

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

DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT /
CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW CASE
NO.: CU-SPR-ADJ-DAP-DR21-02**

APPLICATION NO.: 20-116280-ZO, 20-116282-RP, 20-116283-ZO, 20-116281-ZO,
20-116285-DR

NOTICE OF DECISION DATE: March 19, 2021

SUMMARY: Development of a new fifteen building apartment complex with 210 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 fifteen building apartment complex containing a total of 210 dwelling units, with a Class 2 Adjustment request to:

- 1) Allow an off-street parking area in front of adjacent buildings, instead of behind or beside buildings as required by SRC 702.020(d)(2);
- 2) Increase the maximum building length per SRC 702.020(e)(1) from 150 feet to 176.6 feet;
- 3) To eliminate the requirement for a minimum of 40 percent of the buildable width to be occupied by buildings placed at the minimum setback per 702.020(e)(4); and
- 4) To eliminate the direct pedestrian access to adjacent sidewalk requirement for ground level units per 702.020(e)(5).

For property approximately 27 acres in size, zoned IC (Industrial Commercial), and located at the 3200 Block of Boone Road SE - 97317 (Marion County Assessor Map and Tax Lot number: 083W13A / 00300).

APPLICANT: Brandie Dalton on behalf of John Eld, MWSH Boone Road Property LLC (Chris Jundt, Kelley Hamilton, Pam Gray)

LOCATION: 3230 Boone Rd SE, Salem OR 97317

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use; 220.005(f)(3) – Site Plan Review; 250.005(d) – Adjustments; 804.025(d) – Driveway Approach Permits; and 225.005(e)(1) – Design Review

FINDINGS: The findings are in the attached Decision dated March 18, 2021

DECISION: The Hearings Officer **APPROVED** Conditional Use, Class 3 Site Plan Review, Class 2 Adjustments 1-3, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-02 subject to the following conditions of approval:

NOTICE OF DECISION

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



CONDITIONAL USE:

- Condition 1:** Prior to building permit issuance the applicant shall demonstrate the proposal complies with all applicable fire department access requirements.
- Condition 2:** Prior to issuance of building permit, the applicant shall demonstrate that in coordination with Salem Keizer Public Schools, a safe accessible bus transportation route shall be provided for the proposed development. This may be accomplished by either 1) completing a street connection to 36th Avenue SE that accommodates school buses, 2) by providing sidewalks along Boone Road SE and on 36th Avenue SE connecting to a school bus stop to be located on 36th Avenue SE, or 3) the applicant may coordinate an alternative plan with Salem Keizer Public Schools to ensure a safe bus route is provided for this development.
- Condition 3:** 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 applicant may request relief from this standard by submitting a future Class 2 Adjustment application.
- Condition 4:** The multi-family use shall contain no more than 210-dwelling units.

SITE PLAN REVIEW:

- Condition 5:** The final plat for Partition 19-12 shall be recorded prior to issuance of any civil site work or building permits required for construction of the residential units on the site, but recording the final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.
- Condition 6:** Prior to building permit issuance, the applicant shall revise the site plan to comply with the minimum vehicle use area setback requirement to the north and east.
- Condition 7:** Development of the solid waste service areas shall conform to all applicable standards of SRC Chapter 800.
- Condition 8:** At the time of building permit, the applicant shall demonstrate that the bicycle parking pads comply with all applicable development standards of SRC Chapter 806.
- Condition 9:** At the time of building permit, the applicant shall provide a minimum of three off-street loading spaces in compliance with all applicable off-street loading development standards of SRC Chapter 806.
- Condition 10:** At the time of building permit submittal, the applicant shall provide an updated tree inventory documenting any trees lost on the property during the ice storm event in February 2021.

- Condition 11:** Provide a 40-foot-wide temporary construction easement to the City of Salem along the entire frontage of 36th Avenue SE. The easement may be modified pursuant to PWDS after completion of the street improvements along 36th Avenue SE.
- Condition 12:** Along the entire frontage of abutting streets, dedicate right-of-way on the development side of the centerline to equal a minimum half-width of 36 feet on 36th Avenue SE and a minimum half-width of 30 feet on Boone Road SE.
- Condition 13:** Along Boone Road SE from 36th Avenue to 32nd Avenue, construct a minimum 15-foot-wide half-street improvement on the development side and a minimum 15-foot-wide turnpike improvement on the opposite side of the centerline. This improvement shall include a reconfiguration of the existing Boone/32nd intersection as described in Exhibit 14 of the TIA. The Applicant may apply for a variance of modification of PAR19-12 Condition 20 and if a variance or modification is approved, adjust the extent of the half-street improvement required under this condition accordingly.
- Condition 14:** Pay the Bonaventure Reimbursement District Fee for Kuebler Boulevard Street Improvements pursuant to Resolution No. 2015-17.
- Condition 15:** The applicant's Traffic Engineer shall provide sight distance information for the driveway located on the inside of the curve of the proposed new street. On-street parking may need to be limited based on the findings of the sight distance analysis.
- Condition 16:** Construct an 8-inch S-1 water main from 36th Avenue SE to 32nd Avenue SE. The Applicant may apply for a variance or modification of PAR19-12 Condition 1 and if a variance or modification is approved, adjust the extent of the construction of the 8-inch S-1 water main required under this condition to comply with the approved variance or modification.
- Condition 17:** Pay a temporary access fee of \$114,600 and connect to the existing S-1 water system as a temporary facility pursuant to SRC 200.080(a).
- Condition 18:** Construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE
- Condition 19:** Construct an 8-inch sewer main from 36th Avenue SE to 32nd Avenue SE. The Applicant may apply for a variance or modification of PAR19-12 Condition 9 and if a variance or modification is approved, adjust the extent of the construction of the 8-inch sewer main required under this condition to comply with the approved variance or modification.
- Condition 20:** Design and construct stormwater facilities in accordance with Ordinance 8-20, and in compliance with SRC Chapter 71 and Public Works Design Standards.
- Condition 21:** As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:

- a. Convey or acquire property for dedication of neighborhood park facility NP-29 or equivalent; or
- b. Pay a temporary access fee of 13.5 percent of the Parks SDCs due for the residential uses.

ADJUSTMENTS:

Condition 22: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

DESIGN REVIEW:

Condition 23: All trees designated for preservation shall be marked and protected during construction. Any tree designated for preservation shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of a certificate of final occupancy.

Condition 24: 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.

Condition 25: 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.

The Hearings Officer **DENIED** the Class 2 Adjustment request to eliminate the direct pedestrian access to adjacent sidewalk requirement for ground level units per 702.020(e)(5).

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

Conditional Use	<u>April 6, 2023</u>
Class 3 Site Plan Review	<u>April 6, 2025</u>
Class 2 Adjustment	<u>April 6, 2023</u>
Class 2 Driveway Approach Permit	<u>April 6, 2023</u>
Class 1 Design Review	<u>April 6, 2023</u>
Application Deemed Complete:	<u>January 21, 2021</u>
Public Hearing Date:	<u>February 24, 2021</u>
Notice of Decision Mailing Date:	<u>March 19, 2021</u>
Decision Effective Date:	<u>April 6, 2021</u>
State Mandate Date:	<u>May 21, 2021</u>

Case Manager: Aaron Panko, APanko@cityofsalem.net, 503-540-2356

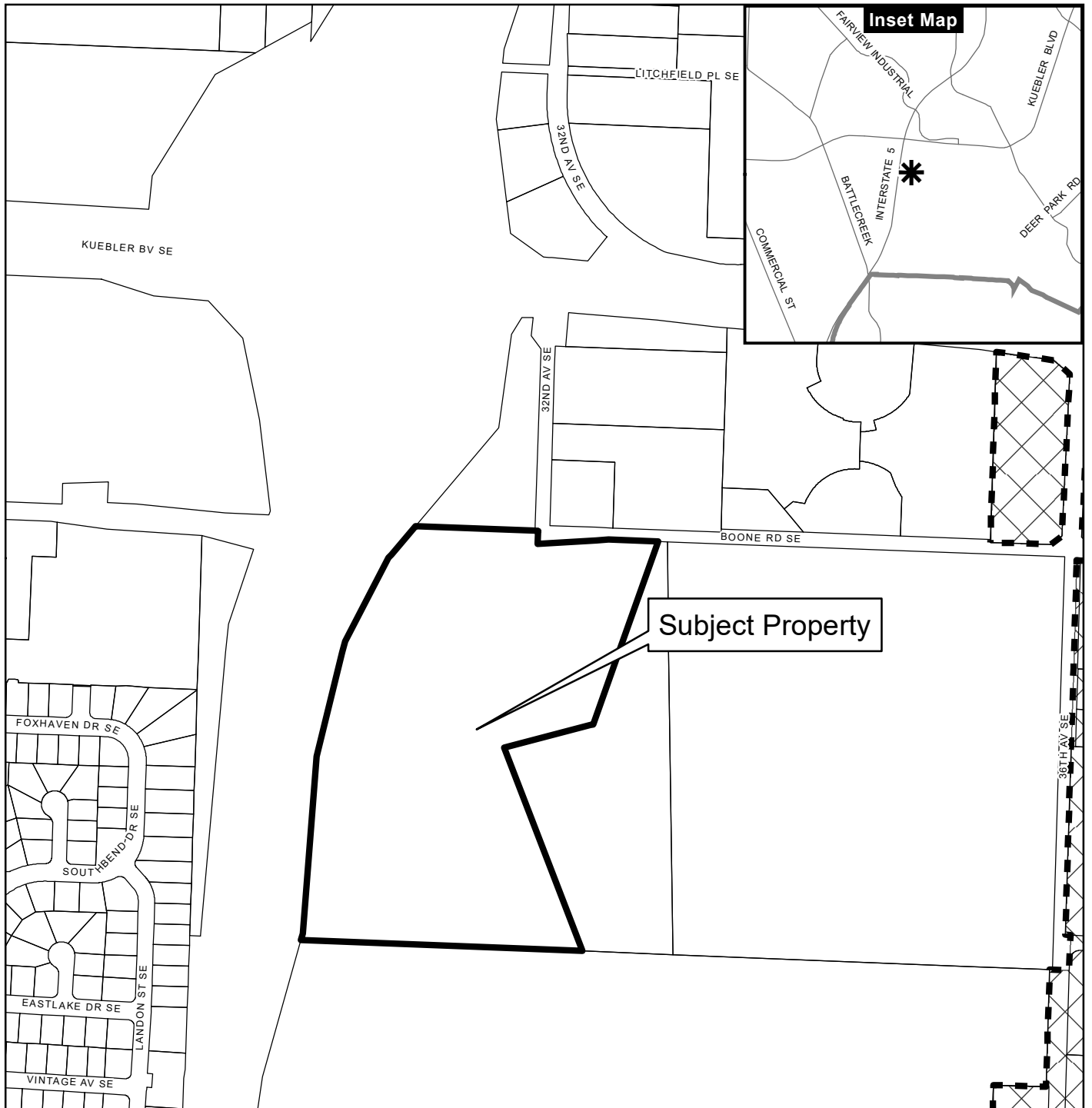
This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday, April 5, 2021. Any person 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, 250, 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

3230 Boone Road SE



Legend

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

-  Parks

CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.

