

CITY OF SALEM

Written Testimony

City Council

555 Liberty St SE
Salem, OR 97301

Monday, June 25, 2018

6:00 PM

Council Chambers

3.2a. [18-195](#) Protection of Oregon White Oaks at the Salem Business Campus

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

Recommendation: Adopt Resolution No. 2018-26 to declare the City's policy to protect the stand of Oregon white oaks at the Salem Business Campus, and authorize the Director of Urban Development to submit an application to the City's Planning Division to reconfigure lots within the Salem Business Campus to implement the policy.

Attachments: [Attachment 1 - Proposed lot configuration with trees](#)

[Attachment 2 - COUNCIL RESOLUTION 2018-26](#)

[Attachment 3 - Original lot configuration with trees](#)

[Attachment 4 - Site photo](#)

[Written Testimony 1](#)

Add - Written Testimony.

3.3c. [18-232](#) Hilfiker Park Master Plan

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Morningside

Recommendation: Adopt the Hilfiker Park Master Plan.

Attachments: [Attachment 1 Proposed Hilfiker Park Master Plan](#)

[Attachment 2 Overview of Proposed Hilfiker Park Features](#)

[Written Testimony 1](#)

Add - Written Testimony.

7.1a. [18-277](#) State Street Corridor Plan Project

Ward(s): 1 and 2

Councilor(s): Kaser and Andersen

Neighborhood(s): NEN and SESNA

Recommendation: Hold a public hearing on amendments to the UDC, 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 - Proposed State Street Zoning and Existing Zoning](#)

[Attachment 2 - Proposed Street Design](#)

[Attachment 3 - State Street Corridor Plan Booklet](#)

[Attachment 4 - Ordinance Bill 4-18](#)

[Attachment 5 - Exhibits to Ordinance Bill 4-18](#)

[Attachment 6 - Planning Commission Recommendation](#)

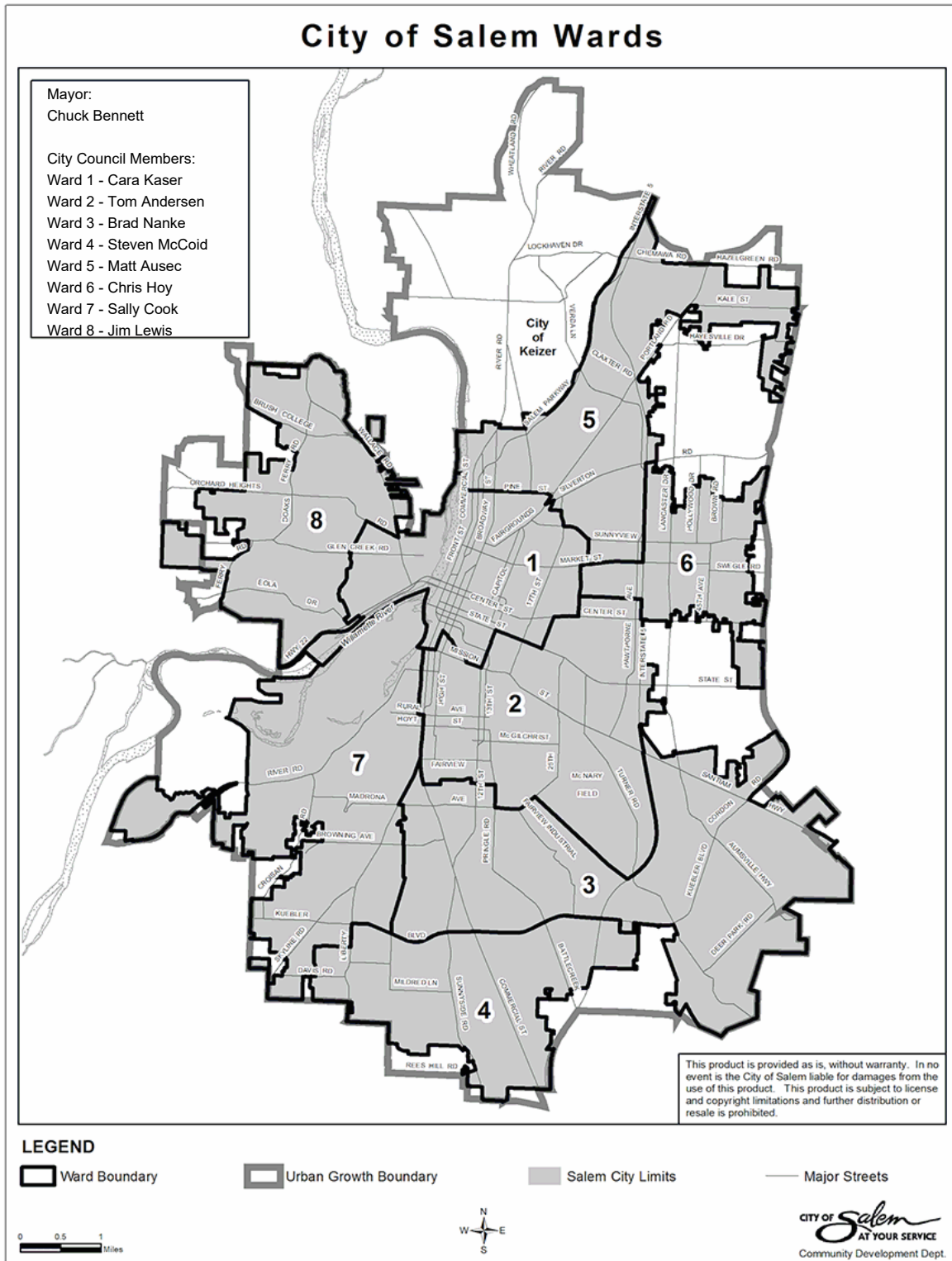
[Attachment 7 - Memo on Preferred Street Design](#)

