



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Meeting Agenda

City Council

Monday, November 22, 2021 6:00 PM

Virtual Meeting

**Due to the COVID-19 Pandemic, this meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Interested persons may view the meeting online at CC:Media You Tube Channel or watch on Comcast Cable 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 at the following link: <https://www.cityofsalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>.

EXECUTIVE SESSION

None.

WORK SESSION

None.

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. 21-522 Proclamation recognizing Small Business Saturday.

Ward(s): All Wards

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

Recommendation:

Information Only.

Attachments: [Proclamation - Small Business Saturday](#)

1.4 PRESENTATIONS

1.4a. [21-514](#) Presentation of 2021 Volunteer Recognition Awards - At Your Service (3) and Mayor's Merit (2).

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

Recommendation:

Information Only.

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. [21-496](#) November 8, 2021 Draft City Council Minutes

Attachments: [11-8-21 Draft Council Minutes.pdf](#)

3.1b. [21-507](#) November 15, 2021 Draft City Council Work Session Minutes

Attachments: [11-15-21 Draft Council Work Session Minutes.pdf](#)

3.2 RESOLUTIONS

3.2a. [21-503](#) Multiple Unit Housing Tax Incentive Program application by DD Salem Center Two, LLC seeking a 10-year property tax exemption for a 157-unit apartment development located at 420 Center 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. 2021-46 approving an application by DD Salem Center Two, 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.

Summary:

On October 7, 2021, DD Salem Center Two, LLC (Steve Deacon, Member) (Applicant), submitted an application for participation in the Multiple Unit Housing Tax Incentive Program (Program) for development of a mixed-use building to be named "City Center Apartments" (Project) on the site of the former Nordstrom department store in downtown Salem. The Project will consist of one 87,323 square foot mixed-use building containing 157 residential rental units and one 490 square foot commercial unit.

The Applicant has submitted applications and materials asserting compliance with all Program requirements. The Project contains more than two dwelling units, is located within the Core Area, and meets 5 of the 19 public benefit requirements. Adoption of Resolution No. 2021-46 (Attachments 1, 2, 3) would approve the application by DD Salem Center Two, LLC for tax exemption of the multiple family residential portion of the property under the Program.

Attachments:[Resolution No. 2021-46](#)[Exhibit A to Resolution No. 2021-46](#)[Exhibit B to Resolution No. 2021-46](#)[Core Area Map](#)[Public Comment received by 2:30 p.m. 11-22-2021.pdf](#)*Add - Written Testimony.***3.2b. [21-506](#)**

Multiple Unit Housing Tax Incentive Program application by SAMAX, LLC seeking a 10-year property tax exemption for a 2-unit apartment development located at 227-229 Commercial 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. 2021-47 approving an application by SAMAX 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

Summary:

On October 28, 2021, SAMAX, LLC (Angela Jones, Member) (Applicant), submitted an application for participation in the Multiple Unit Housing Tax Incentive Program (Program) for redevelopment of an existing building located at 231-233 Commercial Street NE in downtown Salem (Project). The Project will consist of two new 1,100 square foot residential rental units and the rehabilitation of the existing 5,800 square foot of commercial space.

The Applicant has submitted applications and materials asserting compliance with all Program requirements. The Project contains more than two dwelling units, is located within the Core Area, and meets 7 of the 19 public benefit requirements. Adoption of Resolution No. 2021-47 (Attachments 1, 2, 3) would approve the application by SAMAX LLC for tax exemption of the multiple family residential portion of the property under the Program.

Attachments: [Resolution No. 2021-47](#)[Exhibit A to Resolution No. 2021-47](#)[Exhibit B to Resolution No. 2021-47](#)[Core Area Map](#)[Public Comment received by 2:30 p.m. 11-22-2021.pdf](#)*Add - Written Testimony.*

3.3 ACTION ITEMS

3.3a. [21-515](#)

Intergovernmental Agreement with Marion County for Stormwater Improvements within Elkins Way SE.

Ward(s): Ward 4

Councilor(s): Councilor Leung

Neighborhood(s): South Gateway

Result Area(s): Safe, Reliable, and Efficient Infrastructure

Recommendation:

Authorize the City Manager to execute an IGA with Marion County to establish terms and conditions under which the City will provide maintenance of developer-built stormwater facilities within Elkins

Way SE.

