

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 TIME EXTENSION CASE NO.: DR-CU-SPR-ADJ-DAP20-02EXT2

APPLICATION NO.: 24-114370-PLN

NOTICE OF DECISION DATE: August 9, 2024

SUMMARY: A request for a second 2-year extension to the approved Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments for an 18-unit multiple family residential development (Case No. DR-CU-SPR-ADJ-DAP20-02).

REQUEST: A second Class 2 Extension to extend the approval for a Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments (Case Number DR-CU-SPR-ADJ-DAP20-02) by two years to August 11, 2026. DR-CU-SPR-ADJ-DAP20-02 granted approval for the development of an 18-unit multiple family residential complex with associated site improvements for property approximately .67 acres in size and zoned IC (Industrial Commercial) The subject property is located at 1425 Mildred Lane SE (Marion County Assessor map and tax lot numbers: 083W14CB / 02402 and 02403).

AGENT: Brandie Dalton, Multitech Engineering

LOCATION: 1425 Mildred Ln SE, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapters 300.850(b)(4)(B) – Class 2 Extension

FINDINGS: The findings are in the attached Decision dated August 9, 2024.

DECISION: The **Planning Administrator APPROVED** Class 2 Time Extension Case No. DR-CU-SPR-ADJ-DAP20-02EXT2 based on the application deemed complete on July 24, 2024.

The rights granted by the attached decision must be exercised, or an extension granted, by August 11, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>July 24, 2024</u>
Notice of Decision Mailing Date:	<u>August 9, 2024</u>
Decision Effective Date:	<u>August 27, 2024</u>
State Mandate Date:	<u>November 21, 2024</u>

Case Manager: Austin Ross, aross@cityofsalem.net, 503-540-2431

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday, August 26, 2024. The notice of appeal must contain the

information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 300. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
CLASS 2 TIME EXTENSION)	
CASE NO. DR-CU-SPR-ADJ-DAP 20-02EXT2)	
1425 MILDRED LANE SE)	August 9, 2024

In the matter of the application for Class 2 Time Extension application submitted by Brandie Dalton of Multi/Tech Engineering and signed by James Vick and Michael Barnes on behalf of the owner, Mildred Lane LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A request for a 2-year extension to the approved Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments for an 18-unit multiple family residential development (Case No. DR-CU-SPR-ADJ-DAP20-02).

Request: A Class 2 Extension to extend the approval for a Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments (Case Number DR-CU-SPR-ADJ-DAP20-02) by two years to August 11, 2026. DR-CU-SPR-ADJ-DAP20-02 granted approval for the development of an 18-unit multiple family residential complex with associated site improvements for property approximately .67 acres in size and zoned IC (Industrial Commercial) The subject property is located at 5611 Woodside Drive SE (Marion County Assessor map and tax lot number: 083W14CB / 02400). (**Attachment A**)

PROCEDURAL FINDINGS

1. Background

On July 24, 2020, the Planning Commission issued a decision that became effective on August 11, 2020 approving a Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments to allow a future multi-family development on the subject property. This decision is included in the record, and a site plan is included as **Attachment B**. On August 22, 2022, a two-year extension to the original decision was approved for the design review, conditional use permit, driveway approach permit, and adjustments. These approvals were set to expire on August 11, 2024. The approval for the site plan review expires on August 11, 2024 and cannot be extended.

On July 3, 2024, the applicant submitted a request to extend the approval of the design review, conditional use permit, driveway approach permit, and both adjustments for a period of two years. On July 24, 2024, the application for the Class 2 Extension was deemed complete, and public notice was provided pursuant to Salem Revised Code (SRC) requirements.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 114370.

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association.

Neighborhood Association Comment. Notice of the application was provided to the South Gateway Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. No comments were received from South Gateway Neighborhood Association.

Public Comment. Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(vi) and (vii), to all property owners and tenants within 250 feet of the subject property.

One comment was received from a nearby resident who was concerned that noise from construction would make it difficult to perform her job duties while working from their home office.

