

**MINUTES**  
**FINAL SALEM PLANNING COMMISSION Reviewer: Augustyn**  
**June 15, 2021**

**COMMISSIONERS PRESENT**

Dan Augustyn  
Chane Griggs, President  
Casey Kopcho  
Ian Levin  
Brian McKinley, Vice President  
Joshlene Pollock

**COMMISSIONERS ABSENT**

Lisa Heller, Excused  
Ashley Schweickart, Excused  
Michael Slater, Unexcused

**STAFF PRESENT**

Bryce Bishop, Planner III  
Lisa Anderson-Ogilvie,  
Deputy CD Director and  
Planning Administrator  
Thomas Cupani, Deputy City  
Attorney  
Zachery Cardoso, Admin Analyst

**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**

Due to lack of quorum, meeting was delayed. President Chane Griggs called the meeting to order at 6:09 P.M.

**2. ROLL CALL**

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

**3. CONSENT CALENDAR:**

3.1 Approval of Minutes

President Griggs moved approval of the minutes to the next meeting as the commissioner in charge of reviewing the minutes was not in attendance and the other commissioners were not expecting to review.

3.2 Resolutions: None

3.3 Action Items: None

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**4. 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.

4.1 Fairview Refinement Plan Major Amendment / Class 1 Design Review / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Adjustment / Class 2 Driveway Approach Permit Case No. FRPA-DR-SPR-ADJ-DAP21-02 for 4000 to 4100 Blocks of Reed Road SE & 2110 Strong Road SE; Ward 3 – Morningside Neighborhood Association; Bryce Bishop, [BBishop@cityofsalem.net](mailto:BBishop@cityofsalem.net)

**SUMMARY:** An application to develop a 183-unit multiple family development, pursuant to the requirements of the Fairview Mixed-Use zone and the Fairview Refinement Plan II refinement plan, as a second phase of The Grove apartments at Fairview on two portions of the former Fairview Training Center site totaling approximately 10.74 acres in size. The proposal includes 105 dwelling units on the portion of the site located at 2110 Strong Road SE and the remaining 78 dwelling units on the portion of the site located in the 4000 to 4100 Blocks of Reed Road SE.

**REQUEST:** A consolidated application for a proposed 183-unit multiple family development on two portions of the former Fairview Training Center site totaling approximately 10.74 acres in size. The application includes the following:

- 1) A Class 1 Design Review and Class 3 Site Plan review for the proposed multiple family development.
- 2) A Major Amendment to the Fairview Refinement Plan II refinement plan to:
  - a) Increase the number of dwelling units allowed within the refinement plan from 280 to 457;
  - b) Allow the lot for the East development to exceed the maximum lot depth requirements of the AU (Adaptive Use) and MI (Mixed-Intensity) areas of the refinement plan;
  - c) Allow the minimum required floor-area-ratio (lot coverage) of the West development located within the VC (Village Center) area of the refinement plan to be less than 0.75 FAR;
  - d) ~~Allow the proposed carports within the development to exceed the maximum 1,000 square-foot building footprint required in the VC, AU, and MI areas.~~
  - e) Allow less than 70 percent of the lot/street frontage of the West development within the VC area of the refinement plan along Lindburg Road and Strong Road to be occupied by buildings placed at the minimum setback line;
  - f) Allow Buildings 20, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 35 to be setback greater than the maximum 20-foot setback abutting a street required in the VC, AU, and MI areas of the refinement plan;
  - g) Allow Buildings ~~22 and 24~~ to be setback less than the minimum required 10-foot setback abutting a street required in the ~~AU and MI~~ areas of the refinement plan;
  - h) Allow the ~~proposed off-street parking spaces on the south side of Chapel Drive within the East development and the proposed off-street parking spaces along the southern property line of the West development~~ to be setback less than the minimum 20-foot setback abutting a street required in the VC ~~and MI~~ areas of the refinement plan;
  - i) Allow the off-street parking spaces located within one of the proposed parking lots within the East development abutting phase 1 of The Grove apartments to be less than the minimum 10-foot setback required abutting an interior side property line in the AU area of the refinement plan;

