

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

**CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY
APPROACH PERMIT / CLASS 1 DESIGN REVIEW CASE NO.: SPR-ADJ-DAP-
DR24-03**

APPLICATION NO.: 23-114721-PLN

NOTICE OF DECISION DATE: February 6, 2024

REQUEST: A Class 3 Site Plan Review, Class 1 Design Review, Class 2 Driveway Approach Permit for development of three buildings each containing four multiple family dwelling units and associated site improvements. The applicant requests two Class 2 Adjustment to:

- 1) Eliminate the required internal pedestrian access requirements established in SRC 702.020(d)(4).
- 2) Reduce the minimum required setback under SRC 535.015(c) Table 535-3 from 10 feet to five feet along the west property line, and from 10 feet to two feet in a portion of the south property line.

For property approximately 0.74-acre property is zoned MU-III (Mixed Use-III) and located at 1250 Baxter Road SE (Marion County Assessor's Map & Tax Lot No.083W14BC / 5400).

APPLICANT: Brandie Dalton, Multi/Tech Engineering

LOCATION: 1250 Baxter Rd SE, Salem OR 97302

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

FINDINGS: The findings are in the attached Decision dated February 6, 2024

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review SPR-ADJ-DAP-DR24-03 subject to the following conditions of approval:

- Condition 1:** Prior to the issuance of building permits, the applicant shall submit plans demonstrating compliance with the setback requirements abutting a street, as established in SRC 535.015(c) Table 535-3, including pedestrian amenities and landscaping.
- Condition 2:** Prior to the issuance of building permits, the applicant shall submit a detailed site landscaping plan, complete with plant unit counts and types, and the details of proposed screening, that demonstrates compliance with SRC 535, and all applicable sections of the SRC, including SRC 806 and 807.

- Condition 3:** Prior to building permit issuance, the applicant shall submit building elevations and floor plans demonstrating compliance with the ground-floor window standards of SRC 535.015(g)(5).
- Condition 4:** Prior to building permit issuance, the applicant shall submit plans demonstrating compliance with the minimum number of equipped electric vehicle charging spaces as established in SRC 806.015(d). The proposed development is required to install five electric vehicle charging spaces.
- Condition 5:** Prior to building permit issuance, the applicant shall provide a vehicle turnaround space meeting the dimensions of SRC 806.035(f)(2), Table 806-9 for turnaround that terminates at a dead-end on the south side of the development site.
- Condition 6:** Provide 'No Parking' Signs along the internal access way and turnaround area.
- Condition 7:** At the time of building permit review, the applicant shall provide details for the installation of bicycle parking spaces meeting the minimum amount required by SRC 806.055(a) & (b) and the development standards of SRC 806.060.
- Condition 8:** Prior to building permit issuance, the applicant shall submit Tree Removal Permit applications to remove any tree from the subject property.
- Condition 9:** At the time of building permit review, all trees proposed for removal shall be replaced at a rate of two trees for each tree removed, for a total of 12 trees. This requirement is in addition to tree planting requirements required for Type C Landscaping.
- Condition 10:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Baxter Road SE.
- Condition 11:** Construct streetscape improvements along the development of Baxter Road SE including property line sidewalks and planter strips for street trees.
- Condition 12:** Install street trees to the maximum extent feasible along Baxter Road SE.
- Condition 13:** Close the existing unused driveway approach at the northeastern corner of the subject property and replace with streetscape improvements including curbs, property line sidewalks, planter strips, and street trees.
- Condition 14:** Extend a public storm main in Baxter Road SE to serve the development site from approximately 230-feet west in an alignment approved by the Public Works Director and constructed in accordance with the Public Works Design Standards.
- Condition 15:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- Condition 16:** Prior to building permit issuance, the applicant shall submit building elevations and floor plans clearly demonstrating that windows are proposed in all habitable

rooms, except bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths, meeting SRC 702.015(c)(1).

- Condition 17:** Prior to building permit issuance, a lighting plan shall be provided which demonstrates all exterior dwelling unit entrances, parking areas, and pedestrian paths will be illuminated.
- Condition 18:** Prior to final occupancy, "No Parking" signs shall be installed along the internal driveway and turnaround.
- Condition 19:** Prior to building permit approval, the applicant shall install a sight obscuring fence or wall along the full length of the west and south property lines, with a minimum dimension of six feet in height. The sight obscuring fence shall be located at the property line.
- Condition 20:** Prior to building permit issuance, the applicant shall submit a landscaping plan showing one plant unit per 10 square feet of setback area within the west property boundary setback.
- Condition 21:** The adjusted setback dimensions and internal pedestrian connectivity system, as approved in these zoning adjustments, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future.

The rights granted by the attached decision must be exercised, or an extension granted, by February 22, 2028, or this approval shall be null and void.

Application Deemed Complete:	<u>January 4, 2024</u>
Notice of Decision Mailing Date:	<u>February 6, 2024</u>
Decision Effective Date:	<u>February 22, 2024</u>
State Mandate Date:	<u>May 3, 2024</u>

Case Manager: Olivia Dias, Current Planning Manager, odias@cityofsalem.net, 503-540-2363

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Wednesday, February 21, 2024. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220, 250, 804, 225. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF	)	FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW,	)	
CLASS 2 ADJUSTMENT, CLASS 2	)	
DRIVEWAY APPROACH PERMIT,	)	
CLASS 1 DESIGN REVIEW,	)	
CASE NO. SPR-ADJ-DAP-DR24-03	)	
1250 BAXTER RD SE - 97306	)	FEBRUARY 6, 2024

In the matter of the applications for Class 3 Site Plan Review, two class 2 Adjustments, Driveway Approach Permit, and Class 1 Design Review, submitted by Brandi Dalton of Multi/Tech Engineering, on behalf of the applicant and property owner, Wind River Homes, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: Proposed development of 12-unit multiple family dwelling units in three buildings, and associated site improvements.

Request: A Class 3 Site Plan Review, Class 1 Design Review, Class 2 Driveway Approach Permit for development of three buildings each containing four multiple family dwelling units and associated site improvements. The applicant requests two Class 2 Adjustment to:

- 1) Eliminate the required internal pedestrian access requirements established in SRC 702.015(d)(2).
- 2) Reduce the minimum required setback under SRC535.015(c) Table 535-3 from 10 feet to five feet along the west property line, and from 10 feet to two feet in a portion of the south property line.

For property approximately 0.74-acres in size and zoned MU-III (Mixed Use-III) and located at 1250 Baxter Rd SE (Marion County Assessor's Map & Tax Lot No.083W14BC / 5400).

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

PROCEDURAL FINDINGS

1. Background

On July 19, 2023, a consolidated application for a Class 3 Site Plan Review, Class 1 Design Review, and two Adjustments was filed for the proposed development. After additional information was provided, the applications were deemed complete for processing on January 4, 2024. The 120-day state mandated decision deadline for this consolidated application is May 3, 2024.

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

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 23-114721.

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association.

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On June 19, 2023, the applicant contacted South Gateway Neighborhood Association via email informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to the South Gateway Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

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

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. One public comment was received during the comment period indicating no concerns with the proposal.

4. City Department Comments

Development Services Division - Reviewed the proposal and provided a memo which is included as Attachment C.

Building and Safety Division - Reviewed the proposal and provided the following comment: Accessible route to be provided within a site including connectivity to all buildings and parking 2022 OSSC Section 1104.1, 1104.2, 1104.3. Accessible parking spaces have not been provided. Retaining walls shall require separate permits.

