

MINUTES
FINAL SALEM PLANNING COMMISSION Reviewer: Pollock
August 17, 2021

COMMISSIONERS PRESENT

Dan Augustyn
Lisa Heller
Casey Kopcho
Joshlene Pollock
Michael Slater

COMMISSIONERS ABSENT

Chane Griggs, Excused
Ian Levin, Excused
Brian McKinley, Excused

STAFF PRESENT

Bryce Bishop, Planner III
Dan Atchison, City Attorney
Lisa Anderson-Ogilvie,
Deputy CD Director and
Planning Administrator
Olivia Dias, Current Planning
Manager
Shelby Guizar, Admin Analyst
Steven McAtee, Planner II
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

Lisa Anderson-Ogilvie, as secretary, called the meeting to order at 5:31 p.m. and asked for a motion for a presiding officer for the meeting.

Motion: Move to nominate Commissioner Kopcho as presiding officer for the meeting.

Motion by: Commissioner Pollock
Seconded by: Commissioner Augustyn

Discussion on Motion: None

Vote: *Aye:* Augustyn, Heller, Kopcho, Pollock, Slater
 Nay: 0
 Abstentions: 0
 Absent: 3 (Griggs, Levin, McKinley)

Action: Moved to nominate Commissioner Kopcho as presiding officer for the meeting.

VOTE:

Yes 5 No 0 Abstain 0 Absent 3 (Griggs, Levin, McKinley)

2. ROLL CALL

Roll was taken and with quorum established, Presiding Officer Kopcho 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

August 3, 2021 Minutes (Commissioner Heller)

Recommended Action: Approve

Motion: Move to approve the minutes.

Motion by: Commissioner Heller

Seconded by: Commissioner Slater

Discussion on Motion: None

Commissioner Augustyn stated into the record that while he was absent from the August 3, 2021 Planning Commission meeting, he did watch the video and is prepared to vote on the minutes. Commissioner Pollock was unable to watch the video and chose to abstain from the vote.

Vote: Aye: Augustyn, Heller, Kopcho, Slater

Nay: 0

Abstentions: 1 (Pollock)

Absent: 3 (Griggs, Levin, McKinley)

Action: Moved to approve the minutes.

VOTE:

Yes 4 No 0 Abstain 1 (Pollock) Absent 3 (Griggs, Levin, McKinley)

4.2 Resolutions: UDC Amendment Resolution No. 21-01; A resolution initiating amendments to the Salem Revised Code (SRC) updating SRC Title X and other Chapters of the SRC.

Bryce Bishop, Planner III, provided a summary of the process of the UDC Amendments to date, and informed them that the adoption of the resolution tonight starts the formal process of adopting the UDC Amendments. The public hearing before the Planning Commission is scheduled for September 21, 2021 where the Commissioners will provide a recommendation to the City Council. Hope is for City Council to receive recommendation and have second public hearing on amendments sometime in December.

Questions or Comments by Commissioners: None

Motion: Move to approve the recommended action for the UDC Amendment resolution.

Motion by: Commissioner Pollock
Seconded by: Commissioner Augustyn

Discussion on Motion: None

Vote: *Aye:* Augustyn, Heller, Kopcho, Pollock, Slater
 Nay: 0
 Abstentions: 0
 Absent: 3 (Griggs, Levin, McKinley)

Action: Moved to approve the recommended action for the UDC Amendment resolution.

VOTE:

Yes 5 No 0 Abstain 0 Absent 3 (Griggs, Levin, McKinley)

4.3 Action Items: Approval of Order No. SUB-ADJ21-05 for Tentative Subdivision and Class 2 Adjustment

Olivia Dias, Current Planning Manager, provided a summary of the case up to this point.

Questions or Comments by Commissioners: Commissioners Heller, Pollock, Slater, Kopcho

Presiding Officer Kopcho requested a motion.

Motion: Move to deny the application.

Motion by: Commissioner Slater
Seconded by: Commissioner Heller

Discussion on Motion: Commissioner Slater, Pollock, Augustyn

Vote: *Aye:* Heller, Kopcho, Slater
 Nay: Augustyn, Pollock
 Abstentions: 0
 Absent: 3 (Griggs, Levin, McKinley)

Action: Moved to deny the application.

VOTE:

Yes 3 No 2 (Augustyn, Pollock) Abstain 0 Absent 3 (Griggs, Levin, McKinley)

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.

Presiding Officer Kopcho 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 Class 3 Design Review, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP21-03 for 454 Church Street NE;
Ward 1 – Central Area Neighborhood Development Organization (CAN-DO); Steven McAtee, smcatee@cityofsalem.net

SUMMARY: A proposed three-story mixed-use building with proposed retail and office uses and 20 units of multi-family housing.

