

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173.*

DECISION OF THE PLANNING COMMISSION

**CLASS 3 DESIGN REVIEW / CONDITIONAL USE / CLASS 3 SITE PLAN
REVIEW / CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO. DR-CU-SPR-
DAP16-01**

APPLICATION NOS.: 16-106827-DR, 16-106825-ZO & 16-106828-RP

NOTICE OF DECISION DATE: JUNE 22, 2016

SUMMARY: A request for a Design Review, Conditional Use Permit, Site Plan Review and Driveway Approach Permit to allow an 82-unit multi-family use on the subject property.

REQUEST: A proposed Class 3 Design Review, Conditional Use Permit, Class 3 Site Plan Review, and Class 2 Driveway Approach Permit to allow development of an 82-unit apartment complex, for proposed parcel size of approximately 4.83 acres, zoned IC (Industrial Commercial), and located in the 1500-1700 Block of Cordon Road SE - 97317 (Marion County Assessor's Map and Tax Lot number: 082W05 / 00100).

APPLICANT: HARRISON INDUSTRIES LLC (KEVIN HARRISON)

LOCATION: 1500 – 1700 BLOCK OF CORDON RD SE / 97317

CRITERIA: Salem Revised Code Chapters 225 (Design Review), 240 (Conditional Use Permits), 220 (Site Plan Review), and 804 (Driveway Approach Permit)

FINDINGS: The findings are in the attached staff report dated June 7, 2016.

DECISION: The Planning Commission GRANTED Class 3 Design Review / Conditional Use / Class 3 Site Plan Review / Class 2 Driveway Approach Permit Case No. DR-CU-SPR-DAP16-01 subject to the following amended conditions of approval:

Condition 1. ~~The children's play area shall be centrally located and relocated away from the public street.~~

The Children's play area, if provided, shall be located in a manner such that with the use of landscaping and fencing, direct access to the area from the public street is not allowed.

Condition 2: ~~Additional window areas shall be incorporated into the design for Building 1 and Building 7 so that windows are provided in all habitable space facing common open space and parking areas.~~

In keeping with the guidelines, each of the buildings shall have at least

one window in every habitable space that faces common open space and/or the parking areas.

Condition 3: The multi-family use shall contain no more than 82-dwelling units.

Condition 4: Construct a pedestrian pathway, meeting the requirements of the Public Works Director, along Macleay Road SE, linking the subject property to the existing sidewalk near the intersection of Periwinkle Drive SE.

Condition 5: A minimum 15-foot setback shall be required for buildings and vehicle use areas adjacent to the northwest boundary. Required landscaping shall meet the Type C standards set forth in SRC Chapter 807. ~~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 used.~~

Condition 6: A minimum 5 foot setback shall be required between a vehicle use area and the exterior wall of all proposed buildings.

Condition 7: At the time of building permit, provide a summary table indicating the total parking lot area, and the amount of interior parking lot landscaping provided.

Condition 8: ~~The off-street loading space shall be within 25 feet of the entry to the recreation building.~~

The off-street loading spaces shall be located on the site in keeping with the requirements of SRC 806.070.

Condition 9: The following conditions of approval from Preliminary Declaration for Urban Growth Area Development Permit (12-01) apply to the Site Plan Review:

- a. *Condition 1 – Traffic Impact Analysis.* As a condition of building permit issuance, contribute \$18,100 as a proportional share of traffic signal construction at the Gaffin/Cordon intersection. Temporary traffic control devices may be required as specified by the Public Works Director if the development is occupied prior to completion of the traffic signal.
- b. *Condition 2—Old Macleay Road SE.* Construct Old Macleay Road SE as a minimum 27-foot-wide three-quarter boundary street improvement from Macleay Road SE to Gaffin Road SE (Gaffin) as shown in the application materials. The portion of Old Macleay Road SE east of the new internal street shall be abandoned. The driveway access at the Gaffin/Whitaker intersection shall be restricted to emergency vehicles only as specified by the Public Works Director.
- c. *Condition 4—Cordon Road SE improvements.* Construct improvements at the Gaffin / Cordon Road SE (Cordon) intersection that provide a right-turn lane from southbound Cordon to westbound Gaffin, a left-turn lane from

westbound Gaffin to southbound Cordon, and additional left-turn storage from northbound Cordon to westbound Gaffin.

- d. *Condition 7—Water main.* Construct a 12-inch water main in Old Macleay Road SE from the new Gaffin intersection to Macleay Road.

Condition 10: Along the frontage of Macleay Road SE, the applicant shall construct a 23-foot-wide half-street improvement to minor arterial standards as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803.

VOTE:

Yes 6 No 2 (Levin, McKinley) Absent 1 (Guyer)

The rights granted by the attached decision must be exercised, or an extension granted, by the following dates or this approval shall be null and void:

Class 3 Design Review	<u>July 8, 2018</u>
Conditional Use	<u>July 8, 2018</u>
Class 3 Site Plan Review	<u>July 8, 2020</u>
Class 2 Driveway Approach Permit	<u>July 8, 2018</u>

Deemed Complete Date:	<u>May 13, 2016</u>
Public Hearing Date:	<u>June 7, 2016</u>
Notice Decision Mailing Date:	<u>June 22, 2016</u>
Decision Effective Date:	<u>July 8, 2016</u>
State Mandate Date:	<u>September 10, 2016</u>

Case Manager: Aaron Panko, APanko@cityofsalem.net *AP*

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., JULY 7, 2016**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 225 (Design Review), 240 (Conditional Use Permits), 220 (Site Plan Review), and 804 (Driveway Approach Permit). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely

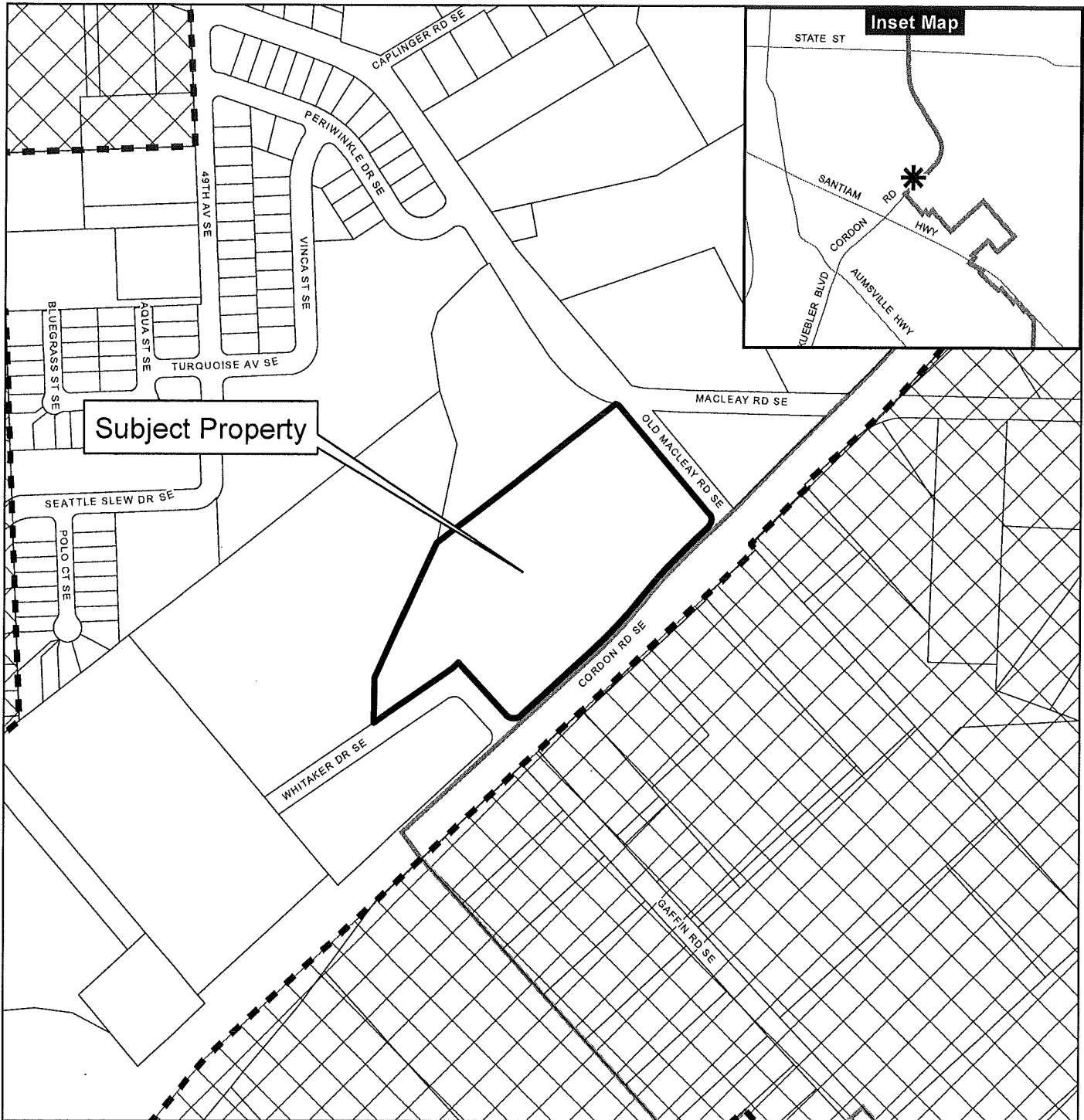
and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

Vicinity Map

1500-1700 Block of Cordon Road SE



Legend

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

- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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BEFORE THE PLANNING COMMISSION OF THE CITY OF SALEM

IN THE MATTER OF APPROVING) ORDER NO. DR-CU-SPR-DAP16-
THE APPLICATION FOR A DESIGN) 01
REVIEW, CONDITIONAL USE)
PERMIT, SITE PLAN REVIEW AND) DESIGN REVIEW, CONDITIONAL
DRIVEWAY APPROACH PERMIT) USE, SITE PLAN REVIEW, AND
FOR PROPERTY LOCATED AT THE) DRIVEWAY APPROACH PERMIT
1500-1700 BLOCK OF CORDON) CASE NO. 16-01
ROAD SE)

This matter having come regularly for hearing before the Planning Commission at its June 7, 2016 and June 21, 2016 meetings, and the Planning Commission, having received evidence and heard testimony, makes the following findings and adopts the following order approving the application for a Design Review, Conditional Use Permit, Site Plan Review and Driveway Approach Permit in Case No. DR-CU-SPR-DAP16-01.

(I) PROCEDURAL FINDINGS:

- (a) On April 1, 2016 the applicant filed a consolidated application, after receiving additional information, the applications were deemed complete on May 13, 2016.
- (b) A public hearing before the Planning Commission was held on June 7, 2016. A hearing was conducted, and testimony and evidence was received. The Planning Commission voted to approve the application, subject to modified conditions of approval.
- (c) The Facts and Findings attached hereto as "Exhibit 1," are incorporated herein by this reference.

