

FACTS & FINDINGS**URBAN GROWTH AREA PRELIMINARY DECLARATION, CLASS 3 SITE PLAN REVIEW, CLASS 1 AND 2 ADJUSTMENTS, CLASS 2 DRIVEWAY APPROACH PERMIT, CLASS 1 DESIGN REVIEW, AND PROPERTY LINE ADJUSTMENT
CASE NO. UGA-SPR-ADJ-DAP-DR-PLA24-03****MAY 28, 2024****PROCEDURAL FINDINGS**

- (a) On November 3, 2023, a consolidated application for an Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment was filed for proposed development of a 405-unit multi-family residential apartment complex for property 15.6 acres in size and located at 4650 Hazelgreen Road NE.
- (b) After additional information was provided, the consolidated applications were deemed complete for processing on January 24, 2024.
- (c) Notice to surrounding property owners was mailed pursuant to Salem Revised Code on January 24, 2024.
- (d) On February 29, 2024, the Planning Administrator issued a decision approving the consolidated application with conditions.
- (e) On March 14, 2024, a timely Notice of Appeal was filed by a neighboring property owner. SRC 300.120(c) provides that for consolidated applications, the Review Authority shall be the highest applicable Review Authority under the highest numbered procedure type required for any of the land use applications. Per SRC Chapter 300, Table 300-2, City Council is the review authority for an appeal of an Urban Growth Area Preliminary Declaration; therefore, the City Council is the Review Authority for the appeal of this consolidated application.
- (f) A hearing was scheduled before the City Council on May 13, 2024.
- (g) The 120-day State mandated deadline was extended by the applicant to June 22, 2024.
- (h) On April 22, 2024, notice of the hearing was sent to the Northgate Neighborhood Association and surrounding property owners and tenants pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on May 2, 2024.
- (i) On May 6, 2024, a Staff Report was made available for public review addressing items raised by the appellant in the Notice of Appeal.
- (j) On May 13, 2024, the City Council conducted a public hearing, received testimony, and closed the public hearing.

- (k) The City Council conducted deliberations on May 13, 2024, and voted to affirm and modify the Planning Administrator's decision to approve the consolidated application for Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03 with an additional condition of approval requiring the construction of a six-foot tall decorative fence along the southwest portion of the site.

SUBSTANTIVE FINDINGS

1. Existing Conditions

Site and Vicinity

The subject property is located at 4650 Hazelgreen Road NE, is approximately 15.6 acres in size, and has frontage on Hazelgreen Road NE and Luner Street NE. Hazelgreen Road NE is designated as a Parkway Street under the City's Transportation System Plan (TSP); and Luner Street NE is designated as a Local Street.

2. City Department Comments

Development Services: The City of Salem Development Services Division reviewed the proposal and has provided a memo included in full in the Planning Administrator's decision.

Building and Safety: The Building and Safety Division reviewed the proposal and indicated no concerns.

Fire Department: Reviewed the proposal and indicated the following:

- 1) Hydrant and FDC shall not obstruct Fire Department access with hose lay. See sheet P7.0 near buildings 5 and 6.
- 2) Buildings that exceed 30 feet in height per the Oregon Fire Code require aerial access, 30-foot minimum. Appendix D105.3 as amended in SRC Chapter 58.

3. Public and Private Agency Comments

Salem-Keizer Public School District: Reviewed the proposal and provided comments which are included in full in the Planning Administrator's decision.

Cherriots: Salem Area Mass Transit District, also known as Cherriots, reviewed the proposal and provided comments and submitted comments included in the Planning Administrator's decision. In Summary, Cherriots has requested that the applicant provide transit stops along Luner Drive NE. As a condition of approval, the applicant will be required to coordinate with both Cherriots and the Public Works Department on location and design for new transit stops on Luner Drive NE.

4. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the Northgate Neighborhood Association. Notice of the initial application was provided to the 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. No comments were received from Northgate Neighborhood Association during the public comment period.

Notice was 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. Three public comments were received during the initial public comment period indicating the following concerns:

- 1) *Objections to adjustment request to reduce screening requirements along southern boundary, specifically for Building 33. Privacy concerns, headlights from parking area, security concerns without a fence between residents living next to BPA easement.*

Response: Development standards set forth in the zoning code, which include requirements for maximum height, setbacks to abutting property lines, and lot coverage, are intended to ensure that development of private property or use of public rights-of-way does not adversely impact the privacy of adjacent properties.

In this case, there is an existing 125-foot-wide easement for a BPA (Bonneville Power Administration) transmission line that extends across the entire southern boundary of the property with a width of approximately 16 feet on the subject property and 109 feet on the abutting RS (Single Family Residential) zoned properties to the south. No buildings or structures can occur within the easement, including fencing. Trees and vegetation exceeding a height of five feet are also not permitted in the easement area; therefore, the applicant is requesting an Adjustment to the screening requirements because it is not possible to provide the required buffering along the southern property line in the easement area. The applicant proposes to landscape the southern boundary with dense shrubs that will provide a physical and visual barrier that will be maintained in compliance with the requirements of the BPA easement. The proposed landscaping and the increased setback distance due to the BPA easement provides screening and separation which meets the intent of the code.

- 2) *Lack of available on-site parking and inadequate street parking in the area.*

Response: Lunar Drive NE is classified as a local street and will be extended through the development site. Local streets provide for on-street parking available for general use and not restricted to use by owners directly abutting the right-of-way. Salem Revised Code Chapter 806 does not provide a minimum off-street parking require, however there is a maximum off-street parking requirement for multi-family uses. The proposed development provides for off-street within the development site consistent with the maximums allowed by the Salem Revised Code.

- 3) *Loss of view of the skyline.*

Response: Development is reviewed for conformance with zoning requirements, including but not limited to maximum height, lot size, setbacks, and minimum landscaping requirements. Proposed buildings are at a height that is less than the maximums allowed

in the zoning code. Views of adjacent property owners are not regulated or protected under the Salem Revised Code and are not reviewed as part of this application.

4) Concerns for public safety.

Response: Theft or other illegal activity is a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction over the subject property and vicinity. Approval criteria for this applicant do not address anticipated changes in crime levels, and no evidence has been provided to support the speculation that any crime perpetrated by future residents of the proposed development would exceed what would otherwise occur from any other legal development of property within the City.

5) Lack of nearby commercial services and transit.

Response: The subject property is zoned MU-I (Mixed Use-I) and RM-II (Multi-Family Residential), which allows multiple family residential uses as an outright permitted use. The zoning code does not require the applicant to demonstrate that adequate commercial services are located in the vicinity in order for the proposed use to be permitted on the subject property.

Cherriots has reviewed the applicant's request for development and has submitted comments into the record. In summary, Cherriots has identified a need for transit stops in connection with the proposed development. As a condition of approval, the applicant will be required to install two transit stops on Lunar Drive NE, in locations approved by Cherriots and the Salem Public Works Department, in order to allow for future transit service in this area.

6) Concerns for adverse impact on property values.

Response: Multiple family residential uses are allowed as an outright permitted use for the subject property, which is zoned MU-I (Mixed Use-I) and RM-II (Multi-Family Residential). The approval criteria for this applicant does not require the applicant to demonstrate that property values will not be adversely affected.

No additional public comments were received during the public notification period for the appeal hearing.

DECISION CRITERIA FINDINGS

5. Analysis of Urban Growth Area Preliminary Declaration Approval Criteria

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

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities.

A. *SRC 200.0025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:*

(1) The required facilities necessary to fully serve the development;

(2) The extent to which the required facilities are in place or fully committed.

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

Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055—Standards for Street Improvements

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

Hazelgreen Road NE measures 38-feet along the eastern line of the subject property and meets the “linking” street requirements established in SRC Chapter 200.055(b). No additional linking street improvements are necessary.

SRC 200.060—Standards for Sewer Improvements

Finding: The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are located in Hazelgreen Road NE, approximately 160-feet east of the subject property. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below. This *Salem Wastewater Management Master Plan* sewer main is intended to serve a large service area and will be constructed at greater depths in order to accommodate future growth in this area. Final construction drawings shall be reviewed and approved by Public Works to ensure the *Salem Wastewater Management Master Plan* sewer main is designed and constructed to accommodate a large service area, as required by the master plan.

Needed Improvement: Construct a minimum 8-inch “linking” Salem Wastewater Management Master Plan sewer main in Hazelgreen Road NE from approximately

160-feet east to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.

SRC 200.065—Standards for Storm Drainage Improvements

Finding: The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm systems appear to be located in Lunar Drive NE approximately 100-feet south of the subject property and Hazelgreen Road NE approximately 200-feet east of the subject property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

Needed Improvement: Construct a storm drainage system in Hazelgreen Road NE and Lunar Drive NE to serve the proposed development in accordance with the *Public Works Design Standards*.

SRC 200.070—Standards for Water Improvements

Finding: The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The nearest available public water systems appear to be located in Hazelgreen Road NE, approximately 200-feet east of the subject property, and in Lunar Drive NE, abutting the subject property. The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the *Water Distribution Design Standards*.

