

Final Meeting Minutes – WSNA – 2019-08-19

Jim Allhiser called the meeting to order at 7:05PM. 141 members signed the roster, but more bodies were present. Steve Anderson moves to approve minutes – second by Nikki. Vote unanimous approval.

Jeffrey Tross & George Jennings – Titan Village LLC

George Jennings – obtained property in 1986, lived in West Salem until he retired from his business in 2012. We love Salem and we want this project to be right. We’ve watched the whole area grow up around us.

Jeffrey Tross – Land Use Consultant. Proposal for portion of property - SE corner of Orchard Heights and Doaks Ferry. Still a proposal, not a project, as we haven’t filed anything with the city yet.

First 3 acres of the property. Currently zoned as residential. Proposal is to rezone as a neighborhood commercial zone. Limits the size to 3 acres for that zone. Cannot be larger. No other commercial zone can exist within ½ mile. Limits types of commercial uses. Limited square footage per use (2000, 4000, or 5000 sq. ft.). Prohibits drive-thrus.

The other reason we bring this before you is the West Salem Neighborhood Plan. The existing plan says that small scale commercial services are to be provided at this intersection. The plan as it currently exists says “center.” The intent is to follow the goals and policies of the neighborhood plan and Salem Area Comprehensive Plan.

Public Comments, Questions, and Answers:

Comment: Purchase it and make it a Park

Comment: I’ll put money into a pool to hire some lawyers and fight this in court.

Comment: Do you need the money that bad?

Question: “Strip mall” is being described, yes? **Answer:** Yes.

Question: Marijuana dispensary? **Answer:** No, too close to school.

Question: Vape store? **Answer:** Unknown.

Question: Liquor store? **Answer:** Unknown, possibly.

Comment: I’m deeply discouraged by the ethical component of building this that close to a High School, Middle School, and Elementary School.

Question: Is this just the phase 1? What’s to become of the remaining acreage of this site? **Answer:** There are no other plans at this time.

Question: Can you give us an idea of another place in Salem that is zoned this way? **Answer:** Yes, Keubler and Battle Creek. The old Abiqua school.

Comment: We have had enough of this; we have owned property here for 54 years. We’ll fight this.

Question: Have you thought about transit to and from this area, visibility impacts if there are two story developments?

Answer: A few thoughts, a bus turnout, lots of pedestrian access.

Question: Vehicular entrances? **Answer:** See picture. Proposed from Doaks Ferry and from neighborhood.

Question: Will this be at-grade with the streets? **Answer:** Yes, from the street, viewing from the High School eastward. Brought to the same level as Doaks Ferry.

Question: Does the site require a traffic study? Who will do that? **Answer:** It does, we haven't had the traffic study done yet, would have to wait for school to be in session. City requires that the developer hire a traffic engineer to do the study, according to state rules. The traffic study is submitted with the application. It is reviewed by the city traffic engineer, to determine if the conclusions made by the study comply with city codes and goals.

Question: Can you guarantee that a cannabis place or liquor place won't go in there? **Answer:** Cannabis, no, restriction proximity to schools. Liquor, I cannot.

Comment: Why are you here, other than for the purpose of checking the community outreach box? **Answer:** We're here before we turned in the application in order to hear the concerns of the community. We want you to be informed, pro or con. We're here by our choice, and because this is the right thing to do.

Question from Steve Anderson: Have you looked at the Our Salem changes, or upcoming changes to the comprehensive plan? **Answer:** No, our obligation at this time is what is recorded. That is the existing plan. The future Our Salem program is not yet codified or recorded.

Comment: The second part will be apartments, I know it will.

Comment: Grading / entry into property – concern

Comment: Water drainage - We live below the High School. The grading of the land mass when they built the high school changed the water paths, has more or less destroyed one house, and has caused significant water issues for others.

Comment: Entrance directly across from the High School. Potential safety issue from jetting across there.

Comment and Discussion: Also proposing entrance from the street Opaque. Now is the time if you do not want those streets to be connectors to anything. If you want the streets closed in cul-de-sacs or otherwise, make those comments to the city.

Question – can we vote on the neighborhood association's support of this? **Answer:** No on two counts, one there hasn't been a proposal yet, and two, it was not on the agenda as a voting item. However, if you would like we can include that on the agenda for the next meeting.

(Secretary's comment – a vote was later taken on whether the members in attendance supported or did not support the proposal as described by Mr. Tross and Mr. Jennings. Since there is no pending land use application, the neighborhood association doesn't necessarily have anywhere to send this vote. If and when a land use application exists, the outcome of this vote, and these meeting minutes can be submitted as comments to that application.)

