

SALEM HEARINGS OFFICER MINUTES
February 24, 2021

Hearings Officer
Jim Brewer

Staff Present
Aaron Panko, Planner III
Pamela Cole, Planner II
Sally Long, Planner I
Olivia Dias, Current Planning Manager
Zachery Cardoso, Recorder

Hearings Officer Jim Brewer called the meeting to order at 5:30 p.m. and explained the procedures of the night's hearing. City of Salem staff members present were Aaron Panko, Planner III; Pamela Cole, Planner II; Sally Long, Planner I; Olivia Dias, Current Planning Manager; and Zachery Cardoso, Recorder.

PUBLIC HEARING ON CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW

- **Case No. CU-SPR-ADJ-DAP-DR21-02 For 3230 Boone Rd SE**

Summary: Development of a new fifteen building apartment complex with 210 dwelling units.

Request: A Conditional Use Permit request to allow a new multi-family residential use, and Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of a new fifteen building apartment complex containing a total of 210 dwelling units, with a Class 2 Adjustment request to:

- 1) Allow an off-street parking area in front of adjacent buildings, instead of behind or beside buildings as required by SRC 702.020(d)(2);
- 2) Increase the maximum building length per SRC 702.020(e)(1) from 150 feet to 176.6 feet;
- 3) To eliminate the requirement for a minimum of 40 percent of the buildable width to be occupied by buildings placed at the minimum setback per 702.020(e)(4); and
- 4) To eliminate the direct pedestrian access to adjacent sidewalk requirement for ground level units per 702.020(e)(5).

For property approximately 27 acres in size, zoned IC (Industrial Commercial), and located at the 3200 Block of Boone Road SE - 97317 (Marion County Assessor Map and Tax Lot number: 083W13A / 00300).

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:38 p.m.

Case Manager Aaron Panko entered the staff report, all attachments, the presentation, and comments submitted by the public into the record and proceeded with the presentation.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use, site plan review, adjustments 1-3, driveway approach permit, and design review applications subject to the following conditions of approval:

CONDITIONAL USE:

- Condition 1:** Prior to building permit issuance the applicant shall demonstrate the proposal complies with all applicable fire department access requirements.
- Condition 2:** Prior to issuance of building permit, the applicant shall demonstrate that in coordination with Salem Keizer Public Schools, a safe accessible bus transportation route shall be provided for the proposed development. This may be accomplished by either 1) completing a street connection to 36th Avenue SE that accommodates school buses, 2) by providing sidewalks along Boone Road SE and on 36th Avenue SE connecting to a school bus stop to be located on 36th Avenue SE, or 3) the applicant may coordinate an alternative plan with Salem Keizer Public Schools to ensure a safe bus route is provided for this development.
- Condition 3:** Along the southern property line, the applicant shall construct a minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain-link fencing with slats shall not be allowed to satisfy this requirement.
- Condition 4:** The multi-family use shall contain no more than 210-dwelling units.

SITE PLAN REVIEW:

- Condition 5:** The final plat for Partition 19-12 shall be recorded prior to issuance of any civil site work or building permits.
- Condition 6:** Prior to building permit issuance the applicant shall revise the site plan to comply with the minimum vehicle use area setback requirement to the north and east.
- Condition 7:** Development of the solid waste service areas shall conform to all applicable standards of SRC Chapter 800.
- Condition 8:** At the time of building permit, the applicant shall demonstrate that the bicycle parking pads comply with all applicable development standards of SRC Chapter 806.
- Condition 9:** At the time of building permit, the applicant shall provide a minimum of three off-street loading spaces in compliance with all applicable off-street loading development standards of SRC Chapter 806.
- Condition 10:** At the time of building permit submittal, the applicant shall provide an updated tree inventory documenting any trees lost on the property during the ice storm event in February 2021.
- Condition 11:** Provide a 40-foot-wide temporary construction easement to the City of Salem along the entire frontage of 36th Avenue SE. The easement may be modified pursuant to PWDS after completion of the street improvements along 36th Avenue SE.
- Condition 12:** Along the entire frontage of abutting streets, dedicate right-of-way on the development side of the centerline to equal a minimum half-width of 36 feet on 36th Avenue SE and a minimum half-width of 30 feet on Boone Road SE.
- Condition 13:** Along Boone Road SE from 36th Avenue to 32nd Avenue, construct a minimum 15-foot-wide half-street improvement on the development side and a minimum 15-foot-wide turnpike improvement on the opposite side of the centerline. This improvement shall include a reconfiguration of the existing Boone/32nd intersection as described in Exhibit 14 of the TIA.

- Condition 14:** Pay the Bonaventure Reimbursement District Fee for Kuebler Boulevard Street Improvements pursuant to Resolution No. 2015-17.
- Condition 15:** The applicant's Traffic Engineer shall provide sight distance information for the driveway located on the inside of the curve of the proposed new street. On-street parking may need to be limited based on the findings of the sight distance analysis.
- Condition 16:** Construct an 8-inch S-1 water main from 36th Avenue SE to 32nd Avenue SE.
- Condition 17:** Pay a temporary access fee of \$114,600 and connect to the existing S-1 water system as a temporary facility pursuant to SRC 200.080(a).
- Condition 18:** Construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE
- Condition 19:** Construct an 8-inch sewer main from 36th Avenue SE to 32nd Avenue SE.
- Condition 20:** The applicant's engineer shall complete a downstream stormwater analysis pursuant to PWDS 4.2k to evaluate the adequacy of the stormwater linking facilities.
- Condition 21:** As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
- a. Convey or acquire property for dedication of neighborhood park facility NP-29 or equivalent; or
 - b. Pay a temporary access fee of 13.5 percent of the Parks SDCs due for the residential uses

ADJUSTMENTS:

- Condition 22:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

DESIGN REVIEW:

Condition 23: All trees designated for preservation shall be marked and protected during construction. Any tree designated for preservation shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of a certificate of final occupancy.

