

NOTICE OF DECISION

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



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

DECISION OF THE HEARINGS OFFICER

QUASI-JUDICIAL ZONE CHANGE / MANUFACTURES HOME PARK PERMIT
CASE NO.: ZC-MHP21-01

APPLICATION NO.: 21-109571-ZO, 21-114338-LD

NOTICE OF DECISION DATE: September 28, 2021

SUMMARY: A Quasi-Judicial Zone Change from RA (Residential Agriculture) to RM-II (Multiple Family Residential), and a Manufactured Home Park permit to allow construction of 13 mobile home units.

REQUEST: An application for a Quasi-Judicial Zone Change from RA (Residential Agriculture) to RM-II (Multiple Family Residential), in conjunction with a Manufactured Home Park permit to allow development of 13 new manufactured home units. The property is approximately 2.02 acres in size, zoned RA (Residential Agriculture), and located at 2702 Lancaster Drive SE (082W06DA / 0700).

APPLICANT: James Ryan

LOCATION: 2702 Lancaster Dr SE, Salem OR 97317

CRITERIA: Salem Revised Code (SRC) Chapters 265.005(e)(1) – Zone Change; 235.010(d) – Manufactured Home Park Permit

FINDINGS: The findings are in the attached Decision dated September 27, 2021.

DECISION: The **Hearings Officer APPROVED** Quasi-Judicial Zone Change / Manufactured Home Park Permit Case No. ZC-MHP21-01 subject to the following conditions of approval:

- Condition 1:** Along Lancaster Drive SE frontage of the proposed development area, convey land for dedication to equal a half-width right-of-way of 48 feet from the centerline.
- Condition 2:** Construct a half-street improvement along the Lancaster Drive SE frontage of the proposed development area. This requirement may be satisfied through either a deferral agreement or payment of a fee-in-lieu of improvement based on the equivalent cost of a half-street improvement for a Local street.
- Condition 3:** Provide street trees along the frontages of Lancaster Drive SE in accordance with SRC Chapter 86 and PWDS.
- Condition 4:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

Condition 5: The applicant shall install adequate fire hydrants to meet the Fire Code Standards.

The rights granted by the attached decision must be exercised, or an extension granted, by October 14, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>August 17, 2021</u>
Public Hearing Date:	<u>September 8, 2021</u>
Notice of Decision Mailing Date:	<u>September 28, 2021</u>
Decision Effective Date:	<u>October 14, 2021</u>
State Mandate Date:	<u>December 15, 2021</u>

Case Manager: Jamie Donaldson, jdonaldson@cityofsalem.net, 503-540-2328

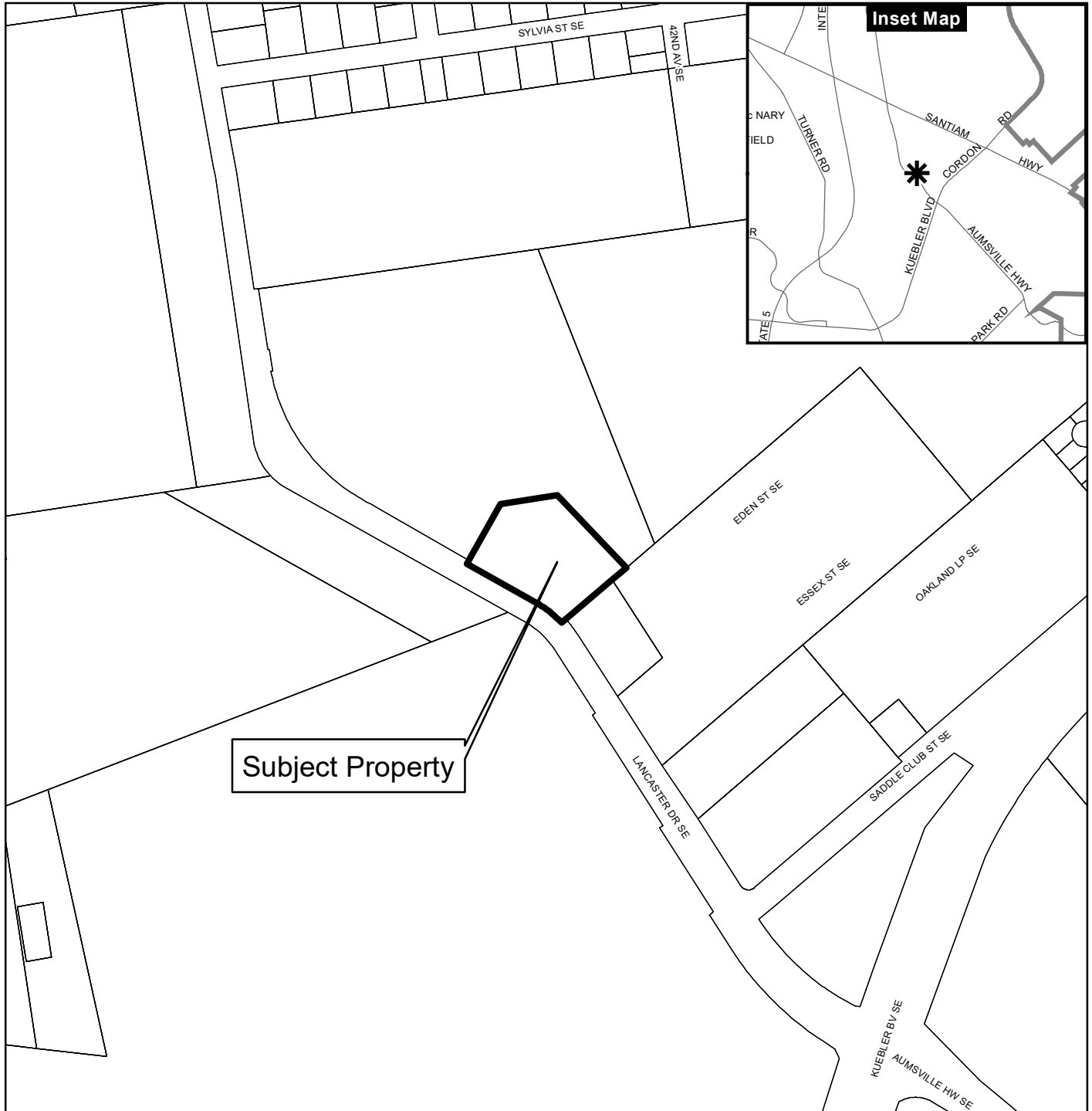
This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Wednesday, October 13, 2021. Any 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) 265, 235. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review 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

