

MINUTES
FINAL SALEM PLANNING COMMISSION Reviewer: Slater
April 4, 2023

COMMISSIONERS PRESENT

Ronald Eachus
Kaley Fought
Chane Griggs, President
Lisa Heller
Ian Levin, Vice-President
Michael Slater
Robert Vieyra-Braendle

COMMISSIONERS ABSENT

Dan Augustyn, Excused
Daisy Goebel, Excused

STAFF PRESENT

Lisa Anderson-Ogilvie,
Deputy CD Director and
Planning Administrator
Fred Wilson, Assistant City
Attorney
Zachery Cardoso, Admin Analyst
Bryce Bishop, Planner III
Laurel Christian, PW Planner II

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

4. CONSENT CALENDAR:

4.1 Approval of Minutes: None

4.2 Resolutions: None

4.3 Action Items: None

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.

5.1 Minor Comprehensive Plan Change, Zone Change, Conditional Use Permit, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2

Driveway Approach Permit, and Class 1 Design Review Case No. CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01 for 1851 Cordon Road SE; Ward 2 – SEMCA; Bryce Bishop, bbishop@cityofsalem.net

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

SUMMARY: Proposed 396-unit multiple family residential development with associated off-street parking, common open space, and site improvements.

REQUEST: A consolidated application for a proposed 396-unit multiple family residential development with associated off-street parking, common open space, and site improvements on property totaling approximately 23.3 acres in size. The application includes:

- 1) A Minor Comprehensive Plan Map Amendment from "Industrial" to "Industrial Commercial" and Quasi-Judicial Zone Change from RA (Residential Agriculture) to IC (Industrial Commercial) for an approximate 2.78-acre portion of the property (Marion County Assessor Map and Tax Lot Number: 082W050000300);
- 2) A Conditional Use Permit for the proposed multiple family development;
- 3) An Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the development;
- 4) A Class 3 Site Plan Review;
- 5) Class 2 Adjustment to:
 - a) Allow parking to be located between Building 29 and the proposed cul-de-sac of Seattle Slew Drive SE (SRC 702.020(e)(3));
 - b) Allow less than 40 percent of the buildable width of the street frontage of the subject property adjacent to Cordon Road SE, proposed A Street, and the cul-de-sac of Seattle Slew Drive SE to be occupied by buildings placed at the setback line (SRC 702.020(e)(4)); and
 - c) Allow ground-level dwelling units located within 25 feet of the property line abutting a street to be developed without an architecturally defined primary building entrance facing the street with a direct pedestrian access to the adjacent sidewalk (SRC 702.020(e)(5));
- 6) A Class 2 Driveway Approach Permit for the proposed driveway approaches serving the development onto proposed A Street; and
- 7) A Class 1 Design Review to determine the proposed development's conformance with the applicable multiple family design review standards of SRC 702.020;

The subject property is zoned IC (Industrial Commercial) and RA (Residential Agriculture) and located at 1851 Cordon Road SE (Marion County Assessor Map and Tax Lot Numbers: 082W050000200, 082W050000300, 082W050000400, 082W050000401, and 082W050000500).

Case Manager, Bryce Bishop, entered the staff report and presentation into the record.

Recommended Action: Staff recommends that the Planning Commission adopt the facts and findings of the staff report and take the following actions for the subject property located at 1851 Cordon Road SE (Marion County Assessor map and tax lot numbers: 082W050000200, 082W050000300, 082W050000400, 082W050000401, and 082W050000500):

- A. **APPROVE** the Minor Comprehensive Plan Map Amendment from “Industrial” to “Industrial Commercial”;
- B. **APPROVE** the Quasi-Judicial Zone Change from RA (Residential Agriculture) to IC (Industrial Commercial) subject to the following condition of approval:
- Condition 1:** The transportation impacts from the 1.39-acre site shall be limited to a maximum cumulative total of 385 average daily vehicle trips.
- C. **APPROVE** the Conditional Use Permit subject to the following condition of approval:
- Condition 2:** The multi-family use shall contain no more than 396-dwelling units.
- D. **APPROVE** Urban Growth Preliminary Declaration.
- E. **APPROVE** the Class 3 Site Plan Review application subject to the following conditions of approval:
- Condition 3:** Prior to building permit approval, the existing individual properties which make up the subject property shall either be reconfigured or consolidated in a manner to conform to the applicable standards of the Salem Revised Code.
- Condition 4:** Prior to building permit approval, provide evidence identifying the correct southern boundary of the property. If the correct southern boundary differs from that which was shown on the applicant’s approved site plan, the proposed development shall be reconfigured to conform to all applicable standards of the UDC required as a result of the identification of the correct southern boundary. Such reconfiguration shall require a modification to the approval if the reconfiguration is not within substantial conformance of the original approval.
- Condition 5:** The off-street parking area located immediately to the north of Building 9 shall be reconfigured to provide a minimum 15-foot set adjacent to the eastern property line.
- Condition 6:** Required interior side and interior rear setbacks shall be landscaped and screened in conformance with the Type C landscaping and screening standard of SRC 807.015(a), Table 807-1. Where the proposed development abuts RS zoned property to the north within the City and Marion County, the screening requirements of SRC Chapter 702 shall instead apply.
- Condition 7:** All trash enclosure/collection areas, and the vehicle operation areas serving them, shall conform to the solid waste service area standards of SRC 800.055.
- Condition 8:** All bicycle parking areas within the development shall be located in conformance with the bicycle parking location standards of SRC 806.060(a)(1).

