

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

ADMINISTRATIVE DECISION FOR CLASS 1 TIME EXTENSION

CASE NO.: CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01EXT1
AMANDA NO.: 25-105675-PLN
DATE OF DECISION: March 27, 2025
LOCATION: 1851 Cordon Road SE
APPLICANT: Brandie Dalton behalf of the owner Kevin Harrison

REQUEST

The first Class 1 Extension to extend the approval for a Conditional Use Permit which is a part of a consolidated application Case No. CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01) by two years. CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01 granted approval for a proposed 396-unit multiple family residential development with associated off-street parking, common open space, and site improvements on property totaling approximately 23.3 acres in size. The subject properties are zoned IC (Industrial Commercial) and located at 1851 Cordon Road SE (Marion County Assessor Map and Tax Lot Numbers: 082W050000200, 082W050000300, 082W050000400, 082W050000401, and 082W050000500). A vicinity map is included as **Attachment A**.

BACKGROUND

On April 6, 2023, approval was granted for the Minor Comprehensive Plan Map Amendment, Zone Change, Conditional Use Permit, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case (Case No. CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01). The Conditional Use Permit part of the consolidated application decision was set to expire on April 25, 2025.

On March 11, 2025, prior to when the decision was set to expire, the applicant submitted an extension letter request to extend the Conditional Use Permit (Case No. CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01) for a period of two years to April 25, 2027.

FINDINGS

1. Proposal

Approval for the original application, was granted on April 6, 2023, with an effective date of April 25, 2023 (**Attachment B**). Pursuant to SRC Chapter 300, all approvals of land use actions shall expire automatically unless development has commenced, or a time extension has been granted. Conditional Use Permit approval will expire if no application permits finalized within the time limits set forth in SRC 300.850. The applicant has not submitted for building permits. Table 300-3 provides that the maximum time extension period for a

Conditional Use Permit approval shall be two years, up to a total of two extensions.

The applicant is requesting a two-year time extension which would extend the expiration date for the Conditional Use Permit (Case No. CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01) approval to **April 25, 2027**.

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) Any 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 may use the search function without registering and enter the permit number listed here: 25 105675.

3. Class 1 Time Extension Approval Criteria

A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application. As there have not been changes to the standards and criteria used to approve the original application, this extension request is classified as a Class 1 Extension. SRC 300.850(b)(4)(A) establishes the following approval criterion which must be met in order for a Class 1 Time Extension to be approved:

SRC 300.850(b)(4)(A): A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.

Finding: The application for a Minor Comprehensive Plan Map Amendment, Zone Change, Conditional Use Permit, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case was submitted on February 24, 2022, and reviewed for compliance with the approval criteria set forth in SRC Chapter 240. Since the original application was approved, the City's development code was amended in 2021 (Ordinance No. 13-21) and the Our Salem project (Ordinance No. 11-22), effective August 24, 2022. The development code revisions were not intended to invalidate existing land use decisions that were approved under prior code standards or preclude such previously approved land use decisions from being extended when there is time remaining under their original approval, which is outlined in the ordinance as follows:

Engrossed Ordinance Bill No 11-22, Section 4.

Extensions of Approval for Land use Applications Submitted and/or Approved Prior to Ordinance Effective Date. Land use applications submitted and/or approved prior to the effective date of this ordinance that would require a Class 2 extension approval as a result of changes to the standards or criteria included in this ordinance may, notwithstanding the approval criteria for Class 2 extensions included under SRC 300.850(b)(4)(B), receive Class 2 extension approval provided the decision has not expired and there are remaining extensions available.

To that end, the adopted ordinances include the following requirement for the review of extension requests of land use applications:

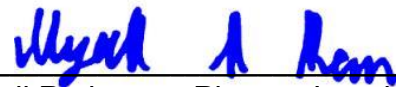
Engrossed Ordinance Bill No 11-22, Section 3.

Land use applications submitted and/or approved prior to the effective date of this ordinance [August 24, 2022] that would require a Class 2 extension approval as a result of changes to standards or criteria included in this ordinance or Engrossed Ordinance 13-21 may, notwithstanding the applicability and approval criteria for Class 2 extensions included under SRC 300.850(b)(2)(B) and SRC 300.850(b)(4)(B), receive Class 1 extension approval provided the decision has not expired and there are remaining extensions available.

Therefore, because CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01 was submitted prior to the effective date August 24, 2022; the extension request was received before the decision was set to expire; and because this is the first extension request for the Conditional Use Permit where up to a maximum of two, two-year extensions are allowed, pursuant to SRC 300.850(b), Table 300-3; the requested extension meets the requirements of Section 3 of Ordinance Bill No. 11-22, and may receive a Class 1 Extension approval, notwithstanding SRC 300.850(b)(2)(B) and SRC 300.850(b)(4)(B). The applicant is requesting one two-year extension which would extend the expiration date to **April 25, 2027**. This approval criterion is met.

IT IS HEREBY ORDERED

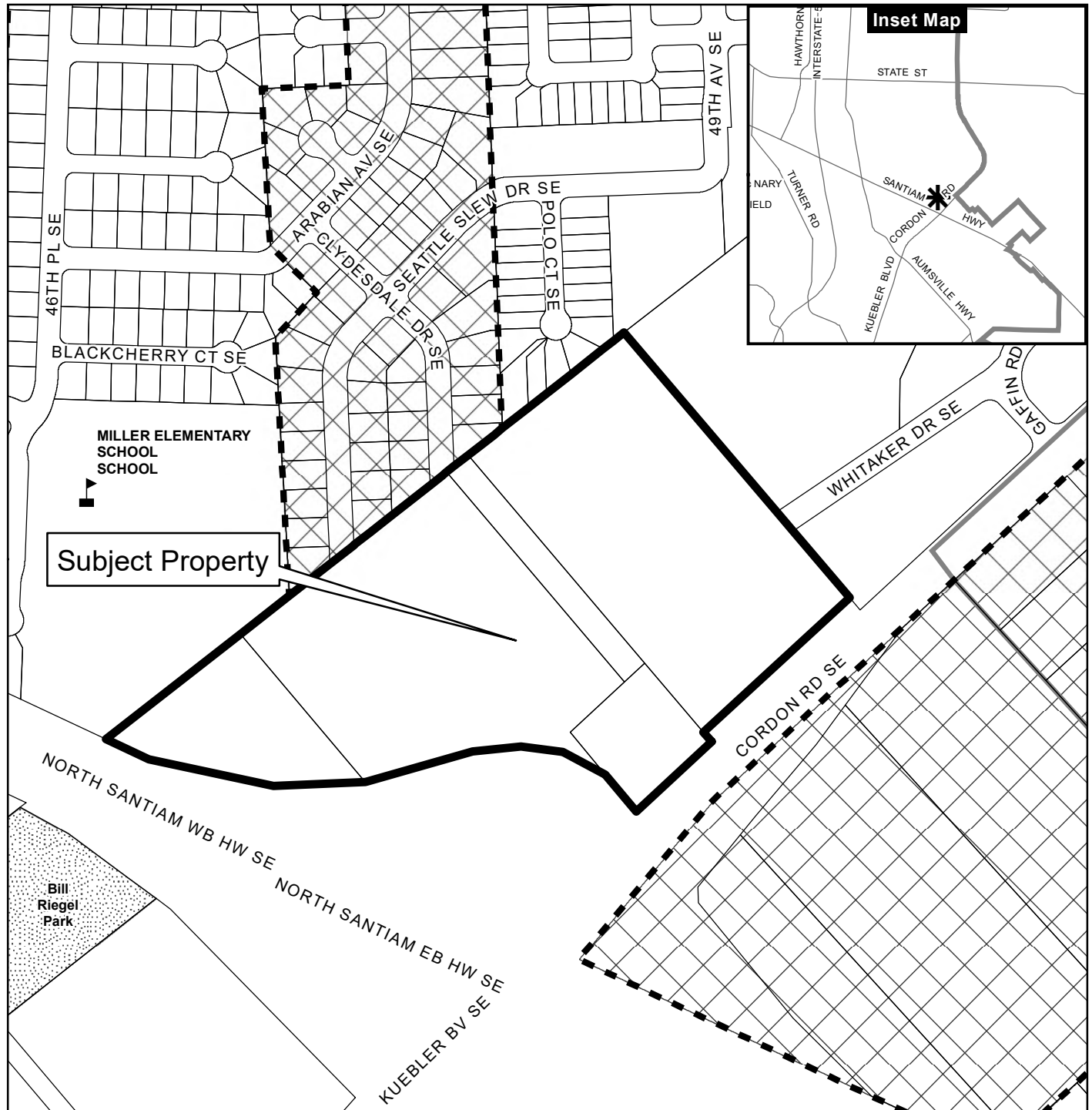
Based on the requirements of SRC 300.850(b)(4)(A), the proposed Class 1 Extension complies with the requirements for an affirmative decision. The first Class 1 Extension to extend the approval for a Conditional Use Permit Case No. CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01EXT1 is hereby **APPROVED**.



Abigail Pedersen, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Original Land Use Decision Case No. CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01

Vicinity Map 1851 Cordon Road SE



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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DECISION OF THE PLANNING COMMISSION

MINOR COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE /
CONDITIONAL USE PERMIT / URBAN GROWTH PRELIMINARY
DECLARATION / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT /
CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW CASE
NO.: CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01

APPLICATION NO.: 22-104460-ZO

NOTICE OF DECISION DATE: April 6, 2023

SUMMARY: Proposed 396-unit multiple family residential development with associated off-street parking, common open space, and site improvements.

REQUEST: A consolidated application for a proposed 396-unit multiple family residential development with associated off-street parking, common open space, and site improvements on property totaling approximately 23.3 acres in size. The application includes:

- 1) A Minor Comprehensive Plan Map Amendment from Industrial to Industrial Commercial and Zone Change from RA (Residential Agriculture) to IC (Industrial Commercial) for an approximate 1.39-acre portion of the property (Marion County Assessor Map and Tax Lot Number: 082W050000300);
- 2) A Conditional Use Permit for the proposed multiple family development;
- 3) An Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the development;
- 4) A Class 3 Site Plan Review;
- 5) Class 2 Adjustment to:
 - a) Allow parking to be located between Building 29 and the proposed cul-de-sac of Seattle Slew Drive SE (SRC 702.020(e)(3));
 - b) Allow less than 40 percent of the buildable width of the street frontage of the subject property adjacent to Cordon Road SE, proposed A Street, and the cul-de-sac of Seattle Slew Drive SE to be occupied by buildings placed at the setback line (SRC 702.020(e)(4)); and
 - c) Allow ground-level dwelling units located within 25 feet of the property line abutting a street to be developed without an architecturally defined primary building entrance facing the street with a direct pedestrian access to the adjacent sidewalk (SRC 702.020(e)(5));
- 6) A Class 2 Driveway Approach Permit for the proposed driveway approaches serving the development onto proposed A Street; and
- 7) A Class 1 Design Review to determine the proposed development's conformance with the applicable multiple family design review standards of SRC 702.020;

The subject property is zoned IC (Industrial Commercial) and RA (Residential Agriculture) and located at 1851 Cordon Road SE (Marion County Assessor Map and Tax Lot Numbers: 082W050000200, 082W050000300, 082W050000400, 082W050000401, and 082W050000500).

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CITY OF Salem
AT YOUR SERVICE

APPLICANT: Brandie Dalton, Multi-Tech Engineering, on behalf of Kevin Harrison, KCH Enterprises LLC

LOCATION: 1851 Cordon Road SE, Salem OR 97317

CRITERIA: Salem Revised Code (SRC) Chapters 64.025(e)(2) – Comprehensive Plan Map Amendment; 265.005(e) – Zone Change; 240.005(d) – Conditional Use Permit; 200.025 (d) & (e) – Urban Growth Preliminary Declaration; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit; 225.005(e)(1) – Class 1 Design Review

FINDINGS: The findings are in the attached Decision dated April 6, 2023.

DECISION: The **Planning Commission took the following actions for** Minor Comprehensive Plan Map Amendment, Zone Change, Conditional Use Permit, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01:

- A. **APPROVED** the Minor Comprehensive Plan Map Amendment from “Industrial” to “Industrial Commercial”;
- B. **APPROVED** the Quasi-Judicial Zone Change from RA (Residential Agriculture) to IC (Industrial Commercial) subject to the following condition of approval:
 - Condition 1:** The transportation impacts from the 1.39-acre site shall be limited to a maximum cumulative total of 385 average daily vehicle trips.
- C. **APPROVED** the Conditional Use Permit subject to the following condition of approval:
 - Condition 2:** The multi-family use shall contain no more than 396-dwelling units.
- D. **APPROVED** the Urban Growth Preliminary Declaration.
- E. **APPROVED** the Class 3 Site Plan Review application subject to the following conditions of approval:
 - Condition 3:** Prior to building permit approval, the existing individual properties which make up the subject property shall either be reconfigured or consolidated in a manner to conform to the applicable standards of the Salem Revised Code.
 - Condition 4:** Prior to building permit approval, provide evidence identifying the correct southern boundary of the property. If the correct southern boundary differs from that which was shown on the applicant’s approved site plan, the proposed development shall be reconfigured to conform to all applicable standards of the UDC required as a result of the identification of the correct southern boundary. Such reconfiguration shall require a modification to the approval if the reconfiguration is not within substantial conformance of the original approval.

