

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, May 8, 2017

6:00 PM

Council Chambers

City Council

1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)**Call to Order**

6:10 p.m.

Roll Call

Present: 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Lewis, Councilor Hoy, and Mayor Bennett

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor McCoid, seconded by Councilor Cook to approve the additions and deletions to the agenda.

The motion carried with the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors McCoid, Lewis, Kaser, Andersen, Nanke and Mayor Bennett.

1.3 PROCLAMATIONS**1.3 a.** Proclamation recognizing Make Music Day Salem

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Proclamation - Make Music Day Salem.pdf](#)

Mayor Bennett read the proclamation.

1.3 b. Proclamation recognizing National Safe Boating Week

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Proclamation - National Safe Boating Week.pdf](#)

Mayor Bennett read the proclamation.

1.3 c. Proclamation recognizing Police Week

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Proclamation - Police Week.pdf](#)

Mayor Bennett read the proclamation.

1.3 d. Proclamation recognizing Fill the Boot Days

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Proclamation - Fill the Boot Days.pdf](#)

Mayor Bennett read the proclamation.

1.4 PRESENTATIONS

None.

2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)

Appearances by:

Evan Bosch, 595 Taybin Road NW, Salem, Engrossed Ordinance Bill 3-17 TNC (17-209)

Zackary Reitan, 254 Turnage Street NW, Salem, Engrossed Ordinance Bill 3-17 TNC (17-209)

Shawn Johansen, 3415 3rd Avenue SE, Salem, Engrossed Ordinance Bill 3-17 TNC (17-209)

Chip Conrad, 2461 Equestrian Loop S, Salem, Engrossed Ordinance Bill 3-17 TNC (17-209)

3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

A motion was made by Councilor McCoid, seconded by Councilor Nanke to approve the consent calendar with the following pull: 3.3e by Councilor McCoid.

Questions and comments by: Councilor Andersen.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

3.1 MINUTES

3.1 a. April 24, 2017 Council Minutes

Attachments: [4-24-17 Council Minutes](#)

Action: approved.

3.2 RESOLUTIONS

None.

3.3 ACTION ITEMS

3.3 a. Intergovernmental Agreement with Marion County for Slurry Seal Maintenance

Ward(s): 1, 2, 3, 4, 6, 7 and 8

Councilor(s): Kaser, Andersen, Nanke, McCoid, Hoy, Cook, Lewis

Neighborhood(s): Highland, SESNA, NOLA, South Gateway,
Sunnyslope, Morningside, SWAN, West Salem

Attachments: [2017 Slurry Seal Streets](#)
[IGA Marion County Slurry Seal](#)

Authorized the City Manager to execute an Intergovernmental Agreement with Marion County for the design and construction of an asphalt slurry seal surfacing project on various City streets and at the Geren Island Water Treatment Facility.

3.3 b. Subordination of a HOME Investment Partnership Single Family Rehabilitation Loan

Ward(s): Ward 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

Authorized the subordination of a HOME Investment Partnership (HOME) Single Family Rehabilitation deferred payment loan for a property located at 5212 9th Court SE.

3.3 c. Intersection improvements at Commercial and Union Streets

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDU, Grant

Attachments: [Grant Amendment for Commercial & Union](#)

Approved grant amendment to receive \$125,000 of Riverfront-Downtown Urban Renewal Area (RDURA) funding for construction of improvements to the intersection at Commercial and Union Streets.

3.3 d. Streetlight Re-lamping Incentives through the Energy Trust of Oregon

Ward(s): All

Councilor(s): All

Neighborhood(s): All

Attachments: [Attachment 1 - Agreement](#)

Authorized the City Manager to submit an application, which if accepted, would constitute an agreement with the Energy Trust of Oregon for funding incentives in support of the streetlight re-lamping project.

3.3 e. Affordable housing development at 3350 Portland Road, NE.

