



## Staff Report

**File #:** 23-286

**Version:** 1

**Date:** 7/24/2023

**Item #:** 4. a.

**TO:** Mayor and City Council

**THROUGH:** Keith Stahley, City Manager

**FROM:** Kristin Retherford, Community and Urban Development Director

### SUBJECT:

Appeal of consolidated application for a Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, four Class 2 Adjustments, Tree Regulation Variance, and Class 1 Design Review for a proposed six-lot subdivision and multi-family residential development of 436 units (Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02). The subject property is approximately 37 acres in total size, zoned RM-II (Multiple Family Residential), and located at the 2100 Block of Doaks Ferry Rd NW (Polk County Assessor Map and Tax lot 073W17B / 400).

Ward(s): 8

Councilor(s): Varney

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Welcoming and Livable Community

### SUMMARY:

On May 10, 2023 the Planning Administrator issued a decision approving a consolidated application request for a proposed six-lot subdivision for Titan Hill Estates in conjunction with a proposed multi-family development of 436 units for Titan Hill Apartments, subject to conditions of approval (**Attachment 1**).

On May 25, 2023, the West Salem Neighborhood Association (WSNA) appealed the Planning Administrator's decision (**Attachment 2**).

### ISSUE:

Shall the City Council affirm, amend, or reverse the Planning Administrator's decision for Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, four Class 2 Adjustments, Tree Regulation Variance, and Class 1 Design Review, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02?

### RECOMMENDATION:

Affirm the Planning Administrator's decision for Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, four Class 2 Adjustments, Tree Regulation Variance, and Class 1 Design Review, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 and approve the applications, except for the requested adjustment to increase maximum parking, with the recommended conditions of approval.

## FACTS AND FINDINGS:

### Procedural Findings

1. On September 21, 2022, a consolidated application for Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Tree Regulation Variance, and Class 1 Design Review was filed for a proposal to divide approximately 37 acres located at the 2100 Block of Doaks Ferry Rd NW into six lots in conjunction with a proposed multi-family development of 436 units for Titan Hill Apartments.
2. After additional information was provided, including submission of a Class 2 Adjustment application on January 26, 2023, the applications were deemed complete for processing at the request of the applicant on January 26, 2023.
3. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on February 24, 2023, and public notice was posted on the subject property on February 27, 2023 pursuant to SRC 300.520(b)(2).
4. The 120-day State mandated deadline is August 9, 2023.
5. On April 26, 2023, the applicant submitted a revised site plan indicating conformance with some of the conditions of approval of this decision prior to issuance. However, staff anticipates additional revisions to the applicant's plans will need to be made to comply with all conditions of approval within the decision issued. Therefore, the applicant's originally proposed site plans and building elevations are included in the decision issued by the Planning Administrator (**Attachment 1**) as Attachment B.
6. On May 10, 2023, the Planning Administrator issued a decision approving the consolidated application for the proposed six-lot subdivision for Titan Hill Estates in conjunction with a proposed multi-family development of 436 units for Titan Hill Apartments except for the requested adjustment to increase maximum parking, which was denied.
6. On May 25, 2023, the West Salem Neighborhood Association appealed the Planning Administrator's decision. A hearing was scheduled before the City Council on July 24, 2023.
7. On July 3, 2023, notice of the hearing was sent to the West Salem Neighborhood Association and surrounding property owners and tenants pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on July 10, 2023.

8. The entire case record, including the applicant's submittals, written statements, and professional studies; all evidence and testimony submitted into the record; and all Staff Reports and public notices are available on the City's online Permit Application Center at <https://permits.cityofsalem.net> <<https://egov.cityofsalem.net/PACPortal>>, by searching the permit number listed here: 22 119071.

## Substantive Findings

### 1. Proposal

The proposal submitted by the applicant requests tentative subdivision plan approval to divide property totaling 36.72 acres in size and located at the 2100 Block of Doaks Ferry Rd NW into six lots ranging in size from 16,862 (.38 acres) to 519,696 square feet (11.93 acres). In addition to the proposed tentative subdivision, the application also includes a Class 3 Site Plan Review and Class 1 Design Review for development of 436 units in 31 buildings across the northern five lots; four Class 2 Adjustments to increase the maximum height allowed for the residential clubhouse, eliminate the requirement to orient buildings toward the street with pedestrian access, reduce the minimum buildable width required along multiple streets, and to increase the maximum allowed parking for the development site; along with an Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the proposed development; and a Tree Regulation Variance to remove 46 significant trees throughout the five lots proposed for development.

The applicant is also requesting alternative street standards to deviate from street grade, block length, and connectivity standards. Specifically, the requests are to: increase grade of a collector street from eight percent to 12 percent on "Street A"; to increase the maximum allowed block length of "Street A" from 600 feet to approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW; to deviate from street connectivity requirements and not provide a street connection from "Street A" to proposed Lot 6; and to allow internal local streets to have a 34-foot-wide curb-to-curb paved surface where the minimum paved surface for a local street is 30-feet.

### 2. Planning Administrator's Decision

Based on the Facts and Findings contained in the decision issued by the Planning Administrator, the Class 2 Adjustment request to increase the maximum allowed parking spaces throughout the development by 22 spaces was denied. The Planning Administrator found that, with 63 conditions of approval in place, the application complies with the requirements for an affirmative decision for the following applications as part of the proposal:

- A Subdivision Tentative Plan to divide the 36.72-acre property into six lots ranging in size from approximately .4 acres to 12 acres, with a request for Alternative Street Standards to allow increased street grades, block lengths, and an adjustment to street connectivity requirements in SRC Chapter 803 to provide a street connection to the undeveloped lot to the south;
- An Urban Growth Area Preliminary Declaration to determine the public facilities

required to serve the proposed development;

- A Class 3 Site Plan Review and Class 1 Design Review for development of 436 units in 31 buildings across five lots, with associated amenities and improvements including a resident clubhouse, recreation areas, parking, and landscaping;
- Three out of four of the Class 2 Adjustments requested to increase the maximum height allowed for the residential clubhouse, eliminate the requirement to orient buildings toward the street with pedestrian access, and reduce the minimum buildable width required along multiple streets; and
- A Tree Regulation Variance to remove significant trees throughout the five lots proposed for development. While the applicant requested removal of 46 significant trees on site, staff has conditioned the preservation of six significant trees, while allowing removal of an additional two significant trees to accommodate a street realignment, as conditioned, allowing removal of 42 significant trees.

### 3. West Salem Neighborhood Association Appeal

The Neighborhood Association's appeal application and supporting documentation are included as **Attachment 2**. The appeal raises the following issues:

#### Initial WSNA Testimony Not Addressed:

*WSNA submitted comments indicating the decision, and 63 conditions therein, did not address the specific issues raised in 5 of the 6 WSNA questions in their testimony.*

**Staff Response:** In the decision provided (**Attachment 1**), staff addressed six items raised by the neighborhood association, titled as follows: Alternative Street Standards, Wilark Brook and Wetlands, More Density than Allowed for Site, Traffic Impacts and Request for Increased Parking, Trees, and EV Chargers. Staff finds that all of the concerns brought forth by the West Salem Neighborhood Association were addressed. While it has not been made clear which specific issues were not addressed in the decision, the following are the more specific six items raised in the initial comments submitted by WSNA for further clarification:

#### 1) *Variance request and street slope.*

Staff addressed these concerns under the heading "Alternative Street Standards" as well as with the analysis of the Alternative Street Standards and the Subdivision Approval Criteria in Section 9 of the decision. Additional concerns raised by WSNA include inclement weather days and emergency response time, and the effect on homeowner insurance rates in the area as a result. Salem Revised Code (SRC) 803.065 includes criteria for approval of an Alternative Street Standard and staff finds these criteria have been met, as discussed in the analysis. In addition, the requested street grade (12 percent) does not exceed the maximum street grade allowed for emergency service access, which is 15 percent. Extreme weather events and insurance rates are not criteria for granting or denying alternative street standards or the associated subdivision tentative plan.

#### 2) *Wilark Brook.*

WSNA has specific environmental questions regarding Wilark Brook and the effect on the



temperature profile, hydrological flow and groundwater recharge, nutrient and metal levels, and the wetlands located downstream. In summary, Wilark Brook flows through proposed Lot 6, which is being created through the subdivision portion of the application, where no plans have been submitted for development of this area. These specific environmental studies are not done at the City level and require input from the Oregon Department of State Lands (DSL). City staff sent a Wetland Notice to Oregon DSL and the response from DSL indicates that a State permit would be required if removal or fill in the wetlands area is anticipated. In addition, the decision includes a condition of approval to establish an open channel and drainage easement around the boundaries of Wilark Brook for access and maintenance.

3) *Request for 19 additional parking spaces.*

WSNA raised concerns about the potential effect on the Average Daily Trips when the development is subject to a trip cap of 500 multi-family units established by CPC-ZC21-06. While the number of trips generated by a site is based on the use, square footage and/or number of dwelling units, and not on the number of parking spaces provided, the request for an increase to the maximum allowed parking on site was ultimately denied by the Planning Administrator.

4) *Significant Oaks in Right-of-way.*

WSNA raised concerns about significant Oregon White Oaks located along the west side of Doaks Ferry Road NW and north of Orchard Heights Road NW which were not identified on the applicant's tree plans. The applicant is responsible for providing a tree inventory of all the trees located on the subject property; any tree located within the public right-of-way is considered a City tree and is subject to the standards of SRC Chapter 86. Staff addressed the WSNA concerns about inaccurate tree plans under the heading "Trees" and in the analysis of the Tree Regulation Variance Criteria in Section 13 of the decision, including several conditions for the preservation of trees, submittal of additional plans and arborist reports, and the denial of an increase of parking to preserve more trees on site. Should the applicant need to remove any additional trees on the property as a result of any street improvements or public construction, they will be required to obtain the necessary approval(s) through a Tree Removal Permit, Street Tree Removal Permit, or additional Tree Variance, depending on the type of tree and criteria for removal.

5) *Analysis of Balancing the "Intent to Preserve."*

WSNA requested an analysis of how staff evaluates the "intent to preserve" significant trees as declared in SRC Chapter 808 versus the applicant's request to remove trees for development, and how this logic is applied in the decision to preserve or remove a tree. This kind of analysis is discussed in Section 13 of the decision with the analysis of the Tree Regulation Variance Criteria, which establishes the standards to potentially allow removal. When staff finds that there are other design alternatives that would otherwise save one or more trees, conditions of approval have been added to ensure those design changes are made. An example of how this was implemented with this proposal is the denial of the maximum parking adjustment, and Conditions 49, 55, and 56 which require the applicant to

remove parking and preserve trees in areas where an alternative design is feasible.

In addition, the applicant's initial application requested the removal of 53 significant trees; through the completeness review process, and conditions of approval on the proposal, staff has been able to reduce that number to 42 significant trees to be removed. The applicant worked with staff during the completeness review process to redesign Building 29 to accommodate preservation of a grove of trees to the south; trees located towards the interior of the development where Building 29 is currently located prove harder to save with surrounding development impacts, as discussed below. In areas where there are multiple trees that could potentially be saved and the applicant did not provide design changes, conditions of approval have been included to ensure those changes are made and the trees are preserved.

6) *EV Chargers.*

WSNA asked what the provisions for EV charging stations are for the proposed development. Staff addressed this in this decision, citing that the application for development was received prior to the effective date of the new code standard; therefore, the proposal was not subject to EV charging conduit requirements of the Salem Revised Code as part of the land use decision. However, prior to the City's code amendment to require EV charger conduit for 40 percent of parking spaces provided, State law required multi-family developments to provide 20 percent of parking spaces provided with EV charger conduits, which is evaluated and enforced through the Building Division at the time of building permit review.

Unenforceable Conditions:

*WSNA submitted comments indicating several of the conditions are not enforceable and/or rely on the actions of a 3<sup>rd</sup> party before compliance with code can be achieved.*

**Staff Response:** While it has not been made clear which conditions of approval are viewed as not enforceable, staff has collaborated on all conditions of approval to ensure that the conditions could be met across all departments. Additionally, the consolidated application includes six different application types, which typically involves multiple steps or an order of operations during the development phase, including but not limited to review and recording of the subdivision plat, public construction permits and civil site work, and multiple building permits for each structure. There are conditions of approval which require a "third-party review" in the form of a decision of the City Council on the applicant's request for a Transportation System Plan (TSP) Amendment. However, staff has provided conditions of approval for each decision scenario to ensure there is a path forward for the applicant whether the TSP Amendment is approved or denied.

Under Oregon Revised Statutes (ORS) 277.178(2), a land use application that was deemed incomplete, shall be deemed complete and a decision issued within 120 days of the deemed complete date upon receipt of all of the missing information; some of the missing information and written notice from the applicant that no other information will be provided; or written notice from the applicant that none of the missing information will be provided. In this case, the

applicant provided some of the missing information on January 26, 2023 and requested the application be deemed complete under this state code; thereby requiring staff to issue a decision without all the information requested. Because of this, staff was required by state law to issue a decision within a time period that did not allow for many design changes or additional reviews. While conditions may seem excessive, unenforceable, or require a applications or review, staff has worked diligently to establish 63 conditions of approval which ensures a development that will ultimately meet all applicable standards.

#### Preservation of Significant Trees:

*WSNA submitted comments indicating a failure to adequately address the preservation of significant trees, and that the Applicant has not met its burden of proof per the significant issues raised by the Glenn Gibson Watershed Council and WSNA.*

**Staff Response:** The Glenn and Gibson Creeks Watershed Council provided a detailed response for each significant tree requested for removal by the applicant. In summary, they requested denial of the adjustment to increase maximum parking and denial of the Tree Regulation Variance for all 46 trees. Many of the comments suggest that development could be made around significant trees by shifting buildings, locating them in planters or contouring sidewalks around a tree. However, by definition, removal of tree means to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. The term "removal" includes, but is not limited to, topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical condition. Because of the size of the trees on site and the large critical root zones, and the significant topography of the site, contouring sidewalks or planters around these trees would still require significant grading and inflict damage beyond the 30 percent threshold that a tree could potentially withstand and still survive. This means that trees located in setbacks or open space areas would endure the least disruption and have the greatest chance of survival, which is where staff has conditioned the removal of excess parking and the preservation of trees. Where the applicant has not met the burden of proof to remove a tree, a condition has been imposed to provide such proof, or redesign to save the tree. The adjustment request to increase maximum parking was also denied in preference for saving additional trees.

#### Preservation of Riparian Trees:

*WSNA submitted comments indicating a failure to protect trees and vegetation within the riparian corridor of Wilark Brook, and that the Applicant has not met its burden of proof per the significant issues raised by the Glenn Gibson Watershed Council and WSNA.*

**Staff Response:** As discussed above, Wilark Brook flows through proposed Lot 6, which is being created through the subdivision portion of the application, where no plans have been submitted for development of this area. The applicant has not indicated removal of any trees on Lot 6 except for a non-significant 14-inch Oak tree which requires removal due to street improvements along Doaks Ferry Road NW. However, on second review of the riparian zone along Wilark Brook due to the comment made by WSNA indicating failure to protect riparian

trees, it was found that an 18-inch Madrona tree falls within the riparian zone on the small portion of the creek that passes through the southeast portion of Lot 5. Because of the tree's close proximity to the street, the location of the stormwater facilities on site, and the substantial grading necessary in that area, the removal of the 18-inch riparian tree is warranted and can be included with the applicant's Tree Regulation Variance request. No other riparian trees are proposed for removal.

## **BACKGROUND:**

The subject property was redesignated to Multiple Family Residential on the Salem Comprehensive Plan Map and rezoned to Multiple Family Residential (RM-II) in April of 2022. The rezone was requested by the developer, approved by the Planning Commission and affirmed by the City Council.

Jamie Donaldson  
Planner II

### **Attachments:**

1. SUB-UGA-SPR-ADJ-TRV-DR23-02 Decision
2. West Salem Neighborhood Association Appeal Letter

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

## DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION TENTATIVE PLAN / URBAN GROWTH PRELIMINARY  
DECLARATION / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT /  
TREE VARIANCE / CLASS 1 DESIGN REVIEW CASE NO.: SUB-UGA-SPR-ADJ-  
TRV-DR23-02**

**APPLICATION NO.: 22-119071-PLN**

**NOTICE OF DECISION DATE:** May 10, 2023

**SUMMARY:** A proposed six-lot subdivision for Titan Hill Estates in conjunction with a proposed multi-family development of 436 units for Titan Hill Apartments.

**REQUEST:** A consolidated application for a proposed six-lot subdivision with development of a multi-family residential development of 436 units throughout five lots. The application includes:

- (1) A Subdivision Tentative Plan to divide the 36.72-acre property into six lots ranging in size from approximately .4 acres to 12 acres, with a request for Alternative Street Standards to allow increased street grades, block lengths, and an adjustment to street connectivity requirements in SRC Chapter 803 to provide a street connection to the undeveloped lot to the south;
- (2) An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the proposed development;
- (3) A Class 3 Site Plan Review and Class 1 Design Review for development of 436 units in 31 buildings across five lots, with associated amenities and improvements including a resident clubhouse, recreation areas, parking, and landscaping;
- (4) Four Class 2 Adjustment requests to:
  - (a) Increase the maximum height allowed for an accessory structure from 15 feet to 22 feet (SRC 514.010);
  - (b) Eliminate the requirement to orient buildings toward the street with direct pedestrian access to adjacent sidewalks (SRC 702.020(e)(5));
  - (c) Reduce the minimum 40 percent buildable width requirement at varying percentages along Doaks Ferry Rd NW, Landaggard Dr NW, and "Street A" (SRC 702.020(e)(4)); and
  - (d) Increase the maximum allowed parking spaces throughout the development by ~~49~~ 22 spaces (SRC 806.015(e)); and
- (5) A Tree Regulation Variance request for removal of 46 significant trees on site.

The subject property is approximately 37 acres in total size, zoned RM-II (Multiple Family Residential), and located at the 2100 Block of Doaks Ferry Rd NW (Polk County Assessor Map and Tax lot 073W17B / 400).

**APPLICANT:** Brandie Dalton, Multi-Tech Engineering Services Inc. on behalf of Titan Hill Property LLC (Kelly Hamilton)

**LOCATION:** 2100 Block of Doaks Ferry Road NW, Salem OR 97304

# NOTICE OF DECISION

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



**CRITERIA:** Salem Revised Code (SRC) Chapters 205.010(d) - Subdivision; 200.025(d) – Urban Growth Preliminary Declaration; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 808.045(d) – Tree Variance; 225.005(e)(1) – Class 1 Design Review

**FINDINGS:** The findings are in the attached Decision dated May 10, 2023.

**DECISION:** Based upon the Facts and Findings contained in this report, the Class 2 Adjustment request to increase the maximum allowed parking spaces throughout the development by 22 spaces is hereby **DENIED**. Final approval of Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Tree Regulation Variance, Class 1 Design Review, and the Class 2 Adjustments other than the request to increase maximum parking, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02, is hereby **APPROVED** subject to SRC Chapters 200, 205, 220, 225, 250, and 808, the applicable standards of the Salem Revised Code, conformance with the site plan (Attachment B), and the following conditions of approval:

**Condition 1:** 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.

### **SUBDIVISION**

All subdivision conditions shall be completed prior to final plat approval or shown on the final plat. Conditions 4-7, 12, 13, 17-21, 24, 30, and 31 shall be completed prior to final plat approval or may be delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

**Condition 2:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots, with the exception of Lot 6.

**Condition 3:** At time of development of Lot 6, design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

**Condition 4:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way.

**Condition 5:** Extend a minimum 12-inch public water main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.

**Condition 6:** Construct a *Salem Wastewater Management Master Plan* identified sewer main in Doaks Ferry Road NW from the intersection of Doaks Ferry Road NW and Brush College Road NW to the proposed development pursuant to PWDS.

**Condition 7:** Extend a minimum 8-inch public sewer main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.

**Condition 8:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

- Condition 9:** Existing easements and rights-of-way on the subject property shall be relocated, extinguished, or vacated, as appropriate, prior to final plat approval.
- Condition 10:** The applicant shall not eliminate the easement providing access to Tax Lot 1100, and shall demonstrate alternative access provided to the property during construction.
- Condition 11:** Convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Doaks Ferry Road NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 12:** Construct a half-street improvement along the frontage of Doaks Ferry Road NW to an interim minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 13:** The applicant shall coordinate with Cherriots to provide bus stops along Doaks Ferry Road NW in locations approved by the Public Works Department.
- Condition 14:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and along Doaks Ferry Road NW abutting the proposed "W.Q. Parcel" as shown on the applicants tentative Plan.
- Condition 15:** At the time of development of Lot 6, a public utility easement shall be dedicated along the Lot 6 frontages of Doaks Ferry Road NW and Orchard Heights Road NW. The public utility easement width shall be established and dedicated by separate document, if required.
- Condition 16:** Prior to issuance of Public Construction Permits, the applicant shall receive a final City Council decision on the proposed Salem Transportation System Plan Amendment (22-121104-GP) relating to the collector street alignment that is mapped through the property.
- Condition 17:** If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct Landaggard Drive NW within the property, proposed "Street B", and proposed "Street C" to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. Internal local streets are approved to have an increased curb-to-curb improvement of 34 feet.
- Condition 18:** If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct "Street A" to "Collector Street B" standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:
- i. "Street A" shall have a maximum grade of 12 percent.
  - ii. "Street A" shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
  - iii. A public street connection from "Street A" to proposed Lot 6 is not required.

- Condition 19:** If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct proposed “Street A” from Doaks Ferry Road NW to the intersection with Landaggard Drive NW within the property, “Street C”, and “Street B”, to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:
- i. “Street A” shall have a maximum grade of 12 percent.
  - ii. “Street A” shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
  - iii. A public street connection from “Street A” to proposed Lot 6 is not required.
  - iv. Internal local streets are approved to have an increased curb-to-curb improvement of 34-feet.
- Condition 20:** If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct the extension of Landaggard Drive NW within the property to the intersection with proposed “Street A” and proposed “Street A” from the intersection of Landaggard Drive NW to the western property line to “Collector Street B” standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 21:** Along the frontage of the existing portion of Landaggard Drive NW adjacent to the subject property, construct a three-quarter street boundary street improvement to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the boundary street improvement shall be constructed to “Collector Street B” standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 22:** Modify the proposed “Street C” stub street location to the north line of proposed Lot 2 to avoid conflicts with existing structures on neighboring property not included in the development proposal.
- Condition 23:** Obtain any necessary street tree removal permits pursuant to SRC Chapter 86.
- Condition 24:** Install street trees to the maximum extent feasible along Doaks Ferry Road NW, Orchard Heights Road NW, and internal streets constructed within the subdivision.
- Condition 25:** Dedicate a 60-foot-wide right-of-way for new internal streets within the subject property as shown on the applicant’s tentative plan.
- Condition 26:** As shown on the applicant’s tentative plan, dedicate public pedestrian access easement from “Street A” to Lot 6.



- Condition 27:** Dedicate an additional public access easement for vehicular and pedestrian access from “Street A” to Lot 6 through the southeastern drive aisle within the development site. This easement may be dedicated by separate document and extinguished if determined not necessary at time of Site Plan Review for proposed Lot 6.
- Condition 28:** Along Wilark Brook on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 29:** As a condition of building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 30:** As specified in the TIA, provide the following mitigation:
- i. Construct a left turn lane on Doaks Ferry Road NW at the intersection with the new “Street A”. The left turn lane shall include a minimum 75 feet of vehicle storage.
  - ii. Construct sidewalks along Doaks Ferry Road from the intersection of Orchard Heights Road NW to the northern boundary of the site.
  - iii. Construct a linked ADA pedestrian connection from the proposed development across Orchard Heights Road NW, including a raised pedestrian refuge on the west side of the intersection. Improvements shall include upgraded ADA ramps on both sides of Landaggard Drive NW and the western side of the West Salem High School driveway, and a sidewalk extension along the north side of Orchard Heights Road NW to the intersection with Doaks Ferry Road NW. Pursuant to SRC 200.035(a)(4), sidewalks shall also be provided along the frontage of 2357 Orchard Heights Road NW (Polk County Assessors Tax Lot No. 073W17D00900).
- Condition 31:** Install not more than four speed humps on Landaggard Drive NW in locations approved by Public Works and in accordance with PWDS.
- Condition 32:** Landaggard Drive NW shall not be used as a construction entrance. A construction entrance shall be constructed from either Doaks Ferry Road NW or Orchard Heights Road NW, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.

### **SITE PLAN REVIEW**

- Condition 33:** Prior to building permits, all buildings along “Street A” meet the minimum 20-foot setback, or obtain approval of a Zoning Adjustment.

- Condition 34:** Prior to building permit approval, all vehicle use areas and buildings abutting RA-zoned properties shall be setback a minimum of 10 feet, with Type C landscaping, or obtain approval of a Zoning Adjustment.
- Condition 35:** At the time of building permit review, the applicant shall provide construction details for the trash enclosure indicating conformance with SRC Chapter 800.
- Condition 36:** 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).
- Condition 37:** At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for all parking spaces adjacent to a required landscaped setback or a pedestrian walkway only five feet in width.
- Condition 38:** At the time of building permit review, the applicant shall provide construction details for the bicycle racks indicating conformance with SRC 806.060.
- Condition 39:** At the time of building permit review, the applicant shall provide an updated, full landscape plan demonstrating how the development site meets Type A or Type C landscaping, where applicable, as well as all multi-family landscaping requirements, by providing a summary table demonstrating conformance with the landscaping requirements of SRC Chapter 807 and SRC 702.020(b).
- Condition 40:** The applicant's updated plans shall provide two trees for each tree removed within a required setback and each tree removed in excess of 75 percent of the development site, if applicable, to meet the tree replanting requirement. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper.
- Condition 41:** Prior to issuance of any building permits, the final plat for the Titan Hill Subdivision shall be recorded.
- Condition 42:** Submit a Driveway Approach Permit application if the driveways onto the new internal streets are not installed as part of the construction of the new internal street.
- Condition 43:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

## **CLASS 2 ADJUSTMENTS**

- Condition 44:** The applicant shall provide a pedestrian connection proposed west of the parking lot adjacent to Building 1 to the east side of the parking lot, providing access near Building 1 for pedestrians in the east buildings to "Street A".
- Condition 45:** An additional pedestrian connection shall be provided along the west side of Landaggard Drive NW adjacent to Building 21 or 22.

- Condition 46:** Proposed Buildings 5-8 shall comply with the direct pedestrian access standard of SRC 702.020(e)(5) along the north side of "Street A".
- Condition 47:** Proposed Buildings 12-14 shall comply with the direct pedestrian access standard of SRC 702.020(e)(5) along Landaggard Drive NW.
- Condition 48:** The applicant shall remove parking spaces in excess of the maximum allowed parking of 763 spaces.
- Condition 49:** The parking lots near Buildings 3 and 6 shall be shortened and/or reconfigured to ensure survival of trees conditioned for preservation.
- Condition 50:** 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.

### **TREE VARIANCE**

- Condition 51:** At the time of grading permit review, the applicant shall submit an updated tree inventory plan representing all conditions of approval for tree preservation or removal, and verification of trees located on property lines, including the critical root zone and protection measures of all trees on site and directly abutting the property in compliance with Chapter 808.
- Condition 52:** The two 32-inch Fir trees labeled 45 and 46 near the northern property line shall be preserved, until such time that a Tree Variance application can be approved for their removal.
- Condition 53:** The 30-inch Oak tree along the northern property line shall be preserved.
- Condition 54:** All trees designated for preservation shall have protective ground silt fencing encompassing 100-percent of their critical root zones. For all trees where construction is proposed within the critical root zone, the applicant shall either submit an arborist report documenting that disturbance up to a maximum of 30 percent of the critical root zone will not compromise the long-term health and stability of the tree; revise the plans to ensure the survival of the tree designated for preservation; or obtain approval of a new Tree Variance for additional removal of a significant tree.
- Condition 55:** Significant trees 35 and 36, two 30-inch Fir trees, adjacent to the parking lot near Building 3 shall be preserved. All other non-significant Fir and Maple trees in the vicinity of this parking lot shall also be preserved.
- Condition 56:** Significant trees 38 and 39, a 30-inch Madrona and 36-inch Oak, adjacent to the parking lot near Building 6 shall be preserved. All other non-significant Oak and Fir trees in this area shall also be preserved.

## **DESIGN REVIEW**

- Condition 57:** At the time of building permit review, the applicant shall provide an updated open space plan, including a summary table demonstrating conformance with the minimum private and common open space requirements under SRC 702.020(a).
- Condition 58:** At the time of building permit review, the applicant shall demonstrate that any private open space patio or balcony provided for the development meets the respective minimum dimensions exclusive of any proposed storage room, or obtain approval of a Zoning Adjustment.
- Condition 59:** At the time of building permit review, the applicant shall provide ensure that all landscaped planter bays meet the minimum nine feet in width, as measured from inside-of-curb to inside-of-curb.
- Condition 60:** At the time of building permit review, the applicant shall revise the off-street vehicle areas so that no portion of a parking space projects beyond the adjacent buildings, as drawn as a straight line across the building façades, or obtain approval of a Zoning Adjustment.
- Condition 61:** The applicant shall install an eight-foot-high sight-obscuring fence along the property lines adjacent to Buildings 26 and 27.
- Condition 62:** The applicant shall install an eight-foot-high sight-obscuring fence along the property lines adjacent to Buildings 3, 6, and 14.
- Condition 63:** The applicant shall modify the locations of Building 3 to meet a minimum setback of 29 feet, and Building 14 to meet a minimum setback of 32 feet, or obtain approval of a Zoning Adjustment.

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

<b>Case Type</b>	<b>Exercise or Extension By:</b>	<b>Number of Extensions Allowed</b>
Subdivision Tentative Plan	May 26, 2025	4 – 2-year extensions
Urban Growth Preliminary Declaration	May 26, 2025	Valid as long as SUB is valid
Class 3 Site Plan Review	May 26, 2027	None
Class 2 Adjustment	May 26, 2027	None (Follows SPR)
Tree Variance	May 26, 2025	2 – 2-year extensions
Class 1 Design Review	May 26, 2027	None (Follows SPR)

Application Deemed Complete: January 26, 2023  
Notice of Decision Mailing Date: May 10, 2023

Decision Effective Date: May 26, 2023  
State Mandate Date: August 9, 2023

Case Manager: Jamie Donaldson, Planner II, [Jdonaldson@cityofsalem.net](mailto: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](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Thursday, May 25, 2023.

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) 205, 200, 220, 250, 808, 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 City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review 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  
TENTATIVE SUBDIVISION PLAN, )  
URBAN GROWTH PRELIMINARY )  
DECLARATION, CLASS 3 SITE PLAN )  
REVIEW, CLASS 2 ADJUSTMENT, )  
TREE REGULATION VARIANCE, )  
AND CLASS 1 DESIGN REVIEW )  
CASE NO. SUB-UGA-SPR-ADJ-TRV-DR23-02 )  
2100 BLOCK OF DOAKS FERRY ROAD NW ) MAY 10, 2023

In the matter of the application for an Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Tree Regulation Variance, and Class 1 Design Review applications submitted by the applicant and property owner Titan Hill Property LLC and the applicant's representative Brandie Dalton with Multi-Tech Engineering, 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 proposed six-lot subdivision for Titan Hill Estates in conjunction with a proposed multi-family development of 436 units for Titan Hill Apartments.

**Request:** A consolidated application for a proposed six-lot subdivision with development of a multi-family residential development of 436 units throughout five lots. The application includes:

- (1) A Subdivision Tentative Plan to divide the 36.72-acre property into six lots ranging in size from approximately .4 acres to 12 acres, with a request for Alternative Street Standards to allow increased street grades, block lengths, and an adjustment to street connectivity requirements in SRC Chapter 803 to provide a street connection to the undeveloped lot to the south;
- (2) An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the proposed development;
- (3) A Class 3 Site Plan Review and Class 1 Design Review for development of 436 units in 31 buildings across five lots, with associated amenities and improvements including a resident clubhouse, recreation areas, parking, and landscaping;
- (4) Four Class 2 Adjustment requests to:
  - (a) Increase the maximum height allowed for an accessory structure from 15 feet to 22 feet (SRC 514.010);
  - (b) Eliminate the requirement to orient buildings toward the street with direct pedestrian access to adjacent sidewalks (SRC 702.020(e)(5));
  - (c) Reduce the minimum 40 percent buildable width requirement at varying percentages along Doaks Ferry Rd NW, Landaggard Dr NW, and "Street A" (SRC 702.020(e)(4)); and
  - (d) Increase the maximum allowed parking spaces throughout the development by ~~49~~22 spaces (SRC 806.015(e)); and
- (5) A Tree Regulation Variance request for removal of 46 significant trees on site.

The subject property is approximately 37 acres in total size, zoned RM-II (Multiple Family Residential), and located at the 2100 Block of Doaks Ferry Rd NW (Polk County Assessor Map and Tax lot 073W17B / 400).

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 September 21, 2022, a consolidated application for Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Tree Regulation Variance, and Class 1 Design Review was filed for the proposed development. After additional information was provided, including submission of a Class 2 Adjustment application on January 26, 2022, the applications were deemed complete for processing at the request of the applicant on January 26, 2023. The 120-day State mandated deadline was extended at the request of the applicant by 75 days to August 9, 2023.

The applicant submitted a revised site plan indicating conformance with some of the conditions of approval of this decision prior to issuance. However, staff anticipates additional revisions to the applicant's plans to be made to comply with all conditions of approval within this decision. Therefore, the applicant's originally proposed site plans and building elevations are included as **Attachment B** and the applicant's written statement addressing the approval criteria applications can be found in the record, accessible online as indicated below.

## **SUBSTANTIVE FINDINGS**

### **2. Proposal**

The proposal submitted by the applicant requests tentative subdivision plan approval to divide property totaling 36.72 acres in size and located at the 2100 Block of Doaks Ferry Rd NW into six lots ranging in size from 16,862 (.38 acres) to 519,696 square feet (11.93 acres). In addition to the proposed tentative subdivision, the application also includes a Class 3 Site Plan Review and Class 1 Design Review for development of 436 units in 31 buildings across the northern five lots; four Class 2 Adjustments to increase the maximum height allowed for the residential clubhouse, eliminate the requirement to orient buildings toward the street with pedestrian access, reduce the minimum buildable width required along multiple streets, and to increase the maximum allowed parking for the development site; along with an Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the proposed development; and a Tree Regulation Variance to remove 46 significant trees throughout the five lots proposed for development.

The applicant is also requesting alternative street standards to deviate from street grade, block length, and connectivity standards. Specifically, the requests are to: increase grade of a collector street from eight percent to 12 percent on "Street A"; to increase the maximum allowed block length of "Street A" from 600 feet to approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW; to

deviate from street connectivity requirements and not provide a street connection from “Street A” to proposed Lot 6; and to allow internal local streets to have a 34-foot-wide curb-to-curb paved surface where the minimum paved surface for a local street is 30-feet.

### 3. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City’s online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 119071.

### 4. Existing Conditions

#### Site and Vicinity

The subject property is located in the 2100 Block of Doaks Ferry Rd NW, is 36.72 acres in size, and has frontage on Doaks Ferry Road NW and Orchard Heights Road NW, with access from Landaggard Drive NW. Doaks Ferry Road is designated as a Major Arterial Street under the City’s Transportation System Plan (TSP); Orchard Heights Road is designated as a Minor Arterial Street; and Landaggard Drive is designated as a Collector Street. The applicant has submitted a separate application for a Transportation System Plan Amendment to change the classification of Landaggard Street NW to a local street and to change the alignment of the collector street to follow proposed “Street A”, which would an extension of Colorado Drive NW to the northwest (Application No. 22-121104-GP).

*Comprehensive Plan Map:* The Salem Area Comprehensive Plan (SACP) map designates the subject property as “Multi-family Residential” for the northern portion of the property, and “Mixed Use” for the southern portion. The surrounding properties are designated as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
<b>North</b>	Developing Residential
<b>South</b>	Across Orchard Heights Rd NW, Developing Residential and Community Service Education
<b>East</b>	Across Doaks Ferry Rd NW, Developing Residential
<b>West</b>	Developing Residential

#### Zoning Map Designation

The subject property is split-zoned with approximately 25 acres of the northern portion zoned RM-II (Multiple Family Residential), and approximately 12 acres of the southern portion zoned MU-II (Mixed Use-II) The surrounding properties are zoned as follows:



Zoning of Surrounding Properties	
<b>North</b>	Polk County Suburban Residential
<b>South</b>	Across Orchard Heights Rd NW, RA (Residential Agriculture) and PE (Public and Private Education Services)
<b>East</b>	Across Doaks Ferry Rd NW – RA (Residential Agriculture and PA (Public Amusement)
<b>West</b>	RA (Residential Agriculture)

#### Relationship to Urban Service Area

The subject property lies outside the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. A request for an Urban Growth Preliminary Declaration is included with the proposal.

#### Infrastructure

**Water:** The subject property is located within the W-1 water service level.

An 18-inch water main is located in Doaks Ferry Road NW.

An 18-inch water main is located in Orchard Heights Road NW.

An Orchard Heights Water District main is located in Landaggard Drive NW.

**Sewer:** A 21-inch sewer main is located in Doaks Ferry Road NW, approximately one-half-mile north of the subject property.

An 8-inch sewer main is located in Doaks Ferry Road NW, approximately 1,250-feet north of the subject property. This main does not have adequate capacity to serve the proposed development.

#### **Storm**

**Drainage:** An 18-inch storm main is located in Doaks Ferry Road NW.

An 18-inch storm main is located in Orchard Heights Road NW.

**Streets:**      Doaks Ferry Road NW:

- a. Standard – This street is designated as a major arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. Existing Conditions – This street has an approximate 20-to-40-foot improvement within a varied 62-to-88-foot-wide right-of-way abutting the subject property.

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 72-foot-wide right-of-way abutting the subject property.

Landaggard Drive NW:

- a. Standard – This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions – This street has an approximate 20-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
- c. The applicant has submitted an application to amend the TSP to downgrade the street designation from a collector street to a local street. The standard for a local street classification is a 30-foot improvement within a 60-foot-wide right-of-way. This is described further in the criteria and findings below.

