

FACTS & FINDINGS

CLASS 3 DESIGN REVIEW/CLASS 3 SITE PLAN REVIEW/CLASS 2 DRIVEWAY APPROACH PERMIT/TREE REGULATION VARIANCE CASE NO. DR-SPR-DAP-TRV18-07

March 25, 2019

PROCEDURAL FINDINGS

On October 5, 2018, design review, site plan review, and driveway approach permit applications were submitted to develop the subject property with a 111-unit multi-family residential use. Additional information was requested from the applicant, and a tree regulation variance was submitted on November 14, 2018. The applications were deemed complete for processing on November 20, 2018.

Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on November 28, 2018. Public hearing notice was posted on the property on December 7, 2018 by the applicant pursuant to SRC requirements.

On December 18, 2018, the Planning Commission held a public hearing on the consolidated applications, received testimony, and voted to approve the Design Review, Site Plan Review, Driveway Approach Permit, and Tree Regulation Variance subject to the recommended conditions of approval.

On January 14, 2019, at a regularly scheduled meeting, the City Council voted to initiate review of the Planning Commission's decision.

On February 25, 2019, the City Council conducted a hearing to receive evidence and testimony regarding the proposal. The public hearing was closed on February 25, 2019, but the written record was left open until 5:00 PM on March 11, 2019.

On March 11, 2019, the City Council conducted deliberations and voted to modify the decision of the Planning Commission, approving the consolidated application with additional conditions.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Multi-Family Residential". The subject property is within the Urban Growth Boundary and is within the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned RM-I and RM-II (Multi-Family Residential). The proposed use includes development of a 111-unit apartment complex on property zoned both RM-I and RM-II (Multi-Family Residential). Multi-family uses are allowed as a permitted use in both the RM-I and RM-II zone.

Zoning designations for surrounding properties is as follows:

North: RS (Single Family Residential) – Single family dwellings;
South: RM-I and RM-II (Multi-Family Residential) – Apartment Complex;
East: Across Wiltsey Road SE, RM-II (Multi-Family Residential) zone –
Apartment Complex;
West: CG (General Commercial) and CR (Retail Commercial) – lawn and
garden supply store, vacant

3. Site Analysis

The subject property is approximately 6.4 acres in size. Wiltsey Road SE, which is designated as a collector street within the Salem Transportation System Plan (TSP), abuts the property to the south. Candy Flower Court SE, which is designated as a local street abuts the property to the north.

The subject property slopes downward from east to west. There are several existing trees on the site, and there is a stormwater detention pond at the northwest corner of the property.

4. Neighborhood and Citizen Comments

The subject property is located within the South Gateway Neighborhood Association (SGNA). Notice was provided to SGNA and surrounding property owners within 250 feet of the subject property. No written comments were received from SGNA during the public review of this application.

Two public comments were received during the public hearing before the City Council.

5. City Department and Public Agency Comments

The Building and Safety Division reviewed the proposal and indicated no objections.

The Fire Department reviewed the proposed and indicated that they have concerns with this application. Two separate and approved means of fire department access are required. One is provided from Candy Flower and another is provided from Wiltsey. The private utility sheet appears to show proposed fire hydrant locations in a light grey shade. The fire hydrant near Candy Flower is located in a drive aisle. Fire will verify items including fire department access and water supply at time of building permit plan review.

The Fire Department has also reviewed the proposed roundabout and commented that the plan generally looks to accommodate fire truck access and aerial access. Fire Department access will be determined once final detailed plans are submitted and reviewed and during construction. A second concern raised by the Fire Department regarding the roundabout is with tree branches. A minimum vertical

clearance of 13'6" is required for fire trucks. Branches that interfere with height clearance requirements will need to be removed so they don't obstruct access.

The Public Works Department has reviewed the proposal and provided a memo included as Attachment D to the staff report.

Salem Keizer School District has reviewed the proposal and provided a memo included as Attachment E to the staff report.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 3 DESIGN REVIEW

6. Analysis of Class 3 Design Review Criteria

SRC Chapter 225.005(e)(2) provides that:

A Class 3 Design Review shall be approved if all of the applicable design review guidelines are met.

SRC 702.010 provides that multiple family developments shall comply with all of the applicable design review guidelines set forth in SRC Chapter 702.

Open Space Design Review Guidelines and Standards

702.015(b)(1) – Common Open Space

(A) A variety of open space areas of sufficient size shall be provided for use by all residents.

Finding: The corresponding design standard requires a minimum of 30 percent of the gross site area to be designated as common open space. The subject property is approximately 6.4 acres, or 278,784 square feet in size requiring approximately 83,635 square feet of landscape area ($278,784 \times 0.3 = 83,635.2$). The proposed site plan indicates that a total of 132,092 square feet, or approximately 45.8 percent of the development site is provided as landscaping or open space area, including landscaping within perimeter setbacks, the off-street parking area, the stormwater detention area and recreation areas. The open space areas provided exceed the corresponding design standard.

(B) Common open space shall be distributed around buildings and throughout the site.

Finding: Common open space areas are provided throughout the site, a significant portion of the common open space area is occupied by an existing stormwater detention area at the north portion of the site. A variety of play areas and recreation areas are provided throughout the site adjacent to buildings 1, 5, 8 and 9.

- (C) The amount of perimeter setbacks used for common open space shall be minimized.

Finding: Common open space and recreation areas are distributed throughout the development site.

The revised site plan moves a proposed recreation area from a location that was central to the complex, to a new location adjacent to Wiltsey Road SE, within a required perimeter setback area. The recreation area is provided in this location in part to preserve two additional significant trees. The City Council finds that the revised site plan satisfies the requirements of this guideline by preserving additional significant trees and incorporating those trees into an open space area.

702.015(c)(1) – Children’s Play Areas and Adult Recreation Areas

- (A) A variety of common open area opportunities shall be provided for enjoyment by all residents.

