



# CITY OF SALEM

## Meeting Agenda

### City Council

555 Liberty St SE  
Salem, OR 97301

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**Monday, October 14, 2019**

**6:00 PM**

**Council Chambers**

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#### **EXECUTIVE SESSION**

**City Council**

**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. [19-479](#)**

Proclamation recognizing October as Domestic Violence Awareness Month

Ward(s): All Wards

Councilor(s): All councilors

Neighborhood(s): All neighborhoods

**Recommendation:**

Information Only.

**Attachments:** [Proclamation Domestic Violence Awareness Month October 2019.docx](#)

## 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

- 3.1a. [19-453](#) September 23, 2019 Draft City Council Minutes

**Attachments:** [9-23-19 Draft Council Minutes](#)

#### 3.2 RESOLUTIONS

- 3.2a. [19-472](#) Acquisition of Property for the McGilchrist Street SE (12th Street SE to 25th Street SE) Corridor Improvement Project.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

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

**Recommendation:** Adopt Resolution Nos. 2019-28 through 2019-77, declaring a public need to acquire; the City of Salem's intent to negotiate; and if necessary, authorize the City Attorney to commence eminent domain proceedings for the acquisition of right-of-way and easements for the McGilchrist Street SE Corridor Improvement Project

**Attachments:** [Attachment 1 - Vicinity Map](#)  
[Attachment 2 - Identified Properties](#)  
[Attachment 3 - Property Acquisition Summary](#)  
[Attachment 4 - Resolution Nos 2019-28 through 2019-77](#)

- 3.2b. [19-473](#) Resolution No. 2019-79 Dedicating Certain Real Property Located along Commercial Street SE and Kuebler Boulevard SE

Recommended Action: Adopt Resolution No. 2019-79.

Ward 3 and 4 - Councilors Nanke and Leung - Faye Wright, Morningside, SGNA

**Attachments:** [Dedication Resolution 2019-79](#)  
[Exhibit 1 - Identified Properties](#)

#### 3.3 ACTION ITEMS

**3.3a. [19-421](#)**

Intergovernmental agreement with the Housing Authority of the City of Salem for administrative services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Recommendation:**

Authorize the City Manager to execute an intergovernmental agreement (IGA) with the Housing Authority of the City of Salem that allows the City of Salem to provide administrative services to the Housing Authority and allows the Housing Authority to provide property inspection and wage interview services to the City of Salem for FY 2019-20.

**Attachments:** [Intergovernmental Agreement](#)**3.3b. [19-467](#)**

Order for City Council review of the Planning Commission's decision approving a consolidated application for development of a three-unit multi-family use for property located at 1175 Nebraska Avenue NE.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): Grant Neighborhood Association

Result Area(s): Welcoming and Livable Community

**Recommendation:**

Staff recommends that the City Council adopt the order affirming the decision of the Planning Commission for Class 3 Design Review/ Class 3 Site Plan Review/ Class 2 Adjustment Case No. DR-SPR-ADJ19-07.

**Attachments:** [DR-SPR-ADJ19-07 Planning Commission Decision](#)

[Final Order](#)

[Exhibit 1](#)

## 4. PUBLIC HEARINGS

**4.a. [19-461](#)**

City Council review of the Hearings Officer's August 30, 2019 decision approving a Conditional Use Permit and Class 3 Site Plan Review for a change of use within an existing building from a medical marijuana production facility to a recreational marijuana production facility for a property approximately 1.61 acres in size, zoned IC (Industrial Commercial), within the Portland Fairgrounds Overlay zone, and located at 3625 Portland Road NE.

Ward(s): Ward 5

Councilor(s): Ausec

Neighborhood(s): Northgate Neighborhood Association

Result Area(s): Welcoming and Livable Community

**Recommendation:**

Staff recommends that the City Council AFFIRM the August 30, 2019 Hearings Officer's Decision.

