



Staff Report

File #: 24-183

Version: 1

Date: 5/13/2024

Item #: 4. a.

TO: Mayor and City Council

THROUGH: Keith Stahley, City Manager

FROM: Kristin Retherford, Community Planning and Development Director

SUBJECT:

City Council review of an appeal filed by a neighboring property owner following the Planning Administrator's decision approving a 405-unit multi-family residential development, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and Class 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03 for property located at 4650 Hazelgreen Road NE.

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate Neighborhood Association

Result Area(s): Welcoming and Livable Community

SUMMARY:

The Planning Administrator approved a request to develop a new thirty-three building multi-family residential development containing a total of 405-dwelling units for property located at 4650 Hazelgreen Road NE (**Attachment 1**). An appeal was filed by a neighboring property owner. The City Council will decide to affirm, modify, or reverse the decision of the Planning Administrator approving the consolidated application.

ISSUE:

Shall the City Council affirm, modify, or reverse the Planning Administrator's decision approving Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and Class 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03.

RECOMMENDATION:

Affirm the Planning Administrator's decision approving Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and Class 2 Adjustments, Class 2 Driveway Approach Permit, Class

1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03.

FACTS AND FINDINGS:

Procedural Findings:

1. Summary of Record:

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <<https://permits.cityofsalem.net> <<https://egov.cityofsalem.net/PACPortal>>. You may use the search function without registering and enter the permit number listed here: 23 121805.

2. On November 3, 2023, a consolidated application for an Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 1 Adjustment, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment was filed for the proposed development. After additional information was provided, the consolidated applications were deemed complete for processing on January 24, 2024.
3. On February 29, 2024, the Planning Administrator issued a decision approving the collective application (**Attachment 2**).
4. On March 14, 2024, a timely Notice of Appeal was filed by a neighboring property owner (**Attachment 3**). Per SRC Chapter 300, Table 300-2 City Council voted to initiate review of the appeal filed by the applicant.
5. The applicant has provided a time extension to the 120-day state mandated decision deadline for this collective application to extend the deadline from May 23, 2024, to June 22, 2024.

Substantive Findings:

Notice of Appeal

On March 14, 2024, a neighboring property owner filed timely and complete notice of appeal. The notice of appeal states that the primary reason for the appeal is the Planning Administrator's decision to grant Adjustments reducing or eliminating screening requirements, including installation of a six-foot tall fence and trees, along the southern boundary of the proposed multi-family residential development site. The following items were raised in the notice of appeal, followed by a staff response.

- Analysis of Land Use Decision on Appeal.

The applicable screening provision is found in SRC 702.020(b)(2), which states:

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.

- Bonneville Power Administration - Power Line Easement.

There is an existing 125-foot-wide easement for a BPA (Bonneville Power Administration) transmission line that extends across the entire southern boundary of the property with a width of approximately 16 feet on the subject property and 109 feet on the abutting RS (Single Family Residential) zoned properties to the south. No buildings or structures can occur within the easement, including fencing. Trees and vegetation exceeding a height of five feet are also not permitted in the easement area; therefore, the applicant requested an Adjustment to the screening requirements because it is not possible to provide the required buffering along the southern property line in the easement area.

- Definition of Abutting.

The appellant indicates that the term abutting, as defined in SRC 111.001, means touching along a boundary or point, and indicates that SRC 702.020(b)(2) does not require the actual location of the fence and trees to be at the property boundary, and that the fencing and landscaping could be provided in a location that is outside the BPA easement.

Staff Response: Staff concurs with the findings of the appellant. The use of abutting in SRC 702.020(b)(2) informs the applicability of the screening requirement based on the zoning of abutting property. SRC 702.020(b)(2) does not prescribe an exact planting location or location for the fence. The applicant considered moving the fence and tree plantings further north outside of the BPA easement; however, due to the location of proposed Buildings 26 and 27, there would not be sufficient distance between the fence and building walls for trees to grow and thrive, and the fence would constrain private open space area. Similar difficulties were found on the western portion of the site near proposed Building 33. Moving the fence and tree plantings further north outside of the BPA easement would directly conflict with the location of the off-street parking area.

- SRC 110.060 states that the UDC shall be applied independently of, and without regard to, any private easement, covenant, condition, restriction, or other legally enforceable interest in, or obligation imposed on, the use or development of land.

The appellant indicates that per SRC 110.060, the requirements of the UDC are enforceable and that the existence of the private BPA easement is immaterial for purposes of the application of SRC 702.020(b)(2).

Staff Response: Staff concurs with the findings of the appellant. SRC 702.020(b)(2) is applicable to the proposed development; the Planning Administrator did not waive the requirement due to the BPA easement. However, the applicant can apply for a Zoning Adjustment for an applicable development standard which the Planning Administrator can grant upon finding that the Adjustment sought is consistent with the approval criteria outlined in SRC Chapter 250. As noted in the staff report, the existence of the BPA easement creates a hardship in providing screening along the southern boundary due to restrictions on structures and trees. The easement, which has a total width of 125-feet, also creates a unique situation in the amount of separation that will be added between uses. Normally, in the single-family residential zone, dwellings can be placed 14-20 feet from the rear property line. Multi-family residential buildings similar to proposed Buildings 26 and 27 require a 35-foot setback to the abutting property line, for a total distance between buildings of 49-55 feet being permitted. The proposed separation is more than double what would normally be required between multi-family and single-family residential uses.

- The appellant indicates that the applicant's proposal to plant two species of shrubs along the southern boundary to provide a physical and visual barrier does not equally or better meet the intent of SRC 702.020(b)(2), which states that a combination of screening and landscaping shall be used to create a buffer.

Staff Response: The applicant's landscape proposes to landscape the southern boundary with shrubs that at maturity will provide a dense physical and visual barrier and be consistent with the height limitations for vegetation within the BPA easement. The applicant explored providing denser group of plantings within the easement at the time of installation, however, landscape needs time to grow and adequate space thrive. Landscaping that is planted that too dense may not grow as intended, therefore this option was not selected. Due to the restrictions of the BPA easement, the unique distance the easement creates between uses, and a landscape plan which will provide a dense group of shrubs that will provide a physical and visual barrier at maturity, staff found the requested Adjustment to be consistent with the approval criteria.

BACKGROUND:

The subject property is approximately 15.6 acres in size, zoned MU-I (Mixed Use-I) and RM-II (Multi-Family Residential). Multi-family residential uses are allowed as an outright permitted use in both the MU-I and RM-II zones. Additionally, Hazelgreen Road Park, a future City park that is approximately 45.26 acres in size, is planned on abutting property to the west.

ALTERNATIVES:

The City Council may affirm, modify, or reverse the decision of the Planning Administrator approving Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and Class 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03.

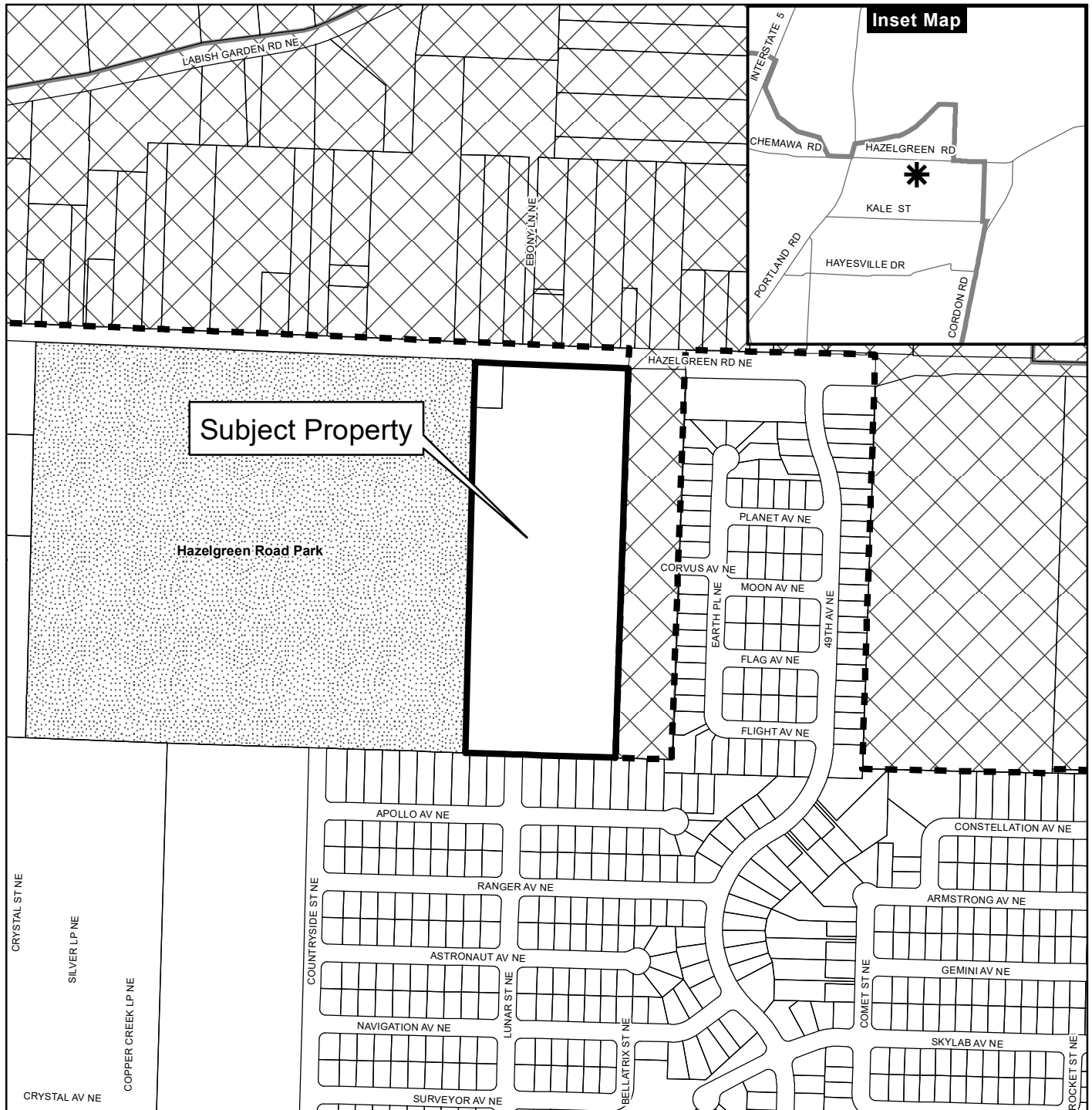
Aaron Panko
Planner III

Attachments:

1. Vicinity Map
2. Planning Administrator's decision dated February 29, 2024
3. Notice of Appeal dated March 14, 2024

Vicinity Map

4650 Hazelgreen Road NE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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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 información, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

**URBAN GROWTH PRELIMINARY DECLARATION / CLASS 3 SITE PLAN
REVIEW / CLASS 2 ADJUSTMENT / CLASS 1 ADJUSTMENT / CLASS 2
DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW / PROPERTY
LINE ADJUSTMENT CASE NO.: UGA-SPR-ADJ-DAP-DR-PLA24-03**

APPLICATION NO.: 23-121805-PLN

NOTICE OF DECISION DATE: February 29, 2024

REQUEST: An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the subject property, a Class 3 Site Plan Review and Class 1 Design Review for the development of a new 405-unit multi-family residential development, Class 2 Driveway Approach Permits for four new driveway approaches on proposed Lunar Drive NE, a Property Line Adjustment to eliminate an interior lot line, and the following Adjustments:

- 1) Class 1 Adjustment to reduce the setback requirement for Buildings 1 and 2 adjacent to a Hazelgreen Road NE from 20 feet per SRC 514.010(d), Table 514-4, to 16 feet;
- 2) Class 2 Adjustment to reduce the vehicle use area setback adjacent to Lunar Drive NE for one parking space near Building 33 from 12 feet per SRC 514.010(d), Table 514-4, to 6.2 feet;
- 3) Class 2 Adjustment to reduce the setback requirement for Building 33 adjacent to a Lunar Drive NE from 20 feet per SRC 514.010(d), Table 514-4, to approximately 12 feet;
- 4) Class 2 Adjustment to increase the maximum setback allowance adjacent to a street for Buildings 3, 4, and 5 from 10 feet per SRC 533.015(c), Table 533-3, to 16 feet;
- 5) Class 2 Adjustment to adjust the fencing and tree planting requirements of SRC 702.020(b)(2) along the southern boundary where the subject property abuts a BPA (Bonneville Power Administration) easement;
- 6) Class 2 Adjustment to reduce the tree planting requirement of SRC 702.020(b)(7) around the perimeter of the parking lot;
- 7) Class 2 Adjustment to eliminate the window requirement of SRC 702.020(c)(1) in certain habitable rooms of Buildings 11, 17, 26, 30, and 32; and
- 8) Class 2 Adjustment to reduce the setback requirement for Buildings 26 and 27 adjacent to a RS (Single Family Residential) zone from approximately 35 feet per SRC 702.020(e)(2), Table 702-5, to approximately 22 feet.

The subject property is approximately 15.6 acres in size, zoned MU-I (Mixed Use-I) and RM-II (Multi-Family Residential), and located at 4650 Hazelgreen Road NE 97305 (Marion County Assessor's map and tax lot numbers: 062W32C / 000400 and 000500).

APPLICANT: Aks Engineering And Forestry

LOCATION: 4650 Hazelgreen Rd NE, Salem OR 97305

CRITERIA: Salem Revised Code (SRC) Chapters Chapters 200.025 – Urban Growth Boundary; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(1) and (2) – Class 2 and Class 1 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit; 225.005(e)(1) – Class 1 Design Review; 205.055(d) – Property Line Adjustment

FINDINGS: The findings are in the attached Decision dated February 29, 2024

DECISION: The **Planning Administrator APPROVED** Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 1 Adjustment, Class 2 Driveway Approach Permit, Class 1 Design Review, Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03 subject to the following conditions of approval:

- Condition 1:** Prior to building permit issuance, the applicant shall record the property line adjustment removing the existing property line.
- Condition 2:** Prior to building permit issuance, the plans shall be revised to demonstrate that the solid waste service area is in conformance with all applicable development standards of SRC Chapter 800.
- Condition 3:** At time of building permit issuance, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.
- Condition 4:** Convey land for dedication to equal a half-width right-of-way of 60-feet on the development side of Hazelgreen Road NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 5:** Construct Hazelgreen Road NE as a three-quarter minor arterial street improvement along the full frontage of the subject property. These improvements shall include a minimum of 46-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 6:** Where the development has frontage on both sides of Lunar Drive NE:
- Convey land for dedication to equal a full-width right-of-way of 60-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.
 - Construct Lunar Drive NE as a full local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, streetlights, and street trees on both development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

- Condition 7:** Where the development has frontage on one side of Lunar Drive NE:
- Convey land for dedication to equal a half-width right-of-way of 30-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.
 - Construct Lunar Drive NE as a local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks, street trees, and streetlights are not required on the western side of the street where the development does not have frontage on both sides of the street.
- Condition 8:** As shown on the applicant's site plan, dedicate a minimum 26-foot-wide public access easement over the center drive aisle of the development. The easement shall extend from Lunar Drive NE to the eastern property boundary.
- Condition 9:** As shown on the applicant's site plan, dedicate a minimum 10-foot-wide public access easement over the 10-foot-wide shared use path along the southern boundary of the center drive aisle.
- Condition 10:** The applicant shall coordinate with Cherriots to provide transit stops along Lunar Drive NE in locations approved by Cherriots and the Public Works Department.
- Condition 11:** Prior to issuance of final occupancy, install street trees to the maximum extent feasible along Hazelgreen Road NE and proposed Lunar Drive NE.
- Condition 12:** Construct a minimum 16-inch "linking" *Water System Master Plan* water main in Hazelgreen Road NE from approximately 200-feet east to the eastern property boundary.
- Condition 13:** Construct a minimum 16-inch *Water System Master Plan* water main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.
- Condition 14:** Construct a minimum 8-inch water main in Lunar Drive NE from the existing terminus at the southern property boundary to the northern property boundary and connect this main to the 16-inch *Water System Master Plan* main in Hazelgreen Road NE.
- Condition 15:** Construct a minimum 8-inch "linking" *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE from approximately 160-feet east to the eastern property boundary in compliance with the *Public Works Design Standards*.
- Condition 16:** Construct a minimum 8-inch *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE along the property frontage from the eastern

property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE in compliance with the *Public Works Design Standards*.

- Condition 17:** Construct a minimum 8-inch sewer main in Lunar Drive NE as shown in the submitted plans and in compliance with the *Public Works Design Standards*.
- Condition 18:** Extend a “linking” public storm main in Hazelgreen Road NE from approximately 200-feet east to the eastern line of the subject property to accommodate the proposed development and the required boundary street improvements compliance with the *Public Works Design Standards*.
- Condition 19:** Along the development frontage of Hazelgreen Road NE and Lunar Drive NE, construct a public storm main to accommodate the proposed development and required boundary street improvements compliance with the *Public Works Design Standards*.
- Condition 20:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC) Chapter 71* and *Public Works Design Standards (PWDS)*.
- Condition 21:** Prior to building permit issuance, the applicant shall submit a revised site plan demonstrating compliance with all applicable vehicle use area setback requirements adjacent to Lunar Drive NE.
- Condition 22:** The adjusted development standards, as approved in this zoning adjustment, 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 requirements, unless adjusted through a future land use action.

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:

Urban Growth Preliminary Declaration	<u>March 16, 2026</u>
Class 3 Site Plan Review	<u>March 16, 2028</u>
Class 1 and 2 Adjustment	<u>March 16, 2028</u>
Class 2 Driveway Approach Permit	<u>March 16, 2028</u>
Class 1 Design Review	<u>March 16, 2028</u>
Property Line Adjustment	<u>March 16, 2026</u>

Application Deemed Complete:	<u>January 24, 2024</u>
Notice of Decision Mailing Date:	<u>February 29, 2024</u>
Decision Effective Date:	<u>March 16, 2024</u>
State Mandate Date:	<u>May 23, 2024</u>

Case Manager: Aaron Panko, Planner III, APanko@cityofsalem.net, 503-540-2356

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., Friday, March 15, 2024. Any person who presented evidence or testimony at the hearing may appeal the decision. 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 Chapters 200, 220, 250, 804, 225, 205. 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 City Council will review the appeal at a public hearing. After the hearing, the City Council 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

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
URBAN GROWTH AREA PRELIMINARY)	
DECLARATION, CLASS 3 SITE PLAN)	
REVIEW, CLASS 1 AND 2 ADJUSTMENTS,)	
CLASS 2 DRIVEWAY APPROACH PERMIT,)	
CLASS 1 DESIGN REVIEW, AND)	
PROPERTY LINE ADJUSTMENT CASE NO.)	
UGA-SPR-ADJ-DAP-DR-PLA24-03)	
4650 HAZELGREEN RD NE – 97305)	FEBRUARY 29, 2024

In the matter of the applications for Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and Class 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment submitted by AKS Engineering Inc., represented by Zach Pelz, on behalf of the applicant and property owner, I and E Construction, represented by Kiril Ivanov, Patricia Jones, and Jeff Bivens, 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: Proposed development of a new 405-unit multi-family residential development containing 33 residential buildings.

Request: An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the subject property, a Class 3 Site Plan Review and Class 1 Design Review for the development of a new 405-unit multi-family residential development, Class 2 Driveway Approach Permits for four new driveway approaches on proposed Lunar Drive NE, a Property Line Adjustment to eliminate an interior lot line, and the following Adjustments:

- 1) Class 1 Adjustment to reduce the setback requirement for Buildings 1 and 2 adjacent to a Hazelgreen Road NE from 20 feet per SRC 514.010(d), Table 514-4, to 16 feet;
- 2) Class 2 Adjustment to reduce the vehicle use area setback adjacent to Lunar Drive NE for one parking space near Building 33 from 12 feet per SRC 514.010(d), Table 514-4, to 6.2 feet;
- 3) Class 2 Adjustment to reduce the setback requirement for Building 33 adjacent to a Lunar Drive NE from 20 feet per SRC 514.010(d), Table 514-4, to approximately 12 feet;
- 4) Class 2 Adjustment to increase the maximum setback allowance adjacent to a street for Buildings 3, 4, and 5 from 10 feet per SRC 533.015(c), Table 533-3, to 16 feet;
- 5) Class 2 Adjustment to adjust the fencing and tree planting requirements of SRC 702.020(b)(2) along the southern boundary where the subject property abuts a BPA (Bonneville Power Administration) easement;
- 6) Class 2 Adjustment to reduce the tree planting requirement of SRC 702.020(b)(7) around the perimeter of the parking lot;
- 7) Class 2 Adjustment to eliminate the window requirement of SRC 702.020(c)(1) in certain habitable rooms of Buildings 11, ~~17, 26~~, 14, 30, and 32; and

- 8) Class 2 Adjustment to reduce the setback requirement for Buildings 26 and 27 adjacent to a RS (Single Family Residential) zone from approximately 35 feet per SRC 702.020(e)(2), Table 702-5, to approximately 22 feet.

The subject property is approximately 15.6 acres in size, zoned MU-I (Mixed Use-I) and RM-II (Multi-Family Residential), and located at 4650 Hazelgreen Road NE 97305 (Marion County Assessors map and tax lot numbers: 062W32C / 000400 and 000500).

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

PROCEDURAL FINDINGS

1. Background

On November 3, 2023, a consolidated application for an Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 1 Adjustment, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment was filed for the proposed development. After additional information was provided, the consolidated applications were deemed complete for processing on January 24, 2024.

The 120-day state mandated decision deadline for this consolidated application is May 23, 2024.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included as **Attachment C**.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 23 121805.

3. Neighborhood and Public Comments

The subject property is located within the boundaries of the Northgate 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 request require neighborhood association contact. On June 18, 2023, the applicant's representative contacted

the Northgate Neighborhood Association Chair and Land Use Chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to the Northgate Neighborhood Association 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. No comments were received from Northgate Neighborhood Association during the public comment period.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment

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

Three public comments were received during the public comment period indicating the following concerns:

- 1) *Objections to adjustment request to reduce screening requirements along southern boundary, specifically for Building 33. Privacy concerns, headlights from parking area, security concerns without a fence between residents living next to BPA easement.*

Staff Response: Development standards set forth in the zoning code, which include requirements for maximum height, setbacks to abutting property lines, and lot coverage, are intended to ensure that development of private property or use of public rights-of-way does not adversely impact the privacy of adjacent properties.

In this case, there is an existing 125-foot-wide easement for a BPA (Bonneville Power Administration) transmission line that extends across the entire southern boundary of the property with a width of approximately 16 feet on the subject property and 109 feet on the abutting RS (Single Family Residential) zoned properties to the south. No buildings or structures can occur within the easement, including fencing. Trees and vegetation exceeding a height of five feet are also not permitted in the easement area; therefore, the applicant is requesting an Adjustment to the screening requirements because it is not possible to provide the required buffering along the southern property line in the easement area. The applicant proposes to landscape the southern boundary with dense shrubs that will provide a physical and visual barrier that will be maintained in compliance with the requirements of the BPA easement. The proposed landscaping and the increased setback distance due to the BPA easement provides screening and separation which meets the intent of the code.

- 2) *Lack of available on-site parking and inadequate street parking in the area.*

Staff Response: Lunar Drive NE is classified as a local street and will be extended through the development site. Local streets provide for on-street parking available for general use and not restricted to use by owners directly abutting the right-of-way. Salem Revised Code Chapter 806 does not provide a minimum off-street parking require, however there is a maximum off-street parking requirement for multi-family uses. The proposed development provides for off-

street within the development site consistent with the maximums allowed by the Salem Revised Code.

3) Loss of view of the skyline.

Staff Response: Development is reviewed for conformance with zoning requirements, including but not limited to maximum height, lot size, setbacks, and minimum landscaping requirements. Proposed buildings are at a height that is less than the maximums allowed in the zoning code. Views of adjacent property owners are not regulated or protected under the Salem Revised Code and are not reviewed as part of this application.

4) Concerns for public safety.

Staff Response: Theft or other illegal activity is a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction over the subject property and vicinity. Approval criteria for this applicant do not address anticipated changes in crime levels, and no evidence has been provided to support the speculation that any crime perpetrated by future residents of the proposed development would exceed what would otherwise occur from any other legal development of property within the City.

5) Lack of nearby commercial services and transit.

Staff Response: The subject property is zoned MU-I (Mixed Use-I) and RM-II (Multi-Family Residential), which allows multiple family residential uses as an outright permitted use. The zoning code does not require the applicant to demonstrate that adequate commercial services are located in the vicinity in order for the proposed use to be permitted on the subject property.

Cherriots has reviewed the applicant's request for development and has submitted comments into the record. In summary, Cherriots has identified a need for transit stops in connection with the proposed development. As a condition of approval, the applicant will be required to install two transit stops on Lunar Drive NE, in locations approved by Cherriots and the Salem Public Works Department, in order to allow for future transit service in this area.

6) Concerns for adverse impact on property values.

Staff Response: Multiple family residential uses are allowed as an outright permitted use for the subject property, which is zoned MU-I (Mixed Use-I) and RM-II (Multi-Family Residential). The approval criteria for this applicant does not require the applicant to demonstrate that property values will not be adversely affected.

4. City Department Comments

Development Services Division – Reviewed the proposal and provided a memo which is included as **Attachment D**.

Building and Safety Division – Reviewed the proposal and indicated that two buildings may require rated construction and wall opening limits based on separation distances.

Fire Department – Reviewed the proposal and indicated the following:

- 1) Hydrant and FDC shall not obstruct Fire Department access with hose lay. See sheet P7.0 near buildings 5 and 6.
- 2) Buildings that exceed 30 feet in height per the Oregon Fire Code require aerial access, 30-foot minimum. Appendix D105.3 as amended in SRC Chapter 58.

5. Public Agency Comments

Salem-Keizer Public Schools – Reviewed the proposal and provided comments which are included as **Attachment E**.

Cherriots – Reviewed the proposal and provided comments which are included as **Attachment F**. In Summary, Cherriots has requested that the applicant provide transit stops along Lunar Drive NE. As a condition of approval, the applicant will be required to coordinate with both Cherriots and the Public Works Department on location and design for new transit stops on Lunar Drive NE.

DECISION CRITERIA

6. Analysis of Urban Growth Area Preliminary Declaration Approval Criteria

Salem Revised Code (SRC) 200.025(d) & (e) set forth the applicable criteria that must be met before an Urban Growth Preliminary Declaration may be issued. The following subsections are organized with approval criteria followed by findings identifying those public facilities that are currently in place and those that must be constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities.

- A. *SRC 200.0025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:*
- (1) The required facilities necessary to fully serve the development;*
 - (2) The extent to which the required facilities are in place or fully committed.*
- B. *SRC 200.025(e): The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.*

Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055—Standards for Street Improvements

Finding: An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a

minimum 34-foot improvement for major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

Hazelgreen Road NE measures 38-feet along the eastern line of the subject property and meets the “linking” street requirements established in SRC Chapter 200.055(b). No additional linking street improvements are necessary.

SRC 200.060—Standards for Sewer Improvements

Finding: The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located in Hazelgreen Road NE, approximately 160-feet east of the subject property. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below. This *Salem Wastewater Management Master Plan* sewer main is intended to serve a large service area and will be constructed at greater depths in order to accommodate future growth in this area. Final construction drawings shall be reviewed and approved by Public Works to ensure the *Salem Wastewater Management Master Plan* sewer main is designed and constructed to accommodate a large service area, as required by the master plan.

Needed Improvement: Construct a minimum 8-inch “linking” Salem Wastewater Management Master Plan sewer main in Hazelgreen Road NE from approximately 160-feet east to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.

SRC 200.065—Standards for Storm Drainage Improvements

Finding: The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm systems appear to be located in Lunar Drive NE approximately 100-feet south of the subject property and Hazelgreen Road NE approximately 200-feet east of the subject property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

Needed Improvement: Construct a storm drainage system in Hazelgreen Road NE and Lunar Drive NE to serve the proposed development in accordance with the *Public Works Design Standards*.

SRC 200.070—Standards for Water Improvements

Finding: The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The nearest available public water systems appear to be located in Hazelgreen Road NE, approximately 200-feet east of the subject property, and in Lunar Drive NE, abutting the subject property. The applicant shall provide linking water mains

consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

Needed Improvement: Construct a minimum 16-inch “linking” Water System Master Plan water main in Hazelgreen Road NE from approximately 200-feet east of the subject property to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.

SRC 200.075—Standards for Park Sites

Finding: The applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the *Salem Comprehensive Park System Master Plan* (SRC 800.075(a)). The proposed development is served by the Hazelgreen Road Park, an undeveloped park directly adjacent to the western line of the subject property. The *Salem Parks System Master Plan* identifies that Hazelgreen Road Park will provide neighborhood park service to the subject property; therefore, no additional dedications are required.

7. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.

Finding: The proposal includes development of a new multiple family residential complex containing 33 buildings with a total of 405 dwelling units, and site improvements including common open space areas, off-street parking area, maintenance and service buildings, a solid waste service area, and landscaping for split zoned property located in both the RM-II zone and the MU-I zoned. The following is a summary of the applicable use and development standards for the proposed development.

Use and Development Standards – RM-II (Multi-Family Residential) Zone:

SRC 514.005 – Uses:

Finding: A multiple family residential use is proposed. Per Table 514-1, multi-family residential uses are allowed as a permitted use in the RM-II zone.

SRC 514.010(b) – Lot Standards:

The minimum lot area requirement for a multi-family residential use is 6,000 square feet, the minimum lot width is 40 feet, and the minimum lot depth is 80 feet. All uses, other than single family, are required to have a minimum of 40 feet of street frontage.

Finding: The RM-II zoned portion of the development site is approximately 13.73 acres in size, the lot width is approximately 485 feet, and the lot depth is approximately 1,289 feet. The

RM-II zoned portion of the site has approximately 234 feet of frontage along Hazelgreen Road NE and approximately 1,150 feet of frontage along Lunar Drive NE, in compliance with the lot standards of the RM-II zone.

The applicant is requesting a property line adjustment to remove an interior property line, findings for the Property Line Adjustment are included in Section 12 of this report. The proposed development is being reviewed for conformance with the development standards of the RM-II zone with the assumption that the property line has been removed. Prior to building permit issuance, the applicant shall record the property line adjustment.

Condition 1: Prior to building permit issuance, the applicant shall record the property line adjustment removing the existing property line.

SRC 514.010(c) – Dwelling Unit Density:

For multi-family residential uses, a minimum of 15-dwelling units per acre are required with a maximum allowance of 31-dwelling units per acre.

Finding: The RM-II zoned portion of the development site is approximately 13.73 acres in size, requiring a minimum of 206 dwelling units ($13.73 \times 15 = 205.95$) and allowing a maximum of 426 dwelling units ($13.73 \times 31 = 425.63$). A total of 360 dwelling units are proposed in the RM-II zoned portion of the development site, within the minimum and maximum allowance.

SRC 514.010(d) – Setbacks:

Main Site (East of Luner Street NE)

North: Adjacent to the north is right-of-way for Hazelgreen Road NE. Buildings abutting a street require a minimum 12-foot setback, plus one foot for each one foot of height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a minimum 12-foot setback abutting a street.

Finding: The applicant has requested an adjustment to reduce the required building setback adjacent to Hazelgreen Road NE, findings for the Adjustment are included in Section 8 of this report. Vehicle use area setbacks are met.

South: Adjacent to the south is property zoned RS (Single Family Residential). Buildings, accessory structures, and vehicle use areas require a minimum 10-foot setback adjacent to a residential zone.

Finding: Proposed buildings, accessory structures, and vehicle use areas are setback more than 10 feet from the southern property line in compliance with this standard.

East: Adjacent to the east is property located within the jurisdiction of Marion County zoned UT-20-IN.D with a City of Salem Comprehensive Plan Map designation of Industrial. Buildings, accessory structures, and vehicle use areas require a minimum 15-foot setback adjacent to an industrial zone. Required setbacks shall be landscaped and screened meeting the Type C requirements of Chapter 807 which includes a minimum of one plant unit per 20 square feet of landscape area and a minimum 6-foot-tall fence or wall.

Finding: Proposed buildings, accessory structures, and vehicle use areas are setback 15 feet or greater from the eastern property line in compliance with this standard.

West: Adjacent to the west is the future right-of-way for Lunar Drive NE. Buildings abutting a street require a minimum 12-foot setback, plus one foot for each one foot of height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a minimum 12-foot setback abutting a street.

Finding: Proposed buildings, accessory structures, and vehicle use areas are setback 20 feet or greater from the western property line abutting Lunar Drive NE in compliance with this standard.

Building 33 (West of Luner Street NE)

North and East: Adjacent to the north and east is right-of-way for Luner Street NE. Buildings abutting a street require a minimum 12-foot setback, plus one foot for each one foot of height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a minimum 12-foot setback abutting a street.

Finding: The applicant has requested an adjustment to reduce the required building and vehicle use area setback adjacent to Lunar Drive NE, findings for the Adjustment are included in Section 9 of this report.

South: Adjacent to the south is property zoned RS (Single Family Residential). Buildings, accessory structures, and vehicle use areas require a minimum 10-foot setback adjacent to a residential zone.

Finding: Adjacent to the south is property zoned RS (Single Family Residential). Buildings, accessory structures, and vehicle use areas require a minimum 10-foot setback adjacent to a residential zone.

West: Adjacent to the west is property zoned PA (Public Amusement) the site of a future City park. Buildings, accessory structures, and vehicle use areas require a minimum 10-foot setback adjacent to a public zone. Required setbacks shall be landscaped and screened meeting the Type C requirements of Chapter 807 which includes a minimum of one plant unit per 20 square feet of landscape area and a minimum 6-foot-tall fence or wall.

Finding: The proposed building and vehicle use area is setback 10 feet or greater from the western property line in compliance with this standard.

SRC 514.010(e) – Lot Coverage, Height:

Building and accessory structures within the RM-II zone shall not exceed a maximum lot coverage of 60 percent. The maximum height allowance for multiple family residential uses is 50 feet.

Finding: The applicant's statement and site plan indicate the proposed building coverage for the RM-II zoned portion of the site is 25 percent. Three and four-story buildings are proposed, with the tallest proposed buildings at approximately 49 feet in height, in compliance with the maximum height allowance.

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: Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

SRC 514.010(h) – Outdoor Storage:

Within the RM-II zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Finding: No outdoor storage areas are proposed therefore this section is not applicable.

SRC 514.015(a) – Design review:

Multiple family development shall be subject to design review according to the multiple family design review standards set for in SRC Chapter 702.

Finding: The proposed development is subject to Design Review, findings are included in Section 11 of this report.

Use and Development Standards – MU-I (Mixed Use-I) Zone:

SRC 533.010 – Uses:

Finding: A multiple family residential use is proposed. Per Table 533-1, multi-family residential uses are allowed as a permitted use in the MU-I zone.

Per Table 533-1, multi-family residential uses are allowed as a permitted use in the MU-I zone.

SRC 533.015(a) – Lot Standards:

There are no minimum lot area or lot dimensional requirements in the MU-I zone. All uses are required to have a minimum of 16 feet of street frontage.

Finding: The MU-I zoned portion of the subject property has approximately 250 feet of frontage along Hazelgreen Road NE and approximately 260 feet of frontage along Lunar Drive NE, in compliance with the lot standards of the MU-I zone.

The applicant is requesting a property line adjustment to remove an interior property line, findings for the Property Line Adjustment are included in Section 12 of this report. The proposed development is being reviewed for conformance with the development standards of the MU-I zone with the assumption that the property line has been removed. As conditioned, prior to building permit issuance, the applicant shall record the property line adjustment.

SRC 533.015(b) – Dwelling Unit Density:

For multi-family residential uses, a minimum of 15-dwelling units per acre are required. There is no maximum dwelling unit density in the MU-I zone.

Finding: The MU-I zoned portion of the development site is approximately 1.9 acres in size, requiring a minimum of 29 dwelling units ($1.9 \times 15 = 28.5$). A total of 45 dwelling units are proposed in the MU-I zoned portion of the development site, in compliance with density standards of the MU-I zone.

SRC 533.015(c) – Setbacks:

North: Adjacent to the north is right-of-way for Hazelgreen Road NE. For buildings abutting a street, a minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to SRC 533.015(h). Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6-10 foot setback per SRC Chapter 806.

Finding: The applicant has requested an adjustment to increase the maximum setback allowance adjacent to Hazelgreen Road NE, findings for the Adjustment are included in Section 9 of this report. Vehicle use area setbacks are met.

South: Adjacent to the south is property zoned RM-II (Multi-Family Residential) which is part of the same development site. The proposed development includes a request to eliminate the interior lot line for the development site, there is no property line separating the MU-I zoned portion of the site from the RM-II zoned portion of the site; therefore, there is no setback required between interior zoning boundaries.

Finding: There is no setback required between interior zoning boundaries.

East: Adjacent to the east is property zoned RM-II (Multi-Family Residential) which is part of the same development site. The proposed development includes a request to eliminate the interior lot line for the development site, there is no property line separating the MU-I zoned portion of the site from the RM-II zoned portion of the site; therefore, there is no setback required between interior zoning boundaries.

Finding: There is no setback required between interior zoning boundaries.

West: Adjacent to the west is the future right-of-way for Lunar Drive NE. For buildings abutting a street, a minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to SRC 533.015(h). Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6-10 foot setback per SRC Chapter 806.

Finding: The applicant has requested an adjustment to increase the maximum setback allowance adjacent to Lunar Drive NE, findings for the Adjustment are included in Section 9 of this report. Vehicle use area setbacks are met.

SRC 533.015(d) – Lot Coverage, Height, Building Frontage:

There is no maximum lot coverage standard in the MU-I zone. New buildings have a minimum height requirement of 20 feet and a maximum height allowance of 65 feet. The minimum building frontage requirement is 75 percent, for corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40 percent.

Finding: The applicant's statement and development plans indicate that the buildings proposed within the MU-I zoned portion of the development site will have a building height of approximately 44 feet, within the minimum and maximum height requirements.

The MU-I zoned portion of the subject property has approximately 250 feet of frontage along Hazelgreen Road NE. The subject property is a corner lot and Hazelgreen Road NE has a higher street classification than Lunar Street NE. A minimum of 75 percent of the frontage along Hazelgreen Road NE, or 188 feet ($250 \times 0.75 = 187.5$), is required to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 208 feet of the frontage along Hazelgreen Road NE will be occupied by buildings placed at the setback line, in compliance with this section.

The MU-I zoned portion of the subject property has approximately 260 feet of frontage along Lunar Street NE. A minimum of 40 percent of the frontage along Lunar Street NE, or 104 feet ($260 \times 0.4 = 104$), is required to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 152 feet of the frontage along Lunar Street NE will be occupied by buildings placed at the setback line, in compliance with this section.

SRC 533.015(e) – Parking:

Off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone.

Finding: A new standalone surface parking lot is not proposed.

SRC 533.015(f) – Landscaping:

- (1) **Setbacks.** Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to SRC 533.015(h), 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: Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

SRC 533.015(g) – Continued Development:

Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development.

Finding: The subject property is currently vacant with no existing buildings or structures; the site does not qualify as continued development.

SRC 533.015(h) – Pedestrian-Oriented Design:

Development within the MU-I zoned portion of the property shall conform to the pedestrian-oriented design standards set forth in Table 533-6.

Ground Floor Height		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Min. 14 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.

Finding: Hazelgreen Road NE is designated as a parkway in the Salem TSP and Lunar Drive NE is a planned local street, neither street meets the definition of primary street, therefore this standard is not applicable to this development proposal.

Separation of Ground Floor Residential Uses		
Requirement	Standard	Limitations & Qualifications
This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.
	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.
	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscape area such as private open space or hardscaped area such as a plaza.

Finding: The applicant's statement indicates that vertical separation will be provided in the form of three to five steps between the sidewalk and residential entryways for the buildings adjacent to Hazelgreen Road NE and Lunar Drive NE.

Building Façade Articulation		
Requirement	Standard	Limitations & Qualifications
This standard applies to building facades facing primary streets.	Required	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner

Building Façade Articulation		
Requirement	Standard	Limitations & Qualifications
		where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
		Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
		a) Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards: <ol style="list-style-type: none"> 1. Change in materials. 2. Change in color. 3. Molding or other horizontally-articulated transition piece.
		b) Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards: <ol style="list-style-type: none"> 1. Recesses of a minimum depth of two feet. 2. Extensions of a minimum depth of two feet. 3. Vertically-oriented windows. 4. Pilasters that project away from the building.
		c) Top: Building tops shall be defined by at least one of the following standards: <ol style="list-style-type: none"> 1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the façade. 2. Change in materials from the upper floors, with that material being a minimum of eight inches tall. 3. Offsets or breaks in roof elevation that are a minimum of three feet in height. 4. A roof overhang that is a minimum of eight inches beyond the face of the facade.

Finding: Hazelgreen Road NE is designated as a parkway in the Salem TSP and Lunar Drive NE is a planned local street, neither street meets the definition of primary street, therefore this standard is not applicable to this development proposal.

Ground Floor Windows		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Min. 65%	For the purposes of this standard, ground floor building façade shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
		For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

Finding: Hazelgreen Road NE is designated as a parkway in the Salem TSP and Lunar Drive NE is a planned local street, neither street meets the definition of primary street, therefore this standard is not applicable to this development proposal.

Building Entrances		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Required	For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.
		For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on

Building Entrances		
Requirement	Standard	Limitations & Qualifications
		the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		Building entrances shall include weather protection.

Finding: Hazelgreen Road NE is designated as a parkway in the Salem TSP and Lunar Drive NE is a planned local street, neither street meets the definition of primary street, therefore this standard is not applicable to this development proposal.

Weather Protection		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors adjacent to a street.	Min. 75%	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
		Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.

Finding: The applicant's statement and preliminary development plans show weather protection in the form of canopies provided along 75 percent of the building length of each building abutting a street. Canopies provided will have a minimum clearance height of 8 feet.

Parking Location		
Requirement	Standard	Limitations & Qualifications
This standard applies to off-street parking areas and vehicle	Required	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

Parking Location		
Requirement	Standard	Limitations & Qualifications
maneuvering areas.		areas shall not be located between a building or structure and a street.

Finding: The proposed off-street parking areas are located either behind or to the side of the proposed buildings and not in a location between the buildings or streets in compliance with this standard.

Mechanical and Service Equipment		
Requirement	Standard	Limitations & Qualifications
This standard applies to mechanical and service equipment.	Required	Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.
		Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.

Finding: The proposed development plans and applicant's statement indicate that ground level mechanical equipment locations have not been determined, but will be screened in compliance with this standard. No rooftop mechanical equipment if proposed.

SRC 533.020 – Design review:

Design Review is not required for development within the MU-I zone.

Finding: Design Review under SRC Chapter 225 is not required for the portion of the development site located within the MU-I zone.

General Development Standards SRC 800

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.

Finding: The site plan indicates that one solid waste and recycling service area will be provided to serve the complex, located in the center east side of the development site, which will house receptacles larger than one cubic yard in size. The following is a summary of applicable design standards for the solid waste service area.

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 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

- 1) Pad area. In determining the total concrete pad area for any solid waste service area:
 - a. The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
 - b. The pad area shall extend a minimum 3 feet beyond the front of the receptacle.
 - c. In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

Finding: Neither the site plan or the applicant's statement indicate proposed material or thickness of the pads for the solid waste service area. Prior to building permit issuance, the applicant shall provide updated details for the solid waste service area demonstrating compliance with all applicable standards of Chapter 800.

Condition 2: Prior to building permit issuance, the plans shall be revised to demonstrate that the solid waste service area is in conformance with all applicable development standards of SRC Chapter 800.

- 2) Minimum Separation.
 - a. A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
 - b. A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

Finding: Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

- 3) Vertical Clearance.
 - a. Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
 - b. Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for serving.

Finding: It does not appear that a roof is proposed for the solid waste service areas; therefore, this standard is not applicable.

SRC 800.055(c) – Permanent Drop Box and Compactor Placement Standards.

- 1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.

- 2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- 3) Pad area. The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.
- 4) Minimum separation. A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

Finding: A permanent drop box or compactor is proposed. Neither the site plan or the applicant's statement indicate proposed material or thickness of the pads for the solid waste service area. As previously conditioned, the applicant shall provide updated details for the solid waste service area demonstrating compliance with all applicable standards of Chapter 800.

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

- 1) 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.
- 2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

Finding: The solid waste service areas will be screened from view from surrounding streets and abutting properties in compliance with this standard.

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

When enclosures are used for required screening or aesthetics, such enclosure shall conform to the following standards:

- 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 applicant's statement and development plans indicate that the enclosure has two unobstructed openings for servicing, each with a width of 12 feet in compliance with this provision.

- 2) Measures to Prevent Damage to Enclosure. Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

Finding: The site detail plan indicates that a bumper curb will be provided 12 inches inside the perimeter walls in compliance with this section.

- 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. All gates shall have restrainers in the open and closed positions.

Finding: Both enclosure opening widths are 12 feet, the applicant's statement indicates that the gates will be able to swing at least 120 degrees in compliance with this standard.

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

1) Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle. Per SRC 800.055(f)(1)(A), the 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 vehicle operation area is provided perpendicular to the enclosure in compliance with the minimum dimensional requirements of this section.

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.

Finding: The proposed vehicle operation area is provided in connection with a parking lot drive aisle which will be kept free of vehicles and other obstructions at all times in compliance with the requirements of this section.

D. Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.

Finding: The solid waste enclosure is uncovered, and there are no overhead vertical obstructions in the vehicle operation area, in compliance with this section.

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: A service vehicle turnaround in compliance with the minimum dimensional requirements of this section is proposed allowing for safe and convenient access for collection service in compliance with this section.

2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.

Finding: The proposed vehicle operation area includes a maneuvering area allowing collection service vehicles to turnaround prior to leaving the premises in compliance with the requirements of this section.

- 3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.

Finding: The proposed vehicle operation area is paved with a hard surface material meeting the requirements of this section.

- 4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

Finding: Although not indicated in the application materials, signage meeting the requirements of this section will be required prior to building permit issuance and final occupancy for the project.

SRC 800.055(g) – Notice to Solid Waste Collection Franchisee.

Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee.

Finding: The applicant has not requested an Adjustment to the vehicle operation area turnaround requirements; therefore, this section is not applicable.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, 2-4 family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

Finding: The pedestrian access standards of SRC Chapter 800 are not applicable to the proposed multiple family residential development.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.015 - Amount of Off-Street Parking.

