Proposed Comprehensive Plan Map Change and Neighborhood Plan Change - "Industrial" to "Industrial Commercial" for a 0.56-acre property at the southwest corner of 25th Street SE and McGilchrist Street SE.

Ward(s): Ward 2

Councilor(s): Andersen

Neighborhood(s): SESNA

Recommendation:

Conduct first reading of Ordinance Bill No. 15-17 changing the Comprehensive Plan Map designation from "Industrial" to "Industrial Commercial" for a 0.56-acre property at the southwest corner of 25th Street SE and McGilchrist Street SE and proceed to second reading.

Attachments:

[Attachment 1 - Vicinity Map](#)

[Attachment 2 - Planning Commission Recommendation](#)

[Attachment 3 - Planning Commission Decision on Zone Change](#)

[Attachment 4 - Ordinance -15-17](#)

[Attachment 5 - Ordinance 15-17 Exhibit 1](#)

[Attachment 6 - Ordinance 15-17 Exhibit 2](#)

7.1b. [17-242](#)

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:

[Attachment 1 Ordinance Bill 10-17](#)

[Attachment 2 Planning Commission Recommendation to Council](#)

[Attachment 3 Public Comments](#)

7.1c. [17-253](#)

Refunding Full Faith and Credit Bonds.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Conduct first reading of ordinance bill no. 14-17 authorizing the City Manager, or the City Manager's designee, to negotiate the financial terms to issue approximately \$67 million in bonds to refinance City of Salem full faith and credit obligations for the Utility Fund and cover costs related to the debt issuance.

Attachments:

[Attachment 1 - Debt Service Schedule and Anticipated Savings](#)

[Ordinance Bill No. 14-17 Bond Refunding](#)

7.1d. [17-238](#)

Proposed Comprehensive Plan Map Change and Neighborhood Plan Change - "Single Family" to "Commercial" for a 0.57-acre portion of a 1.66-acre site at the northwest corner of Lancaster Drive NE and D Street NE.

Ward(s): Ward 6

Councilor(s): Hoy

Neighborhood(s): NESCA

Recommendation:

Conduct first reading of Ordinance Bill No. 16-17 changing the Comprehensive Plan Map designation from "Single Family" to "Commercial" for a 0.57-acre portion of a 1.66-acre site at the northwest corner of Lancaster Drive NE and D Street NE and proceed to second reading.

Attachments: [Attachment 1 - Vicinity Comprehensive Plan Map](#)

[Attachment 2 - Planning Commission Recommendation](#)

[Attachment 3 - Ordinance 16-17](#)

[Attachment 4 - Ordinance 16-17 Exhibit 1](#)

[Attachment 5 - Ordinance 16-17 Exhibit 2](#)

7.2 SECOND READING:**7.2a. [17-244](#)**

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 second 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.

Attachments: [Attachment 1 Vicinity Map](#)

[Attachment 2 Planning Commission Recommendation](#)

[Attachment 3 Ordinance 13-17](#)

[Ordinance 13-17, Exhibit 1](#)

[Ordinance 13-17, Exhibit 2](#)

7.2b. [17-254](#)

Refunding Full Faith and Credit Bonds

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

- 1) Suspend council rule 8(g) and conduct first and second reading of Ordinance bill no. 14-17 at tonight's meeting, and
- 2) Conduct second reading of the ordinance bill, which authorizes the City Manager, or the City Manager's designee, to negotiate the financial terms to issue approximately \$67 million in bonds to refinance City of Salem full faith and credit obligations for the Utility Fund and cover costs related to the debt issuance.

Attachments: [Attachment 1 - Debt Service Schedule and Anticipated Savings](#)[Ordinance Bill No. 14-17 Bond Refunding](#)**7.2c. [17-224](#)**

Vacating a Portion of Rose Garden Way NE and Declaring an Emergency

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

Recommendation:

Conduct second reading of Ordinance Bill No. 12-17, which vacates a portion of Rose Garden Way NE, 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](#)**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.

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS

- a. [17-252](#) PUBLIC HEARINGS - Held in the Council Chambers unless otherwise noted

Fiscal Year 2018 Proposed Budget
Monday, June 12, 2017 at 6:00 p.m.

Proposed Code Amendments to Allow Multiple Family Residential Use in the PH Zone
Monday, June 12, 2017 at 6:00 p.m.

Proposed Code Amendments to Allow Accessory Dwelling Units
Monday, June 26, 2017 at 6:00 p.m.

WORK SESSIONS - Held in the Council Chambers unless otherwise noted

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor
ELNA - June 1 - Hoy
SCAN - June 14 - Andersen, Cook
Sunnyslope - June 15 - McCoid, Cook
West Salem - October 16 - Kaser, Lewis
SESNA - October 24 - Andersen
South Gateway - November 9 - McCoid

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.

