

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

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-DR23-12

APPLICATION NO.: 23-102162-PLN

NOTICE OF DECISION DATE: June 7, 2023

SUMMARY: A proposal for a new 67-unit multi-family housing development.

REQUEST: A consolidated application for a Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of 67 multi-family units, with five Class 2 Adjustment requests to:

- (1) Reduce the minimum setback abutting Linwood Street NW from 20 feet to 14 feet (SRC 514.010(b));
- (2) Reduce the minimum density from 15 to 14 dwelling units per acre (SRC 514.010(c));
- (3) Reduce the 40 percent buildable width requirement to approximately 34 percent along Orchard Heights Road NW (SRC 702.020(e)(4));
- (4) Increase the maximum allowed parking on site due to garages and driveways (SRC 806.015(d)); and
- (5) Reduce the minimum required width for two-way circulation from ~~22~~ 24 feet to 20 feet for one internal drive aisle (SRC 806.035(e)).

The subject property is 4.86 acres in size, zoned RM-II (Multiple Family Residential), and located at the 1900 Block of Linwood Street NW (Polk County Assessor Map and Tax lot: 073W16C / 107).

APPLICANT: John Eld, MWSH West Salem LLC

LOCATION: 1900 Block of Linwood Street NW

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 7, 2023.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. SPR-ADJ-DAP-DR23-12 subject to the following conditions of approval:

Condition 1: At the time of building permit review, the applicant shall provide plans showing appropriate fire-rated construction and/or increased distances between buildings to meet Building and Safety standards.

Condition 2: At the time of building permit review, the applicant shall provide plans showing Fire Department access, fire hydrant locations, and Fire Department Connection as required.

- Condition 3:** Prior to building permit approval, the vehicle use area abutting RS-zoned property to the west shall be setback a minimum of 10 feet, with Type C landscaping, or obtain approval of a Zoning Adjustment.
- Condition 4:** At the time of building permit review, the applicant shall provide plans showing Electric Vehicle (EV) charger conduits, as defined in ORS 455.417, available for 56 EV charging stations on site.
- Condition 5:** At the time of building permit review, the applicant shall dedicate one parking space adjacent to each dead-end turnaround area by striping the parking space and installing no parking signs to provide safe and convenient vehicle maneuvering, pursuant to SRC 806.035(f), or obtain approval of a Zoning Adjustment.
- Condition 6:** At the time of building permit review, the applicant shall provide construction details for the bicycle racks indicating conformance with SRC 806.060.
- Condition 7:** At the time of building permit review, the applicant shall provide an updated landscape plan demonstrating how the development site meets Type C landscaping within the required setbacks along the north, west, and south property lines, by providing a minimum of 1,376 plant units, with 550 of the plant units being trees, and including a minimum six-foot-tall sight-obscuring fence.
- Condition 8:** The applicant shall provide an additional four trees on site to meet the tree replanting requirement, which shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper.
- Condition 9:** Install street trees to the maximum extent feasible along Linwood Street NW and Orchard Heights Road NW.
- Condition 10:** Relocate the existing public main on the property in an alignment approved by the Public Works Director and dedicate an easement that meets the current Public Works Design Standards.
- Condition 11:** Prior to final occupancy of Buildings 2, 3 or 4, the vacation ordinance vacating the existing 15-foot sanitary sewer easement shall be filed with the Polk County Recorder pursuant to SRC 255.065.
- Condition 12:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.
- Condition 13:** The adjusted development standards, as approved in this report, 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 14:** A minimum density of ten tree plant units per 60 linear feet of exterior building wall shall be planted within 25 feet from the edge of each building footprint.

- Condition 15:** A minimum of one shrub plant unit shall be planted per 15 linear feet of exterior building wall around the perimeter of each building.
- Condition 16:** At the time of building permit review, the applicant shall ensure that windows are provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths.
- Condition 17:** At the time of building permit review, the applicant shall ensure any building within 25 feet of Orchard Heights Road NW has an entrance facing the street with direct pedestrian access to the sidewalk, or obtain approval of a Zoning Adjustment.

The rights granted by the attached decision must be exercised, or an extension granted, by June 23, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>March 30, 2023</u>
Notice of Decision Mailing Date:	<u>June 7, 2023</u>
Decision Effective Date:	<u>June 23, 2023</u>
State Mandate Date:	<u>July 28, 2023</u>

Case Manager: Jamie Donaldson, Planner II, jdonaldson@cityofsalem.net, 503-540-2328

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., THURSDAY, JUNE 22, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220, 250, 804, 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>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

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. SPR-ADJ-DAP-DR23-12)
1900 BLOCK OF LINWOOD STREET NW) JUNE 7, 2023

In the matter of the application for Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review applications submitted by the applicant and property owner MWSH West Salem LLC, represented by John Eld, 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 for a new 67-unit multi-family housing development.

Request: A consolidated application for a Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of 67 multi-family units, with five Class 2 Adjustment requests to:

- (1) Reduce the 20-foot setback abutting Linwood Street NW to 14 feet (SRC 514.010(b));
- (2) Reduce the required minimum density from 15 to 14 dwelling units per acre (SRC 514.010(c));
- (3) Reduce the 40 percent buildable width requirement to approximately 34 percent along Orchard Heights Road NW (SRC 702.020(e)(4));
- (4) Increase the maximum allowed parking on site due to garages and driveways (SRC 806.015(d)); and
- (5) Reduce the minimum required width for two-way circulation from ~~22~~ 24 feet to 20 feet for one internal drive aisle (SRC 806.035(e)).

The subject property is 4.86 acres in size, zoned RM-II (Multiple Family Residential), and located at the 1900 Block of Linwood Street NW (Polk County Assessor Map and Tax lot: 073W16C / 107).

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

PROCEDURAL FINDINGS

1. Background

On January 20, 2023, a consolidated application for Class 3 Site Plan Review, Class 2 Adjustment, and Class 1 Design Review was filed for the proposed development. After additional information was provided, including submission of a Class 2 Driveway

Approach Permit and additional adjustment requests on March 30, 2023, the applications were deemed complete for processing at the request of the applicant on March 30, 2023. The 120-day state mandated decision deadline for this consolidated application is July 28, 2023.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria can be found online, as indicated below.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 23 102162.

3. Neighborhood and Public Comments

The subject property is located within the boundaries of the West Salem Neighborhood Association (WSNA).

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On January 16, 2023, the applicant's representative contacted the WSNA to provide details about the proposal.

Neighborhood Association Comment: Notice of the application was provided to the Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. The WSNA submitted comments for the proposal, which are included as **Attachment C** and summarized below.

- **Adjustment Request #1:** The WSNA expressed concern over the reduction in the setback abutting Linwood Street NW.

Staff Response: Requests for adjustments are required to meet the approval criteria outlined in SRC 250.005(d), and illustrate how the proposal equally or better meets the intent of the specific development standard. The applicant has proposed a 14-foot setback abutting Linwood Street NW, which still provides adequate room for pedestrian walkways, porches and building articulation, including landscaping and trees to meet the intent of creating a visually appealing streetscape with pedestrian amenities, and a suitable buffer to mitigate any negative impacts from traffic along

the street. Additional findings for the adjustment are included in Section 7 of this report.

- **Adjustment Request #4:** The WSNA expressed concern over the increase to maximum parking and the effect on the Average Daily Trips (ADTs) for the site.

Staff Response: Requests for adjustments are required to meet the approval criteria outlined in SRC 250.005(d), and illustrate how the proposal equally or better meets the intent of the specific development standard. The site is designed to give residents the feel of a single-family neighborhood, which typically includes garages. Since parking can take place within the garage and on the driveway leading to the garage, both areas are to be counted towards the total amount of parking provided on site, contributing to the proposal exceeding the maximum amount allowed for a 67-unit multi-family development. However, a recent update to the parking requirements in the Salem Revised Code, effective May 24, 2023, specifically addresses the issue by indicating that driveways shall not be considered for the purposes of calculating the maximum amount of off-street parking allowed. Under this new provision, the development would meet the maximum allowed parking for the site with 113 parking spaces provided on site. Additional findings for the adjustment are included in Section 7 of this report.

The number of trips, or ADTs, generated by a site is based on the use, square footage and/or number of dwelling units, not on the number of parking spaces provided. The applicant has proposed less density and fewer dwelling units than would otherwise be outright permitted for the zone, and would therefore not generate more trips than Linwood Street or Orchard Heights have been developed to accommodate. As discussed in this report, both Linwood Street and Orchard Heights meet the right-of-way standards for their respective street class and do not require any street improvements to 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.

- **Adjustment Request #5:** The WSNA expressed concern over the reduction in two-way drive aisle reducing the walkability of the community.

Staff Response: Requests for adjustments are required to meet the approval criteria outlined in SRC 250.005(d), and illustrate how the proposal equally or better meets the intent of the specific development standard. The applicant has requested to shorten the northern drive-aisle to 20 feet in order for to provide the required 10-foot setback to the residential property to the north, as well as provide a pedestrian walkway connecting all units in the northern Buildings 9, 10, and 11 to the rest of the development site; therefore, the request for the adjustment increases the walkability of the neighborhood. Additional findings for the adjustment are included in Section 7 of this report.

Public Comment: Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, two comments have been received from the

surrounding property owners and tenants: one comment indicated no objection to the proposal; concerns from the other comment are summarized below.

- **Natural features and wildlife:** Comment received expressed concern over the displacement of birds of prey that hunt in the field of the subject property.

Staff Response: The subject property is located within the Urban Growth Boundary and within Salem City Limits and has been designated on the City of Salem Comprehensive Plan Map as “Multiple Family Residential”, which anticipates existing or future residential development similar to the subdivision proposed with this application. Loss of wildlife habitat is not a criterion for granting or denying a site plan review.

- **Traffic:** Comment received expressed concerns for the traffic congestion in the area and how the development would contribute to the mitigation of traffic in the area.

Staff Response: The proposed development does not trigger a Traffic Impact Analysis pursuant to SRC 803.015 and does not trigger any off-site traffic mitigation. In addition, the development does not trigger a “Trip Cap” because a Transportation Planning Rule Analysis is not required, as no Comprehensive Plan or Zone Change was requested for the property because it could be developed, as proposed, under the existing zoning. As indicated above, the number of trips generated by a site is based on the use, square footage and/or number of dwelling units, not on the number of parking spaces provided.

The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). The development will pay Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth.

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

4. City Department Comments

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

Building and Safety: Review the proposal and indicated fire separation distances under ten feet (20 feet between structures) will require 1-hour rated construction. It is recommended that the applicant increase the distance between Buildings 9, 10, and 11, as well as the distance between Buildings 3 and 4.

Fire Department: Reviewed the proposal and indicated that aerial fire department access will be required if the building height exceeds 30 feet per the Oregon fire code; fire flow will be required per OFC Appendix B. Fire Department water supply will be evaluated with the building addition at the time of building permit plan review. All portions of the building shall be within 400 feet of a fire hydrant, or 600 feet if the building has an approved fire sprinkler system.

Staff Response: The applicant is responsible for addressing the comments above during the building permit process. The configuration of the buildings and parking area may be modified, if necessary, to meet the Building and Safety Department and Fire Department standards, provided that the modifications meet applicable development standards, design standards, and conditions of approval. To ensure these standards are met, the following conditions apply:

Condition 1: At the time of building permit review, the applicant shall provide plans showing appropriate fire-rated construction and/or increased distances between buildings to meet Building and Safety standards.

Condition 2: At the time of building permit review, the applicant shall provide plans showing Fire Department access, fire hydrant locations, and Fire Department Connection as required.

5. Public and Private Agency Comments

Salem-Keizer Public School District: Reviewed the proposal and provided comments which are included as **Attachment E**.

Salem Electric: Review the proposal and indicated they will provide electric service according to the rates and policies at the time of construction.