Needed Improvement: Construct a minimum 16-inch “linking” Water System Master Plan water main in Hazelgreen Road NE from approximately 200-feet east of the subject property to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.

SRC 200.075—Standards for Park Sites

Finding: The applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the *Salem Comprehensive Park System Master Plan* (SRC 800.075(a)). The proposed development is served by the Hazelgreen Road Park, an undeveloped park directly adjacent to the western line of the subject property. The *Salem Parks System Master Plan* identifies that Hazelgreen Road Park will provide neighborhood park service to the subject property; therefore, no additional dedications are required.

6. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision

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

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

Finding: The proposal includes development of a new multiple family residential complex containing 33 buildings with a total of 405 dwelling units, and site improvements including common open space areas, off-street parking area, maintenance and service buildings, a solid waste service area, and landscaping for split zoned property located in both the RM-II zone and the MU-I zoned. The following is a summary of the applicable use and development standards for the proposed development.

Use and Development Standards – RM-II (Multi-Family Residential) Zone:

SRC 514.005 – Uses:

Finding: A multiple family residential use is proposed. Per Table 514-1, multi-family residential uses are allowed as a permitted use in the RM-II zone.

SRC 514.010(b) – Lot Standards:

The minimum lot area requirement for a multi-family residential use is 6,000 square feet, the minimum lot width is 40 feet, and the minimum lot depth is 80 feet. All uses, other than single family, are required to have a minimum of 40 feet of street frontage.

Finding: The RM-II zoned portion of the development site is approximately 13.73 acres in size, the lot width is approximately 485 feet, and the lot depth is approximately 1,289 feet. The RM-II zoned portion of the site has approximately 234 feet of frontage along Hazelgreen Road NE and approximately 1,150 feet of frontage along Lunar Drive NE, in compliance with the lot standards of the RM-II zone.

The applicant is requesting a property line adjustment to remove an interior property line, findings for the Property Line Adjustment are included in Section 12 of this report. The proposed development is being reviewed for conformance with the development standards of the RM-II zone with the assumption that the property line has been removed. Prior to building permit issuance, the applicant shall record the property line adjustment.

Condition 1: Prior to building permit issuance, the applicant shall record the property line adjustment removing the existing property line.

SRC 514.010(c) – Dwelling Unit Density:

For multi-family residential uses, a minimum of 15-dwelling units per acre are required with a maximum allowance of 31-dwelling units per acre.

Finding: The RM-II zoned portion of the development site is approximately 13.73 acres in size, requiring a minimum of 206 dwelling units ($13.73 \times 15 = 205.95$) and allowing a maximum of 426 dwelling units ($13.73 \times 31 = 425.63$). A total of 360 dwelling units are proposed in the RM-II zoned portion of the development site, within the minimum and maximum allowance.

SRC 514.010(d) – Setbacks:

Main Site (East of Luner Street NE)

North: Adjacent to the north is right-of-way for Hazelgreen Road NE. Buildings abutting a street require a minimum 12-foot setback, plus one foot for each one foot of height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a minimum 12-foot setback abutting a street.

Finding: The applicant has requested an adjustment to reduce the required building setback adjacent to Hazelgreen Road NE, findings for the Adjustment are included in Section 8 of this report. Vehicle use area setbacks are met.

South: Adjacent to the south is property zoned RS (Single Family Residential). Buildings, accessory structures, and vehicle use areas require a minimum 10-foot setback adjacent to a residential zone.

Finding: Proposed buildings, accessory structures, and vehicle use areas are setback more than 10 feet from the southern property line in compliance with this standard.

East: Adjacent to the east is property located within the jurisdiction of Marion County zoned UT-20-IN.D with a City of Salem Comprehensive Plan Map designation of Industrial. Buildings, accessory structures, and vehicle use areas require a minimum 15-foot setback adjacent to an industrial zone. Required setbacks shall be landscaped and screened meeting the Type C requirements of Chapter 807 which includes a minimum of one plant unit per 20 square feet of landscape area and a minimum 6-foot-tall fence or wall.

Finding: Proposed buildings, accessory structures, and vehicle use areas are setback 15 feet or greater from the eastern property line in compliance with this standard.

West: Adjacent to the west is the future right-of-way for Lunar Drive NE. Buildings abutting a street require a minimum 12-foot setback, plus one foot for each one foot of height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a minimum 12-foot setback abutting a street.

Finding: Proposed buildings, accessory structures, and vehicle use areas are setback 20 feet or greater from the western property line abutting Lunar Drive NE in compliance with this standard.

Building 33 (West of Luner Street NE)

North and East: Adjacent to the north and east is right-of-way for Luner Street NE. Buildings abutting a street require a minimum 12-foot setback, plus one foot for each one foot of height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a minimum 12-foot setback abutting a street.

Finding: The applicant has requested an adjustment to reduce the required building and vehicle use area setback adjacent to Lunar Drive NE, findings for the Adjustment are included in Section 9 of this report.

South: Adjacent to the south is property zoned RS (Single Family Residential). Buildings, accessory structures, and vehicle use areas require a minimum 10-foot setback adjacent to a residential zone.

Finding: Adjacent to the south is property zoned RS (Single Family Residential). Buildings, accessory structures, and vehicle use areas require a minimum 10-foot setback adjacent to a residential zone.

West: Adjacent to the west is property zoned PA (Public Amusement) the site of a future City park. Buildings, accessory structures, and vehicle use areas require a minimum 10-foot setback adjacent to a public zone. Required setbacks shall be landscaped and screened meeting the Type C requirements of Chapter 807 which includes a minimum of one plant unit per 20 square feet of landscape area and a minimum 6-foot-tall fence or wall.

Finding: The proposed building and vehicle use area is setback 10 feet or greater from the western property line in compliance with this standard.

SRC 514.010(e) – Lot Coverage, Height:

Building and accessory structures within the RM-II zone shall not exceed a maximum lot coverage of 60 percent. The maximum height allowance for multiple family residential uses is 50 feet.

Finding: The applicant's statement and site plan indicate the proposed building coverage for the RM-II zoned portion of the site is 25 percent. Three and four-story buildings are proposed, with the tallest proposed buildings at approximately 49 feet in height, in compliance with the maximum height allowance.

SRC 514.010(g) – Landscaping:

- (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

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

SRC 514.010(h) – Outdoor Storage:

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

Finding: No outdoor storage areas are proposed therefore this section is not applicable.

SRC 514.015(a) – Design review:

Multiple family development shall be subject to design review according to the multiple family design review standards set for in SRC Chapter 702.

Finding: The proposed development is subject to Design Review, findings are included in Section 11 of this report.

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

SRC 533.010 – Uses:

Finding: A multiple family residential use is proposed. Per Table 533-1, multi-family residential uses are allowed as a permitted use in the MU-I zone.

Per Table 533-1, multi-family residential uses are allowed as a permitted use in the MU-I zone.

SRC 533.015(a) – Lot Standards:

There are no minimum lot area or lot dimensional requirements in the MU-I zone. All uses are required to have a minimum of 16 feet of street frontage.

Finding: The MU-I zoned portion of the subject property has approximately 250 feet of frontage along Hazelgreen Road NE and approximately 260 feet of frontage along Lunar Drive NE, in compliance with the lot standards of the MU-I zone.

The applicant is requesting a property line adjustment to remove an interior property line, findings for the Property Line Adjustment are included in Section 12 of this report. The proposed development is being reviewed for conformance with the development standards of the MU-I zone with the assumption that the property line has been removed. As conditioned, prior to building permit issuance, the applicant shall record the property line adjustment.

SRC 533.015(b) – Dwelling Unit Density:

For multi-family residential uses, a minimum of 15-dwelling units per acre are required. There is no maximum dwelling unit density in the MU-I zone.

Finding: The MU-I zoned portion of the development site is approximately 1.9 acres in size, requiring a minimum of 29 dwelling units ($1.9 \times 15 = 28.5$). A total of 45 dwelling units are proposed in the MU-I zoned portion of the development site, in compliance with density standards of the MU-I zone.

SRC 533.015(c) – Setbacks:

North: Adjacent to the north is right-of-way for Hazelgreen Road NE. For buildings abutting a street, a minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to SRC 533.015(h). Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6-10 foot setback per SRC Chapter 806.

Finding: The applicant has requested an adjustment to increase the maximum setback allowance adjacent to Hazelgreen Road NE, findings for the Adjustment are included in Section 9 of this report. Vehicle use area setbacks are met.

South: Adjacent to the south is property zoned RM-II (Multi-Family Residential) which is part of the same development site. The proposed development includes a request to eliminate the interior lot line for the development site, there is no property line separating

the MU-I zoned portion of the site from the RM-II zoned portion of the site; therefore, there is no setback required between interior zoning boundaries.

Finding: There is no setback required between interior zoning boundaries.

