

MINUTES
FINAL SALEM PLANNING COMMISSION Reviewer: Schweickart
April 6, 2021

COMMISSIONERS PRESENT

Dan Augustyn
Chane Griggs, President
Lisa Heller
Casey Kopcho
Ian Levin
Brian McKinley, Vice President
Joshlene Pollock
Ashley Schweickart
Michael Slater

COMMISSIONERS ABSENT

None

STAFF PRESENT

Bryce Bishop, Planner III
Lisa Anderson-Ogilvie,
Deputy CD Director and
Planning Administrator
Olivia Dias, Current Planning
Manager
Shelby Guizar, Admin Analyst
Thomas Cupani, Deputy City
Attorney

Note: This meeting was held digitally during the home quarantine imposed by the Governor to stem the spread of the Covid-19 virus. All attendees were virtual.

1. CALL TO ORDER

President Chane Griggs called the meeting to order at 5:30 P.M.

2. ROLL CALL

Roll was taken and with quorum established, President Griggs proceeded with the meeting.

3. PUBLIC COMMENT: This time is available for interested citizens to comment on specific agenda items other than public hearings, deliberations and the merits of land use issues that are reviewable by the Planning Commission at public hearings. Each person's comments will be limited to three minutes.

- None

President Griggs requested a motion to reorder the agenda.

Motion: Move to reverse items number 4 and 5 and conduct the public hearings prior to the discussion of the minutes.

Motion by: Commissioner McKinley

Seconded by: Commissioner Levin

Questions or Comments by: None

Vote: Aye: Augustyn, Griggs, Heller, Levin, McKinley, Pollock, Schweickart, Slater
Nay: 0

Abstentions: 0
Absent: 1 (Kopcho)

Action: Moved to reverse items number 4 and 5 and conduct the public hearings prior to the discussion of the minutes.

VOTE:

Yes 8 No 0 Abstain 0 Absent 1 (Kopcho)

Commissioner Kopcho arrives at 5:32 p.m.

5. PUBLIC HEARINGS:

Hearings begin no earlier than 5:30 p.m. unless otherwise noted. The statement of criteria will be read at the beginning of the hearings.

President Griggs asked the Commissioners if anyone had ex-parte communications or any conflicts of interest to state into the record. No conflicts or ex-parte contacts were noted.

5.1 Class 3 Design Review, Conditional Use Permit, Class 3 Site Plan Review, and Class 2 Adjustment Case No. DR-CU-SPR-ADJ21-02 for 220 Cottage Street NE; Ward 1 – Central Area Neighborhood Development Organization (CAN-DO); Olivia Dias, Odias@cityofsalem.net

SUMMARY: A consolidated application for a proposed new building and vehicle use area serving 34-unit multiple family development.

REQUEST: A proposed new building and vehicle use area serving 34-unit multiple family development, including the following applications: 1) A Class 3 Design Review for the proposed new building; 2) A Conditional Use Permit for 34-unit Multiple Family development; 3) A Class 3 Site Plan review for the proposed development; and 4) A Class 2 Adjustment to:

- a) Allow portions of the proposed building adjacent to Court Street NE, and Cottage Street NE to be setback less than five-feet as required under SRC 522.010(b);
- b) Reduce the minimum 10-foot vehicle use area setback required to zero feet, pursuant to SRC 806.035(c)(2) to the south property line abutting Court Street NE;
- c) Reduce the minimum vehicle use area setback abutting the north property line from 10-feet to three-feet and reduce setback from ten feet to four feet to the east property line pursuant to SRC 522.010(b).
- d) Reduce the minimum building setback abutting the north property line from ten-feet to five feet pursuant to SRC 522.010(b).
- e) Reduce the driveway width for from 22-feet to 20-feet, pursuant to SRC 804.
- f) To allow the proposed building to be located within the Vision Clearance of the northeast corner of Cottage Street SE and Court Street SE.
- g) Reduce opening of proposed solid waste service area from 12-feet to 8-feet.