**Parks:**      The proposed development is served by Grice Hill Park and West Salem High School Park. These parks are within one-half-mile of the subject property.

## **5. Land Use History**

- **Annexation C-628:** The petitioner-initiated annexation of approximately 47.99 acres of contiguous territory with a zone change from Polk County SR (Suburban Residential) to City of Salem RA (Residential Agriculture) zone.
- **CPC-NPC-ZC11-12:** In 2011, the City initiated a Comprehensive Plan Change and Zone Change for the southern portion of the property to designate the property MU “Mixed Use” and apply the NCMU (Neighborhood Center Mixed Use) zone.

- **VUL21-04:** An application for a Validation of Unit of Land to establish a tax lot of 36.86 acres divided from its parent tract by deed in 1976 without land division approval. The applicant is requesting to validate the property, currently split-zoned RA (Residential Agriculture) and NCMU (Neighborhood Center Mixed Use), and located at the 2100 Block of Doaks Ferry Road NW - 97304 (Polk County Assessor Map and Tax lot 073W17B / 0400).
- **CPC-ZC21-06:** A consolidated Minor Comprehensive Plan Map Amendment to change from DR (Developing Residential) to MF (Multiple Family Residential) and a Quasi-Judicial Zone Change from RA (Residential Agriculture) and a portion of NCMU (Neighborhood Center Mixed Use) to RM-II (Multiple Family Residential) for approximately 24.84 acres in the northern area of a 36.86-acre parcel. The subject property is currently split-zoned RA (Residential Agriculture) and NCMU (Neighborhood Center Mixed Use), and located at the 2100 Block of Doaks Ferry Rd NW (Polk County Assessor Map and Tax lot 073W17B / 00400).

## 6. 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 December 17, 2021, the applicant's representative contacted the West Salem Neighborhood Association 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 West Salem Neighborhood Association submitted comments for the proposal, which are included as **Attachment C** and summarized below.

- **Alternative Street Standards:** WSNA expressed concern over the "variance request" to street slope.

**Staff Response:** A variance is not required to allow the increase in slope for "Street A". The applicant submitted a request for an Alternative Street Standard pursuant to SRC 803.065. This chapter includes criteria for approval of an Alternative Street Standard; as discussed in the following analysis, staff finds these criteria have been met. In addition, the requested street grade (12 percent) does not exceed the maximum street grade allowed for emergency service access, which is 15 percent.

- **Wilark Brook and Wetlands:** WSNA expressed concerns for the environmental impacts to Wilark Brook that lies on the subject property.

**Staff Response:** Wilark Brook flows through proposed Lot 6, which is being created through the subdivision portion of the application. No plans for development of this area have been submitted. For the Site Plan Review application, the applicant submitted a geotechnical assessment of the site and preliminary stormwater report. In addition, a wetlands delineation was submitted by the applicant and City staff sent a Wetland Notice to Oregon Department of State Lands (DSL). The response from DSL indicates that a State permit would be required if removal or fill in the wetlands area is anticipated. The impacts to this area would be determined at time of Site Plan Review application for proposed Lot 6. For the subdivision application, Public Works recommends a condition of approval that would establish an open channel and drainage easement be provided around the boundaries of Wilark Brook.

- **More Density than Allowed for Site:** WSNA expressed concern over the proposal providing more density than the existing natural site conditions may allow, and how variances are evaluated.

**Staff Response:** As described in this report, the proposal includes development of 436 units for a 24.8-acre portion of the property, meeting the minimum density standard in the RM-II zone and well below the maximum density allowed for a multi-family zoned property of this size. Staff has reviewed the proposal for conformance with all the applicable criteria, including the associated Tree Variance, to ensure a development that provides required housing and balances the provisions of required, streets, utilities, and pedestrian amenities with preservation of the natural site as possible to provide a livable and compatible development.

- **Traffic Impacts and Request for Increased Parking:** WSNA expressed concern for the additional traffic that will be generated by the proposed development and whether or not improvements to Orchard Heights Road NW and Doaks Ferry Road NW would be required, and questions regarding the centerline for these streets. In addition, WSNA expressed concern over the proposal providing more than the maximum parking allowed when there is a trip cap in place.

**Staff Response:** The applicant submitted a Traffic Impact Analysis (TIA) that includes mitigation to be provided by the development. In addition, boundary street improvements along Doaks Ferry Road NW are required, which include the construction of adequate travel lanes, and sidewalks to accommodate pedestrians. A design of the required boundary street improvements will be reviewed by city staff prior to issuance of Public Construction Permits. Typical sections for the required boundary street improvements are described below. Plan review will include review of the centerline of boundary streets to determine the centerline of the street, the required improvement locations, and the required right-of-way dedication.

The Assistant City Traffic Engineer has reviewed the proposed development in relation to the applicant's TIA and agrees with the findings; recommends additional conditions of approval; and concurs with the requirement to improve boundary streets as a condition of approval. The TIA submitted by the applicant also includes an analysis of the trip cap and proposed use. The TIA demonstrates that the proposal complies with the trip cap established by CPC-ZC21-06.

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. However, as described in the findings for the adjustment requests in Section 12, staff finds that the addition of 22 parking spaces in excess of the maximum allowance will have a significant impact on the surrounding trees and appearance of the residential area, and is thereby denying the request.

- **Trees:** WSNA, and many surrounding property owners, expressed concern over the inaccuracy of the tree plans submitted, and the request to remove trees while also requesting an adjustment to maximum parking allowed on site.

**Staff Response:** As described above and throughout this report, staff finds that the addition of 22 parking spaces in excess of the maximum allowance will have a significant impact on the surrounding trees and appearance of the residential area, and is thereby denying the request to allow an increase in the maximum parking for the development. In addition, staff has conditioned the preservation of several trees, and required an updated tree plan indicating critical root zones and protection measures at the time of grading permit review.

- **EV Chargers:** The West Salem Neighborhood association requested information on the provisions of EV chargers for this development.

**Staff Response:** The provision for multi-family buildings to ensure 40 percent of their parking on spots are available for Electric Vehicle (EV) charging stations (are wired to allow chargers) was adopted to the Salem Revised Code and effective as of December 28, 2022. The subject application was submitted on September 21, 2022, prior to the code amendment, as is therefore reviewed with conformance with the standards in place at the time the application was submitted, which did not include the requirement for EV charger conduits.

**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, eleven comments have been received from the surrounding property owners and tenants: one comment indicated no objection; additional comments and concerns, not including those concerns addressed above, are summarized below.

- **Landaggard Drive NW:** Comments received expressed concerns with the additional traffic that will be generated by the development and flow through traffic on Landaggard Drive NW, which is an underimproved public street.

**Staff Response:** As described above, Landaggard Drive NW is an underimproved public street. The subject property has a small amount of frontage on Landaggard Drive NW, but the majority of Landaggard Drive NW is not considered a “boundary street” pursuant to SRC 803.040. A connection to Landaggard Drive NW is needed for secondary fire access purposes and is required to meet street connectivity requirements in SRC Chapter 803. The applicant has submitted a separate application for a Transportation System Plan Amendment to change the classification of Landaggard Street NW from a collector street to a local street and to

change the alignment of the collector street to follow proposed “Street A”, which would be an extension of Colorado Drive NW to the northwest (Application No. 22-121104-GP). The proposed change in classification is also intended to recognize the condition of Landaggard and its unsuitability for higher volumes of traffic.

As described in this report, the Assistant City Traffic Engineer has reviewed the applicant’s TIA and recommends mitigation as a condition of approval. Additionally, staff recommends that speed humps be installed on Landaggard Drive NW as an interim improvement to slow traffic and to reduce flow-through traffic on the underimproved street. The applicant’s TIA mitigation includes construction of sidewalks along Doaks Ferry Road NW and Orchard Heights Road NW, and an ADA pedestrian connection across Orchard Heights Road NW that includes a raised pedestrian refuge on the west side of the intersection.

- **Impact on Neighborhood Character and Livability:** Comments expressed concern about the impact the development will have on adjacent properties and the character of the existing neighborhood due to loss of open space and development of a higher density development than those in the surrounding area.

**Staff Response:** The applicant has applied for a multiple family development, which is an outright permitted use in the RM-II (Multiple Family Residential) zone. The City has to evaluate development requests as designed by the applicant for conformance with approval criteria and development standards of the Salem Revised Code. There is no approval criterion or development standard which requires development to resemble adjacent existing developments. As discussed throughout this report, the proposal has been reviewed for conformance with all applicable zoning requirements to allow a multi-family development in the RM-II zone.

- **Property values:** Comments expressed concern over loss of property values and the quality of life for surrounding properties and neighbors.

**Staff Response:** The criteria for approval of the proposed application does not require a demonstration that property values will not be adversely affected. The zoning code allows the proposed multiple family use, provided that they are conducted in accordance with all applicable provisions of the Salem Revised Code and the conditions of approval to reduce and mitigate the negative impacts of the proposed uses, which is outlined in this report.

- **Natural features and wildlife:** Several comments received express concern regarding the loss of wildlife habitat and open space that will result from tree removal, grading, and development of the subject property.

**Staff Response:** The subject property is within Salem City Limits and has been designated on the City of Salem Comprehensive Plan Map as “Multi-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 subdivision tentative plan.

In regard to impacts on open space, the Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. There is a dedicated nature park just east of the property across Doaks Ferry Road NW, but the subject property has not been identified as a natural open space area. Instead, the Comprehensive Plan Map designates the subject property as “Multi-family Residential”, and the site has been zoned RM-II (Multiple Family Residential). While the subject property is currently undeveloped, it is surrounded by an already developed residential area within the corporate limits of the City of Salem and as the City continues to grow, development is expected to occur in areas designated for residential development.

- **Easement to Landlocked Parcel:** Comments expressed concern over the applicant’s proposal to provide easement access through a proposed parking lot for the land-locked property with the development.

**Staff Response:** The subject property contains a parcel of land solely within its boundary housing a single-family residence, which is not a part of this proposal (Tax Lot 1100). An existing access easement through the subject property provides access to the land-locked parcel. The applicant is proposing to adjust the width and location of the easement to align with a proposed parking lot, while maintaining access to Tax Lot 1100. As conditioned below, existing easements and rights-of-way on the subject property shall be relocated, extinguished, or vacated, as appropriate, prior to final plat approval. The configuration of the parking area may be modified during plat review, as necessary to provide adequate easement access to Tax Lot 1100, provided that the modifications meet applicable development standards, design standards, and conditions of approval. However, pursuant to SRC 110.060, the City does not enforce any easement, covenant, condition, restriction, or other agreement between private parties, nor is the UDC generally intended to abrogate, annul, or impair such easements, covenants, conditions, restrictions, or agreements. Therefore, the proposal has also been conditioned to ensure the access easement is not eliminated altogether, and to ensure alternative access is provided to the land-locked property during construction.

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

## **7. 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 no concerns.

**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 these comments during the building permit process. The configuration of the buildings and parking area may be modified, if necessary, to meet the 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 condition applies:

**Condition 1:** 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.

## 8. Public and Private Agency Comments

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

Cherriots: Reviewed the proposal and provided comments indicating that a new transit stop is needed in coordination with the proposed street improvements along Doaks Ferry Road NW, in the location indicated with **Attachment F**. The comments in full, with construction details, are available in the record and provided to the applicant.

## DECISION CRITERIA FINDINGS

### 9. Analysis of Subdivision Tentative Plan Approval Criteria

SRC Chapter 205.010(d) sets forth the following criteria that must be met before approval can be granted to a tentative subdivision plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

***SRC 205.010(d)(1): The tentative subdivision complies with all standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:***

***(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.***

**Finding:** The proposed subdivision would divide the approximately 37-acre property into six lots. The subject property is split-zoned RM-II (Multiple Family Residential-II) and MU-II (Mixed Use-II). The proposed tentative subdivision plan, as recommended to be conditioned, complies with the applicable standards of the RM-II and MU-II zones, and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

#### ***SRC Chapter 514 (RM-II Zone) and SRC Chapter 534 (MU-II Zone)***

The northern portion of the subject property is zoned RM-II (Multiple Family Residential); development within the RM-II zone must meet the applicable standards



included under SRC Chapter 514. The southern portion of the subject property is zoned MU-II (Mixed Use-II); development within the MU-II zone must meet the applicable standards included under SRC Chapter 534. The standards of the RM-II and MU-II zones that are applicable to the proposed subdivision are as follows:

▪ ***Land Division in the RM-II Zone:***

SRC 514.010(a) provides that 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:** Proposed Lot 2 is 16,862 square feet in size, while the remaining lots are 104,572 square feet or greater. The applicant's plans indicate development of Lot 2 will contain a building of six attached dwelling units, meeting the minimum standard of three or more attached dwelling units. However, due to the street alignment changes of "Street C", as required by Condition 22, Lot 2 will not be platted as a separate lot. This standard is met.

▪ ***Lot Standards:***

Lot size and dimension standards within the RM-II zone are established under SRC 514.010(b), Table 514-2; and lot size and dimension standards within the MU-II zone are established under SRC 534.015(a), Table 534-2.

Within the MU-II zone there are no minimum lot size and dimension requirements other than a minimum street frontage requirement of 16 feet for all uses.

A summary of the lot size and dimension standards applicable to residential uses within the RM-II zone is provided in the following table:

RM-II Zone Residential Use Lot Standards		
<b>Lot Area</b>	Min. 6,000 sq. ft.	Applicable to all other uses other than townhouses and single family.
<b>Lot Width</b>	Min. 40 ft.	Applicable to all other uses other than townhouses and single family.
<b>Lot Depth</b>	Min. 80 ft.	Applicable to all other uses other than townhouses and single family.
	Min. 120 ft.	Applicable to double frontage lots ( <i>lots with front and rear lots lines abutting a street</i> ).
	Max. 300% of average lot width	
<b>Street Frontage</b>	Min. 40 ft.	Applicable to all other uses other than townhouses and single family.

**Finding:** Lots 1-5 of the proposed subdivision will be developed with 31 buildings for development of 436 multiple family dwelling units, and no development plans have been submitted for Lot 6 at this time.

As shown on the tentative subdivision plan, the lot sizes of the proposed six lots within the subdivision range from 16,862 (.38 acres) to 519,696 square feet (11.93 acres) and are created for the development of multi-family housing. As conditioned with the street realignment of Condition 22 discussed later in this report, the subdivision plan will consist of five lots ranging from 104,572 (2.4 acres) to 519,696 square feet (11.93 acres), therefore, exceeding the minimum lot area standards of the RM-II zone. All of the proposed lots within the subdivision the minimum lot size requirements of the RM-II and MU-II zones.

All of the proposed lots within the subdivision similarly exceed the lot dimension and street frontage standards of both the RM-II and MU-II zones and are of sufficient size and dimension to permit development of uses allowed within the zone.

▪ **Density:**

Dwelling unit density for subdivisions within the RM-II zone are established under SRC 514.015(c), Table 514-3.

Dwelling Density Unit	Standard	
	Minimum	Maximum
Single Family, Two Family, Three Family, Four family and Multiple Family	15 dwelling units per acre	31 dwelling units per acre

**Finding:** The development site is 36.72 acres in size with 24.8 acres zoned RM-II, requiring a minimum 372 dwelling units and a maximum of 769 dwelling units. The proposal includes development of 436 units, meeting the minimum and maximum standards. The remainder of the site is zoned MU-II and could have a mix of residential and commercial uses. Density for the MU-II portion of the property will be evaluated at the time of future development.

▪ **Setbacks:**

Setbacks for buildings and accessory structures within the RM-II zone are established under SRC 514.010(d), Table 514-4 and 514-5; and setbacks for buildings and accessory structures in the MU-II zone are established under SRC 534.015(c), Tables 534-3 and 534-4.

Garage Setback: In addition to the setbacks identified above, SRC 806.025(b) requires garages facing a street to be setback a minimum of 20 feet in order to accommodate a driveway and enough space for vehicles to park on the driveway without projecting into the street right-of-way.

**Finding:** As indicated in this report, Lots 1-5 will be developed with 31 buildings for development of 436 multiple family dwelling units, where analysis of the Site Plan Review and the specific setbacks applicable to each proposed building are included in Section 11 of this report. In addition, there are six townhome-style multi-family units abutting a street proposed at the northwest corner of the development, where the garage setback would apply, and is reviewed in Section 11 of this report.

Lot 6 will be reviewed for conformance with the applicable setback requirements of the MU-II zone at the time of future development.

***(B) City Infrastructure Standards.***

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of streets, water, sewer, and storm drainage facilities and determined that the proposed subdivision, with recommended necessary conditions of approval, conforms to the requirements of SRC Chapter 71 (Stormwater), SRC Chapter 802 (Public Improvements), SRC Chapter 803 (Streets and Right-of-Way Improvements), and the Public Works Design Standards (PWDS). While SRC Chapter 205 does not require submission of public construction plans for City infrastructure prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct required City infrastructure to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

**Finding:** The subject property is located outside of the Urban Service Area, and therefore; an Urban Growth Preliminary Declaration has been required. As conditioned, the tentative subdivision plan is designed to accommodate required on-site and off-site improvements. A summary of the existing and required City infrastructure improvements are as follows:

***SRC Chapter 71 – Stormwater***

The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) adopted in Administrative Rule 109, Division 004. These requirements limit runoff from the development to levels not exceeding pre-existing conditions.

**Finding:** The Public Works Department indicates that the applicant submitted an incomplete preliminary stormwater report lacking appendices. It is not clear from the information submitted whether or not the proposed design complies with SRC Chapter 71 and PWDS. In addition, the applicants tentative plan shows a new 30-foot-deep public storm main in Landaggard Drive NW, that does not appear feasible to construct or maintain. Lack of design at this stage may require modification to the land use decision once a complete design is reviewed.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, an Engineering Method Report, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities for all proposed lots, with the exception of Lot 6. Stormwater design for proposed Lot 6 can be provided at the time of Site Plan Review for future development.

**Condition 2:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots, with the exception of Lot 6.

**Condition 3:** At time of development of Lot 6, design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

**Condition 4:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way.

### ***SRC Chapter 802 – Public Improvements***

SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public improvements are found in the comments provided by the Public Works Department (**Attachment D**).

**Finding:** The subject property is located outside of the Urban Service Area, and; therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, the proposed development is designed to accommodate required on-site and off-site improvements.

The Public Works Department indicates water is available in Orchard Heights Road NW and Doaks Ferry Road NW to serve the development. The *Salem Water System Master Plan* identifies a future water main through the property. Within the new internal streets, the applicant shall provide a minimum 12-inch master plan water main.

**Water:** The subject property is located within the G-0 water service level. An 8-inch water main is located in Hearth Street NE.

**Sewer:** A 10-inch sewer main is located in Hearth Street NE.

The subject property is not served by public sewer. The nearest public sewer main is located in Doaks Ferry Road NW, approximately 1,250-feet north of the subject property, however, this main does not have adequate capacity to serve the proposed development. The *Salem Wastewater Management Plan* identifies a future public main of various sizes within Doaks Ferry Road NW and on the subject property. The master plan main extends from the intersection of Doaks Ferry Road NW and Brush College Road NW to the site, from approximately one-half-mile north. The applicant shall be required to construct the master plan sewer main in Doaks Ferry Road NW and through the site, to serve the proposed development and neighboring property. In order to ensure that required City infrastructure is provided to serve the proposed subdivision in conformance with the requirements of SRC Chapter 802, the following conditions of approval shall apply:

**Condition 5:** Extend a minimum 12-inch public water main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.

**Condition 6:** Construct a *Salem Wastewater Management Master Plan* identified sewer main in Doaks Ferry Road NW from the intersection of Doaks

Ferry Road NW and Brush College Road NW to the proposed development pursuant to PWDS.

**Condition 7:** Extend a minimum 8-inch public sewer main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.

Private water, sewer, and storm services shall be constructed to serve each lot. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

The applicant's tentative plan shows multiple existing easements that will need to be extinguished or relocated as part of the platting action. According to the City Surveyor, there is likely an existing right-of-way over portions of Tax Lot 400, south of Tax Lot 1100, that was established by V. 145, P. 538, PCDR. This existing right-of-way lies within Landaggard Drive NW and extends onto the subject property north of Landaggard Drive NW. This right-of-way requires vacation pursuant to SRC 255.065. In addition, an existing access easement through the subject property (Tax Lot 400), provides access to the land-locked parcel within the boundaries of the subject property (Tax Lot 1100), which is not a part of this proposal. The applicant is proposing to adjust the width and location of the easement to align with a proposed parking lot, while maintaining access to Tax Lot 1100. Pursuant to SRC 110.060, the City does not enforce any easement, covenant, condition, restriction, or other agreement between private parties, nor is the UDC generally intended to abrogate, annul, or impair such easements, covenants, conditions, restrictions, or agreements. Therefore, the proposal has also been conditioned to ensure the access easement is not eliminated altogether, and to ensure alternative access is provided to the land-locked property during construction. As such, the following conditions apply:

**Condition 8:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

**Condition 9:** Existing easements and rights-of-way on the subject property shall be relocated, extinguished, or vacated, as appropriate, prior to final plat approval.

**Condition 10:** The applicant shall not eliminate the easement providing access to Tax Lot 1100, and shall demonstrate alternative access provided to the property during construction.

As conditioned, the proposed subdivision conforms to the public improvement standards of SRC Chapter 802.

***SRC Chapter 803 (Street and Right-of-Way Improvements)***

The subject property has frontage on Doaks Ferry Road NW to the east, Orchard Heights Road NW to the south, and Landaggard Drive NW by a stubbed street along the southwest portion.

**Finding:** Orchard Heights Road NW is designed as a minor arterial street under the City's Transportation System Plan (TSP) and meets the required right-of-way width and improvement required for its classification of street per the Salem TSP. The Public Works Department indicates that TIA mitigation is required and will provide sidewalks along Orchard Heights Road NW fronting the subject property. Pursuant to SRC 200.035(a)(4), sidewalks shall also be provided along the frontage of Polk County Assessors Tax lot No. 073W17D00900.

Doaks Ferry Road NW is designated as a major arterial street under the City's TSP. The existing condition of Doaks Ferry Road NW does not meet current standards for its classification of street per the Salem TSP. As such, the applicant shall convey for dedication a half-width right-of-way up to 48-feet to major arterial standards as specified in the Public Works Design Standards and based on a rational nexus calculation. The applicant shall also construct a half-street improvement to an interim minor arterial street standard as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803. An interim minor arterial improvement with a turn lane, as required by the applicant's TIA, is appropriate based on the existing underimproved condition of the street and right-of-way width constraints. In addition, the Transportation System Plan identifies that Doaks Ferry Road NW between Brush College Road NW and Orchard Heights Road NW will be improved to an interim minor arterial standard as a Committed Street Improvement Project (Table 3-4 Project ID no. 82). In addition, Cherriots submitted comments indicating that a new transit stop is needed in coordination with the proposed street improvements along Doaks Ferry Road NW (**Attachment F**). The applicant shall be required to provide the bus stop as part of the street improvements pursuant to SRC 803.035(r). To ensure the applicant provides all required street improvements listed above, the following conditions apply:

- Condition 11:** Convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Doaks Ferry Road NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 12:** Construct a half-street improvement along the frontage of Doaks Ferry Road NW to an interim minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 13:** The applicant shall coordinate with Cherriots to provide bus stops along Doaks Ferry Road NW in locations approved by the Public Works Department.

A 10-foot-wide Public Utility Easement (PUE) is required along street frontages pursuant to SRC 803.035(n). The applicant's tentative plan shows a PUE along the new internal streets and along Doaks Ferry Road NW abutting the proposed water quality parcels, but no PUE is shown along Doaks Ferry Road NW and Orchard Heights Road

NW abutting Lot 6. Development plans for Lot 6 have not yet been submitted; at time of site plan review for Lot 6, the depth of the Public Utility Easement will be established and may be dedicated by separate document.

**Condition 14:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and along Doaks Ferry Road NW abutting the proposed “W.Q. Parcel” as shown on the applicants tentative Plan.

**Condition 15:** At the time of development of Lot 6, a public utility easement shall be dedicated along the Lot 6 frontages of Doaks Ferry Road NW and Orchard Heights Road NW. The public utility easement width shall be established and dedicated by separate document, if required.

Landaggard Drive NW is currently classified as a collector street according to the Salem TSP. The current TSP collector street alignment extends from the existing portion of Landaggard Drive NW through the site to the western property line. The applicant has submitted a separate application for a Transportation System Plan Amendment to change the classification of Landaggard Street NW to a local street, and to change the alignment of the collector street to follow proposed Street A (Application No. 22-121104-GP). The proposed change in classification is intended to recognize the condition of Landaggard and its unsuitability for higher volumes of traffic. Amendments to the TSP are subject to City Council approval. If City Council approves the TSP Amendment, staff recommends that “Street A” be constructed to Collector B standards according to the Salem TSP to accommodate parking on one side of the street and bike lanes in both directions. If the City Council does not approve the amendment, streets shall be design and constructed to meet current street classifications as identified in the Salem TSP, as described in the conditions of approval and shown on **Exhibit a**. Recommended conditions ensure compliance with the Salem Transportation System Plan, as required by SRC 205.010(d)(4). Based on whether City Council approves the TSP Amendment, and taking into account the requested alternative street standards discussed later in this section, the following conditions apply:

**Condition 16:** Prior to issuance of Public Construction Permits, the applicant shall receive a final City Council decision on the proposed Salem Transportation System Plan Amendment (22-121104-GP) relating to the collector street alignment that is mapped through the property.

**Condition 17:** If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct Landaggard Drive NW within the property, proposed “Street B”, and proposed “Street C” to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. Internal local streets are approved to have an increased curb-to-curb improvement of 34 feet.

**Condition 18:** If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct “Street A” to “Collector Street B” standards as specified in the City Street Design

Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:

- i. "Street A" shall have a maximum grade of 12 percent.
- ii. "Street A" shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
- iii. A public street connection from "Street A" to proposed Lot 6 is not required.

**Condition 19:** If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct proposed "Street A" from Doaks Ferry Road NW to the intersection with Landaggard Drive NW within the property, "Street C", and "Street B", to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:

- i. "Street A" shall have a maximum grade of 12 percent.
- ii. "Street A" shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
- iii. A public street connection from "Street A" to proposed Lot 6 is not required.
- iv. Internal local streets are approved to have an increased curb-to-curb improvement of 34 feet.

**Condition 20:** If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct the extension of Landaggard Drive NW within the property to the intersection with proposed "Street A" and proposed "Street A" from the intersection of Landaggard Drive NW to the western property line to "Collector Street B" standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

The subject property has approximately 100 feet of frontage on the existing Landaggard Drive NW right-of-way as shown on **Exhibit a**. This portion of Landaggard Drive NW does not meet local street standards according to the Salem TSP. The applicant shall be required to construct a three-quarter street boundary street improvement along the existing Landaggard Drive NW frontage. If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the boundary street improvement shall be constructed to "Collector Street B" standards.

**Condition 21:** Along the frontage of the existing portion of Landaggard Drive NW adjacent to the subject property, construct a three-quarter street boundary street improvement to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. If City Council does not approve the requested



Transportation System Plan Amendment (22-121104-GP), the boundary street improvement shall be constructed to “Collector Street B” standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

Pursuant to SRC 803.035(a) *local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system*. The applicant’s tentative plan shows “Street C” which stubs to neighboring property for an eventual connection to Doaks Ferry Road NW. This stub is required in order to provide for the 600-foot block spacing required under SRC 803.030(a). The applicant’s location of proposed “Street C” conflicts with an existing dwelling and accessory structure located on Polk County Tax Lot No. 073W17B00300 (2217 Doaks Ferry Road NW) while there is undeveloped property northly that the street can be stubbed to (Polk County Tax lot No. 073W17B00200). Staff recommends the proposed street stub be moved to the north to avoid conflicts with the existing structures as shown in **Exhibit a**. However, there are two significant trees designated for preservation at the northeast corner of the development, one 24-inch and one 30-inch Oak tree. Because of the street realignment required for “Street C”, these trees shall be evaluated for removal with the Variance request below in Section 13.

**Condition 22:** Modify the proposed “Street C” stub street location to the north line of proposed Lot 2 to avoid conflicts with existing structures on neighboring property not included in the development proposal.

The required boundary street improvements may require removal of city-owned trees within the existing right-of-way. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86.

**Condition 23:** Obtain any necessary street tree removal permits pursuant to SRC Chapter 86.

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 with the required boundary street improvements and internal street construction.

**Condition 24:** Install street trees to the maximum extent feasible along Doaks Ferry Road NW, Orchard Heights Road NW, and internal streets constructed within the subdivision.

The applicant’s site plan shows new internal streets to be constructed within the subdivision; however, the street designs do not meet Public Works Design Standards for horizontal radius and a design exception has not been approved by the City Engineer to deviate from the standards. As conditioned below, the applicant shall design streets to local street standards, unless approved otherwise. In addition, the proposed streets do not meet maximum allowed grades, block lengths, or street connectivity standards established in SRC Chapter 803. Pursuant to SRC 803.065, the applicant requested an alternative street standard to deviate from street grade, block length, and connectivity standards established in SRC 803.

### *Alternative Street Standards (SRC 803.065)*

Pursuant to SRC 803.065(a), the Director may authorize the use of one or more alternative streets standards where:

- (1) *Existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;*
- (2) *The development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or*
- (3) *Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.*

**Finding:** Specifically, the following alternative street standard requests have been submitted:

- (1) Allow internal local streets to have a 34-foot-wide curb-to-curb paved surface where the minimum paved surface for a local street is 30-feet (SRC 803.025(b));
- (2) Increase the maximum allowed block length of “Street A” from 600-feet to approximately 985-feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW (SRC 803.030(a));
- (3) Deviate from street connectivity requirements and not provide a street connection from “Street A” to proposed Lot 6 (SRC 803.035(a)); and
- (4) Allow “Street A” to increase the maximum allowed grade for a collector street from 8-percent to 12-percent (SRC 803.035(c)).

*Allow internal local streets to have a 34-foot-wide curb-to-curb paved surface where the minimum paved surface for a local street is 30-feet (SRC 803.025(b)).*

The applicant’s preliminary street plan shows a 34-foot curb-to-curb improvement for the new internal streets. According to the Salem TSP, local streets shall have a 30-foot curb-to-curb improvement. While 30-foot curb-to-curb allows parking on both sides, this standard is most often used on streets with numerous driveways, where cars can pull to the side to allow passing. Since these local streets are serving a multi-family development without individual driveway, a wider width will allow for on-street parking on both sides of the street and room to pass. Therefore, an Alternative Street Standard to allow for a wider than standard curb-to-curb improvement pursuant to SRC 803.065(a) is approved. To ensure streets are dedicated and designed to local street standards, except where this alternative street standard allows otherwise, the following condition applies:

**Condition 25:** Dedicate a 60-foot-wide right-of-way for new internal streets within the subject property as shown on the applicant’s tentative plan.

*Increase the maximum allowed block length of “Street A” from 600-feet to approximately 985-feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW (SRC 803.030(a)).*

**Finding:** SRC 803.030 and SRC 803.035(a) establish street spacing and connectivity requirements for the development of streets throughout the City. Pursuant to these

requirements, street connections are generally required to be provided to existing streets and abutting undeveloped property at an interval of no greater than 600 feet unless special conditions, such as existing physical conditions or existing development on adjacent land, preclude streets from meeting spacing requirements or where strict application of the street spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network.

In this case, the block length along “Street A” between Doaks Ferry Road NW to the west of the proposed development and the extension of Landaggard Drive NW is approximately 985 feet, which exceeds the maximum 600-foot street spacing interval. If a street were to be provided from “Street A” through Lot 5 to stub to Lot 6 for future development, the street spacing and connectivity requirements of SRC Chapter 803 could be met. However, due to site topography and grading, the applicant indicates a street meeting the required standards under SRC Chapter 803 cannot be feasible provided and the street connection would not provide any greater benefit for vehicular traffic than that already provided by the existing street network.

*Deviate from street connectivity requirements and not provide a street connection from “Street A” to proposed lot 6 (SRC 803.035(a)).*

As indicated above, constructing an additional street from “Street A” to Lot 6, that meets standards is not feasible due to the existing site topography. In lieu of constructing a street, the applicant has submitted a request to dedicate an easement for an accessible walkway from “Street A”, through Lot 5 to Lot 6. In addition to providing pedestrian access, staff recommends an easement be dedicated by separate document that provides vehicular and bike access from “Street A” to Lot 6 through a drive aisle proposed on site. This will provide connectivity for all modes of transportation, for the future development of Lot 6. This easement may be dedicated by separate document and extinguished if determined not necessary at time of Site Plan Review for Lot 6.

**Condition 26:** As shown on the applicant’s tentative plan, dedicate public pedestrian access easement from “Street A” to Lot 6.

**Condition 27:** Dedicate an additional public access easement for vehicular and pedestrian access from “Street A” to Lot 6 through the southeastern drive aisle within the development site. This easement may be dedicated by separate document and extinguished if determined not necessary at time of Site Plan Review for proposed Lot 6.

*Allow “Street A” to increase the maximum allowed grade for a collector street from 8-percent to 12-percent (SRC 803.035(c)).*

The development site has existing topography that makes construction that conforms to the standards difficult. Pursuant to SRC 803.065(a)(3) the Director approved the alternative street standard request for increased street grades, which allows for use of an alternative street standard where topography or other conditions make the construction that conforms to the standards impossible or undesirable.

***(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.***

### ***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 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 wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

**Finding:** The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

In addition, a portion of Wilark Brook runs through Lot 6 of the proposed subdivision. Pursuant to PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest.

**Condition 28:** Along Wilark Brook on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

### ***SRC Chapter 810 – Landslide Hazards***

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

**Finding:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-to-4-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to

the proposal, which results in a total of 5-to-7 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report. A Geological Assessment, prepared by Redmond Geotechnical Services and dated November 4, 2022, was submitted to the City of Salem with the subdivision application. This assessment demonstrates the subject property could be developed by implementing the mitigation measures provided in the report.

**Condition 29:** As a condition of building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

***SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.***

**Finding:** The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the RM-II (Multiple Family Residential) zone SRC Chapter 514. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties. As conditioned, the proposal meets this criterion.

***SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.***

**Finding:** The subject property is located outside of the Urban Service Area, and therefore; an Urban Growth Preliminary Declaration has been required. The Public Works Department reviewed the proposal and determined that the proposed development is designed to accommodate required on-site and off-site improvements, as conditioned.

***SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.***

**Finding:** The subject property is located adjacent to Doaks Ferry Road NW and Orchard Heights Road NW; Landaggard Drive NW, currently a dead-end street, extends to the southwestern boundary of the subject property. Doaks Ferry Road is designated as a Major Arterial Street under the City's Transportation System Plan (TSP); Orchard Heights Road is designated as a Minor Arterial Street; and Landaggard Drive is designated as a Collector Street.

The identified street improvements and public street right-of-way dedications, as proposed by the applicant in the application materials and conditioned with this decision, ensure all streets within and adjacent the subdivision will conform to the TSP. This approval criterion is met.

***SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.***

**Finding:** Access to the proposed subdivision will be provided by the network of existing public streets that surround the property. As shown on the tentative subdivision plan, internal streets are extended through the site to provide safe and convenient access to the proposed lots within the subdivision, and proposed streets are extended to the boundaries of the property to provide opportunities for future street connectivity to abutting properties.

The required improvements will ensure that the street system in and adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This criterion is met.

***SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.***

**Finding:** The proposed development is served by Grice Hill Park .25 miles west of the subject property, and West Salem High School Park .35 miles southwest of the subject property. Access to the park is available through the existing transportation system. This criterion is met.

***SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.***

**Finding:** The property is subject to a “Trip Cap” established by CPC-ZC21-06. The applicant submitted a Traffic Impact Analysis (TIA) for the consolidated application prepared by Transit Consulting, LCC, and dated September 28, 2022, which demonstrates compliance with “Trip Cap”. The TIA also recommends mitigation be provided by the development to account for the impact the transportation system. The Assistant City Traffic Engineer has reviewed the TIA, agreed with the findings, and recommends the following condition of approval:

**Condition 30:** As specified in the TIA, provide the following mitigation:

- i. Construct a left turn lane on Doaks Ferry Road NW at the intersection with the new “Street A”. The left turn lane shall include a minimum 75 feet of vehicle storage.
- ii. Construct sidewalks along Doaks Ferry Road from the intersection of Orchard Heights Road NW to the northern boundary of the site.
- iii. Construct a linked ADA pedestrian connection from the proposed development across Orchard Heights Road NW, including a

raised pedestrian refuge on the west side of the intersection. Improvements shall include upgraded ADA ramps on both sides of Landaggard Drive NW and the western side of the West Salem High School driveway, and a sidewalk extension along the north side of Orchard Heights Road NW to the intersection with Doaks Ferry Road NW. Pursuant to SRC 200.035(a)(4), sidewalks shall also be provided along the frontage of 2357 Orchard Heights Road NW (Polk County Assessors Tax Lot No. 073W17D00900).

The Assistant City Traffic Engineer has reviewed the proposal and also recommends an additional condition of approval to address the increased traffic that will flow onto Landaggard Drive NW, which is an existing underimproved public street. The Assistant City Traffic Engineers recommends the applicant install speed bumps on Landaggard Drive NE to slow traffic, and to discourage cut-through traffic on the underimproved local street. Notice will be sent to neighbors along Landaggard Drive NW for input on the number of speed bumps prior to installation. In addition, Landaggard Drive NW shall not be used as a construction traffic entrance for the proposed development. As such, the following conditions apply:

**Condition 31:** Install not more than four speed humps on Landaggard Drive NW in locations approved by Public Works and in accordance with PWDS.

**Condition 32:** Landaggard Drive NW shall not be used as a construction entrance. A construction entrance shall be constructed from either Doaks Ferry Road NW or Orchard Heights Road NW, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.

***SRC 205.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.***

**Finding:** The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

As described in findings above, the lot and street configuration established by the proposed subdivision meet applicable development standards; and the configuration of the proposed lots makes logical use of the developable land. All existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property and evaluated with this decision. As conditioned, the layout allows for reasonable development of all lots within the subdivision without variances from the UDC. The proposal meets this criterion.

***SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.***

**Finding:** As explained in the findings establishing conformance with SRC 205.010(d)(8) above, the tentative subdivision plan configures lots and streets to allow residential development of the site, which has been reviewed in conjunction with a Tree Regulation Variance application to ensure the proposal minimizes disruptions to topography and vegetation. The proposed lots are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

***SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.***

**Finding:** The subject property is located outside of the Urban Service Area; therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, the tentative subdivision plan can be designed to accommodate required on-site and off-site improvements.

## **10. Analysis of Urban Growth Preliminary Declaration**

Salem Revised Code (SRC) 200.025(d) & (e) set forth the applicable criteria that must be met before an Urban Growth Preliminary Declaration may be issued. The following subsections are organized with approval criteria followed by findings identifying those public facilities that are currently in place and those that must be constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

***SRC 200.025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:***

- (1) The required facilities necessary to fully serve the development;***
- (2) The extent to which the required facilities are in place or fully committed.***

***SRC 200.025(e): The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.***

**Finding:** An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

### **SRC 200.055 – Standards for Street Improvements**

**Finding:** An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local



streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

Doaks Ferry Road NW and Orchard Heights Road NW are adequate “linking” streets. Boundary street improvements will be required as a condition of development, described further below.

#### **SRC 200.060 – Standards for Sewer Improvements**

**Finding:** The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest adequate sewer is located at the intersection of Doaks Ferry Road NW and Orchard Heights Road NW, approximately one-half-mile north of the subject property. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below.

#### **SRC 200.065 – Standards for Storm Drainage Improvements**

**Finding:** The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Doaks Ferry Road NW and Orchard Heights Road NW abutting the subject property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

#### **SRC 200.070 – Standards for Water Improvements**

**Finding:** The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The nearest available public water system appears to be located in Doaks Ferry Road NW and Orchard Heights Road NW abutting the subject property. The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

#### **SRC 200.075 – Standards for Park Sites**

**Finding:** The proposed development is served by Grice Hill Park .25 miles west of the subject property and West Salem High School Park .35 miles southwest of the subject property.

### **11. 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 apartment complex of 31 buildings containing 436 dwelling units. The proposed development is located on the northern portion of the property zoned RM-II (Multiple Family Residential) and has therefore been reviewed for conformance with the RM-II zone under SRC Chapter 514. Four adjustments are requested to height, parking, building orientation and buildable width; findings for the adjustments are included in Section 12 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:** As described above, proposed Lot 2 is 16,862 square feet in size, while the remaining lots are 104,572 square feet or greater. The applicant's plans indicate development of Lot 2 will contain a building of six attached dwelling units, meeting the minimum standard of three or more attached dwelling units. However, due to the street alignment changes of "Street C", as required by Condition 22, Lot 2 will not be platted as a separate lot. As conditioned, the proposal complies with this section.

#### ***SRC 514.010(b) – Lot standards:***

Lots within the RM-II zone shall conform to the standards set forth in Table 514-2. Multi-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:** As discussed in Section 1 and as conditioned with the street realignment of Condition 22, the lot sizes of the five lots within the subdivision will range from 104,572 (2.4 acres) to 519,696 square feet (11.93 acres) and are created for the development of multi-family housing; therefore, exceeding the minimum lot area standards of the RM-II zone. 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 development site is 36.72 acres in size with 24.8 acres zoned RM-II, requiring a minimum 372 dwelling units and a maximum of 769 dwelling units. The proposal includes development of 436 units, meeting the minimum standard.

***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***

The proposed development is adjacent to right-of-way for Doaks Ferry Road NW to the east. In addition, the development plan includes construction of internal streets where each proposed parcel abuts right-of-way for “Street A”, “Street B”, “Street C”, and Landaggard Drive NW. For a multiple family use, Table 514-4 specifies that multi-family buildings abutting a street require a minimum setback of 12 feet plus one foot for each one foot of height over 12 feet, but need not exceed 20 feet; vehicle use areas require a minimum 12-foot setback.

**Finding:** All buildings for the proposed development are more than 20 feet in height, requiring at least a 20-foot setback abutting all streets, but need not exceed 20 feet. The applicant’s plans indicate buildings set back at least 20 feet in all areas of the development except along “Street A”, located between Doaks Ferry Road NW and Landaggard Drive NW, where the applicant has indicated a 15-foot setback. As such, the following condition applies:

**Condition 33:** Prior to building permits, all buildings along “Street A” meet the minimum 20-foot setback, or obtain approval of a Zoning Adjustment.

Pursuant to SRC 702.020(d)(2), off-street surface parking and vehicle maneuvering areas shall be located behind or beside buildings and structures; therefore, all vehicle use areas are setback at least 20 feet to be located beside buildings, meeting the minimum setback for vehicle use areas. As conditioned, the proposal meets the applicable standards.

***Interior Side and Rear***

The subject property is an irregular shape that abuts property zoned RA (Residential Agriculture) to the west, and also abuts RA zoned property adjacent to the south where Landaggard Drive NW connects to the development. Adjacent to the north is property zoned Polk County Suburban Residential with a Salem Area Comprehensive Plan designation of DR (Developing Residential). The equivalent City of Salem Zoning designation is RA (Residential Agriculture). 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).

**Finding:** The applicant's plans indicate the minimum 10-foot setback along the north property line, where all adjacent buildings and vehicle use areas meet the minimum setback. However, the applicant's plans indicate only a minimum five-foot setback for all other areas abutting RA-zoned property. While all buildings are proposed to be setback more than 10 feet from the RA-zoned properties, there are several vehicle use areas that need to be modified to meet the setback; therefore, the following condition applies:

**Condition 34:** Prior to building permit approval, all vehicle use areas and buildings abutting RA-zoned properties shall be setback a minimum of 10 feet, with Type C landscaping, or obtain approval of a Zoning Adjustment.

*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, and the maximum building height for accessory structures is 15 feet.

**Finding:** The applicant's written statement and plans indicate the tallest building on site is approximately 40 feet to its highest point. The applicant has requested an adjustment to the maximum height for accessory structures for the proposed community building providing recreational amenities to the development. Findings for the adjustment are included in Section 12 of this report.

*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 14 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 436 units; therefore, it is subject to the Design Review standards of Chapter 702, which are addressed in Section 14 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 proposed development includes a new solid waste service area. The standards of SRC 800.055 apply. Full adherence with these standards will be ensured at the time of building permit review.

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

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

(1) *Pad area.* In determining the total concrete pad area for any solid waste service area:

- (a) The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
- (b) The pad area shall extend a minimum 3 feet beyond the front of the receptacle.
- (c) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

**Finding:** The proposed plans do not indicate the pad area surrounding the trash enclosures. To ensure compliance with all of the above standards, the following condition applies:

**Condition 35:** At the time of building permit review, the applicant shall provide construction details for the trash enclosure indicating conformance with SRC Chapter 800.

(2) Minimum Separation.

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

**Finding:** Adequate separation distance appears to be available within the enclosure. Receptacles will not be placed within 5 feet of a building or structure. As conditioned above, conformance with this standard will be verified at the time of building permit review.

(3) Vertical Clearance.

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

**Finding:** The applicant's plans do not indicate a roof for the trash enclosure. This standard is met.

*SRC 800.055(c) – Permanent Drop Box and Compactor Placement Standards.*

Permanent drop box and compactors shall meet the placement standards set forth in this section.

- (1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- (2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- (3) *Pad area.* The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.
- (4) *Minimum separation.* A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

**Finding:** The applicant's site plan indicates a trash compactor located within the trash enclosure, constructed on a six-inch reinforced concrete pad. However, the pad area does not appear to meet the minimum dimensions required. As conditioned above, conformance with this standard will be verified at the time of building permit review.

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

- (1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening

is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.

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

**Finding:** Construction details 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.

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

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

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

**Finding:** Construction details 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.

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

**Finding:** Construction details 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.

- (3) *Enclosure Gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

**Finding:** Construction details 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.

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

- (1) *Vehicle Operation Area.* A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

**Finding:** The proposed site plan shows vehicle operation areas a minimum of 45 feet in length and 15 feet in width, perpendicular to the enclosures and extending into vehicle maneuvering areas. The proposal meets the standard.

- (A) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
- (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
  - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
  - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

**Finding:** The applicant has not indicated the size of the proposed trash receptacles. As conditioned above, the applicant shall provide this information with the trash enclosure details, and conformance with this standard will be verified at the time of building permit review.

- (B) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
- (C) Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
- (D) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

**Finding:** The proposed site plan shows vehicle operation areas which are coincident with parking lot drive aisles which meets the minimum dimensions and turning radius for collection service. The proposal meets the standard.

#### *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 14 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.

#### *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 area located on the same development site as the proposed building.

***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.
- (b) ***Compact Parking.*** Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- (c) ***Carpool and Vanpool Parking.*** New developments with 60 or more required off-street parking spaces, and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- (d) ***Maximum Off-Street Parking.*** Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Tables 806-2A or 806-2B.

**Finding:** The proposal includes development of a 436-unit apartment complex requiring one parking space per dwelling unit. A minimum of 436 off-street parking spaces are required for the development site, with a maximum allowance of 763 spaces ( $436 \times 1.75 = 763$ ). A maximum of 327 the off-street parking spaces may be compact spaces ( $436 \times .75 = 327$ ); the remaining spaces must be standard size spaces. Carpool/vanpool spaces are not required for a multi-family development.

The proposed site plan indicates 239 spaces provided on site will be compact spaces, meeting the minimum standard. However, the proposed development includes a total of 785 parking spaces, which exceeds the maximum allowance for parking. The applicant has requested an adjustment to increase the maximum allowed parking spaces throughout the development by 22 spaces. Findings for the adjustment are included in Section 12 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. The proposed off-street parking area is in compliance with the minimum setback requirements of SRC Chapters 514 and 806.

Landscaping will be evaluated for compliance with the applicable 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:** The proposed parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

*(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 applicant's site plan indicates several off-street parking areas where the drive aisle terminates at a dead-end, and does not provide the appropriate turnaround area as shown in Figure 806-9. As such, the following condition applies:

**Condition 36:** 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).

*(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. Off-street parking area screening per SRC 806.035(n) is provided as part of multi-family design review and landscaping standards. Bumper guards and wheel barriers are required for the proposed vehicle use area where a portion of the vehicle will overhang or project into required landscaped setbacks or pedestrian accessways. As such, the following conditions applies:

**Condition 37:** At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for all parking spaces adjacent to a required landscaped setback or a pedestrian walkway only five feet in width.

## **Bicycle Parking**

*SRC 806.045 - General Applicability.*

Bicycle parking shall be provided and maintained for 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 a minimum of 0.1 spaces per dwelling. For a development of 436 units, the minimum bicycle parking requirement is 44 bicycle spaces ( $436 \times 0.1 = 43.6$ ). The applicant's written statement indicates 48 bicycle parking spaces will be provided on site. 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.* 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.
- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- (c) *Dimensions.* Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.
- (d) *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.
- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:
  - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
  - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
  - (4) Racks shall be securely anchored.
  - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

**Finding:** The applicant's site plan shows short-term bicycle parking areas located outside of buildings throughout the development site, meeting the location and access standards. However, bike rack details were not provided to verify conformance with the required dimensions. In addition, the bike rack design provided does not meet design standards of this chapter. As such, the following condition applies:

**Condition 38:** 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.

### **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:** Three off-street loading spaces are required for multiple family development of 200 or more dwelling units, meeting the dimensions of 12 feet by 19 feet. The applicant's plans and written statement indicate three loading areas meeting the minimum dimensions located near activity areas within the site. 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 submitted a landscape plan with the original application submittal materials; however, the site plan configuration changed during review of the application, and an updated landscape plan was not submitted. As such, the following condition applies:

**Condition 39:** At the time of building permit review, the applicant shall provide an updated, full landscape plan demonstrating how the development site meets Type A or Type C landscaping, where applicable, as well as all multi-family landscaping requirements, by providing a summary table demonstrating conformance with the landscaping requirements of SRC Chapter 807 and SRC 702.020(b).

The original landscape plan submitted indicates approximately 141,118 square feet of landscaped area located within required setbacks, requiring a minimum of 7,056 plant units ( $141,118 / 20 = 7,055.9$ ). Of the required plant units, a minimum of 2,822 plant units shall be trees ( $7,056 \times 0.4 = 2,822.4$ ). The applicant's preliminary landscaping plan shows the areas which are to be landscaped, but does not indicate the plant units provided on site to demonstrate conformance with the landscape standards. With the condition above in place, landscape and irrigation plans will be reviewed again for conformance with the requirements of SRC Chapters 807 and 702 at the time of building permit application review.

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 several trees existing on site that are located within required setbacks and do not fall within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities. The applicant has proposed removal of several trees within setbacks, as well a number of trees that may exceed 75 percent of trees on the development site. However, as conditioned throughout this report, the applicant is to revise areas and submit an updated tree plan and landscaping plan. As such, the applicant shall indicate on their updated plans the number of significant and non-significant trees located with setbacks proposed for removal, as well as a total number of trees to be removed on site. To ensure that trees are planted to meet the replacement ratio and size requirements of this subsection, the following condition applies:

**Condition 40:** The applicant's updated plans shall provide two trees for each tree removed within a required setback and each tree removed in excess of 75 percent of the development site, if applicable, to meet the tree replanting requirement. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper.

*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 proposed removal of 46 significant trees on site which are not excepted under SRC 808.030(a)(2), and do not meet the criteria for a tree removal permit under SRC 808.030(d); therefore, an application for a Tree Regulation Variance has been submitted pursuant to SRC 808.045. Findings for the Tree Regulation Variance can be found in Section 13 of this report.

With completion of the conditions above, the subject property meets all applicable standards of these chapters of the UDC: *SRC 802 – Public Improvements, SRC 803 – Streets and Right-of-Way Improvements, SRC 804 – Driveway Approaches, SRC 805 – Vision Clearance, SRC 809 – Wetlands, and SRC 810 – Landslides*. This criterion is met.

***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:** Recommended improvements to the transportation system are discussed in the preceding analysis. With the recommended conditions of approval for the proposed subdivision, this criterion is met. Staff recommends that the subdivisions conditions be satisfied before building permits are issued, as transportation improvements are conditioned on the subdivisions application to serve the proposed development. As such, the following condition applies:

**Condition 41:** Prior to issuance of any building permits, the final plat for the Titan Hill Subdivision shall be recorded.

***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 proposal includes multiple driveways to be constructed on the new internal streets of the subdivision. The proposed driveway accesses provide for safe turning movements into and out of the property. Pursuant to SRC 804.015(b)(2), a driveway approach permit is not required when the driveways are constructed as part of a publicly or privately engineered public improvement project. If the driveways are not reviewed and approved on the Public Construction plans for the new internal streets, and not constructed with the new internal streets, the applicant shall be required to obtain a Class Two Driveway Approach Permit.

**Condition 42:** Submit a Driveway Approach Permit application if the driveways onto the new internal streets are not installed as part of the construction of the new internal street.

***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 subject property is located outside of the Urban Service Area, and therefore; an Urban Growth Preliminary Declaration has been required. As conditioned, the proposed development is designed to accommodate required on-site and off-site improvements. Staff recommends that the subdivision conditions be satisfied before

building permits are issued, as utility infrastructure improvements are conditioned on the subdivisions application to serve the proposed development.

The Public Works Department has reviewed the applicant's preliminary plan for development site. The water and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. As summarized in the conditions of approval, public sanitary sewer service is not available to serve the subject property and must be extended in Doaks Ferry Road NW prior to connection.

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 43:** 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. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

## **12. 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) Increase the maximum height allowed for an accessory structure from 15 feet to 22 feet (SRC 514.010);
- (2) Eliminate the requirement to orient buildings toward the street with direct pedestrian access to adjacent sidewalks (SRC 702.020(e)(5));
- (3) Reduce the minimum 40 percent buildable width requirement at varying percentages along Doaks Ferry Rd NW, Landaggard Dr NW, and "Street A" (SRC 702.020(e)(4)); and
- (4) Increase the maximum allowed parking spaces throughout the development by 22 spaces (SRC 806.015(e)).

***Increase the maximum height allowed for an accessory structure from 15 feet to 22 feet (SRC 514.010).***

The applicant is requested an adjustment to the maximum height for the Community Club House building provided for use of the residents, which is considered an accessory structure of the development site. The general purpose of the height standard of accessory structures is to provide limitations for structures not within the primary use of the development site, and to ensure that ancillary uses do not significantly impact surrounding residential uses.

The proposed club house building is located centrally within the subject property, with an average height of 22 feet, exceeding the 15-foot limitation by 7 feet. The proposal includes development of 31 multi-family buildings, with an average height of 35 feet, constructed throughout the development site and surrounding the club house building. The applicant indicates that the request to increase the height of the club house is to accommodate a design that includes high ceilings, tall windows, dormer windows in the roof design, and provides an open and welcoming environment for the residents to enjoy. Furthermore, the club house building design blends with the architecture of the surrounding residential buildings, and the increased building height provides a consistent design and visual flow with the rest of the buildings in the development site.

Staff agrees the design of the community building provides a consistent and cohesive development, and that potential impacts for the increased height of the community building are mitigated by its central location within the development and adequate separation to surrounding properties.

*Eliminate the requirement to orient buildings toward the street with direct pedestrian access to adjacent sidewalks (SRC 702.020(e)(5)).*

The purpose of this design standard is to provide a pedestrian friendly development with buildings oriented outward towards the street proving direct pedestrian access from ground floor units to the abutting sidewalk. In some areas of the development site, there are physical limitations identified on the property that would cause a difficulty to provide individual pedestrian access points for ground level units. For instance, this adjustment is necessary for the Buildings 1 through 3, 29, and 30 along Doaks Ferry Road to the east. Doaks Ferry Road NW is a major arterial street, and the applicant has identified the area abutting the street to be the best location for storm water facilities on site where there is a change in grade of approximately 22 feet. The adjustment is warranted in this case given the requirement to provide adequate storm water facilities. The applicant has provided a single pedestrian connection to "Street A" near the intersection of Doaks Ferry Road and Building 30 to equally meet the intent of providing pedestrian friendly access to all abutting streets. However, a similar connection is missing across "Street A" near Building 1 to provide access for pedestrians residing in the units abutting Doaks Ferry Road; therefore, the following condition shall apply:

**Condition 44:** The applicant shall provide a pedestrian connection proposed west of the parking lot adjacent to Building 1 to the east side of the parking lot, providing access near Building 1 for pedestrians in the east buildings to "Street A".

For some areas located along Landaggard Drive and "Street A", the topography of the site provides areas of steep grade that presents a difficulty in providing pedestrian



connections to the street, particularly along the south side of “Street A” and the extension of Landaggard Drive up to where it connects to “Street A”. In this case, staff finds that Buildings 1 and 30 (which have frontage on both Doaks Ferry Road and “Street A”), and Buildings 32 through 34 along “Street A” warrant the adjustment to the standard to provide direct pedestrian access for the ground floor units of these buildings. Furthermore, the applicant has provided alternative pedestrian accessways, located east of Building 33 and another west of Building 34, connecting with multiple pedestrian pathways throughout the south side of “Street A”, equally meeting the intent to provide a pedestrian friendly development. In addition, the applicant indicates all buildings have similar façades on all sides, with no distinguishable back of the building, ensuring that the buildings will still appear to be facing the streets.

Similarly, Buildings 21, 22, 24, and 25 along Landaggard Drive NW appear to warrant the adjustment as well due to significant inclines in grade along this portion of the street. The applicant has provided one connection on the east side of Landaggard adjacent to Building 25 which also connects the street with the rest of the development site and equally meets the intent of providing a pedestrian friendly development. However, the only pedestrian connection provided on the west side of Landaggard is from Building 19. In addition, the applicant has not addressed the approval criteria for eliminating the connection to these buildings. As such, the applicant shall provide one additional pedestrian connection adjacent to a building or parking lot to meet the intent of a pedestrian friendly development.

**Condition 45:** An additional pedestrian connection shall be provided along the west side of Landaggard Drive NW adjacent to Building 21 or 22.

In addition, the applicant’s plan includes several other buildings that are not providing the required pedestrian connection where there do not appear to be site constraints preventing them from doing so. For instance, there are no physical limitations identified on the north side of “Street A” that would cause a difficulty to provide individual pedestrian access points for ground level units in Buildings 5 through 8 to the public sidewalk. In fact, the applicant is already providing ground floor pedestrian access from proposed Building 4 and Building 9 to “Street A”. Similarly, there are no physical limitations to provide individual pedestrian access points for ground level units in Buildings 12 through 14 to the public sidewalk on Landaggard Drive NW, and the applicant has not addressed the approval criteria for the connection to these buildings. Staff finds that this development standard can be met with the proposed development and the applicant has not demonstrated that removing the direct pedestrian access requirement for these buildings equally or better meets the intent of the code; therefore, the adjustment request for buildings 5-8 and 12-14 is denied and the following conditions apply:

**Condition 46:** Proposed Buildings 5-8 shall comply with the direct pedestrian access standard of SRC 702.020(e)(5) along the north side of “Street A”.

**Condition 47:** Proposed Buildings 12-14 shall comply with the direct pedestrian access standard of SRC 702.020(e)(5) along Landaggard Drive NW.

*Reduce the minimum 40 percent buildable width requirement at varying percentages along Doaks Ferry Rd NW, Landaggard Dr NW, and "Street A" (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. As described in the finding above, there are site constraints and physical limitations identified on the property that would cause a difficulty to provide individual pedestrian access points for ground level units. Similarly, the same site constraints and topography of the site make it difficult to place all buildings along the setback line abutting all streets. In addition, because of the difficulty to provide pedestrian connections from the ground floor units to the streets, many buildings are oriented towards parking lots areas to provide convenient and safe pedestrian access for the development site.

Along the south side of "Street A", between Doaks Ferry Road NW and the intersection with Landaggard Drive NW, only 28 percent of the buildings are placed at the setback line because there are two driveway accesses to parking lots, and four pedestrian connections provided, where the design of these accesses take up space along the setback line due to the grading and topography of the site. Approximately 13 percent of building frontage is provided along the south side of "Street A", west of the intersection with Landaggard Drive NW, and approximately 29 percent is provided along the south side of Landaggard Drive, north of the intersection with "Street A". Both to these street segments include corners of the development created by the intersection of "Street A" and Landaggard Drive, where buildings are placed along the adjacent street frontage, but prove difficult to be placed at the setback line along both street frontages for corner buildings.

Along the east side of Landaggard Drive NW, south of the intersection with "Street A", approximately 35 percent of building frontage is provided, not including the Community Club House serving the development located along this frontage. Pursuant to SRC 702.020(e)(4), accessory structures shall not apply towards meeting the required buildable width percentage; however, the applicant would meet the standard along this street with inclusion of the building. Lastly, there is no building frontage provided along Doaks Ferry Road NW, where the applicant has identified the area abutting the street to be the best location for storm water facilities on site where there is a change in grade of approximately 22 feet.

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 club house building along street frontages where the topography of the site presents challenges to provide all buildings at the setback line. 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 spaces throughout the development by 19 spaces (SRC 806.015(e)).*

The applicant is requesting an adjustment to increase the number of parking spaces beyond the maximum allowed parking of 763 spaces, which is 1.75 times more than the minimum required parking for the site, to 785 parking space proposed. The applicant cites the need for more parking for apartments with more bedrooms as was previously allowed in past code amendments, and to have ample parking to ensure that the parking will not bleed out to the surrounding neighborhoods. However, as approved with the alternative street standards described above, widening of the local streets and construction of "Street A" to Type B Collector Street standards will provide ample parking along the internal streets of the development. In addition, the direction of the City and the State is to provide less parking and more opportunities for use of pedestrian, bike, and public transportation to reduce greenhouse gas emissions, as outlined in the City's Climate Action Plan. Efforts are underway to update the City's Transportation System Plan and address new State requirements under the Climate-Friendly and Equitable Communities (CFEC) rulemaking. Additionally, Condition 13 requires the applicant to work with Cherriots to provide a new bus stop location along Doaks Ferry Road providing residents with direct access to public transportation, where an increased use of public transit will require less overall parking. That applicant has not demonstrated how providing more parking than allowed will equally or better meet the intent of a maximum parking requirement.

Lastly, the applicant's plans propose parking lots in close proximity to significant trees and trees along property lines that could otherwise be save without grading of the site to accommodate parking. Analysis of the Tree Removal Variance in Section 13 below finds that removal of excess parking does not render the development unusable or create an unreasonable hardship, and the development is still able to provide a maximum of 763 parking spaces while saving significant trees on site. Staff finds that this development standard can be met with the proposed development and the applicant has not demonstrated that removing the direct pedestrian access requirement equally or better meets the intent of the code; therefore, the request to increase the maximum allowed parking for the site by 22 spaces is denied. As such, the following conditions apply:

**Condition 48:** The applicant shall remove parking spaces in excess of the maximum allowed parking of 763 spaces.

**Condition 49:** The parking lots near Buildings 3 and 6 shall be shortened and/or reconfigured to ensure survival of trees conditioned for preservation.

***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. Staff finds that the addition of 22 parking spaces in excess of the maximum allowance will have a significant impact on the surrounding trees and appearance of the residential area, and is thereby denying the request. With this denial, the development, as conditioned, will not detract from the livability or appearance of the residential area. This criterion is met.

***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:** Four 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. Staff is denying the request to increase parking beyond the maximum allowed parking by 22 spaces, and has imposed conditions for additional adjust requests that results in a project which is still consistent with the overall purpose of the zone.

As conditioned, the cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code. Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

**Condition 50:** 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.

### **13. Analysis of Tree Variance Approval Criteria**

Salem Revised Code (SRC) 808.045(d) sets forth the following criteria that must be met before approval can be granted to a request for a Tree Regulation Variance. In this case, the applicant has requested to address the hardship criteria in SRC 808.045(d)(1).

***SRC 808.045(d)(1)(a): There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance.***

**Finding:** The applicant submitted a tree plan (**Attachment G**) in conjunction with the proposal identifying a total of 75 significant trees (Oregon White Oak greater than 20 inches in diameter-at-breast height (dbh), or any other tree with a dbh of 30 inches or greater) on the property. In the written statement for the Tree Variance, the applicant requests to remove 44 significant trees due to their locations severely limiting the development of the site. On review of the tree plan submitted, staff found an additional two significant trees proposed for removal, but not addressed with the applicant's request. In addition, several trees proposed for removal appear to be located on property lines or on an adjacent property, and several comments and pictures submitted from surrounding neighbors suggest the applicant's tree plan submitted with the project is not an accurate representation of the existing trees on site. Because of the neighborhood concerns and the fact that not all trees proposed for removal were addressed in the applicant's written statement, the following conditions apply:

**Condition 51:** At the time of grading permit review, the applicant shall submit an updated tree inventory plan representing all conditions of approval for tree preservation or removal, and verification of trees located on property lines, including the critical root zone and protection measures of all trees on site and directly abutting the property in compliance with Chapter 808.

**Condition 52:** The two 32-inch Fir trees labeled 45 and 46 near the northern property line shall be preserved, until such time that a Tree Variance application can be approved for their removal.

Additionally, near the northern property line, the applicant's plans indicate preservation of a 30-inch Oak tree where a row of eight storage units are proposed to be constructed within the critical root zone; two non-significant Oak trees (13-inch and 16-inch dbh) designated for preservation abutting parking where the grading appears to affect the critical root zones; as well as a 36-inch Oak tree and 20-inch Fir tree designated for preservation where Building 14 encroaches into their critical root zones. The applicant may submit an arborist report documenting that disturbance up to a maximum of 30 percent of the critical root zone will not compromise the long-term health and stability of the tree, and all recommendations included in the report to minimize any impacts to the tree are followed. If the arborist report cannot be provided to ensure the health of the trees, then the applicant shall revise their plans to remove any unnecessary parking or storage units, or submit a Tree Variance application for removal of additional significant trees.

However, staff finds preservation of the 30-inch Oak tree adjacent to the storage units would only limit the development of the storage area, which is not considered a requirement of multi-family housing development under the Salem Revised Code. The development is still able to provide 436 units with all required amenities and open space, and an additional eight storage units does not render the development unusable or create an unreasonable hardship. As such, the following conditions apply:

**Condition 53:** The 30-inch Oak tree along the northern property line shall be preserved.

**Condition 54:** All trees designated for preservation shall have protective ground silt fencing encompassing 100-percent of their critical root zones. For all trees where construction is proposed within the critical root zone, the applicant shall either submit an arborist report documenting that disturbance up to a maximum of 30 percent of the critical root zone will not compromise the long-term health and stability of the tree; revise the plans to ensure the survival of the tree designated for preservation; or obtain approval of a new Tree Variance for additional removal of a significant tree.

Similarly, staff finds that there are several trees requested for removal adjacent to proposed parking lots that do not meet the criteria for hardship, as the applicant has requested an adjustment to increase the maximum allowed parking for the site; therefore, the site is able to be developed without the removal of these trees should the

applicant provide only the minimum amount of parking required. The development is still able to provide a maximum of 763 parking spaces; therefore, removal of excess parking does not render the development unusable or create an unreasonable hardship. As such, the following conditions apply:

**Condition 55:** Significant trees 35 and 36, two 30-inch Fir trees, adjacent to the parking lot near Building 3 shall be preserved. All other non-significant Fir and Maple trees in the vicinity of this parking lot shall also be preserved.

**Condition 56:** Significant trees 38 and 39, a 30-inch Madrona and 36-inch Oak, adjacent to the parking lot near Building 6 shall be preserved. All other non-significant Oak and Fir trees in the vicinity of this parking lot shall also be preserved.

Under SRC 808.020(d)(5), a typical tree removal permit could be granted where removal of the significant tree is necessary for the construction of a development other than single family, two family, three family, four family, or cottage cluster, and there are no reasonable design alternatives that would enable preservation of the tree. Factors including existing or planned street alignment, boundary improvements, proposed utilities, or site topography where severe grading of the critical root zone would occur in order to comply with maximum street or intersection grades, fire department access requirements, or ADA accessibility standards would satisfy the criteria for removal. In consideration of what would be allowed for similar multi-family developments, staff finds the location of the remaining 40 trees requested for removal meet the one of these criteria for removal. Removal of the remaining 40 trees on site are due to the location of trees well within the interior of the development site affected by substantial grading, or within areas dedicated for streets or stormwater facilities, which would interfere with providing the necessary infrastructure to meet standards. There are no other options to provide the required street connections or stormwater facilities on site due to site topography.

However, there are two significant trees designated for preservation at the northeast corner of the development, one 24-inch and one 30-inch Oak tree. Because of the street realignment required for "Street C", per Condition 22 above, these trees shall also be approved for removal with the Variance request for their location within existing or planned street alignment.

Staff has conditioned preservation of six significant trees, while allowing removal of an additional two significant trees to accommodate a street realignment, allowing removal of 42 significant trees on site as indicated on the attached tree plan. Staff finds that there are special conditions that apply to the property, as discussed throughout this report, where retaining the trees creates an unreasonable hardship that can most effectively be relieved by approval of the variance. As conditioned, the proposal meets this criterion.

***SRC 808.045(d)(1)(b): The proposed variance is the minimum necessary to allow the otherwise lawful proposed development of activity.***

**Finding:** No other options exist to provide the required street connections or stormwater facility on site. The conditions above limit the number of significant trees removed on site to 42 instead of the requested 46 trees, which is the minimum necessary to allow for the lawful development of the subject property. Therefore, this criterion is met

#### **14. 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 proposed development occurs on a portion of the subject property that is approximately 24.8 acres in size (1,080,288 square feet), requiring a minimum of 324,086 square feet ( $1,080,288 \times 0.3 = 324,086.4$ ) of common open space, including indoor or covered recreation space. The applicant's open space plan indicates that 396,510 square feet (approximately 36 percent of the site area) of open space is provided for this development site, exceeding the minimum open space requirement.

(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 436 dwelling units, at least one common open space shall be provided which is a minimum of 6,250 square feet in size, with a minimum horizontal dimension of 25 feet. The proposed site plan shows a common open space central to the development site that includes a clubhouse, pool, basketball court, covered pavilion, and a children's playground. The clubhouse and pool area total one contiguous area of approximately 10,000 square feet, and the playground, basketball court, and pavilion provide a second contiguous area of approximately 7,000 square feet, exceeding the minimum standard in two areas. 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 written statement does not fully address this standard, and the applicant's grading plan indicate areas within landscaped setbacks that appear to have slopes greater than 25 percent, which have been counted towards the required open space square footage. However, the applicant has indicated that approximately 36 percent of open space is being provided for the development site, exceeding the minimum 30 percent by 72,424 square feet. The applicant will likely meet the open space requirement without inclusion of the sloped areas, or has areas on site where an additional amenity can be provided to count as double towards the requirement. However, like the landscape plan submitted, a revised open space plan was not submitted when changes to the development site occurred during review of the application. Therefore, to ensure conformance with this standard and the open space requirements, the following condition applies:

**Condition 57:** At the time of building permit review, the applicant shall provide an updated open space plan, including a summary table demonstrating conformance with the minimum private and common open space requirements under SRC 702.020(a).

(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. However, not all patios meet the minimum dimensions exclusive of the storage rooms provided on the patio or balcony. As such, the following condition applies:

**Condition 58:** At the time of building permit review, the applicant shall demonstrate that any private open space patio or balcony provided for the development meets the respective minimum dimensions exclusive of any proposed storage room, or obtain approval of a Zoning Adjustment.

(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 436 dwelling units, requiring a minimum of 87 units with private open space ( $436 \times .2 = 87.2$ ). All units have a ground-floor patio, exceeding the minimum requirement. As conditioned above, conformance with the minimum dimensions for the private open space provided will be verified at the time of building permit review

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

- (i) Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and
- (ii) Include at least one of the following types of features:
  - a. Covered pavilion.
  - b. Ornamental or food garden.
  - c. Developed and equipped children's play area, with a minimum 30-inch-tall fence to separate the children's play area from any parking lot, drive aisle, or street.
  - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
  - e. Swimming pool or wading pool.

**Finding:** The applicant is proposing to improve a public open space with a clubhouse and pool area of approximately 10,000 square feet, and a basketball court, covered pavilion, and a children's playground of approximately 7,000 square feet. This standard allows both of the improved open spaces to be counted as double, totaling approximately 34,000 square feet of open space.

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

**Finding:** The subject property is not located within one-quarter mile of a publicly owned park; therefore, a reduction is not warranted.

*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 1,080,288 square feet, requiring a minimum of 540 trees to be planted or preserved on site ( $1,080,288 / 2,000 = 539.93$ ). The applicant's development plans show 457 trees to be planted on site, with approximately 90 trees preserved, meeting the minimum standard by providing approximately 547 trees. Per Condition 39 above, the applicant is to revise and submit an updated landscape plan and tree plan, and conformance with landscaping requirements will be reviewed again at the time of building permit.

(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-zoned property to the north, northeast, west, and small portions to the south and southwest. The total shared boundary length of development site abutting the RA-zoned property is approximately 2,565 feet, requiring a minimum of 86 trees planted adjacent to these property lines ( $2,565 / 30 = 85.5$ ). The applicant's landscape plans do not currently meet this standard. Per Condition 39 above, the applicant is to revise and submit an updated landscape plan and tree plan, and conformance with landscaping requirements will be reviewed again at the time of building permit.

- (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 the linear of the 31 buildings proposed on site, with the corresponding trees required per building. The applicant's preliminary plans show adherence with this standard. Final landscape plans will be reviewed for conformance with this standard at the time of development.

- (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 the linear of the 31 buildings proposed on site, with the corresponding shrubs required per building. The applicant's preliminary plans show adherence with this standard. Final landscape plans will be reviewed for conformance with this standard at the time of development.

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

**Finding:** The applicant's written statement indicates that all ground level private open space areas will be screened with five-foot-high landscaping. Final landscape plans will be reviewed for conformance with this standard at the time of development.

- (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:** There are several off-street parking areas provided on site which appear to meet the minimum 50-foot perimeter standard on the applicant's preliminary plans. Final landscape plans will be reviewed for conformance with this standard at the time of development.

- (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:** The applicant's preliminary landscape plans show a planter bay meeting every 12 parking spaces throughout the development site, with a tree planter in each planter bay. However, several of the planter bays appear to only be six feet in width. As such, the following condition applies:

**Condition 59:** At the time of building permit review, the applicant shall ensure that all landscaped planter bays meet the minimum nine feet in width, as measured from inside-of-curb to inside-of-curb.

- (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. The elevations submitted appear to show adherence to the standard.

- (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 written statement indicates all landscaping adjacent to common open space, parking areas, and dwelling unit entryways will not exceed three feet in height. 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:** The applicant's preliminary landscape plans show a planter bay meeting every 12 parking spaces throughout the development site, with a tree planter in each planter bay. As conditioned above, ensure that all landscaped planter bays meet the minimum nine feet in width, as measured from inside-of-curb to inside-of-curb.

- (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 includes off-street surface parking areas or vehicle maneuvering areas located between buildings; however, several portions of the proposed vehicle use areas project beyond the façade line of the building towards the street and are not wholly located behind or beside the building. To ensure this standard is met, the following condition applies:

**Condition 60:** At the time of building permit review, the applicant shall revise the off-street vehicle areas so that no portion of a parking space projects beyond the adjacent buildings, as drawn as a straight line across the building façades, or obtain approval of a Zoning Adjustment.

- (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 RA-zoned properties along the northeast, north, west and portion of the southwest boundaries of the subject property. However, the grading plans indicate that there is no portion of the development that is located uphill from the adjacent properties. 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 Doaks Ferry 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:** There are two buildings proposed near the portions of the property abutting an RA-zoned property at the southwest corner of the property near the east side of Landaggard Drive NW, Buildings 26 and 27. Per Table 702-5, buildings that are two or more stories shall be setback a minimum of one foot for each foot of building height. Building 26 is reported to be 38 feet in height, requiring a minimum 38-foot setback abutting the property line; Building 27 is reported to be 40 feet in height, requiring a minimum 40-foot setback abutting the property line. The applicant's written statement indicates an eight-foot-high fence will be provided along these property lines, allowing a five-foot reduction to the setback requirement. However, the applicant's plans do not indicate provision of the eight-foot-fence. To ensure this fence is provided, the following condition applies:

**Condition 61:** The applicant shall install an eight-foot-high sight-obscuring fence along the property lines adjacent to Buildings 26 and 27.

