



PO Box 1920, Silverton, OR 97381  
www.cascadiapd.com / 503-804-1089

**CITY OF SALEM**  
**APPLICATION FOR LAND USE REVIEW**

**CENTER/23<sup>rd</sup> STREET NE**  
**APARTMENTS**

**CONCURRENT PARTITION, PROPERTY  
LINE ADJUSTMENT, SITE PLAN  
REVIEW, CLASS 2 ADJUSTMENT, TREE  
REMOVAL, TREE VARIANCE,  
DRIVEWAY APPROACH, HISTORIC  
CLEARANCE REVIEW, AND STREET  
TREE REMOVAL APPLICATIONS**

Location: 2561 Center Street NE  
T.M. 73W24CC, T.L. 4000  
Marion County  
Salem, Oregon 97301

Prepared by: Steve Kay, AICP  
Mason McGonagall, Ph.D. Arch

Prepared for: Greenlight – Home First LLC  
Attn: Tim Lawler  
3462 NE Sandy Boulevard  
Portland, OR 97232

March 15, 2024

## **APPLICANT'S STATEMENT**

**PROJECT NAME:** Center/23<sup>rd</sup> Street NE Apartments

**REQUEST:** Concurrent Approval of a Type II Land Use Review for a Class 3 Site Plan, Partition, Property Line Adjustment, Class 2 Adjustment, Tree Removal, Tree Variance, Historic Clearance Review, Street Tree Removal, and a Class 2 Driveway Approach for a 120-Unit Apartment Complex

**ASSESSOR'S DESCRIPTION:** Tax Lot 3900 and 4000 Tax Map 073W24CC Marion County, Oregon

**APPLICANT'S REPRESENTATIVE:** Steve Kay, AICP  
Cascadia Planning + Development Services  
P.O. Box 1920  
Silverton, OR 97381  
503-804-1089  
steve@cascadiapd.com

**APPLICANT:** Greenlight – Home First LLC  
Attn: Tim Lawler  
3462 NE Sandy Boulevard  
Portland, OR 97232

**PROPERTY OWNER:** City of Salem  
Attn: Keith Stahley  
555 Liberty Street SE, Room 225  
Salem, OR 97301

**PARTITION SITE AREA:** 9.85 +/- Acres

**PROPERTY LINE ADJUSTMENT AREA:** 3.75 +/- Acres

**APARTMENT COMPLEX SITE AREA:** 6.29 +/- Acres

**LOCATION:** 2561 Center Street NE  
Salem, Oregon 97301

**I. APPLICABLE REGULATIONS**

**A. SALEM COMPREHENSIVE POLICIES PLAN**

**B. SALEM REVISED CODE: TITLE X – UNIFIED DEVELOPMENT CODE**

- Chapter 200: Urban Growth Management**
- Chapter 205: Land Division and Reconfiguration**
- Chapter 220: Site Plan Review**
- Chapter 230: Historic Preservation**
- Chapter 250: Adjustments**
- Chapter 521: CO – Commercial Office**
- Chapter 522: CR – Retail Commercial**
- Chapter 533: MU-I – Mixed Use I**
- Chapter 800: General Development Standards**
- Chapter 802: Public Improvements**
- Chapter 803: Streets and Right-of-Way Improvements**
- Chapter 804: Driveway Approaches**
- Chapter 805: Vision Clearance**
- Chapter 806: Off-Street Parking, Loading, and Driveways**
- Chapter 807: Landscaping and Screening**
- Chapter 808: Preservation of Trees and Vegetation**
- Chapter 809: Wetlands**
- Chapter 810: Landslide Hazards**
- Chapter 900: Sign Code**

**C. SALEM ADMINISTRATION RULES**

- Chapter 109, Division 500, Section 002**
  - Section 2.3: Protection of City Trees**
  - Section 2.4: Reasonable Alternatives Analysis**

## II. BACKGROUND:

The applicant, Greenlight – Home First LLC, seeks approval to develop a 120-unit affordable multi-family project (“Project”) at 2561 Center Street NE (“Property”). The Project will be developed on Tax Lot 4000 of Tax Map 073W24CC, which currently contains 10.31 acres. The applicant is proposing to divide Tax Lot 4000 into two lots through a Partition application, resulting in Parcel 1 with 274,000 sq. ft. and Parcel 2 with 149,914 square feet. The applicant is also proposing a Property Line Adjustment between Parcel 2 and Tax Lot 3900 of Tax Map 073W24CC, which currently contains 13,199 square feet. With the property line adjustment, Parcel 2 will contain 143,312 sq. ft. and Tax Lot 3900 will contain 19,801 square feet. The proposed Project site only consists of Parcel 1. The Project requires Class 3 Site Plan Review, Class 2 Adjustment, Tree Removal Permit, Tree Variance Permit, Class 2 Driveway Approach, Historic Clearance Review, and Street Tree Removal Permit applications. The applicant seeks to process these approvals concurrently along with the Partition and Property Line Adjustment applications.

The Property is a portion of the former site of the Oregon Hospital’s Salem Rehabilitation Center. Following demolition of several hospital structures, the Property is vacant. The Property is located within the Historic and Cultural Resources Protection Zone, and per the attached Pre-Application Conference Report, it requires Historic Clearance Review. The applicant is currently evaluating potential historic and cultural resources on Tax Lot 4000 and will provide a report to the City prior to obtaining building permits for the proposed development.

The Property is zoned MU-I (Mixed Use-I), which permits multi-family development, and located in an area with a wide variety of uses, Comprehensive Plan Map, and Zoning Map designations. Directly across Center Street NE to the south of the site are Oregon State Hospital facilities in the PH (Public and Private Health Services) zone with a CSG (Community Service Government) Comprehensive Plan Map designation. Across 23<sup>rd</sup> Street NE to the southeast is Oregon Board Parole-Post Prison Services, which is zoned MU-I with a MU (Mixed Use) Comprehensive Plan Map designation. To the northeast across 23<sup>rd</sup> Street are apartments owned by the Salem Housing Authority in the PH zone with a CSF (Community Service Hospital) Community Plan designation. Also to the northeast is D Street Park, which is zoned PA (Public Amusement) with a POS (Parks-Open Space- Outdoor Recreation) designation. Directly to the north is Childhood Health, which is zoned MU-I with a MU designation. Also north of the site is Seed of Faith Ministries with a CO (Commercial Office) zone and COM Comprehensive Plan designation. Further to the north across D Street NE are single-family dwellings in the RS (Single-Family Residential) zone with a Single-Family Residential Comprehensive Plan designation. Northwest of the site is the Lee Mission Cemetery, which is zoned PC (Public and Private Cemetery) and is designated CSC (Community Service Cemetery). To the west are various medical offices and the Mid-Willamette Valley Community Action Agency, which are zoned CR (Retail Commercial) and are designated COM (Commercial) on the Comprehensive Plan.

The attached Existing Conditions Plan identifies existing features on the Property, utilities, 10-inch or larger DBH trees, and topographic information (see Exhibit 4). The plan indicates that the site generally slopes down to the south and west property lines. Existing street trees are located along the Center Street NE frontage to the south, the east boundary of 23<sup>rd</sup> Street NE, and along Medical Center Drive, a private street in the interior of the site. The attached Tree Protection and Removal Plan illustrates that the existing trees are retained where possible with the proposed development. According to Salem-Keizer Local Wetland Inventory (LWI), the subject site contains no identified wetlands. The attached Pre-Application Conference Report states that no floodplain or floodway areas are located on Tax Lot 4000. City maps do show a moderate landslide hazard risk within the development site. The attached Geotechnical Report evaluates site conditions and provides recommendations for the proposed development (see Exhibit 7).

The Project will include 120 apartment units within 9 multi-family structures (see Exhibit 4). The development will also include 3 trash enclosures, a maintenance building, a mail pavilion, and a total of 120 bicycle parking spaces within the accessory structures and apartment units. The proposed vehicle parking areas provide a total of 211 spaces. Recreational amenities for the Project include a 3,100 sq. ft. clubhouse with offices and a community room, a basketball court, play structure, and a plaza with outdoor seating.

Chapter 533 of the Salem Unified Development Code includes pedestrian oriented design standards which are appropriate for ground floor retail commercial uses in the MU-I zone. The Project intends to provide needed affordable housing for the community and as such does not contain ground floor commercial uses. Therefore, the applicant is requesting approval of several adjustments to Section 533.015(c) and Section 533.015(h) standards that pertain to ground floor commercial use and are not applicable to the Project. Due to the location and width of the water main easement, the applicant is also requesting an adjustment to Section 533.015(d) to reduce the building frontage on Center Street to 60%.

The Property's southern boundary fronts Center Street NE, which is designated a Major Arterial street within the City's Transportation System Plan (TSP). Center Street NE is fully improved, however the applicant is proposing to dedicate 18-ft. of additional right-of-way along Center Street to meet City standards. The east boundary of the site fronts 23<sup>rd</sup> Street NE, which is designated as a Collector street. The attached Arborist Report indicates that the existing Norway Maple trees along 23<sup>rd</sup> Street are an invasive tree species and are in poor health (see Exhibit 9). Using these findings, the applicant prepared an alternatives analysis to address Salem Administrative Rule 109-500 Section 2.4 standards for the Street Tree Removal application. Per the attached Site Plan and Planting Plan, the applicant is proposing to install new street trees in addition to the required sidewalk and planter strip along the 23<sup>rd</sup> Street frontage (see Exhibit 4). Along the western boundary of the property is Medical Center Drive NE, a private street. The attached Site Plan indicates that the applicant is proposing to improve the private drive and dedicate a public access easement for the roadway. Along the west boundary of the site, Medical Center Drive intersects with Franzen Street NE, which is a private street that will be improved with the project, and Gear Street NE, a public right-of-way that currently meets Local street standards. The Site Plan also indicates that the applicant is proposing to provide two new connections between Medical Center Drive and 23<sup>rd</sup> Street, requiring the approval of a Class 2 Driveway Approach. North of the site is D Street NE, which currently meets City standards and is classified as a Minor Arterial street.

Public utilities are located in the vicinity of the site and have the capacity to serve the proposed development. The attached Pre-Application Conference Report states that an Urban Growth Area Development permit is not required since the property is located outside of the Urban Service Area, and the proposed development does not precede the construction of required facilities. The applicant's Utility Plan illustrates that domestic and fire water lines will extend to the site from 23<sup>rd</sup> Street NE. Sanitary sewer service for Buildings A-D will be provided by extending service from the main line within Center Street NE, while Buildings E-I will be served by extending a sanitary sewer main from D Street NE. Stormwater will be managed by directing runoff from impervious surfaces to several proposed Green Stormwater Infrastructure (GSI) ponds within the development site (see Exhibit 4).

This Applicant's Statement addresses applicable provisions of the Salem Unified Development Code and Salem Administrative Rules. Copies of the signed Application Form, City Pre-Application Conference Report, Property Deeds and Title Report, Preliminary Development Plans, Trip Generation Estimate, Neighborhood Association and Salem-Keizer Transit Center Contact, Geotechnical Report, and Stormwater Management Memo, Arborist Report, Land Use Application Completeness Review, and Applicant's Response to Completeness Review have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use applications meet the criteria for approval.

### **III. FINDINGS**

#### **A. SALEM COMPREHENSIVE POLICIES PLAN**

##### **COMMENT:**

Except where required by the Salem Revised Code, this application is not required to address the City's goals and policies related to the development of land, since the Salem Comprehensive Policies Plan is implemented by the Code.

#### **B. SALEM REVISED CODE: TITLE X – UNIFIED DEVELOPMENT CODE**

##### **Chapter 200: Urban Growth Management**

##### **Section 200.001: Urban Growth Preliminary Declaration Required; Term and Fee**

- (a) Prior to subdivision plat approval for a residential or commercial subdivision, or application for a building permit for any development where no subdivision is contemplated, a developer shall first obtain an Urban Growth Preliminary Declaration if the development is within the urban growth area (UGA), or is within the urban service area (USA), but precedes city construction of required facilities that are shown in the adopted capital improvement plan, public facilities plan or comparable plan for the area of the development.**

**COMMENT:**

Per the attached Pre-Application Conference Report, the subject property is located outside of the City of Salem Urban Service Area. However, since the proposed Project will not be developed prior to the construction of required facilities, an Urban Growth Area Development Permit is not required (see Exhibit 3).

**Chapter 205: Land Division and Reconfiguration**

**Section 205.005: Partition Tentative Plan**

- (a) Applicability. Except as provided in ORS 92.010(9), no land shall be divided into three or fewer parcels within a calendar year without receiving tentative partition plan approval as set forth in this section.**
- (b) Procedure type. A tentative partition plan is processed as a Type II procedure under SRC chapter 300.**

**COMMENT:**

The submitted Partition application includes Tax Lot 4000, which currently contains 9.85 acres. As demonstrated by the attached Partition Tentative Plat, the applicant is proposing to divide Tax Lot 4000 into Parcel 1 with 274,000 sq. ft., Parcel 2 with 149,914 square feet. An additional 5,008 sq. ft. of right-of-way along Center Street NE is also proposed to be dedicated with the Partition application. As required, the proposed partition divides the subject site into 3 or less parcels within a calendar year and this application will be processed as a Type II procedure.

- (c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative partition plan shall include the information required in SRC 205.030.**

**COMMENT:**

As demonstrated by the attached Partition Tentative Plat, the proposed land division provides all the information required by Section 205.030 (see Exhibit 4).

- (d) Criteria. A tentative partition plan shall be approved if all of the following criteria are met:**
  - (1) The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to the following:**
    - (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot**

lines;

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

**COMMENT:**

The City Zoning Map indicates that Tax Lot 4000 is zoned MU-I. As demonstrated by the submitted Partition Tentative Plat, the lot standards for the MU-I zone are met for Parcels 1 and 2. Included with this submittal are a Site Plan and Utility Plan which illustrate that the proposed development on Parcels 1 and 2 meets City infrastructure standards. The attached Site Plan and Geotechnical Report indicate that applicable setbacks, geotechnical analysis, and vision clearance standards are met (see Exhibits 4 and 7). The development site is not located within a floodplain hazard area.

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

**COMMENT:**

The attached Partition Tentative Plat demonstrates that required access easements for Medical Center Drive and Franzen Street are provided through the site to provide access to adjacent land.

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

**COMMENT:**

The applicant has submitted a Site Plan and Utility Plan to illustrate that the proposed partition and the Project can be adequately served by City transportation and utility facilities.

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

**COMMENT:**

As required, proposed street improvements identified on the attached Site Plan conform with the City's Transportation System Plan and Public Works recommendations in the attached Pre-Application Conference Report (see Exhibit 3).

- (5) The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.



**COMMENT:**

The attached Site Plan illustrates that Parcel 1 has access from D Street, 23<sup>rd</sup> Street, Grear Street, Center Street. Parcel 1 is also provided access from Medical Center Drive, a private street. The submitted Tentative Plat demonstrates that Medical Center Drive is located in an easement that provides access to Franzen Drive, which in turn connects to Parcel 2 (see Exhibit 4).

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

**COMMENT:**

The attached Grading Plan and Planting Plan indicates that the proposed partition takes into account topography and vegetation to the extent possible so that the need for variances is minimized (see Exhibit 4).

- (7) **The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.**

**COMMENT:**

The attached Grading Plan and Arborist Report demonstrate that the proposed grading and impacts to trees are the minimum required for reasonable development of the site. (see Exhibits 4 and 9).

**Section 205.030: Additional Submittal Requirements**

**Applications to subdivide, partition, or replat land shall include, in addition to the submittal requirements under SRC chapter 300, the following:**

- (a) **A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:**
  - (1) **A title block on each sheet indicating the proposed subdivision or phased subdivision name, or, if available, the partition number; the names and addresses of the landowner; the names and addresses of the professional engineers or surveyors responsible for preparing the plan; date; and township, range and section of the subject property;**
  - (2) **Scale and north arrow;**
  - (3) **The location of all property lines within 50 feet of the perimeter of the subject property;**

- (4) The boundaries, dimensions, and area of each proposed lot or parcel;
- (5) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;
- (6) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessway, and public accessways;
- (7) The location of all existing and proposed easements;
- (8) The location, dimensions, and use of all existing and proposed public areas, including, but not limited to, stormwater management facilities and detention facilities;
- (9) The location, dimensions, and use of any existing buildings and structures on the subject property, indicating which will remain and which will be removed;
- (10) The location of any canals, ditches, waterways, detention facilities, sewage disposal systems, and wells on the subject property, indicating which will remain and which will be removed or decommissioned;
- (11) The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and floodplains; and
- (12) For subdivisions and phased subdivisions, site topography shown at five-foot contour intervals, or two-foot contour intervals for areas within a floodplain;

**COMMENT:**

As required, the attached Existing Conditions Plan and Partition Tentative Plat include all of the information listed above (see Exhibit 4).

- (b) A current title report for the property;

**COMMENT:**

The application packet includes a current title report for the subject property (see Exhibit 2).

- (c) A completed tree inventory on a form as provided by the Director accurately identifying all existing trees on the property as of the date of application submittal and, if required under

**SRC chapter 808, a tree conservation plan**

**COMMENT:**

Included with this submittal is an Arborist Report with a Tree Protection and Removal Plan, meeting the standards of this section (see Exhibit 9).

- (d) A geological assessment or geo-technical report, if required by SRC chapter 810;**

**COMMENT:**

City maps indicate that the site contains moderate landslide hazards. Therefore, a Geotechnical Report has been submitted with this application (see Exhibit 7).

- (e) A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;**

**COMMENT:**

The attached Existing Conditions Plan, Utility Plan, and Stormwater Management Memo identify existing stormwater improvements and indicates that the applicant is proposing to develop Green Stormwater Infrastructure (GSI) ponds to manage stormwater on the site (see Exhibits 4 and 8). As required, the proposed stormwater management system has been designed in accordance with Public Works Design Standards.

- (f) A schematic plan showing the location of existing and proposed city infrastructure;**

**COMMENT:**

As required, the attached Existing Conditions Plan, Site Plan, and Utility Plan identify existing and proposed transportation and utility infrastructure.

- (g) A preliminary grading plan, for partitions, subdivisions, and phased subdivisions, when grading of the subject property will be necessary to accommodate the proposed development.**

**COMMENT:**

The attached Grading Plan illustrates how the proposed development will be accommodated on the subject property (see Exhibit 4).

**Section 205.055: Property Line Adjustments**

- (a) Applicability. A property line adjustment is required to relocate or eliminate all or a portion of a common property line**

between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body. Property line adjustments shall not be used to create an additional unit of land, or to create units of land that are non-conforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.