DECISION CRITERIA FINDINGS

6. Analysis of Class 3 Site Plan Review Approval Criteria

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

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

Finding: The proposal includes development of a new multi-family townhome-style apartment complex of 13 buildings containing 67 dwelling units on property zoned RM-II (Multiple Family Residential); therefore, the development has been reviewed for conformance with the RM-II zone under SRC Chapter 514. Five adjustments are requested to setbacks, density, buildable width, parking, and drive aisle standards; findings for the adjustments are included in Section 7 of this report. 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(a) – Uses:

The permitted, special, conditional, and prohibited uses in the RM-II zone are set forth in Table 514-1.

Finding: Multiple family residential uses are allowed as a permitted use in the RM-II zone per Table 514-1.

SRC 514.010(a) – Land division in the RM-II zone:

Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.

Finding: No land division is proposed. This standard is not applicable.

SRC 514.010(b) – Lot standards:

Lots within the RM-II zone shall conform to the standards set forth in Table 514-2. Multiple family uses are required to have a minimum lot area of 6,000 square feet, minimum lot width of 40 feet, minimum lot depth of 80 feet, maximum lot depth 300 percent of average lot width, and street frontage of 40 feet.

Finding: The subject property is 211,701 square feet in area, approximately 375 feet wide and 470 feet deep. No changes are proposed to the existing size of the lot; therefore, the proposal meets the standards.

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. Maximum dwelling unit cannot be varied or adjusted. Multiple family uses are required to have a minimum density of 15 dwelling units per acre and maximum density of 31 units per acre.

Finding: The subject property is 211,701 square feet in area, or 4.86 acres, which would require 73 units for the development site ($4.86 \times 15 = 72.9$). The proposed development of 67 units represents a density of approximately 14 dwelling units per acre ($67 / 4.86 = 13.78$). The applicant has requested a Class 2 Adjustment to this standard; findings for the adjustment are included in Section 7 of this report.

SRC 514.010(d) – Setbacks:

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

Abutting Street

South: Adjacent to the south is right-of-way for Orchard Heights Road NW, designated as a Minor Arterial Street in the Salem TSP. For a multiple family use, Table 514-4 specifies that buildings abutting a street requires a minimum setback of 12 feet plus one foot for each one foot of height over 12 feet, but need not exceed 20 feet, and vehicle use areas require a minimum 12-foot setback.

East: Adjacent to the east is right-of-way for Linwood Street NW, designated as a Collector Street in the Salem TSP. For a multiple family use, Table 514-4 specifies that buildings abutting a street requires a minimum setback of 12 feet plus one foot for each one foot of height over 12 feet, but need not exceed 20 feet, and vehicle use areas require a minimum 12-foot setback.

Finding: All buildings proposed in the development are over 20 feet; therefore, the minimum setback for building abutting a street is at least 20 feet. Buildings 3 and 4 abutting Orchard Heights Road NW to the south are setback at least 20 feet, thereby meeting the standard. The vehicle use area serving the office abutting Orchard Heights Road NW to the south is also setback at least 20 feet, exceeding the standard. Buildings 1 and 2 abutting Linwood Street NW to the east are setback at varying amounts due the curve of the street, with front porches and building articulation projecting into the required setback; therefore, the applicant has requested a Class 2 Adjustment to the setback abutting Linwood Street NW to the east. Findings for the adjustment are included in Section 7 of this report.

Interior Side and Rear

North: Adjacent to the north is property zoned RM-II. For a multiple family use, Table 514-5 specifies that buildings and vehicle use areas abutting a residential zone at an interior side property line require a minimum 10-foot setback with Type C landscaping (one plant unit per 20 square feet and a minimum 6-foot-tall sight-obscuring fence or wall).

West/South: The subject property is an irregular shape that abuts property zoned RS (Single Family Residential) to the west at the north end of the property, and also abuts a property zoned RA (residential Agriculture) adjacent south of that portion and west for the remaining portion of the property towards Orchard Heights Road NW. For a multiple family use, Table 514-5 specifies that buildings and vehicle use areas abutting a residential zone at an interior rear property line require a minimum 10-foot setback with Type C landscaping (one plant unit per 20 square feet and a minimum 6-foot-tall sight-obscuring fence or wall).

Finding: Buildings 9, 10, and 11 are setback 10 feet from the northern property line abutting the RM-II zoned property, thereby meeting the standard. Building 13 is setback 20 feet from the west property line; however, the plans include a drive aisle that dead-ends at the west property line, and does not provide the minimum 10-foot setback for a vehicle use area. As such, the following conditions applies:

Condition 3: Prior to building permit approval, the vehicle use area abutting RS-zoned property to the west shall be setback a minimum of 10 feet, with Type C landscaping, or obtain approval of a Zoning Adjustment.

Both Buildings 13 and 14 are setback at least 18 feet from their south property line abutting RA zoned properties, exceeding the minimum zone-to-zone setback. Going further south on the property, the development proposes a drive aisle abutting the west property line, which is setback the minimum 10 feet. As conditioned, the proposal meets the applicable standards.

SRC 514.010(e) – Lot Coverage, Height:

Buildings and accessory structures within the RM-II zone shall conform to the lot coverage and height standards set forth in Table 514-6. The maximum lot coverage requirement for all uses in the RM-II zone is 60 percent. The maximum building height allowance for multiple family buildings is 50 feet. Accessory structures are limited to a maximum building height of 15 feet.

Finding: The site plan indicates that the proposed buildings cover approximately 60,330 square feet of the 211,701-square-foot lot, for a lot coverage of approximately 29 percent. The proposed multi-family buildings are approximately 23 feet in height, and the accessory office building is approximately 13 feet in height. The proposal meets the standards.

SRC 514.010(f) – Maximum Square Footage for All Accessory Structures:

In addition to the maximum coverage requirements established in Table 514-6, accessory structures to single family and two-family uses shall be limited to the maximum aggregate total square footage set forth in Table 514-7.

Finding: The proposed use is multiple family. This standard is not applicable.

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 Chapters 806 and 807.

Finding: Pursuant to SRC 702.020(b)(8), multiple family developments with 13 or more units are exempt from the landscaping requirements for vehicle use areas in SRC chapter 806, and are subject to landscaping standards under the Multiple Family Design Review Standards instead, which are addressed in Section 9 of this report. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

SRC 514.010(h) – Outdoor Storage:

Within the RM-II zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Finding: No outdoor storage areas are proposed. This development standard is not applicable.

SRC 514.015 – Design Review:

Design review under SRC chapter 225 is required for development within the RM-II zone as follows:

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

Finding: The proposal is for a multiple family development of 67 units; therefore, it is subject to the Design Review standards of Chapter 702, which are addressed in Section 9 of this report.

General Development Standards SRC 800

SRC 800.055(a) – Applicability.

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

Finding: The site plan does not propose any new solid waste enclosure; therefore, these standards are not applicable.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

Finding: The proposal is a multiple family development; therefore, these standards are not applicable. The development standards under SRC 702 require pedestrian access and are addressed in Section 9 below. The standards of this subsection do not apply.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 – Off-Street Parking; When Required.

Off-street parking shall be provided and maintained as required under SRC Chapter 806 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.

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

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

Finding: The proposal includes development of a new off-street parking areas located on the same development site as the proposed buildings. This standard is met.

SRC 806.015 – Amount of Off-Street Parking.

(a) *Minimum Required Off-Street Parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.

Finding: The proposal includes development of a 67-unit townhome-style apartment complex, requiring one parking space per dwelling unit. A minimum of 67 off-street parking spaces are required for the development site. The proposed development includes a total of 197 spaces, which meets the minimum standard.

(b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.

Finding: The proposal includes only two compact parking spaces for the development site. This standard is met.

- (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 5 percent of their total off-street parking spaces for carpool or vanpool parking.

Finding: No carpool/vanpool spaces are required for a multi-family development. This standard does not apply.

- (d) *Required electric vehicle charging spaces.* For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

Finding: The proposal includes seven buildings out of the 13 proposed which include five or more dwelling units; therefore, this standard applies. The seven buildings consist of 43 units, and provide a total of 112 parking spaces when counting the parking provided in garages and driveways. The development includes another 29 spaces on site which will also serve the buildings, for a total of 141 spaces provided on the site for buildings with five or more dwelling units. Of those 141 parking spaces ($141 \times .4 = 56.4$), 56 should be available for Electric Vehicle (EV) charging stations by providing EV charger conduits, as defined in ORS 455.417. To ensure compliance with this standard, the following condition applies:

Condition 4: At the time of building permit review, the applicant shall provide plans showing Electric Vehicle (EV) charger conduits, as defined in ORS 455.417, available for 56 EV charging stations on site.

- (e) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Tables 806-2A or 806-2B.

Finding: Pursuant to SRC Table 806-2B, the maximum number of off-street parking spaces is 1.75 times the minimum number of spaces required when the minimum requirement results in more than 20 spaces. The development requires a minimum of 67 off-street parking spaces, which therefore allows a maximum of 117 spaces ($67 \times 1.75 = 117.25$). The proposed development includes a total of 197 spaces, which exceeds the maximum allowance. The applicant has requested a Class 2 Adjustment to this standard due to the inclusion of garages and driveways as part of the parking calculation. Findings for the adjustment are included in Section 7 of this report.

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

- (a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- (b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.

- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Finding: The off-street parking and vehicle use area development standards of SRC Chapter 806 are applicable to this proposal. As conditioned, the proposed off-street parking areas are in compliance with the minimum setback requirements of SRC Chapters 514 and 806.

Landscaping will be evaluated for compliance with Type C Standards at the time of building permit review.

- (d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas less than 50,000 square feet in size, a minimum of five percent of the interior parking area shall be landscaped. A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area.

Finding: Pursuant to SRC 702.020(b)(8), multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806. This standard does not apply to the proposed development.

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

Finding: For two-way circulation, the width of an aisle dedicated to standard-size parking spaces shall be a minimum of 24 feet. The applicant's plans indicate a one-way aisle of 18-feet wide and 24-foot-wide drive aisles for two-way circulation throughout the development; except for the northern drive-aisle adjacent to Buildings 9, 10, and 11, where a 20-foot drive-aisle is proposed. The applicant has requested a Class 2 Adjustment to the minimum drive-aisle width required for two circulation for the northern drive aisle. Findings for the adjustment are included in Section 7 of this report.

- (f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
 - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

Finding: The multi-family development is designed to appear like single-family townhomes, and provides the majority of parking in garages and driveways leading to garages. However, there are 29 additional parking spaces on site to serve the development site, and two areas that terminate in the dead-end that require conformance with this standard. The off-street parking area adjacent to the development office includes a striped area serving the ADA parking space that could potentially be used for turnaround purposes, but would need to be reconfigured and an adjustment requested to allow the dual use of the striped area. At the northwest corner of the development, the drive-aisle terminates at a dead end abutting the west property

line. As discussed above, the off-street parking area abutting the west property line does not meet the minimum setback to the property line and should either be removed, or redesigned to meet the setback, as well as the turnaround standard. To ensure compliance with the turnaround standard in both areas, the following condition applies:

Condition 5: At the time of building permit review, the applicant shall dedicate one parking space adjacent to each dead-end turnaround area by striping the parking space and installing no parking signs to provide safe and convenient vehicle maneuvering, pursuant to SRC 806.035(f), or obtain approval of a Zoning Adjustment.

(g) Additional Off-Street Parking Development Standards 806.035(g)-(n).

Finding: The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. The parking area striping, marking, signage, and lighting shall comply with SRC 806.035, and will be evaluated at the time of building permit review. The applicant's plans include bumper guards and wheel barriers for the proposed vehicle use areas where a portion of the vehicle will overhang or project into required pedestrian accessways. Off-street parking area screening per SRC 806.035(n) is provided as part of multi-family design review and landscaping standards.

Driveway Standards

SRC 806.040 – Driveway development standards for uses or activities other than single family, two family, three family, or four family.