2702 Lancaster Drive SE



Legend

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

- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet

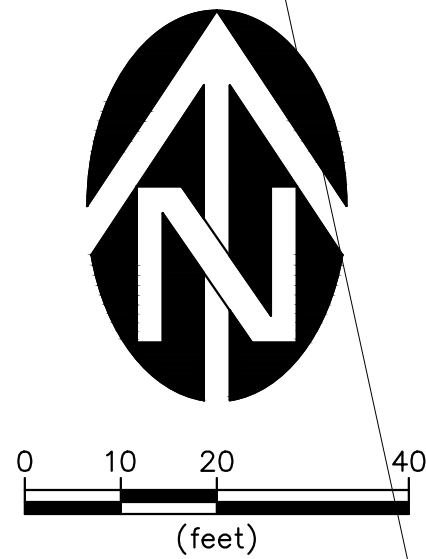


This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C15	30.26	20.50	84.57	S85° 16' 18"E	27.58
C16	27.97	35.50	45.14	N65° 33' 28"W	27.25
C17	41.34	35.50	66.72	S58° 30' 46"W	39.04
C18	42.10	35.50	67.96	S8° 49' 29"E	39.68
C24	17.95	32.00	32.14	N79° 16' 06"E	17.72
C19	20.06	35.50	32.37	S58° 59' 17"E	19.79
C21	24.99	55.50	25.80	S55° 53' 18"E	24.78
C25	38.11	55.50	39.35	N72° 48' 24"E	37.37
C26	0.67	55.50	0.69	N52° 47' 21"E	0.67
C22	18.14	55.50	18.73	S78° 09' 15"E	18.06
C23	24.20	37.54	36.94	S15° 53' 09"E	23.78
C20	24.73	24.50	57.84	N71° 54' 26"W	23.70
C28	88.18	521.00	9.70	N53° 20' 16"W	88.08
C27	45.33	521.00	4.98	N60° 40' 45"W	45.31

SITE PLAN LEGEND	
SA	SPACE AREA (MIN AREA 3000 SF)
----	MH UNIT SPACE AREA LIMITS



VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
SHEET, SCALE
ACCURATELY

1"
0

REGISTERED PROFESSIONAL
DESIGNER
DIGITALLY SIGNED
WILLIAM J. WEST
MAY 12, 2021
OREGON

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

SUNDIAL MOBILE HOME PARK
SUNDIAL MHP PHASE II

PROJECT 6 SITE PLAN

DRAWING
C3.0

JOB NUMBER
3211.1000.0

DATE: 05/20/21

NO. 1

DATE

DESCRIPTION

BY

REVISIONS

DATE: 05/20/21

NO. 1

DATE

DESCRIPTION

BY

REVISIONS

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

APPLICATION FOR A QUASI-JUDICIAL ZONE	}	ZC-MHP21-01
CHANGE FROM RA (RESIDENTIAL		
AGRICULTURE) TO RM-II (MULTIPLE	}	HEARINGS OFFICER'S FINDINGS OF FACT,
FAMILY RESIDENTIAL), IN CONJUNCTION		
WITH A MANUFACTURED HOME PARK	}	CONCLUSIONS, AND DECISION
PERMIT TO ALLOW DEVELOPMENT OF 13		
NEW MANUFACTURED HOME UNITS. THE	}	
PROPERTY IS APPROXIMATELY 2.02 ACRES		
IN SIZE, ZONED RA (RESIDENTIAL	}	
AGRICULTURE), AND LOCATED AT 2702		
LANCASTER DRIVE SE.	}	

DATE AND PLACE OF HEARING:

September 8, 2021; due to social distancing measures in place to help stop the spread of the COVID-19 virus, the hearing was held virtually.

APPEARANCES:

<u>Staff:</u>	Jamie Donaldson, Planner II
<u>Neighborhood Association:</u>	None
<u>Proponents:</u>	Josh Wells, Westech Engineering, LLP, on behalf of owner, Salem CPI Sundial, LLC.
<u>Opponents:</u>	Shirley McGowan, written appearance dated August 31, 2021; Linda Sims, email appearance dated September 7, 2021.

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed virtual public hearing on September 8, 2021, regarding a zone change application filed for the subject property by Josh Wells, Westech Engineering Inc., on behalf of the applicant and property owners, Salem CPI Sundial Owner LLC, represented by James Ryan. The City deemed the application complete for processing on August 17, 2021.

Other than Mr. Wells, representing the applicant, there was no testimony during the hearing. During the Hearing, Mr. Wells waived the applicant's right for additional time to submit a final written argument.