- Condition 9:** Prior to building permit approval, provide evidence that any required State and/or Federal permits have been obtained for development within any delineated wetland area on the site. If any required State and/or Federal permits cannot be obtained, the proposed development shall be reconfigured to avoid the wetland area. Such reconfiguration shall require a modification to the approval if the reconfiguration is not within substantial conformance of the original approval.
- Condition 10:** Convey land for dedication to equal a half-width right-of-way of 60-feet on the development side of Cordon Road SE, where the existing right-of-way is inadequate.
- Condition 11:** Construct a half-street improvement along the frontage of Cordon Road SE to parkway street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 or pay a fee-in-lieu of construction pursuant to SRC 200.405.
- Condition 12:** If the removal of any trees with the public street right-of-way is necessary in order to accommodate the proposed development, a street tree removal permit shall be required pursuant to SRC Chapter 86.
- Condition 13:** Install street trees to the maximum extent feasible along new internal streets within the development.
- Condition 14:** Pay the applicable reimbursement district fee as established in the Gaffin Road Reimbursement District pursuant to Resolution 2020-5.
- Condition 15:** Construct a bike/pedestrian walkway within a minimum 15-foot-wide public access easement from the northern corner of the property to Miller Elementary school pursuant to Public Works Design Standards. This shall include upgrading the existing 5-foot-wide sidewalk to 10-feet.
- Condition 16:** No structures or stormwater facilities are permitted within the existing public water easements on the site.
- Condition 17:** Extend public water mains in the new internal streets to serve the development pursuant to the Public Works Design Standards (PWDS).
- Condition 18:** Construct a *Salem Wastewater Management Master Plan* identified sewer main on the subject property and dedicate an easement for the main in accordance with the Public Works Design Standards (PWDS).
- Condition 19:** Extend public sewer mains in the new internal streets to serve the development pursuant to the Public Works Design Standards (PWDS).
- Condition 20:** To serve upstream parcels, the applicant shall dedicate a minimum 20-foot-wide public sewer easement from proposed "Street A" to Cordon Road SE pursuant to the Public Works Design Standards (PWDS).

Condition 21: 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).

Condition 22: As a condition of the proposed residential use, the applicant has two options for providing park facilities to serve the subject property:

- Convey or acquire property for dedication of neighborhood park (NP 23 or 24) facility or equivalent; or
- Pay a temporary access fee of 15.6 percent of the Parks SDCs generated by the proposed residential uses.

F. **APPROVE** the Class 1 Design Review application subject to the following conditions of approval:

Condition 23: Additional trees shall be planted on the subject property to equal a minimum of one tree for every 2,000 square feet of gross site area.

Condition 24: Along those portions of the northern property line of the subject property which abut RS zoned property within the City and Marion County to the north, landscaping and screening shall be provided in conformance with the following standards:

- a) A minimum of one tree, not less than 1.5 inches in caliper, shall be provided for every 30 linear feet of abutting property width; and
- b) A minimum six-foot tall, decorative, sight-obscuring fence or wall shall be provided. 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. Chainlink fencing with slats shall be not allowed to satisfy this standard.

Condition 25: New trees shall be planted, or existing trees shall be preserved, around all buildings within the development at a minimum density of ten 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.

Condition 26: The off-street parking areas within the development shall include a minimum of one canopy planted along every 50 feet of the perimeter of the parking area. The trunks of the trees shall be located within ten feet of the edge of the parking area.

Condition 27: Buildings 1, 3, 4, 15, 16, 18, 25, 35, and 36 shall include windows in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths.

Condition 28: The proposed development shall include lighting which illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development to enhance visibility and resident safety.

