

CITY OF SALEM

555 Liberty St SE Salem, OR 97301

Meeting Agenda City Council

Monday, November 27, 2023

6:00 PM

Hybrid Meeting / Council Chambers

This meeting is being conducted both in-person and remotely and allows remote attendance by the governing body, when requested. Interested persons may attend the meeting in Council Chambers or 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. If attending the meeting remotely, public comment and testimony may be provided during the meeting via Zoom. Remote attendees must pre-register between 8:00 a.m. and 4:00 p.m. on the day of the meeting using this link https://www.cityofsalem.net/comment-at-council.

EXECUTIVE SESSION

City Council
5:30 p.m. - 5:45 p.m. - City Manager's Conference Room
Current or Pending Litigation - ORS 192.660(2)(h)

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

1.4 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. 23-445 November 13, 2023 Draft City Council Mintues

Attachments: 11-13-23 Draft Council Minutes.pdf

3.2 RESOLUTIONS

3.2a. 23-422 Modification or addition of certain fees related to climate mitigation

in the Planning Division and parking fees at the Salem Municipal

Airport.

Ward(s): All Wards

Councilor(s): All Councilors

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

Recommendation:

Adopt Resolution No. 2023-35 modifying certain fees and charges related to climate mitigation in Planning Services and parking fees at

the Salem Municipal Airport.

Summary:

Since the adoption of the City of Salem FY 2024 Fee Schedule in June 2023 and first modification in July 2023, updates to certain fees managed by the Planning Division and the Salem Municipal Airport are needed. Adoption of this resolution would decrease one established fee at the Airport and add a new fee and fee category in Planning. All other fees in the FY 2024 Fee Schedule would remain unchanged.

Attachments: Resolution No. 2023-35

Resolution 2023-35, Exhibit A

3.2b. 23-434 Update to the Natural Hazards Mitigation Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community

Recommendation:

Adopt Resolution No. 2023-36, updating the City of Salem Natural Hazards Mitigation Plan.

Summary:

The City of Salem has a Natural Hazards Mitigation Plan (NHMP) that describes its risk to natural disasters, such as floods and earthquakes, as well as mitigation strategies and tasks to reduce risk. It is designed to be reviewed and updated on a regular basis to ensure it remains an active and relevant document. City Council will adopt the updated NHMP through adoption of Resolution No. 2023-36.

Attachments: FEMA Letter

Resolution 2023-36

Natural Hazards Mitigation Plan (Exhibit A to the Resolution)

3.3 ACTION ITEMS

3.3a. 23-411

Purchase and Sale Agreement with East Park, LLC for the acquisition of a 6.63-acre future park property.

Ward(s): 6 Councilor(s): Hoy Neighborhood(s): ELNA

Result Area(s): Natural Environment Stewardship; Safe and Healthy

Community; Welcoming and Livable Community.

Recommendation:

Authorize the City Manager to execute the attached Purchase and Sale Agreement with East Park, LLC.

Summary:

Staff has been in discussions for several years with East Park, LLC (Seller) (Kiril Ivanov, Member) to acquire property for an Urban Park. As part of its development of its larger site, Seller has created legal lot for sale to the City for use as a park (Property). Staff and Seller have come to terms on a proposed Purchase and Sale Agreement (Agreement) (Attachment 1) for acquisition of the Property.

Attachments: Agreement.pdf

3.3b. 23-438 Purchase and Sale Agreement with Beckwith Family Trust for

acquisition of property related to the Shelton Ditch Improvement Project.

Ward(s): 2

Councilor(s): Nishioka Neighborhood(s): SESNA

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

Recommendation:

Authorize the City Manager to execute the attached Purchase and Sale Agreement with Beckwith Family Trust.

Summary:

Shelton Ditch is a key component of the City's stormwater system, providing flood relief to Mill Creek and several Salem neighborhoods. The ditch has experienced significant erosion over the years, becoming increasingly deep and wide. The Shelton Ditch Improvement Project (Project) will address embankment erosion along Shelton Ditch by providing long-term stabilization of the creek banks in the affected areas. As part of the Project, it is necessary to acquire real property consisting of a residential lot and a single-family home (Property) from Beckwith Family Trust (Rodney J. and Karen D. Beckwith Trustees) (Seller).

Attachments: Agreement - Beckwith

4. PUBLIC HEARINGS

4.a. 23-417

Exemption from Competitive Bidding Process and Authorization of an Alternative Contracting Method for the Willow Lake Water Pollution Control Facility North Primary Anaerobic Digesters No. 1 and No. 2.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Recommendation:

Adopt Resolution No. 2023-33 in support of an exemption from the competitive bidding process and use of a CM/GC contracting method for the Willow Lake Water Treatment Facility Anaerobic Digesters No. 1 and No. 2 Rehabilitation Project.

