

SALEM HEARINGS OFFICER MINUTES

April 27, 2022

Hearings Officer

James Brewer

Staff Present

Aaron Panko, Planner III

Glenn Davis, Chief Development
Engineer

Zachery Cardoso, Recorder

Hearings Officer James Brewer called the meeting to order at 5:30 p.m. and explained the procedures of the night's hearings. City of Salem staff members present were Aaron Panko, Planner III; Glenn Davis, Chief Development Engineer; and Zachery Cardoso, Recorder.

CONDITIONAL USE / CLAS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / TREE REGULATION VARIANCE / CLASS 1 DESIGN REVIEW

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

Summary: 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).

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was re-opened at 5:33 p.m.

Case Manager Aaron Panko entered the staff report supplemental report, all attachments, the presentation, and comments submitted by the public into the record and proceeded with the presentation.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a conditional use, site plan review, adjustments, driveway approach permit, tree regulation variance, and design review collective applications for the proposed development of a 272-unit multi-family residential apartment complex for property approximately 27 acres in size and located at the 3200 Block of Boone Road SE subject to the following conditions of approval:

CONDITIONAL USE:

- Condition 1:** Prior to issuance of building permit, the applicant shall demonstrate that in coordination with Salem Keizer Public Schools, a safe accessible bus transportation route shall be provided for the proposed development. This may be accomplished by either 1) completing a street connection to 36th Avenue SE that accommodates school buses, 2) by providing sidewalks along Boone Road SE and on 36th Avenue SE connecting to a school bus stop to be located on 36th Avenue SE, or 3) the applicant may coordinate an alternative plan with Salem Keizer Public Schools to ensure a safe bus route is provided for this development.
- Condition 2:** Prior to issuance of building permit, the applicant shall coordinate with Salem Keizer Public Schools and Cherriots to provide bus pullouts and a covered shelter to be used by school buses as well as the transit district. These improvements may be complete with Phase 1 of the McKenzie Heights apartments.
- Condition 3:** The multi-family use for Phase 2 McKenzie Heights shall contain no more than 272-dwelling units.

SITE PLAN REVIEW:

- Condition 4:** The final plat for Partition Case No. PAR19-12, or the final plat for Phased Subdivision Tentative Plan Case No. SUB22-04 shall be recorded prior to issuance of any civil site work or building permits. Alternatively, civil site work or building permits may be issued without recording a final partition or subdivision plat if the applicant files correction deeds with Marion County reverting the existing units of land back to their last know legal configuration.
- Condition 5:** Prior to building permit approval, the applicant shall demonstrate that a minimum of 15 percent of the development site will be landscaped. The applicant may request relief from this standard by submitting a future Class 2 Adjustment.

- Condition 6:** An Airport Overlay Zone Height Variance per SRC Chapter 602 shall be required prior to issuance of any building permit for a building or structure exceeding the maximum height allowance of the Airport Overlay Zone.
- Condition 7:** Development of the solid waste service areas shall conform to all applicable standards of SRC Chapter 800.
- Condition 8:** Prior to building permit issuance the applicant shall revise the site plan to comply with the minimum vehicle use area setback requirement to the buildings and structures.
- Condition 9:** Per SRC 807.030(d), when more than 75 percent of the existing trees are proposed for removal and when trees are removed from a required setback, a minimum of two replacement trees shall be incorporated into the landscape plan and planted. Replacement trees are in addition to the landscaping required under this chapter.
- Condition 10:** Along Boone Road SE from 36th Avenue to 32nd Avenue, construct a minimum 15 foot-wide half-street improvement on the development side and a minimum 15 foot wide turnpike improvement on the opposite side of the centerline as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. This improvement shall include a reconfiguration of the existing Boone/32nd intersection as described in Exhibit 14 of the TIA submitted for McKenzie Heights Phase 1 (CU-SPR-ADJ-DAP-DR21-02).
- Condition 11:** Construct 32nd Avenue SE from Boone Road SE to 36th Avenue SE in the alignment shown on the applicants preliminary site plan.
- Condition 12:** Construct "A Drive" to Local Street Standards from 32nd Avenue SE to the southern property boundary as shown on the preliminary applicants site plan.
- Condition 13:** Pay the Bonaventure Reimbursement District Fee for Kuebler Boulevard Street Improvements pursuant to Resolution No. 2015-17.
- Condition 14:** Provide the following traffic mitigation as described in the applicants TIA:
- a. Construct dual northbound left turn lanes on 36th Avenue SE at Kuebler Boulevard SE, and two westbound receiving lanes on Kuebler Boulevard SE from 36th Avenue SE to the northbound I-5 ramps.
 - b. Acquire off-site right-of-way as necessary along 36th Avenue SE to accommodate the additional turn lanes.
 - c. Modify the north leg of 36th Avenue SE to line up the through lanes.
- Condition 15:** Construct a half-street improvement along the frontage of 36th Avenue SE to Minor Arterial street standards as specified in the City Street

