

December 7, 2015



Mr. Aaron Panko
City of Salem
Community Development Department
555 Liberty Street SE, Room 350
Salem, Oregon 97301

RE: MAYS LANDING CONDITIONAL USE APPLICATION – 1252 23rd Street SE

Dear Aaron,

This letter is intended to serve as a cover letter for the Conditional Use Application for the above referenced site. The “Subject Property” is located at 1252 23rd Street SE in Salem Oregon (Marion County Assessor’s Map No. 073W35AD, Tax Lot 800). The total acreage of the Subject Property is 2.88 acres. The property is designated in the Salem Area Comprehensive Plan (SACP) as “Industrial/Commercial”, and is zoned Industrial Commercial (IC).

The applicant wishes to request approval of a conditional use permit for the purposes of developing a 96-unit multi-family complex as indicated by Drawing A1.2 (enclosed). The complex will contain (6) 3-story apartment buildings, with a total of 17 units per building. The proposed development will also include additional parking to supplement the existing shared parking lot to the north, on-site playground, and substantial open space for landscaping.

Conditional Use Criteria:

The proposed use is allowed as a Conditional Use in the zone;

With a conditional use permit the proposed use for this site is allowed under the IC zone designation, and multi-family residential uses are allowed with an unlimited number of dwelling units. In order to provide for compatibility with the surrounding single family neighborhoods, the applicant in seeking approval for 96 dwelling units.

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions;

The adverse impacts identified for this development include site access, pedestrian accessibility, noise, FAA safety hazards, land use compatibility, access to schools, transit, access to parks, and parking. These impacts are described below:

Site Access: The applicant proposes to establish primary access to the site on 23rd Street SE, which is designated as a collector street in the Salem Transportation System Plan. The property also has frontage along Oxford Street SE, which is currently only improved to alley standards. Therefore all access to the site is being proposed for 23rd Street SE, utilizing existing curb cuts, and restricting direct access to Oxford Street SE.

Pedestrian Accessibility: Pedestrian accessibility will be provided on-site as required by existing codes and standards. Additionally, the adjacent sidewalk along the development frontage will meet pedestrian accessibility requirements. If there are other needs identified by City staff, the applicant is open to discussing what those requirements may be.

Noise: The primary noise sources which will affect this development will originate from the City of Salem Operation and Maintenance Facility located off of 23rd Street SE to the west of the subject property, and the Salem Airport, where the closest runway is approximately 0.5 miles from the proposed buildings. According to the Oregon Department of Aviation Airport Land Use Compatibility Guidebook (ODA Guidebook), Table 1-1, the only potential impacts regarding proposed residential development are noise and safety. The Federal Aviation Administration (FAA), the Environmental Protection Agency (EPA), and the Department of Housing and Urban Development have established the 65 day-night average sound level (65 DNL) as a threshold for determination of significant noise impacts resulting from airport improvements. Exhibit #5 of the ODA Guidebook states that the 65 DNL and below is compatible with residential uses. According to the Salem Airport Master Plan (Exhibit 6-3), the proposed development exposure is below the 65 DNL. Therefore airport noise is not a concern for the proposed development. Regarding the City of Salem operations and maintenance facility, the noise expected from this site is also less than 65 decibels.

FAA Safety Hazards: As mentioned above, Table 1-1 of the ODA Guidebook states the only potential impacts regarding the proposed residential development are noise and safety. The property owner had an aeronautical study performed (enclosed), and the FAA determined that the proposed development will not exceed obstruction standards and will not be a hazard to air navigation. See attached FAA Determination letter.

It is also important to note that since its inception in 1929, the Salem Airport has had no crashes in the immediate area surrounding the airport.

