

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

ADMINISTRATIVE DECISION FOR CLASS 1 TIME EXTENSION

CASE NO.: SPR-ADJ-DAP-DR21-13
AMANDA NO.: 23-110207-00 PLN
DATE OF DECISION: June 2, 2023
LOCATION: 1610 Lancaster Drive SE
APPLICANT: Jordan Schweiger And Good Well Construction Inc

REQUEST

A Class 1 Extension to extend the approval for a consolidated application containing a Class 3 Site Plan Review and Class 1 Design Review for the development of a new apartment building with associated site improvements, a Class 2 driveway approach permit to allow driveway access onto 40th Place SE, and Class 2 adjustment requests to:

- 1) Reduce the minimum setback for buildings to the north property line from 10 feet to 6 feet;
- 2) Reduce the minimum setback for vehicle use areas to the south property line from 10 feet to 4.67 feet;
- 3) Allow a portion of an off-street parking area to be located between a building and a street; and
- 4) Adjust a vision clearance area for the proposed driveway approach.

The subject property is approximately 0.40 acres in size, zoned RM-II (Multiple Family Residential-II) and located at 1610 Lancaster Drive SE (Marion County Assessor map and tax lot number(s): 082W06AB / 9200).

BACKGROUND

On July 13, 2021, the Planning Administrator approved with conditions a Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review SPR-ADJ-DAP-DR21-13.

FINDINGS

1. Approval for the revised Class 1 Extension to extend the approval of a Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review was granted on July 13, 2021. Pursuant to SRC Chapter 300, all approvals of land use actions shall expire automatically unless development has commenced, or a time extension has been granted. Where the decision involves work for which a Subdivision final plat is required, no exercise of the rights granted under the land use action shall be deemed to have commenced until a Subdivision final plat has been issued.

No development permits have been received or issued; development has not commenced for this project. Therefore, the applicant has requested a two-year extension, which would extend the expiration period to July 13, 2025.

2. Under the City's Unified Development Code, extension requests are classified under one of the following two classes:
 - **Class 1 Extension.** A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application: or
 - **Class 2 Extension.** A Class 2 Extension is an extension that applies when there have been changes to the standards and criteria used to approve the original application, but such changes to the standards and criteria would not require modification of the original approval.

Because there have not been changes to the standards and criteria used to approve the original application, this extension request is classified as a Class 1 Extension.

3. Class 1 Time Extension Approval Criteria

SRC 300.850(b)(4)(A) establishes the following approval criterion which must be met for a Class 1 Time Extension to be approved: 248619

A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.

Finding:

The original application for a Class 1 Extension to extend the approval of a Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review was submitted on February 08, 2023, and reviewed for compliance with approval criteria set forth in SRC. Chapter 514, which was changed as part of amendments in 2021 (Ordinance No. 13-21) and the Our Salem project (Ordinance No. 11-22) The development code revisions were not intended to invalidate existing land use decisions that were approved under prior code standards or preclude such previously approved land use decisions from being extended when there is time remaining under their original approval. To that end, the adopted ordinances for includes the following requirement for the review of extension requests of land use applications.

Engrossed Ordinance Bill No 11-22, Section 3, provides that land use applications submitted and/or approved prior to the effective date of the ordinance that would require a Class 2 extension approval as a result of changes to standards or criteria included in this ordinance or Engrossed Ordinance 13-21 may, notwithstanding the applicability and approval criteria for Class 2 extensions included under SRC 300.850(b)(2)(B) and SRC 300.850(b)(4)(B), receive Class 1 extension approval provided the decision has not expired and there are remaining extensions available. Therefore, a Class 1 Extension is applicable.

Because *SPR-ADJ-DAP-DR21-13* was approved in 2021 prior to the effective date of either ordinance; the decision has not expired; and because this is the first extension request for the conditional use where, pursuant to SRC 300.850(b) - Table 300-3, up to a maximum of four two-

year extensions are allowed, the requested extension meets the requirements of Section 4 of Ordinance Bill No. 11-22 and may be approved notwithstanding SRC 300.850(b)(4)(B). The applicant is requesting one two-year extension which would extend the expiration date to June 25th, 2025. This approval criterion is met.

DECISION

Based on the requirements of SRC 300.850(b)(4)(A), the proposed Class 1 Extension complies with the requirements for an affirmative decision.

The Class 1 Extension to extend the approval of a Class 1 Extension to extend the approval of a Class 3 Site Plan Review, Class 2 Adjustment to reduce the minimum setback for buildings to the north property, reduce the minimum setback for vehicle use areas to the south property line, to allow a portion of an off-street parking area to be located between a building and a street, line and to the vision clearance area for the proposed driveway approach, Class 2 Driveway Approach Permit, and Class 1 Design Review Case Permit Case No. SPR-ADJ-DAP-DR21-13 for a subject property approximately .40 acres in size, zoned RM-II (Multiple Family Residential), and located on the 1610 Lancaster Drive SE (Marion County Assessor Map and Tax Lot Number: 082W06AB / 9200)., is hereby **APPROVED**.

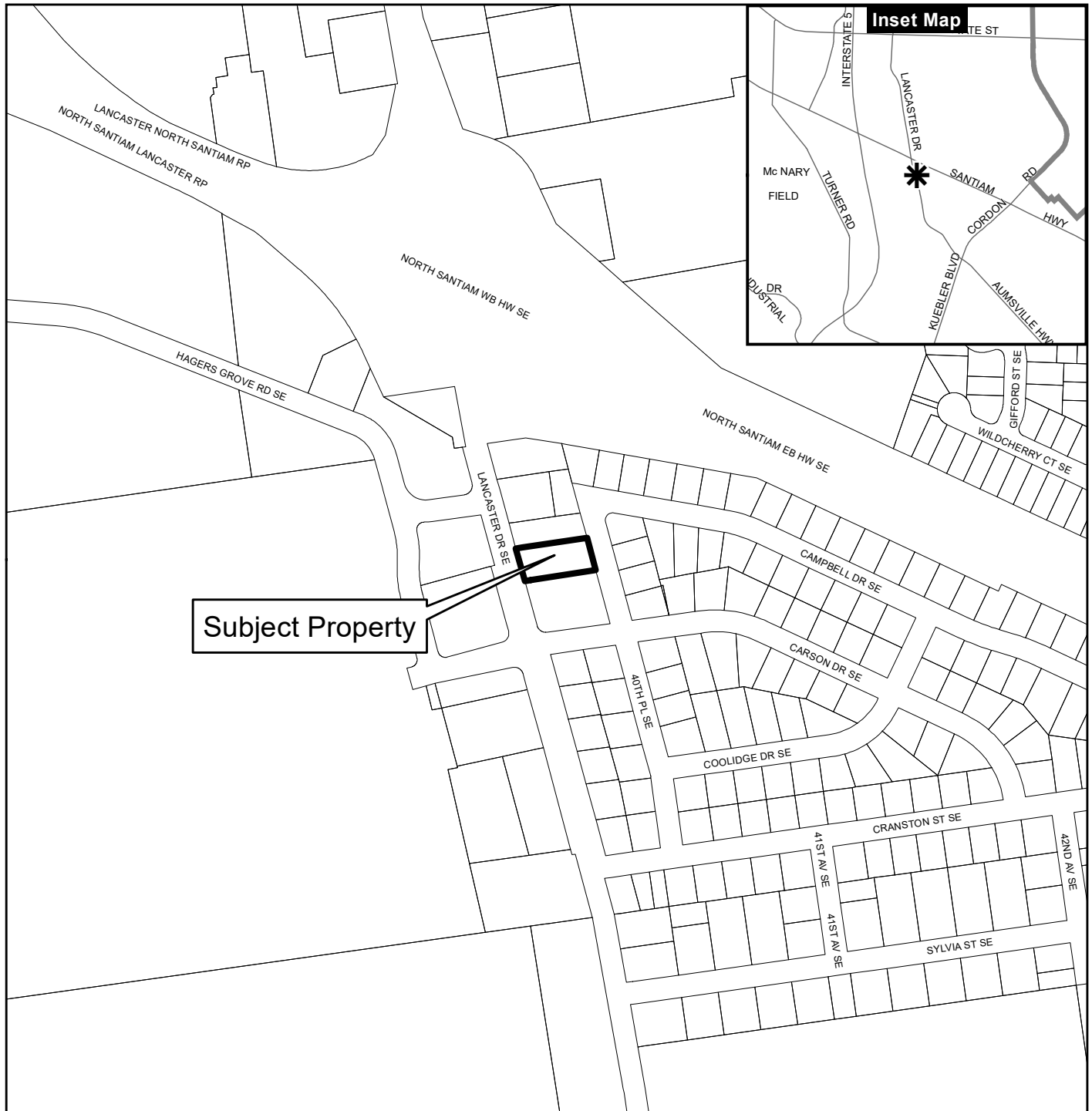
The extension shall be valid through June 25, 2025.



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

Attachments: A. Vicinity Map
B. Applicant's Extension Request
C. Land Use Decision Case No SPR-ADJ-DAP-DR21-13

Vicinity Map 1610 Lancaster Dr 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.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet





Land Use Application

Permit #: **23 110207 00 PLN**

Planning/Permit Application Center

City Hall

555 Liberty St. SE, Room 320

Salem OR 97301-3513

503-588-6213 **planning@cityofsalem.net**

If you need the following translated in Spanish, please call 503-588-6256.

Si usted necesita lo siguiente traducido en español, por favor llame 503-588-6256.

Project Description

Class 1 Time Extension

Class 1 Time Extension

Work site location and information

Street address of or location of subject property	1610 LANCASTER DR SE SALEM OR 97317
Size of property (acres)	0.40
Tax Lot Number	082W06AB09200
Neighborhood Association	Southeast Mill Creek Association (SEMCA)

People information

Applicant	JORDAN SCHWEIGER	2825 FOXHAVEN DR SE SALEM OR 97306	503-375-6205 jordan.schweiger@gmail.com
Owner	Jeff Starkey	jeffstarkey1@gmail.com	
Contact	JORDAN SCHWEIGER	2825 FOXHAVEN DR SE SALEM OR 97306	503-375-6205 jordan.schweiger@gmail.com

Project information

Site Area (Acreage)	.4
MS4 Reporting	No

Land Use fees

Description	Amount
Time Extensions	\$190.00
Automation Surcharge	\$5.00
Total Fees	\$195.00



Land Use Application
Permit #: 23 110207 00 PLN

Terms and Conditions

Correct information: I hereby certify I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not.

Copyright release for government entities: I hereby grant permission to the City of Salem to copy, in whole or part, drawings and all other materials submitted by me, my agents, or representatives. This grant of permission extends to all copies needed for administration of the City's regulatory, administrative, and legal functions, including sharing of information with other governmental entities.

Indemnity: I, the permit applicant, shall indemnify, defend and hold harmless the City of Salem, its officers, employees and agents from any and all claims arising out of or in connection with work done under this permit.

Authorizations

- Property owners and contract purchasers are required to authorize the filing of this application and must sign below. This signed form must be uploaded with other review documents.
- If the applicant and/or property owner is a Limited Liability Company (LLC), please also provide a list of all members of the LLC with your application.
- All signatures represent that they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- I (we) hereby grant consent to the City of Salem and its officers, agents, employees, and/or independent contractors to enter the property identified above to conduct any and all inspections that are considered appropriate by the City to process this application.

This application was electronically submitted to the City of Salem Permit Application Center by **JORDAN SCHWEIGER** (PersonID: 353025) on **May 15, 2023** at **10:21 AM**.





Land Use Application
Permit #: 23 110207 00 PLN

I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property:

--

I (we) certify that I (we) have read, understood, and confirm all the statements listed above and throughout the application form.

Authorized Signature: 
Printed Name: Jordan Schweiger **Date:** 6/1/2023 | 00:14 PDT
Address (include ZIP): 2825 Foxhaven Drive SE, Salem, OR 97306

Authorized Signature: 
Printed Name: Jeff Starkey **Date:** 6/2/2023 | 08:36 EDT
Address (include ZIP): 1610 Lancaster Drive SE, Salem, OR 97302

Authorized Signature: _____
Printed Name: _____ **Date:** _____
Address (include ZIP): _____

(For office use only)		
Received by:	Date:	Receipt Number:

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



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DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW CASE NO.: SPR-ADJ-DAP-DR21-13

APPLICATION NO.: 21-101664-RP/ 21-101693-ZO/ 21-101669-ZO/ 21-101667-DR

NOTICE OF DECISION DATE: June 25, 2021

SUMMARY: A proposal to construct a 6-unit apartment building while retaining an existing single family dwelling.

