

# **Pre-Application Report**

**Community Development Department** 

**Planning Division** 

Case No. / AMANDA No.	PRE-AP24-43 / 24-112481-PA
Conference Date	July 8, 2024
Applicant	Laura Robinson (Neighborly Development) laurar@neighborlydevelopment.com
Representative	Brandie Dalton (Multi/Tech Engineeing) <u>bdalton@mtengineering.net</u>
Case Manager	Jamie Donaldson, Planner III

# Mandatory Pre-Application Conference: 🛛 Yes 🛛 No

Project Description & Property Information				
Project Description	Multi-family development			
Property Address	1700 Baxter Rd SE			
Assessor's Map and Tax Lot Number	Marion County – 083W14BD00100 & 083W14BD00200			
Existing Use	Single-family / Vacant			
Legal Units of Land	The property appears to be platted as part of Grabenhorst Fruit Farms Subdivision Lots 43 & 44, and the SW 1/4 of Lot 21 from PLA17-04. Without reviewing deeds for the subject property, it is not possible for staff to determine if the subject property is a legal lot.			
Neighborhood Association	South Gateway 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	PLA17-07			

# **Planning Division Comments**

# **Proposal**

A pre-application conference to discuss the development of a new 120-unit apartment complex with associated site improvements, for properties approximately 11 acres in total size, zoned RM-II (Multiple Family Residential-II), and located at 1700 and 1709 Baxter Rd SE (Marion County Assessor Map and Tax lot number: 083W14BD / 100 and 200).

# Prior Land Use Actions for Property

**PLA17-07:** A property line adjustment to relocate the common property line between two abutting units of land resulting in properties that are approximately 1.17 acres and 5.98 acres in size. The properties are zoned RA (Residential Agriculture) and located at 1710 Barnes Road SE and 1700 Baxter Road SE (Marion County Assessor map and Tax Lot Numbers: 083W14BD/100 and 083W14BA/2900).

# **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:** For further questions, please contact Sean Mansfield directly at (503) 589-2130 or by email at <u>SMansfield@cityofsalem.net</u>.

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

**Development Services:** For further questions, please contact Laurel Christian at (503) 588-6211 ext. 7445 or by email at <u>LChristian@cityofsalem.net</u>.

#### **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 preapplication 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 Rev	view (	SRC 220.005)
	Comprehensive Plan Change (SRC 64.020)		Class 2 Site Plan Rev	Class 2 Site Plan Review (SRC 220.005)	
	Zone Change (SRC 265.000)	⊠	Class 3 Site Plan Rev	view (	SRC 220.005)
	Temporary use Permit – Class 1 (SRC 701.010)	Desi	gn Review		
	Temporary Use Permit – Class 2 (SRC 701.010)		Class 1 Design Revie	w (S	RC 225.005)
	Non-Conforming Use Extension, Alteration, Expansion, or Substitution (SRC 270.000)		Class 2 Design Revie	w (S	RC 225.005)
	□ Manufactured Dwelling Park Permit (SRC 235.010) □ Class 3 Design Review (SRC 225.005)		RC 225.005)		
Land Divisions		Historic Design Review (SRC 230.020)			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)	Wire	less Communication	Facil	ities
	Phased Subdivision (SRC 205.015)		Class 1 Permit (SRC	703.0	)20)
	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	3.090	)
Relief		Othe	er		

	Adjustment – Class 1 (SRC 250.005)		Annexation – Without Comprehensive Plan Change and/or Zone Change (SRC 260.010)
⊠	Adjustment – Class 2 (SRC 250.005)		Annexation – With Comprehensive Plan Change and/or Zone Change (SRC 260.010)
	Variance (SRC 245.005)		Sign Adjustment (SRC 900.035)
Natural Resources			Sign Conditional Use (SRC 900.045)
	Tree Conservation Plan (SRC 808.035)		Sign Variance (SRC 900.040)
	Tree Conservation Plan Adjustment (SRC 808.040)		SWMU Zone Development Phasing Plan (SRC 531.015)
⊠	Tree Removal Permit (SRC 808.030)		Urban Growth Preliminary Declaration (SRC 200.020)
⊠	Tree Variance (SRC 808.045)		Historic Clearance Review- High Probability Archaeological Zone (SRC 230.020)
	Willamette Greenway Permit – Class 1 (SRC 600.015)	Ø	Class 2 Driveway Approach Permit (SRC 804.025)
	Willamette Greenway Permit – Class 2 (SRC 600.015)		
Staff Comments			ents

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:

# Subdivision Tentative Plan - \$10,179\*

# Partition Tentative Plan - \$6,402\*

As outlined in SRC 205, no land shall be divided or reconfigured without first receiving Land Division tentative plan approval. For division of property into four or more lots, then a Subdivision application is required; division of property into three or fewer lots, then a Partition application is required.

