

# NOTICE OF DECISION

PLANNING DIVISION  
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*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING COMMISSION

**CLASS 3 DESIGN REVIEW / CONDITIONAL USE / CLASS 3 SITE PLAN  
REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT  
DR-CU-SPR-ADJ-DAP20-02**

**APPLICATION NO.: 20-102371-DR / 20-102369-ZO / 20-102373-RP / 20-108782-  
ZO / 20-102375-ZO**

**NOTICE OF DECISION DATE: JULY 24, 2020**

**SUMMARY:** An application to develop an 18-unit multiple family residential development, with associated site improvements.

**REQUEST:** A conditional use permit, Class 3 design review, Class 3 site plan review, and Class 2 driveway approach permit application for a new multiple family residential development consisting of two 9-unit buildings, with associated site improvements including an off-street parking area and common open space. The application also includes a Class 2 adjustment request to:

- 1) Reduce the minimum number of required off-street parking spaces from 27 to 26; and
- 2) Reduce the minimum spacing between the proposed driveway approach and Woodside Drive SE from 370 feet to approximately 200 feet.

For property approximately 0.67 acres in size, zoned IC (Industrial Commercial), and located at 5611 Woodside Drive SE (Marion County Assessor map and tax lot number(s): 083W14CB / 02400). "

**APPLICANT:** Mountain West Investment Corporation

**LOCATION:** 5611 Woodside Drive SE, Salem OR 97306

**CRITERIA:** Salem Revised Code (SRC) Chapter(s) 225.005(e)(2) – Design Review; 240.005(d) – Conditional Use; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d) – Class 2 Adjustment; and 804.025(d) – Driveway Approach Permit

**FINDINGS:** The facts and findings are in the attached exhibit dated July 24, 2020.

**DECISION:** The **Planning Commission APPROVED** Class 3 Design Review / Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case DR-CU-SPR-ADJ-DAP20-02 subject to the following conditions of approval:

### **CLASS 3 DESIGN REVIEW**

**Condition 1:** The nine trees identified on the proposed site plan for preservation shall be marked and protected during construction, or in the case of any tree removal, two new trees shall be planted for each tree

removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper. Any significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of certificate of final occupancy for the proposed development.

**Condition 2:** A minimum of two canopy trees shall be planted within the interior of the off-street parking area.

**Condition 3:** On both sides of the proposed driveway approach, provide a minimum of one tree as well as a 30-inch-tall brick, stone, or finished concrete wall to buffer the off-street parking area from Mildred Lane SE. The setback areas shall be landscaped according to the Type A standard set forth in Salem Revised Code Chapter 807. Any portion of the wall that encroaches into a vision clearance area set forth in Salem Revised Code Chapter 805 shall have a height no greater than the maximum allowed under Salem Revised Code 805.010.

**Condition 4:** Provide a minimum of one window per floor on the south façade of Building 1.

### **CONDITIONAL USE**

**Condition 5:** The proposed development shall contain no more than 18 dwelling units.

### **CLASS 3 SITE PLAN REVIEW**

**Condition 6:** Prior to the issuance of building permits, record the final plat for partition case no. PAR19-11.

**Condition 7:** At the time of building permit application, revise the off-street parking area to meet the 15-foot minimum setback to the north property line for the vehicle use area; or adjust this standard through a land use action.

**Condition 8:** At the time of building permit application, demonstrate that the solid waste service area will conform to all applicable standards of Salem Revised Code 800.055.

**Condition 9:** Provide bumper guards or wheel barriers so that no portion of a parked vehicle will overhang or project into required setbacks and landscape areas, or into pedestrian accessways.

**Condition 10:** Construct a half-street improvement along the frontage of Woodside Drive SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions of Salem Revised Chapter 803. The sidewalk along Woodside Drive SE shall be located parallel to and one-foot from the adjacent right-of-way pursuant to Salem Revised Code 803.035(l)(2)(A).

**Condition 11:** Install street trees to the maximum extent feasible pursuant to Salem Revised Code Chapter 86.

**Condition 12:** Extend an 8-inch sewer main from the terminus of the existing sewer main in Woodside Drive SE to the northern boundary of the subject property.


**Condition 13:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code Chapter 71 and Public Works Design Standards.

### **CLASS 2 ADJUSTMENT**

**Condition 14:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action

### **VOTE:**

**Yes 9                      No 0    Absent 0**

  
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Chane Griggs, President  
Salem Planning Commission

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

Class 3 Design Review	August 11, 2022
Conditional Use	August 11, 2022
Class 3 Site Plan Review	August 11, 2024
Class 2 Adjustment	August 11, 2022
Class 2 Driveway Approach Permit	August 11, 2022

Application Deemed Complete:	<u>June 16, 2020</u>
Public Hearing Date:	<u>July 7, 2020</u>
Notice of Decision Mailing Date:	<u>July 24, 2020</u>
Decision Effective Date:	<u>August 11, 2020</u>
State Mandate Date:	<u>October 14, 2020</u>

**Case Manager:** Brandon Pike, [bpike@cityofsalem.net](mailto:bpike@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 by 5:00 p.m., August 10, 2020. **PLEASE NOTE: Due to the COVID-19 pandemic, City of Salem Offices are closed to the public until further notice.** The notice of appeal can be submitted electronically at [planning@cityofsalem.net](mailto:planning@cityofsalem.net). Any person who presented evidence or

testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 225, 240, 220, 250, and 804. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 320, City Hall, 555 Liberty Street SE, during regular business hours. For access to case related documents during the closure of City Hall to the public because of the Covid-19 pandemic, please contact the Case Manager.

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

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## **FACTS & FINDINGS**

### **CLASS 3 DESIGN REVIEW / CONDITIONAL USE PERMIT / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO. DR-CU-SPR-ADJ-DAP20-02**

**July 24, 2020**

## **PROCEDURAL FINDINGS**

1. On January 24, 2020, Class 3 design review, conditional use permit, Class 3 site plan review, and Class 2 driveway approach permit applications were submitted for the development of a new multiple family residential development consisting of two 9-unit buildings, with associated site improvements including an off-street parking area and common open space on property located at 5611 Woodside Drive SE. A vicinity map is included as **Attachment A**.
2. On May 22, 2020, an application for Class 2 adjustments was filed as part of the consolidated land use application.
3. After additional information was received from the applicant, the applications were deemed complete for processing on June 16, 2020. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on June 17, 2020. Notice was also posted by Staff on the subject property pursuant to SRC requirements.
4. The public hearing on the proposed Class 3 design review, conditional use permit, Class 3 site plan review, Class 2 adjustment, and Class 2 driveway approach permit application was held on July 7, 2020. Due to the COVID-19 pandemic, no public testimony was provided. The Planning Commission left the written record open for the next seven days. Comments were due by July 14, 2020 at 5:00 P.M. The applicant was able to provide final written rebuttal until July 21, 2020 at 5:00 P.M.

The 120-day state-mandated decision deadline for this case is October 14, 2020.

## **BACKGROUND/PROPOSAL**

The application under review by the Planning Commission is a consolidated Class 3 design review, conditional use permit, Class 3 site plan review, Class 2 adjustment, and Class 2 driveway approach permit application for a new 18-unit multiple family residential development, with associated site improvements.

Vehicular access is proposed through a driveway approach onto Mildred Lane SE.

## **APPLICANT'S PLANS, STATEMENT, AND TESTIMONY**

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The materials submitted by the applicant depicting the

proposed development, and in support of the proposal, are attached to this report as follows:

- Site/development plans and building elevations - **Attachment B**
- Written statement provided by the applicant addressing the proposal's conformance with the applicable approval criteria - **Attachment C**

Staff utilized information from the applicant's materials to help evaluate the proposal and formulate the facts and findings.

## **SUMMARY OF RECORD**

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

## **SUBSTANTIVE FINDINGS**

### **1. Salem Area Comprehensive Plan (SACP)**

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

### **2. Zoning**

The subject property is zoned IC (Industrial Commercial). The zoning designations and use classifications for surrounding properties is as follows:

- North: RM-II (Multiple Family Residential-II) – multiple family (Woodside Estates)
- South: Across Mildred Lane SE – IC (Industrial Commercial) – undeveloped land
- East: Across Woodside Drive SE – IC (Industrial Commercial) – self-service storage (South Salem Mini Storage)
- West: RA (Residential Agriculture) – undeveloped land

### **3. Natural Features**

**Trees:** *The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves." As conditioned, there*

*are four trees proposed for removal on the subject property. Two of the trees proposed for removal are walnuts, and two are firs; they are located near the property abutting Mildred Lane SE and do not require a removal permit. As conditioned, trees which are removed shall be replaced in accordance with the requirements of SRC Chapter 807.*

**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 wetlands 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 in the area of proposed development.*

**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 in the area of proposed development. Pursuant to SRC Chapter 810, no geologic assessment, or geotechnical report is required for development of the property.*

#### **4. Neighborhood Association Comments**

The subject property is located within the boundaries of the South Gateway Neighborhood Association. Notice of the public hearing was sent to the neighborhood association and also posted on the subject property. As of the date of the public hearing, no comments have been received from the neighborhood association.

#### **5. Public Comments**

Notice of the application was sent pursuant to Salem Revised Code (SRC) requirements on June 17, 2020.

As of the date of completion of the staff report, one comment was received from a nearby resident. Their concerns along with a Staff response can be summarized as follows:

- i. *Zoning and Allowed Uses on Neighboring Parcel.* One resident expressed interest in the zoning and allowed uses for the remaining portion of tax lot 083W14CB02400, as well as future street connectivity involving this area.

**Staff Response:** This area, part of a future 5.21-acre parcel along with tax lots 083W14CB / 02301 and 02500 once the partition plat for case no. PAR19-11 is recorded at the County, is identified as Parcel I within case no. PAR19-11. This area is zoned RA (Residential Agriculture) and is not proposed for development at this time. Future creation of streets on this property may be required depending on the proposed development.

- ii. *Street Improvements Proposed.* One resident noted the need for crosswalks, traffic signs, or other street improvements to lower the posted and designed speed for Mildred Lane SE.

**Staff Response:** Due to the relatively small nature of the proposed development, required street improvements do not involve any off-site street improvements such as a marked crosswalk. Instead, the conditions of approval involve sidewalk and street tree improvements adjacent to the subject property.

## **6. City Department Comments**

- A. The Building and Safety Division reviewed the proposal and indicated no objections.
- B. The Fire Department reviewed the proposal and indicated that Fire Department access is required to be provided within 150 feet of all portions of the buildings. If the buildings exceed 30 feet in height per the OFC, then aerial access is required. Any dead-end Fire Department access roads over 150 feet in length will require an approved turnaround. All portions of the structures are required to be located within 600 feet of a fire hydrant if they are provided with an approved fire sprinkler system. The FDCs are required to be located within 100 feet of a fire hydrant and the hose lay shall not obstruct fire department access. Note: all measurements are made along an approved route.
- C. The Public Works Department has reviewed the proposal and provided a memo included as **Attachment D**.

## **7. Public Agency & Private Service Provider Comments**

Notice of the proposal was provided to public agencies and to public & private service providers.

- A. Portland General Electric has reviewed the proposal and commented that development cost will be per current tariff and service requirements. Any relocation of PGE facilities on private property or in the right-of-way will be at the developer's expense. Development could require a 10-foot public utility easement (PUE).
- B. Salem-Keizer Public Schools has reviewed the proposal and provided a response letter included as **Attachment E**.

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 3 DESIGN REVIEW**

## **8. CLASS 3 DESIGN REVIEW APPROVAL CRITERIA**

This application was submitted prior to the adoption of Ordinance No. 1-20, which modified portions of the SRC, including multiple family design standards. While the proposed development would not be subject to a Class 3 multiple family design review if

it were submitted today, the applicant requested that the consolidated application be processed under the previous version of the SRC.

Salem Revised Code (SRC) 225.005(e)(2) sets forth the criteria that must be met before approval can be granted to an application for Class 3 Design Review. Pursuant to SRC 225.005(e)(2) an application for a Class 3 Design Review shall be approved if all of the applicable design review guidelines are met.

The design review guidelines applicable to the proposed multiple family residential development are established under SRC 702.010. The following subsections are organized with the multiple family design review guidelines shown in ***bold italic***, followed by findings evaluating the proposal for conformance with the design review guidelines. Lack of compliance with the design review guidelines is grounds for denial of the Class 3 Design Review application, or for the issuance of conditions to ensure the design review guidelines are met.

### **Open Space Design Review Guidelines and Standards**

#### *702.015(b)(1) – Common Open Space*

- (A) A variety of open space areas of sufficient size shall be provided for use by all residents.

**Finding:** The corresponding design standard requires a minimum of 30 percent of the gross site area to be designated as common open space. The subject property is approximately 0.67 acres or 29,145 square feet in size, requiring approximately 8,744 square feet of open space ( $29,145 \times 0.3 = 8,743.5$ ). The proposed site plan indicates that a total of 8,360 square feet, or approximately 29.3 percent of the subject property is provided as open space area, including landscaping within perimeter setbacks and the potential stormwater detention area. While the proposed amount of common open space is slightly less than what the design standard would require, the proposed development provides multiple common open spaces that provide necessary recreation area for the residents and guests.

- (B) Common open space shall be distributed around buildings and throughout the site.

**Finding:** Common open space areas are provided throughout the site, surrounding both proposed buildings on three sides.

- (C) The amount of perimeter setbacks used for common open space shall be minimized.

**Finding:** The subject property is relatively small, at approximately 0.67 acres in size. The applicant has stated that because the property is long and narrow, with limitations on where the proposed buildings and off-street parking area can be situated, there is not enough room on the site to provide common open space predominantly outside of the perimeter setbacks. However, the applicant

has located enclaves of common open space which fall outside the perimeter setbacks, notably on the northern sides of both buildings.

*702.015(c)(1) – Children’s Play Areas and Adult Recreation Areas*

- (A) A variety of common open area opportunities shall be provided for enjoyment by all residents.

**Finding:** The corresponding design standard states that multi-family developments containing fewer than 20 units do not require children’s play and/or adult recreation areas. The proposed development includes 18 dwelling units. As proposed, there are several common open areas distributed throughout the site.

- (B) Children’s play and/or adult recreation areas shall be located centrally within the development.

**Finding:** No children’s play and/or adult recreation areas are proposed within the development. This guideline does not apply.

- (C) Children’s play areas, if provided, shall be located in a manner to incorporate safety into the design by including such things as locating play areas to be visible from dwelling units, locating play areas away from physical barriers such as driveways and parking areas, and selection of play equipment with safe designs.

**Finding:** No children’s play areas are included in the proposal. This guideline does not apply.

*702.015(d)(1) – Private Open Space.*

- (A) Individual private open space shall be provided for each dwelling unit in all newly constructed multiple family developments.

**Finding:** Each proposed dwelling unit is provided with a deck or patio. Ground floor dwelling units will be provided with a patio 96 square feet in size, and upper floor units will be provided with decks or balconies that are a minimum of 48 square feet in size. Proposed private open space areas exceed the minimum dimensions required by the corresponding design standards.

- (B) Private open space shall be easily accessible from the dwelling unit.

**Finding:** Private open space areas are accessible from each dwelling unit, with direct access provided between each dwelling unit and the corresponding private open space.

- (C) If private open space is located adjacent to common open space, a buffer between the two open space areas shall be provided.