REQUEST: A consolidated application containing a Class 3 site plan review and Class 1 design review for the development of a new apartment building with associated site improvements, a Class 2 driveway approach permit to allow driveway access onto 40th Place SE, and Class 2 adjustment requests to:

- 1) Reduce the minimum setback for buildings to the north property line from 10 feet to 6 feet;
- 2) Reduce the minimum setback for vehicle use areas to the south property line from 10 feet to 4.67 feet;
- 3) Allow a portion of an off-street parking area to be located between a building and a street; and
- 4) Adjust a vision clearance area for the proposed driveway approach.

The subject property is approximately 0.40 acres in size, zoned RM-II (Multiple Family Residential-II), and located at 1610 Lancaster Drive SE (Marion County Assessor map and tax lot number(s): 082W06AB / 9200).

APPLICANT: Zach Pelz, AKS Engineering and Forestry, LLC, on behalf of Jordan Schweiger, Good Well Construction, Inc.

LOCATION: 1610 Lancaster Dr SE, Salem OR 97317

CRITERIA: Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit; 225.005(e)(1) – Class 1 Design Review

FINDINGS: The findings are in the attached Decision dated June 25, 2021.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review SPR-ADJ-DAP-DR21-13 subject to the following conditions of approval:

- Condition 1:** Remove the existing pavement in the southwest corner of the property and replace with a 10-foot setback along the south property line, landscaped to the Type C standard. The required screening shall meet all applicable vision clearance standards set forth in Salem Revised Code chapter 805.

- Condition 2:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE.
- Condition 3:** Construct curb-line sidewalk along the frontage of 40th Place SE.
- Condition 4:** Provide an Option B streetlight to PGE standards along 40th Place SE.
- Condition 5:** Install street trees to the maximum extent feasible along all frontages.
- Condition 6:** Close the existing driveway approach along the Lancaster Drive SE frontage of the subject property.
- Condition 7:** 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.
- Condition 8:** A minimum of 31 plant units shall be planted between the proposed apartment building and the north property line.
- Condition 9:** A minimum of 52 plant units shall be planted between the proposed vehicle use area and the south property line.
- Condition 10:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.
- Condition 11:** Provide a porch or architecturally defined entry area for both ground level dwelling units of the proposed building.

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 Site Plan Review	<u>July 13, 2025</u>
Other Case Types Within Application	<u>July 13, 2023</u>

Application Deemed Complete:	<u>April 29, 2021</u>
Notice of Decision Mailing Date:	<u>June 25, 2021</u>
Decision Effective Date:	<u>July 13, 2021</u>
State Mandate Date:	<u>August 27, 2021</u>

Case Manager: Brandon Pike, Planner I, 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, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Monday, July 12, 2021. The notice of appeal must contain the information required by SRC 300.1020 and must state

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

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

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

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

**CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY
APPROACH PERMIT / CLASS 1 DESIGN REVIEW
CASE NO. SPR-ADJ-DAP-DR21-13
DECISION**

IN THE MATTER OF APPROVAL OF)	FINDINGS AND ORDER
CLASS 3 SITE PLAN REVIEW,)	
CLASS 2 ADJUSTMENT, CLASS 2)	
DRIVEWAY APPROACH PERMIT,)	
AND CLASS 1 DESIGN REVIEW)	
CASE NO. 21-13)	
1610 LANCASTER DRIVE SE)	JUNE 25, 2021

In the matter of the application for a Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review submitted by Zach Pelz, AKS Engineering & Forestry, LLC, on behalf of the applicant, Jordan Schweiger, Good Well Construction, Inc., and property owner, 1610 Lancaster Dr SE, LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A proposal to construct a 6-unit apartment building while retaining an existing single family dwelling.

Request: A consolidated application containing a Class 3 Site Plan Review and Class 1 Design Review for the development of a new apartment building with associated site improvements, a Class 2 Driveway Approach Permit to allow driveway access onto 40th Place SE, and Class 2 Adjustment requests to:

- 1) Reduce the minimum setback for buildings to the north property line from 10 feet to 6 feet;
- 2) Reduce the minimum setback for vehicle use areas to the south property line from 10 feet to 4.67 feet;
- 3) Allow a portion of an off-street parking area to be located between a building and a street; and
- 4) Adjust a vision clearance area for the proposed driveway approach.

The subject property is approximately 0.40 acres in size, zoned RM-II (Multiple Family Residential-II), and located at 1610 Lancaster Drive SE (Marion County Assessor map and tax lot number(s): 082W06AB / 9200).

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

FINDINGS

1. Class 3 Site Plan Review Applicability

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 220.005(b)(3) requires Class 3 site plan review for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

Class 3 site plan review is required for this application pursuant to SRC 220.005(b)(3)(F) because Class 2 adjustments have been requested in conjunction with the site plan review application, and pursuant to SRC 220.005(b)(3)(C) because a Class 2 driveway approach permit is required for a new driveway access onto 40th Place SE.

2. Background

On January 19, 2021, a consolidated Class 3 site plan review, Class 2 adjustment, Class 2 driveway approach permit, and Class 1 design review application was submitted for a proposal to construct a new six-unit apartment building and associated site improvements on the subject property.

After receiving additional required information from the applicant, the consolidated application was deemed complete for processing on April 29, 2021 and notice of filing of the application was sent pursuant to SRC requirements on May 5, 2021. The 120-day state-mandated local decision deadline is August 27, 2021.

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

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.

Neighborhood and Citizen Comments:

Notice of the application was sent to the Southeast Mill Creek Association (SEMCA), and to surrounding property owners and tenants within 250 feet of the subject property. No comments were received from the neighborhood association. Of the two comments received from surrounding residents, one indicated no objections and one indicated concerns with the proposal.

Concerns and opposition received can be summarized as follows:

- *On-Street Parking.* One comment indicated concern over the proposal's impact on on-street parking in the vicinity.

Staff Response: The proposed development includes 8 off-street parking spaces, exceeding the minimum number of required off-street parking spaces (7 spaces). SRC 102.040(j) prohibits on-street parking for more than five consecutive days and is enforced by the City's Parking Services Division.

- *Privacy.* One comment indicated concern about residents of the proposed development looking into the neighboring residences' windows.

Staff Response: Development on the subject property is required to meet the standards set forth in SRC Chapter 514, which include requirements for height, setbacks, and lot coverage which are intended to ensure that development of private property or use of public rights-of-way does not adversely impact the privacy of adjacent properties and residents.

The applicant has proposed a three-story building with an approximate height of 33.5 feet, well below the maximum height allowed within the RM-II zone (50 feet). The applicant will be required to provide landscaping and screening to ensure adequate privacy is maintained for surrounding properties.

City Department Comments:

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

The Building and Safety Division reviewed the proposal and commented that Americans with Disabilities Act (ADA) parking will be reviewed at the time of building permit application.

The Fire Department reviewed the proposal and provided the following comment:

Fire department access is provided from 40th Place and the building address will need to reflect that. The building FDC needs to be located within 100 feet of a fire hydrant and the hose lay shall not obstruct aerial access. If the building height exceeds 30 feet as measured by the OFC, then aerial fire department access will be required. Note: the provided plans indicate 2017 Oregon Residential Specialty Code. Verify with Building and Safety (B&S) if this is the correct code reference.

Public Agency Comments:

Notice of the proposal was provided to public agencies, and to public and private service providers. One comment was received from Salem-Keizer Public Schools, a letter which is included as **Attachment E**. They indicate the applicable middle and high schools have sufficient capacity to serve the proposed development, while the applicable elementary school currently exceeds the school designed capacity. They note that adequate pedestrian and bicycle infrastructure should be provided, and that a bus pullout should be included with the development if located more than one mile from

any school. They also state the proposed development is eligible for school transportation for the elementary, middle, and high schools.

Staff Response: As a condition of the proposed development, the applicant will be required to bring the adjacent transportation infrastructure into compliance with the Salem TSP, including constructing and/or maintaining pedestrian and bicycle facilities. The subject property is located within one mile of Houck Middle School, so no bus pullout should be required for the proposed development.

3. Analysis of Class 3 Site Plan Review Approval Criteria

SRC 220.005(f)(3) states:

An application for Class 3 site plan review shall be granted if:

- (1) The application meets all applicable standards of the UDC;
- (2) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;
- (3) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
- (4) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The proposal includes development of a new six-unit apartment building while retaining an existing single family dwelling.

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

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

SRC 514.005 – Uses:

Finding: Allowed uses within the RM-II zone are identified under SRC 514.005, Table 514-1. The proposal includes the development of a six-unit apartment building while retaining an existing dwelling, for a total of seven dwelling units, classified as a *multiple family* use. Within the RM-II zone, *multiple family* uses are allowed as a permitted use.

SRC 514.010(b) – Lot Standards:

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

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

SRC 514.010(c) – Dwelling Unit Density:

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

Finding: The subject property is approximately 0.40 acres, or 17,222 square feet, in size, allowing for a minimum of five dwelling units ($17,222 / 43,560 = 0.3953$ acres. $0.3953 \times 12 = 4.74$ units) and a maximum of 11 dwelling units ($0.3953 \times 28 = 11.07$ units). The proposed development includes a total of seven dwelling units. The proposal meets the standard.

SRC 514.010(d) – Setbacks:

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

Abutting Street

East: Adjacent to the east is right-of-way for 40th Place SE. For all uses except for *single family, two family, three family, and four family*, buildings have a minimum setback of 12 feet, plus 1 foot for each 1 foot of height over 12 feet, but need not exceed 20 feet in depth. Accessory structures not more than 4 feet in height have no minimum setback, and accessory structures greater than 4 feet in height have a minimum setback of 12 feet, plus 1 foot for each 1 foot of height over 12 feet. Vehicle use areas have a minimum setback of 12 feet.

Finding: The proposed building is approximately 33.5 feet in height, requiring a minimum setback of 20 feet. The site plan shows a setback of approximately 21 feet between the proposed building and the east property line. The proposal meets the setback standards of the zone. Required setbacks shall be landscaped as provided in SRC Chapter 807.

West: Adjacent to the west is right-of-way for Lancaster Dr SE. For all uses except for *single family, two family, three family, and four family*, buildings have a minimum setback of 12 feet, plus 1 foot for each 1 foot of height over 12 feet, but need not exceed 20 feet in depth. Accessory structures not more than 4 feet in height have no minimum setback, and accessory structures greater than 4 feet in height have a minimum setback of 12 feet, plus 1 foot for each 1 foot of height over 12 feet. Vehicle use areas have a minimum setback of 12 feet.

Finding: The proposed building is approximately 33.5 feet in height, requiring a minimum setback of 20 feet. The applicant's site plan shows a setback of approximately 90 feet between the proposed building and the west special setback line. The site contains an existing building in the western portion of the property (currently used as a single family dwelling); no changes to the building's existing setbacks are proposed. The proposal meets the setback standards of the zone. Required setbacks shall be landscaped and screened as provided in SRC Chapter 807.

Interior Side

North: For all uses except for *single family, two family, three family, and four family*, buildings, accessory structures, and vehicle use areas have a minimum zone-to-zone setback of 10 feet with Type C landscaping and screening abutting residential zones.

Finding: The proposed site plan shows 42.5 feet between the vehicle use area and the north property line. The proposed site plan shows a setback of 6 feet between the proposed building and the north property line. The applicant has requested an adjustment to this standard. Findings addressing the approval criteria for a Class 2 adjustment are included later in this decision. Except where the applicant has requested adjustments, the proposal meets the setback standards of the zone. Required setbacks shall be landscaped and screened as provided in SRC Chapter 807.

South: For all uses except for *single family, two family, three family, and four family*, buildings, accessory structures, and vehicle use areas have a minimum zone-to-zone setback of 10 feet with Type C landscaping and screening abutting residential zones.

Finding: The applicant's development plans indicate a building height of approximately 33.5 feet. The proposed site plan shows a setback of approximately 53 feet between the proposed building and the south property line, and a setback of 4.67 feet between the vehicle use area and the south property line. The applicant has requested an adjustment to this standard. Findings addressing the approval criteria for a Class 2 adjustment are included later in this decision.

