

MINUTES
FINAL SALEM PLANNING COMMISSION Reviewer: Levin
July 20, 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
Dan Atchison, City Attorney
Lisa Anderson-Ogilvie,
Deputy CD Director and
Planning Administrator
Olivia Dias, Current Planning
Manager
Shelby Guizar, 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

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. CONSENT CALENDAR:

3.1 Approval of Minutes

President Griggs asked Commissioner Augustyn if he reviewed the last meeting and if he was prepared to make a vote on the June 1, 2021 minutes. Commissioner Augustyn stated he would be abstaining from the vote.

June 1, 2021 Minutes (Commissioner Slater)
Recommended Action: Approve

Motion: Move to approve the minutes.

Motion by: Commissioner Slater
Seconded by: Commissioner Schweickart

Questions or Comments by: None

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

VOTE:

Yes 8 No 0 Abstain 1 (Augustyn) Absent 0

President Griggs asked Commissioners Heller, Schweickart and Slater if they reviewed the last meeting and if they were prepared to make a vote on the June 15, 2021 minutes. Commissioners Heller and Slater stated they were prepared to vote and Commissioner Schweickart stated that she was not able to review all of the information so she would be abstaining from the vote.

June 15, 2021 Minutes (Commissioner Augustyn)
Recommended Action: Approve

Motion: Move to approve the minutes.

Motion by: Commissioner Augustyn
Seconded by: Commissioner Kopcho

Questions or Comments by: None

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

VOTE:

Yes 8 No 0 Abstain 1(Schweickart) Absent 0

3.2 Resolutions: None

3.3 Action Items: None

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.

Commissioner Pollock stated that she received an email directly from West Salem Neighborhood Association and as soon as she realized what it was about, she forwarded it to City staff to pass along to the entire commission.

4.1 Appeal of the Planning Administrator’s decision on Subdivision / Class 2 Adjustment Case No. SUB-ADJ21-05 for 2230 Doaks Ferry Road NW; Ward 8 – West Salem Neighborhood Association; Olivia Dias, ODias@cityofsalem.net

SUMMARY: Appeal of the Planning Administrator’s decision to approve a 27 Lot subdivision.

REQUEST: Appeal of the Planning Administrator’s decision approving a subdivision tentative plan to divide approximately nine acres into 27 lots and one water quality and detention

facility. The applicant is requesting an alternative street standard to allow the grade of Buzz Street to exceed 12%, exceed the 600-foot maximum block length and to reduce the street width from 60-feet to 50-feet and a Class 2 Adjustments to exceed the maximum lot width to depth of 300 percent to 500percent for Lot 12 and to allow Lot 3 to reduce the minim lot depth for a double frontage lot from 120 feet to 112 feet.

The subject property is approximately nine acres in size, zoned RA (Residential Agriculture), and located on the 2230 Doaks Ferry Road NW (Polk County Assessor Map and Tax Lot Number: 073W17 / 3803).

Case Manager, Olivia Dias, entered the staff report, presentation, all attachments, and additional written comments that were forwarded to the Planning Commission, into the record and proceeded with the presentation.

Recommended Action: Based on the facts and findings presented above and included with the June 1, 2021 decision, staff recommends that the Planning Commission AFFIRM the Planning Administrator decision approving the Tentative Subdivision and Class 2 Adjustment requests.

Questions or Comments for Staff by Commissioners: Commissioners Schweickart, Pollock

Testifying Parties:

Applicant:

- Mark Hoyt, Sherman Sherman Johnnie & Hoyt, LLP, 693 Chemeketa St NE, Salem OR 97301 on behalf of the applicant Mark Grenz, Multi-Tech Engineering 1155 13th Street SE, Salem OR 97302

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

Appellant(s):

- Steve Anderson, West Salem Neighborhood Association Land Use Chair, 3240 Gehlar Road NW, Salem OR 97304

Questions or Comments for Appellant by Commissioners: Commissioner Schweickart

Questions of Staff by Commissioners: Commissioners Schweickart, Slater, Pollock

- Kenneth Bierly, The Glenn and Gibson Creeks Watershed Council, 2308 Ptarmigan St NW, Salem OR 97304

Questions or Comments for Appellant by Commissioners: Commissioners Pollock, Slater, Griggs

