

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING ADMINISTRATOR

**CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY
APPROACH PERMIT / TREE VARIANCE / CLASS 1 DESIGN REVIEW CASE
NO.: SPR-ADJ-DAP-TRV-DR21-24**

APPLICATION NO.: 21-105391-RP, 21-105392-ZO, 21-105393-ZO, 21-116670-NR,
21-105394-DR

NOTICE OF DECISION DATE: November 5, 2021

SUMMARY: A proposal to construct a new 66-unit apartment complex.

REQUEST: A consolidated application containing a Class 3 Site Plan Review and Class 1 Design Review for the development of a new apartment complex with associated site improvements, a Class 2 Driveway Approach Permit to allow driveway access onto Big Mountain Avenue S, a Tree Variance to remove two significant Oregon white oak trees, and Class 2 Adjustment requests to:

- 1) Allow a portion of an off-street parking area to be located between a building and a street;
- 2) Allow less than 40 percent of the buildable width along a street to be occupied by buildings placed at the setback line; and
- 3) Allow a building located within 25 feet of a property line abutting Joynak Street S to not include a building entrance facing that street, and to eliminate the associated pedestrian accessway to the adjacent sidewalk.

The subject property is approximately 3.09 acres in size, zoned RM-II (Multiple Family Residential-II), and located at 5871 Liberty Road S (Marion County Assessor map and tax lot number(s): 083W16C / 601).

APPLICANT: Brandie Dalton, Multi-Tech Engineering, on behalf of Harrison Industries LLC (Kenneth Harrison, Kevin Harrison)

LOCATION: 5871 Liberty Rd S, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit; 808.045(d) – Tree Variances; 225.005(e)(1) – Class 1 Design Review

FINDINGS: The findings are in the attached Decision dated November 5, 2021.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Tree Variance / Class 1 Design Review Case No. SPR-ADJ-DAP-TRV-DR21-24 subject to the following conditions of approval:

- Condition 1:** Prior to the issuance of building permit(s) for the proposed development, the final plat shall be recorded for case no. SUB-UGA-ADJ20-05 in accordance with Salem Revised Code 205.035.
- Condition 2:** The gravel access area adjacent to the detention basin shall be revised or removed to provide a minimum 10-foot setback to the north property line, landscaped to the Type C standard. If intended to be used for vehicle access, the revised access area shall be paved with a hard surface material meeting the Public Works Design Standards.
- Condition 3:** At the time of building permit application, provide landscape plans showing adherence with the landscaping standards of SRC chapters 514 and 702, including providing Type C landscaping and screening along the interior property lines.
- Condition 4:** At the time of building permit application, show adherence with the solid waste service area standards set forth in Salem Revised Code 800.055.
- Condition 5:** Off-street parking spaces shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, or pedestrian accessways.
- Condition 6:** Each of the three existing Oregon white oak trees shown on the development plans to be preserved shall be marked and protected by an above ground silt fence, or its equivalent, during construction on the subject property. Protection measures shall continue until the issuance of a notice of final completion for the new buildings. During any cutting of tree roots, the applicant shall have a licensed arborist on site to ensure the tree will remain viable.
- Condition 7:** Complete the requirements for Phase 1 Subdivision / Urban Growth Preliminary Declaration / Class 2 Adjustment Case No. SUB-UGA-ADJ20-05.
- Condition 8:** Ensure construction of the future traffic signal located at the intersection of Liberty Road S and Mildred Lane S as follows:
- a. As a condition of building permit issuance for any residential structure, the applicant shall provide a performance guarantee for the engineer's estimated cost of the signal.
 - b. As a condition of final occupancy for any residential structure, the applicant shall obtain plan approval from the Public Works Director pursuant to Salem Revised Code 77.091 for construction of the signal.
- Condition 9:** Construct stormwater facilities in compliance with Public Works Design Standards. This may include construction of off-site facilities on private property or in public right-of-way, as needed to convey stormwater runoff from the subject property.
- Condition 10:** Pay a temporary access fee of \$2,000 per dwelling unit in lieu of constructing the Skyline #2 S-3 water reservoir.

- Condition 11:** In addition to the landscaping required to meet the standards of Salem Revised Code chapters 514 and 702, a minimum of one shade tree shall be planted within the landscaped area located immediately southwest of the proposed driveway approach.
- Condition 12:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.
- Condition 13:** In addition to the landscaping required to meet the standards of Salem Revised Code chapters 514 and 702, a minimum of four new Oregon white oak trees with a minimum caliper of 1.5 inches shall be planted with the development.
- Condition 14:** A minimum six-foot tall, decorative, sight-obscuring fence or wall meeting the standards of Salem Revised Code 702.020(b)(2)(B) shall be installed along the southern boundary of the property adjacent to tax lot 800.
- Condition 15:** At the time of building permit application, provide landscape plans showing shrubs will be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.
- Condition 16:** At the time of building permit application, provide landscape plans showing a minimum of one canopy tree will be planted or preserved along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area.
- Condition 17:** Building 5 shall be revised to include windows in all habitable rooms other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths.
- Condition 18:** Provide a pedestrian pathway from Joynak Street S to the proposed network of pedestrian pathways.
- Condition 19:** Revise the site plan to provide a minimum of 40 percent of the buildable width along Liberty Road S to be occupied by building(s) placed at the setback line.
- Condition 20:** Provide an entrance on Building 1 which faces Big Mountain Avenue with direct pedestrian access to the adjacent sidewalk.
- Condition 21:** At the time of building permit application, revise the building elevations as necessary to show that flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided.

The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

Class 3 Site Plan Review	<u>November 23, 2025</u>
Class 2 Adjustment	<u>November 23, 2023</u>
Class 2 Driveway Approach Permit	<u>November 23, 2023</u>
Tree Variance	<u>November 23, 2023</u>
Class 1 Design Review	<u>November 23, 2023</u>

Application Deemed Complete:	<u>September 10, 2021</u>
Notice of Decision Mailing Date:	<u>November 5, 2021</u>
Decision Effective Date:	<u>November 23, 2021</u>
State Mandate Date:	<u>January 8, 2022</u>

Case Manager: Brandon Pike, bpike@cityofsalem.net, 503-540-2326

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday, November 22, 2021. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220, 250, 804, 808, and 225. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

**CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY
APPROACH PERMIT / TREE VARIANCE / CLASS 1 DESIGN REVIEW
CASE NO. SPR-ADJ-DAP-TRV-DR21-24
DECISION**

IN THE MATTER OF APPROVAL OF)	FINDINGS AND ORDER
CLASS 3 SITE PLAN REVIEW, CLASS)	
2 ADJUSTMENT, DRIVEWAY APPROACH)	
PERMIT, TREE VARIANCE, AND CLASS 1)	
DESIGN REVIEW CASE NO. 21-24)	
5871 LIBERTY ROAD S)	NOVEMBER 5, 2021

In the matter of the application for a Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Tree Variance, and Class 1 Design Review submitted by Brandie Dalton, Multi-Tech Engineering, on behalf of the applicant and property owner, Harrison Industries, LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A proposal to construct a new 66-unit apartment complex.

Request: A consolidated application containing a Class 3 Site Plan Review and Class 1 Design Review for the development of a new apartment complex with associated site improvements, a Class 2 Driveway Approach Permit to allow driveway access onto Big Mountain Avenue S, a Tree Variance to remove two significant Oregon white oak trees, and Class 2 Adjustment requests to:

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The subject property is approximately 3.09 acres in size, zoned RM-II (Multiple Family Residential-II), and located at 5871 Liberty Road S (Marion County Assessor map and tax lot number(s): 083W16C / 601).

A vicinity map illustrating the location of the property is attached hereto, and made a part of this decision (**Attachment A**).

FINDINGS

1. Class 3 Site Plan Review Applicability

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 220.005(b)(3) requires Class 3 Site Plan Review for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

Class 3 Site Plan Review is required for this application pursuant to SRC 220.005(b)(3) because the proposed development involves a land use decision or limited land use decision, pursuant to SRC 220.005(b)(3)(F) because adjustments are included in the request, and pursuant to SRC 220.005(b)(3)(C) because a Class 2 Driveway Approach Permit is required for a new driveway access onto Big Mountain Avenue.

2. Background

On March 15, 2021, a consolidated Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review application was submitted for a proposal to construct a new 66-unit multi-family residential complex with associated site improvements.

The subject property is proposed Lot 1 within SUB-UGA-ADJ20-05. The proposed development is reviewed based on the boundaries of the tentative subdivision. Throughout this decision, 'subject property' refers to Lot 1 of SUB-UGA-ADJ20-05.

After receiving additional required information from the applicant, including a revision to include a Tree Variance application, the consolidated application was deemed complete for processing on September 10, 2021 and notice of filing of the application was sent pursuant to SRC requirements on September 17, 2021. The 120-day state-mandated local decision deadline is January 8, 2021.

The applicant's proposed development plans and written statement are included as **Attachment B** and **Attachment C**, respectively.

Summary of Record:

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

Neighborhood Association, Citizen, and Homeowners Association Information:

The subject property is located within the boundaries of the Sunnyslope Neighborhood Association and adjacent to the boundaries of the South Gateway Neighborhood Association.

Applicant Neighborhood Association Contact

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application require neighborhood association contact. In March of 2021, the applicant's representative contacted the applicable neighborhood associations to provide details about the proposal.

Neighborhood Association Comment

Notice of the application was provided to Sunnyslope and South Gateway pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Prior to the close of the comment period, no comments were received from the neighborhood associations.

Public Comment

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

Prior to the end of the public comment period, three comments were received from members of the public. Concerns received can be summarized as follows:

- *Traffic.* One comment indicated concern over the proposal's impact on traffic, as well as the posted speed limit on Liberty Road.

Staff Response: The speed zone on Liberty Road are established by the Oregon Department of Transportation. To reduce the speed on a road, the State must conduct an investigation (and the local jurisdiction must concur) to determine the appropriate speed for the segment of roadway; it is based on the 85th percentile speed of the vehicles on the road. Residents and neighborhood associations may at any time choose to go through the City's Neighborhood Traffic Management Program. That program provides a two-step process for addressing traffic and speeding problems. The Neighborhood Traffic Management Program Information and Application Packet provides different types of traffic calming measures that are allowed. This includes everything from the use of speed trailers that indicate approaching vehicle speeds to road closures.

Additionally, as a condition of approval for the proposed development and the associated case, SUB-UGA-ADJ20-05, the applicant will be required to construct street improvements in the vicinity, including a traffic signal at the intersection of Liberty Road and Mildred Avenue. These improvements are intended to alleviate some traffic concerns.

- *Tree Variance.* One comment indicated opposition to the Tree Variance application, requesting that Staff deny the variance.

Staff Response: As addressed within this decision, the applicant's proposal meets the approval criteria for a Tree Variance, as conditioned. During the initial review of the application, Staff advised the applicant to revise their plans to preserve each of the significant Oregon white oak trees. Due to the topography of the site and having no driveway access onto Liberty Road, the applicant demonstrated that not all the Oregon white oaks could be preserved while allowing for the otherwise reasonable development of the property. The criteria are addressed in full within this decision.

- *Building Height.* One comment requested that the maximum height for buildings along the northern property line not exceed 35 feet given the relatively small 10-foot setback along this property line.

Staff Response: According to the applicant's development plans and as measured pursuant to SRC 112.035(c), the three buildings adjacent to the north property line have a building height of 32 feet, 34 feet, and 34 feet, respectively. The proposed buildings meet the height and setback requirements set forth in the SRC. The applicant will be providing landscaping and a sight-obscuring fence along the north property line to buffer the proposed development from surrounding properties.

City Department Comments:

The Public Works Department reviewed the proposal and provided a memo which is included as **Attachment D**.

The Building and Safety Division reviewed the proposal and indicated no concerns.

The Fire Department reviewed the proposal and indicated no concerns, noting that Fire Department access and water supply appear adequate, but will be verified at time of building permit plan review.

Public Agency Comments:

Notice of the proposal was provided to public agencies, and to public and private service providers. The following is a summary of the comments received:

- Salem-Keizer Public Schools provided a letter which is included as **Attachment E**. They indicate the applicable elementary, middle, and high schools have sufficient capacity to serve the proposed development. They note that adequate pedestrian and bicycle infrastructure should be provided, and that a bus pullout should be included with the development if located more than one mile from any school. They also state the proposed development is eligible for school transportation for the applicable elementary, middle, and high schools, though note that with forthcoming street improvements along Liberty Road and Joynak Street, the subject property will likely be added to the walk zone for Crossler Middle School.

Staff Response: As a condition of the proposed development, the applicant will be required to bring the adjacent transportation infrastructure into compliance with the Salem TSP, including dedication of additional right-of-way and street

improvements. The subject property is located within one mile of Crossler Middle School, so no bus pullout should be required for the proposed development.

3. Analysis of Class 3 Site Plan Review Approval Criteria

SRC 220.005(f)(3) states:

An application for Class 3 Site Plan Review shall be granted if:

- (1) The application meets all applicable standards of the UDC;
- (2) 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;
- (3) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
- (4) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The proposal includes development of a new multi-family apartment complex with associated site improvements. The proposed development conforms to SRC Chapter 514 and all other applicable development standards of the Salem Revised Code as follows:

Development Standards – RM-II (Multiple Family Residential-II) Zone:

SRC 514.005(a) – Uses:

Finding: Allowed uses within the RM-II zone are identified under SRC 514.005, Table 514-1. The proposal includes the development of a 66-unit apartment complex, classified as a *multiple family* use. Within the RM-II zone, multiple family uses are allowed as a permitted use.

SRC 514.010(b) – Lot Standards:

Within the RM-II zone, the minimum lot size for all uses except for *single family* is 6,000 square feet. For all uses except for *single family*, the minimum lot width is 40 feet. For all uses except for *single family*, the minimum lot depth is 80 feet (120 feet for double frontage lots) and a maximum 300 percent of the average lot width. The minimum street frontage requirement for all uses except for *single family* is 40 feet.

Finding: On March 17, 2021, City of Salem case no. SUB-UGA-ADJ20-05 received tentative approval for the subject property. This application divided the land into 45 lots. The subject property is Lot 1 of the subdivision. At the time of the writing of this decision, the final plat has not yet been recorded with Marion County. To ensure the proposed development complies with the requirements of the Unified Development Code (UDC), the following condition of approval shall apply:

Condition 1: Prior to the issuance of building permit(s) for the proposed development, the final plat shall be recorded for case no. SUB-UGA-ADJ20-05 in accordance with Salem Revised Code 205.035.

As conditioned, the resulting property meets the minimum lot standards of the RM-II zone.

SRC 514.010(c) – Dwelling Unit Density:

Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. The minimum density for the proposed development is 12 dwelling units per acre, and the maximum density allowed is 28 dwelling units per acre.

Finding: The subject property is approximately 3.09 acres in size, allowing for a minimum of 37 dwelling units ($3.09 \times 12 = 37.08$ units) and a maximum of 87 dwelling units ($3.09 \times 28 = 86.52$ units). Additionally, condition 1 of case no. SUB-UGA-ADJ20-05 stated “Lots 1 and 35 shall contain at least a total of 148 units when developed.” Lot 35 has not yet been developed; however, the proposal’s 66 units will allow for future development of Lot 35 to meet this condition of approval based on the minimum and maximum dwelling unit density established under the RM-II zone. The proposed development includes a total of 66 dwelling units. The proposal meets the standard.

SRC 514.010(d) – Setbacks:

Setbacks within the RM-II zone shall be provided as set forth in SRC Table 514-4.