**Finding:** Ground floor private open space areas are separated from common open space areas by a five-foot tall sight-obscuring wood fence.

### **Landscaping Design Review Guidelines and Standards**

#### *702.020(b)(1) – General Landscaping*

(A) A variety of tree types shall be distributed throughout the site to maximize tree canopy.

**Finding:** The corresponding design standard requires a minimum of one tree to be planted for every 2,000 square feet of gross site area. The subject property is approximately 29,145 square feet in size, requiring a minimum of 15 trees ( $29,145 / 2,000 = 14.6$ ). As conditioned below, the applicant must preserve existing trees or replant in the event of removal. The number of trees provided for the development site will be reviewed with the landscape and irrigation plans required at the time of building permit application submittal to ensure they comply with the landscaping requirements.

(B) Landscaping shall be used to shield the site from winter winds and summer sun.

**Finding:** Trees and shrubs will be distributed throughout the development site to provide shade during the summer and to shield from winter winds; this will be reviewed at the time of building permit review.

(C) Existing trees shall be preserved to the maximum extent possible.

**Finding:** The existing conditions plan provided by the applicant indicates that there are 13 existing trees on the subject property, with no significant trees (Oregon white oaks greater than 24 inches in diameter at breast height). The plans and written statement provide different information in terms of which trees are proposed for removal and conservation. The proposed site plan shows 4 trees marked for removal, and 9 trees marked for preservation; while the site plan and written statement state that all trees on the site may be removed during development. Additionally, the site plan and written statement misstate that there are 19 trees on the subject property. A previous permit involving the subject property allowed the removal of 4 of the 13 trees, leaving 9 trees marked for preservation as shown on the applicant's site plan; these numbers were confirmed by Staff who visited the subject property. These 9 trees are located within the perimeter setbacks and should be preserved to the maximum extent feasible.

**Condition 1:** The nine trees identified on the proposed site plan for preservation shall be marked and protected during construction, or in the case of any tree removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper. Any significant tree shall require that at least 70

percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of certificate of final occupancy for the proposed development.

Additionally, as noted in *Section 10*, the applicant is required to comply with the tree replanting requirements of SRC Chapter 807.

- (D) Where a development site abuts property zoned Residential Agriculture (RA) or Single Family Residential (RS), an appropriate combination of landscaping and screening shall be provided that is sufficient to buffer between the multiple family development and the abutting RA or RS zoned property.

**Finding:** The subject property abuts RA-zoned property to the west. New shrubs and trees, as well as fencing meeting the Type C screening requirements of SRC Chapter 807 will be installed along the boundary abutting RS zoned properties providing an appropriate buffer between the proposed multi-family development and abutting RA-zoned properties.

*702.020(c)(1) – Street Frontage*

- (A) The residential character of the site shall be enhanced with trees planted within the public right-of-way.

**Finding:** New street trees are required to be installed on Woodside Drive SE and Mildred Lane SE, in compliance with the standards in SRC Chapter 86.

*702.020(d)(1) – Building Exteriors*

- (A) Landscaping shall be planted to define and accentuate the primary entry way of each dwelling unit, or combination of dwelling units.

**Finding:** The preliminary landscaping plan shows landscaping is provided along the entryways for each of the proposed buildings.

- (B) Vertical and horizontal landscape elements shall be provided along all exterior walls to soften the visual impact of buildings and create residential character.

**Finding:** The proposed landscaping plan indicates a variety of trees, shrubs and ground cover will be provided along the exterior walls of the buildings.

*702.020(e)(1) – Privacy*

- (A) Landscaping, or a combination of landscaping and fencing, shall be used to buffer the multiple family development from abutting properties.

**Finding:** The proposed plans indicate that landscaping, or a combination of landscaping and fencing, will be installed along the interior property lines

providing a buffer between the proposed multi-family development and abutting properties.

- (B) Landscaping shall be used to enhance the privacy of dwelling units. Methods may include fencing in combination with plant units.

**Finding:** The preliminary landscape plan indicates that trees and shrubs will be provided around the exterior walls of the proposed buildings and a combination of landscaping and fencing will be used to screen ground floor private open space areas.

*702.020(f)(1) – Parking Areas*

- (A) Canopy trees shall be distributed throughout the interior, and planted along the perimeter, of parking areas.

**Finding:** The preliminary landscape plan indicates that a variety of canopy trees will be provided along the perimeter of the proposed parking area where space allows. The applicant has proposed to accommodate stormwater infrastructure within portions of the parking area's interior landscaped area, while no trees are shown within the interior of the parking area. To ensure the proposed development meets this design guideline, the following condition of approval shall apply:

**Condition 2:** A minimum of two canopy trees shall be planted within the interior of the off-street parking area.

**Crime Prevention Through Environmental Design**

*702.025(a)(1) – Safety Features for Residents*

- (A) Multiple family developments shall be designed in a manner that considers crime prevention and resident safety.

**Finding:** The applicant indicates that fencing or landscaping will not be placed in areas that obstruct visibility. As conditioned below, all buildings have windows provided in habitable rooms which are oriented towards open space areas, the proposed parking area, and pedestrian paths. Lighting will be provided on buildings and along pedestrian paths.

- (B) Landscaping and fencing shall be provided in a manner that does not obscure visual surveillance of common open space, parking areas, or dwelling unit entryways.

**Finding:** The preliminary landscape plan and the applicant's statement indicate that no fences or plant materials will be located in areas which obstruct visibility. All landscaping adjacent to open space areas will not exceed 3 feet in height.

### **Parking, Site Access, and Circulation**

#### *702.030(b)(1) – General Parking and Site Access*

- (A) Parking areas shall be designed to minimize the expanse of continuous parking.

**Finding:** As conditioned, landscape islands with canopy trees will be provided within the proposed parking area to minimize the expanse of continuous parking.

- (B) Pedestrian pathways shall be provided that connect to and between buildings, common open space, parking areas, and surrounding uses.

**Finding:** The proposed site plan includes pedestrian pathways which connect the parking areas, common open space areas and dwelling units to the public right-of-way.

- (C) Parking shall be located to maximize the convenience of residents.

**Finding:** The proposed parking area is located centrally in the development at a convenient distance from the proposed multi-family buildings.

- (D) Parking areas and circulation systems shall be designed in a manner that considers site topography, natural contours, and any abutting properties zoned Residential Agriculture (RA) or Single Family Residential (RS).

**Finding:** The subject property is relatively flat and abuts RA-zoned land to the west. The proposed locations of the proposed buildings are sited in a way that addresses the topography of the site and natural landform, and also takes into consideration the location of existing and required utility easements.

#### *702.030(c)(1) – Site Access*

- (A) Accessibility to and from the site shall be provided for both automobiles and pedestrians.

**Finding:** The proposed vehicle entrance to the development site is provided by a full-movement driveway onto Mildred Lane SE. Three pedestrian connections are proposed between the development and the public rights-of-way — two to Mildred Lane SE and one to Woodside Drive SE.

- (B) Site access shall be provided in a manner that minimizes vehicle and pedestrian conflicts.

**Finding:** The proposed site plan includes a pedestrian network that connects each portion of the development. The proposed off-street parking area is relatively narrow in width (approximately 82 feet), with a paved pedestrian pathway connecting the two sides of the development on the north side of the

parking area and the existing public sidewalk providing a connection between the two sides of the development to the south of the off-street parking area.

- (C) Where possible, driveway access shall be provided onto collector or local streets rather than arterial streets.

**Finding:** The subject property abuts Woodside Drive SE to the east, a Local street, and Mildred Lane SE to the south, a Minor Arterial street. Due to the property's very limited street frontage along Woodside Drive SE — approximately 75 feet — any driveway access onto Woodside Drive SE would be very close to the intersection of Woodside Drive SE and Mildred Lane SE. The City's traffic engineers and the applicant determined access onto Woodside Drive SE would not be feasible for the proposed development.

- (D) Where possible, driveway access shall be consolidated with either existing or future driveways serving adjacent developments.

**Finding:** The subject property abuts two properties. The property to the north, 5505-5595 Woodside Drive SE, contains a multiple family residential development with no option of sharing driveway access due to the location of existing buildings. The property to the west, Parcel 1 of Partition case no. 19-11 pending final plat approval, contains undeveloped land, which is zoned RA (Residential Agriculture). The property does not have existing driveway access and multi-family developments cannot be accessed through property that is not zoned for *multiple family* uses. Shared driveway access is not possible with the abutting properties.

- (E) Parking areas shall be located to minimize their visibility from the public right-of-way and abutting properties.

**Finding:** The off-street parking area is predominantly hidden from Woodside Drive SE as well as from the property to the west, given the location of the proposed buildings. Type C landscaping and screening, including a 6-foot-tall sight-obscuring fence or wall will be provided adjacent to the property to the north. Considering the narrow shape of the subject property, it is not feasible to completely eliminate the visibility of the parking area from Mildred Lane SE. To minimize the visibility of the parking area from the public right-of-way, the following condition of approval shall apply:

**Condition 3:** On both sides of the proposed driveway approach, provide a minimum of one tree as well as a 30-inch-tall brick, stone, or finished concrete wall to buffer the off-street parking area from Mildred Lane SE. The setback areas shall be landscaped according to the Type A standard set forth in Salem Revised Code Chapter 807. Any portion of the wall that encroaches into a vision clearance area set forth in Salem Revised Code Chapter 805 shall have a height no greater than the maximum allowed under Salem Revised Code 805.010.

## **Building Mass & Façade Design**

### *702.035(b)(1) – General Siting and Building Mass*

(A) Buildings shall be sited with sensitivity to topography and natural landform.

**Finding:** The subject property is very flat, with approximately 2 feet of elevation change across the site. As such, the proposed locations of the buildings are sited in a way that addresses the topography and natural landform of the site.

(B) The development shall be designed to reinforce human scale.

**Finding:** The proposed three-story multi-family buildings are approximately 34 feet tall, complying with height requirements of the underlying zone. Along with the proposed articulated entryways and windows distributed across the building facades, the proposed buildings provide a human-scale environment.

(C) Buildings with long monotonous exterior walls shall be avoided.

**Finding:** Vertical and/or horizontal offsets are proposed in the design for each building, avoiding or limiting the appearance of a building with a long monotonous exterior wall. No building dimension exceeds 150 feet in length, with Building 1's longest dimension being 75 feet and Building 2's longest dimension being 82 feet.

### *702.035(c)(1) – Compatibility*

(A) Contrast and compatibility shall be provided throughout the site through building design, size, and location.

**Finding:** The proposed buildings are each three stories in height. The design includes vertical and/or horizontal building offsets, as well as contrasting siding materials.

(B) Appropriate transitions shall be provided between new buildings and structures on-site and existing buildings and structures on abutting sites.

**Finding:** The proposed buildings comply with the maximum height requirement and setback requirements of the IC zone. Of the two properties which abut the subject property, one is undeveloped, and one contains a multi-family development with existing two-story apartment buildings. Each proposed building is three stories tall, providing an appropriate transition between the proposed development and existing buildings on abutting sites.

(C) Architectural elements and façade materials shall be used to provide continuity throughout the site.

**Finding:** While different in shape and layout, the proposed building designs incorporate matching siding and trim, and provide matching articulated entrances. This provides a sense of continuity throughout the site.

- (D) The majority of dwelling units within the development shall be placed as close as possible to the street right-of-way.

**Finding:** The corresponding design standard requires sites with 75 feet or more of buildable width to have buildings placed at the setback line for a minimum of 50 percent of the buildable width. There is approximately 75 feet of street frontage along Woodside Drive SE; subtracting the 10-foot setback to the residentially zoned property to the north, the buildable width along Woodside Drive SE is approximately 65 feet. Because the buildable width is less than 75 feet, this design standard does not apply to this street-abutting property line.

There is approximately 254 feet of street frontage along Mildred Lane SE; subtracting the 10-foot setback to the residentially zoned property to the west, the buildable width along Mildred Lane SE is approximately 244 feet. The standard requires that buildings are placed at the setback line for a minimum of 122 feet ( $244 / 2 = 122$ ).

While the IC zone allows a minimum setback of 5 feet to the property line abutting Mildred Lane SE, there is a 10-foot public utility easement (PUE) in place along Mildred Lane. Proposed Building 1 is placed predominantly on or near the setback line adjacent to Mildred Lane SE, and is approximately 38.5 feet wide in relation to the street. Proposed Building 2 is placed partially on the setback line adjacent to Mildred Lane SE, and is approximately 82 feet wide in relation to the street. Together, the proposed buildings occupy approximately 120.5 feet at or near the setback line along Mildred.

The applicant meets the intent of the guideline by providing buildings as close as possible to the setback line and PUE adjacent to Mildred Lane SE.

- (E) Architecturally defined and covered entryways shall be incorporated into the design of buildings.

**Finding:** Articulated covered entryways or porticos are incorporated into the building designs at common entryways.

*702.035(d)(1) – Building Articulation*

- (A) The appearance of building bulk shall be minimized by:  
(i) Establishing a building offset interval along building facades; and

**Finding:** The corresponding design standard requires buildings within 28 feet of every property line to have a setback that varies by at least 4 feet in depth. The proposed site plan provides setbacks that vary between buildings by 4 feet or more in depth.

(ii) Dispersing windows throughout building facades.

**Finding:** The design standards require windows to be provided in all habitable rooms, other than bathrooms, that face required setbacks, common open areas, and parking areas. The proposed plans indicate that windows will be provided in all habitable spaces which face towards open space and parking areas. The south elevation for Building 1 does not show any windows dispersed throughout the façade. To ensure the intent of this design guideline is met, the following condition of approval shall apply:

**Condition 4:** Provide a minimum of one window per floor on the south façade of Building 1.

(B) Articulation shall be provided at the common entry way to all residential buildings.

**Finding:** Covered entry ways, which are clearly defined and accessible, are provided at the individual entryways for each building.

(C) Building roofs shall reinforce the residential character of the neighborhood.

**Finding:** The design standards require that the horizontal length of roof shall not exceed 100 feet without providing a change of elevation of at least 4 feet. The proposed building designs do not include any dimension greater than 100 feet.

## **Recycling**

### *702.040(a)(1) – On-Site Design and Location of Facilities*

(A) Facilities shall be provided to allow recycling opportunities for tenants that are as conveniently located as the trash receptacles, and that are in compliance with any applicable federal, state, or local laws.

**Finding:** The site plan includes one solid waste service area to serve the residents, with trash and recycling areas proposed within the same enclosure. As proposed and conditioned below, the enclosure will meet the solid waste service area requirements of SRC Chapter 800.055.

(B) The design and materials of recycling areas shall be similar to the design and materials of the buildings within the development.

**Finding:** Since no building elevations of the proposed solid waste service area were included with the application, *Section 10* includes a condition of approval to ensure the proposed solid waste service area adheres to the applicable requirements of the SRC, including the design and materials standards of this section.

(C) Recycling areas shall be located to provide adequate access for franchised haulers, and shall have containers sufficient to allow collection of all recyclables collected by the haulers.

**Finding:** The proposed solid waste service area, as conditioned, will meet the requirements of SRC Chapter 800.055, including requirements for vehicle operation and servicing area. Adequate space is provided to allow for the servicing of recyclables.

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CONDITIONAL USE PERMIT**

### **9. CONDITIONAL USE PERMIT APPROVAL CRITERIA**

SRC Chapter 240.005(a)(1) provides that:

No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this chapter.