- (a) Access.* The off-street parking and vehicle use area shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC Chapter 804.
- (b) Location.* Driveways shall not be located within required setbacks, except where the driveway provides access to the street, alley, or abutting property; or where the driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- (c) Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for driveways abutting streets, and abutting interior front, side, and rear property lines.
- (d) Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-8.

Finding: Two-way driveways are required to have a minimum width of 22 feet. The applicant's plans indicate a single 26-foot-wide driveway for ingress and egress on the northwest side of the development, providing access to Linwood Street NW. This standard is met.

Bicycle Parking

SRC 806.045 – General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity; any change of use or activity; or any intensification, expansion, or enlargement of a use or activity.

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

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

SRC 806.055 – Amount of Bicycle Parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Finding: A multi-family use not located within one-quarter mile of the Core Network requires the greater of four spaces or 0.1 space per dwelling unit. For a development of 67 units, the bicycle parking requirement would be seven spaces ($67 \times 0.1 = 6.7$). The applicant's written statement indicates four bicycle parking spaces will be provided in two locations, providing a total of eight bicycle parking spaces for the development. This standard is met.

SRC 806.060 – Bicycle Parking Development Standards

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

(a) Location.

- (1) Short-term bicycle parking.* Short-term bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.

Finding: The proposal includes four bicycle parking spaces in two areas located outside of buildings and within convenient distances of a building entrance or access to common open space, meeting the standard for short-term bicycle parking location.

- (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: Bicycle parking will be located in public areas, providing direct access to the units and the public right-of-way through the proposed pedestrian paths and vehicle use areas. This standard is met.

- (c) Dimensions.* All bicycle parking areas shall meet the following dimension requirements:

- (1) Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
- (2) Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: There appears to be room within the proposed locations to accommodate the proposed bicycle parking spaces; however, bike rack details were not provided to verify conformance with the required dimensions. Therefore, the following condition applies:

Condition 6: At the time of building permit review, the applicant shall provide construction details for the bicycle racks indicating conformance with SRC 806.060.

Further conformance with these standards will be evaluated at the time of building permit review.

(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 appear to be placed on a hard surface material. As conditioned above, the applicant shall provide construction details which include this information. Conformance with this standard will be verified at the time of building permit review.

(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: Construction details of the bicycle racks were not submitted for review. As conditioned above, the applicant shall provide construction details which include this information. Conformance with this standard will be verified at the time of building permit review.

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.

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.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts and dimensions not less than those set forth in Table 806-11.

Finding: One off-street loading space is required for multiple family development of 50 to 99 dwelling units, meeting the dimensions of 12 feet by 19 feet. The applicant's plans provide one loading space meeting the minimum dimensions; therefore, this standard is met.

Landscaping

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

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

Finding: The applicant has submitted a preliminary landscape plan that indicates 78,744 square feet of total landscaped area for the development site. However, the landscape plans do not indicate the specific landscaping proposed in required setbacks based on a 10-foot setback abutting residential properties to the north, west, and south property lines. Based on the dimensions of the property, the landscaping for required setbacks should be at least 27,520 square feet ($[612 \times 10] + [220 \times 10] + [198 \times 10] + [242 \times 10] + [740 \times 20] = 27,520$), requiring a minimum of 1,376 plant units ($27,520 / 20 = 1,376$). Of the required plant units, a minimum of 550 plant units shall be trees ($1,376 \times 0.4 = 550.4$). The applicant has provided a preliminary landscaping plan which shows the areas which are to be landscaped, but does not indicate the total number of plant units or trees within all required setbacks. As such, the following condition applies:

Condition 7: At the time of building permit review, the applicant shall provide an updated landscape plan demonstrating how the development site meets Type C landscaping within the required setbacks along the north, west, and south property lines, by providing a minimum of 1,376 plant units, with 550 of the plant units being trees, and including a minimum six-foot-tall sight-obscuring fence.

In addition to the landscaping required under this chapter, when existing trees, as defined under SRC Chapter 808, are proposed for removal from within required setbacks or from a development site in excess of 75 percent, replanting shall be required as provided in this subsection, pursuant to SRC 807.015(d). The applicant has submitted a tree inventory for the development site which indicates there are seven trees, as defined under SRC Chapter 808, existing on site that do not fall within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities. The applicant has proposed removal of all seven non-significant trees, exceeding the 75 percent of trees on the development site by two ($7 \times .75 = 5.25$). To ensure that trees

are planted to meet the replacement ratio and size requirements of this subsection, the following condition applies:

Condition 8: The applicant shall provide an additional four trees on site to meet the tree replanting requirement, which shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper.

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

Natural Resources and Hazards

SRC Chapter 601 – Floodplain: Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: 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 Chapter 808 – Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove the following trees unless 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.

1. Heritage Trees;
2. Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree with a *dbh* of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
3. Trees and native vegetation in riparian corridors; and
4. Trees on lots or parcels 20,000 square feet or greater.

The tree preservation ordinance defines “tree” as, “any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more *dbh*, and possesses an upright arrangement of branches and leaves.”

Finding: The applicant has submitted a tree inventory for the development site which indicates no heritage trees, significant trees, or riparian trees on site. The applicant has proposed removing all seven non-significant trees on site, and will be replanting trees pursuant to SRC 807.015(d), as conditioned above. The proposal is in conformance with the preservation of trees under SRC Chapter 808.

SRC Chapter 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.

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

SRC Chapter 810 – Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Finding: 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.

SRC 802 – Public Improvements, SRC 803 – Streets and Right-of-Way Improvements, SRC 804 – Driveway Approaches, and SRC 805 – Vision Clearance: With completion of the conditions required by Public Works, the subject property meets all applicable standards of these chapters of the UDC.

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: Linwood Street NW meets the right-of-way width and pavement width for a collector street standard pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Orchard Heights Road NW meets the right-of-way width and pavement width for a minor arterial street standard pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. Street trees shall be provided along the frontages of Linwood Street NW and Orchard Heights Road NW.

Condition 9: Install street trees to the maximum extent feasible along Linwood Street NW and Orchard Heights Road NW.

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 proposed one driveway onto Linwood Street NW. A second driveway approach is proposed onto Orchard Heights Road NW for emergency service access only; this approach will not be used for general circulation. The driveway access onto Linwood Street NW provides for safe turning movements into and out of the property. A Class 2 Driveway Approach Permit is required for the approach onto Linwood Street NW; findings for the permit are found below.

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

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

There is an existing public sanitary sewer main on the subject property within an easement that serves upstream parcels. The applicant's plans show buildings over the existing public main and that the public main will be relocated. The easement for the existing main was dedicated by Partition Plan No. 2012-0012. The existing main shall be relocated and the easement shall be vacated pursuant to the process described in SRC 255.065. The new main shall be constructed in an alignment approved by the Public Works Director and a new easement shall be dedicated by separate document. The sanitary sewer main relocation and easement width shall meet current Public Works Design Standards. As such, the following conditions apply:

Condition 10: Relocate the existing public main on the property in an alignment approved by the Public Works Director and dedicate an easement that meets the current Public Works Design Standards.

Condition 11: Prior to final occupancy of Buildings 2, 3 or 4, the vacation ordinance vacating the existing 15-foot sanitary sewer easement shall be filed with the Polk County Recorder pursuant to SRC 255.065.

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

Condition 12: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

7. Analysis of Class 2 Adjustment Approval Criteria

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

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

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

Finding: The applicant is requesting two Class 2 Adjustments to:

- (1) Reduce the 20-foot setback abutting Linwood Street NW to 14 feet (SRC 514.010(b));
- (2) Reduce the required minimum density from 15 to 14 dwelling units per acre (SRC 514.010(c));
- (3) Reduce the 40 percent buildable width requirement to approximately 34 percent along Orchard Heights Road NW (SRC 702.020(e)(4));
- (4) Increase the maximum allowed parking on site due to garages and driveways (SRC 806.015(d)); and
- (5) Reduce the minimum required width for two-way circulation from 22 feet to 20 feet for one internal drive aisle (SRC 806.035(e)).

Reduce the 20-foot setback abutting Linwood Street NW to 14 feet, per SRC 514.010(b).

Setbacks within the RM-II zone shall be provided as set forth in Table 514-4 and Table 521-5. For a multiple family use, Table 514-4 specifies that buildings abutting a street requires a minimum setback of 12 feet plus one foot for each one foot of height over 12 feet, but need not exceed 20 feet. All buildings proposed in the development are over 20 feet; therefore, the minimum setback for buildings abutting a street is at least 20 feet. Buildings 1 and 2 abutting Linwood Street NW to the east are setback at varying amounts due the curve of the street, with front porches and building articulation projecting into the required setback; therefore, the applicant has requested a Class 2 Adjustment to the setback abutting Linwood Street NW to the east.

As also discussed below, the applicant is requesting an adjustment to the minimum density required due to the provisions of stormwater facilities, adequate streets, pedestrian walkways, and common open space, which greatly limits the developable area of the site. Reducing the setback along Linwood Street by six feet would allow for the accommodation of required site improvements, and a consistent overall design for the site. In addition, the applicant has designed the multi-family development with the appearance of single-family townhomes, with Buildings 1 and 2 oriented towards Linwood Street NW and pedestrian connections provided to the street from each unit. Since the development is not a traditional multi-story apartment complex and appears more like a single-family development, the applicant is requesting to mimic those single-family standards along the public street due to site constraints, and density and access challenges. Most single-family homes or townhomes do allow for a 12-foot setback abutting the street. The purpose behind the increased street setback for multi-family development is to provide pedestrian amenities and activity along the street, as well as reduce the appearance of building bulk towards the street. The applicant has proposed a 14-foot setback abutting Linwood Street NW, which still provides adequate room for pedestrian walkways, porches and building articulation, including landscaping and trees to meet the intent of creating a visually appealing streetscape with pedestrian amenities and a suitable buffer to mitigate any negative impacts from traffic along the street.

Staff agrees that the development provides design and density challenges, as well as limited location and space for the provision of required stormwater facilities. The applicant has presented a proposal which equally or better meets the intent to create a pedestrian-friendly design along Linwood Street NW and reduce the appearance of building bulk towards the street, while balancing other applicable development standards for the development site.

Reduce the required minimum density from 15 to 14 dwelling units per acre, per SRC 514.010(c).

Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. Multiple family uses are required to have a minimum density of 15 dwelling units per acre and maximum density of 31 units per acre. The subject property is 211,701 square feet in area, or 4.86 acres, which would require 73 units for the development site ($4.86 \times 15 = 72.9$). The proposed development of 67 units represents a density of approximately 14 dwelling units per acre ($67 / 4.86 = 13.78$). The applicant has requested a Class 2 Adjustment to this standard due to site constraints and the location of required stormwater facilities and various site improvements.

The applicant is requesting an adjustment to the minimum density required due to the provisions of storm water facilities, adequate streets, pedestrian walkways, and common open space, which greatly limits the developable area of the site. The required on-site stormwater facilities occupy approximately 0.22 acres of the site, which would bring the density calculation closer to meeting the minimum ($67 / (4.86 - 0.22) = 14.44$). As discussed above, the applicant has also designed the multi-family development with the appearance of single-family townhomes, with the provision of garages, driveways, and additional on-site guest parking. The site is designed to give residents the feel of a single-family neighborhood, which generally have less density than a typical apartment development. Furthermore, the applicant states that the subject property is surrounded by traditional multi-family apartments to the north and east across Linwood Street NW; therefore, allowing a reduction to the minimum density for this site would create an appropriate transitional buffer from the high-density multi-family apartments adjacent to the north and east, to the single-family homes adjacent to the west and south across Orchard Heights Road NW. Lastly, due to recent updates to the Salem Revised Code, the minimum density requirement in the RM-II zone changed from a minimum density of 12 units per acre, to 15 units per acre, in which case the development would have met the minimum density requirement if it was submitted before August 2022.

Staff agrees that the development provides design and density challenges, as well as limited location and space for the provision of required stormwater facilities. The applicant has presented a proposal which equally or better meets the intent to create a pedestrian-friendly design along Linwood Street NW and reduce the appearance of building bulk towards the street, while balancing other applicable development standards for the development site.

