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CITY OF SALEM
APPLICATION FOR LAND USE REVIEW

CENTER/23rd STREET NE
APARTMENTS PH II
CONCURRENT SITE PLAN REVIEW,
ADJUSTMENT, TREE VARIANCE, AND
HISTORIC CLEARANCE REVIEW
APPLICATIONS

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

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

June 12, 2024

APPLICANT'S STATEMENT

PROJECT NAME:	Center/23 rd Street NE Apartments PH II
REQUEST:	Concurrent Approval of a Type II Land Use Review for a Class 3 Site Plan, Class 2 Adjustment, Tree Variance, and Historic Clearance Review for a 60-Unit Apartment Complex
ASSESSOR'S DESCRIPTION:	Portion of Tax Lot 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
SITE AREA:	3.29 +/- 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

II. BACKGROUND:

The applicant, Greenlight – Home First LLC, seeks approval to develop a 60-unit affordable multi-family project (“Project”), also identified as Center/23rd Street Apartments PH II, at 2561 Center Street NE. The adjacent previously reviewed Phase I development included a 2 lot partition of Tax Lot 4000 of Tax Map 073W24CC, development of a 120-unit apartment complex on Parcel 1, and a Property Line Adjustment between Parcel 2 and Tax Lot 3900. The current Project will be developed on Parcel 2, which is the northwest portion of Tax Lot 4000 consisting of 3.29 acres (“Property”). The Project requires approval of a Class 3 Site Plan Review, Class 2 Adjustment, Tree Variance, and Historic Clearance Review applications. The applicant seeks to process these approvals concurrently.

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 has evaluated the site for historic and cultural resources and has initiated State Historic Preservation Office and Oregon Tribal consultation. Report findings have also been submitted to the City of Salem Archaeologist. Based on these discussions, the applicant is proposing to provide a 48,252 sq. ft. conservation easement for the Archaeological Preservation Area identified on the attached Site Plan (see Exhibit 4). As required, a report detailing historic and cultural resources on the Property will be submitted 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, is located in an area with a wide variety of uses, Comprehensive Plan Map, and Zoning Map designations. Directly to the south 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. 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. Directly east of the site is the applicant’s Phase I project, which is also zoned MU-I and has some shared facilities with the current Project. Across 23rd 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 23rd 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 of the site is Seed of Faith Ministries with a CO (Commercial Office) zone and COM Comprehensive Plan designation. To the northeast is Childhood Health, which is zoned MU-I with a MU designation. Also, 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. West of the site is the Lee Mission Cemetery, which is zoned PC (Public and Private Cemetery) and is designated CSC (Community Service Cemetery).

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 trees are located along the western site boundary. The attached Tree Protection and Removal Plan illustrates that 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 the Property. 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 60 apartment units within 5 multi-family structures (see Exhibit 4). The development will also include one (1) trash enclosure, a maintenance building, and a total of 60 bicycle parking spaces within the apartment units, next to the buildings, and within several bike parking corrals. The proposed on-site vehicle parking areas provide a total of 67 spaces, of which 27 are EV enabled spaces. An additional 16 parking spaces provided for Phase II were included within the Phase I development. Amenities provided in Phase I that also serve Phase II include additional trash enclosures, a 3,100 sq. ft. clubhouse with offices and a community room, a basketball court, a play structure, and a plaza with outdoor seating. Phase II includes a 48,252 sq. ft. conservation easement for an archaeological preservation area. Since this conservation easement area cannot be developed, the applicant is requesting a modification to the site's calculated landscape area and planting requirements of Section 807.015(b).

Along the southern boundary of the property is Franzen Street NE, a private street which will be improved with the Project. Access to the proposed parking area and Franzen Street NE is provided via an access easement along Medical Center Drive, another private street. Medical Center Drive borders the east boundary of the Property and provides connections to Center Street NE to the South, 23rd Street NE to the East, and D Street NE to the north. Improvements to these roadways are provided with the Phase I development so that they meet City standards. Therefore all transportation facilities in the vicinity of the site have the capacity to serve the proposed Project.