- Condition 5:** The off-street parking area located immediately to the north of Building 9 shall be reconfigured to provide a minimum 15-foot set adjacent to the eastern property line.
- Condition 6:** Required interior side and interior rear setbacks shall be landscaped and screened in conformance with the Type C landscaping and screening standard of SRC 807.015(a), Table 807-1. Where the proposed development abuts RS zoned property to the north within the City and Marion County, the screening requirements of SRC Chapter 702 shall instead apply.
- Condition 7:** All trash enclosure/collection areas, and the vehicle operation areas serving them, shall conform to the solid waste service area standards of SRC 800.055.
- Condition 8:** All bicycle parking areas within the development shall be located in conformance with the bicycle parking location standards of SRC 806.060(a)(1).
- Condition 9:** Prior to building permit approval, provide evidence that any required State and/or Federal permits have been obtained for development within any delineated wetland area on the site. If any required State and/or Federal permits cannot be obtained, the proposed development shall be reconfigured to avoid the wetland area. Such reconfiguration shall require a modification to the approval if the reconfiguration is not within substantial conformance of the original approval.
- Condition 10:** Convey land for dedication to equal a half-width right-of-way of 60-feet on the development side of Cordon Road SE, where the existing right-of-way is inadequate.
- Condition 11:** Construct a half-street improvement along the frontage of Cordon Road SE to parkway street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 or pay a fee-in-lieu of construction pursuant to SRC 200.405.
- Condition 12:** If the removal of any trees with the public street right-of-way is necessary in order to accommodate the proposed development, a street tree removal permit shall be required pursuant to SRC Chapter 86.
- Condition 13:** Install street trees to the maximum extent feasible along new internal streets within the development.
- Condition 14:** Pay the applicable reimbursement district fee as established in the Gaffin Road Reimbursement District pursuant to Resolution 2020-5.
- Condition 15:** Construct a bike/pedestrian walkway within a minimum 15-foot-wide public access easement from the northern corner of the property to Miller Elementary school pursuant to Public Works Design Standards. This shall include upgrading the existing 5-foot-wide sidewalk to 10-feet.

- Condition 16:** No structures or stormwater facilities are permitted within the existing public water easements on the site.
- Condition 17:** Extend public water mains in the new internal streets to serve the development pursuant to the Public Works Design Standards (PWDS).
- Condition 18:** Construct a *Salem Wastewater Management Master Plan* identified sewer main on the subject property and dedicate an easement for the main in accordance with the Public Works Design Standards (PWDS).
- Condition 19:** Extend public sewer mains in the new internal streets to serve the development pursuant to the Public Works Design Standards (PWDS).
- Condition 20:** To serve upstream parcels, the applicant shall dedicate a minimum 20-foot-wide public sewer easement from proposed "Street A" to Cordon Road SE pursuant to the Public Works Design Standards (PWDS).
- Condition 21:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and the Public Works Design Standards (PWDS).
- Condition 22:** As a condition of the proposed residential use, the applicant has two options for providing park facilities to serve the subject property:
- a) Convey or acquire property for dedication of neighborhood park (NP 23 or 24) facility or equivalent; or
 - b) Pay a temporary access fee of 15.6 percent of the Parks SDCs generated by the proposed residential uses.
- Condition 33:** The applicant shall coordinate with Cherriots to locate and construct four transit stops conforming to applicable Salem Area Mass Transit District standards along "Street A" through the property.

F. **APPROVED** the Class 1 Design Review application subject to the following conditions of approval:

- Condition 23:** Additional trees shall be planted on the subject property to equal a minimum of one tree for every 2,000 square feet of gross site area.
- Condition 24:** Along those portions of the northern property line of the subject property which abut RS zoned property within the City and Marion County to the north, landscaping and screening shall be provided in conformance with the following standards:
- a) A minimum of one tree, not less than 1.5 inches in caliper, shall be provided for every 30 linear feet of abutting property width; and

- b) A minimum six-foot tall, decorative, sight-obscuring fence or wall shall be provided. 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.

- Condition 25:** New trees shall be planted, or existing trees shall be preserved, around all buildings within the development 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.
- Condition 26:** The off-street parking areas within the development shall include a minimum of one canopy planted along every 50 feet of the perimeter of the parking area. The trunks of the trees shall be located within ten feet of the edge of the parking area.
- Condition 27:** Buildings 1, 3, 4, 15, 16, 18, 25, 35, and 36 shall include windows in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths.
- Condition 28:** The proposed development shall include lighting which illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development to enhance visibility and resident safety.
- Condition 29:** The proposed balconies for Buildings 7, 8, 27, and 28 shall have fully sight-obscuring railings.
- Condition 30:** The roof lines of Buildings 2, 9, 11, 14, 20, 22, 32, 33, and 34 shall be reconfigured to not exceed a horizontal length of 100 feet without providing either differences in elevation of at least four feet in height or a cross gable or dormer that is a minimum of four feet in length.
- Condition 31:** 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.
- Condition 34:** The Leyland Cypress trees identified on the landscape plan shall be replaced with evergreen species on the City's approved street tree list.

G. **APPROVED** the Class 2 Adjustments to allow parking to be located between Building 29 and the proposed cul-de-sac of Seattle Slew Drive SE and allow less than 40 percent of the buildable width of the street frontage of the subject property adjacent to Cordon Road SE, proposed A Street, and the cul-de-sac of Seattle Slew Drive SE to be occupied by buildings placed at the setback line, subject to the following condition of approval:

- Condition 32:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform


to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

H. **DENIED** the Class 2 Adjustment to allow ground-level dwelling units located within 25 feet of the property line abutting a street to be developed without an architecturally defined primary building entrance facing the street with a direct pedestrian access to the adjacent sidewalk.

I. **APPROVED** the Class 2 Driveway Approach Permit.

VOTE:

Yes 7 No 0 Absent 2 (Augustyn, Goebel)



Chane Griggs, President
Salem Planning Commission

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.

Comprehensive Plan Change / Zone Change: No expiration date
Conditional Use Permit: April 25, 2025
All other case types: April 25, 2027

Application Deemed Complete: December 27, 2022
Public Hearing Date: April 4, 2023
Notice of Decision Mailing Date: April 6, 2023
Decision Effective Date: April 25, 2023

Case Manager: Bryce Bishop, Planner III, bbishop@cityofsalem.net, 503-540-2399

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, April 21, 2023. 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 Chapter(s) 64, 265, 240, 200, 220, 225, 250, and 804. 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>

FACTS & FINDINGS

MINOR COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE / CONDITIONAL USE PERMIT / URBAN GROWTH PRELIMINARY DECLARATION / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW CASE NO. CPC-ZC-CU-UGA-SPR-ADJ-DAP-DR23-01

APRIL 6, 2023

PROCEDURAL FINDINGS

1. A consolidated application for a Minor Comprehensive Plan Map Amendment, Quasi-Judicial Zone Change, Conditional Use Permit, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 1 Design Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit was submitted by Brandie Dalton, of Multi/Tech Engineering, on behalf of the applicant and property owner, Kevin Harrison.

Because multiple land use applications are required in connection with the proposed development, the applicant chose to consolidate and process them together as one pursuant to SRC 300.120(c). When multiple applications are consolidated, the review process for the application follows the highest numbered procedure type required for the land use applications involved, and the Review Authority is the highest applicable Review Authority under the highest numbered procedure type. Based on these requirements, the proposed consolidated Minor Comprehensive Plan Map Amendment, Quasi-Judicial Zone Change, Conditional Use Permit, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 1 Design Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit is required to be reviewed by the Planning Commission and processed as a Type III land use application procedure under SRC Chapter 300.

2. Public notice of the proposal was provided pursuant to Salem Revised Code (SRC) requirements, on March 15, 2023. Public notice was posted on the property by the applicant's representative on March 24, 2023.
3. DLCD Notice: State law (ORS 197.610) and SRC 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. Required notice of the proposed Comprehensive Plan Change and Zone Change application was provided to DLCD on February 28, 2023.
4. On April 4, 2023, a public hearing was held before the Planning Commission to receive evidence and testimony on the proposal. Subsequent to the Commission receiving public testimony on the proposal and asking questions of the applicant and staff, the Commission closed the hearing, conducted deliberations, and voted to approve the application, with the exception of one of the requested Class 2 Adjustments, subject to the conditions of approval recommended in the April 4, 2023, staff report together with two additional conditions of approval (*Condition 33 and Condition 34*) concerning the provision of transit stops and tree species replacement recommended at the public hearing.
5. 120-Day Rule: Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. In addition, the additional applications included with the proposal are similarly not subject to the 120-day rule.

because, pursuant to ORS 227.178(10), they have been filed concurrently, and are being considered jointly, with the proposed comprehensive plan amendment.

SUBSTANTIVE FINDINGS

1. Proposal

The application under review by the Planning Commission is a consolidated Minor Comprehensive Plan Map Amendment, Quasi-Judicial Zone Change, Conditional Use Permit, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 1 Design Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit for development of an approximate 23.3-acre property located at 1851 Cordon Road SE (**Attachment A**).

The requested Minor Comprehensive Plan Map Amendment and Quasi-Judicial zone changes applies to the approximate 1.39-acre portion of the property currently designated Industrial on the Salem Area Comprehensive Plan Map and zoned RA (Residential Agriculture).

The proposal includes the development of a 396-unit multiple family residential development with associated off-street parking, common open space, and site improvements. Vehicular access to the proposed development will be provided by the extension of Clydesdale Drive SE through the property to connect to Whitaker Drive SE. Pedestrian and bicycle access to the development will be provided via the existing network of streets in the surrounding area, the internal public streets proposed to be included within the development, and the network of pedestrian pathways proposed to be provided throughout the development.

2. Background

Land use applications are required to include a statement addressing the applicable standards and approval criteria of the Salem Revised Code and must be supported by proof they conform to such standards and approval criteria. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to the decision as follows:

- Existing Conditions Plan: **Attachment B**
- Site Plans: **Attachment C**
- Landscaping Plans: **Attachment D**
- Building Elevations: **Attachment E**

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included as **Attachment F**.

3. 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: 22 104460.

4. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Southeast Mill Creek Association (SEMCA) Neighborhood Association.

Applicant Open House: SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and attend an open house or present their proposal at a regularly scheduled meeting of the neighborhood association the property is located within. An open house was held by the applicant's team in conformance with SRC requirements and the SEMCA Neighborhood Association was notified of the proposal prior to application submittal.

Neighborhood Association Comments: Notice of the application was provided to the neighborhood association pursuant to SRC 300.620(b)(2)(B)(vii), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report no comments have been received from the neighborhood association.

Public Comments: In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.620(b)(2)(B)(ii), (iii), (viii), & (ix), to property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report one public comment was received which is included as **Attachment G**. The comment received expressed concern about traffic congestion on Whitaker Drive because of the nearby gas station and delivery truck drivers parking on both sides of the street; and requests more than one access to the development be provided other than Whitaker Drive.

Staff Response: As shown on the site plan, the proposed development includes an extension of Whitaker Drive SE through the property to connect to Clydesdale Drive SE. This street extension provides a second point of access and allows vehicles to enter and exit the site from either the north or east and to connect to the existing street network in the surrounding area.

At the public hearing testimony was provided from three area residents expressing concern regarding the impacts the proposed development will potentially have on the single-family residential uses to the north of the property; and requesting that conditions be placed on the approval to require the installation of speed bumps to help reduce speeding in the neighborhood and to limit the height of buildings 6, 7, and 8 to two-stories in height to promote better compatibility between the proposed multi-family buildings and the single-family dwellings to the north.

Staff Response: In regard to a reduction in height of buildings 6, 7, and 8, multiple family development within the City of Salem is required to conform to the multiple family design review standards included under SRC Chapter 702. The multiple family design review standards establish requirements for the provision of open space (*both common and*

private) to serve residents within the development as well as requirements for landscaping, screening, and site, parking, and building and façade design to enhance the appearance of multiple family developments and promote compatibility with development on adjacent land. In order to minimize potential impacts on abutting single-family residential land zoned RA (Residential Agriculture) or RS (Single Family Residential), the multiple family design review standards of SRC 702, specifically SRC 702.020(e)(2), require buildings of two or more stories in height to be setback a minimum of one-foot for each one-foot of building height, but in no case less than 20 feet. As shown on the site plan, each of the proposed buildings within the development that are located closest to the RS zoned properties within the City and Marion County to the north (*Buildings 6, 7, 8, & 29*) are setback a minimum of 34 feet. The 34-foot setback provided complies with the minimum required building setback of SRC 702.020(e)(2) based on the heights of the proposed buildings, which is 34 feet as measured to the average height of the roof as required under SRC 112.035(c)(2)(C).

In addition, the landscaping requirements for multiple family developments included under SRC 702.020(b)(2) require multiple family developments abutting RA or RS zoned property to include a combination of landscaping and screening to buffer between the multiple family development and abutting RA and RS zoned properties. The required landscaped and screened buffer includes a minimum of one tree, not less than 1.5 inches in caliper, planted every 30 linear feet together with a minimum six-foot tall, decorative, sight-obscuring fence or wall. In order to ensure the proposed development includes the required landscaping and screening to buffer it from the abutting RS zoned properties to the north, condition of approval No. 24 is placed on the Class 1 Design Review approval requiring landscaping and screening to be provided in conformance with this standard.

Pursuant to SRC 300.820(c)(1)(B), a condition of approval cannot be placed on a housing development reducing its height if:

- (i) The height applied for is at or below the maximum height allowed;
- (ii) At least 75 percent of the floor area applied for is reserved for housing; and
- (iii) Reducing the height would have the effect of reducing the proposed density.

Because the proposal is for a housing development with building heights that do not exceed the maximum height allowed in the zone; more than 75 percent of the floor area within the development will be reserved for housing; and because a condition of approval reducing the heights of buildings 6, 7, and 8 would result in a reduction to the proposed density, a condition of approval reducing the heights of these buildings to two-stories is not possible as required under SRC 300.820(c)(1)(B).

In regard to the installation of speed bumps, because Clydesdale Drive SE and Seattle Slew Drive SE are located within Marion County, the City does not have the authority to install speed bumps on those streets because they are under the jurisdiction of the County.

Homeowners' Association: Pursuant to SRC 300.620(b)(2)(B)(vi), notice is required to be provided to any active and duly incorporated Homeowners' Association (HOA) applicable to the property. The subject property is not located within a Homeowners' Association.

5. City Department Comments

- A. **Building and Safety Division** – Reviewed the proposal and indicated that they have no comments.
- B. **Public Works Department** – Reviewed the proposal and provided comments pertaining to City infrastructure required to serve the proposed development. Comments from the Public Works Department are included as **Attachment H**.