The proposed site plan shows existing pavement in the southwest corner of the property and a portion of a driveway approach along the property's frontage. As conditioned within this decision, the applicant will be required to eliminate the portion of the driveway approach onto Lancaster Drive which abuts the subject property and leads to the existing pavement referenced herein. This paved area on the subject property will no longer be considered a legal driveway since it will no longer lead to an approved off-street parking area; it shall be removed and landscaped as required under SRC chapters 514 and 807. The following condition of approval shall apply:

Condition 1: Remove the existing pavement in the southwest corner of the property and replace with a 10-foot setback along the south property line, landscaped to the Type C standard. The required screening shall meet all applicable vision clearance standards set forth in Salem Revised Code chapter 805.

Required setbacks shall be landscaped and screened as provided in SRC Chapter 807. As conditioned and except for where the applicant has requested an adjustment, the proposal meets the setback standards of the zone.

SRC 514.010(e) – Lot Coverage, Height:

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

Finding: The proposed development plans show a lot coverage of approximately 3,714 square feet, or 21.6 percent, with a building height of approximately 33.5 feet. The proposed development meets the standard.

SRC 514.010(g) – Landscaping:

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

Finding: At the time of building permit review, landscape and irrigation plans shall be provided which demonstrate compliance with the requirements of SRC chapters 806 and 807.

General Development Standards (SRC Chapter 800):

SRC 800.055 – Solid Waste Service Areas.

SRC 800.055(a) – Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed; and any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

Finding: The proposed development includes a new solid waste service area. The standards of SRC 800.055 apply.

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 four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.

SRC 800.055(b)(1) – Pad Area.

The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and the pad area shall extend a minimum three feet beyond the front of the receptacle. In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

SRC 800.055(b)(2) – Minimum Separation.

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

SRC 800.055(b)(3) through (d) – Vertical Clearance, Permanent Drop Box and Compactor Placement Standards, and Solid Waste Service Area Screening Standards. Solid waste service areas shall meet the standards set forth in these sections.

Finding: The proposed site plan shows a pad area of 18 feet wide by 9.5 feet deep, with 1 foot extending beyond the sides and rear of the receptacle, and a paved area greater than 3 feet in depth beyond the front of the receptacle. The development plans show 1.5 feet between the receptacle and the side walls of the enclosure. The applicant's written statement indicates the solid waste service area will be screened as required under this section. The proposal meets the standards.

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

When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.

SRC 800.055(e)(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 proposed site plan shows an opening on the front of the enclosure of 15 feet. The proposal meets the standard.

SRC 800.055(e)(2) – Measures to Prevent Damage to Enclosure.

Solid waste enclosures shall be constructed with the measures set forth in this section to prevent damage to the enclosure.

Finding: The applicant's written statement indicates they can include 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 as necessary. Adherence with these standards will be ensured at the time of building permit review.

SRC 800.055(e)(3) – Enclosure Gates.

Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

Finding: The proposed site plan shows a swinging gate which opens more than 90 degrees, while the applicant has indicated the final design will have restrainers in the open and closed positions. The proposal meets the standard.

SRC 800.055(e)(4) – Prohibited Structures.

Receptacles shall not be stored in buildings or entirely enclosed structures unless as set forth in this section.

Finding: The proposed site plan does not show a receptacle within an entirely enclosed structure. The proposal meets the standard.

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

SRC 800.055(f)(1) – Vehicle Operation Area.

(A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.

Finding: The proposed site plan shows an area greater than 45 feet in length and 15 feet in width, perpendicular to the enclosure and extending into the proposed drive aisle. The proposal meets the standard.

(B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:

- (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
- (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
- (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

Finding: The proposed site plan shows a vehicle operation area perpendicular to the permanent location of the enclosure's opening. The proposal meets the standard.

(C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.

(D) Vehicle operation areas shall have a minimum vertical clearance of 14 feet.

(E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

Finding: The proposed vehicle operation area meets these standards.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

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

Finding: The proposal includes a new use or activity. The off-street parking development standards of this chapter apply.

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

Required off-street parking shall be located on the same development site as the use or activity it serves, or within the additional locations set forth under this section.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for a *multiple family* use consisting of 5 to 12 dwelling units is 1 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.* Except as otherwise provided in this section, and otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A. For uses requiring 20 spaces or less, the maximum number of off-street parking spaces allowed is 2.5 times the minimum number of spaces required. For uses requiring more than 20 spaces, the maximum number of off-street parking spaces allowed is 1.75 times the minimum number of spaces required.

Finding: The proposed development includes seven dwelling units, requiring a minimum of seven off-street parking spaces. The applicant has proposed eight spaces. The proposal meets the minimum standard.

Of the eight off-street parking spaces shown on the proposed site plan, none are proposed as compact spaces (0 percent). This meets the compact parking space allotment allowed under SRC 806.015(b).

The proposed development does not require 60 or more off-street parking spaces, and does not fall within the public services and industrial use classifications or the business and professional services use category. No carpool or vanpool spaces are required.

Based on a minimum off-street parking requirement of seven spaces, the maximum number of off-street parking spaces allowed is 18 spaces ($7 \times 2.5 = 17.5$). The proposed development includes a total of eight spaces, which meets the maximum standard.

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

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas, expansion or alteration of existing off-street parking and vehicle use areas where existing paved surface is replaced with a new paved surface, or the paving of an unpaved area.

Finding: The proposal includes the development of a new vehicle use area. The development standards of this section apply.

- 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.

Finding: The proposed off-street parking area complies with all applicable location and perimeter setback requirements.

- d) *Interior Landscaping.* Except as otherwise set forth in this section, interior landscaping shall be provided in amounts not less than those set forth in Table 806-5.

Finding: The proposal does not include off-street parking areas 5,000 square feet or greater. No interior landscaping is required.

- 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 off-street parking spaces, driveways, and drive aisles comply with the minimum dimensional requirements of Table 806-6.

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

Finding: The proposed vehicle use area is developed consistent with the applicable development standards for grade, surfacing, drainage, bumper guards, striping, and screening. The marking, signage, and lighting shall comply with the applicable standards of SRC Chapter 806; this will be ensured at the time of building permit review.

Bicycle Parking

SRC 806.045(a) - General Applicability.

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

Finding: The proposed development includes a new use or activity. The bicycle parking development standards of this chapter apply.

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

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

SRC 806.055 - Amount of Bicycle Parking.

Bicycle parking shall be provided in amounts not less than those set forth in Table 806-8. *Multiple family* uses require a minimum of the greater of 4 spaces or 0.1 spaces per dwelling unit.

Finding: The proposed seven-unit multi-family development requires a minimum of four spaces. The proposed site plan shows four spaces, located southeast of the proposed building. The proposal meets the standard.

SRC 806.060 – Bicycle Parking Development Standards.

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

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

Finding: The proposal calls for the bike parking to be placed near the southeast corner of the proposed 6-plex, located less than 50 feet from the primary building entrance. The proposal meets the standard.

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

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

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

- (1) *Bicycle parking spaces.* Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.
- (2) *Access aisles.* Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: The proposed bicycle parking spaces are in a small paved area, 6 feet in length and 8 feet in width. The spaces are arranged in a single aisle and adjacent to a proposed pedestrian accessway, providing a minimum 4-foot-wide access aisle. The proposal meets the standard.

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

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

- (e) *Bicycle Racks*. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.

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

Finding: The applicant has proposed staple racks which meet these standards.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

Finding: The proposed development includes a new use or activity. The loading area development standards of this chapter apply.

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

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

SRC 806.075 - Amount of Off-Street Loading.

Per Table 806-9, *multiple family* uses with 5-49 dwelling units do not require any off-street loading spaces.

Finding: There is no minimum number of off-street loading spaces required for the proposed development. The applicant has not proposed any loading spaces.

Landscaping

SRC 807 – Landscaping and Screening: All required setbacks shall be landscaped to the standards set forth in SRC chapter 807, with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of

plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

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

Finding: A minimum of 1 plant unit is required per 20 square feet of landscape area. A minimum of 40 percent of the required plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. As proposed and conditioned, required screening is provided along the north and south property lines. 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 601 - Floodplain Overlay Zone: Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

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

No trees or native vegetation protected under SRC chapter 808 are identified for removal.

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

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

SRC 810 - Landslide Hazards: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810, the subject property does not contain any mapped landslide hazard areas.

Other Sections

The Public Works Department finds that with completion of the recommended conditions, 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.

Criterion 2:

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

Finding: The existing right-of-way width along the frontage of Lancaster Drive SE does not meet current standards for its classification of street pursuant to the Salem TSP. The applicant shall convey for dedication a half-width right-of-way of 48 feet to major arterial street standards as specified in the Public Works Design Standards. The following condition of approval shall apply:

Condition 2: Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE.

The existing street condition along the frontage of Lancaster Drive SE is fully urbanized and lacks only street trees. The applicant shall install street trees to the maximum extent feasible pursuant to SRC 86.015(e) and in accordance with PWDS.

The existing right-of-way along the frontage of 40th Place SE meets the current right-of-way standards for its classification of street pursuant to the Salem TSP; therefore, no additional right-of-way is required along this frontage. The existing street condition along the frontage of 40th Place SE is underimproved as defined in SRC 803.005. The street frontage is currently lacking sidewalk, streetlights, and street trees. Street standards require that sidewalks be located parallel to and one foot from the adjacent right-of-way per SRC 803.035(l)(2)(A); however, to meet the vision clearance standard set forth in SRC Chapter 805, the sidewalk along 40th Place SE may be located along the curb line pursuant to SRC 803.035(l)(2)(B). A streetlight is required to be provided along 40th Place SE pursuant to SRC Chapter 803. The streetlight should be an Option “B” streetlight to PGE standards and may be placed on an existing pole. The applicant shall install street trees to the maximum extent feasible pursuant to SRC 86.015(e) and in accordance with PWDS.

The following conditions of approval shall apply:

Condition 3: Construct curb-line sidewalk along the frontage of 40th Place SE.

Condition 4: Provide an Option B streetlight to PGE standards along 40th Place SE.

Condition 5: Install street trees to the maximum extent feasible along all frontages.

As conditioned, this criterion is met.

Criterion 3:

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

Finding: The proposed driveway approach provides for safe turning movements into and out of the property with the proposed improvements. The applicant's proposed site plan includes on-site improvements which will allow for safe and efficient movement throughout the site's vehicle use area, driveway, and walkways.

Pursuant to SRC 804.060(a)(4), the applicant shall close the existing driveway approach along the Lancaster Drive SE frontage of the subject property and construct curb and sidewalk in accordance with PWDS. The sidewalk may remain at curb-line pursuant to SRC 803.035(l)(2)(B). The following condition of approval shall apply:

Condition 6: Close the existing driveway approach along the Lancaster Drive SE frontage of the subject property.

As conditioned, this criterion is met.

Criterion 4:

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

Finding: The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant proposes connections to existing storm, sewer, and water infrastructure in 40th Place SE.

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 following condition of approval shall apply:

Condition 7: 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.

4. Analysis of Class 2 Adjustment Approval Criteria

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.

Criterion 1:

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

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

Finding: The applicant has requested four adjustments to: 1) Reduce the minimum setback for buildings to the north property line from 10 feet to 6 feet; 2) Reduce the minimum setback for vehicle use areas to the south property line from 10 feet to 4.67 feet; 3) Allow a portion of an off-street parking area to be located between a building and a street; and 4) Adjust a vision clearance area for the proposed driveway approach.

- *Adjustment to Reduce the Minimum Setback for Buildings to the North Property Line*

The applicant has requested a Class 2 adjustment to reduce the minimum setback of the proposed apartment building to the north property line from 10 feet to 6 feet. The foundation of the building will be placed at 8 feet from the north property line, but upper-floor balconies will have a 6-foot setback.

In summary, the applicant's written statement indicates the underlying purpose of minimum setbacks is to maintain adequate light, air circulation, and to provide reasonable separation between developments and surrounding properties or residents. The applicant notes the provided setback exceeds what is allowed for smaller residential developments, as the RM-II zone allows a minimum setback of 5 feet for *single family, two family, three family, or four family* uses to the north property line. However, the proposal includes a total of seven dwelling units, which potentially has a greater impact on surrounding properties and residents.

