

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY
DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

SUBJECT: **CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 AND
CLASS 1 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT
CASE NO. CU-SPR-ADJ-DAP19-08
4700 BLOCK OF LIBERTY ROAD S
AMANDA NO. 19-117677-ZO, 19-114007-RP, 19-117679-ZO, 19-
122832-ZO & 19-117682-ZO**

REQUEST

Summary: Proposed mixed-use development with three buildings, including 26 multi-family residential units, and approximately 10,242 square feet of retail floor area.

Request: A Conditional Use Permit and Class 3 Site Plan Review request for a proposed mixed-use development with three new buildings, including 26 multi-family residential units and approximately 10,242 square feet of retail floor area, a Class 2 Adjustment request to eliminate the required interior setback for the off-street parking area, and a Class 1 Adjustment to reduce the minimum driveway spacing requirement, for property approximately 1.47 acres in size, zoned CR (Retail Commercial) and CO (Commercial Office), and located at the 4700 Block of Liberty Road S - 97302 (Marion County Assessors Map and Tax Lot numbers: 083W09DB / 00400, 00500, 00600, and 01000).

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

APPLICANT/OWNER: Jim Iverson, JMI Investments

FILER: Gene Bolante, Studio 3 Architecture, Inc.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use, site plan review, adjustment and driveway approach permit applications for the proposed mixed-use development with three buildings, including 26 multi-family residential units, and approximately 10,242 square feet of retail floor area, for property located at the 4700 Block of Liberty Road S subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: Along the eastern property line, the applicant shall incorporate into the landscape design a minimum of 1 conifer tree, not less than 1-1/2 inches in caliper, for every 30 lineal feet of abutting property width.

Condition 2: The multi-family use shall contain no more than 26-dwelling units.

SITE PLAN REVIEW:

Condition 3: Prior to building permit issuance, where a proposed building crosses over existing property lines, either (1) pursuant to SRC 205.065, a property boundary verification shall be recorded, or (2) the property lines shall be adjusted or removed.

Condition 4: Development of the solid waste service area shall conform to all applicable standards of SRC Chapter 800.

Condition 5: A minimum six-foot tall sight-obscuring fence, wall, or hedge shall be provided to screen the off-street parking area from abutting residentially zoned properties to the south and east.

Condition 6: If the proposed uses for the development site will require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds, then the applicant shall find an alternative location for the off-street loading space meeting the requirements of SRC Chapter 806, and which does not conflict with the use of off-street parking spaces.

Condition 7: Prior to building permit issuance, convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Liberty Road S. The half-width shall be measured from the engineered centerline of Liberty Road S.

Condition 8: Prior to building permit issuance, convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hrubetz Road SE, and a 30-foot radius at the intersection of Hrubetz Road SE and Liberty Road S.

Condition 9: Construct a half-street improvement along the frontage of Hrubetz Road SE to Collector street standards as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803, and curb ramps at the intersection of Hrubetz Road SE and Liberty Road S.

Condition 10: Construct the incomplete portions of a half-street improvement along the frontage of Liberty Road S as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803, which may include but not be limited to property line sidewalk, street trees, and street lights.

- Condition 11:** Close existing driveways along the frontage of Liberty Road S pursuant to SRC 804.060(a)(4).
- Condition 12:** The existing well on the property shall be abandoned per Department of Environmental Quality standards or a RP assembly must be installed pursuant to Public Works Design Standards.
- Condition 13:** Obtain City approval for quitclaim of existing sewer easements located on the subject property and abandon any existing public sewer mains on the subject property.
- Condition 14:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

ADJUSTMENTS:

- Condition 15:** The adjusted interior setback and driveway spacing requirements, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

APPLICATION PROCESSING

On June 24, 2019, a Class 3 Site Plan Review was received for the proposed development. On August 7, 2019 Conditional Use Permit, Class 2 Driveway Approach Permit, and Class 1 Adjustment applications were received, and on October 30, 2019 a Class 2 Adjustment application was received. The collective applications were deemed complete for processing on November 22, 2019.

The public hearing before the City of Salem Hearings Officer is scheduled for December 18, 2019, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on November 22, 2019. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

PROPOSAL

The applicant is requesting approval for development of a mixed-use building with retail on the ground floor and 26 multi-family dwellings on the upper floors, and development of two additional retail buildings each approximately 3,300 square feet in size. The application includes a request for adjustments to eliminate the required interior setback for the off-street parking area, and to reduce the minimum driveway spacing requirement for the proposed driveway on Hrubetz Road SE.

SUMMARY OF RECORD

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

APPLICANT'S STATEMENT

The applicant's proposed development plans are included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria for the consolidated applications is included as **Attachment C**.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Commercial." The subject property is within the Urban Growth Boundary and within the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned CR (Retail Commercial) and CO (Commercial Office). In the CR zone, retail sales and services uses are permitted and multiple-family residential uses require a conditional use permit. In the CO zone, some uses in the retail sales and services use category are permitted, but others are not, multiple-family residential uses are allowed as a permitted use.

The zoning of surrounding properties is as follows:

North: Across Hrubetz Road SE; CR (Retail Commercial);

East: RM-II (Multi-Family Residential);

West: Across Commercial Street SE; CR (Retail Commercial);

South: CO (Commercial Office) and RM-II (Multi-Family Residential);

3. Site Analysis

The subject property includes four tax lots with a combined size of approximately 1.47 acres, and has approximately 243 feet of frontage on Hrubetz Road S and approximately 235 feet of frontage on Liberty Road S. The lot is bounded on the

north by Hrubetz Road SE, which is designated as a Collector in the Transportation System Plan and Liberty Road S to the west which is designated as a Major Arterial (**Attachment A**).

4. Neighborhood and Citizen Comments

The subject property is located within the Faye Wright Neighborhood Association. Notice was provided to Faye Wright and surrounding addresses and property owners within 250 feet of the subject property. At the time of this staff report, no public comments were received. Comments were received from the Faye Wright Neighborhood Association requesting that conifer trees be incorporated into the landscape buffer between proposed Building C and the east property line. The conifer component is important for two reasons, first it provides year-round screening and a recent report by the City on street trees identified a lack of conifers in Salem's urban forest. Faye Wright also indicates that they have spoken with the applicant's representative, and they have agreed to provide conifers in the landscape buffer.

Staff Response: As a condition of approval for the Conditional Use Permit, staff recommends that a minimum of one conifer tree be incorporated into the landscape design for every 30 linear feet along the eastern boundary. The recommended landscaping will provide a year-round visual barrier between the proposed mixed-use building and surrounding uses.

5. City Department and Public Agency Comments

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

The Salem Building and Safety Division reviewed the proposal and identified no issues.

The Salem Fire Department reviewed the proposal and commented:

It appears a fire department turnaround is being provided on site. Fire department access is required to be located within 150 feet of all portions of the building(s) and aerial access is required if the structure exceeds 30 feet in height. No water supply was shown on the plans. Fire hydrants are required to be provided within 400 feet of all portions of the buildings (600 feet if provided with an approved fire sprinkler system). The FDC is required to be located within 100 feet of the fire hydrant and the hose lay shall not obstruct fire department access. Items including fire department access and water supply will be reviewed at time of building permit plan review.

Salem Keizer Public Schools has reviewed the proposal and provided a memo included as **Attachment E**.

Portland General Electric (PGE) reviewed the proposal and indicated that development costs are determined by current tariff and service requirements, and a 10-foot Public Utility Easement (PUE) is required on all street front lots. Space for transformers and vaults will need to be provided, it is recommended that the applicant contact PGE directly to determine minimum clearances to the proposed buildings.

6. Analysis of Conditional Use 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.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

Criterion 1:

The proposed use is allowed as a conditional use in the zone.

Finding: SRC Chapter 522, Table 522-1 provides that multi-family uses are allowed in the CR (Retail Commercial) zone with a conditional use permit.

Criterion 2:

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Finding: The subject property is adjacent to multiple family residential zoned property to the east which is currently occupied by a single-family dwelling and multi-family residential uses. The Faye Wright Neighborhood Association has requested additional screening be provided between the proposed mixed-use building and the eastern property line. The multiple family design standards of Chapter 702 would typically require trees to be placed in the landscape buffer at a minimum interval of one tree for every 30 lineal feet of abutting property width to help provide a year-round visual barrier separating multi-family uses from abutting single family zones.

Staff recommends that the Hearings Officer adopt a condition of approval requiring conifer trees to be planted between the multi-family use and abutting single family use at the spacing interval identified below.

Condition 1: Along the eastern property line, the applicant shall incorporate into the landscape design a minimum of 1 conifer tree, not less than 1-1/2 inches in caliper, for every 30 lineal feet of abutting property width.