Reduce the 40 percent buildable width requirement to approximately 34 percent along Orchard Heights Road NW, per SRC 702.020(e)(4).

On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. However, accessory structures shall not apply towards meeting the required percentage. Therefore, the applicant has requested a Class 2 Adjustment to this standard since the development is not able to meet the 40 percent requirement along Orchard Heights Road NW due to the location of the community office building and its classification as an accessory structure; the proposal

would otherwise meet the standard if the office building was able to be counted towards the buildable width requirement.

The purpose of the buildable width requirement is to enhance visual interest and activity along the street. Approximately 34 percent of building frontage is provided along Orchard Heights Road due to the provision of an emergency access driveway and the community office building on the same street frontage. Because the subject property is a corner lot, the applicant has proposed the office building be placed in a prominent location at the intersection of Orchard Heights Road NW and Linwood Street NW to create a welcoming environment and providing for a more pedestrian friendly development. The applicant states that this will help encourage pedestrian traffic to stop in and inquire about the development. In addition, the applicant has indicated the office will be consistent with the architectural design of the rest of the development, and create a visually appealing façade along both streets. Furthermore, Orchard Heights Road NW is designated as a Major Arterial Street and Linwood Street NW is designated as a Collector Street. The applicant has met the buildable width requirement along Linwood Street NW, which is the lower street classification with less traffic volume, ideal for a larger volume of pedestrian activity than Orchard Heights. The applicant has also provided common pedestrian connections at two points along Orchard Heights Road, meeting the intent to enhance pedestrian activity along the street.

Staff finds that the applicant's plans equally meet the intent to enhance activity along the street by providing pedestrian connections, driveway access, and a community office building along the street frontage of Orchard Heights Road. In addition, the applicant indicates that the building frontages provided along streets incorporate visually appealing design and architectural features, and landscaping will be included along the frontage areas to equally meet the intent of enhancing visual interest along street.

Increase the maximum allowed parking on site due to garages and driveways, per SRC 806.015(d).

The proposal includes development of a 67-unit townhome-style apartment complex, requiring one parking space per dwelling unit. A minimum of 67 off-street parking spaces are required for the development site. Pursuant to SRC Table 806-2B, the maximum number of off-street parking spaces is 1.75 times the minimum number of spaces required when the minimum requirement results in more than 20 spaces. The development requires a minimum of 67 off-street parking spaces, which therefore allows a maximum of 117 spaces ($67 \times 1.75 = 117.25$). The proposed development includes a total of 197 spaces, which exceeds the maximum allowance. The applicant has requested a Class 2 Adjustment to this standard due to the inclusion of garages and driveways as part of the parking calculation.

As discussed above, the applicant has also designed the multi-family development with the appearance of single-family townhomes, with the provision of garages, driveways, and additional on-site guest parking. The site is designed to give residents the feel of a single-family neighborhood, which typically includes garages. Since parking can take place within the garage and on the driveway leading to the garage, both areas are to be counted towards the total amount of parking provided on site, contributing to the proposal exceeding the maximum amount allowed for a 67-unit multi-family

development. However, a recent update to the parking requirements in the Salem Revised Code, effective May 24, 2023, specifically addresses the issue by indicating that driveways shall not be considered for the purposes of calculating the maximum amount of off-street parking allowed. Under this new provision, the development would meet the maximum allowed parking for the site with 113 parking spaces provided on site. Therefore, staff finds the development equally or better meets the intent to limit large expanses of parking lots, and provides a unique housing opportunity for the area.

Reduce the minimum required width for two-way circulation from ~~22~~ 24 feet to 20 feet for one internal drive aisle, per SRC 806.035(e).

For two-way circulation, the width of an aisle dedicated to standard-size parking spaces shall be a minimum of 24 feet. The applicant's plans indicate a one-way aisle of 18-feet wide and 24-foot-wide drive aisles for two-way circulation throughout the development; except for the northern drive-aisle adjacent to Buildings 9, 10, and 11, where a 20-foot drive-aisle is proposed. The applicant has requested a Class 2 Adjustment to the minimum drive-aisle width required for two circulation for the northern drive aisle due to site constraints and the provision of required pedestrian walkways.

In order for the applicant to provide the required 10-foot setback to the residential property to the north, as well as provide a pedestrian walkway connecting all units in the northern Buildings 9, 10, and 11 to the rest of the development site, the applicant has requested to shorten the northern drive-aisle to 20 feet. The purpose of the 24-foot-wide drive-aisle for standard-size parking spaces at a 90-degree angle is not only to accommodate cars driving past each other at the same time, but also to provide adequate room for a car to back out of the driveway, which is typically 24 feet to provide sufficient turnaround room for a standard car. Since there is a five-foot pedestrian walkway provided at the end of each driveway, along with the proposed 20-foot width of the reduced street, the 24-feet required for adequate turnaround room is still being provided for all units adjacent to the reduced street. In addition, since the internal drive-aisle will just serve the residents and guests of the affected units, and not heavily used by the public, the proposal equally meets the intent of providing sufficient room and safe maneuvering for a minimal amount of vehicular use. Staff finds that the proposed drive aisle meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

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

Finding: The subject property is located within a residential zone. The development provides design and density challenges, as well as limited location and space for the provision of required stormwater facilities, adequate streets, pedestrian walkways, and common open space, which greatly limits the developable area of the site. The requested adjustments to setbacks, density, buildable width, parking, and drive aisle standards are the minimum necessary due to site constraints and will have no significant impact on the livability or appearance of the residential area.

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

Finding: Five separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code. To ensure that all future development proposed at this development site shall be subject to the applicable development standards of the Salem Revised Code, the following condition applies:

Condition 13: The adjusted development standards, as approved in this report, 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.

8. Analysis of Class 2 Driveway Approach Permit Approval Criteria

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveway meets the standards for SRC Chapter 804 and Public Works Design Standards (PWDS).

SRC 804.025(d)(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 driveways.

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

Finding: The proposed driveway is not accessing onto an arterial street.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

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

Finding: The development abuts a collector (Linwood Street NW) and minor arterial (Orchard Heights Road NW). The proposed driveway is currently located with access to the lowest classification of street abutting the subject property (Linwood Street NW).

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

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

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

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

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

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

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

Finding: The development abuts a collector (Linwood Street NW) and minor arterial (Orchard Heights Road NW). The applicant is proposing a driveway to the lower classification of street, and it meets the spacing requirements of SRC Chapter 803. By complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed development is surrounded by residentially zoned property. The proposed development abuts minor arterial and collector streets. 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.

9. Analysis of Class 1 Design Review Approval Criteria

SRC 225.005 provides that design review approval is required for development applications that are subject to design review standards and guidelines. A Class 1 design review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which

the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 225.005(e): A Class 1 design review shall be approved if all of the applicable design review standards are met.

Finding: SRC 514.015(a) provides that multiple family development within the RM-II zone shall be subject to design review according to the multiple family design review standards set forth in SRC Chapter 702. The proposed development conforms to SRC Chapter 702 follows.

Development Standards – Multiple Family Design Review Standards SRC 702

SRC 702.020 – Design Review Standards for Multiple Family Development with Thirteen or More Units.

SRC 702.020(a) – Open Space Standards.

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

Finding: The subject property is approximately 211,701 square feet in size, requiring a minimum of 63,510 of permanently reserved open space. The applicant's written statement indicates approximately 82,000 square feet of open space is provided on site, or approximately 39 percent of the gross site area. The proposal meets the standard.

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

TABLE 702-3. COMMON OPEN SPACE AREA SIZE AND DIMENSIONS		
Number of Dwelling Units	Minimum Open Space Area Size	Minimum Horizontal Dimension
More than 20	1,000 sq. ft., plus an additional 250 sq. ft. for every 20 units, or portion thereof, over 20 units.	25 ft.

Finding: For a development with 67 dwelling units, at least one common open space shall be provided which is a minimum of 1,750 square feet in size, with a minimum horizontal dimension of 25 feet. The proposed site plan shows a common open space between Buildings 3 and 4 which is approximately 2,000 square feet. The proposal meets the standard.

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

Finding: The applicant's grading plan does not indicate areas with slopes greater than 25 percent where open space would exceed the maximum amount of 15 percent. The proposal meets the standard.

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

TABLE 702-4. PRIVATE OPEN SPACE SIZE AND DIMENSIONS		
Location of Dwelling Unit	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.

Finding: The applicant's development plans show ground-level private patio spaces with dimensions meeting the standards for all 67 units. The proposal meets the standard.

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

Finding: The proposed development includes 67 dwelling units, requiring a minimum of 13 units with private open space ($67 \times .2 = 13.4$). All units have a ground-floor patio meeting the minimum dimensions. The proposal meets the standard.

- (E) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.
- (i) Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and
 - (ii) Include at least one of the following types of features:
 - a. Covered pavilion.
 - b. Ornamental or food garden.

- c. Developed and equipped children's play area, with a minimum 30-inch-tall fence to separate the children's play area from any parking lot, drive aisle, or street.
- d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
- e. Swimming pool or wading pool.

Finding: There are no improved open spaces areas included with the proposal. This standard does not apply.

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

Finding: The subject property is located within one-quarter mile of Orchard Heights Park, a publicly owned park. Therefore, the open space requirement is reduced by 50 percent to 31,755 square feet.

SRC 702.020(b) – Landscaping Standards.

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

Finding: The subject property has a gross site area of approximately 211,701 square feet, requiring a minimum of 106 trees to be planted or preserved on site ($211,701 / 2,000 = 105.85$). The applicant's development plans show 124 trees to be planted or preserved on site. The proposal meets the standard.

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

Finding: The subject property abuts RA and RS-zoned land to the west, and small portions to the south and southwest. The total shared boundary length of development site abutting the RS-zoned property is approximately 660 feet, requiring a minimum of 22 trees planted adjacent to these property lines ($660 / 30 = 22$). The applicant's development plans show a total of 22 trees to be planted along the property lines abutting the RA and RS-zoned properties. The applicant has also indicated an eight-foot-tall wood fence between the multiple family development and the abutting RA and RS zones. This standard is met.

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

Finding: The applicant has provided a preliminary landscaping plan which indicates a minimum of two plant units are provided adjacent to the primary entryway of each ground-level dwelling unit. Final landscape plans will be reviewed for conformance with this standard at the time of development.

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

Finding: The applicant's preliminary landscape indicates 405 linear feet for the Building 1, requiring 68 tree plant units ($405 / 60 = 6.75 \times 10 = 67.5$); 415 linear feet for the Building 2, requiring 69 tree plant units ($415 / 60 = 6.92 \times 10 = 69.2$); 392 linear feet for Building 3, requiring 65 tree plant units ($392 / 60 = 6.53 \times 10 = 65.3$); 353 linear feet for Building 4, requiring 59 tree plant units ($353 / 60 = 5.85 \times 10 = 58.8$); 268 linear feet for Buildings 5-8, requiring 45 tree plant units ($268 / 60 = 4.46 \times 10 = 44.6$); 405 linear feet for Buildings 9-11, requiring 68 tree plant units ($405 / 60 = 6.75 \times 10 = 67.5$); and 268 linear feet for Buildings 12 and 13, requiring 45 tree plant units ($268 / 60 = 4.46 \times 10 = 44.6$). The applicant's preliminary plans acknowledge this requirement, but does not indicate adherence with this standard. To ensure compliance with the standard, the following condition applies:

Condition 14: A minimum density of ten tree plant units per 60 linear feet of exterior building wall shall be planted within 25 feet from the edge of each building footprint.