[Attachment 8 - Public Comments](#)

[Attachment 9 - ODOT Letter](#)

[Written Testimony 1](#)

Add - Written Testimony.



Amy Johnson

From: webmaster@cityofsalem.net
Sent: Friday, June 22, 2018 1:09 PM
To: CityRecorder
Subject: Contact: cityrecorder@cityofsalem.net

Email from the City Contact form app.

Message Type: Contact: cityrecorder@cityofsalem.net

Details:

- From: Michael Slater at: michael.k.slater@gmail.com
- Phone:
- Message Body: Dear Mayor Bennett, City Councilors, and Staff: I am writing to support Resolution No. 2018-26, which authorizes staff to submit an application to reconfigure lots within the Salem Business Campus in order to protect a stand of native Oregon White oaks. The resolution, if implemented, would create two “preservation” lots that would be owned by the City. These lots contain the majority of the properties approximately 114 White oaks. The City Council has set a goal of increasing Salem’s urban tree canopy from 17% (in 2010) to 22%. Because of the benefits of mature trees, preserving existing mature trees is one of the most important ways to implement the City’s tree canopy goals. Moreover, our iconic White Oaks provide critical habitat and sustenance to a broad diversity of native insects and animals. I would like to thank the City staff for recognizing the importance of this White Oak stand and taking affirmative steps to protect it. Thank you, Michael Slater

Amy Johnson

From: John Meyer <jkm@caretrust.us>
Sent: Friday, June 22, 2018 1:40 PM
To: CityRecorder; citycouncil
Subject: Corrected Statement regarding the Proposed Hilfiker Park Master Plan - Action item 3.3c. 18-232 on the City Council Agenda for June 25th, 2018
Attachments: Hilfiker Lane Extension - Hilfiker Park Plan.pdf; Submission Re Hilfiker Park Master Plan - John Meyer - June 22 2018.pdf

My apologies, there were some typos in the email we sent at 12:59 pm. Please replace it with this email.

Subject: Statement regarding the Proposed Hilfiker Park Master Plan - Action item 3.3c. 18-232 on the City Council Agenda for June 25th, 2018
June 22, 2018

Dear Mr. Romanek,

Background:

Our family owns the Meyer Urban Farm, located at 4540 Pringle Rd. The farm and its historic family farmhouse, located adjacent to the Hilfiker Park, have been maintained and restored by many generations of the family. The farmhouse is not only an integral part of our heritage, it is the cornerstone of the Meyer Urban Farm, comprising 29 acres adjacent to the park. To be more specific, the entire south property line of our farm borders on the park. Some 70 years ago, our parents, Henry and Marian Meyer, acquired the farm, and from that time, all generations of our family have enjoyed the beauty of the woods, now the Hilfiker Park, and have played there, long before it became a park. Grandchildren and great-grandchildren still enjoy it to this day. Like our neighbours, the Hilfikers and Jacksons, we are truly homesteaders in this beautiful area of Salem and want to see it preserved.

