

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

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN REVIEW CASE NO.: SPR-ADJ-DAP-DR24-27

APPLICATION NO.: 24-103565-PLN

NOTICE OF DECISION DATE: October 7, 2024

SUMMARY: A proposal for a new 12-unit multi-family housing development.

REQUEST: A consolidated application for a Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of a 12-unit multi-family apartment complex, with eight Class 2 Adjustment requests to:

- (1) Reduce the minimum building setback abutting 17th Street from 20 feet to 12 feet, per SRC 514.010(d);
- (2) Reduce the minimum building setback abutting Oak Street from 20 feet to 12 feet, per SRC 514.010(d);
- (3) Eliminate the minimum 10-foot building setback on proposed Parcel 1 to proposed Parcel 2, per SRC 514.010(d)
- (4) Eliminate the minimum 10-foot building setback on proposed Parcel 2 to proposed Parcel 1, per SRC 514.010(d)
- (5) Eliminate the minimum 10-foot vehicle use area setback on proposed Parcel 1 to proposed Parcel 2, per SRC 514.010(d)
- (6) Eliminate the minimum 10-foot vehicle use area setback on proposed Parcel 2 to proposed Parcel 1, per SRC 514.010(d)
- (7) Eliminate the minimum 10-foot vehicle use area setback to the abutting residentially zoned property to the east, per SRC 514.010(d);
- (8) Reduce the vehicle use area perimeter setback abutting the buildings, per SRC 806.035(c)(4)

The subject property is 0.4 acres in size, zoned RM-II (Multiple Family Residential), and located at 676 17th Street SE (Marion County Assessors Map and Tax Lot: 073W26CD / 4401).

APPLICANT: Servando Garcia

LOCATION: 676 17th St SE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; SRC 250.005(d)(2) – Class 2 Adjustment; SRC 804.025(d) – Class 2 Driveway Approach Permit; SRC 225.005(e)(1) – Class 1 Design Review

FINDINGS: The findings are in the attached Decision dated October 7, 2024.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Class 1 Design Review Case No. SPR-ADJ-DAP-DR24-27 subject to the following conditions of approval:

- Condition 1:** The applicant shall complete the necessary land division or reconfiguration to meet the applicable lot and development standards of the RM-II zone. The record of survey 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 2:** Required right-of-way dedications shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 3:** 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 4:** Prior to building permit approval, the applicant shall revise the site plan to demonstrate any proposed fencing will meet the applicable development standards of SRC Chapter 800
- Condition 5:** Dedicate an Open Channel Drainage Easement along Shelton Ditch on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 6:** Convey land for dedication to equal a half-width right-of-way of 30- feet on the development side of Oak Street SE.
- Condition 7:** Provide streetscape improvements along Oak Street SE, including a 5-foot curblin sidewalk, curb ramp upgrades at the intersection of 17th Street SE and Oak Street SE, and street lighting along the property frontage as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 8:** Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along 17th Street SE.
- Condition 9:** Prior to issuance of a Building Permit, the applicant shall obtain a Revocable License to Encroach from the Public Works Director for the private improvements within the public alley which establishes that the applicant shall maintain all private improvements within the alley.
- Condition 10:** Prior to issuance of a building permit, the applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for street and driveway intersections.
- Condition 11:** The applicant shall revise the plans to meet the minimum eight and a half-foot stall width where the side of the parking space abuts a wall or post.
- Condition 12:** The applicant shall revise the plans to relocate the bicycle parking spaces to be clearly visible from the primary building entrances, per SRC 806.060(a).