Summary:

The Proposed City of Salem Five-Year Capital Improvement Plan (CIP) for Fiscal Years 2024 through 2028 allocates \$4.48 million for the rehabilitation of the Willow Lake North Primary Anaerobic Digesters No. 1 and No. 2. A Construction Manager/General

Contractor (CM/GC) alternative contracting method is recommended for the project because it will allow contractor involvement during the design phase to provide critical input on cost, schedule, and constructability elements that will influence and improve the design.

Attachments: Resolution 2023-33

Exhibit A - Findings of Fact

4.b. 23-431

Public Hearing for a Salem Transportation System Plan Amendment Relating to Colorado Drive NW and Landaggard Drive NW.

Ward(s): 8

Councilor(s): Varney

Neighborhood(s): West Salem Neighborhood Association Result Area(s): Safe, Reliable and Efficient Infrastructure.

Recommendation:

Advance Ordinance Bill No. 15-23 (Attachments 2 and 3) to second reading for enactment.

Summary:

The proposed amendment to the *Salem Transportation System Plan* (TSP) would reclassify Landaggard Drive NW as a local street and extend Colorado Drive NW east as a collector street to connect with Doaks Ferry Road NW (see Attachment 1). Landaggard Drive NW is currently an unimproved, dead end street lined by single family homes that extends approximately 1,200 feet north from Orchard Heights Road NW. In the TSP, Landaggard Drive NW is classified as a collector street that is planned to be extended north to connect to Colorado Way NW and Grice Hill Drive NW, thereby forming a looped collector street that connects back to Orchard Heights Road NW. A proposed development will extend Colorado Drive NW to Doaks Ferry Road NW which will eliminate the need for Landaggard Drive NW to serve as a collector and allow Landaggard Drive NW to be reclassified as a local street, which is consistent with its current function.

Attachments: TSP Amendment 23-05, Exhibit Map

Ordinance Bill No. 15-23

Exhibit1 to Ordinance Bill No. 15-23

Public Comments

Public Comments received November 14, 2023

Additional Public Comments received November 21, 2023

Additional Public Comments received by 3:45 p.m., November 27, 2023.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. 23-459 Revenue Task Force discussion and information

Ward(s): All Wards

Councilor(s): All Councilors

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

Recommendation:

Approve the formation of a Revenue Task Force to explore revenue options for the General Fund?

Summary:

The City Council held a work session on October 25th regarding amending the FY 2024 budget and a potential Revenue Task Force. The City Council provided direction to staff on the scope and process for the Revenue Task Force. City Council provided direction that the facilitation of the task force should include:

- A robust community engagement process.
- Diverse membership to deliberate on revenue options.

If the intent is to have a revenue option(s) on the ballot in November 2024, a task force recommendation will need to be made by July 2024 to leave time for Council deliberations. Due to capacity constraints and urgency, staff worked with Moss Adams on a proposal to facilitate the process and scope.

Attachments: Moss Adams Scope of Work

Public Comments received by 3:45 p.m., November 27, 2023.pdf

Additional Public Comment received by 5:00 p.m., November 27, 2023.pdf

Add - Written Testimony.

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

6.a. 23-430 Oregon Department of Transportation Local Bridge Program Project Requests for the 2027-2030 Statewide Transportation Improvement Program

Ward(s): 1, 2, 3, 4, and 7

Councilor(s): All Councilors

Neighborhood(s): CANDO, SCAN, Southeast Mill Creek, and

Southeast Salem

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

Recommendation:

Information Only

FACTS AND FINDINGS:

ODOT sent a Tentative Eligibility List of bridges to local agencies in July 2023. Public Works staff reviewed the list of Salem's 27 eligible bridges which included 5 eligible for replacement and 22 for rehabilitation. This is a significant increase from 2020 when the City had 2 replacement and 11 rehabilitation eligible bridges. Working with DOWL Engineering, staff developed a recommendation list and submitted the following bridges for funding:

- 1. Turner Road SE over Mill Creek \$15.4 million replacement project. This 66-year-old bridge provides the main connection to the City of Turner.
- 2. Church Street SE over Pringle Creek \$2.9 million rehabilitation project to fix bridge rails, concrete deck, and substructure cracking. This 94-year-old historic bridge is adjacent to Pringle Park near the Salem Hospital.
- 3. Airport Road SE over Shelton Ditch \$8.5 million replacement project. This 69-year-old bridge is functionally obsolete due to its narrow width. It also lacks pedestrian and bicycle facilities.
- 4. Liberty Street SE over Pringle Creek \$40.3 million replacement project. This 95-year-old historic bridge is experiencing scour concerns and additional concrete degradation at multiple locations.

