

**MINUTES**  
**FINAL SALEM PLANNING COMMISSION Reviewer: Heller**  
**May 18, 2021**

**COMMISSIONERS PRESENT**

Dan Augustyn  
Chane Griggs, President  
Lisa Heller  
Ian Levin  
Brian McKinley, Vice President  
Joshlene Pollock  
Michael Slater

**COMMISSIONERS ABSENT**

Casey Kopcho, Excused  
Ashley Schweickart, Excused

**STAFF PRESENT**

Aaron Panko, Planner III  
Lisa Anderson-Ogilvie,  
Deputy CD Director and  
Planning Administrator  
Pamela Cole, Planner II  
Shelby Guizar, Admin Analyst  
Thomas Cupani, Deputy City  
Attorney

**Note: This meeting was held digitally during the home quarantine imposed by the Governor 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 5:31 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

May 4, 2021 Minutes (Commissioner Pollock)  
Recommended Action: Approve

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

**Motion by:** Commissioner Pollock  
**Seconded by:** Commissioner Levin

**Questions or Comments by:** None

**Vote:** Aye: Augustyn, Griggs, Heller, Levin, McKinley, Pollock, Slater  
Nay: 0

Abstentions: 0  
Absent: 2 (Kopcho, Schweickart)

**VOTE:**

**Yes 7      No 0      Abstain 0      Absent 2 (Kopcho, Schweickart)**

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.**

President Griggs asked the Commissioners if anyone had ex-parte communications or any conflicts of interest to state into the record. No conflicts or ex-parte contacts were noted.

**5.1 Comprehensive Plan Change and Zone Change Case No. CPC-ZC21-01 for 681 Rees Hill Road SE; Ward 4 – South Gateway Neighborhood Association; Pamela Cole, [PCole@cityofsalem.net](mailto:PCole@cityofsalem.net)**

**SUMMARY:** A Comprehensive Plan Change to "Parks, Open Space, and Outdoor Recreation" and Zone Change to PA (Public Amusement) for a portion of a City-owned property, concurrent with a proposed petitioner-initiated annexation and withdrawal from the Salem Suburban Rural Fire District.

**REQUEST:** A Comprehensive Plan Change from "Developing Residential" to "Parks, Open Space, and Outdoor Recreation" and Zone Change from Marion County UT-10 (Urban Transition - 10 Acre) to City of Salem PA (Public Amusement) for land east of the center line of the future extension of Lone Oak Road SE within a territory approximately 18.05 acres in size including 0.57 acres of Devon Avenue SE right-of-way and 17.47 acres of City-owned property at 681 Rees Hill Road SE 97306 (Marion County Assessor Map and Tax Lot Number 083W22C00400), concurrent with a proposed petitioner-initiated, voter-exempt annexation and a withdrawal of the territory from the Salem Suburban Rural Fire District.

Case Manager, Pamela Cole, entered the presentation, staff report, supplemental staff report, attachments and additional comments submitted at 5:15 p.m. day of the meeting into the record and proceeded with the presentation.

**Recommended Action:** Staff recommends that the Planning Commission adopt the facts and findings of the staff report and make the following recommendation to the City Council for the subject property consisting of approximately 16 acres of land generally east of the center line of the future extension of Lone Oak Road SE within a territory approximately 18.05 acres in size including 0.57 acres of Devon Avenue SE right-of-way and 17.47 acres of City-owned property at 681 Rees Hill Road SE 97306 (Marion County Assessor Map and Tax Lot Number 083W22C00400):

- A. That the Salem Area Comprehensive Plan Map Change from "Developing Residential" to "Parks, Open Space, and Outdoor Recreation" be GRANTED and
- B. That the zone change request from Marion County UT-10 (Urban Transition - 10 Acres)

to City of Salem PA (Public Amusement) be applied upon annexation of the property, contingent on approval of the "Parks, Open Space, and Outdoor Recreation" Comprehensive Plan Map designation, and subject to the following condition:

**Condition 1:** The proposed legal description of the boundary between the PA (Public Amusement Zone) and RA (Residential Agriculture) zone shall be submitted to the Planning Administrator for review and approval within one year of the effective date of the annexation or at the time of final approval of public construction plans for the extension of Lone Oak Road SE, whichever is later.