Finding: Multi-family developments containing 20 units or more require children’s play areas and adult recreation area. The proposed 111-unit apartment complex requires that the recreation area(s) be a minimum of 2,086 square feet in size. The proposed site plan shows a play area approximately 900 square feet in size near proposed building 5, a pickleball court approximately 1,800 square feet in size near proposed building 8, and a play/recreation area approximately 2,250 square feet in size near building 10, for a total of 4,950 square feet of recreation area exceeding the requirement of the corresponding design standard.

In addition, the proposed development provides a 2,697 square foot recreation building.

- (B) Children’s play and/or adult recreation areas shall be located centrally within the development.

Finding: The revised site plan moves a proposed recreation area from a location that was central to the complex, to a new location adjacent to Wiltsey Road SE. The recreation area is provided in this location in part to preserve two additional significant trees. The City Council finds that the revised site plan satisfies the requirements of this guideline by preserving additional significant trees and incorporating those trees into an open space area.

- (C) Children’s play areas, if provided, shall be located in a manner to incorporate safety into the design by including such things as locating play areas to be visible from dwelling units, locating play areas away from physical barriers such as driveways and parking areas, and selection of play equipment with safe designs.

Finding: The proposed children's play area is provided at the north end of the property, away from abutting streets. The site plan indicates that fence 30 inches in height will be provided around the play area.

702.015(d)(1) – Private Open Space.

- (A) Individual private open space shall be provided for each dwelling unit in all newly constructed multiple family developments.

Finding: Each of the proposed dwelling units is provided with a deck or patio. Ground floor dwelling units will be provided with a patio 96 square feet in size, and upper floor units will be provided with decks or balconies that are a minimum of 48 square feet in size. Proposed private open space areas exceed the minimum dimensions required by the corresponding design standards.

- (B) Private open space shall be easily accessible from the dwelling unit.

Finding: Private open space areas are accessible from each dwelling unit.

- (C) If private open space is located adjacent to common open space, a buffer between the two open space areas shall be provided.

Finding: Ground floor private open space areas are separated from common open space areas by a five-foot tall sign obscuring wood fence.

Landscaping Design Review Guidelines and Standards

702.020(b)(1) – General Landscaping

- (A) A variety of tree types shall be distributed throughout the site to maximize tree canopy.

Finding: The corresponding design standard requires a minimum of one tree to be planted for every 2,000 square feet of gross floor area. The subject property is approximately 278,784 square feet in size, requiring a minimum of 139 trees ($278,784 / 2,000 = 139.4$). The number of trees provided for the development site will be reviewed with the landscape and irrigation plans required at the time of building permit submittal.

- (B) Landscaping shall be used to shield the site from winter winds and summer sun.

Finding: Trees and shrubs will be distributed throughout the development site to provide shade during the summer and to shield from winter winds.

- (C) Existing trees shall be preserved to the maximum extent possible.

Finding: The applicant's revised site plan indicates that there are 321 existing trees on the subject property, including five significant trees (Oregon white

oaks greater than 24 inches in diameter at breast height). The plans indicate that approximately 85 percent of the trees on site will be removed, including removal of one significant tree. Four significant trees on the property will be preserved.

The applicant is required to comply with the tree preservation and replanting requirements of SRC Chapter 807.

- (D) Where a development site abuts property zoned Residential Agriculture (RA) or Single Family Residential (RS), an appropriate combination of landscaping and screening shall be provided that is sufficient to buffer between the multiple family development and the abutting RA or RS zoned property.

Finding: The subject property abuts RS zoned property to the north. New shrubs and trees, as well as fencing meeting the Type C screening requirements of SRC Chapter 807 will be installed along the boundary abutting RS zoned properties providing an appropriate buffer between the proposed multi-family development and abutting RS zoned properties.

702.020(c)(1) – Street Frontage

- (A) The residential character of the site shall be enhanced with trees planted within the public right-of-way.

Finding: New street trees are required to be installed on Wiltsey Road SE, in compliance with the standards in SRC Chapter 86.

702.020(d)(1) – Building Exteriors

- (A) Landscaping shall be planted to define and accentuate the primary entry way of each dwelling unit, or combination of dwelling units.

Finding: Landscaping is provided along the entryways for each of the proposed buildings.

- (B) Vertical and horizontal landscape elements shall be provided along all exterior walls to soften the visual impact of buildings and create residential character.

Finding: The proposed landscaping plan indicates a variety of trees, shrubs and ground cover will be provided along the exterior walls of the buildings.

702.020(e)(1) – Privacy

- (A) Landscaping, or a combination of landscaping and fencing, shall be used to buffer the multiple family development from abutting properties.

Finding: The site plan indicates that landscaping and fencing will be installed along the interior property lines providing a buffer between the proposed multi-family development and abutting properties.

- (B) Landscaping shall be used to enhance the privacy of dwelling units. Methods may include fencing in combination with plant units.

Finding: The preliminary landscape plan indicates that trees and shrubs will be provided around the exterior walls of the proposed buildings and a combination of landscaping and fencing will be used to screen ground floor private open space areas.

702.020(f)(1) – Parking Areas

- (A) Canopy trees shall be distributed throughout the interior, and planted along the perimeter, of parking areas.

Finding: The preliminary landscape plan indicates that a variety of canopy trees will be provided throughout the proposed parking areas.

Crime Prevention Through Environmental Design

702.025(a)(1) – Safety Features for Residents

- (A) Multiple family developments shall be designed in a manner that considers crime prevention and resident safety.

Finding: The applicant indicates that fencing will not be placed in areas that obstructs visibility. All buildings have windows provided in habitable rooms which are oriented towards open space areas and the proposed parking area. Lighting will be provided on building and along pedestrian paths.

- (B) Landscaping and fencing shall be provided in a manner that does not obscure visual surveillance of common open space, parking areas, or dwelling unit entryways.

Finding: The preliminary landscape plan and the applicant's statement indicate that no fences or plant materials will be located in areas which obstruct visibility. All landscaping adjacent to open space areas will not exceed 3 feet in height.

