



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Revisions to the Agenda #2

### City Council

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**Monday, October 12, 2020**

**6:00 PM**

**Virtual Meeting**

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**4.b.** [20-379](#)

City Council review of the Planning Commission's decision approving Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change Case No. CPC-NPC-ZC20-04 for property located in the 2400 Block of Commercial Street NE and Liberty Street NE.

Ward(s): Ward 5

Councilor(s): Ausec

Neighborhood(s): Highland Neighborhood Association

Result Area(s): Welcoming and Livable Community

*Addition - Added New Attachment to Staff Report, the 8/18/20 Salem Planning Commission Minutes.*

## Amy Johnson

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**From:** Bryce Bishop  
**Sent:** Monday, October 12, 2020 12:13 PM  
**To:** Amy Johnson  
**Cc:** Norman Wright; Lisa Anderson-Ogilvie  
**Subject:** Council Review of CPC-NPC-ZC20-04 - Inclusion of PC Minutes in Record  
**Attachments:** 08.18.2020 Final Minutes.pdf

Good Afternoon Amy,

Could you please add the attached Planning Commission minutes to the record for the Council Review hearing tonight on ODOT's requested comprehensive plan change, neighborhood plan change, and zone change (Case No. CPC-NPC-ZC20-04).

The request to include them was received by a member of the Planning Commission.

Thank you,  
Bryce

**Bryce Bishop**

*Planner II*

City of Salem | Community Development Department

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**MINUTES**  
**FINAL SALEM PLANNING COMMISSION Reviewer: Slater**  
**August 18, 2020**

**COMMISSIONERS PRESENT**

Dan Augustyn  
Chane Griggs, President  
Casey Kopcho  
Ian Levin  
Brian McKinley, Vice President  
Joshlene Pollock  
Ashley Schweickart  
Michael Slater

**COMMISSIONERS ABSENT**

Lisa Heller, Excused

**STAFF PRESENT**

Lisa Anderson-Ogilvie,  
Deputy CD Director and  
Planning Administrator  
Natasha Zimmerman, Deputy City  
Attorney  
Bryce Bishop, Planner II  
Shelby Guizar, Admin Analyst

**Note: This meeting was held digitally to stem the spread of the Covid-19 virus. All attendees were virtual.**

**1. CALL TO ORDER**

President Chane Griggs called the meeting to order at 5:30 P.M.

**2. ROLL CALL**

Roll was taken and with quorum established, President Griggs proceeded with the meeting.

**3. PUBLIC COMMENT:** This time is available for interested citizens to comment on specific agenda items other than public hearings, deliberations and the merits of land use issues that are reviewable by the Planning Commission at public hearings. Each person's comments will be limited to three minutes.

- None

**4. CONSENT CALENDAR:**

4.1 Approval of Minutes

August 4, 2020 Minutes (Commissioner McKinley)

Recommended Action: Approve

**Motion:** Move to approve the minutes.

**Motion by:** Commissioner McKinley

**Seconded by:** Commissioner Schweickart

At this time, Commissioner Kopcho arrived.

**Vote:** Aye: Augustyn, Griggs, Kopcho, Levin, McKinley, Pollock, Schweickart, Slater  
Nay: 0  
Abstentions: 0  
Absent: Heller

**Action:** Moved to approve the minutes.

**VOTE:**

**Yes 8      No 0      Abstain 0      Absent 1 (Heller)**

4.2 Resolutions: None

4.3 Action Items: None

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**5. PUBLIC HEARINGS:**

**Hearings begin no earlier than 5:30 P.M. unless otherwise noted. The statement of criteria will be read at the beginning of the hearings.**

**5.1 Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change Case No. CPC-NPC-ZC20-04 for 2400 Block of Commercial Street NE and Liberty Street NE; Ward 5 – Highland Neighborhood Association; Bryce Bishop, [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net)**

**SUMMARY:** A consolidated Minor Comprehensive Plan Map Amendment from "Commercial" and "Multiple Family Residential" to "Community Service Government," Minor Neighborhood Plan Map Amendment to Community Service Government, and Zone Change from CG (General Commercial) and RM-II (Multiple Family Residential) to PS (Public Service).