\***Note:** Land division/consolidation applications require subsequent steps for plat review prior to recording with the appropriate county; see also: <u>Finalizing Your Land Survey (Plat</u>). These applications may be consolidated with development applications, or are applied for separately, either prior to or concurrently to development applications, so that subsequent steps for plat review may continue forward while Site Plan Review is still being processed. In either case, building permits for development plans may not be issued until the final plat is recorded with the county.

# Urban Growth Preliminary Declaration - \$5,733\*

The subject property is located outside of the Urban Service Area. As such, an Urban Growth Area Preliminary Declaration is required to determine the required public facilities needed to serve development of the property.

#### Class 3 Site Plan Review (Multi-Family) - starts at \$2,180\* (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 - \$688\*

The purpose of the driveway approach permit is to establish development standards for safe and efficient access to public streets.

# Class 1 Design Review - \$739\*

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.

Tree Removal Permit - starts at \$438\* (base cost) Tree Regulation Variance - starts at \$2,579\* (base cost)

As outlined in SRC 808.025, no trees shall be removed 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, tree conservation plan, or tree variance. If a significant tree proposed for removal cannot meet the criteria for a Tree Removal Permit under <u>SRC 808.030(d)(5)</u>, then a Tree Variance would be required.

Adjustment(s) – starts at \$996\* or \$1,989\* (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, 2024, and are subject to a \$5.00 automation surcharge for processing. Fees are expected to change again starting July 1, 2025.

# **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 <u>Land Use Applications</u> page. Specific webpages applicable to the proposal are as follows:

Subdivision:

https://www.cityofsalem.net/business/land-use-zoning/development-application-help/subdivide-your-land-into-four-or-more-lots

#### Partition:

https://www.cityofsalem.net/business/land-use-zoning/development-application-help/partition-your-land-into-three-or-less-lots

• Finalizing Your Land Survey (Plat):

https://www.cityofsalem.net/business/land-use-zoning/development-application-help/finalize-your-land-survey-plat

- Site Plan Review:
  <a href="https://www.cityofsalem.net/business/land-use-zoning/development-application-help/build-on-your-property">https://www.cityofsalem.net/business/land-use-zoning/development-application-help/build-on-your-property</a>
- Design Review (Application): https://www.cityofsalem.net/business/land-use-zoning/development-application-help/design-review
- Multifamily Housing Design Standards: <u>https://www.cityofsalem.net/business/land-use-zoning/development-application-help/design-review</u>
- Trees:

https://www.cityofsalem.net/community/household/home-improvement/can-you-remove-trees-on-your-property

 Zoning Adjustment (if applicable): <u>https://www.cityofsalem.net/business/land-use-zoning/development-application-help/seek-an-adjustment-to-land-use-standards</u>

#### Land Use Application Fees

The applicable land use application fees for these applications can be found in the City's <u>Fee Schedule</u>. Land use application fees and descriptions start on **page 22** of the document.

#### **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 alternatives 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.

# <u>Zoning</u>

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)		
$\boxtimes$	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)		Chemawa-I-5 Northeast Quadrant Gateway (SRC 618.000)		
	Floodplain (SRC 601.000)		Superior-Rural (SRC 621.000)		
	Airport (SRC 602.000)		Saginaw Street (SRC 625.000)		
	Portland Fairgrounds Road (SRC 603.000)		McNary Field (SRC 629.000)		

# **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 (*multiple family*) is allowed outright in the RM-II zone.

# Airport Overlay Zone (SRC 602)

The property appears to be within the Conical Surface of the overlay zone. Future development at this site may be required to undergo aeronautical evaluations by the FAA and ODAV.

# **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				
	Special Use Provisions (SRC 700.000)	$\boxtimes$	Vision Clearance (SRC 805.000)		
⊠	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)	Ø	Preservation of Trees and Vegetation (SRC 808.000)		
	Streets and Right-Of-Way Improvements (SRC 803.000)		Wetlands (SRC 809.000)		
$\boxtimes$	Driveway Approaches (SRC 804.000)	$\boxtimes$	Landslide Hazards (SRC 810.000)		

# **Staff Comments**

# Development Standards (SRC 514.010)

- 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.
- Table 514-3, Dwelling Unit Density: Minimum density standards would need to be met for each parcel.
- Table 514-4 and 514-5, Setbacks: A 10-ft setback for with Type C landscaping is required for muti-family buildings, accessory structures, and vehicle use areas abutting residential-zoned properties.
  - Increased setbacks are required for units abutting RS-zoned property under design review standards in Chapter 702.