Riverbend & Wallace Rd. – Geoffrey James and Scott Martin

We appreciate your comments during phase 1, and we are happy to have saved as many trees as workable during phase 1. You can look forward to a similar effort and site plan for phase 2, to save trees and develop at a significantly lower density than allowed by zoning.

This area is also called "a center" – a mixed use development. A mixture of housing and small neighborhood shops. As was covered earlier, the neighborhood plan is the current document that we work from, to know what the neighbors in the area want development in the area to look like.

Phase 2, one of the neighbors approached us after a neighborhood meeting in phase 1 and asked if we'd like to purchase the property. Scott did so.

Other elements – we've built a downhill sewer line that will connect near brush college. We've installed a bioswale / drainage area, to pretreat stormwater before it enters the stormwater system.

We're also planning to restore the barn on the phase 2 property to be a community center. The apartments will be served by a narrow driveway with turnaround, and will feature a pool. 84 phase 2 units are proposed.

I think the opportunity for the small neighborhood shops have the potential to reduce daily trips, provided the businesses that choose.

Comment: Traffic / daily trips – it's going to add how many daily trips? Answer: See traffic study attached to land use application for specific numbers.

Comment: Yet to be proven, but I believe we need retail beyond their current locations in West Salem.

Motion by Stephen Williams, second by Paul Peterson, that the West Salem Neighborhood Association does not support or approve of the current proposal as described by Jeff Tross and George Jennings, Titan Village LLC.

120+ Aye, 10 Nay, 10 abstentions. Motion passes, WSNA members in attendance do not support the proposal.

The West Salem Neighborhood Association vote on this decision was made only by those in attendance on 2019-08-19 without prior public agenda notification.

Joel Plahn – District 16 Watermaster – Proposed Hemp Farm Water Use Discussion:

Joel provided the following information that was read by Jim Allhiser at the meeting:

Hi Jim,

Mike McCord the NW Region Manager and I have both been in communication with Jerry Reeves and his Attorney regarding the 77-acre parcel located at the end of 37th Ave. The Department has made it clear in verbal communication and written that this property does not have any water right of record. Until a water right is issued, the use of well POLK 54288 is limited to the uses of groundwater that are exempt under ORS 537.545, which do not include irrigation of a commercial crop. If it is found that irrigation outside of the ½ acre of non-commercial irrigation allowed under ORS 537.545 is occurring at this property that use will be regulated off and a notice of violation will be issued to the responsible party. If irrigation continues after being regulated off further enforcement actions including the assessment of civil penalties will be pursued. As always, please feel free to contact me with any questions.

Division 502

WILLAMETTE BASIN PROGRAM

690-502-0200

Chehalem Mountain, Eola Hills and South Salem Hills Ground Water Limited Areas

(1) Groundwater in the basalt aquifers in the Chehalem Mountain, Eola Hills and South Salem Hills Groundwater Limited Areas is classified for exempt uses, irrigation and rural residential fire protection systems only. Permits may be issued, for a period not to exceed five years, for fire protection and for drip or equally efficient irrigation provided the Director finds the proposed use and amount do not pose a threat to the groundwater resource or existing permit holders. The amount of water used for irrigation shall be further limited to one acre-foot per acre per year. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690, division 008.

(2) The Chehalem Mountain Groundwater Limited Area is as described and shown in Exhibit 8. The Eola Hills Groundwater Limited Area is as described and shown in Exhibit 10. The South Salem Hills Groundwater Limited Area is as described and shown in Exhibit 11.

(3) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in OAR 690-502-0250. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of

permit issuance, the applicant shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply.

[ED. NOTE: Exhibits referenced are available from the agency.]

Statutory/Other Authority: ORS 536 & 537

Attachment – Water Well Owner’s Handbook →

https://www.oregon.gov/OWRD/WRDPublications1/Well_Water_Handbook.pdf

Attachment – Water Rights in Oregon → <https://www.oregon.gov/owrd/WRDPublications1/aquabook.pdf>

Thanks, Joel Plahn
District 16 Watermaster
503-986-0889 Office
725 Summer St NE, Suite A
Salem, OR 97301

Reports:

Salem Police – Officer Bennett:

What are you interested in? Nothing specific to report but look to Chief Moore’s response about recent gun violence if you’re interested.

Comments from neighbor about transient populations, and general increase in crime. Lack of trust in Government. Comments about feces on downtown sidewalk. Adding fees to utility bill, low trust in the council to vote to increase fees or taxes without considering the public’s vote.

Thefts along Wallace Road, apartment complexes specifically. Always lock your car.

Question: would you say crime is higher near commercial properties? Answer: Not necessarily. There are rashes of vehicle smash-and-grabs in residential zones just as often as cars are broken into parked at a commercial or retail facility.