- Condition 13:** Provide a no-rise certification from a registered professional civil engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed floodway encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge pursuant to SRC Chapter 601.
- Condition 14:** At time of building permit, the applicant shall provide a report by a certified arborist that no more than 30 percent of the critical root zone of the riparian corridor trees will be impacted and all tree protection requirements of SRC 808.046 will be followed during construction.
- Condition 15:** Prior to issuance of a building permit, the applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for the driveway approach onto Oak Street SE.
- Condition 16:** The gate for the driveway approach onto Oak Street SE shall be setback approximately 18-feet from the back of the curb of Oak Street SE or the plans shall be revised to eliminate the gate.
- Condition 17:** The site plan shall be revised to include a pedestrian pathway that provides connection between each building, between each building and the common space area, and between each building and parking areas. The pedestrian pathway shall be a minimum of five feet wide and paved with a hard surface material.
- Condition 18:** The applicant shall install a minimum of 61 plant units, including a minimum of 25 plant units as trees, within the setback areas of each building abutting 17th Street SE.
- Condition 19:** The applicant shall install a minimum of 22 plant units, including a minimum of 9 plant units as trees, within the setback area of the building abutting Oak Street SE.
- Condition 20:** Along the 48 feet adjacent to the proposed driveway off Oak Street SE where the development site abuts RS zoned property, the applicant shall coordinate with the neighboring property owner to install a six-foot-tall sight-obscuring fence along the property line or modify the existing fence. Fencing shall meet the development standards of SRC 800.050 and the vision clearance standards of SRC 805
- Condition 21:** The adjusted setbacks 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.

The rights granted by the attached decision must be exercised, or an extension granted, by October 23, 2028, or this approval shall be null and void.

Application Deemed Complete:	<u>August 9, 2024</u>
Notice of Decision Mailing Date:	<u>October 7, 2024</u>
Decision Effective Date:	<u>October 23, 2024</u>

State Mandate Date: January 6, 2025

Case Manager: Peter Domine, pdomine@cityofsalem.net, (503) 540-2311

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. Tuesday, October 22, 2024. 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 Chapter(s) 220, 250, 804, or 225. 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer 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
CLASS 3 SITE PLAN REVIEW,)	
CLASS 2 DRIVEWAY APPROACH PERMIT,)	
CLASS 1 DESIGN REVIEW, AND)	
CLASS 2 ADJUSTMENT)	
CASE NO. SPR-ADJ-DAP-DR24-27)	
676 17 th STREET SE – 97301)	October 7, 2024

In the matter of the applications for Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review, submitted by Ron Ped, on behalf of the property owner, Servando Garcia, 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: A proposal for a new 12-unit multi-family housing development.

Request: A consolidated application for a Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of a 12-unit multi-family apartment complex, with eight Class 2 Adjustment requests to:

- 1) Reduce the minimum building setback abutting 17th Street from 20 feet to 12 feet, per SRC 514.010(d);
- 2) Reduce the minimum building setback abutting Oak Street from 20 feet to 12 feet, per SRC 514.010(d);
- 3) Eliminate the minimum 10-foot building setback on proposed Parcel 1 to proposed Parcel 2, per SRC 514.010(d);
- 4) Eliminate the minimum 10-foot building setback on proposed Parcel 2 to proposed Parcel 1, per SRC 514.010(d);
- 5) Eliminate the minimum 10-foot vehicle use area setback on proposed Parcel 1 to proposed Parcel 2, per SRC 514.010(d);
- 6) Eliminate the minimum 10-foot vehicle use area setback on proposed Parcel 2 to proposed Parcel 1, per SRC 514.010(d);
- 7) Eliminate the minimum 10-foot vehicle use area setback to the abutting residentially zoned property to the east, per SRC 514.010(d); and
- 8) Reduce the vehicle use area perimeter setback abutting the buildings, per SRC 806.035(c)(4)

The subject property is 0.4 acres in size, zoned RM-II (Multiple Family Residential), and located at 676 17th Street SE (Marion County Assessor's Map and Tax Lot: 073W26CD / 4401).

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 February 12, 2024, a consolidated application for a Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review was filed for the proposed development. After additional information was provided, the consolidated applications were deemed complete for processing on August 9, 2024.

The applicant granted a 30-day extension to the 120-day state mandated decision deadline; the deadline for this consolidated application is January 6, 2025

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria applications can be found in the record, accessible online as indicated below.

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: 24 103565.

3. Neighborhood and Public Comments

The subject property is located within the boundaries of the Southeast Salem Neighborhood Association (SESNA).