The subject property is approximately 0.33 acres in size, zoned CR (Retail Commercial) within the General Retail/Office Overlay Zone and located at 220 Cottage Street NE (Marion County Assessor Map and Tax Lot Number: 073W27AA / 400).

Case Manager, Olivia Dias, entered the presentation, staff report, all attachments and additional comments submitted by the applicant into the record and proceeded with the presentation.

Recommended Action: Staff recommends that the Planning Commission adopt the facts and findings of the staff report and take the following action for the subject property located at 220 Cottage Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W27AA00400):

- A. APPROVE** the Class 3 Design Review for the proposed development.
- B. APPROVE** the Conditional Use Permit for the proposed development, with the following condition:
 - Condition 1:** The proposed development shall contain no more than 34 dwelling units.
- C. APPROVE** the Class 3 Site Plan Review for the proposed development, subject to the following conditions of approval:
 - Condition 2:** Prior to issuance of building permits, a property line adjustment shall be finalized to consolidate the underlining properties, or an adjustment shall be approved to eliminate the setback standards.
 - Condition 3:** The applicant shall install street trees along the property frontages pursuant to SRC Chapters 86 and 803.
 - Condition 4:** The applicant shall close the existing driveway approaches along Cottage Street NE, reconstruct curb and re-stripe on-street parking pursuant to PWDS.
 - Condition 5:** The applicant shall design doorways abutting Cottage Street and Court Street to not encroach into the right-of-way.
 - Condition 6:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- D. APPROVE** the Class 2 Adjustment to:
 - a) Allow portions of the proposed building adjacent to Court Street NE, and Cottage Street NE to be setback less than five-feet as required under SRC 522.010(b);
 - b) Reduce the minimum 10-foot vehicle use area setback required to zero feet, pursuant to SRC 806.035(c)(2) to the south property line abutting Court Street NE;
 - c) Reduce the minimum vehicle use area setback abutting the north property line from 10-feet to three-feet and reduce setback from ten feet to four feet to the east property line pursuant to SRC 522.010(b).
 - d) Reduce the minimum building setback abutting the north property line from ten-feet to five feet pursuant to SRC 522.010(b).
 - e) Reduce the driveway width for from 22-feet to 20-feet, pursuant to SRC 804.
 - f) To allow the proposed building to be located within the Vision Clearance of the northeast corner of Cottage Street SE and Court Street SE.
 - g) Reduce opening of proposed solid waste service area from 12-feet to 8-feet; with the following condition:

Condition 7: All trees designated for retention under the tree conservation plan shall be marked and protected during construction. Any heritage tree or significant tree 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. Tree protection measures shall remain in place until the issuance of Notice of Final Completion.

Questions or Comments for Staff by Commissioners: Commissioners Griggs and Pollock

Testifying Parties:

Applicant Team:

- Tim Sinatra, YMCA CEO, 544 Ferry St SE Suite 2, Salem OR 97301, Alan Sorem, 250 Church St SE, Salem OR 97301, Robert Justus, Home First Development, 194 SW Tualatin Loop, West Linn OR 97068, and Doug Circosta, 14670 SW Forest Drive, Beaverton OR 97007

Questions or Comments for Applicant by Commissioners: Commissioners Pollock, Schweickart, Heller, Levin, Slater

Neighborhood Association(s):

- None

Support:

- None

Neutral:

- None

Opposed:

- None

Additional Questions or Comments for Staff by Commissioners: Commissioners Levin, Pollock, Slater

Rebuttal by Applicant:

- Robert Justus, Home First Development, 194 SW Tualatin Loop, West Linn OR 97068

Additional Questions or Comments for Applicant by Commissioners: None

With no further questions, Commissioner Griggs closed the public hearing at 6:21 P.M.

Motion: Move to adopt staff recommendation.