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

#### Criterion 1:

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

**Finding:** SRC Chapter 551, Table 551-1 provides that *multiple family* uses are allowed in the IC (Industrial Commercial) zone with a conditional use permit.

#### Criterion 2:

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

**Finding:** The applicant states that the proposed development is compatible with the surrounding land uses. The subject property is adjacent to multiple family residential-zoned property to the north, which contains an existing apartment complex. To the south, across Mildred Lane SE, there is vacant IC-zoned land, and to the east, across Woodside Drive SE, there is an existing *self-service storage* facility. To the west, there is vacant RA-zoned land that could house future residential development.

The development standards of the zoning code, including setbacks, building height, and landscaping, are intended to address the difference in compatibility that can arise between different uses. The proposed development meets the applicable setback, height, and landscaping standards to ensure an adequate buffer will be provided between the proposed development and the existing multi-family residences to the north and any future residential development to the west.

Coupled with meeting these development standards, the applicant asserts that the proposed development will have minimal impact on the immediate neighborhood based on the relatively small scale of the development, consisting of 18 dwelling units. Any future intensification of the development beyond 18 dwelling units will require approval of a separate conditional use permit. Therefore, the following condition of approval shall apply:

**Condition 5:** The proposed development shall contain no more than 18 dwelling units.

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

Criterion 3:

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

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

**Residential Development (SACP IV Section E)**

***Establishing Residential Uses.***

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

***Multi-Family Housing.***

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

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

**Finding:** Access to the subject property is provided by Woodside Drive SE and Mildred Lane SE. Mildred Lane SE provides a pedestrian, bike and vehicle connection from the subject property to nearby services, including a grocery store and various commercial developments. Salem-Keizer Transit (Cherriots) provides a transit route that passes by the subject property (Route 6), with the nearest stop approximately 350 feet away at the corner of Mildred Lane SE and Marstone Court SE. Additionally, the subject property is approximately 600 feet from a transit stop

on Commercial Street SE, which is served by Route 21, providing 15-minute service.

The subject property is approximately 0.6 miles (travel distance) from the nearest public park, the Sunnyside Garden, an undeveloped park currently used as a community garden, which is to the west of the subject property, accessed through Valleywood Loop SE or Sunnyside Road SE. In addition, Wes Bennett Park and the undeveloped Wiltsey Road Park are both located within one mile of the subject property.

Battle Creek Elementary School, Judson Middle School and Sprague High School will serve students in this area. Students residing at the proposed development are eligible for school transportation for each of these schools. Additionally, the Bureau of Land Management, Northwest Oregon District Office at the corner of Commercial Street SE and Fabry Road SE is located approximately 0.1 miles from the subject property.

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

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

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 3 SITE PLAN REVIEW**

### **10. CLASS 3 SITE PLAN REVIEW APPROVAL CRITERIA**

Site plan review is required for any development that requires a building permit, unless the development is identified as being exempt from site plan review under SRC 220.005(a)(2). Class 3 site plan review is required for development proposals that involve a land use decision or limited land use decision as defined under ORS 197.015. Because the proposed development involves a Class 3 design review, Class 2 adjustment, and Class 2 driveway approach permit, the proposed site plan review must be processed as a Class 3 site plan review.

Salem Revised Code (SRC) 220.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan Review. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 3 Site Plan Review application, or for the issuance of certain conditions to ensure the criteria are met.

**(A) The application meets all applicable standards of the UDC.**

**Finding:** The proposal includes a new multiple family residential development consisting of two 9-unit buildings, with associated site improvements including an off-street parking area and common open space. The following is a summary of the use and development standards applicable to the proposal.

**Development Standards – IC (Industrial Commercial) Zone (SRC Chapter 551):**

*SRC 551.005(a) - Uses:*

Except as otherwise provided in Chapter 551, the permitted, special, conditional and prohibited uses in the IC zone are set forth in Table 551-1.

**Finding:** The proposed development includes a multi-family residential use with 18 proposed dwelling units. Multi-family residential uses are allowed as a conditional use in the IC zone per Table 551-1. The applicant has requested a Conditional Use Permit with this consolidated land use application.

*SRC 551.010(a) – Lot standards:*

Lots within the IC zone shall conform to the standards set forth in Table 551-2. There is no minimum lot area, lot width, or lot depth for all uses. The minimum street frontage requirement for all uses except for *single family* is 16 feet.

**Finding:** The proposed development is proposed within Parcel II of City of Salem partition case no. PAR19-11 (see **Attachment F**). This partition has received land use approval, but the partition plat has not yet been recorded in accordance with SRC 205.035(e). To ensure the partition plat is recorded prior to development, the following condition of approval shall apply:

**Condition 6:** Prior to the issuance of building permits, record the final plat for partition case no. PAR19-11.

After finalization of case no. PAR19-11, the subject property will be approximately 0.67 acres in size. It will be approximately 98 feet in width and 300 feet in depth, with approximately 75 feet of street frontage along Woodside Drive SE and 290 feet of frontage along Mildred Lane SE.

*SRC 551.010(b) – Setbacks:*

Setbacks within the IC zone shall be provided as set forth in Tables 551-3 and 551-4.

**North:** Adjacent to the north is property zoned RM-II (Multiple Family Residential-II). Buildings, accessory structures, and vehicle use areas require a minimum setback of 15 feet with Type C landscaping.

**Finding:** Proposed Building 1 has a setback of approximately 20.5 feet, proposed Building 2 has a setback of approximately 24.5 feet, while the proposed vehicle

use area has a setback of approximately 10 feet and does not meet the standard set forth in SRC 551.010(b). To ensure the proposed development meets the setback standards of the IC zone, the following condition of approval shall apply:

**Condition 7:** At the time of building permit application, revise the off-street parking area to meet the 15-foot minimum setback to the north property line for the vehicle use area; or adjust this standard through a land use action.

**South:** Adjacent to the south is right-of-way for Mildred Lane SE. Buildings and accessory structures require a minimum setback of 5 feet. Vehicle use areas require a minimum setback of 6 to 10 feet per SRC Chapter 806.

**Finding:** Proposed Building 1 has a setback of approximately 10.5 feet, the proposed accessory building containing solid waste service area has a setback of 10 feet, and the vehicle use area has a setback of approximately 6 feet. The proposal meets the standard.

**East:** Adjacent to the east is right-of-way for Woodside Drive SE. Buildings and accessory structures require a minimum setback of 5 feet. Vehicle use areas require a minimum setback of 6 to 10 feet setback per SRC Chapter 806.

**Finding:** Proposed Building 2 has a setback of approximately 20 feet. The proposal meets the standard.

**West:** Adjacent to the west is property zoned RA (Residential Agriculture). Buildings, accessory structures, and vehicle use areas require a minimum setback of 15 feet with Type C landscaping.

**Finding:** Proposed Building 1 has a setback of 15 feet. The proposal meets the standard.

*SRC 551.010(c) - Lot Coverage, Height:*

There is no maximum lot coverage requirement for all uses in the IC zone. The maximum building height allowance for all uses is 70 feet.

**Finding:** Both proposed apartment buildings are approximately 34 feet in height. Adherence to this standard for the proposed trash enclosure will be reviewed at the time of building permit application.

*SRC 551.010(d) – Landscaping:*

- (1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) Vehicle use areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) Development site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping

required for setbacks or vehicle use areas, may count towards meeting this requirement.

**Finding:** The preliminary landscape plans, as proposed and conditioned, indicate that the setback areas and vehicle use area will conform to the landscaping standards set forth in SRC chapter 806 and 807. The subject property is approximately 29,145 square feet in size. A minimum of 4,372 square feet of landscaped area is required for the development site ( $29,145 \times 0.15 = 4,371.75$ ). The applicant is proposing approximately 10,092 square feet of landscaped area, or 34.6 percent of the development site ( $10,092 / 29,145 = 0.3462$ ).

### **General Development Standards SRC 800**

#### *SRC 800.055(a) – Applicability.*

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

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

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

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

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

**Finding:** Because complete plans for the solid waste receptacle and service area enclosure were not submitted with the application, it is not clear if the proposed receptacle and enclosure meet the standards set forth in this section. To ensure the proposed solid waste service area adheres to these standards, the following condition of approval shall apply:

**Condition 8:** At the time of building permit application, demonstrate that the solid waste service area will conform to all applicable standards of Salem Revised Code 800.055.

2) Minimum Separation.

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

**Finding:** As conditioned above, the applicant will be required to show adherence to this standard at the time of building permit application.

3) Vertical Clearance.

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

**Finding:** As conditioned above, the applicant will be required to show adherence to this standard at the time of building permit application.

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

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

**Finding:** An enclosure is provided for the solid waste service area that will screen the proposed solid waste service area from the street and abutting residentially zoned properties.

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

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

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

**Finding:** The width of the proposed front opening for the enclosure is approximately 14.5 feet, consistent with the minimum standard.

- 2) Measures to Prevent Damage to Enclosure. Enclosures constructed wood or chain-link fencing material shall contain a minimum four-inch nominal high

bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.

**Finding:** As conditioned above, the applicant will be required to show adherence to this standard at the time of building permit application.

- 3) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening that is less than 15 feet in width, the gates shall open a minimum of 120 degrees. All gates shall have restrainers in the open and closed positions.

**Finding:** The proposed gates appear to be able to swing to 120 degrees in compliance with this provision. Conformance to this standard will be reviewed again at the time of building permit application.

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

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

**Finding:** The proposed vehicle operation area meets the minimum dimensional requirements for service vehicle access.

### **Off-Street Parking, Loading, and Driveways SRC 806**

This application was submitted prior to the adoption of Ordinance No. 1-20, which modified portions of the Salem Revised Code, including off-street parking standards. While the proposed development would not require an adjustment to the minimum number off-street parking spaces if it were submitted today, the applicant requested that the consolidated application be processed under the previous version of the SRC.

*SRC 806.005 - Off-Street Parking; When Required.*

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

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

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

**Finding:** The proposed development includes an off-street parking area to serve the proposed *multiple family* use.

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

- a) *Minimum Required Off-Street Parking.* The minimum number of off-street parking spaces required for *multiple family* uses with 18 dwelling units is 1.5 spaces per dwelling unit.

- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the *public services* and *industrial* use classifications, and the *business and professional services* use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

**Finding:** The proposed multi-family development includes 18 dwelling units, requiring a minimum of 27 off-street parking spaces ( $18 \times 1.5 = 27$ ). The maximum parking allowance is 47 spaces ( $27 \times 1.75 = 47.25$ ). The site plan indicates that 26 off-street parking spaces are provided. The applicant has requested an adjustment to the minimum parking standard. Findings for this request are included within *Section 11* of this decision.

Seventeen of the required 27 spaces, or 65.3 percent, are proposed as compact spaces, meeting the standard.

Carpool/vanpool parking is not required for the proposed development based on the number of required off-street parking spaces.

*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 shall apply to: the development of new off-street parking and vehicle use areas; the expansion of existing off-street parking and vehicle use areas, where additional paved surface is added; the alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and the paving of an unpaved area.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip or by a minimum 5-foot-wide paved pedestrian walkway.

**Finding:** Except as noted above in relation to the vehicle use area setback to the north property line, the proposed development meets the applicable location, perimeter setbacks and landscaping standards of SRC 806.035.

- d) *Interior Landscaping.* Interior landscaping shall be required for off-street parking areas 5,000 square feet or greater in size.

**Finding:** Off-street parking areas greater than 5,000 square feet but less than 50,000 square feet in size have a minimum interior landscaping requirement of 5 percent. The proposed site plan indicates that the off-street parking area is approximately 9,362 square feet in size, requiring a minimum of 468 square feet of interior parking lot landscaping ( $9,362 \times 0.05 = 468.1$ ). Along with Condition 2 of this decision, which requires a minimum of 2 canopy trees be planted within the off-street parking area's interior landscaping, approximately 867 square feet of interior parking lot landscaping is proposed (9.3 percent), exceeding the minimum requirement.

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

**Finding:** The proposed site plan shows parking spaces and drive aisles which adhere to the minimum dimensions set forth in SRC Table 806-6. Adherence to these standards will be reviewed again at the time of building permit.

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

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only. The striping and lighting will meet the standards of SRC 806, which will be ensured at the time of building permit review. Bumper guards and wheel barriers are not shown for parking spaces on the proposed site plan, as required by SRC 806.035(i). To ensure the proposed development complies with the additional off-street parking development standards of SRC 806.035(f)-(m), the following condition of approval shall apply:

**Condition 9:** Provide bumper guards or wheel barriers so that no portion of a parked vehicle will overhang or project into required setbacks and landscape areas, or into pedestrian accessways.

As proposed, the off-street parking area will be screened from abutting residentially zoned property, or property used for uses or activities falling under household living.

## **Bicycle Parking**

*SRC 806.045 - General Applicability.*

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

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

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

*SRC 806.055 - Amount of Bicycle Parking.*

*Multiple family* uses are required to have a minimum of the greater of 4 bicycle parking spaces or 0.1 spaces per dwelling unit.

**Finding:** The proposed *multiple family* use requires a minimum of 4 spaces (18 x 0.1 = 1.8). The proposed site plan indicates that 4 spaces will be provided for the development, with two staple racks proposed near the northwest corner of Building 2.

*SRC 806.060 – Bicycle Parking Development Standards*

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

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

**Finding:** The proposed bicycle parking spaces are within 50 feet of the main entry for Building 2. Via the proposed pedestrian paths throughout the site, the bicycle parking area has direct and accessible access to the public right-of-way and primary building entrances. Dimensions and design of the bicycle parking spaces will be reviewed at the time of Building Permit.

**Off-Street Loading Areas**

*SRC 806.065 - General Applicability.*

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

*SRC 806.070 – 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.*

Off-street loading spaces are not required for *multiple family* uses with fewer than 50 dwelling units.

**Finding:** Off-street loading spaces are not required for the proposed development, and no loading spaces are included with the proposal.

## Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area, with a minimum 6-foot-tall fence or wall required abutting the interior side and rear property lines. 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 preliminary landscape plan indicates that approximately 4,372 square feet of landscaping is required for the development site. A minimum of 219 plant units are required for the proposed development ( $4,372 / 20 = 218.6$ ). Of the required plant units, a minimum of 88 plant units shall be a combination of mature trees, shade tree, evergreen/conifer trees, or ornamental trees ( $219 \times 0.4 = 87.6$ ); these plant units may count toward the plant units required by proposed conditions 1 and 2.

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

## Natural Resources

*SRC 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.

There are no significant trees, and no trees or native vegetation in a riparian corridor identified on the portion of the subject property included with this proposal. Proposed Condition 1 requires the preservation and/or 2-to-1 replacement of the existing trees on the subject property.

*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 in the area of proposed development.

*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 in the area of proposed development.

Additional items noted by the Public Works Department:

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

Waln Creek is located near the proposed development. This portion of the creek was not analyzed in conjunction with the Flood Insurance Study for Battle Creek basin. The applicant is advised that the City's recent Stormwater Master Plan update has generated preliminary base flood elevations for the subject property. The applicant shall coordinate with City staff to establish base flood elevations and ensure that the buildings are elevated sufficiently to limit flood damage pursuant to SRC 601.110(a)(2).