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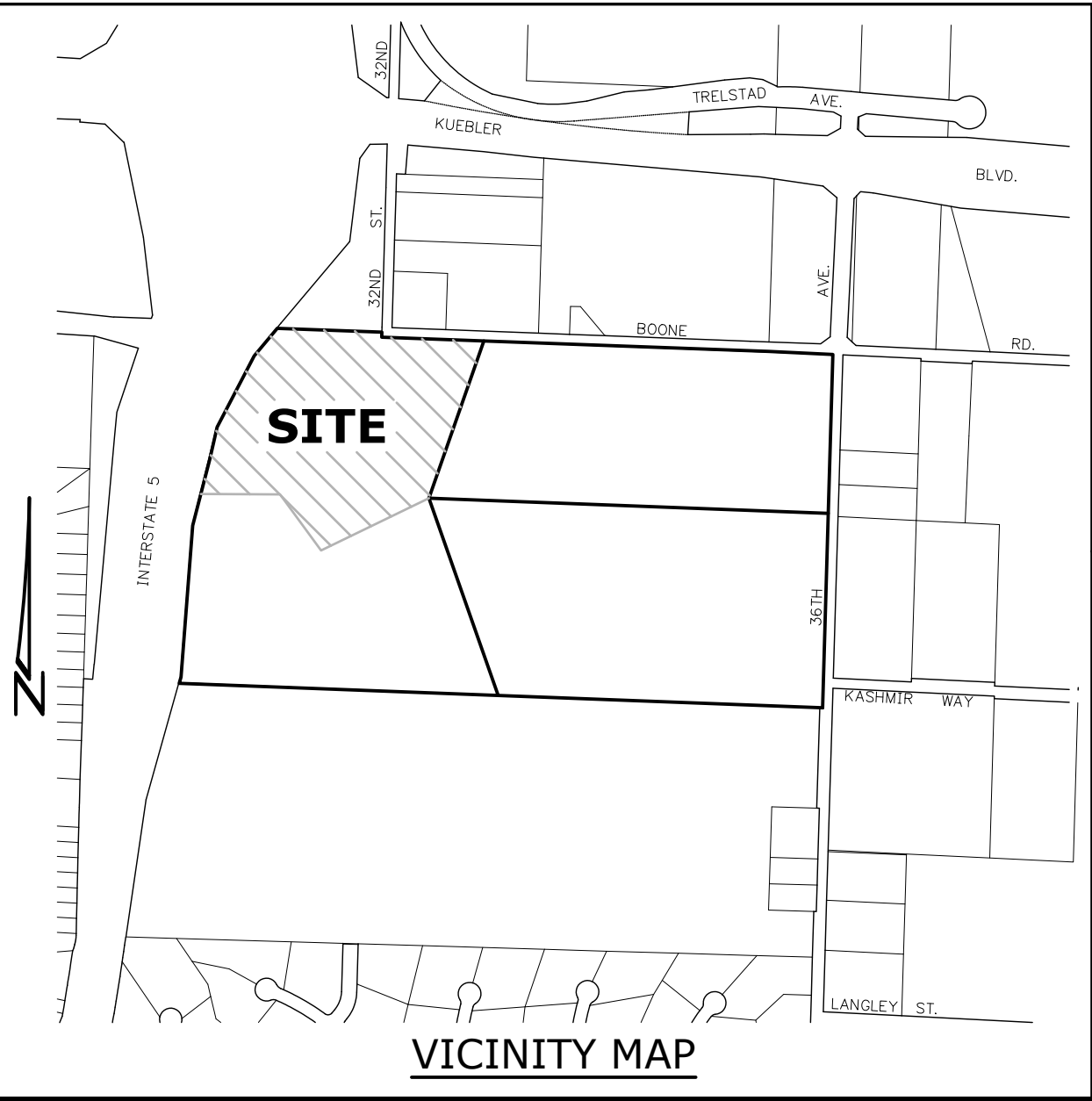
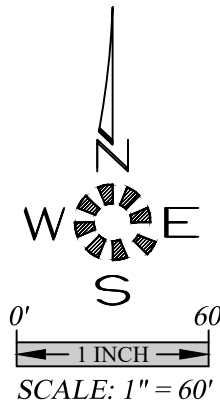
CROWN POINT SOUTH SALEM

SEC. 13, T. 8 S., R. 3 W., W.M.
CITY OF SALEM
MARION COUNTY, OREGON

INTERSTATE 5

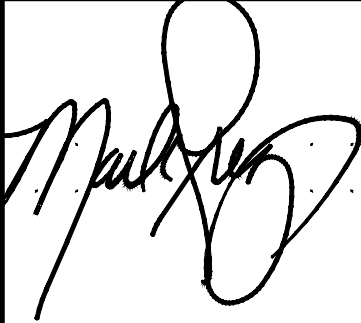
PARCEL 1
32.42 AC

FUTURE
DEVELOPEMENT

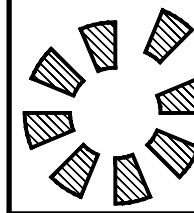


Owner / Developer:
**MWSH BOONE ROAD
PROPERTY, LLC**
3425 BOONE RD. S.E.
SALEM, OR 97317

SHEET INDEX	
SDR1 -	COVER SHEET
SDR2 -	EXISTING CONDITIONS PLAN
SDR3 -	OVERALL SITE PLAN
SDR4 -	SITE PLAN
SDR5 -	OPEN SPACE PLAN
SDR6 -	GRADING PLAN
SDR7 -	PRIVATE STORM DRAIN PLAN
SDR8 -	PRIVATE SANITARY SEWER PLAN
SDR9 -	PRIVATE DOMESTIC WATER PLAN
SDR10 -	PRIVATE FIRE SERVICE PLAN
L1.1	SCHEMATIC LANDSCAPE PLAN
L1.2	SCHEMATIC LANDSCAPE PLAN
A3-C	BUILDING 6 & 7 - C - 12 PLEX
A3-D	BUILDING 5 & 9 - D - 12 PLEX
	BUILDING 11, 13 & 14 - D - 18 PLEX
A3-F	BUILDING 1, 2, & 3 - F - 12 PLEX
A3-G	GARAGE ELEVATIONS
A3-H	BUILDING 10 - H - 12 PLEX
	BUILDING 12 - H - 18 PLEX
A3-X	BUILDING 4 - X - 12 PLEX
A3-X2	BUILDING 8 - X2 - 18 PLEX
A3-CH	CLUBHOUSE

Design:	_____
Drawn:	_____
Checked:	_____
Date:	_____
Scale:	_____
	
EXP _____	
JOB # _____	

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EXISTING CONDITIONS PLAN

CROWN POINT SOUTH SALE

Design: M.D.G.
Drawn: D.G.G.
Checked: E.A.H.
Date: MAY 2019
Scale: AS SHOWN

[Signature]

EXP 06

JOB # 6754

SDR2

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BUILDING/UNIT KEY			
BLDG #	BLDG. TYPE	# OF UNITS	UNIT TYPE
1	F	12	(6) 22e w6a & (6) 22i w6rev2
2	F	12	(6) 22e w6a & (6) 22i w6rev2
3	F	12	(6) 22e w6a & (6) 22i w6rev2
4	A	12	(6) 22e w2 & (6) 11i w1a
5	D	12	(6) 22e w4 & (6) 22i w6rev1
6	C	12	P4
7	C	12	P4
8	B	18	(9) 11e w2 & (9) 11i w1a
9	E	18	(6) 22e w4, (6) 22i w6a, & 22i w6rev2
10	G	18	(9) 32e w14 & (9) 32i w14
11	E	18	(6) 22e w4, (6) 22i w6a, & 22i w6rev2
12	G	18	(9) 32e w14 & (9) 32i w14
13	E	18	(6) 22e w4, (6) 22i w6a, & 22i w6rev2
14	E	18	(6) 22e w4, (6) 22i w6a, & 22i w6rev2
15	CLUBHOUSE	--	--

- WEST SIDE**
330 TOTAL PARKING STALLS (174 COVERED)
286 STANDARD STALLS
21 COMPACT STALLS
9 HANDICAP STALLS
2 12'x20' LOADING ZONES
16 GARAGES (1 HANDICAP)
18 BICYCLE SPACES IN 3 RACKS (18 REQUIRED)
1 CLUBHOUSE / MANAGER'S OFFICE
1 50'x50' SPORTS COURT
1 30'x30' TOT LOT
1 TRASH COMPACTOR / RECYCLE
2 PLAY AREAS
1 SWIMMING POOL (42'x22')
1 U.S. MAIL BOX AREA
1 DOG PARK

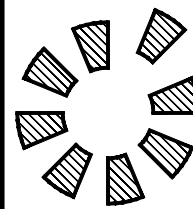


- EAST SIDE**
76 TOTAL PARKING STALLS (37 COVERED)
64 STANDARD STALLS
4 HANDICAP STALLS
8 GARAGES
6 BICYCLE SPACES IN 1 RACKS (4 REQUIRED)

1 TRASH / RECYCLE
1 U.S. MAIL BOX AREA

ADA HANDICAP ACCESSIBILITY NOTES:

- ALL ON-SITE WALKWAYS, PEDESTRIAN CONNECTIONS TO THE PUBLIC SIDEWALK AND ROUTES TO BUILDING ENTRANCES ARE ACCESSIBLE WITH RUNNING SLOPES LESS THAN 5% AND CROSS SLOPE LESS THAN 2% MAX. LANDINGS AT BOTTOM OF STAIRS AND EXT. FACE OF ENTRANCE DOORS SHALL HAVE A SLOPE IN THE DIRECTION OF TRAVEL NOT TO EXCEED 2%.
- HANDICAP PARKING STALLS AND ACCESS AISLES ARE TO HAVE SLOPES IN ANY DIRECTION OF LESS THAN 2% MAX. GRAPHIC MARKINGS & SIGNAGE FOR HANDICAP AND VAN ACCESSIBLE STALLS WILL BE PER OSSC 2010 CHPTR. 11 AND ORS. REQUIREMENTS.
- HANDICAP ACCESSIBLE CURB RAMPS SHALL HAVE A RUNNING SLOPE NOT TO EXCEED 1:12 MAX. AND A CROSS SLOPE NOT TO EXCEED 1%.
- THE COMMUNITY BUILDING & ON-SITE LAUNDRY FACILITIES WILL BE FULLY HANDICAP ACCESSIBLE IN ACCORDANCE WITH ANSI A117.1 AND CHAPTER 11 OF THE 2010 OSSC.
- 2% OF THE LIVING UNITS OR (3) UNITS WILL BE TYPE 'A' HANDICAP ACCESSIBLE. THESE INCLUDE A 1, 2 AND 3 BEDROOM UNIT AS INDICATED ON THIS SITE PLAN. THE BALANCE OF THE GROUND FLOOR LIVING UNITS WILL BE TYPE 'B' ADAPTABLE UNITS IN ACCORDANCE WITH ANSI A117.1.