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 February 7, 2024, the applicant contacted the SESNA Association Chair and Land Use Chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to the Southeast Salem Neighborhood Association 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. No comments were received from the Neighborhood Association during the public comment period.

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.

Two public comments were received during the public comment period, one indicating support for the proposed development, and one indicating the following concerns:

- 1) ***Vision Clearance at intersection of 17th and Oaks Streets:*** *The comment received expressed concern with allowing a reduction to the building setback from the street side property lines along 17th and Oak Streets and the impact it would have on vision clearance for vehicles traveling along 17th Street SE.*

Staff Response: As described in the written findings, 17th Street SE is fully improved and boundary street improvements along this street are not required. As indicated in the conditions of approval, the applicant is required to provide an updated site plan demonstrating that there is adequate vision clearance at the intersection of 17th Street SE and Oak Street SE. The applicant has requested an adjustment to allow a reduced building setback along 17th Street SE and Oak Street SE (12-feet where 20-feet is required), addressed in Section 9 of this decision. The adjustment does not eliminate the requirement to provide adequate vision clearance at the intersection to ensure safe vehicle turning movements. Vision clearance will be confirmed upon review of the updated site plan, at time of Building Permit review.

- 2) ***Amount of off-street parking:*** *Concerns were raised that the proposed 12 parking spaces would not be adequate to serve the 12 units and street parking would be impacted.*

Staff Response: The Salem Revised Code does not require a minimum amount of off-street parking for any proposed new development. Minimum parking requirements were eliminated in response to the State's Climate Friendly and Equitable Communities rules, which aim to help Oregon reduce greenhouse gas emissions. This change provides flexibility to balance demand for parking with demand for needed housing, while promoting dense urban development more conducive to alternative modes of transportation, including walking, bicycling, and transit. As described in the findings, the proposed development includes one parking space per dwelling unit, within the maximum amount allowed. 17th Street SE is a Minor Arterial Street, which does not accommodate on-street parking; Oak Street SE exceeds the minimum required width for a Local Street and accommodates parking on both sides of the street. On-street parking is not reserved for specific users and will be available to the apartment complex as well as other residents of the area.

- 3) ***Reduced setback to the adjacent property to the east.*** *Concerns were raised regarding using the existing alley as access for the proposed development and that reducing the minimum 10-foot setback along the driveway would impact visibility and the ability to access the rear of the property to the east.*

Staff Response: The proposed driveway approach is located off Oak Street SE, which is classified as a Local Street in the Salem Transportation System Plan (TSP). There are no minimum spacing standards for driveway approaches onto Local Streets. The driveway approach is placed along the eastern property line to allow the maximum spacing from the

intersection of 17th Street SE and Oak Street SE and to align with the existing alley. The proposed driveway approach meets the standards established in SRC Chapter 804. Additionally, conditions of approval require the driveway approach to meet the vision clearance standards established in SRC Chapter 805. As described in the findings, the proposed gate restricting access to the driveway approach will be required to be set back to prevent vehicle queuing within the right-of-way and obstructing vision.

4) ***Impacts during construction and noise.*** *Concerns were raised about noise during construction and from future tenants.*

Staff Response: Noise disturbances are prohibited by SRC Chapter 93, and construction activities are specifically limited to the hours of 7 AM to 10 PM by SRC 93.020(d). The level of allowable noise during construction activities is also limited by state law. SRC 93 prohibits idling engines of motor vehicles in a manner that is plainly audible within any dwelling unit for more than 10 minutes between the hours of 10 PM and 7 AM. SRC Chapter 51 also regulates noise levels, and the proposed development is subject to those regulations. Specifically, SRC 51.015 provides maximum sound levels based on the source and receiver of the sound. It is unlawful to exceed the maximum sound levels without an even sound permit.

The subject property is located within an already developed area, and noise impacts from future residences in the proposed 12-unit apartment complex are not expected to exceed what would occur from any other permissible residential use. Land use approval criteria do not specifically address perceived future noise levels, and no evidence has been provided that would indicate that the proposed development would negatively impact the surrounding area.

