



# NOTICE OF REOPENED RECORD FOR WRITTEN TESTIMONY

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

CASE NUMBER:	Class 3 Design Review / Class 3 Site Plan Review / Replat / Property Line Adjustment / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. DR-SPR-REP-PLA-ADJ-DAP18-08
AMANDA APPLICATION NO:	18-115576-DR, 18-115573-RP, 113652-LD, 18-123456-LD, 18-115574-ZO, 18-115575-ZO
REOPENED RECORD INFORMATION:	<p>On January 29, 2019, the Salem Planning Commission voted to reconsider their decision and reopen the record for submittal of written testimony on the above referenced application in response to potential modifications the applicant may be willing make to the proposal in order to address concerns raised by representatives of Heritage School. The record is open until <b>February 12, 2019, at 5:00 p.m.</b> The public hearing on this matter, however, remains closed.</p> <p>Pursuant to SRC 300.970(e), if the recorded is reopened, notice of the reopened record shall be provided to any person who presented evidence or testimony in the proceedings prior to the date the record was reopened.</p>
PROPERTY LOCATION:	2100 to 2300 Blocks of Lindburg Road SE and Strong Road SE, Salem, OR 97302
OWNER(S):	Sustainable Fairview Associates, LLC (Susan M. Leeson)
APPLICANT (S):	Richard Berger for Mountain West Investment Corporation
REPRESENTATIVE(S):	Brandie Dalton for Multi Tech Engineering Services, Inc.
DESCRIPTION OF REQUEST:	<p><u>Application Summary:</u> An application to develop approximately 9.51 acres of the former Fairview Training Center site as a proposed 180-unit multiple family development pursuant to the requirements of the Fairview Mixed-Use zone and Fairview Refinement Plan II, the approved refinement plan applicable to this portion of the former Fairview Training Center site.</p> <p><u>Request:</u> 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:</p> <ol style="list-style-type: none"><li>1) A Class 3 Design Review and Class 3 Site Plan review for the proposed multiple family development;</li><li>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; and</li><li>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;</li></ol>

- 4) A Class 2 Driveway Approach Permit for the proposed driveway 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).

### **CLASS 3 DESIGN REVIEW**

Pursuant to SRC 225.005(e)(2), a *Class 3 Design Review* shall be approved if all of the applicable design review guidelines are met.

The design review guidelines applicable to the proposed multiple family development are included under SRC 702.015 through SRC 702.040 and

**CRITERIA TO BE  
CONSIDERED:**

Section 7, Table 2 (Fairview Alternative Multi-Family Design Standards) of the *Amended Fairview Refinement Plan II* refinement plan.

### **CLASS 3 SITE PLAN REVIEW**

Pursuant to SRC 220.005(f)(3), an application for a *Class 3 Site Plan Review* shall be granted if:

- (A) The application meets all applicable standards of the UDC;
- (B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;
- (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
- (D) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

### **REPLAT**

Pursuant to SRC 205.025(d), an application for a *Tentative Replat* shall be approved if all of the following criteria are met:

- (1) The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.
- (2) The tentative replat will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or development.
- (3) The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.
- (4) The tentative replat complies with all applicable provisions of ORS Chapter 92.
- (5) The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.
- (6) The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.

### **PROPERTY LINE ADJUSTMENT**

Pursuant SRC 205.055(d), a *Property Line Adjustment* shall be approved if all of the following criteria are met:

- (1) The property line adjustment will not create an additional unit of land;
- (2) The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;
- (3) The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded;
- (4) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;
- (5) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and
- (6) The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

### **CLASS 2 ZONING ADJUSTMENT**

Pursuant to SRC 250.005(d)(2), an application for a *Class 2 Adjustment* shall be granted if all of the following criteria are met:

- (A) The purpose underlying the specific development standard proposed for adjustment is:
  - (i) Clearly inapplicable to the proposed development; or

- (ii) Equally or better met by the proposed development.
- (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.
- (C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

### **CLASS 2 DRIVEWAY APPROACH PERMIT**

Pursuant SRC 804.025(d), a Class 2 Driveway Approach Permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;
- (2) No site conditions prevent placing the driveway approach in the required location;
- (3) The number of driveway approaches onto an arterial are minimized;
- (4) The proposed driveway approach, where possible:
  - (A) Is shared with an adjacent property; or
  - (B) Takes access from the lowest classification of street abutting the property;
- (5) The proposed driveway approach meets vision clearance standards;
- (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
- (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
- (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
- (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

The public hearing on this matter is closed, but written evidence or testimony may be submitted **prior to February 12, 2019, at 5:00 p.m.** for inclusion in the record.

Written evidence or testimony may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Include case number with the written testimony.

Failure to raise an issue prior to the close of the open record with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the record a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, anyone who provided evidence or testimony, and anyone who requested to receive notice of the decision.

**Bryce Bishop, Planner II**, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2399; E-mail: [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net).

Morningside Neighborhood Association, Geoffrey James, Land Use Chair; Phone: (503) 931-4120; Email: [geoffreyjames@comcast.net](mailto:geoffreyjames@comcast.net).

Copies of the application and all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost.

#### **HOW TO PROVIDE EVIDENCE OR TESTIMONY:**

#### **CASE MANAGER:**

#### **NEIGHBORHOOD ORGANIZATION:**

#### **DOCUMENTATION:**

**ACCESS:**

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

**NOTICE MAILING DATE:**

January 31, 2019

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***PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.***

***For more information about Planning in Salem:***

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

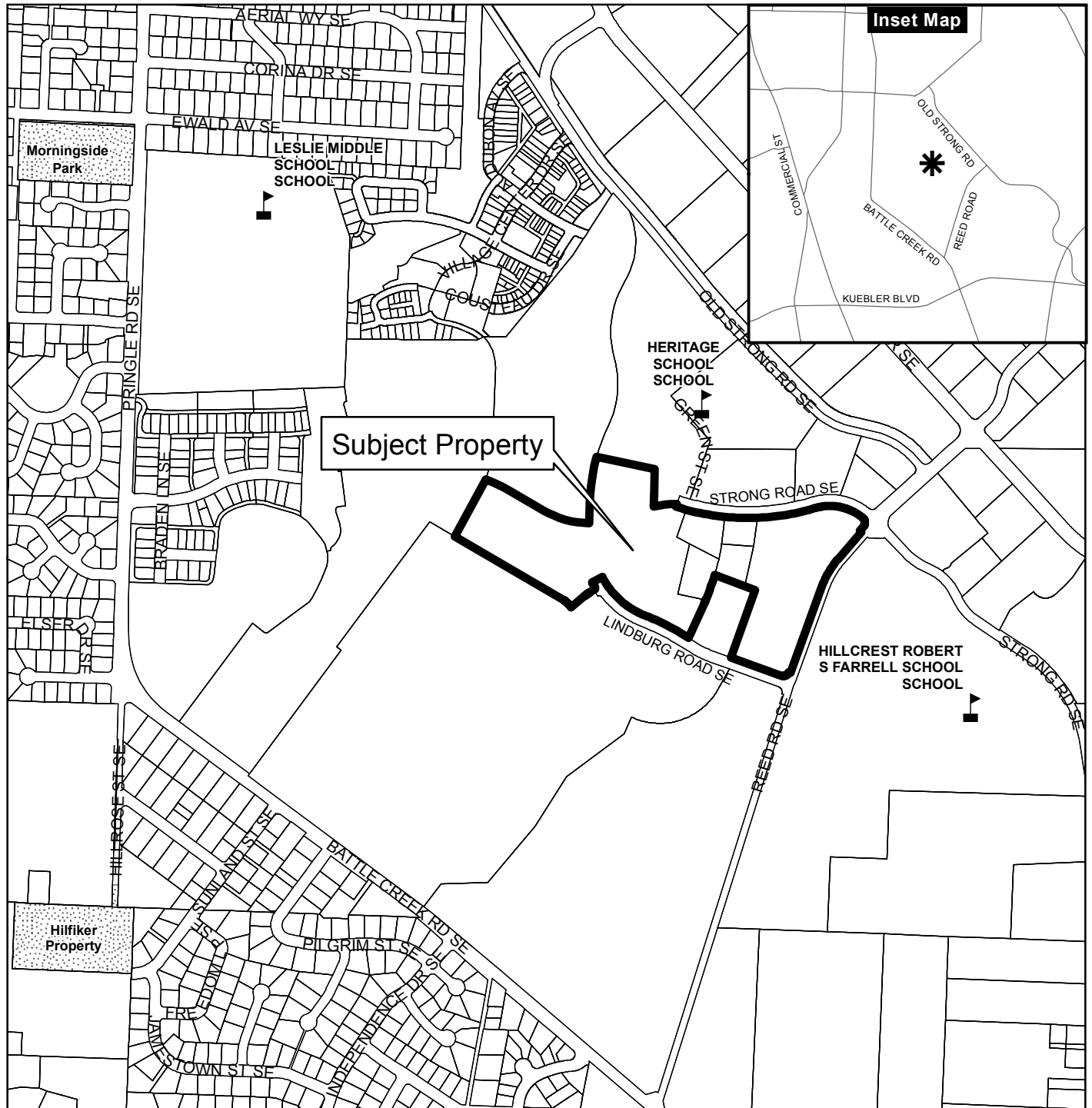
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*TTD/TTY telephone 503-588-6439 is also available 24/7*

# 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



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Community Development Dept.

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