The development standards of the zoning code, including setbacks, building height, and landscaping, are intended to address the difference in compatibility that arises from between different uses. The scale of the mixed-use development with 26-dwelling units will have minimal impact on the immediate neighborhood. Any future increase of the development beyond 26-dwelling units will require approval of a separate conditional use permit, therefore, the following condition of approval is proposed:

Condition 2: The multi-family use shall contain no more than 26-dwelling units.

As conditioned, staff finds that the proposed development will have a minimal impact on the immediate neighborhood.

Criterion 3:

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Finding: To determine if the proposed multi-family use is reasonably compatible with the surrounding area, it is first appropriate to determine if the proposed multi-family use is consistent with the goals and policies of the Salem Area Comprehensive Plan for multi-family residential development and siting.

Residential Development (SACP IV Section E)

Establishing Residential Uses.

The location and density of residential uses shall be determined after considering the proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.

Multi-Family Housing.

Multiple family developments should be located in areas that provide walking, auto or transit connections to:

- 1) Employment Center
- 2) Shopping Areas
- 3) Transit Service
- 4) Parks
- 5) Public Buildings

Finding: Primary access to the subject property is provided by Hrubetz Road SE and Liberty Road S. Liberty Road S provides a pedestrian, bike and vehicle connection from the subject property to nearby services, including grocery stores and shopping areas. Salem-Keizer Transit (Cherriots) provides a transit route that passes by the subject property (Route 18), with the nearest stop approximately 650 feet away at the corner of Liberty Road S and Cunningham Lane S.

The subject property is approximately 0.2 miles away from the nearest public park, Wendy Kroger Park, which is to the southeast of the subject property, accessed by Pembroke Street SE or Dancers Court. In addition, Sunnyslope Park and Woodmansee Park are located within one mile of the subject property.

Wright Elementary School, Judson Middle School and Sprague High School will serve students in this area. Students residing at the proposed development are within the walk zone of Wright Elementary School, Judson Middle School and Sprague High School.

The Liberty Road corridor includes a mix of commercial and residential land uses. Grocery stores, shopping, personal services and employment opportunities are provided nearby. The proposed multi-family use for the subject property is consistent with the goals and policies of the Salem Area Comprehensive Plan for multi-family residential development and siting.

As conditioned, staff finds that the proposed development will have a minimal impact on the livability and appropriate development of surrounding property.

7. Analysis of Class 3 Site Plan Review Approval Criteria

SRC 220.005(f)(3) establishes the following approval criteria for a Class 3 Site Plan Review:

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The applicant is requesting approval for development of a mixed-use building with approximately 3,534 square feet of retail floor area on the ground floor and 26 multi-family dwellings on the upper floors, and development of two additional retail buildings each approximately 3,300 square feet in size. The proposed site plan complies with all applicable development standards with the exception of the minimum required vehicle use area setback to interior property lines, and the driveway spacing requirement for the proposed driveway on Hrubetz Road SE. Findings for the adjustments are addressed below in Section 8.

Use and Development Standards – CO (Commercial Office) Zone:

SRC 521.005(a) – Uses:

Finding: Permitted, special, and conditional uses for the CO zone are found in SRC Chapter 521, Table 521-1. Only vehicle use area serving the development site is indicated in the CO zoned portion of the property. Commercial parking is allowed as a permitted use in the CO zone per Table 521-1.

SRC 521.010(a) – Lot Standards:

The minimum lot size requirement for the CO zone is 6,000 square feet, there is no minimum lot width or lot depth standard. All uses are required to have a minimum of 16 feet of street frontage.

Finding: The CO zoned property is a flag lot and is approximately 11,000 square feet in size.

SRC 521.010(b) – Setbacks:

South: Adjacent to the south is property zoned RM-II (Multi-Family Residential). There is a minimum 15-foot building and vehicle use area setback required adjacent to a residential zone.

Finding: The proposed vehicle use area is setback approximately 16 feet from the RM-II zoned property to the south.

East: Adjacent to the east is property zoned RM-II (Multi-Family Residential). There is a minimum 15-foot building and vehicle use area setback required adjacent to a residential zone.

Finding: The proposed vehicle use area is setback approximately 15 feet from the RM-II zoned property to the east.

West: Adjacent to the west is a CO (Commercial Office) zone. There is no minimum building setback, vehicle use areas require a minimum 5-foot setback adjacent to a commercial zone.

Finding: The proposed vehicle use area is setback approximately 10 feet from the CO zoned property to the west.

SRC 521.010(c) – Lot Coverage, Height:

The maximum building lot coverage standard in the CO zone is 60 percent, the maximum height allowance for multiple family residential buildings and structures is 70 feet, and the maximum height allowance for buildings and structures for all other uses is 70 feet.

Finding: Proposed buildings A and B are approximately 25 feet in height, and proposed building C is approximately 50 feet in height, in compliance with the maximum height allowance of the CO zone.

SRC 521.010(d) – Landscaping:

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

Finding: The subject property is approximately 1.47 acres, or 64,053 square feet in size, requiring a minimum of 9,608 square feet of landscaping ($64,053 \times 0.15 = 9,607.9$). The site plan indicates that 12,906 square feet (20%) of the site will be landscaped, exceeding the minimum requirement.

SRC 521.015(a) – Design Review:

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

Finding: SRC 702.005(b)(A) provides that multiple family development within a mixed-use building is not subject to multiple family design review.

Use and Development Standards – CR (Retail Commercial) Zone:

SRC 522.005(a) – Uses:

Finding: Permitted, special and conditional uses for the CR zone are found in SRC Chapter 522, Table 522-1. Retail sales and services uses are anticipated for proposed Buildings A and B, and the ground floor commercial space for proposed Building C; however, no commercial uses have been confirmed by the applicant at this time. Site Plan Review is required to establish uses for the proposed commercial shell buildings. Multiple family residential uses require a conditional use permit in the CR zone per Table 522-1.

SRC 522.010(a) – Lot Standards:

There are no minimum lot area or dimension requirements in the CR zone. All uses are required to have a minimum of 16 feet of street frontage.

Finding: The subject property is approximately 1.47 acres in size and has approximately 243 feet of frontage along Hrubetz Road SE and approximately 235 feet of frontage along Liberty Road S, exceeding the minimum lot standards of the CR zone.

SRC 522.010(b) – Setbacks:

North: Adjacent to the north is right-of-way for Hrubetz Road SE. Buildings and

structures adjacent to a street require a minimum five-foot setback, vehicle use areas require a minimum 6-10 foot setback.

Finding: Proposed Building A is setback approximately 20 feet, and proposed Building C is setback approximately 16 feet from Hrubetz Road SE. The off-street parking and vehicle use area is setback approximately 6 feet, the applicant indicates that the vehicle use area will be screened from Hrubetz Road SE using a 3' foot tall wall consistent with SRC 806.035(c)(2)(D).

South: Adjacent to the south is property zoned CO (Commercial Office). There is no minimum building setback required adjacent to a commercial zone, vehicle use areas require a minimum 5-foot setback.

Finding: The proposed building is setback approximately 20 feet, and the off-street parking area is setback approximately 25 feet from the south property line abutting the CO zoned property to the south.

East: Adjacent to the east is property zoned RM-II (Multi-Family Residential). There is a minimum 15-foot building and vehicle use are setback required adjacent to a residential zone.

Finding: The proposed building is setback approximately 15 feet from the eastern property line, in compliance with the minimum standard.

West: Adjacent to the west is right-of-way for Liberty Road S. Buildings and structures adjacent to a street require a minimum five-foot setback, vehicle use areas require a minimum 6-10 foot setback.

Finding: Proposed Building A is setback by approximately 20 feet, and proposed Building C is setback approximately 13 feet from Liberty Road S. The off-street parking and vehicle use area is setback approximately 6 feet, the applicant indicates that the vehicle use area will be screened from Liberty Road S using a 3' foot tall wall consistent with SRC 806.035(c)(2)(D).

SRC 522.010(c) – Lot Coverage, Height:

There is no maximum lot coverage standard in the CR zone, the maximum height allowance for all buildings and structures is 50 feet.

Finding: Proposed buildings A and B are approximately 25 feet in height, and proposed building C is approximately 50 feet in height, in compliance with the maximum height allowance of the CR zone.

SRC 522.010(d) – Landscaping:

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

(3) *Development Site.* 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.

Finding: The subject property is approximately 1.47 acres, or 64,053 square feet in size, requiring a minimum of 9,608 square feet of landscaping ($64,053 \times 0.15 = 9,607.9$). The site plan indicates that 12,906 square feet (20%) of the site will be landscaped, exceeding the minimum requirement.

SRC 522.015(a) – Design Review:

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

Finding: SRC 702.005(b)(A) provides that multiple family development within a mixed-use building is not subject to multiple family design review.

General Development Standards SRC 800

SRC 800.015 provides that every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. However, the Building Code does not allow buildings to cross over existing property lines. The site plan indicates that the proposed building crosses over existing property lines. SRC 205.065(a) provides that the property boundary verification process may be used whereby the outside boundary of two or more contiguous units of land held under the same ownership may be established as the property line for purposes of application of the Building Code.

Condition 3: Prior to building permit issuance, where a proposed building crosses over existing property lines, either (1) pursuant to SRC 205.065, a property boundary verification shall be recorded, or (2) the property lines shall be adjusted or removed.

SRC 800.055(a) – Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

Finding: The site plan indicates that a new solid waste enclosure with receptacles greater than 1 cubic yard in size is proposed.

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

All solid waste receptacles shall be placed at grade on a concrete pad that is a

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

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

Finding: The design and materials for the slab is not indicated in the proposed plans, but will be reviewed for conformance with this development standard at the time of building permit review. The proposed receptacles do not appear to face each other.

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

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

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

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

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

- 1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard,

abutting property shall also include any residentially zoned property located across an alley from the property.

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

Finding: The solid waste service area is completely enclosure and screened from view from surrounding streets and residentially zoned property.

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

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

- 1) Front Opening of Enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

Finding: The width of the proposed front opening for the enclosure is 12 feet, consistent with the minimum standard.

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

Finding: The proposed site plan indicates that the enclosure walls will be cmu block. A bumper curb 12 inches inside the perimeter of the enclosure walls is required, however the curb is not indicated on the proposed plans.

Condition 4: Development of the solid waste service area shall conform to all applicable standards of SRC Chapter 800.

- 3) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening that is less than 12 feet in width, the gates shall open a minimum of 120 degrees. All gates shall have restrainers in the open and closed positions.

Finding: The proposed gates can swing to 120 degrees in compliance with this provision.

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

- 1) Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

Finding: The proposed vehicle operation area meets the minimum dimensional

requirements for service vehicle access.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

Off-street parking shall be provided and maintained for each proposed new use or activity.

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

Required off-street parking shall be located on the same development site as the use or activity it serves.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The proposal is for two building and vehicle use are for Building and grounds services and Construction Contracting business. A minimum of 0.75 space per employee is required for office uses.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

Finding: Uses falling under the retail sales and services category are anticipated for proposed buildings A and B, and the ground floor of building C. The total commercial floor area is approximately 10,242 square feet, requiring a minimum of 41 spaces ($10,242 / 250 = 40.9$). The multi-family use contains 26 dwelling units requiring a minimum of 39 off-street parking spaces. The total minimum off-street parking requirement for the proposed development is 80 spaces.

A maximum of 60 parking spaces may be compact spaces. No carpool/vanpool spaces are required for the proposed development. A maximum of 140 off-street parking spaces are allowed for the office building ($80 \times 1.75 = 140$).

The proposed site plan indicates that 80 new off-street parking spaces will be provided. Five of the parking spaces are ADA, 24 are standard size parking spaces, and 51 (64%) are compact spaces meeting the requirements of SRC Chapter 806.

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

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Adjacent to Buildings and Structures: The off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot wide landscape strip or by a minimum 5-foot wide paved pedestrian walkway.

Finding: The proposed vehicle use area complies with the minimum perimeter setback standards identified in the CR and CO zone development standards and by SRC Chapter 806, and the minimum 5-foot setback requirement adjacent to a building or structure.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas less than 50,000 square feet in size, a minimum of 5 percent of the interior parking area shall be landscaped.

Finding: The proposed parking area is approximately 29,042 square feet in size, requiring a minimum of 1,452 square feet of interior parking lot landscape area ($29,042 \times 0.05 = 1,452.1$). Approximately 2,155 square feet (7.4 percent) of interior parking lot landscaping is proposed, which exceeds the minimum interior parking lot landscaping requirement.

A minimum of 1 deciduous shade tree shall be planted for every 12 parking spaces within the off-street parking area. Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of 5 feet.

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

Finding: The proposed parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

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

Finding: The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards and wheel barriers are shown on the proposed site plan.

The parking area striping, marking, signage and lighting shall be consistent with SRC Chapter 806, required compact parking spaces shall be marked and signed per SRC 806.035(k)(2). The subject property is adjacent to residential zones to the east and south, SRC 806.035(m) requires a minimum six-foot tall sight-obscuring fence, wall, or hedge be provided to screen the off-street parking area from abutting residentially zoned property.

Condition 5: A minimum six-foot tall sight-obscuring fence, wall, or hedge shall be provided to screen the off-street parking area from abutting residentially zoned properties to the south and east.

Bicycle Parking

SRC 806.045 - General Applicability.

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

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

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

SRC 806.055 - Amount of Bicycle Parking.

Per SRC Chapter 806, Table 806-8, retail sales uses are required to provide a minimum of one space per 10,000 square feet or four bicycle parking spaces, whichever is greater. Multi-family uses are required to provide the greater of four spaces or one space per 10 dwelling units.

Finding: Buildings A and B are each approximately 3,300 square feet in size and require a minimum of four bicycle parking spaces each. Proposed building C includes approximately 3,534 square feet of retail sales floor area, requiring a minimum of four bicycle parking spaces, and also include 26 dwelling units requiring a minimum of four bicycle parking spaces.

The site plan indicates that Buildings A and B each have four bicycle parking spaces. Proposed Building C has eight bicycle parking spaces, meeting the minimum bicycle parking requirements.

SRC 806.060 – Bicycle Parking Development Standards.

Bicycle parking areas shall be developed and maintained as set forth in this section.

- a) Location. Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- c) Dimensions. Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.
- d) Bicycle Racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

Finding: The proposed site plan indicates that a new bicycle parking (staple rack) will be provided next to the primary entrance for each of the proposed buildings within 50 feet of the building entrances in compliance with minimum dimensional requirements of this section.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity.

SRC 806.075 - Amount of Off-Street Loading.

One off-street loading space is required for retail sales and services uses in buildings that are between 5,000 square feet and 100,000 square feet in size. The minimum width is 12 feet, minimum depth is 30 feet and minimum vertical clearance is 14 feet. No off-street loading spaces are required for multi-family residential uses containing less than 50 dwelling units.

Finding: The proposed site plan indicates that two loading spaces will be provided for the commercial uses within a drive aisle of the proposed off-street parking area. Loading spaces are generally not allowed in the drive aisles where the loading space would conflict with the use of off-street parking spaces. Staff recommends a condition requiring the applicant to find an alternative location for the required off-street loading space, or pursuant to SRC 806.075(a), if the applicant can demonstrate that the proposed uses do not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds, then an off-street parking space may be used to satisfy the loading space requirements.

Condition 6: If the proposed uses for the development site will require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds, then the applicant shall find an alternative location for the off-street loading space meeting the requirements of SRC Chapter 806, and which does not conflict

with the use of off-street parking spaces.

Landscaping

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

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

Finding: The proposed site plan indicates that 12,906 square feet of landscaping will be provided for the development site requiring a minimum of 645 plant units ($12,906 / 20 = 645.3$). Of the required plant units, a minimum of 280 plant units ($645 \times 0.4 = 258$) shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

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

Natural Resources

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

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

No protected riparian trees or significant trees have been identified on the site plan for removal.

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

According to the Salem-Keizer Local Wetland Inventory (LWI) there are no mapped wetlands or hydric soils found on the subject property.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. There are no areas of mapped landslide hazard located on the subject property. Commercial building permits are assigned three activity points. Per Table 810-1E, a total of three points indicates a low landslide hazard risk, a geological assessment of the property is not required for the proposed development.

Criterion 2:

The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: The existing configuration of Hrubetz Road SE and Liberty Road S do not appear to meet current standards for their classification of street per the Salem TSP. As a condition of building permit issuance, the applicant shall convey land for dedication of right-of-way equal to 48 feet from the engineered centerline of Liberty Road S, 30 feet from centerline of Hrubetz Road SE, and a 30-foot radius at the intersection of Hrubetz Road SE and Liberty Road S pursuant to SRC Chapter 803.

Condition 7: Prior to building permit issuance, convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Liberty Road S. The half-width shall be measured from the engineered centerline of Liberty Road S.

Condition 8: Prior to building permit issuance, convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hrubetz Road SE, and a 30-foot radius at the intersection of Hrubetz Road SE and Liberty Road S.

As a condition of development, the applicant shall construct a half-street improvement along the frontage of Hrubetz Road SE, and curb ramps at the intersection of Hrubetz Road SE and Liberty Road S as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803.