Staff Response: Noise disturbances are prohibited by SRC Chapter 93, and construction activities are specifically limited to the hours of 7 a.m. to 10 p.m. by SRC 93.020(d). The level of allowable noise during construction activities is also limited by state law. The Code Compliance Division of the Community Planning and Development Department enforces these noise regulations.

4. City Department and Public Agency Comments

The Public Works Department, Building and Safety Division, and Fire Department have reviewed the proposal and indicated that they have no concerns.

5. Public and Private Service Provider Comments

Notification and request for comments on the proposed extension was distributed to public and private agencies and service providers for the subject property. No comments were received from public or private service providers prior to the comment deadline.

DECISION CRITERIA

6. Analysis of Class 2 Time Extension Approval Criteria

Under the City's Unified Development Code, extension requests are classified under one of the following two classes:

- **Class 1 Extension.** A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application; or
- **Class 2 Extension.** A Class 2 Extension is an extension that applies when there have been changes to the standards and criteria used to approve the original application, but such changes to the standards and criteria would not require modification of the original approval.

Because there have been changes to the standards and criteria used to approve the original application, this new extension request is classified as a Class 2 Extension.

SRC 300.850(b)(4)(B): A Class 2 Extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.

Finding: The original land use decision for case DR-CU-SPR-ADJ-DAP20-02 was approved in 2020 under the requirements of Salem Revised Code. Since the original approval, the City's development code was amended as part of the 2021 Unified Development Code (UDC) update project, the Our Salem project, and a subsequent code amendment. These code amendments addressed a variety of issues, including policy-related changes in response to concerns from the community, minor housekeeping amendments, and updates to implement changes in State law.

The development code revisions included in these UDC updates were not intended to invalidate existing land use decisions that were approved under prior code standards or preclude such previously approved land use decisions from being extended when there is time remaining under their original approval. To that end, the adopted ordinance for the 2021 UDC update (*Ordinance Bill No. 13-21*) and subsequent code amendments includes the following requirement for the review of extension requests of land use applications submitted and/or approved prior to the effective date of the ordinance:

"Section 4. Extensions of Approval for Land use Applications Submitted and/or Approved Prior to Ordinance Effective Date. Land use applications submitted and/or approved prior to the effective date of this ordinance that would require a Class 2 extension approval as a result of changes to the standards or criteria included in this ordinance may, notwithstanding the approval criteria for Class 2 extensions included under SRC 300.850(b)(4)(B), receive Class 2 extension approval provided the decision has not expired and there are remaining extensions available."

Because DR-CU-SPR-ADJ-DAP20-02 was approved in 2020 prior to the effective date of the ordinance for the 2021 UDC update; the decision has not expired; and because this is the

second extension request for the conditional use where, pursuant to SRC 300.850(b) - Table 300-3, up to a maximum of two two-year extensions are allowed, the requested extension meets the requirements of Section 4 of Ordinance Bill No. 13-21 and may be approved notwithstanding SRC 300.850(b)(4)(B). The applicant is requesting a second two-year extension, which would extend the expiration date to **August 11, 2026**. This approval criterion is met.

CONCLUSION

Based on the requirements of SRC 300.850(b)(4)(B), the proposed Class 2 Extension complies with the requirements for an affirmative decision.

ORDER

A Class 2 Extension to extend the approval of a Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments (Case No. DR-CU-SPR-ADJ-DAP20-02), on property approximately .67 acres in size, zoned IC (Industrial Commercial), and located at 5611 Woodside Drive SE (Marion County Assessor map and tax lot number: 083W14CB / 02400) is hereby **APPROVED**.

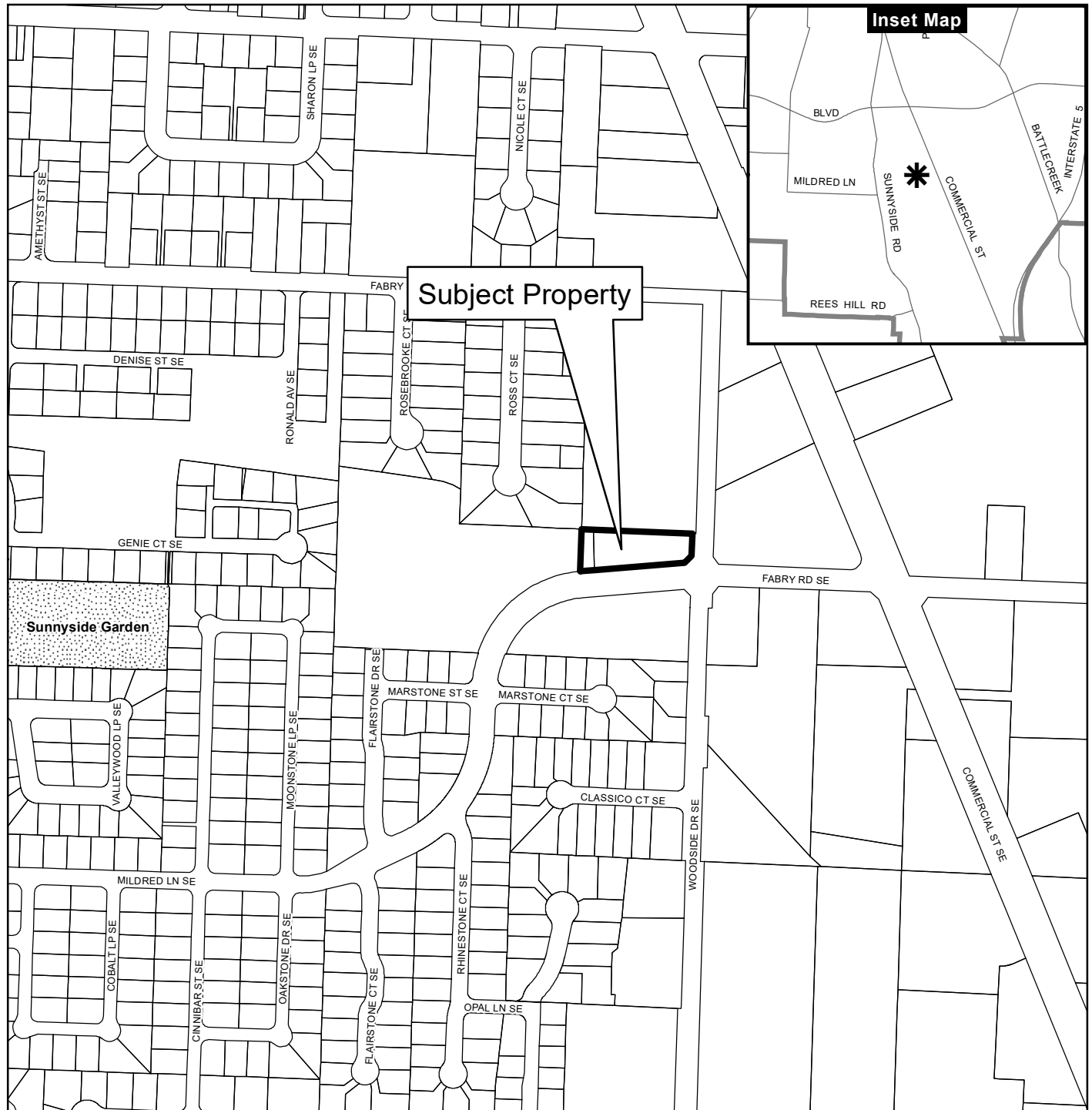


Austin Ross, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP, Planning
Administrator