Abutting Street

East: Adjacent to the east is right-of-way for Liberty Road S. For all uses except for *single family, two family, three family, and four family*, buildings have a minimum setback of 12 feet, plus 1 foot for each 1 foot of height over 12 feet, but need not exceed 20 feet in depth. Accessory structures not more than four feet in height have no minimum setback, and accessory structures greater than four feet in height have a minimum setback of 12 feet, plus 1 foot for each 1 foot of height over 12 feet. Vehicle use areas have a minimum setback of 12 feet.

Finding: The two proposed buildings adjacent to Liberty Road, buildings 4 and 5, are both approximately 34 feet in height, requiring a minimum setback of 20 feet. The site plan shows a setback of approximately 21 feet for Building 5 and 22 feet for Building 4 to east property line. The proposal meets the setback standards of the zone. Required setbacks shall be landscaped as provided in SRC Chapter 807.

West: Adjacent to the west is right-of-way for future internal street Big Mountain Avenue. For all uses except for *single family, two family, three family, and four family*, buildings have a minimum setback of 12 feet, plus 1 foot for each 1 foot of height over 12 feet, but need not exceed 20 feet in depth. Accessory structures not more than four feet in height have no minimum setback, and accessory structures greater than four feet in height have a minimum setback of 12 feet, plus one foot for each one foot of height over 12 feet. Vehicle use areas have a minimum setback of 12 feet.

Finding: The two proposed buildings adjacent to Big Mountain Avenue, buildings 1 and 2, are approximately 34 and 32 feet in height, respectively, requiring a

minimum setback of 20 feet. The site plan shows a setback of 20 feet for both buildings to the west property line, with a porch projecting approximately three feet into the minimum setback, as allowed under SRC 800.035(b). The nearest proposed vehicle use area is approximately 16 feet from the west property line. The proposal meets the setback standards of the zone. Required setbacks shall be landscaped as provided in SRC Chapter 807.

South: Adjacent to the south is right-of-way for Joynak Street. For all uses except for *single family, two family, three family, and four family*, buildings have a minimum setback of 12 feet, plus 1 foot for each 1 foot of height over 12 feet, but need not exceed 20 feet in depth. Accessory structures not more than 4 feet in height have no minimum setback, and accessory structures greater than 4 feet in height have a minimum setback of 12 feet, plus 1 foot for each 1 foot of height over 12 feet. Vehicle use areas have a minimum setback of 12 feet.

Finding: The two proposed buildings adjacent to Joynak Street, Buildings 1 and the Recreation/Office building, are approximately 34 and 16 feet in height, respectively, requiring a minimum setback of 20 feet for Building 1 and 16 feet for the Recreation/Office building. The site plan shows a setback of 20 feet for both buildings to the south property line. The nearest proposed vehicle use area is 42 feet from the south property line. The proposal meets the setback standards of the zone. Required setbacks shall be landscaped as provided in SRC Chapter 807.

Interior Side

North: For all uses except for *single family, two family, three family, and four family*, buildings, accessory structures, and vehicle use areas have a minimum zone-to-zone setback of 10 feet with Type C landscaping and screening abutting residential zones.

Finding: The proposed site plan shows 10 feet between the vehicle use area and the north property line, and 10 feet between the proposed buildings and the north property line. The site plan shows a gravel access area along the north property line, adjacent to an off-street parking area and the proposed detention basin. It is not clear if the proposed gravel access is intended to be used as a vehicle access point. To meet the setback standards of the RM-II zone and the surfacing standards of SRC 806.035(g), the following condition of approval shall apply:

Condition 2: The gravel access area adjacent to the detention basin shall be revised or removed to provide a minimum 10-foot setback to the north property line, landscaped to the Type C standard. If intended to be used for vehicle access, the revised access area shall be paved with a hard surface material meeting the Public Works Design Standards.

As conditioned, the proposal meets the setback standards of the zone. Required setbacks shall be landscaped and screened as provided in SRC Chapter 807.

South: For all uses except for *single family, two family, three family, and four family*, buildings, accessory structures, and vehicle use areas have a minimum zone-to-zone setback of 10 feet with Type C landscaping and screening abutting residential zones.

Finding: The proposed site plan shows approximately 21 feet between the vehicle use area and the south interior property line, and 10 feet between the nearest proposed structure and the south interior property line. The proposal meets the setback standards of the zone. Required setbacks shall be landscaped and screened as provided in SRC Chapter 807.

SRC 514.010(e) – Lot Coverage, Height:

In the RM-II zone, the maximum lot coverage for buildings and accessory structures for all uses is 60 percent. The maximum height of buildings for *multiple family, residential care, nursing care, and short-term commercial lodging* uses is 50 feet.

Finding: The proposed development plans indicate a lot coverage of approximately 23,667 square feet, or 17.6 percent, with building heights ranging from 16 feet to 34 feet. The proposal meets the standard.

SRC 514.010(g) – Landscaping:

- 1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- 2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

Finding: The applicant has submitted a preliminary landscaping plan which does not fully specify how the proposal will meet the landscaping standards of the RM-II zone. Specifically, none of the required screening around the property's interior property lines and no plant unit values for the proposed shrubs or groundcover are provided. To ensure the proposal meets the landscaping standards of the RM-II zone, the following condition of approval shall apply:

Condition 3: At the time of building permit application, provide landscape plans showing adherence with the landscaping standards of SRC chapters 514 and 702, including providing Type C landscaping and screening along the interior property lines.

Adherence to requirements related to interior landscaping for vehicle use areas are addressed under the Off-Street Parking and Vehicle Use Area Development Standards subsection below. As conditioned, the proposal meets the landscaping standards of the RM-II zone.

General Development Standards (SRC Chapter 800):

SRC 800.055 – Solid Waste Service Areas.

SRC 800.055(a) – Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed; and where any change is proposed to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

Finding: The proposed development includes two new solid waste service areas. The standards of SRC 800.055 apply.

SRC 800.055(b) – Solid Waste Receptacle Placement Standards.

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.

SRC 800.055(b)(1) – Pad Area.

The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and the pad area shall extend a minimum three feet beyond the front of the receptacle. In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

SRC 800.055(b)(2) – Minimum Separation.

A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure. A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

SRC 800.055(b)(3) through (c)(4) – Vertical Clearance, and Permanent Drop Box and Compactor Placement Standards.

Solid waste service areas shall meet the applicable standards set forth in these sections.

Finding: The proposed site plan shows pad areas of 16 feet wide by 12 feet deep, allowing for adequate clearance to the front, rear, and sides of the receptacles. As conditioned below, the applicant will be required to show adherence with these standards at the time of building permit review.

SRC 800.055(d) – Solid Waste Service Area Screening Standards.

Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property. Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

Finding: The applicant's written statement indicates the proposed solid waste service area will be screened with a six-foot-tall sight-obscuring fence or wall. The proposal meets the standard.

SRC 800.055(e) – Solid Waste Service Area Enclosure Standards.

When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.

SRC 800.055(e)(1) – Front Opening of Enclosure.

The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

Finding: The proposed site plan shows an opening on the front of the enclosures of 15 feet. The proposal meets the standard.

SRC 800.055(e)(2) – Measures to Prevent Damage to Enclosure.

Solid waste enclosures shall be constructed with the measures set forth in this section to prevent damage to the enclosure.

SRC 800.055(e)(3) – Enclosure Gates.

Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

Finding: The proposed development plans do not clearly show if the standards of SRC 800.055(e)(2) and (3) are met. To ensure these standards and the standards of the entire solid waste service area section are met, the following condition of approval shall apply:

Condition 4: At the time of building permit application, show adherence with the solid waste service area standards set forth in Salem Revised Code 800.055.

SRC 800.055(e)(4) – Prohibited Structures.

Receptacles shall not be stored in buildings or entirely enclosed structures unless as set forth in this section.

Finding: The proposed site plan does not show a receptacle within an entirely enclosed structure. The proposal meets the standard.

SRC 800.055(f) – Solid Waste Service Area Vehicle Access.

SRC 800.055(f)(1) – Vehicle Operation Area.

(A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.

Finding: The proposed site plan shows areas 45 feet in length and 15 feet in width, perpendicular to the enclosures and extending into vehicle maneuvering areas. The proposal meets the standard.

- (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
- (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
 - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
 - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

Finding: The proposed site plan shows vehicle operation areas perpendicular to the enclosure openings. The proposal meets the standard.

- (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
- (D) Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
- (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

Finding: The proposed site plan shows vehicle operation areas which are coincident with parking lot drive aisles and which meet these standards.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than *single family, two family, three family, four family, and multiple family* developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

Finding: Because the proposed development involves a *multiple family* use, the pedestrian access standards of SRC Chapter 800 do not apply to the proposed development.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

Off-street parking shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

Finding: The proposal includes a new use or activity. The off-street parking development standards of this chapter apply.

SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.

Required off-street parking shall be located on the same development site as the use or activity it serves, or within the additional locations set forth under this section.

SRC 806.015 - Amount of Off-Street Parking.

- a) ***Minimum Required Off-Street Parking.*** The minimum off-street parking requirement for *multiple family* uses consisting of 13 or more dwelling units is 1 per studio unit or dwelling unit with 1 bedroom, and 1.5 per dwelling unit with 2 or more bedrooms.
- b) ***Compact Parking.*** Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.
- c) ***Carpool and Vanpool Parking.*** New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- d) ***Maximum Off-Street Parking.*** Except as otherwise provided in this section, and otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A. For uses requiring 20 spaces or less, the maximum number of off-street parking spaces allowed is 2.5 times the minimum number of spaces required. For uses requiring more than 20 spaces, the maximum number of off-street parking spaces allowed is 1.75 times the minimum number of spaces required.

Finding: The proposal includes 66 dwelling units, with 24 one-bedroom units and 42 units with two or more bedrooms. The development requires 87 parking spaces ($(1 \times 24 = 24) + (1.5 \times 42 = 63) = 87$). The site plan proposes 109 off-street parking spaces, which meets the minimum standard.

Based on a minimum off-street parking requirement of 87 spaces, a maximum of 65 spaces can be compact spaces. As shown on the applicant's site plan, 24 are proposed as compact spaces, meeting the compact parking space allotment standard set forth in SRC 806.015(b).

The proposed development does not fall within the public services and industrial use classifications or the business and professional services use category. No carpool or vanpool spaces are required.

Based on a minimum off-street parking requirement of 87 spaces, the maximum number of off-street parking spaces allowed is 152 spaces ($87 \times 1.75 = 152.25$). The proposed development includes a total of 109 spaces, which meets the maximum standard.

SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.

- a) ***General Applicability.*** The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas, expansion or alteration of existing off-street parking and vehicle use areas where existing paved surface is replaced with a new paved surface, or the paving of an unpaved area.

Finding: The proposal includes new off-street parking and vehicle use areas. The development standards of this section apply to the proposed development.

b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.

c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Finding: As conditioned above, the proposed off-street parking area complies with all applicable location and perimeter setback requirements.

d) *Interior Landscaping.* Except as otherwise set forth in this section, interior landscaping shall be provided in amounts not less than those set forth in Table 806-5.

Finding: Pursuant to SRC 702.020(b)(8), multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806. This standard does not apply to the proposed development.

e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

Finding: The proposed off-street parking spaces, driveways, and drive aisles comply with the minimum dimensional requirements of Table 806-6.

f) *Additional Off-Street Parking Development Standards 806.035(f)-(m).*

The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, drainage, and striping. The parking area marking, signage, and lighting shall comply with the standards of SRC Chapter 806. As conditioned in this decision, off-street parking area screening meeting the standards of SRC 806.035(m) will be provided. The applicant's development plans do not show bumper guards as required under SRC 806.035(i). The following condition of approval shall apply:

Condition 5: Off-street parking spaces shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, or pedestrian accessways.

As conditioned, the proposal meets the development standards of SRC 806.035.

Bicycle Parking

SRC 806.045(a) - General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity, any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity, or any intensification, expansion, or enlargement of a use or activity.

Finding: The proposed development includes a new use or activity. The bicycle parking development standards of this chapter apply.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 - Amount of Bicycle Parking.

Bicycle parking shall be provided in amounts not less than those set forth in Table 806-8. *Multiple family* uses require a minimum of the greater of 4 spaces or 0.1 spaces per dwelling unit.

Finding: The proposed development includes 66 dwelling units, requiring a minimum of seven spaces ($66 \times 0.1 = 6.6$). The proposed site plan shows 18 covered bicycle parking spaces, placed in three locations throughout the development site. The proposal meets the standard.

SRC 806.060 – Bicycle Parking Development Standards.

(a) *Location.* Except as otherwise provided in this section, bicycle parking shall be located outside a building.

- (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
- (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.

Finding: The proposal calls for the bike parking to be located in three locations throughout the development site—12 spaces adjacent to primary entrances of the apartment buildings, and six spaces adjacent to the fenced play area and office building. The proposal meets the standard.

(b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

Finding: As shown on the proposed site plan, the proposed bicycle parking area has direct access to the public right-of-way through the proposed pedestrian paths and the vehicle use area. Additionally, the bicycle parking areas have direct access to primary building entrances through the proposed pedestrian pathways in conformance with the requirements of SRC 806.060(b).

(c) *Dimensions.* Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:

- (1) *Bicycle parking spaces.* Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be

reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.

- (2) *Access aisles.* Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: The proposed bicycle parking spaces are located adjacent to paved walkways, with adequate dimensions to provide pedestrian passage and six spaces in each of the three locations. The racks are arranged in one aisle and adjacent to proposed four-foot-wide pedestrian accessways, meeting the standards of this subsection.

- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

Finding: The proposed bicycle parking spaces are placed on a hard surface material. The proposal meets the standard.

- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.

- (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding: The applicant has proposed a total of nine staple racks which meet these standards.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

Finding: The proposed development includes a new use or activity. The loading area development standards of this chapter apply.

SRC 806.070 – Proximity of Off-Street Loading Areas to Use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 - Amount of Off-Street Loading.

Pursuant to SRC Table 806-9, for *multiple family* uses with between 50 and 99 dwelling units, a minimum of one off-street loading space is required. The required space must have the following minimum dimensions: 12 feet in width, 19 feet in length, and 12 feet in height.

Finding: The proposed 66-unit apartment complex requires a minimum of one off-street loading space. The applicant has proposed one loading space which meets the minimum dimensional standards of this chapter.

Landscaping

SRC 807 – Landscaping and Screening: All required setbacks shall be landscaped to the standards set forth in SRC chapter 807, with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: The applicant has provided a preliminary landscaping plan which shows the areas which are to be landscaped. The plans show adherence with these standards, except as conditioned above where the applicant will be required to revise their plan to provide additional landscaping along the north property line. A minimum of 40 percent of the required plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Landscape and irrigation plans will be reviewed again for conformance with the requirements of SRC 807 at the time of building permit application review.

Natural Resources

SRC 601 - Floodplain Overlay Zone: Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon white oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

Finding: There are five significant Oregon white oak trees on the subject property. The applicant has requested a Tree Variance to remove two of them. To ensure the remaining trees are protected during development, the following condition of approval shall apply:

Condition 6: Each of the three existing Oregon white oak trees shown on the development plans to be preserved shall be marked and protected by an above ground silt fence, or its equivalent, during construction on the subject property. Protection measures shall continue until the issuance of a notice of final completion for the new buildings. During any cutting of tree roots, the applicant shall have a licensed arborist on site to ensure the tree will remain viable.

The applicant's development plans show the removal of existing Oregon white oak tree within the right-of-way of Liberty Road. Condition 11 of case no. SUB-UGA-ADJ20-05 states "The existing Oak tree located within the Right-Of-Way of Liberty Road shall be preserved unless approval is granted under SRC 86." Therefore, this tree shall be preserved unless a permit under SRC chapter 86 has been approved.

SRC 809 - Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils.

SRC 810 - Landslide Hazards: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are low landslide hazard areas on the subject property. The proposed activity of a multi-family development adds 2 activity points to the proposal, which results in a total of 4 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required

Other Sections

With completion of the conditions of approval, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain, 802 – Public Improvements, 803 – Streets and Right-of-Way Improvements, 804 – Driveway Approaches, 805 – Vision Clearance, 809 – Wetlands, and 810 – Landslides.

Criterion 2:

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.

Finding: The existing condition of Liberty Road S does not meet current standards for its classification of street per the Salem Transportation System Plan (TSP). As specified in case no. SUB-UGA-ADJ20-05, the applicant shall convey for dedication a half-width right-of-way up to 48 feet and construct a minimum 23-foot-wide improvement along the entire frontage of Liberty Road S. The street configuration may be modified as needed to protect an existing significant Oregon white oak tree. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86.

Comprehensive Plan Change/Zone Change case no. CPC-ZC19-03 required construction of two traffic signals, one at the Liberty/Davis intersection and the other at the Liberty/Mildred intersection. The signal at Liberty/Davis is required as a condition of SUB-UGA-ADJ20-05. The Assistant City Traffic Engineer has determined, based on the traffic impact analysis (TIA) submitted by the applicant, the proposed 66-unit multiple family development warrants a proportional share toward construction of the Liberty/Mildred traffic signal. However, construction of the signal as a condition of this phase of the overall development site is not warranted. Therefore, as a condition of building permit issuance for any residential structure, the applicant shall provide a performance guarantee for the engineer's estimated cost of the signal. As a condition of final occupancy for any residential structure, the applicant shall obtain plan approval from the Public Works Director pursuant to Salem Revised Code 77.091 for construction of the signal.

To ensure negative impacts to the transportation system are mitigated adequately, the following conditions of approval shall apply:

Condition 7: Complete the requirements for Phase 1 Subdivision / Urban Growth Preliminary Declaration / Class 2 Adjustment Case No. SUB-UGA-ADJ20-05.

Condition 8: Ensure construction of the future traffic signal located at the intersection of Liberty Road S and Mildred Lane S as follows:

- a. As a condition of building permit issuance for any residential structure, the applicant shall provide a performance guarantee for the engineer's estimated cost of the signal.
- b. As a condition of final occupancy for any residential structure, the applicant shall obtain plan approval from the Public Works Director pursuant to Salem Revised Code 77.091 for construction of the signal.

As conditioned, this criterion is met.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: As conditioned, the applicant's proposed site plan includes on-site vehicle, pedestrian, and bicycle infrastructure which will allow for safe and efficient movement throughout the site's parking areas, driveways, and walkways.

Criterion 4:

The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Public Works Department has reviewed the applicant's preliminary plan for this site. Water, sewer, and stormwater infrastructure constructed as a

condition of SUB-UGA-ADJ20-05 are adequate to serve the proposed development except as described below.

Public Works staff has determined that modifications are needed to the tentative stormwater design in order to comply with Public Works Design Standards (PWDS). The applicant is required to construct stormwater facilities in compliance with PWDS. This may include construction of off-site facilities on private property or in public right-of-way as needed to convey stormwater runoff from the subject property. The following condition of approval shall apply:

Condition 9: Construct stormwater facilities in compliance with Public Works Design Standards. This may include construction of off-site facilities on private property or in public right-of-way, as needed to convey stormwater runoff from the subject property.

Condition 15 of case no. SUB-UGA-ADJ20-05 states, “The applicant shall construct the Skyline #2, S-3 reservoir, or pay a temporary access fee of \$2,000 per dwelling unit to be collected at the time of building permit issuance.” Therefore, based on 66 units multiplied by \$2,000 per unit, the applicant will pay a temporary access fee of \$132,000 in lieu of constructing the Skyline #2 S-3 water reservoir. The following condition of approval shall apply:

Condition 10: Pay a temporary access fee of \$2,000 per dwelling unit in lieu of constructing the Skyline #2 S-3 water reservoir.

As conditioned, this criterion is met.

4. Analysis of Class 2 Adjustment Approval Criteria

SRC 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria underlined, followed by findings evaluating the proposed development’s conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

Criterion 1:

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.

Finding: The applicant has requested three adjustments to: 1) Allow a portion of an off-street parking area to be located between a building and a street; 2) Allow less than 40 percent of the buildable width along a street to be occupied by buildings placed at the setback line; and 3) Allow a building located within 25 feet of a property line abutting Joynak Street S to not include a building entrance facing that street, and to eliminate the associated pedestrian accessway to the adjacent sidewalk.

- *Adjustment to Allow a Portion of an Off-Street Parking Area to Be Located Between a Building and a Street*

The applicant has requested a Class 2 Adjustment to allow a small portion of one parking space to be located between a proposed building and Big Mountain Avenue, where SRC 702.020(d)(2) requires on-site parking to be located behind or beside buildings.

The applicant's written statement notes the purpose of this standard is to provide a pedestrian-friendly development which favors buildings, rather than parking lots, being placed near the street. They point to the property's irregular shape, the extension of both Joynak Street and Big Mountain Avenue, and the required location of the driveway approach as justification for the requested adjustment. They state that, due to the factors mentioned above, it was very difficult to meet this standard in all locations of the development while still providing adequate off-street parking. Instead of removing the one parking space in question, they have requested an adjustment to maintain the additional parking space while arguing they meet the intent of the code.

Staff notes that this standard is to encourage buildings to be placed near the street, with off-street parking placed beside or behind the building to reduce the visual impacts of parking areas. While the proposed off-street parking area is not located within the setback line between the building and the west property line, it is located closer to the west property line than the building itself. Therefore, an adjustment is required.

The requested adjustment applies only to approximately 37 square feet of one parking space. Due to the relatively insignificant nature of the proposed adjustment, Staff notes that additional landscaping could reduce visual impacts of the parking area in question, thereby minimizing the impacts of the requested adjustment. The following condition of approval shall apply:

Condition 11: In addition to the landscaping required to meet the standards of Salem Revised Code chapters 514 and 702, a minimum of one shade tree shall be planted within the landscaped area located immediately southwest of the proposed driveway approach.

As conditioned, the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development.

- *Adjustment to Allow Less than 40 Percent of the Buildable Width Along a Street to Be Occupied by Buildings Placed at the Setback Line*

The applicant has requested a Class 2 Adjustment to allow less than 40 percent of the building width along Joynak Street and Big Mountain Avenue. The standard subject to the requested adjustment is set forth in SRC 702.020(e)(4).

In summary, the applicant's written statement indicates the underlying purpose of the standard is to provide a pedestrian friendly development with buildings located close to the sidewalks. The applicant notes challenges related to topography in terms of locating Building 7 adjacent to Joynak Street, as well as

curved property lines along both streets which make it quite difficult to meet this standard.

Staff notes the curved property lines along both Big Mountain Avenue and Joynak Street which would require a curved building design to meet this standard. Additionally, due to the change in elevation between the future extension of Joynak Street and Building 7, even if Building 7 were to meet this standard, it would be located anywhere from five to ten feet below the grade of the street, thereby reducing the pedestrian friendly impact the standard intends to create.

The applicant has located buildings 1, 2 and 7 as close to the street-abutting property lines as possible, given the physical restraints of the property. Staff finds the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development.

- *Adjustment to Allow a Building Located Within 25 Feet of A Property Line Abutting Joynak Street S to Not Include a Building Entrance Facing that Street, and to Eliminate the Associated Pedestrian Accessway to the Adjacent Sidewalk*

The applicant has requested a Class 2 Adjustment to eliminate a required building entrance for Building 7 and the associated pedestrian accessway to Joynak Street. The standard subject to the requested adjustment is set forth in SRC 702.020(e)(5).

The applicant's written statement indicates that, while the architectural features of the building facades which face the street largely match the facades which face the interior of the subject property and provide an appealing view from the street, the functional front of the buildings face the interior of the lot. The applicant requested this adjustment to eliminate the required pedestrian connection due to change in topography between proposed Building 7 and Joynak Street, with a proposed retaining wall provided in this space.

Staff notes the presence of rather steep topography in this location and the challenge it would pose to provide a pedestrian connection between Building 7 and Joynak Street. As conditioned below, the applicant will be required to provide a pedestrian connection which connects Joynak Street with the rest of the pedestrian circulation system, which will equally serve Building 7. The pedestrian circulation system of the entire complex connecting to Joynak Street will equally meet the intent of allowing pedestrians to access Joynak Street. Staff finds the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development.

As conditioned, Staff finds the proposal meets this criterion.

Criterion 2:

If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is located within a residential zone. As conditioned, the proposed development will be required to provide additional landscaping and a pedestrian path to meet the intent of the Salem Revised Code, minimizing the impact of the requested adjustments. Staff finds the proposed development will not detract from the livability or appearance of the residential area.

Criterion 3:

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.

Finding: A total of three adjustments have been requested. Pursuant to SRC chapter 514, the purpose of the RM-II zone is to implement the multiple family residential designation of the Salem Area Comprehensive Plan and generally allows multiple family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area. The requested adjustments allow for the development of a somewhat complex site design with existing physical restraints, including changes in topography and protected trees, along with an irregular lot shape. The proposed adjustments allow for a development which is consistent with the overall purpose of the zone.

The following condition of approval shall apply:

Condition 12: The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

5. Analysis of Class 2 Driveway Approach Permit Approval Criteria

The approval criteria for a Class 2 driveway approach permit are found in SRC 804.025(d). Findings for the proposed driveway approach are included below.

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveway approach meets the standards for SRC Chapter 804 and PWDS.

Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

Finding: There are no site conditions prohibiting the location of the proposed driveway.

Criterion 3:

The number of driveway approaches onto an arterial are minimized.

Finding: The proposed driveway approach is onto a local street, Big Mountain Avenue. No driveway approaches are proposed onto arterial streets. This criterion is met.

Criterion 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.

Finding: The proposed driveway approach takes access from Big Mountain Avenue, which is classified as a local street. The proposal meets this criterion.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

Finding: The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, Staff analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Staff analysis of the proposed driveway approach and the evidence which has been submitted indicate the location of the proposed driveway approach will not have significant adverse impacts to the adjacent properties or streets.

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The property has street frontage on three streets—Liberty Road S, a major arterial, and Joynak Street S and Big Mountain Avenue S, both local streets. The applicant is proposing a driveway approach onto the lower classification of street, while meeting the spacing requirements of SRC Chapter 803. By complying with the requirements of this chapter, the applicant has minimized impacts to the functionality of adjacent streets and intersections.

Criterion 9:

The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed development is surrounded by residentially zoned property. The proposed driveway approach is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and the functionality of the adjacent streets.

6. Analysis of Tree Variance Approval Criteria

The purpose of a Tree Variance is to provide a process to allow for deviations from the requirements of Salem Revised Code Chapter 808 where the deviation is reasonably necessary to permit the otherwise lawful development of a property.

SRC 800.045(d) sets forth approval criteria for a Tree Variance; a tree variance shall be granted if either of the criteria are met. The following subsections are organized with approval criteria underlined, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Tree Variance application, or for the issuance of certain conditions to ensure the criteria are met.

The applicant has provided a written statement addressing the hardship criterion.

Criterion 1:

There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance.

Finding: The subject property is irregular in shape. Due to the presence of existing protected trees, changes in topography across the site, and proximity to the intersection of Liberty Road and Mildred Lane, driveway access to the property must be provided from Big Mountain Avenue to the west. There are five existing Oregon white oak trees on the property, located near the center of the site. The applicant's statement refers to a sixth significant Oregon white oak, but this tree is within the Liberty Road right-of-way, and is not subject to the Tree Variance. Findings addressing its preservation are included under the Chapter 808 findings earlier in this decision.

If each of the Oregon white oaks were preserved, the applicant would be required to create a vehicle circulation area which travels diagonally across the site and passes over the steepest areas of the property—otherwise, the eastern portion of the site could not be accessed with vehicles. Staff notes that, while each of the significant Oregon white oak trees could be preserved, it would require that a significant portion of the site could not be developed. The applicant states that this would create an unreasonable hardship. By removing two of the protected trees, this opens an area which can be used for vehicular circulation and to place another apartment building.

As outlined in the applicant's written statement, special care has been taken to only propose the removal of trees that would be necessary to allow for the otherwise lawful proposed development. As conditioned, the applicant will be required to protect the remaining significant trees.

To mitigate the removal of two Oregon white oak trees, the following condition of approval shall apply:

Condition 13: In addition to the landscaping required to meet the standards of Salem Revised Code chapters 514 and 702, a minimum of four new Oregon white oak trees with a minimum caliper of 1.5 inches shall be planted with the development.

Staff finds that there are special conditions that apply to the property which create reasonable hardships or practical difficulties which can be most effectively relieved by a variance.

Criterion 2:

The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity.

Finding: To accommodate the proposed development, the applicant has chosen a site layout which preserves a grove of three of the significant white oaks. The proposed driveway approach, vehicle use areas, and buildings use the minimum amount of space possible, while meeting the applicable standards of the UDC. Staff finds the proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity.

7. Analysis of Class 1 Design Review Approval Criteria

The purpose of Design Review is to create a process to review development applications that are subject to design review guidelines and design review standards.

SRC 225.005(e)(1) provides that an application for Class 1 Design Review shall be approved if all applicable design review standards are met.

Except as provided under SRC 702.005(b), and unless otherwise provided in the UDC, design review under SRC chapter 225 is required for all multiple family development. A summary of the applicable design standards of SRC Chapter 702 is included below:

SRC 702.020 – Design Review Standards for Multiple Family Development with Thirteen or More Units.

SRC 702.020(a) – Open Space Standards.

- (1) To encourage the preservation of natural open qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 30 percent of the gross site area in designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

Finding: The subject property is approximately 3.09 acres in size, requiring a minimum of 0.93 acres of permanently reserved open space. The proposal calls for 1.22 acres of open space (53,105 square feet), or approximately 39.5 percent of the gross site area. The proposal meets the standard.

- (A) To ensure usable open space that is of sufficient size, at least one common open space area shall be provided that meets the size and dimension standards set forth in Table 702-3.

Finding: For a development with 66 dwelling units, at least one common open space shall be provided which is a minimum of 1,750 square feet in size, with a minimum horizontal dimension of 25 feet. The proposed site plan shows a common open space in the central portion of the property which is over 8,000 square feet in size and exceeds the minimum horizontal dimensions. The proposal meets the standard.

- (B) To ensure the provided open space is usable, a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.

Finding: The subject property slopes from the south to the north, with an average slope of approximately 10 percent. Except for two locations where retaining walls are proposed, no common open space exceeds a slope of 25 percent. The proposal meets the standard.

- (C) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4.

Finding: The applicant's development plans show ground-level private open spaces with dimensions varying from eight feet deep to 13 feet wide, and upper floor balconies with dimensions varying from six feet deep to 12 feet wide. Each of the proposed private open spaces meets the minimum size and dimension requirements set forth in SRC Table 702-4. The proposal meets the standard.

- (D) To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

Finding: The applicant's development plans show private open spaces for each of the proposed dwelling units. The proposal meets the standard.

- (E) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.
- i. Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and

- ii. Include at least one of the following types of features:
 - a. Covered pavilion.
 - b. Ornamental or food garden.
 - c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.
 - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
 - e. Swimming pool or wading pool.

Finding: The proposal does not include an improved open space area as allowed under this subsection. This standard does not apply to the proposed development.

- (F) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a public urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.

Finding: The subject property is not within one-quarter mile of a publicly-owned park. This standard does not apply to the proposed development.

SRC 702.020(b) – Landscaping Standards.

- (1) To encourage the preservation of trees and maintain or increase tree canopy, a minimum of one tree shall be planted or preserved for every 2,000 square feet of gross site area.

Finding: The subject property has a gross site area of approximately 134,600 square feet, requiring a minimum of 67 trees to be planted or preserved on site ($134,600 / 2,000 = 67.3$). The applicant's development plans show 73 trees to be planted or preserved. The proposal meets the standard.

- (2) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:
 - (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
 - (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall be not allowed to satisfy this standard.

Finding: The subject property abuts RA-zoned land to the south, with a shared boundary of approximately 252 feet in length, requiring a minimum of eight trees planted adjacent to this property line ($252 / 30 = 8.4$). The applicant's development plans show 10 existing or proposed trees planted along this property line.

The applicant's development plans do not show the required decorative fence or wall along this property line. To ensure the proposal meets this standard, the following condition of approval shall apply:

Condition 14: A minimum six-foot tall, decorative, sight-obscuring fence or wall meeting the standards of Salem Revised Code 702.020(b)(2)(B) shall be installed along the southern boundary of the property adjacent to tax lot 800.

As conditioned, this standard is met.

- (3) To define and accentuate primary entryways, a minimum of two plant units, shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.

Finding: The preliminary landscape plans provided by the applicant show adherence with this standard. Final landscape plans will be reviewed at the time of development for full adherence with this standard.

- (4) To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.

Finding: The applicant's preliminary landscape plans show adherence with this standard. Final landscape plans will be reviewed for conformance with this standard at the time of development.

- (5) Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.

Finding: The applicant's preliminary landscape plans do not fully identify the plant unit values for many of the areas planted with shrubs. To ensure the proposal meets this standard, the following condition of approval shall apply:

Condition 15: At the time of building permit application, provide landscape plans showing shrubs will be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.

- (6) To ensure the privacy of dwelling units, ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

Finding: The applicant's development plans show patio screening around the ground level private open space. The proposal meets the standard.

- (7) To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).

(A) A minimum of one canopy tree shall be planted within each planter bay.

- (B) A landscaped planter bay a minimum of nine feet in width shall be provided at a minimum spacing of one for every 12 spaces. (See Figure 702-3.)

Finding: The applicant's preliminary landscape plan shows canopy trees planted within planter bays in accordance with this subsection. The plan does not show adherence with the standard which requires canopy trees to be planted adjacent to parking areas. To ensure this standard is met, the following condition of approval shall apply:

Condition 16: At the time of building permit application, provide landscape plans showing a minimum of one canopy tree will be planted or preserved along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area.

As conditioned, this standard will be met.

- (8) Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806.

SRC 702.020(c) – Site Safety and Security.

- (1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.

Finding: The applicant's development plans show windows provided in each of the proposed habitable rooms, other than bathrooms, except for proposed Building 5, which contains some rooms which do not meet this standard. To ensure this standard is met, the following condition of approval shall apply:

Condition 17: Building 5 shall be revised to include windows in all habitable rooms other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths.

As conditioned, the proposal meets the standard.

- (2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development to enhance visibility and resident safety.

Finding: The applicant's development plans show a lighting system throughout the site which adequately illuminates the development in accordance with this standard.

- (3) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.

Finding: The applicant's proposed development plans do not show obstructed visibility between street-facing dwelling units and adjacent streets. The proposal meets the standard.

- (4) Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.

Finding: The applicant's development plans show landscaping and fencing which do not exceed three feet in height when adjacent to common open space, parking areas, and dwelling unit entryways. The proposal meets the standard.

SRC 702.020(d) – Parking and Site Design.

- (1) To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 702-3).

Finding: The proposed development includes landscaped planter bays which are a minimum of nine feet in width and separate parking areas as required under this subsection. The proposal meets the standard.

- (2) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

Finding: The applicant has requested an adjustment to this standard to allow a portion of one parking space to be located between a building and the street. Findings addressing the approval criteria for an adjustment are included within this decision. Except where the applicant has requested an adjustment, all proposed off-street surface parking areas and vehicle maneuvering areas are not located between a building and the street.

- (3) Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.

Finding: While the subject property abuts property zoned RA, it is not located uphill from that property. This standard does not apply to the proposed development.

- (4) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks.

Finding: The proposed site plan shows a network of pedestrian pathways which connect to and between buildings, common open space, and parking areas, and which connects the development to public sidewalks along Liberty Road S and Big Mountain Avenue S. No pedestrian pathway is provided to Joynak Street S; therefore, the following condition of approval shall apply:

Condition 18: Provide a pedestrian pathway from Joynak Street S to the proposed network of pedestrian pathways.

As conditioned, the proposal meets the standard.

SRC 702.020(e) – Façade and Building Design.

- (1) To preclude long monotonous exterior walls, buildings shall have no dimension greater than 150 feet.

Finding: None of the proposed buildings exceed 125 feet in their longest dimension. The proposal meets the standard.

- (2) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between new buildings and structures on site and existing buildings and structures on abutting sites.

(A) A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.020(b)(2)(B) is increased to eight feet tall.

Finding: The subject property abuts property zoned RA to the south. Proposed buildings 5 and 6 are adjacent to the RA-zoned land. Building 5 is 34 feet in height. Pursuant to SRC Table 702-5, the minimum setback to the south property line is 34 feet. The proposed site plan shows a 34-foot setback to this property line.

Building 6 has a variable height, ranging from 13 for the one-story portion of the building to 34 feet for the three-story portion of the building. Pursuant to SRC Table 702-5, a minimum setback of 14 feet is required between the one-story portion of the building and the south property line, and a minimum setback of 34 feet is required between the three-story portion of the building and the south property line. The proposed site plan shows a 20- and 34-foot setback, respectively.

The proposal meets the standard.

- (3) To enhance compatibility between new buildings on site and abutting residential sites, balconies located on building facades that face RA or RS zoned properties, unless separated by a street, shall have fully sight-obscuring railings.

Finding: The proposed development does not include building facades which face RA or RS zoned properties, except where separated by a street. This standard does not apply to the proposed development.

- (4) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.

Finding: The applicant has requested an adjustment to this standard to Joynak Street and Big Mountain Avenue. The applicant's site plan shows that buildings 4 and 5 do not meet this standard along Liberty Road. The following condition of approval shall apply:

Condition 19: Revise the site plan to provide a minimum of 40 percent of the buildable width along Liberty Road S to be occupied by building(s) placed at the setback line.

As conditioned, the proposal meets the standard.

- (5) To orient buildings to the street, any ground-level unit, cluster of units, interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing that street, with direct pedestrian access to adjacent sidewalks.

Finding: The applicant's site plan shows adherence with this standard, except between Building 1 and Big Mountain Avenue and where the applicant has requested an adjustment to this standard for Building 7 (the Recreation/Office building). The following condition of approval shall apply:

Condition 20: Provide an entrance on Building 1 which faces Big Mountain Avenue with direct pedestrian access to the adjacent sidewalk.

As conditioned, the proposal meets the standard.

- (6) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.

Finding: The applicant's development plans show adherence with this standard, with no more than four ground level dwelling units served by each architecturally defined entry area.

- (7) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.

Finding: The proposed plans do not show roof-mounted mechanical equipment other than vents or ventilators. This standard does not apply to the proposed development.

- (8) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without

providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 702-4)

Finding: The applicant's development plans show some of the proposed buildings as having roof ridges which do not meet this standard, including the south elevation of Building 2. The applicant has stated that these elevations will be revised to reflect changes to the elevations which are necessary to accommodate topographic changes throughout the site. To ensure the proposal meets this standard, the following condition of approval shall apply:

Condition 21: At the time of building permit application, revise the building elevations as necessary to show that flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided.

(9) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.

- (A) Offsets (recesses and extensions)
- (B) Covered deck.
- (C) Covered balcony.
- (D) Cantilevered balcony, provided at least half of its depth is recessed.
- (E) Covered entrance.

Finding: The proposed development plans show offsets, covered decks and covered entrances which meet this standard on each building.

(10) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):

- (A) Change in materials.
- (B) Change in color.
- (C) Molding or other horizontally-distinguishing transition piece.

Finding: The proposed elevations show molding transition pieces between the floors of the buildings. The proposal meets the standard.

8. Based upon review of SRC Chapters 220, 225, 250, 804, and 808, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

ORDER

Final approval of Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Tree Variance, and Class 1 Design Review case no. SPR-ADJ-DAP-TRV-DR21-24 is hereby **APPROVED** subject to SRC Chapters 220, 225, 250, 804, and 808, the applicable standards of the Salem Revised Code, conformance with the approved development plans included as **Attachment B**, and the following conditions of approval:

- Condition 1:** Prior to the issuance of building permit(s) for the proposed development, the final plat shall be recorded for case no. SUB-UGA-ADJ20-05 in accordance with Salem Revised Code 205.035.
- Condition 2:** The gravel access area adjacent to the detention basin shall be revised or removed to provide a minimum 10-foot setback to the north property line, landscaped to the Type C standard. If intended to be used for vehicle access, the revised access area shall be paved with a hard surface material meeting the Public Works Design Standards.
- Condition 3:** At the time of building permit application, provide landscape plans showing adherence with the landscaping standards of SRC chapters 514 and 702, including providing Type C landscaping and screening along the interior property lines.
- Condition 4:** At the time of building permit application, show adherence with the solid waste service area standards set forth in Salem Revised Code 800.055.
- Condition 5:** Off-street parking spaces shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, or pedestrian accessways.
- Condition 6:** Each of the three existing Oregon white oak trees shown on the development plans to be preserved shall be marked and protected by an above ground silt fence, or its equivalent, during construction on the subject property. Protection measures shall continue until the issuance of a notice of final completion for the new buildings. During any cutting of tree roots, the applicant shall have a licensed arborist on site to ensure the tree will remain viable.
- Condition 7:** Complete the requirements for Phase 1 Subdivision / Urban Growth Preliminary Declaration / Class 2 Adjustment Case No. SUB-UGA-ADJ20-05.
- Condition 8:** Ensure construction of the future traffic signal located at the intersection of Liberty Road S and Mildred Lane S as follows:
 - a. As a condition of building permit issuance for any residential structure, the applicant shall provide a performance guarantee for the engineer's estimated cost of the signal.

- b. As a condition of final occupancy for any residential structure, the applicant shall obtain plan approval from the Public Works Director pursuant to Salem Revised Code 77.091 for construction of the signal.

Condition 9: Construct stormwater facilities in compliance with Public Works Design Standards. This may include construction of off-site facilities on private property or in public right-of-way, as needed to convey stormwater runoff from the subject property.

Condition 10: Pay a temporary access fee of \$2,000 per dwelling unit in lieu of constructing the Skyline #2 S-3 water reservoir.

Condition 11: In addition to the landscaping required to meet the standards of Salem Revised Code chapters 514 and 702, a minimum of one shade tree shall be planted within the landscaped area located immediately southwest of the proposed driveway approach.

Condition 12: The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

Condition 13: In addition to the landscaping required to meet the standards of Salem Revised Code chapters 514 and 702, a minimum of four new Oregon white oak trees with a minimum caliper of 1.5 inches shall be planted with the development.

Condition 14: A minimum six-foot tall, decorative, sight-obscuring fence or wall meeting the standards of Salem Revised Code 702.020(b)(2)(B) shall be installed along the southern boundary of the property adjacent to tax lot 800.

Condition 15: At the time of building permit application, provide landscape plans showing shrubs will be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.

Condition 16: At the time of building permit application, provide landscape plans showing a minimum of one canopy tree will be planted or preserved along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area.

Condition 17: Building 5 shall be revised to include windows in all habitable rooms other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths.

Condition 18: Provide a pedestrian pathway from Joynak Street S to the proposed network of pedestrian pathways.

- Condition 19:** Revise the site plan to provide a minimum of 40 percent of the buildable width along Liberty Road S to be occupied by building(s) placed at the setback line.
- Condition 20:** Provide an entrance on Building 1 which faces Big Mountain Avenue with direct pedestrian access to the adjacent sidewalk.
- Condition 21:** At the time of building permit application, revise the building elevations as necessary to show that flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided.



Brandon Pike, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

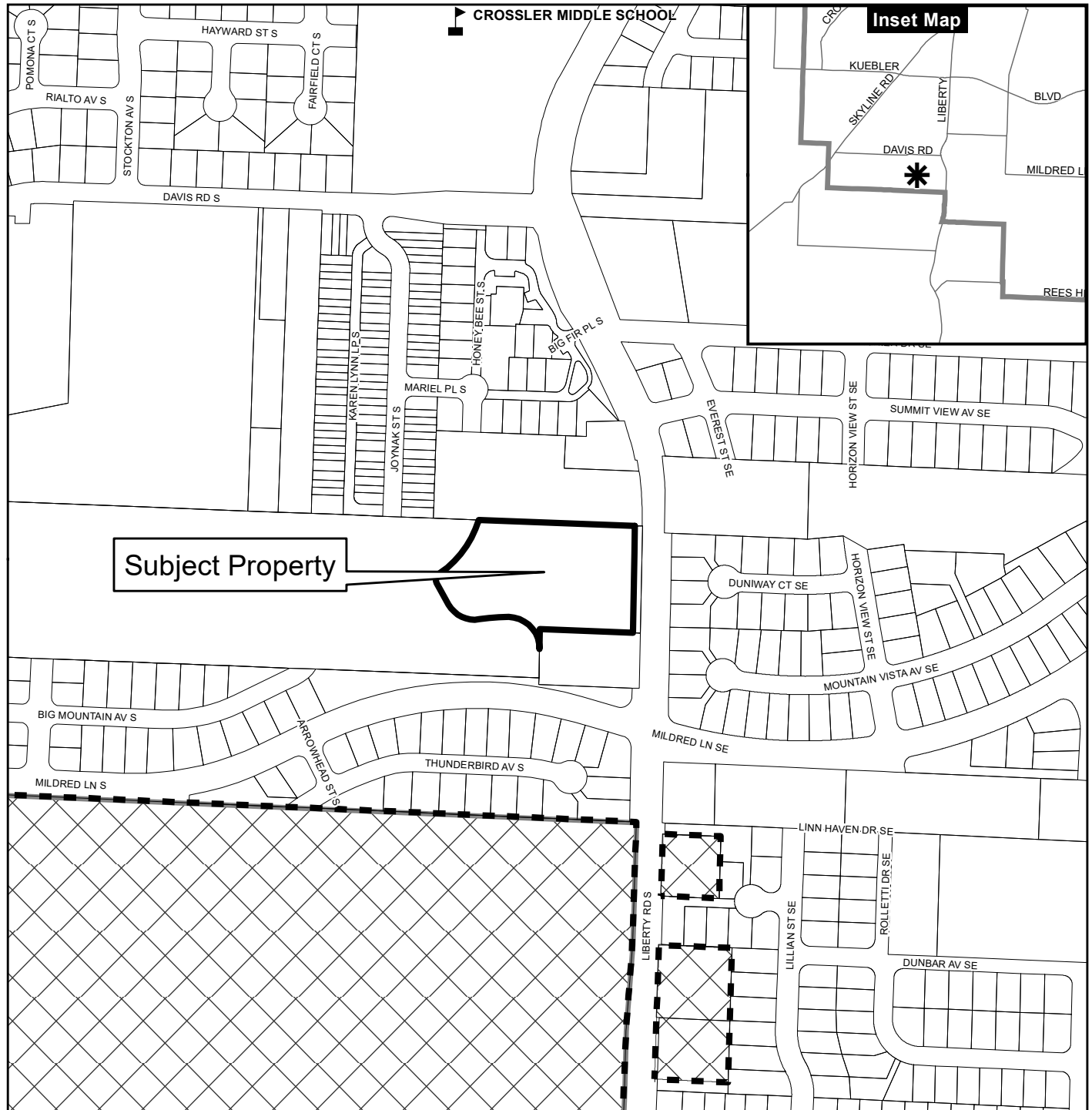
Prepared by Brandon Pike, Planner I

Attachments:

- A. Vicinity Map
- B. Proposed Development Plans
- C. Applicant's Written Statement
- D. Memo from the Public Works Department
- E. Letter from Salem-Keizer Public Schools

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

Vicinity Map 5871 Liberty Rd S



Legend

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

Parks

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CONCEPTUAL
SITE PLAN

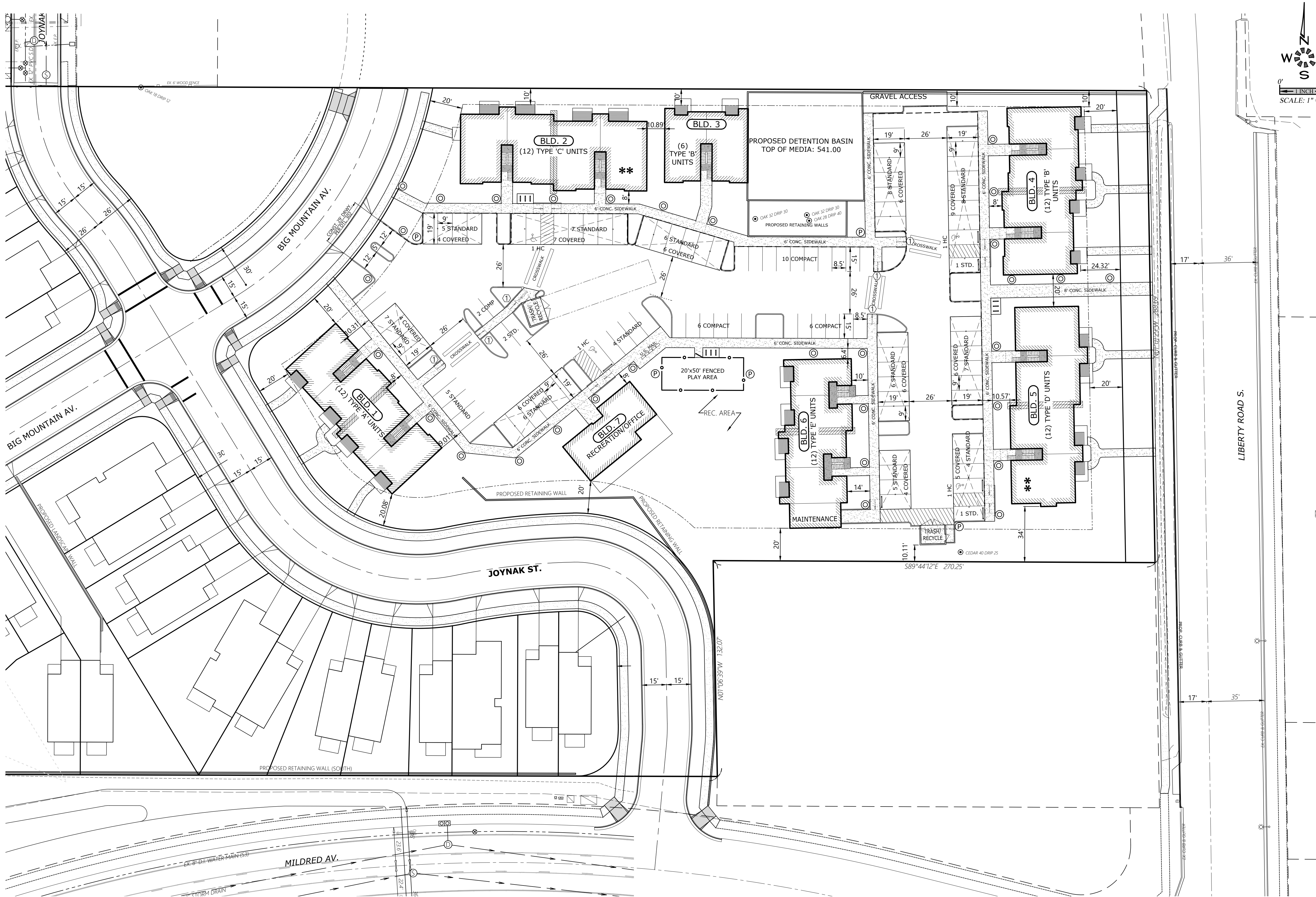
LIBERTY ROAD
APARTMENTS

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GRAPHICAL REPRESENTATION.

Design: M.D.G.
Drawn: P.H.S.
Checked: M.D.G.
Date: JAN. 2020
Scale: AS SHOWN

REGISTERED PROFESSIONAL
ENGINEER
MARK D. GREY
JULY 14, 1995
EXPIRES: 06-30-2021
JOB # 6727

SDR3



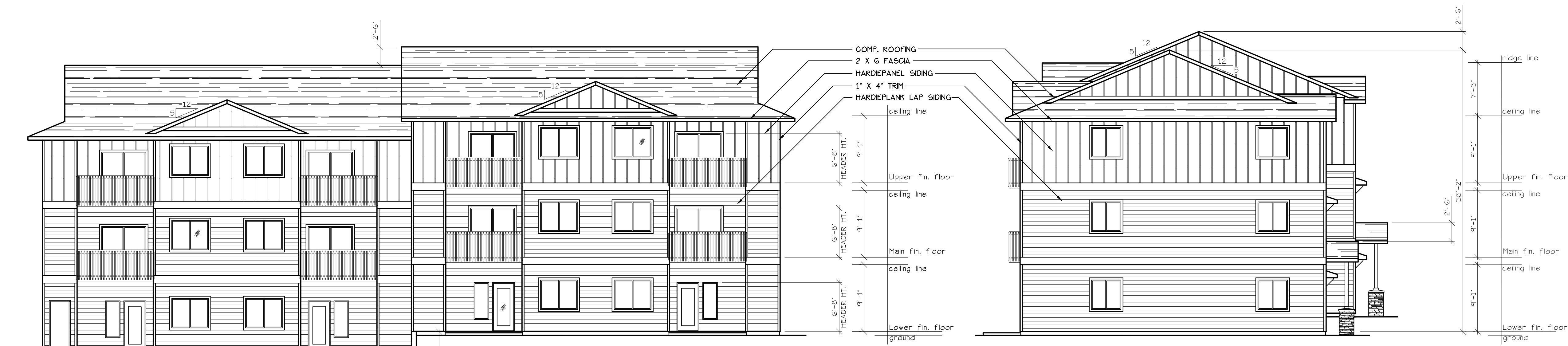
66 TOTAL APARTMENT UNITS
12 TYPE 'A' 2-Bd, 1-Ba (903 S.F.) UNITS
18 TYPE 'B' 2-Bd, 2-Ba (1005 S.F.) UNITS
12 TYPE 'C' 2-Bd, 2-Ba (1139 S.F.) UNITS
12 TYPE 'D' 3-Bd, 2-Ba (1127 S.F.) UNITS
12 TYPE 'E' 1-Bd, 1-Ba (728 S.F.) UNITS

109 TOTAL PARKING STALLS
81 STANDARD STALLS (63 COVERED)
24 COMPACT STALLS (0 COVERED)
4 HANDICAP STALLS (3 COVERED)
1 LOADING ZONE
18 BICYCLE SPACES (17 REQUIRED)

1 RECREATION BLD. / MANAGER'S OFFICE
2 TRASH / RECYCLE
1 REC. AREA
1 U.S. MAIL BOX AREA

Ⓟ - POLE LIGHT MAXIMUM 14' TALL
Ⓢ - POST LIGHT MAXIMUM 5' TALL
--- LOCATION OF ELECTRICAL SEPARATION WALL
① - MAXIMUM 1:12 SLOPE ON SIDEWALK END RAMP
III - 6 BICYCLE SPACES - COVERED

** THE INDICATED LOWER FLOOR UNITS IN BUILDINGS
2 & 5 ARE TO BE TYPE A UNITS IN ACCORDANCE WITH
THE 2019 OSSC SEC. 1107.6.2.1.1 (NOTED ON FLOOR
PLANS). ALL OTHER LOWER FLOOR UNITS TO BE TYPE B
UNITS IN ACCORDANCE WITH THE 2019 OSSC SEC.
1107.6.2.1.2



NORTHWEST ELEVATION (TYPE A UNITS)
SCALE: 1/8" = 1'-0"
BLD. 1

SOUTHWEST ELEVATION (TYPE A UNITS)
SCALE: 1/8" = 1'-0"
BLD. 1



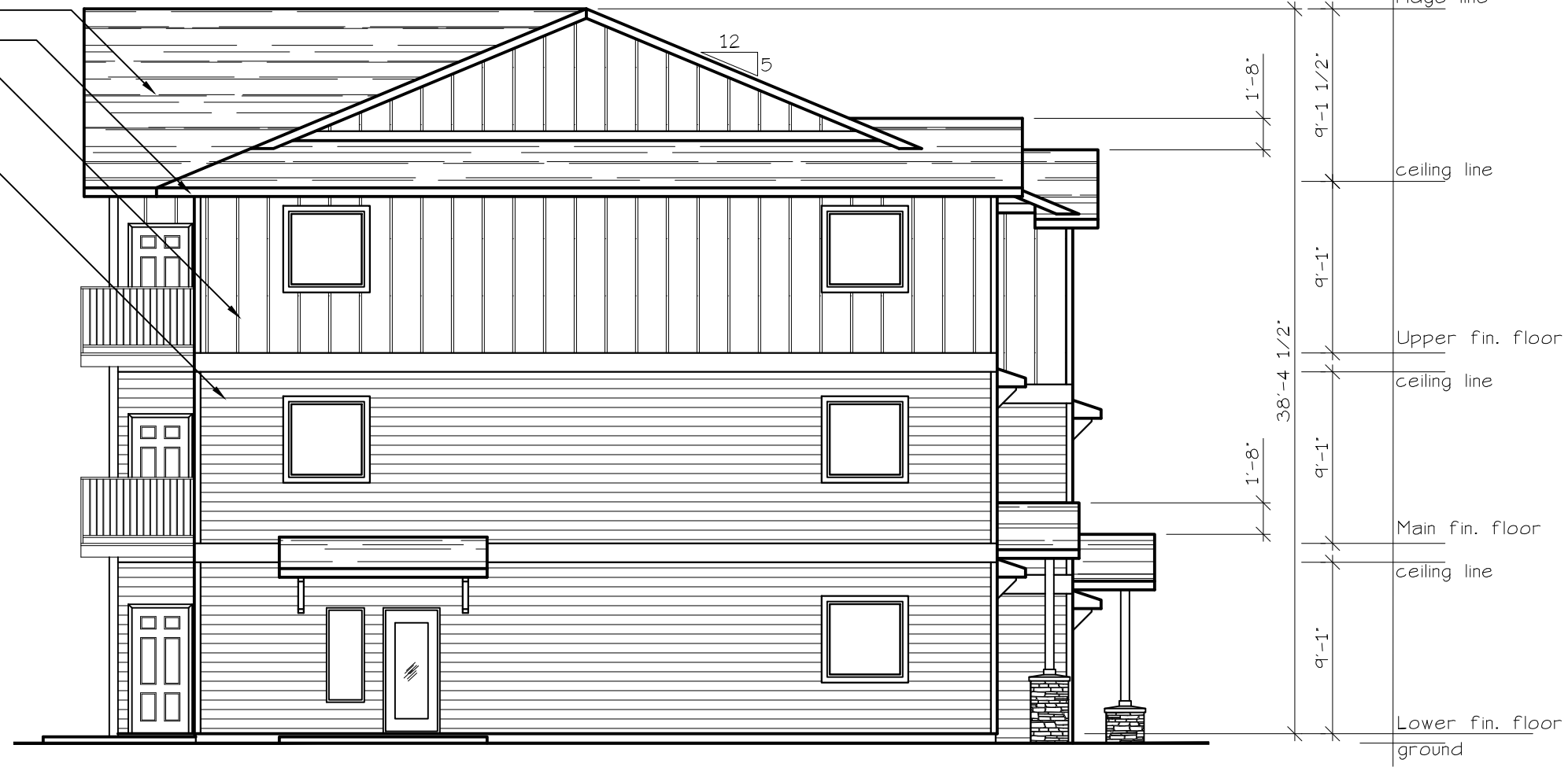
SOUTHEAST ELEVATION (TYPE A UNITS)
SCALE: 1/8" = 1'-0"
BLD. 1



NORTHEAST ELEVATION (TYPE A UNITS)
SCALE: 1/8" = 1'-0"
BLD. 1



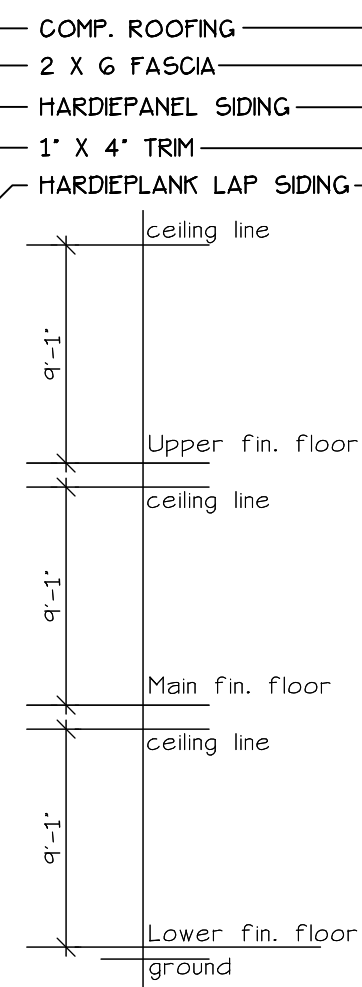
NORTH ELEVATION (TYPE C UNITS)
SCALE: 1/8" = 1'-0"
BLD. 2



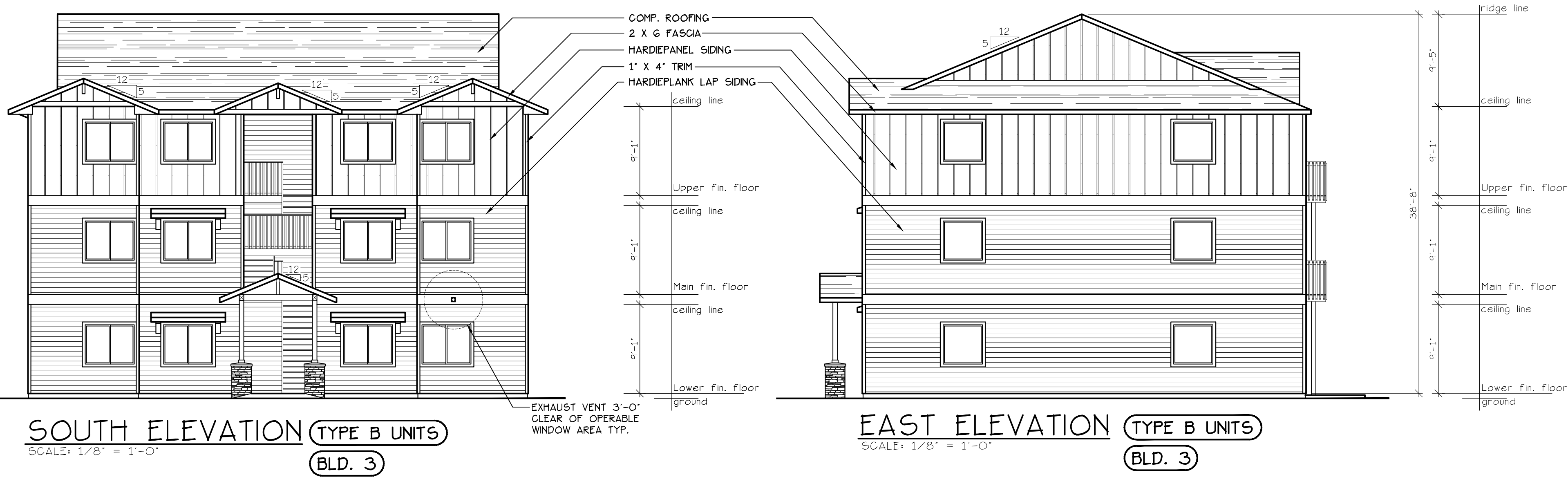
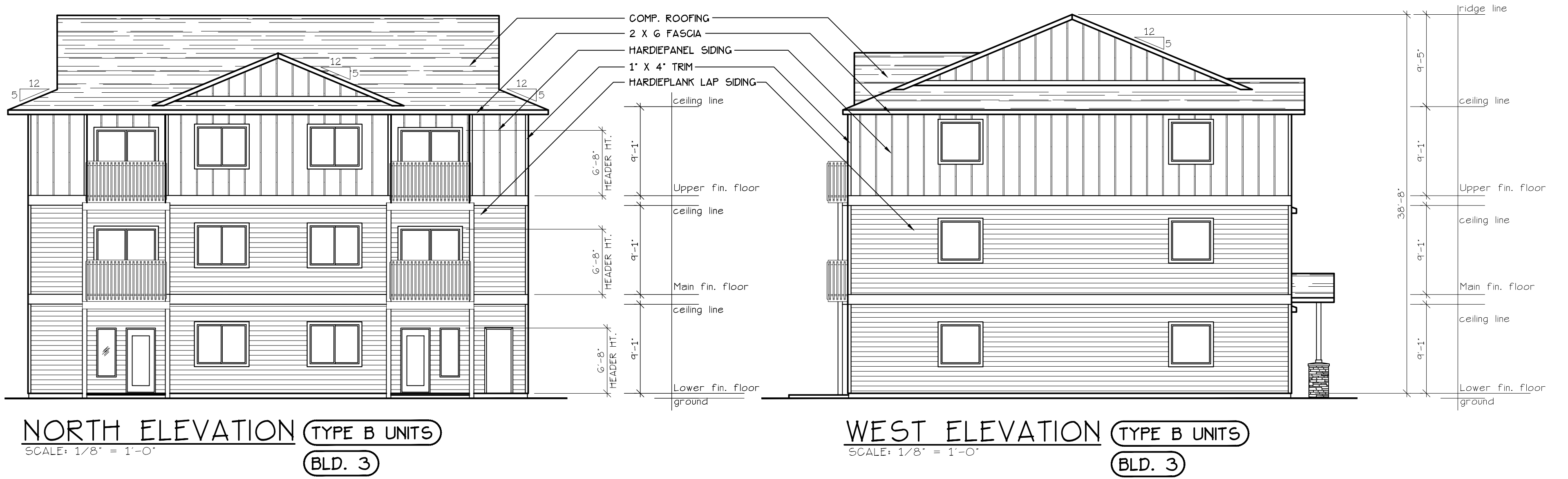
WEST ELEVATION (TYPE C UNITS)
SCALE: 1/8" = 1'-0"
BLD. 2



SOUTH ELEVATION (TYPE C UNITS)
SCALE: 1/8" = 1'-0"
BLD. 2



EAST ELEVATION (TYPE C UNITS)
SCALE: 1/8" = 1'-0"
BLD. 2

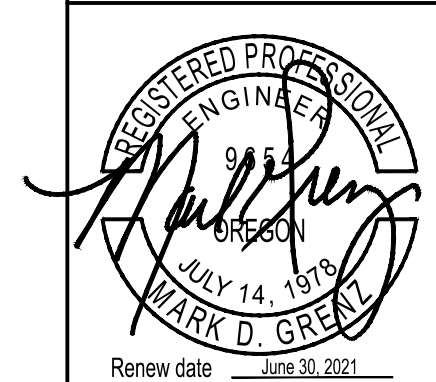


BUILDING
ELEVATIONS

LIBERTY ROAD
APARTMENT COMPLEX

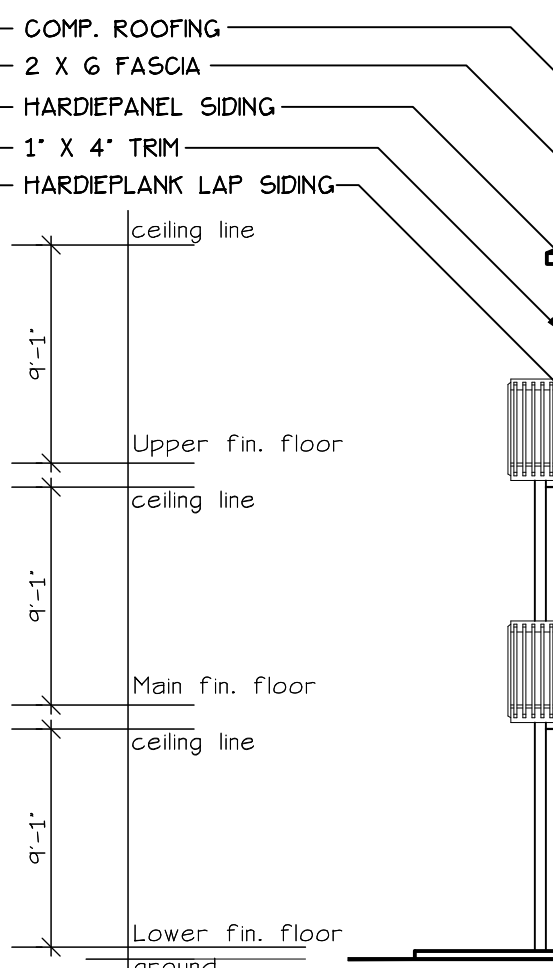
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DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
REPRESENTATION.

BLD3B-4-2502.P01
ALBRELEY
Design: P.L.M.
Drawn: G.L.D.
Checked: M.D.G.
Date: Jul-20
Scale: AS SHOWN
JOB # 6727





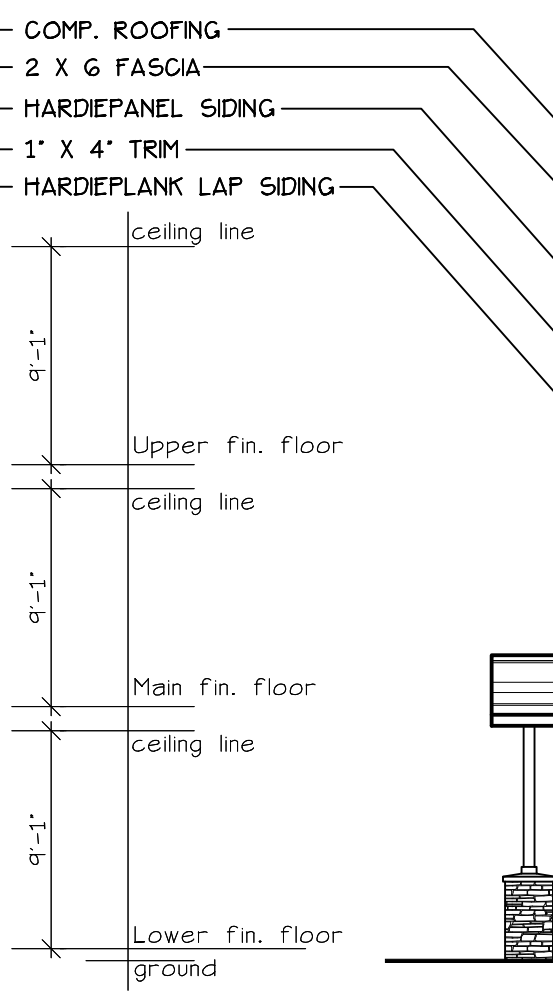
EAST ELEVATION (TYPE B UNITS)
SCALE: 1/8" = 1'-0"
BLD. 4



NORTH ELEVATION (TYPE B UNITS)
SCALE: 1/8" = 1'-0"
BLD. 4



WEST ELEVATION (TYPE B UNITS)
SCALE: 1/8" = 1'-0"
BLD. 4



SOUTH ELEVATION (TYPE B UNITS)
SCALE: 1/8" = 1'-0"
BLD. 4



EAST ELEVATION (TYPE D UNITS)
SCALE: 1/8" = 1'-0"
BLD. 5



WEST ELEVATION (TYPE D UNITS)
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BLD. 5



NORTH ELEVATION (TYPE D UNITS)
SCALE: 1/8" = 1'-0"
BLD. 5



SOUTH ELEVATION (TYPE D UNITS)
SCALE: 1/8" = 1'-0"
BLD. 5



WEST ELEVATION (TYPE E UNITS)
SCALE: 1/8" = 1'-0"
BLD. 6

- COMP. ROOFING
- 2 X 6 FASCIA
- HARDEPANEL SIDING
- 1" X 4" TRIM
- HARDIEPLANK LAP SIDING



SOUTH ELEVATION (TYPE E UNITS)
SCALE: 1/8" = 1'-0"
BLD. 6

- ridge line
- ceiling line
- Upper fin. floor
- ceiling line
- Main fin. floor
- ceiling line
- Lower fin. floor
- ground



EAST ELEVATION (TYPE E UNITS)
SCALE: 1/8" = 1'-0"
BLD. 6

- COMP. ROOFING
- 2 X 6 FASCIA
- HARDEPANEL SIDING
- 1" X 4" TRIM
- HARDIEPLANK LAP SIDING



NORTH ELEVATION (TYPE E UNITS)
SCALE: 1/8" = 1'-0"
BLD. 6

- ridge line
- ceiling line
- Upper fin. floor
- ceiling line
- Main fin. floor
- ceiling line
- Lower fin. floor
- ground

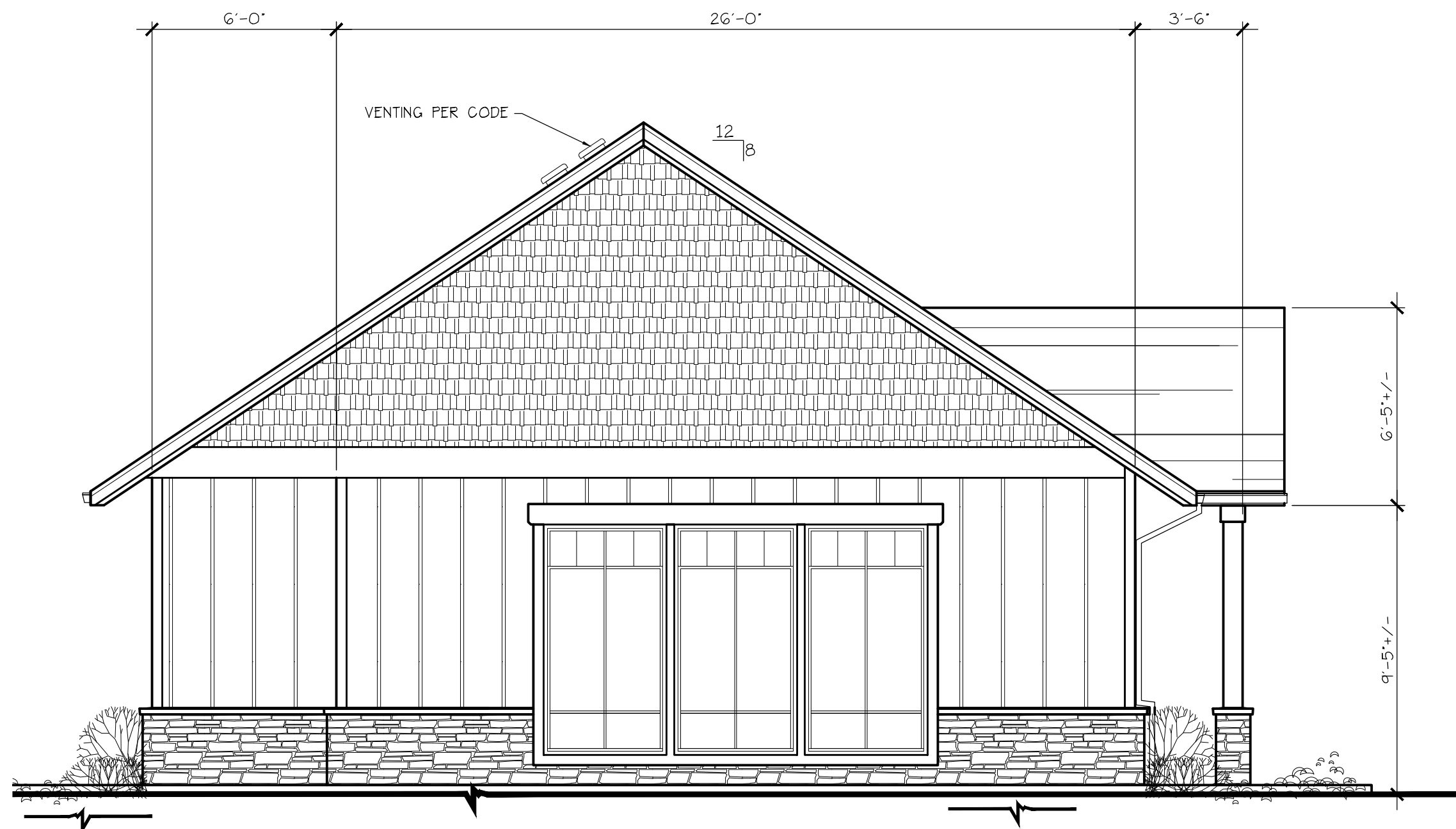
EXHAUST VENT 3'-0"
CLEAR OF OPERABLE
WINDOW AREA TYP.

NO CHANGES, MODIFICATIONS OR
REVISIONS TO BE MADE TO
THIS DRAWING WITHOUT THE
AUTHORIZATION FROM THE DESIGN
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DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
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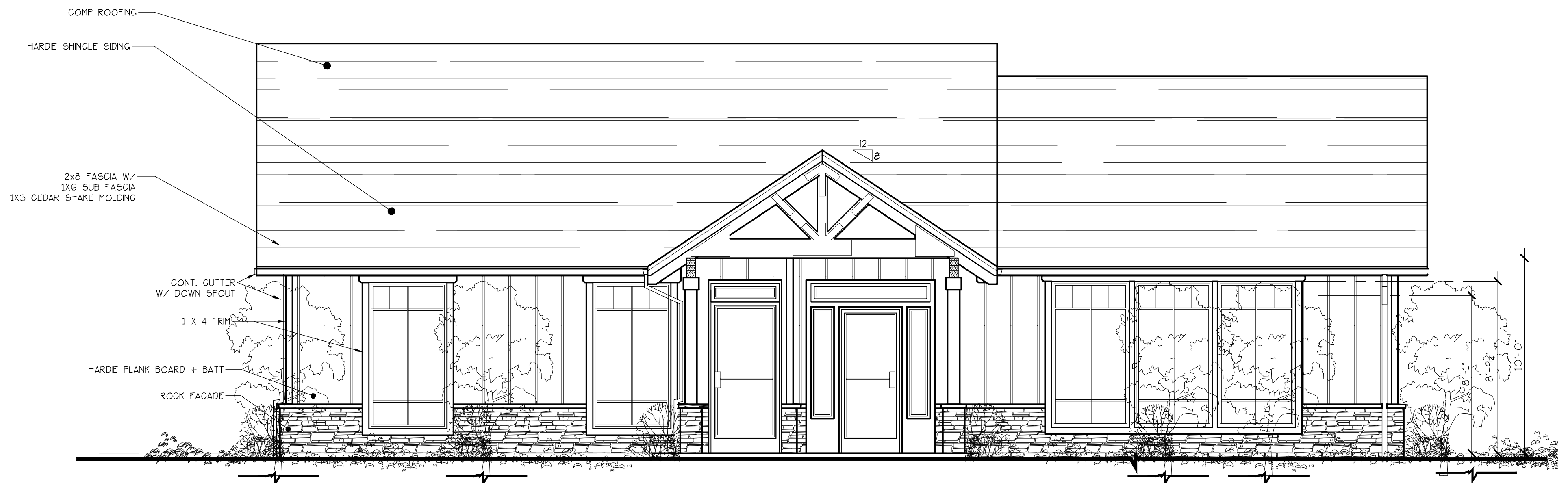
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JOB # 6727

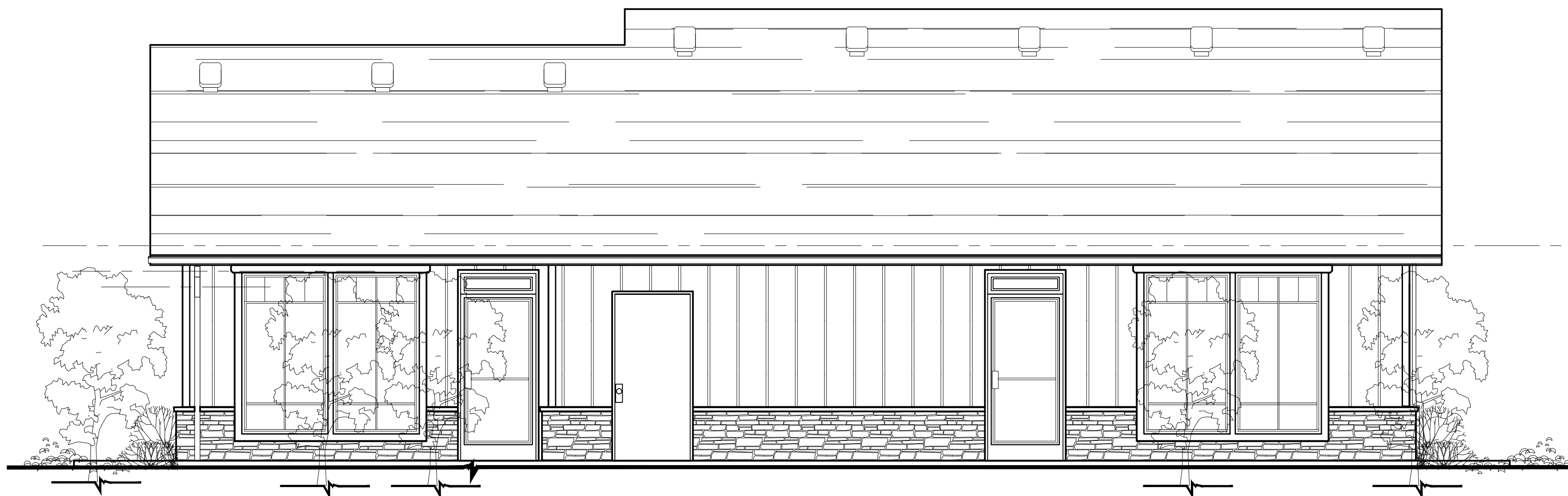




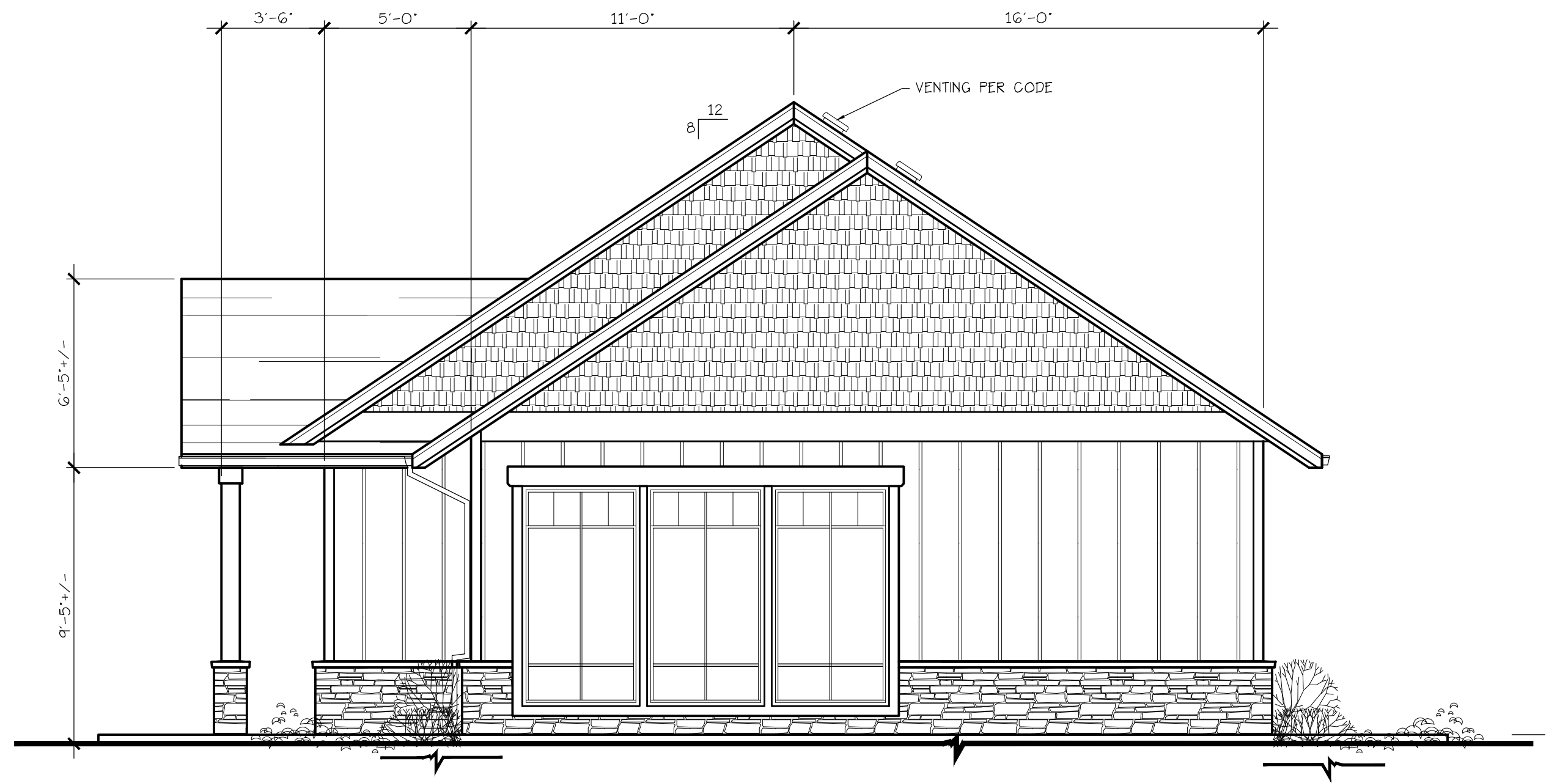
NORTHEAST ELEVATION
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NORTHWEST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTHEAST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"

Liberty Road-Apartments

Adjustment Class-2 Application

March 12, 2021

Proposal:

The subject property is 3.09 acres in size, zoned RMII, and located at 5871 Liberty Road S (083W16C/Tax Lot 600).

The applicant is proposing a development consisting of 66-apartment units as shown on the site plans.

The applicant is requesting an adjustment greater than 20% adjustment to Sec. 702.020(d) Façade and building design:

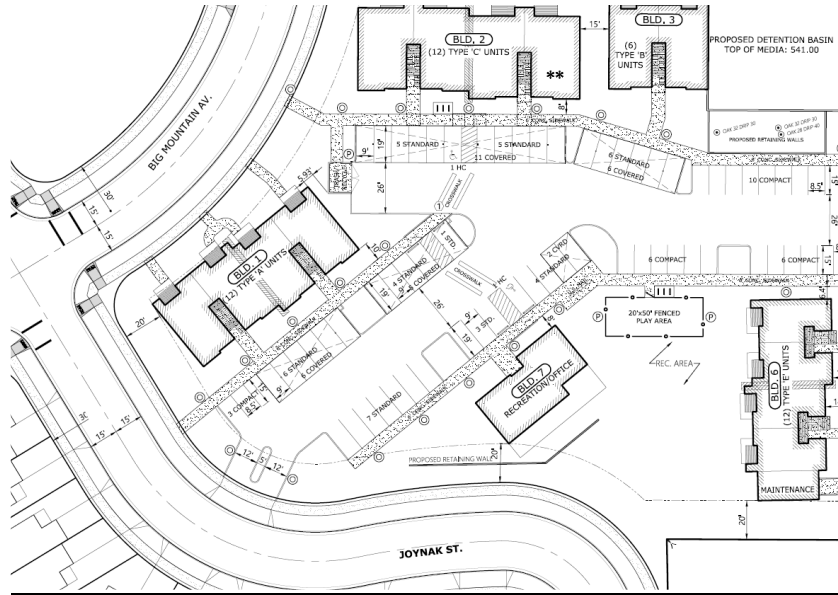
“SRC 702.020(d)(2): “To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.”

Adjustment Criteria-SRC 250.005(d)(2) Criteria:

- (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.***

Applicant Findings:

- (A) The purpose of this requirement is to provide a pedestrian friendly development with building located close to the sidewalks instead of parking areas.
- Due to the required street extensions, required driveway location and shape of the lot, Buildings 2 and 7 cannot be moved in front of the parking along Joynak Street and Big Mountain Avenue.



- (B) The apartment development will provide landscaped areas throughout the site along with pedestrian paths/sidewalks through, along with visual appealing buildings. There will be landscaping adjacent Buildings 2 and 7 and the parking areas, to enhance the pedestrian experience. All of which will create a pedestrian friendly development. The parking location will have no effect on the proposed use or surrounding uses.
- (C) There are more than one adjustment being requested for this proposal. The adjustments do not have any effect on the project.

Liberty Road-Apartments

Adjustment Class-2 Application

Revised-August 5, 2021

Proposal:

The subject property is 3.09 acres in size, zoned RMII, and located at 5871 Liberty Road S (083W16C/Tax Lot 600). The applicant is proposing a development consisting of 66-apartment units as shown on the site plans.

Per SUB-UGA-ADJ20-05, Joynak Street extension runs through the subject property.

The applicant is requesting an adjustment greater than 20% adjustment to Sec. 702.020(e)(4) Façade and building design:

“(4) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.”

Adjustment Criteria-SRC 250.005(d)(2) Criteria:

(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.***

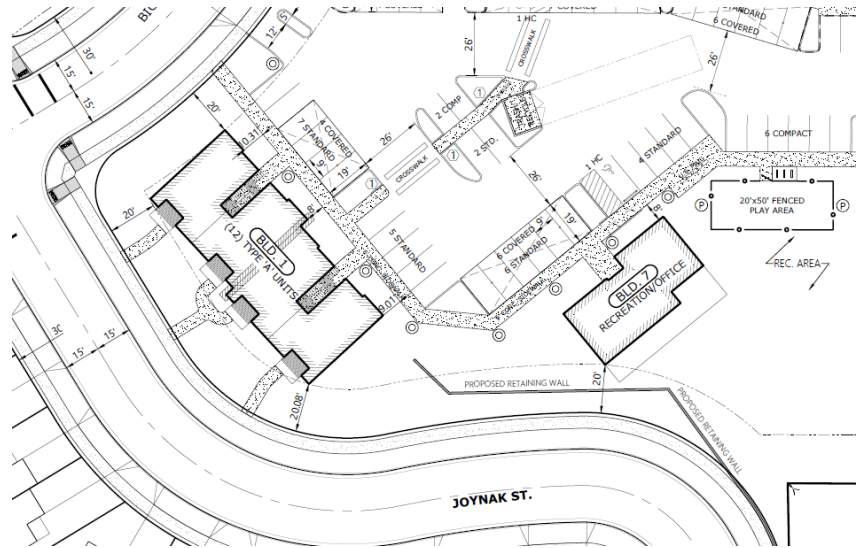
(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

(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.

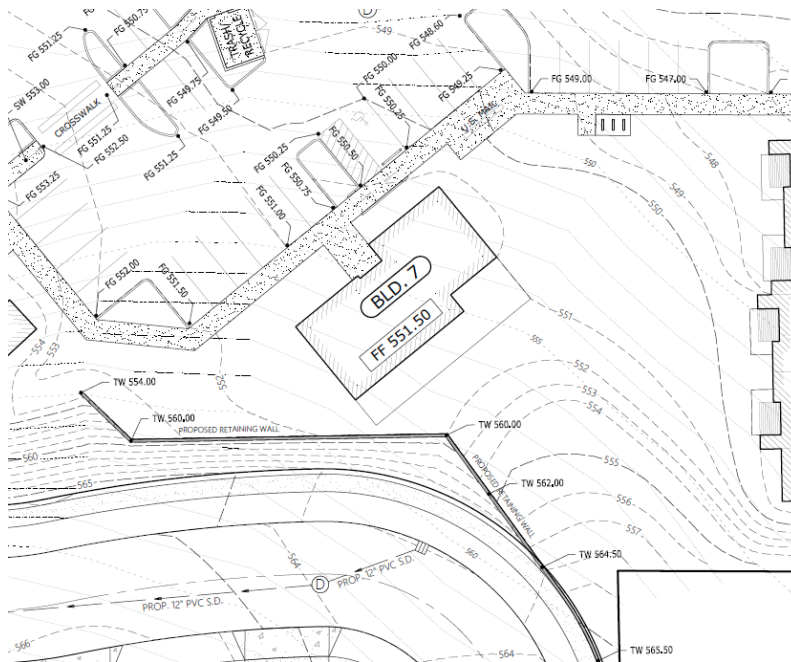
Applicant Findings:

(A) The purpose of this requirement is to provide a pedestrian friendly development with building located close to the sidewalks instead of parking areas.

The subject property has 293 feet of buildable width (this excludes required side setbacks and driveway) along Joynak Street. Buildings 1 and 7 are located on the setback line along Joynak Street. Code requires a minimum of 40% of the buildable width be occupied by buildings placed on the setback line. As shown on the site plan, Buildings 1 and 7 have 100 feet of the buildable width along the street frontage. Therefore, occupying 34% of the buildable width of street frontage along Joynak Street.



As shown on the site plan, the area Building 7 is located in is sloped and requires a retaining wall. The slope of this area make it very difficult to reorient the building. Reorientating the building will also affect the circulation flow of the parking area and potential the loss of parking spaces. The orientation of Building 7 allows an open space area to be provided in the back of the building, whereas reorienting the building would require the rear of Building 7 to face the retaining wall.



(B) The apartment development will provide additional landscaped areas throughout the site along with pedestrian paths/sidewalks through, along with visual appealing buildings. All of which will create a pedestrian friendly development. The reduction of buildings along the setback line will have no effect on the proposed use or surrounding uses.

(C) There are more than two adjustments being requested for this proposal. The adjustments do not

have any effect on the project.

Liberty Road-Apartments

Adjustment Class-2 Application

Revised-August 4, 2021

Proposal:

The subject property is 3.09 acres in size, zoned RMII, and located at 5871 Liberty Road S (083W16C/Tax Lot 600).

The applicant is proposing a development consisting of 66-apartment units as shown on the site plans.

The applicant is requesting an adjustment greater than 20% adjustment to Sec. 702.020(e)(5) Façade and building design:

“(5) To orient buildings to the street, any ground-level unit, cluster of units, interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing that street, with direct pedestrian access to adjacent sidewalks.”

Adjustment Criteria-SRC 250.005(d)(2) Criteria:

(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.

Applicant Findings:

- (A)** The purpose of this requirement is to provide a pedestrian friendly development with buildings entrances facing the street.

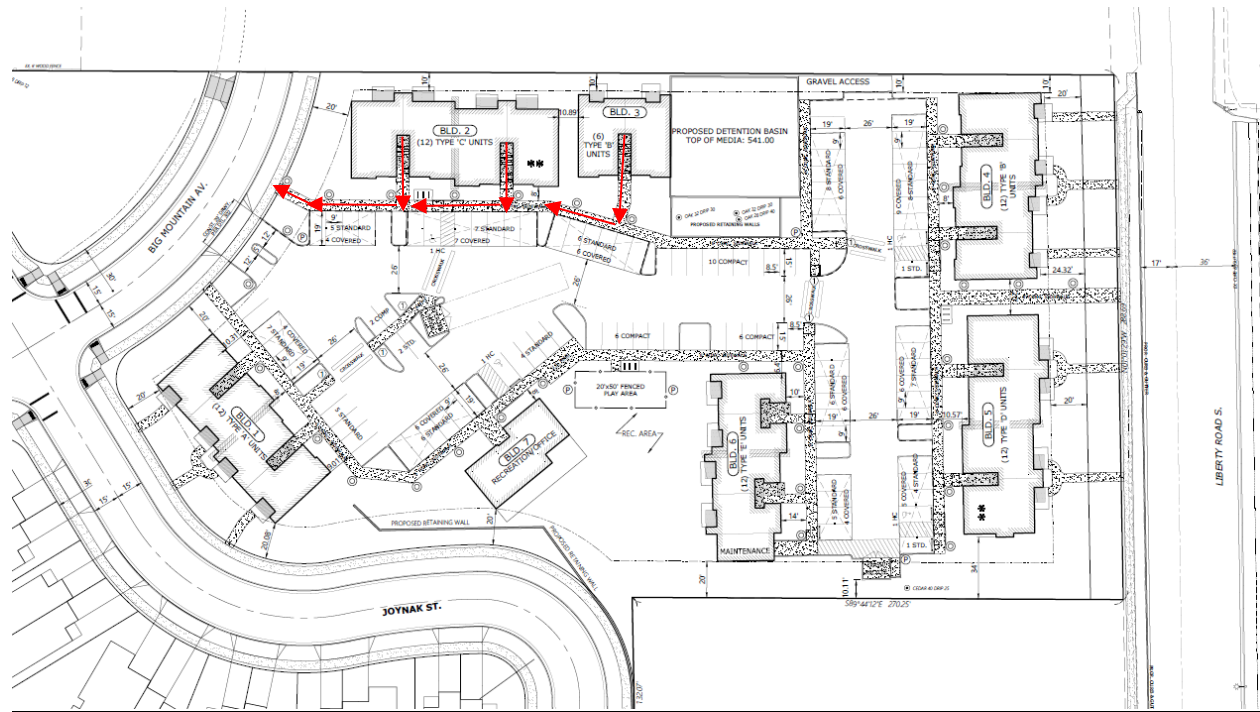
All buildings face the interior of the lot. The side of Buildings 2 and 3 faces Big Mountain Avenue. Therefore, the entrances of these buildings do not face the right-of-way. The street side of these buildings will be designed to be visually appealing, by providing similar design as is being provided for the front building facade for all buildings. In order to be consistent with the front facade of the building; windows, offsets, and architectural features will be incorporated in the portions of the building facing the right-of-way.

All buildings within the development have direct pedestrian access onto existing and proposed sidewalks. The internal pedestrian circulation system consists of hard 6-foot wide surfaced sidewalks that provide easily identifiable and safe connections between the residential units, parking, recreation areas, manager's apartment, and the trash

disposal area. The pedestrian system connects the buildings to the public sidewalk system within Liberty Road via the proposed internal sidewalk system.

Proposed and existing sidewalks will further enhance the pedestrian connections and circulation to and from the site. The proposed sidewalks to and from the site will provide pedestrian circulation to the entrances of the buildings.

Proposed pedestrian sidewalk connections are illustrated on the tentative site plan. The proposed development provides safe and convenient bicycle and pedestrian access from within the development to adjacent residential areas.



As shown on the site plan, there is a pedestrian path provided from the entrances of Buildings 2 and 3 to the existing and proposed sidewalks within Liberty Road and Big Mountain Avenue. Therefore, meeting the requirements of the code.

(B) The apartment development will provide more than adequate landscaped areas throughout the site along with pedestrian paths/sidewalks throughout, along with visually appealing buildings. All of which will create a pedestrian friendly development. Buildings not facing the street will have no effect on the proposed use or surrounding uses.

(C) There are more than one adjustments being requested for this proposal. The adjustments do not have any effect on the project.

March 12, 2021

TREE CONSERVATION/REMOVAL PLAN

SECTION 808.035(d):

There are 10 trees located on the subject property. Due to the size of the site and the location of the trees, six (6) of the trees are proposed to be removed. There are six (6) significant trees located on the site. Three (3) of the significant trees are proposed to be removed. See Sheet SDRXC and SDR3.

36" Oregon White Oak
44" Oregon White Oak
28" Oregon White Oak

TREE VARIANCE SECTION 808.045(d)(1):

A. There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance;

Findings: The Oregon White Oaks are proposed for removal due to their location within the right-of-way (Liberty Road), within the building envelope of Building 6, and parking area adjacent Building 6. The location of the site, along with the required street connections create a hardship on the layout of the site. Three (3) of the Oregon White Oak trees will remain on the site. The only way to save this tree is to eliminate a needed circulation and parking within the development.

B. The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity;

Findings: There are 10 trees located on the subject property. Due to the size of the site and the location of the trees, six (6) of the trees are proposed to be removed. There are six (6) significant trees located on the site. Three (3) of the significant trees are proposed to be removed. See Sheet SDRXC and SDR3.


36" Oregon White Oak
44" Oregon White Oak
28" Oregon White Oak

As stated above, the removal of the three (3) significant trees is the minimum necessary to development the property and meet code requirements.



MEMO

TO: Brandon Pike, Planner I
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer 
Public Works Department

DATE: November 3, 2021

SUBJECT: **REVISED PUBLIC WORKS RECOMMENDATION**
SPR-ADJ-DAP-TRV-DR-24 (21-105391-RP)
5871 LIBERTY ROAD S
66-UNIT APARTMENT COMPLEX

PROPOSAL

A consolidated application containing a Class 3 Site Plan Review and Class 1 Design Review for the development of a new apartment complex with associated site improvements, with a Class 2 Driveway Approach Permit to allow driveway access onto Big Mountain Avenue S, a Tree Variance to remove two significant Oregon white oak trees, and Class 2 Adjustments. The subject property is approximately 3.09 acres in size, zoned RM-II (Multiple Family Residential-II) and located at 5871 Liberty Road S (Marion County Assessor map and tax lot number: 083W16C00600 00601).

RECOMMENDED CONDITIONS OF APPROVAL

1. Complete the requirements for Phase 1 Subdivision / Urban Growth Preliminary Declaration / Class 2 Adjustment Case No. SUB-UGA-ADJ20-05.
2. Ensure construction of the future traffic signal located at the intersection of Liberty Road S and Mildred Lane S as follows:
 - a. As a condition of building permit issuance for any residential structure, the applicant shall provide a performance guarantee for the engineer's estimated cost of the signal.
 - b. As a condition of final occupancy for any residential structure, the applicant shall obtain plan approval from the Public Works Director pursuant to SRC 77.091 for construction of the signal.

3. Pay a temporary access fee of \$2,000 per dwelling unit in lieu of constructing the Skyline #2 S-3 water reservoir.
4. Construct stormwater facilities in compliance with PWDS. This may include construction of off-site facilities on private property or in public right-of-way, as needed, to convey stormwater runoff from the subject property.

FACTS

Streets

1. Liberty Road S
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 50-foot improvement within an 80-foot-wide right-of-way abutting the subject property.
2. Big Mountain Avenue S
 - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property.
3. Joynak Street S
 - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. A 15-inch storm main is located in Liberty Road S.
 - b. A 12-inch storm main is located in Big Mountain Avenue S.

- c. A 10-inch storm main is located in Joynak Street S.

Water

1. Existing Conditions

- a. The subject property is located in the S-3 water service level.
- b. A 12-inch water main is located in Liberty Road S. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.
- c. An 8-inch water main is located in Big Mountain Avenue S. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.
- d. An 8-inch water main is located in Joynak Street S. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. There are 8-inch sewer mains located in Liberty Road S, Big Mountain Avenue S, and Joynak Street S.

CRITERIA AND FINDINGS

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601—Floodplain; 802—Public Improvements; 803—Streets and Right-of-Way Improvements; 804—Driveway Approaches; 805—Vision Clearance; 809—Wetlands; and 810—Landslides.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a multi-family development adds 2 activity points to the proposal, which results in a total of 4 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required.

Criteria: SRC 220.005(f)(3)(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

Finding—The existing condition of Liberty Road S does not meet current standards for its classification of street per the Salem TSP. As specified in Subdivision / Urban Growth Preliminary Declaration / Class 2 Adjustment Case No.: SUB-UGA-ADJ20-05, the applicant shall convey for dedication a half-width right-of-way up to 48 feet and construct a minimum 23-foot-wide improvement along the entire frontage of Liberty Road S. The street configuration may be modified as needed to protect the existing significant oak tree. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86.

Comprehensive Plan Change/Zone Change Case No. CPC-ZC19-03 required construction of two traffic signals, one at the Liberty/Davis intersection and the other at the Liberty/Mildred intersection. The signal at Liberty/Davis is required as a condition of SUB-UGA-ADJ20-05. The Assistant City Traffic Engineer has determined, based on the applicant's TIA, that this 66-unit phase of the development warrants a proportional share toward construction of the Liberty/Mildred traffic signal. However, construction of the signal as a condition of this phase of the overall development site is not warranted. Therefore, as a condition of building permit issuance for any residential structure, the applicant shall provide a performance guarantee for the engineer's estimated cost of the signal. As a condition of final occupancy for any residential structure, the applicant shall obtain plan approval from the Public Works Director pursuant to SRC 77.091 for construction of the signal. These conditions will allow the signal project to be adequately assured while not causing excessive delays in the overall development as a whole. As a result of these conditions of approval, the signal construction will be on schedule to be completed prior to occupancy of the next phase of construction.

Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding—The driveway access onto the internal local street system provides for safe turning movements into and out of the property.

Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding—The Public Works Department has reviewed the applicant’s preliminary plan for this site. Water, sewer, and stormwater infrastructure constructed as a condition of SUB-UGA-ADJ20-05 are adequate to serve the proposed development except as described below.

The applicant’s engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. Public Works staff has determined that modifications are needed to the tentative stormwater design in order to comply with PWDS. The applicant is required to construct stormwater facilities in compliance with PWDS. This may include construction of off-site facilities on private property or in public right-of-way as needed to convey stormwater runoff from the subject property.

Condition 15 of SUB-UGA-ADJ20-05 states, “The applicant shall construct the Skyline #2, S-3 reservoir, or pay a temporary access fee of \$2,000 per dwelling unit to be collected at the time of building permit issuance.” Therefore, based on 66 units multiplied by \$2,000 per unit, the applicant shall pay a temporary access fee of \$132,000 in lieu of constructing the Skyline #2 S-3 water reservoir.

Criteria—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;**

Finding—The proposed driveway meets the standards for SRC Chapter 804 and PWDS.

- (2) No site conditions prevent placing the driveway approach in the required location;**

Finding—There are no site conditions prohibiting the location of the proposed driveway.

- (3) The number of driveway approaches onto an arterial are minimized;**

Finding—The proposed driveway is not accessing onto an arterial street.

- (4) The proposed driveway approach, where possible:**

- i. **Is shared with an adjacent property; or**
- ii. **Takes access from the lowest classification of street abutting the property;**

Finding—The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

(5) Proposed driveway approach meets vision clearance standards;

Finding—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;

Finding—No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;

Finding—Staff analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

Finding—The applicant is proposing a driveway to the lower classification of street and it meets the spacing requirements of SRC Chapter 803. By complying with the requirements of this chapter, the applicant has minimized impacts to the functionality of adjacent streets and intersections.

(9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding—The proposed development is surrounded by residentially zoned property. The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

cc: File



DAVID FRIDENMAKER, Manager
Facility Rental, Planning, Property Services
3630 State Street, Bldg. C • Salem, Oregon 97301-5316
503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

September 27, 2021

Brandon Pike, Planner
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. SPR-ADJ-DAP-TRV-DR21-24, 5871 Liberty Rd. S

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Liberty	Elementary	K thru 5
Crossler	Middle	6 thru 8
Sprague	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Liberty	Elementary	437	516	85%
Crossler	Middle	851	969	88%
Sprague	High	1,767	1,820	97%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	66	MF	0.201	13
Middle			0.044	2
High			0.084	6

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Liberty	Elem.	437	9	13	22	516	89%
Crossler	Mid.	851	23	5	28	969	91%
Sprague	High	1,767	42	6	48	1,820	100%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Liberty	Elementary	Eligible for School Transportation
Crossler	Middle	Eligible for School Transportation (See Note 1 & 2)
Sprague	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	3	\$60,840	\$790,920
Middle	5	\$72,735	\$363,675
High	6	\$84,630	\$507,780
TOTAL			\$1,662,375


Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2021 First Quarter.

Note 1: After development and new sidewalks are completed, this location will be reevaluated. It is anticipated that the development would then be included in the Crossler Middle School walk zone and not be eligible for school transportation to Crossler.

Note 2: After Joynak St. is connected thru to Mildred Ave. the current hazardous walk zone boundary, in the vicinity of the subject development, will be reevaluated. The evaluation may result in the subject development and some of the adjacent areas being removed from the hazardous walk zone boundary and included in the walk zone area for Crossler Middle School. Students residing in a school walk zone area would not be eligible for school transportation.

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director – Custodial, Property and
Auxiliary Services, T.J. Crockett, Director of Transportation