SITE PLAN

**CROWN POINT
SOUTH SALEM**

Design: M.D.G.
Drawn: D.G.G.
Checked: E.A.H.
Date: MAY 2019
Scale: AS SHOWN

EXP 06

JOB # 6754

SDR4

GENERAL CONSTRUCTION NOTES

1. Clean subgrade by removing all undesirable vegetation including grasses, weeds, and stumps including roots. Leave subgrade in landscape areas minimum 8" below paving and finish grade. Remove all debris from site.
2. Provide minimum 6" depth 60% granular sand -40% rotted compost topsoil mix from approved source in all shrub beds. Scarify subgrade by rototilling and add topsoil on surface, mix topsoil and subgrade thoroughly. Add additional topsoil as needed to contour shrub beds including berms at noted.
3. Provide minimum 4" depth 60% granular sand -40% rotted compost topsoil mix from approved source in all lawn areas. Scarify subgrade by rototilling and add topsoil on surface. Add additional topsoil as needed to level lawns to slope min. 2%.
4. Coordinate drainage, irrigation and lighting with planting plan.
5. Provide minimum 2" depth fine blend bentonite mulch to all planting beds. Mulch from approved source. Fill all planting beds to within 1" of top of all curbs and walks. Slope all planting beds to drain.
6. Provide one (1) year warranty for all plant materials and workmanship.
7. Locate, protect and avoid disruption of all above and below grade utilities and site features prior to construction. Contractor is responsible for any resulting damages during construction. Call locate before you dig at 1 800 424-5555 or 411.
8. All work performed shall conform to the City of Salem landscape and irrigation requirements, codes and specifications.
9. Verify all quantities shown on the plant list and plans. If discrepancies exist between the graphic representation and the numeric totals, the graphic representation shall rule.
10. All plant materials to be specimen quality with full, symmetrical trunk and foliage, unless otherwise noted.
11. Insure proper drainage of all planting holes prior to installing plant materials. If planting holes do not drain or if heavy clay soils are evident contact landscape architect.

INTERSTATE 5

NATIVE SHRUBS
NATIVE CONIFER TREES

NATIVE PERENNIALS
NATIVE GRASS

ADJACENT ZONING 1C

SCHEMATIC PLANT MATERIAL LEGEND

- DECIDUOUS STREET TREES** - 2" caliper, B&B at 30' o.c.
- Norway Maple/Acer platanoides
 - Little Leaf Linden/Tilia cordata
 - Red Oak/Quercus rubra
- CONIFER TREES** - 6' height, B&B.
- Western Red Cedar/Thuja plicata
 - Shore Pine/Pinus contorta
 - Weeping Alaska Cedar/Chamaecyparis nootkinsensis
- SMALL FLOWERING TREES** - 2" caliper, B&B.
- Japanese Snowbell/Syrax japonica
 - Capital Flowering Pear/Pyrus calleryana "Capital"
 - Thundercloud Myrobalan Plum/Prunus cerasiformis "Thundercloud"
- LARGE FLOWERING TREES** - 2" caliper, B&B.
- Chantiller Flowering Pear/Pyrus calleryana "Chantiller"
 - Red Bud/Cercis canadensis
 - Katsura/Cercidiphyllum japonicum
- MEDIUM EVERGREEN FLOWERING SHRUBS** - 30" height, B&B at 6' o.c.
- Forest Flame Pieris/Pieris floribunda
 - ML Laurel/Kalmia latifolia
 - David Viburnum/Viburnum davidii
 - Oregon Grape/Mahonia aquifolium
- SMALL FLOWERING SHRUBS** - 16" height, container at 4' o.c.
- Azalea/Rhododendron species
 - Sarcococca/Sarcococca ruscifolia
 - Evergreen Huckleberry/Vaccinium ovatum
 - Spiraea Little Princess/Spiraea japonica "Little Princess"
- GROUND COVERS** - 1 gallon at 36" o.c.
- Kinikinnick/Arenostaphylos ovalis
 - Pachysandra/Pachysandra terminalis
 - Hypericum/Hypericum calycinum
- PERENNIAL COLOR/GRASSES** - 1 gallon at 24" o.c.
- Daylily/Hemerocallis species
 - Candytuft/Iberis sempervirens
 - Fatsia Spirea/Little arendsi
 - Black Mondo Grass/Ophiopogon japonicus
 - Golden Variegated Sweet Flag/Acorus gramineus "Ogon"
 - Blue Oat Grass/Holcus strictus sempervirens
 - Feather Reed Grass/Calamagrostis acutiflora "Karl Foerster"
- LAWN** - Sod from Country Green Premium Sod

INFILTRATION POND/RAIN GARDEN

Infiltration Rain Garden planting with native trees, shrubs, ground covers and emergent.

- DECIDUOUS TREES** - 1" caliper, B&B
- Vine Maple/Acer circinatum
 - Oregon Ash/Fraxinus latifolia
- NATIVE SHRUBS** - 24" height, at 5' o.c.
- Red Oyster Dogwood/Cornus stolonifera
 - Oregon Grape/Mahonia aquifolium
 - Red Flowering Currant/Ribes sanguineum
 - Nootka Rose/Rosa nutkana
 - Evergreen Huckleberry/Vaccinium ovatum
 - Sala/Gaultheria shallon
- EMERGENTS** - Sprig @ 18" o.c.
- Columbia Sedge/Carex aquata
 - Slough Sedge/Carex obnupta
 - Beaked Sedge/Carex rostrata
 - Common Spike Rush/Eleocharis palustris

EXISTING TREE - Preserve and protect with Tree Protection Fencing

LANDSCAPE SCHEMATIC DESIGN

SCALE: 1"=30'-0"

NORTH

BASE MAP FROM MULTI/TECH ENGINEERING, SALEM, OR.

SITE CALCULATIONS

Site Zoning	IC
Site Area	568,078 sf
Landscape Area	
West	155,866 sf
East	55,333 sf
Lineal sf of site perimeter at setback along ROW	
West	1,080 lf
East	945 lf
Lineal sf of site perimeter not abutting ROW	
West	1,530 lf
East	540 lf
Total of interior parking and driveways	
West	113,378 sf
East	30,235 sf
Total number of parking spaces	
West	330 (168) covered
East	76 (25) covered
Plant Unit Requirements	
Type A Landscape = 1 plant unit per 20 sf of landscape area	
Total Landscape 211,199/20 sf = 10,159 plant units required	
Total Plant Units provided	64,780
Tree Canopy Requirement	
One tree per 2,000 sf of site area	
568,078 sf / 2,000 sf =	284 trees required
Total trees provided	379

PLANT MATERIAL COUNT

ROW Plant Units	Street Trees
Boone Road	10
A Drive	34
32nd Avenue	41
Total	85
Plant Units at 10 units per tree =	850
Lawn	
West	7,920 sf
East	5,880 sf
Total	13,800
Plant Units at 1 unit per sf =	13,800
TOTAL ROW PLANT UNITS	14,650
On-Site Plant Units	Parking Lot Trees
West	63
East	19
Total	82
Plant Units at 10 units per tree =	820
Small Flowering Trees	
West	69
East	14
Total	83
Plant Units at 2 units per tree =	166
Large Native Flowering Trees	
West	0
East	0
Total	24
Plant Units at 10 units per tree =	240
Conifer Trees	
West	139
East	51
Total	190
Plant Units at 5 units per tree =	950
Shrubs	
Perimeter West	157
Perimeter East	98
Building West	891
Building East	194
Interior West	102
Interior East	30
Total	1,472
Plant Units at 2 units per shrub =	2,944
Ground Cover/Perennials/Grasses	
West	6,300
East	2,650
Total	8,950
Plant Units at 1 unit per ground cover =	8,950
Lawn	
West	40,860 sf
East	9,850 sf
Total	50,710
Plant Units at 1 unit per lawn sf =	50,710
TOTAL ON-SITE PLANT UNITS	64,780
REQUIRED PLANT UNITS	10,599

BUILDING ELEVATION LANDSCAPE REQUIREMENTS

TREE PLANTING		
Requirement	10 plant Units per 60' lineal foot of building elevation	
Note: 1 Small Flowering Tree = 10 Units		
Building Number	Elevation facade lineal feet	Required Trees/Proposed Trees
Building #1	300 LF	50 units or 5.0 trees/5 trees proposed
Building #2	300 LF	50 units or 5.0 trees/5 trees proposed
Building #3	300 LF	50 units or 5.0 trees/5 trees proposed
Building #4	270 LF	45 units or 4.5 trees/6 trees proposed
Building #5	320 LF	53 units or 5.3 trees/6 trees proposed
Building #6	300 LF	50 units or 5.0 trees/5 trees proposed
Building #7	300 LF	50 units or 5.0 trees/5 trees proposed
Building #8	350 LF	58 units or 5.8 trees/6 trees proposed
Building #9	420 LF	70 units or 7.0 trees/7 trees proposed
Building #10	450 LF	75 units or 7.5 trees/8 trees proposed
Building #11	410 LF	68 units or 6.8 trees/7 trees proposed
Building #12	420 LF	75 units or 7.5 trees/8 trees proposed
Building #13	420 LF	70 units or 7.0 trees/8 trees proposed
Building #14	420 LF	70 units or 7.0 trees/7 trees proposed
Building #16 CH	328 LF	54 units or 5.4 trees/9 trees proposed
Total		88.8 required/90 proposed

SHRUB PLANTING		
Requirement	1 plant per 15' lineal foot of building elevation	
Building Number	Elevation facade lineal feet	Required Plants/Proposed Plants
Building #1	300 LF	20/80 proposed
Building #2	300 LF	20/80 proposed
Building #3	300 LF	20/66 proposed
Building #4	270 LF	18/60 proposed
Building #5	320 LF	21/66 proposed
Building #6	300 LF	20/84 proposed
Building #7	300 LF	20/84 proposed
Building #8	350 LF	23/70 proposed
Building #9	420 LF	28/80 proposed
Building #10	450 LF	30/81 proposed
Building #11	410 LF	27/83 proposed
Building #12	450 LF	30/90 proposed
Building #13	420 LF	28/89 proposed
Building #14	420 LF	28/87 proposed
Building #16 CH	328 LF	21/36 proposed
Total		324 required/1,073 proposed

LANDSCAPE NARRATIVE

The landscape design for Crown Point South includes a variety of landscape types. The street will be planted in boulevards with deciduous street trees planted at 30' on center to create shade in the summer and allow light in the winter months. The buildings will be planted with two small flowering trees at each entry walk and low ornamental shrubs around the building accented with perennials and grasses. The patios will be screened from the common area with low evergreen plantings to provide separation and still allow sun into the patios. The common areas which are flat and mowable with equipment will be lawn meandering between the buildings and along the frontage. The lawn allows residents to escape the buildings in emergency and allows emergency personnel access to the buildings. The slopes between the buildings and the slopes between the buildings and the buildings that are too steep to mow will be planted with native deciduous, native conifer trees, native shrubs and native ground cover to provide screening and wildlife habitat. The native slopes will be maintained until they become established eventually requiring no maintenance or irrigation. The perimeter buffers will be planted with native conifer trees, native deciduous trees, native shrubs and native ground cover. The buffer will also be maintained until the plantings become established eventually requiring no maintenance or irrigation. The landscape buffer to the west adjacent to the freeway will be primarily planted with native conifers to create a dense visual and noise buffer. The site will be irrigated with spray irrigation in the boulevards lawn, drip irrigation around the buildings, rotor heads in the large lawn areas and low water use heads on the native slopes and buffers.