Design Standards and consistent with the provisions of SRC Chapter 803. In lieu of constructing the improvement with this development phase, the applicant may provide a 40-foot-wide temporary construction easement to the City of Salem along the entire frontage of 36th Avenue SE; the easement shall be modified or converted to right-of-way pursuant to PWDS upon completion of the street improvement design along 36th Avenue SE. Along the entire frontage of 36th Avenue SE, dedicate right-of-way on the development side of the centerline to equal a minimum half-width of 36 feet on 36th Avenue SE.

- Condition 16:** Construct an S-1 18-inch water main in 36th Avenue SE from Boone Road SE to the south line of the subject property.
- Condition 17:** Construct a minimum S-1 8-inch water main along proposed 32nd Avenue SE from 36th Avenue SE to A Street SE and in other internal streets pursuant to PWDS.
- Condition 18:** As a condition of development in the S-1 water service level the following options are available:
- a) Pay a temporary access fee of \$180,800 and connect to the existing S-1 water system as a temporary facility pursuant to SRC 200.080(a); or
 - b) Construct Water System Master Plan S-1 facilities needed to serve the development, which include Coburn S-1 Reservoir, Boone Road Pump Station, and transmission mains connecting the facilities.
- Condition 19:** The maximum first floor of any structure constructed on the subject property shall not exceed an elevation of 358 feet.
- Condition 20:** Construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to the south line of the subject property.
- Condition 21:** Construct a 12-inch sewer main from 36th Avenue SE to the southerly terminus of A Drive SE.
- Condition 22:** 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).

ADJUSTMENTS:

- Condition 23:** The adjusted development standards, as approved in this zoning adjustment, 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 UDC, unless adjusted through a future land use action.

TREE REGULATION VARIANCE:

Condition 24: A minimum of two replacement Oregon White Oaks shall be replanted for each significant tree removed and incorporated into the landscape design for this development. Replanted trees shall have a minimum two-inch caliper.

DESIGN REVIEW:

Condition 25: Prior to building permit approval, ~~the applicant shall demonstrate that a minimum of 15 percent of the development site will be landscaped.~~ the applicant shall demonstrate that applicable screening standards as required by SRC 702.020(b)(2) are met adjacent to RA zoned property to the south. The applicant may request relief from this standard by submitting a future Class 2 Adjustment.

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Mark Lowen, 3425 Boone Rd SE, Salem OR 97317

At this time the Hearings Officer had questions for the applicant.

Neighborhood Association: None

Support: None

Oppose: None

Neutral: None

Rebuttal from Applicant: None

The applicant waived their final written rebuttal period.

The Hearings Officer had no additional questions for staff.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 5:54 p.m.

The meeting ended at 5:55 P.M.

Prepared by: Zachery Cardoso, April 27, 2022

Approved: April 28, 2022

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