



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Meeting Agenda

City Council

Tuesday, May 28, 2024

6:00 PM

**Council Chambers /
Hybrid Meeting**

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. - City Manager's Conference Room

ORS 192.660(2)(h) - Current/Pending Litigation

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. [24-192](#) Proclamation - MAKE MUSIC DAY

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

Recommendation:

Information Only.

Attachments: [Proclamation - MAKE MUSIC DAY](#)

1.3b. [24-225](#) Proclamation - Gun Violence Awareness Day

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

Recommendation:

Information Only.

Attachments: [Proclamation - Gun Violence Awareness Day](#)

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. [24-223](#) May 13, 2024 Draft City Council Minutes

Attachments: [5-13-24 Council Draft Minutes](#)

3.1b. [24-206](#) May 20, 2024 Draft City Council Work Session Minutes

Attachments: [5-20-24 Draft Council Work Session Minutes.pdf](#)

3.2 RESOLUTIONS

3.2a. [24-204](#) Acquisition of Property for the Silverton Road NE Improvements Project

Ward(s): Wards 5 and 6
Councilor(s): Gonzalez and Hoy
Neighborhood(s): North Lancaster Neighborhood Association and Northgate Neighborhood Association

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

Recommendation:

Adopt Resolution 2024-25, declaring a public need to acquire and the City of Salem's intent to negotiate for the acquisition of right-of-way and easements for the Silverton Road NE Improvements Project.

Summary:

The Silverton Road NE Improvements Project will remove and replace asphalt pavement; upgrade existing curb ramps to bring them into compliance with current standards; modify existing traffic signals and traffic lane configurations to include bike lanes; add enhanced pedestrian crossings; and rehabilitate a section of existing sanitary sewer main. Design of the project is underway, and it is necessary to begin the right-of-way acquisition process.

Attachments: [Attachment 1 - Project Location Map.pdf](#)
[Attachment 2 - Resolution Number 2024-25.docx](#)
[Attachment 3 - Exhibit 1 - Identified Properties and Ownership Summary-rev1.pdf](#)

3.3 ACTION ITEMS

3.3a. [24-187](#)

Purchase and Sale Agreement with 49th AVE SE LLC for acquisition of real property located at 1325 49th Avenue SE as a future park.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SEMCA

Result Area(s): Natural Environment Stewardship; Safe and Healthy Community; Welcoming and Livable Community.

Recommendation:

Authorize the City Manager to execute the attached Agreement with 49th AVE SE LLC.

Summary:

Staff approached 49th AVE SE LLC (Seller) (Christopher Weddle, Member) regarding potential sale of the property located at 1325 49th Avenue SE (Property) as a possible location for a Neighborhood Park. Staff and Seller have come to terms on a proposed Purchase and Sale Agreement (Agreement) for acquisition of the Property.

Attachments: [Agreement](#)

3.3b. [24-201](#)

Ground lease with I&E Construction, Inc. for a portion of the undeveloped East Park property.

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

Result Area(s): Good Governance; Strong and Diverse Economy.

Recommendation:

Authorize the City Manager to execute the attached lease with Lessee for use of the Property.

Summary:

The City purchased the 6.63-acre East Park property located near the intersection of State Street and Cordon Road NE in January 2024. I&E Construction, Inc. (Lessee) (Kiril Ivanov, President) is developing the adjacent property as multi-family housing and desires to lease a one half-acre portion of the East Park property (Property) for construction staging.

Attachments: [Lease](#)

[Exhibit B to Lease](#)

3.3c. [24-202](#)

Amendment to ground lease with WattEV Salem Inc. for real property at Salem Municipal Airport.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): SEMCA

Result Area(s): Good Governance; Strong and Diverse Economy

Recommendation:

Authorize the City Manager to execute the attached lease amendment.

