

**TO: PLANNING COMMISSION**

**FROM: LISA ANDERSON-OGILVIE, AICP  
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND  
PLANNING ADMINISTRATOR**

**SUBJECT: SUPPLEMENTAL STAFF REPORT REGARDING CONSOLIDATED  
DESIGN REVIEW, SITE PLAN REVIEW, REPLAT, PROPERTY LINE  
ADJUSTMENT, ADJUSTMENT, AND DRIVEWAY APPROACH PERMIT  
CASE NO. DR-SPR-REP-PLA-ADJ-DAP18-08; FOR PROEPRTY  
LOCATED IN THE 2100 TO 2300 BLOCKS OF LINDBURG ROAD SE AND  
STRONG ROAD SE**

**(AMANDA APPLICATION NOS. 18-115576-DR; 18-115573-RP; 18-  
113652-LD; 18-123456-LD; 18-115574-ZO; 18-115575-ZO)**

### **REQUEST**

A consolidated application for a proposed 180-unit multiple family development on approximately 9.51 acres of the former Fairview Training Center site. The application includes the following:

- 1) A Class 3 Design Review and Class 3 Site Plan review for the proposed multiple family development;
- 2) A Replat to consolidate Lots 8 and 9 of the Lindburg Green subdivision plat into one lot, and consolidate and reconfigure Lots 6 and 7 of the Lindburg Green subdivision plat and Parcel 3 of Partition Plat No. 2014-03, in order to reconfigure existing lot boundaries within the subject property in order to accommodate the proposed development;
- 3) A Property Line Adjustment to eliminate the property line between proposed consolidated Lot 8 and 9 of the Lindburg Green subdivision plat and the abutting property to the west in order to accommodate the proposed development;
- 4) A Class 2 Driveway Approach Permit for the proposed driveway approach onto Lindburg Road SE; and
- 5) A Class 2 Adjustment to:
  - a) Allow Lot 6 of the proposed replat to fall below the minimum lot width and exceed the maximum lot depth required under the refinement plan.
  - b) Allow the remainder of Parcel 3 as shown on the proposed replat to exceed the maximum lot depth required under the refinement plan;
  - c) Allow the consolidated 6.8 acre portion of the subject property located west of Heritage Street to fall below the minimum lot width and exceed the maximum lot depth required under the refinement plan;
  - d) Allow less than 70 percent of the lot/street frontage of the portion of the property within the VC (Village Center) area of the refinement plan along Lindburg Road

and proposed Village Center Loop to be occupied by buildings placed at the minimum setback line as required under the refinement plan;

- e) Allow the minimum required floor-area-ratio (lot coverage) of the portion of the property within the VC (Village Center) area of the refinement plan north of Lindburg Road and west of proposed Village Center Loop to be less than the minimum 0.75 FAR required under the refinement plan;
- f) Allow upper floor building articulation and building eaves to project into the minimum 10-foot setback abutting a street required under the refinement plan;
- g) Allow Building No. 1, 2, 8, 14, and 17 to be setback beyond the maximum 20-foot setback abutting a street required under the refinement plan.
- h) Allow Building No. 17 to be setback less than the minimum required 10-foot setback abutting a street required under the refinement plan;
- i) Allow a proposed driveway approach onto Lindburg Road SE, which is designated as a collector street, where SRC 804.030(b)(2) requires corner lots which abut only local or collector streets to provide access to the street with the lower street classification;
- j) Allow the driveway approaches onto the proposed private streets within the development to exceed the maximum driveway approach widths required under the refinement plan;
- k) Allow five driveway approaches onto the private streets on the western portion of the subject property and three driveway approaches onto the private streets on the eastern side of the subject property where a maximum of two driveway approaches per parcel are allowed onto private streets under the refinement plan; and
- l) Allow the proposed parking lot located south of Building No. 17 to be setback from the eastern edge of the private street easement less than the minimum required 20 feet under the refinement plan.

The subject property is approximately 9.51 acres in size, zoned FMU (Fairview Mixed-Use), and located in the 2100 to 2300 Blocks of Lindburg Road SE and Strong Road SE (generally north of Lindburg Road SE, South of Strong Road SE, and west of Reed Road SE) (Marion County Assessor Map and Tax Lot Numbers: 083W11A00600, 700, 800, 900, & 1002; and 083W1100100).

**APPLICANT:** Mountain West Investment Corporation

**OWNER:** Sustainable Fairview Associates, LLC

### **SUMMARY AND BACKGROUND**

On December 18, 2018, the public hearing for the proposed development was opened and, based on requests received from the public, continued until January 8, 2019. This supplemental staff report for the January 8, 2019, continued public hearing summarizes

public comments received subsequent to the completion of the original December 18, 2018, staff report, recommends an additional condition to be placed on the approval concerning bike parking, and establishes additional findings.

## **FACTS AND FINDINGS**

### **1. Neighborhood Association Comments.**

The subject property is located within the Morningside Neighborhood Association. Comments were received from the neighborhood association expressing support for the proposed development (**Attachment A**). The neighborhood association indicates, in summary, that the development is a thoughtful and creative offering of multi-family housing on the Fairview property. They explain that traffic planning includes easy access to the development at six different points, and both pedestrian and bike traffic allow comfortable access to the development and the anticipated adjacent City park. The neighborhood association also indicates that they appreciate the accommodation of trees on the site include two park-like settings enhancing the enjoyment of both residents and the public.

### **2. Public Comments.**

Notice of the proposal was mailed to property owners and tenants within 250 feet of the subject property. Notice of public hearing was also posted on the subject property. Comments from four area property owners/tenants were submitted subsequent to completion of the December 18, 2018, staff report. The comments received are included as **Attachment B**. The comments received express concern regarding the following issues:

#### **A. Lack of notice and inadequate time to review staff report.**

Comments received express concern about a lack of adequate time to review the proposed development due to the staff report not being available seven days in advance of the public hearing. In addition, comments received from administrators associated with Heritage School explain that they only became aware of the public hearing due to the public hearing signs posted on the property and that neither they, nor parents of children who attend the school, received mailed notice of the public hearing.

**Staff Response:** In regards to availability of the staff report prior to the hearing, SRC 300.620(c) requires the staff report to be available to the public for review a minimum of seven days prior to the hearing. Due to the complexity of the proposal and the number of applications involved, additional time was needed to complete the report. As such, the report was available to the public for review four days rather than seven days, prior to the hearing. Pursuant to State law and SRC 300.970(b), prior to the conclusion of a quasi-judicial land use proceeding which constitutes the first evidentiary hearing on the matter any party may request an opportunity to present additional evidence, arguments, or testimony regarding the

proposal. Upon such request, the Review Authority shall either continue the hearing or hold the record open. Because the staff report was not available the minimum required seven days prior to the hearing, requests were received to continue the public hearing to allow for additional time to review and respond to the proposal. Pursuant to the SRC and State law, the Planning Commission voted to continue the public hearing on the proposal to **January 8, 2019, at 5:30 p.m.**, to allow for the submission of additional evidence and testimony.

In regards to public notice to Heritage School, notice was provided as required by the SRC in the form of mailed notice and signs posted on the subject property. Mailed notice was provided to both owners of property and tenants within 250 feet of the subject property. As such, mailed notice was provided to both the owner of the property upon which Heritage School is sited as well as the physical address of Heritage School (*4090 Heritage Street SE*) in order to capture tenants of the property. Notice was not provided, nor is it required to be provided, however, to tenants whose mailing addresses are not included in data readily available to the City, or to individuals who attend or utilize a facility or business, but are not the property owner.

In the case of Heritage School, notice was provided to both the property owner and the current tenant for physical address of the school. Subsequent research conducted by staff has determined that the mailing address for Heritage School is actually a post office box. Because the City utilizes physical address information to reach tenants and assessor's records information to reach property owners, the post office box of Heritage School was not in the records available for mailed notice. However, because the City requires not only mailed notice, but also requires the posting of public notice on the property, Heritage School was made aware of the public hearing. The underlying purpose of the mailed and posted notice requirements was therefore fulfilled.

#### **B. Incorrect location of Heritage School on vicinity map.**

Comments received expressed concern that the location of Heritage School is shown incorrectly on the vicinity map (**Attachment C**) and that this oversight may have resulted in the development not fully understanding the potential issues that may arise both during construction and afterward.

**Staff Response:** The location of the school marker on the vicinity map is a result of a geographic information system (GIS) mapping program setting and does not have an influence on the review of the proposed development. Both City staff and the applicant are aware of the correct location of Heritage School.

#### **C. Underimproved condition of Reed Road SE.**

Comments received express concern about the current state of Reed Road SE and its ability to support the additional traffic generated by the proposed development with additional traffic improvements. The comments explain that Reed Road is very narrow with steep ditches on either side, no sidewalks or shoulder, a high speed

limit (45 mph), limited lighting, and limited visibility, especially for traffic coming from Fairview Industrial Drive SE.

**Staff Response:** Reed Road SE is an underimproved minor arterial street. Though the boundaries of the subject property for the proposed replat abut Reed Road, the resulting property for the proposed 180-unit multiple family development will not abut Reed Road.

As part of the original approval for the *Fairview Plan* a master Transportation Impact Analysis (TIA) was approved identifying transportation improvements required to be made in order to mitigate the anticipated traffic impacts of the overall development. With the approval of each subsequent refinement plan, an update to the TIA is made incorporating updated proposed land uses and development intensities for each refinement plan.

When the *Fairview Refinement Plan II* refinement plan was originally approved in 2009 and later updated in 2016, TIA updates were submitted in order to accommodate the uses and development intensities proposed. A further update to the TIA was also submitted for the proposed development (**Attachment D**) in order to account for the 180 dwelling units proposed. Based on the TIA trip generation update submitted, the number of vehicle trips resulting from the proposed development is estimated to remain the same and none of the transportation improvements included in the Area Facilities Plan that have not yet been constructed are triggered.

In addition, pursuant to SRC 803.040, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified under SRC 803.025 shall be required as a condition of approval for:

- 1) Subdivisions;
- 2) Partitions;
- 3) Planned unit developments;
- 4) Manufactured dwelling parks; and
- 5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC Chapter 56.

As identified by list above, boundary streets are not required for replats; and because the proposed multiple family development will not be located on property abutting Reed Road, construction of a boundary street improvement along Reed Road is not applicable to the proposed development. Boundary streets will be required, however, pursuant to SRC 803.040 along Strong Road SE and Lindburg Road SE because both Lindburg Road and Strong Road abut the subject property.

Boundary street improvements along Reed Road will be required at the time of further development of the properties abutting Reed Road.

#### **D. School zone safety.**

Comments received express concern that the proposed development plan does not address the need for school zone signs and associated traffic calming measures to improve safety and mitigate accidents.

**Staff Response:** Because both Heritage School and the proposed development are within the Fairview Mixed-Use Zone and the *Fairview Refinement Plan II* refinement plan, the streets to serve the properties within the refinement plan area are designed to promote traffic calming through narrower widths, such as on Heritage Street, and to provide for improved pedestrian connectivity and safety, through multi-use paths along Lindburg Road and Strong Road and curb extensions at street intersections to reduce the distance pedestrians must travel to cross streets.

