

*555 Liberty St SE  
Salem, OR 97301*



## **Final Action Agenda - Minutes - Final**

**Monday, April 26, 2021**

**6:00 PM**

**Virtual Meeting**

**City Council**

**\*\*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](mailto: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**

6:13 p.m.

#### **Roll Call**

**Present:** 9 - Councilor Andersen, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Leung, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, and Councilor Gonzalez

### **1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA**

A motion was made by Councilor Hoy, seconded by Councilor Andersen to approve the additions and deletions to the agenda. The additions consisted of a revised proclamation for item 1.3a, Proclamation recognizing International Firefighters Day, and item 6.a, Announcing Mayoral appointments to the Library Strategic Plan Steering Committee, was deleted from the agenda.

**Comments by:** Councilor Hoy.

**The motion CARRIED by the following vote:**

**Aye:** 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

Abstain: 0

## 1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Nordyke, Gonzalez, and Hoy, Mayor Bennett, Councilors Andersen and Stapleton, City Manager Powers, Councilors Leung and Phillips.

## 1.3 PROCLAMATIONS

### 1.3a. Proclamation recognizing International Firefighters Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Proclamation - International Firefighters Day - v2.pdf](#)

**Mayor Bennett read the proclamation.**

**Comments by: Matt Brozovich, Salem Fire Department Captain and President of the Salem Professional Firefighters, Greg Hadley, Assistant Fire Chief of Operations, Salem Fire Department, Mary Louise VanNatta, Executive Director, Salem Fire Foundation, and Mayor Bennett.**

### 1.3b. Proclamation recognizing Elsinore Theatre's 95th Anniversary

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Proclamation - Elsinore Theatre's 95th Anniversary](#)

**Mayor Bennett read the proclamation.**

**Comments by: Tom Fohn, Executive Director, Elsinore Theatre and Mayor Bennett.**

### 1.3c. Proclamation recognizing Asian-Pacific American Heritage Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Proclamation - Asian-Pacific American Heritage Month](#)

**Councilor Leung read the proclamation.**

**Comments by: Mayor Bennett and Councilor Leung.**

## 1.4 PRESENTATIONS

None.

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

Public Comment, Item 8, was heard at this time.

The following individual provided comments via remote video:

Scott Snyder, Manager, Grand Hotel, 201 Liberty Street SE, Homelessness.

Comments or Questions by: Mayor Bennett and Councilor Nordyke.

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

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to approve the consent calendar with the pull of item 3.2a by Councilor Nordyke.

Comments by Councilor Hoy.

The motion **CARRIED** by the following vote:

**Aye:** 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Abstain:** 0

## 3.1 MINUTES

**3.1a.** April 12, 2021 Draft City Council Minutes

**Attachments:** [4-12-21 Draft Council Minutes.pdf](#)

**Action:** Approved.

**3.1b.** April 19, 2021 Draft City Council Work Session Minutes

**Attachments:** [4-19-21 Draft Council Work Session Minutes.pdf](#)

**Action:** Approved.

## 3.2 RESOLUTIONS

**3.2a.** Multiple Unit Housing Tax Incentive Program application by 990 Broadway LLC seeking a ten-year property tax exemption for a

23-unit apartment development located at 990 Broadway Street NE.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community

**Attachments:** [Resolution No. 2021-12](#)  
[Exhibit A to Resolution No. 2021-12](#)  
[Exhibit B to Resolution No. 2021-12](#)  
[Core Area Map](#)

**Pulled by Councilor Nordyke - See Item 5.c.**

### 3.3 ACTION ITEMS

**3.3a.** Special appointment of Chair to the Mid-Willamette Valley Cable Regulatory Commission.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Appointed Councilor Trevor Phillips as Chair of the Mid-Willamette Valley Cable Regulatory Commission.**

### 4. PUBLIC HEARINGS

**4.a.** Petitioner-Initiated Annexation of Territory Located at 2527 and 2547 Robins Lane SE - 97306 (Annexation Case No. C-730)

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): SGNA

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

**Attachments:** [Vicinity Map](#)

[Order No. 2021-1 ANX](#)

[Exhibit A - Petition](#)

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

[Exhibit C - Findings for Order No. 2021-1 ANX](#)

[Public Works Department Parks Comments](#)

[Fire Department Comments](#)

[Public Works Department Comments](#)

[Finance Department Comments](#)

[Applicant's Mitigation Proposal](#)

[Public Comments in Support](#)

[Public Comments in Opposition](#)

[Additional Comments in Support received by 5:00 p.m. 4-21-21.pdf](#)

[Additional Comments received by 2:00 p.m. 4-26-21pdf](#)

[Additional Comments received by 5:00 p.m. 4-26-21.pdf](#)