Parking, Site Access, and Circulation

702.030(b)(1) – General Parking and Site Access

- (A) Parking areas shall be designed to minimize the expanse of continuous parking.

Finding: Landscape islands with canopy trees are provided within the proposed parking area to minimize the expanse of continuous parking.

- (B) Pedestrian pathways shall be provided that connect to and between buildings, common open space, parking areas, and surrounding uses.

Finding: The proposed site plan includes pedestrian pathways which connect the parking areas, common open space areas and dwelling units to the public right-of-way.

(C) Parking shall be located to maximize the convenience of residents.

Finding: Parking areas are distributed throughout the development site, in a convenient distance from the proposed multi-family buildings.

(D) Parking areas and circulation systems shall be designed in a manner that considers site topography, natural contours, and any abutting properties zoned Residential Agriculture (RA) or Single Family Residential (RS).

Finding: The proposed site plan and locations of the proposed buildings is sited in a way that addresses the topography of the site and natural landform, but also takes into consideration minimum dwelling unit density requirements, and existing utility easements.

702.030(c)(1) – Site Access

(A) Accessibility to and from the site shall be provided for both automobiles and pedestrians.

Finding: The primary vehicle entrance to the development site is provided by a full movement driveway onto Wiltsey Road SE. Secondary access to the site is provided by a driveway leading to an extension of Candy Flower Court SE. An emergency access only with a gate will be provide on Wiltsey Road SE. A major pedestrian pathway is provided through the center of the development site with connections to the public sidewalks on Candy Flower Court SE and Wiltsey Road SE.

(B) Site access shall be provided in a manner that minimizes vehicle and pedestrian conflicts.

Finding: Marked crosswalks are provided on the proposed site plan wherever a pedestrian pathway crosses a vehicle use area.

(C) Where possible, driveway access shall be provided onto collector or local streets rather than arterial streets.

Finding: The primary access for the development site is from a full movement driveway on Wiltsey Road SE, which is classified as a collector street on the Salem Transportation System Plan (TSP). A second driveway will be provided on Candy Flower Court SE, which is designated as a local street. The subject property does not abut an arterial street.

(D) Where possible, driveway access shall be consolidated with either existing or future driveways serving adjacent developments.

Finding: Abutting properties to the north are zoned single-family residential and are occupied by single family dwellings. Abutting property to the west is zoned commercial, which does not allow multi-family residential uses as a permitted use. Abutting property to the east is occupied by an existing multi-family residential use. Shared driveway access is not possible with the abutting properties.

- (E) Parking areas shall be located to minimize their visibility from the public right-of-way and abutting properties.

Finding: Parking areas will be setback and buffered from surrounding streets and abutting properties by a combination of landscaping, setbacks and fencing along the interior property lines.

Building Mass & Façade Design

702.035(b)(1) – General Siting and Building Mass

- (A) Buildings shall be sited with sensitivity to topography and natural landform.

Finding: The proposed site plan and locations of the proposed buildings is sited in a way that addresses the topography of the site and natural landform, but also takes into consideration minimum dwelling unit density requirements, and existing utility easements.

- (B) The development shall be designed to reinforce human scale.

Finding: The proposed multi-family buildings comply with height and setback requirements of the underlying zone.

- (C) Buildings with long monotonous exterior walls shall be avoided.

Finding: Vertical and/or horizontal offsets are proposed in the design for each building, avoiding or limiting the appearance of a building with a long monotonous exterior wall. No building dimension exceeds more than 150 feet in length.

702.035(c)(1) – Compatibility

- (A) Contrast and compatibility shall be provided throughout the site through building design, size, and location.

Finding: The proposed buildings are three stories in height, the design includes vertical and/or horizontal building offsets, as well as contrasting siding materials.

- (B) Appropriate transitions shall be provided between new buildings and structures on-site and existing buildings and structures on abutting sites.

Finding: The proposed buildings comply with the maximum height requirement and setback requirements of the RM-I and RM-II zones. The proposed height and setbacks for the proposed development provide an appropriate transition with abutting residential uses.

- (C) Architectural elements and façade materials shall be used to provide continuity throughout the site.

Finding: The proposed design provides articulated building entrances and the use a contrasting building materials.

- (D) The majority of dwelling units within the development shall be placed as close as possible to the street right-of-way.

Finding: The corresponding design standard requires sites with 75 feet or more of buildable width to have buildings placed at the setback line for a minimum of 50 percent of the buildable width. There is approximately 400 feet of frontage adjacent to Wiltsey Road SE, minus the 10 foot setback to the residentially zoned property to the east and commercially zoned property to the west, the buildable width is approximately 380 feet. The standard requires a minimum buildable width 190 feet in length to be provided on the setback line.

The site plan approved by the Planning Commission showed building 10 placed on the setback line adjacent to Wiltsey Road SE with a width of approximately 135 feet.

The applicant provided a revised site plan to the City Council for review which replaces Building 10 with a building that has a smaller footprint and a width of approximately 110 feet. In addition, proposed building 1 is approximately 70 feet in length, but is located off the 20 foot setback. The applicant is requesting a reduction to the buildable width standard to provide an open space areas and preserve three existing significant trees in the southwest portion of the property adjacent to Wiltsey Road SE.

The site plan proposes the dedication of new right-of-way for Candy Flower Court SE near the northeast portion of the property. Proposed building 6 is placed near the 20 foot setback line for Candy Flower Court SE, however a significant portion of the buildable width adjacent to Candy Flower Court SE is occupied by utility easements for storm drainage and sanitary sewer. The applicant is requesting a reduction to the buildable width standard because of physical limitations of the easements.

The applicant meets the intent of the guideline by providing buildings as close as possible to the setback line adjacent to Wiltsey Road SE and Candy Flower Court SE, while also preserving existing significant trees.

- (E) Architecturally defined and covered entryways shall be incorporated into the design of buildings.