5) ***Concerns with the proposed number of units and lot size.*** *Concerns were raised about the proposed 12 units on the lot, and the number of zoning adjustments to the development standards to accommodate the proposed building.*

Staff Response: The proposed 12 units are the maximum allowed on a single parcel of its size within the RM-II zone. As discussed in the findings within this decision, each adjustment is addressed independently of each other and, given the narrow lot orientation, the zoning adjustments are the minimum necessary to accommodate the development standards while maximizing the buildable area of the property.

6) ***Residential uses in the surrounding neighborhood.*** *Concerns were raised about the development of a multi-family use on the property, where the immediate neighborhood is comprised of primarily single-family dwellings.*

Staff Response: The general vicinity of the area is comprised of a mix of RS (Single Family Residential) and RM-II (Multiple Family Residential) zoned properties, as well as IC (Industrial Commercial) property across 17th Street SE. The 2015 Housing Needs Analysis (HNA) identified a deficit of land designated for multi-family residential development, and with the adoption of the Our Salem update to the Comprehensive Plan in 2022, the subject property was rezoned from IG (General Industrial) to RM-II to better serve and be more compatible with the surrounding area. The proposed three buildings are comprised of four units each, which could potentially be three separate four-family uses, which are also

permitted in both the RM-II zone and the RS zone immediately adjacent to the development site. The proposed use is compatible with the zoning and makeup of the surrounding area.

4. City Department Comments

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

Building and Safety Division – Reviewed the proposal and indicated the south wall of proposed building B will require one-hour fire rating construction, per Table 705.5, and openings will be limited to ten percent, per Table 705.7. Building and Safety items will be addressed during permit.

Fire Department – Reviewed the proposal and indicated that Fire Department access appears to be provided from 17th Street SE. Utilities do not show private FRC or fire service lines. Fire hydrants are required within 600 feet of all portions of the buildings and 100 feet of the FDC in an approved location and measured along an approved route.

5. Public Agency Comments

Salem-Keizer Public Schools – Reviewed the proposal and provided a memo dated August 21, 2024, and which is included in the record. In summary, the property is served by Richmond Elementary School, Leslie Middle School, and South Salem High School and is located within the walk zone for Richmond Elementary and South Salem High School, and students are eligible for school transportation for Leslie Middle School. Each school is found to have adequate capacity for the anticipated number of students added by the proposed development.

Portland General Electric – Reviewed the proposal and provided comments indicating that existing utility poles are within the proposed driveway location and may need to be relocated to accommodate the development; additional easements may need to be recorded; new power extensions and connections crossing the alley underground will be necessary; residential meters must be located within 10-feet on the street side of each building; and new pad-mounted transformers will be necessary. Contact information for PGE was provided to the applicant.

DECISION CRITERIA

6. 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 12-unit multi-family residential development containing three residential buildings and associated open space areas and off-

street parking for property zoned RM-II (Multiple Family Residential). The following is a summary of the applicable use and development standards for the proposed development.

SRC 514 – RM-II (Multiple Family Residential) Zone

SRC 514.005 – Uses

The RM-II zone generally allows multiple-family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area.

Finding: The proposal is for a new three building, 12-unit multi-family apartment complex. Per Table 514-1, *Multiple-family* residential uses are allowed as a permitted use in the RM-II zone.

SRC 514.010(a) – Land Division in the RM-II Zone:

Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.

Finding: Based on the deed reviewed with the application submittal, the subject property is comprised of former lots 7-11 of the Capital Park Addition and a remnant tract. The applicant initially submitted a replat application to reconfigure the property into two parcels, one parcel 10,842 square feet and the other 5,550 square feet in size. Proposed Parcel 2 is less than 6,000 square feet; the proposed parcel will be reviewed for conformance with any future land division or reconfiguration. The proposed development includes at least three attached dwellings on each lot, meeting the land division requirements of this section. The proposed development plans in this decision will be reviewed according to the proposed replat parcels on the attached site plan. To ensure the properties are consolidated and meet the development standards, the following condition shall apply.

