

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, May 9, 2022**

**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**

6:01 p.m.

#### **Roll Call**

**Councilor Leung joined the meeting at 6:03 p.m.**

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

#### **Pledge of Allegiance**

Led by Councilor Varney.

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

None.

### **1.2 COUNCIL AND CITY MANAGER COMMENT**

**Comments by: Councilor Andersen, Mayor Bennett, Councilors Gonzalez, Nordyke, Hoy and Phillips and Interim City Manager Kristin Retherford.**

### 1.3 PROCLAMATIONS

- 1.3 a. [22-194](#) Proclamation recognizing National Historic Preservation Month.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Mayor Bennett read the proclamation and Carroll Cottingham, Chair, Historic Landmarks Committee, accepted the proclamation.**

**Comments by: Mayor Bennett and Carroll Cottingham.**

### 1.4 PRESENTATIONS

None.

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

None.

## 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 Mayor Bennett to approve the consent calendar with the pull of item 3.3g by Councilor Hoy.**

**Comments or Questions by: Councilor Hoy, Mayor Bennett, Councilors Andersen, Nordyke and Leung.**

**Item 3.3d: Councilor Phillips registered a "no" vote, and Councilors Leung and Varney registered "abstentions" due to they did not participate in previous discussions on the case.**

**Item 3.3e: Councilor Leung registered a "no" vote.**

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

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

**Nay:** 0

**Abstain:** 0

### 3.1 MINUTES

- 3.1 a. [22-203](#) April 25, 2022 Draft City Council Minutes

**Action: Approved.**

## 3.2 RESOLUTIONS

- 3.2 a. [22-188](#) Initiating a Class 2 vacation of three easements adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside

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

**Adopted Resolution No. 2022-25, initiating vacation of three easements adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE.**

- 3.2 b. [22-192](#) Dedication of City Property as Public Right-of-Way for the Construction of Gaia Street SE.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

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

**Adopted Resolution No. 2022-26, which dedicates City property as public right-of-way for the construction of Gaia Street SE.**

## 3.3 ACTION ITEMS

- 3.3 a. [22-186](#) Lease with the James A. Eastridge Living Trust for use of real property located at the intersection of Front Street SE and Ferry Street SE

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): CANDO

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

**Authorized the City Manager to execute the attached Lease for use of real property located at the intersection of Front Street SE and Ferry Street SE.**

**3.3 b.** [22-193](#)

Purchase and Sale Agreement with Piche Group Investments LLC for disposition of surplus City property located adjacent to Kuebler Boulevard SE.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside

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

**Authorized the City Manager to execute the Purchase and Sale Agreement with Buyer for surplus City property located adjacent to Kuebler Boulevard SE.**

**3.3 c.** [22-199](#)

Purchase and Sale Agreement with Meredith A. Cote for acquisition of real property adjacent to Franzen Reservoir.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Authorized the City Manager to execute the Purchase and Sale Agreement for acquisition of real property adjacent to Franzen Reservoir.**

**3.3 d.** [22-159](#)

Adoption of Final Order No. 2022-6-SUB21-09 following City Council's vote to affirm Phased Subdivision Tentative Plan Case No. SUB21-09 subject to an amended tentative plan and additional conditions of approval.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside Neighborhood Association

Result Area(s): Welcoming and Livable Community

**Adopted the Final Order to affirm the Planning Administrator's decision approving phased subdivision tentative plan case no. SUB21-09, subject to the applicant's proposed modifications dated March 9, 2022, and additional conditions of approval.**

**Councilor Phillips registered a "no" vote, and Councilors Leung and Varney registered "abstentions" due to they were not present for the previous discussions for the case.**

**3.3 e.** [22-197](#)

Adoption of Final Order No. 2022-8-SUB-UGA-ADJ22-01 following City Council's vote to affirm the Planning Administrator's decision approving Phased Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 2 Adjustment Case No. SUB-UGA-ADJ22-01 for property located at 2527 Robins Lane SE - 97306.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): South Gateway Neighborhood Association (SGNA)