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

Finding: The applicant's preliminary landscape indicates 405 linear feet for the Building 1, requiring 27 shrub plant units ($405 / 15 = 27$); 415 linear feet for the Building 2, requiring 28 shrub plant units ($415 / 15 = 27.6$); 392 linear feet for Building 3, requiring 26 shrub plant units ($392 / 15 = 26.1$); 353 linear feet for Building 4, requiring 24 tree plant units ($353 / 15 = 23.5$); 268 linear feet for Buildings 5-8, requiring 18 shrub plant units ($268 / 15 = 17.8$); 405 linear feet for Buildings 9-11, requiring 27 shrub plant units ($405 / 15 = 27$); and 268 linear feet for Buildings 12 and 13, requiring 18 shrub plant units ($268 / 15 = 17.8$). The applicant's preliminary plans acknowledge this requirement, but does not indicate adherence with this standard. To ensure compliance with the standard, the following condition applies:

Condition 15: A minimum of one shrub plant unit shall be planted per 15 linear feet of exterior building wall around the perimeter of each building.

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

Finding: All ground level private open space patios are separated by perimeter landscaping. This standard is met.

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

Finding: Because the majority of parking on site is provided in garages or on driveways leading to garages, there are no large off-street parking areas with substantial perimeter dimensions that would require trees. There is one off-street parking area of seven spaces with a dimension of roughly 70 feet. The landscape plans indicate one canopy tree in this area, and one provided for the parking area near the community office; therefore, this standard is met.

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

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

Finding: Because the majority of parking on site is provided in garages or on driveways leading to garages, there are no off-street parking areas with more than twelve parking spaces. As indicated above, one canopy tree is proposed in both small off-street parking areas, meeting the standard. Planter bays adjacent to parallel parking require vision clearance and therefore have minimal trees proposed. This standard is met.

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

SRC 702.020(c) – Site Safety and Security.

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

Finding: The applicant has indicated that all habitable rooms that face common open space, parking areas, and pedestrian paths will have windows. However, based not all elevations were submitted to verify conformance, and the floor plans appear to show some rooms on the sides of the buildings which do not have windows. As such, the following condition applies:

Condition 16: At the time of building permit review, the applicant shall ensure that windows are provided in all habitable rooms, other than bathrooms, on

each wall that faces common open space, parking areas, and pedestrian paths.

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

Finding: The applicant's development plans show a lighting system throughout the site which adequately illuminates the development in accordance with this standard.

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

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

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

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

SRC 702.020(d) – Parking and Site Design.

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

Finding: There are no parking areas greater than 6,700 square feet in area including with the development proposal. This standard is not applicable.

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

Finding: The proposed development does not include off-street surface parking areas or vehicle maneuvering areas located between a building or structure and a street. The proposal meets the standard.

- (3) Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the

development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.

Finding: The proposed development is located adjacent to RS and RA-zoned properties along the west boundary of the subject property. There is only a drive-aisle proposed along the west boundary abutting the RA-zone property, which meets the minimum 10-foot setback with Type C landscaping requirement. There are no proposed parking areas or slopes along the west boundary that would require the 20-foot setback. This standard is met.

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

Finding: 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 the public sidewalks along Linwood Street NW and Orchard Heights Road NW. This standard is met.

SRC 702.020(e) – Façade and Building Design.

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

Finding: No building has a dimension greater than 150 feet. This standard is met.

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

(A) A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.020(b)(2)(B) is increased to eight feet tall.

Finding: The development proposal includes buildings adjacent to the west property line which are abutting RA and RS-zoned properties. A minimum of one foot for each foot of building height is required for two-story buildings, requiring a 23-foot setback for a building 23 feet in height. However, the applicant has proposed an eight-foot-tall wood fence along these property lines, reducing the setback requirement to 18 feet. The applicant has provided a 20-foot setback along the west property line, and the minimum 18-foot setback for the south property line abutting Buildings 12 and 13. The proposal meets the standard.

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

Finding: There are no balconies proposed for the development; therefore, this standard does not apply.

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

Finding: The development is not able to meet the 40 percent requirement along Orchard Heights Road NW due to the location of the community office building and its classification as an accessory structure. The applicant has requested a Class 2 Adjustment to this standard; findings for the adjustment can be found in Section 8 of this report.

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

Finding: Buildings 1 and 2 are oriented towards Linwood Street NW and provide direct pedestrian access to adjacent sidewalks; thereby meeting the standard. However, Buildings 3 and 4 are within 25 feet of the setback abutting Orchard Heights Road NW and provide direct pedestrian access to adjacent sidewalks, but the buildings do not have entrances facing the street. As such, the following condition applies:

Condition 17: At the time of building permit review, the applicant shall ensure any building within 25 feet of Orchard Heights Road NW has an entrance facing the street with direct pedestrian access to the sidewalk, or obtain approval of a Zoning Adjustment.

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

Finding: An architecturally defined entry areas is provided for each ground level dwelling unit. This standard is met.

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

Finding: The applicant's statement indicates that rooftop-mounted mechanical equipment will be screened from ground level.

- (8) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing

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

Finding: The building roof heights include differences in elevation of at least 4 feet and do not exceed a horizontal length of 100 feet. This standard is met.

- (9) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.

(A) Offsets (recesses and extensions)

(B) Covered deck.

(C) Covered balcony.

(D) Cantilevered balcony, provided at least half of its depth is recessed.

(E) Covered entrance.

Finding: The greatest dimension for any of the three buildings proposed is approximately 150 feet; therefore, this standard applies. According to the applicant's written statement and proposed building elevation plans, building offsets, covered decks, recessed balconies, and covered entrances will be incorporated into the design for each building in compliance with this standard.

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

(A) Change in materials.

(B) Change in color.

(C) Molding or other horizontally-distinguishing transition piece.

Finding: Changes in material and changes in color are included to break up the vertical mass of the building and distinguish the first level from upper floors. This standard is met.

10. Conclusion

Based upon review of SRC Chapters 220, 225, 250, 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.

IT IS HEREBY ORDERED

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-DR23-12 is hereby **APPROVED** subject to SRC Chapters 220, 225, 250, and 804, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

- Condition 1:** At the time of building permit review, the applicant shall provide plans showing appropriate fire-rated construction and/or increased distances between buildings to meet Building and Safety standards.
- Condition 2:** At the time of building permit review, the applicant shall provide plans showing Fire Department access, fire hydrant locations, and Fire Department Connection as required.
- Condition 3:** Prior to building permit approval, the vehicle use area abutting RS-zoned property to the west shall be setback a minimum of 10 feet, with Type C landscaping, or obtain approval of a Zoning Adjustment.
- Condition 4:** At the time of building permit review, the applicant shall provide plans showing Electric Vehicle (EV) charger conduits, as defined in ORS 455.417, available for 56 EV charging stations on site.
- Condition 5:** At the time of building permit review, the applicant shall dedicate one parking space adjacent to each dead-end turnaround area by striping the parking space and installing no parking signs to provide safe and convenient vehicle maneuvering, pursuant to SRC 806.035(f), or obtain approval of a Zoning Adjustment.
- Condition 6:** At the time of building permit review, the applicant shall provide construction details for the bicycle racks indicating conformance with SRC 806.060.
- Condition 7:** At the time of building permit review, the applicant shall provide an updated landscape plan demonstrating how the development site meets Type C landscaping within the required setbacks along the north, west, and south property lines, by providing a minimum of 1,376 plant units, with 550 of the plant units being trees, and including a minimum six-foot-tall sight-obscuring fence.
- Condition 8:** The applicant shall provide an additional four trees on site to meet the tree replanting requirement, which shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper.
- Condition 9:** Install street trees to the maximum extent feasible along Linwood Street NW and Orchard Heights Road NW.
- Condition 10:** Relocate the existing public main on the property in an alignment approved by the Public Works Director and dedicate an easement that meets the current Public Works Design Standards.
- Condition 11:** Prior to final occupancy of Buildings 2, 3 or 4, the vacation ordinance vacating the existing 15-foot sanitary sewer easement shall be filed with the Polk County Recorder pursuant to SRC 255.065.

- Condition 12:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.
- Condition 13:** The adjusted development standards, as approved in this report, 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 14:** A minimum density of ten tree plant units per 60 linear feet of exterior building wall shall be planted within 25 feet from the edge of each building footprint.
- Condition 15:** A minimum of one shrub plant unit shall be planted per 15 linear feet of exterior building wall around the perimeter of each building.
- Condition 16:** At the time of building permit review, the applicant shall ensure that windows are provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths.
- Condition 17:** At the time of building permit review, the applicant shall ensure any building within 25 feet of Orchard Heights Road NW has an entrance facing the street with direct pedestrian access to the sidewalk, or obtain approval of a Zoning Adjustment.



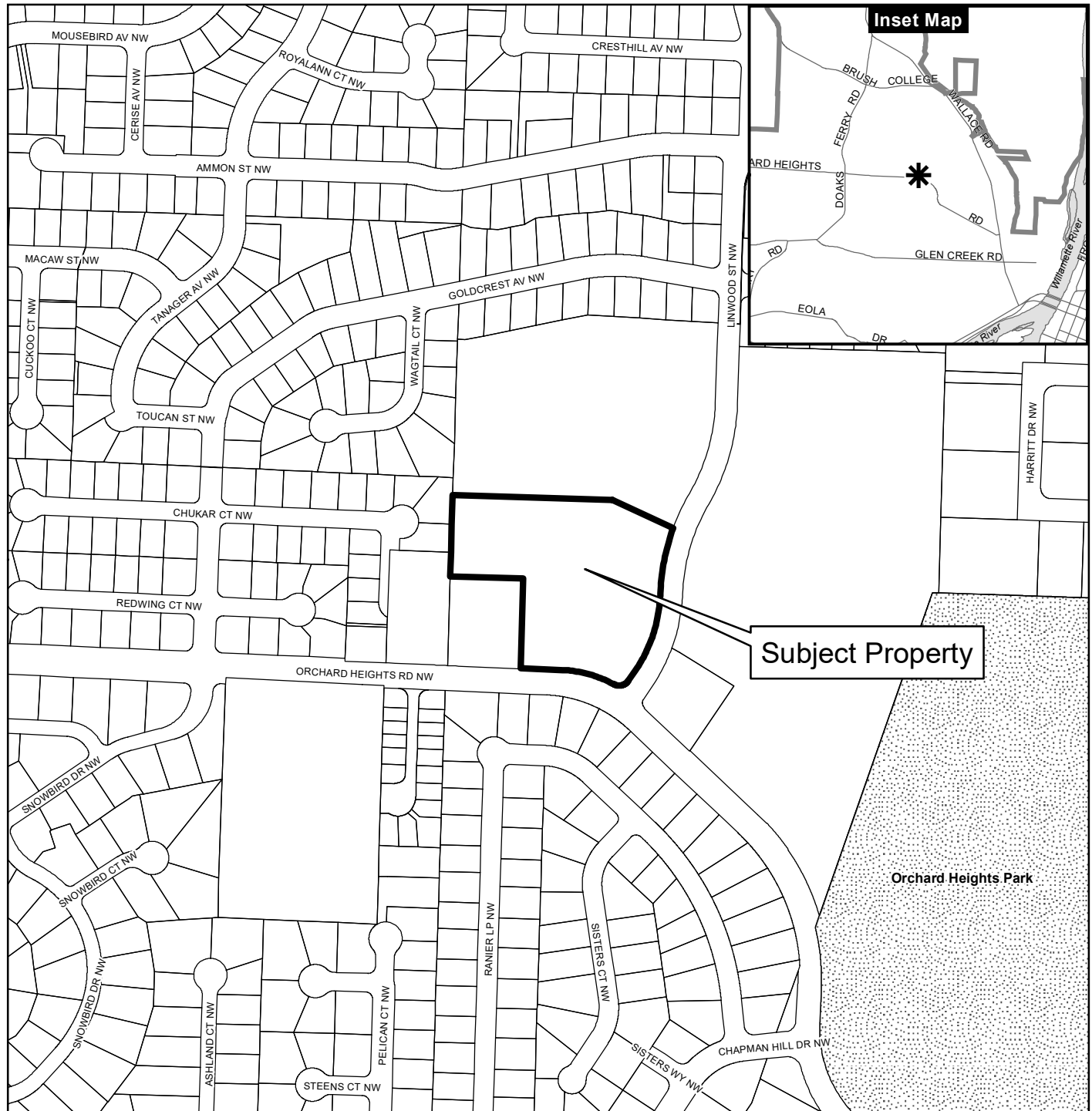
Jamie Donaldson, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments: A. Vicinity Map
B. Proposed Development Plans and Elevations
C. West Salem Neighborhood Association Comments
D. Public Works Memo
E. Salem Keizer Public Schools Memo

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

Vicinity Map

1900 Block of Linwood Street NW



Legend

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

- Parks

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DRAWING STATUS:	DATE:	NO	REVISION:	DATE:
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<input type="checkbox"/> CONST. SET		5		



devco
engineering inc.
245 NE CORVALLIS RD. BOX 1211
CORVALLIS, OR 97330
WWW.DEVCOENGINEERING.COM

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PROJECT: WEST HILLS TOWNHOMES

PROJECT LOCATION: ORCHARD HEIGHTS ROAD AND LINWOOD STREET SALEM, OR

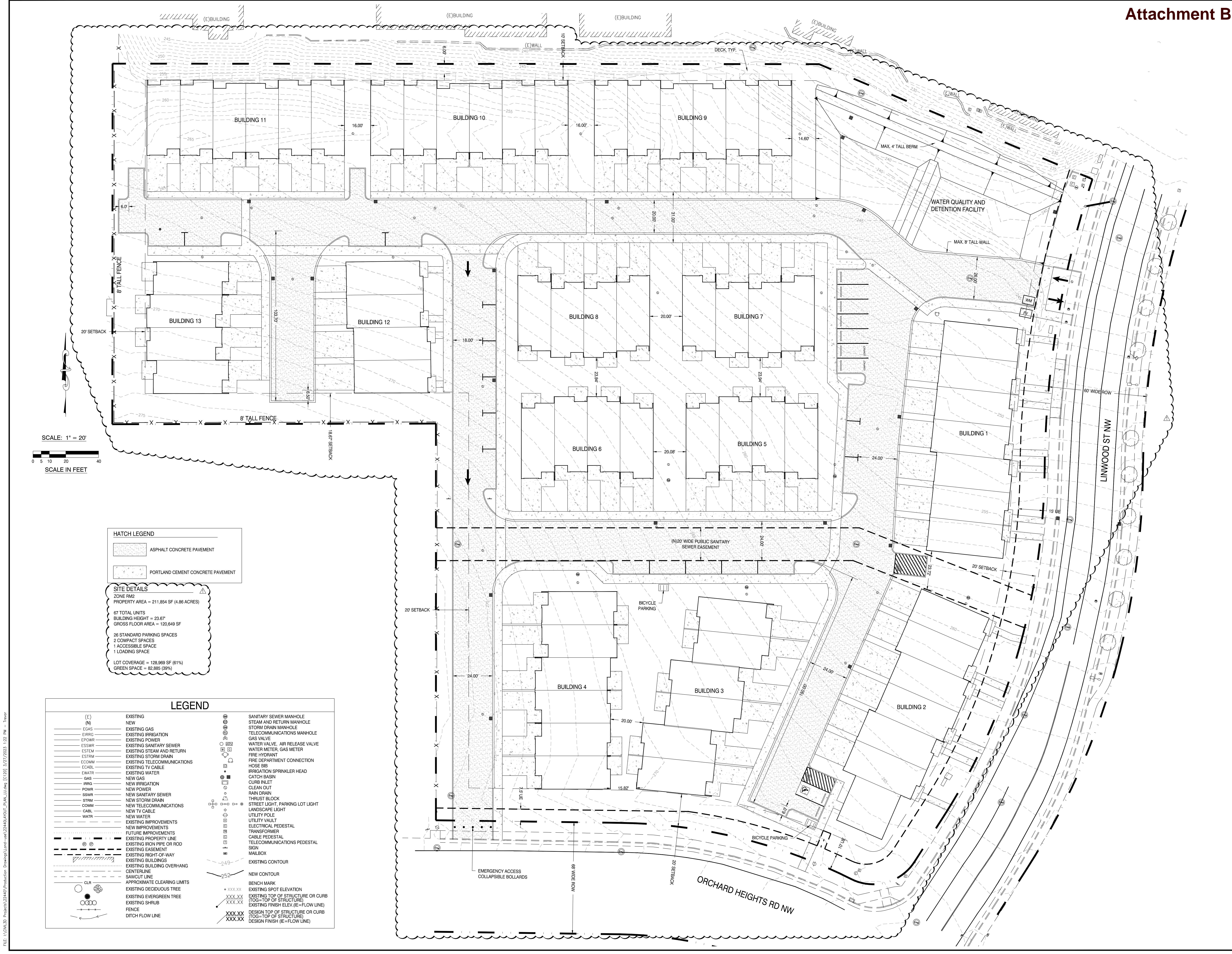
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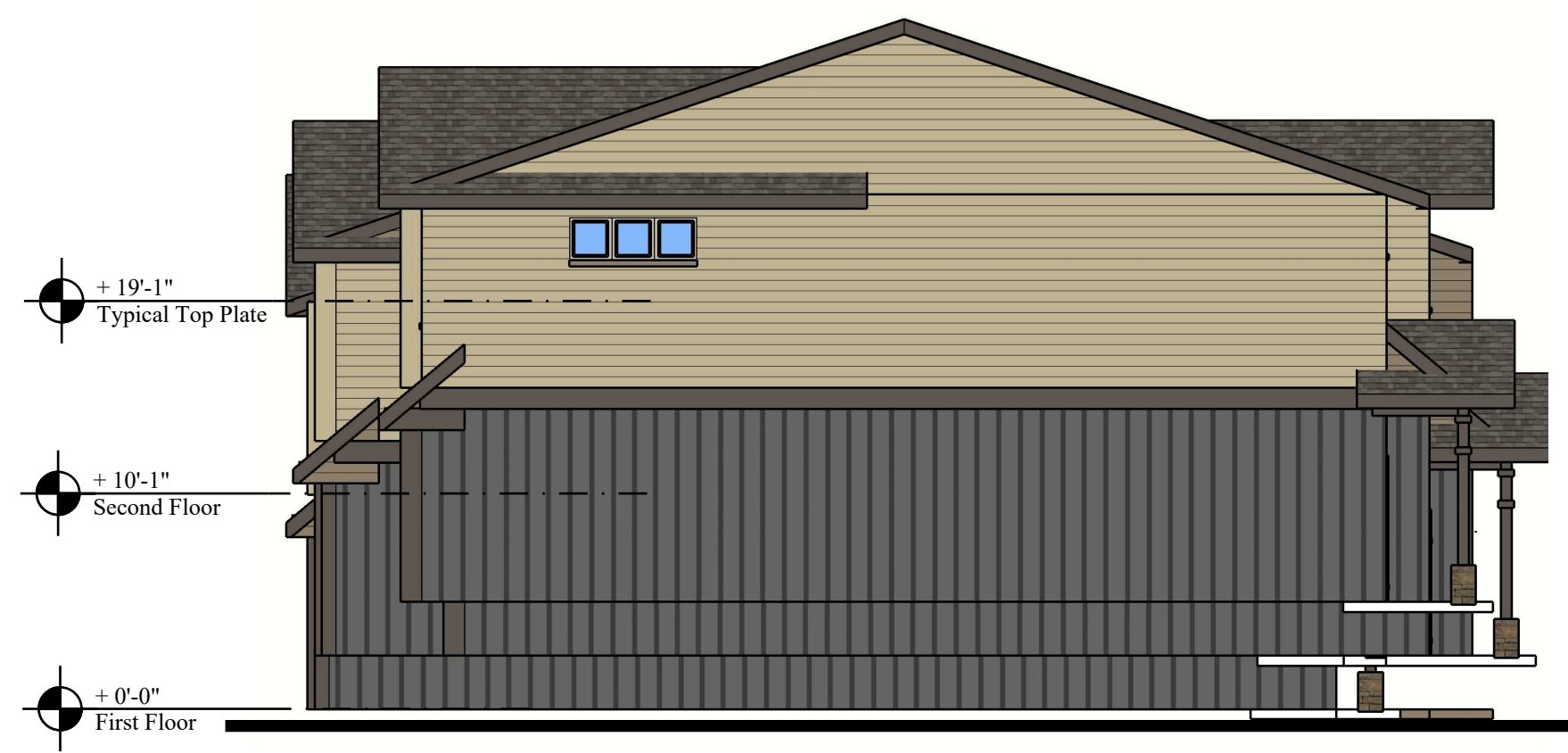
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JOB NO. 22440