To mitigate the impacts of the proposed adjustment, the applicant has proposed additional landscaping in the area subject to the reduced setback. If no adjustment to this setback was requested with the proposal, approximately 31 plant units would have been required inside the minimum 10-foot setback in this area. To equally meet the standard, a minimum of 31 plant units should be planted in the reduced setback. To ensure the proposal provides additional landscaping to mitigate the impacts of the requested adjustment, the following condition of approval shall apply:

Condition 8: A minimum of 31 plant units shall be planted between the proposed apartment building and the north property line.

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

- *Adjustment to Reduce the Minimum Setback for Vehicle Use Areas to the South Property Line*

The applicant has requested a Class 2 adjustment to reduce the minimum setback of the proposed vehicle use area to the south property line from 10 feet to 4.67 feet.

In summary, the applicant's written statement indicates the underlying purpose of minimum setbacks is to maintain adequate light, air circulation, and to provide

reasonable separation between developments and surrounding properties or residents. The applicant states the improvements on the abutting property to the south are predominantly located in the southern portion of the property, away from the proposed vehicle use area, and that the proposed adjustment would not negatively impact the abutting property or the proposed development on the subject property. However, future improvements on the neighboring property to the south could be located closer to the shared property line, and any impacts of the proposed adjustment should be considered and mitigated as appropriate.

To mitigate the impacts of the proposed adjustment, the applicant has proposed additional landscaping in the area subject to the reduced setback. If no adjustment to this setback was requested with the proposal, approximately 52 plant units would have been required inside the minimum 10-foot setback in this area. To equally meet the standard, a minimum of 52 plant units should be planted in the reduced setback. To ensure the proposal provides additional landscaping to mitigate the impacts of the requested adjustment, the following condition of approval shall apply:

Condition 9: A minimum of 52 plant units shall be planted between the proposed vehicle use area and the south property line.

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

- *Adjustment to Allow a Portion of an Off-Street Parking Area to Be Located Between a Building and a Street*

The applicant has requested a Class 2 adjustment to allow the ADA access aisle associated with an ADA parking space to be located between the proposed building and 40th Place SE, where SRC 702.015(d)(1) requires on-site parking to be located behind or beside buildings.

The applicant's written statement indicates they disagree with the City's interpretation of this standard and argue they meet the standard as proposed. They state that, because the off-street parking area does not fall within the setback line measured between 40th Place and the proposed building, the proposed development meets the standard.

Staff notes that this standard is to encourage buildings to be placed near the street, with off-street parking placed beside or behind the building to reduce the visual impacts of parking areas. While the proposed off-street parking area is not located within the setback line between the building and the east property line, it is located closer to the east property line than the building itself, and a straight line can be drawn between the proposed building and 40th Place which passes over the proposed ADA access aisle. Therefore, Staff found that an adjustment to this standard would be required for the applicant to proceed with this plan.

The applicant notes the proposed adjustment would only pertain to the ADA access aisle which is proposed in the easternmost portion of the off-street parking area. This area will not regularly store vehicles or provide maneuvering area like the rest of the off-street parking area since it is intended to provide access to and from vehicles using the ADA parking space and the buildings on site. As such, this area functions more like a pedestrian accessway than a vehicle use area. Finally, the applicant notes the proposed vehicle use area meets the minimum setback to the east property line, providing a landscaped setback which will reduce any potential impact from the proposed adjustment.

Staff concurs with the applicant and finds the proposal will equally or better meet the purpose underlying the standard in question.

- *Adjustment to the Vision Clearance Area for the Proposed Driveway Approach*

The applicant has requested a Class 2 adjustment to allow for alternative vision clearance standards pursuant to SRC 805.015. The applicant's engineer submitted a Driveway Sight Distance Analysis dated April 22, 2021. The Assistant City Traffic Engineer has reviewed this analysis and concurs that the proposal meets the alternative standards pursuant to SRC 805.015. 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.

Staff concurs with the applicant's statement and analysis, and finds the purpose underlying the specific development standard proposed for adjustment is clearly inapplicable to the proposed development.

Staff finds the proposal meets the criterion.

Criterion 2:

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

Finding: The subject property is located within a residential zone. As conditioned, the adjusted interior side setbacks will include screening and landscaping that exceed the standards in the RM-II zone. The adjusted vision clearance area will allow for safe egress from the site in accordance with current AASHTO standards. Proposed landscaping in conjunction with the requested adjustment to allow a portion of the off-street parking area to be located between the new building and the street will minimize the visual impact of on-site parking and enhance the pedestrian experience. Staff finds the proposal meets the criterion.

Criterion 3:

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

Finding: A total of four adjustments have been requested. Pursuant to SRC chapter 514, the purpose of the RM-II zone is to implement the multiple family residential designation of the Salem Area Comprehensive Plan and generally allows multiple family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area. The requested adjustments allow for the development of a property with existing physical restraints, including a relatively narrow lot width and an existing single family home which the applicant has proposed to retain in an effort to maintain housing stock. The proposed adjustments allow for a development which is consistent with the overall purpose of the zone.

The following condition of approval shall apply:

Condition 10: The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

5. Analysis of Class 2 Driveway Approach Permit Approval Criteria

The approval criteria for a Class 2 driveway approach permit are found in SRC 804.025(d). Findings for the proposed driveway approach are included below.

Criterion 1:

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

Finding: The proposed driveway approach to 40th Place SE meets the standards of SRC Chapter 804 and the PWDS.

Criterion 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 approach.

Criterion 3:

The number of driveway approaches onto an arterial are minimized.

Finding: The proposed driveway approach does not access an arterial street. As conditioned, the applicant will be required to remove the portion of an existing driveway approach which accesses Lancaster Drive SE. The proposal meets the standard.

Criterion 4:

The proposed driveway approach, where possible:

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

Finding: The proposed driveway approach takes access from 40th Place SE, which is classified as a local street and is the lowest classification of street abutting the property. The proposal meets the standard.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

Finding: As identified within this decision under the findings addressing adjustment approval criteria, the proposed driveway approach meets the PWDS alternative vision clearance requirements set forth in SRC Chapter 805.015.

Criterion 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 approach and the evidence which has been submitted indicate that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

Criterion 7:

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

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

Criterion 8:

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

Finding: The property abuts a major arterial street (Lancaster Drive SE) and a local street (40th Place SE). The applicant proposes a new driveway to the lower classification of street. As a result, the existing driveway approach along the Lancaster Drive SE frontage of the subject property shall be closed pursuant to SRC 804.060(a)(4). By complying with the requirements of this chapter, the applicant has minimized impacts from the driveway approach on the functionality of adjacent streets and intersections.

Criterion 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 and public streets. The proposed driveway approach is taken from the lowest classification of street abutting the subject property. The proposal balances the adverse impacts to residentially zoned property with the functionality of adjacent streets.

6. Analysis of Class 1 Design Review Approval Criteria

The purpose of Design Review is to create a process to review development applications that are subject to design review guidelines and design review standards.

SRC 225.005(e)(1) provides that an application for Class 1 Design Review shall be approved if all applicable design review standards are met.

Except as provided under SRC 702.005(b), and unless otherwise provided in the UDC, design review under SRC chapter 225 is required for all multiple family development.

A summary of the applicable design standards of SRC Chapter 702 is included below:

SRC 702.015 – Design Review Standards for Multiple Family Development with Five to Twelve Units.

SRC 702.015(a) – Open Space Standards.

- (1) To encourage the preservation of natural open space qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 20 percent of the gross site area as designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

Finding: The subject property is approximately 17,222 square feet in size, requiring a minimum of 3,444 square feet of permanently reserved open space. The proposal calls for 5,505 square feet of open space, or approximately 31 percent of the gross site area. The proposal meets the standard.

- (A) To ensure usable open space, at least one common open space area shall be provided within the development that is at least 500 square feet in size and has a minimum dimension of 20 feet for all sides.

Finding: The proposed site plan shows a common open space in the north-central portion of the property which is 20 feet wide by 25 feet deep. The proposal meets the standard.

- (B) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-1, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-1.

Finding: The applicant's development plans show 6-foot-wide by 16-foot-long ground-level private open spaces, and 6-foot-wide by 12-foot-long upper floor decks. The proposed private open spaces meet the minimum size and dimension requirements. The proposal meets the standard.

- (C) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 500-square-foot improved open space area may count as 1,000 square feet toward the open space requirement.
- i. Be a minimum 500 square feet in size with a minimum dimension of 20 feet for all sides; and
 - ii. Include at least one of the following types of features:
 - a. Covered pavilion.
 - b. Ornamental or food garden.
 - c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.
 - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
 - e. Swimming pool or wading pool.

Finding: The proposal does not include an improved open space area. This standard does not apply to the proposed development.

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

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

SRC 702.015(b) – Landscaping Standards.

- (1) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:
 - (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
 - (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall not be allowed to satisfy this standard.

Finding: The subject property does not abut property that is zoned RA or RS. This standard does not apply to the proposed development.

- (2) Multiple family developments shall comply with the landscaping standards applicable in the underlying zone in which such developments are located.

Finding: The RM-II zone requires setbacks and vehicle use areas to be landscaped in conformance with the standards of SRC chapters 806 and 807. Adherence to these standards are addressed within the site plan review approval criteria findings included in this decision.

SRC 702.015(c) – Site Safety and Security.

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

Finding: The applicant's development plans show windows provided in each of the proposed habitable rooms, other than bathrooms, providing views of common open space, parking areas, and pedestrian paths. The proposal meets the standard.

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

Finding: The applicant has stated the proposed development will include lighting which meets this standard. Full adherence with this standard will be ensured at the time of building permit review.

SRC 702.015(d) – Parking and Site Design.

- (1) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

Finding: The applicant has requested an adjustment to this standard due to the proposed location of the access aisle serving an ADA parking space. Findings addressing the approval criteria for an adjustment are included within this decision.

Except where the applicant has requested an adjustment, all proposed off-street surface parking areas and vehicle maneuvering areas are not located between a building and the street.

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

Finding: The proposed site plan shows a network of pedestrian pathways which connect to and between buildings, common open space, and parking areas, and which connects the development to public sidewalks along Lancaster Drive SE and 40th Place SE.

SRC 702.015(e) – Façade and Building Design.

- (1) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-2 to provide appropriate transitions between new buildings and structures on-site and existing buildings and structures on abutting sites.
 - (A) A 5-foot reduction is permitted to each required setback in Table 702-2 provided that the height of the required fence in Sec. 702.015(b)(1)(B) is increased to eight feet tall.

Finding: The subject property does not abut property zoned RA or RS. This standard does not apply to the proposed development.

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

Finding: With the requested adjustment to building setback to the north property line, the subject property has approximately 73 feet of buildable width. This standard does not apply to the proposed development.

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

Finding: The proposal includes one new ground-level unit located with 25 feet of the property line abutting 40th Place SE. The applicant has proposed a building entrance with direct pedestrian access to the adjacent sidewalk in conformance with this standard.

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

Finding: The proposed development includes a shared entry area with a portico which leads to two ground level dwelling units on either side of the proposed 6-unit building. This standard requires that both ground level dwelling units have a porch or architecturally defined entry area. The proposed development plans show one portico between the two ground level dwelling units, along with two covered entries on the rear side of the building which, as proposed, do not satisfy this standard. The following condition of approval shall apply:

Condition 11: Provide a porch or architecturally defined entry area for both ground level dwelling units of the proposed building.

As conditioned, the proposal meets the standard.

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

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

- (6) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 75 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See SRC Figure 702-1)

Finding: The proposed building does not include a flat roof or roof ridge which exceeds a horizontal length of 75 feet. The proposal meets the standard.

7. Based upon review of SRC Chapters 220, 250, 702, and 804, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

ORDER

Final approval of Class 3 site plan review, Class 2 adjustment, Class 2 driveway approach permit, and Class 1 design review case no. SPR-ADJ-DAP-DR21-13 is hereby **APPROVED** subject to SRC Chapters 220, 250, 702, and 804, the applicable standards of the Salem Revised Code, conformance with the approved development plans included as **Attachment B**, and the following conditions of approval:

- Condition 1:** Remove the existing pavement in the southwest corner of the property and replace with a 10-foot setback along the south property line, landscaped to the Type C standard. The required screening shall meet all applicable vision clearance standards set forth in Salem Revised Code chapter 805.
- Condition 2:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE.
- Condition 3:** Construct curb-line sidewalk along the frontage of 40th Place SE.
- Condition 4:** Provide an Option B streetlight to PGE standards along 40th Place SE.
- Condition 5:** Install street trees to the maximum extent feasible along all frontages.
- Condition 6:** Close the existing driveway approach along the Lancaster Drive SE frontage of the subject property.