REQUEST: Consolidated applications for a Class 3 Design Review, Class 3 Site Plan Review, three Class 2 Adjustments, and a Driveway Approach Permit for the development of a three-story mixed-use building with retail and office uses, and 20 units of multi-family housing. The approximately one-acre property is zoned CB (Central Business District), is within the General Retail/Office Overlay Zone, and is located at 454 Church Street NE (Marion County Assessors Map and Tax Lot Numbers: 073W22DD / 3000, 073W22DD / 3100 and 073W22DD / 2900).

Case Manager, Steven McAtee, entered the presentation, staff report, 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 take the following action for the subject property located at 454 Church Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DD / 3000, 073W22DD / 3100 and 073W22DD / 2900):

A. APPROVE the Class 3 Design Review for the proposed development, subject to the following condition of approval:

Condition 1: The applicant shall obtain a revocable license for the steel canopy encroaching into the right-of-way pursuant to SRC 76.

B. APPROVE the Class 3 Site Plan Review for the proposed development, subject to the following conditions of approval:

Condition 2: Prior to the issuance of building permits, the applicant shall record the approved replat (Replat Case No. REP21-01) of lots 6-9 of Block 68 of the Salem Plat into one lot.

Condition 3: Construct streetscape improvements to Church Street NE as specified in the City of Salem Downtown Streetscape Plan.

Condition 4: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

C. APPROVE the Class 2 Adjustments, subject to the following conditions of approval:

Condition 5: Prior to final building permit approval, the applicant shall install one-way signs and/or pavement markings in the parking lot near the driveway approach to Church Street NE.

D. APPROVE the Class 2 Driveway Approach Permit.

Questions or Comments for Staff by Commissioners: Commissioner Pollock

Testifying Parties:

Applicant:

- Jayne Downing, Center for Hope and Safety, 605 Center St NE, Salem OR 97301

Questions or Comments for Applicant by Commissioners: None

Neighborhood Association(s):

- None

Support:

- None

Neutral:

- None

Opposed:

- None

Additional Questions of Staff by Commissioners: Commissioner Slater

Rebuttal by Applicant:

- None

With no further questions, Presiding Officer Kopcho closed the public hearing at 6:12 p.m. and requested a motion.

Motion: Move to adopt the staff recommendation.

Motion by: Commissioner Pollock

Seconded by: Commissioner Augustyn

Discussion on Motion: Commissioners Kopcho, Pollock

Vote: Aye: Augustyn, Heller, Kopcho, Pollock, Slater

Nay: 0

Abstentions: 0

Absent: 3 (Griggs, Levin, McKinley)

Action: Moved to approve the staff recommendation.

VOTE:

Yes 5 No 0 Abstain 0 Absent 3 (Griggs, Levin, McKinley)

5.2 Appeal of Planning Administrator's decision on Fairview Refinement Plan Minor Amendment Case No. FRPA21-01 Pringle Creek Community Refinement Plan; Ward 3 – Morningside Neighborhood Association; Bryce Bishop, bbishop@cityofslaem.net

SUMMARY: Appeal of the Planning Administrator's decision to approve a minor amendment to the Pringle Creek Community Refinement Plan clarifying the minimum and maximum number of allowed residential units, updating minimum and maximum planned commercial square footages, and reducing minimum building frontage requirements in certain areas.

REQUEST: Appeal of the Planning Administrator's decision to approve a proposed minor amendment to the Pringle Creek Community Refinement Plan, the adopted Fairview refinement plan for the northernmost approximate 32.45 acres of the former Fairview Training Center site. The proposed minor amendment:

- a) Clarifies the minimum and maximum number of allowed residential units within Areas 1 through 8 of the refinement plan;
- b) Updates the minimum and maximum square footages of planned commercial development within Areas 3, 6, and 9 of the refinement plan; and
- c) Reduces the minimum building frontage per unit required in Areas 3 and 9 of the refinement plan from 16 feet to 13 feet.

The subject property is zoned FMU (Fairview Mixed-Use) and located generally at the northern end of the former Fairview Training Center site.

Case Manager, Bryce Bishop, entered the presentation, staff report, attachments, and all written comments received into the record and proceeded with the presentation.

Recommended Action: AFFIRM the Planning Administrator's June 22, 2021, decision approving Fairview Refinement Plan Minor Amendment Case No. FRPA21-01 amending the Pringle Creek Community Refinement Plan.