Summary:

On October 23, 2023, Council authorized the City Manager to execute a ground lease (Lease) (Attachment 1) with WattEV Salem Inc. (Umar Javed, President) (Lessee) for property at the Salem Municipal Airport. Due to unforeseen circumstances, due diligence activities are taking longer than anticipated and it is necessary to extend Lessee's due diligence period to July 1, 2024. Additionally, it was previously unknown that Lessee's property would require linking improvements (Linking Improvements) to adjacent and adjoining streets. As it is not feasible for Lessee to complete the required Linking Improvements and staff has determined it would be in the City's best interest to create a Temporary Facilities Access Agreement Fee Area to fund the Linking Improvements (future) required to develop the bulk of the Airport property at the south end.

Attachments: [Lease 3111 Airway Drive SE Lease SIGNED.pdf](#)

[Amendment](#)

3.3d. [24-214](#)

Adoption of Final Order No. 2024-1

UGA-SPR-ADJ-DAP-DR-PLA24-03 following City Council's vote to

affirm and modify the Planning Administrator's decision to approve a 405-unit multi-family residential development, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and Class 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03 for property located at 4650 Hazelgreen Road NE.

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate Neighborhood Association

Result Area(s): Welcoming and Livable Community

Recommendation:

Adopt the Final Order to affirm and modify the Planning Administrator's decision to approve the consolidated application for Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and Class 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03.

Summary:

On May 13, 2024, the City Council held a public hearing, received testimony, and closed the public hearing. The City Council conducted deliberations on May 13, 2024, and voted to affirm and modify the Planning Administrator's decision to approve the consolidated application for Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and Class 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03.

Attachments: [Vicinity Map](#)

[Final Order](#)

[Exhibit 1](#)

4. PUBLIC HEARINGS

4.a. [24-141](#)

Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation and Zone change to Industrial and IG (General Industrial) zoning for property located at 650 15th Street SE.

Ward(s): Ward 2

Councilor(s): Nishioka

Neighborhood(s): Southeast Salem Neighborhood Association

Result Area(s): Welcoming and Livable Community

Recommendation:

Affirm the Planning Commission's decision for Comprehensive Plan Map Designation and Zone change, Case No. CPC-ZC24-01 and approve the application, subject to conditions of approval.

Summary:

On March 25, 2024, the Planning Commission issued a decision approving a request to change the 0.99-acre subject properties from RM-II (Multiple-Family Residential II) to IG (General Industrial) (**Attachment 1**), subject to conditions of approval. (**Attachment 2**) An appeal was filed by the applicant, objecting to the conditions of approval. The City Council will decide to affirm, modify, or reverse the Planning Commission's decision.

Attachments:

[Vicinity Map](#)

[Planning Commission Decision](#)

[Applicant's Appeal Letter](#)

[Public Comments received by 10:00 a.m., May 28, 2024](#)

Add - Written Testimony.

4.b. [24-199](#)

Public hearing regarding a petition to vacate a public sanitary sewer easement located near Orchard Heights Road NW and Linwood Street NW.

Ward(s): Ward 8

Councilor(s): Councilor Varney

Neighborhood(s): West Salem Neighborhood Association

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

Recommendation:

Approve the vacation of a public sanitary sewer easement located near Orchard Heights Road NW and Linwood Street NW and waive the assessment of special benefit subject to the condition that the Petitioner relocate the sanitary sewer line and provide an easement for maintenance of the relocated line.

Summary:

The City of Salem received a petition from Bonaventure Development to vacate a public sanitary sewer easement located north of Orchard Heights Road NW and west of Linwood Street NW. The Petitioner is seeking to relocate the existing sanitary sewer away from the building foundations to create more efficiency in the overall building layout for a new multi-family development.

Attachments: [Attachment 1 - Legal Description and Map](#)

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. [24-212](#) Determine allocation of opioid settlement dollars in FY2025.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Recommendation:

City Council shall allocate \$647,340 to the five stated strategies below.

Summary:

Determination of how the opioid settlement dollars for FY2025 will be invested in substance use prevention and remediation. These investments can help prevent the decision to begin using substances, provide life-saving measures to those experiencing overdose and assist people with warm hand-offs to treatment options.