Summary:

This Intergovernmental Agreement establishes that the City will be responsible for maintaining developer-built stormwater facilities in Marion County rights-of-way within Elkins Way SE.

Attachments: [Intergovernmental Agreement Elkins Way SE](#)

[Project Location Map](#)

4. PUBLIC HEARINGS

4.a. [21-510](#)

Petitioner-Initiated Annexation of Territory Located at 6565 Sunnyside Road SE - 97306 (Annexation Case No. C-729)

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): SGNA

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

Recommendation:

Adopt Order No. 2021-4 ANX determining that the proposal meets the applicable criteria, applying City zoning for the territory, and approving withdrawal of the territory from the Salem Suburban Rural Fire Protection District.

Summary:

This is a petitioner-initiated, voter-exempt annexation of a 1.18-acre territory located at 6565 Sunnyside Road SE - 97306 (Marion County Assessor Map and Tax Lot Number 083W22DA00300) for the purpose of obtaining City sewer services. The annexation would include a concurrent application of City zoning of RA (Residential Agriculture). A vicinity map is included as Attachment 1.

Attachments: [Vicinity Map](#)

[Order No. 2021-4 ANX Adopting the Final Decision and Findings of Compliance](#)

[Exhibit A - Petition](#)

[Exhibit B - Territory Legal Description and Map](#)

[Exhibit C - Findings for Order No. 2021-4 ANX](#)

[Public Works Department Parks Comments](#)

[Fire Department Comments](#)

[Public Works Department Development Services Section Comments](#)

[Finance Department Comments](#)

[Salem Keizer School District Comments](#)

4.b. [21-511](#)

Petitioner-Initiated Annexation of Territory Located at 4120 Fisher Road NE and Adjacent Lands - 97305 (Annexation Case No. C-740)

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

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

Recommendation:

Adopt Order No. 2021-5 ANX determining that the proposal meets the applicable criteria, changing the zoning for the territory, and approving withdrawal of the territory from the East Salem Sewer and Drainage District and Marion County Fire District #1.

Summary:

This is a petitioner-initiated, voter-exempt annexation of a 4.35-acre territory located at 4120 Fisher Road NE and Adjacent Lands - 97305 (Marion County Assessor Map and Tax Lot Numbers 072W07BC01100 and 072W07BC01001) for the purpose of future development. The annexation would include a concurrent change in zoning to City RM-I (Multiple Family Residential-I). A vicinity map is included as Attachment 1.

Attachments: [Vicinity Map](#)

[Order No. 2021-5 ANX Adopting the Final Decision and Findings of Compliance](#)

[Exhibit A - Petition](#)

[Exhibit B - Territory Legal Description and Map](#)

[Exhibit C - Findings for Order No. 2021-5 ANX](#)

[Planning Commission Recommendation on Land Use Designations](#)

[Public Works Department Parks Comments](#)

[Fire Department Comments](#)

[Public Works Department Development Services Section Comments](#)

[Finance Department Comments](#)

[Salem-Keizer School District Comments](#)

4.c. [21-518](#) Adoption of new City Council ward boundaries.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Recommendation:

Select one of the three alternative ward boundary scenarios.

Summary:

Salem is divided into eight wards, each represented by a City Councilor. Every 10 years, after the U.S. Census is complete, Salem City Council ward boundaries are adjusted to equalize the

population represented by each ward. This process is known as Ward Reapportionment. Three alternative ward boundary scenarios have been prepared for City Council consideration.

Attachments:

- [Alternative 1 Ward Boundary Map](#)
- [Alternative 2 Ward Boundary Map](#)
- [Alternative 3 Ward Boundary Map](#)
- [Demographic Tables for Alternative Ward Boundary Maps](#)
- [Public Testimony.pdf](#)
- [Public Comment received by 2:30 p.m. 11-22-2021v.pdf](#)

Add - Written Testimony.

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. [21-521](#)**

Policing Update Related to Recent Assessments - Trust-Building Efforts and Staffing Analysis

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community.

Recommendation:

Information Only.

Summary:

The Police Department is working to implement changes related to recent independent and internal assessments. The update provides an overview of the organization's community trust-building efforts, current staffing capacity, and potential considerations for the future of police services.

Attachments:

- [November 22, 2021 City Council Presentation - Trust Building .pdf](#)

Add - New Report Added.