Condition 1: The applicant shall complete the necessary land division or reconfiguration to meet the applicable lot and development standards of the RM-II zone. The record of survey 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 514.010(b) – Lot Standards:

The minimum lot area requirement for a multi-family residential use is 6,000 square feet, the minimum lot width is 40 feet, and the minimum lot depth is 80 feet. Multi-family residential uses are required to have a minimum street frontage of 40 feet.

Finding: The proposed plans indicate a replat will be completed creating two parcels: Proposed Parcel 1 will be 10,842 square feet, and Proposed Parcel 2 will be 5,550 square feet in size, less than the minimum required. As proposed, Parcel 2 will not meet the minimum lot size or depth; any Adjustments to the lot standards will be reviewed for conformance with the conditioned land reconfiguration.

The development plans for the subject property have been reviewed for conformance with the applicable development standards of the Salem Revised Code with the assumption that the property will be reconfigured into two parcels, as proposed by the applicant. In its existing

condition, the subject property is more than 40 feet wide with more than 40 feet of street frontage along Oak Street SE, and is more than 80 feet deep, north-to-south, meeting the standards. As conditioned above, the applicable standards to lot width, depth, and street frontage will be reviewed at the time of the required land division or reconfiguration.

SRC 514.010(c) – Dwelling Unit Density:

Within the RM-II zone, multi-family residential uses require a minimum of 15-dwelling units per acre with a maximum allowance of 31-dwelling units per acre.

Finding: The development site is approximately 0.4 acres in size (17,366 square feet). After required right-of-way dedication, the property will be 0.37 acres in size (16,370 square feet), requiring a minimum dwelling unit density of six units ($0.37 \times 15 = 5.6$) and allowing a maximum of 12 dwelling units ($0.37 \times 15 = 11.6$). A total of 12 dwelling units are proposed, within the minimum and maximum allowance. This standard is met.

SRC 514.010(d) – Setbacks:

North: Adjacent to the north is right-of-way for Oak Street SE. Buildings for all uses other than single-to-four-family uses require a minimum setback of 12 feet plus one foot for each one foot of height over 12, but need not exceed 20 feet. Vehicle use areas require a minimum setback of 12 feet.

Finding: The proposed buildings are 31 feet in height, requiring a minimum setback of 20 feet from the property line abutting a street. The development plans indicate a building setback of 12 feet abutting Oak Street SE. Due to the narrow north-south orientation of the development site, the applicant has requested a Class 2 Adjustment to reduce the minimum 20-foot setback to 12 feet, addressed in Section 9 of this decision.

South: Adjacent to the south is right-of-way for Mission Street SE, separated by the Shelton Ditch waterway. Buildings for all uses other than single-to-four-family uses require a minimum setback of 12 feet plus one foot for each one foot of height over 12, but need not exceed 20 feet. Vehicle use areas require a minimum setback of 12 feet.

Finding: The proposed vehicle use area is setback a minimum of 12 feet and the proposed buildings are setback more than 40 feet. This standard is met.

East: Adjacent to the east, the majority of the property abuts right-of-way for an unnamed alley and at the northern end, property zoned RS (Single-Family Residential). Per SRC 514.010(d), Table 514-5, zone-to-zone setbacks are not required abutting an alley. For the portion of the development site adjacent to the residential zone to the east, buildings, accessory structures, and vehicle use areas require a minimum 10-foot setback with Type C landscaping.

Finding: Per SRC 514.010(d), Table 514-5, perimeter setbacks are not required abutting the alleyway. In order to utilize the existing alley coincident with the proposed driveway approach off of Oak Street SE to access the off-street parking area behind the buildings, the applicant has requested a Class 2 Adjustment to eliminate the 10-foot vehicle use area setback for the portion of the vehicle use area which abuts the RS-zoned property to the east. Findings for the Adjustment are addressed in Section 9 of this decision.

West: Adjacent to the west is right-of-way for 17th Street SE. Buildings for all uses other than single-to-four family uses require a minimum setback of 12 feet plus one foot for each one foot of height over 12, but need not exceed 20 feet. Vehicle use areas require a minimum setback of 12 feet,

Finding: The proposed buildings are 31 feet in height, requiring a minimum setback of 20 feet from the property line abutting a street. The development plans indicate a building setback of 12 feet abutting 17th Street SE. Due to the narrow north-south orientation of the development site, the applicant has requested a Class 2 Adjustment to reduce the minimum 20-foot setback to 12 feet, addressed in Section 9 of this decision.

SRC 514.010(e) – Lot Coverage; Height:

Building and accessory structures within the RM-II zone shall conform to the lot coverage and height standards set forth in Table 514-6. The maximum lot coverage allowance for all uses is 60 percent, and the maximum height allowance is 50 feet.

Finding: The development plans indicate the proposed buildings will be 31 feet in height with a lot coverage of 18 percent. This standard is met.

SRC 514.010(f) – Maximum square footage for all accessory structures

In addition to the maximum coverage requirements established in Table 514-6, accessory structures to single-family and two-family uses shall be limited to the maximum aggregate total square footage set forth in Table 514-7.

Finding: The proposal is not for a single or two-family use. This standard is not applicable.

SRC 514.010(g) – Landscaping:

- (1) Setbacks. Required setbacks 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: The applicant's preliminary landscaping plan indicates all required setbacks will be landscaped to the Type A standards of SRC 807. The setback areas total approximately 6,477 square feet, requiring a minimum of 324 plant units ($6,477 / 20 = 323.85$), 40 percent of which must be trees, or 130 plant units ($324 \times 0.4 = 129.5$). The preliminary landscape plans indicate a total of 418 plant units will be provided, including 250 plant units as trees, exceeding the minimum required. This standard is met.

SRC 514.010(h) – Outdoor Storage:

Within the RM-I zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Finding: No outdoor storage areas are proposed. This standard is not applicable.

SRC 514.015(a) – Design review:

Multiple-family development shall be subject to design review according to the multiple-family design review standards set for in SRC Chapter 702.

Finding: The proposed development is subject to Design Review, addressed in Section 8 of this decision.

SRC 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 inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit 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 Oak Street SE. There is existing overhead power that extends along the eastern property boundary. It is unclear from the information provided if PGE has existing easements over these overhead power lines that would conflict with the required 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 200.050(d). To ensure compliance with this provision, the following condition shall apply.

Condition 2: Required right-of-way dedications shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(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 proposal is required to manage stormwater by the use of green stormwater infrastructure for treatment and detention of stormwater generated by the development. The proposed plan 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. 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 3: 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 800 – General Development Standards

SRC 800.050 – Fences, walls, hedges, gates, and retaining walls

SRC 800.050 sets forth the development standards for fences, walls, hedges, gates, and retaining walls in all zones. For residential zones and property used for uses falling under

household living in other zones, fences within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be no less than 25 percent opaque when viewed at any angle at a point 25 feet away.

Finding: The proposal is for a household living use within a residential zone, and the development plans indicate a six-foot-tall perimeter fence located at the property line abutting both 17th Street SE and Oak Street SE. Based on the parcels of the proposed replat on the site plan, the lot orientation of Parcel 2 would designate 17th Street SE as the front of the lot, which would not permit a six-foot-tall fence at the property line abutting the street. To ensure conformance with the standards of this section, the following condition shall apply.

Condition 4: Prior to building permit approval, the applicant shall revise the site plan to demonstrate any proposed fencing will meet the applicable development standards of SRC Chapter 800.050.

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 one cubic yard or larger is proposed.

Finding: The development plans indicate the units will be served by solid waste receptacles less than 1-cubic yard; therefore, these standards are not applicable.

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.

▪ ***Watercourses***

SRC 802.030 requires dedication of public improvement and maintenance easements for watercourses.

Finding: Shelton Ditch runs along the southern property boundary. Pursuant to SRC 802.030(b) and the PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest.

Condition 5: Dedicate an Open Channel Drainage Easement along Shelton Ditch on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

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 certain development.

Finding: 17th Street SE abuts the subject property along the western property boundary and is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). 17th Street SE meets the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, additional improvements along 17th Street SE are not required.

Oak Street SE abuts the subject property along the northern property boundary and is classified as a local street according to the Salem Transportation System Plan (TSP). Oak Street SE meets the minimum improvement width standards for a local street but has inadequate right-of-way. According to SRC 803.025 Table 803-1 (Right-of-way Width), the ultimate right-of-way width for a local street is 60 feet, and the existing right-of-way varies between 50 and 60-feet along the frontage. As a condition of approval, per SRC 803.040(a)(2), the applicant shall dedicate 30-feet from the centerline of Oak Street SE.

Oak Street SE does not have adequate streetscape improvements along the property frontage, including sidewalks and streetlights. With the required 30-foot right-of-way dedication along Oak Street SE, there will not be adequate right-of-way width to accommodate an 8-foot planter and 5-foot sidewalk due to the paved width of the street being 40-feet. Therefore, the applicant shall provide a curblined sidewalk along Oak Street SE, including ADA curb ramp upgrades at the intersection of 17th Street SE and Oak Street SE, pursuant to SRC 803.035(l). Additionally, the applicant shall provide street lighting along Oak Street SE, pursuant to SRC 803.035(o).

In order to ensure compliance with SRC 803.040, the following conditions apply:

Condition 6: Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Oak Street SE.

Condition 7: Provide streetscape improvements along Oak Street SE, including a 5-foot curblined sidewalk, curb ramp upgrades at the intersection of 17th Street SE and Oak Street SE, and street lighting along the property frontage as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

▪ ***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: There is inadequate right-of-way width to accommodate street trees along Oak Street NE. Along 17th Street SE, there is space for approximately three (3) new street trees along 17th Street SE within the existing planter strip and between the sidewalk and the planter strip. As a condition of approval, the applicant shall provide additional street trees along 17th Street SE. The following condition applies:

Condition 8: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along 17th Street SE.

▪ ***Alleys***

SRC Chapter 803.025 establishes standards for right-of-way and improvement widths for alleys. SRC Chapter SRC 76.160 limits encroachments into public rights-of-way.

Finding: There is an unnamed alley that extends from the Shelton Ditch to approximately 61-feet south of Oak Street SE. The alley does not extend all the way to Oak Street SE, rather it terminates, and the subject property is located between the alley and Oak Street SE. The existing alley is not improved. As shown on the applicant's preliminary site plan, the applicant intends to utilize the alley for their primary vehicular access and circulation area. As the alley does not provide vehicular access to any other adjacent properties that do not have frontage on a street, the alley will be improved and maintained by the applicant. The private improvements encroach into the public alley and as such, a Revocable License to Encroach into the alley is required pursuant to SRC 76.160. This document shall establish that the applicant will maintain the improvements within the undeveloped alley as it will not be constructed to a public standard and does not provide public vehicular access. The applicant is required to obtain a Revocable License to Encroach from the Public Works Director, prior to issuance of a building permit. The following condition applies:

Condition 9: Prior to issuance of a Building Permit, the applicant shall obtain a Revocable License to Encroach from the Public Works Director for the private improvements within the public alley which establishes that the applicant shall maintain all private improvements within the alley.

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 development proposal includes a new driveway approach onto Oak Street SE, requiring a Class 2 Driveway Approach Permit; findings for which are provided in Section 7 of this decision. 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: Vision clearance standards apply at the intersection of 17th Street SE and Oak Street SE (SRC 805.005(a)(2), as well as at the driveway approach onto Oak Street SE (SRC 805.005(b)(1)(B)). The applicant has incorrectly shown the required vision clearance area at the intersection of 17th Street SE and Oak Street SE. In addition, the development plans show a gate and fencing within the vision clearance area required for the driveway approach onto Oak Street SE. Per SRC 805.010, fencing and other obstructions are not permitted within the required vision clearance area. The applicants preliminary site plan does not comply with the vision clearance standards established in SRC Chapter 805. As a condition of approval, the applicant shall be required to provide an updated site plan that demonstrates compliance with vision clearance standards established in SRC Chapter 805. The following condition applies:

Condition 10: Prior to issuance of a building permit, the applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for street and driveway intersections.