Our Concern:

We have a major concern about the impact of the proposed Hilfiker Lane street extension that is identified as "high priority" planned to be installed along our southernmost property line within the next 10 years. Based on Figure 1-2 of the plan, attached, this proposed street extension would have two very significant negative impacts on our property:

- a. A beautiful and historic stand of specimen native Oregon White Oak that runs along the property line would be destroyed by asphalt and concrete. That is inconsistent with the goals and principles of the Hilfiker Master Plan documents as presented and a contradiction within the plan itself. Until this conflict can be resolved, we feel an affirmative statement supporting this issue should be included in the plan regarding natural resources, landscape, and existing features preservation, namely, that these principles "apply as well to areas adjacent to or surrounding the park."

- b. The proposed road extension requires a significant taking of land that would impact the farmhouse, and other buildings, roads, wells, as well as historic fir and oak trees. This could result in the loss of our family heritage, tearing the heart out of the Meyer Urban Farm with asphalt and concrete, not even considering the significant adverse financial impacts.

We appreciate your consideration of these important issues in your efforts to make this park special and an important part of our community. Thank you for asking for our input.

Sincerely,
John Meyer

Attachment: Figure 1-2 of the Hilfiker Park Site Assessment Report, October 2017

Figure 1-2: Overview Map



Subject: Statement regarding the Proposed Hilfiker Park Master Plan - Action item 3.3c. 18-232
on the City Council Agenda for June 25th, 2018

June 22, 2018

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Sincerely,

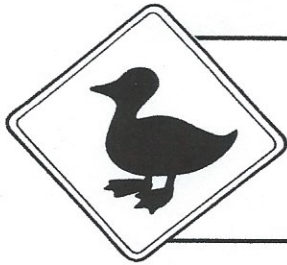
John Meyer



Attachment: Figure 1-2 of the Hilfiker Park Site Assessment Report, October 2017

Figure 1-2: Overview Map





NEN

NORTHEAST NEIGHBORS
555 Liberty Street SE, Rm 305
Salem, OREGON 97301

(503) 588-6207
www.salemnen.org

June 22, 2018

NEN SUPPORT FOR CA 18-02 – STATE STREET CORRIDOR PROJECT

At our meeting on June 19, the Northeast Neighbors board voted to support the proposed ordinance for the State Street Corridor Plan.

The revitalization of State Street has been a NEN goal for over 20 years. In 1995 the NEN-SESNA Neighborhood Action Plan assessed the area and made many recommendations that are carried forward in this ordinance. More recently, the NEN SESNA Neighborhood Plan, approved by the Council in 2015, devoted an entire chapter to State Street. Goal 18 of the plan is to “Revitalize State Street as a vibrant, mixed-use corridor that encourages pedestrian activity, is safe and attractive, creates a distinct sense of place, and serves as an asset to surrounding neighborhoods.”

Under the current zoning State Street will never be a vibrant asset to the surrounding neighborhoods. Commercial Office zoning in particular creates dead zones that sit empty after office hours and on weekends, and dominates the street between 14th and 17th. That’s the area most likely for redevelopment, according to the plan’s market analysis. The street also is not attractive to pedestrians. It’s dominated by stand-alone parking lots allowed by current zoning. Drive-thrus increase traffic volumes and contribute to the pedestrian-unfriendly feel of the street.

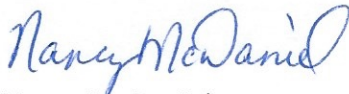
The proposed zoning would be an asset to the surrounding neighborhood in a number of ways:

- It allows a broad mix of uses to create a vibrant, walkable area.
- Stand-alone parking lots and drive-thrus won’t be allowed.
- Buildings will be next to the sidewalk, creating an urban feel and street level-interest for pedestrians.
- Parking will be at the side or rear of buildings, making the street more pedestrian-oriented.
- The street design will create wider sidewalks and increase buffering from street traffic.

The road diet and reduced off-street parking are key to the revitalization of State Street. NEN therefore continues to support the Plan's Alternative 2 for street design, which is the full road diet along the entire corridor. SESNA supported the full road diet in its testimony to the Planning Commission and the full road diet was preferred by 65% of the participants at the project's second public workshop. NEN also supports the Planning Commission's recommendation to reduce the parking requirement for retail uses. Parking requirements can be a barrier to mixed use development. We also support funding the city's parking management study planned for the corridor.

Finally, we would like to express our appreciation to city staff involved in the State Street Corridor project for their work in creating a collaborative process to solicit the input of a variety stakeholders and incorporate those viewpoints into this ordinance.

Thank you for your consideration of our testimony,



Nancy McDaniel
NEN Land Use Chair

Eunice Kim

From: John L. Poole <jlpoole56@gmail.com>
Sent: Friday, June 22, 2018 4:34 PM
To: PRR; Eunice Kim
Subject: Re: Public Record Request dated June 18, 2018

Hi Amy,

I received a response earlier today referencing PUBLIC RECORDS REQUEST #18-1234 from

Debbie Kees

Legal Assistant

City of Salem Legal Department

I'm assuming her response is the definitive response. Please let me know if that is not the case. I'll forward to you her response forthwith.

Thank you,

John

On 6/22/2018 4:31 PM, PRR wrote:

Mr. Poole:

The City is in receipt of your public records request and will formally acknowledge your request within five business days, as per the City's Public Records Policy <https://www.cityofsalem.net/Pages/public-records-policy.aspx>.

Sincerely,

Amy Johnson
Deputy City Recorder
City of Salem
555 Liberty Street SE, Rm. 205
Salem, OR 97301
503-588-6091

From: John L. Poole [<mailto:jlpoole56@gmail.com>]
Sent: Friday, June 22, 2018 5:49 AM
To: CityRecorder <CityRecorder@cityofsalem.net>; Eunice Kim <EKim@cityofsalem.net>
Subject: Fwd: Public Record Request dated June 18, 2018

(RRR)

Dear Madam Recorder and Ms. Kim,

Attached please find a public records requests I have submitted to the Oregon Department of Transportation ("ODOT"). I hereby request the following documents (in digital form), **to the extent your office can make some or all of the documents available before June 29th** as there is no need for you to duplicate what ODOT will produce.

For clarity, here is the request:

1. Page 3 Memorandum to Michael Rock from Lucinda D. Jackson, Senior Assistant Attorney General
Government Services Section,
dated April 26, 2018, second full paragraph, fourth line: the biennial
"2017-2019 Interagency Agreement Between ODOT and DLCD for the TGM Program (IAA)."
2. The "Interagency Agreement Between ODOT and DLCD for the TGM Program" agreement in effect for the period of 2015-2017 prior to the item requested in paragraph 1 above.
3. The approval of the Federal Highway Administration (FHWA) referenced in Page 3, Memorandum to Michael Rock from Lucinda D. Jackson, Senior Assistant Attorney General
Government Services Section, dated April 26, 2018, second full paragraph, sixth line: "Once FHWA approves the IAA statement of work to administer the TGM program, there are no further approvals or oversight by FHWA"
4. Page 3, Memorandum to Michael Rock from Lucinda D. Jackson, Senior Assistant Attorney General
Government Services Section, dated April 26, 2018, third full paragraph, first line: The award and notice of award as referenced in the phrase "ODOT and DLCD awarded a TGM grant to the City of Salem in August 2014."
5. Page 3 Memorandum to Michael Rock from Lucinda D. Jackson, Senior Assistant Attorney General
Government Services Section, dated April 26, 2018, third full paragraph, first line:
"in July 2015 entered into intergovernmental agreement (SSRP IGA) for the City [of Salem] to develop the State Street Refinement Plan (SSRP)."
6. Page 3 Memorandum to Michael Rock from Lucinda D. Jackson, Senior Assistant Attorney General
Government Services Section, dated April 26, 2018, third full paragraph, sixth line:
"This draft plan prepared for the SSRP IGA was completed over six months ago."

