

MINUTES
SALEM PLANNING COMMISSION **Reviewer: Truitt**
September 17, 2024

COMMISSIONERS PRESENT

Kaley Fought
Ben Fryback
Lisa Heller, Vice President
Joaquín Lara Midkiff
Beth Rhoades
Michael Slater, President
Marissa Theve
Jordan Truitt
Robert Vieyra-Braendle

COMMISSIONERS ABSENT

Lisa Heller (Excused)

STAFF PRESENT

Lisa Anderson-Ogilvie, AICP,
Deputy Director and Planning
Administrator
Jennifer Biberston, Admin
Analyst
Jacob Brown, Planner II
Laurel Christian, Planner III
Tony Martin, Traffic Engineer
Fred Wilson, Assistant City
Attorney

1. CALL TO ORDER

President Slater called the meeting to order at 5:30 P.M.

Motion: Move to amend the Agenda to add Item 1.1 Oath of Office.

Discussion on the Motion: None

Motion by: Fought
Seconded by: Truitt

Discussion on the Motion: None.

Vote: Aye: Fought, Rhoades, Slater, Truitt, Vieyra-Braendle (8)
Nay: (0)
Absent: Heller (1)
Abstentions: (0)

Action: Motion passes

1.1 Oaths of Office for New Commissioners

2. ROLL CALL

Roll was taken and with quorum established, President Slater 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:

President Slater asked if Commissioner Truitt had a motion. Commissioner Truitt made a motion to approve the minutes from the August 20, 2024 Planning Commission Meeting.

4.1a: August 20, 2024 Minutes (Commissioner Truitt)
Recommended Action: Approve

Motion: Move to approve the minutes.

Discussion on the Motion:

Motion by: Commissioner Truitt
Seconded by: Commissioner Fought

Discussion on the Motion: None.

Vote: Aye: Fought, Fryback, Lara Midkiff, Rhoades, Slater, Theve, Truitt, Vieyra-Braendle (8)
Nay: (0)
Absent: Heller (1)
Abstentions: (0)

Action: Motion passes

4.2 Resolutions: None

4.3 Action Items: None

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 APPEAL of Conditional Use / Class 3 Site Plan Review Case No. CU-SPR24-03 for 870 Alvina St SE; Ward 4 – South Gateway Neighborhood Association; Jacob Brown, Planner II, Jbrown@cityofsalem.net

Summary: A Conditional Use Permit and Class 3 Site Plan Review for an Adult Day Care Center use.

Request: A consolidated application for a Conditional Use Permit and Class 3 Site Plan Review to establish a new Adult Day Care Center within an existing single family

residence, on property zoned RS (Single Family Residential) and located at 870 Alvina Street SE (Marion County Assessor's Map and Tax Lot number: 083W15AC0/6000).

Recommended Action: Staff recommends that the Planning Commission adopts the facts and findings identified in the Staff Report and Supplemental Staff Report dated September 17, 2024.

Questions or Comments for Staff by Commissioners: Commissioner Truitt, Commissioner Fought, Commissioner Slater, Commissioner Fryback, Commissioner Vieyra-Braendle, Commissioner Lara Midkiff

Testifying Parties

BRAND Land Use, 1720 Liberty St SE, on behalf of applicants Dimitriy and Natalie Rybakov

Jim Edmonds, PO Box 327, Salem OR 97308, appellant

Dan Fiedler, 850 Alvina Sr SE, Salem OR 97306

Bill and Penny Wylie, 845 Alvina St SE, Salem OR 97306

Roger Miller, 858 Alvina St SE, Salem OR 97306

Questions or Comments for Testifying Parties by Commissioners: Commissioner Fought, Commissioner Rhoades, Commissioner Fryback, Commissioner Slater, Commissioner Theve, Commissioner Truitt, Commissioner Lara Midkiff

Additional Questions for Staff by Commissioners: Commissioner Slater

With no further questions, and no request to continue the hearing or leave the record open, President Slater closed the public hearing at 7:04 p.m.

Motion for PC: Move to adopt the Staff Report

Motion by: Commissioner Fought

Seconded by: Commissioner Rhoades

Discussion on the Motion: Commissioner Fought, Commissioner Truitt, Commissioner Vieyra-Braendle, Commissioner Lara Midkiff, Commissioner Rhoades, Commissioner Theve, Commissioner Fryback, Commissioner Slater

Amended Motion: Move to limit the client population to 12, with no maximum amount of time a client can stay at the residence during operating hours of 7 a.m. to 6 p.m.

