

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
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*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE PLANING ADMINISTRATOR

**CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 1 DESIGN  
REVIEW CASE NO.: SPR-ADJ-DR22-15**

**APPLICATION NO.: 22-102748-RP**

**NOTICE OF DECISION DATE:** April 22, 2022

**SUMMARY:** A proposal to construct a new eight-unit apartment building at an existing apartment development, for a total of 20 dwelling units.

**REQUEST:** A consolidated application containing a Class 3 Site Plan Review and Class 1 Design Review for the development of a new eight-unit apartment building at an existing apartment development, with associated site improvements. The application includes Class 2 Adjustment requests to:

- 1) Reduce the minimum setback between the proposed building and the north property line from 26 feet to 10 feet;
- 2) Reduce the minimum setback between the proposed building and the west property line from 26 feet to 14 feet, 9 inches;
- 3) Eliminate the required screening along the property line south of the proposed building; and
- 4) Eliminate the required pedestrian connections throughout the development site.

The subject development site is approximately 0.7 acres in size, zoned RM-II (Multiple Family Residential), and located at 701 Lockwood Lane S (Marion County Assessor map and tax lot numbers: 083W09AB / 900 and 3300)."

**APPLICANT:** Britany Randall on behalf of Chris Blackburn

**LOCATION:** 701 Lockwood Ln S, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 1 Design Review

**FINDINGS:** The findings are in the attached Decision dated April 22, 2022.

**DECISION:** The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Design Review Case No. SPR-ADJ-DR22-15 subject to the following conditions of approval:

**Condition 1:** Replace the sidewalk along the driveway approach on Lockwood Lane S.

**Condition 2:** The existing hedges along Lockwood Lane shall be removed to accommodate installation of street trees and to comply with Salem Revised Code 800.050(a)(2).

- Condition 3:** Install street trees to the maximum extent feasible along the Lockwood Lane S frontage.
- Condition 4:** The adjusted north setback area shall be planted with a minimum of one plant unit per 16 square feet of landscaped area, and shall include a minimum of two shade trees.
- Condition 5:** The adjusted west setback area shall be planted with a minimum of one plant unit per 16 square feet of landscaped area, and shall include a minimum of three shade trees.
- Condition 6:** The proposed pedestrian connections shall connect to the existing off-street parking area and to the northernmost existing pedestrian walkway on tax lot 3300.
- Condition 7:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.
- Condition 8:** Each new private open space shall meet the minimum size and dimension standards of Salem Revised Code Chapter 702, Table 702-4.
- Condition 9:** A minimum of two plant units shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.
- Condition 10:** Ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

The rights granted by the attached decision must be exercised, or an extension granted, by the dates below, or this approval shall be null and void.

Class 3 Site Plan Review	<u>May 10, 2026</u>
Class 2 Adjustment	<u>May 10, 2024</u>
Class 1 Design Review	<u>May 10, 2024</u>

Application Deemed Complete:	<u>March 9, 2022</u>
Notice of Decision Mailing Date:	<u>April 22, 2022</u>
Decision Effective Date:	<u>May 10, 2022</u>
State Mandate Date:	<u>July 7, 2022</u>

Case Manager: Brandon Pike, [bpik@cityofsalem.net](mailto:bpik@cityofsalem.net), 503-540-2326

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Monday, May 9, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220, 250, 804. The appeal fee must be paid at the time of filing. If the appeal is

untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

<b>IN THE MATTER OF APPROVAL OF</b>	<b>)</b>	<b>FINDINGS &amp; ORDER</b>
<b>CLASS 3 SITE PLAN REVIEW,</b>	<b>)</b>	
<b>CLASS 2 ADJUSTMENT AND</b>	<b>)</b>	
<b>CLASS 1 DESIGN REVIEW</b>	<b>)</b>	
<b>CASE NO. SPR-ADJ-DR22-15</b>	<b>)</b>	
<b>701 LOCKWOOD LANE S</b>	<b>)</b>	<b>APRIL 22, 2022</b>

In the matter of the application for Class 3 Site Plan Review, Class 2 Adjustment, and Class 1 Design Review applications submitted by the applicant, Chris Blackburn, and property owner, CAS West LLC, and the applicant's representatives, BRAND Land Use and Studio 3 Architecture, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

Summary: A proposal to construct a new eight-unit apartment building at an existing apartment development, for a total of 20 dwelling units.

Request: A consolidated application containing a Class 3 Site Plan Review and Class 1 Design Review for the development of a new eight-unit apartment building at an existing apartment development, with associated site improvements. The application includes Class 2 Adjustment requests to:

- 1) Reduce the minimum setback between the proposed building and the north property line from 26 feet to 10 feet;
- 2) Reduce the minimum setback between the proposed building and the west property line from 26 feet to 14 feet, 9 inches;
- 3) Eliminate the required screening along the property line south of the proposed building; and
- 4) Eliminate the required pedestrian connections throughout the development site.

The subject development site is approximately 0.7 acres in size, zoned RM-II (Multiple Family Residential), and located at 701 Lockwood Lane S (Marion County Assessor map and tax lot numbers: 083W09AB / 900 and 3300).

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

**PROCEDURAL FINDINGS**

**1. Class 3 Site Plan Review Applicability**

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family,

duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 220.005(b)(3) requires Class 3 Site Plan Review for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

Class 3 Site Plan Review is required for this application pursuant to SRC 220.005(b)(3)(F) because Class 2 Adjustments are included in the request.

## **2. Background**

On January 27, 2022, a consolidated Class 3 Site Plan Review, Class 2 Adjustment, and Class 1 Design Review application was submitted for a proposal to construct a new eight-unit apartment building at an existing apartment complex.

After receiving additional required information from the applicant, the consolidated application was deemed complete for processing on March 9, 2022 and notice of filing of the application was sent pursuant to SRC requirements on March 10, 2022. The 120-day state-mandated local decision deadline is July 7, 2022.

The applicant's proposed development plans and written statement are included as **Attachment B** and **Attachment C**, respectively.

## **SUBSTANTIVE FINDINGS**

### **3. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 102748

### **4. Neighborhood Association, Public Comments, and Homeowners Association Information**

The subject property is located within the boundaries of the Sunnyslope Neighborhood Association.

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. The applicant's representative contacted the Sunnyslope Neighborhood Association in January of 2022 to provide details about the proposal.

Neighborhood Association Comment. Notice of the application was provided to Sunnyslope pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Prior to the close of the comment period, no comments were received from the neighborhood association.

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

Prior to the end of the public comment period, three comments were received from members of the public. Comments received can be summarized as follows:

- *Noise and Traffic.* Two comments expressed concerns with the noise and traffic caused by construction and by the addition of new dwelling units to the development.

**Staff Response:** The applicant's representative provided the following response: *The comments provided do not address approval criteria. Noise during construction is inevitable but will be limited to normal working hours. Parking spaces will be made available to tenants during construction. The applicant understands the construction activities may cause minor inconvenience to tenants, but industry best practices will be in place to minimize and eliminate conflicts. Traffic was addressed during the comprehensive plan and zone change application. It was determined that the addition of 8 dwelling units will not have any significant traffic impact.*

- *Parking.* Two comments indicated concern over the proposal not providing additional off-street parking spaces.

**Staff Response:** No additional off-street parking spaces are required pursuant to SRC 806.015(a), as the subject property is within one-quarter-mile of the Cherriots Core Network.

- *Damage to Personal Vehicles.* One comment indicated concern about their personal vehicle being damaged during construction activities.

**Staff Response:** The applicant's representative provided the following response: *Liability insurance is always carried by contractors. If accidental damage to a vehicle does occur, the necessary repairs will be made.*

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

## 5. City Department Comments

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

The Building and Safety Division reviewed the proposal and indicated no issues, though noted the following: *No utilities to cross property lines without legal easements and no common sewers allowed.*

The Fire Department reviewed the proposal and provided the following comment: *FDC shall be remote per Oregon Fire Code and according to the civil sheets it is located at the driveway entrance.*

## 6. Public Agency Comments

Notice of the proposal was provided to public agencies, and to public and private service providers. Prior to the close of the comment period, the following comments were received:

### **Cherriots**

*Cherriots supports the development of multi-family housing on the subject property as it is within ¼ mile of the Core Network. However, Cherriots does not support the Class 2 Adjustment request to eliminate the required pedestrian connections throughout the development. Providing appropriate pedestrian connections will encourage alternative and active modes of transportation, such as walking or taking the bus. Pedestrian connections are also an important part of accessibility to properties for people with disabilities.*

**Staff Response:** As addressed and conditioned within this decision, pedestrian access serving the proposal will be provided which is consistent with the goals of the UDC.

### **Portland General Electric**

*1. Allow space on property for pad-mounted transformer. See PGE Electric Service requirements for clearances (<https://portlandgeneral.com/builders-new-construction/electric-service-requirements>). 2. Provide easement across existing apartment property (to the south) for routing of primary power to new pad-mounted transformer.*

**Staff Response:** The applicant's representative provided a response stating the applicant will comply with these requirements.

## DECISION CRITERIA

### **7. Analysis of Class 3 Site Plan Review Approval Criteria**

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

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

**Finding:** The proposal includes construction of a new eight-unit apartment building at an existing apartment development, for a total of 20 dwelling units.

