



CITY OF SALEM

Written Testimony

City Council

555 Liberty St SE
Salem, OR 97301

Monday, March 26, 2018

6:00 PM

Council Chambers

4. a. [18-132](#) Reconsideration of the Lone Oak Reimbursement District

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

Recommendation:

Affirm Lone Oak Road Reimbursement District to collect funds for reimbursement of the developer's costs associated with constructing Lone Oak Road SE between Muirfield Avenue SE and Rees Hill Road SE.

Attachments: [File 18-32 - Staff Report from 1-22-18 Council Meeting](#)

[Written Testimony - Jerry Bennett on behalf of South Gateway Neighborhood Assoc.](#)

Add - Written Testimony

Amy Johnson

From: Jerry Bennett <jbestg@outlook.com>
Sent: Thursday, March 22, 2018 5:25 PM
To: citycouncil; Chuck Bennett; Steve McCoid; Matthew Ausec; Chris Hoy; Sally Cook; Jim Lewis; Tom Andersen; Cara Kaser; Cara Kaser; Steve Powers
Cc: Glenn Baly; Jerry Bennett
Subject: Written SGNA testimony for March 26, 2018, 6:00, Hearing -- for the record
Attachments: SGNA position for Mar 26 Council Mtg jb.docx; City Council hearing Attachment A 3 19 18.docx

Please find attached two pages of my written testimony on behalf of SGNA's petition for reconsideration of the proposed Reimbursement District.

Our chairman, Glenn Baly, has submitted written testimony, but he will not be able to be present as a result of business-related meeting in Bend, Oregon. I have been asked to be the Board's representative at the hearing. As a board member, I'm requesting the five-minute speaking privilege -- any other party of interest would use the three-minute allotment.

It is very important that Council members read Mr. Baly's comprehensive written testimony before I address the Council as it is my task to only give a brief summary of SGNA's position.

Thank you for your interest and support. We trust that you will find our inputs helpful to your difficult decision making processes.

Jerry Bennett
804 Creekside Drive SE, Salem, Oregon 97306
(503) 589 9669

TO: Mayor Chuck Bennett; Council Members: Steve McCoid, Chrmn.; Cara Kaser, Tom Andersen, Brad Nanke, Matt Ausec, Chris Hoy, Sally Cook, Jim Lewis; Steve Power, City Mgr.

RE: Testimony supporting Steve McCoid's motion, and COUNCIL's 7-0 vote, recognizing SGNA's Petition for "Reconsideration" of its January 22, 2018, Lone Oak Reimbursement District decision.

Jerry Bennett, SGNA board member – 3/22/2018

Development of Creekside Valley and its surrounding hills requires sound public policy that meets the needs and interests of the majority of the citizenry – it is essential to the health and welfare of the community.

SGNA's review concludes that staff recommendations were not adequately formulated on past, present, and future consequences of the project(s) in question. City staff testified at the Feb. 12 council meeting that "the matter was a funding issue, not needing public inputs", but considering the overlapping environmental, wet lands – **Attachment A**, water shed, flooding, property valuations, recreational, and likely taxing issues, the comment lacks merit. And, including the water shed and wet lands in the proposal that brought 155 acre Creekside Valley into play during an ongoing litigation between the course owners and the Creekside Estates HOA shocked the community. Is it appropriate for a judicial branch of government to approve a land use agreement with a financial district with a hypothetical district that doesn't exist? If that's not a legal question, it is a blatant lack of impartiality by the Planning and Public Works Departments between a developer and thousands of residents.

In your deliberations, please consider the following peripheral issues:

(1) The State is currently seeking a leader for its newly created Office of Outdoor Recreation, who'll receive up to \$97,000 a year to create a central clearinghouse for outdoor recreation projects and businesses across Oregon. Isn't it great that with Mr. Tokarski's support, Creekside Golf Club, its restaurant, swimming pool, and driving range, are still functioning as Salem's only golf course – a priority parks and recreation asset stated in the City's Comprehensive Plan.

(2) Three environmental groups are suing the federal government over the decline in wild salmon and steel head in the Upper Willamette watershed. The reason? The government allegedly failed to take required steps to improve conditions for the threatened fish. Now shift to Salem's largest water shed area that poses a direct flood threat to "people" in down stream locations from Creekside Golf Course to Turner, including certain down town areas. Will the proposed reimbursement district increase that threat in catastrophic weather conditions? Has the City taken all necessary steps to prevent a future calamity and to also protect the City's primary recreational and open green space in SE Salem?

(3) Environmental groups are trying to block the expansion of a Columbia River port, the latest in the ongoing debate over natural areas. They're trying to block the re-classification of 837 acres of farmland from becoming industrial use. A commissioner stated, "We don't approve any lease without an actual public meeting. In our case, SGNA is responding to resident's security on properties that they have invested millions for housing/recreational purposes.

SGNA board member are guided by the "NA Guide Handbook" supported by the City of Salem. In Section 3, the Role of NA board members, the "problem solving processes" is compelling. In Section 4, emphasis on Neighbors Working Together to Improve Neighborhoods make sense. And, in Section 5, the guide to giving input to the City Council, Urban Renewal Agency, Housing Authority, City Council Boards and Commissions is essential to effective and cost efficient local governance. Thus, NA inputs on matters such as the one in front of you are invaluable to the well being of SE Salem and the City as a whole. Diversified recommendations from staff are of course a necessity in any operation, as are inputs from your NA. It is equally important that staff remains diligent at all times in the effective use of all available resources .

CONCLUSION: (a) City staffers did not take all necessary steps to encourage SGNA inclusion in the development phase. (b) Staff did not consider impact of flood and wet land conditions in the water shed area. (c) Staff failed to consider ongoing legal issues. (d) Staff put a developer's special interests over the needs and interests of the Creekside community. (e) And, staff didn't adhere to the City's Comprehensive Plan, the City's Strategic Plan, the City's guide for NA Board Guides, and/or FEMA studies or ongoing City study committees on flood issues, or developing studies from the \$395,000 Turner Water Shed Study group. Therefore:

REQUEST: the LONE OAK ROAD REIMBURSEMENT DISTRICT should be **RESCINDED**, and **TABLED** until such time that the City and developers submit meritorious proposals for consideration!

ATTACHMENT “A” – **SGNA OPPOSES LONE OAK ROAD REIMBURSEMENT DISTRICT**

Background: The law firm of Vick and Genze, representing developer Larry Tokarski, responded to opinion writer Brian Hines’s commentary in the Salem Weekly. Vick contended that *Tokarski’s responsibilities for the extension of Lone Oak Road and associated improvements, including the Jory Creek bridge installation, weren’t entirely Tokarski’s fault, advancing the position that the City’s Public Works Department expanded the type and description of the bridge installation from \$1.2m to \$7.5m.*” City staff agreed that neither they or Tokarski were fully aware of federal, state, and city permit requirements protecting riparian habitat which might mandate more expensive building methods. Investigative writer Helen Caswell concluded: “. . . Mr. Hines’ opinion is largely accurate and that all available documentation indicate that the primary, commonly-understood ‘developer’ is indisputably Mr. Tokarski’, as General Partner with Hawaii Ventures Northwest.” ***But, Salem Weekly acknowledged that this issue is more complex than the printed story reveals. Too, Hines failed to note that other significant partners and entities were involved in the development over the years.***

- - - - -The rest of the story- - - - -

*The City’s approval for PUD 03-1 ON May 27, 2003, notes that Jory Creek includes regulated wetlands and **that the developer has special responsibilities** – bold print added. The conditions for approval follow:*

There are approximately 3+ acres of open space area located around Jory Creek that is also crossed by the extension of Lone Oak Road. There are no site improvements, trails or other facilities proposed to be developed in the open space area. The open space area is located in proposed Phase 3. Emergency and maintenance access to the open space is available from Lone Oak Road or the golf cart track around the golf course.

Development within the flood way is restricted as described in SRC 140.090(b). Environmental standards are substantial and readily available to all developers and citizens.

Battle Creek, Powell Creek, and Jory Creek are within the golf course development. There is a regulated wetland on the subject property. It is the developer’s responsibility to contact the Division of State Lands (DSL) regarding wetland issues and to comply with applicable permit and mitigation requirements before final plat approval. The DSL generally submits a copy of their determination to the City after a site specific proposal has been reviewed by the State. It is the developer’s responsibility to make sure that the City receives a copy of an approved plan prior to development.

Also, 9. Submit proof of Division of State Lands (DSL) concurrence of the wetland determination/delineation to the City of Salem, Natural Resources Section, prior to final plat approval. All wetlands identified as jurisdictional by DSL are subject to the regulations of that agency, as well as compliance with Chapter 126 and subsequent wetland regulations.

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SGNA’s Concerns: Without flood mitigation remedies, project may increase Flood Conditions for all down-stream residents from Creekside to Turner, including some down town designations and eliminates valuable recreational space: *The proposed REIMBURSEMENT DISTRICT put Creekside Golf Course in play as a possible 210 unit development and a revenue source for stated road and bridge costs. However, this property has the same wetland, water shed, and environmental challenges as the Jory Creek site that extends throughout Creekside Valley (Creekside Golf Course) from its west start at Lone Oak all the way to its east end at Sunnyside Road. If the restrictions exemplified in the now defunct Jory Bridge project were cause sufficient for the developer(s) to abort the required work, consider the degree of difficulty that will be placed on any developer attempting to put 210+ housing structures on the environmentally sensitive golf course – a plan that could take 20 years to complete and pay for. Basic math suggests the Reimbursement District proposal cannot pay for itself, which may require voter approval for a road/street bond paid for by local property taxes.*

This is not an acceptable business plan. And, it violates all of the requirements of sound public policy.