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

**Finding:** The existing conditions of Woodside Drive SE and Mildred Lane SE do not meet current standards for their classification of street per the Salem Transportation System Plan. However, street improvements, including right-of-way dedication, along both frontages are required as conditions of approval under land use case number PAR19-11. Prior to the issuance of building permits, the applicant shall complete all conditions of and record the partition plat for partition case number PAR19-11.

Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); therefore, the new sidewalk constructed along Woodside Drive SE shall be constructed pursuant to this code and PWDS. The following condition of approval shall apply:

**Condition 10:** Construct a half-street improvement along the frontage of Woodside Drive SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions of Salem Revised Chapter 803. The sidewalk along Woodside Drive SE shall be located parallel to and one-foot from the adjacent right-of-way pursuant to Salem Revised Code 803.035(l)(2)(A).

The existing sidewalk along the frontage of Mildred Lane SE may remain in its current configuration pursuant to SRC 803.065(a)(1), which allows an alternative

street standard when “existing development or physical constraints make compliance with the standards set forth in this chapter impracticable.” The existing street was constructed with a curblin sidewalk and no planter strip when the street was put through to connect Fabry Road SE and Mildred Lane SE. The entire length of the street is built with curblin sidewalks and the sidewalks are in good condition. There is room within the right-of-way for street trees behind the sidewalk. Due to the existing street configuration and existing development along the street that makes it unlikely the sidewalks will be moved back from the curb, the alternative street is approved, subject to planting street trees. The following condition of approval shall apply:

**Condition 11:** Install street trees to the maximum extent feasible pursuant to Salem Revised Code Chapter 86.

This approval criterion is met.

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

**Finding:** The proposed driveway access onto Mildred Lane SE provides for safe turning movements into and out of the property. The proposal includes a network of pedestrian pathways throughout the development, including a path to connect the two apartment buildings which extends around the proposed off-street parking area, allowing for safe and efficient movement throughout the site. This approval criterion is met.

**(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 and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The nearest available sewer main is an 8-inch sewer main in Woodside Drive SE approximately 275 feet south of the subject property. Condition 1 of case number PAR19-11 requires an 8-inch sewer main be extended in Woodside Drive SE to the northern boundary of the subject property. Once constructed, the proposed development will be adequately served by sewer.

The applicant’s engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At the time of development, the applicant shall design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS.

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

compliance with Public Works Standards. The following conditions of approval shall apply:

**Condition 12:** Extend an 8-inch sewer main from the terminus of the existing sewer main in Woodside Drive SE to the northern boundary of the subject property.

**Condition 13:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code Chapter 71 and Public Works Design Standards.

As conditioned, this criterion is met.

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 ADJUSTMENT**

### **11. CLASS 2 ADJUSTMENT APPROVAL CRITERIA**

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the 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.***

**Finding:** The applicant is requesting multiple Class 2 adjustments to:

- 1) Reduce the minimum number of required off-street parking spaces from 27 to 26; and
- 2) Reduce the minimum spacing between the proposed driveway approach and Woodside Drive SE from 370 feet to approximately 200 feet.

*Adjustment to reduce the minimum number of required off-street parking spaces from 27 to 26:*

The purpose underlying off-street parking minimums is to ensure that developments will reasonably accommodate vehicle parking based on their use and intensity.

The applicant notes that the proposal meets current off-street parking minimums of the Salem Revised Code. Since the date when this application was submitted, the minimum off-street parking standards of SRC Chapter 806 have been revised. Instead of a minimum off-street parking requirement of 1.5 spaces per dwelling

unit, the current standard would require a minimum of 1 space per studio unit or dwelling unit with one bedroom, and 1.5 spaces per dwelling unit with two or more bedrooms. The proposed development includes nine 1-bedroom dwelling units and nine 2-bedroom dwelling units. Based on the current off-street parking standards, the proposed development would require a minimum of 23 spaces. Additionally, given the subject property's proximity to 15-minute transit service, it would be eligible for a 20-percent reduction of off-street parking spaces, as well as up to an additional 5-percent reduction by employing one of the other methods set forth in SRC 806.015(f) as a result of the most recent code update, Ordinance 1-20.

Since the proposal would meet the current requirements of the Salem Revised Code, the proposed development equally or better meets the purpose underlying off-street parking minimums.

*Adjustment to reduce the minimum spacing between the proposed driveway approach and Woodside Drive SE from 370 feet to approximately 200 feet:*

The purpose underlying the minimum spacing standard for driveway approaches is to reduce the number of driveway approaches onto major and minor arterials, allowing for fewer turning vehicles along arterials and keeping vehicular traffic moving.

The applicant notes that physical limitations, such as the layout of the subject property and the curvature of Mildred Lane to the southwest, led to the proposed location of the driveway approach. It was determined that driveway access onto Woodside Drive SE was not feasible given the narrow frontage on that street and the proximity of any potential driveway approach to the intersection of Woodside Drive SE and Mildred Lane SE. The subject property has approximately 300 feet of street frontage on Mildred Lane SE. Given the property's status as a corner lot and the location of the aforementioned street intersection, it is not possible to provide a driveway approach onto Mildred Lane SE from the subject property while meeting the minimum spacing standard of 370 feet set forth in SRC 804.035(d). Additionally, pursuant to SRC 804.035(a)(1), a complex shall be entitled to one driveway approach onto a major or minor arterial.

City traffic engineers have reviewed the proposed driveway and found that the turning movements and traffic safety for the proposed driveway location are equal to what would be accomplished by meeting the development standard. Therefore, the purpose underlying the minimum spacing standard for driveway approaches is 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.***

**Finding:** The subject property is zoned IC (Industrial Commercial). Pursuant to SRC Table 110-1, the IC zone is not classified as a residential zone. This approval criterion is not applicable to the proposed development.

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

To ensure that any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC unless adjusted through a future land use action, the following condition of approval shall apply:

**Condition 14:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action

As conditioned, this criterion is met.

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 DRIVEWAY APPROACH PERMIT**

### **12. CLASS 2 DRIVEWAY APPROACH PERMIT APPROVAL CRITERIA**

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

One new driveway access is proposed onto Mildred Lane SE.

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

**Finding:** The proposed driveway is located less than 370 feet from an existing street intersection; therefore, a Class 2 adjustment is required for driveway spacing as described below. Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS.

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

**Finding:** There are no site conditions prohibiting the location of the proposed driveway. Site conditions and the surrounding street layout limit the potential locations where a driveway approach can be placed on the property.

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

**Finding:** One driveway onto an arterial is proposed. As outlined in *Section 11* above, locating a driveway approach on the abutting Local street is not feasible. The proposed development minimizes the number of driveways onto an arterial.

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

**(A) *Is shared with an adjacent property; or***

**(B) *Takes access from the lowest classification of street abutting the property;***

**Finding:** The proposed development abuts a Local street and a Minor Arterial street. The applicant proposes only one driveway to the Minor Arterial street with an adjustment for driveway approach spacing. A shared driveway approach is not possible because of existing development and lot layout. The subject property has limited frontage along the Local street. A driveway approach to the lower classification of street is not possible due to proximity to the intersection and queuing concerns. The Assistant City Traffic Engineer recommended approval of the single driveway approach to the Minor Arterial street as proposed on the applicant's site plan.

**(5) *The proposed driveway approach meets vision clearance standards;***

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

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

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

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

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

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

**Finding:** The proposed driveway approach is located on a Minor Arterial street and minimizes the impact to adjacent streets and intersections by limiting access to a single driveway approach.

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

**Finding:** The proposed development is adjacent to residentially zoned property. The driveway balances the adverse impacts to residentially zoned property by limiting the development to a single driveway and, based on analysis by the Assistant City Traffic Engineer, will not have an adverse effect on the functionality of the adjacent streets.

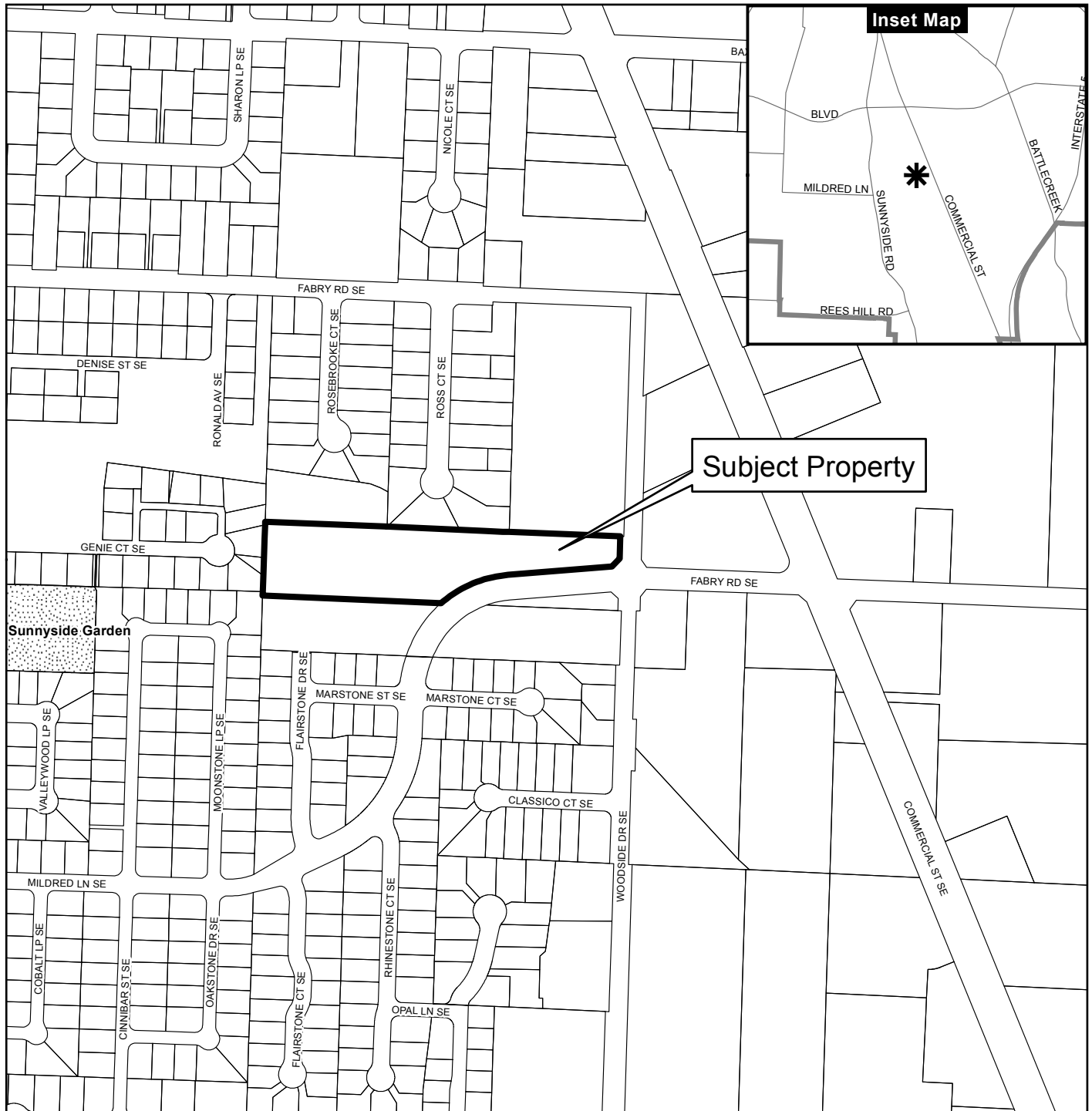
**CONCLUSION**

Based on the facts and findings presented herein, the Planning Commission concludes that the proposed Class 3 Design Review, Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit, as conditioned, satisfy the applicable criteria contained under SRC 225.005(e)(2), SRC 240.005(d), SRC 220.005(f)(3), SRC 250.005(d)(2) and SRC 804.025(d), for approval.

**Attachments:** A. Vicinity Map  
B. Applicant's Proposed Site Plan and Building Elevations  
C. Applicant's Written Statement  
D. Public Works Department Memorandum  
E. Salem-Keizer Public Schools letter dated June 29, 2020  
F. PAR19-11 Tentative Partition Plan

Prepared by Brandon Pike, Planner I

# Vicinity Map 5611 Woodside Drive SE



## Legend

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

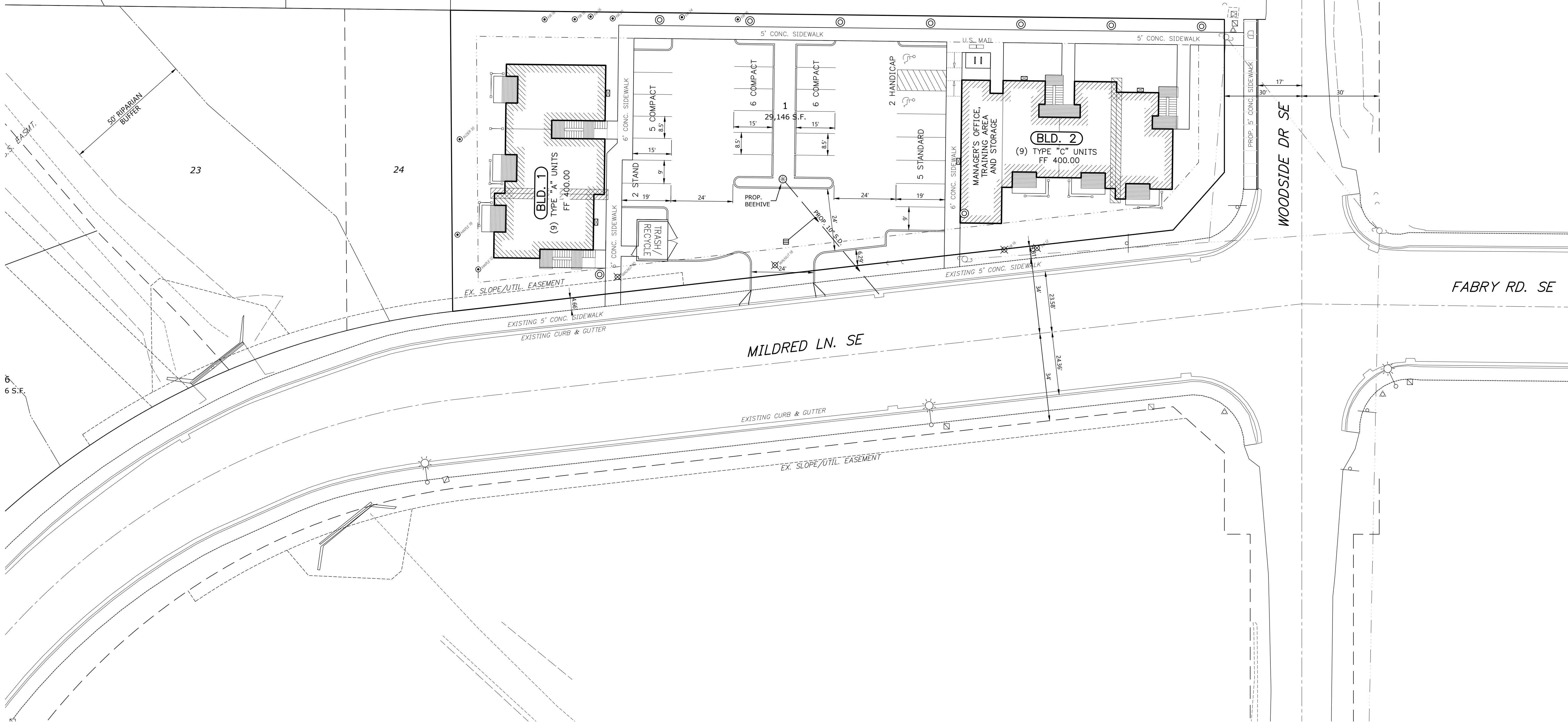
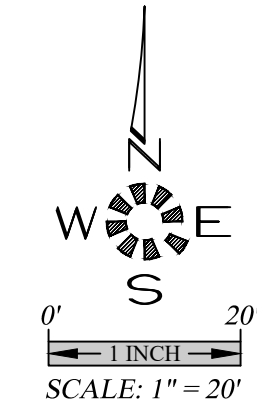
- Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

