



## Staff Report

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**File #:** 18-249

**Version:** 1

**Date:** 5/29/2018

**Item #:** 3.3e.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Norman Wright, Community Development Director

**SUBJECT:**

Order for the appeal of the Hearings Officer's decision for Conditional Use / Quasi-Judicial Zone Change Case No. CU-ZC17-14 for property located in the 700 to 800 blocks of Commercial Street NE.

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): CANDO

**ISSUE:**

Shall the City Council adopt the order to affirm and modify the decision of the Hearings Officer for Conditional Use / Quasi-Judicial Zone Change Case No. CU-ZC17-14 approving the Union Gospel Mission of Salem's consolidated application for a conditional use permit to relocate their existing men's shelter from its current location at 345 Commercial Street NE to a proposed new location in the 700 to 800 blocks of Commercial Street NE and quasi-judicial zone change to change the zoning of that property from CO (Commercial Office) to CB (Central Business District) in order to make their existing retail store a conforming use?

\*The hearing for this matter is closed, and no further testimony will be accepted. This item is solely for the City Council to consider adoption of the written order as the final decision.

**RECOMMENDATION:**

Adopt the order to affirm and modify the decision of the Hearings Officer for Conditional Use / Quasi-Judicial Zone Change Case No. CU-ZC17-14.

**SUMMARY AND BACKGROUND:**

On February 9, 2018, the Hearings Officer approved a consolidated application submitted by the Union Gospel Mission (UGM) of Salem seeking approval of a conditional use permit to allow the relocation of the UGM's existing men's shelter with an expanded capacity to serve approximately 300

persons and a quasi-judicial zone change to change the zoning of the property from CO (Commercial Office) to CB (Central Business District). The decision was subsequently appealed on February 23, 2018.

## FACTS AND FINDINGS:

On April 23, 2018, the City Council conducted a public hearing to consider the appeal of the Hearings Officer's decision. After receiving evidence and testimony regarding the proposal, a request was made by the appellant to leave the record open for the submission of additional evidence and testimony. The Council granted the request and voted to close the public hearing and leave the written record open for additional evidence and testimony.

On May 14, 2018, the City Council conducted deliberations on the appeal and voted to affirm and modify the Hearings Officer's decision. The attached order provides the facts and findings related to the City Council's decision (**Attachment 1**).

### Procedural Objection by the Appellant

On May 21, 2018, Phil Grillo, attorney for David Glennie, submitted a letter to the City objecting to Council's deliberations on this matter, and alleging that the City Attorney and City Staff mislead Council during deliberations regarding Mr. Glennie's proposal for a "good neighbor agreement." (**Attachment 2**) Mr. Grillo alleges that Council believed that it could not discuss the proposal based on statements provided by Staff, and that failure resulted in a procedural error. Mr. Grillo requests that Council reopen deliberations so that Council can consider Mr. Glennie's proposal for a good neighbor agreement as part of its decision.

The City Attorney and staff believe that Mr. Grillo's objections are unfounded. A member of council asked staff to inform Council about the content of discussions staff had with the applicant regarding the appellant's proposal for a good neighbor agreement. The City Attorney responded that staff could not relate those discussions because that would constitute new evidence. In fact, Council did discuss the appellant's proposal for a good neighbor agreement, and discussed the importance of the applicant working with the neighborhood generally during deliberations.

It is recommended that, prior to adopting the proposed order, Council address this issue, either by rejecting Mr. Grillo's request, or directing that deliberations be reopened to discuss the appellant's proposed good neighbor agreement specifically.

Bryce Bishop  
Planner II

### Attachments:

1. City Council Order No. 2018-04 CU-ZC17-14
  - a. Exhibit A February 9, 2018, Hearings Officer's Decision
  - b. Exhibit B Supplemental Findings.