Questions of Staff by Commissioners: Commissioners Slater, Schweickart, Pollock, Heller

Neighborhood Association(s):

- None

Support:

- None

Neutral:

- None

Opposed:

- E.M. Easterly, Ward 8

Questions by Commissioners: Commissioner Pollock

- Linda Bierly, 2308 Ptarmigan St NW, Salem OR 97304

Questions by Commissioners: Commissioner Schweickart

- Sara Campos, 1647 Goldcrest Ave NW, Salem OR 97304

Questions by Commissioners: None

- Micki Varney, 1976 Turnage St NW, Salem OR 97304

Questions by Commissioners: None

Additional Questions or Comments for Staff by Commissioners: Commissioners Kopcho, Schweickart, Slater

Rebuttal by Applicant:

- Mark Hoyt, Sherman Sherman Johnnie & Hoyt, LLP, 693 Chemeketa St NE, Salem OR 97301 on behalf of the applicant Mark Grenz, Multi-Tech Engineering 1155 13th Street SE, Salem OR 97302

Additional Questions or Comments for Applicant by Commissioners: Commissioners Kopcho, Slater

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

With no further questions, Commissioner Griggs closed the public hearing at 7:50 P.M.

Motion: Move to approve the staff recommendation modifying the Planning Administrators original conditions as follows:

- Condition 1:** The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 2:** Provide stormwater facilities pursuant to SRC 71 in compliance with current stormwater requirements pursuant to City Ordinance Bill No. 8-20.
- Condition 3:** Convey right of way to equal 48 feet from centerline entire frontage of Doaks Ferry Road NW.
- Condition 4:** The Doaks Ferry Road NW frontage of the subject property shall be constructed to a minimum 23-foot-wide half-street improvement to interim Minor Arterial standards. The Doaks Ferry Road NW improvements shall include a southbound-to-eastbound left-turn lane at the intersection of Doaks

Ferry Road NW and Buzz Street NW. The turn lanes shall include storage and tapers as specified in PWDS.

- Condition 5:** Construct internal streets to Local Street standards, except proposed Buzz Street NW may exceed 12% grade and Woody Court NW may be 52-feet in width, pursuant to SRC 803.065(a)(3).
- Condition 6:** Fire Sprinklers shall be installed in all structures on Lots 1 and 25-28.
- Condition 7:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all internal streets.
- Condition 8:** All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.
- Condition 9:** The trees designated for removal on the south side of Wilark Brook on Lot 9 (11 trees) and Lot 12 (six trees) shall be preserved.
- Condition 10:** Prior to issuance of building permits on Lot 8, the applicant shall plant two (2) big leaf maple (*Acer macrophyllum*) trees with a minimum 1.5" caliper, five (5) vine maple (*Acer circinatum*) with a minimum height of 24-36", and ten (10) 1-gallon sword ferns (*Polystichum munitum*). These trees and vegetation are in addition to requirements of SRC 808.050.
- Condition 11:** Any construction or grading on Lots 8, 9, 12 and 13 shall remain within the building footprints shown on the tentative subdivision plan.
- Condition 12:** ~~Obtain applicable State and Federal permits as indicated by Department of State Lands (DSL).~~ Submit wetland delineation to the Department of State Lands and obtain concurrence. In the event any DSL, or federal permits are required as a result of the wetlands delineation, obtain and comply with applicable state and federal permits.
- Condition 13:** Provide water service to the G-0 service area within the subject property from the existing G-0 water system, except where service from the W-1 water system is authorized by the Public Works Director.
- Condition 14:** Extend an 8-inch sewer main through the easterly neighboring property to serve the proposed development pursuant to PWDS.
- Condition 15:** Design a mid-block pedestrian walkway from Woody Street NW to Woodhaven Street NW. Construct the walkway from Woody Street NW to the north line of the subject property. The applicant has the option of constructing the walkway from the north line of the subject property to Woodhaven Street NW or paying a fee-in-lieu of improvements for the construction costs of the walkway.
- Condition 16:** Grading within the 50-foot riparian area shall not occur under the drip line of any tree designated for preservation. Grading plans shall provide fencing and protection for all native vegetation and trees, including under the drip line.

Condition 17: No trees or native vegetation within the riparian zone shall be removed through a Tree Conservation Plan Adjustment. Any future removal shall only be authorized through an approved Tree Removal Permit (SRC 808.030).