- a) *Maximum Off-Street Parking.* Pursuant to Table 806-1, the maximum off-street parking allowance for a multi-family use is 1.2 spaces per dwelling unit for each studio unit and 1.75 space for all other dwelling units.
- b) *Compact Parking.* Up to 75 percent of the off-street parking spaces provided on a development site 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 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Required Electric Vehicle Charging Spaces.* For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical

vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

Finding: The proposed development includes a 405 new multi-family dwelling units, including 24 studio units. The maximum off-street parking allowance is 680 spaces (Non-Studio Units: $372 \times 1.75 = 651$) + (Studio Units: $24 \times 1.2 = 28.8$). The proposed off-street vehicle use area has 560 parking spaces, less than the maximum allowance.

The proposed development includes five or more dwelling units on the same lot in a building that includes a mix of residential and nonresidential uses. SRC 806.015(d) requires a minimum of 40 percent of the off-street parking spaces provided on the site to be designated as spaces to serve electrical vehicle charging. The site plan does not indicate which spaces will be available for electric vehicle charging. Prior to building permit issuance, the applicant shall provide an updated plan set that demonstrates a minimum of 40 percent of the off-street parking spaces proposed will be designated as spaces to serve electrical vehicle charging. The proposed site plan shows a total of 560 off-street parking spaces. If 560 off-street parking spaces are provided at the time of building permit, a minimum of 224 off-street parking spaces ($560 \times 0.4 = 224$) shall include provision for electrical service capacity.

Condition 3: At time of building permit issuance, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.

A maximum of 420 spaces may be compact parking spaces ($560 \times 0.75 = 420$), the site plan indicates that 13 spaces will be compact spaces, less than the maximum allowance. Carpool/vanpool spaces are not required for the proposed development.

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.
- 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: The off-street parking and vehicle use area development standards of SRC Chapter 806 are applicable to this proposal. Except where an Adjustment has been requested, the proposed off-street parking area is in compliance with the minimum setback requirements of SRC Chapters 511, 533, and 806.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5.

Finding: Per SRC 702.020(b)(8), the proposed multi-family residential development is exempt from the landscaping requirements of SRC Chapter 806.

- 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 comply with the minimum aisle width and dimensional requirements for compact and standard vehicle parking spaces established in Table 806-6.

- f) *Off-Street Parking Area Access and Maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
 - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

Finding: The proposed off-street parking area includes a drive aisle that terminates at a dead-end. The turnaround area at the end of the drive aisle is in compliance with the development standards of this section.

- g) *Additional Off-Street Parking Development Standards 806.035(g)-(n).*

Finding: The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, drainage, and bumper guards. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806. Off-street parking area screening per SRC 806.035(n) is required for the proposed parking area where it abuts residentially zoned properties on the southern portion of the development site. The applicant has requested an Adjustment to the screening requirement along the southern boundary of the property where it abuts residentially zoned property, findings for the Adjustment are included in Section 9 of this report.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity.

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.

Finding: Bicycle parking spaces serving the proposed multiple family residential use are provided on the subject property in compliance with this provision.

SRC 806.055 - Amount of Bicycle Parking.

Per SRC Chapter 806, Table 806-8, uses in the multi-family residential use category require a minimum of one space per dwelling unit. Table 806-8 allows 100 percent of the required bicycle parking spaces to be long-term.

Finding: The proposed development includes a total of 405 multi-family residential dwelling units, requiring a minimum of 405 bicycle parking spaces.

The applicant's site plan and written statement indicate that a total of 405 short term and long-term bicycle parking spaces are provided throughout the development site, in compliance with the minimum requirement.

SRC 806.060 - Bicycle Parking Development Standards.

a) *Location.*

(1) *Short-term bicycle parking.* Short-term bicycle parking shall be located outside a building within a convenient distance of, and shall 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) *Long-term bicycle parking.*

(A) *Generally.* Long-term bicycle parking shall be located:

- (i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or
- (ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.

(B) *Long-term bicycle parking for residential uses.* Long-term bicycle parking spaces for residential uses shall be located within:

- (i) A residential dwelling unit;
- (ii) A lockable garage;
- (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
- (iv) A lockable bicycle enclosure; or
- (v) A bicycle locker.

(C) *Long-term bicycle parking for non-residential uses.* Long-term bicycle parking spaces for non-residential uses shall be located within:

- (i) A restricted access lockable room;
- (ii) A lockable bicycle enclosure; or
- (iii) A bicycle locker.

Finding: The proposed site plan indicates that 278 short-term bicycle parking spaces are provided within 50 feet of primary building entrances in locations that are clearly visibly from primary building entrances and distributed throughout the development site. Also proposed are 127 long-term bicycle parking spaces which are provided within ground-floor units where elevator access is not required. Long-term bicycle parking provided in ground floor dwelling units will have bike hooks allowing for wall mounted bike storage in the dwelling unit, in compliance with this section.

- b) *Access.* All 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: All bicycle parking areas have direct and accessible access to the public right-of-way and primary building entrances that are free of obstructions.

- c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:

- (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-9. Standard horizontal spaces require a minimum width of two feet and minimum length of four feet.

Finding: The proposed short-term and long-term bicycle parking spaces meet the minimum dimensions requirements of Table 806-9.

- (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-9. The minimum access aisle width is four feet.

Finding: Access aisles serving the bicycle parking spaces have a minimum width of four feet.

- 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: Bicycle parking areas that are located outside will be paved with concrete, in compliance with this standard.

- e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:
 - (1) Racks must support the bicycle in a stable position.
 - a. For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
 - b. For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the 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 bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

Finding: Inverted staple racks are proposed for short-term bicycle parking that will be securely anchored in concrete, and long-term bicycle parking will be provided by wall mounted racks within the interior of the building that allow for storage in a vertical position. The proposed racks are a shape that allow for support, storage, and allow for the securing of bicycles in compliance with the standards in this section.

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.

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.

Per Table 806-11, multi-family residential uses containing 200 or more dwelling units require a minimum of three off-street loading spaces. Required loading spaces shall have a minimum width of 12 feet, minimum depth of 19 feet, and minimum overhead vertical clearance of 12 feet. If a recreational or service building is provided, at least one of the required loading spaces shall be located in conjunction with the recreational or service building.

Finding: The applicant's site plan and statement indicate that three off-street loading spaces are provided for the proposed development. No recreational or service buildings are proposed. Off-street loading spaces are provided in compliance with the standards of this section.

Landscaping

All required setbacks shall be landscaped 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: Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

Natural Resources

SRC 601 – Floodplain: Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: The Floodplain Administrator 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 20 inches in diameter at breast height or any other tree with a dbh 30 inches or greater, but excluding tree of heaven [*Ailanthus altissima*], empress tree [*Paulownia tomentosa*], black cottonwood [*Populus trichocarpa*] and black locust [*Robinia pseudoacacia*]) (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 no protected trees identified for removal on the subject property.

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.

Finding: The Salem-Keizer Local Wetland Inventory shows there are hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property. The proposed multiple family residential development activity adds 2 activity points to the proposal, which results in a total of 2 points. Therefore, the proposed development is classified as a low landslide risk and does not require a geological assessment.

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: Hazelgreen Road NE abuts the subject property to the north and is classified as a parkway according to the Salem Transportation System Plan (TSP). Hazelgreen Road NE has inadequate right-of-way and improvement width for its street classification according to the Salem TSP. The Salem TSP identifies that Hazelgreen Road NE from Portland Road NE to Cordon Road NE should be improved to an interim minor arterial standard including two travel lanes with a center turn lane as-needed (TSP Project ID 48). As a condition of approval, the applicant shall dedicate the ultimate right-of-way width required to meet the parkway standard and construct a three-quarter street improvement along Hazelgreen Road NE to interim minor arterial standards, including a center turn lane along the development frontage. The street improvement will include a minimum of 46-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street.

Condition 4: Convey land for dedication to equal a half-width right-of-way of 60-feet on the development side of Hazelgreen Road NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition 5: Construct Hazelgreen Road NE as a three-quarter minor arterial street improvement along the full frontage of the subject property. These improvements shall include a minimum of 46-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Lunar Drive NE is classified as a local street according to the Salem TSP and terminates at the southern property boundary. Pursuant to SRC 803.035(a), Lunar Drive NE shall be extended from its terminus through the development site to Hazelgreen Road NE in order to provide street connectivity and access to the proposed development. As shown on the applicant's plan, a portion of Lunar Drive NE will be constructed on adjacent City-owned park property. As a condition of development, the applicant shall dedicate a full 60-foot-wide right-of-way where the development has frontage on both sides of Lunar Drive NE. Where the development has frontage on only one side of Lunar Drive NE, the applicant shall dedicate a 30-foot-wide half-width right-of-way. Along the entire length of Lunar Drive NE, the applicant shall construct a full street improvement to local street standards. Along Lunar Drive NE, sidewalks, street trees, and streetlights are not required on the western side of the street, except where the development has frontage on both sides of the street.

Condition 6: Where the development has frontage on both sides of Lunar Drive NE:

- Convey land for dedication to equal a full-width right-of-way of 60-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Construct Lunar Drive NE as a full local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, streetlights, and street trees on both development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition 7: Where the development has frontage on one side of Lunar Drive NE:

- Convey land for dedication to equal a half-width right-of-way of 30-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Construct Lunar Drive NE as a local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks, street trees, and streetlights are not required on the western side of the street where the development does not have frontage on both sides of the street.

Pursuant to SRC 803.030, the maximum block spacing is 600-feet. Lunar Drive will have a block length of approximately 1,600-feet from the intersection of Lunar Drive NE and Apollo Avenue NE to the proposed intersection of Lunar Drive NE and Hazelgreen Road NE. In lieu of providing an east-west street connection through the development site, the applicant proposes to dedicate a 26-foot-wide public access easement over a drive aisle and dedicate a 10-foot-wide public access easement over a sidewalk through the development site from the eastern property line to the western property line. The proposed access easements will provide vehicular, pedestrian, and bicycle access to adjacent easterly property, if at such time the

adjacent property develops to urban standards. Pursuant to SRC 803.065(a)(1) an alternative street standard is authorized to allow Lunar Avenue NE to have a greater block length, with the proposed access easements in lieu of an east-west street connection. As a condition of approval, the applicant shall dedicate public access easements to provide east-west connectivity, as shown on the applicant's site plan.

Condition 8: As shown on the applicant's site plan, dedicate a minimum 26-foot-wide public access easement over the center drive aisle of the development. The easement shall extend from Lunar Drive NE to the eastern property boundary.

Condition 9: As shown on the applicant's site plan, dedicate a minimum 10-foot-wide public access easement over the 10-foot-wide shared use path along the southern boundary of the center drive aisle.

Cherriots submitted comments indicating two transit stops are warranted along Lunar Drive NE in conjunction with this development project. Pursuant to SRC 803.035(r) the applicant shall construct a transit stop as a condition of approval.

Condition 10: The applicant shall coordinate with Cherriots to provide transit stops along Lunar Drive NE in locations approved by Cherriots and the Public Works Department.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. As a condition of approval, the applicant shall plant street trees along the frontages of Hazelgreen Road NE and proposed Lunar Drive NE.

Condition 11: Prior to issuance of final occupancy, install street trees to the maximum extent feasible along Hazelgreen Road NE and proposed Lunar Drive NE.

Pursuant to SRC 803.015(b)(1), the applicant submitted a Traffic Impact Analysis (TIA) as part of the application package to evaluate the traffic impacts of the proposed development on the transportation system. The TIA concluded that the development does not warrant mitigation as a condition of approval. The development site is also subject to a "Trip Cap" of a maximum cumulative total of 2,992 average daily vehicle trips established under CPC-ZC22-03. The TIA establishes that the proposed development complies with the "Trip Cap". The Assistant City Traffic Engineer reviewed the TIA and agreed with the findings.

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 proposal includes four new driveways onto Lunar Drive NE to serve the development site. A Class 2 Driveway Approach Permit is required for the new driveways onto Lunar Drive NE that will allow for general circulation in and out of the development, as such Driveway Approach Permits are consolidated into this application and findings provided below. The proposed driveway accesses onto Lunar Drive NE provide for safe turning movements into and out of the property.

SRC 220.005(f)(3)(D): 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 subject property is located outside of the Urban Service Area, and therefore; an Urban Growth Preliminary Declaration has been required. As conditioned, the proposed development is designed to accommodate required on-site and off-site improvements.

Development Services has reviewed the applicant's preliminary plan for this site. With the recommended conditions of approval, the water, sewer, and storm infrastructure will be available in surrounding streets/areas and are adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

Water – The *Salem Water System Master Plan* identifies a 16-inch water main to be constructed in Hayesville Drive NE. The existing main terminates approximately 200-feet east of the subject property. In order to provide adequate water service to the development, the applicant shall extend the 16-inch main in Hazelgreen Road NE from it's existing terminus (approximately 200-feet east) to the intersection with proposed Lunar Drive NE. In order to provide a looped water system, the applicant is required to construct an 8-inch water main in proposed Lunar Drive NE (SRC 76.110) that connects the existing 8-inch main in Lunar Drive NE to the new 16-inch water main proposed in Hazelgreen Road NE. With the following conditions, the development complies with SRC Chapter 76 (Streets, Sidewalks, and Other Public Ways), Chapter 802 (Public Improvements) and SRC Chapter 200 (Urban Growth Management) relating to water provisions:

- Condition 12:** Construct a minimum 16-inch "linking" *Water System Master Plan* water main in Hazelgreen Road NE from approximately 200-feet east to the eastern property boundary.
- Condition 13:** Construct a minimum 16-inch *Water System Master Plan* water main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.
- Condition 14:** Construct a minimum 8-inch water main in Lunar Drive NE from the existing terminus at the southern property boundary to the northern property boundary and connect this main to the 16-inch *Water System Master Plan* main in Hazelgreen Road NE.

Sanitary Sewer – The *Salem Wastewater Management Master Plan* identifies an 8-inch sewer main to be constructed in Hazelgreen Road NE. The existing sewer main terminates approximately 160-feet east of the subject property. In order to provide adequate sanitary sewer service to the proposed development, the applicant shall extend the 8-inch sewer main in Hazelgreen Road NE from it's existing terminus (approximately 160-feet east) to the intersection with proposed Lunar Drive NE. This *Salem Wastewater Management Master Plan* sewer main is intended to serve a large service area and will be constructed at greater depths in order to accommodate future growth in this area. Final construction drawings shall be reviewed and approved by Public Works to ensure the *Salem Wastewater Management*

Master Plan sewer main is designed and constructed to accommodate a large service area, as required by the master plan. Within Lunar Drive NE, the applicant is required to construct an 8-inch sewer main in the new street (SRC 76.110). With the following conditions, the development complies with SRC Chapter 76 (Streets, Sidewalks, and Other Public Ways), SRC Chapter 802 (Public Improvements) and SRC Chapter 200 (Urban Growth Management) relating to sanitary sewer provisions:

- Condition 15:** Construct a minimum 8-inch “linking” *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE from approximately 160-feet east to the eastern property boundary in compliance with the *Public Works Design Standards*.
- Condition 16:** Construct a minimum 8-inch *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE in compliance with the *Public Works Design Standards*.
- Condition 17:** Construct a minimum 8-inch sewer main in Lunar Drive NE as shown in the submitted plans and in compliance with the *Public Works Design Standards*.

Stormwater – As part of the required boundary street improvements along Hazelgreen Road NE, the applicant shall construct a public storm main to serve the new development (SRC 76.110). The existing public storm system terminates in Hazelgreen Road NE, approximately 200-feet east of the subject property. As a condition of approval, the main in Hazelgreen Road NE shall be extended to the development and within Lunar Drive NE.

- Condition 18:** Extend a “linking” public storm main in Hazelgreen Road NE from approximately 200-feet east to the eastern line of the subject property to accommodate the proposed development and the required boundary street improvements compliance with the *Public Works Design Standards*.
- Condition 19:** Along the development frontage of Hazelgreen Road NE and Lunar Drive NE, construct a public storm main to accommodate the proposed development and required boundary street improvements compliance with the *Public Works Design Standards*.

Pursuant to SRC Chapter 71, green stormwater infrastructure and flow control is required for the proposed development and the required boundary street improvements. The applicant’s engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. As a condition of approval, the applicant shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and *Public Works Design Standards*.

- Condition 20:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

8. Analysis of 1 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(1) provides that an application for a Class 1 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(1)(A): The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or**
- (ii) Clearly by the proposed development.**

Finding: The applicant is requesting one Class 1 Adjustment to reduce the setback requirement for Buildings 1 and 2 adjacent to a Hazelgreen Road NE from 20 feet per SRC 514.010(d), Table 514-4, to 16 feet, a 20 percent reduction.

The applicant indicates that Buildings 1 and 2 exceed 20 feet in height and are subject to the 20-foot setback adjacent to Hazelgreen Road NE. Setback standards for buildings adjacent to the street in the RM-II zone are different than those for the MU-I zoned portion of the site, which encourages buildings to be placed closer to the street. The applicant is requesting the reduction in setback in order to provide a congruent appearance for the complex despite the different zoning districts. Similarly, the applicant is asking for an adjustment to increase the maximum setback allowance for the buildings located adjacent to Hazelgreen Road NE within the MU-I zone. Overall, the adjustment results in buildings that are setback slightly closer to Hazelgreen Road NE in the RM-II zoned portion of the site, and buildings that are setback slightly further than would be allowed in the MU-I zone but together create a harmonious appearance along the street frontage meeting the intent of the standard and is therefore in compliance with this criterion.

SRC 250.005(d)(1)(B): The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Finding: The requested adjustment has been evaluated for conformance with the Adjustment approval criteria. The proposed adjustment does not unreasonable impact surrounding existing or potential uses or development in compliance with this criterion.

9. Analysis of 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(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.**

Finding: The applicant is requesting the following Class 2 Adjustments:

- 1) Class 2 Adjustment to reduce the vehicle use area setback adjacent to Lunar Drive NE for one parking space near Building 33 from 12 feet per SRC 514.010(d), Table 514-4, to 6.2 feet;
- 2) Class 2 Adjustment to reduce the setback requirement for Building 33 adjacent to a Lunar Drive NE from 20 feet per SRC 514.010(d), Table 514-4, to approximately 12 feet;
- 3) Class 2 Adjustment to increase the maximum setback allowance adjacent to a street for Buildings 3, 4, and 5 from 10 feet per SRC 533.015(c), Table 533-3, to 16 feet;
- 4) Class 2 Adjustment to adjust the fencing and tree planting requirements of SRC 702.020(b)(2) along the southern boundary where the subject property abuts a BPA (Bonneville Power Administration) easement;
- 5) Class 2 Adjustment to reduce the tree planting requirement of SRC 702.020(b)(7) around the perimeter of the parking lot;
- 6) Class 2 Adjustment to eliminate the window requirement of SRC 702.020(c)(1) in certain habitable rooms of Buildings 11, ~~47, 26,~~ 14, 30, and 32; and
- 7) Class 2 Adjustment to reduce the setback requirement for Buildings 26 and 27 adjacent to a RS (Single Family Residential) zone from approximately 35 feet per SRC 702.020(e)(2), Table 702-5, to approximately 22 feet.

To reduce the vehicle use area setback adjacent to Lunar Drive NE for one parking space near Building 33 from 12 feet per SRC 514.010(d), Table 514-4, to 6.2 feet.

SRC Chapter 514, Table 514-4 provides that there is a minimum 12-foot vehicle use area setback required adjacent to a street.

The applicant is requesting an adjustment to reduce the setback requirement adjacent to Lunar Street NE for one off-street parking space for the parking area serving proposed Building 33.

The applicant submitted into the record a revised site plan dated February 14, 2024, showing the off-street parking area to be adjusted to meet the minimum setback adjacent to Lunar Drive NE, eliminating one of the off-street parking spaces. Therefore, this adjustment is no longer needed, and the Planning Administrator is not granting this adjustment. The following condition of approval shall be required to ensure that at the time of building permit the vehicle use area is revised to comply with all applicable setbacks adjacent to a street.

Condition 21: Prior to building permit issuance, the applicant shall submit a revised site plan demonstrating compliance with all applicable vehicle use area setback requirements adjacent to Lunar Drive NE.

To reduce the setback requirement for Building 33 adjacent to a Lunar Drive NE from 20 feet per SRC 514.010(d), Table 514-4, to approximately 12 feet.

SRC Chapter 514, Table 514-4 provides that there is a minimum 12-20 foot building setback required adjacent to a street that is dependent on the height of a proposed building. In this case, proposed Building 33 is approximately 39 feet in height, requiring a 20-foot setback.

The applicant is requesting an adjustment to reduce the setback requirement for proposed Building 33 from 20 feet to approximately 12 feet adjacent to Lunar Drive NE. The applicant explains that proposed Building 33 is not conventionally shaped due to the curvature of Lunar Drive and that while most of the building will be setback to 20 feet, two corners of the building will project into the setback area. The configuration of Lunar Drive NE and dedication of right-of-way results in a unit of land in the southwestern corner that is unusually shaped and approximately 0.4 acres in size. The adjustment allows for development of a nine-unit multi-family building on this unit of land, a dwelling unit density equal to 22.5 units per acre, which provides maximum utilization of this property with minimal visual impact. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

To increase the maximum setback allowance adjacent to a street for Buildings 3, 4, and 5 from 10 feet per SRC 533.015(c), Table 533-3, to 16 feet.

The applicant is requesting an Adjustment to increase the setback requirement for Buildings 3 and 4, adjacent to Hazelgreen Road NE and for Building 5 adjacent to Hazelgreen Road NE and Lunar Drive NE from a maximum distance of 10 feet, per SRC 533.015(c), Table 533-3, to approximately 16 feet.

The applicant indicates that purpose of the maximum setback requirement is to create visually appealing pedestrian-oriented development by encouraging construction of building as close to the street as possible. In this case, the development site is split zoned with the majority of the property located in the RM-II zone, which has a greater setback requirement for buildings adjacent to a street than the MU-I zone. The applicant is requesting to increase the setback requirement in order to provide a congruent appearance for the complex despite the different zoning districts. Overall, the adjustment results in buildings that are setback slightly further from the street than would be allowed in the MU-I zone, but that will create a more harmonious appearance along the street frontage with the other buildings in this development site, meeting the intent of the standard.

To adjust the fencing and tree planting requirements of SRC 702.020(b)(2) along the southern boundary where the subject property abuts a BPA (Bonneville Power Administration) easement.

SRC 702.020(b)(2) provides that where a development site abuts property that is zoned RS (Single Family Residential), a combination of landscaping and screening shall be provided to buffer between the multi-family development and the abutting RS zoned property. The landscaping shall include a minimum of one tree for every 30 linear feet of abutting property width and a minimum six-foot tall, decorative, sight-obscuring fence or wall.

The applicant indicates that the reason for the request to reduce the tree planting and fencing is because of the existing 125-foot-wide easement for a BPA (Bonneville Power Administration) transmission line. The easement extends across the entire southern boundary of the property with a width of approximately 16 feet on the subject property and 109 feet on the abutting RS (Single Family Residential) zoned properties to the south. No buildings or structures can occur within the easement, including fencing. Trees and vegetation exceeding a height of five feet are also not permitted in the easement area; therefore, it is not possible to provide the required buffering along the southern property line in the easement area. The applicant proposes to landscape the southern boundary with dense shrubs that will provide a

physical and visual barrier and will be maintained in compliance with the requirements of the BPA easement. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

To reduce the tree planting requirement of SRC 702.020(b)(7) around the perimeter of the parking lot.

SRC 702.020(b)(7) requires a minimum of one canopy tree to be planted along every 50 feet of the perimeter of parking areas and that trunks of the trees shall be located within ten feet of the edge of the parking area. The applicant indicates that the amount of canopy trees provided around the parking area perimeter is in excess of the minimum standard, but not all of the proposed trees are able to be planted within 10 feet of the parking area. Due to physical limitations in the site design, including parking areas, sidewalks, building locations, and overlapping landscaping requirements in other sections of this chapter, additional trees cannot be provided without compromising their long-term viability. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

To eliminate the window requirement of SRC 702.020(c)(1) in certain habitable rooms of Buildings 11, ~~17~~, ~~26~~, 14, 30, and 32.

SRC 702.020(c)(1) provides that 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. The applicant is requesting to remove the window requirement for ground floor units for Buildings 11, 14, 30, and 32 where exterior mounted electrical service equipment prevents a window from being installed on a wall facing common open space on one side of a habitable room. Given the physical limitation, a window cannot be reasonably installed. Each of the proposed buildings will include windows on each wall in each habitable room on the upper floors, which encourage visual surveillance and minimize the appearance of building bulk. Landscaping will be used to screen exterior mounted electrical equipment for these buildings. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

To reduce the setback requirement for Buildings 26 and 27 adjacent to a RS (Single Family Residential) zone from approximately 35 feet per SRC 702.020(e)(2), Table 702-5, to approximately 22 feet.

With the RM-II zone, the minimum building setback requirement for a multi-family building adjacent to a RS zoned property is 10 feet. However, per the multi-family residential design standards of SRC 702.020(e)(2), Table 702-5, a greater building setback based on building height is required for multi-family residential building adjacent to RS zoned property. The applicant indicates that the reason for the request to reduce the setback requirement in SRC Chapter 702 from 35 feet to 22 feet is because of the existing 125-foot-wide easement for a BPA (Bonneville Power Administration) transmission line. The easement extends across the entire southern boundary of the property with a width of approximately 16 feet on the subject property and 109 feet on the abutting RS (Single Family Residential) zoned properties to the south, no buildings or structures can occur within the easement.

The distance provided between the proposed Buildings 26 and 27 and nearest possible abutting single-family residential buildings is approximately 130 feet, which is a physical separation that greatly exceeds the minimum setback standards applicable in the zoning code between multi-family residential uses and single-family zoning. A minimum separation of approximately 49-55 feet (14–20-foot rear yard setback for single family residential, and 35 feet for proposed Buildings 26 and 27) would normally be required, the proposal more than doubles the separation requirement. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

SRC 250.005(d)(2)(B): 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 the MU-I (Mixed Use-I) and RM-II (Multiple Family Residential) zones. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The adjustments, as proposed and conditioned, result in an overall project which is consistent with the intent and purpose of the zoning code which does not detract from the livability or appearance of the residential area in compliance with this criterion.

SRC 250.005(d)(2)(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.

Finding: Seven separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

Condition 22: The adjusted development standards, as approved in this zoning adjustment, 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 requirements, unless adjusted through a future land use action.

10. Analysis of Class 2 Driveway Approach Permit Approval Criteria

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

The applicant proposes four new driveway approaches onto Lunar Street NE, a local street. As described in the findings below, the proposed driveway approaches meet the approval criterion.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveways meet the standards of SRC Chapter 804 and the *Public Works Design Standards*.

SRC 804.025(d)(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 driveways.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The proposed development has frontage on a proposed local street (Lunar Drive NE) and existing parkway street (Hazelgreen Road NE). All accesses for the development are proposed to be taken from the local street. The proposed driveways are not accessing onto an arterial street.

SRC 804.025(d)(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 development has frontage on a proposed local street (Lunar Drive NE) and existing parkway street (Hazelgreen Road NE). All accesses for the development are proposed to be taken from the lowest classification of street abutting the property.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

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

SRC 804.025(d)(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 driveways will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveways indicates that they will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

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

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The property is located on the corner of a parkway street (Hazelgreen Road NE) and a proposed local street (Lunar Drive NE). The applicant is proposing driveways to the lower classification of street. By complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed development abuts residentially zoned property to the south; Public Amusement (PA) zoned property to the west, and Marion County Zoned UT-20-IND property to the east. The proposed development abuts parkway and a proposed local street. The proposed driveways are taken from the lowest classification street abutting the subject property. The driveways balance the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

11. Analysis of Class 1 Design Review Approval Criteria

Salem Revised Code (SRC) 225.005(e)(1) provides that a Class 1 Design Review application shall be approved if all of the applicable design review standards are met.

Development Standards – Multiple Family Design Review Standards SRC 702

SRC 702.020 - Design review standards for multiple family development with thirteen or more units.

(a) Open space standards.

- (1) To encourage the preservation of natural open space 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 as 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 proposed development occurring on the RM-II zoned portion of the subject property that is approximately 13.73 acres in size (598,188 square feet) and requires a minimum of 179,456 square feet ($598,188 \times 0.3 = 179,456.4$) of open space. Per the applicant's site plan, approximately 234,394 square feet of open space is provided for the development site, exceeding the minimum open space requirement.

- (A) To ensure usable open space that is of sufficient size, at least one common open space area shall be provided within the development that is at least 1,000 square feet in size, plus an additional 250 square feet for every 20 units, or portion thereof, over 20 units and has a minimum dimension of 25 feet for all sides.

Finding: The portion of the development site in the RM-II zone contains 360 dwelling units. Per Table 702-3 the proposal requires a minimum open space area that is 5,250 square feet in size ($1,000 + (250 \times ((360-20)/20))) = 5,250$) with no dimension less than 25 feet. The applicant's statement indicates that an open space area approximately

6,000 square feet in size will be provided adjacent to buildings 30, 31, and 32, with no dimension less than 25 feet which exceeds the minimum requirement.

(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 applicant's written statement and development plans indicate that none of the proposed open space areas on the site are located in areas with a slope exceeding 15 percent.

(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 indicates that each of the proposed dwelling units will have private open space. Ground floor units will have patio areas and upper floors will have balconies/decks that meet minimum dimensional standards.

(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: Each of the proposed dwelling units will have private open space. Ground floor units will have patio areas and upper floors will have balconies/decks that meet minimum dimensional standards. The private open space areas comply with the minimum size requirements of Table 702-4.

(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 applicant indicates that residents of the proposed facility will have access to amenities located off-site at the Northplace Phase I apartment site, approximately

600 feet away and located at 5115 Countryside Drive NE. The subject property is also located adjacent to a future City park which will provide future recreation opportunities for residents. Because of this, the applicant has chosen not to provide active recreational facilities on the subject property and will instead be providing the full amount of required open space area.

(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 publicly-owned 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 located adjacent to Hazelgreen Road Park, an undeveloped park directly adjacent to the western line of the subject property which will provide neighborhood park service. However, the applicant plans on providing the full amount of required open space area and is choosing not to utilize the reduction provided in this section.

(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 RM-II zoned portion of the subject property is approximately 13.73 acres in size (598,079 square feet) requiring a minimum of 299 trees ($598,079 / 2,000 = 299$). The applicant's landscape plan indicates that a total of 353 trees will be planted, exceeding the minimum 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. Chain-link fencing with slats shall not be allowed to satisfy this standard.

Finding: The subject property abuts property zoned RS to the south. The applicant has requested an Adjustment to the screening and landscaping requirements of this section. Findings for the Adjustment are included in Section 9 of this report.

(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 landscaping plan provided indicates at least two plant units will be installed at each shared primary entryway in compliance with this provision.

- (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 landscaping plan provided indicates at least ten plant units of trees per 60 linear feet of exterior building wall are to be planted within 25 feet on each side of the proposed buildings.

- (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 landscaping plan provided indicates at least one plant unit of shrubs per 15 linear feet are to be planted on each side of the proposed buildings.

- (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: According to the applicant's written statement and landscape plan, all private open space located contiguous to the dwelling unit will be separated from common open space with perimeter landscaping in compliance with this 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 has requested an adjustment to this development standard. Findings for the Adjustment are included in Section 9 of this report.

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

Finding: The proposal includes more than thirteen units; therefore, this development is exempt from the landscaping requirements of SRC Chapter 806.

(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 floor plans and elevations provided indicate that windows are provided in habitable rooms on each wall that faces common open space, parking areas, or pedestrian pathways, in compliance with this standard with the exception of proposed buildings 11, 17,

26, 30, and 32 where the applicant has requested an adjustment to this development standard. Findings for the Adjustment are included in Section 9 of this report.

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

Finding: The applicant's statement indicates that exterior lighting will be provided along pedestrian paths and adjacent to vehicle use areas. Lighting will also be provided on building exteriors at dwelling unit entrances.

- (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: According to the site plan and landscaping plan, there are no fences or plant materials proposed between street-facing dwelling units and adjacent streets that would obstruct visibility of the entryways, in compliance with this 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: According to the site plan and landscaping plan, there are no fences near the entryways or common open space. According to the site plan and landscaping plan, there are no fences or plant materials proposed adjacent to open space, parking areas, and dwelling unit entryways that would obstruct visibility of those areas, in compliance with this standard.

(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: There are no continuous parking areas greater than 6,700 square feet in size that are not separated by landscape planter bays. Planter bays a minimum of nine feet in width, and each planted with a canopy tree, in compliance with this 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 proposed off-street surface parking areas are located behind or beside adjacent buildings or structures in compliance with this standard.

- (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: The subject property abuts RS zoned property to the south. However, the topography of the site and abutting property is generally flat, less than the slope requirements that would trigger compliance with this standard; therefore, this standard is not applicable.

- (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: Sidewalks are shown throughout the development site, connecting buildings, common open areas, parking areas and each abutting street in compliance with this standard.

(e) Façade and building design.

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

Finding: Proposed building 22 has the greatest building dimension at approximately 149 feet, less than the maximum allowance, in compliance with this 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. 702.015(b)(1)(B) is increased to eight feet tall.

Finding: The subject property abuts property zoned RS to the south. Table 702-5 requires buildings 2 or more stories in height to be setback a minimum of one foot for each one foot of building height. Proposed Buildings 26, 27 and 33 abut the southern property line and are each approximately 35 feet in height, requiring a minimum setback of 35 feet. Buildings Building 26 is setback approximately 23 feet, Building 27 is setback approximately 25 feet and Building 33 is setback approximately 60 feet from the southern property line. The applicant is requesting an Adjustment to reduce the required setbacks for Buildings 26 and 27, findings for the Adjustment are included in Section 9 of this report. Building 33 is setback in compliance with the requirements of this section.

- (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: Balconies facing the RS zoned property to the south are planned for proposed buildings 26, 27, and 33. The applicant's written statement and development plans and indicate that sight-obscuring railings are proposed for these balconies, in compliance with this section.

- (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 subject property has approximately 234 feet of frontage along Hazelgreen Road NE that is within the RM-II zone, requiring a minimum of 93.6 feet ($234 \times 0.4 = 93.6$) of the frontage to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 206 feet of the frontage along Hazelgreen Road NE will be occupied by buildings placed at the setback line, in compliance with this section.

The subject property has approximately 1,150 feet of frontage along Lunar Drive NE within the RM-II zoning district, requiring a minimum of 460 feet ($1,150 \times 0.4 = 460$) of the frontage to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 765 feet of the frontage along Lunar Street NE will be occupied by buildings placed at the setback line, in compliance with this section.

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

Finding: Each of the proposed ground-level units within 25 feet of the property line abutting a street is provided with a building entrance facing the street and direct pedestrian access between the adjacent sidewalk and entrance in compliance with this section.

- (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: Covered entry areas are provided at each of the primary entrances for the dwelling units in compliance with this standard.

- (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 applicant indicates that roof mounted equipment may not be needed for this development, but if so, it will be screened and integrated into the building design in compliance with this standard.

- (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.

Finding: The planned roofs for the proposed buildings will be sloped creating variation in the roofline. Buildings which exceed 100 feet in horizontal length will be provided with offset roof ridges in compliance with this standard.

- (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: According to the applicant's written statement and proposed building elevation plans; building offsets, covered decks and balconies, and covered entrances will be incorporated into the design for each building in compliance with this standard.

- (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: According to the applicant's written statement and building elevation plans, horizontally distinguishing transition pieces will be used to visually break up the mass of each building, in compliance with this standard.

12. Analysis of Property Line Adjustment Approval Criteria

Pursuant to SRC 205.055(a), a property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body.

Salem Revised Code (SRC) 205.055(d) provides that an application for a property line adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial.

SRC 205.055(d)(1): The property line adjustments will not create an additional unit of land;

Findings: The proposed property line adjustment eliminates the common property line between two existing units of land, resulting in one consolidated unit of land. The proposed property line adjustment will not create an additional unit of land; therefore, this criterion is met.

SRC 205.055(d)(2): The property line adjustments will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;

Findings: The subject properties are zoned RM-II (Multiple Family Residential) and MU-I (Mixed Use-I), which are regulated by SRC Chapters 511 and 533. According to SRC 514.010(b), the minimum lot area requirement for a multi-family residential use is 6,000 square feet, and according to SRC 533.015(a), there are no minimum lot area requirements in the MU-I zone. In the RM-II zone, all uses, other than single family, are required to have a minimum of 40 feet of street frontage and in the MU-I zone, all uses are required to have a minimum of 16 feet of street frontage.

The proposed property line adjustment will remove an existing lot line between two existing units of land, and therefore combining tax lots 062W32C / 000400 and 000500 into one split zoned lot, approximately 15.6 acres in size after dedication of right-of-way with more than 40 feet of street frontage in the RM-II zone along Hazelgreen Road NE and Lunar Drive NE, and more than 16 feet of street frontage in the MU-I zone along Hazelgreen Road NE and Lunar Drive NE. The proposal will not create a nonconforming unit of land; therefore, this criterion is met.

A single-family dwelling was recently removed, there is no other development on the subject property. The proposed property line adjustment does not result in the creation of non-conforming development. Development plans for the property are included as part of the consolidated Site Plan Review application and have been reviewed for conformance with the applicable development standards of the Salem Revised Code with the assumption that the existing property line has been removed. As conditioned, prior to building permit issuance, the applicant shall record the property line adjustment eliminating the lot line as proposed.

SRC 205.055(d)(3): The property line adjustments involve only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;

Findings: The proposed property line adjustment involves two single and discrete units of land described in Reel 4676, Page 40, Marion County Deed Records. The proposed property line adjustment involves two legal units of land; therefore, this criterion is met.

SRC 205.055(d)(4): The property line adjustments are not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;

Findings: There are no existing land use approvals or previous conditions of approval applicable to the properties that would prohibit the proposed property line adjustment; therefore, this criterion is met.

SRC 205.055(d)(5): The property line adjustments do not involve the relocation or elimination of any public easement or right-of-way;

Findings: The proposed property line adjustment does not involve the relocation or elimination of any public easements or right-of-way. Additionally, no right-of-way will be relocated or eliminated as a result of the consolidation; therefore, this criterion is met.

SRC 205.055(d)(6): The property line adjustments do not adversely affect the availability or access to public and private utilities or streets;

Findings: The proposed property line adjustment eliminates the common property line between two abutting units of land. The proposed property line adjustment does not affect availability or access to public and private utilities or streets; therefore, this criterion is met.

13. Conclusion

Based upon review of SRC Chapters 200, 220, 250, 804, 225, and 205, 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.

IT IS HEREBY ORDERED

Final approval of Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 Adjustment, Class 2 Adjustment, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03 is hereby **APPROVED** subject to SRC Chapters 200, 220, 250, 804, 225, and 205, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

- Condition 1:** Prior to building permit issuance, the applicant shall record the property line adjustment removing the existing property line.
- Condition 2:** Prior to building permit issuance, the plans shall be revised to demonstrate that the solid waste service area is in conformance with all applicable development standards of SRC Chapter 800.
- Condition 3:** At time of building permit issuance, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.
- Condition 4:** Convey land for dedication to equal a half-width right-of-way of 60-feet on the development side of Hazelgreen Road NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 5:** Construct Hazelgreen Road NE as a three-quarter minor arterial street improvement along the full frontage of the subject property. These improvements shall include a minimum of 46-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street

and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

- Condition 6:** Where the development has frontage on both sides of Lunar Drive NE:
- Convey land for dedication to equal a full-width right-of-way of 60-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.
 - Construct Lunar Drive NE as a full local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, streetlights, and street trees on both development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 7:** Where the development has frontage on one side of Lunar Drive NE:
- Convey land for dedication to equal a half-width right-of-way of 30-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.
 - Construct Lunar Drive NE as a local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks, street trees, and streetlights are not required on the western side of the street where the development does not have frontage on both sides of the street.
- Condition 8:** As shown on the applicant's site plan, dedicate a minimum 26-foot-wide public access easement over the center drive aisle of the development. The easement shall extend from Lunar Drive NE to the eastern property boundary.
- Condition 9:** As shown on the applicant's site plan, dedicate a minimum 10-foot-wide public access easement over the 10-foot-wide shared use path along the southern boundary of the center drive aisle.
- Condition 10:** The applicant shall coordinate with Cherriots to provide transit stops along Lunar Drive NE in locations approved by Cherriots and the Public Works Department.
- Condition 11:** Prior to issuance of final occupancy, install street trees to the maximum extent feasible along Hazelgreen Road NE and proposed Lunar Drive NE.
- Condition 12:** Construct a minimum 16-inch "linking" *Water System Master Plan* water main in Hazelgreen Road NE from approximately 200-feet east to the eastern property boundary.

- Condition 13:** Construct a minimum 16-inch *Water System Master Plan* water main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.
- Condition 14:** Construct a minimum 8-inch water main in Lunar Drive NE from the existing terminus at the southern property boundary to the northern property boundary and connect this main to the 16-inch *Water System Master Plan* main in Hazelgreen Road NE.
- Condition 15:** Construct a minimum 8-inch “linking” *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE from approximately 160-feet east to the eastern property boundary in compliance with the *Public Works Design Standards*.
- Condition 16:** Construct a minimum 8-inch *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE in compliance with the *Public Works Design Standards*.
- Condition 17:** Construct a minimum 8-inch sewer main in Lunar Drive NE as shown in the submitted plans and in compliance with the *Public Works Design Standards*.
- Condition 18:** Extend a “linking” public storm main in Hazelgreen Road NE from approximately 200-feet east to the eastern line of the subject property to accommodate the proposed development and the required boundary street improvements compliance with the *Public Works Design Standards*.
- Condition 19:** Along the development frontage of Hazelgreen Road NE and Lunar Drive NE, construct a public storm main to accommodate the proposed development and required boundary street improvements compliance with the *Public Works Design Standards*.
- Condition 20:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
- Condition 21:** Prior to building permit issuance, the applicant shall submit a revised site plan demonstrating compliance with all applicable vehicle use area setback requirements adjacent to Lunar Drive NE.
- Condition 22:** The adjusted development standards, as approved in this zoning adjustment, 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 requirements, unless adjusted through a future land use action.