In addition, there are three buildings in close proximity to the property lines abutting RA-zoned properties along the north and northeast boundary: Buildings 3, 6, and 14. With the five-foot reduction for the provision of an eight-foot fence, Building 6 would meet the minimum setback of 30 feet for a building 35 feet in height; Building 3 would require a minimum setback of 29 feet for a building 34 feet in height; Building 14 would require a minimum setback of 32 feet for a building 37 feet in height. The applicant's plans show a 21-foot setback for both Building 3 and 14, not meeting the minimum setback requirement even with the five-foot reduction. As such, the following conditions apply:

**Condition 62:** The applicant shall install an eight-foot-high sight-obscuring fence along the property lines adjacent to Buildings 3, 6, and 14.

**Condition 63:** The applicant shall modify the locations of Building 3 to meet a minimum setback of 29 feet, and Building 14 to meet a minimum setback of 32 feet, or obtain approval of a Zoning Adjustment.

As conditioned, the proposal meets the applicable standards.

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

**Finding:** The applicant's written statement and elevation plans indicate all buildings abutting the RA-zoned properties will have sight-obscuring railings. This standard is met.

- (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 does not meet the buildable width requirement for Doaks Ferry Road NW, portions of "Street A", and portions of Landaggard Drive NW. The applicant has requested an adjustment to buildable width requirement at varying degrees for multiple street frontages. Findings for the adjustment are included in Section 12 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:** Several buildings throughout the development are not oriented towards the street and providing direct pedestrian access. The applicant has requested an adjustment to eliminate this requirement for Buildings 1, 2, 3, 4, 5, 7, 8, 29, 30, 32, and 33. Findings for the adjustment are included in Section 12 of this report.

- (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:** According to the applicant's written statement and building elevation plans, the first floor of each building will have contrasting building materials and colors, and horizontally distinguishing transition pieces will be used to distinguish between the first floor and upper floors in compliance with this standard. 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.

## 15. Conclusion

Based upon review of SRC Chapters 200, 205, 220, 225, 250, and 808 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, except for the requested adjustment to increase maximum parking.



### **IT IS HEREBY ORDERED**

Based upon the Facts and Findings contained in this report, the Class 2 Adjustment request to increase the maximum allowed parking spaces throughout the development by 22 spaces is hereby **DENIED**. Final approval of Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Tree Regulation Variance, Class 1 Design Review, and the Class 2 Adjustments other than the request to increase maximum parking, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02, is hereby **APPROVED** subject to SRC Chapters 200, 205, 220, 225, 250, and 808, the applicable standards of the Salem Revised Code, conformance with the 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 Fire Department access, fire hydrant locations, and Fire Department Connection as required.

### **SUBDIVISION**

All subdivision conditions shall be completed prior to final plat approval or shown on the final plat. Conditions 4-7, 12, 13, 17-21, 24, 30, and 31 shall be completed prior to final plat approval or may be delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

**Condition 2:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots, with the exception of Lot 6.

**Condition 3:** At time of development of Lot 6, design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

**Condition 4:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way.

**Condition 5:** Extend a minimum 12-inch public water main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.

**Condition 6:** Construct a *Salem Wastewater Management Master Plan* identified sewer main in Doaks Ferry Road NW from the intersection of Doaks Ferry Road NW and Brush College Road NW to the proposed development pursuant to PWDS.

**Condition 7:** Extend a minimum 8-inch public sewer main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.

**Condition 8:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

- Condition 9:** Existing easements and rights-of-way on the subject property shall be relocated, extinguished, or vacated, as appropriate, prior to final plat approval.
- Condition 10:** The applicant shall not eliminate the easement providing access to Tax Lot 1100, and shall demonstrate alternative access provided to the property during construction.
- Condition 11:** Convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Doaks Ferry Road NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 12:** Construct a half-street improvement along the frontage of Doaks Ferry Road NW to an interim minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 13:** The applicant shall coordinate with Cherriots to provide bus stops along Doaks Ferry Road NW in locations approved by the Public Works Department.
- Condition 14:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and along Doaks Ferry Road NW abutting the proposed "W.Q. Parcel" as shown on the applicants tentative Plan.
- Condition 15:** At the time of development of Lot 6, a public utility easement shall be dedicated along the Lot 6 frontages of Doaks Ferry Road NW and Orchard Heights Road NW. The public utility easement width shall be established and dedicated by separate document, if required.
- Condition 16:** Prior to issuance of Public Construction Permits, the applicant shall receive a final City Council decision on the proposed Salem Transportation System Plan Amendment (22-121104-GP) relating to the collector street alignment that is mapped through the property.
- Condition 17:** If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct Landaggard Drive NW within the property, proposed "Street B", and proposed "Street C" to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. Internal local streets are approved to have an increased curb-to-curb improvement of 34 feet.
- Condition 18:** If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct "Street A" to "Collector Street B" standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:

- i. "Street A" shall have a maximum grade of 12 percent.
- ii. "Street A" shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
- iii. A public street connection from "Street A" to proposed Lot 6 is not required.

**Condition 19:** If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct proposed "Street A" from Doaks Ferry Road NW to the intersection with Landaggard Drive NW within the property, "Street C", and "Street B", to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:

- i. "Street A" shall have a maximum grade of 12 percent.
- ii. "Street A" shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
- iii. A public street connection from "Street A" to proposed Lot 6 is not required.
- iv. Internal local streets are approved to have an increased curb-to-curb improvement of 34-feet.

**Condition 20:** If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct the extension of Landaggard Drive NW within the property to the intersection with proposed "Street A" and proposed "Street A" from the intersection of Landaggard Drive NW to the western property line to "Collector Street B" standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

**Condition 21:** Along the frontage of the existing portion of Landaggard Drive NW adjacent to the subject property, construct a three-quarter street boundary street improvement to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the boundary street improvement shall be constructed to "Collector Street B" standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

**Condition 22:** Modify the proposed "Street C" stub street location to the north line of proposed Lot 2 to avoid conflicts with existing structures on neighboring property not included in the development proposal.

**Condition 23:** Obtain any necessary street tree removal permits pursuant to SRC Chapter 86.

- Condition 24:** Install street trees to the maximum extent feasible along Doaks Ferry Road NW, Orchard Heights Road NW, and internal streets constructed within the subdivision.
- Condition 25:** Dedicate a 60-foot-wide right-of-way for new internal streets within the subject property as shown on the applicant's tentative plan.
- Condition 26:** As shown on the applicant's tentative plan, dedicate public pedestrian access easement from "Street A" to Lot 6.
- Condition 27:** Dedicate an additional public access easement for vehicular and pedestrian access from "Street A" to Lot 6 through the southeastern drive aisle within the development site. This easement may be dedicated by separate document and extinguished if determined not necessary at time of Site Plan Review for proposed Lot 6.
- Condition 28:** Along Wilark Brook on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 29:** As a condition of building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 30:** As specified in the TIA, provide the following mitigation:
- i. Construct a left turn lane on Doaks Ferry Road NW at the intersection with the new "Street A". The left turn lane shall include a minimum 75 feet of vehicle storage.
  - ii. Construct sidewalks along Doaks Ferry Road from the intersection of Orchard Heights Road NW to the northern boundary of the site.
  - iii. Construct a linked ADA pedestrian connection from the proposed development across Orchard Heights Road NW, including a raised pedestrian refuge on the west side of the intersection. Improvements shall include upgraded ADA ramps on both sides of Landaggard Drive NW and the western side of the West Salem High School driveway, and a sidewalk extension along the north side of Orchard Heights Road NW to the intersection with Doaks Ferry Road NW. Pursuant to SRC 200.035(a)(4), sidewalks shall also be provided along the frontage of 2357 Orchard Heights Road NW (Polk County Assessors Tax Lot No. 073W17D00900).
- Condition 31:** Install not more than four speed humps on Landaggard Drive NW in locations approved by Public Works and in accordance with PWDS.

**Condition 32:** Landaggard Drive NW shall not be used as a construction entrance. A construction entrance shall be constructed from either Doaks Ferry Road NW or Orchard Heights Road NW, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.

### **SITE PLAN REVIEW**

**Condition 33:** Prior to building permits, all buildings along “Street A” meet the minimum 20-foot setback, or obtain approval of a Zoning Adjustment.

**Condition 34:** Prior to building permit approval, all vehicle use areas and buildings abutting RA-zoned properties shall be setback a minimum of 10 feet, with Type C landscaping, or obtain approval of a Zoning Adjustment.

**Condition 35:** At the time of building permit review, the applicant shall provide construction details for the trash enclosure indicating conformance with SRC Chapter 800.

**Condition 36:** 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).

**Condition 37:** At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for all parking spaces adjacent to a required landscaped setback or a pedestrian walkway only five feet in width.

**Condition 38:** At the time of building permit review, the applicant shall provide construction details for the bicycle racks indicating conformance with SRC 806.060.

**Condition 39:** At the time of building permit review, the applicant shall provide an updated, full landscape plan demonstrating how the development site meets Type A or Type C landscaping, where applicable, as well as all multi-family landscaping requirements, by providing a summary table demonstrating conformance with the landscaping requirements of SRC Chapter 807 and SRC 702.020(b).

**Condition 40:** The applicant’s updated plans shall provide two trees for each tree removed within a required setback and each tree removed in excess of 75 percent of the development site, if applicable, to meet the tree replanting requirement. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper.

**Condition 41:** Prior to issuance of any building permits, the final plat for the Titan Hill Subdivision shall be recorded.

**Condition 42:** Submit a Driveway Approach Permit application if the driveways onto the new internal streets are not installed as part of the construction of the new internal street.

**Condition 43:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

## **CLASS 2 ADJUSTMENTS**

**Condition 44:** The applicant shall provide a pedestrian connection proposed west of the parking lot adjacent to Building 1 to the east side of the parking lot, providing access near Building 1 for pedestrians in the east buildings to "Street A".

**Condition 45:** An additional pedestrian connection shall be provided along the west side of Landaggard Drive NW adjacent to Building 21 or 22.

**Condition 46:** Proposed Buildings 5-8 shall comply with the direct pedestrian access standard of SRC 702.020(e)(5) along the north side of "Street A".

**Condition 47:** Proposed Buildings 12-14 shall comply with the direct pedestrian access standard of SRC 702.020(e)(5) along Landaggard Drive NW.

**Condition 48:** The applicant shall remove parking spaces in excess of the maximum allowed parking of 763 spaces.

**Condition 49:** The parking lots near Buildings 3 and 6 shall be shortened and/or reconfigured to ensure survival of trees conditioned for preservation.

**Condition 50:** 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.

## **TREE VARIANCE**

**Condition 51:** At the time of grading permit review, the applicant shall submit an updated tree inventory plan representing all conditions of approval for tree preservation or removal, and verification of trees located on property lines, including the critical root zone and protection measures of all trees on site and directly abutting the property in compliance with Chapter 808.

**Condition 52:** The two 32-inch Fir trees labeled 45 and 46 near the northern property line shall be preserved, until such time that a Tree Variance application can be approved for their removal.

- Condition 53:** The 30-inch Oak tree along the northern property line shall be preserved.
- Condition 54:** All trees designated for preservation shall have protective ground silt fencing encompassing 100-percent of their critical root zones. For all trees where construction is proposed within the critical root zone, the applicant shall either submit an arborist report documenting that disturbance up to a maximum of 30 percent of the critical root zone will not compromise the long-term health and stability of the tree; revise the plans to ensure the survival of the tree designated for preservation; or obtain approval of a new Tree Variance for additional removal of a significant tree.
- Condition 55:** Significant trees 35 and 36, two 30-inch Fir trees, adjacent to the parking lot near Building 3 shall be preserved. All other non-significant Fir and Maple trees in the vicinity of this parking lot shall also be preserved.
- Condition 56:** Significant trees 38 and 39, a 30-inch Madrona and 36-inch Oak, adjacent to the parking lot near Building 6 shall be preserved. All other non-significant Oak and Fir trees in this area shall also be preserved.

## **DESIGN REVIEW**

- Condition 57:** At the time of building permit review, the applicant shall provide an updated open space plan, including a summary table demonstrating conformance with the minimum private and common open space requirements under SRC 702.020(a).
- Condition 58:** At the time of building permit review, the applicant shall demonstrate that any private open space patio or balcony provided for the development meets the respective minimum dimensions exclusive of any proposed storage room, or obtain approval of a Zoning Adjustment.
- Condition 59:** At the time of building permit review, the applicant shall provide ensure that all landscaped planter bays meet the minimum nine feet in width, as measured from inside-of-curb to inside-of-curb.
- Condition 60:** At the time of building permit review, the applicant shall revise the off-street vehicle areas so that no portion of a parking space projects beyond the adjacent buildings, as drawn as a straight line across the building façades, or obtain approval of a Zoning Adjustment.
- Condition 61:** The applicant shall install an eight-foot-high sight-obscuring fence along the property lines adjacent to Buildings 26 and 27.
- Condition 62:** The applicant shall install an eight-foot-high sight-obscuring fence along the property lines adjacent to Buildings 3, 6, and 14.

**Condition 63:** The applicant shall modify the locations of Building 3 to meet a minimum setback of 29 feet, and Building 14 to meet a minimum setback of 32 feet, or obtain approval of a Zoning Adjustment.



---

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

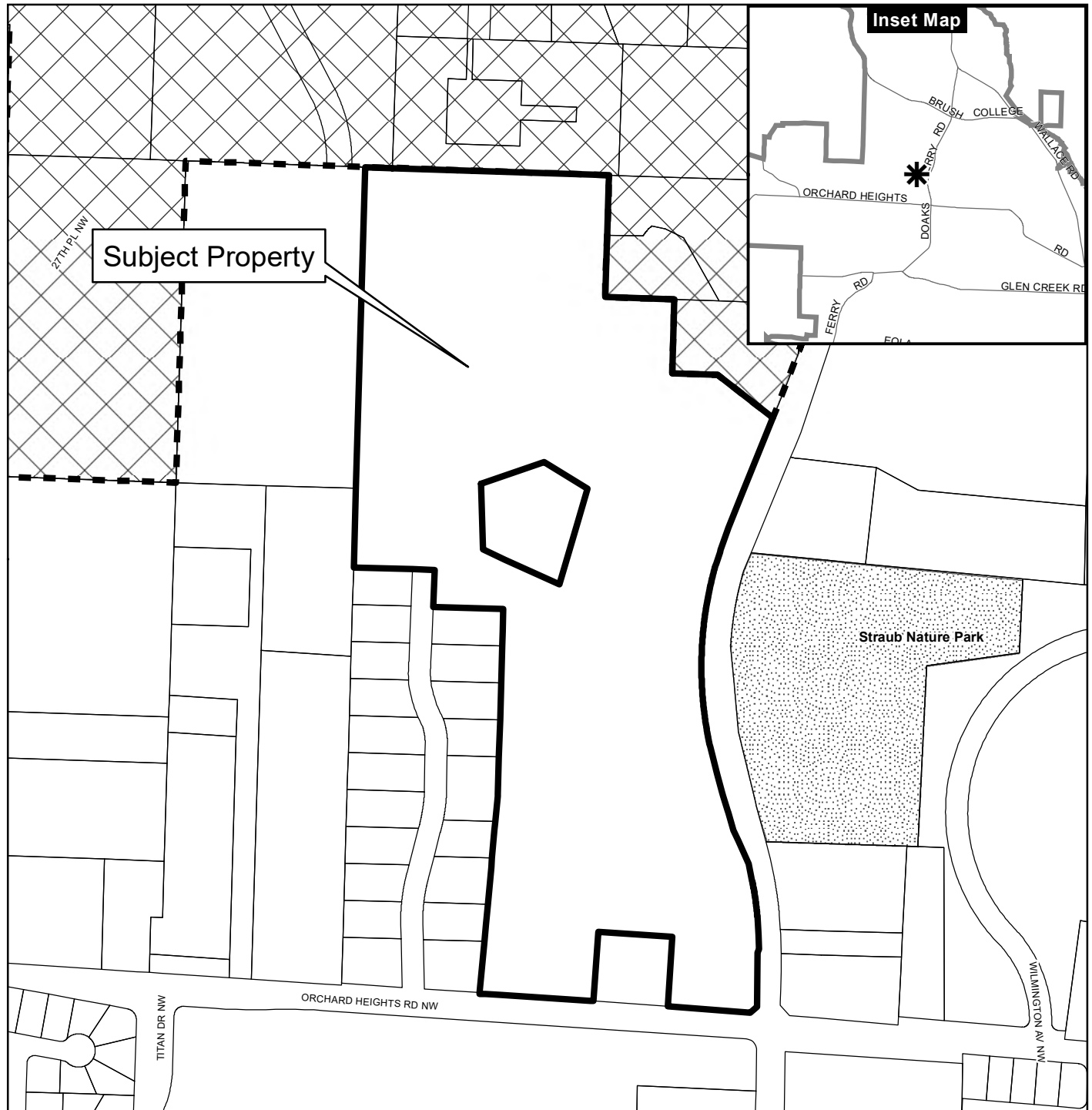
Attachments: A. Vicinity Map  
B. Proposed Development Plans and Elevations  
C. West Salem Neighborhood Association Comments  
D. Public Works Department Memo  
    a. Street Alignment Exhibit  
E. Salem Keizer Public Schools Memo  
F. Cherriots Comments  
G. Tree Plans with notes

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



# Vicinity Map

## 2100 Block of Doaks Ferry Road NW



### Legend

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

- Parks

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

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0 100 200 400 Feet



Owner / Developer:

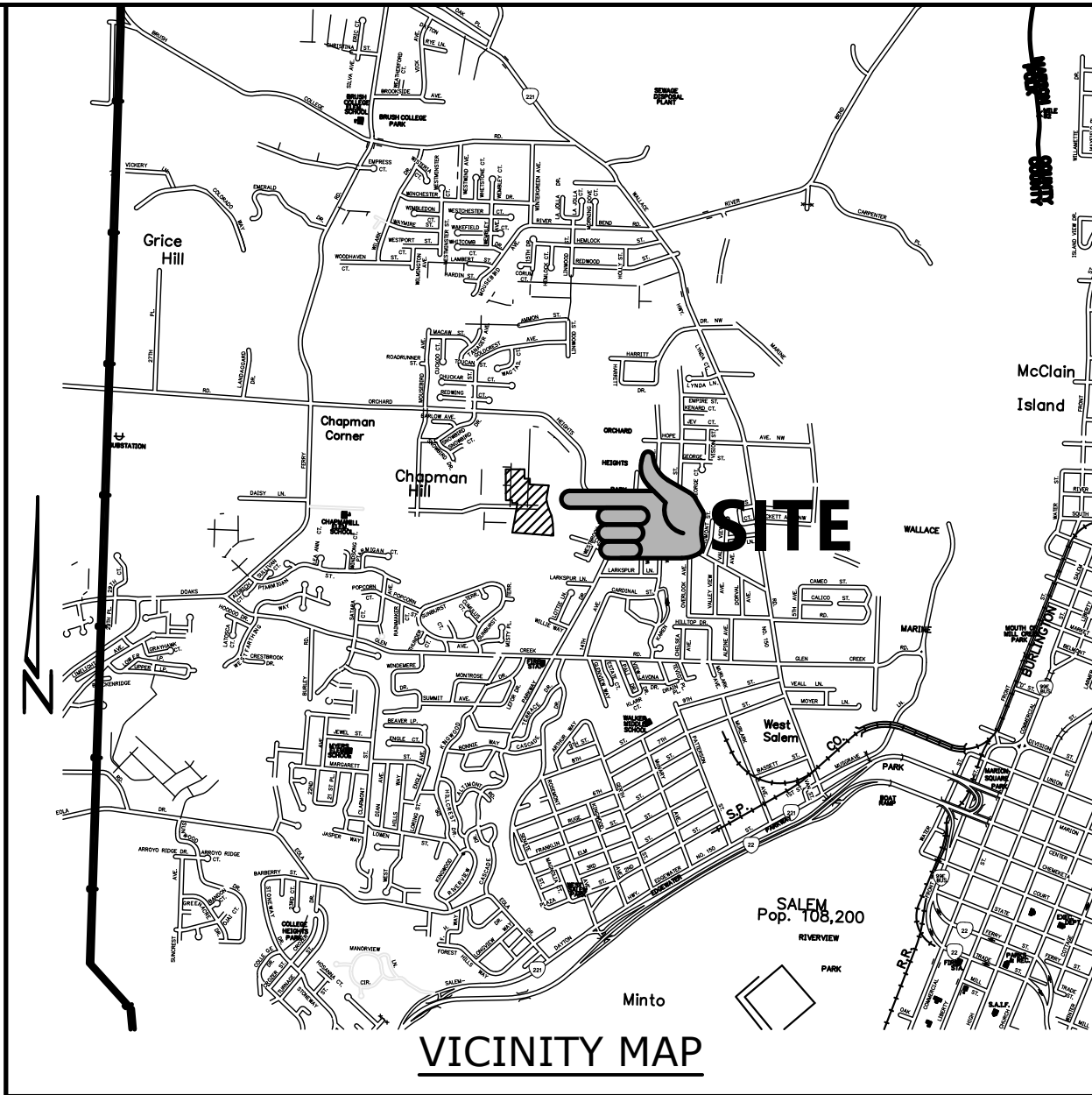
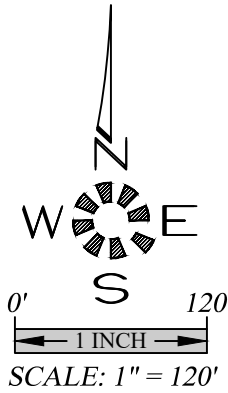
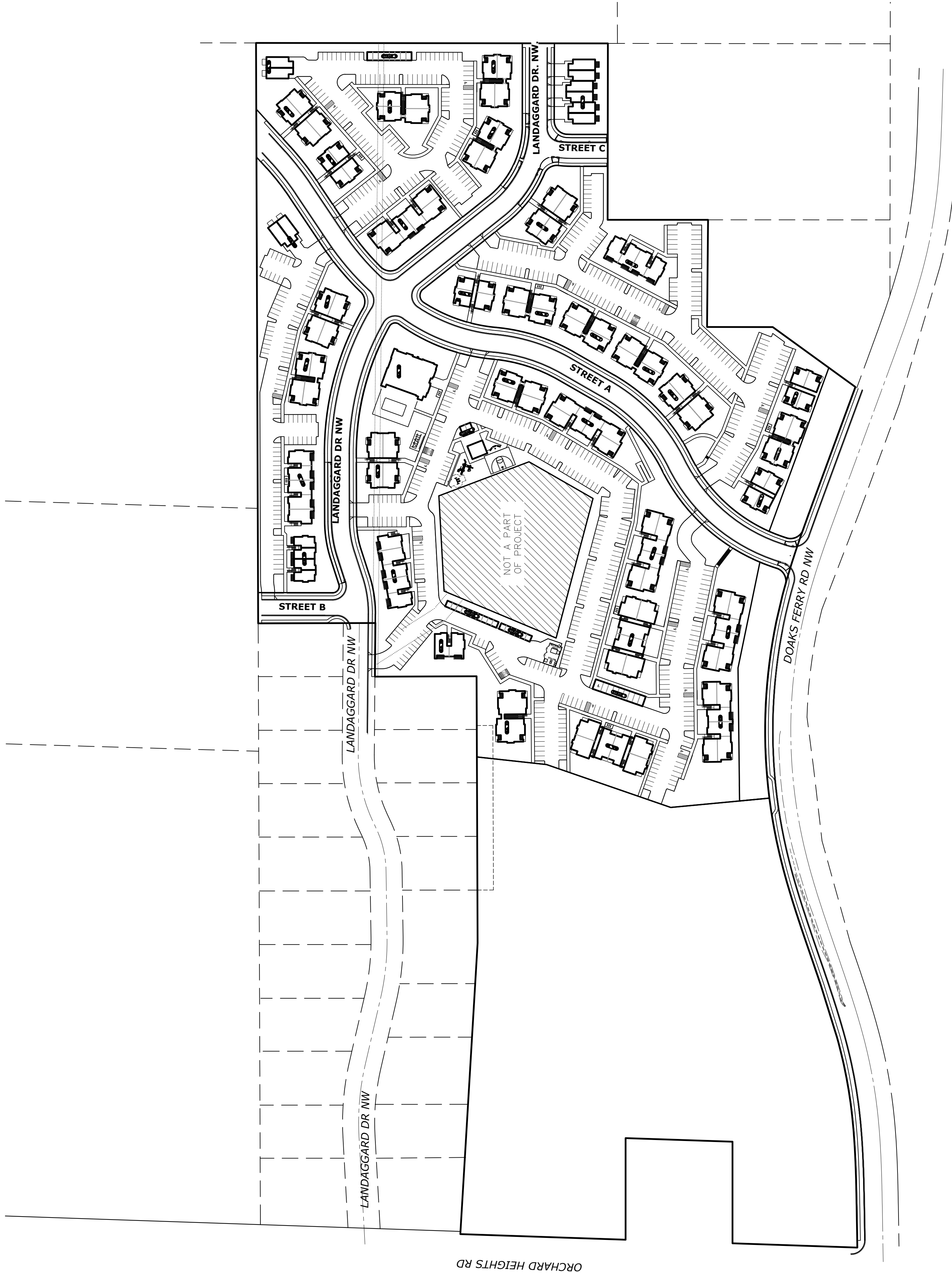
TITAN HILL PROPERTY LLC.

3425 BOONE ROAD SE  
SALEM, OREGON 97317

# TITAN HILL APARTMENTS

SEC. 17, T. 7 S., R. 3 W., W.M.  
CITY OF SALEM  
POLK COUNTY, OREGON

T.B.M. 429.76  
2" BRASS CAP STAMPED POLK COUNTY  
SURVEY MONUMENT NO. 200428 DATED  
1984. LOCATED ON CENTERLINE ORCHARD  
HEIGHTS ROAD.



## SHEET INDEX

- SDR1 COVER SHEET
- SDR2 EXISTING CONDITIONS AND DEMOLITION PLAN
- SDR3 TREE CONSERVATION PLAN
- SDR4 TREE CONSERVATION PLAN
- SDR5 TREE CONSERVATION PLAN
- SRD6 TREE CONSERVATION PLAN
- SDR7 TREE CONSERVATION PLAN
- SDR8 SITE PLAN SOUTH
- SDR9 SITE PLAN NORTH
- SDR10 OPEN SPACE PLAN SOUTH
- SDR11 OPEN SPACE PLAN NORTH
- SDR12 LOT GRADING PLAN SOUTHEAST
- SDR13 LOT GRADING PLAN SOUTHWEST
- SDR14 LOT GRADING PLAN NORTHWEST
- SDR15 LOT GRADING PLAN NORTH EAST
- SDR16 UTILITY PLAN SOUTHEAST
- SDR17 UTILITY PLAN SOUTHEAST
- SDR18 UTILITY PLAN SOUTHWEST
- SDR19 UTILITY PLAN NORTHWEST
- SDR20 UTILITY PLAN NORTH EAST
- SDR21 UTILITY PLAN SOUTH
- SDR22 DETAIL SHEET



COVER SHEET

TITAN HILL APARTMENTS

MULTI/TECH ENGINEERING EXEMPT FROM  
LIABILITY IF NOT STAMPED APPROVED  
  
NOT FOR  
CONSTRUCTION  
UNLESS STAMPED  
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PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

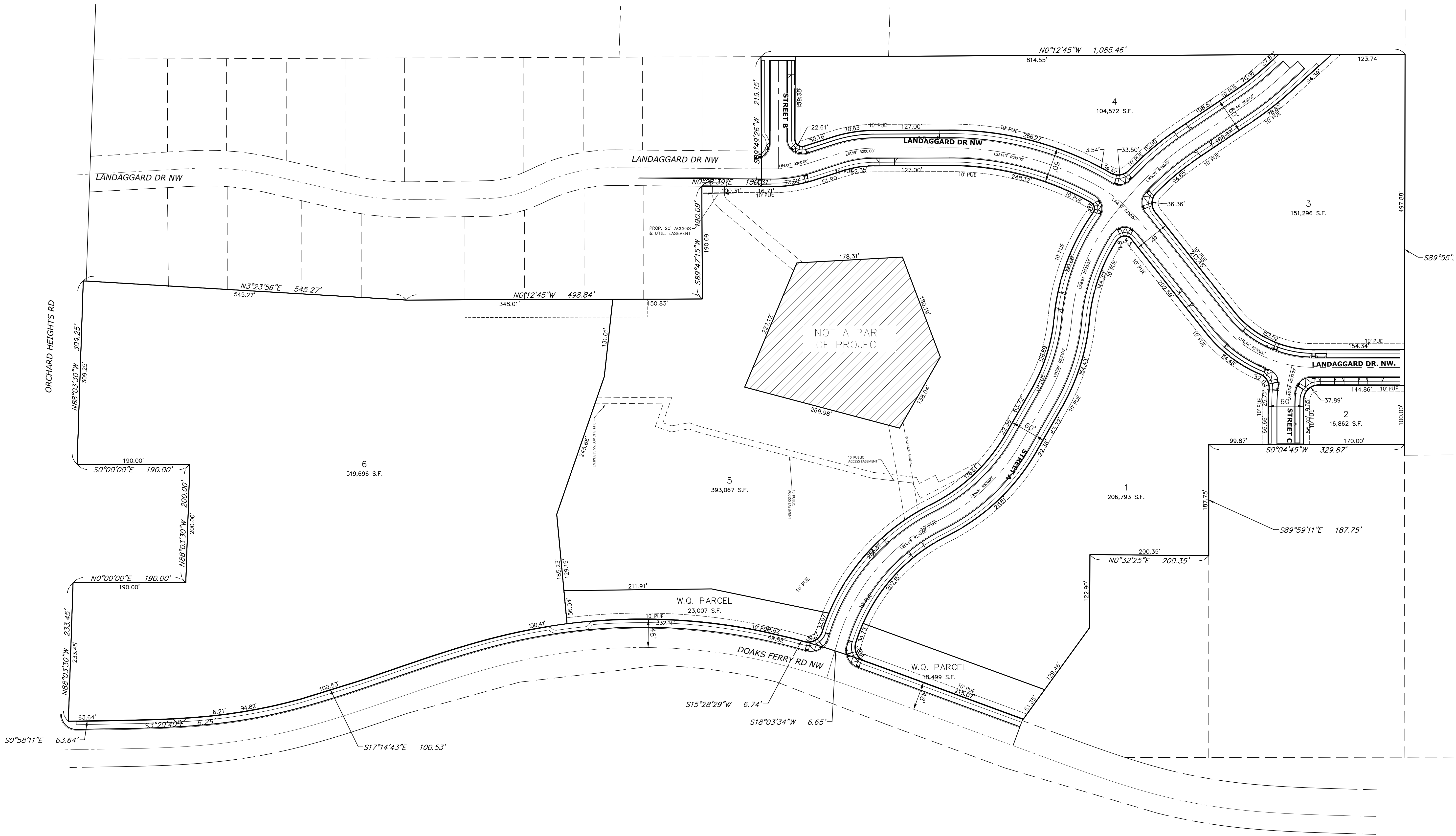
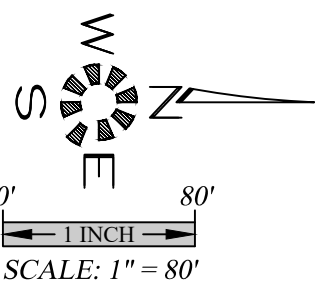
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Drawn: M.K.D.  
ProjMgr: J.J.G.  
Date: OCT. 2019  
Scale: AS SHOWN  
As-Built: ----



JOB # 6773

SDR1





LOT SITE PLAN

TITAN HILL ESTATES

MULTI/TECH ENGINEERING EXEMPT FROM  
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6/7/20 102-SITE  
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ProjMgr: J.J.G.  
Date: OCT. 2019  
Scale: AS SHOWN  
As-Built: ----



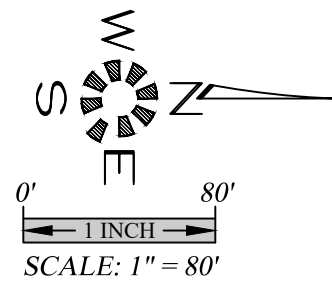
JOB # 6773



J:\5726\6779\6771\Hillside\Hillside.dwg (2/15/2023) 14:03 PM, A:\admin

ISSUE DATE: 02/15/2023

SEE SHEET SDR3-SDR7 FOR  
TREE CONSERVATION PLAN



EXISTING CONDITIONS &  
DEMOLITION PLAN

TITAN HILL APARTMENTS

NOT FOR  
CONSTRUCTION  
UNLESS STAMPED  
APPROVED HERE

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Date: OCT. 2019  
Scale: AS SHOWN  
As-Built: ---



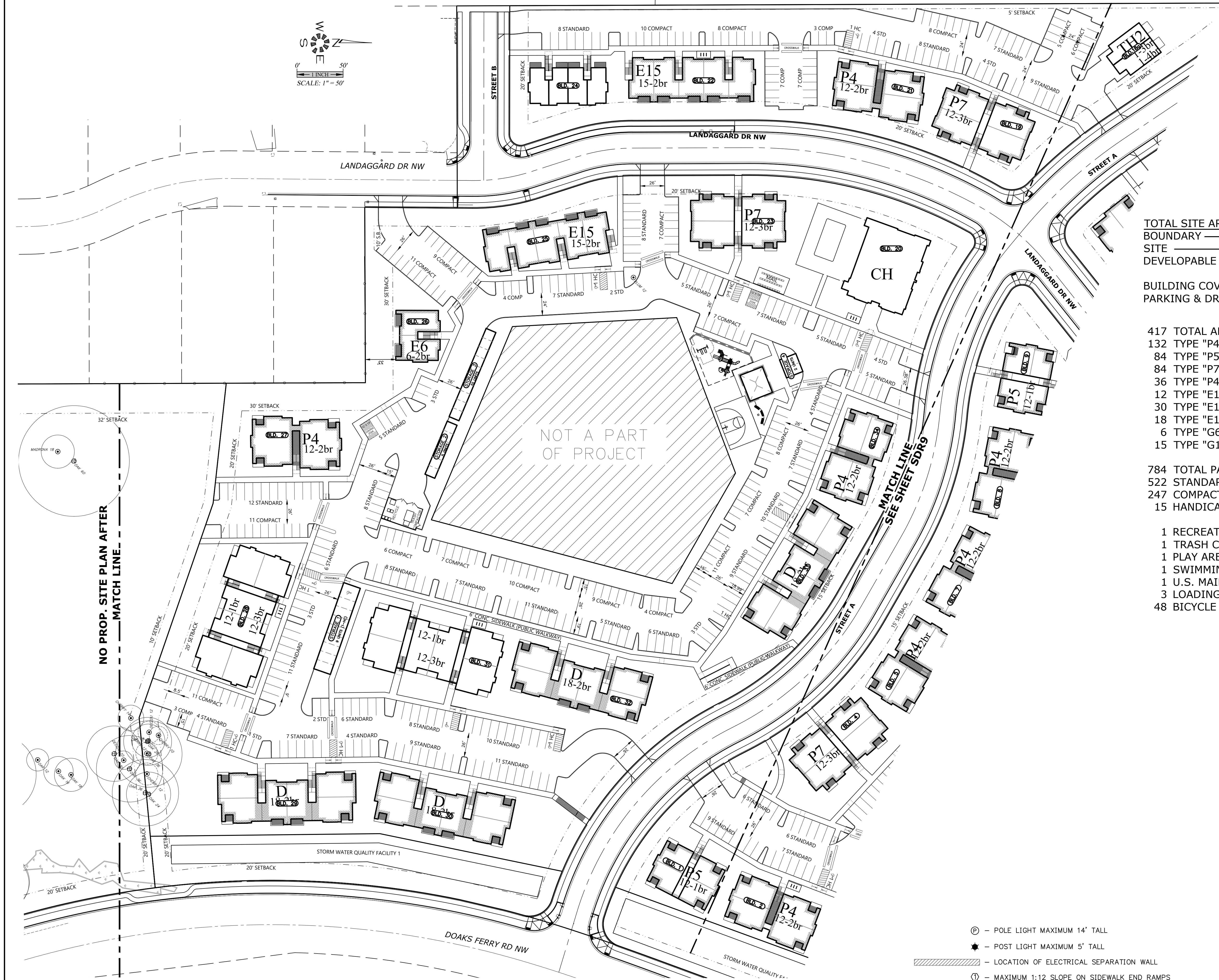
EXPIRES 06-30-2023

JOB # 6773

SDR2



1:2500 6/19/2017 TITAN HILL APARTMENTS SDR8 SITE 2/15/2023 1:25 PM J.Baldwin



TOTAL SITE AREAS  
BOUNDARY — 1,599,598 S.F.  
SITE — 1,599,598 S.F.  
DEVELOPABLE — 1,599,598 S.F.