**COMMENT:**

As discussed above, the applicant has submitted a Tentative Partition Plat to divide Tax Lot 4000 into proposed Parcels 1 and 2. Concurrent with this submittal, the applicant is also requesting approval of a Property Line Adjustment application between proposed Parcel 2 and Tax Lot 3900. This application will permit an existing parking lot to be wholly located on Tax Lot 3900. The applicant is not proposing any new development on the adjusted parcels. Following final plat approval of the property line adjustment, the applicant intends to transfer ownership of Tax Lot 3900 and its existing parking lot to the adjacent property owner, Seed of Faith Ministries. As illustrated by the applicant's Site Plan, the proposed Project is only located on Parcel 1.

- (c) **Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a property line adjustment shall include:**
- (1) **A copy of recorded deeds for the existing units of land;**
  - (2) **A site plan, drawn to scale, indicating:**
    - (A) **The dimensions and areas of the units of land before and after the proposed property line adjustment;**(B)**Setbacks, building separations, lot coverage, vehicular access, and public and private utilities;**
  - (3) **Proof of ownership including, but not limited to, a preliminary title report not older than 30 days for each affected property at the time the application is submitted;**
  - (4) **Any additional documents required to establish that the unit(s) of land were legally created;**
  - (5) **A copy of the draft property line adjustment deed(s), in a form approved by the Director, containing:**
    - (A) **The names of the owners;**
    - (B) **Legal descriptions of the adjusted property(ies) and the transacted property prepared and sealed by an Oregon-**

registered Professional Land Surveyor;

- (C) References to original recorded deeds including the creation date and instrument used to lawfully establish each unit of land; and (D) A place for the signatures of all parties, along with proper notary acknowledgment.

**COMMENT:**

As required, the attached Existing Conditions Plan and Property Line Adjustment Map include all the information listed above (see Exhibit 4).

- (d) **Criteria. A property line adjustment shall be approved if all of the following criteria are met:**

- (1) **The property line adjustment will not create an additional unit of land;**

**COMMENT:**

The attached Tentative Property Line Adjustment Plan demonstrates that the common property line between proposed Parcel 2 and Tax Lot 3900 will be adjusted. Since Parcel 2 is proposed to be partitioned from Tax Lot 4000 under the concurrent Partition application, and Tax Lot 3900 is a separate lot of record, the proposed adjustment will not create an additional unit of land.

- (2) **The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;**

**COMMENT:**

The City Zoning Map indicates that Parcel 1 is zoned MU-I and Tax Lot 3900 is zoned CO. The applicant's Property Line Adjustment Map demonstrates that the lot standards for the zones are met. With the proposed lot adjustment, all of the existing parking lot will be located on adjusted Tax Lot 3900. No new development is proposed on the adjusted lots.

- (3) **The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;**

**COMMENT:**

The attached Title Report, Tentative Plat, and Property Line Adjustment Map demonstrate that Parcel 2 and Tax Lot 3900 will be lawfully established with approval of the concurrent Partition application (see Exhibits 3 and 4).

- (4) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;**

**COMMENT:**

There are no previous land use approvals which prohibit the proposed property line adjustment.

- (5) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and**

**COMMENT:**

As illustrated by the attached Partition Tentative Plat and Property Line Adjustment Map, the adjustment does not propose the relocation or elimination of a public easement or right-of-way.

- (6) The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.**

**COMMENT:**

As indicated by the Partition Tentative Plat and Property Line Adjustment Map, adjusted Parcel 2 will maintain access to Franzen Street and adjusted Tax Lot 3900 will maintain access Medical Drive (see Exhibit 4).

**Chapter 220: Site Plan Review**

**Section 220.005: Site Plan Review**

**(b) Applicability.**

- (1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:**
  - (A) Prior to issuance of [a] building permit, for any development that requires a building permit; and**
  - (B) Prior to a change of use, when a building permit is not otherwise required; and:**
  - (C) Prior to commencement of work, for any of the following when a building permit is not otherwise required:**
    - (i) Development of a new off-street parking and vehicle use areas;**
    - (ii) Expansion of existing off-street parking and vehicle use areas, when additional paved surface is added;**

- (iii) Alteration of existing off-street parking and vehicle use areas, when the existing paved surface is replaced with a new paved surface;
- (iv) Paving of an unpaved area; and
- (v) Restriping off-street parking and vehicular use areas, when the layout will be reconfigured.

**COMMENT:**

As demonstrated by the attached Preliminary Development Plans, the applicant is proposing to develop a 120-unit apartment complex with a community building/leasing office, play structures, plaza, basketball court, pedestrian and bike facilities, and parking areas (see Exhibit 4). Therefore, a Site Plan Review application has been submitted for land use review prior to a future building permit request.

**(2) Classes. The three classes of site plan review are:**

**(3) Class 3 site plan review. Class 3 site plan review is required for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:**

- (A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;**
- (B) Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;**
- (C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;**
- (D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;**
- (E) Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or**
- (F) Involves the imposition of conditions of approval;**

or

- (G) Requires a variance, adjustment, or conditional use permit.

**COMMENT:**

As indicated by the attached Pre-Application Conference Report, the proposal requires an Adjustment application for several deviations from the clear and objective development standards of the Development Code (see Exhibit 2). Therefore, this land use application is classified as a Class 3 Site Plan Review.

**(3) Procedure type.**

- (3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.

**COMMENT:**

As required, the Class 3 Site Plan Review will be processed as a Type II procedure.

- (4) Submittal requirements for Class 2 and Class 3 site plan review.
  - (2) Class 3 site plan review. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:
    - (A) All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;

**COMMENT:**

As required, the submitted Existing Conditions Plan, Site Plan, Planting Plan, and Trip Generation Estimate include all of the above information required for a Class 3 Site Plan Review application (see Exhibits 4 and 5).

- (B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;



**COMMENT:**

The site is located in an area with a wide variety of uses, Comprehensive Plan Map, and Zoning Map designations. Directly across Center Street NE to the south of the site are Oregon State Hospital facilities in the PH (Public and Private Health Services) zone with a CSG (Community Service Government) Comprehensive Plan Map designation. Across 23<sup>rd</sup> Street NE to the southeast is Oregon Board Parole-Post Prison Services, which is zoned MU-I with a MU (Mixed Use) Comprehensive Plan Map designation. To the northeast across 23<sup>rd</sup> Street are apartments owned by the Salem Housing Authority in the PH zone with a CSF (Community Service Hospital) Community Plan designation. Also to the northeast is D Street Park, which is zoned PA (Public Amusement) with a POS (Parks-Open Space- Outdoor Recreation) designation. Directly to the north is Childhood Health, which is zoned MU-I with a MU designation. Also north of the site is Seed of Faith Ministries with a CO (Commercial Office) zone and COM Comprehensive Plan designation. Further to the north across D Street NE are single-family dwellings in the RS (Single-Family Residential) zone with a Single-Family Residential Comprehensive Plan designation. Northwest of the site is the Lee Mission Cemetery, which is zoned PC (Public and Private Cemetery) and is designated CSC (Community Service Cemetery). To the west are various medical offices and the Mid-Willamette Valley Community Action Agency, which are zoned CR (Retail Commercial) and are designated COM (Commercial) on the Comprehensive Plan.

- (C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;**

**COMMENT:**

As required, all of the applicable items listed above are illustrated on the attached Existing Conditions Plan, Site Plan, and Partition Tentative Plat (see Exhibit 4).

- (D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;**

**COMMENT:**

The submitted Grading Plan provides 1-ft. contour information and identifies slopes in excess of 15 percent (see Exhibit 4).

- (E) The location of drainage patterns and drainage courses, if applicable;**

**COMMENT:**

The location of site drainage patterns has been identified on the Existing Conditions Plan (see Exhibit 4).

- (F) A preliminary utility plan showing**

capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;

**COMMENT:**

The submitted Utility Plan provides all the information required by this section (see Exhibits 4).

- (G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;

**COMMENT:**

A summary table with the above information has been included with the Site Plan (see Exhibit 4).

- (H) A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and

**COMMENT:**

A Geotechnical Report meeting the standards of Chapter 810 has been submitted with this application (see Exhibit 7).

- (I) A Transportation Impact Analysis, if required by SRC chapter 803.

**COMMENT:**

Following the submittal of a Trip Generation Estimate form, City staff determined that a Traffic Impact Analysis is not required for the proposed development (see Exhibit 5).

**(5) Criteria.**

- (3) Class 3 site plan review. An application for**

**Class 3 site plan review shall be granted if:**

**(A) The application meets all applicable standards of the UDC;**

**COMMENT:**

This Applicant's Statement addresses how the submitted Class 3 Site Plan Review application meets all applicable City standards, or for those which cannot be met, that the Project satisfies the adjustment criteria.

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

**COMMENT:**

The applicant is proposing to provide primary access to the proposed apartment complex from 23<sup>rd</sup> Street NE at the intersection with B Street NE. Medical Center Drive, a private street which extends through the subject property, intersects with Center Street NE at the southern property line of Tax Lot 4000 and with D Street NE along the north boundary of the site. The applicant is also proposing to provide secondary access to the development through the existing western connections from Medical Center Drive to Franzen Street NE, a private street, and to Gear Street NE, a public street. Two new eastern connections are proposed from Medical Center Drive to 23<sup>rd</sup> Street NE at the B Street NE and Bittern Street NE intersections. Due to the proposed affordable housing use, projected traffic impacts will be less than the previous use as Oregon Hospital's Salem Rehabilitation Center and City staff determined that a Traffic Impact Analysis is not required (see Exhibit 5). To ensure that the transportation system meets current standards, the Site Plan indicates that the applicant is proposing to improve Medical Center Drive with a new asphalt surface, upgrade the 23<sup>rd</sup> Street frontage with a new sidewalk and street trees, and dedicate an additional 18-ft. of right-of-way along the Center Street frontage. These proposed improvements will ensure that the transportation system provides safe, orderly, and efficient circulation of traffic when the proposed use is developed.

**(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and**

**COMMENT:**

The submitted Site Plan indicates that the proposed parking lot aisle widths and parking stalls meet City dimensional standards. The plan illustrates that the proposed pedestrian walkways provide safe and efficient circulation between the structures, parking areas, and the adjacent right-of-way. Safe bicycle and pedestrian travel are encouraged and facilitated by a 10-ft. wide path that routes around the parking lot and provides connections to the public sidewalk system and nearby transit services. Exterior bicycle parking locations and in-unit locations are illustrated on the Site Plan. The submitted plan also demonstrates that emergency vehicle access and street connectivity are provided with the proposed development (see Exhibit 4).

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

**COMMENT:**

The attached Utility Plan demonstrates that the proposed multi-family use will be adequately served with public water and sanitary sewer services (see Exhibit 4). Stormwater from the proposed development will be managed on-site through the use of GSA ponds.

**Chapter 230: Historic Preservation**

**Section 230.105: Preservation of Archeological Resources**

- (a) Archeological resources shall be protected and preserved in place subject to the requirements of federal, state, and local regulations, including the guidelines administered by the Oregon State Historic Preservation Office and ORS 358.905—358.961.**
- (b) A person may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands unless that activity is authorized by a permit issued under ORS 390.235. A violation of this subsection is a misdemeanor.**

**COMMENT:**

The property is located within the Historic and Cultural Resources Protection Zone, and per the attached Pre-Application Conference Report, it requires Historic Clearance Review. The applicant is currently evaluating potential historic and cultural resources and will provide a report to the City prior to obtaining building permits for the proposed development. As required, if archaeological resources are discovered, they will be protected and preserved in accordance with Federal, State, and City requirements.

## **Chapter 250: Adjustments**

### **Section 250.005: Adjustments.**

#### **(a) Applicability.**

##### **(1) Classes.**

- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.**

#### **COMMENT:**

The Project is intended to provide needed affordable housing for the community, and as such, do not contain ground floor commercial uses. Therefore, the applicant is requesting approval of six adjustments to the Chapter 533 standards for the MU-1 zone that pertain to ground floor commercial use and are not applicable to the Project. The proposed Adjustment to development standards increase or decrease numerical development standards by more than 20 percent. As such, the applicant has submitted a Class 2 Adjustment application.

- (b) Procedure type. Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.**

#### **COMMENT:**

As required, the submitted Adjustment application will be reviewed through the Type II procedure.

- (c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:**

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:**

- (A) The total site area, dimensions, and orientation relative to north;**

- (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines**

and adjacent on-site structures.

- (C) The proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
- (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
- (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
- (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

**COMMENT:**

The attached Existing Conditions Plan, Site Plan, and Planting Plan include all of the applicable items listed above (see Exhibit 4).

- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
  - (A) The total site area, dimensions, and orientation relative to north;
  - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
  - (C) The location of the 100-year floodplain, if applicable; and
  - (D) The location of drainage patterns and drainage courses, if applicable.

**COMMENT:**

As required, the applicant's Existing Conditions Plan includes all of the applicable information listed above (see Exhibit 4).

**(d) Criteria.**

**(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:**

**(A) The purpose underlying the specific development standard proposed for adjustment is:**

**(i) Clearly inapplicable to the proposed development; or**

**(ii) Equally or better met by the proposed development.**

**COMMENT:**

The applicant seeks six adjustments to the development-related standards within Chapter 533 for the MU-1 zone. Five of these standards are applicable to multi-family buildings that include ground floor commercial uses. Because the Project proposes residential uses and does not include ground floor commercial, these standards are inapplicable and five adjustments are sought under prong A(i) of this criterion.

The sixth standard to be adjusted applies to residential developments and requires a minimum level of separation between ground floor residential entries and the street. The Project is proposing to utilize breezeways which provide separation so may also be inapplicable; however, to the extent the City finds this standard applies, the proposal equally or better meets the purpose of this standard. This adjustment is sought under prong A(i) or alternatively, A(ii), of this criterion.

The general purpose statement for the MU-1 zone is *“The purpose of the Mixed Use-I (MU-I) zone is to identify allowed uses and establish development standards that promote pedestrian-oriented development in vibrant mixed-use districts, encourage a mix of compatible uses in multi-story buildings, and emphasize active commercial uses on ground floors facing major streets”*. The applicant has addressed the purpose of the specific development standards proposed for adjustment below.

The six proposed adjustments meet the approval criteria as follows:

1. Section 533.015(c), Table 533-3 requires buildings in the MU-I zone to either provide a 0-ft. setback, or alternatively provide up to a 10-ft. setback when pedestrian amenities like a plaza are provided. The purpose of this standard is to encourage the development of pedestrian-oriented commercial uses on the ground floor of mixed-use buildings. This standard applies to 23<sup>rd</sup> Street NE and Center Street NE. However, because commercial use is not proposed with this affordable housing project, the setback requirements in Table 533-3 are inapplicable to the proposed development. As illustrated on the attached Site Plan, the requested Adjustment will permit up to 13-ft. building setbacks from the adjacent street rights-of-way. The proposed setbacks will accommodate the proposed site grading and a public gas easement on the subject site.

2. Table 533-6 within Section 533.015(h) provides pedestrian-oriented design standards for the MU-I zone. Figure 533-2 of Table 533-6 illustrates that the minimum height standard for the ground floor is 14-feet. The purpose of this standard is to facilitate the development of mixed-use buildings with ground floor commercial uses. However, the applicant is proposing to develop an affordable housing project on the site, a permitted use in the MU-I zone (see Exhibit 4). Since the proposal does not include a commercial use on the ground floor, and to maximize development of needed affordable housing units, the ground floor height standard is inapplicable to the proposed development. Per the attached Architectural Building Elevations, the proposed Adjustment will accommodate a 9-ft. ceiling height for the ground floor apartment units.
3. Within Table 533-6, Figure 533-5 illustrates that windows shall comprise a minimum of 65% of ground floor façades which face primary streets. This standard applies to building facades that face 23<sup>rd</sup> Street NE and Center Street NE. The purpose of this standard is to promote visual interest for pedestrians walking along shopping streets with ground floor commercial uses. However, the applicant is proposing the development of an affordable housing project on the site. Adjacent uses in the area include institutional, medical, and office uses and no retail commercial uses are present. A residential use is proposed, and since residents are likely to desire privacy within their personal habitable space, the applicant is requesting an Adjustment to provide windows on a minimum of 20% of ground floor facades which face primary streets.
4. Table 533-5 states that development on corner lots must provide 75% building frontage on a higher classification street, while 40% building frontage is required for the lower classification street. The proposed apartment buildings front Center Street NE along the south property line, which is a higher classified Arterial Street. The apartment structures also front 23<sup>rd</sup> Street NE, a Collector Street, along the east boundary of the site. The purpose of this standard is to provide visual interest and more continuous building facades with ground floor commercial uses along shopping streets. However, the applicant is proposing the development of an apartment complex with affordable housing units and no commercial uses. Therefore, this standard is clearly not applicable to the proposed development and the applicant is requesting an Adjustment to provide 60% building frontage along Center Street. The proposed building frontage along the 23<sup>rd</sup> Street frontage exceeds the 40% requirement.
5. Figure 533-7 from Table 533-6 states that awnings or canopies must be provided along a minimum of 75% of ground floor façades adjacent to streets. The purpose of this standard is to provide weather protection for pedestrians along shopping streets that contain ground floor commercial uses. This standard applies to building facades that face 23<sup>rd</sup> Street NE and Center Street NE. However, the proposed affordable housing project does not include a commercial use. As demonstrated by the attached Site Plan and Architectural Floor Plans, residents will enter the apartment buildings through a central open breezeway in the middle of the structures. Since the proposal does not include ground floor commercial use, the standard is not applicable to the proposed development and the applicant is requesting an Adjustment to the standard.



6. Figure 533-3 within Table 533-6 illustrates the vertical or horizontal separation requirements between a public right-of-way and a residential entryway and any habitable room. These standards state that either a vertical distance of 1.5 to 3-ft., or a horizontal distance of 5 to 10-ft., shall separate ground floor residential entries from public streets. This standard applies to residential uses on this site which front 23<sup>rd</sup> Street NE and Center Street NE. A setback up to 13-ft. is provided along these streets, but the Project proposes to include breezeways (non-conditioned uninhabitable space which provides a route to apartment unit entries within an interior hallway) between the entrance of the apartment buildings and the street along these frontages. Since the development does not provide entryways directly into habitable residential space adjacent to rights-of-way, this standard is also inapplicable and an adjustment could be approved under criterion A(i). However, to the extent this standard applies, the proposed design equally or better meets the purpose of the standard and also meets criterion A(ii). The general purpose of the CM-1 zone is to support pedestrian oriented development and compatibility of uses within multi-story buildings. The Project equally supports pedestrian-oriented development on the ground floor by providing walkways from adjacent streets to the building entries. The proposed breezeways provide separation between apartment unit entries and the adjacent streets, consistent with the purpose of Figure 533-3 standards.