Land Use Compatibility: Land use controls and implementation of compatible land uses through zoning exists to help provide protection for aircraft and people working and living near airports. While the FAA has no regulatory authority for controlling land

uses, they do provide guidance documents for local and state governments to aid in land use compatibility. It is important to keep in mind that this is simply guidance and not law. Two primary impacts identified by the FAA related to land use planning are noise and safety (height restrictions) concerns, which is indicated by Table 1-1: Land Use Troubleshooting Matrix of the DOA Guidebook. Each of these impacts for the proposed residential development are described above, and have been determined to be of little or no impact. While the FAA guidance for residential development is considered not compatible within the proximity of the airport, it should be noted that the FAA guidance considers many uses not to be compatible. Of the 120 uses identified in Table 6-1 of the ODA Guidebook, only 23 are considered “generally compatible” land uses. Therefore, based on noise and safety not being an issue with the proposed development, we feel the request for a conditional use approval should be granted.

Access to Schools: The schools serving this property are Bush Elementary, Leslie Middle, and South Salem High. According to the Salem-Keizer School District, the residences in the area are eligible for bus service to all schools serving the area in question. In fact, bus service currently serves the area. There is a walking route from the property to Bush Elementary, by way of 14th Street under Mission Street SE, eliminating the need to use surface crossings to walk to this school. The route is approximately 1.2 miles.

Transit: Public transit is available in close proximity to the subject property, with stops on Mission Street SE at 23rd Street SE, at 25th Street SE, and Ford Street SE. Outbound service can be accessed on the same side of Mission Street SE as the property. Inbound service can be accessed across the Mission Street SE via the crosswalks at 22nd Street SE and 25th Street SE.

Access to Parks: Lee City Park is located across Mission Street SE, off of Ford Street SE, approximately 0.50 miles from the subject property. Walling Pond, a privately owned property which is open to the public, is also located to the south of the subject property. The applicant will also be providing on-site open space and playground facilities as part of the multi-family development.

Parking: The minimum required parking for the multi-family portion of the development is 144 stalls. Between the 25 on-site parking stalls provided by the proposed development and the 119 excess parking spaces in the commercial parking lot to the north, all of the parking needs are taken care of. The proposal would be to create a parking easement on the lot to the north for use of the excess commercial parking stalls. These parking spaces would then be reserved/signed for the multi-family residential parking only.

With any of the impacts described above, conditions can be placed on the development which would minimize any identified impacts of concern. Therefore the conditional use request should be granted.

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

As the proposed development will be located in an area of industrial and commercial users, and lies adjacent to an area that is predominantly residential in nature, the only likely adverse impact would be to the users of the development and not the surrounding properties. Traffic is not anticipated to create issues as the development is adequately served by 23rd Street SE, Oxford Street SE, and Missions Street SE. Regarding aesthetics, the proposed development includes landscaping and parking areas to separate the proposed multi-family and from the existing commercial development to the north. Bufferyards will be implemented to separate the use from the moderate impact and auto service use to the east. The proposed development has also been reviewed for consistency with the development standards which provides design standards for multi-family development. The development standards will provide screening, setback, height, and mass regulations, which ensure compatible design with the surrounding uses.

The proposed development provides for pedestrian and bicycle connectivity to the public sidewalk and street system, and transit service is provided within 400 to 600 feet along Mission Street SE. Existing utilities are in 23rd Street SE and Oxford Street SE, and are adequate to serve the proposed development.

Permitting of multi-family development in an industrial zone allows for a variety of housing types in an area which may provide convenient pedestrian access to a variety of commercial and industrial services. Additionally, the proposed development will provide minimum standards for common open space, private open space, and children's play areas.

In summary, the proposed 96-unit multi-family development satisfies applicable Comprehensive Plan Goals and Policies Related to Mixed Use Development by providing a mixture of commercial and residential uses adjacent to an area where small industrial businesses exist or are expected to develop in the future.

Traffic Impact Analysis (TIA):

During the pre-application meeting, the City public works staff declared that a traffic impact analysis would not be required. Therefore no trip generation or TIA is provided with this conditional use application.