6. Public Agency Comments

- A. **Salem-Keizer School District** – Reviewed the proposal and provided comments that are included as **Attachment I**. The School District indicates, in summary, that the property is served by Miller Elementary School, Houck Middle School, and North Salem High School. The School District identifies sufficient existing school capacity at Miller Elementary School, Houck Middle School, and North Salem High School to accommodate the projected increase in student enrollment resulting from the proposed development.

The School District indicates the subject property is located within the walk zone of Miller Elementary School and Houck Middle School, but eligible for school transportation; and the property is eligible for school provided transportation to North Salem High School.

The School District also recommends that the proposed multi-use path shown on the applicant's site plan connecting to the southern property line of the Miller Elementary School property be removed from the project because the School District intends to maintain a secure fence without gated or other access to the property where the proposed pathway is indicated.

Staff Response: The proposed multi-use path shown on the applicant's site plan is provided to meet pedestrian connectivity requirements in-lieu of providing an extension of Seattle Slew Drive through the property. Due to property's proximity to Miller Elementary School and the number of multiple family dwelling units that would be served by the path included in both the proposed development and the existing multiple family development to the east, the pedestrian connection identified on the site plan is of benefit and would provide a more direct connection to the school property than utilizing existing streets. Regardless of whether an entry gate is provided from the path onto the school property, the proposed multi-use path still serves the purpose of providing pedestrian connectivity between the eastern and western portions of the development in furtherance of conformance with the multiple family design review standard included under SRC 702.020(d)(4), which requires multiple family developments to include pedestrian pathways throughout to connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks. If in the future the School District determines that a pedestrian path through the school property will at some point be provided, the proposed path on the subject property will be there to connect to.

- B. **Cherriots** – Reviewed the proposal and provided comments that are included as **Attachment J**. Cherriots indicates, in summary, that based on their review of the proposed development four transit stops are needed conforming to applicable Salem Area Mass Transit District standards.

Staff Response: SRC 803.035(r) requires transit stops to be provided when they are identified as being needed by the Transit District. Because the Transit District has identified the need for four transit stops, the following additional condition of approval shall apply in order to ensure conformance with SRC 803.035(r):

Condition 33: The applicant shall coordinate with Cherriots to locate and construct four transit stops conforming to applicable Salem Area Mass Transit District standards along “Street A” through the property.

- C. **Oregon Department of Transportation (ODOT)** – Reviewed the proposal and provided comments that are include as **Attachment K**. ODOT indicates, in summary, that due to the property’s proximity to Highway 22, no access is permitted from the property to either Cordon Road or Highway 22.

Staff Response: As shown on the site plan, the proposed development does not include any vehicle access to either Highway 22 or Cordon Road SE. Vehicle access is instead primarily provided by the proposed internal street that extends from Whitaker Drive SE to Clydesdale Drive SE.

FACTS AND FINDINGS

7. Salem Area Comprehensive Plan (SACP)

Comprehensive Plan Map: The subject property is designated “Industrial Commercial” and “Industrial” on the Salem Area Comprehensive Plan (SACP) map. The Industrial Commercial comprehensive plan designation applies to the majority of the property while the Industrial comprehensive plan designation applies to the remainder of the site (*approximately 1.39 acres*).

The minor comprehensive plan map amendment included with the proposal requests to change the “Industrial” designated portion of the property to “Industrial Commercial” to be consistent with the comprehensive plan designation for the remainder of the site.

The Comprehensive Plan designations of surrounding properties include:

Comprehensive Plan Designation of Surrounding Properties	
North	Community Service Education; Single Family Residential; Multiple Family Residential
South	Across North Santiam Highway - Employment Center
	Across Cordon Road SE - Industrial
East	Multiple Family Residential; Industrial Commercial
West	Across North Santiam Highway - Multiple Family Residential; Parks and Open Space

Relationship to Urban Service Area: The subject property lies outside the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (*streets, water, sewer, storm water, and parks*) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration if development will proceed prior to the necessary public facilities being extended to the property and the Urban Service Area being expanded to incorporate the property. Because the property is located outside the Urban Service Area an Urban Growth Preliminary Declaration is required for development of the property.

On July 3, 2012, an Urban Growth Preliminary Declaration was previously approved but subsequently expired. As such, a new Urban Growth Preliminary Declaration is required for the development and is included with the proposal.

8. Zoning

The subject property is zoned IC (Industrial Commercial) and RA (Residential Agriculture). The IC zoning applies to the majority of the property while the RA zoning applies to the remainder of the site (*approximately 1.39 acres*).

The quasi-judicial zone change included with the proposal requests to change the RA zoned portion of the property to IC to be consistent with consistent with the zoning for the remainder of the site.

Zoning of surrounding properties includes the following:

Zoning of Surrounding Properties	
North	PE (Public & Private Educational Services); RS (Single Family Residential; RM-II (Multiple Family Residential)
	Marion County RS (Single Family Residential)
South	Across North Santiam Highway - EC (Employment Center)
	Across Cordon Road SE - Marion County UT-5 (Urban Transition – 5 acre minimum)
East	RM-II (Multiple Family Residential); IC (Industrial Commercial)
West	Across North Santiam Highway - RM-II (Multiple Family Residential); PA (Public Amusement)

9. Analysis of Minor Comprehensive Plan Map Amendment Approval Criteria

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Minor Comprehensive Plan Map amendments. In order to approve a minor comprehensive plan map amendment, the Review Authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria.

The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the comprehensive plan map amendment.

SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:

- (i) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
- (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:
 - (aa) ***Whether there was a mistake in the application of a land use designation to the property;***
 - (bb) ***Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;***
 - (cc) ***Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and***
 - (dd) ***Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.***

Finding: The applicant's findings address (ii) above, demonstrating that the proposed Industrial Commercial designation is equally or better suited for the subject property.

The proposal is consistent with the uses and land use pattern of the area. Starting in 2013 with a Comprehensive Plan Map and Zone Change land use case (CPC-ZC-PAR12-08), the comprehensive plan designation of properties to the north and east of the "Industrial" designated property were changed to "Industrial Business Campus" and "Multiple Family Residential." As a result of the approved comprehensive plan map change and zone change, properties to the east of the subject property have been developed with multiple family residential, self-service storage, and a gas station.

At the time of application submittal, Multiple Family was allowed as a Conditional Use within the IC Zone. The proposed change in designation is equally or better suited for the because it establishes a consistent "Industrial Commercial" comprehensive plan map designation for all of the properties included in the proposal and will allow for the property to be developed for multiple family residential in a manner that is consistent with the

existing multiple family developments to the east and compatible with the abutting elementary school and single family uses to the north. This approval criterion is met.

SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

Finding: The subject property lies outside the City's Urban Service Area. As part of the consolidated application, an application for an Urban Growth Area Preliminary Declaration has been therefore been submitted. As identified in the findings included under Section 12 of this report, water, sewer, and storm infrastructure are available within surrounding streets/areas and the property is capable of being served through extension of public utilities to the boundary of the property as specified in the City's infrastructure master plans.

Site-specific infrastructure requirements to serve the proposed development are addressed in the Class 3 Site Plan Review findings included under Section 13 of this report. The proposal, as recommended to be conditioned, will be served with public facilities necessary to support the proposed development and the uses allowed under the "Industrial Commercial" comprehensive plan map designation. This approval criterion is met.

SRC 64.025(e)(2)(C): The proposed plan map designation provides for the logical urbanization of land;

Finding: The subject property is located north of Cordon Road SE and east of Highway 22. The comprehensive plan map designation of properties immediately to the north of the "Industrial" designated portion of the property is "Industrial Commercial." The requested "Industrial Commercial" comprehensive plan map designation for the 1.39-acre portion of the subject property will result in a consistent comprehensive plan map designation for the overall subject property which will allow it to be developed in a manner that is consistent with the existing multiple family developments to the east and compatible with the abutting elementary school and single family uses to the north; thereby providing for the logical urbanization of the land. This approval criterion is met.

SRC 64.025(e)(2)(D): The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

Finding: The applicable Goals and Policies of the Comprehensive Plan are addressed as follows; the Statewide Planning Goals are addressed after the policies:

The written statement provided by the applicant indicates that the request is in conformance with the Goals and Policies of the Salem Area Comprehensive Plan and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. The subject property is within the boundaries of Southeast Mill Creek Association, however, there is no adopted neighborhood plan for the area.

The proposal complies with the applicable intent statements of the Salem Area Comprehensive Plan (SACP) as follows:

Facilities and Services Location: The City's adopted Comprehensive Plan Transportation Goal and Policies, and the adopted Salem Transportation System Plan (STSP), implement the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. Major streets are in place due to previous development. The proposal is for revitalized urban development in an area where future extensions of services can be provided in the most feasible, efficient, and economical manner.

Infill Development: The subject property is currently vacant. The proposed comprehensive plan map amendment will promote infill development in an area that is already served by City Services.

Circulation System and Through Traffic: The subject property is located along Cordon Road and Highway 22. The major streets necessary to serve the property are in place due to previous development.

Alternative Housing Patterns: Properties to the north and east of the subject property are developed with single family dwellings and multi-family development. In order to provide an alternative housing pattern while being consistent with the neighborhood, the proposed development will have the potential to provide a higher density of needed housing.

Requests for Rezoning: The subject property is currently designated for a detached single-family dwelling development, a use that is not feasible at this site due to its location directly off Cordon Road SE. All public facilities and services are available to the site. The proposed comprehensive plan change to "Industrial Commercial" and rezone to IC will facilitate development of an underdeveloped property where public facilities and service necessary to serve it are either in place or can be provided. The proposed development will meet Statewide Planning Goals and Policies pertaining to residential development. Since development will be consistent with surrounding uses, the development of the site will not impact adjacent properties.

Urban Design: The City's development code includes design standards and has a review process in place to implement multi-family design and commercial standards. The site is proposed to be developed as multiple Family residential under the IC zone and will comply with the design review standards for multiple family development.

Staff concurs with the findings included in the applicant's written statement. The proposed comprehensive plan map designation is consistent with the Salem Area Comprehensive Plan.

The applicable Statewide Planning Goals are addressed as follows:

Statewide Planning Goal 1 – Citizen Involvement: *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

Finding: In addition to attending holding a required open house, notice of the proposal was provided to the Southeast Mill Creek Association neighborhood association, surrounding property owners and tenants within the notification area, and posted on the property prior to the hearing. The Planning Commission will hold a public hearing to consider the request. The required open house, public notice, and public hearing process ensure all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Statewide Planning Goal 2 – Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Finding: The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission has acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: *To protect natural resources and conserve scenic and historic areas and open spaces.*

Finding: The subject property is vacant and undeveloped. There are no known scenic, resources on the subject property. The property is located within the City's Historic and Cultural Resource Protection Zone and the property contains two mapped wetland areas. The City notifies the Division of State Lands of any proposed land use activities within a wetland area. In the event that a resource is identified, the City's applicable riparian and tree protection standards will be applied at the time of development to ensure compliance with Goal 5. Historic and Cultural Resource Protection will be reviewed at the time of development. The proposal is consistent with Goal 5.

Statewide Planning Goal 6 – Air, Water, and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Finding: The written statement provided by the applicant indicates, in summary, that development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets, Hwy 22. And Cordon Road. These are the major traffic routes in the area. Cordon Road is designated as a Parkway in the Salem Transportation System Plan (STSP), and as such is defined to carry 30,000 to 60,000 vehicles per day. Hwy 22 is a Freeway, with a design capacity of 50,000+ vehicles per day. The traffic generated from the site will be minor compared to the total volume of traffic in this area and will not create a significant additional

air quality impact.

The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Staff concurs with the findings included in the applicant's written statement. The proposal will not have an impact on air, water, or land resources quality. The proposal conforms to this statewide planning goal.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards: *To protect people and property from natural hazards.*

Finding: The topography of the subject property is flat, there are no areas of mapped landslide hazard susceptibility located on the subject property, and the site is not located adjacent to any waterways or within any mapped flood zones. The proposal conforms to this statewide planning goal.

Statewide Planning Goal 8 – Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Finding: The subject property is not within an identified open space, natural or recreation area, and no destination resort is planned for this property. Therefore, Goal 8 is not applicable to this proposal.

Statewide Planning Goal 9 – Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Finding: In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem's needs for industrial and commercial land through 2035, and concluded that Salem has a projected commercial land shortage. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council voted to adopt the EOA; the City now uses the EOA and its findings to inform policy decisions, including how to respond to request for rezoning land.

The proposed change to Industrial Commercial will maintain the industrial designation for the property and will increase the number of allowed on the site.

Statewide Planning Goal 10 – Housing: *To provide for the housing needs of the citizens of the state.*

Finding: In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decisions related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of

approximately 207 acres of available multi-family zoned land. The adoption of Our Salem, Comprehensive Plan Update rectified the deficit in multi-family land. Approval of the requested comprehensive plan change and zone change and the subsequent development of the property for Multi-Family use will increase the number multi-family housing units available with the City to meet housing needs. The proposal is in conformance with Goal 10.

Statewide Planning Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Finding: The subject property is located outside the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve uses allowed under the proposed designation. Site-specific infrastructure requirements will be addressed through the site plan review process set forth in SRC Chapter 220. The request allows for the efficient use and development of property, requiring minimal extension of new public services.

Statewide Planning Goal 12 – Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

Finding: Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The applicant, for a comprehensive plan change, is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate their request will not have a “significant effect” on the surrounding transportation system, as defined above or to propose mitigation of their impact.

The consolidated application contains multiple units of land. A previous CPC/ZC was issued for the majority of the property in 2013 (Case No. CPC-ZC-PAR12-08). The current proposal will change the Comprehensive Plan and Zone for Marion County Tax Lot No. 082W050000300. The previous CPC/ZC established a trip cap of 16,654 Average Daily Trips for proposed uses on the site.

