

Northplace Apartments Phase 2 Consolidated Land Use Application

Date: November 2023

Submitted to: City of Salem
Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

Applicant: I&E Construction
27375 SW Parkway Avenue
Wilsonville, OR 97070

AKS Job Number: 8321



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Exhibit G: Neighborhood Association and Salem-Keizer Transit District Contact
Exhibit H: Preliminary Stormwater Report
Exhibit I: Draft Property Line Adjustment Deeds
Exhibit J: Geotechnical Investigation Report
Exhibit K: Traffic Impact Analysis

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Applicant:	I&E Construction 27375 SW Parkway Avenue Wilsonville, OR 97070
Property Owner:	Northplace Apartments Phase 2, LLC 27375 SW Parkway Avenue Wilsonville, OR 97070
Applicant's Consultant:	AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1 Keizer, OR 97303 Contact(s): Daisy Goebel Email: GoebelD@aks-eng.com Phone: (503) 400-6028
Site Location:	4680 and 4650 Hazelgreen Road NE
Marion County Assessor's Map:	06 2W 32C; Tax Lots 400 and 500
Site Size:	±15.62 acres
Land Use Districts:	Multiple Family Residential (RM-II) and Mixed Use (MU-I)

I. Executive Summary

AKS Engineering & Forestry, LLC (AKS) is pleased to present this application on behalf of I&E Construction (Applicant) for a Class 3 Site Plan Review, Class 1 Design Review, Class 1 and 2 Adjustments, Class 2 Driveway Approach Permit, Property Line Adjustment (PLA), and Urban Growth Preliminary Declaration that will accommodate 405 new multiple-family residences on the site located at 4680 and 4650 Hazelgreen Road NE. In recognition of the substantial need for this housing type throughout Salem, the City Council recently approved an annexation (City Case No. ANXC-749) and comprehensive plan map amendment/zone change (City Case No. CPC-ZC22-03) on the property that will accommodate the planned use.

This application will create ±236,356 square feet of public open space, ±28,500 square feet of private open space, and will plant 404 trees. Residents will have access to the existing community amenities such as sports courts, multiple children's play areas, a community recreation building, and a swimming pool. at Northplace Phase 1, located approximately 1/5 mile southwest of the subject site. The property immediately to the west of the site is a ±45-acre parcel that is owned by the City of Salem and designated in the City of Salem Comprehensive Park System Master Plan as a future neighborhood and community park.

The transportation improvements provided to serve the planned development include a half-street improvement to Hazelgreen Road NE along the site's northern property line, extending across the property to the east, a north-south extension of Lunar Drive NE that will connect the adjacent residential neighborhood to the south to Hazelgreen Road NE, and an east-west public access easement near the center of the site that will accommodate pedestrian and vehicle circulation to properties east and west of the site at such time these properties develop to urban standards. Applicant plans to construct the southbound lane of Lunar Drive NE on the City's property to provide adequate vehicular access to the site. Applicant anticipates reimbursement from the City for those portions of Lunar Drive NE in excess of the standard three-quarter street improvement. The transportation improvements have been designed to comply with the adopted Transportation System Master Plan and Public Works Design Standards as well as the recommendations of the Traffic Impact Analysis (TIA) conducted for the project (Exhibit K). The planned development will not create a demand on the transportation system exceeding the trip cap established at the time the property was annexed in City Case No. ANXC-749-CPZ-ZC-22-03.

Utilities provided to serve the planned residential homes include an extension of sanitary sewer service in Hazelgreen Road NE, a looped water system between Hazelgreen Road NE and Lunar Drive NE, a permanent stormwater connection for the residential neighborhoods to the south, and fire provisions compliant with applicable codes and standards. The site contains a transmission line easement operated by the Bonneville Power Administration (BPA) along the southern property boundary. Development within the corridor is generally precluded, with the exception of the required extension of Lunar Drive NE, which will be developed subject to BPA's consent. To accommodate the BPA easement, as well as other on-site constraints, this application includes several Class 1 and Class 2 adjustments where strict adherence to Salem Revised Code (SRC) standards is not practical.

II. Site Description/Setting

The subject property currently includes two lots totaling ±15.62 acres. The lots (Tax Lots 400 and 500 of Marion County Assessor's Map 06 2W 32C) were recently annexed into the City of Salem. The Multiple

Family Residential-II (RM-II) and Mixed Use-I (MU-I) zoning districts were applied to the site as a result of that annexation process. The site includes ±500 feet of frontage on Hazelgreen Road NE and is currently undeveloped. A single-family home previously occupied tax lot 500 but was removed to accommodate the planned multifamily use.

The lot to the west of the subject property is a ±45-acre vacant lot owned by the City of Salem and is designated for the development of a future City park. The lot directly to the east is outside of the City and developed for commercial recreational vehicle (RV) storage. The lots to the south of the property are within the single-family residential zoning district and the northern property line fronts Hazelgreen Road NE. The properties on the north side of Hazelgreen Road NE are developed with single-family residential homes and are located outside of City limits.

III. Applicable Review Criteria

This application involves the development of land for housing. Oregon Revised Statutes (ORS) 197.307(4) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. In addition, this application involves a “limited land use decision” as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

Oregon Courts and the Land Use Board of Appeals (LUBA) have generally held that an approval standard is not clear and objective if it imposes on an applicant “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development” (*Rogue Valley Association of Realtors v. City of Ashland*, 35 OR LUBA 139, 158 [1998] *aff’d*, 158 OR App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the housing statutes apply to this application. The exceptions in ORS 197.307(5) do not apply to this application.

ORS 197.195(1) describes how certain standards can be applied as part of a limited land use application. The applicable land use regulations for this application are found in the SRC and are addressed in this narrative. Pursuant to ORS 197.195(1), Comprehensive Plan provisions (as well as goals, policies, etc. from within the adopted elements of the Comprehensive Plan) may not be used as a basis for a decision or an appeal of a decision unless they are specifically incorporated into the land use regulations. While this application may respond to the Comprehensive Plan and/or related documents, such a response does not imply or concede that said provisions are applicable approval criteria. Similarly, the applicant does not waive its right to object to the attempted implementation of these provisions unless they are specifically listed in the applicable land use regulations, as is required by ORS 197.195(1).

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. In fact, the local government is obligated to consider and impose any conditions of approval proposed by the applicant if such conditions would allow the local government to approve an application that would not otherwise meet applicable approval criteria.

SALEM REVISED CODE

Chapter 200—Urban Growth Management

Section 200.025—Urban Growth Preliminary Declaration

- (a) **Applicability.** This section applies to development within the urban growth area or within the urban service area but preceding the construction of required facilities that are shown in the adopted capital improvement plan, public facilities plan or comparable plan for the area. An Urban Growth Preliminary Declaration may be obtained prior to, or concurrent with, an application for development.
- (b) **Procedure type.** Applications for Urban Growth Preliminary Declarations are processed as a Type II procedure under SRC chapter 300.

Response: This Urban Growth Preliminary Declaration is being submitted as part of a consolidated Type II application that includes Site Plan Review. The application includes Preliminary Plans in Exhibit A that illustrate the public facilities necessary to serve the project.

- (c) **Submittal requirements.** In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for an Urban Growth Preliminary Declaration shall contain the following:
 - (1) The legal description of the total contiguous ownership on which the development is to occur;

Response: The current title report is provided in Exhibit D, which includes the legal description of the property.

- (2) A vicinity map showing the outline of the proposed development and its relation to all existing designated arterial and collector streets within a one-mile radius;

Response: A vicinity map is included on the Cover Sheet in Exhibit A.

- (3) The proposed or anticipated use;

Response: The project includes ±405 new multiple-family homes and associated site improvements.

- (4) If property is to be subdivided for residential purposes, the proposed dwelling unit density of the subdivision; and

Response: The property will not be subdivided. The site is planned to be developed with multiple-family homes at a combined average density of ±26 units per acre.

- (5) Such other information as the Director deems necessary to evaluate the application.

Response: The Applicant can submit additional items if necessary.

- (d) **Determination.** 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.

Response: This criterion includes subjective and value-laden language (e.g. “in light of” and “necessary to fully serve”) that is inconsistent with ORS 197.307(4). For this reason, the City must omit this criterion from the decision in this matter.

Nonetheless, Exhibit A includes Preliminary Plans for the public facilities necessary to serve the future residents, consistent with applicable City plans. The application includes the information needed to determine that the required facilities necessary to fully serve the development will be in place to serve the future residences.

- (e) **Contents.** 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.

Response: This criterion includes subjective and value-laden language (e.g. “necessary to fully serve”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from the decision in this matter.

Nonetheless, the public works recommendations from the pre-application conference, included in Exhibit F, provide a description of the public facilities available to serve the development, and the application includes Preliminary Site Plans (Exhibit A) showing how the public facilities required to serve the development will be provided.

- (f) **Nature and effect.**
- (1) An urban Growth Preliminary Declaration is not an approval to develop land and does not confer any right or authority to undertake any development for which the Urban Growth Preliminary Declaration is obtained.
 - (2) Issuance of an Urban Growth Preliminary Declaration does not relieve the applicant of the obligation to obtain other permits required by the Salem Revised Code, or to proceed through any other land use process required by the UDC.
 - (3) If a required facility is included in two or more Urban Growth Area Preliminary Declarations, the obligation to provide the required facilities shall be imposed on any land use approval for each property.

Response: The nature and effect of the Urban Growth Preliminary Declaration are understood. However, this consolidated application also includes an application for Site Plan Review. The Preliminary Plans in Exhibit A include plans for the public facilities necessary to serve the future residences. Therefore, approval of this consolidated application will result in approval for future development of the property.

- (g) **Duration.** Notwithstanding SRC 300.850, the preliminary Declaration shall be valid as follows:
- (1) If the Preliminary Declaration is issued in connection with a subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval, the Preliminary Declaration shall be valid so long as the subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval remains valid; provided, however, that once a development has received tentative plan approval, in the case of a subdivision, or been granted a building permit in all other cases, the developer and the developer’s successors in interests shall be bound to complete all terms and conditions of the permit.
 - (2) If the Preliminary Declaration is issued in connection with any land use approval other than a subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval, the Preliminary Declaration shall remain valid for a period of four years following

the effective date of the decision; provided, however, that once a development has been granted a building permit, the developer and the developer's successors in interests shall be bound to complete all terms and conditions of the permit.

- (3) If the Preliminary Declaration is issued independent of any other land use approval, the Preliminary Declaration shall remain valid for a period of four years following the effective date of the decision.

Response: This Preliminary Declaration will be issued in connection with the Site Plan Review and Design Review for future multiple-family homes. The duration of approval is understood.

(...)

Section 200.035—Determination of extent of required improvement

- (a) To the extent that they have not already been provided, an Urban Growth Preliminary Declaration shall identify all of the following:
- (1) All major linear and area facilities which serve the development.
 - (2) All major linear and area linking facilities.
 - (3) Minor facilities necessary to link the development to the major facilities specified in subsections (a)(1) and (2) of this section.
 - (4) All major and minor facilities abutting or within the development parcel. This includes any major facility which falls within 260 feet of the boundaries of the development parcel, measured at right angles to the length of the facility (see Figure 200-1).
 - (5) Park facilities as specified in SRC 200.075, to the extent those facilities have not been provided.
- (b) Water, storm drainage, streets and sewer facilities need not, in all cases, link to the same locations. Water, storm drainage, streets and sewer facilities shall be provided as necessary to link the development to a point where existing water, storm drainage, streets and sewer service facilities are adequate, along the shortest preplanned route.
- (c) Water facilities shall conform with existing city service levels and shall be looped where necessary to provide adequate pressure during peak demand at every point within the system in the development to which the water facilities will be connected.
- (d) Where two facilities must be built to their point of intersection, the entire intersection shall be built as well.
- (e) All facilities constructed pursuant to this section shall be and become the property of the City on final acceptance of the work.

Response: This criterion includes subjective and value-laden language (e.g. “adequate” and “provided as necessary”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from the decision in this matter.

Nonetheless, the Preliminary Plans in Exhibit A include plans for the public facilities necessary to serve the future residences as informed by adopted City standards and discussions with City staff.

Section 200.040—Plan approval

-
- (a) Upon issuance of an Urban Growth Preliminary Declaration the applicant shall cause a competent registered professional engineer to design the improvements required by the Urban Growth Preliminary Declaration. Such plans shall be drawn to the specifications of the Director and submitted to the Director for approval in accordance with the provisions and fees stated in SRC chapters 72, 73 and 77. Approval of the applicant's plans and execution of an improvement agreement shall be a condition of any land use approval for development on the property that is the subject of the Urban Growth Preliminary Declaration.
 - (b) Issuance of an Urban Growth Preliminary Declaration shall not relieve the applicant of the obligation to proceed through the subdivision or partitioning review and approval process.

Response: The Applicant intends to pursue final design of the improvements upon receiving preliminary land use approval for the proposed project.

(...)

Section 200.055—Standards for street improvements

- (a) The proposed development shall be linked by construction of and improvements to public streets which shall extend from the development to an adequate street or streets by the shortest preplanned routes available. Specific locations and classifications of such linking streets shall be based upon the street network adopted in the TSP, and as further specified in any Transportation Impact Analysis (TIA) prepared by public works staff during the adoption of the USA or its amendments. Development proposals for which the public works standards require preparation of an individual TIA may be required to provide more than one linking street or other improvements to accommodate traffic volumes generated by the proposal.
- (b) For purposes of this section, an adequate street is defined as the nearest point on a collector or arterial street which has, at a minimum, a 34-foot wide turnpike improvement within a 60-foot wide right-of-way. The Director shall designate the location or locations where the linking street will connect to the existing street system, based on the definition of adequate street given herein, the results of the TIA studies, and the information in the TSP. A linking street is required to meet the same minimum standard of a 34-foot wide turnpike improvement within a 60-foot wide right-of-way if it is a collector or arterial street. A linking street is required to meet a minimum standard of a 30-foot wide turnpike improvement within a 60-foot wide right-of-way if it is a local street. Where physical or topographical constraints are present to a degree that the standard linking street pavement width cannot be reasonably constructed, the Director may specify a lesser standard which meets the functional levels necessary to improve the existing conditions and meet the increased demands.
- (c) Within the boundaries of the property on which development is to occur, all streets shall be fully improved. All streets abutting the property boundaries shall be designed and improved by the developer to the greater of the standards specified in SRC chapter 803 and the standards for linking streets in this section.
- (d) Standards for geometric design, construction, and materials shall be as specified for the appropriate classification of street, arterial, collector, or local, as contained in the Public Works Design Standards

(...)

Response: The Preliminary Site Plans (Exhibit A) include plans for the improvement of Hazelgreen Road NE along the site's frontage as well as in-kind street improvements along the neighboring Bridges RV Storage property, which is currently outside of City limits. Street improvements also include the construction of Lunar Drive NE to adequate street standards, as informed by the TIA included in Exhibit K and the adopted City plans. All

streets will be adequately improved and compliant with the City's adopted Public Works Design Standards. These requirements are met.

Section 200.060—Standards for sewer improvements

- (a) The proposed development shall be linked to existing adequate facilities, by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities. Specific location, size and capacity of such facilities will be determined with reference to any one or combination of the following:
 - (1) Sewer master plan; or
 - (2) Specific engineering capacity studies approved by the Director.
- (b) With respect to facilities not shown in the master plan but necessary to link to adequate facilities, the location, size and capacity of such facilities to be constructed or linked to shall be determined by the Director. Temporary sewer facilities, including pumping stations, will be permitted only if the temporary facilities include all facilities necessary for transition to permanent facilities, and are approved by the Director. Design, construction, and material standards shall be as specified by the Public Works Design Standards for the construction of all such public sewer facilities in the City.

Response: These criteria include subjective and value-laden language (e.g. “existing adequate facilities” and “[as] determined by the Director”) that run afoul of ORS 197.307(4). For this reason, the City must omit these criteria from the decision in this matter.

Nonetheless, as shown on the Preliminary Site Plans (Exhibit A), the sewer improvements will comply with the January 2007 *Wastewater Management Plan* and applicable Public Works Design Standards. The plans include an extension of the sewer system across the Site's Hazelgreen Road NE frontage, spanning the neighboring Bridges RV Storage property, which is currently outside of City limits. Temporary facilities are not requested with this application. These requirements are met.

Section 200.065—Standards for storm drainage improvements.

- (a) 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. Specific location, size, and capacity of such facilities will be determined with reference to any one or a combination of the following:
 - (1) The stormwater management plan or, upon adoption, a superseding stormwater master plan; or
 - (2) Specific engineering capacity studies approved by the Director.
- (b) With respect to facilities not shown in the applicable management or master plan, but necessary to link to adequate facilities, the location, size, and capacity of such facilities to be constructed or linked to shall be determined by the Director. Temporary storm drainage facilities will be permitted only if the temporary facilities include all facilities necessary for transition to permanent facilities and are approved by the Director. Design, construction, and material standards shall be as specified by the Public Works Design Standards for the construction of all such public storm drainage facilities in the City.

Response: These criteria include subjective and value-laden language (e.g. “existing adequate facilities” and “[as] determined by the Director”) that run afoul of ORS 197.307(4). For this reason, the City must omit these criteria from the decision in this matter.

Nonetheless, as shown on the Preliminary Site Plans (Exhibit A), the planned storm drainage improvements will comply with the October 2020 *Stormwater Master Plan* and applicable Public Works Design Standards. These requirements are met.

Section 200.070—Standards for water improvements

- (a) The proposed development shall be linked to existing adequate facilities by the construction of water distribution lines, reservoirs and pumping stations which connect to such existing water service facilities. Specific location, size and capacity of such facilities will be determined with reference to any one or combination of the following:
 - (1) The water master plan; or
 - (2) Specific engineering capacity studies approved by the Director.
- (b) With respect to facilities not shown in the master plan but necessary to link to adequate facilities, the location, size and capacity of such facilities to be constructed or linked to shall be determined by the Director. Temporary water facilities, including pumping stations and reservoirs, will be permitted only if the temporary facilities include all facilities necessary for transition to permanent facilities, and are approved by the Director. Design, construction and material standards shall be as specified by the Public Works Design Standards for the construction of all such public water facilities in the City.

Response: These criteria include subjective and value-laden language (e.g. “existing adequate facilities” and “[as] determined by the Director”) that run afoul of ORS 197.307(4). For this reason, the City must omit these criteria from the decision in this matter.

Nonetheless, as shown on the Preliminary Site Plans (Exhibit A), the planned water system improvements will comply with the June 1994 *Water System Master Plan* and applicable Public Works Design Standards. A new 16-inch water main will be extended across the site’s Hazelgreen Road NE frontage, as well as the neighboring Bridge’s RV Storage property. These requirements are met.

(...)

Chapter 205—Land Division and Reconfiguration

(...)

Section 205.055—Property line adjustments

- (a) **Applicability.** A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body. Property line adjustments shall not be used to create an additional unit of land, or to create units of land that are non-conforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.

Response: A PLA is included in this application to consolidate Tax Lots 400 and 500 into a single unit of land.

- (b) **Procedure type.** A property line adjustment is processed as a Type I procedure under SRC chapter 300.

Response: This PLA is being submitted as part of a consolidated application that will be processed as a Type II procedure.

-
- (c) Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a property line adjustment shall include:

- (1) A copy of recorded deeds for the existing units of land;

Response: The recorded deeds for the two properties are included in Exhibit E. This requirement is met.

- (2) A site plan, drawn to scale, indicating:

- (A) The dimensions and areas of the units of land before and after the proposed property line adjustment;
- (B) Setbacks, building separations, lot coverage, vehicular access, and public and private utilities;

Response: A Preliminary Property Line Adjustment Plan and Preliminary Site Plans containing the required information are included in Exhibit A. This requirement is met.

- (3) Proof of ownership including, but not limited to, a preliminary title report not older than 30 days for each affected property at the time the application is submitted;

Response: A recent Preliminary Title Report for the property is included in Exhibit D. This requirement is met.

- (4) Any additional documents required to establish that the unit(s) of land were legally created;

Response: Exhibit E includes a chain of title for the affected parcels, which documents all boundary-related transactions dating from January 1, 1957, to the present. The subject properties were created by deed in 1970, prior to the adoption of applicable land division processes within Marion County (Sep. 1, 1977). This requirement is met.

- (5) A copy of the draft property line adjustment deed(s), in a form approved by the Director, containing:

- (A) The names of the owners;
- (B) Legal descriptions of the adjusted property(ies) and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor;
- (C) References to original recorded deeds including the creation date and instrument used to lawfully establish each unit of land; and
- (D) A place for the signatures of all parties, along with proper notary acknowledgment.

Response: Draft Property Line Adjustment Deeds are included in Exhibit I. This requirement is met.

- (d) Criteria. A property line adjustment shall be approved if all of the following criteria are met:

- (1) The property line adjustment will not create an additional unit of land;

Response: The PLA will consolidate two units of land into a single unit of land. This criterion is met.

- (2) The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;

Response: The PLA will result in a single lot that will include portions of the RM-II and MU-I zoning districts. This application narrative includes findings responding to the applicable lot dimension requirements in the RM-II and MU-I zoning districts demonstrating that the PLA will not result in a nonconforming unit of land. This criterion is met.

- (3) The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;

Response: The properties were created by deed in 1970, as demonstrated by the chain of title included in Exhibit E. Marion County didn't require land use actions for land divisions or property line adjustments until September 1, 1977. Because the partition was executed prior to the adoption of any applicable land division processes within Marion County, the existing lots were lawfully established. This criterion is met.

- (4) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;

Response: No existing City land use approval or previous condition of approval prohibits adjusting the boundaries of the properties with a PLA. The PLA does not involve the relocation or elimination of any public easement or ROW. This criterion is met.

- (5) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and

Response: This property line adjustment does not include relocating or eliminating any public easements or ROW. All necessary easement and ROW dedications are included with this application.

- (6) The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

Response: Public and private utilities that are planned to serve future development on the consolidated unit of land are shown on the Preliminary Plans in Exhibit A. The consolidation of the existing units of land will not impact the availability or access to public and private utilities or streets. This criterion is met.

- (e) Multiple property line adjustments. If more than three property line adjustment applications affecting the same unit of land are proposed within a six-month period, the property line adjustments shall be processed as follows:

- (1) When the units of land are within a recorded plat, the property line adjustments affecting the units of land shall be by replat; and
- (2) When the units of land are not within a recorded plat, the property line adjustments affecting the units of land shall be by partition.

Response: The PLA does not involve moving more than one property line. These provisions do not apply.

- (f) Monumentation recording.

-
- (1) Property line adjustments shall be surveyed, monumented, and recorded as required by state law. Prior to recording the record of survey map with the county:
 - (A) The City Surveyor shall review the final property line adjustment deed document(s) and an updated preliminary title report, not older than 30 days from the date of the review, and certify that it:
 - (i) Identifies the correct owners of each property;
 - (ii) Identifies the grantor and grantee in the correct manner;
 - (iii) Includes, when applicable, references to any easements of record;
 - (iv) Includes a legal description(s) that:
 - (aa) Accurately describes the adjusted property(ies) and the properties being conveyed;
 - (bb) Contains bearing and distance calls that mathematically close; and
 - (cc) Contain, when applicable, correct references to artificial and natural monuments along adjoining property(ies).
 - (v) Correctly represents the areas in each legal description; and
 - (vi) Complies with the requirements of state law.
 - (B) The applicant shall record the final property line adjustment deed(s) document; and
 - (C) The City Surveyor shall review the record of survey map to ensure:
 - (vii) That the record of survey map conforms with the property line adjustment deeds; and
 - (viii) Compliance with state law and this section.

Response: The process of surveying, monumenting, and recording the PLA is understood. The Applicant will proceed with this process following the preliminary approval of the PLA.

(...)

Chapter 220—Site Plan Review

Section 220.005—Site plan review

- (a) Applicability.
 - (1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:
 - (A) Prior to issuance of a building permit, for any development that requires a building permit;
 - (B) Prior to a change of use, when a building permit is not otherwise required; and
 - (C) Prior to commencement of work, for any of the following when a building permit is not otherwise required:
 - (i) Development of a new off-street parking or vehicle use areas;
 - (ii) Expansion of an existing off-street parking or vehicle use areas, when additional paved surface is added;

-
- (iii) Alteration of an existing off-street parking or vehicle use areas, when the existing paved surface is replaced with a new paved surface;
 - (iv) Paving of an unpaved area; and
 - (v) Restriping of an off-street parking or vehicular use areas, when the layout will be reconfigured.

Response: The project involves a multiple-family housing development that will require building permits for new uses with parking and vehicle use areas. Site plan review is applicable and included in this application.

(2) Exemptions.

(A) The following development that requires a building permit is exempt from site plan review:

- (i) Development of a single-family use, two family use, three family use, four family use, or cottage cluster on an individual lot, including the construction of accessory structures and paving associated with such uses.
- (ii) Sign installation.
- (iii) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.
- (iv) The alteration to the facade of a building except in the Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), Mixed Use-Riverfront (MU-R) zones.
- (v) Interior construction or tenant improvements that involve no change of use or occupancy.
- (vi) Demolition permit.
- (vii) Construction of a fence.

(B) Any of the activities identified under subsection (a)(1)(C) of this section are exempt from site plan review if they are for a single-family use, two family use, three family use, four family use, or cottage cluster on an individual lot.

Response: The project involves a multiple-family housing development that will require building permits for new uses with parking and vehicle use areas. Site plan review is applicable and included in this application.

(b) Classes. The three classes of site plan review are:

(1) Class 1 site plan review. Class 1 site plan review is site plan review for any development under subsection (a)(1) of this section that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves either:

- (A) A change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or
- (B) A change of use when a building permit is not otherwise required.

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- (2) Class 2 site plan review. Class 2 site plan review is site plan review for any development under subsection (a)(1) of this section, other than development subject to Class 1 site plan review, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.
 - (3) Class 3 site plan review. Class 3 site plan review is site plan review for any development under subsection (a)(1) of this section that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:
 - (A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;
 - (B) Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;
 - (C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;
 - (D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;
 - (E) Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or
 - (F) Involves the imposition of conditions of approval; or
 - (G) Requires a variance, adjustment, or conditional use permit.

Response: This application will be processed in accordance with the provisions of SRC Section 220.005(b)(3) to the extent that these provisions are applicable and consistent with state law. In accordance with ORS 197.307(4), as addressed in the Executive Summary of this narrative, the City may only deny the application or attach reasonable conditions of approval to the extent that such decisions are based on clear and objective criteria contained in the City's development code. However, the application requires a Transportation Impact Analysis pursuant to SRC chapter 803 and includes adjustments to development standards. The application, therefore, meets the criteria for Class 3 Site Plan Review.

- (c) Procedure type.
 - (1) Class 1 site plan review is processed as a Type I procedure under SRC chapter 300.
 - (2) Class 2 site plan review is processed as a Type I procedure under SRC chapter 300.
 - (3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.
 - (4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.

Response: The Class 3 Site Plan Review is being processed as a Type II procedure.

(d) Submittal requirements for Class 1 site plan review. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:

(1) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;

Response: The names and addresses of the Applicant, owner, and authorized representatives are listed on Page 1 of this narrative and on the digital application form. This requirement is met.

(2) The address or location of the subject property and its assessor's map and tax lot number;

Response: The address and location of the subject property, the Assessor's Map, and the tax lot number are listed on Page 1 of this narrative and on the digital application forms. The subject property is further described in the Site Description in Section II of this narrative. This requirement is met.

(3) The size of the subject property;

Response: The size of the subject property is listed on Page 1 and shown on the Preliminary Plans in Exhibit A. This requirement is met.

(4) The comprehensive plan designation and zoning of the subject property;

Response: The property is designated for multiple-family and mixed-use development in the Salem Area Comprehensive Plan (SACP) Map and is located in the City of Salem's RM-II and MU-I zoning districts. This requirement is met.

(5) The type of application(s);

Response: The application types included in this consolidated application are indicated in the Executive Summary (Section I) of this narrative. This requirement is met.

(6) A brief description of the proposal; and

Response: A brief description of the project is provided in the Executive Summary above. This requirement is met.

(7) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

Response: All required signatures have been provided on the digital Land Use Application form. This requirement is met.

(e) Submittal requirements for Class 2 and Class 3 site plan review.

(1) Class 2 site plan review. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:

(A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(i) The total site area, dimensions, and orientation relative to north;

-
- (ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;
 - (iii) Loading areas, if included in the proposed development;
 - (iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;
 - (v) An indication of future phases of development on the site, if applicable;
 - (vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;
 - (vii) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
 - (ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86; and
 - (x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

Response: A Preliminary Site Plan that includes the required information listed above is provided in Exhibit A. These requirements are met.

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

Response: An Existing Conditions Plan containing the information required under this section is included in Exhibit A of this application. This requirement is met.

- (C) A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.

Response: A Preliminary Grading and Drainage Plan is included in Exhibit A. This requirement is met.

- (D) A completed trip generation estimate for the proposed development, on forms provided by the City.

Response: The completed Trip Generation Estimate (TGE) form is included in Exhibit C. This requirement is met.

(E) Building elevation drawings for any proposed new buildings and any exterior additions or alterations to existing buildings when the height of the building, or a portion of the building is changed.

Response: Preliminary Building Elevations and Floor Plans for the multiple-family homes are included in Exhibit B. This requirement is met.

(F) For development in the Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), and Mixed Use-Riverfront (MU-R) zones, architectural drawings, renderings, or sketches showing all elevations of the existing buildings and the proposed buildings as they will appear on completion.

Response: Preliminary Building Elevations and Floor Plans for the planned multiple-family homes are included in Exhibit B. This requirement is met.

(2) Class 3 site plan review. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:

(A) All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;

Response: The submittal requirements for a Class 2 Site Plan Review have been provided as indicated above. This requirement is met.

(B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;

Response: This information is provided on Pages 1 and 2 of this narrative. This requirement is met.

(C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;

Response: These elements are included on the Preliminary Site Plans in Exhibit A as applicable. This requirement is met.

(D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;

Response: Elevations and contour intervals shown on the Existing Conditions Plan included in Exhibit A show that the property does not contain slopes greater than 15 percent. This requirement is met.

(E) The location of drainage patterns and drainage courses, if applicable;

Response: Drainage patterns and drainage courses are shown on the Preliminary Drainage and Grading Plan in Exhibit A. This requirement is met.

(F) A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;

Response: The Preliminary Utility Plan is included in Exhibit A and includes the relevant information to demonstrate how the site will be served by City utilities. This requirement is met.

-
- (G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;

Response: A site summary table containing the required information (as applicable) is shown on the Preliminary Site Plans in Exhibit A. This requirement is met.

- (H) A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and

Response: A geotechnical report as required by SRC 810 is included in Exhibit J. It concludes the proposed development of this site should not create new or exacerbate existing geologic hazards. This requirement is met.

- (I) A Transportation Impact Analysis, if required by SRC chapter 803.

Response: A TIA is included in Exhibit K, as required by SRC Chapter 803. This requirement is met.

(f) Criteria.

(...)

- (3) Class 3 site plan review. An application for Class 3 site plan review shall be granted if:

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

Response: The applicable standards of the Unified Development Code (UDC) are addressed in this narrative. This criterion is met.

- (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;

Response: This criterion includes subjective and value-laden language (e.g. “provides for the safe, orderly, and efficient circulation of traffic...,” “negative impacts,” and “mitigated adequately”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from its decision on this application.

Nonetheless, a TIA (included as Exhibit K) was completed for the project to evaluate the anticipated impacts to the transportation system. The TIA concludes that the planned street improvements will be sufficient to mitigate the anticipated impacts of the planned development and that the affected intersections are expected to operate safely without additional mitigation measures. Further, this narrative includes responses to the applicable standards in the UDC that are in place to ensure that the transportation system provides safe, orderly, and efficient circulation of traffic into and out of the proposed development. This criterion is met.

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

Response: This criterion includes subjective and value-laden language (e.g. “safe and efficient movement of vehicles...”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from its decision on this application.

Nonetheless, parking and driveways have been planned to meet applicable City standards for safe and efficient movement of vehicles, bicycles, and pedestrians, as shown on the Preliminary Site Plans in Exhibit A. The City can rely on this information to find this criterion is met.

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

Response: This criterion includes subjective and value-laden language (e.g. “adequately served” and “appropriate to the nature”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from its decision on this application.

Nonetheless, the development is planned to be served by City water and sewer, as shown on the Preliminary Utility Plan in Exhibit A. The planned stormwater facilities have been designed in accordance with the findings and calculations contained in the Preliminary Stormwater Report in Exhibit H. All planned facilities have been designed in accordance with adopted master plans and Public Works Design Standards, as applicable. The City can rely on this information to find this criterion is met.

Chapter 225—Design Review

Section 225.005—Design review

(a) Applicability. Design review approval is required for development applications that are subject to design review standards and guidelines.

Response: The Applicant intends that the development within the RM-II zoning district be reviewed under the standards for multiple-family design review. Multifamily development within the MU-I zoning district is not subject to design review per SRC Chapter 702.

(b) Classes

- (1) Class 1 design review is design review that requires the application of design review standards only.
- (2) Class 2 design review is design review that requires the application of design review guidelines, for projects that are limited to building alterations that will be contained within the footprint of the existing building and utilize the same building materials and same window and facade designs.
- (3) Class 3 design review is design review that requires the application of design review guidelines.
- (4) If any portion of the proposed development does not meet all of the applicable design review standards, the entire development shall be subject to Class 3 design review.

Response: The RM-II portion of this project meets the design standards for multiple-family development, as documented throughout this narrative and supporting materials. A Class 1 Design Review is required and included in this application.

(c) Procedure type.

-
- (1) Class 1 design review is processed as a Type I procedure under SRC chapter 300.
 - (2) Class 2 design review is processed as a Type II procedure under SRC chapter 300.
 - (3) Class 3 design review is processed as a Type III procedure under SRC chapter 300.

Response: This application for a Class 1 Design Review is being processed as part of a consolidated application that includes a Class 3 Site Plan Review. Therefore, a Type II procedure is necessary and included in this application.

(d) Submittal requirements.

- (1) Submittal requirements for pre-application conference. In addition to the submittal requirements for a pre-application conference under SRC chapter 300, an application for a Class 1, Class 2, or Class 3 design review pre-application conference shall include the following:
 - (A) An existing conditions plan showing:
 - (i) Existing site conditions;
 - (ii) The use of all adjacent buildings;
 - (iii) The zoning of the site and adjacent properties;
 - (iv) Topography of the site; and
 - (v) Location of all trees and prominent landscape features.
 - (B) Schematic plans for the proposed development.
- (2) Submittal requirements for Class 1, Class 2, and Class 3 design review. In addition to the submittal requirements set forth under SRC chapter 300, an application for Class 1, Class 2, or Class 3 design review shall include the following:
 - (A) A proposed site plan showing:
 - (i) The complete dimensions and setbacks of the lot, and all existing and proposed buildings and structures, including the location, size, height, proposed use, design, and gross floor area of each building.
 - (ii) All existing and proposed walls and fences, including the location, height, type of design, and composition.
 - (iii) The location and design of the existing and proposed on-site pedestrian and vehicle circulation system.
 - (iv) Locations and dimensions of all existing and proposed outdoor storage areas, including, but not limited to, trash collection and recycling areas.
 - (B) Architectural drawings, renderings, or sketches showing all elevations of proposed buildings as they will appear on completion.
 - (C) A landscape plan showing the location of natural features, trees, and plant materials proposed to be removed, retained or planted; the amount, height, type, and location of landscaped areas, planting beds, and plan materials and provisions for irrigation.

- (D) A topographic survey and grading plan showing two-foot contour intervals on hillside lots and five-foot contour intervals on all other lots.
- (E) An open space plan showing locations of common and private open space, including active and passive recreational areas. The open space plan shall show the total area of individual classifications of proposed open space and shall be drawn to scale.
- (F) A statement as to whether the application is intended to meet the standards or the guidelines.

Response: Preliminary Plans are included in Exhibit A and Preliminary Building Elevations and Floor Plans are included in Exhibit B. These plans contain the information required above. The application is intended to meet the standards for multiple-family design review. These requirements are met.

(e) Criteria.

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

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

- (f) Conditions of approval. Notwithstanding SRC 300.820, the Review Authority may not attach conditions to a Class 1 design review approval.

Response: This provision is understood. However, this application for a Class 1 Design Review is being processed as part of a consolidated application that includes a Class 3 Site Plan Review. Therefore, a Type II procedure is necessary and included in this application.

(...)

Chapter 250 – Adjustments

Section 250.005. – Adjustments.

(a) Applicability.

(1) Classes.

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

Response: This application includes the following Class 1 adjustment:

Table 1: Class 1 Adjustments

Affected Buildings	Adjusted Standard	SRC Requirement	Planned Dimension	% Adjustment
1 & 2	Min. Street Setback	20 feet (Table 514-4)	16 feet	20% Reduction

- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

Response: This application includes the following Class 2 adjustments:

Table 2: Class 2 Adjustments

Building #	Adjusted Standard	SRC Requirement	Planned Dimension	% Adjustment
26	Min. RA/RS Setback	35 feet, 1.5 inches (Table 702-5)	22 feet, 10 inches	35% Reduction
27	Min. RA/RS Setback	34 feet, 2 inches (Table 702-5)	25 feet	27% Reduction
33	Min. Street Setback	20 feet (Table 514-4)	12 feet, 6 inches	38% Reduction
Southern Property Boundary	Min. Fencing	6-foot-tall fence or wall (Table 807-1, SRC 702.020[b][2])	No Fence	100% Reduction
	Min. Landscaping	One tree per 30 linear feet of abutting property width	No trees in BPA easement	100% Reduction

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

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

Response: The project does not include an adjustment to any of the standards, guidelines, or requirements listed in (A) through (K) above. The project includes an adjustment to the design review standards for multiple-family development, and reductions to the required setbacks, both of which are allowed under this section. This requirement is met.

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

Response: The Class 1 and 2 adjustments included in this application are being processed as a consolidated Type II procedure.

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

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

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

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

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

- (d) Criteria.

- (1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:
- (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Equally or better met by the proposed development.
 - (...)

Response: This application includes a Class 1 Adjustment to allow a 20 percent reduction in the required street setback for Buildings 1 and 2. Buildings 1 and 2 are within the RM-II portion of the site and are typically subject to a variable setback depending on the height of the subject buildings, in accordance with SRC Table 514-4, which prescribes a setback of “minimum 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft. but need not exceed 20 ft. in depth.” Because the buildings are over 20 feet in height, the standard minimum setback abutting Hazelgreen Road NE is 20 feet. Strict adherence to the RM-II setback would create an incongruous appearance along the street frontage, contrary to the purpose of the applicable standard. In order to provide a cohesive transition between the MU-I and the RM-II zoning districts, the setback for Buildings 1 and 2 is adjusted to 16 feet per (ii), above. This criterion is met.

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

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

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

Response: Buildings 26 and 27 are located in the RM-II zoned portion of the site and are subject to a minimum 10-foot rear yard setback according to the zone-to-zone setback requirements of SRC Table 514-5. The multiple-family design review standards of SRC Chapter 702 also contain provisions governing the minimum setback for multifamily buildings abutting property zoned as Residential Agriculture (RA) or Single-Family Residential (RS). Table 702-5 prescribes a minimum setback for buildings with two or more stories that is equivalent to 1 foot for each 1 foot of building height. The height of Building 26 is 35 feet, 1.5 inches (40 feet to the ridge line and 30 feet, 3 inches to the ceiling line), and the height of building 27 is 34 feet, 2 inches (39 feet, 1 inch to the ridge line and 29 feet, 3 inches to the ceiling line), both requiring an equivalent setback.

Applicant seeks an adjustment to this setback, to 22.83’ as shown in Exhibit A, in recognition of the large separation between buildings on these adjacent properties that is created by the BPA easement here. This 125-foot-wide easement does not permit the placement of any structures within its boundary. Therefore, the separation is better met by the existing BPA easement.

SRC 702.020 (b)(2) also requires specific landscaping and screening to be located between the planned multifamily buildings and the abutting RS zoning district. Because improvements, including trees and fences, are not permitted within the BPA easement, the screening requirements cannot be applied to that portion of the development site. Similar to the setback requirement, the purpose of the landscaping and screening standard is to provide a buffer between the multiple-family development and the abutting RS properties. The existing 125-foot easement provides an adequate buffer that equally or better satisfies the stated purpose of this requirement.

Building 33 is located on an unconventionally shaped portion of the property with a curved property line along the Lunar Drive NE frontage. While the average setback is

greater than 20 feet from the front property line, there are two corners of the building that encroach into the 20-foot street setback required by SRC Table 514-4. This criterion is met.

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

Response: As discussed above, the Application seeks between ± 3 and ± 12 feet of relief from the building and vehicle use area setbacks. In each case significantly greater separation between buildings and vehicle use areas on this and abutting properties will be maintained via the presence of a 125-foot wide BPA transmission line easement. The negligible setback reduction, as requested, will have no impact on the appearance or livability of the residential area. The criterion is met.

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

Response: As outlined above, the BPA easement provides sufficient separation between adjacent buildings and vehicle use areas so that the cumulative impact of the requested adjustments does not result in a project that is inconsistent with the purpose of the MU-I and RM-II zoning districts. This criterion is met.

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

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

(...)

Chapter 300—Procedures for Land Use Applications and Legislative Land Use Proposals

Section 300.210—Application submittal

- (a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.
- (1) A completed application form. The application form shall contain, at a minimum, the following information:
- (A) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (B) The address or location of the subject property and its assessor's map and tax lot number;
 - (C) The size of the subject property;
 - (D) The comprehensive plan designation and zoning of the subject property;
 - (E) The type of application(s);
 - (F) A brief description of the proposal; and
 - (G) Signatures of the applicant(s), owner(s), of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

Response: The required information in (A) through (G) are included in the electronic submittal form generated at the time of application submittal.

(2) Recorded deed/land sales contract with legal description;

Response: The Current Property Deeds are included in Exhibit E.

(3) Any information that would give rise to an actual or potential conflict of interest under state or local ethics laws for any member of a Review Authority that will or could make a decision on the application;

Response: The Applicant is not aware of any information that would give rise to an actual or potential conflict of interest under state or local ethics laws for any member of a Review Authority that will or could make a decision on the application.

(4) Pre-application conference written summary, if a pre-application conference was required under SRC 300.310(a) and Table 300-2; or copy of the approved pre-application conference waiver, if such approval was granted pursuant to SRC 300.310(b);

Response: A pre-application conference was held on January 9, 2023, and the written summary is included in Exhibit F. This requirement is met.

(5) A statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact and who it was with (e.g., phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

Response: The Northgate Neighborhood Association was contacted on July 18, 2023, and the contents of that contact are included in Exhibit G. This requirement is met.

(6) For applications requiring neighborhood association contact under SRC 300.310, a copy of the required e-mail or letter to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent;

Response: The Northgate Neighborhood Association was contacted on July 18, 2023, and the contents of that contact are included in Exhibit G. This requirement is met.

(7) For applications requiring an open house under SRC 300.320:

(A) A copy of the sign-in sheet for the open house and a summary of the comments provided; or

(B) When a neighborhood association meeting has been substituted for a required open house, a summary of the comments provided at the neighborhood association meeting;

Response: The project does not include an application for which an open house is required under SRC 300.320 or Table 300-2. This requirement does not apply.

(8) A statement as to whether the Salem-Keizer Transit District was contacted in advance of filing the application; and if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact, who it was with, and the result;

Response: The Salem-Keizer Transit District was contacted on July 18, 2023. The contents of the contact with the Salem-Keizer Transit District, and the response received from the District are included in Exhibit G. This requirement is met.

- (9) A written statement addressing each applicable approval criterion and standard;

Response: This written statement addresses each applicable approval criterion and standard. This requirement is met.

- (10) For Type II, Type III, and applicant-initiated Type IV applications involving property subject to an active and duly incorporated Homeowner's Association (HOA) registered with the Oregon Secretary of State which includes an identified registered agent, the HOA name and mailing address for the registered agent.

Response: The property is not subject to an active homeowners' association (HOA). This requirement does not apply.

- (11) For applications for affordable multiple family housing where a 100-day state mandated decision date is sought, a draft copy of the covenant required under ORS 197.311 restricting the owner, and each successive owner, of the development or a residential unit within the development from selling or renting any of the identified affordable residential units as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

Response: This project does not involve affordable multiple-family housing where a 100-day state-mandated decision date is sought. This requirement does not apply.

- (12) Any additional information required under the UDC for the specific land use action sought;
- (13) Any additional information, as determined by the Planning Administrator, that may be required by another provision, or for any other permit elsewhere, in the UDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

Response: The Applicant can provide additional information as needed.

- (14) Payment of the applicable application fee(s) pursuant to SRC 110.090.

Response: The required application fees were paid to the City of Salem at the time the application was initially submitted.

- (b) The Planning Administrator may waive any submittal requirement if the Planning Administrator determines that the specific requirement would not provide evidence needed to satisfy any of the applicable criteria.

Response: This provision is understood.

- (c) Each application, when received, shall be date-stamped with the date the application was received, and designated with a receipt number and a notation of the staff person who received the application.

Response: This provision is understood.

(...)

Section 300.300—Pre-application conference

-
- (a) **Purpose.** Pre-application conferences are intended to familiarize applicants with the requirements of the UDC; to provide applicants with an opportunity to meet with city staff to discuss proposed projects in detail; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
 - (b) **Applicability and waiver of pre-application requirement.**
 - (1) Pre-application conferences are mandatory for those land use actions identified under Table 300-2 as requiring a pre-application conference.
 - (2) Nothing in this section shall preclude an applicant from voluntarily requesting a pre-application conference for any other land use action.
 - (3) Notwithstanding the provisions of this section, a mandatory pre-application conference may be waived by the Planning Administrator if the application is relatively simple, and good cause is shown by the applicant. An application for a waiver shall be made on forms provided by the Planning Administrator. The applicant for a waiver shall acknowledge that waiving the pre-application conference increases the risk of an application being rejected or processing delayed due to insufficient, incomplete, or incorrect information being provided. The decision of the Planning Administrator on an application to waive a pre-application conference is not appealable.

(...)

Response: A pre-application conference was held on January 9, 2023, and the Pre-Application Written Summary is included in Exhibit F. This requirement is met.

Section 300.310—Neighborhood association contact

- (a) **Purpose.** The purpose of neighborhood association contact is to provide an opportunity for neighborhood associations to learn of upcoming land use applications involving land within or adjacent to their boundaries in advance of applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.
- (b) **Applicability.**
 - (1) Neighborhood association contact, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring neighborhood association contact.
 - (2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for neighborhood association contact and the other applications do not require neighborhood association contact, the entire consolidated application shall require neighborhood association contact.
 - (3) Nothing in this section shall be construed to preclude additional contact between an applicant and neighborhood association beyond the requirements of this section, or an applicant from contacting a neighborhood association where no neighborhood association contact is required.

Response: The Northgate Neighborhood Association was contacted on July 18, 2023, and the content of that contact is included in Exhibit G. This requirement is met.

- (c) **Process.** Prior to submitting a land use application requiring neighborhood association contact, the applicant shall contact the City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The e-mail or mailed letter shall:
- (1) Be sent to the chair(s) and land use chair(s) of the applicable neighborhood association(s) prior to submitting the land use application; and
 - (2) Contain the following information:
 - (A) The name, telephone number, and e-mail address of the applicant;
 - (B) The address of the subject property;
 - (C) A summary of the proposal;
 - (D) A conceptual site plan, if applicable, that includes the proposed development; and
 - (E) The date on which the e-mail or letter is being sent;

Response: The Northgate Neighborhood Association was contacted on July 18, 2023, and the content of that contact is included in Exhibit G. This requirement is met.

- (d) **Effect on subsequent land use application submittal.** A land use application requiring neighborhood association contact shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the e-mail or letter that was sent to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

Response: The Northgate Neighborhood Association was contacted on July 18, 2023, and the content of that contact is included in Exhibit G. This requirement is met.

Chapter 514—RM-II- Multiple Family Residential

Section 514.005—Uses

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

Table 514-1. Uses	
Use	Status
Household Living	
Multiple family	P

Response: The project involves ±405 multiple-family homes as permitted in the RM-II district.

Section 514.010—Development standards

Development within the RM-II zone must comply with the development standards set forth in this section.

- (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.

Response: The application does not include a land division in the RM-II zoning district. Nonetheless, the planned PLA will result in a single lot measuring ±15.62 acres, well above the 20,000 square-foot minimum.

- (b) **Lot standards.** Lots within the RM-II zone shall conform to the standards set forth in Table 514-2.

Table 514-2. Lot Standards	
Requirement	Standard
Lot Area	
All other (non-single-family) uses	Min. 6,000 sq. ft.
Lot Width	
All other (non-single-family) uses	Min. 40 ft.
Lot Depth	
All other (non-single-family) uses	Min. 80 ft. Max. 300% of average width
Street Frontage	
All other (non-single-family) uses	Min. 40 ft.

Response: The PLA included in this application will remove the property line between Tax Lots 400 and 500. The Preliminary Property Line Adjustment Plan in Exhibit A shows that the resulting lot will provide the following lot dimensions:

Table 3: Adjusted Lot Dimensions

Consolidated Parcel	
Lot area	±679,449 square feet
Lot width	±515 feet
Lot depth	±1,289 feet
Street frontage	±468 feet on Hazelgreen Road NE ±1,563 feet on Lunar Drive NE

As shown in Table 3 above, the lot dimension standards in the RM-II zoning district are met.

- (c) **Dwelling unit density.** Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3.

Table 514-3. Dwelling Unit Density		
Use	Standard	
	Minimum	Maximum
Single family, two family, three family, four family, and multiple family	15 DU/acre	31 DU/acre

Response: The consolidated lot is planned to provide 360 dwelling units on ±13.73 acres in the RM-II zoning district resulting in a planned density of 26 dwelling units (DU) per acre (360 DU/13.73 acres = 26.22 DU/acre). The resulting density is within the density range allowed in the RM-II zoning district. This standard is met.

- (d) **Setbacks.** Setbacks within the RM-II zone shall be provided as set forth in Tables 514-4 and 514-5.

Table 514-4. Setbacks			
Requirement		Standard	Limitations & Qualifications
Abutting Street			
Buildings			
All other uses (Multiple Family)	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft., but need not exceed 20 ft. in depth.		
Accessory Structures			
Accessory to all other uses	None		Applicable to accessory structures not more than 4 ft. in height.
	Min 12., plus 1 ft. for each 1 ft. of height over 12 ft.		Applicable to structures greater than 4 ft. in height.
Vehicle Use Areas			
All other uses	Min. 12 ft.		
Interior Front			
Buildings			
All other uses	Zone-to-zone setback (Table 514-5)		
Accessory Structures			
Accessory to all other uses	Zone-to-zone setback (Table 514-5)		
Vehicle Use Areas			
All other uses	Zone-to-zone setback (Table 514-5)		
Interior Side			
Buildings			
All other uses	Zone-to-zone setback (Table 514-5)		
Accessory Structures			
All other uses	Zone-to-zone setback (Table 514-5)		
Vehicle Use Areas			
All other uses	Zone-to-zone setback (Table 514-5)		
Interior Rear			
Buildings			
All other uses	Zone-to-zone setback (Table 514-5)		
Accessory Structures			
Accessory to all other uses	Zone-to-zone setback (Table 514-5)		
Vehicle Use Areas			
All other uses	Zone-to-zone setback (Table 514-5)		
Table 514-5. Zone-to-Zone Setbacks			
Abutting Zone	Type of improvement	Setback	Landscaping & Screening
Residential	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Mixed-Use Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Public	Building and accessory structure	Min. 10 ft.	Type C
	Vehicle use areas		
Industrial	Building and accessory structure	Min. 15 ft	Type C
	Vehicle use areas		

Response: The Preliminary Site Plans in Exhibit A show that the following setbacks are provided on the RM-II zoning district portion of the consolidated lot:

Table 4: Planned RM-II Setbacks

Requirement	Minimum Standard	Landscaping & Screening	Setback Provided	Adjustment Requested
Abutting Street				
Buildings	Minimum 12 feet, plus 1 foot for each 1 foot of height over 12 feet but need not exceed 20 feet in depth	Per SRC 807	16 feet from Hazelgreen Road NE 20 feet from Lunar Drive NE	Yes
Accessory Structures	No accessory structures are proposed on abutting streets	Per SRC 807	N/A	No
Vehicle Use Areas	12 feet	Per SRC 807	78 feet from Hazelgreen Road NE (located behind buildings) 20 feet from Lunar Drive NE	No
Interior Side				
Buildings	10 feet from public zone west 15 feet from industrial zone east	Type C	10 feet 15 feet	No
Accessory Structures	10 feet from public zone west 15 feet from industrial zone east	Type C	N/A	No
Vehicle Use Areas	10 feet from public zone west 15 feet from industrial zone east	Type C Type C	10 feet 15 feet	No
Interior Rear				
Buildings	10 feet from residential zone south	Type C	22 feet	No
Accessory Structures	10 feet from residential zone south	Type C	N/A	No
Vehicle Use Areas	10 feet from residential zone south	Type C	26 feet	No

The information provided in Table 4 above and the dimensions provided on the Preliminary Site Plans in Exhibit A identify the setbacks for buildings and vehicle use areas in the RM-II zoning district. The street setback for Buildings 1 and 2 is reduced by 20 percent and included in the Class 1 adjustments requested with this application. Adjustments are also included to reduce the more intensive multifamily building setback requirements indicated in SRC table 702-5.

- (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.**

Table 514-6. Lot Coverage; Height	
Requirement	Standard
Lot Coverage	
Buildings and accessory Structures	
All uses	Max. 60%
Rear Yard Coverage	
Buildings	
All uses	N/A
Accessory Structures	
Accessory to all other uses	No Max.
Height	
Buildings	
Multiple family	Max. 50 ft.
Accessory Structures	
Accessory to all uses	Max 15 ft.

Response: As shown on the Preliminary Site Plans in Exhibit A, buildings and accessory structures are planned to cover 25 percent of the RM-II zoned portion of the site. As shown on the Preliminary Building Elevations and Floor Plans in Exhibit B, the multiple-family buildings are not planned to exceed 50 feet in height, when calculated in accordance with the City's standards of measurement. These standards are met.

- (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.

Response: The project does not include single-family or two-family uses; therefore, this standard does not apply.

- (g) Landscaping. Landscaping within the RM-II zone shall be provided as set forth in this subsection.
- (1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in this subsection.
 - (2) Vehicle use areas. Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.

Response: The setbacks are planned to be landscaped in accordance with SRC Chapter 807 as shown on the Preliminary Landscape Plan in Exhibit A. The RM-II portion of the project involves multiple-family development with 13 or more units that is subject to multifamily design review and is therefore exempt from the landscaping requirements of SRC Chapter 806 per SRC 702.020(b)(8). These standards are met.

- (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.

Response: The project does not involve outdoor storage. This standard does not apply.

Section 514.015—Design review

Design review under SRC chapter 225 is required for development within the RM-II 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 design review according to the multiple family design review standards set forth in SRC chapter 702.

Response: This application seeks approval for new multi-family homes and is subject to the multiple-family design review standards in SRC 702. Responses to the applicable criteria in SRC 702 can be found later in this narrative.

Chapter 533—Mixed Use-I

Section 533.001—Purpose.

The purpose of the Mixed Use-I (MU-I) zone is to identify allowed uses and establish development standards that promote pedestrian-oriented development in vibrant mixed-use districts, encourage a mix of compatible uses in multi-story buildings, and emphasize active commercial uses on ground floors facing major streets.

Section. 533.010—Uses.

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-I zone are set forth in Table 533-1.

Table 533-1. Uses	
Use	Status
Household Living	
Multiple family	P

Response: The project involves ±405 multiple-family homes, and ±45 of the homes are planned to be located within the MU-I portion of the site, as permitted.

- (b) Prohibited uses. Notwithstanding Table 533-1, any permitted, special, or conditional use within the MU-I zone shall be a prohibited use if developed with a drive-through.

Response: The project does not involve a drive-through. This provision is not applicable.

- (c) Continued uses. Existing uses within the MU-I zone established prior to August 24, 2022, but which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.

- (1) Buildings or structures housing a continued use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided:
- (A) Such alteration, enlargement, or rebuilding of a conforming development complies with the standards in this chapter; or
- (B) Such alteration, enlargement, or rebuilding of a continued development complies with the standards set forth in SRC 533.015(g).
- (2) A continued use shall terminate if the building or structure ceases to be occupied for that continued use for any reason for a continuous period of one year.
- (3) Conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.

Response: The residential structure that had previously been established on the lot has been removed and will not be continued or rebuilt. Therefore, the application does not involve continued uses.

Section. 533.015—Development standards.

Development within the MU-I zone must comply with the development standards set forth in this section.

- (a) Lot standards. Lots within the MU-I zone shall conform to the standards set forth in Table 533-2.

Table 533-2. Lot Standards	
Requirement	Standard
Lot Area	
All uses	None
Lot Width	
All uses	None
Lot Depth	
All uses	None
Street Frontage	
All uses	16 ft.

Response: Within the MU-I portion of the site, the consolidated lot has ±251 feet of frontage on Hazelgreen Road NE and ±260 feet of frontage on Lunar Drive NE. The applicable lot standards under Table 533-2 are met.

- (b) Dwelling unit density. Development within the MU-I zone that is exclusively residential shall have a minimum density of 15 dwelling units per acre.

Response: The MU-I portion of the site is ±1.9 acres in size. Twenty-nine dwelling units must be provided ($1.9 \times 15 = 29$) to meet this requirement. This portion of the site is planned to be developed with exclusively residential buildings containing a total of ±45 dwelling units, as shown on the Preliminary Plans included in Exhibit A. This standard is met.

- (c) Setbacks. Setbacks within the MU-I zone shall conform to the standards set forth in Tables 533-3 and 533-4.

Table 533-3. Setbacks		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	0 ft. or Max. 10 ft.	(1) Maximum 10-foot setback applies if the setback area is used for pedestrian amenities
		a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing façade of the new building and the street. b) For double frontage lots, the setback abutting a street shall only apply to the street with the highest street classification or, where both streets have the same classification, the street designated by the applicant. No minimum or maximum setback is required abutting the other street.
		(2) A minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to [SRC] 533.015(h) . (a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing façade of the new building and the street. (b) For double frontage lots, the maximum setback abutting a street shall only apply to the street with the highest street classification, or where both streets have the same classification, the street designated by the applicant. No maximum setback is required abutting the other street.
Accessory Structures		
All uses	Min. 10 ft.	
Vehicle Use Areas		
All other uses	Per SRC chapter 806	The use of a berm under [SRC] 806.035(c)(2)(B) is prohibited.
Interior Side		
Buildings		
All uses	Zone-to-zone setback (Table 533-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 533-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 533-4)	
Interior Rear		
Buildings		
All uses	Zone-to-zone setback (Table 533-4)	
Accessory Structures		

Accessory to all other uses	Zone-to-zone setback (Table 533-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 533-4)	

Table 533-4. Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening
Public Zone	Buildings and accessory structures	None.	N/A
	Vehicle use areas	Min. 5 ft.	Type A
Residential Zone	Buildings and accessory structures	Min. 10 ft. plus 1.5 feet for each 1 foot of building height above 15 feet	Type C
	Vehicle use areas	Min. 5 ft.	Type C

Response: The Preliminary Site Plans in Exhibit A shows that the following setbacks are provided on the portion of the adjusted parcel within in the MU-I district:

Table 5: Planned MU-I Setbacks

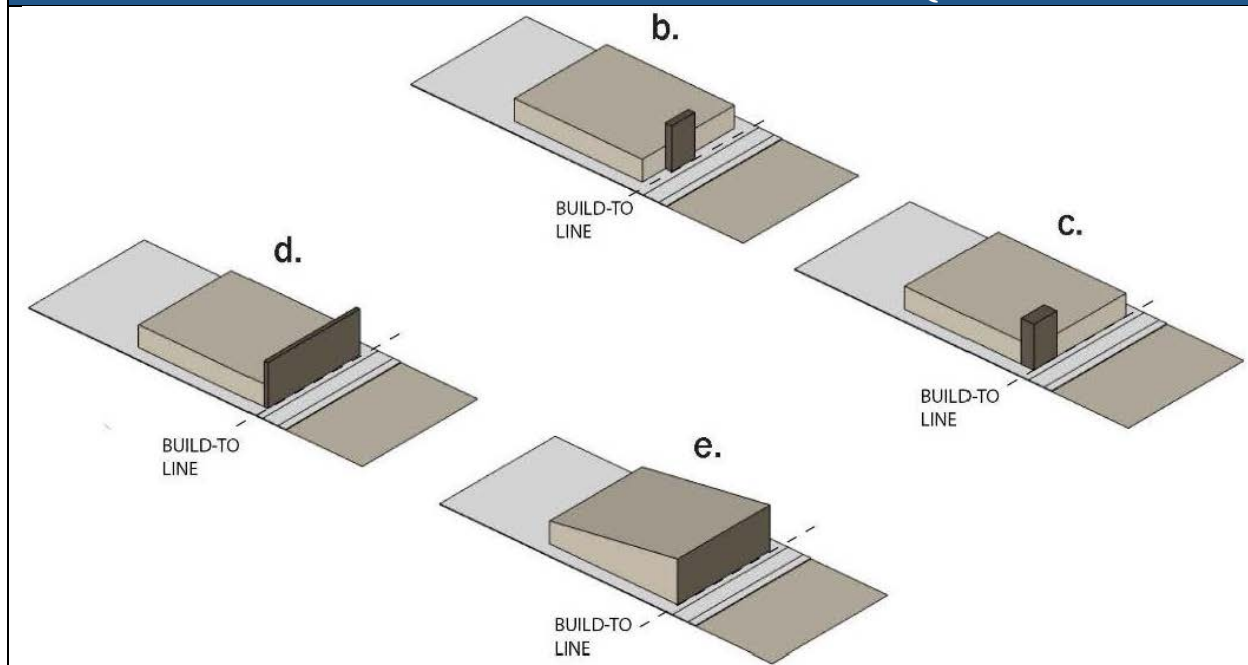
Requirement	Standard		Setback Provided
Abutting Street			
Buildings	5–10 feet for ground-floor residential uses if horizontal separation is provided pursuant to SRC 533.015(h)	Per SRC 807	10 feet
Accessory Structures	10 feet	Per SRC 807	N/A (none proposed)
Vehicle Use Areas	10 feet	Per SRC 807	N/A (no vehicle use area abutting streets)
Interior Side			
Buildings	0 feet from public zone west		N/A (none proposed)
Accessory Structures	0 feet from public zone west		N/A (none proposed)
Vehicle Use Areas	5 feet from public zone west with Type A landscaping		N/A

- (d) Lot coverage; height; building frontage. Buildings and accessory structures within the MU-I zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 533-5.

Table 533-5. Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and accessory Structures		
All uses	No Max.	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
All Uses	No Max.	
Height		
Buildings		
All Uses	Max. 45 ft.	Applicable to buildings on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley
	Max. 65 ft	Applicable to buildings on all other lots.
	Min. 20	New buildings or additions shall satisfy the minimum height requirements through one of the following options:
		a) Roof. Provide a roof that is 20 feet in height.
		b) Prominent entry. Provide an attached entry that is 20 feet in height, extends for a minimum of 25 percent of the length of the front facade, and extends to the front lot line.
		c) Cupola. Provide a 20-foot tall portion of the building for a minimum of 25 percent of the length of the front facade. It shall include the front facade wall and extend a minimum of 10 feet behind the front wall.
		d) False front. Provide a front facade wall that is 20 feet in height along the entire length of the building.
		e) Reverse shed. Provide a front facade wall that is 20 feet in height along the entire length of the building and slope the roof down toward the rear of the building.

Response: The Preliminary Building Elevations and Floor Plans included in Exhibit B show that the buildings are planned to be between 20-feet and 65-feet in height. This standard is met.

**FIGURE 533-1
EXAMPLE OF OPTIONS TO MEET MINIMUM HEIGHT REQUIREMENT**



Accessory Structures		
All uses	Max 45 ft.	Applicable to accessory structures on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley.
	Max 65 ft.	Applicable to accessory structures on all other lots.
Building Frontage		
Buildings		
All Uses	Min. 75%	(1) For corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40%.
		(2) For corner lots where both streets have the same classification, the applicant may choose on which street to meet the minimum 75% building frontage standard and on which street to meet the minimum 40% building frontage standard.
		(3) For double frontage lots, this standard must only be met on the street with the highest classification. Where both streets have the same classification, the applicant may choose on which street the building frontage standard shall apply.
Accessory Structures		
All uses	Not applicable	Accessory structures shall be located behind or beside buildings.

Response: The Preliminary Building Elevations and Floor Plans included in Exhibit B show that the buildings are planned to be between 20-feet and 65-feet in height per Table 533-5. A Class 1 Adjustment is included in this application to reduce the minimum building frontage standard on Hazelgreen Road NE from 188 feet to 176 feet. With the included adjustment, these standards are met.

- (e) **Parking.** Required off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone or MU-II zone.

Response: Parking is not planned to be located on a new stand-alone surface parking lot. This requirement is met.

- (f) **Landscaping.**

- (1) **Setback areas.** Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to [SRC] 533.015(h), shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.

- (2) **Vehicle use areas.** Vehicle use areas shall be landscaped as provided under SRC chapter 806 and SRC chapter 807.

Response: The setbacks and vehicle use areas are planned to be landscaped in accordance with SRC Chapters 806 and 807 as shown on the Preliminary Landscape Plan included in Exhibit A. These standards are met.

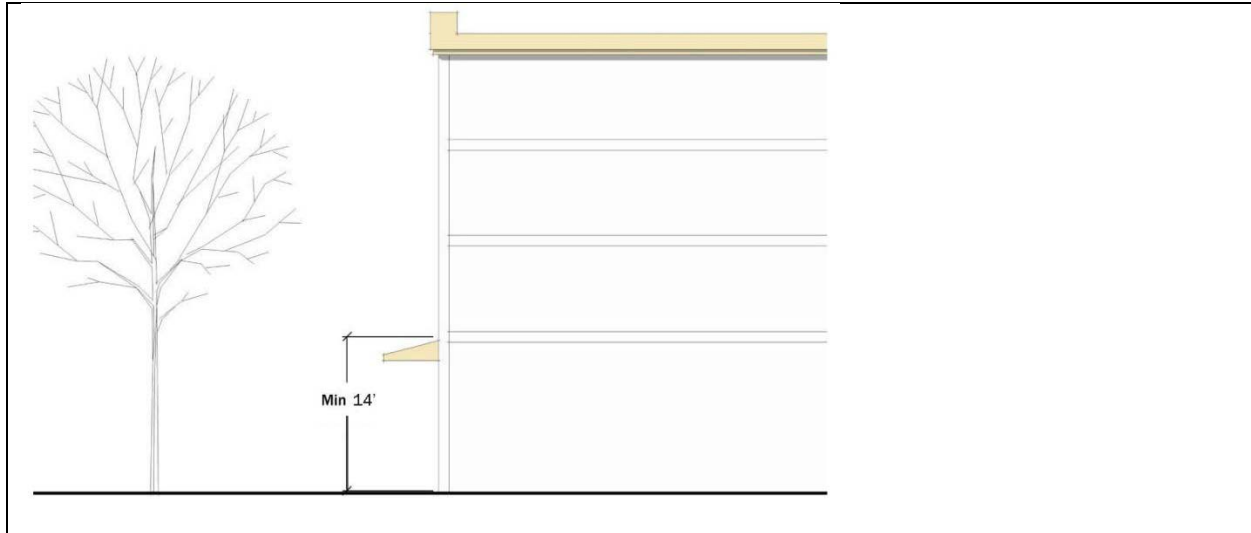
- (g) **Continued development.** Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

(...)

Response: The single-family home and related improvements previously located on the MU-I portion of the site have been removed; therefore, continued uses are not included in this application. The provisions under subsection (g) do not apply.

- (h) **Pedestrian-oriented design.** Development within the MU-I zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 533-6. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Table 533-6: Pedestrian-Oriented Design		
Requirement	Standard	Limitations & Qualifications
Ground Floor Height		
This standard applies to building ground floors on primary streets.	Min. 14 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.
FIGURE 533-2 GROUND FLOOR HEIGHT		



Response: The portion of the site in the MU-I zoning district has frontage on Hazelgreen Road NE and Lunar Drive NE. Hazelgreen Road NE is classified as a parkway in the Salem TSP and Lunar Drive NE is planned to be a Local street. Neither of these streets are defined as Primary streets under this section. Therefore, the MU-I portion of the project does not have frontage on a primary street. This standard does not apply.

Separation of Ground Floor Residential Uses		
This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.
	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.
	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscaped area such as private open space or hardscaped area such as a plaza.

Response: This application includes buildings with dwelling units located on the ground floors. Vertical separation will be provided in the form of three to five steps between the sidewalk and the residential entryways for the buildings located along Hazelgreen Road NE and Lunar Drive NE.

**FIGURE 533-3
HORIZONTAL SEPARATION**



Building Articulation

This standard applies to building facades facing primary streets.	Required	(1)	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the facade and the portion of side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
		(2)	Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
		a)	Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards:
			1. Change in materials.
			2. Change in color.
			3. Molding or other horizontally-articulated transition piece.
		b)	Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards:

				1. Recesses of a minimum depth of two feet.
				2. Extensions of a minimum depth of two feet.
				3. Vertically-oriented windows.
				4. Pilasters that project away from the building.
			c)	Top: Building tops shall be defined by at least one of the following standards:
				1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond face of the facade.
				2. Change in material from the upper floors, with that material being a minimum of eight inches tall.
				3. Offsets or breaks in roof elevation that are a minimum of three feet in height.
				4. A roof overhang that is a minimum of eight inches from the face of the facade.
		(3)		The repainting of a facade of an existing building is exempt from this standard.

Response: The portion of the site in the MU-I zoning district has frontage on Hazelgreen Road NE and Lunar Drive NE. Hazelgreen Road NE is classified as a parkway in the Salem TSP and Lunar Drive NE is planned to be a Local street. Neither of these streets are defined as primary streets under this section. Therefore, the MU-I portion of the project does not have frontage on a Primary street. This standard does not apply.

**FIGURE 533-4
ARTICULATION**



Ground Floor Windows

This standard applies to building ground floors on primary streets.	Min. 65%	(1)	For the purposes of this standard, ground floor building facades shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
		(2)	For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

Response: The portion of the site in the MU-I zoning district has frontage on Hazelgreen Road NE and Lunar Drive NE. Hazelgreen Road NE is classified as a Parkway in the Salem TSP and Lunar Drive NE is classified as a Local street. Neither of these streets are defined as Primary streets under Section 533.005. Therefore, the MU-I portion of the project does not have frontage on a Primary street. This standard does not apply.

**FIGURE 533-5
GROUND FLOOR WINDOWS**



Building Entrances

This standard applies to building ground floors on primary streets.	Required	(1)	For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.
		(2)	For residential uses on the ground floor, a primary building entrance for each facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		(3)	Building entrances shall include weather protection.

Response: The portion of the site in the MU-I zoning district has frontage on Hazelgreen Road NE and Lunar Drive NE. Hazelgreen Road NE is classified as a Parkway in the Salem TSP and Lunar Drive NE is planned to be a Local street. Neither of these streets are defined as Primary streets under Section 533.005. Therefore, the MU-I portion of the project does not have frontage on a Primary street. This standard does not apply.

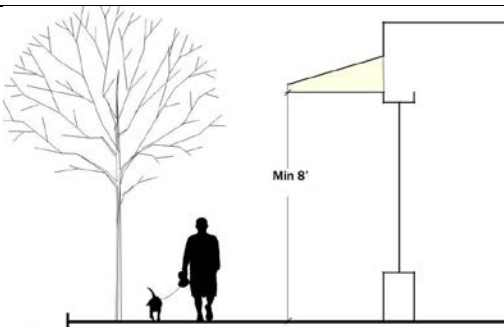
**FIGURE 533-6
ENTRANCE AT BUILDING CORNER**



Weather Protection

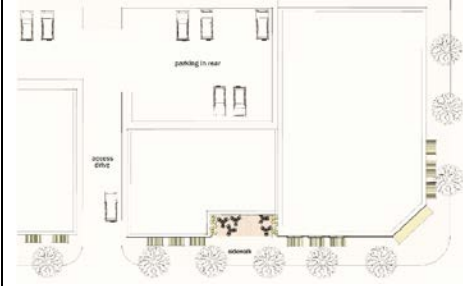
This standard applies to building ground floors adjacent to a street.	Min. 75%	(1)	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
		(2)	Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.

**FIGURE 533-7
WEATHER PROTECTION**




Response: The Preliminary Building Elevations and Floor Plans in Exhibit B show weather protection in the form of canopies provided along 75 percent of the length of the buildings fronting

Hazelgreen Road NE and Lunar Drive NE with a minimum 8 feet of vertical clearance. This standard is met.

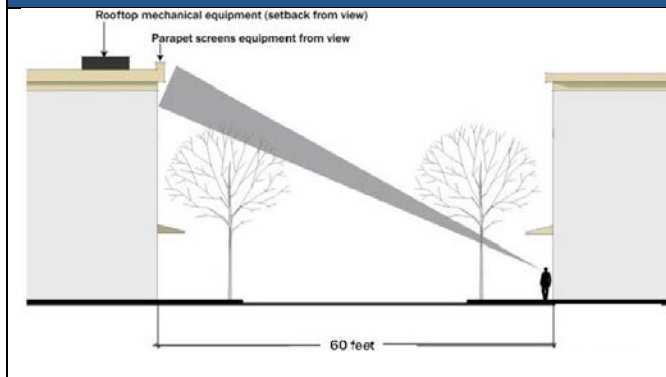
Parking Location		
This standard applies to off-street parking areas and vehicle maneuvering areas.	Required	Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street
FIGURE 533-8 OFF-STREET PARKING		
		

Response: The Preliminary Site Plans in Exhibit A shows that the off-street parking area in the MU-I zoning district will not be located between the buildings and the street. This standard is met.

Mechanical and Service Equipment			
This standard applies to mechanical and service equipment.	Required	(1)	Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.
		(2)	Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.
<p style="text-align: center;">FIGURE 533-9 GROUND-LEVEL MECHANICAL EQUIPMENT</p>			
			

Response: The location of ground-level mechanical equipment has not been determined, but it can be screened as necessary to comply with this standard. Compliance with this standard can be determined with building permits. This standard can be met.

FIGURE 533-10
ROOFTOP MECHANICAL EQUIPMENT



Response: The location of rooftop equipment has not been determined, but it can be screened as necessary to comply with this standard. Compliance with this standard can be determined with building permits. This standard can be met.

Chapter 702—Multiple Family Design Review Standards

Section 702.005—Multiple family design review

- (a) Except as provided under subsection (b) of this section, and unless otherwise provided in the UDC, design review under SRC chapter 225 is required for all multiple family development.
- (b) Exceptions. Multiple family design review is not required for:
 - (A) Cottage clusters, when allowed as a special use.
 - (B) Multiple family development within mixed-use building.
 - (C) Multiple family development within:
 - (i) The Central Business District (CB) Zone.
 - (ii) The South Waterfront Mixed-Use (SWMU) Zone.
 - (iii) A National Register Historic District.
 - (iv) The Public and Private Health Services (PH) Zone.
 - (v) The Mixed Use-I (MU-I) Zone.
 - (vi) The Mixed Use-II (MU-II) Zone.
 - (vii) The Mixed Use-Riverfront (MU-R) Zone.
 - (viii) The West Salem Central Business District (WSCB) Zone.

Response: Design review is not required for the portion of the development within the MU-I zoning district under Exception (C)(v) above; however, the multiple-family development within the RM-II zoning district does not qualify for any of the listed exceptions. Therefore, multiple-family design review applies to the RM-II-zoned portion of the site and responses are included below as applicable.

Section 702.010—Multiple family design review standards

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

- (a) Multiple family development with five to 12 dwelling units shall comply with the design review standards set forth in SRC 702.015 or the design review standards set forth in SRC 702.020.
- (b) Multiple family development with 13 or more dwelling units shall comply with the design review standards set forth in SRC 702.020.
- (c) The design review standards set forth in this chapter are in addition to, and not in lieu of, all other applicable development standards in the UDC. Where the design review standards conflict with the development standards in the UDC, the design review standards shall be the applicable development standard.

Response: The project involves multiple-family development consisting of 405 units. Forty-five of the planned units will be constructed on the MU-I portion of the site and are not subject to multifamily design review standards, as addressed above. Findings are included below that demonstrate that the planned development within the RM-II portion of the site complies with all applicable design standards for multiple-family development with over 13 dwelling units and, therefore, meets the approval criteria for a Class 1 Design Review.

(...)

Section 702.020—Design review standards for multiple family development with thirteen or more units

- (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.

Response: The portion of the site in the RM-II zoning district that is subject to multiple-family design review is ±598,188 square feet in area requiring 179,456 square feet of open space. As shown on the Preliminary Site Plans in Exhibit A, 234,394 square feet of the RM-II portion of the site is planned to be preserved as open space. This standard is met.

- (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
13 to 20	750 sq. ft.	25 ft.
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.

Response: The portion of the site in the RM-II zoning district is planned to contain 360 units. Therefore 1,000 square feet is required for the first 20 units and 4,250 square feet is required for the remaining 340 units ($340/20 = 17$, $17 \times 250 = 4,250$). This area is identified on the Preliminary Site Plans in Exhibit A. This standard is met.

- (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.

Response: None of the planned open space will be located on land with slopes greater than 25 percent. This standard is met.

- (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 Area Size and Dimensions		
Location of Dwelling Unit	Minimum Open Space Area Size	Minimum Dimension
Not more than 5 ft. above finished grade	96 sq. ft.	6 ft.
More than 5 ft. above finished grade	48 sq. ft.	6 ft.

Response: The project will include private open space for each dwelling unit meeting the size and dimension standards of this section, as shown on the Preliminary Building Elevations and Floor Plans included in Exhibit B. This criterion is met.

- (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.

Response: The project includes 360 dwelling units in the RM-II zoning district. Therefore, a minimum of 72 units ($360 \times 0.20 = 72$) is required to provide private open space to meet this standard. All of the ground-floor units include patios that are a minimum of 96 square feet in area, and all of the upper-story units include balconies that are 60 square feet in area to meet this standard. These patios are shown on the Preliminary Building Elevations and Floor Plans in Exhibit B. This standard is met.

- (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.

Response: Residents of this planned multifamily community will have access to the existing amenities available at Northplace Phase I, located ±600 feet southwest of the subject site. These amenities include a sports court, multiple children's play areas, a community recreation building, and a swimming pool. The site is also located directly adjacent to a ±45-acre future City park. Because of these existing and planned facilities, the site plan for this phase does not include specific recreation features that would contribute toward the minimum open space requirement.

(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.

Response: The project is directly adjacent to a property that is dedicated for a future City park in the public amusement zoning district to the west. Therefore, the required amount of open space (179,456 square feet) may be reduced by 50 percent, or 89,728 square feet, but the planned open space exceeds the required minimum without utilizing this reduction.

(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.

Response: The RM-II portion of the development site is 598,188 square feet in area requiring 300 trees to be planted or preserved. These trees are shown on the Preliminary Landscape Plan in Exhibit A.

(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

Response: The property abuts the RS zoning district to the south for ±450 linear feet, non-inclusive of the Lunar Drive NE ROW. An adjustment is included with this application to account for the 125-foot BPA transmission line easement crossing the property and the adjacent residential properties which prohibits the planting of trees within its boundaries in accordance with this standard.

(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 not be allowed to satisfy this standard.

Response: An adjustment is included with this application to account for the 125-foot BPA transmission line easement that crosses the southern property boundary and prohibits the construction of structures, including fencing, within its boundaries.

- (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.

Response: A minimum of two plant units are planned to be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units, for a total of 70 plant units, as shown on the Preliminary Landscape Plan in Exhibit A. This standard is met.

- (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.

Response: New trees are planned to be planted at a minimum density of 10 plant units per 60 linear feet of exterior building wall as shown on the Preliminary Landscape Plan in Exhibit A. This standard is met.

- (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.

Response: Shrubs are to be planted around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall as shown on the Preliminary Landscape Plan in Exhibit A. This standard is met.

- (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.

Response: The ground-level patios are planned to be separated from common open space with perimeter landscaping as shown on the Preliminary Landscape Plan in Exhibit A. This standard is met.

- (7) To provide protection from winter wind and summer sun and 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).

Response: One canopy tree shall be planted along every 50 feet of the perimeter of parking areas as shown on the Preliminary Landscape Plan in Exhibit A. A total of 148 perimeter trees are required along the parking area perimeter, and 236 trees are provided. This standard is met.

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

Response: Planter bays with a minimum of 9 feet in width are planned to be provided at a minimum spacing of one for every 12 spaces as shown on the Preliminary Landscape Plan in Exhibit A. One tree is provided for each planter bay, for a total of 65 parking bay trees. These criteria are met.

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

Response: This provision is understood.

- (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.

Response: The Preliminary Building Elevations and Floor Plans in Exhibit B show that windows are planned to be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths. This standard is met.

- (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.

Response: Lighting is planned to be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development. This standard is met.

- (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.

Response: Fences, walls, and plant materials are not planned to be installed between street-facing dwelling units and adjacent streets in locations that obstruct the visibility of dwelling unit entrances from the street. Refer to the Preliminary Site Plans in Exhibit A for more information. This standard is met.

- (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.

Response: Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways are planned to be limited to a maximum height of 3 feet as shown on the Preliminary Landscape Plan in Exhibit A. This standard is met.

- (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).

Response: As shown on the Preliminary Site Plans in Exhibit A, the parking areas are separated into areas less than 6,700 square feet in area with landscaped planter bays that are 9 feet in width. This standard is met.

- (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.

Response: As shown on the Preliminary Site Plans in Exhibit A, off-street surface parking areas are not planned to be located between a building and a street. This standard is met.

- (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.

Response: The development site abuts the RS zoning district to the south. However, the site is flat and the slope of the development site within 40 feet of the abutting RS-zoned property does not exceed 15 percent. This standard does not apply.

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

Response: Pedestrian pathways are planned with a minimum of 5 feet of width that connect to and between buildings, common open space, parking areas, and public sidewalks as shown on the Preliminary Site Plans in Exhibit A. This standard is met.

(e) Façade and building design.

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

Response: As shown on the scaled Preliminary Site Plans in Exhibit A and the Preliminary Exterior Building Elevations and Floor Plans included in Exhibit B, no buildings are planned with 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.

Table 702-5. Setbacks Abutting Property Zoned RA and RS	
Number of Building Stories	Minimum Setback
1	Min. 1 foot for each 1 foot of building height, but in no case less than 14 ft.
2 or more	Min. 1 foot for each 1 foot of building height, but in no case less than 20 ft.

Response: The site abuts property in the RS zoning district to the south. The Preliminary Building Elevations and Floor Plans in Exhibit B show that Building 26 will be 35 feet, 1.5 inches and Buildings 27 and 33 will be 34 feet, 2 inches in height, requiring a standard equivalent setback from the RS zoning district boundary. Building 33 will be located ±60 feet from

the property line in compliance with this standard, but Buildings 26 and 27 will require a Class 2 adjustment in accordance with SRC 250. Because there is a 125-foot BPA transmission line easement crossing the property and the adjacent residential properties, adequate separation in excess of this standard is provided on the site without requiring an additional ±35-foot setback. The purpose of this requirement is met.

- (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.

Response: The Applicant for this project is not planning to take advantage of this setback reduction. This provision is not relevant to the current proposal.

- (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.

Response: Fully sight-obscuring railings are planned for Buildings 26, 27, and 33 as shown on the Preliminary Building Elevations and Floor Plans in Exhibit B. 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 buildings placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.

Response: The site has ±234 feet of buildable width on Hazelgreen Road NE within the RM-II zoning district requiring ±93.6 feet ($234 \times 0.40 = 93.6$) of this frontage to be occupied by buildings at the setback line. As shown on the Preliminary Site Plans (Exhibit A), 206 feet of the Hazelgreen Road NE frontage is occupied by buildings placed at the setback line. The site has ±625 feet of buildable width on Lunar Drive NE within the RM-II zoning district. Where the street curves to connect with the existing street, the buildings have been oriented to comply with this standard to the extent practical. Although portions of the buildings are recessed in order to comply with the requirements of subsection (9) below, the entire width of the building is counted toward this standard because the building as a unit is placed at the setback line. This criterion is met.

- (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.

Response: Building entrances facing Hazelgreen Road NE and Lunar Drive NE in the RM-II zoning district are planned with direct pedestrian access to adjacent sidewalks as shown on the Preliminary Site Plans in Exhibit A. This standard is met.

- (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.

Response: The entrances to the ground-level dwelling units are planned to be architecturally defined as shown on the Preliminary Building Elevations and Floor Plans in Exhibit B. 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.

Response: The Applicant has not determined if roof-mounted mechanical equipment is necessary. If roof-mounted mechanical equipment is necessary, the necessary screening can be provided at the time of building permit. This standard can be met.

- (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)

Response: The Preliminary Building Elevations and Floor Plans in Exhibit B show that the planned roofs will be sloped and will include projected balconies for each unit, creating variation in the roofline for each façade. The buildings that exceed a horizontal length of 100 feet provide appropriately offset roof ridges. 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.

Response: All of the planned buildings include offsets, covered decks and balconies, and covered entrances that meet these requirements, as shown on the architectural drawings included in Exhibit B. This requirement is met.

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

Response: The planned buildings include horizontal molding distinguishing the first floor of the building from the upper stories. This requirement is met.

Chapter 800—General Development Standards

(...)

Section 800.050—Fences, walls, hedges, gates, and retaining walls.

Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC chapter 807, in addition to the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building lying at the greatest distance from the front property line.

(a) Location, height, and density. Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.

(1) Fences and walls.

(A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:

(i) Front yard abutting street. Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

(ii) Side and rear yards abutting street. Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.

(...)

Response: Fences are not planned to be more than 8 feet in height and won't be located along property lines adjacent to streets. This criterion is met.

(2) Hedges. There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.

Response: Hedges are not planned along property lines abutting streets. This criterion is met.

(3) Gates. Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.

Response: This project does not include gates as part of the planned fences. This standard does not apply.

(4) Retaining walls. Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.

Response: Retaining walls are not planned with this application. This standard does not apply.

-
- (b) Vision clearance. Notwithstanding any other provision of this section, fences, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC chapter 805.

Response: The planned fences will not conflict with the vision clearance requirements of SRC Chapter 805, as shown on the Preliminary Site Plans (Exhibit A). This criterion is met.

- (c) Material.

- (1) Fences. Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chain-link fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.
- (2) Walls. Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.

Response: The planned fences will be constructed of appropriate fencing material in accordance with these standards. This criterion is met.

(...)

Section 800.055—Solid waste service areas

Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.

- (a) Applicability. Solid waste service area design standards shall apply to:
- (1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and
 - (2) Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

Response: This application includes a solid waste service area for the planned multifamily homes. The enclosure will measure ±1,300 square feet in area and complies with the requirements of this section.

- (b) Solid waste receptacle placement standards. All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- (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 one foot beyond the sides and rear of the receptacle; and
 - (B) The pad area shall extend a minimum three 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.

Response: As shown on the Preliminary Site Plans included in Exhibit A, the solid waste receptacles are designed to have adequate paved area on all sides and don't include receptacles facing each other. This criterion is met.

(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 five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

Response: The planned receptacles do not include combustible walls, eave lines, or building structure openings. A minimum separation of 1.5 feet is provided between the receptacle and the side walls. These standards are met.

(3) Vertical clearance.

- (A) Receptacles two cubic yards or less. Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.
- (B) Receptacles greater than two cubic yards. Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:
 - (i) For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or
 - (ii) Where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

Response: This application does not include solid waste receptacles with overhead coverage and therefore, will provide unobstructed overhead clearance. This standard is met.

(c) Permanent drop box and compactor placement standards.

- (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.

Response: This application includes a trash compactor within an enclosure located on a concrete pad designed in compliance with these standards. This requirement is met.

(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.

Response: The solid waste service area is planned to be located on the east side of the site where it will not abut any streets or residentially zoned properties. Nonetheless, the area will be enclosed with a 6-foot-tall wall to provide screening from the planned residential buildings.

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

- (1) Front opening of enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.
- (2) Measures to prevent damage to enclosure.
 - (A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.
 - (B) 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.
 - (C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:
 - (i) A minimum distance of two feet from the sides of the container or receptacles; and
 - (ii) A minimum of three feet from the rear of the container or receptacles.

Response: The planned enclosure will be constructed in compliance with these standards.

- (3) Enclosure gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the

gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

- (4) Prohibited enclosures. Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:
 - (A) Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or
 - (B) Stored in a building or structure of a fire resistive Type I or Type IIA construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.

Response: The planned enclosure will be constructed in compliance with these standards.

- (f) Solid waste service area vehicle access.
 - (1) Vehicle operation area.
 - (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.
 - (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
 - (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
 - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
 - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.
 - (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
 - (D) Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
 - (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.
 - (2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.
 - (3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.

-
- (4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

Response: The planned enclosure will be constructed in compliance with these standards.

- (g) Notice to solid waste collection franchisee. Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.

Response: The franchisee notification requirements are understood.

Section 800.060—Exterior lighting

- (a) Exterior lighting shall not shine or reflect onto adjacent properties or cast glare onto the public right-of-way.
- (b) Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either:
- (1) Completely shielded from direct view; or
 - (2) No greater than five foot-candles in illumination.

Response: Exterior lighting is planned to be adequately shielded to prevent glare onto adjacent properties and/or ROWs in accordance with these standards. This requirement is met.

Chapter 802—Public Improvements

(...)

Section 802.010—Design standards and specifications.

The Director shall prepare and adopt by administrative rule design standards and specifications consistent with sound engineering principles for the construction, reconstruction, or repair of public improvements within areas under the City's jurisdiction. The design standards and specifications shall be kept on file in the office of the Director. All public improvements shall conform to the adopted design standards and specifications, and with any other adopted plans and policies adopted by the City.

Response: As addressed throughout this narrative, and as shown on the Preliminary Plans (Exhibit A), the public improvements included with this development application will be designed and constructed in conformance with the City's adopted design standards and specifications.

Section 802.015—Development to be served by city utilities.

Except as provided under SRC 802.035 and 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.

Response: As shown on the Preliminary Plans (Exhibit A) and as addressed in detail in the Urban Growth Preliminary Declaration Application responses, the development will be adequately served by City utilities.

Section 802.020—Easements.

Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.

Response: Easements are provided in accordance with this section, for City utilities and for access through the site, as shown on the Preliminary Plans (Exhibit A). The planned easements comply with these provisions where possible and will not contain buildings or other obstructions.

Section 802.025—Utilities to be placed underground.

- (a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.
- (b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.
- (c) Stormwater management shall be provided by above ground and below ground facilities.

(...)

Response: The planned utilities, with the exception of stormwater management facilities, will be placed underground.

Chapter 803—Streets and Right-of-Way Improvements

(...)

Section 803.015—Traffic impact analysis.

- (a) **Purpose.** The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.
- (b) **Applicability.** An applicant shall provide a traffic impact analysis if one of the following conditions exists:
 - (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.
 - (2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.
 - (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.

Response: This application includes development that is anticipated to generate more than 1,000 daily vehicle trips onto a Parkway; therefore, a TIA is required and included with this application as Exhibit K. The annexation of the site included a condition that the transportation impacts of the site be limited to a maximum cumulative total of 2,992

average daily vehicle trips. The TIA confirms that this development will result in the addition of 2,680 average weekday trips; this is below the conditioned trip cap.

- (c) Improvements may be required. On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.

Response: The on-site and off-site improvements included with this development proposal are shown on the Preliminary Site Plans (Exhibit A) and include the dedication of ROW and construction of a half-street improvement along the frontage of Hazelgreen Road NE to Parkway street standards as specified in the City of Salem Street Design Standards. The planned improvements also include the dedication of a ROW for Lunar Drive NE along the western property line as well as the improvement of the street to Local street standards. The Applicant plans to construct the southbound lane of Lunar Drive NE on the City's property to provide adequate vehicular access to the site and anticipates a reimbursement for those portions of Lunar Drive NE that exceed the standard three-quarter street improvement obligation. This standard is met.

- (d) Exception. An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.

Response: An exception to the TIA requirement is not requested with this application.

(...)

Section 803.030—Street spacing.

- (a) Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of-way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.

(...)

Response: The street spacing requirements of this chapter pertain to development applications that include the division of land or other situations where internal streets are a requirement of development approval. The criteria for the application types included in this review do not include a requirement that the development provide public streets that conform to the street spacing standards and other requirements of this section. Nonetheless, a public easement is provided through the site to allow access between the RV storage site to the east and the future City park to the west.

Chapter 804—Driveway Approaches

(...)

Section 804.010—Applicability

This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.

Section 804.0015—Driveway approach permit required.

-
- (a) Except as otherwise provided in this chapter, a driveway approach permit shall be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.
 - (b) Exceptions. A driveway approach permit is not required for:
 - (1) The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or
 - (2) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.

(...)

Response: This application includes the construction of two new driveway approaches onto Lunar Drive NE. The northern driveway approach will provide access directly to the planned multifamily homes and the southern approach will be included as part of the public access easement bisecting the site that will allow for east-west pedestrian connectivity.

Section 804.025—Class 2 driveway approach permit.

- (a) Required. A Class 2 driveway approach permit is required for:
 - (1) A driveway approach onto a local, collector, minor arterial, major arterial, or parkway street providing access to a use other than single family, two family, three family, or four family;
 - (2) Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.
- (b) Procedure type. A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.

Response: This application includes a Class 2 driveway approach permit to allow the construction of two driveway access locations onto a local street (Lunar Drive NE) to serve a multifamily development. Therefore, a Class 2 driveway approach permit is required and is included in this Type II consolidated land use application.

- (c) Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:
 - (1) A completed application form.
 - (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
 - (A) The location and dimensions of the proposed driveway approach;
 - (B) The relationship to nearest street intersection and adjacent driveway approaches;
 - (C) Topographic conditions;
 - (D) The location of all utilities;
 - (E) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and

(G) The location of any street trees adjacent to the location of the proposed driveway approach.

(3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.

(4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.

Response: This application includes the applicable forms, plans, written narrative, and supporting exhibits. These standards are met.

(d) **Criteria. A Class 2 driveway approach permit shall be granted if:**

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

Response: As shown on the Preliminary Site Plans (Exhibit A), the proposed driveway approaches meet the standards of this chapter as well as the adopted Public Works Design Standards. This criterion is met.

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

Response: As shown on the Preliminary Site Plans (Exhibit A), there are no site conditions that would preclude the development of driveway approaches at the planned locations. This criterion is met.

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

Response: As shown on the Preliminary Site Plans (Exhibit A), the proposed driveway approaches will provide access to the site via Lunar Drive NE, which is classified as a Local street. No approaches onto Arterial streets are planned. This criterion is met.

(4) The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

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

Response: The project has frontage on Hazelgreen Road NE, which is classified as a Parkway and will have frontage on the extension of Lunar Drive NE, which is planned to abut the subject site along the western property line. Both planned driveway approaches will provide access to the site directly from Lunar Drive NE, which is classified as a Local street; therefore, this criterion is met.

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

Response: The proposed driveway approaches provide vision clearance areas with 10-foot legs along the driveways and 50-foot legs along the intersecting street (Lunar Drive NE), as required by the SRC Chapter 805. This criterion is met.

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

Response: The proposed driveways are compliant with the adopted Public Works Design Standards and the requirements of this code. The TIA in Exhibit K also examined the operational

characteristics of the planned driveway approaches and concluded that the driveway approaches will not create traffic safety hazards and will provide for safe turning movements and access. This standard is met.

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

Response: The TIA in Exhibit K examined the planned driveway approaches and determined that they will have no adverse impact to the vicinity. This standard is met.

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

Response: The TIA in Exhibit K examined the planned driveway approaches and determined that the approaches will not impact the functionality of adjacent streets and intersections. This standard is met.

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

Response: This criterion includes subjective and value-laden language (e.g. “balances the adverse impacts to... the functionality of adjacent streets”) that runs afoul of ORS 197.307(4). For this reason, the City must omit this criterion from the decision in this matter.

Nonetheless, the Preliminary Site Plans (Exhibit A) and TIA (Exhibit K) show that the planned driveway approach locations are not anticipated to cause significant adverse impacts to adjacent property or street functionality. This criterion is met.

Section 804.030—Access onto local and collector streets

- (a) Number of driveway approaches. Except as otherwise provided in this chapter, a lot or parcel is entitled to one driveway approach onto a local or collector street. Additional driveway approaches from a single family, two family, three family, or four family use onto a local or collector street may be allowed through Class 1 driveway permit approval.

Response: This application includes two driveway approaches onto a Local street (Lunar Drive NE), one of which also serves as a public access route through the site. This is the minimum number of approaches necessary to provide for safe ingress and egress and emergency vehicle circulation, and it is necessary for the development of the site as shown on the Preliminary Site Plans (Exhibit A).

- (b) Permitted access.

- (1) Driveway approaches onto local and collector streets shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.
- (2) No access shall be provided onto a local or collector street from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.

Response: The driveway approaches included in this application will provide access to appropriate parking areas within the development site. This application does not include new single-family, two-family, three-family, or four-family uses. This requirement is met.

- (c) Spacing. Driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials or minor arterials, measured from centerline to centerline.

Response: This application does not include driveway approaches providing direct access to a Collector street. Nonetheless, the approaches will be located more than 200 feet from the intersection of Lunar Drive NE (local street) with Hazelgreen Road NE (parkway).

- (d) Vision clearance. Driveway approaches onto local and collector streets shall comply with the vision clearance requirements set forth in SRC chapter 805.

(...)

Response: The applicable vision clearance standards are addressed below.

Section 804.050—Driveway approach development standards.

Driveway approaches shall conform to the following development standards:

- (a) Design and construction. Driveway approaches shall be designed and constructed in conformance with this chapter and the Public Works Design Standards.

Response: As shown on the Preliminary Site Plans (Exhibit A), the proposed driveway approaches meet the standards of this chapter as well as the adopted Public Works Design Standards. This criterion is met.

- (b) Width.

(...)

- (2) Driveway approach width for uses other than single family, two family, three family, and four family . Driveway approaches serving uses other than single family, two family, three family, and four family shall conform to the minimum and maximum widths set forth in Table 804-2.

TABLE 804-2. DRIVEWAY APPROACH WIDTH FOR USES OTHER THAN SINGLE FAMILY, TWO FAMILY, THREE FAMILY, OR FOUR FAMILY		
Type of Driveway	Width	
	Minimum	Maximum
One-way driveway approach	12 ft.	20 ft.
Two-way driveway approach	22 ft.	40 ft.

- (3) Measurement. For purposes of this subsection, driveway approach width shall be determined by measurement of the paved surface of the driveway at the property line.

Response: Both driveway approaches are planned to provide two-way access to the site and will measure 26 feet in paved surface width at the property line after the dedication of ROW necessary to construct the required extension of Lunar Drive NE.

(...)

Chapter 805—Vision Clearance

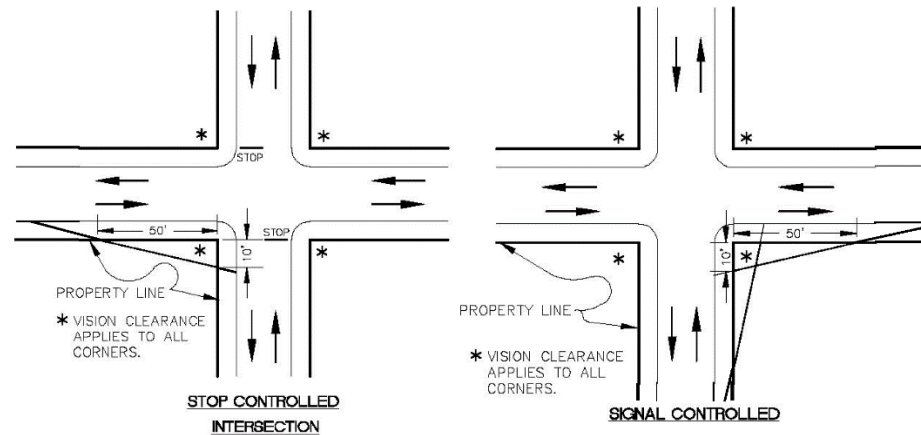
Section 805.005—Vision clearance areas.

Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone. Chapter 806—Off-Street Parking, Loading, and Driveways.

- (a) Street intersections. Vision clearance areas at street intersections shall comply with the following:

(...)

- (2) **Controlled intersections.** At controlled intersections, the vision clearance area shall have a ten-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).



(...)

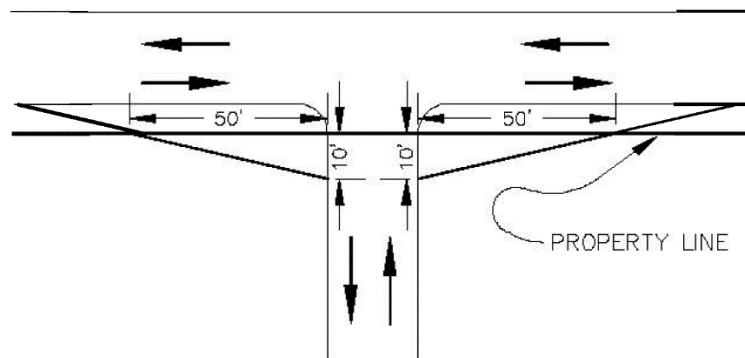
Response: The intersection of Lunar Drive NE with Hazelgreen Road NE is designed in compliance with the applicable vision clearance standards as shown in the Preliminary Site Plans (Exhibit A). This criterion is met.

- (b) **Intersections with driveways, flag lot accessways, and alleys.** Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:

- (1) **Driveways.**

(...)

- (B) **Driveways serving uses other than single family and two family.** Driveways serving uses other than single family and two family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).



(...)

Response: The planned driveway approaches are designed in compliance with the applicable vision clearance standards as shown in the Preliminary Site Plans (Exhibit A). This criterion is met.

Chapter 806—Off-Street Parking, Loading and Driveways

Section 806.001—Purpose

The purpose of this chapter is to establish standards for off-street parking and vehicle use areas, bicycle parking, loading areas, and driveways.

Response: As adopted by Ordinance No. 4-23, the off-street parking minimums previously provided in Section 806 of this code are no longer applicable to new development within the City of Salem. The amended Section 806, and applicable responses, are included below.

Section 806.015—Amount off-street parking

(a) Maximum off-street parking.

- (1) Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.

Table 806-1. Maximum Off-Street Parking	
Use	Maximum Number of Spaces Allowed
Multiple Family (Studio Units)	1.2 per dwelling unit
Multiple Family (All other Dwelling Units)	1.75 per dwelling unit

Response: The project involves 405 new multiple-family homes, including 24 studio units. The maximum number of parking spaces allowed for this development is 695. There are 560 total spaces planned; therefore, the amount of parking is below the maximum number of parking spaces allowed under this chapter. This standard is met.

- (b) Compact parking. Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.

Response: Of the 560 parking spaces provided on the site, 13 spaces (less than 3 percent of the total provided) are planned to be compact parking spaces. This criterion is met.

- (c) Carpool and vanpool parking. New developments with 60 or more off-street parking spaces and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

Response: This application does not include a new development falling within the public services, industrial use, or business and professional services use categories. This criterion is not applicable.

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

Response: This application includes 560 parking spaces. Forty percent of the spaces are planned to meet the electric vehicle (EV) requirements of this section. The specific EV-capable spaces will be determined prior to building permit submittal. This criterion is met.

(...)

Section 806.035—Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

- (a) General applicability. The off-street parking and vehicle use area development standards set forth in this section shall apply to:
- (1) The development of new off-street parking and vehicle use areas;
 - (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
 - (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 - (4) The paving of an unpaved area.

Response: The project involves new parking areas to serve multiple-family use. The provisions of this section apply.

- (b) Location.
- (1) Generally. Off-street parking and vehicle use areas shall not be located within required setbacks.

Response: Previous responses in this narrative discuss how the applicable setback requirements in the MU-I and RM-II zoning districts are met. These responses are supported with the information shown on the Preliminary Site Plans in Exhibit A. This standard is met.

- (2) Carpool and vanpool parking. Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.

Response: The project does not involve employment uses subject to the carpool and vanpool requirements for employee parking areas. This standard does not apply.

- (3) Underground parking. Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.

Response: The project does not involve underground parking. This standard does not apply.

- (c) Perimeter setbacks and landscaping.
- (1) Perimeter setbacks and landscaping, generally.
 - (A) Perimeter setbacks. Perimeter setbacks, as set forth in this subsection, 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. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:
 - (i) Off-street parking and vehicle use areas abutting an alley.

-
- (ii) Vehicle storage areas within the IG zone.
 - (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (iv) Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (v) Underground parking.
 - (B) Perimeter landscaping. Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.

Response: The portion of the site within the RM-II zoning district is subject to the multiple-family design standards provided in Chapter 702 of the SRC. Therefore, the RM-II portion of the site is exempt from the landscaping requirements of this section per SRC 702.020 (b)(8). Therefore, the landscaping requirements under this section apply only to the MU-I portion of the site and responses to the applicable sections are provided.

- (2) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.

(...)

Response: As shown on the Preliminary Site Plans in Exhibit A, the parking and vehicle use areas within the MU-I zoning district are not located adjacent to the streets. Therefore, the perimeter setbacks and landscaping requirements are not applicable to the MU-I portion of the site. The multiple-family development on the RM-II portion of the site is subject to multiple-family design review and is therefore exempt from these standards under SRC 702.020 (b)(8). The perimeter setback and landscape standards do not apply.

- (3) Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Response: As shown on the Preliminary Landscaping Plan in Exhibit A, the parking and vehicle use areas within the MU-I zoning district are set back a minimum of 5 feet from the property line and landscaped according to the standards of Chapter 807. This requirement is met.

- (4) Setback adjacent to buildings and structures. Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

Response: As shown on the Preliminary Landscaping Plan in Exhibit A, the off-street parking areas located adjacent to buildings within the MU-I zoning district are planned to be set back from the planned buildings in accordance with these standards.

- (5) Perimeter setbacks and landscaping for parking garages. Perimeter setbacks and landscaping as set forth in subsection (c) of this section shall be required for parking garages; provided, however, perimeter setbacks and landscaping are not required for:
 - (A) Any portion of a parking garage with frontage on a street and containing ground floor uses or activities other than parking.
 - (B) Any parking garage within an industrial zone, public zone, or commercial zone, other than a CO zone, that abuts an interior front, side, or rear property line where there is no required building setback.
 - (C) Any parking garage abutting an alley.

Response: The project does not include parking garages. This standard does not apply.

- (d) Interior landscaping.
 - (1) Interior landscaping, generally. Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:
 - (A) Vehicle storage areas.
 - (B) Vehicle display areas.
 - (C) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
 - (D) Gravel off-street parking areas, approved through a conditional use permit.
 - (E) Underground parking.
 - (F) Parking garages.
 - (2) Minimum percentage of interior landscaping required. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

Table 806-4 Interior Off-Street Parking Area Landscaping	
Total Interior Area of Off-Street Parking Area	Percentage Required to be Landscaped
Less than 50,000 square feet	Minimum 5%
50,000 square feet and greater	Minimum 8%

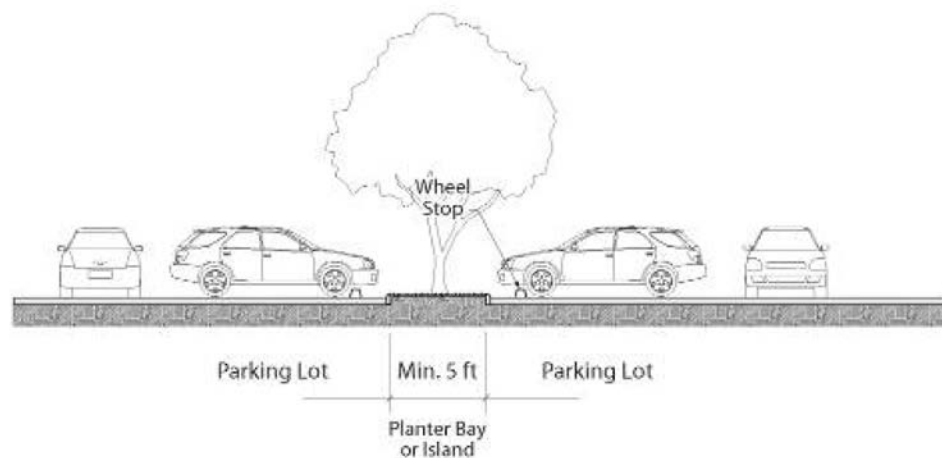
Response: The parking area in the MU-I zoning district is less than 50,000 square feet. A minimum of 5 percent of this area is planned to be landscaped as shown on the Preliminary Landscape Plan in Exhibit A.

- (3) **Trees.** A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.

Response: A minimum of one deciduous shade tree is planned to be planted for every 12 parking spaces within the off-street parking area in the MU-I zoning district as shown on the Preliminary Landscape Plan in Exhibit A.

- (4) **Landscape islands and planter bays.** Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).

FIGURE 806-7. INTERIOR LANDSCAPING



Response: The landscape islands and planter bays are planned with a minimum planting area of 25 square feet, and a minimum width of 5 feet as shown on the Preliminary Site Plans in Exhibit A. This standard is met.

- (c) **Off-street parking area dimensions.** Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6; provided, however, minimum off-street parking area dimensions shall not apply to:

- (1) Vehicle storage areas.
- (2) Vehicle display areas.

(...)

Response: The Preliminary Site Plans in Exhibit A and the table below show that the planned off-street parking areas are designed to conform with the minimum dimensions set forth in Table 806-6. This standard is met.

Table 6: Planned Parking Dimensions

	Parking Angle	Type of Space	Stall Width	Stall to Curb	Aisle Width	Curb Length	Front of Stall to Front of Stall
Minimum Required	-	Compact	8 feet	15 feet	22 feet	8 feet	54 feet
		Standard	9 feet	19 feet	24 feet	9 feet	62 feet
Planned Dimensions	90%	Compact	8.5 feet	15 feet	26 feet	8.5 feet	56 feet
		Standard	9 feet	19 feet	26 feet	9 feet	64 feet

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

Unless otherwise provided under the UDC, driveways for uses or activities other than single family, two family, three family, or four family shall be developed and maintained as provided in this section.

- (a) Access. Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC chapter 804.
- (b) Location. Driveways shall not be located within required setbacks except where:
 - (1) The driveway provides direct access to the street, alley, or abutting property.
 - (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.

Response: The driveways shown on the Preliminary Site Plans in Exhibit A provide direct access to Lunar Drive NE. This standard is met.

- (c) Setbacks and landscaping.
 - (1) Perimeter setbacks and landscaping, generally. Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:
 - (A) The driveway provides direct access to the street, alley, or abutting property.
 - (B) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.
 - (2) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).
 - (3) Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Response: The planned driveways provide direct access to Lunar Drive NE. Perimeter setbacks and landscaping under this section are not required.

- (d) Dimensions. Driveways shall conform to the minimum width set forth in Table 806-8

Response: The driveways are planned to accommodate two-way traffic with a width that exceeds the 22-foot minimum requirement in Table 806-8. This standard is met.

- (e) **Surfacing.** All driveways, other than access roads required by the Public Works Design Standards to provide access to City utilities, shall be paved with a hard surface material meeting the Public Works Design Standards. Access roads required by the Public Works Design Standards to provide access to City utilities shall be an all-weather surface material meeting the Public Works Design Standards; provided, however, the first ten feet of the access road leading into the property, as measured from the property line, shall be paved with a hard surface material.

Response: The driveways are planned to be paved with hard-surface material according to Public Works Design Standards. This standard is met.

- (f) **Drainage.** Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

Response: The driveways are planned to be designed, graded, and drained according to Public Works Design Standards. This standard is met.

- (g) **"No Parking" signs.** Driveways shall be posted with one "no parking" sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.

(...)

Response: The driveways are not planned to exceed 60 feet in length. "No Parking" signs are not necessary.

Section 806.055—Amount of bicycle parking.

- (a) **Minimum required 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.

Table 806-8 Bicycle Parking		
Use	Minimum Number of Spaces Required	Maximum Percentage of Long-Term Spaces Allowed
Multiple Family	1 space per dwelling unit	100%

- (b) **Long-term bicycle parking.** Long-term bicycle parking may be provided to satisfy a percentage of the minimum bicycle parking spaces required under this chapter. Such long-term bicycle parking shall not exceed the amounts set forth in Table 806-8. The maximum percentage of long-term bicycle parking allowed is based solely on the minimum number of bicycle parking spaces required. This standard shall not be construed to prohibit the provision of additional long-term bicycle parking spaces provided the minimum number of required spaces is met. (Example: A restaurant requiring a minimum of four bicycle parking spaces may, but is not required to, designate one of the required spaces as a long-term space. Additional short-term and long-term spaces may be provided as long as the minimum required three short-term spaces are maintained).

Response: The project involves 405 multiple-family homes requiring 405 bicycle parking spaces. In addition to the bike racks shown on the preliminary site layout, sufficient space is provided on the balcony or patio of each unit to allow for bike parking if desired. There are 48 short-term and 405 long-term bicycle parking spaces provided. This standard is met.

Section 806.060—Bicycle parking development standards.

Unless otherwise provided under the UDC, bicycle parking shall be developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

(a) Location.

- (1) Short-term bicycle parking. Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.

Response: Short-term bicycle parking racks are planned to be provided outside some of the buildings in accordance with this requirement as shown on the Preliminary Site Plans in Exhibit A. This standard is met.

(2) Long-term bicycle parking.

(A) Generally. Long-term bicycle parking shall be located:

- (i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or
- (ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.

(B) Long-term bicycle parking for residential uses. Long-term bicycle parking spaces for residential uses shall be located within:

- (i) A residential dwelling unit;
- (ii) A lockable garage;
- (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
- (iv) A lockable bicycle enclosure; or
- (v) A bicycle locker.

(...)

Response: Long-term bicycle parking is planned to be provided within each of the units on the planned patios and balconies. This standard is met.

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

Response: Long-term bicycle parking is planned to be provided inside the units or buildings as shown on the Preliminary Building Elevations and Floor Plans in Exhibit B, with direct access to the primary building entrances. Short-term bicycle parking will be provided outside of buildings with direct and accessible access to public rights of way and building entrances. This standard is met.

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

- (1) Bicycle parking spaces. Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.

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

(...)

Response: The bicycle parking areas are planned to meet the dimensional requirements as shown on the Preliminary Building Elevations and Floor Plans in Exhibit B. This standard is met.

Section 806.075—Amount of off-street loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-10.

Table 806-10. Minimum Off-Street Loading; Dimensions						
Use Category/Use	Minimum Number of Spaces Required ⁽¹⁾		Dimensions			Limitations & Qualifications
			Width	Length	Height	
Multiple family	3	200 or more dwelling units	12 feet	19 feet	12 feet	If a recreational or service building is provided, at least 1 of the required loading spaces shall be located in conjunction with the recreational or service building.

(...)

Response: The project includes 405 multiple-family dwelling units requiring three loading spaces. These spaces are provided in accordance with the required minimum dimensions as shown on the Preliminary Site Plans in Exhibit A. This standard is met.

Chapter 807—Landscaping and Screening

(...)

Section 807.015—Landscaping and Screening

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.

- (a) Landscaping types. Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

Table 807-1. Landscaping Types		
Landscaping Type	Required Plant Units (PU)	Required Screening
A	Min. 1 PU per 20 sq. ft. of landscaped area	None
B	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence, wall, or hedge
C	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence or wall
D	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall sight-obscuring landscaping or wall
E	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall wall

- (b) Plant materials and corresponding plant unit values. Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. 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 shall provide for a minimum 75 percent coverage of required landscaped areas within five years.

Table 807-2. Plant Materials and Minimum Plan Unit Values		
Plant Material	Plant Unit (PU) Value	Size at Planting
1 mature tree	15 PU	
1 shade tree	10 PU	1.5 in. to 2 in. caliper
1 evergreen/conifer tree	5 PU	6 ft. to 8 ft. height
1 ornamental tree	2 PU	1 in. to 1.5 in. caliper
1 large deciduous or evergreen shrub (at maturity: over 4 ft. wide; 4 ft. high)	2 PU	Min. 3 gallon or balled and burlapped
1 small to medium shrub (at maturity: maximum 4 ft. wide; 4 ft. high)	1 PU	Min. 1 gallon
Lawn or other ground cover	1 PU per 50 sq. ft.	

Response: Type C landscaping is required within the RM-II zoning district setbacks where buildings and accessory structures are located abutting Residential, Public, and Industrial zoning districts. Type A landscaping is required in other setbacks and vehicle use areas per SRC 806. The landscaping plans included in Exhibit A show how these minimum plant unit and screening requirements are met.

- (c) **Preservation of existing trees and vegetation.** The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.

Response: This application does not include the preservation of existing vegetation for the purpose of satisfying the minimum landscaping requirements of this chapter.

- (d) **Tree replanting requirements.** 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, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.
 - (1) **Removal of trees within required setbacks.** When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.
 - (2) **Removal of trees from development site.** When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Response: This application does not include the removal of existing trees. These requirements are not applicable.

- (e) **Screening standards.** Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:
 - (1) **Height.** Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.

-
- (2) Opacity. Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.
 - (3) Maintenance. Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.

Response: The required screening included with this application will be designed and maintained in accordance with these standards. This criterion is met.

- (f) Berm. Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.

Response: This application does not include berms to meet the screening requirements of this chapter. This standard is not applicable.

- (g) Street trees. Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

Response: The street trees shown on the Preliminary Landscaping Plan included in Exhibit A are designed to meet the standards of SRC Chapter 86, including the requirements for planting trees on City property. This requirement is met.

Section 807.020—Landscaping plan and landscaping permit.

- (a) Landscaping plan. A landscaping plan is required for all building permit applications for development subject to the landscaping requirements of this chapter and all landscaping permit applications required under subsection (b) of this section.

Landscaping plans shall be of a size and form established by the Planning Administrator, and shall include the following:

- (1) Scale and north arrow.
- (2) Lot dimensions and footprint of structure(s).
- (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.
- (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.
- (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.
- (6) Fence or wall materials, when screening is required under the UDC.
- (7) Abutting land uses.
- (8) The type, size, and location of:

-
- (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.
 - (B) Existing trees, as defined under SRC chapter 808, proposed for removal.

Response: The Preliminary Landscaping Plan included in Exhibit A includes the above information. This criterion is met.

- (9) Notwithstanding subsection (b)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.

Response: The subject site is not heavily wooded. This requirement is not applicable.

- (10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.

Response: As noted on the Landscape Plan included in Exhibit A, the contractor will provide a final irrigation plan identifying the above components prior to installation.

- (11) A two-year plant establishment schedule for:
 - (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or
 - (B) New vegetation located within stormwater facilities.

Response: The Preliminary Landscaping Plan included in Exhibit A includes an establishment schedule for the vegetation located within planned stormwater facilities. Drought-resistant vegetation is not planned for this development. This criterion is met.

- (b) Landscaping Permit
 - (1) Applicability. When development subject to the landscaping requirements is this chapter requires site plan review, but a building permit application is not otherwise required, a landscaping permit as provided in this subsection shall be required.
 - (...)

Response: This application does not include development subject to site plan review where a building permit is not otherwise required. This section is not applicable.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Salem Unified Development Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this consolidated Class 3 Site Plan Review, Class 1 Design Review, Class 1 and 2 Adjustments, Class 2 Driveway Approach Permit, Urban Growth Preliminary Declaration, and Property Line Adjustment application.

Exhibit A: Preliminary Plans

Exhibit B: Preliminary Building Elevations and Floor Plans

Exhibit C: Trip Generation Estimate Form

Exhibit D: Preliminary Title Report

Exhibit E: Chain of Title

Exhibit F: Pre-Application Written Summary

Exhibit G: Neighborhood Association and Salem-Keizer Transit District Contact

Exhibit H: Preliminary Stormwater Report

Exhibit I: Draft Property Line Adjustment Deeds

Exhibit J: Geotechnical Investigation Report

Exhibit K: Traffic Impact Analysis
