

CITY OF SALEM

Written Testimony #1

City Council

555 Liberty St SE
Salem, OR 97301

Monday, April 22, 2024

6:00 PM

**Council Chambers /
Hybrid Meeting**

1.3a. [24-120](#)

Proclamation - End the Sale of Flavored Nicotine Products

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation: Information Only.

Attachments: [Proclamation - Flavored Nicotine](#)
[Public Comments received by 3:00 p.m., April 22, 2024](#)

Add - Written Testimony.

3.2a. [24-114](#)

Multiple Unit Housing Tax Incentive Program application by Deacon Development, LLC seeking a 10-year property tax exemption for a 105-unit apartment development located at 277 High Street NE.

Ward(s): Ward 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community

Recommendation: (1) Adopt Resolution No. 2024-15 approving an application by Deacon Development, LLC for tax exemption under the City's Multiple Unit Housing Tax Incentive Program; and

(2) Direct staff to make a request to boards of other taxing districts to adopt a resolution agreeing with the policy of providing a tax exemption for the project, therefore exempting the multiple family residential portion of the project's full property tax liability.

Attachments: [Resolution 2024-15](#)
[Exhibit A to Resolution 2024-15](#)
[Exhibit B to Resolution 2024-15](#)
[Core Area Map](#)
[Public Comment received by 3:00 p.m., April 22, 2024](#)

Add - Written Testimony.

4.b. [24-138](#)

An Annexation of an approximately 1.32-acre territory located at 4785 and 4815 Auburn Road NE (ANXC-757).

Ward(s): Ward 6

Councilor(s): Hoy
Neighborhood(s): ELNA
Result Area(s): Welcoming and Livable Community

Recommendation:

Approve the annexation of the territory located at 4785 and 4815 Auburn Road NE, including the withdrawal from the Marion County Fire District #1 and the East Salem Sewer and Drainage District and the application of RA (Residential Agriculture) zoning and forward to first reading.

Attachments:

[Vicinity Map](#)

[Territory Legal Description and Map](#)

[Development Services Memo](#)

[Finance Memo](#)

[Salem-Keizer Public Schools Memo](#)

[Public Comment received by 3:00 p.m., April 22, 2024](#)

Add - Written Testimony.

5.a.

[24-155](#)

Council Call-Ups as recommended by the Council Rules Committee.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance

Recommendation:

Direct staff to initiate an amendment to the UDC to restrict Council Call-Up of certain types of land use decisions as outlined in this report.

Attachments:

[Council Call Up Table](#)

[Public Comments received by 3:00 p.m., April 22, 2024](#)

Add- Written Testimony.

From: [Erin Lange](#)
To: [CityRecorder](#)
Subject: Flavored Vapes
Date: Monday, April 22, 2024 12:26:15 PM
Attachments: [Salem City Council.docx](#)

Please find attached letter urging the restriction of flavored vapes.
Thank you.

Salem City Council
555 Liberty St. SE
Salem, OR 97301

Please Support Restricting the Sale of Flavored Tobacco Products in Oregon

As a parent and wife of a public school employee, flavored tobacco use among children is a major concern of mine. I've seen young adults using vapes and it worries me because early use often leads to a lifetime of addiction.

The data shows that 95% of Oregon adults who smoke report they started before they could legally purchase tobacco ⁽¹⁾ and 89% of youth e-cigarette users started with a flavored product⁽²⁾.

It is obvious that "Big Tobacco" is targeting kids with flavors. They use candy-flavored products like Cool Mint, Watermelon Ice, and Cotton Candy to attract and hook new young users on nicotine and tobacco. By closing the main pathway used to entice them – flavors – we can protect our children from a lifetime of addiction.

As a Salem resident, I really appreciate you considering this resolution as a Council, and I strongly urge you to pass it. We know the damage tobacco inflicts – we must take action whenever we can to protect our kids, and all Oregonians, from these harmful products.

Thank you.