- Condition 7:** 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.
- Condition 8:** A minimum of 31 plant units shall be planted between the proposed apartment building and the north property line.
- Condition 9:** A minimum of 52 plant units shall be planted between the proposed vehicle use area and the south property line.
- Condition 10:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.
- Condition 11:** Provide a porch or architecturally defined entry area for both ground level dwelling units of the proposed building.



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

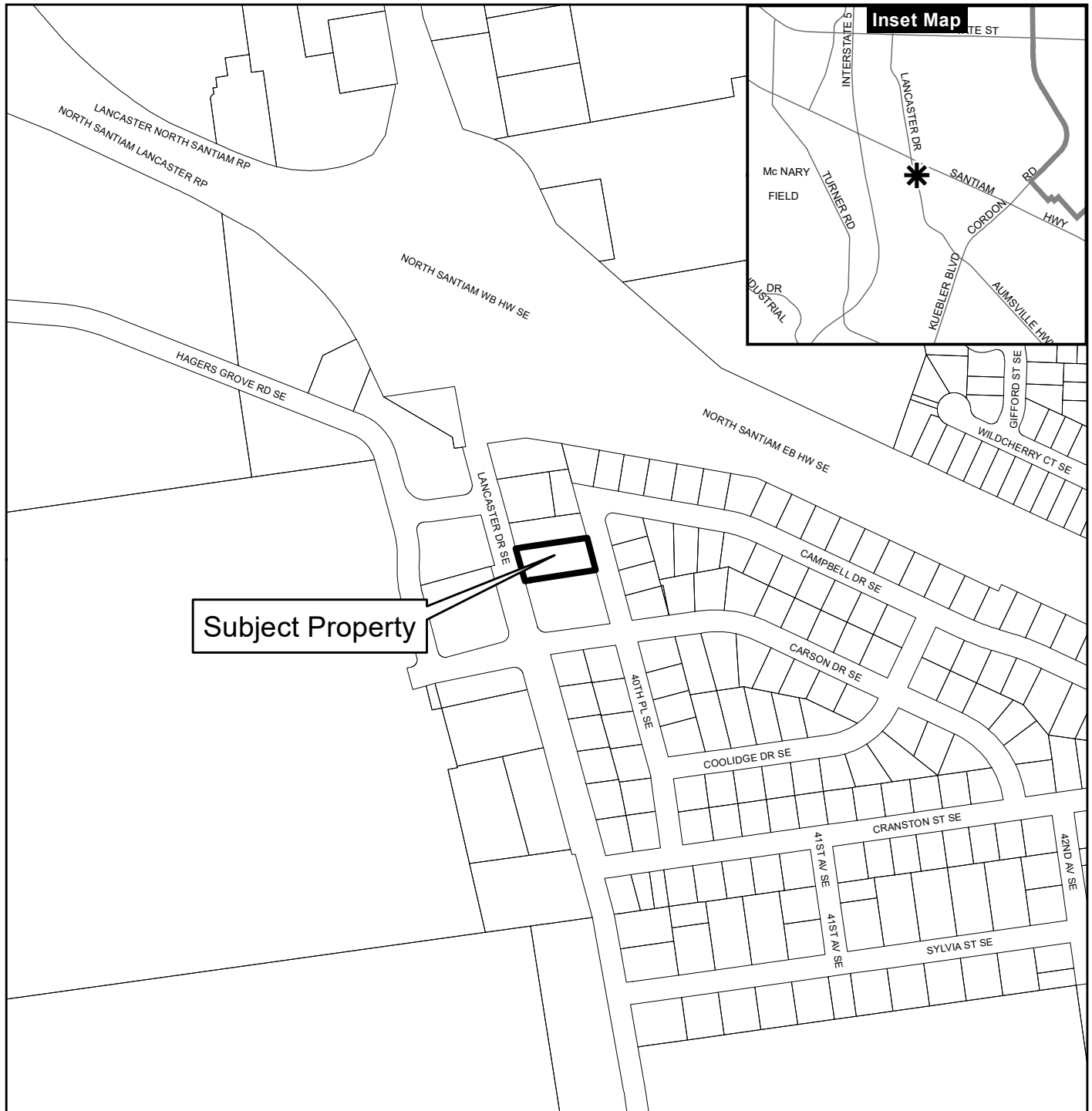
Prepared by Brandon Pike, Planner I

Attachments:

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

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

Vicinity Map 1610 Lancaster Dr SE



Legend

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

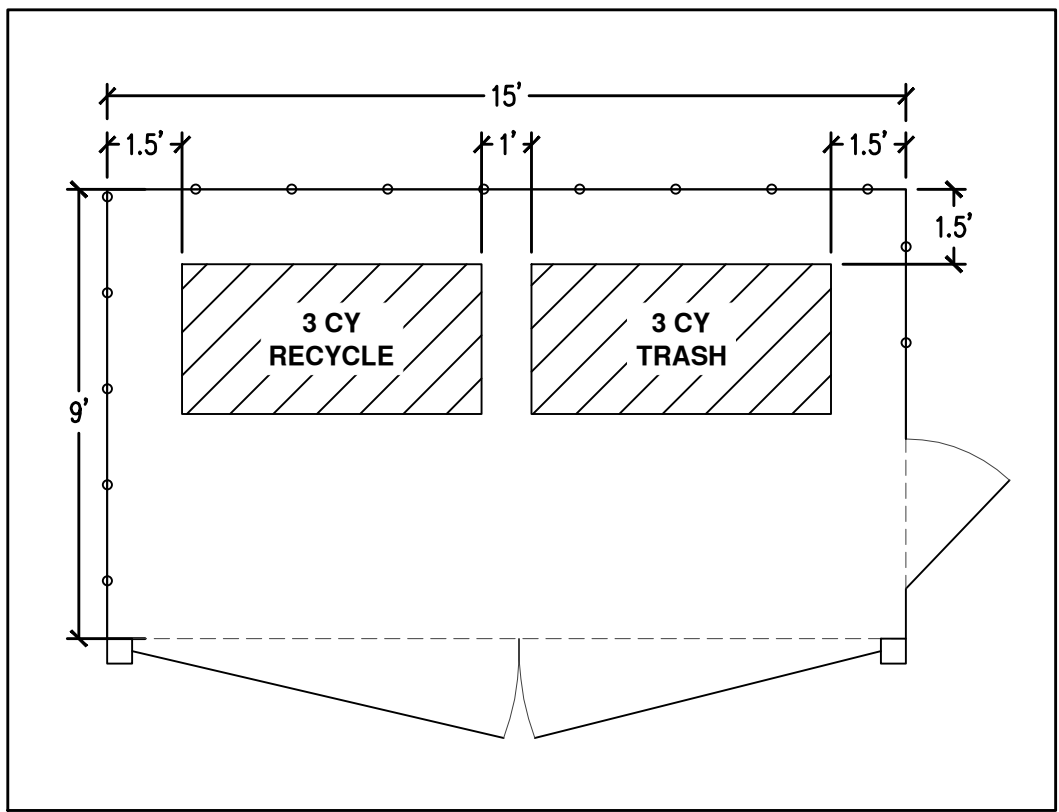
- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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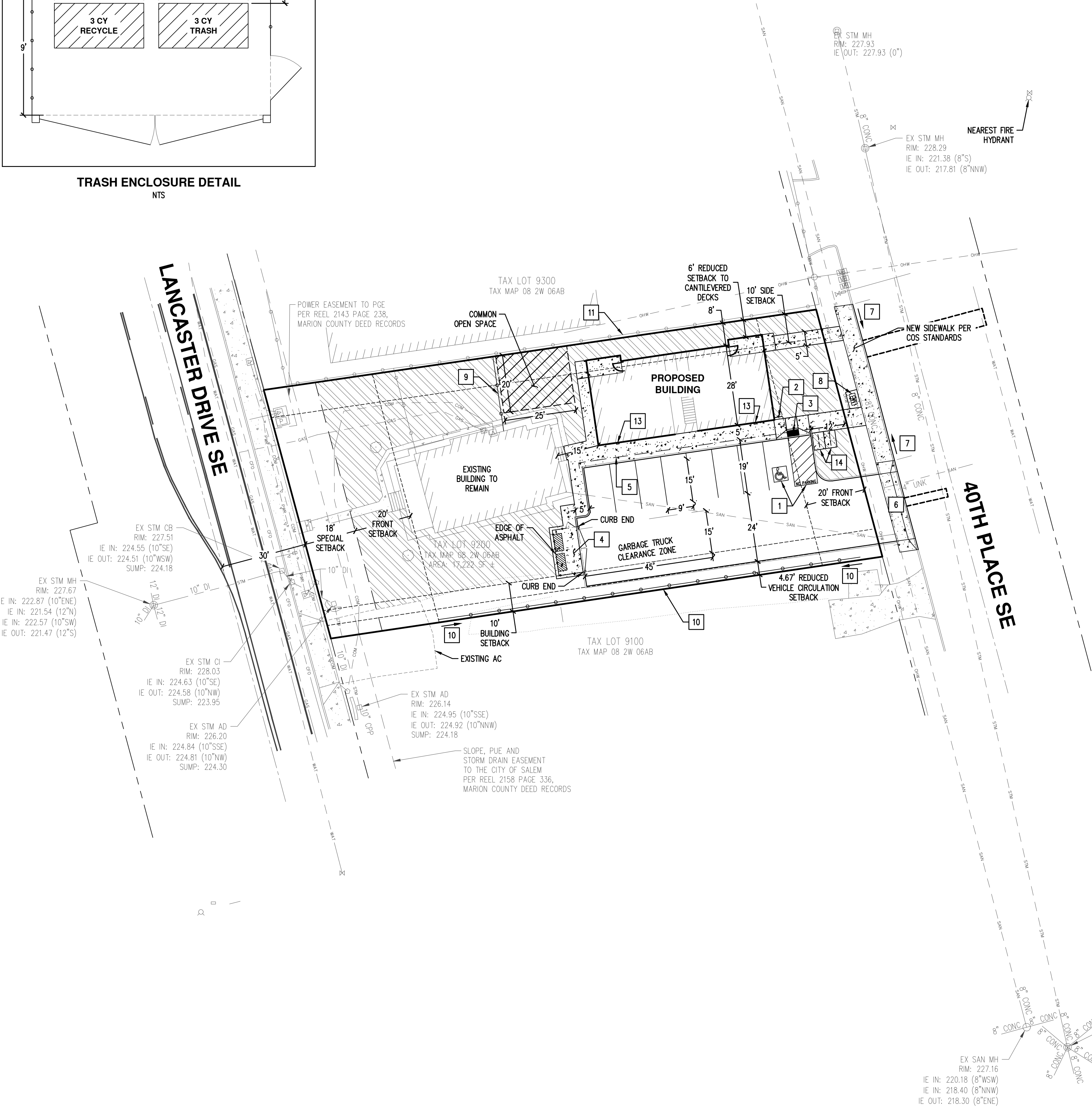
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TRASH ENCLOSURE DETAIL
NTS

ATTACHMENT B



SITE SUMMARY:

GROSS SITE AREA = 0.40± ACRES (17,222± SF)
ZONE = MULTIPLE FAMILY RESIDENTIAL-II
MINIMUM DENSITY = 12 UNITS/ACRE
MAXIMUM DENSITY = 28 UNITS/ ACRE
PROPOSED DENSITY = 17.5 UNITS/ACRE

BUILDING SUMMARY:

EXISTING BUILDING:
USE = SINGLE FAMILY RESIDENTIAL HOME
GROSS FLOOR AREA = 1,359± SF
HEIGHT = UNKNOWN

PROPOSED BUILDING:
USE = MULTIPLE FAMILY RESIDENTIAL APARTMENT
GROSS FLOOR AREA = 4,428 (1,476 SF/FLOOR)
HEIGHT = 33.5'

LOT COVERAGE SUMMARY:

BUILDING COVERAGE = 3,185± SF
PAVED AREAS (PARKING AND SIDEWALKS) = 5,600± SF
LANDSCAPED AREAS = 8,437± SF
% IMPERVIOUS AREA = 51%
% PERVIOUS AREA = 49%