**Staff presentation by Pamela Cole, Planner, Community Development Planning Services.**

**Persons testifying:**

**Alan Sorem, Saalfeld Griggs PC, 250 Church Street SE, Suite 200,**

**Applicant's representative**

**Marc Grenz, Multi Tech Engineering, No address provided**

**Questions or Comments by: Mayor Bennett, Councilors Andersen, Alan Sorem, Councilor Hoy, Mark Grenz, Councilors Leung, Nordyke, Lewis, and Phillips, Dan Atchison, City Attorney.**

**Additional persons testifying on behalf of the applicant:**

**John Eld, 3425 Boone Road**

**Other persons testifying:**

**Cole Johnson, 2447 Robins Lane SE**

**Questions or Comments by: Councilor Phillips and Mayor Bennett.**

**Organizations testifying: None.**

**Additional Questions and Comments by: Mayor Bennett, Councilor Phillips, Pamela Cole, Peter Fernandez, Public Works Director, Lisa Anderson-Ogilvie, Planning Administrator, Community Development Planning Services, Councilors Andersen and Leung, Dan Atchison, and Councilor Lewis.**

**Rebuttal testimony by applicant's representatives:**

**Alan Sorem and John Eld.**

**Questions or Comments by: Mayor Bennett, Dan Atchison and Councilor Leung.**

**A motion was made by Councilor Hoy, seconded by Councilor Lewis that  
1) the Petitioners have signed a valid triple majority petition for  
annexation of the Territory, in conformance with Oregon Revised Statutes**

(ORS) Chapter 222;

2) Determined that the Petition satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2021-1 ANX (Attachments 2 through 5);

3) Apply the City of Salem RA (Residential Agriculture) zone to the Territory from Marion County UT-5 (Urban Transition 5 Acres) and UT-10 (Urban Transition 10 Acres);

4) Withdraw the Territory from Salem Suburban Rural Fire Protection District and Turner Fire District; and

5) Approve the annexation subject to the following conditions:

(a) Any future development of the Subject Property shall require compliance with SRC 808.050 tree planting requirements; however, the minimum diameter of the trees to be planted shall be increased from a 1.5-inch caliper to a 2-inch caliper standard and replacement tree diversity shall be increased by planting not less than five species authorized in the City's Tree and Vegetation Technical Manual; and

(b) Prior to recordation of a final plat for any partition, subdivision, or planned unit development, or occupancy of a commercial development, the applicant shall grant \$15,000 to the Salem City Tree Fund; and

(c) Prior to submittal of any application for a land use approval, limited land use approval, or permit for developing the Subject Property, Applicant shall enter into an agreement with the City of Salem acknowledging and agreeing that the City of Salem will not record a final plat for any partition, subdivision, or planned unit development on or before July 1, 2023.

Comments by: Councilors Hoy, Andersen, Nordyke, Leung and Lewis.

The motion CARRIED by the following vote:

**Aye:** 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Abstain:** 0

**4.b.**

Petitioner-Initiated Annexation of Territory Located at 3880 Croisan Creek Road South and City Owned Lands - 97302 (Annexation Case No. C-738)

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): SWAN

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

**Attachments:** [Vicinity Map](#)[Order No. 2021-2 ANX Adopting the Final Decision and Findings of Compliance](#)[Exhibit A - Petition.pdf](#)[Exhibit B - Territory Legal Description and Map.pdf](#)[Exhibit C - Findings for Order No. 2021-2 ANX](#)[Public Works Department Parks Comments](#)[Fire Department Comments](#)[Public Works Department Comments.pdf](#)[Finance Department Comments](#)

**Staff presentation by Pamela Cole, Planner, Community Development Planning Services.**

**Persons testifying: None.**

**Organizations testifying: None.**

**Questions or Comments by: Councilor Nordyke, Pamela Cole, Mayor Bennett, Peter Fernandez, Public Works Director, Councilor Lewis, and Dan Atchison, City Attorney.**

**A motion was made by Councilor Nordyke, seconded by Councilor Hoy that**

- 1) the Petitioners have signed a valid triple majority petition for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;**
- 2) Determined that the Petition satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2021-2 ANX (Attachments 2 through 5);**
- 3) Apply the City of Salem RA (Residential Agriculture) zone to the Territory from Marion County UT-5 (Urban Transition 5 Acres); and**
- 4) Withdraw the Territory from Salem Suburban Rural Fire Protection District.**

**The motion CARRIED by the following vote:**

**Aye:** 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Abstain:** 0

## **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.** Motion from Councilor Virginia Stapleton regarding the City's Carecorps youth jobs program



Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**A motion was made by Councilor Stapleton, seconded by Councilor Nordyke to direct staff to provide a report to City Council regarding how the City can better support and expand the impact of the City's CAREcorps program.**

**Questions or Comments: Councilor Stapleton, Mayor Bennett, Councilor Leung, and City Manager Powers.**

**The motion CARRIED by the following vote:**

**Aye:** 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Abstain:** 0

**5.b.**

Motion from Councilor Virginia Stapleton regarding temporary street closure of Union Street and Winter Street on Saturdays from May through October to benefit the area neighborhoods and the Saturday Market.