Attachments: [Budget forecast.xlsx](#)

- 5.b. [24-222](#) A City of Salem resolution related to the crisis in Gaza.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Recommendation:

City Council shall consider recommended language from the Human Rights Commission.

Summary:

The City of Salem considers joining more than one hundred cities across the country in calling for a ceasefire and expressing urgent concern for the humanitarian crisis arising from the conflicts in Gaza. The Mayor of Salem asked the Human Rights Commission (HRC) to offer advice on crafting language for a possible City of Salem statement.

In addition to the resolution drafted by the Human Rights Commission, the City Manager has prepared a resolution that blends the HRC's work and the work of other cities here in Oregon should City Council want to consider alternate language. The City Manager has also drafted a transmittal letter to cover whatever resolution City Council chooses to adopt.

Attachments: [HRC Gaza Resolution Proposal.pdf](#)
[Resolution.doc](#)
[Gaza Resolution.Transmittal.5.20.2024.pdf](#)
[Public Comments received by 10:00 a.m., May 28, 2024](#)
[Alternate Gaza Resolution From Councilor Varney](#)
[Alternate Gaza Resolution from Councilors Stapleton and Nishioka](#)
[Additional Public Comments received by 3:00 p.m., May 28, 2024](#)
[5-28-24 Additional Public Comments received by 5:00 p.m., May 28, 2024- Redacted](#)

Add - Added two alternate versions of Gaza resolution; one resolution is from Councilor Varney and the other is from Councilors Stapleton and Nishioka.

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

- 6.a.** [24-197](#) Planning Administrator Decision - An application for a five-lot subdivision - Approved.
 Subdivision Tentative Plan / Class 2 Adjustment Case No. SUB-ADJ24-01 - Surain S LLC (Jaswant Singh, Harjinderjit Singh) - 4500 Block of Mill Creek Dr SE.

Ward(s): 3
 Councilor(s): Councilors - Phillips
 Neighborhood(s): SEMCA

Recommendation:

Information Only.

Attachments: [Land Use Decision SUB-ADJ24-01](#)

- 6.b.** [24-208](#) Summary of 2024 Oregon Legislative Session.

Ward(s): All Wards
 Councilor(s): All Councilors
 Neighborhood(s): All Neighborhoods
 Result Area(s): Good Governance; Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Recommendation:

Information only.

Summary:

The City Council's Legislative Committee meets monthly, between sessions, to consider priorities to guide Salem's Federal and State agendas. The Oregon State Legislature convened February 5, 2024 for a short session. During the Session, the Legislative Committee meets with more frequency. For the 2024 Session, the Legislative Committee was comprised of Mayor Hoy and Councilors Stapleton, Nordyke, and Phillips, with Councilor Nishioka serving as alternate.

Attachments: [City of Salem 2024 State and Federal Agenda](#)
[2024 Legislative Session Report](#)

6.c. [24-218](#) Changes to City Council Committee Assignments

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

Recommendation:

Information Only.

Attachments: [Revised 2024 City Council Committee Assignments](#)

6.d. [24-221](#) Revenue Task Force status update.

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

Recommendation:

Information only.

Summary:

On January 22, 2024, the Salem City Council approved the slate of 25 members and two alternates for the Revenue Task Force. The Task Force will meet seven times; consider feedback from eight focus groups, three town halls, and a statistically valid poll; and deliberate on recommendations to the City Council concerning revenue options to support City services funded by the General Fund. Recommendations will be presented to the City Council in a Work Session on July 15, 2024.

7. ORDINANCES

7.1 FIRST READING:

7.2 SECOND READING:**7.2a.** [24-200](#)

Amending Salem Revised Code Chapter 41 (System Development Charges) Relating to Accessory Dwelling Units Exemptions

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Reliable Infrastructure

ISSUE:

Shall City Council conduct second reading and enact Ordinance Bill No. 5-24 amending Chapter 41 (System Development Charges) of the Salem Revised Code?