The Hearings Officer notes the following uncontested evidence from the Staff report:

HEARINGS OFFICER'S FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) Designation

The Hearings Officer notes that the Salem Area Comprehensive Plan (SACP) map designates the subject property as "Multiple Family Residential." The Salem Comprehensive Policies Plan indicates the predominant use of land within residential designations are for single family and multifamily dwelling units. Specifically, it describes Multi-Family Residential as characterized by a mixture of housing types, including categories of use such as single family detached, single family attached, manufactured homes, garden apartments, and row houses.

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

The Comprehensive Plan designations of surrounding properties include:

Northwest: "Multiple Family Residential"
Northeast: "Multiple Family Residential"
Southeast: "Multiple Family Residential"
Southwest: "Industrial" (across Lancaster Ave SE)

The property is within the Urban Service Area.

2. Zoning of Surrounding Properties

The subject site is currently zoned RA (Residential Agriculture).

The zoning of surrounding properties is described as follows:

Northwest: RM-II (Multiple Family Residential)
Northeast: RM-II (Multiple Family Residential)
Southeast: RM-II (Multiple Family Residential)
Southwest: IG (General Industrial) (across Lancaster Ave SE)

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Southeast Mill Creek Neighborhood Association (SEMCA).

Applicant Neighborhood Association Contact

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. SRC 300.310(b)(1), requires applicants seeking this type of proposed consolidated land use application to contact the neighborhood association. On May 20, 2021, the applicant's representative contacted the SEMCA Neighborhood Association to provide details about the proposal.

Neighborhood Association Comment

Notice of the application was provided to the SEMCA Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of this decision, no comments have been received from the neighborhood association.

Public Comment

Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. The subject property was posted pursuant to SRC 300.620(b)(3).

The staff report references comments from one individual. Prior to the hearing, but after the staff report was issued, written submissions from two other parties were received and accepted into the record. The comment submitted prior to the staff report, in summary, expressed concerns about the impact to Sundial Manufactured Dwelling Park, including entrance to the park, traffic on Lancaster Drive SE, speed limits, and the need for a turn lane and sidewalks. The comment from Shirley McGowan, in summary, expressed concerns about the length of the internal street proposed to extend into the new area, onsite parking and traffic, drainage internal to the site, water pressure internal to the site, emergency vehicle access, and quality of life. The comment from Linda Sims, in summary, expresses concerns about the health impacts of construction dirt and dust, the impact of the proposed development on wildlife, garbage pickup, drainage internal to the site, safety of the residents, and truck traffic and noise.

Hearings Officer Response: The Hearings Officer notes that the project is conditioned to construct half-street improvements along Lancaster Drive SE frontage through either a deferral agreement or payment of fee-in-lieu of improvements to offset the City costs for future improvements to Lancaster Drive SE. Public Works

staff anticipates that Lancaster Drive SE improvements will be constructed within approximately five years. The existing Comprehensive Plan is Multi-Family Residential, therefore pursuant to Oregon Administrative Rules 660-012-0060(9), the proposed zone change request is exempt from the Transportation Planning Rule analysis and determination of significant affect. The Hearings Officer notes that the proposed internal street width and length, onsite parking requirements, site drainage, water service and plumbing connections to the manufactured homes must comply with the standards for manufactured home parks set out in SRC 225, the Oregon Manufactured Dwelling and Park Specialty Code, and the Oregon Manufactured Dwelling Installation Specialty Code. Regarding construction dust and dirt, those concerns are typically addressed at the time of excavation and building permits. Animals living in the development site are not directly addressed by the criteria, but no significant natural features requiring protection are on the site.

Homeowners Association

The subject property is not located within a Homeowners Association.

4. City Department and Public Agency Comments

The Public Works Department has reviewed the proposal and provided a memo, which is included as an attachment to the staff report.

The Building and Safety Division reviewed the proposal and indicated no concerns with the zone change request.

The Fire Department reviewed the proposal and indicated “a secondary fire department access is provided. There is an existing public fire hydrant across the street on Lancaster. However, Lancaster is a major arterial and the fire hydrant cannot be counted towards the required water supply. A fire hydrant is required to be located within 600 feet of all portions of the structures and shall be in an approved location. Measurements are made along an approved route as determined by the fire department.” Further review for conformance with Fire Department standards will take place at the time of building permit plan review.

The local transit authority, Cherriots, commented that sidewalks should be constructed along Lancaster Drive and the developer should work with Cherriots to bring bus stop up to ADA standards.

Hearings Officer Response: The subject property does not contain a bus stop. The existing manufactured dwelling park does have a stop near the main entrance. A previous land use decision for the adjacent property, Case Number MHP-ADJ-PBV20-01, conditioned that the Sundial Manufactured Dwelling Park work with Cherriots to bring the bus stop up to ADA standards. In addition, the most recently adopted Capital Improvement Plan (CIP) identifies Lancaster Drive SE improvements as a future project, specifically “design and construction to improve 4,000 linear feet of

Lancaster Dr SE to three lanes from Kuebler Blvd SE to Cranston Dr SE,” which would include sidewalks along the development site and improvements for pedestrian and vehicular safety in the area.

The Salem-Keizer Public Schools commented that the Planning and Property Services staff for the school district reviewed the proposal and that occasionally there are K-12 students residing in the manufactured dwelling park. Students are eligible for school transportation and civic infrastructure should be available to provide connectivity between the new residential development and the schools serving the development. The Hearings Officer notes that the transportation system and the development standards that apply within the manufactured dwelling park will ensure that the transportation infrastructure is adequate to provide connectivity with the schools serving the development.

5. Criteria for Granting a Quasi-Judicial Zone Change

The following analysis addresses the proposed zone change for the portion of the subject property currently zoned RA (Residential Agriculture) and proposed to be changed to RM-II (Multiple Family Residential).

SRC Chapter 265.005 provides the criteria for review of proposals for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the Hearings Officer is required to develop Findings based on evidence in the whole record demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

SRC 265.005(e)(1)(A). The zone change is justified based on one or more of the following:

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

Finding: The Hearings Officer notes that the applicant does not identify a mistake in the application of a land use designation to the property.

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

Finding: The Hearings officer notes that the applicant does not identify a change in the economic, demographic, or physical character of the vicinity.

(iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

The applicant argues that the proposed RM-II zone is better suited for the subject property than the existing RA zone because the Comprehensive Plan map designation is Multifamily Residential, which requires an appropriate implementing zone such as RM-II; and the property is logically part of the extensive multifamily residential land use pattern that borders it on all sides. The physical characteristics of the property are appropriate for new development in the RM-II zone. The site plan shows that the property can support development of the additional mobile home spaces. The property is contiguous to existing mobile home parks, and the new development will have its main access through the adjacent Sundial mobile home park. Because mobile home parks adjoin the property and the development is designed to be integrated with the adjoining existing park, the proposed use is logical with the surrounding land uses.

Finding: The Hearings Officer finds that that the proposed change from RA (Residential Agriculture) to RM-II (Multiple Family Residential), is equally or better suited for the subject property as the current RA zoning designation is in conflict with the Salem Area Comprehensive Plan (SACP) designation of "Multiple Family Residential." The subject property is currently vacant and is surrounded on all contiguous sides by RM-II zoned properties with existing manufactured dwelling parks. In addition, the proposed manufactured dwelling park is designed to be fully integrated within the existing Sundial Manufactured Home Park. Therefore, the proposed development is compatible with the zoning for the surrounding area, with a proposed use also consistent with the surrounding properties; therefore, the Hearings Officer finds that the proposal meets this criterion.

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

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

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

Finding: The Hearings Officer notes the following applicable Goals and Policies of the Comprehensive Plan:

Salem Urban Area Goals and Policies, General Development (Page 23-26, Salem Comprehensive Policies Plan): *To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.*

Optimal Use of the Land B.7

Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.

Finding: The Hearings Officer notes that the applicant has requested a zone change to RM-II in an effort to accommodate a higher density of proposed housing. The Manufactured Dwelling Park permit is requested to allow thirteen new manufactured housing units on property approximately 2.02 acres in size, thereby meeting the average goal of 6.5 dwelling units per gross acre of residential development. The development as proposed would not substantially alter the natural terrain or topography. The Hearings Officer finds that the proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Urban Growth Goal (Page 26, Salem Comprehensive Policies Plan): *To ensure that the rate, amount, type, location, and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.*

Infill C.4

Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses.

Finding: The Hearings Officer notes that the subject property is located within the Urban Service Area. Development of the proposed site does not require the extension or development of new public services. City services, including water, sewer, streets, and storm drainage are available to serve the subject property. The Hearings Officer finds that the proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Residential Development Goal (Page 30-33, Salem Comprehensive Policies Plan): *To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.*

Establishing Residential Uses E.1

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

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

Finding: The Hearings Officer notes that the City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land

Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. According to the HNA “Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land.” As of December 2020, the City has added 40 net acres of Multiple Family designated land, reducing the projected deficit to 167 acres. The proposal would convert approximately 2.02 acres of land from a Residential Agriculture designation, where density requirements resemble a single-family designation, to a Multi-Family Residential designation, where the HNA identifies a deficit. The applicant’s written statement (“Attachment C” to the staff report) further addresses how the proposal meets all subsections under this policy; the density goal of General Development Policy 7 is addressed above. The Hearings Officer finds that the proposal is consistent with this policy.

Infill Development E.3

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

Finding: The Hearings Officer notes that the subject property is an underutilized parcel that has been vacant since demolition of structures on the property in 2000. The proposed development promotes use of the vacant residential land that is consistent with the surrounding RM-II zoned properties and the surrounding manufactured dwelling parks. The Hearings Officer finds that the proposal is consistent with this policy.

Multi-Family Housing E.6

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

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

- (4) Parks;
- (5) Public buildings.

Finding: The Hearings Officer notes that the proposed RM-II (Multiple Family Residential) zone designation includes a minimum density of 12 units per gross acre, encouraging efficient use of residential land and public facilities while allowing for a variety of housing types, including manufactured dwellings. The character of the surrounding multifamily neighborhood consists of existing manufactured dwelling parks where access to transportation and public facilities are already available or where transportation and public facilities will be improved through conditions of this development. The Hearings Officer finds that the proposal is consistent with this policy.

Requests for Rezoning E.10

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

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

Finding: The Hearings Officer notes that the applicant's proposal includes a request for a quasi-judicial zone change from RA (Residential Agriculture) to the higher density RM-II (Multiple Family Residential) zone, which is consistent with the existing "Multi-Family Residential" Comprehensive Plan Map designation. As described earlier in this decision, the subject property is located within the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The property is unencumbered by sensitive areas such as wetlands or riparian areas.

The Hearings Officer finds that the proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

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

The applicable Statewide Planning Goals are addressed as follows:

Statewide Planning Goal 1 – Citizen Involvement: *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

Hearings Officer Response: The Hearings Officer notes that prior to submitting the zone change application to the City of Salem, the applicant contacted the Southeast Mill Creek Neighborhood Association, as required by SRC 300, to apprise them of the zone change request. A public hearing notice was mailed to the affected property owners and tenants within 250 feet of the subject property, and to the Southeast Mill Creek Neighborhood Association. The property is not located within a Homeowner's Association. The Hearings Officer finds that this satisfies Citizen Involvement described in Goal 1.

Statewide Planning Goal 2 – Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Hearings Officer Response: The Hearings Officer notes that the City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan is in compliance with the Statewide Planning Goals. The Hearings Officer finds that this satisfies Goal 2.

Statewide Planning Goal 3 – Agricultural Lands; Goal 4 – Forest Lands

Hearings Officer Response: The Hearings Officer notes that the subject property is not identified as agricultural or forest land; therefore, these Statewide Planning Goals are not applicable to this application.

Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: *To protect natural resources and conserve scenic and historic areas and open spaces.*

Hearings Officer Response: The Hearings Officer notes that the subject property is not designated as open space, as a scenic or historic area, or as any other type of natural, scenic, historic or cultural resource area. The application is further reviewed for compliance with the City's tree preservation ordinance and applicable wetland standards under the Manufactured Dwelling Park permit below. The Hearings Officer finds that the proposal is consistent with Goal 5.

Statewide Planning Goal 6 – Air, Water, and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Hearings Officer Response: The Hearings Officer notes that the proposed residential use will only add 13 single-family units to an existing development, which will have a low impact with regards to air, water and land resources quality. In addition, land located within the Urban Growth Boundary is considered urbanizable and is intended to be developed to meet the needs of the City, therefore the effects of urban development on air, water and land resources are anticipated. Further evaluation of tree preservation, stormwater and wastewater requirements of the UDC which are intended to minimize the impact of development on the state's natural resources are reviewed under the Manufactured Dwelling Park permit below. The Hearings Officer finds that the proposal is consistent with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards: *To protect people and property from natural hazards.*

Hearings Officer Response: The Hearings Officer notes that no natural feature that is likely to cause a natural disaster has been identified on the site. Similarly, no hazard has been identified on the site. As the property is not subject to natural disaster or hazard; the Hearings Officer finds that this Goal is not applicable.

Statewide Planning Goal 8 – Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Hearings Officer Response: The Hearings Officer notes that the subject property is not designated for recreational use; therefore, this Goal is not applicable.

Statewide Planning Goal 9 – Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Hearings Officer Response: The Hearings Officer notes that the proposal is not an economic development or employment project; therefore, this Goal is not applicable.

Statewide Planning Goal 10 – Housing: *To provide for the housing needs of citizens of the state.*

Hearings Officer Response: The Hearings Officer notes that the City's "Housing Needs Analysis (HNA) 2015-2035" indicates that there is a need for manufactured housing as part of the city's future housing requirements. The document identifies a "need for government assistance and manufactured housing" under Step Five of the analysis (page 37-39), citing ORS 197.303 requirements for cities to plan for government-assisted housing, manufactured housing on lots, and manufactured housing in parks. The HNA estimates a need for an additional 700 manufactured home spaces over the next 20 years. The addition of the proposed manufactured home park will increase the supply of manufactured housing, consistent with the Hearings Officer's Findings of the HNA and State requirements. The Hearings Officer finds that the proposal is consistent with Goal 10.

Statewide Planning Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Hearings Officer Response: The Hearings Officer notes that the subject property is within the Urban Service area. Water, sewer, and storm infrastructure is currently available within adjacent streets to the subject property and appears to be adequate to serve the property. Site-specific infrastructure requirements are addressed with the Manufactured Dwelling Park permit below. The zone change request allows for the efficient use and development of property requiring minimal extension of new public services. The Hearings Officer finds that the zone change is consistent with Goal 11.

Statewide Planning Goal 12 – Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

Hearings Officer Response: The Hearings Officer notes that Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that "significantly affect" a surrounding transportation facility (road, intersection, etc.).

The Hearings Officer notes that the subject property already has a Comprehensive Plan Designation of Multi-Family, therefore pursuant to OAR 660-012-0060(9), this request is exempt from the Transportation Planning Rule determination of

significant affect. The proposed zone change does not trigger analysis or improvements to the surrounding transportation system.

Statewide Planning Goal 13 – Energy Conservation: *To conserve energy.*

Hearings Officer Response: The Hearings Officer notes that manufactured homes installed on the site will be required to meet the building code standards for energy efficiency at the time of individual review and permitting, which will serve to conserve energy. The Hearings Officer finds that the proposal satisfies this goal.

Statewide Planning Goal 14 – Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Hearings Officer Response: The Hearings Officer notes that the subject property is located within the Urban Service Area. The Public Works Department indicates that existing urban services, including water, sewer, and storm infrastructure are available within surrounding streets and are adequate to serve future development of the subject property. The Hearings Officer finds that the proposal satisfies this goal.

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

Finding: The Hearings Officer notes that a change to the comprehensive plan map designation for the property is not required for the proposed zone change, therefore this criterion is not applicable.

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

Finding: The Hearings Officer notes that pursuant to Oregon Administrative Rules 660-012-0060(9), the proposed zone change request is exempt from the Transportation Planning Rule analysis and determination of significant affect. The proposed zone change does not require analysis or improvements to the surrounding transportation system. Adequate urban services are available at the boundaries of the subject property. The Hearings Officer finds that the conclusions of the TPR analysis satisfy this criterion.

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

Finding: The Hearings Officer notes that water, sewer, and storm infrastructure are available within surrounding streets and are adequate to serve future development under the proposed zone. Site-specific infrastructure requirements are addressed with the Manufactured Dwelling Park permit set out later in this decision. The Hearings Officer finds that this criterion is satisfied.

6. Criteria for Granting a Manufactured Dwelling Park permit

The Hearings Officer notes that SRC Chapter 235.010(d) provides the criteria for approval for Manufactured Dwelling Park permits. The applicable criteria and factors are stated below in **bold** print. Following each criterion is a finding evaluating the development's conformance with the criteria.

SRC 235.010(d). A manufactured dwelling park permit shall be approved if the following criteria are met:

(1) The proposed manufactured dwelling park complies with the standards of this chapter and with all applicable provisions of the UDC.

Finding: The Hearings Officer notes that the application proposes changing the zone for the subject property to the RM-II (Multiple Family Residential) zone. The application includes a proposal to develop a cul-de-sac and thirteen new manufactured home units as an integrated expansion of the existing Sundial Manufactured Dwelling Park. Applicable provisions of the UDC include:

SRC Chapter 601 – The Hearings Officer notes that the Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

Streets and Right-Of-Way Improvements SRC 803

The Hearings Officer notes that the proposed development is part of a complex subject to boundary street requirements pursuant to SRC 803.040(e)(3). The complex abuts Lancaster Drive SE to the southwest.

Lancaster Drive SE is a Major Arterial street and does not meet the standard of the Salem TSP along the property frontage. Pursuant to SRC 803.040(e)(3), the extent of required improvements includes the actual frontage of the phase being developed. To satisfy this provision, the applicant will be required to convey land for dedication equal to a half-width right-of-way of 48 feet on the development's side of Lancaster Drive SE. The applicant is also required to construct a half-street improvement along the actual frontage of the development area. The applicant is proposing to construct an emergency vehicle access from the internal private street to Lancaster Drive SE. This access must be constructed in accordance with Fire Code and will have bollards or a gate to prevent public access. In addition, the applicant is required to provide street trees in accordance with SRC Chapter 86 and PWDS.

Cherriots, the local Public Transportation operator, provided comments that the existing bus stop is in need of being upgraded to provide accessibility and development to meet ADA standards is needed. As stated above, the bus stop in reference is not a part of the subject property; however, a previous land use decision for the adjacent property, Case Number MHP-ADJ-PBV20-01, has already been conditioned to bring the bus stop up to ADA standards.

In order to comply with this provision, the Hearings Officer imposes the following conditions:

- Condition 1:** Along the Lancaster Drive SE frontage of the proposed development area, convey land for dedication to equal a half-width right-of-way of 48 feet from the centerline.
- Condition 2:** Construct a half-street improvement along the Lancaster Drive SE frontage of the proposed development area. This requirement may be satisfied through either a deferral agreement or payment of a

fee-in-lieu of improvement based on the equivalent cost of a half-street improvement for a Local street.

Condition 3: Provide street trees along the frontages of Lancaster Drive SE in accordance with SRC Chapter 86 and PWDS.

Condition 4: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

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

Driveway Improvements SRC 804

The Hearings Officer notes that the development is designed to take access from a private street within the existing Sundial Manufactured Dwelling Park, which is served by an existing driveway on Lancaster Drive SE that provides for safe turning movements into and out of the property. The applicant has been conditioned to modify the existing driveway along Lancaster Drive SE pursuant to PWDS under Case Number MHP-ADJ-PBV20-01. In addition, the development is proposing to extend a private drive aisle for emergency access only; no new driveway approaches to public right-of-way are proposed. The Hearings Officer finds that the proposal satisfies this criterion.

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 any intensification, expansion, or enlargement of a use or activity.

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

Residential zones. Within residential zones, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for uses in single family development is two space per unit for development.

Finding: The Hearings Officer notes that the proposal includes some driveways that do not meet the minimum standard for tandem off-street parking. However, the applicant has indicated that each new manufactured dwelling will have two parking spaces, meeting the off-street parking standard. Further review and conformance with minimum parking standards will be required at the time at building permits.

The Hearings Officer notes that the proposed Manufactured Dwelling Park is also regulated by the Oregon Manufactured Dwelling and Park Specialty Code, which requires additional guest spaces to be provided. The maximum parking standard of SRC 806 would not be applicable since the Oregon Manufactured Dwelling and Park Specialty Code could require parking to exceed that standard. The Hearings Officer finds that meeting either the requirements of SRC 806.015 or meeting the requirements of the Oregon Manufactured Dwelling and Park Specialty Code, if the Oregon Manufactured Dwelling and Park Specialty Code requires parking in excess of SRC 806.015 satisfies the criterion for off-street parking.

SRC 806.025 - 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.

Finding: The Hearings Officer notes that the manufactured dwelling park will be developed in accordance with the Oregon Specialty Code standards, which regulates the size of parking spaces and the amount of required parking. Therefore, the parking will be reviewed at the time of building permit.

Natural Resources

SRC 808 - Preservation of Trees and Vegetation.

The Hearings Officer notes that 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.

SRC 808.025 – Trees on lots or parcels 20,000 square feet or greater.

No person shall remove a tree on a lot or parcel that is 20,000 square feet or greater unless the removal is undertaken pursuant to a tree and vegetation removal permit, pursuant to a tree conservation plan, or undertaken pursuant to a tree variance.

Finding: The Hearings Officer notes that the subject property is over 20,000 square feet and does not have a riparian corridor on, or adjacent to, the property. Any trees within the manufactured dwelling park setbacks identified for removal are required to be replaced at a two-to-one ratio. The applicant has submitted a site plan identifying the tree species and sizes throughout the property. After dedication along Lancaster Drive SE, a total of eight trees on the property are designated for preservation; the remainder of trees will be reviewed under the street tree removal standards. According to the applicant's site plan, trees within the setbacks of the site are not proposed for removal. Additionally, the site does not contain any Significant Trees or Riparian Trees.

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

According to the Salem-Keizer Local Wetland Inventory (LWI) there are no wetlands on the subject property. The applicant should contact the Department of State Lands to verify if permits are required for the proposed development.

SRC 810 - Landslide Hazards: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

Development Standards – Manufactured Dwelling Parks:

(a) Manufactured dwelling parks shall conform to the general development standards set forth in Table 235-1.

Park Size		
RA and RS Zones	Min 1 Acre	
	Max 12 acres	
RM-I and RM-II Zones	Min 1 Acre	
	No Maximum	
Park-To-Park Separation		
RA and RS zones	Min. 500 ft.	Park-to-park separation is measured from the closest point of the proposed manufactured dwelling park to another manufactured dwelling park.
RM-I and RM-II Zones	None	
Park Space Size		
RA and RS zones	Min. 4,000 sq. ft.	
RM-I and RM-II zones	Min. 4,000 sq. ft.	Applicable to spaces abutting an RA or RS zone district.
	Min. average of 3,000 sq. ft., provided no space shall be less than 2,000 sq. ft.	Applicable to spaces not abutting an RA or RS zone district.
Park Space Width		
RA and RS zones	Min. 40 ft.	Not applicable to theater spaces. Theater spaces are subject to SRC 235.020(b).
RM-I and RM-II zones	Min. 30 ft.	
Park Space Width		
RA and RS zones	Min. 70 ft.	Not applicable to theater spaces. Theater spaces are subject to SRC 235.020(b).
	Max. 300% of average width	
RM-I and RM-II zones	Min. 40 ft.	

Finding: The Hearings Officer notes that the existing park exceeds the minimum one-acre requirement. As the subject property abuts RM-II zoned properties on all sides, the proposed new park spaces are a minimum of 3,000 square feet in size, with a minimum of 30 feet in width and 40 feet in depth. The minimum space size proposed

in the application is 3,560 square feet, and the average size is 5,237 square feet. The Hearings Officer finds the proposal satisfies this criterion.

- (b) Theater spaces. Within the RA and RS zones, a minimum of ten percent of the spaces within a manufactured dwelling park shall be theater spaces. Theater spaces shall meet minimum space size requirements; and shall have a minimum space depth of 50 feet and a minimum space width that is greater than the depth.

Finding: The Hearings Officer notes the proposal includes a zone change request from RA to RM-II and would not include development within the RA zone; therefore, this standard is not applicable.

- (c) On-site storage. All trash enclosures and outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the management of the park shall be screened. Screening shall be a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Finding: The Hearings Officer notes the proposal does not include modification or development of a trash enclosure or outdoor storage area. The standard is not applicable.

- (d) Fire hydrants. Fire hydrants shall be provided according to the standards and specifications on file in the office of the Director and applicable state law. Fire hydrants shall be installed and provide fire flow as required by the fire code official.

Finding: The Hearings Officer notes that the Fire Department reviewed the proposal and indicated a fire hydrant is required to be located within 600 feet of all portions of the structures and shall be in an approved location for the development site. The new fire hydrants will be installed and reviewed by the Fire Marshall.

Condition 5: The applicant shall install adequate fire hydrant(s) to meet the Fire Code Standards.

The Hearings Officer finds that with this condition, the proposal satisfies this criterion.

- (e) Driveways and driveway approaches. Within 100 feet of the intersection of a park street with a public street, driveway approaches shall conform to the standards

set forth in SRC chapter 804. Driveways providing access from a public street shall be a minimum 20 feet in depth.

Finding: The Hearings Officer notes that access to the site is through the existing manufactured home park, which is served by an existing driveway from Lancaster Drive SE. No new driveway is proposed to access the public street. The proposal satisfies this criterion.

Types of manufactured dwellings permitted.

Within the RA, RS, RM-I, and RM-II zones, the following types of manufactured dwellings are permitted within a manufactured dwelling park:

- a) RA and RS Zones. Only manufactured homes meeting state manufactured dwelling construction and safety standards are permitted.
- b) RM-1 and RM-II Zones. Only manufactured dwellings meeting state manufactured dwelling construction and safety standards are permitted.

Finding: The Hearings Officer notes that the Building and Safety Department reviewed the proposal and indicates that the site meets this standard. Further review of conformance with state standards will be required at the time of building permits.

Standards for manufactured dwellings, accessory structures, and park

In addition to the requirements of the Oregon Manufactured Dwelling and Park Specialty Code and the Oregon Manufactured Dwelling Installation Specialty Code, manufactured dwellings, accessory structures, and park buildings within manufactured dwelling parks shall comply with the standards set forth in this section.

Park perimeter setbacks. Setbacks from the perimeter boundary of a manufactured dwelling park shall be provided as set forth in Table 235-2.

TABLE 235-2. PARK PERIMETER SETBACKS

Requirement	Standard	Limitations & Qualifications
Park Perimeter Setbacks—Abutting Street		
Manufactured Dwellings		
RA, RS, RM-I, and RM-II zones	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
RA, RS, RM-I, and RM-II zones	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Park Buildings		
RA, RS, RM-I, and RM-II zones	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Park Perimeter Setbacks—Not Abutting Street		
Interior Side		

TABLE 235-2. PARK PERIMETER SETBACKS

Requirement	Standard	Limitations & Qualifications
Manufactured Dwellings		
RA, RS, RM-I, and RM-II zones	Min. 5 ft.	
Accessory Structures		
RA, RS, RM-I, and RM-II zones	Min. 5 ft.	
Park Buildings		
RA, RS, RM-I, and RM-II zones	Min. 14 ft.	For any portion of a park building not more than 1 story in height.
	Min. 20 ft.	For any portion of a park building greater than 1 story in height.
Interior Rear		
Manufactured Dwellings		
RA, RS, RM-I, and RM-II zones	Min. 14 ft.	For any portion of a manufactured dwelling not more than 1 story in height.
	Min. 20 ft.	For any portion of a manufactured dwelling greater than 1 story in height.
Accessory Structures		
RA, RS, RM-I, and RM-II zones	None	Applicable to accessory structures not more than 9 ft. in height.

TABLE 235-2. PARK PERIMETER SETBACKS		
Requirement	Standard	Limitations & Qualifications
	Min. 1 ft. for each 1 ft. of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
Park Buildings		
RA, RS, RM-I, and RM-II zones	Min. 14 ft.	For any portion of a park building not more than 1 story in height.
	Min. 20 ft.	For any portion of a park building greater than 1 story in height.

Finding: New manufactured dwelling sites and accessory structures are greater than 20-feet from Lancaster Drive SE, and greater than five feet from all interior side property lines. The proposal meets the standards.

TABLE 235-3. SPACE COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
Space Coverage		
Manufactured Dwellings and Accessory Structures		
RA, RS, RM-I, and RM-II zones	Max. 60%	
Park Buildings		

TABLE 235-3. SPACE COVERAGE; HEIGHT

Requirement	Standard	Limitations & Qualifications
RA and RS zones	Max. 35%	
RM-I and RM-II zones	Max. 50%	
Height		
Manufactured Dwellings		
RA and RS zones	Max. 35 ft.	Applicable to new or replacement manufactured dwellings.
	Max. 28 ft. or existing manufactured dwelling height, whichever is greater	Applicable to existing manufactured dwellings.
RM-I and RM-II zones	Max. 35 ft.	
Accessory Structures		
RA, RS, RM-I, and RM-II zones	Max. 15 ft.	
Park Buildings		
RA and RS zones	Max. 50 ft.	
RM-I and RM-II zones	Max. 70 ft.	

Space coverage; height. Manufactured dwellings, accessory structures, and park buildings within manufactured dwelling parks shall conform to the space coverage and height standards set forth in Table 235-3.

Hearings Officer's Findings: The Hearings Officer notes that the applicant has indicated the manufactured homes will be no greater than 35 feet in height. No park buildings and no accessory structures are proposed. The lot coverage and height for the proposed manufactured home spaces will be further reviewed at building permits. The Hearings Officer finds that the proposal meets this standard.

Decks; patios. Each space shall be provided with one or more slabs or decks adjacent to the stand that are constructed of concrete, asphalt, flagstone, wood, or other equivalent surface material which, either singly or in combination, total not less than 120 square feet in area and are not less than four feet in width in their smallest dimension.

Finding: The Hearings Officer notes that the applicant has indicated each new manufactured dwelling will have a patio or deck no less than 120 square feet that is not less than four feet in width, which will be further reviewed at building permits. The Hearings Officer finds that the standard is met.

Storage of manufactured dwellings. A manufactured dwelling shall not remain overnight in a manufactured dwelling park unless it is parked in a manufactured dwelling space.

Finding: The Hearings Officer notes that the applicant has indicated that all new dwellings will have a designated space. No storage of manufactured dwellings is proposed.

Storage of recreational vehicles. Storage of recreational vehicles is allowed in the following locations:

- (1) On driveways within a yard adjacent to a street; and
- (2) Within side or rear yards that are screened from all public areas, public and private rights-of-way, and property that is used for residential purposes by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Finding: The Hearings Officer notes that the applicant indicated that any recreational vehicles will be located within designated spaces and meet the standards.

Manufactured home size, design, and materials with RA and RS zones. Manufactured homes located within manufactured dwelling parks less than three acres in size within RA and RS zones shall:

- (1) Be a minimum of 864 square feet in size and a minimum of 24 feet in width;
- (2) Have a pitched roof with a minimum nominal slope of three feet in height for each 12 feet in width;
- (3) Have exterior siding and roofing that is similar in color, material, and appearance to the exterior siding and roofing material used on residential dwellings in the community, or which is comparable to the predominant materials used on surrounding dwellings, as determined by the City; and
- (4) Have skirting which appears in design, color, and texture to be an integral part of the exterior walls, unless the manufactured home is set on a ground level foundation.

Finding: The Hearings Officer notes that the applicant is proposing to change the zone on the subject property to the RM-II (Multiple Family Residential) zone, where the RA and RS standards are not applicable. Conformance with all other RM-II development standards will be reviewed at the time of building permits.

(2) The proposed manufactured dwelling park complies with the standards of the Oregon Manufactured Dwelling and Park Specialty Code and the Oregon Manufactured Dwelling Installation Specialty Code.

Finding: The Hearings Officer notes that the proposal has been reviewed by the City of Salem Building and Safety Department who has determined the proposal meets the Oregon Manufactured Dwelling and Park Specialty Code and the Oregon Manufactured Dwelling Installation Specialty Code. The Hearings Officer finds that this satisfies the standard.

DECISION

Based upon the Facts in the record and the Hearings Officer's Findings set out above, the Hearings Officer **APPROVES** the request for a Zone Change from RA (Residential Agriculture) to RM-II (Multiple Family Residential) and the Manufactured Dwelling Park permit for property approximately 2.02 acres in size and located at 2702 Lancaster Drive SE, subject to the following conditions of approval:

- Condition 1:** Along the Lancaster Drive SE frontage of the proposed development area, convey land for dedication to equal a half-width right-of-way of 48 feet from the centerline.
- Condition 2:** Construct a half-street improvement along the Lancaster Drive SE frontage of the proposed development area. This requirement may be satisfied through either a deferral agreement or payment of a fee-in-lieu of improvement based on the equivalent cost of a half-street improvement for a Local street.
- Condition 3:** Provide street trees along the frontages of Lancaster Drive SE in accordance with SRC Chapter 86 and PWDS.
- Condition 4:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.
- Condition 5:** The applicant shall install adequate fire hydrants to meet the Fire Code Standards.

DATED: September 27, 2021

James K. Brewer, Hearings Officer