#### 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.

- A maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.
- 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.
  - Portions of buildings that are set back further than the setback line but within 10 feet of that setback line – count toward the 40 percent standard. As proposed, buildings along Snowball Avenue are setback beyond 10 feet of the setback line, and thereby do not meet the minimum 40 percent. It appears that some areas of building articulation can be brought towards the street a few feet to mee the standard.
- Tree requirements for planter bays and every 50 feet along the perimeter of the parking lot may only count towards CFEC requirements if three trees are within the same planter bay or strip.

# Street Connectivity (SRC 803.035)

Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless approved through an Alternative Street Standard.

# Driveway Approaches (SRC 804)

Any new driveway or modification to an existing driveway is subject to the standards in SRC 804.025. Additionally, driveway access onto a Collector or Local Street is subject to the standards in SRC 804.030.

# Off-Street Parking, Loading and Driveways (SRC 806)

The off-street parking provided for the development site will need to meet the 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, bicycle parking, and loading spaces still apply.
- <u>SRC 806.015</u>, Table 806-1, establishes maximum parking amounts for a multi-family use at 1.75 spaces for all dwelling units other than studios.
  - Any newly constructed building with five or more dwelling units on the same lot shall designate spaces to serve electrical vehicle charging for a minimum of 40 percent of the off-street parking spaces provided on the site.
- <u>SRC 806.035</u>: The requirements of this section apply for the development of new off-street parking and vehicle use areas.
  - As proposed, the development is subject to the CFEC standards under SRC 806.035(n). Effective December 27, 2023, new off-street parking areas larger than a half-acre in size are required to provide mitigation measures for the climate impacts of the subject development, in addition to other applicable landscaping requirements. The standards are broken into two sets of options: Climate mitigation and tree canopy. You can choose how you want to accomplish each set of options. Please visit <u>this</u> webpage for a breakdown of the options, review process and submittal requirements, FAQs, etc.
- 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 percent 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, with one located near the rec building, if applicable.

#### 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 or Type C 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, <u>SRC 702.020(b)</u> 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 <u>SRC 808.025</u>, 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 <u>SRC 808.030</u>, undertaken pursuant to a tree conservation plan approved under <u>SRC 808.035</u>, or undertaken pursuant to a tree variance granted under <u>SRC 808.045</u>.

<u>Tree Protection Measures</u>: <u>SRC 808.046</u> 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 repot.

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.

#### Neighborhood Association Contact and Open House

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.

	Pre-Submittal Requirement				
	Neighborhood Association Contact (SRC 300.310)		Open House (SRC 300.320)		
	Staff Comments				
A Partition or Class 3 Site Plan Review application requires that the applicant contact the applicable neighborhood association(s) prior to application submittal. Refer to <u>SRC 300.310</u> for requirements for contacting the neighborhood association(s).					

#### Neighborhood Association Contact

When a land use application requires neighborhood association contact, the applicant must contact the Cityrecognized 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.

<u>Note:</u> 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 association and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

#### **Open House**

When a land use application requires an open house, the applicant must arrange and attend one open house to share the development proposal with the neighborhood and surrounding property owners and residents prior to application submittal.

The open house must be within the boundaries of the City-recognized neighborhood association in which the subject property is located or within two miles of the subject property. The applicant must provide written notice of the open house to the applicable neighborhood association(s) and the Planning Administrator and must post notice of the open house on the subject property. **Note: Applicants can choose to present their proposals at a neighborhood association meeting in-lieu of arranging and attending an open house.** 

# Neighborhood Association Information

For your convenience, neighborhood association(s) contact information is included below. Please note that the identified neighborhood association chair(s), and their corresponding contact information, is current as of the date of the pre-application conference, but this information is subject to change if the chair(s) or their contact information has changed subsequent to the date of the pre-application conference.

Up-to-date contact information for neighborhood representatives may also be obtained by visiting the <u>Neighborhood Association page</u> on the City's website or by contacting the City's Neighborhood Program Coordinator at 503-540-2303.

Applicable Neighborhood Association(s):	Meeting Date, Time, & Location	Neighborhood Association Chair(s)
South Gateway Neighborhood Association	Check calendar for specific dates/location	Chair & Land Use Chair: Dynee Medlock <u>findthepattern@icloud.com</u>

# Salem Revised Code Available Online

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