

# NOTICE OF DECISION

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



*Si necesita ayuda para comprender esta información, por favor llame  
503-588-6173.*

## DECISION OF THE PLANNING COMMISSION

**COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE / URBAN  
GROWTH PRELIMINARY DECLARATION / PLANNED UNIT DEVELOPMENT-  
SUBDIVISION / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH  
PERMIT CASE NO. CPC-ZC-UGA-PUD-SUB-ADJ-DAP16-04**

**APPLICATION NOS.: 16-101556-ZO, 16-101557-ZO, 16-106882-LD, 16-101559-  
LD, 16-101558-LD & 16-109556-ZO**

**NOTICE OF DECISION DATE:** June 22, 2016

**APPLICATION SUMMARY:** A consolidated application to change the comprehensive plan designation and zoning of property located at 5721 and 5771 Liberty Road S to allow development of a 45-unit planned unit development (PUD)/subdivision consisting of 22 duplexes, a convenience service area with manager's apartment unit, and common open space.

**REQUEST:** A consolidated application for a proposed 45-unit planned unit development (PUD)/subdivision consisting of 22 duplexes, a convenience service area with manager's apartment unit, and common open space. The application includes the following:

- 1) A Minor Comprehensive Plan Map Amendment to change the comprehensive plan map designation of the subject property from "Developing Residential" to "Multiple Family Residential";
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from RA (Residential Agriculture) to RM-I (Multiple Family Residential);
- 3) An Urban Growth Preliminary Declaration to determine the public facilities required to serve the subject property;
- 4) A 23-lot Planned Unit Development (PUD)/Subdivision accommodating 22 duplexes, a convenience service area with manager's apartment unit, and common open space;
- 5) A Class 2 Adjustment to:
  - a) Reduce the minimum setback adjacent Davis Road S for the proposed duplex on Lot 4 from 20 feet, as required under SRC 210.045(b), Table 210-3, to 18 feet;
  - b) Reduce the minimum landscaped area around the perimeter of the proposed convenience service area from 20 feet, as required under SRC 210.065(f)(1), to less than 20 feet in certain locations; and
  - c) Reduce the minimum setback adjacent to the proposed internal street for the proposed garage of the duplex on Lot 11 from 12 feet, as required under SRC 210.045(b), Table 210-3, to 8 feet; and
- 6) A Class 2 Driveway Approach Permit.

The subject property is approximately 4.6 acres in size, zoned RA (Residential Agriculture), and located 5721 and 5771 Liberty Road S (Marion County Assessor's Map and Tax Lot Numbers: 083W16CD00100 and 200).

**APPLICANT:** SCOTT MARTIN CONSTRUCTION LLC

**LOCATION:** 5721 LIBERTY RD S

**CRITERIA:** Salem Revised Code (SRC) 64.025(e)(2) for Comprehensive Plan Map Amendment  
SRC 265.005(e) for Zone Change  
SRC 200.025(d) and (e) for Urban Growth Area Preliminary Declaration  
SRC 210.025(d) for Planned Unit Development  
SRC 250.005(d)(2) for Class 2 Adjustment  
SRC 804.025(d) for Class 2 Driveway Approach Permit

**FINDINGS:** The Planning Commission hereby adopts as its findings of fact on this matter dated June 21, 2016, herewith attached and by this reference incorporated herein.

**ORDER:** Based upon the foregoing findings and conclusions, it is hereby ordered:

- A. The Minor Comprehensive Plan Map Amendment to change the comprehensive plan map designation of the subject property from "Developing Residential" to "Multiple Family Residential" is **APPROVED**.
- B. The Quasi-Judicial Zone Change to change the zoning of the subject property from RA (Residential Agriculture) to RM-I (Multiple Family Residential) is **APPROVED**, subject to the following condition:

**Condition 1:** The total number of average daily vehicle trips generated from the subject property shall not exceed 362.

- C. The Urban Growth Preliminary Declaration for the proposed development is **APPROVED**, subject to the following conditions:

**Condition 1:** Prior to final PUD plan/plat approval, construct a minimum 23-foot-wide half-street improvement along the frontage of Liberty Road S to Minor Arterial standards.

**Condition 2:** Prior to final PUD plan/plat approval, convey land for dedication of right-of-way along the frontage of Liberty Road S to equal 48-feet from the centerline.

**Condition 3:** Prior to final PUD plan/plat approval, construct a minimum 5-foot-wide sidewalk improvement along the entire frontage of Davis Road.

**Condition 4:** As a condition of linking to the S-3 water system, either:

- a. Construct the S-3 Skyline 2 Reservoir; or
- b. Pursuant to SRC 200.080(a), connect to the existing S-3 water system as a temporary facility through completion of a temporary facilities access agreement at the time of development, specifying payment of a temporary access fee of \$2,000 per lot to be collected at the time of building permit issuance.

- D. The Planned Unit Development-Subdivision Tentative Plan to establish a 45-unit PUD-subdivision of 23 lots accommodating 22 duplexes, a convenience service area with manager's apartment unit, and common open space is APPROVED, subject to the following conditions:

**Condition 1:** Prior to final PUD plan/plat approval, the applicant shall submit a Home Owners Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open spaces, common facilities, and community areas. The articles of the Home Owners Association shall conform to the provisions of SRC 210.055(b).

**Condition 2:** Prior to final PUD plan/plat approval, construct public water and sewer systems to serve each lot.

**Condition 3:** Prior to final PUD plan/plat approval, design green stormwater infrastructure to the maximum extent feasible as specified in PWDS Appendix 4E to serve the internal street system and to accommodate future impervious surface on all proposed lots. Construct stormwater facilities that are proposed in the public right-of-way and in public storm easements.

**Condition 4:** Prior to commencement of combustible construction, fire hydrants shall be installed within 600 feet of all residential structures and 400 feet of all commercial structures.

**Condition 5:** Prior to final PUD plan/plat approval, construct the internal streets as shown on the applicant's proposed site plan with the following minimum requirements in conformance with the Public Works Design Standards:

- a. 10-foot-wide vehicular travel lanes in each direction with a local street structural section;
- b. 5-foot-wide pedestrian walkways;
- c. Street lights, trees, signs, and other appurtenances.

**Condition 6:** Prior to final PUD plan/plat approval, "No Parking Fire Lane Signs," as specified in Section D103.6 of the Oregon Fire Code, shall be posted on both sides of the proposed 20-foot-wide internal private drive.

**Condition 7:** Prior to final PUD plan/plat approval at the time of final acceptance of public infrastructure construction, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

- E. The Class 2 Adjustment to reduce the minimum setback adjacent Davis Road S for the proposed duplex on Lot 4 from 20 feet, as required under SRC 210.045(b), Table 210-3, to 18 feet; reduce the minimum landscaped area around the perimeter of the proposed convenience service area from 20 feet, as required under SRC 210.065(f)(1), to less than 20 feet in certain locations; and reduce the

minimum setback adjacent to the proposed internal street for the proposed garage of the duplex on Lot 11 from 12 feet, as required under SRC 210.045(b), Table 210-3, to 8 feet is **APPROVED**.

F. The Class 2 Driveway Approach Permit is **APPROVED**.

**VOTE:**

**Yes 8 No 0 Absent 1 (Fox)**

  
Rich Fry, President  
Planning Commission

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

Urban Growth Area Preliminary Declaration	<u>Remains valid as long as the Planned Unit Development/Subdivision remains valid.</u>
Planned Unit Development/Subdivision	<u>July 8, 2018</u>
Adjustment	<u>July 8, 2018</u>
Driveway Approach Permit	<u>July 8, 2018</u>

Application Deemed Complete:	<u>May 23, 2016</u>
Public Hearing Date:	<u>June 21, 2016</u>
Notice of Decision Mailing Date:	<u>June 22, 2016</u>
Decision Effective Date:	<u>July 8, 2016</u>
State Mandate Date:	<u>September 20, 2016</u>

Case Manager: Bryce Bishop, [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net) B.B.

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 64, 265, 200, 210, 250 and 804. 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.

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CPC-ZC Comp Plan Change-Zone Change\2016\1 - Case Processing Documents\CPC-ZC-UGA-PUD-SUB-ADJ-DAP16-04 - 5721 & 5771 Liberty Rd S (Bryce)\16-04 Notice of Decision.doc

TO: Planning Commission

FROM: *for* Lisa Anderson-Ogilvie, Planning Administrator *Be*

STAFF: Bryce Bishop, Planner II

HEARING DATE: June 21, 2016

APPLICATION Consolidated Comprehensive Plan Map Amendment, Zone Change, Urban Growth Preliminary Declaration, Planned Unit Development/Subdivision, Class 2 Adjustment, and Class 2 Driveway Approach Permit

CASE NUMBER CPC-ZC-UGA-PUD-SUB-ADJ-DAP16-04

LOCATION: 5721 and 5771 Liberty Road S

SIZE: Approximately 4.6 acres – Attachment A

REQUEST: A consolidated application for a proposed 45-unit planned unit development (PUD)/subdivision consisting of 22 duplexes, a convenience service area with manager's apartment unit, and common open space. The application includes the following:

- 1) A Minor Comprehensive Plan Map Amendment to change the comprehensive plan map designation of the subject property from "Developing Residential" to "Multiple Family Residential";
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from RA (Residential Agriculture) to RM-I (Multiple Family Residential);
- 3) An Urban Growth Preliminary Declaration to determine the public facilities required to serve the subject property;
- 4) A 23-lot Planned Unit Development (PUD)/Subdivision accommodating 22 duplexes, a convenience service area with manager's apartment unit, and common open space;
- 5) A Class 2 Adjustment to:
  - a) Reduce the minimum setback adjacent Davis Road S for the proposed duplex on Lot 4 from 20 feet, as required under SRC 210.045(b), Table 210-3, to 18 feet;
  - b) Reduce the minimum landscaped area around the perimeter of the proposed convenience service area from 20 feet, as required under SRC 210.065(f)(1), to less than 20 feet in certain locations; and
  - c) Reduce the minimum setback adjacent to the proposed internal street for the proposed garage of the duplex on Lot 11 from 12 feet, as required under SRC 210.045(b), Table 210-3, to 8 feet; and
- 6) A Class 2 Driveway Approach Permit.

The subject property is approximately 4.6 acres in size, zoned RA (Residential Agriculture), and located 5721 and 5771 Liberty Road S (Marion County Assessor Map and Tax Lot Numbers:

**083W16CD00100 and 200).**

**APPLICANT:** Scott Martin Construction LLC

**OWNER:** Scott Martin

**APPROVAL CRITERIA:**

- Comprehensive Plan Map Amendment: SRC 64.025(e)(2)
- Zone Change: SRC 265.005(e)
- Urban Growth Preliminary Declaration: SRC 200.025(d) & (e)
- Planned Unit Development-Subdivision: SRC 210.025(d)
- Class 2 Adjustment: SRC 250.005(d)(2)
- Class 2 Driveway Approach Permit: SRC 804.025(d)

**RECOMMENDATION:** APPROVE Comprehensive Plan Amendment, Zone Change, Urban Growth Preliminary Declaration, Planned Unit Development-Subdivision, Class 2 Adjustment, and Class 2 Driveway Approach Permit Case No. 16-04 subject to the following conditions:

#### **ZONE CHANGE**

**Condition 1:** The total number of average daily vehicle trips generated from the subject property shall not exceed 362

#### **URBAN GROWTH PRELIMINARY DECLARATION**

**Condition 1:** Prior to final PUD plan/plat approval, construct a minimum 23-foot-wide half-street improvement along the frontage of Liberty Road S to Minor Arterial standards.

**Condition 2:** Prior to final PUD plan/plat approval, convey land for dedication of right-of-way along the frontage of Liberty Road S to equal 48-feet from the centerline.

**Condition 3:** Prior to final PUD plan/plat approval, construct a minimum 5-foot-wide sidewalk improvement along the entire frontage of Davis Road.

**Condition 4:** As a condition of linking to the S-3 water system, either:

- a. Construct the S-3 Skyline 2 Reservoir; or
- b. Pursuant to SRC 200.080(a), connect to the existing S-3 water system as a temporary facility through completion of a temporary facilities access agreement at the time of development, specifying payment of a temporary access fee of \$2,000 per lot to be collected at the time of building permit issuance.

#### **PLANNED UNIT DEVELOPMENT-SUBDIVISION**

**Condition 1:** Prior to final PUD plan/plat approval, the applicant shall submit a Home Owners Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open

spaces, common facilities, and community areas. The articles of the Home Owners Association shall conform to the provisions of SRC 210.055(b).

**Condition 2:** Prior to final PUD plan/plat approval, construct public water and sewer systems to serve each lot.

**Condition 3:** Prior to final PUD plan/plat approval, design green stormwater infrastructure to the maximum extent feasible as specified in PWDS Appendix 4E to serve the internal street system and to accommodate future impervious surface on all proposed lots. Construct stormwater facilities that are proposed in the public right-of-way and in public storm easements.

**Condition 4:** Prior to commencement of combustible construction, fire hydrants shall be installed within 600 feet of all residential structures and 400 feet of all commercial structures.

**Condition 5:** Prior to final PUD plan/plat approval, construct the internal streets as shown on the applicant's proposed site plan with the following minimum requirements in conformance with the Public Works Design Standards:

- a. 10-foot-wide vehicular travel lanes in each direction with a local street structural section;
- b. 5-foot-wide pedestrian walkways;
- c. Street lights, trees, signs, and other appurtenances.

**Condition 6:** Prior to final PUD plan/plat approval, "No Parking Fire Lane Signs," as specified in Section D103.6 of the Oregon Fire Code, shall be posted on both sides of the proposed 20-foot-wide internal private drive.

**Condition 7:** Prior to final PUD plan/plat approval at the time of final acceptance of public infrastructure construction, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

### PROCEDURAL FINDINGS

On January 7, 2016, an application for a Minor Comprehensive Plan Map Amendment, Zone Change, and Planned Unit Development-Subdivision was submitted by the applicant and property owner, Scott Martin, in order to allow for the development of a proposed 45-unit planned unit development on property located at 5721 and 5771 Liberty Road S.

Subsequent to the initial filing, the applicant submitted additional applications for an Urban Growth Preliminary Declaration and a Class 2 Adjustment.

Because multiple land use applications are required in connection with the proposed development, the applicant, pursuant to SRC 300.120(c), chose to consolidate the applications and process them together as one. When multiple applications are consolidated, the review process for the application shall follow the highest numbered procedure type required for any of the land use applications, and the Review Authority for the application shall be the highest applicable Review Authority under the highest numbered procedure type for any of the land use applications.

Based upon these requirements, the proposed consolidated application is required to be

processed as a Type III procedure and reviewed by the Planning Commission.

After additional requested information was provided by the applicant, the application was deemed complete for processing on May 23, 2016.

Notice to surrounding property owners was mailed pursuant to SRC requirements on June 1, 2016. Notice was also posted on the subject property by the applicant pursuant to SRC requirements on June 11, 2016.

The public hearing on the proposed Minor Comprehensive Plan Amendment, Zone Change, Urban Growth Preliminary Declaration, Planned Unit Development-Subdivision, Class 2 Adjustment, and Class 2 Driveway Approach Permit application is scheduled for June 21, 2016. The state-mandated 120-day local decision deadline for the application is September 20, 2016.

### **BACKGROUND/PROPOSAL**

The property subject to the proposed development is approximately 4.6 acres in size and consists of two separate lots located at 5721 and 5771 Liberty Road S (**Attachment A**).

The applicant proposes to develop the subject property as a 45-unit planned unit development-subdivision of 23 lots ranging in size from approximately 4,475 to 9,419 square feet. The development will consist of 22 duplexes, each on a separate platted lot; a convenience service area, with manager's apartment unit, located within the center of the proposed development; and common open space distributed throughout the site to preserve existing trees and serve as a passive recreational amenity (**Attachment B**).

Each proposed dwelling units within the development will have two parking spaces, including one space located within a single car garage and a second tandem space located within the driveway leading to the garage. Parking for the convenience service, manager's unit, and guests is provided in the form of five surface parking areas generally located around the convenience service area, and to the east of Lot 23, off the proposed private drive.

The subject is located at the corner of Liberty Road S and Davis Road S. Liberty Road is designated as a major arterial street under the City's Transportation System Plan (TSP) and Davis Road is designated as a collector street. There is also a local street, Mariel Place S, which extends to the western boundary of the subject property near its southwestern corner.

Vehicular access within the proposed development is primarily proposed to be provided by a 20-foot-wide private drive that makes a loop within the development. The development also proposes the extension of Mariel Place through the site to the southern boundary of the property in order to provide required street connectivity to accommodate future development of the abutting property to the south. The proposed private drive within the development includes a driveway approach onto Liberty Road S on the east side of the property and two driveway approaches onto the proposed extension of Mariel Place at the southwestern corner of the subject property.

Pedestrian access within the development is proposed to be provided by sidewalks on both sides of the extension of Mariel Place, as well as sidewalks on one side of the proposed internal private drive that provide north-south and east-west pedestrian connectivity through the development from the public sidewalks on Mariel Place to Liberty Road.

In order to accomplish the proposed development, the following land use approvals are required:

- 1) A Minor Comprehensive Plan Map Amendment to change the comprehensive plan map designation of the subject property from "Developing Residential" to "Multiple Family Residential";
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from RA (Residential Agriculture) to RM-I (Multiple Family Residential);
- 3) An Urban Growth Preliminary Declaration to determine the public facilities required to serve the subject property;
- 4) A 23-lot Planned Unit Development (PUD)/Subdivision accommodating 22 duplexes, a convenience service area with manager's apartment unit, and common open space;
- 5) A Class 2 Adjustment to:
  - a) Reduce the minimum setback adjacent Davis Road S for the proposed duplex on Lot 4 from 20 feet, as required under SRC 210.045(b), Table 210-3, to 18 feet;
  - b) Reduce the minimum landscaped area around the perimeter of the proposed convenience service area from 20 feet, as required under SRC 210.065(f)(1), to less than 20 feet in certain locations; and
  - c) Reduce the minimum setback adjacent to the proposed internal street for the proposed garage of the duplex on Lot 11 from 12 feet, as required under SRC 210.045(b), Table 210-3, to 8 feet; and
- 6) A Class 2 Driveway Approach Permit.

## **SUBSTANTIVE FINDINGS**

### **1. Salem Area Comprehensive Plan (SACP)**

Comprehensive Plan Map: The Salem Area Comprehensive Plan Map currently designates the subject property as "Developing Residential" (**Attachment C**). The Comprehensive Plan Map designation of surrounding properties includes:

North: Across Davis Road S, "Developing Residential"  
South: "Developing Residential"  
East: Across Liberty Road S, "Developing Residential"  
West: "Multiple Family Residential"

Relationship to Urban Service Area: The subject property lies outside the City's Urban Service Area. The Urban Service Area is that territory within the City where all required public facilities (streets, water, sewer, stormwater, and parks) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration. Because the subject property is located outside the Urban Service Area, an Urban Growth Preliminary Declaration is required for the proposed development to identify those public facilities that are required to serve the property. The applicant filed the required Urban Growth Preliminary Declaration application in conjunction with the proposed development. Findings evaluating the Urban Growth Preliminary Declaration and identifying the public facilities required to serve the proposed development are included under Section 11 of this report.

## 2. Zoning

The subject property is currently zoned RA (Residential Agriculture) (**Attachment D**). Zoning of surrounding properties includes:

North: Across Davis Road S, RA (Residential Agriculture)  
South: RA (Residential Agriculture)  
East: Across Liberty Road S, RA (Residential Agriculture)  
West: RM-II (Multiple Family Residential)

## 3. Natural Features

**Trees:** The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (*including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater*), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

There are trees present on the subject property, including significant Oregon White Oaks. As required under SRC 808.035, a tree conservation plan was submitted by the applicant, Case No. TCP16-02. The tree conservation plan identifies a total of 94 trees on the property with a diameter-at-breast height (dbh) of 10 inches or greater. Of the total 94 trees, 21 are significant Oregon White Oaks.

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 25 percent of the remaining trees on the property. If less than 25 percent of the existing trees on the property are proposed for preservation, the applicant must show that only those trees reasonably necessary to accommodate the development are designated for removal. If significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

There are no heritage trees or riparian corridor trees and native vegetation on the property; as previously indicated there are 21 significant trees on the property. The applicant's proposed tree conservation identifies 55 trees (58.5%) for preservation and 39 trees (41.5%) for removal. Of the 21 significant trees present on the property, the tree conservation plan identifies 11 significant trees (52.4%) for preservation and 10 (47.6%) for removal.

**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 wetlands 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.

The City's wetlands ordinance, SRC Chapter 809, requires notice to DSL for applications for development or land use in areas designated as wetlands on the official wetlands map. The

Salem-Keizer Local Wetland Inventory (LWI) does not currently identify any wetlands or waterways as being present on the subject property; however, the geologic assessment provided by the applicant in conjunction with the proposed development indicates the presence springs to the south of the site that drain through the subject property.

Pursuant to the requirements of SRC Chapter 809, notice of the proposed development was provided to the Oregon Department of State Lands (DSL). Comments received from DSL (**Attachment E**) indicate that the property may contain jurisdictional wetlands and/or waters and that a wetland delineation is recommended prior to development. The DSL further explains that a state permit is required for 50 cubic yards or more of removal and/or fill within wetlands, below ordinary high water of streams, and within other waters of the state.

Compliance with the requirements of DSL must be coordinated between the applicant and DSL staff.

**Landslide Susceptibility:** The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 2 landslide hazard susceptibility points. There are 3 activity points associated with planned unit developments and subdivisions. The cumulative total of 5 points indicates a moderate landslide hazard susceptibility risk; pursuant to SRC Chapter 810, a geologic assessment is therefore required in conjunction with the proposed development of the subject property.

A geologic assessment has been submitted by the applicant in conformance with the requirements of SRC Chapter 810.

#### **4. Neighborhood Association Comments**

The subject property is located within the Sunnyslope Neighborhood Association. As of the date of completing this staff report, no comments have been received from the neighborhood association regarding the proposal.

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

Notice of the proposal was mailed to property owners within 250 feet of the subject property on June 1, 2016. As of the date of completing this staff report, no comments from abutting property owners have been received regarding the proposal.

#### **6. City Department Comments**

- A. The Salem Fire Department reviewed the proposal and indicated they have no objections to the proposed development but do have requirements for the provision of fire hydrants, fire lanes, and the prohibition of parking on the proposed 20-foot wide internal private drive.
- B. The Public Works Department reviewed the proposal and provided comments regarding street and City utility improvements required to serve the development and recommended conditions of approval to ensure conformance with the applicable requirements of the Salem Revised Code. Comments from the Public Works Department are included as **Attachment F**.



## **7. Public Agency and Public & Private Service Provider Comments**

Notice of the proposal was provided to public agencies and to public & private service providers.

The Salem-Keizer School District reviewed the proposal and provided comments that are included as **Attachment G**. In summary, the School District indicates the subject property is served by Liberty Elementary School, Crossler Middle School, and Sprague High School. Future students residing at the location of the proposed development will be eligible for school transportation services to the elementary school and high school, and will be within the walk zone of the middle school assuming sidewalks are constructed along the street frontages of the subject property.

The School District explains that enrollment at Liberty Elementary School is estimated to be at 77 percent of capacity when the estimated cumulative impacts of 2015-2016 land use actions are considered. Enrollment at Crossler Middle School is estimated to be at 79 percent of capacity when the estimated cumulative impacts of 2015-2016 land use actions are considered. Enrollment at Sprague High School is estimated to be at 83 percent of capacity when the estimated impacts of 2015-2016 land use actions are considered.

The School District also indicates that the developer should provide paved walking routes to allow pedestrian and bicycle access to schools from all residences within the new development and should provide all improvements required by the City where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage.

**Staff Response:** As indicated in the comments from the Public Works Department, and recommended in the conditions of approval, the proposed development will be required to provide sidewalks abutting the subject property on the south side of Davis Road and the west side of Liberty Road. In addition, the proposed development will include sidewalks on both sides of the extension of Mariel Place, as well as sidewalks on one side of the proposed internal private drive that provide north-south and east-west pedestrian connectivity through the development to the public sidewalks Liberty Road. The sidewalks required along the street frontages of the subject property and proposed within the interior of the proposed development ensure walking routes will be provided to allow pedestrian and bicycle access from residences within the development to surrounding schools.

## **8. Applicant Submittal Information**

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The applicant has submitted such statements and proof, which are included as **Attachment H** to this staff report. Staff utilized the information from the applicant's statement to help evaluate the proposal and formulate the facts and findings within the staff report.

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR MINOR COMPREHENSIVE PLAN MAP AMENDMENT**

## **9. MINOR COMPREHENSIVE PLAN MAP AMENDMENT APPROVAL CRITERIA**

Salem Revised Code (SRC) 64.025(e)(2) sets forth the following criteria that must be met before approval can be granted to a minor comprehensive plan map amendment. The following

subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed minor comprehensive plan map amendment for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the minor comprehensive plan map amendment. Pursuant to SRC 64.025(e)(2), the greater the impact of a proposed minor comprehensive plan map amendment, the greater the burden on the applicant to demonstrate the criteria are satisfied.

***(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:***

- (i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.***
- (ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.***
- (iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:***
  - (aa) Whether there was a mistake in the application of a land use designation to the property;***
  - (bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;***
  - (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and***
  - (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.***

**Finding:** The written statement provided by the applicant (**Attachment H**) indicates the proposed designation is equally or better suited for the property than the existing designation. The applicant explains that, as noted on Page 4 of the Comprehensive Policies Plan, the Developing Residential comprehensive plan designation "represents the area within the Urban Growth Boundary which is presently un-served but necessary to accommodate development in the next twenty years". The applicant explains that the plan acknowledges that lands designated Developing Residential are reserved for future development, such as the subject property.

Staff concurs with the applicant's written statement. The "Developing Residential" comprehensive plan designation applies to urbanizable lands within the Urban Growth Boundary. Page 6 of the Salem Comprehensive Policies Plan indicates that the intent of the Developing Residential designation is to hold properties needed to accommodate future urban development during the next 20 years. As urban services become available to these areas, Developing Residential lands are intended to be converted to future use for single family and multiple family residential with schools, parks, and churches.

The Salem Comprehensive Policies Plan, on pages 31 and 32, indicates that multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities, and services; and that multiple family housing shall be located in areas that provide walking, auto, or transit connections to employment centers, shopping areas, transit service, parks, and public buildings.

The subject property is located at the corner of Liberty Road and Davis Road. The Salem Transportation System Plan (TSP) designates Liberty Road as a major arterial street and Davis Road as a collector street. Due to its classification as a major arterial, Liberty Road is an existing transportation corridor on which the subject property has frontage. Transit service is also available to the site via Cherriots Route 8, which provides service to the property along Liberty Road and Davis Road. In addition, Crosler Middle School is located to the north of the subject property across Davis Road and Secor Park is within close proximity to the northwest of the subject property.

Because the current comprehensive plan map designation applicable to the subject property anticipates its conversion to urban use over time, including the potential for multiple family residential, as identified on Page 6 of the Salem Comprehensive Policies Plan; because the subject property conforms to the considerations of the Salem Comprehensive Policies for the siting of multiple family residential uses, including being located within close proximity to a park and school and on a transportation corridor where transit service is available; and because the subject property abuts land currently designated and zone for multiple family development to the west, the proposed "Multiple Family Residential" comprehensive plan map designation is equally or better suited for the subject property than the existing "Developing Residential" comprehensive plan map designation. This criterion is met.

***(B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;***

**Finding:** The written statement provided by the applicant (**Attachment H**) indicates that the City confirmed that public facilities are available to serve the site during the required pre-application conference for the proposed PUD. The applicant explains that the Urban Growth Preliminary Declaration application will further confirm this and add specificity.

Staff concurs with the findings included in the applicant's written statement. Because the subject property is located outside the City's Urban Service Area, SRC Chapter 200 requires applicants to file an application for an Urban Growth Preliminary Declaration to identify the master planned public facilities required to be extended to serve the proposed development. Pursuant to SRC 200.025(e), the public facilities identified in the Urban Growth Preliminary Declaration must be constructed by the applicant as a condition of any subsequent land use approval.

As identified in the comments from the Public Works Department (**Attachment F**) and within the findings for the Urban Growth Preliminary Declaration for the proposed development included under Section 11 of this report, the subject property is capable of being served with public facilities and services necessary to support the uses allowed by the proposed comprehensive plan map designation. The recommended conditions of approval for the Urban Growth Preliminary Declaration and the proposed Planned Unit Development-Subdivision ensure that such public facilities and services will be constructed. This criterion is met.

**(C) *The proposed plan map designation provides for the logical urbanization of land;***

**Finding:** The written statement provided by the applicant (**Attachment H**) indicates that the Developing Residential designation is intended as a holding zone until services are available to allow urban development. Therefore, the proposed comprehensive plan amendment is a logical change that will allow for the implementation of this development.

Staff concurs with the findings included within the applicant's written statement. The "Developing Residential" comprehensive plan map designation applies to urbanizable lands within the Urban Growth Boundary. The Salem Comprehensive Policies Plan, on page 6, indicates that the intent of the Developing Residential designation is to hold properties needed to accommodate future urban development during the next 20 years. As urban services become available to these areas, Developing Residential lands are intended to be converted to future use for single family and multiple family residential with schools, parks, and churches.

In 2014, the City published a draft Housing Needs Analysis for the next 20 years (2015 to 2035). One of the key findings of that study was that the City has a deficit of land for multiple family housing.

The proposal to change the comprehensive plan map designation of the subject property from "Developing Residential" to "Multiple Family Residential" represents a logical urbanization of the land consistent with this criterion because it helps the City to meet its multi-family housing need and results in land designated as "Developing Residential" being urbanized, as anticipated by the Salem Comprehensive Policies Plan, in a location along a transportation corridor where public facilities and services are available and existing multiple family land already exists to the west. This criterion is met.

**(D) *The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and***

**Finding:** As identified in the written statement provided by the applicant (**Attachment H**), and as provided below, the proposed minor comprehensive plan amendment is consistent with the applicable provisions of the Salem Area Comprehensive Plan and the Statewide planning goals.

**Salem Area Comprehensive Plan Consistency**

▪ ***Residential Development Goal (SACP Section IV.E):***

*GOAL: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing. In meeting this goal, residential development shall:*

- a. Encourage the efficient use of developable residential land;*
- b. Provide housing opportunities for Salem's diverse population; and*
- c. Encourage residential development that maximizes investment in public services.*

The applicant's written statement explains that future residential development of the site is proposed under the RM-1 zone. Development at the low end of an RM-1 density will allow for a compact and efficient use of the land area and of public

facilities and infrastructure provided to the site. The proposal will increase the range of housing opportunities for the population of the urban area, and for those desiring to live in this part of the city. Attractive duplexes in a natural wooded setting is a more attractive option than dwelling units in high density three story apartment blocks. It will offer attractive housing in close proximity to employment opportunities. For these reasons, the proposal is consistent with the Residential Development Goal.

Staff concurs with the findings included in the applicant's written statement. The proposed comprehensive plan map change from "Developing Residential" to "Multiple Family Residential" will allow for increased density residential development at a location that is bordered by an arterial and collector street, that is in close proximity to neighborhood services, including a park and school, that is served by transit, and that is bordered by multiple family zoned land to the west. The duplexes proposed within the PUD will help to increase the diversity of housing types available within the City to serve the City's population. The proposed comprehensive plan map amendment is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 1 (Establishing Residential Uses)(SACP Section IV.E.1):***

*The location and density of residential uses shall be determined after consideration of the following factors:*

- a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.*
- b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.*
- c. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.*
- d. 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.*
- e. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.*
- f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.*
- g. The density goal of General Development Policy 7.*

The applicant's written statement indicates that the proposed multi-family housing will contribute to meeting the City's deficit of multi-family land. The applicant explains that the vacancy rate for multi-family housing is currently very low, indicating increased demand, and that the proposed development will help meet that demand. The land has the capacity to accommodate the proposed use. All necessary public facilities and services can be provided at adequate levels for the type and density of housing proposed, and multiple forms of transportation are available. The applicant also indicates that the property is near schools and services and that the proposal is consistent with the pattern of multifamily housing at various dispersed locations within the neighborhood. The proposed density is consistent with the intent to fulfill the density Goal of General Development Policy 7, which is an overall average of 6.5 units per acre.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 2 (Facilities and Services Location)(SACP Section IV.E.2):***

*Residential uses and neighborhood facilities and services shall be located to:*

- a. Accommodate pedestrian, bicycle and vehicle access;*
- b. Accommodate population growth;*
- c. Avoid unnecessary duplication of utilities, facilities and services; and*
- d. Avoid existing nuisances and hazards to residents.*

The applicant's written statement explains that development of the site will include street improvements along its frontage on Liberty Road S and Davis Road S. This will provide for improved vehicular, pedestrian, and bicycle access. Liberty is an arterial and a designated bike route. The proposal will accommodate population growth by providing for increased density housing in a compact and efficient manner, on serviceable vacant land within the City. Utilities and services are present in the area and their extension to the site will be efficient and without duplication. Residential development on the site, compared to non-residential development, will correspond more closely to the residential pattern that is established to the west and north. The applicant indicates that, for these reasons, the proposal is consistent with the directives of this policy.

Staff concurs with the findings included in the applicant's written statement. The proposed comprehensive plan map amendment is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 3 (Infill Development)(SACP Section IV.E.3):***

*City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.*

The applicant's written statement indicates that the subject property is vacant single family residential land. This proposal will allow its development for a type of housing that is in demand. The site is suitable for the proposed residential use in terms of its relationship to surrounding land uses. For these reasons, the proposed use fulfills this policy directive to infill vacant, underutilized residential land.

Staff concurs with the findings included within the applicant's written statement. The subject property is designated "Developing Residential" on the Comprehensive Plan Map. The "Developing Residential" designation anticipates future urbanization and development primarily for single family and multiple family residential uses with services including schools, parks, and churches.