In regards to school zone signs, the City's assistant traffic engineer indicates that the City does not install school zone signs for private schools and that any signs desired would be the responsibility of the private school.

#### **E. Potential lack of parking.**

Comments received express concern that parking for Heritage School may be an issue due to competition with the proposed development and the City park that will be located across the street. The comments also indicate that a YMCA bus picks up students in the afternoon and, in the current plan, there may be nowhere for it to park.

**Staff Response:** Within the *Fairview Refinement Plan II* refinement plan all residential uses, including multiple-family residential developments, are required to provide a minimum of one parking space per dwelling unit. The corresponding maximum parking allowed for the development (per SRC Chapter 806) is 1.75 times the minimum number of required parking spaces. Based on the minimum parking requirement of the refinement plan and the maximum parking allowed under SRC chapter 806, the proposed 180-unit multiple-family development is required to provide a minimum of 180 parking spaces and cannot exceed a maximum of 315 spaces. The refinement plan also allows for up to 50% of the required parking spaces to be located on the street within 100 feet of the lot they serve for multiple-family developments.

As shown on the site plan and identified in the December 18, 2018, staff report, the proposed development will include a total of 309 spaces. Of the total spaces provided, 248 are located off-street on the subject property and the remaining 61 spaces will be located on the private streets serving the development. The 309 spaces provided exceed minimum parking requirements and are only six spaces short of exceeding the maximum allowable parking. The proposed parking provided for the development conforms to parking requirements.

## **F. Potential impacts of the proposed use on Heritage School.**

Comments received express concern about the potential impacts of the proposed development relating to smoking, noise, etc. The comments received explain that with a traditional school there would be more of a buffer between the school and residential properties. It is indicated that in the case of the proposed development, Heritage School will not have a buffer and the school will need to think seriously about potential impacts and the cost to mitigate those impacts. It is explained that the proposal includes multiple setback variances which minimize the buffer between the school property and the buildings immediately adjacent to it.

**Staff Response:** Both the subject property and Heritage School are located within the AU (Adaptive Use) area of the FMU zone and *Fairview Refinement Plan II* refinement plan. The FMU zone, per SRC 530.010(c), describes the AU area as comprising the highest concentration of existing buildings and historic development patterns. Residential and nonresidential development within this area may occur within existing structures that have been rehabilitated or within new structures.

Within the refinement plan, the AU area allows a wide variety of residential and non-residential uses with setback and density requirements supportive of a higher-density mixed-use development pattern.

The subject property does not directly abut Heritage School. The school is separated from the proposed development by Heritage Street to the west and Chapel Lane on the north. To the north of Heritage School, proposed Building 14 is setback a considerable distance from Chapel Lane and a large open area preserving existing trees is provided. To the west of Heritage School, proposed Buildings 3, 4, 5, and 6 are located in close proximity to Heritage Street. The proposed setback adjacent to Heritage Street for these buildings is based on the requirements of the refinement plan which require buildings to be setback between 10 feet to 20 feet from the street. The purpose of the required 10-foot to 20-foot setback from the street is to promote a pedestrian-friendly urban pattern of development where buildings are sited in close proximity to the street.

As shown on the site plan, the proposed development conforms to the minimum required setbacks within the refinement plan with the exception of the following buildings that do not meet the required setback abutting streets:

- ❖ Buildings where Maximum Setback Abutting Street is Exceeded: 1, 2, 8, 14, and 17.
- ❖ Buildings which Encroach into Minimum Setback Abutting Street: 17.

All of the proposed buildings closest to Heritage School (Buildings 3, 4, 5, 6, & 14) conform to the setback requirements of the refinement plan with the exception of Building No. 14 which is setback from Chapel Lane farther than the maximum allowed 20-foot setback in order to preserve existing trees in conjunction with an open space area.

In regards to the development's policies regarding smoking, noise, and others, those are largely private matters not subject to City regulation. However, the City's noise ordinance (SRC Chapter 93) does govern allowable noise limits for uses throughout the City to minimize the exposure of citizens to the potential negative effects of excessive noise. Other issues will need to be addressed between the applicant and adjacent property owners.

#### **G. Proposed Driveway Approach onto Lindburg Road.**

Comments received express opposition to the proposed development's driveway approach onto Lindburg Road. The comments received explain that the driveway approach does not align with an existing driveway access to Tax Lot 300 on the south side of Lindburg Road that was constructed in partial fulfillment of conditions which approved a subdivision on that property. It is indicated that the offset public street intersection resulting from the location of the proposed driveway will result in additional vehicle and pedestrian conflict points and jeopardize the long-term efficiency of Lindburg Road. In addition, it is further indicated that the location of the proposed driveway and its proximity to the intersection of Heritage Street and Lindburg Road will increase the likelihood of traffic conflicts and as such the Class 2 Adjustment for the proposed driveway approach fails to meet the approval criteria.

**Staff Response:** The proposed development includes a total of nine curb cuts/driveway approaches. Of the nine driveway approaches proposed, one is onto Lindburg Road and the remaining eight are onto private streets.

Pursuant to the requirements of the refinement plan, the driveway approach onto Lindburg Road is subject to the requirements of the SRC and therefore must be developed in conformance with the requirements of SRC Chapter 804. SRC 804.030(b)(2) requires driveway approaches for corner lots that abut only local or collector streets to take access from the street with the lower classification. As shown on the site plan, one of the driveway approaches included within the development is proposed onto Lindburg Road, a higher, rather than a lower, classification of Street.

The written statement provided by the applicant indicates, in summary, that due to the irregular shape of the property and the size of the proposed development several driveway access points are needed. The applicant explains that the proposed driveway onto Lindburg Road helps to provide safe and efficient circulation through the site which provides for better connectivity and circulation than if the driveway was not provided.

Staff concurs with the applicant that due to the size of the proposed development multiple points of access are needed in order to provide for more efficient access and circulation of vehicles to and from the development. The proposed driveway approach helps to provide an additional point of access to the site and alleviate issues of traffic being directed to fewer points of access.

The underlying purpose of this standard is to limit driveway approaches onto higher



classified, busier streets, in order to improve safety and limit impacts to traffic flow. In the case of the proposed development, the property abuts a collector street and a local private street. As identified in the findings included under Section 13 of the December 18, 2018, staff report for the requested Class 2 Driveway Approach Permit, the proposed driveway approach onto Lindburg Road is safe and will not impact the functionality of adjacent streets and intersections. Because the proposed driveway approach will not impact the functionality of adjacent streets and intersections, and because collector streets and local streets are more similar in functional classification than arterial streets and local streets, the proposed access onto Lindburg Road equally meets the purpose of the driveway approach standard and warrants approval.

#### **H. Proposed connection of Village Center Loop with Lindburg Road.**

Comments received express opposition to the additional street access proposed to Lindburg Road across from 1<sup>st</sup> Street within the Simpson Hills Development. The comments received explain that the Simpson Hills development to the south of Lindburg Road does not want the increased potential for traffic conflicts on Lindburg Road upon full build-out of the surrounding property, especially when the Grove at Fairview development has significant frontage to provide circulation via access to other private and public streets.

**Staff Response:** The private street access to Lindburg Road referred to in the comments received is proposed Village Center Loop in the western portion of the proposed development. Village Center Loop is proposed to align with intersection of 1<sup>st</sup> Street and Lindburg Road in the Simpson Hills refinement plan. The Village Center Loop connection provided within the proposed development is specifically identified in the amended *Fairview Refinement Plan II* refinement plan. As shown on Plate 5 of the refinement plan (**Attachment E**), Village Center Loop is intended to be aligned with the intersection of 1<sup>st</sup> Street and Lindburg Road in order to contribute to an interconnected system of streets to serve the overall development of the Fairview property. The proposed development provides this required connection; thereby improving vehicular circulation and connectivity and pedestrian circulation and connectivity, with the sidewalks on both sides of the street.

#### **I. Half-street improvements along Strong Road and Lindburg Road.**

Comments received indicate that because the subject property has frontage on Lindburg Road and Strong Road at least half-street improvements should be provided along the full extent of the property's Lindburg Road and Strong Road frontages to overall site circulation and access.

**Staff Response:** As identified in the December 18, 2018, staff report, two of the recommended conditions of approval for the site plan review application include constructing boundary street improvements along Strong Road and Lindburg Road. Recommended Condition No. 4 requires dedication of right-of-way and construction of a minimum three-quarter street improvement of Lindburg Road from its existing terminus to the extension of Strong Road SE. Recommended Condition No. 5

requires dedication of right-of-way and construction of a minimum three-quarter street improvement of Strong Road from its existing terminus to the extension of Lindburg Road SE.

#### **J. New City waterline in Reed Road SE.**

Comments received indicate that in order to improve system performance and redundancy, a condition of approval should be established requiring the installation of a new City waterline in Reed Road SE from Lindburg Road to Chapel Drive to complete a loop of the water system serving the area.

**Staff Response:** The Public Works Department reviewed the proposal for conformance with applicable SRC and refinement plan requirements pertaining to the provision of City utilities. In order to conform to these requirements, the Public Works Department recommended two conditions of approval regarding water service for the site plan review application. Condition No. 16 requires construction of a minimum 12-inch water main in Strong Road from its existing terminus to the main being extended in Lindburg Road SE and Condition No. 17 requires construction of a minimum 12-inch water main in Lindburg Road from its existing terminus to the main being extended in Strong Road SE. Because the proposed multiple family development will not be located on property abutting Reed Road SE, a condition of approval to construct a waterline in Reed Road was not recommended.

#### **K. Stormwater drainage.**

Comments received express a number of concerns regarding stormwater management for the proposed development and whether the proposal has been designed to accommodate stormwater drainage from uphill properties to the south of the subject property due to the poor infiltration characteristics of those uphill properties.

**Staff Response:** In order to ensure adequate provision of stormwater infrastructure for development within the *Fairview Refinement Plan II* refinement plan, a condition of approval was placed on the amended refinement plan in 2016 requiring all stormwater facilities to meet the minimum requirements of SRC Chapter 71. Based on this requirement, the Public Works Department has recommended a condition of approval for the site plan review application (Condition No. 15) requiring the design and construction of a storm drainage system at the time of development in compliance with SRC Chapter 71 that includes stormwater facilities required to serve upstream properties pursuant to Public Works Design Standards (PWDS) 4.2.

Conformance with this requirement ensures the proposed development will include a stormwater management system sufficient to address on-site and upstream demands.

### 3. Wetlands.

In the December 18, 2018, staff report it was explained that though the Salem-Keizer Local Wetland Inventory (LWI), the Natural Resources Inventory included in the Fairview Plan, and Section 9 (Wetland and Riparian Resources) of the *Fairview Refinement Plan II* refinement plan do not identify any mapped wetlands located on the subject property, an area characteristic of a wetland was nevertheless identified by the applicant located near the middle portion of the property west of Heritage Street. This potential wetland area will be impacted by the proposed development and the applicant must therefore comply with the requirements of the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers.