Questions or Comments for Staff by Commissioners: Commissioner Pollock,

Testifying Parties:

Applicant:

- Michael Keane, Garrett Hemann Roverton P.C., 1011 Commercial St NE, Salem OR 97301, on behalf of Jonathan Schachter, Sustainable Investments LLC

Questions or Comments for Applicant by Commissioners: Commissioner Slater

Appellant no.1:

- Terri Valiant, 3331 SE Sherman St, Portland OR 97214

Questions or Comments for Appellant by Commissioners: Commissioners Pollock, Kopcho

Appellant no.2:

- Dean Chu, 1871 Cousteau Loop SE, Salem OR 97302

Questions or Comments for Appellant by Commissioners: None

Neighborhood Association(s):

- None

Public:

- Jason Miranda, 2017 Audobon Ave SE, Salem OR 97302
Questions by Commissioners: None
- Janet Lorenzen, 1725 John Muir Cir SE, Salem OR 97302
Questions by Commissioners: Commissioner Pollock
- Susan Wilson, 1829 John Muir Cir SE, Salem OR 97302
Questions by Commissioners: None
- Dan Suhr, 1851 Cousteau Loop SE, Salem OR 97302
Questions by Commissioners: None
- Margaret Manoogian, 1735 John Muir Cir SE, Salem OR 97302
Questions by Commissioners: None
- Chloe Dixon, 3828 Village Center Dr SE, Salem OR 97302
Questions by Commissioners: None
- Lucy Hitchcock, 1715 John Muir Cir SE, Salem OR 97302
Questions by Commissioners: Commissioner Pollock
- Wilma Chu, 1871 Cousteau Loop SE, Salem OR 97302
Questions by Commissioners: Commissioner Pollock
- Shannon Mead & Bryan Cavaness, 8840 SW Holly Lane, Wilsonville OR 97070
Questions by Commissioners: Commissioner Pollock
- Steven Deyerle, 1839 John Muir Cir SE, Salem OR 97302
Questions by Commissioners: None

Motion: Move to approve a 15-minute extension to the meeting, extending the meeting to 9:15 p.m.

Motion by: Commissioner Pollock
Seconded by: Commissioner Augustyn

Discussion on Motion: None

Vote: *Aye:* Augustyn, Heller, Kopcho, Pollock, Slater
Nay: 0
Abstentions: 0
Absent: 3 (Griggs, Levin, McKinley)

Action: Moved to approve a 15-minute extension to the meeting, extending the meeting to 9:15 p.m.

VOTE:

Yes 5 No 0 Abstain 0 Absent 3 (Griggs, Levin, McKinley)

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

Rebuttal by Applicant:

- Michael Keane, Garrett Hemann Roverton P.C., 1011 Commercial St NE, Salem OR 97301, on behalf of Jonathan Schachter, Sustainable Investments LLC & James Myer

Motion: Move to approve a 15-minute extension to the meeting, extending the meeting to 9:30 p.m.

Motion by: Commissioner Slater

Seconded by: Commissioner Augustyn

Discussion on Motion: None

Vote: Aye: Augustyn, Heller, Kopcho, Pollock, Slater

Nay: 0

Abstentions: 0

Absent: 3 (Griggs, Levin, McKinley)

Action: Moved to approve a 15-minute extension to the meeting, extending the meeting to 9:30 p.m.

VOTE:

Yes 5 No 0 Abstain 0 Absent 3 (Griggs, Levin, McKinley)

Additional Questions or Comments for Applicant by Commissioners: None

Terri Valiant, one of the appellants, requested that the record be left open.

Presiding Officer Kopcho requested a motion.

Motion: Move to close the public hearing and leave the record open for new testimony until August 24, 2021 at 5:00 P.M. with rebuttal testimony until August 31, 2021 at 5:00 P.M. and final rebuttal by the applicant by September 7, 2021 at 5:00 P.M. with deliberations only at the September 21, 2021 Planning Commission meeting.

Motion by: Commissioner Pollock

Seconded by: Commissioner Augustyn

Vote: Aye: Augustyn, Heller, Kopcho, Pollock, Slater

Nay: 0

Abstentions: 0

Absent: 3 (Griggs, Levin, McKinley)

Action: Moved to close the hearing and leave the record open for new testimony until August 24, 2021 at 5:00 P.M. with rebuttal testimony until August 31, 2021 at 5:00 P.M. and final rebuttal by the applicant by September 7, 2021 at 5:00 P.M. with deliberations only at the September 21, 2021 Planning Commission meeting.

Presiding Officer Kopcho closed the public hearing at 9:19 p.m.

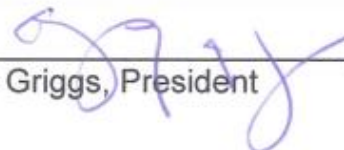
VOTE:

Yes 5 No 0 Abstain 0 Absent 3 (Griggs, Levin, McKinley)

- 6. **SPECIAL ORDERS OF BUSINESS:** None
- 7. **INFORMATION REPORTS:** None
- 8. **PUBLIC COMMENT (other than agenda items):** None
- 9. **PLANNING ADMINISTRATOR’S REPORT:**
 - Lisa Anderson-Ogilvie thanked the Commissioners for their dedication.
- 10. **COMMISSIONER COMMENTS FOR THE GOOD OF THE ORDER:** Commissioner Pollock said she wants to talk about Quasi-Judicial Zone Changes at another meeting.
- 11. **ADJOURNMENT:**

There being no further business for the record, the meeting was adjourned at 9:23 p.m.

SUBMITTED:



 Chane Griggs, President

ATTESTED:



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