OPEN SPACE SUMMARY:

COMMON OPEN SPACE REQUIRED = 500 SF WITH 20' MINIMUM DIMENSION
COMMON OPEN SPACE PROVIDED = 500 SF
GROSS OPEN SPACE REQUIRED = 3,445 SF (20% OF GROSS SITE AREA)
GROSS OPEN SPACE PROVIDED = 5,505± SF (31% OF GROSS SITE AREA)

OPEN SPACE LEGEND:

COMMON OPEN SPACE PROVIDED
 GROSS OPEN SPACE PROVIDED

PARKING SUMMARY:

OFF-STREET PARKING REQUIRED:
1BR @ 1 SP/UNIT (7 UNITS) = 7 SPACES
TOTAL PARKING REQUIRED = 7 SPACES

OFF-STREET PARKING PROVIDED = 8 SPACES
(INCLUDES 1 ACCESSIBLE STALL AND 2 COMPACT STALLS)

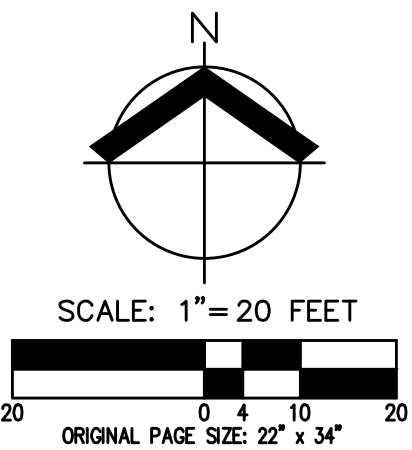
BICYCLE PARKING REQUIRED = 4 SPACES
BICYCLE PARKING PROVIDED = 4 SPACES

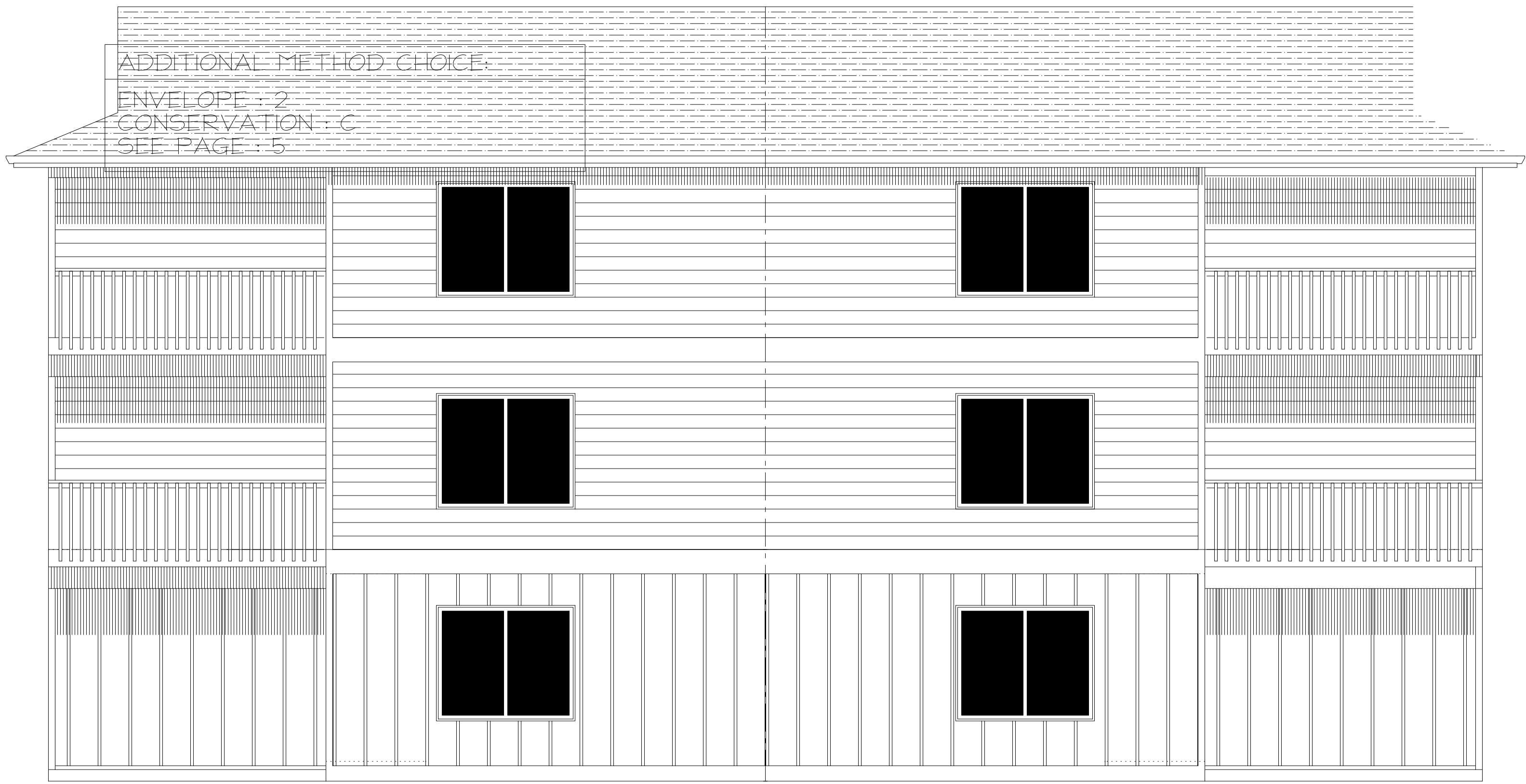
SETBACK SUMMARY:

SPECIAL SETBACK (LANCASTER DRIVE) 48' FROM CL = 18'
FRONT SETBACK (LANCASTER DRIVE) = 20'
FRONT SETBACK (40TH PLACE) = 20'
SIDE SETBACKS (NORTH/SOUTH) = 10'
REDUCED SETBACKS:
SIDE SETBACK (NORTH) = 6'
SIDE SETBACK (SOUTH) = 4.67' (VEHICLE CIRCULATION)

KEYED NOTES:

- ACCESSIBLE STALL AND ACCESSIBLE STRIPING
- ACCESSIBLE PARKING SIGN
- PEDESTRIAN CURB RAMP
- TRASH ENCLOSURE
- 2' BUMPER OVERHANG
- COMMERCIAL DRIVEWAY APPROACH PER CITY STANDARDS
- 6' SIDEWALK PER CITY STANDARDS. CURB TO REMAIN
- MAILBOX PER USPS REQUIREMENTS
- 4' CHAIN LINK FENCE
- 6' SITE OBSCURING FENCE 1' NORTH OF PROPERTY LINE
- SITE OBSCURING FENCE AT PROPERTY LINE TO REMAIN
- NOT USED
- WALL PACK LIGHT WITH SHIELDING PER CITY STANDARDS
- STAPLE BIKE RACK ON 6' X 8' CONCRETE PAD

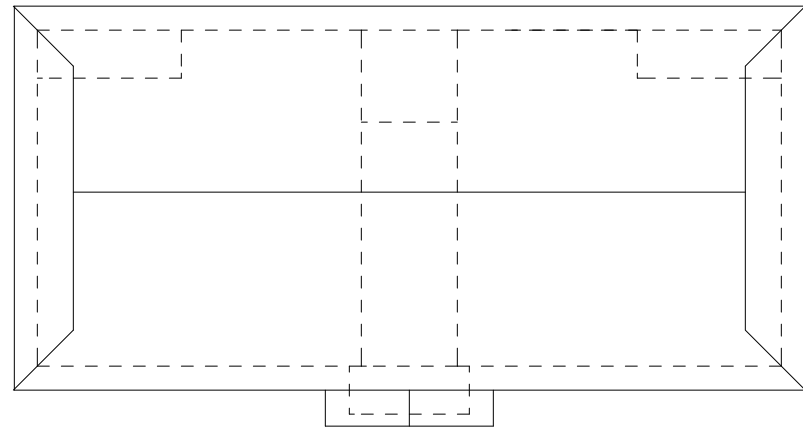




NORTH ELEVATION



40TH PL ELEVATION



1ST LEVEL : 708 SQ FT
2ND LEVEL : 708 SQ FT
3RD LEVEL : 708 SQ FT
TOTAL LIVING AREA :

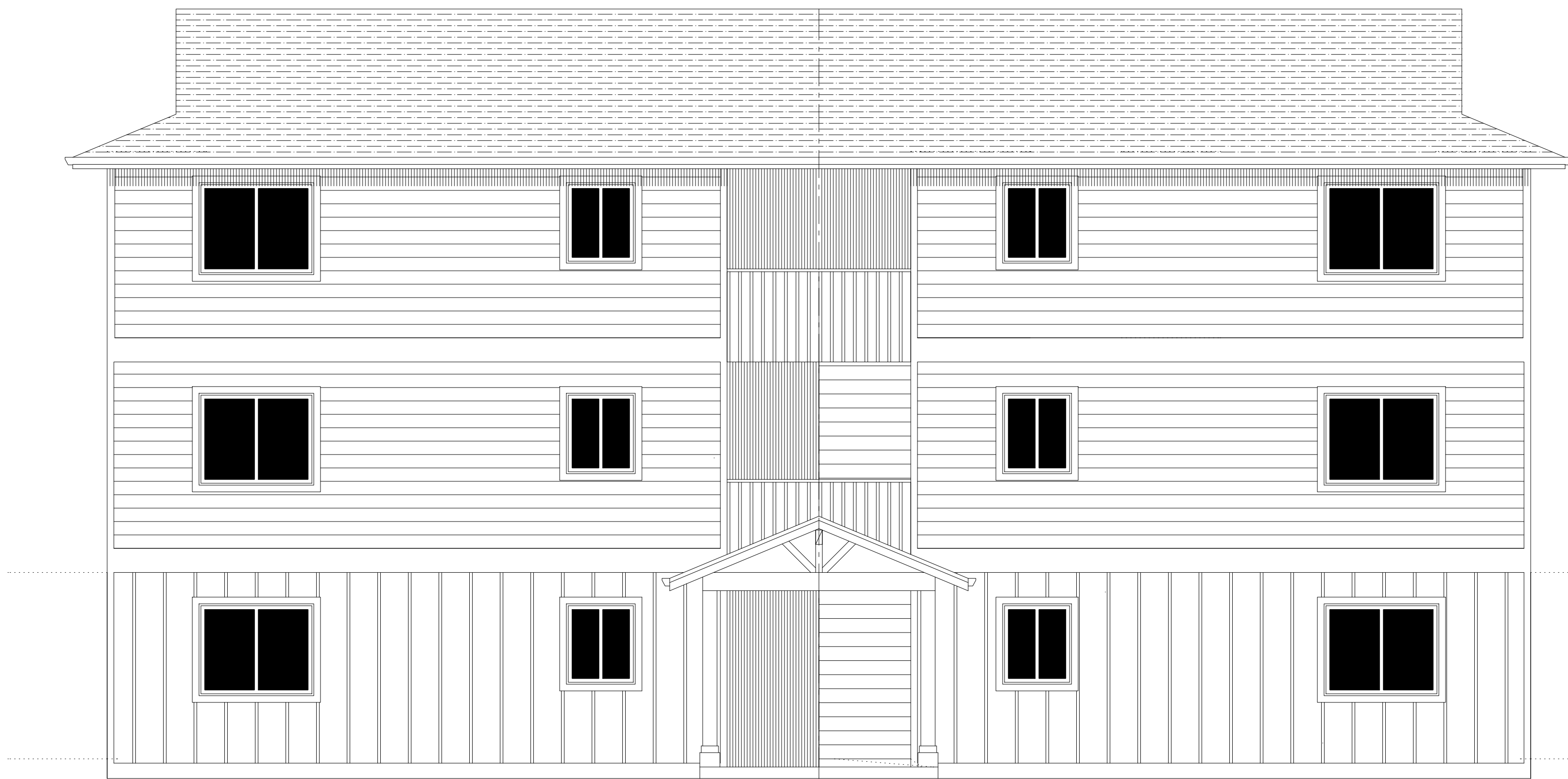
2017 Oregon Residential Specialty Code

EXPOSURE : B
BASIC WIND SPEED : 120 MPH (UWS)
SEISMIC DESIGN CATEGORY : DI

LATERAL DESIGN STANDARDS



WEST ELEVATION



SOUTH ELEVATION

1/4"=1'0"

