



CITY OF SALEM

Meeting Agenda

City Council

555 Liberty St SE
Salem, OR 97301

Monday, August 13, 2018

6:00 PM

Council Chambers

EXECUTIVE SESSION

Urban Renewal Agency Board

5:15 p.m. - City Manager Conference Room

Real Property Transactions - ORS 192.660(2)(e)

City Council and Salem Housing Authority Commission

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

Labor Negotiations - ORS 192.660(2)(d)

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

Roll Call

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

1.2 COUNCIL AND CITY MANAGER COMMENT

1.3 PROCLAMATIONS

1.3a. [18-365](#) Proclamation recognizing Micronesian Islander Community Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation: Information Only.

Attachments: [Proclamation - Micronesian Islander Community Day](#)

1.4 PRESENTATIONS

1.4 a. Operator of the Year Award to Joshua Clark by Pacific Northwest Clean Water Association

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. [18-338](#) July 16, 2018 Draft City Council Minutes

Attachments: [7-16-18 Draft Council Minutes](#)

3.1b. [18-360](#) July 23, 2018 Draft City Council Minutes

Attachments: [7-23-18 Draft Council Minutes](#)

3.2 RESOLUTIONS

3.2a. [18-343](#) Authorizing the Approval of Revenue Bonds Issued by the Hospital Facility Authority of the City of Salem.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation: Adopt Resolution No. 2018-74 authorizing the approval of revenue bonds, in one or more series, to be issued by the Hospital Facility Authority of the City of Salem, Oregon, in an aggregate principal amount not to exceed \$40,000,000, and authorizing the City Manager to enter into an agreement with Capital Manor, Inc. indemnifying the City from all claims arising from the City's participation in the approval and use of the bonds.

Attachments: [Memorandum from Douglas Goe, Bond Counsel for the Hospital Facility Authority](#)
[Resolution 2018-74 Authorizing the Issuance of Debt](#)
[Affidavit of Publication Providing Notice of the Public Hearing](#)
[Hospital Facility Authority Public Hearing Report](#)
[Agreement Regarding City Costs and Liabilities](#)

3.3 ACTION ITEMS

3.3a. [18-345](#) Fire and Police Management Compensation

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

Recommendation: Approve the following recommended compensation adjustments effective August 1, 2018:

1. Increase the compensation level for the Deputy Fire Chief and Deputy Police Chief classifications to a new monthly salary range of \$10,367 - \$11,667. This is a 4% increase in compensation for the Deputy Fire Chief and 1.23% increase for Deputy Police Chief.
2. Increase the compensation level for the Assistant Fire Chief of Operations from a monthly salary range of \$10,218 - \$11,500 (D10) to a new monthly range of \$10,984 - \$12,363. This is a 7.5% increase in compensation.

- 3.3b.** [18-370](#) Ratification of the Intergovernmental Agreement with the State of Oregon Military Department, Office of Emergency Management.

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

Recommendation: Ratify the Deputy City Manager's execution of the attached IGA with the State of Oregon Military Department, Office of Emergency Management regarding the activation of the Emergency Management Assistance Compact for the 2018 California wildfires.

Attachments: [IGA for EMAC - California July 2018](#)

- 3.3c.** [18-375](#) Revised Report - Revision to language in number one of the Facts and Findings section.

United States Department of Justice Edward Byrne Memorial Justice Assistance Grant

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

Recommendation: Authorize the application for and if awarded, execution of all documents including the attached Intergovernmental Agreement with Marion County, associated with a U.S. Department of Justice, Justice Assistance Grant in the amount of \$75,866, for Federal Fiscal Year 2018.

Attachments: [Intergovernmental Agreement with Marion County](#)

[Exhibit A to IGA](#)

*Revised - Revised Report.
Version 2 of the staff report was created due to the language in item number one of the Facts and Findings section was revised.*

4. PUBLIC HEARINGS

- 4.a.** [18-351](#) Proposed amendments to Salem Revised Code pertaining to Erosion

Prevention and Sediment Control (Chapter 75), Sidewalks (Chapter 78), Clearing and Grading of Land (Chapter 82), Land Division and Configuration (Chapter 205), Planned Unit Development (Chapter 210), Procedures for Land Use Applications and Legislative Land Use Proposals (Chapter 300), and Floodplain Overlay Zone (Chapter 601).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Conduct a public hearing and advance to second reading for enactment Ordinance Bill No. 15-18, which amends Salem Revised Code (SRC) Chapters 75, 78, 82, 205, 210, 300, and 601.

Attachments: [Ordinance 15-18](#)

[Comments from E.M. Easterly Received 7-30-2018](#)

[Written Testimony - M. Borup](#)

Add- Written Testimony.

