

**MINUTES**  
**FINAL SALEM PLANNING COMMISSION Reviewer: Levin**  
**December 21, 2021**

**COMMISSIONERS PRESENT**

Dan Augustyn  
Daisy Goebel  
Chane Griggs, President  
Lisa Heller  
Casey Kopcho  
Ian Levin  
Brian McKinley, Vice-President  
Joshlene Pollock

**COMMISSIONERS ABSENT**

Michael Slater, Excused

**STAFF PRESENT**

Lisa Anderson-Ogilvie, Deputy CD  
Director and Planning Administrator  
Olivia Dias, Current Planning Manager  
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 5:30 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:**

President Griggs asked Commissioner Heller if she was able to review the December 7, 2021 meeting and if she is prepared to vote on the minutes, Commissioner Heller responded that she reviewed the last meeting and is prepared to vote.

- 4.1 Approval of Minutes  
December 7, 2021 Minutes (Commissioner Augustyn)  
*Recommended Action: Approve*

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

**Motion by:** Commissioner Augustyn  
**Seconded by:** Commissioner Pollock

**Discussion on Motion:** None

**Vote:** Aye: Augustyn, Goebel, Griggs, Heller, Kopcho, Levin, McKinley, Pollock  
Nay: 0  
Abstain: 0  
Absent: 1 (Slater)

**Action:** Moved to approve the minutes.

**VOTE:**

**Yes 8 No 0 Abstain 0 Absent 1 (Slater)**

\*\*\*\*\*

**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.**

**5.1 Continued Hearing** Comprehensive Plan Change and Zone Change Case No. CPC-ZC21-04 for 2900 Block of Kuebler Blvd SE; Ward 4 – South Gateway Neighborhood Association; Olivia Dias, [ODias@cityofsalem.net](mailto:ODias@cityofsalem.net)

**SUMMARY:** A consolidated application to change the Comprehensive Plan Map designation and zoning from “Single Family Residential” with RA (Residential Agriculture) zoning to “Commercial” with CR (Retail Commercial) zoning.

**REQUEST:** The applicant proposes to change the Comprehensive Plan Map designation and zoning from “Single Family Residential” with RA (Residential Agriculture) zoning to “Commercial” with CR (Retail Commercial) zoning. The subject property is approximately 24.66 acres in size, zoned RA (Residential Agriculture) and located at the southwest corner of the intersection of Kuebler Boulevard and I-5 (Marion County Assessor Map and Tax Lot Number: 083W12C / 2201).

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

**Recommended Action:** Staff recommends that the Planning Commission close the Public Hearing and leave the record open. The record would be open for any public comments or response to the dates listed below:

- Record open for any new written testimony until December 28, 2021 at 5:00 p.m.
- Record open for rebuttal for all parties until January 4, 2022 at 5:00 p.m.
- Record open for the applicant’s final written rebuttal until January 11, 2022 at 5:00 p.m.

The Planning Commission would set deliberations for January 11, 2022 at 5:30 p.m.

*Alternative Option:*

Adopt the facts and findings of the staff report and supplemental staff report and DENY Comprehensive Plan Map Change & Zone Change, Case No. 21-04.

**Questions or Comments for Staff by Commissioners:** Commissioners Griggs, Goebel, Heller, Pollock, Levin

Testifying Parties:

Applicant/ Representative:

- Wendie Kellington, Kellington Law Group, 1335 Chandler Road, Lake Oswego OR 97034 and Lacy Brown, Transportation Engineer, DKS Associates, 117 Commercial St NE #310, Salem OR 97301

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

Neighborhood Association(s):

- None

Public

- Geoffrey James, 4115 Fraser Lane SE, Salem OR 97302

**Questions or Comments by Commissioners:** Commissioners Pollock, Levin

**Questions or Comments for Staff by Commissioners:** Commissioners Griggs, Kopcho, Levin

Rebuttal by Applicant:

- Wendie Kellington, Kellington Law Group, 1335 Chandler Road, Lake Oswego OR 97034

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

President Griggs asked staff if there was a third option for action tonight, Lisa Anderson-Ogilvie answered the Commission could approve the application with the facts & findings supporting their approval to come back at a later meeting for approval.