**Attachments:** [Vicinity Map](#)[August 30, 2019 Hearings Officer Decision](#)[Salem-Keizer School District Comments](#)[August 7, 2019 Staff Report](#)**4.b.** [19-471](#)

Amending Salem Revised Code Chapter 601, Floodplain Overlay Zone

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community

**Recommendation:**

Engross Ordinance Bill No. 17-19 and conduct a public hearing for Engrossed Ordinance Bill No. 17-19, amending Chapter 601 (Floodplain Overlay Zone) of the Salem Revised Code, and, after the public hearing, conduct second reading to adopt the ordinance.

**Attachments:** [Engrossed Ordinance Bill No. 17-19](#)[Exhibit A to Ord. Bill No. 17-19](#)[State of Oregon Model Flood Hazard Management Ordinance](#)[Public Comment received by 5:00 p.m. 10-9-19](#)

*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)**

**5.a.** [19-492](#)

Board and Commission Appointments Committee recommendation for Ward 7 City Council Vacancy and Scheduling a Special City Council Meeting

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:**

The Board and Commission Appointments Committee unanimously recommends City Council interview Bonnie Heitsch, Vanessa Nordyke, and Reid Sund for the Ward 7 vacancy. The Committee recommends City Council hold a Special Meeting on Monday, October 21, 2019 at 6:00 PM for the interviews and to appoint the Ward 7 councilor.

**Attachments:** [Curtis Bartley.pdf](#)  
[Narcissa Bartley.pdf](#)  
[Warren Bednarz.pdf](#)  
[John Brown.pdf](#)  
[Bonnie Heitsch.pdf](#)  
[Kaellen Hessel.pdf](#)  
[Nancy MacMorris Adix.pdf](#)  
[Jerod Martin.pdf](#)  
[Vanessa Nordyke.pdf](#)  
[Kim Ogren.pdf](#)  
[Reid Sund.pdf](#)  
[Robert Thrasher.pdf](#)  
[Written Testimony received by 3:30 p.m. 10-14-19](#)

*Add - Written Testimony.*

**See** [19-483](#)  
**1.4a.**

2019 Community Satisfaction Survey

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

**Recommendation:** Information only.

**Attachments:** [City of Salem 2019 Survey, DHM Research - September 2019](#)

*Revised - Move item 5.b to item 1.4a - Presentations.*

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

**6.a.** [19-466](#) Planning Administrator Decision - A phased subdivision to create 93 single family lots. - Approved.

Subdivision Case No. 19-06 - Landau Property Partners, LLC (Sean Ward) - 5800 Block of Battle Creek Rd SE & SW corner of Battle Creek Rd & Landau St SE.

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision SUB19-06](#)

**6.b.** [19-480](#) Planning Commission Decision - Proposed redevelopment and expansion of Northwest Human Services including demolition of

several existing structures, two new building additions, and a new main parking lot. - Approved.

Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP19-08 - Samuel Thomas of Lenity Architecture, Inc., on behalf of Paul Logan of Northwest Human Services, Inc. - 1200 Block of Edgewater St NW.

Ward(s): Ward 1  
Councilor(s): Kaser  
Neighborhood(s): West Salem Neighborhood Association  
**Recommendation:** Information Only.

**Attachments:** [Land Use Decision DR-SPR-ADJ-DAP19-08.pdf](#)

- 6.c. [19-481](#) Planning Administrator Decision - Subdivision of approximately seven acres and Adjustments to setbacks between property lines and vehicle use areas - Approved.

Subdivision / Class 2 Adjustment Case No. SUB-ADJ19-07 - Bo Rushing - 5775 Commercial Street SE.

Ward(s): 4  
Councilor(s): Leung  
Neighborhood(s): South Gateway Neighborhood Association  
**Recommendation:** Information Only.

**Attachments:** [Land Use Decision SUB-ADJ19-07](#)

- 6.d. [19-482](#) Planning Commission Decision - Proposed development of a temporary modular structure to be used by Northwest Human Services as a dental clinic while the main campus building located at 1233 Edgewater Street NW is under construction - Approved.

Class 3 Design Review / Class 3 Site Plan Review Case No. DR-SPR19-09 - Paul Logan - 1257 2nd Street NW

Ward(s): 1  
Councilor(s): Kaser  
Neighborhood(s): West Salem Neighborhood Association  
**Recommendation:** Information Only.