Motion by: Commissioner McKinley

Seconded by: Commissioner Schweickart

Discussion on Motion: Commissioners Pollock and Schweickart

Vote:

Aye: Augustyn, Griggs, Heller, Kopcho, Levin, McKinley, Pollock, Schweickart, Slater

Nay: 0

Abstentions: 0

Absent: 0

Action: Moved to approve the staff recommendation.

VOTE:

Yes 9 No 0 Abstain 0 Absent 0

5.2 Class 3 Design Review, Class 3 Site Plan Review, South Waterfront Mixed-Use Zone Development Phasing Plan Modification, Class 2 Adjustment, and Class 2 Driveway Approach Permit Case No. DR-SPR-SWMUDPP-ADJ-DAP21-01 for 295 Commercial Street SE; Ward 1 – Central Area Neighborhood Development Organization (CAN-DO); Bryce Bishop, bbishop@cityofsalem.net

SUMMARY: An application for a proposed new four-story mixed-use building consisting of a 72-bed post-acute rehabilitation facility and approximately 3,940 square feet of ground floor commercial space at the corner of Commercial Street SE and Front Street SE.

REQUEST: A consolidated application for a proposed new four-story mixed-use building consisting of a 72-bed post-acute rehabilitation facility and approximately 3,940 square feet of ground floor commercial space. The application includes the following:

- 1) A Class 3 Design Review and Class 3 Site Plan Review for the proposed development;
- 2) A modification to the South Waterfront Mixed-Use (SWMU) Zone Development Phasing Plan approved for the property allowing the mix of Household Living and Non-Household Living uses required for the development site under the SWMU zone to be met in phases;
- 3) A Class 2 Driveway Approach Permit for the proposed replacement of the existing driveway onto Commercial Street SE; and
- 4) A Class 2 Adjustment to:
 - a) Eliminate the minimum 5-foot parking and vehicle use area setback required between the proposed parking spaces and loading area located on the northern portion of the site and the adjacent north property line (SRC 806.035(c)(3) & SRC 806.080(b)(2)); and
 - b) Reduce the minimum 370-foot spacing required between both the proposed driveway onto Commercial Street SE and Front Street SE and between the proposed driveway onto Commercial Street SE and the nearest driveway to the south (SRC 804.035(d)).

The subject property is approximately 1.14 acres in size, zoned SWMU (South Waterfront Mixed-Use) and located at 295 Commercial Street SE (Marion County Assessor Map and Tax Lot Number: 073W27BA03100).

Case Manager, Bryce Bishop, entered the presentation, staff reports, comments, and all attachments into the record and proceeded with the presentation.

Recommended Action: Staff recommends that the Planning Commission adopt the facts and findings of the staff report and take the following action for the subject property located at 295 Commercial Street SE (Marion County Assessor Map and Tax Lot Numbers: 073W27BA03100):

- A. APPROVE** the Class 3 Design Review for the proposed development, subject to the following conditions of approval:
- Condition 1:** The landscaping plan shall be revised to replace the Greenleaf Manzanita proposed along the southern property line with an alternative sight-obscuring evergreen shrub, or variety of evergreen shrubs, that will grow to a height of 3 feet to 6 feet and not produce fruits/berries.
 - Condition 2:** The design of the building adjacent to the corner of Commercial Street SE and Front Street SE shall be revised to incorporate additional architectural detailing, such as a projecting roof, increased building height or massing, or special window treatments, to visually emphasize the corner of the building.
- B. APPROVE** the Class 3 Site Plan Review for the proposed development, subject to the following conditions of approval:
- Condition 1:** The bicycle parking spaces provided for the ground floor commercial tenant space shall be located to conform to the bicycle parking space dimension requirements of SRC 806.060(c), including:
 - a) Ensuring that a minimum 4-foot-wide access aisle is provided to serve the spaces without projecting into the required entrance area into the building; and
 - b) Maintaining a minimum required 2-foot bike parking space width between racks and an abutting building wall.
 - Condition 2:** The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.
 - Condition 3:** Provide street trees to the maximum extent feasible along the frontage of Commercial Street SE.
 - Condition 4:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and the Public Works Design Standards (PWDS) in effect at the time of application submittal or obtain approval from the Public Works Director for a fee-in-lieu of improvements pursuant to SRC 71.025.
- C. APPROVE** the South Waterfront Mixed Use Zone Development Phasing Plan Modification to allow the mix of Household Living and Non-Household Living uses required for a development site under the South Waterfront Mixed-Use (SWMU) zone to be met in phases.
- D. APPROVE** the Class 2 Adjustment to:
- a) Eliminate the minimum 5-foot parking and vehicle use area setback required between the proposed parking spaces and loading area located on the northern portion of the site and the adjacent north property line (SRC 806.035(c)(3) & SRC 806.080(b)(2)); and