Result Area(s): Welcoming and Livable Community

**Adopted the Final Order to affirm the Planning Administrator's decision approving Phased Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, and Class 2 Adjustment Case No. SUB-UGA-ADJ22-01.**

**Councilor Leung registered a "no" vote.**

**3.3 f.** [22-198](#)

Adoption of Final Order No. 2022-9-CU-SPR-ADJ-DAP-DR21-05 following the City Council's vote to affirm the decision of the Hearings Officer denying Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-05 for property located at the 4900 Block of State Street - 97301.

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): East Lancaster Neighborhood Association (ELNA)

Result Area(s): Welcoming and Livable Community

**Adopted the Final Order to affirm the Hearings Officer's decision denying Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-05.**

**3.3 g.** [22-200](#)

Final Order No. 2022-7-CPC-ZC21-06 following City Council's vote to affirm the decision of the Planning Commission to approve Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change for Case No. CPC-ZC21-06, for property located at the 2100 Block of Doaks Ferry Rd NW.

Ward(s): 8

Councilor(s): Varney

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Welcoming and Livable Community

**Pulled by Councilor Hoy - See item 5.a.**

**4. PUBLIC HEARINGS**

**4. a.**     [22-169](#)

Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation and Zone change to Commercial and (CR) Retail Commercial zoning for property located at the southwest corner of the intersection for Kuebler Boulevard and I-5.

Ward(s): Ward 4

Councilor(s): Leung

Neighborhood(s): South Gateway Neighborhood Association

Result Area(s): Welcoming and Livable Community

**Staff presentation by Olivia Dias, Planner, Community Development Planning Services.**

**Persons testifying on behalf of applicant:**

**Mark Shipman, Saalfeld Griggs, 250 Church Street SE, Suite 200**

**Scott Mansur, DKS Associates, 117 Commercial Street NE, Suite 150**

**Jeremy Schoenfelder, Mosaic Development, 1900 Hines Street SE**

**Comments by: City Attorney Dan Atchison gave Council an opportunity to disclose potential ex parte contacts.**

**Councilor Leung declared that she was not present at a South Gateway Neighborhood Association meeting when a discussion on this matter took place.**

**Questions or Comments by: Councilor Andersen, Mark Shipman, Councilor Hoy, Scott Mansur, Mayor Bennett, Councilor Phillips and Jeremy Schoenfelder.**

**Persons testifying on behalf of appellant:**

**Jake Krishnan, Chair, South Gateway Neighborhood Association**

**Questions or Comments by: Councilor Leung.**

**Other interested persons testifying:**

**Michael Hughes, 935 Barkstone Court SE**

**Questions or Comments by: Councilor Nordkye, Michael Hughes, Mayor Bennett, Councilor Phillips and City Attorney Dan Atchison.**

**Questions for staff: Mayor Bennett, Olivia Dias, Public Works Traffic Engineer Kevin Hottmann, Councilors Hoy, Andersen, Phillips and City Attorney Dan Atchison.**

**Rebuttal by:**

**Mark Shipman and Scott Mansur.**

**Questions or Comments by: Mayor Bennett, Mark Shipman, Jeremy Schoenfelder and City Attorney Dan Atchison.**



At 8:00 p.m., Mayor Bennett called for a five minute recess. The meeting resumed at 8:05 p.m.

**Additional Questions or Comments by: Mayor Bennett, Jeremy Schoenfelder, Councilor Hoy**

**A motion was made by Councilor Nordyke, seconded by Mayor Bennett to remand the application to the Planning Commission.**

**Questions or Comments: City Attorney Dan Atchison, Mayor Bennett, Councilor Hoy, Mark Shipman, Councilors Andersen, Nordyke and Phillips.**

**The motion to remand the application to the Planning Commission CARRIED by the following vote:**

**Aye:** 6 - Hoy, Bennett, Nordyke, Stapleton, Gonzalez, and Varney

**Nay:** 3 - Andersen, Leung, and Phillips

**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)**

### [22-200](#)

Final Order No. 2022-7-CPC-ZC21-06 following City Council's vote to affirm the decision of the Planning Commission to approve Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change for Case No. CPC-ZC21-06, for property located at the 2100 Block of Doaks Ferry Rd NW.

