



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Meeting Agenda

City Council

Monday, December 5, 2022

6:00 PM

Virtual Meeting

This meeting is being conducted virtually, with remote attendance by the governing body. In-person attendance is not possible at this time. Interested persons may view the meeting in real-time on the City of Salem YouTube Channel, thanks to a partnership with CC:Media. Comcast Cable subscribers can watch on CC:Media Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at cityrecorder@cityofsalem.net. Public comment and testimony may also be provided during the meeting via Zoom. Please pre-register between 8:00 a.m. and 2:00 p.m. on the day of the meeting using this link <https://bit.ly/COScomment>.

EXECUTIVE SESSION

WORK SESSION

1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)

Call to Order

Roll Call

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

1.2 COUNCIL AND CITY MANAGER COMMENT

1.3 PROCLAMATIONS

- 1.3a. [22-528](#) Proclamation recognizing Pearl Harbor Remembrance Day, December 7, 2022.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: [Pearl Harbor Day of Remembrance Proclamation](#)

1.4 PRESENTATIONS

2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)

3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

3.1 MINUTES

- 3.1a. [22-442](#) November 28, 2022 Draft Council Minutes

Attachments: [11-28-22 Draft Council Minutes](#)

3.2 RESOLUTIONS

3.3 ACTION ITEMS

4. PUBLIC HEARINGS

- 4.a. [22-553](#) Continued Public Hearing - Supplemental Staff Report regarding a petition to vacate Cross Street SE west of 20th Street SE.

Ward(s): 2
Councilor(s): Nishioka
Neighborhood(s): Southeast Salem Neighborhood Association
Result Area(s): Safe, Reliable and Efficient Infrastructure

Recommendation:

City Council may deny the vacation or approve the vacation upon determining the extension of the Cross Street right-of-way is unlikely in the foreseeable future and, therefore, the right-of-way is not needed for transportation purposes.

Summary:

The City of Salem received a petition to vacate Cross Street SE west of 20th Street SE. This supplemental report is provided in response to some of the issues raised during discussion of this petition at the Council meeting on November 14, 2022.

Attachments: [Staff Report for November 14, 2022, Agenda Item 4.d. \(with attachments\)](#)
[Google Map Link viewed by City Council on November 14, 2022.docx](#)
[Public Comment received November 15, 2022](#)

5. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)

- 5.a [22-482](#) Extending the Emergency Declaration related to unsheltered residents through December 31, 2023. (Resolution No. 2022-57)

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community; Welcoming and Livable Community.

Recommendation:

Adopt Resolution No. 2022-57 to extend the declaration of emergency related to unsheltered residents to December 31, 2023.

Attachments: [2023 E Declaration re unsheltered emergency.docx](#)

6. INFORMATION REPORTS: (Items that require no Council action)

Agenda Item 6.a, file number 22-547, City is revisiting policy related to unsheltered homelessness in public spaces has been removed from the agenda.

- 6.b. [22-548](#) Planning Administrator Decision - A six-lot subdivision - Approved.

Subdivision Tentative Plan Case No. SUB22-07 - Charles Weathers, John Wulf - 4120 Kurth St S

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): Sunnyslope

Recommendation:

Information Only.

Attachments: [Land Use Decision SUB22-07](#)

- 6.c. [22-560](#) Planning Administrator Decision - A Proposed 129-unit multi-family residential development - Approved.

Class 3 Site Plan Review / Class 2 Adjustment / Tree Variance /
Class 2 Driveway Approach Permit / Class 1 Design Review / Tree
Removal Permit Case No. SPR-ADJ-TRV-DAP-DR-TRP22-44 -
Thomas Eldridge, Eric Paine, Kyle Paine - 5205 Battle Creek Rd SE.

Ward(s): 4
Councilor(s): Leung
Neighborhood(s): SGNA

Recommendation:

Information Only.

Attachments: [Land Use Decision SPR-ADJ-TRV-DAP-DR-TRP22-44](#)**7. ORDINANCES****7.1 FIRST READING:**

- 7.1a. [22-549](#) Annexation Territory located at 3821 Ibex Street NE for future expansion of Fisher Road Park (Annexation Case No. C-750)

Ward(s): 5
Councilor(s): Gonzalez
Neighborhood(s): Northgate
Result Area(s): Good Governance; Safe Community; Safe, Reliable
and Efficient Infrastructure

Recommendation:

Advance Ordinance Bill No. 25-22, approving the annexation, applying City zoning, and withdrawing the territory from the Marion County Fire District #1 and East Salem Sewer and Drainage District for property located at 3821 Ibex Street NE, to second reading for enactment.

Summary:

Annexation of an approximately 2-acre territory, application of PA (Public Amusement) zoning, and withdrawal from the Marion County Fire District #1 and East Salem Sewer and Drainage District for property located at 3821 Ibex Street NE (Marion County Assessor Map and Tax Lot Number 072W07BB02900).

Attachments: [Vicinity Map](#)[Ordinance Bill No. 25-22](#)[Exhibit A - Territory Legal Description and Map](#)**7.1b. [22-562](#)**

Annexation of Territory Located at 3880 Mahrt Avenue SE and Land Adjacent (Annexation Case No. C-751)

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SESNA

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure.

Recommendation:

Advance Ordinance Bill No. 26-22, approving the annexation, approving the comprehensive plan designation and zoning request, and withdrawing the territory from the Marion County Fire District #1, Suburban East Salem Water District, and East Salem Sewer and Drainage District to second reading.

Summary:

An annexation of territory approximately 0.83 acres in size located at 3880 Mahrt Avenue SE and Land Adjacent including a change in the Comprehensive Plan map designation to "Commercial" and concurrent change in zoning to CR (Retail Commercial).