Public utilities are also 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. Public utilities will be extended along Medical Center Drive with the Phase I development. The applicant's Utility Plan illustrates that domestic and fire water lines will extend to Phase II from Medical Center Drive. Sanitary sewer service for proposed apartment buildings will also be provided by extending service from the main line within Medical Center Drive. Stormwater will be managed by directing runoff from impervious surfaces to a proposed Green Stormwater Infrastructure (GSI) pond in the southeast corner of the Property (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, and Letter of Support from the Northeast Neighbors Association have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use applications meet the criteria for approval.

II. 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 220: Site Plan Review

Section 220.005: Site Plan Review

- (a) 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 60-unit apartment complex and a parking area (see Exhibit 4). Therefore, a Site Plan Review application has been submitted for land use review prior to a future building permit request.

(b) 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 discussed above, the applicant has submitted a concurrent Adjustment application for a deviation from the Development Code. Therefore, this land use application is classified as a Class 3 Site Plan Review.

(c) 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.

(e) 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. The Property is zoned MU-I (Mixed Use-I), which permits multi-family development, and is located in an area with a wide variety of uses, Comprehensive Plan Map, and Zoning Map designations. Directly to the south 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. 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. Directly east of the site is the Center/23rd Street Apartments PH I project, which is also zoned MU-I and has some shared facilities with the current Project. Across 23rd 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 23rd 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 of the site is Seed of Faith Ministries with a CO (Commercial Office) zone and COM Comprehensive Plan designation. To the northeast is Childhood Health, which is zoned MU-I with a MU designation. Also, 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. West of the site is the Lee Mission Cemetery, which is zoned PC (Public and Private Cemetery) and is designated CSC (Community Service Cemetery).

(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 and Site Plan (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).

- (f) 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:

Along the southern boundary of the property is Franzen Street NE, a private street which will be improved with the Project. Access to the proposed parking lot and Franzen Street NE is provided via an easement through Medical Center Drive, a private street. Medical Center Drive provides connections to Center Street NE to the South, 23rd Street NE to the East, and D Street NE to the north. Since the proposed affordable housing use will generate less vehicle trips than the previous use as Oregon Hospital's Salem Rehabilitation Center, Traffic Impact Analysis is not required (see Exhibit 5). Phase I of the apartment complex included improvements to Medical Center Drive and frontage improvements along 23rd Street NE. These improvements to the transportation system provide safe, orderly, and efficient circulation of traffic when Phase II 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 sidewalks along 23rd Street, Center Street, and D Street. Safe bicycle and pedestrian travel are encouraged and facilitated by a 10-ft. wide path within the Phase I development that routes around the parking lot and provides connections to the public sidewalk system and nearby transit services. Proposed bicycle parking for Phase II is illustrated on the Site Plan and Building Floor Plans. The submitted Site Plan also demonstrates that emergency vehicle access is accommodated within the proposed parking area (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 a GSA pond.

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 has evaluated the site for historic and cultural resources and has initiated State Historic Preservation Office and Oregon Tribal consultation. Report findings have also been submitted to the City of Salem Archaeologist. Based on these discussions, the applicant is proposing to provide a 48,252 sq. ft. conservation easement for the identified Archaeological Preservation Area on the Site Plan. If inadvertent discovery of archaeological resources occurs during construction activities outside of the protection area, City, State, and Tribal agencies will be notified.

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:

As mentioned previously, the Project is intended to provide needed affordable multi-family housing units for the community. As directed by the attached Pre-Application Conference Report, the applicant evaluated the site for historic and cultural resources, findings were provided to the State Historic Preservation Office and Oregon Tribal Consultation was initiated (see Exhibit 2). Report findings have also been submitted to the City of Salem Archaeologist. Based on discussions with these agencies, the applicant is proposing to provide a 48,252 sq. ft. conservation easement for the Archaeological Preservation Area identified on the attached Site Plan (see Exhibit 4). Since the preservation area cannot be developed, the applicant is requesting an Adjustment to exclude the easement area from the planting requirements of Section 807.015(b). The preservation area constitutes approximately 34% of the subject site. 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 is requesting an adjustment to the landscape standards of Section 807.015(b) for a 48,252 sq. ft. portion of the site that is designated as an archaeological preservation area. Since a conservation easement will be dedicated for this area and development is prohibited, the landscape standards are inapplicable and an adjustment is sought under prong A(i) of this criterion.

