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503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**URBAN GROWTH AREA PRELIMINARY DECLARATION / TENTATIVE  
PARTITION / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS  
1 DESIGN REVIEW CASE NO.: UGA-PAR-SPR-ADJ-DR22-02**

**APPLICATION NO.: 22-107825-LD / 22-107827-LD / 22-107826-RP / 22-107828-  
ZO / 22-107829-ZO / 22-107830-DR**

**NOTICE OF DECISION DATE:** September 1, 2022

**SUMMARY:** Proposed development of a new 96-dwelling unit affordable housing development containing eleven buildings and a clubhouse.

**REQUEST:** An Urban Growth Area Preliminary Declaration to determine required public facilities to serve the subject property, a Tentative Partition to divide the subject property into two parcels, and a Class 3 Site Plan Review and Class 1 Design Review for development of the proposed 96-unit housing development with a request for alternative street standards to eliminate a required street connection to the northern property line, and the following Class 2 Adjustments:

- 1) 702.020(e)(3) to allow for the use of balcony railings that are not fully sight obscuring.
- 2) 702.020(e)(4) to allow less than forty percent of the building frontage to be occupied by the buildings constructed at the minimum setback line.
- 3) 702.020(e)(5) to eliminate the direct pedestrian access requirement to adjacent sidewalks for ground floor units within 25 feet of the property line.

For a portion of property approximately 10.05 acres in size, zoned RA (Residential Agriculture), and located at the 4500 Block of 27th Avenue SE - 97302 (Marion County Assessors Map and Tax Lot numbers: 083W12C / 00600 and 00800).

**APPLICANT:** Doug Circosta on behalf of Robert Justus, Home First Development LLC(Mike Bliven, Jeff Miller)

**LOCATION:** 4500 Block of 27th Avenue SE, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapters 200.025(d) – Urban Growth Preliminary Declaration; 205.005(d) – Tentative Partition; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 225.005(e)(1) – Class 1 Design Review.

**FINDINGS:** The findings are in the attached Decision dated September 1, 2022.

**DECISION:** The **Planning Administrator APPROVED** Urban Growth Area Preliminary Declaration / Tentative Partition / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Design Review Case No. UGA-PAR-SPR-ADJ-DR22-02 subject to the following conditions of approval:

*Further direction on the timing for completion of conditions of approval can be found in the Public Works Memo dated August 29, 2022 included as Attachment D.*

**NOTICE OF DECISION**

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005

**CITY OF Salem**  
AT YOUR SERVICE

- Condition 1:** Dedicate a 10-foot public utility easement along the street frontage of the Marietta Extension and 27<sup>th</sup> Avenue SE.
- Condition 2:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 3:** Prior to building permit issuance, if the property is zoned RA (Residential Agriculture), then the applicant shall provide documentation indicating that the proposed affordable housing use complies with applicable requirements of ORS 197.
- Condition 4:** Along the frontage of 27<sup>th</sup> Avenue SE, convey land for dedication of up to a 40-foot westerly right-of-way half-width from centerline as recorded in Marion County Records Book 4, Page 222, Number 132.
- Condition 5:** Along 27<sup>th</sup> Avenue SE, from the northern property boundary to the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE, construct a half-street improvement to local Street Standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 6:** Along 27<sup>th</sup> Avenue SE, from the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE to the southern property boundary, construct a half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 7:** Along 27<sup>th</sup> Avenue SE between the south line of the subject property to the northerly driveway of Morning Star Church (083W12C000900) construct either a 34-foot-wide improvement or a 29-foot-wide three-quarter-street improvement with sidewalks on the development side of the street to Collector A street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 8:** Dedicate right-of-way for the new internal street equal to 44 feet in width from the intersection of 27<sup>th</sup> Avenue SE to the western property boundary of parcel 2.
- Condition 9:** Construct the new internal street from the intersection of 27<sup>th</sup> Avenue SE to the western edge of parcel 1. The new internal street shall be constructed to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 with the following exceptions:
- i. The new internal street shall have an increased block length.
  - ii. The new internal street shall be located within a 44-foot right-of-way.
  - iii. Only sidewalks on the development (northern) side of the street are required to be constructed.
- Condition 10:** Design and construct a Mid-block Bike/Pedestrian Walkway from the new internal street to the north line of the subject property to connect with the Mid-block Bike/Pedestrian Walkway conditioned under SUB-UGA22-06.

- Condition 11:** Submit a Class 2 Driveway Approach Permit application if the driveways onto the new internal street are not installed as part of the construction of the new internal street.
- Condition 12:** Provide water service to the proposed development according to one of the following two options:
- i. Connect to a future 18-inch S-1 water main required to be constructed by Coburn Grand View subdivision (SUB-ADJ21-06) from Reed Road SE to Strong Road SE abutting the subject property. Extend the 18-inch S-1 water main to the south property line within 27<sup>th</sup> Avenue SE.
  - ii. Extend an 18-inch *Water System Master Plan* main from the existing main located in Marietta Street SE to 27<sup>th</sup> Avenue SE, and along 27<sup>th</sup> Avenue SE from Marietta Street SE to the northerly property line.
- Condition 13:** Within the new internal street, extend a minimum 12-inch S-1 water main to the western edge of parcel 1.
- Condition 14:** Pay \$57,480 as the proportional amount of the water TAF for development of Parcel 1 within the S-1 water service area.
- Condition 15:** Pay \$24,000 as the proportional amount of the water TAF for development of Parcel 2 within the S-1 service water area.
- Condition 16:** If a public main on private property is approved by the City Engineer, dedicate a public utility and access easement over the proposed public main on private property pursuant to Public Works Design Standards. Revise the site plan to remove encroachments (garbage enclosure) shown in the required easement.
- Condition 17:** Extend a minimum 8-inch sewer main in the new internal street to the western edge of parcel 1.
- Condition 18:** Submit an engineered stormwater report demonstrating that the discharge from the stormwater facility does not increase peak flows pursuant to SRC 71.095(c).
- Condition 19:** Design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS or receive a Design Exception from the City Engineer.
- Condition 20:** The adjusted development standards 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 standards of the Unified Development Code, unless adjusted through a future land use action.
- Condition 21:** Prior to building permit issuance, the applicant shall provide a statement indicating that a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.

The rights granted by the attached decision must be exercised, or an extension granted, by September 17, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>July 6, 2022</u>
Notice of Decision Mailing Date:	<u>September 1, 2022</u>
Decision Effective Date:	<u>September 17, 2022</u>
State Mandate Date:	<u>November 3, 2022</u>

Case Manager: Aaron Panko, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net), 503-540-2356

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Friday, September 16, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 200, 205, 220, 250, 225. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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



# BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

## DECISION

IN THE MATTER OF APPROVAL OF ) FINDINGS & ORDER  
URBAN GROWTH AREA PRELIMINARY )  
DECLARATION, TENTATIVE PARTITION, )  
CLASS 3 SITE PLAN REVIEW, CLASS 2 )  
ADJUSTMENT, AND CLASS 1 DESIGN )  
REVIEW )  
CASE NO. UGA-PAR-SPR-ADJ-DR22-02 )  
4500 BLOCK OF 27<sup>TH</sup> AVE SE - 97302 ) SEPTEMBER 1, 2022

In the matter of the application for an Urban Growth Area Preliminary Declaration, Tentative Partition, Class 3 Site Plan Review, Class 2 Adjustment, and Class 1 Design Review applications submitted by the applicant and property owner Home First Development, LLC represented by Rob Justus, and the applicant's representative Doug Circosta, Architect, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

## REQUEST

Summary: Proposed development of a new 96-dwelling unit affordable housing development containing eleven buildings and a clubhouse.

Request: An Urban Growth Area Preliminary Declaration to determine required public facilities to serve the subject property, a Tentative Partition to divide the subject property into two parcels, and a Class 3 Site Plan Review and Class 1 Design Review for development of the proposed 96-unit housing development with a request for alternative street standards to eliminate a required street connection to the northern property line, and the following Class 2 Adjustments:

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For a portion of property approximately 10.05 acres in size, zoned RA (Residential Agriculture), and located at the 4500 Block of 27th Avenue SE - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W12C / 00600 and 00800).

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

## PROCEDURAL FINDINGS

### 1. Background

On April 12, 2022, a consolidated application for an Urban Growth Area Preliminary Declaration, Tentative Partition, Class 3 Site Plan Review, Class 2 Adjustment, and Class 1 Design Review was filed for the proposed development. After additional information was provided, the applications were deemed complete for processing on July 6, 2022.

On August 29, 2022, a 30-day time extension was granted to the 120-day state mandated decision deadline for this consolidated application, extending the deadline from November 3, 2022 to December 3, 2022.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included as **Attachment C**.

## **SUBSTANTIVE FINDINGS**

### **2. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 107825.

### **3. Neighborhood Association and Public Comments**

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

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On February 3, 2022, the applicant's representative contacted the Morningside Neighborhood Association Chair and Land Use Chair informing them of the proposed project.

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

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

#### **Public Comment**

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. One public comment was received during the public comment period indicating concerns with the proposal, the concerns are summarized below followed by a response from staff.

- a) Affordable Housing:** Concerns were expressed that the proposed multi-family apartment complex does not appear to be for affordable housing.

**Staff Response:** The proposed use for the subject property is a multi-family affordable housing development, which is classified as a household living use in SRC Chapter 400.

Per SRC Chapter 510, Table 510-1, multi-family uses other than cottage clusters are not permitted in the RA zone. However, per ORS 197.308, a local government shall allow affordable housing, and may not require a zone change or conditional use permit for affordable housing on property if the property is zoned to allow religious assembly uses.

If the property is zoned RA (Residential Agriculture) prior to building permit issuance, then the applicant is required to provide documentation indicating that the proposed affordable housing use complies with applicable requirements of ORS 197. However, if the property is rezoned to RM-II (Multi-Family Residential), as proposed through the Our Salem Project, then the proposed use would be an outright permitted use, and the applicant would not need to provide documentation that the use is an affordable housing use per ORS 197.

**b) 27<sup>th</sup> Avenue SE:** Concerns were expressed for the ability of the existing street system to handle the traffic generated by the proposed development.

**Staff Response:** 27th Avenue SE is identified in the Salem TSP as a collector street south of Marietta Avenue SE and a local street north of Marietta. The ultimate improvement of 27th Avenue will include one vehicle lane (and one bike lane in each direction south of Marietta) and sidewalks on both sides of the street. This section of 27th Avenue will not be fully constructed to its ultimate width until all properties abutting the street are fully developed. In the interim, the developer for this multi-family development project is required to construct an on-site boundary street improvement and off-site linking street improvement along 27th Avenue SE. These improvements will include sufficient pavement width for one vehicle lane in each direction plus additional room for pedestrian traffic from the north line of the subject property to Kuebler Boulevard SE.

**c) Compatibility:** Objections were expressed regarding the proposed multi-family residential use, change in character of the neighborhood, and an increase in noise.

**Staff Response:** In 2014, the City conducted the HNA along with the Salem Economic Opportunities Analysis (EOA). The purpose of the HNA was to develop strategies to provide enough land to meet Salem's housing needs through 2035 and to inform policy decisions related to residential land.

The HNA found the following:

- Salem has a projected 1,975-acre surplus of land for single-family detached housing (9,131 dwelling units)
- Salem has a projected 207-acre deficit of land for multifamily housing (2,897 dwelling units)

The HNA, together with the EOA, confirmed that the existing UGB does not need to be expanded.

As part of the Our Salem project, the City in August 2022 redesignated land to accommodate Salem's projected housing needs, including more land for multifamily housing. The subject property was included in the project as an area identified to be changed from RA (Residential Agriculture) to RM-II (Multi-Family Residential) to support additional multi-family housing.

The proposed development is found to be consistent with the dwelling unit density and development standards for multiple family development.

The subject property is located within the corporate limits of the City of Salem, and noise impacts from future residents are not expected to exceed what would occur from the presumed development of land within the City zoned for multi-family residential development. Approval criteria for this consolidated application request do not specifically address noise levels, and no evidence has been provided that would indicate that the proposed development in the vicinity would interfere with the safe and healthful use of neighboring properties.

SRC Chapter 51 also regulates noise levels, and the proposed development is subject to these regulations. Specifically, SRC 51.015 provides maximum sound levels based on the source and receiver of the sound. It is unlawful to exceed the maximum sound levels without an event sound permit. The Neighborhood Enhancement division of the Community Development Department enforces these noise regulations.

#### **4. City Department Comments**

Public Works Department - Reviewed the proposal and provided a memo which is included as **Attachment D**.

Building and Safety Division - Reviewed the proposal and indicated no site concerns.

Fire Department - Reviewed the proposal and indicated that Fire Department access for phase 1 is okay. Phase 2 will require all buildings (including the clubhouse in phase 1) have fire sprinklers or an approved 2nd fire department access as the proposed Marietta Street extension only counts as 1 means of fire department access. Fire hydrant locations are not provided, water supply will be required per the Oregon fire code.

#### **5. Public Agency Comments**

Salem Keizer School District - Reviewed the proposal and provided comments dated July 20, 2022 which are included as **Attachment E**.

Salem-Keizer Transit (Cherriots) - Reviewed the proposal and commented that they plan on serving this development and the surrounding properties once the east leg of Marietta connecting 27<sup>th</sup> Avenue SE and Fairview Industrial Drive SE is redeveloped to at least local street standards. Redevelopment of Marietta will depend either on the City of Salem or new developments with frontage along this specific section, or a combination thereof. Transit stops will likely be placed on Marietta and/or 27<sup>th</sup> at that time.

### **DECISION CRITERIA FINDINGS**

#### **6. 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).

27<sup>th</sup> Avenue SE does not meet the minimum linking street improvement or right-of-way width. The applicant shall provide an off-site linking street improvement of 27<sup>th</sup> Avenue SE from the southern property boundary to the driveway of Morningstar Church, approximately 250 feet south. Boundary street improvements and linking street improvements are discussed further below.

#### **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 27<sup>th</sup> Avenue SE abutting 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 SRC 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.

#### **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 that are necessary to connect to such existing drainage facilities. The nearest available public storm system appears

to be located in 27<sup>th</sup> Avenue SE abutting the subject property. The applicant is not increasing the peak flows exiting the subject property pursuant to SRC 71.095(c). The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a), described further below.

### **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 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.

S-1 water facilities are lacking in the vicinity of the subject property. Two potential sources of water are available to serve the proposed development:

1. Coburn Grand View subdivision (SUB-ADJ21-06) is required to construct an 18-inch S-1 water main from Reed Road SE to Strong Road SE abutting the subject property. If constructed by others, this system would be available to serve the proposed development. The applicant would be required to extend the 18-inch main to the subject property in 27<sup>th</sup> Avenue SE.
2. An existing 18-inch water main is located near the intersection of Marietta Street SE and Fairview Industrial Drive SE. The applicant may extend an 18-inch *Water System Master Plan* main along Marietta Street SE to 27<sup>th</sup> Avenue SE and along 27<sup>th</sup> Avenue SE to the north line of the subject property.

The *Water System Master Plan* specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a), discussed further below. In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a Temporary Access Fee (TAF). The TAF for this area of the S-1 service area is based on approximately 9 million dollars of improvements needed to serve 750 acres of undeveloped land, totaling \$12,000. Public water improvements are discussed further below.

### **SRC 200.075—Standards for Park Sites**

**Finding:** The development is served by Reed Road Park, approximately one-quarter mile southwest of the subject property. Once the Coburn Grand View Subdivision (SUB-ADJ21-06) to the west of the property develops, the park will be accessible within the public transportation system. According to the *Parks Master System Plan*, the Reed Road Park will be established and developed to serve the area; no additional parks are planned for acquisition to serve the property. Therefore, no Temporary Access Fee is warranted.

## **7. Analysis of Tentative Partition Approval Criteria**

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The partition process reviews development for compliance with

City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.005(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

**SRC 205.005(d)(1): The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to the following:**

**(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.**

SRC Chapter 510 (Residential Agriculture): The proposed subdivision would divide the approximately 10.05-acre property into two parcels. The subject property is zoned RA (Residential Agriculture), the development standards of the RA zone are established under SRC 510.010 and are addressed as follows:

**Lot Standards for RA zone (SRC Chapter 510, Table 510-2)**

Requirement	Standard
Lot Area	4,000 SF for Single Family Residential
	7,000 SF for Multi-Family Residential
Lot Width	40 feet for both uses
Lot Depth	70 feet for Single Family Residential
	80 feet for Multi-Family Residential
Street Frontage	Minimum 40 feet for both uses

Proposed Parcel 1 is approximately 4.79 acres and proposed Parcel 2 is approximately 4.05 acres in size. Each of the proposed parcels complies with minimum dimensional requirements and have street frontage exceeding the minimum street frontage standard, in compliance with the lot standards of the RA zone.

**Setback Requirements:** SRC Chapter 510 establishes the setback standards for development within an RA (Residential Agriculture) zone. Findings addressing the minimum setback requirements for the proposed multi-family use on Parcel 1 are contained in the Site Plan Review section of this decision.

SRC Chapter 800 (General Development Standards):

SRC 800.020 (Designation of Lot Lines): SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. Corner lots are lots located at the intersection of two or more streets, typically with street frontage on two sides. Double frontage lots are lots that have frontage on two streets that do not intersect at the lot's boundaries. Proposed Parcel 1 is a corner lot and proposed Parcel 2 is interior lot. The front lot line for both proposed parcels shall be the southern lot line.

Flag Lots:

No flag lots are proposed for this tentative partition plan; therefore, the flag lot development standards of SRC 800.025 are not applicable to this request.

Shadow Plan:

Per SRC 205.030(h), for residentially zoned property, where the partition will result in a parcel that is one-half acre or larger, a plan shall be provided for the parcel showing the location of lot or parcel lines and other details of layout and demonstrating that future division of the parcel may be readily made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.

The applicant has provide a shadow plan demonstrating that proposed parcel 2 could be further developed in a way that would comply with applicable street standards and development requirements.

**(B) City Infrastructure Standards.**

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. An Urban Growth Preliminary Declaration (UGA) application is consolidated with this request.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available in the area surrounding the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo (Attachment D).

SRC Chapter 803 (Streets and Right-of-Way Improvements):

*SRC 803.015 (Traffic Impact Analysis):* The proposed development is accessed through an extension of Marietta Street. This segment of Marietta will be classified as a local street according to the Salem TSP. The anticipated Average Daily Trips (ADTs) generated onto a



local street by the development exceed the threshold for requiring a Traffic Impact Analysis per SRC 803.015. The Assistant City Traffic Engineer has reviewed the proposed development and waives the requirement for a TIA pursuant to SRC 803.015(d).

*SRC 803.020 (Public and Private Streets):* The applicant proposes for all internal streets within the subdivision to be public streets.

*SRC 803.025 (Right-of-Way and Pavement Widths):* Right-of-way width for streets shall conform to the standards set forth in Table 803-1.

27<sup>th</sup> Avenue SE abutting the subject property with both a Collector Street and Local Street classification, however it does not meet the current standard of its classification according to the Salem TSP.

The applicant's tentative plan shows one new internal Local street along the southern property boundary running east to west. The proposed internal street will be within a 44-foot right-of-way and constructed with a 30-foot improvement and sidewalk on the development (north) side of the street.

In implementing boundary street requirements pursuant to SRC 803.040, conditions of approval require the applicant to dedicate additional right-of-way and provide frontage improvements for both 27<sup>th</sup> Avenue SE and the proposed internal street as specified in SRC 803.025.

*SRC 803.030 (Street Spacing):* The street spacing requirements specifies maximum block lengths of 600 feet along one axis, and between 120 feet minimum and 400 feet maximum along the other axis. Street spacing may be increased based on one or more of the conditions set forth in subsection (b).

The applicant is requesting alternative street standards for street spacing and connectivity to eliminate a required street connection to the northern property line.

The applicant is proposing mid-block pedestrian access to meet an alternative street standard and exceed the 600-foot block length requirement of SRC 803.030. A joint request was submitted by the applicant and the property owner of the northern neighboring parcel to allow the pedestrian connection between the boundary of the abutting properties in lieu of a street. The northerly neighbor also has recently received tentative subdivision approval (SUB-UGA22-06). Due to topography of the sites, the Director authorizes an Alternative Street Standard to allow for an increased block length pursuant to SRC 803.030(b) and 803.065(a)(3). The applicant shall design and construct a Mid-block Bike/Pedestrian Walkway as specified in Public Works Design Standards as require by Condition 10 of this decision.

As conditioned, the proposal meets this requirement.

*SRC 803.035 (Street Standards):* All public and private streets are subject to the street standards in this section.

Subsection (a) requires streets to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. With the exception of alternative street

standards granted for connectivity identified above, as proposed and conditioned the development provides for adequate street connectivity in compliance with 803.035(a).

The proposed development plans show property line sidewalks for all proposed internal local streets, which is consistent with SRC 803.035(l).

A 10-foot-wide public utility easement is required along street frontages pursuant to SRC 803.035(n).

*SRC 803.040 (Boundary Streets):* 27<sup>th</sup> Avenue SE is the only existing boundary street, running along the eastern frontage of the subject property. 27<sup>th</sup> Avenue SE does not meet the current standards for its classification. In implementing boundary street requirements pursuant to SRC 803.040, conditions of approval require the applicant to dedicate additional right-of-way and provide street improvements along 27<sup>th</sup> Avenue SE.

**(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

Based on the preceding analysis, the application meets applicable development standards including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

**Final Plat:**

The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

A 10-foot-wide public utility easement is required along the entire frontage of 27<sup>th</sup> Avenue SE and the Marietta extension pursuant to SRC 803.035(n).

**Condition 1:** Dedicate a 10-foot public utility easement along the street frontage of the Marietta Extension and 27<sup>th</sup> Avenue SE.

**SRC 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.**

**Finding:** The proposed parcels are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the RA (Residential Agriculture) zone SRC Chapter 510. There is no evidence that the partition and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

**SRC 205.005(d)(3): Development within the tentative partition plan can be adequately served by city infrastructure.**

**Finding:** Based on the preceding analysis, and with the conditions listed above, the tentative plan can be adequately served by City infrastructure. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

**Condition 2:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

**SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.**

**Finding:** Based on staff analysis of the UGA and Site Plan Review approval criteria, and with the recommended conditions, the street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

**SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.**

**Finding:** Based on staff analysis of the UGA and Site Plan Review approval criteria, and with the recommended conditions, the street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

**SRC 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.**

**Finding:** The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The proposal meets this criterion.

**SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.**

**Finding:** The configuration of parcels on the subject property allows for reasonable development of the land. The proposed parcel configuration meets applicable development standards minimizing the need for any variances. No protected trees are identified on the site for removal. The proposal meets this criterion.

**SRC 205.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:**

**(A) The property is zoned residential:**

**(B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and**

**(C) The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.**

**Finding:** As a development requirement, public utilities, including sewer and water, will be extended and connected to the subject property. This criterion is not applicable.

## **8. 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 96-dwelling unit affordable housing development containing eleven buildings and a clubhouse with associated site improvements such as off-street parking, open space, and landscaping to occur on proposed Parcel 1.

### **Use and Development Standards – RA (Residential Agriculture) Zone:**

***SRC 510.005(a) – Uses:***

**Finding:** The proposed use for the subject property is a multi-family affordable housing development, which is classified as a household living use in SRC Chapter 400.

Per SRC Chapter 510, Table 510-1, multi-family uses other than cottage clusters are not permitted in the RA zone. However, per ORS 197.308, a local government shall allow affordable housing, and may not require a zone change or conditional use permit for affordable housing on property if the property is zoned to allow religious assembly uses.

***ORS 197.308 Affordable housing allowed outright; density bonuses.***

(1) As used in this section, “affordable housing” means residential property:

(a) In which:

(A) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; or

- (B) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and
- (b) Whose affordability is enforceable, including as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.

If the property is zoned RA (Residential Agriculture) prior to building permit issuance, then, the applicant shall provide documentation indicating that the proposed affordable housing use complies with applicable requirements of ORS 197. However, if the property is rezoned to RM-II (Multi-Family Residential), as proposed through the Our Salem Project, then the proposed use would be an outright permitted use, and the applicant would not need to provide documentation that the use is an affordable housing use per ORS 197.

**Condition 3:** Prior to building permit issuance, if the property is zoned RA (Residential Agriculture), then the applicant shall provide documentation indicating that the proposed affordable housing use complies with applicable requirements of ORS 197.

#### *Dwelling Unit Density*

The subject property is 4.79 acres in size and the proposed development includes 96 dwelling units for a density of approximately 20 units per acre.

Per ORS 227.175, Authorized Density Level means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations. In the RA zone, the minimum lot size for a single-family dwelling is 4,000 square feet. Based on the minimum lot size, the maximum possible number of single-family dwelling unit is 11 units. ORS 197.308(4)(b)(A) for property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density, for a density allowance of 22 units per acre. The proposal complies with the maximum density allowance of the ORS.

#### *SRC 510.010(a) – Lot Standards:*

The minimum lot area requirement for multi-family uses in the RA zone is 7,000 square feet, the minimum width is 40 feet and the minimum lot depth is 80 feet. Multi-family uses are required to have a minimum street frontage of 40 feet.

**Finding:** The subject property is proposed Parcel 1 identified on the consolidated Tentative Partition plan. The proposed parcel is approximately 4.79 acres in size and has approximately 363 feet of frontage along 27<sup>th</sup> Avenue SE and approximately 510 feet of frontage along proposed Marietta Street SE, exceeding the minimum lot standards of the RA zone.

#### *SRC 510.010(b) – Setbacks:*

**North:** Adjacent to the north is property zoned RA (Residential Agriculture). The minimum interior side yard setback for a multi-family use in the RA zone is five feet.

**South:** Adjacent to the south is right-of-way for a new proposed local street, Marietta Street SE. The minimum setback required for a multi-family use adjacent to a local street is 10 feet.

**East:** Adjacent to the east is right-of-way for 27<sup>th</sup> Avenue SE. The minimum setback required for a multi-family use adjacent to a local street is 10 feet.

**West:** Adjacent to the west is property zoned RA (Residential Agriculture). The minimum interior side yard setback for a multi-family use in the RA zone is five feet.

**Finding:** The proposed building and vehicle use area setbacks indicated on the site plan are in compliance with all applicable setback requirements of the RA zone.

*SRC 510.010(c) – Lot Coverage, Height:*

There is no maximum lot coverage standard for multi-family uses in the RA zone. The maximum height allowance is 25 feet or two stories, whichever is greater. The maximum height allowance for a two-story building shall not exceed 35 feet.

*ORS 197.308(4) provides that a local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175(4), for the development of affordable housing, at the greater of:*

*(b)(A) For property with existing maximum density of 16 units or fewer units per acre, 200 percent of the existing density and 12 additional feet.*

Per ORS 197.308(4), the maximum height allowance for the proposed multi-family use is increased to 37 feet.

**Finding:** The applicant indicates that the proposed buildings are three stories and approximately 33 feet in height, in compliance with maximum height allowance.

**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 two solid waste and recycling service areas are provided near buildings A and H. The following is a summary of applicable design standards for the solid waste service areas.

*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 proposed enclosure is large enough that the receptacles may face each other with four feet or more of separation provided. The surfacing plan indicates that a 7" concrete pad will be provided for the solid waste service area in conformance with this standard.

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 serving.

**Finding:** The plans indicate 1.5 cubic yard receptacles on wheels will be provided within the enclosure. A roof with approximately 9 feet of vertical clearance is provided, in compliance with this standard.

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

**Finding:** A permanent drop box or compactor is not proposed, this section is not applicable.

*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 area is completely enclosed and screened from view from surrounding streets and abutting property.

*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 enclosure openings are approximately 18 feet in width, 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:** Measures of preventing damage to the enclosure are not indicated in the application materials but will be reviewed for conformance with this development standard at the time of building permit review.

- 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 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

**Finding:** The enclosure gates are less than 18 feet in length, the enclosure gates are able to swing a minimum of 90 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.

**Finding:** The proposed vehicle operation areas meet the minimum dimensional requirements for service vehicle access.

*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 do not apply to the proposed multi-family development.

**Off-Street Parking, Loading, and Driveways SRC 806**

*SRC 806.005(a) - Off-Street Parking; When Required.*

Off-street parking shall be provided and maintained as required under SRC Chapter 806 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.

*SRC 806.015 - Amount of Off-Street Parking.*

- a) *Minimum Required Off-Street Parking.* Per Table 806-1, a minimum of one off-street parking space is required 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 proposal includes development of a 96-unit multi-family residential use requiring a minimum of 96 off-street parking spaces. A maximum of 168 off-street parking spaces are allowed ( $96 \times 1.75 = 168$ ). The site plan indicates that 140 off-street parking spaces are provided, within the minimum and maximum allowance. A maximum of 105 spaces may be compact spaces ( $140 \times 0.75 = 105$ ). The site plan indicates that no compact spaces are proposed. Carpool/vanpool parking spaces are not required for the proposed use. The site plan complies with applicable off-street parking standards.