Aaron Panko, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

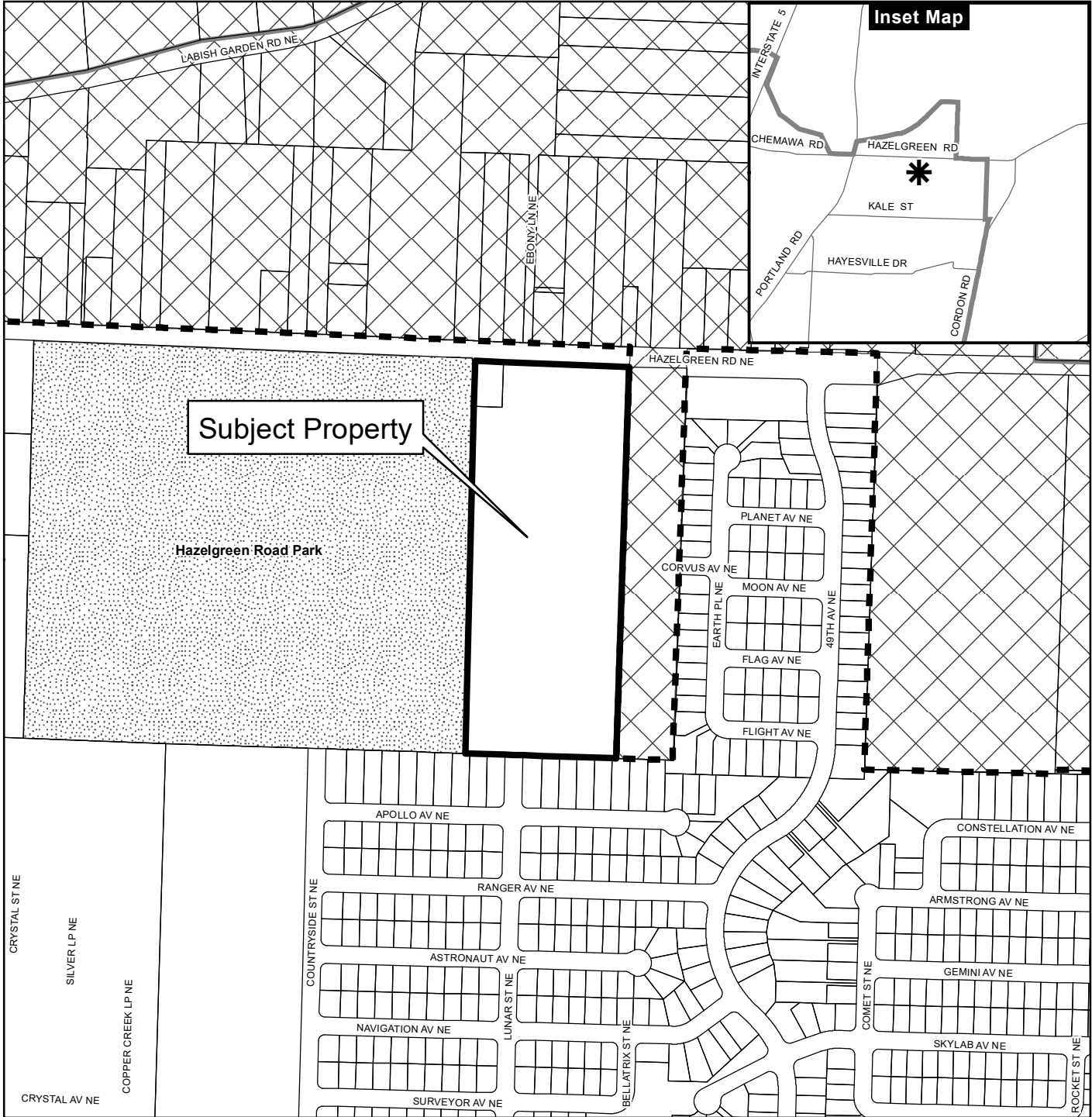
- Attachments: A. Vicinity Map
B. Proposed Site Plan
C. Applicant's Written Statement
D. Public Works Memo Dated February 29, 2024
E. Salem-Keizer Public Schools Comments Dated February 5, 2024
F. Cherriots Comments Dated January 31, 2024

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

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\UGA Permits & UGA Amendments\2024\Planner
Docs\UGA-SPR-ADJ-DAP-DR-PLA24-03.amp.docx

Vicinity Map

4650 Hazelgreen Road NE



Legend

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

Parks

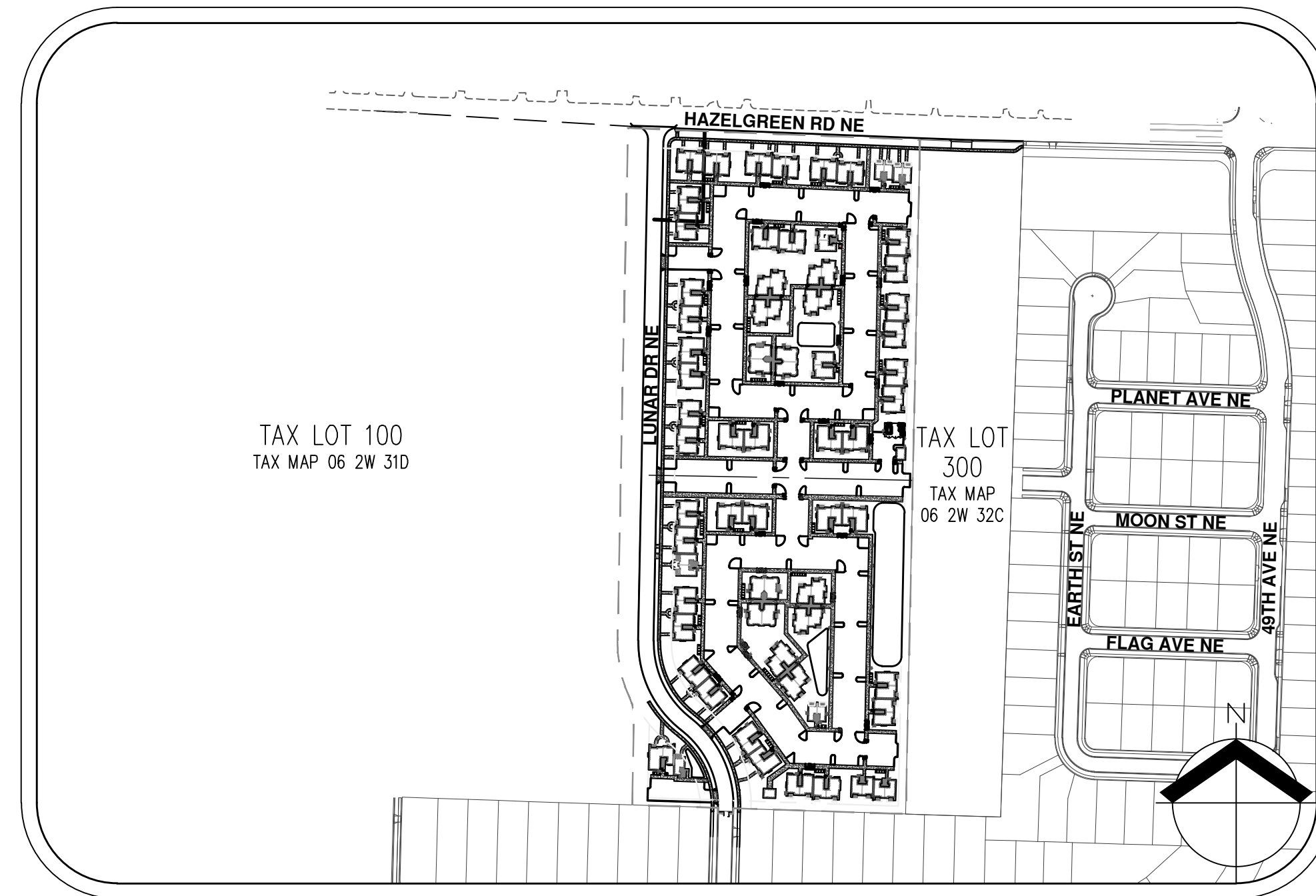
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet



**NORTHPLACE APARTMENTS PHASE 2
I&E CONSTRUCTION, INC.
SALEM, OREGON**



SITE MAP
NOT TO SCALE

	<u>EXISTING</u>	<u>PROPOSED</u>		<u>EXISTING</u>	<u>PROPOSED</u>
			STORM DRAIN CLEAN OUT		
			STORM DRAIN CATCH BASIN		
			STORM DRAIN AREA DRAIN		
			STORM DRAIN MANHOLE		
			GAS METER		
			GAS VALVE		
			GUY WIRE ANCHOR		
			UTILITY POLE		
			POWER VAULT		
			POWER JUNCTION BOX		
			POWER PEDESTAL		
			COMMUNICATIONS VAULT		
			COMMUNICATIONS JUNCTION BOX		
			COMMUNICATIONS RISER		

	EXISTING	PROPOSED
RIGHT-OF-WAY LINE	_____	_____
BOUNDARY LINE	=====	=====
PROPERTY LINE	_____	_____
CENTERLINE	_____	_____
DITCH	_____ > _____ > _____	_____ > _____ > _____
CURB	=====	=====
EDGE OF PAVEMENT	-----	-----
EASEMENT	-----	-----
FEWER LINE	_____○_____○_____○_____○_____	_____○_____○_____○_____○_____
GRAVEL EDGE
POWER LINE	_____PWR_____PWR_____	_____PWR_____PWR_____
OVERHEAD WIRE	_____OHW_____	_____OHW_____
COMMUNICATIONS LINE	_____COM_____COM_____	_____COM_____COM_____
FIBER OPTIC LINE	_____CFO_____CFO_____	_____CFO_____CFO_____
GAS LINE	_____GAS_____GAS_____	_____GAS_____GAS_____GAS_____
STORM DRAIN LINE	_____STM_____STM_____	_____STM_____STM_____
SANITARY SEWER LINE	_____SAN_____SAN_____	_____SAN_____SAN_____
WATER LINE	_____WAT_____WAT_____	_____WAT_____WAT_____

VERTICAL DATUM

ELEVATIONS ARE BASED ON NGS BENCHMARK NO. 1540, LOCATED AT THE NE CORNER OF THE INTERSECTION OF HWY 99W AND LAKESIDE DRIVE, 51.50 FEET EAST OF THE CENTERLINE OF THE HIGHWAY AND 24.00 FEET NORTH OF THE CENTERLINE OF LAKESIDE DRIVE. ELEVATION = 144.05 FEET (NAVD 88). A VERTCON SHIFT OF -3.346 FEET WAS APPLIED TO BRING THE TO NGVD 29.

ZONING

MULTIPLE FAMILY RESIDENTIAL (RM-2),
MIXED USE (MU-1)

EXISTING LAND USE

AGRICULTURAL LAND

OWNER/APPLICANT

I&E CONSTRUCTION, INC.
27375 SW PARKWAY AVE.
WILSONVILLE, OR 97070
PH: 503.655.7933

MULTI/TECH ENGINEERING SERVICES, INC.
CONTACT: MARK GRENZ, P.E.
1155 13TH ST SE
SALEM, OR 97302
PH: 503.363.9227

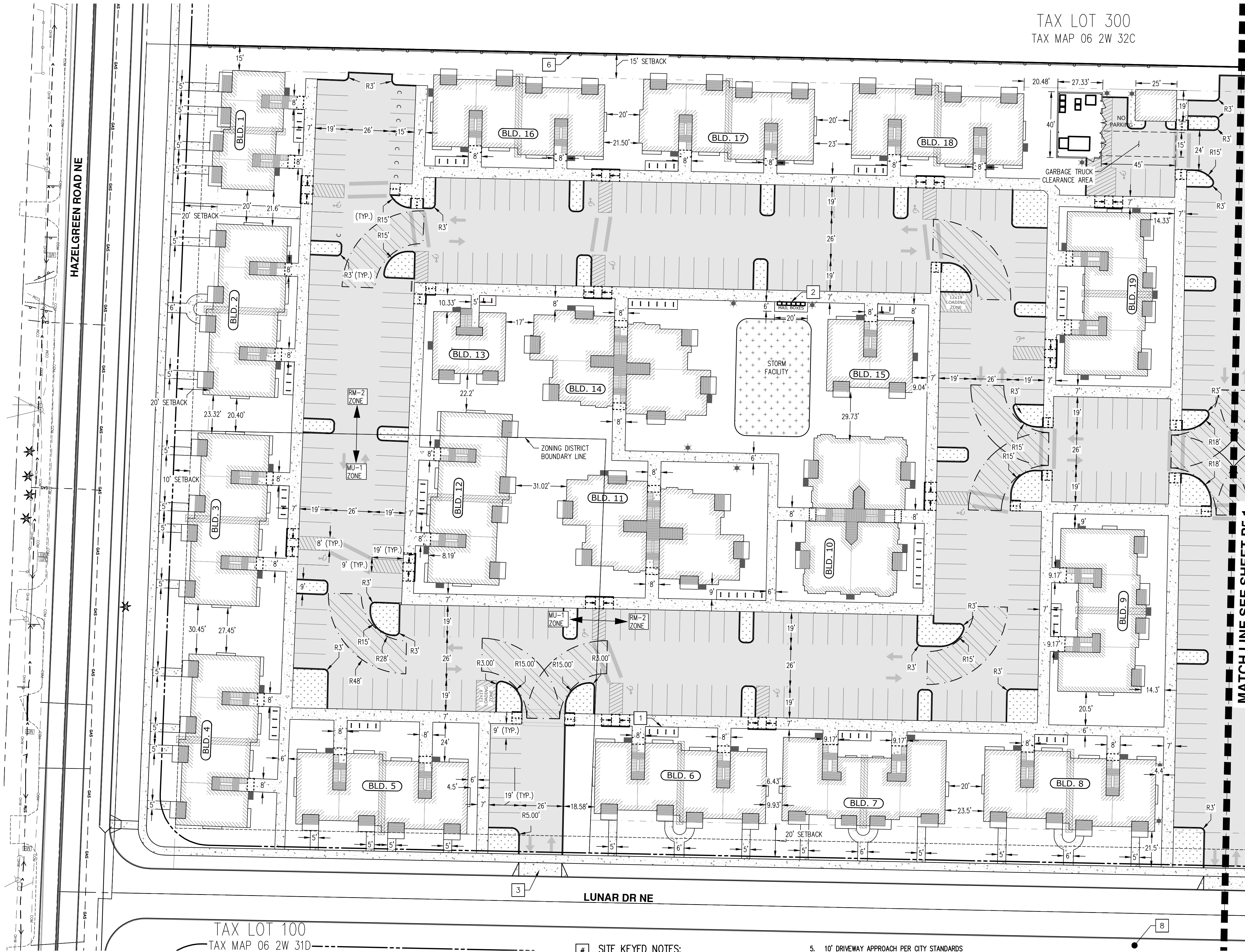
REDMOND GEOTECHNICAL SERVICES, LLC
CONTACT: DANIEL M. REDMOND, P.E., G.E.
P.O. BOX 20547
PORTLAND, OR 97294
PH: 503.285.0598

SHEET INDEX

P1.0	COVER SHEET
P2.0	EXISTING CONDITIONS MAP
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P4.0	PRELIMINARY ONSITE DEMOLITION PLAN
P5.0	PRELIMINARY SITE PLAN – NORTH
P5.1	PRELIMINARY SITE PLAN – SOUTH
P6.0	PRELIMINARY GRADING AND DRAINAGE PLAN – NORTH
P6.1	PRELIMINARY GRADING AND DRAINAGE PLAN – SOUTH
P7.0	PRELIMINARY ONSITE UTILITY PLAN – NORTH
P7.1	PRELIMINARY ONSITE UTILITY PLAN – SOUTH
P8.0	HAZELGREEN RD TYPICAL SECTION AND PLAN
P8.1	HAZELGREEN RD DEMOLITION PLAN
P8.2	HAZELGREEN RD PLAN, PROFILE, AND UTILITY PLAN
P9.0	LUNAR DRIVE PLAN AND PROFILE
P9.1	LUNAR DRIVE PLAN AND PROFILE
P10.0	PRELIMINARY LANDSCAPE PLAN – NORTH
P10.1	PRELIMINARY LANDSCAPE PLAN – SOUTH
P10.2	PRELIMINARY LANDSCAPE SCHEDULE AND NOTES



NUMBER:	8321
DATE:	12/15/2023
SIGNED BY:	TDR
OWN BY:	TBD
BOOKED BY:	TDR



TAX LOT 100
TAX MAP 06 2W 31D

TAX LOT 300
TAX MAP 06 2W 32C

EV READY NOTE:
40% OF PARKING STALLS ARE REQUIRED TO BE EV READY PER STATE REQUIREMENTS. FINAL EV READY STALL LOCATION AND CONDUIT PLACEMENT WILL BE COORDINATED WITH PROJECT ELECTRICIAN AT TIME OF BUILDING PERMIT SUBMITTAL.

SITE KEYED NOTES:

- BIKE PARKING (2-6 STAPLES PER RACK)
- MAILBOX CLUSTER. FINAL LOCATION TO BE COORDINATED WITH USPS.
- 26' DRIVEWAY APPROACH PER CITY STANDARDS
- 24' DRIVEWAY APPROACH PER CITY STANDARDS
- 10' DRIVEWAY APPROACH PER CITY STANDARDS
- 6' SITE OBSCURING FENCE PER CITY STANDARDS AT PROPERTY LINE. FINAL FENCING SPECIFICATIONS WILL BE DETERMINED IN COORDINATION WITH ADJACENT PROPERTY OWNER
- PROPOSED TRANSIT STOP
- TRANSIT STOP ALONG WESTERN SIDE OF LUNAR DR NE FINAL LOCATION TO BE DETERMINED

SITE SUMMARY

TOTAL SITE AREA = ±679,449 SF (±15.60 ACRES)
PROJECT AREA = ±679,449 SF (±15.60 ACRES)
TOTAL UNITS PROVIDED = 405 UNITS
TOTAL OPEN SPACE = ±247,336 SF (±5.68 ACRES)

RM-2 ZONE DATA

RM-2 ZONE AREA = ±598,188 SF (13.73 ACRES)
IMPERVIOUS AREA = ±422,075 SF (70.56%)

DENSITY:

ALLOWED (MINIMUM) = 183 UNITS (15 UNITS/ACRE)
ALLOWED (MAXIMUM) = 379 UNITS (31 UNITS/ACRE)
PROVIDED = 360 UNITS (26.2 UNITS/ACRE)
(INCLUDES 3 UNITS OF BUILDING 12)

OPEN SPACE:

REQUIRED OPEN SPACE = ±179,456 SF (4.12 ACRES)
PROVIDED OPEN SPACE = ±234,394 SF (5.38 ACRES)

LOT COVERAGE (BUILDS AND ACCESSORY STRUCTURES):

LOT COVERAGE ALLOWED = ±330,181 SF (60%)
LOT COVERAGE PROVIDED = ±135,281 SF (25%)

SETBACKS:

ABUTTING STREET: MIN. 12 FT PLUS 1 FT FOR EACH 1 FT OF HEIGHT OVER 12 FT, BUT NEED NOT EXCEED 20 FT IN DEPTH. (SETBACK SHOWN ON PLAN = 20 FT).
INTERIOR FRONT: REFER TO ZONE TO ZONE
INTERIOR SIDE: REFER TO ZONE TO ZONE
INTERIOR REAR: REFER TO ZONE TO ZONE
VEHICLE AREA: REFER TO ZONE TO ZONE

ZONE TO ZONE SETBACKS:

RESIDENTIAL ZONE: MIN. 1 FOOT FOR EACH 1 FOOT OF BUILDING HEIGHT, BUT IN NO CASE LESS THAN 20 FT (PER SRC 702.020)

ABUTTING INDUSTRIAL ZONES:

- BUILDINGS: MIN. 15 FT
- ACCESSORY STRUCTURES: MIN. 15 FT
- VEHICLE USE AREA: MIN. 15 FT

MU-1 ZONE DATA

MU-1 ZONE AREA = ±81,267 SF (1.87 ACRES)
IMPERVIOUS AREA = ±59,557 SF (73.29%)

DENSITY:

ALLOWED (MAXIMUM) = NONE
ALLOWED (MINIMUM) = 29 UNITS (15 UNITS/ACRE)
PROVIDED = 45 UNITS (29.8 UNITS/ACRE)
(INCLUDES 9 UNITS OF BUILDING 12)

BUILDING FRONTAGE:

HAZELGREEN RD NE: ±188.71 FT (75%)
- REQUIRED = ±208 FT (83%)
LUNAR DR NE: ±104 FT (40%)
- REQUIRED = ±104 FT (40%)
- PROVIDED = ±104 FT (40%)

SETBACKS:

ABUTTING STREET: MAX. 10 FT
INTERIOR SIDE: REFER TO ZONE TO ZONE
INTERIOR REAR: REFER TO ZONE TO ZONE
VEHICLE USE AREA: REFER TO ZONE TO ZONE

PARKING SUMMARY

ALLOWED MAXIMUM: 695 SPACES
(1.2/STUDIO, 1.75/OTHER UNITS)

PARKING PROVIDED:

OFF-STREET PARKING
STANDARD: 547 SPACES (INCLUDES 21 ACCESSIBLE)
COMPACT: 13 SPACES (INCLUDES 0 ACCESSIBLE)
TOTAL PARKING PROVIDED = 560 SPACES

LOADING ZONES

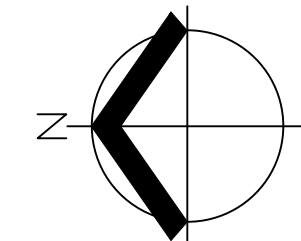
REQUIRED = 3 (200 OR MORE DWELLING UNITS)
PROVIDED = 3

REQUIRED BICYCLE PARKING =

PROVIDED BICYCLE PARKING: 405 SPACES (1/UNIT)
BIKE RACK: 278
1ST FLOOR: 127
TOTAL = 405 (1/UNIT)

LEGEND

FIRE APPARATUS MOBILITY	
STORMWATER FACILITY	
PROPOSED CONCRETE SIDEWALK (4 INCH THICKNESS)	
ASPHALT	
PROPOSED PARKING LOT LANDSCAPING	
CONCEPTUAL LIGHT POLE (FINAL LOCATION TO BE COORDINATED AT TIME OF BUILDING PERMIT)	



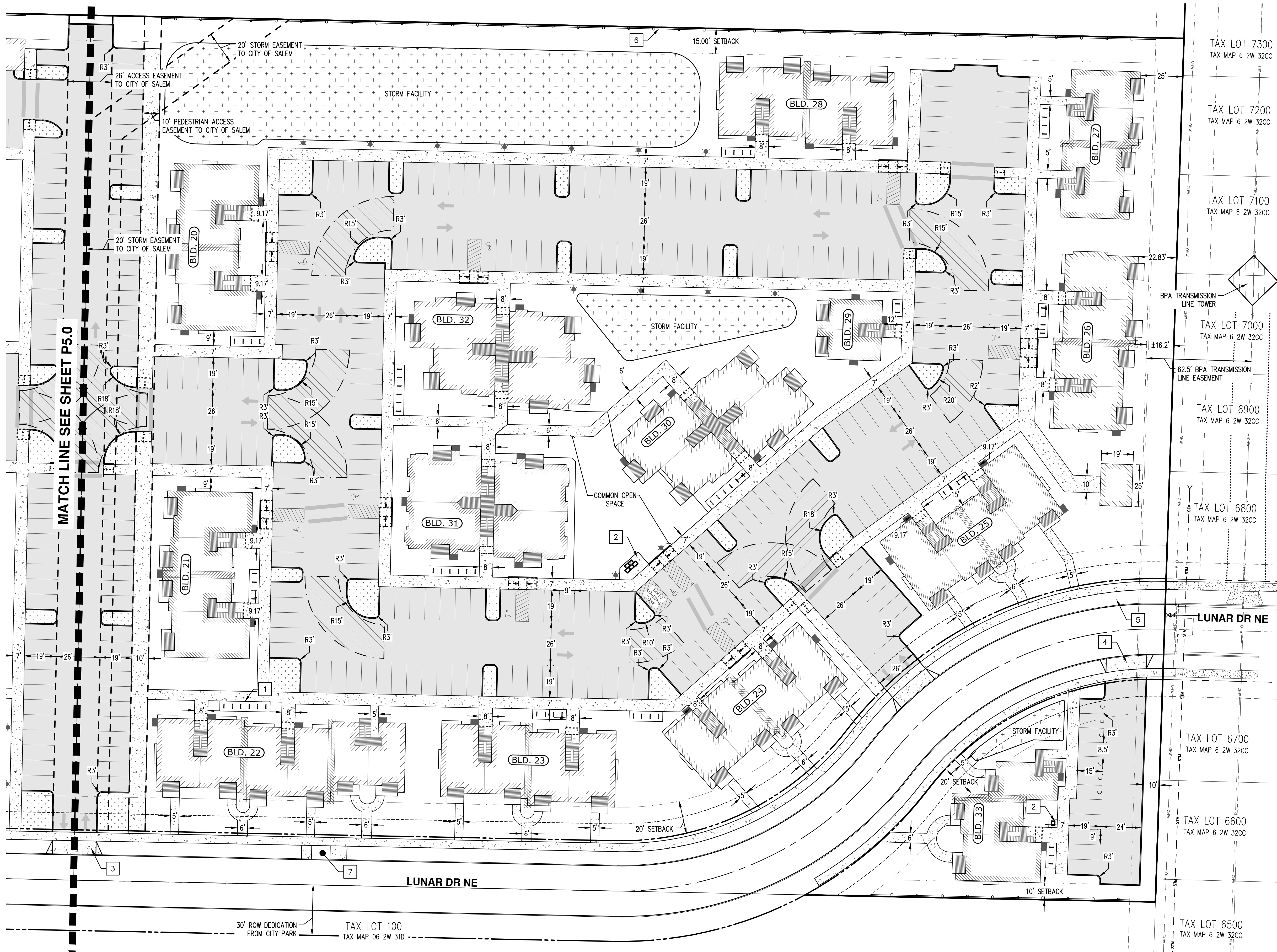
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**PRELIMINARY SITE PLAN - NORTH
NORTHPLACE APARTMENTS PHASE 2
I&E CONSTRUCTION, INC.
SALEM, OREGON**



RENEW: DECEMBER 31, 2024
JOB NUMBER: 8321
DATE: 12/15/2023
DESIGNED BY: TDR
DRAWN BY: TBD
CHECKED BY: TDR

P5.0



MATCH LINE SEE SHEET P5.0

LEGEND

FIRE APPARATUS MOBILITY

STORMWATER FACILITY

PROPOSED CONCRETE SIDEWALK (4 INCH THICKNESS)

ASPHALT

PROPOSED PARKING LOT LANDSCAPING

CONCEPTUAL LIGHT POLE (FINAL LOCATION TO BE COORDINATED AT TIME OF BUILDING PERMIT)

SITE KEYED NOTES:

1. BIKE PARKING (3 STAPLES FOR 6 BIKE PARKING SPACES)

2. MAILBOX CLUSTER. FINAL LOCATION TO BE COORDINATED WITH USPS.

3. 26' DRIVEWAY APPROACH PER CITY STANDARDS

4. 24' DRIVEWAY APPROACH PER CITY STANDARDS

5. 10' DRIVEWAY APPROACH PER CITY STANDARDS

6. 6' SITE OBSCURING FENCE PER CITY STANDARDS AT PROPERTY LINE. FINAL FENCING SPECIFICATIONS WILL BE DETERMINED IN COORDINATION WITH ADJACENT PROPERTY OWNER

7. PROPOSED TRANSIT STOP

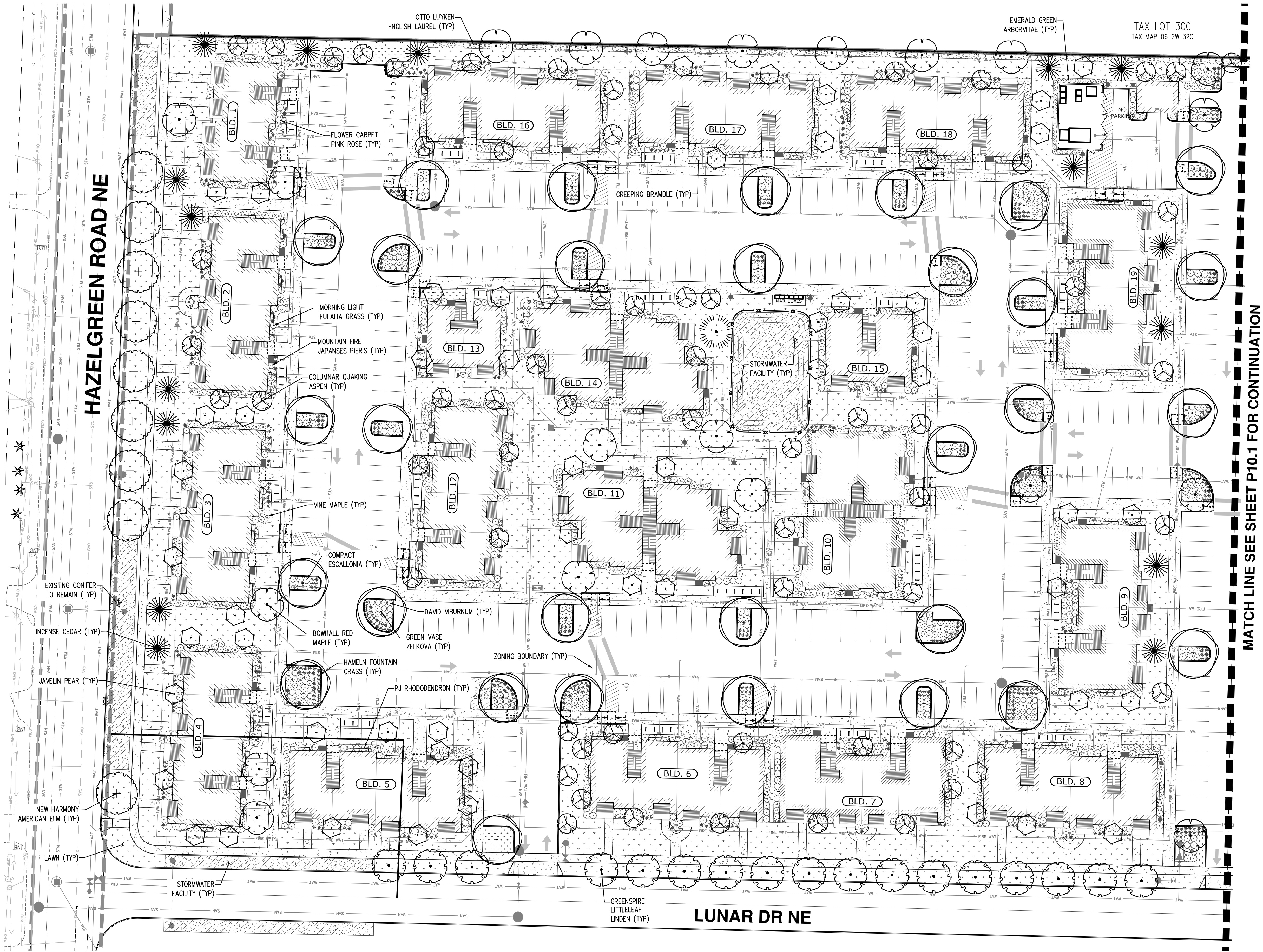
8. TRANSIT STOP ALONG WESTERN SIDE OF LUNAR DR NE FINAL LOCATION TO BE DETERMINED

PRELIMINARY SITE PLAN - SOUTH
NORTHPLACE APARTMENTS PHASE 2
I&E CONSTRUCTION, INC.
SALEM, OREGON

REVISIONS:	DECEMBER 31, 2024
JOB NUMBER:	8321
DATE:	12/15/2023
DESIGNED BY:	TDR
DRAWN BY:	TBD
CHECKED BY:	TDR

P5.1

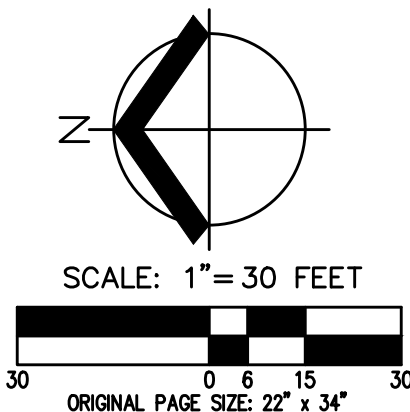
AKS
AKS ENGINEERING & FORESTRY, LLC
3700 RIVER RD N, STE 1
KEIZER, OR 97003
503.400.6028
WWW.AKS-ENG.COM
ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE



MATCH LINE SEE SHEET P10.1 FOR CONTINUATION

GENERAL NOTE

REFER TO SHEET P10.2 FOR PLANT SCHEDULE AND GENERAL LANDSCAPE NOTES.



PRELIMINARY LANDSCAPE PLAN - NORTH
NORTHPLACE APARTMENTS PHASE 2
I&E CONSTRUCTION, INC.
SALEM, OREGON

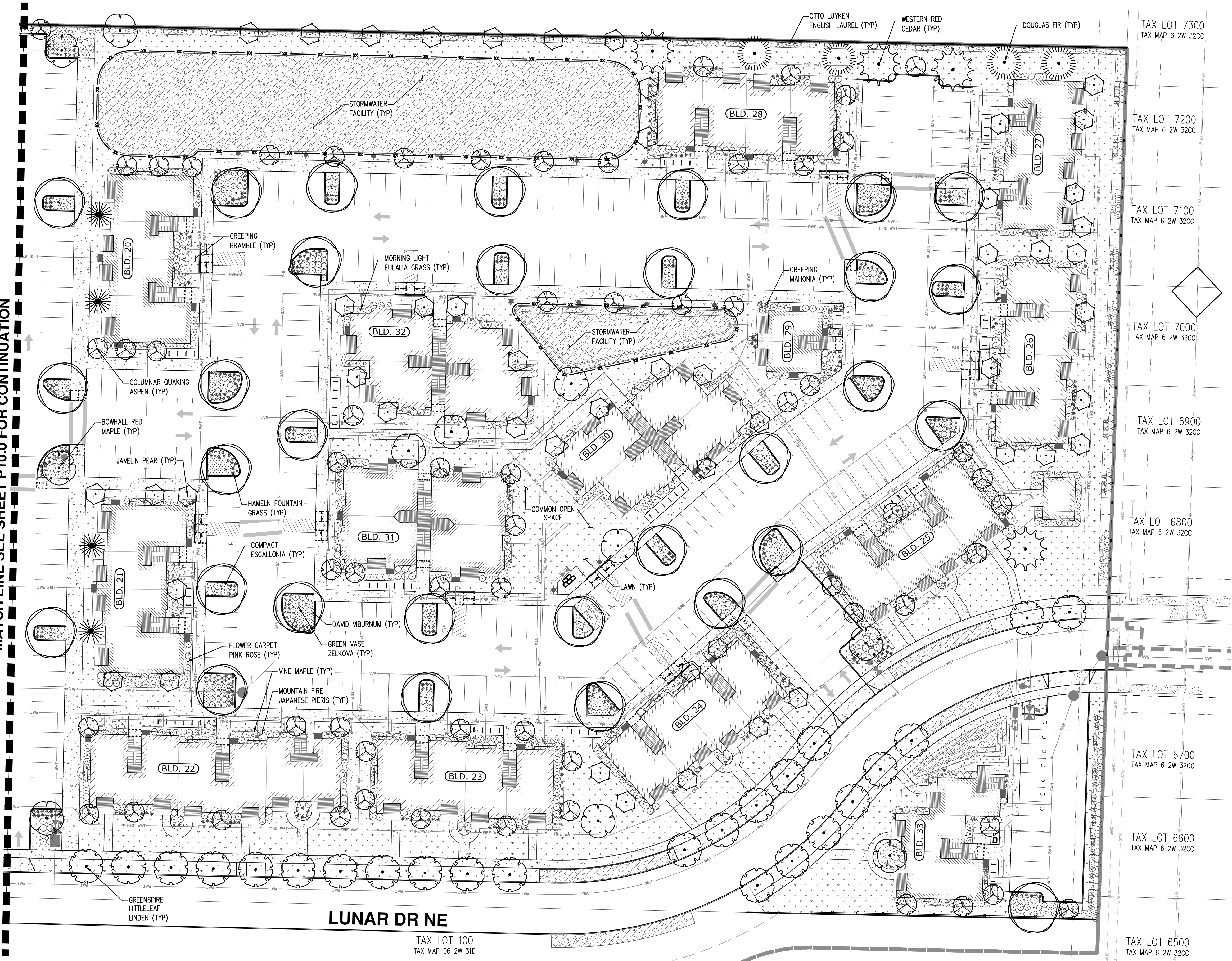
REGISTERED
PROFESSIONAL
LANDSCAPE ARCHITECT
FOR THE STATE OF OREGON

JOB NUMBER: 8321
DATE: 12/15/2023
DESIGNED BY: JRH
DRAWN BY: JRH
CHECKED BY: TEB

P10.0

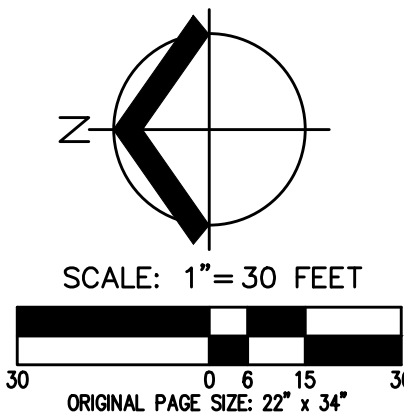
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MATCH LINE SEE SHEET P10.0 FOR CONTINUATION



GENERAL NOTE

REFER TO SHEET P10.2 FOR PLANT SCHEDULE AND GENERAL LANDSCAPE NOTES.



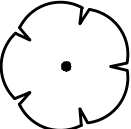




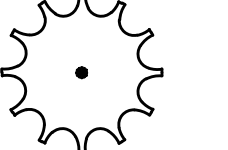
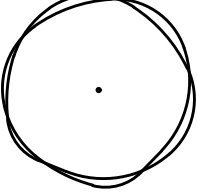
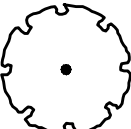
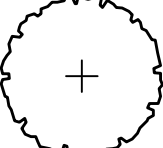












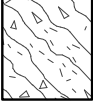
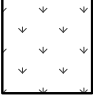
**PRELIMINARY LANDSCAPE PLAN - SOUTH
NORTHPLACE APARTMENTS PHASE 2
I&E CONSTRUCTION, INC.
SALEM, OREGON**



JOB NUMBER:	8321
DATE:	12/15/2023
DESIGNED BY:	JRH
DRAWN BY:	JRH
CHECKED BY:	TEB

P10.1

PLANT SCHEDULE - ONSITE

TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE /CONTAINER	SPACING
	32	ACER RUBRUM 'BOWHALL'	BOWHALL RED MAPLE	1.5" CAL. B&B	AS SHOWN
	20	CALOCEDRUS DECURRENS	INCENSE CEDAR	6' HT. B&B	AS SHOWN
	125	POPULUS TREMULOIDES 'ERECTA'	COLUMNAR QUAKING ASPEN	1.5" CAL. B&B	AS SHOWN
	5	PSEUDOTSUGA MENZIESI	DOUGLAS FIR	6' HT. B&B	AS SHOWN
	105	PYRUS X 'NOPX1'	JAVELIN PEAR	1.5" CAL. B&B	AS SHOWN
	4	THUJA PLICATA	WESTERN RED CEDAR	6' HT. B&B	AS SHOWN
	62	ZELKOVA SERRATA 'GREEN VASE'	GREEN VASE ZELKOVA	1.5" CAL. B&B	AS SHOWN
STREET TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE /CONTAINER	SPACING
	41	TILIA CORDATA 'GREENSPIRE'	GREENSPIRE LITTLELEAF LINDEN	2" CAL. B&B	AS SHOWN
	9	ULMUS AMERICANA 'NEW HARMONY'	NEW HARMONY AMERICAN ELM	2" CAL. B&B	AS SHOWN
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE /CONTAINER	SPACING
	53	ACER CIRCINATUM	VINE MAPLE	5 GAL. CONT./30" HT. MIN.	96" o.c.
	453	ESCALLONIA X 'COMPACTA'	COMPACT ESCALLONIA	3 GAL. CONT.	48" o.c.
	79	MAHONIA REPENS	CREEPING MAHONIA	1 GAL. CONT.	36" o.c.
	551	MISCANTHUS SINENSIS 'MORNING LIGHT'	MORNING LIGHT EULALIA GRASS	3 GAL. CONT.	48" o.c.
	1,329	PENNISETUM ALOPECUROIDES 'HAMELN'	HAMELN FOUNTAIN GRASS	1 GAL. CONT.	30" o.c.
	345	PIERIS JAPONICA 'MOUNTAIN FIRE'	MOUNTAIN FIRE JAPANESE PIERIS	3 GAL. CONT.	48" o.c.
	289	PRUNUS LAUROCERASUS 'OTTO LUYKEN'	OTTO LUYKEN ENGLISH LAUREL	3 GAL. CONT.	48" o.c.
	329	RHODODENDRON X 'P.J.M.'	PJM RHODODENDRON	3 GAL. CONT.	48" o.c.
	586	ROSA X 'NOATRAUM'	FLOWER CARPET PINK ROSE	1 GAL. CONT.	42" o.c.
	30	THUJA OCCIDENTALIS 'SMARAGD'	EMERALD GREEN ARBORVITAE	6' HT. CONT.	36" o.c.
	333	VIBURNUM DAVIDII	DAVID VIBURNUM	3 GAL. CONT.	42" o.c.
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	SIZE /CONTAINER	SPACING
	944	RUBUS CALYCINOIDES	CREEPING BRAMBLE	1 GAL. CONT.	36" o.c.
	±33,564 SF	STORMWATER FACILITY SHALL BE PLANTED TO CITY OF SALEM STANDARDS			
	±120,887 SF	LAWN: SUNMARK SEEDS NORTHWEST SUPREME LAWN SEED MIX OR APPROVED SIMILAR MIX. APPLY AT A RATE OF 8 LBS PER 1,000 SF OR AS RECOMMENDED BY SUPPLIER. MIX COMPOSITION BY WEIGHT: CUTTIE II PERENNIAL RYEGRASS/LOLIMUM PERENNE (35%); Dasher III PERENNIAL RYEGRASS/LOLIMUM PERENNE (35%); GARNET CREEPING RED FESCUE/FESTUCA RUBRA (15%); WINDWARD CHEWINGS FESCUE/FESTUCA RUBRA SPP LONGIFOLIA (15%).			

GENERAL LANDSCAPE NOTES

1. PLAN REVISIONS INCLUDING CHANGES TO PLANT SPECIES, SIZES, SPACING, QUANTITIES, ETC., DUE TO PLANT AVAILABILITY OR UNFORESEEN SITE CONDITIONS MAY BE APPROVED PRIOR TO INSTALLATION WHERE ALLOWABLE BY THE CITY OF SALEM'S DESIGN STANDARDS. SUBSTITUTIONS SHALL BE OF EQUAL FORM AND FUNCTION.
2. CONTRACTOR IS RESPONSIBLE FOR VERIFYING PLANT AND MATERIAL QUANTITIES PRIOR TO BIDDING AND CONSTRUCTION AND FOR FAMILIARIZING THEMSELVES WITH SITE CONDITIONS. SHOULD DISCREPANCIES OCCUR, DESIGN INTENT PREVAILS OVER QUANTITIES LISTED.
3. ALL PLANTS AND INSTALLATION SHALL CONFORM TO THE CITY OF SALEM'S LANDSCAPE DESIGN STANDARDS AND TO THE AMERICAN STANDARDS FOR NURSERY STOCK, ANSI Z60.1, CURRENT EDITION, IN ALL WAYS. PLANT IN ACCORDANCE WITH BEST PRACTICE STANDARDS, SUCH AS THOSE ADOPTED BY THE OREGON LANDSCAPE CONTRACTOR'S BOARD (OLCB) AND THE AMERICAN HORTICULTURE INDUSTRY ASSOCIATION (AMERICAN HORT). FIELD ADJUST PLANT LOCATIONS AS NECESSARY TO AVOID CONFLICTS WITH UTILITIES, METERS, LIGHTS, TREE CANOPIES, BUILDING OVERHANGS, ETC.
4. ALL LANDSCAPING SHALL BE INSTALLED AT THE TIME OF CONSTRUCTION UNLESS OTHERWISE APPROVED BY THE CITY OF SALEM DUE TO INCLEMENT WEATHER OR TEMPORARY SITE CONDITIONS. UPON INSTALLATION, ALL PLANT MATERIALS SHALL BE VIGOROUS, WELL-BRANCHED AND WITH HEALTHY, WELL-FURNISHED ROOT SYSTEMS, FREE OF DISEASE, INSECT PESTS AND INJURIES.
5. DOUBLE STAKE ALL TREES UNLESS OTHERWISE SPECIFIED. TREES SHALL BE PLANTED NO CLOSER THAN 2' O.C. FROM SIDEWALKS, CURBING, OR OTHER HARDSCAPING; NO CLOSER THAN 6' O.C. FROM ACCESS WALKWAYS, FIRE HYDRANTS, ROOF DRAINS, CATCH BASINS, MANHOLES, WATER METERS, GAS AND ELECTRIC SERVICES, UTILITY BOXES AND VAULTS, AND MOUNTED PEDESTALS; NO CLOSER THAN 10' O.C. FROM ALLEYS, DRIVEWAYS, TRAFFIC SIGNALS, STREET LIGHT STANDARDS AND UTILITY LINES. TREES IN PLANTING ISLANDS SHALL BE CENTERED IN ISLAND. REFER ALSO TO THE CITY OF SALEM STANDARD TREE-SHRUB PLANTING DETAIL NO. 803 (SHEET L1.1)
6. PLANTING AND INSTALLATION OF ALL REQUIRED LANDSCAPING SHALL BE INSPECTED AND APPROVED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY UNLESS OTHERWISE APPROVED BY THE CITY OF SALEM.
7. SOIL PREPARATION: ALL SHRUB BEDS SHALL HAVE A MINIMUM OF 12" OF CLEAN TOPSOIL. EXISTING NATIVE SOIL OR STOCKPILED TOPSOIL STRIPPINGS MAY BE USED. TOPSOIL SHALL BE RICH DARK BROWN IN COLOR AND VOID OF ROOTS, PLANTS, WEEDS, SEEDS, SOD, STONES, CLAY LUMPS, ALKALI SALTS, DEBRIS, AND OTHER EXTRANEOUS MATERIALS HARMFUL TO PLANT GROWTH. IF IMPORTED TOPSOIL IS REQUIRED CONTRACTOR SHALL LOOSEN SUBSOIL TO A MINIMUM DEPTH OF 18" AND REMOVE ANY DEBRIS OR MATERIAL THAT MAY INHIBIT HEALTHY PLANT GROWTH PRIOR TO INSTALLATION OF TOPSOIL. IF NATIVE SOIL TO BE USED BECOMES COMPACTED DURING CONSTRUCTION ACTIVITY, CONTRACTOR SHALL LOOSEN TO A MINIMUM OF 12" AND AMEND EXISTING TOPSOIL WITH 2" OF VEGETATIVE COMPOST (SUCH AS COMPOSTED YARD WASTE) TILLED INTO THE SOIL. TOPSOIL SHALL BE PLACED OR WORKED IN FRIABLE (WORKABLE) CONDITION. SOIL SHALL NOT BE WORKED WHEN SATURATED TO PREVENT OVER-COMPACTION. FINISH GRADE OF ALL NEW PLANTINGS SHALL SEAMLESSLY MEET FINISH GRADE OF ANY EXISTING LANDSCAPE AREAS TO REMAIN AND AS INDICATED ON GRADING PLANS. PLANTING BED AREAS SHALL PROVIDE POSITIVE DRAINAGE AS INDICATED ON THE GRADING PLANS AND BE FREE OF HOLES, DIVOTS, OR HIGH/LOW SPOTS WHICH MAY CAUSE WATER TO COLLECT. BACKFILL PLANTING HOLES WITH A MIXTURE OF 1/3 ORGANIC MATERIAL, 1/3 TOPSOIL, AND 1/3 SANDY LOAM. SOIL FOR STREET TREES SHALL BE PREPARED AND AMENDED TO A WIDTH OF AT LEAST 3 TIMES THE SIZE OF THE ROOT BALL.
8. A PERMANENT UNDERGROUND IRRIGATION SYSTEM WITH A BACKFLOW DEVICE APPROVED BY THE CITY OF SALEM, SHALL BE PROVIDED FOR ALL LANDSCAPED AREAS WITHIN THE PROJECT WORK AREA FOR THE ESTABLISHMENT AND LONG-TERM HEALTH OF PLANT MATERIAL. THE IRRIGATION SYSTEM SHALL BE 'DESIGN-BUILD' BY THE LANDSCAPE CONTRACTOR, USING CURRENT WATER-SAVING TECHNOLOGY, AND INCLUDE ALL MATERIALS, COMPONENTS, CITY APPROVED BACKFLOW OR ANTI-SIPHON DEVICES, VALVES, ETC. NECESSARY FOR THE COMPLETE AND EFFICIENT COVERAGE OF LANDSCAPE AREAS SHOWN. THE LANDSCAPE CONTRACTOR SHALL COORDINATE WITH THE GENERAL CONTRACTOR AND OWNER FOR IRRIGATION POINT-OF-CONNECTION (P.O.C.), SLEEVING LOCATION, CONTROLLER, POWER SOURCE, AND MAINLINE LAYOUT PRIOR TO ANY PAVING REPAIR OR STRIPING. CONTRACTOR SHALL PROVIDE THE CITY OF SALEM WITH AN IRRIGATION PLAN INCLUDING ZONING AND COMPONENT LAYOUT FOR APPROVAL PRIOR TO INSTALLATION AS A DELAYED SUBMITTAL.
9. THE OWNER SHALL BE RESPONSIBLE FOR MAINTAINING ALL LANDSCAPE MATERIAL IN GOOD CONDITION SO AS TO PRESENT A HEALTHY, NEAT AND ORDERLY APPEARANCE IN KEEPING WITH CURRENT INDUSTRY STANDARDS. UNHEALTHY OR DEAD PLANT MATERIALS SHALL BE REPLACED IN CONFORMANCE TO THE REQUIREMENTS OF THE ORIGINALLY APPROVED LANDSCAPE PLAN.
10. MULCH: APPLY 3" DEEP WELL-AGED DARK HEMLOCK OR FIR, MEDIUM GRIND, UNDER AND AROUND ALL PLANTS IN PLANTING BEDS. DO NOT COVER FOLIAGE OR ROOT CROWNS OF PLANT MATERIAL WITH MULCH. MULCH SHALL BE AT LEAST 12" AWAY FROM ROOT FLARE OF TREE, THE FLARE SHALL REMAIN VISIBLE AND EXPOSED TO AT LEAST FINISH GRADE.
11. GROUNDCOVER SHALL NOT BE PLANTED CLOSER THAN 24" FROM CATCH BASINS OR DRAIN AREAS. SHRUBS SHALL NOT BE PLANTED CLOSER THAN 36" FROM CATCH BASINS AND BUILDING FOUNDATIONS. NO LANDSCAPE PLANT/GROUNDCOVER SHALL BE PLACED WITHIN 3' OF ANY NEW TREE.