The proposed development conforms to SRC Chapter 514 and all other applicable development standards of the Salem Revised Code as follows:

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

*SRC 514.005(a) – Uses:*

**Finding:** The allowed uses within the RM-II zone are identified under SRC 514.005, Table 514-1. The existing and proposed multi-family residential buildings are classified as a *multiple family* use. Within the RM-II zone, *multiple family* uses are allowed as a permitted use.

*SRC 514.010(b) – Lot Standards:*

Within the RM-II zone, the minimum lot size for all uses except for *single family* is 6,000 square feet. For all uses except for *single family*, the minimum lot width is 40 feet. For all uses except for *single family*, the minimum lot depth is 80 feet (120 feet for double frontage lots) and a maximum 300 percent of the average lot width. The minimum street frontage requirement for all uses except for *single family* is 40 feet.

**Finding:** The existing lot complies with the minimum lot standards of the RM-II zone and no changes to the lot size or dimensions are proposed.

*SRC 514.010(c) – Dwelling Unit Density:*

Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. The minimum density for the proposed development is 12 dwelling units per acre, and the maximum density allowed is 28 dwelling units per acre.

**Finding:** The subject development site is approximately 0.7 acres in size, allowing for a minimum of eight dwelling units ( $0.7 \times 12 = 8.4$  units) and a maximum of 20 dwelling units ( $0.7 \times 28 = 19.6$  units). The proposed development results in a total of 20 dwelling units. The proposal meets the standard.

*SRC 514.010(d) – Setbacks:*

Setbacks within the RM-II zone shall be provided as set forth in SRC Table 514-4 and Table 514-5.

*Interior Property Lines*

*North, South, East, and West:* Adjacent to the north, south, east, and west is property zoned RS (Single Family Residential) and RM-II (Multiple Family Residential-II). Minimum zone-to-zone setbacks to these property lines for buildings, accessory structures, and vehicle use areas for all uses except for *single family*, *two family*, *three family*, and *four family* are established within the zone-to-zone setback table, SRC Table 514-5. Buildings, accessory structures, and vehicle use areas have a minimum zone-to-zone setback of 10 feet with Type C landscaping and screening abutting residential zones.



**Finding:** The proposed site plan shows a setback of 10 feet between the proposed building and the north and east property lines, 14.75 feet between the proposed building and the west property line, and 12 feet between the proposed building and the south property line. The proposal meets the standard.

*SRC 514.010(e) – Lot Coverage, Height:*

In the RM-II zone, the maximum lot coverage for buildings and accessory structures for all uses is 60 percent. The maximum height of buildings for *multiple family, residential care, nursing care, and short-term commercial lodging* uses is 50 feet.

**Finding:** The applicant's development plans indicate a lot coverage of approximately 29.2 percent ( $8,912 / 30,492 = 0.292$ ). The proposed building is approximately 26 feet in height. The proposal meets these standards.

*SRC 514.010(g) – Landscaping:*

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

**Finding:** The applicant submitted a preliminary landscape plan which shows adherence with the landscaping standards of the RM-II zone, except where an adjustment has been requested to the screening component of the Type C landscaping along the property line south of the proposed building. The proposal does not include changes to the existing vehicle use area which serves the development site.

**General Development Standards (SRC Chapter 800):**

*SRC 800.055 – Solid Waste Service Areas.*

*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 one cubic yard or larger is proposed; and where any change is proposed to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

**Finding:** The proposed development does not include any of the triggers identified within this section. The standards of SRC 800.055 do not apply.

**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; any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

**Finding:** The proposal constitutes an intensification, expansion, or enlargement of a use or activity. The off-street parking development standards of this chapter apply.

*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, or within the additional locations set forth under this section.

*SRC 806.015 - Amount of Off-Street Parking.*

- a) *Minimum Required Off-Street Parking.* For multiple family uses located within the CSDP area or one-quarter-mile of the Core Network, there is no minimum off-street parking requirement.
- 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.* Except as otherwise provided in this section, and otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A. For uses requiring 20 spaces or less, the maximum number of off-street parking spaces allowed is 2.5 times the minimum number of spaces required. For uses requiring more than 20 spaces, the maximum number of off-street parking spaces allowed is 1.75 times the minimum number of spaces required.

**Finding:** Because the development site is within one-quarter-mile of the Cherriots Core Network, no additional off-street parking is required. The applicant has not proposed any changes to the existing development's off-street parking.

*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, expansion or alteration of existing off-street parking and vehicle use areas where existing paved surface is replaced with a new paved surface, or the paving of an unpaved area.

**Finding:** The proposal does not include any of the triggers identified within this section. The development standards of this section do not apply to the proposed development.

## **Bicycle Parking**

*SRC 806.045(a) - General Applicability.*

Bicycle parking shall be provided and maintained for each proposed new use or activity, any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity, or any intensification, expansion, or enlargement of a use or activity.

**Finding:** The proposed development constitutes an intensification, expansion, or enlargement of a use or activity. The bicycle parking development standards of this chapter apply.

*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.*

Bicycle parking shall be provided in amounts not less than those set forth in Table 806-8. *Multiple family* uses require a minimum of the greater of four spaces or 0.1 spaces per dwelling unit.

**Finding:** The proposal results in a total of 20 units, requiring a minimum of four bicycle parking spaces. The proposed site plan indicates four bicycle parking spaces will be provided. The proposal meets the standard.

*SRC 806.060 – Bicycle Parking Development Standards.*

(a) *Location.* Except as otherwise provided in this section, bicycle parking shall be located outside a building.

- (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
- (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.

**Finding:** The proposal calls for four spaces to be located adjacent to the new building, located less than 50 feet from a primary entrance. The proposal meets the standard.

(b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

**Finding:** As conditioned, the proposed bicycle parking areas will have direct access to the public right-of-way through pedestrian paths and vehicle use areas. Additionally, the bicycle parking areas have direct access to primary building entrances through the proposed pedestrian pathways in conformance with the requirements of SRC 806.060(b).

(c) *Dimensions.* Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:

- (1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.

- (2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

**Finding:** The proposed bicycle parking spaces are located adjacent to a paved walkway, with adequate dimensions to provide pedestrian passage and four spaces. The racks are adjacent to a proposed pedestrian accessway which is five feet in width, meeting the standards of this subsection.

- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

**Finding:** The proposed bicycle parking spaces are placed on hard surface materials. The proposal meets the standard.

- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
  - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
  - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
  - (4) Racks shall be securely anchored.
  - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

**Finding:** The applicant has proposed staple or inverted-U racks which meet these standards.

## **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; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

**Finding:** The proposed development constitutes an intensification, expansion, or enlargement of a use or activity. The loading area development standards of this chapter apply.

### *SRC 806.070 – Proximity of Off-Street Loading Areas to Use or Activity Served.*

Off-street loading shall be located on the same development site as the use or activity it serves.

### *SRC 806.075 - Amount of Off-Street Loading.*

Pursuant to SRC Table 806-9, for *multiple family* uses with between five and 49 dwelling units, no minimum off-street loading spaces are required.

**Finding:** The proposal results in a total of 20 dwelling units within the development site. No off-street loading spaces are required.

## **Landscaping**

*SRC 807 – Landscaping and Screening:* All required setbacks shall be landscaped to the Type A standard, 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 applicant provided a preliminary landscape plan which shows adherence with the requirements of SRC chapters 514 and 807, except where adjustments have been requested.

## **Natural Resources**

*SRC 601 - Floodplain Overlay Zone:* 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.

*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.

**Finding:** No trees or native vegetation protected under SRC chapter 808 are identified 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), the subject property does not contain any wetland areas or hydric soils.

*SRC 810 - Landslide Hazards:* According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas within the development area of the subject property.

**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:** Lockwood Lane S is fully developed and meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development, except for installation of street trees.

The existing sidewalk is in poor condition across the existing driveway approach on Lockwood Lane. Pursuant to SRC 78.180(a), the applicant shall replace the sidewalk across the existing driveway approach. All other sidewalks along the property frontage are existing and provide for safe pedestrian access. The following condition of approval shall apply:

**Condition 1:** Replace the sidewalk along the driveway approach on Lockwood Lane S.

The subject development site includes an existing row of hedges along Lockwood Lane which is a violation of the opacity limitation of SRC 800.050(a)(2). To accommodate the planting of street trees and to ensure this standard is met, the following condition of approval shall apply:

**Condition 2:** The existing hedges along Lockwood Lane shall be removed to accommodate installation of street trees and to comply with Salem Revised Code 800.050(a)(2).

The applicant shall provide street trees to the maximum extent feasible along the Lockwood Lane S frontage pursuant to SRC 86.015(e). The following condition of approval shall apply:

**Condition 3:** Install street trees to the maximum extent feasible along the Lockwood Lane S frontage.

As conditioned, this criterion is met.

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

**Finding:** As conditioned, the proposed development includes on-site vehicle, pedestrian, and bicycle infrastructure which will allow for safe and efficient movement throughout the site's parking areas, driveways, and walkways.

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

**Finding:** The Public Works Department has reviewed the applicant's preliminary 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 is proposing connections to existing public water, sewer, and stormwater infrastructure in Lockwood Lane S.

The applicant will be required to design and construct a storm drainage system at the time of development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

As proposed, this criterion is met.