REVISION	BY

greg larsen
DRAFTING & DESIGN
289 E Ellendale Ave #402
Dallas, Oregon 97339
Phone (503) 364-8577
Fax (503) 364-3256
E-MAIL: homedezyme@aol.com

GOOD WELL
CONSTRUCTION
INC. ***
Jordan Schweiger
503-375-6205
CDD# 715065

ELEVATIONS

RESIDENCE FOR :
ADDRESS : 1610 LANCASTER SE
CITY, STATE : SALEM, OR

DRAWN BY GLL
CHECKED BY
DATE 10-27-20
SCALE 1/4" = 1'-0"
JOB NO. S-708-3
SHEET : 1 OF : 5

application for Class 1, Class 2, or Class 3 design review shall include the following:

- (A) A proposed site plan showing:
 - (i) The complete dimensions and setbacks of the lot, and all existing and proposed buildings and structures, including the location, size, height, proposed use, design, and gross floor area of each building.
 - (ii) All existing and proposed walls and fences, including the location, height, type of design, and composition.
 - (iii) The location and design of the existing and proposed on-site pedestrian and vehicle circulation system.
 - (iv) Locations and dimensions of all existing and proposed outdoor storage areas, including, but not limited to, trash collection and recycling areas.
- (B) Architectural drawings, renderings, or sketches showing all elevations of proposed buildings as they will appear on completion.
- (C) A landscape plan showing the location of natural features, trees, and plant materials proposed to be removed, retained, or planted; the amount, height, type, and location of landscaped areas, planting beds, and plant materials and provisions for irrigation.
- (D) A topographic survey and grading plan showing two-foot contour intervals on hillside lots and five-foot contour intervals on all other lots.
- (E) An open space plan showing locations of common and private open space, including active and passive recreational areas. The open space plan shall show the total area of individual classifications of proposed open space and shall be drawn to scale.
- (F) A statement as to whether the application is intended to meet the standards or the guidelines.

Response: Preliminary Plans showing the information required above are included in Exhibit A of this application. The application is intended to meet the standards for multiple family design review. These requirements are met.

- (e) **Criteria.**
 - (1) A Class 1 shall be approved if all of the applicable design review standards are met
 - (2) A Class 2 or Class 3 design review shall be approved if all of the applicable design review guidelines are met.

Response: Findings addressing all the applicable design review standards are included in this narrative. The approval criterion for a Class 1 Design Review is met.

Chapter 250 – Adjustments

250.005. Adjustments.

(a) Applicability.

(1) Classes.

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

Response: Four Class 2 adjustments are included in this application:

1. A reduction to the applicable setback from the abutting residentially zoned property to the north from 10 feet to 6 feet.
2. A reduction to the setback that applies to the vehicular use area along the southern property boundary from 10 feet to 4.67 feet.
3. An Adjustment to modify the vision clearance area to be consistent with the American Association of State Highway and Transportation Officials (AASHTO) standards.
4. An Adjustment to permit the access aisle serving the ADA parking stall.

The included adjustments require modifying the applicable standards by more than 20%. Therefore, these Class 2 adjustments are necessary and included in this application.

- (2) **Prohibition. Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:**
 - (A) Allow a use or activity not allowed under the UDC;
 - (B) Change the status of a use or activity under the UDC;
 - (C) Modify a definition or use classification;
 - (D) Modify a use standard;
 - (E) Modify the applicability of any requirement under the UDC;
 - (F) Modify a development standard specifically identified as non-adjustable;
 - (G) Modify a development standard that contains the word "prohibited";
 - (H) Modify a procedural requirement under the UDC;
 - (I) Modify a condition of approval placed on property through a previous planning action;
 - (J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or
 - (K) The required landscaping in the Industrial Business Campus (IBC) Zone.

Response: The project does not include an adjustment to any of the standards, guidelines, or requirements listed in (A) through (K) above. Adjustment 4 involves adjusting a Multiple Family Design Review Standard as allowed under Subsection (J) above.

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

Response: Three Class 2 adjustments are included in this consolidated application and are being processed as a Type II procedure.

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

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
 - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
 - (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

Response: Preliminary Plans with the applicable information required in (A) through (F) above are included in Exhibit A. This requirement is met.

- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.

Response: The Existing Conditions Plan is provided in Exhibit A. This requirement is met.

(***)

- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:
 - (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or

Response: Adjustment 4 described above involves an adjustment to SRC 702.015(d)(1) which states:

To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

The Applicant maintains that the proposed parking and vehicle maneuvering areas meet the standard because they are located to the side of the building setback area and they are not located between the building and the street.

In the event the City disagrees that the standard is met, the City can find the underlying purpose of the standard is clearly inapplicable to the ADA access aisle because the access aisle provides pedestrian access for the ADA parking space. As shown on the plans, the area in question will be striped and marked “no parking”, and therefore will not be used as a parking space or vehicle maneuvering area. The underlying purpose of the standard is clearly inapplicable to this area.

This criterion is met for Adjustment 4.

(ii) **Equally or better met by the proposed development.**

Response:

The underlying purpose of each of the standards proposed for adjustment are equally or better met by the proposed development as follows:

1. The UDC does not state a specific purpose for the interior side setbacks. However, the Applicant understands that the purpose of the setbacks from the abutting residential property is to maintain light, air, promote a reasonable physical relationship between residences, and provide privacy for neighboring properties.

For the requested adjustment along the northern property line, the adjusted setback equally meets this underlying purpose. The nearest improvement on the property to the north is a private parking area serving a multiple family building. The residences on the neighboring property are located on the western portion of the property. Therefore, the reduced setback will maintain a reasonable physical relationship between residences and provide privacy for both abutting properties. The parking area on the neighboring lot is screened from the Applicant’s property with a 6-foot-high sight obscuring fence and the adjusted 6-foot setback exceeds the standard perimeter setbacks abutting interior lot lines for off-street parking areas and vehicle use areas under SRC 806.035.(c)(3). Furthermore, Table 514-4 identifies a number of building setback requirements in the RM-II zoning district, such as one-, two-, three-, and four-family and accessory structures that require only a 5-foot interior side setback. Therefore, the requested 6-foot setback is reasonable when compared with other building setbacks allowed in the district and will maintain the livability and character of the district. Finally, the setback area is planned to be planted with trees and shrubs that will provide ± 1.87 times the minimum required plant units (PU) in the setback area (109.6 PU provided / 58.4 PU required = ± 1.87). The adjusted setback is $\pm 1,168$ square feet in area requiring 58.4 PU to meet the Type C

requirement for 1 PU per 20 square feet of landscape area ($\pm 1,168$ square feet / 20 = 58.4 PU required). Thirty 3 gallon large shrubs @ 2 PU each provide 60 PU. Four large shade trees @ 10 PU each provide 40 PU. 480 square feet of existing lawn provide 9.6 PU. The additional plantings will provide additional screening and buffering to maintain privacy for residents of both properties.

2. For the requested adjustment to the vehicle use area setback along the southern property line, the adjustment equally meets the underlying purpose of the standard. The nearest improvement on the property to the south is also a vehicle use area. Because of the similarity of the two neighboring uses, the adjusted setback will not negatively impact the abutting use and will maintain a reasonable physical relationship between residences on both neighboring properties. The adjusted setback from the interior property line will result in a finished setback that will vary from ± 12 to ± 15 feet from the adjacent vehicle use area on the neighboring lot. Finally, the setback area is planned to be planted with trees and shrubs that will provide ± 1.64 times the minimum required plant units (PU) in the setback area (74.43 PU provided / 45.40 PU required = ± 1.64). The adjusted setback area is ± 908 square feet in area requiring 45.40 PU to meet the Type C requirement for 1 PU per 20 square feet of landscape area (± 908 square feet / 20 = 45.40 PU required). Twenty 3 gallon large shrubs @ 2 PU each provide 40 PU. Four large shade trees @ 10 PU each provide 30 PU. 221 square feet of existing lawn provide 4.43 PU. The adjusted setback area will be screened from the abutting property with a 6-foot-high fence and the additional plantings will provide an additional buffer from the neighboring property.
3. The purpose of the vision clearance triangle is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways. The adjustment is included in this application to meet the alternative standard requirements under SRC 805.015. Please refer to the Driveway Sight Distance Analysis in Exhibit F for more information. The adjusted vision clearance areas shown in the included Sight Distance Exhibit in Exhibit F will result in vision clearance areas meeting *AASHTO Policy on Geometric Design of Highways and Streets*.
4. The Applicant understands that the underlying purpose of 702.015(d)(1) is to minimize the visual impact of on-site parking and to enhance the pedestrian experience. The Applicant also understands that this purpose is satisfied when parking and vehicle use areas are not located between the building and the street. The Applicant understands the area between the building and the street to be the area within the front building setback and that the front building setback is measured along a line perpendicular to the front property line extending inward to the building per SRC 112.050. As indicated on the Preliminary Site Plan on sheet C100, the minimum 12-foot setback that applies to the vehicle use area is met. Because the portion of the vehicle use area in question meets the applicable vehicle use area setback, and is located outside

the front building setback, the City can find the standard is met outright. Otherwise, the City can rely on this information to find that the underlying purpose of the standard is met.

Additionally, the underlying purpose of the standard is met because the area in question (the ADA access aisle) is not a parking space that will be used by vehicles and therefore will not generate visual impacts typically associated with a parking space. The purpose of the ADA access aisle is to provide pedestrian access to the ADA space. Therefore, the visual impact will be similar to other pedestrian access areas and will enhance the pedestrian experience consistent with this underlying purpose. Furthermore, any visual impact will be further mitigated by the landscaping shown on the Preliminary Landscaping Plan in Exhibit A, which will screen the ADA access aisle from the street.

This criterion is met.

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

Response: As discussed in the previous response, the adjusted interior setbacks are both planned to include screening and landscaping that exceed the standards in the RM-II zone so the development will not detract from the livability or appearance of the residential area. The adjusted vision clearance area will allow for safe egress from the site in accordance with current AASHTO standards. The adjustment to the ADA access aisle will minimize the visual impact of on-site parking and to enhance the pedestrian experience. This criterion is met.

(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.

Response: The stated purpose of the RM-II Zone is to implement the multiple family residential designation of the Salem Area Comprehensive Plan. The adjustments will allow the reasonable development of the property with a multiple family residential use at a density that is permitted in the district resulting in a project that is consistent with the overall purpose of the zone and complies with the City's design standards. This criterion is met.

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

Response: The Applicant acknowledges that the adjustments run with the land.

Chapter 514 – RM-II Multiple Family Residential

514.005. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RM-II zone are set forth in Table 514-1.

Table 514-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Multiple Family	P	

-
- (b) Residential care with three or more self-contained dwelling units shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.

Response: A Class 1 Design Review for the planned 6-plex building is included in this application and findings addressing the multiple family design review standards are provided in the narrative that follows.

Chapter 702 – Multiple Family Design Review Standards

702.005. Multiple family design review.

- (a) Except as provided under subsection (b) of this section, and unless otherwise provided in the UDC, design review under SRC chapter 225 is required for all multiple family development.
- (b) Exceptions. Multiple family design review is not required for:
- (A) Multiple family development within a mixed-use building.
 - (B) Multiple family development within:
 - (i) The Central Business District (CB) Zone.
 - (ii) The South Waterfront Mixed-Use (SWMU) Zone.
 - (iii) The Neighborhood Center Mixed-Use (NCMU) Zone.
 - (iv) The Broadway/High Street Retail Overlay Zone
 - (v) The Broadway/High Street Housing Overlay Zone.
 - (vi) The General Retail/Office Overlay Zone.
 - (vii) The Front Street Overlay Zone.
 - (viii) The Riverfront High Density Residential Overlay Zone.
 - (ix) The Riverfront Overlay Zone.
 - (x) The Salem Downtown Historic District.
 - (xi) The Public and Private Health Services (PH) Zone.
 - (xii) The Mixed Use-I (MU-I) Zone
 - (xiii) The Mixed Use-II (MU-II) Zone
 - (xiv) The West Salem Central Business District Zone

Response: None of the exceptions listed in (i) through (xiv) above apply. Multiple family design review is required and included in this application.