RM-2 ZONE LANDSCAPE DATA

RM-2 ZONE AREA: ±598,188 SF
360 UNITS (INCLUDES 3 UNITS OF BUILDING 12)

COMMON OPEN SPACE REQUIRED: 5,550 SF (1,000 SF PLUS AN ADDITIONAL 250 SF FOR EVERY 20, OR PORTION THEREOF, OVER 20 UNITS)
COMMON OPEN SPACE PROVIDED: 5,601 SF
MINIMUM DIMENSIONS REQUIRED: 20' ALL SIDES AND 500 SF
MINIMUM DIMENSIONS PROVIDED: EXCEEDS

MINIMUM SITE TREES PER 702,020(b)(2)(a) REQUIRED (1 PER 2,000 SF GROSS SITE AREA): 299 TREES
TOTAL PROPOSED SITE TREES: 332 (EXCLUDES STREET TREES)

2 SHRUB P.U. AT EACH PRIMARY BUILDING ENTRANCE REQUIRED: 70 P.U.
SHRUB P.U. PROPOSED: 70 P.U.

10 TREE P.U. PER 60 LF OF BUILDING EXTERIOR, WITHIN 25 FT OF BUILDING (13,520 LF / 60 LF X 10): 2,253 TREE P.U. REQUIRED
TREE P.U. PROPOSED: 2,260 P.U.

1 SHRUB P.U. PER 15 LF OF BUILDING EXTERIOR (13,520 LF / 15 LF): 901 SHRUB P.U.
SHRUB P.U. PROPOSED: 6,559 P.U.

PARKING LOT LANDSCAPING
PARKING PERIMETER (7,729 LF) TREES REQUIRED 1 PER 50 LF: 148
PARKING PERIMETER TREES PROVIDED: 236
PARKING BAY TREES REQUIRED (1 PER BAY): 64
PARKING BAY TREES PROVIDED: 65

MU-1 ZONE LANDSCAPE DATA

MU-1 ZONE AREA: ±81,267 SF

PARKING LOT LANDSCAPING
PARKING LOT IMPERVIOUS AREA: 20,141 SF
INTERIOR PARKING LOT LANDSCAPING REQUIRED (MIN 8%): 1,611 SF
INTERIOR PARKING LOT LANDSCAPING PROVIDED: 1,962 SF (10%)

PARKING LOT TREES REQUIRED (MIN 1 TREE PER 12 PARKING SPACES): 5 TREES
PARKING LOT TREES PROVIDED: 7 TREES

PRELIMINARY LANDSCAPE SCHEDULE AND NOTES
NORTHPLACE APARTMENTS PHASE 2
I&E CONSTRUCTION, INC.
SALEM, OREGON



JOB NUMBER:	8321
DATE:	12/15/2023
DESIGNED BY:	JRH
DRAWN BY:	JRH
CHECKED BY:	TEB

Northplace Apartments Phase 2 Consolidated Land Use Application

Date: November 2023

Submitted to: City of Salem
Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

Applicant: I&E Construction
27375 SW Parkway Avenue
Wilsonville, OR 97070

AKS Job Number: 8321



3700 River Road N, Suite 1
Keizer, OR 97303
(503) 400-6028

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Exhibits

Exhibit A: Preliminary Plans
Exhibit B: Preliminary Building Elevations and Floor Plans
Exhibit C: Trip Generation Estimate Form
Exhibit D: Preliminary Title Report
Exhibit E: Chain of Title
Exhibit F: Pre-Application Written Summary
Exhibit G: Neighborhood Association and Salem-Keizer Transit District Contact
Exhibit H: Preliminary Stormwater Report
Exhibit I: Draft Property Line Adjustment Deeds
Exhibit J: Geotechnical Investigation Report
Exhibit K: Traffic Impact Analysis

Northplace Apartments Phase 2 Consolidated Land Use Application

Submitted to:	City of Salem Planning Division 555 Liberty Street SE, Room 305 Salem, OR 97301
Applicant:	I&E Construction 27375 SW Parkway Avenue Wilsonville, OR 97070
Property Owner:	Northplace Apartments Phase 2, LLC 27375 SW Parkway Avenue Wilsonville, OR 97070
Applicant's Consultant:	AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1 Keizer, OR 97303 Contact(s): Daisy Goebel Email: GoebelD@aks-eng.com Phone: (503) 400-6028
Site Location:	4680 and 4650 Hazelgreen Road NE
Marion County Assessor's Map:	06 2W 32C; Tax Lots 400 and 500
Site Size:	±15.62 acres
Land Use Districts:	Multiple Family Residential (RM-II) and Mixed Use (MU-I)



I. Executive Summary

AKS Engineering & Forestry, LLC (AKS) is pleased to present this application on behalf of I&E Construction (Applicant) for a Class 3 Site Plan Review, Class 1 Design Review, Class 1 and 2 Adjustments, Class 2 Driveway Approach Permit, Property Line Adjustment (PLA), and Urban Growth Preliminary Declaration that will accommodate 405 new multiple-family residences on the site located at 4680 and 4650 Hazelgreen Road NE. In recognition of the substantial need for this housing type throughout Salem, the City Council recently approved an annexation (City Case No. ANXC-749) and comprehensive plan map amendment/zone change (City Case No. CPC-ZC22-03) on the property that will accommodate the planned use.

This application will create ±236,356 square feet of public open space, ±28,500 square feet of private open space, and will plant 404 trees. Residents will have access to the existing community amenities such as sports courts, multiple children's play areas, a community recreation building, and a swimming pool. at Northplace Phase 1, located approximately 1/5 mile southwest of the subject site. The property immediately to the west of the site is a ±45-acre parcel that is owned by the City of Salem and designated in the City of Salem Comprehensive Park System Master Plan as a future neighborhood and community park.

The transportation improvements provided to serve the planned development include a half-street improvement to Hazelgreen Road NE along the site's northern property line, extending across the property to the east, a north-south extension of Lunar Drive NE that will connect the adjacent residential neighborhood to the south to Hazelgreen Road NE, and an east-west public access easement near the center of the site that will accommodate pedestrian and vehicle circulation to properties east and west of the site at such time these properties develop to urban standards. Applicant plans to construct the southbound lane of Lunar Drive NE on the City's property to provide adequate vehicular access to the site. Applicant anticipates reimbursement from the City for those portions of Lunar Drive NE in excess of the standard three-quarter street improvement. The transportation improvements have been designed to comply with the adopted Transportation System Master Plan and Public Works Design Standards as well as the recommendations of the Traffic Impact Analysis (TIA) conducted for the project (Exhibit K). The planned development will not create a demand on the transportation system exceeding the trip cap established at the time the property was annexed in City Case No. ANXC-749-CPZ-ZC-22-03.

Utilities provided to serve the planned residential homes include an extension of sanitary sewer service in Hazelgreen Road NE, a looped water system between Hazelgreen Road NE and Lunar Drive NE, a permanent stormwater connection for the residential neighborhoods to the south, and fire provisions compliant with applicable codes and standards. The site contains a transmission line easement operated by the Bonneville Power Administration (BPA) along the southern property boundary. Development within the corridor is generally precluded, with the exception of the required extension of Lunar Drive NE, which will be developed subject to BPA's consent. To accommodate the BPA easement, as well as other on-site constraints, this application includes several Class 1 and Class 2 adjustments where strict adherence to Salem Revised Code (SRC) standards is not practical.

II. Site Description/Setting

The subject property currently includes two lots totaling ±15.62 acres. The lots (Tax Lots 400 and 500 of Marion County Assessor's Map 06 2W 32C) were recently annexed into the City of Salem. The Multiple

Family Residential-II (RM-II) and Mixed Use-I (MU-I) zoning districts were applied to the site as a result of that annexation process. The site includes ±500 feet of frontage on Hazelgreen Road NE and is currently undeveloped. A single-family home previously occupied tax lot 500 but was removed to accommodate the planned multifamily use.

The lot to the west of the subject property is a ±45-acre vacant lot owned by the City of Salem and is designated for the development of a future City park. The lot directly to the east is outside of the City and developed for commercial recreational vehicle (RV) storage. The lots to the south of the property are within the single-family residential zoning district and the northern property line fronts Hazelgreen Road NE. The properties on the north side of Hazelgreen Road NE are developed with single-family residential homes and are located outside of City limits.

III. Applicable Review Criteria

This application involves the development of land for housing. Oregon Revised Statutes (ORS) 197.307(4) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. In addition, this application involves a “limited land use decision” as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

Oregon Courts and the Land Use Board of Appeals (LUBA) have generally held that an approval standard is not clear and objective if it imposes on an applicant “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development” (*Rogue Valley Association of Realtors v. City of Ashland*, 35 OR LUBA 139, 158 [1998] *aff’d*, 158 OR App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the housing statutes apply to this application. The exceptions in ORS 197.307(5) do not apply to this application.

ORS 197.195(1) describes how certain standards can be applied as part of a limited land use application. The applicable land use regulations for this application are found in the SRC and are addressed in this narrative. Pursuant to ORS 197.195(1), Comprehensive Plan provisions (as well as goals, policies, etc. from within the adopted elements of the Comprehensive Plan) may not be used as a basis for a decision or an appeal of a decision unless they are specifically incorporated into the land use regulations. While this application may respond to the Comprehensive Plan and/or related documents, such a response does not imply or concede that said provisions are applicable approval criteria. Similarly, the applicant does not waive its right to object to the attempted implementation of these provisions unless they are specifically listed in the applicable land use regulations, as is required by ORS 197.195(1).

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. In fact, the local government is obligated to consider and impose any conditions of approval proposed by the applicant if such conditions would allow the local government to approve an application that would not otherwise meet applicable approval criteria.

SALEM REVISED CODE

Chapter 200—Urban Growth Management

Section 200.025—Urban Growth Preliminary Declaration

- (a) **Applicability.** This section applies to development within the urban growth area or within the urban service area but preceding the construction of required facilities that are shown in the adopted capital improvement plan, public facilities plan or comparable plan for the area. An Urban Growth Preliminary Declaration may be obtained prior to, or concurrent with, an application for development.
- (b) **Procedure type.** Applications for Urban Growth Preliminary Declarations are processed as a Type II procedure under SRC chapter 300.

Response: This Urban Growth Preliminary Declaration is being submitted as part of a consolidated Type II application that includes Site Plan Review. The application includes Preliminary Plans in Exhibit A that illustrate the public facilities necessary to serve the project.

- (c) **Submittal requirements.** In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for an Urban Growth Preliminary Declaration shall contain the following:
 - (1) The legal description of the total contiguous ownership on which the development is to occur;

Response: The current title report is provided in Exhibit D, which includes the legal description of the property.

- (2) A vicinity map showing the outline of the proposed development and its relation to all existing designated arterial and collector streets within a one-mile radius;

Response: A vicinity map is included on the Cover Sheet in Exhibit A.

- (3) The proposed or anticipated use;

Response: The project includes ±405 new multiple-family homes and associated site improvements.

- (4) If property is to be subdivided for residential purposes, the proposed dwelling unit density of the subdivision; and

Response: The property will not be subdivided. The site is planned to be developed with multiple-family homes at a combined average density of ±26 units per acre.

- (5) Such other information as the Director deems necessary to evaluate the application.

Response: The Applicant can submit additional items if necessary.

- (d) **Determination.** The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the master plans and the area facility plans and determine:
 - (1) The required facilities necessary to fully serve the development;
 - (2) The extent to which the required facilities are in place or fully committed.

Response: This criterion includes subjective and value-laden language (e.g. “in light of” and “necessary to fully serve”) that is inconsistent with ORS 197.307(4). For this reason, the City must omit this criterion from the decision in this matter.

Nonetheless, Exhibit A includes Preliminary Plans for the public facilities necessary to serve the future residents, consistent with applicable City plans. The application includes the information needed to determine that the required facilities necessary to fully serve the development will be in place to serve the future residences.

- (e) **Contents.** The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.

Response: This criterion includes subjective and value-laden language (e.g. “necessary to fully serve”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from the decision in this matter.

Nonetheless, the public works recommendations from the pre-application conference, included in Exhibit F, provide a description of the public facilities available to serve the development, and the application includes Preliminary Site Plans (Exhibit A) showing how the public facilities required to serve the development will be provided.

- (f) **Nature and effect.**
- (1) An urban Growth Preliminary Declaration is not an approval to develop land and does not confer any right or authority to undertake any development for which the Urban Growth Preliminary Declaration is obtained.
 - (2) Issuance of an Urban Growth Preliminary Declaration does not relieve the applicant of the obligation to obtain other permits required by the Salem Revised Code, or to proceed through any other land use process required by the UDC.
 - (3) If a required facility is included in two or more Urban Growth Area Preliminary Declarations, the obligation to provide the required facilities shall be imposed on any land use approval for each property.

Response: The nature and effect of the Urban Growth Preliminary Declaration are understood. However, this consolidated application also includes an application for Site Plan Review. The Preliminary Plans in Exhibit A include plans for the public facilities necessary to serve the future residences. Therefore, approval of this consolidated application will result in approval for future development of the property.

- (g) **Duration.** Notwithstanding SRC 300.850, the preliminary Declaration shall be valid as follows:
- (1) If the Preliminary Declaration is issued in connection with a subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval, the Preliminary Declaration shall be valid so long as the subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval remains valid; provided, however, that once a development has received tentative plan approval, in the case of a subdivision, or been granted a building permit in all other cases, the developer and the developer’s successors in interests shall be bound to complete all terms and conditions of the permit.
 - (2) If the Preliminary Declaration is issued in connection with any land use approval other than a subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval, the Preliminary Declaration shall remain valid for a period of four years following

the effective date of the decision; provided, however, that once a development has been granted a building permit, the developer and the developer's successors in interests shall be bound to complete all terms and conditions of the permit.

- (3) If the Preliminary Declaration is issued independent of any other land use approval, the Preliminary Declaration shall remain valid for a period of four years following the effective date of the decision.

Response: This Preliminary Declaration will be issued in connection with the Site Plan Review and Design Review for future multiple-family homes. The duration of approval is understood.

(...)

Section 200.035—Determination of extent of required improvement

- (a) To the extent that they have not already been provided, an Urban Growth Preliminary Declaration shall identify all of the following:
- (1) All major linear and area facilities which serve the development.
 - (2) All major linear and area linking facilities.
 - (3) Minor facilities necessary to link the development to the major facilities specified in subsections (a)(1) and (2) of this section.
 - (4) All major and minor facilities abutting or within the development parcel. This includes any major facility which falls within 260 feet of the boundaries of the development parcel, measured at right angles to the length of the facility (see Figure 200-1).
 - (5) Park facilities as specified in SRC 200.075, to the extent those facilities have not been provided.
- (b) Water, storm drainage, streets and sewer facilities need not, in all cases, link to the same locations. Water, storm drainage, streets and sewer facilities shall be provided as necessary to link the development to a point where existing water, storm drainage, streets and sewer service facilities are adequate, along the shortest preplanned route.
- (c) Water facilities shall conform with existing city service levels and shall be looped where necessary to provide adequate pressure during peak demand at every point within the system in the development to which the water facilities will be connected.
- (d) Where two facilities must be built to their point of intersection, the entire intersection shall be built as well.
- (e) All facilities constructed pursuant to this section shall be and become the property of the City on final acceptance of the work.

Response: This criterion includes subjective and value-laden language (e.g. “adequate” and “provided as necessary”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from the decision in this matter.

Nonetheless, the Preliminary Plans in Exhibit A include plans for the public facilities necessary to serve the future residences as informed by adopted City standards and discussions with City staff.

Section 200.040—Plan approval

-
- (a) Upon issuance of an Urban Growth Preliminary Declaration the applicant shall cause a competent registered professional engineer to design the improvements required by the Urban Growth Preliminary Declaration. Such plans shall be drawn to the specifications of the Director and submitted to the Director for approval in accordance with the provisions and fees stated in SRC chapters 72, 73 and 77. Approval of the applicant's plans and execution of an improvement agreement shall be a condition of any land use approval for development on the property that is the subject of the Urban Growth Preliminary Declaration.
 - (b) Issuance of an Urban Growth Preliminary Declaration shall not relieve the applicant of the obligation to proceed through the subdivision or partitioning review and approval process.

Response: The Applicant intends to pursue final design of the improvements upon receiving preliminary land use approval for the proposed project.

(...)

Section 200.055—Standards for street improvements

- (a) The proposed development shall be linked by construction of and improvements to public streets which shall extend from the development to an adequate street or streets by the shortest preplanned routes available. Specific locations and classifications of such linking streets shall be based upon the street network adopted in the TSP, and as further specified in any Transportation Impact Analysis (TIA) prepared by public works staff during the adoption of the USA or its amendments. Development proposals for which the public works standards require preparation of an individual TIA may be required to provide more than one linking street or other improvements to accommodate traffic volumes generated by the proposal.
- (b) For purposes of this section, an adequate street is defined as the nearest point on a collector or arterial street which has, at a minimum, a 34-foot wide turnpike improvement within a 60-foot wide right-of-way. The Director shall designate the location or locations where the linking street will connect to the existing street system, based on the definition of adequate street given herein, the results of the TIA studies, and the information in the TSP. A linking street is required to meet the same minimum standard of a 34-foot wide turnpike improvement within a 60-foot wide right-of-way if it is a collector or arterial street. A linking street is required to meet a minimum standard of a 30-foot wide turnpike improvement within a 60-foot wide right-of-way if it is a local street. Where physical or topographical constraints are present to a degree that the standard linking street pavement width cannot be reasonably constructed, the Director may specify a lesser standard which meets the functional levels necessary to improve the existing conditions and meet the increased demands.
- (c) Within the boundaries of the property on which development is to occur, all streets shall be fully improved. All streets abutting the property boundaries shall be designed and improved by the developer to the greater of the standards specified in SRC chapter 803 and the standards for linking streets in this section.
- (d) Standards for geometric design, construction, and materials shall be as specified for the appropriate classification of street, arterial, collector, or local, as contained in the Public Works Design Standards

(...)

Response: The Preliminary Site Plans (Exhibit A) include plans for the improvement of Hazelgreen Road NE along the site's frontage as well as in-kind street improvements along the neighboring Bridges RV Storage property, which is currently outside of City limits. Street improvements also include the construction of Lunar Drive NE to adequate street standards, as informed by the TIA included in Exhibit K and the adopted City plans. All

streets will be adequately improved and compliant with the City's adopted Public Works Design Standards. These requirements are met.

Section 200.060—Standards for sewer improvements

- (a) The proposed development shall be linked to existing adequate facilities, by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities. Specific location, size and capacity of such facilities will be determined with reference to any one or combination of the following:
 - (1) Sewer master plan; or
 - (2) Specific engineering capacity studies approved by the Director.
- (b) With respect to facilities not shown in the master plan but necessary to link to adequate facilities, the location, size and capacity of such facilities to be constructed or linked to shall be determined by the Director. Temporary sewer facilities, including pumping stations, will be permitted only if the temporary facilities include all facilities necessary for transition to permanent facilities, and are approved by the Director. Design, construction, and material standards shall be as specified by the Public Works Design Standards for the construction of all such public sewer facilities in the City.

Response: These criteria include subjective and value-laden language (e.g. “existing adequate facilities” and “[as] determined by the Director”) that run afoul of ORS 197.307(4). For this reason, the City must omit these criteria from the decision in this matter.

Nonetheless, as shown on the Preliminary Site Plans (Exhibit A), the sewer improvements will comply with the January 2007 *Wastewater Management Plan* and applicable Public Works Design Standards. The plans include an extension of the sewer system across the Site's Hazelgreen Road NE frontage, spanning the neighboring Bridges RV Storage property, which is currently outside of City limits. Temporary facilities are not requested with this application. These requirements are met.

Section 200.065—Standards for storm drainage improvements.

- (a) The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. Specific location, size, and capacity of such facilities will be determined with reference to any one or a combination of the following:
 - (1) The stormwater management plan or, upon adoption, a superseding stormwater master plan; or
 - (2) Specific engineering capacity studies approved by the Director.
- (b) With respect to facilities not shown in the applicable management or master plan, but necessary to link to adequate facilities, the location, size, and capacity of such facilities to be constructed or linked to shall be determined by the Director. Temporary storm drainage facilities will be permitted only if the temporary facilities include all facilities necessary for transition to permanent facilities and are approved by the Director. Design, construction, and material standards shall be as specified by the Public Works Design Standards for the construction of all such public storm drainage facilities in the City.

Response: These criteria include subjective and value-laden language (e.g. “existing adequate facilities” and “[as] determined by the Director”) that run afoul of ORS 197.307(4). For this reason, the City must omit these criteria from the decision in this matter.

Nonetheless, as shown on the Preliminary Site Plans (Exhibit A), the planned storm drainage improvements will comply with the October 2020 *Stormwater Master Plan* and applicable Public Works Design Standards. These requirements are met.

Section 200.070—Standards for water improvements

- (a) The proposed development shall be linked to existing adequate facilities by the construction of water distribution lines, reservoirs and pumping stations which connect to such existing water service facilities. Specific location, size and capacity of such facilities will be determined with reference to any one or combination of the following:
 - (1) The water master plan; or
 - (2) Specific engineering capacity studies approved by the Director.
- (b) With respect to facilities not shown in the master plan but necessary to link to adequate facilities, the location, size and capacity of such facilities to be constructed or linked to shall be determined by the Director. Temporary water facilities, including pumping stations and reservoirs, will be permitted only if the temporary facilities include all facilities necessary for transition to permanent facilities, and are approved by the Director. Design, construction and material standards shall be as specified by the Public Works Design Standards for the construction of all such public water facilities in the City.

Response: These criteria include subjective and value-laden language (e.g. “existing adequate facilities” and “[as] determined by the Director”) that run afoul of ORS 197.307(4). For this reason, the City must omit these criteria from the decision in this matter.

Nonetheless, as shown on the Preliminary Site Plans (Exhibit A), the planned water system improvements will comply with the June 1994 *Water System Master Plan* and applicable Public Works Design Standards. A new 16-inch water main will be extended across the site’s Hazelgreen Road NE frontage, as well as the neighboring Bridge’s RV Storage property. These requirements are met.

(...)

Chapter 205—Land Division and Reconfiguration

(...)

Section 205.055—Property line adjustments

- (a) **Applicability.** A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body. Property line adjustments shall not be used to create an additional unit of land, or to create units of land that are non-conforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.

Response: A PLA is included in this application to consolidate Tax Lots 400 and 500 into a single unit of land.

- (b) **Procedure type.** A property line adjustment is processed as a Type I procedure under SRC chapter 300.

Response: This PLA is being submitted as part of a consolidated application that will be processed as a Type II procedure.

-
- (c) Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a property line adjustment shall include:

- (1) A copy of recorded deeds for the existing units of land;

Response: The recorded deeds for the two properties are included in Exhibit E. This requirement is met.

- (2) A site plan, drawn to scale, indicating:

- (A) The dimensions and areas of the units of land before and after the proposed property line adjustment;
- (B) Setbacks, building separations, lot coverage, vehicular access, and public and private utilities;

Response: A Preliminary Property Line Adjustment Plan and Preliminary Site Plans containing the required information are included in Exhibit A. This requirement is met.

- (3) Proof of ownership including, but not limited to, a preliminary title report not older than 30 days for each affected property at the time the application is submitted;

Response: A recent Preliminary Title Report for the property is included in Exhibit D. This requirement is met.

- (4) Any additional documents required to establish that the unit(s) of land were legally created;

Response: Exhibit E includes a chain of title for the affected parcels, which documents all boundary-related transactions dating from January 1, 1957, to the present. The subject properties were created by deed in 1970, prior to the adoption of applicable land division processes within Marion County (Sep. 1, 1977). This requirement is met.

- (5) A copy of the draft property line adjustment deed(s), in a form approved by the Director, containing:

- (A) The names of the owners;
- (B) Legal descriptions of the adjusted property(ies) and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor;
- (C) References to original recorded deeds including the creation date and instrument used to lawfully establish each unit of land; and
- (D) A place for the signatures of all parties, along with proper notary acknowledgment.

Response: Draft Property Line Adjustment Deeds are included in Exhibit I. This requirement is met.

- (d) Criteria. A property line adjustment shall be approved if all of the following criteria are met:

- (1) The property line adjustment will not create an additional unit of land;

Response: The PLA will consolidate two units of land into a single unit of land. This criterion is met.

- (2) The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;

Response: The PLA will result in a single lot that will include portions of the RM-II and MU-I zoning districts. This application narrative includes findings responding to the applicable lot dimension requirements in the RM-II and MU-I zoning districts demonstrating that the PLA will not result in a nonconforming unit of land. This criterion is met.

- (3) The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;

Response: The properties were created by deed in 1970, as demonstrated by the chain of title included in Exhibit E. Marion County didn't require land use actions for land divisions or property line adjustments until September 1, 1977. Because the partition was executed prior to the adoption of any applicable land division processes within Marion County, the existing lots were lawfully established. This criterion is met.

- (4) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;

Response: No existing City land use approval or previous condition of approval prohibits adjusting the boundaries of the properties with a PLA. The PLA does not involve the relocation or elimination of any public easement or ROW. This criterion is met.

- (5) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and

Response: This property line adjustment does not include relocating or eliminating any public easements or ROW. All necessary easement and ROW dedications are included with this application.

- (6) The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

Response: Public and private utilities that are planned to serve future development on the consolidated unit of land are shown on the Preliminary Plans in Exhibit A. The consolidation of the existing units of land will not impact the availability or access to public and private utilities or streets. This criterion is met.

- (e) Multiple property line adjustments. If more than three property line adjustment applications affecting the same unit of land are proposed within a six-month period, the property line adjustments shall be processed as follows:

- (1) When the units of land are within a recorded plat, the property line adjustments affecting the units of land shall be by replat; and
(2) When the units of land are not within a recorded plat, the property line adjustments affecting the units of land shall be by partition.

Response: The PLA does not involve moving more than one property line. These provisions do not apply.

- (f) Monumentation recording.

-
- (1) Property line adjustments shall be surveyed, monumented, and recorded as required by state law. Prior to recording the record of survey map with the county:
 - (A) The City Surveyor shall review the final property line adjustment deed document(s) and an updated preliminary title report, not older than 30 days from the date of the review, and certify that it:
 - (i) Identifies the correct owners of each property;
 - (ii) Identifies the grantor and grantee in the correct manner;
 - (iii) Includes, when applicable, references to any easements of record;
 - (iv) Includes a legal description(s) that:
 - (aa) Accurately describes the adjusted property(ies) and the properties being conveyed;
 - (bb) Contains bearing and distance calls that mathematically close; and
 - (cc) Contain, when applicable, correct references to artificial and natural monuments along adjoining property(ies).
 - (v) Correctly represents the areas in each legal description; and
 - (vi) Complies with the requirements of state law.
 - (B) The applicant shall record the final property line adjustment deed(s) document; and
 - (C) The City Surveyor shall review the record of survey map to ensure:
 - (vii) That the record of survey map conforms with the property line adjustment deeds; and
 - (viii) Compliance with state law and this section.

Response: The process of surveying, monumenting, and recording the PLA is understood. The Applicant will proceed with this process following the preliminary approval of the PLA.

(...)

Chapter 220—Site Plan Review

Section 220.005—Site plan review

- (a) Applicability.
 - (1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:
 - (A) Prior to issuance of a building permit, for any development that requires a building permit;
 - (B) Prior to a change of use, when a building permit is not otherwise required; and
 - (C) Prior to commencement of work, for any of the following when a building permit is not otherwise required:
 - (i) Development of a new off-street parking or vehicle use areas;
 - (ii) Expansion of an existing off-street parking or vehicle use areas, when additional paved surface is added;

-
- (iii) Alteration of an existing off-street parking or vehicle use areas, when the existing paved surface is replaced with a new paved surface;
 - (iv) Paving of an unpaved area; and
 - (v) Restriping of an off-street parking or vehicular use areas, when the layout will be reconfigured.

Response: The project involves a multiple-family housing development that will require building permits for new uses with parking and vehicle use areas. Site plan review is applicable and included in this application.

(2) Exemptions.

(A) The following development that requires a building permit is exempt from site plan review:

- (i) Development of a single-family use, two family use, three family use, four family use, or cottage cluster on an individual lot, including the construction of accessory structures and paving associated with such uses.
- (ii) Sign installation.
- (iii) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.
- (iv) The alteration to the facade of a building except in the Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), Mixed Use-Riverfront (MU-R) zones.
- (v) Interior construction or tenant improvements that involve no change of use or occupancy.
- (vi) Demolition permit.
- (vii) Construction of a fence.

(B) Any of the activities identified under subsection (a)(1)(C) of this section are exempt from site plan review if they are for a single-family use, two family use, three family use, four family use, or cottage cluster on an individual lot.

Response: The project involves a multiple-family housing development that will require building permits for new uses with parking and vehicle use areas. Site plan review is applicable and included in this application.

(b) Classes. The three classes of site plan review are:

(1) Class 1 site plan review. Class 1 site plan review is site plan review for any development under subsection (a)(1) of this section that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves either:

- (A) A change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or
- (B) A change of use when a building permit is not otherwise required.

-
- (2) Class 2 site plan review. Class 2 site plan review is site plan review for any development under subsection (a)(1) of this section, other than development subject to Class 1 site plan review, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.
 - (3) Class 3 site plan review. Class 3 site plan review is site plan review for any development under subsection (a)(1) of this section that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:
 - (A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;
 - (B) Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;
 - (C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;
 - (D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;
 - (E) Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or
 - (F) Involves the imposition of conditions of approval; or
 - (G) Requires a variance, adjustment, or conditional use permit.

Response: This application will be processed in accordance with the provisions of SRC Section 220.005(b)(3) to the extent that these provisions are applicable and consistent with state law. In accordance with ORS 197.307(4), as addressed in the Executive Summary of this narrative, the City may only deny the application or attach reasonable conditions of approval to the extent that such decisions are based on clear and objective criteria contained in the City's development code. However, the application requires a Transportation Impact Analysis pursuant to SRC chapter 803 and includes adjustments to development standards. The application, therefore, meets the criteria for Class 3 Site Plan Review.

- (c) Procedure type.
 - (1) Class 1 site plan review is processed as a Type I procedure under SRC chapter 300.
 - (2) Class 2 site plan review is processed as a Type I procedure under SRC chapter 300.
 - (3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.
 - (4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.

Response: The Class 3 Site Plan Review is being processed as a Type II procedure.

(d) Submittal requirements for Class 1 site plan review. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:

(1) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;

Response: The names and addresses of the Applicant, owner, and authorized representatives are listed on Page 1 of this narrative and on the digital application form. This requirement is met.

(2) The address or location of the subject property and its assessor's map and tax lot number;

Response: The address and location of the subject property, the Assessor's Map, and the tax lot number are listed on Page 1 of this narrative and on the digital application forms. The subject property is further described in the Site Description in Section II of this narrative. This requirement is met.

(3) The size of the subject property;

Response: The size of the subject property is listed on Page 1 and shown on the Preliminary Plans in Exhibit A. This requirement is met.

(4) The comprehensive plan designation and zoning of the subject property;

Response: The property is designated for multiple-family and mixed-use development in the Salem Area Comprehensive Plan (SACP) Map and is located in the City of Salem's RM-II and MU-I zoning districts. This requirement is met.

(5) The type of application(s);

Response: The application types included in this consolidated application are indicated in the Executive Summary (Section I) of this narrative. This requirement is met.

(6) A brief description of the proposal; and

Response: A brief description of the project is provided in the Executive Summary above. This requirement is met.

(7) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

Response: All required signatures have been provided on the digital Land Use Application form. This requirement is met.

(e) Submittal requirements for Class 2 and Class 3 site plan review.

(1) Class 2 site plan review. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:

(A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(i) The total site area, dimensions, and orientation relative to north;

-
- (ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;
 - (iii) Loading areas, if included in the proposed development;
 - (iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;
 - (v) An indication of future phases of development on the site, if applicable;
 - (vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;
 - (vii) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
 - (ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86; and
 - (x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

Response: A Preliminary Site Plan that includes the required information listed above is provided in Exhibit A. These requirements are met.

- (B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and
 - (iii) The location of the 100-year floodplain, if applicable.

Response: An Existing Conditions Plan containing the information required under this section is included in Exhibit A of this application. This requirement is met.

- (C) A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.

Response: A Preliminary Grading and Drainage Plan is included in Exhibit A. This requirement is met.

- (D) A completed trip generation estimate for the proposed development, on forms provided by the City.

Response: The completed Trip Generation Estimate (TGE) form is included in Exhibit C. This requirement is met.

(E) Building elevation drawings for any proposed new buildings and any exterior additions or alterations to existing buildings when the height of the building, or a portion of the building is changed.

Response: Preliminary Building Elevations and Floor Plans for the multiple-family homes are included in Exhibit B. This requirement is met.

(F) For development in the Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), and Mixed Use-Riverfront (MU-R) zones, architectural drawings, renderings, or sketches showing all elevations of the existing buildings and the proposed buildings as they will appear on completion.

Response: Preliminary Building Elevations and Floor Plans for the planned multiple-family homes are included in Exhibit B. This requirement is met.

(2) Class 3 site plan review. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:

(A) All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;

Response: The submittal requirements for a Class 2 Site Plan Review have been provided as indicated above. This requirement is met.

(B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;

Response: This information is provided on Pages 1 and 2 of this narrative. This requirement is met.

(C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;

Response: These elements are included on the Preliminary Site Plans in Exhibit A as applicable. This requirement is met.

(D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;

Response: Elevations and contour intervals shown on the Existing Conditions Plan included in Exhibit A show that the property does not contain slopes greater than 15 percent. This requirement is met.

(E) The location of drainage patterns and drainage courses, if applicable;

Response: Drainage patterns and drainage courses are shown on the Preliminary Drainage and Grading Plan in Exhibit A. This requirement is met.

(F) A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;

Response: The Preliminary Utility Plan is included in Exhibit A and includes the relevant information to demonstrate how the site will be served by City utilities. This requirement is met.

-
- (G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;

Response: A site summary table containing the required information (as applicable) is shown on the Preliminary Site Plans in Exhibit A. This requirement is met.

- (H) A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and

Response: A geotechnical report as required by SRC 810 is included in Exhibit J. It concludes the proposed development of this site should not create new or exacerbate existing geologic hazards. This requirement is met.

- (I) A Transportation Impact Analysis, if required by SRC chapter 803.

Response: A TIA is included in Exhibit K, as required by SRC Chapter 803. This requirement is met.

(f) Criteria.

(...)

- (3) Class 3 site plan review. An application for Class 3 site plan review shall be granted if:

- (A) The application meets all applicable standards of the UDC;

Response: The applicable standards of the Unified Development Code (UDC) are addressed in this narrative. This criterion is met.

- (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;

Response: This criterion includes subjective and value-laden language (e.g. “provides for the safe, orderly, and efficient circulation of traffic...,” “negative impacts,” and “mitigated adequately”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from its decision on this application.

Nonetheless, a TIA (included as Exhibit K) was completed for the project to evaluate the anticipated impacts to the transportation system. The TIA concludes that the planned street improvements will be sufficient to mitigate the anticipated impacts of the planned development and that the affected intersections are expected to operate safely without additional mitigation measures. Further, this narrative includes responses to the applicable standards in the UDC that are in place to ensure that the transportation system provides safe, orderly, and efficient circulation of traffic into and out of the proposed development. This criterion is met.

- (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

Response: This criterion includes subjective and value-laden language (e.g. “safe and efficient movement of vehicles...”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from its decision on this application.

Nonetheless, parking and driveways have been planned to meet applicable City standards for safe and efficient movement of vehicles, bicycles, and pedestrians, as shown on the Preliminary Site Plans in Exhibit A. The City can rely on this information to find this criterion is met.

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

Response: This criterion includes subjective and value-laden language (e.g. “adequately served” and “appropriate to the nature”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from its decision on this application.

Nonetheless, the development is planned to be served by City water and sewer, as shown on the Preliminary Utility Plan in Exhibit A. The planned stormwater facilities have been designed in accordance with the findings and calculations contained in the Preliminary Stormwater Report in Exhibit H. All planned facilities have been designed in accordance with adopted master plans and Public Works Design Standards, as applicable. The City can rely on this information to find this criterion is met.

Chapter 225—Design Review

Section 225.005—Design review

(a) Applicability. Design review approval is required for development applications that are subject to design review standards and guidelines.

Response: The Applicant intends that the development within the RM-II zoning district be reviewed under the standards for multiple-family design review. Multifamily development within the MU-I zoning district is not subject to design review per SRC Chapter 702.

(b) Classes

- (1) Class 1 design review is design review that requires the application of design review standards only.
- (2) Class 2 design review is design review that requires the application of design review guidelines, for projects that are limited to building alterations that will be contained within the footprint of the existing building and utilize the same building materials and same window and facade designs.
- (3) Class 3 design review is design review that requires the application of design review guidelines.
- (4) If any portion of the proposed development does not meet all of the applicable design review standards, the entire development shall be subject to Class 3 design review.

Response: The RM-II portion of this project meets the design standards for multiple-family development, as documented throughout this narrative and supporting materials. A Class 1 Design Review is required and included in this application.

(c) Procedure type.

-
- (1) Class 1 design review is processed as a Type I procedure under SRC chapter 300.
 - (2) Class 2 design review is processed as a Type II procedure under SRC chapter 300.
 - (3) Class 3 design review is processed as a Type III procedure under SRC chapter 300.

Response: This application for a Class 1 Design Review is being processed as part of a consolidated application that includes a Class 3 Site Plan Review. Therefore, a Type II procedure is necessary and included in this application.

(d) Submittal requirements.

- (1) Submittal requirements for pre-application conference. In addition to the submittal requirements for a pre-application conference under SRC chapter 300, an application for a Class 1, Class 2, or Class 3 design review pre-application conference shall include the following:
 - (A) An existing conditions plan showing:
 - (i) Existing site conditions;
 - (ii) The use of all adjacent buildings;
 - (iii) The zoning of the site and adjacent properties;
 - (iv) Topography of the site; and
 - (v) Location of all trees and prominent landscape features.
 - (B) Schematic plans for the proposed development.
- (2) Submittal requirements for Class 1, Class 2, and Class 3 design review. In addition to the submittal requirements set forth under SRC chapter 300, an application for Class 1, Class 2, or Class 3 design review shall include the following:
 - (A) A proposed site plan showing:
 - (i) The complete dimensions and setbacks of the lot, and all existing and proposed buildings and structures, including the location, size, height, proposed use, design, and gross floor area of each building.
 - (ii) All existing and proposed walls and fences, including the location, height, type of design, and composition.
 - (iii) The location and design of the existing and proposed on-site pedestrian and vehicle circulation system.
 - (iv) Locations and dimensions of all existing and proposed outdoor storage areas, including, but not limited to, trash collection and recycling areas.
 - (B) Architectural drawings, renderings, or sketches showing all elevations of proposed buildings as they will appear on completion.
 - (C) A landscape plan showing the location of natural features, trees, and plant materials proposed to be removed, retained or planted; the amount, height, type, and location of landscaped areas, planting beds, and plan materials and provisions for irrigation.

- (D) A topographic survey and grading plan showing two-foot contour intervals on hillside lots and five-foot contour intervals on all other lots.
- (E) An open space plan showing locations of common and private open space, including active and passive recreational areas. The open space plan shall show the total area of individual classifications of proposed open space and shall be drawn to scale.
- (F) A statement as to whether the application is intended to meet the standards or the guidelines.

Response: Preliminary Plans are included in Exhibit A and Preliminary Building Elevations and Floor Plans are included in Exhibit B. These plans contain the information required above. The application is intended to meet the standards for multiple-family design review. These requirements are met.

(e) Criteria.

- (1) A Class 1 design review shall be approved if all of the applicable design review standards are met.
- (2) A Class 2 or Class 3 design review shall be approved if all of the applicable design review guidelines are met.

Response: Findings addressing all the applicable design review standards are included in this narrative. The approval criteria for a Class 1 Design Review are met.

- (f) Conditions of approval. Notwithstanding SRC 300.820, the Review Authority may not attach conditions to a Class 1 design review approval.

Response: This provision is understood. However, this application for a Class 1 Design Review is being processed as part of a consolidated application that includes a Class 3 Site Plan Review. Therefore, a Type II procedure is necessary and included in this application.

(...)

Chapter 250 – Adjustments

Section 250.005. – Adjustments.

(a) Applicability.

(1) Classes.

- (A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.

Response: This application includes the following Class 1 adjustment:

Table 1: Class 1 Adjustments

Affected Buildings	Adjusted Standard	SRC Requirement	Planned Dimension	% Adjustment
1 & 2	Min. Street Setback	20 feet (Table 514-4)	16 feet	20% Reduction

- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

Response: This application includes the following Class 2 adjustments:

Table 2: Class 2 Adjustments

Building #	Adjusted Standard	SRC Requirement	Planned Dimension	% Adjustment
26	Min. RA/RS Setback	35 feet, 1.5 inches (Table 702-5)	22 feet, 10 inches	35% Reduction
27	Min. RA/RS Setback	34 feet, 2 inches (Table 702-5)	25 feet	27% Reduction
33	Min. Street Setback	20 feet (Table 514-4)	12 feet, 6 inches	38% Reduction
Southern Property Boundary	Min. Fencing	6-foot-tall fence or wall (Table 807-1, SRC 702.020[b][2])	No Fence	100% Reduction
	Min. Landscaping	One tree per 30 linear feet of abutting property width	No trees in BPA easement	100% Reduction

(2) **Prohibition.** Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

- (A) Allow a use or activity not allowed under the UDC;
- (B) Change the status of a use or activity under the UDC;
- (C) Modify a definition or use classification;
- (D) Modify a use standard;
- (E) Modify the applicability of any requirement under the UDC;
- (F) Modify a development standard specifically identified as non-adjustable;
- (G) Modify a development standard that contains the word "prohibited";
- (H) Modify a procedural requirement under the UDC;
- (I) Modify a condition of approval placed on property through a previous planning action;
- (J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or
- (K) The required landscaping in the Industrial Business Campus (IBC) Zone.

Response: The project does not include an adjustment to any of the standards, guidelines, or requirements listed in (A) through (K) above. The project includes an adjustment to the design review standards for multiple-family development, and reductions to the required setbacks, both of which are allowed under this section. This requirement is met.

(b) **Procedure type.** Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.

Response: The Class 1 and 2 adjustments included in this application are being processed as a consolidated Type II procedure.

-
- (c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
- (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
 - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
 - (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

Response: Preliminary Plans with the applicable information required in (A) through (F) above are included in Exhibit A. This requirement is met.

- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
- (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.

Response: The Existing Conditions Plan is provided in Exhibit A. This requirement is met.

- (d) Criteria.

- (1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:
- (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Equally or better met by the proposed development.
 - (...)

Response: This application includes a Class 1 Adjustment to allow a 20 percent reduction in the required street setback for Buildings 1 and 2. Buildings 1 and 2 are within the RM-II portion of the site and are typically subject to a variable setback depending on the height of the subject buildings, in accordance with SRC Table 514-4, which prescribes a setback of “minimum 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft. but need not exceed 20 ft. in depth.” Because the buildings are over 20 feet in height, the standard minimum setback abutting Hazelgreen Road NE is 20 feet. Strict adherence to the RM-II setback would create an incongruous appearance along the street frontage, contrary to the purpose of the applicable standard. In order to provide a cohesive transition between the MU-I and the RM-II zoning districts, the setback for Buildings 1 and 2 is adjusted to 16 feet per (ii), above. This criterion is met.

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

Response: Buildings 26 and 27 are located in the RM-II zoned portion of the site and are subject to a minimum 10-foot rear yard setback according to the zone-to-zone setback requirements of SRC Table 514-5. The multiple-family design review standards of SRC Chapter 702 also contain provisions governing the minimum setback for multifamily buildings abutting property zoned as Residential Agriculture (RA) or Single-Family Residential (RS). Table 702-5 prescribes a minimum setback for buildings with two or more stories that is equivalent to 1 foot for each 1 foot of building height. The height of Building 26 is 35 feet, 1.5 inches (40 feet to the ridge line and 30 feet, 3 inches to the ceiling line), and the height of building 27 is 34 feet, 2 inches (39 feet, 1 inch to the ridge line and 29 feet, 3 inches to the ceiling line), both requiring an equivalent setback.

Applicant seeks an adjustment to this setback, to 22.83’ as shown in Exhibit A, in recognition of the large separation between buildings on these adjacent properties that is created by the BPA easement here. This 125-foot-wide easement does not permit the placement of any structures within its boundary. Therefore, the separation is better met by the existing BPA easement.

SRC 702.020 (b)(2) also requires specific landscaping and screening to be located between the planned multifamily buildings and the abutting RS zoning district. Because improvements, including trees and fences, are not permitted within the BPA easement, the screening requirements cannot be applied to that portion of the development site. Similar to the setback requirement, the purpose of the landscaping and screening standard is to provide a buffer between the multiple-family development and the abutting RS properties. The existing 125-foot easement provides an adequate buffer that equally or better satisfies the stated purpose of this requirement.

Building 33 is located on an unconventionally shaped portion of the property with a curved property line along the Lunar Drive NE frontage. While the average setback is

greater than 20 feet from the front property line, there are two corners of the building that encroach into the 20-foot street setback required by SRC Table 514-4. This criterion is met.

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

Response: As discussed above, the Application seeks between ± 3 and ± 12 feet of relief from the building and vehicle use area setbacks. In each case significantly greater separation between buildings and vehicle use areas on this and abutting properties will be maintained via the presence of a 125-foot wide BPA transmission line easement. The negligible setback reduction, as requested, will have no impact on the appearance or livability of the residential area. The criterion is met.

- (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.

Response: As outlined above, the BPA easement provides sufficient separation between adjacent buildings and vehicle use areas so that the cumulative impact of the requested adjustments does not result in a project that is inconsistent with the purpose of the MU-I and RM-II zoning districts. This criterion is met.

