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September 25, 2024

LAND USE APPLICATION - COMPLETENESS REVIEW

Project Information

Subject Property:	2020 State Street
Reference Number:	24-117924-PLN
Application Type:	Class 3 Site Plan Review and Class 2 Adjustment
Date Application Accepted:	August 29, 2024
Applicant:	Jim Toporek Jim@studio3architecture.com
Contact:	Jim Toporek Jim@studio3architecture.com

Staff Contact

Land Use Planner:	Jacob Brown, Planner II JRBrown@cityofsalem.net / 503-540-2347
Infrastructure Planner:	Aaron Panko, Infrastructure Planner III apanko@cityofsalem.net / 503-540-2356

Land Use Review Comments

Prior to deeming your applications complete, modifications and/or additional information must be provided to address items detailed below.

Applicant should provide a response in the last column for each item or indicate if the item is not being provided. Items not addressed or provided may result in conditions of approval or denial of the land use application.

Your application, which is incomplete, will be deemed complete upon receipt of one of the following:

- (1) All of the missing information.
- (2) Some of the missing information and written notice from you (the applicant) that no other information will be provided.
- (3) Written notice from you (the applicant) that none of the missing information will be provided.

You have 180 days (February 25, 2025) from the date the application was first submitted (August 29, 2024) to respond in one of the three ways listed above, or the application will be deemed void.

The Salem Revised Code may be accessed online at the following location:

<https://www.cityofsalem.net/Pages/salem-revised-code.aspx>

Completeness Review Items

Submittal Requirements – The following items have been identified as required material to be provided by the application(s) prior to deeming the application “complete”:

Submittal Requirement	Description	Applicant Response <i>i.e. Written Response, Submitted, Not Providing</i>
Signing Authority	<p>The application form must be signed by the applicant(s), property owner(s), and/or duly authorized representative(s). The Marion County Assessors records indicates that the owner is Rhomes LLC. The application was not signed. In addition to signing the application, please provide proof that the signer can sign on behalf on the property owner Rhomes LLC.</p> <p>Please provide the corporation’s bylaws or relevant board resolutions naming individuals with authority to sign on behalf of the property owner Rhomes LLC.</p>	
Recorded Deed	<p>You must submit a copy of the recorded deed/land sales contract for the existing units of land.</p>	
Grading Plan	<p>The grading plan shall show the following information:</p> <ul style="list-style-type: none"> • The diameter at breast height (dbh) and critical root zones of each tree on the property. The grading plan currently indicates the dbh of most trees; however, the labels are distant from the trees along the western portion of the site making it difficult to determine which labels are associated with each tree. Per Salem Revised Code (SRC) 808, the critical root zone is measured as one-foot of radius per inch of the tree’s dbh. • In order to determine the extent of the riparian corridor, please provide the ordinary high-water mark for Mill Creek. Please see the comment on tree protection standards below in Advisory Comments for additional information. 	
Adjustment	<p>The application materials indicate that two adjustment are being sought. The first is to eliminate the vehicle use area setback for the driveway connecting to the access easement to 21st Street. Per SRC 806.040 (c)(1) (b), perimeter setbacks are not required for driveways that provides direct access to the street, alley, or abutting property. As such, the requested adjustment is not required.</p> <p>Regarding the second adjustment to eliminate the weather protection standard of Mixed Use-II zone under 534.015(h) is not supported as currently proposed. The adjustment findings shall address how the intent of the standard is equally or better met. The applicant’s findings provided within the written statement identify that the standard is not applicable due to the horizontal separation provided which includes landscaping. The horizontal separation also allows pedestrian amenities</p>	

	to be provided within the five-foot separation. The fee for the adjustment has been added to the application. It is recommended that the applicant attempt to meet the standard.	
Class 2 Driveway Approach Permit	The proposed driveway approach to State Street will be subject to the Class 2 Driveway Approach requirements described in SRC 804.025 . The applicant shall submit the applicable application and fee. If any modifications to the existing approach onto 21 st Street SE are proposed, an additional Class 2 Driveway Approach Permit will be required. The applicant should show the approach on the site plan to ensure it meets the requirements of SRC Chapter 804.	
Site Plan	Pursuant to SRC 220.005(e)(2)(C) the site plan shall include driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements. Missing items include right-of-way dedication along State Street, sidewalk location, and open channel easements along Mill Creek.	
Floodplain Development	In accordance with SRC 220.005(e)(1)(B)(iv) the applicant shall show the regulatory floodplain on the subject property. Development within the floodplain requires a floodplain development permit subject to the requirements of SRC 601 at time of Building Permit. Development within the floodway, including any excavation, grading, fill, or pavement will require a no-rise certificate in accordance with SRC 601.075(d)(1)(A). The Floodplain Administrator staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined the 100-year base flood elevation for the subject development is 178.3-feet (NGVD 29). The proposed building shall have a minimum lowest floor elevation of 179.3-feet (NGVD 29).	
Stormwater Management and/or Design Exception	The application does not provide sufficient details to identify how the site is compliant with SRC 71 , specifically the requirements for Green Stormwater Infrastructure (GSI) pursuant to Public Works Design Standards (PWDS) Appendix 4E . The applicant shall provide a storm drainage system that provides treatment and flow control as required by the 2014 PWDS. 1) A preliminary stormwater report is required. The surfacing plan indicates use of pervious pavement for driveways and off-street parking. Pervious pavement is not permitted in floodplain and a design exception is not supported by staff.	
Street Trees Required	Existing and proposed street trees shall be shown on the applicant's site plan per SRC 220.005(e)(1)(A)(ix) .	

<u>Advisory Comments</u>		
Items of Concern - The following items are not listed in the SRC as specific requirements for a complete application; however, are advisories that address areas of concern on the application. Failure to address advisory comments could result in condition of approval or denial of the application(s).		
Item	Description	Applicant Response <i>i.e. Written Response, Submitted, Not Providing</i>
Chapter 534 – Mixed Use-II		
Ground Floor Windows	Per SRC 534.015 (h), a minimum of 30 percent of the ground floor façade abutting the street shall be composed of windows with a visible transmittance of 37 percent. The written statement states that 278 square feet of window/glazed door openings are provided. The elevations appear to show around 231 square feet of window area which is 28 percent of the ground floor façade facing the street. Planning will condition that the elevations meet the 30 percent ground floor façade requirement.	
Weather Protection	As indicated in the adjustment request comments above, staff is not supportive of the adjustment as currently proposed. Per SRC 534.015(h) weather protection is required for a minimum of 50 percent of the frontage facing the street. The canopy shall have a minimum height of eight feet above the sidewalk or ground. As currently proposed the façade facing the street is an estimated 79 feet in length requiring a minimum of 38.5 feet to have a weather protection. As indicated in the above comment regarding the adjustment, the horizontal separation allows either landscaping or pedestrian amenities to be provided within the setback.	
Floodway	Development within the floodway, including any excavation, grading, fill, or pavement will require a no-rise certificate in accordance with SRC 601.075(d)(1)(A). 1) It appears that fill was placed on-site and a retaining wall was constructed without permits and within the floodway. A survey of the existing wall and floodway location is required. If fill and/or the retaining wall are within the floodway they shall either a) be removed, or b) no-rise certification is required to retroactively review floodplain impacts. If a no-rise certificate cannot be obtained, the wall shall be removed. 2) The site plan indicates a solid waste enclosure and off-street parking area are proposed within the floodway which is not permitted without a no-rise certificate. If a no-rise cannot be obtained, modifications to the site plan will be necessary.	
Chapter 800 – General Standards		

Solid Waste Area	Please provide construction details for the proposed trash enclosure, including dimensions, design, and type of trash receptacles, to verify conformance with the standards in SRC 800.055 .	
Chapter 802 – Public Improvements		
Open Channel/Drainage Easements	There is an existing Creek Setback and Maintenance Easement on the subject property for mill Creek per Plat No. 2012-16. The easement should be shown on the plans. Encroachments into City easements are not permitted.	
Sanitary Sewer Service and Easements	<p>The applicants existing conditions survey shows a private sanitary sewer service line that extends from State Street through the property to serve 145 21st Street SE (tax lot #073W26AC12900). The proposed site plan places the new building directly over this service line. The Deputy Building Official has indicated that the new structure cannot be placed over a sanitary sewer service line serving adjacent property.</p> <p>No public sanitary sewer service mains are available in 21st Street SE to serve the adjacent property. The applicant is advised that staff will recommend a condition of approval that requires relocation of this service line and dedication of an easement pursuant to SRC 802.020. The utility plan should be updated to demonstrate how the line will be relocated.</p>	
Water Service	The applicant is advised that the existing public water main in State Street is a 6-inch main. The nearest 8-inch main is at the intersection of 21 st Street SE and Ferry Street SE. The applicant's Engineer shall be required to demonstrate the existing 6-inch main has adequate domestic and fire capacity to serve the development, or an extension of the 8-inch main may be required.	
Chapter 803 – Street and Right-of-Way Improvements		
Boundary Street Improvements	The existing street condition along the frontage of State Street is under improved. The applicant should be aware that streetscape improvements including relocation of sidewalks to the new property line, replacement of curbs, establishment of landscape strips, is required along the property frontage in accordance with SRC 803.040.	
Right-of-way Dedication	As a condition of building permit approval, the applicant is required to dedicate right-of-way equal to 34.5-feet from centerline of State Street, per SRC 803.040 . The applicant shall revise their proposed site plan to show dedication to ensure setbacks for structures can be met from the future right-of-way.	
Chapter 804 – Driveway Approaches		
Driveway Spacing	The proposed driveway approach to State Street does not meet the spacing standards in SRC 804.035(d) due to the proximity of adjacent driveways and streets in the vicinity. A Class 2 Adjustment is required in coordination the Class 2 Driveway Approach Permit. The applicant shall provide findings for how the	

	<p>proposed driveway meets the criteria in SRC 804.025(d) and SRC 250.005(d)(2).</p>	
<p>Chapter 806 – Off-Street Parking, Loading, and Driveways</p>		
<p>Bicycle Parking</p>	<p>The provided written statement indicates that the required 18 bicycle spaces will be provided within the units. Per SRC 806.060 (a)(2)(A), bicycle spaces may be provided within units of a multistory building when accessible by an elevator and under SRC 806.060(b) requires that bicycle parking spaces be free of any obstructions such as stairs. As currently proposed, there are no elevators however there is access via a ramp along the southern entrance so the six ground floor units will allow for six of the 18 bicycle parking spaces to be met. For the remaining 12 spaces, please revise the plans to show either long-term parking spaces meeting the above standard or short-term bicycle meeting SRC 806.060.</p> <p>If providing bike racks, please indicate the proposed bike rack installation details, including spacing dimensions and bike rack design, that illustrate compliance with the standards set forth in SRC 806.060.</p>	
<p>Chapter 808 – Tree Protection Standards</p>		
<p>Riparian and Significant Trees</p>	<p>Significant trees are defined as any tree with a diameter at breast height (dbh) of 30 inches or greater or an Oregon white oak with a dbh of 20 inches and greater. Based on the grading plan, it is unclear whether there are any significant trees located on the property or adjacent properties. In addition to potentially significant trees, there are riparian trees located on the property requiring protection.</p> <p>As discussed above in the Grading Plan comment, there is a riparian corridor along Mill Creek. The riparian corridor encompasses 50 feet from the ordinary high water mark of Mill Creek. Per SRC 808.020 trees and native vegetation within the riparian corridor are protected.</p> <p>With both significant and riparian trees, a Tree and Vegetation Removal permit is required when a tree is proposed to be removed or the critical root zone of the tree is impacted beyond 30 percent. As defined under SRC 808, the critical root is measured as one-foot of radius per inch of the tree’s diameter at breast height (dbh). When the impact of the critical root zone is less than 30 percent, an arborist report is required to be submitted demonstrating that the impact will not negatively impact the long-term health of tree with mitigation practices provided that mitigate any potential impacts to the tree during construction per SRC 808.046. Finally, the grading plans shall show the protection measures of SRC 808.046.</p>	