**Questions or Comments for Staff by Commissioners:** Commissioner Pollock

Testifying Parties:

Applicant:

- Toni Whitler, City of Salem Public Works Parks Planner, 555 Liberty St SE Room 325, Salem OR 97301

**Questions or Comments for Applicant by Commissioners:** Commissioners Pollock, Slater, Levin

Neighborhood Association(s):

- None

Support:

- None

Neutral:

- None

Opposed:

- None

**Additional Questions or Comments for Staff by Commissioners:** Commissioners Pollock, Slater

Rebuttal by Applicant:

- None

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

With no further questions, Commissioner Griggs closed the public hearing at 6:14 P.M.

Written request was received for the record be left open. This request would leave the record open for any new testimony for the next seven days until May 25, 2021 at 5:00 P.M. The record will be held open for any party to submit rebuttal testimony until June 1, 2021 at 5:00 P.M. The applicant stated into the record that they want to waive their final seven-day rebuttal period. President Griggs asked for a motion to grant the request.

**Motion:** Move to leave the record open for new testimony until May 25, 2021 at 5:00 P.M. and for rebuttal testimony until June 1, 2021 at 5:00 P.M.

**Motion by:** Commissioner McKinley

**Seconded by:** Commissioner Levin

**Discussion on Motion:** None

**Vote:**

*Aye:* Augustyn, Griggs, Heller, Levin, McKinley, Pollock, Slater  
*Nay:* 0  
*Abstentions:* 0  
*Absent:* 2 (Kopcho, Schweickart)

**Action:** Moved to leave the record open for new testimony until May 25, 2021 at 5:00 P.M. and for rebuttal testimony until June 1, 2021 at 5:00 P.M.

**VOTE:**

**Yes 7      No 0      Abstain 0      Absent 2 (Kopcho, Schweickart)**

President Griggs asked the Commissioners if anyone had ex-parte communications or any conflicts of interest to state into the record for the next case. No conflicts or ex-parte contacts were noted.

**5.2 Comprehensive Plan Change, Zone Change, Class 3 Site Plan Review, and Class 2 Adjustment Case No. CPC-ZC-SPR-ADJ21-02 for 5191 Portland Road NE; Ward 5 – Northgate Neighborhood Association; Aaron Panko, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net)**

**SUMMARY:** A request for a Minor Comprehensive Plan Map Amendment and Zone Change from CG (General Commercial) to IC (Industrial Commercial), Class 3 Site Plan Review for development of a shipping container sales use, and Class 2 Adjustment to reduce the landscape requirement for Phase 1 of development.

**REQUEST:** A Minor Comprehensive Plan Map Amendment from Commercial to Industrial Commercial and a Zone Change from CG (General Commercial) to IC (Industrial Commercial), and a Class 3 Site Plan Review application for development of a Warehousing and Distribution use (shipping container sales and storage), with a Class 2 Adjustment to reduce the minimum landscape requirement for Phase 1 from 12,050 square feet (15 percent of the total site area) to 4,340 square feet (5.4 percent), for property approximately 1.85 acres in size, and located at 5191 Portland Road NE - 97305 (Marion County Assessors Map and Tax Lot number: 062W31D / 01503).

Case Manager, Aaron Panko, entered the presentation, staff reports, and all attachments into the record and proceeded with the presentation.

**Recommended Action:** Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject property which is approximately 1.85 acres in size, designated “Commercial” on the Comprehensive Plan Map, zoned CG (General Commercial), and located at 5191 Portland Road NE - 97305 (Marion County Assessor’s map and tax lot number: 062W31D / 01503).

- A. APPROVE Minor Comprehensive Plan Map Amendment from “Commercial” to “Industrial Commercial”.
- B. APPROVE Zone Change from CG (General Commercial) to IC (Industrial Commercial), subject to the following conditions of approval:

- Condition 1:** No outdoor advertising signs shall be permitted on site.
- Condition 2:** Construct sidewalk along the frontage of the property, including the proposed driveway access. A permit will be required from ODOT for work in the state highway right-of-way. Civil plans will need to be submitted to ODOT for review and approval prior to construction.
- Condition 3:** Black privacy slats shall be installed in the proposed cyclone security fence facing towards Portland Road NE.
- Condition 4:** Site obscuring landscaping a minimum of six feet in height shall be installed and maintained in front of the privacy fence to provide further visual buffer of the storage yard from Portland Road NE.
- Condition 5:** No more than two Simple Box shipping container sample units may be placed in the proposed display area between the storage yard and Portland Road NE at any time.