Ward(s): Ward 5

Board Member(s): Ausec

Neighborhood(s): Northgate, Highland

Attachments: [Map](#)
[Draft HOME Funding Commitment Letter](#)
[Draft HOME Funding Agreement](#)

Pulled by Councilor McCoid - see agenda item 5.a.

3.3 f. Position on elements of a possible state transportation funding package

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Ratified Salem's position on a transportation funding package, as may be proposed in the Oregon State Legislature, as recommended by the Council Legislative Committee.

4. PUBLIC HEARINGS

4. a. Public hearing regarding vacation of a portion of Rose Garden Way NE

Ward(s): 5
Councilor(s): Ausec
Neighborhood(s): Northgate

Attachments: [Surveyor's Map of Proposed Vacation](#)
[Rose Garden Way NE Vicinity Map](#)
[Portland Road Apartment Complex Site Plan](#)
[Notice of Public Hearing](#)
[Right-of-way Vacation Valuation](#)

Persons Testifying: None.

Organizations: None.

Questions and Comments by: Councilor Andersen.

A motion was made by Councilor Ausec, seconded by Councilor Nanke to approve the vacation of a portion of Rose Garden Way NE, and waive payment of the Assessment of Special Benefit of \$28,620.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

4. b. Short-term rental development standards and licensing requirements

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

Attachments: [Attachment 1 Ordinance Bill 5-17](#)
[Attachment 2 Planning Commission Recommendation \(March 7, 2017\)](#)
[Attachment 3 Neighborhood Association Comments](#)
[Attachment 4 Airbnb Comments](#)
[Written Testimony - SCAN](#)
[Written Testimony 1](#)

Persons Testifying:

Jeff Schumacher, 1945 W. Nob Hill SE, Salem
Scott Snyder, 201 Liberty Street SE, Salem
Larry Weber, 3045 Crestview Drive, Salem
George Struble, 210 18th Street NE, Salem
Eric Miller, 3275 Crestview Drive, Salem
Jack Ogami, 3255 Sumac Drive, Salem

Carole Lawson, 1811 Chemeketa Street NE
Barbara Palermo, 851 Whitetail Deer Street NW, Salem
Rose Barker, 1190 Winter Street NE, Salem

Organizations: None.

Comments and Questions by:
Councilors Kaser, Andersen, Cook, McCoid, Lewis, Hoy and Nanke.

A motion was made by Mayor Bennett, seconded by Councilor McCoid to continue the public hearing to May 22nd.

Motion withdrawn by Mayor Bennett.

A motion was made by Councilor Cook , seconded by Councilor Anderson to direct staff to prepare a fee resolution to set the licensing fees for short term accessory rentals and additional inspected rental units in an amount adequate to allow the city to hire additional Code Enforcement officers to ensure the proper compliance of the licensing and zoning standards for short term and accessory rentals; to revisit code fines; and develop polices to adequately communicate with Neighborhood Associations.

Motion withdrawn by Councilor Cook.

A motion was made by Mayor Bennett, seconded by Councilor Andersen to continue the public hearing to May 22nd and keep the record open. Mayor Bennett also requested a work session on May 22nd at 5:30 p.m.

The motion carried by the following vote.

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

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. Affordable housing development at 3350 Portland Road, NE.

Ward(s): Ward 5

Board Member(s): Ausec

Neighborhood(s): Northgate, Highland

Attachments: [Map](#)
[Draft HOME Funding Commitment Letter](#)
[Draft HOME Funding Agreement](#)

A motion was made by Councilor McCoid, seconded by Councilor Lewis to authorize the execution of a Development Agreement with Cornerstone GP, LLC and Cornerstone Apartments Limited Partnership, consistent with the terms and conditions identified in the related commitment letters and HOME Funding Agreements, to support the construction of a 180 unit affordable housing development at 3350 Portland Road, NE.

Comments and Questions by: Councilor Andersen.

The motion carried with the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

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

6. a. Purchases approved administratively - March 1, 2017, through March 31, 2017.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Purchases approved administratively - March 2017](#)

This information report was received and filed.

6. b. Planning Administrator's Decision - Partition - Approved - Boone Road Land SL LLC (Douglas Sproul) - 2900 Block of Boone Road SE - A proposed partition to divide a property approximately 14.5 acres in size into two parcels, approximately 6.72 acres and 8.86 acres in size.

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

Attachments: [Land Use Decision PAR17-01](#)

This information report was received and filed.

6. c. Hearings Officer Decision - Conditional Use Case No. CU17-03 - Approved - Wade Harris - 1248-1290 Winter Street NE - A request for a Conditional Use Permit to allow a child day care center (Educational Services) use on the subject property.

Ward(s): 1
Councilor(s): Kaser
Neighborhood(s): Grant

Attachments: [Land Use Decision CU17-03](#)
[Grant Neighborhood Letter](#)

This information report was received and filed.

- 6. d.** Planning Commission Decision - Class 3 Design Review/Class 3 Site Plan Review/Class 2 Adjustment/Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP17-01 - Approved - Modelia LLC (Robyn Morley, Patrick Morley) - 2758 Claxter Road NE - Proposed development of a 24-unit apartment complex, with an Adjustment request to reduce required interior setbacks.

Ward(s): 5
Councilor(s): Ausec
Neighborhood(s): Northgate

Attachments: [Land Use Decision Case No. DR-SPR-ADJ-DAP17-01](#)

This information report was received and filed.

- 6. e.** Planning Administrator Decision - Subdivision Case No. SUB17-02 - Approved - MRB Enterprises Inc. (Mike Barnes) - 5320 and 5390 Sunnyside Road SE - An 11-lot subdivision ("9th Court Addition") on the east side of Sunnyside Road SE, just north of Baxter Road SE. The two existing residences along Sunnyside Road SE would remain.

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

Attachments: [Land Use Decision SUB17-02](#)

This information report was received and filed.

- 6. f.** Planning Commission Decision - Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC17-02 - Approved - MWSH Boone Road Property LLC (Chris Jundt, Pam Gray, Kelley D Hamilton) - 3290 Boone Road SE - A consolidated application to change the Comprehensive Plan Map designation and zoning of an approximately 80 acre property from "Industrial" with IP (Industrial Park) zoning to "Industrial Commercial" with IC (Industrial Commercial) zoning.

Ward(s): 4
Councilor(s): McCoid
Neighborhood(s): SEMCA

Attachments: [Land Use Decision CPC-ZC17-02](#)

This information report was received and filed.

6. g.

Planning Administrator Decision - Subdivision / Urban Growth Preliminary Declaration SUB-UGA17-01 - Approved - Trademark Enterprises LLC (Ryan L. Bloedel), Clear View II LLC (R. Dean Pickett, Richard Brandvold and Kenneth A. Coe)- 3800 Block of Illahe Hill Road S - A consolidated application for an 11-lot subdivision and Urban Growth Preliminary Declaration to determine public facilities required to serve the development.

Ward(s): 7
Councilor(s): Cook
Neighborhood(s): SWAN

Attachments: [SUB-UGA17-01 Decision Revised](#)

This information report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

7.1 a. Utility Code

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

Attachments: [Ordinance Bill No. 7-17](#)

A motion was made by Councilor McCoid, seconded by Councilor Nanke to proceed to second reading for enactment of Ordinance Bill No. 7-17, amending Salem Revised Code Chapters 70, 70A, 71, 72, and 73.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

7.1 b. Proposed amendments to Salem Revised Code (SRC) Chapter 102

relating to parking

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Ordinance Bill No. 9-17](#)

A motion was made by Councilor Kaser, seconded by Councilor McCoid to advance Ordinance Bill No. 9-17 amending SRC Chapter 102 to simplify regulations and to reflect new parking technology, to second reading for enactment.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

7.1 c. Vacating a portion of Rose Garden Way NE and declaring an emergency

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

Attachments: [Ordinance Bill No. 12-17](#)
[Surveyor's Map of Vacation Area](#)
[Rose Garden Vicinity Map](#)
[Portland Road Apartment Complex Site Plan](#)

A motion was made by Councilor Ausec, seconded by Councilor Hoy to conduct first reading of Ordinance Bill No. 12-17, which vacates a portion of Rose Garden Way NE, advance it to second reading for enactment, and declare an emergency.

The motion carried with the following vote:

7.1 d. Proposed Amendments to the Salem Revised Code (SRC) to allow multiple family residential use in publicly owned historic buildings in the Public and Private Health Services (PH) Zone. (Ordinance No. 11-17; Case No. CA17-04)

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Attachment 1. Ordinance No. 11-17](#)
[Attachment 2. Exhibit to Ordinance No. 11-17](#)

A motion was made by Councilor McCoid, seconded by Councilor Andersen to direct staff to schedule a public hearing before the City Council on Ordinance No. 11-17 for the purpose of amending Salem Revised Code (SRC) Chapters 543 and 702 to allow multiple family residential use in publicly owned historic buildings in the Public and Private Health Services (PH) Zone.

7.1 e.

Comprehensive Plan Map Change - "Industrial" to "Industrial Commercial" for a 80- acre property located at 3290 Boone Road SE.

Ward(s): 4
Councilor(s): McCoid
Neighborhood(s): SEMCA

Attachments: [Vicinity Map](#)
[Planning Commission Recommendation](#)
[Ordinance 13-17](#)
[Ordinance 13-17, Exhibit 1](#)
[Ordinance 13-17, Exhibit 2](#)

A motion was made by Councilor McCoid, seconded by Councilor Cook to conduct first reading of Ordinance Bill No. 13-17, changing the Comprehensive Plan Map designation from Industrial to Industrial Commercial for an approximately 80 acre property located at 3290 Boone Road SE and proceed to second reading.

7.2 SECOND READING:**7.2 a.**

Amendments to the Salem Revised Code (SRC) to permit domestic violence shelters in residential and commercial zones (Ordinance Bill No. 6-17; Case No. CA17-02)

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

Attachments: [Attachment 1. Planning Commission Recommendation](#)
[Attachment 2. Ordinance Bill No. 6-17](#)
[Attachment 3. Ordinance Exhibit 1](#)
[Attachment 4. SCAN Comments](#)
[Attachment 5. ELNA Comments](#)
[Attachment 6. NEN Comments](#)
[Attachment 7. SESNA Comments](#)
[Attachment 8. Letter from the Center for Hope & Safety](#)
[Attachment 9. Grant Neighborhood Comments](#)

Conducted second reading of Ordinance Bill No. 6-17, amending the Salem Revised Code to allow non-profit shelters for victims of domestic violence with 10 or fewer people as a permitted use in residential and commercial

zones, remove some siting requirements for domestic violence shelters in certain residential zones, and establish an off-street parking requirement for domestic violence shelters of one parking space per guest room or suite.

Adopted Ordinance Bill 6-17 by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

- 7.2 b.** Vehicles for hire, taxis, and transportation network companies, Engrossed Ordinance Bill No. 3-17 amending SRC chapter 30.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Engrossed Ordinance Bill No. 3-17](#)
[Attachment 2 Comparison of Current City Regulations with the Draft Amendments](#)
[Attachment 3 - Background Check Comparison](#)
[Comments from Willamette Valley Yellow Cab](#)
[Written Testimony - Hughes](#)
[Written Testimony - Kirk, Hemmer, Denning, Jones, Urban](#)
[Written Testimony 1](#)
[Written Testimony - Talbot](#)
[Draft amendments to Ordinance 3-17](#)
[Written Testimony](#)

Conducted second reading of Engrossed Ordinance Bill No. 3-17.

Adopted Ordinance Bill 3-17 by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

Testimony by:

Charles Cooksey, 320 Columbia Street, Salem, Driving vs. Right to Travel

9. ADJOURNMENT

8:50 p.m.