RECOMMENDATION:

Recommendation: Conduct second reading and enact Ordinance Bill No. 5-24 amending Chapter 41 (System Development Charges) of the *Salem Revised Code*.

Attachments: [Ordinance Bill No. 5-24.docx](#)
[Exhibit A to Ordinance Bill No. 5-24.docx](#)

7.2b. [24-210](#)

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:

Pass Ordinance Bill No. 4-24, approving annexation, applying City zoning, and approving withdrawal from the Marion County Fire District #1 and the East Salem Sewer and Drainage District, for a territory located at 4785 and 4815 Auburn Road NE.

Summary:

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

Attachments: [Vicinity Map](#)
[Ordinance Bill No. 4-24](#)
[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@cityofsaalem.net at least two business days in advance.

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

FUTURE REPORT - The following item will appear on the June 10, 2024 City Council Agenda; this off agenda item is being provided in advance to allow additional time to review the report.

a. **24-209** Proposed FY 2025 Fee Schedule

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Recommendation:

Adopt Resolution No. 2024-26, setting fees and charges for the City of Salem as set forth in Exhibit A to Resolution No. 2024-26.

Summary:

Each fiscal year, to provide the community with easy accessibility, the City of Salem's Finance Department produces a fee schedule which consolidates fees from various departments into one document. The fee schedule is adopted annually in June prior to the new fiscal year.

Attachments: Resolution No. 2024-26

Resolution No. 2024-26, Exhibit A

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS

b. [24-226](#) 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:

FY 2025 Recommended Budget
Monday, June 10, 2024 at 6:00 p.m.

State Revenue Sharing
Monday, June 10, 2024 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

5 Year and Public Housing Agency Plan.
Monday, July 8, 2024 at 6:00 p.m.

URBAN RENEWAL AGENCY PUBLIC HEARINGS:

FY 2025 Recommended Budget
Monday, June 10, 2024 at 6:00 p.m.

CITY COUNCIL WORK SESSIONS: (Unless otherwise noted, work sessions are held in the Council Chambers, 555 Liberty Street SE.

Joint City Council and Salem Planning Commission - Housing Production Strategies
Monday, June 17, 2024 at 6:00 p.m.

Presentation of the 2024 Revenue Task Force Recommendations
Monday, July 15, 2024 at 6:00 p.m.

2024 NEIGHBORHOOD ASSOCIATION ANNUAL MEETING DATES:

Neighborhood	- Annual Meeting Date	- Time	- Councilor
ELNA	-----June 6-----	7:00 p.m.	-----Hoy
Morningside	-----June 12-----	6:30 p.m.	-----Nishioka, Phillips
SCAN	-----June 12-----	6:30 p.m.	-----Nishioka, Nordyke
Faye Wright	-----September 10----	6:30 p.m.	-----Nordyke, Phillips
Northgate	-----September 19---	6:00 p.m.	-----Gonzalez
NOLA	-----October 2-----	6:30 p.m.	-----Hoy, Gonzalez
West Salem	-----October 3-----	6:30 p.m.	-----Stapleton, Varney
NESCA	-----October 15-----	7:00 p.m.	-----Hoy, Nishioka, Stapleton
CANDO	-----October 15-----	6:00 p.m.	-----Nishioka, Stapleton
Sunnyslope	-----October 17-----	7:00 p.m.	-----Nordyke, Gwyn
SWAN	-----November 5-----	6:30 p.m.	-----Nishioka, Nordyke
NEN	-----November 12-----	6:30 p.m.	-----Nishioka, Stapleton
SESNA	-----November 26-----	7:00 p.m.	-----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](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

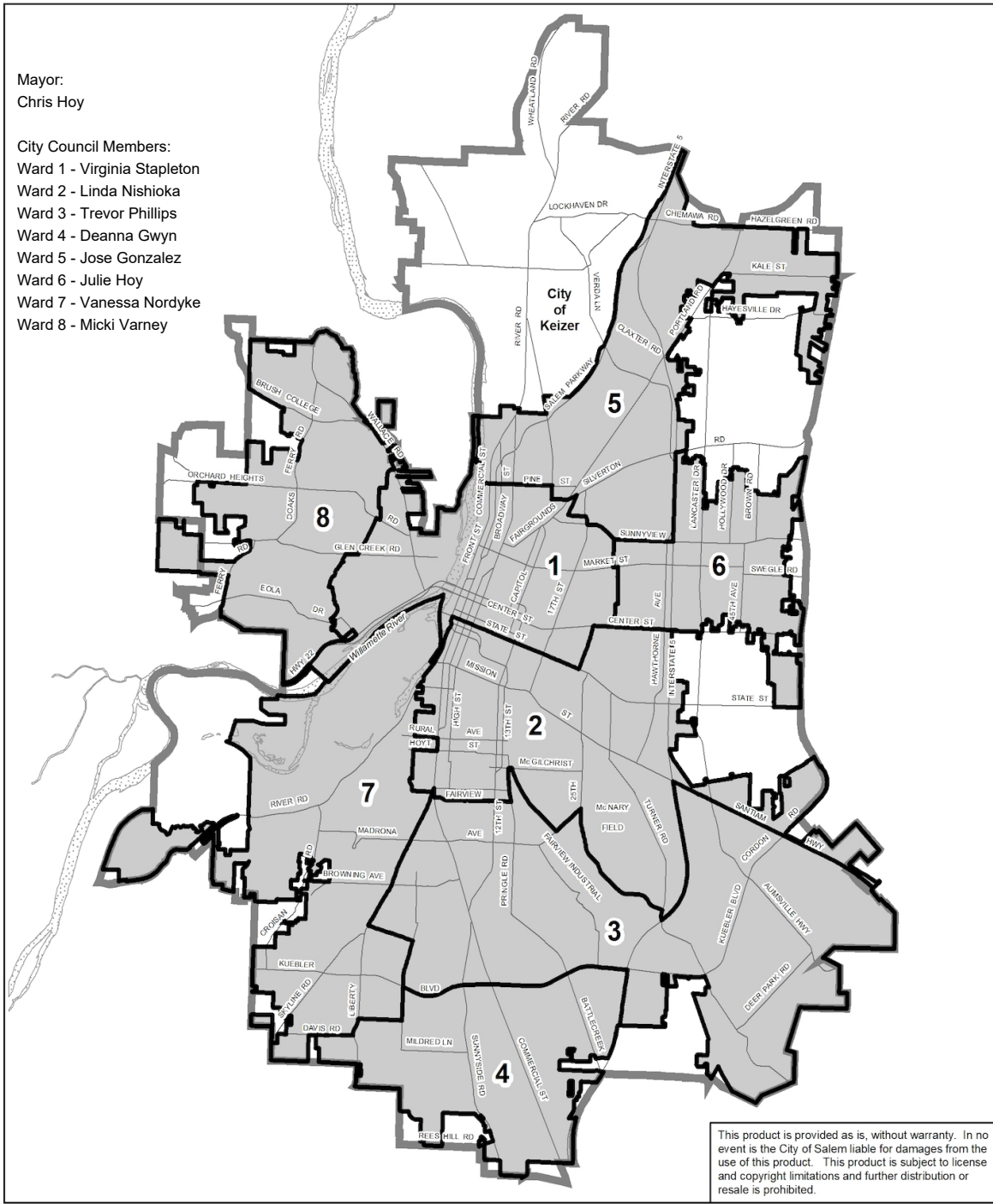
Time limits for quasi judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503 588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

Mayor:
Chris Hoy

- City Council Members:
- Ward 1 - Virginia Stapleton
 - Ward 2 - Linda Nishioka
 - Ward 3 - Trevor Phillips
 - Ward 4 - Deanna Gwyn
 - Ward 5 - Jose Gonzalez
 - Ward 6 - Julie Hoy
 - Ward 7 - Vanessa Nordyke
 - Ward 8 - Micki Varney



LEGEND

- Ward Boundary
- Urban Growth Boundary
- Salem City Limits
- Major Streets



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