- b) Reduce the minimum 370-foot spacing required between both the proposed driveway onto Commercial Street SE and Front Street SE and between the proposed driveway onto Commercial Street SE and the nearest driveway to the south (SRC 804.035(d)).

E. APPROVE the Class 2 Driveway Approach Permit.

Questions or Comments for Staff by Commissioners: Commissioners Slater, Levin, Schweickart

At this time, 7:09 p.m., Commissioner McKinley needed to leave the meeting.

Testifying Parties:

Applicant Team:

- Matt Stoffregen, Gretchen Stone, and Dylan Chavez with CB Two Architects, 500 Liberty Street SE Suite 100, Salem OR 97301

Questions or Comments for Applicant by Commissioners: Commissioners Pollock, Heller, Slater, Levin

Neighborhood Association(s):

- None

Support:

- None

Neutral:

- None

Opposed:

- None

Additional Questions or Comments for Staff by Commissioners: Commissioners Slater, Griggs, Pollock

Rebuttal by Applicant:

- Matt Stoffregen, CB Two Architects, 500 Liberty Street SE Suite 100, Salem OR 97301

Additional Questions for Applicant by Commissioners: None

Additional Questions for Staff by Commissioners: None

With no further questions, Commissioner Griggs closed the public hearing at 7:52 P.M.

Motion: Move to adopt staff recommendation with the removal of Condition 2 of the Class 3 Design Review.

Motion by: Commissioner Schweickart

Seconded by: Commissioner Levin

Discussion on the motion: Commissioners Pollock, Slater, Levin

Motion to amend current motion on floor: Amend the motion on the floor to include the removal of Condition 1 of the Class 3 Design Review from the staff recommendation.

Move to amend by: Commissioner Slater
Seconded by: Commissioner Levin

Discussion on amended motion: Commissioner Pollock

Vote on amendment to original motion:
Aye: Augustyn, Griggs, Kopcho, Levin, Pollock, Schweickart, Slater
Nay: 1 (Heller)
Abstentions: 0
Absent: 1 (McKinley)

Action: Original motion amended to include removal of Condition 1 of the Class 3 Design Review.

Vote on original motion:
Aye: Augustyn, Griggs, Kopcho, Levin, Pollock, Schweickart, Slater
Nay: 1 (Heller)
Abstentions: 0
Absent: 1 (McKinley)

Action: Moved to approve the staff recommendation with the removal of Conditions 1 and 2 of the Class 3 Design Review conditions.

VOTE:

Yes 7 No 1 (Heller) Abstain 0 Absent 1 (McKinley)

4. CONSENT CALENDAR:

4.1 Approval of Minutes

February 9, 2021 Minutes (Commissioner Levin)
Recommended Action: Approve

Motion: Move to approve the minutes.

Motion by: Commissioner Levin
Seconded by: Commissioner Pollock

Questions or Comments by: Commissioners Levin and Griggs

Vote: *Aye:* Augustyn, Griggs, Heller, Kopcho, Pollock, Schweickart, Slater
Nay: 1 (Levin)
Abstentions: 0
Absent: 1 (McKinley)

VOTE:

Yes 7 No 1 (Levin) Abstain 0 Absent 1 (McKinley)

4.2 Resolutions: None

4.3 Action Items: None

6. SPECIAL ORDERS OF BUSINESS: None

7. INFORMATION REPORTS: None

8. PUBLIC COMMENT (other than agenda items): None

9. PLANNING ADMINISTRATOR’S REPORT:

- Introduction of new Planner II, Kyle Kearns
- Reappointments for Commissioners Augustyn and Schweickart have gone through.
- Commissioners Pollock and McKinley will be terming out at the end of this year.
- Our Salem Zoning Subcommittee has been formed. Commissioners Griggs, Pollock, Levin and Schweickart have been appointed to this subcommittee. Three meetings have been scheduled so far and will be live on YouTube for viewing and open for public comment.
- April 20, 2021 Planning Commission meeting includes an appeal hearing and a housing update from Eunice Kim, Long Range Planning Manager
- Reminder that the chat function on Zoom only goes to the host of the meeting Shelby Guizar, Admin Analyst, and does not function as a group chat.
- Process for motions not related to public hearing items to begin with sending proposed motion to staff prior to meeting to be shared among Commissioners, allowing them to know what they are voting on prior to the meeting. If unable to send prior to meeting, the meeting will involve a discussion on proposed motion and the actual motion to be voted on will happen at the following meeting.
 - Commissioner Pollock wants to remind new planner to list the HOA in staff reports presented to the Commission. Also asked if she could pass along information regarding zoning for Our Salem to Ms. Kim to be passed along to Councilors and Commissioners, Lisa Anderson-Ogilvie responded yes, any information she wanted to pass along is welcomed.
 - Commissioner Griggs wanted to say she agrees with bringing up motions in writing prior to meetings for a chance to review.
 - Commissioner Kopcho mentioned the updates to the UDC, would like to see if staff will look at setbacks as an area to be addressed during these changes. Ms. Anderson-Ogilvie mentioned that those will be looked at.
- Ms. Anderson-Ogilvie stated that we have paused the current package of UDC amendments to focus on zoning code amendments for car camping, tent camping, and micro-shelters that zoning code does not address today. Our Salem policy meetings have started, every Wednesday at noon and 5:30 p.m. with different topics each week. The meetings include live polling with attendees.

- Commissioner Schweickart mentioned how the current code could potentially disadvantage those trying to build housing for the homeless because the definition of “Household Living” excludes congregated care setting and temporary stays.
 - Ms. Anderson-Ogilvie that currently we have to ask a lot of questions to applicants for projects like this to determine what the project classifies as because our zoning code does not include many of the new types of housing options. Ms. Anderson-Ogilvie mentioned there are currently several pieces of legislation moving through the state legislative session that address the challenges/barriers to providing affordable housing for the homeless and could impact the City’s UDCs (Unified Development Codes) and zoning code. Hoping that some barriers in this process will go away with the new state laws. Current zoning code is not built to address all of the different uses.
- Commissioner Schweickart requested that staff follow up with the Planning Commission on which bills end up getting passed/enacted.

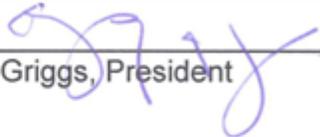
10. COMMISSIONER COMMENTS FOR THE GOOD OF THE ORDER:

Thank you to Ms. Guizar for detailed minutes. Thank you to Ms. Anderson-Ogilvie for being available and responsive with questions on cases coming to Planning Commission.

11. ADJOURNMENT:

There being no further business for the record, the meeting was adjourned at 8:23 P.M.

SUBMITTED:



Chane Griggs, President

ATTESTED:



Lisa Anderson-Ogilvie, AICP
Deputy Community Development Director and
Planning Administrator