**Attachments:** [Land Use Decision DR-SPR19-09](#)

- 6.e. [19-486](#) Planning Administrator Decision - Modification of the previously

approved Northstar subdivision - Approved.  
Subdivision 07-13A2MOD3 - Northstar Communities LLC (Karl Ivanov)- 4400-5200 Block of Kale Road NE.  
Ward(s): 5  
Councilor(s): Ausec  
Neighborhood(s): Northgate

**Recommendation:** Information Only.

**Attachments:** [SUB07-13A2MOD3](#)

## 7. ORDINANCES

### 7.1 FIRST READING:

### 7.2 SECOND READING:

- 7.2a.** [19-463](#) 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  
Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure

**Recommendation:** Conduct second reading of Ordinance Bill No. 14-19 annexing, changing the Salem Area Comprehensive Plan map designation from "Industrial" to "Parks, Open Space, and Outdoor Recreation," changing the zoning from Marion County UT-20-IND (Urban Transition - 20 Acre - Industrial) to City of Salem PA (Public Amusement), and withdrawing from the Marion County Fire District #1, for a 47.44-acre property located at the 4400-4600 Blocks of Hazelgreen Road NE.

**Attachments:** [Vicinity Map](#)  
[Ordinance No 14-19](#)  
[Exhibit A - Territory Legal Description and Map](#)

- 7.2b.** [19-464](#) 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

**Recommendation:** Conduct second reading of Ordinance Bill No. 5-19 annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition - 5 Acres), and withdrawing from the Marion County Fire District #1, for a 4.22-acre property located at 4980 Center Street NE.

**Attachments:** [Vicinity Map](#)[Ordinance Bill No 5-19](#)[Exhibit A - Territory Legal Description and Map](#)**7.2c. [19-476](#)**

Amending Salem Revised Code Chapter 601, Floodplain Overlay Zone

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community

**Recommendation:**

Conduct second reading for Engrossed Ordinance Bill No. 17-19, amending Chapter 601 (Floodplain Overlay Zone) of the Salem Revised Code.

**Attachments:** [Engrossed Ordinance Bill No. 17-19](#)[Exhibit A to Ord. Bill No. 17-19](#)[State of Oregon Model Flood Hazard Management Ordinance](#)[Public Comment received by 5:00 p.m. 10-9-19](#)

*Add - 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](mailto: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. [19-468](#)****CITY COUNCIL PUBLIC HEARINGS**

Held in the Council Chambers unless otherwise noted

Appeal of the Planning Commission's Decision for an application to change the Comprehensive Plan Map designation and/or zoning for several tax lots to accommodate future commercial and mixed-use development - Case No. CPC-ZC-ZC19-10 - 3030 Riverbend, LLC (Scott Martin) - 2465, 2499, 2501 & 2519 Wallace Road NW and 1221 Riverbend Road NW  
Monday, October 28, 2019 at 6:00 p.m.

Proposed Solid Waste Collection Service Rates  
Monday, October 28, 2019 at 6:00 p.m.

Tourism Promotional Area  
Monday, October 28, 2019 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

Joint City Council and Urban Renewal Agency  
Economic Development and Urban Renewal  
Monday, October 21, 2019 - Immediately following the Special City Council Meeting.

City Council  
Council Policy Agenda Priorities  
Monday, November 18, 2019 at 6:00 p.m.

City Council  
Council Policy Agenda  
Tuesday, January 21, 2020 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  
NESCA - October 15 - Kaser, Anderson, Hoy  
SESNA - October 19 - Andersen, Nanke

West Salem - October 21 - Kaser, Lewis  
NEN - November 5 - Kaser, Andersen  
SWAN - November 12 - Ward 7

**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](http://www.cityofsalem.net/Pages/council%20rules.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 3:30 p.m. on the day of the City Council meeting when the item will be considered. For complete information on submitting communications to Council, please refer to Council Rule 6: Communications:  
[https://www.cityofsalem.net/Pages/council rules.aspx](https://www.cityofsalem.net/Pages/council%20rules.aspx).

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 220, Salem, OR, or by e mail to: [manager@cityofsalem.net](mailto: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: [Imanderson@cityofsalem.net](mailto:Imanderson@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.

