

Case No. / AMANDA No.	PRE-AP23-76 / 23-118742-PA
Conference Date	October 16, 2023
Applicant	Terri Robinson for Harrison Industries LLC terri@harrisonindustries.net
Representative	Brandie Dalton bdalton@mtengineering.net
Case Manager	Jamie Donaldson, Planner III

Mandatory Pre-Application Conference: ☒ Yes ☐ No

Project Description & Property Information

Project Description	Multi-family development of 150 units
Property Address	5871 Liberty Road S
Assessor's Map and Tax Lot Number	Marion County Assessor Map and Tax Lot 083W16C000600
Existing Use	Vacant
Legal Units of Land	Deeds were not available for verification. The property is still expected to be divided and a plat recorded with the County associated with the approval granted under SUB-UGA-ADJ20-05 for the property to be in the configuration as presented in the proposal.
Neighborhood Association	Sunnyslope Neighborhood Association
Zoning	RM-II (Multiple Family Residential-II)
Comprehensive Plan Map Designation	MFR - Multi-Family Residential
Urban Service Area	The subject property is located outside of the City's Urban Service Area.
Urban Renewal Area	None
Past Land Use Actions	UGA07-14 (expired); ANXC-587; CPC- ZC19-03; SUB-UGA-ADJ20-05

Planning Division Comments

Proposal

A pre-application conference to discuss the development of a new 150-unit apartment complex with associated site improvements, for a portion of property approximately 6.7 acres in size, zoned RM-II (Multiple Family Residential-II), and located at 5871 Liberty Rd S (Marion County Assessor Map and Tax lot number: 083W16C / 600).

Past Land Use Decisions

SUB-UGA-ADJ20-05: A phased subdivision tentative plan and Urban Growth Area Preliminary Declaration to divide approximately 16 acres into 45 lots. The applicant is requesting an alternative street standard to allow 52-foot right of way in lieu of 60-foot for a street section (Joynak Street) and to and increase the block length of Big Mountain Avenue from 600-feet to 1,200-feet and a Class 2 Adjustment to exceed the maximum lot width to depth of 300 percent to allow 24 lots to be between 305 and 480 percent of the width. The subject property is approximately 16 acres in size, zoned RM-II (Multiple Family Residential), and located on the 5870 Liberty Road S (Marion County Assessor Map and Tax Lot Number: 0803W16C / 600).

Note: Conditions of approval of this decision apply to the proposed multi-family development.

Other Department/Agency Comments

Note: Any comments below only reflect notes provided to the Planner in our permitting system. Please reach out to the contacts listed below for specific department questions.

PGE: For questions, please contact Ken Spencer at Kenneth.Spencer@pgn.com.

Fire: Items including fire department access and water supply will be required at the time of development. For further questions, please contact Sean Mansfield directly at (503) 589-2130 or by email at SMansfield@cityofsalem.net.

Building and Safety: For further questions, please contact Noelle Hall at (503) 540-2406 or by email at NHall@cityofsalem.net.

Public Works: A separate memo will be issued with the comments and findings from Public Works. For further questions, please contact Laurel Christian at (503) 588-6211 ext. 7445 or by email at LChristian@cityofsalem.net.

Required Land Use Applications

The land use applications checked in the table below have been preliminarily identified as being required for development of the subject property based upon the information provided by the applicant at the time of the pre-application conference. Additional land use applications may be required depending on the specific proposal at the time of future development.