SESNA Neighborhood Approval:

Our client has discussed this development with the SESNA neighborhood association on several occasions to communicate the desire and need for this development, and also to gather input regarding neighborhood concerns. After recent discussions with the neighborhood, the SESNA board voted in support of the proposed multi-family development. Additionally, the Salem Housing Needs Analysis and the 2015 SESNA Neighborhood Plan both site how there is a deficit of land in the multi-family designation. The SESNA Plan identified the following objectives/goals:

- a) Goal 2, Housing Types Policy 2.1: The plan states that multi-family developments shall be encouraged in locations near transit services...
- b) Goal 2, Housing Types Policy 2.2: The plan states that development of affordable, workforce and mixed-income housing shall be encouraged to ensure housing options for people of all incomes.
- c) Goal 5, Action 5.1: The plan states that mixed-use developments should be located on or near transportation corridors.
- d) The plan indicates that mixed-use developments should be promoted because they preserve open space, reduce automobile dependency, and provide for alternative modes of transportation such as walking.

Based on the above objectives/goals, this development will provide for affordable housing that places people in a good position for accessing jobs and services in close proximity to their homes, and therefore allowing them to take advantage of alternative modes of transportation (e.g. bus, bicycle, and walking).

Site Plan:

Please reference the attached plan (A1.2).

Existing Conditions Plan:

Please reference the attached plan (C-1.01).

Existing Conditions Plan:

Please reference the attached plan (L-1.01).

Previous Land Use Action:

It should be noted that in 2012, the consolidated conditional use, site plan review, and administrative design review applications were reviewed and approved by City staff. At that time, staff recommended to the Hearings Officer that the application request be "GRANTED" for the 96-dwelling unit multi-family complex, with conditions. Those conditions, along with applicant responses, are indicated as follows:

- Condition 1: Construct the proposed development in accordance with provisions of SRC Chapter 140 based on base flood elevation of 181.0.
 - *Response: This condition will be complied with.*
- Condition 2: As a condition of building permit issuance, provide an engineered no-rise certification to demonstrate that development within the floodway does not cause a rise in flood levels.
 - *Response: This condition will be complied with.*
- Condition 3: At the time of building permit review, the applicant shall provide an acoustical analysis, by a qualified acoustical engineer, of the proposed development, and incorporate into the design of the site and buildings, methods outlined in the analysis for reducing sound levels from the surrounding uses.
 - *Response: Based on the information provided with this narrative/report, we do not believe a noise study is required. However, if the City requires it, the applicant will perform such a study, and will implement acoustical improvements if needed.*
- Condition 4: The applicant shall incorporate a disclaimer into their tenant lease agreements that excessive noise is possible based on surrounding uses.
 - *Response: The applicant will incorporate this language into the lease agreements if required. However, based on the information contained in this narrative/report, we do not feel this would be necessary.*
- Condition 5: The applicant shall revise the site plan to remove building "e". The building may be replaced with either open space, or may be replaced with two duplexes, but the number of dwelling units may not exceed 84 for the subject property.

- *Response: This application includes the same 96-unit layout as previously submitted.*
- Condition 6: Oxford Street SE shall be paved along the entire frontage of the subject property to meet alley standards. Prior to building permit issuance, construction plans shall be approved and secure per SRC Chapter 77. The improvements shall be completed by the applicant and approved by the Public Works Director.
 - *Response: With this application the use of Oxford Street SE for access to the site has been deleted as requested per City staff. If the City wishes for Oxford Street SE to be improved for access, the applicant will comply.*