Attachments: A. Vicinity Map
B. Site Plan
C. Comments Received

Vicinity Map

1425 Mildred Lane SE



Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools

Parks

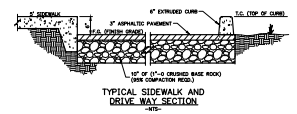
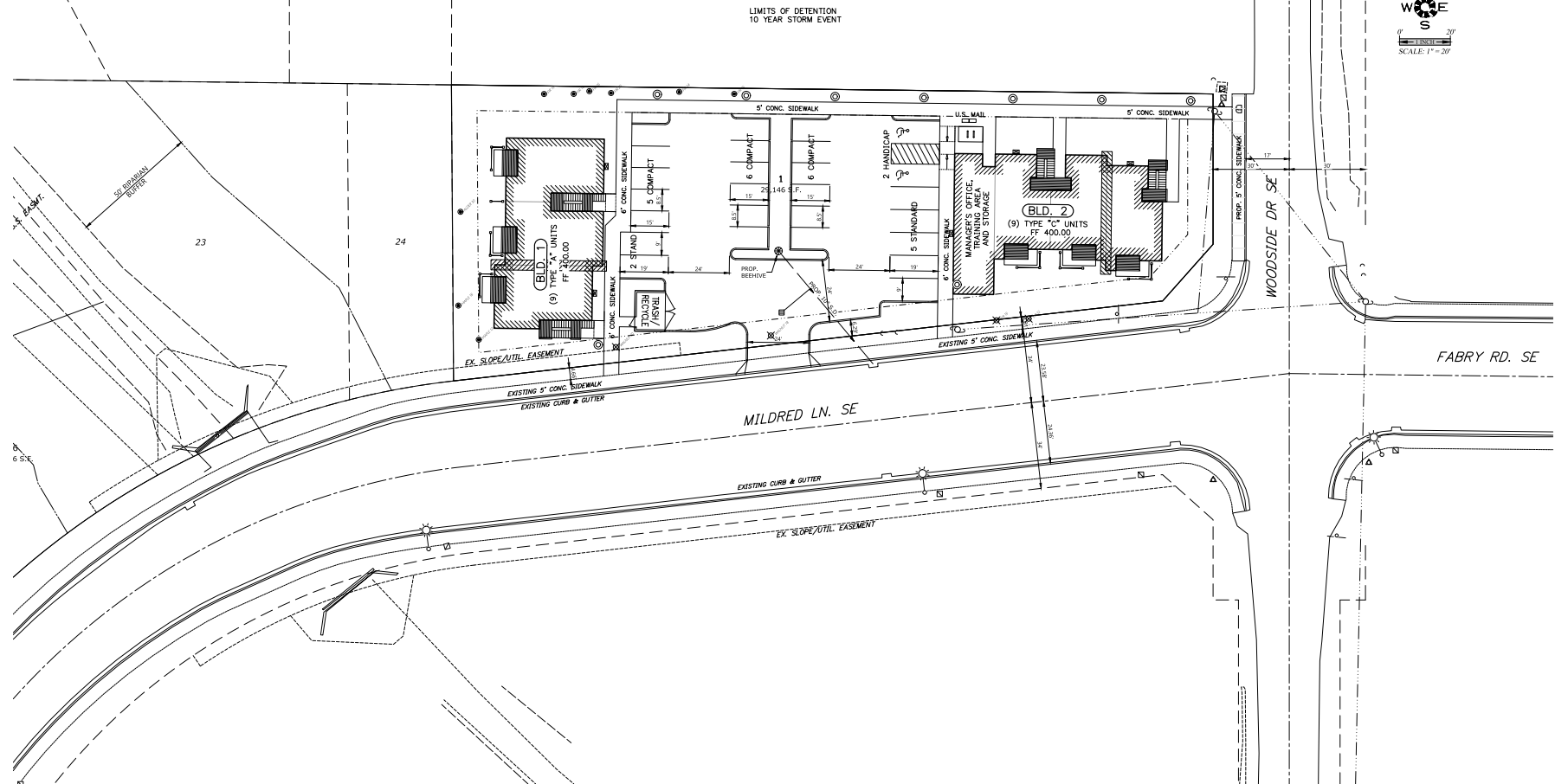
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



ATTACHMENT B



- 19 = EXISTING TREES
- 19 = EXISTING TREE MAY BE REMOVED

18 TOTAL APARTMENT UNITS
 9 TYPE "A" 2-Bd, 1-Ba (844 S.F.) UNITS
 9 TYPE "C" 1-Bd, 1-Ba (728 S.F.) UNITS

26 TOTAL PARKING STALLS
 7 STANDARD STALLS
 17 COMPACT STALLS
 2 HANDICAP STALLS

1 MANAGER'S OFFICE / STORAGE
 1 TRASH / RECYCLE
 1 PLAY AREA
 1 U.S. MAIL BOX AREA

- - WALL PACK LIGHTS MOUNTED ON BUILDINGS
- ⊙ - POLE LIGHT MAXIMUM 14' TALL
- ⊙ - POST LIGHT MAXIMUM 5' TALL
- ▨ - LOCATION OF ELECTRICAL SEPARATION WALL
- ① - MAXIMUM 1:12 SLOPE ON SIDEWALK END RAMPS
- Ⓐ - 4 BICYCLE SPACES