Ward(s): 8

Councilor(s): Varney

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Welcoming and Livable Community

**A motion was made by Councilor Hoy, seconded by Mayor Bennett to adopt the Final Order to affirm the Planning Commission's decision to approve Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change for Case No. CPC-ZC21-06.**

**Questions or Comments by: Councilors Hoy and Varney and Mayor Bennett.**

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

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

Nay: 0

Abstain: 0

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

6. a. [22-108](#)

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

Minor Comprehensive Plan Change / Zone Change Case No. CPC-ZC22-01 - Sam Thomas, Lenity Architecture Inc. on behalf of Hawthorne Premier LLC (Norman Brenden, Mark Burnham) - 550 Hawthorne Ave SE.

Ward(s): 2

Councilor(s): Anderson

Neighborhood(s): SESNA

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

6. b. [22-187](#)

Update on City Youth Development actions

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

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

**Questions or Comments by: Mayor Bennett, Councilor Stapleton, Community Development Youth Development Education Outreach Coordinator Laurie Shaw Casarez and Councilor Leung.**

**6. c.     [22-189](#)**

Planning Administrator Decision - A 48 lot subdivision and Urban Growth Area Preliminary Declaration. - Approved.

Tentative Subdivision Plan and Urban Growth Area Preliminary Declaration Case No. SUB-UGA22-02 - Stacy Connery, Pacific Community Design on behalf of Pacific Northwest Land Company LLC (Mark Vukanovich) - 2490 Michigan City Lane NW.

Ward(s): 8

Councilor(s): Varney

Neighborhood(s): WSNA

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

**7. ORDINANCES****7.1 FIRST READING:****7.1 a.     [22-191](#)**

Proposed amendments to Salem Revised Code Chapter 15 (Public Art) and Salem Revised Code Chapter 900 (Sign Code) to create an approval process for "Street Paintings," exempt certain temporary banners, and City-authorized signs in the public right-of-way.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

**A motion was made by Councilor Stapleton, seconded by Councilor Leung to conduct a first reading to consider Ordinance Bill No. 8-22, amending SRC Chapter 15 and Chapter 900.**

**Comments by Councilor Stapleton.**

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

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

**Nay:** 0

**Abstain:** 0

**7.2 SECOND READING:**

**7.2 a. [22-183](#)**

Petitioner-Initiated Annexation of Territory Located at 4090 Milton Street NE (Annexation Case No. C-747)

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

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

**Second reading was conducted and Ordinance Bill No. 6-22, approving annexation, applying City zoning, and approving withdrawal from the Marion County Fire District #1 and East Salem Sewer and Drainage District for a territory of approximately 0.91 acres located at 4090 Milton Street NE, PASSED by the following vote:**

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

**Nay:** 0

**Abstain:** 0

**7.2 b. [22-184](#)**

Petitioner-Initiated Annexation of Territory Located at 4929 Auburn Road NE (Annexation Case No. C-748)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

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

**Second reading was conducted and Ordinance Bill No. 7-22, approving annexation, applying City zoning, and approving withdrawal from Marion County Fire District #1 for a 0.31-acre territory located at 4929 Auburn Road NE, PASSED by the following vote:**

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

**Nay:** 0

**Abstain:** 0

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

Peter Meyer, 4540 Pringle Road SE, was signed up to provide comments regarding Council procedures but was unable to do so due to technical issues.

Comments by: Mayor Bennett and Councilor Nordyke.

**9. ADJOURNMENT**

8:36 p.m.