CROWN POINT SOUTH
BONAVENTURE
BOONE ROAD
SALEM, OREGON

Lauchlin R. Bethune Associates, Inc.
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Maple Valley, Washington 98038
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SCALE: 1"=30'-0"
DATE: 11/25/20
JOB NO: #219162

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A REQUEST FOR A CONDITIONAL USE PERMIT AND CLASS 3 SITE PLAN REVIEW, CLASS 2 DRIVEWAY APPROACH PERMIT, AND CLASS 1 DESIGN REVIEW FOR A PROPOSED DEVELOPMENT OF A NEW 15 BUILDING MULTI-FAMILY DEVELOPMENT CONTAINING 210 RESIDENTIAL UNITS, WITH A CLASS 2 ADJUSTMENT TO ALLOW OFF-STREET PARKING AREA IN FRONT OF BUILDINGS; INCREASE THE MAXIMUM BUILDING LENGTH FROM 150 TO 176.6 FEET; ELIMINATE THE REQUIREMENT FOR A MINIMUM OF 40 PERCENT OF THE BUILDABLE WIDTH TO BE OCCUPIED BY BUILDINGS AT THE MINIMUM SETBACK; AND ELIMINATE THE DIRECT PEDESTRIAN ACCESS TO ADJACENT SIDEWALK FOR GROUND LEVEL UNITS, FOR PROPERTY APPROXIMATELY 27 ACRES IN SIZE, ZONED IC (INDUSTRIAL COMMERCIAL), AND LOCATED AT THE 3200 BLOCK OF BOONE ROAD SE - 97317 (MARION COUNTY ASSESSORS MAP AND TAX LOT NUMBERS: 083W13A / 00300).	CU-SPR-ADJ-DAP21-02
	FINDINGS OF FACT, CONCLUSIONS, AND DECISION

DATE AND PLACE OF HEARING:

February 24, 2021; due to social distancing measures in place to help stop the spread of the COVID-19 virus, the hearing was held virtually.

APPEARANCES:

Staff: Aaron Panko, Planner III

Neighborhood Association: None

Proponents: John Eld, MSWH Boone Road Property, LLC (Owner); Brandie Dalton, Multi-Tech Engineering, Inc., Mark Gretz, P.E., Multi-Tech Engineering, Inc., representing the Applicant.

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed virtual public hearing on February 24, 2021, regarding a request for a Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review applications for development of a proposed fifteen-building apartment complex with a total of 210 dwelling units with associated site improvements, for property located at 3230 Boone Road SE.

During the hearing, Aaron Panko asked the Hearings Officer to enter the Staff Report, supplemental staff report and staff memo, the staff PowerPoint and the recording of the staff presentation from the hearing, along with written comments received from the applicant related to the staff report's proposed conditions of approval, a Public Works Department response to the applicant's comments, and a supplemental staff report, all dated February 24, 2021, into the Record, and the Hearings Officer granted the request. Prior to the close of the public hearing, the applicant asked for an additional 7-day period to provide a final written argument. The applicant provided a final written argument on March 3, 2021, also incorporated as part of the record.

The Hearings Officer notes the following:

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Industrial Commercial." The property is located within the Urban Growth Boundary, but is outside the Urban Service area.

The Hearings Officer notes that an Urban Growth Area Preliminary Declaration was previously approved for the subject property (UGA 19-01) to determine the public facilities required for development of approximately 80 acres, including the subject property located at 3230 Boone Road SE.

2. Zoning of Surrounding Properties

The subject property is currently zoned IC (Industrial Commercial). The zoning of surrounding properties is described as follows:

North: Across Booner Road SE; IG (General Industrial)

South: RA (Residential Agriculture)

East: IC (Industrial Commercial)

West: Interstate 5

3. Site Analysis

The site is the proposed Parcel 1 from Tentative Partition Plan PAR19-12 and is approximately 27 acres, and has approximately 405 feet of frontage on Boone Road SE. Boone Road SE is designated as a Local street in the Transportation System Plan.

Circulation and Access: The property has frontage on Lancaster Drive SE and Interstate 5. The adjacent portion of Lancaster Drive SE is designated as a Major Arterial in the Salem Transportation System Plan (TSP). The standard for this street is a 68-foot-wide improvement within a 96-foot-wide right of way. The existing conditions of Lancaster Drive SE adjacent to the subject property do not appear to meet minimum standards for its classification.

The proposed use, an unpaved vehicle storage area for trucks and trailers, does not require a building permit or site plan. Any additional necessary street improvement or right-of-way requirements will be addressed at such time that future development is proposed on the site through the Site Plan Review Process.

Primary access to the subject property is provided by an existing driveway to Lancaster Drive SE.

Trees: The City's tree preservation ordinance protects heritage trees, significant trees (including Oregon White Oaks with a diameter at breast-height of 24 inches or greater), trees and vegetation within riparian corridors, and trees on lots or parcels greater than 20,000 square feet.

Any future development of the subject property must comply with the tree preservation requirements of SRC Chapter 808 (Preservation of Trees and Vegetation).

Wetlands: Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetland Inventory (LWI) identifies mapped wetland areas on the subject property. Any development of the subject property must conform to the requirements of the City's wetland ordinance, and any necessary State or Federal permits must be obtained before a project begins.

Landslide Hazards: According to the City's adopted landslide hazard susceptibility maps, there are areas of mapped landslide hazard susceptibility points located throughout the property. Based on the point value associated with the land (3 points) and the point value associated with a future commercial or industrial building permit (3 points), there is a moderate landslide hazard risk for future commercial or industrial development of the property. A geologic assessment will be required in the future if a regulated development activity is proposed in the mapped landslide hazard area.

4. Neighborhood and Citizen Comments

The subject property is located within the Southeast Mill Creek Association (SEMCA). Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On October 23, 2020, the applicant contacted SEMCA— meeting the requirements of SRC 300.310(c). Notice was provided to SEMCA and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time the record was closed, no neighborhood association or public comments had been received.

5. City Department and Public Agency Comments

The Public Works Department reviewed the proposal and provided a memo which is included with the staff report as Attachment D. The Public Works Department also provided a February 24, 2021 response to the applicant's request to amend certain conditions of proposal from the staff report.

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

The Salem Fire Department reviewed the proposal and commented that the development will require a minimum of 2 separate and approved means of fire department access. As shown on sheet SDR5, only 1 access point is provided from Boone and 32nd. Fire department access is required to be provided within 150 feet of all portions of the structures, fire hydrants are required to be located within 600 feet of all portions of the structures, aerial fire department access is required if the building height exceeds 30 feet, and the FDCs shall be located within 100 feet of a fire hydrant in an approved location. To ensure the development complies with Fire Code and access requirements, the Hearings Officer imposes the following condition:

Condition 1: Prior to building permit issuance the applicant shall demonstrate that the proposal complies with all applicable fire department access requirements.

The Historic Preservation Officer/City Archaeologist has reviewed the proposal and commented that while there are no known archaeological resources on the property located at 3230 Boone Rd SE (083W13A00300), this tax lot is within Salem's High Probability archaeological zone, and there are several known archaeological sites within the Area of Potential Effect for this project. At the time of City permit submittal authorizing ground-disturbing activity on the site (i.e., grading/civil site work), the applicant shall provide evidence of notification to the Oregon State Historic Preservation Office (SHPO) of this project. Additionally, prior to any ground-disturbing activity on the site, the applicant shall ensure the Confederated Tribes of the Grand Ronde, the Confederated Tribes of the Siletz and the Confederated Tribes of Warm Springs have been notified of the project. At the time of permit submittal, the applicant shall provide a copy of their Inadvertent Discovery Plan or shall ensure that the City of Salem's Inadvertent Discovery Plan (IDP) is in place during ground-disturbing activity.

Salem-Keizer Public Schools has reviewed the proposal and provided a response letter included as Attachment E to the staff report. In summary, the subject property is located outside of the walk zone for Lee Elementary School, Judson Middle School, and South Salem High School, and students living at the proposed facility will be eligible for transportation. Salem-Keizer Public Schools comments that in order to access this property with school buses, improvements will be needed so that buses can drive through in a forward direction, without backing and with sufficient clearance at all times. This may be accomplished by completing a street connection to 36th Avenue SE, or school buses could stop on 36th Avenue SE at Boone Road SE, which would require completion of sidewalks along Boone Road SE and on 36th Avenue SE, connecting the subject property with a school bus stop to be located on 36th Avenue SE. Bus pullouts and a covered shelter shall be provided. Finally, the applicant may coordinate an alternative plan with Salem Keizer Public Schools to ensure a safe bus route is provided for this development. In order to ensure that the development will have appropriate access for school buses, the Hearings Officer imposes the following condition:

Condition 2: Prior to issuance of building permit, the applicant shall demonstrate that in coordination with Salem Keizer Public Schools, a safe accessible bus transportation route shall be provided for the proposed development. This may be accomplished by either 1) completing a street connection to 36th Avenue SE that accommodates school buses, 2) by providing sidewalks along Boone Road SE and on 36th Avenue SE, connecting to a school bus stop to be located on 36th Avenue SE, or 3) the applicant may coordinate an alternative plan with Salem Keizer Public Schools to ensure a safe bus route is provided for this development.

Marion County Public Works reviewed the proposal and is requesting to be included in the TIA scoping, since potential intersection improvements at Boone Road and 36th Avenue may include the east leg of that intersection, in which case Marion County Public Works Engineering would need to be involved in the plan review and permitting process.

6. Analysis of Conditional Use Criteria

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

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

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

Criterion 1:

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

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 applicant states that the proposed development is compatible with the surrounding land uses. The subject property is near the City limits boundary and was annexed into the City in 2011. The property south of Kuebler Boulevard and east of Interstate 5 is a transitional area with many within the Urban Growth boundary that are outside of City limits. To the north is property zoned IG (General Industrial), which is occupied by single family dwellings. Further east is property zoned CO (Commercial Office) occupied by a senior living facility. To the south is a large RA (Residential Agriculture) zoned property with a single-family dwelling. There are many underdeveloped areas and properties in the vicinity, and this immediate area is likely to see future development and growth.

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 arises from between different uses. The multi-family residential design standards require additional screening for apartment complexes where they abut single family residential zoning, to assure compatibility with between these uses; this includes more robust landscaping and fencing. Staff recommended that the Hearings Officer adopt a condition of approval requiring the applicant to provide a decorative, sight-obscuring fence along the southern property line where the proposed multi-family use abuts RA (Residential Agriculture) zoning. The Applicant requested relief from this condition, pointing out that this proposal is planned to be the first phase of a multi-phase project, with the southern limit of this proposal approximately 700 feet north of the southern property line of the overall development site. Staff responded that while an adjustment to the timing for installing the sight-obscuring fence might be appropriate in this circumstance, this application does not include that proposal for an adjustment. Consequently, if the Hearings Officer adjusted the requirement, the proposal then would not meet the standard from 700, and the Class 1 Design Review application could not satisfy the criteria for approval. Staff offered, and the applicant accepted, modified language for a proposed condition, and the Hearings Officer imposes the following modified condition:

Condition 3: 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 applicant may request relief from this standard by submitting a future Class 2 Adjustment application.

The Hearings Officer finds that with this condition, the application will meet the standards intended to ensure compatibility.

The Hearings Officer notes that the proposed 210-unit, multi-family residential development has been evaluated based on the size and scale of the development as shown on the site plan, and staff's conclusion is that it will have minimal impact on the immediate neighborhood. Any future increase to the size and scale of the development beyond 210 dwelling units will require approval of a separate conditional use permit. The Hearings Officer imposes the following condition of approval:

Condition 4: The multi-family use shall contain no more than 210 dwelling units.