## **8. Analysis of Class 2 Adjustment Approval Criteria**

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

**SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:**

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

**Finding:** The applicant has requested four adjustments to: 1) Reduce the minimum setback between the proposed building and the north property line from 26 feet to 10 feet; 2) Reduce the minimum setback between the proposed building and the west property line from 26 feet to 14 feet, 9 inches; 3) Eliminate the required screening along the property line south of the proposed building; and 4) Eliminate the required pedestrian connections throughout the development site.

- *Adjustment to Reduce the Minimum Setback Between the Proposed Building and the North Property Line from 26 Feet to 10 Feet*

The applicant has requested a Class 2 adjustment to reduce the minimum setback of the proposed apartment building to the north property line to 26 feet, where SRC 702.020(e)(2) would require a minimum of 26 feet.

Staff notes the underlying purpose of minimum setbacks is to maintain adequate light, air circulation, and to provide reasonable separation between developments and surrounding properties or residents. The applicant notes the provided setback meets what is allowed for smaller multiple family residential developments with five to 12 units, as the RM-II zone and the multiple family design review standards of

SRC 702.015 would allow a minimum setback of 10 feet for a standalone eight-unit apartment building. However, the proposal includes a total of 20 dwelling units across the development site, which potentially has a greater impact on surrounding properties and residents and requires a larger setback under SRC 702.020(e)(2).

Staff notes that additional landscaping in the area subject to the reduced setback can be provided to mitigate the impacts of the proposed adjustment. While the RM-II zone requires setbacks to be landscaped to the Type A standard with a minimum of one plant unit per 20 square feet of landscaped area, by providing a minimum of one plant unit per 16 square feet of landscaped area, as well as requiring shade trees to be planted within the area subject to the adjustment, the proposal can equally or better meet the intent of the SRC. To ensure the proposal provides additional landscaping to mitigate the impacts of the requested adjustment, the following condition of approval shall apply:

**Condition 4:** The adjusted north setback area shall be planted with a minimum of one plant unit per 16 square feet of landscaped area, and shall include a minimum of two shade trees.

As conditioned, Staff finds the proposal will equally or better meet the purpose underlying the standard in question.

- *Adjustment to Reduce the Minimum Setback Between the Proposed Building and the West Property Line from 26 Feet to 14 Feet, 9 Inches*

The applicant has requested a Class 2 adjustment to reduce the minimum setback of the proposed apartment building to the west property line to 14 feet, 9 inches where SRC 702.020(e)(2) would require a minimum of 26 feet.

Similar to the first adjustment included herein, Staff notes the underlying purpose of minimum setbacks is to maintain adequate light, air circulation, and to provide reasonable separation between developments and surrounding properties or residents. The applicant notes the provided setback meets what is allowed for smaller multiple family residential developments with five to 12 units, as the RM-II zone and the multiple family design review standards of SRC 702.015 would allow a minimum setback of 10 feet for a standalone eight-unit apartment building. However, the proposal includes a total of 20 dwelling units across the development site, which potentially has a greater impact on surrounding properties and residents and requires a larger setback under SRC 702.020(e)(2).

Staff notes that additional landscaping in the area subject to the reduced setback can be provided to mitigate the impacts of the proposed adjustment. While the RM-II zone requires setbacks to be landscaped to the Type A standard with a minimum of one plant unit per 20 square feet of landscaped area, by providing a minimum of one plant unit per 16 square feet of landscaped area, as well as requiring shade trees to be planted within the area subject to the adjustment, the proposal can equally or better meet the intent of the SRC. To ensure the proposal provides additional landscaping to mitigate the impacts of the requested adjustment, the following condition of approval shall apply:



**Condition 5:** The adjusted west setback area shall be planted with a minimum of one plant unit per 16 square feet of landscaped area, and shall include a minimum of three shade trees.

As conditioned, Staff finds the proposal will equally or better meet the purpose underlying the standard in question.

- *Adjustment to Eliminate the Required Screening Along the Property Line South of the Proposed Building*

The applicant has requested a Class 2 Adjustment to eliminate the required screening component of the Type C landscaping along the property line south of the proposed building, where SRC 514.010(d) and SRC 807.015(a) would require a minimum six-foot-tall fence or wall.

Because the development site contains two separate properties, screening is required along the shared property line. The applicant notes that screening along property lines which bisects a development site is impractical and does not accomplish the required intent of screening—to provide privacy and separation between uses and developments.

Staff notes that the required screening would not be necessary to meet the intent of the UDC. The applicant has proposed landscaping and screening throughout the site which otherwise meets the requirements of the UDC. Staff finds the purpose underlying the specific development standard proposed for adjustment is clearly inapplicable to the proposed development.

- *Adjustment to Eliminate the Required Pedestrian Connections Throughout the Development Site*

The applicant has requested a Class 2 adjustment to eliminate some of the required pedestrian connections required under the multiple family design review standards, where SRC 702.020(d)(4) would require pedestrian pathways be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks.

In summary, the provided written statement notes the applicant has the responsibility to provide for safe maneuvering of pedestrians and vehicles throughout the development site, but is also restricted by the existing site development. In the interest of reducing the likelihood of any pedestrian or vehicular conflicts, the applicant is seeking to eliminate the pedestrian connection requirement from the entrance of the new building to the public street. The applicant argues the existing and newly proposed pedestrian connections will afford safe and well-lit pathways for pedestrians throughout the site and will lead them to the vehicle use area. However, due to the constraints of the existing development, the location of parking spaces relative to existing buildings and mature landscaping, the applicant is limited on their ability to provide these two connections.

The proposed site plan shows a pedestrian connection between the new building and the existing parking area and an existing pedestrian walkway. While not meeting the standard in question, Staff notes the existing site improvements do not allow for adequate space to meet this standard without demolishing, redesigning, and rebuilding the existing off-street parking area.

Staff notes the pedestrian connection shown on the proposed site plan does not fully connect to the existing walkway or parking area. To ensure the proposal provides pedestrian connections which serve the development and meet the intent of the SRC while balancing the proportionality of the proposal in relation to the existing development, the following condition of approval shall apply:

**Condition 6:** The proposed pedestrian connections shall connect to the existing off-street parking area and to the northernmost existing pedestrian walkway on tax lot 3300.

As conditioned, Staff finds the proposal will equally or better meet the purpose underlying the standard in question.

**SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**

**Finding:** The subject property is located within a residential zone. As conditioned, the adjusted setbacks will include landscaping that exceeds the standards of the RM-II zone. The adjusted screening and pedestrian connections allow for a partial redevelopment of an existing multi-family residential facility. As conditioned, the proposal will not detract from the livability or appearance of the residential area. Staff finds the proposal meets this criterion.

**SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.**

**Finding:** A total of four adjustments have been requested. Pursuant to SRC chapter 514, the purpose of the RM-II zone is to implement the multiple family residential designation of the Salem Area Comprehensive Plan and generally allows multiple family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area. The requested adjustments allow for the partial redevelopment of an existing multiple family residential complex with physical restraints, including existing site improvements and an irregular lot layout. Staff finds the proposed adjustments allow for a development which is consistent with the overall purpose of the zone.

The following condition of approval shall apply:

**Condition 7:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall

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

### **9. Analysis of Class 1 Design Review Approval Criteria**

Salem Revised Code 225.005(e)(1) provides that an application for a Class 1 Design Review application shall be granted if all the applicable design review standards are met. The proposal is subject to the design review standards of SRC 702.020. The following subsections are organized with design review standards in **bold**, followed by findings of fact upon which the decision is based. Lack of compliance with the following standards is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

**SRC 702.020(a)(1): To encourage the preservation of natural open qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 30 percent of the gross site area in designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.**

**Finding:** The subject development site is approximately 0.7 acres in size, requiring a minimum of 0.21 acres of permanently reserved open space. The proposal calls for 0.24 acres of open space, or approximately 34 percent of the gross site area. The proposal meets the standard.

**SRC 702.020(a)(1)(A): To ensure usable open space that is of sufficient size, at least one common open space area shall be provided that meets the size and dimension standards set forth in Table 702-3.**

**Finding:** For a development with 20 dwelling units, at least one common open space shall be provided which is a minimum of 750 square feet in size, with a minimum horizontal dimension of 25 feet. The proposed site plan shows an existing common open space in the courtyard of the existing building which is over 750 square feet in size and exceeds the minimum horizontal dimensions. The proposal meets the standard.

**SRC 702.020(a)(1)(B): To ensure the provided open space is usable, a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.**

**Finding:** The subject property is relatively flat, with no area containing slopes greater than 25 percent. The proposal meets the standard.

**SRC 702.020(a)(1)(C): To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-4, may count toward the open space requirement.**

**All private open space must meet the size and dimension standards set forth in Table 702-4.**

**Finding:** The applicant's development plans show ground-level private open spaces with dimensions of approximately seven feet deep by 14 feet wide, except for the southernmost private open space which is approximately seven feet deep by 12 feet wide. The southernmost ground-level private open space is approximately 86 square feet, which does not meet the minimum size set forth in Table 702-4 for dwelling units which are not more than five feet above finished grade. To ensure the proposal meets this standard, the following condition of approval shall apply:

**Condition 8:** Each new private open space shall meet the minimum size and dimension standards of Salem Revised Code Chapter 702, Table 702-4.