Sincerely,

Project Delivery Group, LLC



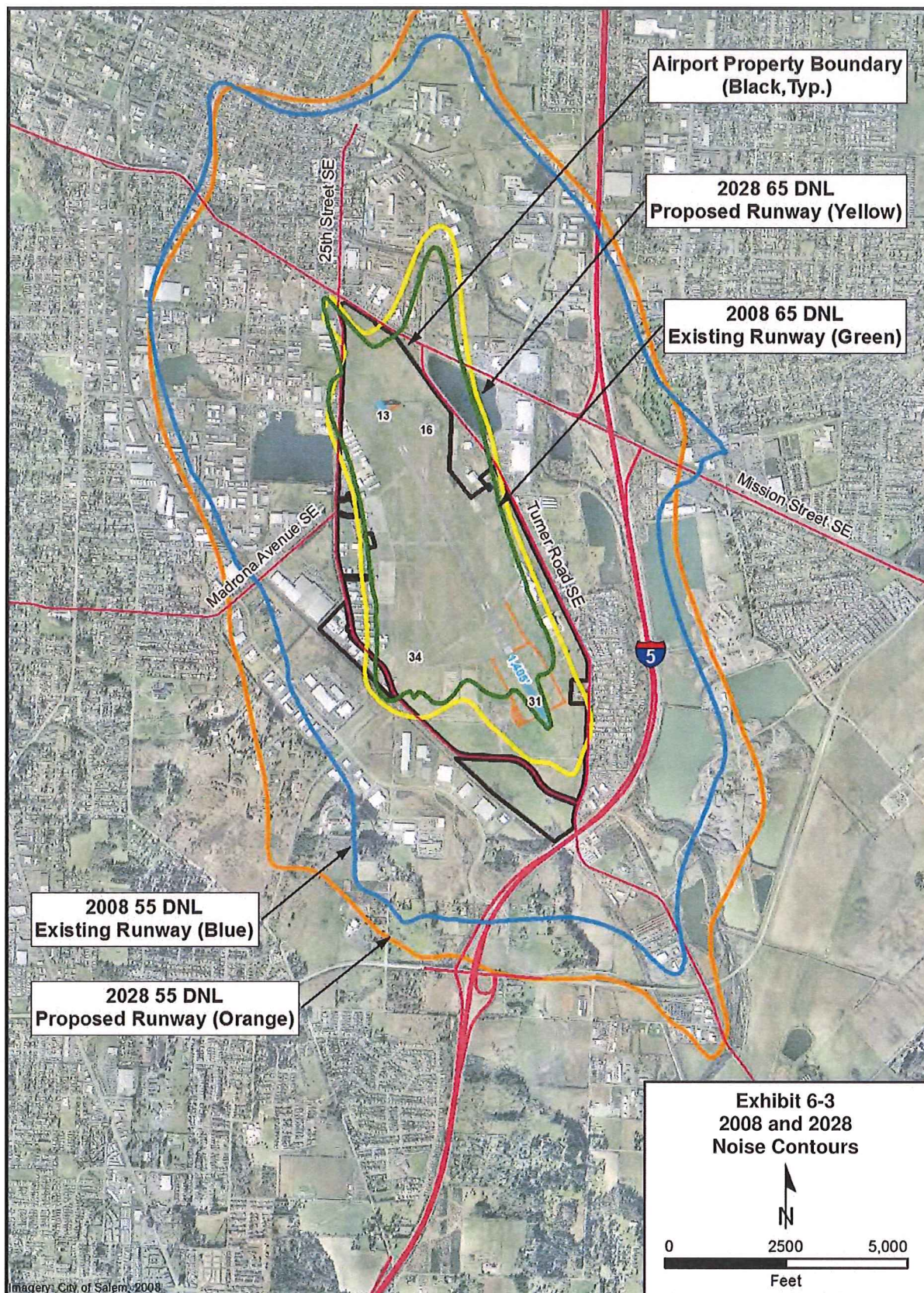
Brian Vinson, PE

Senior Engineer

Table 1-1: Land Use Troubleshooting Matrix

Land Use	Potential Impact	Chapter 3 Reference	Example Actions Available	Chapter 6 Reference
Existing Residential Development	Noise Concern	Page 3-13	Soundproofing Noise Easement	Page 6-10
	Safety Concern	Pages 3-1 & 3-11	Fee Simple Acquisition	Page 6-5
Proposed Residential Development	Noise Concern	Page 3-13	Hold Harmless Agreement/Fair Disclosure Statement	NA
	Safety Concern	Pages 3-1 & 3-11	Comprehensive Plan	Page 6-3
Landfills	Safety Concern	Pages 3-1 & 3-12	Airport Overlay Zoning	Page 6-4
School, Hospital, and Church Development	Noise Concern	Page 3-13 & 3-18	Soundproofing Noise Easement	Page 6-10
	Safety Concern	Pages 3-11	Airport Overlay Zoning	Page 6-4
Radio / Television Tower	Safety Concern	Page 3-12	Avigation & Hazard Easement	Page 6-6
			Height Limitation Zoning	Page 6-4
Factory Smoke	Safety Concern	Page 3-12	Avigation & Hazard Easement	Page 6-6
			Airport Overlay Zoning	Page 6-4
Golf Courses	Safety Concern	Page 3-11 & 3-12	Avigation & Hazard Easement	Page 6-6
			Airport Overlay Zoning	Page 6-4
Auditorium / Outdoor Theaters	Safety Concern	Page 3-11	Airport Overlay Zoning	Page 6-4
Power Lines	Safety Concern	Page 3-12	Avigation & Hazard Easement	Page 6-6
			Height Limitation Ordinance	Page 6-4
Agricultural Activities	Safety Concern	Pages 3-11 & 3-12	Avigation & Hazard Easement	Page 6-6
Water Impoundments	Safety Concern	Pages 3-11 & 3-12	Avigation & Hazard Easement	Page 6-6

Exhibit #5 – Noise Compatibility						