Sincerely,
Erin Lange

From: [Kennedy George](#)
To: [CityRecorder](#)
Subject: Written Testimony for City Council Meeting
Date: Monday, April 22, 2024 12:17:46 PM
Attachments: [Kennedy Testimony - Salem City Council.pdf](#)

Salem City Council

555 Liberty St. SE

Salem, OR 97301

RE: Support of Restricting the Sale of Flavored Tobacco Products

I am writing today to ask you to support the resolution urging the State Legislature to end the sale of flavored tobacco in Oregon. I am a Salem resident and former user of flavored tobacco products. I started using these products when I was about 16 years old, and I experienced first hand the way Big Tobacco targets young people with flavors like Cotton Candy & Watermelon Ice. Watermelon Ice was one of the first flavors I tried and it was almost entirely why I took it up in the first place. I even thought that because they were fun flavors they were better for you than ones that didn't taste good or smell good. These flavors entice young users, leading to lifetimes of addiction for many.

After years of wanting to stop and being unable to break my addiction, I am fortunate to have quit vaping and using flavored tobacco products a few months ago. I felt an immediate improvement to my health – all of a sudden I could breathe again. I wish I never used flavored tobacco products and now I want to use my voice to encourage others to avoid or quit these products. The fun flavors make it seem like the harm is minimal – but we know without a doubt that is not true.

This is my first time ever engaging in politics but I feel so passionately about the negative impacts of flavored tobacco and that this is the right action for the Salem City Council to take tonight. Please pass this resolution now, and then join me in advocating to the State Legislature during the 2025 session. Together, we can make a tangible difference to protect children, save lives, and make Oregon healthier.

Kennedy George

5662 Juntura St. SE

Salem, OR

Salem City Council
555 Liberty St. SE
Salem, OR 97301

RE: Support of Restricting the Sale of Flavored Tobacco Products

I am writing today to ask you to support the resolution urging the State Legislature to end the sale of flavored tobacco in Oregon. I am a Salem resident and former user of flavored tobacco products. I started using these products when I was about 16 years old, and I experienced first hand the way Big Tobacco targets young people with flavors like Cotton Candy & Watermelon Ice. Watermelon Ice was one of the first flavors I tried and it was almost entirely why I took it up in the first place. I even thought that because they were fun flavors they were better for you than ones that didn't taste good or smell good. These flavors entice young users, leading to lifetimes of addiction for many.

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Kennedy George
5662 Juntura St. SE
Salem, OR

From: [Annie E Herbert \(She, Her, Hers\)](#)
To: [CityRecorder](#)
Subject: Salem City Council Meeting, April 22, 2024, Kaiser Permanente Letter of Support RE: 24-120 Proclamation: End the Sale of Flavored Nicotine Products
Date: Monday, April 22, 2024 11:51:59 AM
Attachments: [Kaiser Permanente Support for Salem Flavored Tobacco Ban Resolution 4.22.2022 FINAL.pdf](#)

Hello. Please see the attached letter of support from Kaiser Permanente regarding [24-120](#) Proclamation: End the Sale of Flavored Nicotine Products, which will be discussed at the Salem City Council work session meeting this evening.

Thank you.

Annie Herbert *(She, her, hers)*
Local Government Relations
503-310-6285 (mobile)
annie.herbert@kp.org



kp.org/thrive
kp.nw.community.health
[2021 Community Health Annual Report](#)

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Thank you.

April 22, 2024

Salem City Council
555 Liberty St. SE
Room 220
Salem, OR 97301
cityrecorder@cityofsalem.net

RE: [24-120](#) Proclamation: End the Sale of Flavored Nicotine Products

Dear Mayor Hoy and City Councilors:

I write on behalf of Kaiser Permanente to express strong support for your Proclamation to End the Sale of Flavored Nicotine Products. Tobacco is *still* the leading cause of preventable death and disease in our state. Taking decisive action to reduce tobacco use will improve the health and longevity of Oregonians.

Kaiser Permanente physicians and other practitioners routinely caution patients, especially youth and their parents and guardians, about the harmful effects of nicotine products. Flavored tobacco products promote youth initiation of tobacco use by reducing or masking the natural harshness and taste of tobacco smoke. Teen vaping is an epidemic that now affects millions of underage users of e-cigarettes. To ensure the future health of our communities, we must help young people avoid becoming hooked for life on these addictive products.