PRELIMINARY SITE PLAN

CHARLENE'S HOUSE APARTMENTS

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE WITHOUT WRITTEN PERMISSION OF THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

DESIGN:	DATE:
CHECKED:	DATE:
SCALE:	DATE:



SDR3

REQUEST FOR COMMENTS

Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

REGARDING: Class 2 Time Extension Case No. DR-CU-SPR-ADJ-DAP20-02EXT2

PROJECT ADDRESS: 1425 Mildred Ln SE, Salem OR 97306

AMANDA Application No.: 24-114370-PLN

COMMENT PERIOD ENDS: Wednesday, August 7, 2024 at 5:00 p.m.

SUMMARY: A request for a second 2-year extension to the approved Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments for an 18-unit multiple family residential development (Case No. DR-CU-SPR-ADJ-DAP20-02).

REQUEST: A second Class 2 Extension to extend the approval for a Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments (Case Number DR-CU-SPR-ADJ-DAP20-02) by two years to August 11, 2026. DR-CU-SPR-ADJ-DAP20-02 granted approval for the development of an 18-unit multiple family residential complex with associated site improvements for property approximately .67 acres in size and zoned IC (Industrial Commercial). The subject property is located at 1425 Mildred Lane SE (Marion County Assessor map and tax lot numbers: 083W14CB / 02402 and 02403).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m. Wednesday, August 7, 2024, will be considered in the decision process. Comments received after this date will be not considered. Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.

CASE MANAGER: Austin Ross, Planner II, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2431; E-Mail: aross@cityofsalem.net.

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:



1. I have reviewed the proposal and have no objections to it.

2. I have reviewed the proposal and have the following comments: _____

Name/Agency: AL - DR

Address: City of Salem

Phone: Building and Safety

Email: _____

Date: _____

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

Austin Ross

From: Maegan Mortensen <maeganmortensen@gmail.com>
Sent: Monday, August 5, 2024 2:19 PM
To: Austin Ross
Subject: [SUSPECTED SPAM] Comment for case No. DR-CU-SPR-ADJ-DAP20-02EXT2

Hello,

This email is a response to a request for comments on the following case:

Case number: Class 2 Time Extension Case No.DR-CU-SPR-ADJ-DAP20-02EXT2

Property Location: 1425 Mildred Ln. SE, Salem OR 97306

I admit that I am unsure if the city is looking for comments that are more general, or if they are seeking lawful objections based on codes or regulations. This email contains comments from a residential tenant perspective. If this is not what the city seeks, please feel free to ignore this email.

I'm a tenant across Mildred Ln in the Waln Creek Apartments. I work remotely from about 7am - 4pm every weekday. Continued construction around the area is often *extremely* disruptive to working, as noise travels through the apartment.

Since I'm often speaking in remote meetings, I cannot prevent sound from coming through and this can make it difficult to work. Public places are not suitable for me to conduct meetings in, as the wifi is often weak and I cannot be in a space for 8 to 9 hours every day, when I do not own said space. It also is not sustainable given the tools I require are in the workplace I live in.

I also want to note that it's not just the machines that are loud. The noise often comes from the construction staff onsite. If this is necessary to communicate, I cannot complain. But it remains a part of the disruptions. And it's not a matter of, 'just put on noise-cancelling headphones'. For one, there is no such thing as no headphone will block all of any sound. But no one should be wearing such a device all day long. It leads to migraines. And again, it does not prevent the sound from being present as I speak to co-workers through a mic.

Ultimately, I'm powerless to what the city wants. But since given the opportunity to submit a concern, I wanted to communicate them prior to the decision.

Thank you for taking the time to read through the comment for the case.

--

Best,
Maegan M
maeganmortensen@gmail.com