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

**COMMENT:**

The development site is zoned MU-I (Mixed Use-I) and is not located within a residential zone. Therefore, this criterion does not apply.

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

**COMMENT:**

The overall purpose of the MU-I zone is to promote pedestrian-oriented development in mixed-use districts, encourage compatible uses in multi-story buildings, and emphasize active commercial uses on ground floors facing major streets. The Project proposes adjustments to several standards which apply to commercial ground floor use and are not applicable to a residential use. An additional adjustment proposes an alternative residential entrance configuration that equally or better meets the purpose of the adjusted standard. Even with all of the proposed adjustments considered together, the Project is consistent with the overall purpose of the MU-1 zone. The attached Site Plan illustrates that pedestrian walkways provide safe and efficient circulation between the proposed structures, parking areas, and the adjacent right-of-way. Safe bicycle and pedestrian travel are also encouraged through the site by a 10-ft. wide path that routes around the parking lot. The proposed pedestrian facilities also provide connections to existing transit stops that are located along Center Street NE, within 350-ft. to the east and west of the site.

**Chapter 521: CO—Commercial Office**

**Section 521.001: Purpose**

The purpose of the Commercial Office (CO) Zone is to implement the commercial designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The CO zone generally allows office and professional services, along with a mix of housing and limited retail and personal services.

**COMMENT:**

The applicant, Greenlight – Home First LLC, is in the process of purchasing Tax Lots 3900, 4000, 4100 from the existing property owner, the City of Salem. The submitted Partition application will divide Tax Lot 4000 into Parcel 1 and Parcel 2. The proposed apartment complex is located wholly on Parcel 1, which is zoned MU-I. A concurrent Property Line Adjustment application has been submitted to adjust the property line between Parcel 2 and Tax Lot 3900. Upon approval of the property line adjustment, Tax Lot 3900 will be partially located in the MU-I and CO zone. However, the applicant is not proposing any new development on adjusted Tax Lot 3900, and future development of adjusted Parcel 2 will be reviewed through a future land use application. Therefore, CO zone development standards do not apply to the proposed Project.

**Chapter 522: CR—Retail Commercial**

**Section 522.001: Purpose**

The purpose of the Commercial Retail (CR) Zone is to implement the commercial designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The CR zone generally allows a wide array of retail sales and office uses.

**COMMENT:**

Tax Lot 4100 is zoned CR and is included in the purchase agreement with the current property owner. However, Tax Lot 4100 is not located within the boundary of the proposed apartment complex. Therefore, CR zone standards do not apply to the Project.

**Chapter 533: MU-I—Mixed Use**

**Section 533.001: Purpose**

The purpose of the Mixed Use-I (MU-I) zone is to identify allowed uses and establish development standards that promote pedestrian-oriented development in vibrant mixed-use districts, encourage a mix of compatible uses in multi-story buildings, and emphasize active commercial uses on ground floors facing major streets.

**Section 533.010: Uses**

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-I zone are set forth in Table 533-1.

**COMMENT:**

As mentioned above, the applicant is proposing to divide Tax Lot 4000 into Parcel 1 and Parcel 2. The proposed Project will be developed on Parcel 1, which is zoned MU-I. Per Table 533-1, the proposed multi-family use is permitted in the MU-I zone.

- (b) Prohibited uses. Notwithstanding Table 533-1, any permitted, special, or conditional use within the MU-I zone shall be a prohibited use if developed with a drive-through.**
- (c) Continued uses. Existing uses within the MU-I zone established prior to August 24, 2022, but which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.**

**COMMENT:**

The Property is vacant and the applicant is not proposing prohibited or continued existing uses on the development site.

**Section 533.015: Development Standards**

**Development within the MU-I zone must comply with the development standards set forth in this section.**

- (a) Lot standards. Lots within the MU-I zone shall conform to the standards set forth in Table 533-2.**

**COMMENT:**

Lot standards for the site include a 16-ft. minimum street frontage requirement. The attached Partition Tentative Plat and Site Plan demonstrate that this standard is met along the site's Street D NE, 23<sup>rd</sup> Street NE, Grear Street NE, and Center Street frontages (see Exhibit 4).

- (b) Dwelling unit density. Development within the MU-I zone that is exclusively residential shall have a minimum density of 15 dwelling units per acre.**

**COMMENT:**

The applicant is proposing a residential use for the site, therefore the minimum density of 15 dwelling units/acre applies. The applicant is proposing to develop a 120-unit apartment complex on Parcel 1. The 6.29-acre Project site provides a density of 19.08 units/acre

- (c) Setbacks. Setbacks within the MU-I zone shall conform to the standards set forth in Tables 533-3 and 533-4.**

**COMMENT:**

Per Table 533-3, the minimum street setback requirement is 0-ft. with a maximum setback of 10-ft. when pedestrian amenities like plazas are provided. Since the setback requirements in Table 533-3 are inapplicable to the proposed residential development, the applicant is requesting an Adjustment to this standards and has addressed the approval criteria under Section 250.005(d)(2)(A).

Table 533-4 provides standards for zone-to-zone setbacks and required landscaping, depending on the type of improvements proposed. The table indicates that no setbacks are required along the property lines for the proposed buildings and accessory structures. The standards also state that vehicle use areas must provide 5-ft. setbacks to adjacent property lines. As required, the submitted Site Plan demonstrates that the required setback for vehicle use areas has been provided with the proposed development.

- (d) Lot coverage; height; building frontage. Buildings and accessory structures within the MU-I zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 533-5.**

**COMMENT:**

Per Table 533-5, there are no lot coverage standards within the Mixed Use-I zone. The subject site is contiguous to a Historic Public District, however the Oregon State Hospital Historic District is not included among National Register Residential Historic Districts. Therefore, minimum 20-ft. and maximum 65-ft. height standards are applicable to primary buildings on the property. In compliance with these standards, the submitted Architectural Elevations indicate that the proposed apartment buildings are at least 20-ft. tall and do not exceed 65-ft. (see Exhibit 4). Table 533-5 does not provide a minimum height for accessory structures, however they may not exceed 65-ft. in height. The attached Architectural Elevations illustrates that the proposed community building/leasing office, mail pavilion, bike shelters, and maintenance buildings all meet the maximum accessory structure height standard.

Table 533-5 states that the street with the highest classification, Center Street NE, requires a minimum building frontage of 75%. The purpose of this standard is to present visual interest and more continuous building facades with ground floor commercial uses along shopping streets. However, the applicant is proposing the development of an apartment complex with affordable housing units and no commercial uses are proposed. Since this standard is not applicable to the proposed development, the applicant is requesting an Adjustment under Section 250.005(d) to provide 60% building frontage along Center Street. The proposed building frontage along the 23<sup>rd</sup> Street frontage exceeds the 40% requirement. As required, the proposed accessory structures are located behind the primary buildings facing Center Street and 23<sup>rd</sup> Street.

- (e) Parking. Off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone or MU-II zone.**

**COMMENT:**

The Preliminary Site Plan demonstrates that no standalone surface parking lots are proposed (see Exhibit 4). In accordance with Chapters 806, 807, and Table 533-8, the applicant is proposing to install a total of 211 off-street parking stalls for the apartment complex.

- (f) Landscaping.**

- (1) **Setback areas.** Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to [SRC] 533.015(h), shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
- (2) **Vehicle use areas.** Vehicle use areas shall be landscaped as provided under SRC chapter 806 and SRC chapter 807.

**COMMENT:**

The attached Planting Plan demonstrates the setback areas and parking lot areas have been landscaped in accordance with Chapter 806 and 807 standards (see Exhibit 4).

- (g) **Continued development.** Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

**COMMENT:**

The attached Existing Conditions Plan indicates that there are no existing buildings or structures on the site (see Exhibit 4). Therefore, this standard does not apply.

**Pedestrian-oriented design.** Development within the MU-I zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 533-6. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230

**COMMENT:**

Table 533-6 lists requirements for Pedestrian-Oriented Design in the MU-I zone. The applicant is proposing to develop an affordable housing project on the Property without ground floor commercial uses and is seeking an adjustment to standards applicable to commercial ground floor development which do not apply to the Project. The adjustment criteria are met, as addressed above. The submitted Site Plan, and Architectural Floor Plans and Elevations, demonstrate that all other standards listed under Table 533-6 are met.

**Section 533.020: Design review.**

**Design review under SRC chapter 225 is not required for development within the MU-I zone. Multifamily development within the MU-I zone is not subject to design review according to the multiple family design review standards set forth in SRC chapter 702.**

**COMMENT:**

The applicant has addressed all required development standards listed within Chapter 533 for the proposed apartment complex. As stated above, the proposed multi-family development does not require Design Review and is not subject to Chapter 702 review standards.

**Chapter 800: General Development Standards**

**Section 800.005: Applicability.**

**The standards set forth in this chapter apply to all development in every zone unless otherwise exempted by the UDC. In the event of a conflict between the standards set forth in this chapter and any other provision of the UDC, the more restrictive provision shall apply.**

**COMMENT:**

The subject site is located within the MU-I zone, therefore the standards of this chapter apply.

**Section 800.015: Lot standards, generally.**

- (a) Lot shape and size. In addition to meeting all applicable lot standards of the UDC, all lots intended for development, as far as practicable, shall be of a size and configuration so that their net remaining area exclusive of required setbacks, easements, riparian corridors, and mapped floodplain/floodway boundaries and wetlands is buildable.**
- (b) Buildings to be on a lot. Every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.**
- (c) Side lot lines. As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.**

**COMMENT:**

As demonstrated by the attached Partition Tentative Plat, the applicant is proposing to divide Tax Lot 4000 into Parcel 1 and Parcel 2 (see Exhibit 4). The attached Site Plan indicates that the proposed 120-unit apartment complex is located wholly on Parcel 1. The applicant has also submitted a concurrent Property Line Adjustment application that involves Parcel 2 and Tax Lot 3900 of Tax Map 073W24CC. The plan indicates that there is a proposed adjustment that will locate all of an existing parking lot on Tax Lot 3900 so it can be conveyed to the adjacent property owner, Seed of Faith Ministries.

The applicant's Site Plan indicates that the applicant intends to complete a future property line adjustment between Parcel 1 and Tax Lot 4001 to locate all of an existing driveway that serves 891 23<sup>rd</sup> Street SE on the adjacent parcel. This property line adjustment will be reviewed under a future land use application. The Partition Tentative Plat demonstrates that all of the proposed side lot lines of the site run at right angles to streets to the extent possible (see Exhibit 4).

**Section 800.020: Designation of lot lines.**

**COMMENT:**

As required, the attached Site Plan identifies lot line setbacks in accordance with the lot line definitions in this section.

**Section 800.025: Flag lots.**

**Flag lots are allowed subject to the standards set forth in this section.**

**COMMENT:**

The applicant is not proposing to create a flag lot with this application, therefore these standards do not apply.

**Section 800.030: Hillside lots.**

**Hillside lots may, at the option of the developer or owner, meet the standards set forth in this section, in lieu of the standards applicable in the zone.**

**COMMENT:**

The attached Existing Conditions Plan demonstrates that the existing grades are not steep on the site. Therefore, hillside lot standards do not apply.

**Section 800.035: Setbacks.**

- (a) Setbacks to be unobstructed. Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.**
- (b) Permitted projections into required setbacks. Permitted projections into required setbacks are set forth in Table 800-2.**

**COMMENT:**

The attached Site Plan demonstrates that no obstructions or projections into setbacks are proposed (see Exhibit 4).

- (c) Zone-to-zone setbacks abutting property outside City limits or urban growth boundary.**

**COMMENT:**

All adjacent properties are located within the city limits of Salem, therefore these standards do not apply.

- (d) **Setbacks abutting an interstate freeway, railroad right-of-way, or alley.**

**COMMENT:**

The Property does not abut an interstate freeway, railroad right-of-way, or alley. Therefore, these standards do not apply.

**Section 800.040: Special Setbacks.**

- (a) **Generally. To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.**
- (b) **Setback distance required; how measured. The special setback shall equal one-half of the right-of-way width specified in the Salem Transportation System Plan for the street's applicable classification. Special setbacks shall be measured at right angles to the centerline of the street, or, where there is no street, from the centerline of the right-of-way. Where the centerline is not designated, the Director shall designate the location of the centerline.**

**COMMENT:**

Per the Transportation System Plan, Center Street NE has a special setback of 48-ft. from centerline. Per the attached Partition Tentative Plat, the applicant is proposing to dedicate additional right-of-way to provide 48-ft. from centerline (se Exhibit 4). The submitted Site Plan demonstrates that no buildings are proposed to be constructed within the special setback area, therefore the above standards are met.

**Section 800.045: Height.**

- (a) **Generally. Unless otherwise provided under the UDC, standards relating to height shall apply to all buildings and structures. Height shall be measured as set forth in SRC chapter 112.**



**COMMENT:**

As stated previously, minimum 20-ft. and maximum 65-ft. height standards are applicable to the primary buildings and structures within the site. In compliance with these standards, the submitted Architectural Elevations indicate that the proposed apartment buildings are at least 20-ft. tall and do not exceed 65-ft. (see Exhibit 4). The proposed accessory structures on the site are not subject to minimum height standards and do not exceed the 65-ft. maximum standard.

**Section 800.050: Fences, Walls, Hedges, Gates, and Retaining Walls.**

**Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC chapter 807, in addition to the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building lying at the greatest distance from the front property line.**

**(a) Location, height, and density. Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.**

**(1) Fences and walls.**

**(A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:**

**(i) Front yard abutting street. Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.**

**(ii) Side and rear yards abutting street. Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.**

**COMMENT:**

The attached Grading Plan indicates that a 6-ft. high retaining wall is proposed adjacent to the basketball court, play structure, and plaza in the central portion of the site. A 6-ft. high chain link fence is proposed to be installed around the basketball court. The submitted Grading Plan demonstrates that the fence and wall are not located within the front yard abutting Center Street NE. Since the improvements are more than 10-ft. from property lines, the above setback standards are met.

- (2) Hedges. There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.**

**COMMENT:**

The submitted Landscape Plan demonstrates that no street-abutting hedges are proposed with this development.

**Gates. Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.**

**COMMENT:**

As required, all gates will meet the standards of this section and not swing open into a public right-of-way or pedestrian or vehicle easement.

- (3) Retaining walls. Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.**

**COMMENT:**

The applicant is proposing to develop a 6-ft. high retaining wall adjacent to the basketball court, play structure, and plaza in the central portion of the site. Therefore, the above standards are met.

- (b) Vision clearance. Notwithstanding any other provision of this section, fence, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC chapter 805.**

**COMMENT:**

The applicant's Site Plan and Planting Plan demonstrate that the required vision clearance areas will be provided at the street intersections within and adjacent to the site (see Exhibit 4).

**(c) Material.**

**(1) Fences.** Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chainlink fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.

**COMMENT:**

The applicant is proposing to install 6-ft. high chain link fencing around the basketball court. Therefore, the proposed fencing meets the above material requirements.

**(2) Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.**

**COMMENT:**

The applicant is proposing to install a 6-ft. high concrete retaining wall adjacent to the basketball court, play structure, and plaza (see Exhibit 4). Therefore, the proposed walls meet the above standards.

**(d) Hazardous materials.** Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:

**COMMENT:**

As required, the proposed fences and walls do not contain any of the hazardous materials listed above.

**Section 800.055: Solid Waste Service Areas.**

**Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.**

**(a) Applicability. Solid waste service area design standards shall apply to:**

**(1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and**

**COMMENT:**

A solid waste and recycling collection service area larger than one cubic yard will be provided for the proposed multi-family use. Therefore, the standards of this section apply.

**(b) Solid waste receptacle placement standards. All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.**

**(1) Pad area. In determining the total concrete pad area for any solid waste service area.**

**(A) The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and**

**(B) The pad area shall extend a minimum three feet beyond the front of the receptacle.**

**(C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.**

**COMMENT:**

The attached Site Plan identifies the location of proposed trash enclosures with the apartment complex. The applicant has submitted an Accessory Structures Plan demonstrating that a concrete pad area meeting the above standards will be provided for each solid waste and recycling storage area (see Exhibit 4).

**(2) Minimum separation.**

**(A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.**

- (B) A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.**

**COMMENT:**

As required, the attached Accessory Structures Plan provides detailed information to demonstrate compliance with the above standards (see Exhibit 4).

**(2) Vertical clearance.**

- (A) Receptacles two cubic yards or less. Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.**
- (B) Receptacles greater than two cubic yards. Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:
  - (i) For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or**
  - (ii) Where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).****

**COMMENT:**

The attached Accessory Structures Plan indicates that the trash enclosure does not include a roof, therefore the above vertical servicing standards will be met (see Exhibit 4).

**(c) Permanent drop box and compactor placement standards.**

- (1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.**

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

**COMMENT:**

The applicant is not proposing permanent drop boxes or compactors within the trash enclosures, therefore the above standards do not apply.

**(d) Solid waste service area screening standards.**

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

**COMMENT:**

The subject site does not abut residentially zoned properties. The attached Accessory Structures Plan demonstrates that the trash enclosures will be screened with 6-ft. high sight-obscuring fencing in accordance with the above standards (see Exhibit 4).

**(e) Solid waste service area enclosure standards. When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.**

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

**COMMENT:**

As illustrated by the attached Accessory Structures Plan, the front of the trash enclosures will provide a minimum unobstructed opening width of 12- ft., meeting this standard.

**(2) Measures to prevent damage to enclosure.**

- (A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.**
- (B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.**
- (C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:**
  - (i) A minimum distance of two feet from the sides of the container or receptacles; and**
  - (ii) A minimum of three feet from the rear of the container or receptacles.**

**COMMENT:**

The attached Accessory Structures Plan indicates that a curb will be installed within the enclosures to prevent damage from receptacle impacts.

- (3) Enclosure gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.**

**COMMENT:**

The gates for the trash enclosures are less than 15-ft., therefore they will open a minimum of 120 degrees to meet the above standard.

- (4) Prohibited enclosures. Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:**
  - (A) Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or**
  - (B) Stored in a building or structure of a fire resistive Type I or Type IIA construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.**

**COMMENT:**

Waste and recycling storage is not proposed in a building or in an entirely enclosed structure, therefore the above standards do not apply.

**(f) Solid waste service area vehicle access.**

**(1) Vehicle operation area.**

- (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.**

**COMMENT:**

The attached Site Plan and Accessory Structures Plan demonstrate that the proposed vehicle operation areas are free of obstructions and meet the above dimensional requirements (see Exhibit 4).