Draft applications were received from the consultant on November 1 and they were submitted to ODOT on November 6. We would have preferred to share this information with City Council prior to submitting the applications but ran out of time.

The selection of projects for funding will follow a lengthy process with ranking statewide needs and then scoping and estimating selected candidates. ODOT will work with the Local Area Bridge Selection Committee (LABSC) to prioritize the bridges applied for and prepare a scoping list for selected bridges in April 2024. The LABSC will make funding recommendations for 2027-2030 funding in early 2025. If any of the City's applied for bridges are selected for federal funding,

staff will return with a staff report to Council for approval to negotiate an Intergovernmental Agreement with ODOT and seek approval prior to proceeding with additional work. The local match for these projects would be funded with the City's share of State Gas Tax revenues or bond savings.

BACKGROUND:

The increase in eligible local bridges is indicative of the general trend and possible future needs of Salem's bridge system. 19 of the City's 58 bridges are greater than 90 years old and bridges are normally designed for a 100-year design life. The average age of the City's bridges is 63 years old.

Allen Dannen, PE City Engineer

Attachments:

Summary:

The Oregon Department of Transportation (ODOT) requested applications from local agencies for bridge projects eligible for Federal Funding in 2027-2030 under ODOT's Local Bridge Program (LBP). This program provides replacement and rehabilitation funding of local agency bridges on the Federal National Bridge Inventory list. The City has submitted applications to fund rehabilitation or replacement of four local bridges.

6.b. 23-432

Hearings Officer Decision - A zone change to realign boundaries between existing zones along a private street - Approved.

Zone Change Case No. ZC23-01 - Thomas Wettlaufer, Gordon Satrum, Dirk Stangier, Douglas Sproul - 2900 Block of Kuebler Bldv SE.

Correction: The ward number was changed from Ward 7 to Ward 4.

Ward(s): 4

Councilor(s): Gwyn Neighborhood(s): SGNA

Recommendation:

Information Only.

Attachments: Land Use Decision ZC23-01

Revision - The ward number was revised from Ward 7 to Ward 4.

6.c. 23-451 Planning Administrator Decision - A tentative partition to divide one

parcel in two - Approved.

Tentative Partition Plan / Class 2 Adjustment Case No. PAR-ADJ23-08 - Mark Gehrke - 735 Madrona Ave S

Ward(s): 7

Councilor(s): Nordyke Neighborhood(s): SWAN

Recommendation:

Information Only.

Attachments: Land Use Decision PAR-ADJ23-08

7. ORDINANCES

7.1 FIRST READING:

7.1a. 23-448 First Reading of a Code Amendment (Case No. CA23-03) to Salem

Revised Code Chapter 900 (Sign Code) and Chapter 300

(Procedures for Land Use Applications and Legislative Land Use

Proposals).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming

and Livable Community

Recommendation:

Advance Ordinance Bill No. 16-23 for the purpose of amending Salem Revised Code Chapter 900 (Sign Code) and Chapter 300 (Procedures for Land Use Applications and Legislative Land Use Proposals) to second reading.

Summary:

The proposed code amendment, CA23-03, to Salem Revised Code Chapter 900 (Sign Code) and Chapter 300 (Procedures for Land Use Applications and Legislative Land Use Proposals) is needed to update, clarify, correct, and simplify development standards and definitions; remove sign variances, adjustments, and conditional uses; and delete old references to zones that have been previously eliminated.

Attachments: Ordinance Bill No 16-23

7.1b. 23-393 Revisions to the Salem Revised Code Sections 2.870, 2.880, 2.890,

2.900, and 2.910 related to the Salem Non-Profit Corporation Low

Income Housing Tax Exemption Program.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community; Welcoming and

Livable Community.

Recommendation:

Advance Ordinance Bill 17-23 to a second reading.

Summary:

There are currently 17 properties owned by six non-profits enrolled or applying for enrollment in the Low Income Housing Tax Exemption Program. Five properties are in pre-development. The total number of exempted units is 384. Foregone taxes for the City equal \$252,800 in FY24. Forgone taxes for all jurisdictions equal \$577,020 in FY24.

Attachments: Ordinance Bill No. 17-23.docx

Exhibit A to Ordinance Bill No. 17-23

Property Tax Exemption Program Summary of Applications.pdf

7.1c. 23-437 An Annexation of an approximately 48-acre territory located at

7006 Sunnyside Road SE and 7102 Cains Place SE.

Ward(s): 4

Councilor(s): Gwyn

Neighborhood(s): South Gateway

Result Area(s): Welcoming and Livable Community

Recommendation:

Advance Ordinance Bill No. 18-23 approving annexation, applying City zoning, and approving withdrawal from the Salem Suburban Rural Fire Protection District, for a territory at 7006 Sunnyside Road SE and 7102 Cains Place SE, to second reading for enactment.

