

December 28, 2023

Aaron Panko, Planner III
Salem Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301



RE: Applicant's Response to Incomplete Letter for 23-121805-PLN; 4650-4680 Hazelgreen Road NE

Mr. Panko,

Thank you for providing a thorough response to our initial application for a consolidated Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, Class 2 Adjustment, Class 1 Adjustment, Class 1 Design Review, and Property Line Adjustment to permit the development of 405 multifamily residential homes on the subject site. The City of Salem Planning Review Checklist, dated November 22, 2023, is included with this response as Attachment A. This letter includes complete responses to those items outlined in your November 22 letter, and it is our hope that these supplemental responses and materials will aid in your review and decision on the application.

Planning Review Completeness Comments

Item: Class 2 Driveway Approach Permits (5) and Adjustments

Staff Comment: The applicant paid for two driveway approach permits where five new driveway approaches are shown on the plans. The applicant shall update their written statement and shall pay the applicable fee for all driveway approaches serving the new development. NOTE: If the applicant removes the 10-foot-wide approach, discussed below, only 4 driveway approach permits would be needed.

Response: The 10-foot-wide approach is intended to provide access to the community maintenance building for small maintenance vehicles. As addressed below, the access to this maintenance building has been relocated to allow access from the parking lot, rather than directly from Lunar Drive NE.

SRC 804.030 specifies that *"Except as otherwise provided in this chapter, a lot or parcel is entitled to one driveway approach onto a local or collector street."* The assumption at the time of application submittal was that one driveway approach would be allowed outright on each side of Lunar Drive NE, and only the remaining two approaches would be required to obtain the required Class 2 Driveway Approach permits. Based on the information provided in the City's completeness response letter, it is our understanding that all four driveway approaches will be subject to Class 2 Driveway Approach Permit review, and as such, the Applicant will include payment for two additional Driveway Approach Permits in conjunction with this completeness response.

Item: *Driveway Approach Adjustments*

Staff Comment: *The applicant shows a 10-foot-wide approach serving a single building. It is unclear based on the information submitted what the use of this building is. SRC 806.035(f) restricts back-out parking into the street for commercial uses. It does not appear that adequate maneuvering space is provided on-site to ensure vehicles will not back-out into the street. In addition, the driveway approach does not meet minimum width standards in SRC 804.050(b)(2) for one-way or two-way traffic. The applicant should indicate whether or not they are requesting adjustments to these standards. Staff is not supportive of adjustments to SRC 806.035(f) and SRC 804.050(b)(2) for the proposed 10-foot-wide approach.*

Response: The 10-foot-wide approach is intended to provide small vehicles, such as golf carts and lawn mowers, access to the community maintenance building. Rather than requesting an adjustment for this approach location, the Applicant has revised the Preliminary Site Plan (Attachment B) to provide access to the maintenance building from the parking lot instead of from Lunar Drive NE.

Item: *Draft PLA Deeds*

Staff Comment: *The draft PLA deeds submitted do not meet the form approved by the PW Director; specifically, they should include legal descriptions of the adjusted properties and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor. The City of Salem approved PLA Deed Template is attached for reference.*

Response: The revised PLA deeds included in Attachment C have been updated to include the stamped version of the legal descriptions prepared by an Oregon-registered Professional Land Surveyor.

Item: *Tentative PLA Plan*

Staff Comment: *The tentative site plan does not comply with SRC 205.055(c), the following items are missing: The dimensions and areas of the units of land before and after the proposed property line adjustment.*

Response: The revised Existing Conditions Plan, included in Attachment B, has been updated to include the dimensions and areas of both units of land prior to the proposed property line adjustment.