Required Land Use Applications					
Zoning		Site Plan Review			
☐	Conditional Use (SRC 240.005)	☐	Class 1 Site Plan Review (SRC 220.005)		
☐	Comprehensive Plan Change (SRC 64.020)	☐	Class 2 Site Plan Review (SRC 220.005)		
☐	Zone Change (SRC 265.000)	☒	Class 3 Site Plan Review (SRC 220.005)		
☐	Temporary use Permit – Class 1 (SRC 701.010)	Design Review			
☐	Temporary Use Permit – Class 2 (SRC 701.010)	☒	Class 1 Design Review (SRC 225.005)		
☐	Non-Conforming Use Extension, Alteration, Expansion, or Substitution (SRC 270.000)	☐	Class 2 Design Review (SRC 225.005)		
☐	Manufactured Dwelling Park Permit (SRC 235.010)	☐	Class 3 Design Review (SRC 225.005)		
Land Divisions		Historic Design Review (SRC 230.020)			
☐	Property Line Adjustment (SRC 205.055)	☐	Major Commercial	☐	Minor Commercial
☐	Replat (SRC 205.025)	☐	Major Public	☐	Minor Public
☐	Partition (SRC 205.005)	☐	Major Residential	☐	Minor Residential
☐	Subdivision (SRC 205.010)	Wireless Communication Facilities			
☐	Phased Subdivision (SRC 205.015)	☐	Class 1 Permit (SRC 703.020)		

☐	Planned Unit Development Tentative Plan (SRC 210.025)	☐	Class 2 Permit (SRC 703.020)
☐	Manufactured Dwelling Park Subdivision (SRC 205.020)	☐	Class 3 Permit (SRC 703.020)
☐	Middle Housing Land Division (SRC 205.051)	☐	Temporary (SRC 703.100)
☐	Validation of Unit of Land (SRC 205.060)	☐	Adjustment (SRC 703.090)
Relief		Natural Resources	
☒	Adjustment – Class 1 (SRC 250.005) <i>(Applicable when a proposed deviation from standards is within 20 percent of the standard)</i>	☐	Willamette Greenway Permit – Class 1 (SRC 600.015)
		☐	Willamette Greenway Permit – Class 2 (SRC 600.015)
☒	Adjustment – Class 2 (SRC 250.005) <i>(Applicable when a proposed deviation from standards exceeds 20 percent of the standard, or when the standard is not numerical in nature)</i>	☐	Tree Conservation Plan (SRC 808.035)
		☐	Tree Conservation Plan Adjustment (SRC 808.040)
☐	Variance (SRC 245.005)	☐	Tree Removal Permit (SRC 808.030)
Other		☐	Tree Variance (SRC 808.045)
☐	Annexation – Voter Exempt (SRC 260.035)	☐	Sign Adjustment (SRC 900.035)
☒	Class 2 Driveway Approach Permit (SRC 804.025)	☐	Sign Conditional Use (SRC 900.045)
☐	Historic Clearance Review- High Probability Archaeological Zone (SRC 230.100)	☐	Sign Variance (SRC 900.040)
☐	SWMU Zone Development Phasing Plan (SRC 531.015)	☐	Urban Growth Preliminary Declaration (SRC 200.020)
☐			

Staff Comments

Some of the applications checked in this list are to anticipate various development scenarios which may or may not occur. Additional details are as follows:

Class 3 Site Plan Review (Multi-Family) - starts at \$2,104* (based on valuation of project)

The purpose of site plan review is to provide a unified, consistent and efficient means to conduct site plan review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Class 2 Driveway Approach Permit - \$664*

The purpose of the driveway approach permit is to establish development standards for safe and efficient access to public streets. Any new driveway proposed onto Eagle Dance Street may require a Class 2 Driveway Approach Permit.

Class 1 Design Review - \$713*

The purpose of design review is to create a process to review development applications that are subject to design review guidelines and design review standards. The proposed multi-family development requires Class 1 Design Review.

Adjustment(s) – starts at \$961* or \$1,920* (varies by Class and number of adjustments requested)

If a request to deviate from a required development standard is included, then a Class 1 or Class 2 Adjustment would be required.

*Fees reflect the most recent fee schedule effective July 1, 2023, and are subject to a \$5.00 automation surcharge for processing

Online Application Submittal Packets

The City has electronic application submittal guides for the applications identified above. The webpages include a summary of the review procedure, submittal requirements, and approval criteria. The submittal guides can be found on the City's [Land Use Applications](#) page. Specific webpages applicable to the proposal are as follows:

- **Finalizing Your Land Survey (Plat):**
<https://www.cityofsalem.net/business/land-use-zoning/development-application-help/finalize-your-land-survey-plat>
- **Site Plan Review:**
<https://www.cityofsalem.net/business/land-use-zoning/development-application-help/build-on-your-property>
- **Design Review (Application):**
<https://www.cityofsalem.net/business/land-use-zoning/development-application-help/design-review>
- **Multifamily Housing Design Standards:**
<https://www.cityofsalem.net/business/land-use-zoning/development-application-help/design-review>
- **Zoning Adjustment (if applicable):**
<https://www.cityofsalem.net/business/land-use-zoning/development-application-help/seek-an-adjustment-to-land-use-standards>

Land Use Application Fees

The applicable land use application fees for these applications can be found on the City's website at the location below. Land use application fees and descriptions start on **page 25** of the document.