**REQUEST:** A consolidated Minor Comprehensive Plan Map Amendment from "Commercial" and "Multiple Family Residential" to "Community Service Government," Minor Neighborhood Plan Map Amendment to Community Service Government, and Zone Change from CG (General Commercial) and RM-II (Multiple Family Residential) to PS (Public Service) for properties totaling approximately 1.89 acres in size and located in the 2400 Block of Commercial Street NE and Liberty Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W15AD05600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, & 6400).

**Recommended Action:** Based upon the Facts and Findings contained in this staff report, staff recommends the Planning Commission take the following action concerning the consolidated application for the subject 1.89 acre property located in the 2400 Block of Commercial Street NE and Liberty Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W15AD05600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, & 6400):

- A. **DENY** the Minor Comprehensive Plan Map Amendment from "Commercial" and "Multiple Family Residential" to "Community Service Government;"
- B. **DENY** the Minor Neighborhood Plan Map Amendment to "Community Service Government;" and

C. **DENY** the Quasi-Judicial Zone Change from CG (General Commercial) and RM-II (Multiple Family Residential) to PS (Public Service).

**Motion:** Move to re-open the hearing.

**Motion by:** Commissioners McKinley

**Seconded by:** Commissioner Pollock

**Vote:**

*Aye:* Augustyn, Griggs, Kopcho, Levin, McKinley, Pollock, Schweickart, Slater

*Nay:* 0

*Abstentions:* 0

*Absent:* Heller

**Action:** Moved to re-open the hearing.

Case Manager Bryce Bishop entered an Open Record Memo dated August 11, 2020 with alternatives for the Planning Commission to consider. He then summarized the case up to this point including the additional information that was submitted on the case after the closing of the initial hearing.

**Alternative 1:**

Approve the requested minor comprehensive plan map amendment, minor neighborhood plan map amendment, and zone change for the northern four CG zoned properties (tax lot numbers 073W15AD06000, 6100, 6200, & 6300), the RM-II zoned property located within the middle of the site (tax lot number 073W15AD05900), and the northernmost portion of the RM-II zoned property located at the southeast corner of site (tax lot number 073W15AD06400) that are currently being used for the traffic signal shop facility.

This alternative would allow the existing signal shop facility to become a lawful conforming use in the zone as well as allow for the multiple family designated portion of the site which is not currently developed with improvements for the signal shop facility to remain designated and zoned for multiple family residential. This alternative would require the following conditions of approval:

**Condition 1A:** Reconfigure tax lots 073W15AD05900, 6000, 6100, 6200, & 6300, and 6400 as follows:

- 1) Relocate the existing property line between tax lots 073W15AD06300 and 6400 to the south so that the property line is located 20 feet south of the existing driveway in conformance with required PS zone parking and vehicle use area setbacks; and
- 2) Consolidate tax lots 073W15AD05900, 6000, 6100, 6200, & reconfigured tax lot 6300 into one PS zoned lot.

**Condition 1B:** Setbacks, landscaping, and screening shall be provided for the consolidated PS zoned lot as follows. Where a minimum 6-foot tall-sight-obscuring hedge is required it shall be a minimum of 6 feet in height at the time of planting and shall be located within the setback along the edge that is closest to the interior of the site.

- 1) North Property Line. A minimum 5-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided along the north property line. For the portion of the north property line located to the west of the existing entrance gate into the storage area, a minimum 6-foot-tall sight obscuring hedge shall also be provided.
- 2) South Property Line. A minimum 20-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight-obscuring hedge, shall be provided along the south property line.
- 3) East Property Line. Along the portion of the east property line located between the two existing driveways onto Liberty Street NE, the setback area between the existing office building and Liberty Street shall be landscaped according to the Type A landscaping standards of SRC Chapter 807.

Along the portion of the east property line located to the north of the northernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided.

- 4) West Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the west property line.
- 5) Storage Area Entrance/Exit Gates. The existing cyclone fence entrance and exit gates into the storage area that are located to the north and south of the existing building shall be made sight-obscuring.

**Condition 1C:** The applicant shall submit a revised Transportation Planning Rule (TPR) analysis to be reviewed by the City Traffic Engineer reflecting the approved revised comprehensive plan map and zoning designation boundaries for the property. The transportation impacts resulting from any future development of the consolidated PS zoned lot shall be limited to the maximum cumulative total number of average daily vehicle trips identified in the approved revised TPR analysis.

### **Alternative 2:**

Approve the requested minor comprehensive plan map amendment, minor neighborhood plan map amendment, and zone change for the entire property.

This alternative would allow the existing signal shop facility to become a lawful conforming use in the zone and allow for ODOT's proposed expansion to provide additional outdoor storage area on site. It would also, however, result in the loss of multiple family residential land designated through the Salem Multiple Family Residential Land Study (SMFRLS) process. This alternative would require the following conditions of approval:

**Condition 2A:** All of the individual lots which make up the 1.89-acre property shall be consolidated into one lot.

**Condition 2B:** Setbacks, landscaping, and screening shall be provided for the consolidated PS zoned lot as follows. Where a minimum 6-foot tall-sight-obscuring hedge is required it shall be a minimum of 6 feet in height at the time of planting and shall be located within the setback along the edge that is closest to the interior of the site.

- 1) North Property Line. A minimum 5-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided along the north property line. For the portion of the north property line located to the west of the existing entrance gate into the storage area, a minimum 6-foot-tall sight obscuring hedge shall also be provided.
- 2) South Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the south property line adjacent to Hickory Street NE.
- 3) East Property Line. Along the portion of the east property line located between the two existing driveways onto Liberty Street NE, the setback area between the existing office building and Liberty Street shall be landscaped according to the Type A landscaping standards of SRC Chapter 807.

Along the portion of the east property line located to the north of the northernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided.

Along the portion of the east property line located to the south of the southernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight-obscuring hedge, shall be provided.

- 4) West Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the west property line adjacent to Commercial Street NE.
- 5) Storage Area Entrance/Exit Gates. The existing cyclone fence entrance and exit gates into the storage area that are located to the north and south of the existing building shall be made sight-obscuring.

**Condition 2C:** The transportation impacts from the 1.89-acre site shall be limited to a maximum cumulative total of 2,406 average daily vehicle trips.

**Questions or Comments for Staff by Commissioners:** Commissioners Griggs and Pollock

**Testimony from the Applicant/Representatives:** Dan Fricke, Senior Planner with ODOT, 455 Airport Road SE Building B, Salem OR 97301

Dan Fricke introduced Matt Hastie and Courtney Simms, Angelo Planning Group, 921 SW Washington St Suite 468, Portland OR 97205, Laura Wilson, On-Site Manager of the existing signal shop, and Galen McGill, Intelligent Transportation System Manager, and let the commissioners know they are available to answer questions related to the existing site.

**Questions or Comments for Applicant/Representatives by Commissioners:**

Commissioners Griggs, Pollock and Schweickart

**Additional Questions or Comments for Staff by Commissioners:** Commissioners Griggs, Schweickart, Pollock, Levin and Slater

**Applicant/Representatives Rebuttal:** Dan Fricke, Senior Planner with ODOT and Matt Hastie, Angelo Planning Group

**Additional Questions or Comments for Applicant/Representatives by Commissioners:** Commissioner Pollock

**Additional Questions or Comments for Staff by Commissioners:** None

**Motion:** Move to continue the hearing.

**Motion by:** Commissioner Pollock

**Seconded by:** None

**Action:** Motion failed.

With no further questions of staff and without a second to the motion to continue the public hearing, the public hearing was closed at 6:32 P.M.

**Motion:** Move to adopt staff recommendation.

**Motion by:** Commissioner McKinley

**Seconded by:** Commissioner Slater

**Comments:** Commissioners Slater, Schweickart, Pollock, Kopcho, Levin and Griggs

**Vote:**

*Aye:* Augustyn, Kopcho, Slater

*Nay:* Griggs, Levin, McKinley, Pollock, Schweickart

*Abstentions:* 0

*Absent:* Heller

**Action:** Motion failed.

**Motion:** Move to **APPROVE** the consolidated Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change Case No. CPC-NPC-ZC20-04 with conditions recommended in Alternative 2.

**Motion by:** Commissioner Pollock

**Seconded by:** Commissioner Slater



**Motion Amendment:** Friendly amendment to the motion maker to include a condition to change the zone back to an appropriate zone if/when ODOT sells the property.

**Motion by:** Commissioner Levin

**Discussion on the motion amendment:** Commissioner Pollock

Friendly amendment rejected.

**Questions or Comments by Commissioners:** Commissioners Schweickart, Pollock, Levin

**Vote:**  
Aye: Augustyn, Griggs, Levin, McKinley, Pollock, Schweickart, Slater  
Nay: Kopcho  
Abstentions: 0  
Absent: Heller

**Action:** Moved to **APPROVE** the consolidated Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change Case No. CPC-NPC-ZC20-04 with the following conditions of approval:

**Condition 1:** All of the individual lots which make up the 1.89-acre property shall be consolidated into one lot.

**Condition 2:** Setbacks, landscaping, and screening shall be provided for the consolidated PS zoned lot as follows. Where a minimum 6-foot tall-sight-obscuring hedge is required it shall be a minimum of 6 feet in height at the time of planting and shall be located within the setback along the edge that is closest to the interior of the site.

- 1) North Property Line. A minimum 5-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided along the north property line. For the portion of the north property line located to the west of the existing entrance gate into the storage area, a minimum 6-foot-tall sight obscuring hedge shall also be provided.
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- 3) East Property Line. Along the portion of the east property line located between the two existing driveways onto Liberty Street NE, the setback area between the existing office building and Liberty Street shall be landscaped according to the Type A landscaping standards of SRC Chapter 807.

Along the portion of the east property line located to the north of the northernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided.

Along the portion of the east property line located to the south of the southernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight-obscuring hedge, shall be provided.

- 4) West Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the west property line adjacent to Commercial Street NE.
- 5) Storage Area Entrance/Exit Gates. The existing cyclone fence entrance and exit gates into the storage area that are located to the north and south of the existing building shall be made sight-obscuring.

**Condition 3:** The transportation impacts from the 1.89-acre site shall be limited to a maximum cumulative total of 2,406 average daily vehicle trips.

**VOTE:**

**Yes 7      No 1 (Kopcho)      Abstain 0      Absent 1 (Heller)**

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**6. SPECIAL ORDERS OF BUSINESS:** None

**7. INFORMATION REPORTS:** None

**8. PUBLIC COMMENT (other than agenda items):** None

**9. PLANNING ADMINISTRATOR'S REPORT:**

- Annual Report of the Salem Planning Commission to the City Council is due. Will go to City Council on September 14<sup>th</sup> or 28<sup>th</sup>.
- Meeting format is changing for the Planning Commission meetings starting on September 1<sup>st</sup>, public testimony will be allowed.

**10. COMMISSIONER COMMENTS FOR THE GOOD OF THE ORDER:**

Commissioner Pollock is confirming we are still on for the joint session with City Council on September 23<sup>rd</sup>, confirmed yes. Commissioner Slater asked for an update on the Climate Action plan, Lisa Anderson-Ogilvie, explained it is being staffed by Public Works and they have hired a consultant to work on the project, putting together an advisory committee. Staff is mindful of the need to coordinate between the Climate Action Plan and the Our Salem project. Commissioner Kopcho asked about the process on suggestions for expanding the Salem Planning Commission roles.

**11. ADJOURNMENT:**

There being no further business for the record, the meeting was adjourned at 7:28 P.M.

SUBMITTED:

  
\_\_\_\_\_  
Chane Griggs, President

ATTESTED:

  
\_\_\_\_\_  
Lisa Anderson-Ogilvie, AICP  
Deputy Community Development Director and  
Planning Administrator