C. APPROVE Class 3 Site Plan Review, subject to the following conditions of approval:

- Condition 6:** Prior to building permit issuance, the applicant shall demonstrate that a pedestrian connection from the proposed sales office building to the southern property line will be installed in compliance with SRC Chapter 800.
- Condition 7:** Prior to building permit issuance, the applicant shall demonstrate that the required bicycle parking spaces will be developed consistent with the standards in SRC Chapter 806.
- Condition 8:** Provide street trees to the maximum extent feasible along the frontage of Portland Road NE. A permit will be required from ODOT for work in the state highway right-of-way. Civil plans will need to be submitted to ODOT for review and approval prior to construction.
- Condition 9:** Provide a shared access easement for the proposed driveway.
- Condition 10:** Design and construct a storm drainage system in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

D. APPROVE Class 2 Adjustment to reduce the landscape requirement, subject to the following condition of approval:

- Condition 11:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

**Questions or Comments for Staff by Commissioners:** Commissioners Slater, Levin, Heller

Testifying Parties:

Applicant:

- Margaret Gander-Vo, Saalfeld Griggs Lawyers, 250 Church St SE, Salem OR 97301 and Ross Black, Anthem Enterprises LLC, 860 Sunrise Drive, Lynden WA 98264

**Questions or Comments for Applicant by Commissioners:** Commissioner Slater

Neighborhood Association(s):

- None

Support:

- None

Neutral:

- None

Opposed:

- None

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

Rebuttal by Applicant:

- None

With no further questions, Commissioner Griggs closed the public hearing at 6:47 P.M.

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

**Motion by:** Commissioner McKinley

**Seconded by:** Commissioner Slater

**Discussion on Motion:** Commissioner Griggs

**Vote:**

*Aye:* Augustyn, Griggs, Heller, Levin, McKinley, Pollock, Slater

*Nay:* 0

*Abstentions:* 0

*Absent:* 2 (Kopcho, Schweickart)

**Action:** Moved to approve the staff recommendation.

**VOTE:**

**Yes 7      No 0      Abstain 0      Absent 2 (Kopcho, Schweickart)**

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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:**

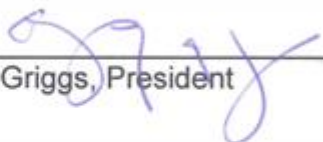
- June 1 work session on HB 2001, notice has been sent to Neighborhood Associations and builders and developer groups that are interested. The draft code provisions will be available a week before the work session and will be sent out to the public; public testimony will be accepted as a part of the work session.
  - At the City Council meeting held on May 17, 2021 staff presented draft concepts on zoning code amendments to allow micro-shelters, tent camping, car camping and warming shelters. Councilors gave feedback on draft concepts, no timelines given yet, hope is to come to Planning Commission first, but if Council wants to move faster, they might bypass the Planning Commission
  - Our Salem policy meeting tomorrow, May 19, 2021, on the new interactive zoning map that has been generating a lot of comments among the community. Meeting is to answer questions from the public about the proposed zone changes shown on the map.
  - Next Our Salem Zoning Subcommittee meeting will be held on May 27, 2021 from noon to 2 p.m.
  - Invite sent out today for a Department of Land Conservation and Development (DLCD) community event on climate change in equity rule making efforts. If anyone would like to attend, register with link provided earlier via email to commissioners.
- Commissioner Slater asked when we have the work sessions on code changes, what is expected of the commissioners
    - Lisa Anderson-Ogilvie answered that it is beneficial to have the concepts brought to the Planning Commission so staff can receive feedback on the concepts, since it will be open to the public that will also help staff with more input to assist in the formal code language
  - Commissioner Slater asked if there was a way with the current process on the interactive zoning map to mark areas to preserve for the future such as green space or historical spaces
    - Ms. Anderson-Ogilvie answered that through the zoning map we are picking properties to re-zone. Generally, we are not going to re-zone someone's property to a park zone if the city has no intention to purchase that property and make it a park, we do not want to prevent other development by rezoning. Doesn't feel that the zoning map is the method for that. The parks master plan would be updated once Our Salem is adopted, and at that time we would be able to discuss more details.

**10. COMMISSIONER COMMENTS FOR THE GOOD OF THE ORDER: None**

**11. ADJOURNMENT:**

There being no further business for the record, the meeting was adjourned at 6:57 P.M.

SUBMITTED:

  
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 Chane Griggs, President

ATTESTED:

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