



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Revisions to the Agenda City Council

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**Monday, February 12, 2018**

**6:00 PM**

**Council Chambers**

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**5.b.**     [18-79](#)

Motion to Reconsider the approval of the formation of the Lone Oak  
Road Reimbursement District from Councilor Steve McCoid

Ward(s): Ward 4

Councilor(s): Councilor McCoid

Neighborhood(s): South Gateway Neighborhood Association

*Add - Report Added.*



## Staff Report

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**File #:** 18-79

**Version:** 1

**Date:** 2/12/2018

**Item #:** 5.b.

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**TO:** Mayor and City Council

**FROM:** Councilor Steve McCoid, Ward 4

**SUBJECT:**

Motion to Reconsider the approval of the formation of the Lone Oak Road Reimbursement District from Councilor Steve McCoid

Ward(s): Ward 4

Councilor(s): Councilor McCoid

Neighborhood(s): South Gateway Neighborhood Association

**MOTION:**

I move that City Council reconsider the decision to approve the formation of the Lone Oak Road Reimbursement District

**DISCUSSION:**

On January 22, 2018, after a public hearing where written and oral testimony was considered by the City Council, the Council voted, by a 7-2 vote, to approve the formation of the Lone Oak Road Reimbursement District.

City Council Rule 11 - Motion to Reconsider, provides;

"A motion to reconsider any action taken by the Council may be made no later than the close of the next following regular meeting of the Council. Such motion must be made by one of the prevailing side, but may be seconded by any member, and shall have precedence over all other motions or while a member has the floor and shall be debatable."

This motion is consistent with the rule, because this meeting is the following regular meeting of the Council, and I voted with the prevailing side.

**Attachments:**

Letter from South Gateway Neighborhood Association





February 8, 2018

Councilor Steve McCoid  
Mayor Chuck Bennett and  
Salem City Council  
555 Liberty St SE RM 220  
Salem OR 97301

Dear Mayor and City Councilors,

The South Gateway Neighborhood Association (SGNA) discussed the Lone Oak Reimbursement District at the February 8, 2018, Board meeting and approved the following motion:

"The SGNA asks City Councilor McCoid and the Salem City Council to reconsider approval of the Lone Oak Reimbursement District and to not approve either a reimbursement district or related land use actions until the pending Creekside court case is decided."

The SGNA Board is grateful for the frequent participation of Councilor McCoid at the Board meetings including this most recent meeting. The Board appreciates the opportunity to offer the following thoughts in support of the motion that were discussed at the Board meeting.

- 1) The Board is concerned that it was not consulted before the City Council vote on January 22, 2018, and feels that is a violation of Goal #1 of the State Land Use laws that requires public participation and specifically references the neighborhood associations in the Comprehensive Plan. There are also concerns if home owners within 250 feet of Lone Oak Road were not provided notice.
- 2) The City Council approved plan for a reimbursement district presupposes the outcome of a major court case that will decide the fate of the Creekside Golf Course. The Board does not feel it is appropriate for the City Council to "take sides" and sow confusion about whether or not the golf course will remain open. The January 22, 2018, decision communicates a misleading message to current and prospective golf course members and home owners that the course will close because the City has approved a plan that is based on construction of 210 homes on the current golf course. This makes it more difficult to attract new members and residents.

- 3) Board members who listened to the January 22, 2018, Council meeting were concerned that the staff did not include documentation of the original Creekside Estates developer's obligations to the City and instead included City conditions of the smaller development to the south. Board members also expressed concern that a number of the staff responses were speculative of past City actions and history rather than answering Councilors' questions with precise references such as the date that the 350th home was constructed. Board members also expressed concern that City staff concluded that the LUBA appeal applied to more than the 4 or 5 lots that were in dispute and noted that the LUBA decision states that the City can still impose other conditions as stated on page 15 of the decision:

"We do not mean to foreclose the possibility that on remand the city may choose to impose other conditions, for example a condition requiring a fee-in-lieu contribution towards construction of the Lone Oak extension, to ensure compliance with any applicable tentative subdivision plat criteria."

The Lone Oak Road reimbursement district funding plan is flawed because it does not build the bridge or the road until there is a future streets and bridges bond measure approved by a vote of the citizens -- even if the court case goes in favor of the developer.

The Board asks the City Council to rescind approval of the reimbursement district and direct staff to develop a workable plan for construction of Lone Oak that does not defer this issue to a future ballot measure. For example, if the court case favors the developer and there is no reimbursement district there will be an incentive for the developer to work with the City to realign Lone Oak so that it does not cross the steep slopes south of Jory Creek. The developer will already need to provide streets to access the subdivision and Lone Oak could be realigned over the flat land of the golf course. This would move the crossing of Jory Creek and Lone Oak Road to the east away from the deep ravine and steep slopes that increased the cost of the project from about \$2 million to over \$9 million.

Please contact me if you have any questions.

Sincerely,



Glenn Baly  
SGNA Chair