For decades, the tobacco industry has employed deceitful practices without consideration for public health. We know that they will only be deterred through legal interventions. By approving the resolution today, you will join the two counties, seven cities, and two school districts that have approved respective ordinances or resolutions, sending a powerful message to state lawmakers to take action in the upcoming legislative session.

Prohibiting the sale of all flavored tobacco products in Oregon is a positive step to preventing another generation of young people from living with a lifetime of addiction. Thank you for taking action on this proclamation and supporting the health and well-being of Salem residents.

Sincerely,



Colin Cave, MD
Director of External Affairs, Government Relations, and Community Health
Northwest Permanente P.C.

From: [Morgan Virdi](#)
To: [CityRecorder](#)
Subject: Written Testimony for Monday's City Council Meeting
Date: Thursday, April 18, 2024 11:55:12 AM
Attachments: [vaping letter.docx](#)

Please see attachment.

Morgan Virdi

4/18/2024

To whom it may concern,

I am writing to you today as a concerned parent regarding the growing issue of vaping among young people. As a parent of two children aged eleven and fifteen, I am deeply troubled by the increasing prevalence of e-cigarettes and vaping devices among teenagers. It is alarming to witness how these products have gained popularity, posing serious health risks to our children. To make matters worse the products seem to be targeted to children and teens. The products marketed include fruity tasting cartridges and multicolored light up pens.

Studies have shown that vaping can lead to addiction, respiratory issues, and other health complications. I also believe it is not a stretch in the minds of teens to move from vaping tobacco to vaping marijuana.

More needs to be done to address this issue and protect our youth. I urge you to take action by implementing stricter regulations on the sale and marketing of vaping products, as well as increasing educational initiatives to inform young people about the dangers of vaping.

As parents, we want the best for our children and strive to keep them safe and healthy. It is our collective responsibility to ensure that the next generation is not negatively impacted by this dangerous trend. I hope you will consider taking measures to combat this growing problem.

Thank you for your attention to this matter,

Sincerely,

A handwritten signature in black ink, appearing to read "Morgan Viridi". The signature is fluid and cursive, with the first name "Morgan" and last name "Viridi" clearly distinguishable.

Morgan Viridi

From: noreply@cityofsalem.net on behalf of kathy.ottele@outlook.com
To: [CityRecorder](#)
Subject: Contact City Recorder
Date: Monday, April 22, 2024 1:55:12 PM
Attachments: [ATT00001.bin](#)

Your Name	Kathy Ottele
Your Email	kathy.ottele@outlook.com
Your Phone	5035512293
Street	4426 46th Avenue NE
City	Salem
State	OR
Zip	97305
Message	I would like to give support and thank the Mayor and City Council for the Proclamation regarding the end of Sale of flavored Nicotine Products.

This email was generated by the dynamic web forms contact us form on 4/22/2024.

From: [Isaac Ambruso](#)
To: [CityRecorder](#)
Cc: [Michael T. Gay](#)
Subject: Salem Health Written Testimony - Proclamation Ending the Sale of Tobacco Products
Date: Monday, April 22, 2024 1:42:54 PM
Attachments: [2024.04.22 Salem Health - Salem City Council Resolution Testimony.pdf](#)

Please accept the attached document as Testimony from Salem Health regarding the proclamation calling for an end to tobacco flavors.

Isaac Ambruso
Public Affairs Specialist

SALEM HEALTH
Hospitals & Clinics
890 Oak St SE | Salem, OR 97302

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April 22, 2024

Salem City Council
555 Liberty St. SE
Salem, OR 97301

RE: Support of Restricting the Sale of Flavored Tobacco Products

Salem Health is a nonprofit health system serving the City of Salem and the mid-Willamette Valley. We provide primary, specialty, urgent, and acute care at locations from Woodburn to Salem to Dallas. Our mission is to improve the health of the people and communities we serve. That mission spans all operations of Salem Health, from primary care clinics to our busy emergency departments and hospitals.

I am writing today in support the flavored tobacco products resolution in front of you today.

As a major health care provider in this community, we see the impacts of tobacco use on patients every day. Flavored tobacco is a key driver in an ongoing public health issue that impacts well-being for lifetimes. I believe statewide action to ban the use of flavored tobacco products would protect our kids, schools, and communities.

Tobacco use is one of the leading causes of preventable death in the United States and tobacco costs the U.S. over \$241 billion in health care expenditures annually. The best way to reduce further harm from tobacco is to prevent new users from becoming addicted.

Tobacco companies use flavored tobacco products to lure and hook young users, and this policy of targeting minors in order to make lifelong customers is wrong. These companies use flavored products like cotton candy, watermelon ice, and mint chocolate chip to attract and hook new young users on nicotine and tobacco. By closing the main pathway used to entice them—flavors—we can protect our children from a lifetime of addiction.

Thank you for your consideration. We genuinely believe that ending the sale of flavored tobacco in Oregon will help protect our kids and youth from getting addicted to these harmful products.

Sincerely,



Cheryl Wolfe
President and CEO
Salem Health

From: noreply@cityofsalem.net on behalf of wv64z@q.com
To: [CityRecorder](#)
Subject: Contact City Recorder
Date: Monday, April 22, 2024 10:38:33 AM
Attachments: [ATT00001.bin](#)

Your Name	vonda l. zirbes
Your Email	wv64z@q.com
Your Phone	5035761997
Street	6660 Continental Circle SE
City	Salem
State	OR
Zip	97306
Message	<p>I am appalled at the possibility of housing tax incentive being given to development downtown. Builders are capable of meeting their costs. When there is talk of closing the library, cancelling park venues and the school district in free-fall our money should go to those areas. If we do not have a vibrant city, folks will not want to live here anyway. Does the huge development west of Cordon Rd, have tax incentive? Soon? the Truitt property will develop. The city should receive taxes from them, not to them.</p>

This email was generated by the dynamic web forms contact us form on 4/22/2024.

From: [Susann Kaltwasser](#)
To: [CityRecorder](#)
Cc: [citycouncil](#)
Subject: Testimony regarding annexation on Auburn Road
Date: Monday, April 22, 2024 4:48:49 AM
Attachments: [ELNA approval of annexation at 4815 Auburn.pdf](#)

Please accept the attached testimony regarding annexation of property on Auburn Road

Susann Kaltwasser
ELNA co-chairperson



EAST LANCASTER NEIGHBORHOOD ASSOCIATION (ELNA)

April 22, 2024

To: Mayor Hoy and City Council
From: Susann Kaltwasser, Co-chair for East Lancaster Neighborhood Association
RE: Annexation at 4785 and 4815 Auburn Road NE

The Board of the East Lancaster Neighborhood Association discussed the annexation of property on Auburn Road at their April 7, 2024 meeting. By consensus it was agreed to support the annexation as it is within the Urban Growth Boundary and was intended to eventually be annexed to the City of Salem.

From: [Susann Kaltwasser](#)
To: [CityRecorder](#)
Cc: [citycouncil](#)
Subject: Testimony for item 5 (a) April 22, 2024
Date: Monday, April 22, 2024 4:46:31 AM
Attachments: [Testimony propose hearings changes 42224.pdf](#)

Please accept the attached testimony from East Lancaster Neighborhood Association regarding proposed Rule Changes item 5(a) on April 22 meeting.

Susann Kaltwasser
ELNA co-chairperson



EAST LANCASTER NEIGHBORHOOD ASSOCIATION (ELNA)

April 22, 2024

To: Mayor Hoy and Salem City Councilors
From: Susann Kaltwasser, Co-Chair, East Lancaster Neighborhood Association
RE: Proposal Council Rule Changes, Item 5.a

ELNA opposes the proposal to eliminate Council's ability to call up certain quasi judicial land use cases.

First, the Council already has a mechanism by which to stop frivolous call ups requests or appeals. Councilors can simple vote not to take up the appeal.

Secondly, Council could request that prior to accepting an appeal that the applicant meet with staff to ensure that there are actual matters over which the Council has discretion. This process worked effectively with our neighborhood association recently when board members did not fully understand the process. And once they did, they withdrew their appeal.

Third, this is a very complex issue and most neighborhoods have not had the opportunity to engage in discussion with staff to understand the proposal and its ramifications as well as the rationale for this proposed rules changes. ELNA would like to see the planning staff and/or legal staff host a work session with all neighborhood association members about this topic prior to moving forward with this proposal.

Finally, Council has been criticized for being hasting in making decision that impact the public's ability to give input. Limiting that access to hearings or limiting the amount of time available now might impact adversely the public's trust. Since this is not an urgent matter, we urge a slower pace for this decision. Yes, there will be a typical process for code changes, but once language is drafted it may be harder to make substantive changes through public comment.

Thank you for you consideration of our comments.

From: [Victor Dodier](#)
To: [CityRecorder](#)
Cc: [Scan Board](#)
Subject: Council Rule Change Comments for 4 22 24, Item 5.a.
Date: Sunday, April 21, 2024 10:07:10 PM
Attachments: [Council Rule Change Comments for 4 22 24, Item 5.a.pdf](#)

I have attached SCAN's comments concerning the proposed change in Council rules.

Victor Dodier
SCAN President

South Central Association of Neighbors



 www.scansalem.org

 [@scansalemofficial](https://www.instagram.com/scansalemofficial)

 www.facebook.com/scansalem

April 19, 2024

To: City Council

From: South Central Association of Neighbors (SCAN)

Subject: Council Rule Changes, April 22, 2024 Agenda Item 5.a.

The SCAN Board opposes changes to Council's authority to call-up or hear appeals of quasi-judicial land use decisions. Instead of eliminating call-ups, Council can decline a call-up, which requires a majority vote, if Council feels the administrative decision was truly nondiscretionary and Council has no legal ability to change it.

Reasons for retaining call-up and hearing authorities:

- Retain citizens' ability to appeal to its elected representatives before needing to appeal to LUBA.

Eliminating call ups and appeals removes all citizen access to Council to discuss a quasi-judicial issue. Currently councilors are advised to not listen to or discuss development applications because it risks ex parte contact and their impartiality, if the issue goes to Council later on a call-up, appeal, or LUBA remand. If Council removes its call-up or appeals authority, a LUBA remand is still a possibility. Therefore, citizens would have no means to communicate with Council about a development application either before or after an administrative decision is made. Earlier Council oversight *on some cases* can save time and money for everyone.

One of the most critical reasons for the City Council to retain its call up ability is the necessity of the Council to correct code discrepancy. When SCAN was engaged in the question of a proposed short-term rental at 795 Church Street, a discrepancy between the utilized code (SRC 240) and the appropriate and applicable code (SRC 231) was identified by SCAN. Because the case was not called up to Council, this discrepancy has yet to be remedied. If call up ability is eliminated, it may never be rectified outside of LUBA.

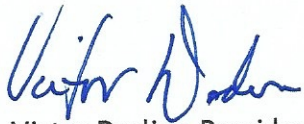
April 19, 2024

Council Rule Changes, April 22, 2024 Agenda Item 5.a.

page 2

- Even “clear and objective” approval criteria have elements of discretion, especially when a developer is arguing for a variance to those criteria. The majority of quasi-judicial applications that SCAN reviews are Class III Site Plan Reviews, many of which include housing. Those approval criteria do allow a degree of discretion by staff.
- “Needed Housing” is ALL housing (per ORS 197A.018: “housing by affordability level”... “type, characteristics and location that is necessary to accommodate the city’s allocated housing need over the 20-year planning period...”) That is an overly broad category to exclude from Council oversight.
- Call up authority is still needed. A call up can be an attempt by one party to obstruct a development or get a more favorable decision; or it can be to correct an error in a decision. They are not the same. Council needs to retain the ability to learn about errors in decisions, misapplication of policy, and unintended impacts of policy in a manner that is not filtered.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Victor Dodier".

Victor Dodier, President

South Central Association of Neighbors