Motion by: Commissioner Slater

Seconded by: Commissioner Fought

Discussion on the Motion: Commissioner Lara Midkiff, Commissioner Fought, Commissioner Fryback, Commissioner Truitt, Commissioner Rhoades

Vote:
Aye: Slater (1)
Nay: Fought, Fryback, Lara Midkiff, Rhoades, Theve, Truitt, Vieyra-Braendle (7)
Absent: Heller (1)
Abstentions: (0)

Action: Motion Fails

Amended Motion: Move to allow client population of 10 at any given time.

Motion by: Commissioner Fought

Seconded by: Commissioner Slater

Discussion on the Motion: Commissioner Truitt, Commissioner Fought, Commissioner Fryback, Commissioner Lara Midkiff

Vote: Aye: Fought, Slater, Vieyra- Braendle (3)
Nay: Fryback, Lara Midkiff, Rhoades, Theve, Truitt (5)
Absent: Heller (1)
Abstentions: (0)

Action: Motion Fails

Amended Motion: Move to allow client population of 12.

Motion by: Commissioner Fought

Seconded by: Commissioner Fryback

Discussion on the Motion: Commissioner Lara Midkiff, Commissioner Truitt, Commissioner Vieyra-Braendle, Commissioner Fryback, Commissioner Fought, Commissioner Rhoades

Vote: Aye: Fought, Fryback, Rhoades, Slater, Theve, Vieyra-Braendle (6)
Nay: Lara Midkiff, Truitt (2)
Absent: Heller (1)
Abstentions: (0)

Action: Motion Passes

Amended Motion: Move to allow operating hours to anytime between 7 a.m. to 6 p.m.

Motion by: Commissioner Vieyra-Braendle

Seconded by: Commissioner Lara Midkiff

Discussion on the Motion: Commissioner Fryback, Commissioner Rhoades

Vote: Aye: Fought, Fryback, Lara Midkiff, Rhoades, Slater, Theve, Vieyra-Braendle (7)
Nay: Truitt (1)
Absent: Heller (1)
Abstentions: (0)

Action: Motion Passes

Discussion on the original Motion, as amended: Commissioner Lara Midkiff, Commissioner Fought, Commissioner Fryback, Commissioner Truitt, Commissioner Rhoades

Vote: Aye: Fought, Fryback, Lara Midkiff, Rhoades, Slater, Theve, Vieyra-Braendle (7)
Nay: Truitt (1)
Absent: Heller (1)
Abstentions: (0)

Action: Motion Passes

VOTE:

Yes 6 No 1 Absent 1 Abstain 0

6. SPECIAL ORDERS OF BUSINESS: None

7. INFORMATION REPORTS:
7.1 Transportation Requirements for Land Use Applications – Tony Martin,
Tmartin@cityofsalem.net

QUESTIONS OR COMMENTS FOR STAFF BY COMMISSIONERS: Commissioner Fryback, Commissioner Slater, Commissioner Truitt

8. SUBCOMMITTEE REPORTS: None

- 9. PLANNING ADMINISTRATOR’S REPORT:**
- Case No. PUD-SUB-PAR-UGA-ADJ24-01 for 700 to 800 Blocks of Creekside Dr SE has been appealed by the applicant over the condition to add sidewalks. That hearing will be on October 14 before the City Council.
 - Staff presentation on riparian corridors, floodplains and FEMA regulations scheduled for November 5
 - No items yet for meetings on October 1st or the 15th
 - Planning Commission to bring amendments to the bylaws that constitutes quorum and how long an appellant can speak.
 - The City Manager will attend a Planning Commission soon, date TBA
 - October is planning month, and there will be a proclamation at City Council on September 23; to celebrate, Planner Palooza is on October 8 at Fork Forty Food Hall

QUESTIONS OR COMMENTS FROM COMMISSIONERS: Commissioner Slater

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

11. PUBLIC COMMENT (other than agenda items): None

12. ADJOURNMENT:

There being no further business for the record, the meeting was adjourned at 8:33 p.m.

SUBMITTED:



Michael Slater, President

ATTESTED:



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