Legend: Y (Yes) - Land use and related structures compatible without restrictions N (No) - Land use and related structures are not compatible and should be prohibited NLR - Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure DNL - Average Day-Night Sound Level 25, 30, 35 - Land use and related structures generally compatible; measures to achieve NLR of 25, 30, 35 dB must be incorporated into design and construction of structure.						
Land Use	Below 65	65-70	70-75	75-80	85-85	Over 85
Residential						
Residential, other than mobile homes and transient lodging	Y	N ⁽¹⁾	N ⁽¹⁾	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N ⁽¹⁾	N ⁽¹⁾	N ⁽¹⁾	N	N
Public						
Schools	Y	N ⁽¹⁾	N ⁽¹⁾	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Government services	Y	Y	25	30	N	N
Transportation	Y	Y	Y ⁽²⁾	Y ⁽³⁾	Y ⁽⁴⁾	Y ⁽⁴⁾
Parking	Y	Y	Y ⁽²⁾	Y ⁽³⁾	Y ⁽⁴⁾	N
Commercial						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail - building materials, hardware and farm equipment	Y	Y	Y ⁽²⁾	Y ⁽³⁾	Y ⁽⁴⁾	N
Retail trade - general	Y	Y	25	30	N	N
Utilities	Y	Y	Y ⁽²⁾	Y ⁽³⁾	Y ⁽⁴⁾	N
Communication	Y	Y	25	30	N	N





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76137

Aeronautical Study No.
2012-ANM-2907-OE

Issued Date: 03/19/2013

Bo Rushing
Rushing Mission Street, LLC
3110 25th Street SE
Salem, OR 97302

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building construct apartment buildings
Location:	Salem, OR
Latitude:	44-55-17.21N NAD 83
Longitude:	123-00-53.88W
Heights:	183 feet site elevation (SE)
	40 feet above ground level (AGL)
	223 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part I)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 09/19/2014 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

If we can be of further assistance, please contact our office at (310) 725-6591. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2012-ANM-2907-OE.

Signature Control No: 176764559-185693689
Tamera Burch
Technician

(DNE)