6. INFORMATION REPORTS: (Items that require no Council action)**6.a. [21-492](#)**

Purchases approved administratively from October 1, 2021 through October 31, 2021.

Ward(s): All Wards

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

Recommendation:

Information only.

Summary:

Specific awards and the sources of funds for all contracts administratively awarded, renewed, or modified during the month of October. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

Attachments: [Purchases approved administratively October 2021.pdf](#)

6.b. [21-495](#) Reallocation of Fiscal Year 21-22 Capital Improvement Plan project
Pringle Parkade lighting upgrade funds

Ward(s): Ward 1
Councilor(s): Councilor Stapleton
Neighborhood(s): CANDO
Result Area(s): Good Governance; Safe, Reliable and Efficient Infrastructure

Recommendation:

Information only

Summary:

The lighting upgrade at Pringle parkade is an approved Capital Improvement Plan project budgeted at \$150,000. Facilities Services will reallocate these funds to partially replace heating, ventilation and air conditioning (HVAC) system equipment at fire station #1 and improve the lighting in the main library parkade.

Revised - Revised the cost of the main library parkade lighting upgrades (located in the last paragraph of the staff report).

6.c. [21-504](#) Information on the sale and use of fireworks in the City of Salem.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe Community

Recommendation:

Information only.

Summary:

This report summarizes the role of the State of Oregon and the City of Salem in the sale and use of legal consumer and display fireworks; the information used by the Salem Fire Department to determine fire danger; current options available to the City of Salem

in the event of extreme fire danger; what resources would be required to enforce additional restrictions; and historical statistics on the impact of fireworks in the community.

6.d. [21-519](#) Planning Commission Annual Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

Recommendation:

Information Only.

Summary:

The Planning Commission's 2021 Annual Report.

Attachments: [Planning Commission 2021 Annual Report](#)

7. ORDINANCES

7.1 FIRST READING:

7.1a. [21-484](#) 2021 Unified Development Code Update

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment
Stewardship; Welcoming and Livable Community

Recommendation:

Conduct a public hearing on Ordinance Bill No. 13-21 and advance to second reading.

Summary:

Proposed amendments to Salem Revised Code Title X (Unified Development Code) and various other identified chapters to comply with recent changes in State law, including House Bill 2001, and addressing issues that have arisen in the application of the Unified Development Code (UDC) since 2019; together with a proposed legislative zone change to change the zoning of those properties within the downtown in the General Retail/Office overlay zone that are currently zoned RH (Multiple Family High-Residential), CO (Commercial Office), and CR (Retail Commercial) to CB (Central Business District).

Attachments: [1 - Planning Commission Recommendation \(October 5, 2021\)](#)

[2 - Summary of Proposed Amendments](#)

[ORDINANCE BILL NO 13-21](#)

[Ordinance Exhibit A](#)

[Ordinance Exhibit B](#)

[Ordinance Exhibit C](#)

[4 - Comments from Church at the Park](#)

[5 - Legislative Zone Change Map](#)

[6 - Public Testimony](#)

[Public Comment received by 2:30 p.m. 11-22-2021pdf](#)

Add - Written Testimony.

7.2 SECOND READING:

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. [21-513](#) Due to COVID-19, and 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:

Proposed amendments to Salem Revised Code Title X (Unified Development Code)
Monday, December 6, 2021 at 6:00 p.m.

Petition-Initiated Annexation of Territory located at Ash Grove Subdivision and Adjacent Lands (Annexation Case No. C-741)
Monday, December 13, 2021 at 6:00 p.m.

Proposed Solid Waste Collection Service Rates
Monday, December 13, 2021 at 6:00 p.m.

City Council review of SUB21-09 located at 4540 Pringle Road SE
Monday, December 13, 2021 at 6:00 p.m.

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

City Council
2022 Council Policy Agenda
Tuesday, January 18, 2022 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS

Presentation of the FY 2023-2027 Five-Year Forecast
Wednesday, January 5, 2022 at 6:00 p.m.

City Manager Presents Proposed FY 2023 Budget to Budget Committee
Wednesday, April 20, 2022 at 6:00 p.m.

Budget Committee Review
Wednesday, April 27, 2022 at 6:00 p.m.

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

*Please check with the association to determine if the meeting will be held virtually or in-person.

Neighborhood - Annual Meeting Date - Councilor
SESNA - November 23, 2021 - Andersen, 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](http://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: lmanderson@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.

City of Salem Wards