(II) SUBSTANTIVE FINDINGS:

- (a) The applicable criteria for approval of a Class 3 Design Review are: SRC 225.005(e)(2). The applicable criteria for approval of a conditional use permit are: SRC 240.005(d). The applicable criteria for approval of a Class 3 Site Plan Review are: SRC 220.005(f)(3). The applicable criteria for approval of a Class 2 Driveway Approach Permit are: SRC 804.025(d).
- (c) Testimony and evidence was received by the Planning Commission on June 7, 2016. The Planning Commission finds that the consolidated application has addressed the applicable approval criteria for an affirmative decision. Complete findings are included in Exhibit 1.

The Planning Commission finds that the application, as conditioned, meets the applicable criteria for approval.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:


Section 1. The Salem Planning Commission approves Design Review, Conditional Use Permit, Site Plan Review and Driveway Approach Permit Case No. DR-CU-SPR-DAP16-01, subject to the following conditions of approval:

- Condition 1:** The children's play area shall be located in a manner such that with the use of landscaping and fencing, direct access to the area from the public street is not allowed.
- Condition 2:** In keeping with the guidelines, each of the buildings shall have at least one window in every habitable space that faces common open space and/or the parking areas.
- Condition 3:** The multi-family use shall contain no more than 82-dwelling units.
- Condition 4:** Construct a pedestrian pathway, meeting the requirements of the Public Works Director, along Macleay Road SE, linking the subject property to the existing sidewalk near the intersection of Periwinkle Drive SE.
- Condition 5:** A minimum 15-foot setback shall be required for buildings and vehicle use areas adjacent to the northwest boundary. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
- Condition 6:** A minimum 5 foot setback shall be required between a vehicle use area and the exterior wall of all proposed buildings.
- Condition 7:** At the time of building permit, provide a summary table indicating the total parking lot area, and the amount of interior parking lot landscaping provided.
- Condition 8:** The off-street loading spaces shall be located on the site in keeping with the requirements of SRC 806.070.
- Condition 9:** The following conditions of approval from Preliminary Declaration for Urban Growth Area Development Permit (12-01) apply to the Site Plan Review:
- a. Condition 1 – Traffic Impact Analysis. As a condition of building permit issuance, contribute \$18,100 as a proportional share of traffic signal construction at the Gaffin/Cordon intersection. Temporary traffic control devices may be required as specified by the Public Works Director if the development is occupied prior to completion of the traffic signal.
 - b. *Condition 2—Old Macleay Road SE.* Construct Old Macleay Road SE as a minimum 27-foot-wide three-quarter boundary street improvement from Macleay Road SE to Gaffin Road SE (Gaffin) as shown in the application materials. The portion of Old Macleay Road SE east of the new internal street shall be abandoned. The driveway access at the Gaffin/Whitaker intersection shall be restricted to emergency vehicles only as specified by the Public Works Director.

- c. *Condition 4—Cordon Road SE improvements.* Construct improvements at the Gaffin / Cordon Road SE (Cordon) intersection that provide a right-turn lane from southbound Cordon to westbound Gaffin, a left-turn lane from westbound Gaffin to southbound Cordon, and additional left-turn storage from northbound Cordon to westbound Gaffin.
- d. *Condition 7—Water main.* Construct a 12-inch water main in Old Macleay Road SE from the new Gaffin intersection to Macleay Road.

Condition 10: Along the frontage of Macleay Road SE, the applicant shall construct a 23-foot-wide half-street improvement to minor arterial standards as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803.

ADOPTED by the Salem Planning Commission this 21st day of June, 2016.



Rich Fry, President
Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, by the following dates or this approval shall be null and void:

Class 3 Design Review	<u>July 8, 2018</u>
Conditional Use Permit	<u>July 8, 2018</u>
Class 3 Site Plan Review	<u>July 8, 2020</u>
Class 2 Driveway Approach Permit	<u>July 8, 2018</u>

Deemed Complete:	<u>May 13, 2016</u>
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Notice Decision Mailing Date:	<u>June 22, 2016</u>
Decision Effective Date:	<u>July 8, 2016</u>
State Mandate Date:	<u>September 10, 2016</u>

Case Manager: Aaron Panko, APanko@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., July 7, 2016**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 225 (Design Review), 240 (Conditional Use Permits), 220 (Site Plan Review), and 804 (Driveway Approach Permit). The appeal must be filed in duplicate with the City of Salem Planning Division. 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

Checked by: A. Panko

DR-CU-SPR-DAP16-01 – Facts and Findings

APPLICATION: Design Review, Conditional Use Permit, Site Plan Review and Driveway Approach Permit Case No. 16-01

LOCATION: 1500-1700 Block of Cordon Road SE (Marion County Assessor's Map and Tax Lot number: 082W05 / 00100)

SIZE: 4.83 Acres

REQUEST: A proposed Class 3 Design Review, Conditional Use Permit, Class 3 Site Plan Review, and Class 2 Driveway Approach Permit to allow development of an 82-unit apartment complex, for a proposed parcel size of approximately 4.83 acres in size, zoned IC (Industrial Commercial)

APPLICANT: Kevin Harrison, Harrison Industries LLC

APPROVAL CRITERIA: Class 3 Design Review: Salem Revised Code, Chapter 225

Conditional Use Permit: Salem Revised Code, Chapter 240

Class 3 Site Plan Review: Salem Revised Code, Chapter 220

Driveway Approach Permit: Salem Revised Code, Chapter 804

ACTION: APPROVE, subject to the following conditions:

Condition 1: The children's play area shall be located in a manner such that with the use of landscaping and fencing, direct access to the area from the public street is not allowed.

Condition 2: In keeping with the guidelines, each of the buildings shall have at least one window in every habitable space that faces common open space and/or the parking areas.

Condition 3: The multi-family use shall contain no more than 82-dwelling units.

Condition 4: Construct a pedestrian pathway, meeting the requirements of the Public Works Director, along Macleay Road SE, linking the subject property to the existing sidewalk near the intersection of Periwinkle Drive SE.

Condition 5: A minimum 15-foot setback shall be required for buildings and vehicle use areas adjacent to the northwest boundary. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.

- Condition 6:** A minimum 5 foot setback shall be required between a vehicle use area and the exterior wall of all proposed buildings.
- Condition 7:** At the time of building permit, provide a summary table indicating the total parking lot area, and the amount of interior parking lot landscaping provided.
- Condition 8:** The off-street loading spaces shall be located on the site in keeping with the requirements of SRC 806.070.
- Condition 9:** The following conditions of approval from Preliminary Declaration for Urban Growth Area Development Permit (12-01) apply to the Site Plan Review:
- a. Condition 1 – Traffic Impact Analysis. As a condition of building permit issuance, contribute \$18,100 as a proportional share of traffic signal construction at the Gaffin/Cordon intersection. Temporary traffic control devices may be required as specified by the Public Works Director if the development is occupied prior to completion of the traffic signal.
 - b. *Condition 2—Old Macleay Road SE.* Construct Old Macleay Road SE as a minimum 27-foot-wide three-quarter boundary street improvement from Macleay Road SE to Gaffin Road SE (Gaffin) as shown in the application materials. The portion of Old Macleay Road SE east of the new internal street shall be abandoned. The driveway access at the Gaffin/Whitaker intersection shall be restricted to emergency vehicles only as specified by the Public Works Director.
 - c. *Condition 4—Cordon Road SE improvements.* Construct improvements at the Gaffin / Cordon Road SE (Cordon) intersection that provide a right-turn lane from southbound Cordon to westbound Gaffin, a left-turn lane from westbound Gaffin to southbound Cordon, and additional left-turn storage from northbound Cordon to westbound Gaffin.
 - d. *Condition 7—Water main.* Construct a 12-inch water main in Old Macleay Road SE from the new Gaffin intersection to Macleay Road.
- Condition 10:** Along the frontage of Macleay Road SE, the applicant shall construct a 23-foot-wide half-street improvement to minor arterial standards as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803.

120-DAY REQUIREMENT

The application was deemed complete for processing on May 13, 2016. The State Mandated 120-deadline to issue a final local decision for this consolidated application is September 10, 2016.

BACKGROUND

In 2012, an Urban Growth Area Preliminary Declaration (UGA12-01) was approved for the subject property to determine the public facilities required to develop the property.

In 2013, an application to change the Salem Area Comprehensive Plan designation and zoning designation from IBC (Industrial Business Campus) and IP (Industrial Park) to IC (Industrial Commercial) and RM-II (Multi-Family Residential).

Tentative approval was granted on September 28, 2015 to partition the property into two parcels (PAR15-12). The subject property is proposed parcel 1 of PAR15-12 and is approximately 4.83 acres in size.

On April 1, 2016, design review, conditional use permit, and site plan review applications were submitted to develop the subject property with an 82-unit multi-family residential use. An additional application for a driveway approach permit was received on May 13, 2016. The applications were deemed complete for processing on May 13, 2016.

The public hearing before the City of Salem Planning Commission is scheduled for June 7, 2016, at 5:30 p.m. in the Salem City Council Chambers, Civic Center Room 240, located at 555 Liberty Street SE. Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on May 18, 2016. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

PROPOSAL

The applicant has submitted Design Review, Conditional Use Permit, Site Plan Review, and Driveway Approach Permit applications for development of an 82-unit multi-family use for property located in the 1500-1700 Block of Cordon Road SE.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Industrial Commercial". The subject property is within the Urban Growth Boundary and is outside of the Urban Service Area.

2. Zoning and Surrounding Land Uses

The zoning and uses of surrounding properties includes:

Northwest: RM-II (Multi-Family Residential) – Apartment Complex
Northeast: RA (Residential Agriculture) – Single Family Dwelling
Southwest: Right-of-Way for Whitaker Drive SE
Southeast: Right-of-Way for Old Macleay Road SE

3. Site Analysis

The subject property is Parcel 1 of PAR15-12, which received tentative plan approval January 2016. The parcel size is approximately 4.83 acres. A final plat has not yet been recorded.

The subject property abuts Whitaker Drive SE to the east and Old Macleay Road SE and Macleay Road SE to the north. Macleay Road SE is designated as a minor arterial within the Salem TSP (Transportation System Plan); both Whitaker and Old Macleay Road are designated as local streets. Surrounding properties are zoned RA (Residential Agriculture), RM-II (Multiple Family Residential) and IC (Industrial Commercial).

The West Middle Fork Little Pudding River, a mapped waterway, runs along the southwest boundary of the subject property.

4. Neighborhood and Citizen Comments

The subject property is located within the Southeast Mill Creek Association (SEMCA). Notice was provided to SEMCA and surrounding property owners within 250 feet of the subject property. No comments were received from SEMCA or surrounding property owners during the public comment period.

During the June 7, 2016 Public Hearing, testimony was received from a representative of East Salem Suburban Neighborhood Association (ESSNA) and one nearby resident objecting to the development raising the following concerns with the development:

- a. Transportation concerns, and a request for a way to deter outside traffic from using the new street, and a request for speed bumps on the new street.
- b. Lack of pedestrian access to the subject property.
- c. Lack of street lights in the area.
- d. A concern about the traffic signal completion date at the intersection of Gaffin Road SE and Cordon Road SE, and a concern about the number of new trips on the new street.

5. City Department and Public Agency Comments

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

The Fire Department commented that the project shall be required to meet all applicable Fire Codes, i.e., turn radius, fire lanes and distance to fire hydrants. Gates to have opticom. Fire sprinkler, alarms and fire department lock boxes and aerial access. Requirements shall be addressed at time of building permits. Appears at least two buildings are outside of fire hydrant spacing.