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. [18-346](#)

Planning Commission Decision - Comprehensive Plan Map Amendment / Zone Change / Urban Growth Preliminary Declaration Case No. CPC-ZC-UGA18-04 - Approved - 4195 Aumsville Hwy SE - Cascade Legacy Properties, LLC (James L. Rasmussen, Kenneth A. Rasmussen, Alan D. Rasmussen, Ryan Rasmussen) - A consolidated application to change the Comprehensive Plan Map designation and zoning from "Community Services-Government" with PH (Public and Private Health Services) zoning to Industrial-Commercial" with IC (Industrial Commercial) zoning and an Urban Growth Preliminary Declaration permit.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

Recommendation: Information Only.

This decision was issued on July 19, 2018, and a timely appeal was filed on August 3, 2018. The public hearing for the appeal is scheduled with City Council on August 27, 2018.

Attachments: [Land Use Decision CPC-ZC-UGA18-04](#)

- 6.b.** [18-347](#) Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment Case No. DR-SPR-ADJ18-02 - Approved - Capital Manor, Inc. & West Valley, LLC (David Lewis, Keith Weathers, Jerry Bumgarner) - 176 Rosewood Drive NW - Design review and site plan review for approximately 34 multi-family dwelling units on a 6.37-acre property, with an adjustment to increase the maximum fence height from 4 feet to 6 feet in the front yard abutting Rosewood Drive NW.

Ward(s): 8
Councilor(s): Lewis
Neighborhood(s): West Salem

Recommendation: Information Only.

Attachments: [Land Use Decision DR-SPR-ADJ18-02](#)

- 6.c.** [18-348](#) Hearings Officer Decision - Conditional Use / Class 3 Site Plan Review Case No. CU-SPR18-04 - Approved - Jeremy Keisling, DJ Green Box - 1351 Wilbur Street SE - An application to change the use of a building to a recreational marijuana grow site.

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

Recommendation: Information Only.

Attachments: [Land Use Decision CU-SPR18-04](#)

- 6.d.** [18-349](#) Hearings Officer Decision - Conditional Use / Class 3 Site Plan Review / Class 2 Driveway Approach Permit Case No. CU-SPR-DAP18-05 - Approved - Queen of Peace Catholic Church - 4227 Lone Oak Road SE - A conditional use and site plan review and driveway approach permit application for building additions, removal of a driveway, modification of a driveway, and reconfiguration of parking areas for a religious assembly.

Ward(s): 7
Councilor(s): Cook
Neighborhood(s): Faye Wright

Recommendation: Information Only.

Attachments: [Land Use Decision CU-SPR-DAP18-05](#)

- 6.e. [18-350](#) Planning Commission Decision - Class 3 Design Review / Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case
No.DR-CU-SPR-ADJ-DAP18-01 - Approved - MJ Investments 2, LLC (Mike Bliven, Jeff Miller) - 3994 Portland Road NE - A consolidated application for a Conditional Use Permit, Design Review, Site Plan Review, Driveway Approach Permit, and Class 2 Adjustment to allow for the development of a proposed retail commercial development with a drive-through on property located at 3994 Portland Road NE.

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

Recommendation: Information Only.

Attachments: [Land Use Decision DR-CU-SPR-ADJ-DAP18-01](#)

- 6.f. [18-356](#) Salem Public Art Commission Annual Report

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

Recommendation: Information only.

Attachments: [Mel Katz, The Receptacle](#)
[Lillian Pitt, Mike and Saralyn Hilde, Good Cents](#)
[Good Cents Location](#)

- 6.g. [18-359](#) Planning Administrator Decision - Wireless Communications Facility Siting Permit Case No. WS2-18-01 - Approved - Malissa Johnson, Verizon Wireless - 1155 Connecticut Street SE - A proposal to replace an existing light pole with a taller light pole that will support antennas for wireless communications.

Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): SEMCA

Recommendation: Information Only.

Attachments: [Land Use Decision WS2-18-01](#)

- 6.h. [18-367](#) Neighborhood Partnership Program

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

Neighborhood(s): All Neighborhoods

Recommendation: Information only.

Attachments: [2017 CaPES Profile](#)
[2017 Edgewater Profile](#)
[Neighborhood Partnership Program Leveraged Funds](#)
[NP Application 2018](#)

- 6.i.** [18-376](#) Hearings Officer Decision - Sign Variance / Sign Permit Case No. VAR-SI-18-02 - Approved - Lauren Golden Jones for Capstone Partners, LLC (Capstone Partners LLC members include: Brix Law Service Company LLC, Triangle Development Company and Sapient Advisory Corporation - Brix Law Service Company LLC members include: Kyle Wuepper and Brix Law LLP - Triangle Development Company members include: Jeffrey M. Sackett - Sapient Advisory Corporation members include: Barbara Monteith Nelson and Christopher James Nelson - Brix Law LLP members include: Laura Craska Cooper, Bradley S. Miller and Kyle Wuepper) - 4775 Depot Court SE - A request for a sign permit and sign variance to allow construction of a new wall sign 193.56 square feet in size, facing south towards a parking area.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

Recommendation: Information Only.