Subsequent to completion of the December 18, 2018, staff report, the applicant provided copies of determinations to staff from both the DSL (**Attachment F**) and the U.S. Army Corps of Engineers (**Attachment G**) indicating that the identified wetland area is exempt from the State's Removal-Fill Law and it is not considered waters of the U.S. by the Army Corps of Engineers. Based on these determinations, the identified wetland area may be removed in order to accommodate the proposed development.

### 4. Additional Condition of Approval Regarding Bike Parking.

In the December 18, 2018, staff report it was explained that bicycle parking to meet the requirements of the refinement plan will be provided in the form of 52 racks located on the western portion of the development, 22 racks located in the eastern portion of the development, and 34 bike spaces located in racks located under stairwells of the proposed buildings.

Subsequent to the December 18, 2018, staff report comments were provided from the Building and Safety Division indicating that, pursuant to the Building Code, the area under an exit stairway cannot be used for any purpose, including the provision of bike parking, unless such area is located within a 1-hour fire rated enclosure.

Because the proposed development currently includes 34 bike spaces located in racks under stairwells of the proposed apartment buildings, these spaces, as currently configured, will not meet Building Code requirements. In order to ensure the proposed development will conform to the requirements of the Building Code and the bike parking requirements of the refinement plan, the following additional condition of approval is recommended for the site plan review application:

#### **Class 3 Site Plan Review**

**Condition 19:** The 34 bicycle parking spaces located in racks under the stairwells of the proposed multiple-family buildings shall either be relocated to other locations on-site or located within an enclosure which meets Building Code requirements.

- Attachments:**
- A. Morningside Neighborhood Association Comments (December 17, 2018)
  - B. Public Comments
  - C. Vicinity Map
  - D. Transportation Impact Analysis (TIA) Update (December 5, 2018)
  - E. Fairview Refinement Plan II Plate 5 (Proposed Major & Existing Streets & Multi-Use Paths)
  - F. DSL Wetland Determination Report (October 25, 2018)
  - G. U.S. Army Corps of Engineers Jurisdictional Wetlands Determination (December 21, 2018)

Prepared by Bryce Bishop, Planner II

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(Supplemental Staff Report 1-8-19).bjb.docx x



# ATTACHMENT A Morningside Neighborhood Association

December 17, 2018

To: Bryce Bishop, Planner II, City of Salem

RE: Public Hearing; Planning Commission; Dec 18, 2018; DR-SPR-REP-PLA-ADJ-DAP18-08

Dear Bryce;

After thorough discussion over several monthly meetings, at our recent meeting a majority of Morningside Neighborhood Board members voted to support this Mountain West project.

We believe the development is a thoughtful creative offering of multi-family housing on the Fairview property. Traffic planning includes easy access to the development at six different points, both pedestrian and bike traffic allow comfortable access to the development and the anticipated adjacent city park. We appreciate the developer's accommodation of trees on the site including two parklike settings enhancing the enjoyment of both residents and the public.

We hope you will agree and forward this development for Council's approval subject to the resolution of matters raised in the Dec 18 hearing.

Sincerely,

Richard Reid, MNA Board Member

Pam Schmidling, MNA Board Chair

Morningside Neighborhood Assoc.  
555 Liberty St SE Room 305  
Salem, OR 97301

P - (503) 588-6207

W - [MorningSideNA.org](http://MorningSideNA.org)

E - [MNAShared1@Gmail.com](mailto:MNAShared1@Gmail.com)

December 13, 2018

Mr. Bryce Bishop  
Planner II  
City of Salem | Community Development Department  
555 Liberty St. SE, Suite 305  
Salem, OR 97301

VIA: EMAIL and REGULAR MAIL

**RE: Hearing Notice - Case No. DR-SPR-REP-PLA-ADJ-DAP18-08 pertaining to the 2100 to 2300 Blocks of Lindburg Road SE and Strong Road SE / 97302**

Dear Mr. Bishop:

We have reviewed the information provided with the hearing notice on the above referenced case and formally request standing in this matter for the sake of preserving our right to appeal the City's decision. Please enter the following project-related comments and observations into the record of this decision:

**1. Class 2 Driveway Approach Permit**

- a. The application includes a new driveway approach that is located approximately 145-feet west of the Heritage Street (private street) and Lindburg Road intersection. This driveway approach does not align with an existing driveway access to Tax Lot 300 on Marion County Assessor's Map 8-3-11, on the south side of Lindburg Road, that was constructed in partial fulfillment of conditions which approved a subdivision on this property. While we understand that this subdivision approval (Case No. SUB12-01) is set to expire this month, the driveway access and street improvements are complete.

We believe the proposed offset public street intersection, which results in additional vehicle and pedestrian conflict points, will jeopardize the long-term operational efficiency of Lindburg Road, which is designated as a collector roadway in the City's Transportation System Plan. Similarly, the proximity of this driveway to the proposed intersection of Heritage Street/Lindburg Road also increases the likelihood of traffic conflicts. Further, the existing driveway location was coordinated with Sustainable Fairview Associates, LLC (SFA) at the time of the Lindburg Road design/construction. This access location was designed to create a 4-way intersection with the existing driveway approach serving Simpson Hills (SH).

For the above-listed reasons, we believe the proposed driveway configuration fails to satisfy SRC 250.005(d)(2)(A), which requires that a Class 2 Adjustment demonstrate that the proposal (ii) equally or better meets the underlying purpose of the standard proposed for adjustment.

- b. We object to adding an additional access to Lindburg Road across from 1<sup>st</sup> Street (Public). The access locations for the SFA property along the south side of Lindburg Road were coordinated with SFA and approved by the City at the time of the Lindburg Road design and construction. SH paid for an equal share of the Lindburg Road improvements at the time of construction based on

the terms of an agreement with SFA. SH does not want to increase the potential for traffic conflicts on Lindburg Road upon full build-out of the surrounding property, especially when the Grove at Fairview development has significant frontage to provide circulation via access to other private and public streets. Furthermore, the pedestrian crossings were coordinated and designed as part of the Lindburg Road improvements to be consistent with the Fairview Master Plan "Principles of the Plan" to "Walk Every Day." An additional driveway approach at this location reduces pedestrian and multi-modal connectivity envisioned for the 1<sup>st</sup> Street/Lindburg Road intersection.

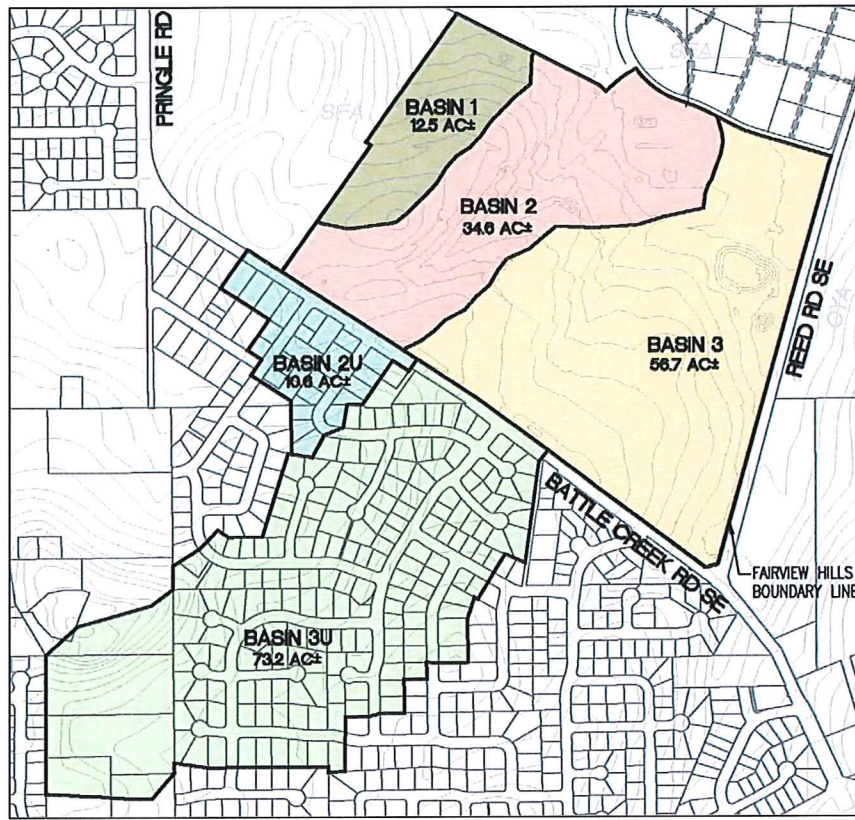
## **2. Replat and Site Plan Review**

- a. The subject site has frontage along Lindburg Road and Strong Road and therefore should include at least half-street improvements along the full extent of these frontages for overall site circulation and access.
- b. To improve system performance and redundancy, and per the City's Public Works Standards, we would like to see a condition requiring the installation of a new City waterline in Reed Road SE from Lindburg Road to Chapel Drive to complete a loop of the water system serving the area.
- c. The subject property receives stormwater runoff from approximately 187 acres of developed/developable land located upstream from this site and within the City. Given the significant amount of runoff that must be accommodated and the likelihood that acceptable future mitigation strategies could mandate the reconfiguration of certain elements of the current proposal, we request that a drainage analysis be completed as a condition of approval for this project. A general drainage plan exhibit from the Fairview Hills Refinement plan is included in Figure 1, below.
  - i. Proposed development must address how existing drainage from Basin 1 will be conveyed through the subject property.
  - ii. Proposed development must address how existing drainage from Basins 2 and 2U will be conveyed through the subject property.
  - iii. Proposed development must address how existing drainage from Basins 3 and 3U will be conveyed through the subject property including an analysis for the culvert crossing at the intersection of Lindburg Road/Reed Road.
  - iv. Reed Road SE receives significant runoff during winter storm events. How will this existing condition be addressed at the Lindburg Road and Reed Road intersection or at the existing culvert system crossing Reed Road north of the intersection and draining to the West Middle Fork Pringle Creek?
  - v. The photos of Reed Road SE (included below), between Battle Creek Road SE and Strong Road SE (see Figures 2-5), were taken on January 19, 2012.

- vi. SFA, Mountain West Investment Corporation (MWIC), and the City of Salem must understand that infiltration on the Simpson Hills/Fairview Hills (SH) site, per the City Stormwater System Design Standards, is not feasible as indicated in the following letters:
  - a) May 14, 2012 Memorandum from Foundation Engineering, Inc.
  - b) May 11, 2012 Letter from GeoPacific Engineering, Inc.
  - c) May 8, 2012 Letter from GeoPacific Engineering, Inc.
- vii. Provisions to allow for pre- and post-development drainage from upstream properties as well as Reed Road SE must be addressed as part of this project.
- viii. Based on extensive geotechnical investigations conducted on the Simpson Hills property to the south of the subject property, the City and MWIC should not assume that development of the Simpson Hills property will be able to infiltrate stormwater runoff on-site. Additionally, if infiltration of stormwater was forced to occur by the City on the Simpson Hills property it would most likely result in a highly saturated and potentially elevated groundwater condition on the subject property which could significantly impact the proposed development.
- ix. The grading and drainage plans included with the Public Hearing Notice do not address the significant drainage characteristics associated with the drainage basin in which the subject property is located. An example is shown on sheet SDR8 which identifies proposed Building 8 as being constructed directly over the top of an existing storm drain pipe flowing from Simpson Hills site into the subject property. We believe this is inconsistent with adopted standards regarding access to public utilities.



