

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY
DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

SUBJECT: **CONDITIONAL USE / VARIANCE CASE NO. CU-VAR20-07**
4195 AUMSVILLE HIGHWAY SE - 97306
AMANDA NO. 20-114039-ZO, 20-115813-ZO

REQUEST

Summary: An application for conditional use to allow a future multi-family development and a variance to allow a driveway on Joseph Street SE.

Request: A consolidated Conditional Use application to allow a future multi-family development and Variance application to allow driveway access from the portion of Joseph Street SE within the Urban Growth Boundary for a 15 acre property located in an IC (Industrial Commercial) zone at 4195 Aumsville Highway SE 97317 (Marion County Assessor Map and Tax Lot 082W0800110).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

APPLICANT/OWNER: Kenneth Rasmussen for Cascade Legacy Properties LLC

AGENT: Brandie Dalton, Multi-Tech Engineering, Inc.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use and DENY the request for a variance subject to the following conditions of approval:

CONDITIONAL USE:

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

Condition 2: The multi-family use shall contain no more than 294 dwelling units.

APPLICATION PROCESSING

On August 26, 2020, a Conditional Use Permit application was accepted for processing. On October 8, a Variance application was accepted for processing. The collective applications were deemed complete for processing on October 23, 2020.

The public hearing before the City of Salem Hearings Officer is scheduled for November 18, 2020, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on October 29, 2020. Public hearing notice was also posted on the property pursuant to SRC requirements.

PROPOSAL

The applicant has submitted a Conditional Use Permit and Variance application for a future multi-family residential apartment development at 4195 Aumsville Highway SE that would have a driveway on Joseph Street SE. The Conditional Use application is required to develop multi-family housing in the IC (Industrial Commercial) zone. The Variance is required because conditions of approval for Comprehensive Plan Change / Zone Change / Urban Growth Preliminary Declaration Case No. CPC-ZC-UGA18-04 prohibited a driveway on Joseph Street SE unless a Variance was approved.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

APPLICANT'S STATEMENT

The applicant's preliminary site plan is included as **Attachment B** to illustrate the location of the proposed driveway on Joseph Street SE and a potential future development of multi-family residential buildings, a commercial building, and parking; the actual development plans for future uses will be reviewed through future Site Plan Review applications. The applicant's statement addressing the applicable approval criteria for the consolidated Conditional Use and Variance applications is included as **Attachment C** and indicates that the applicant proposes 279 units on Parcel 1 and 15 units on Parcel 2 of tentatively approved Partition PAR20-07.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

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

Growth Boundary, which runs along the eastern property line and the eastern section of the north property line. The subject property is outside of the Urban Service Area, and an Urban Growth Preliminary Declaration was obtained (CPC-ZC-UGA18-04).

2. Zoning and Surrounding Land Uses

The subject property is zoned IC (Industrial Commercial). In the IC zone, multi-family residential uses require a conditional use permit.

The zoning of surrounding properties is as follows:

North: Across Joseph Street SE, PH (Public and Private Health Services) and Marion County SA (Special Agriculture)

South: Across Aumsville Highway SE, PH (Public and Private Health Services)

East: Marion County AR (Acreage Residential)

West: Across Aumsville Highway SE, PE (Public and Private Educational Services)

3. Site Analysis

The subject property includes one tax lot with an area of approximately 15 acres and has approximately 2,280 feet of frontage on Aumsville Highway SE and approximately 2,170 feet of frontage on Joseph Street SE. Aumsville Highway SE is designated as a Minor Arterial street in the Transportation System Plan and Joseph Street SE is designated as a Local street. The proposed driveway on Joseph Street SE is within the portion of the street that lies inside the Urban Growth Boundary.

4. Neighborhood and Citizen Comments

The subject property is located within the Southeast Mill Creek Association (SEMCA). The applicant notified the neighborhood association prior to submittal of the application as required by SRC 300.100, Table 300-2. Notice was provided by staff to SEMCA and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time of this staff report, no neighborhood association comments had been received. Two citizens commented that online mapping shows a different location for 4195 Aumsville Highway SE and 154 parking stalls would be insufficient parking for 279 apartment units on the extreme east edge of the city.

Staff Response: For land use cases, staff must use the address in our application database system for this tax lot (082W080000110), which is 4195 Aumsville

Highway SE. Our internal GIS, GeoPlanIt, and Salem Maps Online also show this address. The vicinity map distributed with the request for comments and Notice of Hearing correctly depicts the subject property.

Staff is not reviewing the preliminary site plan for conformance with all development standards at this time. The site plan is included in the current application to demonstrate the location of the proposed driveway that would require a variance. The applicant has chosen to submit the consolidated conditional use and variance application prior to the site plan review application. If the conditional use and variance application is approved, the conditions could require changes to the layout of the apartments and parking areas, and the applicant will submit the site plan review, design review, and any other required applications such as tree removal applications or tree removal variances later.

The proposed parking will be reviewed for conformance with applicable standards when the site plan review application is submitted. Salem's parking requirements for apartments are in SRC 806.015 Table 1. This property is not within the CSDP, within one-quarter mile of a core transit route, or within the MU-I or MU-II zone; therefore, the applicable minimum standards are one space per studio unit or dwelling unit with 1 bedroom and 1.5 spaces per dwelling unit with 2 or more bedrooms. For the proposed mix of 294 units indicated on the preliminary site plan, the minimum parking requirement would be 411 spaces (60 one-bedroom units x 1 space/unit = 60 spaces; 234 two-bedroom units x 1.5 spaces/unit = 351 spaces; total = 411). While the notes on the original site plan incorrectly indicate only 179 spaces, the spaces depicted on the drawing exceed the minimum of 411. The applicant provided a corrected preliminary site plan on November 9, 2020 indicating 536 parking spaces for Parcel 1 and 25 for Parcel 2 (**Attachment D**).

5. City Department and Public Agency Comments

The Public Works Department reviewed the Conditional Use proposal and commented that conditions for development were addressed in the PAR20-07 and CPC-ZC-UGA18-04 decisions, no additional Public Works comments are provided for the conditional use, and completeness requirements and phase-specific conditions will be addressed at the time of Site Plan Review.

Public Works reviewed the Variance proposal and provided the following comments:

Conditions for development were addressed in PAR20-07 and CPC-ZC-UGA18-04. Proposed driveway locations will be addressed during Site Plan Review and must meet the requirements of SRC Chapters 804 and 805. Pursuant to SRC 804.025(d)(4)(B), the proposed driveway, where possible, takes access from the lowest classification of street abutting the property. For this reason, City staff is not against the proposed access to Joseph Street SE; however, there is not adequate information to

determine that a second driveway to Aumsville Highway SE in the vicinity of proposed building 2 is not possible.

The Salem Building and Safety Division reviewed the Conditional Use and Variance proposals and identified no issues.

The Salem Fire Department reviewed the Conditional Use proposal and commented that the project appears to show two means of fire department access, and each access shall clearly identify the addresses (including street names if applicable) served. They reviewed the Variance proposal and stated that they have no concerns; items including fire department access and water supply will be required for future construction.

Salem-Keizer Public Schools has reviewed the proposal and commented that the subject property is outside of the district boundary.

Staff Response: The subject property is within the Cascade School District. Students would be eligible for bus transportation.

Cherriots submitted the following comments:

Cherriots does not support the Conditional Use and Variance request. Multifamily housing is considered one of the top generators of public transit ridership. Historically, Cherriots has often been requested to provide service at multifamily housing developments across the city and prioritizing routing and bus stop locations to be near such developments is a common practice for Cherriots and all public transit providers. This location does not have the surrounding infrastructure necessary to make servicing it with transit feasible. For this reason we do not support this case.

Staff Response: The nearest Cherriots service is a local-regional route with a bus stop approximately 3,000 feet to the north of the subject property at the Marion County complex at 4040 Aumsville Highway SE. A bike lane and property-line sidewalk are available along the entire section of Aumsville Highway SE from the subject property to the bus stop. Ideally, multi-family developments would be located adjacent to or near transit routes. However, several multi-family zoned properties within the city limits are not within 3,000 feet of transit routes, including properties on Whitaker Drive SE, Turquoise Avenue SE, and River Road S.

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.

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

Criterion 2:

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

Finding: The applicant states that the proposed development will have little to no impact on the neighborhood; the proposed use benefits the public by establishing a compatible use that is consistent with future economic and multi-family needs; the residential development will serve employees of surrounding areas and students of Corban University; and the residential development will be consistent with the neighborhoods while providing needed higher density housing. The applicant further states that the conditions of CPC-ZC-UGA18-04 and PAR20-07 will mitigate impacts of the development on the neighborhood.

The property is zoned IC (Industrial Commercial). Of the many uses allowed in the zone, including housing, retail, offices, services, and light industrial uses, multi-family dwellings would be among the most compatible with the surrounding low-density residential uses and agricultural uses. The slope, elevation, and landslide hazards present on the subject property may make multi-family residential development more feasible than commercial or industrial uses, which typically require more extensive areas of flatter terrain.

Development of multi-family housing would address housing needs in the area. Multi-family dwellings will provide residential options to employees of the Mill Creek Corporate Center development, Corban University, and other nearby employers, potentially reducing vehicle miles traveled from home to work for these employees and students.

Traffic impacts on the immediate neighborhood were addressed partly by Condition 6 of CPC-ZC-UGA18-04, which limits transportation impacts from the entire subject property to a maximum total of 5,948 vehicle trips per day; Condition 12 of PAR20-07, which limits transportation impacts from Parcel 1 to 5,134 trips per day; and Condition 13, which limits transportation impacts from Parcel 2 to 352 trips per day. The proposed development of up to 294 multi-family units indicated on the preliminary plan would be expected to generate approximately 1,969 vehicle trips per day, well below the cap that was calculated from a reasonably likely mix of uses allowed in the IC zone.

Noise impacts of the proposed multi-family use would be similar to those of adjacent residential uses and would likely be less intrusive than the impacts of commercial or light industrial uses that would be allowed in the IC zone.

Visual impacts of the proposed development will be mitigated by perimeter setbacks, landscaping, and screening required by the development standards of the IC zone, the multi-family design standards, and other development standards set forth in the Unified Development Code (UDC) and implemented at the time of site plan review. Previous conditions of approval require additional setbacks and landscaping to mitigate the impacts. CPC-ZC-UGA18-04 Condition 3 requires the landscaped setbacks from the Joseph Street SE right-of-way and property line abutting the Acreage Residential zone to be designed to maximize retention of existing trees and non-nuisance vegetation. CPC-ZC-UGA18-04 Condition 7 requires a minimum setback of 30 feet from the Joseph Street SE right-of-way, landscaped with a minimum of one plant unit per 20 square feet.

The multi-family residential design standards require additional screening for apartment complexes where they abut single family residential zoning; this includes more robust landscaping and fencing. On the preliminary site plan, the applicant indicates a fence along the east property line but does not specify the materials used for the fence. Design review standards would require a decorative sight-obscuring fence abutting a City of Salem RA or RS zone or a Marion County zone inside the UGB that is equivalent to the RA or RS zone identified under SRC Chapter 260, Table 260-1, based on the comprehensive plan designation for the property and its zoning in the county (SRC 800.035(c)(1)). The Marion County zone abutting the eastern boundary of the subject property is AR (Acreage Residential). Because this zone is located outside the UGB, it is considered a residential zone under SRC 800.035(c)(2), but is not specifically equivalent either to RA or RS. Because the AR (Acreage Residential) zone allows less dense development than the RA zone in the City, and the density of the multi-family development would be significantly higher, staff recommends 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 the Marion County AR (Acreage Residential) zoning occupied by single family dwellings.

Condition 1: Along the eastern 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 property within tentatively approved Parcels 1 and 2 includes 13.55 acres. Density for the RM2 (Multiple Family Residential 2) zone would be 12 to 28 units per acre, or a minimum of 163 units to a maximum of 379 units. The

proposed 294 units indicated on the preliminary plan falls within the range that would be allowed in the RM2 zone and is approximately 72 percent of the maximum number. Given the topography and other challenges on the site, the proposed number of units is reasonable, will allow more open space to be preserved, and will have minimal impact on the immediate neighborhood. Any future increase of the development beyond 294 dwelling units will require approval of a separate conditional use permit, therefore, the following condition of approval is proposed:

Condition 2: The multi-family use shall contain no more than 294 dwelling units.

With the proposed conditions and the previous conditions of CPC-ZC-UGA18-04, staff finds that 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.

Finding: To determine if the proposed multi-family use is reasonably compatible with the surrounding area, it is first appropriate to determine if 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

Finding: Primary access to the subject property is provided by Aumsville Highway SE, with one driveway near the east end of the property and another near the western end of the property. Development of the site would include

pedestrian sidewalks that provide walking connections along property frontages. Aumsville Highway SE is designated as a Minor Arterial Street and provides a pedestrian and bike connection from the subject property to surrounding areas including the Department of Public Safety training complex and the Salem-Keizer Transit (Cherriots) transit stop at the Marion County complex at 4040 Aumsville Highway SE, approximately 3,000 feet from the proposed use. Aumsville Highway SE also provides walking, auto, and transit connections to nearby properties in the EC (Employment Center) zone including the Home Depot distribution center and Amazon distribution center.

Where Aumsville Highway SE extends across Kuebler Boulevard SE as Lancaster Drive SE, the nearest shopping areas on Lancaster Drive SE are approximately two miles from the subject property. However, the property is zoned IC (Industrial Commercial), it has been tentatively approved for a partition into three parcels, and commercial development is indicated in the western parcel on the preliminary site plan. The subject property itself could be developed with a small neighborhood shopping area such as a convenience store and/or restaurant to provide services to the multi-family development and nearby residential developments.

Deer Park Drive SE, a designated Collector street to the southwest of the subject property, provides auto access to Corban University and other employers. No bike lanes or pedestrian sidewalks are currently available.

The subject property is more than two miles away from the nearest public park, Cascades Gateway, which is to the northwest of the subject property. At the time CPC-ZC-UGA18-04 was issued, the applicant had not specified uses for the subject property. Parks improvements will be required for residential uses developed on the subject property. The Comprehensive Parks System Master Plan shows that future Neighborhood Parks (NP 41 and NP 44) are planned near the subject property. The previous conditions of approval require the applicant either to acquire and convey a 2-acre property for dedication of neighborhood park facility NP-41, NP-44, or equivalent based on sizing established in the Master Plan; or, in lieu of acquiring and conveying park land pursuant to SRC 200.075, the applicant has the option of paying a temporary access fee pursuant to SRC 200.080(a). The temporary access fee is a reasonable alternative to conveyance of park land from within the subject property because the topography and location of the subject property are not desirable for a neighborhood park.

In order to comply with the requirements of SRC 200.075, CPC-ZC-UGA18-04 Condition 15 requires that, as a condition of residential use, the applicant has two options for providing park facilities to serve the subject property:

- a. Convey or acquire 2 acres of property for dedication of neighborhood park facility NP-41, NP-44, or equivalent; or
- b. Pay a temporary access fee of \$72,450 pursuant to SRC 200.080(a).

Testimony received for CPC-ZC-UGA18-04 indicated that neighboring owners of agricultural properties were concerned that future residents on the subject property would object to existing agricultural practices. Condition 16 of CPC-ZC-UGA18-04 requires that tenants be notified that farm and forest management practices may produce noise, dust, smoke, and other impacts; that tenants accept these potential impacts and acknowledge the need to avoid activities that conflict with farm and forest uses and practices; and tenants will not pursue a claim for relief or course of action alleging injury from farming or forest practice for which no action is allowed under ORS 30.936 or 30.937.

With the recommended conditions, 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.

As conditioned, staff finds that the proposed development will have a minimal impact on the livability and appropriate development of surrounding property.

7. Analysis of Criteria for Variances

SRC 265.020(a) provides that conditions may be imposed on zone changes including limits on use, uses permitted, and any development standards.

SRC 265.020 (b) states that conditions imposed shall be construed and enforced, in all respects, as provisions of this zoning code relating to the use and development of land. Modification of use conditions shall be by zone change, as provided under this chapter. Modification of all other conditions, including full or partial release therefrom, shall be by variance, as provided under SRC chapter 245.

The applicant has requested a variance to CPC-ZC-UGA18-04 Zone Change Condition 4, which states, “No driveways shall be allowed from the subject property onto the section of Joseph Street SE that is inside the Urban Growth Boundary unless a variance is obtained from this condition.”

SRC Chapter 245.005(a) provides that:

Unless otherwise provided in the UDC, buildings, structures, or land shall not be developed contrary to the applicable development standards of the UDC unless a variance has been granted pursuant to this Chapter.

SRC Chapter 245.005(d) establishes the following approval criteria for a variance:

SRC 245.005(d)(1): There is an unreasonable hardship or practical difficulty created by the physical characteristics of the land.

Finding: The applicant states that two driveways area required for safety and circulation due to the size of the development, but topographic issues along

Aumsville Highway SE make a second access point difficult; the steep slope creates a special condition and physical difficulty requiring an access point along Joseph Street SE; and the variance is necessary because the Joseph Street SE driveway is necessary for adequate and safe access.

Public Works commented that there is not adequate information to determine that a second driveway to Aumsville Highway SE in the vicinity of proposed building 2 is not possible.

A second driveway from Aumsville Highway SE in the vicinity of proposed building 2 would be approximately 500 feet from the proposed driveway at the boundary of Parcels 2 and 3 and 1,200 feet from the eastern driveway on Parcel 1 and would meet spacing requirements.

Condition 8 of CPC-ZC-UGA18-04 requires right-of-way dedication equal to a half-width of 36 feet along the entire frontage of Aumsville Highway SE. Condition 10 of CPC-ZC-UGA18-04 requires construction of a three-quarter street improvement to Minor Arterial standards of 23 feet from centerline on the development side and 12 feet wide on the opposite side. Additional pavement width shall be required as set forth in the Public Works Design Standards (PWDS) to provide a left-turn lane at each driveway approach proposed along Aumsville Highway SE.

The conditions of approval require right-of-way dedication and construction of street improvements including left-turn lanes for each driveway approach. The property will be graded to accommodate the street improvements on Aumsville Highway SE. The applicant has not provided specific evidence, other than stating that there is a steep slope, to document that the topography makes a second driveway on Aumsville Highway SE within proposed Parcel 2 particularly difficult in comparison to the other required improvements or that a second driveway on Aumsville Highway is unsafe to the degree that a driveway on Joseph Street SE is the only way to provide adequate and safe access.

The proposal does not meet this criterion.

SRC 245.005(d)(2): The variance will not result in adverse effects that are unreasonably detrimental to the public health, safety, and welfare or to property or improvements in the vicinity.

Finding: The applicant states that resident and emergency vehicles will have safe and efficient access through the site; the proposed two driveways provide the minimum requirements of the Fire Department; physical and topographical features have been factors in determining location of the proposed driveways; the proposal provides adequate improved vehicle, pedestrian, and bike access to Joseph Street SE and Aumsville Highway SE; the purpose of Condition 4 of CPC-ZC-UGA18-04 was to avoid conflicts with existing traffic and provide safe

access; the driveway onto Joseph Street SE will minimize traffic congestion; and the driveway on Joseph Street SE will not be hazardous to existing or proposed traffic in the area and is a safer option due to lower speed limits than on Aumsville Highway SE.

The subject property abuts Aumsville Highway SE, classified as a minor arterial in the *Salem Transportation System Plan*, and Joseph Street SE, classified as a local street. Public Works criteria for driveways in SRC 804.025(d) require that a proposed driveway approach, where possible, shall be shared with an adjacent property or take access from the lowest classification of street abutting the property. When CPC-ZC-UGA18-04 was issued, the criteria would have preferred an access from the local street, Joseph Street SE, rather than Aumsville Highway SE, a minor arterial, but specific driveway locations were not approved at that time.

Proposed driveway locations will be addressed during Site Plan Review and must meet the requirements of SRC Chapters 804 and 805. Pursuant to SRC 804.025(d)(4)(B), the proposed driveway, where possible, takes access from the lowest classification of street abutting the property. For this reason, Public Works staff is not opposed to the proposed access to Joseph Street SE.

Joseph Street SE adjacent to the subject property is partly within the UGB and partly outside the UGB, and it does not currently meet linking street requirements of a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement. The City has no jurisdiction to require improvements on the section of Joseph Street SE that lies outside the UGB. For the CPC-ZC-UGA18-04, the City received testimony from neighboring property owners indicating a desire to limit traffic on Joseph Street SE. To mitigate the potential traffic impacts of the subject property's development on the section of Joseph Street SE outside the UGB that is not developed to support urban uses, the conditions of approval of CPC-ZC-UGA18-04 prohibit any driveways on Joseph Street SE unless variances are obtained.

The proposed variance request is for approval of a driveway in the western area of the site, approximately 675 feet from the intersection of Joseph Street SE and Aumsville Highway SE and crossing the boundary between tentatively approved Parcels 1 and 2. The preliminary plan shows the driveway providing no access to the parking area for the future apartments on Parcel 2. Condition 1 of Partition PAR20-07 requires that, prior to final plat approval, the applicant shall provide an engineered sight distance and spacing analysis for tentative driveway locations to determine where shared access and access easement may be required to provide vehicular access to each parcel.

Because the driveway is located along a curved section of Joseph Street SE and along a slope, an analysis of vision clearance (sight distance) is critical to ensure safe ingress and egress. At the time of Site Plan Review, the applicant must demonstrate compliance with vision clearance requirements of SRC

Chapter 805.

Condition 9 of CPC-ZC-UGA18-04 requires the applicant to convey land for dedication to equal a half-width right-of-way of 30 feet along the portion of frontage where Joseph Street SE is located within the Urban Growth Boundary. If a driveway is constructed along Joseph Street SE, Condition 11 of CPC-ZC-UGA18-04 was adopted to mitigate impacts of increased traffic and requires that the applicant:

- a. Convey land for dedication to equal a half-width right-of-way of 30 feet along the portion of frontage where Joseph Street SE is located outside the Urban Growth Boundary;
- b. Along the portion of frontage where Joseph Street SE is located inside the Urban Growth Boundary, construct a three-quarter street improvement to Local street standards of 15 feet from centerline on the development side and 12-foot-wide on the opposite side;
- c. Along the portion of frontage where Joseph Street SE is located outside the Urban Growth Boundary, construct a 30-foot-wide linking street improvement.

With the recommended condition of approval, and with the previously adopted conditions of approval requiring street improvements along Joseph Street if a driveway approach is granted, there will be no adverse effects of the proposal on the public health, safety, and welfare of surrounding property owners and occupants. The proposal meets this criterion.

Conclusion: The proposal must meet both criteria for the Variance to be approved. Staff finds that the proposal does not meet Criterion 1 and recommends denial of the variance.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use for a future multi-family development and DENY the request for a variance to allow driveway access from the portion of Joseph Street SE within the Urban Growth Boundary for a 15 acre property located in an IC (Industrial Commercial) zone at 4195 Aumsville Highway SE 97317 (Marion County Assessor Map and Tax Lot 082W0800110), subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: Along the southern property line, the applicant shall construct a minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the

construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain-link fencing with slats shall not be allowed to satisfy this requirement.

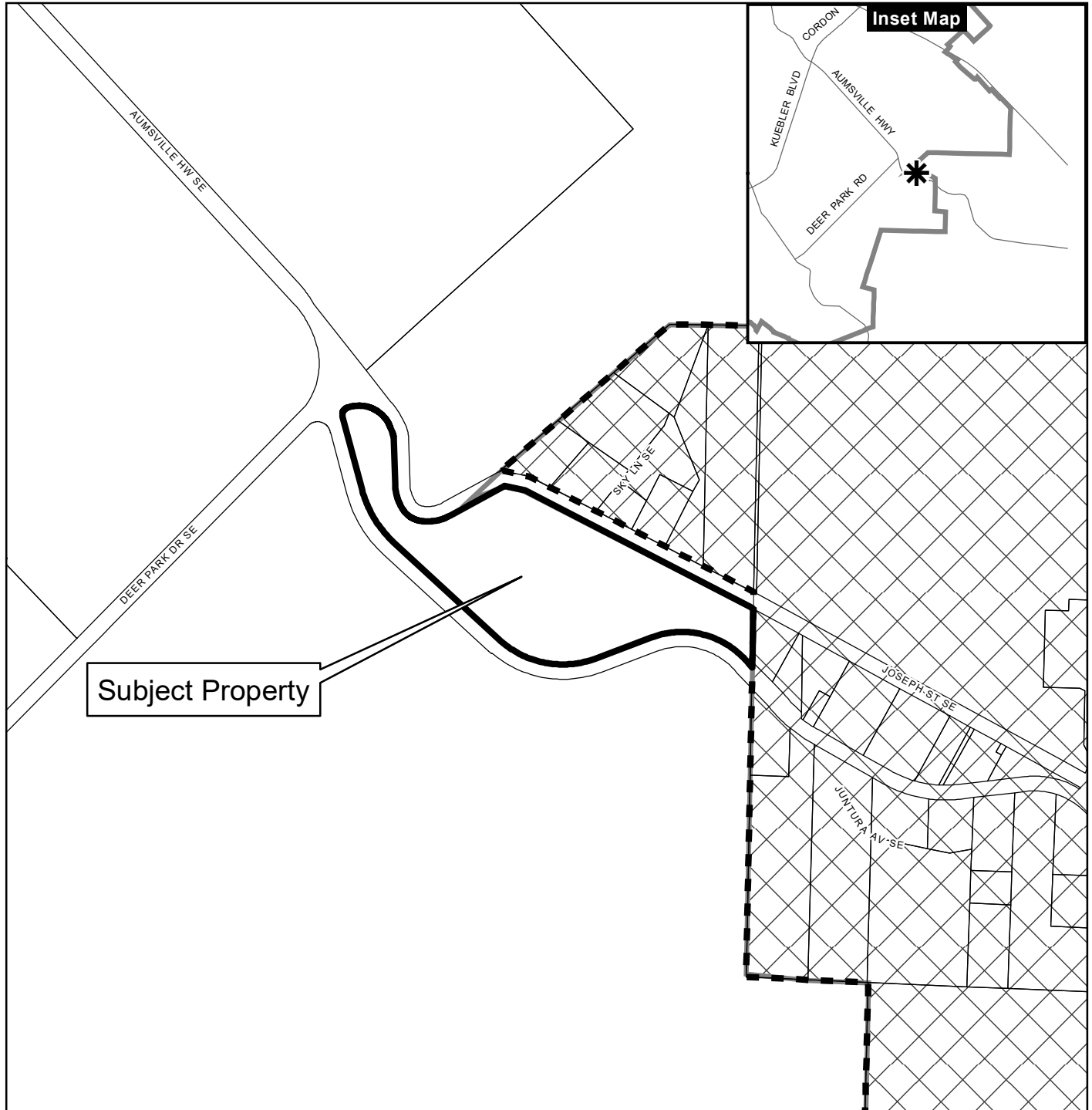
Condition 2: The multi-family use shall contain no more than 294 dwelling units.

Prepared by Pamela Cole, Planner III








Application Deemed Complete Date: October 23, 2020
State Mandated Decision Date: February 20, 2021

- Attachments: A. Vicinity Map
B. Preliminary Site Plan with Proposed Driveway Locations
C. Applicant's Statement Addressing Approval Criteria
D. Preliminary Site Plan with Corrected Parking Space Count

Vicinity Map 4195 Aumsville Highway SE



Legend

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



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SITE 1

- 279 TOTAL APARTMENT UNITS
- 147 TYPE "A" 2-Bd, 2-Ba (963 S.F.) UNITS
- 36 TYPE "B" 2-Bd, 2-Ba (1029 S.F.) UNITS
- 60 TYPE "C" 1-Bd, 1-Ba (728 S.F.) UNITS
- 36 TYPE "D" 2-Bd, 2-Ba (1029 S.F.) UNITS

- 154 TOTAL PARKING STALLS
- 118 STANDARD STALLS
- 29 COMPACT STALLS
- 6 HANDICAP STALLS
- 1 LOADING ZONE
- 32 BICYCLE SPACES

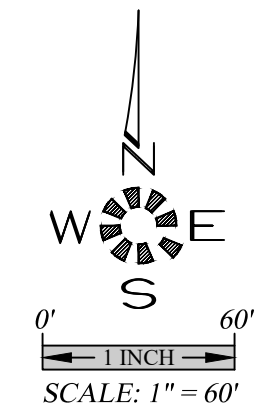
- 1 RECREATION BLD. / MANAGER'S OFFICE
- 1 TRASH COMPACTOR / RECYCLE
- 1 PLAY AREA
- 1 SWIMMING POOL (16'x32')
- 1 U.S. MAIL BOX AREA

ADA HANDICAP ACCESSIBILITY NOTES:

1. 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%.
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 CHAPTER 11 AND ORS. REQUIREMENTS.
3. HANDICAP ACCESSIBLE CURB RAMPS SHALL HAVE A RUNNING SLOPE NOT TO EXCEED 1:12 MAX. AND A CROSS SLOPE NOT TO EXCEED 1%.
4. 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.
5. 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.

* THE INDICATED LOWER FLOOR UNITS IN BUILDINGS 2 & 9 ARE TO BE TYPE 'A' UNITS IN ACCORDANCE WITH THE 2014 OSSC SEC. 1107.6.2.1.1 (NOTED ON FLOOR PLANS). ALL OTHER LOWER FLOOR UNITS TO BE TYPE 'B' UNITS IN ACCORDANCE WITH THE 2014 OSSC SEC. 1107.6.2.1.2

- (P) - POLE LIGHT MAXIMUM 14' TALL
- (*) - POST LIGHT MAXIMUM 5' TALL
- (---) - LOCATION OF ELECTRICAL SEPARATION WALL
- (1:12) - MAXIMUM 1:12 SLOPE ON SIDEWALK END RAMPS
- (||||) - 8 BICYCLE SPACES
- (||||) - 6 BICYCLE SPACES

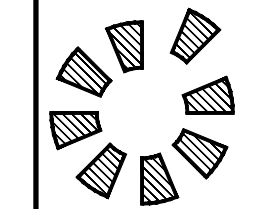


- COMMERCIAL AREA**
- 1 COMMERCIAL BUILDING (4800 S.F.)
 - 26 TOTAL PARKING STALLS
 - 17 STANDARD STALLS
 - 2 COMPACT STALLS
 - 2 HANDICAP STALLS
 - 1 TRASH COMPACTOR / RECYCLE

PROPOSED DRIVEWAY

THIS PRELIMINARY SITE PLAN IS INCLUDED TO ILLUSTRATE THE PROPOSED LOCATION OF THE DRIVEWAY ON JOSEPH STREET SE THAT REQUIRES A VARIANCE; THE DEVELOPMENTS INCLUDING COMMERCIAL BUILDING, MULTI-FAMILY BUILDINGS, AND PARKING WILL BE SUBMITTED IN FUTURE SITE PLAN REVIEW APPLICATIONS

- SITE 2**
- 15 TOTAL APARTMENT UNITS
 - 15 TYPE "A" 2-Bd, 2-Ba (963 S.F.) UNITS
 - 25 TOTAL PARKING STALLS
 - 11 STANDARD STALLS
 - 13 COMPACT STALLS
 - 1 HANDICAP STALLS
 - 6 BICYCLE SPACES
 - 1 TRASH COMPACTOR / RECYCLE
 - 1 U.S. MAIL BOX AREA



SITE PLAN

VOLTAGE VIEW APARTMENTS AT JOSEPH ST.

Design: M.D.G.
 Drawn: C.D.S.
 Checked: M.D.G.
 Date: 10/17/2020
 Scale: AS SHOWN

(Signature)

EXP 06
 JOB # 6591

SDR3

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Joseph Street-Apartments Conditional Use

August 25, 2020

SITE HISTORY:

On December 28, 2017, a Pre-Application Conference (PRE-AP17-115) was held with the applicant and City staff to discuss the development of the subject property.

The site is located on the south side of Joseph Street and on the north side of Aumsville Hwy (082W08/Tax Lot 110), and addressed as 4195 Aumsville Highway SE.

On October 25, 2018, Comprehensive Plan Change/Zone Change/Urban Growth Preliminary Declaration Case No. CPC-ZC-UGA18-04 was approved for the subject property. The approval rezoned the subject property from PH to IC.

On July 10, 2020, PAR20-07 was approved for the subject property. The approval allowed the subject property to be divided into 3 parcels.

PROPOSAL:

Under SRC 551.005(a)-Table 551-1, multiple family dwellings are allowed within the IC zone with a Conditional Use permit.

The subject properties are Parcels 1 and 2 of Partition 20-07. The subject properties are 12.68 acres (Parcel 1) and 0.87 acres (Parcel 2). Both parcels are zoned IC and located at 4195 Aumsville Highway SE (082W08/Tax Lot 110).

The applicant is proposing to develop both Parcels 1 and 2 with multi-family units. Parcel 1 will be developed with 279-units and Parcel 2 will be developed with 14-units as shown on the site plans. The apartments will be developed within the IC zone, therefore, the applicant is applying for a Conditional Use permit.

CONDITIONAL USE CRITERIA:

SRC 240.005(d) - An application for a Conditional Use Permit shall be granted if all of the following criteria are met:

- (1) The proposed use is allowed as a conditional use in the zone;*
- (2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and*
- (3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.*

APPLICANT’S REASONS ADDRESSING CHAPTER 240.005(d):

- (1) Under SRC 551.005(a)-Table 551-1, multiple family dwellings are allowed within the IC zone with a Conditional Use permit.
- (2) The proposed apartments will have little to no impact on the neighborhood. The property is bordered on the north and south by PH and PE zoned property that is either used for Health services or Education services. The property to the east is within Marion County and is vacant or developed with existing single-family dwellings.

By establishing a use that is consistent with the future economic and multi-family needs, and by providing a compatible use, the proposed benefits the public. The well-located residential development will be used by employees of the surrounding health services and students attending Corbin University.

The residential development will be consistent with the neighborhoods, while providing a higher density of a needed housing type in the area.

Any impacts the development have on the neighborhood can mitigate through Conditions of Approval through the proposed Conditions of Approval and will be met through the Conditions of Approval outlined within approved PAR 20-07 and CPC-ZC-UGA18-04.

- (3) Therefore, the proposed development will be consistent with the surrounding residential development, health and education uses. There are a total of 293 units proposed.

Eastern Portion (Parcel 1 of PAR 20-07)-279 Multi-Family Units
Western Portion (Parcel 2 of PAR 20-07)-14 Multi-Family Units

The character of the neighborhood in the vicinity of the subject property is changing. This is evidenced by the current land uses. This area is a changing area with properties changing to industrial/commercial.

The residential development will be consistent with the neighborhoods, while providing a higher density of a needed housing type in the area.

The proposed apartments will have less an impact on the area than an industrial use that is allowed within the IC zone.

The apartments will be required to go through Site Plan/Design Review, which requires open space and landscaping at a higher percent than what a commercial use would be required to provide. Amenities like landscaped open space will help with the visual appeal of this area and reduce impacts on the neighborhood. The design standards are in place to help ensure compatibly with adjacent uses.

Therefore, this criteria will be complied with through the Site Plan/Design Review process.

Joseph Street Apartments Variance

Proposal:

The subject property is 1.71 acres in size, zoned IC and RA, and located in the 1400 Block of Mildred Land (083W14CB/Tax Lot 2401 and 2501). The subject property is Parcel 3 of Partition Case No. 19-11, dated August 29, 2019.

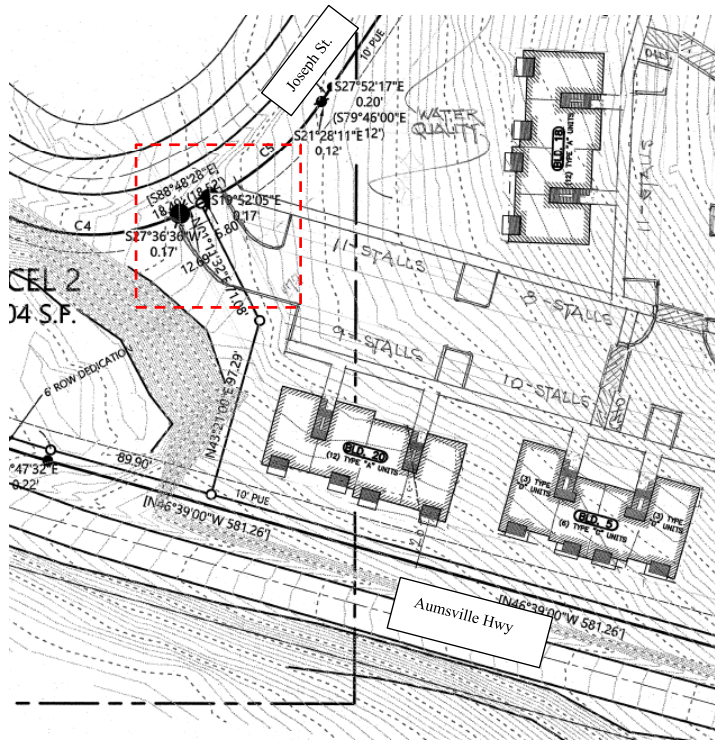
The applicant is proposing a development consisting of 24 apartment units as shown on the site plans. The apartments will be developed with the IC zoned portion of the site that consists of 1.10 acres.

On October 25, 2018, CPC-ZC-UGA-18-04 was approved for the subject property. Condition 4 and Condition 5 prohibit access onto Joseph Street as stated below:

Condition 4: No driveways shall be allowed from the subject property onto the section of Joseph Street SE that is inside the Urban Growth Boundary unless a variance is obtained from this condition.

Condition 5: No driveways shall be allowed from the subject property onto the section of Joseph Street SE that is outside the Urban Growth Boundary.

The applicant's site plan indicates access will be taken from Joseph Street, therefore, a variance to these Conditions of Approval have been requested.



Variance Criteria Section 245.005(d):

(1) There is an unreasonable hardship or practical difficulty created by the physical characteristics of the land.

Findings: Due to the size of the development, two access ways are required for safety and circulation. However, the site has topographic issues along Aumsville Hwy that make a second accessway along there difficult. The accessway along Joseph Street is necessary in order to meet code.

The property proposed for this development has some serious topographic features that run through the site. The proposed development proposes to take access from Joseph Street SE at the northwest end of the property and from Aumsville Hwy at the south end of the property. The steep slope creates a special condition and a physical difficulty to the placement of the streets thus requiring an accessway along Joseph Street.

The access onto Joseph Street allows the development to provide a secondary access for safety and circulation.

Without the variance to allow access onto Joseph Street, the proposed development will not have adequate and safe access. The access onto Joseph Street will be safe and efficient for both resident and emergency vehicles.

(2) The variance will not result in adverse effects that are unreasonably detrimental to the public health, safety, and welfare or to property or improvements in the vicinity.

Findings: The granting of the variance will not affect the public health, safety, and welfare, or the comfort and convenience of owners in the vicinity of the proposed subdivision. All resident vehicles and emergency vehicles will have safe and efficient access through the site.

The subject property has a direct street frontage on Joseph Street and Aumsville Hwy. The proposed 2 accessways provides the minimum requirements of the Fire Department as well. Physical and topographical features of the area have been factors in determining location of the proposed accessways.

The major street system is in place due to prior development. The proposal provides the site with adequate improved vehicle, pedestrian and bike access to Joseph Street and Aumsville Hwy.

The applicant is proposing two driveway approaches, one onto Joseph Street (local) and one onto Aumsville Hwy (minor arterial).

The purpose Condition 4 and 5 is to avoid conflicts with existing traffic in the area and provide safe access onto and from the site. By providing only one driveway onto the Joseph Street, traffic congestion will be minimized. The accessway located in an area of Joseph Street that will not be hazardous to existing or proposed traffic in the area. Due to speed limits along Joseph Street versus Aumsville Hwy, access onto Joseph Street is a safer option.

This driveway approach is needed to provide adequate and safe access onto the site and throughout the site. Therefore, the one access way onto Joseph Street will not result in adverse effects that are unreasonably detrimental to the public health, safety, and welfare or to property or improvements in the vicinity.

CORRECTED PARKING COUNTS

SITE 1

279	TOTAL APARTMENT UNITS
147	TYPE "A" 2-Bd, 2-Ba (963 S.F.) UNITS
36	TYPE "B" 2-Bd, 2-Ba (1029 S.F.) UNITS
60	TYPE "C" 1-Bd, 1-Ba (728 S.F.) UNITS
36	TYPE "D" 2-Bd, 2-Ba (1029 S.F.) UNITS

536	TOTAL PARKING STALLS
371	STANDARD STALLS
154	COMPACT STALLS
10	HANDICAP STALLS
1	LOADING ZONE
32	BICYCLE SPACES

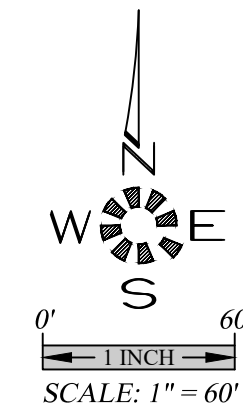
- 1 RECREATION BLD. / MANAGER'S OFFICE
- 1 TRASH COMPACTOR / RECYCLE
- 1 PLAY AREA
- 1 SWIMMING POOL (16'x32')
- 1 U.S. MAIL BOX AREA

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 CHAPTER 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%.
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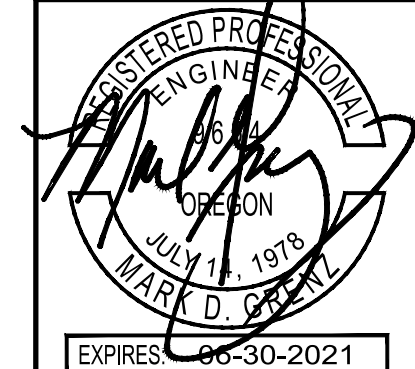


SITE PLAN

VOLTAGE VIEW APARTMENTS AT JOSEPH ST.

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

Design: M.D.G.
 Drawn: C.D.S.
 Checked: M.D.G.
 Date: 7/14/2021
 Scale: AS SHOWN



JOB # 6591

SDR3