Condition 29: The proposed balconies for Buildings 7, 8, 27, and 28 shall have fully sight-obscuring railings.

Condition 30: The roof lines of Buildings 2, 9, 11, 14, 20, 22, 32, 33, and 34 shall be reconfigured to not exceed a horizontal length of 100 feet without providing either differences in elevation of at least for feet in height or a cross gable or dormer that is a minimum of four feet in length.

Condition 31: Any ground-level unit, cluster of units, interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have an architecturally defined primary building entrance facing that street, with direct pedestrian access to adjacent sidewalks.

G. **APPROVE** the Class 2 Adjustment application subject to the following condition of approval:

Condition 32: The adjusted development standards 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 Unified Development Code, unless adjusted through a future land use action.

H. **APPROVE** the Class 2 Driveway Approach Permit.

Questions or Comments for Staff by Commissioners: Commissioners Heller, Eachus, Griggs, Slater

Testifying Parties:

Applicant/ Representative:

- Brandie Dalton and Mark Grenz, Multi-Tech Engineering, 1155 13th St SE, 97302

Questions or Comments for the Applicant by Commissioners: Commissioners Fought, Heller, Slater

General Public:

- David Rue, 1512 Clydesdale Drive SE, Salem OR 97317
 - **Questions by Commissioners:** Commissioner Eachus
- Teodomira Aguilar and Mario Aguilar Jr., Seattle Slough
 - **Questions by Commissioners:** None

Additional Questions of Staff by Commissioners: None

Rebuttal by Applicant:

- Brandie Dalton, Multi-Tech Engineering, 1155 13th St SE, 97302

Questions or Comments for Applicant by Commissioners: Commissioner Fought

With no further questions, and no request to continue the hearing or leave the record open, President Griggs closed the public hearing at 6:47 p.m.

Motion: Move to adopt the staff recommendation with the addition of Condition 33 “The applicant shall coordinate with Cherriots to locate and construct four transit stops conforming to applicable Salem Area Mass Transit District standards along “Street A” through the property”.

Motion by: Commissioner Levin
Seconded by: Commissioner Slater

Discussion on Motion: Commissioners Levin, Slater, Griggs, Fought

Amended Motion: Add a condition that the Leyland Cypress trees identified on the landscape plan be replaced with evergreen species on the city’s approved street tree list

Motion by: Commissioner Slater
Seconded by: Commissioner Heller

Discussion on Motion: Commissioner Levin

Vote: *Aye:* Eachus, Fought, Griggs, Heller, Slater, Vieyra-Braendle (6)
 Nay: Levin (1)
 Absent: Augustyn, Goebel (2)
 Abstentions: 0

Action: Motion passes

Vote on Original Motion, including the passing amendment:

Continuation of Discussion on Original Motion: Commissioners Eachus, Heller

Vote: *Aye:* Eachus, Fought, Griggs, Heller, Levin, Slater, Vieyra-Braendle (7)
 Nay: 0
 Absent: Augustyn, Goebel (2)
 Abstentions: 0

Action: Motion passes, adopting staff recommendation with the addition of two conditions of approval:

Condition 33: The applicant shall coordinate with Cherriots to locate and construct four transit stops conforming to applicable Salem Area Mass Transit District standards along “Street A” through the property.

Condition 34: The Leyland Cypress trees identified on the landscape plan shall be replaced with evergreen species on the City’s approved street tree list.

VOTE:

Yes 7 No 0 Absent 2 (Augustyn, Goebel) Abstain 0

6. SPECIAL ORDERS OF BUSINESS: None

7. **INFORMATION REPORTS:** None

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

9. **PLANNING ADMINISTRATOR'S REPORT:** None

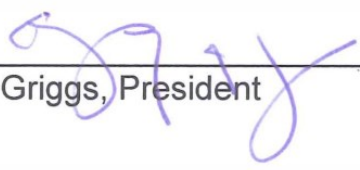
10. **COMMISSIONER COMMENTS FOR THE GOOD OF THE ORDER:**

- Commissioner Slater had three ideas about how the City can try and accomplish all the goals that get establish:
 1. Use the Planning Commission differently to advocate for the Cities goals among the public.
 2. Planning Commissioners to take on more leadership roles and get more involved in the development world.
 3. Planning Commission to dive into helping make more “plans” for problem areas throughout the City.
- Peace Plaza clean up and planting on Earth Day, April 22nd, Commissioners are invited as well as friends and family to participate.

11. **ADJOURNMENT:**


There being no further business for the record, the meeting was adjourned at 7:18 P.M.

SUBMITTED:



Chane Griggs, President

ATTESTED:



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