Attachments: [Land Use Decision VAR-SI-18-02](#)

- 6.j.** [18-377](#) Hearings Officer Decision - Conditional Use / Class 3 Site Plan Review Case No. CU-SPR18-06 - Approved - Ronda Wolf for United Way of the Mid-Willamette Valley - 220 15th Street SE - A request for a proposed non-profit youth shelter serving up to 10 individuals for ages 11-18.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

Recommendation: Information Only.

Attachments: [Land Use Decision CU-SPR18-06](#)

7. ORDINANCES

7.1 FIRST READING:

- 7.1a.** [18-353](#) Vacation of Aviation Loop SE.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): Southeast Mill Creek Association

Recommendation: Conduct first reading of Ordinance Bill No. 17-18, which vacates Aviation Loop SE, and advance Ordinance Bill No. 17-18 to second reading for enactment.

Attachments: [Aviation Loop SE area to be vacated](#)
[Aviation Loop SE area to be dedicated in the future](#)
[Ordinance Bill No.17-18 \(Aviation Loop SE\)](#)
[Resolution No. 2018-69](#)

- 7.1b.** [18-364](#) Petitioner-Initiated Annexation of Territory Located at 3641 Boone Road SE - 97317 (Annexation Case No. C-720)

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

Recommendation: Conduct first reading of Ordinance Bill No. 19-18 annexing, applying City of Salem IG (General Industrial) zoning from Marion County IG (General Industrial), and withdrawing from the Salem Suburban Rural Fire Protection District, for a 1.88-acre property located at 3641 Boone Road SE.

Attachments: [Vicinity Map](#)
[Ordinance Bill No 19-18](#)
[Exhibit A - Territory Legal Description and Map](#)

- 7.1c.** [18-363](#) Petitioner-Initiated Annexation of Territory Located at 2487 Robins Lane SE - 97306 (Annexation Case No. C-722)

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

Recommendation: Conduct first reading of Ordinance Bill No. 18-18 annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition 5 Acres), and withdrawing from the Salem Suburban Rural Fire Protection District, for a 0.53-acre property located at 2487 Robins Lane SE.

Attachments: [Vicinity Map](#)
[Ordinance Bill No 18-18](#)
[Exhibit A - Territory Legal Description and Map](#)

7.2 SECOND READING:

- 7.2a.** [18-355](#) Creating provisions for the use of restricted funds for public art related to a public improvement project

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

Recommendation: Conduct second reading of Ordinance Bill No. 16-18 (Attachment 1), creating provisions for the use of restricted funds for public art related to a public improvement project?

Attachments: [ORDINANCE BILL NO 16-18](#)
[Exhibit A to Ordinance Bill No. 16-18](#)

7.2b. [18-358](#) Changes to Penalty Provisions for Parks Infractions

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

Recommendation: Conduct second reading for enactment of Ordinance Bill No. 12-18, amending Salem Revised Code Chapters 45 and 94 to allow for a tiered approach to fines for certain infractions occurring in parks and to clarify the penalties for smoking infractions.

Attachments: [Ordinance Bill No. 12-18](#)

7.2c. [18-354](#) State Street Corridor Plan Project

Ward(s): 1 and 2
Councilor(s): Kaser and Andersen
Neighborhood(s): NEN and SESNA

Recommendation: Engross Ordinance Bill No. 4-18 and conduct second reading of the ordinance bill for enactment, amending the Unified Development Code (UDC), Salem Area Comprehensive Plan (Comprehensive Plan), Comprehensive Plan Map, NEN-SESNA Neighborhood Plan Map, and zoning map to adopt new zoning and a new street design for the State Street corridor.

Attachments: [Attachment 1 - Engrossed Ordinance Bill 4-18](#)
[Attachment 2 - Exhibits to Engrossed Ordinance Bill no. 4-18](#)
[Comments from SESNA received 7-31-18](#)

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. [18-357](#)

CITY COUNCIL PUBLIC HEARINGS

Held in the Council Chambers unless otherwise noted

Appeal of Planning Commission Decision on Comprehensive Plan Map Amendment, Zone Change, and Urban Growth Preliminary Declaration for Property Located at 4195 Aumsville Highway SE
Monday, August 27, 2018 at 6:00 p.m.

2019-2020 Utility Rate Proposal
Monday, October 8, 2018 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS

URBAN RENEWAL AGENCY PUBLIC HEARINGS

WORK SESSIONS Held in the Council Chambers unless otherwise noted

Riverfront Park Master Plan
Monday, September 24, 2018 at 5:30 p.m.

Council Policy Agenda
Monday, November 19, 2018 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS
Held in the Council Chambers unless otherwise noted

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor

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.