**Motion:** Move to close the hearing and leave the record open for new testimony until December 28, 2021 at 5:00 P.M. with rebuttal testimony until January 4, 2022 at 5:00 P.M. and final rebuttal by the applicant by January 11, 2022 at 5:00 P.M. with deliberations being on January 11, 2022 at 5:30 p.m.

**Motion by:** Commissioner McKinley

**Seconded by:** Commissioner Levin

**Discussion on motion:** Commissioners Goebel, Pollock, Kopcho

*Commissioner McKinley withdrew his motion and requested a different commissioner to make a new motion.*

**Motion:** Move to approve the staff recommendation to DENY the application.

**Motion by:** Commissioner Kopcho

**Seconded by:** Commissioner Heller

**Discussion on motion:** Commissioners Kopcho, Levin, Pollock, Griggs

**Vote:** Aye: 2 (Heller, Kopcho)  
Nay: 6 (Augustyn, Goebel, Griggs, Levin, McKinley, Pollock)  
Abstentions: 0  
Absent: 1 (Slater)

**Action:** Motion failed

**Motion:** Move to approve the applicants proposed development with the following conditions of approval;

1. No single building on the site is to exceed 70,000 square feet of gross total
2. No more than 3 drive-throughs on property
3. All mitigations proposed by the applicant to be constructed from the TRP analysis

**Motion by:** Commissioner Levin  
**Seconded by:** Commissioner McKinley

**Discussion on motion:** Commissioner Pollock

**Amendment to the Motion:** Revise condition one of approval to be the following;

1. No single commercial retail building to exceed 70,000 square feet gross total; however, commercial office, multi-family, and other buildings can exceed 70,000 square feet

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

**Discussion on amended motion:** Commissioner Kopcho

**Vote on Amended Motion:**

Aye: Augustyn, Goebel, Griggs, Heller, Kopcho, Levin, McKinley, Pollock  
Nay: 0  
Abstain: 0  
Absent: 1 (Slater)

**Action:** Moved to approve amendment to original motion.

**Vote on Original Motion:**

Aye: 7 (Augustyn, Goebel, Griggs, Heller, Levin, McKinley, Pollock)  
Nay: 1 (Kopcho)  
Abstentions: 0  
Absent: 1 (Slater)

**VOTE:**

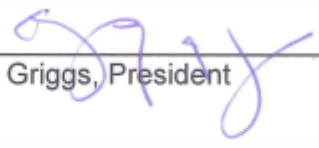
**Yes 7 No 1 Abstain 0 Absent 1 (Slater)**

\*\*\*\*\*

**6. SPECIAL ORDERS OF BUSINESS: None**

7. **INFORMATION REPORTS:** None
8. **PUBLIC COMMENT (other than agenda items):** None
9. **PLANNING ADMINISTRATOR'S REPORT:**
- Council is going to interview three potential commissioners in January, hoping to have two replacement commissioners soon
  - Thank you to Commissioners Pollock and McKinley for their time on the Planning Commission
10. **COMMISSIONER COMMENTS FOR THE GOOD OF THE ORDER:** Commissioner Pollock said goodbye. Commissioner Levin wished Commissioners Pollock and McKinley all the best and enjoyed the work done with them. Commissioner Levin also commented that City staff did a great job on the case heard tonight and he wants to make sure he gives them credit for the work done on this case. Commissioner Kopcho mentioned that he is now reminded that he is one of the senior members of the Commission with Pollock and McKinley leaving and thanks them for teaching him along the way.
11. **ADJOURNMENT:** There being no further business for the record, the meeting was adjourned at 7:44 p.m.

SUBMITTED:

  
\_\_\_\_\_  
Chane Griggs, President

ATTESTED:

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