Condition 9: Construct a half-street improvement along the frontage of Hrubetz Road SE to Collector street standards as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803, and curb ramps at the intersection of Hrubetz Road SE and Liberty Road S.

The applicant shall also construct the incomplete portions of a half-street improvement along the frontage of Liberty Road S as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803, which may include but not be limited to property line sidewalk, street trees, and street lights.

Condition 10: Construct the incomplete portions of a half-street improvement along the frontage of Liberty Road S as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803, which may include but not be limited to property line sidewalk, street trees, and street lights.

Criterion 3:

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

Finding: The proposed driveway access onto Hrubetz Road SE will provide for safe turning movements into and out of the property.

There are two existing driveways along the frontage of Liberty Road S. The applicant shall close existing driveways along the frontage of Liberty Road S pursuant to SRC 804.060(a)(4) and rebuild sidewalk along the entire frontage of Liberty Road S in accordance with SRC Chapter 803 and PWDS.

Condition 11: Close existing driveways along the frontage of Liberty Road S pursuant to SRC 804.060(a)(4).

Criterion 4:

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

Finding: The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The applicant's plan shows water services connecting to an existing steel water main. Water connections shall instead be connected to the existing 12-inch ductile iron water main in Hrubetz Road SE. The existing well on the property shall be abandoned per Department of Environmental Quality standards or a reduced pressure backflow (RP) assembly must be installed pursuant to Public Works Design Standards.

Condition 12: The existing well on the property shall be abandoned per Department of Environmental Quality standards or a RP assembly must be installed pursuant to Public Works Design Standards.

The applicant shall obtain City approval for quitclaim of existing sewer easements located on the subject property and abandon any existing public sewer mains on the subject property.

Condition 13: Obtain City approval for quitclaim of existing sewer easements located on the subject property and abandon any existing public sewer mains on the subject property.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

Condition 14: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC) Chapter 71* and *Public Works Design Standards (PWDS)*.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

8. Analysis of Class 2 Zoning Adjustment Permit Criteria

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

Criterion 1:

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

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

Finding: The applicant is requesting a Class 2 Adjustments to eliminate the required interior setback for the off-street parking area.

The subject property consists of four separate tax lots. SRC Chapters 521 and 522, Tables 521-5 and 522-5 does not require a minimum building setback adjacent to the interior property lines, however, there is a minimum 5-foot

setback required for vehicle use areas adjacent to interior property lines.

The applicant indicates that the multiple contiguous lots are under common ownership and will be accommodating a single development. Vehicle use areas will need to encroach into the interior lot line setback in order to provide a functionally integrated parking lot design to serve multiple proposed uses on the development site; therefore, the purpose of the standard is equally or better met.

Criterion 2:

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

Finding: The subject property is not located within a residential zone; therefore, this criterion is not applicable.

Criterion 3:

If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: Class 1 and 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

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

Condition 15: The adjusted interior setback and driveway spacing requirements, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

9. Analysis of Class 1 Zoning Adjustment Permit Criteria

SRC Chapter 250.005(d)(1) provides that an applicant for a Class 1 Adjustment shall be granted if all of the following criteria are met:

Criterion 1:

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

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

Finding: The applicant is requesting a Class 1 Adjustment to allow for spacing less than the standard of 200 feet pursuant to SRC 804.030(c). The proposed driveway spacing is located approximately 180 feet from the Major Arterial street, the applicant is requesting a 10 percent reduction to the standard. The development is proposing to close two existing driveways to a Major Arterial street and construct the one new driveway to a Collector street. This driveway spacing minimizes turning conflicts along Liberty Road S, a Major Arterial. The Assistant City Traffic Engineer has reviewed the proposed driveway and finds that the turning movements and traffic safety for the proposed driveway location are equal to what would be accomplished by meeting the development standard.

Criterion 2:

The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Finding: The Assistant City Traffic Engineer has reviewed the proposed driveway location and finds that the proposed driveway location will not unreasonably impact surrounding existing or potential uses.

10. Analysis of Class 2 Driveway Approach Permit Criteria

Salem Revised Code (SRC) 804.025(d) sets forth the following criteria that must be met before approval can be granted to an application for a Driveway Approach Permit.

One new driveway access is proposed onto Hrubetz Road SE

Criterion 1:

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

Finding: The proposed driveway is located on a Collector street less than 200 feet from a Major Arterial; therefore, a Class 1 adjustment is required for driveway spacing as described below. Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS.

Criterion 2:

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

Finding: Existing site conditions do limit the locations where a driveway approach can be placed on the property, and the applicant has requested an Adjustment to the driveway approach spacing standards in SRC 804.030.

Criterion 3:

The number of driveways onto an arterial is minimized.

Finding: The proposed development reduces the number of driveways accessing onto an arterial street from two to zero.

Criterion 4:

The proposed driveway approach, where possible:

- a) Is shared with an adjacent property; or
- b) Takes access from the lowest classification of street abutting the property.

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

Criterion 5:

The proposed driveway approach meets vision clearance standards.

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

Criterion 6:

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

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

Criterion 7:

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

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

Criterion 8:

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

Finding: The property is located on the corner of a Major Arterial street (Liberty

Road S) and a Collector street (Hrubetz Road SE). The applicant is proposing a driveway to the lower classification of street and it requires a zoning adjustment to meet the spacing requirements of SRC Chapter 804. The proposed driveway approach is located on a Collector street and minimize the impact to adjacent streets and intersections by reducing the number of access points from two on a Major Arterial to one on a lower classification of street.

Criterion 9:

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

Finding: The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use, site plan review, class 1 and 2 adjustments, and driveway approach permit for a proposed mixed-use development with three buildings, including 26 multi-family residential units, and approximately 10,242 square feet of retail floor area for property located at the 4700 Block of Liberty Road S subject to the following conditions of approval:

CONDITIONAL USE:

- Condition 1:** Along the eastern property line, the applicant shall incorporate into the landscape design a minimum of 1 conifer tree, not less than 1-1/2 inches in caliper, for every 30 lineal feet of abutting property width.
- Condition 2:** The multi-family use shall contain no more than 26-dwelling units.

SITE PLAN REVIEW:

- Condition 3:** Prior to building permit issuance, where a proposed building crosses over existing property lines, either (1) pursuant to SRC 205.065, a property boundary verification shall be recorded, or (2) the property lines shall be adjusted or removed.
- Condition 4:** Development of the solid waste service area shall conform to all applicable standards of SRC Chapter 800.
- Condition 5:** A minimum six-foot tall sight-obscuring fence, wall, or hedge shall be provided to screen the off-street parking area from abutting residentially zoned properties to the south and east.

- Condition 6:** If the proposed uses for the development site will require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds, then the applicant shall find an alternative location for the off-street loading space meeting the requirements of SRC Chapter 806, and which does not conflict with the use of off-street parking spaces.
- Condition 7:** Prior to building permit issuance, convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Liberty Road S. The half-width shall be measured from the engineered centerline of Liberty Road S.
- Condition 8:** Prior to building permit issuance, convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hrubetz Road SE, and a 30-foot radius at the intersection of Hrubetz Road SE and Liberty Road S.
- Condition 9:** Construct a half-street improvement along the frontage of Hrubetz Road SE to Collector street standards as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803, and curb ramps at the intersection of Hrubetz Road SE and Liberty Road S.
- Condition 10:** Construct the incomplete portions of a half-street improvement along the frontage of Liberty Road S as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803, which may include but not be limited to property line sidewalk, street trees, and street lights.
- Condition 11:** Close existing driveways along the frontage of Liberty Road S pursuant to SRC 804.060(a)(4).
- Condition 12:** The existing well on the property shall be abandoned per Department of Environmental Quality standards or a RP assembly must be installed pursuant to Public Works Design Standards.
- Condition 13:** Obtain City approval for quitclaim of existing sewer easements located on the subject property and abandon any existing public sewer mains on the subject property.
- Condition 14:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

ADJUSTMENTS:

Condition 15: The adjusted interior setback and driveway spacing requirements, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