<https://www.cityofsalem.net/home/showpublisheddocument/1124/637788837782170000>

Consolidated Land Use Application Procedures

When multiple land use applications are required or proposed for a development, the City's land use procedures ordinance (SRC Chapter 300) provides alternative methods for how such applications may be processed.

The applications may be processed individually in sequence, concurrently, or consolidated into a single application. Where multiple applications proposed to be consolidated include an application subject to review by the Historic Landmarks Commission, the application subject to Historic Landmarks Commission review may be processed individually in sequence or concurrently.

Multiple land use applications consolidated into a single application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type and the highest Review Authority required for any of the land use applications proposed to be consolidated.

Multiple applications processed concurrently require the filing of separate applications for each land use action. Each application shall be reviewed separately according to the applicable procedure type and Review Authority, and processed simultaneously.

Zoning

The zoning of the subject property has been identified in the table below. For specific requirements of the applicable zone(s), click on the zone(s) in the table.

Base Zones			
☐	EFU – Exclusive Farm Use (SRC 500.000)	☐	MU-II – Mixed Use II (SRC 534.000)
☐	RA – Residential Agriculture (SRC 510.000)	☐	MU-III – Mixed Use III (SRC 535.000)
☐	RS – Single Family Residential (SRC 511.000)	☐	MU-R – Mixed Use Riverfront (RSC 536.000)

☐	RD – Duplex Residential (SRC 512.000)	☐	ESMU – Edgewater/Second Street Mixed-Use Corridor (SRC 537.000)
☐	RM-I – Multiple Family Residential (SRC 513.000)	☐	PA – Public Amusement (SRC 540.000)
☒	RM-II – Multiple Family Residential (SRC 514.000)	☐	PC – Public and Private Cemeteries (SRC 541.000)
☐	RM-III – Multiple Family Residential (SRC 515.000)	☐	PE – Public and Private Education (SRC 542.000)
☐	CO – Commercial Office (SRC 521.000)	☐	PH – Public and Private Health Services (SRC 543.000)
☐	CR – Retail Commercial (SRC 522.000)	☐	PS – Public Service (SRC 544.000)
☐	CG – General Commercial (SRC 523.000)	☐	PM – Capitol Mall (SRC 545.000)
☐	CB – Central Business District (SRC 524.000)	☐	EC – Employment Center (SRC 550.000)
☐	WSCB – West Salem Central Business District (SRC 525.000)	☐	IC – Industrial Commercial (SRC 551.000)
☐	FMU – Fairview Mixed-Use (SRC 530.000)	☐	IBC – Industrial Business Campus (SRC 552.000)
☐	SWMU – South Waterfront Mixed-Use (SRC 531.000)	☐	IP – Industrial Park (SRC 553.000)
☐	MU-I – Mixed Use I (SRC 533.000)	☐	IG – General Industrial (SRC 554.000)
Overlay Zones			
☐	Willamette Greenway (SRC 600.000)	☐	Mixed-Use (SRC 619.000)
☐	Floodplain (SRC 601.000)	☐	Salem Hospital (SRC 620.000)
☐	Airport (SRC 602.000)	☐	Oxford-Hoyt (SRC 623.000)
☐	Portland Fairgrounds Road (SRC 603.000)	☐	Hoyt-McGilchrist (SRC 624.000)
☐	Chemawa-I-5 Northeast Quadrant Gateway (SRC 618.000)	☐	Saginaw Street (SRC 625.000)
☐	Superior-Rural (SRC 621.000)	☐	McNary Field (SRC 629.000)
☐	Oxford-West Nob Hill (SRC 622.000)	☐	
☐		☐	
Staff Comments			
RM-II – Multiple Family Residential (SRC 514) The underlying zone of the subject property. The use and development standards of SRC Chapter 514 are applicable to proposed development of the property. The proposed use (<i>multiple family</i>) is allowed outright in the RM-II zone.			