**Figure 1** Drainage Basins Located Upstream of the Subject Site



Source: Fairview Hills Refinement Plan (2012)

**Figure 2** Reed Road SE in Vicinity of Subject Site – January 19, 2012



**Figure 3** Reed Road SE in Vicinity of Subject Site – January 19, 2012





**Figure 4** Reed Road SE in Vicinity of Subject Site – January 19, 2012



**Figure 5** Reed Road SE Flooding in Vicinity of Subject Site – January 19, 2012



As outlined above, we believe there are significant development challenges associated with the subject site and that warrant additional stormwater analysis at this stage than may be required for similar projects which do not have these existing constraints. Additionally, we respectfully request that attention be paid to existing improvements on Lindburg Road, including existing driveways constructed to serve a future Simpson Hills Development, in order to facilitate the long-term functionality of this collector roadway.

Sincerely,  
**Simpson Hills LLC**

A handwritten signature in blue ink, appearing to read "J. Simpson", is written over the company name.

**601 S. 74<sup>th</sup> Pl.  
Ridgefield, WA 98642**

Attachments: May 14, 2012 Memorandum from Foundation Engineering, Inc.  
May 11, 2012 Letter from GeoPacific Engineering, Inc.  
May 8, 2012 Letter from GeoPacific Engineering, Inc.



**Date:** May 14, 2012  
**To:** Matt Harrell  
Simpson Hills LLC  
J. Michael Poissant, P.E.  
AKS Engineering and Forestry  
**From:** Timothy J. Pfeiffer, P.E., G.E.  
James K. Maitland, Ph.D., P.E., G.E.  
**Subject:** Review of Site Infiltration Data  
**Project:** Fairview Hills  
Salem, Oregon

FEI # 212-2-011

At your request, we prepared the following independent professional review of reports and letters regarding infiltration for the proposed Fairview Hills Project. The following documents were included in our review:

- Preliminary Geotechnical Findings, November 22, 2004, GeoPacific
- Preliminary Infiltration Test Results, September 14, 2005, GeoPacific
- Geotechnical Investigation, February 3, 2012, GeoPacific
- Review of Proposed Stormwater Management, April 3, 2012, GeoPacific
- Comments Regarding Infiltration Testing, May 8, 2012, GeoPacific
- Fairview Hills Development, May 9, 2012, Green Girl
- Geotechnical Review of Infiltration Test Findings, May 9, 2012, Carlson Geotechnical
- Response to Review Letters, May 10, 2012, GeoPacific

Based on our review of these documents, we developed the following discussion of the site conditions and our professional opinion of the impact of the site conditions on infiltration.

## SUMMARY OF SITE CONDITIONS

Based on the geotechnical exploration by GeoPacific and our experience with similar soils, we developed the following summary of the site conditions and soil properties:

Willamette Silt was identified in the test pit explorations below  $\pm$ El. 260. The Willamette Silt is described as stiff to very stiff Clayey SILT. Residual soil was identified below the Willamette Silt and at the surface above  $\pm$ El. 260. The residual soil is described as very stiff to hard Clayey SILT with decomposed basalt fragments. Fractured and jointed basalt was identified below the residual soil.

Stiff to hard clayey silt soils are expected to have relatively low infiltration rates as demonstrated by the testing performed by GeoPacific and described in the USDA Soil Survey mapping. During a winter storm event, GeoPacific observed saturated soils, lateral flow in the near surface soils, and the inability of the existing soil to infiltrate the rain water.

The permeability of stiff clayey silt soil and therefore, the ability of the soil to transmit water (infiltration) is dependent on jointing and fissures within the stiff soil observed. These soils typically have low effective porosity (open voids) and, therefore, become saturated with the introduction of a small volume of water. Saturated soil and perched groundwater is the typical condition for soil during the winter months in Western Oregon.

Groundwater flow in fractured basalt is restricted to fractures and, therefore, the rock typically has very low effective porosity (storage) but high transmissivity (ability to transmit water). Consequently, infiltration rates will be relatively high, but a small volume of water results in a large increase in the groundwater elevation. Once the groundwater elevation rises to the elevation of the infiltration trench, the infiltration decreases. Also, migration of soil within the joints may reduce the infiltration rate of soil and rock dependent on fractures to transmit water.

#### **INFILTRATION DISCUSSION**

During the winter months when the transpiration from vegetation is low and the rainfall is high, the site soils are expected to be saturated or nearly saturated and, therefore, the ability of the soils to absorb and transmit storm water is very limited. While the infiltration rate for the fractured basalt is relatively high, a relatively small volume of water will result in a large increase in the groundwater elevation. The introduction of surface water into the basalt aquifer may introduce surface pollutants into the groundwater, and the increased groundwater elevation may negatively impact off-site properties by artificially raising the groundwater, resulting in springs, wet ground, and even slope instability.

#### **SUMMARY AND CONCLUSIONS**

In earth science and geotechnical engineering, observation and experience are more important than testing and theoretical analysis. Therefore, the observations recorded by GeoPacific during a winter storm event are the preferred evidence of how the site behaves when subjected to a typical winter storm event. Based on the site observations and the expected conditions for these soils, runoff, rather than infiltration, is the natural condition for this site during a winter storm. The existing site soils quickly become saturated during a storm and do not have the ability to absorb and transmit large volumes of water.

The overall suitability of a site to introduce significant amounts of rainfall and surface runoff into the ground is dependant on a number of factors. It is our opinion that heavy rainfall at the Fairview site typically generates rapid surface runoff and lateral movement of groundwater. For these conditions, the use of

on-site detention ponds is preferable to the techniques to enhance vertical infiltration. This opinion is based on consideration of the following factors and observations:

1. The surficial soils consist of relatively thick strata of low permeability alluvial silts and residual soils that resist infiltration.
2. The poor drainage characteristics of local soils as reported in the USDA Soil Survey maps.
3. The presence of fractured basalts with the potential to quickly transmit groundwater to slopes and low-lying portions of the site.
4. The presence of sloping terrain and significant elevation changes across the property.
5. Results of infiltration tests run by GeoPacific indicating relatively low infiltration rates.
6. Observation by GeoPacific of lateral groundwater flow in test trenches and the presence of perched groundwater and rise in water levels during sustained rainfall.
7. Observation of natural runoff pattern during periods of sustained rainfall. GeoPacific reported surface runoff to the northeast and formation of a shallow pond.

Reviewers commenting on GeoPacific's report have suggested a number of techniques to improve infiltration of the soils. Suggested examples include: porous pavements, compost amendments, drainage swales and soakage trenches, among others. The permeability of the subgrade beneath permeable pavements will still be low. Therefore, water infiltrating the pavement will flow laterally through the base material and reemerge at potentially undesirable locations. We have similar concerns with drainage swales and compost amendments. Artificially increasing the infiltration into the fractured rock could introduce surface pollutants into the groundwater and negatively impact adjacent properties. Therefore, while all of these techniques have value, they will not make a sufficient impact on this site to change the predominate regime of relatively rapid surface runoff and limited vertical infiltration.

We trust this discussion will help form a basis for an understanding of how site conditions influence infiltration and storm water management choices. Please let us know if there are any questions.



Real-World Geotechnical Solutions

- Investigation
- Design
- Construction Support

May 11, 2012

Project No. 11-2486

**Simpson Hills LLC**  
2260 McGilchrist Street SE  
Salem, OR 97302

Attn: Matt Harrell

**RE: RESPONSE TO REVIEW LETTERS  
FAIRVIEW HILLS SUBDIVISION AND MIXED-USE DEVELOPMENT  
CITY OF SALEM, OREGON**

References: Carlson Geotechnical, 2012, Geotechnical Review of Infiltration Test Findings, Fairview Hills Subdivision and Mixed Use Development, City of Salem, Oregon; 2-page letter dated May 9<sup>th</sup>, 2012.

Green Girl Land Development Solutions, 2012, Fairview Hills Development; 5 page letter dated May 9<sup>th</sup>, 2012.

We have reviewed the above referenced letters and considered the views presented by the authors. In our opinion, the conclusions and recommendations of our previous communications remain valid and are well supported by field data and local engineering practice. We offer the following comments in order to further clarify the basis for our conclusions and opinions.

Soil infiltration test results from the Winter of 2011 indicate rates ranging between 1.3 and 2.8 inches per hour for tests above the perched water table, and essentially zero infiltration for tests below the perched water table. Previous test results from the Summer of 2005 indicate soil infiltration rates ranging between 0.2 and 1.9 inches per hour. In our opinion, the similar results between the wet weather and dry weather seasons substantiates that the test results are valid. The 2011 results provide additional data because they show that: (1) due to the low soil permeability extensive groundwater perching occurs at the site, and (2) that a significant component of infiltrating rainwater flows laterally in the upper few feet of soil rather than vertically.

Consequently, the soil has a limited absorption capacity which decreases as perched groundwater rises towards the ground surface. Because of this groundwater mounding effect, it is our opinion that long-term sustainable infiltration rates during rainstorm events will be less than the measured rates. As stated in our April 3, 2012 letter, we anticipate that long-term sustainable infiltration rates at the site will be on the order of 0.5 to 1.0 inches per hour. Most of this effective rate will result from lateral flow with a lesser component of vertical flow. As stated in our February 3, 2012 geotechnical report, we estimate that long-term sustainable vertical flow will be on the order of 0.1 to 0.5 inches per hour.



Based on our review, it appears that Green Girl Land Development Solutions (GGLDS) has misinterpreted our statements and is not recognizing the distinctions that we are making regarding the flow dynamics of infiltrating groundwater. Given the observed extent of groundwater perching and lateral flow, we believe an appropriate factor of safety is warranted and our anticipated long-term sustainable rates reflect factors of safety generally in the range of 2 to 4. A factor of safety of 2 to 4 is in accordance with accepted stormwater facility design practices. GGLDS comments regarding our factors of safety being overly conservative are based on their misinterpretation of our statement described in the previous paragraph.

Regardless of what factor of safety is applied, the measured rates themselves are still too low to dispose of a significant portion of stormwater runoff from the site, and; consequently, some form of detention facility is considered necessary for the project. Carlson Geotechnical appears to agree with this conclusion in that they state that the stormwater plan should include ponds.

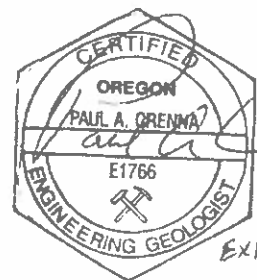
In regard to Carlson Geotechnical's statement that further evaluation of the fractured basalt be performed, GeoPacific's engineering staff is familiar with two projects where infiltration systems were installed in fractured basalt belonging to the Columbia River Basalt Group. One was a deep drywell shaft drilled into fractured basalt and the second was a gallery of infiltration chambers installed in fractured basalt. Measured infiltration test rates prior to installation were on the order of tens of inches per hour; however, both of these systems failed to operate as intended and experienced frequent emergency overflows during subsequent wet weather seasons.

