



CITY OF SALEM

Meeting Agenda

City Council

555 Liberty St SE
Salem, OR 97301

Monday, December 6, 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 YouTube 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

**5:30 p.m. - City Council
ORS 192.660(2)(h)
Current/Pending Litigation**

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. [21-543](#) Proclamation recognizing Pearl Harbor Day of Remembrance.

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

Recommendation:

Information Only.

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

1.4 PRESENTATIONS

- 1.4a. [21-542](#) Presentation of 2021 Volunteer Recognition awards: Outstanding Neighbor (3), Salem Spirit (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. [21-549](#) November 22, 2021 Draft City Council Minutes

Attachments: [11-22-21 Draft Council Minutes.pdf](#)

3.2 RESOLUTIONS

- 3.2a. [21-517](#) Initiate the process to update the Salem Area Comprehensive Plan, adopt the Housing Needs Analysis, and amend the Comprehensive Plan Map, zoning map, Transportation System Plan, and Salem Revised Code.

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:

Adopt Resolution No. 2021-48 to:

- 1) Initiate the following:
 - a. Adoption of the updated Salem Area Comprehensive Plan (**Exhibit A of Attachment 1**);
 - b. Changes to the designation of properties on the Comprehensive Plan Map as shown in **Exhibit B of Attachment 1** and on the Generalized Land Use Maps in the CANDO, ELNA, Liberty-Boone, Grant, Highland, NESCA-Lansing, Morningside, NEN-SESNA, South Gateway, Sunnyslope, and West Salem Neighborhood Plans;
 - c. Changes to the zoning of properties as shown in **Exhibit C of Attachment 1**;
 - d. Amendments to the Salem Revised Code;
 - e. Amendments to the Salem Transportation System Plan, a component of the Salem Area Comprehensive Plan; and
 - f. Adoption of the Salem Housing Needs Analysis
- 2) Refer the matter to the Planning Commission for public hearing and recommendation.

Summary:

The City of Salem has developed a draft updated Salem Area Comprehensive Plan (Comprehensive Plan) and changes to the Comprehensive Plan Map, zoning maps, and zoning code to guide future growth and development in Salem. This resolution initiates the adoption process for that work, which is the result of the three-year project called Our Salem. Public hearings will follow initiation and are expected to be held next year.

Attachments: [Attachment 1 Resolution 2021-48](#)

[Exhibit A Draft Salem Area Comprehensive Plan](#)

[Exhibit B Proposed Changes to the Salem Area Comprehensive Plan Map](#)

[Exhibit C Proposed Changes to the Zoning Map](#)

[Attachment 2 Transportation and Parks Policy Ideas November 2021](#)

[Attachment 3 Existing Comprehensive Plan Map](#)

[Attachment 4 Existing-Salem-Zoning&Overlays-Map ANSI-E_low-res](#)

[Public Comments received by 5:00 p.m., 12-1-2021](#)

[Public Comment received by 5:00 p.m., 12-6-21.pdf](#)

Add - Written Testimony.

3.2b. [21-534](#)

Multiple Unit Housing Tax Incentive Program application by SAMAX, LLC seeking a 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 for a five-year period 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 November 22, 2021, Council directed staff to revise Resolution No. 2021-47 consistent with the five-year tax abatement for the Project.

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](#)

3.3 ACTION ITEMS

3.3a. [21-524](#)

Real estate donation agreement with Ward Development, LLC for acceptance of property adjacent to Fairview Park

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside

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

Recommendation:

Authorize the City Manager to accept donation of the Property and create a new park acquisition project - "Legacy Heights Subdivision Lot 75 Donation - Donor Reimbursement" in the FY 2021-22 Sustainable Fairview Development District to be funded with Sustainable Fairview Development District Infrastructure Fees.

Summary:

Ward Development, LLC (Steven Ward, Manager) (Donor) is donating property (Property) adjacent to Fairview Park (Attachment 1) in return for reimbursement of Donor's street improvement cost

along the frontage of the Property.

Attachments: [Location Map](#)
[Donation Agreement](#)
[Exhibit B of Donation Agreement](#)

- 3.3b.** [21-525](#) Small Community Air Service Development (SCASD) Grant
Application for Commercial Air Service Development

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): SEMCA
Result Area(s): Strong and Diverse Economy

Recommendation:

Authorize the City to apply for a Small Community Air Service Development (SCASD) grant through the U.S. Department of Transportation for commercial air service development at the Salem Municipal Airport.

Summary:

Federal grant application to provide a minimum revenue guarantee fund in support of commercial air service development at the Salem Municipal Airport

Attachments: [Airport Advisory Commission Letter of Support](#)

- 3.3c.** [21-526](#) Ground Lease Waiver to Support Aircraft and Automobile Electric Charging Stations

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): SEMCA
Result Area(s): Environmental Stewardship; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy

Recommendation:

Authorize the City Manager to waive ground lease rent for ten years in support of electric aircraft and automobile charging station development at the Salem Municipal Airport.

Summary:

Approve a ten-year ground lease waiver with Salem Aviation Fueling to support BETA Technologies' proposed project to install aircraft and automobile electric charging stations at the Salem Municipal Airport

Attachments: [Electric Dispenser and Power Box Locations](#)
[Aircraft Electric Fuel Dispenser Photo](#)

- 3.3d.** [21-528](#) Purchase and Sale Agreement with Brendan McMullen for sale of

property located at 4730 Liberty Road S.

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): Faye Wright

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

Welcoming and Livable Community.

Recommendation:

Authorize the City Manager to execute the attached Purchase and Sale Agreement with Brendan McMullen for disposition of real property located at 4730 Liberty Road S.

Summary:

The City of Salem owns real property located at 4730 Liberty Road S (Property). The City Manager declared the Property surplus and a sealed bid public auction was held to dispose of the Property. The highest bidder was Brendan McMullen (Purchaser).

Attachments: [Agreement](#)

4. PUBLIC HEARINGS

4.a. [21-531](#) 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:

Engross Ordinance Bill No. 13-21 as recommended under section 12 of this report 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 - Recommended Further Revisions Engrossing Ordinance Bill](#)[6 - Legislative Zone Change Map](#)[7 - Public Testimony Provided for Planning Commission Public Hearing](#)[8 - Public Testimony Provided for City Council Public Hearing](#)[Public Comments received by 5:00 p.m., 12-1-2021.pdf](#)[Public Comment received by 3:15 p.m., 12-6-21.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.** [21-544](#) Extension and amendment of the Emergency Declaration related to COVID-19

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. No. 2021-50 to extend the declaration of emergency related to COVID-19 until June 22, 2022, and revise the restrictions on public gatherings.

Attachments: [Res No 2021-50 Extending COVID19 Emergency Declaration.docx](#)

- 5.b.** [21-554](#) City Service and Investment Response to Homelessness Emergency

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Recommendation:

Approve investments in response to the homelessness emergency, specifically use of the City-owned navigation center building for a warming center, fund SafeSleep United's shelter expansion, help fund the Mid-Willamette Valley Homelessness Alliance.

Summary:

The need to assist residents who are unsheltered continues. Strengthening regional capacity to prevent homeless is a City priority. Specific actions the City can take are to use the City-owned navigation center building for a warming center, fund the SafeSleep United shelter expansion, and help fund the Mid-Willamette Valley Homelessness Alliance regional capacity action plan.

Attachments: [Sheltering Forecast](#)

[Public Comment received by 3:15 p.m. 12-6-21.pdf](#)

Add - Written Testimony.

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

6.a. [21-324](#) Update on Salem Climate Action Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Service Area(s): Welcome and Livable Neighborhood; Strong and Diverse Economy; Safe and Reliable Infrastructure; Good Governance; Natural Environment Stewardship

Recommendation:

Information only.

Summary:

There are two aims of the Climate Action Plan (CAP): deliver strategies for reducing GHG emissions (mitigation) and deliver strategies that help build a resilient community in anticipation of climate changes (adaptation). Mitigation strategies focus primarily on reducing the use of fossil fuel for transportation and energy because those are Salem's main sources of GHG emissions. Adaptation strategies focus on increasing climate resilience by ensuring equity, strengthening local community resources, and building partnerships. The CAP will serve as a guide for further actions over many years, actions that may include Council-directed implementation of new initiatives, programs, plans, partnerships, regulations, and projects.

Attachments: [Salem Climate Action Plan Task Force Members](#)
[CAP Outreach Summary](#)
[Public Comment received by 5pm on November 5](#)
[Public Comment received after 5 pm on November 5](#)
[Strategies Recommended for Early Implementation table](#)
[Public comments received by 5:00 p.m. on 12-1-2021.pdf](#)
[Public Comment received by 3:15 p.m., 12-6-21.pdf](#)
[Public Comment received by 5:00 p.m., 12-6-21](#)

Add - Written Testimony.

6.b. [21-535](#)

Planning Commission Decision - A request for a Minor Comprehensive Plan Map Amendment and Zone Change from IBC (Industrial Business Campus) to RS (Single Family Residential). - Approved.

Minor Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC21-05 - Travis North, DevNW - 5045 Macleay Road SE

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

Recommendation:

Information Only.

Attachments: [Land Use Decision CPC-ZC21-05](#)

6.c. [21-539](#)

Planning Administrator Decision - A modification to the Wren Heights subdivision, resulting in a change of access for Lot 1, in order to preserve trees along Salem Heights Road. - Approved.

Modification of Subdivision Case No. SUB-ADJ19-02MOD1 - Mark Ferris, Project Delivery Group LLC on behalf of The Thomas Kay Co. (Thomas Kay) - 575 Salem Heights Ave S.

Ward(s): 7
Councilor(s): Nordyke
Neighborhood(s): SWAN

Recommendation:

Information Only.

Attachments: [Land Use Decision SUB-ADJ19-02MOD1](#)

7. ORDINANCES

7.1 FIRST READING:

7.1a. [21-530](#)

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:

Advance Ordinance Bill No 14-21 adopting new City Council ward boundaries to second reading for enactment.

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. On November 22, 2021, the City Council selected new ward boundaries.

Attachments: [Ordinance Bill No. 14-21](#)

[Exhibit A](#)

[Exhibit B - City of Salem Council Wards Map.pdf](#)

[Exhibit C - City of Salem Council Wards Upon Annexation Map.pdf](#)

Addition/Revision - Added revised Exhibit B and Exhibit C was added.

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. [21-540](#) 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:

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 subdivision (SUB21-09) located at 4540 Pringle Road SE
Monday, January 10, 2022 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

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.