Development Standards

The proposed development will be primarily subject to the provisions of the chapters identified in the table below. For specific requirements, click on chapters in the table.

Development Standards			
☒	Multiple Family Design Review Guidelines and Standards (SRC 702.000)	☒	Off-Street Parking, Loading and Driveways (SRC 806.000)
☒	General Development Standards (SRC 800.000)	☒	Landscaping and Screening (SRC 807.000)
☒	Public Improvements (SRC 802.000)	☒	Preservation of Trees and Vegetation (SRC 808.000)
☒	Streets and Right-Of-Way Improvements (SRC 803.000)	☐	Wetlands (SRC 809.000)
☒	Driveway Approaches (SRC 804.000)	☒	Landslide Hazards (SRC 810.000)
☒	Vision Clearance (SRC 805.000)	☒	Sign Code (SRC 900.000)

Staff Comments

Development Standards ([SRC 514.010](#))

- Table 514-3, Dwelling Unit Density: Minimum density for 10.37 acres in the RM-II zone is 156 units ($10.37 \times 15 = 155.55$). The proposal does not meet the minimum density requirement, and would require more documentation as to how more units would not be feasible for consideration of an adjustment to density. There is an excess of parking where the State is moving towards less parking. An adjustment may not be supported unless additional units are provided in lieu of excess parking.
- Table 514-4 and 514-5, Setbacks: A 10-ft setback for with Type C landscaping is required for multi-family buildings, accessory structures, and vehicle use areas abutting residential-zoned properties.
 - Be sure to check permitted projections into required setbacks in [SRC 800.035](#), Table 800-2.

Multiple Family Design Standards ([SRC 702.020](#))

The applicant is advised to review the design standards for multi-family residential developments set forth in SRC chapter 702.020. Without building elevations and landscape plans, it's not possible to determine if the proposal will meet many of the standards from this chapter. The applicant is advised to carefully examine this chapter and revise their proposal as necessary. Please feel free to contact me with questions.

- 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 not be located between a building or structure and a street. As proposed, the plans do not appear to meet this standard for the parking area adjacent to the stormwater facilities along Rise Street.
- 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 an architecturally defined primary building entrance facing that street, with direct pedestrian access to adjacent sidewalks. As proposed, the plans do not appear to meet the pedestrian access for ground floor units along Rise Street.
- 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 (20 feet) to enhance visual interest and activity along the street. As proposed, the building to the north of Eagle Dance Street does not appear to meet this standard. In addition, all buildings along Rise Street do not appear to meet the standard either.

Driveway Approaches ([SRC 804.000](#))

Any new driveway proposed along Eagle Dance Street is subject to the standards in SRC 804.025. Additionally, driveway access onto a Local Street is subject to the standards in SRC 804.030.

Off-Street Parking, Loading and Driveways ([SRC 806.000](#))

The off-street parking provided for the development site will need to meet the minimum requirements of Chapter 806 for amount of required vehicle and bicycle parking.

- New parking updates became effective May 24, 2023, which have eliminated minimum parking requirements altogether. Maximum parking amounts, EV charger conduits, bicycle parking, and loading spaces still apply.
- [SRC 806.015](#), Table 806-1, establishes maximum parking amounts for a multi-family use at 1.75 spaces for all dwelling units other than studios.
 - As proposed, the plans are over the maximum allowed parking of 263 spaces. The applicant has indicated plans were revised, which were not made available for review.
- [SRC 806.055](#), Table 806-8, requires bicycle parking to be provided at 1 space per dwelling unit.
 - Long-term bicycle parking within dwelling units or lobbies is allowed for 100% of the required bicycle parking for multi-family uses.
- [SRC 806.075](#), Table 806-11, establishes minimum loading zone requirements. Based on the number of units provided, two loading spaces are required.