DRAWN BY: DEVCO

DRAWING: C120

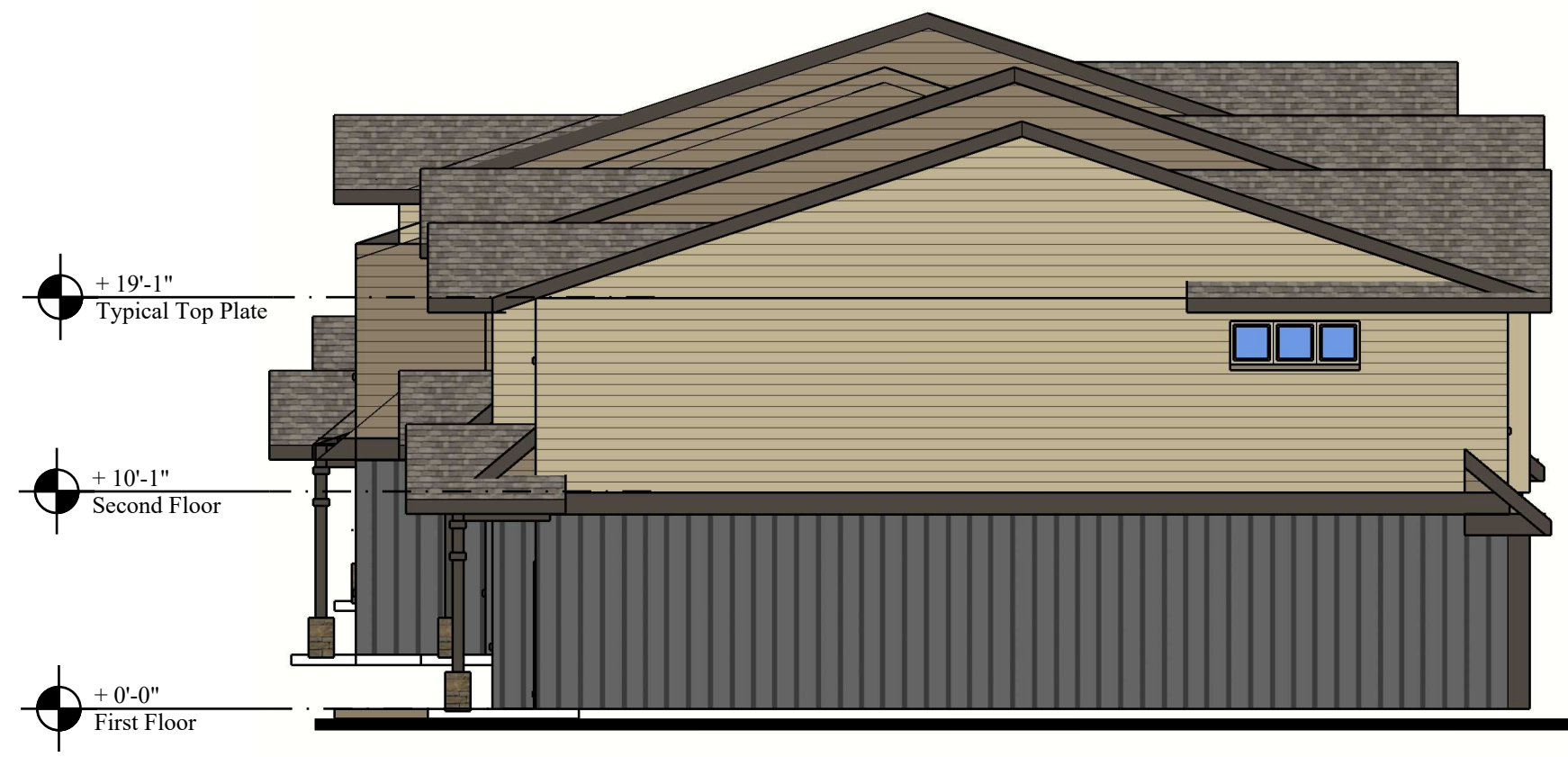




1 Right Elevation
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2 Front Elevation
SCALE: 1/8" = 1'-0"



3 Left Elevation
SCALE: 1/8" = 1'-0"



4 Rear Elevation
SCALE: 1/8" = 1'-0"

Side Elevations

BLDG B - 7 plex



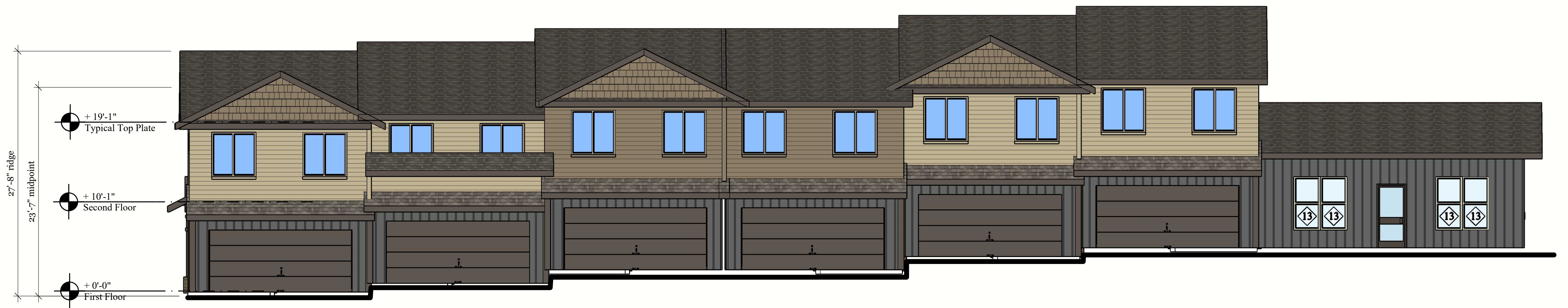
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6 Rear Elevation
SCALE: 1/8" = 1'-0"



7 Front Elevation
SCALE: 1/8" = 1'-0"



8 Front Elevation
SCALE: 1/8" = 1'-0"

BLDG B - 4plex

BLDG B - 6plex + Office



5 Rear Elevation
SCALE: 1/8" = 1'-0"



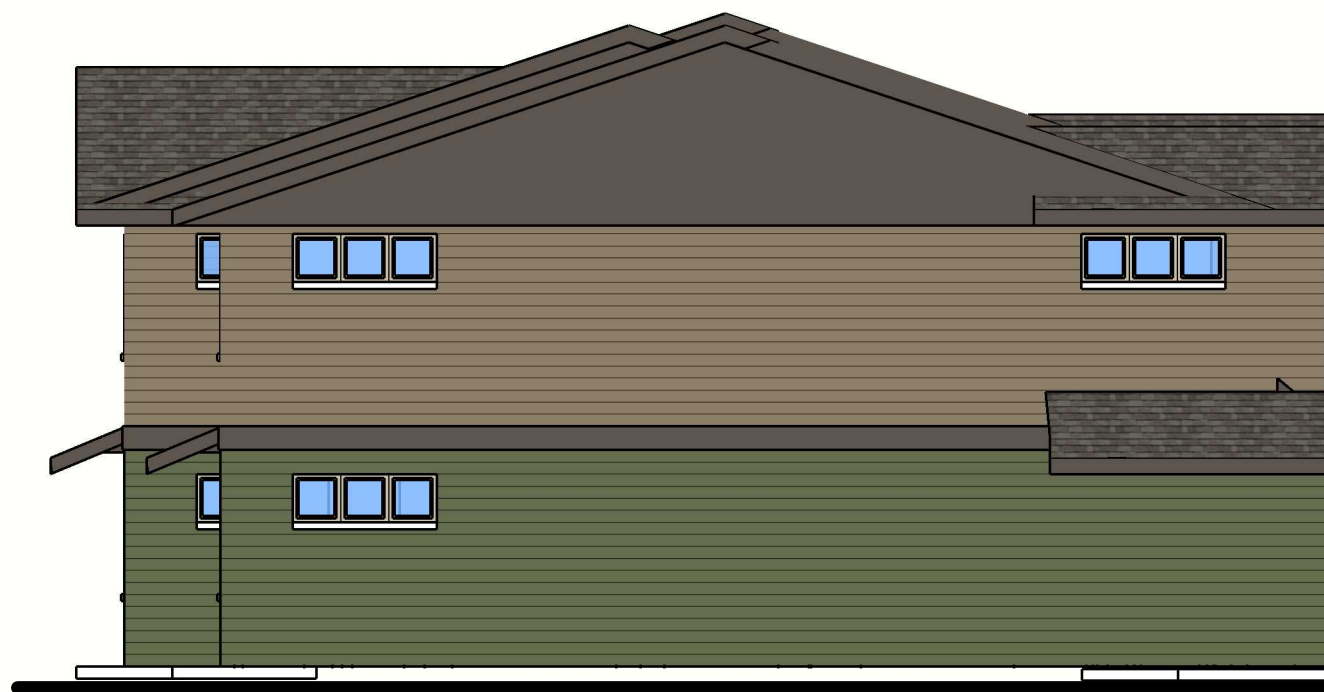
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2 Front Elevation
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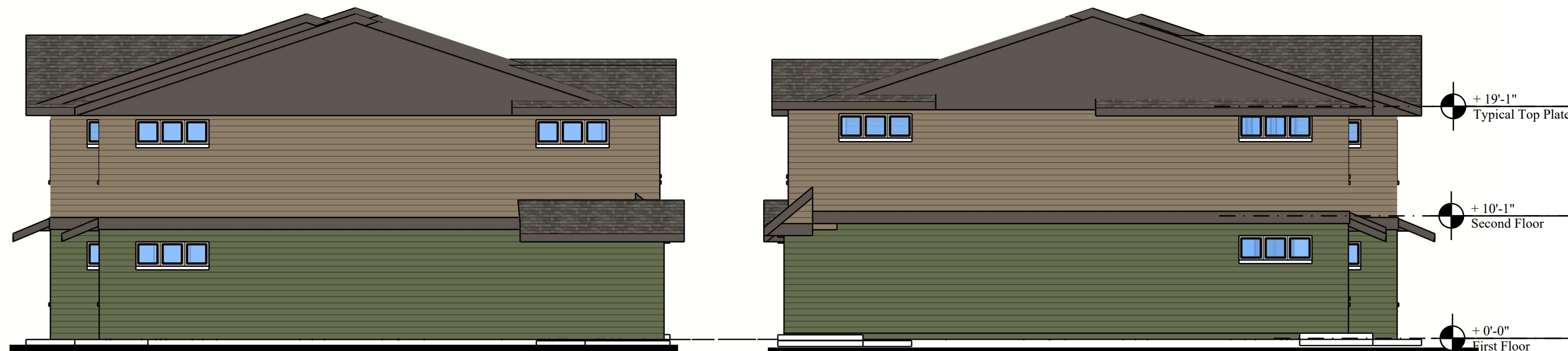
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SCALE: 1/8" = 1'-0"



3 Left Elevation
SCALE: 1/8" = 1'-0"



4 Rear Elevation
SCALE: 1/8" = 1'-0"

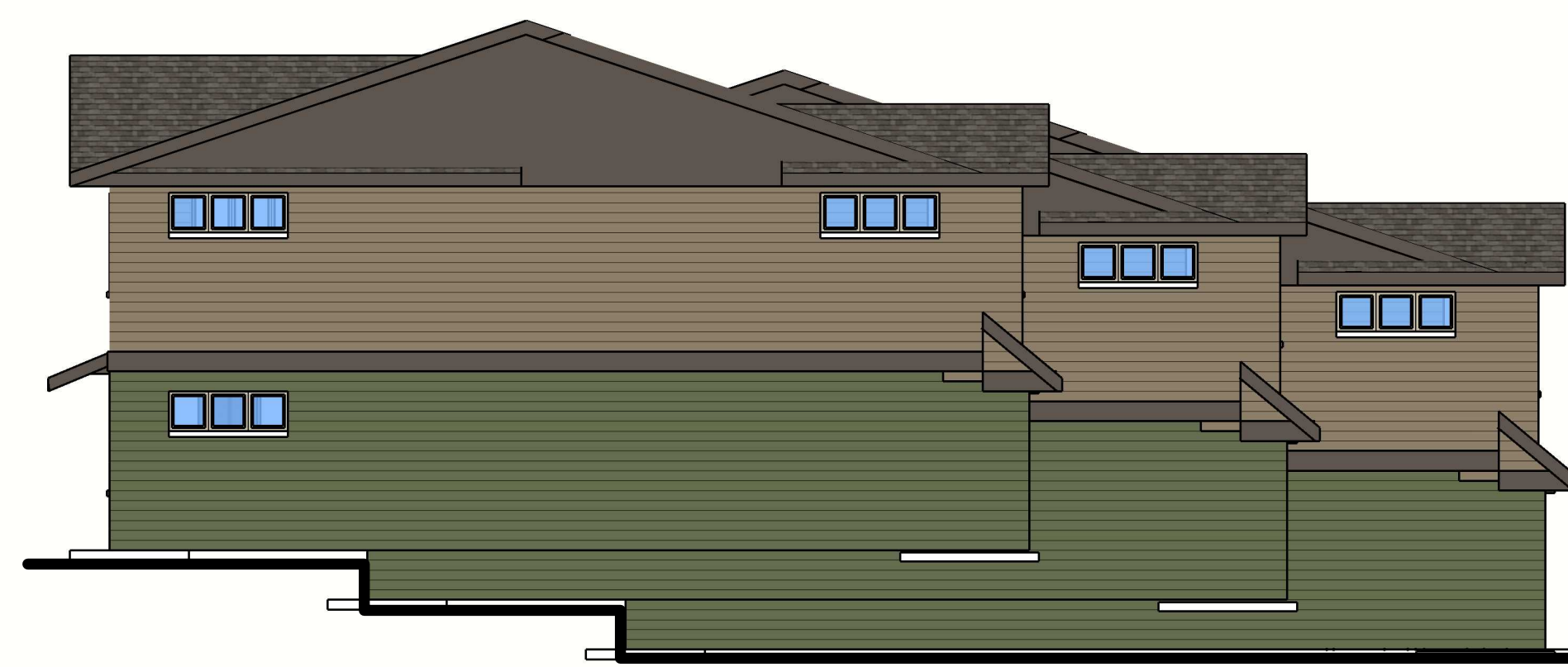


7 Left Elevation
SCALE: 1/8" = 1'-0"

8 Right Elevation
SCALE: 1/8" = 1'-0"

PLAN D - 6plex

PLAN D - 4 plex



9 Left Elevation
SCALE: 1/8" = 1'-0"



10 Rear Elevation
SCALE: 1/8" = 1'-0"



11 Right Elevation
SCALE: 1/8" = 1'-0"



12 Front Elevation
SCALE: 1/8" = 1'-0"

PLAN D - 6 plex Staggered

LOCATION: M:\Drafting\Project\2204 West salem townhomes\3D Layout\A4-ELEV5 FW 2-23-23 layout-
LAST SAVED: March 23, 2023
PRINTED: March 23, 2023