Forensic analysis concluded that the fracture systems had only a limited storage capacity such that they filled rapidly, and that at least some of the fractures had clogged with fine sediment. Based on these practical experiences, it is our opinion that fractured basalt can not be relied upon for subsurface disposal of stormwater, and that infiltration test results in fractured basalt may not be indicative of the performance of infiltration facilities.

If you have any questions, feel free to contact us.

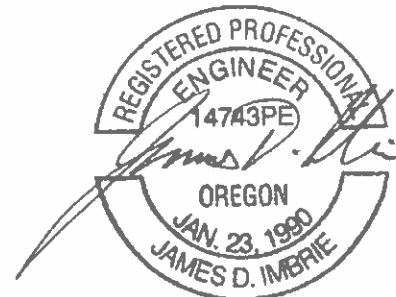
Sincerely,

GEOPACIFIC ENGINEERING, INC.



Paul A. Crenna, C.E.G. No. 1766 (OR), L.H.G. No. 152 (WA)  
Principal Engineering Geologist  
Licensed Hydrogeologist

James D. Imbrie, C.E.G. No. 1734, P.E., G.E. No. 14743 (OR)  
Engineering Geologist  
Principal Geotechnical Engineer



EXPIRES: 06/30/20 13



Real-World Geotechnical Solutions

- Investigation
- Design
- Construction Support

May 8, 2012

Project No. 11-2486

**Simpson Hills LLC**  
2260 McGilchrist Street SE  
Salem, OR 97302

Attn: Matt Harrell

**RE: COMMENTS REGARDING INFILTRATION TESTING  
FAIRVIEW HILLS SUBDIVISION AND MIXED-USE DEVELOPMENT  
CITY OF SALEM, OREGON**

It is our understanding that several questions were raised in the neighborhood association land use meeting regarding infiltration testing performed by GeoPacific Engineering, Inc. for the Simpson Hills/Fairview Hills Refinement Plan site located in Salem, Oregon. The questions concerned the number of tests conducted and the validity of tests performed during a heavy rainstorm. We offer the following comments to aid in clarifying our infiltration test results.

In our opinion, the number of tests performed is sufficient to characterize infiltration rates at the site and our results are in agreement with soil ratings by the USDA Natural Resources Conservation Service Soil Survey of Marion County which classifies the site soils as having a "very limited" capacity for subsurface disposal of wastewater by rapid infiltration due to "slow water movement", "ponding", and shallow "depth to saturated zone".

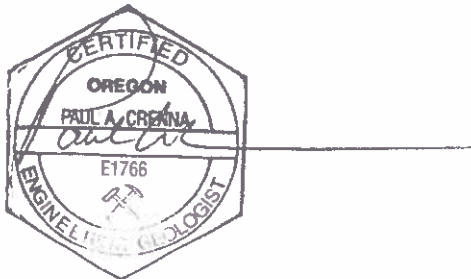
We strongly disagree with the assertion that test results performed during a heavy rainstorm are inconclusive. In our opinion, a heavy rainstorm is an ideal time to perform testing since it is essentially a full scale field test under actual site specific conditions. The most important observation made during the tests was that perched groundwater derived from infiltrating rainfall flowed laterally into three of our test holes such that water levels rose during the tests. This unequivocally demonstrates that infiltration rates at the site are very low such that infiltrating rainfall is forced to flow laterally instead of vertically. This is exactly how subsurface infiltration systems installed at the site would perform during rainstorm events.

If you have any questions, feel free to contact us.

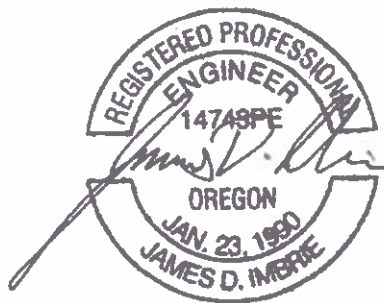
Project No. 11-2486  
Fairview Hills and Mixed-Use Development

Sincerely,

**GEO PACIFIC ENGINEERING, INC.**



Paul A. Crenna, C.E.G. No. 1766 (OR), L.H.G. No. 152 (WA)  
Principal Engineering Geologist  
Licensed Hydrogeologist



EXPIRES: 06/30/20 13

James D. Imbrie, C.E.G. No. 1734, P.E., G.E. No. 14743 (OR)  
Engineering Geologist  
Principal Geotechnical Engineer

**From:** Heritage School [mailto:heritageschoolmail@gmail.com]  
**Sent:** Friday, December 14, 2018 11:17 AM  
**To:** Bryce Bishop <BBishop@cityofsalem.net>  
**Subject:** Letter from Heritage School regarding Public Hearing for Fairview Development

December 14, 2018

Dear Salem Planning Commission:

We are Glen Olsen, director and teacher at Heritage School, and Elaine Olsen, teacher at Heritage School. We have operated Heritage School for almost 35 years. Heritage moved to the Fairview property in 2004. The school is located near the intersection of Lindburg Road SE and Heritage Street SE, and abuts the proposed development by Mountain West at the former Fairview Training Center.

We respectfully request that the hearing in the above-referenced matter be continued until January 2019. This request is made pursuant to ORS 197.763. As this is the initial hearing on this application, the Commission is obligated to grant this request by either continuing the hearing or keeping the record open.

We believe the Commission is further obligated to continue this hearing, and should defer all public testimony until the continued hearing, because the staff report for the application was not available seven days prior to the hearing as required by the City code and state law. Without the Staff report to identify and clarify the specific requests made for the seven different consolidated applications presented by the developer, it is extremely difficult for interested parties, such as us, to respond appropriately and constructively.

Further, because we lease the building but do not own the property on which it sits, we did not receive mailed notice of the hearing, nor did any of the parents of the children who attend the school. Given the lack of notice, the lack of a staff report, and the scheduling of this hearing in the middle of a busy holiday season, we believe continuing the hearing in January and deferring any public testimony until that continued hearing is appropriate and consistent with the city's requirements for citizen involvement under goal one.

We appreciate your service to our community and welcome the opportunity to provide input.

Thank you,

Glen Olsen  
Director and Teacher  
cell:503-910-9515

Elaine Olsen  
Teacher  
cell: 503-910-9514  
Heritage School  
Physical address (no mail delivery):  
4090 Heritage Street SE  
Salem, OR 97302  
Mailing address:  
PO Box 2065  
Salem, OR 97308

email: [heritageschoolmail@gmail.com](mailto:heritageschoolmail@gmail.com)

School website:

<http://heritageschoolsalem.com/>

December 15, 2018

Salem Planning Division  
Community Development Department  
555 Liberty Street SE Room 305  
Salem, Oregon 97301

Re: **Case #DR-SPR-REP-PLA-ADJ-DAP18-08 on Lindburg Road Southeast and Strong Road Southeast**

My name is Holly Harrington and I am the President of the Board of Directors for Heritage Nonprofit School. We are a newly formed nonprofit and we are in the process of acquiring the school from the current owners. I represent approximately 3 dozen children, ages 6-14, and twice that number of parents and teachers.

We only became aware of the public hearing for the adjacent property when I noticed the signs on the ground last week and went to investigate. In communication with the property owners, we understand that they received notice of the public hearing late too. Therefore, we need additional time to fully understand the short and long-term consequences of the planned development and I respectfully request that the Planning Commission continue this hearing or hold the record open until after the Commission's January meeting, at the earliest.

A few of the potential issues include but are not limited to the following:

1 - The school is located incorrectly on the vicinity map. It is located off Lindburg Road SE, between Lindburg, Heritage, and Chapel. Because of this oversight, I am worried that the development has not fully understood potential issues that may arise both during construction and afterward.

2 – I am concerned that the current state of Reed Road may not support the additional traffic without improvements. It is very narrow with steep ditches on either side, no sidewalks or shoulder, limited lighting and, therefore, limited visibility, especially for traffic coming from Fairview Industrial Dr. SE, and a high speed limit (45mph).

3 - The plan does not address the need for school zone signs and associated traffic calming measures to improve safety and mitigate accidents.

4 - Parking may be an issue due to competition with the proposed development and the city park that will be located across the street. Also, there is a YMCA bus that picks up students in the afternoon and, in the current plan, may have nowhere to park.

5 - I'd like to understand the property's policies regarding smoking, noise, etc. With a traditional school, there would be more of a buffer between the school and residential properties. In this case, we will not have that buffer and so will need to think seriously about potential impacts and the cost to mitigate those impacts. In addition, the plan requests multiple setback variances which may minimize the buffer between the school property and the buildings immediately adjacent to it.

In addition, the staff report was not published until late on Friday, December 14<sup>th</sup>, which is not

consistent with Oregon State Law (ORS 197.763, I believe) and the associated City of Salem code that specifies such reports to be available to the public no later than one week prior to the hearing. Again, I would like to formally request that the hearing for this case be continued or the record remain open until the January meeting at the earliest so that we have time to think through the issues, meet with the developer, and to propose solutions that would be beneficial to everyone.

Thank you for your consideration in this matter.

Kind Regards,

---

Holly Harrington  
President, Board of Directors for Heritage Nonprofit School



December 18, 2018

**Comments of Sustainable Development, Inc. to Consolidated Application of Mountains West Investment Corporation**

**Case Number DR-SPR-REP-PLA-ADJ-DAP18-08**

**Amanda Application Numbers: 18-115576-DR, 18-115573-RP, 113652-LD, 18-123456-LD, 18-115574-ZO, 18-115575-ZO**

**Property Owner: Sustainable Fairview Associates, LLC**

**Applicant: Mountain West Investment Corporation**

Sustainable Development, Inc. (SDI), the developer of Pringle Creek Community (PCC), a residential development subject to the requirements of the Fairview Master Plan, has significant concerns about the lack of time available to review this complex consolidated application because the over 200 page staff report was not made available in a timely manner.

**Request for Continuance**

SDI respectfully requests that the hearing in the above-referenced matter be continued until January 2019. This request is made pursuant to ORS 197.763 (4)(b) which requires the staff report be available at least seven days prior to the hearing. The hearing is scheduled for December 18, 2018. The Staff Report was not made available until the afternoon of December 14. A period of four days.

As this is the initial hearing on this application, the Commission is obligated to grant this request by either continuing the hearing or keeping the record open pursuant to ORS 197.763 (6). Without the timely availability of the staff report, it is impossible for SDI to analyze the application to assure that it meets all necessary criteria and to develop specific comments on the substance of the application.

Without adequate time for the community to fully review and respond to the application, the Commission risks approving a large, dense residential development without having fully considered its impact on the nearby residents, schools and businesses. Given the untimely availability of the staff report and the scheduling of this hearing in the middle of a busy holiday season, SDI requests the Commission to defer all public testimony until a continued hearing in January.



### **General Comments**

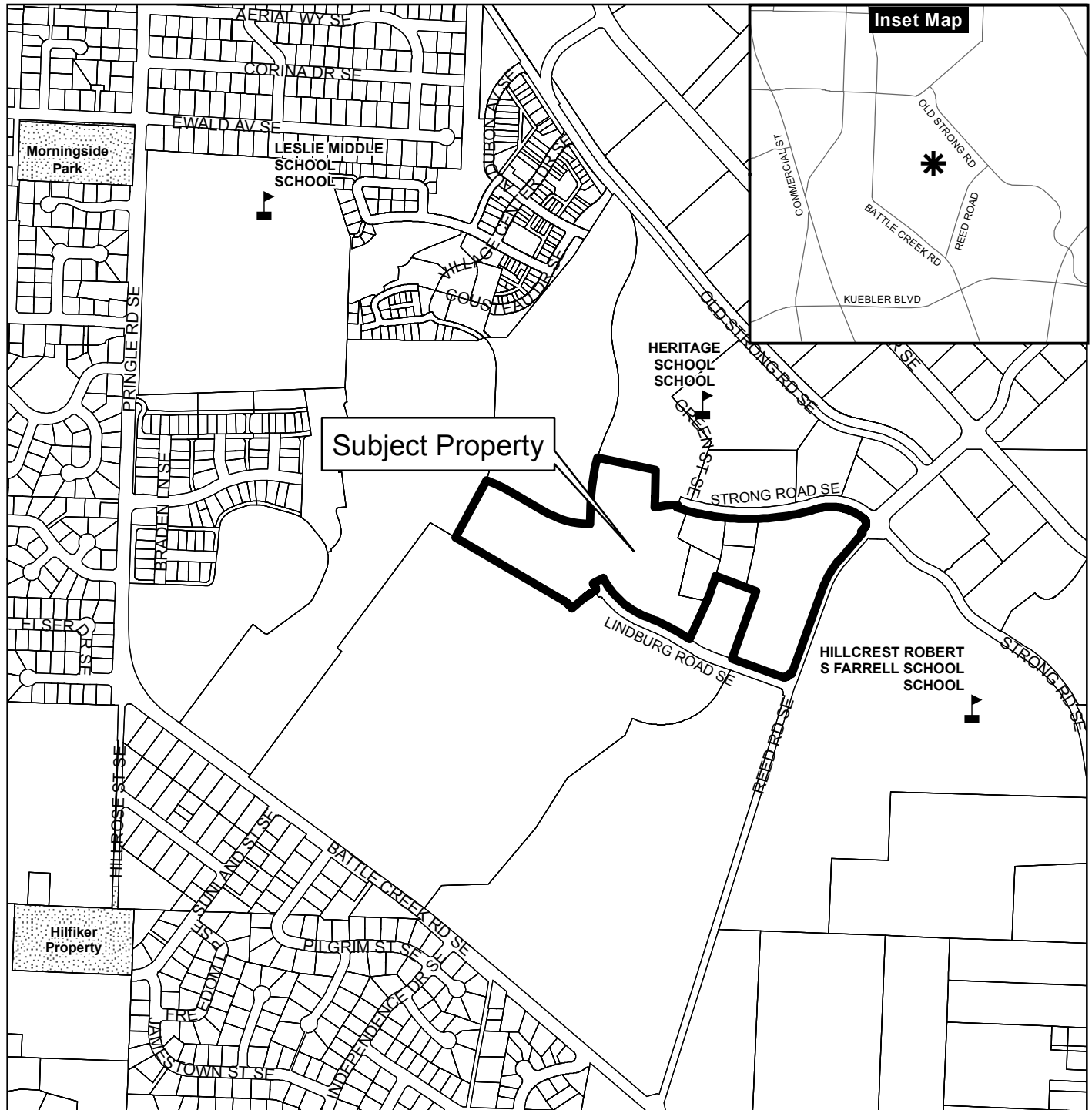
The City has always been supportive and instrumental in protecting the sustainable values set out in the Fairview Master Plan. This includes making room for green open spaces and corridors, assuring that vehicular parking and traffic patterns guarantee pedestrian safety, assuring there are effective and safe pedestrian and bicycle pathways, and upholding the Master Plan's environmental standards such as protecting large tree cover and the sensitive hydrology of the area. These values and intentions are key to the success of Pringle Creek Community and the successful development of the Fairview parcel as a whole. SDI is requesting the time to understand the impact of the proposed project and contribute to a solution that works for our neighborhood, the developer, and the City.

Submitted by:

Jonathan Schachter  
VP, Director of Development  
On behalf of ***Sustainable Development Inc.***

# Vicinity Map

## 2100 to 2300 Blocks of Lindburg Road SE and Strong Road SE



### Legend

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

0 100 200 400 Feet



**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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## MEMORANDUM

---

Date: December 5, 2018

Project #: 23528

To: Bryce Bishop  
City of Salem  
555 Liberty Street SE, Room 325  
Salem, Oregon 973091-3513

From: Diego Arguea, PE, and Brian Dunn, PE

Project: Sustainable Fairview Development

Subject: Addendum to *Sustainable Fairview* Element of Phase II

---

This memorandum presents a trip generation addendum for the *Sustainable Fairview* element of the Phase II development of the Sustainable Fairview Development Plan.

The most recent memorandum, prepared in August 2018, included the cumulative documentation of trip generation based on the most recent adopted development scenarios for Phases I, II, III (*Fairview Addition West*), and added the *Fairview Woods Addendum to Fairview Addition West*. The August 2018 memorandum is included as *Attachment "A."*

## HISTORICAL ADDENDA

This memorandum proposes a modification to the development proposal associated with Phase II of the development, specifically the *Sustainable Fairview* part of Phase II. The original proposal for *Sustainable Fairview* was prepared in 2009 and included the following land uses:

- Private school with 500 students;
- 50,000 square feet of office space;
- 20,000 square feet of specialty retail commercial space; and,
- 5 acres of City Park space.

A revised proposal was prepared and approved in March 2016, and the assumed land use mix is shown below for informational purposes only.

- 100 single-family homes;
- 100 apartment units;

- 80 condominium/townhouse units;
- Private school with 35 students;
- 60,000 square feet of office space;
- 30,000 square feet of specialty retail commercial space; and,
- 28 acres of City Park space.

The above revision (March 2016) resulted in an increase of 1,100 daily trips over the prior 5,190, resulting in a net total daily trips of 6,290 after the June 2014 revision. *The March 2016 memorandum is included in Attachment "B" for reference.*

## HISTORICAL TRIP GENERATION

The Pringle Creek Community development (Phase I) generated 1,770 net new daily trips and did not trigger any off-site transportation improvements according to the Area Facilities Plan (*Attachment "C"*). Phase II of the development which includes *Fairview Hills*<sup>1</sup> and *Sustainable Fairview*<sup>2</sup> were analyzed together in a trip generation memorandum prepared in February 2012, resulting in approximately 5,190 additional net new daily trips, triggering two off-site transportation improvements based on the Area Facilities Plan. This was revised in the March 2016 analysis and the daily trips increased from 5,190 to 6,290

Phase III of the development, *Fairview Addition West*, was estimated to generate approximately 3,210 additional net new daily trips, and was found to trigger one additional off-site transportation improvements in the Area Facilities Plan.

Finally, most recently (March 2018), the *Fairview Woods Addendum to Fairview Addition West* added 135 additional daily trips. This addition was not found to trigger any additional mitigations in the Area Facilities Plan.

Prior to the proposed changes to *Sustainable Fairview* documented in this memorandum, the total cumulative daily trip generation had been documented as 11,405 daily trips. As described previously, this historical trip generation is included in the August 2018 memorandum in *Attachment "A."*

---

<sup>1</sup> Documented in a letter, together with Sustainable Fairview, in February 2012.

<sup>2</sup> Originally prepared in 2009 but not documented in a letter until February 2012.

## PROPOSED ADDENDUM

The revised land use mix included in this analysis is summarized below.

- 100 single-family homes;
- 180 apartment units;
- 15 condominium/townhouse units;
- Private school with 35 students;
- 57,000 square feet of office space;
- 27,000 square feet of specialty retail commercial space; and,
- 28 acres of City Park space.

This memorandum documents the expected change in trip generation as a result of a modification to the March 2016 plan for *Sustainable Fairview*, and documents which, if any, additional transportation improvements identified in the development's Area Facilities Plan may be triggered as a result.

## REVISED TRIP GENERATION – SUSTAINABLE FAIRVIEW

Kittelson & Associates, Inc. prepared estimates of daily, weekday AM, and weekday PM peak hour vehicle trip ends for the *Sustainable Fairview* part of Phase II of the site development based on empirical observations at similar land uses. These observations are summarized in the standard reference *Trip Generation Manual, 9<sup>th</sup> Edition*, published by the Institute of Transportation Engineers (Reference 1). This methodology is consistent with previous phases of the Sustainable Fairview Development Plan. Internal trip reductions for each identified land use were based on the mixed-use nature of the proposed development, and the methodology used to calculate the internalization rates are consistent with those in the February 2012 memorandum<sup>3</sup>. The pass-by reduction is only applicable to the retail component of the development; as such, pass-by trips were deducted from the net external trips generated by the retail use.

As the data represented in the ITE standard reference manual is primarily collected at suburban locations with little or no transit service and minimal pedestrian or bicycle facilities, the cumulative addition of trips generated by ITE rates for all individual land uses likely overestimates the vehicle trip generation of the proposed mixed-use development. To account for the multi-modal aspects of the proposed development, net external trips were reduced by ten percent. This reduction is consistent with the Transportation Planning Rule (TPR, Reference 3) policies and has been accepted by the City of Salem in previous development phases.

---

<sup>3</sup>The *Trip Generation Handbook, 2<sup>nd</sup> Edition*, published by the Institute of Transportation Engineers (Reference 2) provided the data and methods for estimating internal capture and pass-by for mixed-use developments.

After reducing trips further to account for multi-modal nature of the site, net new primary trips were calculated for the site. These are trips that are subject to the maximum thresholds established within the Area Facilities Plan.

Table 1 summarizes the estimated revised site trip generation during a typical weekday as well as during the weekday AM and PM peak hours for the *Sustainable Fairview* part of Phase II of the development. Note that the shaded-out trip generation for Fairview Hills is the same as that originally documented and no modification to Fairview Hills is proposed. All trips in Table 1 have been rounded to the nearest five trips (daily trips rounded to the nearest 10 trips).

**Table 1 Phase II (2018 Sustainable Fairview revision) Estimated Trip Generation**

Land Use	ITE Code	Size (SF/units)	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Fairview Hills (original trip generation)									
Apartment <i>Internal Trips (5%)</i>	220	450 units	2,850 <i>(140)</i>	225 <i>(10)</i>	45 <i>(5)</i>	180 <i>(5)</i>	280 <i>(10)</i>	180 <i>(5)</i>	100 <i>(5)</i>
Shopping Center <i>Pass-by Trips (5%)</i>	820	24,000 SF	1,030 <i>(350)</i>	25 <i>(10)</i>	15 <i>(5)</i>	10 <i>(5)</i>	90 <i>(30)</i>	45 <i>(15)</i>	45 <i>(15)</i>
Sustainable Fairview (revised from March 2016)									
Detached Single Family Housing <i>Internal Trips (4%)</i>	210	100	950 <i>(40)</i>	75 <i>(0)</i>	20 <i>(0)</i>	55 <i>(0)</i>	100 <i>(5)</i>	65 <i>(5)</i>	35 <i>(0)</i>
Apartment <i>Internal Trips (4%)</i>	220	180	1,210 <i>(50)</i>	90 <i>(0)</i>	20 <i>(0)</i>	70 <i>(0)</i>	110 <i>(5)</i>	70 <i>(5)</i>	40 <i>(0)</i>
Residential Condo/Townhouse <i>Internal Trips (4%)</i>	230	15	90 <i>(0)</i>	5 <i>(0)</i>	0 <i>(0)</i>	5 <i>(0)</i>	10 <i>(0)</i>	5 <i>(0)</i>	5 <i>(0)</i>
Private School (K-8) <i>Internal Trips (4%)</i>	534	35 students	80 <sup>1</sup> <i>(0)</i>	35 <i>(0)</i>	20 <i>(0)</i>	15 <i>(0)</i>	15 <i>(0)</i>	5 <i>(0)</i>	10 <i>(0)</i>
General Office <i>Internal Trips (4%)</i>	710	57,000 SF	630 <i>(30)</i>	90 <i>(5)</i>	80 <i>(5)</i>	10 <i>(0)</i>	85 <i>(5)</i>	15 <i>(0)</i>	70 <i>(5)</i>
Specialty Retail <i>Pass-By (34%)<sup>2</sup></i>	814	27,000 SF	1,200 <i>(410)</i>	0 <i>(0)</i>	0 <i>(0)</i>	0 <i>(0)</i>	95 <i>(30)</i>	40 <i>(15)</i>	55 <i>(20)</i>
City Park <sup>3</sup> <i>Internal Trips (4%)</i>	411	28 acres	50 <i>(0)</i>	5 <i>(0)</i>	5 <i>(0)</i>	- <i>(0)</i>	5 <i>(0)</i>	5 <i>(0)</i>	- <i>(0)</i>
Total Site-Generated Trips (Fairview Hills + Sustainable Fairview)			8,090	550	205	345	790	430	360
<i>Internal Reduction</i>			<i>(260)</i>	<i>(15)</i>	<i>(10)</i>	<i>(5)</i>	<i>(25)</i>	<i>(15)</i>	<i>(10)</i>
<i>10% TPR Reduction for Multi-Modal</i>			<i>(780)</i>	<i>(55)</i>	<i>(20)</i>	<i>(35)</i>	<i>(75)</i>	<i>(40)</i>	<i>(35)</i>
<i>Pass-by Reduction</i>			<i>(760)</i>	<i>(10)</i>	<i>(5)</i>	<i>(5)</i>	<i>(65)</i>	<i>(30)</i>	<i>(35)</i>
Net New Trips			6,290	470	170	300	625	345	280

<sup>1</sup> Daily trips estimated based on the relationship of p.m. peak hour trips to daily trips of ITE #530 (Elementary School). No daily trip data is available for ITE #534.

<sup>2</sup> Pass-by rate taken from ITE #820. No pass-by rate is available for ITE #814.

<sup>3</sup> No ITE data is provided for a.m. or p.m. peak hours. For typical weekday a.m. and p.m. peak hours, approximately 10% of the daily trip generation is assumed.

As shown in Table 1, the revised development proposal is anticipated to generate approximately 6,290 net new daily trips. As stated previously, the most recently revised and approved *Sustainable Fairview* (combined with *Fairview Hills*) proposal was also estimated to generate 6,290 daily trips. As such, the revised development proposal for the Sustainable Fairview development is expected to result in no net increase of daily trips.

## CUMULATIVE TRIP GENERATION FOR SUSTAINABLE FAIRVIEW MASTER PLAN

The revised trip generation shown in Table 1 was applied to the cumulative total to calculate a new total cumulative trips generated by the proposed land uses. The cumulative trips have been rounded (daily trips were rounded to the nearest ten trips and the hourly trips were rounded to the nearest five trips, consistent with previous updates to the Sustainable Fairview development) and are summarized together with previous phases of development in Table 2 below. For reference, the revised trips are shown in bold text.

**Table 2 Cumulative Sustainable Fairview Estimated Trip Generation**

Land Use	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
		Total	In	Out	Total	In	Out
Phase I – September 2005, <i>Pringle Creek</i>	1,770	140	40	100	160	95	65
<b>Phase II – <i>Fairview Hills &amp; Sustainable Fairview</i> (Nov 2018 Revision)</b>	<b>6,290</b>	<b>470</b>	<b>170</b>	<b>300</b>	<b>625</b>	<b>345</b>	<b>280</b>
Phase III – June 2014, <i>Fairview Addition West</i>	3,210	235	60	175	330	205	125
<i>Fairview Woods Refinement Plan</i> (March 2018)	135	10	5	5	15	10	5
Cumulative Net Total Trips	11,405	855	275	580	1,130	655	475

As stated previously under the Historical Trip Generation section, the previously proposed development total cumulative daily trip generation had been documented as 11,405 daily trips. With the revised proposal for Phase II *Sustainable Fairview*, this estimate is estimated to remain the same.

## AREA FACILITIES PLAN

Previous development teams and City of Salem staff collectively developed an Area Facilities Plan for the entire Sustainable Fairview development to identify specific required public improvements and the trigger for each improvement. Based on recent conversations with City staff, the project team understands that the Area Facilities Plan is currently being reevaluated and the original identified improvements may not be applicable, and some improvements may have already been constructed. For consistency with previous trip generation updates, however, the identified Area Facilities Plan improvements that would otherwise be triggered by phased development are identified in Table 3 below.

**Table 3 Area Facilities Plan – Anticipated Off-Site Improvements**

Required Public Improvement	Trigger (Net New Daily Trips)	Estimated Cost <sup>1</sup>	Estimated Start
<u>Transportation</u> 25th Street SE/Madrona Avenue SE. This improvement calls for Madrona Avenue SE to be realigned with 25 <sup>th</sup> Street SE and Airway Drive SE realigned with Madrona Avenue SE. The new Madrona Avenue SE/25 <sup>th</sup> Street SE intersection shall also be signalized. Madrona Avenue SE will be widened to a five-lane cross-section east of the railroad track to 25 <sup>th</sup> Street SE. Right-of-way acquisition is required and/or included in the cost estimate.	8,000	\$175,000	7/1/2010
<u>Transportation</u> Madrona Avenue/Fairview Industrial Drive SE. This improvement calls for the construction of an additional westbound left-turn lane from Madrona Avenue SE to southbound Fairview Industrial Drive SE. An additional southbound lane on Fairview Industrial Drive SE must also be constructed to receive the dual left-turn lanes, and shall terminate as a southbound right-turn lane at the intersection with Strong Road SE. Costs of right-of-way acquisition is included in the estimate.	12,000	\$2,300,000	9/1/2011

<sup>1</sup> Cost estimates in year 2004 dollars

As shown in Table 3, the most recent public improvement was triggered previously at the 8,000 daily trip trigger. The next transportation improvement is not triggered until the development reaches 12,000 net new daily trips (see *Attachment "C"*). There is thus no change to the mitigation triggers with the revised development as proposed for *Sustainable Fairview* as presented in this memorandum.

We trust this memorandum addresses the revised trip generation associated with the revision of land uses for the *Sustainable Fairview* element of the Phase II development. If you any questions, please call us at (503) 228-5230.

## REFERENCES

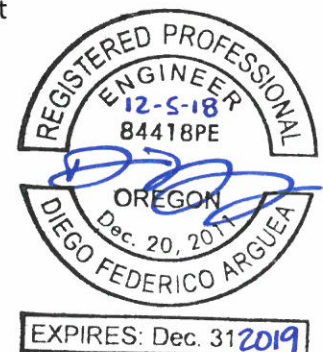
1. Institute of Transportation Engineers. *Trip Generation*, 9<sup>th</sup> Edition. 2012.
2. Institute of Transportation Engineers. *Trip Generation Handbook*. 2004.
3. Department of Land Conservation and Development. *Oregon Administrative Rules: Transportation Planning Rule 660-012-0055(6)(a)*.

## ATTACHMENTS

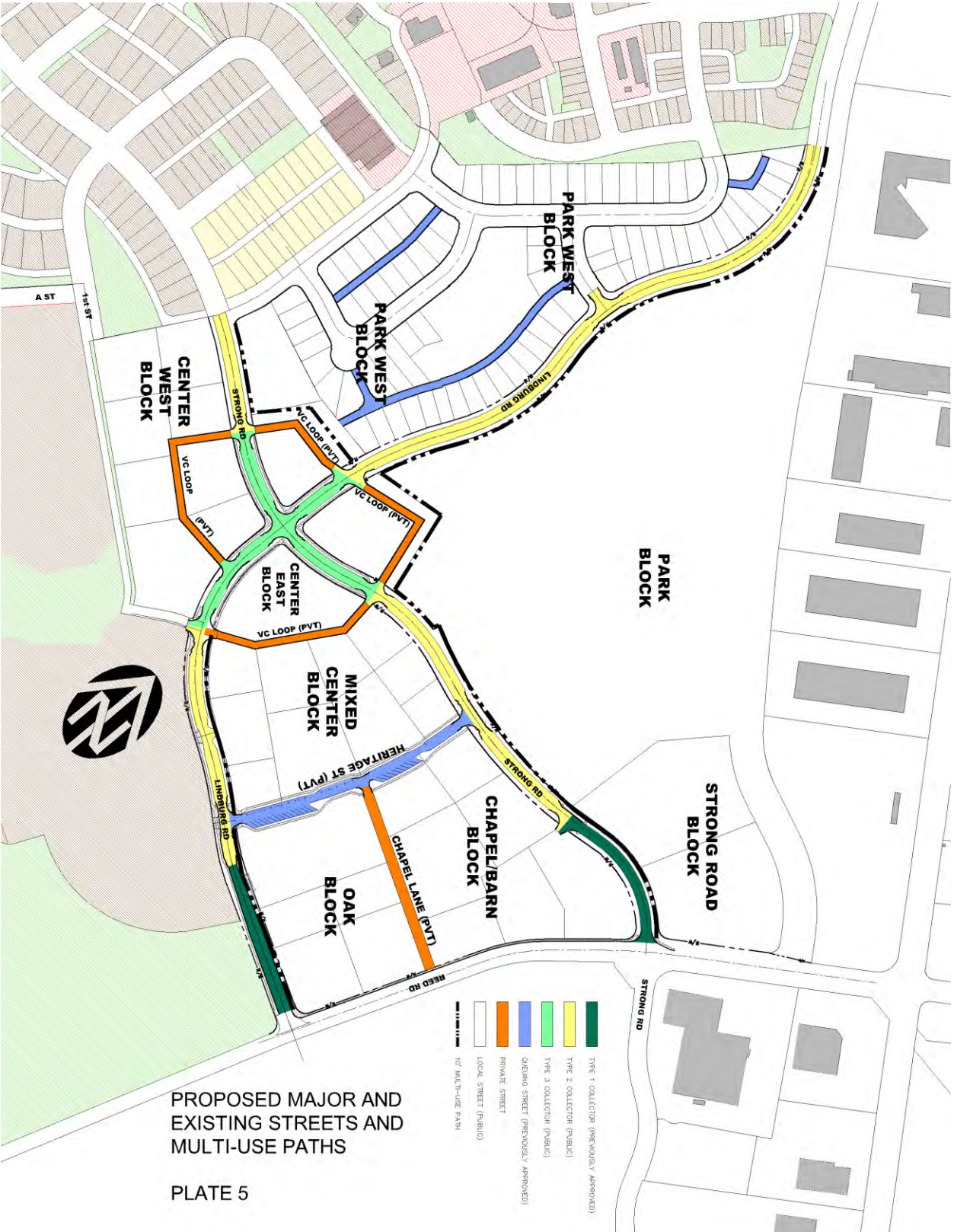
Attachment "A" – August 2018 Fairview Woods Addendum to Fairview Addition West

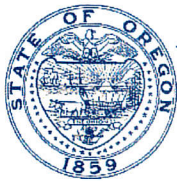
Attachment "B" – Addendum to *Sustainable Fairview* Element of Phase II

Attachment "C" – Sustainable Fairview Development Area Facilities Plan









# Oregon

Kate Brown, Governor

## ATTACHMENT F

### Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

### State Land Board

Kate Brown

Governor

October 25, 2018

Mountain West Investment Corp.