The Public Works Department has reviewed the proposal and provided a memo included in the Staff Report.

Salem Keizer School District has reviewed the proposal and provided comments included in the Staff Report.

6. Analysis of Class 3 Design Review Criteria

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

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

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

Open Space Design Review Guidelines and Standards

702.015(b)(1) – Common Open Space

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

Finding: The proposed apartment complex includes a variety of open space areas available for residents including a children's play area, a sports area, recreation building and other open landscaped areas around the site.

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

Finding: Common open space areas are provided throughout the site.

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

Finding: A variety of common open space areas are provided which are outside of the perimeter setback areas. Approximately 58 percent (122,404 square feet) of the site is open space, with approximately 52 percent (63,862 square feet) of the open space area falling outside of the perimeter setback.

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

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

Finding: The proposed apartment complex includes a variety of open space areas available for residents including a children's play area, a sports area, recreation building and other open landscaped areas around the site.

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

Finding: The proposed children's play area is located between Building 1 and Building 2 near the southern end of the property. The location is not central within the development.

Condition 1: The children's play area shall be centrally located in a manner such that with the use of landscaping and fencing,

direct access to the area from the public street is not allowed.

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

Finding: As proposed and conditioned, it is the finding of the Planning Commission that the play area complies with this guideline.

702.015(d)(1) – Private Open Space.

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

Finding: Each of the proposed dwelling units is provided with a private open space area. Patios are provided for the ground floor units, and decks are provided for the second and third floor units.

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

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

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

Finding: Private open space areas are separated from common open space areas by a combination of landscaping and fencing.

Landscaping Design Review Guidelines and Standards

702.020(b)(1) – General Landscaping

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

Finding: The applicant's preliminary landscape plan indicates that a variety of tree types will be distributed throughout the development site.

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

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

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

Finding: The existing conditions plan indicates that there are three cottonwood trees located near the southern boundary of property. Each of the trees is designated for preservation.

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

Finding: The subject property is adjacent to a RA (Residential Agriculture) zone to the north. The IC zone requires a minimum 15 foot landscaped setback, including landscaping and the installation of a 6-foot tall sight obscuring fence adjacent to the RA zone. The setback and screening requirements of the underlying zone provide for a sufficient buffer between the proposed multi-family use and the RA zoned property.

702.020(c)(1) – Street Frontage

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

Finding: The preliminary landscaping plan shows street trees to be planted within the public right-of-way approximately every 40 feet.

702.020(d)(1) – Building Exteriors

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

Finding: Landscaping is provided at the common entry way for each of the proposed buildings.

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

Finding: The preliminary landscape plan indicates that trees and shrub beds will be provided around the exterior walls of the proposed buildings.

702.020(e)(1) – Privacy

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

Finding: A minimum 15 foot wide landscaped setback area and a 6-foot tall sight obscuring fence will be provided along the northern property boundary where abutting a residentially zoned property. Along the southwest boundary of the property is a wetland area and the West Middle Fork Little Pudding River riparian area. Vegetation in the riparian corridor and wetland area will not be disturbed and will provide a natural buffer between the proposed multi-family development and an existing multi-family development.

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

Finding: The preliminary landscape plan indicates that trees and shrub beds will be provided around the exterior walls of the proposed buildings and privacy fencing will be placed around ground floor private open space areas.

702.020(f)(1) – Parking Areas

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

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

Crime Prevention Through Environmental Design

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

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

Finding: The applicant indicates that all buildings have windows provided in habitable rooms and windows that face the parking lots and open space areas. In keeping with the design guidelines and promoting crime prevention and resident safety, the Planning Commission adopts the following condition.

Condition 2: In keeping with the guidelines, each of the buildings shall have at least one window in every habitable space that faces common open space and/or the parking areas.

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

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

Parking, Site Access, and Circulation

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

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

Finding: Landscape islands with canopy trees are provided at regular intervals around the proposed parking area to minimize the expanse of continuous parking.

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

Finding: The proposed site plan includes pedestrian pathways which connect

the parking areas, common open space areas and recreation building to the proposed multi-family dwelling units.

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

Finding: Parking areas, including covered parking spaces, are provided throughout the development site, in a convenient distance from the proposed multi-family dwelling units.

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

Finding: A proposed parking area is located adjacent to the RA zoned property to the north. The parking area will be setback approximately 15 feet from the property line. The topography of the property is relatively flat in this location.

702.030(c)(1) – Site Access

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

Finding: The development site is served by one driveway onto Whitaker Drive SE. A secondary vehicle driveway with a gate is provided for use by emergency vehicles only. Three pedestrian connections are proposed to the public sidewalk system.

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

Finding: Marked crosswalks will be provided along major pedestrian routes within the development where the route crosses over a vehicle use area.

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

Finding: The proposed driveway will access future right-of-way for Whitaker Street SE, which will be designated as a local street. No driveways will access an arterial street.

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

Finding: The West Middle Fork Pudding River flows across the southern boundary of the property making it impossible for a shared driveway connection with the neighboring property. The proposed site plan includes a vehicle use area near the RA zoned property which could be utilized in the future for shared access.

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

Finding: The proposed parking area setback does not comply with the minimum 20 foot setback that is required by the multi-family design standards. In two locations the parking area setback is approximately 15 feet from the property line adjacent to a street. The preliminary landscaping plan indicates that the parking areas will be screened from view by shrubs and trees; therefore, minimizing their visibility from the public right-of-way.

Building Mass & Façade Design

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

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

Finding: The development site is relatively flat and does not contain any areas of mapped landslide hazards. There is a riparian corridor and wetland area located on the southern boundary of the property. The proposed development avoids the riparian and wetland areas.

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

Finding: The proposed three story buildings comply with height and setback requirements of the underlying zone.

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

Finding: Building offsets are provided in the design for each building. No dimension exceeds more than 150 feet in length.

702.035(c)(1) – Compatibility

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

Finding: Horizontal and vertical building offsets are provided in the design for each building. No dimension exceeds more than 150 feet in length. The proposed building setbacks and building height comply with the standards and guidelines for multi-family development.

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

Finding: The proposed buildings comply with height and setback requirements of the IC zone. The building height and setbacks proposed provide a separation and transitional area between existing buildings on abutting sites.

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

Finding: Building offsets, varied roof elevations and contrasting facade materials are provided in the design for each building.

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

Finding: The proposed site plan shows 6 of the 7 apartment buildings will be placed at the setback line adjacent to a street.

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

Finding: Covered entry ways are provided in the design of the primary entrance for each of the buildings.

702.035(d)(1) – Building Articulation

- (A) The appearance of building bulk shall be minimized by:
(i) Establishing a building offset interval along building facades; and

Finding: Each of the proposed buildings includes a 4-foot building offset between every two dwelling units.

- (ii) Dispersing windows throughout building facades.

Finding: The design standards require windows to be provided in all habitable rooms, other than bathrooms, that face required setbacks, common open areas, and parking areas.

In keeping with the design guidelines, the Planning Commission adopts the following condition.

Condition 2: In keeping with the guidelines, each of the buildings shall have at least one window in every habitable space that faces common open space and/or the parking areas.

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

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

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

Finding: The design standards require that the horizontal length of roof shall not exceed 100 feet without providing a change of elevation of at least 4 feet. The proposed design does not include a horizontal roof length which exceeds 100 feet without an elevation change of at least 4 feet, in compliance with the corresponding design standard.

Recycling

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

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

Finding: The site plan includes two trash and recycling areas to serve residents. The proposed enclosures meet the solid waste service area requirements of SRC Chapter 800.055.

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

Finding: The proposed enclosures will be constructed of CMU block, and the doors and gate are proposed to be chain link with privacy slats. The roof framing will be similar to the other buildings.

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

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

7. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that:

No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

Criterion 1:

The proposed use is allowed as a conditional use in the zone.

Finding: SRC Chapter 551, Table 551-1 provides that multi-family uses are allowed in the IC (Industrial Commercial) zone with a conditional use permit. The Planning Commission finds that the proposal meets this criterion.

Criterion 2:

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Finding: The subject property is adjacent to a single family dwelling located in an RA (Residential Agriculture) zone to the northwest. There is an existing multi-family residential apartment complex to the south. Abutting property under common ownership is zoned IC (Industrial Commercial).

Design review is required for multi-family development within the City of Salem. The design review process encourages open spaces in multi-family developments, requires common and private open space for active and passive uses, ensures that accessible pathways are available to residents of the development and provides visual relief from structural bulk.

The multi-family design standards and the standards in the IC zone require that a site obscuring fence and landscape buffer separate the proposed multi-family use from the abutting RA (Residential Agriculture) zone to the northwest. A 15-foot landscape setback and installation of a 6 foot tall site obscuring fence is required. Required landscaping and fencing will provide a buffer and separation between the multi-family use and abutting uses.

If the property were zoned RM-II (Multiple Family Residential) the density would allow between 58-136 dwelling units based on the size of the parcel; the applicant is proposing up to 82 dwelling units on their tentative site plan. The design review standards, including setbacks, landscaping and open space, are intended to address the difference in compatibility that arises from increased residential density. The proposed development, limited to no more than 82 dwelling units, will have minimal impact on the immediate neighborhood. Therefore, the following condition of approval is proposed:

Condition 3: The multi-family use shall contain no more than 82-dwelling units.

Any future increase of the development beyond 82-dwelling units will require approval of a separate conditional use permit.

Criterion 3:

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Finding: To determine if the proposed multi-family use is reasonably compatible with the surrounding area, it is first appropriate to determine if the proposed multi-family use is consistent with the goals and policies of the Salem Area Comprehensive Plan for multi-family residential development and siting.

Residential Development (SACP IV Section E)

Establishing Residential Uses.

The location and density of residential uses shall be determined after considering the proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.

Multi-Family Housing.

Multiple family developments should be located in areas that provide walking, auto or transit connections to:

- 1) Employment Center
- 2) Shopping Areas

- 3) Transit Service
- 4) Parks
- 5) Public Buildings

Finding: Existing shopping areas and employment opportunities are primarily located to the west of the subject property along Rickey Street SE and Lancaster Drive SE. Houck Middle School, Miller Elementary School and Santana Park are also located nearby to the west of the property. The subject property is bordered by Cordon Road SE, Old Macleay Road SE and Macleay Road SE. There is no linking public sidewalk or pedestrian pathway to connect the proposed multi-family use to shopping areas, public schools and parks to the west of the subject property. The nearest transit service route is provided on Rickey Street SE to the west of the property.

The Planning Commission adopts a condition requiring construction of a linking pedestrian pathway along Macleay Road SE to connect the proposed multi-family use to the existing sidewalk near the intersection of Periwinkle Drive SE.

Condition 4: Construct a pedestrian pathway, meeting the requirements of the Public Works Director, along Macleay Road SE, linking the subject property to the existing sidewalk near the intersection of Periwinkle Drive SE.

As proposed and conditioned, the proposed multi-family use for the subject property is consistent with the goals and policies of the Salem Area Comprehensive Plan for multi-family residential development and siting.

Facilities and Services Location.