702.010. Multiple family design review design review standards.

Multiple family development shall comply with all of the applicable design review standards as follows:

- (a) Multiple family development with five to 12 dwelling units shall comply with the design review standards set forth in SRC [702.015](#) or the design review standards set forth in SRC [702.020](#).
- (b) Multiple family development with 13 or more dwelling units shall comply with the design review standards set forth in SRC [702.020](#).

- (c) The design review standards set forth in this chapter are in addition to, and not in lieu of, all other applicable development standards in the UDC. Where the design review standards conflict with the development standards in the UDC, the design review standards shall be the applicable development standard.

Response: The project involves multiple family development consisting of a total of seven dwelling units. Findings are included below that demonstrate that the planned development complies with all the applicable design standards for multiple family development with 5 to 12 dwelling units and therefore meets the approval criteria for a Class 1 Design Review.

702.015. Design review standards for multiple family development with five to twelve units.

(a) Open space standards.

- (1) To encourage the preservation of natural open space qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 20 percent of the gross site area as designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

- (A) To ensure usable open space, at least one common open space area shall be provided within the development that is at least 500 square feet in size and has a minimum dimension of 20 feet for all sides.

Response: This project includes seven units. Therefore, a common open space area of at least 500 square feet is provided, as shown on the Preliminary Site Plan in Exhibit A. This standard does not prohibit this area from being located in a required setback, nor does it prohibit the landscaping within this area shown on the Preliminary Plan. This standard is met.

- (B) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-1, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-1.

Table 702-1 Private Open Space Size and Dimensions		
Location of Dwelling Units	Minimum Open Space Area Size	Minimum Dimension
Not more than 5 feet above finished grade	96 sq. ft.	6 ft.
More than 5 feet above finished grade	48 sq.ft.	6 ft.

Response: The project provides common open space on $\pm 30\%$ of the site. The project does not rely on private open space meeting these dimensional requirements to meet the open space requirements. Therefore, these dimensional requirements do not apply to the decks and patios shown on the plans. Nevertheless, the project includes decks on the upper units that are 72 square feet (12 feet x 6 feet) in area and ground level patios that are 96 square feet (16 feet x 6 feet) in area. These standards do not apply.

-
- (C) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 500-square-foot improved open space area may count as 1,000 square feet toward the open space requirement.
- (i) Be a minimum 500 square feet in size with a minimum dimension of 20 feet for all sides; and
 - (ii) Include at least one of the following types of features:
 - a. Covered pavilion.
 - b. Ornamental or food garden.
 - c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.
 - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
 - e. Swimming pool or wading pool.

Response: This project includes seven units. Therefore, a common open space area of at least 500 square feet is provided, as shown on the Preliminary Site Plan in Exhibit A. The applicable open space standards are met, and the project does not need to use this option to meet applicable standards. This standard is met.

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

Response: A common open space area of at least 500 square feet is provided, as shown on the Preliminary Site Plan in Exhibit A. The applicable open space standards are met, and the project does not need to use this option to meet applicable standards. This standard is met.

(b) Landscaping standards.

- (1) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:
 - (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
 - (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall not be allowed to satisfy this standard.

Response: The development site does not abut property that is zoned Residential Agricultural (RA) or Single Family Residential (RS). The provisions under this section do not apply.

- (2) Multiple family developments shall comply with the landscaping standards applicable in the underlying zone in which such developments are located.

Response: This project is located in the RM-II zoning district. As shown in the Preliminary Landscape Plan in Exhibit A, the side and vehicle use area setbacks are planned with landscaping that exceeds the Type C landscaping and screening standard required in the RM-II zoning district. This standard is met.

(c) Site safety and security.

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

Response: As shown in the floor plans and elevations in Exhibit A, windows are provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths. Lighting is planned to be provided with wall mounted fixtures to illuminate exterior dwelling entrances, parking areas, and pedestrian paths as indicated on the plans. These standards are met.

(d) Parking and site design.

- (1) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

Response: As shown on the Preliminary Site Plan in Exhibit A, the on-site parking areas are planned to be located beside the building when viewing the building from the street. The plan shows the off-street surface parking areas and vehicle maneuvering areas are not located between a building or structure and a street. This standard is met.

The City has requested that the Applicant submit an Adjustment to meet this standard

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

Response: Pedestrian pathways are planned to be provided that connect to and between buildings, common open space, the parking area, and the public sidewalks, as shown on the Preliminary Site Plan in Exhibit A. This standard is met.

(e) Façade and building design.

- (1) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-2 to provide

appropriate transitions between new buildings and structures on-site and existing buildings and structures on abutting sites.

- (A) A 5-foot reduction is permitted to each required setback in Table 702-2 provided that the height of the required fence in [Sec. 702.015\(b\)\(1\)\(B\)](#) is increased to eight feet tall.

Response: This project does not abut property zoned Residential Agricultural (RA) or Single Family Residential (RS). This standard does not apply.

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

Response: The total site width is ±89 feet. The adjusted building setback along the north interior property line reduces the buildable width by 6 feet. The building setback along the south interior property line reduces the buildable width by 10 feet. Table 806-4 requires a minimum driveway width of 22 feet for this project, thereby reducing the buildable width by another 22 feet. The net buildable width of the site along 40th Place SE is 51 feet (89 feet – 6 feet – 10 feet – 22 feet = 51 feet). The site has less than 75 feet of buildable width. Therefore, this standard does not apply.

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

Response: The ground unit closest to 40th Place SE includes an entrance facing 40th Place SE with a direct pedestrian access to the adjacent sidewalk, as shown on the Preliminary Site Plan in Exhibit A. This standard is met.

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

Response: The project includes two ground level dwelling units. Each of these ground level dwelling units has two architecturally defined entry areas. The entry areas for the ground level dwelling units on the north side of the building are architecturally defined with covered forecourt areas that will function as patios and/or porches for residents and define the entry areas for visitors. Additional architectural definition can be provided for these entries as necessary to meet this standard.

The other two entryways to the two ground level dwelling units are defined with a common entryway that is articulated with a differentiated common portico, as shown on the Building Elevations in Exhibit A. The proposal exceeds the requirements under this standard for the ground floor level dwelling units.

The standard is ambiguous as to whether it is intended to apply to the upper-level dwelling units, in addition to the ground floor units stated in the standard. Nevertheless, staff can find the common entryway shown on the plans, that is articulated with a differentiated portico (shown on the south elevation in the plans), is permissible at the



MEMO

TO: Brandon Pike, Planner, I
Community Development Department

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

DATE: June 24, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SPR-ADJ-DAP-DR21-13 (21-101664-RP)
1610 LANCASTER DRIVE SE
SIX-UNIT APARTMENT BUILDING**

PROPOSAL

A consolidated Class 3 Site plan Review, Class 2 Driveway Approach Permit, and Class 2 Adjustment for vision clearance for the development of a new apartment building with associated site improvements. The subject property is approximately 0.40 acres in size, zoned RM-II (Multiple Family Residential-II), and located at 1610 Lancaster Drive SE (Marion County Assessor map and tax lot number(s): 082W06AB / 09200).

RECOMMENDED CONDITIONS OF APPROVAL

1. Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE.
2. Construct curb line sidewalk along the frontage of 40th Place SE.
3. Provide an Option B streetlight to PGE standards along 40th Place SE.
4. Install street trees to the maximum extent feasible along all frontages.
5. Close the existing driveway approach along the Lancaster Drive SE frontage of the subject property.
6. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

FACTS

Streets

1. Lancaster Drive SE

- a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 50-foot improvement within a 68-foot-wide right-of-way abutting the subject property.

2. 40th Place 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 34-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 10-inch storm main is located within an easement (R2158 P336) along the western boundary of the subject property.
- b. An 8-inch storm main is located in 40th Place SE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. There are 8-inch water mains located in Lancaster Drive SE and 40th Place SE.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in 40th Place SE.

CRITERIA AND FINDINGS

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

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

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

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

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

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

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

Finding—The existing right-of-way along the frontage of Lancaster Drive SE does not meet current standards for its classification of street pursuant to the Salem TSP. The applicant shall convey for dedication a half-width right-of-way of 48 feet to Major Arterial street standards as specified in the PWDS.

The existing street condition along the frontage of Lancaster Drive SE is fully urbanized and lacks only street trees. The applicant shall install street trees to the maximum extent feasible pursuant to SRC 86.015(e) and in accordance with PWDS. Lancaster Drive SE is authorized as an Alternative street under SRC 803.065(a)(2) because the improvement was fully developed to standards that were in place at the time of original construction.

The existing right-of-way along the frontage of 40th Place SE meets the current right-of-way standards for its classification of street pursuant to the Salem TSP; therefore, no additional right-of-way is required along this frontage. The existing street condition along the frontage of 40th Place SE is underimproved as defined in SRC 803.005. The street frontage is currently lacking sidewalk, streetlights, and street

trees. Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way per SRC 803.035(l)(2)(A); however, to meet the vision clearance standard set forth in SRC Chapter 805, the sidewalk along 40th Place SE may be located along the curb line pursuant to SRC 803.035(l)(2)(B). A streetlight is required to be provided along 40th Place SE pursuant to SRC Chapter 803. The streetlight should be an Option "B" streetlight to PGE standards and may be placed on an existing pole. The applicant shall install street trees to the maximum extent feasible pursuant to SRC 86.015(e) and in accordance with PWDS.

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 applicant proposes to construct a driveway approach onto 40th Place SE to provide for safe turning movements into and out of the property.

Pursuant to SRC 804.060(a)(4), the applicant shall close the existing driveway approach along the Lancaster Drive SE frontage of the subject property and construct curb and sidewalk in accordance with PWDS. The sidewalk may remain at curb-line pursuant to SRC 803.035(l)(2)(B).

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

Finding—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant proposes connections to existing storm, sewer, and water infrastructure in 40th Place SE.

The applicant's engineer submitted a statement demonstrating compliance with SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface.

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.

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 to 40th Place SE meets the standards for SRC Chapter 804 and PWDS.

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

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

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

Finding—The proposed driveway does not access an 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 driveway is currently located with access to the lowest classification of street abutting the subject property.

(5) Proposed driveway approach meets vision clearance standards;

Finding—The proposed driveway meets the PWDS Alternate vision clearance requirements set forth in SRC Chapter 805.015. See Adjustment findings below.

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

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

Finding—The property abuts a Major Arterial street (Lancaster Drive SE) and a Local street (40th Place SE). The applicant is proposing a new driveway to the lower classification of street. As a result, the existing driveway approach along the Lancaster Drive SE frontage of the subject property shall be closed pursuant

to SRC 804.060(a)(4). By complying with the requirements of this chapter, the applicant has minimized impacts to the functionality of adjacent streets and intersections.

(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 proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

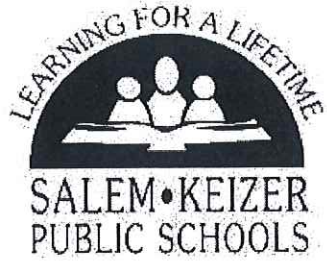
Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is as follows:

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 alternate vision clearance standards pursuant to SRC 805.015. The applicant's engineer submitted a Driveway Sight Distance Analysis dated April 22, 2021. The Assistant City Traffic Engineer has reviewed this analysis and concurs that the proposal meets the alternative standards pursuant to SRC 805.015. 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: Matt Olney, 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

May 18, 2021

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

RE: Land Use Activity Case No. SPR-ADJ-DAP-DR21-13, 1610 Lancaster 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
Miller	Elementary	K thru 5
Houck	Middle	6 thru 8
North Salem	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
Miller	Elementary	407	387	105%
Houck	Middle	1,052	1,224	86%
North Salem	High	2,076	2,248	92%

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	6	MF	0.201	1
Middle	6	MF	0.077	0
High	6	MF	0.084	1

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
Miller	Elem.	407	2	1	3	387	106%
Houck	Mid.	1,052	32	0	32	1,224	89%
North Salem	High	2,076	37	1	38	2,248	94%

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
Miller	Elementary	Eligible for School Transportation
Houck	Middle	Eligible for School Transportation
North Salem	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	1	\$60,840	\$60,840
Middle	0	\$72,735	\$0
High	1	\$84,630	\$84,630
TOTAL			\$145,470

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2020 Second Quarter.

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director – Custodial, Property and Auxiliary Services, T.J. Crockett, Director of Transportation