I would ordinarily await what time is needed, but I am contemplating filing a suit in Federal Court which will include a request for an interlocutory injunction pending determination of the

Court as to whether a Section 106 Review is required and the City's decision to set for hearing on July 13th the State Street Corridor leaves me little time. To assure I have exhausted all possible avenues to procure these documents, I am making this time-limited request.

Thank you for your attention to the request.

Yours very truly,

John L. Poole

----- Forwarded Message -----

Subject:Public Record Request dated June 18, 2018

Date:Thu, 21 Jun 2018 21:34:26 +0000

From:LESMEISTER Cindy <Cindy.L.LESMEISTER@odot.state.or.us>

To:'jlpoole56@gmail.com' <jlpoole56@gmail.com>

CC:ODOT Public Record Requests <ODOTPRR@odot.state.or.us>, 'lauri.k.kunze@odot.state.or.us5' <lauri.k.kunze@odot.state.or.us5>, ROCK Michael D <Michael.D.ROCK@odot.state.or.us>, LEDET Elizabeth <Elizabeth.L.LEDET@odot.state.or.us>

Cindy Lesmeister
Transportation and Growth Management Program
555 13th St NE, Suite 2
Salem, OR 97301
Phone: 503/986-4349
Fax: 503/986-4174
e-mail: cindy.l.lesmeister@odot.state.or.us

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John Laurence Poole
1566 Court ST NE
Salem OR 97301-4241
707-812-1323 office

PUBLIC RECORDS REQUEST ACKNOWLEDGEMENT AND RECEIPT

Business Services Section MS 51
355 Capitol St. NE, Salem OR 97301

Phone: (503) 986-3273
Fax: (503) 986-4025

REQUESTOR NAME John Poole		TITLE		DATE REQUEST RECEIVED 6-18-2018	
PHONE 7078121323	FAX	EMAIL ADDRESS jlpoole56@gmail.com			
FIRM OR TRADE NAME					
MAILING ADDRESS 1566 Court Street NE		CITY Salem		STATE OR	ZIP 97301

In accordance with ORS 192.440(2), this is to acknowledge our receipt of your request for the following record(s):

1. Page 3 Memorandum to Michael Rock from Lucinda D. Jackson, Senior Assistant Attorney General Government Services Section, dated April 26, 2018, second full paragraph, fourth line: the biennial "2017-2019 Interagency Agreement Between ODOT and DLCD for the TGM Program (IAA)." 2. The "Interagency Agreement Between ODOT and DLCD for the TGM Program" agreement in effect for the period of 2015-2017 prior to the item requested in paragraph 1 above. 3. The approval of the Federal Highway Administration (FHWA) referenced in Page 3, Memorandum to Michael Rock from Lucinda D. Jackson, Senior Assistant Attorney General Government Services Section, dated April 26, 2018, second full paragraph, sixth line: "Once FIIWA approves the IAA statement of work to administer the TGM program, there are no further approvals or oversight by FHWA" 4. Page 3, Memorandum to Michael Rock from Lucinda D. Jackson, Senior Assistant Attorney General Government Services Section, dated April 26, 2018, third full paragraph, first line: The award and notice of award as referenced in the phrase "ODOT and DLCD awarded a TGM grant to the City of Salem in August 2014." 5. Page 3 Memorandum to Michael Rock from Lucinda D. Jackson, Senior Assistant Attorney General Government Services Section, dated April 26, 2018, third full paragraph, first line: "in July 2015 entered into intergovernmental agreement (SSRP IGA) for the City [of Salem] to develop the State Street Refinement Plan (SSRP)." 6. Page 3 Memorandum to Michael Rock from Lucinda D. Jackson, Senior Assistant Attorney General Government Services Section, dated April 26, 2018, third full paragraph, sixth line: "This draft plan prepared for the SSRP IGA was completed over six months ago." Attached is a screenshot, LucindaJacksonMemo_PR3.png, of the Memorandum which highlighted areas correlating to the above requests.