East: Adjacent to the east is property zoned RM-II (Multi-Family Residential) which is part of the same development site. The proposed development includes a request to eliminate the interior lot line for the development site, there is no property line separating the MU-I zoned portion of the site from the RM-II zoned portion of the site; therefore, there is no setback required between interior zoning boundaries.

Finding: There is no setback required between interior zoning boundaries.

West: Adjacent to the west is the future right-of-way for Lunar Drive NE. For buildings abutting a street, a minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to SRC 533.015(h). Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6-10 foot setback per SRC Chapter 806.

Finding: The applicant has requested an adjustment to increase the maximum setback allowance adjacent to Lunar Drive NE, findings for the Adjustment are included in Section 9 of this report. Vehicle use area setbacks are met.

SRC 533.015(d) – Lot Coverage, Height, Building Frontage:

There is no maximum lot coverage standard in the MU-I zone. New buildings have a minimum height requirement of 20 feet and a maximum height allowance of 65 feet. The minimum building frontage requirement is 75 percent, for corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40 percent.

Finding: The applicant's statement and development plans indicate that the buildings proposed within the MU-I zoned portion of the development site will have a building height of approximately 44 feet, within the minimum and maximum height requirements.

The MU-I zoned portion of the subject property has approximately 250 feet of frontage along Hazelgreen Road NE. The subject property is a corner lot and Hazelgreen Road NE has a higher street classification than Lunar Street NE. A minimum of 75 percent of the frontage along Hazelgreen Road NE, or 188 feet ($250 \times 0.75 = 187.5$), is required to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 208 feet of the frontage along Hazelgreen Road NE will be occupied by buildings placed at the setback line, in compliance with this section.

The MU-I zoned portion of the subject property has approximately 260 feet of frontage along Lunar Street NE. A minimum of 40 percent of the frontage along Lunar Street NE, or 104 feet ($260 \times 0.4 = 104$), is required to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 152 feet of the frontage along Lunar Street NE will be occupied by buildings placed at the setback line, in compliance with this section.

SRC 533.015(e) – Parking:

Off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone.

Finding: A new standalone surface parking lot is not proposed.

SRC 533.015(f) – Landscaping:

- (1) **Setbacks.** Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to SRC 533.015(h), shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

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

SRC 533.015(g) – Continued Development:

Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development.

Finding: The subject property is currently vacant with no existing buildings or structures; the site does not qualify as continued development.

SRC 533.015(h) – Pedestrian-Oriented Design:

Development within the MU-I zoned portion of the property shall conform to the pedestrian-oriented design standards set forth in Table 533-6.

Ground Floor Height		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Min. 14 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.

Finding: Hazelgreen Road NE is designated as a parkway in the Salem TSP and Lunar Drive NE is a planned local street, neither street meets the definition of primary street, therefore this standard is not applicable to this development proposal.

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

Finding: The applicant’s statement indicates that vertical separation will be provided in the form of three to five steps between the sidewalk and residential entryways for the buildings adjacent to Hazelgreen Road NE and Lunar Drive NE.

Building Façade Articulation		
Requirement	Standard	Limitations & Qualifications
This standard applies to building facades facing primary streets.	Required	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
		Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
		a) Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards: <ol style="list-style-type: none"> 1. Change in materials. 2. Change in color. 3. Molding or other horizontally-articulated transition piece.

Building Façade Articulation		
Requirement	Standard	Limitations & Qualifications
		b) Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards: <ol style="list-style-type: none"> 1. Recesses of a minimum depth of two feet. 2. Extensions of a minimum depth of two feet. 3. Vertically-oriented windows. 4. Pilasters that project away from the building.
		c) Top: Building tops shall be defined by at least one of the following standards: <ol style="list-style-type: none"> 1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the façade. 2. Change in materials from the upper floors, with that material being a minimum of eight inches tall. 3. Offsets or breaks in roof elevation that are a minimum of three feet in height. 4. A roof overhang that is a minimum of eight inches beyond the face of the facade.

Finding: Hazelgreen Road NE is designated as a parkway in the Salem TSP and Lunar Drive NE is a planned local street, neither street meets the definition of primary street, therefore this standard is not applicable to this development proposal.

Ground Floor Windows		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Min. 65%	For the purposes of this standard, ground floor building façade shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

Ground Floor Windows		
Requirement	Standard	Limitations & Qualifications
		For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

Finding: Hazelgreen Road NE is designated as a parkway in the Salem TSP and Lunar Drive NE is a planned local street, neither street meets the definition of primary street, therefore this standard is not applicable to this development proposal.

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

Finding: Hazelgreen Road NE is designated as a parkway in the Salem TSP and Lunar Drive NE is a planned local street, neither street meets the definition of primary street, therefore this standard is not applicable to this development proposal.

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

Finding: The applicant’s statement and preliminary development plans show weather protection in the form of canopies provided along 75 percent of the building length of each building abutting a street. Canopies provided will have a minimum clearance height of 8 feet.

Parking Location		
Requirement	Standard	Limitations & Qualifications
This standard applies to off-street parking areas and vehicle maneuvering areas.	Required	Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

Finding: The proposed off-street parking areas are located either behind or to the side of the proposed buildings and not in a location between the buildings or streets in compliance with this standard.

Mechanical and Service Equipment		
Requirement	Standard	Limitations & Qualifications
This standard applies to mechanical and	Required	Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical

Mechanical and Service Equipment		
Requirement	Standard	Limitations & Qualifications
service equipment.		and service equipment shall be located behind or beside buildings.
		Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.

Finding: The proposed development plans and applicant’s statement indicate that ground level mechanical equipment locations have not been determined, but will be screened in compliance with this standard. No rooftop mechanical equipment if proposed.

SRC 533.020 – Design review:

Design Review is not required for development within the MU-I zone.

Finding: Design Review under SRC Chapter 225 is not required for the portion of the development site located within the MU-I zone.

General Development Standards SRC 800

SRC 800.055(a) – Applicability.

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

Finding: The site plan indicates that one solid waste and recycling service area will be provided to serve the complex, located in the center east side of the development site, which will house receptacles larger than one cubic yard in size. The following is a summary of applicable design standards for the solid waste service area.

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

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

- (1) Pad area. In determining the total concrete pad area for any solid waste service area:
 - (a) The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
 - (b) The pad area shall extend a minimum 3 feet beyond the front of the receptacle.
 - (c) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

Finding: Neither the site plan or the applicant's statement indicate proposed material or thickness of the pads for the solid waste service area. Prior to building permit issuance, the applicant shall provide updated details for the solid waste service area demonstrating compliance with all applicable standards of Chapter 800.

Condition 2: Prior to building permit issuance, the plans shall be revised to demonstrate that the solid waste service area is in conformance with all applicable development standards of SRC Chapter 800.

(2) Minimum Separation.

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

Finding: Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

(3) Vertical Clearance.

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

Finding: It does not appear that a roof is proposed for the solid waste service areas; therefore, this standard is not applicable.

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

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

Finding: A permanent drop box or compactor is proposed. Neither the site plan or the applicant's statement indicate proposed material or thickness of the pads for the solid waste service area. As previously conditioned, the applicant shall provide updated details for the solid waste service area demonstrating compliance with all applicable standards of Chapter 800.

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

- (1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
- (2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

Finding: The solid waste service areas will be screened from view from surrounding streets and abutting properties in compliance with this standard.

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

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

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

Finding: The applicant's statement and development plans indicate that the enclosure has two unobstructed openings for servicing, each with a width of 12 feet in compliance with this provision.

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

Finding: The site detail plan indicates that a bumper curb will be provided 12 inches inside the perimeter walls in compliance with this section.

- (3) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. All gates shall have restrainers in the open and closed positions.

Finding: Both enclosure opening widths are 12 feet, the applicant's statement indicates that the gates will be able to swing at least 120 degrees in compliance with this standard.

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

- 1) Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle. Per SRC 800.055(f)(1)(A), the vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.

Finding: The proposed vehicle operation area is provided perpendicular to the enclosure in compliance with the minimum dimensional requirements of this section.

- C. The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.

Finding: The proposed vehicle operation area is provided in connection with a parking lot drive aisle which will be kept free of vehicles and other obstructions at all times in compliance with the requirements of this section.

- D. Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.

Finding: The solid waste enclosure is uncovered, and there are no overhead vertical obstructions in the vehicle operation area, in compliance with this section.

- E. In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

Finding: A service vehicle turnaround in compliance with the minimum dimensional requirements of this section is proposed allowing for safe and convenient access for collection service in compliance with this section.

- 2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.

Finding: The proposed vehicle operation area includes a maneuvering area allowing collection service vehicles to turnaround prior to leaving the premises in compliance with the requirements of this section.

- 3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.

Finding: The proposed vehicle operation area is paved with a hard surface material meeting the requirements of this section.

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

Finding: Although not indicated in the application materials, signage meeting the requirements of this section will be required prior to building permit issuance and final occupancy for the project.

SRC 800.055(g) – Notice to Solid Waste Collection Franchisee.

Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee.