*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.

**Finding:** The proposed development includes development of a new off-street parking area to serve the new use for the site. The off-street parking area development standards of this section are applicable.

- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.
4. *Setback adjacent to buildings and structures.* Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC Chapter 807, or by a minimum five-foot-wide paved pedestrian walkway.

**Finding:** The proposed site plan complies with all applicable setback requirements of SRC Chapter 806.

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

**Finding:** The proposed multi-family residential development is subject to the landscaping requirements of SRC Chapter 702, and is exempt from this standard.

- 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 and drive aisles are in compliance with the minimum dimensional requirements of Table 806-6.

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

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for maneuvering, grade, surfacing, and drainage. Bumper guards and wheel barriers are not required for the proposed vehicle use area. 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 not required for the proposed parking area and is covered instead by standards in SRC Chapter 702.

## **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.

### *SRC 806.055 - Amount of Bicycle Parking.*

Bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

**Finding:** Multi-family residential uses require a minimum of one bicycle parking space per 10 dwelling units. The proposed 96-unit multi-family residential use requires a minimum of 10 bicycle parking spaces ( $96 / 10 = 9.6$ ). The site plan indicates that 12 bicycle parking spaces will be provided for the use.

### *SRC 806.060 - Bicycle Parking Development Standards.*

- 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.* 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.
- c) *Dimensions.* All bicycle parking spaces shall conform with the minimum dimensions set forth in Table 806-10.
- 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.
- e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks, and shall comply with the following standards:
  - (1) Racks must support the bicycle frame 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:** Staple style bicycle parking spaces are provided within 50 feet of primary building entrances, and are designed consistent with the standards for access, dimensions, surfacing, and style of bike rack.

### **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.*

Table 806-9 provides the minimum number of required off-street loading spaces, and minimum dimensional standards for off-street loading areas based on proposed use. Multi-family residential uses containing between 50 and 99 dwelling units require a minimum of one off-street loading space. Per Table 806-11, the minimum dimensions the loading space are 12 feet in width, 19 feet in length and with 12 feet of unobstructed vertical clearance. Further, if a recreational building is provided, at least one of the required loading spaces shall be located in conjunction with the recreational or serve building.

**Finding:** The applicant indicates that the proposed residential use does not require delivery vehicles in excess of 8,000 pounds, and therefore per 806.075(a) requests to use off-street parking spaces in place of required off-street loading spaces for the proposed use. No other loading spaces are required for the proposed use.

### **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 applicable standards of SRC Chapter 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 Public Works Department 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 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.

**Finding:** The subject property does not contain protected trees or vegetation, no trees greater than 10 inches dbh are proposed for removal.

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

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

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

**Finding:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas within the development area of the subject property. The proposed development activity adds 2 activity points to the proposal, which results in a total of 4 points indicating a low landslide risk, no additional information is required to be submitted under SRC Chapter 810.

*SRC 802 – Public Improvements, SRC 803 – Streets and Right-of-Way Improvements, SRC 804 – Driveway Approaches, and SRC 805 – Vision Clearance:* With completion of the conditions of approval, the subject property meets all applicable standards of the following chapters of the UDC.

***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:** 27<sup>th</sup> Avenue SE abutting the subject property does not meet the current standard of its classification according to the Salem TSP. As identified in the conditions of approval, the applicant is required to construct a half-street improvement along the entire frontage of 27<sup>th</sup> Avenue SE. The location of the centerline of 27<sup>th</sup> Avenue SE is ambiguous based on County Survey Records. City surveying staff have performed an initial review of the location of the centerline of 27<sup>th</sup> Avenue SE and found said Centerline appears to be approximately 8 to 10 feet east of where the recorded surveys of the area show it and where this project surveyor has retraced it. The right-of-way of 27<sup>th</sup> Avenue SE, adjacent to the subject property, is 40 feet

wide, 20 feet each side of centerline. The centerline of 27<sup>th</sup> Avenue SE was established by in Marion County Records Book 4, Page 222, Number 132. Staff recommend the following conditions:

- Condition 4:** Along the frontage of 27<sup>th</sup> Avenue SE, convey land for dedication of up to a 40-foot westerly right-of-way half-width from centerline as recorded in Marion County Records Book 4, Page 222, Number 132.
- Condition 5:** Along 27<sup>th</sup> Avenue SE, from the northern property boundary to the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE, construct a half-street improvement to local Street Standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 6:** Along 27<sup>th</sup> Avenue SE, from the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE to the southern property boundary, construct a half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

As discussed above, 27<sup>th</sup> Avenue SE does not meet the minimum “linking street” improvement width or right-of-way width. The applicant shall provide an off-site “linking street” improvement of 27<sup>th</sup> Avenue SE from the southern property boundary to the northerly driveway of Morningstar Church, approximately 250 feet south. Typically, where the street is classified as a local street, a 30-foot improvement would be required, and where the street is classified as a collector street, a 34-foot improvement would be required per SRC 200.005. Alternatively, in order to provide adequate pavement width and sidewalks on the development side of the street, the applicant has the option of providing a three-quarter street improvement to Collector A standards.

- Condition 7:** Along 27<sup>th</sup> Avenue SE between the south line of the subject property to the northerly driveway of Morning Star Church (083W12C000900) construct either a 34-foot-wide improvement or a 29-foot-wide three-quarter-street improvement with sidewalks on the development side of the street to Collector A street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

The applicant’s tentative plan shows one new internal street along the southern property boundary running east to west. The proposed internal street will be within a 44-foot right-of-way and constructed with a 30-foot improvement and sidewalk on the development (north) side of the street. The applicant requests to dedicate 44 feet of right-of-way as part of this application and the remaining right-of-way will come from the property to the south if they develop in the future. As a condition of development, the applicant shall construct the new internal street along Parcel 1. The applicant shall dedicate right-of-way for the street from 27<sup>th</sup> Avenue SE to the western property boundary.

The internal streets exceed the 600-foot block length requirement of SRC 803.030 as there is no north-south connection. A joint request was submitted by the applicant and the property owner of the northern neighboring parcel to allow a pedestrian connection to the southern property boundary in lieu of a street. The northerly neighbor recently received Subdivision Tentative Plan Approval for a 29-lot subdivision (SUB-UGA22-06). Due to topography of the sites, existing street stubs planned from the Coburn Grand View Subdivision (SUB-ADJ21-06),

and the redevelopment of the adjacent parcel to the north, the Director authorizes an Alternative Street Standard to allow for an increased block length pursuant to SRC 803.030(b) and 803.065(a)(3).

- Condition 8:** Dedicate right-of-way for the new internal street equal to 44 feet in width from the intersection of 27<sup>th</sup> Avenue SE to the western property boundary of parcel 2.
- Condition 9:** Construct the new internal street from the intersection of 27<sup>th</sup> Avenue SE to the western edge of parcel 1. The new internal street shall be constructed to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 with the following exceptions:
- i. The new internal street shall have an increased block length.
  - ii. The new internal street shall be located within a 44-foot right-of-way.
  - iii. Only sidewalks on the development (northern) side of the street are required to be constructed.
- Condition 10:** Design and construct a Mid-block Bike/Pedestrian Walkway from the new internal street to the north line of the subject property to connect with the Mid-block Bike/Pedestrian Walkway conditioned under SUB-UGA22-06.

The proposed development is accessed through an extension of Marietta Street. This segment of Marietta will be classified as a local street according to the Salem TSP. The anticipated Average Daily Trips (ADTs) generated onto a local street by the development exceed the threshold for requiring a Traffic Impact Analysis per SRC 803.015. The Assistant City Traffic Engineer has reviewed the proposed development and waives the requirement for a TIA pursuant to SRC 803.015(d).

***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 proposed driveway accesses onto the new internal street provide for safe turning movements into and out of the property. Pursuant to SRC 804.015(b)(2), a Driveway approach permit is not required for construction of driveway approaches that are part of an engineered public improvement project. If the proposed driveways are not constructed with the new internal street, the applicant shall be required to obtain a Class 2 Driveway Approach permit.

- Condition 11:** Submit a Class 2 Driveway Approach Permit application if the driveways onto the new internal street are not installed as part of the construction of the new internal street.

***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 Public Works Department has reviewed the applicant's preliminary plan for this site. With recommended conditions, water, sewer, and storm infrastructure will be available to serve the proposed development.

S-1 water facilities are lacking in the vicinity of the subject property. Two potential sources of water are available to serve the proposed development:

1. Coburn Grand View subdivision (SUB-ADJ21-06) is required to construct an 18-inch S-1 water main from Reed Road SE to Strong Road SE abutting the subject property. If constructed by others, this system would be available to serve the proposed development. The applicant would be required to extend the 18-inch main to the subject property in 27<sup>th</sup> Avenue SE.
2. An existing 18-inch water main is located near the intersection of Marietta Street SE and Fairview Industrial Drive SE. The applicant may extend an 18-inch *Water System Master Plan* main along Marietta Street SE to 27<sup>th</sup> Avenue SE and along 27<sup>th</sup> Avenue SE to the north line of the subject property.

The *Water System Master Plan* specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a), discussed further below. In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a TAF. The TAF for this area of the S-1 service area is based on approximately 9 million dollars of improvements needed to serve 750 acres of undeveloped land, totaling \$12,000 per acre x 4.79 acres (parcel 1 area within S-1) = \$57,480. Development on parcel 2 in the future may require an additional TAF totaling \$12,000 per acre x 2 acres (parcel 2 within S-1) = \$24,000.

**Condition 12:** Provide water service to the proposed development according to one of the following two options:

- i. Connect to a future 18-inch S-1 water main required to be constructed by Coburn Grand View subdivision (SUB-ADJ21-06) from Reed Road SE to Strong Road SE abutting the subject property. Extend the 18-inch S-1 water main to the south property line within 27<sup>th</sup> Avenue SE.
- ii. Extend an 18-inch *Water System Master Plan* main from the existing main located in Marietta Street SE to 27<sup>th</sup> Avenue SE, and along 27<sup>th</sup> Avenue SE from Marietta Street SE to the northerly property line.

**Condition 13:** Within the new internal street, extend a minimum 12-inch S-1 water main to the western edge of parcel 1.

**Condition 14:** Pay \$57,480 as the proportional amount of the water TAF for development of Parcel 1 within the S-1 water service area.

**Condition 15:** Pay \$24,000 as the proportional amount of the water TAF for development of Parcel 2 within the S-1 service water area.

The western 250-feet of the subject property is located within the S-2 water service level. There are no S-2 water mains within the vicinity of the development. When development is proposed in the S-2 pressure zone, S-2 water improvements may be required.

A 24-inch sewer main is available in 27<sup>th</sup> Avenue SE to serve the proposed development. Direct connections to this main are not permitted. The applicant's tentative utility plan shows an 8-inch public main extending from 27<sup>th</sup> Avenue SE onto the subject property and to the northern property line and an additional 8-inch public main within the new internal street. Public sewer mains on private property require approval from the City Engineer. If approved, the applicant would be required to dedicate a public utility easement over the public main pursuant to PWDS to provide unobstructed year-round access to the public main. The applicant's tentative site plan shows a trash and recycling enclosure being constructed over the public sewer main on private property and within the required public utility and access easement. The applicant shall relocate the trash enclosure outside of the public utility and access easement to ensure unobstructed access to the public main is available.

**Condition 16:** If a public main on private property is approved by the City Engineer, dedicate a public utility and access easement over the proposed public main on private property pursuant to Public Works Design Standards. Revise the site plan to remove encroachments (garbage enclosure) shown in the required easement.

**Condition 17:** Extend a minimum 8-inch sewer main in the new internal street to the western edge of parcel 1.

The applicant is proposing to connect to the existing storm system in 27<sup>th</sup> Avenue SE. Capacity is limited in the downstream storm drainage system, so the proposed development shall not increase off-site drainage flows. The applicant's engineer shall submit a final stormwater report demonstrating that the discharge from the stormwater facility does not increase peak flows pursuant to SRC 71.095(c). The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities

**Condition 18:** Submit an engineered stormwater report demonstrating that the discharge from the stormwater facility does not increase peak flows pursuant to SRC 71.095(c).

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS. The preliminary stormwater design shows a public stormwater facility will be located on private property; this may need a Design Exception from the City Engineer.

**Condition 19:** Design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS or receive a Design Exception from the City Engineer.



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.

## 9. Analysis of Class 2 Adjustment Approval Criteria

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

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

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

**Finding:** The applicant has requested three Class 2 Adjustments to:

- 1) Allow for the use of balcony railings that are not fully sight obscuring;
  - 2) Allow less than forty percent of the building frontage to be occupied by the buildings constructed at the minimum setback line; and
  - 3) Eliminate the direct pedestrian access requirement to adjacent sidewalks for ground floor units within 25 feet of the property line.
- *To allow the use of balcony railings that are not fully sight obscuring.*

The applicant has requested a Class 2 Adjustment to eliminate the requirement to provide sight obscuring balcony railings along the building facades facing towards RA or RS zoned properties. Adjacent to the north and west are properties zoned RA (Residential Agriculture), and the proposed buildings will have balconies on the facades that face these properties.

Staff notes the underlying purpose of the screening requirement is to provide additional privacy and screening between the proposed dwelling units and abutting residential uses. The applicant indicates that the proposed development is oriented in a way that three of the proposed buildings will be placed close to the minimum setback line along the western boundary (proposed Parcel 2). There is an existing single-family dwelling at the western portion of proposed Parcel 2 that will remain but is likely that under the proposed RM-II zoning from the Our Salem project, for that future development abutting the proposed buildings will likely also be multi-family residential. Additional screening on the balconies is not required in areas abutting multi-family residential development. Further, when the zone change to RM-II is effective, this standard would no longer be applicable abutting the western property.

The proposed multi-family residential buildings are setback beyond the minimum 34-foot setback from the northern property line (approximately 54 feet for Building H and 163 feet for Building A) where the proposed development abuts RA zoned property. While the property is currently vacant, a tentative subdivision has been approved for this property, and dwelling units may be developed near this boundary in the future. However, because of the larger setback, landscaping, and fencing provided, sight obscuring balconies along the northern building facades would not provide any additional benefit.

Staff finds the proposal will equally or better meet the purpose underlying the standard in question.

- *Adjustment to allow less than 40 percent of the buildable frontage to be occupied by buildings constructed on the minimum setback line.*

**Finding:** The RA (Residential Agriculture) zone requires a minimum building setback of 10 feet adjacent to a street for multi-family residential uses per SRC Chapter 510, Table 510-3. The applicant has requested an adjustment to eliminate the requirement for buildings to be placed at the minimum 10-foot setback line, rather the applicant is proposing to set the buildings back approximately 12-17 feet adjacent to the proposed extension of Marietta Street SE and 27<sup>th</sup> Avenue SE.

The subject property has approximately 515 feet of frontage along Marietta Street SE, and proposed buildings B, C, D, E, and F are placed approximately 12-17 feet back from the property line. The total width of these buildings is approximately 240 feet, or 46.6%, which would exceed the minimum 40% requirement.

The subject property has approximately 385 feet of frontage along 27<sup>th</sup> Street SE, and proposed buildings A and B are placed approximately 12 feet back from the property line. The total width of these buildings is approximately 182 feet, or 47.3%, which would exceed the minimum 40% requirement.

Under the proposed RM-II zoning from the Our Salem project, the minimum setback for buildings adjacent to a street will be 12 feet. If the adjustment wasn't granted and the proposed apartment buildings were to be constructed on the 10-foot minimum setback line, the development would be non-conforming once the RM-II zone change is effective. Granting the adjustment in this case allows for the creation of buildings that will be compliant with the future development standards and avoiding nonconforming development. Staff finds the proposal will equally or better meet the purpose underlying the standard in question.

- *To eliminate the direct pedestrian access to adjacent sidewalk requirement for ground level units per 702.020(e)(5).*

The applicant is requesting to eliminate the requirement to orient buildings to the street and provide direct pedestrian pathways from the public sidewalk to ground floor units. The purpose of the standard is to provide a pedestrian friendly development with buildings oriented outward towards the street, and with direct pedestrian access from ground floor units to the abutting sidewalk.

The applicant explains that due to the slope of the property it would be very difficult to provide pedestrian pathways that are ADA compliant. The buildings are oriented inwards towards the site, but will be visually appealing including windows, offsets, and architectural features where facing the street. The orientation and design proposed allows for increased efficiency within the interior of the dwelling units and allows for outdoor private open space to be provided. Common pathways will provide access to the public sidewalk that equally meets the purpose of the standard.

Staff finds the proposal will equally or better meet the purpose underlying the standard in question.

***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 a residential zone. As proposed and conditioned, the development with the requested adjustments will not detract from the livability or appearance of the residential area.

***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:** Three 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 20:** The adjusted development standards 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 standards of the Unified Development Code, unless adjusted through a future land use action.

## **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 occurs on a portion of the subject property that is approximately 4.83 acres in size (210,395 square feet) and requires a minimum of 122,872

square feet ( $210,395 \times 0.3 = 63,118.5$ ) of open space, including indoor or covered recreation space. Per the applicant's site plan, approximately 126,713 square feet of open space is provided for the development site, including a club house and amenity area (play area and picnic area), 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 proposed multi-family development contains 96 dwelling units. Per Table 702-3 the proposal requires a minimum open space area that is 2,000 square feet in size with no dimension less than 25 feet. A play area and picnic area approximately 1,900 square feet in size will be provided at the center of the site with no dimension less than 25 feet. Per SRC 702.020(a)(1)(E), these areas may be counted twice toward the total amount of required open space. Using this provision, the amount of proposed useable open space 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 did not provide a response to addressing how much of the open space provided will occur on slopes greater than 25 percent; therefore, staff is unable to determine compliance with this design standard. Prior to building permit issuance, the applicant shall provide a statement indicating that a maximum of 15 percent of the common open space area shall be located on land with slopes greater than 25 percent.

**Condition 21:** Prior to building permit issuance, the applicant shall provide a statement indicating that a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 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 most 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 recreational opportunities provided include a play area, picnic area, and club house.

- (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 not located within one-quarter mile of a publicly-owned; therefore, this provision is not applicable.

(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 subject property is approximately 4.83 acres in size (210,395 square feet) in size requiring a minimum of 105 trees ( $210,395 / 2,000 = 105.2$ ). The applicant's landscape plan indicates that a total of 127 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 RA to the north and west. The applicant's statement and landscape plans indicate that fencing and landscaping in compliance with this standard will be provided.

- (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.

- (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 screened with five-foot tall landscaping ensuring privacy for ground level private open space areas.

- (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 parking area contains a total of 140 off-street parking spaces, requiring a minimum of 12 landscaped planter bays. The landscaping plan indicates at least 20 planter bays, nine feet in width and each with a canopy tree, will be provided throughout the off-street parking area. A minimum of one canopy tree is provided every 50 feet around the perimeter of the parking areas in compliance with this standard.

- (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.
- (2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.
- (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.
- (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:** 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. The preliminary site plan indicates that exterior lighting (pole lights a maximum of 14 feet tall, and post lights a maximum of 5 feet tall) will be provided along pedestrian paths and adjacent to vehicle use areas, lighting will also be provided on building exteriors. According to the site plan and landscaping plan, there are no fences near the entryways or common open space.

(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 parking areas greater than 6,700 square feet in size. Planter bays a minimum of nine feet in width, and each planted with a canopy tree, have been provided throughout the development site to minimize large expanses of continuous pavement, 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 RA zoned property to the north and west. All off-street parking areas are setback 20 feet or greater from the abutting RA zoned properties, in compliance with this standard.

- (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 connecting the development site to proposed public sidewalks along 27<sup>th</sup> Avenue SE and Marietta Street SE, between buildings, and connecting to common open space and amenity areas 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:** The greatest building dimension proposed is 91 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 RA to the north and west. 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. The proposed buildings are approximately 34 feet in height, requiring a minimum setback of 34 feet. Buildings F-H are setback 35 feet from the western boundary, and Building H is setback approximately 54 feet from the northern boundary, in compliance with this setback standard.

- (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:** The proposed multi-family use abuts RA zoned property to the west and to the north. Due to the configuration of the buildings, as well as the setback and screening provided, the applicant is requesting a Class 2 Adjustment to remove this as a development requirement. Findings for the Adjustment can be found in Section 9 of this report.



- (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 applicant has requested an adjustment to eliminate the requirement for buildings to be placed at the minimum 10-foot setback line, rather the applicant is proposing to set the buildings back approximately 12-17 feet adjacent Marietta Street SE and 27<sup>th</sup> Avenue SE. Findings for the Adjustment can be found in Section 9 of this report.

- (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:** The applicant is requesting a Class 2 Adjustment to remove this building orientation and pedestrian access standard as a development requirement. Findings for the Adjustment can be found in Section 9 of this report.

- (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 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 proposed buildings do not have roof lines in excess of 100 feet, therefore this standard is not applicable.

- (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, recessed 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, the first floor of each building will have contrasting building materials and colors, as well as using horizontally distinguishing transition pieces to visually break up the mass of each building, in compliance with this standard.

## 11. Conclusion

Based upon review of SRC Chapters 200, 205, 220, 225, and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

Final approval of Urban Growth Area Preliminary Declaration, Tentative Partition, Class 3 Site Plan Review, Class 2 Adjustment, and Class 1 Design Review Case No. UGA-PAR-SPR-ADJ-DR22-02 is hereby **APPROVED** subject to SRC Chapters 200, 205, 220, 250, and 225 the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

*Further direction on the timing for completion of conditions of approval can be found in the Public Works Memo dated August 29, 2022 included as Attachment D.*

- Condition 1:** Dedicate a 10-foot public utility easement along the street frontage of the Marietta Extension and 27<sup>th</sup> Avenue SE.
- Condition 2:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 3:** Prior to building permit issuance, if the property is zoned RA (Residential Agriculture), then the applicant shall provide documentation indicating that the proposed affordable housing use complies with applicable requirements of ORS 197.

- Condition 4:** Along the frontage of 27<sup>th</sup> Avenue SE, convey land for dedication of up to a 40-foot westerly right-of-way half-width from centerline as recorded in Marion County Records Book 4, Page 222, Number 132.
- Condition 5:** Along 27<sup>th</sup> Avenue SE, from the northern property boundary to the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE, construct a half-street improvement to local Street Standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 6:** Along 27<sup>th</sup> Avenue SE, from the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE to the southern property boundary, construct a half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 7:** Along 27<sup>th</sup> Avenue SE between the south line of the subject property to the northerly driveway of Morning Star Church (083W12C000900) construct either a 34-foot-wide improvement or a 29-foot-wide three-quarter-street improvement with sidewalks on the development side of the street to Collector A street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 8:** Dedicate right-of-way for the new internal street equal to 44 feet in width from the intersection of 27<sup>th</sup> Avenue SE to the western property boundary of parcel 2.
- Condition 9:** Construct the new internal street from the intersection of 27<sup>th</sup> Avenue SE to the western edge of parcel 1. The new internal street shall be constructed to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 with the following exceptions:
- i. The new internal street shall have an increased block length.
  - ii. The new internal street shall be located within a 44-foot right-of-way.
  - iii. Only sidewalks on the development (northern) side of the street are required to be constructed.
- Condition 10:** Design and construct a Mid-block Bike/Pedestrian Walkway from the new internal street to the north line of the subject property to connect with the Mid-block Bike/Pedestrian Walkway conditioned under SUB-UGA22-06.
- Condition 11:** Submit a Class 2 Driveway Approach Permit application if the driveways onto the new internal street are not installed as part of the construction of the new internal street.
- Condition 12:** Provide water service to the proposed development according to one of the following two options:
- i. Connect to a future 18-inch S-1 water main required to be constructed by

Coburn Grand View subdivision (SUB-ADJ21-06) from Reed Road SE to Strong Road SE abutting the subject property. Extend the 18-inch S-1 water main to the south property line within 27<sup>th</sup> Avenue SE.

- ii. Extend an 18-inch *Water System Master Plan* main from the existing main located in Marietta Street SE to 27<sup>th</sup> Avenue SE, and along 27<sup>th</sup> Avenue SE from Marietta Street SE to the northerly property line.

- Condition 13:** Within the new internal street, extend a minimum 12-inch S-1 water main to the western edge of parcel 1.
- Condition 14:** Pay \$57,480 as the proportional amount of the water TAF for development of Parcel 1 within the S-1 water service area.
- Condition 15:** Pay \$24,000 as the proportional amount of the water TAF for development of Parcel 2 within the S-1 service water area.
- Condition 16:** If a public main on private property is approved by the City Engineer, dedicate a public utility and access easement over the proposed public main on private property pursuant to Public Works Design Standards. Revise the site plan to remove encroachments (garbage enclosure) shown in the required easement.
- Condition 17:** Extend a minimum 8-inch sewer main in the new internal street to the western edge of parcel 1.
- Condition 18:** Submit an engineered stormwater report demonstrating that the discharge from the stormwater facility does not increase peak flows pursuant to SRC 71.095(c).
- Condition 19:** Design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS or receive a Design Exception from the City Engineer.
- Condition 20:** The adjusted development standards 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 standards of the Unified Development Code, unless adjusted through a future land use action.
- Condition 21:** Prior to building permit issuance, the applicant shall provide a statement indicating that a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.