Ward(s): Ward 1

Councilor(s): Councilor Stapleton

Neighborhood(s): CANDO

**Attachments:** [Public comments received by 2:00 p.m. 4-26-21.pdf](#)  
[Additional Comments received by 5:00 p.m. 4-26-21.pdf](#)

**A motion was made by Councilor Stapleton, seconded by Councilor Andersen to direct staff to provide a report to City Council regarding the feasibility of closing Union Street from the pedestrian bridge in Riverfront Park to Winter Street and Winter Street from Union to Market Street on Saturdays from May through October to support a safe, livable, and sustainable city, with a thriving economy and a vibrant community.**

**Questions or Comments by: Mayor Bennett, Councilors Stapleton and Leung.**

**The motion CARRIED by the following vote:**

**Aye:** 9 - Andersen, Lewis, Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Abstain:** 0

**5.c.  
(3.2a)**

Multiple Unit Housing Tax Incentive Program application by 990 Broadway LLC seeking a ten-year property tax exemption for a 23-unit apartment development located at 990 Broadway Street NE.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community

**Attachments:** [Resolution No. 2021-12](#)  
[Exhibit A to Resolution No. 2021-12](#)  
[Exhibit B to Resolution No. 2021-12](#)  
[Core Area Map](#)

**A motion was made by Councilor Nordyke, seconded by Councilor Hoy to 1) Adopt Resolution No. 2021-12 approving an application by 990 Broadway LLC for a ten-year property 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 project's full property tax liability.**

**Questions or Comments by: Councilor Nordyke, Mayor Bennett, Kristin Retherford, Urban Development Director, Councilors Hoy, Andersen, Stapleton, and Leung.**

**The motion CARRIED by the following vote:**

**Aye:** 8 - Andersen, Lewis, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 1 - Leung

**Abstain:** 0

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

**Item 6.a , Announcing Mayoral appointments to the Library Strategic Plan Steering Committee, was deleted from the agenda - See item 1.1.**

**6.b.**

Planning Commission Decision - A proposed new mixed-use building - Approved.

Class 3 Design Review / Class 3 Site Plan Review / South Waterfront Mixed-Use Zone Development Phasing Plan Modification / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No.

DR-SPR-SWMUDPP-ADJ-DAP21-01 - Steve Fogg, Kathleen Levee, L.  
Charles Bloom - 295 Commercial St SE

Ward(s): 1  
Councilor(s): Stapleton  
Neighborhood(s): CANDO

**Attachments:** [Land Use Decision DR-SPR-SWMUDPP-ADJ-DAP21-01](#)

**This Informational Report was received and filed.**

**Questions or Comments by: Councilor Andersen and Kristin Retherford, Urban Development Director.**

- 6.c.** Planning Commission Decision - A consolidated application for a proposed new building and vehicle use area serving 34-unit multiple family development. - Approved.

Class 3 Design Review / Conditional Use Permit / Class 3 Site Plan Review / Class 2 Adjustment Case No. DR-CU-SPR-ADJ21-02 - Doug Circosta on behalf of Salem Y Veterans Housing - 220 Cottage Street NE.

Ward(s): 1  
Councilor(s): Stapleton  
Neighborhood(s): CANDO

**Attachments:** [Land Use Decision DR-CU-SPR-ADJ21-02](#)

**This Informational Report was received and filed.**

- 6.d.** Planning Administrator Decision - To validate a unit of land - Approved.

Validation of Unit of Land Case No. VUL21-01 - Matthew Fitzmaurice - 4000 Block of Salem Industrial Dr NE

Ward(s): 5  
Councilor(s): Gonzalez  
Neighborhood(s): Northgate

**Attachments:** [Land Use Decision VUL21-01](#)

**This Informational Report was received and filed.**

- 6.e.** Purchases approved administratively from March 1, 2021 through March 31, 2021.

Ward(s): All Wards

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

**Attachments:** [Purchases approved administratively March 2021](#)

This Informational Report was received and filed.

## **7. ORDINANCES**

### **7.1 FIRST READING:**

None.

### **7.2 SECOND READING:**

None.

## **8. PUBLIC COMMENT: (Other than agenda items)**

None.

## **9. ADJOURNMENT**

9:15 p.m.