

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, October 28, 2019

6:00 PM

Council Chambers

City Council

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

6:01 p.m.

Roll Call

Present: 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor Ausec, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Leung, and Councilor Nordyke

Pledge of Allegiance

Led by Mayor Bennett.

Appointment to City Council Ward 7 Vacancy

- a. [19-516](#) Appointment to City Council Ward 7 Vacancy

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): All

The vote was conducted by ballot and the votes were tallied by Deputy City Attorney Natasha Zimmerman.

Vanessa Nordyke - 6 votes

Reid Sund - 2 votes

Vanessa Nordyke was appointed City Councilor for Ward 7, to a term ending December 31, 2020. Deputy City Attorney Zimmerman administered the oath of office immediately following the vote.

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Kaser to approve the addition of a supplemental report for item 1.4a.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Andersen, Lewis, Hoy, Leung, Mayor Bennett, and City Manager Powers.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

1.4a. [19-507](#) Resiliency Task Force progress update

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

Presentation by Greg Walsh, Program Manager, Salem Fire Emergency Management.

Questions or Comments by: Councilors Hoy, Nanke, Leung, and Mayor Bennett.

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

Appearances by:

Linda Thompson, 2232 42nd Avenue SE, Item 3.3b, File 19-488.

Ross Swartzendruber, 3655 Zena Road NW, Item 1.a, File 19-516

Matt Hale, Ward 4, Item 7.1e, File 19-474

Mark Wigg, No address provided, Thank you to Councilor Nordyke

Troy Parke, Parke 325, 8420 N. Smith, Item 3.2a, File 19-490

Questions or Comments by: Councilors Kaser, Lewis, Andersen, and Mayor Bennett.

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

A motion was made by Councilor Hoy, seconded by Councilor Ausec to approve the consent calendar with the pulls of item 3.2a by Councilor Leung and item 3.3b by Councilor Hoy.

Comments by Councilor Hoy.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

3.1 MINUTES

3.1a. 19-430 October 14, 2019 Draft City Council Minutes

Action: Approved.

3.1b. 19-512 October 21, 2019 Draft Council Minutes

Action: Approved.

3.1c. 19-514 October 21, 2019 Draft Council Work Session Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2a. [19-490](#) Multiple Unit Housing Tax Incentive Program application by Parke 325 LLC

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): NEN

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community.

Pulled by Councilor Leung - See item 5.a.

3.3 ACTION ITEMS

3.3a. 19-465

Real property lease with Oregon Mobile Pet Care, LLC at the Salem Municipal Airport

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

Result Area(s): Good Governance

Authorized the City Manager to execute the attached lease with Oregon Mobile Pet Care, LLC.

3.3b. 19-488

Mobile Home Park Preservation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

Pulled by Councilor Hoy - See item 5.b.

3.3c. 19-504

Order for City Council review of the Hearings Officer's decision approving a consolidated application to allow a recreational marijuana production facility for property located at 3625 Portland Road NE.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate Neighborhood Association

Result Area(s): Welcoming and Livable Community

City Council adopted the order AFFIRMING the decision of the Hearings Officer for Conditional Use/ Class 3 Site Plan Review Case No. CU-SPR19-04.

4. PUBLIC HEARINGS

4.a. 19-495

Appeal of the Planning Commission September 5, 2019 decision approving a consolidated application to change the Comprehensive Plan Map designation and/or zoning for several tax lots to accommodate future commercial and mixed-use development of property located at 2465, 2499, 2501, and 2519 Wallace Road NW and 1221 River Bend Road NW

Comprehensive Plan Change / Zone Change / Zone Change Case No. CPC-ZC-ZC19-10 - 3030 Riverbend LLC (Scott Martin)

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem

Result Area(s): Welcoming and Livable Community

Staff presentation by Pamela Cole, Planner, Community Development Planning Services.

Councilor Lewis disclosed that he made a site visit to the property, but that it would not affect his decision in this matter.

Persons Testifying:

Applicant's representative, Geoffrey James, 4676 Commercial Street SE

Applicant's representative, Rick Nys, Engineer, Greenlight Engineering, 13554 Rogers Road, Lake Oswego

Dan Gerges, P.O. Box 12914

Linda Bierly, 2308 Ptarmigan Street NW

Appellant's representative, James Clark, 2095 Opaque Avenue NW

E.M. Easterly, 775 Fir Gardens Street NW

Organizations Testifying:

Appellant's representative, Steve Anderson, 3240 Gehlar Road NW, speaking on behalf of West Salem Neighborhood Association

Questions or Comments by: Councilors Lewis, Andersen, Kaser, and Mayor Bennett.

Applicant's rebuttal by: Geoffrey James and Rick Nys.

Additional Comments or Questions by: Mayor Bennett and Councilors Lewis, Andersen, Kaser, Tony Martin, Assistant Traffic Engineer, Public Works, Pamela Cole, and Deputy City Attorney Natasha Zimmerman.

A motion was made by Councilor Lewis, seconded by Councilor Hoy to approve staff recommendation, to AFFIRM the September 5, 2019 Planning Commission's Decision, and to add a third condition that a trip cap be imposed, limited to a maximum of 2,085 average daily trips generated by the proposed use or uses.

Comments by: Councilor Lewis.

The motion carried by the following vote:**Aye:** 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke**Nay:** 0**Abstain:** 0**4.b. 19-501**

FY 2020 Supplemental Budget 1 for additional expense in the Trust and Agency Unanticipated Fund Budget.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Opening remarks were made by City Manager Powers.

Persons Testifying: None.

Organizations Testifying: None.

A motion was made by Councilor Hoy, seconded by Councilor Kaser to hold a public hearing on Supplemental Budget 1 and adopt Resolution No. 2019-81, thereby adopting City of Salem FY 2020 Supplemental Budget 1 for the Trust and Agency Unanticipated Fund, increasing expenditure appropriation authority and revenues in the amount of \$1,000,000.

The motion carried by the following vote:**Aye:** 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke**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. [19-490](#)

Multiple Unit Housing Tax Incentive Program application by Parke 325 LLC

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): NEN

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community.

A motion was made by Councilor Leung, seconded by Councilor Nanke to:

(1) Adopt Resolution No. 2019-80 approving an application by Parke 325 LLC for tax exemption under the City's Multiple Unit Housing Tax Incentive Program and;

(2) Direct staff to make a request to boards of other taxing districts to adopt a resolution agreeing with the policy of providing a tax exemption for the project, therefore exempting the project's full property tax liability.

Questions or Comments by: Councilors Leung, Hoy, Andersen, Lewis, Nanke, Kaser, Mayor Bennett, Clint Dameron, Manager, Urban Development Administrative Services, and Annie Gorski, Manager, Urban Development Administrative Services.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

5.b. **19-488**

Mobile Home Park Preservation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

A motion was made by Councilor Hoy, seconded by Councilor Nanke to incorporate the preservation of mobile home parks into the City's broader housing strategy when pursuing and distributing funding sources and updating the Salem Area Comprehensive Plan.

Questions or Comments by: Councilors Hoy, Nanke, Mayor Bennett, and Norman Wright, Community Development Director.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

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

6.a. [19-478](#)

Purchases approved administratively from September 1, 2019 through September 30, 2019.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

This Informational Report was received and filed.

6.b. [19-494](#)

Planning Administrator Decision - A proposal to divide a parcel along the westerly side of Williams Avenue NE into three parcels. The existing single-family residence would remain on one of the resultant parcels.

Partition / Class 2 Adjustment Case No. PAR-ADJ19-03 - Paul Lascola, The Right Solutions, On behalf of Victor Cortes - 3345 Williams Ave NE.

Ward(s): 5

Councilor(s): Matt Ausec

Neighborhood(s): Northgate Neighborhood Association

This Informational Report was received and filed.

6.c. [19-500](#)

Planning Commission Decision -Development of 659 single family and 36 multi-family residential units for property approximately 122 acres in size - Approved.

Comprehensive Plan Change / Zone Change / Planning Unit Development / Subdivision / Class 2 Adjustment Case No. CPC-ZC-PUD-SUB-ADJ19-08 - Mark Grenz, Multi-Tech Engineering, on behalf of, East Park, LLC (Randy Myers, Kiril Ivanov) - 255 Cordon Rd NE, 4800-4900 Block of State Street, and 4700-4800 Block of Auburn Road NE, Salem OR, 97301

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

This Informational Report was received and filed.

Comments by Councilor Hoy and Natasha Zimmerman, Deputy City Attorney.

6.d. [19-506](#)

Planning Administrator Decision - A modification of the phasing plan and related conditions of approval for the Mill Creek Corporate Center. - Approved.

Modification of a Phased Subdivision Case No. SUB08-05MOD2 - Steve Ward, Westech Engineering, on behalf of Darrin Brightman, Oregon Department of Administrative Services - 5400 Turner Rd SE.

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

7.1a. [19-122](#)

Salem Transportation System Plan Amendment for Greencrest Street NE

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): East Lancaster NA

Result Area(s): Safe, Reliable, and Efficient Infrastructure

A motion was made by Councilor Hoy, seconded by Councilor Ausec to conduct first reading of Ordinance Bill No. 18-19 to initiate a legislative land use proceeding to amend the Salem Transportation System Plan to shift the alignment of the proposed Greencrest Street NE extension and refer this matter to Planning Commission for a public hearing.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

7.1b. [19-491](#)

First reading of Ordinance Bill No. 19-19 vacating a portion of Dogwood Drive S.

Ward(s): 7

Councilor(s): Vacant

Neighborhood(s): SWAN

Result Area(s): Safe, Reliable, and Efficient Infrastructure.

A motion was made by Councilor Hoy, seconded by Councilor Kaser to conduct first reading of Ordinance Bill No. 19-19, which vacates a portion of Dogwood Drive S subject to the following condition:

*** Final approval of the Dogwood Heights Phase 2 Subdivision Plat, or**

*** Provision of easements for the construction, maintenance, repair, and replacement of existing municipal utilities proposed to remain within the current right-of-way in a form and location acceptable to the City.**

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

7.1c. [19-493](#)

Oregon State Hospital National Register Historic District Boundary Revision

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Welcoming and Livable Community

A motion was made by Councilor Kaser, seconded by Councilor Hoy to hold a public hearing on Ordinance Bill No. 15-19, amending Salem Revised Code (SRC) Chapter 230 to reflect approved changes to the boundary of the Oregon State Hospital National Register Historic District and removing the historic district from that portion of property located at 2575 Center Street NE consistent with the approved boundary revision.

Comments by: Councilor Kaser.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

7.1d. [19-447](#)

First reading of Ordinance Bill No. 11-19, creating an employee-paid tax on wages earned within the city of Salem, and referring the proposal to voters.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

A motion was made by Councilor Hoy, seconded by Councilor Lewis to conduct a first reading of Ordinance Bill 11-19, creating an employee-paid payroll tax, and referring the proposal to voters.

Questions or Comments by: Councilors Lewis, Andersen, Hoy, Nanke, Mayor Bennett, City Manager Powers, and Bob Barron, Chief Financial Officer.

The motion carried by the following vote:

Aye: 8 - Kaser, Andersen, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 1 - Nanke

Abstain: 0

7.1e. [19-474](#)

First reading of Ordinance Bill 12-19, creating a City Operations Fee to fund City services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

A motion was made by Councilor Hoy, seconded by Councilor Andersen to conduct first reading of Ordinance Bill No. 12-19, creating a City Operations Fee to fund City services.

Questions or Comments by: Councilors Hoy, Andersen, Leung, Lewis, Kaser, Nordyke, Nanke, and Mayor Bennett.

The motion carried by the following vote:

Aye: 6 - Kaser, Andersen, Ausec, Hoy, Leung, and Nordyke

Nay: 3 - Nanke, Lewis, and Bennett

Abstain: 0

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

9:07 p.m.