Residential uses and neighborhood facilities and services shall be located to accommodate pedestrian, bicycle and vehicle access.

Finding: As indicate above, there is currently no pedestrian access available to connect the subject property to surrounding shopping, public facilities and services. Construction of the pedestrian pathway, as provided in the condition of approval, satisfies this provision by providing pedestrian and bicycling opportunities to future residents.

8. Analysis of Class 3 Site Plan Review Approval Criteria

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

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The proposal includes a request to develop an 82-unit apartment complex in an IC zone on the subject property.

Development Standards – IC Zone:

SRC 551.005(a) - Uses:

Except as otherwise provided in Chapter 551, the permitted, special, conditional and prohibited uses in the IC zone are set forth in Table 551-1.

Finding: Multiple Family Uses are allowed in the IC zone, subject to Conditional Use Permit approval.

SRC 551.010(a) – Lot Standards:

There are no minimum lot area or dimensional requirements in the IC zone. The minimum street frontage requirement is 16 feet.

Finding: The subject property has frontage along three streets, Macleay Road, Old Macleay Road, and existing/proposed Whitaker Street SE. The existing/proposed street frontage exceeds the minimum frontage requirement.

SRC 551.010(b) – IC Zone Setbacks:

Northwest: Adjacent to the north is a RA (Residential Agriculture) zone. There is a minimum 15 foot setback for buildings and vehicle use areas adjacent to a residential zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

Finding: The proposed vehicle use area includes a maneuvering area which encroaches into the required setback, which does not comply with the minimum 15 foot setback requirement. The proposed site plan does not include a 6-foot tall site obscuring fence along the northwest boundary. Planning Commission adopts the following condition of approval:

Condition 5: A minimum 15-foot setback shall be required for buildings and vehicle use areas adjacent to the northwest boundary. Required landscaping shall meet the Type C standards set forth in SRC Chapter 807.

Southwest: Adjacent to the west is a RM-II (Multi-Family Residential) zone. There is a minimum 15 foot setback for buildings and vehicle use areas adjacent to a residential zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

Finding: The proposed buildings and vehicle use area are setback from this property line by approximately 80-90 feet.

Northeast: Adjacent to the east is the right-of-way for Old Macleay Road SE. For buildings and structures, the minimum setback is 5 feet. There is a minimum 6-10 foot vehicle use area setback adjacent to a street per SRC Chapter 806.

Finding: Proposed Building 6 is setback from Old Macleay Road by approximately 10 feet, there is no vehicle use area proposed adjacent to Old Macleay Road.

Southeast: Adjacent to the proposed southern boundary of the property is the future right-of-way for Whitaker Drive SE. For buildings and structures, the minimum setback is 5 feet. There is a minimum 6-10 foot vehicle use area setback adjacent to a street per SRC Chapter 806.

Finding: Proposed buildings 1-6 area located approximately 10 feet from Whitaker Drive. The vehicle use areas are setback approximately 15 feet, in compliance with the minimum standard.

SRC 551.010(c) - Lot Coverage, Height:

There is no maximum lot coverage standard in the IC zone. The maximum building height allowance for all uses in the IC zone is 70 feet.

Finding: The proposed development complies with the lot coverage and maximum height standards of the IC zone.

SRC 551.010(d) - Landscaping:

- (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) **Vehicle Use Areas.** A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count towards meeting this requirement.

Finding: The subject property is approximately 4.83 acres in size (210,411 square feet), requiring a minimum of 31,562 square feet of landscape area ($210,411 \times 0.15 = 31,561.65$). The site plan indicates that 107,365 square feet of landscape area will be provided, approximately 61,073 square feet outside of the wetland area.

A minimum of 1 plant unit per 20 square feet is required or 3,054 plant units ($61,073 / 20 = 3,053.7$). Of the plant units, a minimum of 40 percent shall be trees or 1,222 ($3,054 \times 0.4 = 1,221.6$). Landscape and irrigation plans will be reviewed for conformance with the requirements of the zoning code at the time of building permit application review.

Solid Waste Service Area 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.

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.

Finding: A concrete slab is proposed, meeting the requirements of this section.

- 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.

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

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

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

Finding: The width of the proposed front opening is 16 feet, exceeding the minimum standard.

- 2) Measures to Prevent Damage to Enclosure. Enclosures constructed of wood or chain link fencing material shall contain a minimum 4-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacles impacts.

Finding: The proposed enclosure is CMU block, therefore this is not applicable.

- 3) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening that is 15 feet or greater in width, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

Finding: The proposed gates can swing 90 degrees.

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

- 1) Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

Finding: The proposed vehicle operation area meets the minimum dimensional

requirements for service vehicle access.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

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

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

Required off-street parking shall be located on the same development site as the use or activity it serves; or, within the IC (Industrial Commercial) zone, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves.

SRC 806.015 - Amount of Off-Street Parking.

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

Finding: The proposed 82-unit apartment complex requires a minimum of 123 off-street parking spaces ($82 \times 1.5 = 123$). The maximum off-street parking allowance for the use is 215 spaces ($123 \times 1.75 = 215.3$). There are 164 proposed off-street parking spaces provided for the proposed use, consistent with the minimum and maximum off-street parking requirements.

31 of the proposed parking spaces are designated as compact spaces (19 percent). Carpool/vanpool spaces are not required for a multi-family residential use.

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

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

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

2. The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added.
3. The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
4. The paving of an un-paved area.

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

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

Finding: Off-street parking spaces are not 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.

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

Finding: The vehicle use area on the east side of proposed Building 1 does not appear to comply with the minimum 5 foot vehicle use area setback adjacent to a building.

Condition 6: A minimum 5 foot setback shall be required between a vehicle use area and the exterior wall of all proposed buildings.

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

Finding: The proposed site plan indicates that the parking and driveway area is 14,477 square feet in size. A minimum of 724 square feet of interior parking lot landscaping is required ($14,477 \times 0.15 = 723.9$). Although the site plan does not indicate the amount of interior parking lot landscaping provided, it appears to exceed the minimum standard.

Condition 7: At the time of building permit, provide a summary table indicating the total parking lot area, and the amount of interior parking lot landscaping provided.

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

Finding: The proposed off-street parking spaces are sufficient to meet the minimum dimensions for standard and compact sized parking spaces.

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

Finding: The proposed off-street parking area is developed consistent with the additional standards for grade, surfacing, and drainage. Bumper guards, wheel barriers, striping, marking and signage and lighting will meet the standards of SRC 806. Lighting shall be consistent with SRC Chapter 806.

Bicycle Parking

SRC 806.045 - General Applicability.

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

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

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

SRC 806.055 - Amount of Bicycle Parking.

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

Finding: The proposed development is for an 82-unit apartment complex, which requires a minimum of 8 bicycle parking spaces ($82 \times 0.1 = 8.2$). The proposed site plan indicates 9 bicycle parking spaces will be provided, dispersed throughout the development site.

SRC 806.060 – Bicycle Parking Development Standards

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

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

Finding: The proposed bicycle parking spaces are within 15-20 feet of the main entry for the buildings. Dimensions and design of the bicycle parking spaces will be reviewed at the time of Building Permit.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

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

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

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

SRC 806.075 - Amount of Off-Street Loading.

Multiple family uses with 50-99 units, a minimum of one off-street loading space is required. The space shall be 12 feet in width, 19 feet in length, and 12 feet of vertical clearance.

If a recreational or service building is provided, at least one of the required loading spaces shall be located in conjunction with the recreational or service building.

Finding: There is one off-street loading space proposed to serve the proposed apartment complex. Planning Commission adopts the following condition of approval.

Condition 8: The off-street loading spaces shall be located on the site in keeping with the requirements of SRC 806.070.

Landscaping

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

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

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

Natural Resources

SRC 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.

The West Middle Fork of the Little Pudding River flows along the southwest boundary of the subject property. Trees and native vegetation within the riparian corridor shall be protected. No protected trees have been identified on the site plan 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.

According to the Salem-Keizer Local Wetland Inventory (LWI) there are wetlands and/or hydric soil areas mapped on the subject property. The applicant should contact the Department of State Lands to verify if permits are required for the proposed scope of work.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The subject property does not contain any mapped landslide hazard areas; two activity points are assigned to the proposed multifamily development. A total of two points indicates a low landslide hazard risk; a geological assessment is not required.

Criterion 2:

The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: The Partition Decision 15-12 conditions that the street extension of Gaffin Road is constructed through the subject property to local street standards. The proposed development will take direct access from the newly constructed local street.

The Urban Growth Area Development Permit (UGA 12-01) decision allows for the following conditions to be specified at the time of the Site Plan Review of the subject property.

Condition 9: The following conditions of approval from Preliminary Declaration for Urban Growth Area Development Permit (12-01) apply to the Site Plan Review:

- a. Condition 1 – Traffic Impact Analysis. As a condition of building permit issuance, contribute \$18,100 as a proportional share of traffic signal construction at the Gaffin/Cordon intersection. Temporary traffic control devices may be required as specified by the Public Works Director if the development is occupied prior to completion of the traffic signal.
- b. *Condition 2—Old Macleay Road SE.* Construct Old Macleay Road SE as a minimum 27-foot-wide three-quarter boundary street improvement from Macleay Road SE to Gaffin Road SE (Gaffin) as shown in the application materials. The portion of Old Macleay Road SE east of the new internal street shall be abandoned. The driveway access at the Gaffin/Whitaker intersection shall be restricted to emergency vehicles only as specified by the Public Works Director.
- c. *Condition 4—Cordon Road SE improvements.* Construct improvements at the Gaffin / Cordon Road SE (Cordon) intersection that provide a right-turn lane from southbound

Cordon to westbound Gaffin, a left-turn lane from westbound Gaffin to southbound Cordon, and additional left-turn storage from northbound Cordon to westbound Gaffin.

- d. *Condition 7—Water main.* Construct a 12-inch water main in Old Macleay Road SE from the new Gaffin intersection to Macleay Road.

Condition 10: Along the frontage of Macleay Road SE, the applicant shall construct a 23-foot-wide half-street improvement to minor arterial standards as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803.

Criterion 3:

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

Finding: The driveway access onto the proposed Gaffin Road (AKA Whitaker Drive) provides for safe turning movements into and out of the property.

Criterion 4:

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

Finding: The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

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

9. Analysis of Class 2 Driveway Approval Permit Criteria

SRC 804.025(d) states that a Class 2 Driveway Approach Permit shall be granted if:

Criterion 1:

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

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

Criterion 2:

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

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

Criterion 3:

The number of driveway approaches onto an arterial are minimized.

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

Criterion 4:

The proposed driveway approach, where possible:

- a) Is shared with an adjacent property; or
- b) Takes access from the lowest classification of street abutting the property.

Finding: The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

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

Criterion 6:

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

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

Criterion 7:

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

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

Criterion 8:

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

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

Criterion 9:

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

Finding: The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets.

Conclusion: Based on the findings and conditions of approval contained above, the Applicant has satisfactorily addressed the applicable criteria for granting approval of a Design Review, Conditional Use Permit, Site Plan Review and Driveway Approach Permit the Planning Commission has voted to approve the consolidated application to allow development of a 82-unit multi-family apartment complex for property approximately 4.83 acres in size and zoned IC (Industrial Commercial).