Motion by: Commissioner McKinley

Seconded by: Commissioner Levin

Discussion on Motion: Commissioners Pollock, Kopcho, Levin, Slater, Schweickart

Vote: *Aye:* Augustyn, Griggs, Levin, McKinley, Pollock, Schweickart

Nay: 3 (Heller, Kopcho, Slater)

Abstentions: 0

Absent: 0

Action: Moved to approve the staff recommendation modifying the Planning Administrators original conditions as follows:

Condition 1: The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

Condition 2: Provide stormwater facilities pursuant to SRC 71 in compliance with current stormwater requirements pursuant to City Ordinance Bill No. 8-20.

Condition 3: Convey right of way to equal 48 feet from centerline entire frontage of Doaks Ferry Road NW.

Condition 4: The Doaks Ferry Road NW frontage of the subject property shall be constructed to a minimum 23-foot-wide half-street improvement to interim Minor Arterial standards. The Doaks Ferry Road NW improvements shall include a southbound-to-eastbound left-turn lane at the intersection of Doaks Ferry Road NW and Buzz Street NW. The turn lanes shall include storage and tapers as specified in PWDS.

Condition 5: Construct internal streets to Local Street standards, except proposed Buzz Street NW may exceed 12% grade and Woody Court NW may be 52-feet in width, pursuant to SRC 803.065(a)(3).

Condition 6: Fire Sprinklers shall be installed in all structures on Lots 1 and 25-28.

Condition 7: Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all internal streets.

Condition 8: All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.

Condition 9: The trees designated for removal on the south side of Wilark Brook on Lot 9 (11 trees) and Lot 12 (six trees) shall be preserved.

- Condition 10:** Prior to issuance of building permits on Lot 8, the applicant shall plant two (2) big leaf maple (*Acer macrophyllum*) trees with a minimum 1.5" caliper, five (5) vine maple (*Acer circinatum*) with a minimum height of 24-36", and ten (10) 1-gallon sword ferns (*Polystichum munitum*). These trees and vegetation are in addition to requirements of SRC 808.050.
- Condition 11:** Any construction or grading on Lots 8, 9, 12 and 13 shall remain within the building footprints shown on the tentative subdivision plan.
- Condition 12:** ~~Obtain applicable State and Federal permits as indicated by Department of State Lands (DSL).~~ Submit wetland delineation to the Department of State Lands and obtain concurrence. In the event any DSL, or federal permits are required as a result of the wetlands delineation, obtain and comply with applicable state and federal permits.
- Condition 13:** Provide water service to the G-0 service area within the subject property from the existing G-0 water system, except where service from the W-1 water system is authorized by the Public Works Director.
- Condition 14:** Extend an 8-inch sewer main through the easterly neighboring property to serve the proposed development pursuant to PWDS.
- Condition 15:** Design a mid-block pedestrian walkway from Woody Street NW to Woodhaven Street NW. Construct the walkway from Woody Street NW to the north line of the subject property. The applicant has the option of constructing the walkway from the north line of the subject property to Woodhaven Street NW or paying a fee-in-lieu of improvements for the construction costs of the walkway.
- Condition 16:** Grading within the 50-foot riparian area shall not occur under the drip line of any tree designated for preservation. Grading plans shall provide fencing and protection for all native vegetation and trees, including under the drip line.
- Condition 17:** No trees or native vegetation within the riparian zone shall be removed through a Tree Conservation Plan Adjustment. Any future removal shall only be authorized through an approved Tree Removal Permit (SRC 808.030).

VOTE:

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

Commissioner McKinley announced at 8:17 p.m. that he needed to leave the meeting and left.

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.

State House Bill 3109; Questions or Comments by Commissioners: None

State House Bill 2583; Questions or Comments by Commissioners: Commissioner Schweickart asked if there were still requirements aimed to prevent overcrowding, Mr. Bishop answered that under Building Code there are.

Salem Revised Code (SRC) Chapter 110; Questions or Comments by Commissioners: None

Salem Revised Code (SRC) Chapter 205 Property Boundary Verification (PBV) process; Questions or Comments by Commissioners: Commissioner Pollock mentioned she is extremely happy about this amendment.