- (e) Transfer of adjustments. Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

Response: The Applicant acknowledges that the adjustments run with the land.

(...)

Chapter 300—Procedures for Land Use Applications and Legislative Land Use Proposals

Section 300.210—Application submittal

- (a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.

- (1) A completed application form. The application form shall contain, at a minimum, the following information:

- (A) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
- (B) The address or location of the subject property and its assessor's map and tax lot number;
- (C) The size of the subject property;
- (D) The comprehensive plan designation and zoning of the subject property;
- (E) The type of application(s);
- (F) A brief description of the proposal; and
- (G) Signatures of the applicant(s), owner(s), of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

Response: The required information in (A) through (G) are included in the electronic submittal form generated at the time of application submittal.

(2) Recorded deed/land sales contract with legal description;

Response: The Current Property Deeds are included in Exhibit E.

(3) Any information that would give rise to an actual or potential conflict of interest under state or local ethics laws for any member of a Review Authority that will or could make a decision on the application;

Response: The Applicant is not aware of any information that would give rise to an actual or potential conflict of interest under state or local ethics laws for any member of a Review Authority that will or could make a decision on the application.

(4) Pre-application conference written summary, if a pre-application conference was required under SRC 300.310(a) and Table 300-2; or copy of the approved pre-application conference waiver, if such approval was granted pursuant to SRC 300.310(b);

Response: A pre-application conference was held on January 9, 2023, and the written summary is included in Exhibit F. This requirement is met.

(5) A statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact and who it was with (e.g., phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

Response: The Northgate Neighborhood Association was contacted on July 18, 2023, and the contents of that contact are included in Exhibit G. This requirement is met.

(6) For applications requiring neighborhood association contact under SRC 300.310, a copy of the required e-mail or letter to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent;

Response: The Northgate Neighborhood Association was contacted on July 18, 2023, and the contents of that contact are included in Exhibit G. This requirement is met.

(7) For applications requiring an open house under SRC 300.320:

(A) A copy of the sign-in sheet for the open house and a summary of the comments provided; or

(B) When a neighborhood association meeting has been substituted for a required open house, a summary of the comments provided at the neighborhood association meeting;

Response: The project does not include an application for which an open house is required under SRC 300.320 or Table 300-2. This requirement does not apply.

(8) A statement as to whether the Salem-Keizer Transit District was contacted in advance of filing the application; and if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact, who it was with, and the result;

Response: The Salem-Keizer Transit District was contacted on July 18, 2023. The contents of the contact with the Salem-Keizer Transit District, and the response received from the District are included in Exhibit G. This requirement is met.

- (9) A written statement addressing each applicable approval criterion and standard;

Response: This written statement addresses each applicable approval criterion and standard. This requirement is met.

- (10) For Type II, Type III, and applicant-initiated Type IV applications involving property subject to an active and duly incorporated Homeowner's Association (HOA) registered with the Oregon Secretary of State which includes an identified registered agent, the HOA name and mailing address for the registered agent.

Response: The property is not subject to an active homeowners' association (HOA). This requirement does not apply.

- (11) For applications for affordable multiple family housing where a 100-day state mandated decision date is sought, a draft copy of the covenant required under ORS 197.311 restricting the owner, and each successive owner, of the development or a residential unit within the development from selling or renting any of the identified affordable residential units as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

Response: This project does not involve affordable multiple-family housing where a 100-day state-mandated decision date is sought. This requirement does not apply.

- (12) Any additional information required under the UDC for the specific land use action sought;
- (13) Any additional information, as determined by the Planning Administrator, that may be required by another provision, or for any other permit elsewhere, in the UDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

Response: The Applicant can provide additional information as needed.

- (14) Payment of the applicable application fee(s) pursuant to SRC 110.090.

Response: The required application fees were paid to the City of Salem at the time the application was initially submitted.

- (b) The Planning Administrator may waive any submittal requirement if the Planning Administrator determines that the specific requirement would not provide evidence needed to satisfy any of the applicable criteria.

Response: This provision is understood.

- (c) Each application, when received, shall be date-stamped with the date the application was received, and designated with a receipt number and a notation of the staff person who received the application.

Response: This provision is understood.

(...)

Section 300.300—Pre-application conference

-
- (a) **Purpose.** Pre-application conferences are intended to familiarize applicants with the requirements of the UDC; to provide applicants with an opportunity to meet with city staff to discuss proposed projects in detail; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
 - (b) **Applicability and waiver of pre-application requirement.**
 - (1) Pre-application conferences are mandatory for those land use actions identified under Table 300-2 as requiring a pre-application conference.
 - (2) Nothing in this section shall preclude an applicant from voluntarily requesting a pre-application conference for any other land use action.
 - (3) Notwithstanding the provisions of this section, a mandatory pre-application conference may be waived by the Planning Administrator if the application is relatively simple, and good cause is shown by the applicant. An application for a waiver shall be made on forms provided by the Planning Administrator. The applicant for a waiver shall acknowledge that waiving the pre-application conference increases the risk of an application being rejected or processing delayed due to insufficient, incomplete, or incorrect information being provided. The decision of the Planning Administrator on an application to waive a pre-application conference is not appealable.

(...)

Response: A pre-application conference was held on January 9, 2023, and the Pre-Application Written Summary is included in Exhibit F. This requirement is met.

Section 300.310—Neighborhood association contact

- (a) **Purpose.** The purpose of neighborhood association contact is to provide an opportunity for neighborhood associations to learn of upcoming land use applications involving land within or adjacent to their boundaries in advance of applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.
- (b) **Applicability.**
 - (1) Neighborhood association contact, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring neighborhood association contact.
 - (2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for neighborhood association contact and the other applications do not require neighborhood association contact, the entire consolidated application shall require neighborhood association contact.
 - (3) Nothing in this section shall be construed to preclude additional contact between an applicant and neighborhood association beyond the requirements of this section, or an applicant from contacting a neighborhood association where no neighborhood association contact is required.

Response: The Northgate Neighborhood Association was contacted on July 18, 2023, and the content of that contact is included in Exhibit G. This requirement is met.

- (c) **Process.** Prior to submitting a land use application requiring neighborhood association contact, the applicant shall contact the City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The e-mail or mailed letter shall:
- (1) Be sent to the chair(s) and land use chair(s) of the applicable neighborhood association(s) prior to submitting the land use application; and
 - (2) Contain the following information:
 - (A) The name, telephone number, and e-mail address of the applicant;
 - (B) The address of the subject property;
 - (C) A summary of the proposal;
 - (D) A conceptual site plan, if applicable, that includes the proposed development; and
 - (E) The date on which the e-mail or letter is being sent;

Response: The Northgate Neighborhood Association was contacted on July 18, 2023, and the content of that contact is included in Exhibit G. This requirement is met.

- (d) **Effect on subsequent land use application submittal.** A land use application requiring neighborhood association contact shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the e-mail or letter that was sent to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

Response: The Northgate Neighborhood Association was contacted on July 18, 2023, and the content of that contact is included in Exhibit G. This requirement is met.

Chapter 514—RM-II- Multiple Family Residential

Section 514.005—Uses

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RM-II zone are set forth in Table 514-1.

Table 514-1. Uses	
Use	Status
Household Living	
Multiple family	P

Response: The project involves ±405 multiple-family homes as permitted in the RM-II district.

Section 514.010—Development standards

Development within the RM-II zone must comply with the development standards set forth in this section.

- (a) **Land division in the RM-II zone.** Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.

Response: The application does not include a land division in the RM-II zoning district. Nonetheless, the planned PLA will result in a single lot measuring ±15.62 acres, well above the 20,000 square-foot minimum.

- (b) **Lot standards.** Lots within the RM-II zone shall conform to the standards set forth in Table 514-2.

Table 514-2. Lot Standards	
Requirement	Standard
Lot Area	
All other (non-single-family) uses	Min. 6,000 sq. ft.
Lot Width	
All other (non-single-family) uses	Min. 40 ft.
Lot Depth	
All other (non-single-family) uses	Min. 80 ft. Max. 300% of average width
Street Frontage	
All other (non-single-family) uses	Min. 40 ft.

Response: The PLA included in this application will remove the property line between Tax Lots 400 and 500. The Preliminary Property Line Adjustment Plan in Exhibit A shows that the resulting lot will provide the following lot dimensions:

Table 3: Adjusted Lot Dimensions

Consolidated Parcel	
Lot area	±679,449 square feet
Lot width	±515 feet
Lot depth	±1,289 feet
Street frontage	±468 feet on Hazelgreen Road NE ±1,563 feet on Lunar Drive NE

As shown in Table 3 above, the lot dimension standards in the RM-II zoning district are met.

- (c) **Dwelling unit density.** Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3.

Table 514-3. Dwelling Unit Density		
Use	Standard	
	Minimum	Maximum
Single family, two family, three family, four family, and multiple family	15 DU/acre	31 DU/acre

Response: The consolidated lot is planned to provide 360 dwelling units on ±13.73 acres in the RM-II zoning district resulting in a planned density of 26 dwelling units (DU) per acre (360 DU/13.73 acres = 26.22 DU/acre). The resulting density is within the density range allowed in the RM-II zoning district. This standard is met.

- (d) **Setbacks.** Setbacks within the RM-II zone shall be provided as set forth in Tables 514-4 and 514-5.

Table 514-4. Setbacks			
Requirement		Standard	Limitations & Qualifications
Abutting Street			
Buildings			
All other uses (Multiple Family)	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft., but need not exceed 20 ft. in depth.		
Accessory Structures			
Accessory to all other uses	None		Applicable to accessory structures not more than 4 ft. in height.
	Min 12., plus 1 ft. for each 1 ft. of height over 12 ft.		Applicable to structures greater than 4 ft. in height.
Vehicle Use Areas			
All other uses	Min. 12 ft.		
Interior Front			
Buildings			
All other uses	Zone-to-zone setback (Table 514-5)		
Accessory Structures			
Accessory to all other uses	Zone-to-zone setback (Table 514-5)		
Vehicle Use Areas			
All other uses	Zone-to-zone setback (Table 514-5)		
Interior Side			
Buildings			
All other uses	Zone-to-zone setback (Table 514-5)		
Accessory Structures			
All other uses	Zone-to-zone setback (Table 514-5)		
Vehicle Use Areas			
All other uses	Zone-to-zone setback (Table 514-5)		
Interior Rear			
Buildings			
All other uses	Zone-to-zone setback (Table 514-5)		
Accessory Structures			
Accessory to all other uses	Zone-to-zone setback (Table 514-5)		
Vehicle Use Areas			
All other uses	Zone-to-zone setback (Table 514-5)		
Table 514-5. Zone-to-Zone Setbacks			
Abutting Zone	Type of improvement	Setback	Landscaping & Screening
Residential	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Mixed-Use Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Public	Building and accessory structure	Min. 10 ft.	Type C
	Vehicle use areas		
Industrial	Building and accessory structure	Min. 15 ft	Type C
	Vehicle use areas		

Response: The Preliminary Site Plans in Exhibit A show that the following setbacks are provided on the RM-II zoning district portion of the consolidated lot:

Table 4: Planned RM-II Setbacks

Requirement	Minimum Standard	Landscaping & Screening	Setback Provided	Adjustment Requested
Abutting Street				
Buildings	Minimum 12 feet, plus 1 foot for each 1 foot of height over 12 feet but need not exceed 20 feet in depth	Per SRC 807	16 feet from Hazelgreen Road NE 20 feet from Lunar Drive NE	Yes
Accessory Structures	No accessory structures are proposed on abutting streets	Per SRC 807	N/A	No
Vehicle Use Areas	12 feet	Per SRC 807	78 feet from Hazelgreen Road NE (located behind buildings) 20 feet from Lunar Drive NE	No
Interior Side				
Buildings	10 feet from public zone west 15 feet from industrial zone east	Type C	10 feet 15 feet	No
Accessory Structures	10 feet from public zone west 15 feet from industrial zone east	Type C	N/A	No
Vehicle Use Areas	10 feet from public zone west 15 feet from industrial zone east	Type C Type C	10 feet 15 feet	No
Interior Rear				
Buildings	10 feet from residential zone south	Type C	22 feet	No
Accessory Structures	10 feet from residential zone south	Type C	N/A	No
Vehicle Use Areas	10 feet from residential zone south	Type C	26 feet	No

The information provided in Table 4 above and the dimensions provided on the Preliminary Site Plans in Exhibit A identify the setbacks for buildings and vehicle use areas in the RM-II zoning district. The street setback for Buildings 1 and 2 is reduced by 20 percent and included in the Class 1 adjustments requested with this application. Adjustments are also included to reduce the more intensive multifamily building setback requirements indicated in SRC table 702-5.

- (e) **Lot coverage; height. Buildings and accessory structures within the RM-II zone shall conform to the lot coverage and height standards set forth in Table 514-6.**

Table 514-6. Lot Coverage; Height	
Requirement	Standard
Lot Coverage	
Buildings and accessory Structures	
All uses	Max. 60%
Rear Yard Coverage	
Buildings	
All uses	N/A
Accessory Structures	
Accessory to all other uses	No Max.
Height	
Buildings	
Multiple family	Max. 50 ft.
Accessory Structures	
Accessory to all uses	Max 15 ft.

Response: As shown on the Preliminary Site Plans in Exhibit A, buildings and accessory structures are planned to cover 25 percent of the RM-II zoned portion of the site. As shown on the Preliminary Building Elevations and Floor Plans in Exhibit B, the multiple-family buildings are not planned to exceed 50 feet in height, when calculated in accordance with the City's standards of measurement. These standards are met.

- (f) Maximum square footage for all accessory structures. In addition to the maximum coverage requirements established in Table 514-6, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 514-7.

Response: The project does not include single-family or two-family uses; therefore, this standard does not apply.

- (g) Landscaping. Landscaping within the RM-II zone shall be provided as set forth in this subsection.
- (1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in this subsection.
 - (2) Vehicle use areas. Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.

Response: The setbacks are planned to be landscaped in accordance with SRC Chapter 807 as shown on the Preliminary Landscape Plan in Exhibit A. The RM-II portion of the project involves multiple-family development with 13 or more units that is subject to multifamily design review and is therefore exempt from the landscaping requirements of SRC Chapter 806 per SRC 702.020(b)(8). These standards are met.

- (h) Outdoor storage. Within the RM-II zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Response: The project does not involve outdoor storage. This standard does not apply.

Section 514.015—Design review

Design review under SRC chapter 225 is required for development within the RM-II as follows:

- (a) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.

- (b) Residential care with five or more self-contained dwelling units shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.

Response: This application seeks approval for new multi-family homes and is subject to the multiple-family design review standards in SRC 702. Responses to the applicable criteria in SRC 702 can be found later in this narrative.

Chapter 533—Mixed Use-I

Section 533.001—Purpose.

The purpose of the Mixed Use-I (MU-I) zone is to identify allowed uses and establish development standards that promote pedestrian-oriented development in vibrant mixed-use districts, encourage a mix of compatible uses in multi-story buildings, and emphasize active commercial uses on ground floors facing major streets.

Section. 533.010—Uses.

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-I zone are set forth in Table 533-1.

Table 533-1. Uses	
Use	Status
Household Living	
Multiple family	P

Response: The project involves ±405 multiple-family homes, and ±45 of the homes are planned to be located within the MU-I portion of the site, as permitted.

- (b) Prohibited uses. Notwithstanding Table 533-1, any permitted, special, or conditional use within the MU-I zone shall be a prohibited use if developed with a drive-through.

Response: The project does not involve a drive-through. This provision is not applicable.

- (c) Continued uses. Existing uses within the MU-I zone established prior to August 24, 2022, but which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.

- (1) Buildings or structures housing a continued use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided:
- (A) Such alteration, enlargement, or rebuilding of a conforming development complies with the standards in this chapter; or
- (B) Such alteration, enlargement, or rebuilding of a continued development complies with the standards set forth in SRC 533.015(g).
- (2) A continued use shall terminate if the building or structure ceases to be occupied for that continued use for any reason for a continuous period of one year.
- (3) Conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.

Response: The residential structure that had previously been established on the lot has been removed and will not be continued or rebuilt. Therefore, the application does not involve continued uses.

Section. 533.015—Development standards.

Development within the MU-I zone must comply with the development standards set forth in this section.

- (a) Lot standards. Lots within the MU-I zone shall conform to the standards set forth in Table 533-2.

Table 533-2. Lot Standards	
Requirement	Standard
Lot Area	
All uses	None
Lot Width	
All uses	None
Lot Depth	
All uses	None
Street Frontage	
All uses	16 ft.

Response: Within the MU-I portion of the site, the consolidated lot has ±251 feet of frontage on Hazelgreen Road NE and ±260 feet of frontage on Lunar Drive NE. The applicable lot standards under Table 533-2 are met.

- (b) Dwelling unit density. Development within the MU-I zone that is exclusively residential shall have a minimum density of 15 dwelling units per acre.

Response: The MU-I portion of the site is ±1.9 acres in size. Twenty-nine dwelling units must be provided ($1.9 \times 15 = 29$) to meet this requirement. This portion of the site is planned to be developed with exclusively residential buildings containing a total of ±45 dwelling units, as shown on the Preliminary Plans included in Exhibit A. This standard is met.

- (c) Setbacks. Setbacks within the MU-I zone shall conform to the standards set forth in Tables 533-3 and 533-4.

Table 533-3. Setbacks		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	0 ft. or Max. 10 ft.	(1) Maximum 10-foot setback applies if the setback area is used for pedestrian amenities
		a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing façade of the new building and the street. b) For double frontage lots, the setback abutting a street shall only apply to the street with the highest street classification or, where both streets have the same classification, the street designated by the applicant. No minimum or maximum setback is required abutting the other street.
		(2) A minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to [SRC] 533.015(h) . (a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing façade of the new building and the street. (b) For double frontage lots, the maximum setback abutting a street shall only apply to the street with the highest street classification, or where both streets have the same classification, the street designated by the applicant. No maximum setback is required abutting the other street.
Accessory Structures		
All uses	Min. 10 ft.	
Vehicle Use Areas		
All other uses	Per SRC chapter 806	The use of a berm under [SRC] 806.035(c)(2)(B) is prohibited.
Interior Side		
Buildings		
All uses	Zone-to-zone setback (Table 533-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 533-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 533-4)	
Interior Rear		
Buildings		
All uses	Zone-to-zone setback (Table 533-4)	
Accessory Structures		

Accessory to all other uses	Zone-to-zone setback (Table 533-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 533-4)	

Table 533-4. Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening
Public Zone	Buildings and accessory structures	None.	N/A
	Vehicle use areas	Min. 5 ft.	Type A
Residential Zone	Buildings and accessory structures	Min. 10 ft. plus 1.5 feet for each 1 foot of building height above 15 feet	Type C
	Vehicle use areas	Min. 5 ft.	Type C

Response: The Preliminary Site Plans in Exhibit A shows that the following setbacks are provided on the portion of the adjusted parcel within in the MU-I district:

Table 5: Planned MU-I Setbacks

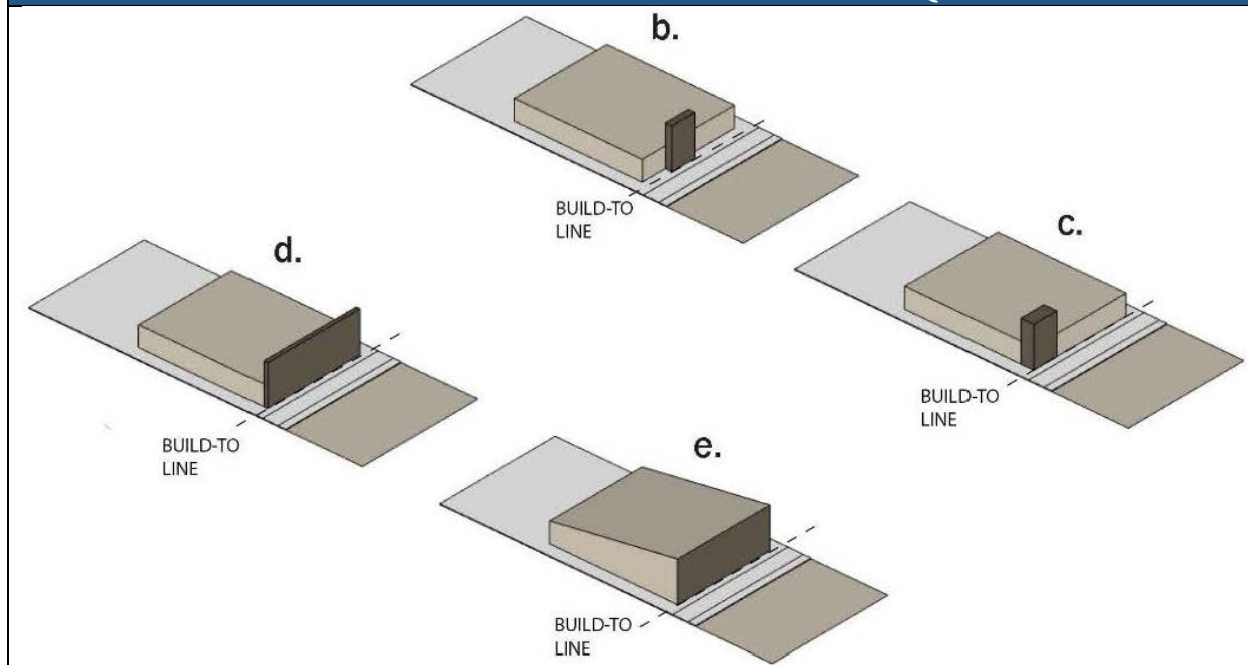
Requirement	Standard		Setback Provided
Abutting Street			
Buildings	5–10 feet for ground-floor residential uses if horizontal separation is provided pursuant to SRC 533.015(h)	Per SRC 807	10 feet
Accessory Structures	10 feet	Per SRC 807	N/A (none proposed)
Vehicle Use Areas	10 feet	Per SRC 807	N/A (no vehicle use area abutting streets)
Interior Side			
Buildings	0 feet from public zone west		N/A (none proposed)
Accessory Structures	0 feet from public zone west		N/A (none proposed)
Vehicle Use Areas	5 feet from public zone west with Type A landscaping		N/A

- (d) Lot coverage; height; building frontage. Buildings and accessory structures within the MU-I zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 533-5.

Table 533-5. Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and accessory Structures		
All uses	No Max.	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
All Uses	No Max.	
Height		
Buildings		
All Uses	Max. 45 ft.	Applicable to buildings on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley
	Max. 65 ft	Applicable to buildings on all other lots.
	Min. 20	New buildings or additions shall satisfy the minimum height requirements through one of the following options:
		a) Roof. Provide a roof that is 20 feet in height.
		b) Prominent entry. Provide an attached entry that is 20 feet in height, extends for a minimum of 25 percent of the length of the front facade, and extends to the front lot line.
		c) Cupola. Provide a 20-foot tall portion of the building for a minimum of 25 percent of the length of the front facade. It shall include the front facade wall and extend a minimum of 10 feet behind the front wall.
		d) False front. Provide a front facade wall that is 20 feet in height along the entire length of the building.
		e) Reverse shed. Provide a front facade wall that is 20 feet in height along the entire length of the building and slope the roof down toward the rear of the building.

Response: The Preliminary Building Elevations and Floor Plans included in Exhibit B show that the buildings are planned to be between 20-feet and 65-feet in height. This standard is met.

**FIGURE 533-1
EXAMPLE OF OPTIONS TO MEET MINIMUM HEIGHT REQUIREMENT**



Accessory Structures

All uses	Max 45 ft.	Applicable to accessory structures on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley.
	Max 65 ft.	Applicable to accessory structures on all other lots.

Building Frontage

Buildings

All Uses	Min. 75%	(1) For corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40%.
		(2) For corner lots where both streets have the same classification, the applicant may choose on which street to meet the minimum 75% building frontage standard and on which street to meet the minimum 40% building frontage standard.
		(3) For double frontage lots, this standard must only be met on the street with the highest classification. Where both streets have the same classification, the applicant may choose on which street the building frontage standard shall apply.

Accessory Structures

All uses	Not applicable	Accessory structures shall be located behind or beside buildings.
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Response: The Preliminary Building Elevations and Floor Plans included in Exhibit B show that the buildings are planned to be between 20-feet and 65-feet in height per Table 533-5. A Class 1 Adjustment is included in this application to reduce the minimum building frontage standard on Hazelgreen Road NE from 188 feet to 176 feet. With the included adjustment, these standards are met.

- (e) **Parking.** Required off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone or MU-II zone.

Response: Parking is not planned to be located on a new stand-alone surface parking lot. This requirement is met.

- (f) **Landscaping.**

- (1) **Setback areas.** Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to [SRC] 533.015(h), 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.

Response: The setbacks and vehicle use areas are planned to be landscaped in accordance with SRC Chapters 806 and 807 as shown on the Preliminary Landscape Plan included in Exhibit A. These standards are met.

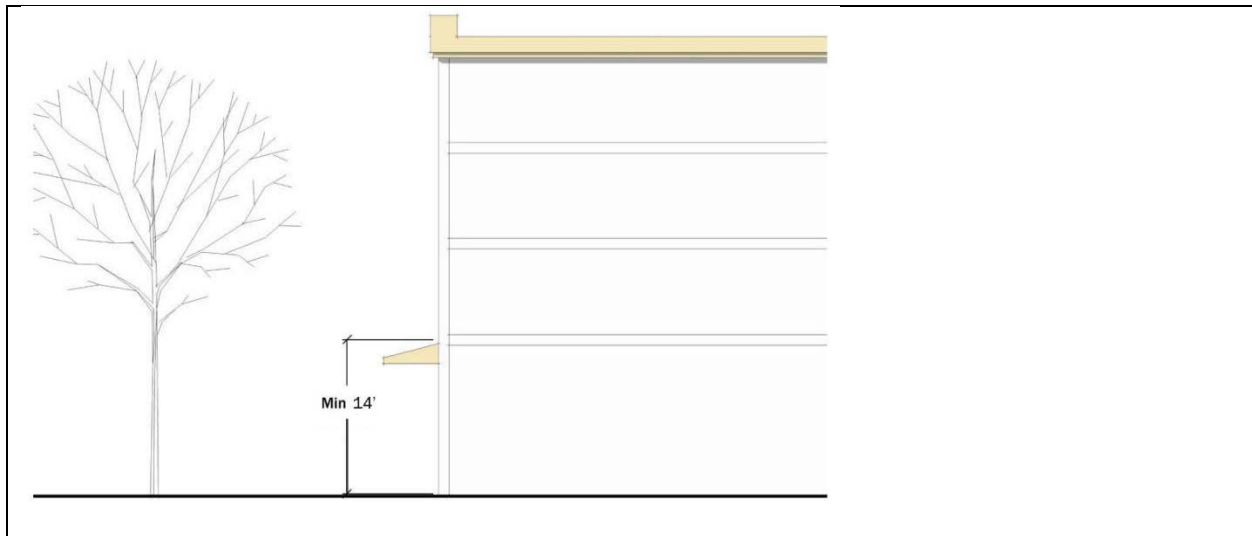
- (g) **Continued development.** Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

(...)

Response: The single-family home and related improvements previously located on the MU-I portion of the site have been removed; therefore, continued uses are not included in this application. The provisions under subsection (g) do not apply.

- (h) **Pedestrian-oriented design.** Development within the MU-I zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 533-6. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Table 533-6: Pedestrian-Oriented Design		
Requirement	Standard	Limitations & Qualifications
Ground Floor Height		
This standard applies to building ground floors on primary streets.	Min. 14 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.
FIGURE 533-2 GROUND FLOOR HEIGHT		



Response: The portion of the site in the MU-I zoning district has frontage on Hazelgreen Road NE and Lunar Drive NE. Hazelgreen Road NE is classified as a parkway in the Salem TSP and Lunar Drive NE is planned to be a Local street. Neither of these streets are defined as Primary streets under this section. Therefore, the MU-I portion of the project does not have frontage on a primary street. This standard does not apply.

Separation of Ground Floor Residential Uses		
This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.
	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.
	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscaped area such as private open space or hardscaped area such as a plaza.

Response: This application includes buildings with dwelling units located on the ground floors. Vertical separation will be provided in the form of three to five steps between the sidewalk and the residential entryways for the buildings located along Hazelgreen Road NE and Lunar Drive NE.

**FIGURE 533-3
HORIZONTAL SEPARATION**



Building Articulation

This standard applies to building facades facing primary streets.	Required	(1)	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the facade and the portion of side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
		(2)	Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
		a)	Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards:
			1. Change in materials.
			2. Change in color.
			3. Molding or other horizontally-articulated transition piece.
		b)	Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards:

				1. Recesses of a minimum depth of two feet.
				2. Extensions of a minimum depth of two feet.
				3. Vertically-oriented windows.
				4. Pilasters that project away from the building.
			c)	Top: Building tops shall be defined by at least one of the following standards:
				1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond face of the facade.
				2. Change in material from the upper floors, with that material being a minimum of eight inches tall.
				3. Offsets or breaks in roof elevation that are a minimum of three feet in height.
				4. A roof overhang that is a minimum of eight inches from the face of the facade.
		(3)		The repainting of a facade of an existing building is exempt from this standard.

Response: The portion of the site in the MU-I zoning district has frontage on Hazelgreen Road NE and Lunar Drive NE. Hazelgreen Road NE is classified as a parkway in the Salem TSP and Lunar Drive NE is planned to be a Local street. Neither of these streets are defined as primary streets under this section. Therefore, the MU-I portion of the project does not have frontage on a Primary street. This standard does not apply.

**FIGURE 533-4
ARTICULATION**



Ground Floor Windows

This standard applies to building ground floors on primary streets.	Min. 65%	(1)	For the purposes of this standard, ground floor building facades shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
		(2)	For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

Response: The portion of the site in the MU-I zoning district has frontage on Hazelgreen Road NE and Lunar Drive NE. Hazelgreen Road NE is classified as a Parkway in the Salem TSP and Lunar Drive NE is classified as a Local street. Neither of these streets are defined as Primary streets under Section 533.005. Therefore, the MU-I portion of the project does not have frontage on a Primary street. This standard does not apply.

**FIGURE 533-5
GROUND FLOOR WINDOWS**



Building Entrances

This standard applies to building ground floors on primary streets.	Required	(1)	For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.
		(2)	For residential uses on the ground floor, a primary building entrance for each facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		(3)	Building entrances shall include weather protection.

Response: The portion of the site in the MU-I zoning district has frontage on Hazelgreen Road NE and Lunar Drive NE. Hazelgreen Road NE is classified as a Parkway in the Salem TSP and Lunar Drive NE is planned to be a Local street. Neither of these streets are defined as Primary streets under Section 533.005. Therefore, the MU-I portion of the project does not have frontage on a Primary street. This standard does not apply.

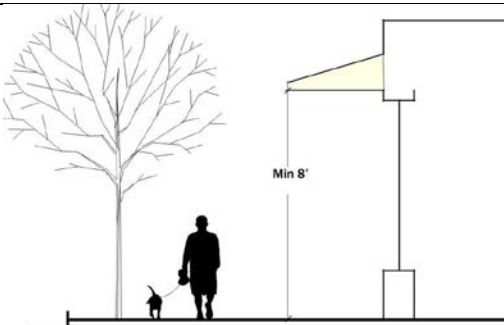
**FIGURE 533-6
ENTRANCE AT BUILDING CORNER**



Weather Protection

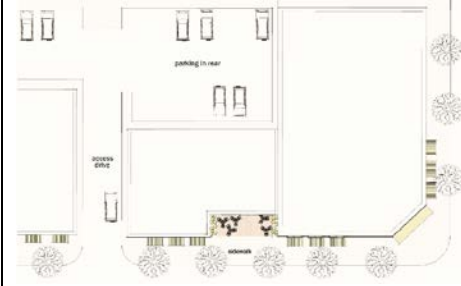
This standard applies to building ground floors adjacent to a street.	Min. 75%	(1)	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
		(2)	Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.

**FIGURE 533-7
WEATHER PROTECTION**




Response: The Preliminary Building Elevations and Floor Plans in Exhibit B show weather protection in the form of canopies provided along 75 percent of the length of the buildings fronting

Hazelgreen Road NE and Lunar Drive NE with a minimum 8 feet of vertical clearance. This standard is met.

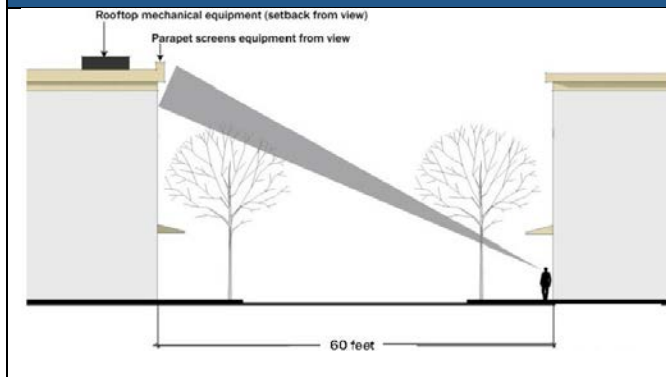
Parking Location		
This standard applies to off-street parking areas and vehicle maneuvering areas.	Required	Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street
FIGURE 533-8 OFF-STREET PARKING		
		

Response: The Preliminary Site Plans in Exhibit A shows that the off-street parking area in the MU-I zoning district will not be located between the buildings and the street. This standard is met.

Mechanical and Service Equipment			
This standard applies to mechanical and service equipment.	Required	(1)	Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.
		(2)	Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.
<p style="text-align: center;">FIGURE 533-9 GROUND-LEVEL MECHANICAL EQUIPMENT</p>			
			

Response: The location of ground-level mechanical equipment has not been determined, but it can be screened as necessary to comply with this standard. Compliance with this standard can be determined with building permits. This standard can be met.

FIGURE 533-10
ROOFTOP MECHANICAL EQUIPMENT



Response: The location of rooftop equipment has not been determined, but it can be screened as necessary to comply with this standard. Compliance with this standard can be determined with building permits. This standard can be met.

Chapter 702—Multiple Family Design Review Standards

Section 702.005—Multiple family design review

- (a) Except as provided under subsection (b) of this section, and unless otherwise provided in the UDC, design review under SRC chapter 225 is required for all multiple family development.
- (b) Exceptions. Multiple family design review is not required for:
 - (A) Cottage clusters, when allowed as a special use.
 - (B) Multiple family development within mixed-use building.
 - (C) Multiple family development within:
 - (i) The Central Business District (CB) Zone.
 - (ii) The South Waterfront Mixed-Use (SWMU) Zone.
 - (iii) A National Register Historic District.
 - (iv) The Public and Private Health Services (PH) Zone.
 - (v) The Mixed Use-I (MU-I) Zone.
 - (vi) The Mixed Use-II (MU-II) Zone.
 - (vii) The Mixed Use-Riverfront (MU-R) Zone.
 - (viii) The West Salem Central Business District (WSCB) Zone.

Response: Design review is not required for the portion of the development within the MU-I zoning district under Exception (C)(v) above; however, the multiple-family development within the RM-II zoning district does not qualify for any of the listed exceptions. Therefore, multiple-family design review applies to the RM-II-zoned portion of the site and responses are included below as applicable.

Section 702.010—Multiple family design review standards

Multiple family development shall comply with all of the applicable design review standards as follows:

- (a) Multiple family development with five to 12 dwelling units shall comply with the design review standards set forth in SRC 702.015 or the design review standards set forth in SRC 702.020.
- (b) Multiple family development with 13 or more dwelling units shall comply with the design review standards set forth in SRC 702.020.
- (c) The design review standards set forth in this chapter are in addition to, and not in lieu of, all other applicable development standards in the UDC. Where the design review standards conflict with the development standards in the UDC, the design review standards shall be the applicable development standard.

Response: The project involves multiple-family development consisting of 405 units. Forty-five of the planned units will be constructed on the MU-I portion of the site and are not subject to multifamily design review standards, as addressed above. Findings are included below that demonstrate that the planned development within the RM-II portion of the site complies with all applicable design standards for multiple-family development with over 13 dwelling units and, therefore, meets the approval criteria for a Class 1 Design Review.

(...)

Section 702.020—Design review standards for multiple family development with thirteen or more units

- (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.

Response: The portion of the site in the RM-II zoning district that is subject to multiple-family design review is ±598,188 square feet in area requiring 179,456 square feet of open space. As shown on the Preliminary Site Plans in Exhibit A, 234,394 square feet of the RM-II portion of the site is planned to be preserved as open space. This standard is met.

- (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.

Table 702-3. Common Open Space Area Size and Dimensions		
Number of Dwelling Units	Minimum Open Space Area Size	Minimum Horizontal Dimension
13 to 20	750 sq. ft.	25 ft.
More than 20	1,000 sq. ft., plus an additional 250 sq. ft. for every 20 units, or portion thereof, over 20 units.	25 ft.

Response: The portion of the site in the RM-II zoning district is planned to contain 360 units. Therefore 1,000 square feet is required for the first 20 units and 4,250 square feet is required for the remaining 340 units ($340/20 = 17$, $17 \times 250 = 4,250$). This area is identified on the Preliminary Site Plans in Exhibit A. This standard is met.

- (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.

Response: None of the planned open space will be located on land with slopes greater than 25 percent. This standard is met.

- (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.

Table 702-4. Private Open Space Area Size and Dimensions		
Location of Dwelling Unit	Minimum Open Space Area Size	Minimum Dimension
Not more than 5 ft. above finished grade	96 sq. ft.	6 ft.
More than 5 ft. above finished grade	48 sq. ft.	6 ft.

Response: The project will include private open space for each dwelling unit meeting the size and dimension standards of this section, as shown on the Preliminary Building Elevations and Floor Plans included in Exhibit B. This criterion is met.

- (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.

Response: The project includes 360 dwelling units in the RM-II zoning district. Therefore, a minimum of 72 units ($360 \times 0.20 = 72$) is required to provide private open space to meet this standard. All of the ground-floor units include patios that are a minimum of 96 square feet in area, and all of the upper-story units include balconies that are 60 square feet in area to meet this standard. These patios are shown on the Preliminary Building Elevations and Floor Plans in Exhibit B. This standard is met.

- (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.

Response: Residents of this planned multifamily community will have access to the existing amenities available at Northplace Phase I, located ± 600 feet southwest of the subject site. These amenities include a sports court, multiple children's play areas, a community recreation building, and a swimming pool. The site is also located directly adjacent to a ± 45 -acre future City park. Because of these existing and planned facilities, the site plan for this phase does not include specific recreation features that would contribute toward the minimum open space requirement.

(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.

Response: The project is directly adjacent to a property that is dedicated for a future City park in the public amusement zoning district to the west. Therefore, the required amount of open space (179,456 square feet) may be reduced by 50 percent, or 89,728 square feet, but the planned open space exceeds the required minimum without utilizing this reduction.

(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.

Response: The RM-II portion of the development site is 598,188 square feet in area requiring 300 trees to be planted or preserved. These trees are shown on the Preliminary Landscape Plan in Exhibit A.

(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

Response: The property abuts the RS zoning district to the south for ± 450 linear feet, non-inclusive of the Lunar Drive NE ROW. An adjustment is included with this application to account for the 125-foot BPA transmission line easement crossing the property and the adjacent residential properties which prohibits the planting of trees within its boundaries in accordance with this standard.

(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. Chain-link fencing with slats shall not be allowed to satisfy this standard.

Response: An adjustment is included with this application to account for the 125-foot BPA transmission line easement that crosses the southern property boundary and prohibits the construction of structures, including fencing, within its boundaries.

- (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.

Response: A minimum of two plant units are planned to be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units, for a total of 70 plant units, as shown on the Preliminary Landscape Plan in Exhibit A. This standard is met.

- (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.

Response: New trees are planned to be planted at a minimum density of 10 plant units per 60 linear feet of exterior building wall as shown on the Preliminary Landscape Plan in Exhibit A. This standard is met.

- (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.

Response: Shrubs are to be planted around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall as shown on the Preliminary Landscape Plan in Exhibit A. This standard is met.

- (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.

Response: The ground-level patios are planned to be separated from common open space with perimeter landscaping as shown on the Preliminary Landscape Plan in Exhibit A. This standard is met.

- (7) To provide protection from winter wind and summer sun and 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).

Response: One canopy tree shall be planted along every 50 feet of the perimeter of parking areas as shown on the Preliminary Landscape Plan in Exhibit A. A total of 148 perimeter trees are required along the parking area perimeter, and 236 trees are provided. This standard is met.

- (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).

Response: Planter bays with a minimum of 9 feet in width are planned to be provided at a minimum spacing of one for every 12 spaces as shown on the Preliminary Landscape Plan in Exhibit A. One tree is provided for each planter bay, for a total of 65 parking bay trees. These criteria are met.

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

Response: This provision is understood.

- (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.

Response: The Preliminary Building Elevations and Floor Plans in Exhibit B show that windows are planned to be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths. This standard is met.

- (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.

Response: Lighting is planned to be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development. This standard is met.

- (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.

Response: Fences, walls, and plant materials are not planned to be installed between street-facing dwelling units and adjacent streets in locations that obstruct the visibility of dwelling unit entrances from the street. Refer to the Preliminary Site Plans in Exhibit A for more information. This standard is met.

- (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.

Response: Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways are planned to be limited to a maximum height of 3 feet as shown on the Preliminary Landscape Plan in Exhibit A. This standard is met.

- (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).

Response: As shown on the Preliminary Site Plans in Exhibit A, the parking areas are separated into areas less than 6,700 square feet in area with landscaped planter bays that are 9 feet in width. This standard is met.

- (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.

Response: As shown on the Preliminary Site Plans in Exhibit A, off-street surface parking areas are not planned to be located between a building and a street. This standard is met.

- (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.

Response: The development site abuts the RS zoning district to the south. However, the site is flat and the slope of the development site within 40 feet of the abutting RS-zoned property does not exceed 15 percent. This standard does not apply.

- (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. Pedestrian pathways shall be a minimum of five feet in width.

Response: Pedestrian pathways are planned with a minimum of 5 feet of width that connect to and between buildings, common open space, parking areas, and public sidewalks as shown on the Preliminary Site Plans in Exhibit A. This standard is met.

(e) Façade and building design.

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

Response: As shown on the scaled Preliminary Site Plans in Exhibit A and the Preliminary Exterior Building Elevations and Floor Plans included in Exhibit B, no buildings are planned with a dimension greater than 150 feet. This standard is met.

- (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.

Table 702-5. Setbacks Abutting Property Zoned RA and RS	
Number of Building Stories	Minimum Setback
1	Min. 1 foot for each 1 foot of building height, but in no case less than 14 ft.
2 or more	Min. 1 foot for each 1 foot of building height, but in no case less than 20 ft.

Response: The site abuts property in the RS zoning district to the south. The Preliminary Building Elevations and Floor Plans in Exhibit B show that Building 26 will be 35 feet, 1.5 inches and Buildings 27 and 33 will be 34 feet, 2 inches in height, requiring a standard equivalent setback from the RS zoning district boundary. Building 33 will be located ±60 feet from

the property line in compliance with this standard, but Buildings 26 and 27 will require a Class 2 adjustment in accordance with SRC 250. Because there is a 125-foot BPA transmission line easement crossing the property and the adjacent residential properties, adequate separation in excess of this standard is provided on the site without requiring an additional ±35-foot setback. The purpose of this requirement is met.

- (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.

Response: The Applicant for this project is not planning to take advantage of this setback reduction. This provision is not relevant to the current proposal.

- (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.

Response: Fully sight-obscuring railings are planned for Buildings 26, 27, and 33 as shown on the Preliminary Building Elevations and Floor Plans in Exhibit B. This standard is met.

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

Response: The site has ±234 feet of buildable width on Hazelgreen Road NE within the RM-II zoning district requiring ±93.6 feet ($234 \times 0.40 = 93.6$) of this frontage to be occupied by buildings at the setback line. As shown on the Preliminary Site Plans (Exhibit A), 206 feet of the Hazelgreen Road NE frontage is occupied by buildings placed at the setback line. The site has ±625 feet of buildable width on Lunar Drive NE within the RM-II zoning district. Where the street curves to connect with the existing street, the buildings have been oriented to comply with this standard to the extent practical. Although portions of the buildings are recessed in order to comply with the requirements of subsection (9) below, the entire width of the building is counted toward this standard because the building as a unit is placed at the setback line. This criterion is met.

- (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.

Response: Building entrances facing Hazelgreen Road NE and Lunar Drive NE in the RM-II zoning district are planned with direct pedestrian access to adjacent sidewalks as shown on the Preliminary Site Plans in Exhibit A. This standard is met.

- (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.

Response: The entrances to the ground-level dwelling units are planned to be architecturally defined as shown on the Preliminary Building Elevations and Floor Plans in Exhibit B. This standard is met.

- (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.

Response: The Applicant has not determined if roof-mounted mechanical equipment is necessary. If roof-mounted mechanical equipment is necessary, the necessary screening can be provided at the time of building permit. This standard can be met.

- (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)

Response: The Preliminary Building Elevations and Floor Plans in Exhibit B show that the planned roofs will be sloped and will include projected balconies for each unit, creating variation in the roofline for each façade. The buildings that exceed a horizontal length of 100 feet provide appropriately offset roof ridges. This standard is met.

- (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.

Response: All of the planned buildings include offsets, covered decks and balconies, and covered entrances that meet these requirements, as shown on the architectural drawings included in Exhibit B. This requirement is met.

- (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.

Response: The planned buildings include horizontal molding distinguishing the first floor of the building from the upper stories. This requirement is met.

Chapter 800—General Development Standards

(...)

Section 800.050—Fences, walls, hedges, gates, and retaining walls.

Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC chapter 807, in addition to the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building lying at the greatest distance from the front property line.

(a) Location, height, and density. Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.

(1) Fences and walls.

(A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:

(i) Front yard abutting street. Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

(ii) Side and rear yards abutting street. Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.

(...)

Response: Fences are not planned to be more than 8 feet in height and won't be located along property lines adjacent to streets. This criterion is met.

(2) Hedges. There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.

Response: Hedges are not planned along property lines abutting streets. This criterion is met.

(3) Gates. Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.

Response: This project does not include gates as part of the planned fences. This standard does not apply.

(4) Retaining walls. Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.

Response: Retaining walls are not planned with this application. This standard does not apply.

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- (b) Vision clearance. Notwithstanding any other provision of this section, fences, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC chapter 805.

Response: The planned fences will not conflict with the vision clearance requirements of SRC Chapter 805, as shown on the Preliminary Site Plans (Exhibit A). This criterion is met.

- (c) Material.

- (1) Fences. Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chain-link fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.
- (2) Walls. Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.