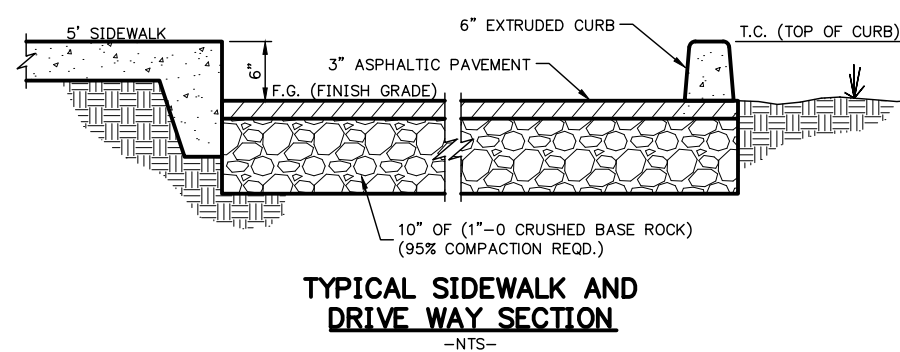
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LIMITS OF DETENTION  
10 YEAR STORM EVENT

- 19 = EXISTING TREES
- 19 = EXISTING TREE MAY BE REMOVED



18 TOTAL APARTMENT UNITS  
9 TYPE "A" 2-Bd, 1-Ba (844 S.F.) UNITS  
9 TYPE "C" 1-Bd, 1-Ba (728 S.F.) UNITS

26 TOTAL PARKING STALLS  
7 STANDARD STALLS  
17 COMPACT STALLS  
2 HANDICAP STALLS

1 MANAGER'S OFFICE / STORAGE  
1 TRASH / RECYCLE  
1 PLAY AREA  
1 U.S. MAIL BOX AREA

- - WALL PACK LIGHTS MOUNTED ON BUILDINGS
- ⊙ - POLE LIGHT MAXIMUM 14' TALL
- ⊙ - POST LIGHT MAXIMUM 5' TALL
- ▨ - LOCATION OF ELECTRICAL SEPARATION WALL
- ① - MAXIMUM 1:12 SLOPE ON SIDEWALK END RAMPS
- ▢ - 4 BICYCLE SPACES

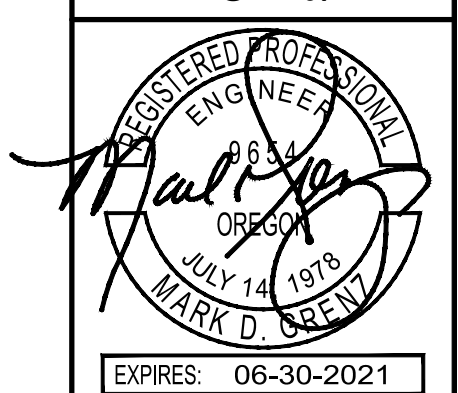
## PRELIMINARY SITE PLAN

CHARLENE'S HOUSE  
APARTMENTS

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

Design: M.D.G.  
Drawn: C.D.S.  
Checked: J.J.G.  
Date: SEPT 19  
Scale: AS SHOWN



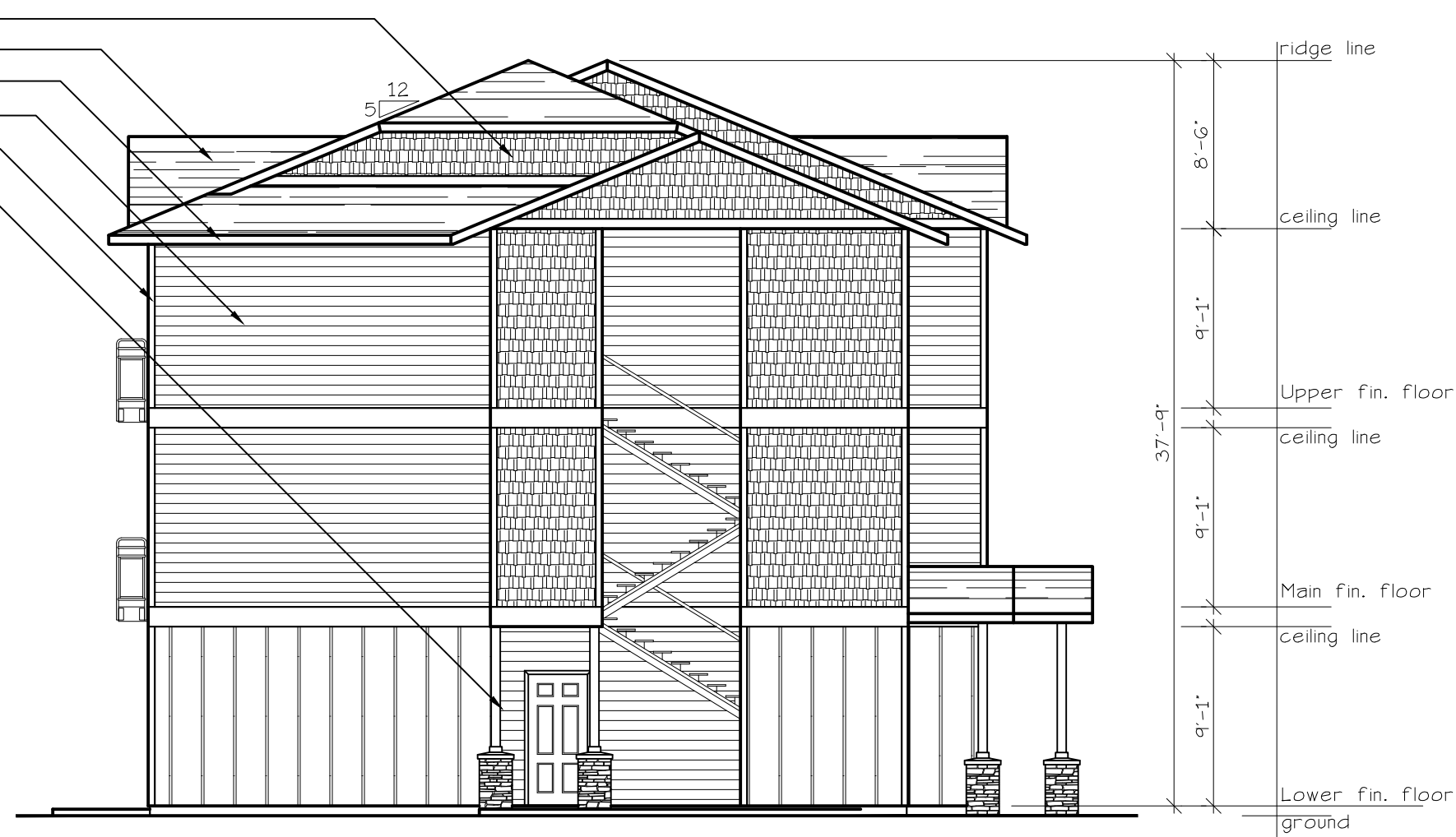
EXPIRES: 06-30-2021

JOB # 6818

SDR3



WEST ELEVATION (TYPE A UNITS)  
SCALE: 1/8" = 1'-0"  
BLD. 1



SOUTH ELEVATION (TYPE A UNITS)  
SCALE: 1/8" = 1'-0"  
BLD. 1

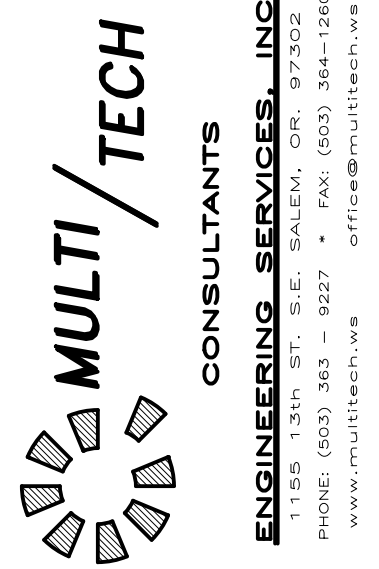


EAST ELEVATION (TYPE A UNITS)  
SCALE: 1/8" = 1'-0"  
BLD. 1



NORTH ELEVATION (TYPE A UNITS)  
SCALE: 1/8" = 1'-0"  
BLD. 1

ATTACHMENT B,  
CONTINUED



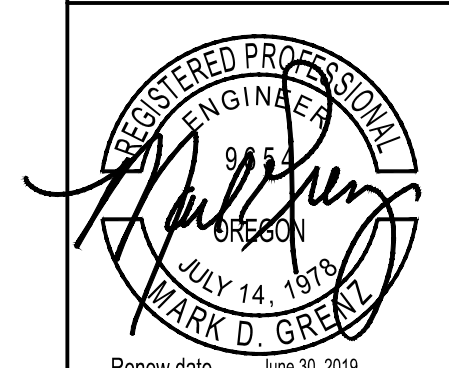
BUILDING  
ELEVATIONS

CHARLENE'S HOUSE  
APARTMENT COMPLEX

NO CHANGES, MODIFICATIONS OR  
REVISIONS TO BE MADE TO  
THIS DRAWING WITHOUT THE  
AUTHORIZATION FROM THE DESIGN  
ENGINEER.  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER GRAPHICAL  
REPRESENTATION.

Design: P.L.M.  
Drawn: G.L.D.  
Checked: M.D.G.  
Date: JAN-20  
Scale: AS SHOWN

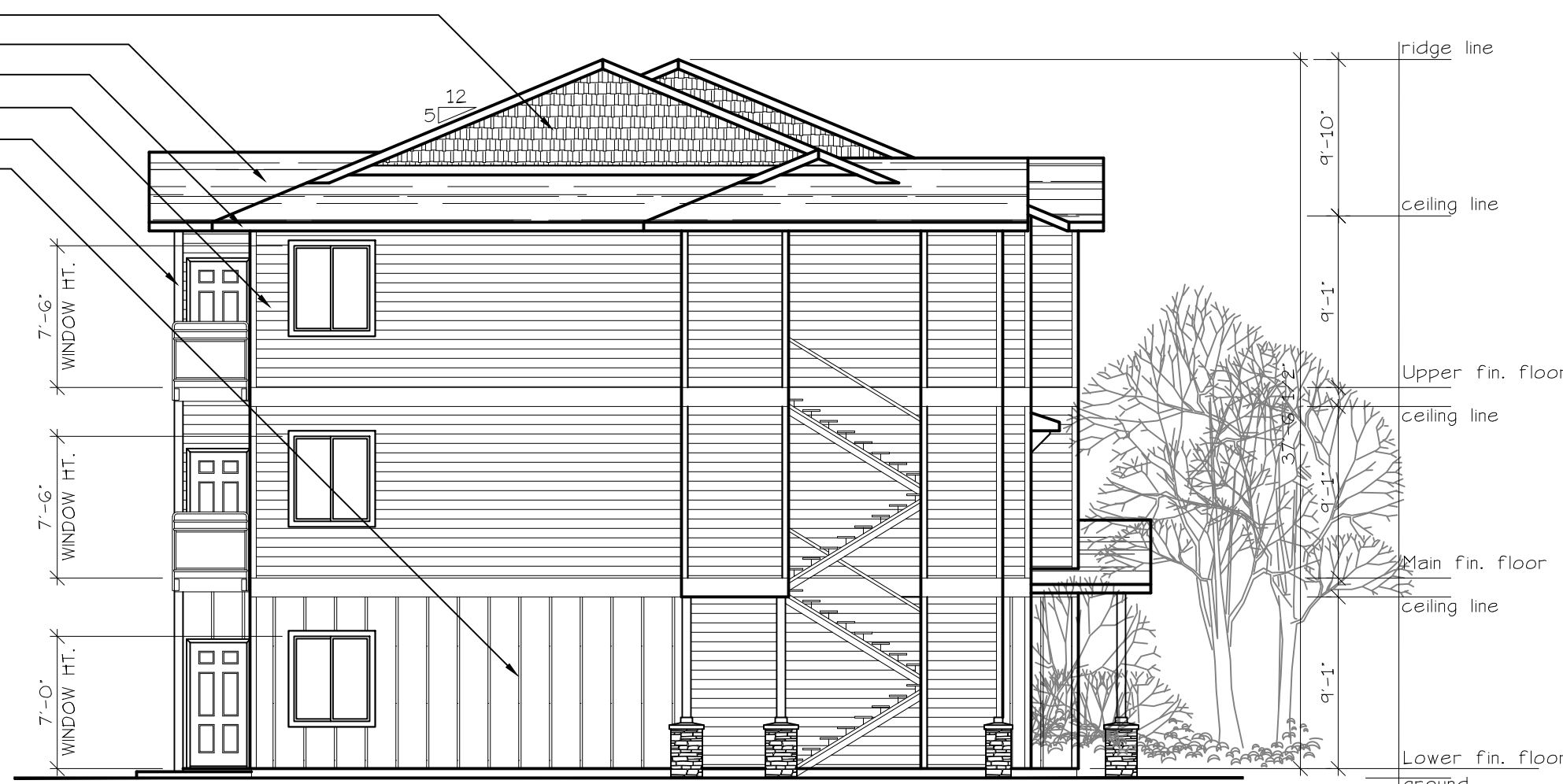
JOB # 6818



A1.90



SOUTH ELEVATION (TYPE C UNITS)  
SCALE: 1/8" = 1'-0"  
BLD. 2



EAST ELEVATION (TYPE C UNITS)  
SCALE: 1/8" = 1'-0"  
BLD. 2



NORTH ELEVATION (TYPE C UNITS)  
SCALE: 1/8" = 1'-0"  
BLD. 2



WEST ELEVATION (TYPE C UNITS)  
SCALE: 1/8" = 1'-0"  
BLD. 2

# Charlene's House-Apartments

## Design Review

Revised-May 14, 2020

The following statement addresses the applicable Design Review **Guidelines** in the SRC Chapter 702 (Multiple Family Design Review Guidelines and Design Review Guidelines) and the requirements under the IC Zone District. Information provided on the site plans for the Design Review application further address applicable code requirements.

On March 4, 2019, a Design Review Pre-Application Conference (PRE-AP19-13) was held with the applicant and City staff to discuss the development of the subject property.

### **Proposal (Sheet SDR3):**

The subject property is 0.67 acres in size, zoned IC, and located at 5611 Woodside Drive (083W14CB/Tax Lot 2400). The subject property is Parcel 2 of Partition Case No. 19-11, dated August 29, 2019.

The applicant is proposing a development consisting of 18-apartment units as shown on the site plans.

The applicant is requesting to meet all Design Review Guidelines.

### **Industrial Commercial (IC)-SRC Chapter 551**

**Setbacks (Sheet SDR3):** Setbacks are shown on the tentative plan.

Northwest:	20-foot (Building 1) setback; (RM2 zoned/existing residential uses)
Northeast:	24-foot (Building 2) setback; (RM2 zoned/existing residential uses)
East:	Adjacent Woodside Drive, 18-foot (building)
Southeast:	Adjacent Mildred Lane, 10-foot (Building 2) setback
Southwest:	Adjacent Mildred Lane, 10-foot (Building 1) setback
West:	15-foot (Building 1) setback; (RA zoned/vacant land)

**Maximum Height (Sheets A1.8 and A2.8):** Maximum building height allowed in the IC zone is 70'. Both proposed buildings are in compliance with the requirements of the Code.

\*Building 1 is 37.9 feet in height (measured to the highest point)

\*Building 2 is 37.6 feet in height (measured to the highest point)

Therefore, the buildings are in compliance with the building height requirement.

Stormwater (Sheet SDR5): As stated on the Grading and Drainage Plan, the proposal is treating at least 80% hard surface with Green Water Infrastructure. Therefore, meeting the requirements of the Public Works Department.

### **Multiple Family Design Review Guidelines- Chapter 702**

702.015 Common Open Space Guidelines (Sheet SDR4): In multi-family developments, a portion of the land not covered by buildings and parking shall be of adequate size and shape and in the proper location to be functional for outdoor recreation and relaxation. The guidelines are also intended to ensure that open space is an integral part of the overall development design.

The minimum open space area required for this development is 30% of the site. The portion of the subject property being developed is 29,145 (0.67 acres) square feet in size with 9,991 square feet of landscaped open space. Therefore, totaling 34% open space.

Therefore, this guideline has been met. See attached site plans and open space plan.

702.015 Private Open Space Guidelines (Sheets A1.3, A1.4, A2.3, and A2.4): Each unit will have private open space as required by code. Ground floor units will have patio areas that are 96 square feet in size, with no dimension less than 6 feet. All second and third story units will have balconies/decks that are a minimum 60 square feet in size. All private open space areas are located contiguous to the dwelling unit and will be screened with a 5-foot-high sight obscuring wood fence or landscaping. This private open space includes the patios and balconies/decks. Therefore, this guideline has been met.

702.020 Landscaping Guideline (Sheets SDR2, SDR3, L1.1 and L1.2): The subject property does abut RA zoned property to the west. Landscaping is being provided adjacent all property lines and within the interior of the development. Landscaping has been provided throughout the site as identified on the landscape plans. A minimum of 1 tree will be planted for every 2,000 square feet of the site. Trees and vegetation have been provided throughout the development as shown on the landscape plans. There is 9,991 square feet of landscaped area throughout the site. Therefore, 34% of the site is landscaped. Landscape plans have been provided and demonstrate how the landscape guidelines have been met.

A permanent underground irrigation system will be provided when development plans are final.

There are 19 trees located on the subject property. Due to the size of the site and the location of the trees, all nineteen (19) trees are proposed to be removed. There are no significant trees located on the site.

New trees will be provided through the site as shown on the landscape plans.

**702.020 Street Frontage Guidelines (Sheet L1.1 and L1.2):** The landscape plans identify how this standard is met. Trees will be provided along the street frontage with one canopy tree per 50 linear feet. See attached landscaped plans. Therefore, this standard has been met.

**702.020 Building Exterior Guidelines (Sheet L1.1 and L1.2):** The exterior of the buildings will be landscaped to provide a visually appealing development. Trees and shrubs will be planted in front of and around all buildings as shown on the landscape plans. This will help to provide shading and privacy for residents. Therefore, this standard has been met.

**702.020 Privacy Guidelines (Sheet L1.1, L1.2, A1.3 and A2.3):** All ground level private open space areas (patios) will be screened and separated with fencing. This will help to provide privacy for ground level residents. Therefore, this standard has been met.

**702.020 Landscape Parking Guidelines (Sheet SDR3, L1.1, and L1.2):** In order to take into consideration circulation, pedestrian access, landscaping, and the requirements of the code, the parking areas have been carefully designed. All parking areas are landscaped as required, and separated by landscaped bays that are a minimum of 18-feet in width as shown on the site plan. The parking areas and landscaped areas provide for visually appealing apartment grounds.

Interior Parking Lot Landscaping: SRC 806.035(d)(2) requires a minimum of 5 percent landscaping within parking areas less than 50,000 square feet in size and a minimum of 8 percent landscaping within parking areas 50,000 square feet and greater in size. The parking area within the development is 9,639 (parking and driveways) square feet in size with 1,466 square feet (15%) of landscaping.

Therefore, this standard has been met. See attached site plans.

**702.025 Crime Prevention Guidelines (Sheet SDR3, A1.3, A1.4, A1.8, A2.3, A2.4, and A2.8):** Safety of the residents is very important, and all requirements are met to assure safety and compliance with code. There are no fences or plant materials located in areas within the development that obstruct visibility. All landscaping adjacent to open space areas will not exceed 3 feet in height.

All buildings have windows provided in habitable rooms and windows that face the parking lots and open space areas. This helps provide an eye on the development. Lighting on the buildings and along the sidewalks will be provided as well.

Therefore, this standard has been met. See attached site plans.

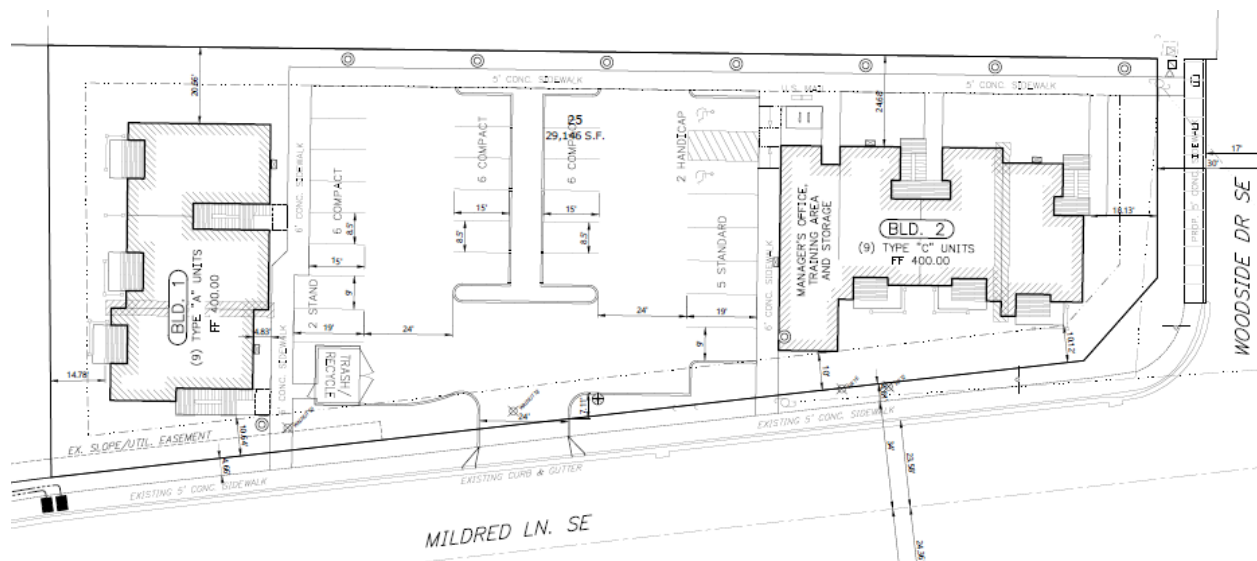
**702.030 Parking, Site Access, and Circulation Guidelines (Sheet SDR3):**

The subject property has street frontage on Woodside Drive (east) and Mildred Lane (south) along the property lines. Internal accessways are proposed within the development.

All parking areas greater than 6,700 square feet in area are within the requirements of the code and are separated by planter bays that are a minimum of 18 feet in width. The layout of the parking areas has been taken into consideration and provides for safe and efficient circulation throughout the development.

As shown on the site plan, all buildings are not separated from all pathways by a minimum 10-foot setback. The intent of this standard is to provide privacy for residents. However, due to the site of the site, this standard cannot be met. The development does provide at 5-foot setbacks between the buildings and pathways. All the pathways connect the buildings, open space, parking areas, and surrounding uses. Therefore, providing privacy and meeting the intent of the Code and the Guidelines.

The parking areas along Mildred Lane do not meet the 20-foot setback standard. The intent of this standard is to provide an adequate setback for safety and visual reasons. Due to the required 5-foot landscape strip and sidewalk along Mildred Lane, a 20-foot setback on-site is difficult to provide while adequately developing the site. However, as shown on the site plan, the parking is setback at least 20 feet when including the setback, 5-foot landscape strip, and the 5-foot sidewalk.



Therefore, this guideline has been met.

Parking: The development is for an 18-unit apartment complex. Code requires 1.5 vehicle parking spaces per every 1 dwelling units. The applicant is required to provide a minimum of 27 on-site vehicle parking spaces. As shown on the site plan, 27 on-site parking spaces are being provided. Required setbacks and landscaping requirements on a lot this size make it difficult to provided additional parking.

Total:

7	Standard Parking Stalls
18	Compact Parking Stalls
2	Handicap Parking Stalls
27	Total Parking Stalls

Adequate parking has been provided throughout the development with 1.5 parking spaces per dwelling unit.

All parking areas will be served by 26-foot wide internal two-way accessways that run through the development.

Bicycle parking is also required on site. The Code requires 0.1 bicycle parking space per dwelling unit. Bike racks will be provided on the site and located in a convenient location for the residents.

702.030 Pedestrian Site Access Guidelines (Sheet SDR3): The internal pedestrian circulation system consists of hard 6-foot wide surfaced sidewalks that provide easily identifiable and safe connections between the residential units, parking, recreation areas, manager's apartment, the trash disposal area, and adjacent properties. The pedestrian system connects the buildings to the public sidewalk system, adjacent properties, and to the future park to the north as required.

The sidewalks are raised above the surface of the travel lanes. This provides a clear separation between vehicles and pedestrians. Any pedestrian pathways that cross the parking area or driveways will be marked and a minimum of 6 feet wide. The pedestrian pathways will be lighted. Proposed pedestrian sidewalk connections are illustrated on the tentative site plan.

The design of pedestrian circulation systems shall provide clear and identifiable connections within the multiple family development and to adjacent uses and public streets/sidewalks. The proposed development provides safe and convenient bicycle and pedestrian access from within the development to adjacent residential areas.

Therefore, this standard has been met.

702.035 Building Mass and Façade Design Guidelines (Sheet SDR3, A1.8, and A2.8): These guidelines are intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, entries and yards to public streets.

The building design does not have long flat walls or roof lines. The buildings will have an offset that breaks up the front of the buildings and the roof lines. Both buildings within the development will not exceed 150 feet in length. The height and length of the buildings and structures conform to the measuring requirements in code.

All buildings face the interior of the lot. The rear side of Building 2 faces Mildred Lane to the south of the site. The street side of this building (rear) will be designed to be visually appealing, by providing similar design as is being provided for the front building facade for all buildings. In order to be consistent with the front facade of the building; windows, offsets, and architectural features will be incorporated in the portions of the building facing the right-of-way.

Varied materials and textures are being used on the building facade. The applicant has provided building elevations to show how this is being complied with. The materials used on the front, rear, and sides of the apartments are the same; shake siding, trim board, lap siding, and stone around the pillars. See attached building elevations. Therefore, this guideline has been met.

702.035 Compatibility Guidelines (Sheet SDR3): The subject property does abut RA zoned property to the west. Setbacks are shown on the tentative plan.

Northwest:	20-foot (Building 1) setback; (RM2 zoned/existing residential uses)
Northeast:	24-foot (Building 2) setback; (RM2 zoned/existing residential uses)
East:	Adjacent Woodside Drive, 18-foot (building)
Southeast:	Adjacent Mildred Lane, 10-foot (Building 2) setback
Southwest:	Adjacent Mildred Lane, 10-foot (Building 1) setback
West:	15-foot (Building 1) setback; (RA zoned/vacant land)

Building 1 has an average building height of about 33.6' in height. Therefore, Building 1 is required to provide a 33.6' setback along the west property line, where only a 15-foot setback is being provided. The intent of setbacks is to provide a privacy buffer for residents and adjacent residents. The 15-foot setback between Building 1 and the adjacent RA zone property will provide landscaping and a 6-foot high sight obscuring fence. All of which will help to provide privacy.

The primary entrances for each individual unit are provided through a covered entry way. All building entries are clearly defined and easily accessible. The design of the building with the use

of roofline offsets and covered entry ways, promote a positive sense of neighborhood. All building entrances face the internal street/parking system.

#### Mildred Lane

The subject property has 241 feet of buildable width (this excludes required side setbacks and driveway) along Mildred Lane. Buildings 1 and 2 are located on the setback line along Mildred Lane. Code requires a minimum of 50% of the buildable width be occupied by buildings placed on the setback line. As shown on the site plan, the buildings total 138.5 feet of the buildable width along the street frontage. Therefore, occupying 55% of the buildable width of street frontage along Mildred Lane.

All roof-mounted equipment will be screened and integrated into the building design. Further review of this requirement will take place at the time of building permits.

Therefore, this guideline has been met.

**702.035 Building Articulation Guidelines (Sheet SDR3, A1.8 and A2.8):** All buildings have entrances physically and visually connected to the internal public sidewalk system and the parking lots. All external stairways are recessed into the buildings. Therefore, physically and visually incorporating them into the building's architecture design.

The primary entrances for each individual unit are provided through a covered entry way. All building entries are clearly defined and easily accessible. The design of the building with the use of roofline offsets and covered entry ways, promote a positive sense of neighborhood.

The building design does not have long flat walls or roof lines. The buildings will have an offset that breaks up the front of the buildings and the roof lines. All buildings will have a minimum of 4-foot offsets, balconies, patios, eaves, and windows incorporated into the design of each of the buildings. Therefore, this standard has been met. See building elevations.

**702.040 Recycling (Sheet SDR3):** There is one trash/recycle area provided within the development. The trash receptacle is accessible for all residents via the paved internal sidewalk system in the development. The trash/recycle area will be screened and enclosed with a sight-obscuring fence or wall. Detail plans for the trash receptacles have been provided. Therefore, meeting this standard.

**Conclusion:** The applicant is requesting to meet all Design Review Guidelines as outlined above.

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# **Charlene's House-Apartments**

## **Conditional Use**

January 22, 2020

### **SITE HISTORY:**

On March 4, 2019, a Design Review Pre-Application Conference (PRE-AP19-13) was held with the applicant and City staff to discuss the development of the subject property.

### **PROPOSAL:**

Under SRC 551.005(a)-Table 551-1, multiple family dwellings are allowed within the IC zone with a Conditional Use permit.

The subject property is 0.67 acres in size, zoned IC, and located at 5611 Woodside Drive (083W14CB/Tax Lot 2400). The subject property is Parcel 2 of Partition Case No. 19-11, dated August 29, 2019.

The applicant is proposing a development consisting of 18-apartment units as shown on the site plans. The applicant is applying for a Conditional Use for the construction of an apartment complex.

### **CONDITIONAL USE CRITERIA:**

**SRC 240.005(d)** - An application for a Conditional Use permit shall be granted if all of the following criteria are met:

- (1) The proposed use is allowed as a conditional use in the zone;*
- (2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and*
- (3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.*

### **APPLICANT'S REASONS ADDRESSING CHAPTER 240.005(d):**

- (1) Under SRC 551.005(a)-Table 551-1, multiple family dwellings are allowed within the IC zone with a Conditional Use permit.
- (2) The proposed apartments will have little to no impact on the neighborhood. The property is bordered on the north by existing multi-family development and to the west by RA zoned property. Therefore, the proposed development will be consistent with the surrounding development and zones. There are only 18 units proposed. The small development (18 units) and adjacent uses/zoning help eliminate any impacts on the surrounding neighborhood.

The proposed apartments will have less an impact on the area then an industrial use that is allowed within the IC zone.

(3) The surrounding land uses within the vicinity are zoned and used as follows.

Northwest:	20-foot (Building 1) setback; (RM2 zoned/existing residential uses)
Northeast:	24-foot (Building 2) setback; (RM2 zoned/existing residential uses)
East:	Adjacent Woodside Drive, 18-foot (building)
Southeast:	Adjacent Mildred Lane, 10-foot (Building 2) setback
Southwest:	Adjacent Mildred Lane, 10-foot (Building 1) setback
West:	15-foot (Building 1) setback; (RA zoned/vacant land)

The apartments will be required to go through Site Plan/Design Review, which requires open space and landscaping at a higher percent than what a commercial use would be required to provide. Amenities like landscaped open space will help with the visual appeal of this area and reduce impacts on the neighborhood. The design standards are in place to help ensure compatibility with adjacent uses.

The proposed apartment development will provide pedestrian paths throughout the site and to Woodside Drive and Mildred Lane. The pedestrian paths will provide access and circulation to the surrounding neighborhoods. Therefore, increasing their livability as well.

Therefore, this criteria will be complied with through the Site Plan/Design Review process.

## ***Charlene's House-Apartments***

### ***Class 3-Site Plan Review***

***Revised-April 9, 2020***

#### **SRC 220.005(f)(3) Class 3 Site Plan Review Criteria:**

***(A) The application meets all applicable standards of the UDC;***

**Applicant Findings:** The applicant is requesting to meet all Design Review Guidelines.

All guidelines have been addressed and met as outlined within the Design Review narrative and on the site plans.

The subject property is 0.67 acres in size, zoned IC, and located at 5611 Woodside Drive (083W14CB/Tax Lot 2400). The subject property is Parcel 2 of Partition Case No. 19-11, dated August 29, 2019.

The applicant is proposing a development consisting of 18-apartment units as shown on the site plans.

All applicable guidelines have been outlined below and on the attached site plans.

#### **Industrial Commercial (IC)-SRC Chapter 551**

Setbacks (Sheet SDR3): Setbacks are shown on the tentative plan.

Northwest:	20-foot (Building 1) setback; (RM2 zoned/existing residential uses)
Northeast:	24-foot (Building 2) setback; (RM2 zoned/existing residential uses)
East:	Adjacent Woodside Drive, 18-foot (building)
Southeast:	Adjacent Mildred Lane, 10-foot (Building 2) setback
Southwest:	Adjacent Mildred Lane, 10-foot (Building 1) setback
West:	15-foot (Building 1) setback; (RA zoned/vacant land)

Maximum Height (Sheets A1.8 and A2.8): Maximum building height allowed in the IC zone is 70'. Both proposed buildings are in compliance with the requirements of the Code.

\*Building 1 is 37.9 feet in height (measured to the highest point)

\*Building 2 is 37.6 feet in height (measured to the highest point)

Therefore, the buildings are in compliance with the building height requirement.

**Stormwater:** As stated on the Grading and Drainage Plan, the proposal is treating at least 80% hard surface with Green Water Infrastructure. Therefore, meeting the requirements of the Public Works Department.

**(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;***

**Applicant Findings:** A TGE form has been submitted as part of this packet to determine if a TIA is needed. The subject property has street frontage on Woodside Drive to the east and Mildred Lane to the south.

As shown on the site plan, safe and efficient access and circulation has been provided into and throughout the development. The proposed development 26-foot wide driveways throughout the site. The driveways provide circulation throughout the site and onto the surrounding street system.

The design of on-site circulation is clearly identifiable, safe, pedestrian friendly and interconnected. The subject property is located in a developing area where improved streets and sidewalks continue as required by the City. Improved access is required by code. Approval does not adversely affect the safe and healthful development of any adjoining land or access thereto.

**(C)     *Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and***

**Applicant Findings:** Parking: The development is for an 18-unit apartment complex. Code requires 1.5 vehicle parking spaces per every 1 dwelling units. The applicant is required to provide a minimum of 27 on-site vehicle parking spaces. As shown on the site plan, 26 on-site parking spaces are being provided. A parking adjustment has been requested.

Total:

7	Standard Parking Stalls
17	Compact Parking Stalls
2	Handicap Parking Stalls
26	Total Parking Stalls

Adequate parking has been provided throughout the development with 1.5 parking spaces per dwelling unit.

All parking areas will be served by 26-foot wide internal two-way accessways that run through the development. Parking areas and driveways have been designed to City standards and provide safe circulation throughout the development.

Bike racks have been provided on the site and located in a convenient location for the residents.

The design of pedestrian circulation systems shall provide clear and identifiable connections within the multiple family development and to adjacent uses and public streets/sidewalks. The proposed development provides safe and convenient bicycle and pedestrian access from within the development to adjacent residential areas.

Therefore, this criteria has been met.

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

***Applicant Findings:*** Utility plans have been provided that show how the site will be served with City water, sewer, storm water facilities, and other utilities appropriate to the development.

## **CLASS-2 ADJUSTMENT**

The applicant is requesting a Class-2 Adjustment to Section 806 (Off-Street Parking).

The development is for an 18-unit apartment complex. Code requires 1.5 vehicle parking spaces per every 1 dwelling units. The applicant is required to provide a minimum of 27 on-site vehicle parking spaces. As shown on the site plan, 26 on-site parking spaces are being provided. Required setbacks and landscaping requirements on a lot this size make it difficult to provided additional parking. Therefore, the applicant has requested a Class-1 Adjustment to the parking requirements.

Total:

7	Standard Parking Stalls
17	Compact Parking Stalls
2	Handicap Parking Stalls
26	Total Parking Stalls

### ***Adjustment Criteria-SRC 250.005(d)(2) Criteria***

**(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 Findings:**

- (A)     The purpose of having adequate parking on-site is to provide enough parking for residents and not have overflow parking into adjacent neighborhoods. The development is for an 18-unit apartment complex. Code requires 1.5 vehicle parking spaces per every 1 dwelling units. The applicant is required to provide a minimum of 27 on-site vehicle parking spaces. As shown on the site plan, 26 on-site parking spaces are being provided. The applicant is only requesting an adjustment for a reduction of 1 parking space. There will be 26 on-site parking available to residents, which means 1.44 parking spaces are available to each unit.

Under the new parking standards, the proposed development would only be required to have 23 on-site parking spaces. By providing 26 on-site parking spacing the proposal meets the purpose of the code and is clearly satisfied by the proposed development. Therefore, development standard proposed for adjustment is better met by the reduction in parking.

- (B)     The proposed development is located in a residential area. However, with more than adequate parking spaces on-site, the adjustment will not impact the surrounding existing or

potential developments in the area. Adequate parking is provided and is only a reduction of 1 parking space. The reduction of 1 parking space will still provide 1.44 spaces per unit. The parking provided on-site exceeds the newly adopted parking requirements.

Therefore, the adjustment to parking will not create parking overflow issues and will have no effect on the surrounding uses.

- (C) There are more than one adjustment being requested for this proposed development. However, the adjustments will allow the site to be fully developed will being consistent with the intent of the zone.

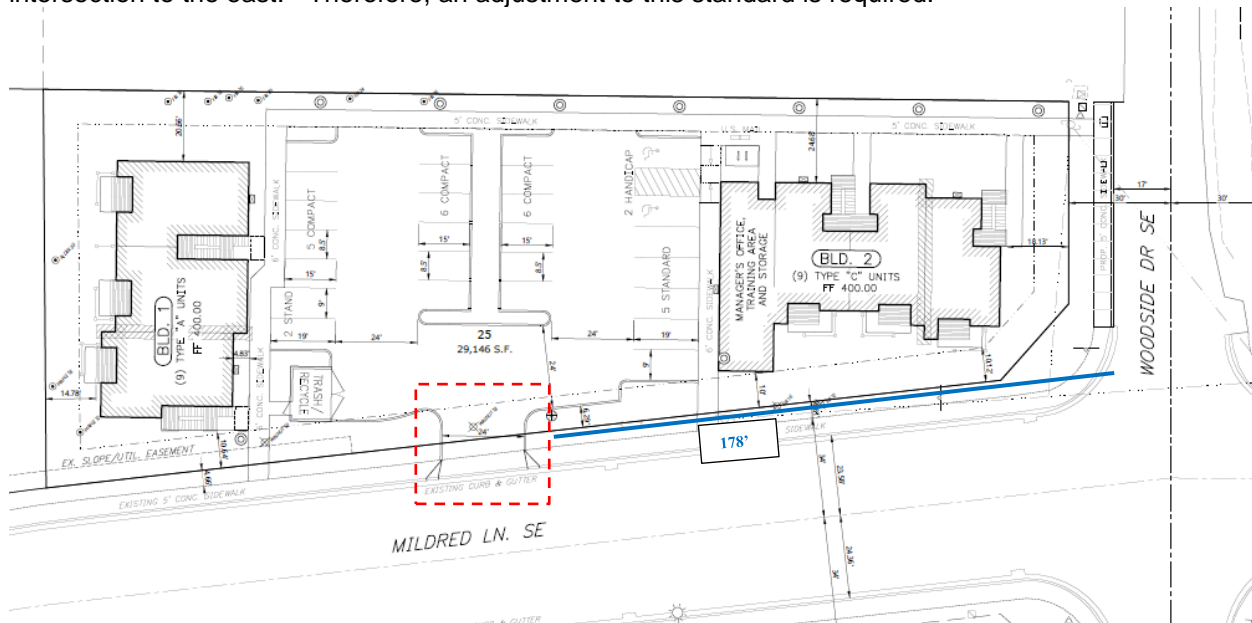
# Charlene's House Apartments

## Adjustment Class-2 Application

### Proposal:

The subject property is 0.67 acres in size, zoned IC, and located at 5611 Woodside Drive (083W14CB/Tax Lot 2400). The subject property is Parcel 2 of Partition Case No. 19-11, dated August 29, 2019. The applicant is proposing a development consisting of 18-apartment units as shown on the site plans.

The applicant is proposing a driveway that is located closing than 370 feet from Woodside Drive intersection to the east. Therefore, an adjustment to this standard is required.



The applicant is requesting an adjustment greater than 20% adjustment to SRC 804.035(d):

***(d) Spacing. Driveway approaches providing direct access to a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.***

### Adjustment Criteria-SRC 250.005(d)(2) Criteria

***(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.*

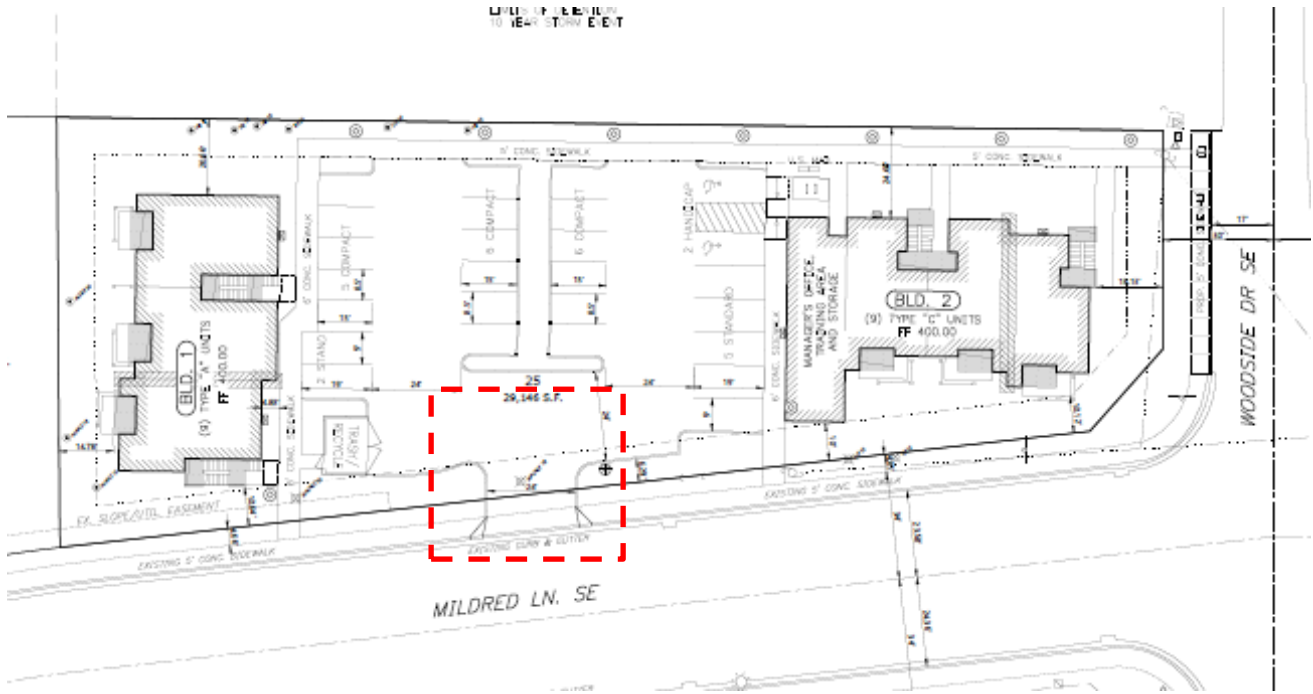
***(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

***(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 Findings:

- (A) One two-way driveway is proposed onto Mildred Lane from the development site. The proposed driveway appears to be located approximately 178 feet from the Mildred Lane and Woodside Intersection. Due to the size and location of the subject property, locating the driveway further away from the intersection is not feasible or safe. Relocating the driveway would require the elimination of parking spaces and would provide an unsafe visual situation near the curve of Mildred Lane. Therefore, this standard is clearly inapplicable to the proposed development. After review of the site and layout, it was determined that the most feasible driveway location is as shown on the site plan, and is clearly better met by the proposed. Therefore, the applicant is requesting an Adjustment to this requirement.
- (B) The subject property is located within a residential zone. The subject property is zoned IC and surrounded by residential uses. The location of the driveway as shown on the site plan will not have an impact on residential uses or any of the other uses in the area. The location will provide a safe and convenient one-way entrance and exit out of the development. The location does not create any vision or traffic hazards onto Mildred Lane as shown on the site plans. Therefore, the driveway location will have no effect on the proposed use or surrounding uses.
- (C) The applicant is requesting more than one adjustment. The requested adjustment will not have any effect on the overall purpose of the zone. The site will be developed to Code and designed to City standards. Therefore, the purpose of the zone will be met.

## **Class 2-Driveway Approach Permit**



***SRC 804.025 (d) Criteria. A Class 2 Driveway Approach Permit shall be granted if:***

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

Applicant Response: The subject property is 0.67 acres in size, zoned IC, and located at 5611 Woodside Drive (083W14CB/Tax Lot 2400). The subject property is Parcel 2 of Partition Case No. 19-11, dated August 29, 2019.

The applicant is proposing a development consisting of 18-apartment units as shown on the site plans.

The proposed development will have access onto Mildred Lane to the south of the property. Mildred Lane is designated as a 'minor arterial' street on the Salem Transportation System Plan. The development will not have access onto Woodside Drive abutting the east property line of the site. As shown on the site plan the driveway is required for access to the site and is in compliance with design standards.

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

Applicant Response: The location of the driveway was taken into consideration prior to laying the site out. Access onto Woodside Drive to the east is not allowed, so all access for the development is taken to and from Mildred Lane. The location of the proposed driveway takes into consideration the layout of the site. Therefore, all factors were taken into consideration and there are no conditions on the site that prevent the driveway approach.

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

Applicant Response: The driveway approach is onto Mildred Lane, which is an arterial street. Access onto Woodside Drive is not permitted, therefore, the driveway approach is onto Mildred Lane.

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

***(A) Is shared with an adjacent property; or***

***(B) Takes access from the lowest classification of street abutting the property;***

Applicant Response to (4)(B): The subject property is located on Mildred Lane to the south and Woodside Drive to the east. Woodside Drive is designated as a 'local' street, however, access onto Woodside Drive is not permitted due to safety issues. A driveway approach onto Woodside Drive would not meet separation standards with the intersection. Therefore, access onto the local street would not be safe or feasible.

There are no adjacent driveways to share access with. Therefore, there is no lower classified streets abutting the property that can provide safe and efficient access.

Therefore, this criterion has been met.

***(5) The proposed driveway approach meets vision clearance standards;***

Applicant Response: Through the pre-app process, the applicant has been working with Public Works to ensure that the driveway approach is in the required location and meets vision clearance standards. As shown on the site plan, this criterion has been met.

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

Applicant Response: The driveway approach does not create traffic hazards. As shown on the site plan, this criterion has been met.

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

Applicant Response: Public Works has had the opportunity to review the site plan for any adverse impacts. No adverse impacts to the vicinity have been identified. As shown on the site plan, the location of the driveway will not have any impacts on the subject property or adjacent properties. This criterion has been met.

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

Applicant Response: The applicant has been working with Public Works to ensure that the driveway approach is in the required locations to minimize impacts to adjacent streets and intersections. As shown on the site plan, this criterion has been met.

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


Applicant Response: The applicant has been working with Public Works to ensure that the driveway approach is in the required location to help balance the adverse impacts to residentially zoned property. The location of the proposed driveway takes into consideration the location of the streets adjacent to the site and access onto Mildred Lane. As shown on the site plan, this criterion has been met.

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# MEMO

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

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

**DATE:** June 29, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
DR-CU-SPR-ADJ-DAP20-02 (20-102373-RP)  
5611 WOODSIDE DRIVE SE  
18-UNIT MULTI-FAMILY DEVELOPMENT**

## **PROPOSAL**

A conditional use permit, Class 3 design review, Class 3 site plan review, and Class 2 driveway approach permit application for a new multiple-family residential development consisting of two 9-unit buildings, with associated site improvements including an off-street parking area and common open space. The application also includes a Class 2 adjustment request to reduce the minimum spacing between the proposed driveway approach and Woodside Drive SE from 370 feet to approximately 200 feet. For property approximately 0.67 acres in size, zoned IC (Industrial Commercial), and located at 5611 Woodside Drive SE (Marion County Assessor map and tax lot number(s): 083W14CB / 02400).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. Record the partition plat for partition case number PAR19-11.
2. Construct a half-street improvement along the frontage of Woodside Drive SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The sidewalk along Woodside Drive SE shall be located parallel to and one foot from the adjacent right-of-way pursuant to SRC 803.035(l)(2)(A).
3. Install street trees to the maximum extent feasible pursuant to SRC Chapter 86.
4. Extend an 8-inch sewer main from the terminus of the existing sewer main in Woodside Drive SE to the northern boundary of the subject property.
5. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

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

## **FACTS**

### **Streets**

#### 1. Woodside Drive SE

- 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 25-foot turnpike improvement within a 59-foot-wide right-of-way abutting the subject property.
- c. The conditions of approval for land use case PAR19-11 require dedication of right-of-way along the frontage of Woodside Drive SE.

#### 2. Mildred Lane SE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 46-foot improvement within a 68-foot-wide right-of-way abutting the subject property.
- c. The conditions of approval for land use case PAR19-11 require dedication of right-of-way along the frontage of Mildred Lane SE.

### **Storm Drainage**

#### 1. Existing Conditions

- a. A 10-inch storm main is located in Mildred Lane SE.

### **Water**

#### 1. Existing Conditions

- a. The subject property is located in the S-2 water service level.
- b. A 10-inch water main is located in Woodside Drive SE.
- c. A 16-inch water main is located in Mildred Lane SE.

## Sanitary Sewer

### 1. Existing Conditions

- a. The nearest available sewer main is an 8-inch sewer main in Woodside Drive SE approximately 275 feet south of the subject property. Condition 1 of land use case number PAR19-11 requires that an 8-inch sewer main be extended in Woodside Drive SE to the northern boundary of the subject property.

## **CRITERIA AND FINDINGS**

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

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

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

Waln Creek is located adjacent to the proposed development. This portion of the creek was not analyzed in conjunction with the Flood Insurance Study for Battle Creek basin. The applicant is advised that the City's recent *Stormwater Master Plan* update has generated preliminary base flood elevations for the subject property. The applicant shall coordinate with City staff to establish base flood elevations and ensure that the buildings are elevated sufficiently to limit flood damage pursuant to SRC 601.110(a)(2).

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils in the area of proposed development.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas in the area of proposed development.

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

**Finding**—The existing conditions of Woodside Drive SE and Mildred Lane SE do not meet current standards for their classification of street per the Salem TSP. However, street improvements, including right-of-way dedication, along both frontages are required as conditions of approval under land use case number PAR19-11. Prior to the issuance of building permits, the applicant shall complete all conditions and record the partition plat for partition case number PAR19-11.

Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(I)(2)(A)); therefore, the new sidewalk constructed along Woodside Drive SE shall be constructed pursuant to this code and PWDS. The existing sidewalk along the frontage of Mildred Lane SE may remain in its current configuration pursuant to SRC 803.035(I)(2)(B).

**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 Mildred Lane SE provides for safe turning movements into and out of the property. See Class 2 Driveway Approach and Class 2 Zoning Adjustment findings below.

**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 and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The nearest available sewer main is an 8-inch sewer main in Woodside Drive SE approximately 275 feet south of the subject property. Condition 1 of land use case number PAR19-11 requires that an 8-inch sewer main be extended in Woodside Drive SE to the northern boundary of the subject property. Once constructed, the proposed development will be adequately served by sewer.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At the time of development, the applicant shall design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS.

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

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

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

**Finding**—The proposed driveway is located less than 370 feet from adjacent driveways; therefore, a Class 2 adjustment is required for driveway spacing as described below. Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS.

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

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

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

**Finding**—One access is proposed to the arterial street.

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

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

**Finding**—The proposed development abuts a Local street and a Minor Arterial street. The applicant proposes only one driveway to the Minor Arterial street with an adjustment for driveway spacing. A shared driveway approach is not possible because of existing topography. The subject property has limited frontage along the Local street. A driveway approach to the lower classification of street is not possible due to proximity to the intersection and queuing concerns. The Assistant City Traffic Engineer recommends approval of the single driveway approach to the Minor Arterial street as proposed on the applicant's site plan.

- (5) Proposed driveway approach meets vision clearance standards;**

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

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

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

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

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

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

**Finding**—The proposed driveway approach is located on a Minor Arterial street and minimizes the impact to adjacent streets and intersections by limiting access to a single driveway.

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

**Finding**—The proposed development is surrounded by residentially zoned property. The driveway balances the adverse impacts to residentially zoned property by limiting the development to a single driveway and will not have an adverse effect on the functionality of the adjacent streets.

**CRITERIA AND FINDINGS—Class 2 Adjustments**

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

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

1. Clearly inapplicable to the proposed development; or
2. Equally or better met by the proposed development.

**Finding**—The applicant is requesting a Class 2 adjustment to allow for reduced spacing between driveways less than the standard of 370 feet. The development is proposing a single two-way driveway located approximately 200 feet from the intersection. The

subject property has limited frontage along the Local street, which does not have a spacing requirement. A driveway approach to the lower classification of street is not possible due to proximity to the intersection and queuing concerns. The Assistant City Traffic Engineer recommends approval of the single driveway approach to the Minor Arterial street as proposed on the applicant's site plan. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

Prepared by: Jennifer Scott, Program Manager  
cc: File



## ATTACHMENT E

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

Christy Perry, Superintendent

June 29, 2020

Brandon Pike, Planner  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. DR-CU-SPR-ADJ-DAP20-02, 5611 Woodside Dr SE

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

### IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

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

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

Table 1

### SCHOOL CAPACITY & CURRENT ENROLLMENT

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

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Battle Creek	Elementary	594	601	99%
Judson	Middle	995	995	100%
Sprague	High	1,701	1,940	88%

Table 2

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

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

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	18	MF	0.201	4
Middle	18	MF	0.077	1
High	18	MF	0.084	2

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

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

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Battle Creek	Elem.	594	6	4	10	601	101%
Judson	Mid.	995	38	1	39	995	104%
Sprague	High	1,701	47	2	49	1,940	90%

Table 4

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

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

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

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

Table 5

## ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

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

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	4	\$54,925	\$219,700
Middle	1	\$64,045	\$64,045
High	2	\$73,164	\$146,328
TOTAL			\$430,073

Table 6

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

Sincerely,

*David Fridenmaker*

David Fridenmaker, Manager  
Planning and Property Services

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

Owner / Developer:

EMPIRE BUILDERS OF OREGON, L.L.C.

8527 SAGHALIE DR. S.  
SALEM, OREGON 97306

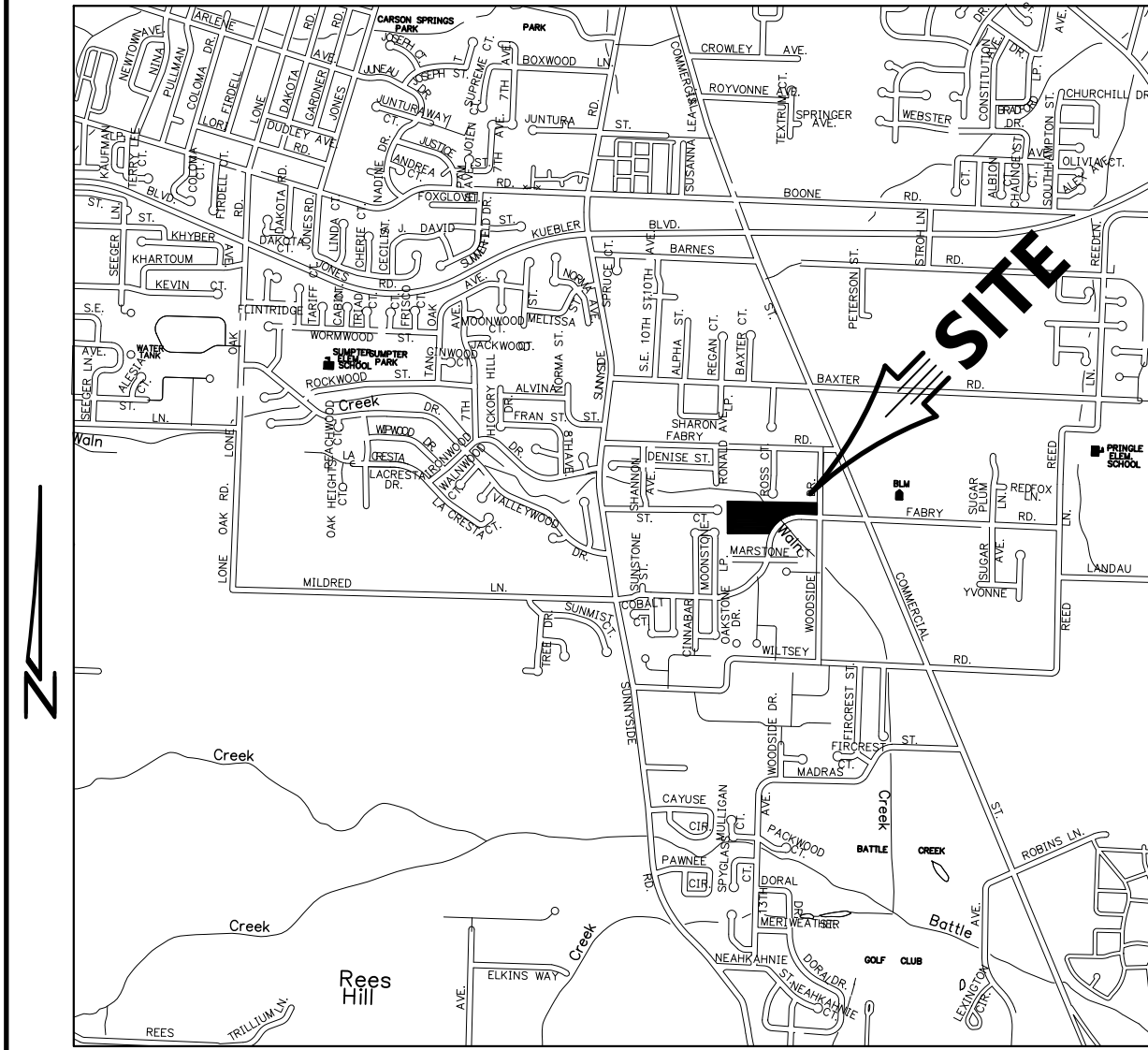
Owner / Developer:

JCT CONSTRUCTION GROUP, L.L.C.

201 FERRY ST. S.E., SUITE 400  
SALEM, OREGON 97301

TONEY ESTATES

SEC. 14, T. 8 S., R. 3 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON  
TAX MAP: 08W14CB  
LOTS: 2301, 2400, 2500  
5.88 ACRES



VICINITY MAP



ENGINEERING SERVICES, INC.  
1155 13th ST. S.E. SALEM, OR. 97302  
PH. (503) 363 - 9227 FAX (503) 364-1260  
www.mtengineering.net office@mtengineering.net

PROPOSED  
PARTITION PLAN

TONEY ESTATES

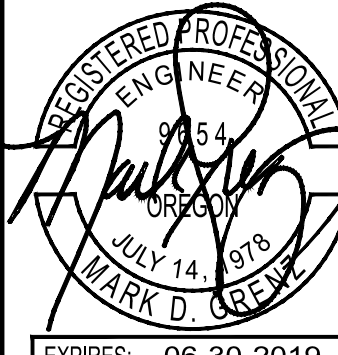
MULTITECH ENGINEERING EXEMPT FROM  
LIABILITY IF NOT STAMPED APPROVED

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CONSTRUCTION  
UNLESS STAMPED  
APPROVED HERE

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WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

Design: M.D.G.  
Drawn: P.H.S.  
Checked: M.D.G.  
Date: FEB. 2019  
Scale: AS SHOWN  
As-Built: ----



EXPIRES: 06-30-2019  
JOB # 6606