The Hearings Officer finds that with these conditions, the proposed development will have a minimal impact on the immediate neighborhood.

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 notes that to assist in determining whether the proposed multi-family use is reasonably compatible with the surrounding area, the staff provided the following analysis of whether the proposed multi-family use is consistent with the goals and policies of the Salem Area Comprehensive Plan for multi-family residential development and siting:

Residential Development (SACP IV Section E)

Establishing Residential Uses.

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

Multi-Family Housing.

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

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

Access to the subject property is provided by Boone Road SE, a proposed extension of 32nd Street SE and a new unnamed street that will connect 32nd Street SE to the southern edge of the property. These streets are designated as local streets. There is not a public sidewalk network in the area to connect to existing employment, shopping, or public services, leaving the proposed development largely auto dependent. Transit service is not provided in the area currently. However, as the area develops and grows in the future, public sidewalks and transit service will likely extend to the subject property.

Kuebler Boulevard provides access to nearby Commercial Street SE and Lancaster Drive SE corridors, where services including a mix of largely commercial retail sales and services and office land uses can be found.

Convenient access to Interstate 5 is also provided.

The nearest public parks to the subject property are Wes Bennett Park, which is classified as a Neighborhood Park, and Woodmansee Park, which is classified as a Community Park. Wes Bennett Park is located approximately 2.3 miles to the west of the subject property, accessed by Kuebler Boulevard SE and Reed Lane SE. Woodmansee Park is located approximately 3.3 miles to the northwest, accessed by Kuebler Boulevard and Sunnyside Road SE.

Future City parks that are nearby include Reed Road Park, which is classified as a Neighborhood Park, and Fairview Park, which is classified as a Community Park. Reed Road Park is located at the intersection of Reed Road SE and is approximately 1.9 miles to the west of the subject property accessed by Kuebler Boulevard SE and Battle Creek Road SE. Fairview Park is located on Old Strong Road SE and is approximately 2.2 miles to the northwest of the subject property accessed by 32nd Avenue, Fairview Industrial Drive SE and Reed Road SE.

Lee Elementary School, Judson Middle School, and South Salem High School will serve students in this area. Students residing at the proposed development are outside of the walk zone and will be eligible for school transportation. As conditioned, the applicant shall coordinate with Salem Keizer Public Schools to provide a safe accessible route for bus transportation.

The City is in the midst of a multi-year project to update the Salem Area Comprehensive Plan; this project is known as Our Salem. After more than a year and a half of outreach, Planners have developed a vision for future growth and development in the Salem area. The vision includes goals and a map that reflect priorities voiced by the community. The proposed comprehensive plan map for this area shows a mixture of commercial, industrial commercial, industrial and residential uses south of Kuebler and east of Interstate 5.

The Hearings Officer adopts the staff conclusions 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. The Hearings Officer finds that, as conditioned, the proposed development will have a minimal impact on the livability and appropriate development of surrounding property.

The Hearings Officer finds that the application, with these conditions of approval, satisfies the criteria for a Conditional Use.

3. 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 Office notes that the applicant is requesting approval to develop a new fifteen building, multi-family residential apartment complex with a total of 210 dwelling units. The staff reports the proposed site plan complies with all applicable development standards of the Unified Development Code (UDC). The Hearings Officer finds that this criterion is satisfied.

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 551, Table 551-1. Multiple family residential uses require a conditional use permit in the IC zone per Table 551-1.

SRC 551.010(a) – Lot Standards:

The Hearings Officer notes that 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 subject property is proposed Parcel 1 from Tentative Partition Case No. PAR19-12. This parcel is approximately 27.03 acres in size and has approximately 350 feet of frontage along Boone Road SE, exceeding the minimum lot standards of the IC zone. The applicant sought modification of the trigger for recording the final plat. Staff agrees that simply requiring the final plat to be recorded prior to issuing any civil site work or building permits, is appropriate in this circumstance. The applicant had concerns about whether the language of the proposed condition could be interpreted to prevent the applicant from obtaining permits for preliminary site work, like grubbing, erosion control, grading or public works permits. The Hearings Officer understands the staff comments, but agrees with the applicant that clarifying the proposed condition will help reduce the chance of misunderstanding or unintended consequences. To accomplish this, the Hearings Officer imposes the following modified condition:

Condition 5: The final plat for Partition 19-12 shall be recorded prior to issuance of any civil site work or building permits required for construction of the residential units on the site, but recording the final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.

SRC 551.010(b) – Setbacks:

North: Adjacent to the north is right-of-way for Boone Road SE and property zoned IG (General Industrial). Multi-family buildings and structures adjacent to a street require a minimum five-foot setback, vehicle use areas require a minimum 6-10 foot setback. Multi-family buildings, structures and vehicle use areas require a minimum 15-foot setback adjacent to an interior front property line.

The Hearings officer notes that on the eastern portion of the site, proposed Building 1 is set back approximately 10 feet from Boone Road SE, and the proposed off-street parking area is set back approximately 13 feet, in compliance with this standard. On the western portion of the site, a proposed vehicle use area abuts the IG zoned property to the north; the site plan indicates that the vehicle use area will have a 10-foot setback, less than the minimum 15-foot standard. The Hearings Officer notes that in relation to Building 3, there is a similar issue with the setback to the East, as discussed below. To ensure the proposal complies with the minimum setback requirements, the Hearings Officer imposes the following condition:

Condition 6: Prior to building permit issuance, the applicant shall revise the site plan to comply with the minimum vehicle use area setback requirement to the north and east.

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

The Hearings Officer finds that the proposed development is located on the northern portion of the site, more than 635 feet from the southern property line, in compliance with this standard.

East: Adjacent to the east is property zoned IC (Industrial Commercial). Multi-family buildings, structures and vehicle use areas require a minimum 15-foot setback adjacent to an interior side property line.

The Hearings Officer notes that proposed Building 3 is set back

approximately 15 feet from the property to the east, and complies with the setback requirement. The site plan indicates that the vehicle use area will have a 10-foot setback, which is less than the minimum 15-foot standard. To ensure the proposal complies with the minimum setback requirement, the Hearings Officer has imposed Condition 6. With that condition, the proposal will satisfy the vehicle use area setback requirements.

West: Adjacent to the west is right-of-way for Interstate 5. Interstate 5 is not a street, making this an interior side lot line. Multi-family buildings, structures and vehicle use areas require a minimum 15-foot setback adjacent to an interior side property line.

Proposed Building 14 is set back approximately 20 feet from the western property line, and vehicle use and solid waste service areas are set back more than 15 feet from the western property, in compliance with the setback requirement. The Hearing Officer finds that this requirement is satisfied.

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.

The proposed multi-family buildings range in height from 36-43 feet. The proposed clubhouse is approximately 24 feet in height, and the proposed garages and carports are less than 15 feet in height, in compliance with the maximum height allowance of the IC zone. The Hearing Officer finds that this requirement is satisfied.

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.

The Hearings Officer notes that the total area of the subject property is approximately 27 acres; however, the area of proposed development is split into two development sites on the northern portion of the property.

The western portion of the development site is approximately 391,482 square feet in size, requiring a minimum of 58,722 square feet of landscape area ($391,482 \times 0.15 = 58,722.3$). The site plan indicates that

approximately 145,761 square feet (37%) of the western portion of the development site will be landscaped, exceeding the minimum requirement. The Hearing Officer finds that this requirement is satisfied.

The eastern portion of the development site is approximately 107,008 square feet in size, requiring a minimum of 16,051 square feet of landscape area ($107,008 \times 0.15 = 16,051.2$). The site plan indicates that approximately 52,224 square feet (49%) of the eastern portion of the development site will be landscaped, exceeding the minimum requirement. The Hearing Officer finds that this requirement is satisfied.

SRC 551.015(a) – Design Review:

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

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.

Airport Overlay Zone SRC 602

Development within the Airport Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone or any other overlay zone, the more restrictive development standards shall be the applicable development standard.

SRC 602.020(a) – Height. Except as otherwise provided in this chapter, no building, structure, or object shall be erected or increased in height, and no vegetation shall be allowed to grow, to a height in excess of the height limitations set forth in this subsection. If all or part of a lot is located in more than one Airport Overlay Zone area, the applicable height limitation shall be the most restrictive height limitation.

The Hearings Officer notes that the subject property is located in the horizontal surface of the Airport Overlay Zone.

SRC 602.020(a)(6) – Horizontal area. In the horizontal area, no building, structure, object or vegetation growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation (Airport elevation means an elevation that is 210 feet above mean sea level).

The Hearings Officer notes that according to the requirements of the Airport Overlay Zone, building heights shall not project further than 360 feet above mean sea level. The applicant's site plan indicates that the elevation of the property ranges from approximately 240 feet to 306 feet above mean sea level. The height of the building placed at the highest point of the property is approximately 39 feet in height, bringing the overall maximum height to approximately 345 feet, less than the maximum allowance. Final elevations and building heights will be reviewed at the time of building permit to ensure compliance with this height requirement.

General Development Standards SRC 800

SRC 800.055(a) – Applicability.

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

The site plan indicates that two solid waste service areas, one on the west and one on the east side of the site, with receptacles greater than 1 cubic yard in size are proposed. The solid waste service area design standards apply to the proposed development, the following is a summary of applicable design standards:

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.

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. To ensure compliance with this requirement, the Hearings Officer imposes the following condition:

Condition 7: Development of the solid waste service areas shall conform to all applicable standards of SRC Chapter 800.

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.

The Hearings Officer notes that adequate separation distance is provided within the proposed 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.

Because the application does not propose a roof for the solid waste enclosure, the Hearings Officer finds that the standard is not applicable.

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

- 1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- 2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- 3) Pad area. The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.
- 4) Minimum separation. A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

The Hearings Officer notes that the design and materials for the slab where the compactor will be placed is not indicated in the proposed plans but will be reviewed for conformance with this development standard at the time of building permit review.

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.

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

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

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

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

The Hearings Officer notes that the width of the proposed front openings for the enclosures are approximately 24 feet and 14.5 feet, exceeding the minimum standard.

- 2) Measures to Prevent Damage to Enclosure. Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

The Hearings Officer notes that the design and materials for the enclosure walls, or measures of preventing damage to the enclosure, is not indicated in the proposed plans but will be reviewed for conformance with this development standard at the time of building permit review.

- 3) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. All gates shall have restrainers in the open and closed

positions.

The Hearings Officer notes that the enclosure gates appear to be less than 15 feet in length, however, the site plan does not indicate the angle of the swing for the gate but that will be reviewed for conformance with this development standard at the time of building permit review.

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.

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

Streets and Right-of-Way Improvements Connectivity SRC 803

SRC 803.030(a) – Street Spacing.

Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of-way line along one axis, and not less than 120 feet and not more than 400 feet from the right-of-way line to right-of-way line along the other axis.

Pursuant to Condition 24 from PAR 19-12, streets are required through the property, including the two adjacent lots to the east under common ownership (083W13A / 00100 and 00200), at no greater than 600-foot intervals. The applicant has requested alternative street standards showing only one street through the adjacent property that connects out to 36th Avenue SE. With this application, staff did not address the request for alternative street standards on the adjacent properties. Future development applications for 083W13A / 00100 and 00200 are subject to the street spacing and connectivity requirements of SRC Chapter 803 and PAR19-12.

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.