The general purpose statement for Chapter 807, Landscaping and Screening, is *“The purpose of this chapter is to establish standards for required landscaping and screening under the UDC to improve the appearance and visual character of the community, promote compatibility between land uses, encourage the retention and utilization of existing vegetation, and preserve and enhance the livability of the City.”* The applicant has addressed the purpose of the specific development standards proposed for adjustment below.

The proposed adjustment meets the approval criteria as follows:

If the proposed archaeological preservation area were included as landscape area for the apartment complex, it would need to meet Type A general landscape requirements. Section 807.015(b) references Table 807-1, Landscaping Types, which requires 1 plant unit for every 20 sq. ft. of landscaped area. Of the required plant units, 40 percent of the units must be mature trees, shade trees, and/or evergreen/conifer trees. Therefore, if this standard is applied to the archaeological preservation area, 2,457 additional plant units would be required for the affordable housing project, including 983 tree plant units. This is equivalent to 98 shade trees, or 197 evergreen trees, or 492 ornamental trees, or an equivalent combination of the tree types. However, dedication of a conservation easement in the northern portion of the site excludes this area from development. This will permit the archaeological preservation area to be retained in its current natural state so that impacts to cultural resources do not occur. Since the purpose of the landscape requirements is to improve the appearance of areas which are integrated into developments, Section 807.015(b) standards are clearly inapplicable to the proposed development.

(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:

Only one adjustment is proposed, therefore this criterion does not apply.

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:

The Property contains 3.29 acres and 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:

Per Table 533-2., there are no lot area minimums or lot width or depth minimums for the MU-I zone. As illustrated by the Existing Conditions Plan, access to the site is provided through Franzen Street NE and Medical Service Drive NE private access easements (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 3.29-acre Property requires a minimum density of 49 units. The applicant is proposing to develop a 60-unit apartment complex on the subject site in compliance with the standard.

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

COMMENT:

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. However, the standards 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:

The application narrative and submitted Preliminary Development Plans address street frontage requirements for the apartment complex. 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 all proposed structures within the site meet the maximum height standard.

- (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 submitted 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 67 off-street parking stalls with the 60-unit apartment complex. An additional 16 parking stalls included with the Phase I development also serve the Phase II apartment buildings.

- (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:

Zone-to-zone standards include a 5-ft. setback and Type A screening requirement between the proposed parking area and the CO zoned parcel to the north, the CR-zoned properties to the south, and the MU-I zoned property to the east. The P zoned parcel to the west requires a Type C screening requirement. The attached Planting Plan demonstrates that the required setback and landscaping is provided in accordance with City 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.

- (h) **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. As demonstrated by the attached Site Plan, the subject site does not front a public right-of-way or a primary street (see Exhibit 4). Therefore, pedestrian-oriented design standards do not apply to the proposed development.

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:

The applicant is not proposing a land division with this land use application, therefore lot shape, size, and lot line configuration standards do not apply. The submitted Site Plan demonstrates that the proposed buildings are entirely located on the Property.

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 existing grades on the site are not steep. 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:

No special setbacks are required for the Property. Therefore, these standards do not apply.

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 Building Elevations indicate that the proposed apartment structures 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 submitted Landscape Plan demonstrates that no street-abutting fences or walls are proposed with this development.

- (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 fences or walls are proposed with this development.

- (3) 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.

- (4) 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 attached Grading Plan demonstrates that the applicant is not proposing to develop a retaining wall with the proposed development. Therefore, the above standards do not apply.

- (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 required vision clearance areas will be provided at the private street intersections (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 chain-link 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:

As required, fencing constructed of permitted materials will be installed around the trash enclosure.

- (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 not proposing to develop a wall within the Project area. Therefore, the above materials standards do not apply.

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**
 - (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 a proposed trash enclosure with the parking area. A shared use agreement will be established so that additional trash enclosures within the Phase I development site will also be available for Phase II apartment residents. The applicant has submitted an Accessory Structures Plan demonstrating that a concrete pad area meeting the above standards will be provided for the proposed solid waste and recycling storage facility (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 enclosure 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 chain-link 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 enclosure 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 gate for the trash enclosure is less than 15-ft., therefore it 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 area is free of obstructions and meets 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 enclosure is 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, shared common open space areas on the site and within the Phase I development, and the sidewalks along Center Street NE, Medical Center Drive NE, and 23rd 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, walkways within the Phase I development, and 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:

The applicant is not proposing to develop a parking structure or garage, therefore these standards do not apply.

- (4) Connection to existing or planned paths and trails. Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site,

the path or trail shall:

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:

Access to the proposed parking area is provided from Franzen Street NE, a private street, via Medical Center Drive NE, another private street. Medical Center Drive borders the west boundary of Phase I of the apartment complex and provides connections to Center Street NE to the South, 23rd Street NE to the East, and D Street NE to the north. Improvements to these public street are provided with the Phase I development. The transportation improvements accommodate vehicular, pedestrian, and bicycle modes of travel.

- (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 pond (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.

- (c) Stormwater management shall be provided by above ground and below ground facilities.

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 attached Site Plan indicates that with the Phase II project, the applicant is proposing to improve Franzen Street NE, a private drive that connects to Medical Center Drive NE. The Phase I development included improvements to Medical Center Drive, Center Street NE, and 23rd Street NE. With these 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 either Phase I or the currently proposed Phase II development (see Exhibit 5). Required transportation improvements for both phases were identified by Public Works staff in the attached Pre-Application Conference Report (see Exhibit 2). All of the required transportation improvements to Medical Center Drive, Center Street, and 23rd Street were included with the Phase I development.

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:

Franzen Street NE, an existing private street, is located in the southern portion of the Property. The attached Site Plan indicates that the applicant is proposing to improve this private street with new paved surfaces for vehicle travel lanes, parking stalls, and pedestrian facilities (see Exhibit 4). Franzen Street connects to Medical Service Drive NE, which is also a private street. The Phase I development includes improvements to Medical Service Drive, which in turn provides connections to 23rd Street NE, D Street NE, and Center Street NE. As required, the owner of the Property will be responsible for on-going maintenance of Franzen Street NE.

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:

No public rights-of-way are located within the Project area. Therefore, these standards do not apply (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 adjacent Phase I improvements to Medical Center Drive NE provides public pedestrian paths and vehicle connections to D Street NE, Franzen Street NE, Gear Street NE, 23rd Street NE, and Center Street NE. Since the Phase II Project is accessed through Franzen Street and these other transportation improvements, 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 site access through Franzen Street NE connects to Medical Center Street NE, a private street that runs north-south along the east boundary of the Property. Medical Center Drive and 23rd Street exceed the 600-ft. access spacing requirement between D Street NE and Center Street NE. However, due to steep topography along the east side of Medical Center Drive NE, Franzen Street could not be extended to NE 23rd Street through the Phase I development. Therefore, the applicant is requesting alternative street standards based on this physical condition.

- (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 attached Grading Plan demonstrates that Phase I is graded to accommodate the development of a clubhouse, parking area, and an apartment building directly east of the intersection of Franzen Street and Medical Center Drive. Therefore, development on adjacent lands precludes the extension of Franzen Street to 23rd Street.

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 connects to Medical Center Drive NE, a private street that runs north-south along the east boundary of the site. Due to steep topography along the east side of Medical Center Drive NE, extension of Franzen Street NE to 23rd street NE was not feasible with the Phase I development. The submitted Site Plan indicates that with the proposed development, Franzen Street will continue to provide access to adjacent parcels to the west of the Phase II Project.

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

An existing connection is provided between Franzen Street NE and Medical Center Drive NE. This connection complies with City standards.

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

COMMENT:

The submitted Site Plan demonstrates that the proposed development does not include a dead-end street, reserved blocks, or cul-de-sacs. As required, a turnaround is provided within the proposed parking area.

- (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 curblin radius as set forth in the Public Works Standards.

COMMENT:

The Property does not abut a public street, therefore right-of-way dedications standards do not apply to the Project.

- (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, pedestrian improvements throughout the site have been 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 moderate slopes on the Property, 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 Franzen Street NE improvements avoid natural and constructed obstacles (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 subject site does not abut a public street, therefore street trees are not required.

(l) 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 Franzen Street NE and walkways will be installed from the parking area to the proposed buildings (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 Franzen Street NE is parallel to and abutting the curb in accordance with the above standards (see Exhibit 4).

- (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 sidewalk along Franzen Street NE and the 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:

As discussed above, the subject site does not abut a public street. The Transportation System Plan does not require the installation of bicycle facilities along Franzen Street NE or Medical Center Drive NE. However, to facilitate safe travel around the proposed parking areas, the Phase I development application included the installation of a separated 10-ft. wide bicycle and pedestrian pathway along the west side of Medical Center Drive (see Exhibit 4). The proposed Project provides several connections to this adjacent pedestrian and bicycle facility so that safe travel can be provided to public pedestrian and bicycle facilities along D Street NE, 23rd Street NE, and Center Street NE.

- (n) 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 Utility Plan illustrates that required public utility easements will be provided with the proposed land division (see Exhibit 4).

- (o) 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:

The proposed multi-family development will include the installation of underground electric service and street lights where required.

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

COMMENT:

The Property does not abut a public street. However, the attached Planting Plan indicates that the applicant is proposing to landscape the areas along Franzen Street NE, adjacent to parking areas and sidewalks.

- (q) 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 to meet the above standards (see Exhibit 4).

- (r) **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:

A partition or subdivision is not proposed, therefore these requirements do not apply.

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:

COMMENT:

The subject site does not abut a public street, therefore right-of-way dedication and street frontage improvements are not required. Phase I of the apartment complex included improvements to several boundary streets, including Center Street NE and NE 23rd Street.

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:

As required, vehicular and pedestrian circulation and emergency vehicle access to the Property is provided through public access easements for Franzen Street NE and Medical Center Drive NE.

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 applicant is not proposing a subdivision or partition, therefore this standard does not apply.

Section 803.065: Alternate 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 not proposing alternative street standards with the development of the Property.

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 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 provided at the uncontrolled intersections at Medical Center Drive NE and 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:

There are no controlled intersections located within the Project area. Therefore, these standards do not apply.

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 submitted 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 the required vision clearance areas (see Exhibit 4).

- (b) 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:

The proposal development requires an Adjustment application for a deviation 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.

(c) 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.

(e) 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 Property is zoned MU-I (Mixed Use-I), which permits multi-family development, and is located in an area with a wide variety of uses, Comprehensive Plan Map, and Zoning Map designations. Directly to the south 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. 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. Directly east of the site is the Center/23rd Street Apartments PH I project, which is also zoned MU-I and has some shared facilities with the current Project. Across 23rd 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 23rd 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 of the site is Seed of Faith Ministries with a CO (Commercial Office) zone and COM Comprehensive Plan designation. To the northeast is Childhood Health, which is zoned MU-I with a MU designation. Also, 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. West of the site is the Lee Mission Cemetery, which is zoned PC (Public and Private Cemetery) and is designated CSC (Community Service Cemetery).

(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 and Site Plan (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).

(f) 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:

Along the southern boundary of the property is Franzen Street NE, a private street which will be improved with the Project. The submitted Site Plan indicates that access to the proposed parking area is provided from Franzen Street NE and Medical Center Drive NE, another private street. Medical Center Drive in turn provides connections to Center Street NE to the south, 23rd Street NE to the east, and D Street NE to the north. Since the proposed affordable housing use will generate less vehicle trips than the previous Oregon Hospital's Salem Rehabilitation Center use, a Traffic Impact Analysis is not required (see Exhibit 5). Improvements associated with the Phase I development and the current Project 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, the Phase I development, and public rights-of-way. Safe bicycle and pedestrian travel are encouraged by a 10-ft. wide path within the Phase 1 development that routes around the parking areas 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 and Building Floor Plans. The submitted plan also demonstrates that an emergency vehicle turnaround is 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 a GSA pond.

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 105 off-street parking spaces (1.75/non-studio unit) may be developed for the proposed Phase II 60-unit apartment complex. The submitted Site Plan demonstrates that the proposed vehicle parking areas provide a total of 67 spaces. An additional 16 additional spaces provided for Phase II were included within the scope of Phase I. The submitted Site Plan illustrates that 27 EV enable parking stalls are provided in the parking area as required. Since the applicant is proposing a residential development, carpool and vanpool parking spaces 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 parking area is located on the same property as the proposed multi-family use. 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 a new off-street parking and vehicle use area for a 60-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 area is not located within required setbacks. The applicant is not proposing to develop underground parking with this development. Also, since a 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 60 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. Proposed landscaping for these setback areas meets the Type A standard, with the exception of Type C landscaping and screening along the west boundary of the site.

- (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 submitted Site Plan demonstrates that the asphalt surfaced parking lot area is less than 50,000 sq. ft., therefore, according to Table 806-4, 5% of interior landscaping is required. The Planting Plan indicates the Project includes 27,170 sq. ft. of parking area, therefore a minimum of 1,933 sq. ft. of interior landscape area is required. To meet the standard, a total of 1,9450 sq. ft. of landscaping area has been provided within the parking areas. 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 806-5.

- (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 also illustrates that a turnaround area is provided for emergency vehicles within the parking area (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 area 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 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 submitted Site Plan demonstrates that off-street parking area striping will be provided in accordance with Table 806-5 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 area meets 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 a single ingress and egress driveway with a connection to Franzen Street NE. The plan demonstrates that the off-street parking area has 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 driveway serving the parking area provides access to the adjacent private street, 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 abutting 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 submitted Site Plan demonstrates that 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 60-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:

The attached Building 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 60 bicycle parking spaces are required for the Phase II 60-unit apartment complex. As shown on the Site Plan, 4 parking spaces are provided in the units, 30 spaces are provided at the building entrances, 2 spaces are provided at a common area, and 24 spaces are provided in covered bike corrals structures (see Exhibit 4).

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
 - (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.

(3) 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 (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 primary building entrances 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, 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. As required, the loading space 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 submitted Site Plan demonstrates that the loading space is located on the same property as the proposed development and is accessible to the activities or uses served. The location of the proposed loading space will allow for convenient delivery of packages to the residential buildings.

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 indicates that 1 loading space is required for multi-family uses with 50-99 dwelling units. As required, the applicant is proposing to provide 1 loading space with the affordable housing Project.

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 space is 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, the 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 space 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 area 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 around the parking area and Type C standards along the west property line in accordance with Table 807-1 requirements. 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 nine Western Red Cedars and one Giant Sequoia on the site, all of which will be retained and protected. In addition, there is a Blue Atlas Cedar along the boundary of the Phase I development that will be protected. There are no significant Oregon Oak trees on the site, and no trees will be removed within the setback areas. Since the proposed tree removal does not exceed 75%, no mitigation trees are proposed in the attached Planting Plan (see Exhibit 4).

- (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 along the west property line needs to meet Type C standards. The Planting Plan indicates that the retention of the Western Red Cedars and installation of Texas Japanese Privet shrubs will provide Type C screening along the western boundary of the site (see Exhibit 4). All other property lines provide Type A landscaping, which does not include a screening requirement.

- (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

Phase II of the apartment complex is located north of Franzen Street NE, a private street, and is not located adjacent to public streets. Therefore, street trees are not required, and these standards do not apply.

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 pond. 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 removal of any regulated trees will not occur unless the 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 not requesting on-site tree removal with this Site Plan Review. 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:

Per the attached Land Use Application Completeness Review, a tree and vegetation removal permit is not required for this Site Plan Review application (see Exhibit 14).

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 zone of Tree 3602 will be disturbed during construction activities for the Project. Therefore, a Type II Tree Variance application has been submitted for proposed impacts to Tree 3602.

- (a) **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 48,252 sq. ft. conservation easement for an identified Archaeological Preservation Area. The site also contains Franzen Street NE, a private street that provides access to medical offices on adjacent properties. Where possible, existing trees have been incorporated into the site layout and Tree 3602 has been retained within large planter areas to protect its critical root zone. Since construction activities within the critical root zone of the tree 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 Tree 3602 are necessary to provide access through the site that meets 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 use 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.

D. 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 no Phase II project area trees on City Owned Property. Therefore, this standard does not apply.

II. 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 Class 3 Site Plan Review and Historic Clearance Review applications be approved.

VI. EXHIBITS

- 1. Application Forms**
- 2. Pre-Application Conference Report**
- 3. Property Deed and Title Report**
- 4. Preliminary Development Plans**
 - 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)**