



April 23, 2025

Submitted via PAC Portal

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Bryce Bishop, Planner III
City of Salem Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

RE: Public Comment on Application Case No. SPR-ADJ25-11
Our File No: 30001-31382

Dear Bryce:

Our office represents MWIC Grove, LLC, MWIC Grove 2, LLC, and MWIC Grove 2 Commercial, LLC adjacent (collectively "**MWIC Grove**"). MWIC Grove, LLC is the owner of those certain real properties identified as Marion County Assessor Map No. 083W11A, Tax Lots 600 and 800, which are adjacent to the east of the Subject Property. MWIC Grove 2 Commercial, LLC is the owner of that certain real property identified as Marion County Assessor Map No. 083W11AB, Tax Lot 3100, which is also adjacent to the east of the Subject Property. MWIC Grove 2, LLC is the owner of that certain real property identified as Marion County Assessor Map No. 083W11AB, Tax Lot 3300, which is directly adjacent to the west and south of the Subject Property. MWIC Grove 2, LLC is also the owner of that certain real property identified as Marion County Assessor Map No. 083W11A, Tax Lot 1002, which is located to the east of the Subject Property.

This letter provides initial questions and comments in response to Class 3 Site Plan Review / Class 2 Adjustment Case No. SPR-ADJ25-11. We respectfully request that this letter be entered into the record for the application referenced above.

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Except for the MWIC Grove 2 Commercial, LLC property, the MWIC Grove properties mentioned above are developed with residential uses. MWIC Grove has several concerns regarding potential impacts and whether the proposed use complies with all applicable criteria.

The applicant has requested several adjustments to approval criteria. However, the applicant has not articulated how the criteria are “clearly inapplicable to the proposed development” or how the criteria will be “equally or better met by the proposed development” as required by SRC 250.005(d)(1). For adjustment number 1 concerning the minimum floor area ratio, Applicant states that “it is impractical for the proposal to meet this standard.” Impracticality does not render the criterion inapplicable. The evidence fails to meet the substantial evidence standard, and it does not support that the criteria is equally or better met.

For adjustments number 2 through 5, the applicant relies on the assertion that they will be providing “enhanced landscaping and pedestrian protections” in order to justify that the proposed design will equally or better meet the criteria. However, the application lacks the requisite evidence needed. The applicant stated on page 40 of the narrative statement that applicant will provide landscaping plans to demonstrate compliance with SRC Chapter 807 during building permit review. This cannot be completed during building permit review.

SRC 807.001 states that part of the purpose of the Chapter is to “promote compatibility between land uses.” MWIC Grove 2, LLC owns the property directly adjacent to the north and west of the Subject Property. The properties share a common access road, and the surrounding properties would be adversely affected by the proposed parking lot setback adjustment. MWIC Grove is concerned about the impact on pedestrian safety as well. The information provided by the applicant is insufficient to properly evaluate and comment on potential impacts and to demonstrate compliance with the applicable criteria.

MWIC Grove has concerns about the proposed aesthetic and lighting impacts. The applicant’s narrative statement under SRC 800.060 regarding exterior lighting states that applicant will provide lighting plans during building permit review to demonstrate compliance with the criteria. These issues cannot be delayed until building permit review. MWIC Grove owns properties adjacent to the Subject Property and is concerned that the lighting will reflect onto its properties and negatively impact the residents living there.

MWIC Grove also has concerns about traffic impacts, including how noise from traffic will impact its residents. The memorandum dated December 20, 2024 prepared by Kittleson and Associates updates the traffic memorandum for the Sustainable Fairview part of Phase II of the development as a whole and determines whether the updated trip generation numbers trigger pre-planned improvements. However, the memorandum does not analyze potential traffic impacts specific to the proposed use, such as potential impacts to Strong Rd SE, Lindburg Rd SE, and Village Center Loop. Moreover, such information can only be addressed first through an amendment to the master plan and then through an amendment through the existing refinement plan. The City of Salem’s Fairview Mixed-Use Zone identifies the Fairview Hills refinement plan dated December 2024 as a draft only. Until such modifications are adopted by the City of Salem City Council, the traffic analysis is premature and cannot satisfy the site plan review criteria. Additionally, the lack of clarity as to the actual uses within the proposed development precludes the ability to accurately calculate traffic impacts.

MWIC Grove also has several questions regarding the proposed use, which were unclear based on the submitted application materials. MWIC Grove requests responses to the following questions:

1. MWIC Grove is concerned about the impact on its residents, please provide additional information on the use for the space to be leased. Without such information, it is unclear as to whether parking standards, traffic standards, and other standards that are dependent on employee and customer traffic impacts have been satisfied.
2. What conditions will be placed to ensure the leased space complies with all use restrictions? For example, will there be restrictions on lottery and gaming?
3. Will there be any restrictions placed on the operating hours to ensure compatibility with the surrounding residential uses?
4. The narrative statement under SRC 800.065(a)(5) states that no vehicular connections are provided from the applicant's development site to abutting development sites. However, the site plan appears to show access driveways on the western and southern property lines, which connect to the adjacent MWIC Grove 2, LLC property. Please confirm that the proposed development will not connect to any MWIC Grove properties.

Our office respectfully requests a copy of all future notices and decisions in this matter. Thank you for your time and consideration.

Sincerely,



ALAN M. SOREM
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Voice Message #303

AMS/EAR:arf
Enclosures
cc: Client