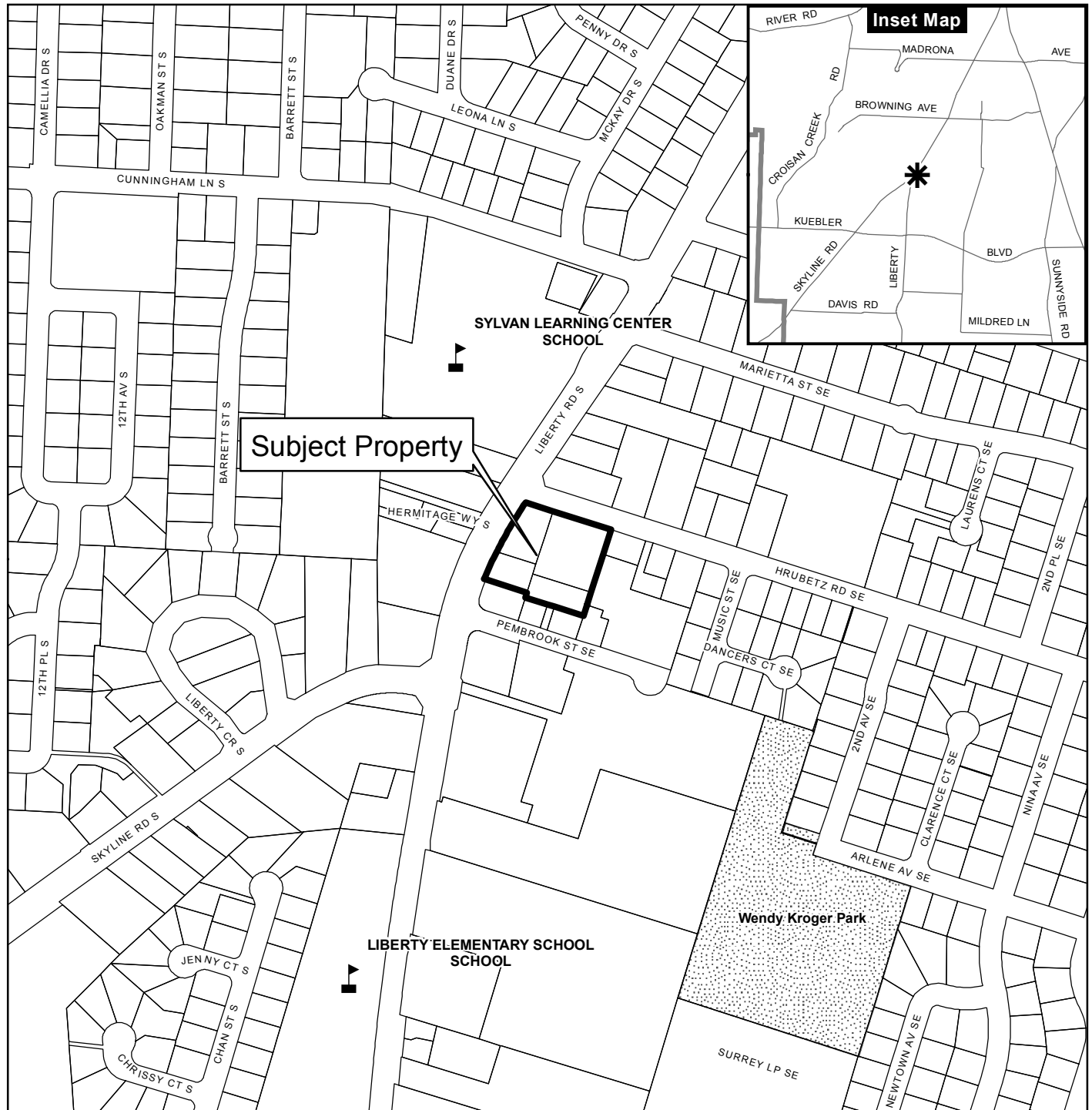
Prepared by Aaron Panko, Planner III

Application Deemed Complete Date: November 22, 2019
State Mandated Decision Date: March 21, 2020

Attachments: A. Vicinity Map
B. Proposed Development Plans
C. Applicant's Statement Addressing Approval Criteria
D. Public Works Memo
E. Salem-Keizer Public Schools Comments dated December 4, 2019

Vicinity Map

4700 Block of Liberty Road S



Legend

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

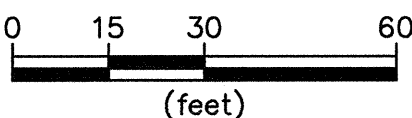
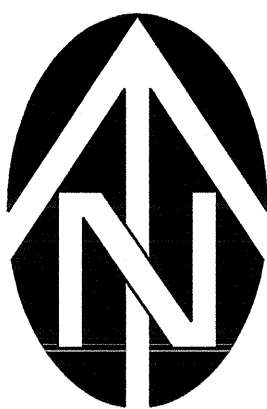
- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet





EROSION CONTROL LEGEND	
	SILT SACK INLET PROTECTION, PER DTL
	BIO BAGS, PER DTL
	SILT FENCE/CLEARING LIMITS
NOTES:	
1. NO CONCRETE WASHOUTS OR STOCKPILES ALLOWED ON SITE.	
DEMOLITION LEGEND	
	CONTRACTOR TO REMOVE
	CONTRACTOR TO PROTECT
	CONTRACTOR TO COORDINATE W/ FRANCHISE UTILITY TO REMOVE
	CONTRACTOR TO MAINTAIN THROUGH CONSTRUCTION, RELOCATE ONCE COMPLETED.
	CONTRACTOR TO ABANDON PER DEPT. OF WATER RESOURCES STANDARDS
	SAWCUT
	CONTRACTOR TO ABANDON
	ADJUST TO NEW FINISHED GRADE



ABBREVIATIONS

ASPH	ASPHALT	IRR	IRRIGATION
AD	AREA DRAIN	INV	INVERT
ASSY	ASSEMBLY	JB	JUNCTION BOX
BLDG, BLD	BUILDING	LP	LIGHT POLE
BW	BOTTOM OF WALL	M	METER, MAIN
CATV	CABLE TELEVISION	MB	MAILBOX
CB	CATCH BASIN	MH	MANHOLE
CO	CLEAN-OUT	OH	OVER-HEAD
CONC	CONCRETE	P/L, R	PROPERTY LINE
CL	CENTERLINE	PP	POWER POLE
DIP	DUCTILE IRON PIPE	PVC	POLYVINYL CHLORIDE
EG	EDGE OF GRAVEL	PWR	POWER
EOP, EP	EDGE OF PAVEMENT	R, RAD	RADIUS
ELEV	ELEVATION	ROW, R/W	RIGHT-OF-WAY
EX, EXIST	EXISTING	SS	SANITARY SEWER
FDC	FIRE DEPT. CONNECTOR	SD	STORM DRAIN
FT	FEET	SVC	SERVICE
FF	FINISH FLOOR	SWK, S/W	SIDEWALK
FG	FINISH GRADE	TC	TOP OF CURB
FI	FIRE HYDRANT	TEL	TELEPHONE
FI	FIELD INLET	TRANS	TRANSFORMER
FM	FORCE MAIN	TS	TRAFFIC SIGNAL
GRAV	GRAVEL	TW	TYPICAL
GM	GAS METER	UG, U/G	UNDER GROUND
GP	GATE POST	UTIL	UTILITY
GS	GROUND SHOT	W/	WITH
GV	GAS VALVE	WM	WATER METER
HC	HANDICAP	WLM	WETLANDS MARKER
HYD	HYDRANT	YPC	YELLOW PLASTIC CAP
IR	IRON ROD		
IP	IRON PIPE		

SYMBOLS

	AREA DRAIN		SIGN POST
	CATCH BASIN		PEDESTAL
	CLEANOUT		MAIL BOX
	FIRE HYDRANT		IRRIGATION VALVE
	GAS VALVE		LIGHT POLE
	WATER VALVE		UTILITY/POWER POLES
	GAS/POWER/WATER METER		TEST PIT
	DOWN SPOUT		MONUMENT FOUND
	MANHOLE TELEPHONE		
	MANHOLE STORM DRAIN		
	MANHOLE SANITARY SEWER		
	TREES - *TREENAME* DIAMETER (INCHES)/DRIP RADIUS (FEET)		
	NOTE: DIAMETER MEASURED AT BREAST HEIGHT		

LINE TYPES

CATV LINE	CATV	CATV	CATV	CATV	CATV	CATV	CATV
COMMUNICATION LINE	COM	COM	COM	COM	COM	COM	COM
EASEMENT LINE	---	---	---	---	---	---	---
FENCE LINE	-o-o-o-	-o-o-o-	-o-o-o-	-o-o-o-	-o-o-o-	-o-o-o-	-o-o-o-
FIBER OPTIC LINE	FOC	FOC	FOC	FOC	FOC	FOC	FOC
GAS LINE	GAS	GAS	GAS	GAS	GAS	GAS	GAS
OVERHEAD LINE	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES	OH LINES
PHONE LINE	PH	PH	PH	PH	PH	PH	PH
POWER LINE	ELEC	ELEC	ELEC	ELEC	ELEC	ELEC	ELEC
SANITARY SEWER LINE	SS	SS	SS	SS	SS	SS	SS
STORM DRAIN LINE	SD	SD	SD	SD	SD	SD	SD
WATER LINE	W	W	W	W	W	W	W

BENCHMARK UTILIZED:
CITY OF SALEM # 8207

ELEV: 476.56' NGVD 29

NE CORNER LIBERTY RD SE, AND KUEBLER BLVD SE,
8.3' NORTH OF MANHOLE, 12.2' SOUTHWEST OF SIGNAL POLE

DISCLAIMER: UTILITIES DEPICTED ARE BASED ON EVIDENCE FOUND IN THE FIELD, MUNICIPALITY AND/OR OTHER GOVERNMENT ENTITY AS-BUILT PLANS, CONTRACTOR PLANS AND OTHER DOCUMENTS OF RECORD. BARKER SURVEYING ASSUMES NO RESPONSIBILITY FOR UTILITIES THAT ARE NO LONGER IN USE, INSTALLED AFTER THE DATE OF ACTUAL SURVEY, NOT IDENTIFIED OR NOT LOCATED. THIS INCLUDES UTILITIES UPON PUBLIC OR PRIVATE PROPERTY.

SPECIFIC UTILITY POSITIONS INDICATED ON THE GROUND SURFACE PROVIDED BY LOCATION SERVICES MAY VARY DUE TO UNDERGROUND DETECTION CAPABILITIES.

3

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RENEWALS: 6/30/2020

IN THE EVENT CONFLICTS ARE DISCOVERED BETWEEN THE ORIGINAL SIGNED AND SEALED DOCUMENTS PREPARED BY THE ARCHITECT AND/OR THEIR CONSULTANTS, AND ANY COPY OF THE DOCUMENTS TRANSMITTED BY MAIL, FAX, ELECTRONICALLY OR OTHERWISE, THE ORIGINAL SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

PROJECT # 3136.0000.0
DATE: 4/5/2019
DRAWN BY: AK
CHECKED BY: JW

REVISIONS:

- ▲
- ▲
- ▲
- ▲

WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

3641 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

NEW MIXED USE DEVELOPMENT:
SOUTH LIBERTY RD
SALEM, OR
LIBERTY RD SE AND HRUBETZ RD

SHEET:
C1.0
EXISTING CONDITIONS,
DEMO & EROSION CONTROL
PLAN

SITE PLAN KEYNOTES:

- 1 PROPERTY LINE
- 2 CONCRETE WALKWAY, MIN 5' WIDTH TO ALL MAIN ENTRIES AND SITE AMENITIES
- 3 BICYCLE RACKS, SEE A1.02
- 4 CANOPY ABOVE
- 5 EXTERIOR TRASH ENCLOSURE, PERMITTED UNDER 19-116110-00-BP
- 6 EXTERIOR SIGN, SEE SHEET A1.02
- 7 PROVIDE ACCESSIBLE PARKING SIGN, TYP. SEE SHEET A1.02
- 8 PROVIDE ACCESSIBLE VAN PARKING SIGN, TYP. SEE SHEET A1.02
- 9 FDC LOCATION WITH SIGNAGE, SEE CIVIL DRAWINGS FOR DISTANCE FROM NEAREST FIRE HYDRANT.
- 10 PEDESTAL MOUNT MAILBOX CLUSTER
- 11 8" CMU WALL TO EXTEND LENGTH OF ADJACENT PARKING STALL, 3'-0" A.F.G.
- 12 48'-0" ROW DEDICATION
- 13 ALTERNATIVE HAMMERHEAD DEAD-END FIRE APPARATUS TURNAROUND PER OFC D103.1
- 14 12'-0" x 30'-0" LOADING SPACE, DELIVERY VEHICLE NOT TO EXCEED 8,000 POUNDS
- 15 6' CONCRETE WALL TO EXTEND PERIMETER OF DRIVE-THRU THAT IS WITHIN 6'-0" OF THE PROPERTY LINE, CONCRETE WALL TO BE 3'-0" A.F.G.

SITE PLAN GENERAL NOTES:

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTORS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2. PROVIDE CONSTRUCTION FENCING AS REQUIRED TO SECURE SITE AND BUILDING DURING CONSTRUCTION.
3. EXTREME CARE SHOULD BE TAKEN TO PRESERVE EXISTING ROOTS OF TREES TO REMAIN.
4. REFER TO CIVIL DRAWINGS FOR GRADING. SITE IS REQUIRED TO MEET THE LAWS OF FHA AND ADA. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% (1 IN 20) OR CROSS SLOPES SHALL NOT EXCEED 2% (1 IN 50). ALL AT GRADE SIDEWALKS ARE ACCESSIBLE ROUTES.
5. JOINTS IN CONCRETE WALKS NOTED AS E.J. ARE TO BE CONSTRUCTED AS EXPANSION JOINTS. ALL OTHER JOINTS SHOWN, TO BE TOOLED CONTROL JOINTS, SEE CIVIL.
6. SEE LANDSCAPE DRAWINGS FOR LANDSCAPE AND IRRIGATION ELEMENTS.
7. SEE ELECTRICAL DRAWINGS FOR SITE LIGHTING.

SITE DEVELOPMENT:

SITE AREA:	64,053 sf = 1.47 ACRES
ZONING:	CR & CO
BUILDING AREAS:	
FUTURE BLDG A:	3,387 sf RETAIL
FUTURE BLDG B:	3,321 sf RETAIL
BLDG C:	3,534 sf RETAIL / 23,526 sf RESIDENTIAL (26 UNITS)
BUILDING HEIGHTS:	
FUTURE BLDG A:	25'-0"
FUTURE BLDG B:	25'-0"
BLDG C:	50'-0"
PARKING:	
COMMERCIAL:	1/250 sf REQ'D = 41 SPACES
RESIDENTIAL:	1.5/DWELLING REQ'D = 39 SPACES
PROVIDED:	80 SPACES 8-HANDICAP (1.17%) 51 COMPACT (64%) 24 STANDARD
TOTAL AREA OF OFF-STREET PARKING:	29,042 sf
RQD LANDSCAPING:	MIN. 5% = 1,452 sf
PROVIDED:	2,155 sf

SITE PLAN LEGEND:

	BUILDING AREA
	BUILDING OVERHANG / CANOPY ABOVE
	LANDSCAPING
	CONCRETE FLOOR / SIDEWALK / PAD

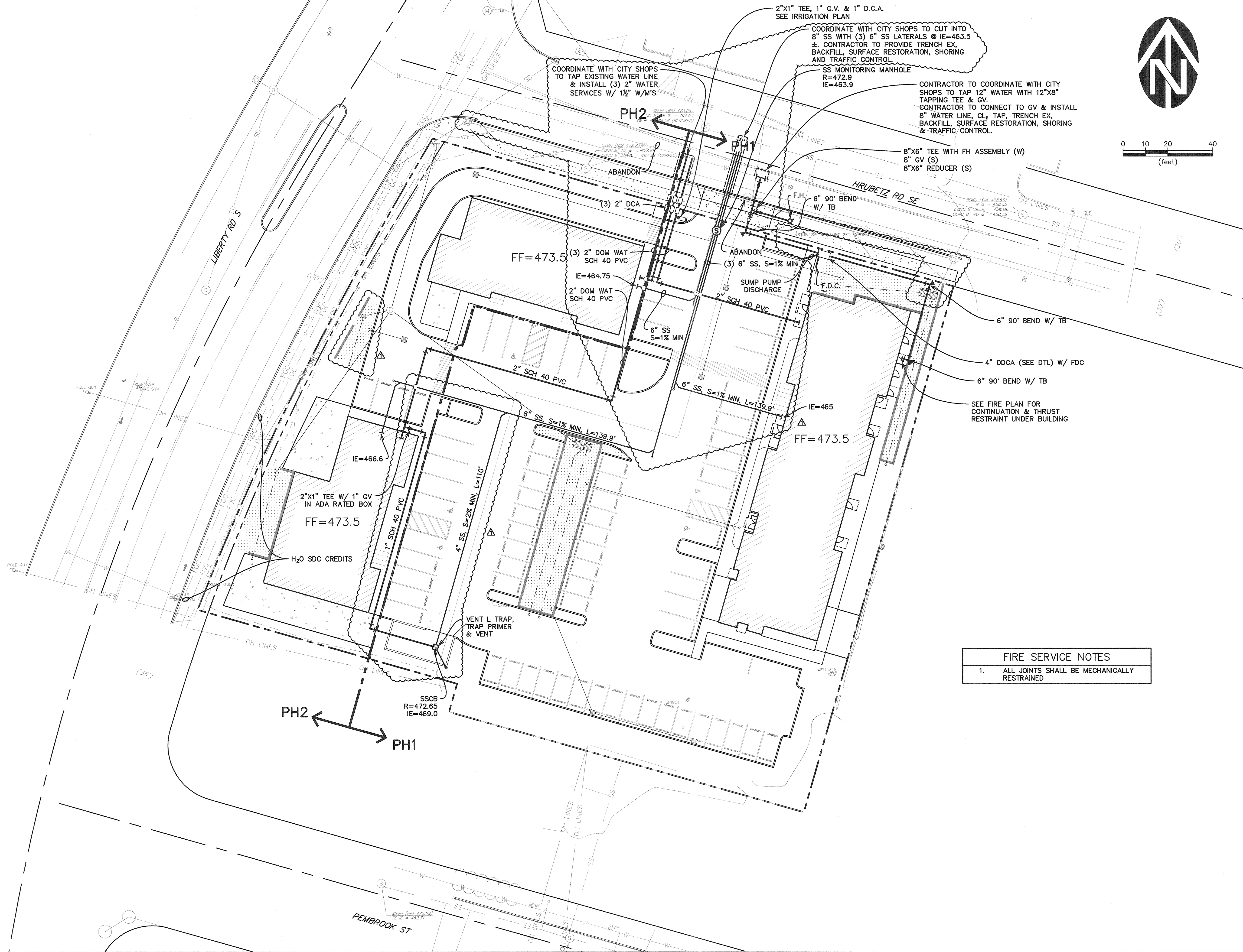
LOT COVERAGE:

SITE AREA BREAKDOWN	AREA	%
BUILDINGS	13,626 SF	21.27 %
PAVINGS, SIDEWALKS	37,521 SF	58.58 %
LANDSCAPE	12,906 SF	20.15 %
TOTAL SITE AREA	64,053 SF	100 %

HRUBETZ ROAD

LIBERTY ROAD SE

PEMBROOK STREET



FIRE SERVICE NOTES	
1.	ALL JOINTS SHALL BE MECHANICALLY RESTRAINED

Conditional Use Written Statement

October 8th, 2019

Laike Plaza Development
Liberty RD S & Hrubetz RD S
Salem, OR
Zoned CO & CR

The proposed project includes the development of a mixed-use building with retail on the ground floor and multi-family above. The property is currently zoned as both a CO & CR parcel. Outlined below is how the proposed project addresses all applicable approval criteria for a Conditional Use Permit.

Conditional Use Permit design criteria:

- The proposed use is allowed as a conditional use in the zone
 - o The property is zoned as both a CO & CR zone. While multi-family housing is permitted outright in a CO zone, it is permitted as a conditional use within a CR zone
- The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions
 - o While the development will certainly increase the density of homes within the area, the proposed project will additionally provide a mixture of uses, creating economic and social vitality within the neighboring communities. The proposed mixed-use building will provide a variety of housing opportunities to meet the expected population growth within the Salem Urban Growth boundary, all the while providing adequate parking for all uses on the site so as to have a minimal adverse impact on the neighboring residents. Through the findings of the Traffic Analysis Report, it was also found that all adjacent intersections will continue to meet operational standards during peak hours with the additional vehicular traffic that the proposed development will produce
- The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property
 - o The proposed project is consistent with Salem Urban Area Goals and Policies for both Residential & Mixed-Use Development within the Salem Area Comprehensive Plan. The proposed Mixed-Use building is intentionally located towards the back end of the development along the East property line in order to provide a buffer and a sense of relief between the retail services proposed on the West side of the development along Liberty road and the adjacent RM2 zone and residential uses of the neighboring sites. The

proposed development will also provide the surrounding properties with an additional shopping center within walking distance to promote the livability of the neighborhood

We believe that through the findings above, the proposed project meets all applicable approval criteria for a conditional use within a CO zone.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gene Bolante". The signature is fluid and cursive, with the first name "Gene" and last name "Bolante" clearly distinguishable.

Gene Bolante, AIA
Studio 3 Architecture, Inc
275 Court Street NE
Salem, Oregon 97301
gene@studio3architecture.com
503-390-6500



Class II Zoning Adjustment - Written Statement

October 30th, 2019

Laike Plaza Development
Liberty RD S & Hrubetz RD S
Salem, OR
Zoned CO & CR

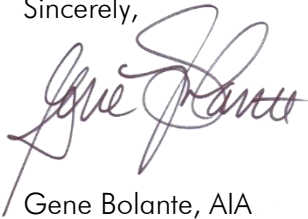
The proposed project includes the development of approximately 10,500 square feet of retail, including a building with drive-thru food service and another with 26 apartments above ground floor retail. The property is currently composed of four (4) separate parcels which is currently being consolidated into two (2) parcels through a Partition Tentative Plan, the location of the proposed interior lot line separating the two (2) parcels can be seen in the attached Site Plan. Through this Zoning Adjustment, we are proposing a reduction to the interior lot line set back for off-street parking and vehicle use from 5'-0" to 0'-0." Outlined below is how the proposed project addresses all applicable approval criteria for a Class II - Zoning Adjustment permit.

Class II - Zoning Adjustment design criteria:

- **The purpose underlying the specific development standard proposed for adjustment is clearly satisfied by the proposed development.**
 - o Other than the requested change to the Interior Lot line setback adjustment from 5'-0" to 0'-0", the proposed project meets all other off-street parking and vehicle setbacks listed under SRC 806.035.(a)-(m).
- **If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**
 - o The proposed project is not in a residential zone, therefore the project does not need to satisfy this requirement.
- **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**
 - o Only one Zoning Adjustment is being requested, therefore the project does not need to satisfy this requirement.

We believe that through the findings above, the proposed project meets all applicable approval criteria for a Class II – Zoning Adjustment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gene Bolante". The signature is fluid and cursive, with a large, stylized initial "G".

Gene Bolante, AIA
Studio 3 Architecture, Inc
275 Court Street NE
Salem, Oregon 97301
gene@studio3architecture.com
503-390-6500

Driveway Approach - Class I Adjustment Written Statement

October 8th, 2019

Laike Plaza Development
Liberty RD S & Hrubetz RD S
Salem, OR
Zoned CO & CR

The proposed project includes the development of approximately 10,500 square feet of retail, including a building with drive-thru food service and another with 26 apartments units above ground floor retail. The property sits on a corner lot that abuts both a Collector Street (Hrubetz RD SE) and a Major Arterial street (Liberty RD S). Outlined below is how the proposed project addresses all applicable approval criteria for a Driveway Approach – Class 1 Adjustment permit.


Class I Adjustment design criteria:

- The purpose underlying the specific development standard proposed for adjustment is satisfied by the proposed development through the Driveway approach developmental standards below
 - o Access onto local and collector streets - 804.030
 - **804.030.b.1; Permitted Access.** Driveway approaches onto collector streets shall only provide access to a permitted parking or vehicular use area.
 - The proposed driveway satisfies this requirement and will only provide access to site parking.
 - **804.030.C; Spacing.** Driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials.
 - The proposed access of the corner lot is provided on the lower street classification, Hrubertz RD SE. Driveway access has been provided as far East as the proposed development allows, providing 170'-0" between the intersection of Hrubertz and Liberty and the centerline of the driveway access. Based on the site constraints and required parking for the proposed uses, this was the most logical location for the driveway access.
 - **804.030.d; Vision Clearance.** Driveway approaches onto local and collector streets shall comply with the vision clearance requirements set forth in SRC chapter 805
 - The proposed driveway access provides the required vision clearance for driveways serving uses other than single family and two family uses per 805.005.b.1.B
 - o Driveway Approach Development Standards – 804.050

- 804.050.b.2; Driveway width for uses other than single family and two family shall provide a minimum of 22'-0" and a maximum of 40'-0" for a two-way driveway approach
 - The proposed driveway width for a two-way driveway approach is 32'-0"
- The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development
 - o As outlined on in the summary of the Traffic Impact Analysis Report prepared by DKS Associates for the proposed development, the proposed driveway accessway and increase in vehicular traffic due to the proposed uses will not negatively impact the surrounding developments.

We believe that through the findings above, the proposed project meets all applicable approval criteria for a Driveway Approach Permit.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gene Bolante", with a stylized, flowing script.

Gene Bolante, AIA
Studio 3 Architecture, Inc
275 Court Street NE
Salem, Oregon 97301
gene@studio3architecture.com
503-390-6500



MEMO

TO: Aaron Panko, Planner III
Community Development Department

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

DATE: December 10, 2019

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CU-SPR-ADJ-DAP19-08 (19-114007-RP)
120 HRUBETZ ROAD SE
MIXED USE DEVELOPMENT

PROPOSAL

A Conditional Use Permit and Class 3 Site Plan Review request for a proposed mixed-use development with three new buildings, including 26 multi-family residential units and approximately 10,242 square feet of retail floor area, a Class 2 Adjustment request to eliminate the required interior setback for the off-street parking area, and a Class 1 Adjustment to reduce the minimum driveway spacing requirement, for property approximately 1.47 acres in size, zoned CR (Retail Commercial) and CO (Commercial Office), and located at the 4700 Block of Liberty Road S - 97302 (Marion County Assessors Map and Tax Lot numbers: 083W09DB / 00400, 00500, 00600, and 01000).

RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to building permit issuance, convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Liberty Road S. The half-width shall be measured from the engineered centerline of Liberty Road S.
2. Prior to building permit issuance, convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hrubetz Road SE, and a 30-foot radius at the intersection of Hrubetz Road SE and Liberty Road S.
3. Construct a half-street improvement along the frontage of Hrubetz Road SE to Collector street standards as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803, and curb ramps at the intersection of Hrubetz Road SE and Liberty Road S.
4. Close existing driveways along the frontage of Liberty Road S pursuant to SRC 804.060(a)(4).

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

5. Construct the incomplete portions of a half-street improvement along the frontage of Liberty Road S as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803, which may include but not be limited to property line sidewalk, street trees, and street lights.
6. Obtain City approval for quitclaim of existing sewer easements located on the subject property and abandon any existing public sewer mains on the subject property.
7. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

FACTS

Streets

1. Liberty Road S
 - a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
 - b. Existing Condition—This street has an approximate 68-foot improvement within a 85-foot-wide right-of-way abutting the subject property. The existing improvement is offset from the true centerline.
2. Hrubetz Road SE
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 24-foot improvement within a 58-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. A 12-inch storm line is located in Liberty Road S.

Water

1. Existing Conditions

- a. The subject property is located within the S-2 water service level.
- b. A 12-inch water line is located in Hrubetz Road SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.
- c. A 10-inch water line is located in Liberty Road S. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. A 6-inch sewer line is located on the property, connecting to Hrubetz Road SE.
- b. An 8-inch sewer line is located in Hrubetz Road SE.

CRITERIA AND FINDINGS

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

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

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

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

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

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

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

Finding—The existing configuration of Hrubetz Road SE and Liberty Road S do not appear to meet current standards for their classification of street per the Salem TSP. As a condition of building permit issuance, the applicant shall convey land for dedication of right-of-way equal to 48 feet from the engineered centerline of Liberty Road S, 30 feet from centerline of Hrubetz Road SE, and a 30-foot radius at the intersection of Hrubetz Road SE and Liberty Road S pursuant to SRC Chapter 803. As a condition development, the applicant shall construct a half-street improvement along the frontage of Hrubetz Road SE, and curb ramps at the intersection of Hrubetz Road SE and Liberty Road S, as specified in the PWDS and consistent with the provisions of SRC Chapter 803. The applicant shall also construct the incomplete portions of a half-street improvement along the frontage of Liberty Road S as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803, which may include but not be limited to: property line sidewalk, street trees, and street lights.

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

Finding—The proposed driveway access onto Hrubetz Road SE will provide for safe turning movements into and out of the property.

There are two existing driveways along the frontage of Liberty Road S. The applicant shall close existing driveways along the frontage of Liberty Road S pursuant to SRC 804.060(a)(4) and rebuild sidewalk along the entire frontage of Liberty Road S in accordance with SRC Chapter 803 and PWDS.

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

Finding—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The applicant's plan shows water services connecting to an existing steel water main. Water connections shall instead be connected to the existing 12-inch ductile iron water

main in Hrubetz Road SE. The existing well on the property shall be abandoned per DEQ standards or an RP assembly must be installed pursuant to PWDS.

The applicant shall obtain City approval for quitclaim of existing sewer easements located on the subject property and abandon any existing public sewer mains on the subject property.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

Criteria—A Class 2 Driveway Approach Permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**

Finding— The proposed driveway is located on a Collector street less than 200 feet from a Major Arterial; therefore, a Class 1 adjustment is required for driveway spacing as described below. Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS.

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

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

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

Finding— The proposed development reduces the number of driveways accessing onto an arterial street from two to zero.

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

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

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

(5) Proposed driveway approach meets vision clearance standards;

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

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

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

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

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

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

Finding—The property is located on the corner of a Major Arterial street (Liberty Road S) and a Collector street (Hrubetz Road SE). The applicant is proposing a driveway to the lower classification of street and it requires a zoning adjustment to meet the spacing requirements of SRC Chapter 804. The proposed driveway approach is located on a Collector street and minimizes the impact to adjacent streets and intersections by reducing the number of access points from two on a Major Arterial to one on a lower classification of street.

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

Finding—The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets.

CRITERIA AND FINDINGS—Class 2 Adjustments

Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(1) is as follows:

Criteria—The purpose underlying the specific development standard proposed for adjustment is:

- 1. Clearly inapplicable to the proposed development; or**
- 2. Clearly satisfied by the proposed development.**

Finding—The applicant is requesting a Class 1 adjustment to allow for spacing less than the standard of 200 feet pursuant to SRC 804.030(c). The proposed driveway spacing is located approximately 180 feet from the Major Arterial street, or a 10 percent adjustment. The development is proposing to close two existing driveways to a Major Arterial street and construct the one new driveway to a Collector street. This driveway spacing minimizes turning conflicts along Liberty Road S, a Major Arterial. The Assistant City Traffic Engineer has reviewed the proposed driveway and finds that the turning movements and traffic safety for the proposed driveway location are equal to what would be accomplished by meeting the development standard.

Prepared by: Jennifer Scott, Program Manager
cc: File

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

CASE NO: CU-SPR-ADJ-DAP19-08

AMANDA APPLICATION NO.: 19-117677-ZO / 19-114007-RP / 19-117679-ZO / 19-122832-ZO / 19-117682-ZO

ADDRESS: 4700 Block of Liberty Rd S

ZIPCODE: 97302

HEARD BY: Hearings Officer

CASE MANAGER: Aaron Panko

SUMMARY: Proposed mixed-use development with three buildings, including 26 multi-family residential units, and approximately 10,242 square feet of retail floor area.**REQUEST:** A Conditional Use Permit and Class 3 Site Plan Review request for a proposed mixed-use development with three new buildings, including 26 multi-family residential units and approximately 10,242 square feet of retail floor area, a Class 2 Adjustment request to eliminate the required interior setback for the off-street parking area, and a Class 1 Adjustment to reduce the minimum driveway spacing requirement, for property approximately 1.47 acres in size, zoned CR (Retail Commercial) and CO (Commercial Office), and located at the 4700 Block of Liberty Road S - 97302 (Marion County Assessors Map and Tax Lot numbers: 083W09DB / 00400, 00500, 00600, and 01000).

Attached is a copy of the proposal and any related maps. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request. A staff report for this proposal will be prepared by the planning staff from information available to staff. You are invited to respond with information relating to this property and this request. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents.

Comments received by 5:00 P.M., Friday, December 6, 2019, will be considered in the staff report. Comments received after this date will be provided to the review body. **Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail or hand deliver your comments to the Case Manager listed below.**

SEND QUESTIONS OR COMMENTS TO: Aaron Panko, Planner III City of Salem,
Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356;
Fax: 503-588-6005; E-Mail: APanko@cityofsalem.net; <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:

- ☐ 1. We have reviewed the proposal and have no comments.
- ☒ 2. We have reviewed the proposal and have the following comments:

See attached

Name: _____
 Address: _____ Salem-Keizer Public Schools, Planning and Property Services
 3630 State Street, Salem OR 97301
 Agency: _____ David Fridenmaker, Manager
 503-399-3335
 Phone No.: _____
 Date: 12.4.19

IMPORTANT: PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM



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

Christy Perry, Superintendent

December 4, 2019

Aaron Panko, Case Manager
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. CU-SPR-ADJ-DAP19-08, 4700 Block Liberty Rd S

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

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

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

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

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

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

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Wright	Elementary	396	510	78%
Judson	Middle	995	995	100%
Sprague	High	1,701	1,940	88%

Table 2

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

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

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	26	MF	0.201	5
Middle	26	MF	0.077	2
High	26	MF	0.084	2

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

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

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Wright	Elem.	396	0	5	510	510	79%
Judson	Mid.	995	50	2	52	995	105%
Sprague	High	1,701	62	2	64	1,940	91%

Table 4

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

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

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

School Name	School Type	Walk Zone or Eligible for School Transportation
Wright	Elementary	Walk Zone
Judson	Middle	Walk Zone
Sprague	High	Walk Zone

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

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

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	5	\$54,925	\$274,625
Middle	2	\$64,045	\$128,090
High	2	\$73,164	\$146,328
TOTAL			\$549,043

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2019 First Quarter.

The elementary and middle school attendance boundary lines bisect the subject property. A school attendance boundary change will be needed subsequent to approval of this land use case.

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Manager – Custodial, Property and Auxiliary Services, Michael Shields, Director of Transportation