- (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:**
  - (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);**
  - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or**



- (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

**COMMENT:**

The attached Site Plan demonstrates that collection vehicles can maneuver so that the trash enclosures are perpendicular to the vehicle's approach.

- (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicle
- (D) clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
- (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

**COMMENT:**

As demonstrated by the attached Site Plan, the vehicle operation areas will be kept free of parked vehicles and will have a minimum vertical clearance of 14-feet (see Exhibit 4).

- (2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.
- (3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.
- (4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

**COMMENT:**

As demonstrated by the attached Site Plan, the vehicle operation areas will meet the above standards (see Exhibit 4).

- (g) **Notice to solid waste collection franchisee. Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.**

**COMMENT:**

As required, the solid waste collection franchisee will have the opportunity to comment on the proposed enclosure and site plan layout.

**Section 800.060: Exterior lighting.**

- (a) **Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way.**
- (b) **Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either:**
  - (1) **Completely shielded from direct view; or**
  - (2) **No greater than five foot-candles in illumination.**

**COMMENT:**

As required, the applicant will prepare a lighting plan with the project's construction documents. City staff will verify that the above exterior lighting standards are met prior to the issuance of building permits.

**Section 800.065: Pedestrian access.**

**Except where pedestrian access standards are provided elsewhere under the UDC, and unless otherwise provided in this section, all developments, other than development of single-family, two-family, three-family, and four-family uses, and multiple family uses subject to SRC chapter 702, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area. Development also does not include the installation of**

**electric vehicle charging stations in existing approved parking lots or vehicle use areas.**

**COMMENT:**

Since the proposed project is a multi-family development within the Mixed Use-I zone, Chapter 702 standards do not apply. As required, the applicant has addressed how the development meets the pedestrian access standards of this section.

**(a) Pedestrian connections required. The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:**

**(1) Connection between building entrances and streets.**

**(A) A pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street (see Figure 800- 11).**

**COMMENT:**

The attached Site Plan demonstrates how pedestrian connections are provided between the proposed buildings, parking stalls, common open space areas, and the sidewalks along Center Street NE, Medical Center Drive NE, and 23<sup>rd</sup> Street NE.

**(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-12).**

**COMMENT:**

Existing transit stops are located along Center Street NE, within 350-ft. to the east and west of the site. Pedestrian connections meeting the above standard are provided via on-site walkways, perimeter sidewalks, and existing off-site sidewalks that connect to the nearby transit stops.

**(2) Connection between buildings on the same development site.**

- (A) Except as otherwise provided in this subsection, where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.

**COMMENT:**

As demonstrated by the attached Site Plan, all of the building entrances are interconnected by the proposed walkways (see Exhibit 4).

**(3) Connection through off-street parking areas.**

- (A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance or where there is no building, through the parking area as provided in this subsection.

- (i) The pedestrian connections shall be:

- (aa) Provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-13); provided, however, in no case shall less than one pedestrian connection be provided. Where the pedestrian connection requirements of this subsection result in a fractional number, any fractional number greater than 0.5 shall be round up to require an additional pedestrian connection;

- (bb) Spaced a minimum of two drive aisles apart; and

- (cc) Connected to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance. Where there is no building, the pedestrian connections shall connect to the street either at the sidewalk or at the public street right-of-way when there is no sidewalk.

- (ii) Where the off-street surface parking area is adjacent to a street that is a transit route and there is an existing or planned transit stop along the street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

**COMMENT:**

The submitted Site Plan demonstrates that pedestrian connections are provided throughout the proposed parking areas in accordance with the above standards.

- (iii) A pedestrian connection provided between a primary building entrance and a street may be counted as a required connection through an off-street surface parking area.
- (iv) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from its outside edge towards the building.

**COMMENT:**

The applicant's Site Plan indicates that the required pedestrian connection standards are met.

- (v) For purposes of this subsection, off-street surface parking area means:
  - (aa) An off-street surface parking area that is separated from other off-street surface parking areas on the development site by either a driveway, which begins at the street and extends into the site, or other physical separation; or
  - (bb) An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.

**COMMENT:**

The locations of proposed off-street surface parking areas are illustrated on the attached Site Plan.

**(B) Parking structures and parking garages. Where an**

**individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.**

**COMMENT:**

There are no existing or planned paths or trails in the vicinity of the subject site, therefore these standards do not apply.

- (5) Connection to abutting properties. Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.**

**COMMENT:**

The attached Site Plan indicates that the applicant is proposing to improve Medical Center Drive through the site and proposed and existing pedestrian walkways will provide access to adjacent properties in accordance with the above standard (see Exhibit 4).

- (b) Design and materials. Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Where a path or trail identified in the Salem Transportation System Plan (TSP) or Salem Comprehensive Parks System Master Plan is required, the path or trail shall conform to the applicable standards of the TSP or Salem Comprehensive Parks System Master Plan in-lieu of the standards in this subsection.**

- (1) Walkways shall conform to the following:**

- (A) Material and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and shall be a minimum of five feet in width.**
- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.**
- (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and**

**the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.**

**COMMENT:**

The proposed walkways within the apartment complex will be surfaced in concrete, are separated from vehicle travel areas by a 6-in. curb, and meet the minimum 5-ft. width standard of this section. The submitted Site Plan illustrates that crosswalks will consist of a concrete surface to visually differentiate the walkways within vehicle areas.

- (2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.**

**COMMENT:**

Where vehicle parking areas are adjacent to pedestrian connections, wheel stops are proposed to prevent encroachment into the walkways (see Exhibit 4).

- (c) Lighting. The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.**

**COMMENT:**

As required, a lighting plan for the on-site pedestrian circulation system will be submitted with the request for building permits so that City staff can verify that all circulation areas are adequately illuminated.

**Chapter 802: Public Improvements**

**Section 802.015: Development to be Served by City Utilities.**

**Except as provided under SRC 802.035 and 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.**

**COMMENT:**

The attached Utility Plan demonstrates how the proposed development will be served by public utilities (see Exhibit 4). As required, all utility facilities will be designed and constructed in accordance with City standards.

**Section 802.020: Easements.**

**Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that**

are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.

**COMMENT:**

Where conveyance and/or dedication of public easements are necessary, they will be provided with the proposed development in accordance with the above standards.

**Section 802.025: Utilities to be placed underground.**

- (a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.
- (b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.
- (c) Stormwater management shall be provided by above ground and below ground facilities.

**COMMENT:**

As required, all utility services will be installed underground with the proposed development. The attached Utility Plan, Planting Plan, and Stormwater Memo demonstrate that stormwater will be managed by the proposed GSI ponds (see Exhibits 4 and 8).

**Section 802.030: Watercourses.**

- (a) Any modification to a watercourse shall conform to SRC chapter 601 and the Public Works Design Standards.
- (b) Public improvement and maintenance easements for watercourses may be required. The easements shall, at a



minimum, extend 15 feet in each direction from the waterway centerline, ten feet from the top of a recognizable bank, or a sufficient width to pass ten-year flood flows or to accommodate the 100-year floodway on a FEMA regulated stream, whichever is greater. Such easements shall be of a width sufficient to allow both initial improvements and future maintenance and operations. Larger widths may be required.

**COMMENT:**

The Existing Conditions Plan indicates that there are no watercourses within the site. Therefore, these standards do not apply.

**Section 802.040: Private Stormwater, Wastewater, and Water Systems.**

A private stormwater, wastewater, or water system may be approved by the Director if each of the following conditions are met:

**COMMENT:**

The applicant is not proposing to develop a private stormwater, wastewater, or water system. Therefore, these standards do not apply.

**Chapter 803: Streets and Right-Of-Way Improvements**

**Section 803.010: Streets, Generally.**

Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.

**COMMENT:**

The site's southern boundary fronts Center Street NE, which is designated a Major Arterial street within the City's Transportation System Plan (TSP). Center Street NE is fully improved, however the applicant is proposing to dedicate 18-ft. of additional right-of-way along Center Street to meet City standards. The east boundary of the site fronts 23<sup>rd</sup> Street NE, which is designated as a Collector street. To meet City standards, the applicant is proposing to install a sidewalk and street trees along the 23<sup>rd</sup> Street frontage. Along the western boundary of the property is Medical Center Drive NE, a private street. The attached Site Plan indicates that the applicant is proposing to improve the private drive and dedicate a public access easement for the roadway. Along the west boundary of the site, Medical Center Drive intersects with Franzen Street NE, which is a private street that will be improved with the project, and Grear Street NE, a public right-of-way that currently meets Local street standards. The Site Plan also indicates that the applicant is proposing to provide two new connections between Medical Center Drive and 23<sup>rd</sup> Street, requiring the approval of a Class 2 Driveway Approach. North of the site is D Street NE, which currently meets City standards and is classified as a Minor Arterial street. Therefore, with the proposed improvements, all transportation facilities within and adjacent to the site will conform to City Public Works standards.

**Section 803.015: Traffic impact analysis.**

- (b) Applicability. An applicant shall provide a traffic impact analysis if one of the following conditions exists:**
- (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.**
  - (2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.**
  - (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.**
- (c) Improvements may be required. On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements,**

**sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.**

**COMMENT:**

Following the submittal of a Trip Generation Estimate form, City staff determined that a Traffic Impact Analysis is not required for the proposed development (see Exhibit 5). Required transportation improvements were identified by Public Works staff in the attached Pre-Application Conference Report (see Exhibit 2). As required, all of the required improvements are included with the proposed development (see Exhibit 4).

**Section 803.020: Public and Private Streets.**

- (a) Public streets. Except as provided in subsection (b) of this section, all streets shall be public streets.**
- (b) Private streets.**
  - (1) Internal streets in subdivisions, partitions, and planned unit developments may be either public or privately owned; provided that the internal streets may be required to be public, given the connectivity, size, configuration, location, and number of lots or dwelling units, and the nature and location of public and common facilities and proposed uses.**
  - (2) Private streets shall conform to this chapter and the Public Works Design Standards, unless otherwise required by state law.**
  - (3) Any subdivision, partition, or planned unit development that includes private streets shall have recorded covenants, conditions, and restrictions which provide that all common property owners shall be members of a property owners' association. The covenants, conditions, and restrictions shall, at a minimum, require that the association be responsible for the perpetual maintenance and operation of all private streets and related facilities in the development, including, but not limited to, parking areas, private streets, privately owned pedestrian/bikeways, and landscape strips. Such association shall have the power to levy and assess against privately owned property in the development all necessary costs for maintenance and operation of the private streets and related facilities.**

**COMMENT:**

Along the western boundary of the property is Medical Center Drive NE, an existing private street. The attached Site Plan indicates that the applicant is proposing to improve the private drive to City standards and dedicate a public access easement for the roadway. Along the west boundary of the site, Medical Center Drive intersects with Franzen Street NE, which is also a private street that will be improved to City standards with the Project. As required, the property owner will be responsible for on-going maintenance of the private streets.

**Section 803.025: Right-of-way and Pavement Widths.**

- (a) Except as otherwise provided in this chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1.**
- (b) Except as otherwise provided in this chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2.**
- (c) Additional right-of-way, easements, and improvements may be required to accommodate the design and construction of street improvement projects due to steep slopes, soils, water features, wetlands, transit bus bays, and other physical constraints.**
- (d) Additional right-of-way and roadway improvements at the intersections of parkways, major arterial, minor arterial, and collector streets, and at intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes, may be required. The design of all intersections shall conform to the Public Works Design Standards.**
- (e) When an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, dedication and improvement of streets to greater widths than those provided in subsection (a) of this section may be required.**

**COMMENT:**

The attached City Pre-Application Conference Notes indicate that additional right-of-way dedication is required along the Center Street NE frontage to provide 48-ft. from centerline (see Exhibit 2). Existing street pavement, sidewalks, and other improvements along the Center Street frontage currently meet City standards. The required right-of-way dedication along Center Street is identified on the submitted Partition Tentative Plat (see Exhibit 4). The existing right-of-way width along the 23<sup>rd</sup> Street NE frontage meets City standards. However, the applicant is proposing to construct a new sidewalk and install new street trees along the 23<sup>rd</sup> Street frontage to meet Collector Street requirements (see Exhibit 4).

**Section 803.030: Street Spacing.**

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

**COMMENT:**

The attached Partition Tentative Plat and Site Plan demonstrates that the block spacing between 23<sup>rd</sup> Street NE and Medical Center Drive NE is approximately 260-ft., the distance between D Street NE and B Street NE is 600-ft., the distance between Franzen Street NE and Gear Street is 140-ft., and the distance between NE Gear Street and Center Street NE is approximately 270-feet, meeting the above standards. However, the distance between D Street NE and Franzen Street NE is 770-ft., and the distance between B Street NE and Center Street NE is approximately 625-feet. Due to existing development on adjacent properties to the west and east of the site, the applicant's Site Plan indicates that alternate street standards are proposed. The proposed improvements include the development of a public pedestrian path and a driveway which align with B Street NE and provide a connection to Medical Center Drive. With the proposed improvements, Medical Center Drive will in turn provide additional public pedestrian paths and vehicle connections to D Street NE, Franzen Street NE, Gear Street NE, and Center Street NE. As required, the criteria for alternate street standards have been addressed under Section 803-065(a) in the narrative provided below.

- (b) Street spacing may be increased where one or more of the following exist:**
  - (1) Physical conditions preclude streets meeting the spacing requirements. Physical conditions include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, or a resource protected by state or federal law.**

**COMMENT:**

The attached Site Plan demonstrates that Franzen Street NE and Gear Street NE both connect to Medical Center Street NE, a private street that runs north-south along the west boundary of the site. Due to steep topography along the east side of Medical Center Drive NE, the applicant is not proposing to extend Franzen Street or Gear Street through the site. The applicant has addressed the criteria for Section 803-065(a) alternate street standards in the narrative below.

- (2) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude streets meeting the spacing requirements, considering the potential for redevelopment.**

**COMMENT:**

The applicant is requesting an alternate street design under Section 803.065(a) due to existing development on adjacent lands. Existing uses to the east and west of the site prevent the extension of B Street NE or a new east-west street from being developed through the site and to adjacent properties. To the east of the site across 23<sup>rd</sup> Street NE are Oregon Board Parole-Post Prison Services, apartments owned by the Salem Housing Authority, and D Street Park. West of the site are parcels that have been developed for Lee Mission Cemetery, various medical offices, and the Mid-Willamette Valley Community Action Agency.

- (3) An existing public street or streets terminating at the boundary of the development site exceed the spacing requirements, or are situated such that the extension of the street or streets into the development site would create a block length exceeding the spacing requirements. In such cases, the block length shall be as close to the spacing requirements as practicable.**

**COMMENT:**

As mentioned above the existing block distance between B Street NE and Center Street NE is approximately 625-feet. Since the Lee Mission Cemetery is located to the west of the site, the applicant is not proposing to extend B Street NE through the property. However, to ensure that access is provided as close to the 600-ft. access spacing standard as possible, the applicant is proposing to align a public pedestrian path and access drive with B Street NE. This public access connects to Medical Center Drive, which in turn, provides additional public pedestrian paths and vehicle connections to D Street NE, Franzen Street SE, Gear Street NE, and Center Street NE.

- (4) Strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network, and the proposed street network will accommodate necessary emergency access.**

**COMMENT:**

The attached Site Plan indicates that public pedestrian access and vehicle connections are provided through the site and to the adjacent Medical Center Drive/D Street, B Street/23<sup>rd</sup> Street, Franzen Street/Medical Center Drive, Gear Street/Medical Center Drive, and Center Street/Medical Center Drive intersections. The submitted plan demonstrates that the proposed street network equally accommodates emergency access, and vehicular, pedestrian, and bicycle traffic as strict application of the spacing requirements.

**Section 803.035: Street Standards.**

**All public and private streets shall be improved as follows:**

**(a) Connectivity.** Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:

**(1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.**

**COMMENT:**

The attached Site Plan demonstrates that Franzen Street NE and Gear Street NE both connect to Medical Center Street NE, a private street that runs north-south along the west boundary of the site. However, due to steep topography along the east side of Medical Center Drive NE, the applicant is not proposing to extend Franzen Street or Gear Street through the site. As required the applicant has addressed the criteria for Section 803-065(a) alternate street standards in the narrative below.

**(2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or**

**COMMENT:**

As discussed above, the applicant is requesting an alternate street design under Section 803.065(a) due to existing development on adjacent lands. Existing uses to the east and west of the site prevent the extension of B Street NE or a new east-west street from being developed through the site and to adjacent properties. To the east of the site across 23<sup>rd</sup> Street NE are Oregon Board Parole-Post Prison Services, apartments owned by the Salem Housing Authority, and D Street Park. West of the site are parcels that have been developed for the Lee Mission Cemetery, various medical offices, and the Mid-Willamette Valley Community Action Agency. Therefore, existing development precludes current or future connection to these adjacent properties.

**(3) The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.**

**COMMENT:**

The applicant is not proposing an alternate street design due to the factors listed above.

**(b) Improvements.** All street improvements, including sub-base,

**base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design Standards.**

- (c) Alignment and grade. All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of parkway, major arterial, or minor arterial shall exceed six percent. No grade of a collector street shall exceed eight percent. No grade of a local street shall exceed 12 percent.**

**COMMENT:**

As demonstrated by the attached Site Plan and Grading Plan, the proposed street improvements meet the above alignment and grade standards (see Exhibit 4).

- (d) Dead-end streets. When it appears necessary to provide connectivity into or through an abutting undeveloped area, a dead-end street shall be provided to the boundary of the undeveloped area. The street may be constructed and right-of-way may be dedicated without a turnaround unless the Planning Administrator finds that a turnaround is necessary.**

**COMMENT:**

The submitted Site Plan demonstrates that the proposed development does not include a dead-end street and turnarounds are provided within the proposed parking areas.

- (e) Reserve blocks. Reserve blocks controlling access to a street or alley may be required to be dedicated to address one or more of the following:**

**COMMENT:**

A reserve block is not required or proposed with this development, therefore the above standards do not apply.

- (f) Cul-de-sacs.**

**COMMENT:**

The proposed development is not associated with a cul-de-sac. Therefore, these standards do not apply.

- (g) Intersections; property line radius.**

- (1) Intersections shall conform to the Public Works Design Standards; provided, however, additional right-of-way and roadway improvements at or adjacent to the intersections of parkways, major arterials, minor arterials, and collector streets may be required for intersections and access points for high traffic generators,**



including, but not limited to, shopping centers, schools, major recreational sites, and office complexes.