Having reviewed your request, we are able to inform you that:

- ☐ Copies of all requested public records for which the Oregon Department of Transportation (ODOT) does not claim an exemption from disclosure under ORS 192.410 to 192.505 are enclosed.
- ☐ ODOT does not possess or is not the custodian of the requested record(s).
- ☐ No such records exist.
- ☐ ODOT is uncertain whether it possesses the requested record(s). We will search for the record and make an appropriate response as soon as practicable.
- ☒ ODOT is the custodian of at least some of the requested public records. It will require time before the public records may be inspected or copies of the records will be provided (see time estimate in comment section below). We estimate that there will be a fee for making the records available which you must pay as a condition of receiving the records (see cost estimate attached).
- ☐ ODOT is the custodian of at least some of the requested public records. We will provide an estimate of the time and fees for disclosure of the public records within a reasonable time (see cost estimate attached).

Comments:

We will have the information to you by close of business June 29, 2018. There will not be a charge for the information.



COST ESTIMATE FOR REQUESTED PUBLIC RECORDS

Please note that the first 30 minutes of record research and preparation is provided at no charge. The cost estimate below is for work in addition to the initial 30 minutes.

If the Total Estimate Cost field is "\$0.00", there is no charge for the request and a response from the requestor is not required.

The following is a quote for costs for the public records requested from ODOT:

ESTIMATE PREPARED FOR John Poole		EST. DATE RECORDS WILL BE READY June 29, 2018	
ADDRESS 1566 Court Street NE	CITY Salem	STATE OR	ZIP 97301
EMAIL jlpooles6@gmail.com		PHONE 7078121323	

☒ Full rate ☐ Reduced rate (with approved waiver)

TYPE OF SERVICE	HOURLY RATE CHARGED	COST PER INCREMENT	NUMBER OF 6-MINUTE (0.1 HOUR) INCREMENTS	TOTAL HOURS	TOTAL
Clerical	\$25.00	\$2.50		0	\$0.00
Managerial	\$40.00	\$4.00		0	\$0.00
Professional	\$75.00	\$7.50		0	\$0.00
Department of Justice	Actual cost				
SERVICES TOTAL					\$0.00

COPIES	COST PER PAGE	QUANTITY	TOTAL
Black-and-white copies	\$0.07		\$0.00
Color copies	\$0.35		\$0.00
COPIES TOTAL:			\$0.00

OTHER CHARGES	COST EACH	QUANTITY	TOTAL
Shipping			
OTHER CHARGES TOTAL:			

TOTAL ESTIMATE: **\$0.00**

NOTES/COMMENTS	
PREPARED BY	UNIT NAME
EMAIL	PHONE

Send to Requestor

Please respond within 60 days to accept this quote; work will begin as soon as ODOT receives the response. If ODOT does not receive a response within 60 days, the records request will be canceled.

If the Total Estimate Cost field is "\$0.00", there is no charge for the request and a response from the requestor is not required.

You may respond by clicking the Send Response to ODOT button below, or by faxing to (503) 986-4025.

Requester response

☐ YES, I accept this quote; begin records research and preparation ☐ NO, I decline this quote; cancel this records request.

Send Response to ODOT

Eunice Kim

From: John L. Poole <jlpoole56@gmail.com>
Sent: Friday, June 22, 2018 4:35 PM
To: Eunice Kim; PRR
Subject: Fwd: Public records request 18-1234

Amy and Eunice:

FYI

John

----- Forwarded Message -----

Subject: Public records request 18-1234
Date: Fri, 22 Jun 2018 18:41:58 +0000
From: PRR <PRR@cityofsalem.net>
To: jlpoole56@gmail.com <jlpoole56@gmail.com>

PUBLIC RECORDS REQUEST #18-1234

Our office received your request for records and will process your request according to the policy detailed on the City's website at <http://www.cityofsalem.net/Pages/public-records-policy.aspx>.

In response to your public records request:

- ☐ The City is the custodian of (maintains) the requested record(s).
☒ The City is not the custodian of the requested record(s).
☐ The City is uncertain whether it maintains the requested record(s).
☐ The City requests the following clarification: _____

Pursuant to ORS 192.450 and 192.460, you may appeal this decision to the Marion County District Attorney.

Debbie Kees
Legal Assistant
City of Salem Legal Department
555 Liberty St SE #205
Salem OR 97301
503-588-6003



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