Finding: Articulated covered entryways or porticos are incorporated into the building designs at common entryways.

702.035(d)(1) – Building Articulation

(A) The appearance of building bulk shall be minimized by:

(i) Establishing a building offset interval along building facades; and

Finding: The corresponding design standard requires buildings within 28 feet of every property line to have a setback that varies by at least 4 feet in depth. The proposed site plan provides setbacks that vary between buildings by 4 feet or more in depth.

(ii) Dispersing windows throughout building facades.

Finding: The design standards require windows to be provided in all habitable rooms, other than bathrooms, that face required setbacks, common open areas, and parking areas. The proposed plans indicate that windows will be provided in all habitable spaces which face towards open space and parking areas.

(B) Articulation shall be provided at the common entry way to all residential buildings.

Finding: Covered entry ways, which are clearly defined and accessible, are provided at the individual entryways for each building.

(C) Building roofs shall reinforce the residential character of the neighborhood.

Finding: The design standards require that the horizontal length of roof shall not exceed 100 feet without providing a change of elevation of at least 4 feet. The proposed building designs do not include any dimension greater than 100 feet in length without a change in elevation of at least 4 feet being provided.

Recycling

702.040(a)(1) – On-Site Design and Location of Facilities

(A) Facilities shall be provided to allow recycling opportunities for tenants that are as conveniently located as the trash receptacles, and that are in compliance with any applicable federal, state, or local laws.

Finding: The site plan includes one solid waste and recycling service area to be provided to serve residents. As proposed and conditioned the enclosure meet the solid waste service area requirements of SRC Chapter 800.055.

(B) The design and materials of recycling areas shall be similar to the design and materials of the buildings within the development.

Finding: The proposed plans indicate that the enclosure will be cmu block construction and a metal gate with lap siding, materials that are similar and compatible with the materials of the buildings.

(C) Recycling areas shall be located to provide adequate access for franchised haulers, and shall have containers sufficient to allow collection of all recyclables collected by the haulers.

Finding: The proposed enclosure meets the solid waste service area requirements of SRC Chapter 800.055, including requirements for vehicle operation and servicing area. Adequate space is provided to allow for the servicing of recyclables.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 3 SITE PLAN REVIEW

7. Analysis of Class 3 Site Plan Review Approval Criteria

SRC 220.005(f)(3) establishes the following criteria for a Class 3 Site Plan Review:

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The proposal includes a request to develop a 111-unit apartment complex for property with two zoning designations, RM-I and RM-II (Multi-Family Residential). The following is a summary of the use and development standards of the RM-I zone (SRC Chapter 513) and the RM-II zone (SRC Chapter 514).

Development Standards – RM-I Zone:

SRC 513.005(a) - Uses:

Except as otherwise provided in Chapter 513, the permitted, special, conditional and prohibited uses in the RM-I zone are set forth in Table 513-1.

Finding: Multifamily uses are allowed as a permitted use in the RM-I zone per Table 513-1.

SRC 513.010(b) – Lot Standards:

Lots within the RM-I zone shall conform to the standards set forth in Table 513-2. The minimum lot area for a multi-family use in the RM-I zone is 4,000 square feet.

Finding: The RM-I portion of the subject property is approximately 2.58 acres in size, exceeding the minimum lot size requirement.

SRC 513.010(c) – Dwelling Unit Density:

Dwelling unit density within the RM-I zone shall conform to the standards set forth in Table 513-3. Maximum dwelling unit density cannot be varied or adjusted.

Finding: The RM-I portion of the subject property is approximately 2.58 acres in size. Per Table 513-3, the minimum dwelling unit density is eight units per acre and the maximum dwelling unit density is 14 units per acre. A minimum of 21 dwelling units and a maximum of 37 dwelling units are permitted in the RM-I portion of the property. Thirty-six dwelling units are proposed within the RM-I zone, in compliance with the density allowance in Table 513-3.

SRC 513.010(d) – Setbacks:

Setbacks within the RM-I zone shall be provided as set forth in Tables 513-4 and 513-5.

North: Adjacent to the north is property zoned RS (Single-Family Residential). Per Table 513-5, a minimum 10 foot building and vehicle use area is required adjacent to a residential zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

Also adjacent to the north is future right-of-way for Candy Flower Court. Multi-family buildings require a minimum 12 foot building setback, plus 1 foot for each 1 foot of height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a minimum 12 foot setback adjacent to a street.

Finding: Proposed building 5 is setback from the northern property line approximately 62 feet, exceeding the minimum setback. Proposed building 6 is greater than 20 feet in height and requires a minimum 20 foot setback adjacent to Candy Flower Court SE, building 6 is setback approximately 22.5 feet and the proposed vehicle use area is setback approximately 20 feet from the future right-of-way for Candy Flower Court SE meeting or exceeding minimum setback requirements.

South: See the RM-II zone findings.

East: Adjacent to the east is property zoned RM-I and RM-II (Multi-Family Residential). Per Table 513-5, a minimum 10 foot building and vehicle use area is required adjacent to a residential zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

Finding: Proposed building 6 is setback 10 feet from the eastern property line, meeting or exceeding the minimum setback requirement.

West: Adjacent to the west is property zoned CG (General Commercial) and CR (Retail Commercial). Per Table 513-5, a minimum 10 foot building and vehicle use area setback is required adjacent to a commercial zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping

includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

Finding: Proposed building 4 is setback approximately 60 feet and the proposed vehicle use area is setback 25 feet from the western property line, meeting or exceeding minimum setback requirements.

SRC 513.010(e) - Lot Coverage, Height:

The maximum lot coverage allowance for all uses in the RM-I zone is 50 percent. The maximum building height allowance for multi-family uses is 35 feet.