Attn: Richard Berger

201 Ferry St. SE Ste. 400

Salem, Oregon 97301

Re: WD # 2018-0424 Wetland Determination Report for Fairview  
Apartments  
Marion County; T8S R3W Sec. 11, Portion of Tax Lot 100; and  
Sec. 11A, Tax Lots 600,700, 800, 900, and 1002  
Salem-Keizer Local Wetland Inventory

Dennis Richardson

Secretary of State

Tobias Read

State Treasurer

Dear Mr. Berger:

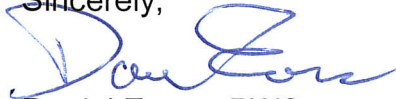
The Department of State Lands has reviewed the wetland determination report prepared by Turnstone Environmental for the site referenced above. Please note that the study area includes only a portion of the tax lots described above (see the attached map). Based upon the information presented in the report, and additional information submitted upon request, we concur with the findings of the report as indicated on the attached Figure 6. Within the study area, one wetland and one waterway were identified. However, the wetland is exempt per OAR 141-085-0515 (6) and the waterway per OAR 141-085-0515 (8); therefore, neither feature is subject to the requirements of the state Removal-Fill Law.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will determine jurisdiction for purposes of the Clean Water Act. This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.



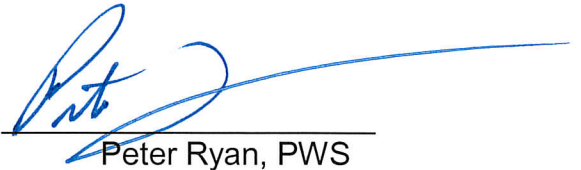
Thank you for having the site evaluated. If you have any questions, please phone me at 503-986-5271.

Sincerely,



Daniel Evans, PWS  
Jurisdiction Coordinator

Approved by



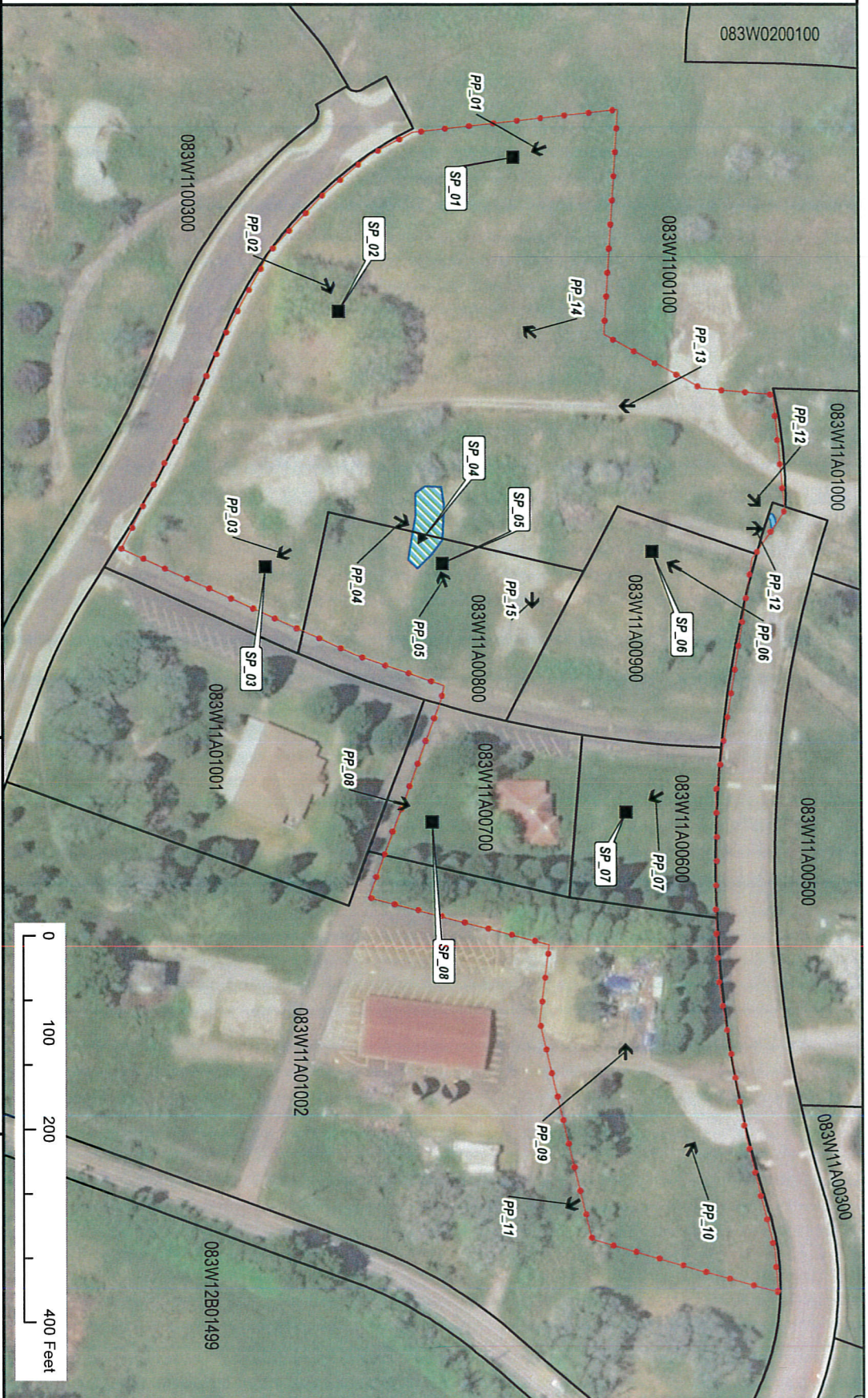
Peter Ryan, PWS  
Aquatic Resource Specialist

Enclosures

ec: Joe Bettis, Turnstone Environmental  
City of Salem Planning Department (Maps enclosed for updating LWI)  
Andrea Wagner, Corps of Engineers, Portland office  
Patricia Farrell, City of Salem Public Works  
Andrew Wallick, City of Salem GIS  
Mike De Blassi, DSL

**Figure 6:**  
**Wetland**  
**Delineation**  
**Map**

- Legend**
- Sample Points
    - ▲ Wetland
    - Upland
  - ↑ Photo Points
  - Study Area (9.581 acres)
  - Tax Lot Boundary
  - Wetland Area (0.051 acres; 2210 SqFt)
  - Waterway Area (0.015 acres; 66.04 SqFt)



## Fairview Apartments Wetland Determination

Marion County, Or.

DSL WD #

2018-0424

4/4/2018

Approval Issued

10-25-18

Approval Expires

10-25-23

**Notes:**

1. All wetland points and boundary features were collected with a resource grade GPS and have an accuracy of 1 meter or less.
2. Tax lot boundaries provided by Marion County; spatial accuracy is assumed to be 1 meter or less.
3. Aerial photo source: DigitalGlobe  
Photo Date: 5/3/2017







**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, PORTLAND DISTRICT**  
**EUGENE FIELD OFFICE**  
211 E 7TH AVENUE, SUITE 105  
EUGENE, OREGON 97401-2763

December 21, 2018

Regulatory Branch  
Corps No.: NWP-2018-478

Mr. Jason Tokarski  
Mountain West Investment Corporation  
201 Ferry Street Southeast, Suite 400  
Salem, Oregon 97301  
Jason@mwinv.com

Dear Mr. Tokarski:

The U.S. Army Corps of Engineers (Corps) received your request for an Approved Jurisdictional Determination (AJD) of the aquatic resources within the review area as shown on the enclosed drawings (Enclosure 1). The review area is located between Old Strong Road Southeast and Stagecoach Way Southeast west of Reed Road Southeast on a portion of the former Fairview Hospital and Training Center in Salem, Marion County, Oregon at Latitude/Longitude: 44.8955104°, -123.0143471°. Other aquatic resources that may occur on this property or on adjacent properties outside the review area are not the subject of this determination.

The Corps has determined Wetland 1 and Ditch A are not waters of the U.S. The enclosed *Approved Jurisdictional Determination Form* (Enclosure 2) provides the basis for jurisdiction. A copy of the AJD Form can also be found on our website at <http://www.nwp.usace.army.mil/Missions/Regulatory/Appeals/>.

If you object to the enclosed AJD, you may request an administrative appeal under 33 CFR Part 331 as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)* form (Enclosure 3). To appeal this AJD, you must submit a completed *RFA* form to the Corps Northwestern Division (NWD) office at the address listed on the form. In order for the request for appeal to be accepted, the Corps must determine that the form is complete, that the request meets the criteria for appeal under 33 CFR Part 331.5, and the form must also be received by the NWD office within 60 days from the date on the form. It is not necessary to submit the form to the NWD office if you do not object to the enclosed AJD.

This AJD is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination.

If you have any questions regarding our Regulatory Program or permit requirements for work in waters of the U.S., please contact Ms. Andrea Wagner at the letterhead address, by telephone at (541) 465-6882, or E-mail [andrea.r.wagner@usace.army.mil](mailto:andrea.r.wagner@usace.army.mil).

FOR THE COMMANDER, AARON L. DORF, COLONEL, CORPS OF ENGINEERS,  
DISTRICT COMMANDER:

for



William D. Abadie  
Chief, Regulatory Branch

Enclosures

cc with drawings:

Oregon Department of State Lands (De Blasi, WD 2018-0424)  
Turnstone Environmental ([joe@turnstoneenvironmental.com](mailto:joe@turnstoneenvironmental.com))