1 Left Elevation
SCALE: 1/8" = 1'-0"



2 Front Elevation
SCALE: 1/8" = 1'-0"

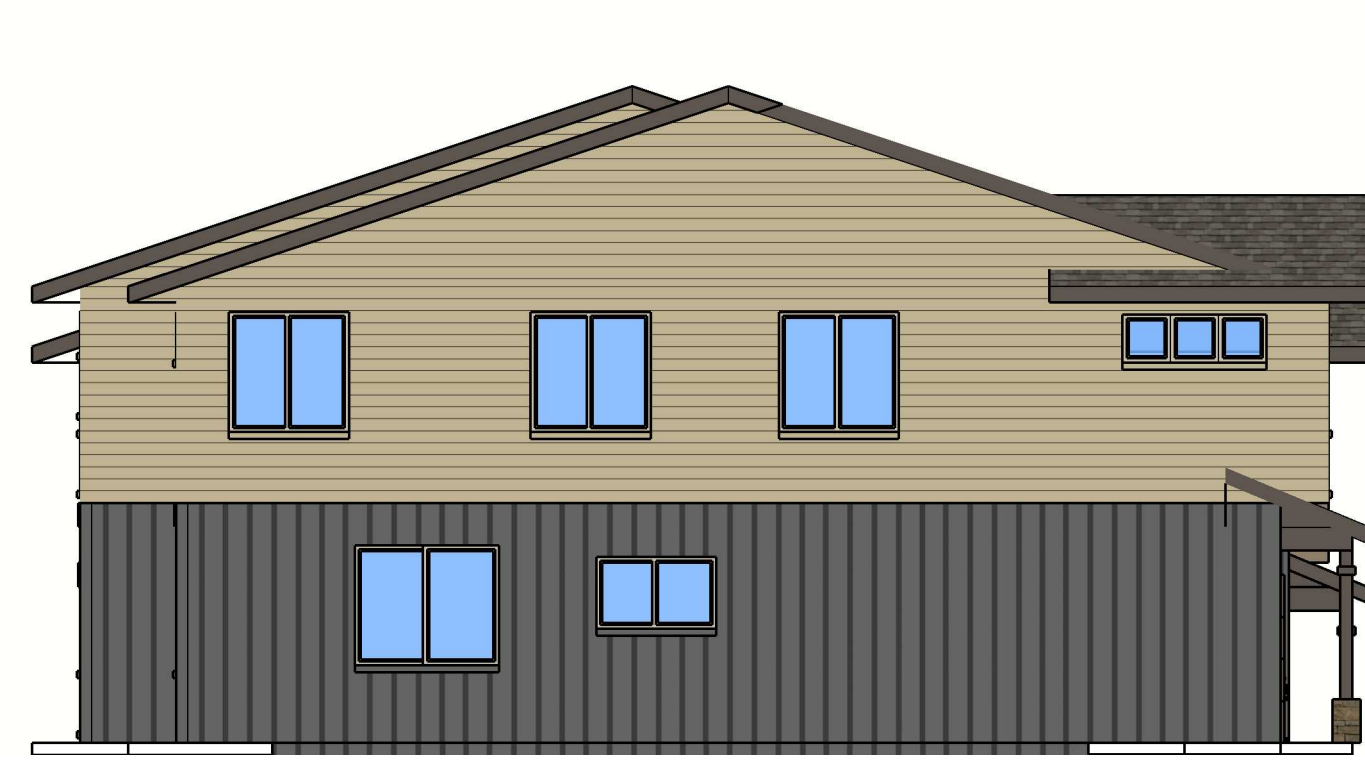


3 Right Elevation
SCALE: 1/8" = 1'-0"



4 Rear Elevation
SCALE: 1/8" = 1'-0"

BLDG E + G - 6 plex



5 Left Elevation
SCALE: 1/8" = 1'-0"



6 Rear Elevation
SCALE: 1/8" = 1'-0"



7 Right Elevation
SCALE: 1/8" = 1'-0"



8 Front Elevation
SCALE: 1/8" = 1'-0"

BLDG E + G - 4 plex



27 March 2023

TO: Jamie Donaldson, Case Manager
JDonaldson@cityofsalem.net

RE: Case No. SPR-ADJ-DAP-DR23-12 for 1900 Block of Linwood Street

FR: Steven A. Anderson, West Salem Neighborhood Association Land Use Chair

This Class 2 Adjustment made five requests regarding a 67-unit multi-family proposed project:

1. Reduce the minimum setback abutting Linwood Street NW from 20 feet to 14 feet (SRC 514.010(b))
2. Reduce the minimum density from 15 to 14 dwelling units per acre (SRC 514.010(c))
3. Reduce the 40 percent buildable width requirement to approximately 34 percent along Orchard Heights Road NW (SRC 702.020(e)(4))
4. Increase the maximum allowed parking on site due to garages and driveways (SRC 806.015(d))
5. Reduce the minimum required width for two-way circulation from 22 feet to 20 feet for one internal drive aisle (SRC 806.035(e))

The West Salem Neighborhood Association (WSNA) finds no justification to support request #1. In fact, reducing the minimum setback abutting Linwood Street will distract from the neighborhood's look, feel, and appeal. Additionally, units here will be subject to higher traffic noise levels and exposure to pollutants, including fine particulates, from vehicle exhaust the closer they are to the street. All not supportive of a residential neighborhood. Please reject request as no reasonable foundation to exclude application of the code presented.

Request #4 for increasing maximum parking is without support. No data showing how this will increase the average daily vehicle trips (ADTs) from this site. What impacts will this have on traffic congestion downstream at the intersection of Glenn Creek and Wallace Road that currently does not meet mobility standards. A comparison of the current authorized ADTs for this site within the multi-family zone and the increase that this request will generate is needed. This is especially true given upstream multi-family development that has been permitted or proposed since this site was first zoned. There may be a need for a trip cap to be considered if this request is allowed. Until this more detailed look at traffic impacts, no factual information to evaluate and approve this request exists.

Request #5 is without factual support to justify not applying the code as is. This reduction in width will reduce the walkability of the community here. Pedestrian and bicycle safety needs need to be addressed before considering approval.


Respectively,

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair
Cc:/ Michael Freitas, West Salem Neighborhood Association Chair



MEMO

TO: Jamie Donaldson, Planner II
Community Development Department

FROM: Laurel Christian, Planner II
Public Works Department 

DATE: May 19, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SPR-ADJ-DAP 23-12 (23-102162)
0 LINWOOD STREET NW
NEW 67-UNIT MULTI-FAMILY HOUSING DEVELOPMENT**

PROPOSAL

Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of 67 multi-family units, with five Class 2 Adjustment Requests. The subject property is 4.86 acres in size, zoned RM-II (Multiple Family Residential), and located at the 1900 block of Linwood Street NW (Polk County Assessor Map and Tax Lot: 073W16C/107).

RECOMMENDED CONDITIONS OF APPROVAL

1. Install street trees to the maximum extent feasible along Linwood Street NW and Orchard Heights Road NW.
2. Relocate the existing public main on the property in an alignment approved by the Public Works Director, and dedicate an easement to meet current PWDS.
3. Prior to final occupancy of Buildings 2, 3, or 4, the vacation ordinance vacating the existing 15-foot sanitary sewer easement shall be filed with the Polk County Recorder pursuant to SRC 255.065.
4. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

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

FACTS

Streets

1. Linwood Street NW

- a. Standard—This street is designated as a Type A collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 46-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

2. Orchard Heights Road NW

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 46-foot improvement within a 69-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Orchard Heights Road NW.
- b. A 20-inch storm main is located in Orchard Heights Road NW.
- c. A 12-inch storm main is located in Linwood Street NW.

Water

1. Existing Conditions

- a. The subject property is located in the W-1 and G-0 water service levels.
- b. A 24-inch water main is located in Linwood Street NW. Mains of this size generally convey flows of 8,500 to 19,700 gallons per minute.
- c. An 8-inch water main is located in Linwood Street NW and Orchard Heights Road NW. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

- d. A 42-inch water main is located in Orchard Heights Road NW.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Linwood Street NW.
- b. An 8-inch sewer main is located on the subject property in an easement.

CRITERIA AND FINDINGS—SITE PLAN REVIEW

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—Linwood Street NW meets the right-of-way width and pavement width for a collector street standard pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Orchard Heights Road NW meets the right-of-way width and pavement width for a minor

arterial street standard pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. Street trees shall be provided along the frontages of Linwood Street NW and Orchard Heights Road NW.

Condition: Install street trees to the maximum extent feasible along Linwood Street NW and Orchard Heights Road NW.

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 proposed one driveway onto Linwood Street NW. A second driveway approach is proposed onto Orchard Heights Road NW for emergency service access only; this approach will not be used for general circulation. The driveway access onto Linwood Street NW provides for safe turning movements into and out of the property. A Class 2 Driveway Approach Permit is required for the approach onto Linwood Street NW; findings for the permit are found below.

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

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

There is an existing public sanitary sewer main on the subject property within an easement that serves upstream parcels. The applicant's plans show buildings over the existing public main and that the public main will be relocated. The easement for the existing main was dedicated by Partition Plan No. 2012-0012. The existing main shall be relocated and the easement shall be vacated pursuant to the process described in SRC 255.065. The new main shall be constructed in an alignment approved by the Public Works Director and a new easement shall be dedicated by separate document. The sanitary sewer main relocation and easement width shall meet current PWDS.

Condition: Relocate the existing public main on the property in an alignment approved by the Public Works Director and dedicate an easement that meets the current PWDS.

Condition: Prior to final occupancy of Buildings 2, 3 or 4, the vacation ordinance vacating the existing 15-foot sanitary sewer easement shall be filed with the Polk County Recorder pursuant to SRC 255.065.

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

Condition: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

CRITERIA AND FINDINGS—CLASS 2 DRIVEWAY APPROACH PERMIT

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 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 is not accessing onto 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 development abuts a collector (Linwood Street NW) and minor arterial (Orchard Heights Road NW). The proposed driveway is currently located with access to the lowest classification of street abutting the subject property (Linwood Street NW).

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

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

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

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

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

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

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

Finding—The development abuts a collector (Linwood Street NW) and minor arterial (Orchard Heights Road NW). The applicant is proposing a driveway to the lower classification of street, and it meets the spacing requirements of SRC Chapter 803. 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 development abuts minor arterial and collector streets. 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.

RESPONSE TO COMMENTS

- 1. Traffic:** Comments received expressed concerns for the traffic congestion in the area and how the development would contribute to the mitigation of traffic in the area.

Staff Response: The proposed development does not trigger a Traffic Impact Analysis pursuant to SRC 803.015 and does not trigger any off-site traffic mitigation. In addition, the development does not trigger a “Trip Cap” because a Transportation Planning Rule Analysis is not required, as no Comprehensive Plan or Zone Change was requested for the property because it could be developed, as proposed, under the existing zoning. The number of trips generated by a site is based on the use, square footage, and/or number of dwelling units, not on the number of parking spaces provided.

The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). The development will pay Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth.

Prepared by: Laurel Christian, Planner II
cc: File



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

April 21, 2023

Jamie Donaldson, Planner
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

RE: Land Use Activity Case No. SPR-ADJ-DAP-DR23-12, 1900 Block of Linwood St. NW

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
Harritt	Elementary	K thru 5
Walker	Middle	6 thru 8
West 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
Harritt	Elementary	467	577	81%
Walker	Middle	536	1,058	51%
West Salem	High	1,694	1,749	97%

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 2021 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	67	MF	0.164	11
Middle			0.085	6
High			0.096	6

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
Harritt	Elem.	467	0	11	11	577	83%
Walker	Mid.	536	0	6	6	1,058	51%
West Salem	High	1,694	50	6	56	1,749	100%

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
Harritt	Elementary	Walk Zone
Walker	Middle	Eligible for School Transportation
West Salem	High	Walk Zone

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

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

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	11	\$68,445	\$752,895
Middle	6	\$83,363	\$500,178
High	6	\$98,280	\$589,680
TOTAL			\$1,842,753

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2022 Third Quarter.

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation