

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION TENTATIVE PLAN / CLASS 3 SITE PLAN REVIEW / CLASS 2
ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / TREE
REGULATION VARIANCE / PROPERTY LINE ADJUSTMENT CASE NO.: PAR-
SPR-ADJ-DAP-TRV-PLA24-08**

APPLICATION NO.: 23-123424-PLN

NOTICE OF DECISION DATE: August 2, 2024

REQUEST: A tentative partition to divide the subject property into two parcels, Class 3 Site Plan Review for the development of a new 120-unit multi-family residential development, Class 2 Driveway Approach Permits for two new driveway approaches, a Property Line Adjustment to relocate the common property line between proposed Parcel 2 and Taxlot 03900, a Tree Variance to allow encroachment greater than 30 percent into the critical root zones for five trees dedicated for preservation, and the following Class 2 Adjustments:

- 1) To increase the maximum building setback allowance adjacent to a street from 10 feet per SRC 533.015(c), Table 533-3, to approximately 13 feet;
- 2) To reduce the ground floor ceiling height requirement from a minimum of 14 feet along a primary street per SRC 533.015(h), Table 533-6, to approximately 9 feet;
- 3) To reduce the minimum 65 percent ground floor window requirement along a primary street per SRC 533.015(h), Table 533-6, to approximately 20 percent;
- 4) To reduce the minimum building frontage requirement on Center Street NE from 75 percent per SRC 533.015(h), Table 533-6, to approximately 60 percent;
- 5) To eliminate the weather protection requirement for building facades facing a street per SRC 533.015(h), Table 533-6; and
- 6) To increase the maximum horizontal separation allowance between a ground floor dwelling unit and a street from 10 feet per SRC 533.015(h), Table 533-6, to approximately 13 feet.

The subject property is approximately 10.1 acres in size, zoned MU-I (Mixed Use-I) and CO (Commercial Office), and located at 2561 Center Street NE – 97301 (Marion County Assessor's map and tax lot numbers: 073W24CC / 03900 and 04000).

APPLICANT: Tim Lawler, Greenlight – Home First LLC

LOCATION: 2561 Center St NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) – Partition Tentative Plan; 220-005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit; 808.045(d) – Tree Variance; 205.055(d) – Property Line Adjustment

FINDINGS: The findings are in the attached Decision dated August 2, 2024.

DECISION: The **Planning Administrator APPROVED** Partition Tentative Plan, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit,

Tree Regulation Variance, and Property Line Adjustment Case No. PAR-SPR-ADJ-DAP-TRV-PLA24-08 subject to the following conditions of approval:

Conditions of Approval – Partition:

- Condition 1:** At time of development on each parcel, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards and SRC Chapter 71.
- Condition 2:** Prior to final plat, provide a preliminary utility plan for Proposed Parcel 2 that demonstrates how the lot will be provided individual services.
- Condition 3:** At time of development on each parcel, construct water, sewer, and stormwater services to serve the development proposed in accordance with the Public Works Design Standards.
- Condition 4:** Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 5:** Prior to final plat, dedicate easements on the plat, as needed, for utilities and access to serve Proposed Parcel 2.
- Condition 6:** Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in Public Works Design Standards Section 1.8 (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.
- Condition 7:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontages of Center Street NE, 23rd Street NE, and D Street NE on the final plat. The public utility easement may be reduced to three feet at the intersection of Center Street NE and 23rd Street NE.

Conditions of Approval – Site Plan Review

- Condition 8:** The final partition plat shall be recorded prior to issuance of any building permits required for construction of residential units on the site or for civil site work permits, except the final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.
- Condition 9:** Prior to building permit approval, the site plan shall be revised to include a sidewalk from the main building entrance for proposed Buildings A and B, to the public sidewalk on Center Street NE.
- Condition 10:** At time of building permit submittal, the applicant shall provide lighting details demonstrating compliance with the standards of SRC 800.065(c).
- Condition 11:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.

- Condition 12:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- Condition 13:** Dedicate easements for existing public utility mains on the site to current standards in Public Works Design Standards Section 1.8 (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.
- Condition 14:** Convey land for dedication to equal a half-width right-of-way of 48- feet on the development side of Center Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 15:** Along Center Street NE, reconstruct sidewalks at the new property line location after right-of-way dedication.
- Condition 16:** Along 23rd Street NE, construct a 5-foot-wide sidewalk separated from 23rd Street NE by a minimum 8-foot-wide planter strip and dedicate a public access easement, or dedicate right-of-way, for the required sidewalk.
- Condition 17:** At the driveway intersection to 23rd Street NE, directly across B Street NE, construct receiving curb ramps on the development site of the street in accordance with Public Work Design Standards.
- Condition 18:** Construct a 10-foot-wide shared use path from the southern segment of Medical Center Drive NE through the site to the northern segment of Medical Center Drive NE and to 23rd Street NE as shown on the applicant's preliminary site plan and dedicate a public access easement for the path.
- Condition 19:** Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Center Street NE and 23rd Street NE.
- Condition 20:** Prior to issuance of building permits, obtain street tree removal permits pursuant to SRC Chapter 86.
- Condition 21:** Prior to building permit approval, the applicant shall demonstrate that all required bicycle parking provided for the use complies with applicable standards of SRC Chapter 806.
- Condition 22:** A minimum of eight replacement trees shall be incorporated into the landscape plan. Trees required to be replanted per this condition are in addition to the minimum landscaping requirements of this chapter.

Condition of Approval – Adjustment

- Condition 23:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan,

shall conform to all applicable development requirements, unless adjusted through a future land use action.

Conditions of Approval – Tree Regulation Variance

Condition 24: A licensed arborist shall be located on site to provide oversight during all work activities occurring within the critical root zones of all protected trees including root pruning, paving, foundation construction, excavation, and grading.

Condition 25: All recommended tree protection measures identified in the arborist report dated June 27, 2024, shall be followed.

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

Partition Tentative Plan:	<u>August 20, 2026</u>
Class 3 Site Plan Review:	<u>August 20, 2028</u>
Class 2 Adjustment:	<u>August 20, 2028</u>
Class 2 Driveway Approach Permit:	<u>August 20, 2028</u>
Tree Variance:	<u>August 20, 2026</u>
Property Line Adjustment:	<u>August 20, 2026</u>

Application Deemed Complete:	<u>May 31, 2024</u>
Notice of Decision Mailing Date:	<u>August 2, 2024</u>
Decision Effective Date:	<u>August 20, 2024</u>
State Mandate Date:	<u>October 16, 2024</u>

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

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., MONDAY, August 19, 2024. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 205, 220, 250, 804, and 808. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
PARTITION TENTATIVE PLAN, CLASS 3)	
SITE PLAN REVIEW, CLASS 2)	
ADJUSTMENT, CLASS 2 DRIVEWAY)	
APPROACH PERMIT, TREE REGULATION)	
VARIANCE, AND PROPERTY LINE)	
ADJUSTMENT CASE NO.)	
PAR-SPR-ADJ-DAP-TRV-PLA24-08)	
2561 CENTER STREET NE – 97301)	AUGUST 2, 2024

In the matter of the applications for Partition Tentative Plan, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Tree Regulation Variance, and Property Line Adjustment submitted by the applicant, Green Light-Home First LLC, represented by Tim Lawler, Cascadia Planning and Development Services, represented by Steve Kay, and the property owner, City of Salem, represented by Keith Stahley, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: Proposed development of a new 120-unit multi-family residential development containing nine residential buildings and a clubhouse.

Request: A tentative partition to divide the subject property into two parcels, Class 3 Site Plan Review for the development of a new 120-unit multi-family residential development, Class 2 Driveway Approach Permits for two new driveway approaches, a Property Line Adjustment to relocate the common property line between proposed Parcel 2 and Tax lot 03900, a Tree Variance to allow encroachment greater than 30 percent into the critical root zones for five trees dedicated for preservation, and the following Class 2 Adjustments:

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- 3) To reduce the minimum 65 percent ground floor window requirement along a primary street per SRC 533.015(h), Table 533-6, to approximately 20 percent;
- 4) To reduce the minimum building frontage requirement on Center Street NE from 75 percent per SRC 533.015(h), Table 533-6, to approximately 60 percent;
- 5) To eliminate the weather protection requirement for building facades facing a street per SRC 533.015(h), Table 533-6; and
- 6) To increase the maximum horizontal separation allowance between a ground floor dwelling unit and a street from 10 feet per SRC 533.015(h), Table 533-6, to approximately 13 feet.

The subject property is approximately 10.1 acres in size, zoned MU-I (Mixed Use-I) and CO (Commercial Office), and located at 2561 Center Street NE – 97301 (Marion County Assessor's map and tax lot numbers: 073W24CC / 03900 and 04000).

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

PROCEDURAL FINDINGS

1. Background

On December 5, 2023, a consolidated application for a Partition Tentative Plan, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Tree Regulation Variance, and Property Line Adjustment was filed for the proposed development. After additional information was provided, the consolidated applications were deemed complete for processing on May 31, 2024.

The public comment period closed on June 14, 2024. The applicant, after reviewing comments in record expressing concerns and objections, specifically regarding the tree regulation variance request, provided an updated site plan and arborist report on June 27, 2024 (**Attachment B**). The updated plans reduce impacts to the critical root zones for three of the five trees subject to the initial tree regulation variance request, including a Giant Sequoia with an 80-inch diameter at breast height. The updated site plan also realigns a multi-use pathway and reduces the number of proposed off-street parking spaces for the site from 208 to 197 spaces.

On July 22, 2024, the applicant provided a time extension to the 120-day state mandated decision deadline for this consolidated application, extending the deadline from September 28, 2024 to October 16, 2024.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 23 123424.

3. Neighborhood and Public Comments

The subject property is located within the boundaries of the Northeast Neighbors (NEN) neighborhood association.

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On November 6, 2023, the applicant's representative contacted the NEN Chair and Land Use Chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to NEN pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. On June 13, 2024, NEN informed the City that the NEN board had voted unanimously to withdraw a March 28, 2023 conditional letter of support issued for the preliminary development.

On June 14, 2024, NEN provided testimony indicating concerns and objections to the development, including:

- 1) Strong objects to the tree regulation variance request, specifically impacts to critical root zone for the 80" Giant Sequoia;
- 2) Concerns with traffic impact on the neighborhood and concerns for safety of pedestrians and families in the area;
- 3) Objections to the amount of off-street parking spaces proposed to be developed, concerns that amount is not in conformance with Climate Action Plan Goals; and
- 4) Concerns with existing stormwater and flooding impacts the site has on adjacent properties.

In response to comments received, on June 27, 2024, the applicant provided updated application materials including an updated arborist report and tree protection details, updated site plan, and updated letter addressing concerns raised. The updated plans reduce impacts to the critical root zones for three of the five trees subject to the initial tree regulation variance request, including a Giant Sequoia with an 80-inch diameter at breast height. The updated site plan also realigns a multi-use pathway and reduces the number of proposed off-street parking spaces for the site from 208 to 197 spaces.

Northeast Neighbors (NEN) reviewed the June 27, 2024 revisions and submitted a letter dated June 30, 2024 indicating support of the applicant's revised development plan (**Attachment C**).

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property.

Forty-one public comments were received during the public comment period indicating the following concerns:

- 1) ***Tree Removal on Private Property:*** Strong objections were expressed regarding the applicant's request for a tree regulation variance to impact more than 30 percent of the critical root zones for five trees dedicated for preservation, including a Giant Sequoia with an 80-inch diameter at breast height.

Staff Response: The initial Tree Regulation Variance request was to allow encroachment greater than 30 percent into the critical root zones for five trees the applicant has identified for preservation (Trees 2419, 2420, 2429, 3608, and 4098). Following the public comment period and in consideration of comments received, the applicant has revised the site plan

layout and tree protection plan to reduce impacts to the critical root zones resulting in the withdrawal of Tree Regulation Variance applications for three trees (Trees 2419, 2420, and 3608) including the Giant Sequoia.

Tree Regulation Variances are still required for Trees 2429 and 4098 due to the impact to the critical root zones. The applicant is requesting to preserve both trees, however, because of the impact to the critical root zones exceeds the maximum 30 percent allowance, a Tree Regulation Variance to increase the disturbance area is necessary in order to preserve these trees. Alternatively, if the Tree Regulation Variance is not approved, the applicant could choose to simply remove both non-significant trees and provide mitigation measures such as replanting. Granting the Tree Regulation Variance allows both trees to be retained, and with supervision of the project arborist and compliance with the tree protection measures outlined in the Arborist report, the trees are likely to survive.

- 2) ***Trees along 23rd Street NE:*** *Comments received express concerns for impacts to trees on the subject property and for the removal of trees along 23rd Street NE.*

Staff Response: There are existing trees along 23rd Street NE that are located within the public right-of-way and considered city-owned street trees. Some of the trees along 23rd Street SE will require removal in order to accommodate a sidewalk on the development side of the street, where none currently exists. As listed in the conditions of approval, the applicant is required to provide an 8-foot planter strip between 23rd Street NE and the required 5-foot sidewalk. Even with the 8-foot planter strip, many of the trees will conflict with construction for the required 5-foot sidewalk. Urban street standards require sidewalks to accommodate safe pedestrian access along streets. As described in the conditions of approval, the applicant will be required to replant trees along 23rd Street NE where they are removed to accommodate the required sidewalk.

- 3) ***Number of Off-Street Parking Spaces:*** *Comment were received expressing concern with the high number of off-street parking spaces proposed, indicating that parking areas should be reduced in size to create a more climate-friendly development.*

Staff Response: This application was initially submitted on December 5, 2023, prior to the December 27, 2023 effective date of Ord. No. 7-23 which was an ordinance to implement the State of Oregon's Climate Friendly and Equitable Communities parking lot requirements. However, the application is in compliance with applicable parking area development standards that were effective at the time of submittal, including a maximum off-street parking allowance of 1.75 parking spaces per non-studio dwelling unit, and tree planting and landscaping requirements of SRC Chapters 806 and 807, which require new shade trees to be planted and dispersed throughout the off-street parking area at a rate of one tree for every 12 off-street parking spaces.

In this case, 120 non-studio dwelling units are proposed, the Salem Revised Code allows for a maximum of 210 off-street parking spaces to be provided for this development. The applicant's revised site plan dated June 27, 2024 indicates that a total of 197 off-street parking spaces will be provided, less than the maximum allowance. A minimum of 16 shade trees are required to be planted or preserved within the off-street parking area,

preliminary landscape plans indicate approximately 36 existing/proposed trees will be provided within the off-street parking area, exceeding the minimum requirement.

- 4) ***Increased Traffic and Traffic Impact Analysis:*** Comments received express concerns for the additional traffic impacts the proposal will have on existing streets within the vicinity of the project and question why a Traffic Impact Analysis was not completed for the project.

Staff Response: With all new development, there will be an increase in traffic to the system. Through the land use review process, staff identifies areas that are deficient and identifies conditions of approval to address improvements to the transportation system. As identified in the findings, the streets abutting the property meet the standards for their classifications according to the Salem Transportation System Plan and SRC Chapter 803. As such, boundary street improvements are not required as a condition of the development. However, streetscape improvements including sidewalks will be provided along all street frontages to ensure safe pedestrian access along the existing streets.

Off-site improvements are typically only required when a Traffic Impact Analysis identifies deficiencies in the system caused by the proposed development. The development is surrounded by a network of collector and arterial streets. Pursuant to SRC 803.015, the proposed development does not require a Traffic Impact Analysis as the proposal does not generate 1,000 new average daily trips onto a collector or arterial street. As such, no off-site improvements are required as a condition of development.

- 5) ***Dwelling Unit Density:*** Comments received express concerns with the high number of dwelling units proposed on the site, indicating that Northeast Salem has a denser population than any other neighborhood leading to higher traffic and lack of on-street parking.

Staff Response: The City is required to evaluate development requests as designed by the applicant for conformance with applicable approval criteria, use restrictions, and development standards of the zoning code. Multi-family residential uses are allowed as an outright permitted use in the MU-I (Mixed Use-I) zone, development within the MU-I zone that is exclusively residential shall have a minimum density of 15 dwelling units per acre.

The proposed development is for a 120-unit apartment complex with an approximate density of 19.1 units per acre ($120 \text{ units} / 6.29 \text{ acres} = 19.1$), which is consistent with the anticipated use and development pattern for properties in the "Mixed-Use" Comprehensive Plan Map designation and MU-I zone. There is no approval criterion or development standard which would limit allowable dwelling unit density based on development patterns and dwelling unit density of the existing neighborhood.

- 6) ***Pedestrian Crossing Improvements:*** Comments received request conditions be placed on the development that provide pedestrian crossings along D Street NE, Center Street NE, and 23rd Street NE.

Staff Response: As described above, no Traffic Impact Analysis (TIA) is required for the proposed development that would evaluate off-site pedestrian improvements. There are no clear and objective standards in SRC Chapter 803 that require construction of pedestrian crossings as a condition of approval. As described in the conditions of approval, at the

intersection of B Street and the new driveway approach, the applicant will provide curb ramps at driveway approaches that accommodate pedestrian crossings but will not provide marked cross walks.

The City acknowledges the importance of safer pedestrian crossings in the area. At the July 8 Salem City Council meeting, the Council voted to direct Staff to use Affordable Housing Bond funds to construct pedestrian improvements at D Street NE adjacent to the development. Additional pedestrian Improvements in the area will be considered by the City for future Capital projects.

7) ***Drainage and Flooding:*** *Comments received express concerns for existing drainage issues that cause flooding on neighboring property.*

Staff Response: The property is not located within a FEMA mapped flood hazard area. As identified in the conditions of approval, the development is required to comply with SRC Chapter 71 and the Public Works Design Standards relating to stormwater management. Runoff from the development site will be treated and detained through the use of green stormwater infrastructure (GSI) prior to discharging the drainage into the public system. The applicant has set aside area for GSI but has not provided a preliminary stormwater management report that demonstrates how the facilities will be constructed to meet the Public Works Design Standards. Prior to issuance of a building permit, the applicant is required to provide a stormwater management report that demonstrates compliance with City Standards and will address existing drainage conditions on the site and reduce runoff onto neighboring property.

4. City Department Comments

Development Services Division – Reviewed the proposal and provided a memo which is included as **Attachment D**.

Building and Safety Division – Reviewed the proposal and indicated no concerns.

Fire Department – Fire department access and water supply are required per the Oregon Fire Code and Salem Revised Code chapter 58.

5. Public Agency Comments

Salem-Keizer Public Schools – Reviewed the proposal and provided a memo dated June 13, 2024, and which is included in the record. In summary, the property is served by Englewood Elementary School, Parrish Middle School, and North Salem High School and is located within the walk zone for each school. Each school is found to have adequate capacity for the anticipated number of students added by the proposed development.

DECISION CRITERIA

6. Analysis of Partition Tentative Plan Approval Criteria

SRC 205.005(d) sets forth the following criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval

criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;

(B) City infrastructure standards; and

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

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned MU-I (Mixed Use-I).

The proposed tentative partition plan, as conditioned, complies with the applicable standards of the MU-I zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

SRC Chapter 205 – Land Division and Reconfiguration

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to City staff signing the final partition plat.

The applicant has met all application submittal requirements necessary for adequate review of the proposed partition.

Finding: The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC Chapter 533 – MU-I Zone

The subject property is zoned MU-I (Mixed Use-I). Development within the MU-I zone must meet the applicable standards included under SRC Chapter 533. The standards of the MU-I zone that are applicable to the proposed partition are as follows:

▪ ***Uses (SRC 533.010(a)):***

The proposal includes a partition to divide the subject property into two parcels. Proposed Parcel 1 will accommodate the multi-family residential development and proposed Parcel 2 will be utilized for future development. Allowed uses within the MU-I zone are established under SRC 533.010, Table 533-1.

Within the MU-I zone multi-family residential uses are allowed as a permitted use; and future development of Parcel 2 will be subject to the allowed uses and development standards of the MU-I zone.

▪ ***Lot Standards (SRC 533.010(b)):***

Lot size and dimension standards within the MU-I zone are established under SRC 533.015(a), Table 533-2.

A summary of the lot size and dimension standards applicable to residential uses within the MU-I zone is provided in the following table:

MU-I Zone: Lot Standards	
Lot Area	None
Lot Width	None
Lot Depth	None
Street Frontage	Min. 16 ft.

As shown on the tentative partition plan, the proposed partition divides the subject property into two parcels. Proposed Parcel 1 is approximately 274,000 square feet in size (6.29 acres) and proposed Parcel 2 is approximately 149,914 square feet in size (3.44 acres). Both proposed parcels exceed the minimum required lot size and dimension requirements. Proposed Parcel 1 has frontage along Center Street NE and 23rd Street exceeding 16 feet, in compliance with the minimum street frontage requirement. Proposed Parcel 2 has frontage along Medical Center Drive NE exceeding 16 feet, in compliance with the minimum street frontage requirement.

▪ ***Dwelling Unit Density (SRC 533.015(b)):***

Dwelling unit density requirements for residential development within the MU-I zone are established under SRC 533.010(c). Within the MU-I zone, development that is exclusively residential shall have a minimum density of 15 dwelling units per acre. Multi-family residential development is proposed for proposed Parcel 1. As explained in the findings for the site plan review application, based on the size of the parcel following the partition, a minimum of 94 dwelling units ($6.29 \times 15 = 94.35$) are required. A total of 120 dwelling units are proposed for Parcel 1, in compliance with density standards of the MU-I zone. As a

condition of Site Plan Review approval, to ensure compliance with minimum dwelling unit density standards, prior to issuance of building permit, the partition plat shall be record.

- ***Setbacks (SRC 533.015(c)):***

Setbacks for buildings and accessory structures within the MU-I zone are established under SRC 533.015(c), Table 533-3.

The proposal includes a partition to divide the subject property into two parcels. Proposed Parcel 1 will accommodate a proposed multiple-family residential apartment complex, and proposed Parcel 2 will be utilized for future development. As described in the Site Plan Review findings, as proposed, all applicable setbacks for development of Proposed Parcel 1 are met at the assumed future property line.

- ***Lot Coverage (SRC 533.015(d)):***

Maximum lot coverage requirements for buildings and accessory structures within the MU-I zone are established under SRC 533.015(d), Table 533-5. There is no maximum lot coverage requirement in the MU-I zone.

SRC Chapter 800 – General Development Standards

- ***Designation of Lot Lines (SRC 800.020):***

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

For lots that have frontage on a public street, other than corner lots and double frontage lots, the front lot line shall be the property line that has frontage on the public street. For corner lots and double frontage lots, the front lot line shall be the property line abutting the street designated by the building permit applicant, provided that lot dimension standards are met.

The proposed partition includes the creation of two parcels (Parcel 1 and Parcel 2). Both Proposed Parcel 1 is considered a corner lot, and proposed Parcel 2 is considered an interior lot with frontage along Medical Center Drive NE. Proposed Parcel 1 has frontage along Center Street NE, 23rd Street NE, and D Street NE. Center Street NE has the highest street classification and shall be considered the front lot line. For proposed Parcel 2, pursuant to SRC 800.020(a)(1), the front lot line for an interior lot shall be the property line abutting the street.

(B) City Infrastructure Standards.

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 200 - Urban Growth Management

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

Finding: As described in the "Site Plan Review Decision Criteria" section of this memorandum, no Urban Growth Preliminary Declaration is required.

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design at time of development on each parcel. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the partition. As described in the "Site Plan Review Decision Criteria" section of this memorandum, the applicant has provided a preliminary stormwater system for proposed Parcel 1. At time of development on proposed parcel 2, a preliminary stormwater design shall be provided that demonstrates compliance with SRC Chapter 71 and the Public Works Design Standards relating to Stormwater Management.

Condition 1: At time of development on each parcel, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards and SRC Chapter 71.

SRC Chapter 802 – Public Improvements

▪ Development to be served by City utilities:

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property. As described in the "Site Plan Review Decision Criteria" section of this memorandum, proposed Parcel 1 will be served with utilities at time of development for the proposed multi-family development. Proposed Parcel 2 does not have frontage on a public street, as such, in order to ensure proposed Parcel 2 can be served by public utilities, the applicant shall provide a preliminary utility plan for proposed Parcel 2 prior to final plat and easements needed to serve Proposed Parcel 2 through Proposed Parcel 1 shall be shown on the final plat. Services for proposed Parcel 2 shall be constructed at time of development to ensure appropriate sizing. In order to ensure the parcels are served by public utilities, the following conditions apply:

Condition 2: Prior to final plat, provide a preliminary utility plan for Proposed Parcel 2 that demonstrates how the lot will be provided individual services.

Condition 3: At time of development on each parcel, construct water, sewer, and stormwater services to serve the development proposed in accordance with the Public Works Design Standards.

▪ **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: As described above, proposed Parcel 2 does not have frontage on a public street. As such, access and utility easements are required to independently serve proposed Parcel 2. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition 4: Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

Condition 5: Prior to final plat, dedicate easements on the plat, as needed, for utilities and access to serve Proposed Parcel 2.

There is an existing 24-inch public water main, 15-inch public storm drain main, and an 18-inch public storm drain main on the subject property. Each of the existing public mains are located within easements that do not meet current Public Works Design Standards for required width. As a condition of plat approval, the applicant shall dedicate easements for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements). There also appear to be existing easements for public infrastructure which are not utilized. The existing easements which are inadequate and the existing easements which are not utilized shall be quitclaimed or vacated, as applicable.

Condition 6: Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.

As conditioned, the proposal meets the requirements of SRC Chapter 802.

SRC 803 – Street and Right-of-way Improvements

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for partition applications.

Finding: The intent of the proposed partition is to create two (2) parcels for future multi-family development. As described in the “Site Plan Review Decision Criteria” section of this memorandum, boundary street improvements and right-of-way dedications have been required as a condition of approval for the proposed multi-family development on proposed Parcel 1. Proposed parcel 2 does not have frontage on a public street which would require right-of-way dedications or boundary street improvements. The required right-of-way dedications shall be shown on the final plat.

▪ **Public Utility Easements**

SRC 803.035(n) requires dedication of up to a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Center Street NE, 23rd Street NE, and D Street NE. As shown on the applicant’s site plan for the multi-family development application consolidated with the partition, the building at the intersection of Center Street NE and 23rd Street NE will conflict with a 10-foot PUE. Pursuant to SRC 803.035(n), the PUE shall be 10-feet unless decreased in width as approved by the Director. In order to avoid the proposed building conflicting with the required PUE, the PUE may be reduced to three feet at the intersection of Center Street NE and 23rd Street NE.

Condition 7: Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontages of Center Street NE, 23rd Street NE, and D Street NE on the final plat. The public utility easement may be reduced to three feet at the intersection of Center Street NE and 23rd Street NE.

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

Finding: As described in the “Site Plan Review Decision Criteria” section of this memorandum, the proposal complies with all special development standards, including floodplain development, special setbacks, geological or geotechnical analysis, wetlands, and vision clearance.

SRC 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.

Finding: The parcels within the proposed partition are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the MU-I (Mixed Use-I) zone. There is no evidence that the partition and subsequent development of the parcels will adversely affect public services to any surrounding properties. Approval of the partition will also not impede future use of the subject property or access to abutting properties. As proposed and conditioned, the application meets this criterion.

SRC 205.005(d)(3): Development within the tentative partition plan can be adequately served by city infrastructure.

Finding: The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Finding: As described in the findings above, the subject property is located adjacent to Center Street NE (major arterial); D Street NE (minor arterial); and 23rd Street NE (collector). The conditions of approval established with the Site Plan Review and Partition decision will require improvements to the boundary streets of the property which conform to the Salem Transportation System Plan. This criterion is met.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding: Access to the proposed partition will be provided by the network of existing public streets that surround the property. As conditioned, the required improvements will ensure that the street system in and adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This criterion is met.

SRC 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

As described in findings included in this decision, the parcel configuration, and accessways serving each parcel as established by the proposed partition meet applicable development standards; and the configuration of the proposed parcels makes logical use of the developable land. All existing conditions of topography or vegetation have been identified on the site and considered, the layout minimizes impacts to topography and vegetation to the greatest extent practicable, while allowing for development of the site. This approval criterion is met.

SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.

Finding: As explained in the findings establishing conformance with SRC 205.005(d)(6) above, the tentative partition plan configures the parcels to allow development of the site while minimizing disruptions to topography and vegetation. The proposed parcels are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

SRC 205.005(d)(8): *When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:*

- (A)** *The property is zoned residential;*
- (B)** *The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and*
- (C)** *The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.*

Finding: The site is served by available public water and sewer; therefore, this criterion is not applicable.

7. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 220.005(f)(3)(A): **The application meets all applicable standards of the UDC.**

Finding: The proposal includes development of a new 120-unit multi-family residential use containing nine residential buildings, a clubhouse/amenity space, and site improvements including common open space areas, off-street parking area, maintenance and service buildings, solid waste service areas, and landscaping for property zoned MU-I. The following is a summary of the applicable use and development standards for the proposed development.

Use and Development Standards – MU-I (Mixed Use-I) Zone:

SRC 533.010 – Uses:

Finding: A multiple family residential use is proposed. Per Table 533-1, multiple family residential uses are allowed as a permitted use in the MU-I zone.

SRC 533.015(a) – Lot Standards:

There are no minimum lot area or lot dimensional requirements in the MU-I zone. All uses are required to have a minimum of 16 feet of street frontage.

Finding: The subject property has approximately 288 feet of frontage along Center Street NE, 1,040 feet of frontage along 23rd Street NE, and approximately 30 feet of frontage along D Street NE, in compliance with the lot standards of the MU-I zone.

SRC 533.015(b) – Dwelling Unit Density:

For development within the MU-I zone that is exclusively residential, a minimum density of 15-dwelling units per acre is required. There is no maximum dwelling unit density in the MU-I zone.

Finding: The subject property is currently 9.85 acres in size, included in the consolidated application is a request for a Partition Tentative Plan to divide the subject property in two

parcels, with Parcel 1 approximately 6.29 acres in size and Parcel 2 approximately 3.44 acres in size. The proposed development occurs on proposed Parcel 1, based on the size of the parcel, a minimum of 94 dwelling units ($6.29 \times 15 = 94.35$) are required. A total of 120 dwelling units are proposed for Parcel 1, in compliance with density standards of the MU-I zone. To ensure compliance with minimum dwelling unit density standards, prior to issuance of building permit, the partition plat shall be record.

Condition 8: The final partition plat shall be recorded prior to issuance of any building permits required for construction of residential units on the site or for civil site work permits, except the final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.

SRC 533.015(c) – Setbacks:

North: Adjacent to the north is right-of-way for D Street NE, property zoned MU-I (Mixed Use-I) and property zoned CO (Commercial Office). For buildings abutting a street, the required setback is zero feet to a maximum of 10 feet. Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6-10-foot setback per SRC Chapter 806. For buildings adjacent to a commercial or mixed-use zone, there is no minimum setback requirement, vehicle use areas require a minimum five-foot setback.

Finding: An existing accessway to D Street NE is provided on the northern most portion of the subject property with an approximate width of 30 feet, no buildings, accessory structures, or off-street parking areas are proposed or required in the area abutting D Street NE. No development is proposed abutting the CO (Commercial Office) zoned property at this time. Proposed Building H is setback approximately 23 feet, Proposed Building I is setback approximately 16 feet, and an off-street parking area is setback approximately 10 feet from the northern property line abutting MU-I zoned property, in compliance with minimum setback requirements.

South: Adjacent to the south is right-of-way for Center Street NE and property zoned CR (Retail Commercial). For buildings abutting a street, the required setback is zero feet to a maximum of 10 feet. Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6-10-foot setback per SRC Chapter 806. For buildings adjacent to a commercial or mixed-use zone, there is no minimum setback requirement, vehicle use areas require a minimum five-foot setback.

Finding: Proposed Buildings A and B abut Center Street NE, the applicant has requested an adjustment to allow the buildings to have a setback that slightly exceeds the maximum 10-foot setback allowance, findings for the Adjustment are included in Section 8 of this report. The proposed off-street parking area is setback approximately 90 feet or greater from Center Street NE. No development is proposed currently abutting the CR (Retail Commercial) zoned property.

East: Adjacent to the east is right-of-way for 23rd Street NE. For buildings abutting a street, the required setback is zero feet to a maximum of 10 feet. Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6-10-foot setback per SRC Chapter 806.

Finding: Proposed Buildings B, C, E, F, G, and H abut 23rd Street NE, the applicant has requested an adjustment to allow the buildings to have a setback that slightly exceeds the maximum 10-foot setback allowance, findings for the Adjustment are included in Section 8 of this report. The proposed off-street parking area is setback approximately 15 feet or greater from 23rd Street NE.

West: Adjacent to the west is property zoned CO (Commercial Office), PC (Public Cemetery), and CR (Retail Commercial). The proposal also includes a request for a two-parcel partition and the applicant's plans call for future development in Parcel 2 for property located in the MU-I zone. For buildings adjacent to commercial, mixed-use, and public zones, there is no minimum setback requirement, vehicle use areas require a minimum five-foot setback.

Finding: Proposed vehicle use areas are setback 5 feet or greater abutting commercial zones, and 15 feet or greater to the abutting MU-I zoned property, and the nearest proposed building is setback approximately 80 feet to the MU-I zone. No development is proposed at this time in the Phase 2 area that abuts the PC zoned property. All applicable setbacks to the western property line are met.

SRC 533.015(d) – Lot Coverage, Height, Building Frontage:

There is no maximum lot coverage standard in the MU-I zone. The minimum height requirement for new buildings is 20 feet and the maximum height allowance is 65 feet. Accessory structures have a maximum height allowance of 65 feet and are not subject to the minimum height requirement. The minimum building frontage requirement is 75 percent, for corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40 percent.

Finding: The applicant's statement and development plans indicate that each of the multi-family building types proposed are three stories with an approximate height of 35 feet, within the minimum and maximum height range in the MU-I zone. The proposed community building, mail pavilion, bike shelters, and maintenance buildings comply with the maximum height allowance for accessory structures.

The subject property is a corner lot and Center Street NE has a higher street classification than 23rd Street NE. Excluding the approximate 40-foot width of Medical Center Drive NE, the subject property has approximately 248 feet of frontage along Center Street NE. A minimum of 75 percent of the frontage along Center Street NE, or 186 feet ($248 \times 0.75 = 186$), is required to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 150 feet, or 60 percent of the frontage along Center Street NE will be occupied by buildings placed at the setback line, less than the minimum requirement. The applicant has requested an Adjustment to reduce the building frontage requirement along Center Street NE from 75 percent to 60 percent, findings for the Adjustment are included in Section 8 of this report.

The subject property has approximately 1,040 feet of frontage along 23rd Street NE. A minimum of 40 percent of the frontage along 23rd Street NE, or 416 feet ($1,040 \times 0.4 = 416$), is required to be occupied by buildings placed at the setback line. The proposed site plan shows approximately 579 feet (55.7 percent) of the frontage along 23rd Street NE will be occupied by buildings placed at the setback line, in compliance with this section.

SRC 533.015(e) – Parking:

Off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone.

Finding: A new standalone surface parking lot is not proposed.

SRC 533.015(f) – Landscaping:

- (1) **Setbacks.** Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to SRC 534.015(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.

Finding: Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

SRC 533.015(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.

Finding: All existing buildings and structures on the property will be removed prior to development; the site does not qualify as continued development.

SRC 533.015(h) – Pedestrian-Oriented Design:

Development within the MU-I zone shall conform to the pedestrian-oriented design standards set forth in Table 533-6.

Ground Floor Height		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Min. 14 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.

Finding: Buildings A, B, C, E, F, G, and H front directly on Center Street NE and 23rd Street NE, the proposed ground floor height for each of these buildings is approximately 9 feet, less than the minimum 14-foot ground floor height standard. The applicant has requested an Adjustment to reduce the minimum ground floor height requirement for these buildings, findings for the Adjustment are included in Section 8 of this report.

Separation of Ground Floor Residential Uses		
Requirement	Standard	Limitations & Qualifications
This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.
	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.
	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscape area such as private open space or hardscaped area such as a plaza.

Finding: The applicant's statement indicates that horizontal separation will be provided for proposed buildings abutting a street; however, the maximum horizontal distance will be increased slightly to match the adjusted maximum setback for each of the buildings, in compliance with this standard.

Building Façade Articulation		
Requirement	Standard	Limitations & Qualifications
This standard applies to building facades facing primary streets.	Required	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
		Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
		a) Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards: 1. Change in materials. 2. Change in color.

Building Façade Articulation		
Requirement	Standard	Limitations & Qualifications
		3. Molding or other horizontally-articulated transition piece.
		b) Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards: <ol style="list-style-type: none"> 1. Recesses of a minimum depth of two feet. 2. Extensions of a minimum depth of two feet. 3. Vertically-oriented windows. 4. Pilasters that project away from the building.
		c) Top: Building tops shall be defined by at least one of the following standards: <ol style="list-style-type: none"> 1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the façade. 2. Change in materials from the upper floors, with that material being a minimum of eight inches tall. 3. Offsets or breaks in roof elevation that are a minimum of three feet in height. 4. A roof overhang that is a minimum of eight inches beyond the face of the façade.

Finding: Center Street NE is a major arterial street and 23rd Street NE is a collector street, both meeting the definition of primary streets. This standard is applicable for proposed buildings A, B, C, E, F, G, and H which front directly on Center Street NE and 23rd Street NE

The applicant's plans and statement indicate that the base elevations are distinguished from the middle portion of the building using a horizontally-articulated transition piece. Middle facades include vertically oriented window and extensions of a minimum depth of two feet. Top floors include roof overhangs that have a minimum eight-inch projection, as well as gable roof forms which provide breaks in the roof elevation that are a minimum of three feet in height. The proposal is in compliance with this development standard.

Ground Floor Windows		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Min. 65%	For the purposes of this standard, ground floor building façade shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
		For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

Finding: Center Street NE is designated as a major arterial in the Salem TSP and 23rd Street NE is a collector street; both are classified as primary streets. This standard applies to ground floor facades for proposed buildings A, B, C, E, F, G, and H. The applicant has requested an Adjustment to reduce the minimum ground floor window requirement for these buildings from 65 percent to approximately 20 percent, findings for the Adjustment are included in Section 8 of this report.

Building Entrances		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Required	For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		Building entrances shall include weather protection.

Finding: Center Street NE is designated as a major arterial in the Salem TSP and 23rd Street NE is a collector street, both of which are primary streets. This standard applies to proposed buildings A, B, C, E, F, G, and H.

Buildings A and B have frontage along Center Street NE, the proposed development plans indicate that a main entrance for each building is proposed facing Center Street NE, but the site plan does not show a pedestrian access provided from the entrance to the sidewalk on Center Street NE.

Condition 9: Prior to building permit approval, the site plan shall be revised to include a sidewalk from the main building entrance for proposed Buildings A and B, to the public sidewalk on Center Street NE.

Proposed buildings B, C, E, F, G, and H have frontage along 23rd Street NE, the development plans indicate that a main entrance for each building is proposed facing 23rd Street NE and a pedestrian connection is provided from each main entrance to the public sidewalk along 23rd Street NE. Weather protection is provided at each entrance in compliance with this development standard.

Weather Protection		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors adjacent to a street.	Min. 75%	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
		Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.

Finding: The applicant has requested an Adjustment to eliminate the weather protection requirement for building facades facing a street, findings for the adjustment are included in Section 8 of this report.

Parking Location		
Requirement	Standard	Limitations & Qualifications
This standard applies to off-street parking areas and	Required	Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering

Parking Location		
Requirement	Standard	Limitations & Qualifications
vehicle maneuvering areas.		areas shall not be located between a building or structure and a street.

Finding: The proposed off-street parking areas are located either behind or to the side of the proposed buildings and not in a location between the buildings or streets in compliance with this standard.

Mechanical and Service Equipment		
Requirement	Standard	Limitations & Qualifications
This standard applies to mechanical and service equipment.	Required	Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.
		Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.

Finding: No ground level or rooftop mechanical or service equipment is shown on the applicant's development plans. If provided, all ground level mechanical and service equipment, and rooftop mechanical equipment shall be in compliance with this section.

SRC 533.020 – Design review:

Design Review is not required for development within the MU-I zone.

Finding: Design Review under SRC Chapter 225 is not required for the proposed multi-family residential development.

General Development Standards SRC 800

SRC 800.055(a) – Applicability.

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

Finding: The site plan indicates that three solid waste service areas will be provided to serve the complex. The following is a summary of applicable design standards for the solid waste service areas.

SRC 800.055(b) – Solid Waste Receptacle Placement Standards.

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

- 1) Pad area. In determining the total concrete pad area for any solid waste service area:
 - a. The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
 - b. The pad area shall extend a minimum 3 feet beyond the front of the receptacle.
 - c. In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

Finding: The applicant's statement indicates that the each of the solid waste service areas will be located on a 4 inch thick concrete pad. The pad will extend to a minimum of three feet beyond the front of the receptacles, in compliance with this standard.

- 2) Minimum Separation.
 - a. A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
 - b. A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

Finding: Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

- 3) Vertical Clearance.
 - a. Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
 - b. Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing.

Finding: It does not appear that a roof is proposed for the solid waste service areas; therefore, this standard is not applicable.

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

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

- 4) Minimum separation. A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

Finding: A permanent drop box or compactor is not proposed; therefore, this section is not applicable.

SRC 800.055(d) – Solid Waste Service Area Screening Standards.

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

Finding: The solid waste service areas will be screened from view from surrounding streets and abutting properties in compliance with this standard.

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

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

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

Finding: The applicant's statement and development plans indicate that the enclosures will have an opening of approximately 12 feet, in compliance with this provision.

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

Finding: The applicant's statement indicates that a bumper curb will be provided 12 inches inside the perimeter walls in compliance with this section.

- 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 less than 15 feet, the gates shall open a minimum of 120 degrees. All gates shall have restrainers in the open and closed positions.

Finding: Each of the enclosure have an opening width that is less than 15 feet, the applicant's statement indicates that the gates will be able to swing at least 120 degrees in compliance with this standard. Although not indicated in the application materials, restrainers meeting the requirements of this section will be required prior to building permit issuance and final occupancy for the project.

SRC 800.055(f) – Solid Waste Service Area Vehicle Access.

- 1) Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle. Per SRC 800.055(f)(1)(B), the vehicle operation areas may be located parallel to the enclosure opening for solid waste service areas having receptacles of two cubic yards or less.

Finding: Each enclosure is provided with a proposed vehicle operation area that is parallel to the enclosure in compliance with the minimum dimensional requirements of this section.

- 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 vehicles.

Finding: Proposed vehicle operation areas are provided in connection with a parking lot drive aisle which will be kept free of vehicles and other obstructions at all times in compliance with the requirements of this section.

- D. Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.

Finding: The applicant's statement indicates that the solid waste enclosures are uncovered with no overhead vertical obstructions in the vehicle operation areas, in compliance with this section.

- 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.

Finding: Proposed vehicle operation areas for each solid waste enclosure are provided by direct approach into position. Service vehicles are able to navigate the off-street parking area without a turnaround to exit the property, in compliance with this section.

- 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.

Finding: Service vehicles are able to navigate the off-street parking area without a turnaround and are not required to back onto a public street to exit the property, in compliance with this section.

- 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.

Finding: The proposed vehicle operation area is paved with a hard surface material meeting the requirements of this section.

- 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.

Finding: Although not indicated in the application materials, signage meeting the requirements of this section will be required prior to building permit issuance and final occupancy for the project.

SRC 800.055(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.

Finding: The applicant has not requested an Adjustment to any applicable solid waste service area development standards; therefore, this section is not applicable.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, 2-4 family, and multiple family developments subject to SRC Chapter 702, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

Finding: Because the proposed multi-family residential development is not subject to the multiple family residential design standards of SRC Chapter 702, the pedestrian access standards of SRC Chapter 800.065 apply to the proposed development.

SRC 800.065(a)(1) – Pedestrian Connection Between Entrances and Streets

- (A) A pedestrian connection shall be provided between the primary 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.

Finding: As proposed and conditioned, pedestrian connections will be provided from each primary building entrance to abutting streets. The proposal meets the standard.

- (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.

Finding: There is a transit route (Route 5) on Center Street NE along the frontage of the development site, however, there is no transit stop located along the frontage; therefore, this standard is not applicable.

- (C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if the development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or the building is a

service, storage, maintenance, or similar type of building not primarily intended for human occupancy.

Finding: The development site is a corner lot; however, pedestrian connections are provided to all abutting streets; therefore, this standard is not applicable.

SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the same Development Site

Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all of the buildings.

Finding: Pedestrian connections are provided to and between each multi-family building, the clubhouse building, open space areas, bike parking areas, and trash enclosures, in compliance with this standard.

SRC 800.065(a)(3) – Pedestrian 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 as provided in this subsection.

Finding: The development site does not include any existing or proposed parking areas greater than 25,000 square feet or including four or more consecutive parallel drive aisles; therefore, this standard is not applicable.

(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.

Finding: The development site does not include any existing or proposed parking garages; therefore, this standard is not applicable.

SRC 800.065(a)(4) – Pedestrian 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:

- (A) Be constructed, and a public access easement or dedication provided; or
- (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Finding: There are no planned paths or trails that pass through the development site; therefore, this standard is not applicable.

SRC 800.065(a)(5) – Pedestrian 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.

Finding: Abutting properties access Medical Center Street NE, a private street; however, there are no shared vehicle connections between abutting properties; therefore, this section is not applicable.

SRC 800.065(b) – Design and materials

Required pedestrian connections shall be in the form of a walkway or may be in the form of a plaza.

(1) Walkways shall conform to the following:

(A) 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.

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

Finding: All proposed pedestrian connections are at least five feet in width and appear to meet the design and material standards. The site plan indicates wheel stops will be provided for each parking stall to prevent encroachment into the required pedestrian pathway.

SRC 800.065(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.

Finding: The development plans do not include lighting details. To ensure conformance with the lighting standards of this section, the following condition shall apply.

Condition 10: At time of building permit submittal, the applicant shall provide lighting details demonstrating compliance with the standards of SRC 800.065(c).

Urban Growth Management SRC 200

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

Finding: The subject property is located outside of the Urban Service Area. However, the proposed development does not precede construction of required facilities, and therefore, no Urban Growth Area Preliminary Declaration is required.

SRC Chapter 200.050(d) - Acquisition of property, easements, and right-of-way:

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required along Center Street NE and easements required for public access and utilities on the site. There are existing easements for franchise utilities on the subject property which may conflict with required easements and dedications. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.005(d).

Condition 11: Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.

SRC Chapter 71 – Stormwater:

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: The applicant submitted a stormwater management basin map that demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. At time of building permit, the applicant shall be required to submit a Stormwater Management Report that describes the proposed stormwater system and demonstrates how the proposed system complies with SRC Chapter 71 and PWDS Appendix 4E relating to green stormwater infrastructure. As a condition of approval, the applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

Condition 12: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

SRC 802 – Public Improvements:

▪ ***Development to be served by City utilities:***

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the

Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

The proposed development conforms to the public improvement standards of SRC Chapter 802.

▪ **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: There is an existing 24-inch public water main, 15-inch public storm drain main, and an 18-inch public storm drain main on the subject property. Each of the existing public mains are located within easements that do not meet current Public Works Design Standards for required width. As a condition of approval, the applicant shall dedicate easements for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements). There also appear to be existing easements for public infrastructure which are not utilized. The existing easements which are inadequate and the existing easements which are not utilized shall be quitclaimed or vacated, as applicable.

Condition 13: Dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.

Street and Right-of-way Improvements SRC 803

▪ ***Boundary Street Improvements and Street Standards:***

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development. SRC Chapter 803 describes street standards that boundary street improvements must be constructed to.

Finding: The subject property abuts Commercial Street SE, 23rd Street NE, D Street NE, Gear Street NE, and Medical Center Drive NE. The following analysis describes what improvements are required along the boundary streets of the property:

Center Street NE – The subject property abuts Center Street NE along the southern property boundary. Center Street NE is classified as a major arterial according to the Salem Transportation System Plan (TSP); however, the Salem TSP identifies this street will be constructed to an interim minor arterial standard. Center Street NE has adequate improvement width to meet an interim minor arterial standard; however, has inadequate right-of-way width. As a condition of approval, the applicant shall dedicate the ultimate major arterial half-width right-of-way along the property frontage, including a 30-foot radius

right-of-way dedication at the intersection of Center Street NE and 23rd Street NE in accordance with the *Public Works Design Standards*. In addition, the applicant shall relocate the existing curb line sidewalks along Center Street NE to the new property line in order to comply with SRC 803.035(l)(2)(A) relating to sidewalk location.

Condition 14: Convey land for dedication to equal a half-width right-of-way of 48- feet on the development side of Center Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition 15: Along Center Street NE, reconstruct sidewalks at the new property line location after right-of-way dedication.

23rd Street NE – The subject property abuts 23rd Street NE along the eastern property boundary. 23rd Street NE is classified as a collector street according to the Salem TSP. 23rd Street NE has adequate right-of-way width and adequate pavement improvement width according to the standards established in SRC 803.025. However, 23rd Street NE lacks sidewalks and planter strips for street trees along the property frontage. The existing right-of-way width cannot accommodate the required sidewalks and planter strips; however, the applicant proposed to dedicate a public access easement over the required sidewalk in order to accommodate pedestrian access along the property frontage. This will allow construction of an 8-foot planter strip for street trees and a 5-foot sidewalk to accommodate public access, meeting the requirements for street improvements in SRC 803.035. As a condition of approval, the applicant shall construct a 5-foot-wide sidewalk and 8-foot planter strip along 23rd Street NE and dedicate a public access easement over the sidewalk. In addition, as part of the sidewalk construction along 23rd Street NE, the applicant shall construct receiving curb ramps on the development site of the street for the crossings at the intersection of B Street NE and 23rd Street N.

Condition 16: Along 23rd Street NE, construct a 5-foot-wide sidewalk separated from 23rd Street NE by a minimum 8-foot-wide planter strip and dedicate a public access easement, or dedicate right-of-way, for the required sidewalk.

Condition 17: At the driveway intersection to 23rd Street NE, directly across B Street NE, construct receiving curb ramps on the development site of the street in accordance with *Public Work Design Standards*.

D Street NE – The subject property has approximately 30-feet of frontage on D Street NE where Medical Center Drive NE (private) intersects with D Street NE along the northern property boundary. D Street NE abutting the subject property has inadequate overall right-of-way width and improvement width. The applicants preliminary plan shows there is an existing 36-foot wide half-width right-of-way abutting the subject property; therefore, additional right-of-way dedication is not warranted per SRC 803.040. As the property only has frontage along D Street NE where the property intersects with Medical Center Drive NE (private) and D Street NE, frontage improvements along D Street NE are not warranted.

Grear Street NE – The subject property abuts Grear Street along the western property boundary. Grear Street NE terminates along the western property boundary and creates a “T-intersection” with Medical Center Drive NE, which is a private local street. Grear Street NE abutting the property meets the minimum right-of-way width and pavement width

standards established in SRC 803.025; therefore, additional improvements along Gear Street NE are not required.

Medical Center Drive NE (Private) – Medical Center Drive NE is an existing private local street located on the subject property in an easement. Medical Center Drive NE extends north from Center Street NE to Gear Street NE and then terminates at the southern internal drive aisle to the development. Medical Center Drive NE also extends south from D Street NE and then terminates at the northern internal drive aisle of the development. Medical Center Drive NE does not completely extend through the development site. Pursuant to SRC 803.020(b)(2) private streets shall conform to public street standards established in SRC Chapter 803 and the Public Works Design Standards. The existing condition of Medical Center Drive NE does not meet block spacing and connectivity standards (SRC 803.035(a)). In lieu of constructing a street through the subject property, the applicant proposes to construct a 10-foot-wide shared use path that connects the southern and northern segments of Medical Center Drive NE as well as provides connection to 23rd Street NE and requests an Alternative Street Standard pursuant to SRC 803.065. The subject property has multiple site constraints including easements for public infrastructure and significant trees. As such, it would not be feasible to construct a public or private street through the subject property. An Alternative Street Standard for block spacing and connectivity if approved pursuant to SRC 803.065(a)(1). As a condition of approval, the applicant shall construct a 10-foot-wide shared use path through the subject property that provides connectivity from the southern and northern segments of Medical Center Drive NE and to 23rd Street NE. The applicant shall dedicate a public access easement for the required path.

Condition 18: Construct a 10-foot-wide shared use path from the southern segment of Medical Center Drive NE through the site to the northern segment of Medical Center Drive NE and to 23rd Street NE as shown on the applicant's preliminary site plan and dedicate a public access easement for the path.

▪ **Street Trees**

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

Finding: Conditions of approval require the applicant to provide a minimum 8-foot planter strip along 23rd Street NE to accommodate street trees. With relocation of the sidewalk along Center Street NE, there will also be room for additional street trees. As a condition of approval, the applicant shall install street trees to the maximum extent feasible along 23rd Street NE and Center Street NE. Along Medical Center Drive NE, Gear Street NE, and D Street NE, there is not room for additional street trees along the property frontage.

Condition 19: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Center Street NE and 23rd Street NE.

The applicant proposes removal of existing street trees along 23rd Street NE to accommodate a required sidewalk. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86. The street tree removal

permit shall be obtained prior to issuance of building permits that would necessitate removal of the trees.

Condition 20: Prior to issuance of building permits, obtain street tree removal permits pursuant to SRC Chapter 86.

Driveway Approaches SRC 804

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The applicant proposes two new driveway approaches onto 23rd Street NE and has applied for a Class 2 Driveway Approach Permit; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway approach permit, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

Vision Clearance SRC 805

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: The applicant's preliminary site plan shows vision clearance areas at all street intersections and driveway approaches. The proposal does not cause a vision clearance obstruction per SRC Chapter 805 and meets the vision clearance standards established in SRC Chapter 805.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.015 - Amount of Off-Street Parking.

- a) *Maximum Off-Street Parking.* Pursuant to Table 806-1, the maximum off-street parking allowance for a multi-family use is 1.2 spaces per dwelling unit for each studio unit and 1.75 space for all other dwelling units.
- 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 required off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 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.

Finding: The proposed development includes a total of 120 multi-family dwelling units, none of the proposed dwelling units are studio units. The maximum off-street parking allowance is 210 spaces (Non-Studio Units: $120 \times 1.75 = 210$), 197 off-street parking spaces are proposed, less than the maximum allowance.

A maximum of 148 spaces may be compact parking spaces ($197 \times 0.75 = 147.75$), the site plan indicates that 67 spaces will be compact spaces, less than the maximum allowance. Carpool/vanpool spaces are not required for the proposed development.

A minimum of 79 spaces are required for electrical vehicle charging ($197 \times 0.4 = 78.8$), the site plan indicates that 79 spaces will be provided for electrical vehicle charging, meeting this standard.

SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Finding: The off-street parking and vehicle use area development standards of SRC Chapter 806 are applicable to this proposal. The proposed off-street parking area is in compliance with the minimum setback requirements of SRC Chapters 533 and 806.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For off-street parking areas greater than 50,000 square feet in size, a minimum of 8% of the interior of the off-street parking area is required to be landscaped.

Finding: The application materials indicate the off-street parking area is approximately 81,213 square feet in size, requiring a minimum of 6,497 square feet of landscaping ($81,213 \times 0.08 = 6,497.04$). Approximately 7,135 square feet of interior landscape area is provided, exceeding the minimum requirement.

- e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5.

Finding: The proposed off-street parking spaces comply with the minimum aisle width and dimensional requirements for compact and standard vehicle parking spaces established in 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 806-7.

Finding: There are proposed off-street parking areas included in the design that result in a drive aisle that terminates at a dead-end. The turnaround areas at the end of the drive aisles are in compliance with the dimensional standards of this section.

g) *Additional Off-Street Parking Development Standards 806.035(g)-(n).*

Finding: The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, drainage, and bumper guards. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806. Off-street parking area screening per SRC 806.035(n) if the parking area abuts residentially zoned property or household living uses, this section is not applicable.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

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

Finding: Bicycle parking spaces serving the proposed multiple family residential use are provided on the subject property in compliance with this provision.

SRC 806.055 - Amount of Bicycle Parking.

Per SRC Chapter 806, Table 806-9, uses in the multi-family residential use category require a minimum of one space per dwelling unit. Table 806-9 allows 100 percent of the required bicycle parking spaces to be long-term.

Finding: The proposed development includes a total of 120 multi-family residential dwelling units, requiring a minimum of 120 bicycle parking spaces.

The applicant's site plan and written statement indicate that a total of 120 short term and long-term bicycle parking spaces are provided within dwelling units, covered bike parking corral spaces, and throughout the exterior of development site, in compliance with the minimum requirement.

SRC 806.060 - Bicycle Parking Development Standards.

a) *Location.*

- (1) *Short-term bicycle parking.* Short-term bicycle parking shall be located outside a building within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
- (2) *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.
- (C) *Long-term bicycle parking for non-residential uses.* Long-term bicycle parking spaces for non-residential uses shall be located within:
- (i) A restricted access lockable room;
 - (ii) A lockable bicycle enclosure; or
 - (iii) A bicycle locker.

Finding: The applicant indicates that 120 bicycle parking spaces are provided for the proposed development, including 10 long-term bicycle parking spaces, and 110 short-term spaces provided at the building entrances, common areas, and within bike corrals, all within 50 feet of primary building entrances in locations that are clearly visible from primary building entrances and distributed throughout the development site. At the time of building permit approval, the applicant will be required to demonstrate that the minimum bicycle parking requirement and all applicable development standards are met for all bicycle parking spaces.

Condition 21: Prior to building permit approval, the applicant shall demonstrate that all required bicycle parking provided for the use complies with applicable standards of SRC Chapter 806.

- b) *Access.* All 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.

Finding: Proposed bicycle parking areas have direct and accessible access to the public right-of-way and primary building entrances that are free of obstructions.

- c) *Dimensions.* All 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 806-10. Standard horizontal spaces require a minimum width of two feet and minimum length of four feet.

Finding: As proposed and conditioned, short-term and long-term bicycle parking spaces meet the minimum dimensions requirements of Table 806-10.

- (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10. The minimum access aisle width is four feet.

Finding: As proposed and conditioned, access aisles serving the bicycle parking spaces have a minimum width of four feet.

- 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.

Finding: As proposed and conditioned, bicycle parking areas that are located outside will be paved with concrete, in compliance with this standard.

- e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. 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 bicycle racks that do, and do not, meet these standards are shown in Figure 806-12.

Finding: It appears inverted staple racks or loops are proposed for short-term bicycle parking that will be securely anchored in concrete, and long-term bicycle parking will be provided by wall mounted racks within the interior of the building that allow for storage in a vertical position. The proposed racks are a shape that allow for support, storage, and allow for the securing of bicycles in compliance with the standards in this section. Bicycle parking spaces required to meet the minimum requirement for the proposed use will be evaluated for conformance with applicable development standards of SRC Chapter 806 at the time of building permit.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity.

SRC 806.070 – 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.

SRC 806.075 - Amount of Off-Street Loading.

Per Table 806-11, multi-family residential uses containing 100-199 dwelling units require a minimum of two off-street loading spaces. Required loading spaces shall have a minimum width of 12 feet, minimum depth of 19 feet, and minimum overhead vertical clearance of 12 feet. If a recreational or service building is provided, at least one of the required loading spaces shall be located in conjunction with the recreational or service building.

Finding: The applicant's site plan and statement indicate that two off-street loading spaces are provided for the proposed development, with one of the proposed loading spaces being provided near the proposed recreational/service building, in compliance with the standards of this section.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

SRC 807.015(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.

Finding: No trees are proposed for removal from required setbacks.

- 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.

Finding: For Phase 1 of development, there are a total of 49 trees identified on the plans. Of those trees, 31 are located on private property and 18 are within existing or future public right-of-way. The applicant is proposing to remove 27 of the 31 trees on private property and 14 of the 18 trees within the existing or future public right-of-way. This standard requires replanting

when more than 75 percent of trees are removed from private property. In this case, 87 percent of the trees on private property are proposed for removal in Phase 1. As a condition of approval, a minimum of two trees are required to be replanted for each tree removed beyond 75 percent. Four trees were removed in excess of the 75 percent allowance, requiring the replanting of eight trees.

Condition 22: A minimum of eight replacement trees shall be incorporated into the landscape plan. Trees required to be replanted per this condition are in addition to the minimum landscaping requirements of this chapter.

Natural Resources

SRC 601 – Floodplain: Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 20 inches in diameter at breast height or any other tree with a DBH 30 inches or greater, but excluding tree of heaven [*Ailanthus altissima*], empress tree [*Paulownia tomentosa*], black cottonwood [*Populus trichocarpa*] and black locust [*Robinia pseudoacacia*]) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

Finding: For Phase 1 of development, there are a total of 49 trees identified on the plans. Of those trees, 31 are located on private property and 18 are within existing or future public right-of-way. The applicant is proposing to remove 27 of the 31 trees on private property and 14 of the 18 trees within the existing or future public right-of-way. No significant trees located within Phase 1 are proposed for removal. There are a total of seven significant trees located on the Phase 2 portion of the development site which are designated for preservation at this time but will be further evaluated at the time a development application is submitted for Phase 2.

SRC 808.046 – Root 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.

Finding: Tree 3602 is a healthy, mature Giant Sequoia with a dbh of 80 inches, which is classified as a significant tree. This tree is located in Phase 2 of the development site near the boundary with Phase 1, however, the critical root zone extends into Phase 1 and will be impacted by development. Development plans indicate that this tree will be protected and preserved throughout development. The disturbance area to the critical root zone for Tree 3602 is approximately 6,032 square feet, or 30 percent of the total critical root zone.

Above ground protective fencing will be provided for Tree 3602, and no storage of building materials or parking of vehicles will be allowed within the critical root zone. Impacts of development are limited to a maximum of 30 percent of the critical root zone, and with recommended treatment outlined in the arborist report, the minimal disturbance will not compromise the long-term health of the tree.

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

Finding: According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a multi-family development adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers and dated March 2, 2023, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations within the report.

SRC 220.005(f)(3)(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.

Finding: Access to the proposed development will be provided by the network of existing public streets that surround the property. As conditioned, the required improvements will ensure that the street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

SRC 220.005(f)(3)(C): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: The proposal includes two new driveway approaches onto 23rd Street NE. Additionally, access will be provided through existing access points onto Medical Center Drive NE, which is a private street. The proposed driveway accesses provide for safe turning movements into and out of the property and modifications are not warranted per SRC Chapter 804 (Driveway Approaches).

SRC 220.005(f)(3)(D): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Development Services Division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed development, subject to the conditions of approval. This approval criterion is met.

8. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(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.**

Finding: The applicant is requesting the following Class 2 Adjustments:

- 1) To increase the maximum building setback allowance adjacent to a street from 10 feet per SRC 533.015(c), Table 533-3, to approximately 13 feet;
- 2) To reduce the ground floor ceiling height requirement from a minimum of 14 feet along a primary street per SRC 533.015(h), Table 533-6, to approximately 9 feet;
- 3) To reduce the minimum 65 percent ground floor window requirement along a primary street per SRC 533.015(h), Table 533-6, to approximately 20 percent;
- 4) To reduce the minimum building frontage requirement on Center Street NE from 75 percent per SRC 533.015(h), Table 533-6, to approximately 60 percent;
- 5) To eliminate the weather protection requirement for building facades facing a street per SRC 533.015(h), Table 533-6; and

- 6) To increase the maximum horizontal separation allowance between a ground floor dwelling unit and a street from 10 feet per SRC 533.015(h), Table 533-6, to approximately 13 feet.

To increase the maximum building setback allowance adjacent to a street from 10 feet per SRC 533.015(c), Table 533-3, to approximately 13 feet.

The applicant is requesting an Adjustment to increase the maximum setback allowance for Buildings A and B adjacent to Center Street NE, and for Buildings B, C, E, F, G, and H adjacent to 23rd Street NE from a maximum distance of 10 feet, per SRC 533.015(c), Table 533-3, to a maximum setback distance of approximately 13 feet.

The applicant indicates that the purpose of the maximum setback requirement is to create visually appealing pedestrian-oriented development by encouraging construction of mixed-use buildings as close to the street as possible.

Along Center Street NE, the site plan indicates that the majority of frontages for Buildings A and B will be placed at the 10-foot setback line, however, small portions of the building frontages jog back from the setback line to provide horizontal building articulation. The proposal equally or better meets the intent of the standard by providing a majority of the building mass at the setback line and does not detract from the purpose of promoting pedestrian-oriented development.

Along 23rd Street NE, the site plan indicates that Buildings B, C, E, F, G, and H will have a setback of approximately 13 feet. The applicant states that greater setbacks are needed to accommodate proposed site grading and an existing public utility easement. In order to preserve existing street trees along 23rd Street NE and provide a minimum 8-foot-wide planter strip, new public sidewalk will be installed on private property within a public access easement. The result is sidewalks that are approximately 6-7 feet from the exterior wall of the buildings along 23rd Street NE, which will provide a similar pedestrian environment and appearance with regards to the separation between a public sidewalk and buildings that is required by the MU-I zone. The proposal does not detract from the purpose of promoting pedestrian-oriented development and therefore equally or better meets the intent of the standard.

To reduce the ground floor ceiling height requirement from a minimum of 14 feet along a primary street per SRC 533.015(h), Table 533-6, to approximately 9 feet.

SRC 533.015(h), Table 533-6 provides that for building floors on primary streets, a minimum ground floor height of 14 feet is required. Ground floor height is measured from the floor to the ceiling of the first floor. The applicant indicates that the purpose of the standard is to facilitate development of mixed-use buildings with ground floor commercial uses. The applicant is requesting to decrease the minimum ceiling height requirement to nine feet. Overall height and massing of the proposed buildings adjacent to Center Street NE and 23rd Street NE will be within the minimum and maximum height requirements of the MU-I zone.

The intent of having 14-foot ground floor ceiling height, even when ground floor residential is required, is to allow the future conversion of ground floor units to commercial uses. The proposed development is income-restricted affordable housing with a deed restriction of up to 30-years which will prohibit the conversion of the units to commercial units for decades to

come. This restriction diminishes the need for an accommodation for a future conversion. The proposal to provide buildings that comply with overall massing and height requirements, while reducing the ground floor ceiling height requirement to nine feet, equally or better meets the intent of this provision and is therefore in compliance with this criterion.

To reduce the minimum 65 percent ground floor window requirement along a primary street per SRC 533.015(h), Table 533-6, to approximately 20 percent.

Both Center Street NE and 23rd Street NE are classified as primary streets, requiring a minimum of 65 percent ground floor windows for the façade of each building fronting these streets. The applicant has requested a Class 2 Adjustment to reduce this standard to approximately 20 percent.

As discussed in the corresponding zoning adjustment requests, the buildings are setback further than the maximum 10-feet due to a combination of easements, stormwater facilities, existing street trees and required sidewalk locations. The standard is intended to create an open and welcoming streetscape primarily for pedestrians as they pass by ground floor uses. The separation between the public realm and the buildings reduces the need to have large storefront type windows. Coupled with the deed restriction of up to 30-years for affordable housing in the entire development, including ground floor units, it is unlikely that different uses will be added to the development over time. As proposed, the development equally meets the intent of the development standards of the MU-I zone and is in compliance with this the adjustment approval criterion.

To reduce the minimum building frontage requirement on Center Street NE from 75 percent per SRC 533.015(h), Table 533-6, to approximately 60 percent.

As shown on the site plans, the proposed development does not meet the minimum 75 percent building frontage requirement adjacent to Center Street NE.

The written statement provided by the applicant indicates that the purpose of this requirement is to provide pedestrian friendly vibrant development that encourages buildings to be located close to the sidewalks and major streets, rather than surface parking areas. The proposed layout provides two buildings along Center Street NE, with a required stormwater detention area between the two buildings. The stormwater detention area will be landscaped and visual appealing between the two buildings. As a condition of approval, sidewalks will be required to be reconstructed along Center Street NE at the new property line, providing separation from the street. Pedestrian pathways will also be required to connect the entryways of Buildings A and B to the new public sidewalk. In no instances within the development are parking areas located between buildings and streets.

Along 23rd Street NE, approximately 55.7 percent of the frontage will be occupied by buildings placed at the setback line, exceeding the minimum 40 percent standard along this street.

In consideration of the applicant's statement and staff findings, the adjustment request to allow for a reduction to the building frontage requirement along Center Street NE equally or better meets the stated purpose and intent of this provision and is therefore in compliance with this criterion.

To eliminate the weather protection requirement for building facades facing a street per SRC 533.015(h), Table 533-6.

SRC 533.015(h), Table 533-6 provides that building ground floor façades adjacent to a street are required to provide a minimum of 75 percent weather protection in the form of awnings or canopies. The applicant is requesting an Adjustment to eliminate the weather protection requirement.

The buildings will be setback 7-feet or greater away from adjacent public sidewalks. Because of the distance between the building facades and public sidewalk, the intent of providing weather protection along the public sidewalk cannot be reasonably met. Even if additional weather protection was provided along the building façades, with no sidewalks to cover they would do little to create a more friendly pedestrian-oriented environment. The applicant indicates that each of the three buildings have a similar façade design with shared breezeway entrances providing pedestrian access from the sidewalk to the buildings, equally or better meeting the intent of this provision, in compliance with this criterion.

To increase the maximum horizontal separation allowance between a ground floor dwelling unit and a street from 10 feet per SRC 533.015(h), Table 533-6, to approximately 13 feet.

The applicant has requested an Adjustment to increase the horizontal separation requirement from a maximum distance of 10 feet, per SRC 533.015(h), Table 533-6, to approximately 13 feet. Similarly, the applicant has requested an Adjustment to increase the maximum setback requirement adjacent to a street from 10 feet to approximately 13 feet. It is not possible to provide horizontal separation with a different dimensional requirement than the building setback; the two standards directly correspond.

The area provided between ground floor residential habitable space and abutting streets will be landscaped to provide privacy and separation between the residential use and public right-of-way, while maintaining and promoting pedestrian oriented development in a way that equally meets the intent of the separation standard.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is located within the MU-I (Mixed Use-I) zone. Although the proposed development is for a multiple family residential use, the subject property is located in a mixed-use zone, not a residential zone; therefore, this criterion is not applicable.

SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: Six separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

Condition 23: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

9. Analysis of Class 2 Driveway Approach Permit Approval Criteria

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

The applicant proposes two new driveway approaches onto 23rd Street NE that are subject to Class 2 Driveway Approach Permits.

As described in the findings below, the proposed driveway approaches meet the approval criterion.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveway approaches meet the standards for SRC Chapter 804 and Public Works Design Standards (PWDS). This criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: Development Services has reviewed the proposal and determined that no site conditions existing prohibiting the location of the proposed driveway. This criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The two new driveway approaches will be located on 23rd Street NE, which is classified as a collector street. The site abuts Center Street NE and D Street NE which are classified as arterial streets. No new access is proposed onto the arterial streets abutting the property. Access to the arterial streets abutting the property will be provided through an existing private street. This criterion is met.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

(B) Takes access from the lowest classification of street abutting the property.

Finding: The subject property abuts 23rd Street NE, which is classified as a collector street, and Center Street NE and D Street NE which are classified as arterial streets. The proposed driveway approaches are onto 23rd Street NE, which provides access to the lowest classification of street abutting the subject property. This criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The applicant's preliminary site plan shows vision clearance triangles at the proposed driveway approaches onto 23rd Street NE. The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. This criterion is met.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveways will create traffic hazards or unsafe turning movements. Additionally, Development Services analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Development Services' analysis of the proposed driveways and the evidence that has been submitted indicate that the location of the proposed driveways will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The property abuts a collector street (23rd Street NE) and two arterial streets (Center Street NE and D Street NE). The applicant is proposing a driveway to the lower classification of public street and it meets the spacing requirements of SRC Chapter 803. By complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections. This criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed driveway approaches onto 23rd Street NE will abut public and mixed-use zones and is separated from residential zoning by adjacent rights-of-way. The proposed driveway is taken from the lowest classification of public street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

10. Analysis of Tree Regulation Variance Approval Criteria

Salem Revised Code (SRC) 808.045(d) sets forth the following criteria that must be met before approval can be granted to a request for a Tree Regulation Variance. The initial Tree Regulation Variance request was to allow encroachment greater than 30 percent into the critical root zones for five trees dedicated for preservation (Trees 2419, 2420, 2429, 3608, and

4098). Following the public comment period and in consideration of comments received, the applicant has revised the site plan layout and tree protection plan for the proposed development to reduce impacts to the critical root zones. Revisions received on June 27, 2024, are included as **Attachment B** of this report resulting in the withdrawal of Tree Regulation Variance applications for Trees 2419, 2420, and 3608. Tree Regulation Variances are still required for Trees 2429 and 4098. Updates to the tree protection plan are summarized in the table below.

Tree Number	Species	DBH	CRZ	30% Max.	Proposed Encroachment (SF / %)
2419	Pin Oak	21-inch	1,385 SF	416 SF	335 SF / 24%
2420	Pin Oak	21-inch	1,385 SF	416 SF	402 SF / 29%
2429	Hornbeam	23-inch	1,662 SF	499 SF	1,218 SF / 73%
3608	Giant Sequoia	80-inch	20,106 SF	6,032 SF	6,032 SF / 30%
4098	Blue Atlas Cedar	23-inch	1,662 SF	499 SF	904 SF / 54%

Trees 2419 and 2420 – Pin Oak, 21” DBH

Two 21-inch DBH pin oaks (*Quercus palustris*) are proposed for preservation. The updated site plan and arborist report indicate that these trees are in overall good health with minor structural flaws, including wounds on the lower trunks and dead branches. Proposed encroachment to the critical root zones is 24 percent for Tree 2419 and 29 percent for Tree 2420. The level of encroachment is consistent with the allowance in SRC 808.046(a)(3) which states that 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.

Because the encroachment to the CRZ for Trees 2419 and 2420 is less than 30 percent, a Tree Regulation Variance is not required and has been withdrawn for these trees.

Tree 2429 – Hornbeam, 23” DBH

A healthy, mature 23-inch Hornbeam (*Carpinus* sp.) is proposed for preservation. The updated site plan and arborist report indicate that the disturbance area to the CRZ for this tree is approximately 1,218 square feet, or a total of 73 percent of the CRZ. A tree variance is required to increase the maximum encroachment in the CRZ from 30 percent to approximately 73 percent. Findings addressing the applicable approval criteria in SRC 808.045 for Tree 2429 are included in this section.

Tree 3602 – Giant Sequoia, 80” DBH

A mature, healthy, 80-inch DBH giant sequoia is proposed for preservation. This tree is located on the adjacent Phase 2 parcel, but the critical root zone extends into Phase 1 and is impacted from construction activities proposed for Phase 1. The applicant’s revised plan dated June 27, 2024, indicates that ten parking stalls have been eliminated and a planned sidewalk has been shifted outside the CRZ, resulting in an adjusted impact area to the CRZ for Tree 3602 that is 30 percent, consistent with SRC 808.046(a)(3).

Because the encroachment is 30 percent, a Tree Regulation Variance is not required for Tree 3602 and has been withdrawn.

Tree 4098 – Blue Atlas Cedar, 23” DBH

A mature 23-inch DBH Blue Atlas Cedar (*Cedrus atlantica* ‘Glauca’) that is in good health is proposed for preservation. The updated site plan and arborist report indicate that the disturbance area to the CRZ for this tree is approximately 904 square feet, or a total of 54 percent of the CRZ. A tree variance is required to increase the maximum encroachment in the CRZ from 30 percent to approximately 54 percent. Findings addressing the applicable approval criteria in SRC 808.045 for Tree 4098 are included in this section.

SRC 808.045(d)(1)(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.

Finding: The proposal development includes construction of a new 120-unit multi-family residential apartment complex. Of the 31 existing trees located on the Phase 1 portion of private property, the applicant proposes removal of 27 trees and retention of four trees, including Trees 2429 and 4098.

Because these trees are to be protected and preserved through development, the tree protection measures under SRC 808.046 are required. SRC 808.046(a)(1)&(2) provides that all trees required to be protected or preserved shall be protected during construction with the installation of an above ground silt fence, or its equivalent, which encompasses 100 percent of the critical root zone of the tree. The critical root zone is measured as one-foot in radius for every one-inch of DBH of the tree. Tree 2429 and Tree 4098 both have a DBH that is approximately 23 inches, the critical root zone for each tree is 23 feet in radius.

Notwithstanding SRC 808.046(a)(2), pursuant to SRC 808.046(a)(3), “up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of a 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.”

Trees 2429 and 4098 are proposed to be protected and preserved through development, however, the applicant has requested a Tree Regulation Variance under SRC 808.045 to deviate from the requirements of this chapter to allow disturbance within more than 30 percent of the critical root zone of these trees.

The applicant has submitted a report from a licensed arborist (**Attachment B**), indicating the following specific findings for each tree:

Tree 2429 – Hornbeam, 23” DBH

The updated site plan and arborist report indicate that the disturbance area to the CRZ for this tree is approximately 1,218 square feet, or a total of 73 percent of the CRZ. The location of the tree conflicts with the required location for the driveway on 23rd Street NE. In addition, requirements for building placement along 23rd Street NE, pedestrian connections and on-site stormwater retention areas all impact the CRZ for this tree. However, with the mitigation measures recommended from the arborist report, including potential for the

sidewalk to be suspended over the roots on the north side or for the sidewalk to be constructed using a modified pavement profile, the tree is likely to survive.

Tree 4098 – Blue Atlas Cedar, 23” DBH

The updated site plan and arborist report indicate that the disturbance area to the CRZ for this tree is approximately 904 square feet, or a total of 54 percent of the CRZ. The location of the tree conflicts with the existing/proposed location of a private street (Medical Center Drive NE) and the requirement for a multi-use bicycle and pedestrian connection. Per the arborist report, Atlas Cedar trees have a medium tolerance to construction impacts. Recommended mitigation measures include potential for the sidewalk to be suspended over the roots on the west side or for the sidewalk to be constructed using a modified pavement profile. Curbs constructed adjacent to the tree may need to be roll curbs or extruded curbs to minimize excavation where there are structural roots.

The applicant is requesting to preserve both trees, however, a practical difficulty is created in the conflict between the vicinity of the tree, critical root zones of the preserved trees, and the location of required improvements. Granting the Tree Regulation Variance in this case can most effectively relieve the hardship created and allows for the preservation of existing trees that may otherwise need to be removed. Alternatively, if the Tree Regulation Variance is not approved, the applicant could choose to remove both non-significant tree and provide mitigation measures such as replanting. Granting the Tree Regulation Variance allows both trees to be retained, and with supervision of the project arborist and compliance with the tree protection measures outlined in the Arborist report, the trees are likely to survive.

To ensure the arborist’s recommendations and other protection measures for the preservation of the tree are followed, the following conditions shall apply:

- Condition 24:** A licensed arborist shall be located on site to provide oversight during all work activities occurring within the critical root zones of all protected trees including root pruning, paving, foundation construction, excavation, and grading.
- Condition 25:** All recommended tree protection measures identified in the arborist report dated June 27, 2024, shall be followed.

SRC 808.045(d)(1)(b): The proposed variance is the minimum necessary to allow the otherwise lawful proposed development of activity.

Finding: With the oversight and guidance of the project arborist, as described in the above findings and conditions, the request to disturb more than 30 percent of the critical root zone of two trees proposed for preservation is the minimum amount of disturbance necessary to allow for the otherwise lawful development of the subject property as well as ensuring the long-term health of the trees is not compromised, in compliance with this approval criterion.

11. Analysis of Property Line Adjustment Approval Criteria

Pursuant to SRC 205.055(a), a property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body.

Salem Revised Code (SRC) 205.055(d) provides that an application for a property line adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial.

SRC 205.055(d)(1): The property line adjustment will not create an additional unit of land;

Findings: The proposed property line adjustment relocates the common property line between two existing parcels. The proposed property line adjustment would not create an additional unit of land; therefore, this criterion is met.

SRC 205.055(d)(2): The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;

Findings: The subject properties are zoned MU-I (Mixed Use-I) and CO (Commercial Office), which is regulated by SRC Chapters 521 and 533.

SRC 521.010(a) – Lot Standards and SRC 533.015(a) – Lot Standards:

Pursuant to SRC 521.010(a), Table 521-2, the minimum lot area requirement is 6,000 square feet, there is no minimum lot width or depth requirement, and the minimum street frontage requirement is 16 feet.

Pursuant to SRC 533.015(a), Table 533-2, there is no minimum lot area, width, or depth requirement, and the minimum street frontage requirement is 16 feet.

Finding: As shown on the property line adjustment site plan, this adjustment will move the property line between two units of land resulting in adjusted lot sizes of approximately 0.46 acres (proposed Property A) and 3.29 acres (proposed Property B). Proposed Property A has approximately 55 feet of frontage along Medical Center Drive NE, and proposed Property B has approximately 40 feet of frontage along Medical Center Drive NE, exceeding the minimum street frontage requirement of the CO and MU-I zones. Proposed Resulting lot area and dimensions of the adjusted properties meet or exceed the minimum lot area, lot width, lot depth, and street frontage requirements of the CO zone.

SRC 514.010(d) and SRC 533.015(c) – Setbacks:

Finding: Minimum setback requirements are summarized below:

Proposed Property A (Existing Parking Area, CO Zone)

The proposed property line adjustment impacts the setback for an existing off-street parking area, the property line currently runs through the row of parking spaces along the southern end. The resulting property line adjustment will move the lot line further south so the existing parking lot will be contained entirely on its own unit of land with a minimum five-foot wide setback provided to the new property line. The property line adjustment corrects the current nonconforming setback in compliance with this criterion.

Proposed Property B (Adjusted Parcel 2, MU-I Zone)

Proposed Parcel 2 is currently vacant, there is no existing development occurring on this parcel that would be impacted by the movement of the property line to the south.

SRC 521.010(c) and SRC 533.015(d) – Lot Coverage, Height:

Within the CO zone, there is a maximum lot coverage requirement of 60 percent. There is no maximum lot coverage requirement in the MU-I zone.

Finding: There are no buildings or structures on either property subject to the lot line adjustment; therefore, this standard is not applicable.

Conclusion: The proposed property line adjustment does not result in the creation of non-conforming units of land or non-conforming development or increase the degree of non-conformity in existing units of land; therefore, this criterion is met.

SRC 205.055(d)(3): The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;

Findings: The subject properties are two single and discrete lawful units of land, Tax Lot 073W24CC03900 is described in Reel 4502, Page 333, Marion County Deed Records, and Tax Lot 073W24CC04000 is described as Parcel 2, Partition Plat 2009-3, Marion County Book of Partition Plats. This consolidated application includes a request for a Partition Tentative Plan to further divide Parcel 2 of Partition Plat 2009-3. The final plat for the Partition Tentative Plan shall be recorded prior to recording of the record of survey for the Property Line Adjustment.

The proposed property line adjustment involves legal units of land; therefore, this criterion is met.

SRC 205.055(d)(4): The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;

Findings: There are two previous land use applications identified for the subject property below:

PAR08-12: Partition request to divide approximately 10.91 acres into two parcels, with Parcel 1 consisting of approximately 1.2 acres and Parcel 2 consisting of approximately 9.85 acres. The final partition plat was recorded with Marion County.

PAR20-09: A request partition plan to divide approximately 9.85 acres into two parcels, with Parcel 1 consisting of approximately 5.37 acres, and Parcel 2 consisting of approximately 4.48 acres. This partition decision has expired.

These previous land use approvals do not contain conditions of approval applicable to the properties that would prohibit the proposed property line adjustment; therefore, this criterion is met.

SRC 205.055(d)(5): The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way;

Findings: The proposal will not involve the relocation or elimination of any public easements or right-of-way; therefore, this criterion is met.

SRC 205.055(d)(6): The property line adjustment does not adversely affect the availability or access to public and private utilities or streets;

Findings: The proposed property line adjustment will adjust the common property line between two abutting lots and does not affect availability or access to public and private utilities or streets. This criterion is met.

12. Conclusion

Based upon review of SRC Chapters 205, 220, 250, 804, and 808, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Final approval of Partition Tentative Plan, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Tree Regulation Variance, and Property Line Adjustment Case No. PAR-SPR-ADJ-DAP-TRV-PLA24-08 is hereby **APPROVED** subject to SRC Chapters 205, 220, 250, 804, and 808, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

Conditions of Approval – Partition

- Condition 1:** At time of development on each parcel, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards and SRC Chapter 71.
- Condition 2:** Prior to final plat, provide a preliminary utility plan for Proposed Parcel 2 that demonstrates how the lot will be provided individual services.
- Condition 3:** At time of development on each parcel, construct water, sewer, and stormwater services to serve the development proposed in accordance with the Public Works Design Standards.
- Condition 4:** Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 5:** Prior to final plat, dedicate easements on the plat, as needed, for utilities and access to serve Proposed Parcel 2.

- Condition 6:** Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.
- Condition 7:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontages of Center Street NE, 23rd Street NE, and D Street NE on the final plat. The public utility easement may be reduced to three feet at the intersection of Center Street NE and 23rd Street NE.

Conditions of Approval – Site Plan Review

- Condition 8:** The final partition plat shall be recorded prior to issuance of any building permits required for construction of residential units on the site or for civil site work permits, except the final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.
- Condition 9:** Prior to building permit approval, the site plan shall be revised to include a sidewalk from the main building entrance for proposed Buildings A and B, to the public sidewalk on Center Street NE.
- Condition 10:** At time of building permit submittal, the applicant shall provide lighting details demonstrating compliance with the standards of SRC 800.065(c).
- Condition 11:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.
- Condition 12:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
- Condition 13:** Dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.
- Condition 14:** Convey land for dedication to equal a half-width right-of-way of 48- feet on the development side of Center Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 15:** Along Center Street NE, reconstruct sidewalks at the new property line location after right-of-way dedication.
- Condition 16:** Along 23rd Street NE, construct a 5-foot-wide sidewalk separated from 23rd Street NE by a minimum 8-foot-wide planter strip and dedicate a public access easement, or dedicate right-of-way, for the required sidewalk.

- Condition 17:** At the driveway intersection to 23rd Street NE, directly across B Street NE, construct receiving curb ramps on the development site of the street in accordance with *Public Work Design Standards*.
- Condition 18:** Construct a 10-foot-wide shared use path from the southern segment of Medical Center Drive NE through the site to the northern segment of Medical Center Drive NE and to 23rd Street NE as shown on the applicant's preliminary site plan and dedicate a public access easement for the path.
- Condition 19:** Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Center Street NE and 23rd Street NE.
- Condition 20:** Prior to issuance of building permits, obtain street tree removal permits pursuant to SRC Chapter 86.
- Condition 21:** Prior to building permit approval, the applicant shall demonstrate that all required bicycle parking provided for the use complies with applicable standards of SRC Chapter 806.
- Condition 22:** A minimum of eight replacement trees shall be incorporated into the landscape plan. Trees required to be replanted per this condition are in addition to the minimum landscaping requirements of this chapter.

Condition of Approval – Adjustment

- Condition 23:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

Conditions of Approval – Tree Regulation Variance

- Condition 24:** A licensed arborist shall be located on site to provide oversight during all work activities occurring within the critical root zones of all protected trees including root pruning, paving, foundation construction, excavation, and grading.
- Condition 25:** All recommended tree protection measures identified in the arborist report dated June 27, 2024, shall be followed.



Aaron Panko, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map

B. Updated Site Plan and Written Statement dated June 27, 2024

C. Letter of Support from Northeast Neighbors dated June 30, 2024

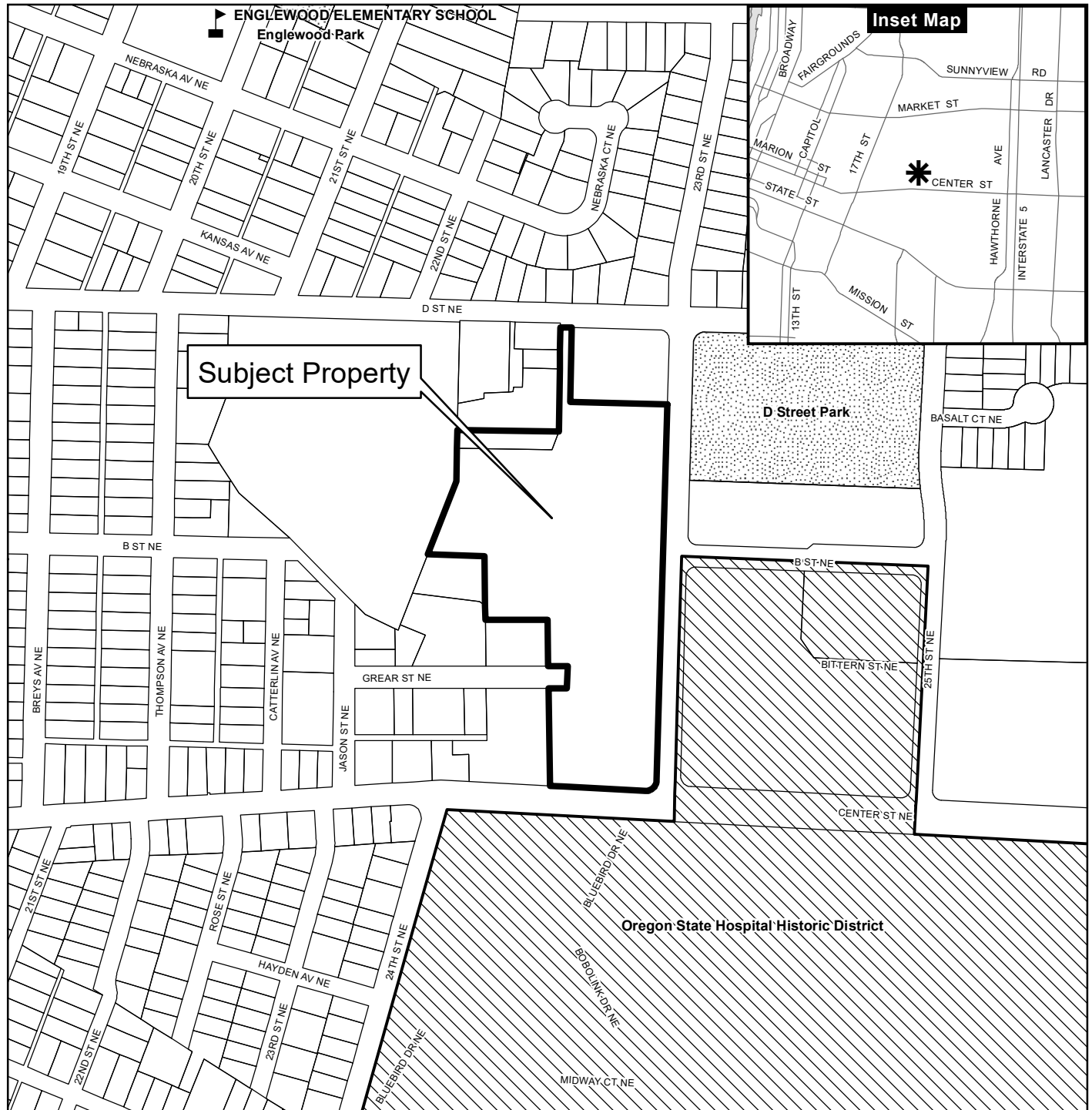
D. Development Services Memo dated August 1, 2024

<http://www.cityofsalem.net/planning>

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Vicinity Map

2561 Center Street NE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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0 100 200 400 Feet



DRAWING INDEX

CIVIL

C10	EXISTING CONDITIONS PLAN
C11	EXISTING CONDITIONS PLAN
C12	EXISTING CONDITIONS PLAN
C20	GRADING PLAN
C21	GRADING PLAN
C22	GRADING PLAN
C30	UTILITY PLAN
C31	UTILITY PLAN
C32	UTILITY PLAN

LANDSCAPE

L10	TREE PROTECTION & REMOVAL PLAN
L11	TREE PROTECTION & REMOVAL PLAN
L20	PRELIMINARY PLANTING PLAN
L21	PRELIMINARY PLANTING PLAN
L22	PRELIMINARY PLANTING PLAN
L23	PRELIMINARY PLANTING PLAN

ARCHITECTURE

A10	SITE PLAN
A11	SITE PLAN
A20	COMMUNITY BLDG PLANS
A22	FLOOR PLANS - BUILDING TYPE 1 & 2
A23	FLOOR PLANS - BUILDING TYPE 3 & 4
A30	ELEVATIONS - COMMUNITY BUILDING
A31	ELEVATIONS - BLDG TYPE 1
A32	ELEVATIONS - BLDG TYPE 2
A33	ELEVATIONS - BLDG TYPE 3
A34	ELEVATIONS - BLDG TYPE 4
A40	ACCESSORY STRUCTURES
A41	ACCESSORY STRUCTURES
A60	STAIR SECTIONS & DETAILS
A110	CLUBHOUSE - FOUNDATION PLAN
A111	CLUBHOUSE - FLOOR PLAN
A112	CLUBHOUSE - ROOF PLAN
A200	CLUBHOUSE - RCP
A300	CLUBHOUSE ELEVATIONS
A500	CLUBHOUSE SECTIONS

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SURVEY

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TUALATIN, OR 97062
971.224.5471



SALEM APARTMENTS

CD PROGRESS SET - ALL BUILDING TYPES

04/29/24



30-2

JUSTI ZURD ST. NE SALEM, OR

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2248

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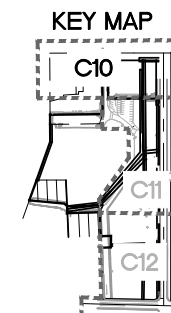
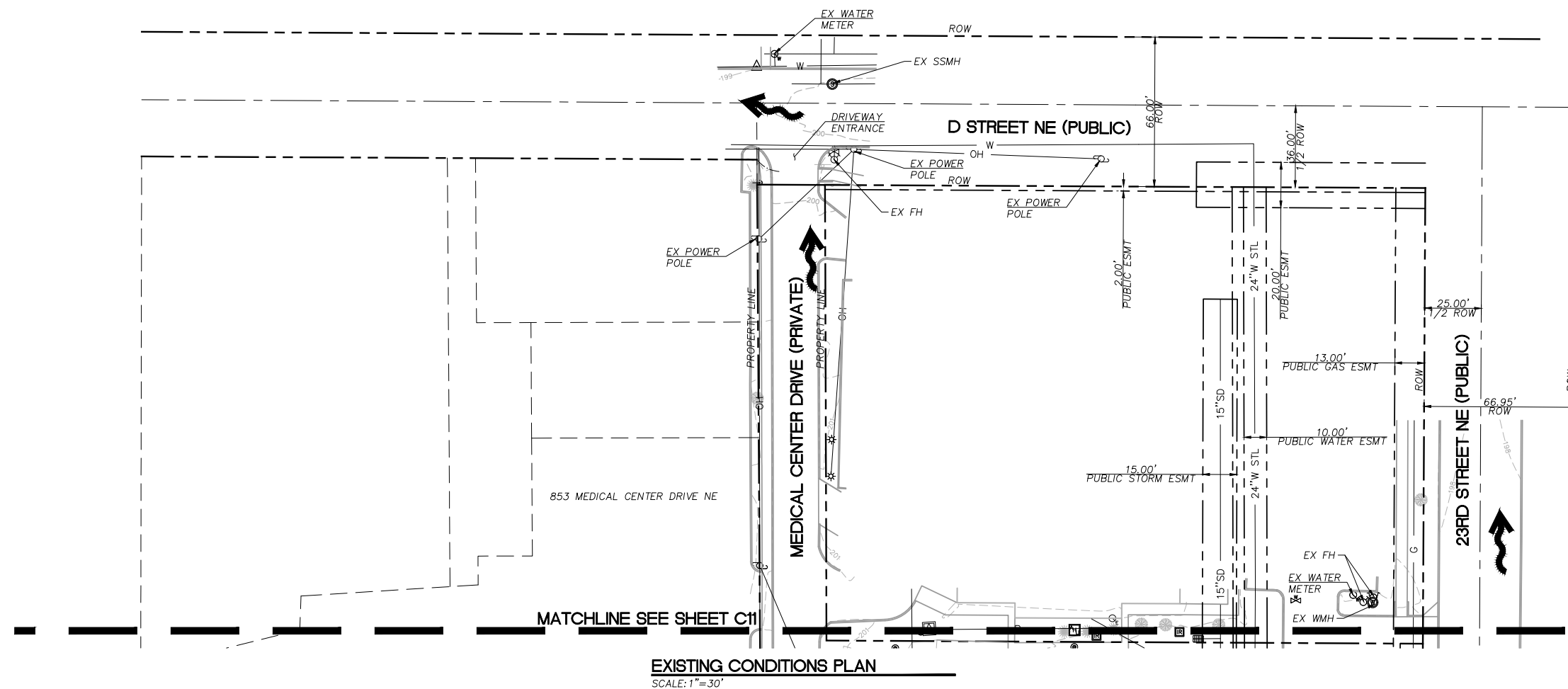
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SIZE : 22


SHEET LEGEND		
ITEM	DESCRIPTION	REFERENCE
--- 201 ---	EXISTING CONTOUR	
	DRAINAGE FLOW DIRECTION	

SHEET NOTES

1. EXISTING SITE AREA= 462,385 SF
2. SITE IS NOT WITHIN 100-YEAR FLOOD BOUNDARY.

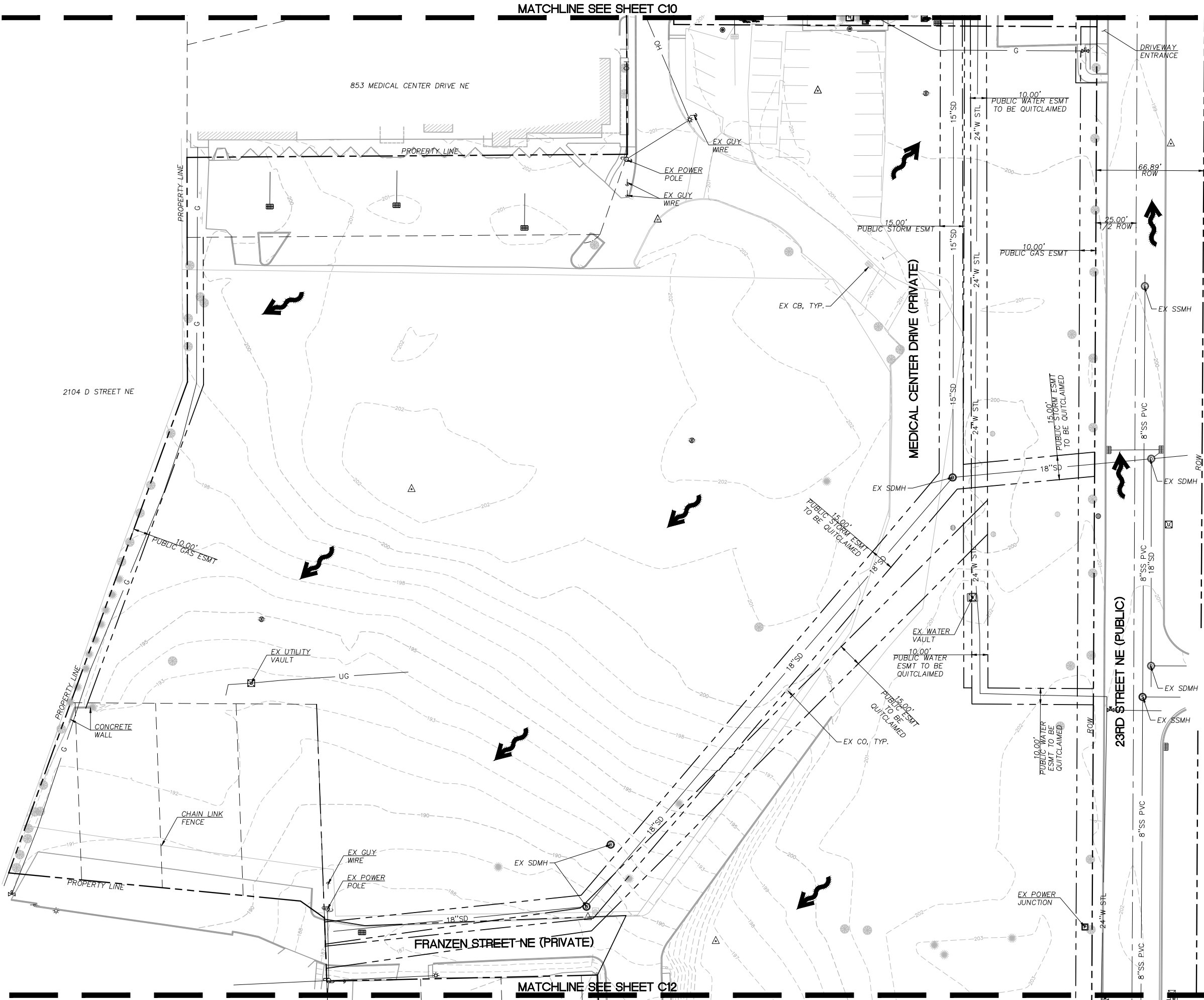


GRAPHIC SCALE



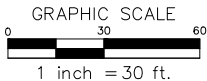
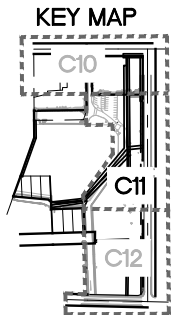
1 inch = 30 ft.

**NOT FOR
CONSTRUCTION**



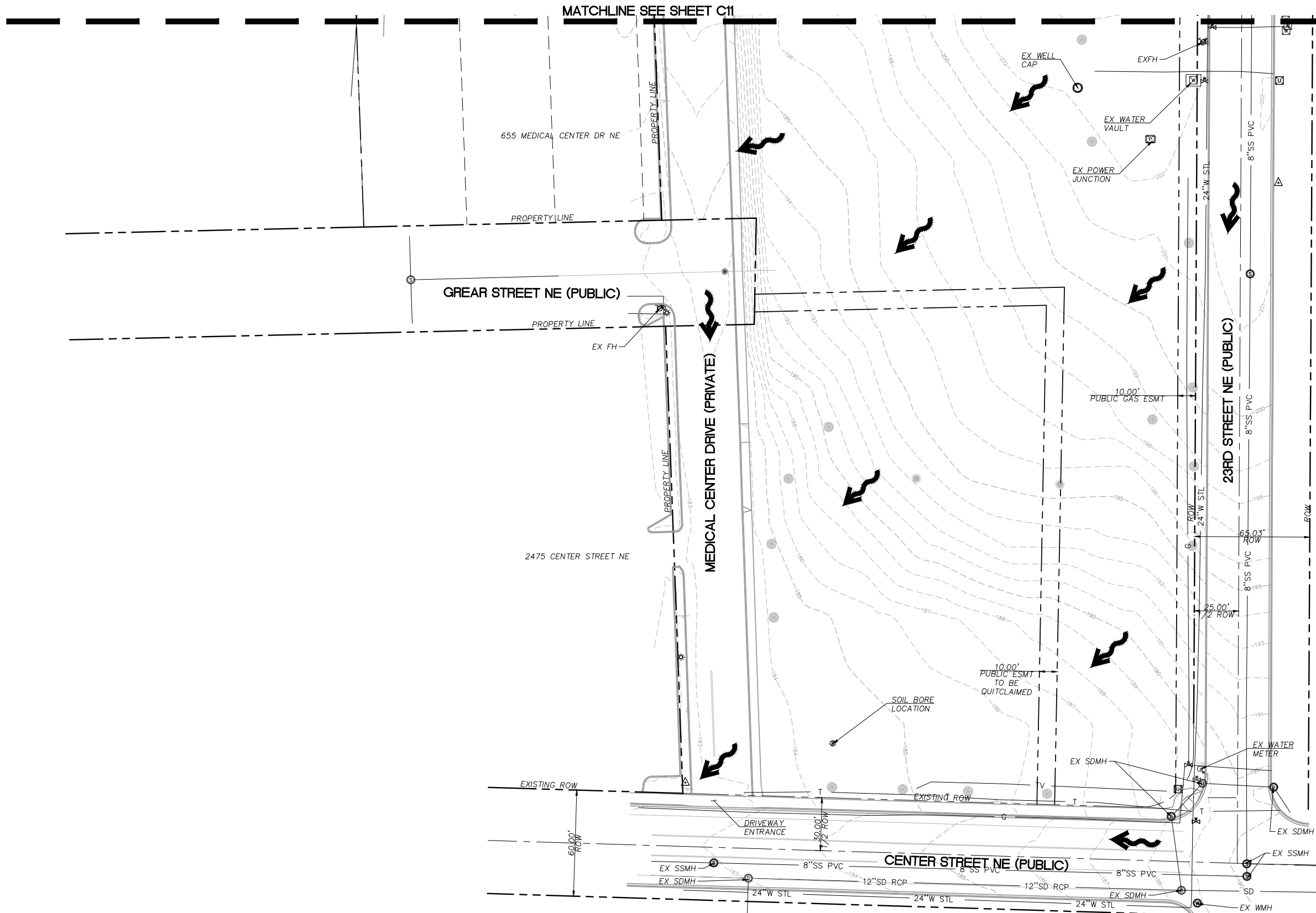
SHEET LEGEND		
ITEM	DESCRIPTION	REFERENCE
---	EXISTING CONTOUR	
→	DRAINAGE FLOW DIRECTION	

SHEET NOTES	
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NOT FOR
CONSTRUCTION

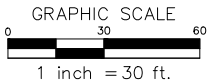
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SCALE: 1"=30'



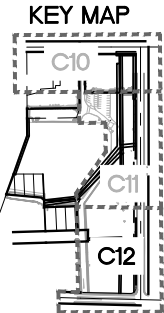
EXISTING CONDITIONS PLAN
SCALE: 1"=30'

SHEET LEGEND		
ITEM	DESCRIPTION	REFERENCE
---	EXISTING CONTOUR	
→	DRAINAGE FLOW DIRECTION	

SHEET NOTES	
1.	EXISTING SITE AREA= 462,385 SF
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NOT FOR
CONSTRUCTION



SALEM APARTMENTS

891 23RD ST. NE SALEM, OR

CLIENT :
HOME FIRST
DEVELOPMENT/
GREEN LIGHT
DEVELOPMENT

ISSUE DATES:

JOB #: 2248
STATUS: LUR
PRINTED :
10/26/2023 12:19:05 PM

EXISTING
CONDITIONS PLAN

C12
ORIGINAL SHEET SIZE: 22"x34"

SALEM APARTMENTS: PHASE 1

891 23RD STREET NE
SALEM, OREGON

DRAWINGS FOR:

GREEN LIGHT DEVELOPMENT
CONTACT: TIM LAWLER
503 . 528 . 6129

LANDSCAPE ARCHITECT:

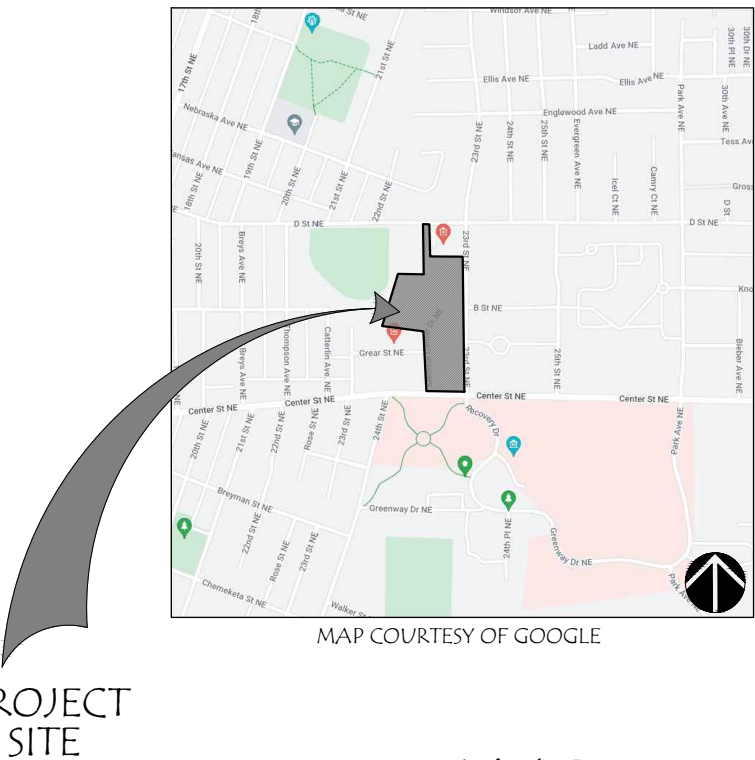
LAURUS DESIGNS, LLC
LAURA ANTONSON, RLA, ASLA
1012 PINE STREET
SILVERTON, OREGON 97381
503 . 784 . 6494
LAURA@LAURUSDESIGNS.COM

CALL BEFORE YOU DIG:
1.800.332.2344
www.callbeforeyoudig.org

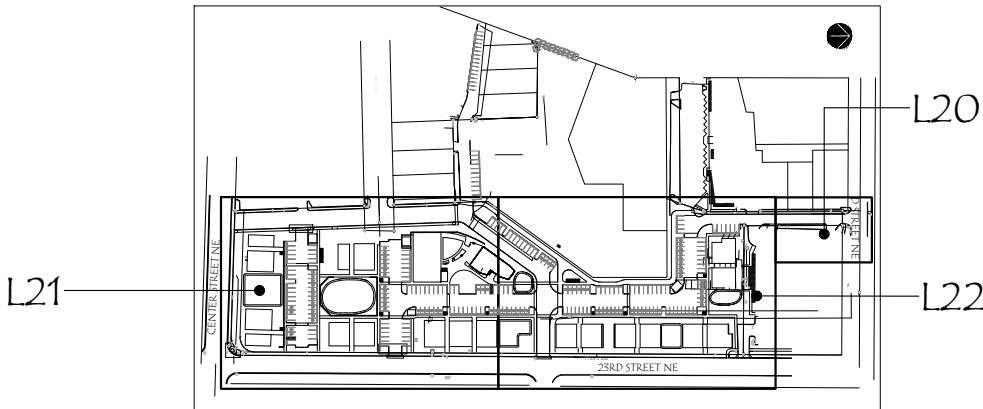
SHEET INDEX:

- L10 COVER SHEET
- L20 PRELIMINARY PLANTING PLAN AND SCHEDULE
- L21 PRELIMINARY PLANTING PLAN
- L22 PRELIMINARY PLANTING PLAN

















VICINITY MAP:
















KEY MAP:



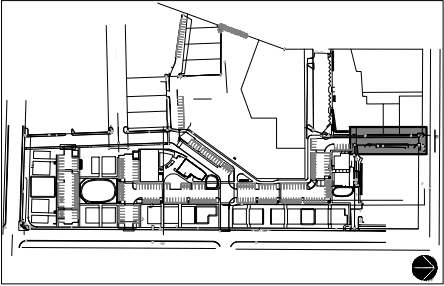
Preliminary Plant Schedule

TREES	QTY	BOTANICAL / COMMON NAME	SIZE
	30	Stormwater Tree to be Determined	1 1/2" Cal., B&B Stormwater Tree
	30	Street Trees for 8' Planter to be Determined	1 1/2" Cal., B&B Street Tree
	7	Acer circinatum / Vine Maple	1" Cal., B&B
	12	Acer rubrum 'October Glory' / October Glory Red Maple	1 1/2" Cal., B&B
	18	Chamaecyparis nootkatensis "Glauca Pendula" / Weeping Nootka False Cypress	6'-8" B&B
	5	Chamaecyparis obtusa "Gracilis" / Slender Hinoki Cypress	6'-8" B&B
	16	Cladrastis lutea / American Yellowwood	1 1/2" Cal., B&B
	5	Cornus nuttallii x florida 'Eddie's White Wonder' / Eddie's White Wonder Dogwood	1 1/2" Cal., B&B
	14	Fagus sylvatica 'Dawyck Purple' / Dawyck Purple European Beech	1 1/2" Cal., B&B
	7	Ginkgo biloba 'Golden Colonnade' / Golden Colonnade Maidenhair Tree	1 1/2" Cal., B&B
	14	Lagerstroemia indica x fauriei 'Muskogee' / Muskogee Grape Myrtle Multi-Trunk	1" Cal., B&B
	11	Nyssa sylvatica "Wildfire" / Black Gum	1 1/2" Cal., B&B
	2	Parrotia persica / Persian Parrotia	1 1/2" Cal., B&B
	2	Quercus garryana / Oregon White Oak	1 1/2" Cal., B&B
	1	Quercus rubra / Northern Red Oak	1 1/2" Cal., B&B Street Tree
	21	Zelkova serrata "Green Vase" / Sawleaf Zelkova	1 1/2" Cal., B&B

SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE
	50	Berberis thunbergii "Atropurpurea Nana" / Dwarf Redleaf Japanses Barberry	2 Gal.
	114	Cornus sericea "Kelseyi" / Kelseyi Dogwood	2 Gal.
	5	Euonymus alatus 'Compactus' / Compact Burning Bush	5 Gal.
	210	Ilex crenata 'Soft Touch' / Soft Touch Japanese Holly	2 Gal.
	124	Leucothoe fontanesiana 'Zebld' / 'Scarletta' Drooping Leucothoe	2 Gal.
	78	Lonicera pileata / Privet Honeysuckle	2 Gal.
	125	Mahonia aquifolium 'Compacta' / Compact Oregon Grape	2 Gal.
	35	Raphiolepis indica 'Ballerina' / Ballerina Indian Hawthorn	2 Gal.
	164	Raphiolepis umbellata 'Snow White' / Yedda Hawthorn	5 Gal.
	6	Rosa x 'KO Double' / Pink Double Knockout Rose	2 Gal.
	163	Sarcococca confusa / Fragrant Sarcococca	2 Gal.
	13	Symphoricarpos albus / Common Snowberry	2 Gal.
	8	Weigela florida "Alexandra" TM / Wine and Rose Weigela	5 Gal.

GRASSES/PERENNIALS	QTY	BOTANICAL / COMMON NAME	SIZE	
	1258	Calamagrostis x acutiflora "Karl Foerster" / Feather Reed Grass	1 Gal.	
	79	Deschampsia cespitosa / Tufted Hair Grass	1 Gal.	
	165	Miscanthus sinensis "Yakushima" / Dwarf Maiden Grass	1 Gal.	
	159	Pennisetum alopecuroides "Burgundy Bunny" / Burgundy Bunny Dwarf Fountain Grass	1 Gal.	
	36	Polystichum munitum / Western Sword Fern	1 Gal.	
SHRUB AREAS	QTY	BOTANICAL / COMMON NAME	SIZE AND NOTES	SPACING
	87	Prunus laurocerasus 'Mount Vernon' / Mount Vernon English Laurel	1 gal	48" o.c.
GROUND COVERS	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING
	937	Arctostaphylos uva-ursi "Massachusetts" / Massachusetts Kinnikinnick	1 Gal.	30" o.c.
	389	Ceanothus gloriosus / Point Reyes Ceanothus	1 Gal.	48" o.c.
	1,583	Pachysandra terminalis 'Green Carpet' / Green Carpet Japanese Pachysandra	1 Gal.	12" o.c.
	377	Rubus pentalobus "Emerald Carpet" / Emerald Carpet Creeping Raspberry	1 Gal.	48" o.c.
	24,408 sf	ProTime 301 Water Smarter Fescue	Seed or Sod	

Key Map:



Multifamily Landscape Requirements

PHASE 1 SITE AREA SQUARE FOOTAGE (SF): 273,332 SF
(AFTER ROW DEDICATION ALONG CENTER STREET)
1 TREE PER 2000 SF GROSS AREA – 157 TREES + 8 TREES FOR 2:1 REPLACEMENT AND MITIGATION
PROPOSED = 168 (INCLUDES STORMWATER FACILITY AND 4 EXISTING NON-STREET TREES)

OPEN SPACE REQUIRED: 30% MINIMUM (82,000 SF)
OPEN SPACE PROVIDED: 31% (82,287 SF) INCLUDING LAWN AND LARGE PLANTER AREAS, PLAYGROUND, SPORTS COURT, PATIO, STORMWATER (13,950 SF IMPROVED OPEN SPACE = 27,900 SF OPEN SPACE)

BUILDING PERIMETER: 1 TREE (10 UNITS) PER 60 LF OF BUILDING WALL (WITHIN 25' OF BUILDING)
1 SHRUB (1 PLANT UNIT) PER 15 LF
2 PLANT UNITS AT ENTRY WAYS

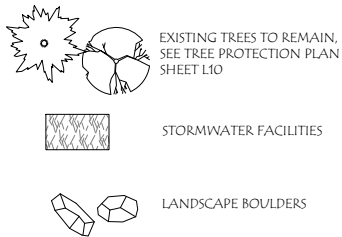
PARKING: 1 CANOPY TREE PER 50 FEET OF PARKING PERIMETER (WITHIN 10' OF PARKING PERIMETER)

Stormwater Planter Planting Requirements

FACILITY NUMBER	FACILITY SF	TREATMENT SF	TREES	SMALL TREES/ LARGE SHRUBS	SMALL SHRUBS	GROUND COVERS
TBD	TBD	TBD	TBD	TBD	TBD	TBD

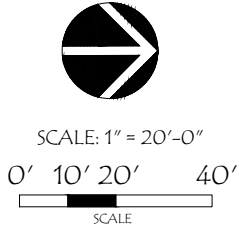
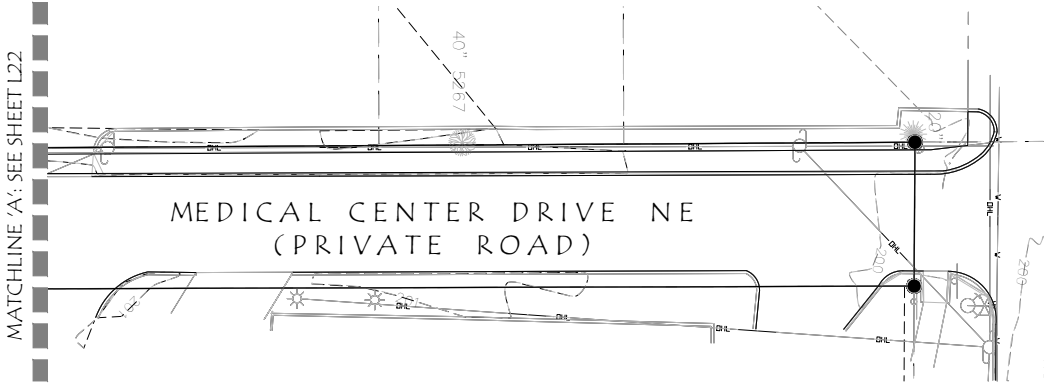
Requirements per 100 SF
1 Tree –OR–
4 Large Shrubs –OR–
6 Small Shrubs
Grasses, Herbs and Ground Cover for complete coverage
2" Pea Gravel Zone 1

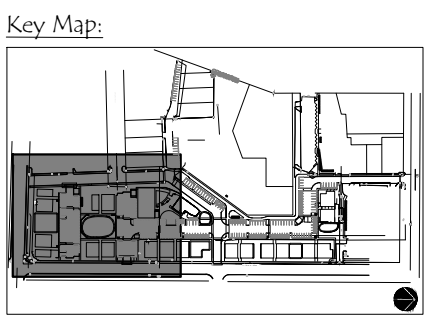
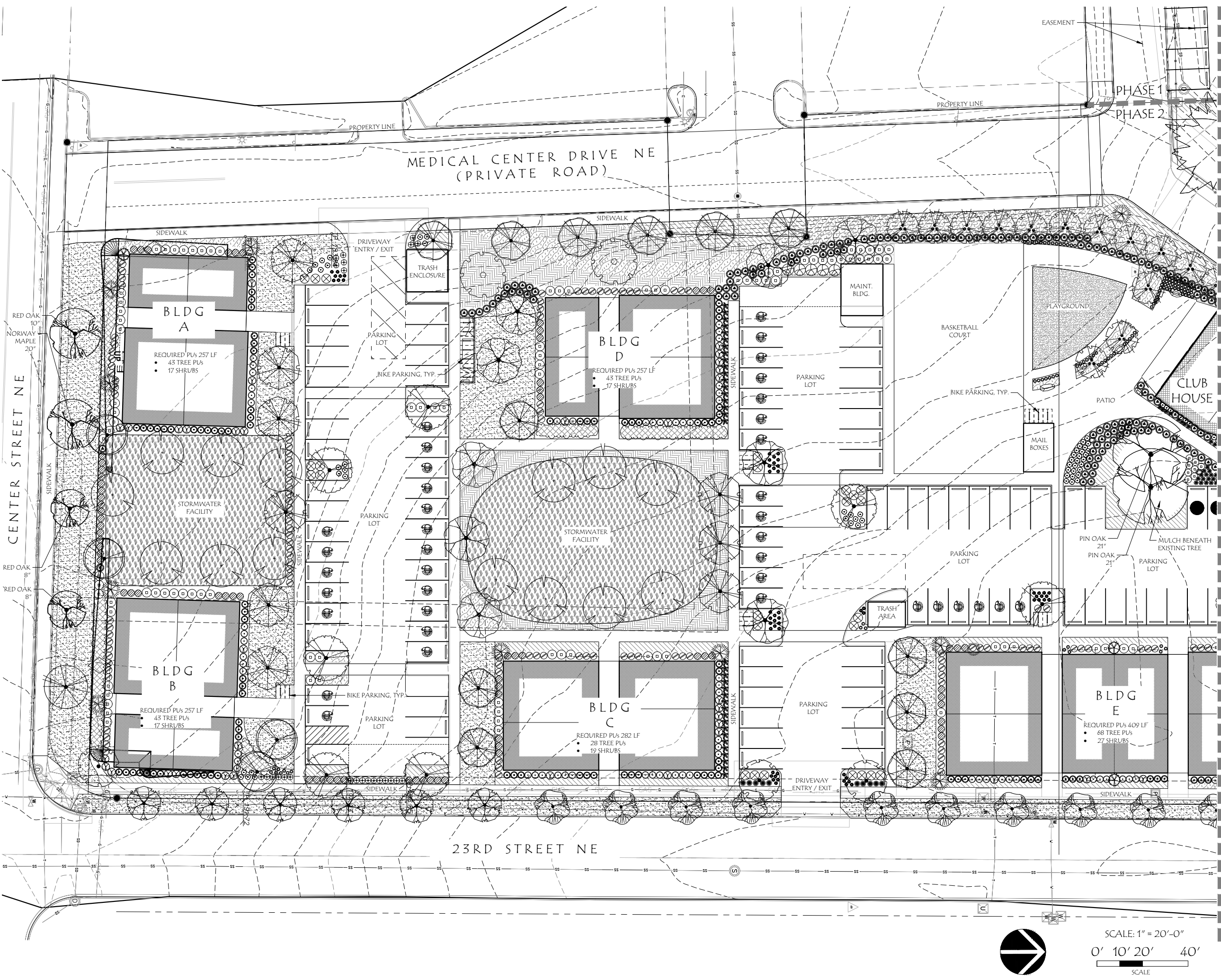
Legend:



General Notes:

- DRAWINGS ARE PRELIMINARY, NOT FOR CONSTRUCTION OR BIDDING.
- SEE ARCHITECTURAL DRAWINGS FOR SITE PLAN, AREA CALCULATIONS AND COMMON AREAS.
- SEE CIVIL DRAWINGS FOR GRADING PLAN AND STORMWATER INFORMATION.
- PLANTS TO BE SIZED ACCORDING TO CITY OF SALEM REQUIREMENTS FOR GENERAL PLANTING PLAN AND STORMWATER FACILITIES.
- STORMWATER FACILITY PLANTINGS TO FOLLOW CITY OF SALEM STORMWATER PLATING REQUIREMENTS. PLANTS TO BE SELECTED FROM APPROVED PLANT LIST.
- CHILDREN'S PLAY AREA AND WOODCHIP PLAY SURFACE TO CONFORM TO CPSC AND ASTM PLAYGROUND STANDARD AND GUIDELINES. PLAY EQUIPMENT TO BE SELECTED.
- STREET TREES SELECTED FROM CITY OF SALEM APPROVED STREET TREE LIST.
- PRELIMINARY PLANT SCHEDULE SEE THIS SHEET.
- LANDSCAPE TO BE IRRIGATED BY AN UNDERGROUND AUTOMATIC SYSTEM DESIGNED BY THE LANDSCAPE ARCHITECT.





- Legend:**
- EXISTING TREES TO REMAIN, SEE TREE PROTECTION PLAN SHEET L10
 - STORMWATER FACILITIES
 - LANDSCAPE BOULDERS

- General Notes:**
- DRAWINGS ARE PRELIMINARY, NOT FOR CONSTRUCTION OR BIDDING.
 - SEE ARCHITECTURAL DRAWINGS FOR SITE PLAN, AREA CALCULATIONS AND COMMON AREAS.
 - SEE CIVIL DRAWINGS FOR GRADING PLAN AND STORMWATER INFORMATION.
 - PLANTS TO BE SIZED ACCORDING TO CITY OF SALEM REQUIREMENTS FOR GENERAL PLANTING PLAN AND STORMWATER FACILITIES.
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 - CHILDREN'S PLAY AREA AND WOODCHIP PLAY SURFACE TO CONFORM TO CPSC AND ASTM PLAYGROUND STANDARD AND GUIDELINES. PLAY EQUIPMENT TO BE SELECTED.
 - STREET TREES SELECTED FROM CITY OF SALEM APPROVED STREET TREE LIST.
 - PRELIMINARY PLANT SCHEDULE SEE SHEET L20.
 - LANDSCAPE TO BE IRRIGATED BY AN UNDERGROUND AUTOMATIC SYSTEM DESIGNED BY THE LANDSCAPE ARCHITECT.

SALEM APARTMENTS

891 23RD ST. NE SALEM, OR

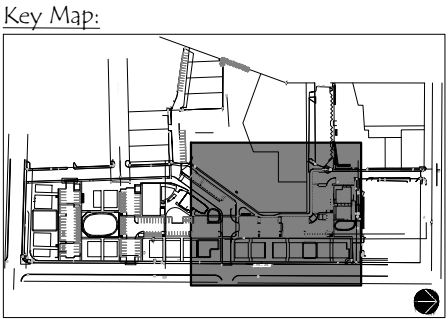
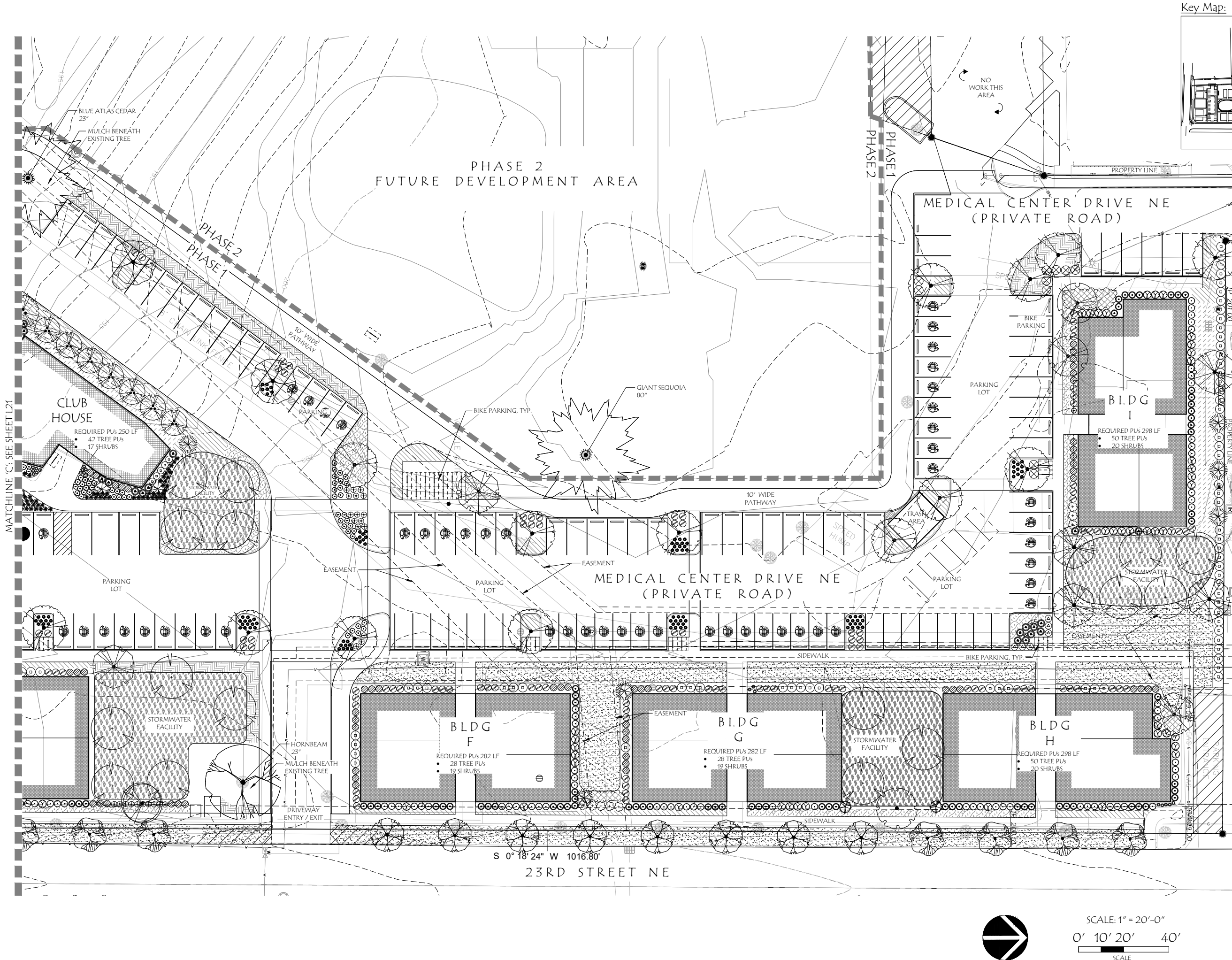
CLIENT :
HOME FIRST
DEVELOPMENT/
GREEN LIGHT
DEVELOPMENT

ISSUE DATES:

JOB #: 1580R/1583R
STATUS : LUR
PRINTED : 4/29/2024

PRELIMINARY
PLANTING PLAN
L21
ORIGINAL SHEET SIZE : 22"x34"





Legend:

- EXISTING TREES TO REMAIN, SEE TREE PROTECTION PLAN SHEET L10
- STORMWATER FACILITIES
- LANDSCAPE BOULDERS

General Notes:

- DRAWINGS ARE PRELIMINARY, NOT FOR CONSTRUCTION OR BIDDING.
- SEE ARCHITECTURAL DRAWINGS FOR SITE PLAN, AREA CALCULATIONS AND COMMON AREAS.
- SEE CIVIL DRAWINGS FOR GRADING PLAN AND STORMWATER INFORMATION.
- PLANTS TO BE SIZED ACCORDING TO CITY OF SALEM REQUIREMENTS FOR GENERAL PLANTING PLAN AND STORMWATER FACILITIES.
- STORMWATER FACILITY PLANTINGS TO FOLLOW CITY OF SALEM STORMWATER PLATING REQUIREMENTS. PLANTS TO BE SELECTED FROM APPROVED PLANT LIST.
- CHILDREN'S PLAY AREA AND WOODCHIP PLAY SURFACE TO CONFORM TO CPSC AND ASTM PLAYGROUND STANDARD AND GUIDELINES. PLAY EQUIPMENT TO BE SELECTED.
- STREET TREES SELECTED FROM CITY OF SALEM APPROVED STREET TREE LIST.
- PRELIMINARY PLANT SCHEDULE SEE SHEET L20.
- LANDSCAPE TO BE IRRIGATED BY AN UNDERGROUND AUTOMATIC SYSTEM DESIGNED BY THE LANDSCAPE ARCHITECT.

SALEM APARTMENTS
891 23RD ST. NE SALEM, OR

CLIENT :
HOME FIRST
DEVELOPMENT/
GREEN LIGHT
DEVELOPMENT

ISSUE DATES:

JOB #: 1580R/1583R
STATUS : LUR
PRINTED : 4/29/2024

PRELIMINARY
PLANTING PLAN

L22

ORIGINAL SHEET SIZE : 22"x34"



SCALE: 1" = 20'-0"

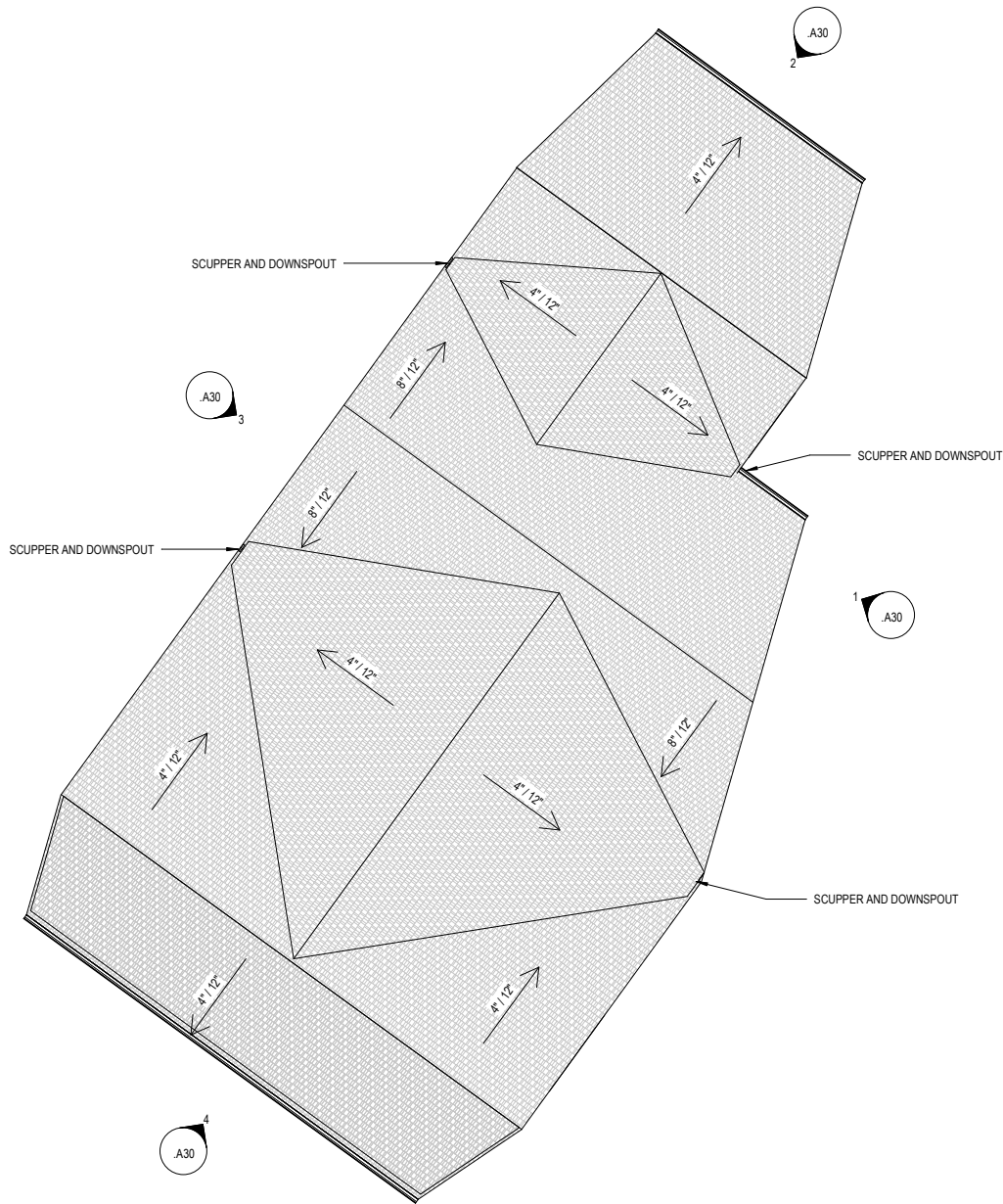
0' 10' 20' 40'
SCALE



A20

COMMUNITY BUILDING - ROOF PLAN

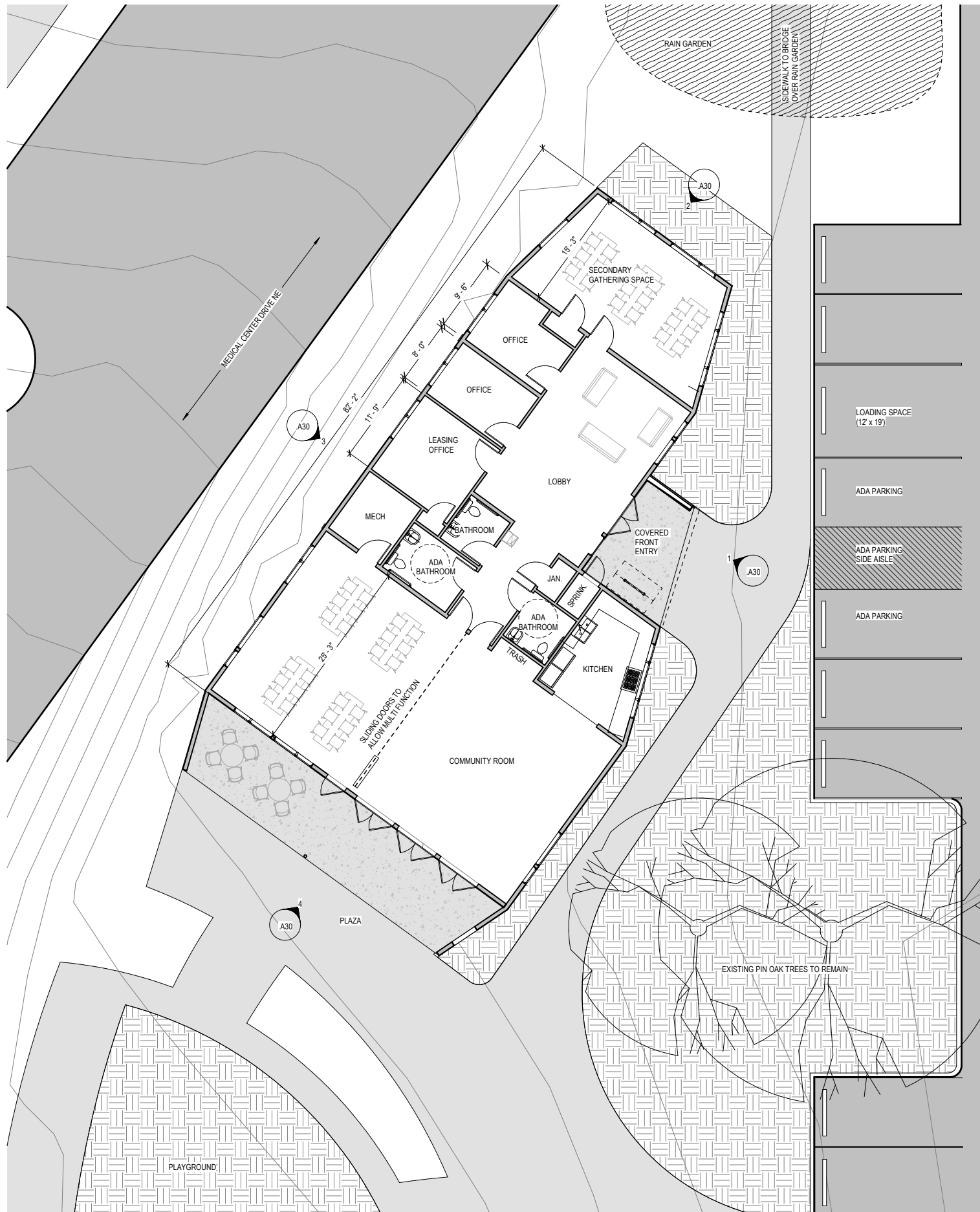
SCALE: 1/8" = 1'-0"



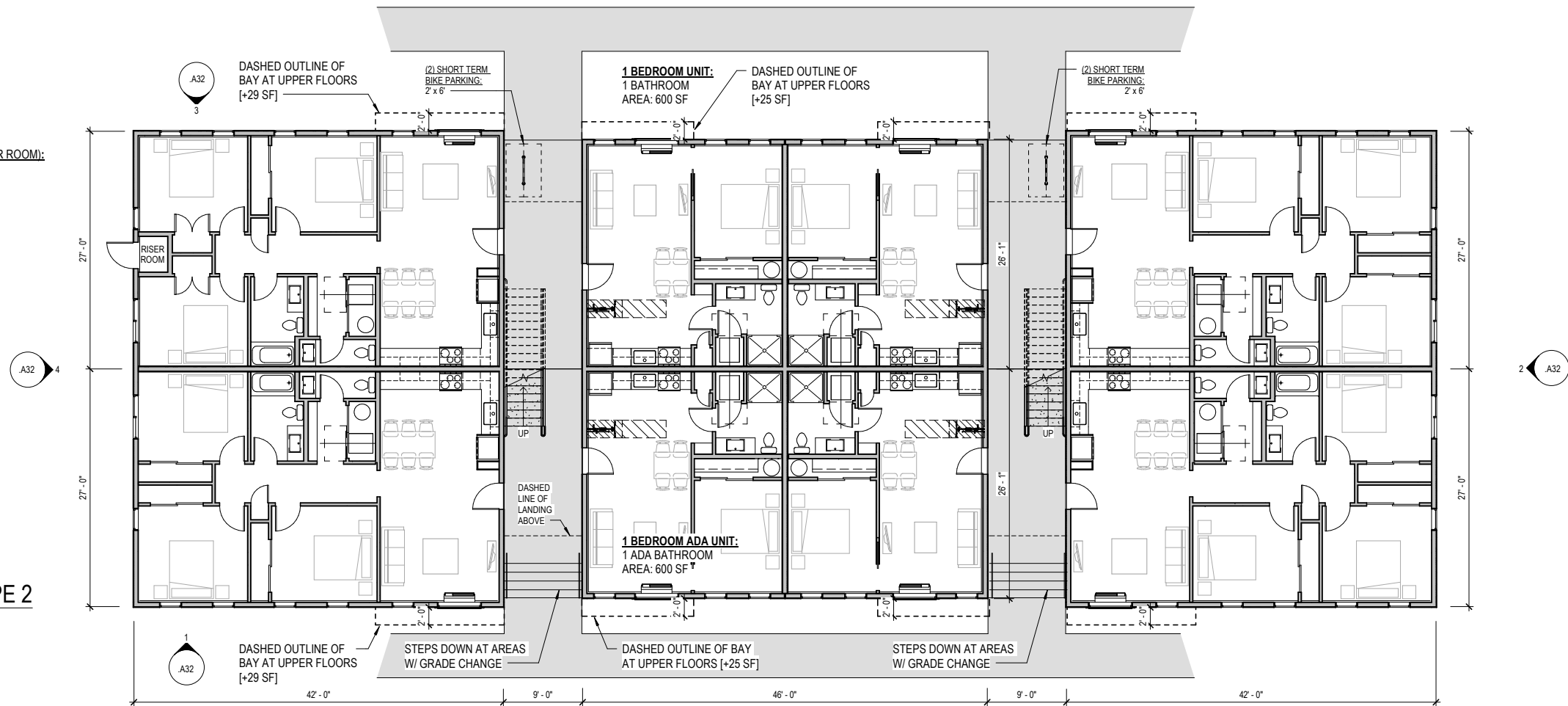
A20

COMMUNITY BUILDING - FLOOR PLAN

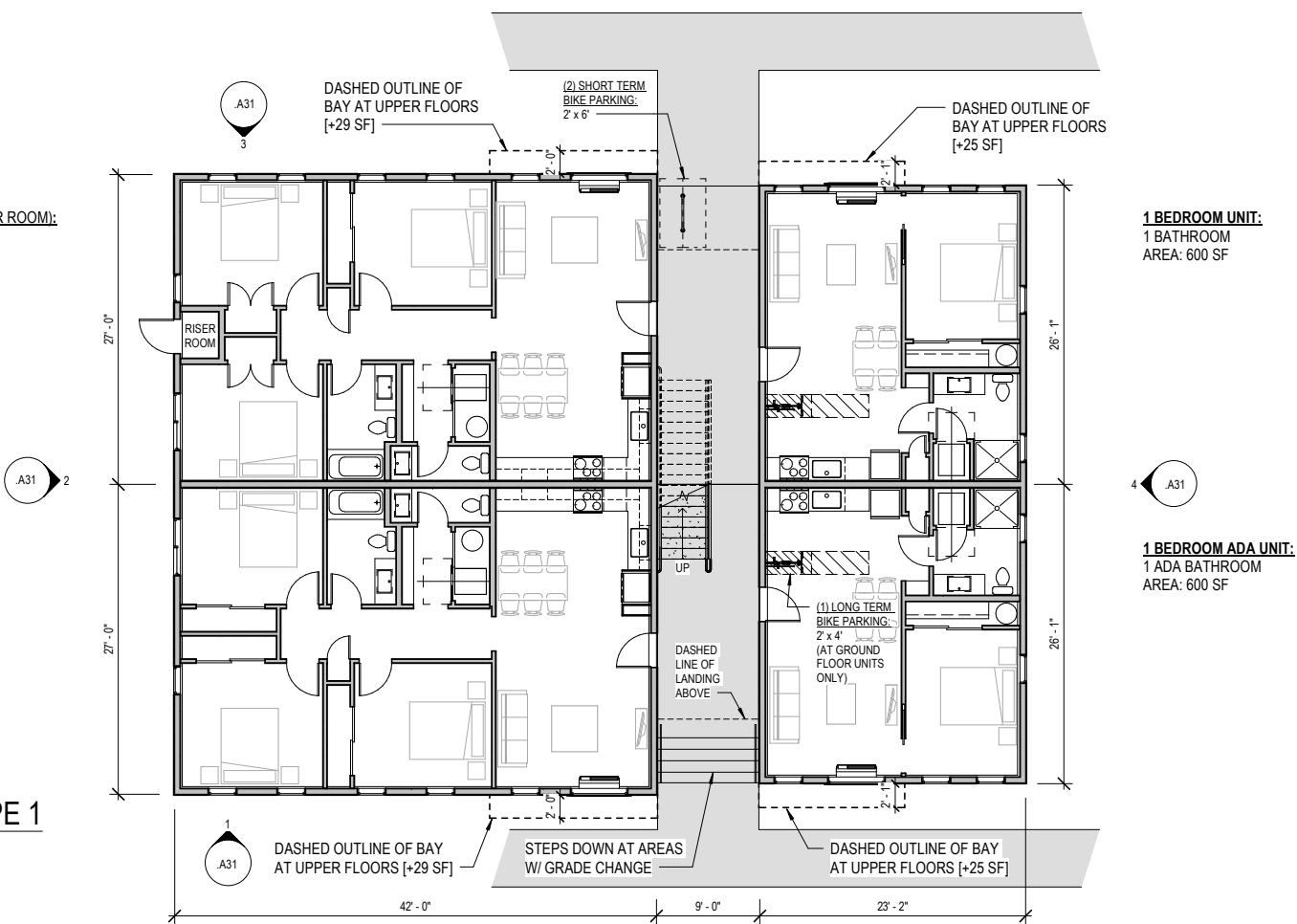
SCALE: 1/8" = 1'-0"



A22
1
GROUND FLOOR - BLDG TYPE 2
SCALE: 1/8" = 1'-0"



A22
2
GROUND FLOOR - BLDG TYPE 1
SCALE: 1/8" = 1'-0"



BUILDING TYPE 1

QUANTITY OF TYPE 1 BUILDINGS : 1			
# OF 1 BED, 1 BATH UNITS PER BLDG :	6 (602 SF / UNIT 1ST FL; 628 SF / UNIT 2ND & 3RD FL)		
# OF 3 BED, 1.5 BATH UNITS PER BLDG :	5 (1,134 SF / UNIT 1ST FL; 1,163 SF / UNIT 2ND & 3RD FL)		
# OF 3 BED, 1.5 BATH UNITS @ RISER RM :	1 (1,118 SF @ 1ST FLOOR FIRE SPRINKLER RISER ROOM)		
FIRST FLOOR	TOTAL UNIT AREA (PER FLOOR)	EXT. COVERED BREEZEWAY (PER FLOOR)	TOTAL AREA (PER FLOOR)
SECOND FLOOR	(3,472 SF)	(335 SF)	(3,807 SF)
THIRD FLOOR	(3,582 SF)	(335 SF)	(3,917 SF)
TOTALS	10,636 SF	1,005 SF	11,641 SF

BUILDING TYPE 2

QUANTITY OF TYPE 2 BUILDINGS : 2			
# OF 1 BED, 1 BATH UNITS PER BLDG :	12 (602 SF / UNIT 1ST FL; 628 SF / UNIT 2ND & 3RD FL)		
# OF 3 BED, 1.5 BATH UNITS PER BLDG :	11 (1,134 SF / UNIT 1ST FL; 1,163 SF / UNIT 2ND & 3RD FL)		
# OF 3 BED, 1.5 BATH UNITS @ RISER RM :	1 (1,118 SF @ 1ST FLOOR FIRE SPRINKLER RISER ROOM)		
FIRST FLOOR	TOTAL UNIT AREA (PER FLOOR)	EXT. COVERED BREEZEWAY (PER FLOOR)	TOTAL AREA (PER FLOOR)
SECOND FLOOR	(6,944 SF)	(670 SF)	(7,614 SF)
THIRD FLOOR	(7,164 SF)	(670 SF)	(7,834 SF)
TOTALS	21,272 SF	2,010 SF	23,282 SF

BUILDING TYPE 3

QUANTITY OF TYPE 3 BUILDINGS : 3			
# OF 2 BED, 1 BATH UNITS PER BLDG :	6 (882 SF / UNIT 1ST FL; 911 SF / UNIT 2ND & 3RD FL)		
# OF 3 BED, 1.5 BATH UNITS PER BLDG :	5 (1,134 SF / UNIT 1ST FL; 1,163 SF / UNIT 2ND & 3RD FL)		
# OF 3 BED, 1.5 BATH UNITS @ RISER RM :	1 (1,118 SF @ 1ST FLOOR FIRE SPRINKLER RISER ROOM)		
FIRST FLOOR	TOTAL UNIT AREA (PER FLOOR)	EXT. COVERED BREEZEWAY (PER FLOOR)	TOTAL AREA (PER FLOOR)
SECOND FLOOR	(4,032 SF)	(309 SF)	(4,341 SF)
THIRD FLOOR	(4,148 SF)	(309 SF)	(4,457 SF)
TOTALS	12,328 SF	927 SF	13,255 SF

BUILDING AREA CALCS

SCALE: 1/2" = 1'-0"

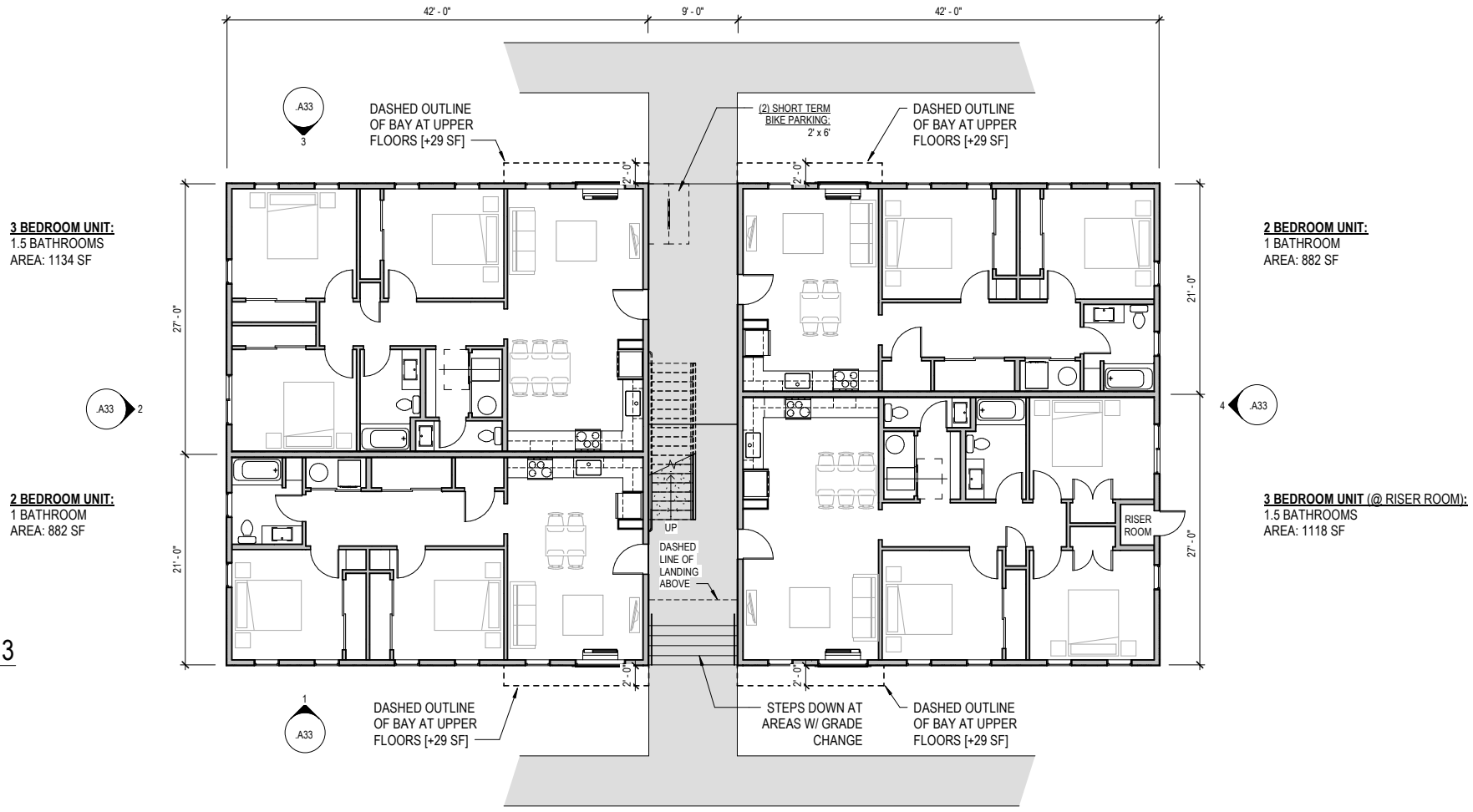
BUILDING TYPE 4

QUANTITY OF TYPE 4 BUILDINGS : 2			
# OF 2 BED, 1 BATH UNITS PER BLDG :	6 (882 SF / UNIT 1ST FL; 911 SF / UNIT 2ND & 3RD FL)		
# OF 3 BED, 1.5 BATH UNITS PER BLDG :	2 (1,134 SF / UNIT 1ST FL; 1,163 SF / UNIT 2ND & 3RD FL)		
# OF 3 BED, 1.5 BATH UNITS @ RISER RM :	1 (1,118 SF @ 1ST FLOOR FIRE SPRINKLER RISER ROOM)		
# OF 4 BED, 2 BATH UNITS PER BLDG :	3 (1,351 SF / UNIT 1ST FL; 1,380 SF / UNIT 2ND & 3RD FL)		
FIRST FLOOR	TOTAL UNIT AREA (PER FLOOR)	EXT. COVERED BREEZEWAY (PER FLOOR)	TOTAL AREA (PER FLOOR)
SECOND FLOOR	(4,249 SF)	(309 SF)	(4,558 SF)
THIRD FLOOR	(4,365 SF)	(309 SF)	(4,674 SF)
TOTALS	12,979 SF	927 SF	13,906 SF

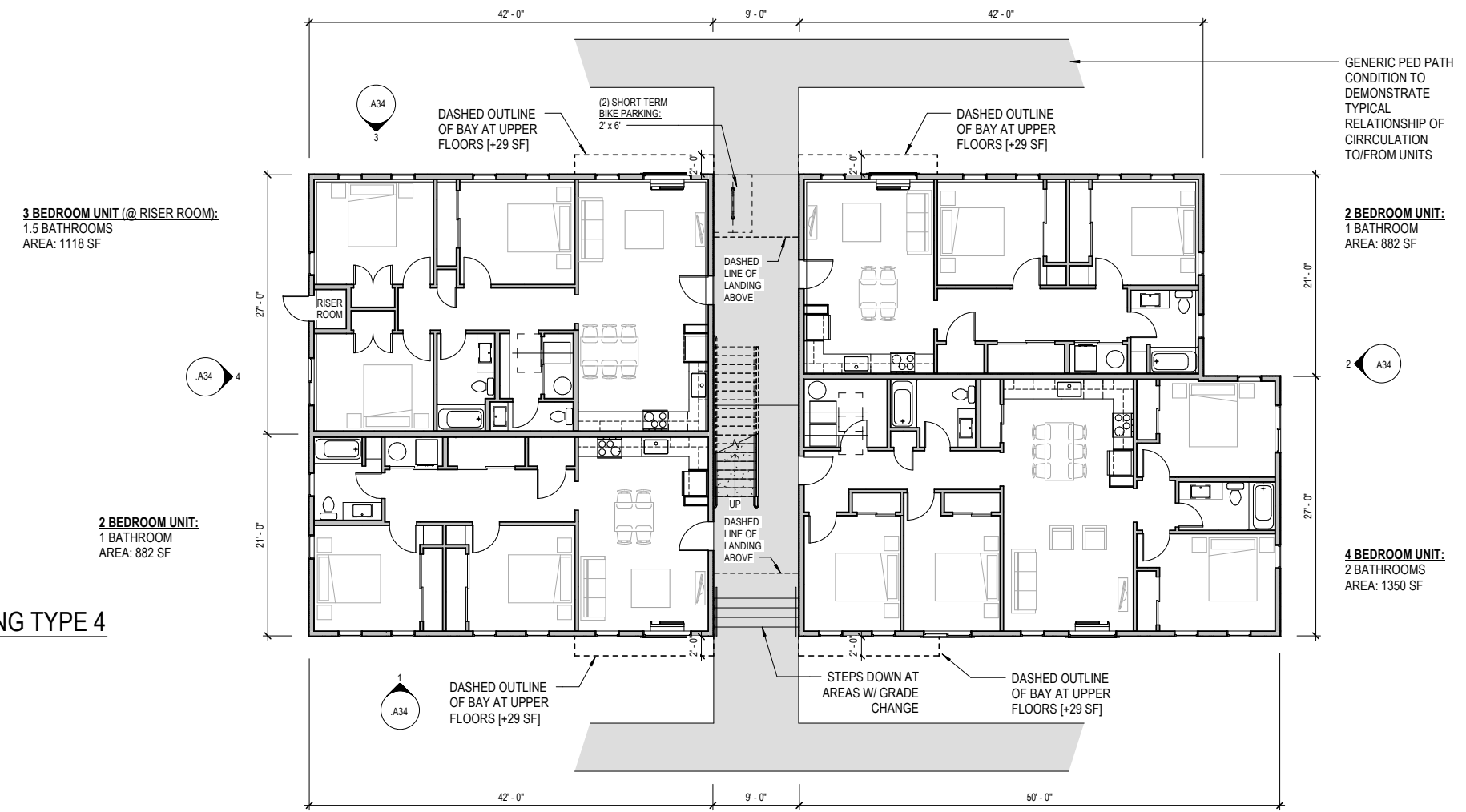
ACCESSORY STRUCTURES

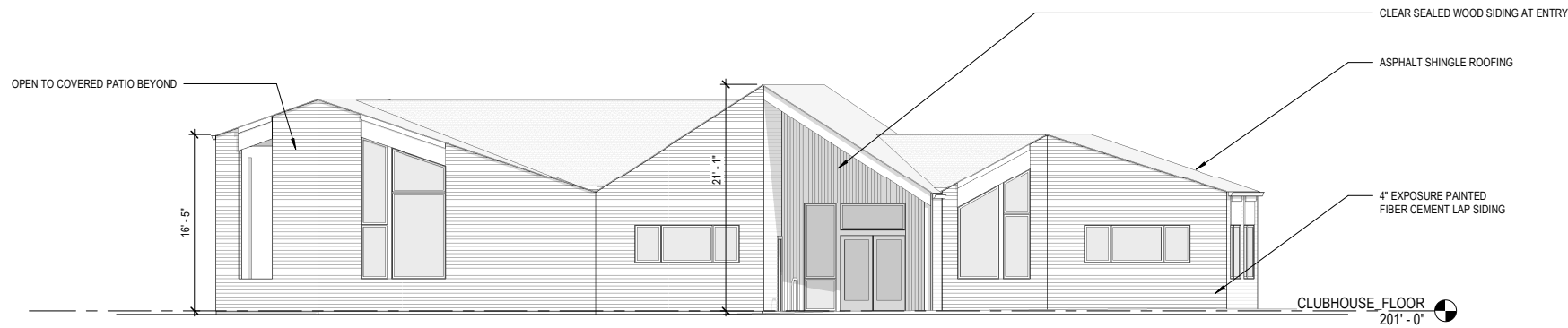
COMMUNITY BUILDING: 3,081 SF	
BIKE PARKING STRUCTURES:	
BIKE PARKING 1:	189 SF
BIKE PARKING 2:	189 SF
378 SF TOTAL	
TRASH ENCLOSURES:	
TRASH ENCL. 1:	324 SF
TRASH ENCL. 2:	194 SF
TRASH ENCL. 3:	330 SF
848 SF TOTAL	
MAINTENANCE BUILDINGS:	
MAINT. BLDG. 1:	426 SF
426 SF TOTAL	
MAIL PAVILIONS:	
MAIL PAVIL. 1:	334 SF
334 SF TOTAL	

^{A23}
1 GROUND FLOOR - BUILDING TYPE 3
SCALE: 1/8" = 1'-0"



^{A23}
2 GROUND FLOOR - BUILDING TYPE 4
SCALE: 1/8" = 1'-0"





.A30
1 COMMUNITY BUILDING - FRONT
SCALE: 1/8" = 1'-0"



.A30
2 COMMUNITY BUILDING - SIDE NE
SCALE: 1/8" = 1'-0"

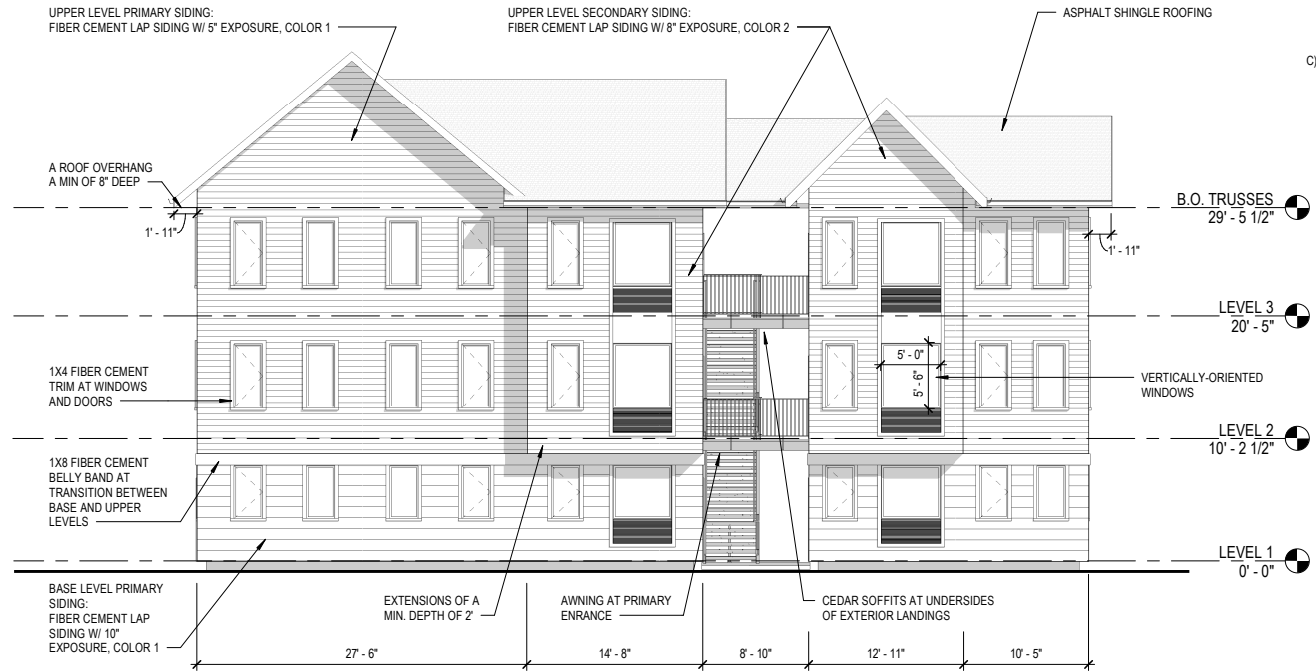


.A30
3 COMMUNITY BUILDING - REAR
SCALE: 1/8" = 1'-0"

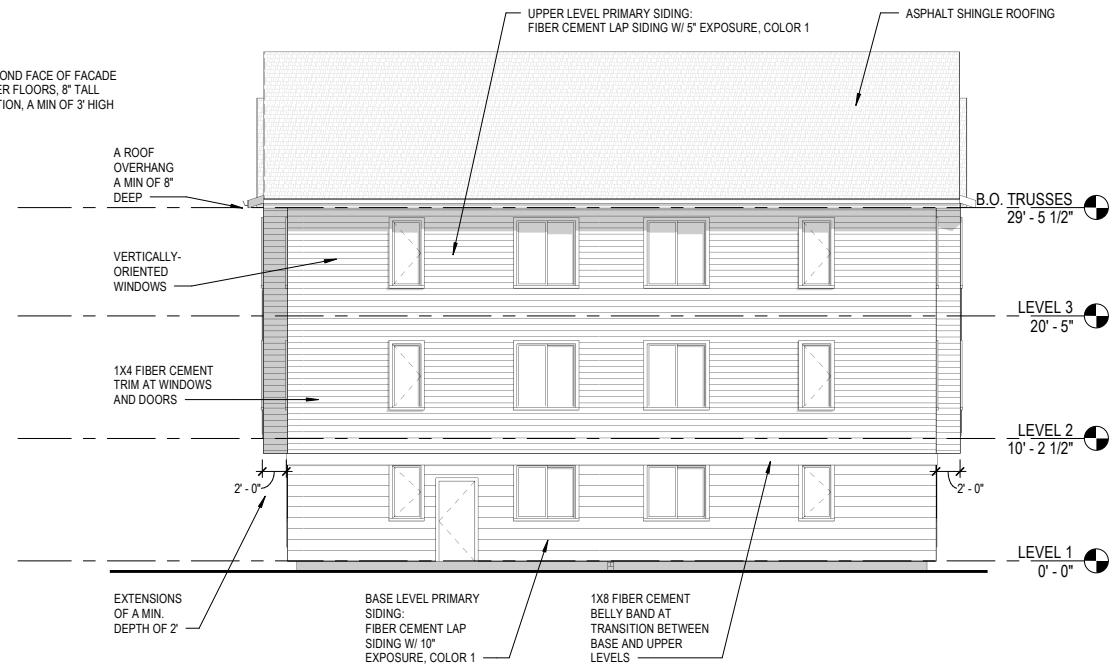


.A30
4 COMMUNITY BUILDING - SIDE SW
SCALE: 1/8" = 1'-0"

- BUILDING FACADE ARTICULATION**
(2) BLDGS SHALL INCORPORATE VERTICAL AND HORIZONTAL ARTICULATION AND SHALL DIVIDE VERTICAL MASS INTO A BASE, MIDDLE, AND TOP.
- A) BASE: GROUND FLOOR FACADES:
1. CHANGE IN MATERIALS
 2. CHANGE IN COLOR
 3. MOLDING OR OTHER HORIZONTALLY-ARTICULATED TRANSITION PIECE
- B) MIDDLE: INCORPORATED AT A MIN OF EVERY 50' AT LEAST ONE OF THE FOLLOWING
1. RECESSES OF A MIN DEPTH OF 2'
 2. EXTENSIONS OF A MIN DEPTH OF 2'
 3. VERTICALLY-ORIENTED WINDOWS
 4. PILASTERS
- C) TOP
1. CORNICE A MIN OF 8" TALL AND 3" BEYOND FACE OF FACADE
 2. CHANGE IN MATERIAL FROM THE UPPER FLOORS, 8" TALL
 3. OFFSETS OR BREAKS IN ROOF ELEVATION, A MIN OF 3' HIGH
 4. A ROOF OVERHANG A MIN OF 8" DEEP



A31
1 FRONT ELEVATION - TYPE 1
SCALE: 1/8" = 1'-0"



A31
2 SIDE ELEVATION - TYPE 1
SCALE: 1/8" = 1'-0"

- WEATHER PROTECTION** (APPLIES TO GROUND FLOORS ADJACENT TO STREET)
- MIN 75%
- 1) AWNINGS OR CANOPIES
 - 2) MIN CLEARANCE OF 8' ABOVE GROUND SURFACE. MAY ENCROACH INTO PUBLIC ROW.



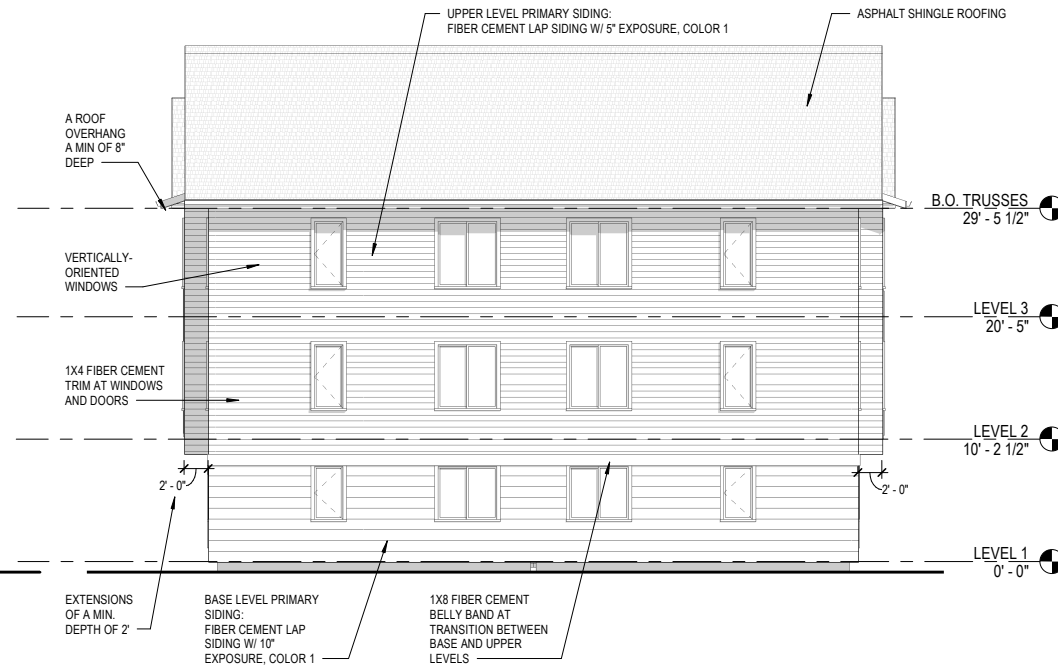
A31
3 REAR ELEVATION - TYPE 1
SCALE: 1/8" = 1'-0"



A31
4 SIDE ELEVATION - TYPE 1
SCALE: 1/8" = 1'-0"



A32
1 FRONT ELEVATION - TYPE 2
SCALE: 1/8" = 1'-0"



A32
2 SIDE ELEVATION - TYPE 2
SCALE: 1/8" = 1'-0"

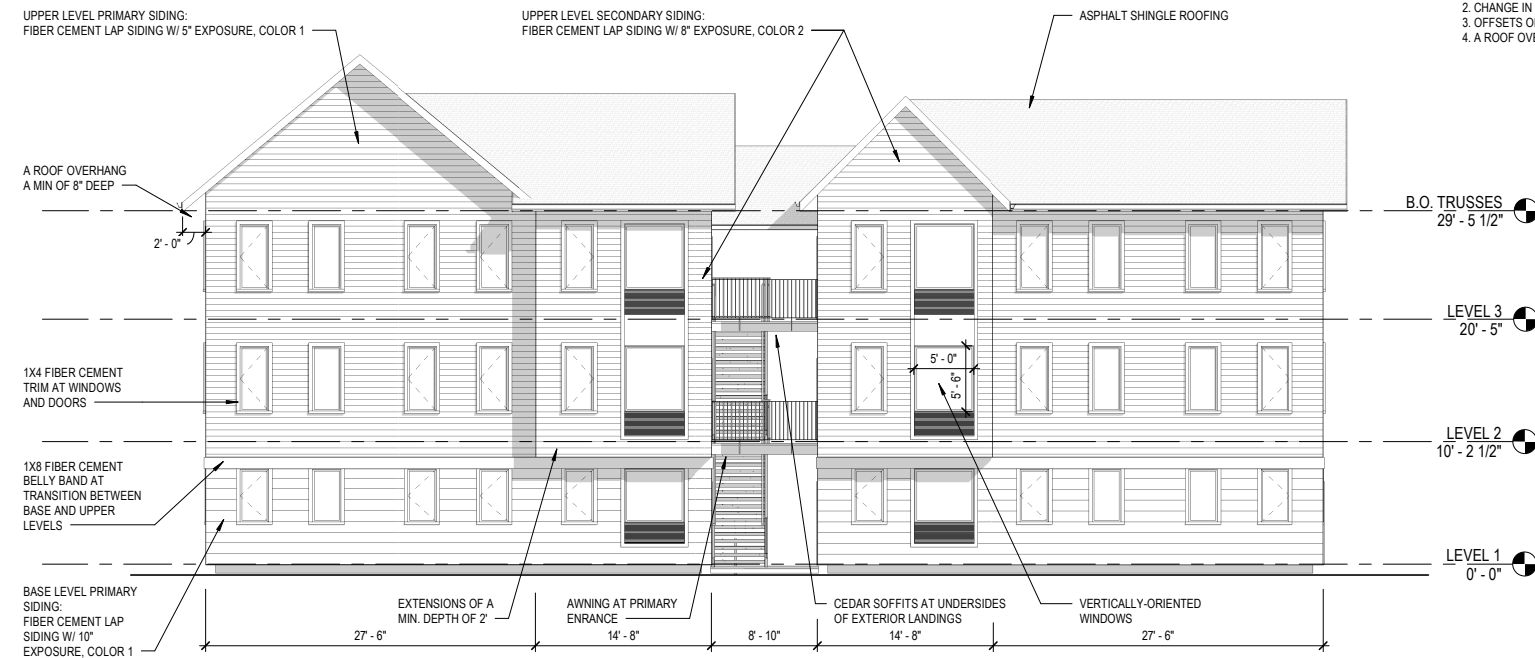


A32
3 REAR ELEVATION - TYPE 2
SCALE: 1/8" = 1'-0"

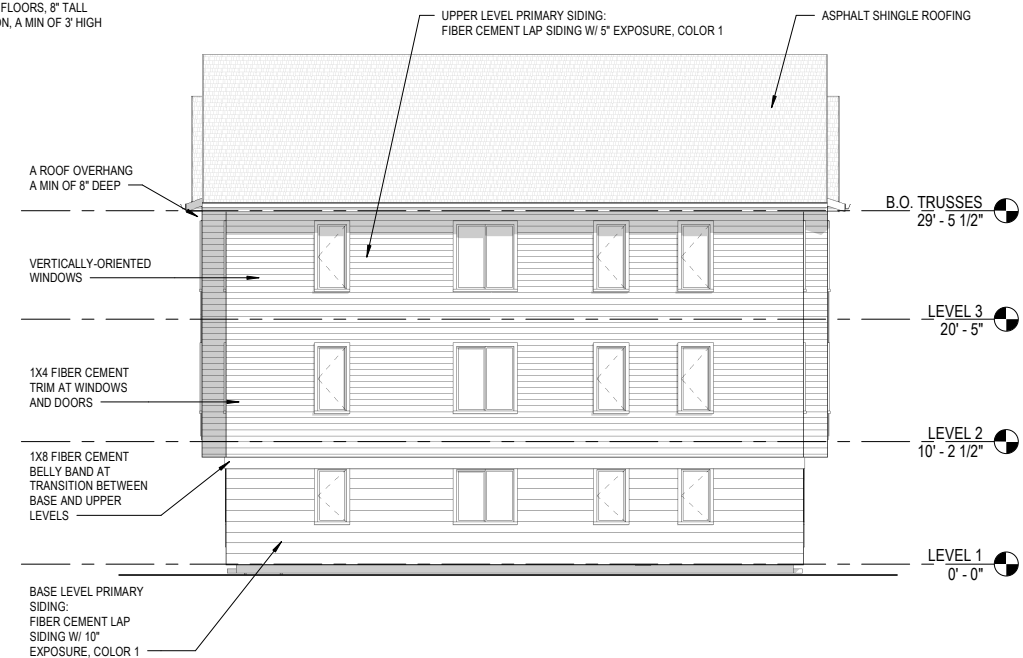


A32
4 SIDE ELEVATION - TYPE 2
SCALE: 1/8" = 1'-0"

- BUILDING FACADE ARTICULATION**
(2) BLDGS SHALL INCORPORATE VERTICAL AND HORIZONTAL ARTICULATION AND SHALL DIVIDE VERTICAL MASS INTO A BASE, MIDDLE, AND TOP.
- A) BASE: GROUND FLOOR FACADES:
1. CHANGE IN MATERIALS
 2. CHANGE IN COLOR
 3. MOLDING OR OTHER HORIZONTALLY-ARTICULATED TRANSITION PIECE
- B) MIDDLE: INCORPORATED AT A MIN OF EVERY 50' AT LEAST ONE OF THE FOLLOWING
1. RECESSES OF A MIN DEPTH OF 2'
 2. EXTENSIONS OF A MIN DEPTH OF 2'
 3. VERTICALLY-ORIENTED WINDOWS
 4. PILASTERS
- C) TOP
1. CORNICE A MIN OF 8" TALL AND 3" BEYOND FACE OF FACADE
 2. CHANGE IN MATERIAL FROM THE UPPER FLOORS, 8" TALL
 3. OFFSETS OR BREAKS IN ROOF ELEVATION, A MIN OF 3' HIGH
 4. A ROOF OVERHANG A MIN OF 8" DEEP



.A33
1 FRONT ELEVATION - TYPE 3
SCALE: 1/8" = 1'-0"



.A33
2 SIDE ELEVATION - TYPE 3
SCALE: 1/8" = 1'-0"

- WEATHER PROTECTION** (APPLIES TO GROUND FLOORS ADJACENT TO STREET)
- MIN 75%
- 1) AWNINGS OR CANOPIES
 - 2) MIN CLEARANCE OF 8' ABOVE GROUND SURFACE. MAY ENCROACH INTO PUBLIC ROW.

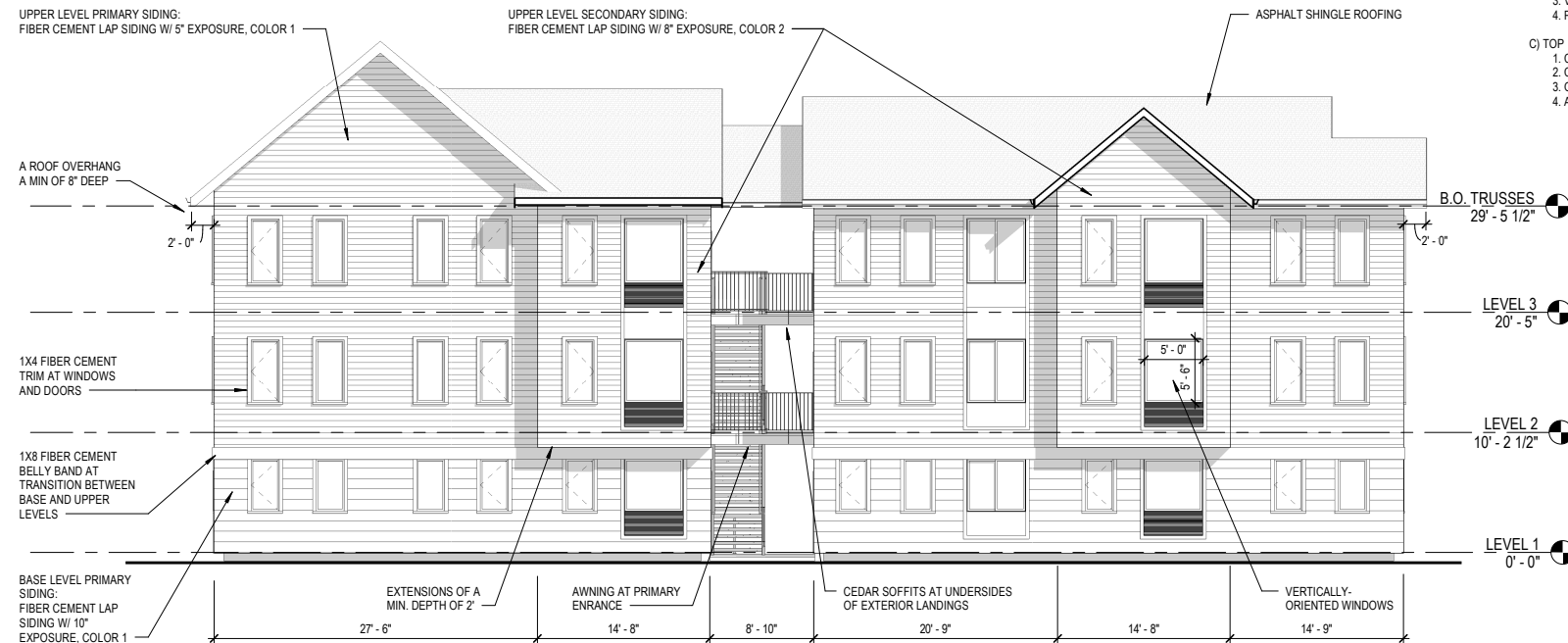


.A33
3 REAR ELEVATION - TYPE 3
SCALE: 1/8" = 1'-0"

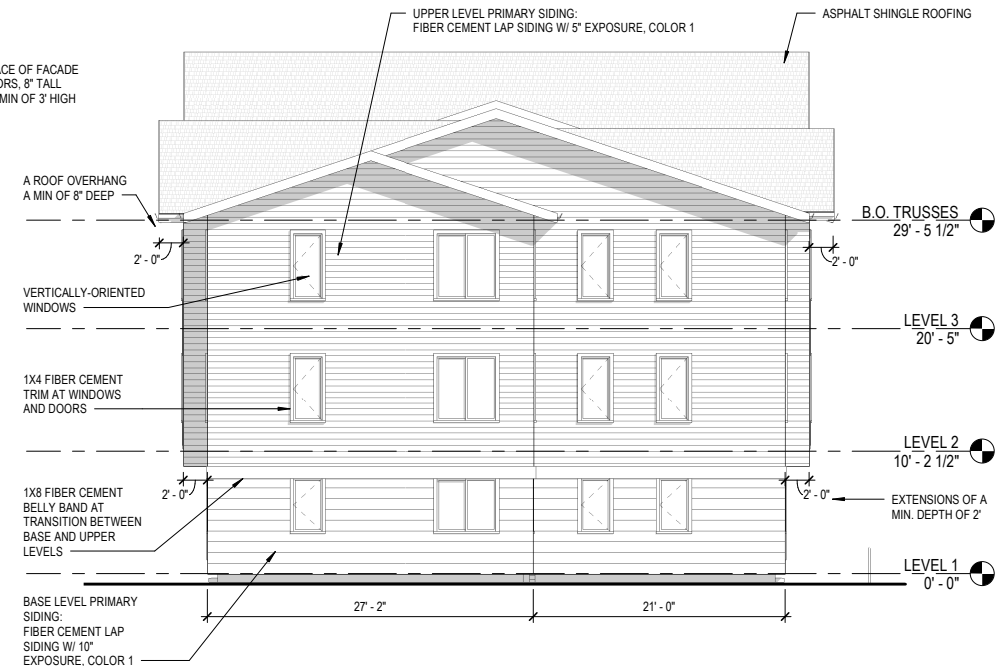


.A33
4 SIDE ELEVATION - TYPE 3
SCALE: 1/8" = 1'-0"

- BUILDING FACADE ARTICULATION**
(2) BLDGS SHALL INCORPORATE VERTICAL AND HORIZONTAL ARTICULATION AND SHALL DIVIDE VERTICAL MASS INTO A BASE, MIDDLE, AND TOP.
- A) BASE: GROUND FLOOR FACADES:
1. CHANGE IN MATERIALS
 2. CHANGE IN COLOR
 3. MOLDING OR OTHER HORIZONTALLY-ARTICULATED TRANSITION PIECE
- B) MIDDLE: INCORPORATED AT A MIN OF EVERY 50' AT LEAST ONE OF THE FOLLOWING
1. RECESSES OF A MIN DEPTH OF 2'
 2. EXTENSIONS OF A MIN DEPTH OF 2'
 3. VERTICALLY-ORIENTED WINDOWS
 4. PILASTERS
- C) TOP
1. CORNICE A MIN OF 8" TALL AND 3" BEYOND FACE OF FACADE
 2. CHANGE IN MATERIAL FROM THE UPPER FLOORS, 8" TALL
 3. OFFSETS OR BREAKS IN ROOF ELEVATION, A MIN OF 3" HIGH
 4. A ROOF OVERHANG A MIN OF 8" DEEP



^{A34}
1 FRONT ELEVATION - TYPE 4
SCALE: 1/8" = 1'-0"

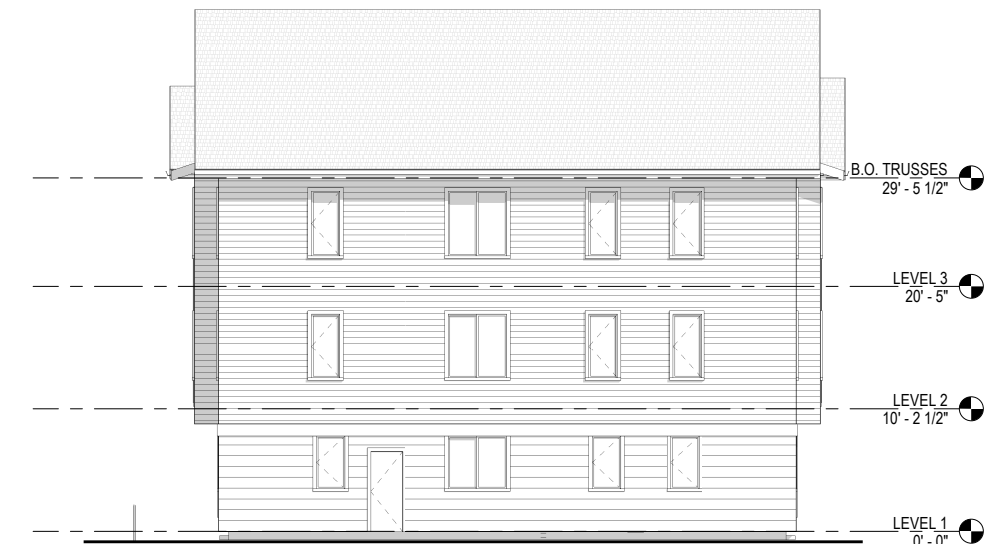


^{A34}
2 SIDE ELEVATION - TYPE 4
SCALE: 1/8" = 1'-0"

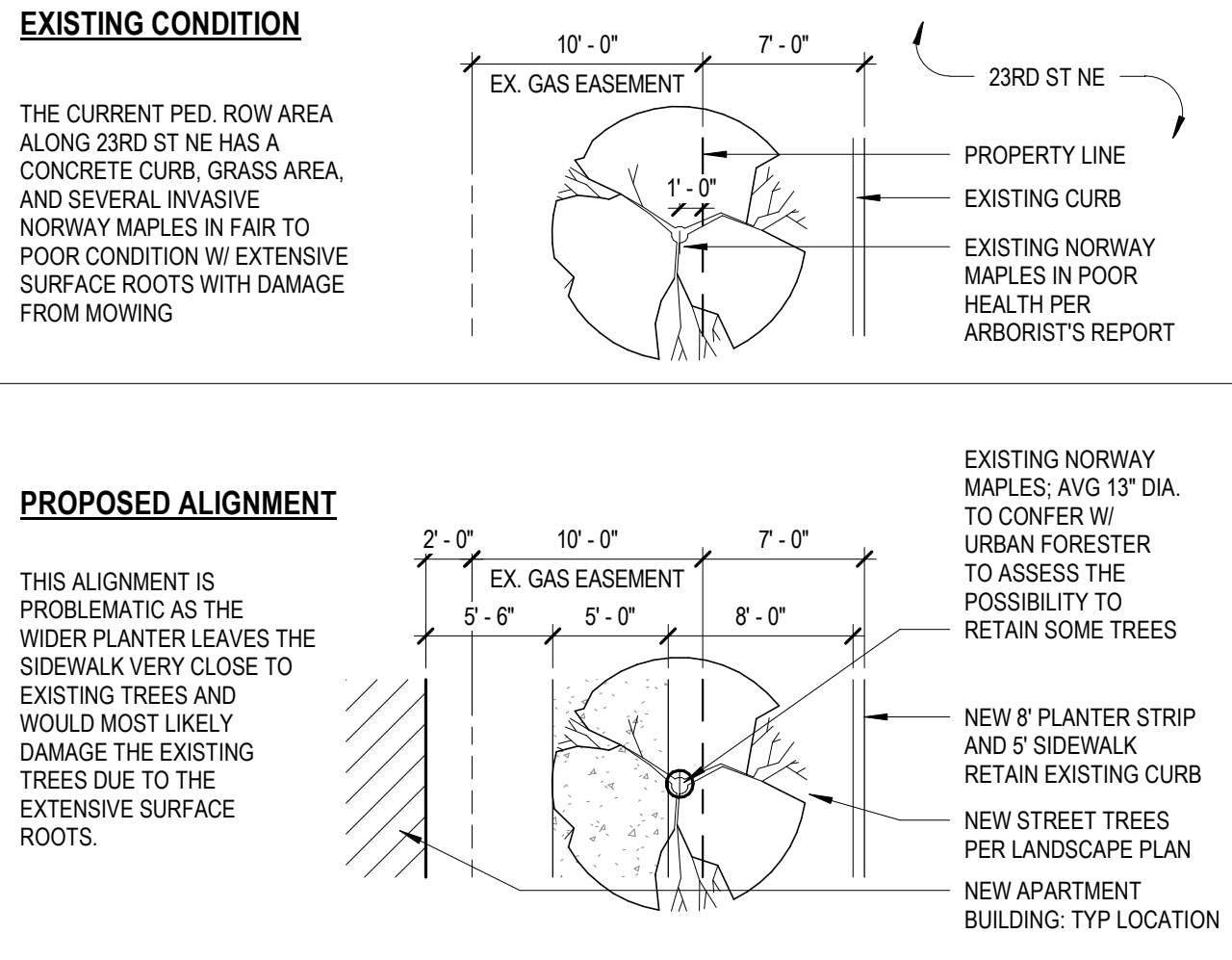
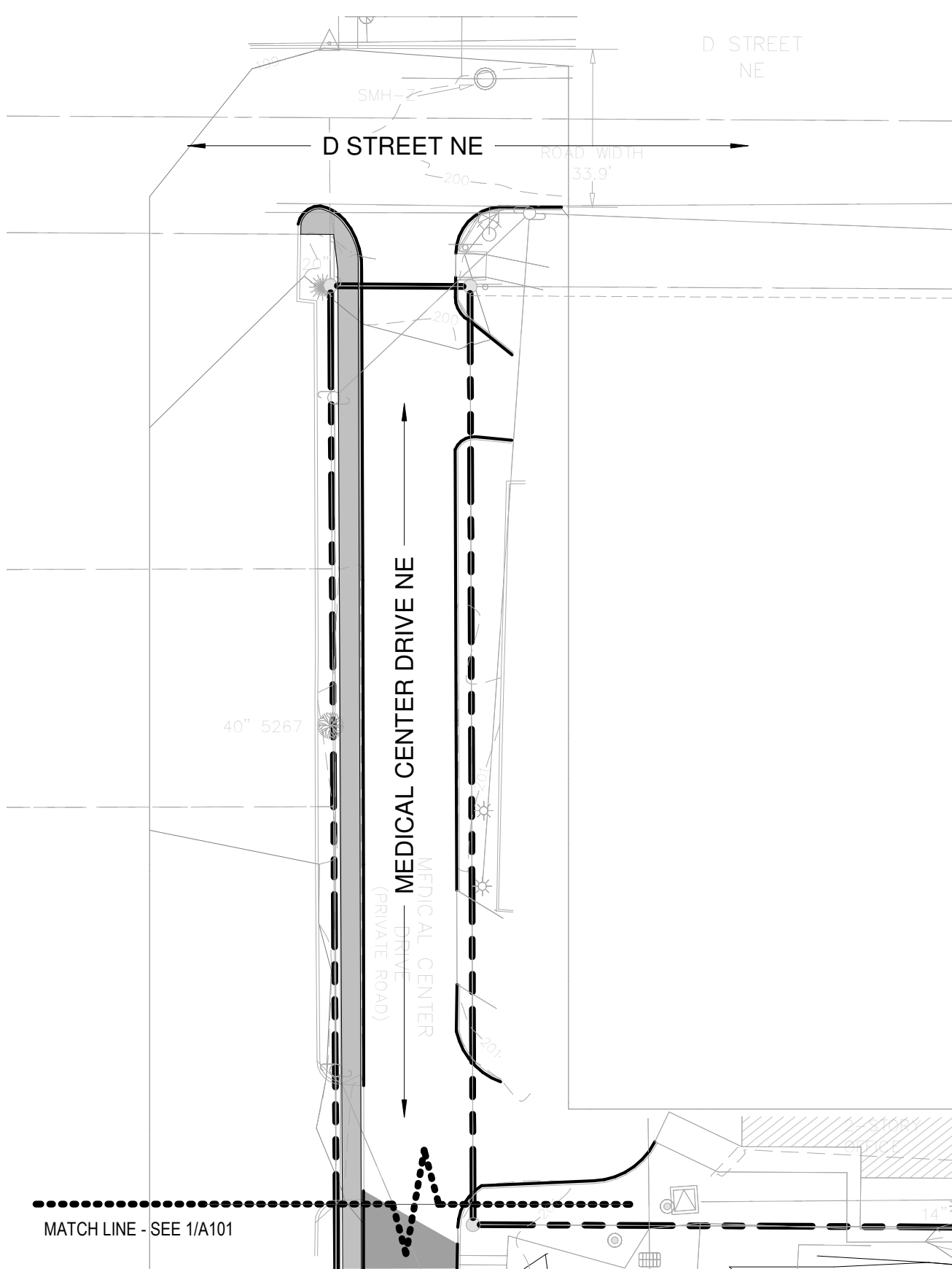
- WEATHER PROTECTION** (APPLIES TO GROUND FLOORS ADJACENT TO STREET)
- MIN 75%
- 1) AWNINGS OR CANOPIES
 - 2) MIN CLEARANCE OF 8" ABOVE GROUND SURFACE. MAY ENCROACH INTO PUBLIC ROW.



^{A34}
3 REAR ELEVATION - TYPE 4
SCALE: 1/8" = 1'-0"



^{A34}
4 SIDE ELEVATION - TYPE 4
SCALE: 1/8" = 1'-0"



PROPOSED SITE PLAN - NORTH

PROPOSED 23RD ST NE R.O.W. CONFIGURATION

- PARKING SPACE WITH LEVEL 2 EV CHARGING INSTALLED (VIA FLO-CORE+ DUAL PORT EV CHARGER)
- PARKING SPACE WITH LEVEL 2 EV CHARGING CAPACITY
- NUMBER OF PARKING SPACES IN A ROW (A "c" SUFFIX DENOTES 'COMPACT' SPACES)

LU SITE PLAN LEGEND

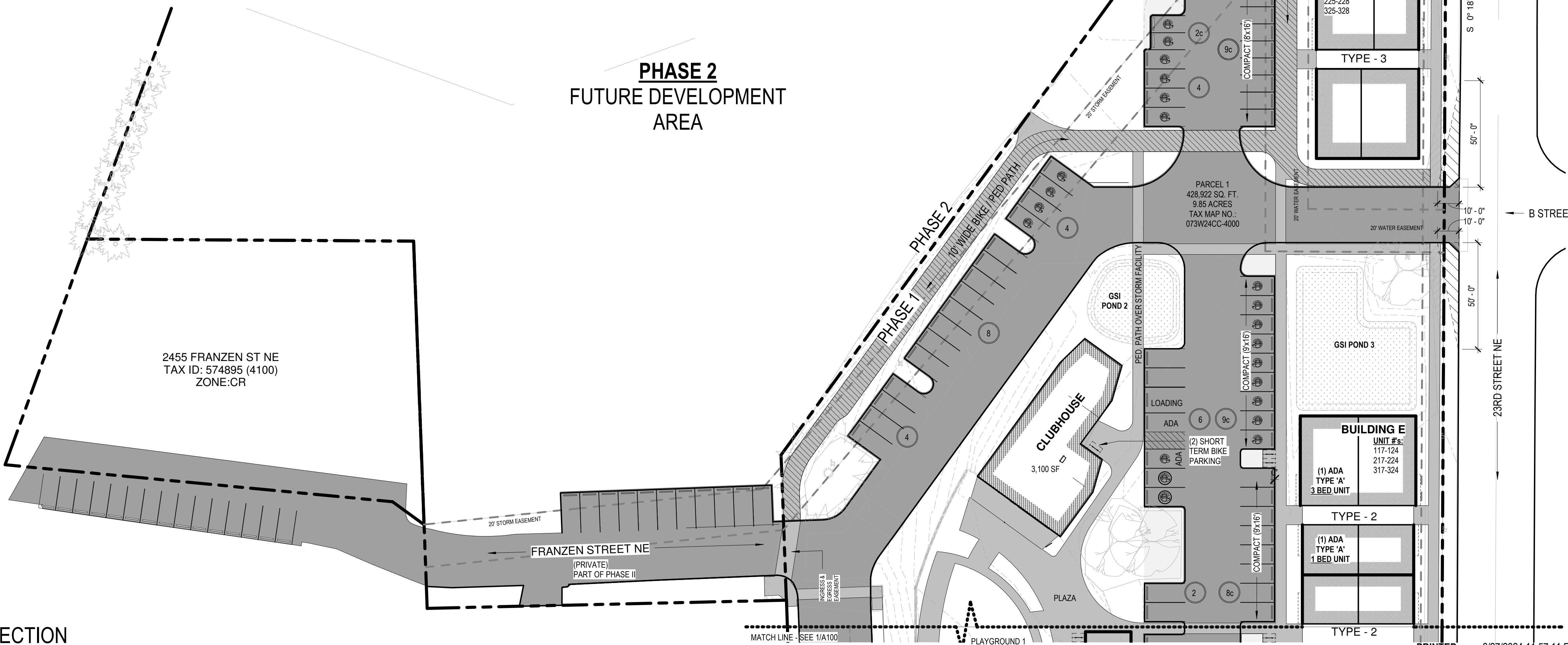
SCALE: 1/8" = 1'-0"

PROPOSED SITE PLAN - MIDDLE SECTION



A10
1

SCALE: 1" = 30'-0"



**PHASE 2
FUTURE DEVELOPMENT
AREA**

SALEM APARTMENTS

CLIENT :
HOME FIRST
DEVELOPMENT/
GREEN LIGHT
DEVELOPMENT

SITE PLAN

PRINTED : 6/27/2024 11:57:11 PM

MU-1 CODE REQUIREMENTS	PROPOSED
BUILDINGS (1) MAXIMUM 10-FT SETBACK APPLIES IF THE SETBACK IS USED FOR PED AMENITIES. B) FOR DOUBLE FRONTAGE LOTS, THE SETBACK ABUTTING A STREET SHALL ONLY APPLY TO THE STREET W/ THE HIGHEST STREET CLASSIFICATION OR WHERE BOTH HAVE THE SAME CLASSIFICATION, THE STREET DESIGNATED BY THE APPLICANT. NO MIN OR MAX IS REQ ABUTTING THE OTHER STREET	ADJUSTEMENT REQUESTED
HEIGHT MAX 65' MIN 20' MAY PROVIDE A FALSE FRONT, PROMINENT ENTRY, CUPOLA, OR REVERSE SHED TO MEET THIS REQUIREMENT.	MET BLDG 1 (COMMON) >20' BLDGS 2-18 (RES) <65' ACCESS. STRUC. = EXEMPT
BUILDING FRONTAGE MIN 75% FOR CORNER LOTS, THIS STANDARD MUST BE MET ON THE FRONTAGE OF THE STREET W/ THE HIGHEST CLASSIFICATION. THE INTERSECTING STREET HAS A 40% MIN STANDARD	CENTER = 60% (149/248') : ADJUSTMENT REQUESTED 23RD = 56% (1030/580') : MET
533-6 PED ORIENTED DESIGN GROUND FLOOR HEIGHT ON PRIMARY STREETS 14 FT MIN. (FLOOR TO CEILING) SEPARATION OF GROUND FLOOR USES FOR RES USE VERTICAL OR HORIZ SEPARATION IS REQ FROM PUBLIC ROW VERTICAL DISTANCE MIN 1.5' MAX 3' HORIZONTAL DIST MIN 5' MAX 10' SHALL TAKE THE FORM OF LANDSCAPED AREA OR PLAZA	ADJUSTEMENT REQUESTED ADJUSTEMENT REQUESTED
BUILDING FACADE ARTICULATION (2) BLDGS SHALL INCORPORATE VERTICAL AND HORIZONTAL ARTICULATION AND SHALL DIVIDE VERTICAL MASS INTO A BASE, MIDDLE, AND TOP. A) BASE: GROUND FLOOR FACADES: 1. CHANGE IN MATERIALS 2. CHANGE IN COLOR 3. MOLDING OR OTHER HORIZONTALLY-ARTICULATED TRANSITION PIECE B) MIDDLE; INCORPORATED AT A MIN OF EVERY 50' AT LEAST ONE OF THE FOLLOWING 1. RECESSES OF A MIN DEPTH OF 2' 2. EXTENSIONS OF A MIN DEPTH OF 2' 3. VERTICALLY-ORIENTED WINDOWS 4. PILASTERS C) TOP 1. CORNICE A MIN OF 8" TALL AND 3" BEYOND FACE OF FACADE 2. CHANGE IN MATERIAL FROM THE UPPER FLOORS, 8" TALL 3. OFFSETS OR BREAKS IN ROOF ELEVATION, A MIN OF 3' HIGH 4. A ROOF OVERHANG A MIN OF 8" DEEP	MET 1, 2, & 3 PROVIDED MET 2 & 3 PROVIDED MET 4 PROVIDED
GROUND FLOOR WINDOWS (APPLIES TO PRIMARY STREETS) MIN 65% ONLY TRANSPARENT WINDOWS COUNT	ADJUSTEMENT REQUESTED
BUILDING ENTRANCES (APPLIES TO PRIMARY STREETS) 2) FOR RESIDENTIAL USES ON GROUND FLOOR, A PRIMARY BLDG ENTRANCE FOR EACH BLDG FACADE FACING A PRIMARY STREET SHALL BE LOCATED ON THE PRIMARY STREET. 3) BLDG ENTRANCES SHALL INCLUDE WEATHER PROTECTION	MET CENTRAL OUTDOOR ENTRY AREA W/ AWNING AT ENTRY
WEATHER PROTECTION (APPLIES TO GROUND FLOORS ADJACENT TO STREET) MIN 75% 1) AWNINGS OR CANOPIES 2) MIN CLEARANCE OF 8' ABOVE GROUND SURFACE. MAY ENCROACH INTO PUBLIC ROW.	ADJUSTEMENT REQUESTED
PARKING BEHIND OR BESIDE STRUCTURES, NOT BETWEEN STRUCTURE AND STREET	MET
MECH EQUIPMENT 1) GROUND LEVEL EQUIPMENT SHALL BE SCREENED W/ LANDSCAPING OR SITE OBSCURING FENCE OR WALL; LOCATED BEHIND OR BESIDE BLDGS 2) ROOF TOP EQUIP (OTHER THAN SOLAR) SHALL BE SET BACK OR SCREENED SO AS NOT TO BE VISIBLE TO A PERSON STANDING AT GROUND LEVEL 60' AWAY.	MET PTAC UNITS WILL BE USED THROUGHOUT THE PROJECT

PROJECT INFO:
891 23RD ST NE
TAX ID: 527113 (4000)
SIZE 9.85 ACRES
ZONE: MU-1

LOT AREA SUMMARY
ORIGINAL LOT AREA : 9.85 ACRES (428,907.74 SQ. FT.)

LOT LINE ADJUSTMENT @ NW CORNER OF LOT: 0.16 ACRES (6,805.43 SQ. FT.)
ASSUMED 10' PROPERTY DEDICATION ON SOUTH LOT LINE : 0.11 ACRES(5007.54 SQ. FT.)

PHASE I : 6.27 ACRES (273,332 SQ. FT.)
PHASE II : 3.3 ACRES (143,763 SQ. FT.) (NOT PART OF THIS SUBMISSION)

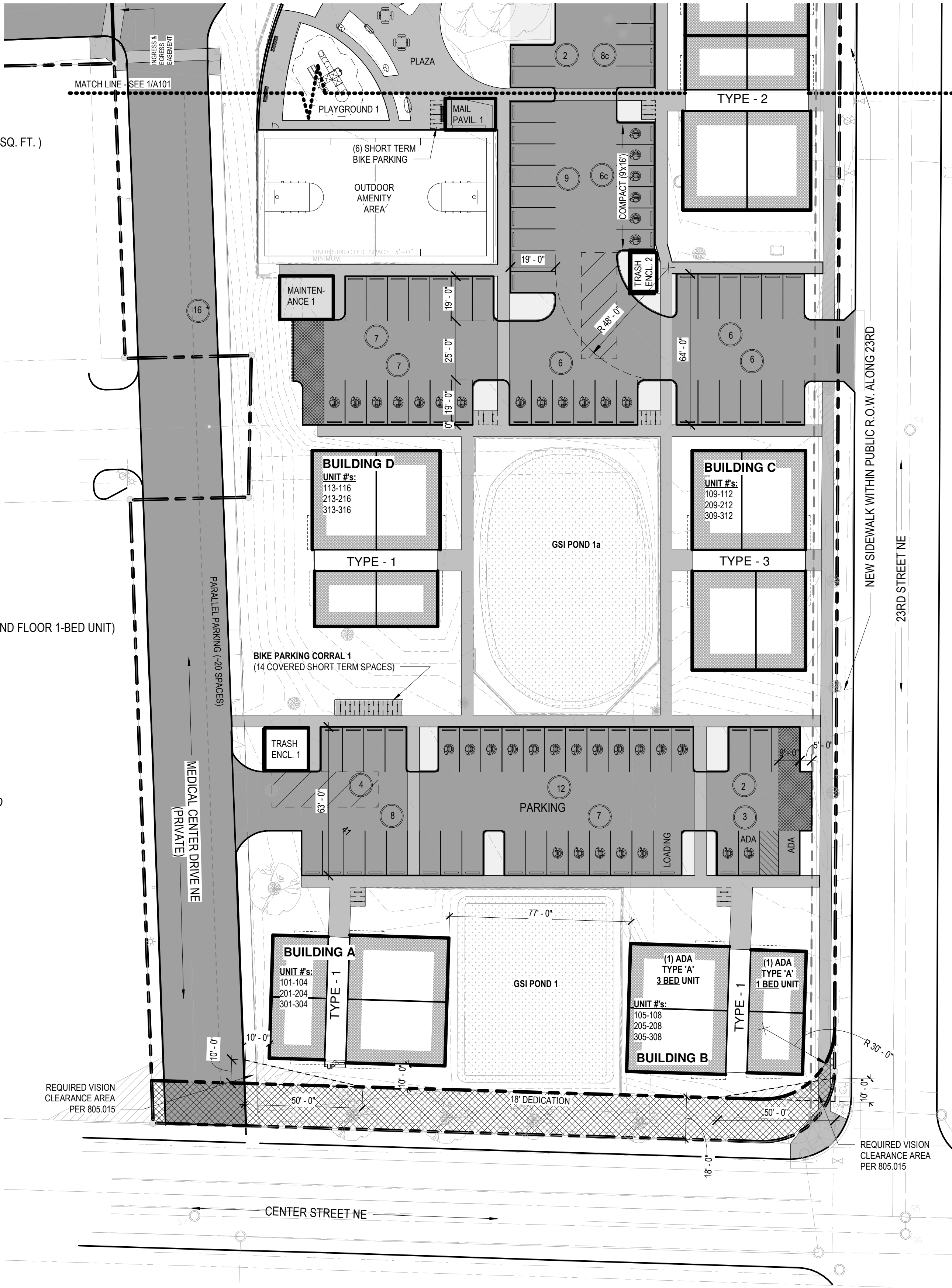
UNIT AND PARKING SUMMARY	
x6	4 BED/2 BA
x54	3 BED/1.5BA
x30	2 BED/1.0BA
x30	1 BED/1.0BA
120	TOTAL UNITS
PARKING : 197 TOTAL PARKING SPACES (1.64 PER UNIT)* 130 STANDARD (INCLUDES 4 ADA SPACES AND 2 LOADING SPACES) 67 COMPACT *DOES NOT INCLUDE THE EXISTING PARALLEL PARKING ALONG MEDICAL CENTER DRIVE NE	
EV PARKING	
TOTAL PARKING:	197 SPACES
EV ENABLED PARKING REQ:	79 SPACES MIN (197x0.40=78.8)
EV ENABLED PARKING PROVIDED:	79 SPACES

BIKE PARKING SUMMARY	
REQUIRED RATIO:	1 SPACE /UNIT
NUMBER OF UNITS:	120
REQUIRED NO. OF SPACES:	120
TOTAL SPACES PROVIDED:	120
LT PARKING PROVIDED IN UNIT:	10 SPACES (1 PER GROUND FLOOR 1-BED UNIT)
ST PARKING PROVIDED AT BLDGS (6/12 UNITS)	60
ST PARKING AT COMMON AREAS:	8
ST COVERED BIKE PARKING CORRAL SPACES:	28
BIKE PARKING 1:	14
BIKE PARKING 2:	28

PARKING LANDSCAPING

PARKING AREA: 81,213 SF
REQUIRED LANDSCAPE AREA: 6497 SF (81,213 x 0.08)
(INCLUDING PARKING SPACES, AISLES, PLANTING ISLANDS, CORNER AREAS, AND CURBED AREAS, BUT NOT INCLUDING INTERIOR DRIVEWAYS.)

INTERIOR PARKING LANDSCAPE AREA PROVIDED: 7135 SF (<6497 REQ)

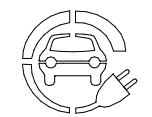


A11
2 ZONING INFO

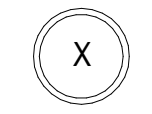
SCALE: 1" = 50'-0"



PARKING SPACE WITH LEVEL 2 EV CHARGING INSTALLED
(VIA FLO-CORE+ DUAL PORT EV CHARGER)



PARKING SPACE WITH LEVEL 2 EV CHARGING CAPACITY



NUMBER OF PARKING SPACES IN A ROW
(A "c" SUFFIX DENOTES 'COMPACT' SPACES)

LU SITE PLAN LEGEND

SCALE: 1/8" = 1'-0"



A11
1 PROPOSED SITE PLAN - SOUTH SECTION

SCALE: 1" = 30'-0"

Cascadia Planning + Development Services

P.O. Box 1920

Silverton, OR 97381

(503) 804-1089

steve@cascadiapd.com

**MEMO****DATE:** June 27, 2024**TO:** Aaron Panko
Community Development Planning Division
City of Salem**FROM:** Steve Kay
Cascadia Planning + Development Services**RE:** Amended Materials for Land Use Application
2561 Center Street NE
23-123424-PLN

The following narrative summarizes the applicant's request to amend the previously submitted materials for Case File 23-123424-PLN. After discussing parking and the proposed Tree Variance for the Giant Sequoia (Tree 3602) with members of Northeast Neighbors (NEN) and reviewing the public comments that were received, the applicant has made the decision to address the neighbors' concerns by amending the site plan. The applicant is withdrawing the variance request for the Giant Sequoia. A Tree Variance request remains for proposed impacts to the Blue Atlas Cedar (Tree 4098) and the Hornbeam (Tree 2429).

The attached site plan illustrates that pedestrian pathways in the vicinity of the Giant Sequoia have been rerouted to avoid impacts to the critical root zone. The applicant has also revised the site plan to eliminate 11 vehicle parking spaces and a bike shelter within the critical root zone. With these changes, the impacts to the critical root zone of the Giant Sequoia meets the maximum 30% disturbance standard. The attached arborist report confirms that a Tree Variance is no longer needed for the Giant Sequoia based on the current site plan. The report states that the project arborist will still be on-site to guide excavation for grading and paving within the critical root zone of the Blue Atlas Cedar and the Hornbeam.

With the reduction in parking spaces, a total of 197 spaces are provided, which equates to 1.64 spaces per dwelling unit. The site plan indicates that the 28 space bike shelter has been relocated to the northeast corner of the parking lot so that a total of 120 bicycle spaces are still provided with the project. The revised plan illustrates that the northern segment of the shared pedestrian and bicycle path has moved to the east side of Medical Center Drive to reduce impacts to the Giant Sequoia. Finally, the updated plan has moved the trash enclosure to the north end of the parking area to permit the realignment of the shared pedestrian and bicycle path.

As required, the revised materials have been submitted to the City's PAC Portal. Please let me know if you have any questions or need additional information for your review.

REDUCTION IN PARKING STALLS: 11

80' RADIUS PROTECTION AREA: 20,106

EXISTING IMPERVIOUS AREA: 3,961

PROPOSED NEW IMPERVIOUS AREA:	
AREA & BLDG J	1,354
EAST SIDE DRIVE AISLE	475
PARKING	<u>241</u>
SUBTOTAL:	2,070

PROPOSED ENCROACHMENT: **6,031**

REMAINING PERVIOUS AREA: 14,094

30% MAX ENCROACHMENT : 6,032





June 30, 2024

To: Aaron Panko, Planner III
City of Salem | Community Planning and Development Department
555 Liberty St. SE, Room 305, Salem, Oregon 97301

From: Northeast Neighbors Neighborhood Association (NEN)
Re: Green Light Development Application # 23 123424 00 PLN

Northeast Neighbors Neighborhood Association (NEN) recognizes the critical need for affordable housing in our community.

We are grateful for the collaboration between our neighborhood association and Green Light Development and are pleased to support the revision dated 6.27.24 for the Phase 1, a 120-unit affordable housing development for families in our neighborhood.

Green Light revised their plans at our request to protect a giant Sequoia tree, a beautiful well-loved landmark in our community by rerouting a sidewalk, removing ten parking spaces from the critical root zone, and withdrawing their request for a variance for this tree.

We very much appreciate the developer working with the city to advocate for a safer pedestrian crossing on D Street for the family-oriented project which is on routes to three schools.


With appreciation,

Northeast Neighbors (NEN) Neighborhood Association
Salem, Oregon
www.SalemNEN.org
salemnen@gmail.com
503-970-1319



MEMO

TO: Aaron Panko, Planner III
Community Planning and Development Department

FROM: Laurel Christian, Infrastructure Planner III
Community Planning and Development Department 

DATE: August 1, 2024

SUBJECT: **Infrastructure Memo**
PAR-SPR-ADJ-DAP-TRV-PLA24-08 (24-123424-PLN)
2561 Center Street NE
120-unit Multi-Family Development

PROPOSAL

A tentative partition to divide the subject property into two parcels, Class 3 Site Plan Review for the development of a new 120-unit multi-family residential development, Class 2 Driveway Approach Permits for two new driveway approaches, a Property Line Adjustment to relocate the common property line between proposed Parcel 2 and Taxlot 03900, a Tree Variance to allow encroachment greater than 30 percent into the critical root zones for five trees dedicated for preservation, and Class 2 Adjustments.

The subject property is approximately 10.1 acres in size, zoned MU-I (Mixed Use-I) and CO (Commercial Office), and located at 2561 Center Street NE 97301 (Marion County Assessors map and tax lot numbers: 073W24CC / 03900 and 04000).

RECOMMENDED CONDITIONS OF APPROVAL – SITE PLAN REVIEW

1. Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
2. Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
3. Dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedication of new easements.
4. Convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Center Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

5. Along Center Street NE, reconstruct sidewalks at the new property line location after right-of-way dedication.
6. Along 23rd Street NE, construct a 5-foot-wide sidewalk separated from 23rd Street NE by a minimum 8-foot-wide planter strip and dedicate a public access easement, or dedicate right-of-way, for the required sidewalk.
7. At the driveway entrance to 23rd Street NE, directly across B Street NE, construct receiving curb ramps on the development site of the street in accordance with *Public Work Design Standards*.
8. Construct a 10-foot-wide shared use path from the southern segment of Medical Center Drive NE through the site to the northern segment of Medical Center Drive NE and to 23rd Street NE as shown on the applicant's preliminary site plan and dedicate a public access easement for the path.
9. Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Center Street NE and 23rd Street NE.
10. Prior to issuance of building permits, obtain street tree removal permits pursuant to SRC Chapter 86.

RECOMMENDED CONDITIONS OF APPROVAL – PARTITION

1. At time of development on each parcel, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards and SRC Chapter 71.
2. Prior to final plat, provide a preliminary utility plan for Proposed Parcel 2 that demonstrates how the parcel will be provided individual services.
3. At time of development on each parcel, construct water, sewer, and stormwater services to serve the development proposed in accordance with the Public Works Design Standards.
4. Prior to final plat, all necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.
5. Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.
6. Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontages of Center Street NE, 23rd Street NE, and D Street NE on the final plat. The

public utility easement may be reduced to three (3) feet at the intersection of Center Street NE and 23rd Street NE.

EXISTING CONDITIONS – INFRASTRUCTURE

The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
Center Street NE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	78-feet	46-feet
23rd Street NE (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	64-feet	36-feet
D Street NE (Minor Arterial)	Standard:	72-feet	46-feet
	Existing Condition:	66-feet	36-feet
Grear Street NE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	60-feet	34-feet
Medical Center Drive NE (Local, Private)	Standard:	60-feet	30-feet
	Existing Condition:	N/A - Private	20-to-34-feet
Franzen Street SE (Local, Private)	Standard:	60-feet	30-feet
	Existing Condition:	N/A – Private	24-feet

The existing conditions of public infrastructure available to serve the subject property are described in the following table:

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 24-inch water main is located in Center Street NE.
	A 24-inch water main is located in 23 rd Street NE
	A 24-inch water main is located in D Street NE.
	A 6-inch water main is located in Grear Street NE.
	A 24-inch public water main is located on the subject property in an easement.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Center Street NE.
	An 8-inch sanitary sewer main is located in 23 rd Street NE.
	An 8-inch sanitary sewer main is located in D Street NE.
	An 8-inch sanitary sewer main is located in Grear Street NE.
Storm Drainage	A 12-inch storm main is located in Center Street NE.

	A 15-inch and an 18-inch public storm main is located on the subject property in an easement.
Parks	The proposed development is served by D Street Park located across from the subject property on 23 rd Street NE.

SITE PLAN REVIEW DECISION CRITERIA

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding— As proposed and conditioned in the findings within the memo, the development meets all the applicable standards in the UDC as follows:

SRC Chapter 200 - Urban Growth Management:

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

Finding: The subject property is located outside of the Urban Service Area. However, the proposed development does not precede construction of required facilities, and therefore, no Urban Growth Area Preliminary Declaration is required.

SRC Chapter 200.050(d) - Acquisition of property, easements, and right-of-way:

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required along Center Street NE and easements required for public access and utilities on the site. There are existing easements for franchise utilities on the subject property which may conflict with required easements and dedications. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.005(d).

Condition: Required right-of-way dedications and required easements shall be *free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.*

SRC Chapter 71 – Stormwater:

The proposed development is subject to SRC Chapter 71 and the revised Public Works

Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: The applicant submitted a stormwater management basin map that demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. At time of building permit, the applicant shall be required to submit a Stormwater Management Report that describes the proposed stormwater system and demonstrates how the proposed system complies with SRC Chapter 71 and PWDS Appendix 4E relating to green stormwater infrastructure. As a condition of approval, the applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

Condition: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

SRC 802 – Public Improvements:

▪ ***Development to be served by City utilities:***

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

The proposed development conforms to the public improvement standards of SRC Chapter 802.

▪ ***Easements:***

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: There is an existing 24-inch public water main, 15-inch public storm drain main, and an 18-inch public storm drain main on the subject property. Each of the existing public mains are located within easements that do not meet current Public Works Design Standards for required width. As a condition of approval, the applicant shall dedicate easements for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

There also appear to be existing easements for public infrastructure which are not utilized. The existing easements which are inadequate and the existing easements which are not utilized shall be quitclaimed or vacated, as applicable.

Condition: Dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8 (Easements)*. The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.

SRC 803 – Street and Right-of-way Improvements

▪ *Boundary Street Improvements and Street Standards*

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development. SRC Chapter 803 describes street standards that boundary street improvements must be constructed to.

Finding: The subject property abuts Commercial Street SE, 23rd Street NE, D Street NE, Gear Street NE, and Medical Center Drive NE. The following analysis describes what improvements are required along the boundary streets of the property:

Center Street NE – The subject property abuts Center Street NE along the southern property boundary. Center Street NE is classified as a major arterial according to the Salem Transportation System Plan (TSP); however, the Salem TSP identifies this street will be constructed to an interim minor arterial standard. Center Street NE has adequate improvement width to meet an interim minor arterial standard; however, has inadequate right-of-way width. As a condition of approval, the applicant shall dedicate the ultimate major arterial half-width right-of-way along the property frontage, including a 30-foot radius right-of-way dedication at the intersection of Center Street NE and 23rd Street NE in accordance with the *Public Works Design Standards*. In addition, the applicant shall relocate the existing curb line sidewalks along Center Street NE to the new property line in order to comply with SRC 803.035(I)(2)(A) relating to sidewalk location.

Condition: Convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Center Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition: Along Center Street NE, reconstruct sidewalks at the new property line location after right-of-way dedication.

23rd Street NE – The subject property abuts 23rd Street NE along the eastern property boundary. 23rd Street NE is classified as a collector street according to the Salem TSP. 23rd Street NE has adequate right-of-way width and adequate pavement improvement

width according to the standards established in SRC 803.025. However, 23rd Street NE lacks sidewalks and planter strips for street trees along the property frontage. The existing right-of-way width cannot accommodate the required sidewalks and planter strips; however, the applicant proposed to dedicate a public access easement over the required sidewalk in order to accommodate pedestrian access along the property frontage. This will allow construction of an 8-foot planter strip for street trees and a 5-foot sidewalk to accommodate public access, meeting the requirements for street improvements in SRC 803.035. As a condition of approval, the applicant shall construct a 5-foot-wide sidewalk and 8-foot planter strip along 23rd Street NE and dedicate a public access easement over the sidewalk. In addition, as part of the sidewalk construction along 23rd Street NE, the applicant shall construct receiving curb ramps on the development site of the street for the crossings at the intersection of B Street NE and 23rd Street N.

Condition: Along 23rd Street NE, construct a 5-foot-wide sidewalk separated from 23rd Street NE by a minimum 8-foot-wide planter strip and dedicate a public access easement, or dedicate right-of-way, for the required sidewalk.

Condition: At the intersection of B Street NE and construct receiving curb ramps on the development site of the street in accordance with *Public Work Design Standards*.

D Street NE – The subject property has approximately 30-feet of frontage on D Street NE where Medical Center Drive NE (private) intersects with D Street NE along the northern property boundary. D Street NE abutting the subject property has inadequate overall right-of-way width and improvement width. The applicants preliminary plan shows there is an existing 36-foot wide half-width right-of-way abutting the subject property; therefore, additional right-of-way dedication is not warranted per SRC 803.040. As the property only has frontage along D Street NE where the property intersects with Medical Center Drive NE (private) and D Street NE, frontage improvements along D Street NE are not warranted.

Grear Street NE – The subject property abuts Grear Street along the western property boundary. Grear Street NE terminates along the western property boundary and creates a “T-intersection” with Medical Center Drive NE, which is a private local street. Grear Street NE abutting the property meets the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, additional improvements along Grear Street NE are not required.

Medical Center Drive NE (Private) – Medical Center Drive NE is an existing private local street located on the subject property in an easement. Medical Center Drive NE extends north from Center Street NE to Grear Street NE and then terminates at the southern internal drive aisle to the development. Medical Center Drive NE also extends south from D Street NE and then terminates at the northern internal drive aisle of the development. Medical Center Drive NE does not completely extend through the development site. Pursuant to SRC 803.020(b)(2) private streets shall conform to public street standards established in SRC Chapter 803 and the Public Works Design

Standards. The existing condition of Medical Center Drive NE does not meet block spacing and connectivity standards (SRC 803.035(a)). In lieu of constructing a street through the subject property, the applicant proposes to construct a 10-foot-wide shared use path that connects the southern and northern segments of Medical Center Drive NE as well as provides connection to 23rd Street NE and requests an Alternative Street Standard pursuant to SRC 803.065. The subject property has multiple site constraints including easements for public infrastructure and significant trees. As such, it would not be feasible to construct a public or private street through the subject property. An Alternative Street Standard for block spacing and connectivity if approved pursuant to SRC 803.065(a)(1). As a condition of approval, the applicant shall construct a 10-foot-wide shared use path through the subject property that provides connectivity from the southern and northern segments of Medical Center Drive NE and to 23rd Street NE. The applicant shall dedicate a public access easement for the required path.

Condition: Construct a 10-foot-wide shared use path from the southern segment of Medical Center Drive NE through the site to the northern segment of Medical Center Drive NE and to 23rd Street NE as shown on the applicant's preliminary site plan and dedicate a public access easement for the path.

▪ ***Street Trees***

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

Finding: Conditions of approval require the applicant to provide a minimum 8-foot planter strip along 23rd Street NE to accommodate street trees. With relocation of the sidewalk along Center Street NE, there will also be room for additional street trees. As a condition of approval, the applicant shall install street trees to the maximum extent feasible along 23rd Street NE and Center Street NE. Along Medical Center Drive NE, Gear Street NE, and D Street NE, there is not room for additional street trees along the property frontage.

Condition: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Center Street NE and 23rd Street NE.

The applicant proposes removal of existing street trees along 23rd Street NE to accommodate a required sidewalk. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86. The street tree removal permit shall be obtained prior to issuance of building permits that would necessitate removal of the trees.

Condition: Prior to issuance of building permits, obtain street tree removal permits pursuant to SRC Chapter 86.

SRC Chapter 804 – Driveway Approaches:

SRC 804 establishes development standards for driveway approaches providing access

from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The applicant proposes two new driveway approaches onto 23rd Street NE and has applied for a Class 2 Driveway Approach Permit; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway approach permit, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

SRC Chapter 805 – Vision Clearance:

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: The applicant's preliminary site plan shows vision clearance areas at all street intersections and driveway approaches. The proposal does not cause a vision clearance obstruction per SRC Chapter 805 and meets the vision clearance standards established in SRC Chapter 805.

Natural Resources:

SRC 601 – Floodplain: Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 809 – Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

Finding: According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

SRC Chapter 810 - Landslide Hazards: The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a multi-family development adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers and dated March 2, 2023, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations within the report.

Criteria: SRC 220.005(f)(3)(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

Finding— Access to the proposed development will be provided by the network of existing public streets that surround the property. As conditioned, the required improvements will ensure that the street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding—The proposal includes two new driveway approaches onto 23rd Street NE. Additionally, access will be provided through existing access points onto Medical Center Drive NE, which is a private street. The proposed driveway accesses provide for safe turning movements into and out of the property and modifications are not warranted per SRC Chapter 804 (Driveway Approaches).

Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding— The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed development, subject to the conditions of approval. This approval criterion is met.

CLASS 2 DRIVEWAY APPROACH PERMIT DECISION CRITERIA

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

The applicant proposes two new driveway approaches onto 23rd Street NE that are subject to Class 2 Driveway Approach Permits.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveway approaches meet the standards for SRC Chapter 804 and Public Works Design Standards (PWDS). This criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: Development Services has reviewed the proposal and determined that no site conditions existing prohibiting the location of the proposed driveway. This criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The two new driveway approaches will be located on 23rd Street NE, which is classified as a collector street. The site abuts Center Street NE and D Street ne which are classified as arterial streets. No new access is proposed onto the arterial streets abutting the property. Access to the arterial streets abutting the property will be provided through an existing private street. This criterion is met.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

(B) Takes access from the lowest classification of street abutting the property

Finding: The subject property abuts 23rd Street NE, which is classified as a collector street, and Center Street NE and D Street NE which are classified as arterial streets. The proposed driveway approaches are onto 23rd Street NE, which provides access to the lowest classification of public street abutting the subject property. Medical Center Drive provides secondary access to the site through the existing approaches to the private street. This criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The applicant's preliminary site plan shows vision clearance triangles at the proposed driveway approaches onto 23rd Street NE. The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. This criterion is met.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, Development Services analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Development Services' analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The property abuts a collector street (23rd Street NE) and two arterial streets (Center Street NE and D Street NE). The applicant is proposing a driveway to the lower classification of public street and it meets the spacing requirements of SRC Chapter 803. By complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections. This criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding— The proposed driveway approaches onto 23rd Street NE will abut public and mixed-use zones and is separated from residential zoning by adjacent rights-of-way. The proposed driveway is taken from the lowest classification of public street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

PARTITION DECISION CRITERIA

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

SRC Chapter 205 – Land Division and Reconfiguration

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

Finding: The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

(B) City infrastructure standards

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 200 - Urban Growth Management

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

Finding: As described in the "Site Plan Review Decision Criteria" section of this memorandum, no Urban Growth Preliminary Declaration is required.

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design at time of development on each parcel. For a tentative stormwater design, the applicant shall submit infiltration test results, the

Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the partition. As described in the “Site Plan Review Decision Criteria” section of this memorandum, the applicant has provided a preliminary stormwater system for proposed Parcel 1. At time of development on proposed parcel 2, a preliminary stormwater design shall be provided that demonstrates compliance with SRC Chapter 71 and the Public Works Design Standards relating to Stormwater Management.

Condition: At time of development on each parcel, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards and SRC Chapter 71.

SRC 802 – Public Improvements

▪ *Development to be served by City utilities:*

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property. As described in the “Site Plan Review Decision Criteria” section of this memorandum, proposed Parcel 1 will be served with utilities at time of development for the proposed multi-family development. Proposed Parcel 2 does not have frontage on a public street, as such, in order to ensure proposed Parcel 2 can be served by public utilities, the applicant shall provide a preliminary utility plan for proposed Parcel 2 prior to final plat and easements needed to serve Proposed Parcel 2 through Proposed Parcel 1 shall be shown on the final plat. Services for proposed Parcel 2 shall be constructed at time of development to ensure appropriate sizing. In order to ensure the parcels are served by public utilities, the following conditions apply:

Condition: Prior to final plat, provide a preliminary utility plan for Proposed Parcel 2 that demonstrates how the lot will be provided individual services.

Condition: At time of development on each parcel, construct water, sewer, and stormwater services to serve the development proposed in accordance with the Public Works Design Standards.

▪ *Easements:*

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: As described above, proposed Parcel 2 does not have frontage on a public

street. As such, access and utility easements are required to independently serve proposed Parcel 2. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition: Prior to final plat, all necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.

There is an existing 24-inch public water main, 15-inch public storm drain main, and an 18-inch public storm drain main on the subject property. Each of the existing public mains are located within easements that do not meet current Public Works Design Standards for required width. As a condition of plat approval, the applicant shall dedicate easements for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements). There also appear to be existing easements for public infrastructure which are not utilized. The existing easements which are inadequate and the existing easements which are not utilized shall be quitclaimed or vacated, as applicable.

Condition: Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.

As conditioned, the proposal meets the requirements of SRC Chapter 802.

SRC 803 – Street and Right-of-way Improvements

▪ Boundary Street Improvements

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for partition applications.

Finding: The intent of the proposed partition is to create two (2) parcels for future multi-family development. As described in the “Site Plan Review Decision Criteria” section of this memorandum, boundary street improvements and right-of-way dedications have been required as a condition of approval for the proposed multi-family development on proposed Parcel 1. Proposed parcel 2 does not have frontage on a public street which would require right-of-way dedications or boundary street improvements. The required right-of-way dedications shall be shown on the final plat.

▪ Public Utility Easements

SRC 803.035(n) requires dedication of up to a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Center Street NE, 23rd Street NE, and D Street NE. As shown on the applicants site plan for the multi-family development application consolidated with the partition, the building at the intersection of Center Street NE and 23rd Street NE will conflict with a 10-foot PUE. Pursuant to SRC 803.035(n), the PUE shall be 10-feet unless decreased in width as approved by the Director. In order to avoid the proposed building conflicting with the required PUE, the PUE may be reduced to three (3) feet at the intersection of Center Street NE and 23rd Street NE.

Condition: Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontages of Center Street NE, 23rd Street NE, and D Street NE on the final plat. The public utility easement may be reduced to three (3) feet at the intersection of Center Street NE and 23rd Street NE.

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

Findings—As described in the “Site Plan Review Decision Criteria” section of this memorandum, the proposal complies with all special development standards, including floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

SRC 205.005(d)(3)—Development within the tentative partition plan can be adequately served by City infrastructure.

Findings— The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Finding – As described in the findings above, the subject property is located adjacent to Center Street NE (major arterial); D Street NE (minor arterial); and 23rd Street NE (collector) The conditions of approval established with the Site Plan Review and Partition decision will require improvements to the boundary streets of the property which conform to the Salem Transportation System Plan. This criterion is met.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding: Access to the proposed partition will be provided by the network of existing public streets that surround the property. As conditioned, the required improvements will ensure that the street system in and adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This criterion is met.

SRC 205.005(d)(8)—When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

- (A)The property is zoned residential;**
- (B)The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and**
- (C)The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.**

Finding: The site is served by available public water and sewer; therefore, this criterion is not applicable.

SRC 205.040—For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.

Finding—The subject property is located in a mixed-use zone, this criterion is not applicable.

RESPONSE TO PUBLIC COMMENTS

- 1. Trees along 23rd Street NE:** Comments received express concerns for impacts to trees on the subject property and for the removal of trees along 23rd Street NE.

Staff Response: There are existing trees along 23rd Street NE that are located within the public right-of-way and considered city-owned street trees. Some of the trees along 23rd Street SE will require removal in order to accommodate a sidewalk on the development side of the street, where none currently exists. As listed in the conditions of approval, the applicant is required to provide an 8-foot planter strip between 23rd Street NE and the required 5-foot sidewalk. Even with the 8-foot planter strip, many of the trees will conflict with construction for the required 5-foot sidewalk. Urban street standards require sidewalks to accommodate safe pedestrian access along streets. As described in the conditions of approval, the applicant will be required to replant trees along 23rd Street NE where they are removed to accommodate the required sidewalk.

- 2. Increased Traffic and Traffic Impact Analysis:** Comments received express

concerns for the additional traffic impacts the proposal will have on existing streets within the vicinity of the project and question why a Traffic Impact Analysis was not completed for the project.

Staff Response: With all new development, there will be an increase in traffic to the system. Through the land use review process, staff identifies areas that are deficient and identifies conditions of approval to address improvements to the transportation system. As identified in the findings, the streets abutting the property meet the standards for their classifications according to the Salem Transportation System Plan and SRC Chapter 803. As such, boundary street improvements are not required as a condition of the development. However, streetscape improvements including sidewalks will be provided along all street frontages to ensure safe pedestrian access along the existing streets.

Off-site improvements are typically only required when a Traffic Impact Analysis identifies deficiencies in the system caused by the proposed development. The development is surrounded by a network of collector and arterial streets. Pursuant to SRC 803.015, the proposed development does not require a Traffic Impact Analysis as the proposal does not generate 1,000 new average daily trips onto a collector or arterial street. As such, no off-site improvements are required as a condition of development.

3. **Pedestrian Crossing Improvements:** Comments received request conditions be placed on the development that provide pedestrian crossings along D Street NE, Center Street NE, and 23rd Street NE.

Staff Response: As described above, no Traffic Impact Analysis (TIA) is required for the proposed development that would evaluate off-site pedestrian improvements. There are no clear and objective standards in SRC Chapter 803 that require construction of pedestrian crossings as a condition of approval. As described in the conditions of approval, at the intersection of B Street and the new driveway approach, the applicant will provide curb ramps at driveway approaches that accommodate pedestrian crossings, but will not provide marked cross walks.

The City acknowledges the importance of safer pedestrian crossings in the area. At the July 8th Salem City Council meeting, the Council voted to direct Staff to use Affordable Housing Bond funds to construct pedestrian improvements at D Street NE adjacent to the development. Additional pedestrian Improvements in the area will be considered by the City for future Capitol projects.

4. **Drainage and Flooding:** Comments received express concerns for existing drainage issues that cause flooding on neighboring property.

Staff Response: The property is not located within a FEMA mapped flood hazard area. As identified in the conditions of approval, the development is required to comply with SRC Chapter 71 and the Public Works Design Standards relating to stormwater management. Runoff from the development site will be treated and

detained through the use of green stormwater infrastructure (GSI) prior to discharging the drainage into the public system. The applicant has set aside area for GSI but has not provided a preliminary stormwater management report that demonstrates how the facilities will be constructed to meet the Public Works Design Standards. Prior to issuance of a building permit, the applicant is required to provide a stormwater management report that demonstrates compliance with City Standards and will address existing drainage conditions on the site and reduce runoff onto neighboring property.

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cc: File