Fire Department - Reviewed the proposal and indicated no concerns. Items including Fire Department access and water supply will be evaluated at time of building permit review.

5. Public Agency Comments

The Salem Keizer School District provided comments indicating the schools at the elementary, middle, and high school levels all have capacity to serve the number of anticipated students from the proposed development.

DECISION CRITERIA FINDINGS

6. Analysis of Class 3 Site Plan Review Approval Criteria

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

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

Finding: The applicant is requesting approval for the development of 12 multiple family housing units in three buildings with associated site improvements. Two adjustments are requested: one to minimum perimeter setbacks and the second to interior pedestrian access standards. As conditioned below, the proposal meets the applicable standards of the UDC.

Use and Development Standards – MU-III (Mixed Use III) Zone:

SRC 535.010(a) – Uses:

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CB zone are set forth in Table 535-1.

Finding: The proposal includes 12 multiple family housing units. Multiple Family uses are outright permitted use in the MU-III zone, per Table 535-1. This criterion is met.

SRC 535.015(a) – Lot Standards:

Lots within the MU-III zone shall conform to the standards set forth in Table 535-2.

Finding: There is no minimum lot area or dimension requirements in the MU-III zone. All uses, other than single family, are required to have a minimum of 16 feet of street frontage. The subject property is 0.74 acres in size, with 99 feet of street frontage along Baxter Road SE. No changes are proposed to the existing lot configuration. The standard is met.

SRC 535.015(b) – Dwelling Unit Density:

Development within the MU-III that is exclusively residential shall have a minimum density of 15 dwelling units per acre.

Finding: The subject property for the proposed development is 0.74 acres in size. Therefore, the minimum density required for this site is 11 units. The applicant is proposing 12 units. This standard is met.

SRC 535.015(c) – Setbacks:

Setbacks within the MU-III zone shall be provided as set forth in Table 535-3 and Table 535-4.

Abutting Street

North: Adjacent to the north is right-of-way for Baxter Road SE. Buildings abutting a street require a minimum setback of five feet and maximum setback of 30 feet, provided the maximum setback area is used for a combination of landscaping and pedestrian amenities and up to the first 10 feet of the setback area can be used exclusively for pedestrian amenities and at least 50 percent of the remaining setback area is landscaped. Vehicle use areas require a minimum six-to-ten-foot setback per Chapter 806 adjacent to a street.

Finding: The proposed development includes three buildings. The building nearest to Baxter Road SE is setback 15 feet, which requires pedestrian amenities within the first 10 feet of setback area and landscaping in the remaining area. The applicant does not indicate pedestrian amenities or adequate landscaping on the submitted plans for this proposal. To ensure adequate pedestrian amenities and landscaping are provided, the following condition applies:

Condition 1: Prior to the issuance of building permits, the applicant shall submit plans demonstrating compliance with the setback requirements abutting a street, as established in SRC 535.015(c) Table 535-3, including pedestrian amenities and landscaping.

Interior Side and Rear (East, West, and South)

East: To the east, the subject property is adjacent to property zoned MU-III. Minimum building setbacks from property zoned MU-III is 10 feet with Type C landscaping.

Finding: The three proposed buildings are each setback 10 feet from the east property line. The driveway is located on the opposite side of the property, approximately 70 feet away.

West: To the west, the subject property is adjacent to property zoned RM-II. Minimum building vehicle use area setbacks from property zoned RM-II is 10 feet with Type C landscaping.

Finding: The proposed buildings are setback approximately 50 feet from the west property line, meeting the minimum of 10-foot building setback requirement. The proposed driveway is setback 5 feet from the west property line which does not meet the minimum 10-foot vehicle use area setback. The applicant has requested a Class 2 Adjustment to allow a five-foot vehicle use area setback. Findings for the Adjustment request are found in Section 9 of this report.

South: To the south, the subject property is adjacent to property zoned MU-III. Minimum building setback requirement from property zoned MU-III is 10 feet with Type C landscaping. The MU-III zone requires a minimum of a 10-foot setback and Type C Landscaping.

Finding: The building is setback from the southern property line by 10 feet, meeting the minimum required setback. The applicant has requested a Class 2 Adjustment to allow an approximately eight foot by 24-foot vehicle turnaround to be located within the setback. Findings for the Adjustment request are found in Section 9 of this report.

SRC 535.015(d) – Lot Coverage, Height:

There is no maximum lot coverage standard in the MU-III zone. The maximum height allowance is 70 feet.

Finding: The proposed development meets applicable lot coverage standards, as there is no maximum lot coverage standard in the MU-III zone. The proposed height of the buildings is approximately 22 feet. The proposal meets the standard.

SRC 535.015(d) – Lot Coverage, Height:

Buildings and accessory structures within the MU-III zone shall conform to the lot coverage and height standards set forth in Table 535-5.

Finding: There is no maximum lot coverage for buildings or accessory structures and the maximum height is 70 feet. The proposed height of the building is 22 feet tall. The proposal meets the standards.

SRC 535.015(e) – Landscaping:

- (1) *Setbacks.* Except setback areas abutting a street that provide pedestrian amenities, setbacks shall be landscaped. For all developments other than those for exclusively residential uses, 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.
- (3) *Development Site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count toward meeting this requirement.
- (4) *Gasoline stations.* In addition to the landscaping requirements set forth in this section, gasoline stations shall be required to provide a minimum of one plant unit per 16 square feet of landscaped area.

Finding: The proposed development is exclusively residential, and no gasoline stations are proposed. The proposal includes the development of three, four-unit buildings on a 0.74 acres (31,507 square feet) property, requiring a 4,726 square feet of site landscaping. The applicant proposes a total of 10,161 square feet of landscaping, or 32 percent of the site, which exceeds this standard.

The applicant's submitted drawings do not show sufficient detail to demonstrate compliance with the requirement of one plant unit per 16 square feet of landscaped area abutting a street, or Type C Landscaping standards along perimeter boundaries, as established in this section. As a result, the following condition shall apply:

Condition 2: Prior to the issuance of building permits, the applicant shall submit a detailed site landscaping plan, complete with plant unit counts and types, and the details of proposed screening, that demonstrates compliance with SRC 535, and all applicable sections of the SRC, including SRC 806 and 807.

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

SRC 353.015(f) – Continued Uses

Development standards for continued uses.

- (1) Buildings housing a continued use and existing accessory structures may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration,

enlargement, or rebuilding conforms to development standards in this chapter and to all other applicable provisions of the UDC.

- (2) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure and may be enlarged, provided the enlargement does not increase the building or structure's nonconformity to development standards set forth in this chapter and all other applicable provisions of the UDC.

Finding: The proposed development and use are new and on vacant property; therefore, it is not a continued use. This section is not applicable.

SRC 535.015(g) – Pedestrian-oriented design

Development within the MU-III zone, excluding development requiring historic design review and multiple family development, shall conform to the pedestrian-oriented design standards set forth in this section. 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.

- (1) *Off-street parking location.* New off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. New off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.
- (2) *Drive through location.* New drive throughs shall be located behind or beside buildings and structures.
- (3) *Outdoor storage.* Outdoor storage of merchandise located within 50 feet of the right-of-way shall be screened with landscaping or a site-obscuring fence or wall.
- (4) *Building entrances.* For buildings within the maximum setback abutting a street, a primary building entrance for each building facade facing a street shall be facing the street. If a building has frontage on more than one street, a single primary building entrance on the ground floor may be provided at the corner of the building where the streets intersect.
- (5) *Ground-floor windows.* For buildings within the maximum setback abutting a street, ground floor building facades facing that street shall include transparent windows on a minimum of 50 percent of the ground floor facade. 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.

Finding: Parking for the multiple family development is proposed within each unit and off-street parking lot is not proposed. At 15 feet from the property line, the proposed building adjacent to Baxter Road SE (Building 1) is located within the minimum and maximum setback. Therefore, the building entrance standard of this section applies. The applicant shows on the submitted floor plan for Building 1 that a main entrance will be on the façade facing Baxter Road SE.

The applicant's elevations and floor plans do not clearly demonstrate compliance with the ground-floor window standards of this section. As a result, the following condition applies:

- Condition 3:** Prior to building permit issuance, the applicant shall submit building elevations and floor plans demonstrating compliance with the ground-floor window standards of SRC 535.015(g)(5).

General Development Standards, SRC 800

SRC 800.055(a) – Applicability.

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

Finding: The applicant's submitted materials indicate that there will be no solid waste receptacles or enclosures, and that each tenant will manage solid waste in containers less than one cubic yard in size. The solid waste standards are not applicable.

SRC 800.065 – Pedestrian Access.

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

Finding: The proposed multiple family development is subject to the Multiple Family Design Review Standards of SRC 702, addressed in Section 8 of this report; therefore, the pedestrian access standards of SRC Chapter 800 do not apply.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.015 – Amount of Off-Street Parking.

(a) Maximum Off-Street Parking.

Unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1.

Finding: Per Table 806-1, the allowed maximum amount of off-street parking spaces for a *Multiple family* use is 1.75 spaces per dwelling unit, or 1.2 spaces per studio unit. The plans include 12 non-studio dwelling units, allowing a maximum of 21 parking spaces ($12 \times 1.75 = 21$). The development plans indicate 12 parking spaces located within single-car garages for each unit. This standard is met.

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

Finding: No compact parking is proposed. This standard is not applicable.

(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.

Finding: The proposed development is for a *Multiple-family* use; therefore, this standard 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.

Finding: The proposed development includes 12 dwelling units and 12 parking spaces. Twelve parking spaces requires a minimum of five electric vehicle charging spaces ($12 \times 0.4 = 4.8$). The development plans do not indicate that electric vehicle charging spaces will be provided; therefore, the following condition applies:

Condition 4: Prior to building permit issuance, the applicant shall submit plans demonstrating compliance with the minimum number of equipped electric vehicle charging spaces as established in SRC 806.015(d). The proposed development is required to install five electric vehicle charging spaces.

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

(a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:

- (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.

Finding: The proposed development includes vehicle use areas; therefore, this section is applicable.

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

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

Finding: The proposed development does not include an off-street parking lot but does include a drive-aisle leading to driveways for the individual units. The applicant has requested a Class 2 Adjustment to reduce the west property line setback from 10 feet to five feet and the south property line from 10-feet to two-feet. Findings for the adjustment can be found in Section 9 below in this report.

The applicant shows landscaping on the submitted project material, but it does not adequately demonstrate compliance with the landscaping standards. Condition 2 above requires the applicant to meet the landscaping requirements. As conditioned above, this standard is met.

(d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5.

Finding: There are no off-street parking areas proposed with this development. Therefore, interior parking lot landscaping standards are not applicable.

- (e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5.

Finding: The proposed off-street parking spaces, located within single car garages, comply with the minimum aisle width and dimensional requirements for compact and standard vehicle parking spaces established in Table 806-5.

- (f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
 - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.

Finding: As shown on the site plan, the proposed development includes a drive aisle that serves individual driveways. The drive aisle terminates in a dead-end. A vehicle turnaround is shown on the applicant's site plan with the dimensions of 24x7.5x0, which does not meet the minimum dimensional standard of 24x6x9. To ensure compliance with the requirement of this provision, the following condition shall apply:

Condition 5: Provide a vehicle turnaround space meeting the dimensions of SRC 806.035(f)(2), Table 806-9 for turnaround that terminates at a dead-end on the south side of the development site.

Condition 6: Provide 'No Parking' Signs along the internal access way and turnaround area.

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

Finding: The proposed vehicle use area is developed consistent with the additional development standards for grade, surfacing, and drainage. Screening is provided as part of the multiple-family design review and landscaping standards, as conditioned above in this report. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806.

Driveway Standards

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

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

(d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-7.

Finding: The development plan indicates a 24-foot-wide two-way driveway off of Baxter Road SE, providing vehicular access to the development site. Vehicles will turnaround in the driveways for each unit, and, as conditioned above, there will be a turnaround installed on the south end of the site, meeting the standard. The driveway approach is addressed in Section 7 of this decision. The applicant has applied for a Class 2 Adjustment to reduce the setback on the south property line. Findings for the Class 2 Adjustment can be found in Section 9 of this report.

Bicycle Parking

SRC 806.045 – Bicycle Parking; When Required.

- (a) *General Applicability.* Bicycle parking shall be provided as required under this chapter for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Finding: The proposed development is for a new multiple-family complex; therefore, the bicycle parking standards of SRC 806 apply.

SRC 806.050 – Proximity of Bicycle Parking.

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

SRC 806.055 – Amount of Bicycle Parking.

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

Finding: The proposed development is for a new multiple-family complex with 12 dwelling units. Per Table 806-8, a *Multiple family* use requires a minimum one bicycle parking space per dwelling unit, 100 percent of which may be long-term spaces (e.g., indoor, wall-mounted racks). The site plan does not include sufficient detail to demonstrate compliance with minimum bicycle parking requirements. To ensure the minimum amount of required bicycle parking spaces are provided, the following condition shall apply:

Condition 7: At the time of building permit review, the applicant shall provide details for the installation of bicycle parking spaces meeting the minimum amount required by SRC 806.055(a) & (b) and the development standards of SRC 806.060.

SRC 806.060 – Bicycle Parking Development Standards

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

- (a) *Location.* Short-term bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
 - (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.
 - (2) *Long-term bicycle parking.* Long-term bicycle parking for residential uses shall be located within a dwelling unit; a lockable garage; a restricted access lockable room serving an individual dwelling unit or multiple dwelling units; a lockable bicycle enclosure; or a bicycle locker.

Finding: As conditioned above, bicycle parking spaces shall be developed according to the standards of this chapter.

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

Finding: As conditioned above, bicycle parking spaces shall be developed according to the standards of this chapter.

- (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 806-9.
 - (2) *Access aisles.* Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: As conditioned above, bicycle parking spaces shall be developed according to the standards of this chapter.

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

Finding: As conditioned above, bicycle parking spaces shall be developed according to the standards of this chapter.

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

- (1) Racks must support the bicycle frame in a stable position, in two or more places without damage to wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

Finding: There are no bicycle racks proposed. As conditioned above, bicycle parking spaces shall be developed according to the standards of this chapter, including bicycle racks, should the applicant choose to fulfill the minimum bicycle parking requirements using racks.

Off-Street Loading Areas

SRC 806.065 – General Applicability.

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

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

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

SRC 806.075 – Amount of Off-Street Loading.

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

Finding: The proposed development is for a new *Multiple family residential* use with 12 dwelling units. Per SRC 806.075, Table 806-11, a *Multiple family residential* use of five to 49 dwelling units does not require a loading space; therefore, this standard is not applicable.

Landscaping and Screening, SRC 807

Except for the front setback abutting Baxter Road SE, all required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area and a six-foot fence or wall. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

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

Finding: The applicant's landscaping plan indicates required setbacks will be landscaped in addition to the landscaping requirements of the Multiple Family Design Review Standards addressed in Section 8 of this report.

The development proposal includes approximately 6,553 square feet of setback area where one plant unit is required for every 20 square feet, requiring 328 plant units. The site includes approximately 1,050 square feet of setback area where one plant unit per every 16 square feet is required, totaling 66 plant units. Together the setbacks require a minimum of 394 plant units. Of the 394 required plant units, 40 percent (158 plant units) must be trees. The applicant's submitted plans do not indicate conformance with these standards. However, Condition 2 above ensures that all landscaping requirements of SRC 535, 702, and 806 be met prior to building permit approval. As conditioned, this standard is met.

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

Natural Resources

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

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

SRC 808 – Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove the following trees unless undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

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

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

Finding: The applicant is proposing to remove a total of six Significant Trees including three Oregon White Oaks (72-inch, 45-inch, and 38-inch) and two Poplar trees (36-inch and 40-inch) and a 40-inch tree of unspecified species. Four of the trees are located in setbacks along the east property line and two oak trees are located in the proposed drive aisle. Per SRC 807.015(d)(1), when existing trees, as defined under SRC 808, are proposed for removal from within required setbacks, two new trees are required to be planted for each tree removed, or eight trees. Additionally, because the applicant is removing over 75 percent of the trees on site, the additional two trees must be replaced at a rate of two trees for each tree that is removed, resulting in four additional trees required to be planted. The total number of trees

required for planting under this provision is 12 trees of either a shade or evergreen variety, with a minimum 1.5-inch caliper. The 12 required trees to be planted under this provision are in addition to trees required for Type C Landscaping described above in this report. Because the applicant has not submitted an application for a Tree Removal Permit, and has not indicated the minimum number of trees to be planted on the site or landscaping plans, the following conditions apply:

Condition 8: Prior to building permit issuance, the applicant shall submit Tree Removal Permit applications to remove any tree from the subject property or modification to the site plan review application for the preservation of said trees.

Condition 9: At the time of building permit review, if granted approval to remove six trees each tree shall be replaced at a rate of two trees planted for each tree removed, for a total of 12 trees. This requirement is in addition to tree planting requirements required for Type C Landscaping.

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

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

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

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

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

Finding: Baxter Road SE abuts the development site and is classified as a Collector Street according to the Salem Transportation System Plan (TSP). Baxter Road SE abutting the development site meets the minimum improvement width required for a Collector Street; however, does not meet the minimum right-of-way width required according to the Salem TSP and SRC Chapter 803.025. The applicant shall convey for dedication a half-width right-of-way up to 30-feet to Collector Street standards as specified in the Public Works Design Standards and based on a rational nexus calculation. In addition, the applicant shall provide streetscape improvements along the development frontage including property line sidewalks and planter strips for street trees where none currently exist in accordance with SRC 803.035. As part of the required streetscape improvements and pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

Along Baxter Road SE, the applicant is required to construct planter strips for street trees and provide street trees to the maximum extent feasible.

Condition 10: Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Baxter Road SE.

Condition 11: Construct streetscape improvements along the development of Baxter Road SE including property line sidewalks and planter strips for street trees.

Condition 12: Install Street Trees to the maximum extent feasible along Baxter Road SE.

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

Finding: There is an existing driveway approach serving the subject property located at the northeastern property corner. The applicant proposes to close the existing driveway approach and construct a new approach at the northwestern property corner. As a condition of approval, the applicant shall close the existing unused driveway approach and replace with the required streetscape improvements in accordance with SRC 804.060.

Condition 13: Close the existing unused driveway approach at the northeastern corner of the subject property and replace with streetscape improvements including curbs, property line sidewalks, planter strips, and street trees.

The proposed driveway approach is subject to a Class 2 Driveway Approach Permit, findings for the Class 2 Driveway Approach Permit are found in Section 7 of this report. The proposed driveway access onto Baxter Road SE provides for safe turning movements into and out of the property.

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

Finding: The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. Water and sewer are available within surrounding streets/areas and are adequate to serve the proposed development. There are no public stormwater mains available for the proposed development. The nearest public stormwater main is located in Baxter Road SE, approximately 230-feet west of the subject property. As a condition of approval, the applicant shall construct a public storm main in Baxter Road SE to provide an approved point of discharge for the development site. The public main shall be constructed in an alignment approved by the Public Works Director and in accordance with the Public Works Design Standards (PWDS).

Condition 14: Extend a public storm main in Baxter Road SE to serve the development site from approximately 230-feet west in an alignment approved by the Public Works Director and constructed in accordance with the Public Works Design Standards.

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

Condition 15: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC) Chapter 71* and *Public Works Design Standards (PWDS)*.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

7. Analysis of Class 2 Driveway Approach Permit Approval Criteria

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

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

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

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

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

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

Finding: The proposed driveway access is onto Baxter Road SE, a Collector Street; no driveway access is proposed onto an arterial street.

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

(A) Is shared with an adjacent property; or

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

Finding: The subject property only has frontage on one street, Baxter Road SE, which is classified as a collector street according to the Salem TSP. The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

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

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

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

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

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

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

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

Finding: The proposed driveway approach is located on a Collector Street and does not create a significant impact to adjacent streets and intersections.

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

Finding: The proposed development is surrounded by residentially zoned property and mixed-use zoned property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

8. Analysis of Class 1 Design Review Approval Criteria

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

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

Finding: SRC 513.015(a) provides that multiple family development within the RM-I (Multiple Family) zone shall be subject to design review according to the multiple family design review standards set forth in SRC Chapter 702. The proposed development conforms to SRC Chapter 702 as follows.

Development Standards – Multiple Family Design Review Standards SRC 702

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

SRC 702.015(a) – Open Space Standards.

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

Finding: After the required right-of-way dedication, the subject property is approximately 31,507 square feet in size, requiring a minimum of 6,301 square feet of permanently reserved open space. The proposal indicates 10,161 square feet of open space will be provided on site, or approximately 32 percent of the gross site area. The proposal meets the standard.

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

Finding: The proposed development includes 12 dwelling units, requiring at least one common open space which is a minimum of 500 square feet in size, with minimum dimensions of 20 feet on all sides. The proposed site plan shows a common open space between Buildings 1 and 2 which is approximately 1,669 square feet with dimensions of 20 feet by approximately 74 feet. The proposal meets the standard.

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

Finding: The applicant indicates that each unit will have ground floor patios to serve as private open space. The patios are 96 square feet in size and have minimum dimensions of six feet. The proposal meets the standard.

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

Finding: The development plans do not include an improved open space; therefore, this standard is not applicable.

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

Finding: The subject property is not located within one-quarter mile of a publicly owned park; therefore, this standard is not applicable.

SRC 702.015(b) – Landscaping Standards.

(1) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:

(A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and

(B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain link fencing with slats shall not be allowed to satisfy this standard.

Finding: The subject property is not located adjacent to RS or RA zoned property. As described above, adjacent properties are zoned MU-III and RM-II. This standard is not applicable.

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

Finding: Findings addressing the MU-III zone are found in Section 6 this report. The applicant's site plan does not demonstrate compliance with the minimum landscaping requirements of the underlying zone. As a result, it is conditioned that the proposed development meets the minimum landscaping requirements of SRC 535. As conditioned, the proposal meets the standard.

SRC 702.015(c) – Site Safety and Security.

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

Finding: The development plans do not adequately demonstrate that all habitable rooms that face common open space, parking areas, and pedestrian paths will have windows and therefore do not meet the standard. To ensure that site safety and security is maintained, the following condition applies:

Condition 16: Prior to building permit issuance, the applicant shall submit building elevations and floor plans clearly demonstrating that windows are proposed in all habitable rooms, except bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths, meeting SRC 702.015(c)(1).

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

Finding: The applicant's written statement indicates lighting will be provided along the buildings and pedestrian paths within the development in accordance with this standard. The development plans, however, do not show lighting in any locations. To ensure the standard is met, the following condition shall apply:

Condition 17: Prior to building permit issuance, a lighting plan shall be provided which demonstrates all exterior dwelling unit entrances, parking areas, and pedestrian paths will be illuminated.

SRC 702.015(d) – Parking and Site Design.

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

Finding: The proposed development includes a 24-foot-wide drive aisle serving individual driveways to each unit. The drive aisle is located beside the buildings to the east and is not located between buildings and the street. Each unit's driveway is separated by a nine-foot-wide planter bay. No off-street parking lot is proposed. This standard is met.

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

Finding: The proposed development includes a pedestrian connection between Building 1 and the right-of-way of Baxter Road SE. The applicant has requested a Class 2 Adjustment to eliminate the internal pedestrian pathway requirements between buildings and open space areas. Findings for the Class 2 Adjustment are addressed in Section 9 of this report.

SRC 702.015(e) – Façade and Building Design.

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

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

Finding: The proposed development does not abut property zoned RA or RS. This standard is not applicable.

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

Finding: The development site has a buildable width of 79 feet along Baxter Road SE. The proposed buildings proposed Building 1 is approximately 39 feet in width and is located between the minimum and maximum setback line. This results in 49 percent of buildable width ($39 / 79 = 49.3$) occupied by a building. This standard is met.

- (3) 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 an architecturally defined primary building entrance facing that street, with direct pedestrian access to adjacent sidewalks.

Finding: Building 1 of the proposed development is located within 25 feet of Baxter Road SE. The applicant's site plan shows an architecturally defined entrance facing the street, and a pedestrian pathway connecting it to the street. This standard is met.

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

Finding: The applicant's submitted building elevations and floor plan show that an architecturally defined entry area and covered porch is provided for each dwelling unit. This standard is met.

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

Finding: The development plans do not include any roof-mounted mechanical equipment requiring screening; therefore, this standard is not applicable.

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

Finding: The roofs of each building are approximately 82 feet in length and provide dormers and architecturally defined features at least four feet in height, along the entire façade. This standard is met.

9. Analysis of Class 2 Adjustment Approval Criteria

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

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

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

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

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

- 1) Eliminate the required internal pedestrian access requirements established in SRC 702.015(d)(2).
 - 2) Reduce the minimum required setback under SRC535.015(c) Table 535-3 from 10 feet to five feet along the west property line, and from 10 feet to two feet in a portion of the south property line.
1. *Eliminate the required internal pedestrian access requirements established in SRC 702.015(d)(2).*

Per SRC 702.015(d)(2), in order to ensure safety and to enhance the pedestrian experience, pedestrian pathways are required from within the site to the adjacent right-of-way, and internal pedestrian pathways are required between buildings and to open space areas within the development. The applicant has requested an adjustment to eliminate the internal pedestrian pathway requirement.

In a written statement, the applicant describes the site as deep and narrow with approximately 99 feet in width and 317 feet in depth. Standards such as minimum two-way drive aisle width of 24 feet, 10-foot setback standards on each side, and minimum density requirements, make placing multiple family dwelling units on the site a particular challenge due to its narrow shape. The applicant argues that the site has been designed in a linear manner to accommodate the greatest density of dwelling units and therefore meets the minimum density requirements of the MU-III zone. The design creates individual two-story units with no other units stacked on upper floors. This results in lower use of the drive aisle the farther one travels back into the site, which could contribute to easier pedestrian use of the drive aisle.

Pedestrians can use the pedestrian pathway within the site adjacent to Building 1 to gain access to the public right-of-way, allowing them to avoid the driveway or driveway approach adjacent to Baxter Road SE, where more vehicles will travel. The site also has a linear open space area on the east side of the site, behind the buildings, which stretches the entire depth of the site. Residents and guests are free to travel in its entirety.

Given the narrow site constraints, the development requirements such as setbacks, two-way drive aisle width, and minimum density standards, staff finds that the proposed development meets the intent of the interior pedestrian connectivity standards.

Condition 18: Prior to final occupancy, “No Parking” signs shall be installed along the internal driveway and turnaround.

Reduce the minimum required setback under SRC535.015(c) Table 535-3 from 10 feet to five feet along the west property line, and from 10 feet to two feet in a portion of the south property line.

Per SRC 535.015(c) Table 535-3, MU-III zoned properties require a 10-foot side and rear setback, which, coupled with the landscaping and screening requirements, create a buffer between a development site and adjacent properties, thereby separating uses and residential densities.

Side Yard (West) Setback. The applicant requests a reduction to the west property line setback, adjacent to the proposed drive aisle, from 10 feet to five feet to accommodate a 24-foot two-way drive aisle serving the individual dwelling units, as required by SRC 806.

Rear Yard (South) Setback. The applicant requests a reduction to the south property line setback, at the southern terminus of the proposed drive aisle, from 10 feet to two feet. The purpose of the reduction is to accommodate space for a vehicle turnaround as required for dead-end drive aisles in SRC 806.035(f)(2).

As described above, the site is approximately 99-feet wide by 317-feet in depth. The applicant argues that the size and shape of the site creates a design challenge when meeting housing density standards and being subject to site access and vehicle use area requirements. The proposed development requires a minimum of 11 dwelling units due to the 0.74-acre site requiring 15 units per acre. The applicant proposed 12 dwelling units on the site, just meeting the minimum density requirements. The site meets the front setback dimensional standards abutting a street, and the east side setback standard of 10 feet.

Staff concurs with the applicant regarding the design challenge of the narrow site. A reduction of the side setback from 10-feet to five-feet will afford the development a standard drive aisle, and a rear setback reduction from 10-feet to two-feet will provide safe vehicle maneuverability. To safeguard the buffer and screening nature of the setback requirements, the following conditions apply:

Condition 19: Prior to building permit approval, the applicant shall install a sight obscuring fence or wall along the full length of the west and south property lines, with a minimum dimension of six feet in height. The sight obscuring fence shall be located at the property line.

Condition 20: Prior to building permit issuance, the applicant shall submit a landscaping plan showing one plant unit per 10 square feet of setback area within the west property boundary setback.

As conditioned, staff finds that the applicant's proposal meets or exceeds the intent of this standard.

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

Finding: The subject property is located within the MU-III zone. The MU-III is not exclusively a residential zone, although multiple family residential is a permitted use. This approval criterion

is met. Staff finds the proposal, with the conditions of approval established in this report, does not detract from the livability or appearance of residential areas. This criterion is met.

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

Finding: Two separate Class 2 Adjustments have been requested with this development. Pursuant to SRC Chapter 535, the purpose of the MU-III zone is to implement the mixed-use designation of the Salem Area Comprehensive Plan and generally allows multiple family residential uses, along with a mix of other commercial uses. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The requested adjustments allow for the development of a multiple family complex on a site with physical constraints. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

Condition 21: The adjusted setback dimensions and internal pedestrian connectivity system, as approved in these zoning adjustments, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future.

10. Conclusion

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

IT IS HEREBY ORDERED

Final approval of Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. SPR-ADJ-DAP-DR22-10 is hereby **APPROVED** subject to SRC Chapters 220, 225, 250, and 804, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

Condition 1: Prior to the issuance of building permits, the applicant shall submit plans demonstrating compliance with the setback requirements abutting a street, as established in SRC 535.015(c) Table 535-3, including pedestrian amenities and landscaping.

Condition 2: Prior to the issuance of building permits, the applicant shall submit a detailed site landscaping plan, complete with plant unit counts and types, and the details of proposed screening, that demonstrates compliance with SRC 535, and all applicable sections of the SRC, including SRC 806 and 807.

- Condition 3:** Prior to building permit issuance, the applicant shall submit building elevations and floor plans demonstrating compliance with the ground-floor window standards of SRC 535.015(g)(5).
- Condition 4:** Prior to building permit issuance, the applicant shall submit plans demonstrating compliance with the minimum number of equipped electric vehicle charging spaces as established in SRC 806.015(d). The proposed development is required to install five electric vehicle charging spaces.
- Condition 5:** Prior to building permit issuance, the applicant shall provide a vehicle turnaround space meeting the dimensions of SRC 806.035(f)(2), Table 806-9 for turnaround that terminates at a dead-end on the south side of the development site.
- Condition 6:** Provide 'No Parking' Signs along the internal access way and turnaround area.
- Condition 7:** At the time of building permit review, the applicant shall provide details for the installation of bicycle parking spaces meeting the minimum amount required by SRC 806.055(a) & (b) and the development standards of SRC 806.060.
- Condition 8:** Prior to building permit issuance, the applicant shall submit Tree Removal Permit applications to remove any tree from the subject property.
- Condition 9:** At the time of building permit review, all trees proposed for removal shall be replaced at a rate of two trees for each tree removed, for a total of 12 trees. This requirement is in addition to tree planting requirements required for Type C Landscaping.
- Condition 10:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Baxter Road SE.
- Condition 11:** Construct streetscape improvements along the development of Baxter Road SE including property line sidewalks and planter strips for street trees.
- Condition 12:** Install street trees to the maximum extent feasible along Baxter Road SE.
- Condition 13:** Close the existing unused driveway approach at the northeastern corner of the subject property and replace with streetscape improvements including curbs, property line sidewalks, planter strips, and street trees.
- Condition 14:** Extend a public storm main in Baxter Road SE to serve the development site from approximately 230-feet west in an alignment approved by the Public Works Director and constructed in accordance with the Public Works Design Standards.
- Condition 15:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

- Condition 16:** Prior to building permit issuance, the applicant shall submit building elevations and floor plans clearly demonstrating that windows are proposed in all habitable rooms, except bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths, meeting SRC 702.015(c)(1).
- Condition 17:** Prior to building permit issuance, a lighting plan shall be provided which demonstrates all exterior dwelling unit entrances, parking areas, and pedestrian paths will be illuminated.
- Condition 18:** Prior to final occupancy, "No Parking" signs shall be installed along the internal driveway and turnaround.
- Condition 19:** Prior to building permit approval, the applicant shall install a sight obscuring fence or wall along the full length of the west and south property lines, with a minimum dimension of six feet in height. The sight obscuring fence shall be located at the property line.
- Condition 20:** Prior to building permit issuance, the applicant shall submit a landscaping plan showing one plant unit per 10 square feet of setback area within the west property boundary setback.
- Condition 21:** The adjusted setback dimensions and internal pedestrian connectivity system, as approved in these zoning adjustments, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future.



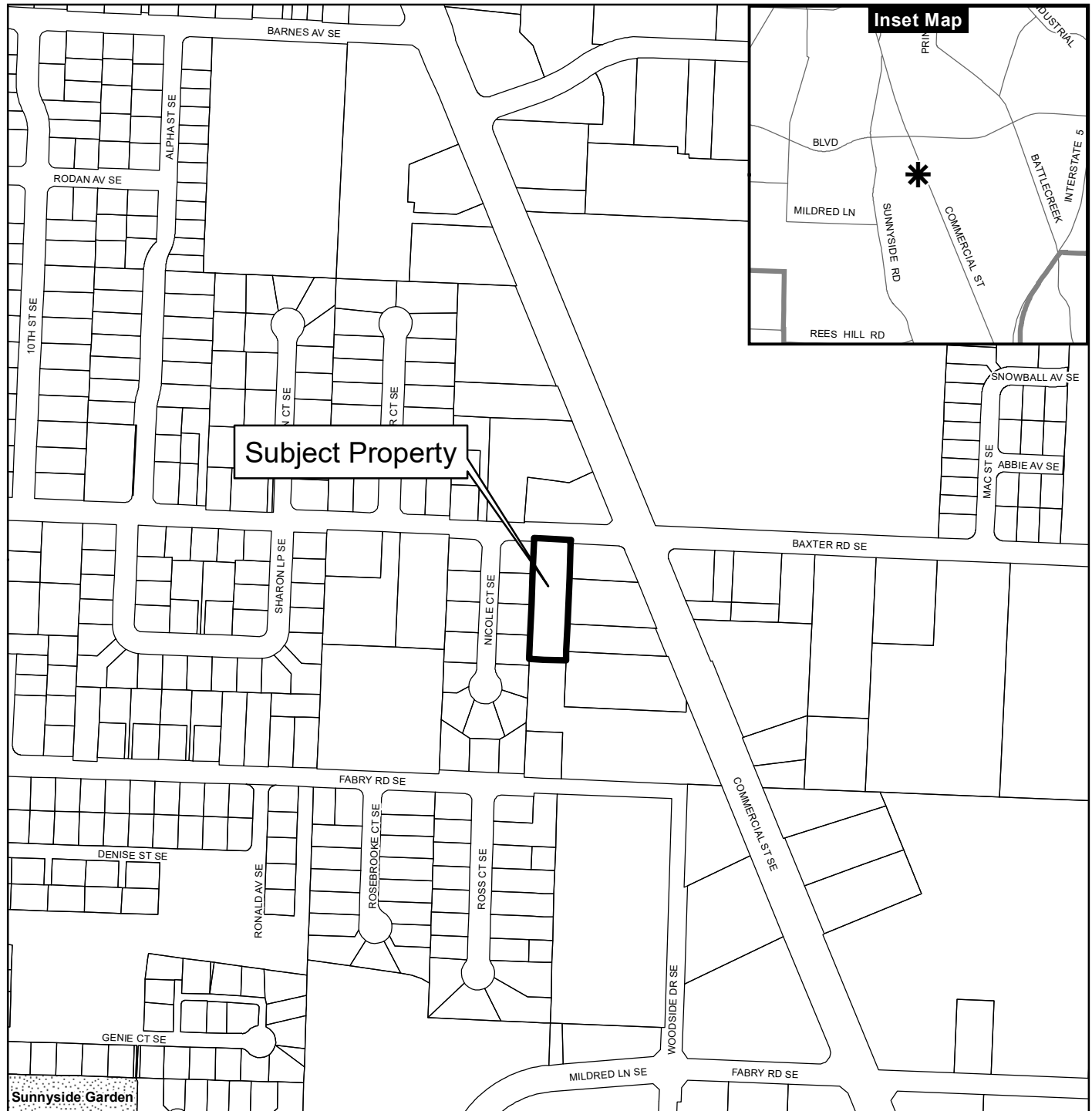
Olivia Dias, Current Planning Manager, on
behalf of Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Proposed Development Plans
C. Development Services Memo

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

Vicinity Map

1250 Baxter Rd SE



Legend

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

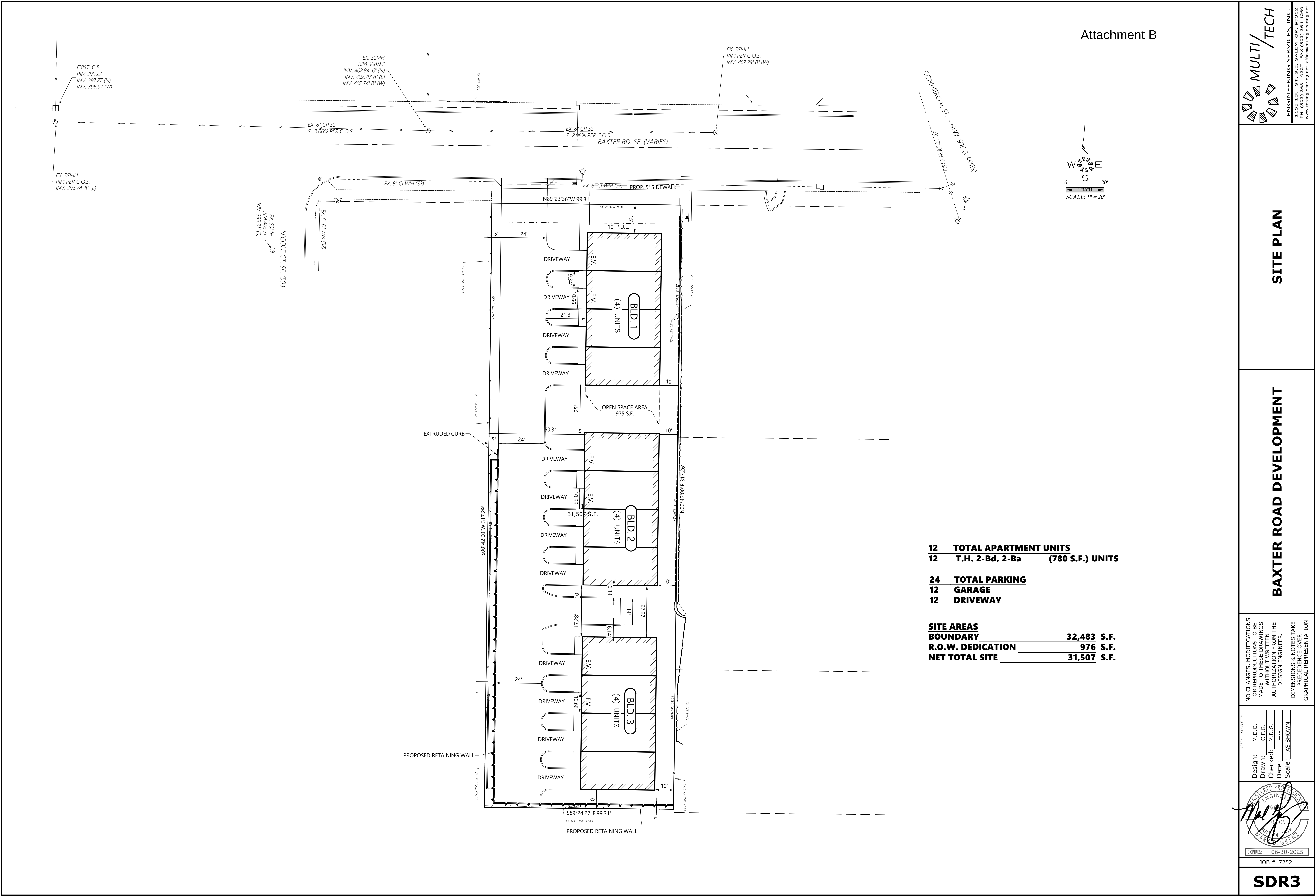
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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

0 100 200 400 Feet





SITE PLAN

BAXTER ROAD DEVELOPMENT

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

7252B SDR#3-SITE
Design: M.D.G.
Drawn: C.F.G.
Checked: M.D.G.
Date: 06-30-2025
Scale: AS SHOWN

REGISTERED PROFESSIONAL ENGINEER
ORIGIN
MARCUS GREY
EXPIRES: 06-30-2025

JOB # 7252

SDR3

12	TOTAL APARTMENT UNITS	
12	T.H. 2-Bd, 2-Ba	(780 S.F.) UNITS
24	TOTAL PARKING	
12	GARAGE	
12	DRIVEWAY	

SITE AREAS	
BOUNDARY	32,483 S.F.
R.O.W. DEDICATION	976 S.F.
NET TOTAL SITE	31,507 S.F.



MEMO

TO: Olivia Dias, Current Planning Manager
Community Planning and Development Department

FROM: Laurel Christian, Infrastructure Planner II
Community Planning and Development Department

DATE: January 25, 2024

SUBJECT: **Infrastructure Memo**
SPR-ADJ-DAP-DR24-03 (23-114721-PLN)
1250 Baxter Road SE
12-unit Multi-family Development

PROPOSAL

A Class 3 Site Plan Review, Class 1 Design Review, Class 2 Driveway Approach Permit, and Class 2 Adjustments for development of three buildings each containing four multiple family dwelling units and associated site improvements. For property approximately 0.74-acre property is zoned MU-III (Mixed Use-III) and located at 1250 Baxter Road SE (Marion County Map & Tax Lot No.083W14BC / 5400).

RECOMMENDED CONDITIONS OF APPROVAL

1. Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Baxter Road SE.
2. Construct streetscape improvements along the development of Baxter Road SE including property line sidewalks and planter strips for street trees.
3. Install street trees to the maximum extent feasible along Baxter Road SE.
4. Close the existing unused driveway approach at the northeastern corner of the subject property and replace with streetscape improvements including curbs, property line sidewalks, planter strips, and street trees.
5. Extend a public storm main in Baxter Road SE to serve the development site from approximately 230-feet west in an alignment approved by the Public Works Director and constructed in accordance with the Public Works Design Standards.
6. Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

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

FACTS

Streets

1. Baxter Road SE
 - a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 36-foot improvement within a 45-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. A 10-inch storm main is located in Baxter Road SE approximately 230-feet west of the subject property.

Water

1. Existing Conditions
 - a. The subject property is located in the S-2 water service level.
 - b. An 8-inch water main is located in Baxter Street SE. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

Sanitary Sewer

1. Existing Conditions
 - a. An 8-inch sewer main is located in Baxter Road SE.

CRITERIA AND FINDINGS—SITE PLAN REVIEW

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

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

Finding—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain, 802 –

Public Improvements, 803 – Streets and Right-of-Way Improvements, 804 – Driveway Approaches, 805 – Vision Clearance, 809 – Wetlands, and 810 - Landslides.

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

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

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

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

Finding— Baxter Road SE abuts the development site and is classified as a collector street according to the Salem TSP. Baxter Road SE abutting the development site meets the minimum improvement width required for a collector street; however, does not meet the minimum right-of-way width required according to the Salem TSP and SRC Chapter 803.025. The applicant shall convey for dedication a half-width right-of-way up to 30-feet to collector street standards as specified in the Public Works Design Standards and based on a rational nexus calculation. In addition, the applicant shall provide streetscape improvements along the development frontage including property line sidewalks and planter strips for street trees where none currently exist in accordance with SRC 803.035. As part of the required streetscape improvements and pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. Along Baxter Road SE, the applicant is required to construct planter strips for street trees and provide street trees to the maximum extent feasible.

Condition: Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Baxter Road SE.

Condition: Construct streetscape improvements along the development of Baxter Road SE including property line sidewalks and planter strips for street trees.

Condition: Install street trees to the maximum extent feasible along Baxter Road SE.

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

Finding—There is an existing driveway approach serving the subject property located at the northeastern property corner. The applicant proposes to close the existing driveway approach and construct a new approach at the northwestern property corner. As a condition of approval, the applicant shall close the existing unused driveway approach and replace with the required streetscape improvements in accordance with SRC 804.060.

Condition: Close the existing unused driveway approach at the northeastern corner of the subject property and replace with streetscape improvements including curbs, property line sidewalks, planter strips, and street trees.

The proposed driveway approach is subject to a Class 2 Driveway Approach Permit, findings are provided in this memo. The proposed driveway access onto Baxter Road SE provides for safe turning movements into and out of the property.

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

Finding—The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. Water and sewer are available within surrounding streets/areas and are adequate to serve the proposed development. There are no public stormwater mains available for the proposed development. The nearest public stormwater main is located in Baxter Road SE, approximately 230-feet west of the subject property. As a condition of approval, the applicant shall construct a public storm main in Baxter Road SE to provide an approved point of discharge for the development site. The public main shall be constructed in an alignment approved by the Public Works Director and in accordance with the PWDS.

Condition: Extend a public storm main in Baxter Road SE to serve the development site from approximately 230-feet west in an alignment approved by the Public Works Director and constructed in accordance with the PWDS.

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

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

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

CRITERIA AND FINDINGS—CLASS 2 DRIVEWAY APPROACH PERMIT

Criteria—A Class 2 Driveway Approach Permit shall be granted if:

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

Finding—The proposed driveway meets the standards for SRC Chapter 804 and PWDS.

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

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

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

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

- (4) The proposed driveway approach, where possible:**

- i. Is shared with an adjacent property; or**
- ii. Takes access from the lowest classification of street abutting the property;**

Finding—The subject property only has frontage on one street, Baxter Road SE, which is classified as a collector street according to the Salem TSP. The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

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

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

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

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

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

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

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

Finding—The proposed driveway approach is located on a collector street and does not create a significant impact to adjacent streets and intersections.

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

Finding—The proposed development is surrounded by residentially zoned property and mixed-use zoned property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

Prepared by: Laurel Christian, Infrastructure Planner II
cc: File

TO: Olivia Dias, Current Planning Manager
Community Planning and Development Department

FROM: Laurel Christian, Infrastructure Planner II
Community Planning and Development Department

DATE: January 25, 2024

SUBJECT: Infrastructure Memo
SPR-ADJ-DAP-DR24-03 (23-114721-PLN)
1250 Baxter Road SE
12-unit Multi-family Development

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2. Construct streetscape improvements along the development of Baxter Road SE including property line sidewalks and planter strips for street trees.
3. Install street trees to the maximum extent feasible along Baxter Road SE.
4. Close the existing unused driveway approach at the northeastern corner of the subject property and replace with streetscape improvements including curbs, property line sidewalks, planter strips, and street trees.
5. Extend a public storm main in Baxter Road SE to serve the development site from approximately 230-feet west in an alignment approved by the Public Works Director and constructed in accordance with the Public Works Design Standards.
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1. Existing Conditions
 - a. A 10-inch storm main is located in Baxter Road SE approximately 230-feet west of the subject property.

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1. Existing Conditions
 - a. The subject property is located in the S-2 water service level.
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Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

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

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

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

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

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

Finding— Baxter Road SE abuts the development site and is classified as a collector street according to the Salem TSP. Baxter Road SE abutting the development site meets the minimum improvement width required for a collector street; however, does not meet the minimum right-of-way width required according to the Salem TSP and SRC Chapter 803.025. The applicant shall convey for dedication a half-width right-of-way up to 30-feet to collector street standards as specified in the Public Works Design Standards and based on a rational nexus calculation. In addition, the applicant shall provide streetscape improvements along the development frontage including property line sidewalks and planter strips for street trees where none currently exist in accordance with SRC 803.035. As part of the required streetscape improvements and pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. Along Baxter Road SE, the applicant is required to construct planter strips for street trees and provide street trees to the maximum extent feasible.

Condition: Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Baxter Road SE.

Condition: Construct streetscape improvements along the development of Baxter Road SE including property line sidewalks and planter strips for street trees.

Condition: Install street trees to the maximum extent feasible along Baxter Road SE.

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

Finding—There is an existing driveway approach serving the subject property located at the northeastern property corner. The applicant proposes to close the existing driveway approach and construct a new approach at the northwestern property corner. As a condition of approval, the applicant shall close the existing unused driveway approach and replace with the required streetscape improvements in accordance with SRC 804.060.

Condition: Close the existing unused driveway approach at the northeastern corner of the subject property and replace with streetscape improvements including curbs, property line sidewalks, planter strips, and street trees.

The proposed driveway approach is subject to a Class 2 Driveway Approach Permit, findings are provided in this memo. The proposed driveway access onto Baxter Road SE provides for safe turning movements into and out of the property.

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

Finding—The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. Water and sewer are available within surrounding streets/areas and are adequate to serve the proposed development. There are no public stormwater mains available for the proposed development. The nearest public stormwater main is located in Baxter Road SE, approximately 230-feet west of the subject property. As a condition of approval, the applicant shall construct a public storm main in Baxter Road SE to provide an approved point of discharge for the development site. The public main shall be constructed in an alignment approved by the Public Works Director and in accordance with the PWDS.

Condition: Extend a public storm main in Baxter Road SE to serve the development site from approximately 230-feet west in an alignment approved by the Public Works Director and constructed in accordance with the PWDS.

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

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

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

CRITERIA AND FINDINGS—CLASS 2 DRIVEWAY APPROACH PERMIT

Criteria—A Class 2 Driveway Approach Permit shall be granted if:

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

Finding—The proposed driveway meets the standards for SRC Chapter 804 and PWDS.

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

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

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

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

- (4) The proposed driveway approach, where possible:**

- i. Is shared with an adjacent property; or**
- ii. Takes access from the lowest classification of street abutting the property;**

Finding—The subject property only has frontage on one street, Baxter Road SE, which is classified as a collector street according to the Salem TSP. The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

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

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

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

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

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

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

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

Finding—The proposed driveway approach is located on a collector street and does not create a significant impact to adjacent streets and intersections.

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

Finding—The proposed development is surrounded by residentially zoned property and mixed-use zoned property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

Prepared by: Laurel Christian, Infrastructure Planner II
cc: File