Planning Review Approval Recommendations

Item: *RM-II (Multi-Family Residential) Zone Development Standards—SRC Chapter 514*

Staff Comment: *SRC 514.010(d), Tables 514-4 and 514-5 require a minimum 15-foot-wide vehicle use area setback adjacent to industrial zoned land and a 10-foot-wide vehicle use area setback adjacent to public zoned land. The proposed site plan shows a vehicle maneuvering area encroaching into required setbacks in two areas. SRC 514.010(d), Table 514-4 provides that the minimum setback for a vehicle use area abutting a street is 12 feet. The proposed off-street parking area serving building 33 encroaches into the minimum setback.*

Response: As shown on the revised Preliminary Site Plan (Attachment B), the vehicle maneuvering areas have been adjusted to comply with the minimum zone-to-zone setback requirements in the two locations where street stubs encroached onto the setbacks specified in SRC 514.010(d). For the off-street parking area encroachment associated with Building 33, an adjustment to the 12-foot street setback is requested per SRC 250. The criteria for approving such an adjustment are addressed below.

SRC Sec. 250.005.- Adjustments.

(a) Applicability.

(1) Classes.

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

Response: This requested adjustment will modify the vehicle use area setback to ±6.2 feet rather than 12 feet, which is typically required in the RM-II zoning district. This adjustment will decrease the standard by ±48.3 percent and will therefore constitute a Class 2 adjustment.

(...)

(d) Criteria.

(...)

- (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: The primary purpose of the 12-foot vehicle use area setback is to reduce the appearance of large expanses of parking directly adjacent to the street for aesthetic and functional purposes. In this case, only one parking space will be located within the setback area, and due to the curvature of the street, only one corner of the parking space will be impacted. This adjustment is necessary to accommodate the unconventional street curvature without compromising the 10-foot setback adjacent to the park property or the appearance of the affected parking area in relation to the street. The resultant layout does not create an appearance of a large expanse of parking located directly adjacent to the street, so the purpose is therefore equally met by the proposed development. 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: This adjustment will allow the development to include one parking space per unit (12) adjacent to building 33 without compromising the appearance or safety of the site. As addressed above, the curvature of Lunar Drive NE at this location results in an unconventionally shaped area that doesn't naturally accommodate a conventional parking area configuration. This adjustment will not affect the appearance of the site and will enhance the livability of the multifamily community by accommodating vehicle parking for future residents. This criterion is met.

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

Response: The adjustments requested with this application seek flexibility to setbacks and minor landscaping adjustments. When taken as a whole, these adjustments do not conflict with the stated purpose of the RM-II or MU-I zoning districts. This criterion is met.

Item: *MU-I (Mixed Use- I) Zone Development Standards—SRC Chapter 533*

Staff Comment: SRC 533.015(c), Table 533-3 provides that the setback requirement abutting a street is 0-10 feet, and specific for multi-family residential the setback requirement is 5-10 feet. Portions of the exterior walls of proposed buildings 3, 4 and 5 are setback greater than 10 feet where abutting Hazelgreen Road NE and Lunar Drive NE. Please revise the site plan to show compliance with the setback requirement or request an Adjustment(s) to increase the maximum setback allowance for these buildings.

Response: Portions of buildings 3, 4, and 5 are set back more than 10 feet from Hazelgreen Road NE in order to comply with the building articulation standards of SRC 702.020(e)(9) as well as SRC Section 802.020, which prohibits buildings, structures, and other obstructions from being located within public easements. A Class 2 adjustment is required and the criteria for approving such an adjustment are addressed below.

SRC Sec. 250.005.- Adjustments.

(a) **Applicability.**

(1) **Classes.**

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

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

Response: This adjustment will result in some portions of buildings 3 and 4 being located at the 10-foot setback line, with portions of the building offsets located from 2.5 to 6.5 feet behind the setback line. Because this adjustment includes up to a 65% percent deviation from the maximum setback, a Class 2 adjustment is required.

(...)

(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: The primary purpose of the maximum setback requirement within the MU-1 zoning district is to create a visually appealing frontage occupied by buildings located directly adjacent to the street. In this case, the buildings are located as close as possible to the 10-foot setback without compromising compliance with the applicable building articulation standards or encroaching onto the public utility easement (PUE). Buildings 1 and 2 are subject to a larger minimum setback within the RM-II zoning district, so this adjustment will improve compatibility with the other buildings in the vicinity and create a more visually appealing frontage in accordance with the purpose of the standard frontage requirement. 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: This adjustment will create a more visually appealing street frontage by configuring the buildings to align more closely with the setbacks of buildings 1, 2, and 6, and providing the required building articulation offsets without encroaching into the PUE. No detriment to the livability or appearance of the residential area is anticipated because of this adjustment. This criterion is met.

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

Response: The adjustments requested with this application include variations to setbacks and minor landscaping adjustments. When taken as a whole, these adjustments do not conflict with the stated purpose of the RM-II or MU-I zoning districts. This criterion is met.

Item: Multi-Family Design Review Standards—SRC Chapter 702

Staff Comment: The following items shall be corrected:

1. 702.020(a)(1)(A)- *The written statement indicates that the required common open space area can be found on the proposed site plan, however staff is not able to identify the location of the 4,250 square foot common open space area.*

Response: As shown on the revised Preliminary Site Plan (Attachment B), a ±6,000-square-foot area adjacent to buildings 30, 31, and 32 has been identified for use as a dedicated common open space area.

2. 702.020(b)(7)- *The proposed landscape plan does not demonstrate compliance with perimeter parking area tree planting requirements (see attached).*

Response: Per SRC 702.020(c)(4), landscaping adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of 3 feet to encourage visual surveillance of such areas. Nevertheless, canopy trees are planted along every 50 feet of the perimeter of parking areas with trunks located within 10 feet of the edge of the parking area to the degree possible given site constraints and the contradicting standard mentioned above. A Class 2 adjustment is required and the criteria for approving such an adjustment are included below. The portion identified within the MU-1 zoning district is not subject to the provisions of SRC 702 and is therefore not included in this adjustment request.

(d) **Criteria.**

(...)

(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: SRC 702.020 contains two conflicting standards. SRC 702.020(b)(7) requires that canopy trees be planted along every 50 feet of the perimeter of parking areas. Contrarily, SRC 702.020(c)(4) requires that landscaping adjacent to parking areas and dwelling unit entrances be limited to a maximum of 3 feet to encourage visual surveillance of such areas. The landscaping plan includes canopy trees located as close as possible to the parking area perimeter without compromising the visual surveillance of these areas. As

such, the canopy tree requirement may not be applied to the planned development. 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 addressed above, perimeter trees are not located within 10 feet of the parking area. Nonetheless, canopy trees are provided in excess of the minimum number required to meet this standard and they are located as close as practical to the parking area perimeter. As such, the appearance of the community is equally maintained in compliance with the visual surveillance standard and this adjustment will improve the overall livability of the planned community. This criterion is met.

3. 702.020(c)(1)- *Windows are not provided on all walls in habitable rooms for proposed buildings 11, 17, 26, 30, and 32 (see attached).*

Response: As shown on the revised architectural drawings included in Attachment D, windows have been provided on all walls in habitable rooms for the applicable buildings, apart from the first-floor dining area walls in type “J” units, where such windows would conflict with the building’s electrical meters and switch gears. Due to PGE location and separation requirements, these mechanical fixtures can’t be relocated, and there is not sufficient space to provide windows on the dining area walls. A Class 2 adjustment to this standard is required, and the criteria for approving such an adjustment are addressed below.

SRC Sec. 250.005.- Adjustments.

(a) **Applicability.**

(1) **Classes.**

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

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

Response: This adjustment pertains to a non-numerical standard within the multifamily design review requirements of SRC 702. Therefore, a Class 2 adjustment is required.

(...)

(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: The purpose of the minimum window requirement is to encourage visual surveillance of common areas and minimize the appearance of building bulk. The four buildings that require this adjustment are located centrally to the site, directly adjacent to other buildings, and landscaping is planned at these locations in accordance with SRC 702.020(b)(4) that would conflict with the first-floor windows. As such, the purpose of the window requirement is inapplicable to these locations, and an adjustment to account for the required electrical equipment shall be granted. 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 addressed above, landscaping will be located adjacent to the walls where first-floor windows would typically be required on buildings 11, 14, 30, and 32. The landscaping will serve to screen the building's electrical meters and switch gears from view and will improve the appearance of the building. This adjustment will not detract from the appearance or livability of the residential area. This criterion is met.

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

Response: The other adjustments requested with this application include variations to setbacks and minor landscaping adjustments. When taken as a whole, these adjustments do not conflict with the stated purpose of the RM-II or MU-I zoning districts. This criterion is met.

4. *702.020(d)(4)- A pedestrian connection is not provided from the public sidewalk to Hazelgreen Road NE.*

Response: As shown on the revised Preliminary Site Plan (Attachment B), a pedestrian connection has been provided between buildings 1 and 2 connecting the parking area to the public sidewalk adjacent to Hazelgreen Road NE.

Item: Off-Street Parking, Loading and Driveways—SRC Chapter 806

Staff Comments:

1. *806.035(c)(4) provides that there is a minimum vehicle use area setback requirement adjacent to a building or structure of five feet, which may be a paved walkway or landscape strip. This setback is not provided for the maneuvering area along proposed building near the trash enclosure.*

Response: As shown on the revised Preliminary Site Plan (Attachment B), a 5-foot setback has been provided around the maintenance building adjacent to the trash enclosure. This setback includes paved pedestrian walkways.

2. *806.035(f), Figure 806-9 requires a minimum 9 foot wide by 15 feet in length area for vehicle maneuvering as part of the vehicle turn around area. Proposed parking spaces immediately adjacent to the proposed turn around areas should be hashed out and will be unavailable for parking. ADA loading areas cannot be used for this purpose.*

Response: As shown on the revised Preliminary Site Plan (Attachment B), an adequate vehicle maneuvering area is provided to the east of the drive aisle accessing the trash enclosure between the enclosure and the maintenance building. As such, the parking and Americans with Disabilities Act (ADA) loading areas are not impacted.

3. *806.060(a)(2) provides that long-term bicycle parking may be provided within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator. The written statement indicates that long-term bicycle parking will be provided in each unit, however, elevators are not provided in any of the proposed buildings. The applicant shall revise the site plan to comply with the bicycle parking requirements of this chapter.*

Response: As shown on the revised Preliminary Site Plan, 278 short-term bicycle parking spaces are provided in the form of bike racks outside of the building entrances. An additional 127 long-term bicycle parking spaces are provided within ground-floor units where elevator

access is not required. SRC Table 806-8 requires 405 bicycle parking spaces, and 405 total bicycle parking spaces are provided. This requirement is met.

Item: *Wetlands and/or Hydric Soils*

Staff Comment: There is an unnamed drainage channel mapped on the subject property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for future development. The applicant is required to verify mapped wetland area(s). Once the application is deemed complete, Public Works will send Wetlands Notice to the Department of State Lands, as required by SRC 809.025.

Response: As indicated in the attached Concurrence Decisions from the Oregon Department of State Lands (DSL) as well as the US Army Corps of Engineers (USACE), the applicable areas are not jurisdictional to either agency. This requirement is met.

Item: *Development Services Technical Review Comments*

Staff Comment: Development Services has provided technical review comments on the applicants' plans. These comments will be sent directly to the Project Engineer.

Response: Technical review comments will be addressed in the applicant's engineering plans.

Thank you for your time and attention. Please do not hesitate to reach out if you have any questions regarding our submitted materials. We look forward to continuing to work together on this project.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



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Attachments:

- A. November 22, 2023 Planning Review Checklist
- B. Revised Preliminary Site Plan
- C. Revised PLA Deeds
- D. Revised Architectural Drawings
- E. Wetland Agency Decisions