The applicant submitted an additional TPR analysis for the additional 1.39-acre parcel subject to the current CPC/ZC application. The TPR analysis demonstrates that with a recommended trip cap, the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the 1.39 acre development site to 385 average daily vehicle trips. As conditioned below, the proposal complies with Goal 12.

Statewide Planning Goal 13 – Energy Conservation: *Requires local governments to consider the effects of its comprehensive planning decision on energy consumption.*

Finding: Any future development of the property will be required to be built to comply with current energy standards. The proposal conforms to this statewide planning goal.

Statewide Planning Goal 14 – Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Finding: The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development are located nearby. Existing transportation and utility infrastructure is available in the vicinity. The request allows for the efficient use and development of property without requiring extension of new public services. The proposed comprehensive plan map amendment will allow the efficient use of urbanized land within the UGB in compliance with Goal 14.

SRC 64.025(e)(2)(E): *The amendment is in the public interest and would be of general benefit.*

Finding: The proposed comprehensive plan change is in the public interest because it establishes a consistent “Industrial Commercial” comprehensive plan map designation for all of the properties included in the proposal and will allow for the property to be developed for multiple family residential in a manner that is consistent with the existing multiple family developments to the east and compatible with the abutting elementary school and single family uses to the north. This approval criterion is met.

10. Analysis of Quasi-Judicial Zone Change Approval Criteria

SRC Chapter 265.005(e) provides the approval criteria for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial zone change, the Review Authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following applicable criteria are met. The extent of the consideration given to the various criteria set forth below depends on the degree of impact of the proposed change. The greater the impact of a proposal on the area, the greater the burden on the applicant to demonstrate the zone change is appropriate. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal’s conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the zone change, or for the issuance of certain conditions to ensure the criteria are met.

SRC 265.005(e)(1)(A): The zone change is justified based on one or more of the following:

- (i) A mistake in the application of a land use designation to the property***
- (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.***
- (iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.***

Finding: The proposal is consistent with the uses and land use pattern of the area. Starting in 2013 with Comprehensive Plan Map and Zone Change Case No. CPC-ZC-PAR12-08, the zoning of properties to the north and east of the RA zoned property were changed to IC (Industrial Commercial) and RM-II (Multiple Family Residential). As a result of the approved comprehensive plan map change and zone change, properties to the east of the subject property have been developed with multiple family residential, self-service storage, and a gas station.

At the time of application submittal, Multiple Family was allowed as a Conditional Use within the IC Zone. The proposed IC zone is equally or better suited for the property than the existing zone because it establishes consistent IC zoning for all properties included in the proposal and allows for the property to be developed as multiple family residential in a manner that is consistent with existing multiple family developments to the east and compatible with the abutting elementary school and single family uses to the north. This approval criterion is met.

SRC 265.005(e)(1)(B): If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.

Finding: The proposal is not a City-initiated zone change. This criterion does not apply.

SRC 265.005(e)(1)(C): The zone change conforms with the applicable provisions of the Salem Area Comprehensive Plan.

Finding: Findings addressing minor comprehensive plan map criterion SRC 64.025(e)(2)(D), included above in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this consolidated application. As provided in the findings, the proposed zone change complies with the applicable provisions of the Salem Area Comprehensive Plan. This approval criterion is therefore met.

SRC 265.005(e)(1)(D): The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Finding: Findings addressing minor comprehensive plan map amendment criterion SRC 64.025(e)(2)(D), included above in this report, address the conformance of the proposal with the applicable provisions of the Statewide Planning Goals for this consolidated application. As provided in the findings included, the proposed zone change, as recommended to be conditioned, complies with applicable statewide planning goals. This approval criterion is met.

SRC 265.005(e)(1)(E): If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone; or include both the demonstration and an amendment to the Comprehensive Plan.

Finding: The subject property is currently zoned RA (Residential Agriculture) and the applicant is requesting to rezone the property to IC (Industrial Commercial). The proposal does not involve a comprehensive plan change from an industrial designation to a non-industrial designation or a comprehensive plan change from a commercial or employment designation to any other designation. This approval criterion is therefore not applicable.

SRC 265.005(e)(1)(F): The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: The consolidated application contains multiple units of land. A previous CPC/ZC was issued for the majority of the property in 2013 (CPC-ZC-PAR12-08). The current proposal will change the Comprehensive Plan and Zone for Marion County Taxlot No. 082W050000300. The previous CPC/ZC established a trip cap of 16,654 Average Daily Trips for proposed uses on the site.

The applicant submitted an additional TPR analysis for the additional 1.39-acre parcel subject to the current CPC/ZC application. The TPR analysis demonstrates that with a recommended trip cap, the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings. In order to ensure that the proposed zone change will not result in a significant affect on a City transportation facility, the following condition of approval shall apply:

Condition 1: The transportation impacts from the 1.39-acre site shall be limited to a maximum cumulative total of 385 average daily vehicle trips.

As conditioned, this approval criterion is met.

SRC 265.005(e)(1)(G): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone.

Finding: The subject property is capable of being served through extension of public utilities to the boundary of the property as specified in existing infrastructure master plans. As part of the consolidated application, an application for an Urban Growth Area Preliminary Declaration has been submitted.

11. Analysis of Conditional Use Permit Approval Criteria

SRC Chapter 240.005(a)(1) provides that no building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

Salem Revised Code (SRC) 240.005(d) sets forth the following criteria that must be met before approval can be granted to an application for a Conditional Use Permit. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Conditional Use Permit or for the issuance of conditions of approval to satisfy the criteria.

SRC 240.005(d)(1): The proposed use is allowed as a conditional use in the zone.

Finding: The majority of the subject property is zoned IC (Industrial Commercial) and a quasi-judicial zone change is included with the proposal to change the RA (Residential Agriculture) zoned portion of the property to IC to be consistent with the zoning of the rest of the property.

At the time of submittal of the application, the IC zone, pursuant to SRC 551.005(a), Table 551-1, allowed Multiple Family as a Conditional Use. Subsequent to application submittal, however, Ordinance 22-22 amended the IC zone, along with certain other zones, to no longer allow Multiple Family unless developed within a mixed-use building. Because the application for the proposed multiple family development was filed before the IC zone was subsequently amended, the application is subject to the standards of the code that were in place as the time of submittal. The IC zone at the time of application submittal allowed Multiple Family as a conditional use and the proposed development will continue to be allowed as a continued use pursuant to SRC 551.005(b) subsequent to its approval. This approval criterion is met.

SRC 240.005(d)(2): The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Finding: The written statement provided by the applicant (**Attachment F**) indicates, in summary, that the proposed apartments will have little to no impact on the neighborhood. Properties to the north include single family dwellings and an elementary school, and properties to the east are developed with multi-family dwellings, a gas station, and a self-service storage facility. The proposal for multi-family dwellings on the site will be consistent

with the surrounding area. The applicant also explains that the proposed apartments will have less an impact on the area than an industrial use that is allowed within the IC zone.

Staff concurs with the findings included in the applicant's written statement. The subject property is adjacent to a single-family dwellings and an elementary school located to the north and apartments, a gas station and convenience store, and a self-service storage facility to the east.

Design review is required for multi-family development within the City of Salem. The design review process encourages open spaces in multi-family developments, requires common and private open space for active and passive uses, ensures that accessible pathways are available to residents of the development and provides visual relief from structural bulk.

The multi-family design standards and the standards in the IC zone require that a decorative site obscuring fence and landscape buffer separate the proposed multi-family use from the abutting single-family homes to the north. The required landscaping and fencing will provide a buffer and separation between the multi-family use and abutting uses.

In regard to the proposed dwelling unit density, if the property were instead zoned RM-II (Multiple Family Residential) the density requirements of that zone would currently allow 350 to 723 dwelling units based on the size of the property. As shown on the site plan, a total of 396 dwelling units are proposed to be included within the development, which does not exceed the maximum number of units that could be developed on the property if it were alternatively zoned RM-II.

The design review standards, including setbacks, landscaping, and open space, are intended to address the difference in compatibility that arises from increased residential density. If the scale of the multi-family development is limited to no more than 396 dwelling units as proposed by the applicant, the development will have minimal impact on the immediate neighborhood. Therefore, the following condition of approval shall apply:

Condition 2: The multi-family use shall contain no more than 396-dwelling units.

The proposed development, as conditioned, meets this approval criterion.

SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Finding: The written statement provided by the applicant indicates that the subject property is surrounded by a school and existing single family dwellings to the north; existing multi-family dwellings, storage units, and a gas station to the east; vacant land in Marion County across Cordon Road SE to the south; and existing apartments and a City park across Highway 22 to the west.

The applicant indicates that the apartments are required to go through Site Plan Review and Design Review, which requires open space, landscaping, and amenities which will help with the visual appeal of the development and reduce impacts on the neighborhood. The proposed development will also provide pedestrian paths throughout the site and

to Clydesdale Drive to the north, Whitaker Drive to the east, and Cordon Road to the south. The pedestrian paths will provide access and circulation to the surrounding neighborhoods.

Staff concurs with findings included in the applicant's written statement. The proposed multiple family development is consistent with the existing multiple development to the east and will be compatible with the existing single family dwellings and middle school to the north. The proposed multiple family development is required to be designed in conformance with the City's multiple family design review standards which are intended to promote compatibility between multiple family development and existing development on adjacent land through building design standards, required setbacks, landscaping, and open space. As identified under Sections 13 and 14 of this report, the proposed development, as recommended to be conditioned, will comply with the both the applicable multiple family design review standards of SRC Chapter 702 and the applicable development standards of the IC zone included under SRC Chapter 551; therefore ensuring the proposed use will be reasonably compatible with and have minimum impact on the livability or appropriate development of surrounding property.

In addition, although there is no minimum or maximum residential density requirement within the IC zone, the 396 dwelling units proposed to be constructed on the property do not exceed the number of dwelling units that would otherwise be allowed if the property were instead located within a multiple family residential zone; therefore further minimizing potential impact on surrounding property. This approval criterion is met.

12. Analysis of Urban Growth Preliminary Declaration Approval Criteria

Pursuant to SRC 200.020, properties located outside the City's Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. Because the subject property is located outside the Urban Service Area, an Urban Growth Preliminary Declaration is required for the proposed development.

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 shown in ***bold italic***, followed by findings of fact 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.

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.***

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.

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

SRC 200.055 - Standards for Street Improvements

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).

No linking street improvements are required because the existing streets adjacent to the subject property meet current standards. Required boundary street improvements are identified in Section 13 of this report, which evaluates the proposed development's conformance with the applicable Class 3 Site Plan Review criteria of SRC 220.005(f)(3).

SRC 200.060 - Standards for Sewer Improvements

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 facility appears to be located in Whitaker Drive SE adjacent to the subject property. The applicant shall construct the *Salem Wastewater Management Master Plan* identified 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. Where applicable, this shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS Sewer Division 003). Recommended conditions of approval for required sewer facilities in conformance with SRC 200.060 are included in Section 13 of this report.

SRC 200.065 - Standards for Storm Drainage Improvements

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 system appears to be located in Whitaker Drive SE adjacent to the subject property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a). Recommended conditions of approval for required storm draining facilities in conformance with SRC 200.065 are included in Section 13 of this report.

SRC 200.070 - Standards for Water Improvements

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 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. Recommended conditions of approval for required water system improvements in conformance with SRC 200.070 are included in Section 13 of this report.

SRC 200.075 - Standards for Park Sites

The subject property is currently not served by a City park. The Comprehensive Parks System Master Plan identifies two future Neighborhood Parks (NP 23 or 24) planned to serve the area. Recommended conditions of approval for park facilities in conformance with SRC 200.075 are included in Section 13 of this report.

13. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan Review. 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 the development of a 396-unit multiple family development with associated off-street parking, common open space, and site improvements on property totaling approximately 23.3 acres in size.

The majority of the subject property is designated "Industrial Commercial" on the Salem Area Comprehensive Plan (SACP) Map and zoned IC (Industrial Commercial) while approximately 1.39 acres of the subject property is currently designated "Industrial" on the SACP map and zoned RA (Residential Agriculture). Due to the "Industrial" comprehensive plan designation and RA zoning currently applicable to the 1.39-acre portion of the subject property, the applicant has requested a minor comprehensive plan map amendment and quasi-judicial zone change with the application to change the comprehensive plan designation for this portion of the site to "Industrial Commercial" and its zoning to IC (Industrial Commercial) to establish a consistent comprehensive plan map designation and zoning across the entire 23.3-acre site. Staff's analysis of the requested comprehensive plan map amendment and zone change for conformance with the applicable approval criteria is included in Sections 9 and 10 of this report.

With recommended approval of the requested comprehensive plan map amendment and zone change, the entire property is subject to the requirements of the IC (Industrial Commercial) zone included under SRC Chapter 551.

The proposed development conforms to SRC Chapter 551 and all other applicable development standards of the Salem Revised Code as follows:

SRC Chapter 551 (IC Zone)

SRC 551.005(a) – Allowed Uses:

Allowed uses within the IC zone are identified under SRC 551.005(a), Table 551-1. Pursuant to the City's Use Classification Chapter (SRC 400), the 396-unit multiple family development is classified as a Multiple Family use. At the time of application submittal, Multiple Family was allowed as a Conditional Use within the IC zone and therefore a Conditional Use Permit for the proposed multiple family development has been requested by the applicant with this application. Staff's analysis of the requested conditional use permit for conformance with the applicable conditional use permit approval criteria is included under Section 11 of this report.

SRC 551.010(a) – Lot Standards:

Within the IC zone, there are no minimum lot size or dimension requirements other than a minimum street frontage requirement of 16 feet for all uses other than Single Family. The subject is currently comprised of five tax lots (Marion County Assessor Map and Tax Lot Numbers: 082W050000200, 082W050000300, 082W050000400, 082W050000401, and 082W050000500).