Comment: I choose to live and work in West Salem, and I’ve observed an increase in crime and other issues. Our taxes continue to increase. In my opinion we are not receiving the service we pay for. You don’t have enough officers.

Land Use – Sarah DuVal:

See attached Land Use Report.

Question about Wallace road ODOT vs City of Salem, Discussion RE: Dutch Brothers

Comment about bridge, trapped, odot, city.

Comments about investigating using SDCs collected in West Salem on West Salem projects.

Comment: One thing the city can do, now, is apply the fees collected in West Salem to the projects in West Salem, or maybe assign us another police officer.

Comments – planning commission meetings – SDCs collected in West Salem to be used in West Salem

(Secretary’s Comment – Received this information from Glenn Davis regarding special “309 lists” – a potential avenue to spend West Salem collected fees on West Salem projects, would need a champion to figure out what is or is not possible.)

Chris,

Below I've included a link to the SDC methodology. I'll point out a couple features that I hope will help you to understand the issues and make a recommendation.

The transportation project (309) lists are shown pages 24-31. You can review those to see which west Salem projects are already targeted for SDC funding. I will add that the 309 lists are not funded by SDCs entirely, but include SDC and non-SDC funding sources.

The process for adopting an area based, supplemental SDC is described on page 8. In case you weren't aware, SDC process requires data to support the recommendation and is not driven by citizen or developer preferences. I would suggest that you consider data collection as part of your recommendation, generally through a traffic study or some other similar source. Also, a supplemental SDC would likely require additional non-SDC funding to match SDC contributions, so you may want to consider alternative sources of funding as well.

Please feel free to call or email if you have any questions.

Methodology link:

<https://www.cityofsalem.net/CityDocuments/system-development-charges-methodology-report-2019.pdf>

-Glenn | 503-588-6211 | ext. 7377)

Parks – Micki Varney: Present, no report.

Traffic and Infrastructure – Nick Fortey: Present, no report.

Transit - Absent

WSBA: Present, no report

Edgewater – Steve Anderson:

Coffee with City Councilor Jim Lewis at the West Salem Farmer's Market on the 29th. Come down and share your concerns and ideas over a cup of Urban Grange coffee.

Glenn Gibson Watershed – Absent

General Comments and Questions:

Q: How to find current West Salem Plan? A: On city website.

Q: How to participate in Our Salem A: On city website, and they will be at the West Salem Farmer's Market

Old Business –

New Business –

Meeting ended at 8:50PM

Respectfully submitted – Chris Wilhelm – WSNA Secretary

LAND USE REPORT:

August 19, 2019 WSNA meeting, proposed response to the City regarding Phase II of the Riverbend Center project zoning change request.

Regarding open recreational space at the Riverbend Center project:

Per discussion with Geoffrey James, Architect and project representative:

The Riverbend Center project has considerable open and recreational space planned that the adjoining neighborhood is welcomed to use and enjoy. The open and recreational space is expected to be maintained by the property owner with Homeowner Association (HOA) fees. There is no guarantee that the open space will continue in existence or continue to be open to the neighborhood residents.

WSNA request that maintenance of the open space and community access to it be built into the City's project approval, should the project be approved, and that the penalty for failing to do so be sufficiently punitive that to break the agreement would not be worth it. (Example: the Linnwood Development Project, aka ACERO West Apartments, where certain trees were promised to be preserved - with foreknowledge of the developer that they were going to raise the surface elevation with three stories worth of fill and soil - paying the fine for not preserving the trees was well worth renegeing on the agreement.)

Regarding the impact of building projects on Wallace Road and the surrounding streets. The City does not look at cumulative impact on the road infrastructure. Each project is evaluated on its standalone impact. The lived experience, however, is cumulative. Wallace Road is currently overcapacity and considered to be failed, or failing.

Each new building development is assessed a System Development Charge (SDC.) For the Phase I and II Riverbend Center project the figure was approximately 1.5 million dollars.

The SDC fees go into the City's general fund to be used however the City sees fit. None of the recent West Salem projects' SDCs have been used to improve West Salem roads.

Additionally, administrative rule 660's transportation guidelines requires that if a project exceeds the capacity of the transportation facility (road) the City must impose mitigation charges on the developer, above and beyond the System Development Charges (SDCs) to mitigate the impact of the project on the failed or failing road. This is not being done and has not been done for past projects along Wallace Road.

WSNA insists that SDCs collected for West Salem building projects be applied to projects in West Salem that demonstratively ease the traffic situation and revive the failed and/or failing arterial roads and streets as evidenced by outcome base measures of the completed, tangible, road projects.

WSNA further insists that Administrative rule 660 regarding transportation guidelines be abided by.