Attachments: [Vicinity Map](#)[Ordinance Bill No. 26-22](#)[Exhibit A - Territory Legal Description and Map](#)**7.2 SECOND READING:****7.2a. [22-566](#)**

Annexation of Territory Located at 5536 Skyline Road S (Annexation Case No. C-752)

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): Sunnyslope

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure

Recommendation:

Pass Ordinance Bill No. 22-24 approving annexation, changing the Salem Area Comprehensive Plan map designation, applying City zoning, and approving withdrawal from the Salem Suburban Rural Fire Protection District for a 1.95-acre territory located at 5536 Skyline Road S.

Summary:

An annexation of territory approximately 1.95 acres in size located at 5536 Skyline Road S including a change in the Comprehensive Plan map designation to "Multi-Family Residential" and concurrent change in zoning to RM-I (Multiple Family Residential).

Attachments: [Vicinity Map](#)[Ordinance Bill No. 24-22](#)[Exhibit A - Territory Legal Description and Map](#)**8. PUBLIC COMMENT: (Other than agenda items)****9. ADJOURNMENT**

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To request accommodations or services, please call 503-588-6255 or 503-588-6003 (TTD/TTY 503-588-6439), or by e-mail at: cityrecorder@cityofsalem.net at least two business days in advance.

Si necesita ayuda para comprender esta información, por favor llame 503-588-6003.

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS

- a. [22-559](#) Until further notice, all meetings, public hearings, and work sessions will be conducted virtually. Real-time remote viewing is available online at CC:Media YouTube Channel and can also be viewed on Comcast Cable CC:Media Channel 21.

CITY COUNCIL PUBLIC HEARINGS:

Amendment #6 to 2019 Annual Action Plan - Reallocation of
Community Development Block Grant Covid Grants.
Monday, January 23, 2023 at 6:00 p.m.

FY 2024 Recommended Budget
Monday, June 12, 2023 at 6:00 p.m.

State Revenue Sharing
Monday, June 12, 2023 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS:**URBAN RENEWAL AGENCY PUBLIC HEARINGS:**

FY 2024 Recommended Budget
Monday, June 12, 2023 at 6:00 p.m.

CITY COUNCIL WORK SESSIONS:

2023 Council Policy Agenda
Tuesday, January 17, 2023 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS

Presentation of the FY 2024-2028 Five-Year Forecast
Wednesday, January 11, 2023 at 6:00 p.m.

City Manager Presents Proposed FY 2024 Budget to Budget Committee
Result Areas Reviewed: Welcoming and Livable Community, Natural
Environment Stewardship
Wednesday, April 19, 2023 at 6:00 p.m.

Budget Committee Review - Result Areas Reviewed: Strong and Diverse
Economy, Urban Renewal Agency, Safe Reliable and Efficient

Infrastructure, and CIP Public Hearing
Wednesday, April 26, 2023 at 6:00 p.m.

Budget Committee Review - Result Areas Reviewed: Safe Community,
Good Governance
Wednesday, May 3, 2023 at 6:00 p.m.

Budget Committee Recommends FY 2024 Budget to City Council /
Urban Renewal Agency
Wednesday, May 10, 2023 at 6:00 p.m.

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor

South Gateway February 9, 2023 6:45 p.m. Councilor Nordyke
SEMCA March 11, 2020 10:00 a.m. Councilors Nishioka, Phillips
Morningside May 10, 2023 6:30 p.m. Councilors Nishioka, Phillips
ELNA Jun 1, 2023 7:00 p.m. Councilor Hoy
SCAN June 14, 2023 630 p.m. Councilors Nishioka, Nordyke,
Phillips
Grant July 6, 2023 6:15 p.m. Councilor Stapleton
Highland August 10, 2023 7:00 p.m. Counselors Gonzalez,
Stapleton
Faye Wright August 10, 2023 7:00 p.m. Counselors Nordyke,
Phillips
Northgate September 21, 2023 6:00 p.m. Councilor Gonzalez
West Salem October 4, 2023 7:00 p.m. Councilors Stapleton, Varney
NOLA October 4, 2023 6:30 Councilors Hoy, Gonzalez
NESCA October 17, 2023 7:00 p.m. Councilors Hoy, Nishioka,
Stapleton
CANDO October 17, 2023 6:00 p.m. Councilors Nishioka, Stapleton
Sunnyslope October 19, 2023 7:00 p.m. Councilor Nordyke
SWAN November 7, 2023 6:30 p.m. Councilors Nishioka, Stapleton
NEN November 14, 2023 6:30 p.m. Councilors Nishioka, Stapleton
SESNA November 28, 2023 7:00 p.m. Councilors Nishioka, Phillips

MEETING PROCEDURES

City Council meets on the second and fourth Mondays of each month at 6:00 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at:
[http://www.cityofsalem.net/Pages/council rules.aspx](http://www.cityofsalem.net/Pages/council%20rules.aspx).

THE CONSENT CALENDAR

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

PUBLIC COMMENT

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 3:30 p.m. on the day of the City Council meeting when the item will be considered. For complete information on submitting communications to Council, please refer to Council Rule 6: Communications:
[https://www.cityofsalem.net/Pages/council rules.aspx](https://www.cityofsalem.net/Pages/council%20rules.aspx).

If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 220, Salem, OR, or by e mail to: manager@cityofsalem.net.

PUBLIC HEARINGS

The City Council can hold public hearings to consider legislative, quasi judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi judicial hearings in non land use cases are as follows:

1. Staff Presentation – 15 minutes
2. Affected Party – 15 minutes
3. Neighborhood Associations – 5 minutes
4. Other Interested Persons – 3 minutes per person
5. Rebuttal by Affected Party – 7 minutes

Time limits for quasi judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503 588 6173 or email at: Imanderson@cityofsalem.net.

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.