- j) Allow three driveway approaches onto the private streets within the East development where a maximum of two driveway approaches per parcel are allowed onto private streets within the AU and MI areas of the refinement plan;
  - k) Allow the driveway approaches onto the proposed private streets within the East and West developments to exceed the maximum driveway approach widths required under the VC, AU, and MI areas of the refinement plan;
- 3) A Class 1 Adjustment to increase the maximum number of parking spaces allowed within the East development from 137 spaces to 446 139 spaces (SRC 806.015(d)).
- 4) A Class 2 Adjustment to:
- a) Decrease the minimum number of trees required to be planted around the perimeter of buildings (SRC 702.020(b)(4));
  - b) Decrease the minimum number of trees required to be planted around the perimeter of off-street parking areas and allow some of the proposed parking lot planter bays within the development to be less than the minimum required nine feet in width (SRC 702.020(b)(7));
  - c) Allow less than 70 percent of the lot/street frontage of the West development within the VC area of the refinement plan along proposed Village Center Loop to be occupied by buildings placed at the setback line (SRC 702.020(e)(4));
  - d) Allow less than 50 percent of the lot/street frontages of the East development within the AU and MI areas of the refinement plan along streets to be occupied by buildings placed at the setback line (SRC 702.020(e)(4));
  - e) Allow ground floor dwelling units located within 25 feet of a property line abutting a street to be developed without a building entrance facing the street or a direct pedestrian connection to the adjacent sidewalk (SRC 702.020(e)(5));
  - f) Allow proposed buildings located adjacent to interior side property lines to be developed without a 45-degree façade setback plane for those portions of the buildings that are greater than 28 feet in height;
  - ~~g) Allow dead-end off-street parking areas within the East development to be constructed without a turnaround (SRC 806.040(a)); and~~
  - ~~h) Allow the proposed trash/recycling areas to be developed without on-site turnaround areas for waste collection service vehicles (SRC 800.055(f)(2)).~~
- 5) A Class 2 Driveway Approach Permit for the proposed driveway approaches within the West development onto Strong Road SE and Lindburg Road SE.

The subject properties total approximately 10.74 acres in size, are zoned FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II refinement plan, and are located at 2110 Strong Road SE and the 4000 to 4100 Blocks of Reed Road SE (Marion County Assessor Map and Tax Lot Numbers: 083W0200100 and 083W11A01002).

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

**Recommended Action:** Staff recommends that the Planning Commission adopt the facts and findings of the original June 15, 2021, staff report, together with the facts and findings included within this supplemental staff report, and take the following action for the subject properties totaling approximately 10.74 acres in size, zoned FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II refinement plan, and located at 2110 Strong Road SE and the

4000 to 4100 Blocks of Reed Road SE (Marion County Assessor Map and Tax Lot Numbers: 083W0200100 and 083W11A01002).

A. **APPROVE** the Class 3 Site Plan Review for the proposed development, subject to the following conditions of approval:

- Condition 1:** Prior to issuance of building buildings permits for the proposed West development, the final plat for the Legacy Heights Subdivision (Case No. SUB-FRPA20-03) shall be recorded.
- Condition 2:** Obtain all state and federal permits as indicated by the Department of State Lands (DSL).
- Condition 3:** All trash/recycling areas shall conform to the solid waste service area standards of SRC 800.055.
- Condition 4:** Design and construct all City infrastructure, including streets, according to the refinement plan and PWDS.
- Condition 5:** Convey land for dedication to equal a half-width right-of-way of 36 feet along the entire frontage of the subject property measured from the newly established offset centerline of Reed Road SE, and as shown on public construction plans under permit number 21-101403-PC.
- Condition 6:** Construct a full-street improvement along the frontage of Reed Road SE to Minor Arterial street standards from Strong Road SE to approximately 500 feet south of Lindberg Road SE, and as shown on public construction plans under permit number 21-101403-PC. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted prior to issuance of certificate of occupancy for the first building within the development.
- Condition 7:** Complete incomplete portions of the boundary street improvements along the property frontages of Strong Road SE and Lindberg Road SE.
- Condition 8:** Construct Village Center Loop SE (private) from Lindburg Road SE to Strong Road SE. The private/public street intersections shall be constructed pursuant to PWDS.
- Condition 9:** Construct an extension of Mountain Street SE (private) from its existing terminus at the northern boundary of the eastern property to Chapel Drive SE (private).
- Condition 10:** Construct incomplete portions of the boundary street improvements along the property frontages of Chapel Drive SE (private).
- Condition 11:** Dedicate public access easements for the proposed private streets within the development.
- Condition 12:** Dedicate a public access easement for the proposed 10-foot-wide multi-use path through the subject property.

**Condition 13:** Construct an 18-inch S-1 water main within Reed Road SE from Strong Road SE to approximately 500 feet south of Lindberg Road SE.

**Condition 14:** 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).

B. **APPROVE** the Class 1 Design Review for the proposed development subject to the following conditions of approval:

**Condition 1:** A minimum of two plant units shall be provided adjacent to the primary entryway of each dwelling unit or combination of dwelling units.

**Condition 2:** Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.

**Condition 3:** The private ground floor patios included within the development shall be visually separated from common open space through the use of perimeter landscaping.

**Condition 4:** All parking area planter bays shall be a minimum of 9 feet in width.

C. **APPROVE** the Fairview Refinement Plan Major Amendment to:

- a) Increase the number of dwelling units allowed within the refinement plan from 280 to 457;
- b) Allow the lot for the East development to exceed the maximum lot depth requirements of the AU (Adaptive Use) and MI (Mixed-Intensity) areas of the refinement plan;
- c) Allow the minimum required floor-area-ratio (lot coverage) of the West development located within the VC (Village Center) area of the refinement plan to be less than 0.75 FAR;
- d) Allow less than 70 percent of the lot/street frontage of the West development within the VC area of the refinement plan along Lindburg Road and Strong Road to be occupied by buildings placed at the minimum setback line;
- e) Allow Buildings 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 to be setback greater than the maximum 20-foot setback abutting a street required in the VC, AU, and MI areas of the refinement plan;
- f) Allow Building 24 to be setback less than the minimum required 10-foot setback abutting a street required in the AU and MI areas of the refinement plan;
- g) Allow the proposed off-street parking spaces along the southern property line of the West development to be setback less than the minimum 20-foot setback abutting a street required in the VC and MI areas of the refinement plan;
- h) Allow the off-street parking spaces located within one of the proposed parking lots within the East development abutting phase 1 of The Grove apartments to be less than the minimum 10-foot setback required abutting an interior side property line in the AU area of the refinement plan;
- i) Allow three driveway approaches onto the private streets within the East development where a maximum of two driveway approaches per parcel are allowed onto private streets within the AU and MI areas of the refinement plan; and

j) Allow the driveway approaches onto the proposed private streets within the East and West developments to exceed the maximum driveway approach widths required under the VC, AU, and MI areas of the refinement plan.

D. **APPROVE** the Class 1 Adjustment to increase the maximum number of parking spaces allowed within the East development from 137 spaces to 139 spaces.

E. **DENY** the Class 2 Adjustment to decrease the minimum number of trees required to be planted around the perimeter of buildings and place the following condition on the design review approval to ensure conformance with the requirements of SRC 702.020(b)(4):

**Condition 5:** The landscaping plans shall be revised to include trees at a minimum density of 10 plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.

F. **DENY** the Class 2 Adjustment to allow ground floor dwelling units located within 25 feet of a property line abutting a street to be developed without a building entrance facing the street or a direct pedestrian connection to the adjacent sidewalk and place the following condition on the design review approval to ensure conformance with the requirements of SRC 702.020(e)(5):

**Condition 6:** For any ground-level dwelling unit located within 25 feet of the property line abutting a street, the site plans shall be revised to have a building entrance facing that street with direct pedestrian access to adjacent sidewalks.

G. **APPROVE** the Class 2 Adjustment to:

- a) Decrease the minimum number of trees required to be planted around the perimeter of off-street parking areas;
- b) Allow less than 70 percent of the lot/street frontage of the West development within the VC area of the refinement plan along proposed Village Center Loop to be occupied by buildings placed at the setback line;
- c) Allow less than 50 percent of the lot/street frontages of the East development within the AU and MI areas of the refinement plan along streets to be occupied by buildings placed at the setback line; and
- d) Allow proposed buildings located adjacent to interior side property lines to be developed without a 45-degree façade setback plane for those portions of the buildings that are greater than 28 feet in height.

H. **APPROVE** the Class 2 Driveway Approach Permit for the proposed driveway approaches within the West development onto Strong Road SE and Lindburg Road SE.

*Commissioner McKinley Joined the meeting at 6:19 p.m.*

**Questions or Comments for Staff by Commissioners:** Commissioners Pollock and Levin

Testifying Parties:

Applicant:

- Richard Berger, Neighborly Ventures, 2925 River Rd S Suite 100, Salem 97302

**Questions or Comments for Applicant by Commissioners:** Commissioner Griggs

Neighborhood Association(s):

- None

Support:

- None

Neutral:

- None

Opposed:

- None

**Additional Questions or Comments for Staff by Commissioners:** None

With no further questions, Commissioner Griggs closed the public hearing at 6:58 P.M.

**Motion:** Move to adopt staff recommendation from the supplemental staff report.

**Motion by:** Commissioner McKinley

**Seconded by:** Commissioner Levin

**Discussion on Motion:** Commissioners Pollock and Kopcho

**Vote:**

*Aye:* Augustyn, Griggs, Kopcho, Levin, McKinley, Pollock

*Nay:* 0

*Abstentions:* 0

*Absent:* 3 (Heller, Schweickart, Slater)

**Action:** Moved to adopt staff recommendation from the supplemental staff report.

**VOTE:**

**Yes 6      No 0      Abstain 0      Absent 3 (Heller, Schweickart, Slater)**

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**5. SPECIAL ORDERS OF BUSINESS:**

**5.1 Unified Development Code (UDC) Amendment Work Session**

Bryce Bishop, Planner III, provided a background on the UDC and continued with a presentation on the draft UDC amendments.

**Questions or Comments by Commissioners:**

- Commissioner Pollock stated that for Salem Revised Code Chapter 400 for Similar Use Determinations, wants a (D) under section (d)(1) that asks the applicant to identify if there is a Homeowners Association (HOA) or a Condominium Association. Then under (e)(2) add that mailed notice should be sent to the HOA/ Condominium Association
  - Mr. Bishop answers that this section is more general, and more of a code interpretation, and that is why something like what Pollock is suggesting was

not included in this code amendment. Lisa Anderson-Ogilvie said that Pollocks comment is a good point and we will add it into the code amendment.

6. **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.

- Elliott Lapinel, 845 Gaines St NE

**Questions or Comments by Commissioners:** Commissioner Kopcho

7. **INFORMATION REPORTS:** None

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

9. **PLANNING ADMINISTRATOR'S REPORT:**

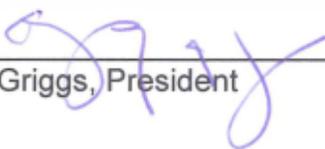
- Reminder that the next Our Salem Zoning Subcommittee meeting is on Monday, June 21, 2021 from 11 a.m. – 1 p.m.
- Next Planning Commission on July 6, 2021 is most likely cancelled, as soon as it is confirmed, email will be sent out notifying commissioners
- Another Unified Development Code Amendment work session at the next July meeting

10. **COMMISSIONER COMMENTS FOR THE GOOD OF THE ORDER:** Commissioner McKinley mentioned at camp in August three finalists will be chosen for the flag project and if anyone wants to participate in that process to let him know.

11. **ADJOURNMENT:**

There being no further business for the record, the meeting was adjourned at 7:30 P.M.

SUBMITTED:

  
\_\_\_\_\_  
Chane Griggs, President

ATTESTED:

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