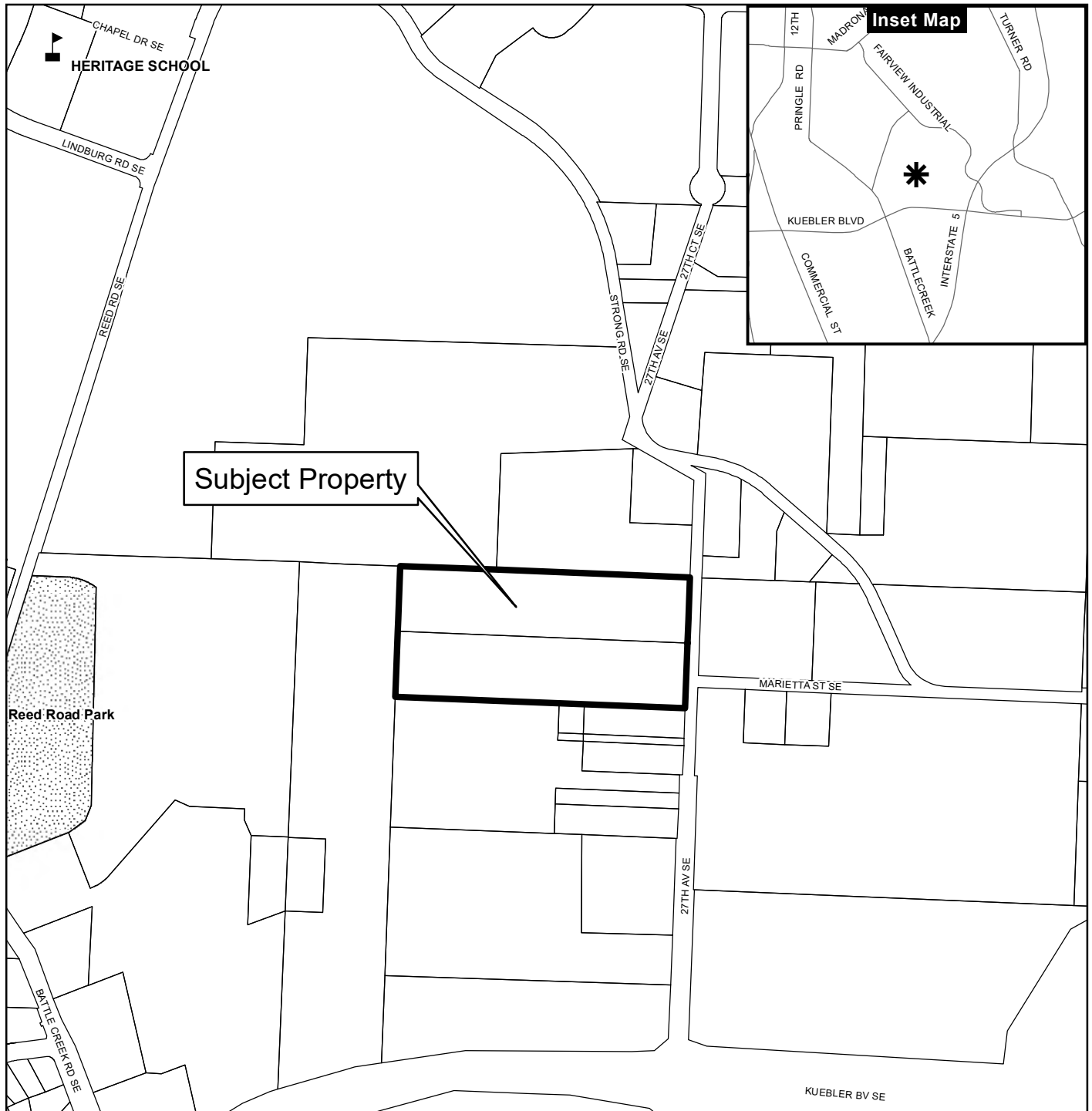
Aaron Panko, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments:
- A. Vicinity Map
  - B. Proposed Development Plans
  - C. Applicant's Written Statement
  - D. Public Works Memo Dated August 29, 2022
  - E. Salem Keizer Public Schools Memo Dated July 20, 2022

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

# Vicinity Map

## 4500 Block of 27th Avenue SE



### Legend

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

Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

0 100 200 400 Feet

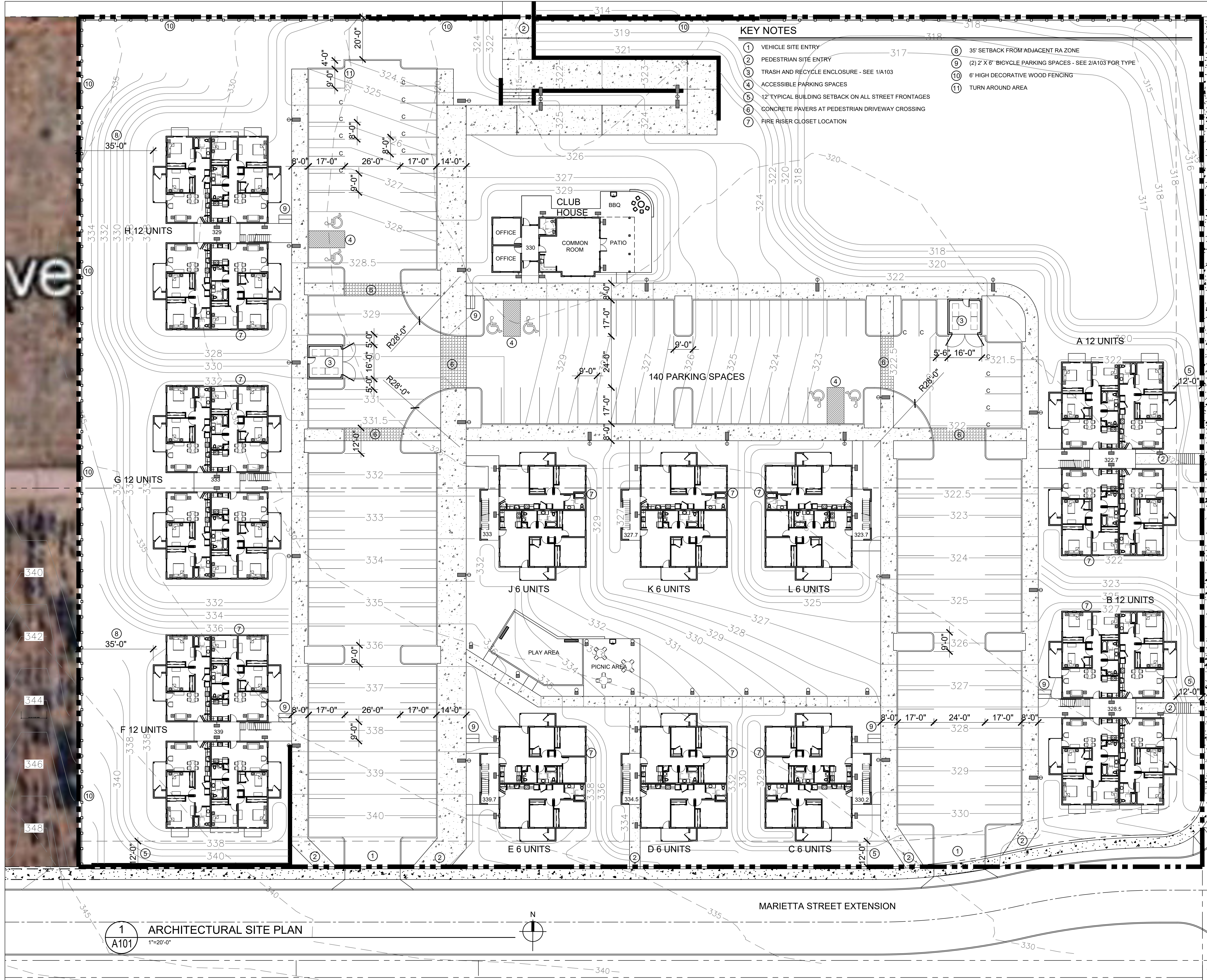


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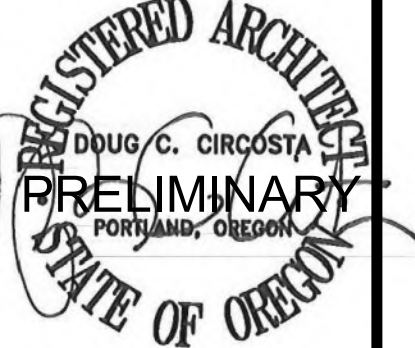




KEY NOTES

- 1 VEHICLE SITE ENTRY
- 2 PEDESTRIAN SITE ENTRY
- 3 TRASH AND RECYCLE ENCLOSURE - SEE 1/A103
- 4 ACCESSIBLE PARKING SPACES
- 5 12' TYPICAL BUILDING SETBACK ON ALL STREET FRONTS
- 6 CONCRETE PAVERS AT PEDESTRIAN DRIVEWAY CROSSING
- 7 FIRE RISER CLOSET LOCATION
- 8 35' SETBACK FROM ADJACENT RA ZONE
- 9 (2) 2' X 6" BICYCLE PARKING SPACES - SEE 2/A103 FOR TYPE
- 10 6' HIGH DECORATIVE WOOD FENCING
- 11 TURN AROUND AREA

1 ARCHITECTURAL SITE PLAN  
A101 1"=20'-0"



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27TH AVENUE APARTMENTS

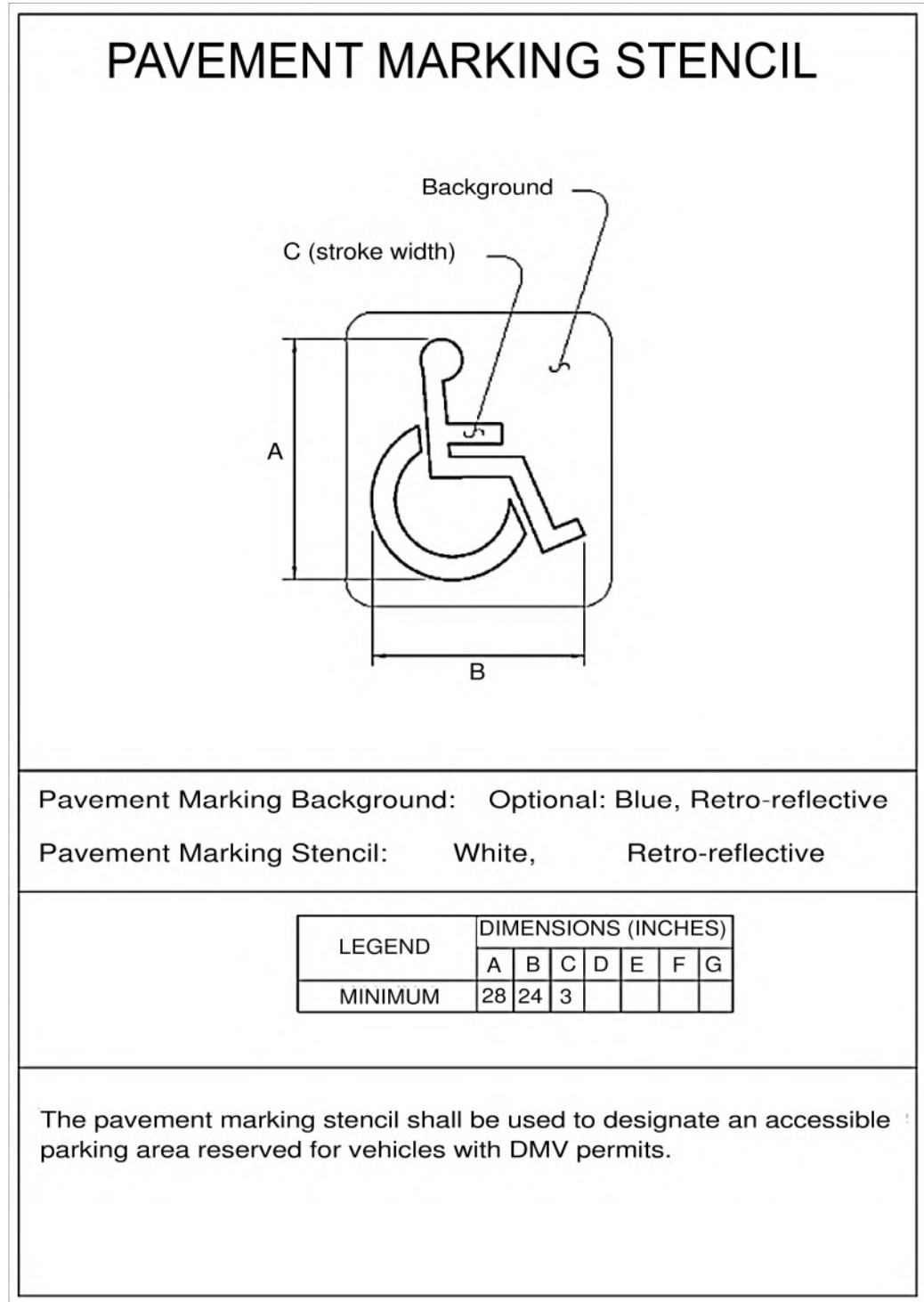
4500 BLOCK OF 27TH AVENUE SE  
083W12c / 00800  
SALEM, OR

job no.: 2114  
date: 05-20-2022

SITE PLAN

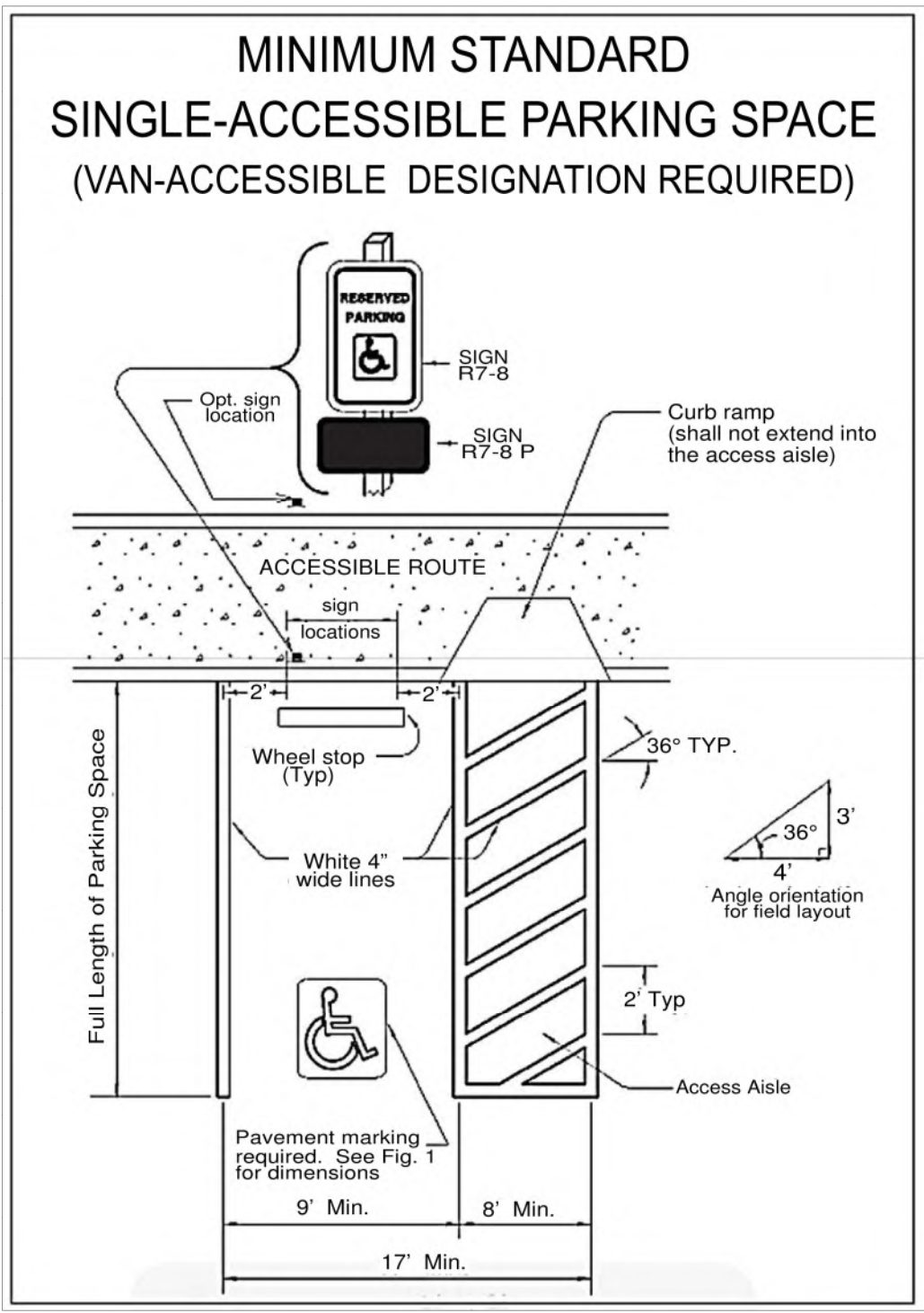
A101





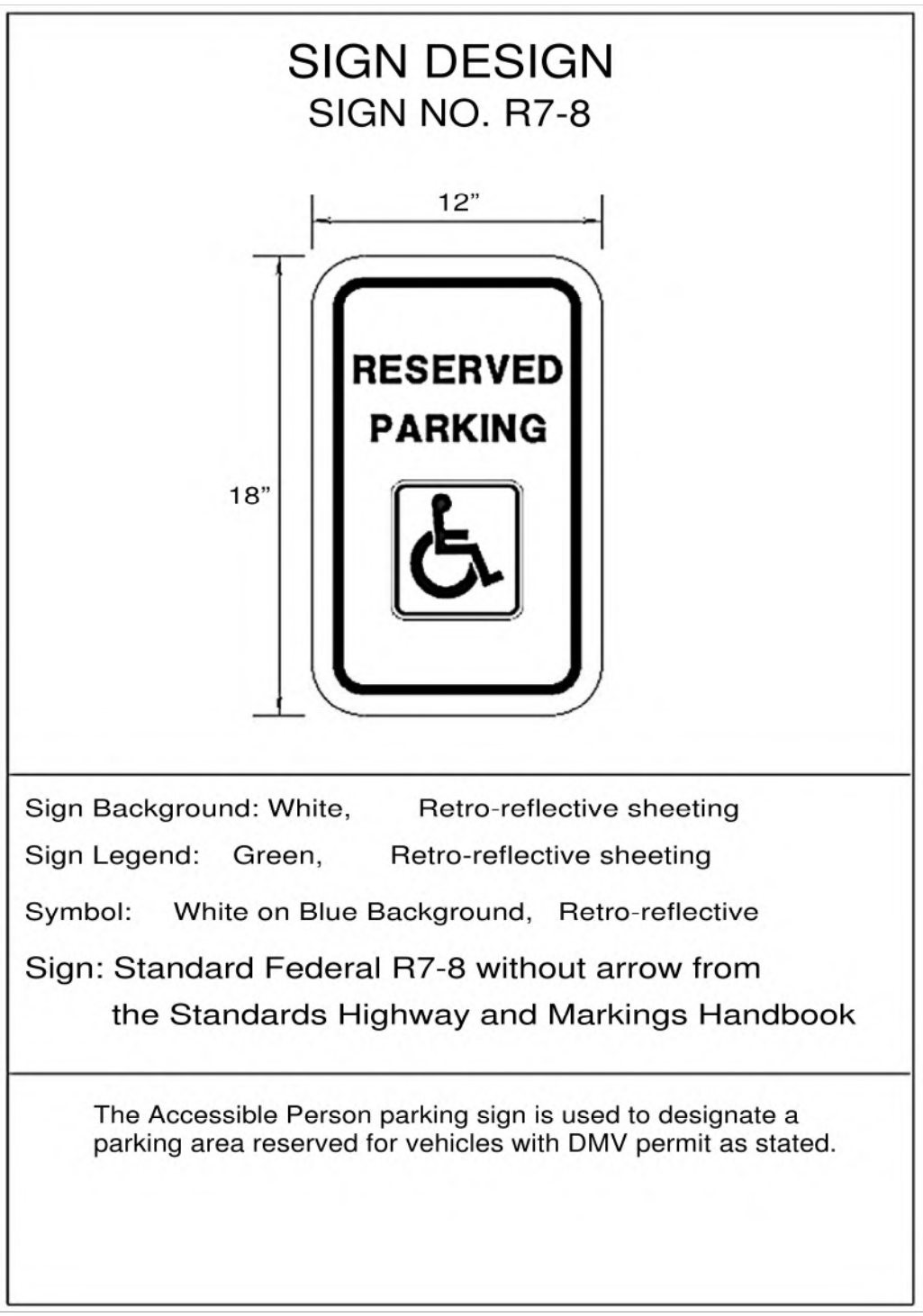
For SI: 1 inch = 25.4 mm.

FIGURE 1



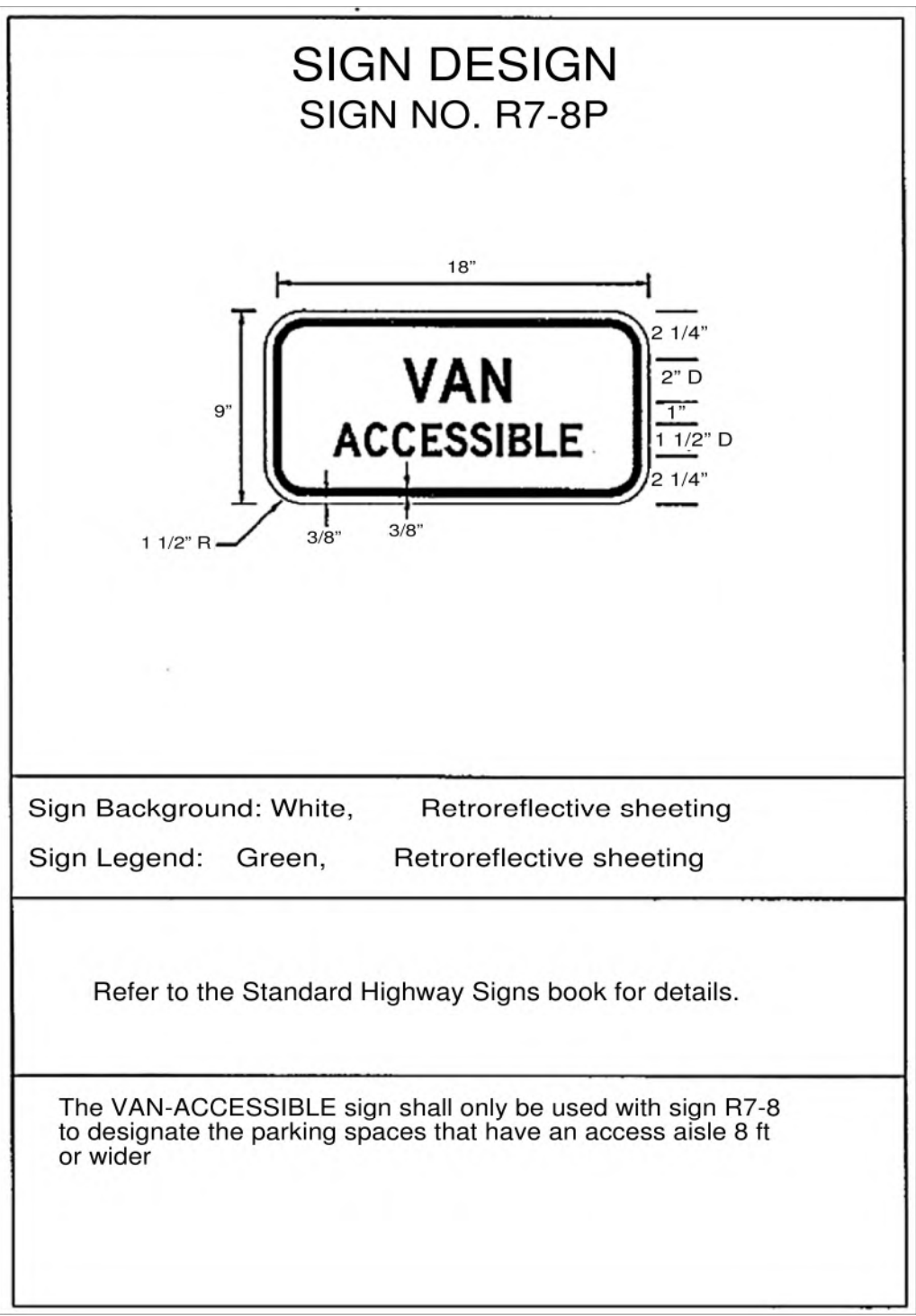
For SI: 1 foot = 304.8 mm, 1 degree = 0.01745 rad.

FIGURE 2



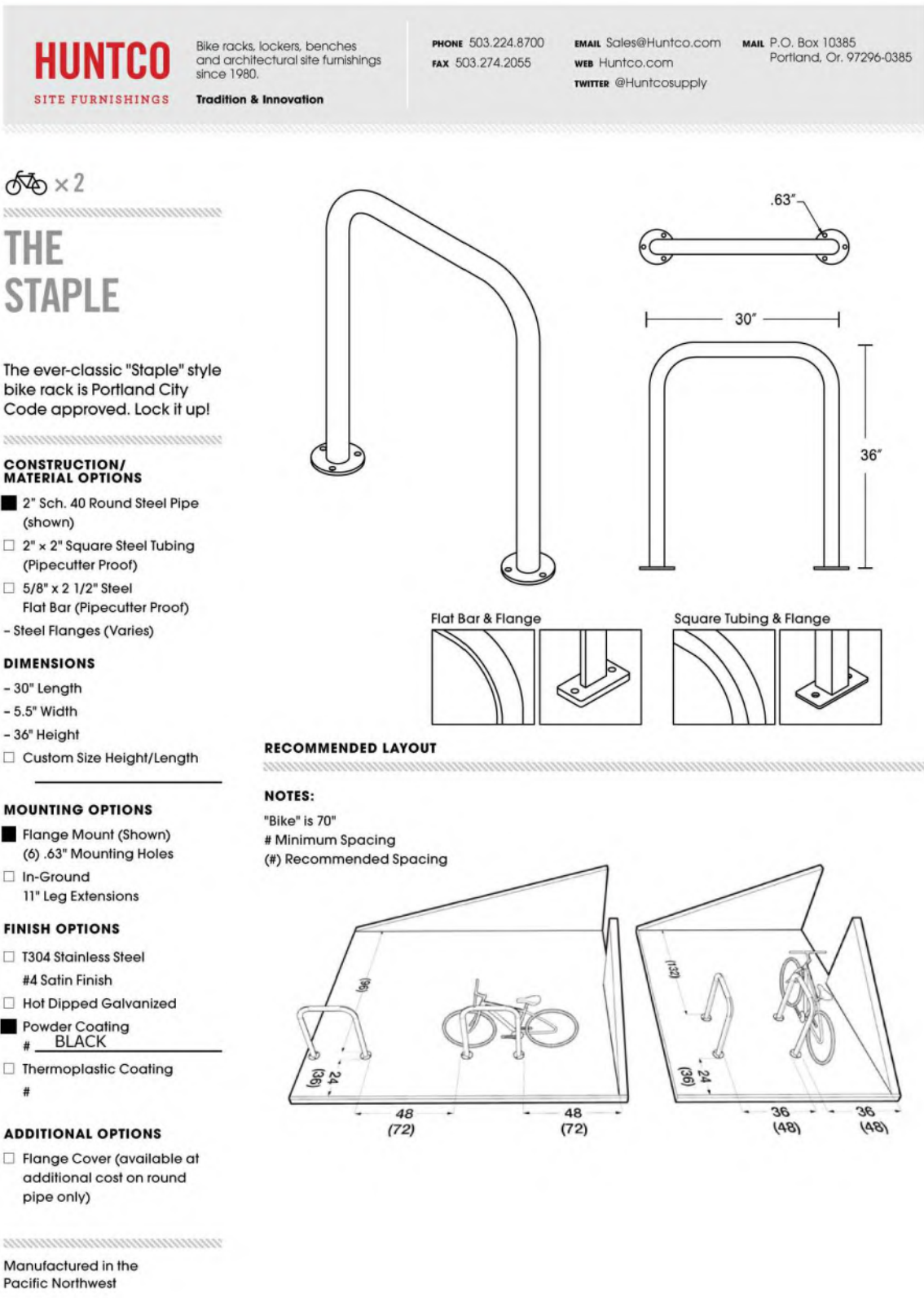
For SI: 1 inch = 25.4 mm.

FIGURE 7



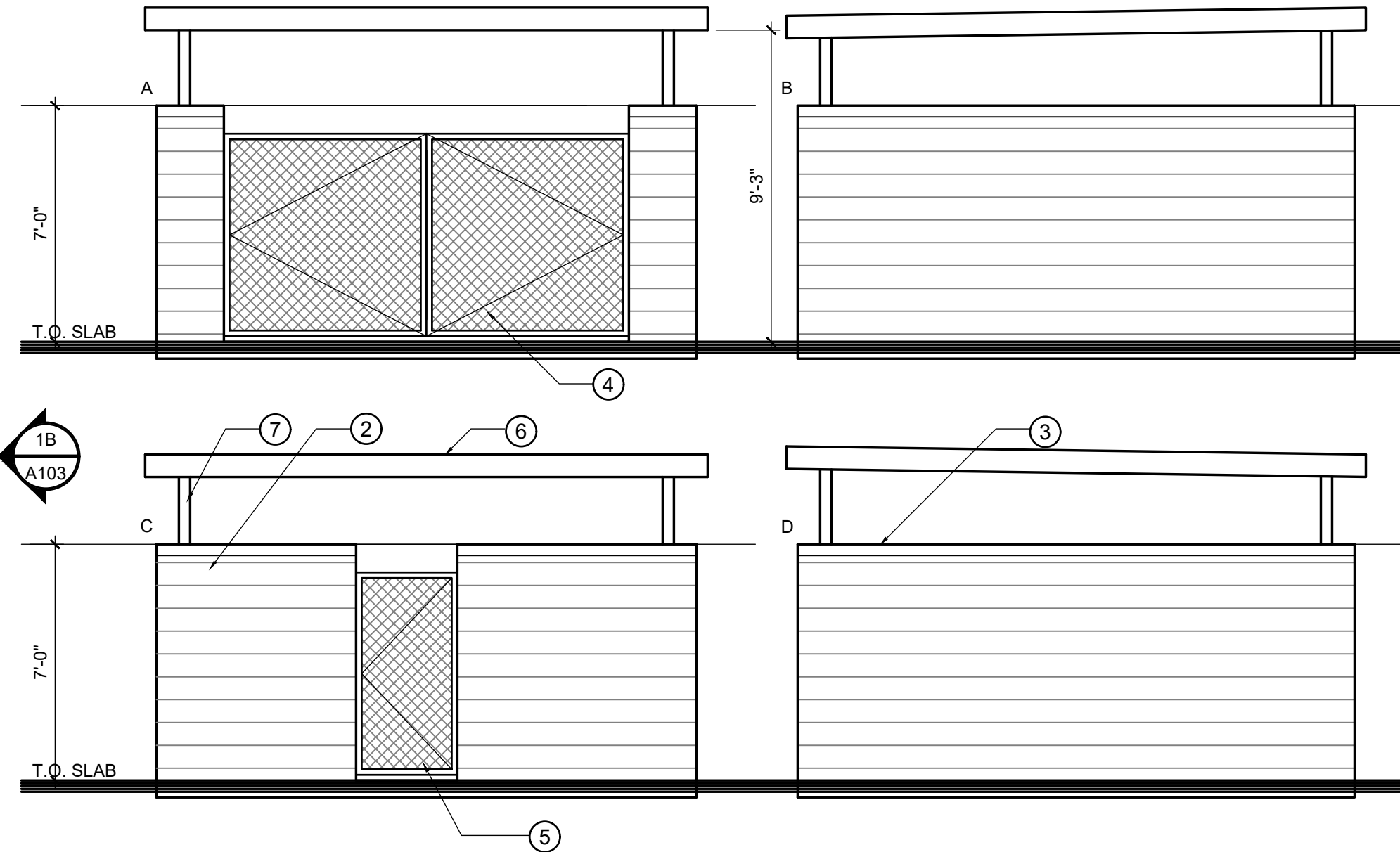
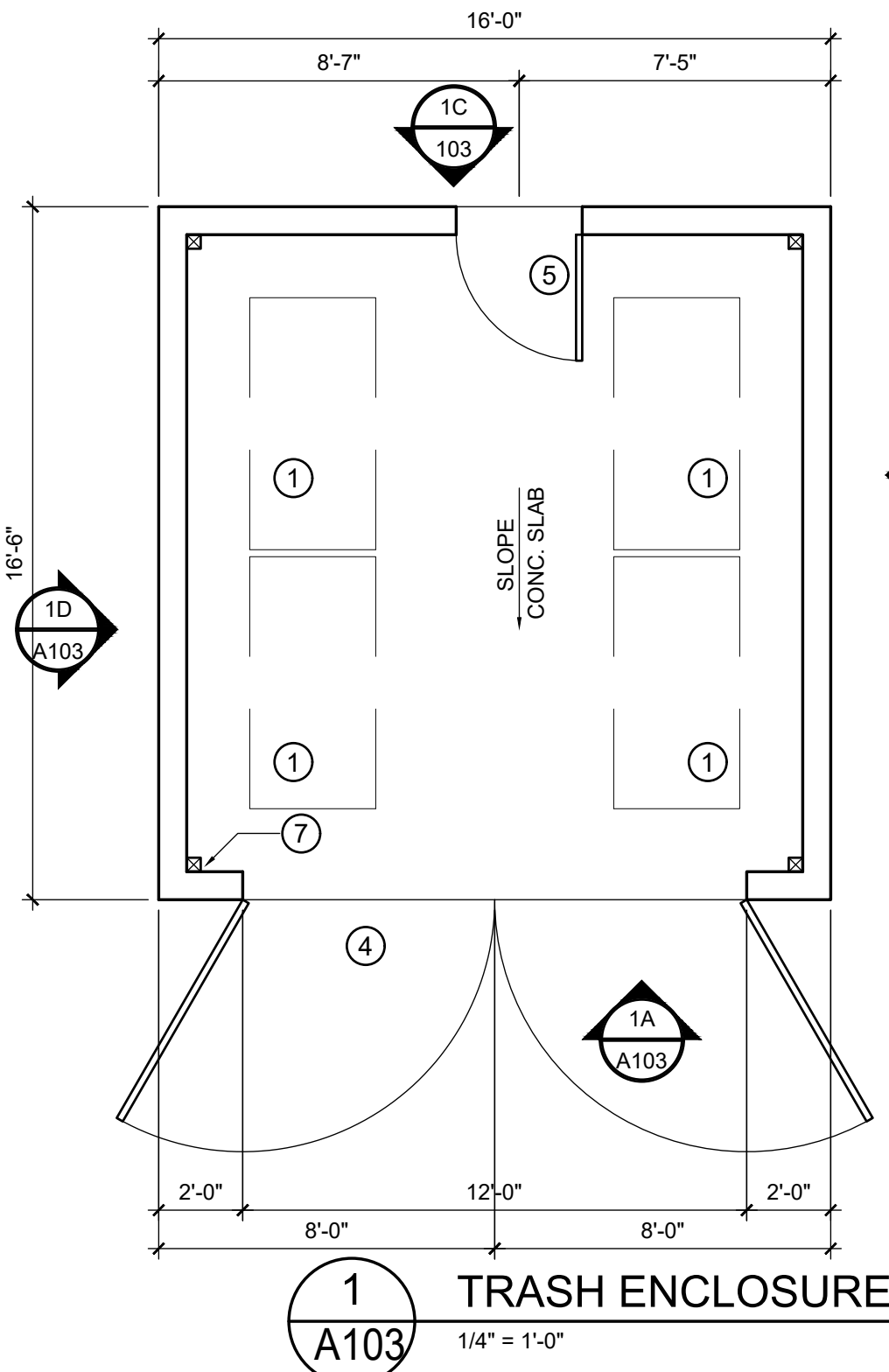
For SI: 1 inch = 25.4 mm., 1 foot = 304.8 mm.

FIGURE 8



2 BIKE RACK

3 ACCESSIBLE PARKING REQUIREMENTS - FIGURES 1, 2, 7, 8



- KEY NOTES
- 1 1.5-YARD CONTAINER ON WHEELS
  - 2 8 INCH SPLIT FACE CMU
  - 3 4 INCH CAP BLOCK
  - 4 PR. 6060 METAL TRASH ENCLOSURE GATES WITH VINYL COATED CHAIN LINK WITH MATCHING SLAT INFILL
  - 5 3060 METAL MAN GATE WITH VINYL COATED CHAIN LINK WITH MATCHING SLAT INFILL
  - 6 PRE-FINISHED MTL. ROOF
  - 7 4X4 PAINTED STEEL POST

REGISTERED ARCHITECT  
DOUG C. CIRCOSTA  
PRELIMINARY  
PORTLAND, OREGON  
STATE OF OREGON

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27TH AVENUE APARTMENTS

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083W12c / 00800  
SALEM, OR

job no.: 2114  
date: 05-20-2022

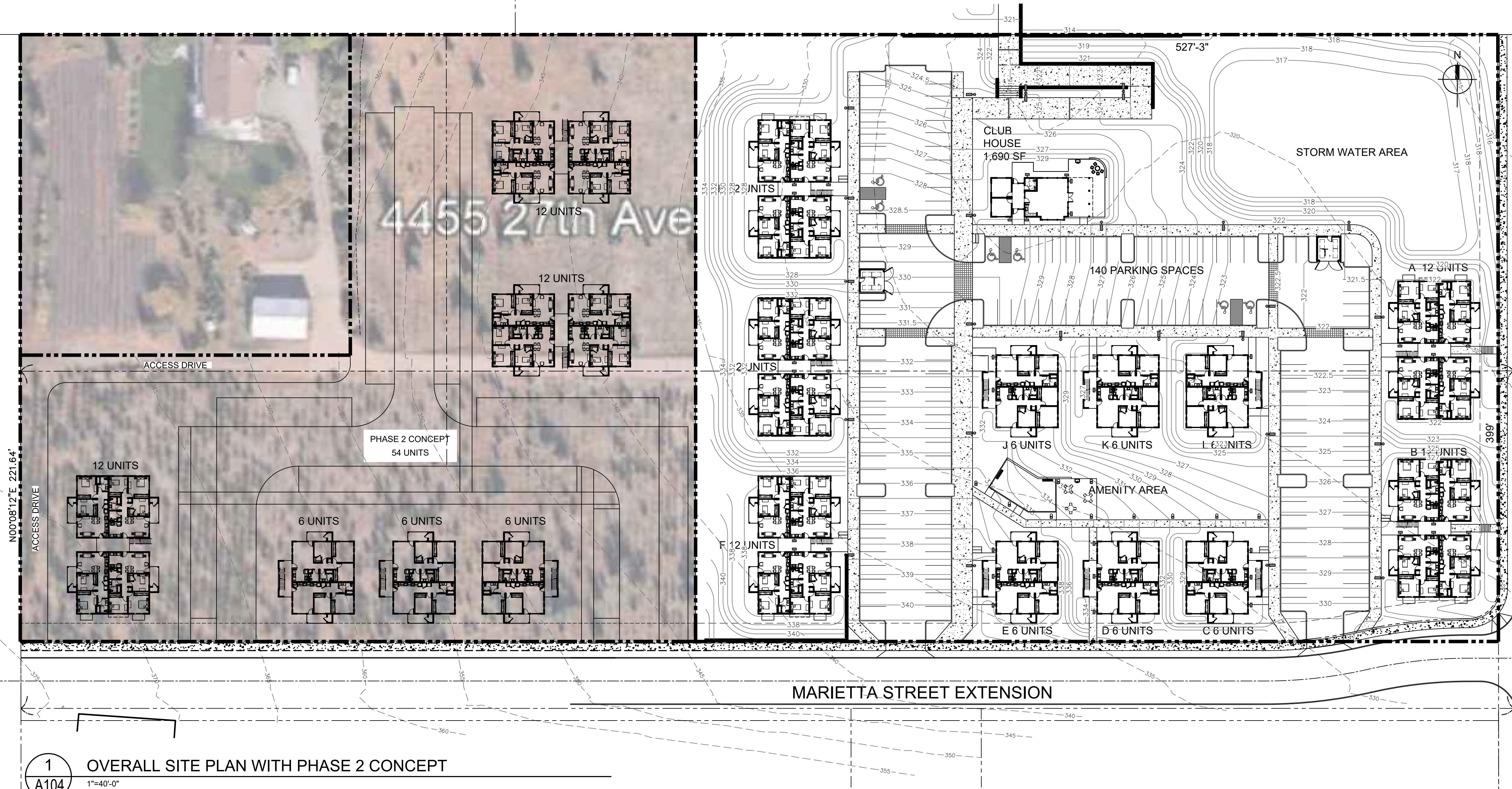
SITE DETAILS

A103





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1  
A104

OVERALL SITE PLAN WITH PHASE 2 CONCEPT  
1"=40'-0"

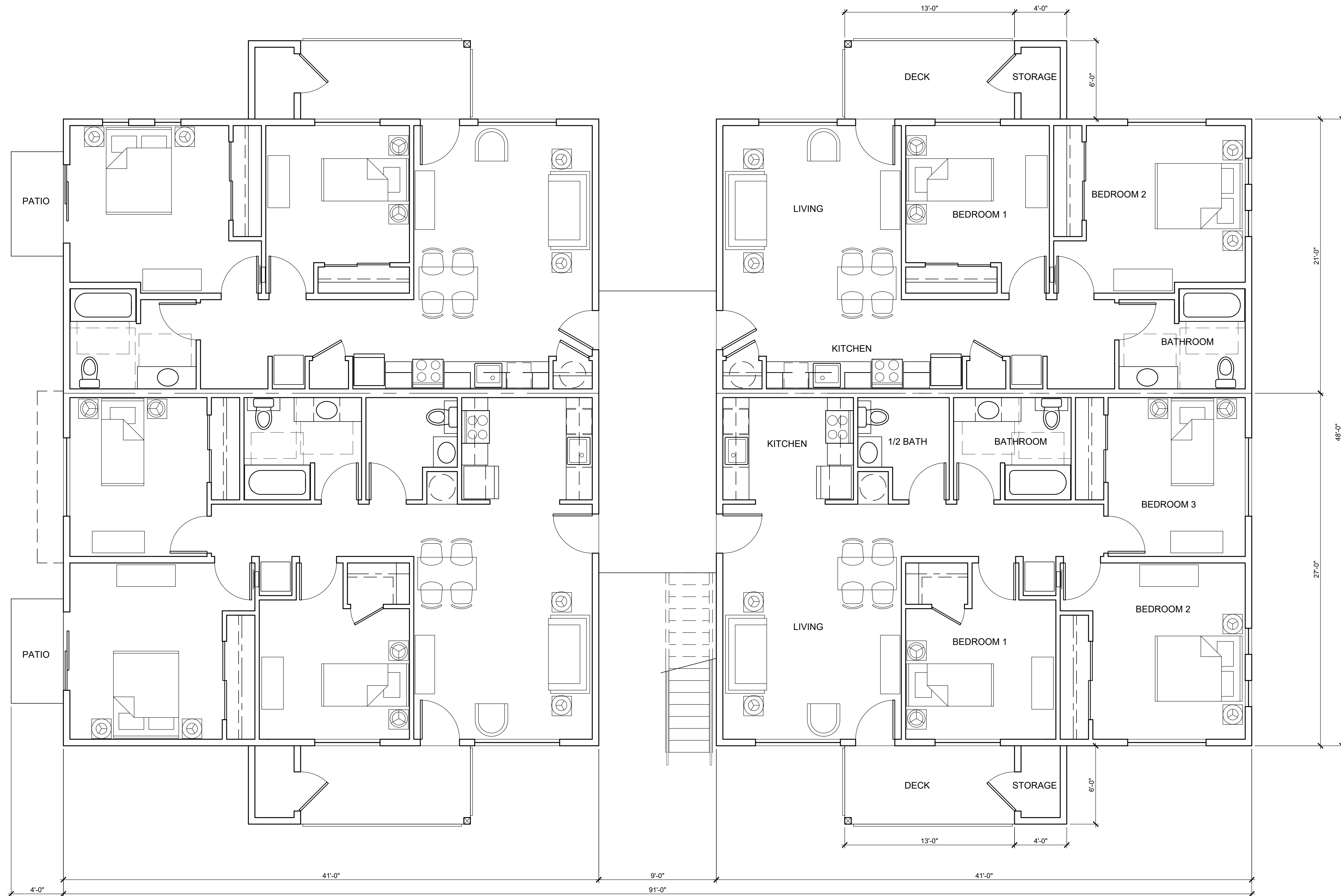
27TH AVENUE APARTMENTS

4500 BLOCK OF 27TH AVENUE SE  
083W12c / 00800  
SALEM, OR

job no.: 2114  
date: 05-20-2022

PHASE 2  
CONCEPT  
PLAN

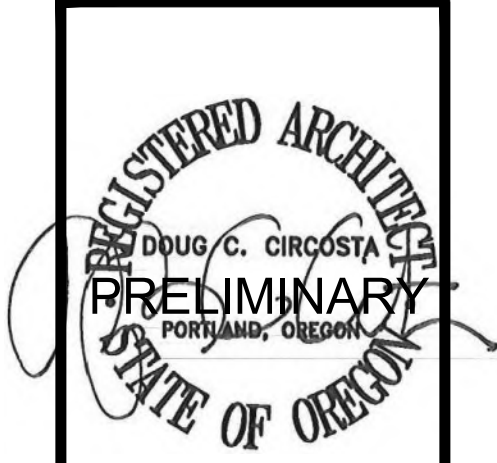
A104



1  
A110

TYPICAL BUILDING PLAN - 12 PLEX

1/4" = 1'-0"



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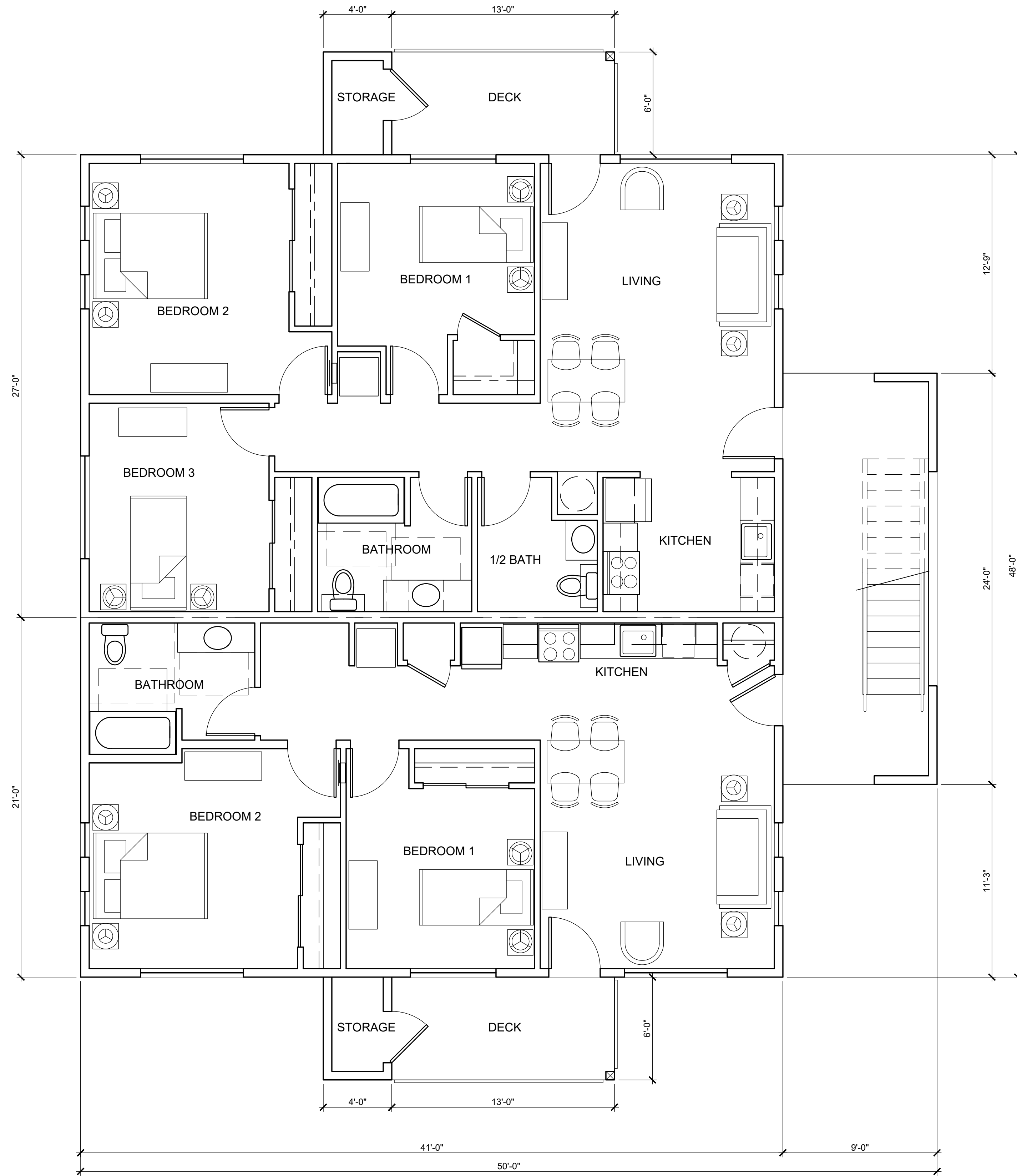
27TH AVENUE APARTMENTS

4500 BLOCK OF 27TH AVENUE SE  
083W12c / 00800  
SALEM, OR

job no.: 2114  
date: 04-08-2022

TYPE 1  
BUILDING  
PLAN  
12-PLEX

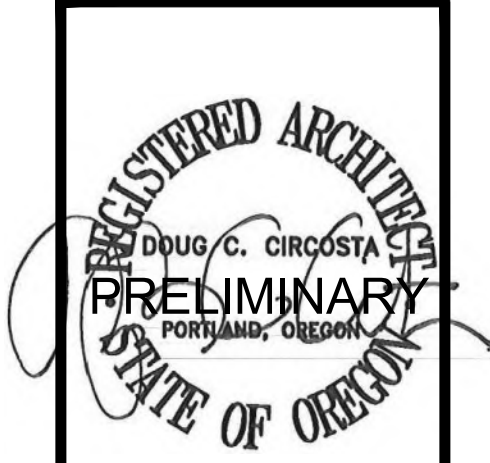
A110



1  
A111

TYPICAL BUILDING PLAN - 6 PLEX

1/4" = 1'-0"



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27TH AVENUE APARTMENTS

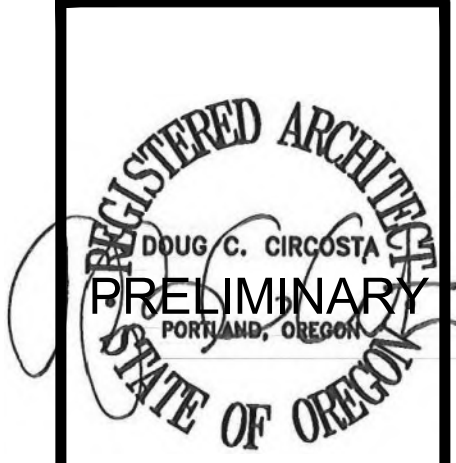
4500 BLOCK OF 27TH AVENUE SE  
083W12c / 00800  
SALEM, OR

job no.: 2114  
date: 04-08-2022

TYPE 2  
BUILDING  
PLAN  
6-PLEX

A111





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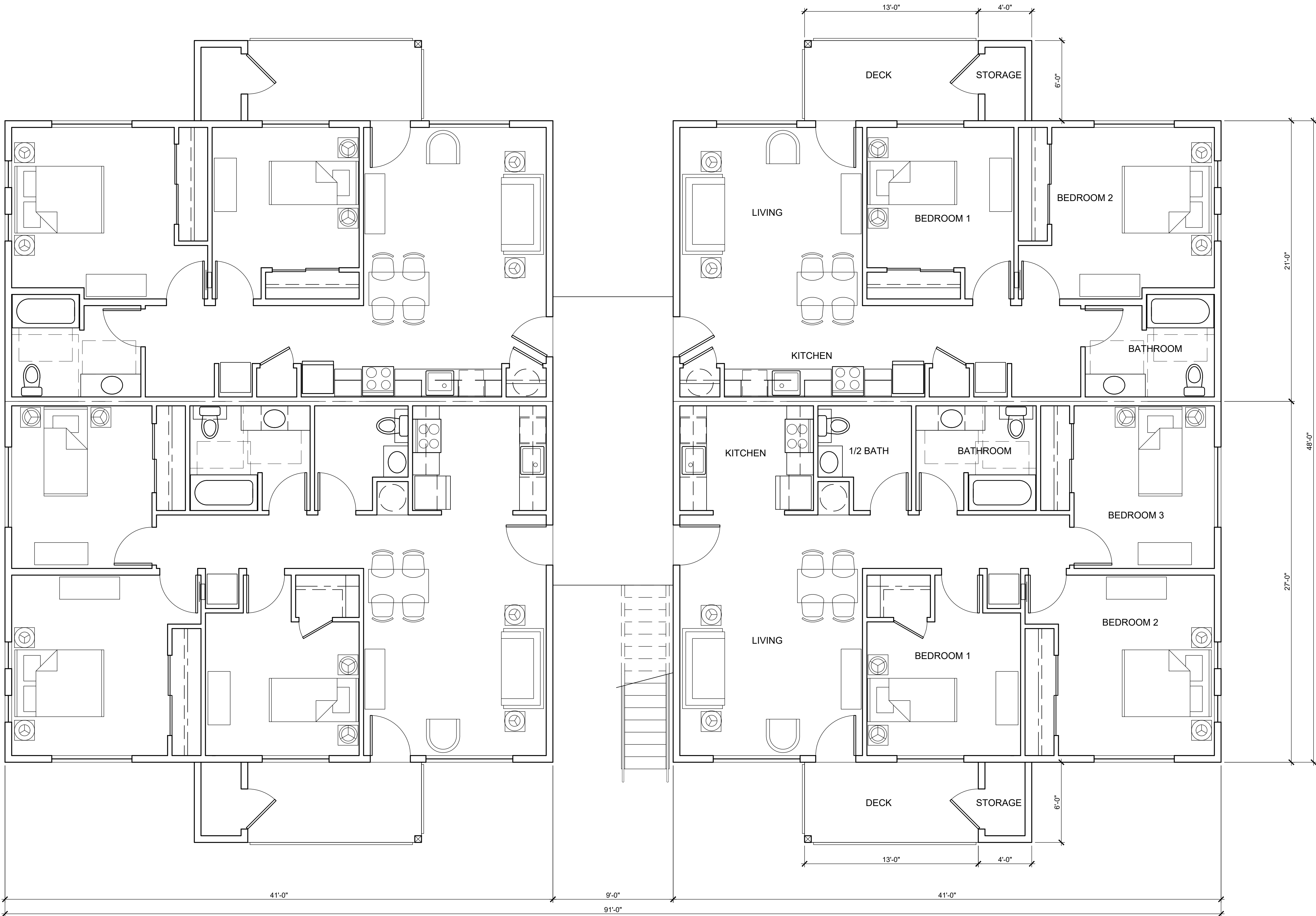
27TH AVENUE APARTMENTS

4500 BLOCK OF 27TH AVENUE SE  
083W12c / 00800  
SALEM, OR

job no.: 2114  
date: 04-08-2022

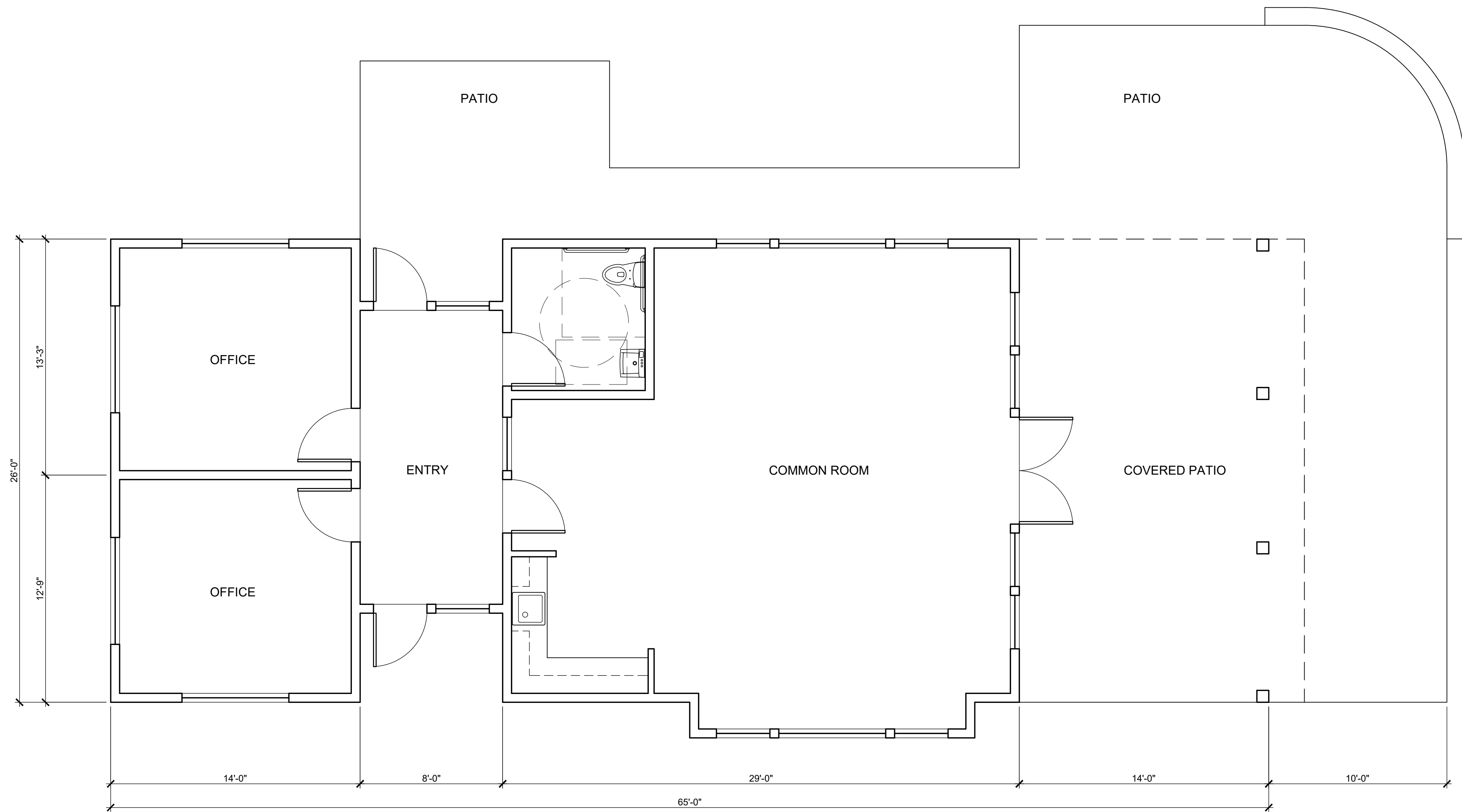
TYPE 3  
BUILDING  
PLAN  
12-PLEX

A112



1  
A112

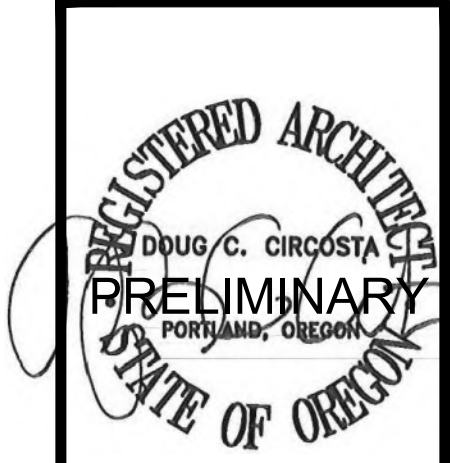
TYPICAL BUILDING PLAN - 12 PLEX  
1/4" = 1'-0"



1  
A113

CLUBHOUSE PLAN

1/4" = 1'-0"



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27TH AVENUE APARTMENTS

4500 BLOCK OF 27TH AVENUE SE  
083W12c / 00800  
SALEM, OR

job no.: 2114  
date: 04-08-2022

CLUBHOUSE  
PLAN

A113

MATERIAL LEGEND

- ASPHALT SHINGLE ROOFING SYSTEM
- SIDING TYPE 1:  
PAINTED FIBER CEMENT LAP  
SIDING WITH 7" EXPOSURE  
COLOR 1
- SIDING TYPE 2:  
PAINTED FIBER CEMENT LAP  
SIDING WITH ALTERNATING 7"  
EXPOSURE AND 3" EXPOSURE  
COLOR 2



2  
A200

STREET ELEVATION - 12 PLEX

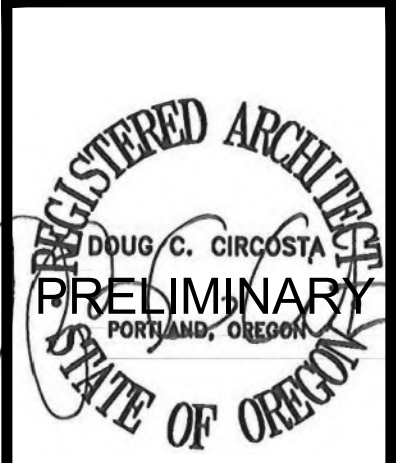
SEE TYPICAL NOTES 1/A200



1  
A200

STREET ELEVATION - 12 PLEX

1/4" = 1'-0"



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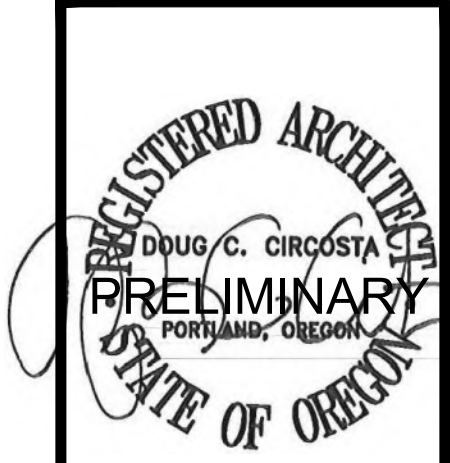
27TH AVENUE APARTMENTS

4500 BLOCK OF 27TH AVENUE SE  
083W12c / 00800  
SALEM, OR

job no.: 2114  
date: 05-20-2022

TYPE 1  
BUILDING  
ELEVATIONS  
12-PLEX

A200



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27TH AVENUE APARTMENTS

4500 BLOCK OF 27TH AVENUE SE  
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SALEM, OR

job no.: 2114  
date: 05-20-2022

TYPE 1  
BUILDING  
ELEVATIONS  
12-PLEX

A201



2  
A201

SIDE ELEVATION - 12 PLEX

1/4" = 1'-0"

SEE TYPICAL NOTES 1/A200



1  
A201

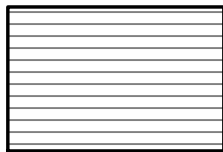
BACK ELEVATION - 12 PLEX

1/4" = 1'-0"

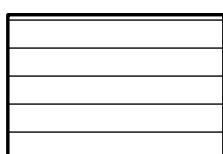
SEE TYPICAL NOTES 1/A200



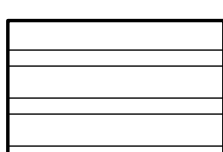
MATERIAL LEGEND



ASPHALT SHINGLE ROOFING  
SYSTEM



SIDING TYPE 1:  
PAINTED FIBER CEMENT LAP  
SIDING WITH 7" EXPOSURE  
COLOR 1



SIDING TYPE 2:  
PAINTED FIBER CEMENT LAP  
SIDING WITH ALTERNATING 7"  
EXPOSURE AND 3" EXPOSURE  
COLOR 2

2 X 6 PAINTED  
FASCIA WITH 6"  
TRIM BAND BELOW  
COLOR 3

SIDING TYPE 1

POWDER COATED  
METAL RAILINGS

5/4" X 6 PAINTED  
TRIM BAND  
COLOR 3

VINYL WINDOW  
SYSTEM

SIDING TYPE 2

4 BACK ELEVATION - 6 PLEX  
A202 1/4" = 1'-0"

3 SIDE ELEVATION - 6 PLEX  
A202 1/4" = 1'-0"

2 SIDE ELEVATION - 6 PLEX  
A202 1/4" = 1'-0"

1 STREET ELEVATION - 6 PLEX  
A202 1/4" = 1'-0"



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27TH AVENUE APARTMENTS

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083W12c / 00800  
SALEM, OR

job no.: 2114  
date: 05-20-2022

TYPE 2  
BUILDING  
ELEVATIONS  
6-PLEX

A202

MATERIAL LEGEND

- ASPHALT SHINGLE ROOFING SYSTEM
- SIDING TYPE 1:  
PAINTED FIBER CEMENT LAP  
SIDING WITH 7" EXPOSURE  
COLOR 1
- SIDING TYPE 2:  
PAINTED FIBER CEMENT LAP  
SIDING WITH ALTERNATING 7"  
EXPOSURE AND 3" EXPOSURE  
COLOR 2



2  
A203

STREET ELEVATION - 12 PLEX

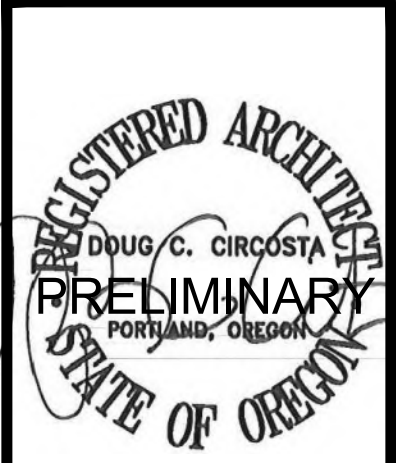
SEE TYPICAL NOTES 1/A203



1  
A203

STREET ELEVATION - 12 PLEX

1/4" = 1'-0"



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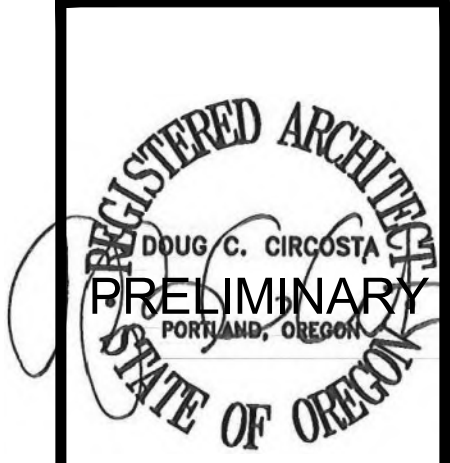
27TH AVENUE APARTMENTS

4500 BLOCK OF 27TH AVENUE SE  
083W12c / 00800  
SALEM, OR

job no.: 2114  
date: 05-20-2022

TYPE 3  
BUILDING  
ELEVATIONS  
12-PLEX

A203



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27TH AVENUE APARTMENTS

4500 BLOCK OF 27TH AVENUE SE  
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SALEM, OR

job no.: 2114  
date: 05-20-2022

TYPE 3  
BUILDING  
ELEVATIONS  
12-PLEX

A204



2  
A204

SIDE ELEVATION - 12 PLEX

1/4" = 1'-0"

SEE TYPICAL NOTES 1/A203



1  
A204

BACK ELEVATION - 12 PLEX

1/4" = 1'-0"

SEE TYPICAL NOTES 1/A203

MATERIAL LEGEND

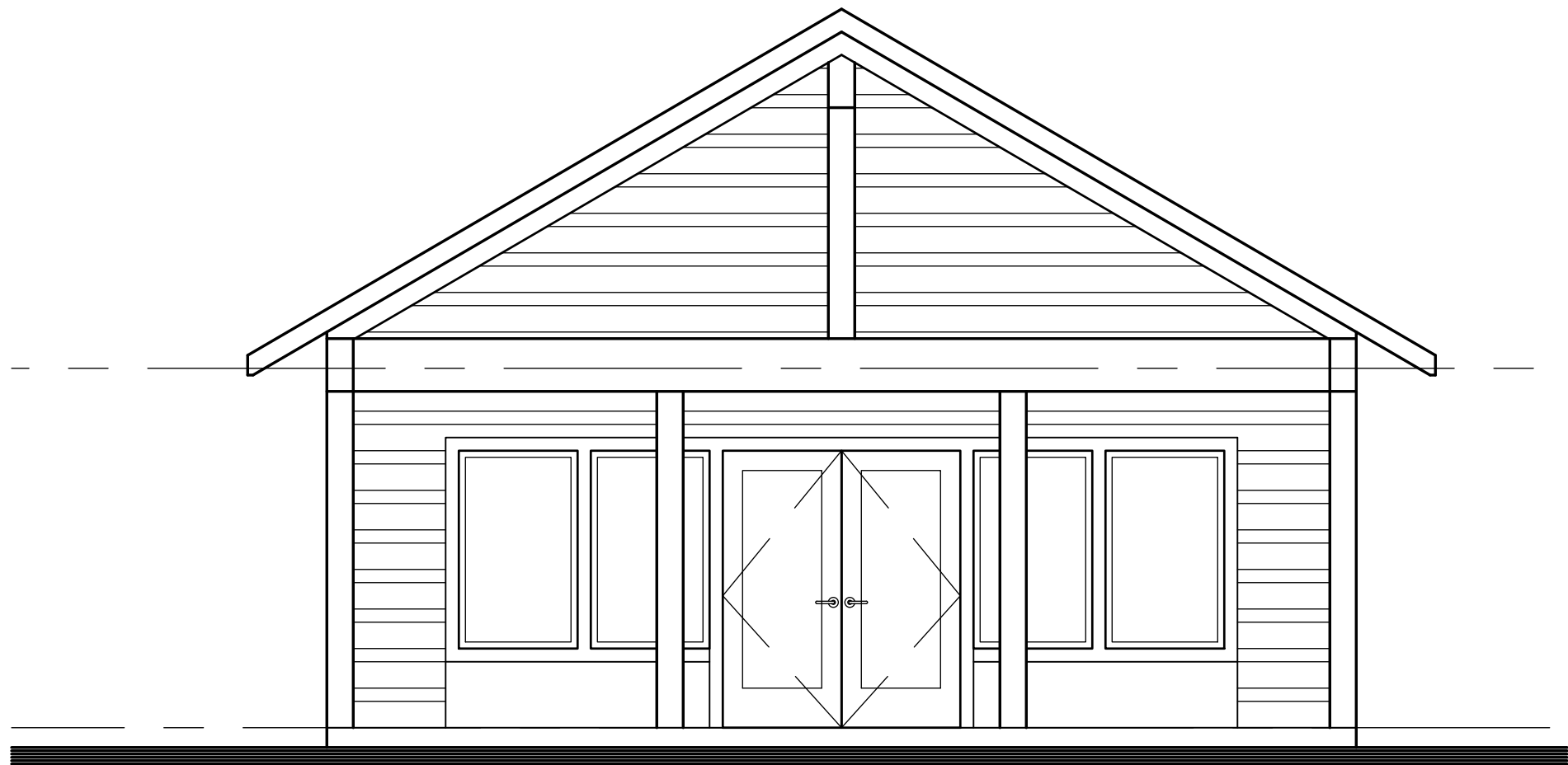
- ASPHALT SHINGLE ROOFING SYSTEM
- SIDING TYPE 2:  
PAINTED FIBER CEMENT LAP  
SIDING WITH ALTERNATING 7"  
EXPOSURE AND 3" EXPOSURE  
COLOR 2



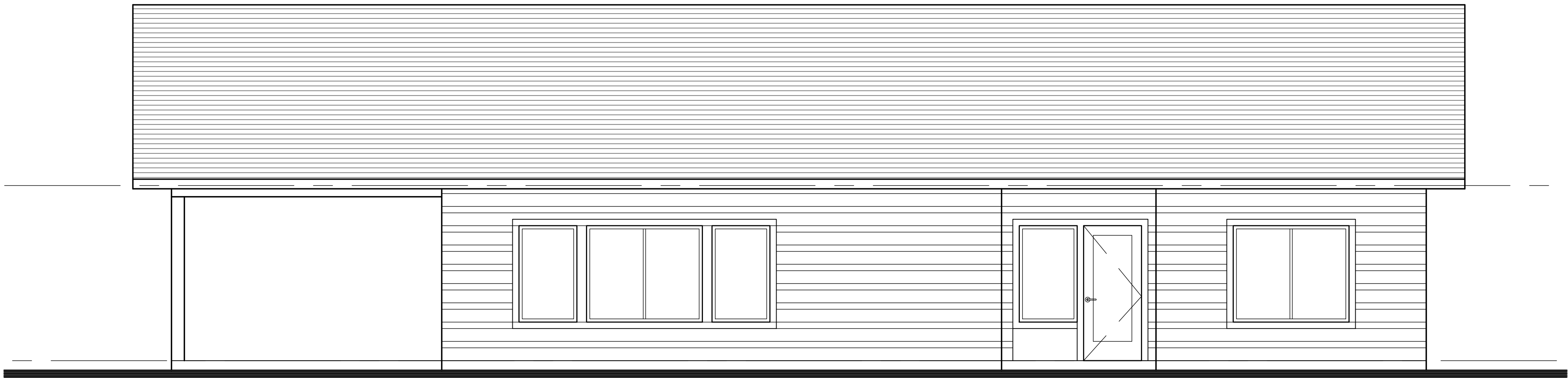
1 FRONT ELEVATION - CLUBHOUSE  
A205 1/4" = 1'-0"



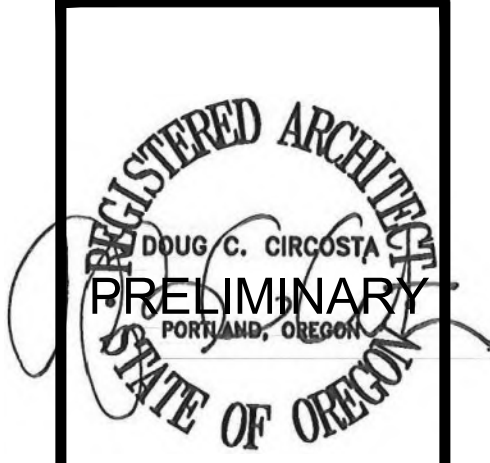
2 SIDE ELEVATION - CLUBHOUSE  
A205 1/4" = 1'-0"



3 SIDE ELEVATION - CLUBHOUSE  
A205 1/4" = 1'-0"



4 BACK ELEVATION - CLUBHOUSE  
A205 1/4" = 1'-0"



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27TH AVENUE APARTMENTS

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SALEM, OR

job no.: 2114  
date: 05-20-2022

CLUBHOUSE  
ELEVATIONS

A205

# 27TH AVENUE APARTMENTS

27TH AVENUE SE  
SALEM, OREGON

## CLIENT / OWNER:

HOME FIRST DEVELOPMENT PARTNERS  
CONTACT: ROB JUSTUS AND ALEX REFF  
866 N. COLUMBIA BLVD., SUITE A-25  
PORTLAND, OREGON 97217

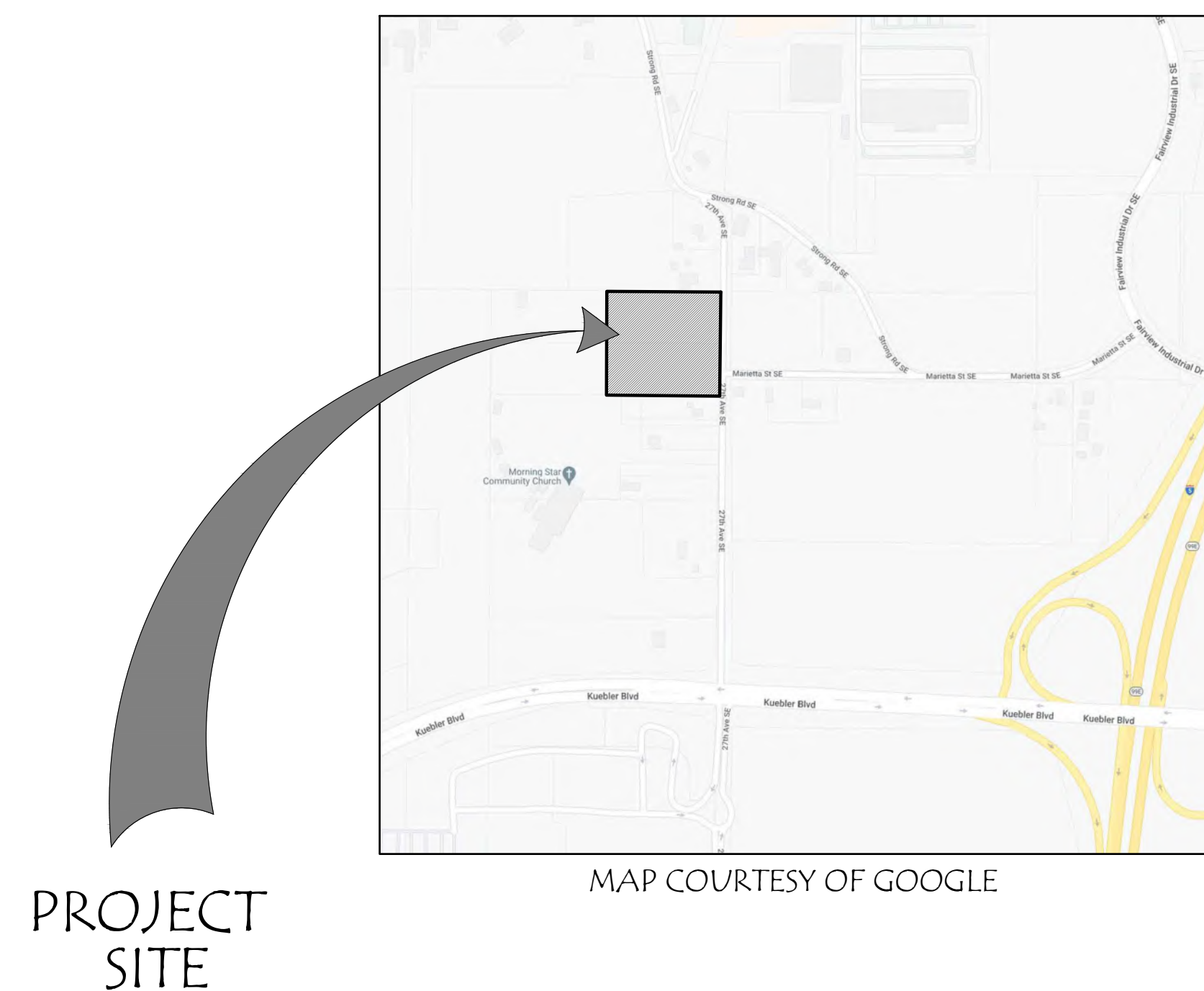
## LANDSCAPE ARCHITECT:

LAURUS DESIGNS, LLC  
LAURA ANTONSON, RLA, ASLA  
1012 PINE STREET  
SILVERTON, OREGON 97381  
503 . 784 . 6494  
LAURA@LAURUSDESIGNS.COM

## SHEET INDEX:

- LO.0 COVER SHEET
- L1.1 PRELIMINARY PLANTING PLAN
- L1.2 PRELIMINARY PLANTING PLAN

## VICINITY MAP:



CALL BEFORE YOU DIG:  
1.800.332.2344  
[www.callbeforeyoudig.org](http://www.callbeforeyoudig.org)

Laurus  
Designs, LLC



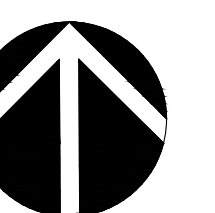
1012 Pine Street  
Silverton, Oregon  
503.784.6494

27th Avenue  
Apartments  
for  
Home First  
Development

27th Avenue SE  
Salem, Oregon



COVER  
SHEET



May 27th, 2022

### REVISIONS

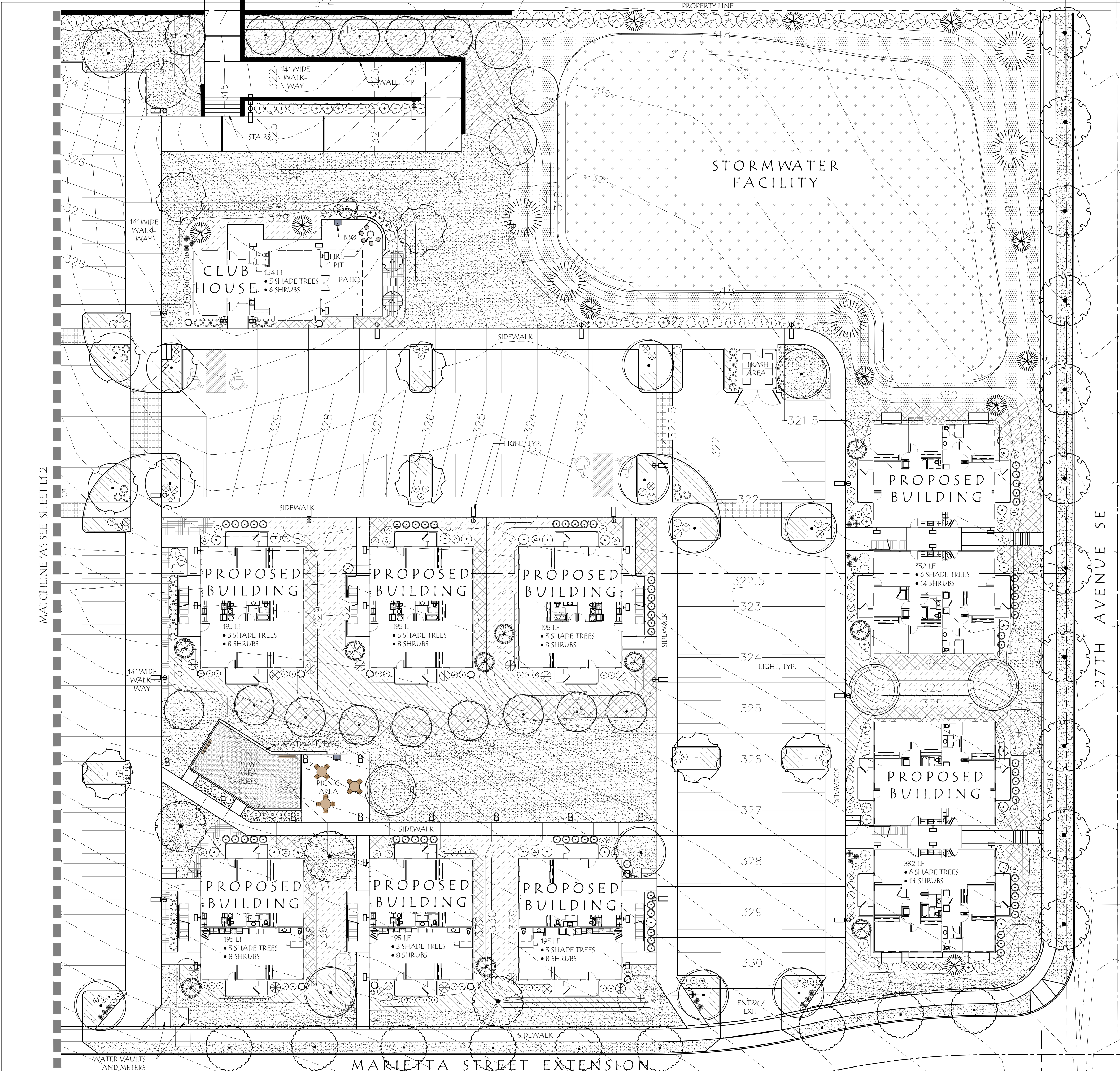
#	DATE	NOTES	INITIALS

LO.0

SHEET 1 OF 3

PROJECT #: 1403R





- General Notes:
1. PRELIMINARY LANDSCAPE PLANS, NOT FOR BIDDING OR CONSTRUCTION.
  2. SEE ARCHITECTURAL DRAWINGS FOR SITE PLAN.
  3. SEE CIVIL PLANS FOR GRADING, UTILITIES, AND STORMWATER.
  4. STREET TREES SELECTED FROM CITY OF SALEM APPROVED STREET TREE LIST.
  5. MULTIFAMILY LANDSCAPE REQUIREMENTS SEE THIS SHEET.
  6. PLANT LEGEND SEE SHEET L1.2.
  7. PLAY AREA TO BE DETERMINED. CHILDREN'S PLAY AREA AND WOODCHIP PLAY SURFACE TO CONFORM TO CPSC AND ASTM PLAYGROUND STANDARDS AND GUIDELINES.
  8. SITE TO BE IRRIGATED BY WATER EFFICIENT UNDERGROUND AUTOMATIC IRRIGATION SYSTEMS.

Multifamily Landscape Requirements

SITE AREA SQUARE FOOTAGE (SF): 208,869 SF  
1 TREE PER 2000 SF GROSS AREA = 104 TREES  
PROPOSED = 126 (PLUS FUTURE STORMWATER FACILITY TREES)

OPEN SPACE REQUIRED: 30% MINIMUM, INCLUDING ACTIVE AND PASSIVE RECREATION, PRIVATE SPACE  
OPEN SPACE PROVIDED: 36% (75,692 SF) INCLUDING LAWN AREAS AND PLAYGROUND  
BUFFER TO ZONES RA AND RS: 1 TREE EVERY 30 LF AND 6' HT. SIGHT OBSCURING FENCE

BUILDING PERIMETER: 1 TREE (10 UNITS) PER 60 LF OF BUILDING WALL (WITHIN 25' OF BUILDING)  
1 SHRUB (1 PLANT UNIT) PER 25 LF  
2 PLANT UNITS AT ENTRY WAYS

PARKING: 1 CANOPY TREE PER 50 FEET OF PARKING PERIMETER (WITHIN 10' OF PARKING PERIMETER)

Stormwater Planter Planting Requirements

FACILITY NUMBER	FACILITY SF	TREES	SMALL TREES/ LARGE SHRUBS	SMALL SHRUBS	GROUND COVERS
1	17,525 SF	30	120	692	(17,000 SF)

Requirements per 100 SF  
1 Tree -OR-  
4 Large Shrubs -OR-  
6 Small Shrubs  
Grasses, Herbs and Ground Cover  
2" Pea Gravel Zone 1

Laurus Designs, LLC



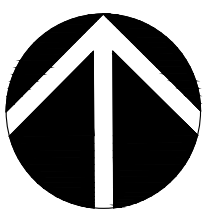
1012 Pine Street  
Silverton, Oregon  
503.784.6494

27th Avenue Apartments  
for  
Home First Development

27th Avenue SE  
Salem, Oregon

REGISTERED  
643  
PRELIMINARY  
LAURA A. ANTONSON  
OREGON  
11/16/2007  
LANDSCAPE ARCHITECT

PRELIMINARY  
PLANTING  
PLAN



SCALE: 1"=20'-0"  
0' 10' 20' 40'  
SCALE

May 27th, 2022

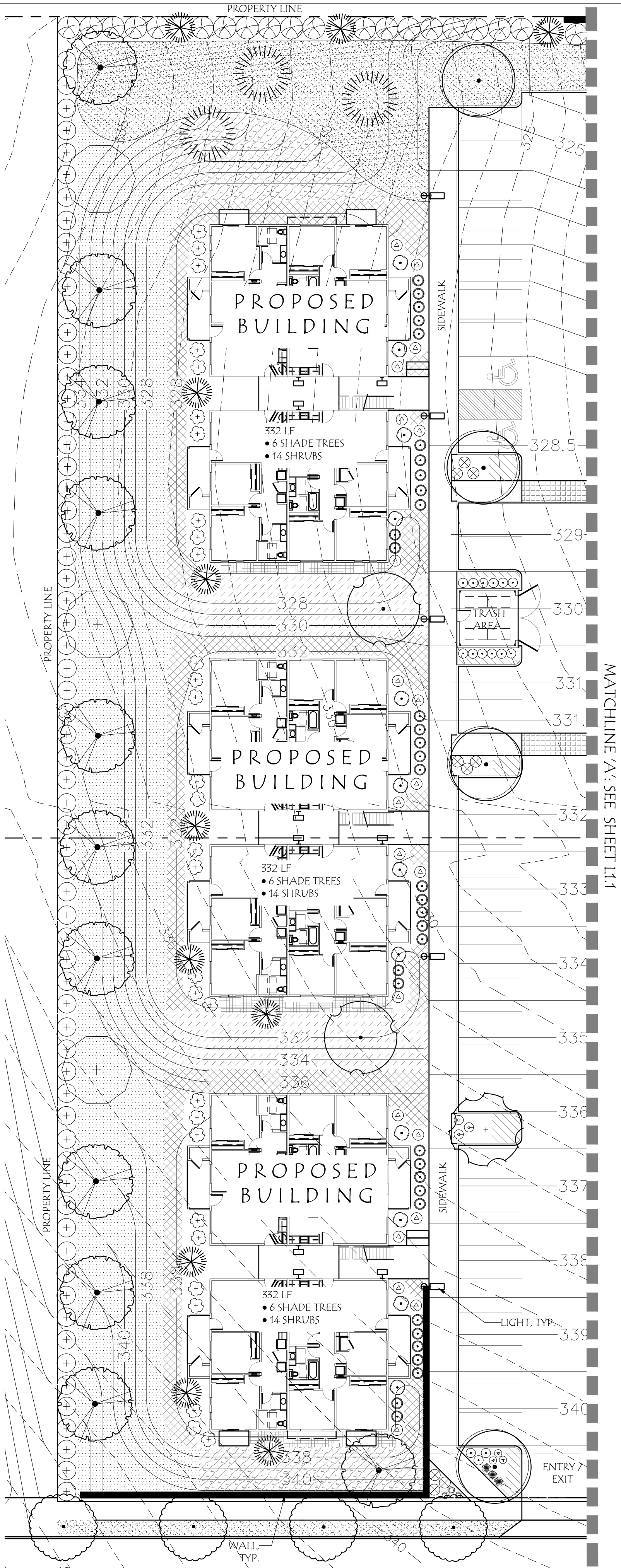
REVISIONS			
#	DATE	NOTES	INITIALS

L1.1

SHEET 2 OF 3

PROJECT #: 1403R





Plant Legend

TREES	QTY	BOTANICAL / COMMON NAME	SIZE
	14	Acer rubrum 'October Glory' / October Glory Red Maple	11/2" Cal., B&B
	8	Calocedrus decurrens / Incense Cedar	4-6" Ht., B&B
	11	Carpinus betulus 'JFS-KWICB' TM / Emerald Avenue European Hornbeam	11/2" Cal., B&B
	15	Cercis canadensis / Eastern Redbud	11/2" Cal., B&B
	22	Chamaecyparis nootkatensis 'Glauca Pendula' / Weeping Nootka False Cypress	4-6" Ht., B&B
	10	Chamaecyparis obtusa 'Gracilis' / Slender Hinoki Cypress	4"-6" Ht., B&b
	8	Cornus florida / Flowering Dogwood	11/2" Cal., B&B
	3	Fraxinus americana 'Autumn Applause' / White Ash	11/2" Cal., B&B
	10	Juniperus scopulorum 'Skyrocket' / Skyrocket Juniper	4-6" Ht., B&B
	3	Lagerstroemia indica 'Catawba' / Catawba Crape Myrtle Multi-Trunk	11/2" Cal., B&B
	4	Liriodendron tulipifera / Tulip Poplar	11/2" Cal., B&B
	15	Nyssa sylvatica 'Wildfire' / Wildfire Tupelo	11/2" Cal., B&B
	8	Tilia tomentosa 'Sterling' / Sterling Silver Linden	11/2" Cal., B&B
	6	Ulmus parvifolia / Lacebark Elm	11/2" Cal., B&B
	13	Zelkova serrata 'JFS-KW1' TM / City Sprite Zelkova	11/2" Cal., B&B

SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE
	67	Abelia x grandiflora 'Kaleidoscope' / Kaleidoscope Abelia	2 Gal.
	95	Abelia x grandiflora 'Sherwoodii' / Sherwood Glossy Abelia	24"-30" Ht.
	65	Euonymus alatus 'Compactus' / Compact Burning Bush	5 Gal.
	12	Hydrangea macrophylla 'Nikko Blue' / Nikko Blue Hydrangea	3 Gal.
	26	Hydrangea paniculata 'PeeGee Improved' / PeeGee Improved Panicle Hydrangea	3 Gal.
	3	Ilex crenata 'Sky Pencil' / Sky Pencil Japanese Holly	24"-30" Ht.
	57	Ligustrum japonicum 'Texanum' / Texas Japanese Privet	5 Gal.
	18	Nandina domestica 'Firepower' / Firepower Heavenly Bamboo	1 Gal.
	3	Prunus laurocerasus 'Mount Vernon' / Mount Vernon Laurel	1 Gal.
	60	Raphiolepis indica 'Ballerina' / Ballerina Indian Hawthorn	2 Gal.
	17	Raphiolepis umbellata 'Snow White' / Yedda Hawthorn	3 Gal.
	37	Rosa x 'KO Double' / Pink Double Knockout Rose	2 Gal.
	106	Sarcococca confusa / Fragrant Sarcococca	2 Gal.
	60	Spirea x bumalda 'Magic Carpet' / Magic Carpet Spirea	2 Gal.
	15	Weigela florida 'Alexandra' TM / Wine and Rose Weigela	3 Gal.