Salem Revised Code (SRC) Chapter 800 General Lot Standards; Questions or Comments by Commissioners: Commissioner Pollock wanted to clarify that this amendment makes it clear that the land use decision follows the land.

Salem Revised Code (SRC) Chapter 800 Pedestrian Access Standards; Questions or Comments by Commissioners: Commissioner Levin brought up that with his experience in development that the current pedestrian access standards are hard to meet in certain zones and uses. He stated that he likes the changes that are being proposed, but requests that the definitions of the types of properties and types of uses be included.

President Griggs requested a motion for a 15-minute extension to the meeting.

Motion: Move to approve a 15-minute extension to the meeting.

Motion by: Commissioner Levin

Seconded by: Commissioner Slater

Discussion on Motion: None

Vote:

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

Nay: 0

Abstentions: 0

Absent: 1 (McKinley)

Action: Moved to approve a 15-minute extension to the meeting.

VOTE:

Yes 8 No 0 Abstain 0 Absent 1 (McKinley)

Salem Revised Code (SRC) Chapter 808 Significant Tree; Questions or Comments by Commissioners: Commissioners Schweickart mentioned she has had a personal experience with the lack of definition of significant tree in the code and is thankful we are working on defining it better; Commissioner Slater would like the amendment to be more specific and based on species and not so much diameter at breast height (DBH), he would like to involve the Urban Forester and come up with a list of species of trees that should be considered significant.

Salem Revised Code (SRC) Chapter 808 Tree Removal; **Questions or Comments by Commissioners:** None

Salem Revised Code (SRC) Chapter 808 Tree Conservation Plans; **Questions or Comments by Commissioners:** Commissioners Griggs mentioned that she was told about the increase of preservation and is wondering how we can have higher density if we are expecting developers to conserve even more trees; Commissioner Pollock agrees with Commissioner Griggs that the increase does not seem in line with the density goals; Commissioner Levin says he would like there to be a tree replacement allowed instead of trying to keep so many existing trees and feels like this amendment will create a lot of conflict if we do not offer a replacement option.

President Griggs requested a motion for a 15-minute extension to the meeting.

Motion: Move to approve a 15-minute extension to the meeting.

Motion by: Commissioner Pollock
Seconded by: Commissioner Levin

Discussion on Motion: Commissioner Kopcho

Vote:

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

Action: Moved to approve a 15-minute extension to the meeting.

VOTE:

Yes 8 No 0 Abstain 0 Absent 1 (McKinley)

Additional questions on 808 Conservation Plans: Commissioners Slater states he is in favor of raising the percentage of preservation but does acknowledge the difficulty for development, he is most interested in conserving quality trees based on size and species over an amount of trees; Commissioner Kopcho agrees with Commissioner Slaters comment and wants to mention he trusts where staff is coming up with these amendments, but also trusts the developers and wants people to think of more preservation options while trying to create density.

Salem Revised Code (SRC) Chapter 808 Tree Protection during construction; **Questions or Comments by Commissioners:** None

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.

- Mike Erdmann, Home Builders Association of Marion & Polk Counties, 2075 Madrona Ave SE, Suite 100, Salem OR 97302

Questions or Comments by Commissioners: None

7. INFORMATION REPORTS: None

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

9. PLANNING ADMINISTRATOR'S REPORT:

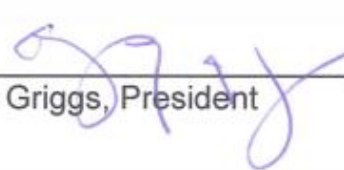
- Commissioner Schweickart mentioned the public comment received from Cherriots on the UDC Amendments, Lisa Anderson-Ogilvie mentioned that we can push that comment to the next UDC Amendment Work Session on August 17th
- Ms. Anderson-Ogilvie mentioned unsure if meeting on August 17th will be in-person or virtual still
- Next meeting is August 3rd, still virtual, Ms. Anderson-Ogilvie mentioned that Olivia Dias will be in attendance instead of herself

10. COMMISSIONER COMMENTS FOR THE GOOD OF THE ORDER: Commissioner Schweickart says goodbye to the Commissioners as she is moving, and this is her last meeting.

11. ADJOURNMENT:


There being no further business for the record, the meeting was adjourned at 9:29 P.M.

SUBMITTED:



Chane Griggs, President

ATTESTED:



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