The Hearings Officer notes that the proposed multi-family use contains a total of 210 dwelling units, 30 of the proposed units are single bedroom, and the remaining 180 units are two-bedroom units. A minimum of 300 off-street parking spaces are required for the proposed use $((30 \times 1) + (180 \times 1.5) = 300)$. The maximum off-street parking allowance is 1.75 times the minimum requirement, or 53 spaces $(300 \times 1.75 = 525)$. The site plan indicates that 406 spaces are proposed, with 21 of the spaces proposed to be compact. Carpool/vanpool parking spaces are not required for multi-family uses. The Hearings Officer finds this satisfies the requirement.

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 set back 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.

As indicated in the findings above, and addressed by Condition 6, the vehicle use area setback requirements are not met to the north and to the east. The condition requires the applicant to revise the site plan to comply with minimum setback requirements. As conditioned, 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.

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, 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.

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).*

The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards and wheel barriers are shown on the proposed site plan.

The 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 conditioned, the applicant shall provide decorative fencing along the southern property line to provide screening for the proposed

use, but has the ability to seek a delay in when this requirement should apply.

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.

The proposed 210-unit multi-family residential apartment complex requires a minimum of 21 bicycle parking spaces. The site plan indicates that 24 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.

The Hearings Officer notes that the site plan shows four individual bicycle parking pads, each with three staple racks, which provide two bicycle parking spaces each, for a total of twenty-four bicycle parking spaces. However, one of the bicycle parking pads with required bicycle parking spaces is provided near the proposed tot lot and sports court in a location more than 50 feet from a primary building entrance, and therefore is not in compliance with SRC 806.060(a)(1). To ensure that this requirement is satisfied the Hearings Officer imposes the following condition requiring the applicant to demonstrate that the bicycle parking pads comply with all applicable development standards of SRC Chapter 806.

Condition 8: At the time of building permit, the applicant shall demonstrate that the bicycle parking pads comply with all applicable development standards of SRC Chapter 806.

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.

For multi-family residential uses containing 200 or more dwelling units, a minimum of three loading spaces are required. If a recreation building is provided, at least one of the required loading spaces shall be located in conjunction with the recreation building.

The Hearings Officer notes that the proposed 210-unit apartment complex requires a minimum of three off-street loading spaces, and because the complex includes a recreation building, at least one of the loading spaces shall be located in conjunction with the recreation building. The proposed site plan indicates that only two loading spaces are provided on the western portion of the site, less than the minimum required. One of the spaces is in conjunction with the recreation building. To ensure that the proposal satisfies this requirement, the Hearings Officer imposes the following condition requiring the applicant to demonstrate that the development is in compliance with all applicable off-street loading development standards of SRC Chapter 806.

Condition 9: At the time of building permit, the applicant shall provide a minimum of three off-street loading spaces in compliance with all applicable off-street loading development standards of SRC Chapter 806.

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.

The Hearings Officer notes that the proposed site plan indicates that 211,119 square feet of landscaping will be provided for the development site which will include a minimum of 10,660 plant units ($211,119 / 20 = 10,559.9$). Of the required plant units, a minimum of 4,264 plant units ($10,660 \times 0.4 = 4,264$) shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review. Due to a particularly damaging ice storm prior to the public hearing, the staff requested a condition requiring the applicant to provide an updated tree inventory documenting any trees lost on the property during the ice storm event in February 2021. The Applicant raises concerns that the Applicant would somehow be held responsible for trees damaged or lost due to the ice storm. The Applicant correctly points out that the standards in place at the time of application are the standards that the Hearings

Officer must use to make the decision. The Hearings Officer is not convinced, however, that the condition of the trees or the property is a standard for purposes of the statutory scheme. The Hearings Officer understands staff's recommendation to be motivated both by a concern that matures trees be accurately documented for purposes of meeting this landscaping standard, and to ensure that the adjustment related to the preservation of a significant tree is appropriate (as the tree will, in fact, be preserved).

Therefore, the Hearings Officer imposes the following condition of approval to satisfy this criterion:

Condition 10: At the time of building permit submittal, the applicant shall provide an updated tree inventory documenting any trees lost on the property during the ice storm event in February 2021.

Natural Resources

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

There are no riparian areas located on the subject property. The applicant identifies five significant trees on the subject property. Four of the significant trees will remain and one significant tree, an Oregon White Oak approximately 54 inches in diameter, is in the path of proposed A Street and will be removed. SRC 808.030(a)(2)(B) provides that removal of a significant tree may be allowed when required by the City for the installation of a public road.

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 three points, in addition, multi-family residential development is assigned two activity points. Per Table 810-1E, a total of five points indicates a moderate landslide hazard risk, a geological assessment of the property is required for the proposed development.

A Geological Assessment, prepared by Northwest Geological Services Inc., and dated October 17, 2018, was submitted to the City of Salem. This assessment demonstrates the proposed development should not exacerbate existing geologic hazards and recommends that foundations, cuts, and fills be designed by a qualified professional using recommendations from a geotechnical investigation. A preliminary geotechnical investigation, prepared by Redmond Geotechnical Services, and dated December 11, 2014, was also submitted to the City of Salem. This report demonstrates that the subject property can be developed without increasing the potential for slope hazard on the site or adjacent properties.

As conditioned, the Hearings Officer finds that 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.

The Hearings Officer notes that the existing right-of-way is substandard along the frontages of abutting streets. The applicant shall be required to dedicate right-of-way on the development side of the centerline to equal a half-width of 36 feet on 36th Avenue SE and a half-width of 30 feet on Boone Road SE. Additional right-of-way dedication may be required because of conflict with existing waterways.

The existing improvement along the frontage of 36th Avenue SE does not meet Minor Arterial standards. Improvements to 36th Avenue SE are not warranted with this current phase pursuant to SRC 803.040.

The existing improvement along the frontage of Boone Road SE does not meet Local street standards. The applicant shall construct a minimum 15-foot-wide half-street improvement on the development side and a 15-foot-wide

turnpike improvement on the opposite side of the centerline along Boone Road SE from 36th Avenue SE to 32nd Avenue SE to Local Street standards. These improvements shall include streetlights and sidewalks on the development side but may be modified pursuant to SRC 803.065 because of conflict with the existing waterway abutting the south side of the street.

CPC-ZC17-02 limits traffic impacts from future development on the subject property to a maximum of 12,916 average daily trips. A TIA was submitted with the site plan review application. The TIA recommends that the intersection of 32nd Avenue SE and Boone Road SE be modified to create a standard 4-way intersection.

The proposed internal street alignment accommodates future street connections to 36th Avenue, Boone Road, and the southerly neighboring property.

To satisfy this criterion, the Hearings Officer imposes the following conditions of approval:

Condition 11: Provide a 40-foot-wide temporary construction easement to the City of Salem along the entire frontage of 36th Avenue SE. The easement may be modified pursuant to PWDS after completion of the street improvements along 36th Avenue SE.

Condition 12: Along the entire frontage of abutting streets, dedicate right-of-way on the development side of the centerline to equal a minimum half-width of 36 feet on 36th Avenue SE and a minimum half-width of 30 feet on Boone Road SE.

The Hearings Officer understands the Applicant's desire to modify staff's proposed condition 13. This application sets a development pattern that might mean it is as logical to construct the minimum 15-foot-wide half-street improvement along Boone Road SE from 36th Avenue to 32nd Avenue in phases that align with development on each Parcel. Nonetheless, as staff correctly points out, this application is not the appropriate mechanism to modify or remove a condition from the decision to approve the partition. Accordingly, the Hearings Officer notes that the applicant may apply for a variance or modification to the partition; to address this criterion in this matter, the Hearings Officer imposes the following condition:

Condition 13: Along Boone Road SE from 36th Avenue to 32nd Avenue, construct a minimum 15-foot-wide half-street improvement on the development side and a minimum 15-foot-wide turnpike improvement on the opposite

side of the centerline. This improvement shall include a reconfiguration of the existing Boone/32nd intersection as described in Exhibit 14 of the TIA. The Applicant may apply for a variance of modification of PAR19-12 Condition 20 and if a variance or modification is approved, adjust the extent of the half-street improvement required under this condition accordingly.

Condition 14: Pay the Bonaventure Reimbursement District Fee for Kuebler Boulevard Street Improvements pursuant to Resolution No. 2015-17.

The Hearings Officer finds that with these conditions, the application satisfies Criterion 2.

Criterion 3:

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

The Hearings Officer notes the need for the applicant's Traffic Engineer to provide sight distance information for this driveway located on the inside of the curve, especially if vehicles are parked along the roadway. On-street parking may need to be limited based on the findings of the sight distance analysis. The Hearings Officer imposes the following condition of approval:

Condition 15: The applicant's Traffic Engineer shall provide sight distance information for the driveway located on the inside of the curve of the proposed new street. On-street parking may need to be limited based on the findings of the sight distance analysis.

The Hearings Officer finds that with this condition the application satisfies Criterion 3.

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.

The Hearings Officer notes that the water infrastructure in the area is underserved. As a condition of development in the S-1 water service level, the applicant is required to construct *Water System Master Plan* S-1 facilities needed to serve the development, which include Coburn S-1 Reservoir, Boone

Road Pump Station, and transmission mains connecting the facilities. Staff recommends that prior to plat approval, the applicant construct an 18-inch S-1 water main in 36th Avenue SE from Boone Road SE to the south line of the subject property and an 8-inch S-1 water main along Boone Road SE from 36th Avenue SE to 32nd Avenue SE, as required by PAR19- 12 Condition 1. The Applicant raises the concern regarding whether this improvement should be limited to the boundary of Parcel 1, with the remainder a development requirement of future development. The Hearings Officer notes that as staff correctly points out, this application is not the appropriate mechanism to modify or remove a condition from the decision to approve the partition. Accordingly, the Hearings Officer notes that the applicant may apply for a variance or modification to the partition; to address this criterion in this matter, the Hearings Officer imposes the following condition:

Condition 16: Construct an 8-inch S-1 water main from 36th Avenue SE to 32nd Avenue SE. The Applicant may apply for a variance or modification of PAR19-12 Condition 1 and if a variance or modification is approved, adjust the extent of the construction of the 8-inch S-1 water main required under this condition to comply with the approved variance or modification.

Because temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station, the applicant has the option of entering into a Temporary Facilities Access Agreement with the City of Salem as specified in the UG Preliminary Declaration UGA 19-01. Prior to development on proposed parcel 3, the applicant shall pay a temporary access fee of \$10,000 per acre and connect to the existing S-1 water system as a temporary facility pursuant to SRC 200.080(a). The Hearings Officer imposes the following condition to ensure this requirement is met:

Condition 17: Pay a temporary access fee of \$114,600 and connect to the existing S-1 water system as a temporary facility pursuant to SRC 200.080(a).

The Hearings Officer notes that a small portion of proposed parcel 1 is located within the S-2 water service level. No S-2 services are available for this portion of the property. The maximum first floor of any structure constructed on the subject property shall not exceed an elevation of 358 feet.

The nearest available sewer facility appears to be located in 36th Avenue SE at the intersection of Kuebler Boulevard SE. As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the

main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS Sewer Division 003). Prior to plat approval, the applicant shall construct a 24-inch sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE, an 18-inch sewer main in 36th Avenue SE from Boone Road SE to the south line of the subject property, and an 8-inch sewer main in Boone Road SE from 36th Avenue SE to 32nd Avenue SE.

Condition 18: Construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE.

The Hearings Officer notes that the applicant paired concerns regarding Condition 16 and Condition 19, both of which are required by conditions from the approval of PAR19- 12. Regarding staff's proposed Condition 19, PAR19-12. Condition 9, states: "As a condition of development on Parcel 1, construct an 8-inch sewer main in Boone Road SE from 36th Avenue SE to 32nd Avenue SE. Similar to other concerns about conditions, of approval from PAR19-12, the appropriate way to change those is through a modification to the Partition or a variance. The Hearing Officer imposes the following condition of approval to ensure the application satisfies this requirement:

Condition 19: Construct an 8-inch sewer main from 36th Avenue SE to 32nd Avenue SE. The Applicant may apply for a variance or modification of PAR19-12 Condition 9 and if a variance or modification is approved, adjust the extent of the construction of the 8-inch sewer main required under this condition to comply with the approved variance or modification.

The Hearings Officer notes that location of the nearest available public storm system is unknown at this time. The applicant shall complete a downstream stormwater analysis pursuant to PWDS 4.2k to evaluate the adequacy of the stormwater linking facilities. The applicant is advised to contact Public Works Development Services staff to coordinate the scope of downstream stormwater analysis and improvements. The Hearings Officer notes that based on concerns about the new standards adopted by the City, staff proposed new language for Condition 20. The Hearings Officer imposes the following condition of approval to ensure the application satisfies this requirement:

Condition 20: Design and construct stormwater facilities in accordance with Ordinance 8-20, and in compliance with SRC Chapter 71 and Public Works Design Standards.

The proposed development is subject to Ordinance 8-20, SRC Chapter 71 and PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces of all parcels and the applicant shall construct stormwater facilities that are proposed in the public right-of-way.

No existing parks facilities are available within ½ mile of the subject property. The Comprehensive Parks System Master Plan shows that a future Neighborhood Park (NP 29) is planned on or near the subject property.

Condition 21: As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:

- a. Convey or acquire property for dedication of neighborhood park facility NP-29 or equivalent; or**
- b. Pay a temporary access fee of 13.5 percent of the Parks SDCs due for the residential uses.**

The Hearings Officer finds that with these conditions of approval, the application satisfies Criterion 4, and therefore satisfies the criteria for a Class 3 Site Plan Review.

4. Analysis of Class 2 Adjustment Criteria

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all the following criteria are met:

Criterion 1:

The purpose underlying the specific development standard proposed for adjustment is:

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

Finding: The applicant is requesting four Class 2 Adjustments to:

- 1) Allow an off-street parking area in front of adjacent buildings, instead of behind or beside buildings as required by SRC 702.020(d)(2);
- 2) Increase the maximum building length per SRC 702.020(e)(1) from 150 feet to 176.6 feet;
- 3) To eliminate the requirement for a minimum of 40 percent of the buildable width to be occupied by buildings placed at the minimum

- setback per 702.020(e)(4); and
- 4) To eliminate the direct pedestrian access to adjacent sidewalk requirement for ground level units per 702.020(e)(5).

Allow an off-street parking area in front of adjacent buildings, instead of behind or beside buildings as required by SRC 702.020(d)(2):

Most of the site will be developed in compliance with this standard, however the applicant is requesting a Class 2 Adjustment in one location to allow an off-street parking area and garage to be developed in front of an adjacent building (Building 13) along proposed "A Street", instead of behind or beside a building as required by SRC 702.020(d)(2). The applicant explains that the purpose of the standard is to provide a pedestrian friendly development with buildings located as close as possible to public sidewalks, instead of surface parking areas. In this case, due to the location of a significant tree, an Oregon white oak approximately 27 inches in diameter at breast height, it is not possible to move proposed building 13 any closer to "A Street" without removing the tree.

The Hearings Officer finds that the proposal to retain the significant tree and enhance the area with additional landscaping equally or better meets the intent of this provision and is therefore in compliance with this criterion.

Increase the maximum building length per SRC 702.020(e)(1) from 150 feet to 176.6 feet:

Proposed buildings 9, 10, 11, 12, 13, and 14 exceed the 150-foot maximum building length allowance. The applicant is requesting a Class 2 Adjustment to allow these buildings to have a maximum length of 161-176.6 feet.

The applicant indicates that the purpose of the maximum building length standard is to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, entries and yards to public streets. While the proposed buildings exceed the maximum length visual design elements added to the buildings such as dormers, off-sets, contrasting building materials and balconies will break up the mass of the buildings. Longer building lengths will not require large cuts or fill and will work better with the natural grade of the site.

The Hearings Officer finds that the proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

To eliminate the requirement for a minimum of 40 percent of the buildable width to be occupied by buildings placed at the minimum setback per 702.020(e)(4):

The minimum building setback requirement in the IC zone is 5 feet adjacent to a street and pursuant to SRC 702.020(e)(4), a minimum of 40 percent of the

buildable width shall be occupied by buildings placed at the minimum setback line. The applicant is requesting a Class 2 Adjustment to place buildings at a 20-foot setback adjacent to all streets.

The applicant indicates that locating buildings at the minimum 5-foot setback line is not feasible for this development because it would conflict with the required 10-foot public utility easements along the streets. In addition, the minimum setback for multi-family developments in multi-family residential zoning designations where this design standard would typically be found is 20 feet. The proposed setback increase would allow for a multi-family development that is similar in appearance from the street to other complexes in the City, the applicant further indicates the larger setback will provide more room for landscaping.

The applicant is requesting to reduce the buildable width standard from 40 percent to 18 percent along the Boone Road frontage. The frontage along Boone Road is approximately 312 feet, the site plan indicates that approximately 49 feet of the buildable width will be occupied. The applicant is requesting the adjustment because due to site topography, the stormwater detention pond needs to be in this location.

The applicant is also requesting to reduce the buildable width standard from 40 percent to 37 percent along the "A Street" frontage. The buildable width along "A Street" is approximately 418 feet, the site plan indicates that approximately 155 feet of the buildable width will be occupied. The applicant is requesting the adjustment in this location due to the desire to preserve a significant tree.

The Hearings Officer finds that the proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

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

The applicant is requesting to eliminate the requirement to orient buildings to the street and provide direct pedestrian pathways from the public sidewalk to ground floor units. The applicant explains that the buildings are oriented inwards towards the site, but will be visually appealing including windows, offsets and architectural features where facing the street.

The applicant explains that due to the slope of the property it would be very difficult to provide pedestrian pathways that are ADA compliant and offers that the common pathways will provide a pathway to the public sidewalk that equally meets the purpose of the standard. The Applicant points out that additional impervious surfaces are undesirable, and that stairs, with some 17 or so steps, while possible, are something of a slip and safety hazard in the Northwest. The Applicant also points out that the slope will create line of sight issues, where portions of the site will not be as visible from public areas.

The staff points out the purpose of the standard is to provide a pedestrian friendly development with buildings oriented outward towards the street, and with direct pedestrian access from ground floor units to the abutting sidewalk. While the slope may pose a challenge for design, the pathways to individual units would not be subject to ADA requirements, and stairs could be provided to those units. Further, the use of windows, offsets and other architectural elements does not equally or better address the requirement for orienting the building entrances outward toward the public streets rather than to the interior of the site.

The Hearings Officer agrees with staff and finds that the applicant has not demonstrated that the proposal equally or better meets the intent of this provision, and therefore the Hearings Officer will deny this adjustment request.

Criterion 2:

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

The Hearings Officer finds that the proposed use is for multi-family residential and the subject property is surrounded by residential zoning and uses, however the subject property is located within an IC (Industrial Commercial) zone; therefore, the criterion is not applicable.

Criterion 3:

If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

The Hearings officer notes that four distinct Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the approved adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action. The Hearings Officer imposes the following condition to ensure the application satisfies this requirement:

Condition 22: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached

site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

The Hearings Officer finds that as conditioned, the approved Class 2 Adjustments satisfy the criteria.

5. 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.

Driveway Approach Permit – East Side of 32nd Avenue

Criterion 1:

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

The Hearings Officer notes that the proposed driveway meets the standards for SRC Chapter 804 and Public Works Design Standards (PWDS). The Hearings Officer finds that the application satisfies this criterion.

Criterion 2:

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

The Hearings Officer notes that there are no site conditions prohibiting the location of the proposed driveway. The Hearings Officer finds that the application satisfies this criterion.

Criterion 3:

The number of driveways onto an arterial is minimized.

The Hearings Officer notes that the proposed driveway is not accessing onto an arterial street. The Hearings Officer finds that the application satisfies this criterion.

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.

The Hearings Officer notes that the proposed driveway is located with access to the lowest classification of street abutting the subject property. The Hearings Officer finds that the application satisfies this criterion.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

The Hearings Officer notes that the proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. The Hearings Officer finds that the application satisfies this criterion.

Criterion 6:

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

The Hearings Officer notes that the proposed driveway approach is located on the inside of a curve and may limit visibility for turning movements. The applicant's Traffic Engineer shall provide sight distance information for this driveway located on the inside of the curve, especially if vehicles are parked along the roadway. On-street parking may need to be limited based on the findings of the sight distance analysis.

Criterion 7:

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

The Hearings Officer notes that the Staff analysis of the proposed driveway and the evidence that has been submitted indicate 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.

The Hearings Officer notes that the proposed driveway approach is located on a local street and does not create a significant impact to adjacent streets and intersections.

Criterion 9:

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

The Hearings Officer notes that the proposed development is surrounding by residentially zoned property. The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

Driveway Approach Permit – West Side of 32nd Avenue

Criterion 1:

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

The Hearings Officer notes that the proposed 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.

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.

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.

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.

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.

The Hearings Officer notes that no evidence was 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.

The Hearings Officer notes that the Staff analysis of the proposed driveway and the evidence that has been submitted indicate 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.

The Hearings Officer notes that the proposed driveway approach is located on a local street and does not create a significant impact to adjacent streets and intersections.

Criterion 9:

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

The Hearings Officer notes that the proposed development is surrounding by residentially zoned property. The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway

balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

Driveway Approach Permit – New Internal Street

Criterion 1:

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

The Hearings Officer notes that the proposed 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.

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.

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.

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.

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.

The Hearings Officer notes that no evidence was 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.

The Hearings Officer notes that the Staff analysis of the proposed driveway and the evidence that has been submitted indicate 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.

The Hearings Officer notes that the proposed driveway approach is located on a local street and does not create a significant impact to adjacent streets and intersections.

Criterion 9:

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

The Hearings Officer notes that the proposed development is surrounding by residentially zoned property. The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

6. 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.

The Hearings Officer notes that the proposed development occurs on the northern portion of the subject property. The development site is approximately 11.5 acres in size and is further split into two sites, the eastern portion is approximately 107,008 square feet in size and the western portion is approximately 392,303 square feet in size. As indicated in the table below, each of the portions of the development site will comply with the minimum open space requirement.

Property	Site Area (SF)	Open Space Required (30%)	Open Space Proposed (SF)
West Side	392,303	117,691	208,591
East Side	107,008	32,102	61,193
Total	499,311	149,793	269,784

- (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.

The Hearings Officer notes that the development site is split into two sites, the eastern portion contains 174 dwelling units, requiring an open space area 3,000 square feet in size. The western portion contains 36 dwelling units, requiring an open space area 1,250 square feet in size. As indicated in the table below, each of the portions of the development site will comply with the minimum open space requirement.

Property	Number of Units	Open Space Required (SF)	Open Space Proposed (SF)
West Side	174	3,000	10,600
East Side	36	1,250	4,604
Total	210	4,250	

(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.

The Hearings Officer notes that the existing conditions plan indicates there are not slopes greater than 25 percent. Therefore, the applicant meets 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.

The Hearings Officer notes that the applicant has met the minimum open space requirement by providing common open space. Therefore, the applicant does not need to use the reductions offer 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.

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.

(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.

The Hearings Officer notes that the applicant has met the minimum open space requirement by providing common open space. Therefore, 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.

The Hearings Officer notes that the development site is not located within one-quarter mile of a publicly owned park. The applicant's site plan indicates that the open space area provided for the subject property meets the minimum requirements as indicated above without using this reduction.

(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.

The Hearings Officer notes that the proposed area of development is approximately 9 acres on the west side (392,303 square feet) and approximately 2.46 acres on the east side (107,008 square feet). However, the entire property is approximately 27.03 acres in size (Parcel 1 from Tentative Partition Case No. PAR19-01). The following is a summary table showing the minimum number of trees required to be planted or preserved with the development:

Property	Size (Square Feet)	Trees Required (1 tree/2,000 SF)	Trees Proposed
West Side	392,303	196	295
East Side	107,008	54	84
Total	499,311	250	379

The Hearings Officer notes that the applicant indicates that a total of 379 trees will be incorporated into the development site. For the west side, 295 trees are proposed, exceeding the 196-tree minimum requirement. For the east side, 84 trees are proposed, exceeding the 54-tree minimum requirement.

All trees designated for preservation shall be marked and protected during construction. Any tree designated for preservation shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. To ensure that protection measures will continue until the issuance of a certificate of final occupancy, the Hearings Officer imposes the following condition:

Condition 23: All trees designated for preservation shall be marked and protected during construction. Any tree designated for preservation shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of a certificate of final occupancy.

- (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.

The Hearings Officer notes that the subject property abuts property zoned

RA (Residential Agriculture) to the south. As recommended in 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 shall be installed along the southern property line.

- (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.

The Hearings Officer notes that the landscaping plan provided indicates at least two plant units will be installed at each shared entrance.

- (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.

The Hearings Officer notes that the landscaping plan provided indicates 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.

- (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.

The Hearings Officer notes that the landscaping plan provided indicates at least one plant unit of shrubs per 15 linear feet are to be planted on each side of the proposed buildings.

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

The Hearings Officer notes that according to the applicant's written statement and landscape plan, all private open space located contiguous to the dwelling unit will be screened with five-foot tall landscaping ensuring privacy for private open space areas.

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

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

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

The Hearings Officer notes that the parking area contains 406 parking spaces, requiring 34 planter bays at least nine feet in width. The landscaping plan indicates at least 40 planter bays, nine feet in width, each with a canopy tree. A minimum of one canopy tree is provided every 50 feet around the perimeter of the parking areas.

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

The Hearings Officer notes that the proposal is more than thirteen units; therefore, 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.

The Hearings Officer notes that the floor plans provided indicate windows will be provided in each habitable room and on each wall overlooking common open space, parking areas and pedestrian paths. 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 24: 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.

According to the site plan and landscaping plan, there are no fences near the entryways or common open space.

(d) Parking and site design.

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

The Hearings Officer notes that the applicant indicates that the parking area for the west side is approximately 113,378 square feet in size with approximately 10,561 square feet or 9% interior parking area landscaping, and the parking area for the east side is approximately 30,235 square feet in size with approximately 3,517 square feet or 12 % interior parking area landscaping. Each section of the parking area is divided by a nine-foot-wide planter in compliance with this standard.

- (2) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

The Hearings Officer notes that the applicant has requested an adjustment to this standard to allow an off-street parking area to be provided in front of a building, rather than behind or beside. Findings for the Adjustment can be found in Section 8 of this report.

- (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.

The Hearings Officer notes that the subject property abuts RA 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.

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 Boone Road SE, 32nd Avenue SE, and “A” 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.

The Hearings Officer notes that the applicant has requested an adjustment to this standard to allow buildings to exceed the maximum 150-foot dimension. Findings for the Adjustment can be found in Section 8 of this report.

- (2) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be set back 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.

The Hearings Officer notes that according to Table 702-5, the proposed buildings are required to be set back a minimum of 1 foot for each 1 foot of building height, but in no case less than 20 feet. Proposed Building 13 is the closest building to the southern property line and is set back approximately 725 feet to the southern property line. The proposal complies with this setback standard.

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

The Hearings Officer notes that a proposed street, “A Drive SE” separates the proposed apartment complex from the RA zoned property to the south; therefore, this standard is not applicable.

- (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.

The Hearings Officer notes that the applicant has requested an adjustment to eliminate the requirement for buildings to be placed at the minimum 10-foot setback line, rather the applicant is proposing to set the buildings back approximately 20 feet adjacent to abutting streets. Findings for the Adjustment can be found in Section 8 of this report.

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

The Hearings Officer notes that the applicant has requested an adjustment to eliminate the requirement for ground floor units within 25 feet of the property line abutting a street to have direct pedestrian access to the adjacent sidewalk. Findings for the Adjustment can be found in Section 8 of this report.

Staff is recommending that the Hearings Officer deny this adjustment request. If the request for Adjustment is denied, the applicant is required to orient the building entrances towards the abutting streets and provide direct pedestrian access to each ground floor units within 25 feet of the property line abutting a street. The Hearings Officer imposes the following condition to ensure the application meets this requirement:

Condition 25: 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.

- (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.

The Hearings Officer notes that the 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.

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

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

The Hearings Officer notes that for each of the buildings with a roof line exceeding 100 feet in length without a change in elevation of at least four feet, the building design instead includes cross gables greater than four feet in length, 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.

The Hearings Officer notes that according to the applicant's written statement and building elevation plans, building offsets, covered decks, recessed balconies and covered entrances will be incorporated into the design for each building in compliance with this standard.

- (10) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):
- (A) Change in materials.
 - (B) Change in color.
 - (C) Molding or other horizontally-distinguishing transition piece.

The Hearings Officer notes that according to the applicant's written statement and building elevation plans, the first floor of each building will

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

Decision

Based upon the Facts and Findings set out above, the Hearings Officer **APPROVES** the request for a conditional use, site plan review, adjustments 1-3, driveway approach permit, and design review collective applications for the proposed development of a 210-unit multi-family residential apartment complex for property approximately 27 acres in size and located at 3230 Boone Road SE subject to the following conditions of approval:

CONDITIONAL USE:

- Condition 1:** Prior to building permit issuance the applicant shall demonstrate the proposal complies with all applicable fire department access requirements.
- Condition 2:** Prior to issuance of building permit, the applicant shall demonstrate that in coordination with Salem Keizer Public Schools, a safe accessible bus transportation route shall be provided for the proposed development. This may be accomplished by either 1) completing a street connection to 36th Avenue SE that accommodates school buses, 2) by providing sidewalks along Boone Road SE and on 36th Avenue SE connecting to a school bus stop to be located on 36th Avenue SE, or 3) the applicant may coordinate an alternative plan with Salem Keizer Public Schools to ensure a safe bus route is provided for this development.
- Condition 3:** 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 applicant may request relief from this standard by submitting a future Class 2 Adjustment application.
- Condition 4:** The multi-family use shall contain no more than 210-dwelling units.

SITE PLAN REVIEW:

- Condition 5:** The final plat for Partition 19-12 shall be recorded prior to

issuance of any civil site work or building permits required for construction of the residential units on the site, but recording the final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.

Condition 6: Prior to building permit issuance, the applicant shall revise the site plan to comply with the minimum vehicle use area setback requirement to the north and east.

Condition 7: Development of the solid waste service areas shall conform to all applicable standards of SRC Chapter 800.

Condition 8: At the time of building permit, the applicant shall demonstrate that the bicycle parking pads comply with all applicable development standards of SRC Chapter 806.

Condition 9: At the time of building permit, the applicant shall provide a minimum of three off-street loading spaces in compliance with all applicable off-street loading development standards of SRC Chapter 806.

Condition 10: At the time of building permit submittal, the applicant shall provide an updated tree inventory documenting any trees lost on the property during the ice storm event in February 2021.

Condition 11: Provide a 40-foot-wide temporary construction easement to the City of Salem along the entire frontage of 36th Avenue SE. The easement may be modified pursuant to PWDS after completion of the street improvements along 36th Avenue SE.

Condition 12: Along the entire frontage of abutting streets, dedicate right-of-way on the development side of the centerline to equal a minimum half-width of 36 feet on 36th Avenue SE and a minimum half-width of 30 feet on Boone Road SE.

Condition 13: Along Boone Road SE from 36th Avenue to 32nd Avenue, construct a minimum 15-foot-wide half-street improvement on the development side and a minimum 15-foot-wide turnpike improvement on the opposite side of the centerline. This improvement shall include a reconfiguration of the existing Boone/32nd intersection as described in Exhibit 14 of the TIA. The Applicant may apply for a variance of modification of PAR19-12 Condition 20 and if a variance or modification is approved, adjust the extent of the half-street improvement required under this condition accordingly.

- Condition 14:** Pay the Bonaventure Reimbursement District Fee for Kuebler Boulevard Street Improvements pursuant to Resolution No. 2015-17.
- Condition 15:** The applicant's Traffic Engineer shall provide sight distance information for the driveway located on the inside of the curve of the proposed new street. On-street parking may need to be limited based on the findings of the sight distance analysis.
- Condition 16:** Construct an 8-inch S-1 water main from 36th Avenue SE to 32nd Avenue SE. The Applicant may apply for a variance or modification of PAR19-12 Condition 1 and if a variance or modification is approved, adjust the extent of the construction of the 8-inch S-1 water main required under this condition to comply with the approved variance or modification.
- Condition 17:** Pay a temporary access fee of \$114,600 and connect to the existing S-1 water system as a temporary facility pursuant to SRC 200.080(a).
- Condition 18:** Construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE
- Condition 19:** Construct an 8-inch sewer main from 36th Avenue SE to 32nd Avenue SE. The Applicant may apply for a variance or modification of PAR19-12 Condition 9 and if a variance or modification is approved, adjust the extent of the construction of the 8-inch sewer main required under this condition to comply with the approved variance or modification.
- Condition 20:** Design and construct stormwater facilities in accordance with Ordinance 8-20, and in compliance with SRC Chapter 71 and Public Works Design Standards.
- Condition 21:** As a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:
- a. Convey or acquire property for dedication of neighborhood park facility NP-29 or equivalent; or
 - b. Pay a temporary access fee of 13.5 percent of the Parks SDCs due for the residential uses.

ADJUSTMENTS:

Condition 22: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

DESIGN REVIEW:

Condition 23: All trees designated for preservation shall be marked and protected during construction. Any tree designated for preservation shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of a certificate of final occupancy.

Condition 24: 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.

Condition 25: 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.

The Hearings Officer DENIES the Class 2 Adjustment request to eliminate the direct pedestrian access to adjacent sidewalk requirement for ground level units per 702.020(e)(5).

DATED: March 18, 2021

A handwritten signature in black ink, appearing to read "James K. Brewer", written over a horizontal line.

James K. Brewer, Hearings Officer