BUILDING COVERAGE — 213,389.08 S.F. (19%)  
PARKING & DRIVEWAY — 296,056.69 S.F. (26%)

- 417 TOTAL APARTMENT UNITS  
132 TYPE "P4" 2-Bd, 2-Ba (1038 S.F.) UNITS  
84 TYPE "P5" 1-Bd, 1-Ba (735 S.F.) UNITS  
84 TYPE "P7" 3-Bd, 2-Ba (1200 S.F.) UNITS  
36 TYPE "P4/E" 2-Bd, 2-Ba (3-1037 S.F.) (12-1050 S.F.) UNITS  
12 TYPE "E12" 2-Bd, 2'Ba (6-1067 S.F.) (6-1037 S.F.) UNITS  
30 TYPE "E15" 2-BD, 2-BA (3- 1067 S.F.) (12-1037 S.F.) UNITS  
18 TYPE "E18" 2-BD, 2-BA (6-1067 S.F.) (12-1037 S.F.) UNITS  
6 TYPE "G6" 3-BD, 2-BA (1237 S.F.) UNITS  
15 TYPE "G15" 3-Bd, 2-Ba (6-1237 S.F.) (9-1216 S.F.) UNITS

- 784 TOTAL PARKING STALLS  
522 STANDARD STALLS  
247 COMPACT STALLS  
15 HANDICAP STALLS
- 1 RECREATION BLD. / MANAGER'S OFFICE  
1 TRASH COMPACTOR / RECYCLE  
1 PLAY AREA  
1 SWIMMING POOL (22'x42')  
1 U.S. MAIL BOX AREA  
3 LOADING ZONES  
48 BICYCLE SPACES

- ADA HANDICAP ACCESSIBILITY NOTES:
- ALL ON-SITE WALKWAYS, PEDESTRIAN CONNECTIONS TO THE PUBLIC SIDEWALK AND ROUTES TO BUILDING ENTRANCES ARE ACCESSIBLE WITH RUNNING SLOPES LESS THAN 5% AND GROSS SLOPE LESS THAN 2% MAX. LANDINGS AT BOTTOM OF STAIRS AND EXT. FACE OF ENTRANCE DOORS SHALL HAVE A SLOPE IN THE DIRECTION OF TRAVEL NOT TO EXCEED 2%.
  - HANDICAP PARKING STALLS AND ACCESS AISLES ARE TO HAVE SLOPES IN ANY DIRECTION OF LESS THAN 2% MAX. GRAPHIC MARKINGS & SIGNAGE FOR HANDICAP AND VAN ACCESSIBLE STALLS WILL BE PER OSSC 2010 CHPTR. 11 AND ORS. REQUIREMENTS.
  - HANDICAP ACCESSIBLE CURB RAMPS SHALL HAVE A RUNNING SLOPE NOT TO EXCEED 1:12 MAX. AND A GROSS SLOPE NOT TO EXCEED 1%.
  - THE COMMUNITY BUILDING & ON-SITE LAUNDRY FACILITIES WILL BE FULLY HANDICAP ACCESSIBLE IN ACCORDANCE WITH ANSI A117.1 AND CHAPTER 11 OF THE 2010 OSSC.
  - 2% OF THE LIVING UNITS OR (3) UNITS WILL BE TYPE "A" HANDICAP ACCESSIBLE. THESE INCLUDE A 1, 2 AND 3 BEDROOM UNIT AS INDICATED ON THIS SITE PLAN. THE BALANCE OF THE GROUND FLOOR LIVING UNITS WILL BE TYPE "B" ADAPTABLE UNITS IN ACCORDANCE WITH ANSI A117.1

★ THE INDICATED LOWER FLOOR UNITS IN BUILDINGS 5 & 9 ARE TO BE TYPE A UNITS IN ACCORDANCE WITH THE 2014 OSSC SEC. 1107.6.2.1.1. (NOTED ON FLOOR PLANS). ALL OTHER LOWER FLOOR UNITS TO BE TYPE B UNITS IN ACCORDANCE WITH THE 2014 OSSC SEC. 1107.6.2.1.2

ISSUE DATE: 02/15/2023

SITE PLAN  
SOUTH

TITAN HILL APARTMENTS

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

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DRAWN: M.K.D.  
CHECKED: J.J.G.  
DATE: OCT. 2019  
SCALE: AS SHOWN

REGISTERED PROFESSIONAL ENGINEER  
JULY 14, 1978  
MARK D. GREGG  
EXPIRES 06-30-2023

JOB # 6773

SDR8



TOTAL SITE AREAS  
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SITE — 1,599,598 S.F.  
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1 TRASH COMPACTOR / RECYCLE  
1 PLAY AREA  
1 SWIMMING POOL (22'x42')  
1 U.S. MAIL BOX AREA  
3 LOADING ZONES  
48 BICYCLE SPACES

Ⓢ — POLE LIGHT MAXIMUM 14' TALL

★ — POST LIGHT MAXIMUM 5' TALL

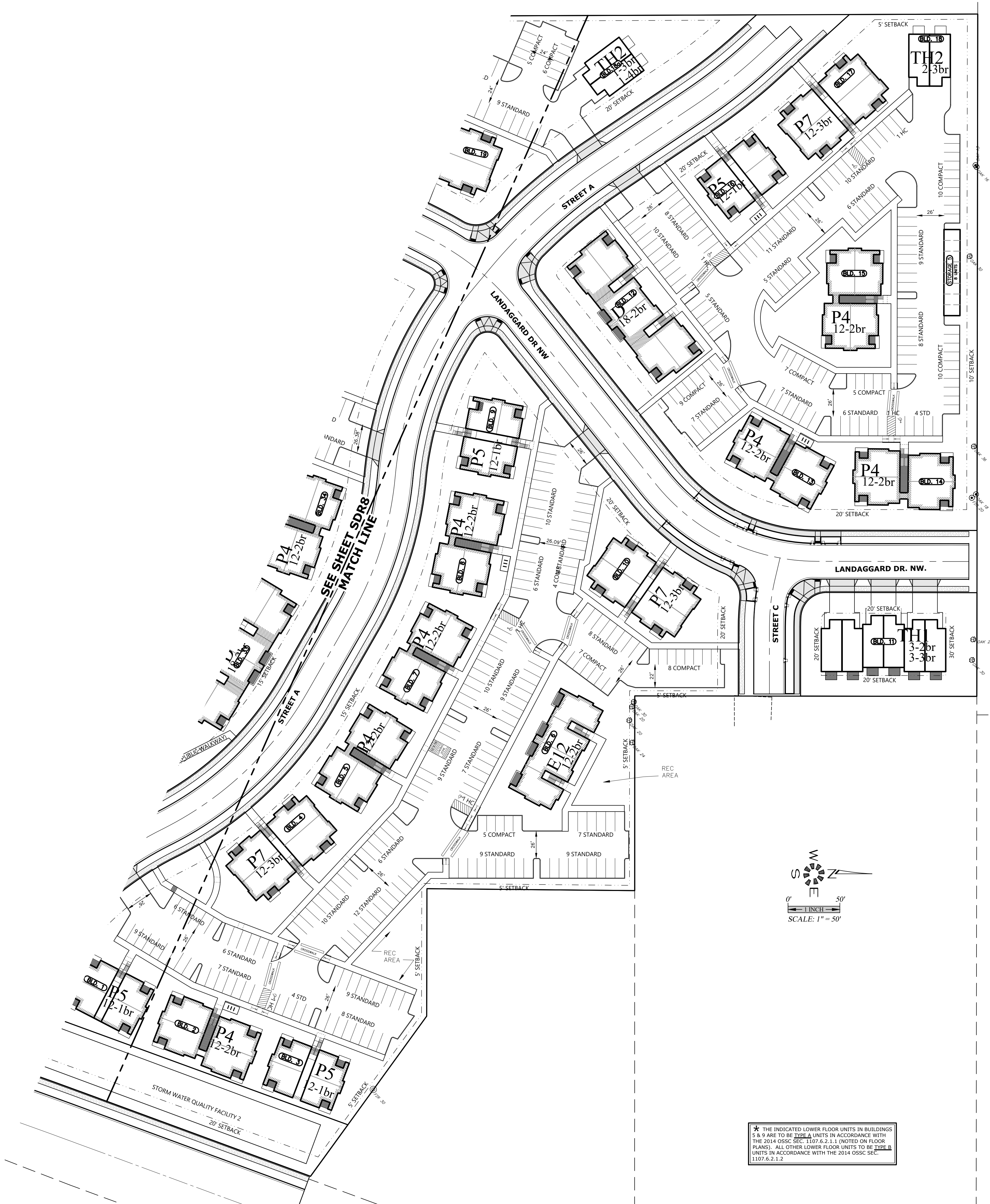
▨ — LOCATION OF ELECTRICAL SEPARATION WALL

① — MAXIMUM 1:12 SLOPE ON SIDEWALK END RAMPS

▤ — 8 BICYCLE SPACES

ADA HANDICAP ACCESSIBILITY NOTES:

1. ALL ON-SITE WALKWAYS, PEDESTRIAN CONNECTIONS TO THE PUBLIC SIDEWALK AND ROUTES TO BUILDING ENTRANCES ARE ACCESSIBLE WITH RUNNING SLOPES LESS THAN 5% AND CROSS SLOPE LESS THAN 2% MAX. LANDINGS AT BOTTOM OF STAIRS AND EXT. FACE OF ENTRANCE DOORS SHALL HAVE A SLOPE IN THE DIRECTION OF TRAVEL NOT TO EXCEED 2%.
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SITE PLAN  
NORTH

TITAN HILL APARTMENTS

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DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

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DRAWN: M.K.D.  
CHECKED: J.J.G.  
DATE: OCT. 2019  
SCALE: AS SHOWN

REGISTERED PROFESSIONAL ENGINEER  
MARK D. GREGG  
JULY 14, 1978  
EXPIRES 06-30-2023  
JOB # 6773





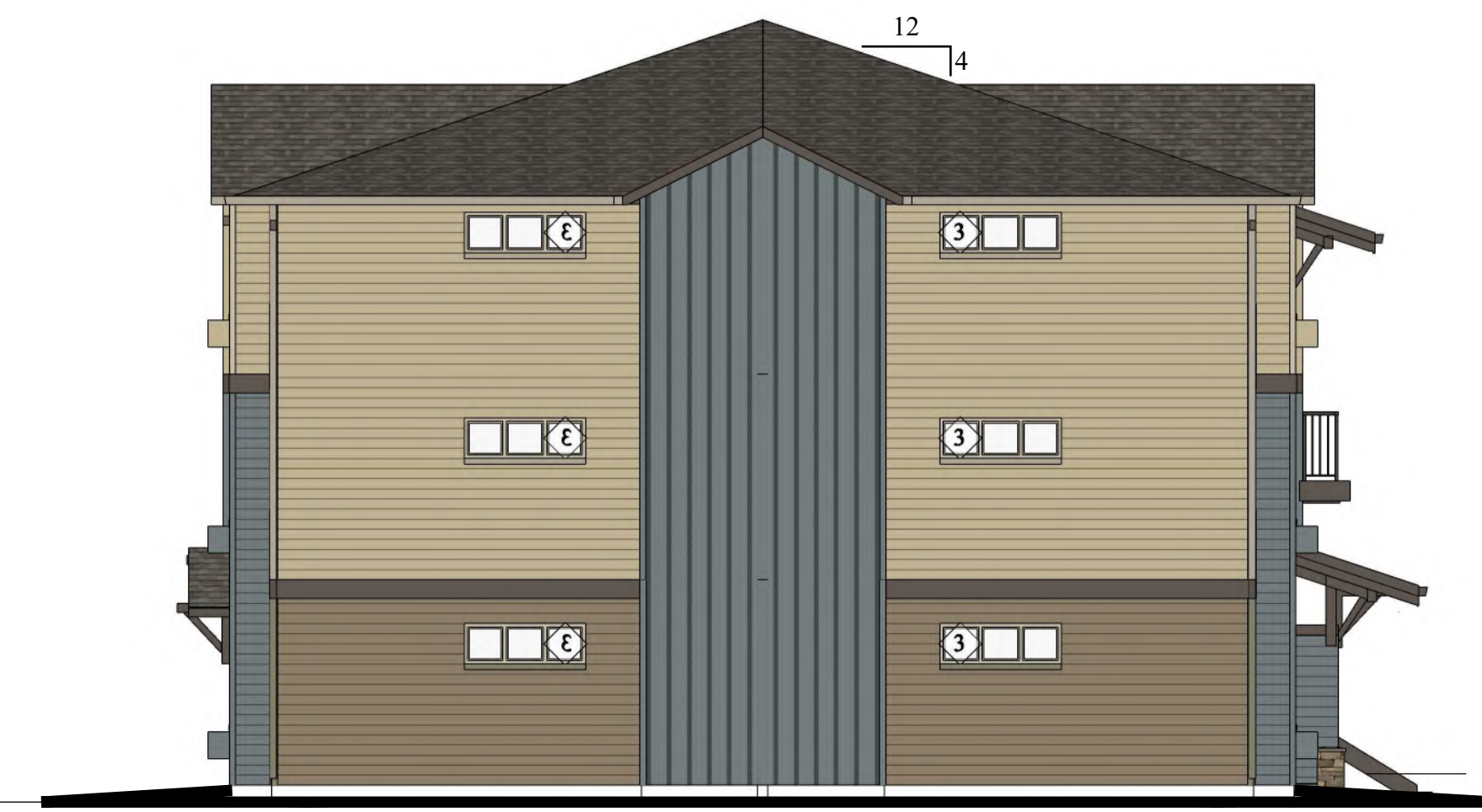
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2 FRONT ELEVATION  
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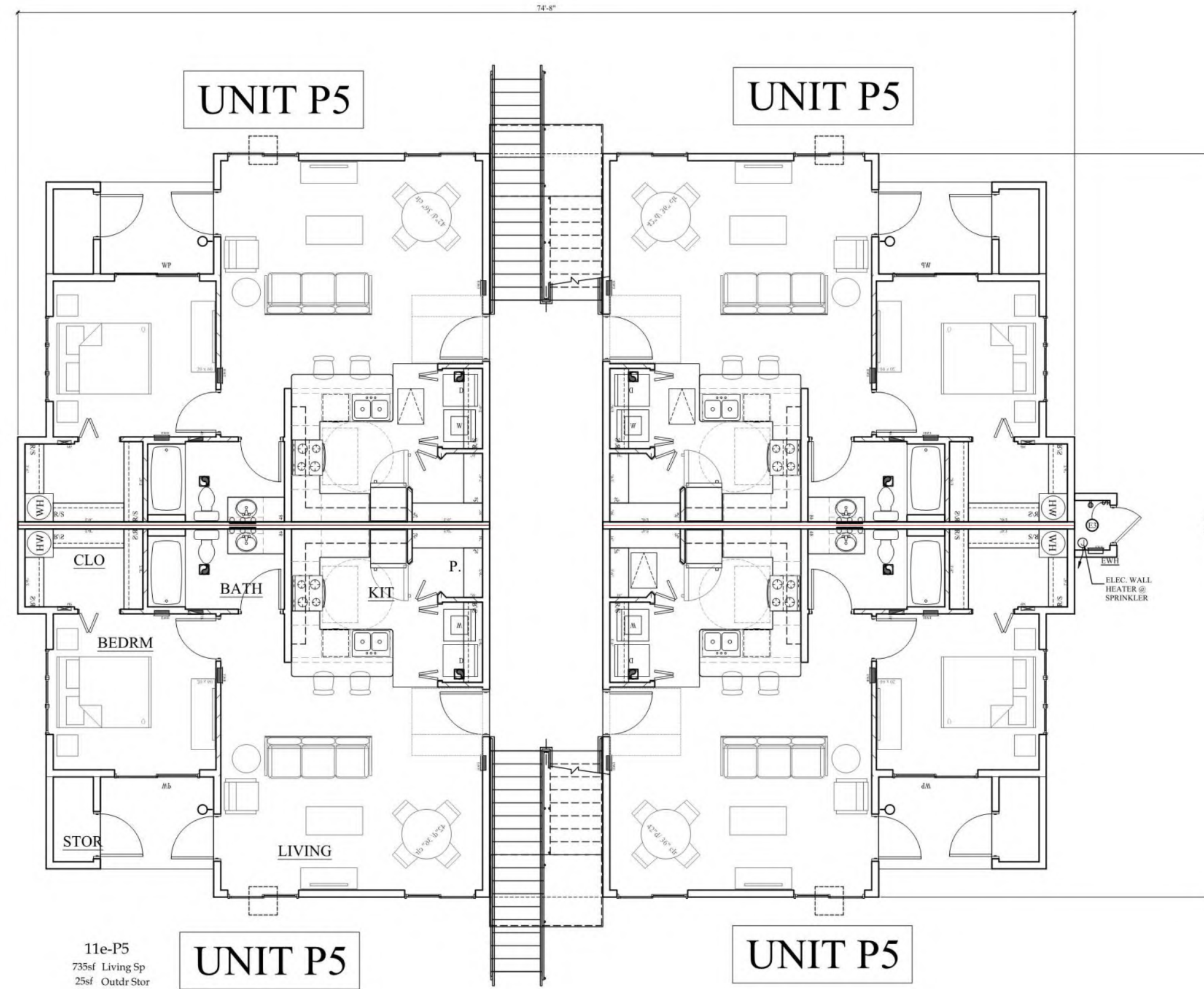
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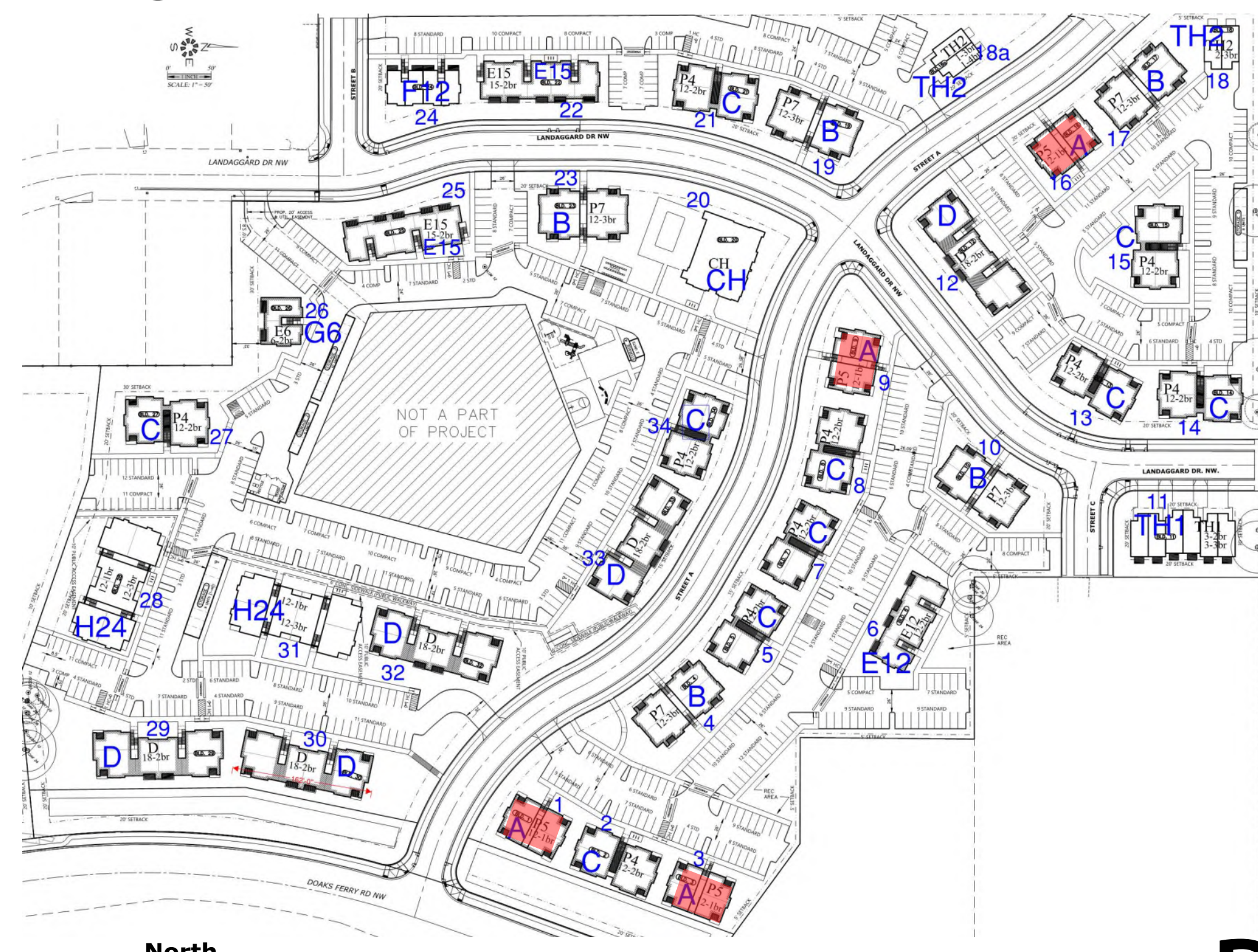
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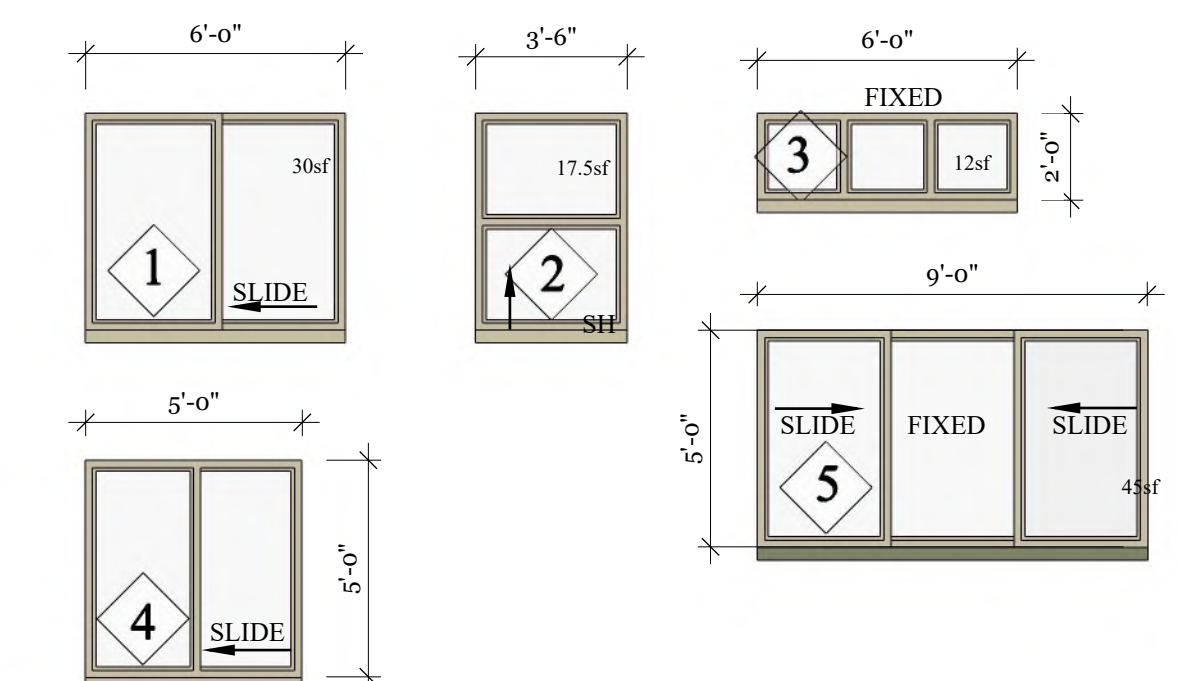
5 PERSPECTIVE  
nts



6 PLAN - BLDG A  
NTS



B KEY PLAN  
SCALE: 1" = 100'-0"



C WINDOW SCHEDULE  
SCALE: NTS

MATERIAL	COLOR
LAMINATED ARCHITECTURAL COMPOSITION SHINGLES	OWENS CORNING BLACK
FIBER CEMENT BOARD AND BATTEN 1x3 BATTENS 16" oc ON 4x8 FIBER CEMENT PANEL	SW6235 FOGGY DAY
HORIZONTAL FLOOR BAND, FASCIA, GUTTERS, SOFFIT AND DECK TRIM	SW7020 BLACK FOX
FIBER CEMENT LAP SIDING 6" REVEAL LAP PATTERN	MAIN BODY - ALL APARTMENTS SW6157 FAVORITE TAN MAIN BODY - CLUBHOUSE SW7019 GAUNTLET GRAY
CULTURED STONE ADHERED STONE	ACCENT - SW6151 QUIVER TAN ACCENT - SW7052 GRAY AREA ACCENT - SW6235 FOGGY DAY
	MUTUAL MATERIALS COUNTRY LEDGESTONE HUDSON BAY

GENERAL COLOR NOTES:  
1. ALL WINDOWS TO BE VINYL - "CLAY"  
2. ALL BUILDING TRIM AND DOWNSPOUTS TO MATCH ADJACENT CLADDING COLOR UNLESS OTHERWISE NOTED  
3. STANDING SEAM METAL ROOF - TAYLOR METAL - "COOL" ARMOR TECH - KODIAK BROWN  
4. PAINT ALL EXPOSED STEEL CONNECTORS  
5. APPLY FIRST COAT OF PAINT TO TRIM SIDING BEHIND STONE VENEER BEFORE INSTALLATION OF STONE

A EXTERIOR FINISH SCHEDULE  
SCALE: NTS

REVISIONS:

PRELIMINARY  
NOT FOR  
CONSTRUCTION  
February 15, 2023

PROJECT TITLE:

Salem, OR

Titan Hill Apartments

SHEET TITLE:  
EXTERIOR  
ELEVATIONS

DRAWN BY	SHEET:
PROJECT #	A410
DATE	

Bldg type A - 12 plex





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



2 FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



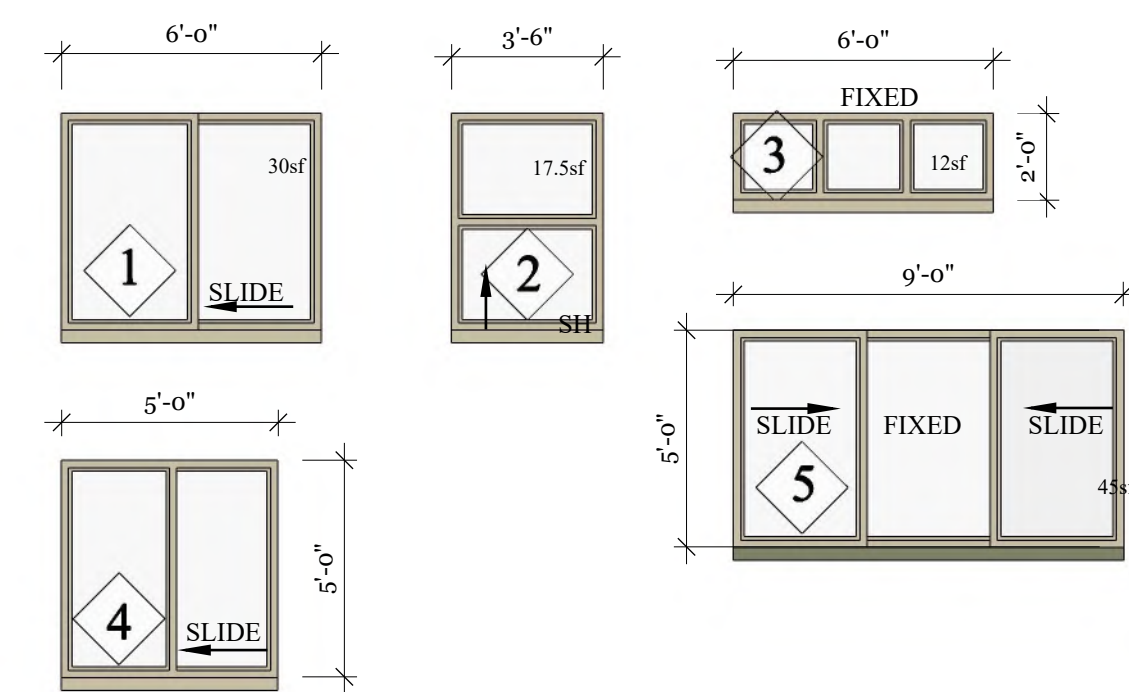
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5 PERSPECTIVE  
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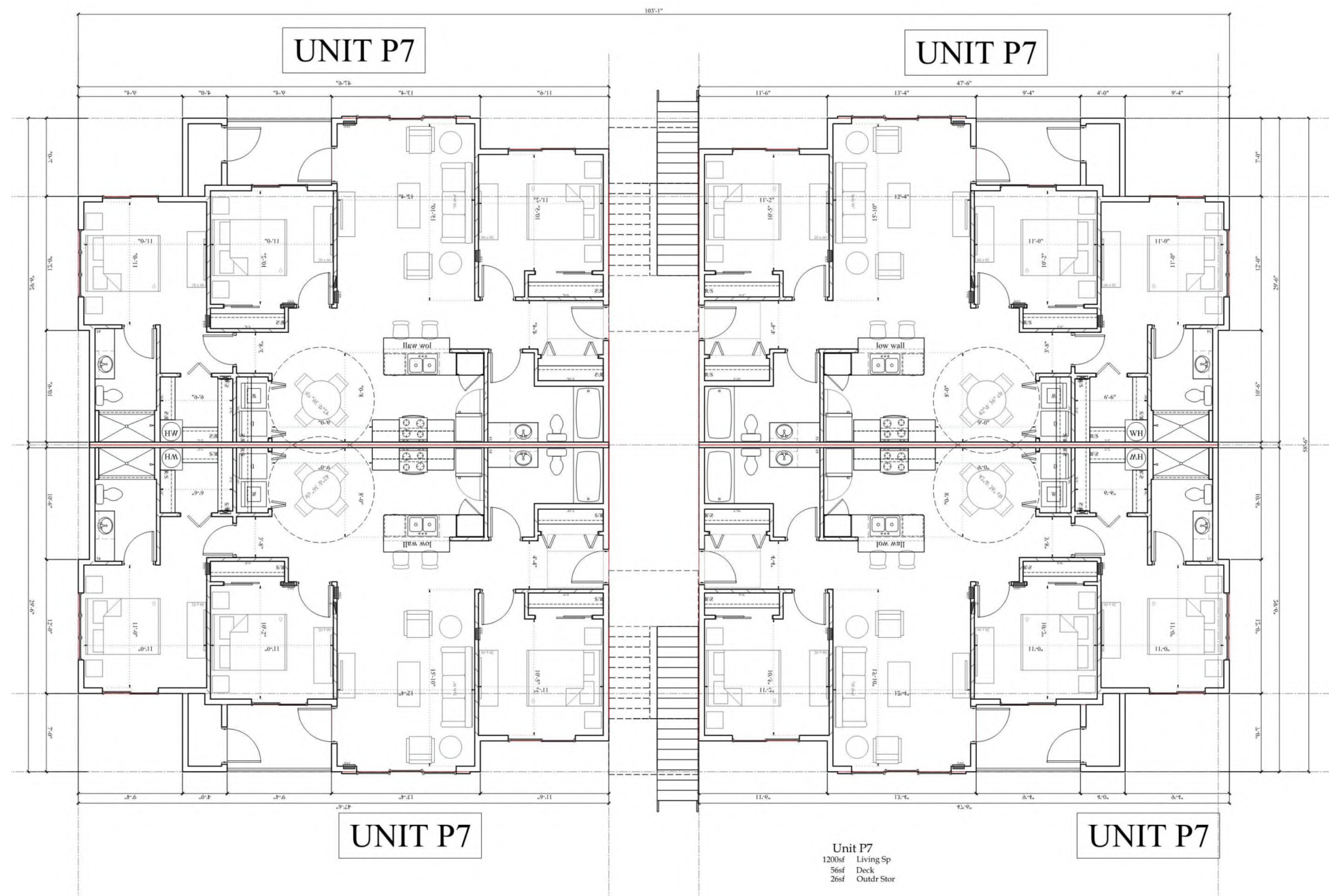


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SCALE: NTS

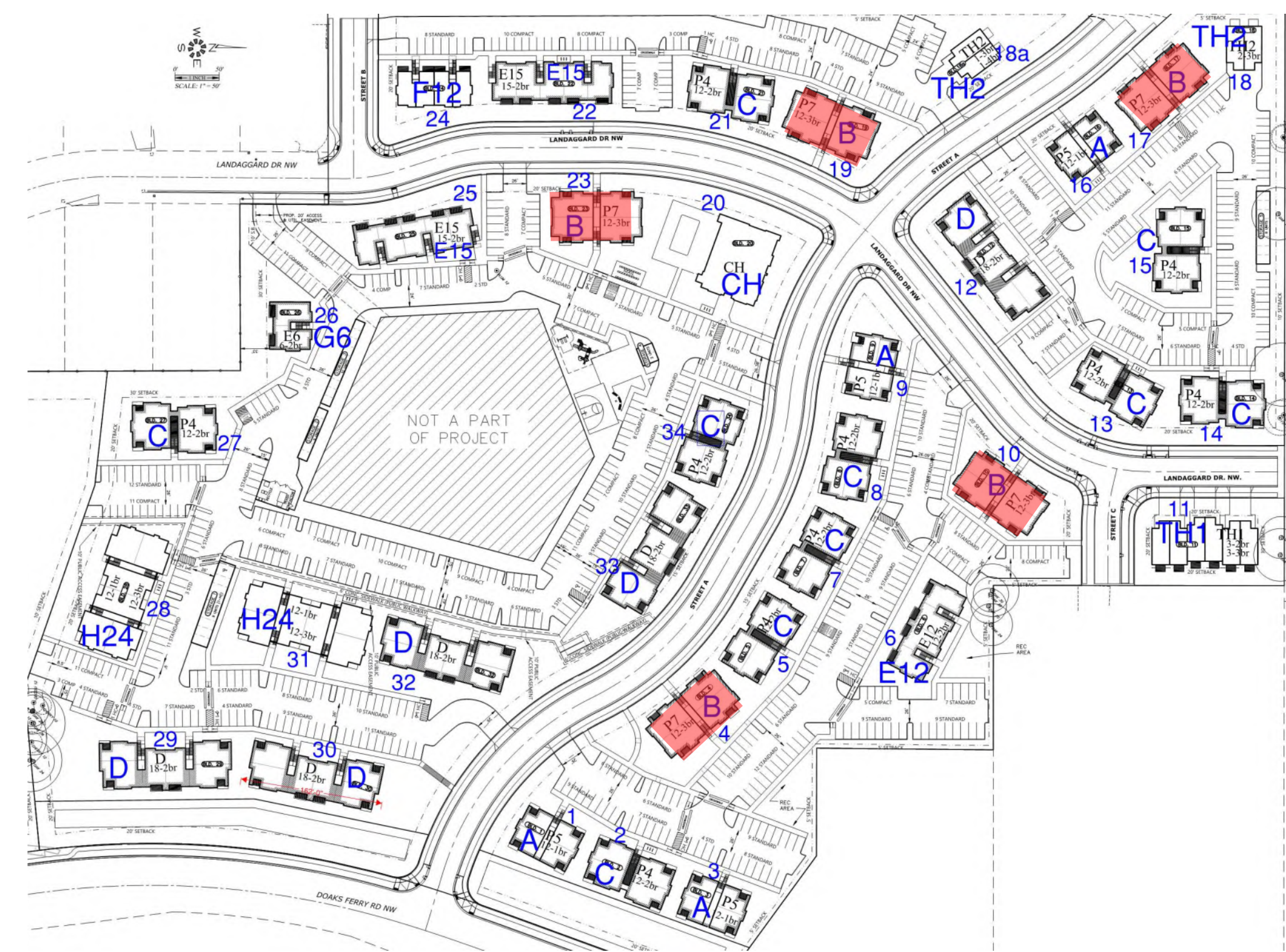
MATERIAL	COLOR
LAMINATED ARCHITECTURAL COMPOSITION SHINGLES	OWENS CORNING BLACK
FIBER CEMENT BOARD AND BATTEN 1x3 BATTENS 16" oc ON 4x8 FIBER CEMENT PANEL	SW6235 FOGGY DAY
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5. APPLY FIRST COAT OF PAINT TO TRIM SIDING BEHIND STONE VENEER BEFORE INSTALLATION OF STONE

A EXTERIOR FINISH SCHEDULE  
SCALE: NTS



6 PLAN - BLDG B  
NTS



B KEY PLAN  
SCALE: 1" = 100'-0"

# Bldg B - 12 plex

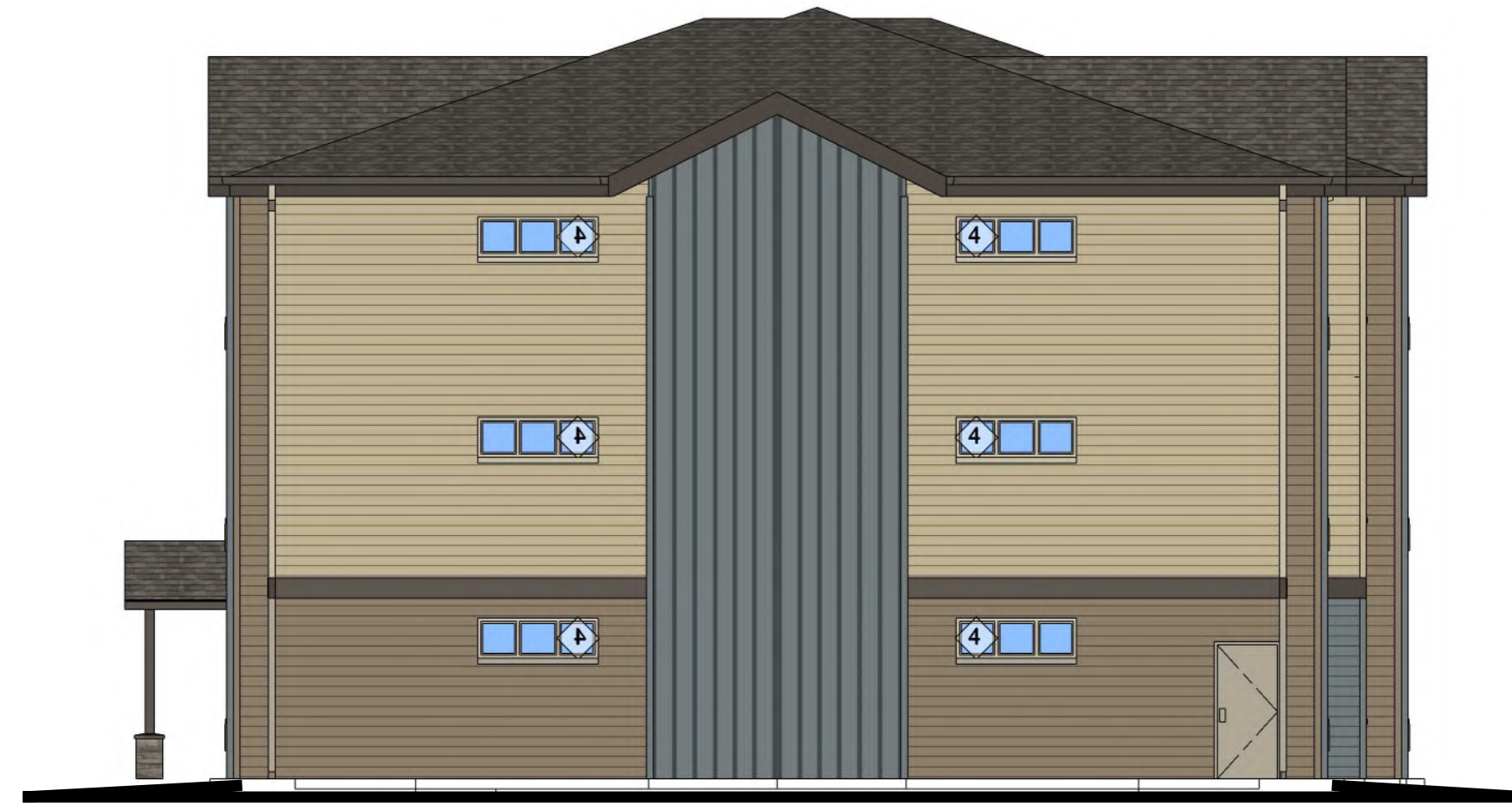




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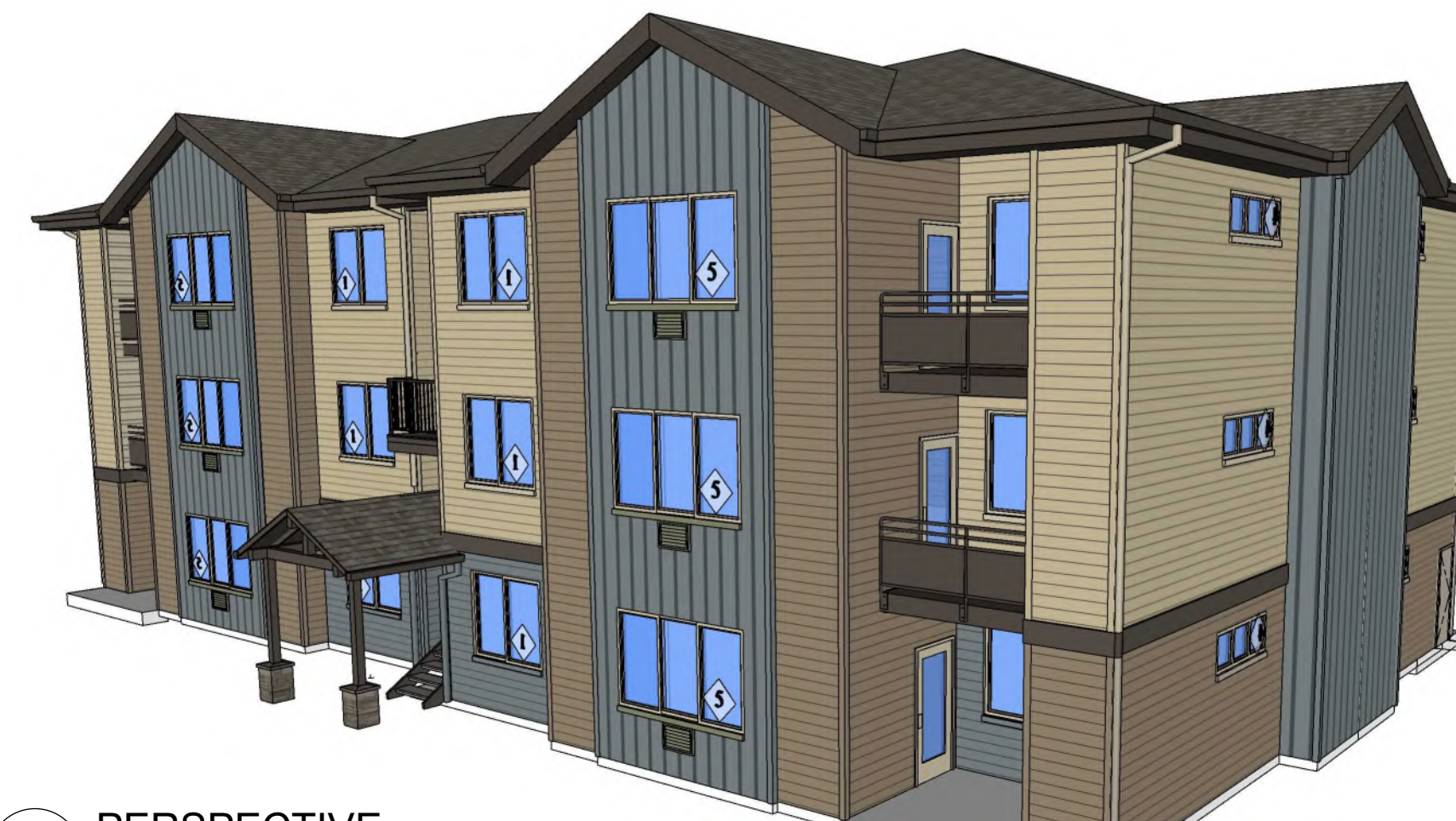
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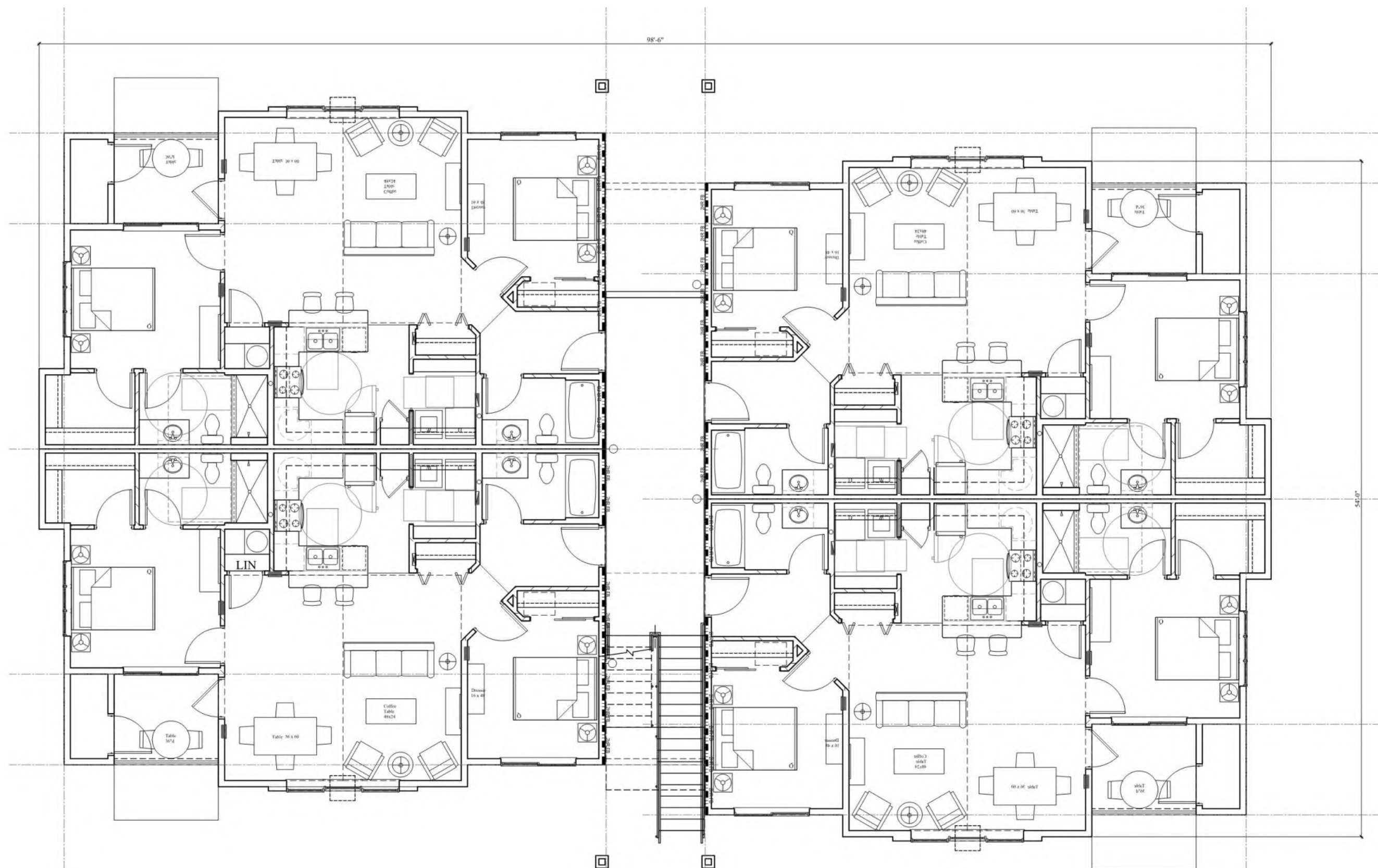
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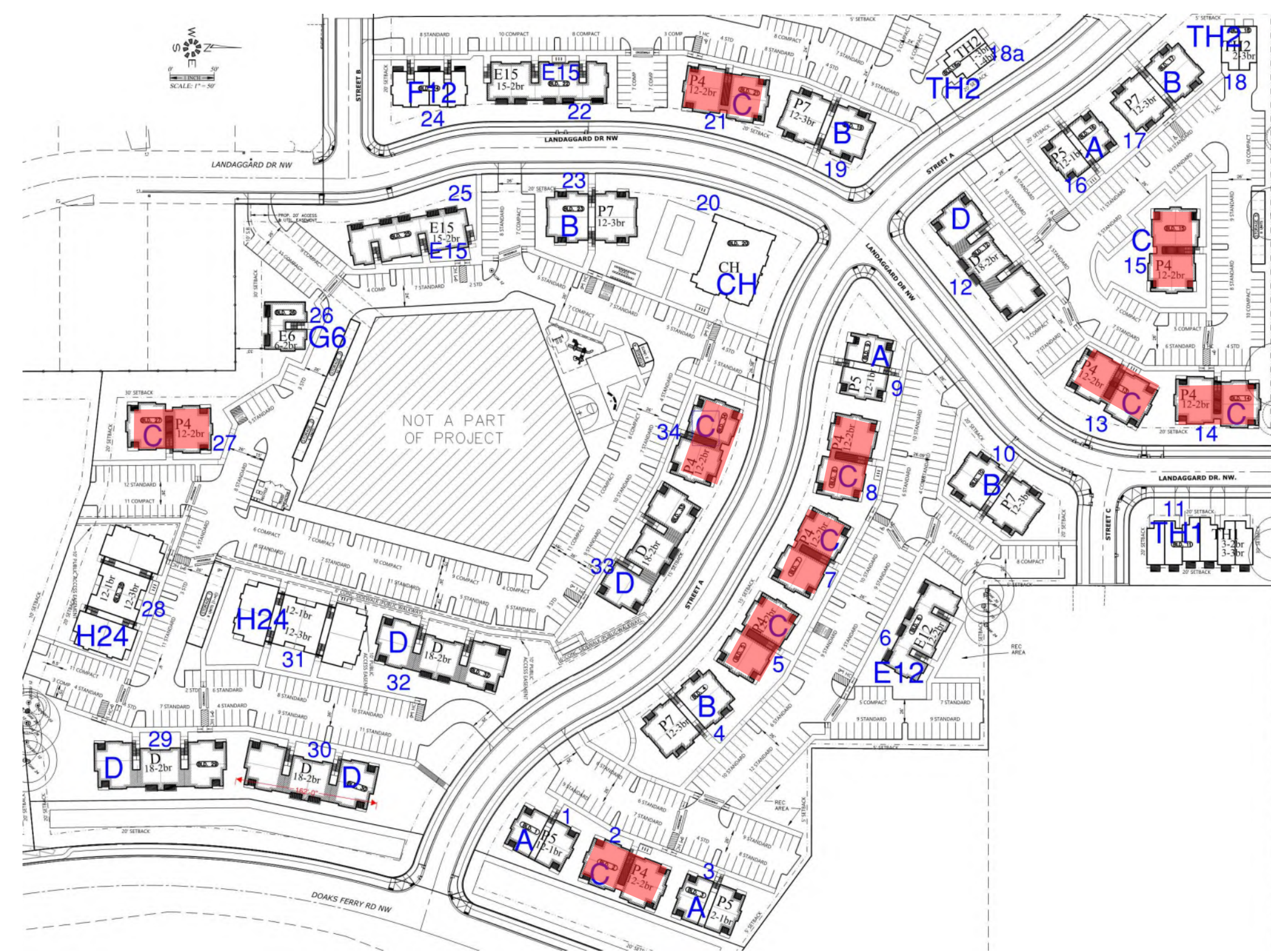
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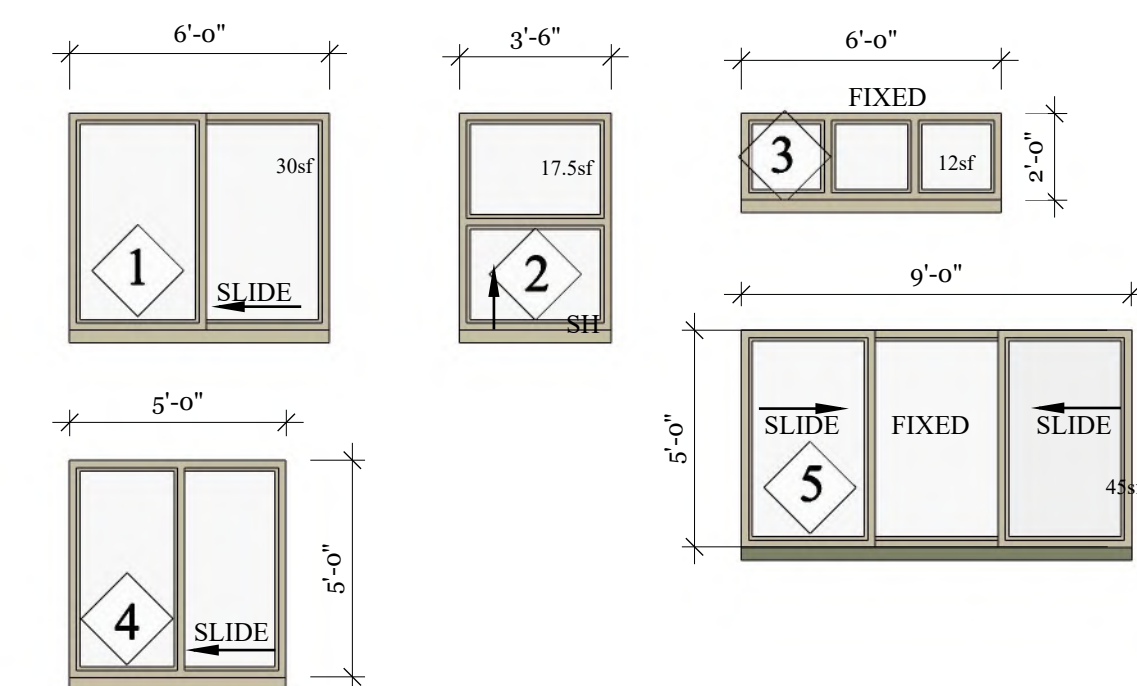
5 PERSPECTIVE  
NTS



6 PLAN - BLDG C  
NTS



B KEY PLAN  
SCALE: 1" = 100'-0"



C WINDOW SCHEDULE  
SCALE: NTS

MATERIAL	COLOR
LAMINATED ARCHITECTURAL COMPOSITION SHINGLES	OWENS CORNING BLACK
FIBER CEMENT BOARD AND BATTEN 1x3 BATTENS 16" oc ON 4x8 FIBER CEMENT PANEL	SW6235 FOGGY DAY
HORIZONTAL FLOOR BAND, FASCIA, GUTTERS, SOFFIT AND DECK TRIM	SW7020 BLACK FOX
FIBER CEMENT LAP SIDING 6" REVEAL LAP PATTERN	MAIN BODY - ALL APARTMENTS SW6157 FAVORITE TAN MAIN BODY - CLUBHOUSE SW7019 GAUNTLET GRAY
CULTURED STONE ADHERED STONE	ACCENT - SW6151 QUIVER TAN ACCENT - SW7052 GRAY AREA ACCENT - SW6235 FOGGY DAY
	MUTUAL MATERIALS COUNTRY LEDGESTONE HUDSON BAY

GENERAL COLOR NOTES:  
1. ALL WINDOWS TO BE VINYL - "CLAY"  
2. ALL BUILDING TRIM AND DOWNSPOUTS TO MATCH ADJACENT CLADDING COLOR UNLESS OTHERWISE NOTED  
3. STANDING SEAM METAL ROOF - TAYLOR METAL - "COOL" ARMOR TECH - KODIAK BROWN  
4. PAINT ALL EXPOSED STEEL CONNECTORS  
5. APPLY FIRST COAT OF PAINT TO TRIM/SIDING BEHIND STONE VENEER BEFORE INSTALLATION OF STONE

A EXTERIOR FINISH SCHEDULE  
SCALE: NTS

Bldg C - 12 plex





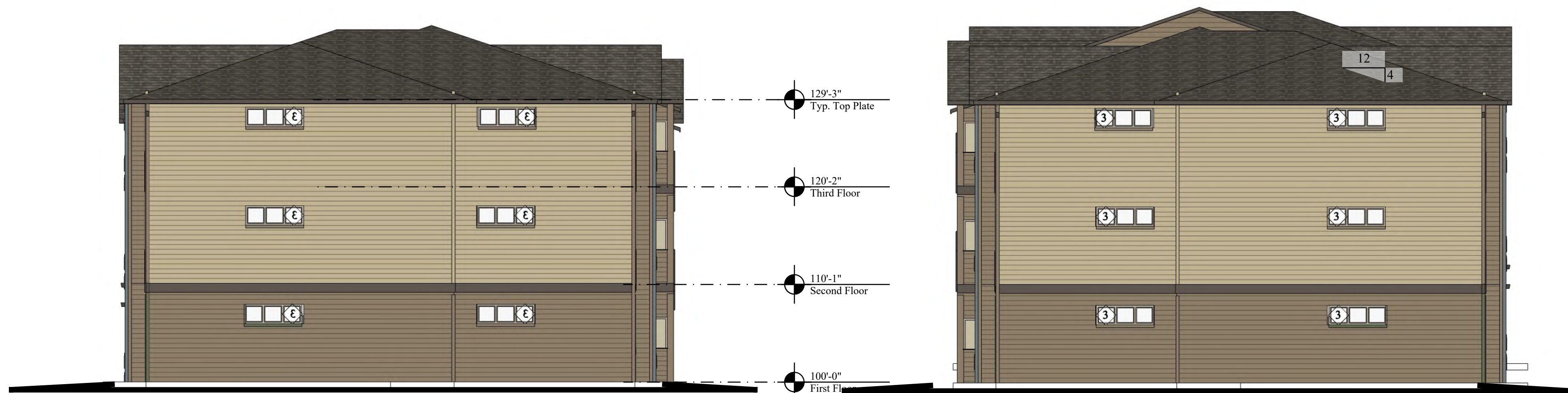
5 PERSPECTIVE  
NTS



1 REAR ELEVATION  
SCALE: 1/8" = 1'-0"

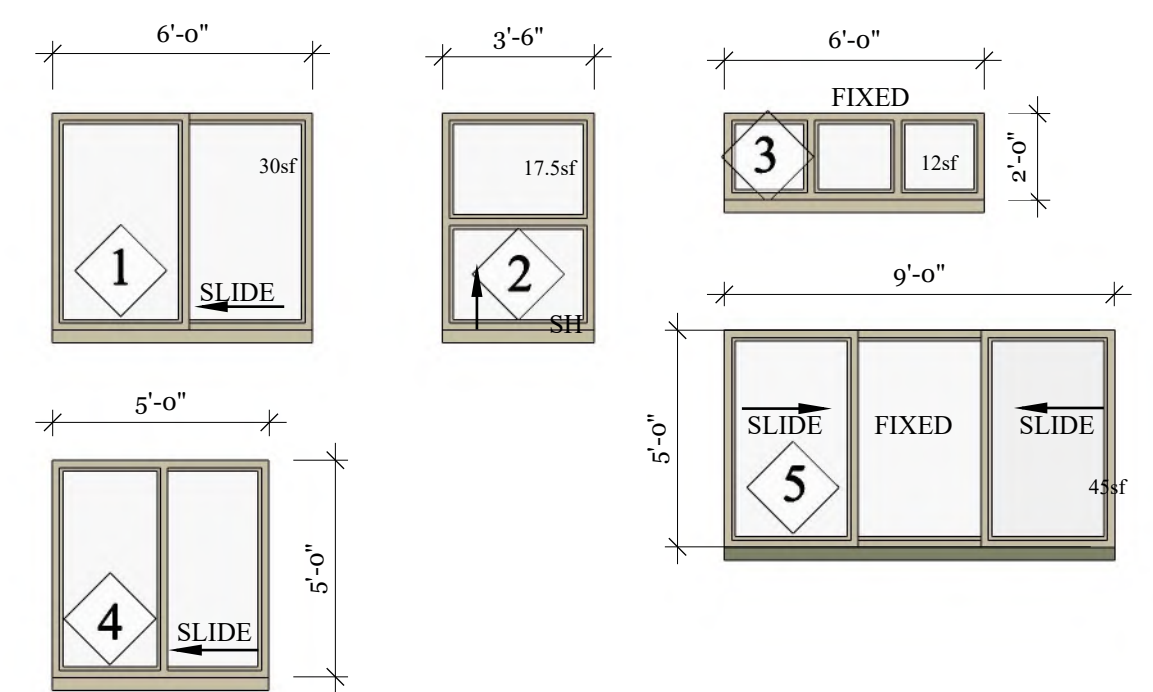


2 FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



3 RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"

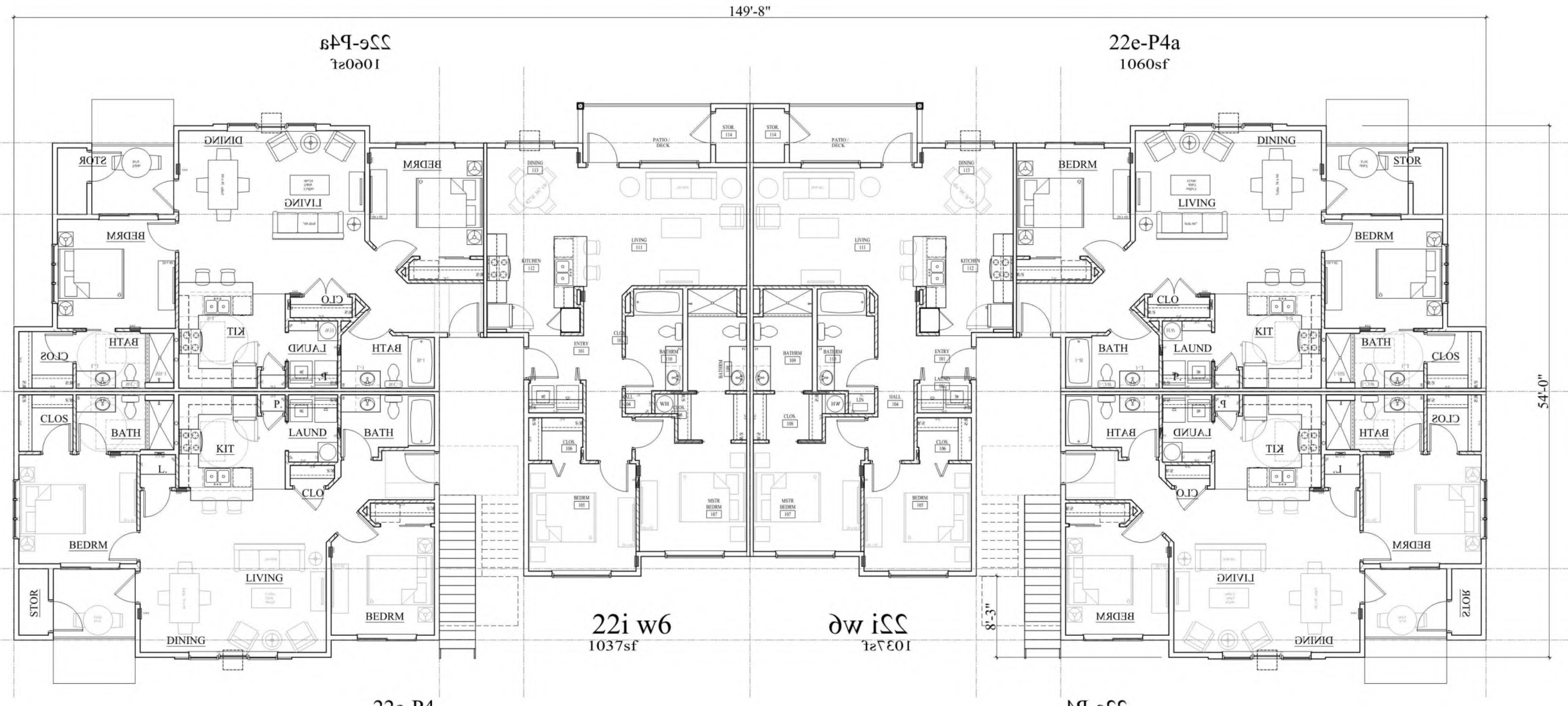
4 LEFT ELEVATION  
SCALE: 1/8" = 1'-0"



WINDOW SCHEDULE	
SCALE: NTS	
MATERIAL	COLOR
LAMINATED ARCHITECTURAL COMPOSITION SHINGLES	OWENS CORNING BLACK
FIBER CEMENT BOARD AND BATTEN 1x3 BATTENS 16" oc ON 4x8 FIBER CEMENT PANEL	SW6235 FOGGY DAY
HORIZONTAL FLOOR BAND, FASCIA, GUTTERS, SOFFIT AND DECK TRIM	SW7020 BLACK FOX
FIBER CEMENT LAP SIDING 6" REVEAL LAP PATTERN	MAIN BODY - ALL APARTMENTS SW6157 FAVORITE TAN MAIN BODY - CLUBHOUSE SW7019 GAUNTLET GRAY
CULTURED STONE ADHERED STONE	ACCENT - SW6151 QUIVER TAN ACCENT - SW7052 GRAY AREA ACCENT - SW6235 FOGGY DAY
	MUTUAL MATERIALS COUNTRY LEDGESTONE HUDSON BAY

- GENERAL COLOR NOTES:**
- ALL WINDOWS TO BE VINYL - "CLAY"
  - ALL BUILDING TRIM AND DOWNSPOUTS TO MATCH ADJACENT CLADDING COLOR UNLESS OTHERWISE NOTED
  - STANDING SEAM METAL ROOF - TAYLOR METAL - "COOL"
  - ARMOR TECH - KODIAK BROWN
  - PAIN ALL EXPOSED STEEL CONNECTORS
  - APPLY FIRST COAT OF PAINT TO TRIM SIDING BEHIND STONE VENEER BEFORE INSTALLATION OF STONE

A EXTERIOR FINISH SCHEDULE  
SCALE: NTS



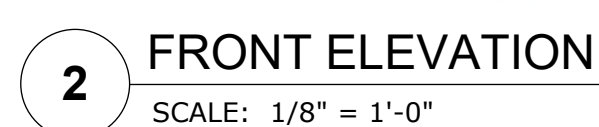
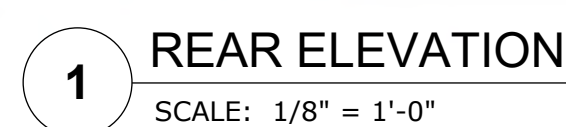
6 PLAN - BLDG D  
NTS



B KEY PLAN  
SCALE: 1" = 100'-0"

Bldg D-18 plex





**GENERAL COLOR NOTES:**

1. ALL WINDOWS TO BE VINYL - "CLAY"
2. ALL BUILDING TRIM AND DOWNSPOUTS TO MATCH ADJACENT CLADDING COLOR UNLESS OTHERWISE NOTED.
3. STANDING SEAM METAL ROOF - TAYLOR METAL - "COOL" ARMOR TECH - KODIAK BROWN
4. PAINT ALL EXPOSED STEEL CONNECTORS.
5. APPLY FIRST COAT OF PAINT TO TRIM/SIDING BEHIND STONE VENER BEFORE INSTALLATION OF STONE



# Bldg E15- 15 plex





**4 LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"

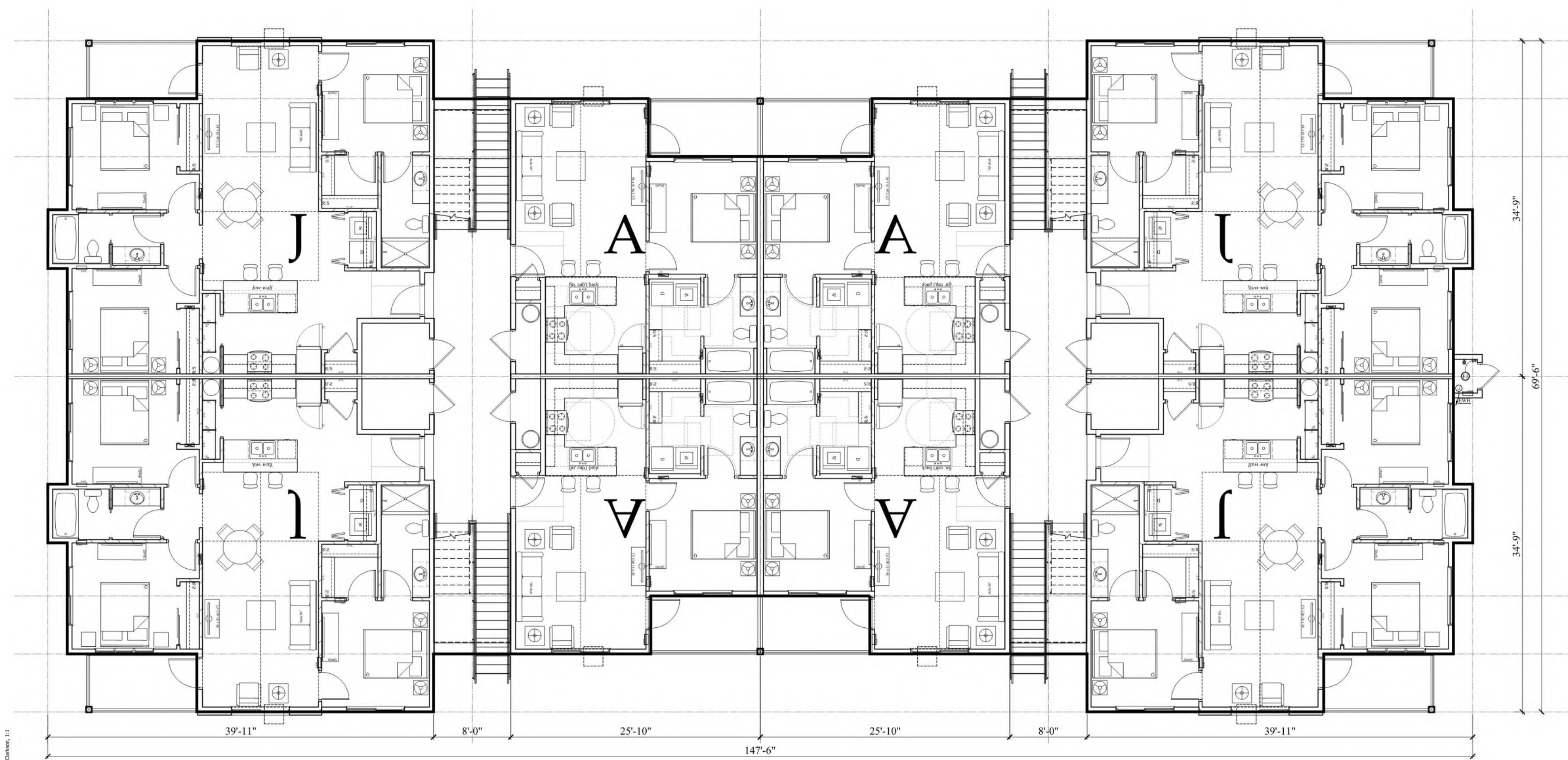
**1 REAR ELEVATION - BLDG H24**  
SCALE: 1/8" = 1'-0"



**3 RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"

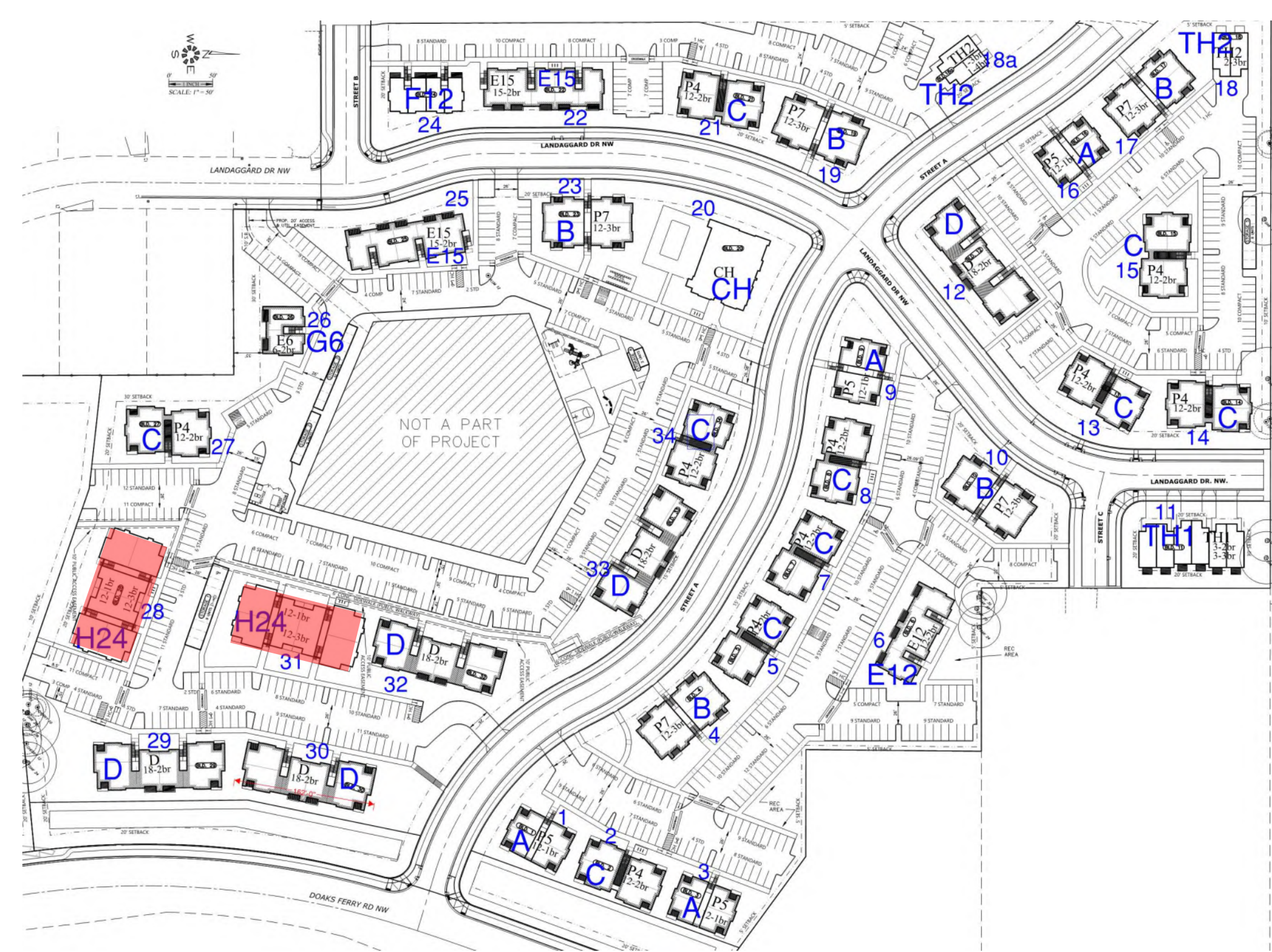


**2 FRONT ELEVATION - BLDG H24**  
SCALE: 1/8" = 1'-0"

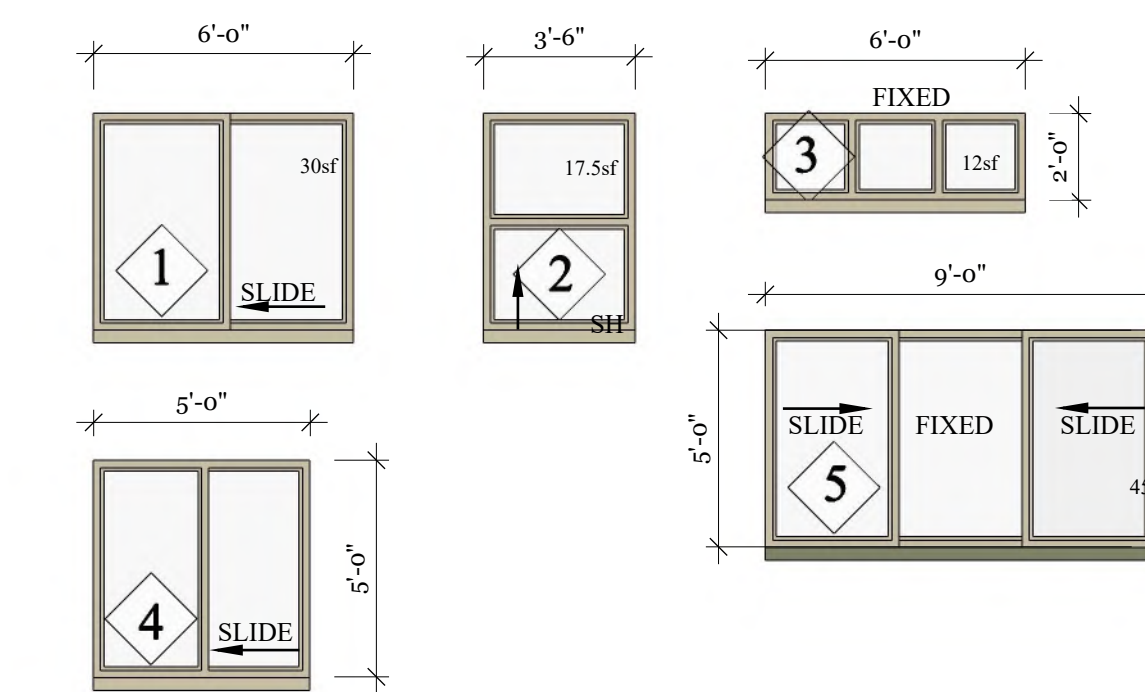


**BLDG H24 - (12)A, (12) J 24plex**  
1/4"=1'0"

**6 FLOOR PLAN**  
SCALE: NTS



**B KEY PLAN**  
SCALE: 1" = 100'-0"



WINDOW SCHEDULE	
SCALE: NTS	
MATERIAL	COLOR
LAMINATED ARCHITECTURAL COMPOSITION SHINGLES	OWENS CORNING BLACK
FIBER CEMENT BOARD AND BATTEN 1x3 BATTENS 16" oc ON 4x8 FIBER CEMENT PANEL	SW6235 FOGGY DAY
HORIZONTAL FLOOR BAND, FASCIA, GUTTERS, SOFFIT AND DECK TRIM	SW7020 BLACK FOX
FIBER CEMENT LAP SIDING 6" REVEAL LAP PATTERN	MAIN BODY - ALL APARTMENTS SW6157 FAVORITE TAN MAIN BODY - CLUBHOUSE SW7019 GAUNTLET GRAY
CULTURED STONE ADHERED STONE	ACCENT - SW6151 QUIVER TAN ACCENT - SW7052 GRAY AREA ACCENT - SW6235 FOGGY DAY
GENERAL COLOR NOTES: 1. ALL WINDOWS TO BE VINYL - "CLAY" 2. ALL BUILDING TRIM AND DOWNSPOUTS TO MATCH ADJACENT CLADDING COLOR UNLESS OTHERWISE NOTED 3. STANDING SEAM METAL ROOF - TAYLOR METAL - "COOL" ARMOR TECH - KODIAK BROWN 4. PAINT ALL EXPOSED STEEL CONNECTORS 5. APPLY FIRST COAT OF PAINT TO TRIM/SIDING BEHIND STONE VENEER BEFORE INSTALLATION OF STONE	
MUTUAL MATERIALS COUNTRY LEDGESTONE HUDSON BAY	

**A EXTERIOR FINISH SCHEDULE**  
SCALE: NTS

# Bldg H24 24plex

REVISIONS:

**PRELIMINARY  
NOT FOR  
CONSTRUCTION  
February 15, 2023**

PROJECT TITLE: Titan Hill Apartments

SHEET TITLE: EXTERIOR ELEVATIONS

SHEET: A490





10 March 2023

**TO:** Jamie Donaldson, Planner II, City of Salem Planning

**RE:** Tentative Subdivision Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Tree Variance, and Class 1 Design Review  
Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02  
2100 Doaks Ferry Road NW, Salem, OR 97304

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

The West Salem Neighborhood Association (WSNA) upon review of the February 24<sup>th</sup>, 2023, Notice of Filing has several questions in this matter. We respectfully request that as staff addresses said questions that specific analysis and findings be included in the staff report with attention to past precedence, intent of the code, and the logic to how this has been applied (past, present, and here given the specifics of this site). We note specific requests for variances by the Applicant to existing city codes. We feel strongly that any granting of a variance should clearly be present in staff's findings such that the burden of proof needed to grant this variance, and how it is met or will be met, is clearly documented. We clearly see here need for an inclusion of a tradeoff analysis and balancing discussion to justify any requested variance, especially those that push to maximize dwelling units at the site versus other possible alignments or number or dwelling units at the site. City codes have been enacted to preserve certain community goals and values, the urban forest, and natural resources. We feel that a tradeoff and balancing investigation must be detailed in the staff's analysis with the balance weighted towards the code and burden of proof with the Applicant including at least two or three difference scenarios for development at this site. Currently, what is presented is an ask to provide more dwelling unit density at this site than existing natural site conditions may allow. It seems like there needs to be a site description that shows what dwelling units and street layout is possible if there are no variances and the site complies with the existing code. Call this the base case for what can offer a comparison. No tradeoff or balancing discussions has been seen. For example, the intent clause of preserving significant trees and the request for a variance to cut significant trees to maximize dwelling unit density at the site. There is no environmental impact look at what this means for the urban forest presently on the site. Additionally, ties to the City's Carbon Management Goals



and Plan are not seen. This is a complex geological and environmental site requiring more detailed, focused analyses in the decision-making process. This is not seen in the current application. Please realize that these questions are asked with much consideration so as to achieve development here of dwelling unit density that comply with the intent and language of city code and strikes a balance between the urban density needs and the natural environment. The question remains unanswered as to a clear showing of will this proposed development, as proposed, comply with the city codes. At a minimum, there should be a site plan showing what this site layout would look like if no variance from complying with city code was the case for objective comparison.

### **WSNA QUESTIONS & ISSUES**

1. Variance request street slope. Concern is this to connect to a connector street. Streets in West Salem hills are susceptible to ice and snow making travel not possible at times. This hilly subdivision area will be vulnerable at times, travel via this route may be closed. Maintenance of the street and stormwater system may be higher than other neighborhoods where slope requirements are followed. How will this affect emergency response time? What about insurance rates for homeowners in this area? How about city maintenance costs? What is the justification that staff uses, including a condition checklist, that staff uses to justify granting a variance here?
2. Wilark Brook is a cold-water trout stream that empties into a water quality limited salmon habitat stream. What effects will this subdivision have on the temperature profile of Wilark Brook? What effects will this subdivision have on the hydrological flow and groundwater recharge of Wilark Brook? What effect will the stormwater detention system have on nutrient levels and metal levels in Wilark Brook? Are there benefits from having a zero-discharge stormwater detention system versus a flow release system? What are the environmental impacts, including an analysis of changes to the urban forest canopy, from this subdivision on Wilark Brook and the wetlands immediately downstream across Doaks Ferry from this subdivision?
3. Request for 19 additional parking spaces. Transportation impacts from this site were limited by the city to a maximum of 500 multi-family units and a cumulative total of



2,270 average daily vehicle trips (ADTs). How does the 19 additional parking spaces affect the maximum ADTs, that is, how many more trips will they generate?

Furthermore, the value used during the analysis of the Riverbend apartment complex was 5.8 trips per dwelling unit. Given the proposed 436 units, this is less than the 500 unit maximum; however, 436 units times 5.8 trips per dwelling unit equals 2,529 ADTs. Given the proposed 436 units and the additional 19 parking spaces, it appears that this proposed 436 unit development does not meet the transportation impacts permitted for this site.

4. Why are the White Oaks along the west side of Doaks Ferry Road NW north of Orchard Heights Road not identified on the SDR7 sheet? Any sidewalk work here will result in the removal of a large number of White Oaks not addressed in this application. There appears to be several irregularities in the count for significant trees proposed to be removed. For example:
  - a. SDR3 through SDR7 lists and numbers on 7, not 8, significant non-white oak trees to be removed.
  - b. Eight (8) non-white oak plus 37 white oak equal 45 not 44 significant trees to be removed. The SDR3-7 map segments only show 44 significant trees listed in the variance application.
  - c. Why do the SDR3-SRR7 map keys and the tree variance request list 8 significant non-white oak trees to be removed then only identify 7 non-white oak trees to be removed? Where is the graphic representation of the 8<sup>th</sup> non-white oak tree slated for removal?
5. A key issue here centers on the balancing of the “intent to preserve” significant trees and White Oaks declaration of SRC 808 and the request by the Applicant for a tree variance to remove 45 significant trees on the site. We ask to see the analysis of how this balancing is to be conducted. What is the logic to how this has been applied (past, present, and here given the specifics of this site) in the decision to preserve or not versus tree removal? The Applicant has put forth a request that seems to favor total number of dwelling units over tree preservation. Building 29 is a good example of this. If there is a tree and a building at a location on the site, the request is to remove the



tree, not preserve it. The removal over preservation intent seems to be the matrix for this application. There are drawings showing tree drip line with inconsistencies. For example, Oak 36 drip line is over Building 14. There are not drawings or mention of the White Oaks along Doaks Ferry Road (#4 above).

Tree Variance 808.045(d)(1): A. There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. We ask that the staff report detail what these are as the record is currently silent on this. The Applicant is choosing to site dwelling units in an existing Urban Forest of White Oaks. What precedents are there for making these determinations? Where is the tradeoff analysis to demonstrate that there are such special conditions that apply here? Please enumerate the special conditions. How are these special conditions balanced against the preserve intent of the code? Past examples? How are they relevant here? At a minimum there should be a site plan showing the dwelling unit placement and street alignment for which the site meets the current city codes without the requested variances. A solid base case from which a true comparison can be objectively gained. This is an existing urban forest of White Oaks and it seems reasonable to ask to see a picture of what the site would look like if the preservation intent was met blending development into the existing landscape. Then this could be compared to the existing proposed development where maximum dwelling placement is sought.

Additionally, the Applicant has requested a hardship variance as listed in

Sec. 808.045 (d) 1. - Tree variances. (1) Hardship

(A) There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance; and

(B) The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity.

We ask that staff address in their analysis the issue of lawfulness in light of the intent to preserve provision in the code. It seems like intent to preserve is the current lawfulness.





Clear, objective information is needed here that currently is not in the record. There are special conditions at this site. It is an urban forest comprised of a significant number of White Oaks. The urban forest is near the head waters of Wilark Brook, a cold-water tributary to an identified salmon habitat stream currently listed as water quality limited for temperature. Removal of headwater forest canopy can have a major impact on the terrestrial and limnological habitats of the area. The decision to locate dwelling units here must provide the detailed ecological, water quality, habitat, etc., analyses that address the special conditions of this urban forest and the city's stated intent to preserve White Oaks. Right now there is no such data in the record.

Bottom line here is that staff is obligated to explain their rationale for granting any variance with accompanying analyses, examples of precedence upon to judge the tradeoffs proposed and the balancing of preservation verses dwelling units. The code is clear with an intent to preserve. What criteria does staff use to override this intent to preserve? This is a significant urban forest with associated value. It exists now and provides numerous benefits within the current city urban landscape. There needs to be a demonstration of just how the placement of multi-family dwelling are blended into a existing urban forest of value. More affordable house is needed; however, this market rate proposed development has not as yet shown the economics of its value to that of the intent to preserve an existing urban White Oak forest. How does staff value a dwelling unit versus a White Oak and significant trees? We ask that this be provided as part of the staff report. What are the impacts on carbon sequestration?

6. What are the provisions for EV charging stations at this proposed development?


Respectively,

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



## MEMO

**TO:** Jamie Donaldson, Planner II  
Community Development Department

**FROM:** Laurel Christian, Planner II  
Public Works Department 

**DATE:** May 5, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
SUB-UGA-SPR-ADJ-TRV-DR23-02 (22-119071)  
2100 BLOCK DOAKS FERRY ROAD NW  
6-LOT SUBDIVISION AND MULTI-FAMILY DEVELOPMENT**

**PROPOSAL**

A consolidated application for a proposed six-lot subdivision with development of a multi-family residential development of 436 units throughout five lots. The application includes:

1. A Subdivision Tentative Plan to divide the 36.72-acre property into six lots ranging in size from approximately .4 acres to 12 acres, with a request for Alternative Street Standards to allow increased street grades, block lengths, and an adjustment to street connectivity requirements in SRC Chapter 803 to provide a street connection to the undeveloped lot to the south;
2. An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the proposed development;
3. A Class 3 Site Plan Review and Class 1 Design Review for development of 436 units in 31 buildings across five lots, with associated amenities and improvements including a resident clubhouse, recreation areas, parking, and landscaping;
4. Class 2 Adjustment requests; and
5. A Tree Regulation Variance request for removal of 46 significant trees on site.

The subject property is approximately 37 acres in total size, zoned RM-II (Multiple Family Residential), and located at the 2100 Block of Doaks Ferry Road NW (Polk County Assessor Map and Tax Lot 073W17B / 400).

**ATTACHMENTS**

**Exhibit a.** Street Alignment Exhibit

**SUBDIVISION RECOMMENDED CONDITIONS APPROVAL**

**The following conditions of approval shall be completed prior to final plat approval or shown on the final plat:**

1. Dedicate a 10-foot public utility easement along the street frontages of all internal streets and along Doaks Ferry Road NW abutting the proposed "W.Q Parcel" as shown on the applicant's tentative Plan.
2. Along Wilark Brook on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
3. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots, with the exception of Lot 6.
4. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
5. Existing easements and rights-of-way on the subject property shall be relocated, extinguished, or vacated, as appropriate, prior to final plat approval.
6. Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Doaks Ferry Road NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.
7. Dedicate a 60-foot-wide right-of-way for new internal streets within the subject property as shown on the applicant's tentative plan.
8. Prior to issuance of Public Construction Permits, the applicant shall receive a final City Council decision on the proposed Salem Transportation System Plan Amendment (22-121104-GP) relating to the collector street alignment that is mapped through the property.
9. As shown on the applicant's tentative plan, dedicate public pedestrian access easement from Street A to Lot 6.
10. Dedicate an additional public access easement for vehicular and pedestrian access from Street A to Lot 6 through the southeastern drive aisle within the development site. This easement may be dedicated by separate document and extinguished if determined not necessary at time of Site Plan Review for proposed Lot 6.
11. Modify the proposed "Street C" stub street location to the north line of proposed Lot 2 to avoid conflicts with existing structures on neighboring property not included in the development proposal.

12. Obtain any necessary street tree removal permits pursuant to SRC Chapter 86.

**The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B):**

13. Extend a minimum 12-inch public water main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.
14. Construct a *Salem Wastewater Management Master Plan* identified sewer main in Doaks Ferry Road NW from the intersection of Doaks Ferry Road NW and Brush College Road NW to the proposed development pursuant to PWDS.
15. Extend a minimum 8-inch public sewer main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.
16. Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way.
17. Construct a half-street improvement along the frontage of Doaks Ferry Road NW to an interim minor arterial street standard as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
18. The applicant shall coordinate with Cherriots to provide bus stops along Doaks Ferry Road NW in locations approved by the Public Works Department.
19. If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct Landaggard Drive NW within the property, proposed Street B, and proposed Street C to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. Internal local streets are approved to have an increased curb-to-curb improvement of 34 feet.
20. If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct "Street A" to "Collector Street B" standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:
  - i. "Street A" shall have a maximum grade of 12 percent.
  - ii. "Street A" shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
  - iii. A public street connection from "Street A" to proposed Lot 6 is not required.
21. If City Council does not approve the requested Transportation System Plan

Amendment (22-121104-GP), the applicant shall construct proposed Street A from Doaks Ferry Road NW to the intersection with Landaggard Drive NW within the property, Street C, and Street B, to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:

- i. "Street A" shall have a maximum grade of 12 percent.
  - ii. "Street A" shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
  - iii. A public street connection from "Street A" to proposed Lot 6 is not required.
  - iv. Internal local streets are approved to have an increased curb-to-curb improvement of 34-feet.
22. If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct the extension of Landaggard Drive NW within the property to the intersection with proposed "Street A" and proposed Street A from the intersection of Landaggard Drive NW to the western property line to "Collector Street B" standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
23. Along the frontage of the existing portion of Landaggard Drive NW adjacent to the subject property, construct a three-quarter street boundary street improvement to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the boundary street improvement shall be constructed to "Collector Street B" standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
24. Install street trees to the maximum extent feasible along Doaks Ferry Road NW, Orchard Heights Road NW, and internal streets constructed with the subdivision.
25. As specified in the TIA, provide the following mitigation:
  - i. Construct a left-turn lane on Doaks Ferry Road NW at the intersection with the new "Street A." The left-turn lane shall include a minimum 75 feet of vehicle storage.
  - ii. Construct sidewalks along Doaks Ferry Road from the intersection of Orchard Heights Road NW to the northern boundary of the site.
  - iii. Construct a linked ADA pedestrian connection from the proposed development across Orchard Heights Road NW, including a raised pedestrian refuge on the west side of the intersection. Improvements shall include

upgraded ADA ramps on both sides of Landaggard Drive NW and the western side of the West Salem High School driveway, and a sidewalk extension along the north side of Orchard Heights Road NW to the intersection with Doaks Ferry Road NW. Pursuant to SRC 200.035(a)(4), sidewalks shall also be provided along the frontage of 2357 Orchard Heights Road NW (Polk County Assessors Tax Lot no. 073W17D00900).

26. Install not more than 4 speed humps on Landaggard Drive NW in locations approved by Public Works and in accordance with PWDS.

**The following conditions of approval shall be completed as a condition of future lot development:**

27. At time of development of Lot 6, a public utility easement shall be dedicated along the Lot 6 frontages of Doaks Ferry Road NW and Orchard Heights Road NW. The public utility easement width shall be established and dedicated by separate document, if required.
28. At time of development of Lot 6, design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.
29. As a condition of building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

**The following conditions of approval shall apply to any development within the subdivision:**

30. Landaggard Drive NW shall not be used as a construction entrance. A construction entrance shall be constructed from either Doaks Ferry Road NW or Orchard Heights Road NW, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.

**SITE PLAN REVIEW RECOMMENDED CONDITIONS APPROVAL**

1. Prior to issuance of any building permits, the final plat for the Titan Hill Subdivision shall be recorded.
2. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.
3. Submit a Driveway Approach Permit application if the driveways onto the new internal streets are not installed as part of the construction of the new internal street.

## **FACTS AND FINDINGS**

### **Streets**

#### **1. Doaks Ferry Road NW**

- a. Standard—This street is designated as a major arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 20-to-40-foot improvement within a varied 62-to-88-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 Condition—This street has an approximate 46-foot improvement within a 72-foot-wide right-of-way abutting the subject property.

#### **3. Landaggard Drive NW**

- a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. The applicant has submitted an application to amend the TSP to downgrade the street designation from a collector street to a local street. The standard for a local street classification is a 30-foot improvement within a 60-foot-wide right-of-way. This is described further in the criteria and findings below.
- c. Existing Condition—This street has an approximate 20-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

### **Water**

#### **1. Existing Conditions**

- a. The subject property is located within the W-1 water service level.
- b. An 18-inch water main is located in Doaks Ferry Road NW.
- c. An 18-inch water main is located in Orchard Heights Road NW.
- d. An Orchard Heights Water District main is located in Landaggard Drive NW.

## **Sanitary Sewer**

### **1. Existing Conditions**

- a. A 21-inch sewer main is located in Doaks Ferry Road NW, approximately one-half-mile north of the subject property.
- b. An 8-inch sewer main is located in Doaks Ferry Road NW, approximately 1,250 feet north of the subject property. This main does not have adequate capacity to serve the proposed development.

## **Storm Drainage**

### **1. Existing Conditions**

- a. An 18-inch storm main is located in Doaks Ferry Road NW.
- b. An 18-inch storm main is located in Orchard Heights Road NW.

## **Parks**

The proposed development is served by Grice Hill Park and West Salem High School Park. These parks are within one-half-mile of the subject property.

## **URBAN GROWTH PRELIMINARY DECLARATION CRITERIA AND FINDINGS**

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

### **SRC 200.055—Standards for Street Improvements**

**Findings:** An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

Doaks Ferry Road NW and Orchard Heights Road NW are adequate “linking” streets. Boundary street improvements will be required as a condition of development, described further below.

### **SRC 200.060—Standards for Sewer Improvements**

**Findings:** The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to



such existing sewer facilities (SRC 200.060). The nearest adequate sewer is located at the intersection of Doaks Ferry Road NW and Orchard Heights Road NW, approximately one-half-mile north of the subject property. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below.

### **SRC 200.065—Standards for Storm Drainage Improvements**

**Findings:** The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities, which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Doaks Ferry Road NW and Orchard Heights Road NW abutting the subject property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

### **SRC 200.070—Standards for Water Improvements**

**Findings:** The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The nearest available public water system appears to be located in Doaks Ferry Road NW and Orchard Heights Road NW abutting the subject property. The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

### **SRC 200.075—Standards for Park Sites**

**Findings:** The proposed development is served by Grice Hill Park .25 miles west of the subject property and West Salem High School Park .35 miles southwest of the subject property.

## **SUBDIVISION CRITERIA AND FINDINGS**

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

**SRC 205.010(d)(1)—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:**

- 1. Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;**
- 2. City infrastructure standards; and**

**3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

**Findings:** The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. The City Surveyor and the applicant's project surveyor shall ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

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.

A 10-foot-wide public utility easement (PUE) is required along street frontages pursuant to SRC 803.035(n). The applicant's tentative plan shows a PUE along the new internal streets and along Doaks Ferry Road NW abutting the proposed water quality parcels. No PUE is shown along Doaks Ferry Road NW and Orchard Heights Road NW abutting Lot 6. Development plans for Lot 6 have not yet been submitted; at time of site plan review for Lot 6, the depth of the PUE will be established and may be dedicated by separate document.

**Condition:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and along Doaks Ferry Road NW abutting the proposed "W.Q. Parcel" as shown on the applicant's tentative Plan.

**Condition:** At the time of development of Lot 6, a public utility easement shall be dedicated along the Lot 6 frontages of Doaks Ferry Road NW and Orchard Heights Road NW. The public utility easement width shall be established and dedicated by separate document, if required.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

A portion of Wilark Brook runs through Lot 6 of the proposed subdivision. Pursuant to PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width

shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.

**Condition:** Along Wilark Brook on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-to-4-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5 to 7 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report. A Geological Assessment, prepared by Redmond Geotechnical Services and dated November 4, 2022, was submitted to the City of Salem with the subdivision application. This assessment demonstrates the subject property could be developed by implementing the mitigation measures provided in the report.

**Condition:** As a condition of building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

**SRC 205.010(d)(3)—Development within the tentative subdivision plan can be adequately served by City infrastructure.**

**Findings:** The subject property is located outside of the Urban Service Area; therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, the proposed development is designed to accommodate required on-site and off-site improvements.

Water is available in Orchard Heights Road NW and Doaks Ferry Road NW to serve the development. The *Salem Water System Master Plan* identifies a future water main through the property. Within the new internal streets, the applicant shall provide a minimum 12-inch master plan water main.

**Condition:** Extend a minimum 12-inch public water main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.

The subject property is not served by public sewer. The nearest public sewer main is located in Doaks Ferry Road NW, approximately 1,250 feet north of the subject property; however, this main does not have adequate capacity to serve the proposed development. The *Salem Wastewater Management Plan* identifies a future public main of various sizes within Doaks Ferry Road NW and on the subject property. The master plan main extends from the intersection of Doaks Ferry Road NW and Brush College

Road NW to the site, from approximately one-half-mile north. The applicant shall be required to construct the master plan sewer main in Doaks Ferry Road NW and through the site, to serve the proposed development and neighboring property.

**Condition:** Construct a *Salem Wastewater Management Master Plan* identified sewer main in Doaks Ferry Road NW from the intersection of Doaks Ferry Road NW and Brush College Road NW to the proposed development pursuant to PWDS.

**Condition:** Extend a minimum 8-inch public sewer main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.

The applicant submitted an incomplete preliminary stormwater report lacking appendices. It is not clear from the information submitted whether or not the proposed design complies with SRC Chapter 71 and PWDS. In addition, the applicant's tentative plan shows a new 30-foot-deep public storm main in Landaggard Drive NW that does not appear feasible to construct or maintain. Lack of design at this stage may require modification to the land use decision once a complete design is reviewed.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, an Engineering Method Report, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities for all proposed lots, with the exception of lot 6. Stormwater design for proposed Lot 6 can be provided at the time of Site Plan Review for future development.

**Condition:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots, with the exception of Lot 6.

**Condition:** At time of development of Lot 6, design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way.

Private water, sewer, and storm services shall be constructed to serve each lot. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval.

Any easements needed to serve the proposed parcels with City infrastructure shall be

shown on the final plat. The applicant's tentative plan shows multiple existing easements that will need to be extinguished or relocated as part of the platting action. In addition, according to the City Surveyor, there is likely existing right-of-way over portions of Tax Lot 400, south of Tax Lot 1100, that was established by V. 145, P. 538, Polk County Deed Records. This existing right-of-way lies within Landaggard Drive NW and extends onto the subject property north of Landaggard Drive NW. This right-of-way requires vacation pursuant to SRC 255.065.

**Condition:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

**Condition:** Existing easements and rights-of-way on the subject property shall be relocated, extinguished, or vacated, as appropriate, prior to final plat approval.

**SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

**Findings:** Orchard Heights Road NW meets the required right-of-way width and improvement required for its classification of street per the TSP. As described further below, TIA mitigation is required and will provide sidewalks along Orchard Heights Road NW fronting the subject property. Pursuant to SRC 200.035(a)(4), sidewalks shall also be provided along the frontage of Polk County Assessors Tax Lot No. 073W17D00900.

The existing condition of Doaks Ferry Road NW does not meet current standards for its classification of street per the Salem TSP. The applicant shall convey for dedication a half-width right-of-way up to 48 feet to major arterial standards as specified in the PWDS and based on a rational nexus calculation. The applicant shall construct a half-street improvement to an interim minor arterial street standard as specified in the PWDS and consistent with the provisions of SRC Chapter 803. An interim minor arterial improvement with a turn lane as required by the applicants TIA is appropriate based on the existing underimproved condition of the street and right-of-way width constraints. In addition, the Transportation System Plan identifies that Doaks Ferry Road NW between Brush College Road NW and Orchard Heights Road NW will be improved to an interim minor arterial standard as a Committed Street Improvement Project (Table 3-4 Project ID no. 82).

Cherriots submitted comments indicating that a new transit stop is needed in coordination with the proposed street improvements along Doaks Ferry Road NW. The applicant shall be required to provide the bus stop as part of the street improvements pursuant to SRC 803.035(r). The applicant shall coordinate with Cherriots to determine the appropriate type of stop and location.

**Condition:** Convey land for dedication to equal a half-width right-of-way of

48 feet on the development side of Doaks Ferry Road NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.

**Condition:** Construct a half-street improvement along the frontage of Doaks Ferry Road NW to an interim minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

**Condition:** The applicant shall coordinate with Cherriots to provide bus stops along Doaks Ferry Road NW in locations approved by the Public Works Department.

The applicant's site plan shows new internal streets to be constructed within the subdivision. The applicant's tentative plan shows street designs that do not meet PWDS for horizontal radius; a design exception has not been approved by the City Engineer to deviate from the standards. In addition, the proposed streets do not meet maximum allowed grades, block lengths, or street connectivity standards established in SRC Chapter 803.

Pursuant to SRC 803.065, the applicant requested an alternative street standard to deviate from street grade, block length, and connectivity standards established in SRC 803. Specifically, the following requests have been submitted:

**Request (1):** *Allow "Street A" to increase the maximum allowed grade for a collector street from 8 percent to 12 percent [SRC 803.035(c)].*

**Staff Response to Request (1):** The development site has existing topography that makes construction that conforms to the standards difficult. Pursuant to SRC 803.035(a)(3), the Director approved the alternative street standard request for increased street grades.

**Request (2):** *Increase the maximum allowed block length of "Street A" from 600 feet to approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW [SRC 803.030(a)].*

**Request (3):** *Deviate from street connectivity requirements and not provide a street connection from "Street A" to proposed Lot 6 [SRC 803.035(a)].*

**Staff Response to Request (2) and (3):** Due to the existing site topography, constructing an intersection for an additional street from Street A to Lot 6 that meets standards is difficult. The applicant has submitted a request to dedicate an easement for an accessible walkway from Street A, through Lot 5 to Lot 6 in lieu of constructing a street. In addition to providing pedestrian access, staff recommends an easement be dedicated by separate document that provides vehicular and bike access through a drive aisle on the site. This will provide connectivity for all modes of transportation for the future development of Lot 6. This easement may be dedicated by separate document and extinguished if

determined not necessary at time of Site Plan Review for Lot 6.

**Request:** *Allow internal local streets to have a 34-foot-wide curb-to-curb paved surface where the minimum paved surface for a local street is 30 feet [SRC 803.025(b)].*

**Staff Response:** The applicant's preliminary street plan shows a 34-foot curb-to-curb improvement for the new internal streets. According to the Salem TSP, local streets shall have a 30-foot curb-to-curb improvement. While 30-foot curb-to-curb allows parking on both sides, this standard is most often used on streets with numerous driveways, where cars can pull to the side to allow passing. Since these local streets are serving a multi-family development without individual driveway, a wider width will allow for on-street parking on both sides of the street and room to pass. Therefore, an Alternative Street Standard to allow for a wider than standard curb-to-curb improvement pursuant to SRC 803.065(a) is approved.

Landaggard Drive NW is currently classified as a collector street according to the Salem TSP. The current TSP collector street alignment extends from the existing portion of Landaggard Drive NW through the site to the western property line. The applicant has submitted a separate application for a Transportation System Plan Amendment to change the classification of Landaggard Street NW to a local street, and to change the alignment of the collector street to follow proposed Street A (Application No. 22-121104-GP). The proposed change in classification is intended to recognize the condition of Landaggard and its unsuitability for higher volumes of traffic. Amendments to the TSP are subject to City Council approval. If City Council approves the TSP Amendment, staff recommends that Street A be constructed to Collector B standards according to the Salem TSP to accommodate parking on one side of the street and bike lanes in both directions. If the City Council does not approve the amendment, streets shall be design and constructed to meet current street classifications as identified in the Salem TSP, as described in the conditions of approval and shown on **Exhibit a**. Recommended conditions ensure compliance with the Salem Transportation System Plan, as required by SRC 205.010(d)(4).

Pursuant to SRC 803.035(a), *local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system*. The applicant's tentative plan shows Street C that stubs to neighboring property for an eventual connection to Doaks Ferry Road NW. This stub is required in order to provide for the 600-foot block spacing required under SRC 803.030(a) and meet street connectivity standards. The applicants location of proposed "Street C" conflicts with an existing dwelling and accessory structure located on Polk County Tax Lot No. 073W17B00300 (2217 Doaks Ferry Road NW) while there is undeveloped property northly that the street can be stubbed to (Polk County Taxlot No. 073W17B00200). Staff recommends the proposed street stub be moved to the north to avoid conflicts with the existing structures as shown in **Exhibit a**.

**Condition:** Dedicate a 60-foot-wide right-of-way for new internal streets within the subject property as shown on the applicant's tentative plan.

**Condition:** Prior to issuance of Public Construction Permits, the applicant shall receive a final City Council decision on the proposed Salem Transportation System Plan Amendment (22-121104-GP) relating to the collector street alignment that is mapped through the property.

**Condition:** If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct Landaggard Drive NW within the property, proposed Street B, and proposed Street C to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. Internal local streets are approved to have an increased curb-to-curb improvement of 34 feet.

**Condition:** If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct “Street A” to “Collector Street B” standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:

- i. “Street A” shall have a maximum grade of 12 percent.
- ii. “Street A” shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
- iii. A public street connection from “Street A” to proposed Lot 6 is not required.

**Condition:** If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct proposed Street A from Doaks Ferry Road NW to the intersection with Landaggard Drive NW within the property, Street C, and Street B, to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:

- i. “Street A” shall have a maximum grade of 12 percent.
- ii. “Street A” shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
- iii. A public street connection from “Street A” to proposed Lot 6 is not required.
- iv. Internal local streets are approved to have an increased curb-to-curb improvement of 34-feet.

**Condition:** If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct the extension of Landaggard Drive NW within the property to the intersection with proposed “Street A” and proposed Street A from the intersection of Landaggard Drive NW to the western property line to “Collector Street B” standards as



specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

**Condition:** As shown on the applicant's tentative plan, dedicate public pedestrian access easement from Street A to Lot 6.

**Condition:** Dedicate an additional public access easement for vehicular and pedestrian access from Street A to Lot 6 through the southeastern drive aisle within the development site. This easement may be dedicated by separate document and extinguished if determined not necessary at time of Site Plan Review for proposed Lot 6.

**Condition:** Modify the proposed "Street C" stub street location to the north line of proposed Lot 2 to avoid conflicts with existing structures on neighboring property not included in the development proposal.

The subject property has approximately 100 feet of frontage on the existing Landaggard Drive NW right-of-way as shown on **Exhibit a**. This portion of Landaggard Drive NW does not meet local street standards according to the Salem TSP. The applicant shall be required to construct a three-quarter street boundary street improvement along the existing Landaggard Drive NW frontage. If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the boundary street improvement shall be constructed to "Collector Street B" standards.

**Condition:** Along the frontage of the existing portion of Landaggard Drive NW adjacent to the subject property, construct a three-quarter street boundary street improvement to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the boundary street improvement shall be constructed to "Collector Street B" standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

The required boundary street improvements may require removal of City-owned trees within the existing right-of-way. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86.

**Condition:** Obtain any necessary street tree removal permits pursuant to SRC Chapter 86.

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 with the required boundary street improvements and internal street construction.

**Condition:** Install street trees to the maximum extent feasible along Doaks Ferry Road NW, Orchard Heights Road NW, and internal streets constructed within the subdivision.

**SRC 205.010(d)(6)**—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

**Findings:** The proposed development is served by Grice Hill Park, .25 miles west of the subject property, and West Salem High School Park, .35 miles southwest of the subject property. Access to the park is available through the existing transportation system.

**SRC 205.010(d)(7)**—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.

**Findings:** The applicant submitted a Traffic Impact Analysis (TIA) for the consolidated application prepared by Transit Consulting, LCC, and dated September 28, 2022. The property is subject to a “Trip Cap” established by CPC-ZC21-06. The TIA demonstrates compliance with “Trip Cap.” The TIA also recommends mitigation be provided by the development to account for the impact the transportation system. The Assistant City Traffic Engineer has reviewed the TIA, agreed with the findings, and recommends the following condition of approval:

**Condition:** As specified in the TIA, provide the following mitigation:

- i. Construct a left-turn lane on Doaks Ferry Road NW at the intersection with the new “Street A.” The left-turn lane shall include a minimum 75 feet of vehicle storage.
- ii. Construct sidewalks along Doaks Ferry Road NW from the intersection of Orchard Heights Road NW to the northern boundary of the site.
- iii. Construct a linked ADA pedestrian connection from the proposed development across Orchard Heights Road NW, including a raised pedestrian refuge on the west side of the intersection. Improvements shall include upgraded ADA ramps on both sides of Landaggard Drive NW and the western side of the West Salem High School driveway, and a sidewalk extension along the north side of Orchard Heights Road NW to the intersection with Doaks Ferry Road NW. Pursuant to SRC 200.035(a)(4), sidewalks shall also be provided along the frontage of 2357 Orchard Heights Road NW (Polk County Assessors Tax Lot No. 073W17D00900).

The Assistant City Traffic Engineer has reviewed the proposal and also recommends an additional condition of approval to address the increased traffic that will flow onto Landaggard Drive NW, which is an existing underimproved public street. The Assistant City Traffic Engineer recommends the applicant install speed bumps on Landaggard

Drive NE to slow traffic, and to discourage cut-through traffic on the underimproved local street. In addition, Landaggard Drive NW shall not be used as a construction traffic entrance for the proposed development.

**Condition:** Install not more than 4 speed humps on Landaggard Drive NW in locations approved by Public Works and in accordance with PWDS.

**Condition:** Landaggard Drive NW shall not be used as a construction entrance. A construction entrance shall be constructed from either Doaks Ferry Road NW or Orchard Heights Road NW, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.

**SRC 205.010(d)(10)— When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.**

**Findings:** The subject property is located outside of the Urban Service Area; therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, the tentative subdivision plan can be designed to accommodate required on-site and off-site improvements.

### **CLASS 3 SITE PLAN REVIEW CRITERIA AND FINDINGS**

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

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

**Findings:** 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. This criterion is met.

**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**

**Findings:** Recommended improvements to the transportation system are discussed in the preceding analysis. With the recommended conditions of approval for the proposed subdivision, this criterion is met. Staff recommends that the subdivisions conditions be satisfied before building permits are issued, as transportation improvements are

conditioned on the subdivisions application to serve the proposed development.

**Condition:** Prior to issuance of any building permits, the final plat for the Titan Hill Subdivision shall be recorded.

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

**Findings:** The proposal includes multiple driveways to be constructed on the new internal streets of the subdivision. The proposed driveway accesses provide for safe turning movements into and out of the property. Pursuant to SRC 804.015(b)(2), a driveway approach permit is not required when the driveways are constructed as part of a publicly or privately engineered public improvement project. If the driveways are not reviewed and approved on the Public Construction plans for the new internal streets, and not constructed with the new internal streets, the applicant shall be required to obtain a Class Two Driveway Approach Permit.

**Condition:** Submit a Driveway Approach Permit application if the driveways onto the new internal streets are not installed as part of the construction of the new internal street.

**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**

**Findings:** The subject property is located outside of the Urban Service Area; therefore, an Urban Growth Preliminary Declaration has been required. As conditioned, the proposed development is designed to accommodate required on-site and off-site improvements. Staff recommends that the subdivision conditions be satisfied before building permits are issued, as utility infrastructure improvements are conditioned on the subdivisions application to serve the proposed development. Recommended conditions of approval will ensure that the final plat for the Titan Hill Subdivision shall be recorded prior to issuance of any civil site work or building permits to ensure the site is served.

The Public Works Department has reviewed the applicant's preliminary plan for this site. The water and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. As summarized in the conditions of approval, public sanitary sewer service is not available to serve the subject property and must be extended in Doaks Ferry Road NW prior to connection.

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. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with PWDS.

## **RESPONSE TO CITIZEN COMMENTS**

- 1. Traffic Impacts:** Comments received expressed concerns for the additional traffic that will be generated by the proposed development and whether or not improvements to Orchard Heights Road NW and Doaks Ferry Road NW would be required, and questions regarding the centerlines of the adjacent rights-of-way. In addition, comments discussed the trip cap imposed on the property by approval of CPC-ZC21-06 as well as the adjustment request to the maximum parking requirement.

**Staff Response:** The applicant submitted a Traffic Impact Analysis (TIA) that includes mitigation to be provided by the development. In addition, boundary street improvements along Doaks Ferry Road NW are required, which include the construction of adequate travel lanes, and sidewalks to accommodate pedestrians. A design of the required boundary street improvements will be reviewed by City staff prior to issuance of Public Construction Permits. Typical sections for the required boundary street improvements are described in the "Facts and Findings" section of this memorandum. Plan review will include review of the centerline of boundary streets to determine the centerline of the street, the required improvement locations, and the required right-of-way dedication.

The Assistant City Traffic Engineer has reviewed the proposed development in relation to the applicant's TIA and agrees with the findings; recommends additional conditions of approval; and concurs with the requirement to improve boundary streets as a condition of approval.

The TIA submitted by the applicant also includes an analysis of the trip cap and proposed use. The TIA demonstrates that the proposal complies with the trip cap established by CPC-ZC21-06. 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.

- 2. Alternative Street Standard Requests:** Staff received comments that discuss the applicant's "Variance request" for street slope.

**Staff Response:** A variance is not required to allow the increase in slope for "Street A." The applicant submitted a request for an Alternative Street Standard Pursuant to SRC 803.065. This chapter includes criteria for approval of an Alternative Street Standard; as discussed in the preceding analysis, staff finds these criteria have been met. In addition, the requested street grade (12 percent) does not exceed the maximum street grade allowed for emergency service access, which is 15 percent.

3. **Landaggard Drive NW:** Comments were submitted that discuss concerns with the additional traffic that will be generated by the development and flow through traffic on Landaggard Drive NW, which is an underimproved public street.

**Staff Response:** As described above, Landaggard Drive NW is an underimproved public street. The subject property has a small amount of frontage on Landaggard Drive NW, but the majority of Landaggard Drive NW is not considered a “boundary street” pursuant to SRC 803.040. A connection to Landaggard Drive NW is needed for secondary fire access purposes and is required to meet street connectivity requirements in SRC Chapter 803. The applicant has submitted a separate application for a Transportation System Plan Amendment to change the classification of Landaggard Street NW from a collector street to a local street and to change the alignment of the collector street to follow proposed Street A, which would be an extension of Colorado Drive NW to the northwest (Application No. 22-121104-GP). The proposed change in classification is intended to recognize the condition of Landaggard and its unsuitability for higher volumes of traffic.

As described in the above written findings, the Assistant City Traffic Engineer has reviewed the applicant’s TIA and recommends mitigation as a condition of approval. Additionally, staff recommends that speed humps be installed on Landaggard Drive NW as an interim improvement to slow traffic and to reduce flow-through traffic on the underimproved street. The applicant’s TIA mitigation includes construction of sidewalks along Doaks Ferry Road NW and Orchard Heights Road NW, and an ADA pedestrian connection across Orchard Heights Road NW that includes a raised pedestrian refuge on the west side of the intersection.

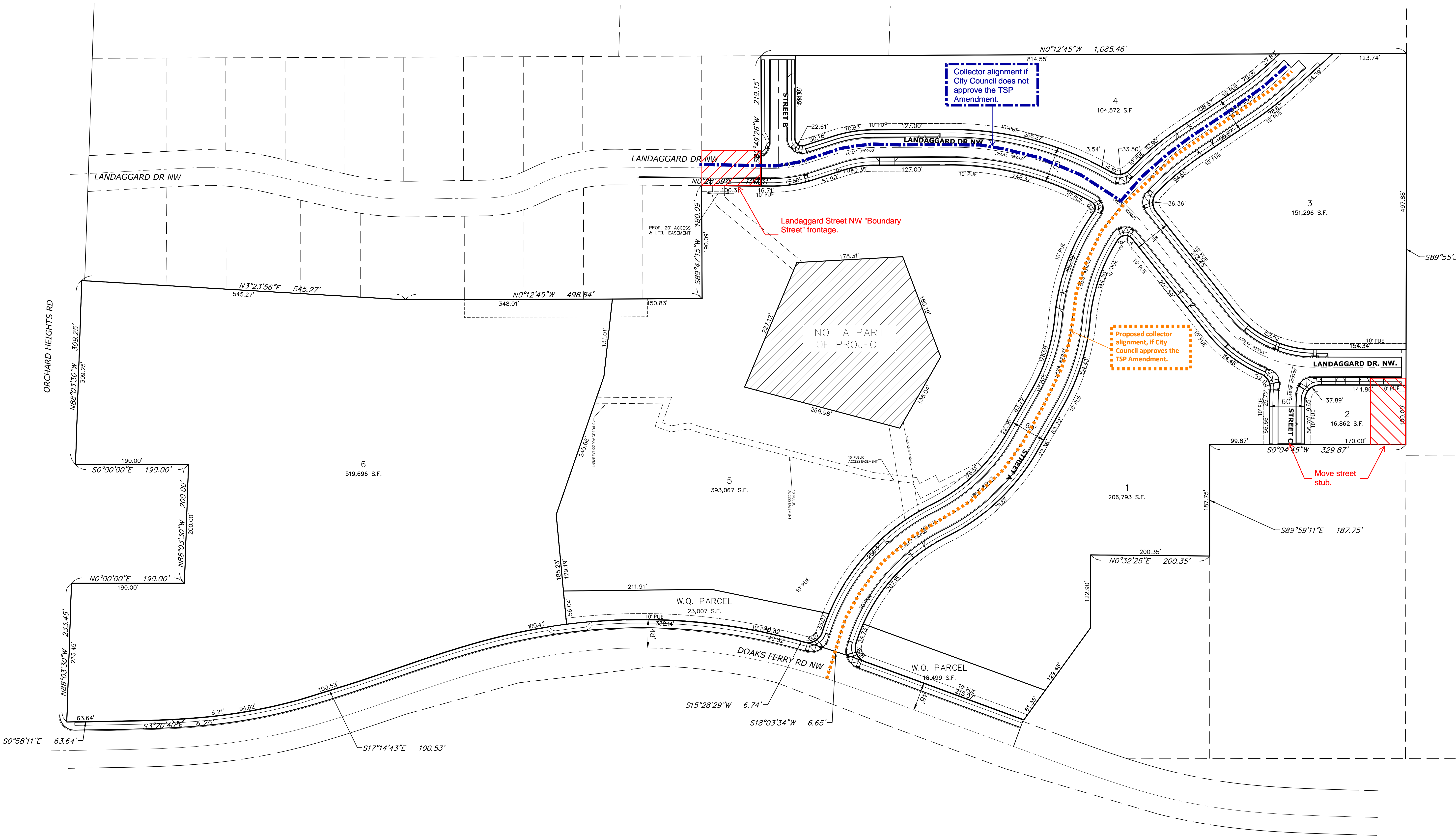
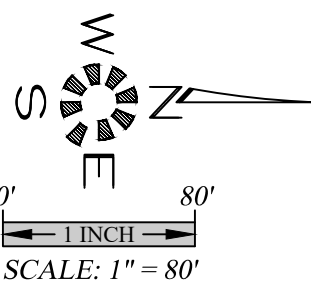
4. **Wilark Brook and Wetlands:** Comments received expressed concerns for the environmental impacts to Wilark Brook that lies on the subject property.

**Staff Response:** Wilark Brook flows through proposed lot 6, which is being created through the subdivision portion of the application. No plans for development of this area have been submitted. For the Site Plan Review application, the applicant submitted a geotechnical assessment of the site and preliminary stormwater report. In addition, a wetlands delineation was submitted by the applicant and City staff sent a Wetland Notice to Oregon Department of State Lands (DSL). The response from DSL indicates that a State permit would be required if removal or fill in the wetlands area is anticipated. The impacts to this area would be determined at time of Site Plan Review application for proposed lot 6. For the subdivision application, staff recommends an open channel and drainage easement be provided around the boundaries of Wilark Brook.

Prepared by: Laurel Christian, Planner II  
cc: File



Public Works Recommendations  
SUB-UGA-SPR-ADJ-TRV-DR23-02 (22-119071)  
Exhibit a.



LOT SITE PLAN

TITAN HILL ESTATES

NOT FOR  
CONSTRUCTION  
UNLESS STAMPED  
APPROVED HERE

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

6773p 102-SITE  
Design: M.D.G.  
Drawn: M.K.D.  
ProjMgr: J.J.G.  
Date: OCT. 2019  
Scale: AS SHOWN  
As-Built: ----



EXPIRES 06-30-2023

JOB # 6773





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

March 7, 2023

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

RE: Land Use Activity Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02, 2100 Block of Doaks Ferry Rd 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
Kalapuya	Elementary	K thru 5
Straub	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
Kalapuya	Elementary	510	601	85%
Straub	Middle	554	956	58%
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	436	MF	0.164	72
Middle			0.085	37
High			0.096	42

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
Kalapuya	Elem.	510	0	72	72	601	97%
Straub	Mid.	554	5	37	42	956	62%
West Salem	High	1,694	8	42	50	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
Kalapuya	Elementary	Eligible for School Transportation
Straub	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	72	\$68,445	\$4,928,040
Middle	37	\$83,363	\$3,084,431
High	42	\$98,280	\$4,127,760
TOTAL			\$12,140,231

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





## RESPONSE TO REQUEST FOR COMMENTS

**DATE:** 3/07/2023

**CASE/APP NUMBER:** SUB-UGA-SPR-ADJ-TRV-DR23-02

**PROPERTY LOCATION:** 2100 Block of Doaks Ferry Road NW

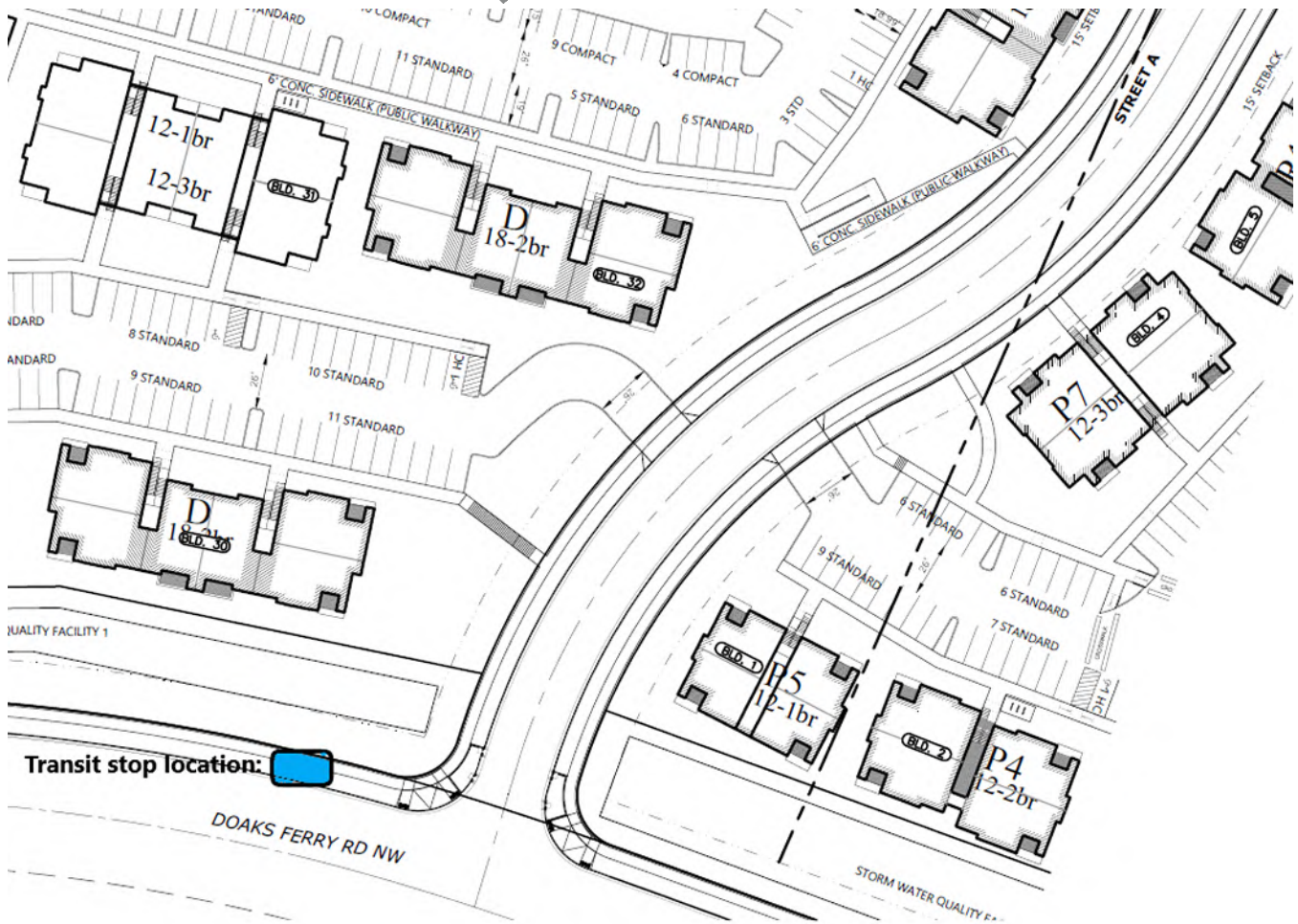
**CASE MANAGER:** Jamie Donaldson, Planner II, City of Salem

**Email:** [jdonaldson@cityofsalem.net](mailto:jdonaldson@cityofsalem.net)

**COMMENTS FROM:** Jolynn Franke, Transit Planner I, Cherriots

**Email:** [planning@cherriots.org](mailto:planning@cherriots.org)

**COMMENTS:** A transit stop has been identified as needed in connection with this proposed development. Cherriots requests a transit stop conforming to the applicable standards of the Salem Area Mass Transit District to be constructed and right-of-way dedication, if necessary, to be provided as part of the street improvements for this development. On-street parking shall be restricted in the area of the transit stop in order to ensure unobstructed access by transit. The transit stop must be located on Doaks Ferry Rd NW, 50 feet south of the curb radius at the intersection with Street A (see screenshot below for approximate location). Please reference Cherriots Standard Bus Stop Design Drawings (attached) for transit stop and bus stop zone designs. Please feel free to contact us with any questions you may have.





# Titan Hill Exhibit 65(a) REV02

## Attachment G

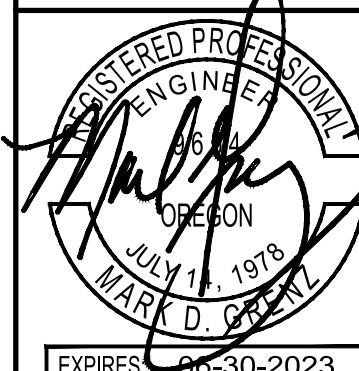


# TREE CONSERVATION PLAN

# DOAKS FERRY SUBDIVISION

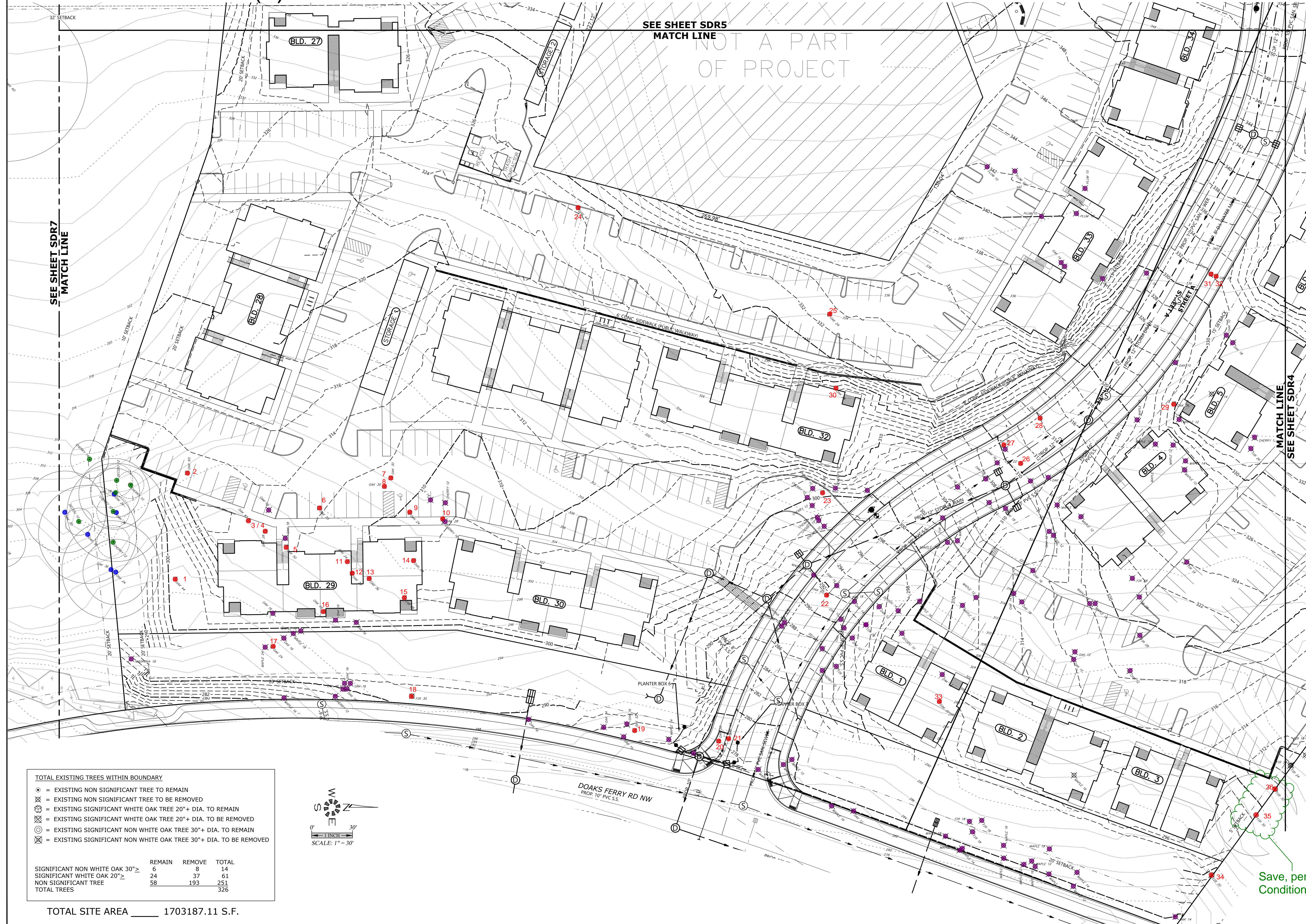
NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.

DESIGN: M.D.G.  
DRAWN: M.K.D.  
CHECKED: J.J.G  
DATE: OCT. 2019  
SCALE: AS SHOWN



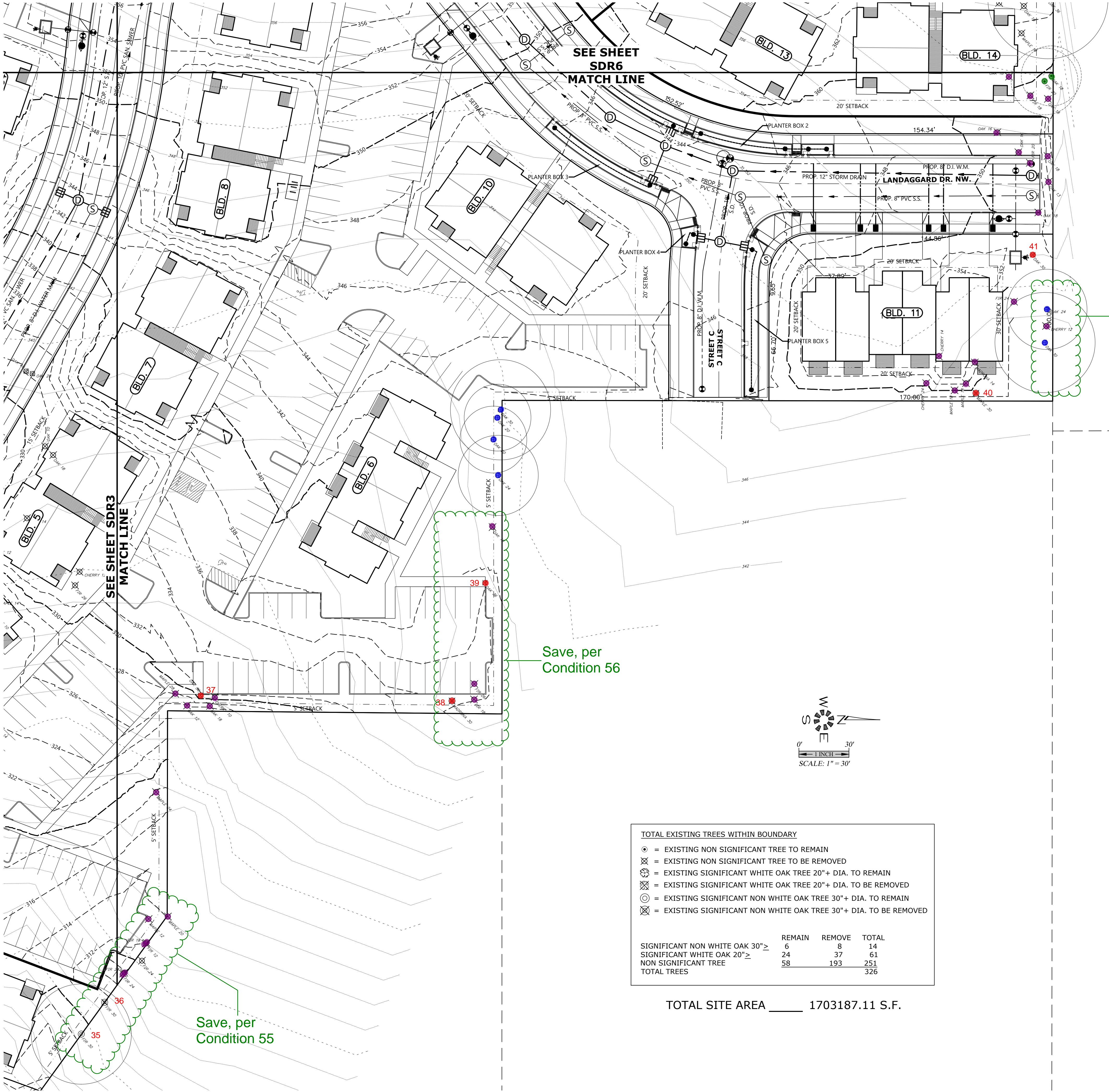
JOB # 6773

# SDR3



Save, per  
Condition 55





**TOTAL EXISTING TREES WITHIN BOUNDARY**

● = EXISTING NON SIGNIFICANT TREE TO REMAIN  
✕ = EXISTING NON SIGNIFICANT TREE TO BE REMOVED  
⊙ = EXISTING SIGNIFICANT WHITE OAK TREE 20"+ DIA. TO REMAIN  
⊗ = EXISTING SIGNIFICANT WHITE OAK TREE 20"+ DIA. TO BE REMOVED  
⦿ = EXISTING SIGNIFICANT NON WHITE OAK TREE 30"+ DIA. TO REMAIN  
⊗ = EXISTING SIGNIFICANT NON WHITE OAK TREE 30"+ DIA. TO BE REMOVED

	REMAIN	REMOVE	TOTAL
SIGNIFICANT NON WHITE OAK 30" ≥	6	8	14
SIGNIFICANT WHITE OAK 20" ≥	24	37	61
NON SIGNIFICANT TREE	58	193	251
TOTAL TREES			326

TOTAL SITE AREA \_\_\_\_\_ 1703187.11 S.F.

OK to remove for street realignment

TREE CONSERVATION  
PLAN

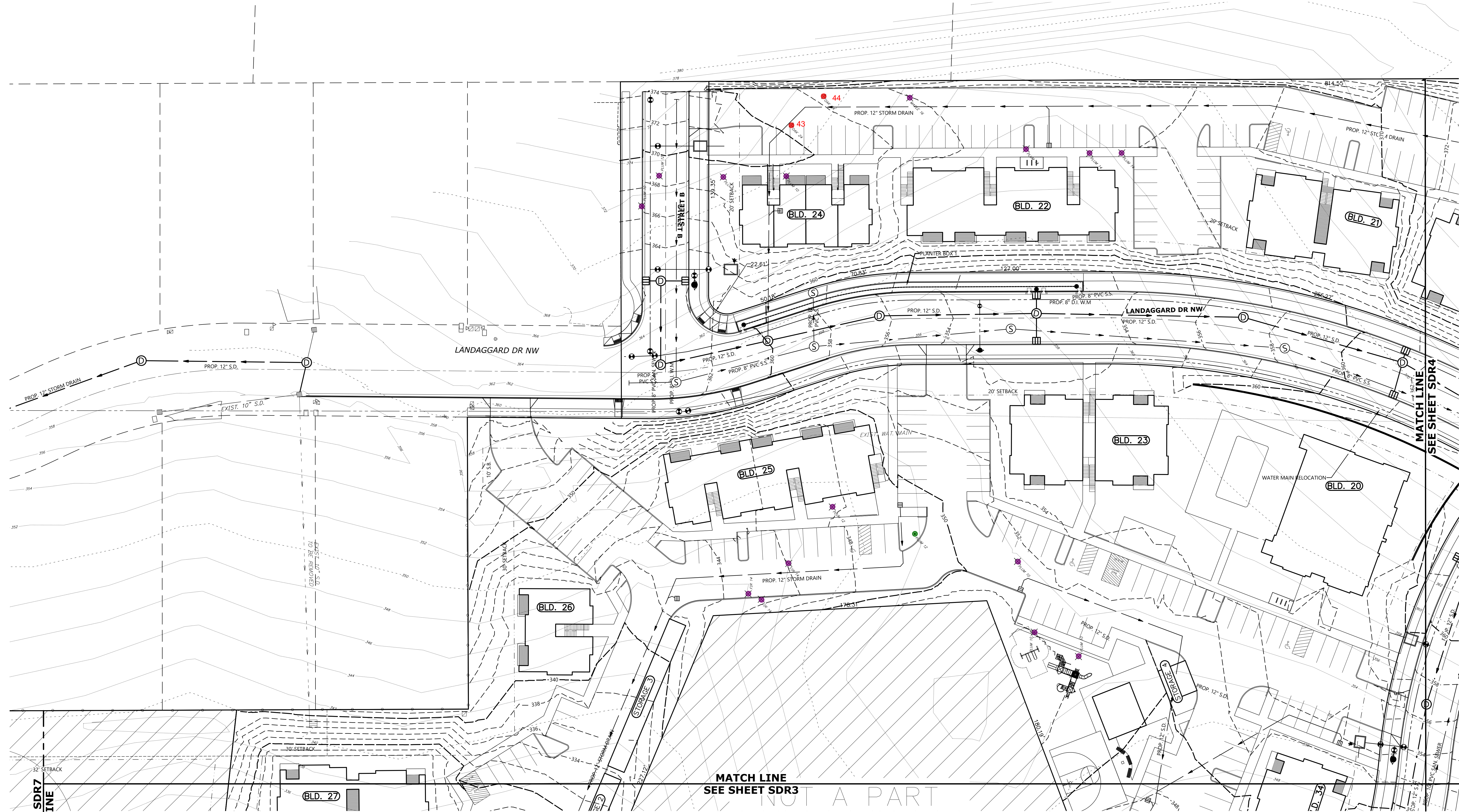
DOAKS FERRY SUBDIVISION

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OR REPRODUCTIONS TO BE  
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AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

DESIGN: M.D.G.  
DRAWN: M.K.D.  
CHECKED: J.J.G.  
DATE: OCT. 2019  
SCALE: AS SHOWN

REGISTERED PROFESSIONAL  
ENGINEER  
MARK D. GREGG  
JULY 11, 1978  
EXPIRES 06-30-2023  
JOB # 6773





**TOTAL EXISTING TREES WITHIN BOUNDARY**

- ⊙ = EXISTING NON SIGNIFICANT TREE TO REMAIN
- ⊗ = EXISTING NON SIGNIFICANT TREE TO BE REMOVED
- ⊗ = EXISTING SIGNIFICANT WHITE OAK TREE 20" + DIA. TO REMAIN
- ⊗ = EXISTING SIGNIFICANT WHITE OAK TREE 20" + DIA. TO BE REMOVED
- ⊙ = EXISTING SIGNIFICANT NON WHITE OAK TREE 30" + DIA. TO REMAIN
- ⊗ = EXISTING SIGNIFICANT NON WHITE OAK TREE 30" + DIA. TO BE REMOVED

SIGNIFICANT NON WHITE OAK 30" ≥	REMAIN	REMOVE	TOTAL
SIGNIFICANT WHITE OAK 20" ≥	6	8	14
NON SIGNIFICANT TREE	24	37	61
TOTAL TREES	58	193	251
			326

TOTAL SITE AREA 1703187.11 S.F.

TREE CONSERVATION  
PLAN

DOAKS FERRY SUBDIVISION

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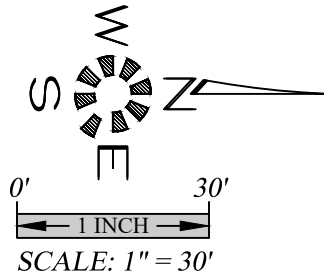
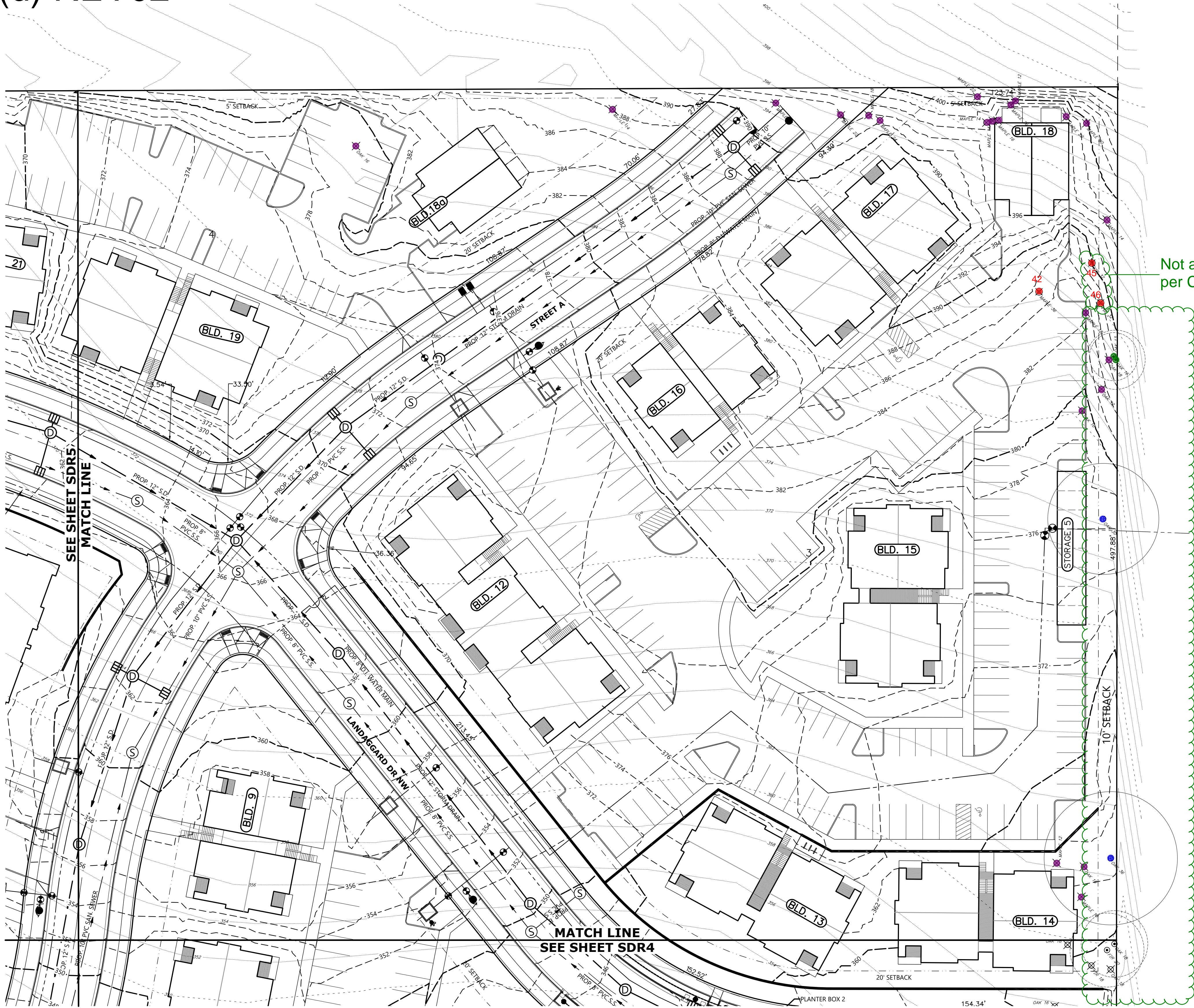
67736 SDR5-TREE

Design: M.D.G. M.K.D.  
Drawn: J.J.G.  
Checked: J.J.G.  
Date: OCT. 2019  
Scale: AS SHOWN

REGISTERED PROFESSIONAL ENGINEER  
MARK D. GREGG  
JULY 11, 1978  
EXPIRES 06-30-2023

JOB # 6773





Not addressed - Save, per Condition 52

Submit arborist report to save or reapply

- TOTAL EXISTING TREES WITHIN BOUNDARY**
- = EXISTING NON SIGNIFICANT TREE TO REMAIN
  - ⊗ = EXISTING NON SIGNIFICANT TREE TO BE REMOVED
  - ⊙ = EXISTING SIGNIFICANT WHITE OAK TREE 20"+ DIA. TO REMAIN
  - ⊗ = EXISTING SIGNIFICANT WHITE OAK TREE 20"+ DIA. TO BE REMOVED
  - ⊙ = EXISTING SIGNIFICANT NON WHITE OAK TREE 30"+ DIA. TO REMAIN
  - ⊗ = EXISTING SIGNIFICANT NON WHITE OAK TREE 30"+ DIA. TO BE REMOVED

SIGNIFICANT NON WHITE OAK 30"≥	REMAIN	REMOVE	TOTAL
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			326

TOTAL SITE AREA \_\_\_\_\_ 1703187.11 S.F.

TREE CONSERVATION  
PLAN

DOAKS FERRY SUBDIVISION

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Drawn: \_\_\_\_\_ M.K.D.  
Checked: \_\_\_\_\_ J.J.G.  
Date: \_\_\_\_\_ OCT. 2019  
Scale: \_\_\_\_\_ AS SHOWN

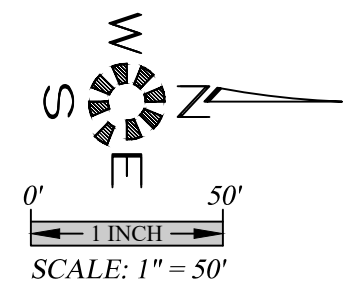


JOB # 6773

SDR6



Titan Hill Exhibit 65(e) REV02



TOTAL EXISTING TREES WITHIN BOUNDARY			
●	= EXISTING NON SIGNIFICANT TREE TO REMAIN		
⊗	= EXISTING NON SIGNIFICANT TREE TO BE REMOVED		
⊗	= EXISTING SIGNIFICANT WHITE OAK TREE 20"+ DIA. TO REMAIN		
⊗	= EXISTING SIGNIFICANT WHITE OAK TREE 20"+ DIA. TO BE REMOVED		
⊗	= EXISTING SIGNIFICANT NON WHITE OAK TREE 30"+ DIA. TO REMAIN		
⊗	= EXISTING SIGNIFICANT NON WHITE OAK TREE 30"+ DIA. TO BE REMOVED		
SIGNIFICANT NON WHITE OAK 30"≥	REMAIN	REMOVE	TOTAL
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TOTAL SITE AREA 1703187.11 S.F.

TREE CONSERVATION  
PLAN

DOAKS FERRY SUBDIVISION

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REGISTERED PROFESSIONAL  
ENGINEER  
MARK D. GREGG  
JULY 11, 1978  
EXPIRES 06-30-2023  
JOB # 6773





25 May 2023

**TO:** Salem Planning Department Administrator

**RE:** Appeal of the Decision of the Planning Administrator

SUBDIVISION TENTATIVE PLAN / URBAN GROWTH PRELIMINARY  
DECLARATION / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / TREE  
VARIANCE / CLASS 1 DESIGN REVIEW  
CASE NO.: SUB-UGA-SPR-ADJ-TRV-DR23-02  
APPLICATION NO.: 22-119071-PLN  
2100 Doaks Ferry Rd NW, Salem, OR 97304

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

The West Salem Neighborhood Association (WSNA) appeals the May 10, 2023, decision for a consolidated application for a proposed six-lot subdivision with development of a multi-family residential development of 436 units throughout five lots located at 2100 Doaks Ferry Road NW Salem, OR (Polk County Assessor Map and Tax Lot Number: 073W17/380e).

WSNA has standing in so far as the neighborhood association submitted written testimony on March 10, 2023. The basis for this appeal includes: The WSNA provided factual evidence in the form of questions demonstrating that the development of this site, as proposed, will adversely affect the environment and not comply with code. The decision, and 63 conditions therein, did not address the specific issues raised in 5 of the 6 WSNA questions in their testimony. Furthermore, several of the conditions are not enforceable and/or rely on the actions of a 3<sup>rd</sup> party before compliance with code can be achieved. Additionally, the Applicant has not met its burden of proof per the significant issues raised by the Glenn Gibson Watershed Council and WSNA pertaining to:

1. Failure to adequately address preservation of significant trees

**Sec. 808.001. - Purpose.**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)



The purpose of this chapter is to provide for the protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City, and to increase tree canopy over time by requiring tree preservation and planting of trees in all areas of the City.

2. Failure to protect trees and vegetation within the riparian corridor of Wilark Brook

**Sec. 808.020. - Trees and native vegetation in riparian corridors.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

No person shall remove a tree in a riparian corridor or native vegetation in a riparian corridor, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC [808.030](#), undertaken pursuant to a tree conservation plan approved under SRC [808.035](#), or undertaken pursuant to a tree variance granted under SRC [808.045](#). Roots, trunks, and branches of trees removed in riparian corridors shall remain within the riparian corridor, unless determined to be a potential hazard or impediment to stream flow by the Director.

Therefore, the WSNA offers this appeal with the request for a hearing to offer testimony to address these errors and omissions and propose constructive remedies for consideration as additional conditions of approval. Thank you.

Respectively,

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