Response: The planned fences will be constructed of appropriate fencing material in accordance with these standards. This criterion is met.

(...)

Section 800.055—Solid waste service areas

Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.

- (a) Applicability. Solid waste service area design standards shall apply to:
- (1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and
 - (2) Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

Response: This application includes a solid waste service area for the planned multifamily homes. The enclosure will measure ±1,300 square feet in area and complies with the requirements of this section.

- (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.
- (1) Pad area. In determining the total concrete pad area for any solid waste service area:
 - (A) The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and
 - (B) The pad area shall extend a minimum three feet beyond the front of the receptacle.

-
- (C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

Response: As shown on the Preliminary Site Plans included in Exhibit A, the solid waste receptacles are designed to have adequate paved area on all sides and don't include receptacles facing each other. This criterion is met.

(2) Minimum separation

- (A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
- (B) 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.

Response: The planned receptacles do not include combustible walls, eave lines, or building structure openings. A minimum separation of 1.5 feet is provided between the receptacle and the side walls. These standards are met.

(3) Vertical clearance.

- (A) Receptacles two cubic yards or less. Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.
- (B) Receptacles greater than two cubic yards. Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:
 - (i) For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or
 - (ii) Where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

Response: This application does not include solid waste receptacles with overhead coverage and therefore, will provide unobstructed overhead clearance. This standard is met.

(c) Permanent drop box and compactor placement standards.

- (1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- (2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- (3) Pad area. The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.

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- (4) Minimum separation. A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

Response: This application includes a trash compactor within an enclosure located on a concrete pad designed in compliance with these standards. This requirement is met.

(d) Solid waste service area screening standards.

- (1) 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.
- (2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

Response: The solid waste service area is planned to be located on the east side of the site where it will not abut any streets or residentially zoned properties. Nonetheless, the area will be enclosed with a 6-foot-tall wall to provide screening from the planned residential buildings.

(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.

- (1) Front opening of enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.
- (2) Measures to prevent damage to enclosure.
 - (A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.
 - (B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.
 - (C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:
 - (i) A minimum distance of two feet from the sides of the container or receptacles; and
 - (ii) A minimum of three feet from the rear of the container or receptacles.

Response: The planned enclosure will be constructed in compliance with these standards.

- (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.

- (4) Prohibited enclosures. Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:
 - (A) Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or
 - (B) Stored in a building or structure of a fire resistive Type I or Type IIA construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.

Response: The planned enclosure will be constructed in compliance with these standards.

- (f) Solid waste service area vehicle access.
 - (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.
 - (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.
 - (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) Vertical clearance. 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.
 - (2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.
 - (3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.

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- (4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

Response: The planned enclosure will be constructed in compliance with these standards.

- (g) Notice to solid waste collection franchisee. Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.

Response: The franchisee notification requirements are understood.

Section 800.060—Exterior lighting

- (a) Exterior lighting shall not shine or reflect onto adjacent properties or cast glare onto the public right-of-way.
- (b) Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either:
- (1) Completely shielded from direct view; or
 - (2) No greater than five foot-candles in illumination.

Response: Exterior lighting is planned to be adequately shielded to prevent glare onto adjacent properties and/or ROWs in accordance with these standards. This requirement is met.

Chapter 802—Public Improvements

(...)

Section 802.010—Design standards and specifications.

The Director shall prepare and adopt by administrative rule design standards and specifications consistent with sound engineering principles for the construction, reconstruction, or repair of public improvements within areas under the City's jurisdiction. The design standards and specifications shall be kept on file in the office of the Director. All public improvements shall conform to the adopted design standards and specifications, and with any other adopted plans and policies adopted by the City.

Response: As addressed throughout this narrative, and as shown on the Preliminary Plans (Exhibit A), the public improvements included with this development application will be designed and constructed in conformance with the City's adopted design standards and specifications.

Section 802.015—Development to be served by city utilities.

Except as provided under SRC 802.035 and 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.

Response: As shown on the Preliminary Plans (Exhibit A) and as addressed in detail in the Urban Growth Preliminary Declaration Application responses, the development will be adequately served by City utilities.

Section 802.020—Easements.

Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.

Response: Easements are provided in accordance with this section, for City utilities and for access through the site, as shown on the Preliminary Plans (Exhibit A). The planned easements comply with these provisions where possible and will not contain buildings or other obstructions.

Section 802.025—Utilities to be placed underground.

- (a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.
- (b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.
- (c) Stormwater management shall be provided by above ground and below ground facilities.

(...)

Response: The planned utilities, with the exception of stormwater management facilities, will be placed underground.

Chapter 803—Streets and Right-of-Way Improvements

(...)

Section 803.015—Traffic impact analysis.

- (a) **Purpose.** The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.
- (b) **Applicability.** An applicant shall provide a traffic impact analysis if one of the following conditions exists:
 - (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.
 - (2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.
 - (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.

Response: This application includes development that is anticipated to generate more than 1,000 daily vehicle trips onto a Parkway; therefore, a TIA is required and included with this application as Exhibit K. The annexation of the site included a condition that the transportation impacts of the site be limited to a maximum cumulative total of 2,992

average daily vehicle trips. The TIA confirms that this development will result in the addition of 2,680 average weekday trips; this is below the conditioned trip cap.

- (c) Improvements may be required. On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.

Response: The on-site and off-site improvements included with this development proposal are shown on the Preliminary Site Plans (Exhibit A) and include the dedication of ROW and construction of a half-street improvement along the frontage of Hazelgreen Road NE to Parkway street standards as specified in the City of Salem Street Design Standards. The planned improvements also include the dedication of a ROW for Lunar Drive NE along the western property line as well as the improvement of the street to Local street standards. The Applicant plans to construct the southbound lane of Lunar Drive NE on the City's property to provide adequate vehicular access to the site and anticipates a reimbursement for those portions of Lunar Drive NE that exceed the standard three-quarter street improvement obligation. This standard is met.

- (d) Exception. An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.

Response: An exception to the TIA requirement is not requested with this application.

(...)

Section 803.030—Street spacing.

- (a) Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of-way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.

(...)

Response: The street spacing requirements of this chapter pertain to development applications that include the division of land or other situations where internal streets are a requirement of development approval. The criteria for the application types included in this review do not include a requirement that the development provide public streets that conform to the street spacing standards and other requirements of this section. Nonetheless, a public easement is provided through the site to allow access between the RV storage site to the east and the future City park to the west.

Chapter 804—Driveway Approaches

(...)

Section 804.010—Applicability

This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.

Section 804.0015—Driveway approach permit required.

-
- (a) Except as otherwise provided in this chapter, a driveway approach permit shall be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.
 - (b) Exceptions. A driveway approach permit is not required for:
 - (1) The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or
 - (2) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.

(...)

Response: This application includes the construction of two new driveway approaches onto Lunar Drive NE. The northern driveway approach will provide access directly to the planned multifamily homes and the southern approach will be included as part of the public access easement bisecting the site that will allow for east-west pedestrian connectivity.

Section 804.025—Class 2 driveway approach permit.

- (a) Required. A Class 2 driveway approach permit is required for:
 - (1) A driveway approach onto a local, collector, minor arterial, major arterial, or parkway street providing access to a use other than single family, two family, three family, or four family;
 - (2) Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.
- (b) Procedure type. A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.

Response: This application includes a Class 2 driveway approach permit to allow the construction of two driveway access locations onto a local street (Lunar Drive NE) to serve a multifamily development. Therefore, a Class 2 driveway approach permit is required and is included in this Type II consolidated land use application.

- (c) Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:
 - (1) A completed application form.
 - (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
 - (A) The location and dimensions of the proposed driveway approach;
 - (B) The relationship to nearest street intersection and adjacent driveway approaches;
 - (C) Topographic conditions;
 - (D) The location of all utilities;
 - (E) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and

(G) The location of any street trees adjacent to the location of the proposed driveway approach.

(3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.

(4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.

Response: This application includes the applicable forms, plans, written narrative, and supporting exhibits. These standards are met.

(d) **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;

Response: As shown on the Preliminary Site Plans (Exhibit A), the proposed driveway approaches meet the standards of this chapter as well as the adopted Public Works Design Standards. This criterion is met.

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

Response: As shown on the Preliminary Site Plans (Exhibit A), there are no site conditions that would preclude the development of driveway approaches at the planned locations. This criterion is met.

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

Response: As shown on the Preliminary Site Plans (Exhibit A), the proposed driveway approaches will provide access to the site via Lunar Drive NE, which is classified as a Local street. No approaches onto Arterial streets are planned. This criterion is met.

(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;

Response: The project has frontage on Hazelgreen Road NE, which is classified as a Parkway and will have frontage on the extension of Lunar Drive NE, which is planned to abut the subject site along the western property line. Both planned driveway approaches will provide access to the site directly from Lunar Drive NE, which is classified as a Local street; therefore, this criterion is met.

(5) The proposed driveway approach meets vision clearance standards;

Response: The proposed driveway approaches provide vision clearance areas with 10-foot legs along the driveways and 50-foot legs along the intersecting street (Lunar Drive NE), as required by the SRC Chapter 805. This criterion is met.

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

Response: The proposed driveways are compliant with the adopted Public Works Design Standards and the requirements of this code. The TIA in Exhibit K also examined the operational

characteristics of the planned driveway approaches and concluded that the driveway approaches will not create traffic safety hazards and will provide for safe turning movements and access. This standard is met.

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

Response: The TIA in Exhibit K examined the planned driveway approaches and determined that they will have no adverse impact to the vicinity. This standard is met.

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

Response: The TIA in Exhibit K examined the planned driveway approaches and determined that the approaches will not impact the functionality of adjacent streets and intersections. This standard is met.

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

Response: This criterion includes subjective and value-laden language (e.g. “balances the adverse impacts to... the functionality of adjacent streets”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from the decision in this matter.

Nonetheless, the Preliminary Site Plans (Exhibit A) and TIA (Exhibit K) show that the planned driveway approach locations are not anticipated to cause significant adverse impacts to adjacent property or street functionality. This criterion is met.

Section 804.030—Access onto local and collector streets

- (a) Number of driveway approaches. Except as otherwise provided in this chapter, a lot or parcel is entitled to one driveway approach onto a local or collector street. Additional driveway approaches from a single family, two family, three family, or four family use onto a local or collector street may be allowed through Class 1 driveway permit approval.

Response: This application includes two driveway approaches onto a Local street (Lunar Drive NE), one of which also serves as a public access route through the site. This is the minimum number of approaches necessary to provide for safe ingress and egress and emergency vehicle circulation, and it is necessary for the development of the site as shown on the Preliminary Site Plans (Exhibit A).

- (b) Permitted access.

- (1) Driveway approaches onto local and collector streets shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.
- (2) No access shall be provided onto a local or collector street from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.

Response: The driveway approaches included in this application will provide access to appropriate parking areas within the development site. This application does not include new single-family, two-family, three-family, or four-family uses. This requirement is met.

- (c) Spacing. Driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials or minor arterials, measured from centerline to centerline.

Response: This application does not include driveway approaches providing direct access to a Collector street. Nonetheless, the approaches will be located more than 200 feet from the intersection of Lunar Drive NE (local street) with Hazelgreen Road NE (parkway).

- (d) Vision clearance. Driveway approaches onto local and collector streets shall comply with the vision clearance requirements set forth in SRC chapter 805.

(...)

Response: The applicable vision clearance standards are addressed below.

Section 804.050—Driveway approach development standards.

Driveway approaches shall conform to the following development standards:

- (a) Design and construction. Driveway approaches shall be designed and constructed in conformance with this chapter and the Public Works Design Standards.

Response: As shown on the Preliminary Site Plans (Exhibit A), the proposed driveway approaches meet the standards of this chapter as well as the adopted Public Works Design Standards. This criterion is met.

- (b) Width.

(...)

- (2) Driveway approach width for uses other than single family, two family, three family, and four family . Driveway approaches serving uses other than single family, two family, three family, and four family shall conform to the minimum and maximum widths set forth in Table 804-2.

TABLE 804-2. DRIVEWAY APPROACH WIDTH FOR USES OTHER THAN SINGLE FAMILY, TWO FAMILY, THREE FAMILY, OR FOUR FAMILY		
Type of Driveway	Width	
	Minimum	Maximum
One-way driveway approach	12 ft.	20 ft.
Two-way driveway approach	22 ft.	40 ft.

- (3) Measurement. For purposes of this subsection, driveway approach width shall be determined by measurement of the paved surface of the driveway at the property line.

Response: Both driveway approaches are planned to provide two-way access to the site and will measure 26 feet in paved surface width at the property line after the dedication of ROW necessary to construct the required extension of Lunar Drive NE.

(...)

Chapter 805—Vision Clearance

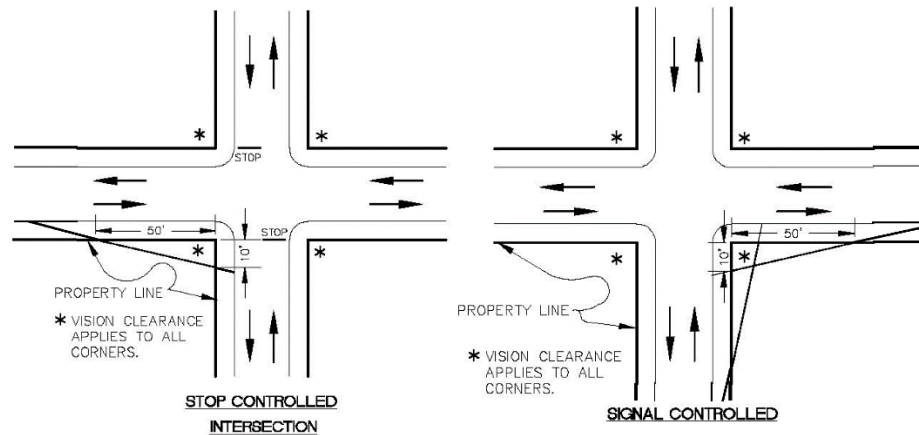
Section 805.005—Vision clearance areas.

Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone. Chapter 806—Off-Street Parking, Loading, and Driveways.

- (a) Street intersections. Vision clearance areas at street intersections shall comply with the following:

(...)

- (2) **Controlled intersections.** At controlled intersections, the vision clearance area shall have a ten-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).



(...)

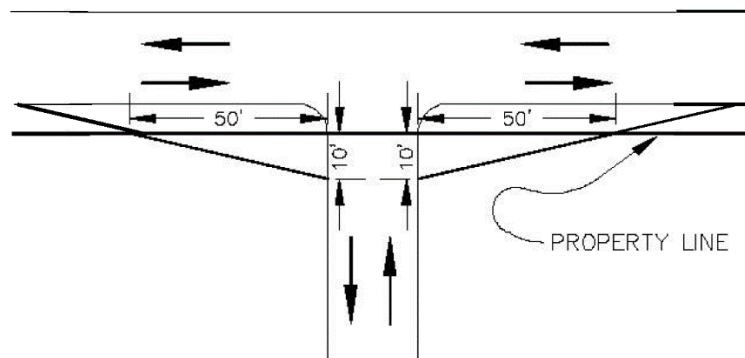
Response: The intersection of Lunar Drive NE with Hazelgreen Road NE is designed in compliance with the applicable vision clearance standards as shown in the Preliminary Site Plans (Exhibit A). This criterion is met.

- (b) **Intersections with driveways, flag lot accessways, and alleys.** Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:

- (1) **Driveways.**

(...)

- (B) **Driveways serving uses other than single family and two family.** Driveways serving uses other than single family and two family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).



(...)

Response: The planned driveway approaches are designed in compliance with the applicable vision clearance standards as shown in the Preliminary Site Plans (Exhibit A). This criterion is met.

Chapter 806—Off-Street Parking, Loading and Driveways

Section 806.001—Purpose

The purpose of this chapter is to establish standards for off-street parking and vehicle use areas, bicycle parking, loading areas, and driveways.

Response: As adopted by Ordinance No. 4-23, the off-street parking minimums previously provided in Section 806 of this code are no longer applicable to new development within the City of Salem. The amended Section 806, and applicable responses, are included below.

Section 806.015—Amount off-street parking

(a) Maximum off-street parking.

- (1) Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.

Table 806-1. Maximum Off-Street Parking	
Use	Maximum Number of Spaces Allowed
Multiple Family (Studio Units)	1.2 per dwelling unit
Multiple Family (All other Dwelling Units)	1.75 per dwelling unit

Response: The project involves 405 new multiple-family homes, including 24 studio units. The maximum number of parking spaces allowed for this development is 695. There are 560 total spaces planned; therefore, the amount of parking is below the maximum number of parking spaces allowed under this chapter. This standard is met.

- (b) Compact parking. Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.

Response: Of the 560 parking spaces provided on the site, 13 spaces (less than 3 percent of the total provided) are planned to be compact parking spaces. This criterion is met.

- (c) Carpool and vanpool parking. New developments with 60 or more 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.

Response: This application does not include a new development falling within the public services, industrial use, or business and professional services use categories. This criterion is not applicable.

- (d) Required electric vehicle charging spaces. For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

Response: This application includes 560 parking spaces. Forty percent of the spaces are planned to meet the electric vehicle (EV) requirements of this section. The specific EV-capable spaces will be determined prior to building permit submittal. This criterion is met.

(...)

Section 806.035—Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

- (a) General applicability. The off-street parking and vehicle use area development standards set forth in this section shall apply to:
- (1) The development of new off-street parking and vehicle use areas;
 - (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
 - (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 - (4) The paving of an unpaved area.

Response: The project involves new parking areas to serve multiple-family use. The provisions of this section apply.

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

Response: Previous responses in this narrative discuss how the applicable setback requirements in the MU-I and RM-II zoning districts are met. These responses are supported with the information shown on the Preliminary Site Plans in Exhibit A. This standard is met.

- (2) Carpool and vanpool parking. Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.

Response: The project does not involve employment uses subject to the carpool and vanpool requirements for employee parking areas. This standard does not apply.

- (3) Underground parking. Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.

Response: The project does not involve underground parking. This standard does not apply.

- (c) Perimeter setbacks and landscaping.
- (1) Perimeter setbacks and landscaping, generally.
 - (A) Perimeter setbacks. Perimeter setbacks, as set forth in this subsection, 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. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:
 - (i) Off-street parking and vehicle use areas abutting an alley.

-
- (ii) Vehicle storage areas within the IG zone.
 - (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (iv) Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (v) Underground parking.
 - (B) Perimeter landscaping. Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.

Response: The portion of the site within the RM-II zoning district is subject to the multiple-family design standards provided in Chapter 702 of the SRC. Therefore, the RM-II portion of the site is exempt from the landscaping requirements of this section per SRC 702.020 (b)(8). Therefore, the landscaping requirements under this section apply only to the MU-I portion of the site and responses to the applicable sections are provided.

- (2) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.

(...)

Response: As shown on the Preliminary Site Plans in Exhibit A, the parking and vehicle use areas within the MU-I zoning district are not located adjacent to the streets. Therefore, the perimeter setbacks and landscaping requirements are not applicable to the MU-I portion of the site. The multiple-family development on the RM-II portion of the site is subject to multiple-family design review and is therefore exempt from these standards under SRC 702.020 (b)(8). The perimeter setback and landscape standards do not apply.

- (3) Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Response: As shown on the Preliminary Landscaping Plan in Exhibit A, the parking and vehicle use areas within the MU-I zoning district are set back a minimum of 5 feet from the property line and landscaped according to the standards of Chapter 807. This requirement is met.

- (4) Setback adjacent to buildings and structures. Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

Response: As shown on the Preliminary Landscaping Plan in Exhibit A, the off-street parking areas located adjacent to buildings within the MU-I zoning district are planned to be set back from the planned buildings in accordance with these standards.

- (5) Perimeter setbacks and landscaping for parking garages. Perimeter setbacks and landscaping as set forth in subsection (c) of this section shall be required for parking garages; provided, however, perimeter setbacks and landscaping are not required for:
 - (A) Any portion of a parking garage with frontage on a street and containing ground floor uses or activities other than parking.
 - (B) Any parking garage within an industrial zone, public zone, or commercial zone, other than a CO zone, that abuts an interior front, side, or rear property line where there is no required building setback.
 - (C) Any parking garage abutting an alley.

Response: The project does not include parking garages. This standard does not apply.

- (d) Interior landscaping.
 - (1) Interior landscaping, generally. Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:
 - (A) Vehicle storage areas.
 - (B) Vehicle display areas.
 - (C) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
 - (D) Gravel off-street parking areas, approved through a conditional use permit.
 - (E) Underground parking.
 - (F) Parking garages.
 - (2) Minimum percentage of interior landscaping required. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

Table 806-4 Interior Off-Street Parking Area Landscaping	
Total Interior Area of Off-Street Parking Area	Percentage Required to be Landscaped
Less than 50,000 square feet	Minimum 5%
50,000 square feet and greater	Minimum 8%

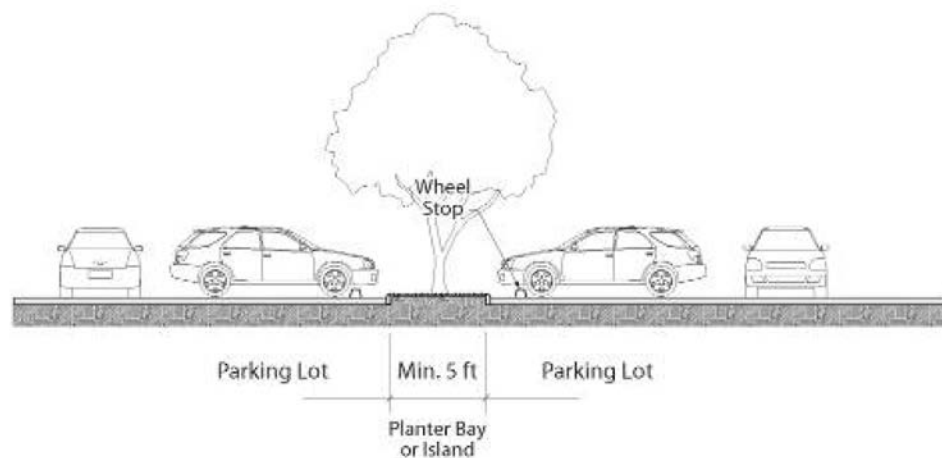
Response: The parking area in the MU-I zoning district is less than 50,000 square feet. A minimum of 5 percent of this area is planned to be landscaped as shown on the Preliminary Landscape Plan in Exhibit A.

- (3) **Trees.** A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.

Response: A minimum of one deciduous shade tree is planned to be planted for every 12 parking spaces within the off-street parking area in the MU-I zoning district as shown on the Preliminary Landscape Plan in Exhibit A.

- (4) **Landscape islands and planter bays.** Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).

FIGURE 806-7. INTERIOR LANDSCAPING



Response: The landscape islands and planter bays are planned with a minimum planting area of 25 square feet, and a minimum width of 5 feet as shown on the Preliminary Site Plans in Exhibit A. This standard is met.

- (c) **Off-street parking area dimensions.** Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6; provided, however, minimum off-street parking area dimensions shall not apply to:

- (1) Vehicle storage areas.
- (2) Vehicle display areas.

(...)

Response: The Preliminary Site Plans in Exhibit A and the table below show that the planned off-street parking areas are designed to conform with the minimum dimensions set forth in Table 806-6. This standard is met.

Table 6: Planned Parking Dimensions

	Parking Angle	Type of Space	Stall Width	Stall to Curb	Aisle Width	Curb Length	Front of Stall to Front of Stall
Minimum Required	-	Compact	8 feet	15 feet	22 feet	8 feet	54 feet
		Standard	9 feet	19 feet	24 feet	9 feet	62 feet
Planned Dimensions	90%	Compact	8.5 feet	15 feet	26 feet	8.5 feet	56 feet
		Standard	9 feet	19 feet	26 feet	9 feet	64 feet

Section 806.040—Driveway development standards for uses or activities other than single family, two family, three family, or four family.

Unless otherwise provided under the UDC, driveways for uses or activities other than single family, two family, three family, or four family shall be developed and maintained as provided in this section.

- (a) Access. Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC chapter 804.
- (b) Location. Driveways shall not be located within required setbacks except where:
 - (1) The driveway provides direct access to the street, alley, or abutting property.
 - (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.

Response: The driveways shown on the Preliminary Site Plans in Exhibit A provide direct access to Lunar Drive NE. This standard is met.

- (c) Setbacks and landscaping.
 - (1) Perimeter setbacks and landscaping, generally. Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:
 - (A) The driveway provides direct access to the street, alley, or abutting property.
 - (B) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.
 - (2) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).
 - (3) Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Response: The planned driveways provide direct access to Lunar Drive NE. Perimeter setbacks and landscaping under this section are not required.

- (d) Dimensions. Driveways shall conform to the minimum width set forth in Table 806-8

Response: The driveways are planned to accommodate two-way traffic with a width that exceeds the 22-foot minimum requirement in Table 806-8. This standard is met.

- (c) **Surfacing.** All driveways, other than access roads required by the Public Works Design Standards to provide access to City utilities, shall be paved with a hard surface material meeting the Public Works Design Standards. Access roads required by the Public Works Design Standards to provide access to City utilities shall be an all-weather surface material meeting the Public Works Design Standards; provided, however, the first ten feet of the access road leading into the property, as measured from the property line, shall be paved with a hard surface material.

Response: The driveways are planned to be paved with hard-surface material according to Public Works Design Standards. This standard is met.

- (f) **Drainage.** Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

Response: The driveways are planned to be designed, graded, and drained according to Public Works Design Standards. This standard is met.

- (g) **"No Parking" signs.** Driveways shall be posted with one "no parking" sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.

(...)

Response: The driveways are not planned to exceed 60 feet in length. "No Parking" signs are not necessary.

Section 806.055—Amount of bicycle parking.

- (a) **Minimum required bicycle parking.** Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Table 806-8 Bicycle Parking		
Use	Minimum Number of Spaces Required	Maximum Percentage of Long-Term Spaces Allowed
Multiple Family	1 space per dwelling unit	100%

- (b) **Long-term bicycle parking.** Long-term bicycle parking may be provided to satisfy a percentage of the minimum bicycle parking spaces required under this chapter. Such long-term bicycle parking shall not exceed the amounts set forth in Table 806-8. The maximum percentage of long-term bicycle parking allowed is based solely on the minimum number of bicycle parking spaces required. This standard shall not be construed to prohibit the provision of additional long-term bicycle parking spaces provided the minimum number of required spaces is met. (Example: A restaurant requiring a minimum of four bicycle parking spaces may, but is not required to, designate one of the required spaces as a long-term space. Additional short-term and long-term spaces may be provided as long as the minimum required three short-term spaces are maintained).

Response: The project involves 405 multiple-family homes requiring 405 bicycle parking spaces. In addition to the bike racks shown on the preliminary site layout, sufficient space is provided on the balcony or patio of each unit to allow for bike parking if desired. There are 48 short-term and 405 long-term bicycle parking spaces provided. This standard is met.

Section 806.060—Bicycle parking development standards.

Unless otherwise provided under the UDC, bicycle parking shall be developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

(a) Location.

- (1) Short-term bicycle parking. Short-term bicycle parking shall be located outside a building within a convenient distance of, and 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.

Response: Short-term bicycle parking racks are planned to be provided outside some of the buildings in accordance with this requirement as shown on the Preliminary Site Plans in Exhibit A. This standard is met.

(2) Long-term bicycle parking.

(A) Generally. Long-term bicycle parking shall be located:

- (i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or
- (ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.

(B) Long-term bicycle parking for residential uses. Long-term bicycle parking spaces for residential uses shall be located within:

- (i) A residential dwelling unit;
- (ii) A lockable garage;
- (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
- (iv) A lockable bicycle enclosure; or
- (v) A bicycle locker.

(...)

Response: Long-term bicycle parking is planned to be provided within each of the units on the planned patios and balconies. This standard is met.

- (b) Access. All 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.

Response: Long-term bicycle parking is planned to be provided inside the units or buildings as shown on the Preliminary Building Elevations and Floor Plans in Exhibit B, with direct access to the primary building entrances. Short-term bicycle parking will be provided outside of buildings with direct and accessible access to public rights of way and building entrances. This standard is met.

(c) Dimensions. All bicycle parking areas shall meet the following dimension requirements:

- (1) Bicycle parking spaces. Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.

- (2) Access aisles. Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

(...)

Response: The bicycle parking areas are planned to meet the dimensional requirements as shown on the Preliminary Building Elevations and Floor Plans in Exhibit B. This standard is met.

Section 806.075—Amount of off-street loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-10.

Table 806-10. Minimum Off-Street Loading; Dimensions						
Use Category/Use	Minimum Number of Spaces Required ⁽¹⁾		Dimensions			Limitations & Qualifications
			Width	Length	Height	
Multiple family	3	200 or more dwelling units	12 feet	19 feet	12 feet	If a recreational or service building is provided, at least 1 of the required loading spaces shall be located in conjunction with the recreational or service building.

(...)

Response: The project includes 405 multiple-family dwelling units requiring three loading spaces. These spaces are provided in accordance with the required minimum dimensions as shown on the Preliminary Site Plans in Exhibit A. This standard is met.

Chapter 807—Landscaping and Screening

(...)

Section 807.015—Landscaping and Screening

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.

- (a) Landscaping types. Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

Table 807-1. Landscaping Types		
Landscaping Type	Required Plant Units (PU)	Required Screening
A	Min. 1 PU per 20 sq. ft. of landscaped area	None
B	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence, wall, or hedge
C	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence or wall
D	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall sight-obscuring landscaping or wall
E	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall wall

- (b) Plant materials and corresponding plant unit values. Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. 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 shall provide for a minimum 75 percent coverage of required landscaped areas within five years.

Table 807-2. Plant Materials and Minimum Plan Unit Values		
Plant Material	Plant Unit (PU) Value	Size at Planting
1 mature tree	15 PU	
1 shade tree	10 PU	1.5 in. to 2 in. caliper
1 evergreen/conifer tree	5 PU	6 ft. to 8 ft. height
1 ornamental tree	2 PU	1 in. to 1.5 in. caliper
1 large deciduous or evergreen shrub (at maturity: over 4 ft. wide; 4 ft. high)	2 PU	Min. 3 gallon or balled and burlapped
1 small to medium shrub (at maturity: maximum 4 ft. wide; 4 ft. high)	1 PU	Min. 1 gallon
Lawn or other ground cover	1 PU per 50 sq. ft.	

Response: Type C landscaping is required within the RM-II zoning district setbacks where buildings and accessory structures are located abutting Residential, Public, and Industrial zoning districts. Type A landscaping is required in other setbacks and vehicle use areas per SRC 806. The landscaping plans included in Exhibit A show how these minimum plant unit and screening requirements are met.

- (c) **Preservation of existing trees and vegetation.** The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.

Response: This application does not include the preservation of existing vegetation for the purpose of satisfying the minimum landscaping requirements of this chapter.

- (d) **Tree replanting requirements.** In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

- (1) **Removal of trees within required setbacks.** When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.
- (2) **Removal of trees from development site.** When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Response: This application does not include the removal of existing trees. These requirements are not applicable.

- (e) **Screening standards.** Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:
- (1) **Height.** Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.

-
- (2) Opacity. Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.
 - (3) Maintenance. Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.

Response: The required screening included with this application will be designed and maintained in accordance with these standards. This criterion is met.

- (f) Berm. Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.

Response: This application does not include berms to meet the screening requirements of this chapter. This standard is not applicable.

- (g) Street trees. Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

Response: The street trees shown on the Preliminary Landscaping Plan included in Exhibit A are designed to meet the standards of SRC Chapter 86, including the requirements for planting trees on City property. This requirement is met.

Section 807.020—Landscaping plan and landscaping permit.

- (a) Landscaping plan. A landscaping plan is required for all building permit applications for development subject to the landscaping requirements of this chapter and all landscaping permit applications required under subsection (b) of this section.

Landscaping plans shall be of a size and form established by the Planning Administrator, and shall include the following:

- (1) Scale and north arrow.
- (2) Lot dimensions and footprint of structure(s).
- (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.
- (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.
- (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.
- (6) Fence or wall materials, when screening is required under the UDC.
- (7) Abutting land uses.
- (8) The type, size, and location of:

-
- (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.
 - (B) Existing trees, as defined under SRC chapter 808, proposed for removal.

Response: The Preliminary Landscaping Plan included in Exhibit A includes the above information. This criterion is met.

- (9) Notwithstanding subsection (b)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.

Response: The subject site is not heavily wooded. This requirement is not applicable.

- (10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.

Response: As noted on the Landscape Plan included in Exhibit A, the contractor will provide a final irrigation plan identifying the above components prior to installation.

- (11) A two-year plant establishment schedule for:
 - (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or
 - (B) New vegetation located within stormwater facilities.

Response: The Preliminary Landscaping Plan included in Exhibit A includes an establishment schedule for the vegetation located within planned stormwater facilities. Drought-resistant vegetation is not planned for this development. This criterion is met.

- (b) Landscaping Permit
 - (1) Applicability. When development subject to the landscaping requirements is this chapter requires site plan review, but a building permit application is not otherwise required, a landscaping permit as provided in this subsection shall be required.
 - (...)

Response: This application does not include development subject to site plan review where a building permit is not otherwise required. This section is not applicable.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Salem Unified Development Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this consolidated Class 3 Site Plan Review, Class 1 Design Review, Class 1 and 2 Adjustments, Class 2 Driveway Approach Permit, Urban Growth Preliminary Declaration, and Property Line Adjustment application.

December 28, 2023

Aaron Panko, Planner III
Salem Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301



RE: Applicant's Response to Incomplete Letter for 23-121805-PLN; 4650-4680 Hazelgreen Road NE

Mr. Panko,

Thank you for providing a thorough response to our initial application for a consolidated Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, Class 2 Adjustment, Class 1 Adjustment, Class 1 Design Review, and Property Line Adjustment to permit the development of 405 multifamily residential homes on the subject site. The City of Salem Planning Review Checklist, dated November 22, 2023, is included with this response as Attachment A. This letter includes complete responses to those items outlined in your November 22 letter, and it is our hope that these supplemental responses and materials will aid in your review and decision on the application.

Planning Review Completeness Comments

Item: Class 2 Driveway Approach Permits (5) and Adjustments

Staff Comment: The applicant paid for two driveway approach permits where five new driveway approaches are shown on the plans. The applicant shall update their written statement and shall pay the applicable fee for all driveway approaches serving the new development. NOTE: If the applicant removes the 10-foot-wide approach, discussed below, only 4 driveway approach permits would be needed.

Response: The 10-foot-wide approach is intended to provide access to the community maintenance building for small maintenance vehicles. As addressed below, the access to this maintenance building has been relocated to allow access from the parking lot, rather than directly from Lunar Drive NE.

SRC 804.030 specifies that “Except as otherwise provided in this chapter, a lot or parcel is entitled to one driveway approach onto a local or collector street.” The assumption at the time of application submittal was that one driveway approach would be allowed outright on each side of Lunar Drive NE, and only the remaining two approaches would be required to obtain the required Class 2 Driveway Approach permits. Based on the information provided in the City’s completeness response letter, it is our understanding that all four driveway approaches will be subject to Class 2 Driveway Approach Permit review, and as such, the Applicant will include payment for two additional Driveway Approach Permits in conjunction with this completeness response.

Item: *Driveway Approach Adjustments*

Staff Comment: *The applicant shows a 10-foot-wide approach serving a single building. It is unclear based on the information submitted what the use of this building is. SRC 806.035(f) restricts back-out parking into the street for commercial uses. It does not appear that adequate maneuvering space is provided on-site to ensure vehicles will not back-out into the street. In addition, the driveway approach does not meet minimum width standards in SRC 804.050(b)(2) for one-way or two-way traffic. The applicant should indicate whether or not they are requesting adjustments to these standards. Staff is not supportive of adjustments to SRC 806.035(f) and SRC 804.050(b)(2) for the proposed 10-foot-wide approach.*

Response: The 10-foot-wide approach is intended to provide small vehicles, such as golf carts and lawn mowers, access to the community maintenance building. Rather than requesting an adjustment for this approach location, the Applicant has revised the Preliminary Site Plan (Attachment B) to provide access to the maintenance building from the parking lot instead of from Lunar Drive NE.

Item: *Draft PLA Deeds*

Staff Comment: *The draft PLA deeds submitted do not meet the form approved by the PW Director; specifically, they should include legal descriptions of the adjusted properties and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor. The City of Salem approved PLA Deed Template is attached for reference.*

Response: The revised PLA deeds included in Attachment C have been updated to include the stamped version of the legal descriptions prepared by an Oregon-registered Professional Land Surveyor.

Item: *Tentative PLA Plan*

Staff Comment: *The tentative site plan does not comply with SRC 205.055(c), the following items are missing: The dimensions and areas of the units of land before and after the proposed property line adjustment.*

Response: The revised Existing Conditions Plan, included in Attachment B, has been updated to include the dimensions and areas of both units of land prior to the proposed property line adjustment.

Planning Review Approval Recommendations

Item: *RM-II (Multi-Family Residential) Zone Development Standards—SRC Chapter 514*

Staff Comment: *SRC 514.010(d), Tables 514-4 and 514-5 require a minimum 15-foot-wide vehicle use area setback adjacent to industrial zoned land and a 10-foot-wide vehicle use area setback adjacent to public zoned land. The proposed site plan shows a vehicle maneuvering area encroaching into required setbacks in two areas. SRC 514.010(d), Table 514-4 provides that the minimum setback for a vehicle use area abutting a street is 12 feet. The proposed off-street parking area serving building 33 encroaches into the minimum setback.*

Response: As shown on the revised Preliminary Site Plan (Attachment B), the vehicle maneuvering areas have been adjusted to comply with the minimum zone-to-zone setback requirements in the two locations where street stubs encroached onto the setbacks specified in SRC 514.010(d). For the off-street parking area encroachment associated with Building 33, an adjustment to the 12-foot street setback is requested per SRC 250. The criteria for approving such an adjustment are addressed below.

SRC Sec. 250.005.- Adjustments.

(a) Applicability.

(1) Classes.

- (A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.
- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

Response: This requested adjustment will modify the vehicle use area setback to ±6.2 feet rather than 12 feet, which is typically required in the RM-II zoning district. This adjustment will decrease the standard by ±48.3 percent and will therefore constitute a Class 2 adjustment.

(...)

(d) Criteria.

(...)

- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:
 - (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Equally or better met by the proposed development.

Response: The primary purpose of the 12-foot vehicle use area setback is to reduce the appearance of large expanses of parking directly adjacent to the street for aesthetic and functional purposes. In this case, only one parking space will be located within the setback area, and due to the curvature of the street, only one corner of the parking space will be impacted. This adjustment is necessary to accommodate the unconventional street curvature without compromising the 10-foot setback adjacent to the park property or the appearance of the affected parking area in relation to the street. The resultant layout does not create an appearance of a large expanse of parking located directly adjacent to the street, so the purpose is therefore equally met by the proposed development. This criterion is met.

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

Response: This adjustment will allow the development to include one parking space per unit (12) adjacent to building 33 without compromising the appearance or safety of the site. As addressed above, the curvature of Lunar Drive NE at this location results in an unconventionally shaped area that doesn't naturally accommodate a conventional parking area configuration. This adjustment will not affect the appearance of the site and will enhance the livability of the multifamily community by accommodating vehicle parking for future residents. This criterion is met.

- (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.

Response: The adjustments requested with this application seek flexibility to setbacks and minor landscaping adjustments. When taken as a whole, these adjustments do not conflict with the stated purpose of the RM-II or MU-I zoning districts. This criterion is met.

Item: *MU-I (Mixed Use- I) Zone Development Standards—SRC Chapter 533*

Staff Comment: SRC 533.015(c), Table 533-3 provides that the setback requirement abutting a street is 0-10 feet, and specific for multi-family residential the setback requirement is 5-10 feet. Portions of the exterior walls of proposed buildings 3, 4 and 5 are setback greater than 10 feet where abutting Hazelgreen Road NE and Lunar Drive NE. Please revise the site plan to show compliance with the setback requirement or request an Adjustment(s) to increase the maximum setback allowance for these buildings.

Response: Portions of buildings 3, 4, and 5 are set back more than 10 feet from Hazelgreen Road NE in order to comply with the building articulation standards of SRC 702.020(e)(9) as well as SRC Section 802.020, which prohibits buildings, structures, and other obstructions from being located within public easements. A Class 2 adjustment is required and the criteria for approving such an adjustment are addressed below.

SRC Sec. 250.005.- Adjustments.

(a) **Applicability.**

(1) **Classes.**

(A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.

(B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

Response: This adjustment will result in some portions of buildings 3 and 4 being located at the 10-foot setback line, with portions of the building offsets located from 2.5 to 6.5 feet behind the setback line. Because this adjustment includes up to a 65% percent deviation from the maximum setback, a Class 2 adjustment is required.

(...)

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Equally or better met by the proposed development.

Response: The primary purpose of the maximum setback requirement within the MU-1 zoning district is to create a visually appealing frontage occupied by buildings located directly adjacent to the street. In this case, the buildings are located as close as possible to the 10-foot setback without compromising compliance with the applicable building articulation standards or encroaching onto the public utility easement (PUE). Buildings 1 and 2 are subject to a larger minimum setback within the RM-II zoning district, so this adjustment will improve compatibility with the other buildings in the vicinity and create a more visually appealing frontage in accordance with the purpose of the standard frontage requirement. This criterion is met.

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

Response: This adjustment will create a more visually appealing street frontage by configuring the buildings to align more closely with the setbacks of buildings 1, 2, and 6, and providing the required building articulation offsets without encroaching into the PUE. No detriment to the livability or appearance of the residential area is anticipated because of this adjustment. This criterion is met.

(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.

Response: The adjustments requested with this application include variations to setbacks and minor landscaping adjustments. When taken as a whole, these adjustments do not conflict with the stated purpose of the RM-II or MU-I zoning districts. This criterion is met.

Item: Multi-Family Design Review Standards—SRC Chapter 702

Staff Comment: The following items shall be corrected:

1. 702.020(a)(1)(A)- *The written statement indicates that the required common open space area can be found on the proposed site plan, however staff is not able to identify the location of the 4,250 square foot common open space area.*

Response: As shown on the revised Preliminary Site Plan (Attachment B), a ±6,000-square-foot area adjacent to buildings 30, 31, and 32 has been identified for use as a dedicated common open space area.

2. 702.020(b)(7)- *The proposed landscape plan does not demonstrate compliance with perimeter parking area tree planting requirements (see attached).*

Response: Per SRC 702.020(c)(4), landscaping adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of 3 feet to encourage visual surveillance of such areas. Nevertheless, canopy trees are planted along every 50 feet of the perimeter of parking areas with trunks located within 10 feet of the edge of the parking area to the degree possible given site constraints and the contradicting standard mentioned above. A Class 2 adjustment is required and the criteria for approving such an adjustment are included below. The portion identified within the MU-1 zoning district is not subject to the provisions of SRC 702 and is therefore not included in this adjustment request.

(d) **Criteria.**

(...)

- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

Response: SRC 702.020 contains two conflicting standards. SRC 702.020(b)(7) requires that canopy trees be planted along every 50 feet of the perimeter of parking areas. Contrarily, SRC 702.020(c)(4) requires that landscaping adjacent to parking areas and dwelling unit entrances be limited to a maximum of 3 feet to encourage visual surveillance of such areas. The landscaping plan includes canopy trees located as close as possible to the parking area perimeter without compromising the visual surveillance of these areas. As

such, the canopy tree requirement may not be applied to the planned development. This criterion is met.

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

Response: As addressed above, perimeter trees are not located within 10 feet of the parking area. Nonetheless, canopy trees are provided in excess of the minimum number required to meet this standard and they are located as close as practical to the parking area perimeter. As such, the appearance of the community is equally maintained in compliance with the visual surveillance standard and this adjustment will improve the overall livability of the planned community. This criterion is met.

3. 702.020(c)(1)- *Windows are not provided on all walls in habitable rooms for proposed buildings 11, 17, 26, 30, and 32 (see attached).*

Response: As shown on the revised architectural drawings included in Attachment D, windows have been provided on all walls in habitable rooms for the applicable buildings, apart from the first-floor dining area walls in type “J” units, where such windows would conflict with the building’s electrical meters and switch gears. Due to PGE location and separation requirements, these mechanical fixtures can’t be relocated, and there is not sufficient space to provide windows on the dining area walls. A Class 2 adjustment to this standard is required, and the criteria for approving such an adjustment are addressed below.

SRC Sec. 250.005.- Adjustments.

(a) **Applicability.**

(1) **Classes.**

(A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.

(B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

Response: This adjustment pertains to a non-numerical standard within the multifamily design review requirements of SRC 702. Therefore, a Class 2 adjustment is required.

(...)

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Equally or better met by the proposed development.

Response: The purpose of the minimum window requirement is to encourage visual surveillance of common areas and minimize the appearance of building bulk. The four buildings that require this adjustment are located centrally to the site, directly adjacent to other buildings, and landscaping is planned at these locations in accordance with SRC 702.020(b)(4) that would conflict with the first-floor windows. As such, the purpose of the window requirement is inapplicable to these locations, and an adjustment to account for the required electrical equipment shall be granted. This criterion is met.

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

Response: As addressed above, landscaping will be located adjacent to the walls where first-floor windows would typically be required on buildings 11, 14, 30, and 32. The landscaping will serve to screen the building's electrical meters and switch gears from view and will improve the appearance of the building. This adjustment will not detract from the appearance or livability of the residential area. This criterion is met.

- (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.

Response: The other adjustments requested with this application include variations to setbacks and minor landscaping adjustments. When taken as a whole, these adjustments do not conflict with the stated purpose of the RM-II or MU-I zoning districts. This criterion is met.

4. 702.020(d)(4)- A pedestrian connection is not provided from the public sidewalk to Hazelgreen Road NE.

Response: As shown on the revised Preliminary Site Plan (Attachment B), a pedestrian connection has been provided between buildings 1 and 2 connecting the parking area to the public sidewalk adjacent to Hazelgreen Road NE.

Item: Off-Street Parking, Loading and Driveways—SRC Chapter 806

Staff Comments:

1. 806.035(c)(4) provides that there is a minimum vehicle use area setback requirement adjacent to a building or structure of five feet, which may be a paved walkway or landscape strip. This setback is not provided for the maneuvering area along proposed building near the trash enclosure.

Response: As shown on the revised Preliminary Site Plan (Attachment B), a 5-foot setback has been provided around the maintenance building adjacent to the trash enclosure. This setback includes paved pedestrian walkways.

