



SALEM HEARINGS OFFICER MEETING
WEDNESDAY, APRIL 27, 2022, 5:30 P.M.
REMOTE VIA ZOOM

This regular meeting of the Salem Hearings Officer will take place online. If you are interested in attending, you can digitally attend the meeting using any computer, tablet, or smart phone.

Staff Reports and presentations for this meeting will be available at this link:

<https://www.cityofsalem.net/Pages/hearings-officer.aspx>

DIGITAL MEETING INFORMATION

To view and listen to this hearing LIVE on YouTube, please visit this link with any computer, tablet, or smart phone: <http://bit.ly/planningpublicmeetings>

To provide written testimony: Direct written comment to the case manager listed below. Staff recommends emailing your comments to ensure receipt before the public hearing.

To provide testimony virtually at the public hearing: Sign up by contacting Zachery Cardoso at zcardoso@cityofsalem.net or 503-540-2304 by April 27, 2022 at 3:00 p.m. to receive instructions.

The City of Salem thanks you for your support in slowing the spread of COVID-19 by attending this public meeting digitally. For any questions or concerns about the above information, please contact Zachery Cardoso, Admin Analyst at zcardoso@cityofsalem.net or 503-540-2304.

CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / TREE REGULATION VARIANCE / CLASS 1 DESIGN REVIEW CASE NO. CU-SPR-ADJ-DAP-TRV-DR22-02

a. CU-SPR-ADJ-DAP-TRV-DR22-02 for 3200 Block of Boone Rd SE

Summary: Phase 2 development of the McKenzie Heights complex, this phase includes twelve multiple family residential buildings and twelve townhome buildings containing a total of 272 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 Permits, and Class 1 Design Review for development of a new twelve building apartment complex and twelve townhome buildings containing a total of 272 dwelling units, with Class 2 Adjustment requests to:

- 1) Eliminate the requirement for off-street parking areas to be provided behind or beside a building or structure per SRC 702.020(d)(2) and allow off-street parking areas to be provided between a building and a street.
- 2) Adjust the pedestrian access standards per SRC 702.020(d)(4) and allow an alternative pedestrian pathway to be provided through the interior corridor of a proposed building.
- 3) Increase the maximum building length per SRC 702.020(e)(1) from 150 feet to 162 feet for proposed Building 11.
- 4) Reduce the minimum building setback abutting the RA zoned property to the south from one foot for each foot of building height per SRC 702.020(e)(2) to 20 feet.
- 5) Eliminate the requirement for a minimum of 40 percent of the buildable width to be occupied by buildings placed at the minimum setback per SRC 702.020(e)(4).
- 6) Eliminate the direct pedestrian access to adjacent sidewalk requirement for ground level units per SRC 702.020(e)(5) for proposed Building 7.

And a Tree Regulation Variance request to remove 21 significant trees (Oregon white oaks with a diameter at breast height of 24 or greater) of the 27 total significant trees identified on this portion of the development site. 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).

Southeast Mill Creek Neighborhood Association

Case Manager:

Aaron Panko

apanko@cityofsalem.net

**HEARINGS OFFICER MEETINGS
ORDER OF PROCEEDINGS**

THE STATEMENT OF CRITERIA WILL BE READ BEFORE EACH HEARING

THE HEARING WILL BE CONDUCTED with the staff presentation first, followed by the applicant’s case presentation (limited to a total of 15 minutes), neighborhood organization comments (limited to a total of 10 minutes), testimony of persons either in favor or opposition (limited to 5 minutes each, discretionary), and a rebuttal opportunity for the applicant (limited to 5 minutes), should opposition be raised. The Hearings Officer may ask questions between or after presentations/testimony. The public testimony portion will then be closed

THE APPLICANT HAS THE BURDEN OF PROOF to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant’s testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request that the hearing be continued or that the record be left open for submission of additional evidence or testimony.

HEARINGS OFFICER DECISIONS are based on the criteria contained in the Salem Revised Code. Applicable criteria for each case, referenced in the public hearing notice and staff report, can be found in the Salem Revised Code. Applications may be approved, conditionally approved, or denied on the basis of conformity with the applicable criteria. Conditions of approval may be placed on an approval to ensure the proposal complies with all applicable portions of the Salem Revised Code.

ALL ISSUES MUST BE RAISED AT THE HEARING. Failure to raise an issue, accompanied by statements or evidence sufficient to afford the parties an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue. A similar failure to raise constitutional issues relating to any proposed conditions of approval precludes an action for damages in Circuit Court.

Salem Revised Code (SRC) and other informative documents may be accessed online at:
<https://www.cityofsalem.net/Pages/zoning-and-land-use.aspx>

It is the City of Salem’s policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event.
TTD/TTY telephone 503-588-6439 is also available 24/7

