

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

DECISION OF THE HEARINGS OFFICER

ZONE CHANGE / PARTITION / PLANNED UNIT DEVELOPMENT MODIFICATION/ ADJUSTMENT CASE NO. ZC-PAR-PUDMOD1-ADJ17-03

APPLICATION NO: 17-117689-ZO, 17-117692-ZO, 17117691-LD & 17-122085-LD

NOTICE OF DECISION DATE: JANUARY 17, 2018

SUMMARY: A consolidated application for a zone change from RD to RM2 for 0.88 acres at the northern end of Paradise Court; a partition of 37 acres to result in three parcels; a modification of the Capital Manor Planned Unit Development final plan to create a boundary that coincides with proposed Parcel 1; an adjustment to reduce density for future redevelopment of proposed Parcel 3; and an adjustment to reduce parking requirements for a future memory care facility on proposed Parcel 2.

REQUEST: A consolidated application for a zone change from RD to RM2 for 0.88 acres at the northern end of Paradise Court NW; a partition of 37 acres to result in three parcels; a modification of the Capital Manor Planned Unit Development final plan to create a boundary that coincides with proposed Parcel 1; an adjustment to reduce density for future redevelopment of proposed Parcel 3 from the minimum of 12 units per acre to approximately 5.3 units per acre; and an adjustment to reduce parking requirements for a future memory care facility on proposed Parcel 2 from 76 spaces to approximately 26 spaces. The proposal affects 37 acres of property including the Capital Manor Planned Unit Development and multiple other parcels, all located in the RA (Residential Agriculture), RM-II (Multiple Family Residential II), RD (Duplex Residential), and RH (Multiple Family High-Rise Residential) zones; the property addresses are 1955, 2125, and 2129 Salem Dallas Highway NW; 176 Rosewood Dr NW; 2123 and 2125 Frontage Rd NW; and 118-278 Paradise Ct NW 97304 (Polk County Assessor Map and Tax Lots 073W29A / 001700, 001800, 001803, 001814, 001815, 002200; 073WAD / 01800-05200).

APPLICANT: David Lewis for Capital Manor Inc.

OWNER: Capital Manor Inc, West Valley LLC (David Lewis, Keith Weathers, Jerry Bumgarner)

LOCATION: 1955 Salem Dallas Highway NW

CRITERIA: SRC Chapter 265.005(e) - Quasi-Judicial Zone Change
SRC Chapter 205.005(d) - Partition Tentative Plan
SRC Chapter 210.035 - Modification of Planned Unit Development
SRC Chapter 250.005 - Adjustments

FINDINGS: The findings are in the attached Hearings Officer Decision.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

DECISION: The Hearings Officer **APPROVED** Quasi-Judicial Zone Change / Partition / Planned Unit Development Modification / Adjustment Case No. ZC-PAR-PUDMOD1-ADJ17-03 subject to the following conditions of approval:

Condition 1: The proposed development shall be consistent with the conceptual plan included as **Attachment B** in the staff report, as modified by the conditions of approval.

Condition 2: The applicant shall designate the front lot line for Parcel 2 at final plat or at building permit, provided, however, that lot dimension standards are met.

Condition 3: Prior to final plat, remove the structures on existing Lots 35 and 36.

Condition 4: At the time of development on Parcel 2 or Parcel 3, remove the parking spaces that straddle the boundary between the parcels and reconfigure the parking area to meet setbacks.

Condition 5: Prior to final plat, remove the structures on existing Lots 33 and 34.

Condition 6: On the final plat, record reciprocal access easements at least 22 feet in width along the segments of the parcel boundaries that run along the centerlines of the paved internal driveways.

Condition 7: Show all necessary private access and utility easements to serve all parcels in conformance with PWDS and Oregon State Plumbing Specialty Code.

Condition 8: Provide public easements with widths conforming to PWDS for all public water and sewer mains located within the boundary of the proposed partition plat.

Condition 9: Provide an open channel drainage easement along Turnage Brook allowing for access and maintenance. The easement width shall be 15 feet from the channel centerline (PWDS-General 1.8[d]).

Condition 10: Comply with Ordinance Bill No 28-17 as it relates to vacating Frontage Road NW and Paradise Court NW.

Condition 11: Construct a half-street improvement along the Parcel 3 frontage of Rosewood Drive NW. The applicant can satisfy this requirement by entering into a City required deferral agreement pursuant to SRC 803.070(b). The improvements can be deferred until the property owner(s) apply for a building permit on Parcel 3 or until City Council requires such street improvements, whichever is earlier.

Condition 12: Provide a 10-foot-wide public utility easement along the entire frontage of Rosewood Drive NW.

The rights granted by the attached decision for Partition Case No. ZC-PAR-PUDMOD1-ADJ17-03 must be exercised by **February 2, 2020** or this approval shall be null and void.

The rights granted by the attached decision for Planned Unit Development Modification Case No. ZC-PAR-PUDMOD1-ADJ17-03 must be exercised or an extension granted by **February 2, 2020** or this approval shall be null and void.

The rights granted by the attached decision for Adjustment Case No. ZC-PAR-PUDMOD1-ADJ17-03 must be exercised by **February 2, 2020** or this approval shall be null and void.

Quasi-Judicial Zone Changes have no expiration date per SRC Chapter 300, Table 300-3.

| | |
|----------------------------------|--------------------------|
| Application Deemed Complete: | <u>November 30, 2017</u> |
| Public Hearing Date: | <u>December 20, 2017</u> |
| Notice of Decision Mailing Date: | <u>January 17, 2018</u> |
| Decision Effective Date: | <u>February 2, 2018</u> |
| State Mandate Date: | <u>March 30, 2018</u> |

Case Manager: Pamela Cole, pcole@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., Thursday, February 1, 2018**. 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 Chapter(s) 265, 205, 210 and 250.

The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

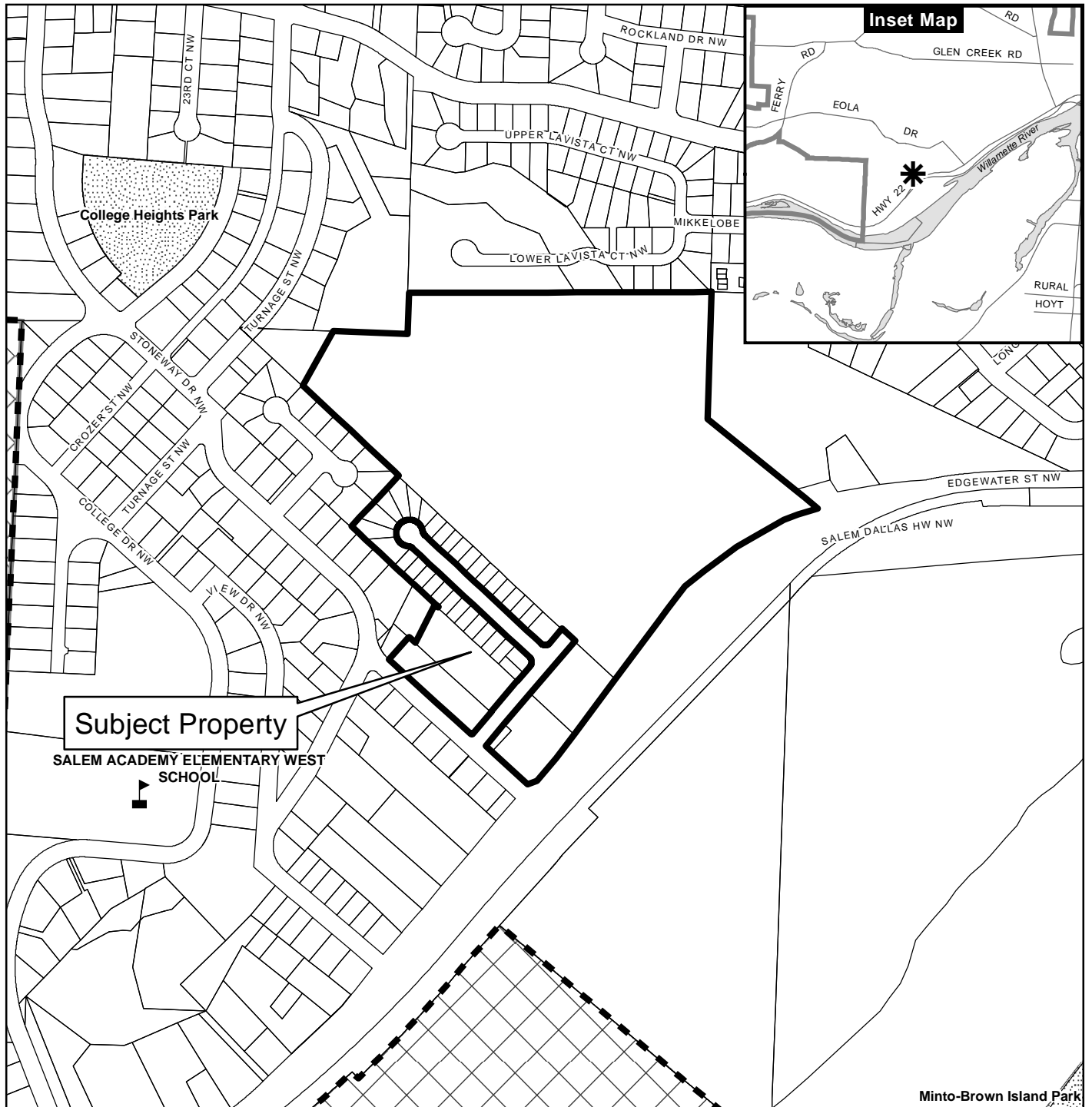
The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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Vicinity Map

1955 Salem Dallas Highway NW



Legend

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

0 100 200 400 Feet

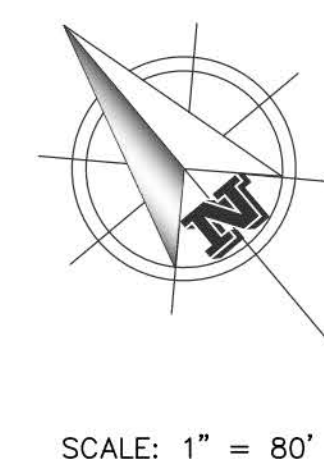


CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

A PROPOSED REPLAT OF LOTS 1-36, THE AMENDED PLAT OF ALLELUIA HEIGHTS SUBDIVISION AND A PORTION OF ALLELUIA HEIGHTS SUBDIVISION-PHASE II, A PORTION OF LOTS 1 & 6 & LOTS 2-5, BLOCK 2, ROSEWOOD ADDITION, PARCELS 1 & 2, PARTITION PLAT 2004-3, AND OTHER PROPERTY LOCATED IN THE NE & SE 1/4 OF SECTION 29 AND THE SW 1/4 OF SECTION 28, T. 7 S., R. 3 W., W.M., CITY OF SALEM, POLK COUNTY, OREGON

Gregory L. Wilson
Barker Surveying
3657 Kashmir Way S.E.
Salem, OR 97317
(503) 588-8800
area@barkerwilson.com



| CURVE DATA TABLE | | | | |
|------------------|----------|----------|--------|--------------------------|
| CURVE | RADIUS | DELTA | LENGTH | CHORD BEARING & DISTANCE |
| C1 | 1094.93' | 2°35'07" | 49.41' | S66°47'09"W 49.40' |
| C2 | 1084.93' | 3°06'53" | 58.98' | S57°56'00"W 58.97' |

DRAWN BY: JSA
DATE CREATED: 10/18/2017

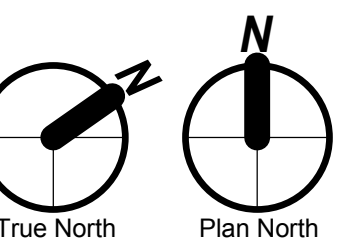
PRELIMINARY
NOT FOR
CONSTRUCTION

CONSULTANT:

PROJECT NUMBER: 217054
CAPITAL MANOR

1955 DALLAS HWY
NW, SALEM, OR
97304

SHEET TITLE:
**OVERALL
CONCEPTUAL
PLAN**



DRAWN BY: Author
DATE CREATED: 08/23/17

SHEET:
A009
Schematic Design
05/26/2017



1. OVERALL CONCEPTUAL PLAN
SCALE: 1" = 60'-0"

Exhibit D: Existing Conditions Plan/ ALTA Survey

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CONSULTANT:

PROJECT NUMBER: 217054
CAPITAL MANOR

1955 DALLAS HWY
NW, SALEM, OR
97304

SHEET TITLE:
**EXISTING
CONDITIONS -
ALTA SURVEY**

DRAWN BY: Author
DATE CREATED: 06/09/17

SHEET:
1
Schematic Design
05/26/2017

ALTA/NSPS LAND TITLE SURVEY



SHEET INDEX:
SHEETS 2-14 LAYOUTS
SHEET 15 LEGAL DESCRIPTIONS AND EXCEPTIONS

TITLE REPORTS PROVIDED:
(TC1) CHICAGO TITLE INSURANCE COMPANY FILE NO. 471812017508-TTMDWL20 - Effective Date: 06-13-2012
(TC2) CHICAGO TITLE INSURANCE COMPANY FILE NO. 471814031212-TTMDWL18 - Effective Date: 03-31-2014
(TC3) TICOR TITLE ORDER NO. 471810006308-TTMDWL18 - Effective Date: 03-12-2010
(TC4) TICOR TITLE ORDER NO. 471810006309-TTMDWL18 - Effective Date: 05-10-2010
(TC5) CHICAGO TITLE INSURANCE COMPANY FILE NO. 471813025032-TTMDWL20 - Effective Date: 12-16-2016
(TC6) CHICAGO TITLE INSURANCE COMPANY POLICY NO. 471816052464 - Effective Date: 07-21-2016
(TC7) CHICAGO TITLE INSURANCE COMPANY FILE NO. 471814030748-TTMDWL20 - Effective Date: 03-14-2014

BENCHMARK UTILIZED: S 323 PD 0C0531
ELEVATION=151.05 (NAVD 88)

DESCRIBED BY COAST AND GEODETIC SURVEY 1941
0.5 MI. W. FROM WEST SALEM MARK IS LOCATED 3 FEET SOUTH
OF TRACK, 20 FEET EAST OF SIDERAD NORTH-SOUTH, 45
FEET SOUTH OF HIGHWAY NO. 22, U.S.S.M. WITNESS POST IS
SET NEAR THE MARK.

EXISTING CONDITIONS/ALTA SURVEY

SCALE: NTS

PRELIMINARY
NOT FOR
CONSTRUCTION

CONSULTANT:

PROJECT NUMBER: 217054
CAPITAL MANOR

1955 DALLAS HWY
NW, SALEM, OR
97304

SHEET TITLE:
**EXISTING
CONDITIONS -
ALTA SURVEY**

DRAWN BY: Author
DATE CREATED: 06/09/17

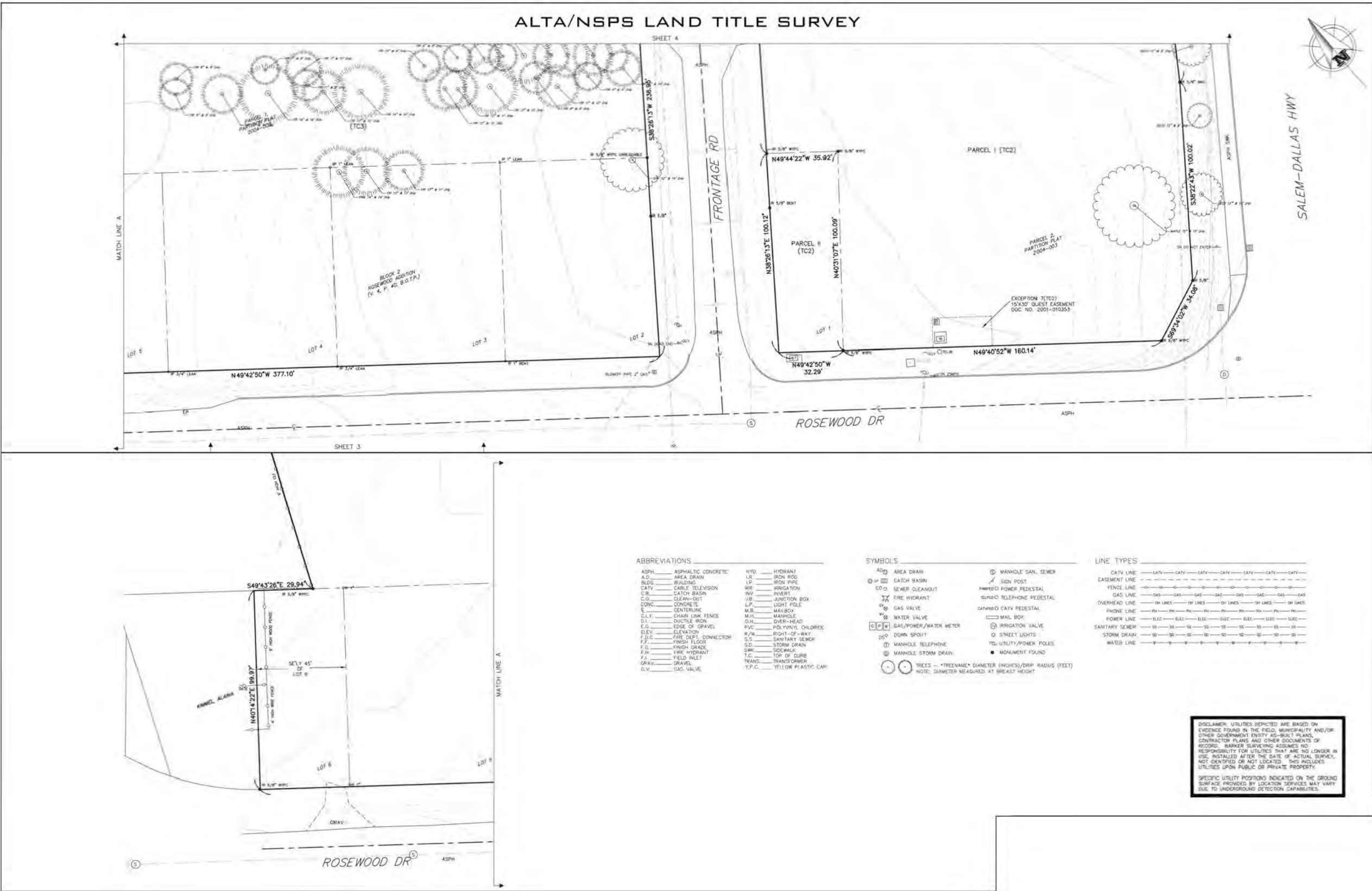
SHEET:

2

Schematic Design
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LRS Architects, Inc. © 2017

ALTA/NSPS LAND TITLE SURVEY



EXISTING CONDITIONS/ALTA SURVEY

SCALE: NTS

CONSULTANT:

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CAPITAL MANOR

1955 DALLAS HWY
NW, SALEM, OR
97304

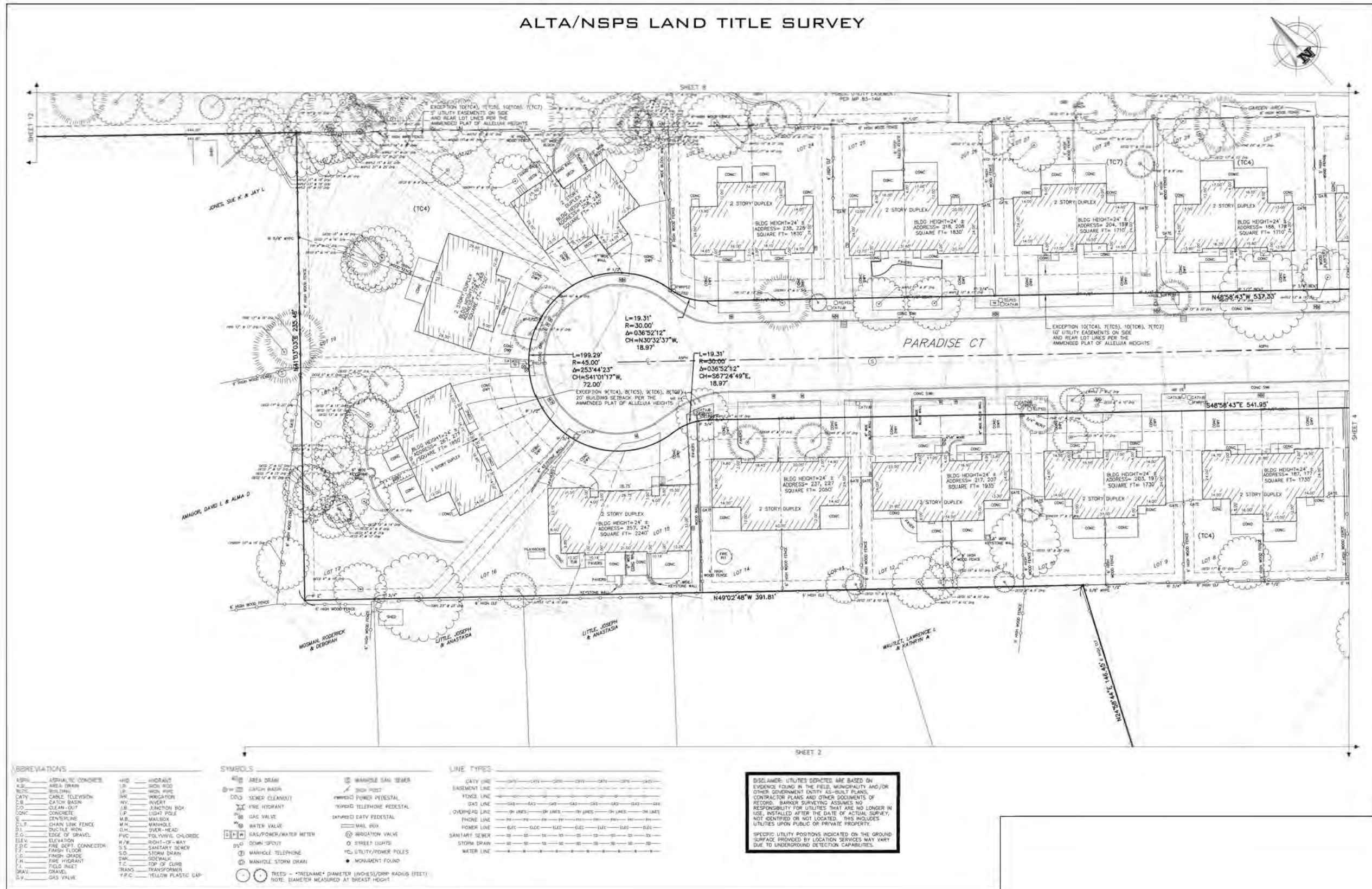
SHEET TITLE:
**EXISTING
CONDITIONS -
ALTA SURVEY**

DRAWN BY: *Author*
DATE CREATED: *06/09/17*

SHEET:

3
ic Design
5/26/2017

1917



EXISTING CONDITIONS/ALTA SURVEY

SCALE: NTS

CONSULTANT:

1955 DALLAS HWY
NW, SALEM, OR
97304

SHEET TITLE:
**EXISTING
CONDITIONS -
ALTA SURVEY**

DRAWN BY: *Author*
DATE CREATED: 06/09/17

SHEET:

4
Schematic Design
05/26/2017

2017

[illegible]

| | |
|--------|------------------------|
| ASPH. | ASPHALT/TELE. CONCRETE |
| A.S. | AREA DRAIN |
| B.D.C. | BUILDING |
| CATV | CABLE TELEVISION |
| C.B. | CATCH BASIN |
| C.O. | CLEAN-OUT |
| CO. | CONCRETE |
| C. | CENTERLINE |
| C.L.F. | CHAIN LINK FENCE |
| D.I. | DUCTILE IRON |
| E.D. | EDGE OF GRAVEL |
| ELEV. | ELEVATION |
| E.D.C. | FIRE DEPT. CONNECTOR |
| F.F. | FINISH FLOOR |
| F.G. | FRESH GRADE |
| F.H. | FIRE HYDRANT |
| F.I. | FIELD INLET |
| GRAV. | GRAVEL |
| G.V. | GAS VALVE |

- AREA DRAIN
- CATCH BASIN
- SEWER CLEANOUT
- FIRE HYDRANT
- GAS VALVE
- WATER VALVE
- GAS/POWER/WATER METER
- ODOR SPOUT
- MANHOLE TELEPHONE
- MANHOLE STORM DRAIN
- TREES - TREESMAN
NOTE: DIAMETER

Figure 1: Typical cross-section of a trench. The diagram shows a trench with various utility lines. From top to bottom, the lines are: CATV LINE, BASEMENT LINE, PHONE LINE, GAS LINE, OVERHEAD LINE, PHONE LINE, POWER LINE, SANITARY SEWER, STORM DRAIN, and WATER LINE. Each line is represented by a horizontal line with markers indicating its position and depth. The CATV, PHONE, and POWER lines are shown as pairs of lines. The GAS, SANITARY SEWER, and STORM DRAIN lines are shown as single lines. The BASEMENT, OVERHEAD, and WATER lines are shown as single lines. The diagram is labeled 'TYPICAL CROSS-SECTION OF A TRENCH' and includes a scale bar at the bottom indicating 0, 10, 20, 30, 40, 50, 60, 70, 80, 90, 100 feet.

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SPECIFIC UTILITY POSITIONS INDICATED ON THE GROUND SURFACE PROVIDED BY LOCATION SERVICES MAY VARY DUE TO UNDERGROUND DETECTION CAPABILITIES.

EXISTING CONDITIONS/ALTA SURVEY

SCALE: NTS

PRELIMINARY
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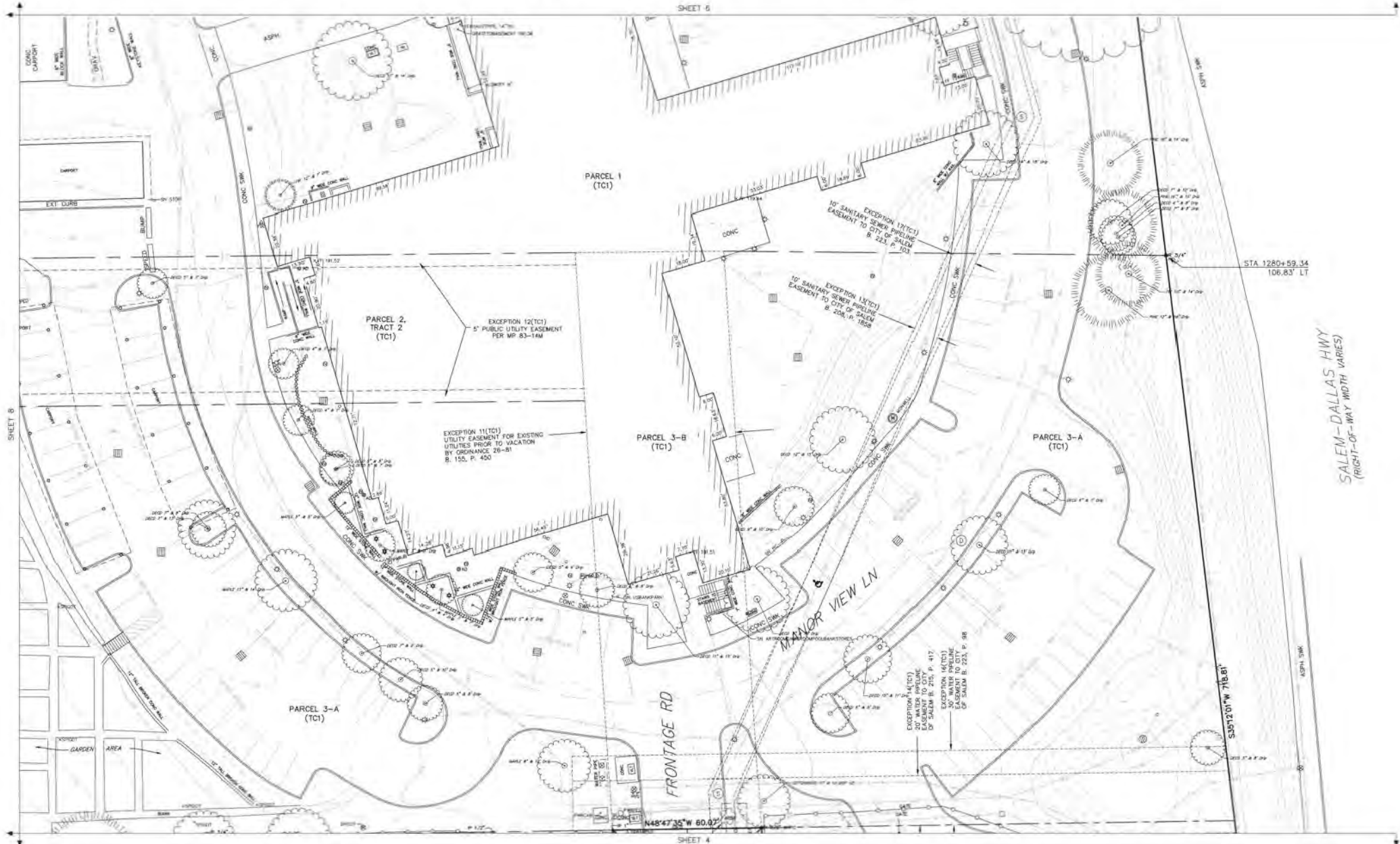
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ALTA SURVEY**

DRAWN BY: Author
DATE CREATED: 06/09/17

SHEET:
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05/26/2017

ALTA/NSPS LAND TITLE SURVEY

SHEET 6



ABBREVIATIONS

ASPH. ASPHALTIC CONCRETE
A.S. AREA DRAIN
BLDG. BUILDING
CATV. CABLE TELEVISION
C.B. CATCH BASIN
C.O. CLEAN-OUT
CONC. CONCRETE
E. CENTERLINE
CL.F. CHAIN LINK FENCE
D. DUCTILE IRON
E.G. EDGE OF GRAVEL
ELEV. ELEVATION
F.D.C. FINE DEPT. CONNECTOR
F.F. FINISH FLOOR
F.G. FINISH GRADE
F.H. FIELD INLET
F.L. FIELD INLET
G.V. GAS VALVE
HYD. HYDRANT
I.P. IRON PIPE
IR. IRRIGATION
INV. INVERT
J.B. JUNCTION BOX
L.P. LIGHT POLE
M.B. MAILBOX
M.H. MANHOLE
O.H. OVER-HEAD
P.V.C. POLYVINYL CHLORIDE
R/W. RIGHT-OF-WAY
S.S. SANITARY SEWER
S.D. STORM DRAIN
S.W. SIDEWALK
T.O. TOP OF CURB
TRANS. TRANSFORMER
Y.P.C. YELLOW PLASTIC CAP

SYMBOLS

AREA DRAIN
CATCH BASIN
SEWER CLEANOUT
FIRE HYDRANT
GAS VALVE
GAS/POWER/WATER METER
DOWN SPOUT
MANHOLE TELEPHONE
MANHOLE STORM DRAIN
MANHOLE SAN. SEWER
SIGN POST
POWERED POWER PEDESTAL
TELEPHONE TELEPHONE PEDESTAL
CATV PED. PEDESTAL
MAIL BOX
IRRIGATION VALVE
STREET LIGHTS
UTILITY/POWER POLES
MONUMENT FOUND
TREES - *TREENAME* DIAMETER (INCHES)/DRIP RADIUS (FEET)
NOTE: DIAMETER MEASURED AT BREAST HEIGHT

LINE TYPES

CATV LINE
EASEMENT LINE
FENCE LINE
GAS LINE
OVERHEAD LINE
PHONE LINE
POWER LINE
SANITARY SEWER
STORM DRAIN
WATER LINE
GAS - GAS - GAS - GAS - GAS - GAS - GAS - GAS
OH LINES - OH LINES - OH LINES - OH LINES - OH LINES - OH LINES
ELEC - ELEC - ELEC - ELEC - ELEC - ELEC - ELEC - ELEC
SS - SS - SS - SS - SS - SS - SS - SS
SD - SD - SD - SD - SD - SD - SD - SD
W - W - W - W - W - W - W - W

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EXISTING CONDITIONS/ALTA SURVEY

SCALE: NTS

PRELIMINARY
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CONSULTANT:

PROJECT NUMBER: 217054
CAPITAL MANOR

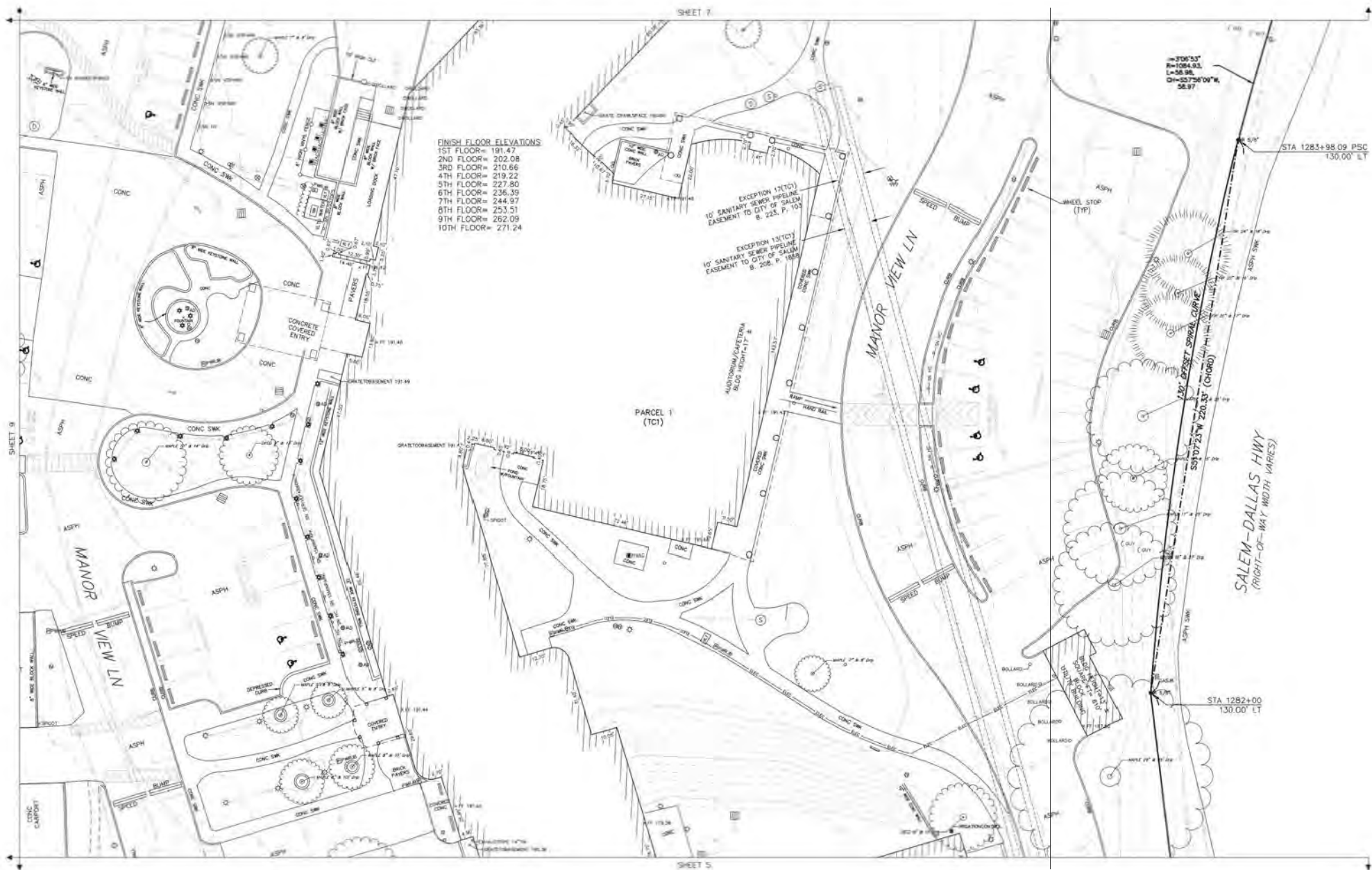
1955 DALLAS HWY
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05/26/2017

ALTA/NSPS LAND TITLE SURVEY



FINISH FLOOR ELEVATIONS
1ST FLOOR= 191.42
2ND FLOOR= 202.08
3RD FLOOR= 210.66
4TH FLOOR= 219.22
5TH FLOOR= 227.80
6TH FLOOR= 236.39
7TH FLOOR= 244.97
8TH FLOOR= 253.51
9TH FLOOR= 262.09
10TH FLOOR= 271.24

EXCEPTION 13(TC)
10' SANITARY SEWER PIPELINE
EASEMENT TO CITY OF SALEM
B. 225, P. 103

EXCEPTION 13(TC)
10' SANITARY SEWER PIPELINE
EASEMENT TO CITY OF SALEM
B. 208, P. 163D

PARCEL 1
(TC1)

MANOR VIEW LN

SALEM-DALLAS HWY
(RIGHT-OF-WAY WIDTH VARIES)

ABBREVIATIONS

| | | | |
|--------|----------------------|--------|--------------------|
| ASPH | ASPHALT/CONCRETE | HVD | HYDRANT |
| AS | AREA DRAIN | IB | IRON ROD |
| BUC | BUILDING | IP | IRON PIPE |
| CATV | CABLE TELEVISION | IR | IRRIGATION |
| CB | CATCH BASIN | IV | INVERT |
| CO | CLEAN-OUT | JB | JUNCTION BOX |
| CONC | CONCRETE | LP | LIGHT POLE |
| E | CENTERLINE | MB | MAILBOX |
| CLT | CHAIN LINK FENCE | MH | MANHOLE |
| DI | DUCTILE IRON | OH | OVER-HEAD |
| E.G. | EDGE OF GRAVEL | PVC | POLYVINYL CHLORIDE |
| ELEV | ELEVATION | R/W | RIGHT-OF-WAY |
| F.D.C. | FIRE DEPT. CONNECTOR | S.S. | SANITARY SEWER |
| F.F. | FINISH FLOOR | SD | STORM DRAIN |
| F.G. | FINISH GRADE | SH | SIDEWALK |
| F.H. | FIRE HYDRANT | T.C. | TOP OF CURB |
| FI | FIELD INLET | TRANS | TRANSFORMER |
| GRAV | DRAVE | T.P.C. | YELLOW PLASTIC CAP |
| G.V. | GAS VALVE | | |

SYMBOLS

| | |
|--|--|
| AREA DRAIN | MANHOLE SANI SEWER |
| CATCH BASIN | SEWER CLEANOUT |
| FIRE HYDRANT | FIRE HYDRANT |
| GAS VALVE | GAS VALVE |
| GAS/POWER/WATER METER | GAS/POWER/WATER METER |
| DOWN SPOUT | DOWN SPOUT |
| MANHOLE TELEPHONE | MANHOLE TELEPHONE |
| MANHOLE STORM DRAIN | MANHOLE STORM DRAIN |
| TREES - (TREENAME* DIAMETER (INCHES)/DRIP RADIUS (FEET)) | TREES - (TREENAME* DIAMETER (INCHES)/DRIP RADIUS (FEET)) |
| NOTE: DIAMETER MEASURED AT BREAST HEIGHT | NOTE: DIAMETER MEASURED AT BREAST HEIGHT |

LINE TYPES

| | |
|----------------|----------------|
| CATV LINE | CATV LINE |
| BASINMENT LINE | BASINMENT LINE |
| FENCE LINE | FENCE LINE |
| GAS LINE | GAS LINE |
| OVERHEAD LINE | OVERHEAD LINE |
| PHONE LINE | PHONE LINE |
| POWER LINE | POWER LINE |
| SANITARY SEWER | SANITARY SEWER |
| STORM DRAIN | STORM DRAIN |
| WATER LINE | WATER LINE |

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DUE TO UNDERGROUND DETECTION CAPABILITIES.

EXISTING CONDITIONS/ALTA SURVEY
SCALE: NTS

CONSULTANT:

1955 DALLAS HWY
NW, SALEM, OR
97304

SHEET TITLE:
**EXISTING
CONDITIONS -
ALTA SURVEY**

DRAWN BY: *Author*
DATE CREATED: *06/09/17*

PRELIMINARY
NOT FOR
CONSTRUCTION

CONSULTANT:

PROJECT NUMBER: 217054
CAPITAL MANOR

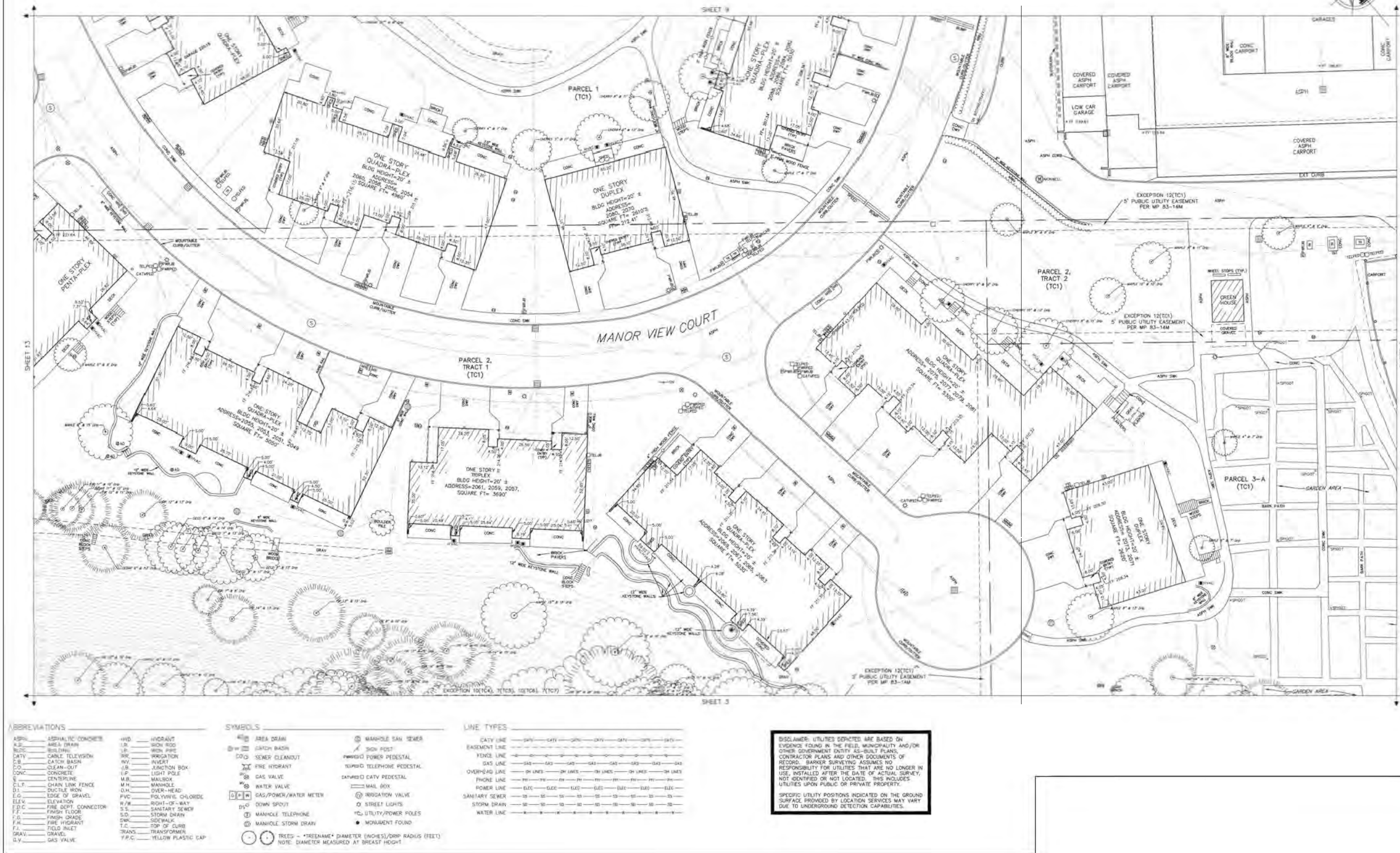
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SHEET:
8
Schematic Design
05/26/2017

ALTA/NSPS LAND TITLE SURVEY



EXISTING CONDITIONS/ALTA SURVEY

SCALE: NTS

PRELIMINARY
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CONSULTANT:

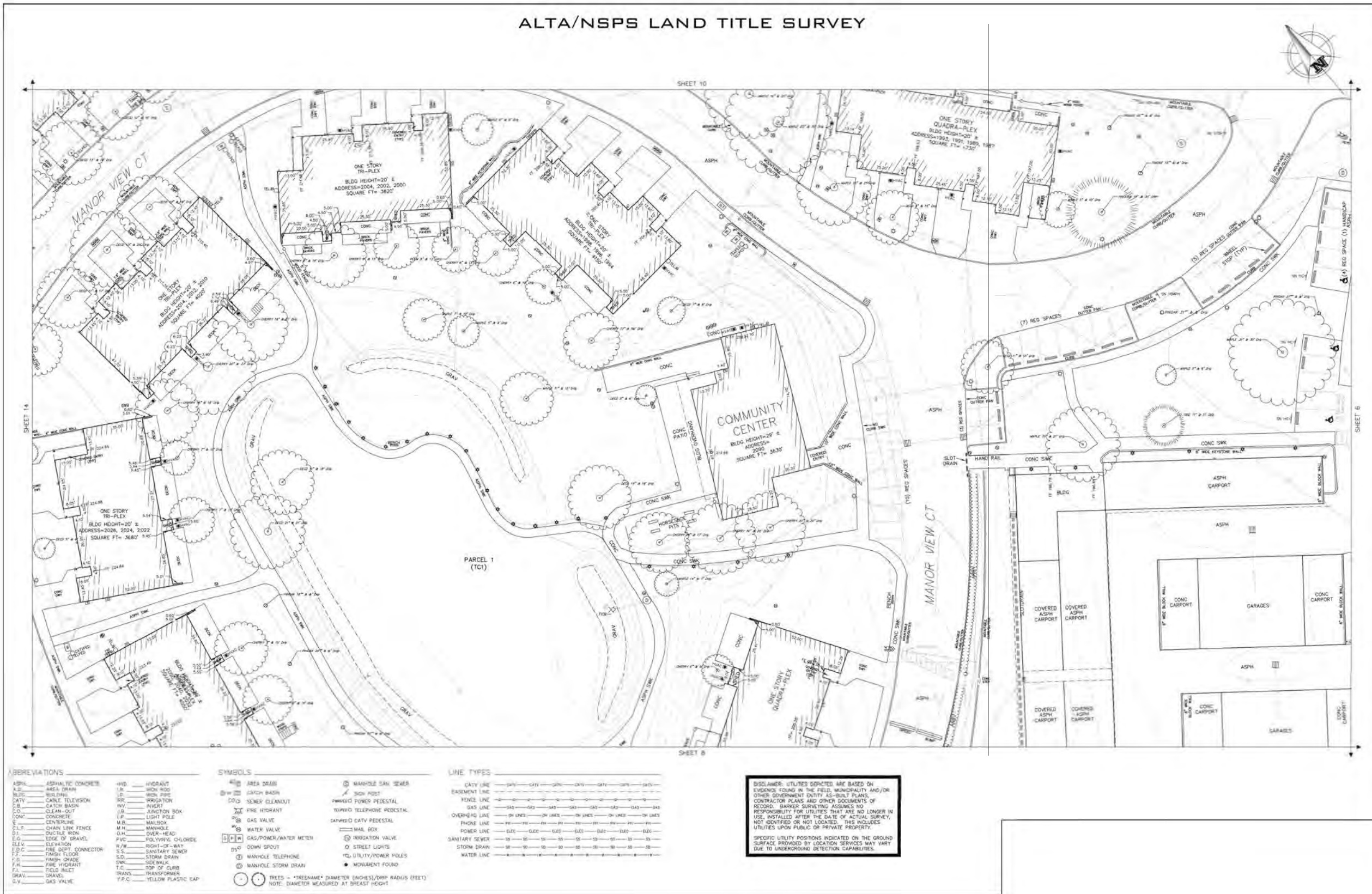
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ALTA/NSPS LAND TITLE SURVEY



| ABBREVIATIONS | SYMBOLS | LINE TYPES |
|---|---|---|
| ASPH - ASPHALT/CONCRETE A.S. - AREA DRAIN BLDG - BUILDING CATV - CABLE TELEVISION C.B. - CATCH BASIN C.O. - CLEAN-OUT CONC - CONCRETE E - CENTERLINE CLT - CHAIN LINK FENCE D.I. - DUCTILE IRON E.G. - EDGE OF GRAVEL ELEV - ELEVATION F.D.C. - FINE DEPT. CONNECTOR F.F. - FINISH FLOOR F.G. - FINISH GRADE F.H. - FIRE HYDRANT F.I. - FIELD INLET GRAV - GRAVEL G.V. - GAS VALVE H.V. - HYDRANT I.B. - IRON BOX I.P. - IRON PIPE INV. - INVERT J.B. - JUNCTION BOX L.P. - LIGHT POLE M.B. - MAILBOX M.H. - MANHOLE O.H. - OVER-HEAD P.V.C. - POLYVINYL CHLORIDE R/W - RIGHT-OF-WAY S.S. - SANITARY SEWER S.D. - STORM DRAIN S.W. - SIDEWALK T.O. - TOP OF CURB TRANS - TRANSFORMER Y.P.C. - YELLOW PLASTIC CAP | AREA DRAIN CATCH BASIN SEWER CLEANOUT FINE HYDRANT GAS VALVE GAS/POWER/WATER METER DOWN SPOUT MANHOLE TELEPHONE MANHOLE STORM DRAIN MANHOLE SAN. SEWER SIGN POST TELEPHONE PEDESTAL TELEPHONE PEDESTAL MAIL BOX IRRIGATION VALVE STREET LIGHTS UTILITY/POWER POLES MONUMENT FOUND TREES - (TREENAME) DIAMETER (INCHES)/DRIP RADIUS (FEET) NOTE: DIAMETER MEASURED AT BREAST HEIGHT | CATV LINE EASEMENT LINE FENCE LINE GAS LINE OVERHEAD LINE PHONE LINE POWER LINE SANITARY SEWER STORM DRAIN WATER LINE --- GAS --- --- CATV --- --- FENCE --- --- GAS --- --- OVERHEAD --- --- PHONE --- --- POWER --- --- SANITARY --- --- STORM --- --- WATER --- |

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EXISTING CONDITIONS/ALTA SURVEY

SCALE: NTS

PRELIMINARY
NOT FOR
CONSTRUCTION

CONSULTANT:

PROJECT NUMBER: 217054
CAPITAL MANOR

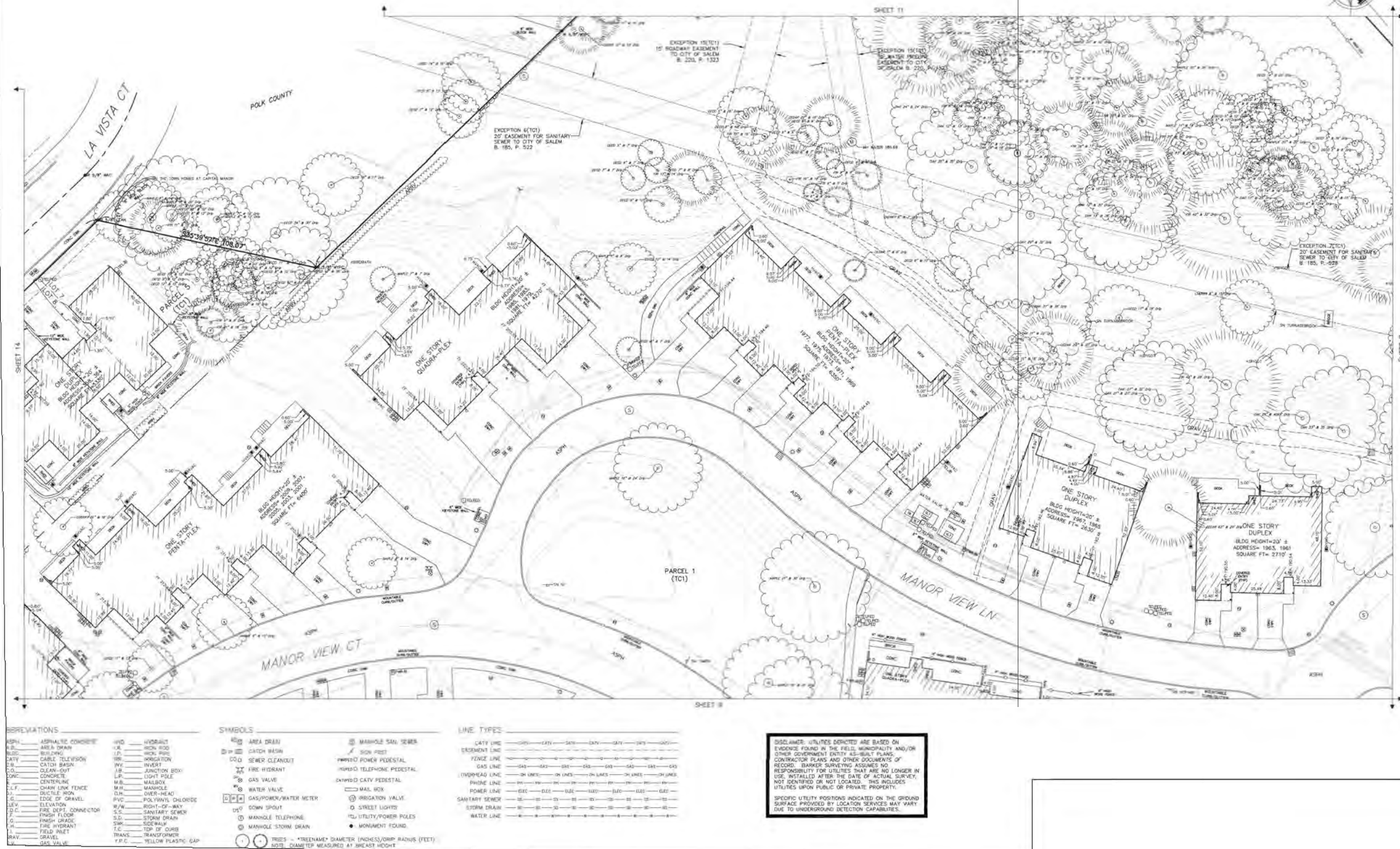
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NW, SALEM, OR
97304

SHEET TITLE:
**EXISTING
CONDITIONS -
ALTA SURVEY**

DRAWN BY: Author
DATE CREATED: 06/09/17

SHEET:
10
Schematic Design
05/26/2017

ALTA/NSPS LAND TITLE SURVEY



EXISTING CONDITIONS/ALTA SURVEY

SCALE: NTS

ALTA/NSPS LAND TITLE SURVEY



LRS
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725 NW Davis 503.221.1121
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Portland, OR 97209 www.lrsarchitects.com

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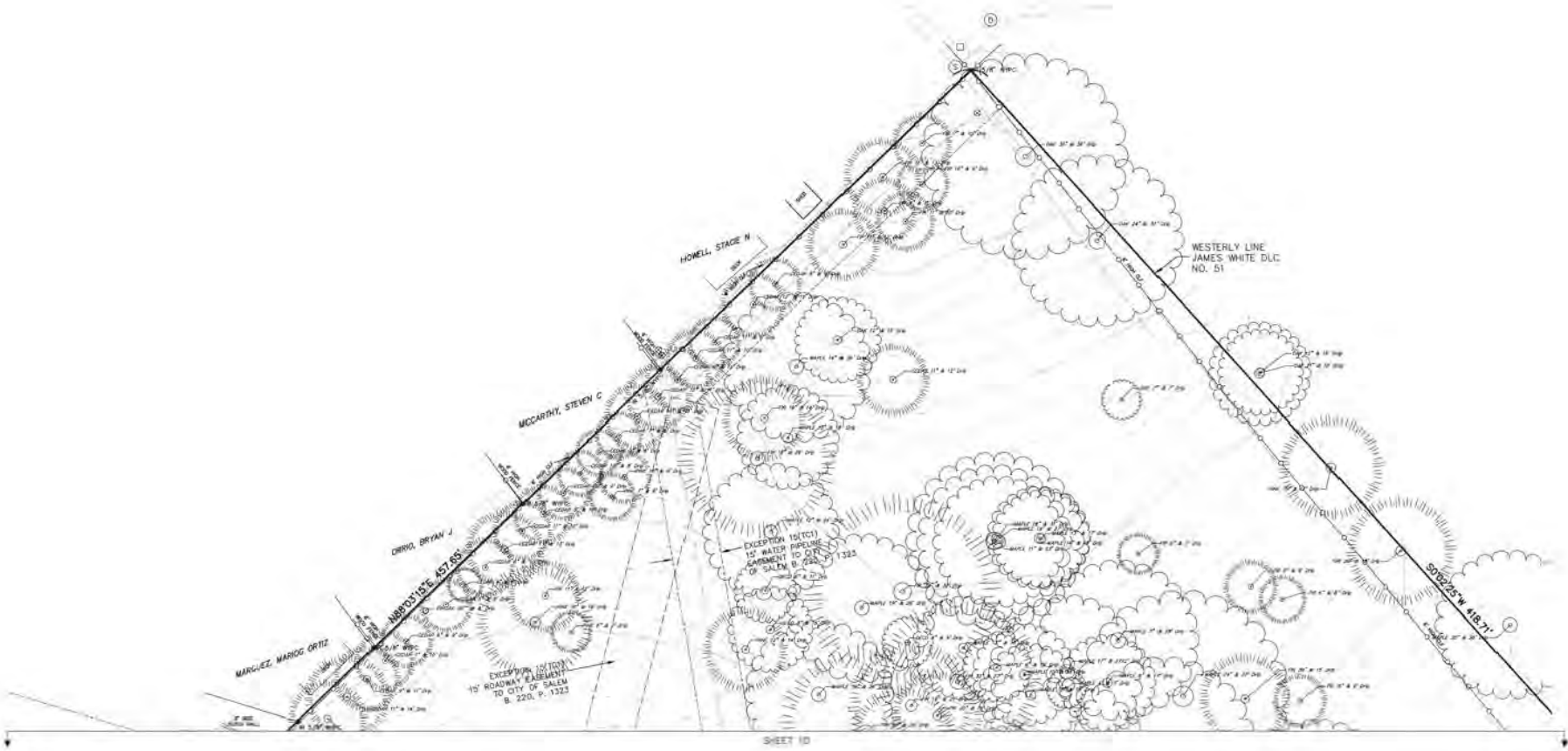
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97304

SHEET TITLE:
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CONDITIONS -
ALTA SURVEY**

DRAWN BY: Author
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ABBREVIATIONS

| | | | |
|------|------------------|---------|-----------------------|
| ASPH | ASPHALT CONCRETE | HYD | HYDRANT |
| ASD | AREA DRAIN | IR | IRON ROD |
| BUDC | BUILDING | IRP | IRON PIPE |
| CATV | CABLE TELEVISION | IRW | IRRIGATION |
| CB | CATCH BASIN | IRV | INVERT |
| CO | CLEAN-OUT | JB | JUNCTION BOX |
| CONC | CONCRETE | LP | LIGHT POLE |
| C | CENTERLINE | MB | MAILBOX |
| CLF | CHAIN LINK FENCE | MH | MANHOLE |
| DI | DITCH/LEACH | MH-HEAD | OVER-HEAD |
| E.G. | EDGE OF GRAVEL | PVC | POLYVINYL CHLORIDE |
| ELEV | ELEVATION | R/W | RIGHT-OF-WAY |
| EDC | EDGE OF DRIVEWAY | S.S. | SANITARY SEWER |
| FF | FRESH FLOOR | SD | STORM DRAIN |
| FG | FINISH GRADE | SDC | STORM DRAIN |
| FI | FIRE HYDRANT | T.C. | TOP OF CURB |
| FL | FOLD INLET | TRANS | TRANSFORMER |
| GRAV | GRAVEL | TPC | TELEPHONE PLASTIC CAP |
| GV | GAS VALVE | | |

SYMBOLS

| | |
|---|-------------------|
| AREA DRAIN | MANHOLE GAS SEWER |
| CATCH BASIN | SEWER |
| SEWER (CLEANOUT) | SEWER |
| FIRE HYDRANT | SEWER |
| GAS VALVE | SEWER |
| WATER VALVE | SEWER |
| EAS/POWER/WATER METER | SEWER |
| DOWN SPOUT | SEWER |
| MANHOLE TELEPHONE | SEWER |
| MANHOLE STORM DRAIN | SEWER |
| TREES - TREE NAME, DIAMETER (INCHES) OR RADIUS (FEET) | SEWER |
| NOTE: DIAMETER MEASURED AT BREAST HEIGHT | SEWER |

LINE TYPES

| | |
|----------------|-----|
| CATV LINE | --- |
| EASEMENT LINE | --- |
| PHONE LINE | --- |
| GAS LINE | --- |
| OVERHEAD LINE | --- |
| PHONE LINE | --- |
| POWER LINE | --- |
| SANITARY SEWER | --- |
| STORM DRAIN | --- |
| WATER LINE | --- |

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EXISTING CONDITIONS/ALTA SURVEY
SCALE: NTS

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CONSULTANT:

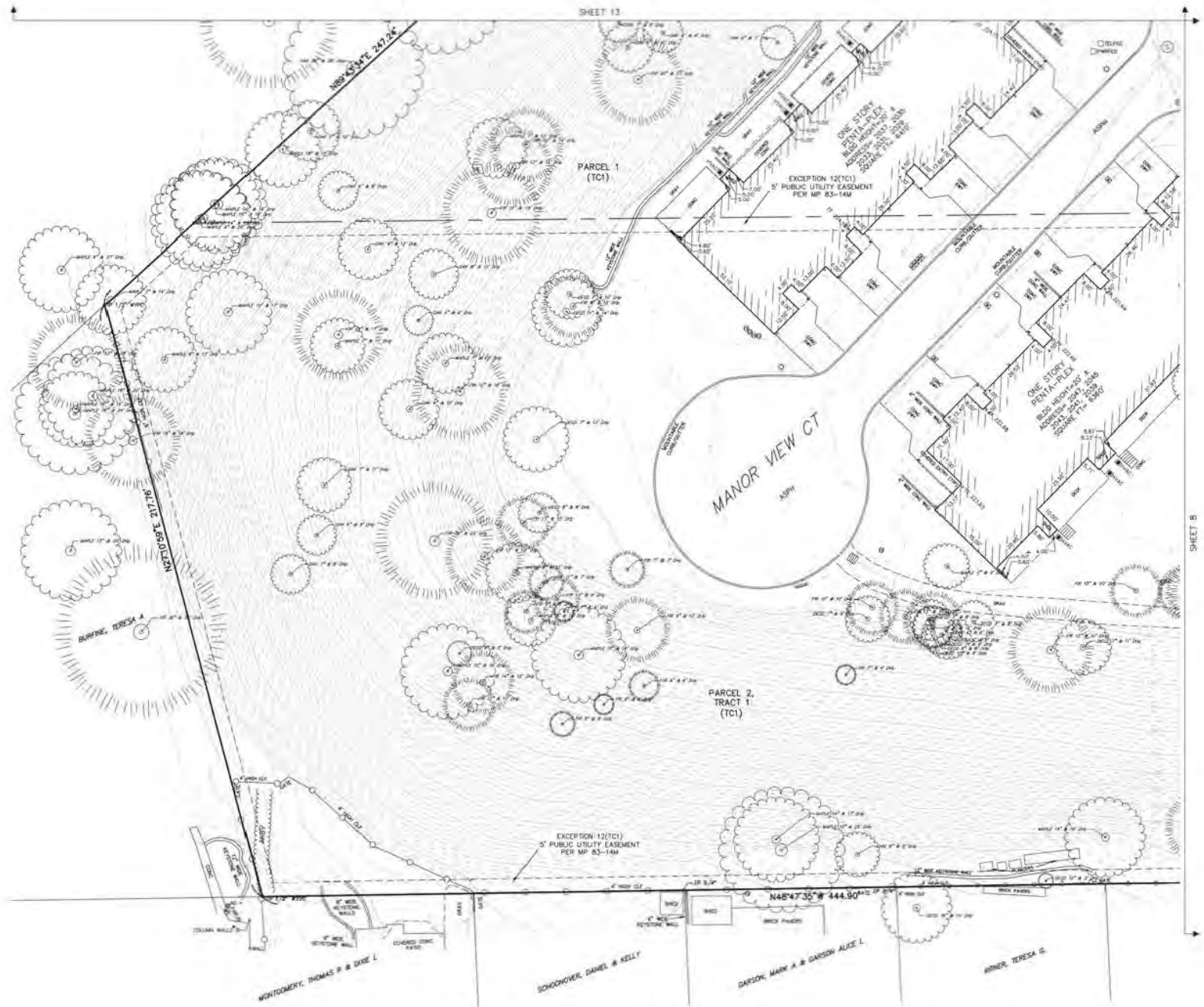
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DATE CREATED: 06/09/17

ALTA/NSPS LAND TITLE SURVEY



ABBREVIATIONS

| | | | |
|--------|----------------------|--------|--------------------|
| ASPH. | ASPHALTIC CONCRETE | HYD. | HYDRANT |
| A.S. | AREA DRAIN | I.R. | IRON ROD |
| B.D.C. | BUILDING | I.P. | IRON PIPE |
| CATV | CABLE TELEVISION | IR. | IRRIGATION |
| C.B. | CATCH BASIN | INV. | INVERT |
| C.O. | CLEAN-OUT | J.B. | JUNCTION BOX |
| C.O.C. | CONCRETE | L.P. | LIGHT POLE |
| C. | CENTERLINE | M.B. | MAILBOX |
| C.L.F. | CHAIN LINK FENCE | M.H. | MANHOLE |
| D. | DUCTILE IRON | O.H. | OVER-HEAD |
| E.G. | EDGE OF GRAVEL | P.V.C. | POLYVINYL CHLORIDE |
| ELEV. | ELEVATION | R/W. | RIGHT-OF-WAY |
| F.D.C. | FIRE DEPT. CONNECTOR | S.S. | SANITARY SEWER |
| F.F. | FRESH FLOOR | S.D. | STORM DRAIN |
| F.G. | FINISH GRADE | S.W. | SIDEWALK |
| F.H. | FIRE HYDRANT | T.O. | TOP OF CURB |
| F.I. | FIELD INLET | TRANS. | TRANSFORMER |
| GRAV. | DRAINAGE | Y.P.C. | YELLOW PLASTIC CAP |
| G.V. | GAS VALVE | | |

SYMBOLS

| | |
|---------------------|---|
| AREA DRAIN | MANHOLE SAN. SEWER |
| CATCH BASIN | SEWER CLEANOUT |
| FIRE HYDRANT | GAS VALVE |
| WATER VALVE | GAS/POWER/WATER METER |
| DOWN SPOUT | MANHOLE TELEPHONE |
| MANHOLE STORM DRAIN | TREES - *TREENAME* DIAMETER (INCHES)/DRIP RADIUS (FEET) NOTE: DIAMETER MEASURED AT BREAST HEIGHT |

LINE TYPES

| | |
|---------------|----------------|
| CATV LINE | EASEMENT LINE |
| FENCE LINE | GAS LINE |
| OVERHEAD LINE | PHONE LINE |
| POWER LINE | SANITARY SEWER |
| STORM DRAIN | WATER LINE |

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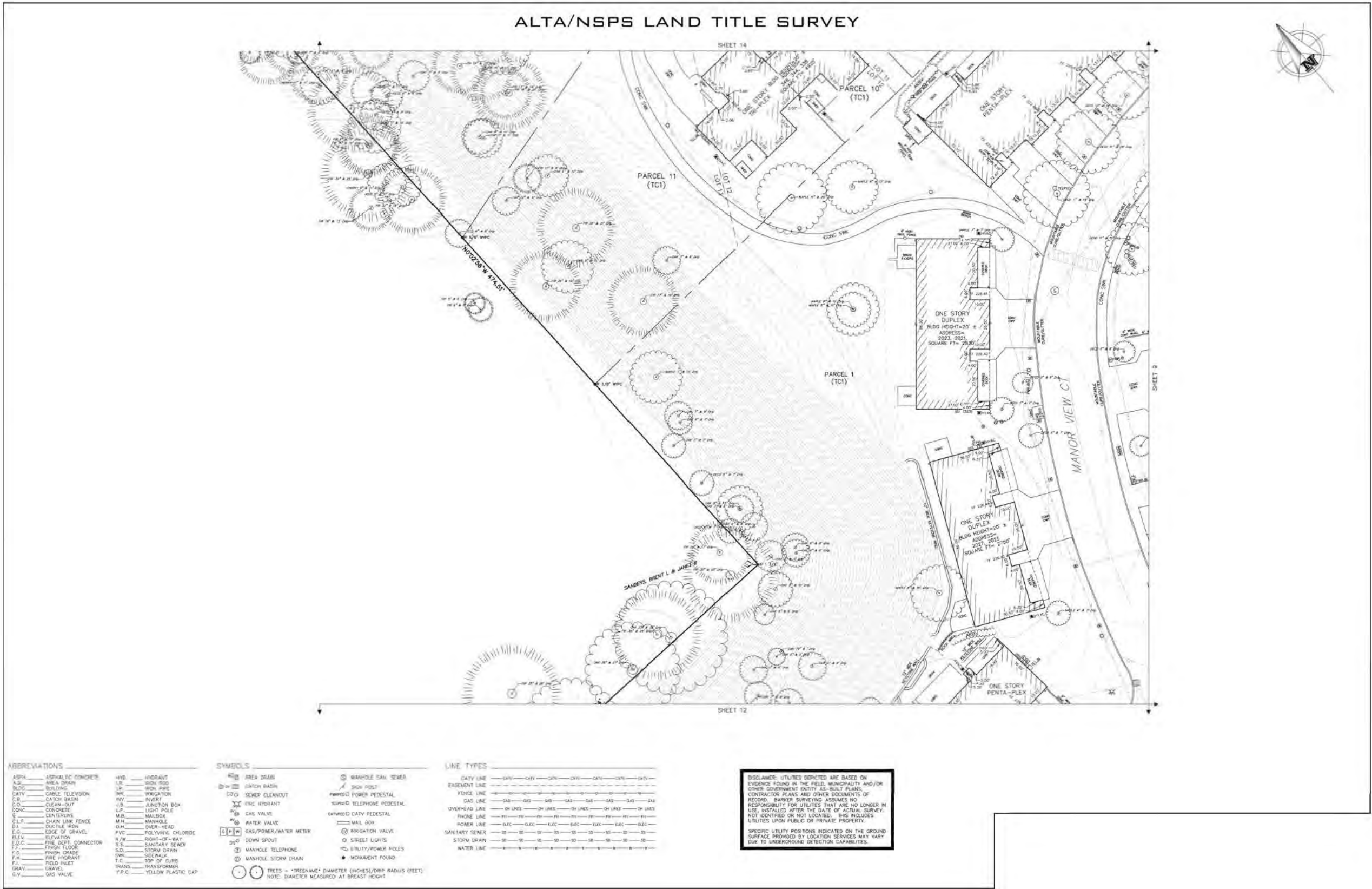
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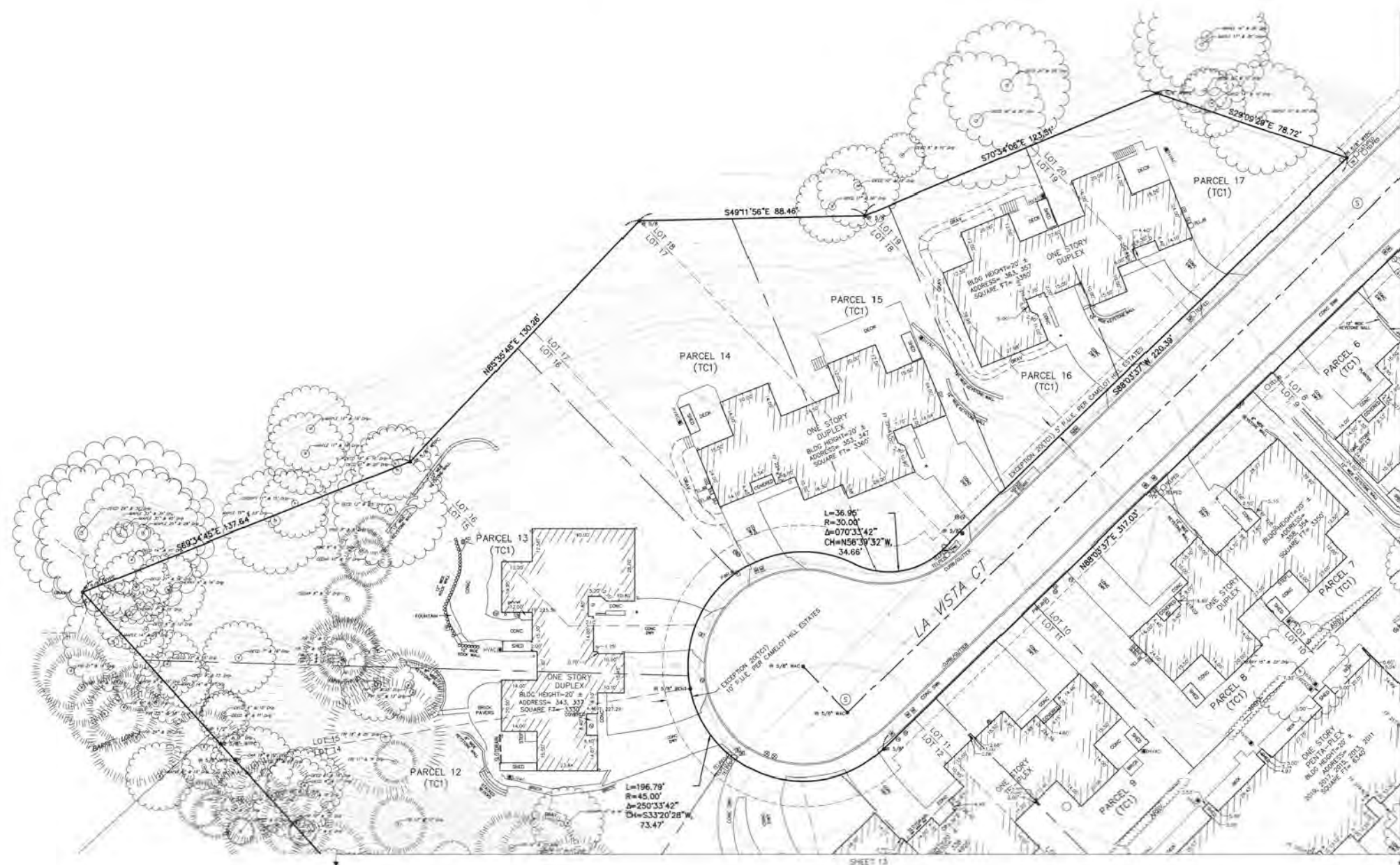
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ALTA/NSPS LAND TITLE SURVEY



ABBREVIATIONS

| | | | |
|--------|--------------------|-----------|--------------------|
| ASPH | ASPHALT CONCRETE | HYD | HYDRANT |
| ASD | AREA DRAIN | IR | IRON ROD |
| BULD | BUILDING | IP | IRON PIPE |
| CATV | CABLE TELEVISION | IRI | IRRIGATION |
| CB | CATCH BASIN | INV | INVERT |
| CO | CLEAN-OUT | J.B. | JUNCTION BOX |
| CONC | CONCRETE | L.P. | LIGHT POLE |
| E | ELECTRICAL | M.B. | MAILBOX |
| CLT | CHAIN LINK FENCE | M.H. | MANHOLE |
| D.I. | DUCTILE IRON | OVER-HEAD | OVER-HEAD |
| E.G. | EDGE OF GRAVEL | P.V.C. | POLYVINYL CHLORIDE |
| ELEV | ELEVATION | R/W | RIGHT-OF-WAY |
| E.D.C. | ELECTRIC CONNECTOR | S.S. | SANITARY SEWER |
| F.F. | FINISH FLOOR | S.D. | STORM DRAIN |
| F.G. | FINISH GRADE | SIDW. | SIDEWALK |
| F.H. | FIRE HYDRANT | T.C. | TOP OF CURB |
| F.I. | FIELD INLET | TRANS | TRANSFORMER |
| GRAV | GRAVEL | T.P.C. | YELLOW PLASTIC CAP |
| G.V. | GAS VALVE | | |

SYMBOLS

| | |
|---|--------------------------|
| AREA DRAIN | MANHOLE GAS SEWER |
| CATCH BASIN | SHOW POST |
| SEWER CLEANOUT | HYPOD POWER PILESTAL |
| FIRE HYDRANT | HYPOD TELEPHONE PILESTAL |
| GAS VALVE | SANITARY DRAIN PILESTAL |
| GAS/POWER/WATER METER | MAIL BOX |
| DOWN SPOUT | IRRIGATION VALVE |
| MANHOLE TELEPHONE | STREET LIGHTS |
| MANHOLE STORM DRAIN | UTILITY/POWER POLES |
| TREES - *TREENAME* DIAMETER (INCHES)/OR RADIUS (FEET) | MONUMENT FOUND |
| NOTE: DIAMETER MEASURED AT BREAST HEIGHT | |

LINE TYPES

| | |
|-----------------|----------------|
| CATV LINE | ---CATV--- |
| ELECTRICAL LINE | ---ELEC--- |
| PHONE LINE | ---PHONE--- |
| GAS LINE | ---GAS--- |
| OVERHEAD LINE | ---OVERHEAD--- |
| POWER LINE | ---POWER--- |
| PHONE LINE | ---PHONE--- |
| SANITARY SEWER | ---SEWER--- |
| STORM DRAIN | ---STORM--- |
| WATER LINE | ---WATER--- |

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EXISTING CONDITIONS/ALTA SURVEY

SCALE: NTS

Exceptions per Chicago Title Insurance Company File No. 471812017508-TTMIDWL20 - (TC1)

Exceptions per Chicago Title Insurance Company File No. 471812017508-TTMIDWL20 - (TC1)

VI. No changes in street right of way, or evidence of street or sidewalk improvements were observed.

2, 3, 4, 5, 7, 8, 9, 11, 13, 16, 17, 18, 19, and 20 of Table A thereof. The field work was completed on September 30, 2018.

Registered Professional Land Surveyor
 JULY 19, 1994
 GREGORY L. WILSON
 30487
 EXPIRATION DATE: 6/30/2018

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1007-017

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

| | | |
|--|---|--|
| IN THE MATTER OF A CONSOLIDATED APPLICATION FOR A ZONE CHANGE FROM RD TO RM-II FOR 0.88 ACRES AT THE NORTHERN END OF PARADISE COURT NW; A PARTITION OF 37 ACRES TO RESULT IN THREE PARCELS; A MODIFICATION OF THE CAPITAL MANOR PLANNED UNIT DEVELOPMENT FINAL PLAN TO CREATE A BOUNDARY THAT COINCIDES WITH PROPOSED PARCEL 1; AN ADJUSTMENT TO REDUCE DENSITY FOR FUTURE REDEVELOPMENT OF PROPOSED PARCEL 3; AND AN ADJUSTMENT TO REDUCE PARKING REQUIREMENTS FOR A FUTURE MEMORY CARE FACILITY ON PROPOSED PARCEL 2. | } | ZC-PAR-PUDMOD1-ADJ17-03 FINDINGS OF FACT, CONCLUSIONS AND DECISION |
|--|---|--|

DATE AND PLACE OF HEARING:

Wednesday, December 20, 2017, Salem City Council Chambers, 555 Liberty
Street SE, Salem, Oregon.

APPEARANCES:

Staff: Pamela Cole, Planner II

Neighborhood Association: None

Proponents: David Lewis, representing Capital Manor Inc.,
Applicant; Joey Shearer, AKS Engineering &
Forestry; Chuck Archer, LRS Architects Inc.

Opponents: None

SUMMARY OF THE APPLICATION AND HEARING

This matters involves a consolidated application for a zone change from RD to RM2 for 0.88 acres at the northern end of Paradise Court; a partition of 37 acres to result in three parcels; a modification of the Capital Manor Planned Unit Development final plan to create a boundary that coincides with proposed Parcel 1; an adjustment to reduce density for future redevelopment of proposed Parcel 3 from the minimum of 12 units per acre to approximately 8 5.3 units per acre; and an adjustment to reduce parking requirements for a future memory care facility on proposed Parcel 2 from 76 spaces to approximately 26 spaces. The proposal affects 37 acres of property including the Capital Manor Planned Unit Development and multiple other parcels, all located in the RA (Residential Agriculture), RM-II (Multiple Family Residential II), RD (Duplex Residential), and RH (Multiple Family High-Rise Residential) zones; the property addresses are 1955, 2125, and 2129 Salem Dallas Highway NW; 176 Rosewood Dr. NW; 2123 and 2125 Frontage Rd. NW; and 118-278 Paradise Ct. NW 97304 (Polk County Assessor Map and Tax Lots 073W29A / 001700, 001800, 001803, 001814, 001815, 002200; 073WAD / 01800-05200).

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Multi-Family Residential" and "Single Family Residential." The Salem Comprehensive Policies Plan states that these designations apply to the portion of the Salem urban area that is currently developed with housing or served by public facilities and suitable for residential development at urban densities. The "Single-Family Residential" and "Multi-Family Residential" categories of use encompass all types of housing, for example, single family detached, single family attached, manufactured homes, garden apartments, and row houses.

Because the proposed RM-II (Multiple Family Residential-II) zoning is consistent with the "Multi-Family Residential" Comprehensive Plan designation, a concurrent Comprehensive Plan Map Amendment is not required.

The Comprehensive Plan designations of surrounding properties include:

North: "Single-Family Residential" and "Multi-Family Residential"

South: Across Salem Dallas Highway NW, "Commercial"

East: "Multi-Family Residential"

West: Across Rosewood Drive NW, "Multi-Family Residential"; "Single-Family Residential"

The property is inside of the Urban Service Area. No Urban Growth Area permit is required.

2. Zoning

The subject property is zoned RA (Residential Agriculture), RM-II (Multiple Family Residential-II), RD (Duplex Residential), and RH (Multiple Family High-Rise Residential). The proposed zone change affects only the 0.88 acres currently zoned RD (Duplex Residential).

The zoning of surrounding properties is described as follows:

North: RA (Residential Agriculture), RS (Single Family Residential), RM-II (Multiple Family Residential-II)

South: Across Salem Dallas Highway NW, CG (General Commercial)

East: RM-II (Multiple Family Residential-II)

West: Across Rosewood Drive NW, RM-II (Multiple Family Residential-II)

3. Neighborhood and Citizen Comments

The subject property is located within the boundaries of West Salem Neighborhood Association. Notification was sent on November 30, 2017 to the neighborhood associations and surrounding property owners within 250 feet of the property. At the time of the staff report, no comments were received from the neighborhood association or property owners. At the hearing, there were no person representing the neighborhood association, and no other citizen comments.

4. City Department and Public Agency Comments

- The Public Works Department reviewed the proposal and provided a memorandum as attachment E in the staff report.
- The Building and Safety Division reviewed the proposal and identified no issues.
- The Fire Department reviewed the proposal, had no concerns with the consolidated application, and commented that they will address issues such as access and water supply at the time of building permit plan review.

5. Public Agency and Private Service Provider Comments

At the time of the staff report, no comments were received from public agencies or private service providers.

6. Criteria for Granting a Quasi-Judicial Zone Change

The following analysis addresses the proposed change of zoning to RM-II (Multiple Family Residential-II) for a portion of the property.

SRC Chapter 265.005(e) provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the Hearing Officer shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria attached to the staff report as attachment D.

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

(i) A mistake in the application of a land use designation to the property.

The Hearing Officer finds that as there was no evidence of a mistake in the land use designations applied to the property, this criterion did not apply and the applicant did not need to address this criterion.

(ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.

The Hearing Officer notes that the applicant states that demographic changes are driving demand for different housing types and configurations that help aging seniors face challenges related to healthcare needs, loss of mobility, difficulty of home maintenance, financial concerns, and increases in property taxes. The proposed zone change will allow for future construction of independent living units that are compatible with the Capital Manor campus as well as the single-family and multiple-family homes nearby.

The Salem Housing Needs Analysis indicates that, consistent with state and national trends Salem's population is growing older. By 2035, 24% of the population of Marion and Polk Counties is forecast to be 60 and over, up from

16% in 2000. Trends associated with the aging population are decreases in household size, homeownership, and income. Implications for Salem's housing are a need for smaller, lower-cost housing near transit and urban amenities such as shopping and health care services. The proposed zone change would allow multi-family development compatible with the Capital Manor continuing care community and the surrounding single-family and multi-family development.

(iii) A demonstration that the proposed zone change 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.

The Hearing Officer notes that the applicant states that the zone change is justified because the proposed zone is equally or better suited for the property than the existing zone. The property is designated at Multiple Family Residential in the SACP, is 0.88 acres, relatively flat, and abuts a large area of land including the other lots fronting Paradise Court NW. It has physical characteristics appropriate for the RM-II zone. The RM-II zone allows single family dwellings, multiple family dwellings, and group living uses that are consistent with the surrounding residential uses and the Capital Manor facilities. The subject property is already owned by Capital Manor and is integral to their long-term plans to provide needed housing for seniors. Therefore, the uses allowed by the RM-II zone are logical with the surrounding land uses.

The physical characteristics of the property are appropriate for the proposed RM-II zone. The area subject to the zone change is less than one acre within a developed area. The remainder of the western area of the subject property is zoned RM-II.

The purpose statement for the existing RD zone is to establish the allowed uses and development standards for the RD zone district, which generally allows Two Family and Single Family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area, while the purpose of the proposed RM-II zone is to implement the Multiple Family Residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RM-II zone generally allows two-family and Multiple Family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area. The uses allowed in the proposed RM-II zone are logical with the surrounding land uses.

The proposed redevelopment would meet the intent of either the RD or RM-II zone. A condition of approval from a previous land use decision, Zone Change 77-24, is still applicable to the RM-II-zoned properties on Paradise Court NW and requires that the area shall be “developed to duplex (two-family) density.” This condition limits the maximum density. The RD zone requires a minimum lot area of 7,000 square feet for a duplex. The current parcel configuration includes eight dwelling units on seven lots within the RD-zoned area at the northern end of Paradise Court NW. The proposed partition would eliminate the individual lots within the currently RD-zoned area, and without the zone change, only one duplex would be allowed to remain within the RD-zoned area. With the proposed zone change, partition, and density adjustment, the area would be redeveloped with four dwelling units. The proposed number of units in the area would be less than the existing number of units in the area.

Condition 1: The proposed development shall be consistent with the conceptual plan included as Attachment B in the staff report, as modified by the conditions of approval.

With the proposed conditions, the application of the RM-II zone is consistent with the Comprehensive Plan designation for the subject property, will be appropriate for the characteristics of the subject property, and will be logical with respect to surrounding uses.

The Hearing Officer finds that with the proposed condition, the proposal meets this criterion.

(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.

The Hearing Officer notes that the proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

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

The Hearing Officer notes that the Comprehensive Plan Map designates the subject property as “Multi-Family Residential.” Goals and policies for Residential Development are contained in section IV.E of the Salem Area Comprehensive Plan (SACP). The applicable goal and related policies are addressed below. The Hearing Officer finds that the proposal meets this criterion.

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 Hearing Officer finds that the proposed zone change would allow redevelopment of an existing residential area and development of adjacent vacant property. The proposed dwelling units will provide needed housing for seniors. The proposed zone change is consistent with the applicable Residential Development policies identified below.

Establishing Residential Uses

Policy 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 Hearing Officer finds that the zone change and redevelopment of the subject property will result in housing units to meet the needs of the

growing senior community. The land has the capacity for the proposed redevelopment. Existing public facilities are adequate to serve the proposed redevelopment. The property is within a previously developed residential area with proximity to services. The proposed zoning and redevelopment are similar in character to the existing neighborhoods. While the rezoning and redevelopment within the subject property will not meet the density goal of General Development Policy 7, an average of 6.5 dwelling units per gross acre, the applicant has demonstrated that the lower density is appropriate to meet the needs of potential residents.

Multi-Family Housing

Policy 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 Hearing Officer finds that the subject property is located within a developed area, adjacent to existing streets, and serviced with water and wastewater infrastructure. The proposed density of the area subject to the zone change will be similar to the existing density. The area subject to the zone change has existing pedestrian and auto connections to the public street system and will continue to have those connections upon redevelopment.

Circulation System and Through Traffic

Policy 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 Hearing Officer finds that the subject property is located in a developed area with an existing transportation system. The proposed redevelopment would include vacation of public streets and construction of private driveways and pedestrian sidewalks for internal circulation.

Requests for Rezoning's

Policy 10. Requests for rezoning's 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 Hearing Officer finds that the subject property is designated for multiple-family residential uses and has adequate public services. The proposed density is similar to the existing density. The proposal conforms Policy 7 as demonstrated above.

(D) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use 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.

The Hearing Officer notes that the comprehensive plan designation of "Multi-Family Residential" is not proposed to be altered. Therefore, this criterion does not apply.

(E) 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.

The Hearing Officer notes that the proposed zoning of RM-II is consistent with the existing comprehensive plan map designation of "Multi-Family Residential"; there is no change in the comprehensive plan map; the city has an acknowledged Transportation System Plan; and the proposed zoning is consistent with the Transportation System Plan. Therefore, pursuant to Oregon Administrative Rule 660-012-0060(9), the proposed zone change does not significantly affect the transportation facility and will not trigger analysis or improvements to the surrounding transportation system. Adequate urban services are available at the boundaries of the subject property (Parcel 3). Infrastructure requirements to serve any development on the property will be addressed as part of the Site Plan Review process. The Hearings Officer finds that the proposal satisfies this criterion.

(F) 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.

The Hearing Officer notes that the required public facilities -- water, sewer, and storm infrastructure -- are available and appear to be adequate to serve the possible uses allowed in the RM-II zone. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. The Hearing Officer finds that the proposal meets this criterion.

(2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

The Hearing Officer notes that the applicant has provided a written justification for the zone change request for the subject property.

In order to measure the impact of this request, staff considered the area of the land to be rezoned, the neighborhood compatibility of the uses allowed under the proposed zone as compared to the current zoning, and the character of the existing land uses immediately surrounding the property. Based on this evaluation, the Hearings Officer notes that the proposed zone change would affect less than one acre of property; the proposed zone change would allow uses at a similar density to the existing development; and the development standards of the RM-II zone would result in landscaping, setbacks, and heights that would be similar to and compatible with those in the surrounding zones.

Considering the relatively small area subject to the zone change and the minor impact on the surrounding area, the Hearing Officer finds that the level of information provided in the applicant's statement addressing the factors listed under SRC Chapter 265.005(e) corresponds to the anticipated impact of the zone change proposal.

Conclusion:

The Hearings Officer finds that the proposal is consistent with and in compliance with the applicable goals and policies of the Salem Area Comprehensive Plan and the Statewide Planning Goals and satisfies all applicable criteria.

Based upon the facts and findings presented in the staff report and by the applicant, the Hearing Officer concludes that the proposed zone change from RD (Duplex Residential) to RM-II (Multiple Family Residential-II) satisfies the criteria for approval and that the applicant has met the required burden of proof in demonstrating compliance with those criteria. The applicant met the burden of proof in satisfying the Statewide Planning Goals through compliance with the Salem Area Comprehensive Plan, and the evaluation of factors for zone change defined under SRC 265.005(e), thereby meeting the approval criteria for a zone change.

7. Criteria for Granting a Partition

Salem Revised Code (SRC) 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. In order to approve a tentative partition plan, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied.

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals and governs the development of property within the City limits. The partitioning process reviews development for compliance with City standards and requirements contained in the UDC, Salem Transportation System Plan, and the Water, Sewer, and Storm Drain System Master Plans. Compliance with conditions of tentative partition plat approval is checked prior to City staff signing the final partition plat.

The following subsections are organized with approval criteria shown in **bold** print. Following each criterion is a response and/or finding relative to the proposed tentative partition. The applicant provided a written statement addressing all applicable criteria that is included with the staff report as

attachment D. With the proposed conditions, the proposed partition meets all applicable provisions of the Salem Revised Code as detailed below:

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

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

The Hearing Officer notes that the subject property is zoned RA (Residential Agriculture), RM-II (Multiple Family Residential-II), and RH (Multiple Family High Rise Residential). Proposed Parcel 1, containing the previously approved Planned Unit Development, is split-zoned RA, RM-II, and RH; Proposed Parcel 2, containing the existing Manor Care, Tower, and associated facilities, is split-zoned RM-II and RH; and proposed Parcel 3, containing the existing dwellings fronting Paradise Court NW as well as vacant land, is currently zoned RD and RM-II and would be zoned RM-II if the zone change is approved.

The Hearings Officer notes that the proposed parcels are irregularly shaped and, with conditions, meet the lot standards as demonstrated below.

| Lot Area | | | |
|---------------|-------------|--|------------------------------------|
| <i>Parcel</i> | <i>Zone</i> | <i>Minimum</i> | <i>Proposed</i> |
| 1 | RA | 6,000 square feet | 782,991 square feet (17.975 acres) |
| | RM-II | 6,000 square feet / partitioned lots 20,000 square feet, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than Household Living | |
| | RH | None | |
| 2 | RM-II | 6,000 square feet / partitioned lots 20,000 square feet, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than Household Living | 563,231 square feet (12.93 acres) |
| | RH | None | |
| 3 | RM-II | 6,000 square feet / partitioned lots 20,000 square feet, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse | 276,955 square feet (6.358 acres) |

| | | | |
|--|--|---|--|
| | | development, or are used for allowed uses other than Household Living | |
|--|--|---|--|

| Lot Width | | | |
|---------------|-------------|----------------|-----------------|
| <i>Parcel</i> | <i>Zone</i> | <i>Minimum</i> | <i>Proposed</i> |
| 1 | RA | 60 feet | 570 feet |
| | RM-II | 40 feet | |
| | RH | None | |
| 2 | RM-II | 40 feet | 690 feet |
| | RH | None | |
| 3 | RM-II | 40 feet | 830 feet |

| Lot Depth | | | |
|---------------|-------------|---|---------------------|
| <i>Parcel</i> | <i>Zone</i> | <i>Minimum</i> | <i>Proposed</i> |
| 1 | RA | 80 feet, maximum 300% of average lot width | 1,275 feet, 224% |
| | RM-II | 70 feet, maximum 300% of average lot width | |
| | RH | None | |
| 2 | RM-II | 120 feet (double frontage lot), maximum 300% of average lot width | 1,370 feet, 199% |
| | RH | None | |
| 3 | RM-II | 70 feet, maximum 300% of average lot width | 520 feet, 63% |

For Parcel 2, staff assumed, and the Hearing Officer affirms, that a front property line on the 33.49-foot long segment of Edgewater Street NW and rear property line on Rosewood Drive NW. The width and depth of Parcel 2 would also meet the standards if the minor arterial segment of the Edgewater Street NW ramp property line is designated as the front property line.

| Lot Frontage | | | |
|---------------|-------------|----------------|--|
| <i>Parcel</i> | <i>Zone</i> | <i>Minimum</i> | <i>Proposed</i> |
| 1 | RA | 60 feet | 60.9 feet (frontage in RH zone) |
| | RM-II | 40 feet | |
| | RH | 16 feet | |
| 2 | RM-II | 40 feet | 392 feet (frontage in RM-II zone) 1,045 feet (frontage in RH zone) ⁽¹⁾ |
| | RH | 16 feet | |
| 3 | RM-II | 40 feet | 407 feet |

(1) Property lines abutting the segments of Edgewater Street NW ramp

and Salem Dallas Highway NW that are classified as a freeway are not counted as lot frontage.

Designation of Front and Rear Lot Lines

SRC 800.020 establishes standards for establishment of front lot lines.

(1) Interior Lot. For an interior lot, the front lot line shall be the property line abutting the street.

(2) Corner Lot. For a corner lot, the front lot line shall be the property line abutting a street designated by the building permit applicant, provided, however, that lot dimension standards are met.

(3) Double Frontage Lot. For a double frontage lot, the front lot line shall be the property line abutting a street designated by the building permit applicant, provided, however, that lot dimension requirements are met.

(4) Flag Lot. For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat, which shall be recorded on deeds conveying lots.

(5) Other Lots. In the case of any lot not covered by paragraphs (1) through (4) of this subsection, the front lot line shall be the property line that the architecturally designed front of the building faces.

Parcel 1 is an interior lot with a front lot line abutting Edgewater Street NW. Parcel 3 is an interior lot with a front lot line abutting Rosewood Drive NW.

Parcel 2 is a corner and double frontage lot with frontages on Edgewater Street NW (minor arterial), a segment of the Edgewater Street NW ramp (minor arterial), and Rosewood Drive NW (local street). The parcel also abuts segments of the Salem Dallas Highway NW and Edgewater Street NW ramp designated as freeway, and a freeway is not classified as a street. The traditional property address is on Salem Dallas Highway NW. The following condition allows the applicant to establish the front lot line on the plat or at building permit:

Condition 2: The applicant shall designate the front lot line for Parcel 2 at final plat or at building permit, provided, however, that lot dimension standards are met.

With this condition, the Hearings Officer finds that this criterion is satisfied.

Setbacks

The proposed property line between Parcel 1 and Parcel 2 follows the boundary of the Planned Unit Development (PUD) 85-1, with minor modifications as addressed in the criteria for approval of the Modification of Planned Unit Development Final Plan. The proposed boundary coincides with the center line of the existing paved drive aisles except for the westernmost segment.

The proposed boundary between Parcel 1 and Parcel 3 follows the existing boundary between the PUD and the existing lots on Paradise Court NW, except for the southernmost segment.

The proposed boundary between Parcel 2 and Parcel 3 follows the centerline of the existing Frontage Road NW which will be vacated, then forms a curve to accommodate the planned memory care addition.

Parcel 1:

The minimum interior rear setback for a PUD perimeter not abutting a street and not abutting an interior rear yard of an RA or RS zoned lot outside the PUD is 5 feet plus one foot for each one foot of height over 35 feet, but need not exceed 20 feet in depth.

The westernmost segment of the proposed boundary between Parcels 1 and 2 is 25.3 feet from the nearest structure in the PUD.

The southernmost segment of the proposed boundary between Parcels 1 and 3 is approximately 30 feet from the nearest structure.

The proposed parcel boundaries do not create nonconforming setbacks on Parcel 1.

Parcel 2:

The proposed boundary between Parcels 1 and 2 is in approximately the same location as the existing boundary between the PUD and the remainder of the property. A PUD parking area and detention pond near the center of the boundary would become part of Parcel 2.

The proposed boundary between Parcels 2 and 3 would cut across a building on Lots 35 and 36 (118 and 128 Paradise Court NW, Polk County Assessor Map and Tax Lot 073W29AD05200). The boundary would also cut across existing parking spaces.

To ensure that the reconfigured parcel boundaries do not create nonconforming setbacks, the Hearing Officer imposes the following conditions:

Condition 3: Prior to final plat, remove the structures on existing Lots 35 and 36.

Condition 4: At the time of development on Parcel 2 or Parcel 3, remove the parking spaces that straddle the boundary between the parcels and reconfigure the parking area to meet setbacks.

Parcel 3:

The proposed boundary between Parcels 2 and 3 would be near an existing building on Lots 33 and 34 (138 and 148 Paradise Court NW, Polk County Assessor Map and Tax Lot 073W29AD / 05000 and 05100).

To ensure that the reconfigured parcel boundaries do not create nonconforming setbacks, the Hearing Officer imposes the following conditions:

Condition 5: Prior to final plat, remove the structures on existing Lots 33 and 34.

As conditioned, each of the parcels will be suitable for the general purpose for which they are intended to be used, such as further development or redevelopment of multifamily residential uses, or development of other SRC Chapter 514 (RM-2 Zone) "permitted," "special" or "conditional" uses. The parcels are of a size and design that will not be detrimental to the health, safety, or sanitary needs of the existing and/or future residents. The Hearings Officer finds that as conditioned, the application satisfies this criterion.

Circulation

The conceptual plan indicates that the three parcels will be connected by way of internal driveways and parking lot drive aisles. To ensure that the shared driveways remain accessible to all properties in perpetuity, the Hearing Officer imposes the following condition:

Condition 6: On the final plat, record reciprocal access easements at least 22 feet in width along the segments of the parcel boundaries that run along the centerlines of the paved internal driveways.

(A) City infrastructure standards;

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 these 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).

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program, detailed in SRC Chapter 200, requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is within the Urban Service Area. Therefore, a UGA permit is not required and the proposal conforms to the requirements of SRC Chapter 200.

SRC Chapter 802 (Public Improvements): The Hearings Officer notes that the Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. Comments from the Public Works Department indicate that water, sewer, and storm infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated December 12, 2017 in the staff report as attachment E.

SRC 802.020 (Easements): The Hearing Officer notes that comments from the Public Works Department indicate that easements may be required in order to serve all parcels in conformance with Public Works Design Standards (PWDS) and Oregon State Plumbing Specialty Code.

In order to ensure that these easements are provided on the final plat in compliance with SRC 802.020 and other applicable standards, the Hearing Officer imposes the following conditions:

Condition 7: Show all necessary private access and utility easements to serve all parcels in conformance with PWDS and Oregon State Plumbing Specialty Code.

Condition 8: Provide public easements with widths conforming to PWDS for all public water and sewer mains located within the boundary of the proposed partition plat.

Condition 9: Provide an open channel drainage easement along Turnage Brook allowing for access and maintenance. The easement width shall be 15 feet from the channel centerline (PWDS-General 1.8(d)).

With these conditions, the Hearing Officer finds the proposal complies with the requirements of SRC Chapter 802.

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

SRC 803.020 (Public and Private Streets): The Hearing Officer notes that the proposal does not include additional public or private streets. The applicant recently received approval to vacate Frontage Road NW and Paradise Court NW, conditioned on final plat approval. The Hearing Officer imposes the following condition:

Condition 10: Comply with Ordinance Bill No 28-17 as it relates to vacating Frontage Road NW and Paradise Court NW.

SRC 803.025 (Right-of-Way and Pavement Widths): The abutting portion of Salem Dallas Highway NW and Westbound Edgewater Ramp is designated as state highway under the jurisdiction of the Oregon Department of Transportation and has an approximate 90-foot improvement within a varied 150-foot to 200-foot-wide right-of-way width.

The abutting portion of Rosewood Drive NW is designated as a local street in the TSP and has an approximate 30-foot-wide turnpike improvement within a 60-foot-wide right-of-way abutting the subject property. The standard for a local street is a 30-foot-wide improvement within a 60-foot-wide right-of-way. In order to ensure that the abutting segment of Rosewood Drive NW complies with standards established in the TSP and UDC, the Hearing Officer imposes the following condition:

Condition 11: Construct a half-street improvement along the Parcel 3 frontage of Rosewood Drive NW. The applicant can satisfy this requirement by entering into a City required deferral agreement pursuant to SRC 803.070(b). The improvements can be deferred until the property owner(s) apply for a building permit on Parcel 3 or until City Council requires such street improvements, whichever is earlier.

SRC 803.030 (Street Spacing): The proposed partition would be served by the existing frontages on Edgewater Street NW and Rosewood Drive NW and does not include any new public or private streets.

SRC 803.035 (Street Standards): Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. In order to ensure adequate access for the provision of electricity and other utilities, the Hearing Officer imposes the following condition:

Condition 12: Provide a 10-foot-wide public utility easement along the entire frontage of Rosewood Drive NW.

SRC 803.040 (Boundary Streets): Condition 11 requires construction of a half-street improvement along the Parcel 3 frontage of Rosewood Drive NW in order to comply with the standards for a local street as established in SRC 803.025(a).

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

The Hearing Officer finds that the application, as proposed and conditioned, meets all applicable standards of the UDC, as described below.

SRC Chapter 808 (Preservation of Trees and Vegetation): The Hearing Officer notes that the City's tree preservation ordinance 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. A tree plan is not required in this case because the proposal is not a land division intended for single family or duplex development. The site is already developed and there are no Significant Trees or Heritage Trees on the subject property. No changes are proposed to the area within the riparian corridor. The Hearing Officer finds that the proposed partition conforms to the requirements of SRC Chapter 808.

SRC Chapter 809 (Wetlands): The Hearing Officer notes that 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. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

Turnage Brook is located along the eastern boundary of the subject property. Open channel drainage easements shall be dedicated along Turnage Brook allowing for access and maintenance. The easement width shall be 15 feet from the channel centerline (PWDS-Storm V(D)(5)).

The Salem-Keizer Local Wetland Inventory (LWI) shows that there are linear wetland area(s) mapped on the property in the vicinity of Turnage Brook. The applicant is required to verify mapped wetland area(s) and show all existing wetlands noted in the local wetland inventory on the plat per Division of State Lands requirements.

As proposed, the Hearing Officer finds that the tentative partition plan conforms to all applicable SRC Chapter 809 requirements.

SRC Chapter 810 (Landslide Hazards): The Hearing Officer notes that 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 and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. Pursuant to SRC 810.001, the proposed partition is not a use or activity that will adversely affect the stability and the slide susceptibility of the subject property or adjacent areas. Therefore, the proposed development is a low landslide risk. The Hearing Officer finds that the proposed partition conforms to the requirements of SRC Chapter 810.

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

The Hearing Officer notes that the proposed partition would reconfigure underlying parcels within a 37 acre property into three proposed parcels, with proposed Parcel 1 consisting of approximately 17.975 acres and including the existing Planned Unit Development, proposed Parcel 2 consisting of approximately 12.930 acres and including the existing tower, Manor, and associated accessory structures and parking, and proposed

Parcel 3 consisting of approximately 6.358 acres and including existing dwellings. The proposed parcels exceed minimum lot size and dimension standards and are of sufficient size to allow further development and redevelopment of the property consistent with applicable zoning standards.

The western area of proposed Parcel 3 is currently vacant. The proposed tentative partition plan would facilitate development of the remainder of the subject property consistent with its Comprehensive Plan Map and zoning designations as well as development on surrounding properties.

The Hearing Officer finds that the proposal meets this criterion.

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

The Hearing Officer notes that the subject property is within the Urban Service Area. Public Works Department staff reviewed the proposal and determined that water, sewer, and storm infrastructure is available along the perimeter and interior of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan.

Future development of the proposed Parcel 3 will be subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant will be required to provide a tentative stormwater design at the time of the future development of proposed Parcel 3 or for future redevelopment Parcels 1 and 2 that meets the definition of a large project per SRC 70.005(q).

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. According to City of Salem records, existing water and sewer mains located on the property appear to lack conforming easements based on PWDS. The applicant shall be required to provide public easements with widths conforming to PWDS for all public water and sewer mains located within the boundary of the proposed partition plat.

As conditioned, the Hearing Officer finds that the proposal meets this criterion.

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

(5) The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient

circulation of traffic into, through, and out of the partition.

The Hearing Officer notes that Rosewood Drive NW abuts the subject property and does not meet the current standard for a local street. The applicant has the option of entering into a City required deferral agreement pursuant to SRC 803.070(b) for the required boundary street improvements. The improvements can be deferred until the property owner(s) apply for a building permit on Parcel 3 or until City Council requires such street improvements, whichever is earlier. No additional right-of-way dedication is needed.

Salem Dallas Highway and the Westbound Edgewater Ramp are classified as state highway and are the jurisdiction of Oregon Department of Transportation. No additional right-of-way dedication is needed as a condition of partition plat.

The proposed redevelopment of the subject property includes vacation of Paradise Court NW and Frontage Road NW, existing public streets within portions of proposed Parcels 2 and 3. The applicant shall comply with Ordinance Bill No 28-17 as it relates to vacating Frontage Road NW and Paradise Court NW, prior to final plat approval.

The Hearing Officer finds that the proposal meets this criterion.

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

The Hearing Officer notes that the proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The proposed parcels are already developed with buildings, accessory structures, and parking and vehicle maneuvering areas. The western areas of proposed Parcels 2 and 3 abutting Rosewood Drive NW is gently sloped, vacant, and vegetated with grass and trees.

No variances related to the partition are requested by the applicant as part of the consolidated application. Compliance with the City's Tree Preservation Ordinance, Landslide Hazards Ordinance, and Wetlands Ordinance has been evaluated as discussed in findings regarding compliance with SRC 205.005(d)(1)(C) above.

The Hearing Officer finds that the proposal meets this criterion.

(7) The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of

the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.

The Hearing Officer notes that the majority of the subject property is developed with the Capital Manor, tower, Planned Unit Development, and an existing subdivision on Paradise Court NW. The conceptual plan indicates redevelopment of proposed Parcel 3 with multi-family dwellings along the northern segment of Paradise Court NW and throughout the remainder of the parcel and a memory care addition and parking lot reconfiguration on proposed Parcel 2. The layout, size, and dimensions of the parcels are sufficient to allow future development consistent with the subject property's land use designations and zoning in a manner that minimizes impacts to the site, topography, and vegetation.

The Hearing Officer finds that the proposal meets this criterion.

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

(A) The property is zoned residential;

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

(C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimensions less than 100 feet.

The Hearing Officer finds that because the site is served by available sewer and water, this criterion is not applicable.

8. Criteria for Granting a Modification of a Planned Unit Development Final Plan

Salem Revised Code (SRC) 210.035(b)(4) sets forth the following criteria that must be met before approval can be granted to an application for a Modification of a Planned Unit Development Final Plan. The following subsections are organized with approval criteria shown in **bold**, 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 Modification application, or for the issuance of certain conditions to ensure the criteria are met.

(A) The proposed modification is not substantially inconsistent with the conditions of the original approval;

The Hearing Officer notes that the applicant provided documentation that the planned modification is not substantially inconsistent with the conditions of approval for the original planned unit development. The proposed modification involves minor refinements to the boundary of the Capital Manor Planned Unit Development, in order to be consistent with the proposed boundary of Parcel 1. No construction or change of use is requested. The Hearing Officer finds that the proposal meets this criterion.

(B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

The Hearing Officer notes that the modification involves minor changes to the boundary of the Capital Manor Planned Unit Development in order to be consistent with the proposed boundary of Parcel 1. The proposed modification will not change the physical appearance of the development, use of the site, or impacts on surrounding properties. The Hearing Officer finds that the proposal meets this criterion.

9. Criteria for Granting a Class 2 Adjustment

The Hearing Officer notes that the applicant's complete written statement addressing the Class 2 Adjustment criteria is included as part of attachment D in the staff report. The applicant has requested Class 2 adjustments to reduce density for future redevelopment of proposed Parcel 3 from the minimum of 12 units per acre to approximately 5.3 units per acre and reduce parking requirements for a future memory care facility on proposed Parcel 2 from 76 spaces to approximately 26 spaces.

Pursuant to SRC 250.005(a)(1)(B), a Class 2 Adjustment is an adjustment to any development standard in the SRC other than a Class 1 Adjustment, including an adjustment to any numerical development standard in the SRC that increases or decreases the standard by more than 20 percent.

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**, 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.**

Adjustment to Reduce Minimum Density

The Hearing Officer notes that the applicant requests a Class 2 Adjustment in order to decrease the minimum density of Parcel 3 by more than 20% and allow approximately 34 units of needed housing. This adjustment would apply to future Site Plan Review and/or Design Review applications for the planned independent living units.

The challenges that aging seniors face in continuing to live in their community include: changes in healthcare needs, loss of mobility, the difficulty of home maintenance, financial concerns, and increases in property taxes. The Housing Needs Analysis outlines policies which can address these issues, including:

- Promote the development of group housing for seniors that are unable or choose not to continue living in a private house. These facilities could include retirement communities for active seniors, assisted living facilities, or nursing homes.

Based on the standard 12 units per acre minimum density in the RM-II zone, Parcel 3 would have to contain at least 76 units. However, a condition of approval established by ZC 77-24 limits approximately 2 acres fronting Paradise Court to "duplex density." Factoring in the portion of the site limited to duplex density, the planned Villas would require a 36% reduction to the minimum density of Parcel 3. Assuming a 12 units/acre minimum density applicable across the entire property, including the area limited to duplex density, the planned Villas would require a 55% reduction to the minimum density of Parcel 3.

Because the density reduction is relatively minor when evaluating the site holistically, and will facilitate construction of needed housing, the purpose of the standard is clearly satisfied by the density adjustment.

The Hearing Officer finds that the proposal meets this criterion. The purpose of the minimum density is to provide greater density to allow a variety of housing types on multiple-family zoned properties. The proposed villas on the parcel would be part of a continuing care community with a

variety of housing options including the independent living units, apartments, and residential care. Single-story dwelling units are desirable for many seniors with mobility issues and other health conditions. In most multi-family developments attaining the minimum density of 12 units per acre, buildings are constructed two or three stories in height in order to leave enough ground space to meet standards for surface parking and open space.

The condition limiting density on part of proposed Parcel 3 is also a significant constraint. At the time the condition was imposed, Paradise Court NW was a public street, and the RD zone allowed duplexes on lots of 7,000 square feet. The lot areas total approximately 142,000 square feet, and the street right-of-way approximately 40,800 square feet (22% of the total area on Paradise Court NW). The maximum number of units that could be built on the lots under the condition was 40 units, and 36 dwelling units are now developed.

The proposed conceptual plan indicates approximately 34 units within Parcel 3 in addition to shared private driveways, common open spaces, extensive pedestrian pathways, and plazas. The overall density on the 6.36-acre parcel will be approximately 5.3 dwelling units per acre. The parcel area of 6.36 acres includes approximately 1.28 acres (20% of the parcel) of shared private driveways and adjacent sidewalks that take the place of the previous public streets; on the remaining 5.08 acres of the property, 34 units would represent 6.69 dwelling units per acre.

Adjustment to Reduce Minimum Parking

The Hearing Officer notes that the Applicant requests a Class 2 Adjustment to the parking standards in SRC 806.015(a), which require a minimum of 1 parking space per 350 square feet of area for a Residential Care use. A minimum parking ratio of 0.76 vehicle spaces per unit is requested. This adjustment would apply to a future Site Plan Review for the planned ±34-unit Memory Care facility. The purpose underlying the parking standard is ensuring that an adequate amount of parking is provided based on the planned use.

At approximately 26,500 square feet, the planned Memory Care facility would require 76 vehicle spaces under the minimum parking standard. However, the Institute of Transportation Engineers (ITE) Parking Generation, 4th Edition, concludes that peak parking demand at Assisted Living and Memory Care facilities is actually between 0.37-0.47 vehicle spaces per unit. Based on this ratio, the planned ±34 Memory Care units would require between 13 and 16 vehicle spaces. The Applicant plans to provide ±26 vehicle spaces for the ±34 Memory Care units which results in a ratio of ±0.76 vehicle spaces per unit. This is consistent with recent parking

adjustments approved by the City for similar uses (UGA-SPR-ADJ-DAP16-03 and DR-WGP-SPR-REP-ADJ-DAP17-04). Providing ± 0.76 vehicle spaces per unit will ensure there is ample parking for residents, visitors, and staff without impacting existing parking facilities. The adjustment meets the purpose of the underlying standard by reducing parking to an amount consistent with the most current parking demand studies based on the planned Memory Care use.

The Hearing Officer finds that that the proposal meets the criterion. The residential care facility parking ratio of one space to 350 square feet assumes that some residents will be able to drive. The parking demand for a memory care facility may be more similar to demand for a nursing home because residents are unlikely to drive their own vehicles. The parking requirement for nursing care is one space per three beds. For the proposed 34 units, applying the nursing care ratio would result in a minimum requirement of approximately 11 parking spaces. The documentation of peak parking demand for memory care facilities from the ITE manual indicates that the proposal for approximately 26 spaces would exceed predicted demand for 13 to 16 spaces and equally or better meet the intent of the standard.

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

Adjustment to Reduce Minimum Density

The Hearing Officer notes that the adjustment will apply to the planned Villas in an RM-II residential zone. The independent living units are a permitted use in the zone, and provide an appropriate transition between single-family and multi-family homes to the west and southwest and the more intensely developed portions of Capital Manor to the east/northeast. A reduction in density would be expected to correspond to a reduction in impacts related to traffic and building mass, two issues often closely linked to livability and/or aesthetics in residential areas. Additionally, the Villas will need to comply with applicable Site Plan Review and Design Review criteria. Therefore, the Hearing Officer finds that the planned Villas will not detract from the livability or appearance of the residential area.

The Hearing Officer finds that the proposal meets the criterion. The reduction would allow development of one-story units with significant open space and landscaping. The units will be compatible with existing development and will be subject to multi-family design review. The lower density development will provide adequate area for parking within the development, lessening the potential for on-street parking in adjacent areas.

Adjustment to Reduce Minimum Parking

The Hearing Officer notes that the planned development will be located within the Capital Manor campus in an RM-II zone. The Memory Care facility and associated parking are not planned to directly abut residential areas outside of the Capital Manor campus. Consequently, impacts on surrounding residential areas are not expected. Generally, a reduction in required parking should not detract from the livability or appearance of residential areas as over-built surface parking generally detracts from residential character. Therefore, the Hearing Officer finds that this criterion is met.

The Hearing Officer finds that this proposal meets the criterion. The subject property is located within a residential zone. The proposed adjustment is requested to establish adequate parking spaces on the property for the proposed memory care addition. Reducing the area that must be developed for parking will reduce the amount of pavement and leave more room for open space. The requested adjustment will not detract from the livability or appearance of the residential area.

(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.

The Hearing Officer finds that two Class 2 adjustments have been requested. Therefore, this criterion is applicable. The overall purpose of the RM-II zone is to allow a variety of residential uses other than single-family detached dwellings. Although the applicant has requested reductions to the minimum density for the multi-family redevelopment, the proposed development would still provide detached and attached single-story cottages within a campus that also includes high-rise apartments and residential care facilities. The requested parking reduction for the proposed memory care facility is unlikely to have negative impacts on the remainder of the property or on adjacent multi-family properties. The Hearing Officer finds that the proposed adjustments result in a project that is consistent with the overall purpose of the RM-II zone, meeting this criterion.

DECISION

The Hearing Officer **APPROVES** the request for a zone change from RD to RM-II for 0.88 acres at the northern end of Paradise Court NW; a partition of 37

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acres to result in three parcels; a modification of the Capital Manor Planned Unit Development final plan to create a boundary that coincides with proposed Parcel 1; an adjustment to reduce density for future redevelopment of proposed Parcel 3 from the minimum of 12 units per acre to approximately 8 5.3 units per acre; and an adjustment to reduce parking requirements for a future memory care facility on proposed Parcel 2 from 76 spaces to approximately 26 spaces, all on 37 acres of property including the Capital Manor Planned Unit Development and multiple other parcels, all located in the RA (Residential Agriculture), RM-II (Multiple Family Residential-II), RD (Duplex Residential), and RH (Multiple Family High-Rise Residential) zones at 1955, 2125, and 2129 Salem Dallas Highway NW; 176 Rosewood Dr NW; 2123 and 2125 Frontage Rd NW; and 118-278 Paradise Ct NW 97304 (Polk County Assessor Map and Tax Lots 073W29A / 001700, 001800, 001803, 001814, 001815, 002200; 073WAD / 01800-05200), subject to the following conditions:

- Condition 1:** The proposed development shall be consistent with the conceptual plan included as **Attachment B** in the staff report, as modified by the conditions of approval.
- Condition 2:** The applicant shall designate the front lot line for Parcel 2 at final plat or at building permit, provided, however, that lot dimension standards are met.
- Condition 3:** Prior to final plat, remove the structures on existing Lots 35 and 36.
- Condition 4:** At the time of development on Parcel 2 or Parcel 3, remove the parking spaces that straddle the boundary between the parcels and reconfigure the parking area to meet setbacks.
- Condition 5:** Prior to final plat, remove the structures on existing Lots 33 and 34.
- Condition 6:** On the final plat, record reciprocal access easements at least 22 feet in width along the segments of the parcel boundaries that run along the centerlines of the paved internal driveways.
- Condition 7:** Show all necessary private access and utility easements to serve all parcels in conformance with PWDS and Oregon State Plumbing Specialty Code.
- Condition 8:** Provide public easements with widths conforming to PWDS for all public water and sewer mains located within the boundary of the proposed partition plat.

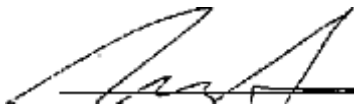
Condition 9: Provide an open channel drainage easement along Turnage Brook allowing for access and maintenance. The easement width shall be 15 feet from the channel centerline (PWDS-General 1.8(d)).

Condition 10: Comply with Ordinance Bill No 28-17 as it relates to vacating Frontage Road NW and Paradise Court NW.

Condition 11: Construct a half-street improvement along the Parcel 3 frontage of Rosewood Drive NW. The applicant can satisfy this requirement by entering into a City required deferral agreement pursuant to SRC 803.070(b). The improvements can be deferred until the property owner(s) apply for a building permit on Parcel 3 or until City Council requires such street improvements, whichever is earlier.

Condition 12: Provide a 10-foot-wide public utility easement along the entire frontage of Rosewood Drive NW.

DATED: January 17, 2018


James K. Brewer Hearings Officer