Not all of the existing tax lots which make up the property meet the minimum 16-foot street frontage requirement and evidence has not been provided from the applicant demonstrating that all of the tax lots are legally established units of land. The existing property lines associated with the tax lots also pass through proposed buildings and parking areas on the site in a manner that does not conform to the applicable setback requirements of the UDC identified later in this report. In order to ensure that the proposed development meets the applicable street frontage requirements of the IC zone and the applicable setback requirements of the UDC, the following condition of approval shall apply:

Condition 3: Prior to building permit approval, the existing individual properties which make up the subject property shall either be reconfigured or consolidated in a manner to conform to the applicable standards of the Salem Revised Code.

Further, in comparison of the southern boundary of the property as shown on the site plan submitted by the applicant to the southern boundary of the property as shown on the Marion County Assessor's map, there are substantial differences between the two property configurations. Depending on which southern boundary of the property is correct, the proposed development's conformance with the applicable development standards of the UDC could be affected. In order to ensure that the correct southern boundary of the property is identified and the proposed development meets all applicable standards of the UDC in relation to the correct southern boundary, the following condition of approval shall apply:

Condition 4: Prior to building permit approval, provide evidence identifying the correct southern boundary of the property. If the correct southern boundary differs from that which was shown on the applicant's approved site plan, the proposed development shall be reconfigured to conform to all applicable standards of the UDC required as a result of the identification of the correct southern boundary. Such reconfiguration shall require a modification to the approval if the reconfiguration is not within substantial conformance of the original approval.

The proposed development, as conditioned, meets the minimum lot standards of the IC zone.

SRC 551.010(b) – Setbacks:

Setbacks within the IC zone shall be provided as set forth in SRC Table 551-3 and Table 551-4. In addition to the setback requirements of the IC zone, multiple family developments must also comply with the additional multiple family design review setbacks included under SRC Chapter 702. A summary of required IC zone setbacks is provided as follows:

IC Zone Setbacks		
Abutting Street		
Buildings	Min. 5 ft.	
Accessory Structures	Min. 5 ft.	
Parking and Vehicle Use Areas	Min. 6 ft. to 10 ft.	Per alternative setback methods under SRC 806.035(c)(2)
Interior Side & Interior Rear ⁽¹⁾		
Buildings, Accessory Structures, and Parking and Vehicle Use Areas	Min. 15 ft. with Type C Landscaping & Screening ⁽²⁾	
Notes		
<p>(1) <u>Required Setback Abutting Highway 22:</u> Pursuant to SRC 800.035(d)(1), the required setback abutting an interstate freeway, railroad right-of-way, or alley shall be considered either an interior front setback, an interior side setback, or an interior rear setback depending on the dimensions and configuration of the lot. Because Highway 22 is designated as a freeway under the City's Transportation System Plan (TSP), the property line abutting the highway is considered an interior property line.</p>		
<p>(2) <u>Required Landscaping:</u> Pursuant to SRC 807.015(a), Table 807-1, Type C Landscaping & Screening requires a minimum planting density of 1 plant unit per 20 square feet of landscaped area together with a minimum 6-foot-tall sight-obscuring fence or wall.</p>		

IC Zone Setbacks Abutting Streets: As shown on the proposed site plan, all buildings accessory structures within the development are setback greater than the minimum

required 5-foot setback for buildings and accessory structures abutting a street. Similarly, all proposed parking and vehicle use areas within the development are setback in conformance with the minimum 10-foot parking and vehicle use area abutting a street.

IC Zone Setbacks Abutting Interior Side and Rear Property Lines: As shown on the proposed site plan, all buildings and accessory structures within the development are setback greater than the minimum required 15-foot setback from all interior side and rear property lines on the perimeter of the overall development site.

Similarly, all of the proposed parking and vehicle use areas within the development are setback in conformance with the minimum required 15-foot parking and vehicle use area setback from the interior side and rear property lines on the perimeter of the overall development site with the exception of one parking area in the northeastern portion of the site located to the north of Building 9 which is setback less than the minimum required 15 feet. This parking area accommodates seven standard parking stalls and is setback approximately 13 feet where a minimum 15-foot setback is required. In order to ensure required off-street parking and vehicle use area setbacks are met, the following condition of approval shall apply:

Condition 5: The off-street parking area located immediately to the north of Building 9 shall be reconfigured to provide a minimum 15-foot set adjacent to the eastern property line.

Within the IC zone, required setbacks for multiple family developments adjacent to interior front, side, and rear property lines are required to be landscaped according to the Type C landscaping standard of SRC Chapter 807, which requires the setback area to be planted with a minimum plant unit density of one plant unit per 20 square feet of setback area together with a minimum 6-foot-tall sight-obscuring fence or wall. The minimum 6-foot-tall sight-obscuring fence or wall required under the IC zone is superseded, however, by the multiple family design review standards of SRC Chapter 702 which requires a minimum 6-foot-tall **decorative** sight-obscuring fence or wall where a multiple family development abuts property zoned RA (Residential Agriculture) or RS (Single Family Residential). Because portions of the subject property abut RS zoned properties in both the City and Marion County to the north, the requirement for a minimum 6-foot-tall decorative sight-obscuring fence or wall applies to those specific portions of the north property line of the subject property abutting the RS zone.

In review of the proposed site plan, required screening abutting the interior property lines on the perimeter of the overall development site is not identified and it's not clear based on the landscape plan provided whether the required interior side and rear setbacks for the development meet the minimum required plant unit density of one plant unit per 20 square feet of landscaped area.

In order to ensure the proposed development meets the required setback landscaping and screening standards of the IC zone applicable to interior side and rear property lines, the following condition of approval shall apply:

Condition 6: Required interior side and interior rear setbacks shall be landscaped and screened in conformance with the Type C landscaping and screening

standard of SRC 807.015(a), Table 807-1. Where the proposed development abuts RS zoned property to the north within the City and Marion County, the screening requirements of SRC Chapter 702 shall instead apply.

As previously indicated in this report, due to the interior property lines associated with the five existing tax lots which make up the subject property, buildings, accessory structures and parking and vehicle use areas located within the interior of the overall development site do not meet required IC zone setbacks. In order to ensure interior setbacks are met, a condition of approval has been recommended, specifically Condition 3, which requires that the existing individual properties which make up the subject property either be reconfigured or consolidated in a manner to conform to the applicable standards of the Salem Revised Code prior to building permit approval.

The proposed development, as conditioned, conforms to the setback requirements of the IC zone.

SRC 551.010(c) – Lot Coverage; Height:

Within the IC zone there is no maximum lot coverage requirement for buildings and accessory structures, and the maximum height for buildings and accessory structures for all uses other than single family and middle housing is 70 feet.

As illustrated by the proposed building elevations and indicated in the application materials provided by the applicant, the heights of the buildings and accessory structures included within the development do not exceed the maximum height of 70 feet. The proposed development therefore conforms to this standard.

SRC 551.010(d) – Landscaping:

- (1) Setbacks. Within the IC zone required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.

As identified earlier in this report, required setbacks within the IC zone must be landscaped according to the Type C landscaping and screening standard included in SRC 807.015(a), Table 807-1.

In review of the proposed site plan, required screening abutting the interior property lines on the perimeter of the overall development site is not identified and it's not clear based on the landscape plan provided whether the required interior side and rear setbacks for the development meet the minimum required plant unit density of one plant unit per 20 square feet of landscaped area. In order to ensure the proposed development meets the required setback landscaping and screening standards of the IC zone applicable to interior side and rear property lines, a condition of approval is recommended, specifically Condition 6, which requires the interior side and interior rear setbacks of the development to be landscaped and screened in conformance with the Type C landscaping and screening standards of SRC Chapter 807. The proposed development, as recommended to be conditioned, complies with the setback landscaping requirements of the IC zone.

- (2) Vehicle Use Areas. Vehicle use areas within the IC zone are generally required to be landscaped as provided under SRC Chapter 806 and SRC chapter 807. However, because the proposed development is Multiple Family, the multiple family design review standards included under SRC Chapter 702, specifically SRC 702.020(b)(8), provide that multiple family developments with 13 more units are exempt from the parking and vehicle use area landscaping requirements of SRC Chapter 806. Because SRC Chapter 702 provides specific standards that apply to multiple family development within the City, the specific multiple family design review standard of SRC 702.020(b)(8) supersedes the general parking and vehicle use area landscape standard of the IC zone and this standard is therefore not applicable to the proposed development.
- (3) Development Site. Within the IC zone a minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

As indicted in the applicant's written statement, the proposed development provides 55 percent landscaping throughout the site; therefore exceeding the minimum 15% development site landscaping requirement of the IC zone.

SRC Chapter 800 (General Development Standards)

SRC 800.055 – Solid Waste Service Areas

SRC 800.055 establishes standards that apply to all new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

A solid waste service area is defined under SRC 800.010 as, "An area designed and established for the purpose of satisfying the local collection franchisee service requirements for servicing receptacles, drop boxes, and compactors singularly or collectively."

The proposed development includes two trash enclosure/collection areas meeting the definition of a solid waste service area under SRC 800.010. One of the proposed trash enclosure/collection areas is located in the western portion of the site between Buildings 26 and 27 and the second trash enclosure/collection area is located in the eastern portion of the site adjacent to Building 8. In review of the proposed site plan, the proposed trash enclosure/collections areas generally appear to meet the solid was service area standards of SRC 800.055 with the exception of the required turning radius for trash collection vehicles required under SRC 800.055(f)(1)(E), which requires a 25-foot turning radius to be provided. When a 25-foot turning radius is applied to the proposed site plan, some of the proposed parking stalls and landscape planter beds adjacent to the vehicle operation area for the trash collection vehicle project into the required turning radius and therefore need to be slightly reconfigured.

In order to ensure the proposed development conforms to all of the applicable solid waste service area standards included under SRC 800.055, the following condition of approval

shall apply:

Condition 7: All trash enclosure/collection areas, and the vehicle operation areas serving them, shall conform to the solid waste service area standards of SRC 800.055.

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

SRC Chapter 806 establishes requirements for off-street parking, loading, and driveways. Included in the chapter are standards for minimum and maximum off-street vehicle parking; minimum bicycle parking; minimum loading; and parking, bicycle parking, loading, and driveway development standards.

Off-Street Parking.

Minimum Off-Street Vehicle Parking. The proposal includes a total of 396 dwellings units.

Minimum off-street vehicle parking requirements are established under SRC 806.015(a), Table 806-1. Based on the location of the subject property as not being located within the Central Salem Development Program (CSDP) Area or within one-quarter mile of a Salem-Keizer Transit District Core Network transit route, the minimum off-street parking requirement for the development is as follows:

Minimum Required Off-Street Parking			
Unit Type	Proposed Units	Required Parking Ratio	Min. Spaces Required
Multiple Family – Studio unit or dwelling unit with one bedroom	72	Min. 1 space per unit	72
Multiple Family – Dwelling unit with two or more bedrooms	324	Min. 1.5 space per unit	486
Total	396	-	558

As identified in the table above, the minimum off-street parking requirement for the 396-unit multiple family development is 558 spaces. As shown on the site plan, the proposed development includes a total of 774 spaces which conforms to the minimum off-street parking requirements of SRC 805.015(a).

Maximum Off-Street Vehicle Parking. Maximum off-street vehicle parking requirements are established under SRC 806.015(d). Pursuant to SRC 806.015(d)(1), Table 806-2A, the maximum number of allowed off-street parking spaces is based upon the minimum number of off-street spaces required for the proposed development. If the minimum number spaces required equals 20 spaces or less, the maximum allowed parking is 2.5 times the minimum number of spaces required. If the minimum number of spaces required equals more than 20 spaces, the maximum allowed parking is 1.75 times the minimum number of spaces required.

Based on the above identified minimum parking requirement, the maximum allowed off-street parking requirement for the proposed 396-unit multiple family development is 977 spaces. The 774 off-street parking spaces included within the proposed development do not exceed the maximum parking requirements of SRC 806.015(d).

Compact Parking. SRC 806.015(b) allows for the utilization of compact parking stalls to satisfy up to 75 percent of the required off-street parking spaces for a development. The proposed development includes a total of 774 off-street parking spaces. Of the 774 total off-street parking spaces provided, 108 (*14 percent*) are compact stalls. The proposed total number of compact stalls included within the development do not exceed the maximum number of compact stalls allowed under SRC 806.015(b).

Off-Street Parking Area Dimensions. SRC 806.035(e), Table 806-6, establishes minimum dimension requirements for off-street parking stalls and the drive aisles serving them. Based on the layout of the parking spaces within the development, the proposed parking stalls and access aisles must meet the following standards:

Minimum Parking Stall & Drive Aisle Dimensions		
Stall Type	Parking Stall Dimension	Drive Aisle Width
90° Standard Stall	9 ft. x 19 ft.	24 ft.
90° Compact Stall	8 ft. x 15 ft.	22 ft. ⁽¹⁾
<p style="text-align: center;">Notes</p> <p>(1) The width of a drive aisle serving both standard and compact parking spaces 80 degrees or more shall be a minimum of 24 feet.</p>		

As shown on the site plan, all of the proposed off-street parking spaces conform to the minimum required parking stall dimensions established under SRC 806.035(e), Table 806-6, and all of the parking stalls are served by parking drive aisles at least 24 feet in width.

Driveways. SRC 806.040(d) establishes minimum driveway standards. Pursuant to SRC 806.040(d), Table 806-7, one-way driveways are required to have a minimum width of 12 feet and two-way driveways are required to have a minimum width of 22 feet.

As shown on the site plan, vehicular access to the parking areas within the development are served by four two-way driveways off the internal streets included within the development. Each of the proposed driveways exceeds minimum driveway width standards.

Bicycle Parking.

Minimum Bicycle Parking. Minimum bicycle parking requirements are established under SRC 806.055, Table 806-9. The minimum bicycle parking requirement for the proposed development is as follows:

Minimum Bicycle Parking	
	Bike Parking Ratio
Multiple Family	The greater of 4 spaces or 0.1 spaces per dwelling unit.

Based on the above identified minimum bicycle parking requirement, a minimum of 40 bike parking spaces are required for the proposed 396-unit multiple family development. As shown on the site plan, the proposed development includes a total of 42 bike parking spaces distributed throughout the site in seven bike parking areas consisting of three bike racks each. The proposed development exceeds minimum bicycle parking standards.