The upper floor balconies have dimensions of approximately six feet deep by eight feet wide, meeting the standard. As conditioned, each of the proposed private open spaces meets the minimum size and dimension requirements set forth in SRC Table 702-4.

**SRC 702.020(a)(1)(D):** To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

**Finding:** The proposed development includes 12 existing and eight new dwelling units, for a total of 20 units. A minimum of 20 percent of the new units, or two units, require private open space meeting this standard. The applicant's development plans show private open spaces for each of the new dwelling units. The proposal meets the standard.

**SRC 702.020(a)(1)(E):** To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.

- i. Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and
- ii. Include at least one of the following types of features:
  - a. Covered pavilion.
  - b. Ornamental or food garden.
  - c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.

- d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).**
- e. Swimming pool or wading pool.**

**Finding:** The proposal does not include an improved open space area as allowed under this subsection. This standard does not apply to the proposed development.

**SRC 702.020(a)(1)(F): To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a public urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.**

**Finding:** The subject property is not within one-quarter mile of a publicly owned park. This standard does not apply to the proposed development.

**SRC 702.020(b)(1): To encourage the preservation of trees and maintain or increase tree canopy, a minimum of one tree shall be planted or preserved for every 2,000 square feet of gross site area.**

**Finding:** The subject property has a gross site area of approximately 30,492 square feet, requiring a minimum of 15 trees to be planted or preserved on site ( $30,492 / 2,000 = 15.2$ ). The applicant's development plans show 11 trees to be planted and five trees to be preserved, for a total of 16 trees. The proposal meets the standard.

**SRC 702.020(b)(2): Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:**

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

**Finding:** The subject property abuts RS-zoned land to the north and west, with a total shared boundary length of approximately 166 feet, requiring a minimum of six trees planted adjacent to these property lines ( $166 / 30 = 5.53$ ). The applicant's development plans indicate six trees planted along these property lines, as well as a six-foot-tall fence meeting the standards of this section.

**SRC 702.020(b)(3): To define and accentuate primary entryways, a minimum of two plant units, shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.**

**Finding:** The applicant's proposed plans do not show compliance with this standard. The following condition of approval shall apply:

**Condition 9:** A minimum of two plant units shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.

As conditioned, the proposal will meet the standard.

**SRC 702.020(b)(4): To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.**

**Finding:** The applicant's preliminary landscape plans show adherence with this standard. Final landscape plans will be reviewed again for conformance with this standard at the time of development.

**SRC 702.020(b)(5): Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.**

**Finding:** The applicant's preliminary landscape plans show adherence with this standard. Final landscape plans will be reviewed for conformance with this standard at the time of development.

**SRC 702.020(b)(6): To ensure the privacy of dwelling units, ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.**

**Finding:** The applicant's preliminary landscape plan does not show compliance with this standard. The following condition of approval shall apply:

**Condition 10:** Ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

As conditioned, the proposal will meet this standard.

**SRC 702.020(b)(7): To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).**

(A) A minimum of one canopy tree shall be planted within each planter bay.

(B) A landscaped planter bay a minimum of nine feet in width shall be provided at a minimum spacing of one for every 12 spaces. (see Figure 702-3).

**Finding:** No changes to the existing off-street parking area is proposed or required. This standard does not apply to the proposed development.

**SRC 702.020(b)(8): Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806.**

**SRC 702.020(c)(1): Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.**

**Finding:** The proposed development plans show conformance with this standard by providing windows in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths.

**SRC 702.020(c)(2): Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development to enhance visibility and resident safety.**

**Finding:** The applicant's development plans show lighting which adequately illuminates the proposed building and pedestrian paths in accordance with this standard.

**SRC 702.020(c)(3): Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.**

**Finding:** The applicant's proposed development plans do not show obstructed visibility between street-facing dwelling units and adjacent streets. The proposal meets the standard.

**SRC 702.020(c)(4): Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.**

**Finding:** The applicant's development plans show landscaping and fencing which do not exceed three feet in height when adjacent to common open space, parking areas, and dwelling unit entryways. The proposal meets the standard.

**SRC 702.020(d)(1): To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 702-3).**

**Finding:** No changes to the existing off-street parking area is proposed or required. This standard does not apply.

**SRC 702.020(d)(2): To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures.**

**Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.**

**Finding:** The development site includes an existing building and off-street parking area which meet this standard. No changes to the existing off-street parking area is proposed or required.

**SRC 702.020(d)(3):** Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.

**Finding:** While the subject property abuts property zoned RS, it is not located uphill from those properties with a slope of 15 percent or greater within 40 feet of the property line. This standard does not apply to the proposed development.

**SRC 702.020(d)(4):** To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks. Pedestrian pathways shall be a minimum of five feet in width.

**Finding:** The applicant has requested an adjustment to this standard.

**SRC 702.020(e)(1):** To preclude long monotonous exterior walls, buildings shall have no dimension greater than 150 feet.

**Finding:** The proposed building's longest dimension is approximately 77 feet. The proposal meets the standard.

**SRC 702.020(e)(2):** Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between new buildings and structures on site and existing buildings and structures on abutting sites.

**Finding:** The subject property abuts property zoned RS to the north and west. The proposed building is 26 feet in height. Pursuant to SRC Table 702-5, the minimum setback to the north and west property lines is 26 feet. The applicant has requested an adjustment to this standard.

**SRC 702.020(e)(3):** To enhance compatibility between new buildings on site and abutting residential sites, balconies located on building facades that face RA or RS zoned properties, unless separated by a street, shall have fully sight-obscuring railings.



**Finding:** The proposal includes balconies facing RS-zoned properties, with fully-sight-obscuring railings provided. The proposal meets the standard.

**SRC 702.020(e)(4):** On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.

**Finding:** The proposed development includes retention of the existing apartment building and off-street parking area adjacent to the development site's only street frontage. The proposed building is exempt from this standard.

**SRC 702.020(e)(5):** To orient buildings to the street, any ground-level unit, cluster of units, interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing that street, with direct pedestrian access to adjacent sidewalks.

**Finding:** The proposed building is not within 25 feet of a property line abutting a street. This standard does not apply.

**SRC 702.020(e)(6):** A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.

**Finding:** The applicant's development plans show two shared entry areas on the proposed building which meet this standard.

**SRC 702.020(e)(7):** Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.

**Finding:** The proposed plans do not show roof-mounted mechanical equipment other than vents or ventilators. This standard does not apply to the proposed development.

**SRC 702.020(e)(8):** To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 702-4)

**Finding:** The applicant's development plans indicate no flat roof or ridges of sloping roofs will exceed a horizontal length of 100 feet. This standard does not apply.

**SRC 702.020(e)(9):** To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design

**elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.**

- (A) **Offsets (recesses and extensions).**
- (B) **Covered deck.**
- (C) **Covered balcony.**
- (D) **Cantilevered balcony, provided at least half of its depth is recessed.**
- (E) **Covered entrance.**

**Finding:** The proposed building is less than 80 feet in length. This standard does not apply.

**SRC 702.020(e)(10): To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):**

- (A) **Change in materials.**
- (B) **Change in color.**
- (C) **Molding or other horizontally-distinguishing transition piece.**

**Finding:** The applicant's development plans show a piece of molding as a transition piece between the first and upper floors. The proposal meets the standard.

## **CONCLUSION**

Based upon review of SRC Chapters 220, 225, and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

## **ORDER**

Final approval of Class 3 Site Plan Review, Class 2 Adjustment, and Class 1 Design Review case no. SPR-ADJ-DR22-15 is hereby **APPROVED** subject to SRC Chapters 220, 225, and 250, the applicable standards of the Salem Revised Code, conformance with the approved development plans included as **Attachment B**, and the following conditions of approval:

- Condition 1:** Replace the sidewalk along the driveway approach on Lockwood Lane S.
- Condition 2:** The existing hedges along Lockwood Lane shall be removed to accommodate installation of street trees and to comply with Salem Revised Code 800.050(a)(2).
- Condition 3:** Install street trees to the maximum extent feasible along the Lockwood Lane S frontage.

- Condition 4:** The adjusted north setback area shall be planted with a minimum of one plant unit per 16 square feet of landscaped area, and shall include a minimum of two shade trees.
- Condition 5:** The adjusted west setback area shall be planted with a minimum of one plant unit per 16 square feet of landscaped area, and shall include a minimum of three shade trees.
- Condition 6:** The proposed pedestrian connections shall connect to the existing off-street parking area and to the northernmost existing pedestrian walkway on tax lot 3300.
- Condition 7:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.
- Condition 8:** Each new private open space shall meet the minimum size and dimension standards of Salem Revised Code Chapter 702, Table 702-4.
- Condition 9:** A minimum of two plant units shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.
- Condition 10:** Ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.