Summary:

Annexation of an approximately 48-acre territory located at 7006

Sunnyside Road SE and 7102 Cains Place SE.

Attachments: Vicinity Map

Ordinance Bill No. 18-23

Territory Legal Description and Map

7.2 SECOND READING:

7.2a. 23-449 Second Reading of a Code Amendment to Implement the State's

Climate Friendly and Equitable Communities Parking Lot

Requirements and Allow Single-Room Occupancy Housing More

Broadly

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure; Welcoming and Livable Community.

Recommendation:

Pass Ordinance Bill No. 7-23 for the purpose of amending Salem Revised Code (SRC) to comply with the State's Climate Friendly and Equitable Communities rules related to parking lot regulations, allow single-room occupancy housing more broadly, and make other related code changes.

Summary:

Amendments are proposed to the Unified Development Code (UDC), Case No. CA23-04, to comply with new state requirements resulting from the Climate Friendly and Equitable Communities rulemaking process, as well as recently-approved State legislation aimed at allowing single-room occupancy housing more broadly in Oregon communities. The proposed code amendment will require climate mitigation when developing new parking lots larger than one-half acre; allow existing parking lots citywide to be converted by a public agency to park and rides; allow single-room occupancy housing in all residential, commercial, and mixed-use zones; and make other clarifying changes to the UDC.

Attachments: Ordinance Bill No. 7-23

Exhibit A to Ordinance Bill No. 7-23 - Proposed Code Changes

Exhibit B to Ordinance Bill No. 7-23 - Findings

Comments Received

Additional Public Comments received by 3:45 p.m., November 27, 2023l.pdf

Add - Written Testimony.

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. 23-435

Unless otherwise noted, all meetings and public hearings will be conducted in Council Chambers, located at City Hall, 555 Liberty Street SE, Room 240, with the option for remote attendance. Please see the meeting agenda header for more details on remote attendance. The meetings are also available to watch in real-time online at CC:Media YouTube Channel, as well as Comcast Cable CC:Media Channel 21.

CITY COUNCIL PUBLIC HEARINGS:

Annexation of an approximate 0.78-acre territory located at 572 Hile Lane NE with a Minor Comprehensive Plan Map Amendment to Multi-Family Residential and Zone Change to RM-II (Multiple Family Residential), and withdrawal from the Marion County Fire District #1 and East Salem Sewer and Drainage District (Annexation No. C-756 CPC-ZC23-03)

Monday, December 4, 2023 at 6:00 p.m.

Exemption from Competitive Bidding Process and Authorization of an Alternative Contracting Method for the Construction of the Geer Park Skate Park

Monday, December 11, 2023 at 6:00 p.m.

Exemption from Competitive Bidding Process and Authorization of an Alternative Contracting Method for the Civic Center Seismic Upgrade Monday, December 11, 2023 at 6:00 p.m.

Annexation of an approximately 0.96-acre territory, application of MU-III (Mixed Use-III) zoning, and withdrawal from the Marion County Fire District #1 and East Salem Sewer and Drainage District for property located at 4370 Fisher Road NE (Annexation No. C-753) Monday, January 22, 2024 at 6:00 p.m.

Connecting Approximately 40 Homes in the Sleepy Hollow Neighborhood to the City's Public Water System Monday, January 22, 2024 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

Exemption from the Competitive Bidding Process and Authorization of an Alternative Contracting Method for a Class of Public Improvement Contracts for projects located at Englewood West Apartments, 1068 Park Avenue NE, Salem, OR, and Southview Terrace Apartments, located at 375 Fairview Avenue SE, Salem, OR. Monday, December 11, 2023 at 6:00 p.m. **URBAN RENEWAL AGENCY PUBLIC HEARINGS:**

CITY COUNCIL WORK SESSIONS: (Unless otherwise noted, work sessions are held in the Anderson Rooms at Salem Public Library, 585 Liberty St SE)

BUDGET COMMITTEE MEETINGS: (Budget Committee meetings are held in Council Chambers, 555 Liberty Street SE, Room 240)

Presentation of the Five-Year Financial Forecast Wednesday, January 10, 2024 at 6:00 p.m.

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS:

Neighborhood - Annual Meeting Date - Time - Councilor SESNA November 28, 2023 7:00 p.m. - Councilor Nishioka

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.

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.

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.