Condition 24: A lighting plan shall be provided at the time of building permit application demonstrating that lighting will be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.

Condition 25: Any ground-level unit, cluster of units, or interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing the street, with direct pedestrian access to the adjacent sidewalk.

Staff recommends that the Hearings Officer DENY the Class 2 Adjustment request to eliminate the direct pedestrian access to adjacent sidewalk requirement for ground level units per 702.020(e)(5).

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Mark Grenz, Multi-tech Engineering 1155 13th St SE, on behalf of John Eld

The Applicant requested the record be left open for 7 days to provide additional testimony regarding the supplemental staff report.

At this time the Hearings Officer had no questions for the applicant.

Neighborhood Association: None

Support: None

Oppose: None

Neutral: None

Evidence Received From:

Support: None
Oppose: None
Neutral: None
Rebuttal: None

The record is being left open for 7 days for additional testimony including the applicant's final rebuttal period.

The Hearings Officer had no additional questions for staff.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 6:06 p.m.

PUBLIC HEARING ON CONDITIONAL USE

- **Case No. CU21-03 For 4107 Fisher Rd NE**

Summary: A request to add a sixth unit to a five-unit homeless shelter.

Request: A Conditional Use Permit to create an additional shelter unit to serve the homeless in an existing building with five shelter units and a residential care facility, for property of approximately 1.24 acres, zoned RM-II (Multi-Family Residential), and located at 4107 Fisher Road NE 97305 (Marion County Assessors Map and Tax Lot number: 073W12AD / 700 and 800).

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 6:10 p.m.

Case Manager Pamela Cole entered the staff report, all attachments, the presentation, and comments submitted by the public into the record and proceeded with the presentation.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a conditional use to create an additional shelter unit to serve the homeless in an existing building with five shelter units and a residential care facility on a property approximately 1.24 acres located at 4107 Fisher Road NE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: The Conditional Use approval shall be limited to a nonprofit shelter serving up to six persons.

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Nicole Utz and Richard Rothweiler, AcCo 363 State St.

At this time the Hearings Officer had no questions for the applicant.

Neighborhood Association: None

Support: None

Oppose: None

Neutral: None

Evidence Received From:

Support: None

Oppose: None

Neutral: None

Rebuttal: None

The applicant waived their rebuttal period.

The Hearings Officer had no additional questions for staff.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 6:32 p.m.

PUBLIC HEARING ON VARIANCE / CLASS 2 DRIVEWAY APPROACH PERMIT

- **Case No. VAR-DAP21-01 for 1355 Mildred Ln SE**

Summary: A request for a Variance and Class 2 Driveway Approach Permit to allow a driveway approach onto Mildred Lane SE, a Minor Arterial Street, where a driveway is not allowed for a single-family residential use.

Request: A Variance and Class 2 Driveway Approach Permit to allow a driveway approach onto Mildred Lane SE, classified a Minor Arterial Street on the Salem Transportation System Plan, where a driveway is not allowed pursuant to SRC 804.035, for a single-family residential use, for property approximately 7.56 acres in size, split-zoned RA (Residential Agriculture), RS (Single-Family Residential) and IC (Industrial Commercial) and located at 1355 Mildred Lane SE - 97306 (Marion County Assessor Map and Tax Lot Numbers: 083W14CB / 2301, 2400, 2401, 2500, and 2501).

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 6:37 p.m.

Case Manager Sally Long entered the staff report, all attachments, the presentation, and comments submitted by the public into the record and proceeded with the presentation.

RECOMMENDATION

Based on the Facts and Findings presented in this staff report, staff recommends the Hearings Officer **DENY** the request for a variance and driveway approach permit to allow a driveway approach onto Mildred Lane SE, a Minor Arterial Street, where a driveway is not allowed for a single-family residential use.

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Mark Grenz, Multi-Tech 1155 13th St SE on behalf of Jim Helton

The Applicant requested seven days to provide final comments.

At this time the Hearings Officer had no questions for the applicant.

Neighborhood Association: None

Support: None

Oppose: Maureen and Thomas Burd, 5703 Flairstone SE

Neutral:

Evidence Received From:

Support: None

Oppose: None

Neutral: None

Rebuttal: Mark Grenz, Multi-Tech 1155 13th St SE on behalf of Jim Helton

The Applicant requested seven days to provide final rebuttal.

The Hearings Officer had no additional questions for staff.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 7:13 p.m.

Hearings Officer Minutes
February 24, 2021
Page 9

The meeting ended at 7:13 P.M.

Prepared by: Zachery Cardoso, February 24, 2021

Approved: February 25, 2021

G:\CD\PLANNING\MINUTES\HO MINUTES\2021\HO DRAFT MINUTES 2.24.2021.DOCX