The proposed multiple family residential designation for the property is consistent with the intent of the "Developing Residential" designation to hold land until such time it is converted to a more urban use. The subject property represents a small pocket of "Developing Residential" designated land located between Davis Road, a major

arterial street, and "Multiple Family Residential" designated land to the west. The proposed comprehensive plan map amendment to change the comprehensive plan map designation of the subject property from "Developing Residential" to "Multiple Family Residential" to allow for the development of a PUD with duplexes will provide an opportunity for the development of an underutilized property in a manner that will be compatible with the development pattern of the surrounding neighborhood. The proposed comprehensive plan map amendment is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 6 (Multi-Family Housing)(SACP Section IV.E.6):***

*Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities, and services:*

- a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;*
- b. Development regulations shall promote a range of densities that encourage a variety of housing types;*
- c. Multiple family developments should be located in areas that provide walking, auto or transit connections to:*
  - (1) Employment centers;*
  - (2) Shopping areas;*
  - (3) Transit service;*
  - (4) Parks;*
  - (5) Public buildings.*

The applicant's written statement indicates that the subject site is consistent with the development and location factors identified in comprehensive plan policy. The applicant explains that the RM-I zone requires a density ranging from 8 to 14 units per acre, and the proposed development would result in only 9 units per acre. The site is within walking distance of employment opportunities and transit routes. It is adjacent to Liberty Rd. S., the major street that connects to the commercial services near Kuebler Boulevard. Liberty Rd S. is a bike route. The site is also within the one-half mile service area of Secor Park. For these reasons, the subject property is consistent with the factors stated in this policy for siting new multifamily housing.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment to change the comprehensive plan map designation of the subject property from "Developing Residential" to "Multiple Family Residential" will allow for the efficient use of residential land in a manner that increases the diversity of housing types available within the City at a location that is proximate to neighborhood services, served by transit services, and located on a major arterial street. The proposed comprehensive plan map amendment is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 7 (Circulation System and Through Traffic)(SACP Section IV.E.7):***

*Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods*

*physical constraints and transportation service needs:*

- a. *The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;*
- b. *Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;*
- c. *The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.*

The applicant's written statement indicates that access to the subject property is provided by the existing local residential street to the west and Davis Road to the east. These streets provide a network for pedestrians, bicycles, and vehicles. The parcel's street frontage will be improved with curb and sidewalk, to provide pedestrian access. The proposed street system in this area will provide circulation and access to the site and to the surrounding area as required by this policy.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 8 (Protection of Residential Areas)(SACP Section IV.E.8):***

*Residential areas shall be protected from more intensive land use activity in abutting zones.*

The applicant's written statement indicates that the proposed development provides a transitional buffer between the intensive RM-II multi-family development to the west and the single family areas to the east across Liberty Road. The applicant explains that the setbacks proposed within the development act to further protect the residential area.

Staff concurs with the findings included within the applicant's written statement. The proposed lower density RM-I zoning for the property, together with the proposed duplex housing type and perimeter setbacks of the development, serve to protect the surrounding residential area by providing a transition from the more intensive multiple family residential zoned land to the west of the subject property. The proposed comprehensive plan map amendment is consistent with this comprehensive plan policy.

▪ ***Residential Development Policy No. 9 (Alternative Housing Patterns)(SACP Section IV.E.9):***

*Residential Development Patterns Subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns, and reduced development costs. Development regulations shall promote residential development patterns that encourage:*

- a. *The use of all modes of transportation;*
- b. *Reduction in vehicle miles traveled and length of auto trips; and*
- c. *Efficiency in providing public services.*



The applicant's written statement indicates that the proposal represents an opportunity for increased housing densities, and an alternative form of housing in the neighborhood, consistent with this directive. This will help to reduce the development costs per unit on the property, while increasing the efficiency of providing public services. This unique concept of duplexes carefully sited in White Oaks is a different form of housing that increases livability and property values. Multiple forms of transportation are available to the location. The site is within proximity to employment, schools, and commercial services, which will reduce the vehicle miles traveled and length of auto trips needed to reach these services. The proposal is consistent with the factors of this policy.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment is consistent with this comprehensive plan policy.

▪ ***Residential Development Policy No. 10 (Requests for Rezonings)(SACP Section IV.E.10):***

*Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:*

- a. The site is so designated on the comprehensive plan map;*
- b. Adequate public services are planned to serve the site;*
- c. The site's physical characteristics support higher density development; and*
- d. Residential Development Policy 7 is met.*

The applicant's written statement indicates that the site is proposed to be re-designated to "Multi-family Residential" and re-zoned RM-I, which allows a higher residential density than the current RA zone. There is need for the proposed multifamily housing. Adequate public services are available to serve development at the density allowed by the RM-I zone. There are no physical obstacles or barriers to development within the density range allowed by the zone.

Staff concurs with the findings included within the applicant's written statement. The current "Developing Residential" comprehensive plan designation of the property recognizes the potential for further urbanization and development for primarily single family and multiple family uses with neighborhood services such as schools, parks, and churches. Adequate public services are available and will be required to be extended to serve the site. The proposed comprehensive plan map amendment is consistent with this comprehensive plan policy.

**Statewide Planning Goal Consistency**

▪ ***Goal 1 (Citizen Involvement):***

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The applicant's written statement indicates that the City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to the neighborhood association, to property owners within the notice area, and posted on the property prior to the hearing. A public hearing to consider the request will be held by the Planning Commission.

Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process. However, the applicant has gone the extra mile to ensure complete citizen involvement.

Staff concurs with the findings included within the applicant's written statement. The City, through the requirements of its procedures ordinance (SRC Chapter 300) has created land use application review procedures which ensure citizens have opportunity to provide input on land use approvals. Notification of the proposal was provided consistent with the requirements of State Law and the Salem Revised Code as detailed in this staff report. Opportunities for public input will be available in the hearings process prior to action on the proposal. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **Goal 2 (Land Use Planning):**

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The applicant's written statement indicates that the City has complied with the Goal requirements for establishing and maintaining a land use planning process. The SACP is acknowledged to be in compliance with the Statewide Planning Goals. The SACP provides goals, policies, and procedures for reviewing and evaluating land use requests. The proposal will be reviewed in relation to the methodology and intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, and the Zone Change criteria. The proposal will be evaluated on the basis of the facts and evidence that are provided to support and justify the proposed change. The City's adopted land use planning process provides a framework for evaluating the proposal in keeping with the requirements of this Goal.

Staff concurs with the findings including within the applicant's written statement. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The Salem Area Comprehensive Plan has been adopted by the City and acknowledged by the Land Conservation and Development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources):**

*To protect natural resources and conserve scenic and historic areas and open spaces.*

The applicant's written statement indicates that the property is not a scenic or historic resource, public open space, or a recreation site. No identified creek or waterway occurs on or adjoins the property. The development plan shows extensive natural areas and open spaces, and the plan features natural drainage.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment is consistent with this Statewide

Planning Goal.

▪ ***Goal 6 (Air, Water, and Land Resources Quality):***

*To maintain and improve the quality of the air, water and land resources of the state.*

The applicant's written statement indicates that the proposed Plan change will allow for multifamily residential use. The site is currently allows single-family residential use. Residential use in general does not create significant impacts to air quality. The traffic generated by the increased residential use of the site will not result in a significant impact on air quality.

The site is vacant urban land on which development is expected. Sewer service to the property will be provided by the City. Waste water from the development will be discharged into the sewer system for treatment at the City of Salem treatment plant, which is required to meet the applicable standards for environmental quality. Surface water runoff will be collected into bioswales, pre-treated, and the residual removed by the City storm drains. Through the use of public facilities the wastewater and surface water discharges from the property will be managed according to approved standards.

There are no identified constraints due to factors of air, water, or land resources quality that would prevent the use of the site as proposed. Based on the type of use, the location, and the surrounding land uses, the proposal will have no significant impacts to the quality of the air, water or land.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ ***Goal 7 (Areas Subject to Natural Disasters and Hazards):***

*To protect people and property from natural hazards.*

The applicant's written statement indicates that no significant natural hazards are identified that are specific to this site that would prevent or interfere with the proposed use.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ ***Goal 10 (Housing):***

*To provide for the housing needs of citizens of the state.*

The applicant's written statement indicates that the site is currently designated to allow for single-family housing. There is currently little demand for new single family housing on this west side of Liberty, close to an arterial, and there is an adequate inventory of vacant land for single family housing within the urban area. The proposed use is multifamily housing. The site is therefore planned for 45 units, where there could have been 28 homes (*6 per acre on 4.69 acres*). The proposal results in a density of approximately 9.8 units per acre, which is at the low end of the density allowed by the RM-I multifamily zone. This will create additional housing in the residential neighborhood, and in a suitable location.

The proposal will also help fulfill the multifamily housing needs forecast for the urban area. In addition, according to the most recent apartment survey from Powell Valuation, Inc., (as reported in the Sperry Van Ness "Advisor") apartment vacancies have declined to almost zero %, "an unprecedented low". These data indicate a continuing shortage of multifamily housing in the community.

By providing multifamily housing that will help to fulfill the projected housing needs of the community, the proposal fulfills the requirements of this Goal.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment will allow an increase in the residential dwelling unit density allowed on the subject property thereby helping the City to fulfill its projected deficit of multiple family housing identified in the City's 2014 draft Housing Needs Analysis. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **Goal 11 (Public Facilities and Services):**

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The applicant's written statement indicates that the public facility and service needs of the proposed development will be determined by the City and specified during the site development process. All necessary City utilities including water, sewer, and storm drainage, are already available, or can be provided for the proposed development. Street improvements will be required. Other services including fire and police protection, electricity and telephone, and solid waste disposal, can be provided to the property. By maintaining an infrastructure of public facilities and private services to serve the site, the requirements of this Goal are met.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **Goal 12 (Transportation):**

*To provide and encourage a safe, convenient and economic transportation system.*

The applicant's written statement indicates that the subject site has access from the existing stub street at the west, which is classified as a local street and is a 50-foot ROW. This street system connects with Davis Road S. A traffic impact statement for this proposal has been prepared by the traffic engineer. The traffic impact report is included as a part of the application. The report estimates the traffic that would be generated by the proposed multifamily residential use that could occur under the proposed RM-I zone. The traffic report concludes that development as proposed under the proposed zone would not have a significant impact on the transportation system.

The applicant explains that the site is adequately served by the existing street system, and no new streets are needed to serve the site as a result of the proposal. The existing streets and proposed streets have adequate capacity to accommodate the traffic generated by the proposed use. The proposed change in the land use

designation will not cause a change in the functional classification of any street, and it will not cause a level of service (LOS) at an intersection to fall to an unacceptable level. Transit service is available nearby at Liberty Road S. Because the proposed use will not have a significant impact on the existing transportation system the requirements of this Goal and the Transportation Planning Rule are satisfied.

Staff concurs with the findings included within the applicant written statement. In order to evaluate the impact of the proposed comprehensive plan map amendment on the City's transportation system, the applicant commissioned a Transportation Planning Rule (TPR) Analysis to be conducted (**Attachment I**). The findings of that analysis indicate the proposed comprehensive plan map amendment and zone change can comply with the requirements of Goal 12 and the State's Transportation Planning Rule (OAR 660-012) provided the number of trips generated by the proposed comprehensive plan map amendment and zone change are limited to 362 daily trips. The Assistant City Traffic Engineer has reviewed the applicant's traffic analysis and concurs with its findings. As such, comments from the Public Works Department (**Attachment F**) recommend that a condition of approval be placed on the decision limiting the total number of average daily vehicle trips generated from the subject property to a maximum of 362. This condition is recommended to be placed on the proposed zone change. The proposed zone change condition establishing a trip cap limiting the maximum number of average daily vehicle trips generated from the subject property, together with the street improvements that will be required in conjunction with the proposed development, ensure that the proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **Goal 13 (Energy Conservation):**

*Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.*

The applicant's written statement indicates that the proposed new residential construction will comply with the energy efficiency requirements in effect at the time of construction. The site is close to employment and services, reducing the travel distance needed to access these functions. These factors are consistent with compliance with this Goal.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **Goal 14 (Urbanization):**

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

The applicant's written statement indicates that the site is within the city limits. The proposal is to re-designate vacant residential land. All necessary public services can be provided to the site. The proposed use will contribute to the efficient use of a compact urban area, consistent with the intent of this Goal. The proposal does not affect the Urban Growth Boundary.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

**(E) *The amendment is in the public interest and would be of general benefit.***

**Finding:** The applicant's written statement (**Attachment H**) indicates that the very low multifamily vacancy rate in the community indicates an insufficient supply of multiple family housing to meet the demand. As a result, rents are increasing. Adequate housing in keeping with the needs and affordability of the community is a critical consideration. By providing additional multifamily housing on a vacant site that is close to employment opportunities and transportation, the proposed change benefits the public.

Staff concurs with the findings included within the applicant's written statement. The proposed comprehensive plan map amendment to change the comprehensive plan map designation of the subject property from "Developing Residential" to "Multiple Family Residential" will provide additional needed multiple family designated land within the City and an increase in the variety of housing types available at a location that is adjacent to other multiple family residential designated land, in proximity to neighborhood services, and served by transit. This criterion is met.

**FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR ZONE CHANGE**

**10. ZONE CHANGE APPROVAL CRITERIA**

Salem Revised Code (SRC) 265.005(e) sets forth the following criteria that must be met before approval can be granted to a quasi-judicial zone change. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the tentative partition plan for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the zone change, or for the issuance of certain conditions to ensure the criteria are met. Pursuant to SRC 265.005(e)(2), the greater the impact of a proposed zone change on an area, the greater the burden on the applicant to demonstrate the criteria are satisfied.

**(A) *The zone change is justified based on the existence of one or more of the following:***

- (i) *A mistake in the application of a land use designation to the property;***
- (ii) *A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or***
- (iii) *A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.***

**Finding:** The written statement provided by the applicant (**Attachment H**) indicates that the proposed zone is equally or better suited for the property than the existing zone because:

- The Housing Needs Analysis conducted by the City indicates a shortage of multi-family development acreage in Salem. The applicant identified a market need for some duplexes, and considered siting these pairs of units in the wooded setting, with narrower driveways in place of wide city streets; saving as many trees as possible. The selection of duplexes, even at a modest density of approximately 9.7 units per acre, requires a zone change to RM-I.
- There is a precedent in this location for multi-family zoning in that the adjacent property zoning was earlier changed to RM-II in order to allow a high density attached housing development. Infrastructure and roads for the adjacent development are already installed, but the homes are yet to be built. This proposal for lower density multi-family (duplex) development will therefore be a compatible use and neighbor to the RM-II development.
- The site is located at the intersection of two major roads: Liberty Road S, a major arterial, and Davis Road S, a collector. A better use of the property, which is sandwiched between a high density RM-II development and a major arterial, will be this proposed RM-I development of 22 duplexes in a treed setting that saves many of the existing Oaks, and which would be a good transition, being located between the high density zoning to the west and the single family subdivisions across Liberty to the east.
- The proposal for 44 duplex residential units, plus retention of the existing house, will be a better use for the property than the two single family residences that are allowed under the existing RA zoning. This compares to the 28 to 40 single family homes (lots) that might be built under the existing zoning, should all the trees be clear cut, in violation of the code. The proposal for a modest increase in density under RM-I permits a reasonable number of dwelling units, that exceeds the single family subdivision customary density, but which also manages to save many of the existing trees, including White Oaks.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change is justified because the proposed RM-I zone is equally or better suited for the property than the existing RA zone based on its location abutting a major arterial street to the east and other multiple family zoned land to the west, and its proximity to services (e.g. school, park, and transit) which are provided in a more efficient manner when higher residential densities are present for them to benefit from.

As is evidenced by the tentative plan for the proposed 45-unit Planned Unit Development, RM-I densities can be achieved on the subject property in a manner that conforms to the applicable development standards of the code while also preserving trees on the subject property. The proposed RM-I zoning for the property is also consistent and compatible with the zoning of surrounding properties which includes RM-II zoned land to the west.

As indicated in the applicant's written statement, the proposed zone change will also allow for an increase in the supply of the City's multiple family zoned land. This increase in the supply of multiple family zoned land will help to address the City's projected deficit of land needed for multiple family dwelling units as identified in the City's draft 20-year Housing Needs Analysis for 2015 to 2035. This criterion is met.

- (B) *If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.***

**Finding:** The proposed zone change is not a City-initiated zone change. The zone change included with this proposal is an applicant initiated quasi-judicial zone change. This criterion is not applicable.

- (C) *The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.***

**Finding:** As identified in the written statement provided by the applicant (**Attachment H**), and as provided below, the proposed zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

▪ ***Residential Development Goal (SACP Section IV.E):***

*GOAL: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing. In meeting this goal, residential development shall:*

- a. Encourage the efficient use of developable residential land;*
- b. Provide housing opportunities for Salem's diverse population; and*
- c. Encourage residential development that maximizes investment in public services.*

The applicant's written statement explains that future residential development of the site is proposed under the RM-I zone. Development at the low end of an RM-I density will allow for a compact and efficient use of the land area and of public facilities and infrastructure provided to the site. The proposal will increase the range of housing opportunities for the population of the urban area, and for those desiring to live in this part of the city. Attractive duplexes in a natural wooded setting is a more attractive option than dwelling units in high density three story apartment blocks. It will offer attractive housing in close proximity to employment opportunities. For these reasons, the proposal is consistent with the Residential Development Goal.

Staff concurs with the findings included in the applicant's written statement. The proposed zone change from RA (Residential Agriculture) to RM-I (Multiple Family Residential) will allow for increased density residential development at a location that is bordered by an arterial and collector street, that is in close proximity to neighborhood services, including a park and school, that is served by transit, and that is bordered by multiple family zoned land to the west. The duplexes proposed within the PUD will help to increase the diversity of housing types available within the City to serve the City's population. The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 1 (Establishing Residential Uses)(SACP Section IV.E.1):***

*The location and density of residential uses shall be determined after consideration of the following factors:*

- a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.*
- b. The capacity of land resources given slope, elevation, wetlands, flood plains,*



*geologic hazards and soil characteristics.*

- c. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.*
- d. 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.*
- e. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.*
- f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.*
- g. The density goal of General Development Policy 7.*

The applicant's written statement indicates that the proposed multi-family housing will contribute to meeting the City's deficit of multi-family land. The applicant explains that the vacancy rate for multi-family housing is currently very low, indicating increased demand, and that the proposed development will help meet that demand. The land has the capacity to accommodate the proposed use. All necessary public facilities and services can be provided at adequate levels for the type and density of housing proposed, and multiple forms of transportation are available. The applicant also indicates that the property is near schools and services and that the proposal is consistent with the pattern of multifamily housing at various dispersed locations within the neighborhood. The proposed density is consistent with the intent to fulfill the density Goal of General Development Policy 7, which is an overall average of 6.5 units per acre.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 2 (Facilities and Services Location)(SACP Section IV.E.2):***

*Residential uses and neighborhood facilities and services shall be located to:*

- a. Accommodate pedestrian, bicycle and vehicle access;*
- b. Accommodate population growth;*
- c. Avoid unnecessary duplication of utilities, facilities and services; and*
- d. Avoid existing nuisances and hazards to residents.*

The applicant's written statement explains that development of the site will include street improvements along its frontage on Liberty Road S and Davis Road S. This will provide for improved vehicular, pedestrian, and bicycle access. Liberty is an arterial and a designated bike route. The proposal will accommodate population growth by providing for increased density housing in a compact and efficient manner, on serviceable vacant land within the City. Utilities and services are present in the area and their extension to the site will be efficient and without duplication. Residential development on the site, compared to non-residential development, will correspond more closely to the residential pattern that is established to the west and north. The applicant indicates that, for these reasons, the proposal is consistent with the directives of this policy.

Staff concurs with the findings included in the applicant's written statement. The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 3 (Infill Development)(SACP Section IV.E.3):***

*City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.*

The applicant's written statement indicates that the subject property is vacant single family residential land. This proposal will allow its development for a type of housing that is in demand. The site is suitable for the proposed residential use in terms of its relationship to surrounding land uses. For these reasons, the proposed use fulfills this policy directive to infill vacant, underutilized residential land.

Staff concurs with the findings included within the applicant's written statement. The subject property is designated "Developing Residential" on the Comprehensive Plan Map. The "Developing Residential" designation anticipates future urbanization and development primarily for single family and multiple family residential uses with services including schools, parks, and churches.

The proposed RM-I zoning for the property is consistent with the intent of the "Developing Residential" designation to hold land until such time it is converted to a more urban use. The subject property currently represents a small pocket of RA (Residential Agriculture) zoned land located between Davis Road, a major arterial street, and RM-II zoned land to the west. The proposed zone change from RA to RM-I to allow for the development of a PUD with duplexes will provide an opportunity for the development of an underutilized property in a manner that will be compatible with the development pattern of the surrounding neighborhood. The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 6 (Multi-Family Housing)(SACP Section IV.E.6):***

*Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities, and services:*

- a. *To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;*
- b. *Development regulations shall promote a range of densities that encourage a variety of housing types;*
- c. *Multiple family developments should be located in areas that provide walking, auto or transit connections to:*
  - (1) *Employment centers;*
  - (2) *Shopping areas;*
  - (3) *Transit service;*
  - (4) *Parks;*
  - (5) *Public buildings.*

The applicant's written statement indicates that the subject site is consistent with the

development and location factors identified in comprehensive plan policy. The applicant explains that the RM-I zone requires a density ranging from 8 to 14 units per acre, and the proposed development would result in only 9 units per acre. The site is within walking distance of employment opportunities and transit routes. It is adjacent to Liberty Rd. S., the major street that connects to the commercial services near Kuebler Boulevard. Liberty Rd S. is a bike route. The site is also within the one-half mile service area of Secor Park. For these reasons, the subject property is consistent with the factors stated in this policy for siting new multifamily housing.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change from RA to RM-I will allow for the efficient use of residential land in a manner that increases the diversity of housing types available within the City at a location that is proximate to neighborhood services, served by transit, and located on a major arterial street. The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 7 (Circulation System and Through Traffic)(SACP Section IV.E.7):***

*Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:*

- a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;*
- b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;*
- c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.*

The applicant's written statement indicates that access to the subject property is provided by the existing local residential street to the west and Davis Road to the east. These streets provide a network for pedestrians, bicycles, and vehicles. The parcel's street frontage will be improved with curb and sidewalk, to provide pedestrian access. The proposed street system in this area will provide circulation and access to the site and to the surrounding area as required by this policy.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 8 (Protection of Residential Areas)(SACP Section IV.E.8):***

*Residential areas shall be protected from more intensive land use activity in abutting zones.*

The applicant's written statement indicates that the proposed development provides a transitional buffer between the intensive RM-II multi-family development to the west and the single family areas to the east across Liberty Road. The applicant explains that the setbacks proposed within the development act to further protect the residential area.

Staff concurs with the findings included within the applicant's written statement. The proposed lower density RM-I zoning for the property, together with the proposed duplex housing type and perimeter setbacks of the development, serve to protect the surrounding residential area by providing a transition from the more intensive multiple family residential zoned land to the west of the subject property. The proposed zone change is consistent with this comprehensive plan policy.

▪ ***Residential Development Policy No. 9 (Alternative Housing Patterns)(SACP Section IV.E.9):***

*Residential Development Patterns Subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns, and reduced development costs. Development regulations shall promote residential development patterns that encourage:*

- a. The use of all modes of transportation;*
- b. Reduction in vehicle miles traveled and length of auto trips; and*
- c. Efficiency in providing public services.*

The applicant's written statement indicates that the proposal represents an opportunity for increased housing densities, and an alternative form of housing in the neighborhood, consistent with this directive. This will help to reduce the development costs per unit on the property, while increasing the efficiency of providing public services. This unique concept of duplexes carefully sited in White Oaks is a different form of housing that increases livability and property values. Multiple forms of transportation are available to the location. The site is within proximity to employment, schools, and commercial services, which will reduce the vehicle miles traveled and length of auto trips needed to reach these services. The proposal is consistent with the factors of this policy.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change is consistent with this comprehensive plan policy.

▪ ***Residential Development Policy No. 10 (Requests for Rezonings)(SACP Section IV.E.10):***

*Requests for re-zonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:*

- a. The site is so designated on the comprehensive plan map;*
- b. Adequate public services are planned to serve the site;*
- c. The site's physical characteristics support higher density development; and*
- d. Residential Development Policy 7 is met.*

The applicant's written statement indicates that the site is proposed to be re-designated to "Multi-family Residential" and re-zoned RM-I, which allows a higher residential density than the current RA zone. There is need for the proposed multifamily housing. Adequate public services are available to serve development at the density allowed by the RM-I zone. There are no physical obstacles or barriers to development within the density range allowed by the zone.

Staff concurs with the findings included within the applicant's written statement. The current "Developing Residential" comprehensive plan designation of the property

recognizes the potential for further urbanization and development for primarily single family and multiple family uses with neighborhood services such as schools, parks, and churches. Adequate public services are available and will be required to be extended to serve the site. The proposed zone change is consistent with this comprehensive plan policy.

**(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.**

**Finding:** As identified in the written statement provided by the applicant (**Attachment H**), and as provided below, the proposed zone change complies with the applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

▪ **Goal 1 (Citizen Involvement):**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The applicant's written statement indicates that the City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to the neighborhood association, to property owners within the notice area, and posted on the property prior to the hearing. A public hearing to consider the request will be held by the Planning Commission. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process. However, the applicant has gone the extra mile to ensure complete citizen involvement.

Staff concurs with the findings included within the applicant's written statement. The City, through the requirements of its procedures ordinance (SRC Chapter 300) has created land use application review procedures which ensure citizens have opportunity to provide input on land use approvals. Notification of the proposal was provided consistent with the requirements of State Law and the Salem Revised Code as detailed in this staff report. Opportunities for public input will be available in the hearings process prior to action on the proposal. The proposed zone change is consistent with this Statewide Planning Goal.

▪ **Goal 2 (Land Use Planning):**

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The applicant's written statement indicates that the City has complied with the Goal requirements for establishing and maintaining a land use planning process. The SACP is acknowledged to be in compliance with the Statewide Planning Goals. The SACP provides goals, policies, and procedures for reviewing and evaluating land use requests. The proposal will be reviewed in relation to the methodology and intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, and the Zone Change criteria. The proposal will be evaluated on the basis of the facts

and evidence that are provided to support and justify the proposed change. The City's adopted land use planning process provides a framework for evaluating the proposal in keeping with the requirements of this Goal.

Staff concurs with the findings including within the applicant's written statement. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The Salem Area Comprehensive Plan has been adopted by the City and acknowledged by the Land Conservation and Development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules. The proposed zone change is consistent with this Statewide Planning Goal.

▪ ***Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources):***

*To protect natural resources and conserve scenic and historic areas and open spaces.*

The applicant's written statement indicates that the property is not a scenic or historic resource, public open space, or a recreation site. No identified creek or waterway occurs on or adjoins the property. The development plan shows extensive natural areas and open spaces, and the plan features natural drainage.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change is consistent with this Statewide Planning Goal.

▪ ***Goal 6 (Air, Water, and Land Resources Quality):***

*To maintain and improve the quality of the air, water and land resources of the state.*

The applicant's written statement indicates that the proposed Plan change will allow for multifamily residential use. The site is currently allows single-family residential use. Residential use in general does not create significant impacts to air quality. The traffic generated by the increased residential use of the site will not result in a significant impact on air quality.

The site is vacant urban land on which development is expected. Sewer service to the property will be provided by the City. Waste water from the development will be discharged into the sewer system for treatment at the City of Salem treatment plant, which is required to meet the applicable standards for environmental quality. Surface water runoff will be collected into bioswales, pre-treated, and the residual removed by the City storm drains. Through the use of public facilities the wastewater and surface water discharges from the property will be managed according to approved standards.

There are no identified constraints due to factors of air, water, or land resources quality that would prevent the use of the site as proposed. Based on the type of use, the location, and the surrounding land uses, the proposal will have no significant impacts to the quality of the air, water or land.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change is consistent with this Statewide Planning Goal.

▪ **Goal 7 (Areas Subject to Natural Disasters and Hazards):**

*To protect people and property from natural hazards.*

The applicant's written statement indicates that no significant natural hazards are identified that are specific to this site that would prevent or interfere with the proposed use.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change is consistent with this Statewide Planning Goal.

▪ **Goal 10 (Housing):**

*To provide for the housing needs of citizens of the state.*

The applicant's written statement indicates that the site is currently designated to allow for single-family housing. There is currently little demand for new single family housing on this west side of Liberty, close to an arterial, and there is an adequate inventory of vacant land for single family housing within the urban area. The proposed use is multifamily housing. The site is therefore planned for 45 units, where there could have been 28 homes (*6 per acre on 4.69 acres*). The proposal results in a density of approximately 9.8 units per acre, which is at the low end of the density allowed by the RM-I multifamily zone. This will create additional housing in the residential neighborhood, and in a suitable location.

The proposal will also help fulfill the multifamily housing needs forecast for the urban area. In addition, according to the most recent apartment survey from Powell Valuation, Inc., (as reported in the Sperry Van Ness "Advisor") apartment vacancies have declined to almost zero %, "an unprecedented low". These data indicate a continuing shortage of multifamily housing in the community.

By providing multifamily housing that will help to fulfill the projected housing needs of the community, the proposal fulfills the requirements of this Goal.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change will allow an increase in the residential dwelling unit density allowed on the subject property thereby helping the City to fulfill its projected deficit of multiple family housing identified in the City's 2014 draft Housing Needs Analysis. The proposed zone change is consistent with this Statewide Planning Goal.

▪ **Goal 11 (Public Facilities and Services):**

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The applicant's written statement indicates that the public facility and service needs of the proposed development will be determined by the City and specified during the site development process. All necessary City utilities including water, sewer, and storm drainage, are already available, or can be provided for the proposed development. Street improvements will be required. Other services including fire and police protection, electricity and telephone, and solid waste disposal, can be provided to the property. By maintaining an infrastructure of public facilities and private services to serve the site, the requirements of this Goal are met.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change is consistent with this Statewide Planning Goal.

■ **Goal 12 (Transportation):**

*To provide and encourage a safe, convenient and economic transportation system.*

The applicant's written statement indicates that the subject site has access from the existing stub street at the west, which is classified as a local street and is a 50-foot ROW. This street system connects with Davis Road S. A traffic impact statement for this proposal has been prepared by the traffic engineer. The traffic impact report is included as a part of the application. The report estimates the traffic that would be generated by the proposed multifamily residential use that could occur under the proposed RM-I zone. The traffic report concludes that development as proposed under the proposed zone would not have a significant impact on the transportation system.

The applicant explains that the site is adequately served by the existing street system, and no new streets are needed to serve the site as a result of the proposal. The existing streets and proposed streets have adequate capacity to accommodate the traffic generated by the proposed use. The proposed change in the land use designation will not cause a change in the functional classification of any street, and it will not cause a level of service (LOS) at an intersection to fall to an unacceptable level. Transit service is available nearby at Liberty Road S. Because the proposed use will not have a significant impact on the existing transportation system the requirements of this Goal and the Transportation Planning Rule are satisfied.

Staff concurs with the findings included within the applicant written statement. In order to evaluate the impact of the proposed comprehensive plan map amendment and zone change on the City's transportation system, the applicant commissioned a Transportation Planning Rule (TPR) Analysis to be conducted (**Attachment I**). The findings of that analysis indicate the proposed comprehensive plan map amendment and zone change can comply with the requirements of Goal 12 and the State's Transportation Planning Rule (OAR 660-012) provided the number of trips generated by the proposed comprehensive plan map amendment and zone change are limited to 362 daily trips. The Assistant City Traffic Engineer has reviewed the applicant's traffic analysis and concurs with its findings. As such, comments from the Public Works Department (**Attachment F**) recommend that a condition of approval be placed on the decision limiting the total number of average daily vehicle trips generated from the subject property to a maximum of 362. This condition, together with the street improvements that will be required in conjunction with the proposed development, will ensure that the proposed comprehensive plan map amendment and zone change are consistent with this Statewide Planning Goal.

■ **Goal 13 (Energy Conservation):**

*Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.*

The applicant's written statement indicates that the proposed new residential construction will comply with the energy efficiency requirements in effect at the time of construction. The site is close to employment and services, reducing the travel



distance needed to access these functions. These factors are consistent with compliance with this Goal.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change is consistent with this Statewide Planning Goal.

▪ **Goal 14 (Urbanization):**

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

The applicant's written statement indicates that the site is within the city limits. The proposal is to re-designate vacant residential land. All necessary public services can be provided to the site. The proposed use will contribute to the efficient use of a compact urban area, consistent with the intent of this Goal. The proposal does not affect the Urban Growth Boundary.

Staff concurs with the findings included within the applicant's written statement. The proposed zone change is consistent with this Statewide Planning Goal.

- (E) *If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.***

**Finding:** The subject property is currently designated "Developing Residential" on the Salem Area Comprehensive Plan Map. Because the subject property is designated "Developing Residential," the proposed zone change from RA to RM-I requires a corresponding comprehensive plan map change, but not a comprehensive plan map change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation. This approval criterion is therefore not applicable to the proposed zone change.

- (F) *The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.***

**Finding:** In order to evaluate the impact of the proposed comprehensive plan map amendment and zone change on the City's transportation system, the applicant commissioned a Transportation Planning Rule (TPR) Analysis to be conducted (**Attachment I**). The findings of that analysis indicate that in order to ensure the proposed comprehensive plan map amendment and zone change will not significantly affect a transportation facility, a limit on the number of vehicle trips generated from the subject property is necessary. The Assistant City Traffic Engineer has reviewed the applicant's traffic analysis and concurs with its findings. Therefore, in order to ensure the

proposed comprehensive plan map amendment and zone change will not have a significant affect on a transportation facility, the following condition of approval is recommended:

**Condition 1:** The total number of average daily vehicle trips generated from the subject property shall not exceed 362.

The zone change, as proposed to be conditioned, satisfies this approval criterion.

**(G) *The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.***

**Finding:** The subject property is currently located outside the City's Urban Service Area. Because the subject property is located outside the Urban Service Area, an Urban Growth Preliminary Declaration has been required in conjunction with the proposed development to determine the public facilities and services necessary to be constructed to serve the subject property. Those public facilities and services necessary to serve the subject property as part of the required Urban Growth Preliminary Declaration are identified under Section 11 of this report.

As indicated in the comments from the Public Works Department (**Attachment F**) and in the findings for the Urban Growth Preliminary Declaration included under Section 11 of this report, the property is capable of being served with public facilities and services necessary to support the uses allowed by the proposed zone. Construction of these facilities will ensure the property is adequately served. This criterion is met.

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR URBAN GROWTH PRELIMINARY DECLARATION**

### **11. URBAN GROWTH PRELIMINARY DECLARATION APPROVAL CRITERIA**

Salem Revised Code (SRC) 200.025(d) provides that 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.

SRC 200.025(e) provides that an 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.

The following is an analysis of the public facilities required to fully serve the development, pursuant to SRC 200.025(d) and (e), based on the City's Master Plans and Area Facility Plans.

#### ***SRC 200.055 – Standards for Street Improvements***

**Finding:** SRC 200.055 requires the proposed development to be linked by construction of and improvements to public streets which shall extend from the development to an adequate street or streets by the shortest pre-planned routes available. 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).

Davis Road and Liberty Road are adequate linking streets, but require half-street improvements in order to meet collector and arterial street standards respectively.

In order to comply with the requirements of SRC 200.055, the following condition of approval is recommended:

- Condition 1:** Prior to final PUD plan/plat approval, construct a minimum 23-foot-wide half-street improvement along the frontage of Liberty Road S to Minor Arterial standards.
- Condition 2:** Prior to final PUD plan/plat approval, convey land for dedication of right-of-way along the frontage of Liberty Road S to equal 48-feet from the centerline.
- Condition 3:** Prior to final PUD plan/plat approval, construct a minimum 5-foot-wide sidewalk improvement along the entire frontage of Davis Road.

***SRC 200.060 – Standards for Sewer Improvements***

**Finding:** SRC 200.060 requires the proposed development to 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 facility appears to be located in Davis Road adjacent to the subject property. No linking sewer improvements are required.

***SRC 200.065 – Standards for Storm Drainage Improvements***

**Finding:** SRC 200.065 requires the proposed development to be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

The nearest available public storm system appears to be located in Davis Road adjacent to the subject property. No linking stormwater improvements are required.

***SRC 200.070 – Standards for Water Improvements***

**Finding:** SRC 200.070 requires the proposed development to 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 S-3 system in this area is deficient in storage capacity based on the standards set forth in the Water System Master Plan. Storage capacity for this area is provided from the future S-3 Skyline 2 Reservoir. At this time, temporary storage capacities are available from the S-3 Champion Hill Reservoir.

As a condition of linking to the S-3 water system, the applicant shall be required to construct the S-3 Skyline 2 Reservoir. Because temporary capacity is available in Champion Hill Reservoir, the applicant has the option to connect to the existing S-3 water system as a temporary facility through payment of a temporary access fee of \$2,000 per lot and completion of a temporary facilities access agreement (TFAA) at the time of development pursuant to SRC 200.080(a). The temporary access fee is based on the water-rate-funded portion of the Skyline #2 reservoir, which was \$1,200,000. This component total was divided by the number of remaining lots that can temporarily be served by the Skyline #2 reservoir, which is estimated to

be 600 lots, equaling \$2,000 per lot. The temporary facilities access agreement is required as a condition of final plat approval, and the temporary access fee of \$2,000 per lot is required as a condition of building permit issuance for each lot.

In order to conform to the requirements of SRC 200.070, the following condition of approval is recommended:

**Condition 4:** As a condition of linking to the S-3 water system, either:

- a. Construct the S-3 Skyline 2 Reservoir; or
- b. Pursuant to SRC 200.080(a), connect to the existing S-3 water system as a temporary facility through completion of a temporary facilities access agreement at the time of development, specifying payment of a temporary access fee of \$2,000 per lot to be collected at the time of building permit issuance.

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

**Finding:** SRC 200.075 requires that an applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park, and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Parks System Master Plan.

The Parks Master Plan shows that the subject property is currently served by Secor Park, a developed park approximately 1000-feet north of the proposed development. No park-related improvements are recommended as a condition of development.

### **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR PLANNED UNIT DEVELOPMENT-SUBDIVISION**

#### **12. PLANNED UNIT DEVELOPMENT-SUBDIVISION APPROVAL CRITERIA**

Salem Revised Code (SRC) 210.015 provides that if individual lots are to be created within a Planned Unit Development (PUD), a subdivision shall be required with the PUD tentative plan; the consolidated PUD tentative plan and subdivision plan must meet the applicable approval criteria and development of the PUD ordinance, SRC Chapter 210.

SRC 210.025(d) sets forth the following criteria that must be met before approval can be granted to Planned Unit Development. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the planned unit development-subdivision tentative plan for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the planned unit development-subdivision tentative plan, or for the issuance of certain conditions to ensure the criteria are met.

#### ***(1) The PUD tentative plan conforms to the development standards of this Chapter.***

**Finding:** The proposed development conforms to the standards applicable to Planned Unit Developments included under SRC Chapter 210 as follows:

#### **Zones/Overlay Zones Where PUDs are Allowed (SRC 210.005)**

SRC 210.005 establishes a list of zones and overlay zones where Planned Unit Developments are allowed. Pursuant to SRC 210.005(a)(4), PUDs are allowed within the RM-I (Multiple Family Residential) zone. Included with the proposed development is a

request to change the Comprehensive Plan Map designation of the subject property from "Developing Residential" to "Multiple Family Residential" and the zoning of the subject property from RA (Residential Agriculture) to RM-I (Multiple Family Residential). The proposed RM-I zoning of the subject property will allow for the development of a PUD. The proposed development conforms to this standard.

**Minimum Number of Dwelling Units within PUD (SRC 210.045(a) – Table 210-2):**

SRC 210.045, Table 210-2, establishes requirements for minimum numbers of dwelling units within PUDs. Within the RM-I zone, the minimum number of dwelling units required in a PUD must conform to the minimum density requirement of the RM-I zone. Pursuant to SRC 513.010(c), the minimum dwelling unit density of the RM-I zone is 8 dwelling units per acre. The subject property totals approximately 4.6 acres in size. The resulting minimum number of dwelling units required within the proposed PUD, based on the size of the subject property and the minimum density requirement of the RM-I zone, is therefore 37 dwelling units. The proposed PUD includes a total of 45 dwelling units (22 duplexes and 1 manager's dwelling unit). The proposed development conforms to this standard.

**Maximum Number of Dwelling Units within PUD (SRC 210.045(a) – Table 210-2):**

SRC 210.045, Table 210-2, establishes requirements for maximum numbers of dwelling units within PUDs. Within the RM-I zone, the maximum number of dwelling units allowed in a PUD must conform to the maximum density requirement of the RM-I zone. Pursuant to SRC 513.010(c), the maximum dwelling unit density of the RM-I zone is 14 dwelling units per acre. The subject property totals approximately 4.6 acres in size. The resulting maximum number of dwelling units allowed within the proposed PUD, based on the size of the subject property and the maximum density requirement of the RM-I zone, is therefore 65 dwelling units. The proposed PUD includes a total of 45 dwelling units (22 duplexes and 1 manager's dwelling unit). The proposed development conforms to this standard.

**Maximum Number of Dwelling Units within a Building (SRC 210.045(a) – Table 210-2):**

SRC 210.045, Table 210-2, establishes requirements for maximum numbers of dwelling units allowed within a single building. Within the RM-I zone there is no maximum limit on the number of dwelling units that may be located within a building, other than the maximum number of dwelling units allowed within the overall PUD. The proposed development includes 22 duplexes, along with a manager's apartment unit in the existing house. The 45 dwelling units proposed within the development do not exceed the maximum total number of dwelling units allowed within the PUD, and SRC 210.045, Table 210-2, allows for more than one dwelling unit to be located within a building. The proposed development conforms to this standard.

**Setbacks (SRC 210.045(b) – Table 210-3):**

SRC 210.045, Table 210-3, establishes minimum building and accessory structure setback requirements for Planned Unit Developments. A summary of the setbacks applicable to the proposed development is included in the table below:

As identified under Section 10 of this staff report, the development, as proposed to be conditioned conforms to the applicable design review guidelines for multiple family developments.

<b>Summary of Required PUD Setbacks</b>		
<b>Abutting Street (Perimeter of PUD)</b>		
Buildings & Accessory Structures	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
<b>Abutting Street (Interior of PUD)</b>		
Buildings & Accessory Structures	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
<b>Interior Side (Abutting Perimeter of PUD)</b>		
Buildings	Min. 5 ft., plus one-foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	
Accessory Structures	Min. 5 ft.	
<b>Interior Side (Interior of PUD)</b>		
Buildings & Accessory Structures	None	
<b>Interior Rear (Abutting Perimeter of PUD)</b>		
Buildings	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height, when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height, when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.
	Min. 5 ft., plus one-foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable when the interior rear yard does not abut the interior rear yard of an RA or RS zoned lot located outside the PUD.
Accessory Structures	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one-foot for each one-foot of	Applicable to accessory structures greater than 9 ft. in height.

Summary of Required PUD Setbacks		
	height over 9 ft.	
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
<b>Interior Rear (<i>Interior of PUD</i>)</b>		
Buildings & Accessory Structures	None	

With the exception of the duplexes on proposed Lots 4 and 11, the building setbacks shown on the PUD tentative plan conform to the setback standards of SRC 210.045(b), Table 210-3.

The duplex on proposed Lot 4 does not conform to minimum PUD setback requirements abutting Davis Road because the duplex is setback 18 feet where a minimum 20-foot setback is required.

The duplex on proposed Lot 11 does not conform to minimum PUD setback requirements abutting the proposed extension of Mariel Place because the south wall of the proposed garage is setback 8 feet where a minimum of 12 feet is required.

Because portions of the duplexes on Lots 4 and 11 do not meet minimum PUD setback requirements, the applicant has requested a Class 2 Adjustment in conjunction with the proposed development to reduce the required setbacks for those portions of the duplexes that do not meet setback requirements. Staff's analysis and findings regarding the conformance of the proposed Class 2 Adjustments with the applicable Class 2 Adjustment approval criteria are included under Section 13 of this report.

All of the lots within the proposed development are of a size and configuration that is suitable to accommodate development of the proposed duplexes as shown on the PUD tentative plan. The proposed development, with the exception of the Class 2 Adjustments to allow a reduction to the required setbacks for portions of the duplexes on Lots 4 and 11, conforms to this standard.

**Height (SRC 210.045(c) – Table 210-4):**

SRC 210.045(c), Table 210-4, establishes maximum allowable heights for buildings and accessory structures within PUDs. Within the RM-I zone, maximum building height is limited to 35 feet. Accessory structure height is limited to a maximum of 15 feet. As shown on the elevation drawings for the proposed duplexes within the PUD (**Attachment B**), the heights of the proposed duplexes will not exceed the maximum 35-foot building height of the RM-I zone. The proposed development conforms to this standard.

**Parking (SRC 210.045(d)):**

SRC 210.045(d) establishes specific requirements for parking within PUDs that apply beyond the City's off-street parking, loading, and driveways chapter (SRC Chapter 806). The parking requirements established under SRC 210.045 include requirements for the minimum number of parking spaces and parking location, setbacks, dimensions, landscaping, and screening.

- **Minimum Required Parking (SRC 210.045(d)(1), Table 210-5).**

Within the RM-I zone, SRC 210.045(d), Table 210-5, requires a minimum of 2.5

parking spaces to be provided for the first 10 dwelling units and a minimum of 2 spaces per dwelling unit for the remaining dwelling units over 10. Based on this parking requirement, the proposed 45-unit PUD requires a minimum of 95 spaces. However, because the proposed PUD also includes a 1,800 square-foot convenience service area, an additional 7 parking spaces are required for the convenience service area. As such, the combined minimum parking requirement for the proposed 45 dwelling units and the 1,800 square-foot convenience service area equals 102 spaces.

As shown on the PUD tentative plan, a total of 116 parking spaces will be provided for the proposed development. The 116 parking spaces provided are summarized in the table below:

PUD Parking Summary	
88 Total Duplex Lot Spaces	4 spaces on each of the 22 duplex lots. <i>(Note: 2 of the spaces on each lot are located in single car garages and 2 spaces of the spaces on each lot are located in the driveway leading to single car garages)</i>
28 Total Surface Parking Spaces	Located generally around the convenience service area and to the east of Lot 23.
<b>116 Parking Spaces Total</b>	

Because the number of parking spaces provided within the PUD exceeds the minimum required 102 spaces, the proposed development conforms to this standard.

▪ ***Parking Location (SRC 210.045(d)(2)(A)).***

SRC 210.045(d)(2)(A) requires parking for Planned Unit Developments to be located within the boundaries of the PUD. The parking may be either located on-street, off-street, or a combination thereof.

As previously indicated the proposed PUD provides parking on the individual proposed duplex lots and in surface parking areas generally located around the convenience service area, and to the east of Lot 23, off the proposed private drive. All of the parking spaces proposed within the PUD are located within the boundaries of the PUD. The proposed development conforms to this standard.

▪ ***Garage/Carport Vehicle Entrance Setback Abutting Street or Flag Lot Accessway (SRC 210.045(d)(2)(B)).***

SRC 210.045(d)(2)(B) requires the vehicle entrance of a garage or carport facing a street or flag lot accessway to be setback a minimum of 20 feet from one of the following lines, whichever is closest to the proposed vehicle entrance of the garage or carport:

- (i) The street right-of-way line, most interior access easement line, or property line abutting a flag lot accessway;
- (ii) The outside curblane; or
- (iii) The edge of the sidewalk furthest from the street.



As shown on the PUD tentative plan, each of the proposed duplex dwelling units includes a single car garage facing the proposed internal private drive, or, in the case of proposed Lot 12, facing the extension of Mariel Place. The vehicle entrances to the garages are setback 20 feet to ensure adequate space for parking within the driveways leading to the garages and to conform to the garage/carport vehicle entrance setback standard. The proposed development conforms to this standard.

- ***Parking Space Dimensions (SRC 210.045(d)(2)(C)).***

SRC 210.045(d)(2)(C) requires on-street parallel parking spaces to be a minimum of 7 feet in width and a minimum of 22 feet in length. The proposed PUD does not include any on-street parallel parking spaces. As such, this standard is not applicable to the proposed development.

- ***Parking Area Landscaping and Screening (SRC 210.045(d)(2)(D)).***

SRC 210.045(d)(2)(D) requires all off-street parking areas, other than those within a garage or carport, or on a driveway leading to a garage or carport, to be effectively landscaped, designed to minimize the effect of a large number of cars in one area, and screened with ornamental evergreens or architectural features such as fences and walls.

As shown on the PUD tentative plan, the proposed development includes 28 surface parking spaces distributed throughout five separate parking areas that are generally located around the convenience service area and to the east of Lot 23. In order to conform to the landscaping and screening requirements of the SRC 210.045(d)(2)(D) and minimize the effect of a large number of cars in one area, the PUD tentative plan limits the size of the parking areas to small groupings of 3 to 9 parking spaces. In addition, the PUD tentative plan incorporates landscaping and shrubbery adjacent to the parking areas to screen them from the surrounding area. The proposed development conforms to this standard.

**Side Lot Lines (SRC 210.045(e)):**

SRC 210.045(e) requires that, as far as practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

As shown on the PUD tentative plan, the side lot lines of the proposed lots run at right angles to the private drive or public street they face. The proposed development conforms to this standard.

**Limits on Common Open Space (SRC 210.045(f)):**

SRC 210.045(f) places limitations on what can be counted towards common open space within Planned Unit Development. Pursuant to this section, streets, parking areas, traffic circles, and other similar transportation related improvements cannot be considered to be a part of common open space.

As shown on the PUD tentative plan, central common open space is provided within the development in order to serve as a passive recreational and visual amenity, as well as to preserve existing trees on site.

None of the common open space provided within the development is a transportation-

related improvement. The proposed development conforms to this standard.

**Side Lot Lines (SRC 210.045(e)):**

SRC 210.045(e) requires that as far as practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve. All of the lots within the proposed development that have frontage on a street have side lot lines that are perpendicular to the street which the lot faces. The proposed development conforms to this standard.

**Limits on Common Open Space (SRC 210.045(f)):**

SRC 210.045(f) establishes limits on what can be included within a PUD as common open space. Streets, parking areas, traffic circles, and other similar transportation related improvements cannot be considered as part of common open space.

Common open space is included within the proposed development. The common open space is located to the west of Lot 21, and to the north of Lots 18, 19, and 20, along Jory Creek. The proposed development conforms to this standard.

**Utilities (SRC 210.045(g)):**

SRC 210.045(f) requires that all utilities, except for stormwater management facilities shall be underground. The proposed development will be served by underground utilities. The proposed development conforms to this standard.

**Design Standards for Multiple Family Buildings (SRC 210.050):**

SRC 210.050 establishes standards for multiple family buildings within PUDs. The proposed development will create 23 lots, 22 of which are intended to be developed with duplexes and 1 which is intended to accommodate a proposed convenience service area with manager's apartment unit. No multiple family buildings of three or more dwelling units are proposed within the development. The multiple family design standards of SRC 210.050 are therefore not applicable to the proposed development.

**Home Owners Association (SRC 210.055):**

SRC 210.055 requires that the perpetual maintenance and operation of common open space within a Planned Unit Development shall be provided by a home owners association (HOA). The articles of the homeowners association must additionally meet the requirements of SRC 210.055(b). Because the proposed development includes common open space it must be maintained by an HOA. In order to ensure conformance with the requirements of SRC 210.055, the following condition of approval is recommended to ensure the perpetual maintenance and operation of all common open space and facilities within the development:

**Condition 1:** Prior to final PUD plan/plat approval, the applicant shall submit a Home Owners Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open spaces, common facilities, and community areas. The articles of the Home Owners Association shall conform to the provisions of SRC 210.055(b).

**Outdoor Storage Area Development Standards (SRC 210.060):**

SRC 210.060 establishes standards for outdoor storage areas, when such areas are included within a PUD. The proposed PUD does not include any outdoor storage areas. This standard is therefore not applicable to the proposed development.

**Convenience Service Area & Retail Service Area Development Standards (SRC 210.065):**

SRC 210.065 establishes requirements for convenience service areas and retail service areas when such areas are included within a PUD. Pursuant to SRC 210.065(a), a convenience service area may be located within a PUD containing less than 150 dwelling units. Because the proposed PUD contains less than 150 dwelling units, a convenience service area may be included within the PUD.

As shown on the PUD tentative plan and indicated in the applicant's written statement, there is a 1,800 square-foot convenience service area included within the development in the existing house.

▪ ***Permitted Activities within Convenience Service Area (SRC 210.065(a)(1)):***

Pursuant to SRC 210.065(a)(1), the activities allowed within a convenience service area include the following:

- Newsstands;
- Barbershops and beauty parlors;
- Delicatessens, coffee shops, and tea rooms; and
- Activity room and meeting room.

Any future use of the convenience service area must conform to the requirements of SRC 210.065

▪ ***Maximum Square Footage of Convenience Service Area (SRC 210.065(c)):***

SRC 210.065(c)(1) and (2) establish limits on the maximum size of convenience service areas. Pursuant to SRC 210.065(c)(1), the gross square footage of building area within a convenience service area is limited to a maximum of 40 square feet per dwelling unit within the PUD. The proposed PUD includes a total of 45 dwelling units. As such, the maximum convenience area square footage allowed within the development is 1,800 square feet. The 1,800 square-foot convenience service area included within the proposed PUD conforms to the maximum convenience service area size limitation established under SRC 210.065(c)(1).

SRC 210.065(c)(2) prohibits any single establishment within a convenience service area from occupying more than 50 percent of the gross square footage permitted within the convenience service area at the time of completion of the planned unit development.

Any future use of the convenience service area must conform to the requirements of SRC 210.065(c)(2).

▪ ***Convenience Service Area Parking (SRC 210.065(d)):***

SRC 210.065(d) establishes a minimum off-street parking requirement of one space per 250 square feet of gross floor area for convenience service areas.

As shown on the PUD tentative plan, the proposed development includes a 1,800

square-foot convenience service area. As such, a minimum of 7 off-street parking spaces are required for the convenience service area pursuant to SRC 210.065(d).

Based on the number of dwelling units included within the proposed PUD and the square footage of the proposed convenience service area, a minimum total of 102 parking spaces are required for the development. The proposed PUD includes a total of 116 parking spaces. The proposed development conforms to this standard.

▪ ***Convenience Service Area Activities Enclosed (SRC 210.065(e)):***

SRC 210.065(e) requires that unless otherwise approved within the PUD tentative plan, all commercial activity within a convenience service area shall be conducted entirely within an enclosed building.

The proposed PUD converts the existing house on the subject property to a convenience service area. The existing house is enclosed and no commercial activity within the convenience service area will be conducted outside the building. The proposed development conforms to this standard.

▪ ***Convenience Service Area Landscaping and Screening (SRC 210.065(f)):***

SRC 210.065(f) requires convenience service areas to be surrounded by a landscaped area a minimum of 20 feet in depth, excluding driveways. The landscaped area shall be planted with a minimum of one plant unit, as set forth in SRC Chapter 807, per 20 square feet of landscaped area.

Except in certain locations adjacent to the east and west sides of the convenience service area, a 20-foot-wide landscape area is provided around the perimeter of the convenience service area as required under SRC 210.065(f). In those locations adjacent to the east and west sides of the convenience service area where a 20-foot-wide landscape area is not provided, the applicant has requested a Class 2 Adjustment with the development to allow a reduction to the required landscape width in those areas.

Staff's analysis and findings regarding the conformance of the proposed Class 2 Adjustment with the applicable Class 2 Adjustment approval criteria are included under Section 13 of this report.

The proposed development, with the exception of the Class 2 Adjustment to allow a reduction to the required landscape width adjacent to the east and west sides of the convenience service area, conforms to this standard.

▪ ***Storage of Garbage and Refuse (SRC 210.065(g)):***

SRC 210.065(g) requires all solid waste generated by a convenience service area to be stored entirely within the building until the time of disposal.

Any future use of the convenience service area must conform to the requirements of SRC 210.065(g).

**Other Provisions (SRC 210.075):**

SRC 210.075 identifies other provisions of the UDC that development with Planned Unit Developments must comply with.

**a. Public Improvements (SRC Chapter 802):**

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 210 does not require submission of utility construction plans prior to Planned Unit Development tentative 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 PUD plan/plat approval without impeding service to the surrounding area. The applicant shall construct improvements to the specifications of the Public Works Department memo dated June 15, 2016 (**Attachment F**).

A summary of existing improvements is as follows:

**Water:** The Public Works Department indicates that the subject property is located in the S-3 water service level. There is a 12-inch public S-3 water line located in Davis Road S. There is a 16-inch public S-3 water line in Liberty Road S. There is an 8-inch public S-3 water line in Mariel Place S.

As a condition of water service, all developments are required to provide public water mains of sufficient size for fire protection to adjacent parcels. This includes the extension of water mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way.

**Sanitary Sewer:** The Public Works Department indicates there is an existing 8-inch sewer line located in Davis Road S.

As a condition of sewer service, all developments are required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development.

**Storm Drainage:** The Public Works Department indicates that there is a 27-inch and 18-inch storm main located in Davis Road S. There is an 18-inch storm main located in Liberty Road S. There is a 15-inch storm main located in Mariel Place S; this main may not be available due to topographical constraints.

As indicated in the comments from the Public Works Department, water, sewer, and stormwater infrastructure are available to serve the proposed development. To ensure the adequate provision of water, sewer, and storm services to the subject property, the following conditions of approval shall apply:

**Condition 2:** Prior to final PUD plan/plat approval, construct public water and sewer systems to serve each lot.

**Condition 3:** Prior to final PUD plan/plat approval, design green stormwater infrastructure to the maximum extent feasible as specified in PWDS Appendix 4E to serve the internal street system and to accommodate future impervious surface on all proposed lots. Construct stormwater facilities that are proposed in the public right-

of-way and in public storm easements.

**Condition 4:** Prior to commencement of combustible construction, fire hydrants shall be installed within 600 feet of all residential structures and 400 feet of all commercial structures.

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

The proposed development was reviewed by the Public Works Department for conformance with the requirements of SRC Chapter 803. The subject property is bordered by Davis Road S on the north and Liberty Road S on the east; Mariel Place S extends to the boundary of the subject property on the west. Internal circulation is provided within the proposed PUD via the extension of Mariel Place and a proposed 20-foot-wide private drive that makes a loop within the development.

Liberty Road is designated as a major arterial street. The standard for this classification of street is a 68-foot-wide improvement within a 96-foot-wide right-of-way. The street is currently improved with a varying 45-foot-wide to 32-foot-wide improvement within a varying 82-foot-wide to 130-foot-wide right-of-way abutting the subject property.

Liberty Road does not meet the current standard for a Major Arterial street. This area of Liberty Road meets the criteria for an alternative standard to construct a half-street improvement to minor arterial standards along the entire frontage of Liberty Road.

Davis Road is designated as a collector street within the City's Transportation System Plan (TSP). The standard for this classification of street is a 34-foot-wide improvement within a 60-foot-wide right-of-way. The street is currently improved with a varying 38-foot-wide to 46-foot-wide improvement within a 90-foot-wide right-of-way.

Davis Road does not meet the current standard for a Collector street. As identified in the conditions of approval for the Urban Growth Preliminary Declaration, the applicant is required to complete a half-street improvement along the entire frontage of Davis Road. An Alternate street standard of a minor arterial is acceptable with three lanes due to the proximity to the Liberty Road intersection and a combination bicycle/pedestrian pathway as shown on the applicant's site plan, or as approved by the Public Works Director.

The internal public street will be constructed as shown on the applicant's tentative plan. The applicant is requesting an alternate street standard for Mariel Place to allow for a 50-foot right-of-way width with curblin sidewalks. The request is due to the existing Mariel Place being constructed with an alternate street standard with the Vanatta Place subdivision to the west. Pursuant to SRC 803.065(a)(2), the Director may authorize the use of one or more alternate street standards where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed. After reviewing the applicant's alternate design proposal, it is consistent with past practice and the Director authorizes the proposed 30-foot improvement, within a 50-foot right-way, and curblin sidewalks.

In order to ensure that streets within the proposed development are provided consistent with the TSP, the requirements of SRC Chapter 803, and in conformance

with the Oregon Fire Code to ensure adequate Fire Department access, the following conditions of approval are recommended:

- Condition 5:** Prior to final PUD plan/plat approval, construct the internal streets as shown on the applicant's proposed site plan with the following minimum requirements in conformance with the Public Works Design Standards:
- a. 10-foot-wide vehicular travel lanes in each direction with a local street structural section;
  - b. 5-foot-wide pedestrian walkways;
  - c. Street lights, trees, signs, and other appurtenances.
- Condition 6:** Prior to final PUD plan/plat approval, "No Parking Fire Lane Signs," as specified in Section D103.6 of the Oregon Fire Code, shall be posted on both sides of the proposed 20-foot-wide internal private drive.

**c. Preservation of Trees and Vegetation (SRC Chapter 808):**

The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (*including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater*), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

There are trees present on the subject property, including significant Oregon White Oaks. As required under SRC 808.035, a tree conservation plan was submitted by the applicant, Case No. TCP16-02. The tree conservation plan identifies a total of 94 trees on the property with a diameter-at-breast height (dbh) of 10 inches or greater. Of the total 94 trees, 21 are significant Oregon White Oaks.

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 25 percent of the remaining trees on the property. If less than 25 percent of the existing trees on the property are proposed for preservation, the applicant must show that only those trees reasonably necessary to accommodate the development are designated for removal. If significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

There are no heritage trees or riparian corridor trees and native vegetation on the property; as previously indicated there are 21 significant trees on the property. The applicant's proposed tree conservation identifies 55 trees (58.5%) for preservation and 39 trees (41.5%) for removal. Of the 21 significant trees present on the property, the tree conservation plan identifies 11 significant trees (52.4%) for preservation and

10 (47.6%) for removal.

**d. 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 wetlands 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.

The City's wetlands ordinance, SRC Chapter 809, requires notice to DSL for applications for development or land use in areas designated as wetlands on the official wetlands map. The Salem-Keizer Local Wetland Inventory (LWI) does not currently identify any wetlands or waterways as being present on the subject property; however, the geologic assessment provided by the applicant in conjunction with the proposed development indicates the presence springs to the south of the site that drain through the subject property.

Pursuant to the requirements of SRC Chapter 809, notice of the proposed development was provided to the Oregon Department of State Lands (DSL). Comments received from DSL (**Attachment E**) indicate that the property may contain jurisdictional wetlands and/or waters and that a wetland delineation is recommended prior to development. The DSL further explains that a state permit is required for 50 cubic yards or more of removal and/or fill within wetlands, below ordinary high water of streams, and within other waters of the state.

Compliance with the requirements of DSL must be coordinated between the applicant and DSL staff.

**e. Landslide Hazards (SRC Chapter 810):**

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 2 landslide hazard susceptibility points. There are 3 activity points associated with planned unit developments and subdivisions. The cumulative total of 5 points indicates a moderate landslide hazard susceptibility risk; pursuant to SRC Chapter 810, a geologic assessment is therefore required in conjunction with the proposed development of the subject property.

A geologic assessment has been submitted by the applicant in conformance with the requirements of SRC Chapter 810. The geologic assessment indicates that with the use of generally accepted construction techniques and by strictly following the recommendations contained in the report and in the building code, the site is geologically suitable for the proposed development. In order to ensure conformance with the requirements of SRC Chapter 810, the following condition of approval is recommended:

**Condition 7:** Prior to final PUD plan/plat approval at the time of final acceptance of public infrastructure construction, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.



As identified in the findings above, the PUD tentative plan conforms to the development standards of SRC Chapter 210. This criterion is met.

**(2) The PUD tentative plan provides one or more of the following:**

- (A) Common open space that will be improved as a recreational amenity and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of recreational amenities include, but are not limited to, swimming pools, golf courses, ball courts, children's play areas, picnic and barbecue facilities, and community gardens;**
- (B) Common open space, which may be landscaped and/or left with natural tree cover, that is permanently set aside for the passive and/or active recreational use of the residents of the PUD and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of passive and/or active recreational use include, but are not limited to, community gardens, commons, and private parks;**
- (C) Common open space that will preserve significant natural or cultural features; or**
- (D) Unique or innovative design concepts that further specific identified goals and policies in the Salem Area Comprehensive Plan.**

**Finding:** As shown on the PUD tentative plan and indicated in the applicant's written statement, the proposed PUD includes common open space centrally located within the development and distributed throughout other areas of the site. The common open space areas proposed are intended to serve as passive recreational and visual amenities while also acting to preserve existing trees. This criterion is met.

**(3) If a retail service area or a convenience service area is proposed, the area is designed to:**

- (A) Adequately provide for privacy and minimize excessive noise on adjacent uses;**
- (B) Provide for adequate and safe ingress and egress; and**
- (C) Minimize the impact of vehicular traffic on adjacent residential uses.**

**Finding:** As shown on the PUD tentative plan and indicated in the applicant's written statement, the proposed development includes a convenience service area centrally located within the development. The applicant indicates that the generous landscaped buffers, yards, and common areas provided between the convenience service area and the duplexes, and the convenience service area's location in the center of the subject property, help to provide privacy and minimize any potential impacts the convenience service area might have on adjacent uses.

In addition, the siting of the convenience service area within the center of the development also provides for safe and convenient ingress and egress to the convenience service area via the internal private drive which loops around the proposed development. The siting of the convenience service area within the center of the development inside the private loop drive also helps to minimize the impact of vehicular traffic on adjacent residential uses by allowing access to the convenience service area

from more than one direction; therefore avoiding the funneling of traffic in front of residential uses in one direction. This criterion is met.

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 ADJUSTMENT**

### **13. CLASS 2 ADJUSTMENT APPROVAL CRITERIA**

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the 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.***

**Finding:** The applicant has requested three Class 2 Adjustments in conjunction with the proposed development. The adjustments requested by the applicant include:

- a) A proposed reduction to the minimum setback adjacent Davis Road S for the proposed duplex on Lot 4 from 20 feet, as required under SRC 210.045(b), Table 210-3, to 18 feet;
- b) A proposed reduction to the minimum landscaped area around the perimeter of the proposed convenience service area from 20 feet, as required under SRC 210.065(f)(1), to less than 20 feet in certain locations; and
- c) A proposed reduction to the minimum setback adjacent to the proposed internal street for the proposed garage of the duplex on Lot 11 from 12 feet, as required under SRC 210.045(b), Table 210-3, to 8 feet;

The applicant's written statement (**Attachment H**) indicates that the layout of the proposed development better meets the intent of the Planned Unit Development code, and generally complies with all setbacks and standards in the zone code. However, there are a few areas where an adjustment in setback dimension is necessary to make the layout work. This produces a better layout, and the overall development is better as a result of this flexibility, in these few areas.

Staff concurs with the findings included in the applicant's written statement. The purpose underlying the 20-foot setback required when abutting a collector or arterial street and the 12-foot setback required when abutting a local street is to provide for light, air, privacy, and separation from the public street right-of-way. A greater setback is required abutting a collector or arterial street because these streets are busier streets with a greater amount of traffic. The greater 20-foot setback is intended for provide for increased separation and privacy from these busier streets.

As identified above, the proposed development includes a Class 2 Adjustment request to reduce the setback required abutting Davis Road, a collector street, for the duplex on Lot 4 from 20 feet to approximately 18 feet and a Class 2 Adjustment

request to reduce the setback required abutting the proposed extension of Mariel Place, a local street, for the garage of the duplex on Lot 11 from 12 feet to 8 feet.

The proposed reduced 18-foot setback abutting Davis Road for the duplex on Lot 4 equally meets the purpose of the 20-foot setback required abutting a collector street because:

- 1) The amount of the reduction to the setback is limited to only 2 feet. A two-foot reduction to the required setback does not substantially change the amount of light, air, or privacy afforded by the setback;
- 2) Due to the topography of the site, the duplex on Lot 4 will be located below the right-of-way of Davis Road, thereby helping to provide a sense of vertical separation and privacy from Davis Road to compensate for the loss of 2-foot horizontal setback; and
- 3) The proposed development is a PUD. One of the purpose of the City's Planned Unit Development ordinance, as identified under SRC 210.001, is to provide a means to develop real property with greater latitude in site development standards, common areas, and open space this is allowed through traditional zoning. As indicated in the applicant's written statement, the proposed reduction to the setback is necessary to make the overall layout of the development work. Where 2 feet of setback is lost abutting Davis Road, the proposed PUD makes up for that loss in setback through the provision of common open space and the preservation of trees that might not have been feasible if it were not for the flexibility provided by the PUD ordinance.

The proposed reduced 8-foot setback abutting the extension of Mariel Place for the garage of the duplex on Lot 11 equally meets the purpose of the 12-foot setback required abutting a local street because:

- 1) The required 12-foot setback adjacent to Mariel Place is maintained for the majority of the building except for a relatively small area of the southeastern portion of the garage on Lot 11 adjacent to where the bulb-out of Mariel Place approaches the garage wall;
- 2) Because the proposed setback reduction applies to a small portion of the garage, there will not be a substantial change to the amount of light, air, or privacy afforded by the setback; and
- 3) Because the proposed development is a PUD, what is lost in 4 feet of setback for a small portion of a garage is made up for in common open space and preservation of trees in other areas of the site.

The proposed development also includes a Class 2 Adjustment to reduce the minimum landscaped area around the perimeter of the proposed convenience service area from 20 feet, as required under SRC 210.065(f)(1), to less than 20 feet in certain locations.

The purpose underlying this standard is to provide privacy and separation between convenience service areas within PUDs and adjacent uses. As shown on the PUD tentative plan, certain areas on both the eastern and western sides of the convenience service area have less than 20-feet of landscaped area provided adjacent to them. Even though these areas have less than the required 20 feet of landscaping, the proposed development equally meets the purpose underlying this landscaping standard by:

- 1) Limiting, to the extent feasible, the areas where landscaping around the convenience service area had to be reduced below 20 feet in order to accommodate the overall layout of the development; and
- 2) Providing landscaping, buffer, and open space area in excess of 20 feet on the north and south sides of the convenience service area.

As indicated by the findings above, the purposes underlying the specific standards proposed for adjustment are equally met by the proposed development. This criterion is met.

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

**Finding:** The applicant's written statement (**Attachment H**) indicates that the proposed development will improve the livability and appearance of the residential area because the visual effect, and the environmental design, is better than a packed in conventional development of residential lots. Instead, many trees are saved and common open landscaped spaces are featured as an amenity. These natural and landscaped areas are connected by pedestrian walkways for the benefit of all residents.

Staff concurs with the findings included in the applicant's written statement. The proposed development will allow for an increase in residential density, help address the City's deficit of multi-family zoned land, provide common open space as a recreational amenity for the residents of the development, and preserve a greater number of existing trees than would be achieved in a traditional development.

The minimal requested adjustments to setbacks and landscape areas within the development will not detract from the overall livability or appearance of the development or that of the surrounding residential area. This criterion is met.

**(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:** The applicant's written statement (**Attachment H**) indicates that the proposed adjustments requested with the Planned Unit Development have a cumulative effect of enhancing an attractive layout and are consistent with the overall purpose of the zone.

Staff concurs with the findings included within the applicant's written statement. Planned Unit Developments (PUDs) are allowed in the RM-I zone. One of the purposes of a PUD, as identified under SRC 210.001, is to provide a means to develop real property with greater latitude in site development standards, common areas, and open space than is allowed through traditional zoning and to provide for increased amenities in the development of residential uses within certain zones.

The cumulative effect of the minimal requested adjustments to setbacks and landscape areas within the development do not detract from its livability or overall appearance. What is lost in small reductions to setbacks and landscape areas for portions of three buildings within the overall development is made up for through the provision of common open space throughout the site and the preservation of trees, consistent with the purposes of a PUD. This criterion is met.

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

### 14. CLASS 2 DRIVEWAY APPROACH PERMIT APPROVAL CRITERIA

Salem Revised Code (SRC) 804.025(d) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Driveway Approach Permit. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Driveway Approach Permit, or for the issuance of certain conditions to ensure the criteria are met.

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

**Finding:** The proposed driveway approaches meet the standards for SRC 804 and the PWDS.

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

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

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

**Finding:** The applicant is proposing two driveway approaches accessing onto the new interior local street, and one driveway approach accessing Liberty Road, an arterial street. The Assistant City Traffic Engineer has reviewed the proposed access to Liberty Road and determined that the driveways meet the requirements for sight distance and are considered appropriate access points for the development.

(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 applicant is proposing to extend the existing Mariel Place local street through the property, and will be providing two driveway access points to this street. It is anticipated that the Mariel Place entrance will be the primary access for the development.

(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.

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

**Finding:** The proposed driveways will not create any known traffic hazards and will provide for safe turning movements for access to the subject property.

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

**Finding:** The location of the proposed driveways do not appear to have any adverse impacts to the adjacent properties or streets.

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

**Finding:** The proposed driveway approaches are located on a local street, with a secondary access to the major arterial. The Assistant City Traffic Engineer has determined that that proposed driveway locations do not create any significant impact to adjacent streets and intersections.

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

**Finding:** The applicant is proposing a zone change of the subject property from RA (Residential Agriculture) to RM-I (Multiple Family Residential), a similar zone to the adjacent Vanatta Place development. The driveway will not have an effect on the functionality of the adjacent streets.

## **CONCLUSION**

Based on the facts and findings presented herein, staff concludes that the proposed Comprehensive Plan Amendment, Zone Change, Urban Growth Preliminary Declaration, Planned Unit Development-Subdivision, Class 2 Adjustment, and Class 2 Driveway Approach Permit, as conditioned, satisfy the applicable criteria contained under SRC 64.025(e)(2), SRC 265.005(e), SRC 200.025(d) and (e), SRC 210.025(d), SRC 250.005(d)(2), and SRC 804.025(d) for approval.

## **RECOMMENDATION**

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and take the following action for the subject property located at 5721 and 5771 Liberty Road S (Marion County Assessor Map and Tax Lot Numbers: 083W16CD00100 and 200):

A. **APPROVE** the Minor Comprehensive Plan Map Amendment to change the comprehensive plan map designation of the subject property from "Developing Residential" to "Multiple Family Residential."

B. **APPROVE** the Quasi-Judicial Zone Change to change the zoning of the subject property from RA (Residential Agriculture) to RM-I (Multiple Family Residential), subject to the following condition:

**Condition 1:** The total number of average daily vehicle trips generated from the subject property shall not exceed 362

C. **APPROVE** the Urban Growth Preliminary Declaration for the proposed development, subject to the following conditions:

**Condition 1:** Prior to final PUD plan/plat approval, construct a minimum 23-foot-wide half-street improvement along the frontage of Liberty Road S to Minor Arterial standards.

**Condition 2:** Prior to final PUD plan/plat approval, convey land for dedication of right-of-way along the frontage of Liberty Road S to equal 48-feet from the centerline.

**Condition 3:** Prior to final PUD plan/plat approval, construct a minimum 5-foot-wide sidewalk improvement along the entire frontage of Davis Road.

**Condition 4:** As a condition of linking to the S-3 water system, either:

- a. Construct the S-3 Skyline 2 Reservoir; or
- b. Pursuant to SRC 200.080(a), connect to the existing S-3 water system as a temporary facility through completion of a temporary facilities access agreement at the time of development, specifying payment of a temporary access fee of \$2,000 per lot to be collected at the time of building permit issuance.

D. **APPROVE** the Planned Unit Development-Subdivision Tentative Plan to establish a 45-unit PUD-subdivision of 23 lots accommodating 22 duplexes, a convenience service area with manager's apartment unit, and common open space, subject to the following conditions:

**Condition 1:** Prior to final PUD plan/plat approval, the applicant shall submit a Home Owners Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open spaces, common facilities, and community areas. The articles of the Home Owners Association shall conform to the provisions of SRC 210.055(b).

**Condition 2:** Prior to final PUD plan/plat approval, construct public water and sewer systems to serve each lot.

**Condition 3:** Prior to final PUD plan/plat approval, design green stormwater infrastructure to the maximum extent feasible as specified in PWDS Appendix 4E to serve the internal street system and to accommodate future impervious surface on all proposed lots. Construct stormwater facilities that are proposed in the public right-of-way and in public storm easements.

**Condition 4:** Prior to commencement of combustible construction, fire hydrants shall be installed within 600 feet of all residential structures and 400 feet of all commercial structures.

**Condition 5:** Prior to final PUD plan/plat approval, construct the internal streets as shown on the applicant's proposed site plan with the following minimum requirements in conformance with the Public Works Design Standards:

- a. 10-foot-wide vehicular travel lanes in each direction with a local street structural section;
- b. 5-foot-wide pedestrian walkways;
- c. Street lights, trees, signs, and other appurtenances.

**Condition 6:** Prior to final PUD plan/plat approval, "No Parking Fire Lane Signs," as specified in Section D103.6 of the Oregon Fire Code, shall be posted on both sides of the proposed 20-foot-wide internal private drive.

**Condition 7:** Prior to final PUD plan/plat approval at the time of final acceptance of public

infrastructure construction, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

E. **APPROVE** the Class 2 Adjustment to reduce the minimum setback adjacent Davis Road S for the proposed duplex on Lot 4 from 20 feet, as required under SRC 210.045(b), Table 210-3, to 18 feet; reduce the minimum landscaped area around the perimeter of the proposed convenience service area from 20 feet, as required under SRC 210.065(f)(1), to less than 20 feet in certain locations; and reduce the minimum setback adjacent to the proposed internal street for the proposed garage of the duplex on Lot 11 from 12 feet, as required under SRC 210.045(b), Table 210-3, to 8 feet.

F. **APPROVE** the Class 2 Driveway Approach Permit.

**Attachments:**

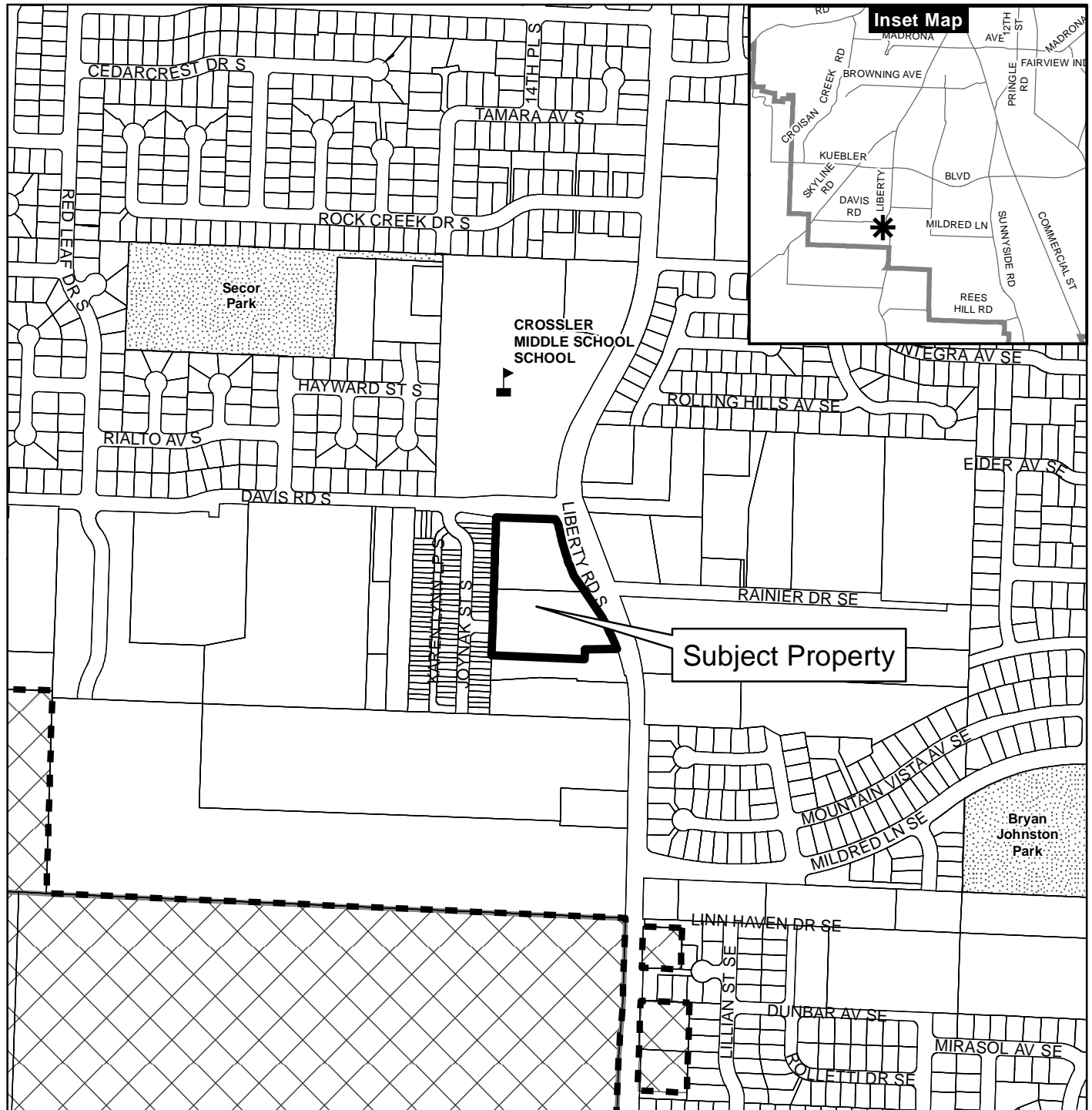
- A. Vicinity Map
- B. Applicant's Proposed Plans and Building Elevations
- C. Comprehensive Plan Map
- D. Zoning Map
- E. Comments from Oregon Department of State Lands (DSL)
- F. Public Works Department Comments
- G. Comments from Salem-Keizer School District
- H. Applicant's Written Statement
- I. Applicant's Transportation Planning Rule (TPR) Traffic Analysis

Prepared by Bryce Bishop, Planner II *BB*.



# Vicinity Map

## 5721 & 5771 Liberty Road S



### Legend

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

0 100 200 400 Feet



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

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Attachment B  
PLANNED UNIT  
DEVELOPMENT

4.69 ACRE PROPERTY  
204,296 SQ.FT.  
(CURRENTLY IN 2 TAX LOTS)  
5721 & 5771 LIBERTY RD. S.

23 LOTS PROPOSED  
INCLUDES 1 CONVENIENCE CENTER  
(CONVERTED EXISTING HOUSE)

45 (TOTAL) DWELLING UNITS:

4.69 / 45 = 10.42 UNITS PER ACRE  
(LOW END OF RM-1 PERMITTED DENSITY)

22 DUPLEXES X 2 = 44 UNITS

PLUS 1 MANAGER APARTMENT  
(ABOVE CONVENIENCE CENTER)

PERMITTED SIZE  
OF CONVENIENCE CENTER:  
45 X 40 = 1,800 SQ.FT. PERMITTED USES

COMMON AREAS:  
OPEN SPACE, NATURAL AREAS,  
PRIVATE DRIVEWAYS, BIOSWALES

204,296 SQ.FT. PROPERTY  
156,930 SQ.FT. PROPOSED LOTS  
47,366 SQ.FT. COMMON AREAS  
(23% OF TOTAL)

PROPOSED DUPLEXES  
MEET MINIMUM PUD SETBACK AND  
BUILDING CODE SETBACKS.

FRONT YARD AT GARAGE: 20 FT. MIN.  
SIDE YARD (TYPICAL): 5 FT. MIN.  
REAR YARD AT UNITS: 20 FT. MIN.

PROPOSED ADJUSTMENTS  
IN SETBACKS AND DIMENSIONS  
A1: 18 FT. (APPROX) WHERE 20 FT.  
REQUIRED  
A2: 16 FT. AT CONVENIENCE CENTER  
WHERE 20 FT. REQUIRED  
A3: 8 FT. AT DUPLEX 11 GARAGE WALL  
WHERE 12 FT. REQUIRED



5 GAL. PHOTINIA OR RELOCATED MATURE SHRUB

4 FT. X 8 FT. X 4 FT. H. TRASH SCREEN FENCE

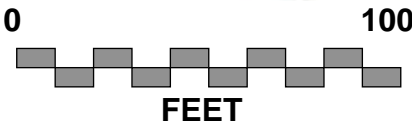
# 50 OAKS

## PLANNED UNIT DEVELOPMENT SITE PLAN ILLUSTRATIVE SITE & LANDSCAPING PLAN

SCALE: 1" = 25'-0" (22 X 34)

SCALE: 1" = 50'-0" (11 X 17)

SEE ENGINEERING DRAWING C-1 FOR SUBDIVISION PLAN & LOT DIMENSIONS



Geoffrey James A.I.A.  
ARCHITECT  
Architecture & Planning  
TELEPHONE: 503-931-4120  
FAX: 503-863-3860  
gjamesarchitect@gmail.com  
www.gjamesarchitect.org



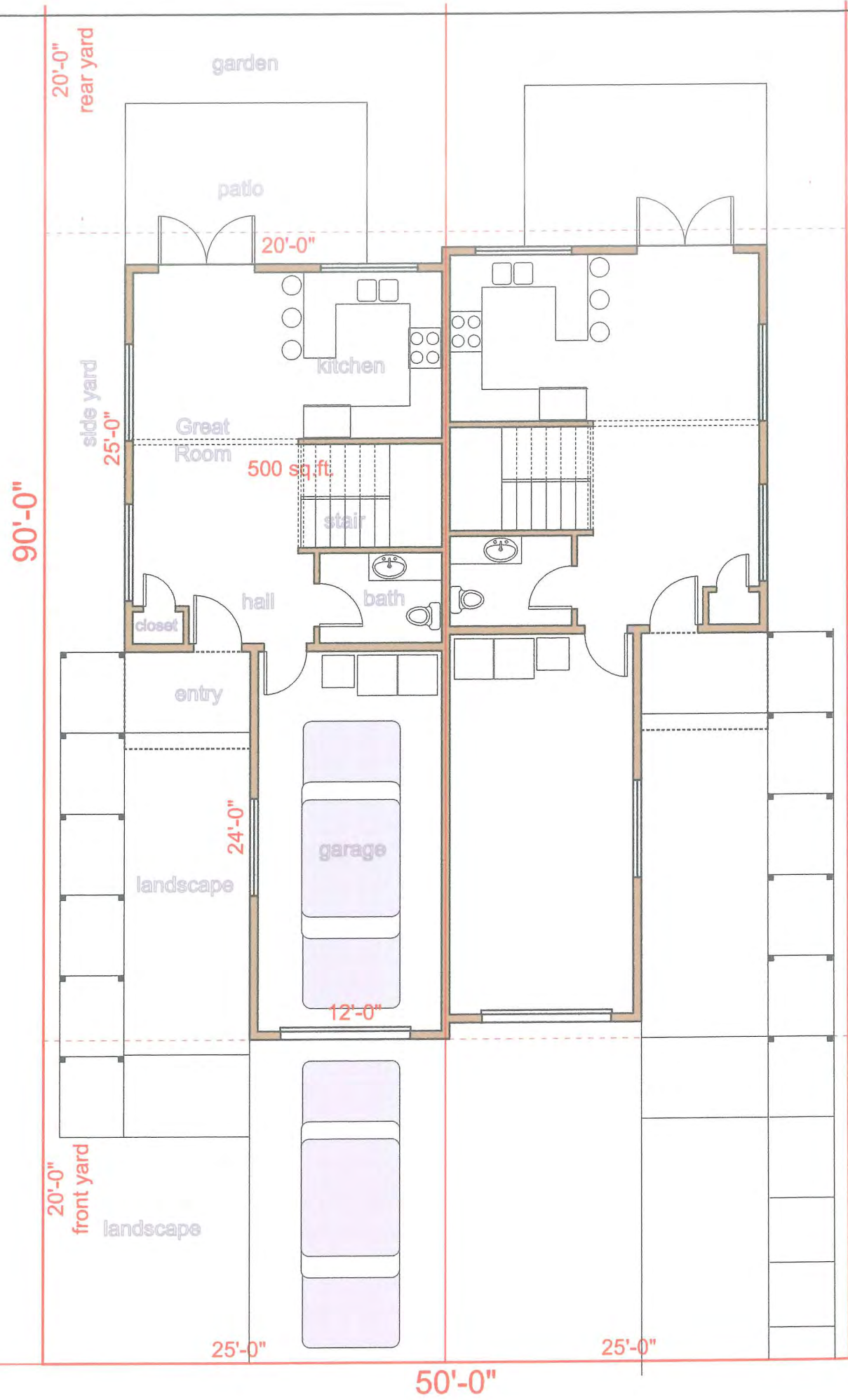
50 OAKS  
PLANNED UNIT DEVELOPMENT  
SUBDIVISION  
5721 & 5771 LIBERTY RD. S  
SALEM, OREGON 97302

PROJECT NUMBER  
GJAIA-2015-08  
DRAWN BY: GCJ  
DATE: 05-16-2016

SHEET NUMBER:

A-1

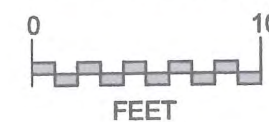




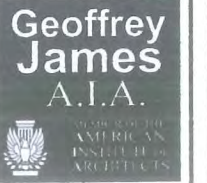
## FIRST FLOOR PLAN

500 sq.ft.

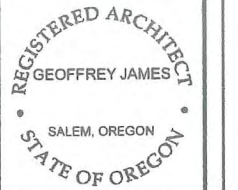
1,336 sq.ft. / unit  
total (excluding garage)



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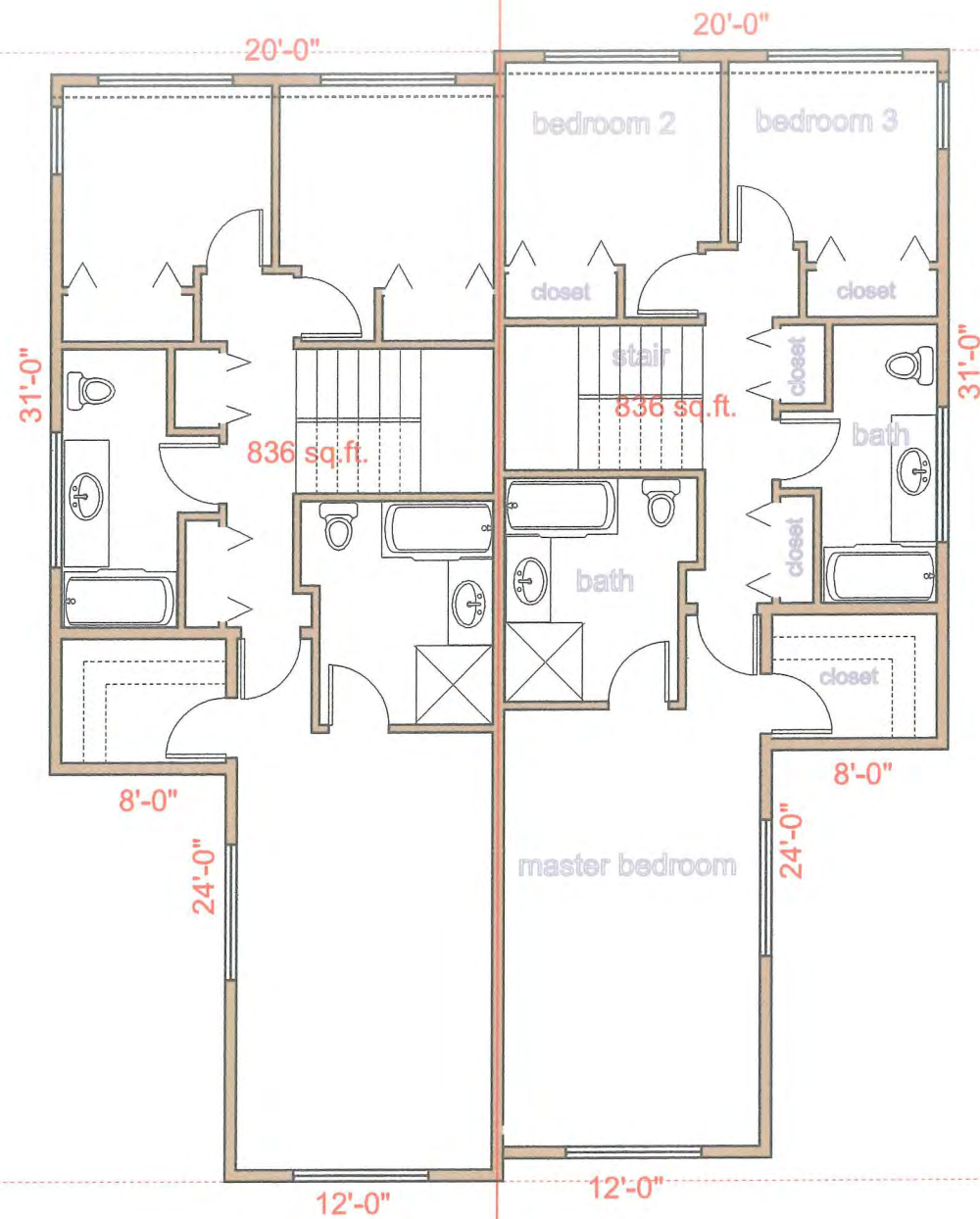
Geoffrey James A.I.A.  
**ARCHITECT**  
Architecture & Planning  
TELEPHONE: 503-931-4120  
503-867-0234  
FAX: 503-863-3860  
gjamesarchitect@gmail.com  
www.DesignBuildAssociates.org



**50 OAKS**  
PLANNED UNIT DEVELOPMENT  
SUBDIVISION  
5721 & 5771 LIBERTY RD. S  
SALEM, OREGON 97302

PROJECT NUMBER  
GJAIA-2015-08  
DRAWN BY: GCJ  
DATE: 03-02-2016

SHEET NUMBER:  
**A-1**



## SECOND FLOOR PLAN

836 sq.ft.

1,336 sq.ft. / unit  
total (excluding garage)



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**Geoffrey James**  
A.I.A.  
MEMBER OF THE  
AMERICAN  
INSTITUTE OF  
ARCHITECTS

**Geoffrey James A.I.A.**  
**ARCHITECT**

Architecture & Planning

TELEPHONE: 503-931-4120

503-967-0234

FAX: 503-863-3860

gjamesarchitect@gmail.com

www.DesignBuildAssociates.org

REGISTERED ARCHITECT  
GEOFFREY JAMES  
SALEM, OREGON  
STATE OF OREGON

**50 OAKS**

PLANNED UNIT DEVELOPMENT  
SUBDIVISION  
5721 & 5771 LIBERTY RD. S  
SALEM, OREGON 97302

PROJECT NUMBER  
GJAIA-2015-08

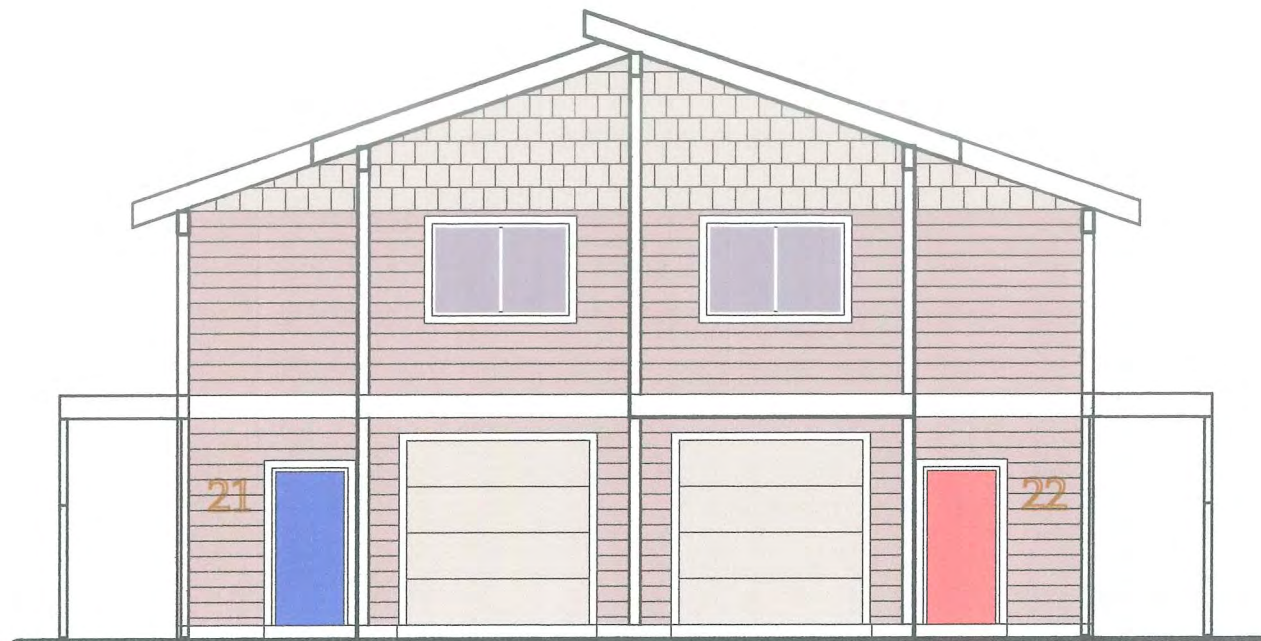
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**A-2**





FRONT ELEVATION



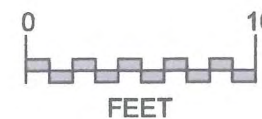
REAR ELEVATION



RIGHT SIDE ELEVATION



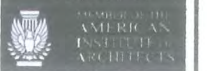
LEFT SIDE ELEVATION



## EXTERIOR ELEVATIONS

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**Geoffrey James**  
A.I.A.



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**ARCHITECT**

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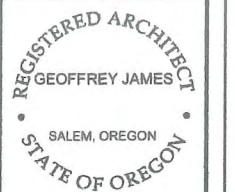
TELEPHONE: 503-931-4120

503-967-0234

FAX: 503-863-3860

gjamesarchitect@gmail.com

www.DesignBuildAssociates.org



**50 OAKS**

PLANNED UNIT DEVELOPMENT  
SUBDIVISION  
5721 & 5771 LIBERTY RD. S  
SALEM, OREGON 97302

PROJECT NUMBER  
GJAIA-2015-08

DRAWN BY: GCJ

DATE: 02-28-2016

SHEET NUMBER:

**A-4**





DUPLEX  
 2,600 sq.ft.  
 1,300 sq.ft. per unit  
 2 bedroom, 2.5 bath  
 288 sq.ft. single car garage  
 4,500 sq.ft. (50 ft. x 90 ft.) lot  
**PERSPECTIVE SKETCH**

**Geoffrey James**  
**A.I.A.**  
MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS

**Geoffrey James A.I.A. ARCHITECT**  
 Architecture & Planning  
 TELEPHONE: 503-931-4120  
 503-967-0234  
 FAX: 503-863-3860  
 gjamesarchitect@gmail.com  
 www.DesignBuildAssociates.org

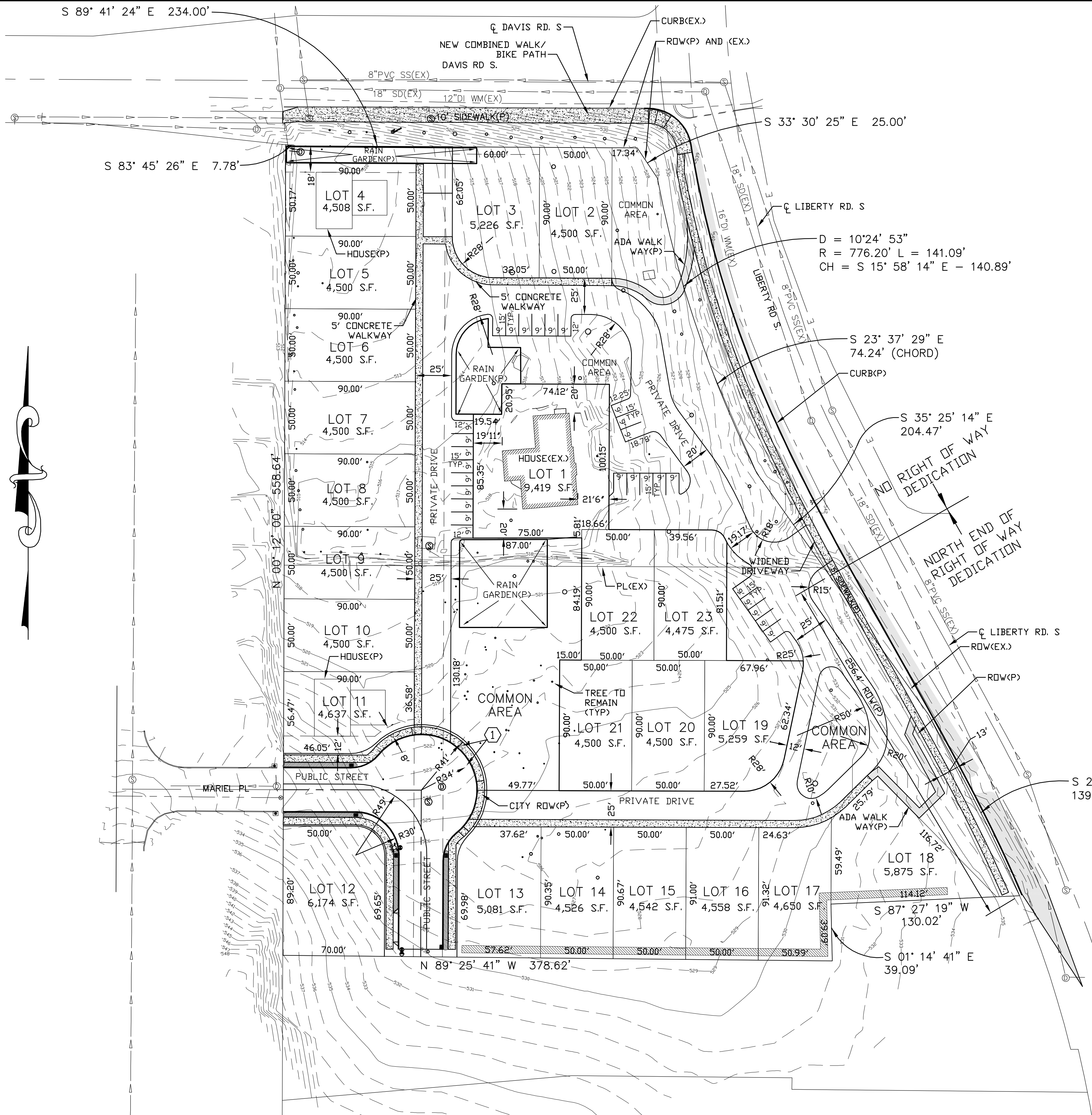
REGISTERED ARCHITECT  
 GEOFFREY JAMES  
 SALEM, OREGON  
 STATE OF OREGON

**50 OAKS**  
 PLANNED UNIT DEVELOPMENT  
 SUBDIVISION  
 5721 & 5771 LIBERTY RD. S  
 SALEM, OREGON 97302

PROJECT NUMBER  
 GJAIA-2015-08  
 DRAWN BY: GCJ  
 DATE: 02-22-2016

SHEET NUMBER:  
**A-3**





SUBDIVISION PLAN  
SCALE: 1"=40'

**SUBDIVISION DATA:**

TOWNSHIP-8.S, RANGE-3.W,  
SECTION 16CD  
WILLAMETTE MERIDIAN  
TAX MAP 083W16CD  
TAX LOTS 100 AND 200  
MARION COUNTY

**LOT AND COMMON AREA DATA:**

TOTAL LOTS 23  
TOTAL LOT AREA 113,960 SQUARE FEET  
TOTAL COMMON AREA 74,556 SQUARE FEET  
(THIS INCLUDES PRIVATE DRIVES  
AND NORTH RAIN GARDEN)  
TOTAL PUBLIC STREET 12,655 SQUARE FEET  
TOTAL ROW DEDICATION 2,526 SQUARE FEET  
TOTAL SITE AREA 201,171 SQUARE FEET = 4.62 ACRES  
(BEFORE ROW DEDICATION)  
TOTAL SITE AREA 203,697 SQUARE FEET = 4.68 ACRES  
(AFTER ROW DEDICATION)  
LARGEST LOT (#1) 9,419 SQUARE FEET  
AVERAGE LOT SIZE 4,955 SQUARE FEET  
LOTS/ACRE 4.91

**SUBDIVISION NOTES:**

- DESIGN EXCEPTION FOR REDUCED  
CUL-DE-SAC RADIUS



22x34 SCALE: 1"=40'  
11x17 SCALE: 1"=80'

FOR TENTATIVE PLAT APPLICATION  
NOT FOR CONSTRUCTION

ENGINEER:  
WILLAMETTE ENGINEERING INC.  
P.O. BOX 9032  
SALEM, OREGON 97305  
PH: 503-304-0905  
FAX: 503-304-9512

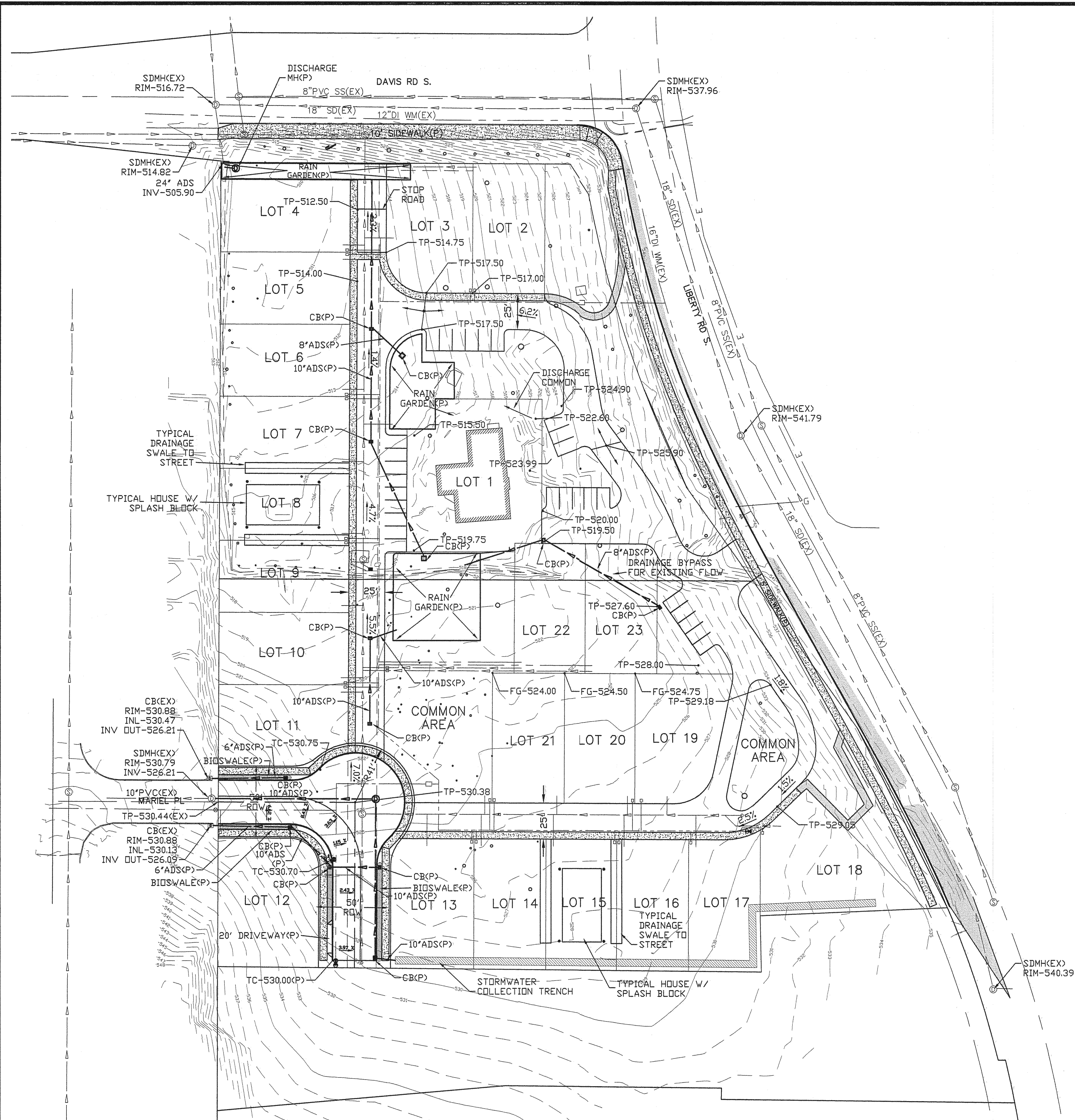
SUBDIVISION PLAN

PROPOSED FIFTY OAKS  
PLANNED UNIT DEVELOPMENT

5721 AND 5771 LIBERTY ROAD S  
SALEM, OREGON 97306

DESIGNED BY: GPH  
DRAWN BY: RW  
DATE: 04-20-16  
JOB NO: 2016-24  
CLIENT NO:  
DRAWING NO: REV:





**GRADING AND DRAINAGE PLAN**  
SCALE: 1"=40'

FOR TENTATIVE  
PLAT APPLICATION  
NOT FOR CONSTRUCTION

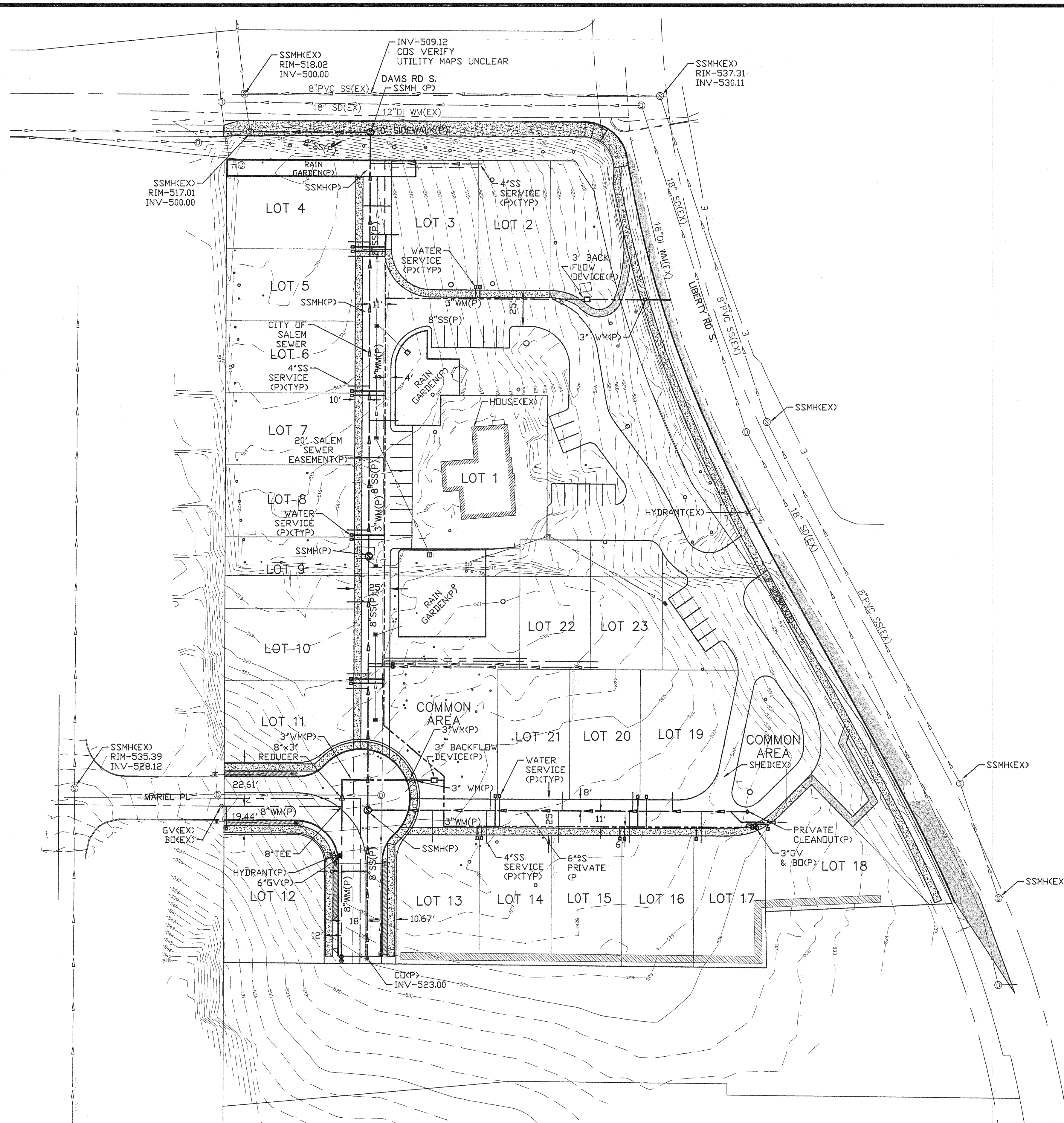
22x34 SCALE: 1"=40'  
11x17 SCALE: 1"=80'



<b>ENGINEER:</b> WILLAMETTE ENGINEERING INC. P.O. BOX 9032 SALEM, OREGON 97305 PH: 503-304-0905 FAX: 503-304-9512	
<b>GRADING AND DRAINAGE PLAN</b>	
<b>PROPOSED FIFTY OAKS PLANNED UNIT DEVELOPMENT</b>	
5721 AND 5711 LIBERTY ROAD S SALEM, OREGON 97306	
DESIGNED BY: GPH DRAWN BY: RW DATE: 04-20-16 JOB NO: 2016-24 CLIENT NO: DRAWING NO:	REV:

**C20**





UTILITY PLAN  
SCALE: 1"=40'



22x34 SCALE: 1"=40'  
11x17 SCALE: 1"=80'



FOR TENTATIVE PLAT APPLICATION  
NOT FOR CONSTRUCTION

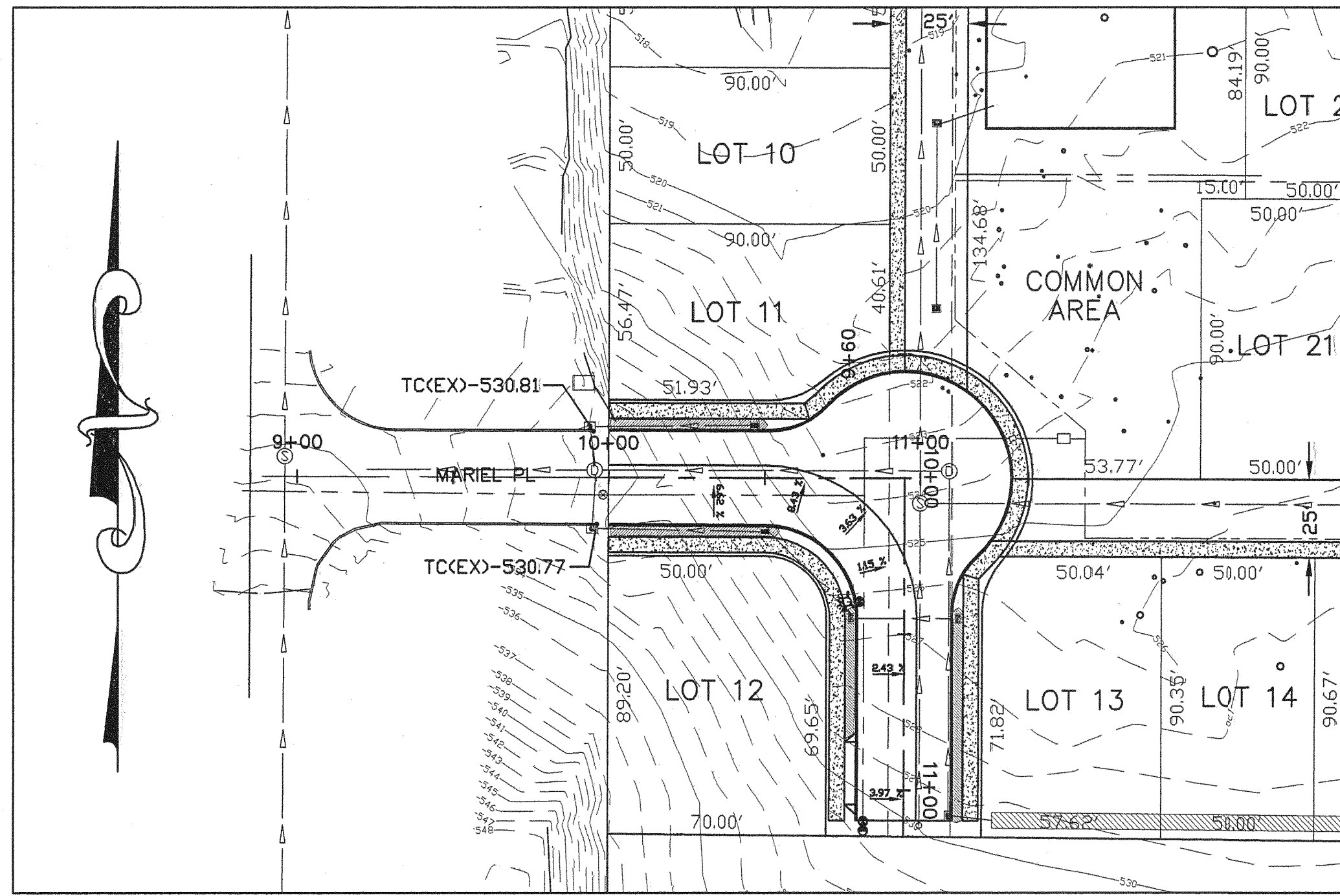
ENGINEER:  
WILLAMETTE ENGINEERING INC.  
P.O. BOX 9032  
SALEM, OREGON 97305  
PH: 503-304-0905  
FAX: 503-304-9512

PROPOSED  
UTILITY PLAN

PROPOSED FIFTY OAKS  
PLANNED UNIT DEVELOPMENT  
5721 AND 5711 LIBERTY ROAD S  
SALEM, OREGON 97306

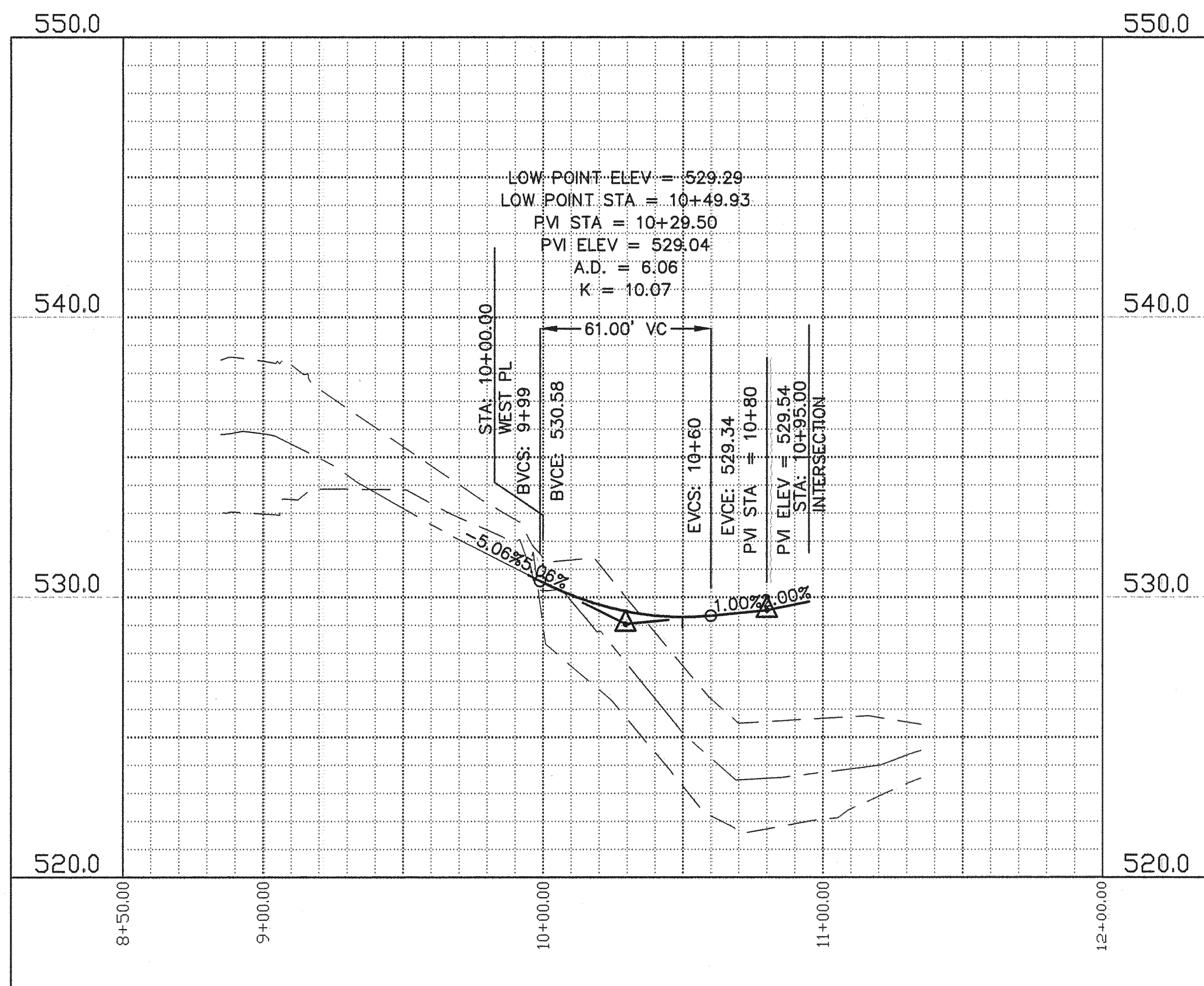
DESIGNED BY:	GPH
DRAWN BY:	RW
DATE:	04-20-16
JOB NO.	2016-24
CLIENT NO.	
DRAWING NO.	REV.
C3	0





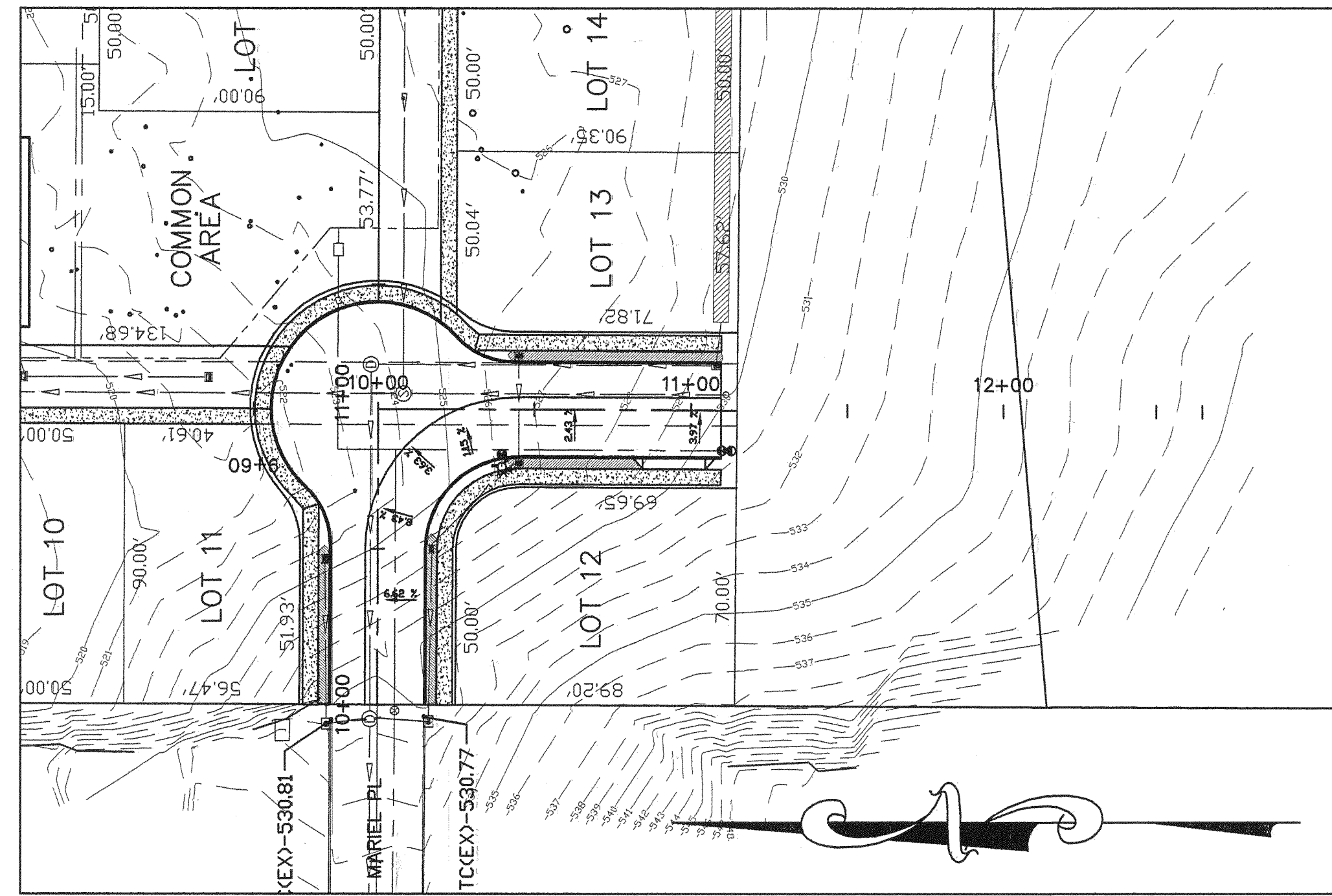
**MARIEL PLACE PLAN**

SCALE: 1"=40'



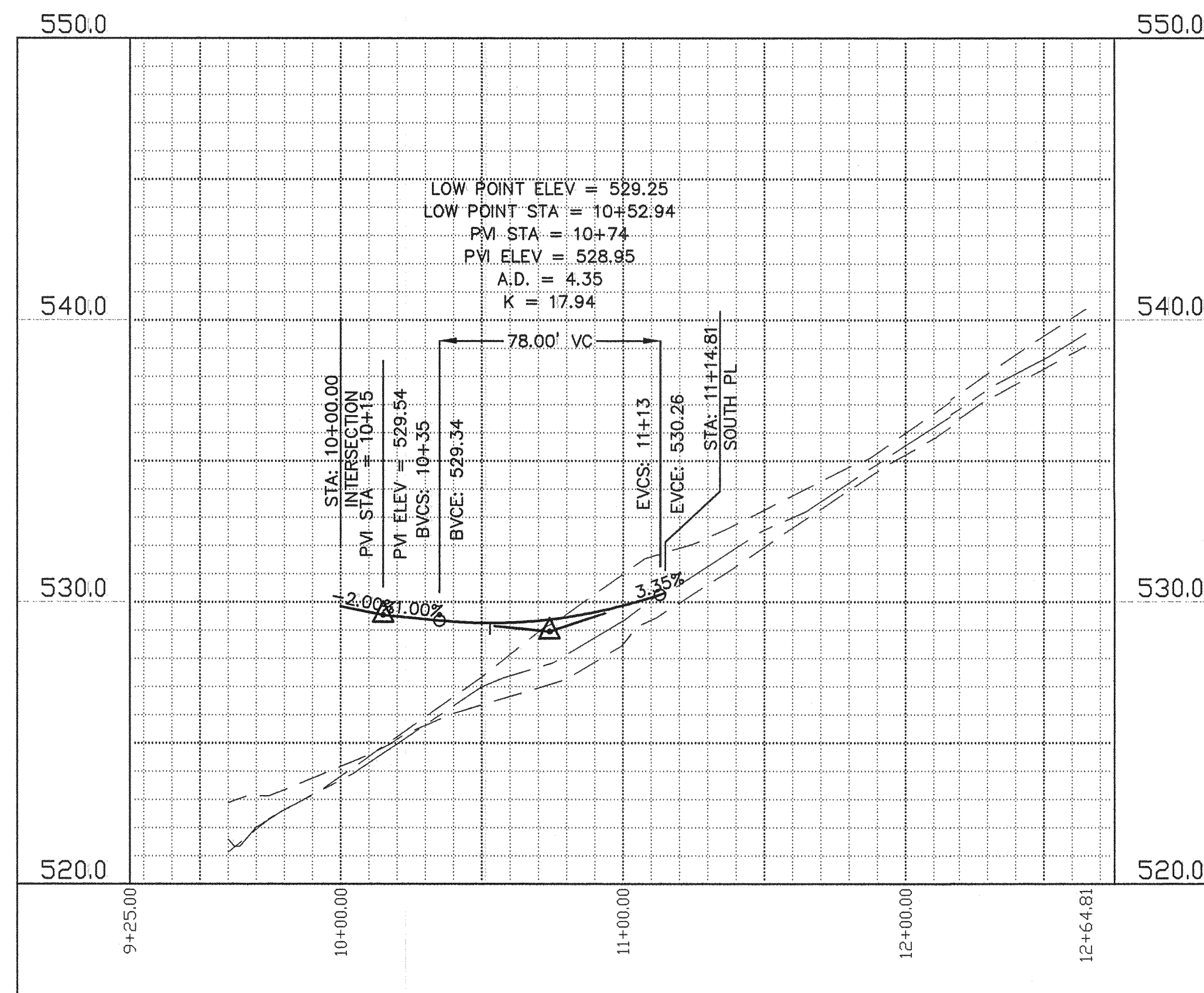
**MARIEL PLACE PROFILE**

HOR SCALE: 1"=40'  
VER SCALE: 1"=4'



**STREET A PLAN**

SCALE: 1"=40'

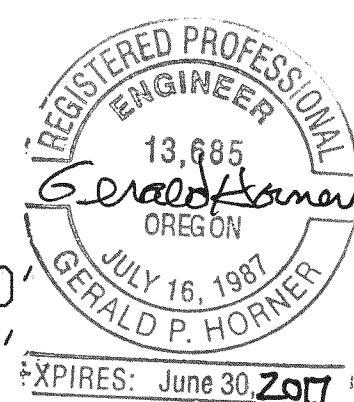


**STREET A PROFILE**

HOR SCALE: 1"=40'  
VER SCALE: 1"=4'

FOR TENTATIVE PLAT APPLICATION  
NOT FOR CONSTRUCTION

22x34 SCALE: 1"=40'  
11x17 SCALE: 1"=80'



ENGINEER:  
WILLAMETTE ENGINEERING INC.  
P.O. BOX 9032  
SALEM, OREGON 97305  
PH: 503-304-0905  
FAX: 503-304-9512

**MARIEL PLACE STREET  
PLAN AND PROFILES**

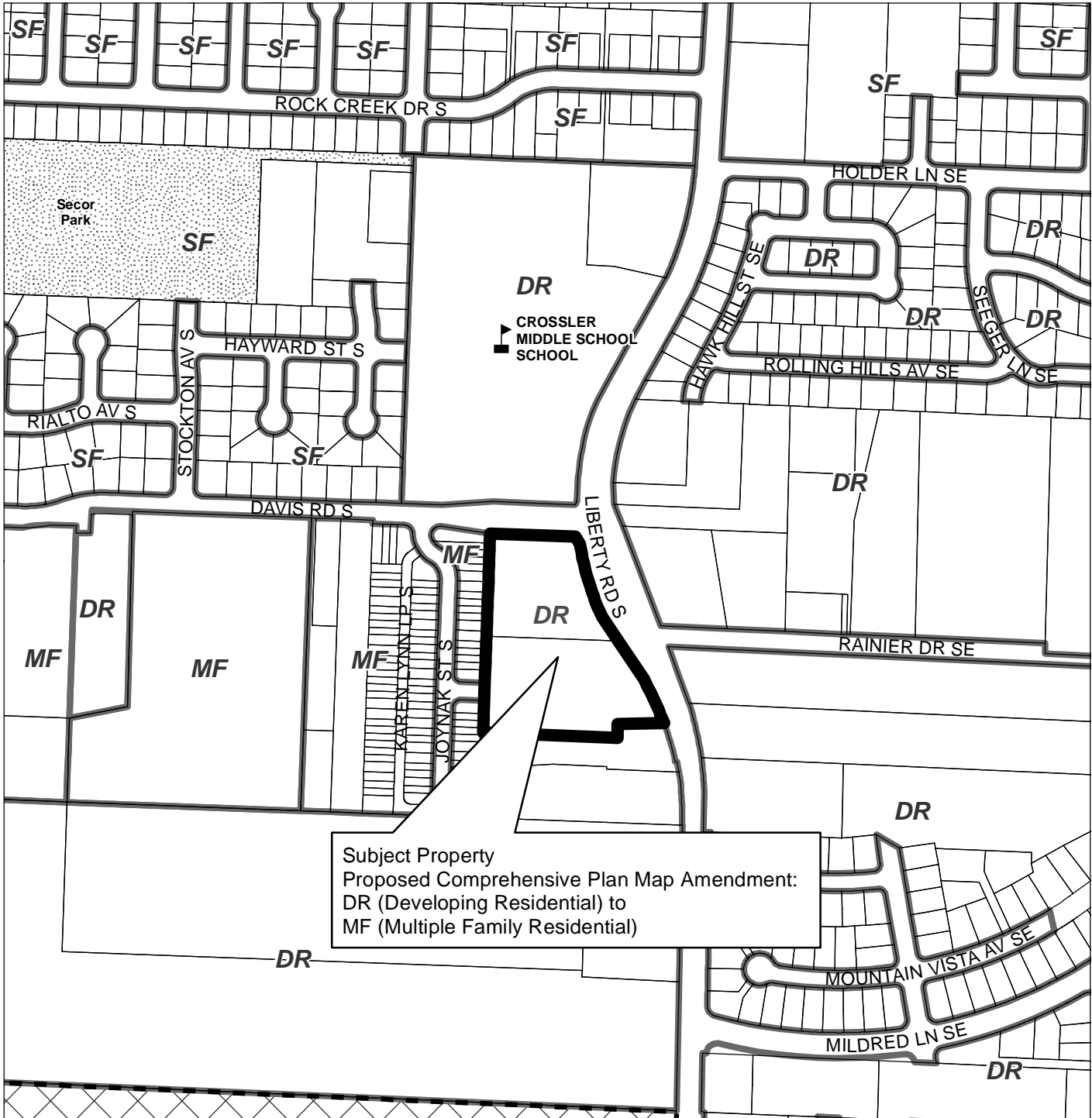
**PROPOSED FIFTY OAKS  
PLANNED UNIT DEVELOPMENT**

5121 AND 5711 LIBERTY ROAD S  
SALEM, OREGON 97306

DESIGNED BY: GPH  
DRAWN BY: RW  
DATE: 04-20-16  
JOB NO. 2016-24  
CLIENT NO.  
DRAWING NO. REV.

C4 0

# Comprehensive Plan Map 5721 & 5771 Liberty Road S



**Legend**

- RS** Base Zoning
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- Schools

0 50 100 200 Feet

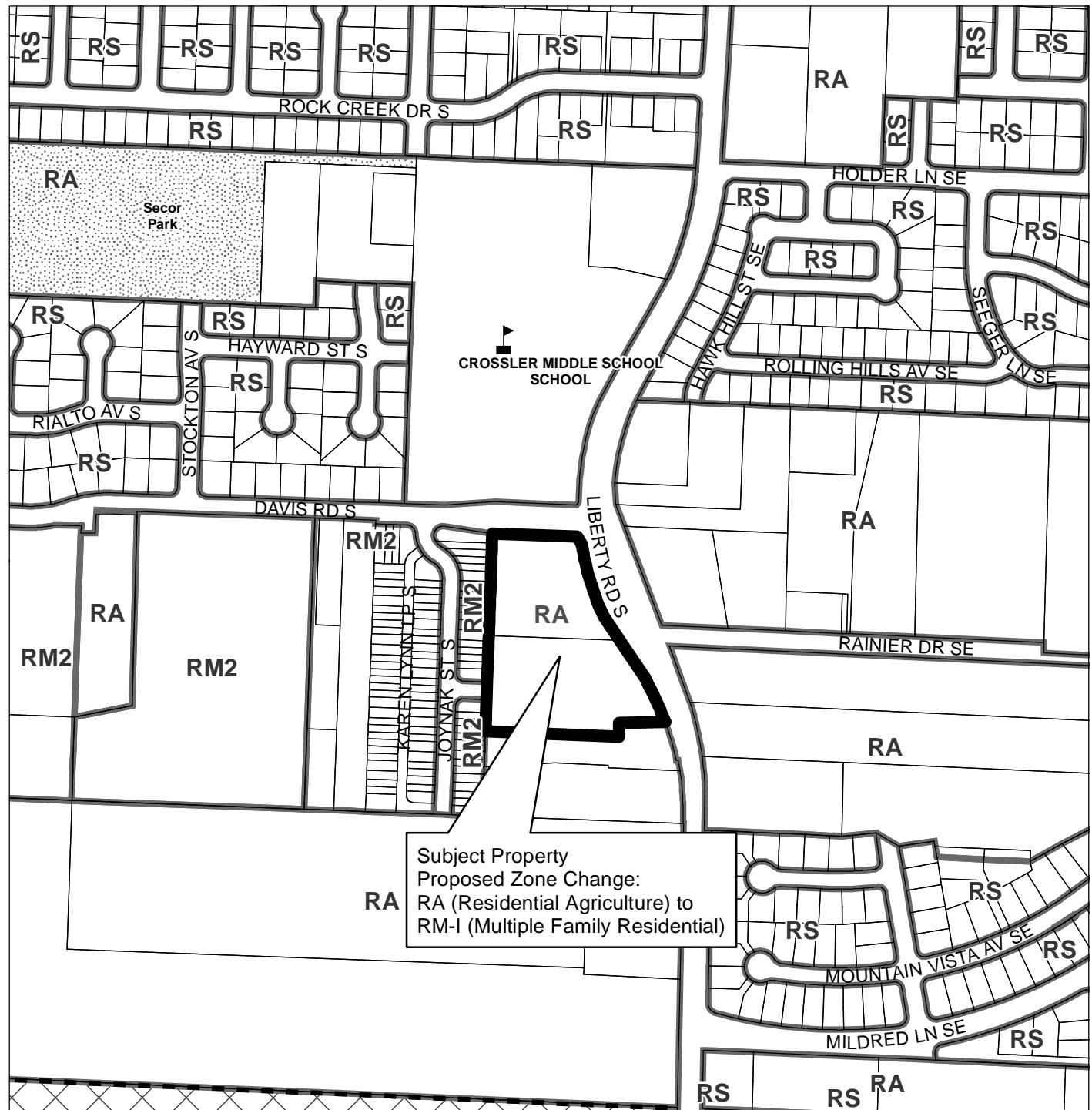


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# Zoning Map

## 5721 & 5771 Liberty Road S



### Legend

- 
- |  |                           |  |         |
|--|---------------------------|--|---------|
|  | Base Zoning               |  | Taxlots |
|  | Urban Growth Boundary     |  | Parks   |
|  | Outside Salem City Limits |  | Schools |

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

# Attachment E



**WETLAND LAND USE NOTIFICATION RESPONSE**  
**OREGON DEPARTMENT OF STATE LANDS**  
775 Summer Street NE, Suite 100, Salem, OR 97301-1279  
Phone (503) 986-5200  
[www.oregonstatelands.us](http://www.oregonstatelands.us)

**DSL File Number: WN2016-0151**

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Curt Pellatz from city of Salem submitted a WLUN pertaining to local case file #: 16-101558-LD.

**Activity location:**

township: 08S	range: 03W	section: 16	quarter-quarter section:
tax lot(s): 100, 200			
street address: 5721 Liberty Rd S			
city: Salem		county: Marion	
latitude: 44.871946		longitude: -123.062559	

**Mapped wetland/waterway features:**

**Oregon Removal-Fill requirement (s):**

☒ A state permit is required for 50 cubic yards or more of removal and/or fill in wetlands, below ordinary high water of streams, within other waters of the state, or below highest measured tide where applicable.

**Your activity:**

- ☒ It appears that the proposed project may exceed 50 cubic yards of removal/fill volume in wetland/waters and may require a permit.
- ☒ It appears that the proposed project impacts wetland and may require a wetland delineation.

**Contacts:**

☒ This is a preliminary jurisdictional determination and is advisory only.

Comments: Based on a review of the available information, there may be jurisdictional wetlands or waters on this property. A wetland delineation by a professional wetland consultant is recommended prior to development. DSL will require a permit for 50 cubic yards or greater of fill, removal or ground alteration in wetlands or waters. Please contact Aquatic Resource Coordinator Mike De Blasi at (503) 509-0460 for questions on the permitting process.

Response by: Chaiti Stevenson date: 05/02/2016



# MEMO

**TO:** Bryce Bishop, Planner II  
Community Development Department

**FROM:** *FOR* Glenn Davis, PE, CFM, Chief Development Engineer *CPW*  
Public Works Department

**DATE:** June 16, 2016

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**SUBDIVISION PLAT NO. CPC-ZC-UGA-PUD-SUB-ADJ-DAP16-04**  
**(16-101558-LD)**  
**5721 LIBERTY ROAD S**  
**45-UNIT PLANNED UNIT DEVELOPMENT**

## PROPOSAL

A consolidated application for a proposed 45-unit planned unit development (PUD)/subdivision consisting of 22 duplexes, a convenience service area with manager's apartment unit, and common open space. The application includes the following:

1. A Minor Comprehensive Plan Map Amendment to change the comprehensive plan map designation of the subject property from Developing Residential to Multiple Family Residential;
2. A Quasi-Judicial Zone Change to change the zoning of the subject property from RA (Residential Agriculture) to RM-I (Multiple Family Residential);
3. An Urban Growth Preliminary Declaration to determine the public facilities required to serve the subject property;
4. A 23-lot Planned Unit Development (PUD)/Subdivision accommodating 22 duplexes, a convenience service area with manager's apartment unit, and common open space;
5. Class 2 Adjustments; and
6. A Class 2 Driveway Approach Permit.

The subject property is approximately 4.6 acres in size, zoned RA (Residential Agriculture), and located 5721 and 5771 Liberty Road S (Marion County Assessor Map and Tax Lot Numbers: 083W16CD00100 and 200).

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).



**RECOMMENDED CONDITIONS FOR UGA PRELIMINARY DECLARATION**

1. As a condition of linking to the S-3 water system, either:
  - a. Construct the S-3 Skyline 2 Reservoir; or
  - b. Pursuant to SRC 200.080(a), connect to the existing S-3 water system as a temporary facility through completion of a temporary facilities access agreement at the time of development, specifying payment of a temporary access fee of \$2,000 per lot to be collected at the time of building permit issuance.
2. Construct a minimum 23-foot-wide half-street improvement along the frontage of Liberty Road S to Minor Arterial standards.
3. Convey land for dedication of right-of-way along the frontage of Liberty Road S to equal 48 feet from the centerline.
4. Construct a minimum 5-foot-wide sidewalk improvement along the entire frontage of Davis Road S.

**RECOMMENDED CONDITIONS OF PLAT APPROVAL**

1. Construct public water and sewer systems to serve each lot.
2. Construct the internal streets as shown on the applicant's proposed site plan with the following minimum requirements in conformance with PWDS:
  - a. Ten-foot-wide vehicular travel lanes in each direction with a local street structural section;
  - b. Five-foot-wide pedestrian walkways; and
  - c. Street lights, trees, signs, and other appurtenances.
3. Design green stormwater infrastructure to the maximum extent feasible as specified in PWDS Appendix 4E to serve the internal street system and to accommodate future impervious surface on all proposed lots. Construct stormwater facilities that are proposed in the public right-of-way and in public storm easements.
4. At the time of final acceptance of public infrastructure construction, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.



**RECOMMENDED CONDITIONS OF COMPREHENSIVE PLAN CHANGE**

1. The total number of average daily vehicle trips generated from the subject property shall not exceed 362.

**FACTS**

1. LIBERTY ROAD S

- a. Existing Conditions—This street has a varying 45-foot to 32-foot-wide improvement within a varying 82-foot-wide to 130-foot-wide right-of-way abutting the subject property.
- b. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.

2. DAVIS ROAD S

- a. Existing Conditions—This street has a varying 38-foot to 46-foot improvement within a 90-foot-wide right-of-way abutting the subject property.
- b. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.

**Storm Drainage**

1. Existing Conditions

- a. A 27-inch and an 18-inch storm main are located in Davis Road S.
- b. An 18-inch storm main is located in Liberty Road S.
- c. A 15-inch storm main is located in Mariel Place S. This main may not be available due to topographical constraints.

**Water**

1. Existing Conditions

- a. The subject property is located in the S-3 water service level.
- b. There is a 12-inch public S-3 water line in Davis Road S.
- c. There is a 16-inch public S-3 water line in Liberty Road S.

- d. There is an 8-inch public S-3 water line in Mariel Place S.

## **Sanitary Sewer**

### **1. Existing Sewer**

- a. An 8-inch sewer line is located in Davis Road S.

## **CRITERIA AND FINDINGS**

### *Urban Growth Area Development Permit*

#### **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).

Davis Road S and Liberty Road S are adequate linking streets, but require half-street improvements in order to meet Collector and Arterial street standards respectively.

#### **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 facility appears to be located in Davis Road S adjacent to the subject property. No linking sewer improvements are required.

#### **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 applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a). The nearest available public storm system appears to be located in Davis Road S adjacent to the subject property. No linking stormwater improvements are required.

**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 S-3 system in this area is deficient in storage capacity based on the standards set forth in the Water System Master Plan. Storage capacity for this area is provided from the future S-3 Skyline 2 Reservoir. At this time, temporary storage capacities are available from the S-3 Champion Hill Reservoir.

As a condition of linking to the S-3 water system, the applicant shall be required to construct the S-3 Skyline 2 Reservoir. Because temporary capacity is available in Champion Hill Reservoir, the applicant has the option to connect to the existing S-3 water system as a temporary facility through payment of a temporary access fee of \$2,000 per lot and completion of a temporary facilities access agreement (TFAA) at the time of development pursuant to SRC 200.080(a). The temporary access fee is based on the water-rate-funded portion of the Skyline #2 reservoir, which was \$1,200,000. This component total was divided by the number of remaining lots that can temporarily be served by the Skyline #2 reservoir, which is estimated to be 600 lots, equaling \$2,000 per lot. The temporary facilities access agreement is required as a condition of final plat approval, and the temporary access fee of \$2,000 per lot is required as a condition of building permit issuance for each lot.

**SRC 200.075—Standards for Park Sites**

**Findings:** The applicant shall reserve for dedication prior to development approval that property within the development site that is necessary for an adequate neighborhood park, access to such park and recreation routes, or similar uninterrupted linkages, based upon the Salem Comprehensive Parks System Master Plan. Parks Master Plan shows that the subject property is served by a Secor Park, a developed park approximately 1,000 feet north of the proposed development.

*Tentative Subdivision*

SRC 205.010(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

**SRC 205.010(d)(1)**—The tentative subdivision 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**—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).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. There are "2" mapped site points for the property pursuant to SRC Chapter 810. The proposed subdivision adds three activity points to the proposal, which results in a total of "5" points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by Carlson Geotechnical and dated March 17, 2016, was submitted to the City of Salem. This assessment demonstrates that, "with the use of generally accepted construction techniques and by strictly following the recommendations contained in this report and in the building code, the site is geologically suitable for the proposed development."

**SRC 205.010(d)(3)**—Development within the tentative subdivision plan can be adequately served by City infrastructure.

**Findings**—Water, sewer, and stormwater infrastructure are available along the perimeter of the site. Water storage capacity is inadequate in this area, but temporary storage capacity is available in the Champion Hill Reservoir pursuant to a temporary facilities access agreement. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement for extending services.

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 provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots.

The applicant's proposed utility plan does not appear to conform to PWDS related to sewer and water infrastructure. Public sewer and water mains are required within the development to meet City standards.

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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

**Finding**—Liberty Road S abuts the subject property and does not meet the current standard for a Major Arterial street. This area of Liberty Road S meets the criteria for an alternative standard to construct a half-street improvement to Minor Arterial standards along the entire frontage of Liberty Road S.

Davis Road S abuts the subject property and does not meet the current standard for a Collector street. As identified in the conditions of approval, the applicant is required to complete a half-street improvement along the entire frontage of Davis Road S. An Alternate street standard of a Minor Arterial is acceptable with three lanes due to the proximity to the Liberty Road S intersection and a combination bicycle/pedestrian pathway as shown on the applicant's site plan, or as approved by the Public Works Director.

The internal public street will be constructed as shown on the applicant's tentative plan. The applicant is requesting an alternate street standard for Mariel Place S to allow for a 50-foot right-of-way width with curblin sidewalks. The request is due to the existing Mariel Place S being constructed with an alternate street standard with the Vanatta Place S development. Pursuant to SRC 803.065(a)(2), the Director may authorize the use of one or more alternate street standards where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed. After reviewing the applicant's alternate design proposal, it is consistent with past practice and the Director authorizes the proposed 30-foot improvement, within a 50-foot right-way, and curblin sidewalks.

The applicant has requested an exception to the Public Works Design Standards 6.6 for Cul-de-sac and knuckle radii for Mariel Place S. Due to the impacts on the building setbacks of proposed Lot 11, the applicant is requesting a reduction in the curb radius and right-of-way radius of the proposed knuckle. The applicant has demonstrated that the knuckle, as proposed on the preliminary site plan, has two 20-foot private driveways entering the knuckle with two public streets connections allowing for sufficient room for emergency vehicle turning movements. A formal Design Exception was submitted to the City Engineer and approval was granted to reduce the curb radius from the standard 38 feet to 34 feet and to reduce the right-of-way standard radius from 45 feet to 41 feet.

**SRC 205.010(d)(6)—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.**

**Findings**—The Comprehensive Parks Master Plan Update shows that the subject property is served by a developed park. Secor Park is a developed park approximately 1000 feet north of the proposed development. Pedestrian sidewalk connections are available from the subject property to the park. No park-related improvements are recommended as a condition of development.

**SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.**

**Findings**—The proposed 45-unit subdivision generates less than 1,000 average daily vehicle trips to Liberty Road S. Therefore, a TIA was not required as part of the proposed subdivision submittal.

#### *Comprehensive Plan Change*

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (*Oregon Administrative Rule* [OAR] 660-012-0060). The TPR Analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The applicant's TPR Analysis recommends a trip cap of 362 ADT in order to limit transportation impacts so that there is no significant effect on the transportation system.

*Driveway Access Permit*

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

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

**Finding**—The proposed driveways meet the standards for SRC 804 and PWDS.

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

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

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

**Finding**—The applicant is proposing two driveway approaches accessing the new interior local street, and one driveway approach accessing Liberty Road S, an arterial street. The Assistant City Traffic Engineer has reviewed the proposed access to Liberty Road and determined that the driveways meet the requirements for sight distance and are considered appropriate access points for the development.

**(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 applicant is proposing to extend the existing Mariel Place local street through the property, and will be providing two driveway access points to this street. It is anticipated that the Mariel Place entrance will be the primary access for the development.

**(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.

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

**Finding**—The proposed driveways will not create any known traffic hazards and will provide for safe turning movements for access to the subject property.

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

**Finding**—The location of the proposed driveways do not appear to have any adverse impacts to the adjacent properties or streets.

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

**Finding**—The proposed driveway approaches are located on a local street, with a secondary access to the major arterial. The Assistant City Traffic Engineer has determined that the proposed driveway locations do not create any significant impact to adjacent streets and intersections.

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

**Finding**—The applicant is proposing a zone change of the subject property from RA (Residential Agriculture) to RM-1 (Multiple Family Residential), a similar zone to the adjacent Vanatta Place S development. The driveway will not have an effect on the functionality of the adjacent streets.

Prepared by: Curt Pellatz, Project Coordinator  
cc: File





DAVID FRIDENMAKER, Manager  
Facility Rental, Planning, Property Services  
3630 State Street, Bldg. C • Salem, Oregon 97301-5316  
503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

June 9, 2016

Bryce Bishop, Planner  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

FAX No. 503-588-6005

RE: Land Use Activity  
CPC-ZC-UGA-PUD-SUB-ADJ-DAP16-04, 5721 & 5771 Liberty Rd. S

## SUMMARY OF COMMENTS

School Assignment: Liberty Elementary School, Crossler Middle School and Sprague High School  
School Capacity: Sufficient school capacity currently exists to serve the proposed development  
School Transportation Services: Students residing at the location of the subject property will be eligible for school transportation services to Liberty Elementary School and Sprague High School, and will be within the walk zone for Crossler Middle School (assuming that sidewalks are constructed along the street frontages of the proposed development).

Below is data and the District's comments regarding the proposed land use activity identified above. If you have questions, please call at (503) 399-3335.

## ELEMENTARY SCHOOL INFORMATION (GRADES K TO 5)

1. School Name: Liberty Elementary School
2. Estimated change in student enrollment due to proposed development: 13
3. Current school capacity: 524
4. Estimate of school enrollment including new development: 385
5. Ratio of estimated school enrollment to total capacity including new development: 73%.
6. Walk Zone Review: Eligible for transportation to Elementary School
7. Estimate of additional students due to previous 2015 land use applications: 18
8. Estimate of additional students due to previous 2016 land use applications: 2
9. Estimated cumulative impact of 2015-16 land use actions on school capacity: 77% of capacity.

## MIDDLE SCHOOL INFORMATION (GRADES 6 TO 8)

1. School Name: Crossler Middle School
2. Estimated change in student enrollment due to proposed development: 5
3. Current school capacity: 946
4. Estimate of school enrollment including new development: 738
5. Ratio of estimated school enrollment to total capacity including new development: 78%
6. Walk Zone Review: Within walk zone of Middle School
7. Estimate of additional students due to previous 2015 land use applications: 10

8. Estimate of additional students due to previous 2016 land use applications: 1
9. Estimated cumulative impact of 2015-16 land use actions on school capacity: 79% of capacity.

#### HIGH SCHOOL INFORMATION (GRADES 9 TO 12)

1. School Name: Sprague High School
2. Estimated change in student enrollment due to proposed development: 6
3. Current school capacity: 2,111
4. Estimate of school enrollment including new development: 1,712
5. Ratio of estimated school enrollment to total capacity including new development: 81%
6. Walk Zone Review: Eligible for transportation to High School.
7. Estimate of additional students due to previous 2015 land use applications: 37
8. Estimate of additional students due to previous 2016 land use applications: 1
9. Estimated cumulative impact of 2015-16 land use actions on school capacity: 83% of capacity.

#### ESTIMATE SUMMARY (GRADES K TO 12):

1. Total estimated change in student enrollment: 24
2. Total estimated student enrollment over capacity: 0

Developer should provide paved walk route(s) to allow pedestrian access and bicycle access to school(s) from all residences within the new development and should provide all improvements required by the City of Salem where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage. As per ORS 195.115, when the walk zone review indicates "eligible for transportation due to hazard" the District requests that the City initiate a planning process with the District to identify the barriers and hazards to children walking or bicycling to and from school, determine if the hazards can be eliminated by physical or policy changes and include the hazard elimination in the City's planning and budgeting process.

#### ASSUMPTIONS:

1. When land use request is granted, 45 new residence(s) will be built.
2. Estimates are computed using the Student Rate per Dwelling Method described in the District's Facility Study for years 2001-2020.
3. If current capacity exists at the schools currently serving the parcel then an estimate of zero cost, or no significant impact, is made.
4. If current capacity does not exist at the schools currently serving the parcel then an estimate of cost for one-time capital improvements is made.
5. Income from the proposed land use for capital improvement is assumed to be zero since capital improvement funds come from voter approved bond measures that can be an unpredictable and irregular source of income.

Sincerely,



David Fridenmaker, Manager  
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer  
David Hughes, Manager – Custodial and Property Services  
William White, Manager - Risk Management  
Michael Shields, Director – Auxiliary Services

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**

PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:  
FEBRUARY 2016

**ZC-CPC****LOCATION**

SMC, a Salem property development and management group, owns two parcels, totaling approx. 4.69 acres, on the west side of Liberty Rd. S, just south of Davis Rd. and specifically at the SW corner of the intersection of Davis Rd. and Liberty Rd.

**EXISTING LAND USES**

The south parcel (5771) is vacant, semi-wooded property, and is zoned RA. The north parcel (5721) comprises an existing 4 bedroom (2 story) house in landscaped grounds.

**PROJECT LIMITS AND SURROUNDING USES**

LOCATION	ZONING	LAND USE
North	PS	Middle School
West	RM-2	Town Houses (proposed)
East	RS	Single Family Subdivision
South	RA	Vacant acreage & 1 dwelling

**ACCESS**

A Pre-Application Conference was held, followed by a specific Traffic meeting. Access to the property is via the existing 50 ft. ROW stub street from the development to the west. The proposed site plan shows this public 50 ft. ROW local street exiting the property as a stub street to the south. Internal streets or driveways are planned to be private and generally 25 ft. width driveways, that allow two-way traffic circulation, and backing up room from off street parking spaces. In addition, the City allows access to and from Liberty via the (widened) driveway at 5721 Liberty.

**PARKING**

2.00 to 2.5 parking spaces per dwelling unit are generally required in a PUD. This proposed development proposes 2.5 spaces per unit. This is made up as follows: Each dwelling unit includes one attached 12 x 24 single car garage, plus there is one parking space in the 10 x 20 driveway in front. In addition, 24 visitor parking spaces in the ratio of 1 space per duplex is available for visitors' vehicles, distributed in the common areas throughout the property.

**TRAFFIC ANALYSIS**

A Traffic Impact Analysis has been completed, has been submitted with this application, and confirms these findings that this is a good traffic engineering solution and has minimal traffic impact, due to the low density development.

**UTILITIES**

All utilities are available, and are documented in the report of the Pre-Application Conference.

## **"FIFTY OAKS" P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**

**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:  
FEBRUARY 2016**

The grade slopes gently to the north, and all utilities, sewer, water, storm, are available in Davis Road S. Storm drainage includes green design and extensive bio-swales.

### **ADJACENT DEVELOPMENTS & LAND USES**

To the west of the subject property the lands are platted and improved RM-2 subdivisions, with roads, lots, and infrastructure all in place. South of the subject property are large tracts of RA uses. North of Davis Rd. is Crossler Middle School/ West and across Liberty Rd S at Davis Rd S is Crossler Middle School. East and across Liberty Rd. is a large single family subdivision that is under development and lot sales. This area west of Liberty at Davis is therefore an appropriate "planning node" or "multifamily node" around the Davis / Liberty intersection area. This proposed medium density zoning of RM-1 provides a sensible transition between the high density multi-family developments to the west, and the single family development east of Liberty.

City long range planning has indicated that this intersection of Davis and Liberty is indeed an appropriate location for a neighborhood center or node of activity.

This parcel will create a transitional location between existing high-intensity residential and busy Liberty Rd S. Single-family homes are across Liberty Rd. to the east.

### **CITIZEN INVOLVEMENT**

The applicant has met four times (months) with SGNA, the South Gateway neighborhood association. They were very receptive, and allowed a 30 minute presentation in October. Updates were provided in person in November and December. The applicant's consultant has also been in touch with Sunnyslope N.A. land use chair, and they have been kept informed as the development took shape. So this seems to be a good all round solution, with appropriate land use and zoning, and with good and safe access, in a good location, that has minimal impact upon the neighbors.

### **OPEN SPACE AND BUFFERS**

This Planned Unit Development has a unique approach to Open Space and Tree Preservation. All trees have been mapped for location, size, spread, root area, species, and condition, by a licensed Land Surveyor and a licensed certified Arborist.

A 20 ft. buffer or landscaped setback is planned for at both Liberty Road and Davis Road street frontages, measured from the ROW line, as determined by the Transportation Plan and the designation of Liberty as a Major Arterial (96 ft. ROW) and Davis as a Collector Type A (60 ft. ROW). However the city traffic engineer determined that Davis (at Liberty) needs a turn lane. The applicant's plans A-1 through A-6 indicate this required ROW.

All buildings are planned as two story duplex buildings, arranged with 4 ft. jogs or steps for architectural interest.

There are many Oregon White Oaks on the property and the goal is to save as many as possible.

Therefore, the building and road layout is determined by the location of the existing trees. This is accomplished by compact scale 25 ft. private driveways. Visitor parking is provided as standard perpendicular spaces off these driveways.

The White Oaks are preserved in large natural areas that are common open space amenities and Common Areas. These open spaces provide opportunities for some nature trails and

## **“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**

PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:  
FEBRUARY 2016

visual amenities and passive recreation in a semi-wooded setting.

### **CONVENIENCE CENTER**

The existing residence is proposed to accommodate the the Rental Office, and two small commercial spaces, consistent with the PUD ordinance. This allows a small tea or coffee shop and a beauty shop (with 2.5 parking spaces/1000). This size is determined by a permitted ratio of 40 sq.ft. per residential unit. Therefore  $44 \times 40 = 1,800$  sq.ft. On the second floor of the house is planned to be the resident manager's apartment.

### **CHANGES IN CONDITIONS**

This area west of Liberty and south of Davis, is transitioning into multifamily development, thus partially helping address the deficiency of multifamily zoned land in Salem. Given the current economic circumstances of the housing market it is not necessary to increase the city's inventory of vacant land for single family homes, but there is a documented need for an increase in multifamily land.

Its proximity to Liberty Rd S, an arterial, provides for access to the surrounding urban area with minimal impact on local neighborhood streets. Considering these factors, the most reasonable and appropriate alternative to single family homes, on this parcel, is multi-family housing.

### **THE PROPOSAL**

In order to use the property for multi-family housing a Comprehensive Plan Amendment from *Single Family Residential* to *Multifamily Residential*, and a corresponding Zone Change from RA to RM-1, is requested. There is no Neighborhood Plan in this area.

This proposal was the subject of a pre-application conference and a traffic planning meeting.

### **PRELIMINARY SITE PLAN**

A preliminary site plan A-1 has been prepared to demonstrate the proposed use of the site. The site plan accompanies this application. The site plan shows the layout of the proposed development including residential buildings (duplexes), parking, extensive common open space and natural areas, and setbacks. The proposal represents a compact development that makes efficient use of the parcel in terms of its size, shape and bordering features, and most importantly, creates a solution to dealing with White Oak trees in the path of development, by incorporating most of them into the development, as an amenity, and to enhance livability, and property values.

Based on the allowable density in the RM-1 zone the site is planned for 22 duplex buildings, i.e. 44 residential units, each about 1300 sq.ft. plus attached single car garage. The duplexes are 2 stories in order to fit a compact footprint in the trees, and miss tree roots. 44 units in 4.69 acres is a density of 10 units per acre, which is at the low end of the 8 to 14 permitted density in the RM-1 zone, and not much higher than some single family subdivisions. (The RM2 zone allows a maximum of 28 units per acre). As shown on the site plan the duplexes are arranged in 22 buildings, each with 2 dwelling units. The buildings are each located on 50 ft. x 90 ft. subdivided lots. This allows for 20 ft. front yards, 20 ft. rear yards, and 5 ft. side yards. These lot standards are not imposed in a PUD development, where more flexibility is permitted. However, these dimensions work well in this case. The front yard allows for a

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**

**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:  
FEBRUARY 2016**

resident parking space (off street). The rear yard allows for a minimum 20 ft. x 25 ft. rear fenced yard at each residential unit, i.e. an attractive ‘outdoor room’. Most of the property is common area, but these backyards provide a private outdoor space for each family. The duplexes are separated by landscaping, grass lawn areas, and planting beds. Landscaped parking areas are located between buildings, alternating with landscaped open space areas. Parking exceeds the code, with accessible parking spaces and walkways. The perimeter area at the two perimeter streets are well landscaped and will continue to be a treed and attractive buffer.

A report has been prepared and submitted with the application to examine the impact of the proposal on the transportation system. The traffic report has determined that traffic generated by the proposed 22 duplexes will have no significant impact on the transportation system.

**RELATIONSHIP TO THE NEIGHBORHOOD**

The residential neighborhood west of Liberty Rd S, is composed predominantly of multifamily housing located in various spots and clusters around the neighborhood, and the closest being Red Leaf Apartments, located to the west on the south side of Davis at Liberty.

The proposed use will offer an additional housing choice. Its proximity to Davis Rd. gives it convenient access to adjacent transit stops on Liberty Rd. S.

The schools that serve the area of the subject property include Liberty Elementary, Crossler Middle School, and Sprague High. The property is also within the ½ mile service area of Secor Neighborhood Park.

The subject property is well situated as a location for multifamily housing. It is on a major arterial next to lower intensity land uses. It is in close proximity to employment, transportation, and services. Converting the site from single-family to multifamily housing at this time will offer the most likely opportunity for residential use, and for the type of housing that is most needed in the community.

**SUBDIVISION**

This integrated PUD/ZC-CPC application also includes the subdivision of the property to create 22 duplex lots, each 50 x 90 i.e. 4,500 sq. ft. (or larger) lots, and the balance of the property is common area open space, administered by the management company, for the benefit of the residents.

**TRAFFIC STUDY**

Submitted with this application is the required Traffic Study. The detailed report concludes that the access and traffic design is good, and there are no traffic issues.



## **COMPREHENSIVE PLAN AMENDMENT - CRITERIA AND FINDINGS**

### **APPLICABLE POLICIES AND REGULATIONS**

The approval criteria for a minor comprehensive plan amendment and for a zone change require compliance with Statewide Planning Goals, as well as the local comprehensive policies plan. The following sections identify the applicable state and local statutes and how the project complies with them.

### **STATEWIDE PLANNING GOALS**

The following findings demonstrate how the proposed plan amendment and zone change request will ensure consistency with the applicable Statewide Planning Goals.

#### **Goal 1 – Citizen Involvement**

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

#### **Response:**

Consistent with Goal 1, a Minor Comprehensive Plan Map Amendment and a Zone Change are processed as a consolidated application under a Type III procedure. As required by the SRC 300, notice of the proposal will be provided via mail to all affected neighborhood associations as required by the City and the site will be posted. Through the notice and public hearing process all interested parties will be given the opportunity to review the application, comment on the proposal, and participate in the decision.

The applicant's representative has attended every monthly meeting of the South Gateway Neighborhood Association since November. He has also been in close touch with the land use chair of adjacent Sunnyslope Neighborhood Association. Public hearings before the Planning Commission and the City Council are required as part of a Type III review required for the proposed project and will provide a public forum for neighborhood members and project stakeholders to comment on the proposed action.

The applicant presented the current plan at the November 2015 meeting of SGNA and has updated them monthly ever since.

The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to the SGNA Neighborhood Association, to property owners within the notice area, published in the newspaper, and posted on the property prior to the hearing. A public hearing to consider the request will be held by the Planning Commission. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**  
**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:**  
**FEBRUARY 2016**

participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process. However, the applicant has gone the extra mile to ensure complete citizen involvement. The applicant has personally met six times (months) with SGNA. No concerns were expressed.

### **Goal 2 – Land Use Planning**

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions.

#### **Response:**

The proposed project will follow the Type III review procedures established in the City of Salem Revised Code, and the final decision will be supported by findings of fact and an evidentiary basis, consistent with Goal 2 and the provisions in the Salem Urban Area Goals and Policies, General Development Section, Citizen Involvement Policy, of the Salem Area Comprehensive Policies Plan.

### **Goal 3 – Agricultural Lands**

To preserve and maintain agricultural lands.

#### **Response:**

Goal 3 does not apply within an urban growth boundary, so it is not applicable to this property. The subject property is zoned RA within the Developing Residential plan designation, a single-family designation, of the Salem Area Comprehensive Plan. Per SRC Chapter 510, the zone generally allows for single family and agricultural uses. Although general agricultural practices are permitted, the Salem Area Comprehensive Policies Plan states “the intent of the designation is to hold the properties needed to accommodate future development during the next 20 years”. The plan further recognizes that areas within the urban growth boundary, including the subject site, “will be considered as available over time for development”. As the intent of the designation of residential agricultural over the subject site was not to accommodate future agriculture uses consistent with the protections intended with Goal 3, but to allow agricultural uses that will eventually transition to urban development, this goal is not directly applicable to the property or proposal.

### **Goal 9 – Economic Development**

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.



**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**  
**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:**  
**FEBRUARY 2016**

**Response:**

The proposed comprehensive plan and zoning map amendment will convert approximately 4.69 acres of primarily vacant residentially-zoned land to a multiple family designation. Consistent with the City's obligations to provide economic opportunities under Goal 9, per OAR 660-009-0015, an Economic Opportunity Analysis was conducted by ECO Northwest and adopted by City Council in October 2014. The Housing Needs Analysis shows a deficiency in the needed acreage of multi-family zoned lands by a factor of 300+ acres. This change will improve that by nearly 5 acres of RM-1 land.

**Goal 10 – Housing**

To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

**Response:**

In compliance with Goal 10, Housing, the City underwent a Housing Needs Analysis (HNA) to project the City's housing needs over the course of 20 years from 2015 to 2035. The report, conducted by ECO Northwest, found that the City of Salem has a surplus of approximately 1,975 acres of land designated for single-family detached housing. Of the total residential and mixed-use comprehensive plan designations, 83 percent of this area is land within the Developing Residential and Single Family Residential designations. Through these recent HNA and EOA studies, adequate recent analysis has been conducted to confirm that the applicant's proposal to convert 4.69 acres of residential agriculture land to multi-family residential will improve the balance of residential land within the City.

The site is currently designated for single-family housing. There is currently little demand for new single family housing on this west side of Liberty, close to an arterial, and there is an adequate inventory of vacant land for single family housing within the urban area. The proposed use is multifamily housing. The site is therefore planned for 42 units, where there could have been 28 homes, (6 per acre on 4.69 acres) so is only a net increase of 14 housing units from the single family plan. The proposal results in a density of 9 units per acre, which is at the very low end of the density allowed by the RM-1 multifamily zone. This will create additional housing in the residential neighborhood, and in a suitable location.

By providing multifamily housing that will help to fulfill the projected housing needs of the community the proposal fulfills the requirements of this Goal.

**Goal 11 – Public Facilities and Services**

To plan and develop a timely, orderly and efficient arrangement of public facilities and services

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**  
**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:**  
**FEBRUARY 2016**

to serve as a framework for urban and rural development.

**Response:**

In order to verify the feasibility of connections to existing public facilities and to determine the requirements for water, sanitary sewer and transportation service of a multi-family development on the site, the applicant requested a pre-application conference, and three meetings with public works, plus has filed a UGA preliminary declaration request. As evidenced in the report of the conference, adequate public facilities exist to serve the site, with no service improvements required, other than the widening of Liberty and Davis Road.

In addition, the applicant has provided a Transportation Planning Rule Analysis (TPRA) dated December 8, 2015. This TPRA is included as an exhibit within the application package, and includes findings and evidence demonstrating that the proposed comprehensive plan amendment, zone change and site development comply with the requirements of the Transportation Planning Rule (TPR), per Oregon Administrative Rule (OAR) 660-012.

The public facility and service needs of the proposed development will be determined by the City and specified during the site development process. As discussed in the pre-application report all necessary City utilities including water, sewer, and storm drainage, are already available, or can be provided for the proposed development. Street improvements will be required. Other services including fire and police protection, electricity and telephone, and solid waste disposal, can be provided to the property. By maintaining an infrastructure of public facilities and private services to serve the site, the requirements of this Goal are met.

**Goal 12 – Transportation**

To provide and encourage a safe, convenient and economic transportation system.

**Response:**

The TPRA indicates that no off site transportation improvements are required. However, Liberty Rd. S. is a Major Arterial so will be widened to those standards and within a 48 ft. ROW width, from centerline, including travel lanes, bicycle lane, curb, sidewalk, and landscaping. Similarly, Davis Road is classified as a Type A Collector so the travel lanes, bicycle lane, curb, sidewalk, and landscaping will be improved.

The subject site has access from the existing stub street at the west, which is classified as a local street (STSP) and is a 50 ft. ROW. This street system connects with Davis Rd. S. A traffic impact statement for this proposal has been prepared by the traffic engineer. The traffic impact report is included as a part of the application. The report estimates the traffic that would be generated by the proposed multifamily residential use that could occur under the proposed RM-1 zone. The traffic report concludes that development as proposed under the proposed zone would not have a significant impact on the transportation system.

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**  
**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:**  
**FEBRUARY 2016**

The site is adequately served by the existing street system, and no new streets are needed to serve the site as a result of the proposal. The existing streets and proposed streets have adequate capacity to accommodate the traffic generated by the proposed use. The proposed change in the land use designation will not cause a change in the functional classification of any street, and it will not cause an LOS at an intersection to fall to an unacceptable level.

Transit service is available nearby at Liberty Rd S. route.

Because the proposed use will not have a significant impact on the existing transportation system the requirements of this Goal and the TPR are satisfied.

## **COMPREHENSIVE PLAN**

The applicable Salem Comprehensive Plan Goals and Policies are set forth below along with findings demonstrating the project's consistency with these provisions.

### **B. GENERAL DEVELOPMENT**

#### **Goal:**

To ensure that future decisions concerning the use of land within the salem urban area are consistent with State Land Use Goals

#### **Citizen Involvement**

##### **1.**

Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help ensure citizen participation and information, public hearings shall be held prior to adoption of all land use ordinances.

#### **Response:**

A Minor Comprehensive Plan Map Amendment and a Zone Change are processed on a consolidated application under a Type III procedure. As required by the Salem Revised Code (SRC) Section 300, notice of the proposal will be provided via mail to all affected groups as required by the City and the site will be posted. Through the notice and public hearing process all interested parties will be given the opportunity to review the application, comment on the proposal, and participate in the decision. In addition, public hearings before the Planning Commission and City Council are required as part of a Type III review required for the proposed project. In addition, the applicant has met monthly with the SGNA neighborhood,

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM  
PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:  
FEBRUARY 2016**

presented the proposed development, and provided monthly updates.

**Economic Growth**

**3.**

Economic growth which improves and strengthens the economic base of the Salem urban area should be encouraged.

**Response:**

As concluded in the HNA conducted by ECO Northwest and adopted by City Council, there is a deficit of 300+ acres of multi-family land to meet the demand of the 20 year growth projections. The proposal, if approved, would help fill this projected deficit of available multi-family land by adding approximately 4.69 acres of multi-family land to the City's inventory. By converting this one house and this vacant tract into a housing development in a multi-family designation, the City will benefit by the construction jobs and then the sustained property tax revenues further advancing City efforts to stimulate economic growth.

**Carrying Capacity**

**6.**

All public and private development shall meet the requirements of applicable local, state and federal standards.

**Response:**

Evidence of project compliance with applicable regulations and statutes governing the requested plan amendment and zone change is provide herein and within the application package. City approval of the UGA preliminary declaration will provide substantial evidence regarding the capacity of the water, sewer, and transportation systems to accommodate the proposed comp plan designation, zoning and project.

In addition the applicant's traffic consultant has prepared a Transportation Planning Rule Analysis (TPRA) that has been included in the application package.

**Street Improvements**

**10.**

Improvements of streets in addition to those in or abutting a development may be required as a condition of approval of subdivisions and other intensifications of land use.

**Response:**

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**  
**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:**  
**FEBRUARY 2016**

As noted in the report of the Pre-Application Conference, improvements are required to the adjacent Arterial and the Collector, but no off site streets are required to be improved. Right of Way along Liberty is required to be a full 48 ft. from centerline, and some additional right of way dedication is required to meet this standard. Similarly, the Right of Way along Davis is adequate to accommodate the Class A Collector. Half street improvements are required along the property frontage to these two streets, to Arterial and Collector standards, including travel lane, bicycle lane, curbs & sidewalks.

**D. GROWTH MANAGEMENT**

**Response:**

Consistent with this provision, the applicant has filed, with this application package, a UGA preliminary declaration request. Approval of that permit will confirm the improvements that the City will require as a condition of approval of this land use application.

**RESIDENTIAL DEVELOPMENT**

**CITY OF SALEM REVISED CODE**

**TITLE V. COMMUNITY DEVELOPMENT STANDARDS**

**CHAPTER 64 COMPREHENSIVE PLANNING**

**64.020 Comprehensive Plan Amendments**

**(c)**

**Minor Comprehensive Plan Amendment.**

This development is a plan amendment and a zone change of a one owner property and only involves two tax lots, so meets the criteria for a Minor Plan Amendment.

**Criteria**

**(2)**

**(A).**

The proposal does not significantly change or amend key principles or policies in the Comprehensive Plan.

**Response:**

The proposal does not significantly change or amend key principles or policies. The proposal will help bring the City closer to meeting the deficit of 300 acres of multi-family land determined in the Housing Needs Analysis (HNA). The proposed use is adjacent to more intensive RM-2

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**

**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:  
FEBRUARY 2016**

multi-family zoned land, and will provide a transition of a less intensive development, with a low density, between that intensive development to the west, and the single family subdivision to the east.

**(B)**

The amendment does not require substantial changes to plan language to maintain internal plan consistency.

**Response:**

No changes to plan language are proposed or are necessary to maintain internal plan consistency.

**(C)**

The amendment does not require significant factual or policy analysis.

**Response:**

The comprehensive plan amendment and zone change is supported by the conclusions of both the EOA and the HNA for projected growth from 2015 to 2035, is consistent with zoning patterns, and does not require any significant new factual or policy analysis.

**(D)**

The amendment is in the public interest of the public health, safety, and welfare of the City:  
and

**Response:**

As concluded in the 2015 HNA an additional 300 acres of buildable multi-family land is necessary in the City of Salem to meet the 20-year projected demand. The addition of these 4.69 acres of multi-family land into the City inventory as proposed with this project will help close the gap between the existing multi-family land inventory and the demand. By converting the land designation to permit multi-family uses, the proposed development will generate construction jobs, permanent jobs, and property taxes, which will help increase the tax base of the City which will allow for improved local revenues for public services including fire and police services.

**(E)**

The amendment conforms to the applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development (Ord No. 6-13)

**Response:**

As evident in the responses provided within this narrative, the proposed amendment complies with the applicable Statewide Planning Goals and administrative rules.

**64.025 Plan Map Amendments**

**(e)**  
**Criteria**

**(2)**  
**Minor Plan Map Amendment**

The greater the impact of the proposed Minor Plan Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:

**(A)**  
The Minor Plan Map Amendment is justified based on the existence of one of the following:

**(ii)**  
**Equally or Better Suited Designation**  
A demonstration that the proposed designation is equally or better suited for the property than the existing designation.

**Response:**  
As noted on Page 4 of the Comprehensive Policies Plan, the Developing Residential comprehensive plan designation “represents the area within the Urban Growth Boundary which is presently unserved but necessary to accommodate development in the next twenty years”. The plan acknowledges that lands designated Developing Residential are reserved for future development, such as the subject property.

**(B)**  
The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation.

**Response:**  
With the response to the pre-application conference the City confirmed that public facilities are available to serve the site. The UGA declaration will further confirm this and add specificity.

**(C)**  
The proposed plan map designation provides for the logical urbanization of land;

**Response:**  
The Developing Residential designation is intended as a holding zone until services are available to allow urban development. Therefore, the proposed comprehensive plan amendment is a logical change that will allow for the implementation of this development.

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**

**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:  
FEBRUARY 2016**

**(D)**

The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of land Conservation and Development, and

**Response:**

Responses to the applicable goals and policies of the Salem Comprehensive Policies Plan and to the applicable Statewide Planning Goals are provided in the previous section of this narrative and demonstrate compliance with this criterion.

**(E)**

The amendment is in the public interest and would be of general public benefit. (Ord. No. 6-13)

**Response:**

The amendment is indeed in the public interest and would be of general public benefit, as demonstrated by the following:

1. An analysis of city-wide demand for buildable multi-family land over the next 20 years was completed in 2014 Housing Needs Analysis. This determined that an additional 300 acres of multi-family land is needed over this period. The conversion of this site to a Multi-Family designation will reduce this current deficit of multi-family residential land.
2. By converting the subject property to a multi-family residential designation, the City will allow the development of a development of duplexes that will create construction and permanent jobs and sustained property tax revenues further advancing City efforts to stimulate economic growth.

***(3) The proposed Plan change considers and accommodates as much as possible all applicable Statewide Planning Goals.***

The following Statewide Goals apply to this proposal:

**GOAL 1 - CITIZEN INVOLVEMENT**

The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to the SGNA Neighborhood Association, to property owners within the notice area, published in the newspaper, and posted on the property prior to the hearing. A public hearing to consider the request will be held by the Planning Commission. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process. However, the applicant has gone the extra mile to ensure complete citizen involvement. First, the applicant has personally met three times (months) with SGNA. No concerns were expressed.



**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**

**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:  
FEBRUARY 2016**

**GOAL 2 - LAND USE PLANNING**

The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The SACP is acknowledged to be in compliance with the Statewide Planning Goals. The SACP provides goals, policies and procedures for reviewing and evaluating land use requests. The proposal will be reviewed in relation to the methodology and intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, and the Zone Change considerations. The proposal will be evaluated on the basis of the facts and evidence that are provided to support and justify the proposed change. The City’s adopted land use planning process provides a framework for evaluating the proposal, in keeping with the requirements of this Goal.

**GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND  
NATURAL RESOURCES**

The property is not a scenic or historic resource, public open space, or a recreation site. No identified creek or waterway occurs on or adjoins the property. The development plan shows extensive natural areas and open spaces, and the plan features natural drainage.

**GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY**

The proposed Plan change will allow for multifamily residential use. The site is currently designated for single-family residential use. Residential use in general does not create significant impacts to air quality. The major impacts to the air at this location would be from the nearby industrial activities. The traffic generated by the increased residential use of the site will not result in a significant impact on air quality.

The site is vacant urban land on which development is expected. Sewer service to the property will be provided by the City. Waste water from the development will be discharged into the sewer system for treatment at the City of Salem treatment plant, which is required to meet the applicable standards for environmental quality. Surface water runoff will be collected into bioswales, pre-treated, and the residual removed by the City storm drains. Through the use of public facilities the wastewater and surface water discharges from the property will be managed according to approved standards.

There are no identified constraints due to factors of air, water or land resources quality that would prevent the use of the site as proposed. Based on the type of use, the location, and the surrounding land uses, the proposal will have no significant impacts to the quality of the air, water or land.

**GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS**

No significant natural hazards are identified that are specific to this site that would prevent or interfere with the proposed use.

## **GOAL 9 - ECONOMIC DEVELOPMENT**

The proposed change from single-family residential to multifamily residential will have a positive effect on the economy by encouraging construction activity for a type of housing that is in demand. By contrast, the demand for new single family housing is very low. A new residential construction project will benefit the local, regional, and statewide economies through the demand for materials, equipment, and labor.

## **GOAL 10 - HOUSING**

The site is currently designated for single-family housing. There is currently little demand for new single family housing on this west side of Liberty, close to an arterial, and there is an adequate inventory of vacant land for single family housing within the urban area. The proposed use is multifamily housing. The site is therefore planned for 42 units, where there could have been 28 homes, (6 per acre on 4.69 acres) so is only a net increase of 14 housing units from the single family plan. The proposal results in a density of 9 units per acre, which is at the very low end of the density allowed by the RM-1 multifamily zone. This will create additional housing in the residential neighborhood, and in a suitable location.

The proposal will help fulfill the multifamily housing needs forecast for the urban area. According to the City of Salem 1999 Data Report, the most recent year available, between 1990 and 1999 there was a need for 7,145 additional multifamily units (Table 5). During that same period 4,504 multifamily units were built (Table 13), 2,641 short of the projected need. Between the years 2000 and 2015 an additional 4,570 multifamily units are projected to be needed in the urban area (Table 5), for a total of (4,570 + 2,641) 7,211 units. The proposal is consistent with providing the forecast number of multifamily housing units during the planning period. In addition, according to the most recent apartment survey from Powell Valuation, Inc., (as reported in the Sperry Van Ness “Advisor”) apartment vacancies have declined to almost zero %, “an unprecedented low”. These data indicate a continuing shortage of multifamily housing in the community.

By providing multifamily housing that will help to fulfill the projected housing needs of the community the proposal fulfills the requirements of this Goal.

## **GOAL 11 - PUBLIC FACILITIES AND SERVICES**

The public facility and service needs of the proposed development will be determined by the City and specified during the site development process. As discussed in the pre-application report all necessary City utilities including water, sewer, and storm drainage, are already available, or can be provided for the proposed development. Street improvements will be required. Other services including fire and police protection, electricity and telephone, and solid waste disposal, can be provided to the property. By maintaining an infrastructure of public facilities and private services to serve the site, the requirements of this Goal are met.

## **GOAL 12 - TRANSPORTATION**

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**  
**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:**  
**FEBRUARY 2016**

The subject site has access from the existing stub street at the west, which is classified as a local street (STSP) and is a 50 ft. ROW. This street system connects with Davis Rd. S. A traffic impact statement for this proposal has been prepared by the traffic engineer. The traffic impact report is included as a part of the application. The report estimates the traffic that would be generated by the proposed multifamily residential use that could occur under the proposed RM-1 zone. The traffic report concludes that development as proposed under the proposed zone would not have a significant impact on the transportation system.

The site is adequately served by the existing street system, and no new streets are needed to serve the site as a result of the proposal. The existing streets and proposed streets have adequate capacity to accommodate the traffic generated by the proposed use. The proposed change in the land use designation will not cause a change in the functional classification of any street, and it will not cause an LOS at an intersection to fall to an unacceptable level.

Transit service is available nearby at Liberty Rd S. route.

Because the proposed use will not have a significant impact on the existing transportation system the requirements of this Goal and the TPR are satisfied.

**GOAL 13 - ENERGY CONSERVATION**

New residential construction will comply with the energy efficiency requirements in effect at the time of construction. The site is close to employment and services, reducing the travel distance needed to access these functions. These factors are consistent with compliance with this Goal.

**GOAL 14 - URBANIZATION**

The site is within the city limits. The proposal is to re-designate vacant residential land. All necessary public services can be provided to the site. The proposed use will contribute to the efficient use of a compact urban area, consistent with the intent of this Goal. The proposal does not affect the Urban Growth Boundary.

Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals.

***(4) The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general Plan maps.***

The site is currently designated for single family residential use. The proposal will provide for an increased-density housing opportunity. The use of the site is influenced by the adjacent industrial activity, which makes it distinct from other residential property in the area.

The proposed change is logical with the land use pattern because it makes use of an individual

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**

**PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:  
FEBRUARY 2016**

parcel that is influenced by factors other than the single family residential pattern. Using the subject parcel for multifamily housing will infill a vacant property, with unique characteristics in this neighborhood. Providing multifamily housing will diversify the housing stock in the neighborhood and provide additional housing in proximity to the industrial area. The proposed change is logical with regards to its locational factors and the elements of the existing land use and transportation pattern. It is also logical with regards to the type of housing that is needed in the community, and with regards to the lack of demand for single family housing.

The proposed change is harmonious with the land use pattern because it provides for a compact multifamily development at a single site, which is similar to the existing pattern in the general area. The site is separate from the single-family land use pattern, and it adjoins a major arterial. The proposal therefore will not have a significant traffic impact on the neighborhood. The proposal will provide a transition and a buffer between the single family residential and the major arterial, and it will provide for a single ownership and management of the land. For these reasons, the proposed change will be harmonious with the land use pattern of the area.

***(5) The proposed change conforms to all criteria imposed by the applicable goals and policies of the Comprehensive Plan in light of its intent statements:***

The following elements of the SACP are applicable to this request:

## **Part II. Definitions and Intent Statements**

### **A. Comprehensive Land Use Plan Map**

**1. Intent:** The stated intent of the Comprehensive Plan is to project a goal of the desirable pattern of land use in the Salem area. The Plan recognizes that the factors that determine the appropriate use of property change over time. The Plan's methodology is to rezone land over time in response to changing conditions. This methodology was chosen in order to provide maximum flexibility within the guidelines provided by Plan policies. The Plan states that the map designations indicate the predominant type of land use in the general area rather than a predetermined projection of future use, and that the Plan recognizes that land use and zoning are expected to change as conditions change.

The subject parcel was previously recognized as appropriate for residential use. This proposal is made in response to the changes in the conditions and circumstances that are affecting the use of residential property. Major changes have occurred in the local, regional and state economies, which have had major impacts on housing and the development of residential land. These changes have occurred since the property was designated for single-family homes.

The major changes that have occurred require re-evaluation of existing, vacant residential sites with regards to their appropriate use and relationship to the community. The proposed Plan change is in keeping with the changes in the market and demand for housing in the community since the time the site was designated for residential use. The proposal is

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM  
PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:  
FEBRUARY 2016**

consistent with the Plan's methodology to rezone land over time in response to changing conditions. For these reasons, the proposal is consistent with the Intent statement of the Plan.

**Part IV. Salem Urban Area Goals and Policies**

**E. Residential Development**

***GOAL: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing. In meeting this goal, residential development shall:***

- a. Encourage the efficient use of developable residential land;***
- b. Provide housing opportunities for Salem's diverse population; and***
- c. Encourage residential development that maximizes investment in public services.***

Future residential development of the site is proposed under the RM-1 zone. Development at the low end of an RM-1 density will allow for a compact and efficient use of the land area and of public facilities and infrastructure provided to the site. The proposal will increase the range of housing opportunities for the population of the urban area, and for those desiring to live in this part of the city. Attractive duplexes in a natural wooded setting is a more attractive option than dwelling units in high density three story apartment blocks. It will offer attractive housing in close proximity to employment opportunities. For these reasons, the proposal is consistent with the Residential Development Goal.

**Residential Development Policies**

**Establishing Residential Uses**

- 1. The location and density of residential uses shall be determined after consideration of the following factors;***
  - a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.***
  - b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.***
  - c. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.***
  - d. 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.***
  - e. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.***
  - f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.***
  - g. The density goal of General Development Policy 7.***

The City forecasts that an additional 4,570 multifamily units will be needed between 2000 and

2015 (1999 Data Report). The proposed multifamily housing will contribute to meeting this forecasted housing need. The vacancy rate for multifamily housing is currently very low, indicating increased demand. The proposal will help to meet that demand. The land has the capacity to accommodate the use. All necessary public facilities and services can be provided at adequate levels for the type and density of housing that can locate on the site, and multiple forms of transportation are available. As described, the property is near schools and services, and it is close to employment centers. The proposal is consistent with the pattern of multifamily housing at various dispersed locations within the neighborhood. The proposed density is consistent with the intent to fulfill the density Goal of General Development Policy 7, which is an overall average of 6.5 units per acre.

Based on these factors, the proposal is consistent with the policy guidelines for establishing residential uses.

## **Facilities and Services Location**

***2. Residential uses and neighborhood facilities and services shall be located to:***

- a. Accommodate pedestrian, bicycle and vehicle access;***
- b. Accommodate population growth;***
- c. Avoid unnecessary duplication of utilities, facilities and services; and***
- d. Avoid existing nuisances and hazards to residents.***

Development of the site will include street improvements along its frontage on Liberty Rd S and Davis Rd. S. This will provide for improved vehicular, pedestrian and bicycle access. Liberty is an Arterial and a designated bike route. The proposal will accommodate population growth by providing for increased density housing in a compact and efficient manner, on serviceable vacant land within the city. Utilities and services are present in the area and their extension to the site will be efficient and without duplication. Residential development on the site, compared to industrial development, will correspond more closely to the residential pattern that is established to the west and north. For these reasons, the proposal is consistent with the directives of this policy.

## **Infill Development**

***3. City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.***

The subject property is vacant single family residential land. This proposal will allow its development for a type of housing that is in demand. The site is suitable for the proposed residential use in terms of its relationship to the surrounding land uses. For these reasons, the proposed use fulfills this policy directive to infill vacant, underutilized residential land.

## **Multi-Family Housing**

***6. Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:***

- a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;***
- b. Development regulations shall promote a range of densities that encourage a variety of housing types;***
- c. Multiple family developments should be located in areas that provide walking, auto or transit connections to:***
  - (1) Employment centers;***
  - (2) Shopping areas;***
  - (3) Transit service;***
  - (4) Parks;***
  - (5) Public buildings.***

The subject site is consistent with the development and location factors identified in this policy. The RM-1 zone requires a density ranging from 8 to 14 units per acre, and the proposed development would result in only 9 units per acre. The site is within walking distance of employment opportunities and transit routes. It is adjacent to Liberty Rd. S., the major street that connects to the commercial services near Kuebler Boulevard. Liberty Rd S. is a bike route. The site is within the ½ mile service area of Secor Park. For these reasons, the subject property is consistent with the factors stated in this policy for siting new multifamily housing.

## **Circulation System and Through Traffic**

***7. Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:***

- a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;***
- b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;***
- c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.***

Access to the subject property is by the existing local residential street at the west, that the applicant will extend and provide a stub street to the south. The local street connects safely with Davis Rd. S., as well as other local streets to the west. These streets provide a network for pedestrians, bicycles, and vehicles. The parcel's street frontage will be improved with curb and sidewalk, to provide pedestrian access. The proposed street system in this area will provide circulation and access to the site and to the surrounding area as required by this policy.

## **Protection of Residential Areas**

***8. Residential areas shall be protected from more intensive land use activity in abutting***

**zones.**

This proposed development provides a transitional buffer between the intensive activity RM-2 multi-family development to the west, and the single family areas to the east of Liberty, i.e. along the busy arterial and the single family subdivision to the east of this parcel. Then a proposed 20 ft. landscaped buffer setback is proposed at the east and north perimeter of this development to further protect the residential area.

## **Alternative Housing Patterns**

### **9. Residential Development Patterns**

***Subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns, and reduced development costs. Development regulations shall promote residential development patterns that encourage:***

- a. The use of all modes of transportation;***
- b. Reduction in vehicle miles traveled and length of auto trips; and***
- c. Efficiency in providing public services.***

The proposal is an opportunity for increased housing densities, and an alternative form of housing in the neighborhood, consistent with this directive. This will help to reduce the development costs per unit on the property, while increasing the efficiency of providing public services. This unique concept of duplexes carefully sited in White Oaks is a different form of housing that increases livability and property values.

Multiple forms of transportation are available to the location. The site is within proximity to employment, schools, and commercial services, which will reduce the vehicle miles traveled and length of auto trips needed to reach these services. The proposal is consistent with the factors of this policy.

## **Requests for Re-zonings**

***10. Requests for re-zonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:***

- a. The site is so designated on the comprehensive plan map;***
- b. Adequate public services are planned to serve the site;***
- c. The site's physical characteristics support higher density development; and***
- d. Residential Development Policy 7 is met.***

The site is proposed to be re-designated to *Multifamily Residential* and zoned RM-1, which allows a higher residential density than the current RA zone. The need for the proposed multifamily housing has been identified in this report. Adequate public services are available to serve development at the density allowed by the RM-1 zone. There are no physical obstacles or barriers to development within the density range allowed by the zone. Residential development Policy 7 has been addressed and is satisfied. Because the request identifies the need to be addressed by the proposed use, and satisfies the factors of a.-d., the proposal is to be deemed appropriate.



## **Urban Design**

***11. Design Standards shall be implemented to improve the quality of life of Salem's residents and promote neighborhood stability and compatibility.***

The City has adopted design standards for multifamily development. Design Review approval will be required prior to development of the site. The proposed design already meets all standards in the Multifamily Design Handbook. Because this development proposal is a PUD Planned Unit Development the usual lot development standards are waived. However, the applicant chooses to conform to front, rear and side yard standards anyway, because this enhances livability. The private street network however has an innovative layout to avoid trees, and creates design standards that are un-conventional, but that work well in the RM-1 zone and in a PUD that is based on integrating building sites with existing trees and their conservation.

### ***(6) The proposed change benefits the public:***

As shown by the residential vacancy data, there is a very low multifamily vacancy rate in the community. This indicates insufficient supply to meet the demand for multifamily housing. As a result, rents are increasing. Adequate housing in keeping with the needs and affordability of the community is a critical consideration. By providing additional multifamily housing, on a vacant site that is close to employment opportunities and transportation, the proposed change benefits the public.

Based on the reasons and factors that have been discussed, the proposal satisfies the criteria for a Comprehensive Plan Change.

### **South Gateway Neighborhood Plan Change**

There is not currently a South Gateway Neighborhood Plan. The Liberty Boone Neighborhood Plan does not extend this far south. Therefore no change to a neighborhood plan is relevant or required.

# **4771 LIBERTY RD. S PUD: ZC/CPC CRITERIA**

## **CHAPTER 265**

### **ZONE CHANGE**

#### **SRC 265.005 (c) Criteria.**

(1) A quasi-judicial zone change shall be granted if all of the following criteria are met:

(A) The zone change is justified based on the existence of one or more of the following:

(i) A mistake in the application of a land use designation to the property;

(ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or

(iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

#### **THIS PROPOSAL MEETS THE CRITERIA**

The existing use of this acreage property is a vacant woodland lot in the case of the southern half at 5721 Liberty, and one single family residence on landscaped acreage on the northern half at 5771 Liberty Rd. S. However, the area is planned to be developed at residential densities, so the most obvious development pattern would be conventional single family residential subdivision with probably 4,000 sq.ft. up to 8,000 sq.ft. lots and normal 60 ft. public local streets. There are several factors that influence this application to seek a zone change for something different.

- (a) The wooded setting includes many White Oak trees. That suggests that instead of cutting and clearing this wooded site for development of a maximized number of small lots and home sites, and barely meeting the tree preservation code for retention of a percentage of the trees, the applicant maintains there may be a better way. Following preliminary discussion with Planning staff, a Planned Unit Development was selected as an appropriate development approach. This allows some flexibility in siting of lots, and private driveways.
- (b) The Housing Needs Analysis indicates a shortage of multi-family development acreage in Salem. The applicant identified a market need for some duplexes, and considered siting these pairs of units in the wooded setting, with narrower driveways in place of wide city streets, saving as many trees as possible. The selection of duplexes, even at a modest density of 10 units per acre requires a zone change to RM-1.

## **4771 LIBERTY RD. S PUD: ZC/CPC CRITERIA**

- (c) There is a precedent in this location for multi-family zoning in that the adjacent property zoning was earlier changed to RM-2 in order to allow a high density attached housing development. Infrastructure and roads for the adjacent development are already installed, but the homes are yet to be built. This proposal for lower density multi-family (duplex) development will therefore be a compatible use and neighbor to the RM-2 development.
- (d) This site is at the intersection of two major roads: Liberty Rd. S. is a major arterial, and Davis Rd. S. is a Collector. A better use of the property, which is sandwiched between a high density RM-2 development and a major arterial, will be this proposed RM-1 development of 22 duplexes in a treed setting that saves many of the existing Oaks, and which would be a good transition, being located between the high density zoning to the west and the single family subdivisions across Liberty to the east.
- (e) Therefore, this proposal for 44 duplex residential units, plus retention of the existing house, will be a better use for the property than the two single family residences that are allowed under the existing RA zoning. This compares to the 28 to 40 single family homes (lots) that might be built under the existing zoning, should all the trees be clear cut, in violation of the code. This proposal for a modest increase in density under RM-1 permits a reasonable number of dwelling units, that exceeds the single family subdivision customary density, but which also manages to save many of the existing trees, including White Oaks.

**“FIFTY OAKS” P.U.D., 5721 & 5771 LIBERTY RD. S., SALEM**

PLANNED UNIT DEVELOPMENT, SUBDIVISION, ZONE CHANGE AND COMP PLAN CHANGE:  
FEBRUARY 2016

**Summary**

The proposal will make productive use of a vacant site for an innovative type of housing that is needed in the community. The proposal carefully sites duplexes, in a lower density development, and carefully preserves the existing White Oaks on the property, instead of seeking a variance to remove them. The end product is an attractive quality development in a wooded setting, increasing livability and property values. The location provides an opportunity to live near employment, while minimizing the requirements for transportation, and affording transportation alternatives. The economic conditions for single-family housing have changed substantially since the time the site was zoned RA. The proposal conforms to the policies for residential development and for increased residential densities. The proposed use of the site will result in efficient use of the land and public utilities and services. The proposed designation will provide for a transition between the industrial land uses and the residential uses in the vicinity. For these reasons, the proposal is appropriate for the property, the neighborhood, and the location.

**“FIFTY OAKS” PLANNED UNIT DEVELOPMENT 5721 & 5771 LIBERTY S.**  
**P.U.D. APPLICATION: WRITTEN STATEMENT**  
**FEBRUARY 2016**

## **P.U.D.**

- This PUD conforms to the following approval criteria for a Subdivision Tentative Plan (SRC 205.010(d)):
  - The PUD tentative plan conforms to the development standards of this Chapter. ▪ The PUD tentative plan provides one or more of the following:

- ❖ **Common open space** that will be improved as a recreational amenity and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. The amenities are passive, and in scale with this modest or small development. Nature trails through the trees are the main amenity.
- ❖ **Common open space**, which may be landscaped and/or left with natural tree cover, that is permanently set aside for the passive and/or active recreational use of the residents of the PUD and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. The common area natural areas and wooded areas are appropriate to the size and scale of this low impact development.
- ❖ **Common open space** that will preserve significant natural or cultural features; or ❖ Unique or innovative design concepts that further specific identified goals and policies in the Salem Area Comprehensive Plan.
- Excepting 21 duplex lots (each 4500 sq.ft.) on the 4.69 acres, the balance of the property is **Common Open Space**. This common area includes Natural Areas of trees and woodland, General Open Space and landscaped setbacks, private driveways, and private walkways.

- **CONVENIENCE SERVICE AREA**

- If a retail service area or a convenience service area is proposed, the area is designed to:

❖ **Adequately provide for privacy and minimize excessive noise on adjacent uses;** The existing residence is intended to become a “Convenience Service Area”. The code allows a small coffee shop and a small hairdresser shop for example. These will be spaces on the first floor of the existing house structure. The size is determined by 40 sq. ft. per unit. So 45 units x 40 = 1,800 sq. ft. The rental office will also be on the first floor, and maybe a meeting room or rec room for use of the residents. Upstairs will be an apartment for the on site managers. There are unusually generous landscaped buffers and yards and common areas between the service area (house) and the duplexes. The house is at the center of the acreage, so there is no impact or effect on any surrounding land uses. Parking is required at the ratio of 1 space per 250 sq. ft. of building area. Therefore 7 spaces are required and provided. (1800 / 250).

❖ **Provide for adequate and safe ingress and egress.** ADA access from parking to the service area is provided. Private driveways connect to city local streets for good access.

❖ **Minimize the impact of vehicular traffic on adjacent residential uses.** All internal circulation is by compact private driveways in a loop arrangement. There is no impact on adjacent residential uses. The duplexes are separated from the house (service area) by generous landscaped buffers and common open space, and Oak trees.

**“FIFTY OAKS” PLANNED UNIT DEVELOPMENT 5721 & 5771 LIBERTY S.**  
**SUBDIVISION APPLICATION: WRITTEN STATEMENT**  
**FEBRUARY 2016**

## **SUBDIVISION**

- This subdivision / PUD proposal conforms to the following approval criteria for a Subdivision Tentative Plan (SRC 205.010(d)):
  - - The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:
      - ❖ **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.
      - Because this development is a PUD it is not required to comply with all lot standards, and there is considerable flexibility in design allowed for this type of development.
      - However, all lots do comply with normal lot standards as follows:
        - Lot sizes (duplexes) are 4,500 sq.ft. and are 50 ft. frontage and 90 ft. lot depth.
        - Front yards are 20 ft. and rear yards are 20 ft. deep.
        - Side yards are all 5 ft. width, and there is therefore 10 ft. separation between adjacent duplexes.
      - ❖ **City infrastructure standards, development, special setbacks, geological or geotechnical analysis, and vision clearance.**
        - All infrastructure, sewer, water, storm, comply with all city infrastructure standards.
        - Generally, services are in Davis Rd. S. and the site slopes gradually to the north, to Davis.
        - ❖ Any special development standards, including, but not limited to, floodplain
        - No special development standards are anticipated, with these exceptions.
          - This RM-1 Duplex Development has common open space and driveway system.
          - Access driveways are typically 25 ft. width of pervious paving.\
          - Off street parking exceeds the code requirement.
          - The site is not in a geological hazard area has no creeks or lakes or waterways.
          - There are no vision clearance issues, and access is from an existing city local street.
    - The tentative subdivision plan does not impede the future use or development of the property or adjacent land.
    - A public street is included and it stubs to the south for future extension when adjacent land is developed. Connectivity is from adjacent development to the west, through this development, and extends to the south.
    - ▪ Development within the tentative subdivision plan can be adequately served by City infrastructure.
    - This is a lower density RM-1 development of 21 duplexes. All development can be adequately served by existing infrastructure, roads, sewer, water and storm.
    - ▪ The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.
    - This is fully covered in the Traffic Impact Analysis.
    - ▪ The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.
    - See the attached TIA report for detailed information and analysis.
    - ▪ The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood

# **“FIFTY OAKS” PLANNED UNIT DEVELOPMENT 5721 & 5771 LIBERTY S.**

## **SUBDIVISION APPLICATION: WRITTEN STATEMENT**

**FEBRUARY 2016**

activity centers within one-half mile of the development. For purposes of this neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

- The subdivision plan includes sidewalk improvements and bike lane at all street frontages, therefore providing pedestrian and bicycle connection to the middle school, to the neighborhood park, to the bus stop, and to other neighborhood services.
- **The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.**
- This is described in detail in the submitted TIA report.
- **▪ The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.**
- **▪ The tentative subdivision plan takes into account the topography and vegetation of the site. This is the major feature of this PUD design. The vegetation, and the significant trees, the Oregon White Oaks, are all mapped and documented carefully, and the siting of the buildings and compact driveways is carefully arranged in order to preserve all these trees. The topography of the site, within the property lines, is a gentle slope south to north. There are grade changes, and tree lined banks, at the perimeters, i.e. along Liberty and Davis, but the development site itself is fairly flat. The intention is to not disturb this wooded site much, and to fit the duplexes and the driveways so they miss the trees and their root systems.**

### **VARIANCES:**

The need for variances is minimized to the greatest extent practicable. No variances are in fact contemplated or requested.

## **50 OAKS PUD: CLASS 2 ADJUSTMENTS**

### **WRITTEN STATEMENT**

Written statement addressing the Class 2 Adjustment approval criteria of SRC 250.005(d)(2)

#### **CRITERIA:**

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

Equally or better met by the proposed development.

#### **RESPONSE:**

The layout proposed development better meets the intent of the Planned Unit Development code, and generally complies with all setbacks and standards in the zone code. However, there are a few areas where an adjustment in setback dimension is necessary to make the layout work. This produces a better layout, and the overall development is better as a result of this flexibility, in these few areas.

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

#### **RESPONSE:**

The proposed development will improve the livability and appearance of this residential area, because the visual effect, and the environmental design, is better than a packed in conventional development of residential lots. Instead, many trees are saved and common open landscaped spaces are featured, that are an amenity, and these natural and landscaped areas are connected by pedestrian walkways, for the benefit of all residents.

(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.

#### **RESPONSE:**

The proposed Planned Unit Development requests adjustments that have a cumulative effect of enhancing an attractive layout and are very much consistent with the overall purpose of the zone.

**APPLICATION for a series of Adjustments** in Setbacks for this PUD where some flexibility in layout is permitted.

See PUD Site Plan A-1 for location of proposed adjustments.

#### **ADJUSTMENT A-1**

18 ft. (approx.). setback from David Road ROW line to Duplex #4, where 20 ft. is required.

Engineering drawing C-1 Subdivision Plan will show the specific accurate dimension.

#### **ADJUSTMENT A-2**

16 ft. (approx.) landscaped yard area at west side of House/Convenience Center #1, where 20 ft. landscaped yard all round is required. Mitigation: Overall landscaped yard area greatly exceeds the code requirement.

#### **ADJUSTMENT A-3**

8 ft. (approx.) setback, from garage side wall of Duplex #11, to bulbed turnaround ROW line at public street, where 12 ft. setback is required.



**50 Oaks Planned Unit Development  
TRANSPORTATION PLANNING RULE  
ANALYSIS REPORT**

**January 04, 2016**

**PREPARED BY:**

Nemariam Engineers & Associates, LLC



EXPIRES: 12/31/16

01-04-2016

## TABLE OF CONTENTS

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<b>EXECUTIVE SUMMARY .....</b>	<b>i</b>
<b>1.0 INTRODUCTION.....</b>	<b>1</b>
1.1 SITE LOCATION.....	1
1.2 SURROUNDING LAND USES.....	1
1.3 PROJECT DESCRIPTION.....	2
<b>2.0 EXISTING CONDITION .....</b>	<b>3</b>
2.1 EXISTING TRANSPORTATION FACILITY .....	3
2.2 TRANSIT SERVICES.....	3
2.3 SITE ACCESS/STREET CONNECTIVITY .....	3
<b>3.0 ANALYSIS .....</b>	<b>5</b>
3.1 TRIP GENERATION ESTIMATE .....	5
3.2 TRAFFIC IMPACT ANALYSIS (TIA).....	6
3.3 TRANSPORTATION PLANNING RULE ANALYSIS (TPR ANALYSIS) .....	7
<b>4.0 RECOMMENDED MITIGATION MEASURES .....</b>	<b>9</b>
<b>5.0 CONCLUSION .....</b>	<b>10</b>

## TABLE

Table 1 Estimated Trip Generation.....	6
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## APPENDIX

Figure 1 Project Site Vicinity Map	
Figure 2 PUD Tentative Site Plan	
Pre-Application Memorandum Copy	

## **EXECUTIVE SUMMARY**

This Transportation Planning Rule (TPR) Analysis Report is prepared on behalf of SM Construction, Inc. SM Construction Inc. is requesting a comprehensive plan change and a zone change (CPC/ZC) on a 4.69 acre parcel of land. The CPC/ZC is requested to allow the construction of 42 dwelling units (21 duplexes) and to convert the existing single-family house to an apartment unit with a 500 square foot rental office development. The project site is located at 5771 Liberty Road S. and 5721 Liberty Road S. in Salem, Oregon. The property is located within the Salem-Keizer Urban Growth Boundary and within the city limits of Salem. Refer to Figure 1 for the Vicinity Map in the Appendix.

The proposed CPC/ZC converts the existing zoning from “Residential Agriculture” (RA) to “Multiple Family Residential” (RM-I); and, the existing Comprehensive Plan designation from “Developing Residential” to “Multiple Family Residential”. In addition to the proposed CPC/ZC, the application requests limiting the traffic volume generated by the property to the maximum number of daily trips that are likely to be generated by developments allowed under the existing comprehensive plan and zoning designation.

City of Salem Revised Code (SRC) 803.015(b) and the TPR (Oregon Administrative Rule [OAR] 660-12-0060) require that a Traffic Impact Analysis (TIA) be performed to assess the impact of proposed land use changes to the transportation facilities. However, based on information in the March 24<sup>th</sup> pre-application meeting notes, the requirements outlined in OAR 660-012-0060 (1), and conversation with City staff on October 7<sup>th</sup> 2015, a TPR analysis is proposed rather than the TIA.

The purpose of the TPR analysis is to demonstrate that the proposed CPC/ZC will not have a “significant effect” on the transportation system as defined by OAR 660-012-0060 (1).

## ***TPR ANALYSIS FINDINGS***

The results of the TPR analysis indicate that the proposed CPC/ZC will not have a “significant effect” on the existing transportation system. The amount of traffic generated by the proposed development will not exceed the trip cap of 362 daily trips established under the existing zoning. The CPC/ZC amendment includes an enforceable and ongoing trip reduction requirement that would limit traffic generation. This is consistent with the provision described under OAR 660-012-0060 (1) (c).

## ***RECOMMENDATION/CONCLUSION***

Based on the findings noted above, it is reasonable to conclude that the proposed CPC/ZC will comply with the approval requirements of TPR due to the proposed trip cap. In addition, the proposed land use amendment and proposed development project will help the City meet the multi-family housing needs. Therefore, the City should approve the proposed project and land use amendment.

## **1.0 INTRODUCTION**

This report documents the results of the Transportation Planning Rule (TPR) analysis for the proposed land use amendments. The analysis is prepared with the City's Assistant Traffic Engineer's concurrence, and, the requirements outlined in the City of Salem Revised Code (SRC) 803.015 (b), OAR 660-012-0060 (1) and the pre-application memorandum. A copy of this memorandum is presented in Appendix.

Approval of this proposal for a plan and zone amendment will change the City's comprehensive plan and zoning maps, which are acknowledged land use regulations. In order to be approved, the proposed comprehensive plan and zone amendments must comply with the TPR.

### **1.1 SITE LOCATION**

The proposed project site is located at the southwest corner of the intersection of Davis Road S/Liberty Street S in the City of Salem, Oregon. The subject property has frontage along Liberty Road S, which is designated as a Major Arterial in the Salem Transportation System Plan (TSP). Davis Road S which is designated as a Local Street abuts the property to the north. Davis Road S connects to Skyline Road S, a Minor Arterial, which is approximately 0.8 miles to the west of proposed development. Joynak Street S is a Local Street abutting the undeveloped land to the west of the proposed development. Mariel Place S intersects Joynak Street S and extends approximately 100 feet to the east into the proposed development for future improvements. The south side of the property is adjacent to the undeveloped lands along Liberty Road S. Refer to the site Vicinity Map (Figure 1).

### **1.2 SURROUNDING LAND USES**

The Comprehensive Plan designations for surrounding properties include:

North: Across Davis Road E, "Developing Residential"  
South: "Developing Residential"  
East: Across Liberty Road S, "Developing Residential"  
West: "Multi-Family Residential"

Zoning and land uses of surrounding properties include:

North: Across Liberty Road S, RA (Residential Agriculture) – undeveloped land on large parcels  
South: RA (Residential Agriculture) – undeveloped land, and single-family dwellings on large parcels  
East: RA (Residential Agriculture) – single family dwellings on large parcels  
West: RM-1 (Multiple Family Residential)

### ***1.3 PROJECT DESCRIPTION***

The project site under the proposed comprehensive plan change and zoning change (CPC/ZC) will be converted to Multiple Family Residential-I (RM-I) with comprehensive plan designation of “Multiple Family Residential”. Under the proposed zoning and comprehensive plan designation a maximum of 14 dwelling units on an acre of land are permitted to develop as shown in Table 513-3 of the SRC Section 10 Chapter 513. Based on information provided in Table 513-3, a maximum of 66 dwelling units will develop on the 4.69 acre of land under the proposed land use amendment.

The applicant proposes to:

- Build Planned Unit Development (PUD)/Subdivision that includes 42 dwelling units (21 duplexes).
- Convert the existing single-family house to an apartment unit with a 500 square feet rental office.
- Limit the number of trips generated by the development to the maximum number of trips that are likely to be generated by the worst-case development scenario allowed under the existing zoning.
- Widen the existing driveway on Liberty Street S to city standard design for public streets and connect to new private roads within the PUD. The private road system within the PUD will be similar to an apartment development. All other driveways within the PUD will be private, typically, 25 feet wide. Refer to the site plan in the appendix for more details.
- Provide 50 feet public right-of-way (ROW) for a stub street from the west (adjacent sub-division) that passes through the southwest corner of the project site to the undeveloped land located south of the project site.

Full build out of the entire project is to be completed by the end of 2016.

## **2.0 EXISTING CONDITION**

The project is on 4.69 acres at two parcels located at 5771 and 5721 Liberty Road S which is at the southwest corner of the intersection at Liberty Road S/Davis Road S. There is an existing single-family residential house on one of the parcels located at 5771 Liberty Road S. Full access to the property is provided from Liberty Road S.

The 4.69 acres of Residential Agricultural (RA) zoned property is currently designated as Developing Residential by the Salem Comprehensive Plan. Under the existing comprehensive plan and zoning designation the minimum lot area permitted for single-family detached homes is 4,000 square feet as shown in Table 510-2 of the SRC Section 10 Chapter 510. Based on our October 7<sup>th</sup>, 2015 conversation with the City's Assistant Traffic Engineer, 25% of the site is assumed to be used for infrastructure development. Assuming 25% of the site will be used for infrastructure, a maximum of 38 single-family residential units with the minimum lot size are estimated to be built on the project site.

### **2.1 EXISTING TRANSPORTATION FACILITY**

The existing transportation facility near the project site consists of the intersection of Liberty Street S/Davis Road S. The intersection of Liberty Street S/Davis Road S is a three-legged stop sign controlled intersection. The stop sign control is on Davis Road S. Davis Road at this intersection is a two-way roadway with one westbound lane, one eastbound right turn-lane and one eastbound left turn-lane. Liberty Street S is a two-way street. South of Davis Road S, Liberty Street S has a northbound through-lane, a northbound left turn-lane and bike lanes on both sides of the street. North of Davis Road S, Liberty Street has a southbound through-lane, a southbound right turn-lane, two northbound lanes and bike lanes on the north and southbound approaches.

There is an existing sidewalk along the west side of the southbound approach of Liberty Road S that continues onto the north side of Davis Road S. There are no sidewalks along the property frontage on Davis Road S and Liberty Street S.

### **2.2 TRANSIT SERVICES**

Salem-Keizer Transit Route 8 provides service on Liberty Road S and Davis Road S, north of the subject property, with a scheduled stop on Davis Road S at Crossler Middle School. The bus stop is located on the north side of Davis Road near the southern end of the project site.

### **2.3 SITE ACCESS/STREET CONNECTIVITY**

The street system in the vicinity of the project site lacks connectivity. Mariel Place S connects Joynak Street S and the undeveloped land west of the project site. There are no local streets that provide access to the project site and the undeveloped land south of the project site.

The existing access to the project site intersects Liberty Street S. which is a major arterial. The driveway width does not meet the City's public street design standards.

### **3.0 ANALYSIS**

The following is an analysis of the impacts of the trips generated by the proposed development; and the requirements of SRC 803.015 (b) and OAR 660-012-0060 (1).

#### **3.1 TRIP GENERATION ESTIMATE**

To determine if the proposed CPC/ZC will have an adverse impact on the surrounding transportation facilities, daily trips generated by reasonably worst-case development scenario under the existing land use was estimated. Site generated trips under the existing zoning and the proposed zoning were estimated using trip rates obtained from the Institute of *Transportation Engineers Trip Generation Manual, 9<sup>th</sup> Edition*. For the purpose of estimating trips generated by development of the project site under the existing zoning, the following assumptions are made.

1. A 38 unit single-family residential development (Institute of Traffic Engineers (ITE) Land Use Code 210) is a reasonable worst-case development scenario that is likely to develop under the existing RA zoning.

Trips generated by development of the project site under the proposed zoning are estimated assuming:

1. Forty-two dwelling units (twenty-one duplexes) and an apartment unit with a 500 square feet rental office will be built.
2. Each of the 42 dwelling units will generate trip rates similar to the trip rates generated by residential condominium/townhouse (*ITE Land Use Code 230*).
3. The apartment unit/office rental office will generate trip rates similar to the trip rates generated by an apartment unit (*ITE Land Use Code 220*). Since the rental office is part of the apartment unit, additional trips are not anticipated to be generated by the office space.

Refer to the Trip Generation Estimate (Table 1) below for detail.



**Table 1**  
**Estimated Trip Generation**

Land Use	ITE Code	Size	Daily Trips
Single Family Homes	210	38 DU	362
<b>Existing Zoning Total Trips</b>			<b>362</b>
Residential Condominium/ Townhouse	230	42 DU	249
Apartment	220	1 DU	6.65
<b>Proposed Project Total Trips</b>			<b>256</b>
<b>Proposed Trip Cap</b>			<b>362</b>

DU = Dwelling Units

### **3.2 TRAFFIC IMPACT ANALYSIS (TIA)**

SRC 803.015 (b) sets forth the requirements for a TIA. 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 proposed development that will occur on all lots that will be created by the land division.*

**Response:** The proposed amendment will not meet the threshold for the TIA requirement noted above.

*(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.*

**Response:** The proposed amendment will not contribute to documented traffic problems. There are no known safety concerns that will be exacerbated by the trips generated by the proposed project.

*(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.*

**Response:** The City has not 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.

### 3.3 **TRANSPORTATION PLANNING RULE ANALYSIS (TPR ANALYSIS)**

OAR 660-12-0060 of the TPR sets forth the relative criteria for evaluating plan and land use regulation amendments. This section analyzes the applicable OAR 660-12-0060 criteria to demonstrate the proposed zone change and comprehensive plan designation changes are consistent with adopted state policies regarding these types of land use actions.

OAR 660-12-0060 (Plan and Land Use Regulation Amendment Section)

*(1) An amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

**Response:** The proposed plan amendment will not require or result in any changes to the functional classification of any transportation facility in the vicinity of the site.

*(b) Change standards implementing a functional classification system; or*

**Response:** The proposed plan amendment will not require or result in any changes to the standards that implement the functional classification system.

*(c) As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

**Response:** The TPR analysis for the proposed CPC/ZC amendment shows that:

- The project proposed to develop under the new comprehensive plan designation and zoning will generate traffic volumes less than the maximum amount of traffic generated by developments that are allowed to develop under the existing zoning.
- The peak hours of traffic generated by the site are similar due to the residential uses of the site under the existing and proposed comprehensive plan designation and zoning.

- The project site is likely to generate fewer trips than those shown in the Estimated Trip Generation table noted above as the rental office service the residents in the property and the one apartment unit which is built for on-site property manager's use.

#### **4.0 RECOMMENDED MITIGATION MEASURES**

Based on the results of our analysis we believe the CPC/ZC can comply with the TPR 660-12 provided the following mitigation measures are implemented:

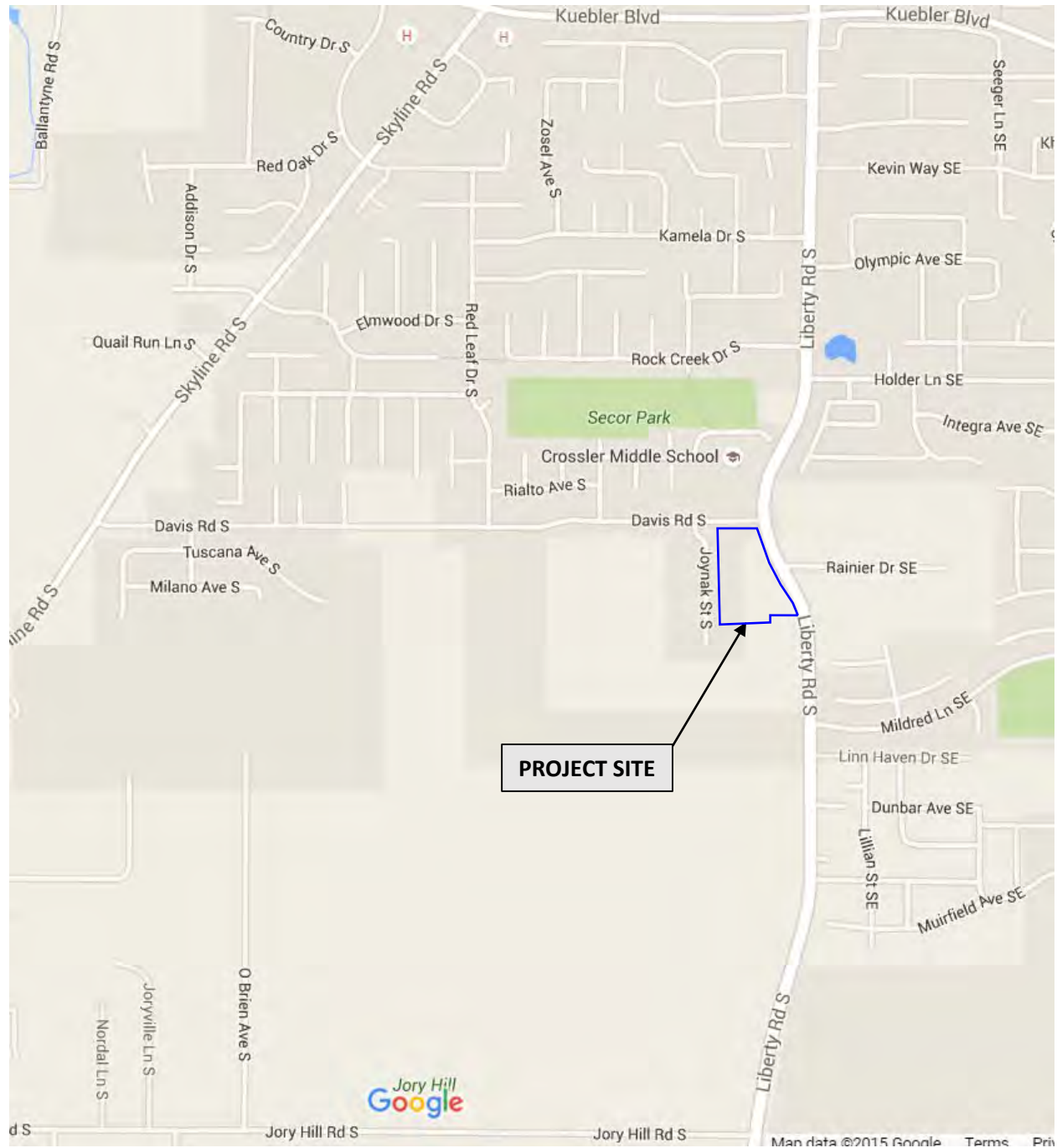
- Limit the number of trips generated by the proposed CPC/ZC amendment to 362 daily trips.
  - To ensure the proposed 362 maximum daily trips cap is enforced, the city should place the following conditions:
    - a. Require applicant to record in deed records of Marion County, Oregon, the provisions of a restrictive covenant that adopts the terms of this condition by reference, and shall run with the land, subject to the amendment or removal only by the City's subsequent amendment or modification of this condition of approval.
- This condition shall limit traffic impacts from future development such that a maximum of 362 daily trips are generated by the proposed use or uses.
- b. In the event that the parcels subject to the restrictive covenant develop in phases under separate land use applications, the remaining number of trips available for the succeeding phases will be under the overall trip cap of 362 net daily trips.
  - c. The area under the amendment will be entirely built-out with the project thus eliminating the possibility for future expansion.
- Construct sidewalks along the property frontage for pedestrian access.
  - Provide adequate street connectivity by constructing a public stub street connection from the west property line to the south property line of the project site for future Mariel Place S extension.
  - Design all public streets to meet the City's design standard for public streets.

## **5.0 CONCLUSION**

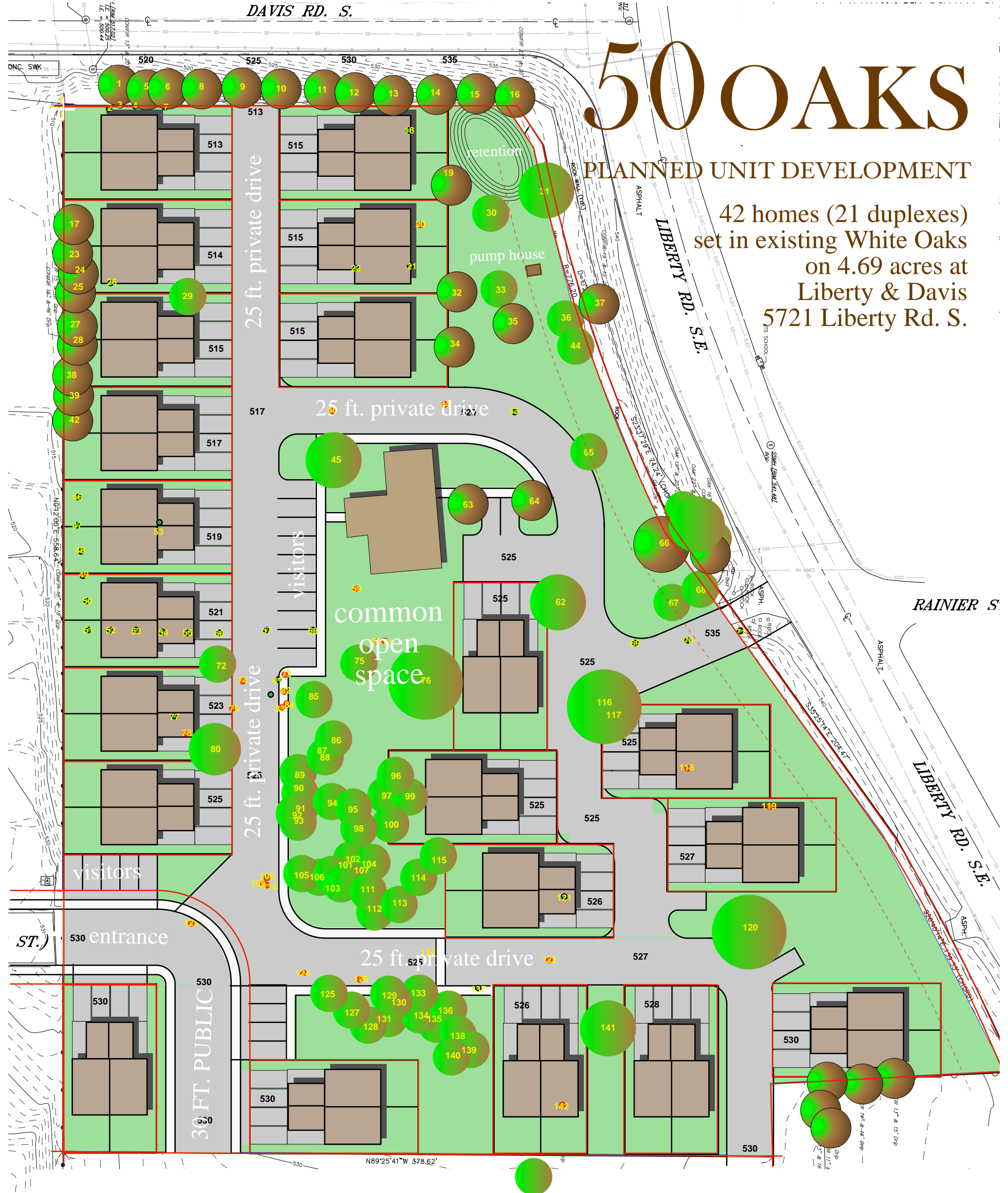
The results of our analysis show that the amount of traffic generated by the proposed development will not exceed the maximum trips that are likely to be generated by the reasonably-worst case development scenario allowed under the existing zoning/comprehensive plan designation. With the proposed trip cap in place, any “significant effect” on the surrounding transportation system by future developments are addressed as the proposed land use and development generate less traffic than full build-out of the existing land use. As such, the TPR 660-12 requirements are satisfied through the planning horizon year.

In addition, according to the City of Salem January 2015 Development Bulletin, the City has a surplus of 1,975 acres of single-family land and a deficit of 207 acres of multi-family land. Therefore, the proposed land use amendment and the proposed development project should be approved to help the City meet the multi-family housing needs.

# APPENDIX



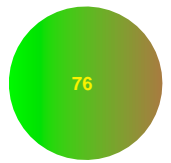
**FIGURE 1**  
**VICINITY MAP**



# 50 OAKS

## PLANNED UNIT DEVELOPMENT

42 homes (21 duplexes)  
set in existing White Oaks  
on 4.69 acres at  
Liberty & Davis  
5721 Liberty Rd. S.



21 "SIGNIFICANT" TREES (OREGON WHITE OAKS) 24" & LARGER ARE ALL RETAINED



OTHER OREGON WHITE OAKS 10" TO 24" TO BE RETAINED



OAKS 6" TO 12" TO BE REMOVED



CONIFER TREES SHOWN (SEE TREE SURVEY) ARE TO BE RETAINED



CONIFERS 6" TO 12" TO BE REMOVED



\*\*\*\*\***DELIVERED VIA EMAIL**\*\*\*\*\*

**TO:** Scott Martin  
[smconstruction@sendmemail.me](mailto:smconstruction@sendmemail.me)

**FROM:** *FOR* Glenn Davis, P.E., C.F.M., Chief Development Engineer  
Public Works Department *CPunch*

**DATE:** March 24, 2015

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
PRE-APP NO. 15-12 (15-104124)  
5771 LIBERTY ROAD S**

**PROPOSAL**

Pre-application conference to discuss a proposed Comprehensive Plan Change from "Developing Residential" to "Multiple Family Residential" and a Zone Change from RA (Residential Agriculture) to RM-I (Multiple Family Residential), together with a Planned Unit Development/Subdivision, to develop approximately 40 dwelling units, in the form of 20 duplexes, on property zoned RA (Residential Agriculture) and located at 5771 Liberty Road S (Liberty).

**SUMMARY OF FINDINGS**

1. The following items are required as part of the CPC/ZC application:

Transportation Planning Rule Analysis (TPR Analysis)—The applicant will need to submit a TPR Analysis in consideration of the requirements of the Transportation Planning Rule (*Oregon Administrative Rule* (OAR) 660-012-0060) with the comprehensive plan change application. The TPR Analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

2. The following items are anticipated as part of the Urban Growth Area Development Permit:
  - a. Convey land for dedication along the entire frontage of Liberty sufficient to equal a half-width right-of-way of 48 feet from centerline.
  - b. Construct a minimum 34-foot-wide half-width improvement to major arterial standards along the entire frontage of Liberty.
  - c. Construct Skyline #2 S-3 reservoir as specified in the Water System Master

Plan; or under conditions specified in a Temporary Facilities Access Agreement and Improvement Agreement between the developer and City, connect to the S-3 water system as a temporary facility per SRC 200.080(a).

3. Construct linking storm and sewer improvements from the subject property to Davis Road SE (Davis). These improvements will likely require the developer to obtain an easement through the adjacent property to the approved point of disposal in Davis.

The following additional conditions may apply related to the proposed subdivision:

4. The street system in the vicinity of the subject property lacks local street connectivity. The applicant shall provide adequate street connectivity by constructing one or more public streets within the development to adjoining undeveloped properties or by otherwise meeting the connectivity criteria in SRC 803.035(a).

The applicant's site plan shows stub street connections through the proposed development from Mariel Place S (Mariel) to the south and north line of the subject property. These streets will need to be public to meet connectivity requirements and should be constructed at lower elevations of the site to allow gravity utilities to be installed in the right-of-way. A street or pedestrian connection to Liberty may also be warranted.

5. The TIA is anticipated to require construction of a traffic signal at the intersection of Liberty and Davis to the City of Salem standards. The signal shall be interconnected via underground fiber-optic cable to the existing traffic signal at Liberty and Kuebler Boulevard SE (Kuebler).
6. Extend public sewer, water, and storm lines to the southern property line of the subject property to serve neighboring unserved parcels as specified in the PWDS.
7. The tentative plan application shall include findings that demonstrate how the proposed development will comply with PWDS Appendix 4E related to green stormwater infrastructure.
8. City records show the proposed development may be a moderate landslide hazard risk. The applicant has two options for submitting information as part of the subdivision application: (1) submit a geological assessment from a licensed engineering geologist; or (2) submit findings from a licensed engineer that ground slopes and geological map information demonstrate a low landslide hazard risk per SRC Chapter 810.

## **FACTS**

Transportation Planning Rule (TPR)—The applicant will need to submit a TIA or TPR analysis in consideration of the requirements of the TPR (OAR 660-012-0060) with the zone change application. The TIA or TPR analysis is required to demonstrate that the

proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

Urban Growth Area Development (UGA) Permit—An Urban Growth Area Development (UGA) Permit is required prior to development. The subject property is located outside the Urban Service Area (USA) and extension of public facilities is the obligation of the development. A UGA permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 200. Future development requires the site to connect to existing facilities that are defined as adequate under SRC 200.005(a). Potential conditions may include:

- a. Boundary Street
  - i. Convey land for dedication along the entire frontage of Liberty sufficient to equal a half-width right-of-way of 48 feet from centerline.
  - ii. Construct a minimum 34-foot-wide half-width improvement to major arterial standards along the entire frontage of Liberty.

## **Streets**

### **1. Liberty Road S**

- a. Standard—This street is designated as a major arterial street in the Salem TSP. The standard for this street is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. Existing Conditions—There is an approximate 24- to 40-foot improvement within an 84- to 128-foot-wide right-of-way adjacent to the subject property.

### **2. Maribel Place S**

- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 50-foot-wide right-of-way.
- b. Existing Conditions—There is an approximate 30-foot improvement within a 50-foot-wide right-of-way adjacent to the subject property.

## **Traffic**

Trip Generation Estimate (TGE)—The City Traffic Engineer will determine through a TGE the number of new vehicle trips this development will generate. Requirements for street improvements, transportation impact analysis, and right-of-way dedication are often based on the findings of the TGE.



Transportation Impact Analysis (TIA)—As a requirement of development, the applicant may be required to provide a TIA to identify the impacts of this proposed development on the public transportation system in the area, and construct any necessary mitigation measures identified in that report (OAR 660-12-0000 et seq.; PWDS Bulletin No.19). The City Traffic Engineer will determine the need for a TIA based on the development proposed for the site, and review and approve the TIA for conformance with City Standards. Construction plans for the development will not be reviewed without an approved TIA or a waiver from the City Traffic Engineer.

## **Storm Drainage**

### **1. Existing Conditions**

- a. A 15-inch storm line is located in Mariel. This main may not be available due to topographical constraints.
  - b. The nearest available public storm line is located in Davis.
2. The applicant shall be required to design and construct a storm drainage system at the time of development. The proposed development meets the definition of a large project, as defined in SRC 71.005(a)(11), and therefore requires the applicant to provide a storm drainage system that provides treatment and flow control as required by the 2014 PWDS, by one of three means:
  - a. Runoff from the new and replaced impervious surfaces flows into one or more locations that have been set aside for installation of Green Stormwater Infrastructure (GSI) and the locations have a total area of at least ten percent of the total new plus replaced impervious surface area; or
  - b. GSI is used to mitigate the impacts of stormwater runoff from at least 80 percent, but less than 100 percent, of the total new plus replaced impervious surfaces; or
  - c. Under a design exception from the City Engineer, GSI is used to mitigate the impacts of stormwater runoff from less than 80 percent of the total new plus replaced impervious surfaces and the factor(s) limiting implementation (SRC 71.095).
3. Please be aware that the amount of impervious surface on the site has a direct impact on the amount of stormwater System Development Charges (SDCs) and the monthly stormwater utility fees for the site. Reducing the amount of impervious surfaces on the site may reduce SDCs and stormwater utility fees. In addition, integrating drainage control facilities can reduce the stormwater utility fees for the site. These options should be considered when preparing the site development plans.