Finding: The site plan indicates that the proposed multi-family buildings have a footprint of approximately 278,784 square feet, for a lot coverage of approximately 15 percent ($41,218 / 278,784 = 14.8$) for the total site, less than the maximum lot coverage requirement for both the RM-I and RM-II zones. The average height for proposed multi-family buildings 4, 5 and 6 is approximately 34.5 feet in height, less than the 35 foot maximum height allowance.

SRC 513.010(g) - Landscaping:

Landscaping within the RM-I zone shall be provided as set forth in this subsection.

- (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in 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 Chapters 806 and 807 at the time of building permit application review.

SRC 513.010(h) – Outdoor Storage:

Within the RM-I zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

Finding: Outdoor storage areas are not provided for the proposed use.

SRC 513.015 – Design Review:

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

Finding: A Class 3 Design Review application has been submitted for the proposed multi-family development, findings are included in Section 6 of this report.

Development Standards – RM-II Zone:

SRC 514.005(a) - Uses:

Except as otherwise provided in Chapter 514, the permitted, special, conditional and prohibited uses in the RM-II zone are set forth in Table 514-1.

Finding: Multifamily uses are allowed as a permitted use in the RM-II zone per Table 514-1.

SRC 514.010(b) – Lot Standards:

Lots within the RM-II zone shall conform to the standards set forth in Table 514-2. The minimum lot area for a multi-family use in the RM-II zone is 4,000 square feet.

Finding: The RM-II portion of the subject property is approximately 3.82 acres in size, exceeding the minimum lot size requirement.

SRC 800.015 provides that every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. However, the Building Code does not allow buildings to cross over existing property lines. The site plan indicates that proposed buildings 1 and 8 cross over an existing property line. SRC 205.065(a) provides that the property boundary verification process may be used whereby the outside boundary of two or more contiguous units of land held under the same ownership may be established as the property line for purposes of application of the Building Code.

Condition 1: Prior to building permit issuance, where a proposed building crosses over an existing property line, either (1) pursuant to SRC 205.065, a property boundary verification shall be recorded, or (2) the property line shall be adjusted or removed.

SRC 514.010(c) – Dwelling Unit Density:

Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. Maximum dwelling unit density cannot be varied or adjusted.

Finding: The RM-II portion of the subject property is approximately 3.82 acres in size. Per Table 514-3, the minimum dwelling unit density is 12 units per acre and the maximum dwelling unit density is 28 units per acre. A minimum of 46 dwelling units and a maximum of 107 dwelling units are permitted in the RM-II portion of the property. Seventy-five dwelling units are proposed within the RM-II zone, in compliance with the density allowance in Table 514-3.

SRC 514.010(d) – Setbacks:

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

North: See the RM-I zone findings.

South: Adjacent to the south is right-of-way for Wiltsey Road SE. Multi-family buildings require a minimum 12 foot building setback, plus 1 foot for each 1 foot of height over 12 feet, but need not exceed 20 feet in depth. Vehicle use areas require a minimum 12 foot setback adjacent to a street.

Finding: Proposed buildings 1 and 10 are greater than 20 feet in height and require a minimum 20 foot setback adjacent to Wiltsey Road SE. Proposed building 1 is setback approximately 23 feet and proposed building 10 is setback approximately 20 feet from Wiltsey Road SE. The proposed vehicle use area is setback approximately 20 feet from Wiltsey Road SE meeting the minimum setback requirement.

East: Adjacent to the east is property zoned RM-I and RM-II (Multi-Family Residential). Per Table 513-5, a minimum 10 foot building and vehicle use area is required adjacent to a residential zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

Finding: Proposed buildings 7, 8 and 9 are setback 10 feet or greater from the eastern property line, meeting or exceeding the minimum setback requirement.

West: Adjacent to the west is property zoned CG (General Commercial) and CR (Retail Commercial). Per Table 513-5, a minimum 10 foot building and vehicle use area setback is required adjacent to a commercial zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

Finding: Proposed buildings 2 and 3 are setback approximately 85 feet and the proposed vehicle use area is setback 10 feet from the western property line, meeting or exceeding minimum setback requirements.

SRC 514.010(e) - Lot Coverage, Height:

The maximum lot coverage allowance for all uses in the RM-II zone is 50 percent. The maximum building height allowance for multi-family uses is 50 feet.

Finding: The site plan indicates that the proposed multi-family buildings have a footprint of approximately 278,784 square feet, for a lot coverage of approximately 15 percent ($41,218 / 278,784 = 14.8$) for the total site, less than the maximum lot coverage requirement for both the RM-I and RM-II zones. The average height for proposed building 1 is 24 feet, and for multi-family buildings 2, 3, 7, 8, 9, and 10 the average height is approximately 40 feet in height, less than the 50 foot maximum height allowance.

SRC 514.010(g) - Landscaping:

Landscaping within the RM-II zone shall be provided as set forth in this subsection.

- (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in 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 Chapters 806 and 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 6-foot high sight-obscuring fence, wall, or hedge.

Finding: Outdoor storage areas are not provided for the proposed use.

SRC 514.015 – Design Review:

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

Finding: A Class 3 Design Review application has been submitted for the proposed multi-family development, findings are included in Section 6 of this report.

General Development Standards SRC 800

SRC 800.055(a) – Applicability.

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

Finding: The proposed development includes a new solid waste service area with a receptacle size greater than 1 cubic yard, therefore the standards of SRC 800.055 are applicable.

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

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

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

Finding: The design and materials for the slab is not indicated in the proposed plans, but will be reviewed for conformance with this development standard at the

time of building permit review. A distance of approximately 7 feet is provided between receptacles that face each other, exceeding the minimum requirement.

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: The design and materials for the enclosure walls is not indicated in the proposed plans, but will be reviewed for conformance with this development standard at the time of building permit review.

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

When enclosure area 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 width of the proposed front opening for the enclosure is approximately 17 feet, exceeding the minimum standard.

- 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 proposed site plan indicates that the enclosure walls will be cmu block. A bumper curb 12 inches inside the perimeter of the outside walls of the enclosure is required, however the curb is not indicated on the proposed plans.

Condition 2: Development of the solid waste service area shall conform to all applicable standards of SRC Chapter 800.

- 3) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening that is 15 feet or greater in

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

Finding: The proposed gates can swing to 90 degrees in compliance with this provision.

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 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

Finding: The proposed vehicle operation area for each enclosure meets the minimum dimensional requirements for service vehicle access.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

Off-street parking shall be provided and maintained for each proposed new use or activity.

SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.

Required off-street parking shall be located on the same development site as the use or activity it serves; or, within residential zones, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.

Finding: Required off-street parking spaces are provided on the same development site as the use or activity it serves.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum number of off-street parking spaces required for a multi-family use is 1.5 spaces per dwelling unit.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

Finding: The proposed 111 dwelling unit multi-family apartment complex requires a minimum of 167 off-street parking spaces ($111 \times 1.5 = 166.5$). The maximum off-

street parking allowance for the use is 292 spaces ($167 \times 1.75 = 292.3$). There are 194 off-street parking spaces provided for the proposed development, consistent with the minimum and maximum off-street parking requirements.

Fifty-four of the proposed parking spaces are designated as compact spaces (28 percent). Carpool/vanpool spaces are not required for the proposed multi-family residential use.

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

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

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

Finding: Off-street parking and vehicle use area development standards apply to the new off-street parking area.

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

Finding: The proposed off-street parking area complies with all applicable setback requirements.

- 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.

Where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip or by a minimum 5-foot-wide paved pedestrian walkway.

Finding: The proposed off-street parking area complies with all applicable perimeter and interior setback requirements.

- d) *Interior Landscaping.* Interior landscaping shall be required for off-street parking areas 5,000 square feet or greater in size.

Finding: Off-street parking areas exceeding 50,000 square feet in size require a minimum interior landscaping requirement of 8 percent. The proposed site plan indicates that the off-street parking area is approximately 82,397 square feet in size, requiring a minimum of 6,592 square feet of interior parking lot landscaping ($82,397 \times 0.08 = 6,591.8$). Approximately 10,343 square feet of interior parking lot landscaping is proposed (approximately 12.6 percent), exceeding the minimum requirement.

A minimum of one deciduous shade tree is proposed for every 12 parking spaces.

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 are sufficient to meet the minimum dimensions for standard and compact sized parking spaces.

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

Finding: The proposed off-street parking area is developed consistent with the additional standards for grade, surfacing, and drainage. Bumper guards or wheel barriers are not required for the proposed off-street parking area. The proposed compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only. The striping, and lighting will meet the standards of SRC 806.

The proposed parking area has more than 6 spaces and is required to be screened from abutting residentially zoned property by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge. The proposed site plan indicates a minimum 6-foot-tall sight obscuring fence will be provided screening the proposed parking area from abutting residential uses.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for any 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.

SRC 806.055 - Amount of Bicycle Parking.

A multi-family use is required to have the greater of 4 bicycle spaces or a minimum of 0.1 bicycle spaces per dwelling unit.

Finding: The proposed 111-unit apartment complex requires a minimum of 11 bicycle parking spaces ($111 \times 0.1 = 11.1$). The proposed site plan indicates that bicycle racks with a total of 12 bicycle parking spaces will be provided with a six space bike rack provided near building 4 and a six space bike rack provided near building 9.

SRC 806.060 – Bicycle Parking Development Standards

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

- a) Location. Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- c) Dimensions. Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.
- d) Bicycle Racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

Finding: The proposed bicycle parking spaces are within 50 feet of the main entry for the buildings. Dimensions and design of the bicycle parking spaces will be reviewed at the time of Building Permit.

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.

For multiple family uses containing 100-199 units, a minimum of two off-street loading spaces are required per Table 806-9.

Finding: The applicant's statement and proposed site plan does not address the minimum off-street loading requirement for the development.

Condition 3: Prior to building permit issuance, the site plan shall be modified to include a minimum of two off-street loading spaces for the proposed use, meeting applicable location and dimension requirements of SRC Chapter 806.

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: The proposed site plan indicates that 132,092 square feet of landscaping is provided for the development site. A minimum of 6,605 plant units are required for the proposed development ($132,092 / 20 = 6,604.6$). Of the required plant units, a minimum of 6,605 plant units shall be a combination of mature trees, shade tree, evergreen/conifer trees, or ornamental trees.

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

SRC 807.030(d) – Tree Replanting Requirements.

In addition to the landscaping required under this chapter, when existing trees, as defined under SRC Chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection.

Subsection(2) provides that when more than 75 percent of the existing trees, as defined under SRC Chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inches caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Finding: The applicant's existing conditions plan indicates that there are 321 trees on the subject property. Four existing significant trees and approximately 15 percent of the existing trees will be preserved with the proposed development, the remaining 85 percent of the trees, or 273 trees, are proposed for removal. Per SRC 807.030(d)(2), 241 trees may be removed ($321 \times 0.75 = 240.8$), but for each tree removed beyond 241, a minimum of two new trees shall be planted in addition to the landscaping required under SRC Chapter 807. Two trees shall be replanted to replace each of the trees removed in excess of 75 percent for a total. For example, if 79 trees are removed in excess of 75 percent, a total of 158 replacement trees shall be provided.

Condition 4: Per SRC 807.030(d)(2), when more than 75 percent of the existing trees are proposed for removal, a minimum of two replacement trees shall be incorporated into the landscape plan and planted, in addition to the landscaping required under this chapter. For the removal of 79 trees in excess of 75 percent, a total of 158 replacement trees shall be provided.

Natural Resources

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 24 inches in diameter at breast height) (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.

Significant trees are identified on the subject property, the applicant has requested a Tree Regulation Variance pursuant to SRC 808.045 to allow for the removal of significant trees, see Section 9 of this report.

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.

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

SRC 810 - Landslide Hazards: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed multi-family residential activity adds two activity points to the proposal, which results in a total of four points, indicating a low landslide risk, therefore a geologic assessment is not required for the proposed development.

Criterion 2:

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: The proposed development is subject to a special setback equal to 30 feet from centerline on the development side of Wiltsey Road SE.

The existing configuration of Wiltsey Road SE does not meet current standards for its classification of street per the Salem TSP. The existing street condition is lacking right-of-way width, sidewalk, and street trees. The applicant shall convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Wiltsey Road SE.

Condition 5: Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Wiltsey Road SE.

Condition 6: Construct a property line sidewalk and install street trees along the frontage of Wiltsey Road SE to meet Collector street

standards as specified in the PWDS and consistent with the provisions of SRC Chapter 803.

The applicant shall also construct sidewalk and install street trees as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Trees being removed as part of street construction require a removal permit pursuant to SRC 86.090.

The existing configuration of Candy Flower Court SE does not meet current standards for its classification of street per the Salem TSP. The applicant shall convey land for dedication at the terminus of Candy Flower Court SE pursuant to PWDS and construct a complete cul-de-sac improvement at the terminus of Candy Flower Court SE to Cul-de-sac street standards as specified in the PWDS and consistent with the provisions of SRC Chapter 803. Prior to accepting the property to be dedicated, the City will need to quitclaim the existing stormwater easement located within the area to be dedicated as right-of-way.

Condition 7: Convey land for dedication at the terminus of Candy Flower Court SE pursuant to PWDS.

Condition 8: Construct a cul-de-sac improvement at the terminus of Candy Flower Court SE to Cul-de-sac street standards as specified in the PWDS and consistent with the provisions of SRC Chapter 803.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: The driveway accesses onto Wiltsey Road SE and the completed Candy Flower Court SE cul-de-sac bulb provide for safe turning movements into and out of the property. The applicant is proposing fill over an existing sanitary sewer easement to facilitate the construction of a parking area. Placing fill in an easement requires a Design Exception.

Criterion 4:

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 Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant is proposing connections to the existing main located in Wiltsey Road SE for both fire and domestic service. Separate taps to the existing main will be needed for each service. The applicant is proposing to extend a private sewer system into the site from the existing sewer main located in Candy Flower

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

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

Condition 9: Design and construct a storm drainage system at the time of development in SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to PWDS and to the satisfaction of the Public Works Director.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 DRIVEWAY APPROACH PERMIT

8. Analysis of Class 2 Driveway Approval Permit Criteria

Per SRC 804.015(a), a driveway approach permit shall be obtained prior to constructing any driveway approach.

DRIVEWAY APPROACH PERMIT – Wiltsey Road SE (east entrance)

Analysis of the driveway approach based on relevant criteria in SRC 804.025(d) is as follows:

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

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

Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

Finding: There are no site conditions prohibiting the location of the proposed driveway, except that construction of the driveway approach may require relocation of an existing utility pole.

Condition 10: Modify the easterly driveway approach accessing Wiltsey Road SE to meet the requirements of SRC Chapter 804 and PWDS.

Criterion 3:

The number of driveway approaches onto an arterial are minimized.

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

Criterion 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 driveway to Wiltsey Road SE, a Collector, is necessary to provide an additional access point to meet fire code requirements.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

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

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: The proposed driveway will not create a known traffic hazard and will provide for safe turning movements for access to the subject property.

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: The location of the proposed driveway does not have any adverse impacts to the adjacent properties or streets.

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

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

Criterion 9:

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

Finding: The proposed development is surrounded by residentially zoned property. The proposed development abuts Collector and Local streets. The

driveway balances the adverse impacts to residentially zoned property and will not have an effect on the functionality of the adjacent streets.

DRIVEWAY APPROACH PERMIT – Wiltsey Road SE (west entrance)

Analysis of the driveway approach based on relevant criteria in SRC 804.025(d) is as follows:

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

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

Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

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

Criterion 3:

The number of driveway approaches onto an arterial are minimized.

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

Criterion 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 driveway to Wiltsey Road SE, a Collector. The driveway cannot be shared with adjacent property because of topographic constraints. Access is being taken from Candy Flower Court SE, a local street, but an additional access on Wiltsey Road SE is warranted.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

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

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: The proposed driveway will not create a known traffic hazard and will provide for safe turning movements for access to the subject property.

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: The location of the proposed driveway does not have any adverse impacts to the adjacent properties or streets.

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

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

Criterion 9:

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

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

DRIVEWAY APPROACH PERMIT – Candy Flower Court SE

Analysis of the driveway approach based on relevant criteria in SRC 804.025(d) is as follows:

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

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

Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

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

Criterion 3:

The number of driveway approaches onto an arterial are minimized.

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

Criterion 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 driveway to Wiltsey Road SE is located with access to the lowest classification of street abutting the subject property.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

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

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: The proposed driveway will not create a known traffic hazard and will provide for safe turning movements for access to the subject property.

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: The location of the proposed driveway does not have any adverse impacts to the adjacent properties or streets.

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

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

Criterion 9:

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

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

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR TREE REGULATION VARIANCE

9. Analysis of Tree Regulation Variance Criteria

SRC Chapter 808.045(d) provides that an applicant for a Tree Regulation Variance shall be granted if either the hardship or economic use criteria is met. In this case the applicant has requested a Tree Regulation Variance under the hardship criteria found in SRC 808.045(d)(1), the applicable approval criteria is included below:

Criterion 1:

There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be effectively relieved by a variance.

Finding: The applicant is requesting to remove one of the five significant trees (Oregon white oaks greater than 24" in diameter at breast height) located on the subject property. The applicant identifies special conditions relating to the relatively large sewer easement and storm drainage detention area located on the subject property. Development in these areas is limited which creates a hardship on how the site can be designed in a way that meets minimum dwelling unit density, off-street parking standards, and grading requirements, while also preserving significant trees.

The revised plan proposes a roundabout that preserves an Oregon white oak that is approximately 30 inches in diameter at breast height. The inside radius of the proposed roundabout is approximately 15 feet and the outside radius is approximately 30-33 feet.

The Fire Department has reviewed the proposed roundabout and commented that the plan generally looks to accommodate fire truck access and aerial access. Fire Department access will be determined once final detailed plans are submitted and reviewed and during construction.

A second concern raised by the Fire Department regarding the roundabout is with tree branches. A minimum vertical clearance of 13'6" is required for fire trucks. Branches that interfere with height clearance requirements will need to be removed so they don't obstruct access.

Staff recommends that the applicant take all necessary steps to try and preserve this 30" dbh significant tree. It does not appear, however, that this tree can be reasonably preserved without requiring significant changes to the site plan. Staff recommends that the City Council affirm the Tree Regulation Variance, allowing the removal of this significant tree if necessary for fire operations.

Condition 11: The applicant shall make every effort to preserve the 30" dbh significant tree. If the Fire Department determines that the roundabout does not work for fire operations, the significant tree may be removed.

The applicant's revised site plan preserves four of the five significant trees on the subject property. One 60" dbh significant tree will be provided in an open space area west of the office/recreation building, and two significant trees, 24" dbh and 36" dbh, will be preserved in the area between the office/recreation building and proposed Building 10.

Condition 12: Development plans shall be revised to protect and retain a minimum of three significant trees, and a minimum of 15 percent of the existing trees located on the property. All trees designated for preservation shall be marked and protected during construction.

Preservation measures shall be taken to ensure that significant trees are protected during construction.

Condition 13: All trees designated for preservation shall be marked and protected during construction. Any significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of final occupancy.

In addition, the proposed development plans call for grading and construction activities in the vicinity of significant trees. Protection of the significant trees and their roots during construction is critical for the long term survival. The City Council adopts a condition of approval requiring an arborist report that provides an explanation of what protection measures will be implemented to allow for continued tree preservation.

Condition 14: Prior to approval of site development permits, the applicant shall provide a report prepared by a certified arborist identifying the health of each significant tree to be preserved, including identifying any prior impacts that have occurred within the root zone.

The arborist report shall provide a detailed description of tree protection measures to be implemented, description of alternative

construction techniques and materials if applicable, and remedial actions taken to mitigate negative impacts on the tree, if necessary.

A final arborist report verifying the viability of the trees shall be provided prior to final inspection.

Criterion 2:

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

Finding: The applicant is requesting the minimum variance necessary to allow the proposed development to comply with dwelling unit density, multi-family design guidelines, and off-street parking area development standards. As a condition of approval, the applicant shall replant a minimum of two Oregon White Oaks at the time of development to mitigate for the removal of each significant tree, for a total of eight replacement trees.

Condition 15: A minimum of eight Oregon White Oaks (*Quercus garryana*), with a minimum caliper of 2", shall be incorporated into the landscape design and replanted for the proposed development.

CONCLUSION

Based on the facts and findings presented herein, the proposed Class 3 Design Review, Class 3 Site plan Review, Class 2 Driveway Approach Permit, and Tree Regulation Variance, as conditioned, satisfy the applicable criteria contained under SRC 225.005(e)(2), SRC 220.005(f)(3), SRC 804.025(d), and SRC 808.045(d)(1).

Condition 1: Prior to building permit issuance, where a proposed building crosses over an existing property line, either (1) pursuant to SRC 205.065, a property boundary verification shall be recorded, or (2) the property line shall be adjusted or removed.

Condition 2: Development of the solid waste service area shall conform to all applicable standards of SRC Chapter 800.

Condition 3: Prior to building permit issuance, the site plan shall be modified to include a minimum of two off-street loading spaces for the proposed use, meeting applicable location and dimension requirements of SRC Chapter 806.

Condition 4: Per SRC 807.030(d)(2), when more than 75 percent of the existing trees are proposed for removal, a minimum of two replacement trees shall be incorporated into the landscape plan and planted, in addition to the landscaping required under this chapter. For the removal of 79 trees in excess of 75 percent, a total of 158 replacement trees shall be provided.

- Condition 5:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Wiltsey Road SE.
- Condition 6:** Construct a property line sidewalk and install street trees along the frontage of Wiltsey Road SE to meet Collector street standards as specified in the PWDS and consistent with the provisions of SRC Chapter 803.
- Condition 7:** Convey land for dedication at the terminus of Candy Flower Court SE pursuant to PWDS.
- Condition 8:** Construct a cul-de-sac improvement at the terminus of Candy Flower Court SE to Cul-de-sac street standards as specified in the PWDS and consistent with the provisions of SRC Chapter 803.
- Condition 9:** Design and construct a storm drainage system at the time of development in SRC Chapter 71 and PWDS.
- Condition 10:** Modify the easterly driveway approach accessing Wiltsey Road SE to meet the requirements of SRC Chapter 804 and PWDS.
- Condition 11:** The applicant shall make every effort to preserve the 30" dbh significant tree. If the Fire Department determines that the roundabout does not work for fire operations, the significant tree may be removed.
- Condition 12:** Development plans shall be revised to protect and retain a minimum of three significant trees, and a minimum of 15 percent of the existing trees located on the property. All trees designated for preservation shall be marked and protected during construction.
- Condition 13:** All trees designated for preservation shall be marked and protected during construction. Any significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of final occupancy.
- Condition 14:** Prior to approval of site development permits, the applicant shall provide a report prepared by a certified arborist identifying the health of each significant tree to be preserved, including identifying any prior impacts that have occurred within the root zone.

The arborist report shall provide a detailed description of tree protection measures to be implemented, description of alternative construction techniques and materials if applicable, and remedial actions taken to mitigate negative impacts on the tree, if necessary.

A final arborist report verifying the viability of the trees shall be provided prior to final inspection.

Condition 15: A minimum of eight Oregon White Oaks (*Quercus garryana*), with a minimum caliper of 2", shall be incorporated into the landscape design and replanted for the proposed development.