Bicycle Parking Location. SRC 806.060(a)(1) requires bicycle parking areas to be located outside the building and located within a convenient distance of, and clearly visible from, the primary entrance of a building, but in no event shall the bicycle parking area be located more than 50 feet from the primary building entrance.

As shown on the site plan, all of the proposed bicycle parking spaces provided within the development are distributed on the site so they are located within 50 feet of building entrances with the exception to two proposed bike parking areas. One of the proposed bicycle parking areas not located within 50 feet of a primary building entrance is located on the western portion of the site at the north end of the recreation/play area within Area 2 located to the north of Buildings 30 and 31. The other bike parking area is located on the southern portion of the site adjacent to Building 35. In order to ensure that the proposed development conforms to the bike parking location standards of SRC 806.060(a)(1), the following condition of approval shall apply:

Condition 8: All bicycle parking areas within the development shall be located in conformance with the bicycle parking location standards of SRC 806.060(a)(1).

The proposed development, as conditioned, conforms to this standard.

Bicycle Parking Access. SRC 806.060(b) requires bicycle parking areas to have direct and accessible access to the public right-of-way and the primary building entrance that is free of barriers which would require users to lift their bikes in order to access the bicycle parking area. As shown on the site plan, proposed bike spaces are located outside building entrances and can be accessed via barrier free routes that include the network of pedestrian paths/sidewalks included within the development that connect to the public sidewalks on the streets within and abutting the subject property. The proposal conforms to this standard.

Bicycle Parking Dimensions. SRC 806.060(c) requires bicycle parking spaces to be a minimum of 2 feet in width (*min. 1.5 ft when spaces are located side-by-side*) by 6 feet in length and served by a minimum 4-foot-wide access aisle. When bicycle parking spaces are located adjacent to a wall, a minimum clearance of two feet is required between the bike rack and the wall.

As shown on the site plan, all of the bike parking spaces included within the development meet the minimum required bike parking dimension, access aisle, and clearance requirements of SRC 806.060(c).

Bicycle Parking Area Surfacing. SRC 806.060(d) requires bicycle parking spaces located outside a building to consist of a hard surface material meeting the Public Works Design Standards. As shown on the site plan, the proposed bike parking spaces will be located on concrete paved pad areas in conformance with this standard.

Bicycle Racks. SRC 806.060(e) establishes requirements for bicycle racks. Based upon these standards, bicycle racks are required to:

- 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;
- Allow the bicycle frame and at least one wheel to be located to the rack with a high security U-shaped shackle lock;
- Be of a material that resists, cutting, rusting, and bending or deformation; and
- Be securely anchored.

As shown on the plan, staple/inverted style bike racks will be provided. The proposed bike racks conform to the design/style and material requirements of SRC 806.060(e) and will be securely anchored.

Off-Street Loading Areas.

Minimum off-street loading requirements are established under SRC 806.075, Table 806-9. The minimum loading requirement for the proposed development is as follows:

Minimum Loading		
Multiple Family	200 or more dwelling units	Min. 3 spaces ⁽¹⁾ (12 ft. W x 19 ft. L x 12 ft. H)
Notes (1) 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.		

Based on the above identified minimum off-street loading requirement, the proposed 396-unit multiple family development requires a minimum of three loading spaces. As shown on the site plan, the proposed development includes a total of three loading spaces in conformance with the minimum off-street loading requirements of SRC Chapter 806. Each of the loading spaces are 12 feet in width by 19 feet in depth and have unobstructed vertical clearance. Because a recreational building is provided on both the eastern portion of the site and the western portion of the site, two of the proposed loading spaces are provided in conjunction with the recreational buildings. The proposed development conforms to this standard.

SRC Chapter 601 (Floodplain Overlay Zone)

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

SRC Chapter 808 (Preservation of Trees & Vegetation)

The City's tree preservation ordinance (SRC Chapter 808) protects:

- 1) Heritage Trees;
- 2) Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree with a *dbh* of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
- 3) Trees and native vegetation in riparian corridors; and
- 4) 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."

As identified in the application materials submitted by the applicant, there are existing trees located on the subject property but none of the trees are Heritage Trees, significant trees, or riparian corridor trees or native vegetation. Based on the proposed use of the property and the types of tree present, none of the trees on the site are protected under SRC Chapter 808.

SRC Chapter 809 (Wetlands):

The Salem-Keizer Local Wetland Inventory identifies a mapped wetland area located in the western portion of the site adjacent to Miller Elementary School. There is also a band of hydric (wetland-type) soils present in the eastern corner of the site adjacent to Cordon Road SE.

According to the wetland delineation report approved by the Oregon Department of State Lands (DSL) on October 24, 2022, there are two wetland areas on the subject property. The first wetland area, Wetland A, totals approximately 1.01 acres in size, is located in the western portion of the site, and coincides with the location of the Salem-Keizer LWI mapped wetland area on the portion of the property adjacent to Miller Elementary School. In addition to the wetland area in this portion of the site, the delineation report also identifies an intermittent stream located between Wetland A and the northern boundary of the subject property adjacent to the southeast corner of the Miller Elementary School property.

The second wetland area, Wetland B, totals approximately 0.32 acres in size and is located in the eastern portion of the site adjacent to Cordon Road SE where the band of mapped hydric soils is present. In addition to the wetland area in this portion of the site, the delineation report also identifies an on-site ditch, 20 feet of which is identified as part of Wetland B.

The existing conditions plan submitted by the applicant (**Attachment B**) identifies both the existing wetland area in the western portion of the site and the wetland area in the eastern corner of the site adjacent to Cordon Road SE where the band of hydric soils is present. As shown on the site plan, the proposed development is located outside Wetland A but Wetland B in the eastern portion of the site will be impacted as a result of the proposed development.

Due to the presence of wetlands and hydric soils on the site, notice of the proposed development was provided to the DSL pursuant to the requirements of SRC 809.025. 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.

The wetland delineation report approval issued by the DSL indicates that the two wetland areas, the intermittent stream, and the 20-foot portion of ditch are subject to the permit requirements of the state Removal-Fill Law and that under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or ore in wetlands or below the ordinary high-water line of the waterway.

Because the proposal includes development in the mapped wetland area in the eastern portion of the site, the following condition of approval shall apply to ensure conformance with SRC Chapter 809:

Condition 9: Prior to building permit approval, provide evidence that any required State and/or Federal permits have been obtained for development within any delineated wetland area on the site. If any required State and/or Federal permits cannot be obtained, the proposed development shall be reconfigured to avoid the wetland area. Such reconfiguration shall require a modification to the approval if the reconfiguration is not within substantial conformance of the original approval.

The proposed development, as conditioned, conforms to the requirements of SRC Chapter 809.

SRC Chapter 810 (Landslide Hazards)

SRC 810.020 requires a geological assessment or report when regulated activity is proposed in a mapped landslide hazard area. The proposed development does not disturb any portion of a mapped landslide hazard area; therefore, a geological assessment is not required. The mapped landslide hazard areas are limited to Cordon Road SE.

SRC 220.005(f)(3)(B): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: The subject property has frontage on Cordon Road SE; Highway 22 abuts the property to the south and west; and three dead-end streets, Whitaker Drive SE, Clydesdale

Drive SE, and Seattle Slew Drive SE, extend to the boundaries of the subject property.

Primary vehicular access to the development is proposed to be taken from an extension of Whitaker Drive, which will extend through the property to connect to Clydesdale Drive to the north. No vehicular access is proposed from the subject property to either Highway 22 or Cordon Road SE.

Cordon Road SE is designated as a Parkway street under the City's Transportation System Plan (TSP) requiring an 80-foot-wide improvement within a 120-foot-wide right-of-way. Comments from the Public Works Department (**Attachment H**) indicate that Cordon Road is currently improved with an approximate 36-foot-wide to 46-foot-wide improvement within a variable-width right-of-way abutting the subject property.

Whitaker Drive SE is designated as a local street under the City's TSP requiring a 30-foot-wide improvement within a 60-foot-wide right-of-way. Comments from the Public Works Department indicate that Whitaker Drive is currently improved to an approximate 30-foot-wide improvement within a 60-foot-wide right-of-way.

Both Clydesdale Drive SE and Seattle Slew Drive SE are local streets under the jurisdiction of Marion County. The Public Works Department indicates that these streets are currently improved with approximate 34-foot-wide improvements within 60-foot-wide rights-of-way.

Because the existing configuration of Cordon Road SE does not meet current standards for its street classification under the TSP, the following conditions of approval shall apply:

Condition 10: Convey land for dedication to equal a half-width right-of-way of 60-feet on the development side of Cordon Road SE, where the existing right-of-way is inadequate.

Condition 11: Construct a half-street improvement along the frontage of Cordon Road SE to parkway street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 or pay a fee-in-lieu of construction pursuant to SRC 200.405.

Removal of street trees in the Cordon Road right-of-way may be required if the applicant elects to construct boundary street improvements instead of a payment in lieu of improvements. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86. In order to ensure that any necessary removal of trees within the public street right-of-way are removed in accordance with the requirements of SRC Chapter 806, the following condition of approval shall apply:

Condition 12: If the removal of any trees with the public street right-of-way is necessary in order to accommodate the proposed development, a street tree removal permit shall be required pursuant to SRC Chapter 86.

SRC 86.015(e) requires development along public streets to plant new street trees to the maximum extent feasible. In order to ensure that the proposed internal streets within the development include street trees as required under SRC 803.035(k) and SRC Chapter

86.015(e), the following condition of approval shall apply:

Condition 13: Install street trees to the maximum extent feasible along new internal streets within the development.

The proposed development is within the Gaffin Road Reimbursement District as established by Resolution 2020-5. This district provides a funding mechanism for completion of Gaffin Road SE from Cordon Road SE to Gaia Street SE by establishing a policy that all benefited properties must pay a proportional share of the cost for the street improvements. The applicant shall pay the applicable fee pursuant to Resolution 2020-5 and the Settlement Agreement resulting from Marion County Circuit Court Case No. 21CV17047. In order to ensure the proposed development pays its proportional costs of the improvements of Gaffin Road as established in the Gaffin Road Reimbursement District, the following condition of approval shall apply:

Condition 14: Pay the applicable reimbursement district fee as established in the Gaffin Road Reimbursement District pursuant to Resolution 2020-5.

In 2013, a previous comprehensive plan map amendment and zone change were approved for the subject property and abutting properties to the east (Case No CPC-ZC-PAR12-08). Condition of approval No. 1 of this decision required the following:

“Dedicate land for right-of-way and construct local streets within the subject property to provide connectivity between Cordon Road, Old Macleay Road, Seattle Slew Drive, and Clydesdale Drive. Final street configurations shall be established at the time of Site Plan Review for each parcel.”

Based on this condition of approval, the subject property and abutting properties to the east are required to include internal streets which provide connectivity between Clydesdale Drive, Seattle Slew Drive, Cordon Road, and Old Macleay Road. The configuration of the internal streets, however, is deferred to the time of site plan review for each parcel. As the properties to the east of the subject property have been developed, internal streets have been extended to provide to provide connectivity as required under the condition of approval. With the development of the subject property, connectivity between Clydesdale Drive, Seattle Slew Drive and the existing streets to the east must now be evaluated.

Pursuant to the street connectivity requirements of SRC 803.035(a), local streets are required to be oriented or connected to existing or planned streets and local streets are required to be extended to adjoining undeveloped properties for eventual connection with the existing street system. Pursuant to SRC 803.035(a)(1) & (2), street connectivity is not required, however, in situations where physical conditions or topography, including but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water make a street connection impracticable; or where existing development on adjacent property precludes a current or future connection.

The applicant's site plan shows a public street connection from Whitaker Drive SE to Clydesdale Drive SE which ultimately provides access to Macleay Road SE and Cordon Road SE. An extension of Seattle Slew Drive is not however, included within the

development due to the relative close proximity of Seattle Slew Drive to Clydesdale Drive; the irregular shape of the western portion of property and the presence of mapped wetlands; because street connections to the south and west are not possible due to the property's proximity to Highway 22; because there is no ability for an extension of the street to exit anywhere but at the existing terminus of Whitaker Drive at the east side of the property; and the impacts that an extension of Seattle Slew Drive would have on the development by further bisecting it in a relatively confined area. Seattle Slew Drive is instead proposed to be terminated with a cul-de-sac turnaround in conformance with the requirements of SRC 803.035(f) and, as shown on the site plan, a 10-foot-wide multi-use path is proposed along the northern portion of the property from Clydesdale Drive to the southern property line of the Miller Elementary School property to provide for pedestrian access and connectivity to the school.

Because condition of approval No. 1 of CPC-ZC-PAR12-08 deferred the establishment of final street configurations to the time of site plan review approval for the development of each parcel when requirements for street access and connectivity could be evaluated in association with the specific development proposals for each property, flexibility is afforded in the condition of approval in regard to how connectivity requirements can be met. Due to the physical limitations associated with the site, an extension of Whitaker Drive through the property to connect to Clydesdale Drive together with a multi-use path through the property to provide pedestrian access and connectivity to Miller Elementary School satisfies both the requirements of condition of approval No. 1 of CPC-ZC-PAR12-08 and the connectivity requirements of SRC Chapter 803. In order to ensure the requirements of condition of approval No. 1 of CPC-ZC-PAR12-08 and the connectivity requirements of SRC Chapter 803 are met, the following condition of approval shall apply:

Condition 15: Construct a bike/pedestrian walkway within a minimum 15-foot-wide public access easement from the northern corner of the property to Miller Elementary school pursuant to Public Works Design Standards. This shall include upgrading the existing 5-foot-wide sidewalk to 10-feet.

In order to mitigate the potential traffic impacts resulting from the previous comprehensive plan change and zone change of the subject property and the abutting properties to the east, condition of approval No. 2 of CPC-ZC-PAR12-08 required the following:

"Traffic impacts from future development on the subject property shall be limited to a maximum of 16,654 average daily trips generated by the proposed use or uses."

The applicant submitted a Traffic Impact Analysis (TIA) as part of the application package in order to identify any potential impacts of the proposed development on the nearby transportation network. The Assistant City Traffic Engineer has reviewed the TIA submitted by the applicant and determined that the additional number of average daily trips generated by the proposed development will not exceed the established trip cap.

The proposed development, as conditioned, satisfies this approval criterion.

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 proposed development includes on-site vehicle, pedestrian, and bicycle infrastructure which will allow for safe and efficient movement throughout the site's parking areas, driveways, and walkways. This approval criterion is met.

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 Public Works Department has reviewed the applicant's preliminary utility plans for this site. Water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The subject property is located outside of the Urban Service Area. An Urban Growth Preliminary Declaration application has been submitted as part of this consolidated land use application. As conditioned, adequate facilities will be provided to serve the proposed development.

There is an existing public water main on the property within an easement. The water main runs along the northeastern property line and the northwestern property line. The applicants preliminary site plan shows structures and stormwater infrastructure within the easement area. These are not permitted within public water main easements and shall be removed. Direct service from this main is not permitted. In order to ensure the proposed development will be adequately served with water infrastructure, the following conditions of approval shall apply:

Condition 16: No structures or stormwater facilities are permitted within the existing public water easements on the site.

Condition 17: Extend public water mains in the new internal streets to serve the development pursuant to the Public Works Design Standards (PWDS).

The *Salem Wastewater Management Master Plan* identifies the need to construct a new sewer trunk main through the property for an eventual connection between the Alexander Pump Station and Cordon Pump Station. The applicant shall construct the public main through the property and dedicate an easement of adequate width according to Public Works Design Standards. In addition, the applicant shall construct public sewer main in the new internal street to serve the proposed development.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. Because no public streets to Cordon Road SE are proposed through the development; a public sewer easement is needed to serve upstream parcels. The applicant shall dedicate a minimum 20-foot public sewer easement from proposed Street A to Cordon Road SE. In order to ensure the proposed development will be adequately served with sewer infrastructure, the following conditions of approval shall apply:

Condition 18: Construct a *Salem Wastewater Management Master Plan* identified sewer main on the subject property and dedicate an easement for the main in accordance with the Public Works Design Standards (PWDS).

Condition 19: Extend public sewer mains in the new internal streets to serve the development pursuant to the Public Works Design Standards (PWDS).

Condition 20: To serve upstream parcels, the applicant shall dedicate a minimum 20-foot-wide public sewer easement from proposed "Street A" to Cordon Road SE pursuant to the Public Works Design Standards (PWDS).

The applicant submitted a preliminary stormwater design that does not appear to meet current Public Works Design Standards. The tentative design shows stormwater facilities in the existing public water easement, which is not permitted. In addition, a private stormwater detention control structure design was submitted that does not meet the PWDS. It is not clear from the information submitted whether or not the proposed design complies with SRC Chapter 71 and the PWDS. Lack of design elements at this stage may require modification to the land use decision once a complete design is reviewed. In order to ensure the provision of adequate stormwater infrastructure to serve the proposed development, the following condition of approval shall apply:

Condition 21: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and the Public Works Design Standards (PWDS).

The proposed development is not served by a City park. The Comprehensive Parks System Master Plan shows two future Neighborhood Parks (NP 23 or 24) planned to serve the area. A temporary access fee (TAF) may be provided in lieu of parks dedication pursuant to SRC 200.080. The TAF amount is 15.6 percent of the Parks SDC based on the following analysis:

- Pursuant to the SDC Eligible Projects (309) List, the total SDC costs for neighborhood park acquisition are estimated to be \$31,525,420, where the total Parks SDC costs for all eligible expenditures are estimated to be \$201,740,010.
- The ratio of neighborhood park acquisition among all Parks SDC expenditures is \$31,525,420 divided by \$201,740,010 or 15.6 percent.
- The temporary access fee for neighborhood park acquisition is equal to the ratio of neighborhood park acquisition among all Parks SDC expenditures, which equals 15.6 percent of the Parks SDCs due for the development. The parks TAF shall be paid at time of final plat and shall not be credited at time of building permit.

In order to the proposed development is adequately served by park facilities, the following condition of approval shall apply:

Condition 22: As a condition of the proposed residential use, the applicant has two options for providing park facilities to serve the subject property:

- a) Convey or acquire property for dedication of neighborhood park (NP 23 or 24) facility or equivalent; or
- b) Pay a temporary access fee of 15.6 percent of the Parks SDCs generated by the proposed residential uses.

The proposed development, as conditioned, satisfies this approval criterion.

14. Analysis of Class 1 Design Review Approval Criteria

Pursuant to SRC 702.005(a), multiple family developments of thirteen or more dwelling units require Class 1 Design Review according to the multiple family design review standards of SRC 702.020.

Salem Revised Code (SRC) 225.005(e)(1) sets forth the criteria that must be met before approval can be granted to an application for Class 1 Design Review. Pursuant to SRC 225.005(e)(1), an application for a Class 1 Design Review shall be approved if all of the applicable design review standards are met.

Because the proposed development includes 396 dwelling units, the proposal is subject to applicable multiple family design review standards of SRC 702.020.

The following subsections are organized with the multiple family design review standard shown in ***bold italic***, followed by findings evaluating the proposal for conformance with the design review standard. Lack of compliance with the following design review standards is grounds for denial of the Class 1 Design Review application, or for the issuance of conditions of approval to ensure the multiple family design review standards are met.

SRC 702.020(a) – Open Space Standards.

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

Finding: The subject property totals approximately 23.3 acres (1,014,948 square feet) in size. Based on the size of the subject property, the proposed development is required to include a minimum of 304,484 square feet of permanently reserved open space. As shown on the open space plan submitted by the applicant, the proposed development includes a total of 523,967 square feet of open space (*51.6% of the gross site area*). The proposed development meets this standard.

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

Finding: Based on the number of proposed dwelling units included with the development, the 174 dwelling units within Area 1 of the site require at least one common open space to be provided that is a minimum of 3,000 square feet in size with a minimum horizontal dimension of 25 feet, and the 222 dwellings units within Area 2 of the site require at least one common open space to be provided that is a minimum of 3,750 square feet in size, with a minimum horizontal dimension of 25 feet.

As shown on the open space plan (**Attachment C**), Area 1 includes a recreation/play area that is approximately 13,353 square feet in size and Area 2 includes a recreation/play area that is approximately 5,942 square feet in size for that portion of the open space area that has a horizontal dimension of 25 feet or more.

The proposed open space areas included within the development exceed minimum size requirements, have a minimum horizontal dimension of at least 25 feet, and are not located on land with slopes greater than 25 percent. The proposed development meets this standard.

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

Finding: The topography of the site is generally flat. As such, there are no areas of the site with slopes that exceed 25 percent and no open space areas on the site have slopes greater than 25 percent. The proposed development meets this standard.

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

Finding: As shown on the site plan and the floor plans for the proposed dwelling units, all of the dwelling units within the development include private open space. All of the proposed ground floor patios have dimensions of at least 6 feet and all are at least 96 square feet in size. Similarly, all of the proposed upper floor balconies have dimensions of at least 6 feet and all are at least 48 square feet in size. The proposed development meets this standard.

- (D) To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling**

units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

Finding: As shown on the site plan and the floors plans for the proposed dwelling units, all of the proposed dwelling units include private open space in the form of ground floor patios and upper floor balconies the conform to the size and dimension standards set forth in Table 702-4. Each of the private open space areas is located contiguous to the dwelling unit they serve and all are accessible from the dwelling unit through a doorway. The proposed development meets this standard.

- (E) *To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.***
- (i) *Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and***
 - (ii) *Include at least one of the following types of features:***
 - a. *Covered pavilion.***
 - b. *Ornamental or food garden.***
 - c. *Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.***
 - d. *Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).***
 - e. *Swimming pool or wading pool.***

Finding: As identified on the proposed open space plan, the development exceeds minimum open space requirements without the need to utilize this standard.

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

Finding: As identified on the proposed open space plan, the development exceeds minimum open space requirements without the need to utilize this standard.

SRC 702.020(b) – Landscaping Standards.

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

Finding: The subject property totals approximately 23.3 acres (1,014,948 square feet) in size. Based on the size of the subject property, a minimum of 508 trees are required to be planted or preserved. As shown on the tree plan and the landscape plan submitted by the applicant, 36 existing trees located in the northwestern portion of the site are proposed to be preserved and a total of 277 trees are proposed to be planted. The overall total number of trees on the property is therefore 313, which falls 195 trees short of the minimum number of trees required under this standard.

In order to ensure the proposed development conforms this this design review standard, the following condition of approval shall apply:

Condition 23: Additional trees shall be planted on the subject property to equal a minimum of one tree for every 2,000 square feet of gross site area.

As shown on the landscape plans, there are a total of 27 Leyland Cypress trees proposed to be planted throughout the development. Leyland Cypress, however, do not perform well over the long-term, significant weaknesses - especially under wind and snow loads, and are not on the City's approved street tree list. In order to ensure the trees planted within the development are durable, suitable to Salem, and able to contribute to the City's long-term healthy tree canopy, the following additional condition of approval recommended by the Planning Commission shall apply:

Condition 34: The Leyland Cypress trees identified on the landscape plan shall be replaced with evergreen species on the City's approved street tree list.

The proposed development, as recommended to be conditioned, meets this standard.

- (2) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:**

- (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and**
- (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall be not allowed to satisfy this standard.**

Finding: The subject property abuts RS zoned property within both the City and Marion County to the north. This design review standard is therefore applicable to the proposed development.

In review of the proposed site plan and landscape plan, there are areas along the northern property line of the subject property where the site abuts RS zoned property to the north where the minimum required one tree for every 30 linear feet is not provided. In addition, the plans also do not identify a minimum 6-foot-tall decorative sight-obscuring fence as being provided between the subject property and the abutting RS zoned properties to the north.

In order to ensure the proposed development provides landscaping and screening as required by this design review standard to buffer the proposed development from the abutting RS zoned properties within the City and Marion County to the north, the following condition of approval shall apply:

Condition 24: Along those portions of the northern property line of the subject property which abut RS zoned property within the City and Marion County to the north, landscaping and screening shall be provided in conformance with the following standards:

- a) A minimum of one tree, not less than 1.5 inches in caliper, shall be provided for every 30 linear feet of abutting property width; and
- b) A minimum six-foot tall, decorative, sight-obscuring fence or wall shall be provided. 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.

The proposed development, as conditioned, meets this standard.

(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: As shown on the landscape plans, shrubs are arranged around each building on site, including at the primary entryways to each building. The proposed development conforms to this standard.

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

Finding: In review of the landscaping plans, not all buildings within the proposed development include trees planted around their perimeter which meet the minimum number of plant units required by this design review standard. The proposed buildings that do not include the minimum number of required trees around their perimeter include Buildings 2, 3, 5, 9, 10, 12, 14, 15, 18, 21, 22, 23, 24, 27, 29, 31, 33, 34, 35, and 36. In order to ensure the development includes trees located around all proposed buildings in conformance with this design review standard, the following condition of approval shall

apply:

Condition 25: New trees shall be planted, or existing trees shall be preserved, around all buildings within the development 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.

The proposed development, as conditioned, meets this standard.

(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: As shown on the landscape plans, shrubs are proposed to be planted around the perimeter of all buildings in conformance with the planting density required by this design standard. The proposed development meets this standard.

(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: As shown on the landscape plans, landscaping in the form of shrubs is provided around ground level private open space areas to screen them from abutting common open space areas. The proposed development meets 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: As shown on the landscape plans, the development includes a minimum nine-foot-wide planter bay at a spacing of not more than one bay for every twelve parking spaces. A minimum of one canopy tree is also provided within each proposed planter bay in conformance with this design review standard.

A majority of the off-street parking areas within the development do not, however, include the minimum required one canopy tree planted along every 50 feet of the perimeter of the parking area. In order to ensure canopy trees are planted around the perimeter of the off-street parking areas within the development in conformance with this design review standard, the following condition of approval shall apply:

Condition 26: The off-street parking areas within the development shall include a minimum of one canopy planted along every 50 feet of the perimeter of the parking area. The trunks of the trees shall be located within ten feet of the edge of the parking area.

The proposed development, as conditioned, meets this standard.

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

Finding: Because the proposed development includes a total of 396 dwelling units it is exempt from the parking lot and vehicle use area landscaping requirements of SRC Chapter 806.

SRC 702.020(c) – Site Safety and Security.

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

Finding: As shown on the floor plans and building elevations for the proposed buildings, windows are provided in the habitable rooms of all buildings, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths with the exception of Buildings 1, 3, 4, 15, 16, 18, 25, 35, and 36. In order to ensure that windows are provided within all of the habitable rooms of these buildings in conformance this design review standard, the following condition of approval shall apply:

Condition 27: Buildings 1, 3, 4, 15, 16, 18, 25, 35, and 36 shall include windows in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths.

The proposed development, as conditioned, meets this standard.

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

Finding: A lighting plan was not submitted by the applicant demonstrating how exterior dwelling unit entrances, parking areas, and pedestrian paths will be illuminated to enhance visibility and resident safety in conformance with this design review standard. In order to ensure that on-site lighting is provided within the development which conforms to this design review standard, the following condition of approval shall apply:

Condition 28: The proposed development shall include lighting which illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development to enhance visibility and resident safety.

The proposed development, as conditioned, meets this standard.

(3) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility

of dwelling unit entrances from the street. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.

Finding: The applicant's development plans show compliance with this standard. No fences, walls, or landscaping is proposed to be provided which would obstruct visibility of dwelling unit entrances from the street.

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

Finding: The applicant's development plans indicate that landscaping is limited in height around common open space, parking areas, and entryways to encourage visual surveillance of these areas.

SRC 702.020(d) – Parking and Site Design.

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

Finding: As shown on the site plan and landscape plans, the off-street parking areas included within the development are physically and visually separated with landscape planter bays a minimum of nine feet in width in order to ensure that there are no continuous pavement surfaces greater than 6,700 square feet in size. The proposed development meets 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: With the exception of the off-street parking area located between Building 29 and the proposed cul-de-sac turnaround of Seattle Slew Drive SE to the west, the off-street parking areas within the development have been designed so they are either located behind or to the side of buildings or structures in conformance with this design review standard.

Because a proposed off-street parking area is located between Building 29 and an adjacent street, the applicant has requested a Class 2 Adjustment to this design review standard. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 15 of this report.

- (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 properties to the north but because the topography of the site is generally flat, there are no areas adjacent to these RS zoned properties where the site is located uphill from them with a slope that is 15 percent or greater. This standard is therefore not applicable to the proposed development.

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

Finding: As shown on the site plan, the proposed development includes a network of pedestrian pathways which connect to and between buildings, common open space, and parking areas, and which connect the development to the public sidewalks along adjacent streets. The proposed development meets this standard.

SRC 702.020(e) – Façade and Building Design.

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

Finding: As shown on the floor plans and elevations for the proposed buildings, none have a dimension that is greater than 150 feet. The proposed development meets 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. 702.020(b)(2)(B) is increased to eight feet tall.**

Finding: The subject property abuts RS zoned properties in the City and Marion County to the north. The proposed development is therefore subject to this design review standard which requires buildings adjacent to RA and RS zoned properties to be setback according to the increased setback requirements included under Table 702-5, which bases the minimum required setback on the height of the proposed building. Pursuant to Table 702-5, building two or more stories in height are required to be setback a minimum of 1-foot for each 1-foot of building height, but in no case can the

minimum required setback be less than 20 feet.

The buildings included within the development that are located closest to the abutting RS zoned properties to the north include Buildings 6, 7, 8, and 29. As shown on the elevation drawings for these buildings, each is 34 feet in height. Based on the setback requirements of Table 702-5, the minimum required setback for these buildings from the abutting RS zoned property is therefore 34 feet.

As shown on the site plan, each of these buildings is setback 34 feet from the abutting RS zoned property to the north. The proposed development meets this standard.

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

Finding: The subject property abuts RS zoned properties in the City and Marion County to the north. The buildings within the development that include balconies located on building facades that face the abutting RS zoned properties, and are not otherwise separated from them by a street, include Buildings 7, 8, 27, and 28.

As shown on the elevation drawings for these buildings, the balconies for these units are not fully sight-obscuring. In order to ensure that the balconies provided for Buildings 7, 8, 27, and 28 meet the opacity requirements of this design review standard, the following condition of approval shall apply:

Condition 29: The proposed balconies for Buildings 7, 8, 27, and 28 shall have fully sight-obscuring railings.

The proposed development, as conditioned, meets this standard.

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

Finding: The applicant has requested a Class 2 Adjustment to this design review standard to allow less than 40 percent of the buildable width of the street frontages of the property adjacent to Cordon Road SE, proposed A Street, and the proposed cul-de-sac turnaround of Seattle Slew Drive SE.

Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 15 of this report.

- (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 an architecturally defined primary building entrance facing that street, with direct pedestrian access to adjacent sidewalks.***

Finding: The applicant has requested a Class 2 Adjustment to this design review standard to allow the proposed buildings within the development located within 25 feet of proposed A Street and Cordon Road to be developed without an architecturally defined primary entrance facing the street with direct pedestrian access to adjacent sidewalks. Analysis of the Class 2 Adjustment request is included in Section 15 of this report.

- (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: As illustrated on the proposed building elevations, the shared porches/entry areas for the ground floor units within the development conform to this design review standard. No more than four ground level dwelling units include a shared entry, and all ground level dwelling unit shared entries are differentiated with gabled projecting porch-like entries. The proposed development meets 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: None of the proposed buildings within the development have roof mounted mechanical equipment. This standard is therefore not applicable to the proposed development.

- (8) *To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 702-4)***

Finding: As shown on the building elevations, none of the buildings within the proposed development have an uninterrupted horizontal roof line greater than 100 feet in length with the exception of Buildings 2, 9, 11, 14, 20, 22, 32, 33, and 34. The uninterrupted horizontal roofline length of these buildings is approximately 108 feet, which exceeds the maximum allowed 100-foot length without either a difference in elevation of at least four feet in height or a cross gable or dormer a minimum of four feet in length.

In order to ensure that these proposed building conform to this design review standard, the following condition of approval shall apply:

Condition 30: The roof lines of Buildings 2, 9, 11, 14, 20, 22, 32, 33, and 34 shall be reconfigured to not exceed a horizontal length of 100 feet without providing either differences in elevation of at least for feet in height or a cross gable or dormer that is a minimum of four feet in length.

The proposed development, as conditioned, meets 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: As shown on the site plan and proposed building elevations, the buildings included within the development incorporate offsets throughout each floor of the buildings vertical face to break up the appearance of building bulk. Offsets provided provide are at least four feet in depth and at least six feet in width. The proposed development meets 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: As shown on the proposed building elevations, the ground floors of all buildings within the development are distinguished from the upper floors through the utilization of a horizontal trim boards. The proposed development meets this standard.

15. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in **bold italic**, 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 has requested three Class 2 Adjustments in conjunction with the proposed development. The adjustments include:

- a) Allow parking to be located between Building 29 and the proposed cul-de-sac of Seattle Slew Drive SE (SRC 702.020(d)(2));

- b) Allowing less than 40 percent of the buildable width of the street frontage of the subject property adjacent to Cordon Road SE, proposed A Street, and the cul-de-sac of Seattle Slew Drive SE to be occupied by buildings placed at the setback line (SRC 702.020(e)(4));
- c) Allow ground-level dwelling units located within 25 feet of the property line abutting a street to be developed without an architecturally defined primary building entrance facing the street (SRC 702.020(e)(5));

Off-Street Parking Location (SRC 702.020(d)(2)):

The applicant has requested a Class 2 Adjustment to SRC 702.020(d)(2), which requires off-street parking areas for multiple family developments to be behind or beside buildings and to not be located between a building or structure and a street.

The underlying purpose of this standard is to ensure that a pedestrian-friendly environment is created along streets where the public right-of-way is framed by buildings and active space rather than vehicles and large expanses of pavement.

In the case of the proposed development, Building 29 is located between proposed A Street, which extends through the site to connect Whitaker Drive SE to Clydesdale Drive SE, and the cul-de-sac turnaround at the proposed terminus of Seattle Slew Drive SE. Due to the relatively short distance between A Street and the cul-de-sac turnaround of Seattle Slew Drive, it would generally be difficult to locate another building to the west of Building 29 and the parking and still meet applicable development standards. Because Seattle Slew Drive is not intended to be a principle means of access to the development, the siting of Building 29 in proximity to A Street with the parking area located behind the building to the west better meets the underlying purpose of the standard to promote an inviting and pedestrian-friendly environment along A Street, which is the more significant street. This approval criterion is met.

Buildable Width (SRC 702.020(e)(4)):

The applicant has requested a Class 2 Adjustment to SRC 702.040(e)(4), which requires buildings to occupy a minimum of 40 percent of the buildable width of each street frontage of a lot.

As shown on the site plan submitted by the applicant, there are three streets within and abutting the proposed development where the buildable width design review standard of SRC 702.040(e)(4) applies. The streets include A Street, which is a new street proposed to be extended through the property to connect between Whitaker Drive SE and Clydesdale Drive SE; Cordon Road SE, which is an existing street abutting the property to the south; and Seattle Slew Drive SE, which is an existing street proposed to be extended a short distance into the property from the north in order to provide a cul-de-sac turnaround.

As indicated in the written statement provided by the applicant (**Attachment F**), the proposed development does not provide a minimum of 40 percent of the buildable width of the property's Cordon Road, A Street, and Seattle Slew Drive with buildings located at the IC zone's minimum 5-foot setback line. The applicant explains that this is in part due to a

minimum required 10-foot-wide public utility easement (PUE) being required along the street frontages of the property and in the case of Cordon Road SE, the higher volume of traffic on that street and the need to accommodate a stormwater detention facility for storm drainage in the eastern corner of the site adjacent to Cordon Road which further reduces the amount of land area available along the Cordon road frontage for building placement.

The underlying purpose of the buildable width standard is to provide a pedestrian-friendly development pattern with buildings located close to the sidewalks with convenient pedestrian access and to enhance visual interest and activity along the street.

The written statement provided by the applicant indicates that the underlying purpose of this standard is equally or better by the proposed development through buildings still being setback relatively close to the street. The applicant further explains that the proposed development will include additional landscape areas throughout the site along with pedestrian paths/sidewalks and visually appealing buildings, all of which help to create a pedestrian friendly environment along the streets.

Staff concurs with the findings included in the applicant's written statement. Although the street frontages of the development will not include a minimum of 40 percent their widths with building placed at the 5-foot setback line of the IC zone, the proposed buildings will, however, as identified on the site plan, occupy at least 40 percent or more of the buildable width of the Cordon Road and A Street frontages of the property with buildings setback a slightly greater distance of around 20 feet, which is consistent with what is required for buildable width within the RM-II (Multiple Family Residential) zone. As illustrated on the site plan, the proposed development will result in approximately 56 percent of the south and west frontage of A Street with buildings placed at the slightly greater proposed setback line; approximately 56 of the north and east A Street frontage; and approximately 45 percent of the Cordon Road frontage. Due to the three-story height of the proposed buildings and their spacing along the street, they will still continue to provide a sense of framing or enclosing the public street right-of-way width buildings in order to promote a more urban aesthetic and attractive and pedestrian friendly environment along the streets.

In regard to the buildable width associated with the proposed cul-de-sac turnaround of Seattle Slew Drive SE. This street is not intended to be a primary means of access to the site. As such, the proposed buildings are more appropriately setback closer to the frontage of proposed A Street to the east in order to emphasize that street as the more urban and pedestrian-friendly environment. This approval criterion is met.

Ground Floor Dwelling Units Entrances Facing the Street (702.020(e)(5)):

The applicant has requested a Class 2 Adjustment to allow the ground floor dwelling units in Buildings 1, 2, 3, 4, 5, 6, 11, 29, 32, 33, 34, 35, and 36 located with 25 feet of proposed A Street and the ground floor dwelling units Buildings 17, 18, and 19 located within 25 feet of Cordon Road to be developed without an architecturally defined primary building entrance facing the street

The purpose of this standard is to orient the primary building entrances of ground floor dwellings units to the street when units are located in close proximity to the street. As

shown on the building floor plans and elevations, because the rear back patio and balcony areas of the dwelling units are located closest to the street, the proposed building designs give the appearance that one is approaching the rear more private side of the dwelling units within the building rather than the more formal and forward facing front entrance. In addition, because the ground floor units facing the street do not include architectural definition to delineate them, the entrances into the dwelling units give the further appearance that they are not the intended primary building entrance which is counter to the underlying purpose of this design review standard.

Because the proposed development does not equally or better meet the underlying purpose of this design review standard, this Class 2 Adjustment request is denied and the following condition of approval shall be placed on the Class 1 Design Review approval:

Condition 31: 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.

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 IC (Industrial Commercial) zone. The IC zone is not a residential zone. This approval criterion is therefore not applicable to the proposed development.

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: A total of three Class 2 Adjustments have been requested in conjunction with the proposed development. The requested adjustments concern deviations from specific design review standards applicable to the development which alter the appearance of the proposed multiple family development, but not in a manner which results in impacts on surrounding properties of or a development pattern that is inconsistent with the overall purpose of the IC zone.

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. As such, the following condition of approval shall apply:

Condition 32: The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

The proposed development, as conditioned, satisfies this approval criterion.

16. 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 in **bold**, 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 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed development includes a total of four driveway approaches onto the internal local streets within the development. Three of the driveway approaches are from proposed A Street and the fourth driveway approach is from the proposed cul-de-sac turnaround at the terminus of Seattle Slew Drive SE.

The Public Works Department reviewed the proposed driveway approaches for conformance with the requirements of SRC Chapter 804 and provided comments indicating that the proposed driveway approaches meet the standards of SRC Chapter 804 and the Public Works Design Standards. This approval criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: The Public Works Department reviewed the proposal and determined that no site conditions exist prohibiting the location of the proposed driveway approaches. This approval criterion is met.

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

Finding: The subject property is served by Whitaker Drive SE, Clydesdale Drive SE, and Seattle Slew Drive SE, all of which are local streets under the City's Transportation System Plan (TSP). Cordon Road SE, a Parkway street under the City's TSP, abuts the property to the south. As shown on the site plan, the four proposed driveway approaches are from the local streets within the development and no vehicular access is proposed to be taken from Cordon Road. Because no driveway approaches are proposed onto an arterial street, the proposed development meets this approval criterion.

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 driveway approaches take access to the lowest classification of street abutting the subject property. This approval criterion is met.

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

Finding: The proposed driveway approaches 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: The Public Works Department reviewed the proposed driveway approaches for conformance with the requirements of SRC Chapter 804 and indicated that 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. This approval criterion is met.

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

Finding: The Public Works Department reviewed the proposed driveway approaches and indicated that staff analysis of the proposed driveway approaches and the evidence that has been submitted indicate that the location of the proposed driveway approaches will not have any adverse impacts to the adjacent properties or streets. This approval criterion is met.

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

Finding: The Public Works Department reviewed the proposed driveway approaches and provided comments indicating that the proposed driveway approaches are located onto local streets and do not create a significant impact to adjacent streets and intersections. This approval criterion is met.

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 north and east and a State highway and Parkway street to the west and south. The proposed driveway approaches 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. This approval criterion is met.

Attachments:

- A. Vicinity Map, Comprehensive Plan Map and Zoning Map
- B. Existing Conditions Plan
- C. Site Plans
- D. Landscaping Plans
- E. Building Elevations

- F. Applicant's Written Statement
- G. Public Comments
- H. City of Salem Public Works Department Comments
- I. Salem-Keizer School District Comments
- J. Cherriots Comments
- K. Oregon Department of Transportation Comments

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