Landscaping and Screening ([SRC 807.000](#))

All required setbacks and vehicle use areas shall be landscaped, pursuant to SRC 514.010(d). Landscaping shall meet the Type A standard as outlined in Chapter 807, unless otherwise noted. Multi-family developments subject to Design Review shall conform to the landscaping standards under SRC Chapter 702; specifically, [SRC 702.020\(b\)](#) for a development of this size. Conformance with these standards will need to be provided on the final submittal materials, including plant units, sizes, and density.

Natural Resources

Trees (SRC Chapter 808): The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees; Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree, with the exception of tree of heaven, empress tree, black cottonwood, and black locust, with a *dbh* of 30 inches or greater); trees and native vegetation in riparian corridors; and trees on lots or parcels 20,000 square feet or greater. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more *dbh*, and possesses an upright arrangement of branches and leaves."

Pursuant to [SRC 808.025](#), no person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC [808.030](#), undertaken pursuant to a tree conservation plan approved under SRC [808.035](#), or undertaken pursuant to a tree variance granted under SRC [808.045](#).

Tree Protection Measures: [SRC 808.046](#) requires the protection of the critical root zone of all trees required to be preserved or protected under the UDC. Protection measures include the installation of an above ground silt fence, or its equivalent, around 100 percent of the critical root zone of the tree. The critical root zone measures **one-foot in radius for each one-inch of *dbh* of the tree**. In the case of non-significant trees, the critical root zone may alternatively be determined by a certified arborist through submittal of an arborist report.

Within the critical root zone, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles. Up to 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of a property but only in conjunction with the submittal of a report from a certified arborist documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.

Open House / Neighborhood Association Contact Information

Applicants are required to contact the applicable neighborhood association for certain types of land use applications prior to application submittal. For a limited number of application types, an open house or presentation at a neighborhood association meeting is required. This allows the neighborhood association to be involved early in the process and helps to identify any potential issues that might arise.

The table below indicates if the proposed development must meet either the neighborhood association contact requirement or open house/neighborhood association meeting requirement prior to application submittal. For specific requirements, see [SRC 300](#).

Pre-Submittal Requirement			
☒	Neighborhood Association Contact (SRC 300.310)	☐	Open House (SRC 300.320)
Staff Comments			
A Class 3 Site Plan Review application requires that the applicant contact the applicable neighborhood association(s) and conduct an Open House prior to application submittal. Refer to SRC 300.310 for requirements for contacting the neighborhood association(s).			

When a land use application requires neighborhood association contact, the applicant must contact the City-recognized neighborhood association(s) whose boundaries include, and are adjacent to, the subject property via e-mail or letter.

The e-mail or letter must be sent to **both** the Neighborhood Association Chair(s) and Land Use Chair(s) of the applicable neighborhood association and contain the following information:

- 1) The name, telephone number, and e-mail address of the applicant;
- 2) The address of the subject property;
- 3) A summary of the proposal;
- 4) A conceptual site plan, if applicable, that includes the proposed development; and
- 5) The date on which the e-mail or letter is being sent.

Note: Land use applications requiring neighborhood association contact will not be accepted unless they are accompanied by a copy of the e-mail or letter that was sent to the neighborhood.

Up-to-date contact information for neighborhood representatives may also be obtained by contacting the City's Neighborhood Enhancement Division at 503-588-6207 or by visiting the City's website at the following location: <https://www.cityofsalem.net/community/neighborhoods/neighborhood-associations>.

Applicable Neighborhood Association(s):	Meeting Date, Time, & Location	Neighborhood Association Chair(s)
Sunnyslope Neighborhood Association	Meetings are held the 3rd Thursday, 7 p.m. at Schirle Elementary School, 4875 Justice Way S, Salem OR 97302.	Co-Chairs: Alan Alexander & Sally Cook awa8025@aol.com sally.cook@gmail.com
	(Check calendar for specific dates/location)	Land Use Chair: Henry Neugass henry.ssna@gmail.com

Salem Revised Code Available Online

The entire Salem Revised Code can be accessed online through the City's website at: <https://www.cityofsalem.net/government/laws-rules/salem-revised-code>