Finding: The applicant has not requested an Adjustment to the vehicle operation area turnaround requirements; therefore, this section is not applicable.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, 2-4 family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

Finding: The pedestrian access standards of SRC Chapter 800 are not applicable to the proposed multiple family residential development.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.015 - Amount of Off-Street Parking.

- (a) *Maximum Off-Street Parking.* Pursuant to Table 806-1, the maximum off-street parking allowance for a multi-family use is 1.2 spaces per dwelling unit for each studio unit and 1.75 space for all other dwelling units.
- (b) *Compact Parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.
- (c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- (d) *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 a 405 new multi-family dwelling units, including 24 studio units. The maximum off-street parking allowance is 680 spaces (Non-Studio Units: $372 \times 1.75 = 651$) + (Studio Units: $24 \times 1.2 = 28.8$). The proposed off-street vehicle use area has 560 parking spaces, less than the maximum allowance.

The proposed development includes five or more dwelling units on the same lot in a building that includes a mix of residential and nonresidential uses. SRC 806.015(d) requires a minimum of 40 percent of the off-street parking spaces provided on the site to be designated as spaces to serve electrical vehicle charging. The site plan does not indicate which spaces will be available for electric vehicle charging. Prior to building permit issuance, the applicant shall provide an updated plan set that demonstrates a minimum of 40 percent of the off-street parking spaces proposed will be designated as spaces to serve electrical vehicle charging. The proposed site plan shows a total of 560

off-street parking spaces. If 560 off-street parking spaces are provided at the time of building permit, a minimum of 224 off-street parking spaces ($560 \times 0.4 = 224$) shall include provision for electrical service capacity.

Condition 3: At time of building permit issuance, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.

A maximum of 420 spaces may be compact parking spaces ($560 \times 0.75 = 420$), the site plan indicates that 13 spaces will be compact spaces, less than the maximum allowance. Carpool/vanpool spaces are not required for the proposed development.

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

- (a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- (b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Finding: The off-street parking and vehicle use area development standards of SRC Chapter 806 are applicable to this proposal. Except where an Adjustment has been requested, the proposed off-street parking area is in compliance with the minimum setback requirements of SRC Chapters 511, 533, and 806.

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

Finding: Per SRC 702.020(b)(8), the proposed multi-family residential development is exempt from the landscaping requirements of SRC Chapter 806.

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

Finding: The proposed off-street parking spaces comply with the minimum aisle width and dimensional requirements for compact and standard vehicle parking spaces established in Table 806-6.

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

Finding: The proposed off-street parking area includes a drive aisle that terminates at a dead-end. The turnaround area at the end of the drive aisle is in compliance with the development standards of this section.

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

Finding: The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, drainage, and bumper guards. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806. Off-street parking area screening per SRC 806.035(n) is required for the proposed parking area where it abuts residentially zoned properties on the southern portion of the development site. The applicant has requested an Adjustment to the screening requirement along the southern boundary of the property where it abuts residentially zoned property, findings for the Adjustment are included in Section 9 of this report.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity.

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

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

Finding: Bicycle parking spaces serving the proposed multiple family residential use are provided on the subject property in compliance with this provision.

SRC 806.055 - Amount of Bicycle Parking.

Per SRC Chapter 806, Table 806-8, uses in the multi-family residential use category require a minimum of one space per dwelling unit. Table 806-8 allows 100 percent of the required bicycle parking spaces to be long-term.

Finding: The proposed development includes a total of 405 multi-family residential dwelling units, requiring a minimum of 405 bicycle parking spaces.

The applicant's site plan and written statement indicate that a total of 405 short term and long-term bicycle parking spaces are provided throughout the development site, in compliance with the minimum requirement.

SRC 806.060 - Bicycle Parking Development Standards.

a) *Location.*

(1) *Short-term bicycle parking.* Short-term bicycle parking shall be located outside a building within a convenient distance of, and shall be 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.*

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

- (i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or
 - (ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.
- (B) *Long-term bicycle parking for residential uses.* Long-term bicycle parking spaces for residential uses shall be located within:
- (i) A residential dwelling unit;
 - (ii) A lockable garage;
 - (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
 - (iv) A lockable bicycle enclosure; or
 - (v) A bicycle locker.
- (C) *Long-term bicycle parking for non-residential uses.* Long-term bicycle parking spaces for non-residential uses shall be located within:
- (i) A restricted access lockable room;
 - (ii) A lockable bicycle enclosure; or
 - (iii) A bicycle locker.

Finding: The proposed site plan indicates that 278 short-term bicycle parking spaces are provided within 50 feet of primary building entrances in locations that are clearly visibly from primary building entrances and distributed throughout the development site. Also proposed are 127 long-term bicycle parking spaces which are provided within ground-floor units where elevator access is not required. Long-term bicycle parking provided in ground floor dwelling units will have bike hooks allowing for wall mounted bike storage in the dwelling unit, in compliance with this section.

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

Finding: All bicycle parking areas have direct and accessible access to the public right-of-way and primary building entrances that are free of obstructions.

- 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. Standard horizontal spaces require a minimum width of two feet and minimum length of four feet.

Finding: The proposed short-term and long-term bicycle parking spaces meet the minimum dimensions requirements of Table 806-9.

- (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-9. The minimum access aisle width is four feet.

Finding: Access aisles serving the bicycle parking spaces have a minimum width of four feet.

- 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: Bicycle parking areas that are located outside will be paved with concrete, in compliance with this standard.

- e) **Bicycle Racks.** Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:
 - (1) Racks must support the bicycle in a stable position.
 - a. For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
 - b. For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the 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 bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

Finding: Inverted staple racks are proposed for short-term bicycle parking that will be securely anchored in concrete, and long-term bicycle parking will be provided by wall mounted racks within the interior of the building that allow for storage in a vertical position. The proposed racks are a shape that allow for support, storage, and allow for the securing of bicycles in compliance with the standards in this section.

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.

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.

Per Table 806-11, multi-family residential uses containing 200 or more dwelling units require a minimum of three off-street loading spaces. Required loading spaces shall have a minimum width of 12 feet, minimum depth of 19 feet, and minimum overhead vertical clearance of 12 feet. If a recreational or service building is provided, at least one of the required loading spaces shall be located in conjunction with the recreational or service building.

Finding: The applicant's site plan and statement indicate that three off-street loading spaces are provided for the proposed development. No recreational or service buildings are proposed. Off-street loading spaces are provided in compliance with the standards of this section.

Landscaping

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

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

Finding: 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: The Floodplain Administrator 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 a significant tree (Oregon White Oak greater than 20 inches in diameter at breast height or any other tree with a dbh 30 inches or greater, but excluding tree of heaven [*Ailanthus altissima*], empress tree [*Paulownia tomentosa*], black cottonwood [*Populus trichocarpa*] and black locust [*Robinia pseudoacacia*]) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), 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.

Finding: There are no protected trees identified for removal on the subject property.

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: The Salem-Keizer Local Wetland Inventory shows there are hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity

of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

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. The proposed multiple family residential development activity adds 2 activity points to the proposal, which results in a total of 2 points. Therefore, the proposed development is classified as a low landslide risk and does not require a geological assessment.

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: Hazelgreen Road NE abuts the subject property to the north and is classified as a parkway according to the Salem Transportation System Plan (TSP). Hazelgreen Road NE has inadequate right-of-way and improvement width for its street classification according to the Salem TSP. The Salem TSP identifies that Hazelgreen Road NE from Portland Road NE to Cordon Road NE should be improved to an interim minor arterial standard including two travel lanes with a center turn lane as-needed (TSP Project ID 48). As a condition of approval, the applicant shall dedicate the ultimate right-of-way width required to meet the parkway standard and construct a three-quarter street improvement along Hazelgreen Road NE to interim minor arterial standards, including a center turn lane along the development frontage. The street improvement will include a minimum of 46-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street.

Condition 4: Convey land for dedication to equal a half-width right-of-way of 60-feet on the development side of Hazelgreen Road NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition 5: Construct Hazelgreen Road NE as a three-quarter minor arterial street improvement along the full frontage of the subject property. These improvements shall include a minimum of 46-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Lunar Drive NE is classified as a local street according to the Salem TSP and terminates at the southern property boundary. Pursuant to SRC 803.035(a), Lunar Drive NE shall be extended from its terminus through the development site to Hazelgreen Road NE in order to provide street connectivity and access to the proposed development. As shown on the applicant's plan, a portion of Lunar Drive NE will be constructed on adjacent City-owned park property. As a condition of development, the applicant shall dedicate a full 60-foot-wide right-of-way where the development has frontage on both sides of Lunar Drive NE. Where the development has frontage on only one side of Lunar Drive NE, the applicant shall dedicate a 30-foot-wide half-width right-of-way. Along the entire length of

Lunar Drive NE, the applicant shall construct a full street improvement to local street standards. Along Lunar Drive NE, sidewalks, street trees, and streetlights are not required on the western side of the street, except where the development has frontage on both sides of the street.

Condition 6: Where the development has frontage on both sides of Lunar Drive NE:

- Convey land for dedication to equal a full-width right-of-way of 60-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Construct Lunar Drive NE as a full local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, streetlights, and street trees on both development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition 7: Where the development has frontage on one side of Lunar Drive NE:

- Convey land for dedication to equal a half-width right-of-way of 30-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Construct Lunar Drive NE as a local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks, street trees, and streetlights are not required on the western side of the street where the development does not have frontage on both sides of the street.

Pursuant to SRC 803.030, the maximum block spacing is 600-feet. Lunar Drive will have a block length of approximately 1,600-feet from the intersection of Lunar Drive NE and Apollo Avenue NE to the proposed intersection of Lunar Drive NE and Hazelgreen Road NE. In lieu of providing an east-west street connection through the development site, the applicant proposes to dedicate a 26-foot-wide public access easement over a drive aisle and dedicate a 10-foot-wide public access easement over a sidewalk through the development site from the eastern property line to the western property line. The proposed access easements will provide vehicular, pedestrian, and bicycle access to adjacent easterly property, if at such time the adjacent property develops to urban standards. Pursuant to SRC 803.065(a)(1) an alternative street standard is authorized to allow Lunar Avenue NE to have a greater block length, with the proposed access easements in lieu of an east-west street connection. As a condition of approval, the applicant shall dedicate public access easements to provide east-west connectivity, as shown on the applicant's site plan.

Condition 8: As shown on the applicant's site plan, dedicate a minimum 26-foot-wide public access easement over the center drive aisle of the development. The easement shall extend from Lunar Drive NE to the eastern property boundary.

Condition 9: As shown on the applicant's site plan, dedicate a minimum 10-foot-wide public access easement over the 10-foot-wide shared use path along the southern boundary of the center drive aisle.

Cherriots submitted comments indicating two transit stops are warranted along Lunar Drive NE in conjunction with this development project. Pursuant to SRC 803.035(r) the applicant shall construct a transit stop as a condition of approval.

Condition 10: The applicant shall coordinate with Cherriots to provide transit stops along Lunar Drive NE in locations approved by Cherriots and the Public Works Department.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. As a condition of approval, the applicant shall plant street trees along the frontages of Hazelgreen Road NE and proposed Lunar Drive NE.

Condition 11: Prior to issuance of final occupancy, install street trees to the maximum extent feasible along Hazelgreen Road NE and proposed Lunar Drive NE.

Pursuant to SRC 803.015(b)(1), the applicant submitted a Traffic Impact Analysis (TIA) as part of the application package to evaluate the traffic impacts of the proposed development on the transportation system. The TIA concluded that the development does not warrant mitigation as a condition of approval. The development site is also subject to a "Trip Cap" of a maximum cumulative total of 2,992 average daily vehicle trips established under CPC-ZC22-03. The TIA establishes that the proposed development complies with the "Trip Cap". The Assistant City Traffic Engineer reviewed the TIA and agreed with the findings.

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

Finding: The proposal includes four new driveways onto Lunar Drive NE to serve the development site. A Class 2 Driveway Approach Permit is required for the new driveways onto Lunar Drive NE that will allow for general circulation in and out of the development, as such Driveway Approach Permits are consolidated into this application and findings provided below. The proposed driveway accesses onto Lunar Drive NE provide 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 outside of the Urban Service Area, and therefore; an Urban Growth Preliminary Declaration has been required. As conditioned, the proposed development is designed to accommodate required on-site and off-site improvements.

Development Services has reviewed the applicant's preliminary plan for this site. With the recommended conditions of approval, the water, sewer, and storm infrastructure will be available in surrounding streets/areas and are adequate to serve the proposed development. 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.

Water – The *Salem Water System Master Plan* identifies a 16-inch water main to be constructed in Hayesville Drive NE. The existing main terminates approximately 200-feet east of the subject property. In order to provide adequate water service to the development, the applicant shall extend the 16-inch main in Hazelgreen Road NE from its existing terminus (approximately 200-feet east) to the intersection with proposed Lunar Drive NE. In order to provide a looped water system, the applicant is required to construct an 8-inch water main in proposed Lunar Drive NE (SRC 76.110) that connects the existing 8-inch main in Lunar Drive NE to the new 16-inch water main proposed in Hazelgreen Road NE. With the following conditions, the development complies with SRC Chapter 76 (Streets, Sidewalks, and Other Public Ways), Chapter 802 (Public Improvements) and SRC Chapter 200 (Urban Growth Management) relating to water provisions:

Condition 12: Construct a minimum 16-inch "linking" *Water System Master Plan* water main in Hazelgreen Road NE from approximately 200-feet east to the eastern property boundary.

Condition 13: Construct a minimum 16-inch *Water System Master Plan* water main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.

Condition 14: Construct a minimum 8-inch water main in Lunar Drive NE from the existing terminus at the southern property boundary to the northern property boundary and connect this main to the 16-inch *Water System Master Plan* main in Hazelgreen Road NE.

Sanitary Sewer – The *Salem Wastewater Management Master Plan* identifies an 8-inch sewer main to be constructed in Hazelgreen Road NE. The existing sewer main terminates approximately 160-feet east of the subject property. In order to provide adequate sanitary sewer service to the proposed development, the applicant shall extend the 8-inch sewer main in Hazelgreen Road NE from its existing terminus (approximately 160-feet east) to the intersection with proposed Lunar Drive NE. This *Salem Wastewater Management Master Plan* sewer main is intended to serve a large service area and will be constructed at greater depths in order to accommodate future growth in this area. Final construction drawings shall be reviewed and approved by Public Works to ensure the *Salem Wastewater Management Master Plan* sewer main is designed and constructed to accommodate a large service area, as required by the master plan. Within

Lunar Drive NE, the applicant is required to construct an 8-inch sewer main in the new street (SRC 76.110). With the following conditions, the development complies with SRC Chapter 76 (Streets, Sidewalks, and Other Public Ways), SRC Chapter 802 (Public Improvements) and SRC Chapter 200 (Urban Growth Management) relating to sanitary sewer provisions:

Condition 15: Construct a minimum 8-inch “linking” *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE from approximately 160-feet east to the eastern property boundary in compliance with the *Public Works Design Standards*.

Condition 16: Construct a minimum 8-inch *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE in compliance with the *Public Works Design Standards*.

Condition 17: Construct a minimum 8-inch sewer main in Lunar Drive NE as shown in the submitted plans and in compliance with the *Public Works Design Standards*.

Stormwater – As part of the required boundary street improvements along Hazelgreen Road NE, the applicant shall construct a public storm main to serve the new development (SRC 76.110). The existing public storm system terminates in Hazelgreen Road NE, approximately 200-feet east of the subject property. As a condition of approval, the main in Hazelgreen Road NE shall be extended to the development and within Lunar Drive NE.

Condition 18: Extend a “linking” public storm main in Hazelgreen Road NE from approximately 200-feet east to the eastern line of the subject property to accommodate the proposed development and the required boundary street improvements compliance with the *Public Works Design Standards*.

Condition 19: Along the development frontage of Hazelgreen Road NE and Lunar Drive NE, construct a public storm main to accommodate the proposed development and required boundary street improvements compliance with the *Public Works Design Standards*.

Pursuant to SRC Chapter 71, green stormwater infrastructure and flow control is required for the proposed development and the required boundary street improvements. The applicant’s engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. As a condition of approval, the applicant shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and *Public Works Design Standards*.

Condition 20: 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).

7. Analysis of Class 1 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(1) provides that an application for a Class 1 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)(1)(A): The purpose underlying the specific development standard proposed for adjustment is:

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

Finding: The applicant is requesting one Class 1 Adjustment to reduce the setback requirement for Buildings 1 and 2 adjacent to a Hazelgreen Road NE from 20 feet per SRC 514.010(d), Table 514-4, to 16 feet, a 20 percent reduction.

The applicant indicates that Buildings 1 and 2 exceed 20 feet in height and are subject to the 20-foot setback adjacent to Hazelgreen Road NE. Setback standards for buildings adjacent to the street in the RM-II zone are different than those for the MU-I zoned portion of the site, which encourages buildings to be placed closer to the street. The applicant is requesting the reduction in setback in order to provide a congruent appearance for the complex despite the different zoning districts. Similarly, the applicant is asking for an adjustment to increase the maximum setback allowance for the buildings located adjacent to Hazelgreen Road NE within the MU-I zone. Overall, the adjustment results in buildings that are setback slightly closer to Hazelgreen Road NE in the RM-II zoned portion of the site, and buildings that are setback slightly further than would be allowed in the MU-I zone but together create a harmonious appearance along the street frontage meeting the intent of the standard and is therefore in compliance with this criterion.

SRC 250.005(d)(1)(B): The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Finding: The requested adjustment has been evaluated for conformance with the Adjustment approval criteria. The proposed adjustment does not unreasonable impact surrounding existing or potential uses or development in compliance with this criterion.

8. 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 the following Class 2 Adjustments:

- 1) Class 2 Adjustment to reduce the vehicle use area setback adjacent to Lunar Drive NE for one parking space near Building 33 from 12 feet per SRC 514.010(d), Table 514-4, to 6.2 feet;
- 2) Class 2 Adjustment to reduce the setback requirement for Building 33 adjacent to a Lunar Drive NE from 20 feet per SRC 514.010(d), Table 514-4, to approximately 12 feet;
- 3) Class 2 Adjustment to increase the maximum setback allowance adjacent to a street for Buildings 3, 4, and 5 from 10 feet per SRC 533.015(c), Table 533-3, to 16 feet;
- 4) Class 2 Adjustment to adjust the fencing and tree planting requirements of SRC 702.020(b)(2) along the southern boundary where the subject property abuts a BPA (Bonnevillle Power Administration) easement;
- 5) Class 2 Adjustment to reduce the tree planting requirement of SRC 702.020(b)(7) around the perimeter of the parking lot;
- 6) Class 2 Adjustment to eliminate the window requirement of SRC 702.020(c)(1) in certain habitable rooms of Buildings 11, ~~17, 26,~~ 14, 30, and 32; and
- 7) Class 2 Adjustment to reduce the setback requirement for Buildings 26 and 27 adjacent to a RS (Single Family Residential) zone from approximately 35 feet per SRC 702.020(e)(2), Table 702-5, to approximately 22 feet.

To reduce the vehicle use area setback adjacent to Lunar Drive NE for one parking space near Building 33 from 12 feet per SRC 514.010(d), Table 514-4, to 6.2 feet.

SRC Chapter 514, Table 514-4 provides that there is a minimum 12-foot vehicle use area setback required adjacent to a street.

The applicant is requesting an adjustment to reduce the setback requirement adjacent to Lunar Street NE for one off-street parking space for the parking area serving proposed Building 33.

The applicant submitted into the record a revised site plan dated February 14, 2024, showing the off-street parking area to be adjusted to meet the minimum setback adjacent to Lunar Drive NE, eliminating one of the off-street parking spaces. Therefore, this adjustment is no longer needed, and the Planning Administrator is not granting this adjustment. The following condition of approval shall be required to ensure that at the time of building permit the vehicle use area is revised to comply with all applicable setbacks adjacent to a street.

Condition 21: Prior to building permit issuance, the applicant shall submit a revised site plan demonstrating compliance with all applicable vehicle use area setback requirements adjacent to Lunar Drive NE.

To reduce the setback requirement for Building 33 adjacent to a Lunar Drive NE from 20 feet per SRC 514.010(d), Table 514-4, to approximately 12 feet.

SRC Chapter 514, Table 514-4 provides that there is a minimum 12-20 foot building setback required adjacent to a street that is dependent on the height of a proposed building. In this case, proposed Building 33 is approximately 39 feet in height, requiring a 20-foot setback.

The applicant is requesting an adjustment to reduce the setback requirement for proposed Building 33 from 20 feet to approximately 12 feet adjacent to Lunar Drive NE. The applicant explains that proposed Building 33 is not conventionally shaped due to the curvature of Lunar Drive and that while most of the building will be setback to 20 feet, two corners of the building will project into the setback area. The configuration of Lunar Drive NE and dedication of right-of-way results in a unit of land in the southwestern corner that is unusually shaped and approximately 0.4 acres in size. The adjustment allows for development of a nine-unit multi-family building on this unit of land, a dwelling unit density equal to 22.5 units per acre, which provides maximum utilization of this property with minimal visual impact. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

To increase the maximum setback allowance adjacent to a street for Buildings 3, 4, and 5 from 10 feet per SRC 533.015(c), Table 533-3, to 16 feet.

The applicant is requesting an Adjustment to increase the setback requirement for Buildings 3 and 4, adjacent to Hazelgreen Road NE and for Building 5 adjacent to Hazelgreen Road NE and Lunar Drive NE from a maximum distance of 10 feet, per SRC 533.015(c), Table 533-3, to approximately 16 feet.

The applicant indicates that purpose of the maximum setback requirement is to create visually appealing pedestrian-oriented development by encouraging construction of building as close to the street as possible. In this case, the development site is split zoned with the majority of the property located in the RM-II zone, which has a greater setback requirement for buildings adjacent to a street than the MU-I zone. The applicant is requesting to increase the setback requirement in order to provide a congruent appearance for the complex despite the different zoning districts. Overall, the adjustment results in buildings that are setback slightly further from the street than would be allowed in the MU-I zone, but that will create a more harmonious appearance along the street frontage with the other buildings in this development site, meeting the intent of the standard.

To adjust the fencing and tree planting requirements of SRC 702.020(b)(2) along the southern boundary where the subject property abuts a BPA (Bonneville Power Administration) easement.

SRC 702.020(b)(2) provides that where a development site abuts property that is zoned RS (Single Family Residential), a combination of landscaping and screening shall be provided to buffer between the multi-family development and the abutting RS zoned property. The landscaping shall include a minimum of one tree for every 30 linear feet of abutting property width and a minimum six-foot tall, decorative, sight-obscuring fence or wall.

The applicant indicates that the reason for the request to reduce the tree planting and fencing is because of the existing 125-foot-wide easement for a BPA (Bonneville Power

Administration) transmission line. The easement extends across the entire southern boundary of the property with a width of approximately 16 feet on the subject property and 109 feet on the abutting RS (Single Family Residential) zoned properties to the south. No buildings or structures can occur within the easement, including fencing. Trees and vegetation exceeding a height of five feet are also not permitted in the easement area; therefore, it is not possible to provide the required buffering along the southern property line in the easement area. The applicant proposes to landscape the southern boundary with dense shrubs that will provide a physical and visual barrier and will be maintained in compliance with the requirements of the BPA easement. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

On May 13, 2024, the applicant indicated that following the receipt of the appeal, they have been negotiating with BPA to seek limited variances from the CC&R's to install fencing and trees within the easement area on the western portion of the site. The applicant indicate that BPA has responded, and is aggregable to the request to construct the fence in the easement area, but will not allow planting of any trees. The applicant has also indicated a willingness to accept that the City Council place a condition of approval on this application requiring construction of the fence.

Condition 23: A minimum six-foot-tall, decorative, sight-obscuring fence meeting the requirements of SRC Chapter 702.020(b)(2) shall be provided along the south property line, between the site's west property line and the planned westerly right-of-way of Lunar Drive, to buffer between the multiple family development and the abutting RS zoned property to the south.

To reduce the tree planting requirement of SRC 702.020(b)(7) around the perimeter of the parking lot.

SRC 702.020(b)(7) requires a minimum of one canopy tree to be planted along every 50 feet of the perimeter of parking areas and that trunks of the trees shall be located within ten feet of the edge of the parking area. The applicant indicates that the amount of canopy trees provided around the parking area perimeter is in excess of the minimum standard, but not all of the proposed trees are able to be planted within 10 feet of the parking area. Due to physical limitations in the site design, including parking areas, sidewalks, building locations, and overlapping landscaping requirements in other sections of this chapter, additional trees cannot be provided without compromising their long-term viability. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

To eliminate the window requirement of SRC 702.020(c)(1) in certain habitable rooms of Buildings 11, 17, ~~26~~, 14, 30, and 32.

SRC 702.020(c)(1) provides that 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. The applicant is requesting to remove the window requirement for ground floor units for Buildings 11, 14, 30, and 32 where exterior mounted electrical service equipment prevents a window from being installed on a wall

facing common open space on one side of a habitable room. Given the physical limitation, a window cannot be reasonably installed. Each of the proposed buildings will include windows on each wall in each habitable room on the upper floors, which encourage visual surveillance and minimize the appearance of building bulk. Landscaping will be used to screen exterior mounted electrical equipment for these buildings. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

To reduce the setback requirement for Buildings 26 and 27 adjacent to a RS (Single Family Residential) zone from approximately 35 feet per SRC 702.020(e)(2), Table 702-5, to approximately 22 feet.

With the RM-II zone, the minimum building setback requirement for a multi-family building adjacent to a RS zoned property is 10 feet. However, per the multi-family residential design standards of SRC 702.020(e)(2), Table 702-5, a greater building setback based on building height is required for multi-family residential building adjacent to RS zoned property. The applicant indicates that the reason for the request to reduce the setback requirement in SRC Chapter 702 from 35 feet to 22 feet is because of the existing 125-foot-wide easement for a BPA (Bonneville Power Administration) transmission line. The easement extends across the entire southern boundary of the property with a width of approximately 16 feet on the subject property and 109 feet on the abutting RS (Single Family Residential) zoned properties to the south, no buildings or structures can occur within the easement.

The distance provided between the proposed Buildings 26 and 27 and nearest possible abutting single-family residential buildings is approximately 130 feet, which is a physical separation that greatly exceeds the minimum setback standards applicable in the zoning code between multi-family residential uses and single-family zoning. A minimum separation of approximately 49-55 feet (14–20-foot rear yard setback for single family residential, and 35 feet for proposed Buildings 26 and 27) would normally be required, the proposal more than doubles the separation requirement. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

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-I (Mixed Use-I) and RM-II (Multiple Family Residential) zones. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The adjustments, as proposed and conditioned, result in an overall project which is consistent with the intent and purpose of the zoning code which does not detract from the livability or appearance of the residential area in compliance with this criterion.

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: Seven separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance

with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

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 22: The adjusted development standards, as approved in this zoning adjustment, 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 land use action.

9. 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.

The applicant proposes four new driveway approaches onto Lunar Street NE, a local street. As described in the findings below, the proposed driveway approaches meet the approval criterion.

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

Finding: The proposed driveways meet the standards of SRC Chapter 804 and the *Public Works Design Standards*.

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

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

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

Finding: The proposed development has frontage on a proposed local street (Lunar Drive NE) and existing parkway street (Hazelgreen Road NE). All accesses for the development are proposed to be taken from the local street. The proposed driveways are not accessing onto an arterial street.

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

(A) Is shared with an adjacent property; or

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

Finding: The proposed development has frontage on a proposed local street (Lunar Drive NE) and existing parkway street (Hazelgreen Road NE). All accesses for the

development are proposed to be taken from the lowest classification of street abutting the property.

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

Finding: The proposed driveways meet 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 driveways will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveways indicates that they 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 driveways and the evidence that has been submitted indicate that the location of the proposed driveways 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 property is located on the corner of a parkway street (Hazelgreen Road NE) and a proposed local street (Lunar Drive NE). The applicant is proposing driveways to the lower classification of street. By complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections.

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

Finding: The proposed development abuts residentially zoned property to the south; Public Amusement (PA) zoned property to the west, and Marion County Zoned UT-20-IND property to the east. The proposed development abuts parkway and a proposed local street. The proposed driveways are taken from the lowest classification street abutting the subject property. The driveways balance the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

10. Analysis of Class 1 Design Review Approval Criteria

Salem Revised Code (SRC) 225.005(e)(1) provides that a Class 1 Design Review application shall be approved if all of the applicable design review standards are met.

Development Standards – Multiple Family Design Review Standards SRC 702

SRC 702.020 - Design review standards for multiple family development with thirteen or more units.

(a) Open space standards.

(1) To encourage the preservation of natural open 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 30 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: The proposed development occurring on the RM-II zoned portion of the subject property that is approximately 13.73 acres in size (598,188 square feet) and requires a minimum of 179,456 square feet ($598,188 \times 0.3 = 179,456.4$) of open space. Per the applicant's site plan, approximately 234,394 square feet of open space is provided for the development site, exceeding the minimum open space requirement.

(A) To ensure usable open space that is of sufficient size, at least one common open space area shall be provided within the development that is at least 1,000 square feet in size, plus an additional 250 square feet for every 20 units, or portion thereof, over 20 units and has a minimum dimension of 25 feet for all sides.

Finding: The portion of the development site in the RM-II zone contains 360 dwelling units. Per Table 702-3 the proposal requires a minimum open space area that is 5,250 square feet in size ($1,000 + (250 \times ((360-20)/20)) = 5,250$) with no dimension less than 25 feet. The applicant's statement indicates that an open space area approximately 6,000 square feet in size will be provided adjacent to buildings 30, 31, and 32, with no dimension less than 25 feet which exceeds the minimum requirement.

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

Finding: The applicant's written statement and development plans indicate that none of the proposed open space areas on the site are located in areas with a slope exceeding 15 percent.

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

Finding: The applicant indicates that each of the proposed dwelling units will have private open space. Ground floor units will have patio areas and upper floors will have balconies/decks that meet minimum dimensional standards.

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

Finding: Each of the proposed dwelling units will have private open space. Ground floor units will have patio areas and upper floors will have balconies/decks that meet minimum dimensional standards. The private open space areas comply with the minimum size requirements of Table 702-4.

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

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

Finding: The applicant indicates that residents of the proposed facility will have access to amenities located off-site at the Northplace Phase I apartment site, approximately 600 feet away and located at 5115 Countryside Drive NE. The subject property is also located adjacent to a future City park which will provide future recreation opportunities for residents. Because of this, the applicant has chosen not to provide active recreational facilities on the subject property and will instead be providing the full amount of required open space area.

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

Finding: The subject property is located adjacent to Hazelgreen Road Park, an undeveloped park directly adjacent to the western line of the subject property which will provide neighborhood park service. However, the applicant plans on providing the full amount of required open space area and is choosing not to utilize the reduction provided in this section.

(b) Landscaping standards.

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

Finding: The RM-II zoned portion of the subject property is approximately 13.73 acres in size (598,079 square feet) requiring a minimum of 299 trees (598,079 / 2,000 = 299). The applicant's landscape plan indicates that a total of 353 trees will be planted, exceeding the minimum standard.

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

- (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
(B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain-link fencing with slats shall not be allowed to satisfy this standard.

Finding: The subject property abuts property zoned RS to the south. The applicant has requested an Adjustment to the screening and landscaping requirements of this section. Findings for the Adjustment are included in Section 9 of this report.

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

Finding: The landscaping plan provided indicates at least two plant units will be installed at each shared primary entryway in compliance with this provision.

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

Finding: The landscaping plan provided indicates at least ten plant units of trees per 60 linear feet of exterior building wall are to be planted within 25 feet on each side of the proposed buildings.

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

Finding: The landscaping plan provided indicates at least one plant unit of shrubs per 15 linear feet are to be planted on each side of the proposed buildings.

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

Finding: According to the applicant's written statement and landscape plan, all private open space located contiguous to the dwelling unit will be separated from common open space with perimeter landscaping in compliance with this standard.

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

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

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

Finding: The applicant has requested an adjustment to this development standard. Findings for the Adjustment are included in Section 9 of this report.

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

Finding: The proposal includes more than thirteen units; therefore, this development is exempt from the landscaping requirements of SRC Chapter 806.

(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 floor plans and elevations provided indicate that windows are provided in habitable rooms on each wall that faces common open space, parking areas, or pedestrian pathways, in compliance with this standard with the exception of proposed buildings 11, 17, 26, 30, and 32 where the applicant has requested an adjustment to this development standard. Findings for the Adjustment are included in Section 9 of this report.

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

Finding: The applicant's statement indicates that exterior lighting will be provided along pedestrian paths and adjacent to vehicle use areas. Lighting will also be provided on building exteriors at dwelling unit entrances.

- (3) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, the term

"obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.

Finding: According to the site plan and landscaping plan, there are no fences or plant materials proposed between street-facing dwelling units and adjacent streets that would obstruct visibility of the entryways, in compliance with this standard.

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

Finding: According to the site plan and landscaping plan, there are no fences near the entryways or common open space. According to the site plan and landscaping plan, there are no fences or plant materials proposed adjacent to open space, parking areas, and dwelling unit entryways that would obstruct visibility of those areas, in compliance with this standard.

(d) Parking and site design.

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

Finding: There are no continuous parking areas greater than 6,700 square feet in size that are not separated by landscape planter bays. Planter bays a minimum of nine feet in width, and each planted with a canopy tree, in compliance with this standard.

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

Finding: The proposed off-street surface parking areas are located behind or beside adjacent buildings or structures in compliance with this standard.

(3) Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.

Finding: The subject property abuts RS zoned property to the south. However, the topography of the site and abutting property is generally flat, less than the slope requirements that would trigger compliance with this standard; therefore, this standard is not applicable.

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

Finding: Sidewalks are shown throughout the development site, connecting buildings, common open areas, parking areas and each abutting street in compliance with this standard.

(e) Façade and building design.

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

Finding: Proposed building 22 has the greatest building dimension at approximately 149 feet, less than the maximum allowance, in compliance with this standard.

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

- (A) A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.015(b)(1)(B) is increased to eight feet tall.

Finding: The subject property abuts property zoned RS to the south. Table 702-5 requires buildings 2 or more stories in height to be setback a minimum of one foot for each one foot of building height. Proposed Buildings 26, 27 and 33 abut the southern property line and are each approximately 35 feet in height, requiring a minimum setback of 35 feet. Building 26 is setback approximately 23 feet, Building 27 is setback approximately 25 feet and Building 33 is setback approximately 60 feet from the southern property line. The applicant is requesting an Adjustment to reduce the required setbacks for Buildings 26 and 27, findings for the Adjustment are included in Section 9 of this report. Building 33 is setback in compliance with the requirements of this section.

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

Finding: Balconies facing the RS zoned property to the south are planned for proposed buildings 26, 27, and 33. The applicant's written statement and development plans indicate that sight-obscuring railings are proposed for these balconies, in compliance with this section.

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

Finding: The subject property has approximately 234 feet of frontage along Hazelgreen Road NE that is within the RM-II zone, requiring a minimum of 93.6 feet ($234 \times 0.4 = 93.6$) of the frontage to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 206 feet of the frontage along Hazelgreen Road NE will be occupied by buildings placed at the setback line, in compliance with this section.

The subject property has approximately 1,150 feet of frontage along Lunar Drive NE within the RM-II zoning district, requiring a minimum of 460 feet ($1,150 \times 0.4 = 460$) of the frontage to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 765 feet of the frontage along Lunar Street NE will be occupied by buildings placed at the setback line, in compliance with this section.

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

Finding: Each of the proposed ground-level units within 25 feet of the property line abutting a street is provided with a building entrance facing the street and direct pedestrian access between the adjacent sidewalk and entrance in compliance with this section.

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

Finding: Covered entry areas are provided at each of the primary entrances for the dwelling units in compliance with this standard.

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

Finding: The applicant indicates that roof mounted equipment may not be needed for this development, but if so, it will be screened and integrated into the building design in compliance with this standard.

- (8) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided.

Finding: The planned roofs for the proposed buildings will be sloped creating variation in the roofline. Buildings which exceed 100 feet in horizontal length will be provided with offset roof ridges in compliance with this standard.

- (9) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.
- (A) Offsets (recesses and extensions).
 - (B) Covered deck.
 - (C) Covered balcony.
 - (D) Cantilevered balcony, provided at least half of its depth is recessed.
 - (E) Covered entrance.

Finding: According to the applicant's written statement and proposed building elevation plans; building offsets, covered decks and balconies, and covered entrances will be incorporated into the design for each building in compliance with this standard.

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

Finding: According to the applicant's written statement and building elevation plans, horizontally distinguishing transition pieces will be used to visually break up the mass of each building, in compliance with this standard.

11. Analysis of Property Line Adjustment Approval Criteria

Pursuant to SRC 205.055(a), a property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body.

Salem Revised Code (SRC) 205.055(d) provides that an application for a property line 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.

SRC 205.055(d)(1): The property line adjustments will not create an additional unit of land;

Findings: The proposed property line adjustment eliminates the common property line between two existing units of land, resulting in one consolidated unit of land. The proposed property line adjustment will not create an additional unit of land; therefore, this criterion is met.

SRC 205.055(d)(2): The property line adjustments will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;

Findings: The subject properties are zoned RM-II (Multiple Family Residential) and MU-I (Mixed Use-I), which are regulated by SRC Chapters 511 and 533. According to SRC 514.010(b), the minimum lot area requirement for a multi-family residential use is 6,000 square feet, and according to SRC 533.015(a), there are no minimum lot area requirements in the MU-I zone. In the RM-II zone, all uses, other than single family, are required to have a minimum of 40 feet of street frontage and in the MU-I zone, all uses are required to have a minimum of 16 feet of street frontage.

The proposed property line adjustment will remove an existing lot line between two existing units of land, and therefore combining tax lots 062W32C / 000400 and 000500 into one split zoned lot, approximately 15.6 acres in size after dedication of right-of-way with more than 40 feet of street frontage in the RM-II zone along Hazelgreen Road NE and Lunar Drive NE, and more than 16 feet of street frontage in the MU-I zone along Hazelgreen Road NE and Lunar Drive NE. The proposal will not create a nonconforming unit of land; therefore, this criterion is met.

A single-family dwelling was recently removed, there is no other development on the subject property. The proposed property line adjustment does not result in the creation of non-conforming development. Development plans for the property are included as part of the consolidated Site Plan Review application and have been reviewed for conformance with the applicable development standards of the Salem Revised Code with the assumption that the existing property line has been removed. As conditioned, prior to building permit issuance, the applicant shall record the property line adjustment eliminating the lot line as proposed.

SRC 205.055(d)(3): The property line adjustments involve only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;

Findings: The proposed property line adjustment involves two single and discrete units of land described in Reel 4676, Page 40, Marion County Deed Records. The proposed property line adjustment involves two legal units of land; therefore, this criterion is met.

SRC 205.055(d)(4): The property line adjustments are not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;

Findings: There are no existing land use approvals or previous conditions of approval applicable to the properties that would prohibit the proposed property line adjustment; therefore, this criterion is met.

SRC 205.055(d)(5): The property line adjustments do not involve the relocation or elimination of any public easement or right-of-way;

Findings: The proposed property line adjustment does not involve the relocation or elimination of any public easements or right-of-way. Additionally, no right-of-way will be relocated or eliminated as a result of the consolidation; therefore, this criterion is met.

SRC 205.055(d)(6): The property line adjustments do not adversely affect the availability or access to public and private utilities or streets;

Findings: The proposed property line adjustment eliminates the common property line between two abutting units of land. The proposed property line adjustment does not affect availability or access to public and private utilities or streets; therefore, this criterion is met.

CONCLUSION

The City Council makes its final decision to affirm and modify the Planning Administrator's decision approving the consolidated applications with one additional condition of approval. Final approval of Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03 is hereby **APPROVED** subject to SRC Chapters 200, 220, 250, 804, 225, and 205, the applicable standards of the Salem Revised Code, conformance with the approved site plan, and the following conditions of approval:

- Condition 1:** Prior to building permit issuance, the applicant shall record the property line adjustment removing the existing property line.
- Condition 2:** Prior to building permit issuance, the plans shall be revised to demonstrate that the solid waste service area is in conformance with all applicable development standards of SRC Chapter 800.
- Condition 3:** At time of building permit issuance, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.
- Condition 4:** Convey land for dedication to equal a half-width right-of-way of 60-feet on the development side of Hazelgreen Road NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 5:** Construct Hazelgreen Road NE as a three-quarter minor arterial street improvement along the full frontage of the subject property. These improvements shall include a minimum of 46-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 6:** Where the development has frontage on both sides of Lunar Drive NE:
- Convey land for dedication to equal a full-width right-of-way of 60-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.
 - Construct Lunar Drive NE as a full local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include

a minimum of 30-foot-wide pavement with sidewalk, streetlights, and street trees on both development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

- Condition 7:** Where the development has frontage on one side of Lunar Drive NE:
- Convey land for dedication to equal a half-width right-of-way of 30-feet, including sufficient right-of-way to accommodate public infrastructure at the property corners.
 - Construct Lunar Drive NE as a local street improvement as proposed with the submitted Lunar Drive plans along the western boundary of the subject property. These improvements shall include a minimum of 30-foot-wide pavement with sidewalk, streetlights, and street trees on the development side of the street and be constructed as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Sidewalks, street trees, and streetlights are not required on the western side of the street where the development does not have frontage on both sides of the street.
- Condition 8:** As shown on the applicant's site plan, dedicate a minimum 26-foot-wide public access easement over the center drive aisle of the development. The easement shall extend from Lunar Drive NE to the eastern property boundary.
- Condition 9:** As shown on the applicant's site plan, dedicate a minimum 10-foot-wide public access easement over the 10-foot-wide shared use path along the southern boundary of the center drive aisle.
- Condition 10:** The applicant shall coordinate with Cherriots to provide transit stops along Lunar Drive NE in locations approved by Cherriots and the Public Works Department.
- Condition 11:** Prior to issuance of final occupancy, install street trees to the maximum extent feasible along Hazelgreen Road NE and proposed Lunar Drive NE.
- Condition 12:** Construct a minimum 16-inch "linking" *Water System Master Plan* water main in Hazelgreen Road NE from approximately 200-feet east to the eastern property boundary.
- Condition 13:** Construct a minimum 16-inch *Water System Master Plan* water main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE.
- Condition 14:** Construct a minimum 8-inch water main in Lunar Drive NE from the existing terminus at the southern property boundary to the northern property boundary and connect this main to the 16-inch *Water System Master Plan* main in Hazelgreen Road NE.

- Condition 15:** Construct a minimum 8-inch “linking” *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE from approximately 160-feet east to the eastern property boundary in compliance with the *Public Works Design Standards*.
- Condition 16:** Construct a minimum 8-inch *Salem Wastewater Management Master Plan* sewer main in Hazelgreen Road NE along the property frontage from the eastern property boundary to the intersection of Hazelgreen Road NE and proposed Lunar Drive NE in compliance with the *Public Works Design Standards*.
- Condition 17:** Construct a minimum 8-inch sewer main in Lunar Drive NE as shown in the submitted plans and in compliance with the *Public Works Design Standards*.
- Condition 18:** Extend a “linking” public storm main in Hazelgreen Road NE from approximately 200-feet east to the eastern line of the subject property to accommodate the proposed development and the required boundary street improvements compliance with the *Public Works Design Standards*.
- Condition 19:** Along the development frontage of Hazelgreen Road NE and Lunar Drive NE, construct a public storm main to accommodate the proposed development and required boundary street improvements compliance with the *Public Works Design Standards*.
- Condition 20:** 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 21:** Prior to building permit issuance, the applicant shall submit a revised site plan demonstrating compliance with all applicable vehicle use area setback requirements adjacent to Lunar Drive NE.
- Condition 22:** The adjusted development standards, as approved in this zoning adjustment, 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 land use action.
- Condition 23:** *A minimum six-foot-tall, decorative, sight-obscuring fence meeting the requirements of SRC Chapter 702.020(b)(2) shall be provided along the south property line, between the site’s west property line and the planned westerly right-of-way of Lunar Drive, to buffer between the multiple family development and the abutting RS zoned property to the south.*