2. 806.035(f), Figure 806-9 requires a minimum 9 foot wide by 15 feet in length area for vehicle maneuvering as part of the vehicle turn around area. Proposed parking spaces immediately adjacent to the proposed turn around areas should be hashed out and will be unavailable for parking. ADA loading areas cannot be used for this purpose.

Response: As shown on the revised Preliminary Site Plan (Attachment B), an adequate vehicle maneuvering area is provided to the east of the drive aisle accessing the trash enclosure between the enclosure and the maintenance building. As such, the parking and Americans with Disabilities Act (ADA) loading areas are not impacted.

3. 806.060(a)(2) provides that long-term bicycle parking may be provided within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator. The written statement indicates that long-term bicycle parking will be provided in each unit, however, elevators are not provided in any of the proposed buildings. The applicant shall revise the site plan to comply with the bicycle parking requirements of this chapter.

Response: As shown on the revised Preliminary Site Plan, 278 short-term bicycle parking spaces are provided in the form of bike racks outside of the building entrances. An additional 127 long-term bicycle parking spaces are provided within ground-floor units where elevator

access is not required. SRC Table 806-8 requires 405 bicycle parking spaces, and 405 total bicycle parking spaces are provided. This requirement is met.

Item: *Wetlands and/or Hydric Soils*

Staff Comment: There is an unnamed drainage channel mapped on the subject property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for future development. The applicant is required to verify mapped wetland area(s). Once the application is deemed complete, Public Works will send Wetlands Notice to the Department of State Lands, as required by SRC 809.025.

Response: As indicated in the attached Concurrence Decisions from the Oregon Department of State Lands (DSL) as well as the US Army Corps of Engineers (USACE), the applicable areas are not jurisdictional to either agency. This requirement is met.

Item: *Development Services Technical Review Comments*

Staff Comment: Development Services has provided technical review comments on the applicants' plans. These comments will be sent directly to the Project Engineer.

Response: Technical review comments will be addressed in the applicant's engineering plans.

Thank you for your time and attention. Please do not hesitate to reach out if you have any questions regarding our submitted materials. We look forward to continuing to work together on this project.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Daisy Goebel, AICP
3700 River Road N, Suite 1
Keizer, Oregon 97303
(503) 400-6028 | GoebelD@aks-eng.com


Attachments:

- A. November 22, 2023 Planning Review Checklist
- B. Revised Preliminary Site Plan
- C. Revised PLA Deeds
- D. Revised Architectural Drawings
- E. Wetland Agency Decisions



MEMO

TO: Aaron Panko, Planner III
Community Planning and Development Department

FROM: Laurel Christian, Infrastructure Planner II
Community Planning and Development Department 

DATE: February 29, 2024

SUBJECT: **Infrastructure Memo**
UGA-SPR-ADJ-DAP-DR-PLA24-03 (23-121805-PLN)
4650 Hazelgreen Road NE
Multi-Family Development

PROPOSAL

An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the subject property, a Class 3 Site Plan Review and Class 1 Design Review for the development of a new 405-unit multi-family residential development, Class 2 Driveway Approach Permits for four new driveway approaches on proposed Lunar Drive NE, a Property Line Adjustment to eliminate an interior lot line, and Adjustments. The subject property is approximately 15.6 acres in size, zoned MU-I (Mixed Use-I) and RM-II (Multi-Family Residential) and located at 4650 Hazelgreen Road NE 97305 (Marion County Assessors map and tax lot numbers: 062W32C / 000400 and 000500).

RECOMMENDED CONDITIONS OF APPROVAL

1. Convey land for dedication to equal a half-width right-of-way of 60-feet on the development side of Hazelgreen Road NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
2. Construct Hazelgreen Road NE as a three-quarter minor arterial street improvement along the full frontage of the subject property. These improvements shall include a minimum of 46-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
3. Where the development has frontage on both sides of Lunar Drive NE:
 - Convey land for dedication to equal a full-width right-of-way of 60-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

- Construct Lunar Drive NE as a local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, street lights, and street trees on both development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

4. Where the development has frontage on one side of Lunar Drive NE:

- Convey land for dedication to equal a half-width right-of-way of 30-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Construct Lunar Drive NE as a local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, street lights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks, street trees, and streetlights are not required on the western side of the street where the development does not have frontage on both sides of the street.

5. As shown on the applicant's site plan, dedicate a minimum 26-foot-wide public access easement over the center drive aisle of the development. The easement shall extend from Lunar Drive NE to the eastern property boundary.
6. As shown on the applicant's site plan, dedicate a minimum 10-foot-wide public access easement over the 10-foot-wide shared use path along the southern boundary of the center drive aisle.
7. The applicant shall coordinate with Cherriots to provide transit stops along Lunar Drive NE in locations approved by Cherriots and the Public Works Department.
8. Prior to issuance of final occupancy, install street trees to the maximum extent feasible along Hazelgreen Road NE and proposed Lunar Drive NE.
9. Construct a minimum 16-inch "linking" *Water System Master Plan* water main in Hazelgreen Road NE from approximately 200-feet east to the eastern property boundary.
10. Construct a minimum 16-inch *Water System Master Plan* water main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.

11. Construct a minimum 8-inch water main in Lunar Drive NE from the existing terminus at the southern property boundary to the northern property boundary and connect this main to the 16-inch *Water System Master Plan* main in Hazelgreen Road NE.
12. Construct a minimum 8-inch “linking” *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE from approximately 160-feet east to the eastern property boundary in compliance with the PWDS.
13. Construct a minimum 8-inch *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE in compliance with the PWDS.
14. Construct a minimum 8-inch sewer main in Lunar Drive NE as shown in the submitted plans and in compliance with the PWDS.
15. Extend a “linking” public storm main in Hazelgreen Road NE from approximately 200-feet east to the eastern line of the subject property to accommodate the proposed development and the required boundary street improvements compliance with the PWDS.
16. Along the development frontage of Hazelgreen Road NE and Lunar Drive NE, construct a public storm main to accommodate the proposed development and required boundary street improvements compliance with the PWDS.
17. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

FACTS

Streets

1. Hazelgreen Road NE
 - a. Standard—This street is designated as a parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 68-foot improvement within a 68-foot-wide right-of-way abutting the subject property.

2. Lunar Drive NE

- 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 60-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. An 18-inch storm main is located in Hazelgreen Road NE, approximately 200-feet east of the subject property.
- b. A 24-inch storm main is located in Lunar Drive NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. An 8-inch water main is located in Lunar Drive NE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.
- c. A 16-inch water main is located in Hazelgreen Road NE approximately 200-feet east of the subject property. Mains of this size generally convey flows of 1,900 to 4,400 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Hazelgreen Road NE, approximately 160-feet east of the subject property.

Parks

1. Existing Conditions

- a. The proposed development is served by the Hazelgreen Road Park, an undeveloped park directly adjacent to the western line of the subject property.

URBAN GROWTH PRELIMINARY DECLARATION FINDINGS

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055—Standards for Street Improvements

Findings: An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets in SRC 200.055(b). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

Hazelgreen Road NE measures 38-feet along the eastern line of the subject property and meets the “linking” street requirements established in SRC Chapter 200.055(b). No additional linking street improvements are necessary.

SRC 200.060—Standards for Sewer Improvements

Findings: The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located in Hazelgreen Road NE, approximately 160-feet east of the subject property. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below. This *Salem Wastewater Management Master Plan* sewer main is intended to serve a large service area and will be constructed at greater depths in order to accommodate future growth in this area. Final construction drawings shall be reviewed and approved by Public Works to ensure the *Salem Wastewater Management Master Plan* sewer main is designed and constructed to accommodate a large service area, as required by the master plan.

Needed Improvement: Construct a minimum 8-inch “linking” *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE from approximately 160-feet east to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.

SRC 200.065—Standards for Storm Drainage Improvements

Findings: The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public

storm systems appear to be located in Lunar Drive NE approximately 100-feet south of the subject property and Hazelgreen Road NE approximately 200-feet east of the subject property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

Needed Improvement: Construct a storm drainage system in Hazelgreen Road NE and Lunar Drive NE to serve the proposed development in accordance with the PWDS.

SRC 200.070—Standards for Water Improvements

Findings: The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The nearest available public water systems appear to be located in Hazelgreen Road NE, approximately 200-feet east of the subject property, and in Lunar Drive NE, abutting the subject property. The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

Needed Improvement: Construct a minimum 16-inch “linking” *Water System Master Plan* water main in Hazelgreen Road NE from approximately 200-feet east of the subject property to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.

SRC 200.075—Standards for Park Sites

Findings: The applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the *Salem Comprehensive Park System Master Plan* (SRC 800.075(a)). The proposed development is served by the Hazelgreen Road Park, an undeveloped park directly adjacent to the western line of the subject property. The *Salem Parks System Master Plan* identifies that Hazelgreen Road Park will provide neighborhood park service to the subject property; therefore, no additional dedications are required.

CRITERIA AND FINDINGS—SITE PLAN REVIEW

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 Unified Development Code (UDC): 200 – Urban Growth Management; 601 – Floodplain Development; 802 – Public Improvements; 803 - Street and Right-of-way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; 810 – Landslide Hazards.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area. The subject property is located outside of the Urban Service Area and as such, an Urban Growth Preliminary Declaration has been included in this application. With recommended conditions, discussed further below, the development will comply with SRC Chapter 200 relating to Urban Growth Management.

SRC Chapter 601 (Floodplain): The Floodplain Administrator 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 804 (Driveway Approaches): The applicant proposes new driveway approaches onto Lunar Drive NE and has applied for Class 2 Driveway Approach Permits; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway approach permits, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

SRC 805 (Vision Clearance): The proposal does not cause a vision clearance obstruction per SRC Chapter 805. The proposed structures meet the vision clearance standards established in SRC Chapter 805.

SRC Chapter 809 (Wetlands): The Salem-Keizer Local Wetland Inventory shows there are hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

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— Hazelgreen Road NE abuts the subject property to the north and is classified as a parkway according to the Salem TSP. Hazelgreen Road NE has inadequate right-of-way and improvement width for its street classification according to the Salem TSP. The Salem TSP identifies that Hazelgreen Road NE from Portland Road NE to Cordon Road NE should be improved to an interim minor arterial standard including two travel lanes with a center turn lane as-needed (TSP Project ID 48). As a condition of approval, the applicant shall dedicate the ultimate right-of-way width required to meet the parkway standard and construct a three-quarter street improvement along Hazelgreen Road NE to interim minor arterial standards, including a center turn lane along the development frontage. The street improvement will include a minimum of 46-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street.

Condition: Convey land for dedication to equal a half-width right-of-way of 60-feet on the development side of Hazelgreen Road NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition: Construct Hazelgreen Road NE as a three-quarter minor arterial street improvement along the full frontage of the subject property. These improvements shall include a minimum of 46-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Lunar Drive NE is classified as a local street according to the Salem TSP and terminates at the southern property boundary. Pursuant to SRC 803.035(a), Lunar Drive NE shall be extended from its terminus through the development site to Hazelgreen Road NE in order to provide street connectivity and access to the proposed development. As shown on the applicant's plan, a portion of Lunar Drive NE will be constructed on adjacent City-owned park property. As a condition of development, the applicant shall dedicate a full 60-foot-wide right-of-way where the development has frontage on both sides of Lunar Drive NE. Where the development has frontage on only one side of Lunar Drive NE, the applicant shall dedicate a 30-foot-wide half-width right-of-way. Along the entire length of Lunar Drive NE, the applicant shall construct a full street improvement to local street standards. Along Lunar Drive NE, sidewalks, street trees, and streetlights are not required on the western side of the street, except where the development has frontage on both sides of the street.

Condition: Where the development has frontage on both sides of Lunar Drive NE:

- Convey land for dedication to equal a full-width right-of-way of 60-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Construct Lunar Drive NE as a local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of

the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, street lights, and street trees on both development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition: Where the development has frontage on one side of Lunar Drive NE:

- Convey land for dedication to equal a half-width right-of-way of 30-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Construct Lunar Drive NE as a local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, street lights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks, street trees, and streetlights are not required on the western side of the street where the development does not have frontage on both sides of the street.

Pursuant to SRC 803.030, the maximum block spacing is 600-feet. Lunar Drive will have a block length of approximately 1,600-feet from the intersection of Lunar Drive NE and Apollo Avenue NE to the proposed intersection of Lunar Drive NE and Hazelgreen Road NE. In lieu of providing an east-west street connection through the development site, the applicant proposes to dedicate a 26-foot-wide public access easement over a drive aisle and dedicate a 10-foot-wide public access easement over a sidewalk through the development site from the eastern property line to the western property line. The proposed access easements will provide vehicular, pedestrian, and bicycle access to adjacent easterly property, if at such time the adjacent property develops to urban standards. Pursuant to SRC 803.065(a)(1) an alternative street standard is authorized to allow Lunar Avenue NE to have a greater block length, with the proposed access easements in lieu of an east-west street connection. As a condition of approval, the applicant shall dedicate public access easements to provide east-west connectivity, as shown on the applicant's site plan.

Condition: As shown on the applicant's site plan, dedicate a minimum 26-foot-wide public access easement over the center drive aisle of the development. The easement shall extend from Lunar Drive NE to the eastern property boundary.

Condition: As shown on the applicant's site plan, dedicate a minimum 10-foot-wide public access easement over the 10-foot-wide shared use path along the southern boundary of the center drive aisle.

Cherriots submitted comments indicating two transit stops are warranted along Lunar Drive NE in conjunction with this development project. Pursuant to SRC 803.035(r) the applicant shall construct a transit stop as a condition of approval.

Condition: The applicant shall coordinate with Cherriots to provide transit stops along Lunar Drive NE in locations approved by Cherriots and the Public Works Department.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. As a condition of approval, the applicant shall plant street trees along the frontages of Hazelgreen Road NE and proposed Lunar Drive NE.

Condition Prior to issuance of final occupancy, install street trees to the maximum extent feasible along Hazelgreen Road NE and proposed Lunar Drive NE.

Pursuant to SRC 803.015(b)(1), the applicant submitted a Traffic Impact Analysis (TIA) as part of the application package to evaluate the traffic impacts of the proposed development on the transportation system. The TIA concluded that the development does not warrant mitigation as a condition of approval. The development site is also subject to a “Trip Cap” of a maximum cumulative total of 2,992 average daily vehicle trips established under CPC-ZC22-03. The TIA establishes that the proposed development complies with the “Trip Cap”. The Assistant City Traffic Engineer reviewed the TIA and agreed with the findings.

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 proposal includes four (4) new driveways onto Lunar Drive NE to serve the development site. A Class 2 Driveway Approach Permit is required for the new driveways onto Lunar Drive NE that will allow for general circulation in and out of the development, as such Driveway Approach Permits are consolidated into this application and findings provided below. The proposed driveway accesses onto Lunar Drive NE provide 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 subject property is located outside of the Urban Service Area, and therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, the proposed development is designed to accommodate required on-site and off-site improvements.

Development Services has reviewed the applicant's preliminary plan for this site. With the recommended conditions of approval, the water, sewer, and storm infrastructure will be available in surrounding streets/areas and are adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

Water – The *Salem Water System Master Plan* identifies a 16-inch water main to be constructed in Hayesville Drive NE. The existing main terminates approximately 200-feet east of the subject property. In order to provide adequate water service to the development, the applicant shall extend the 16-inch main in Hazelgreen Road NE from its existing terminus (approximately 200-feet east) to the intersection with proposed Lunar Drive NE. In order to provide a looped water system, the applicant is required to construct an 8-inch water main in proposed Lunar Drive NE (SRC 76.110) that connects the existing 8-inch main in Lunar Drive NE to the new 16-inch water main proposed in Hazelgreen Road NE. With the following conditions, the development complies with SRC Chapter 76 (Streets, Sidewalks, and Other Public Ways), Chapter 802 (Public Improvements) and SRC Chapter 200 (Urban Growth Management) relating to water provisions:

Condition: Construct a minimum 16-inch “linking” *Water System Master Plan* water main in Hazelgreen Road NE from approximately 200-feet east to the eastern property boundary.

Condition: Construct a minimum 16-inch *Water System Master Plan* water main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.

Condition: Construct a minimum 8-inch water main in Lunar Drive NE from the existing terminus at the southern property boundary to the northern property boundary and connect this main to the 16-inch *Water System Master Plan* main in Hazelgreen Road NE.

Sanitary Sewer – The *Salem Wastewater Management Master Plan* identifies an 8-inch sewer main to be constructed in Hazelgreen Road NE. The existing sewer main terminates approximately 160-feet east of the subject property. In order to provide adequate sanitary sewer service to the proposed development, the applicant shall extend the 8-inch sewer main in Hazelgreen Road NE from its existing terminus (approximately 160-feet east) to the intersection with proposed Lunar Drive NE. This *Salem Wastewater Management Master Plan* sewer main is intended to serve a large service area and will be constructed at greater depths in order to accommodate future growth in this area. Final construction drawings shall be reviewed and approved by Public Works to ensure the *Salem Wastewater Management Master Plan* sewer main is designed and constructed to accommodate a large service area, as required by the

master plan. Within Lunar Drive NE, the applicant is required to construct an 8-inch sewer main in the new street (SRC 76.110). With the following conditions, the development complies with SRC Chapter 76 (Streets, Sidewalks, and Other Public Ways), SRC Chapter 802 (Public Improvements) and SRC Chapter 200 (Urban Growth Management) relating to sanitary sewer provisions:

Condition: Construct a minimum 8-inch “linking” *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE from approximately 160-feet east to the eastern property boundary in compliance with the PWDS.

Condition: Construct a minimum 8-inch *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE in compliance with the PWDS.

Condition: Construct a minimum 8-inch sewer main in Lunar Drive NE as shown in the submitted plans and in compliance with the PWDS.

Stormwater – As part of the required boundary street improvements along Hazelgreen Road NE, the applicant shall construct a public storm main to serve the new development (SRC 76.110). The existing public storm system terminates in Hazelgreen Road NE, approximately 200-feet east of the subject property. As a condition of approval, the main in Hazelgreen Road NE shall be extended to the development and within Lunar Drive NE.

Condition: Extend a “linking” public storm main in Hazelgreen Road NE from approximately 200-feet east to the eastern line of the subject property to accommodate the proposed development and the required boundary street improvements compliance with the PWDS.

Condition: Along the development frontage of Hazelgreen Road NE and Lunar Drive NE, construct a public storm main to accommodate the proposed development and required boundary street improvements compliance with the PWDS.

Pursuant to SRC Chapter 71, green stormwater infrastructure and flow control is required for the proposed development and the required boundary street improvements. The applicant’s engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E (4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. As a condition of approval, the applicant shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and *PWDS*.

Condition: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

CRITERIA AND FINDINGS—CLASS 2 DRIVEWAY APPROACH PERMITS

The applicant proposes four (4) new driveway approaches onto Lunar Drive NE, a local street. The proposed driveway approaches meet the approval criteria for a Class 2 Driveway Approach Permit, as identified below:

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 driveways meet the standards of SRC Chapter 804 and the *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 driveways.

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

Finding— The proposed development has frontage on a proposed local street (Lunar Drive NE) and existing parkway street (Hazelgreen Road NE). All accesses for the development are proposed to be taken from the local street. The proposed driveways are 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 development has frontage on a proposed local street (Lunar Drive NE) and existing parkway street (Hazelgreen Road NE). All accesses for the development are proposed to be taken from the lowest classification of street abutting the property.

- (5) Proposed driveway approach meets vision clearance standards;**

Finding—The proposed driveways meet 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 driveways will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveways indicates that they 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 driveways and the evidence that has been submitted indicate that the location of the proposed driveways 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 property is located on the corner of a parkway street (Hazelgreen Road NE) and a proposed local street (Lunar Drive NE). The applicant is proposing driveways to the lower classification of street. 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 abuts residentially zoned property to the south; Public Amusement (PA) zoned property to the west, and Marion County Zoned UT-20-IND property to the east. The proposed development abuts parkway and a proposed local street. The proposed driveways are taken from the lowest classification street abutting the subject property. The driveways balance the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

RESPONSE TO COMMENTS

- 1. On-street Parking:** Comments received express concerns for over-flow parking that would be provided for the proposed apartment complex.

Staff Response: Lunar Drive NE is classified as a local street and will be extended through the development site. Local streets provide for on-street parking available for general use and not restricted to use by owners directly abutting the right-of-way. In addition, the proposed development provides for off-street within the development site. No additional “overflow” parking areas are required for the proposed development.

Prepared by: Laurel Christian, Infrastructure Planner II
cc: File



Business & Support Services
2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309
503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

February 5, 2024

Aaron Panko, Planner
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03, 4650 Hazelgreen Rd NE

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
Hammond	Elementary	K thru 5
Stephens	Middle	6 thru 8
McKay	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
Hammond	Elementary	458	509	90%
Stephens	Middle	998	1,197	83%
McKay	High	2,229	2,536	88%

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 2021 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	405	MF	0.164	66
Middle			0.085	34
High			0.096	39

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
Hammond	Elem.	458	0	66	66	509	103%
Stephens	Mid.	998	2	34	36	1,197	86%
McKay	High	2,229	4	39	43	2,536	90%

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
Hammond	Elementary	Walk Zone
Stephens	Middle	Walk Zone
McKay	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	66	\$83,655	\$5,521,230
Middle	34	\$101,069	\$3,436,346
High	39	\$118,482	\$4,620,798
TOTAL			\$13,578,374

Table 6

*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q3 2023”

Sincerely,

David Fridenmaker
Business and Support Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation



RESPONSE TO REQUEST FOR COMMENTS

DATE: 1/31/2024

CASE/APP NUMBER: UGA-SPR-ADJ-DAP-DR-PLA24-03

PROPERTY LOCATION: 4650 Hazelgreen Rd NE

CASE MANAGER: Aaron Panko, Planner III, City of Salem

Email: apanko@cityofsalem.net

COMMENTS FROM: Jolynn Franke, Transit Planner II, Cherriots

Email: planning@cherriots.org

COMMENTS: Transit stops have been identified as needed in connection with this proposed development. Cherriots requests two transit stops conforming to the applicable standards of the Salem Area Mass Transit District to be constructed and right-of-way dedication, if necessary, to be provided as part of the street improvements for this development. On-street parking shall be restricted in the area of the transit stops in order to ensure unobstructed access by transit.

One of the transit stops shall be located on the east side of Lunar Drive at Building 5, approximately 50 feet north of the driveway as depicted in preliminary site plan drawing P5.0. The other transit stop shall be located at Building 22 as depicted in drawing P5.1 Note 7.

Design and construction of the transit stops shall conform to Cherriots standard bus stop design package included in the following pages. Specifically –

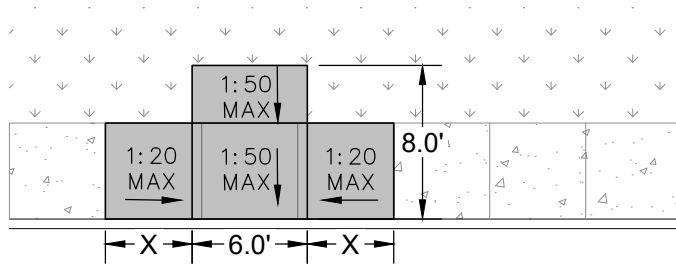
- C1 – Bus Stop Pads Layout; Bus Stop Pads – Planter Strip (12' wide or less)
- C8 – No Parking Zones at Intersections Detail (Bus Stop Zone 150' Minimum Midblock Stop)



Cherriots standard design package also includes sidewalk, curb, and easement details should they be needed. The transit stop pole and sign will be provided and installed by Cherriots staff.

Any questions should be directed by email to planning@cherriots.org.

In addition to fixed route transit, the Salem Area Mass Transit District provides a suite of services and programs that encourage people to try out other transportation options, such as carpool, vanpool, bike, walk and telework. Promoting easy, cost-effective, and environmentally friendly ways to get around is a great way to attract and retain long-term residents/tenants. For more information on transportation options to fit any lifestyle, contact the Commuter Options Coordinator at commute@cherriots.org.



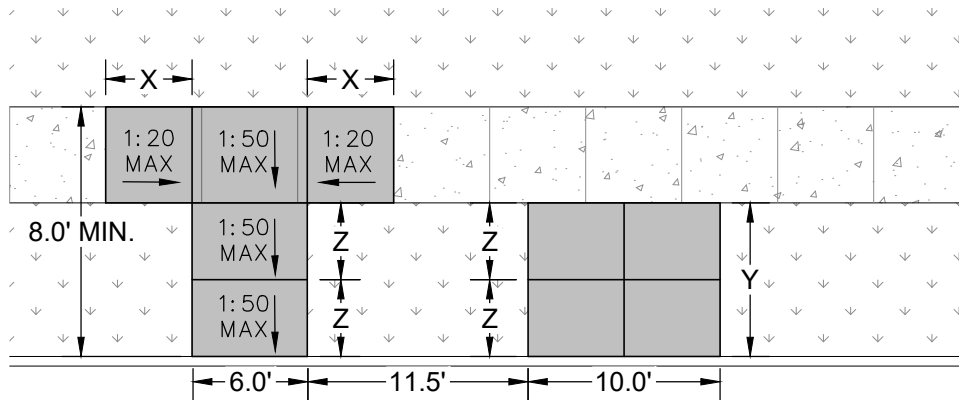
EXISTING ROADWAY

BUS STOP PADS - CURB LINE SIDEWALK

NOT TO SCALE

NOTES:

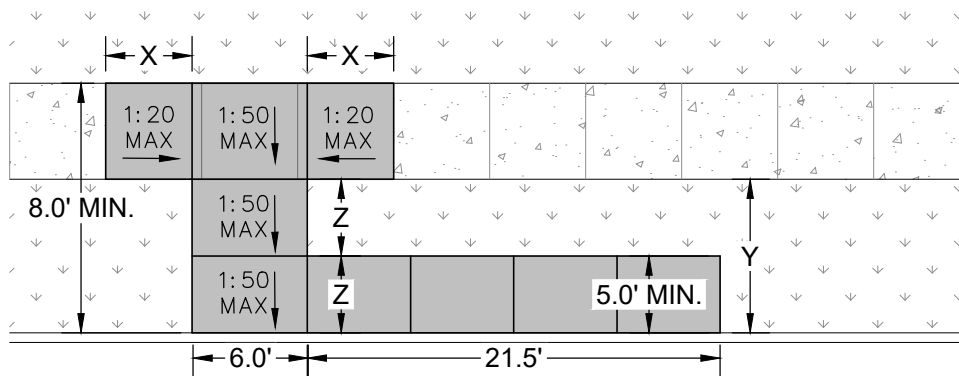
1. "X" WIDTH TO BE A MINIMUM OF 3.0' OR MATCH EXISTING SIDEWALK JOINT SPACING.
2. "Y" LENGTH TO BE EQUAL TO THE WIDTH OF THE PLANTER STRIP, FROM BACK OF CURB TO FRONT OF SIDEWALK.
3. JOINT SPACING, "Z" SHALL BE 3' MINIMUM, 6' MAXIMUM. PROVIDE SIDEWALK PANELS THAT ARE AS SQUARE AS POSSIBLE.
4. MATCH EXISTING WIDTH WHERE PROPOSED BUS STOP PANELS CONNECT TO THE EXISTING WALK.



EXISTING ROADWAY

BUS STOP PADS - PLANTER STRIP (12' WIDE OR LESS)

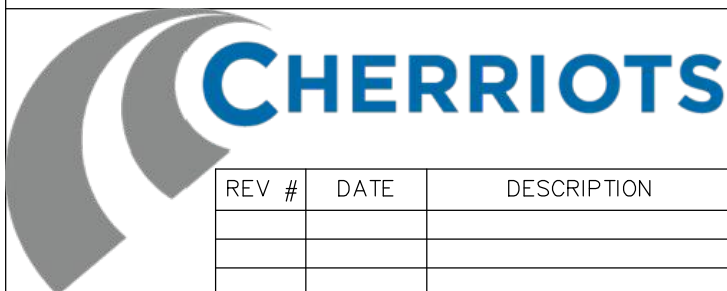
NOT TO SCALE



EXISTING ROADWAY

BUS STOP PADS - PLANTER STRIP (WIDER THAN 12')

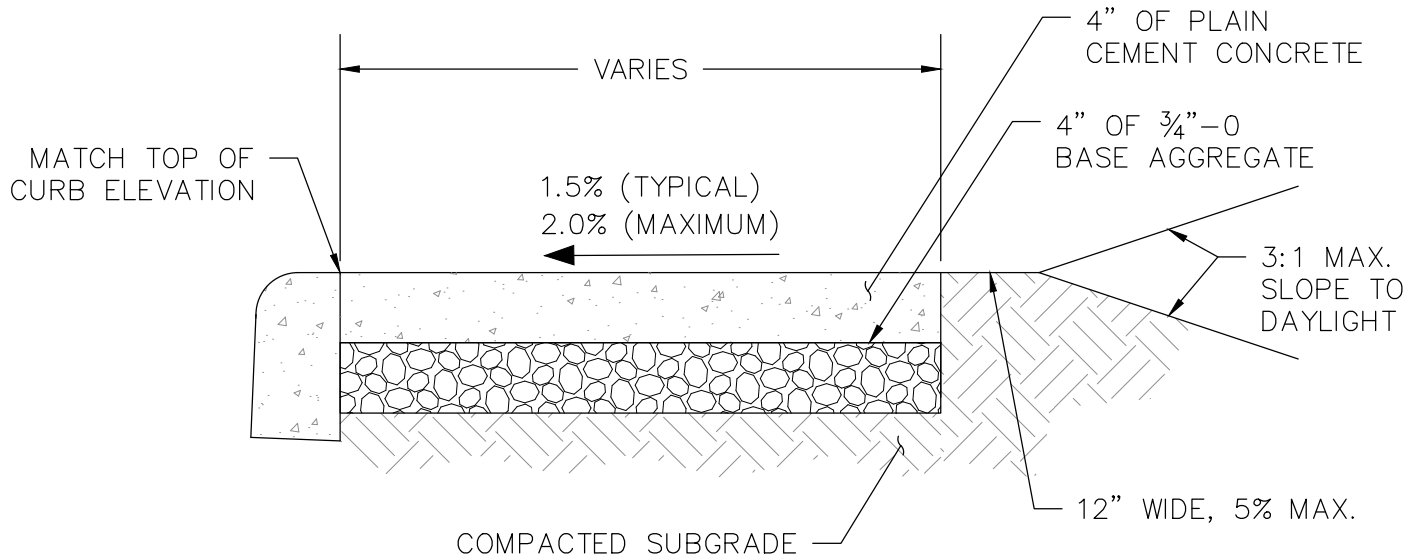
NOT TO SCALE



BUS STOP PADS LAYOUT

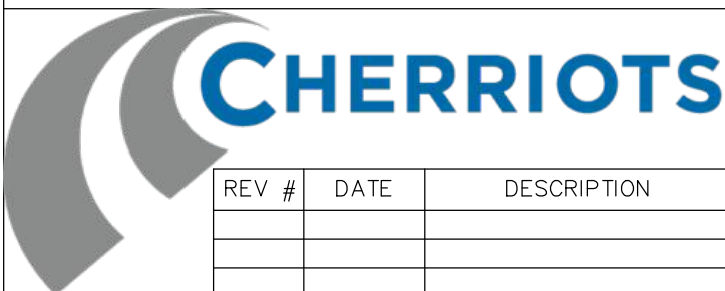
C1

REV #	DATE	DESCRIPTION	BY EGW	CHECKED RDV
			DATE 03/03/22	DATE 03/03/22



NOTES:

1. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 P.S.I. AT 28 DAYS.
2. CONTRACTION JOINTS OF THE WEAKENED PLANE TYPE SHALL BE 1- $\frac{1}{4}$ " DEEP AND TOOL ROUNDED BEFORE BROOMING. MATCH EXISTING JOINT SPACING. 15' MAXIMUM.
3. EXPANSION JOINTS TO BE PLACED AT SIDES OF DRIVEWAY APPROACHES, UTILITY VAULTS, ADA CURB RAMPS, AND AT SPACING NOT TO EXCEED 45 FEET.
4. FOR SIDEWALKS ADJACENT TO THE CURB AND POURED AT THE SAME TIME AS THE CURB, THE JOINT BETWEEN THEM SHALL BE A TROWELED JOINT WITH A MIN. $\frac{1}{2}$ INCH RADIUS.
5. FINISH WITH BROOM AND EDGE ALL JOINTS.
6. ALL EDGES SHALL BE TOOL ROUNDED AND SHINED PER JURISDICTIONAL REQUIREMENTS AFTER BROOMING. PROVIDE 3" SHINE IF NO OTHER REQUIREMENTS EXIST.
7. BASE AGGREGATE TO BE COMPACTED TO 95% OF AASHTO T-99.



**STANDARD
SIDEWALK**

C2

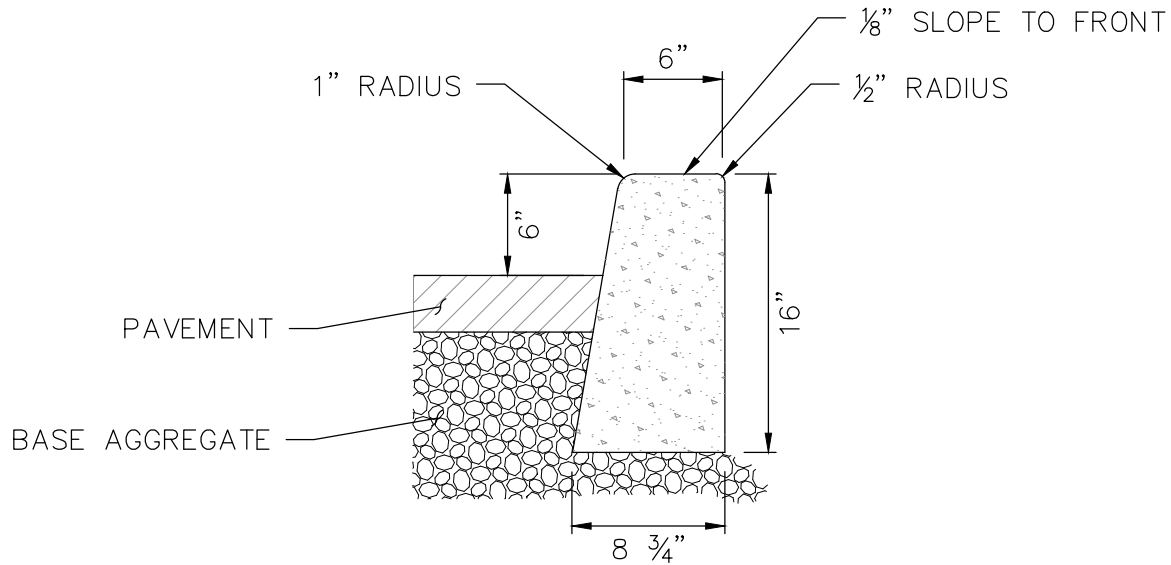
REV #	DATE	DESCRIPTION

BY EGW

DATE 03/03/22

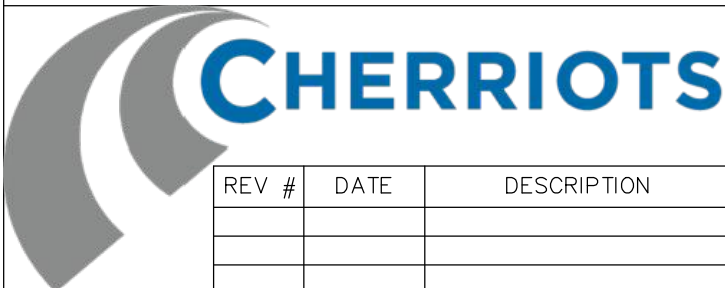
CHECKED RDV

DATE 03/03/22



NOTES:

1. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 P.S.I. AT 28 DAYS.
2. EXPANSION JOINTS
 - 2.A. TO BE PROVIDED:
 - 2.A.1. AT EACH POINT OF TANGENCY OF THE CURB.
 - 2.A.2. AT EACH COLD JOINT.
 - 2.A.3. AT EACH SIDE OF THE INLET STRUCTURES.
 - 2.A.4. AT EACH END OF DRIVEWAYS.
 - 2.A.5. AT LOCATIONS NECESSARY TO LIMIT SPACING TO 45 FEET.
3. CONTRACTION JOINTS:
 - 3.A. SPACING TO BE NOT MORE THAN 15 FEET.
 - 3.B. THE DEPTH OF THE JOINT SHALL BE AT LEAST 1-1/2 INCHES.
4. BASE AGGREGATE TO BE 1 1/2"-0" OR 3/4"-0" COMPACTED TO 95% OF AASHTO T-99 AND SHALL BE TO SUBGRADE, STREET STRUCTURE, OR 4" IN DEPTH, WHICHEVER IS GREATER.



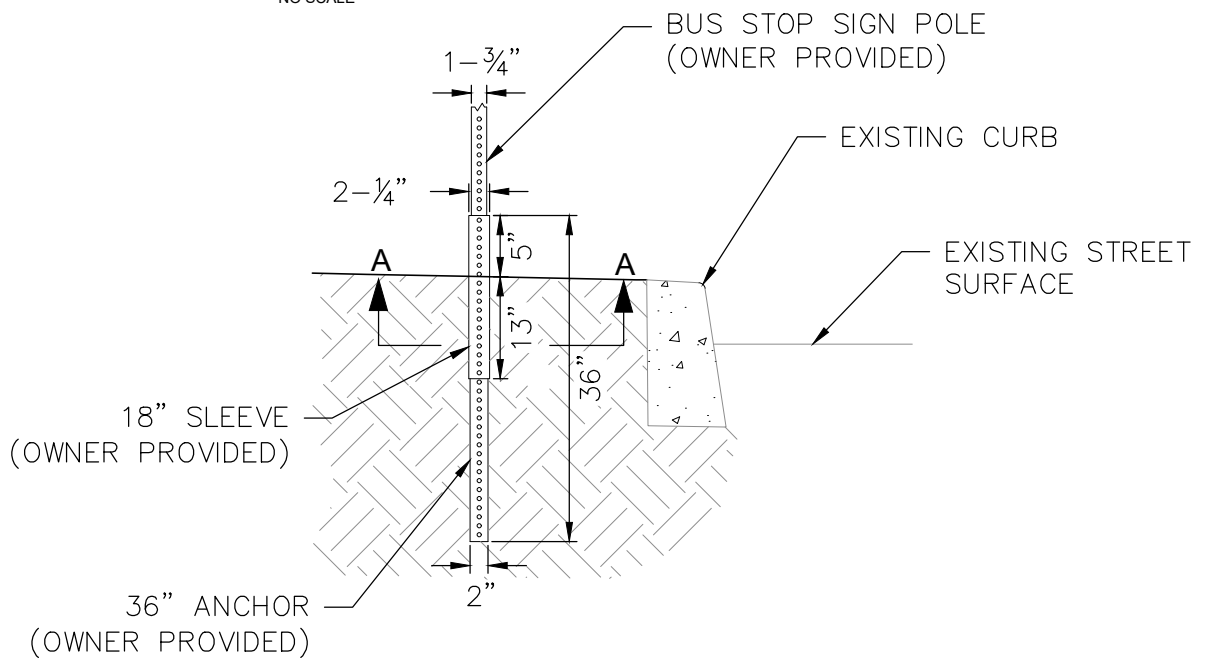
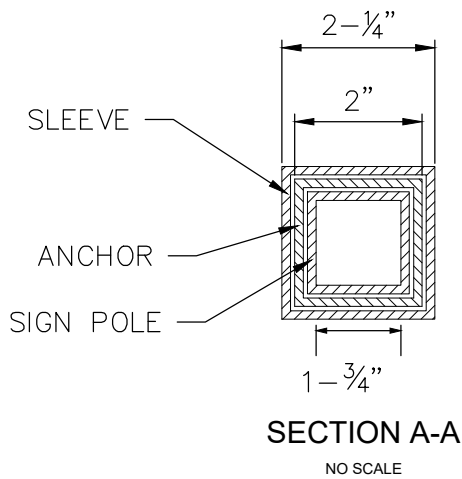
**STANDARD
CURB**

C3

REV #	DATE	DESCRIPTION

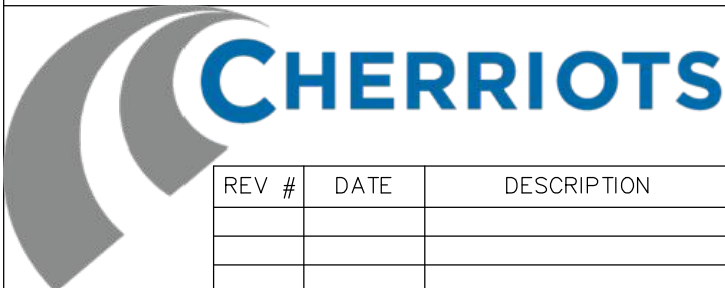
BY EGW
DATE 03/03/22

CHECKED RDV
DATE 03/03/22



NOTES:

1. CONTACT CHERRIOTS PLANNING STAFF AT (503) 588-2424 TO OBTAIN SIGN MATERIALS.



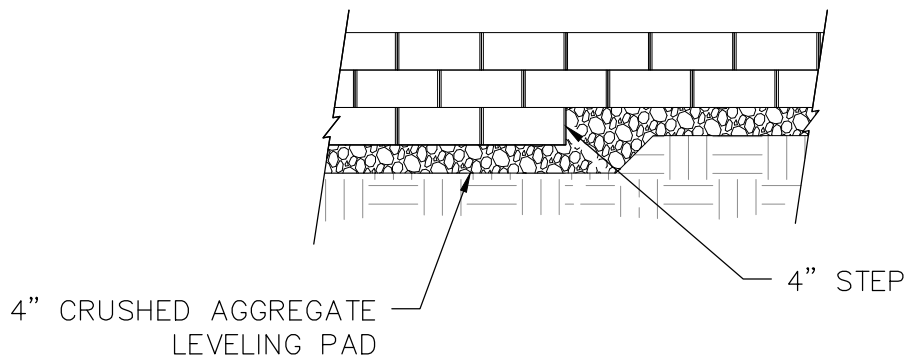
**BUS STOP SIGN POLE,
ANCHOR & SLEEVE
DETAIL**

C4

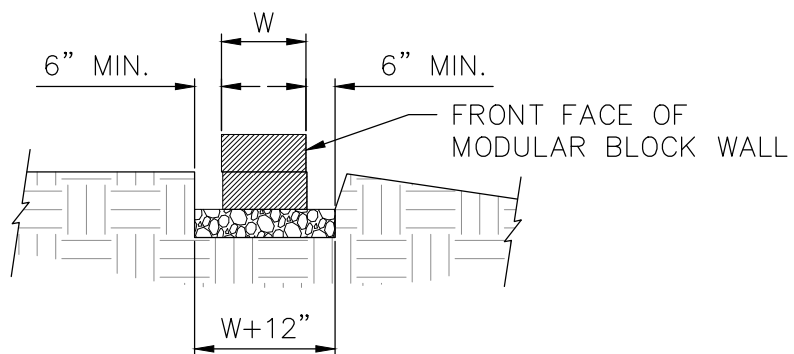
REV #	DATE	DESCRIPTION

BY EGW
DATE 03/03/22

CHECKED RDV
DATE 03/03/22



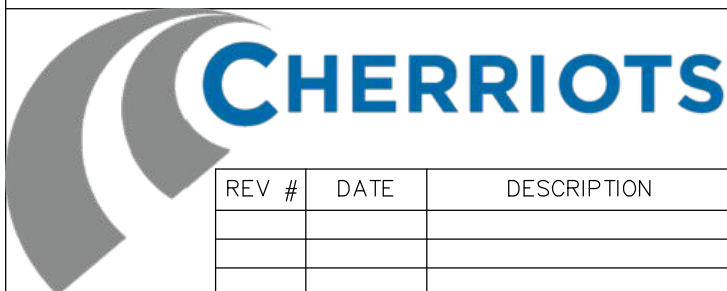
ELEVATION



SECTION

NOTE:

1. LEVELING PAD TO BE $\frac{3}{4}$ "-0 CRUSHED AGGREGATE COMPACTED TO 95% OF AASHTO T-99



LEVELING PAD
DETAIL

REV #	DATE	DESCRIPTION

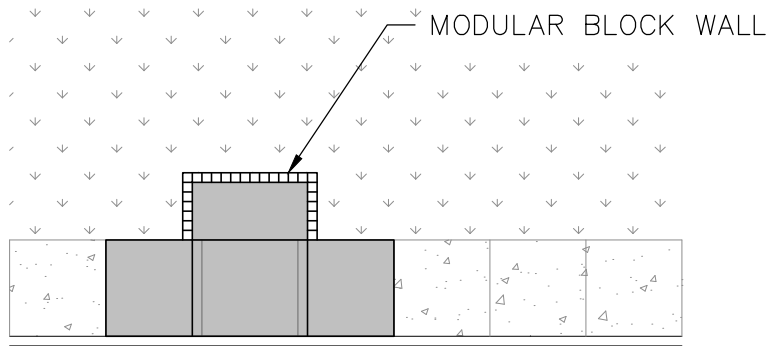
BY EGW

DATE 03/03/22

CHECKED RDV

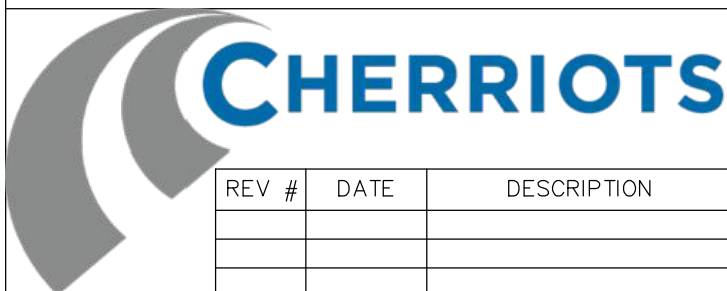
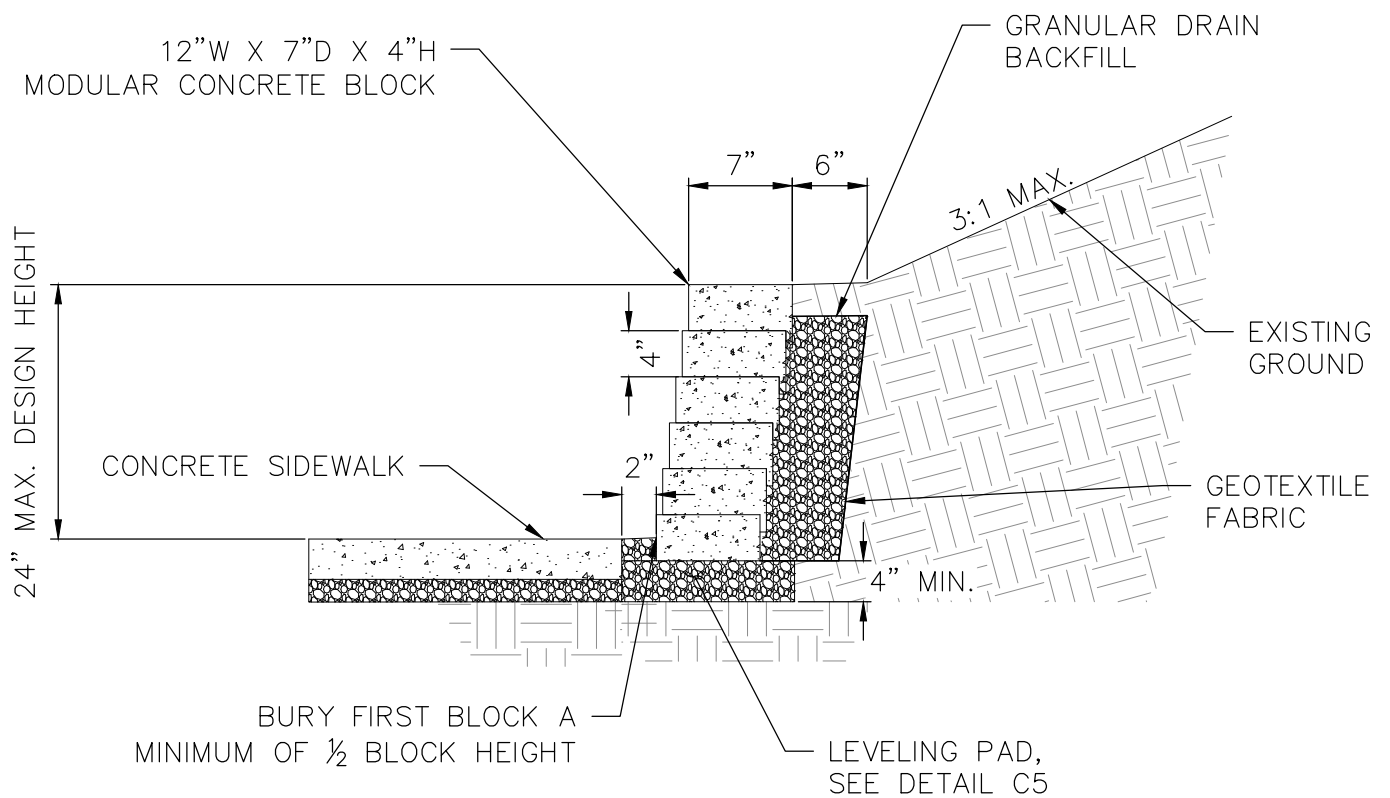
DATE 03/03/22

C5



NOTES:

1. MODULAR BLOCK WALL SHALL BE REQUIRED WHEN SLOPE GRADING TO DAYLIGHT AT 3:1 MAX. CANNOT BE ACHIEVED.
2. THE MODULAR BLOCK WALL SHALL BE CONSTRUCTED WHEN WALL EXPOSURE IS TO BE GREATER THAN 6".



**MODULAR BLOCK
WALL DETAIL**

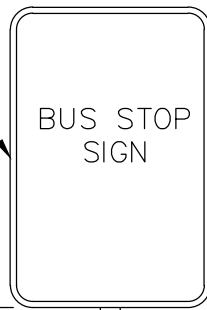
C6

REV #	DATE	DESCRIPTION

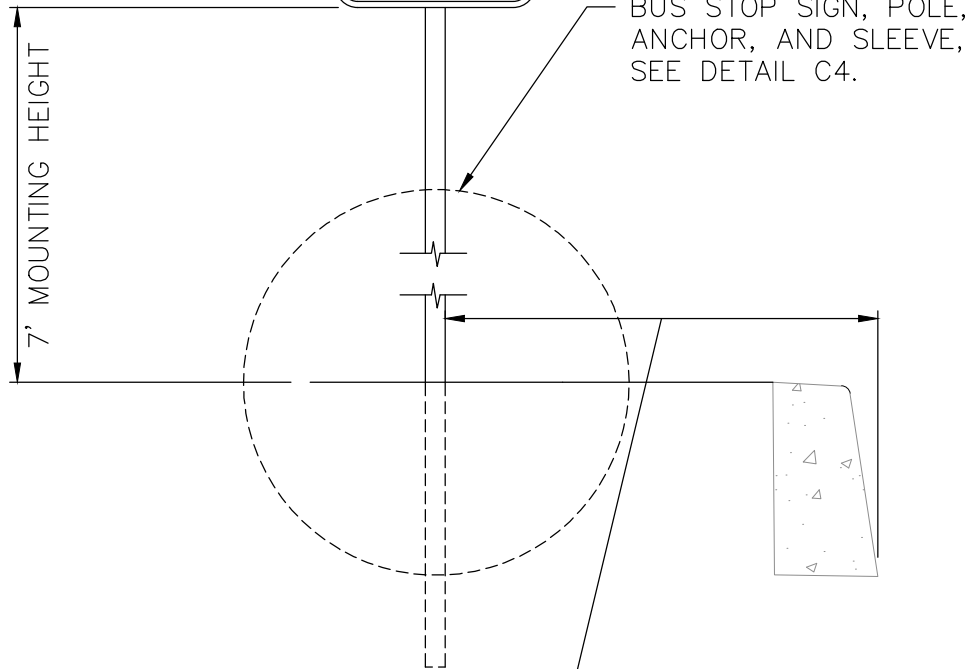
BY EGW
DATE 03/03/22

CHECKED RDV
DATE 03/03/22

BUS STOP SIGN
(OWNER PROVIDED)




BUS STOP
SIGN



BUS STOP SIGN, POLE,
ANCHOR, AND SLEEVE,
SEE DETAIL C4.

2' FROM FACE OF CURB OR
1' FROM BACK OF SIDEWALK



CHERRIOTS

REV #	DATE	DESCRIPTION

TYPICAL BUS STOP SIGN PLACEMENT DETAIL

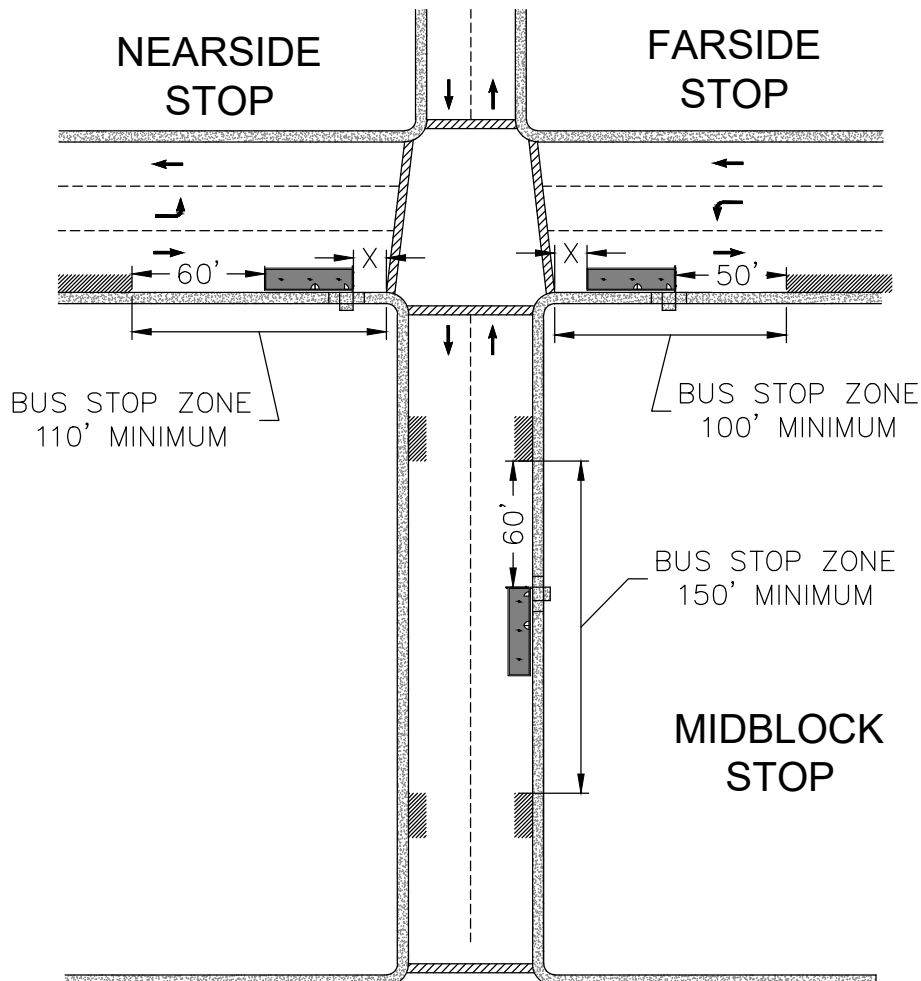
BY EGW

DATE 03/03/22

CHECKED RDV

DATE 03/03/22

C7

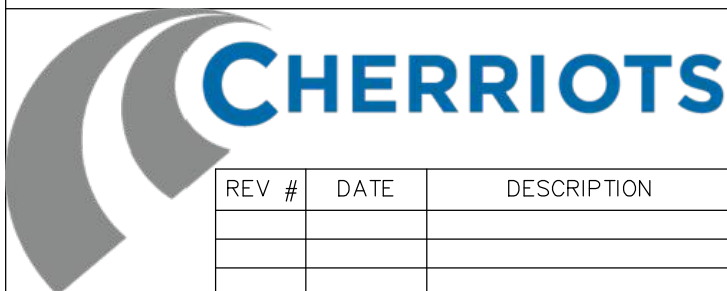


NOTES:

1. CHERRIOTS TO PROVIDE INFORMATION REGARDING BUS TYPE, LENGTH, AND QUANTITY OF BUSES TO BE SERVICED BY BUS STOP.
2. FOR MULTIPLE BUSES BEING SERVED AT ONE STOP:
 - 2.A. ADD 50 FEET FOR EACH ADDITIONAL STANDARD 40-FOOT BUS.
 - 2.B. ADD 70 FEET FOR EACH ADDITIONAL 60-FOOT ARTICULATED BUS.
3. BUS STOP ZONE SHALL BE SIGNED AS A NO PARKING ZONE PER STANDARDS OF LOCAL JURISDICTION.
4. X = 10' MINIMUM FROM EDGE OF CROSSWALK OR END OF RADIUS, WHICHEVER IS FURTHER FROM THE INTERSECTION.

MINIMUM DISTANCE BETWEEN A BUS STOP AND LEFT TURN (FT)

POSTED SPEED LIMIT	LANE CHANGES			
	1	2	3	4
30 MPH OR LESS	430	610	790	970
35 MPH	625	875	1125	1375
40 MPH	780	1080	1380	1680
45 MPH	1080	1430	1780	2130
50 MPH	1415	1865	2135	2765
55 MPH	1830	2380	2930	3480



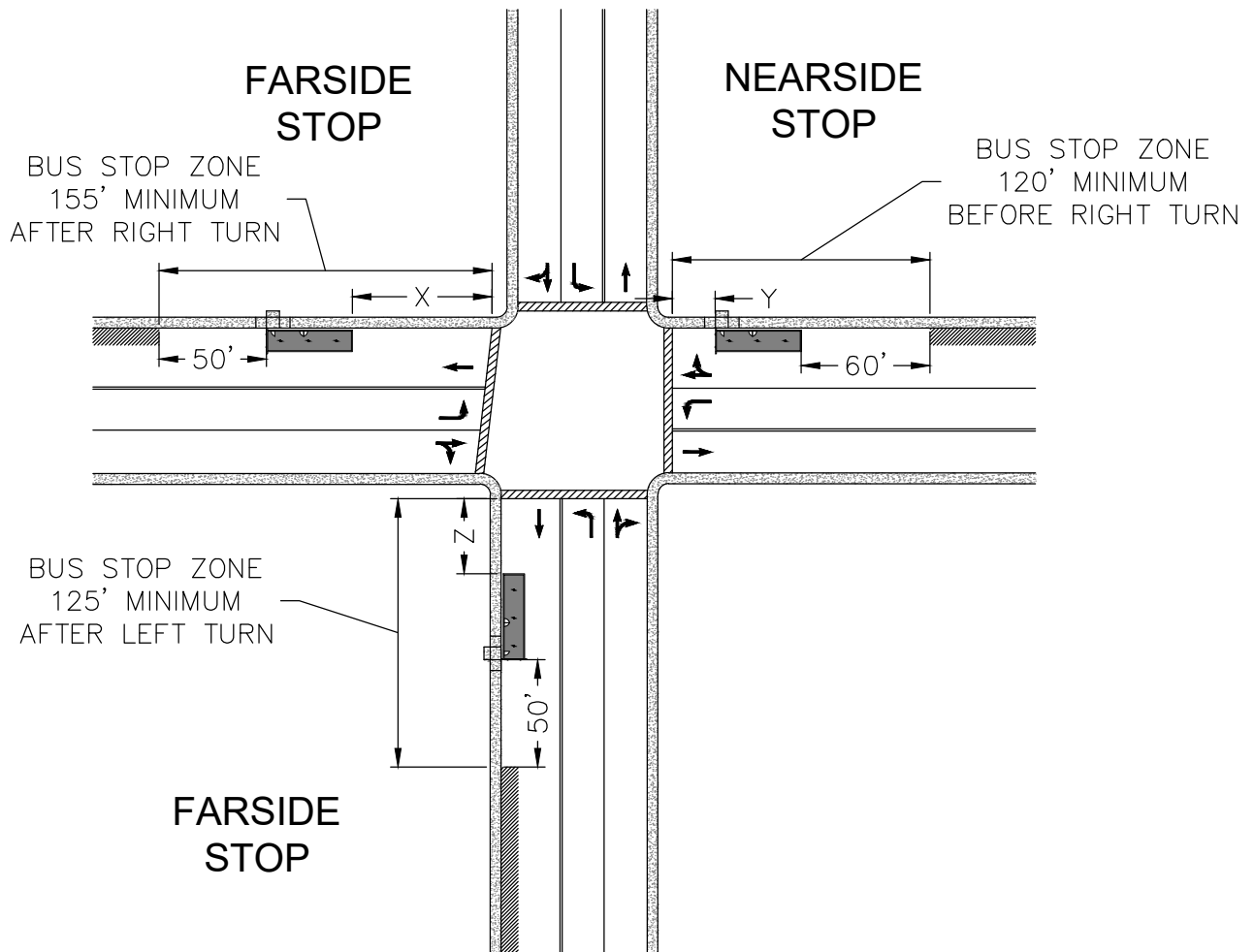
**NO PARKING ZONES
AT INTERSECTIONS
DETAIL**

C8

REV #	DATE	DESCRIPTION

BY EGW
DATE 09/22/22

CHECKED RDV
DATE 09/22/22

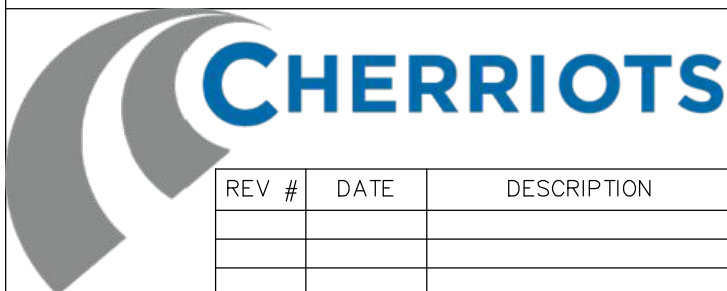


NOTES:

1. CHERRIOTS TO PROVIDE INFORMATION REGARDING BUS TYPE, LENGTH, AND QUANTITY OF BUSES TO BE SERVICED BY BUS STOP.
2. FOR MULTIPLE BUSES BEING SERVED AT ONE STOP:
 - 2.A. ADD 50 FEET FOR EACH ADDITIONAL STANDARD 40-FOOT BUS.
 - 2.B. ADD 70 FEET FOR EACH ADDITIONAL 60-FOOT ARTICULATED BUS.
3. BUS STOP ZONE SHALL BE SIGNED AS A NO PARKING ZONE PER STANDARDS OF LOCAL JURISDICTION.
4. X = 65' MIN. FROM EDGE OF CROSSWALK OR END OF RADIUS, WHICHEVER IS GREATER.
5. Y = 20' MIN. FROM EDGE OF CROSSWALK OR END OF RADIUS, WHICHEVER IS GREATER.
6. Z = 35' MIN. FROM EDGE OF CROSSWALK OR END OF RADIUS, WHICHEVER IS GREATER.

MINIMUM DISTANCE BETWEEN A BUS STOP AND LEFT TURN (FT)

POSTED SPEED LIMIT	LANE CHANGES			
	1	2	3	4
30 MPH OR LESS	430	610	790	970
35 MPH	625	875	1125	1375
40 MPH	780	1080	1380	1680
45 MPH	1080	1430	1780	2130
50 MPH	1415	1865	2135	2765
55 MPH	1830	2380	2930	3480



**NO PARKING ZONES WITH TURN LANES
DETAIL**

C9

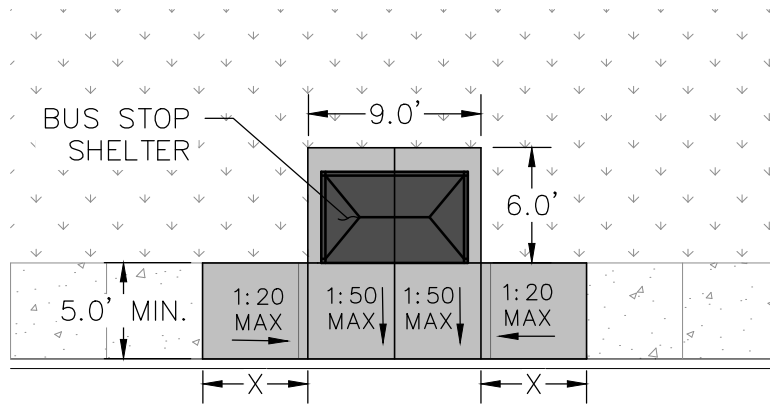
REV #	DATE	DESCRIPTION

BY EGW

DATE 09/27/22

CHECKED RDV

DATE 09/27/22



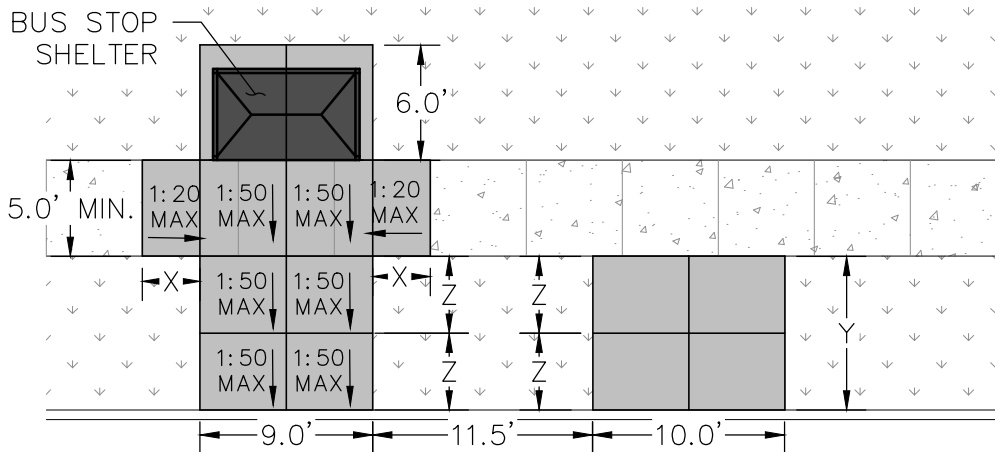
EXISTING ROADWAY

BUS SHELTER ON CURB-TIGHT SIDEWALK

NOT TO SCALE

NOTES:

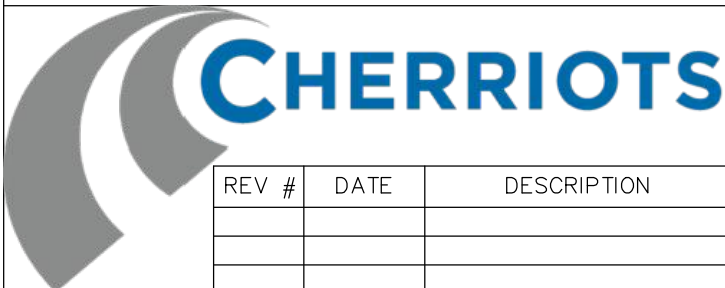
1. "X" WIDTH TO BE A MINIMUM OF 3.0' OR MATCH EXISTING SIDEWALK JOINT SPACING.
2. "Y" LENGTH TO BE EQUAL TO THE WIDTH OF THE PLANTER STRIP, FROM BACK OF CURB TO FRONT OF SIDEWALK.
3. JOINT SPACING, "Z" SHALL BE 3' MINIMUM, 6' MAXIMUM. PROVIDE SIDEWALK PANELS THAT ARE AS SQUARE AS POSSIBLE.
4. MATCH EXISTING WIDTH WHERE PROPOSED BUS STOP PANELS CONNECT TO THE EXISTING WALK.
5. BUS STOP SHELTER TO BE STANDARD BRASCO BUS STOP SHELTER, UNLESS OTHERWISE APPROVED BY CHERRIOTS.
6. BUS STOP SHELTER TO BE CONSTRUCTED AT BACK OF EXISTING WALK.



EXISTING ROADWAY

BUS SHELTER ON SIDEWALK WITH PLANTER STRIP

NOT TO SCALE



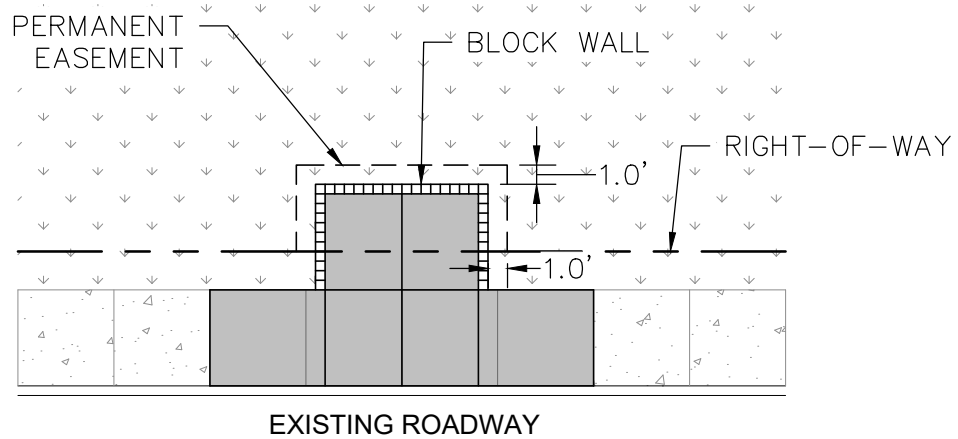
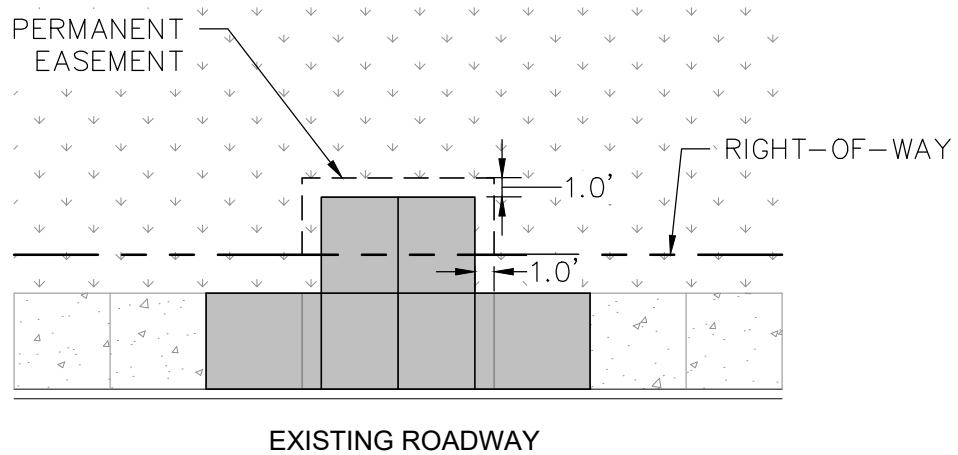
BUS STOP WITH SHELTER DETAIL

C10

REV #	DATE	DESCRIPTION

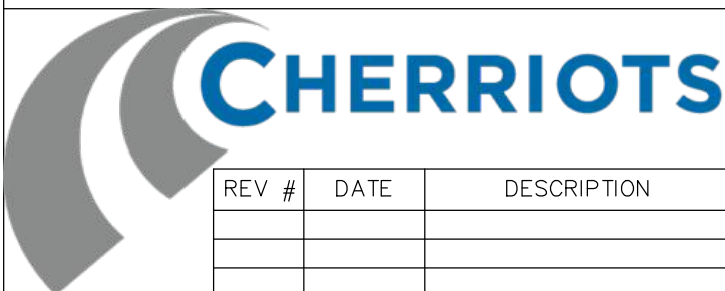
BY EGW
DATE 03/03/22

CHECKED RDV
DATE 03/03/22



NOTES:

1. PERMANENT EASEMENT IS REQUIRED WHEN EXTENTS OF DESIGN ENCROACH UPON RIGHT-OF-WAY.
2. PERMANENT EASEMENTS ARE TO BE A MINIMUM OF 1' OFFSET FROM THE PROPOSED CONSTRUCTION EXTENTS THAT FALL OUTSIDE OF RIGHT-OF-WAY.



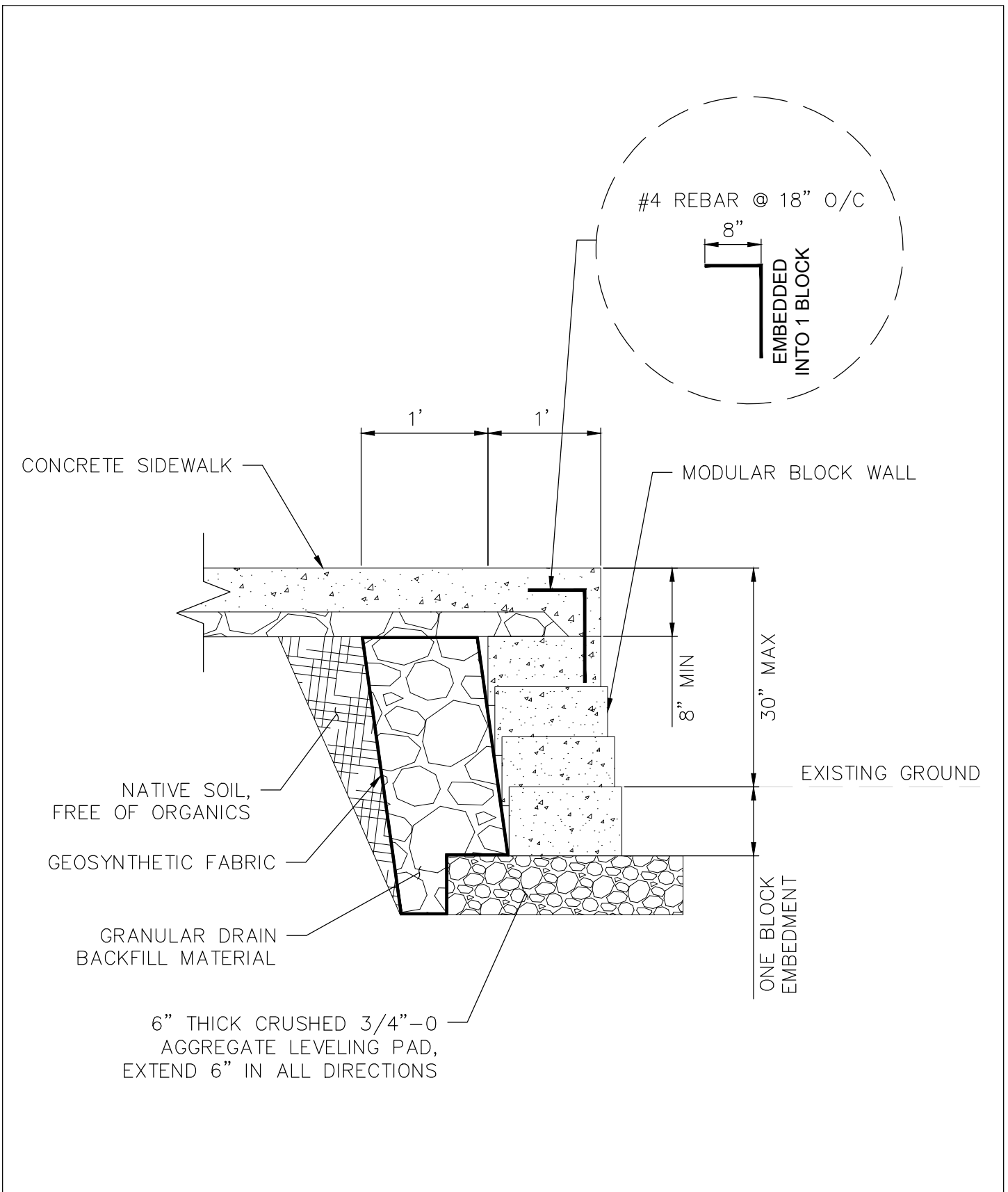
PERMANENT EASEMENT DETAIL

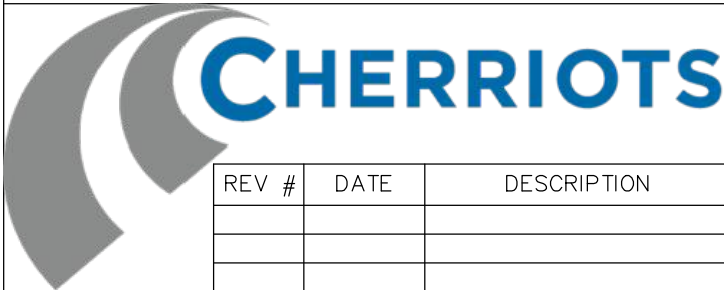
C11

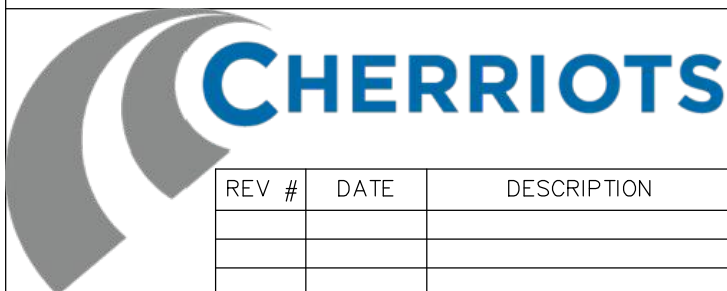
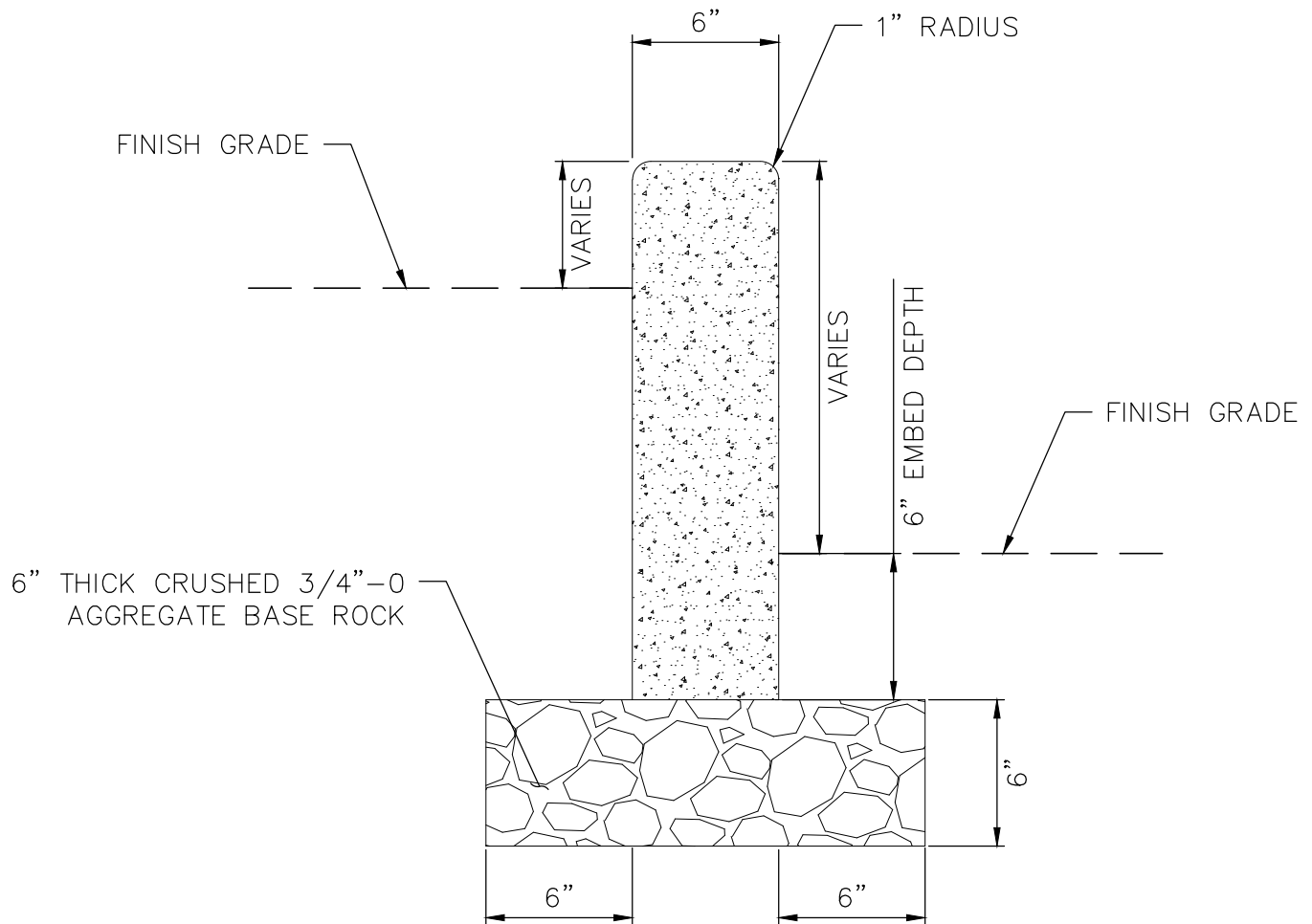
REV #	DATE	DESCRIPTION

BY EGW
DATE 03/03/22

CHECKED RDV
DATE 03/03/22



			BELOW-GRADE WALL DETAIL		C12
REV #	DATE	DESCRIPTION	BY EGW	CHECKED RDV	
			DATE 03/03/22	DATE 03/03/22	



PEDESTRIAN CURB DETAIL

C13

REV #	DATE	DESCRIPTION

BY EGW
DATE 03/03/22

CHECKED RDV
DATE 03/03/22



LAND USE APPEAL APPLICATION


1. GENERAL DATA REQUIRED *[to be completed by the appellant]*

UGA-SPR-ADJ-DAP-DR-PLA24-03 February 29, 2024
 Case # Being Appealed Decision Date
 4650 Hazelgreen Rd NE, Salem, OR 97305
 Address of Subject Property
 4795 Apollo Ave NE, Salem, OR 97305
 Appellants Mailing Address with zip code
 sdschulke@gmail.com (503) 580-8597
 Appellant's E-mail Address Day-time Phone / Cell Phone

Appellant's Representative or Professional to be contacted regarding matters on this application, if other than appellant listed above:

Yasha Renner, AAL 429 N. Water St. Ste B, Silverton, OR 97381
 Name Mailing Address with ZIP Code
 yasha@rennerlawfirm.com (503) 770-4040
 E-Mail Address Day-time Phone / Cell Phone

2. SIGNATURES OF ALL APPELLANTS

Signature:  Date: 3/13/24
 Printed Name: Steven Schulke

Signature: _____ Date: _____
 Printed Name: _____

3. REASON FOR APPEAL Attach a letter, briefly summarizing the reason for the Appeal. Describe how the proposal does not meet the applicable criteria as well as verification establishing the appellants standing to appeal the decision as provided under SRC 300.1010

FOR STAFF USE ONLY

Received By: Aaron Panko Date: 3-14-2024 Receipt No: 24-106369-GP
 Appeal Deadline: 3-15-2024, 5:00 PM Case Manager: Aaron Panko



RENNERLAWFIRM,P.C.

429 N. Water St.
Suite B
Silverton, OR 97381

Ph: (503) 770-4040
Fx: (503) 300-1784

Mr. Yasha Renner
ATTORNEY AT LAW

YASHA@RENNERLAWFIRM.COM

March 14, 2024

BY FIRST CLASS MAIL AND EMAIL

Planning Division
555 Liberty Street SE
Salem, OR 97301
Email: planning@cityofsalem.net

Re: NOTICE OF REPRESENTATION AND APPEAL (SRC 300.1010 et seq.)
Case No: UGA-SPR-ADJ-DAP-DR-PLA24-03
Subject Property: Tax Lot 400 (Tax Map 06 2W 32C)

To: Hearings Officer

Please be advised that this law firm represents Steven Shulke (“Appellant”), an aggrieved party with standing to appeal the following land-use decisions in the above-referenced case. This letter specifies my client’s reasons for appeal pursuant to Salem Revised Code (SRC) 300.1020.

I. DECISION(S) APPEALED

The following decision of the Planning Administrator is appealed:

Class 2 Adjustment to adjust the fencing and tree planting requirements of SRC 702.020(b)(2) along the southern boundary where the subject property abuts a BPA (Bonneville Power Administration) easement.

II. STANDING

Appellant is the owner of record of the real property located at 4795 Apollo Ave NE, Salem, OR 97305, which is zoned RS (single family residential) and abuts the proposed development of the subject property located at 4650 Hazelgreen Road NE, Salem, OR 97305 (the “Subject Property”). Appellant submitted comments during the public comment period and received a notice of decision dated February 29, 2024. Accordingly, Appellant has standing to appeal under SRC 300.520(f)(2).

III. REASONS FOR APPEAL

(A) Applicable Criteria for Granting a Class 2 Adjustment.

The foregoing decision on appeal was requested and granted as a Class 2 adjustment, which is defined as “an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.” SRC 250.005(a)(1)(B).

March 14, 2024

Page 2 of 5

Case No: UGA-SPR-ADJ-DAP-DR-PLA24-03

The criteria for granting a Class 2 adjustment are set forth in SRC 250.005(d)(2), which requires the proposed adjustment to satisfy all of the following elements:

- (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.

SRC 250.005(d)(2) (emphasis added).

(B) Analysis of Land-Use Decision on Appeal

SRC 702.020(b)(2) provides, in pertinent part:

Where a development site abuts property that is zoned . . . Single Family Residential (RS), *a combination of landscaping and screening* shall be provided to *buffer* between the multiple family development and the abutting . . . 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.

SRC 702.020(b)(2).

For purposes of applying this standard, the term *abutting* means “touching along a boundary or point.” SRC 111.001.

As a preliminary matter, it must be noted that the specific design review standard at issue contemplates the installation of landscaping and screening *on the Subject Property* that is owned by the applicant, not on the abutting property owned by Appellant. Logically, because a tree cannot be planted along the same line where a fence or wall is installed, one must be situated behind the other. Thus, for example, trees may be planted either behind or in front of the required screening, but SRC 702.020(b)(2) is silent regarding the distance between these design features. In any case, it goes without saying that the term *abutting* is not to be strictly construed for purposes of this design standard, but rather embraces some degree of reasonable discretion in planning the physical location of these design elements upon the Subject Property.

Moreover, SRC 702.020(b)(2) requires a “combination” of both (1) landscaping with living trees and (2) screening with a sight-obscuring fence or wall. These are separate and complementary requirements under SRC 702.020(b)(2), which specifies intrinsically different materials: a natural landscaping feature, on the one hand, together with a man-made structure on the other. The structural design feature must also be “decorative” according to the design review standard. Accordingly, any proposed adjustment that does not include *both* design elements—that is, natural landscaping and non-natural decorative screening—cannot fulfill the underlying purposes of the standard because it is not “equally or better met” by the proposed development.

As stated in SRC 702.020(b)(2), that underlying purpose is to provide a “buffer” between the multiple family development and the abutting RS zoned property. Further, the underlying purpose of all landscaping and screening standards applicable under the Unified Development Code (UDC) is to “improve the appearance and visual character of the community, promote compatibility between land uses . . . and preserve and enhance the livability of the City.” SRC 807.001 (stating purpose of landscaping and screening standards under SRC chapter 807).

Nonetheless, the Planning Administrator granted the proposed adjustment for the following reasons stated in the notice of decision (pages 34–35, emphasis added):

The applicant indicates that the reason for the request to reduce the tree planting and fencing is because of the existing 125-foot-wide easement for a BPA (Bonneville Power administration) transmission line. The easement extends across the entire southern boundary of the property with a width of approximately 16 feet on the subject property and 109 feet on the abutting RS (Single Family Residential) zoned properties to the south. No buildings or structures can occur within the easement, including fencing. ***Trees and vegetation exceeding a height of five feet are also not permitted in the easement area; therefore, it is not possible to provide the required buffering along the southern property line in the easement area.*** The applicant proposes to landscape the southern boundary with dense shrubs that will provide a physical and visual barrier and will be maintained in compliance with the requirements of the BPA easement. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

As noted, the BPA power-line easement constitutes a nonpossessory interest in private lands. As such, it is a private easement and restriction on the use of land. But the UDC expressly provides that it “shall be applied independently of, *and without regard to*, any private easement, covenant, condition, restriction, or other legally enforceable interest in, or obligation imposed on, the use or development of land.” SRC 110.060(a) (emphasis added). “In those instances where the UDC imposes a greater restriction or higher standards than required by an easement, covenant, condition, restriction, or other agreement between private parties, *or where the UDC otherwise conflicts with those private party agreements, the UDC shall control.*” SRC 110.060(b) (emphasis added).

Therefore, the land-use restrictions and rights incident to the BPA power-line easement are immaterial for purposes of the application of SRC 702.020(b)(2). The Planning Administrator erred by considering and granting an adjustment on this basis, and the decision constitutes a modification of the *applicability* of a requirement that is expressly prohibited by SRC 250.005(a)(2)(E).

Further, with respect to the purported building restrictions due to BPA's easement, it should be noted that the applicant proposes to build a 6-foot perimeter fence along the eastern boundary of the Subject Property in compliance with the requirements of SRC 702.020(b)(2). As shown on the preliminary site plan (P5.1), the fence will, in fact, extend into the BPA easement area a distance of approximately 16 feet. This undermines the applicant's purported rationale for seeking an adjustment in the first place. Even if it is true that the terms of the easement prohibit construction of a fence or wall within the easement area, then the adjustment that should have been requested (and granted) is to relocate both the fence and trees, by moving both design features backward a distance of about 16 feet from the abutting property line in order to clear the easement area.

Notwithstanding SRC 110.060, which is dispositive, the proposed development, as adjusted, does not satisfy the criteria set forth in SRC 250.005(d). The applicant "proposes to landscape the southern boundary with dense shrubs that will provide a physical and visual barrier." *Notice of Decision* 34–35. The species of shrubs are identified on the applicant's plant schedule as *Mahonia Repens* (Creeping Mahonia) and *Prunus Laurocerasus* (Otto Luyken English Laurel), with *Rubus Calycinoides* (Creeping Bramble) as ground cover.

A dwarf form of the larger English Laurel, Otto Luyken English (or Cherry) Laurel is an evergreen shrub that typically grows 3 feet tall and spreads 6 to 8 feet. The plant's fruit, leaves, and stems are poisonous to humans. As shown on the preliminary site plan (P10.1), this species will be planted along the southernmost boundary for the Subject Property. Just behind these, the applicant intends to plant Creeping Mahonia (also known as Creeping Oregon Grape), which is an extremely short, sprawling shrub that commonly grows no more than 8 to 12 inches and occasionally up to 2 feet. Suffice it to say, these two plant species, even when fully mature, cannot and will not provide an equal measure of privacy, nor visual character, nor buffer between the Subject Property and Appellant's property than trees (one tree for every 30 linear feet of abutting property width) and the 6-foot decorative fence or wall that is required by SRC 702.020(b)(2). Therefore, the proposed development does not *equally* meet the underlying purposes of this specific development standard.

As explained above, the underlying purpose of SRC 702.020(b)(2) is not merely to create a physical and visual obstruction, however dense, between the proposed multi-family development and RS zoned properties. Rather, the development standard uses the term *buffer*, which has a much wider connotation than the word *obstruction*, and embraces not only the privacy of the abutting RS-zoned property owners—specifically by means of a 6-foot tall decorative fence or wall. Additionally, the term *buffer* includes a protective element due to the incompatibility of land uses and the "nuisances" that will result from having a large multi-family apartment complex 125 feet from Appellant's back yard. A sight-obscuring fence or wall is designed to contain and buffer these nuisance activities, such as vehicle headlights from the nearby parking lot, trash and litter carried by wind, or even potential foot traffic. By contrast, a hedge of low- (and slow-) growing shrubs is not sufficient to provide an equally effective barrier. The hedgerow will take time to grow and spread, several years perhaps, but in the mean time there will be 4-foot gaps between each laurel.

Finally, as discussed above, SRC 702.020(b)(2) requires a combination of natural and non-natural design elements, the purpose of which is to "improve the appearance and visual character of the community, promote compatibility between land uses . . . and preserve and enhance the livability

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of the City.” SRC 807.001. Absent a decorative wall or fencing, a hedgerow cannot equally meet any of these purposes. Indeed, as landscaping design features, the tree and screening requirements under SRC 702.020(b)(2) are therefore intended to preserve the livability of the City, as well as to *enhance* that livability. At a minimum, these underlying purposes must be equally met by the proposed development. Appellant has grown up and worked in the City of Salem for most of his life. For him, the livability of the City will undoubtedly be adversely impacted by the lack of adequate screening between the proposed development and his home.

For the foregoing reasons, this appeal is respectfully submitted for a final decision.

Sincerely,



Yasha Renner