General Notes:

- PRELIMINARY LANDSCAPE PLANS, NOT FOR BIDDING OR CONSTRUCTION.
- SEE ARCHITECTURAL DRAWINGS FOR SITE PLAN.
- SEE CIVIL PLANS FOR GRADING, UTILITIES, AND STORMWATER.
- STREET TREES SELECTED FROM CITY OF SALEM APPROVED STREET TREE LIST.
- MULTIFAMILY LANDSCAPE REQUIREMENTS SEE SHEET L1.1.
- PLANT LEGEND SEE THIS SHEET.
- PLAY AREA TO BE DETERMINED. CHILDREN'S PLAY AREA AND WOODCHIP PLAY SURFACE TO CONFORM TO CPSC AND ASTM PLAYGROUND STANDARDS AND GUIDELINES.
- SITE TO BE IRRIGATED BY WATER EFFICIENT UNDERGROUND AUTOMATIC IRRIGATION SYSTEMS.

GRASSES / PERENNIALS	QTY	BOTANICAL / COMMON NAME	SIZE
	13	Calamagrostis x acutiflora 'Karl Foerster' / Karl Foerster Feather Reed Grass	1 Gal.
	30	Hemerocallis Spp. / Daylily	1 Gal.
	24	Pennisetum alopecuroides 'Hamel' / Hamel Dwarf Fountain Grass	1 Gal.

GROUND COVERS	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING
	904	Arctostaphylos uva-ursi 'Massachusetts' / Massachusetts Kinnikinnick	1 gal.	30" o.c.
	80	Euonymus fortunei 'Moonshadow' TM / Moonshadow Euonymus	1 Gal.	48" o.c.
	17,159	Fragaria virginiana / Virginia Strawberry	4" Pot	12" o.c.
	6,633	Pachysandra terminalis 'Green Carpet' / Green Carpet Japanese Pachysandra	4" Pot	12" o.c.
	502	Prunus laurocerasus 'Mount Vernon' / Mount Vernon English Laurel	1 Gal.	48" o.c.
	364	Rubus pentalobus 'Emerald Carpet' / Emerald Carpet Creeping Raspberry	1 Gal.	48" o.c.
	25,819 sf	ProTime 301 Water Smarter Fescue or Equal	Seed	

Laurus  
Designs, LLC



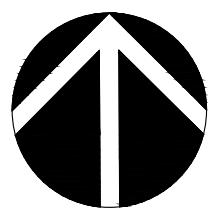
1012 Pine Street  
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27th Avenue  
Apartments  
for  
Home First  
Development

27th Avenue SE  
Salem, Oregon



PRELIMINARY  
PLANTING  
PLAN



SCALE: 1"=20'-0"  
0' 10' 20' 40'  
SCALE

May 27th, 2022

REVISIONS			
#	DATE	NOTES	INITIALS

L1.2

SHEET 3 OF 3

PROJECT #: 1403R



SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12, T. 8S., R. 3W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

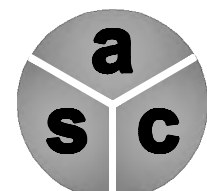


REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*R. H. Kennedy*

OREGON  
JULY 13, 2021  
RICHARD H. KENNEDY  
96569

RENEWLS: 6/30/23



**ASC SURVEYING LLC**  
8427 SW DAKOTA DRIVE  
TUALATIN, OR 97062  
971-224-5471



**HOME FIRST DEVELOPMENT, LLC  
PARTITION/UGA DECLARATION/CLASS 3 SITE PLAN REVIEW/  
(2) CLASS 2 DRIVEWAY ACCESS PERMITS/DESIGN REVIEW I/(4) CLASS 2 ADJUSTMENTS  
WRITTEN STATEMENT**

**APPLICANT:**

Home First Development, LLC  
866 N. Columbia Blvd., Suite A-25  
Portland, OR 97217

**APPLICANT'S REPRESENTATIVE:**

Alan Sorem, Attorney  
Saalfeld Griggs PC  
PO Box 470  
Salem, OR 97308  
Phone: 503-399-1070  
Email: [asorem@sglaw.com](mailto:asorem@sglaw.com)

**SUBJECT PROPERTY INFORMATION:**

The subject property is an approximately 10.07-acre parcel which is located at 4455 27<sup>th</sup> Avenue SE, in Salem, Oregon, designated by the Marion County Assessor as Tax Map 8S-3W-12C, Tax Lot (“**TL**”) 600 and TL 800 (the “**Property**”) as shown above and depicted on the attached **Exhibit “101.”** The Property was previously used as a Christmas tree farm and is currently owned by Equity Developers LLC, an Oregon limited liability company. It is being developed by Home First Development, LLC, an Oregon limited liability company (the “**Applicant**”). The City of Salem’s (herein the “**City**”) Comprehensive Plan Map designates the Property as “Developing Residential” (DR) and it is zoned “Residential Agriculture” (RA). (For current Comprehensive Plan Designation and Zoning Map, see **Exhibits “102”** and “**103**”). The Property is located within the City limits and the Urban Growth Boundary but is outside of the City’s Urban Service Area (“**USA**”).

The surrounding properties have the following zoning designations:

DIRECTION	ZONING	DESIGNATION	USE
North	Residential Agriculture	Developing Residential	Residential Use
West	Residential Agriculture	Developing Residential	Vacant/Agricultural Use
East	Single Family Residential/ Commercial Retail	Developing Residential/Commercial	Residential Use/ Vacant
South	Residential Agriculture	Developing Residential	Morningstar Church

The Property is located within the Morningside Neighborhood Association (“**MSNA**”). Applicant contacted the MSNA’s Chair and Land Use Chair on February 3, 2022, to provide notice and solicit comments in compliance with SRC 300.310. Applicant has submitted a copy of that email as part of this Application (as defined below). An open house is not required for this Application. Applicant subsequently reached out to the MSNA on May 31, 2022, providing an updated site plan and soliciting comments regarding the application.

Access to the Property is currently provided by 27<sup>th</sup> Avenue SE, classified as a collector street under the City’s Functional Street Classification Map along the southern half of the Property’s frontage and as a local street along the remainder. As part of the Proposed Development, Applicant is working with its engineer and the City’s Public Works Department on a plan to extend Marietta Street SE along the frontage adjacent to the Proposed Development (the “**Marietta Extension**”). Applicant contacted Salem Cherriots on February 3, 2022 and provided a copy of the proposed site plan. Applicant has submitted that email and its response as part of this Application.

#### **OWNERSHIP OF THE PROPERTY:**

The Applicant recently purchased the Property and is in the process of partitioning the existing 10.07-acre parcel into three separate parcels. The first parcel, defined herein as the “**Subject Property**,” will be developed with the Proposed Development, as defined below. The second parcel will be developed in a similar fashion at a later date, and the third parcel will be occupied by an existing residence which is subject to a life estate agreement, benefiting the previous owners of the Property. Applicant has provided a copy of the deed of record showing that Applicant is the owner of the Property.

#### **BACKGROUND INFORMATION:**

Prior to filing this application, Applicant filed for a pre-application conference to discuss the anticipated applications needed for the development of the Property. The pre-application conference request was granted and a meeting with the Applicant, Applicant’s representatives and City staff was held on August 23, 2021. Applicant received the Planning Review Checklist on May 9, 2022 and updated its written statement in response to that request. After discussions with the City’s Planning Department and Surveyor, the Applicant is providing this revised written statement, revising the request for a partition of the Subject Property from three (3) parcels to two (2) parcels.

#### **SUMMARY OF PROPOSAL:**

Applicant proposes the partitioning of the Property into two (2) parcels and the development of an approximately 92,688 square foot, ninety-six (96) unit affordable housing development which will include an approximately 1,500 square foot clubhouse on the parcel that will be located adjacent to the corner of 27<sup>th</sup> Avenue SE and Marietta Street SE (the “**Proposed Development**”). Under Section 220.005 of the Salem Revised Code (“**SRC**”), Applicant is required to obtain Site Plan Review approval for the Proposed Development. Applicant is requesting a issuance of an Urban Growth Preliminary Declaration, approval of a Partition to divide the Property into three parcels, Class 3 site plan review, two (2) Class 2 Driveway Approach Permits, Class 1 Design Review; and four (4) Class 2 Adjustments to the standards set forth in SRC 804.025(d)(4)(B); SRC 804.030(a); SRC 804.030(b)(2); SRC 702.020(e)(3); SRC 702.020(e)(4); and SRC 702.020(e)(3) (the “**Application**”). Applicant requests that the City process this Application as a consolidated land use application under SRC 300.120.

#### **EXISTING SITE CONDITIONS:**

The Property has approximately four hundred forty feet (440') of frontage along 27<sup>th</sup> Avenue SE. The Property was previously the location for a portion of the Sunnyview Christmas Trees tree farm (the "**Previous Use**"). The site is gently sloped up from 27<sup>th</sup> Avenue to the west, with a slight depression on the western portion of the Property. It is not mapped with any landslide hazards. The Existing Conditions Plan has been submitted as part of this Application, and Applicant's surveyor has identified the location and the diameter at dbh for the trees and vegetation onsite, including the remaining Christmas trees, none of which meet the definition of "tree" under the City's tree code, therefore neither a tree removal permit nor a tree conservation plan is required.

#### **SITE PLAN:**

A proposed site plan (the "**Site Plan**") has been submitted as part of this Application.

#### **APPLICABLE DETAIL PLANS:**

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan ("**SACP**") and are specific plans for a particular geographic area of the City, or for the provision or performance of some particular service or function. The MSNA has an adopted neighborhood plan which designates the Property as RA, meaning that a demonstration by Applicant that this Application is consistent with the zone and meets the adopted development standards satisfies Applicant's need to demonstrate conformance with the Morningside Neighborhood Plan. However, Applicant would like to note that the Proposed Development appears to be consistent with the goals and policies contained in the Morningside Neighborhood Plan, providing a meaningful source of affordable multifamily housing within the area the plan identifies for this type of use, as well as extending Marietta Street, taking the first step in providing the desired connectivity to Reed Road.

#### **SALEM TRANSPORTATION SYSTEM PLAN (STSP):**

The STSP uses a street classification system to determine the functional classification of each street within the City's street system. The Property has four hundred twenty three feet (423') of frontage along 27<sup>th</sup> Avenue SE. 27<sup>th</sup> Avenue is classified in the STSP as a collector from Kuebler Blvd. SE to Marietta St. SE, which includes approximately two hundred twenty two feet (222') of the Property's southern frontage. Along the remaining approximately two hundred one feet (201') of frontage, 27<sup>th</sup> Avenue is classified as a local street. As indicated above, Applicant will be working with the Public Works Department on the Marietta Extension which will extend along the remainder of the Property's southern property line, connecting to Reed Road. Marietta Street SE is classified by the STSP as a collector and Applicant is proposing  $\frac{3}{4}$  street improvements that will meet the collector standard, although at the time of development, the Marietta Extension will be classified as a local street. The Property has an existing driveway access onto 27<sup>th</sup> Avenue, however, the Proposed Development will close this access and provide two driveways for ingress and egress onto the proposed Marietta Extension. As part of this Application, Applicant is requesting two (2) Class 2 Driveway approach permits under SRC 804.025.

#### HOMEOWNERS ASSOCIATION INFORMATION:

The Property is not subject to an active homeowner's association (HOA). This Application does not require notice or approval from an HOA.

#### **FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR AN URBAN GROWTH PRELIMINARY DECLARATION**

Under Section 200.025(a) of the SRC, because the Property is located outside of the City's Urban Service Area, Applicant is required to obtain an Urban Growth Preliminary Declaration to allow for the development of the Property. The submittal requirements of an Urban Growth Preliminary Declaration are set out in the SRC in Chapter 200.025(c). The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

***(c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for an Urban Growth Preliminary Declaration shall contain the following:***

***(1) The legal description of the total contiguous ownership on which the development is to occur;***

**Proposed Finding:** As part of this consolidated Application, Applicant is requesting a partition of the Property into three parcels. Applicant has provided the vesting deed containing the existing legal description as well as a tentative partition plat that shows the proposed reconfiguration, which will result in three independent legal descriptions upon recordation, all of which will reference the final plat.

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

**Proposed Finding:** Applicant has provided the applicable vicinity map as part of Applicant's Site Plan.

***(3) The proposed or anticipated use;***

**Proposed Finding:** Applicant is proposing the immediate development of proposed Parcel 1 with multifamily affordable housing. Proposed Parcel 2 will be developed with a multifamily housing development under a development proposal that will be submitted shortly after this Application. The existing single family residential use will remain on Proposed Parcel 2 until the termination of the life estate associated with that dwelling.

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

**Proposed Finding:** Applicant is proposing a partition rather than a residential subdivision; therefore, this standard is not applicable.

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

**Proposed Finding:** Applicant requests that the Planning Director review the totality of the Application for additional contextual information regarding the Proposed Development and Applicant's proposed infrastructure improvements.

**FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A PARTITION**

Under Section 205.005(a) of the SRC, Applicant is required to obtain approval of a partition tentative plan to allow for the division of the Property, allowing for the Proposed Development. The applicable approval criteria for a partition tentative plan are set out in the SRC in Chapter 205.005(d). The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

***(d) Criteria. A tentative partition plan shall be approved if all of the following criteria are met:***

***(1) The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to the following:***

***(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;***

**Proposed Finding:** The RA zone requires a minimum lot size for uses other than single family, two family, and non-profit shelters of 6,000 sq. ft., a minimum lot width of 60 feet, a minimum lot depth of 80 feet, a maximum lot depth of 300% of the average lot width, and a minimum street frontage of 60 feet. Applicant's proposed partition will result in two lots – each of which will be used for multi-family residential developments in the long term and one that will retain a single-family residence in the short term. As shown on Applicant's Site Plan, both of the proposed lots satisfies the applicable lot standards for the RA zone. This criterion is satisfied.

***(B) City infrastructure standards; and***

**Proposed Finding:** The Property is currently outside of the City's Urban Service Area and is not served by public infrastructure. As part of this Application, the Applicant is requesting an Urban Growth Preliminary Declaration to determine its obligation regarding the necessary public facilities. As part of the Proposed Development, Applicant is proposing an extension of Marietta Street SE, along with connection to the other public infrastructure required for the Proposed Development. Applicant has provided additional detail regarding these improvements in the sheet set prepared by its civil engineer and, where relevant, in response to the development standards, below.

***(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.***

**Proposed Finding:** The proposed parcels will be developed with multi-family housing, which is subject to special setback standards from neighboring RA-zoned properties. These setbacks are shown on the tentative partition plan for the proposed parcels as well as the topography and vision clearance areas

for the Property. There are no wetlands, geological hazards, or other special development standards that apply to the Property. This criterion is satisfied.

***(2) The tentative partition plan does not impede the future use or development of the property or adjacent land.***

**Proposed Development:** As indicated above, the Proposed Development on the Subject Property will be subject to additional setback standards that will buffer the adjacent uses. Further, the RA zone is characterized by acreage parcels, which is consistent with the development pattern in the areas. These larger parcels in addition to the expanded special setbacks ensure that the division and subsequent development of two of the three parcels will be adequately contained to avoid restricting any future use or development of the adjacent properties. Depending on the duration of the life estate, the existing single-family residential use will remain on proposed parcel two for a period of time, but that parcel will likely be redeveloped after the termination of the life estate. Applicant may seek an additional partition of the development of the vacant portion of proposed Parcel 2 if necessary.

***(3) Development within the tentative partition plan can be adequately served by city infrastructure.***

**Proposed Development:** As part of this Application, the Applicant is requesting an Urban Growth Preliminary Declaration to determine its obligation regarding the necessary public facilities. Applicant has provided a plan set which shows Applicant's proposed extension of the adjacent infrastructure, including the Marietta Extension. These plans were prepared by a civil engineer and demonstrate that it is feasible that the Proposed Development will be adequately served by the adjacent City infrastructure. This criterion is satisfied.

***(4) The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.***

**Proposed Development:** The Marietta Extension will provide access to both of the proposed parcels and will be constructed in conformance with the STSP. 27<sup>th</sup> Avenue SE runs along the Property's eastern property line and is classified as a "local" street along the northern half of the Property and a collector along the southern half of the Property. Applicant is proposing construction of frontage improvements, including sidewalks and bike lanes, along the frontage of the Subject Property. Applicant is also proposing the construction of a multi-use path, which will be located within proposed Parcel 1 and (the "**Multiuse Path**"). The Multiuse Path will provide connectivity to the neighboring property to the north but will not satisfy the applicable street standards. Applicant is requesting the approval of alternative street standards for the Proposed Development, as addressed in detail below. This criterion can be satisfied through approval of the alternative standards.

***(5) The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.***

**Proposed Development:** As outlined above, Applicant is proposing modifications to the surrounding street system which will improve the safety, efficiency, and circulation of traffic in the area. The Proposed Development includes frontage improvements along the Subject Property, including the

addition of sidewalks, bicycle lanes, and right of way improvements that will facilitate the safe, orderly, and efficient circulation of pedestrian and bicycle traffic by providing needed infrastructure in the area, developed to the City's Public Works design standards. The Proposed Development relocates ingress and egress from the northeastern corner of the Subject Property to the newly constructed Marietta Extension. This reorientation will prevent the Proposed Development from causing additional delays along 27<sup>th</sup> Avenue and will direct additional vehicular traffic along Marietta Street to its intersection with 27<sup>th</sup> Avenue where turns will be more readily anticipated by drivers, providing for a safe, orderly and efficient circulation of traffic in the vicinity. This criterion is satisfied.

***(6) The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.***

**Proposed Development:** Applicant has proposed the division of the Subject Property into two segments that bisect the property from north to south. This division is consistent with the topography of the Subject Property, which is gently sloped down from the western portion of the Subject Property to the eastern portion of the Subject Property. This will allow for the retention of a similar grade within each proposed parcel, resulting in approximately equivalent parcels. The Subject Property was previously the site of a Christmas tree farm, which has been largely harvested. The remaining Christmas trees do not fall within the definition of trees or protected vegetation under the SRC and therefore are not subject to the preservation requirements contained therein. Where the Christmas trees conflict with the Proposed Development, Applicant will be removing them, however, the Proposed Development will be developed in accordance with the landscaping requirements associated with the development of multiple family housing under the code, resulting in substantially increased vegetation upon the Subject Property, with no need for adjustments as it relates to these criteria. Applicant has proposed a partition in a manner that is designed to create parcels that can be easily developed, which will minimize the need for variances to the greatest extent possible. This criterion is satisfied.

***(7) The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.***

**Proposed Development:** As outlined above, the proposed partition was configured to minimize disruption to the existing topography and to allow a layout that will be easily served by City infrastructure without significantly disrupting the existing grade of the Subject Property. One of the proposed parcels will remain largely undisturbed, with minimal to no disruption of the existing vegetation or topography. Proposed Parcel 1 is being developed in accordance with this Application, as addressed in further detail below. The Proposed Development will retain large amounts of open space, in line with the special use standards allowing for multiple family development in the zone, but the majority of the existing vegetation will be removed to allow for the development of the Subject Property. As proposed, additional landscaping will be provided in order to comply with the landscaping standards associated with the development. The removal of the existing vegetation and the proposed regrading of portions of the Subject Property is proposed in a manner that is reasonable in the context of the Proposed Development. This criterion is satisfied.

***(8) When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:***

***(A) The property is zoned residential;***

***(B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***

***(C) The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

**Proposed Development:** As part of the Proposed Development, the Applicant will coordinate with the City regarding the construction of and connection to the City's sewer and water infrastructure. This criterion is not applicable.

***(e) Conditions of approval for partitions in areas unserved by City sewer. In addition to any conditions imposed pursuant to SRC 300.820, when the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, the following conditions shall be imposed:***

**Proposed Development:** As part of the Proposed Development, the Applicant will coordinate with the City regarding the construction of and connection to the City's sewer and water infrastructure. This criterion is not applicable.

#### **FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 3 SITE PLAN REVIEW**

Under Section 220.005(a) of the SRC, Applicant is required to obtain a Class 3 Site Plan Review for the Proposed Development. The criteria for Class 3 Site Plan Review are set out in the SRC in Chapter 220. The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

##### Land Use Application & Development Review Chapters

- SRC Chapter 220 - Site Plan Review
- SRC Chapter 250 – Adjustment

##### Zoning & Development Standards Chapters

- SRC Chapter 510 - RA (Residential Agriculture)
- SRC Chapter 702 – Multiple Family Design Review Standards
- SRC Chapter 800 - General Development Standards
- SRC Chapter 802 - Public Improvements
- SRC Chapter 803 - Streets and Right-of-Way Improvements
- SRC Chapter 804 - Driveway Approaches
- SRC Chapter 805 - Vision Clearance
- SRC Chapter 806 - Off-Street Parking, Loading, and Driveways
- SRC Chapter 807 - Landscaping and Screening
- SRC Chapter 808 - Preservation of Trees and Vegetation
- SRC Chapter 809 – Wetlands
- SRC Chapter 810 - Landslide Hazards
- All other applicable provisions of the Salem Revised Code



**Sec. 220.005. - Site plan review.**

**(f) Criteria.**

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

**(A) The application meets all applicable standards of the UDC; RA Zone (SRC Chapter 510); Multiple Family Design Review Standards (SRC 702)**

**RA Zone (SRC Chapter 510)**

**SRC 510.005(a)- Uses**

**Proposed Finding:** The proposed use on the Subject Property is a multifamily affordable housing development, which is classified under SRC Chapter 400 as “Household Living.” Multiple family household living beyond cottage clusters is generally classified as not permitted in the RA zone, however, this provision of the Code has been superseded by Senate Bill 8, which allows for the development of multiple family affordable housing on lands not zoned for residential use when the property is zoned “[t]o allow religious assembly.” SB 8(2)(b)(B). Religious assembly is a special use in the RA zone, permitted as a matter of law subject only to seating capacity standards in SRC 700.055. These applicable standards establish a seating capacity for lots abutting local and collector streets with less than 250 feet of frontage. SB 8 requires local governments to allow for affordable housing on lands zoned for residential use absent a finding that it would not be permitted by a restriction related to health, safety, or habitability. SB 8(4).

SB 8 went into effect on January 1, 2022, meaning that the Proposed Development is by law a permitted use in the zone, provided it satisfies the applicable development standards related to health, safety, or habitability, as addressed herein. The Proposed Development meets this standard.

**SRC 510.010(a)- Development Standards. Lots within the RA zone shall conform to the standards set forth in Table 510-2.**

The RA zone requires a minimum lot size for uses other than single family, two family, and non-profit shelters of 6,000 sq. ft., a minimum lot width of 60 feet, a minimum lot depth of 80 feet, a maximum lot depth of 300% of the average lot width, and a minimum street frontage of 60 feet.

**Proposed Finding:** The Subject Property is approximately 199,568 square feet in size, is approximately 423 feet wide by 527 feet deep, and has approximately 440 feet of frontage along 27<sup>th</sup> Avenue SE and a proposed 423 feet of frontage along the Marietta Extension. The Subject Property meets these standards.

**SRC 510.010(b)- Setbacks. Setbacks within the RA zone shall be provided as set forth in Tables 510-3.**

**SRC 702.020(e) Façade and building design.**

**Abutting Streets:** Under SRC 510.010(b), buildings and accessory structures associated with multiple family development must be set back ten feet (10') from abutting streets.

**Interior Side/Interior Rear:** Under SRC 510.010(b), buildings exceeding thirty-five feet (35') in height must be set back a minimum of five feet (5') plus one foot (1') for each foot of height over thirty-five feet (35'), not to exceed twenty feet (20'). There is a minimum interior rear setback of twenty feet (20') for multistory buildings.

Under SRC 702.020(e)(2) for development of abutting property zoned RA or RS, setbacks are determined by the building height, requiring one foot (1') of setback for each one foot (1') of building height, with a minimum of fourteen feet (14') for a single-story building and a minimum of a minimum of twenty feet (20') for a multi-story building.

**Proposed Finding:** The proposed units are three (3) stories and approximately thirty-three feet (33'), nine and three-quarter inches (9¾") in height and each building is approximately forty-one feet (41') wide where they face the adjacent property lines. Therefore, the applicable setbacks abutting the Marietta Extension and 27<sup>th</sup> Street will be ten feet (10'); and the applicable setback along the western and northern property lines will be thirty-four feet (34'). The Proposed Development either meets or exceeds the applicable setback standards. This standard is satisfied.

***SRC 510.010(c)- Lot Coverage, Height: Buildings and accessory structures within the RA zone shall conform to the lot coverage and height standards set forth in Table 510-4.***

The RA zone limits lot coverage by all buildings and accessory structures to a maximum of thirty-five percent (35%). The maximum height for buildings other than single or dual family houses is fifty feet (50'). The maximum height for accessory structures within the RA zone is fifteen feet (15').

**Proposed Finding:** The proposed units are three (3) stories and approximately thirty-three feet (33'), nine and three-quarter (9¾") inches in height, which will be the tallest buildings on the Subject Property, and within the fifty-foot (50') maximum. The Proposed Development covers approximately eighteen and seven-tenths percent (18.7%) of the Subject Property. The Proposed Development meets this standard.

***Landscaping (SRC 702.020(b)):***

***(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.***

**Proposed Finding:** The Applicant has provided a Landscape Plan which shows the proposed landscaping for the Proposed Development on the Subject Property. The Landscape Plan shows that Applicant meets the requirement to provide a tree for every 2,000 square feet of gross site area on the Subject Property. Applicant is proposing planting additional trees but will not be retaining the existing vegetation due to the location of the existing vegetation and the conflicts created by the Proposed Development. This criterion is satisfied.

***(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. Chainlink fencing with slats shall be not allowed to satisfy this standard.***

**Proposed Finding:** Applicant's Landscaping Plan identifies the addition of trees and a six-foot (6') fence along the length of the Subject Property's northern and western property, satisfying this requirement. Applicant will also construct a fence along this segment of the property line, with the exception of the portion of the property where the proposed multiuse path will provide connectivity between the Subject Property and the proposed residential subdivision to the north.

***(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.***

***(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.***

***(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.***

***(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.***

***(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).***

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

**Proposed Finding:** Under the RA zone, the Subject Property must satisfy "Type A" landscaping and screening requirements; however, the Proposed Development must also comply with the design standards in SRC 702.020(b), which set a higher standard for landscaping for the Proposed Development. Applicant's Landscaping Plan demonstrates compliance with the stricter of the two standards, providing for the addition of landscaping in conformance with the locational and plant unit

standards set out in the code, including along the primary entrance to the dwelling units and along the perimeters of the buildings. Where applicable, landscaping provides buffering between common and private open space, providing both a clear delineation between the two spaces and privacy for the users of each space. Applicant has demonstrated compliance with these criteria.

***Sec. 800.055. - Solid waste service areas.***

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

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

**Proposed Finding:** Applicant is providing two (2) trash enclosures which are noted on the Site Plan. The enclosure areas are adequately screened with access from the adjacent pedestrian walkway through a gated closure. Each of these enclosures will be front opening and constructed on a concrete pad with adequate spacing for bins and access for vehicle operations. The access areas will be denoted with no parking signs and satisfy the requirements for vehicle maneuvering. The enclosures are not fully enclosed and have adequate overhead clearance. The standards of this section are satisfied.

***Sec. 800.060. - Exterior lighting.***

- (a) Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way.***

**Proposed Finding:** Applicant has provided details as part of this Application, identifying the proposed exterior lighting which conforms to the requirements of the code. Applicant's proposed lighting will not shine or reflect onto adjacent properties or cast glare onto the public right-of-way. This standard is satisfied.

***SRC 800.065. – Pedestrian access.***

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

**Proposed Finding:** The proposed and existing development are for residential uses which are exempt from this standard. This development standard does not apply to the Proposed Development. However, Applicant is providing adequate pedestrian circulation throughout the Proposed Development and connectivity to the property to the north via the proposed multiuse path and to each of the abutting streets.

## ***Public Improvements (SRC Chapter 802)***

### ***Sec. 802.015. - Development to be served by city utilities.***

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

**Proposed Finding:** As part of its Site Plan Set, the Applicant has provided detailed drawings developed by its civil engineer showing the proposed connection to the extended public utilities in the area and showing the proposed utilities within the Proposed Development. Applicant's proposed utility connections are designed and will be constructed in a way that meets the code and the Public Works Design Standards. This criterion is satisfied.

## ***Streets and Right-of-Way Improvements (SRC Chapter 803)***

### ***SRC. 803.010. - STREETS, GENERALLY.***

***Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.***

**Proposed Finding:** As part of the Proposed Development Applicant will be constructing an extension of Marietta Street SE, and the portion adjacent to the Proposed Development will be developed to conform to Public Works Design Standards. However, Applicant is requesting the application of alternative street standards, as addressed below, to allow for a deviation from the applicable connectivity and block standards.

### ***Sec. 803.065. - Alternative street standards.***

#### ***(a) The Director may authorize the use of one or more alternative street standards:***

- (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;***
- (2) Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or***
- (3) Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.***

#### ***(b) Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.***

**Proposed Finding:** As part of ongoing design discussions with the City's Public Works Department, Applicant has explored several alternatives for street improvements in the area and has provided detailed drawing of the proposed improvement for both the Proposed Development and for future phases of development on the Property. Due primarily to the existing streets in the area, the planned connections in the STSP, and the topography of the Subject Property and the property immediately to the north, Applicant is requesting the application of alternative street standards. Applicant's proposed street improvements have been submitted as part of its application materials and are summarized as follows:

- (1) Along 27<sup>th</sup> Avenue between the Morningside Church property and the intersection with Marietta Street, Applicant is proposing  $\frac{3}{4}$  street improvements, with curbs along the western side of the street. No sidewalks or right-of-way dedications are proposed for this portion of 27<sup>th</sup> Avenue.
- (2) Along 27<sup>th</sup> Avenue from the intersection with Marietta to the northern property line of the Subject Property, Applicant is proposing  $\frac{3}{4}$  street improvements, with curbs along the western side of the street. Applicant will construct sidewalks and dedicate right of way along the western side of 27<sup>th</sup> Avenue.
- (3) For the proposed Marietta Extension to the west of 27<sup>th</sup>, Applicant is proposing a thirty-foot (30') curb to curb improvement with sidewalks along the north side only along the southern part of the Subject Property. Applicant will dedicate forty-four feet (44') of right-of-way with a ten foot (10') public utility easement along the northern right-of-way. Applicant proposes eight feet (8') of right-of-way dedication from the property to the south of the Subject Property to be dedicated upon future development of that parcel. Applicant will construct the remainder of the extension for Marietta Street SE as part of the development of Parcel 2.

Under these alternative standards, Applicant will not meet the applicable requirement for block length or the connectivity standards for north-to-south connection of the Subject Property. However, in addition to the proposed roadway improvements, Applicant is proposing the construction of the Multiuse Path, connecting the Subject Property to the property immediately to the north, as depicted on Applicant's Site Plan. The owner of this property is in the process of obtaining approval for a residential subdivision. The Multiuse Path will provide connectivity to this residential development from the Subject Property for bicycle and pedestrian traffic, providing connectivity for alternative modes of transportation. Applicant is requesting approval of the Multiuse Path rather than the development of a road connection due to both the topography of the area and the likelihood that a street connection would result in vehicles cutting through the Proposed Development and the adjacent residential subdivision rather than connecting to that area via 27<sup>th</sup> Avenue and Marietta Street. Routing traffic through these proposed local streets, rather than connecting via the existing collectors, has the potential to result in unsafe traffic conditions within these developing residential areas. The Multiuse Path meets the intent of the code, providing safe, direct connections for pedestrian and bicycle users, while routing vehicular traffic along the streets with the appropriate street classification. Applicant's proposed streets and right-of-way improvements meet the intent and purpose of the code while utilizing alternative designs to meet the needs of the particular location due to the topographical constraints that restrain the ability to provide vehicular connection between the Subject Property and Parcel 2.

**SRC. 803.015. - TRAFFIC IMPACT ANALYSIS.**

**(b) Applicability.** *An applicant shall provide a traffic impact analysis if one of the following conditions exists:*

- (1)** *The Development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the Development that will occur on all lots that will be created by the land division.*
- (2)** *The increased traffic resulting from the Development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.*
- (3)** *The City has performed or reviewed traffic engineering analyses that indicate approval of the Development will result in levels of service of the street system that do not meet adopted level of service standards.*

**Proposed Finding:** Marietta Street and 27<sup>th</sup> Avenue are classified as “collectors” under the STSP where the Marietta Extension will intersect with the existing street system. As part of this Application, Applicant has submitted a trip generation estimate form to be completed by the City’s traffic engineering department. Applicant believes that the proposed development is well within the 1,000-trip threshold for daily vehicle trips and the development is not anticipated to result in traffic that will contribute to existing traffic problems or create pedestrian or bicyclist safety issues. The Applicant has been working with the City’s traffic engineering and public works departments on the design and extent of the proposed public infrastructure for the Proposed Development and believes that the proposed improvements will not impact the levels of service of the surrounding street system. This standard is not applicable.

**Driveway Approaches (SRC Chapter 804)**

Applicant is requesting the addition of two driveway access permits, providing for two (2) two-way driveway approaches for the 374 feet of street frontage along Marietta Street SE. For ease of review, and due to the commonality between the two approaches, Applicant has provided consolidated findings addressing the applicable approval criteria.

**Sec. 804.025. - Class 2 driveway approach permit.**

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

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

**Proposed Finding:** As part of Applicant’s plan submittal, Applicant has provided sufficient detail showing that each of the proposed driveway approaches is twenty-four feet (24’) wide, within the

acceptable range for this type of approach, and have adequate vision clearance areas. The approaches meet the applicable standards.

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

**Proposed Finding:** As part of Applicant's plan submittal, Applicant has provided grading information for the Subject Property. The Subject Property is gently sloped, but this site condition does not prevent the placement of the driveway approaches in the proposed location. The Proposed Development meets this standard.

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

**Proposed Finding:** Applicant is not proposing the addition of a driveway approach onto an arterial. This criterion is satisfied.

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

***(A) Is shared with an adjacent property; or***

**Proposed Finding:** At this point there is no development or developed driveway approaches on the adjoining properties that would allow the Applicant to share a driveway approach. Additionally, there is not an alternative configuration that would allow for a configuration of the Proposed Development in a way that would allow Applicant to provide the identified dwelling units and their associated parking while also allowing for shared access between the Subject Property and Parcel 2 while also complying with the open space requirements applicable to the Proposed Development. Sharing access is not possible and, therefore, this standard is not applicable.

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

**Proposed Finding:** Applicant's proposed access is onto the proposed extension of Marietta Street SE, which upon development will only be used by the Proposed Development until future development of the adjacent parcels is finalized. Public Works has informed the applicant that the Marietta Extension will be classified as a local street upon development. Therefore, Applicant is taking access from the lowest classification of street abutting the Subject Property.

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

**Proposed Finding:** Applicant's proposed access provides adequate vision clearance. There are no planned obstructions within the vision clearance areas which satisfy the applicable design standards, as demonstrated on the Site Plan. This criterion is satisfied.

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

**Proposed Finding:** Applicant's driveway approaches comply with the vision clearance standards, with pavement development within the applicable widths permitted under the code. Pedestrian crossing will be available via the sidewalk and constructed with a visually differentiated material, which will provide safe crossing for pedestrians. The internal pedestrian circulation for the Proposed Development ties into



the sidewalk on either side of each driveway, reducing any hazards associated with pedestrian access. The driveway approach is otherwise developed to standard, allowing for adequate maneuvering space for two cars and appropriate grading, allowing for the safe turns into and access to the Subject Property. This criterion is satisfied.

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

**Proposed Finding:** Applicant's proposed driveway access will be two of three driveway approaches in existence at the time of development. The goal of the two approaches is to allow for internal queuing and circulation to further limit the impact of the trips generated by the Proposed Development. Allowing for two access points will allow for safe ingress and egress of visitors to the Proposed Development, minimizing the need for vehicles to queue on the Marietta Street Extension, thereby reducing the potential for significant adverse impacts to the vicinity.

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

**Proposed Finding:** The Subject Property currently has access onto 27<sup>th</sup> Avenue SE, which Applicant is closing as part of the Proposed Development, relocating the access to the Subject Property to the proposed Marietta Street Extension in order to reduce the impact to the surrounding transportation system, taking access from the adjacent road with the fewest existing access points. By relocating the access onto the proposed Marietta Street Extension, the Applicant is reducing the potential for queueing on the adjacent collectors and local streets, minimizing the impact that the Proposed Development will have on the adjacent streets and intersections.

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

**Proposed Finding:** Applicant's proposed driveway approaches are designed to minimize any potential impact to the surrounding residential properties. The Proposed Development has been oriented to minimize ingress or egress to the Subject Property from the existing streets, focusing the access to and from the Subject Property along the proposed Marietta Street Extension. This orientation will minimize slowing and queuing along 27<sup>th</sup> Avenue at multiple points, restricting the associated turns with the 27<sup>th</sup> Street/Marietta Street intersection, where turning maneuvers are better anticipated by drivers. This design minimizes the potential adverse impacts to the surrounding residential properties. This criterion is satisfied.

***Sec. 804.030. - Access onto local and collector streets.***

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

**Proposed Finding:** Applicant is requesting approval of two (2) driveway approaches for the Proposed Development. Applicant is requesting a Class 2 Adjustment to this standard to allow for the addition of a second driveway approach onto the Marietta Extension, as addressed in detail below.

***(b) Permitted access.***

- (1) Driveway approaches onto local and collector streets shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.***

**Proposed Finding:** Applicant's proposed driveway approaches provides ingress and egress to the Proposed Development's vehicle use area. This criterion is satisfied.

- (2) No access shall be provided onto a local or collector street from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.***

**Proposed Finding:** Applicant's proposed driveway approaches will take access onto a new street, which is going to be designated as a local street, but which will be developed at a  $\frac{3}{4}$  collector standard. This criterion is not applicable.

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

**Proposed Finding:** The proposed approaches are not within 200 feet of an intersection with an arterial. This criterion is not applicable.

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

**Proposed Finding:** There are no identified obstructions within the identified vision clearance area. The proposed approaches comply with the vision clearance requirements in SRC 805.005(b)(1). This criterion is satisfied.

***Sec. 804.050. - Driveway approach development standards.***

***Driveway approaches shall conform to the following development standards:***

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

**Proposed Finding:** Applicant's civil engineer has provided depictions of the proposed approaches that demonstrate conformance with the applicable Public Works Design Standards. This criterion is met.

***(b) Width.***

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

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

***(c) Marking and signage. Where required by the Public Works Design Standards, driveway approaches shall be clearly marked or signed and maintained in conformance with the Public Works Design Standards***

**Proposed Finding:** Applicant is proposing two-way driveway access that is approximately twenty-four feet (24') in width. Applicant is proposing the construction of these driveway approaches in conformance with the applicable public works standards and has provided material and construction notes addressing these requirements in its Site Plan sheet set. The Proposed Development meets these standards.

#### **Vision Clearance (SRC Chapter 805)**

##### ***Sec. 805.005. - Vision clearance areas.***

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

**Proposed Finding:** Applicant's Site Plan shows that the proposed vision clearance area is in compliance with these standards.

#### **Off-Street Parking, Loading, and Driveways (SRC Chapter 806)**

##### ***SRC 806.005 - Off-Street Parking; When Required.***

***(a) General applicability. Off-street parking shall be provided and maintained for any intensification, expansion, or enlargement of a use or activity.***

##### ***SRC 806.015 - 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.***

Table 806-1 states that the minimum parking area for the proposed use is one (1) parking stall per dwelling unit. Table 806-2 states that the maximum number of parking spaces is 2.5 times the minimum (for 20 spaces or fewer) or 1.75 times the minimum (greater than 20 spaces).

**Proposed Finding:** The Proposed Development is a ninety-six (96) unit multifamily house development, meaning Applicant is required to provide ninety-six (96) parking stalls and may not provide more than one hundred sixty-eight (168) parking stalls. Applicant is proposing a total of one hundred forty-four (144) parking stalls. Six (6) of these stalls are ADA accessible stalls and the remaining stalls are standard parking stalls.

## **SRC 806.035 Interior Parking Lot Landscaping**

**Proposed Finding:** The applicable landscaping standards for the Proposed Development are set forth in SRC 702.010. The Proposed Development is otherwise exempt from the landscaping standards in SRC 806, as stated in SRC 702.010(b)(8). Applicant's Proposed Development complies with the applicable standards in SRC 702.010 and compliance with these standards are demonstrated in the Site Plan sheet set and the Landscaping Plan submitted as part of this Application. Applicant satisfies the applicable standard.

## **Bicycle Parking**

### ***SRC 806.045(a) - General Applicability.***

Bicycle parking shall be provided and maintained for any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity. The applicable requirement under SRC 806, Table 806-8 is the greater of 4 spaces or 0.1 spaces per dwelling unit.

**Proposed Finding:** The Proposed Development will have ninety-six (96) dwelling units, meaning that Applicant is obligated to provide 9.6 bicycle parking stalls. Applicant is proposing twelve (12) bicycle parking stalls. This standard is satisfied.

### ***Sec. 806.060. - Bicycle parking development standards.***

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

**Proposed Finding:** Applicant's proposed bicycle parking will meet the locational and dimensional standards provided in SRC 806.060 and will be in the form of an approved rack as identified in Figure 806-10. Applicant's proposed bicycle parking is comprised of two separate bicycle racks, located on either side of the central open space within the Proposed Development, each within fifty feet (50') of a primary entrance and is adjacent to pedestrian accessways which provide direct access to the public right of way. The stalls will be sited on a concrete pad, satisfying the surfacing requirement. This standard is satisfied.

### ***Sec. 806.075. - Amount of off-street loading.***

***Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-9.***

**Proposed Finding:** Applicant is required to provide one off-street loading area for up to 99 units. The loading area is required to measure 12 ft wide x 19 ft long x 12 ft high. Applicant is requesting the use of off-street parking areas to satisfy this requirement. Applicant has provided these findings in response to the applicable section under the code.

***(a) Off-street parking used for loading. An off-street parking area meeting the requirements of this chapter may be used in place of a required off-street loading space when the use or***

***activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building or the use or activity that it serves.***

**Proposed Finding:** Applicant has adequate off-street parking areas which will allow for adequate loading. The use is a residential use and delivery vehicles in excess of 8,000 pounds is not anticipated in association with the Proposed Development. Applicant meets the alternative standard.

***Landscaping and Screening (SRC Chapter 807)***

***Sec. 807.015. - Landscaping and screening.***

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

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

**Proposed Findings:** The majority of the applicable landscaping standards for the Proposed Development are found in SRC 702.010, which requires special screening and landscaping standards in association with the development of multiple family housing as a special use. Applicant has provided a Landscaping Plan as part of this Application that shows Applicant's proposal for meeting these standards.

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

**Proposed Findings:** Applicant is not using any existing trees or vegetation to satisfy its obligations under the code. This standard is not relevant to the Application.

- (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.***

**Proposed Findings:** As stated above, under the provisions of the code, none of the vegetation on the Subject Property meets the definition of "tree" in the code. No tree removal permits are required, and Applicant is not required to provide replacement trees in association with the Proposed Development. Due to the necessary grading of the Subject Property and the lack of existing landscaping other than the remnant Christmas trees, Applicant is proposing new landscaping throughout the Proposed Development.

- (e) Screening standards. Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:***

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

**Proposed Findings:** As part of the special standards in SRC 702.010, Applicant is required to provide screening in the form of fencing along the shared property lines with properties zoned RA or RS. Applicant will be providing a six-foot (6') fence along the northern and western property lines in conformance with this design standard and in collaboration with the development of the single-family residential subdivision planned for the adjacent property to the north. This standard is satisfied.

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

**Proposed Finding:** The Proposed Development will be providing street trees and landscaping within planting strips in accordance with the public works standards. Applicant's Landscaping Plan shows the proposed location of these trees and identifies the species as species that are on the City's approved species list. This standard is satisfied.

#### ***Preservation of Trees and Vegetation (SRC Chapter 808)***

No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential, two family residential, three family residential, four family residential, or a cottage cluster.

**Proposed Finding:** Applicant has identified on the Existing Conditions Plan the remnant Christmas trees it will be removing as part of the Proposed Development, along with the height of those trees, none of which are ten inches (10") or greater at dbh. None of the identified trees constitute a "tree" under the standard set forth in the Code and Applicant is not proposing the removal of any protected vegetation as part of this Application. This standard is met.

### ***Wetlands (SRC Chapter 809)***

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.

**Proposed Finding:** At the pre-application conference, the City indicated that there were wetlands located on the Subject Property. However, the Applicant has reviewed the City's wetland maps and there are no wetlands located on the Subject Property. This chapter is not applicable.

### ***Landslide Hazards (SRC Chapter 810)***

A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

**Proposed Finding:** The Subject Property is not within a mapped landslide hazard area. Multifamily development is assigned two (2) activity points, meaning that the Proposed Development has a cumulative landslide risk of two (2), placing it within "Category A – Low." No additional requirements are applied to the Proposed Development under this chapter.

***(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;***

**Proposed Finding:** The Subject Property will connect to the public street system with access onto the extension of Marietta Street SE, providing connectivity with the surrounding street system. The frontages along the proposed extension will be developed with sidewalks and transit services are close at hand, all of which encourages the use of alternative modes of transportation by the residents and their guests. Applicant's proposed extension will help mitigate any negative impacts the Proposed Development might have on the transportation system. This criterion is satisfied.

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

**Proposed Finding:** The proposed parking areas provide for the safe and efficient movement of vehicles, bicycles, and pedestrians through the Subject Property. There is adequate space for maneuvering within the parking areas and the Applicant is proposing several pedestrian pathways with material differentiation which cross the parking areas at regular intervals. The driveways are developed to standard and the adjacent bike lanes and available bike parking facilitate access to the Subject Property via bicycle. The Proposed Development provides pedestrian connections from the parking areas to the adjacent streets that conform to the applicable code standards. This criterion is satisfied.

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

**Proposed Finding:** The Subject Property is located within the City’s Urban Service Area and is currently served, or capable of being served, by public facilities and services necessary to support the uses associated with the Proposed Development. This criterion is satisfied.

## **SECTION 225.050. – DESIGN REVIEW**

**Proposed Finding:** As part of Applicant’s submission, Applicant has provided the documentation necessary for approval of a Class 1 Design Review. Applicant intends to develop the Subject Property in a manner that complies with the applicable design review standards in SRC 702.020, as shown in Applicant’s submittal materials with three (3) exceptions. Applicant is requesting a Class 2 Adjustment to each of the following standards: (1) SRC 702.020(e)(3) to allow Applicant to use balcony railings that are not site-obscuring; (2) SRC 702.020(e)(4) to allow Applicant’s buildings to be set back from the setback line to accommodate the balconies along the face of the proposed buildings; and (3) SRC 702.020(e)(3) to adjust the requirement for Building F to have an entrance oriented towards the Marietta Extension. These adjustments are discussed in detail below. Other than these identified elements, the Proposed Development complies with the design review standards in SRC 702.020. Applicant requests approval of the design review application as proposed.

## **SECTION 250.005. – ADJUSTMENTS**

### ***(a) Applicability.***

#### ***(1) Classes***

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

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

**Proposed Finding:** Applicant is requesting four (4) Class 2 Adjustments to the standards set forth in SRC 804.030(a); SRC 702.020(e)(3); SRC 702.020(e)(4); and SRC 702.020(e)(3). Applicant’s requested adjustments all require either a request that the adjustment not apply to the Proposed Development or an adjustment to a numerical standard in excess of twenty (20%) percent, requiring Applicant to satisfy the applicable approval criteria for a Class 2 Adjustment.

### ***(d) Criteria.***

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

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

***(i) Clearly inapplicable to the proposed development; or***

***(ii) Equally or better met by the proposed development.***



**Proposed Finding:** Applicant is requesting four (4) adjustments to applicable development standards. First, Applicant is requesting an adjustment to SRC 804.030(a) to allow for an additional driveway approach onto the Marietta Extension. The Proposed Development contains ninety-six (96) dwelling units which will require primarily vehicular access to and from the Subject Property. Applicant's proposed two (2) two-way driveway approaches provide access to the Subject Property. The purpose and intent of this provision is not directly stated in the code, but it is likely the purpose of this particular standard is in line with the purpose statement in SRC 804.001, which focuses on providing safe and efficient access to public streets. As stated above, Applicant's proposed access is oriented to provide ingress and egress to the Proposed Development from the Marietta Extension. Applicant is requesting the additional access as a means of promoting safe and efficient ingress and egress to the Proposed Development. The additional access along the Marietta Extension will prevent unnecessary queuing along Marietta Street as well as providing for safer, more efficient circulation within the Proposed Development, preventing congestion within the adjacent street systems. This will be particularly needed when Marietta Street is extended to connect with Reed Road, allowing for bidirectional traffic along Marietta Street and reinforcing the need for additional access points due to the density of dwelling units on the Proposed Development. If the Proposed Development was instead subdivided for a single-family residential development, even for as few as three single-family homes, the Subject Property would be entitled to more driveway approaches than Applicant is requesting. This suggests that the consolidation of substantially more dwelling units into a single property justifies the addition of a secondary driveway approach in the interest of improved access for the Proposed Development, especially when viewing the vehicle use area in a manner more like a private lane or similar off-street circulation system within a residential subdivision where similar residential uses are clustered, albeit at lesser density. By promoting safer and more efficient access from the Proposed Development to the abutting street system, the proposed additional driveway approach equally or better meets the purpose of this development standard.

Second, Applicant is requesting an adjustment to the design standard in SRC 702.020(e)(3) to allow for the use of balcony railings that are not fully sight-obscuring. Applicant is requesting this adjustment due to a desire to allow for more natural light to filter into the individual dwelling units through the balcony, which is a significant source of light for these units. The stated purpose of this standard is "[t]o enhance compatibility between new buildings on site and abutting residential sites." SRC 702.020(e)(3). However, the Proposed Development is oriented in a way that the abutting residential sites will primarily be located along the common property line and Parcel 2 to the west which will also be developed with multiple family housing as well as three (3) balconies along the northern face of the units facing the proposed single-family subdivision to the north. Due to the special setbacks applicable to multiple family development within the RA zone, the balconies facing the multiple family residential development to the west will be spaced approximately seventy-five feet (75') from one another. The northern most unit (Unit H) facing the northern RA property is setback from the property more than that amount and the only other unit (Unit A) facing the RA property is separated from the northern property line by the stormwater detention area. By exceeding the setback standards from the single-family development to the north and due to the type of development proposed for the property to the west, the Proposed Development is compatible with the adjacent residential developments, equally or better meeting the development standard.

Third, Applicant is requesting an adjustment to the design standard in SRC 702.020(e)(4), which requires a minimum of forty percent (40%) of the buildings to be constructed at the setback line. Applicant is requesting an adjustment to this standard to allow for the construction of the buildings to be set back

approximately seven feet (7') from the setback line. Applicant originally designed the Proposed Development to conform as closely as possible to the twelve-foot (12') setback line for the Proposed Development under the previous setback provisions rather than the updated ten-foot (10') setback line. Under the previous code, Applicant would have requested a five-foot (5') adjustment to this standard, but given the recent nature of the change, is now requesting a seven-foot (7') adjustment to the standard. The stated purpose of this development standard is "to enhance visual interest and activity along the street." Applicant is requesting this adjustment due primarily to the need for grading that is proposed on the Subject Property as well as to ensure that the Proposed Development is able to meet the applicable ADA requirements associated with the pedestrian accessways through the Subject Property. The Proposed Development shows the addition of balconies along the side of the building oriented towards the street, which allows for the use of an internal unit design that provides for increased efficiency within the interior of the dwelling units while providing for the private outdoor space required under the code. As the Proposed Development is for desperately needed affordable housing, this focus on efficiency allows the Applicant to keep the cost of the Proposed Development lower than some of the alternative designs. In addition to the efficiency allowed by this design, the interior design of the units increases the livability of those spaces and allows for the addition of external storage to the balconies, helping maintain a neat, orderly outdoor space which engages with the activity on the street with the balconies themselves providing the visual interest with the remainder of the façade required by the code. The Proposed Development equally or better meets the intent of the development standard.

Finally, Applicant is requesting an adjustment to SRC 702.020(e)(3), which requires that the ground floor units within twenty-five feet (25') of the property line must have a building entrance that faces the street with direct pedestrian access to the adjacent sidewalks. Applicant is requesting an adjustment to this standard to allow the proposed Unit F to use a single pedestrian access to the pedestrian connection to the east of that unit which connects to the adjacent sidewalk, rather than requiring an additional pedestrian access from the southern face of that unit. The stated purpose of this standard is not expressly stated in the code, but it can be inferred that this standard is designed to encourage the safe and efficient movement of pedestrians to and from the street-facing units. Applicant is requesting this adjustment due to the internal configuration of the individual dwelling units, which are consistent throughout the Proposed Development and which provide access from two halves of the unit to a common pedestrian connection that provides a connection to the internal pedestrian access which then connects to the public sidewalks. Applicant's request will maintain consistency within the Proposed Development as well as addressing complexities with the grading and the complications this creates for ADA access to the individual units throughout the Proposed Development. Applicant's Proposed Development provides for the safe and efficient movement of pedestrians throughout the development, and the proposed adjustment shifts the access from approximately twelve feet (12') to the façade of the building to approximately fifty feet (50') for six (6) of the ninety six (96) dwelling units. Almost all of the remaining units will require similar, if not longer, distances for pedestrians accessing the Proposed Development from the adjacent street system. When considering the efficiencies, added open space, ADA accessibility, and the reduction in pavement associated with this adjustment, the Proposed Development equally or better meets this development standard.

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

**Proposed Finding:** The Subject Property is located within a residential zone; however, the requested adjustments have the overall effect of resulting in a development that will either enhance the livability of the Proposed Development for the residents of the development, address topographical challenges, or prevent potential safety issues. The Proposed Development will not detract from the livability or appearance of the residential area. This criterion is satisfied.

***(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.***

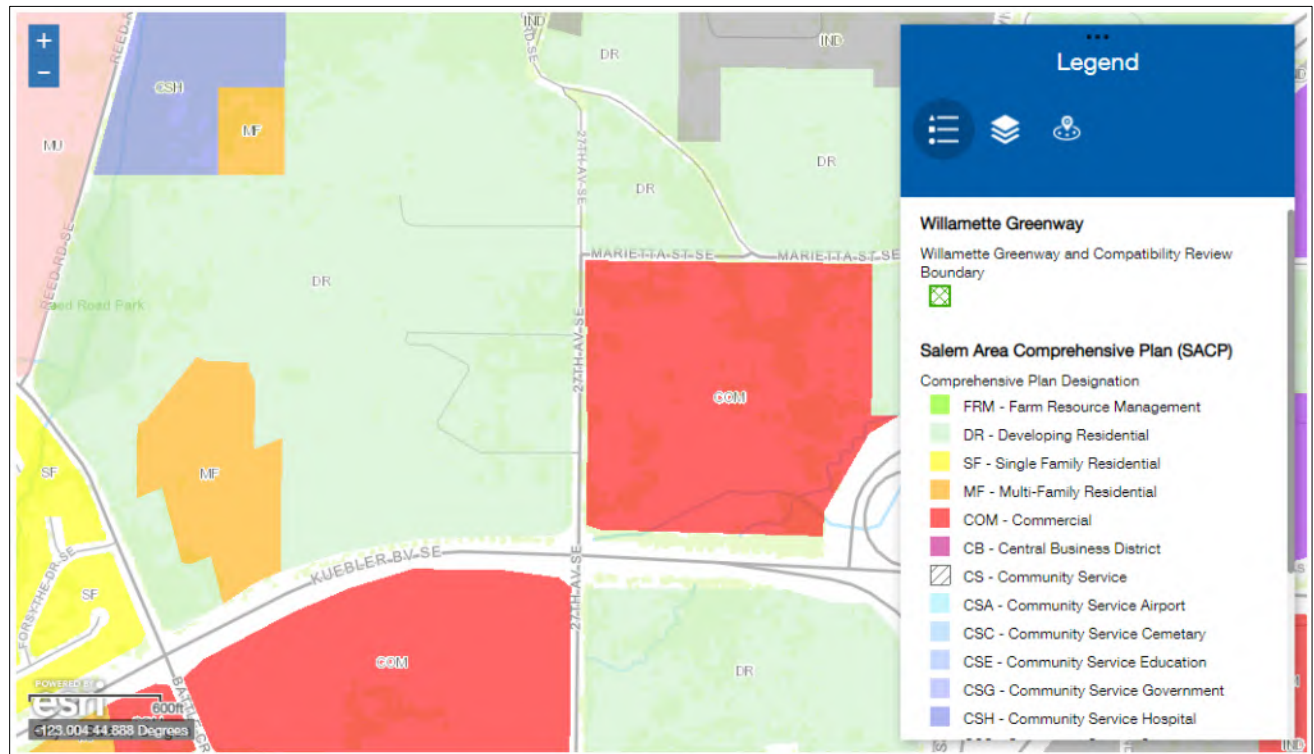
**Proposed Finding:** The proposed adjustments for this Application are confined to four (4) adjustments. These adjustments are minimal, allowing for slight deviations from the applicable approval standards where the physical constraints of the Subject Property, livability concerns, and the development on the surrounding properties justify the proposed deviations. As adjusted, the Proposed Development remains consistent with the purpose of the applicable zone where residential use is expected. This criterion is satisfied.

**CONCLUSION:**

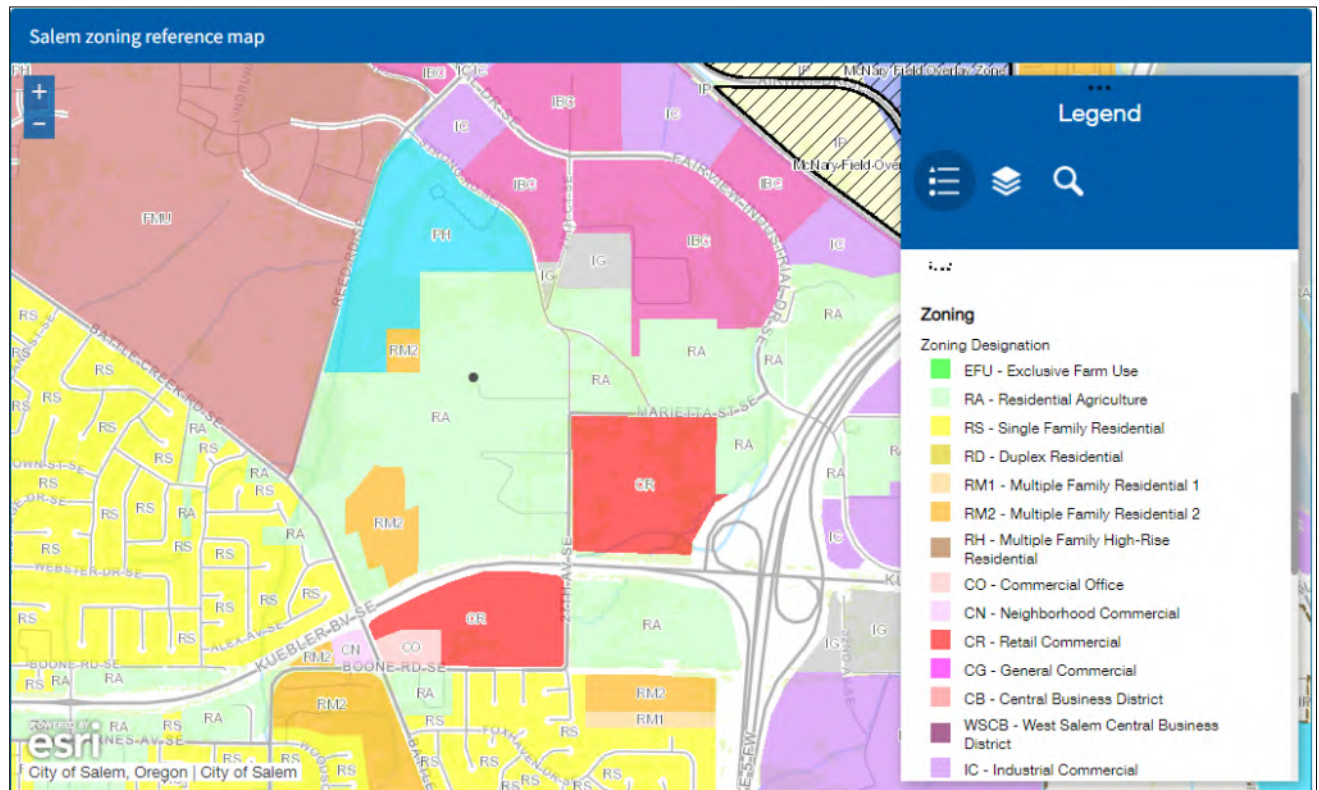
Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting this consolidated application for a Partition, UGA Declaration, Class 3 Site Plan Review, (2) Class 2 Driveway Access Permits, Design Review I, and four (4) Class 2 Adjustments. Applicant respectfully requests that the Application be approved.

[illegible]

## Exhibit 102



## Exhibit 103







# MEMO

**TO:** Aaron Panko, Planner III  
Community Development Department *Yallb for:*

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department

**DATE:** August 29, 2022

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**UGA-PAR-SPR-ADJ-DR22-02 (22-107825; 22-107826; 22-107827; 22-107828; 22-107829; 22-107830)**  
**4400 BLOCK 27<sup>TH</sup> AVENUE SE**  
**AFFORDABLE HOUSING DEVELOPMENT**

## PROPOSAL

An Urban Growth Area Preliminary Declaration to determine required public facilities to serve the subject property, a Tentative Partition to divide the subject property into two parcels, and a Class 3 Site Plan Review and Class 1 Design Review for development of the proposed 96-unit housing development with a request for alternative street standards to eliminate a required street connection to the northern property line, Class 2 Adjustments. For a portion of property approximately 10.05 acres in size, zoned RA (Residential Agriculture), and located at the 4500 Block of 27th Avenue SE - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W12C / 00600 and 00800).

## RECOMMENDED CONDITIONS OF APPROVAL

1. The following conditions of approval shall be completed prior to final plat approval:
  - a. Along the frontage of 27<sup>th</sup> Avenue SE, convey land for dedication of up to a 40-foot westerly right-of-way half-width from Centerline as recorded in Marion County Records Book 4, Page 222, Number 132.
  - b. Dedicate right-of-way for the new internal street equal to 44 feet in width from the intersection of 27<sup>th</sup> Avenue SE to the western property boundary of parcel 2.
  - c. If a public main on private property is approved by the City Engineer, dedicate a public utility and access easement over the proposed public main on private property pursuant to PWDS. Revise the site plan to remove encroachments (garbage enclosure) shown in the required easement.

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

- d. Dedicate a 10-foot public utility easement along the street frontage of the Marietta Extension and 27<sup>th</sup> Avenue SE.
  - e. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
2. The following conditions of approval shall be completed prior to final plat approval, or delayed pursuant to an Improvement Agreement:
- a. Along 27<sup>th</sup> Avenue SE, from the northern property boundary to the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE, construct a half-street improvement to local Street Standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
  - b. Along 27<sup>th</sup> Avenue SE, from the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE to the southern property boundary, construct a half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
  - c. Along 27<sup>th</sup> Avenue SE between the south line of the subject property to the northerly driveway of Morning Star Church (083W12C000900) construct either a 34-foot-wide improvement or a 29-foot-wide three-quarter-street improvement with sidewalks on the development side of the street to collector A street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
  - d. Construct the new internal street from the intersection of 27<sup>th</sup> Avenue SE to the western edge of parcel 1. The new internal street shall be constructed to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 with the following exceptions:
    - i. The new internal street shall have an increased block length.
    - ii. The new internal street shall be located within a 44-foot right-of-way.
    - iii. Only sidewalks on the development (northern) side of the street are required to be constructed.
  - e. Design and construct a Mid-block Bike/Pedestrian Walkway from the new internal street to the north line of the subject property to connect with the Mid-block Bike/Pedestrian Walkway conditioned under SUB ADJ21-06.



- f. Provide water service to the proposed development according to one of the following two options:
  - i. Connect to a future 18-inch S-1 water main required to be constructed by Coburn Grand View subdivision (SUB-ADJ21-06) from Reed Road SE to Strong Road SE abutting the subject property. Extend the 18-inch S-1 water main to the south property line within 27<sup>th</sup> Avenue SE.
  - ii. Extend an 18-inch *Water System Master Plan* main from the existing main located in Marietta Street SE to 27<sup>th</sup> Avenue SE, and along 27<sup>th</sup> Avenue SE from Marietta Street SE to the northerly property line.
- g. Within the new internal street, extend a minimum 12-inch S-1 water main to the western edge of parcel 1.
- h. Extend a minimum 8-inch sewer main in the new internal street to the western edge of parcel 1.
- 3. The following conditions of approval shall be completed as a condition of lot development as specified in the Site Plan Review approval:
  - a. Submit a Class 2 Driveway Approach Permit application if the driveways onto the new internal street are not installed as part of the construction of the new internal street.
  - b. Submit an engineered stormwater report demonstrating that the discharge from the stormwater facility does not increase peak flows pursuant to SRC 71.095(c).
  - c. Pay \$57,480 as the proportional amount of the water TAF for development of Parcel 1 within the S-1 water service area.
  - d. Pay \$24,000 as the proportional amount of the water TAF for development of Parcel 2 within the S-1 service water area.
  - e. Design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS or receive a Design Exception from the City Engineer.

## **FACTS AND FINDINGS**

### **Streets**

#### **1. 27<sup>th</sup> Avenue SE**

- a. Standard—27<sup>th</sup> Avenue SE is designated as a local street from the northern property boundary to the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE. From the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE south to Kuebler Boulevard SE, 27<sup>th</sup> Avenue SE is classified as a collector A street in the Salem TSP.

The standard for a local street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way. The standard for a collector A street is a 34-foot improvement with a 60-foot right-of-way.

- b. Existing Condition—This street has an approximate 20-foot improvement within a 40-foot-wide right-of-way abutting the subject property.

### **Water**

#### **1. Existing Conditions**

- a. The subject property is located within the S-1 and S-2 water service level.
- b. A 16-inch water main is located in Marietta Street SE near the intersection of Marietta Street SE and Fairview Industrial Drive SE, approximately .75 miles southeast of the subject property.
- c. There are no S-2 water mains in the vicinity of the subject property.

### **Sanitary Sewer**

#### **1. Existing Conditions**

- a. A 24-inch sewer main is located in 27<sup>th</sup> Avenue SE.

### **Storm Drainage**

#### **1. Existing Conditions**

- a. A 16-inch storm main is located in 27<sup>th</sup> Avenue SE and extends from the subject property south to the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE, where it dead ends.

## **Parks**

The development is served by Reed Road Park, approximately one-quarter mile southwest of the subject property.

## **URBAN GROWTH PRELIMINARY DECLARATION FINDINGS**

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

**Findings**—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).

27<sup>th</sup> Avenue SE does not meet the minimum linking street improvement or right-of-way width. The applicant shall provide an off-site linking street improvement of 27<sup>th</sup> Avenue SE from the southern property boundary to the driveway of Morningstar Church, approximately 250 feet south. Boundary street improvements and linking street improvements are discussed further below.

### **SRC 200.060—Standards for Sewer Improvements**

**Findings**—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 27<sup>th</sup> Avenue SE abutting 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 SRC 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.

### **SRC 200.065—Standards for Storm Drainage Improvements**

**Findings**—The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities that are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in 27<sup>th</sup> Avenue SE abutting the subject property. The applicant is not increasing the peak flows exiting the subject property pursuant to

SRC 71.095(c). The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a), described further below.

**SRC 200.070—Standards for Water Improvements**

**Findings**—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 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.

S-1 water facilities are lacking in the vicinity of the subject property. Two potential sources of water are available to serve the proposed development:

1. Coburn Grand View subdivision (SUB-ADJ21-06) is required to construct an 18-inch S-1 water main from Reed Road SE to Strong Road SE abutting the subject property. If constructed by others, this system would be available to serve the proposed development. The applicant would be required to extend the 18-inch main to the subject property in 27<sup>th</sup> Avenue SE.
1. An existing 18-inch water main is located near the intersection of Marietta Street SE and Fairview Industrial Drive SE. The applicant may extend an 18-inch *Water System Master Plan* main along Marietta Street SE to 27<sup>th</sup> Avenue SE and along 27<sup>th</sup> Avenue SE to the north line of the subject property.

The *Water System Master Plan* specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a), discussed further below. In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a Temporary Access Fee (TAF). The TAF for this area of the S-1 service area is based on approximately 9 million dollars of improvements needed to serve 750 acres of undeveloped land, totaling \$12,000. Public water improvements are discussed further below.

**SRC 200.075—Standards for Park Sites**

**Findings**—The development is served by Reed Road Park, approximately one-quarter mile southwest of the subject property. Once the Coburn Grand View Subdivision (SUB-ADJ21-06) to the west of the property develops, the park will be accessible within the public transportation system. According to the *Parks Master System Plan*, the Reed Road Park will be established and developed to serve the area; no additional parks are planned for acquisition to serve the property. Therefore, no Temporary Access Fee is

warranted.

### **CLASS 3 SITE PLAN REVIEW CRITERIA AND FINDINGS**

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

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

**Finding—**With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain; 802 – Public Improvements; 803 – Streets and Right-of-Way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 – Landslides.

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

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

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of an affordable housing multi-family development adds 2 activity points to the proposal, which results in a total of 4 points. Therefore, the development is classified as a "low" risk and no further evaluation is required.

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

**Finding—**27<sup>th</sup> Avenue SE abutting the subject property does not meet the current standard of it's classification according to the Salem TSP. As identified in the conditions of approval, the applicant is required to construct a half-street improvement along the entire frontage of 27<sup>th</sup> Avenue SE. The location of the centerline of 27<sup>th</sup> Avenue SE is ambiguous based on County Survey Records. City surveying staff have performed an initial review of the location of the centerline of 27<sup>th</sup> Avenue SE and found said Centerline appears to be approximately 8 to 10 feet east of where the recorded surveys of the area show it and where this project surveyor has retraced it. The right-of-way of 27<sup>th</sup> Avenue SE, adjacent to the subject property, is 40 feet wide, 20 feet each side of centerline. The centerline of 27<sup>th</sup> Avenue SE was established by in Marion County



Records Book 4, Page 222, Number 132. Staff recommend the following conditions:

**Condition:** Along the frontage of 27<sup>th</sup> Avenue SE, convey land for dedication of up to a 40-foot westerly right-of-way half-width from centerline as recorded in Marion County Records Book 4, Page 222, Number 132.

**Condition:** Along 27<sup>th</sup> Avenue SE, from the northern property boundary to the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE, construct a half-street improvement to local Street Standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

**Condition:** Along 27<sup>th</sup> Avenue SE, from the intersection of 27<sup>th</sup> Avenue SE and Marietta Street SE to the southern property boundary, construct a half-street improvement to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

As discussed above, 27<sup>th</sup> Avenue SE does not meet the minimum "linking street" improvement width or right-of-way width. The applicant shall provide an off-site "linking street" improvement of 27<sup>th</sup> Avenue SE from the southern property boundary to the northerly driveway of Morningstar Church, approximately 250 feet south. Typically, where the street is classified as a local street, a 30-foot improvement would be required, and where the street is classified as a collector street, a 34-foot improvement would be required per SRC 200.005. Alternatively, in order to provide adequate pavement width and sidewalks on the development side of the street, the applicant has the option of providing a three-quarter street improvement to Collector A standards.

**Condition:** Along 27<sup>th</sup> Avenue SE between the south line of the subject property to the northerly driveway of Morning Star Church (083W12C000900) construct either a 34-foot-wide improvement or a 29-foot-wide three-quarter-street improvement with sidewalks on the development side of the street to Collector A street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

The applicants tentative plan shows one new internal street along the southern property boundary running east to west. The proposed internal street will be within a 44-foot right-of-way and constructed with a 30-foot improvement and sidewalk on the development (north) side of the street. The applicant requests to dedicate 44 feet of right-of-way as part of this application and the remaining right-of-way will come from the property to the south if they develop in the future. As a condition of development, the applicant shall construct the new internal street along Parcel 1. The applicant shall dedicate right-of-way for the street from 27<sup>th</sup> Avenue SE to the western property boundary.

The internal streets exceed the 600-foot block length requirement of SRC 803.030 as

there is no north-south connection. A joint request was submitted by the applicant and the property owner of the northern neighboring parcel to allow a pedestrian connection to the southern property boundary in lieu of a street. The northerly neighbor recently received Subdivision Tentative Plan Approval for a 29-lot subdivision (SUB-UGA22-06). Due to topography of the sites, existing street stubs planned from the Coburn Grand View Subdivision (SUB-ADJ21-06), and the redevelopment of the adjacent parcel to the north, the Director authorizes an Alternative Street Standard to allow for an increased block length pursuant to SRC 803.030(b) and 803.065(a)(3).

**Condition:** Dedicate right-of-way for the new internal street equal to 44 feet in width from the intersection of 27<sup>th</sup> Avenue SE to the western property boundary of parcel 2.

**Condition:** Construct the new internal street from the intersection of 27<sup>th</sup> Avenue SE to the western edge of parcel 1. The new internal street shall be constructed to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803 with the following exceptions:

- i. The new internal street shall have an increased block length.
- ii. The new internal street shall be located within a 44-foot right-of-way.
- iii. Only sidewalks on the development (northern) side of the street are required to be constructed.

**Condition:** Design and construct a Mid-block Bike/Pedestrian Walkway from the new internal street to the north line of the subject property to connect with the Mid-block Bike/Pedestrian Walkway conditioned under SUB ADJ21-06.

The proposed development is accessed through an extension of Marietta Street. This segment of Marietta will be classified as a local street according to the Salem TSP. The anticipated Average Daily Trips (ADTs) generated onto a local street by the development exceed the threshold for requiring a Traffic Impact Analysis per SRC 803.015. The Assistant City Traffic Engineer has reviewed the proposed development and waives the requirement for a TIA pursuant to SRC 803.015(d).

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

**Finding—**The proposed driveway accesses onto the new internal street provide for safe turning movements into and out of the property. Pursuant to SRC 804.015(b)(2), a Driveway approach permit is not required for construction of driveway approaches that

are part of an engineered public improvement project. If the proposed driveways are not constructed with the new internal street, the applicant shall be required to obtain a Class 2 Driveway Approach permit.

**Condition:** Submit a Class 2 Driveway Approach Permit application if the driveways onto the new internal street are not installed as part of the construction of the new internal street.

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

**Finding**—The Public Works Department has reviewed the applicant's preliminary plan for this site. With recommended conditions, water, sewer, and storm infrastructure will be available to serve the proposed development.

S-1 water facilities are lacking in the vicinity of the subject property. Two potential sources of water are available to serve the proposed development:

1. Coburn Grand View subdivision (SUB-ADJ21-06) is required to construct an 18-inch S-1 water main from Reed Road SE to Strong Road SE abutting the subject property. If constructed by others, this system would be available to serve the proposed development. The applicant would be required to extend the 18-inch main to the subject property in 27<sup>th</sup> Avenue SE.
2. An existing 18-inch water main is located near the intersection of Marietta Street SE and Fairview Industrial Drive SE. The applicant may extend an 18-inch *Water System Master Plan* main along Marietta Street SE to 27<sup>th</sup> Avenue SE and along 27<sup>th</sup> Avenue SE to the north line of the subject property.

The *Water System Master Plan* specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a), discussed further below. In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a TAF. The TAF for this area of the S-1 service area is based on approximately 9 million dollars of improvements needed to serve 750 acres of undeveloped land, totaling \$12,000 per acre x 4.79 acres (parcel 1 area within S-1) = \$57,480. Development on parcel 2 in the future may require an additional TAF totaling \$12,000 per acre x 2 acres (parcel 2 within S-1) = \$24,000.

**Condition:** Provide water service to the proposed development according to one



of the following two options:

- i. Connect to a future 18-inch S-1 water main required to be constructed by Coburn Grand View subdivision (SUB-ADJ21-06) from Reed Road SE to Strong Road SE abutting the subject property. Extend the 18-inch S-1 water main to the south property line within 27<sup>th</sup> Avenue SE.
- ii. Extend an 18-inch *Water System Master Plan* main from the existing main located in Marietta Street SE to 27<sup>th</sup> Avenue SE, and along 27<sup>th</sup> Avenue SE from Marietta Street SE to the northerly property line.

**Condition:** Within the new internal street, extend a minimum 12-inch S-1 water main to the western edge of parcel 1.

**Condition:** Pay \$57,480 as the proportional amount of the water TAF for development of Parcel 1 within the S-1 water service area.

**Condition:** Pay \$24,000 as the proportional amount of the water TAF for development of Parcel 2 within the S-1 service water area.

The western 250-feet of the subject property is located within the S-2 water service level. There are no S-2 water mains within the vicinity of the development. When development is proposed in the S-2 pressure zone, S-2 water improvements may be required.

A 24-inch sewer main is available in 27<sup>th</sup> Avenue SE to serve the proposed development. Direct connections to this main are not permitted. The applicant's tentative utility plan shows an 8-inch public main extending from 27<sup>th</sup> Avenue SE onto the subject property and to the northern property line and an additional 8-inch public main within the new internal street. Public sewer mains on private property require approval from the City Engineer. If approved, the applicant would be required to dedicate a public utility easement over the public main pursuant to PWDS to provide unobstructed year-round access to the public main. The applicants tentative site plan shows a trash and recycling enclosure being constructed over the public sewer main on private property and within the required public utility and access easement. The applicant shall relocate the trash enclosure outside of the public utility and access easement to ensure unobstructed access to the public main is available.

**Condition:** If a public main on private property is approved by the City Engineer, dedicate a public utility and access easement over the proposed public main on private property pursuant to Public Works Design Standards. Revise the site plan to remove encroachments (garbage enclosure) shown in the required easement.

**Condition:** Extend a minimum 8-inch sewer main in the new internal street to the western edge of parcel 1.

The applicant is proposing to connect to the existing storm system in 27<sup>th</sup> Avenue SE. Capacity is limited in the downstream storm drainage system, so the proposed development shall not increase off-site drainage flows. The applicant's engineer shall submit a final stormwater report demonstrating that the discharge from the stormwater facility does not increase peak flows pursuant to SRC 71.095(c). The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities

**Condition:** Submit an engineered stormwater report demonstrating that the discharge from the stormwater facility does not increase peak flows pursuant to SRC 71.095(c).

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS. The preliminary stormwater design shows a public stormwater facility will be located on private property; this may need a Design Exception from the City Engineer.

**Condition:** Design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS or receive a Design Exception from the City Engineer.

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.

### **PARTITION CRITERIA AND FINDINGS**

Analysis of the development based on relevant criteria in SRC 205.005(d) is as follows:

**SRC 205.005(d)(1)**—The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

**(A) Lot standards, including, but not limited to, standards for lot area, lot width**

**and depth, lot frontage, and designation of front and rear lot lines;**

**(B) City infrastructure standards; and**

**(C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

**Findings**—Based on the preceding analysis, the application meets applicable development standards including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

A 10-foot-wide public utility easement is required along the entire frontage of 27<sup>th</sup> Avenue SE and the Marietta extension pursuant to SRC 803.035(n).

**Condition:** Dedicate a 10-foot public utility easement along the street frontage of the Marietta Extension and 27<sup>th</sup> Avenue SE.

**SRC 205.005(d)(3)—Development within the tentative partition plan can be adequately served by City infrastructure.**

**Findings**—Based on the preceding analysis, and with the conditions listed above, the tentative plan can be adequately served by City infrastructure. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

**Condition:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

**SRC 205.005(d)(4) and SRC 205.005(d)(5)—**The street system in and adjacent to the tentative partition plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

**Finding—**Based on the preceding analysis, and with the conditions listed above, this criterion has been met.

### **RESPONSE TO COMMENTS**

1. **Traffic:** Comments received express concerns for increasing traffic in the area, especially on 27th Avenue SE, which is underimproved for its street classification.

**Response:** 27th Avenue SE is identified in the Salem TSP as a collector street south of Marietta Avenue SE and a local street north of Marietta. The ultimate improvement of 27th Avenue will include one vehicle lane (and one bike lane in each direction south of Marietta) and sidewalks on both sides of the street. This section of 27th Avenue will not be fully constructed to its ultimate width until all properties abutting the street are fully developed. In the interim, the developer for this multi-family development project is required to construct an on-site boundary street improvement and off-site linking street improvement along 27th Avenue SE. These improvements will include sufficient pavement width for one vehicle lane in each direction plus additional room for pedestrian traffic from the north line of the subject property to Kuebler Boulevard SE.

Prepared by: Laurel Christian, Development Services Planner II  
cc: File





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Christy Perry, Superintendent

July 20, 2022

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

RE: Land Use Activity Case No. UGA-PAR-SPR-ADJ-DR22-02, 4500 Block of 27<sup>th</sup> Av SE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

#### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Lee	Elementary	K thru 5
Judson	Middle	6 thru 8
South Salem	High	9 thru 12

Table 1

#### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Lee	Elementary	271	475	57%
Judson	Middle	860	1,059	81%
South Salem	High	2,258	2,248	100%

Table 2

### POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	150	MF	0.164	25
Middle			0.085	13
High			0.096	14

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Lee	Elem.	271	170	25	195	475	98%
Judson	Mid.	860	148	13	161	1,059	96%
South Salem	High	2,258	257	14	271	2,248	113%

Table 4

### ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the



path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Lee	Elementary	Eligible for School Transportation
Judson	Middle	Eligible for School Transportation
South Salem	High	Eligible for School Transportation

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	25	\$64,220	\$1,605,500
Middle	13	\$76,882	\$999,466
High	14	\$89,544	\$1,253,616
TOTAL			\$3,858,582

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2022 First Quarter.

School buses are not able to make the turn at Strong Rd SE and 27<sup>th</sup> Av SE in either direction due to the configuration and condition of the intersection.

Sincerely,



David Fridenmaker, Manager  
Planning and Property Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation