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503-588-6173*

## DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW CASE NO.: CU-SPR-DAP-DR20-06**

**APPLICATION NO.:** 20-110657-ZO, 20-110687-RP, 20-110692-ZO, 20-110689-DR

**NOTICE OF DECISION DATE:** October 22, 2020

**SUMMARY:** Development of a new two building apartment complex with 24 dwelling units.

**REQUEST:** A Conditional Use Permit request to allow a new multi-family residential use, and Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of a new two building apartment complex containing a total of 24 dwelling units, for property approximately 1.77 acres in size, zoned IC (Industrial Commercial) and RS (Single Family Residential), and located at the 5600 Block of Woodside Drive SE - 97306 (Marion County Assessor Map and Tax Lot Numbers: 083W14CB / 02401 and 02501).

**APPLICANT:** Brandie Dalton, Multi/Tech Engineering, on behalf of JCT Construction Group LLC (Mark Hoyt, James Tokarski, James Cain)

**LOCATION:** 5600 Block Woodside Dr SE, Salem OR 97306

**CRITERIA:** Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use, 220.005(f)(3) – Site Plan Review, 804.025(d) – Driveway Approaches, 225.005(e)(1) – Design Review

**FINDINGS:** The findings are in the attached Decision dated October 21, 2020

**DECISION:** The **Hearings Officer APPROVED** Conditional Use / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Class 1 Design Review CU-SPR-DAP-DR20-06 subject to the following conditions of approval:

### CONDITIONAL USE:

- |                     |  |
|---------------------|--|
| <b>Condition 1:</b> | Along the southern property line, the applicant shall construct a minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain-link fencing with slats shall not be allowed to satisfy this requirement. |
| <b>Condition 2:</b> | The multi-family use shall contain no more than 24-dwelling units.   |

# NOTICE OF DECISION

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



**SITE PLAN REVIEW:**

- Condition 3:** Prior to building permit issuance, the final plat for Partition 19-11 shall be recorded.
- Condition 4:** Development of the solid waste service area shall conform to all applicable standards of SRC Chapter 800.
- Condition 5:** Prior to building permit issuance, the proposed site plan shall be updated to include the additional landscape island shown on the landscape plans.
- Condition 6:** Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.045(b)(1).
- Condition 7:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Mildred Lane SE, 30 feet on the development side of Woodside Drive SE, and a property line radius at the intersection pursuant to PWDS.
- Condition 8:** Construct a half-street improvement along the frontage of Woodside Drive SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 9:** Install street trees to the maximum extent feasible pursuant to SRC Chapter 86.
- Condition 10:** Extend an 8-inch sewer main from the terminus of the existing sewer main in Woodside Drive SE along frontage of the subject property.
- Condition 11:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**DESIGN REVIEW:**

- Condition 12:** A lighting plan shall be provided at the time of building permit application demonstrating that lighting will be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.

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

Conditional Use  
Class 3 Site Plan Review  
Class 2 Driveway Approach Permit  
Class 1 Design Review

November 7, 2022  
November 7, 2024  
November 7, 2022  
November 7, 2022

Application Deemed Complete:	<u>August 31, 2020</u>
Public Hearing Date:	<u>September 23, 2020</u>
Notice of Decision Mailing Date:	<u>October 22, 2020</u>
Decision Effective Date:	<u>November 7, 2020</u>
State Mandate Date:	<u>December 29, 2020</u>

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

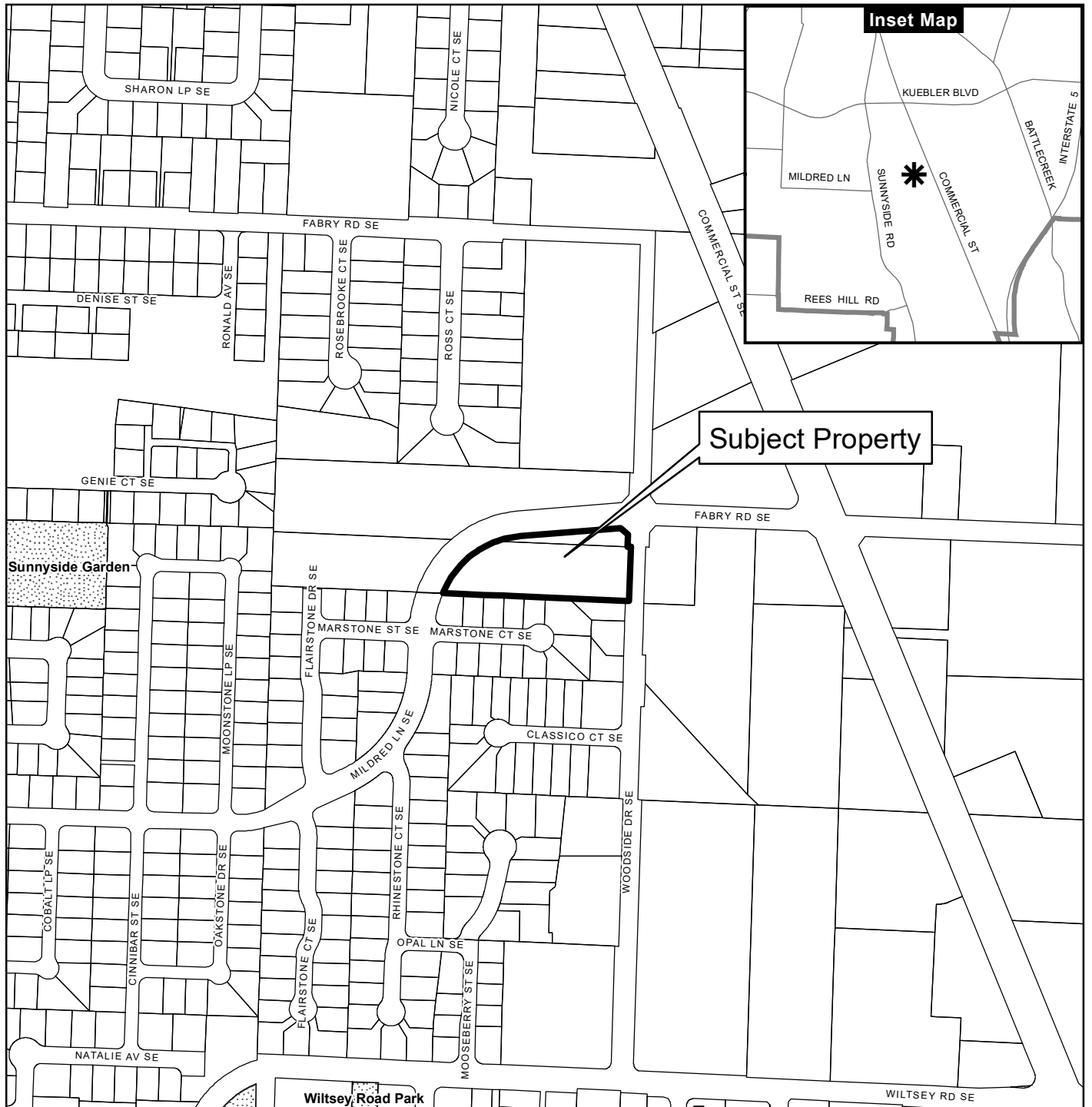
This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Friday, November 6, 2020. 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) 240, 220, 804, 225. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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








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

# Vicinity Map

## 5600 Block of Woodside Drive SE



### Legend

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

0 100 200 400 Feet



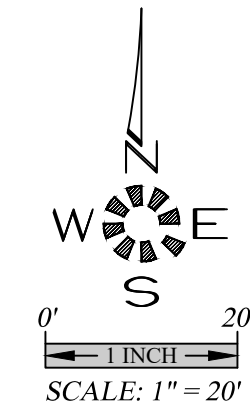
**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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**201 FERRY ST SE  
SALEM, OREGON 97301**

**SEC. 14, T. 8 S., R. 3 W., W.M.**  
**CITY OF SALEM**  
**MARION COUNTY, OREGON**



SDR1	COVER SHEET
SDR2	EXISTING CONDITIONS PLAN
SDR3	SITE PLAN
SDR4	OPEN SPACE PLAN
SDR5	GRADING & DRAINAGE PLAN
SDR6	PRIVATE UTILITY PLAN



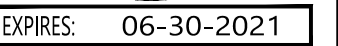
**ENGINEERING SERVICES, INC.**  
1155 13th ST. S.E. SALEM, OR. 97302  
PH. (503) 363 - 9227 FAX (503) 364-1260  
[www.mtengineering.net](http://www.mtengineering.net) [office@mtengineering.net](mailto:office@mtengineering.net)

COVER SHEET

# WALN CREEK APARTMENTS

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.

Design: M.D.G.  
Drawn: T.N.S.  
Checked: M.D.G.  
Date: APRIL 2020  
Scale: AS SHOWN



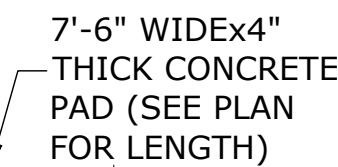
JOB # 7026

## SDR1

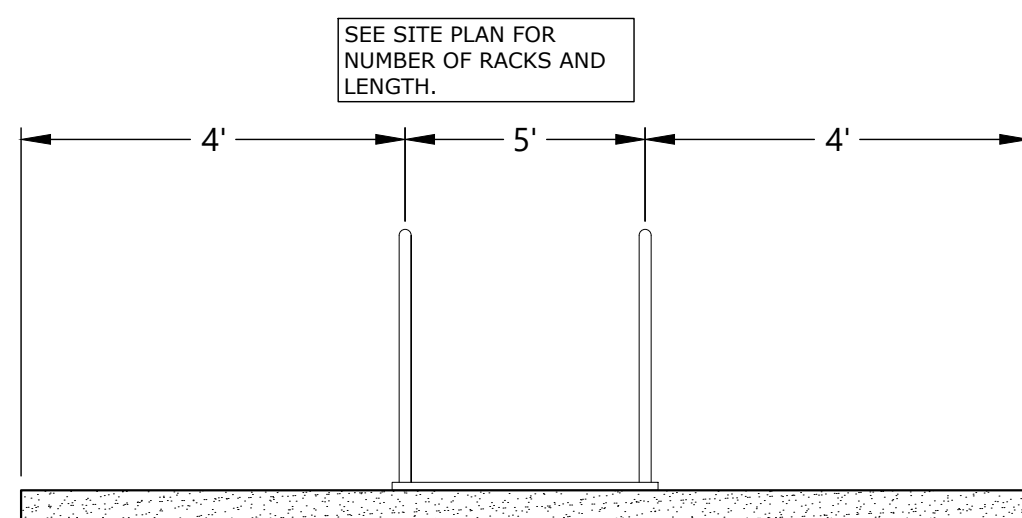
- THE INDICATED LOWER FLOOR UNITS IN BUILDING 2 ARE TO BE TYPE A UNITS IN ACCORDANCE WITH THE 2014 OSSC SEC. 1107.6.2.1.1 (NOTED ON FLOOR PLANS). ALL OTHER LOWER FLOOR UNITS TO BE TYPE B UNITS IN ACCORDANCE WITH THE 2014 OSSC SEC. 1107.6.2.1.2



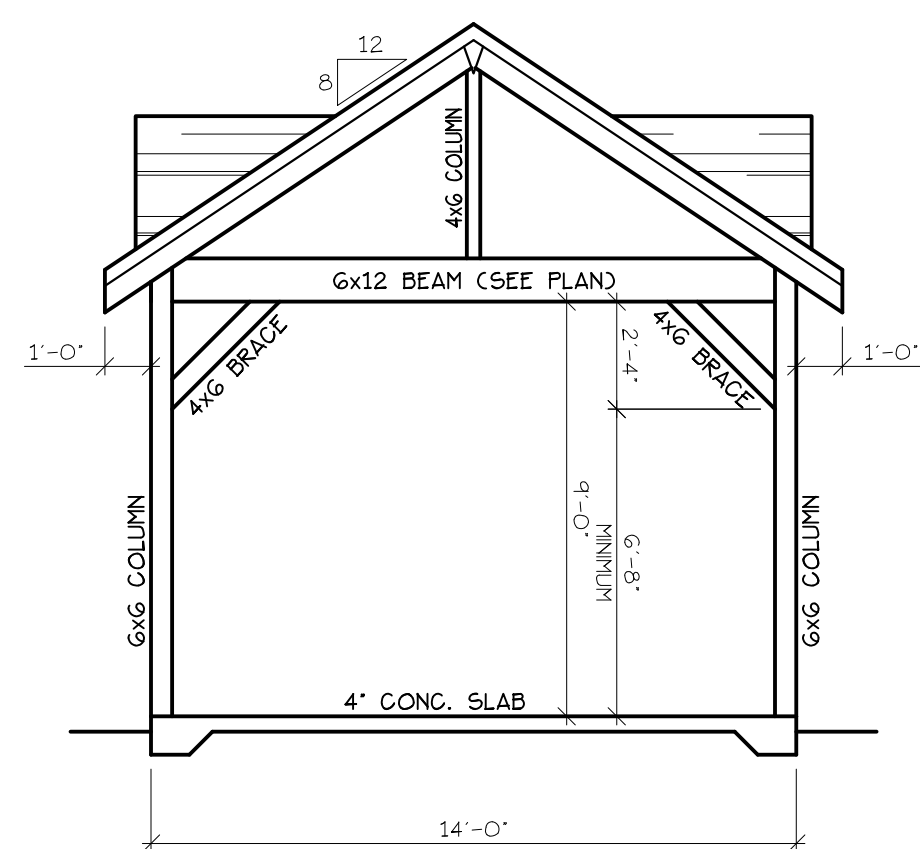
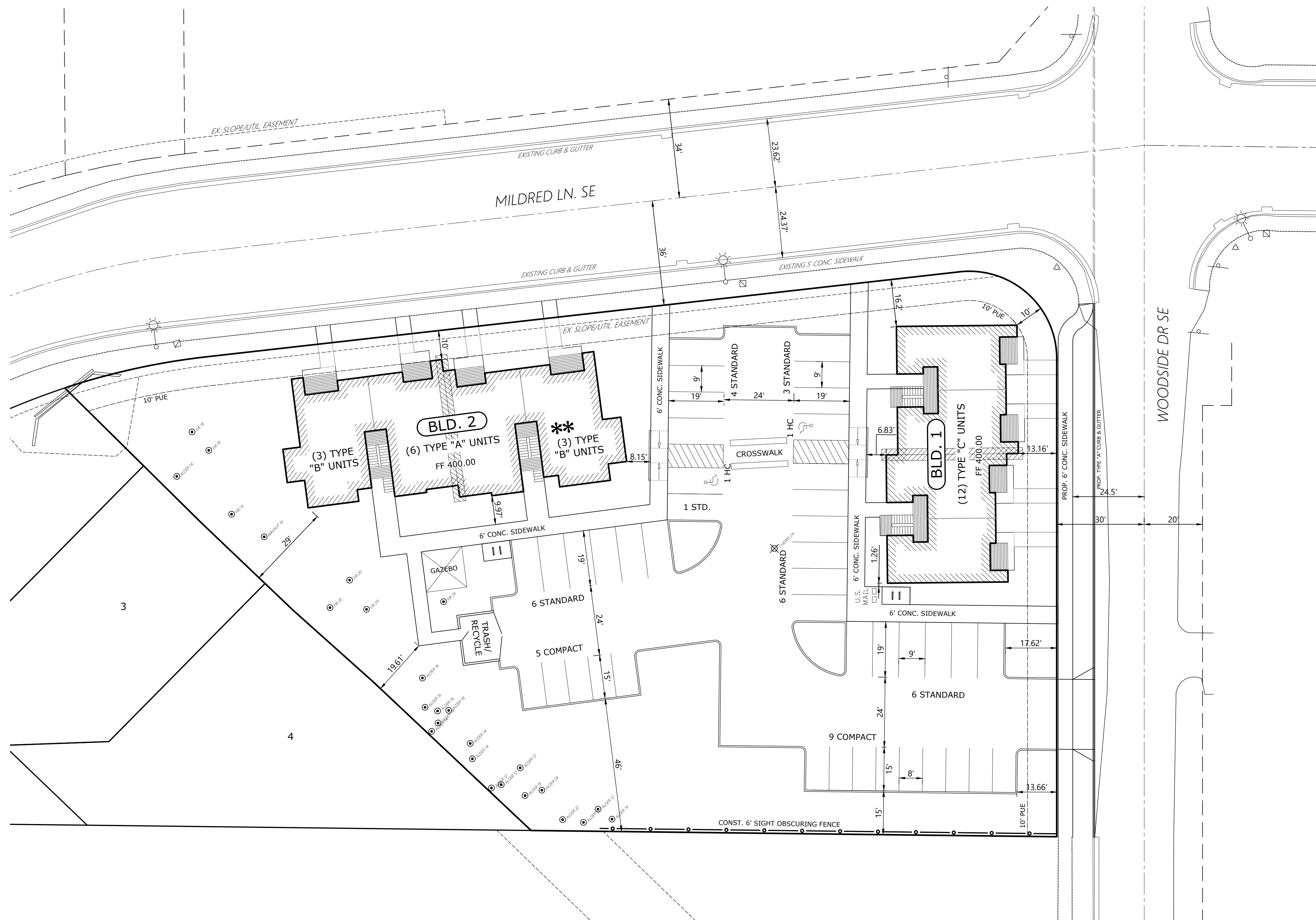
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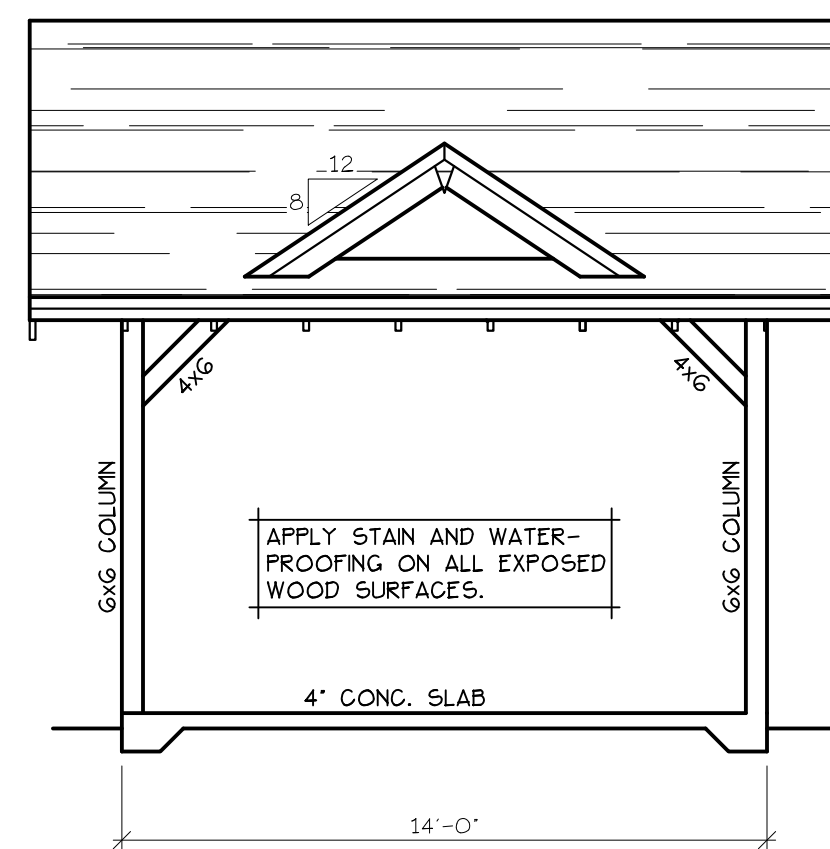
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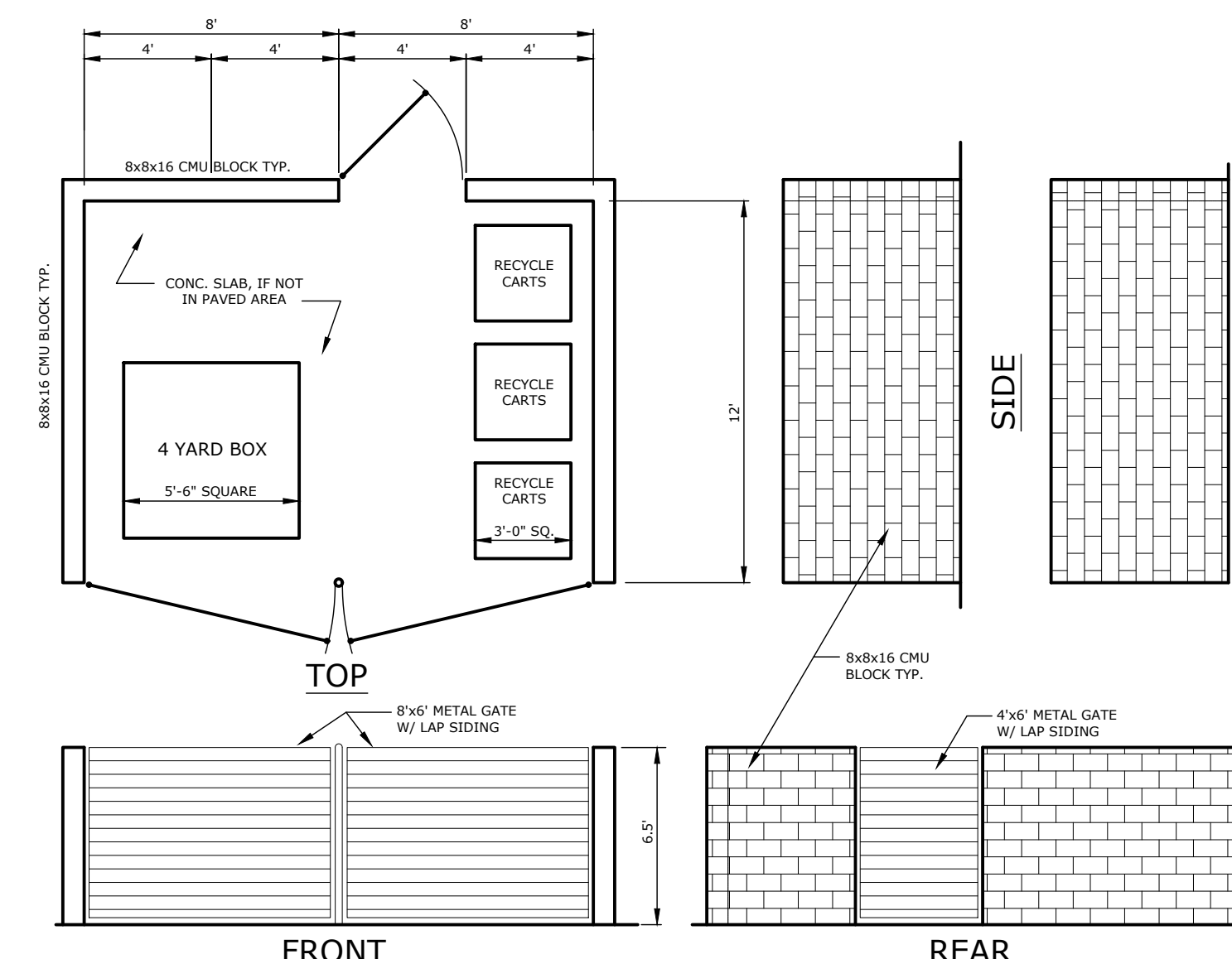
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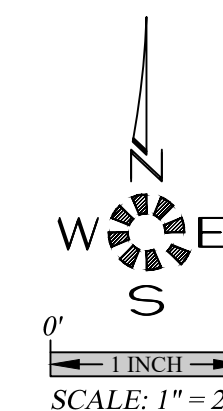
GAZEBO CENTER + END ELEVATION  
SCALE: NTS



GAZEBO SIDE ELEVATION  
SCALE: NTS



TRASH & RECYCLE ENCLOSURE



**MULTI/TECH**  
ENGINEERING SERVICES, INC.

1155 13th ST. S.E. SALEM, OR. 97302  
PH. (503) 363 - 9227 FAX (503) 364-1260

# SITE PLAN

## WALN CREEK APARTMENTS

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DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION

7026p SDR3-SITE

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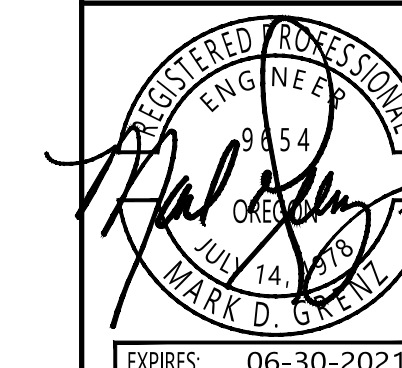
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Drawn: T.N.S.

Checked: M.D.G.

Date: APRIL 2020

Scale: AS SHOWN



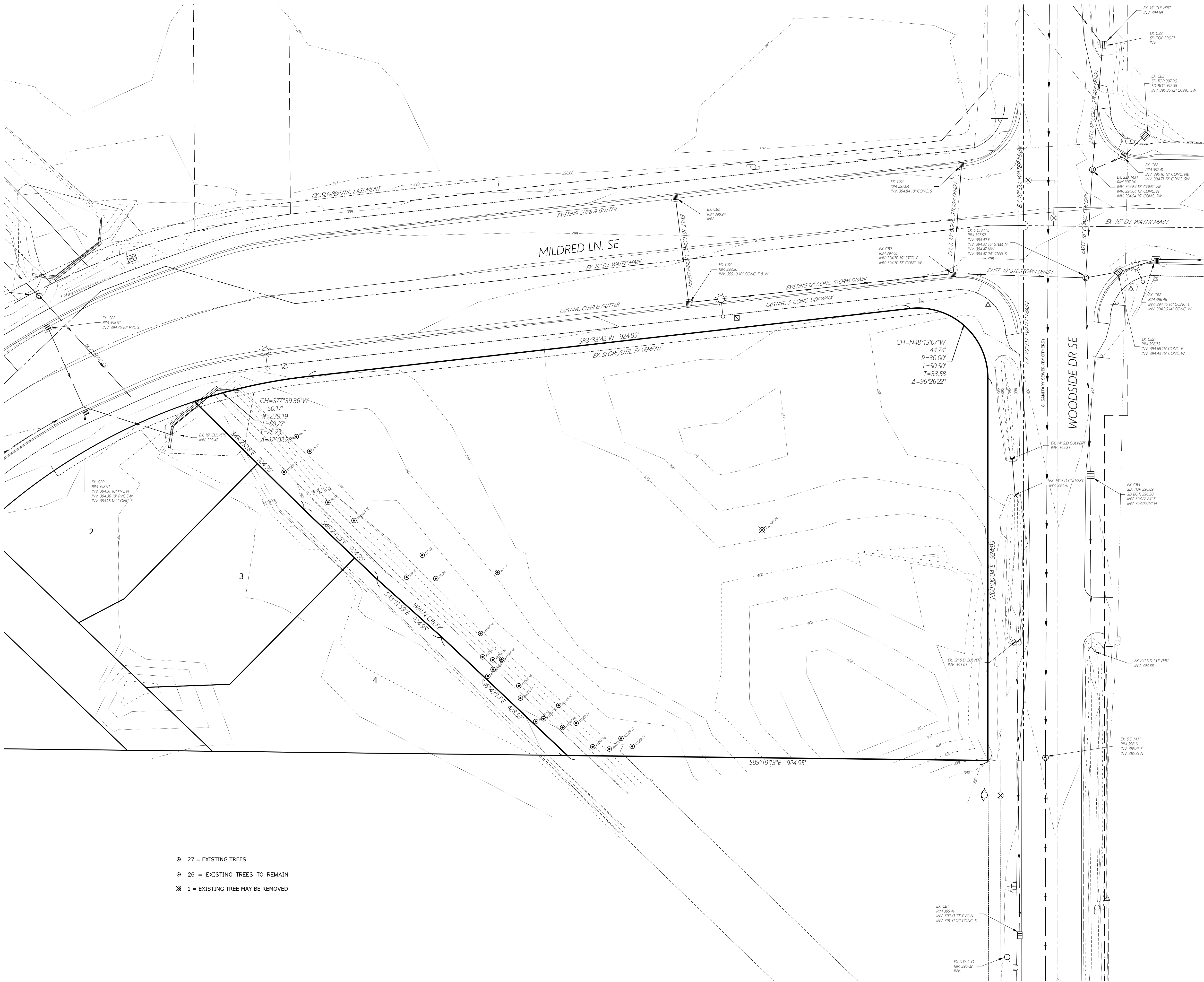
EXPIRES:	06-30-2021
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JOB # 7020

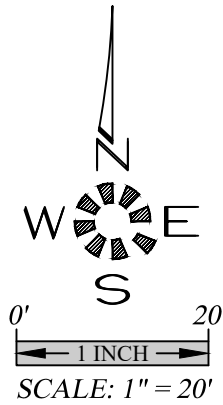
## SDR3



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- 27 = EXISTING TREES
- 26 = EXISTING TREES TO REMAIN
- 1 = EXISTING TREE MAY BE REMOVED

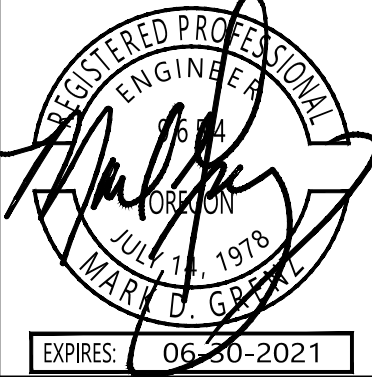


EXISTING  
CONDITIONS  
PLAN

WALN CREEK APARTMENTS

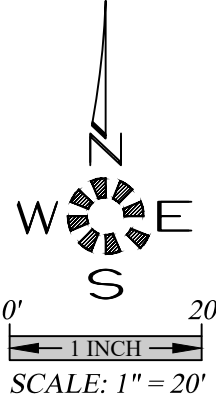
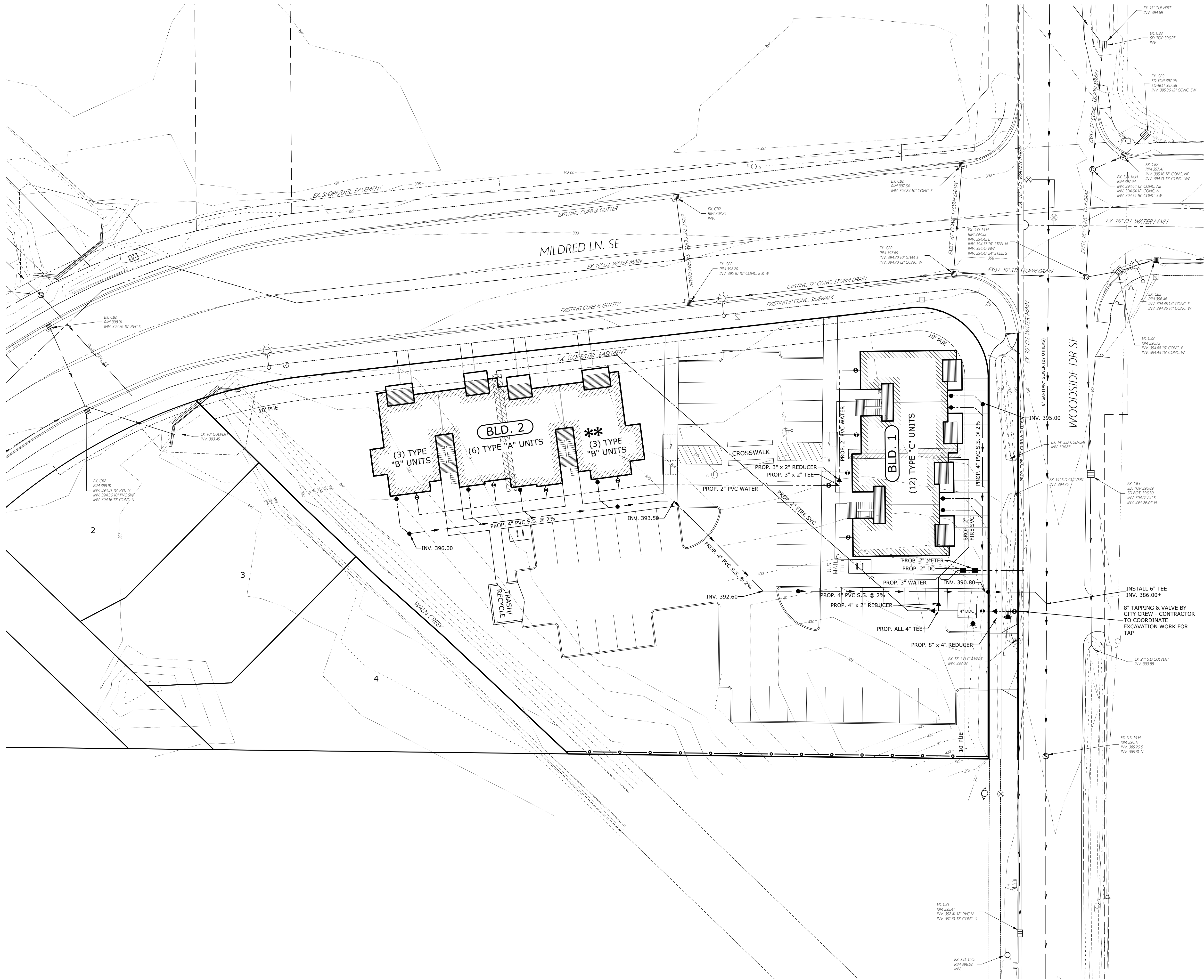
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Date:	APRIL 2020
Scale:	AS SHOWN



JOB # 7026

SDR2

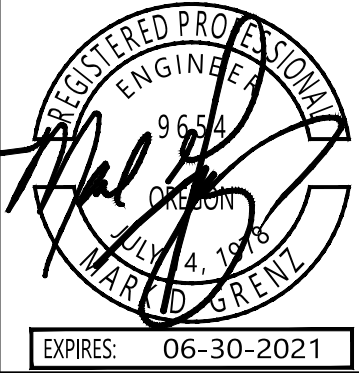


**PRIVATE  
UTILITY  
PLAN**

**WALN CREEK APARTMENTS**

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GRAPHICAL REPRESENTATION.

70266 SDR#-UTIL  
Design: M.D.G.  
Drawn: T.N.S.  
Checked: M.D.G.  
Date: APRIL 2020  
Scale: AS SHOWN

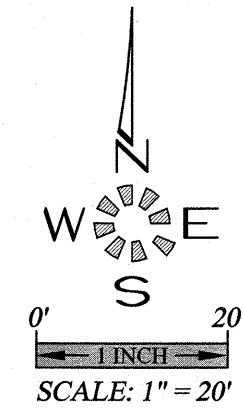
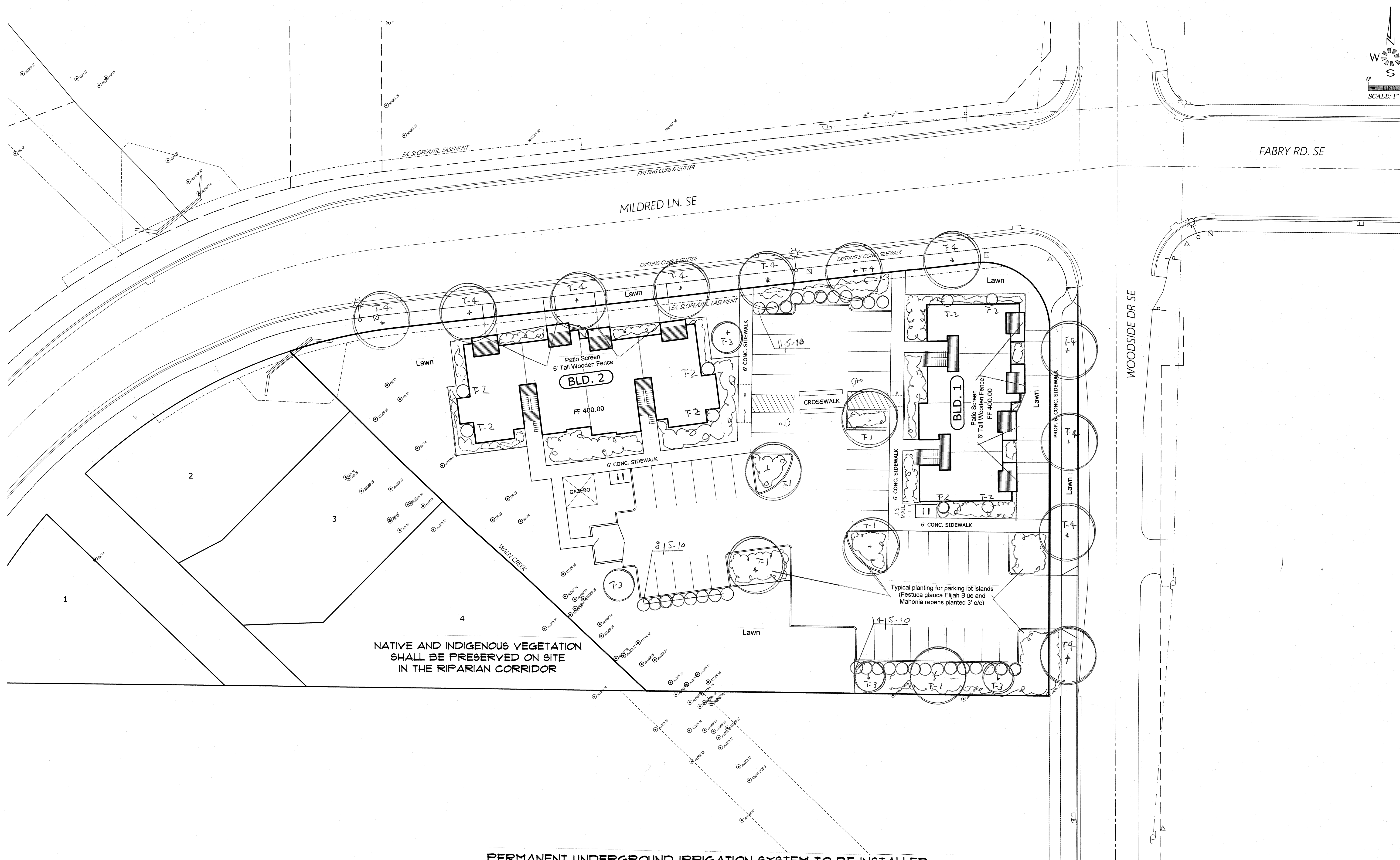


EXPIRES: 06-30-2021

JOB # 7026

**SDR6**





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PH. (503) 363 - 9227 FAX (503) 364-1260  
www.mtechengineering.net office@mtechengineering.net

**SCHEMATIC LANDSCAPE PLAN**

**WALN CREEK APARTMENTS**

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Design:	M.D.G.
Drawn:	T.N.S.
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LANDSCAPE & IRRIGATION DESIGN BY:  
**LANDSCAPE DESIGN & CONSULTANTS LLC**  
Doing business since 1985  
620 WORMWOOD ST. S.E. SALEM, OR. 97306 PHONE: (503) 551-8590

**L1.1**



## GENERAL LANDSCAPE NOTES:

### General:

- All local, municipal, state, and federal laws regarding uses, regulations, governing or relating to any portion of the work depicted on these plans are hereby incorporated into and made part of these specifications and their provision shall be carried out by the Contractor. The Contractor shall at all times protect the public throughout the construction process.
- The Contractor shall carefully correlate construction activities with earthwork contractor and other site development.
- The Contractor shall verify drawing dimensions with actual field conditions and inspect related work and adjacent surfaces. Contractor shall verify the accuracy of all finish grades within the work area. The Contractor shall report to the Landscape Design & Consultants LLC (LDC) or Owner all conditions which prevent proper execution of this work.
- The exact location of all existing utilities structures and underground utilities, which may not be indicated on the drawings, shall be determined by the Contractor. The Contractor shall protect existing structures and utility services and is responsible for their replacement if damaged.
- The Contractor shall keep the premises free from rubbish and debris at all times and shall arrange material storage to not interfere with the operation of the project. All unused material, rubbish, and debris shall be removed from the site.
- All plant material and planting supplies shall be warranted for a period of not less than one year from the completion date of installation. All replacement stock shall be subjected to the same warranty requirement as the original stock. Any damage due to replacement operations shall be repaired by the Contractor. At the end of the warranty period, inspections shall be made by LDC, Owner/General Contractor. All plant and lawn areas not in a healthy growing condition shall be removed and replaced with plants and turf cover of a like kind and size before the close of the next planting season.

### Grading / Erosion Control:

- The design and placement of the building on the site lends itself to minimal slope conditions with positive drainage being maintained around the entire building. In this case standard landscaping procedures of topsoil, lawn, and a two inch layer of bark mulch on all planting beds will be sufficient to control erosion.
- Seed recommendation is Pro Time 700 Low Profile or approved equal over the jute netting at a rate of 2 lbs. per 1000 sq. feet. The address of Pro Time is 1712 SE Ankeny, Portland OR 97214. Phone 503-239-7518. There email is [info@protimelawnseed.com](mailto:info@protimelawnseed.com)
- The work limits shown on this plan shall clearly be marked in the field prior to construction. No disturbance beyond the work limits shall be permitted.
- Grading shall be performed during optimal weather conditions.
- Erosion control measures shall be constructed in conjunction with all clearing and grading activities, and in such a manner as to ensure that sediment and sediment-laden water does not enter the drainage system or violate applicable water standards.
- Prior to the commencement of construction activities, Contractor shall place orange construction fencing around perimeters of construction impact areas, and sediment fencing at downhill portions of the site. Contractor is responsible for proper installation, maintenance, replacement, and upgrading of all erosion and sediment control measures, in accordance with local, state, and federal regulations.

### Plant Material:

- Contractor shall verify all plant & tree quantities with LDC or Owner prior to construction.
- In the event of a discrepancy between plants materials listed on the drawings, the drawings shall govern the plant species and quantities required.
- Plant material shall be first quality stock and shall conform to the code of standards set forth in the current edition of the **American Standards for Nursery Stock** sponsored by the American Association of Nurserymen, Inc. (AAN)
- Species and variety as specified on the drawings and delivered to the site shall be certified true to there genus species and variety and as defined within the current edition International Code of Nomenclature for Cultivated Plants.
- Obtain freshly dug, healthy, vigorous plants nursery-grown under climatic conditions similar to those in the locality for the project for a minimum of two years. Plants shall have been lined out in rows, annually cultivated, sprayed, pruned, and fertilized in accordance with good horticultural practice. All container plants shall have been transplanted or root pruned at least once in the past three years. Balled-and burlapped (B&B) plants must come from soil which will hold a firm root ball. Heeled in plants and plants from cold storage are not acceptable.
- Planting stock shall be well-branched and well-formed, sound, vigorous, healthy, free from disease, sun-scaled, windburn, abrasion, and harmful insects or insect eggs, and shall have healthy, normal, unbroken root systems. Deciduous trees and shrubs shall be symmetrically developed, uniform habit of growth, with straight trunks or stems, and free from objectionable disfigurements. Evergreen trees and shrubs shall have well-developed symmetrical tops with typical spread of branches for each particular species or variety. Only vines and ground cove plants well-established shall be used. Plants budding into leaf or having soft growth shall be sprayed with an anti-desiccant at the nursery before digging.
- Contractor shall not make substitutions of plant materials. If required landscape material is not obtainable, submit proof of non-availability and proposal for use of equivalent material. When authorized, adjustments of contract amount (if any) will be made by change order.
- Plant sizes and grading shall conform to the latest edition of American Standard for Nursery Stock as sponsored by the American Association of Nurserymen Inc. (AAN)
- All vegetation shown on this plan shall be maintained in a healthy and vigorous growing condition throughout the duration of the proposed use. All vegetation not so maintained shall be replaced wit new vegetation at the beginning of the next growing season.

### Planting:

- Planting shall be installed between March 1<sup>st</sup> to April 30<sup>th</sup> or between October 1<sup>st</sup> to November 30<sup>th</sup>. If planting is installed outside these times frames, additional measures may be needed to ensure survival and shall be pre-approved by the owner.
- Plant material shall be transported to the sit in a timely manner to minimize on-site storage. Where storage is required, all plants shall be kept moist and shaded.
- Plant stock shall be handled in a manner that will not break, scrape, or twist any portion of the plant. Protect plants at all times from conditions that can damage the plant (e.g., sun, wind, freezing conditions).
- Provide the following clearance for planting of trees where applicable:  
Maintain 30 feet vision triangles at all intersections and corners  
5 feet from all street/parking lot light standards  
10 feet from fire hydrants  
5 feet from all utility vaults, meter boxes, water meters, etc.
- No trees or shrubs shall be planted on existing or proposed utility lines.
- All shrub beds shall receive a minimum 2" layer of bark mulch evenly applied immediately after panting is completed. All plant beds shall drain away from buildings.
- Excavate plant pits for shrubs and trees as follows:  
Container stock: width = 2 times the container diameter, depth = container depth.  
Bare root stock: width = 2 times the widest diameter of the root, depth = of root system.  
B & B: width = 2 times ball diameter, depth = ball depth.
- Scarify sides and bottom of plant pits to roughen surfaces.
- Place plants plumb in the pit. Backfill with native soil or top soil mixture to the original plant soil line, and tap solidly around the ball and roots. Water plants immediately after planting if soil is not saturated to the surface.

### Lawn Areas /Hydro-Seeding/Sod:

- All lawn area shall be seeded unless otherwise directed by Owner to install Sod. Seed or Sod shall be procured through Kuenzi Turf Nursery. Seed or Sod shall be Rhizomatous Tall Fescue (RTF); Seed mix shall be applied at a rate of 10 lbs. per 1000 sq. feet. Contact Kuenzi Turf Nursery at (503)585-8337 or approved equal.
- All areas shown on the plan shall be seeded between March 1<sup>st</sup>, and May 1<sup>st</sup>, or between September 1<sup>st</sup> and October 15<sup>th</sup>.
- Scarify soil surface to a depth of 3 inches, to ensure adequate seed contact with soil.
- Prior to seeding, clearly delineate seeding limits using flags or non-toxic paint.
- Hydro-seed application rate shall be 60 lbs. per 100 gallons of hose work or 75 lbs. per 100 gallons of tower work
- If, at the end of one complete growing season, the planted and seeded area fail to exhibit well-established plant communities, or exhibit patchiness in the patterns of vegetative cover, supplemental seeding and planting shall occur.
- Seeding of slopes greater than 30% shall be done by Hydro Seeding using a seed mix of Pro Time 700 Low Profile or approved equal at a rate of 2 lbs. per 1000 sq. feet.

### Top Soil Mixture:

- A 2" to 4" layer of garden care compost, mushroom compost or similar material sterilized at 105 degrees Fahrenheit shall be incorporated into the existing soil prior to planting and seeding/sod lawns.  
Incorporate into existing soil prior to planting the following fertilizers at a rate specified per 1000 sq. ft. of planting area.  
20 lbs. 10-6-4 50% Slow Release  
30 lbs. 38-0-0 Nitroform  
10 lbs. Iron Sulfate 21%  
20 lbs. 0-18-0 Super Phosphate  
25 lbs. Dolomite Lime  
10 lbs. 13-0-11 Potassium Nitrate

### Bark Mulch:

- All shrub beds shall receive a minimum 2" layer of fine hemlock or fir bark mulch evenly applied immediately after panting is completed. All plant beds shall drain away from buildings.

### Bio Swales/Detention Ponds/Vegetated Swales/Rain Gardens:

- Bark Mulch shall not be applied to Bio Swales/Detention Ponds/ Vegetated Swales or Rain Gardens.

### Weed Control Agent:

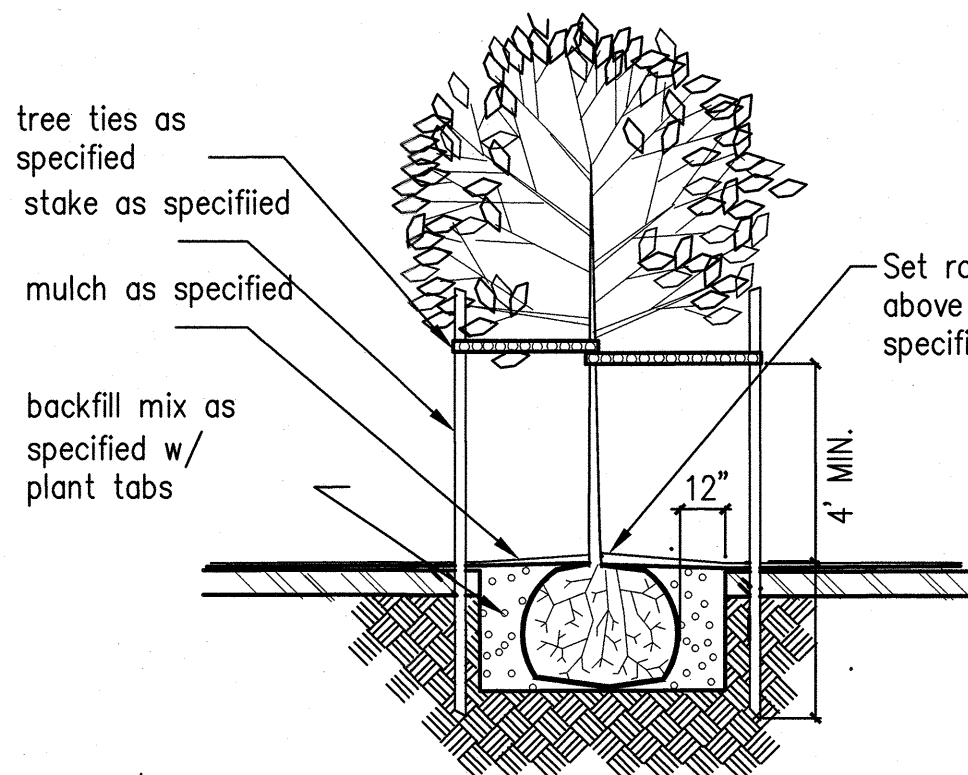
- Apply caseron as a weed control agent after planting as per manufactures specified recommendations around building or approved equal.

### Non-Native Plant Species:

- All non-native, invasive plant species shall be removed from the site.

### Poly Jute Netting:

- Tight net Poly Jute Netting shall be installed on Bio Swales/Detention Ponds/Vegetated Swale and Rain Gardens as a soil stabilizer and erosion control agent. Jute Netting shall be installed with anchoring pins as per manufactures recommendations prior to planting. Recommend DeWitt PJN4216 Erosion Control Poly Jute Netting and DeWitt anchor pins or approved equal.

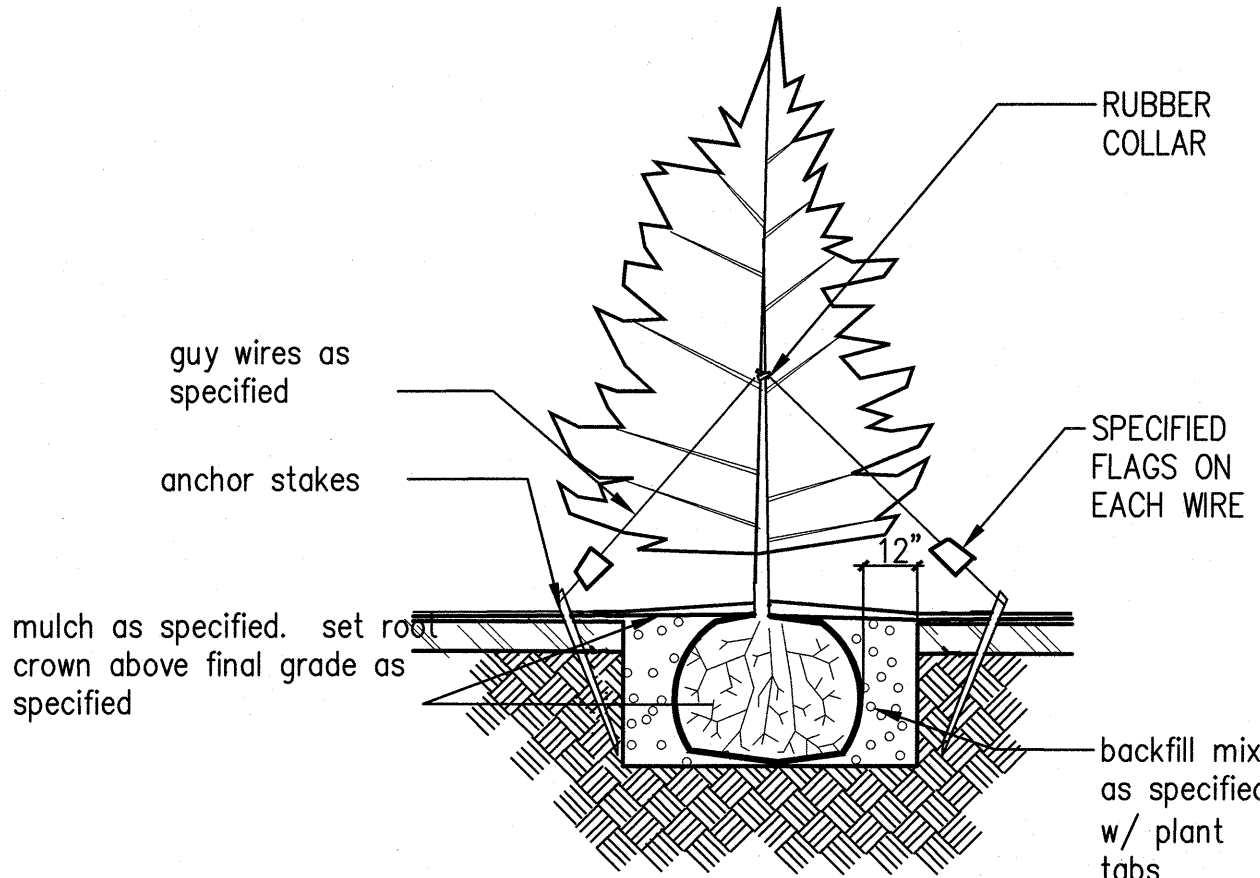


### notes:

- cut and remove all bindings from the top and sides of the root ball prior to backfilling
- remove stakes and ties one year after planting

### DECIDUOUS TREE PLANTING DETAIL

NOT TO SCALE

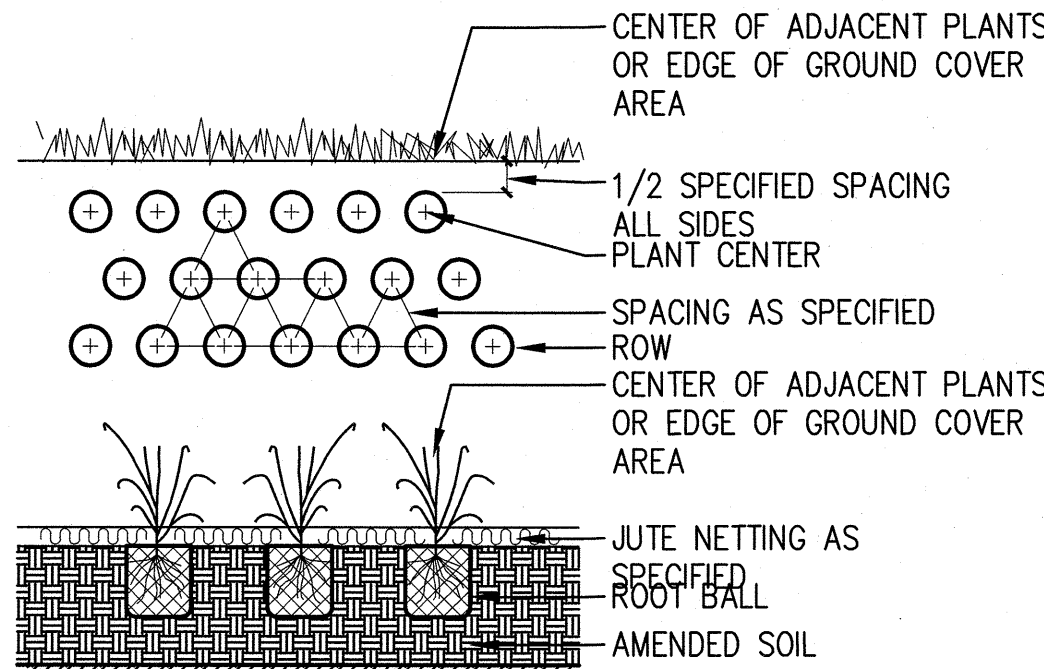


### notes:

- cut and remove all bindings from the top and sides of the root ball prior to backfilling
- remove stakes and ties one year after planting

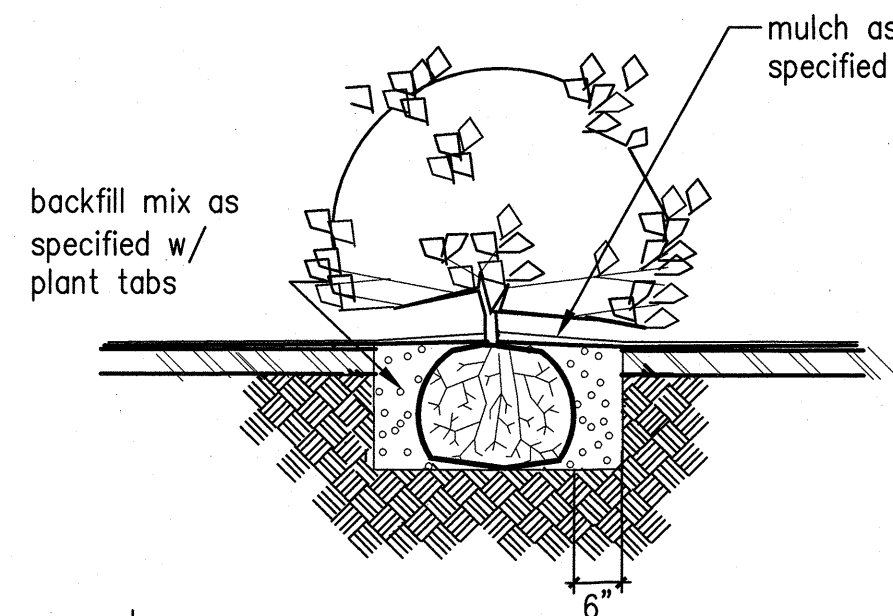
### CONIFEROUS TREE PLANTING DETAIL

NOT TO SCALE



### PLANTING plugs and 4" pots

NOT TO SCALE



### notes:

- cut and remove all bindings from the top and sides of the root ball prior to backfilling
- remove stakes and ties one year after planting

### shrub PLANTING DETAIL

NOT TO SCALE

# APARTMENTS PLANT PALETTE

QTY.	SYM	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
<b>TREES</b>						
5	T-1	Acer rubrum 'Armstrong'	Armstrong Red Maple	1 1/2"- 2" cal.	B & B	6' Standard
8	T-2	Juniperus Virginiana 'Skyrocket'	Skyrocket Juniper	4'-5' Tall	B & B	Full/Natural
4	T-3	Fagus sylvatica 'Dawycok Purple' Culumnar	Columnar Dawycok Purple Leaf Beech	1 1/2"- 2" cal.	B & B	3' Standard
11	T-4	Ginkgo biloba 'Princeton Sentry'	Maidenhair Tree	1 1/2"- 2" cal.	B & B	6' Standard
<b>SHRUBS</b>						
20	S-1	Abelia grandiflora 'Ed Goucher'	Edward Goucher Abelia	2 gal.	cont.	Full
	S-2	Cornus stolonifera 'Kelseyi'	Kelseyi Dwarf Redwig Dogwood	2 gal.	cont.	Full
	S-3	Festuca glauca 'Elijah Blue'	Elijah Blue Festuca Grass	1 gal.	cont.	Planted 3' o/c
	S-4	Daphne odora	Winter Daphne	2 gal.	cont.	Full
	S-5	Euonymus japonica Golden	Golden Euonymus	2 gal.	cont.	Full
	S-6	Ilex crenata 'sky pencil'	Sky Pencil Japanese Holly	3'-4'	cont.	Full
	S-7	Mahonia aquifolium 'Compacta'	Compact Oregon Grape	2 gal.	cont.	Full
	S-8	Mahonia repens	Creeping Mahonia	1 gal.	cont.	Planted 3' o/c
	S-9	Nandina domestica 'Moon Bay'	Moon Bay Dwarf Nandina	2 gal.	cont.	Full
	S-10	Ligustrum japonicum Texanum	Texas Wax-Leaf Privet	5 gal.	cont.	Full
	S-11	Pennisetum alopecuroides Hameln	Dwarf Fountain Grass	2 gal.	cont.	Full
	S-12	Pennisetum alopecuroides 'Chinese'	Chinese Fountain Grass	2 gal.	cont.	Full
	S-13	Pennisetum setaceum rubrum	Purple Fountain Grass	2 gal.	cont.	Full
	S-14	Pieris japonica 'Astrid' Compacta	Astrid Japanese Andromeda Compacta	5 gal.	cont.	Full
	S-16	Rhododendron 'PJM'	PJM Rhododendron	18"-24"	w/buds	Full
	S-15	Spiraea japonica 'Double Pink'	Double Pink Spirea	2 gal.	cont.	Full
	S-16	Viburnum davidii	Davidii Viburnum	2 gal.	cont.	Full

CONTRACTOR TO VERIFY ALL QUANTITIES OF PLANT MATERIALS WITH LANDSCAPE DESIGN & CONSULTANTS PRIOR TO INSALLATION  
PLANT MATERIAL SUBSTITUTIONS MAY BE MADE BY THE OWNER FOR PLANT MATERIALS OF SIMILAR HABIT, FLOWERING CHARACTERISTIC  
AND/OR STRUCTURE OF GROWTH DUE TO AVAILABILITY, WATER, SOIL, AND SUN REQUIREMENTS.



ENGINEERING SERVICES, INC.  
1155 13th ST. S.E. SALEM, OR. 97302  
PH. (503) 363 - 9227 FAX (503) 364-1260  
[www.mtengineering.net](http://www.mtengineering.net) [office@mtengineering.net](mailto:office@mtengineering.net)

## LANDSCAPE NOTES & DETAILS

## WALN CREEK APARTMENTS

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

70206 L2.2  
Design: M.D.G.  
Drawn: T.N.S.  
Checked: M.D.G.  
Date: APRIL 2020  
Scale: AS SHOWN



LANDSCAPE & IRRIGATION DESIGN BY:  
**LANDSCAPE DESIGN  
&  
CONSULTANTS LLC**  
Doing business since 1985

620 WORMWOOD ST. S.E. SALEM, OR. 97306 PHONE: (503) 551-8590

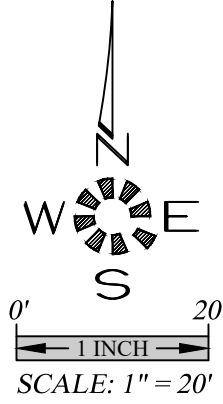
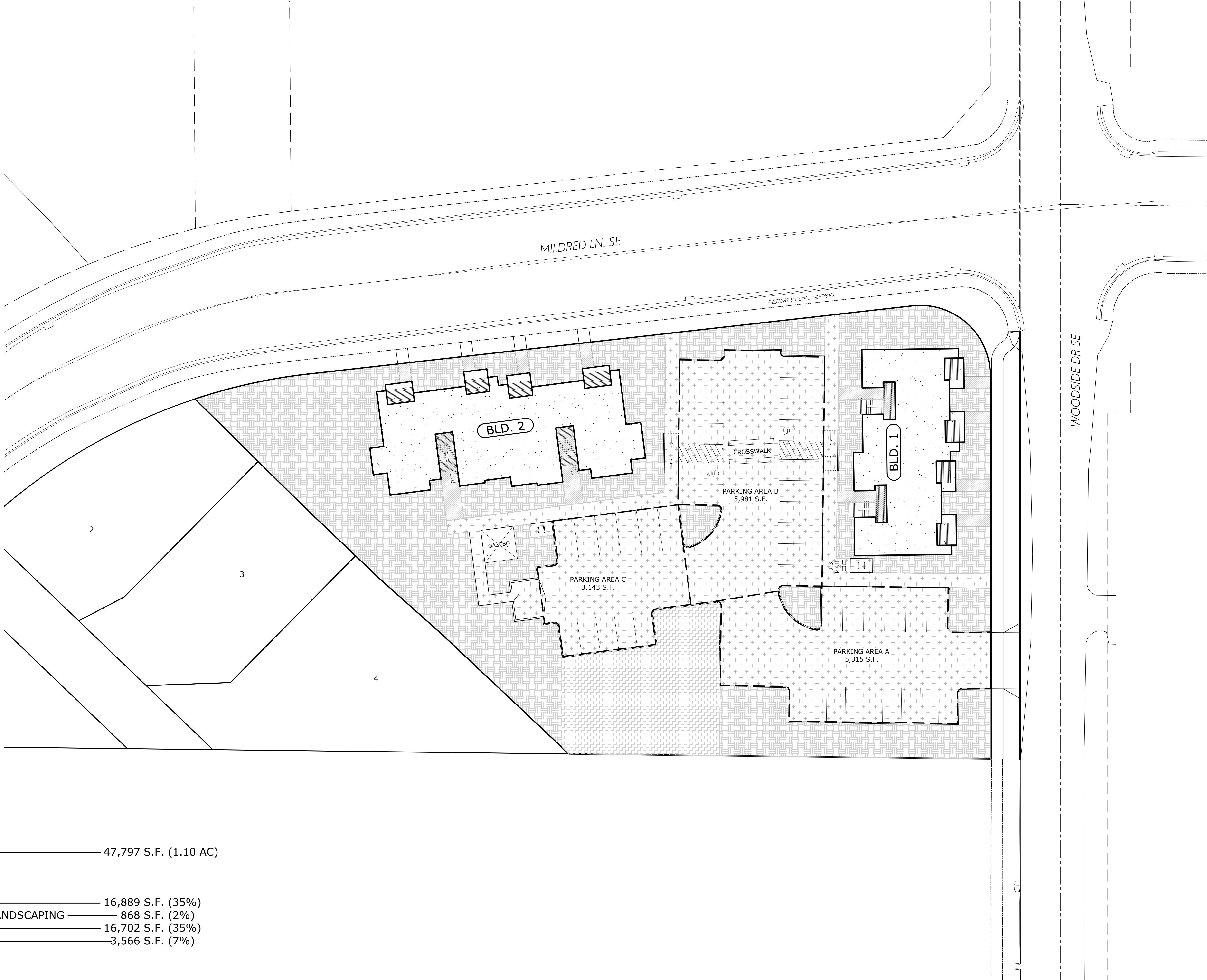
**L2.1**

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**SITE AREAS**  
BOUNDARY \_\_\_\_\_ 47,797 S.F. (1.10 AC)

**PERVIOUS AREA:**  
OPEN SPACE \_\_\_\_\_  
COMMON OPEN SPACE \_\_\_\_\_ 16,889 S.F. (35%)  
INTERIOR PARKING LOT LANDSCAPING \_\_\_\_\_ 868 S.F. (2%)  
PERVIOUS CONCRETE \_\_\_\_\_ 16,702 S.F. (35%)  
LANDSCAPE \_\_\_\_\_ 3,566 S.F. (7%)

**IMPERVIOUS AREA**  
SIDEWALK \_\_\_\_\_ 1,304 S.F. (3%)  
BUILDINGS \_\_\_\_\_ 7,907 S.F. (16%)

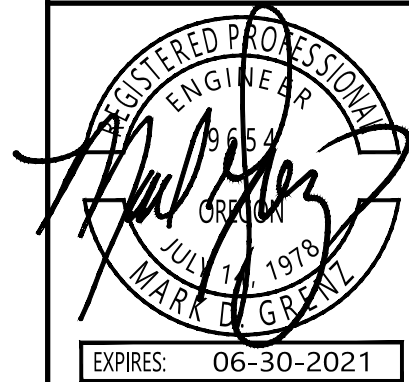


**OPEN SPACE  
PLAN**

**WALN CREEK APARTMENTS**

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GRAPHICAL REPRESENTATION.

7026P SDR4-05  
Design: M.D.G.  
Drawn: T.N.S.  
Checked: M.D.G.  
Date: APRIL 2020  
Scale: AS SHOWN

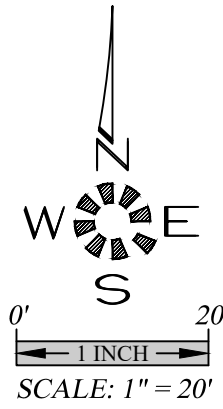
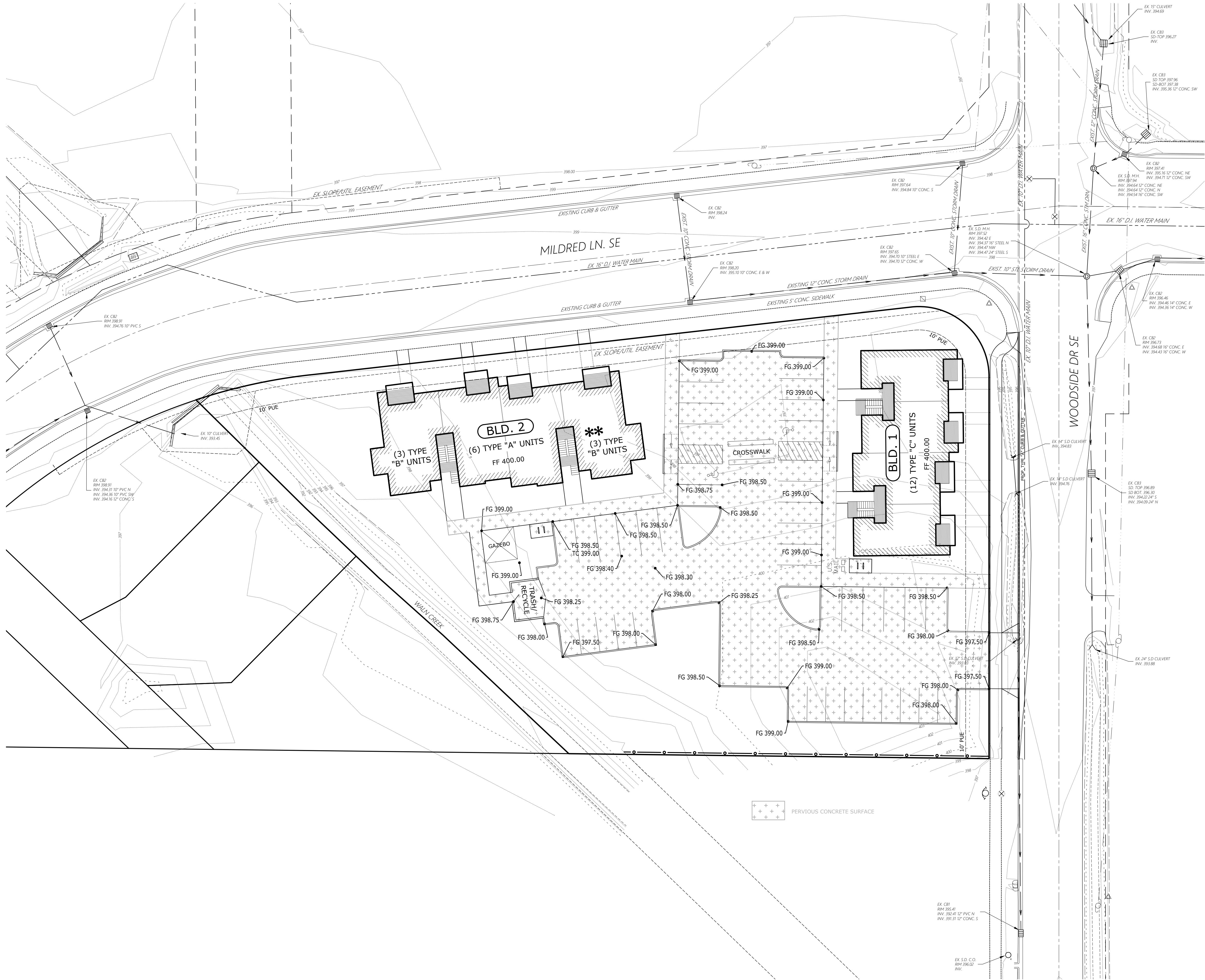


JOB # 7026

**SDR4**



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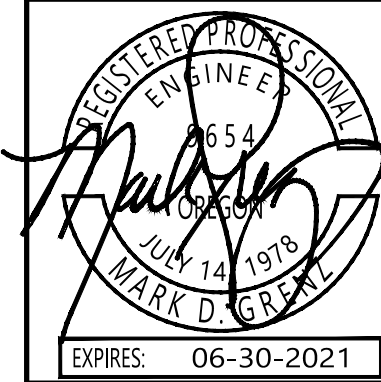
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## GRADING & DRAINAGE PLAN

## WALN CREEK APARTMENTS

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7026B SDRS-CR0  
Design: M.D.G.  
Drawn: T.N.S.  
Checked: M.D.G.  
Date: APRIL 2020  
Scale: AS SHOWN



EXPIRES: 06-30-2021

JOB # 7026

## SDR5

**CITY OF SALEM  
BEFORE THE HEARINGS OFFICER**

A Conditional Use Permit request to allow a new multi-family residential use, and Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of a new two building apartment complex containing a total of 24 dwelling units, for property approximately 1.77 acres in size, zoned IC (Industrial Commercial) and RS (Single Family Residential), and located at the 5600 Block of Woodside Drive SE - 97306 (Marion County Assessor Map and Tax Lot Numbers: 083W14CB / 02401 and 02501).	} } } } } } } } } }	CU-SPR-DAP-DR20-06   FINDINGS OF FACT, CONCLUSIONS, AND DECISION
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**DATE AND PLACE OF HEARING:**

September 23, 2020 at 5:30pm remote hearing via Zoom.

**APPEARANCES:**

<u>Staff:</u>	Aaron Panko, Planner III
<u>Neighborhood Association:</u>	South Gateway Neighborhood Association
<u>Proponents:</u>	Brandie Dalton, Multi/Tech Engineering, on behalf of JCT Construction Group LLC
<u>Opponents:</u>	Tom Fry Carole Paulson (email 9/22/20, 9/28/20, 9/29/20, 9/30/20 (including video footage from Google Drive of flooding, Word document including pictures of flooding, Word document including link to rain table)) Austin Burgess (email 9/29/20) Andy Yang (email 9/16/20)
<u>Neutral:</u>	

## **SUMMARY OF THE APPLICATION AND HEARING**

### **BACKGROUND**

The City of Salem held a duly authorized and noticed public hearing on September 23, 2020, regarding a request for a Conditional Use Permit to allow a new multi-family residential use, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of a new two building apartment complex containing a total of 24 dwelling units, for property approximately 1.77 acres in size, zoned IC (Industrial Commercial) and RS (Single Family Residential), and located at the 5600 Block of Woodside Drive SE - 97306 (Marion County Assessor Map and Tax Lot Numbers: 083W14CB / 02401 and 02501).

During the hearing, Aaron Panko requested the Hearings Officer enter the Staff Report into the Record, and the Hearings Officer granted the request. Prior to the close of the public hearing, Carole Paulson asked for the record to remain open to allow time to provide additional written testimony. The record was held open for all parties until 5:00 PM, October 1, 2020; the record continued to be open for purposes of rebuttal until 5:00 PM, October 7, 2020; the applicant was allowed until 5:00 PM, October 14, 2020 to provide final written argument.

The Staff Report and Staff presentation provided facts and analysis of the application, recommending approval. The Hearings Officer views the concerns raised in the public testimony in opposition to the application as generally falling within three categories: the adequacy of the storm water system (and localized flooding); criminal and nuisance behavior; and traffic congestion.

The Hearings Officer adopts the following:

### **FINDINGS OF FACT AND CONCLUSIONS**

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

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

#### **2. Zoning of Surrounding Land Uses**

The subject property is zoned IC (Industrial Commercial) and RA (Residential Agriculture). The proposed multi-family residential use would be



located on the portion of the site zoned IC (Industrial Commercial). In the IC zone, multi-family residential uses require a conditional use permit.

The zoning of surrounding properties is as follows:

North: Across Mildred Lane SE; IC (Industrial Commercial)

South: RS (Single Family Residential)

East: Across Woodside Drive SE; IC (Industrial Commercial)

West: Across Mildred Lane SE; RA (Residential Agriculture)

### **3. Site Analysis**

The subject property includes two tax lots with a combined size of approximately 1.77 acres, with approximately 500 feet of frontage on Mildred Lane SE and approximately 195 feet of frontage on Woodside Drive SE. Mildred Lane SE is designated as a Minor Arterial street in the Transportation System Plan and Woodside Drive SE is designated as a Local street.

### **4. Neighborhood and Citizen Comments**

The subject property is located within the South Gateway Neighborhood Association (SGNA). Notice was provided to SGNA and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. The SGNA provided written comments from Vice-Chair Michael Hughes, noting concerns about traffic, on-street overflow parking and flooding, but not objecting, assuming the concerns could be addressed. Andy Yang raised concerns about child safety, privacy and possibly decreasing property values, and suggested that instead of apartments the project should be a small park. Carole Paulsen raised concerns about the adequacy of the information and the site plan, particularly the ability of the storm water system to address the additional runoff from impervious surfaces in the proposed development, and about whether the proposed development will be able to maintain and connect with the existing swales and rain gardens. She provided photographs and video illustrating her concerns. Austin Burgess provided testimony about traffic, parking, and crime in the area, and Tom Fry provided testimony about flooding and Waln creek.

## **5. City Department and Public Agency Comments**

The Public Works Department reviewed the proposal and provided a memo which was included as Attachment D to the staff report, recommending conditions of approval. Among other things, the staff report recommended a condition requiring the applicant to “Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.”

The Salem Building and Safety Division reviewed the proposal and identified no issues.

The Salem Fire Department access is required to be provided within 150 feet of all portions of the structures. Fire hydrant is required to be within 600 feet of all portions of the structures. All measurements are made along an approved route. Items including these will be verified at time of building permit plan review.

The Historic Preservation Officer/City Archaeologist has reviewed the proposal and commented that the proposed project is within a known high probability archeological area and within Salem’s Historic and Cultural Protection zone. The applicant has not initiated consultation with the Oregon SHPO and the Tribes, and no archaeological testing of the project has been completed demonstrating there will be no adverse effect to archaeological resources as a result of the ground disturbance proposed during the ground disturbing activity associated with the proposed three-story apartment complex. Prior to initiation of work, the applicant shall finalize consultation with the Oregon SHPO and the Tribes, and complete any needed archaeological testing demonstrating compliance with Goal 5.

Salem-Keizer Public Schools has reviewed the proposal and provided a response letter included as Attachment E to the staff report.

## **6. Criteria for Granting a Conditional Use Permit**

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

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

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

Criterion 1:

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

The Hearings Officer notes that SRC Chapter 551, Table 551-1 provides that multi-family uses are allowed in the IC (Industrial Commercial) zone with a conditional use permit.

The Hearings Officer finds that the proposal satisfies this criterion.

Criterion 2:

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

The Hearings Officer notes that the statement provided by the applicant indicates that the proposed development is compatible with the surrounding land uses. The Hearings Officer notes that there is multi-family zoned property nearby to the north across Mildred Lane SE and the Salem Planning Commission recently approved a new 18-unit multi-family residential complex directly across Mildred Lane SE from the subject property. To the south and west is single family zoned property, RA (Residential Agriculture) and RS (Single Family Residential) that is largely occupied by single family dwellings. Across Woodside Drive SE, there is IC (Industrial Commercial) zoned property occupied by an existing self-service storage facility.

The Hearings Officer notes that the development standards of the zoning code, including setbacks, building height, and landscaping, are intended to address the difference in compatibility that can arise from different uses being located near each other. The Hearings Officer notes that in this case, multi-family residential design standards require apartment complexes to provide additional screening where the multi-family development abuts single family residential zoning; this screening or buffering includes more robust landscaping and fencing. The applicant proposes to install a six-foot tall fence but as staff notes, does not specify in the application the materials used for the fence. The Hearings Officer adopts the Staff recommendation to impose a condition of approval that requires the applicant to provide a decorative sight-obscuring fence along the southern property line where the proposed multi-



family use abuts RS (Single Family Residential) zoning that is occupied by single family dwellings.

The Hearings Officer notes the staff analysis that concludes the scale of the proposed 24-unit multi-family residential development will have minimal impact on the immediate neighborhood. The Hearings Officer notes concerns raised in testimony regarding traffic, parking, flooding, and crime. In terms of addressing the likely adverse impacts as required by this criterion, the Hearings Officer is not persuaded that a multi-family development on this site will increase criminal or other bad behavior in the area, especially when contrasted with the current status of the property. Similarly, the required screening will discourage the use of the property as a route for persons who might cause mischief on abutting properties. The Hearings Officer agrees with the applicant's comment that a design that provides lighting and windows that allows more eyes on the street is likely to discourage crime in the area. For the current application to satisfy this criterion, the Hearings Officer imposes the following as a condition of approval:

**Condition 1:** Along the southern property line, the applicant shall construct a minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain-link fencing with slats shall not be allowed to satisfy this requirement.

The Hearings Officer notes that the scale of the proposed 24-unit multi-family residential development will have minimal impact on the immediate neighborhood. The Hearings Officer notes the concerns raised in public testimony regarding the portion of the property that is zoned RA, and notes that this application does not seek approval for any development of that portion of the property. Accordingly, the Hearings Officer finds that the applicant will be required to address any future increase of any portion of the development or property beyond 24-dwelling units through application for a separate conditional use permit. To satisfy this criterion, the Hearings Officer imposes the following as a condition of approval:

**Condition 2:** The multi-family use shall contain no more than 24-dwelling units.

The Hearings Officer finds that, with these two conditions, the proposal satisfies this criterion.

Criterion 3:

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

The Hearings Officer finds that the proposed multi-family use is consistent with the goals and policies of the Salem Area Comprehensive Plan for multi-family residential development and siting.

The Hearings Officer notes that this criterion addresses the question of whether the *use*, not the physical design of the specific proposed development, would be reasonably compatible and have minimal impact on the livability and appropriate development of surrounding property. The Hearings Officer notes concerns raised regarding traffic and overflow parking, and regarding flooding. The Hearings Officer will address those concerns below. The Hearings Officer finds that the proposal satisfies this criterion.

Based on the above, the Hearings Officer finds that with the conditions of approval, the application satisfies the criteria for a conditional use permit.

**Residential Development (SACP IV Section E)**

***Establishing Residential Uses.***

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

***Multi-Family Housing.***

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

- 1) Employment Centers
- 2) Shopping Areas
- 3) Transit Service
- 4) Parks
- 5) Public Buildings

The Hearings Officer notes that the primary access to the subject property is provided by Mildred Lane SE and Woodside Drive SE. Mildred Lane SE is designated as a Minor Arterial Street which provides a pedestrian and bike connection from the subject property to surrounding areas. The driveway connection serving the proposed multi-family use is to Woodside Drive SE, which is designated as a local street. Salem-Keizer Transit (Cherriots) provides a transit route that passes by the subject property (Route 6), with the nearest stop at the corner of Mildred Lane SE and Marstone Street SE, approximately 500 feet from the proposed use.

The Hearings Officer notes that the subject property is less than 0.5 miles away from the nearest public park, Wiltsey Road Park, which is to the southwest of the subject property, accessed by Woodside Drive SE to Wiltsey Road SE. In addition, Battle Creek Park is located within 0.75 miles of the subject property.

The Hearings Officer notes that Battle Creek Elementary School, Judson Middle School and Sprague High School will serve students in this area. Students residing at the proposed development are outside of the walk zone of Battle Creek Elementary School, Judson Middle School and Sprague High School and will be eligible for school transportation.

The Hearings Officer notes that the nearby Commercial Street SE corridor includes a mix of largely commercial retail sales and services and office land uses. Grocery stores, shopping, personal services, and employment opportunities are provided nearby. The Hearings Officer finds that the proposed multi-family use for the subject property is consistent with the goals and policies of the Salem Area Comprehensive Plan for multi-family residential development and siting.

Based on the above, the Hearings Officer finds that the proposal satisfies this criterion.

## **7. Analysis of Class 3 Site Plan Review Approval Criteria**

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

### Criterion 1:

The application meets all applicable standards of the UDC.



The Hearings Officer notes the applicant is requesting approval for a 24-unit multi-family residential use. The Hearings Officer notes the analysis provided by staff that the proposed site plan complies with all applicable development standards of the Unified Development Code (UDC), as follows:

**Use and Development Standards – IC (Industrial Commercial) Zone:**

***SRC 551.005(a) – Uses:***

Permitted, special and conditional uses for the IC zone are found in SRC Chapter 552, Table 552-1. Multiple family residential uses require a conditional use permit in the IC zone per Table 552-1.

***SRC 551.010(a) – Lot Standards:***

There are no minimum lot area or dimension requirements in the IC zone. All uses are required to have a minimum of 16 feet of street frontage.

The Hearings Officer notes the subject property is approximately 1.77 acres in size and has approximately 560 feet of frontage along Mildred Land SE and approximately 195 feet of frontage along Woodside Drive SE, exceeding the minimum lot standards of the IC zone.

***SRC 551.010(b)) – Setbacks:***

**North:** Adjacent to the north is right-of-way for Mildred Land SE. Buildings and structures adjacent to a street require a minimum five-foot setback, vehicle use areas require a minimum 6-10-foot setback.

**Finding:** The Hearings Officer notes that the proposed Building 1 is setback approximately 16 feet and proposed Building 2 is setback approximately 10 feet from Mildred Lane SE. The off-street parking and vehicle use area is setback approximately 10 feet.

**South:** Adjacent to the south is an interior side yard abutting property zoned RS (Single Family Residential). For multi-family residential uses, there is a minimum 15-foot building and vehicle use area setback required abutting an interior side yard.

**Finding:** The Hearings Officer notes that the proposed Building 1 is setback approximately 85 feet and the off-street parking area is setback 15 feet from the southern property line abutting the RS zoned property.

**East:** Adjacent to the east is right-of-way for Woodside Drive SE. Buildings and structures adjacent to a street require a minimum five-foot setback, vehicle use areas require a minimum 6-10-foot setback.

**Finding:** The Hearings Officer notes that the proposed Building 1 is setback approximately 10 feet from Woodside Drive SE, in compliance with the minimum standard.

**West:** Adjacent to the west is right-of-way for Mildred Lane SE. Buildings and structures adjacent to a street require a minimum five-foot setback, vehicle use areas require a minimum 6-10-foot setback.

**Finding:** The Hearings Officer notes that Waln Creek provides a natural boundary bisecting the subject property. The proposed development occupies the eastern portion of the subject property, and the west of Waln Creek the subject property will remain vacant. As Mildred Lane SE starts to curve to the west, the distance from the proposed development to Mildred Lane SE also increases.

***SRC 551.010(c) – Lot Coverage, Height:***

There is no maximum lot coverage standard in the IC zone, the maximum height allowance for all buildings and structures is 70 feet.

**Finding:** The Hearings Officer notes that proposed Building 1 is approximately 39 feet in height, and proposed building 2 is approximately 40 feet in height, in compliance with the maximum height allowance of the IC zone.

***SRC 551.010(d) – Landscaping:***

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

**Finding:** The Hearings Officer notes that the subject property is approximately 1.77 acres; however, the IC zoned portion of the site is approximately 1.1 acres in size, requiring a minimum of 7,187.4 square feet of landscaping ( $47,916 \times 0.15 = 7,187.4$ ). The site plan indicates that approximately 21,323 square feet (45%) of the site will be landscaped, exceeding the minimum requirement.

***SRC 551.015(a) – Design Review:***

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

**Finding:** The Hearings Officer notes that the applicant has applied for Class 1 Design Review, demonstrating that the proposed multi-family development is consistent with the multiple family design review standards set forth in SRC Chapter 702.

**General Development Standards SRC 800**

The Hearings Officer notes that SRC 800.015 provides that every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. However, the Building Code does not allow buildings to cross over existing property lines and minimum setbacks are required to be measured from interior property lines. The site plan indicates that with the existing conditions, the proposed buildings and vehicle use area will cross over an existing lot line. However, a partition has been previously approved for the subject property (PAR 19-11). The proposed multi-family use will be sited on proposed Parcel 3, once the partition plat is recorded the property line which conflicts with the buildings and vehicle use area will be removed. To satisfy this requirement, the Hearings Officer imposes the following condition of approval:

**Condition 3:** Prior to building permit issuance, the final plat for Partition 19-11 shall be recorded.

***SRC 800.055(a) – Applicability.***

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

**Finding:** The Hearings Officer notes that the site plan indicates that a new solid waste enclosure with receptacles greater than 1 cubic yard in size is proposed.

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

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

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

**Finding:** The Hearings Officer notes that the design and materials for the slab is not indicated in the proposed plans but will be reviewed for conformance with this development standard at the time of building permit review. The proposed enclosure is large enough that the receptacles may face each other with four feet or more of separation provided.

- 2) Minimum Separation.
  - a. A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
  - b. A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

**Finding:** The Hearings Officer notes that adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

- 3) Vertical Clearance.



- a. Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
- b. Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing.

**Finding:** The Hearings Officer notes that the application does not appear to propose a roof for the solid waste enclosure, therefore the Hearings Officer finds that this standard is not applicable.

***SRC 800.055(d) – Solid Waste Service Area Screening Standards.***

- 1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
- 2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

**Finding:** The Hearings Officer notes the proposed solid waste service area is completely enclosed and screened from view from surrounding streets and residentially zoned property.

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

- 1) Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

**Finding:** The Hearings Officer notes that the proposed vehicle operation area meets the minimum dimensional requirements for service vehicle access.

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

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

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

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

Required off-street parking shall be located on the same development site as the use or activity it serves.

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

- a) *Minimum Required Off-Street Parking.* For multi-family residential uses containing 13 or more dwelling units, a minimum of one space is required per studio unit or dwelling unit with one bedroom. A minimum of 1.5 spaces are required per dwelling unit with 2 or more bedrooms.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* The maximum number of off-street parking spaces shall not exceed 1.75 times the minimum number of spaces required.

**Finding:** The Hearings Officer notes that the applicant's proposed site plan does not match the proposed landscape plan. The proposed landscape plan eliminates one off-street parking space from the site plan, and in its place is a landscape island as required by SRC Chapter 702. To ensure that this standard is met, the Hearings Officer imposes the following condition of approval:

**Condition 5:** Prior to building permit issuance, the proposed site plan shall be updated to include the additional landscape island shown on the landscape plans.

The Hearing Officer notes that the proposed multi-family use contains 12 one-bedroom units, and 12 two-bedroom units requiring a minimum of 30 off-street parking spaces  $((12 \times 1) + (12 \times 1.5) = 30)$ . The maximum off-street parking allowance is 1.75 times the minimum requirement, or 53 spaces  $(30 \times$

1.75 = 52.5). As conditioned, the site plan indicates that 41 spaces are proposed, with 14 of the spaces proposed to be compact. Carpool/vanpool parking spaces are not required for multi-family uses.

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

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

**Adjacent to Buildings and Structures:** The off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot wide landscape strip or by a minimum 5-foot wide paved pedestrian walkway.

**Finding:** The Hearings Officer notes that the proposed vehicle use area complies with the minimum perimeter setback standards identified in the IC zone development standards and by SRC Chapter 806, and the minimum 5-foot setback requirement adjacent to a building or structure.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas less than 50,000 square feet in size, a minimum of 5 percent of the interior parking area shall be landscaped.

A minimum of 1 deciduous shade tree shall be planted for every 12 parking spaces within the off-street parking area. Landscape islands and planter bays shall have a minimum planting area of 25 square feet and shall have a minimum width of 5 feet.

**Finding:** The Hearings Officer notes that pursuant to SRC

702.020(b)(8), multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC Chapter 806; therefore, the Hearings Officer finds that this standard is not applicable.

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

**Finding:** The Hearings Officer notes that the proposed parking spaces, driveway, and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

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

**Finding:** The Hearings Officer notes that the proposed off-street parking area is designed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards and wheel barriers are shown on the proposed site plan.

The Hearings Officer notes that parking area striping, marking, signage and lighting shall be consistent with SRC Chapter 806, required compact parking spaces shall be marked and signed per SRC 806.035(k)(2). The subject property is adjacent to residential zones to the south, SRC 806.035(m) requires a minimum six-foot tall sight-obscuring fence, wall, or hedge be provided to screen the off-street parking area from abutting residentially zoned property. As previously conditioned, the applicant shall provide decorative fencing along the southern property line to provide screening for the proposed use.

### **Bicycle Parking**

#### ***SRC 806.045 - General Applicability.***

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

#### ***SRC 806.050 - Proximity of Bicycle Parking to use or Activity Served.***

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

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

Per SRC Chapter 806, Table 806-8, multi-family residential uses are

required to provide the greater of four spaces or one space per 10 dwelling units.

**Finding:** The Hearings officer notes that the proposed 24-unit multi-family residential apartment complex requires a minimum of four bicycle parking spaces. The site plan indicates that eight bicycle parking spaces are provided, meeting the minimum bicycle parking requirements.

***SRC 806.060 – Bicycle Parking Development Standards.***

- (a) Location. Except as otherwise provided in this section, bicycle parking shall be located outside a building.
  - (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
  - (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.
- (b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.
- (c) Dimensions. Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:
  - (1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.
  - (2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.
- (d) Surfacing. Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- (e) Bicycle racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
  - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked



- to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
  - (4) Racks shall be securely anchored.
  - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

**Finding:** The Hearings Officer notes that the site plan shows a total of four staple racks, which provide two bicycle parking spaces each, will be installed just south of the building entrances for proposed buildings 1 and 2 in compliance with the location and development standards of SRC 806.060.

### **Off-Street Loading Areas**

#### ***SRC 806.065 - General Applicability.***

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

#### ***SRC 806.075 - Amount of Off-Street Loading.***

No off-street loading spaces are required for multi-family residential uses containing 5-49 dwelling units.

**Finding:** The Hearings Officer notes that the proposed 24-unit apartment complex does not require any off-street loading spaces.

### **Landscaping**

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

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

**Finding:** The Hearings Officer notes that the proposed site plan indicates that 21,323 square feet of landscaping will be provided for the development site requiring a minimum of 1,066 plant units ( $21,323 / 20 = 1,066.2$ ). Of the required plant units, a minimum of 426 plant units ( $1,066 \times 0.4 = 426.4$ ) shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

The Hearings Officer notes that landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

## **Natural Resources**

### ***SRC Chapter 601 (Floodplain):***

The Hearings Officer notes that Public Works staff have reviewed the Flood Insurance Study and Flood Insurance Rate Maps and have determined that no floodplain or floodway areas exist on the subject property. Waln Creek bisects the subject property, and this portion of the creek was not analyzed in conjunction with the Flood Insurance Study for Battle Creek basin. The applicant is advised that the City has hired a consultant to generate base flood elevations for Waln Creek in conjunction with a recent *Stormwater Master Plan* update.

The Hearings Officer finds that to satisfy this standard, the applicant must coordinate with City staff to establish base flood elevations and ensure that the buildings are elevated sufficiently to limit flood damage pursuant to SRC 601.110(a)(2). Accordingly, the Hearings Officer imposes the following condition of approval:

**Condition 6:** Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.045(b)(1).

***SRC 808 - Preservation of Trees and Vegetation:*** The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

Waln Creek, a designated waterway, flows across the subject property near the proposed development. The applicant's development plans indicate that no riparian trees will be removed, and the applicant further states that there is no native vegetation located in the riparian corridor that will be removed as a result of the proposed development. The proposal is consistent with the tree and vegetation preservation requirements of SRC Chapter 808.

***SRC 809 - Wetlands:*** Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to

jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

***SRC 810 - Landslide Hazards:*** A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. There are areas of mapped landslide hazard located on the subject property equal to two points, in addition, multi-family residential development is assigned two activity points. Per Table 810-1E, a total of four points indicates a low landslide hazard risk, a geological assessment of the property is not required for the proposed development.

The Hearings Officer finds that with the conditions of approval, the application satisfies Criterion 1.

Criterion 2:

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

**Finding:** The Hearings Officer notes that the existing conditions of Woodside Drive SE and Mildred Lane SE do not meet current standards for their classification of street per the Salem TSP. However, the development will require street improvements, including right-of-way dedication, along both frontages as conditions of approval under land use case number PAR19-11. Prior to the issuance of building permits, the applicant shall complete all conditions and record the partition plat for partition case number PAR19-11. Accordingly, to satisfy this criterion, the Hearings Officer imposes the following conditions of approval:

**Condition 7:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Mildred Lane SE, 30 feet on the development side of Woodside Drive SE, and a property line radius at the intersection pursuant to PWDS.

**Condition 8:** Construct a half-street improvement along the frontage of Woodside Drive SE to Local street standards as

specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

The Hearings Officer notes that street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(1)(2)(A)); therefore, the new sidewalk constructed along Woodside Drive SE shall be constructed pursuant to the requirements of the code and PWDS. The Hearings Officer notes that the existing sidewalk along the frontage of Mildred Lane SE may remain in its current configuration pursuant to SRC 803.035(1)(2)(B).

The Hearings Officer notes that pursuant to SRC 86.015(e), the applicant shall install street trees to the maximum extent feasible along all street frontages. To satisfy this requirement, the Hearings Officer imposes the following condition of approval:

**Condition 9:** Install street trees to the maximum extent feasible pursuant to SRC Chapter 86.

Criterion 3:

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

**Finding:** The Hearings Officer notes that the proposed driveway access onto Woodside Drive SE provides for safe turning movements into and out of the property. The Hearings Officer finds that the proposal satisfies this criterion.

Criterion 4:

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

**Finding:** The Hearings Officer notes the testimony, photographs and video presented in opposition to the proposal, based on ongoing flooding issues in the immediate area and the concerns about Waln creek. The Hearings Officer notes that the testimony and video are particularly persuasive in demonstrating that the concerns raised about the adequacy of stormwater facilities are valid.

The Hearings Officer also notes that the Public Works Department has reviewed the applicant's preliminary plan for this site. The Public Works Department's analysis provides that water, sewer, and storm infrastructures are available within surrounding

streets/areas and appear to be adequate to serve the proposed development, based on the preliminary plan.

Regarding sanitary sewer, the Hearings Officer notes that the existing 8-inch sewer main terminates at the southern boundary of the property along Woodside Drive SE. As a condition of sewer service, the development is required to extend service to upstream parcels through the frontage of the subject property. In addition, Condition 1 of land use case number PAR19-11 requires that an 8-inch sewer main be extended in Woodside Drive. The Hearings Officer finds that to satisfy this criterion, prior to the issuance of building permits, the applicant shall complete all conditions and record the partition plat for partition case number PAR19-11. Accordingly, the Hearings Officer imposes the following condition of approval:

**Condition 10:** Extend an 8-inch sewer main from the terminus of the existing sewer main in Woodside Drive SE along frontage of the subject property.

Regarding stormwater, the Hearings Officer notes that the applicant's engineer submitted a statement to the Public Works staff demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. Public Works staff report that the preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. The Hearings Officer notes the staff explanation that the preliminary stormwater reports submitted with the Site Plan Review application are schematic and at this point are used to ensure that adequate area is set aside to provide the green stormwater infrastructure to the maximum extent feasible. The Hearings Officer notes that the Public Works Design Standards will require detailed engineering calculations to be provided during the building plan approval process to ensure that green stormwater infrastructure and flow control facilities are designed to ensure proper restriction of peak flows. The Hearings Officer notes the open record memorandum from staff that reports that the City Council adopted Engrossed Ordinance Bill No. 8-20 on September 28, 2020, which modified the flow control regulations for new development projects, requiring all large projects to restrict post-development peak flows to quantities not exceeding predevelopment flows for 4 different storm events up to a 100-year storm. Under these standards developments are required to ensure that peak flows exiting the site do not exceed predeveloped conditions through the use of green stormwater infrastructure and flow control facilities. The Hearings Officer also notes the staff explanation of the City Council's recent action regarding an update to the Stormwater Master Plan. In particular, the Hearings Officer relies on the recitation that the Stormwater Master Plan includes a detailed analysis of the Battle Creek Basin intended to identify solutions for reducing the impacts of major floods. The proposed master plan

shows that a number of capital improvement projects are needed to reduce the risks of flooding along Waln Creek. In addition to Capital Improvement Projects, the City's approach toward addressing local flooding involves a number of integrated solutions, including but not limited to: System Development Charges, green stormwater infrastructure, flow control facilities, elevation of new buildings above flood levels, public outreach, and regular maintenance of stormwater conveyance facilities. Developments that are constructed in accordance with stormwater regulations are designed not to increase peak flows being discharged from the development site through the use of flow control facilities. As the Hearings Officer understands this effort, the intention is to address local flooding through a variety of tools, including restrictions on runoff from new development.

The Hearings Officer notes that the applicant provided an additional statement dated October 5, 2020 from Matthew Hendrick, P.E., explaining some of the design features proposed for the drainage facilities on the site, including pervious concrete and open graded rock. The applicant also provided a preliminary drainage report from Mr. Hendrick, dated May 21, 2020. The Hearings Officer notes that the proposed development is not likely to address all the drainage and flooding issues reported by the neighbors. The Hearings Officer notes, however, that the criteria do not require new development to resolve all existing issues in the surrounding area. This particular criterion requires the applicant to demonstrate that the proposal will be served with adequate City stormwater facilities. Although this is a close question, the Hearings Officer gives considerable weight to the analysis of the public works department and the stamped statements of the professional engineer that runoff from the proposal will not overburden the existing storm water facilities. Accordingly, the Hearings Officer finds that the applicant has demonstrated that by complying with the new flow control regulations, and complying with the PWDS in designing stormwater facilities on the development site, that the existing stormwater facilities are adequate to serve the development, as proposed. The Hearings Officer finds that to ensure that the development is adequately served with City storm water facilities, the applicant's engineer must design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS. Accordingly, the Hearings Officer imposes the following condition of approval:

**Condition 11:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The Hearings Officer notes that the applicant is required to design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

Based upon the above, the Hearings Officer finds that with the



conditions of approval, the application satisfies the criteria for a Class 3 Site Plan Review.

8. **Analysis of Class 2 Driveway Approach Permit Criteria**

Salem Revised Code (SRC) 804.025(d) sets forth the following criteria that must be met before approval can be granted to an application for a Driveway Approach Permit. The Driveway Approach Permit is required for the proposed driveway on Woodside Drive SE.

Criterion 1:

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

**Finding:** The Hearings Officer notes the driveway meets the standards for SRC Chapter 804 and Public Works Design Standards (PWDS).

Criterion 2:

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

**Finding:** The Hearings Officer notes that there are no site conditions prohibiting the location of the proposed driveway.

Criterion 3:

The number of driveways onto an arterial is minimized.

**Finding:** The Hearings Officer notes that the proposed driveway is not accessing onto an arterial street.

Criterion 4:

The proposed driveway approach, where possible:

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

**Finding:** The Hearings Officer notes that the proposed driveway is located with access to the lowest classification of street abutting the subject property.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

**Finding:** The Hearings Officer notes that the proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

Criterion 6:

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

**Finding:** The Hearings Officer notes that no evidence or testimony has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

Criterion 7:

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

**Finding:** The Hearings Officer notes that the staff analysis of the proposed driveway and the evidence indicates that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

Criterion 8:

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

**Finding:** The Hearings Officer notes that the property is located on the corner of a Minor Arterial street (Mildred Lane SE) and a Local street

(Woodside Drive SE). The applicant is proposing a driveway to the lower classification of street and it meets the spacing requirements of SRC Chapter 803. The Hearings Officer agrees that by complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections.

Criterion 9:

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

**Finding:** The Hearings Officer notes that the proposed development abuts residentially zoned property to the north, south, and west. The proposed development abuts Minor Arterial and Local streets. The proposed driveway is taken from the lowest classification street abutting the subject property. However, the majority of traffic serving the development will travel to Mildred Lane SE (a Minor Arterial street) and not through the Local residential streets. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse impact on the functionality of the adjacent streets.

The Hearings Officer finds that the proposal meets the criteria for a Class 2 Driveway Approach Permit.

## **9. Analysis of Class 1 Design Review Criteria**

Salem Revised Code (SRC) 225.005(e)(1) provides that a Class 1 Design Review application shall be approved if all of the applicable design review standards are met.

### **Development Standards – Multiple Family Design Review Standards SRC**

**702**

#### **SRC 702.020 - Design review standards for multiple family development with thirteen or more units.**

**(a) Open space standards.**

(1) To encourage the preservation of natural open space qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 30 percent of the gross site area as designated and permanently reserved open space. For the purposes of this subsection, the

term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

(A) To ensure usable open space, at least one common open space area shall be provided within the development that is at least 1,000 square feet in size, plus an additional 250 square feet for every 20 units, or portion thereof, over 20 units and has a minimum dimension of 25 feet for all sides.

**Finding:** The Hearings Officer notes that the applicant's site plan indicates that 21,323 square feet of open space area is provided for the subject property, equal to 45 percent of the property area that is being developed, exceeding the minimum standard.

The 24-unit apartment complex requires a common open spaces area that is 1,250 square feet in size; the site plan indicates that a 3,566 square foot common open space area is provided on the south side of the site, with no dimension less than 25-feet. The Hearings Officer finds that this standard is satisfied.

(B) To ensure the provided open space is usable, a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.

**Finding:** The Hearings Officer notes that the site plan indicates there are not slopes greater than 25 percent. Therefore, the Hearings Officer finds that the application satisfied this requirement.

(C) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4.

**Finding:** The Hearings Officer notes that the applicant has met the minimum open space requirement by providing common open space. Therefore, the Hearings Officer finds the applicant does not need to use the reduction offered by this section to meet the common open space requirement.

(D) To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

**Finding:** The Hearings Officer notes that the applicant is providing private open space for each unit. Ground floor units will have patios at least 96 square feet in size, with no dimension less than six feet. The second and third story units will have a minimum 60 square feet in size. The private open space meets the size requirements in Table 702-4, as required by SRC 702.020 (a)(1)(C) above. According to the applicant's written statement, all private open space located contiguous to the dwelling unit will be screened with a five-foot site obscuring wood fence or landscaping. The Hearings Officer finds that the application satisfies this standard.

(E) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.

- (i) Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and
- (ii) Include at least one of the following types of features:
  - a. Covered pavilion.
  - b. Ornamental or food garden.
  - c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.
  - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
  - e. Swimming pool or wading pool.

**Finding:** The Hearings Officer notes that the applicant has met the minimum open space requirement by providing common open space.

Therefore, the Hearings Officer finds that the applicant does not need to utilize this standard.

- (F) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a publicly-owned urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.

**Finding:** The Hearings Officer notes that the development site is not located within one-quarter mile of a public-owned park. The Hearings Officer finds that the applicant's site plan demonstrates that the open space area provided for the subject property meets the minimum requirements as indicated above.

(b) Landscaping standards.

- (1) To encourage the preservation of trees and maintain or increase tree canopy, a minimum of one tree shall be planted or preserved for every 2,000 square feet of gross site area.

**Finding:** The Hearings Officer notes that the subject property is 1.10 acres or 47,797 square feet requiring 24 trees on the subject property ( $47,797 / 2,000 = 23.89$ ). The applicant indicates that 26 existing mature trees will be preserved and incorporated into the development site, in addition new trees will be planted, exceeding the minimum requirement.

(2) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:

- (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
- (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain-link fencing with slats shall not be allowed to satisfy this standard.

**Finding:** The Hearings Officer notes that the subject property abuts property zoned RA (Residential Agriculture) to the south. As required by the conditions of approval for the Conditional Use Permit, a minimum six-foot tall decorative, sight-obscuring fence or wall consistent with the requirements of this section must be installed along the southern property line. The Hearings Officer finds that the application, as conditioned, satisfies this standard.

- (3) To define and accentuate primary entryways, a minimum of two plant units, shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.

**Finding:** The Hearings Officer notes that the landscaping plan provided demonstrates at least two plant units will be installed at each shared entrance, satisfying this standard.

- (4) To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.

**Finding:** The Hearings Officer notes that the landscaping plan provided demonstrates at least ten plant units of trees per 60 linear feet of exterior building wall are to be planted on each side of the proposed buildings, satisfying this standard.

- (5) Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.

**Finding:** The Hearings Officer notes that the landscaping plan provided demonstrates at least one plant unit of shrubs per 15 linear feet are to be planted on each side of the proposed buildings, satisfying this standard.

- (6) To ensure the privacy of dwelling units, ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.



**Finding:** According to the applicant's written statement, all private open space located contiguous to the dwelling unit will be screened with a five-foot site obscuring wood fence or landscaping.

(7) To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).

(A) A minimum of one canopy tree shall be planted within each planter bay.

(B) A landscaped planter bay a minimum of nine feet in width shall be provided at a minimum spacing of one for every 12 spaces. (see Figure 702-3).

**Finding:** The Hearings Officer notes that the parking area is approximately 385 linear feet, requiring eight canopy trees. The landscaping plan indicates nine canopy trees along the perimeter of the parking area. The parking area contains 41 parking spaces, requiring 3 planter bays at least nine feet in width. The landscaping plan indicates at least three planter bays, nine feet in width, each with a canopy tree. The Hearings Officer finds that the application satisfies this standard.

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

**Finding:** There is more than thirteen units; therefore, the Hearings Officer finds that the application is exempt from SRC 806.

(c) Site safety and security.

(1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.

(2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.

(3) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that

obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.

(4) Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.

**Finding:** The Hearings Officer notes that the floor plans provided demonstrate windows will be provided in each habitable room and on each wall overlooking common open space, parking areas and pedestrian paths. The Hearings Officer notes that according to the site plan and landscaping plan, there are no fences near the entryways or common open space. The Hearings Officer notes that the applicant has not provided a lighting plan; however, the written statement indicates that exterior lighting will be provided on the buildings and along pedestrian paths. To ensure the standard will be complied with, the Hearings Officer imposes the following condition:

**Condition 12:** A lighting plan shall be provided at the time of building permit application demonstrating that lighting will be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.

(d) Parking and site design.

(1) To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 702-3).

**Finding:** The Hearings Officer notes that the parking area is approximately 14,439 square feet in size, and each section of the parking area is divided by a nine-foot-wide planter. Each section of the parking area is no larger than 6,700 square feet in size, satisfying the standard.

(2) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be

located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

**Finding:** The Hearings Officer notes that the subject property abuts Mildred Lane SE to the north and Woodside Drive SE to the east, and the proposed off-street parking and vehicle maneuvering areas are not located between a building and a street, satisfying this standard.

(3) Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.

**Finding:** The Hearings Officer notes that the subject property abuts RS zoned property to the south; however, because the slope of the development site within 40 feet of the abutting RS zoned property is less than 15 percent, this criterion is not applicable.

(4) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks.

**Finding:** The Hearings Officer notes that the proposed site plan shows sidewalks from the parking area to each building, between buildings, and connecting to the common open space and to public sidewalks along Mildred Lane SE and Woodside Drive SE in compliance with this section.

(e) Façade and building design.

(1) To preclude long monotonous exterior walls, buildings shall have no dimension greater than 150 feet.

**Finding:** The Hearings Officer notes that the longest dimension of any building on site is 116 feet, which meets the standard.

(2) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between new buildings and structures on-site and existing buildings and structures on abutting sites.

(A) A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.015(b)(1)(B) is increased to eight feet tall.

**Finding:** The Hearings Officer notes that according to Table 702-5, the proposed buildings are required to be setback a minimum of 1 foot for each 1 foot of building height, but in no case less than 20 feet. Proposed Building 1 is approximately 39 feet in height and is setback approximately 85 feet to the southern property line. Proposed Building 2 is approximately 40 feet in height and is setback approximately 115 feet to the southern property line, in compliance with this standard.

(3) To enhance compatibility between new buildings on site and abutting residential sites, balconies located on building facades that face RA or RS zoned properties, unless separated by a street, shall have fully sight-obscuring railings.

**Finding:** The Hearings Officer notes that the property abuts RS zoning to the south. Exterior balconies are not located on facades facing the RS zoned property; therefore, this standard does not apply.

(4) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.

**Finding:** The Hearings Officer notes that the subject property has 287.43 feet of buildable width along Mildred Lane SE and 134 feet of buildable width on Woodside Drive SE. The site plan indicates that 144 feet (50 percent) of the buildable width is occupied by buildings adjacent to Mildred Lane SE and 88 feet (66 percent) of the buildable

width is occupied by buildings adjacent to Woodside Drive SE. The application satisfies this standard.

- (5) To orient buildings to the street, any ground-level unit, cluster of units, or interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing the street, with direct pedestrian access to the adjacent sidewalk.

**Finding:** The Hearings Officer notes that direct sidewalk connections are provided between each of the ground floor units and the adjacent public sidewalk in compliance with this standard.

- (6) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade, or portico.

**Finding:** The Hearings Officer notes that covered entry areas are provided at each of the primary entrances for the dwelling units in compliance with this standard.

- (7) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment and shall be integrated with exterior building design.

**Finding:** The Hearings Officer notes that the applicant states that roof mounted equipment will be screened and integrated into the building design in compliance with this standard.

- (8) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided.

**Finding:** The Hearings Officer notes that roof length for each of the proposed buildings does not exceed 100 feet without providing a

difference in elevation of at least four feet in height, in compliance with this standard.

(9) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.

(A)Offsets (recesses and extensions).

(B)Covered deck.

(C)Covered balcony.

(D)Cantilevered balcony, provided at least half of its depth is recessed.

(E)Covered entrance.

**Finding:** The Hearings Officer notes that the elevations and written statement demonstrate that each unit on each floor will have a covered entrance that meets this standard. Therefore, this standard has been met.

(10) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):

(A)Change in materials.

(B)Change in color.

(C)Molding or other horizontally distinguishing transition piece.

**Finding:** The Hearings Officer notes that the elevation and written statement demonstrates that the first floor will have hardi-panel siding with batts and the upper floors will have hardi-plank lap siding. In addition, horizontal molding will provide a transition piece between each floor. The design provides contrasting materials in compliance with this standard.

The Hearings Officer finds that for the reasons set out above, with the conditions of approval the application meets the criteria for a Class 1 Design Review.

## **DECISION**

Based upon the Facts and Findings contained in the staff report, the application, and the supplemental information provided during the time the record

remained open, the Hearings Officer APPROVES the request for a conditional use, site plan review, driveway approach permit and design review application for the proposed development of a 24-unit multi-family residential apartment complex for property approximately 1.77 acres in size and located at the 5600 Block of Woodside Drive SE, subject to the following conditions of approval:

**CONDITIONAL USE:**

- Condition 1:** Along the southern property line, the applicant shall construct a minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain-link fencing with slats shall not be allowed to satisfy this requirement.
- Condition 2:** The multi-family use shall contain no more than 24-dwelling units.

**SITE PLAN REVIEW:**

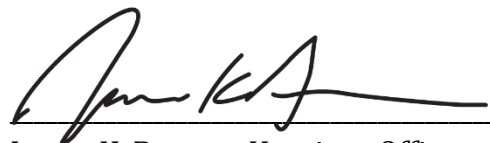
- Condition 3:** Prior to building permit issuance, the final plat for Partition 19-11 shall be recorded.
- Condition 4:** Development of the solid waste service area shall conform to all applicable standards of SRC Chapter 800.
- Condition 5:** Prior to building permit issuance, the proposed site plan shall be updated to include the additional landscape island shown on the landscape plans.
- Condition 6:** Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.045(b)(1).
- Condition 7:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Mildred Lane SE, 30 feet on the development side of Woodside Drive SE, and a property line radius at the intersection pursuant to PWDS.

- Condition 8:** Construct a half-street improvement along the frontage of Woodside Drive SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 9:** Install street trees to the maximum extent feasible pursuant to SRC Chapter 86.
- Condition 10:** Extend an 8-inch sewer main from the terminus of the existing sewer main in Woodside Drive SE along frontage of the subject property.
- Condition 11:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**DESIGN REVIEW:**

- Condition 12:** A lighting plan shall be provided at the time of building permit application demonstrating that lighting will be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.

DATED: October 21, 2020



James K. Brewer, Hearings Officer