- (2) **The property line radius at intersections shall be not less than the curbline radius as set forth in the Public Works Standards.**

**COMMENT:**

The attached Partition Tentative Plat demonstrates that the property line radius at intersections meets Public Works standards (see Exhibit 4).

- (h) **Cut and fill slopes. Fill slopes shall begin no closer than two feet from the rear edge of the sidewalk, or if there is no sidewalk, from to the rear edge of the curb. Cut and fill slopes shall not exceed two horizontal to one vertical, provided that slopes not exceeding one to one may be approved upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.**

**COMMENT:**

As demonstrated by the attached Grading Plan, the sidewalk improvements throughout the site and along 23<sup>rd</sup> St. NE are designed by a qualified engineer and grading meets the 2:1 max slope standard of this section.

- (i) **Slope easements. Slope easements shall be provided on both sides of the right-of-way where required by Public Works Design Standards.**

**COMMENT:**

Due to the presence of gentle slopes near the adjacent public rights-of-way, as well as single-ownership of the private street, it is not anticipated that slope easements will be required.

- (j) **Street alignment. Consistent with good engineering practice, street alignment shall, so far as possible, avoid natural and constructed obstacles, including, but not limited to, mature trees.**

**COMMENT:**

As demonstrated by the attached Site Plan and Tree Protection and Removal Plan, the proposed alignment of Medical Center Drive NE meets City standards (see Exhibits 4 and Exhibit 9).

- (k) **Street trees. Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.**

**COMMENT:**

The attached Planting Plan indicates that the proposed street trees along Center Street NE and 23<sup>rd</sup> Street NE meet Chapter 86 standards (see Exhibit 4).

**(I) Sidewalks.**

- (1) Sidewalk construction required. Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC chapter 78 shall be constructed as a part of street improvement projects.**

**COMMENT:**

The attached Site Plan indicates that a sidewalk will be installed along the 23<sup>rd</sup> Street NE frontage and walkways will be installed along Medical Center Drive where no pedestrian facilities are present (see Exhibit 4). As required, the proposed pedestrian facilities will conform with applicable City and Federal ADA standards.

**(2) Sidewalk location; width.**

- (A) Sidewalks shall be located parallel to and one foot from the adjacent right-of-way; provided, however, on streets having a right-of-way of 50 feet or less, sidewalks shall be located parallel to and abutting the curb.**

**COMMENT:**

The submitted Site Plan indicates that the proposed sidewalk along Medical Center Drive is parallel to and abutting the curb in accordance with the above standards (see Exhibit 4). Due to the location of the existing gas easement, curb line, and condition of the existing street trees along 23<sup>rd</sup> Street, the applicant is proposing an alternate location for the proposed sidewalk. The proposed design retains the existing curb location, provides a 5-ft. planter strip with new street trees, and installs a 5-ft. sidewalk that is partially located within an easement along 23<sup>rd</sup> Street. As required, the applicant has also addressed Salem Administrative Rule 109-500 Section 2.4 standards for the proposed street tree removal in the narrative provided below.

- (B) Except as otherwise provided in this subsection, all sidewalks shall be a minimum of five feet in width.**
- (C) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of eight feet in width along the right-of-way for a distance of 600 feet from the point of connection.**
- (D) Sidewalks shall have an unobstructed four-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.**

**COMMENT:**

As required, the proposed public sidewalk and interior walkways provide an unobstructed 5-ft. width. The pedestrian facilities are not located within the vicinity of a school.

- (m) Bicycle facility standards. Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must conform to the designation of the Salem Transportation System Plan and the Public Works Design Standards.**

**COMMENT:**

The site fronts Center Street NE, which is currently fully improved with bicycle lanes in accordance with the Bicycle Systems Map. The Transportation System Plan does not require the installation of bicycle facilities along 23<sup>rd</sup> Street NE, D Street NE, or Medical Center Drive. However, to facilitate safe travel around the proposed parking area on the site, the applicant is proposing to develop a separated 10-ft. wide bicycle and pedestrian pathway in the central portion of the site (see Exhibit 4).

- (a) Utility easements. Public utility easements may be required for all streets. Unless otherwise specified by the Director, public utility easements shall be a minimum of ten feet in width on each side of the right-of-way.**

**COMMENT:**

The attached Partition Tentative Plan illustrates that required public utility easements will be provided with the proposed land division (see Exhibit 4).

- (b) Street lights. All subdivisions and partitions, and all development on units of land for which site plan review is required, shall include underground electric service, light standards, wiring, and lamps for street lights that conform to the Public Works Design Standards. The developer shall install such facilities. Upon the City's acceptance of improvements, the street lighting system shall become the property of the City.**

**COMMENT:**

As required, the proposed multi-family development will include the installation of underground electric service and street lights as part of the Project on Tax Lot 4000.

- (c) Landscape strips. Landscape strips for signs, street lights, and shade trees shall be provided that conform to the Public Works Design Standards.**

**COMMENT:**

The attached Planting Plan demonstrates that the applicant is proposing landscaped areas along Medical Center Drive, and along the Center Street and 23<sup>rd</sup> Street frontages.

- (d) Landscaping. Property owners shall cover at least 75 percent of the unimproved surface area within the right-of-way abutting the property with perennial living plant material which conforms to all other requirements of the UDC, and which is kept free of noxious vegetation.**

**COMMENT:**

The attached Planting Plan indicates that the applicant will install plant materials within unimproved portions of the right-of-way to meet the above standards (see Exhibit 4).

- (e) Urban growth area street improvements. Where a subdivision or partition is located in the Urban Growth Area or the Urban Service Area, and the construction of street improvements by the City has not yet occurred, the street improvements and dedications shall meet the requirements of SRC chapter 200.**

**COMMENT:**

The proposed development includes a Partition application, therefore the requirements of SRC chapter 200 apply and are addressed in the above narrative.

**Section 803.040: Boundary Streets.**

- (a) General. Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following:**
  - (5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC chapter 56.**

**COMMENT:**

Parcel 1 contains the proposed Project and fronts Center Street NE to the south, D Street to the north, 23<sup>rd</sup> Street NE to the east of the site. Grear Street NE also connects to the west boundary of the property. These public rights-of-way are defined as boundary streets. Since the applicant is proposing the construction of buildings on the site, required improvements to the boundary streets will be conditions of approval for the proposed project.

- (b) Three-quarter street improvement. If construction of a half-street improvement is insufficient to provide for a minimum of one 12-foot-wide travel lane in each direction or proper street grade, dedication of right-of-way for, and construction or**

**improvement of, a three-quarter street improvement may be required.**

**COMMENT:**

The attached Existing Conditions Plan and Pre-Application Conference Report indicate that the existing pavement width for all of the boundary streets meets City standards (see Exhibits 2 and 4)

- (c) Additional right-of-way and improvements. Dedication and improvement of streets to greater widths than those provided in SRC 803.025 may be required when:**

**COMMENT:**

The attached Pre-Application Conference Notes indicate that street improvements greater than what is needed under Section 803.025 are not required for this development (see Exhibit 2).

- (d) Exceptions. Notwithstanding subsections (a) and (b) of this section, the dedication of right-of-way for, and construction or improvement of, boundary streets is not required in the following circumstances:**

**COMMENT:**

The applicant is not requesting a boundary street exception, therefore these standards do not apply.

- (e) Improvement.**

- (1) All boundary street improvements shall conform to this chapter and the Public Works Design Standards.**
- (2) The maximum amount of street widening shall not exceed 17 feet on the development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities, street lights, and signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12-foot-wide paved travel lane. The boundary street improvement shall be provided along the full length of the boundary.**

**COMMENT:**

Per the attached Site Plan, Center Street NE, which is designated a Major Arterial street, is fully improved. However, the applicant is proposing to dedicate 18-ft. of additional right-of-way along Center Street to meet City standards (see Exhibit 4). The east boundary of the site fronts 23<sup>rd</sup> Street NE, which is designated as a Collector street. To meet City standards, the applicant is proposing to install a sidewalk and street trees along the 23<sup>rd</sup> Street frontage. Gear Street NE currently meets Local street standards. D Street NE, which is classified as a Minor Arterial street, also meets City standards.

- (3) If development is proposed for only a portion of a development site or complex, the boundary street**

improvement shall be provided as follows:

**COMMENT:**

The submitted Site Plan indicates that the Project is located within proposed Parcel 1 and is adjacent to all of the boundary streets.

**Section 803.045: Monuments.**

**Proper monuments that conform to the Public Works Design Standards shall be constructed with street improvements.**

**COMMENT:**

In conformance with Public Works Design Standards, all required monuments will be installed with the proposed street improvements.

**Section 803.050: Public accessways.**

- (a) When necessary for public convenience or safety, public accessways may be required to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops, or other community services, or where it appears necessary to continue the public walkway into a future subdivision or abutting property or streets.**
- (b) Public accessways shall conform to the Public Works Design Standards, and have width and location as reasonably required to facilitate public use and, where possible, accommodate utility easements and facilities. Public accessways shall be dedicated on the plat.**

**COMMENT:**

To provide vehicular circulation and emergency vehicle access, the applicant is proposing a public accessway easement over Medical Center Dr. NE, a private street, from Center St. NE to D Street with a western connection to Gear Street NE. The location of existing public easements on the site are indicated on the attached Partition Tentative Plat (see Exhibit 4).

**Section 803.055: Traffic control, parking regulation, and street signs and pavement markings.**

**The developer shall install all required traffic control, parking regulation, street signs, and pavement markings for all paved blocks of streets within a subdivision or partition prior to final acceptance of the public streets by the City, or prior to the issuance of any building permit for construction within the subdivision or partition for private streets. All traffic control, parking regulation, and street signs and pavement markings shall conform to the Public Works Design Standards, and shall be installed at the developer's expense.**

**COMMENT:**

As required, traffic control and pavement markings associated with the street improvements will be completed prior to the issuance of building permits.

**Section 803.060: Conveyance by Dedication.**

**All streets within subdivisions or partitions, other than private streets allowed under SRC 803.020, shall be dedicated to the City on the plat.**

**COMMENT:**

The attached Partition Tentative Plat illustrates required right-of-way and easement dedications for the proposed land division (see Exhibit 4).

**Section 803.065: Alternative street standards.**

**(a) The Director may authorize the use of one or more alternative street standards:**

- 1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;**

**COMMENT:**

The applicant is requesting an alternate street design in lieu of the maximum 600-ft. block length requirement in Section 803.030 and Section 803.035(a). The attached Partition Tentative Plat and Site Plan demonstrates that the existing block spacing between 23<sup>rd</sup> Street NE and Medical Center Drive NE is approximately 260-ft., the distance between D Street NE and B Street NE is 600-ft., the distance between Franzen Street NE and Grear Street is 140-ft., and the distance between NE Grear Street and Center Street NE is approximately 270-feet, meeting the above standards. However, the distance between D Street NE and Franzen Street NE is 770-ft., and the distance between B Street NE and Center Street NE is approximately 625-feet.

The applicant is requesting an alternate street design due to existing development on adjacent lands. Existing uses to the east and west of the site prevent the extension of B Street NE or a new east-west street from being developed through the site and to adjacent properties. To the east of the site across 23<sup>rd</sup> Street NE are Oregon Board Parole-Post Prison Services, apartments owned by the Salem Housing Authority, and D Street Park. West of the site are parcels that have been developed for the Lee Mission Cemetery, various medical offices, and the Mid-Willamette Valley Community Action Agency.

The proposed improvements include the development of a public pedestrian path and a driveway which align with B Street NE and provide a connection to Medical Center Drive. With the proposed improvements, Medical Center Drive will in turn provide additional public pedestrian paths and vehicle connections to D Street NE, Franzen Street SE, Grear Street NE, and Center Street NE. Therefore, the submitted plan indicates that the proposed street network equally accommodates emergency access, and vehicular, pedestrian, and bicycle traffic when compared to the strict application of the spacing requirements.

- 2) **Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or**

**COMMENT:**

The applicant is not requesting an alternate street standard based on the above factor.

- 3) **Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.**

**COMMENT:**

The attached Site Plan demonstrates that Franzen Street NE and Grear Street NE both connect to Medical Center Street NE, a private street that runs north-south along the west boundary of the site. The Grading Plan indicates that due to steep topography along the east side of Medical Center Drive NE, the applicant is not proposing to extend Franzen Street or Grear Street through the site. However, the submitted plans illustrate that the proposed public pedestrian paths and access drives equally accommodate emergency access, and vehicular, pedestrian, and bicycle traffic when compared to the strict application of the spacing requirements.

- (b) **Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.**

**COMMENT:**

As required, the attached Tentative Partition Plat indicates that the applicant is proposing to provide public access easements to permit vehicular, pedestrian, and bicycle travel through the site and to adjacent public and private rights-of-way.

**Section 803.070: Deferral of construction of certain improvements.**

- (a) **Applicant initiated deferral. An applicant may apply to defer the construction of the following improvements, upon filing an application and paying the application fee:**

**COMMENT:**

The applicant is not proposing to defer the construction of required street improvements, therefore these standards do not apply.

**Chapter 804: Driveway Approaches**

**Section 804.010: Applicability.**

**This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.**



**COMMENT:**

The applicant is proposing to develop 2 new driveway approaches on 23<sup>rd</sup> Street NE for the apartment complex. Therefore, the standards of this chapter apply.

**Section 804.015: Driveway approach permit required.**

- (a) **Except as otherwise provided in this chapter, a driveway approach permit shall be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.**

**COMMENT:**

As required, a driveway approach permit will be obtained prior to constructing the proposed improvements.

**Section 804.025: Class 2 driveway approach permit.**

- (a) **Required. A Class 2 driveway approach permit is required for:**
  - (1) **A driveway approach onto a local, collector, minor arterial, major arterial, or parkway street providing access to a use other than single family, two family, three family, or four family;**
- (b) **Procedure type. A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.**

**COMMENT:**

Since 2 new driveway connections are proposed for 23<sup>rd</sup> Street NE, a Collector street, a Class 2 Driveway Approach is required. As required, the submitted application will be processed as a Type II procedure.

- (c) **Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:**
  - (1) **A completed application form.**
  - (2) **A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:**
    - (A) **The location and dimensions of the proposed driveway approach;**
    - (B) **The relationship to nearest street intersection and adjacent driveway approaches;**
    - (C) **Topographic conditions;**

- (D) The location of all utilities;
- (E) The location of any existing or proposed buildings, structures, or vehicular use areas;
- (F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
- (G) The location of any street trees adjacent to the location of the proposed driveway approach.

**COMMENT:**

As required, the applicant has submitted a complete application form and the submitted Site Plan, Grading Plan, Utility Plan, and Planting Plan include all of the information listed above (see Exhibit 4).

- (3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.
- (4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.

**COMMENT:**

The submitted Site Plan indicates that the proposed driveway approaches will serve a 120-unit apartment complex, providing access to the development's parking areas.

- (d) **Criteria. A Class 2 driveway approach permit shall be granted if:**
  - (1) The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;

**COMMENT:**

As demonstrated by the attached Site Plan and Grading Plan, the proposed driveway approach has been designed to meet Public Works Design Standards (see Exhibit 4). Therefore, this criterion is met.

- (2) No site conditions prevent placing the driveway approach in the required location;

**COMMENT:**

The proposed northern driveway approach is aligned with B Street, on the east side of 23<sup>rd</sup> Street NE. The submitted Site Plan demonstrates that the proposed southern driveway approach is nearly aligned with Bittern Street NE and meets the 200-ft. minimum spacing requirement from Center Street NE, a Major Arterial street. In addition, the 2 new driveways are spaced approximately 250-ft. from each other and the proposed locations meet sight distance requirements. Therefore, this criterion is met.

- (3) The number of driveway approaches onto an arterial are minimized;**

**COMMENT:**

The applicant is proposing 2 driveway approaches on 23<sup>rd</sup> Street NE, a Collector street. Therefore, this criterion does not apply.

- (4) The proposed driveway approach, where possible:
  - (A) Is shared with an adjacent property; or**
  - (B) Takes access from the lowest classification of street abutting the property;****

**COMMENT:**

The Existing Conditions Plan demonstrates that Medical Center Drive currently extends through the site and connects to D Street to the north, and Center Street NE on the south side of the subject property. Medical Center Drive also connects to Franzen Street NE and Grear Street NE along the west boundary of the site. To permit safe access to the proposed apartment complex parking areas without traveling through existing medical office parking lots along the north and east property lines of the site, the applicant is proposing to provide 2 driveway connections from 23<sup>rd</sup> Street NE, located along the east boundary of the apartment complex. This roadway is classified as a Collector street, while both Center Street and D Street are classified as Arterial streets. Therefore, this criterion is met.

- (5) The proposed driveway approach meets vision clearance standards;**

**COMMENT:**

The attached Site Plan and Planting Plan demonstrate that the proposed driveway approaches meet the City's vision clearance standards. Therefore, this criterion is met.

- (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**

**COMMENT:**

The proposed northern driveway approach is aligned with B Street NE, while the proposed southern driveway approach is nearly aligned with Bittern Street NE. Since B Street and Bittern Street are the only streets or driveways along 23<sup>rd</sup> Street NE between Center Street and D Street, the proposed driveway approaches will not create traffic hazards and will allow safe turning movements and access.

- (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;**

**COMMENT:**

As demonstrated by the submitted Site Plan, the proposed driveway approach will not create turning conflicts or otherwise result in significant adverse impacts. By permitting drivers to enter and exit the site from a lower classification street, safer turning movements will be provided for residents and delivery vehicles visiting the site.

- (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and**

**COMMENT:**

With the alignment of the proposed driveway approaches with B Street and Bittern Street, impacts to the functionality of 23<sup>rd</sup> Street NE and street intersections to the north and south are minimized. As such, this criterion is met.

- (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.**

**COMMENT:**

There are no residential zoned properties between D Street NE and Center Street NE, therefore this criterion does not apply.

**Section 804.035: Access onto Major and Minor Arterials.**

**(a) Number of driveway approaches.**

- (1) Except as otherwise provided in this chapter, a complex shall be entitled to one driveway approach onto a major or minor arterial. Additional driveway approaches for a complex may be allowed where:**
- (2) No driveway approach is allowed onto a major or minor arterial for development that is not a complex, unless:**

**COMMENT:**

The southern boundary of the subject site fronts Center St. NE, which is classified as a Major Arterial street, while the north boundary of the site fronts D Street NE, a Minor Arterial street. An existing private street, Medical Center Drive NE extends through the site and connects to the two arterial streets. As indicated by the attached Site Plan, the applicant is proposing to develop 2 driveway approaches from 23<sup>rd</sup> Street NE, a Collector street, to provide access to the apartment complex. Therefore, these standards are met.

- (b) Traffic volume threshold. No driveway approach onto a major or minor arterial shall be allowed unless the development generates 30 or more vehicle trips per day or the driveway approach provides access to a city park.**

**COMMENT:**

The applicant is not proposing to develop a new driveway approach onto a Major or Minor Arterial street. Therefore, this standard does not apply.

- (c) Permitted access.**
  - (1) For a corner lot that abuts a local or collector street, the driveway approach shall provide access to the street with the lower street classification.**

**COMMENT:**

The applicant is not proposing to develop a driveway approach onto a Major or Minor Arterial street. As shown on the Preliminary Site Plan, the applicant is proposing to develop 2 driveway approaches along the east boundary of the site to provide access to 23<sup>rd</sup> Street NE, a Collector street (see Exhibit 4). Therefore, this standard is met.

- (d) Spacing. Driveway approaches providing direct access to a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.**
- (e) Vision clearance. Driveway approaches onto major and minor arterials shall comply with the vision clearance requirements set forth in SRC chapter 805.**

**COMMENT:**

As mentioned above, Medical Center Drive NE, an existing private street, currently intersects with arterial streets along the south and north boundaries of the site. A new driveway approach with access to an arterial street is not proposed, therefore the above standards do not apply.

**Section 804.050: Driveway Approach Development Standards.**

**Driveway approaches shall conform to the following development standards:**

- (a) Design and construction. Driveway approaches shall be designed and constructed in conformance with this chapter and the Public Works Design Standards.**

**COMMENT:**

As required, the driveway approach will be designed and constructed to conform with Public Works standards.

- (b) Width.**

- (2) Driveway approach width for uses other than single family, two family, three family, and four family . Driveway approaches serving uses other than single family, two family, three family, and four family shall conform to the minimum and maximum widths set forth in Table 804-2.**
- (3) Measurement. For purposes of this subsection, driveway approach width shall be determined by measurement of the paved surface of the driveway at the property line.**

**COMMENT:**

In conformance with the maximum 40-ft. width standard in Table 804-2, the attached Site Plan indicates that 26-ft. wide driveway approaches with a 25-ft. radius are proposed, matching existing conditions at the 23<sup>rd</sup> Street and B Street intersection (see Exhibit 4).

- (c) Marking and signage. Where required by the Public Works Design Standards, driveway approaches shall be clearly marked or signed and maintained in conformance with the Public Works Design Standards.**

**COMMENT:**

As required, marking and signage will be installed to meet Public Works standards.

**Chapter 805: Vision Clearance**

**Section 805.005: Vision clearance areas.**

**Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.**

(a) **Street intersections. Vision clearance areas at street intersections shall comply with the following:**

(1) **Uncontrolled intersections. At uncontrolled intersections, the vision clearance area shall have 30-foot legs along each street.**

**COMMENT:**

The submitted Site Plan and Planting Plan demonstrate that vision clearance areas with 30-ft. legs are currently provided at the uncontrolled intersections at Medical Center Drive NE/Grear Street NE, and Medical Center Drive NE/Franzen Street NE.

(2) **Controlled intersections. At controlled intersections, the vision clearance area shall have a ten-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).**

**COMMENT:**

The submitted Site Plan and Planting Plan demonstrates that vision clearance areas with 10-ft. and 50-ft. legs are currently provided at the controlled intersection at Medical Center Drive NE/Center Street NE, and at Medical Center Drive NE/D Street NE.

(b) **Intersections with driveways, flag lot accessways, and alleys. Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:**

(1) **Driveways.**

(B) **Driveways serving uses other than single family and two family. Driveways serving uses other than single family and two family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).**

**COMMENT:**

The submitted Site Plan and Planting Plan demonstrates that a vision clearance area with 10-ft. and 50-ft. legs will be provided at the uncontrolled intersection for the 2 new driveway approaches on 23<sup>rd</sup> Street NE (see Exhibit 4).

**Section 805.010: Obstructions to Vision Prohibited.**

**Except as otherwise provided in this section, vision clearance areas**

shall be kept free of temporary or permanent obstructions to vision from 30 inches above curb level to 8.5 feet above curb level; provided, however, where there is no curb, the height shall be measured from the street shoulder. As used in this section, temporary or permanent obstruction includes any obstruction located in the right-of-way adjacent to the vision clearance area.

- (a) The following obstructions may be placed in a vision clearance area, unless the cumulative impact of the placement results in an obstruction to vision:
  - (1) A column or post, so long as the column or post does not create a visual obstruction greater than 12 inches side-to-side.
  - (2) Utility poles and posts, poles, or supporting members of street signs, street lights, and traffic control signs or devices installed by, or at the direction of, the Public Works Department or any other public agency having jurisdiction over the installation.
  - (3) On-street parking.

**COMMENT:**

As demonstrated by the attached Preliminary Site Plan and Planting Plans, only street signs will be located within the required vision clearance areas.

- (b) Trees. Trees may be planted within a vision clearance area provided they are a species listed on the parks approved street tree list, and they comply with the following:
  - (1) The planting area is sufficient to support the tree when mature.
  - (2) The tree will not interfere with overhead utilities.
  - (3) The tree is a species that can be trimmed/pruned to provide necessary visibility.

**COMMENT:**

The attached Planting Plan demonstrates that no trees are proposed within required vision clearance areas (see Exhibit 4).

**Chapter 806: Off-Street Parking, Loading and Driveways**

**Section 806.015: Amount Off-Street Parking.**



- (a) **Maximum off-street parking.**
  - (1) **Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.**
- (b) **Compact parking. Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.**
- (c) **Carpool and vanpool parking. New developments with 60 or more off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.**
- (d) **Required electric vehicle charging spaces. For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.**

**COMMENT:**

Table 806-1 indicates that a maximum of 210 off-street parking spaces (1.75/non-studio unit) may be developed for the proposed 120-unit apartment complex. The submitted Preliminary Site Plan illustrates that 145 standard, 4 ADA, and 62 compact spaces will be developed with the Project. To comply with ORS 455.417, the applicant must install conduit for a minimum of 40% of the available parking spaces, or 84 parking spaces, so they are ready for future electric vehicle charging stations. The proposed project provides charging stations for 2 of the proposed parking spaces. Another 83 parking spaces are enabled for enabled for future electric vehicle charging stations as illustrated on the attached Site Plan (see Exhibit 4). Since the applicant is proposing a residential development, carpool and vanpool parking are not required.

**Section 806.020: Method of Providing Off-Street Parking.**

- (a) **General. Off-street parking shall be provided through one or more of the following methods:**
  - (1) **Ownership. Ownership in fee by the owner of the property served by the parking;**

- (2) Easement. A permanent and irrevocable easement appurtenant to the property served by the parking;
- (3) Lease Agreement. A lease agreement;

**COMMENT:**

The proposed parking spaces are located on the same property served by the parking, therefore this standard is met.

**Section 806.035: Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.**

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

(a) General applicability. The off-street parking and vehicle use area development standards set forth in this section shall apply to:

- (1) The development of new off-street parking and vehicle use areas;
- (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
- (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
- (4) The paving of an unpaved area.

**COMMENT:**

The applicant is proposing to develop new off-street parking and vehicle use areas for a 120-unit apartment complex. Therefore, off-street parking standards apply.

(b) Location.

- (1) Generally. Off-street parking and vehicle use areas shall not be located within required setbacks.
- (2) Carpool and vanpool parking. Carpool and vanpool parking shall be located so it is the closest employee

parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.

- (3) **Underground parking.** Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.

**COMMENT:**

The attached Site Plan demonstrates that the proposed parking areas are not located within required setbacks. The applicant is not proposing to develop underground parking with this development. Also, since multi-family use is proposed, carpool and vanpool parking spaces are not required.

**(c) Perimeter setbacks and landscaping.**

**(1) Perimeter setbacks and landscaping, generally.**

- (A) **Perimeter setbacks.** Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:

**COMMENT:**

The applicant is not requesting an exception to the perimeter setback requirements of this section.

- (B) **Perimeter landscaping.** Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.

**COMMENT:**

The proposed development includes 120 multi-family dwelling units. As required, the applicant has addressed perimeter landscaping standards in the narrative provided below.

- (2) **Perimeter setbacks and landscaping abutting streets.** Unless a greater setback is required elsewhere within

the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.

- (A) **Method A.** The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

**COMMENT:**

The attached Planting Plan illustrates that the proposed parking and vehicle areas are setback at least 10-ft. from adjacent streets and Type A landscaping is provided (see Exhibit 4).

- (3) **Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.** Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

**COMMENT:**

The submitted Planting Plan demonstrates that a minimum setback of 5-ft. is provided between the proposed vehicle use areas and interior, front, side, and rear property lines. As required, proposed landscaping for these setback areas meets the Type A standard.

- (4) **Setback adjacent to buildings and structures.** Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

**COMMENT:**

As required, the attached Planting Plan indicates that a 5-ft. wide landscape strip or a paved walkway is provided between vehicle areas and buildings (see Exhibit 4).

**(d) Interior landscaping.**

- (1) Interior landscaping, generally. Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:**

**COMMENT:**

Since the proposed off-street parking areas exceed 5,000 sq. ft., interior landscaping standards apply to the development.

- (2) Minimum percentage of interior landscaping required. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.**
- (3) Trees. A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.**
- (4) Landscape islands and planter bays. Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).**

**COMMENT:**

The attached Preliminary Site Plan demonstrates that the asphalt surfaced parking lot area exceeds 50,000 sq. ft., therefore, according to Table 806-5, 8% of interior landscaping is required. The submitted Planting Plan demonstrates that the perimeter landscaping around the parking areas, landscape islands, and planter bays will total at least 8% of the vehicle parking area. As required, deciduous shade trees are planted for every 12 parking spaces to create a canopy effect, and landscape islands and planter bays meet the above requirements.

- (e) Off-street parking area dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6; provided, however, minimum off-street parking area dimensions shall not apply to:**

- (1) Vehicle storage areas.
- (2) Vehicle display areas.

**COMMENT:**

The submitted Site Plan indicates that the proposed standard, compact, and ADA parking stalls meet the dimensional requirements of Table 806-6.

- (f) **Off-street parking area access and maneuvering. In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:**
  - (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
  - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.

**COMMENT:**

As required, the proposed vehicle parking areas are designed so that vehicles can enter and exit the street in a forward manner. The attached Site Plan illustrates turnaround areas where a drive aisles terminate at a dead-end (see Exhibit 4).

- (g) **Grade. Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent**

**COMMENT:**

The attached Grading Plan demonstrates that the proposed parking and vehicle use areas do not exceed the maximum 15% grade standard (see Exhibit 4).

- (h) **Surfacing. Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-9). Such two-foot landscaped area counts towards meeting interior off-street parking area landscaping requirements, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:**

**COMMENT:**

The submitted Site Plan demonstrates that all off-street parking and vehicle use areas will be surfaced in asphalt (see Exhibit 4).

- (i) **Drainage. Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.**

**COMMENT:**

As demonstrated by the attached Grading Plan and Utility Plan, the off-street parking and vehicle use areas will be graded and drained in accordance with Public Works standards (see Exhibit 4). Detailed construction plans for the parking areas will be submitted for City review when building permits are requested for the development.

- (j) **Bumper guards or wheel barriers. Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property; provided, however, bumper guards or wheel barriers are not required for:**

**COMMENT:**

The attached Site Plan indicates that the applicant is proposing to install wheel stops for all of the proposed off-street parking spaces.

- (k) **Off-street parking area striping. Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:**

**COMMENT:**

The attached Preliminary Site Plan demonstrates that off-street parking area striping will be provided in accordance with Table 806-6 dimensional standards.

- (l) **Marking and signage.**
  - (1) **Off-street parking and vehicle use area circulation. Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.**
  - (2) **Compact parking. Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.**

**COMMENT:**

As required, all marking and signage requirements will be met for the proposed vehicle parking areas.

- (m) **Lighting.** Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

**COMMENT:**

A lighting plan will be submitted with the applicant's request for construction permits to demonstrate that the vehicle parking areas meet City standards.

- (n) **Off-street parking area screening.** Off-street parking areas with more than six spaces shall be screened from abutting residentially zoned property, or property used for uses or activities falling under household living, by a minimum six-foot-tall sight-obscuring fence, wall, or hedge; provided, however, screening is not required for vehicle storage areas within the IG zone.

**COMMENT:**

The subject site does not abut residential zoned properties or residential uses. Therefore, this standard does not apply.

**Section 806.040:** Driveway development standards for uses or activities other than single family, two family, three family, or four family unless otherwise provided under the UDC, driveways for uses or activities other than single family, two family, three family, or four family shall be developed and maintained as provided in this section.

- (a) **Access.** Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC chapter 804.
- (b) **Location.** Driveways shall not be located within required setbacks except where:
  - (1) The driveway provides direct access to the street, alley, or abutting property.
  - (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.



**COMMENT:**

The submitted Site Plan indicates that the applicant is proposing to develop single driveways for ingress and egress with connections to Medical Center Drive NE and 23<sup>rd</sup> Street NE. The plan demonstrates that the off-street parking areas have adequate space for vehicles to turn around before exiting the site. Therefore, the above standards are met.

**(c) Setbacks and landscaping.**

**(1) Perimeter setbacks and landscaping, generally. Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:**

**(A) The driveway provides direct access to the street, alley, or abutting property.**

**COMMENT:**

The submitted Site Plan indicates that the proposed driveways serving the parking areas directly access adjacent streets, therefore perimeter setbacks are not required (see Exhibit 4).

**(2) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).**

**COMMENT:**

The attached Planting Plan illustrates that the proposed parking and vehicle areas are setback at least 10-ft. from adjacent streets and Type A landscaping is provided (see Exhibit 4).

**(3) Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.**

**COMMENT:**

The submitted Planting Plan demonstrates that a minimum setback of 5-ft. is provided between the proposed vehicle use areas and interior, front, side, and rear property lines. As required, proposed landscaping for these setback areas meets the Type A standard.

**(d) Dimensions. Driveways shall conform to the minimum width set**

forth in Table 806-7.

**COMMENT:**

The applicant is proposing to develop two 26-ft. wide two-way driveway approaches for the apartment complex. Therefore, the minimum 22-ft. wide driveway standard is met.

- (e) **Surfacing.** All driveways, other than access roads required by the Public Works Design Standards to provide access to City utilities, shall be paved with a hard surface material meeting the Public Works Design Standards. Access roads required by the Public Works Design Standards to provide access to City utilities shall be an all-weather surface material meeting the Public Works Design Standards; provided, however, the first ten feet of the access road leading into the property, as measured from the property line, shall be paved with a hard surface material.
- (f) **Drainage.** Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
- (g) **"No Parking" signs.** Driveways shall be posted with one "no parking" sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.

**COMMENT:**

The attached Site Plan indicates that the proposed driveway will be surfaced in asphalt. The submitted Grading Plan and Utility Plan demonstrate that the driveway will be graded and drained to meet Public Works standards. As required, no parking signs will be installed along the driveway in accordance with the above standards.

**Section 806.045: Bicycle Parking; When Required.**

- (a) **General applicability.** Bicycle parking shall be provided as required under this chapter for:
  - (1) Each proposed new use or activity.
  - (2) Any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity.
  - (3) Any intensification, expansion, or enlargement of a use or activity.

**COMMENT:**

The applicant is proposing to develop a 120-unit apartment complex on the site, therefore bicycle parking standards apply to the new use.

**Section 806.050: Proximity of Bicycle Parking to Use or Activity Served.**

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

**COMMENT:**

As indicated by the attached Architectural Floor Plans and Site Plan illustrate that the proposed bicycle parking spaces will be located on the subject site (see Exhibit 4).

**Section 806.055: Amount of Bicycle Parking.**

- (a) Minimum required bicycle parking. Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-8.**
- (b) Long-term bicycle parking. Long-term bicycle parking may be provided to satisfy a percentage of the minimum bicycle parking spaces required under this chapter. Such long-term bicycle parking shall not exceed the amounts set forth in Table 806-8. The maximum percentage of long-term bicycle parking allowed is based solely on the minimum number of bicycle parking spaces required. This standard shall not be construed to prohibit the provision of additional long-term bicycle parking spaces provided the minimum number of required spaces is met. (Example: A restaurant requiring a minimum of four bicycle parking spaces may, but is not required to, designate one of the required spaces as a long-term space. Additional short-term and long-term spaces may be provided as long as the minimum required three short-term spaces are maintained).**

**COMMENT:**

Per Table 806-8, a total of 120 bicycle parking spaces are required for the 120-unit apartment complex. As shown on the Site Plan, 24 long-term spaces are provided in the apartment units, 60 short-term spaces are provided at buildings, 8 short-term spaces in the common areas, and 28 short-term spaces are provided in covered corral spaces.

**Section 806.060: Bicycle Parking Development Standards.**

**Unless otherwise provided under the UDC, bicycle parking shall be provided in racks or lockers developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.**

- (a) Location. Except as otherwise provided in this section, bicycle parking shall be located outside a building.**

- (1) Short-term bicycle parking. Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.**

**COMMENT:**

The applicant is not proposing to develop short-term bicycle parking spaces within an enclosed building space. As required, the proposed short-term spaces are visible and are not located more than 50 feet from primary building entrances.

- (2) Long-term bicycle parking**

- (A) Generally. Long-term bicycle parking shall be located:**

- (i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or**
    - (ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.**

- (B) Long-term bicycle parking for residential uses. Long-term bicycle parking spaces for residential uses shall be located within:**

- (i) A residential dwelling unit;**
    - (ii) A lockable garage;**
    - (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;**
    - (iv) A lockable bicycle enclosure; or**
    - (v) A bicycle locker.**

**COMMENT:**

The submitted Site Plan and Architectural Floor Plans indicate that the proposed long-term bicycle parking spaces are located within the identified ground floor units within Building Type 1 and Building Type 2 (see Exhibit 4).

- (b) Access.** Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

**COMMENT:**

As demonstrated by the attached Site Plan and Architectural Floor Plans, the proposed bicycle spaces have direct, accessible, and unobstructed access from the structures to public rights-of-way.

- (c) Dimensions.** Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:
  - (1) Bicycle parking spaces.** Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-9.
  - (2) Access aisles.** Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-9. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

**COMMENT:**

The applicant's Architectural Floor Plans indicate that the proposed bicycle parking spaces and aisles meet the minimum dimension standards of Table 806-9 (see Exhibit 4).

- (d) Surfacing.** Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

**COMMENT:**

As proposed, the bicycle parking areas will be surfaced in concrete or similar material meeting Public Works standards.

- (e) Bicycle racks.** Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
  - (1) Racks must support the bicycle in a stable position.**
    - (A) For horizontal racks,** the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.

- (B) For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U- shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

**COMMENT:**

As required, horizontal and vertical bicycle racks meeting City standards will be provided for each bicycle parking space.

- (f) **Bicycle lockers.** Where bicycle parking is provided in lockers, the lockers shall meet the following standards:

**COMMENT:**

The applicant is not proposing to provide bicycle lockers, therefore these standards do not apply.

**Section 806.065: Off-Street Loading Areas; When Required.**

- (a) **General applicability.** Off-street loading shall be provided and maintained as required under this chapter for:
  - (1) Each proposed new use or activity.
  - (2) Any change of use or activity, when such change of use or activity results in a greater number of required off- street loading spaces than the previous use or activity.
  - (3) Any intensification, expansion, or enlargement of a use or activity.

**COMMENT:**

The attached Site Plan indicates that 1 off-street loading space is proposed with the Project. The space near the Clubhouse is 12-ft. wide by 19-ft. deep and will have 12-ft. of vertical clearance, meeting Table 806-11 standards (see Exhibit 4).

**Section 806.070: Proximity of Off-Street Loading Areas to Use or Activity Served.**

**Off-street loading shall be located on the same development site as the use or activity it serves.**

**COMMENT:**

As required, the Preliminary Site Plan demonstrates that all loading spaces are located on the same property as the proposed development and are accessible to the activities or uses served. The location of the proposed loading spaces will allow for convenient delivery of packages to the residential buildings and the community building.

**Section 806.075: Amount of off-street loading.**

**Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-10.**

**COMMENT:**

Table 806-10 is not found among the Chapter 806 codes. However, Table 806-11 provides minimum loading space requirements and dimensions for a variety of uses. As demonstrated on the Preliminary Site Plan, and as stated above, the requirements for loading spaces for a multi-family use development with greater than 100 units are met.

**Section 806.080: Off-Street Loading Development Standards.**

**Unless otherwise provided under the UDC, off-street loading shall be developed and maintained as set forth in this section.**

- (a) Location. Off-street loading areas shall not be located within required setbacks.**
- (b) Perimeter setbacks and landscaping. Perimeter setbacks and landscaping, as set forth in this subsection, shall be required for off-street loading areas abutting streets and abutting interior front, side, and rear property lines. Perimeter setbacks and landscaping are not required for off-street loading areas abutting an alley.**
  - (1) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setback and landscaping standards set forth under SRC 806.035(c)(2).**
  - (2) Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A landscaping standard of SRC chapter 807.**

**COMMENT:**

The attached Site Plan demonstrates that the proposed loading spaces are not located within required setback areas, and minimum landscaped setbacks are provided to adjacent properties.

- (c) **Dimensions.** Loading areas shall conform to the minimum dimensions set forth in Table 806-10.
- (d) **Maneuvering.** Off-street loading areas shall be of sufficient size, and all curves and corners of sufficient radius, to accommodate the safe operation of a delivery vehicle.

**COMMENT:**

In accordance with Table 806-11, each proposed loading space is 12-ft. wide by 19-ft. deep and will have 12-ft. of clearance. The submitted Site Plan demonstrates that adequate space for the maneuvering of delivery vehicles is provided (see Exhibit 4).

- (e) **Surfacing.** All loading areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, paving is not required for:

**COMMENT:**

The attached Site Plan indicates that the loading spaces will be surfaced in asphalt in accordance with Public Works standards.

- (f) **Drainage.** Loading areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

**COMMENT:**

The attached Grading Plan and Utility Plan demonstrate that the loading areas will be drained in accordance with Public Works standards.

- (g) **Lighting.** Lighting for off-street loading areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

**COMMENT:**

As required, a lighting plan will be submitted with the project's request for construction permits so that City staff can verify that the lighting meets the above City standards.

**Chapter 807: Landscaping and Screening**

**Section 807.015: Landscaping and screening.**



Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.

- (a) **Landscaping types.** Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.
- (b) **Plant materials and corresponding plant unit values.** Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials shall provide for a minimum 75 percent coverage of required landscaped areas within five years.
- (c) **Preservation of existing trees and vegetation.** The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.

**COMMENT:**

The attached Site Plan and Planting Plan demonstrates that the proposed landscaping meets Type A standards as defined by Table 807-1. The submitted Planting Plan indicates that the proposed plant units meet City requirements (see Exhibit 4). Included with the attached Arborist Report is a Tree Protection and Removal Plan, including an Existing Tree Inventory Table and Tree Count Table, to demonstrate that existing trees have been retained to the extent possible (see Exhibit 9).

- (d) **Tree replanting requirements.** In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection.
  - (1) **Removal of trees within required setbacks.** When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.
  - (2) **Removal of trees from development site.** When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for

removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

**COMMENT:**

The attached Arborist Report and Tree Protection and Removal Plan indicates that there are 60 non-exempt trees, of which 44 are proposed for removal. In addition, there are 7 significant non-Oregon Oak trees, of which none are proposed for removal. There are no significant Oregon Oak trees on the site and no trees will be removed within the setback areas. Therefore, less than 75% of the existing trees will be removed.

- (e) **Screening standards. Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:**
  - (1) **Height.** Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.
  - (2) **Opacity.** Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.
  - (3) **Maintenance.** Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.

**COMMENT:**

The required landscaping needs to meet Type A standards, therefore screening is not required for the proposed development. The applicant's proposed perimeter planting has been illustrated on the attached Planting Plan (see Exhibit 4).

- (f) **Berm.** Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with

**plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.**

**COMMENT:**

Berms are not required for the proposed development, therefore these standards do not apply.

- (g) Street trees. Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.**

**COMMENT**

To meet Chapter 86 standards, the applicant is retaining 4 existing street trees and will plant 1 additional tree along the Center Street NE frontage (see Exhibit 4). The submitted Planting Plan also illustrates that the applicant is proposing to plant 26 street trees along the 23<sup>rd</sup> Street NE frontage to meet City standards. Due to the site's limited frontage along Gear Street NE and D Street NE, street trees cannot be planted along the frontage of those public streets.

**Section 807.020: Landscaping plan.**

- (a) All building permit applications for development subject to the landscaping requirements of this chapter shall include a landscaping plan.**
- (b) Landscaping plans shall be of a size and form established by the Planning Administrator, and shall include the following:**
  - (1) Scale and north arrow.**
  - (2) Lot dimensions and footprint of structure(s).**
  - (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.**
  - (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.**
  - (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.**
  - (6) Fence or wall materials, when screening is required**

under the UDC.

**(7) Abutting land uses.**

**COMMENT:**

The submitted Planting Plans and Site Plan demonstrate that all of the required information listed above is provided (see Exhibit 4).

**(8) The type, size, and location of:**

- (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.**
- (B) Existing trees, as defined under SRC chapter 808, proposed for removal.**

**COMMENT:**

The attached Arborist Report and Tree Protection and Removal Plan provides an Existing Tree Inventory Table and Tree Count Table, indicating which existing trees are proposed for removal (see Exhibit 9).

**(9) Notwithstanding subsection (b)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.**

**COMMENT:**

The applicant's Tree Protection and Removal Plan identifies all of the existing trees on the subject site.

**(10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.**

**COMMENT:**

As required, an irrigation plan meeting the above standards will be submitted for review prior to the issuance of building permits.

**(11) A two-year plant establishment schedule for:**

- (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or**

**(B) New vegetation located within stormwater facilities.**

**COMMENT:**

The applicant understands that a two-year establishment schedule will be required for the proposed GSI ponds. As mentioned above, an irrigation system will be installed to ensure the survival of all other landscaped areas on the site.

**Section 807.025: Plant Material Standards.**

**All plant materials shall be, upon installation, vigorous and well-branched, with healthy and well-furnished root systems free of disease, insects, pests, and injuries.**

**COMMENT:**

The submitted Planting Plan includes General Planting Notes specifying that the above standards will be met.

**Section 807.030: Tree protection measures during construction.**

**Trees used to meet the landscaping requirements set forth in this chapter shall be protected during construction as provided under SRC chapter 808.**

**COMMENT:**

As required, tree protection measures will be provided with the proposed development so that the retained trees are protected during construction.

**Section 807.040: Irrigation.**

**(a) A permanent underground or drip irrigation system with an approved backflow prevention device shall be provided for all landscaped areas required under the UDC; provided, however, a permanent underground or drip irrigation system is not required for:**

**(1) Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;**

**(2) New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material;**

and

- (3) New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.

- (b) Wherever feasible, sprinkler heads irrigating lawns or other high-water-demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, or other reduced-water-requirement areas.

**COMMENT:**

As required, the applicant will submit an irrigation plan meeting the above requirements when construction permits are requested for the site.

**Chapter 808: Preservation of Trees and Vegetation**

**Section 808.010: Heritage trees.**

- (a) Designation of heritage trees. The Council may, by resolution, designate a heritage tree upon nomination by the property owner, in recognition of the tree's location, size, or age; botanical interest; or historic or cultural significance.

**COMMENT:**

As demonstrated by the attached Tree Protection and Removal Plan, there are no heritage trees associated with the subject site. Therefore, these standards do not apply.

**Section 808.015: Significant Trees.**

No person shall remove a significant tree, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045.

**COMMENT:**

As required, the proposed removal of regulated trees will not occur until required permits are issued by the City.

**Section 808.020: Trees and Native Vegetation in Riparian Corridors.**

No person shall remove a tree in a riparian corridor or native vegetation in a riparian corridor, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Roots, trunks, and branches of trees removed in riparian corridors shall remain within the riparian corridor, unless determined to be a potential hazard or impediment to stream flow by the Director.

**COMMENT:**

No riparian corridors are located within the site. Therefore, this section does not apply.

**Section 808.025: Trees on Lots or Parcels 20,000 Square Feet or Greater.**

No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential, two family residential, three family residential, four family residential, or a cottage cluster.

**COMMENT:**

The applicant is requesting approval of a Class 3 Site Plan Review and a Tree Removal Permit. As required, no trees will be removed onsite unless permitted in accordance with the above standards.

**Section 808.030: Tree and vegetation removal permits.**

**(a) Applicability.**

- (1) Except as provided in subsection (a)(2) of this section, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a tree and vegetation removal permit has been issued pursuant to this section.**

**COMMENT:**

As mentioned above, the applicant is requesting approval of a Tree Removal Permit with the Class 3 Site Plan Review.

- (2) Exceptions. A tree and vegetation removal permit is not required for the removal of trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 when the removal is:**

**COMMENT:**

The applicant does not request an exception to the tree removal requirements, therefore these standards do not apply.

- (b) Procedure type. A tree and vegetation removal permit is processed as a Type I procedure under SRC chapter 300.**

**COMMENT:**

The applicant's request for a Class 3 Site Plan Review includes the proposed removal of on-site trees. Therefore, the Tree Removal Permit application follows a Type II procedure.

- (c) Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree and vegetation removal permit shall include the following:**

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:**
  - (A) The total site area, dimensions, and orientation relative to north;**
  - (B) Site topography shown at two-foot contour intervals;**
  - (C) The location of any existing structures on the site;**
  - (D) The type, size, and location of trees and native vegetation to be preserved or removed;**
  - (E) The locations and descriptions of staking or other protective devices to be installed for trees and native vegetation to be preserved; and**



- (F) The site plan may contain a grid or clear delineation of phases that depict separate areas where the work is to be performed.

**COMMENT:**

As required, the applicant has submitted a Tree Protection and Removal Plan and a Planting Plan meeting the above requirements (see Exhibit 9).

- (2) In addition to the information required by subsection (c)(1) of this section, an application for tree or native vegetation removal connected with restoration activity in a riparian corridor shall include:

**COMMENT:**

The applicant is not proposing removal of trees or native vegetation in a riparian corridor, therefore these standards do not apply.

- (d) Approval criteria. An application for a tree and vegetation removal permit shall be granted if one or more of the following criteria are met:

- (1) Hazardous tree. The condition or location of the tree presents a hazard or danger to persons or property; and the hazard or danger cannot reasonably be alleviated by treatment or pruning, or the tree has a disease of a nature that even with reasonable treatment or pruning is likely to spread to adjacent trees and cause such trees to become hazardous trees.

**COMMENT:**

There are no identified hazardous trees on the subject site, therefore this criterion is met.

- (2) Repair, alteration, or replacement of existing structures. The tree or native vegetation removal is reasonably necessary to affect the otherwise lawful repair, alteration, or replacement of structures existing as of June 21, 2000, the footprint of the repaired, altered, or replacement structure is not enlarged, and no additional riparian corridor area is disturbed beyond that essential to the repair, alteration, or replacement of the existing structure.

**COMMENT:**

The applicant is not proposing to repair, alter, or replace an existing structure, therefore this criterion does not apply.

- (3) Water-dependent activities. The tree or native vegetation removal is necessary for the development of a water-dependent activity, and no additional riparian corridor area will be disturbed beyond that essential to the development of the water-dependent activity.**

**COMMENT:**

There are no water-dependent activities associated with the proposed apartment complex, therefore this criterion does not apply.

- (4) Restoration activity within riparian corridor. The tree or native vegetation removal is required for a restoration activity within a riparian corridor designed to improve the habitat, hydrology, or water quality function of the riparian corridor, and:**

**COMMENT:**

The applicant is not proposing a restoration activity within a riparian corridor, and a riparian corridor is not identified within the site. Therefore, this criterion is met.

- (5) Removal of significant tree in connection with the construction of a development other than single family, two family, three family, four family, or cottage cluster. The removal of the significant tree is necessary for the construction of a development other than single family, two family, three family, four family, or cottage cluster and:**

**COMMENT:**

The attached Arborist Report and Tree Protection and Removal Plan indicates that there are 7 significant trees on the subject site and all these trees will be retained. Therefore, the above standards do not apply.

**Section 808.035: Tree conservation plans.**

- (a) Applicability. A tree conservation plan is required in**

**conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.**

**COMMENT:**

The applicant is not proposing to create lots for single-family to four-family uses or cottage clusters. Therefore, a tree conservation plan is not required.

**Section 808.045: Tree Variances.**

- (a) Applicability. Tree variances may be granted to allow deviation from the requirements of this chapter where the deviation is reasonably necessary to permit the otherwise lawful development of a property.**
- (b) Procedure type. A tree variance is processed as a Type II procedure under SRC chapter 300.**

**COMMENT:**

Per Section 808.046(a)(3)(A), up to 30% of the critical root zone of a retained tree may be disturbed when an arborist submits a report indicating that the long-term health of the tree will not be impacted by the proposed development. The attached Arborist Report indicates that more than 30% of the critical root zones of Trees 2419, 2420, 2429, and 4098 will be disturbed during construction activities. Therefore, a concurrent Tree Variance application has been submitted for the proposed impacts to those trees. As required, the variance will be processed as a Type II procedure.

- (c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a tree variance shall include the following:**
  - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:**
    - (A) The total site area, dimensions, and orientation relative to north;**
    - (B) The location of any existing structures on the site;**
    - (C) Identification of the type, size, and location of all existing trees on the property;**
    - (D) Identification of those trees proposed for preservation and those designated for removal; and**
    - (E) The location of roads, bridges, utilities, and other improvements;**

**COMMENT:**

As required, the attached Site Plan and Tree Removal and Protection Plan include all of the information listed above (see Exhibits 4 and 9).

- (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, an application for a tree variance shall include:**

**COMMENT:**

The subject site does not include a riparian corridor, therefore the above standards do not apply.

- (d) Approval criteria. A tree variance shall be granted if either of the following criteria is met:**

- (1) Hardship.**

- (A) There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance; and**

**COMMENT:**

As demonstrated by the Existing Conditions Plan, the subject site is encumbered by a number of utility easements which limit the locations where the proposed affordable housing units can be constructed. The site also contains Medical Center Drive NE, a private street that provides access to medical offices on adjacent properties. In addition, steep slopes along the east side of Medical Center Drive limit how the site may be developed. Where possible, existing trees have been incorporated into the site layout and Trees 2419, 2420, 2429, and 4098 have been retained within large planter areas to protect their critical root zones. Since construction activities within the critical root zones of those trees will be monitored by the project arborist, and special construction techniques identified in the Arborist Report will be used, special conditions that apply to the property can be effectively mitigated by the requested tree variance.

- (B) The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity; or**

**COMMENT:**

The attached Site Plan and Grading Plan demonstrate that impacts to the critical root zones of Trees 2419, 2420, 2429, and 4098 are necessary to provide access through the site to meet City and ADA standards. To minimize impacts, excavation activities will be overseen by the project arborist and modified pavement profiles as discussed in the Arborist Report will be used. By following the recommendations in the Arborist Report, City standards pertaining to access will be met and impacts to the critical root zone will be minimized.

- (2) Economical use.**

**COMMENT:**

The applicant is not requesting approval of the Tree Variance application under this criterion.

**(e) Conditions of approval.**

- (1) Conditions may be imposed on the approval of a tree variance to ensure compliance with the approval criteria and to limit any adverse impacts that may result from granting the tree variance.**
- (2) In addition to any condition imposed under subsection (e)(1) of this section, where a variance is proposed to the requirements for the preservation of trees and native vegetation in riparian corridors, the approval shall include the following conditions:**

**COMMENT:**

As required, the applicant will fulfill all conditions of approval associated with the Tree Variance application.

**Section 808.046: Protection measures during construction.**

**Except where specific protection requirements are established elsewhere under the UDC, any trees or native vegetation required to be preserved or protected under the UDC shall be protected during construction as follows:**

- (a) Trees. All trees shall be protected during construction with the installation of an above ground silt fence, or its equivalent.**
  - (1) The above ground silt fence shall encompass 100 percent of the critical root zone of the tree.**
  - (2) Within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.**
  - (3) Notwithstanding SRC 808.046(a)(2):**
    - (A) Up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of the property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.**

- (B) Fences, patios, landscaping and irrigation, and accessory and similar structures that do not require a building permit, may be placed or constructed within the critical root zone of a tree.
- (b) Native vegetation. All native vegetation shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
  - (1) above ground silt fence shall be located around the perimeter of the native vegetation.
  - (2) Within the area protected by the above ground silt fence, native vegetation shall not be removed and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.
- (c) Duration. Protection measures required under this section shall remain in place until issuance of notice of final completion for the dwelling unit(s) on the lot, or issuance of certificate of occupancy in all other cases.

**COMMENT:**

The attached Tree Protection and Removal Plan and Planting Plan demonstrate that the above tree protection measures will be implemented while construction activities occur on the site (see Exhibits 4 and 9).

**Section 808.050: Tree planting requirements.**

- (a) Within development proposals for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.

**COMMENT:**

The applicant is not proposing a single-family to four-family developments or cottage clusters, therefore the tree planting requirements of Table 808-1 do not apply.

**Section 808.055: Tree and Native Vegetation Replacement Standards within Riparian Corridors.**

**Where replacement of trees and native vegetation within a riparian corridor is required by this chapter, the replacement shall comply with the following:**

**COMMENT:**

The applicant is not proposing to remove trees or native vegetation within a riparian corridor, therefore these standards do not apply.

**Chapter 809:      Wetlands**

**Section 809.010:    Criteria for Identification.**

**Using the Local Wetlands Inventory, a functional and quality of all inventoried wetlands within the City and the UGB, and the best available information, the Director shall identify local wetlands as locally significant or non-significant.**

**(a) A wetland shall be identified as locally significant if it meets one or more of the following criteria:**

**(1) The wetland performs any of the following functions according to the OFWAM:**

- (A) Provides diverse wildlife habitat;**
- (B) Provides intact fish habitat;**
- (C) Provides intact water quality function; or**
- (D) Provides intact hydrologic control function.**

**COMMENT:**

Per the Salem-Keizer Local Wetland Inventory (LWI) and the attached City Pre-Application Conference Report, the subject site does not contain identified wetlands (see Exhibit 2). Therefore, wetland standards do not apply to the submitted application.

**Chapter 810:      Landslide Hazards**

**Section 810.005:    Applicability.**

**This chapter applies to all areas of land designated as Moderate Landslide Hazard Risk or High Landslide Hazard Risk pursuant to this chapter.**

**COMMENT:**

The attached Pre-Application Conference Report indicates that the subject site contains a moderate landslide hazard risk within a designated Category 3 Landslide Hazard Area. As required, site conditions have been reviewed and the attached Geotechnical Report was prepared by a qualified engineer (see Exhibit 7). Findings indicate that there is minimal hazard risk for landslides within the proposed development area.

**Section 810.020: Landslide hazard construction permit.**

**(a) Applicability.**

- (1) Except as provided in subsection (a)(2) of this section, no person shall engage in any of the following activities in areas designated as moderate or high total landslide hazard risk without first obtaining a landslide hazard permit.**
  - (A) Excavation or fill, as independent activity, exceeding two feet in depth or 25 cubic yards of volume;**
  - (B) Installation or construction of any structure greater than 500 square feet in area;**
  - (C) Alteration, enlargement, reconstruction, or relocation of a structure greater than 500 square feet in area that requires any modification to the foundation;**
  - (D) Land division, planned unit development, or manufactured dwelling park; or**
  - (E) Tree removal, as an independent activity, on regulated slopes greater than 60 percent.**

**COMMENT:**

As required, a landslide hazard construction permit will be obtained prior to the commencement of any grading activities on the site.

- (b) Procedure type. A landslide hazard construction permit is processed as a Type I procedure under SRC chapter 300.**

**COMMENT:**

As required, the applicant will obtain the required landslide hazard construction permit through a Type I procedure.

- (c) Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a landslide hazard construction permit shall include the following:**
  - (1) A completed application form.**
  - (2) A geological assessment, geotechnical report, or both, as applicable.**



**COMMENT:**

Since a portion of the site is identified as containing a Category 3 Landslide Hazard, this application includes the submittal of the attached Geotechnical Report (see Exhibit 7).

- (d) Criteria. A landslide hazard construction permit shall be granted if:**
  - (1) The geological assessment, geotechnical report, or both, as applicable, meets the standards of this chapter; and**

**COMMENT:**

The submitted Geotechnical Report demonstrates that the document meets the standards of this chapter (see Exhibit 7).

- (2) The geological assessment, geotechnical report, or both, as applicable:**
  - (A) Indicates the development can proceed without a risk of landslide hazard; or**
  - (B) Sets forth mitigation measures that will reduce or eliminate the risk of landslide hazard.**

**COMMENT:**

The attached Geotechnical Report indicates that the proposed development can proceed without a risk of landslide hazard and includes specific construction recommendations for this multi-family project (see Exhibit 7).

- (e) Director may have report re-reviewed. The Director may, at the City's expense, elect to have an independent certified engineering geologist or geotechnical engineer, selected from a list of prequalified consultants, review the report or its conclusions.**

**COMMENT:**

If required by the Director, the submitted report may be re-reviewed at the City's expense.

- (f) Conclusions and recommendations. Conclusions and recommendations set forth in an approved geological assessment or geotechnical report shall be incorporated as conditions of approval of the landslide hazard construction permit. The landslide hazard construction permit shall be incorporated into any land use approval connected with the regulated activity.**

**COMMENT:**

As required, the City will include conclusions and recommendations from the attached Geotechnical Report in conditions of approval for the landslide hazard construction permit.

**Section 810.025: Landslide Hazard Risk Assessment.**

- (a) **Response Tables.** The Graduated Response Tables set forth in this subsection are used to determine the total landslide hazard risk and required level of site investigation for regulated activities under this chapter. To determine the total landslide hazard risk, follow the steps set forth in this subsection. Where any portion of a proposed activity is identified under multiple landslide susceptibility ratings, the highest rating shall apply.
- (1) **Step One: Earthquake Induced Landslide Susceptibility.** Select one assigned point value from Table 810-1A and proceed to step two.
  - (2) **Step Two: Water-Induced Landslide Susceptibility.** Select one assigned point value from Table 810-1B and proceed to step 3
  - (3) **Step Three: Activity Susceptibility Ratings.** Select one assigned point value from Table 810-1C and proceed to step four.
  - (4) **Step Four: Cumulative Score.** Add the sub-totals from Tables 810-1A, 810-1B, and 810-1C. Proceed to step five.
  - (5) **Step Five: Total Landslide Risk.** Determine the total landslide hazard risk from Table 810-1E. If the total landslide hazard risk meets or exceeds the thresholds for moderate or high landslide hazard risk set forth in Table 810-1E, a geological assessment, geotechnical report, or both, as applicable, shall be provided by the applicant, and the action specified therein undertaken or insured before any regulated activity may be permitted or approved.
- (b) After determining the total landslide hazard risk under subsection (a) of this section, the following shall be required:
- (1) **Moderate landslide hazard risk.** If application of Table 810-1E indicates a moderate landslide hazard risk, a geological assessment shall be submitted for all regulated activities. If the geological assessment indicates that mitigation measures are necessary to safely undertake the regulated activity, a geotechnical report prepared by a certified engineering geologist and geotechnical engineer shall be submitted.

**COMMENT:**

As mentioned above, the City's Pre-Application Conference Report indicates that the site is classified as containing a moderate landslide risk. As required, the applicant has submitted a Geotechnical Report for the proposed development. The report concludes that the site is suitable for the proposed project when recommendations from the report are incorporated into the design and are implemented during construction (see Exhibit 4).

**Section 810.030: Standards for Geological Assessments and Geotechnical Reports.**

**Geological assessments and geotechnical reports required under this chapter shall include the information required by this section.**

- (a) Geotechnical report. A geotechnical report shall include a comprehensive description of the site topography and geology; an opinion as to the adequacy of the proposed development from an engineering standpoint; an opinion as to the extent that instability on adjacent properties may adversely affect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed development; and specific requirements for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable development. The report shall provide other recommendations, as necessary, commensurate with the project grading and development. The geotechnical report shall bear the stamp of a certified engineering geologist and geotechnical engineer.**

**COMMENT:**

The submitted Geotechnical Report demonstrates that the document was prepared in conformance with the above standards (see Exhibit 7).

**Chapter 900: Sign Code**

**Section 900.010: General Rule.**

- (a) No person shall construct, erect, enlarge, alter, or relocate any sign, or install electrical parts, wiring, or illumination in or upon a sign, until all required permits have been obtained, including, but not limited to, sign permits, building permits, electrical permits, and any other permit required under federal, state, or local law.**
- (b) Except as provided in SRC 900.030, no person shall erect, construct, enlarge, alter, repair, move, improve, convert, equip, use, or maintain any sign, or cause or permit the same**

to be done, in violation of any provision of this chapter or a permit issued hereunder.

- (c) Nothing in this chapter is intended, nor shall be construed, to permit the erection, construction, enlargement, alteration, or maintenance of any sign at any place or in any manner unlawful under any other federal, state, or local law. When any part of this chapter conflicts with another provision of federal, state, or local law, the provision that establishes the stricter standard shall control.

**COMMENT:**

The applicant will be requesting a permit for signage regulated by Chapter 900 through a separate application process.

**C. DEPARTMENT OF PUBLIC WORKS ADMINISTRATIVE RULE**

**Chapter 109, Division 500, Section 002: Trees on City Owned Property**

**Section 2.3: Protection of City Trees**

**(a) General**

Injury of City trees is generally prohibited by SRC Chapter 86, unless authorized by a valid permit from the City. The provisions of this Rule are intended as a guide to ensure that projects are designed to avoid injury to City trees where possible. Where impacts to City trees are unavoidable, this Rule shall guide the determination whether to issue a permit for the project. The permit process is designed to require the implementation of best management practices in order to eliminate or minimize adverse effects on healthy City trees. The methods for developing tree protection best management practices will be determined through the permit process and in consultation with the City's Urban Forester. Section 2.6(b) of this Rule exempts some activities from the permitting requirement because of the low likelihood to produce adverse impacts.

**COMMENT:**

The attached Existing Conditions Plan indicates that there are 4 existing street trees along the site's Center Street NE frontage, and 15 existing street trees along the 23<sup>rd</sup> Street SE frontage. The applicant's Planting Plan indicates that the existing trees will be protected and 1 additional street tree will be planted along the Center Street frontage. Due to the condition and location of the existing street trees along the 23<sup>rd</sup> Street frontage, the applicant is proposing to remove the trees and replace them with 21 new street trees (see Exhibit 4). As required, the applicant has addressed the reasonable alternatives analysis standards in the narrative provided below.

## Section 2.4: Reasonable Alternatives Analysis

- (a) **General.** The City desires to preserve unique, valuable, and healthy City trees. In many circumstances alternatives to removal or pruning can be implemented in order to avoid significant tree damage and/or removal. This allows subject trees to continue thriving in urban areas, which is the City's desired outcome. Alternative treatments, project designs, or construction practices/materials shall be required if reasonable based on the thresholds discussed below.

### COMMENT:

The Tree Protection and Removal Plan included with the Arborist Report indicates that Trees 1194-1198, 1837, 1839-1841, 2427-2428, 3173, and 6189-6191 are located in the 23<sup>rd</sup> Street NE right-of-way adjacent to the subject site (see Exhibit 9). The report includes a Tree Inventory, which states that all of these street trees are Norway maples, which is an invasive species. Furthermore, the inventory determined that the trees have large expansive surface roots which have been damaged by previous mowing activities. Therefore, the street trees proposed for removal along 23<sup>rd</sup> Street are not classified by a certified arborist as valuable or healthy City trees. As required, the applicant has evaluated alternative project designs in the narrative provided below.

- (b) **Required Documentation.** The assessment and documentation of reasonable alternatives is required to obtain a permit for the removal of City trees under the criteria of SRC 86.090(a)(8) and (9), and prior to root pruning pursuant to SRC 86.070(b). The determination of whether an alternative is reasonable will vary depending on a variety of circumstances. Where no reasonable alternatives exist, the applicant for a permit shall document the basis for that conclusion as part of the permit application.

### COMMENT:

This narrative and the attached Site Plan include the assessment and documentation of reasonable alternatives.

**Where a City tree is proposed to be removed under SRC 86.090(a)(8) or (9), or root pruned under SRC 86.070(b), the first step in the assessment of reasonable alternatives will be the evaluation and classification of the tree at issue. There are three general classifications that will affect the reasonable alternatives analysis:**

- (1) **Class 1.** Healthy, structurally stable trees that are: (A) Heritage trees, (B) Oregon white oaks with a dbh of 24-inches or greater, or (C) trees with exceptional ecological, aesthetic or historic qualities, will require the most rigorous assessment of alternatives. The City will generally not permit the removal or root pruning of such trees unless the applicant can demonstrate that they

have conducted a thorough and searching analysis and made a determination that no alternative is reasonable under the circumstances. Alternatives that must be examined include: redesign of the project; use of alternative construction practices/materials; alternative locations for the work; and other methods to meet the goals of the project. High cost of an alternative, alone, may not be enough to make an alternative unreasonable for trees that fall into this classification. The Director must concur with the applicant's determination that no reasonable alternatives exist, prior to permits being issued for trees in this class.

**COMMENT:**

As demonstrated by the Tree Inventory, the 15 street trees proposed for removal are not heritage trees, Oregon white oaks, or trees with exceptional ecological, aesthetic, or historic qualities (see Exhibit 9).

- (2) **Class 2. Other healthy, structurally stable trees that have a viable lifespan of more than five years, but that do not meet Class 1 criteria will require the applicant to demonstrate that they have conducted a basic assessment of alternatives and made a determination that no alternative was reasonable under the circumstances. Applicants shall still consider alternatives including redesigning the project and use of alternative construction practices/materials, and must be able to demonstrate why potential alternatives are not reasonable. High cost of an alternative relative to the proposed project cost and the value of the tree or trees is enough to make an alternative unreasonable for trees in this category. Director concurrence is not required.**

**COMMENT:**

The attached Tree Inventory indicates that the street trees are classified as Class 2 trees since they are structurally stable and will be viable for at least 5 years. To evaluate reasonable alternatives for the proposed street tree removal, the applicant included 4 exhibits with the submitted Site Plan (see Exhibit 4). The first Existing Condition Exhibit illustrates that the face of the curb along 23<sup>rd</sup> Street is approximately 7-ft. from the property line. The existing street trees are located very close to the property line. Behind the property line is an existing 10-ft. wide gas line easement and the proposed apartment structures are setback 2-ft. from the gas easement. On the west side of the proposed buildings, there is only 2 to 4-ft. of buffer width between the structures and a 20-ft. wide water easement that crosses the site. To meet Collector Street standard, the applicant is required to install a 5-ft. wide curb separated sidewalk along the 23<sup>rd</sup> Street frontage.

The Alternate 1 Exhibit shows how the existing trees might be retained if the 5-ft. sidewalk were installed adjacent to the curb. However, since the trees have large surface roots, they would be severely impacted by the sidewalk construction. The attached Arborist Report also indicates that Norway maple trees are an invasive species and a number of the trees are in poor to fair health. This alternative is also not preferred since it locates the sidewalk adjacent to the curb, which is less desirable for pedestrians, and does not meet City standards.

The Alternate 2 Exhibit also retains the existing trees, but locates the sidewalk adjacent to the proposed buildings. This option is undesirable since it would route pedestrian traffic directly next to ground floor residential units. Also, since the large surface roots of the invasive tree species are expansive, there still could be significant damage to the trees when constructing this option.

The Site Plan indicates that the Proposed Alternative Exhibit shows the removal of the existing trees. With this option new street trees would be installed within a 5-ft wide planter strip adjacent to the curb. To meet Collector Street standards, the Proposed Alternate locates a 5-ft. sidewalk on the back side of the planter strip, partially within an access easement. This preferred solution would provide an adequate 8.5-ft. buffer between the back of the sidewalk and the proposed buildings. The design would allow the removal of the invasive tree species and the health of the replacement trees could be ensured within the dedicated planter strip area. This option is also favored since future tree root encroachment into the gas line easement will be minimized.

- (3) Class 3. Trees that are 6-inches dbh or less, or that do not fall into either of the above classifications shall require a minimal assessment of reasonable alternatives. Applicants must merely demonstrate that they considered alternatives to removal or root pruning, and no alternative exists that would cost roughly the same or would merely require minor modifications to the proposed project. Director concurrence is not required.**

**COMMENT:**

The street trees along 23<sup>rd</sup> Street NE exceed 6" dbh, therefore they do not qualify as Class 3 trees.

- (c) Alternative Methods to Prevent Root Pruning or Tree Removal. The following alternatives should be considered before removing or pruning City trees or tree roots that may result in tree instability or decline, including but not limited to:**

- (1) Grinding a raised surface edge**

**COMMENT:**

There is no existing sidewalk along 23<sup>rd</sup> Street NE, therefore this alternative method to prevent tree removal does not apply.

- (2) Ramping the paved surface over the roots or lifted slab.**

**COMMENT:**

This method might be used when installing a sidewalk with Alternate 1 or 2, however the Arborist Report documents large expansive street tree roots along 23<sup>rd</sup> Street. Also, because the Norway maple trees are an invasive species and the surface roots are already damaged, this alternative method provides limited benefits.

- (3) Routing the sidewalk or driveway around the tree roots.**

**COMMENT:**

The applicant evaluated this method with Alternate 2. However, this method requires the public sidewalk to be located directly adjacent to ground floor residential units in the proposed structures. This option also would retain street trees that are an invasive species.

- (4) Use of alternative paving, hardscape, and/or base course materials, where approved by the City.**

**COMMENT:**

Use of alternative materials could be used for either Alternative 1 or 2, however this does not resolve the fact that there are expansive surface roots and the existing street trees are an invasive species.

- (5) Use of root saws, chemical treatments, or pipe lining to inhibit or prevent root growth.**

**COMMENT:**

The existing street trees are fairly mature and large, and expansive surface roots have already been established. Therefore, additional surface root growth is unlikely to be inhibited by the above methods.

- (6) Relocation of a utility to a new location**

**COMMENT:**

There is an existing 10-ft. wide gas line easement along the 23<sup>rd</sup> Street frontage. It is not economically feasible to relocate this utility, and it is necessary to undertake this method, when addressing the surface roots and invasive species issues.

**IV. SUMMARY AND CONCLUSIONS**

Based on the above findings, the applicant has demonstrated compliance with applicable sections of the Salem Unified Development Code. Therefore, the applicant requests that the concurrent Class 3 Site Plan Review, Partition, Property Line Adjustment, Class 2 Adjustment, Tree Removal, Tree Variance, Historic Clearance Review, Street Tree Removal, and Class 2 Driveway Approach applications be approved.



**VI. EXHIBITS**

- 1. Application Forms**
- 2. Pre-Application Conference Report**
- 3. Property Deed and Title Report**
- 4. Preliminary Development Plans**
  - Tentative Plat**
  - Property Line Adjustment Map**
  - Civil Plans**
  - Landscape Plans**
  - Architectural Plans**
- 5. Trip Generation Estimate**
- 6. Neighborhood Association and Salem-Keizer Transit Contact**
- 7. Geotechnical Report**
- 8. Stormwater Management Memo**
- 9. Arborist Report and Tree Protection Plan**
- 10. Letter of Support from Northeast Neighbors Association (NEN)**
- 11. Land Use Application Completeness Review, Dated December 28, 2023**
- 12. Applicant's Response to December 28, 2023 Completeness Review**