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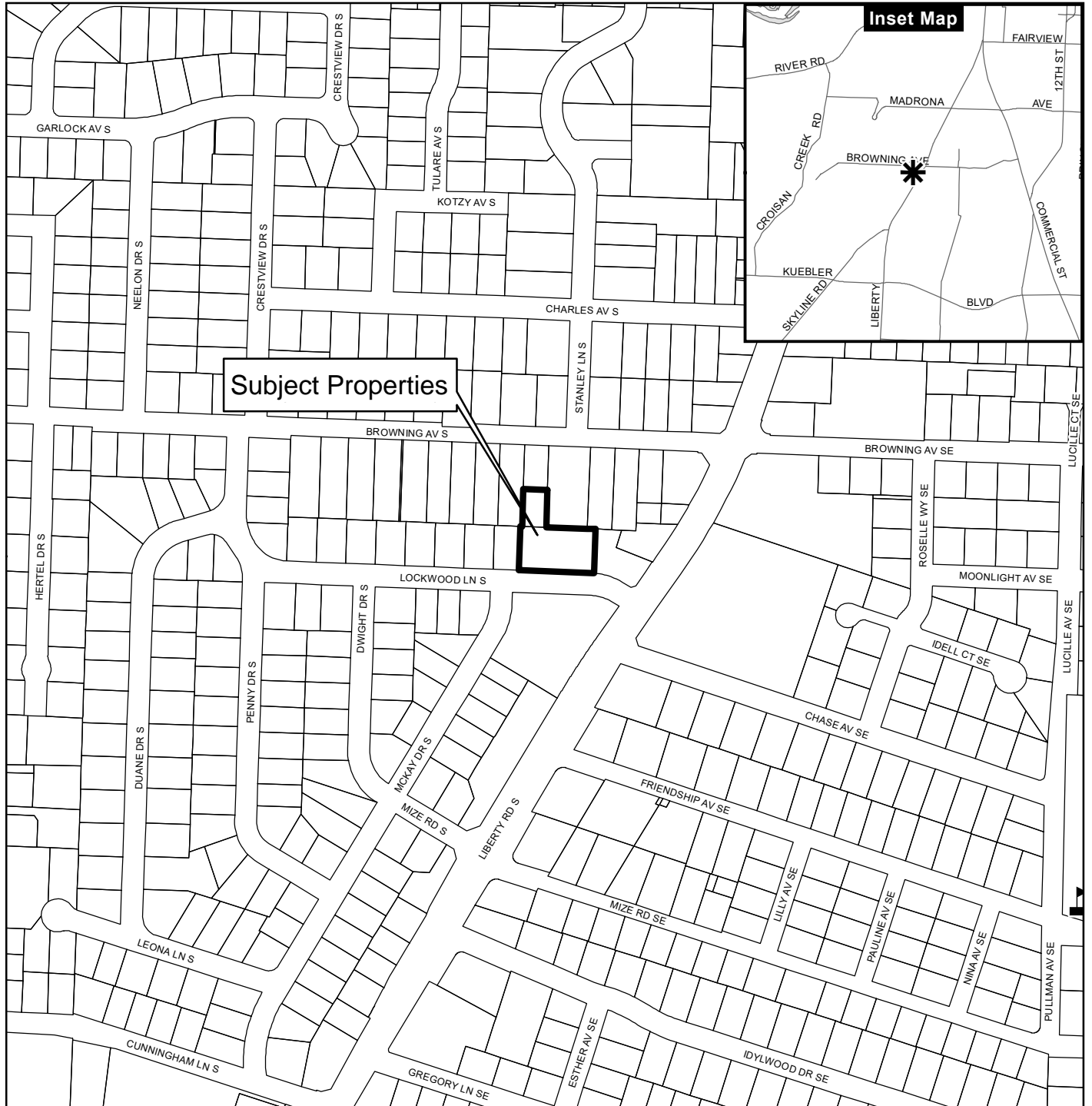
Brandon Pike, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Prepared by Brandon Pike, Planner I

Attachments:

- A. Vicinity Map
- B. Proposed Development Plans
- C. Applicant's Written Statement
- D. Memo from the Public Works Department

# Vicinity Map 701 Lockwood Lane S



## Legend

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

- Parks

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0 100 200 400 Feet





SITE 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.

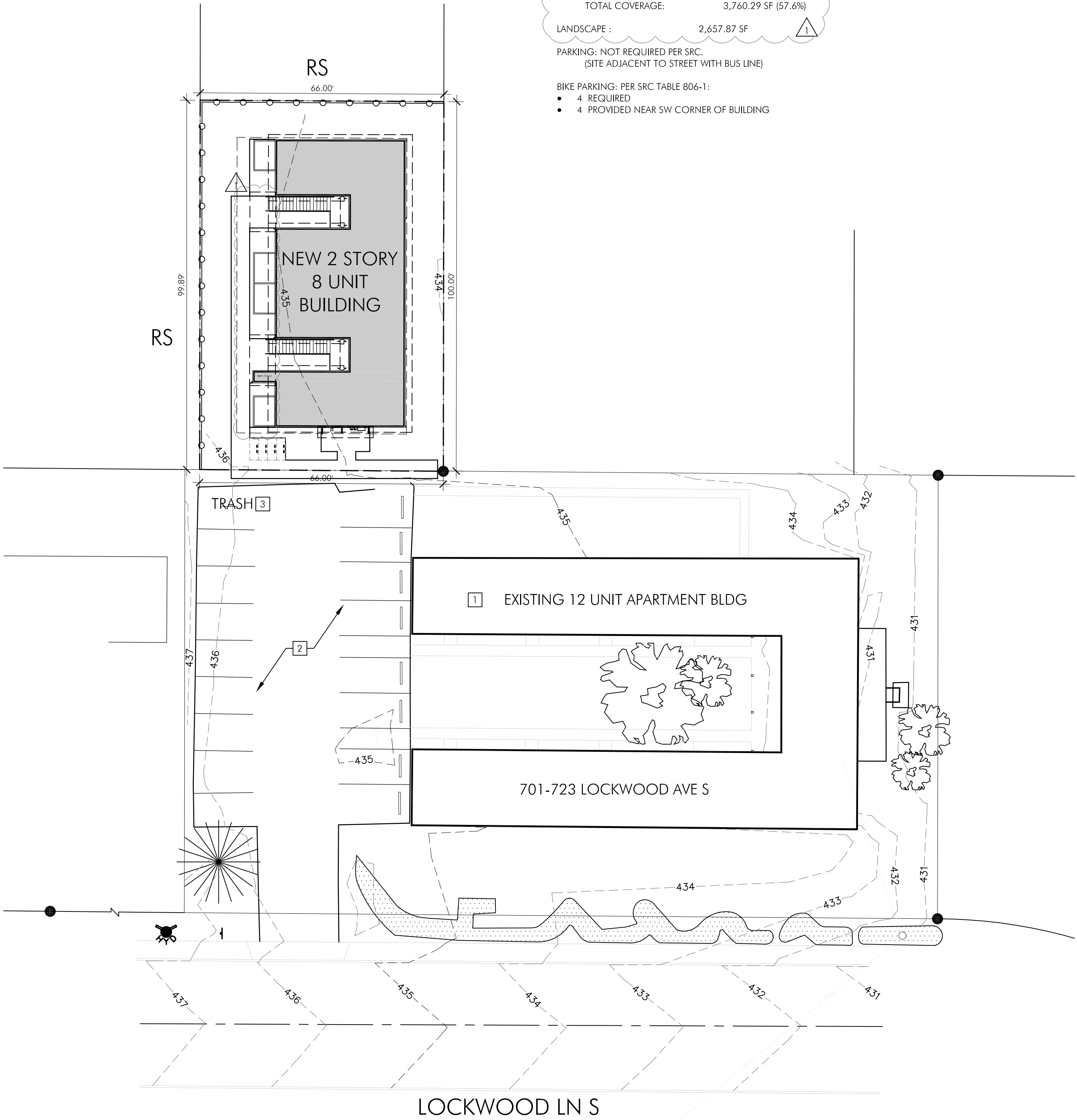
5. JOINTS IN CONCRETE WALKS NOTED AS E.J. ARE TO BE CONSTRUCTED AS EXPANSION JOINTS. ALL OTHER JOINTS SHOWN, TO BE TOOLED CONTROL JOINTS, SEE CIVIL.

6. SEE LANDSCAPE DRAWINGS FOR LANDSCAPE ELEMENTS.

7. SEE ELECTRICAL DRAWINGS FOR SITE LIGHTING.

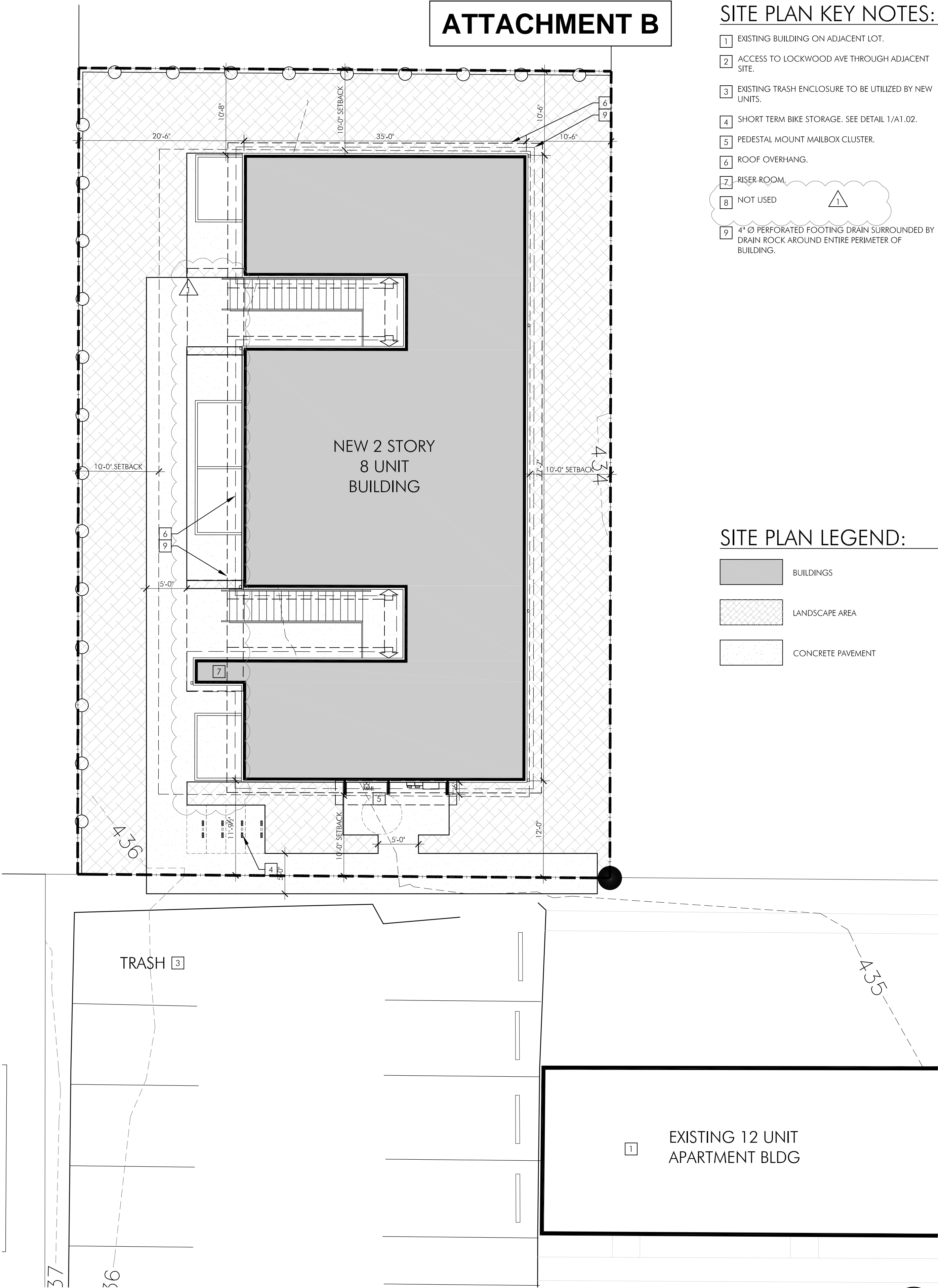
SUMMARY TABLE

SCOPE: NEW 2 STORY APARTMENT BUILDING, WITH 8 UNITS, AND ASSOCIATED SITE IMPROVEMENTS.			
ZONE:	RM2		
EXISTING SITE AREA:	6,534 SF	(0.15 ACRES)	
REDEVELOPED SITE AREA:	6,534 SF	(0.15 ACRES)	
TOTAL BUILDING AREA:			
MAIN FLOOR:	2,376.75 SF		
SECOND FLOOR:	2,358.75 SF		
MAX COVERAGE: 3,920.40 SF (60%) (PER SRC TABLE 514-6)			
NEW BUILDING FOOTPRINT:			
BUILDING:	2,376.75 SF		
2ND FLOOR DECKS:	196.00 SF		
STAIR WELLS:	356.66 SF		
BUILDING COVERAGE:	2,929.41 SF (44.8%)		
IMPERVIOUS SURFACE: 830.88 SF			
TOTAL COVERAGE:	3,760.29 SF (57.6%)		
LANDSCAPE : 2,657.87 SF			
PARKING: NOT REQUIRED PER SRC. (SITE ADJACENT TO STREET WITH BUS LINE)			
BIKE PARKING: PER SRC TABLE 806-1:			
• 4 REQUIRED			
• 4 PROVIDED NEAR SW CORNER OF BUILDING			



1 OVERALL SITE PLAN

ATTACHMENT B



2 ENLARGED SITE PLAN

SITE PLAN KEY NOTES:

1. EXISTING BUILDING ON ADJACENT LOT.

2. ACCESS TO LOCKWOOD AVE THROUGH ADJACENT SITE.

3. EXISTING TRASH ENCLOSURE TO BE UTILIZED BY NEW UNITS.

4. SHORT TERM BIKE STORAGE. SEE DETAIL 1/A1.02.

5. PEDESTAL MOUNT MAILBOX CLUSTER.

6. ROOF OVERHANG.

7. RISER ROOM.

8. NOT USED

9. 4" Ø PERFORATED FOOTING DRAIN SURROUNDED BY DRAIN ROCK AROUND ENTIRE PERIMETER OF BUILDING.

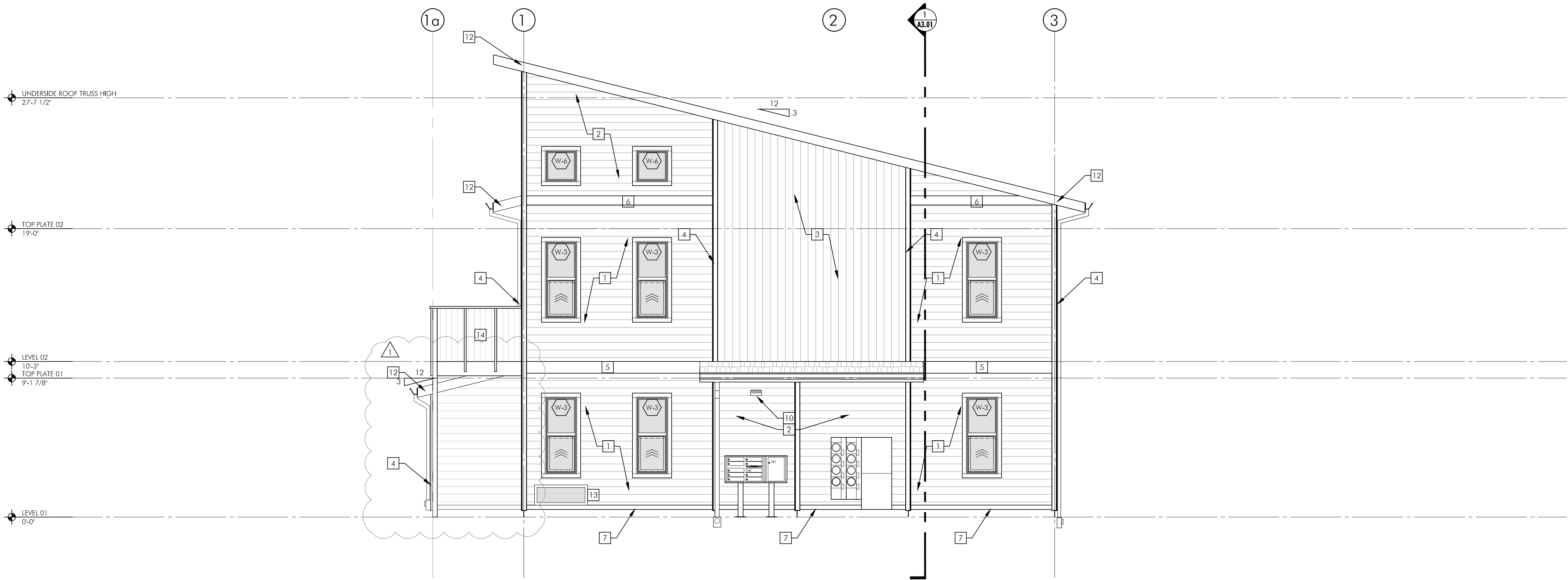
SITE PLAN LEGEND:

- BUILDINGS

LANDSCAPE AREA

CONCRETE PAVEMENT





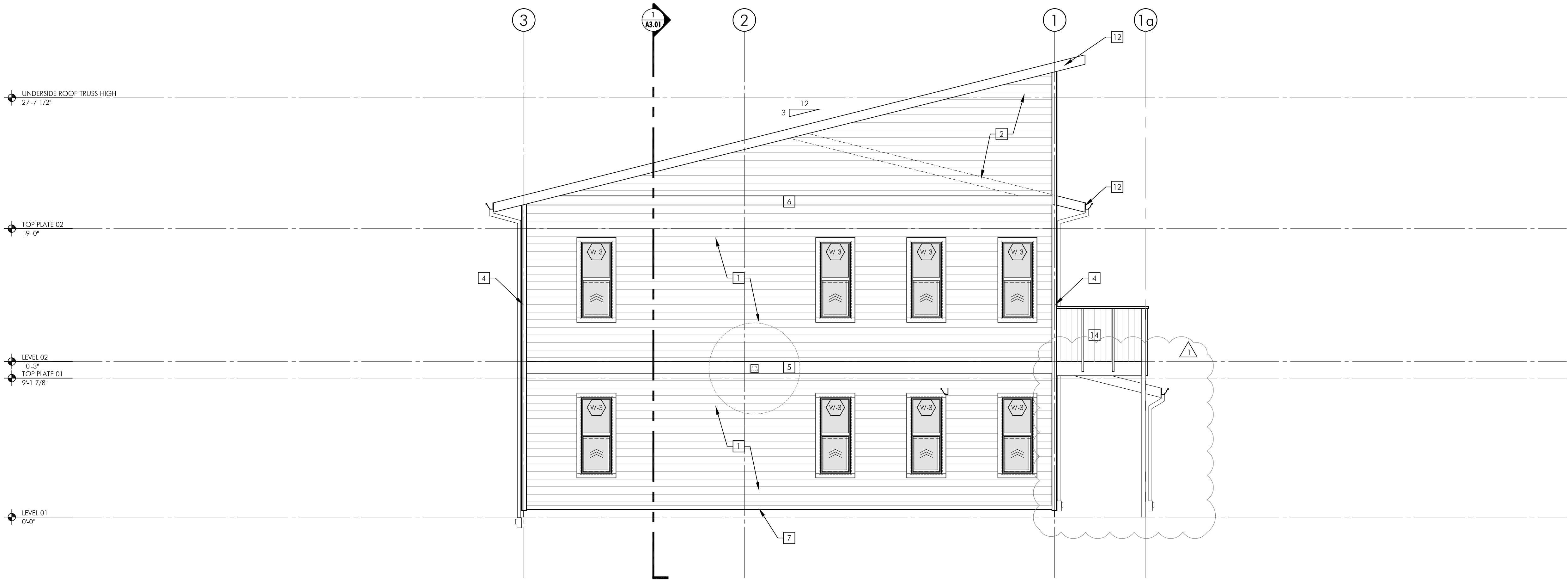
1 SOUTH ELEVATION



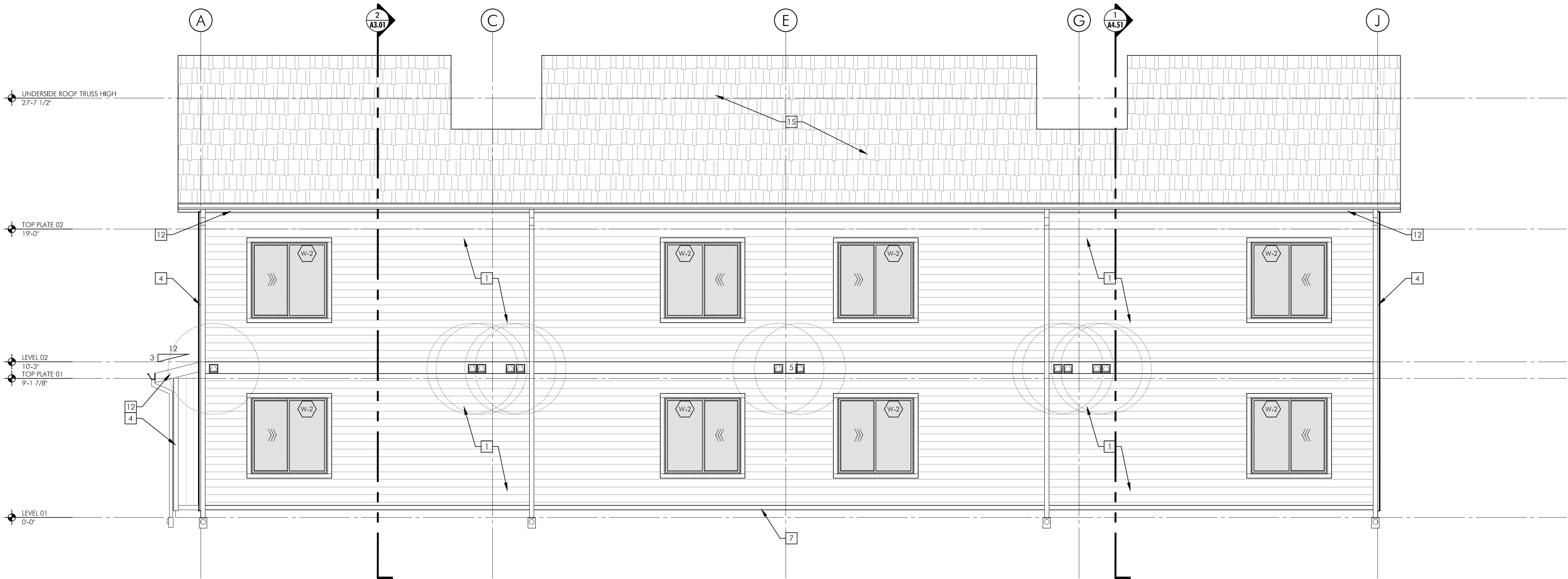
2 WEST ELEVATION

## ELEVATION NOTES:

- 1 HORIZONTAL LAPPED FIBER CEMENT SIDING, 6" EXPOSURE, COLOR: PEPPERCORN, SW7674
- 2 HORIZONTAL LAPPED FIBER CEMENT SIDING, 6" EXPOSURE, COLOR: CLASSIC FRENCH GRAY, SW0077
- 3 VERTICAL FIBER CEMENT BOARD & BATT, COLOR: BRICK PAVER, SW7599
- 4 3/4" TRIM BOARD AT ALL EXTERIOR CORNERS AND AROUND ALL OPENINGS, COLOR: BLACK MAGIC, SW6991
- 5 9/4" TRIM BOARD, COLOR: BLACK MAGIC, SW6991
- 6 7/4" TRIM BOARD, COLOR: BLACK MAGIC, SW6991
- 7 3/2" TRIM BOARD, COLOR: BLACK MAGIC, SW6991
- 8 FIBER CEMENT PANEL SIDING, COLOR: PEPPERCORN, SW7674
- 9 STAIR LANDING GUARDRAIL, SEE DETAIL 3/ A4.52
- 10 WALL PACK LIGHT. SEE LIGHT SCHEDULE ON A6.01
- 11 FIBERGLASS CLAD ENTRY OR PATIO DOOR, PAINTED, COLOR: ACCENT COLOR, TBD
- 12 2x8 WOOD FASCIA BOARD, PAINTED, COLOR: BLACK MAGIC, SW6991
- 13 PTHP UNIT
- 14 WOOD BALCONY PER STRUCTURAL MIN 42" HEIGHT FOR GUARDRAILS. PROVIDE CORRUGATED METAL PANELS WITH VERTICAL SUPPORTS MAX 4'-0" APART
- 15 COMPOSITION SHINGLE ROOFING
- 16 NOT USED
- 17 NOT USED



1 NORTH ELEVATION



2 EAST ELEVATION

ELEVATION NOTES:

- 1 HORIZONTAL LAPPED FIBER CEMENT SIDING, 6" EXPOSURE, COLOR: PEPPERCORN, SW7674
- 2 HORIZONTAL LAPPED FIBER CEMENT SIDING, 6" EXPOSURE, COLOR: CLASSIC FRENCH GRAY, SW0077
- 3 VERTICAL FIBER CEMENT BOARD & BATT, COLOR: BRICK PAVER, SW7599
- 4 3/4" TRIM BOARD AT ALL EXTERIOR CORNERS AND AROUND ALL OPENINGS, COLOR: BLACK MAGIC, SW6991
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- 13 PTHP UNIT
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- 15 COMPOSITION SHINGLE ROOFING
- 16 NOT USED
- 17 NOT USED

providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 702-4)

***Applicant's Findings:*** *Roof articulation is provided in the manner required by this section. As shown on the elevation drawings provided, no horizontal length of the building meets or exceeds the 100-foot maximum. This criterion is met.*

- (9) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.
  - A. Offsets (recesses and extensions).
  - B. Covered deck.
  - C. Covered balcony.
  - D. Cantilevered balcony provided at least half of its depth is recessed.
  - E. Covered entrance.

***Applicant's Findings:*** *There is no dimension of the new building that exceeds 80 feet in length. However, the applicant is proposing to articulate the building which gives it a residential scale and reduced the bulk. Entrances are articulated through building design, lighting, and landscape. Balconies and patios are provided for both visual interest and tenant livability. This criterion, though not applicable, has been met.*

- (10) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):
  - A. Change in materials.
  - B. Change in color.
  - C. Molding or other horizontally distinguishing transition piece.

***Applicant's Findings:*** *As provided on the elevation drawings, a change in materials of the façade of the building delineates the ground floor from the second floor. Additionally, articulation of the roofs, overhangs, entrances, and lighting all help to provide visual contrast and interest. This criterion is met.*

## Section 7: Findings Applicable to Class 2 Adjustments

### Chapter 250 – Adjustments

#### Section 250.005 – Adjustments

(a) Applicability.

(1) Classes.



- A. A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.
- B. A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

***Applicant's Findings:*** *As stated throughout this application narrative, the applicant is submitting for two Class 2 Adjustments which are required when adjusting a numerical standard more than 20 percent.*

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

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

***Applicant's Findings:*** *The adjustments being sought are not prohibited in accordance with the list above. This criterion is not applicable.*

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

***Applicant's Findings:*** *The applicant is seeking two Class 2 Adjustments consolidated with a Class 1 Design Review and Class 3 Site Plan Review which is processed using Type II procedures.*

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

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to

establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:

- A. The total site area, dimensions, and orientation relative to north;
- B. The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
- C. All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
- D. The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
- E. The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
- F. Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

***Applicant's Findings:*** *The site plan provided includes all of the information required by this section. In conjunction with this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- A. The total site area, dimensions, and orientation relative to north;
- B. The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
- C. The location of the 100-year floodplain, if applicable; and
- D. The location of drainage patterns and drainage courses, if applicable.

***Applicant's Findings:*** *The existing conditions plan provided includes all of the information required by this section. In conjunction with the site plan and this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

- (d) Criteria.

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

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

- (i) Clearly inapplicable to the proposed development; or
  - (ii) Equally or better met by the proposed development.
- B. If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.
- C. If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

***Applicant's Findings:*** *The applicant is seeking two adjustments for the proposed development. The first criterion to be adjusted is Salem Revised Code Section 800.065(a)(1). This section requires a pedestrian connection between building entrances and streets. The second criterion to be adjusted for the proposed development is Salem Revised Code Section 800.065(a)(3). This section requires a pedestrian connection through off-street parking areas.*

*The applicant has the responsibility to provide for safe maneuvering of pedestrians and vehicles throughout the development site. The applicant is also restricted by the existing site development. In the interest of reducing the likelihood of any pedestrian or vehicular conflicts, the applicant is seeking to eliminate the pedestrian connection requirement from the entrance of the new building to the public street and to eliminate a pedestrian connection through the existing vehicle use area and connecting to the public sidewalk. The existing and newly proposed pedestrian connections will afford safe and well-lit pathways for pedestrians throughout the site and will lead them to the vehicle use area. However, due to the constraints of the existing development, the location of parking spaces relative to existing buildings and mature landscaping, the applicant is limited on their ability to provide these two connections. The intent of the criteria is to allow for the safe maneuvering of pedestrians. However, the only place available for a pedestrian connection on this site would be to place them behind the vehicles, which would likely result in a pedestrian and vehicular conflict. This request meets the criterion of subsection ii., above. Five-foot-wide pedestrian walkways are planned to be located adjacent to the new building providing a safe pedestrian network on the development site. To the greatest extent practicable, the applicant is meeting the intent of the code with their proposal.*

*Granting these two adjustments will not negatively impact the adjacent RS zoned land. The applicant is meeting every criterion which is put in place to buffer adjacent uses and is seeking the minimum adjustments needed to allow this development to move forward.*

*The cumulative effect of all the adjustments results in a project which is still consistent with the overall purpose of the zone. The applicant has provided delineation, where possible, to reduce any impacts of the adjustments being sought. The above criteria are met by the proposal.*

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

# BRAND

## **Addendum to Lockwood Lane Apartments Narrative**

22-102748-RP, 22-102749-DR, and 22-102750-ZO

701 Lockwood Lane S Salem, Oregon

### **Section 1: Background and Request**

A land use application was submitted to the City of Salem on January 27, 2022. A completeness review was conducted, and a determination was made that the newly proposed building, containing eight dwelling units, does not meet the setback requirement when a multiple family development is abutting an RS or RA zone. The review also found that screening would be required along the interior property line of the development site. This addendum addressed the adjustment criteria for three additional adjustments needed to reduce the required setbacks to the north and west property lines for the new building and to eliminate the requirement to screen the property line within the development site. This addendum is supplemental to the complete narrative previously submitted for this application.

### **Section 2: Applicable Zoning Codes**

Salem Revised Code Chapter 250 – Adjustments

*Section 250.005 – Adjustments*

### **Section 3: Findings Applicable to Class 2 Adjustments**

Chapter 250 – Adjustments

Section 250.005 – Adjustments

(a) Applicability.

(1) Classes.

- A. A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.
- B. A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

***Applicant's Findings:*** The applicant is submitting for three additional Class 2 Adjustments which are required when adjusting a numerical standard more than 20 percent.

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

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

***Applicant's Findings:*** The adjustments being sought are not prohibited in accordance with the list above. This criterion is not applicable.

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

***Applicant's Findings:*** The applicant is seeking three additional Class 2 Adjustments to be consolidated with a Class 1 Design Review, Class 3 Site Plan Review, and two previously submitted Class 2 Adjustments which are processed using Type II procedures.

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

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
  - A. The total site area, dimensions, and orientation relative to north;
  - B. The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
  - C. All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;

- D. The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
- E. The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
- F. Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

***Applicant's Findings:*** *The site plan provided includes all of the information required by this section. In conjunction with this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

(2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- A. The total site area, dimensions, and orientation relative to north;
- B. The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
- C. The location of the 100-year floodplain, if applicable; and
- D. The location of drainage patterns and drainage courses, if applicable.

***Applicant's Findings:*** *The existing conditions plan provided includes all of the information required by this section. In conjunction with the site plan and this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

(d) Criteria.

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

- A. The purpose underlying the specific development standard proposed for adjustment is:
  - (i) Clearly inapplicable to the proposed development; or
  - (ii) Equally or better met by the proposed development.
- B. If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.
- C. If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

***Applicant's Findings:*** *The applicant is seeking three additional adjustments for the proposed multiple family development.*

Adjustments 1 and 2: The criterion to be adjusted is Salem Revised Code Section 702.020(e)(2) which states, Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between new buildings and structures on site and existing buildings and structures on abutting sites.

As shown on the site plan included with the application submittal, the new building will be setback 10-feet from the northern property line abutting an RS zone and 14'-9" from the western property line abutting an RS zone. The standard is as follows: setback to the north and west property lines is 26-feet. Granting the reduced setbacks down to 10-feet to the north and 14'-9" to the west equally meets the intent of the code. The newly proposed building contains only 8 dwelling units but the development site, with the addition of the new building, will contain 20 units in total. If the building was reviewed on its own as only 8 units, it would meet the requirement to have a setback of only 10-feet to the abutting RS zoned property. The building does not have a dimension larger than 80-feet and does not exceed two stories in height. Because there are only 8 dwelling units in the newly proposed building and it is detached from the existing building, the impact to the neighboring property is not more impactful than a development with 5 to twelve dwelling units.

Adjustment 3: The criterion to be adjusted is Salem Revised Code Section 514.010(d), Table 514-5 Zone-to-Zone Setbacks. Residential Zone – Buildings and Accessory Structures minimum setback is 10-feet with Type C Landscaping.

As shown on the site plan included with this application submittal, the newly proposed building meets the required setback. Additionally, the Type C landscape requirements outlined in Salem Revised Code Chapter 807.015(a). However, Type C landscaping also requires screening. Screening across an interior property line of a development site is impractical. The standard is clearly inapplicable to the proposed development. Providing screening would disjoint the development site and interrupt the pedestrian circulation from the new development to the existing development including access to walkways and the vehicle use and parking area.

Granting these three additional adjustments will not negatively impact the adjacent RS zoned land. The applicant is meeting every criterion which is put in place to buffer adjacent uses and is seeking the minimum adjustments needed to allow this development to move forward.

The cumulative effect of all five (including the two previously applied for) adjustments results in a project which is still consistent with the overall purpose of the zone. The applicant has provided delineation, where possible, to reduce any impacts of the adjustments being sought. The above criteria are met by the proposal.

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

***Applicant's Findings:*** *The applicant understands should the development site transfer ownership, the adjustments will run with the land and the rights granted will transfer to the new owner.*





## MEMO

**TO:** Brandon Pike, Planner I  
Community Development Department

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

**DATE:** April 20, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
SPR-ADJ-DR22-15 (22-102748)  
701 LOCKWOOD LANE S  
8-UNIT MULTI-FAMILY BUILDING**

**PROPOSAL**

A Class 3 Site Plan Review for the development of a new eight-unit apartment building at an existing apartment development, with associated site improvements. The subject development site is approximately 0.7 acres in size, zoned RM-II (Multiple Family Residential), and located at 701 Lockwood Lane S (Marion County Assessor map and tax lot numbers: 083W09AB / 900 and 3300).

**RECOMMENDED CONDITIONS OF APPROVAL**

1. Replace the sidewalk along the driveway approach on Lockwood Lane S.
2. Install street trees to the maximum extent feasible along the Lockwood Lane S frontage.

**FACTS****Streets**

1. Lockwood Lane S
  - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

## **Storm Drainage**

### **1. Existing Conditions**

- a. A 12-inch storm main is located in Lockwood Lane S.

## **Water**

### **1. Existing Conditions**

- a. The subject property is located in the S-2 water service level.
- b. An 8-inch water main is located in Lockwood Lane S.

## **Sanitary Sewer**

### **1. Existing Conditions**

- a. An 8-inch sewer main is located in Lockwood Lane S.

## **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, 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 or hydric soils.

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—**Lockwood Lane S is fully developed and meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Pursuant to SRC 78.180(a), the applicant shall replace the sidewalk across the existing driveway approach on Lockwood Lane S. All other sidewalks along the property frontage are existing and provide for safe pedestrian access. The sidewalk may remain located along the curb line pursuant to SRC 803.035(l)(2)(B).

The existing hedges along the Lockwood Lane S frontage are required to be removed as a condition of development. As a result, the applicant shall provide street trees to the maximum extent feasible along the Lockwood Lane S frontage pursuant to SRC 86.015(e).

**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 driveway access onto Lockwood Lane S provides for safe turning movements into and out of the property.

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

**Finding—**The 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 is proposing connections to existing public water, sewer, and stormwater infrastructure in Lockwood Lane S.

The applicant shall be required to design and construct a storm drainage system at the time of development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

Prepared by: Matt Olney, Program Manager  
cc: File