SRC 806 – Off-Street Parking, Loading, and Driveways

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 new 12-unit multi-family residential use, no studio units are proposed. The maximum off-street parking allowance is 21 spaces (12 x 1.75 = 21). The proposed off-street vehicle use area includes 12 parking spaces, less than the maximum allowance.

The proposed development includes 12 dwelling units, requiring a minimum of 40 percent of the off-street parking spaces provided on the site to be designated as spaces to serve electrical vehicle charging. The site plan indicates six of the off-street parking spaces will include provision for electrical service capacity, exceeding the minimum requirement.

A maximum of 75 spaces may be compact parking spaces ($12 \times 0.75 = 8$). The site plan indicates that seven spaces will be compact spaces, less than the maximum allowance. Carpool/vanpool spaces are not required for the proposed development.

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 514 and 806 except where the vehicle use area is adjacent to Buildings B and C on the site plan. Per SRC 806.035(c)(4), where an off-street parking or vehicle use area is located adjacent to a building or structure, a minimum five-foot-wide landscape strip or pedestrian pathway shall be provided. The development plans indicate a landscape strip that varies from three and a half to four and a half feet wide. Due to the narrow north-south orientation of the development site, the applicant has requested a Class 2 Adjustment to reduce the minimum five-foot setback, addressed in Section 9 of this decision.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-4.

Finding: The development plans indicate a mix of surface parking and spaces underneath the second story overhang of the proposed buildings. The total surface area of the off-street parking area is less than 5,000 square feet and does not interior landscaping. This standard is met.

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

Finding: The development plans indicate a mix of compact and standard parking spaces at 90 degrees, served by a 24-foot-wide drive aisle coincident with the alley. The parking space located next to the screening wall of the Building A overhang is eight feet where a minimum eight and a half feet in width is required next to a support post or wall, per Table 806-5(5). To ensure the parking space will meet the dimensions, the following condition shall apply.

Condition 11: The applicant shall revise the plans to meet the minimum eight and a half-foot stall width where the side of the parking space abuts a wall or post.

- 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: The proposed off-street parking area includes a dead-end to the south side of the development site, requiring a turnaround, per Table 806-6. The development plans indicate a turnaround meeting the dimensions of Table 806-6. This standard is met.

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

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.

- h) *Additional standards for new off-street surface parking areas more than one-half acre in size 806.035(n).* When a total of more than one-half acre of new off-street surface parking is proposed on one or more lots within a development site, the lot(s) proposed for development shall comply with the additional standards in this subsection. For purposes of these standards, the area of an off-street surface parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways and off-street loading areas.

Finding: The development plans indicate that the proposed surface parking area is approximately 4,417 square feet in size; therefore, the additional standards in this subsection are not applicable to the proposed development.

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. Per Table 806-9, 100 percent of the required bicycle parking spaces are allowed to be long-term.

Finding: The proposed development includes 12 multi-family residential dwelling units, requiring a minimum of 12 bicycle parking spaces. The development plans indicate a minimum of 12 bicycle parking spaces will be provided. This standard is met.

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 proposed site plan indicates that 12 short-term bicycle parking spaces will be distributed throughout the development site in locations that are within 50 feet of primary building entrances. The racks, however, are not located where they are clearly visible from the building entrances. To ensure conformance with this standard, the following condition shall apply.

Condition 12: The applicant shall revise the plans to relocate the bicycle parking spaces to be clearly visible from the primary building entrances, per SRC 806.060(a).

- 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: All bicycle parking areas have direct and accessible access to the public right-of-way and primary building entrances that are free of obstructions. This standard is met.

- 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: The proposed short-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 806-9. The minimum access aisle width is four feet.

Finding: 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: 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 806-11.

Finding: Inverted staple racks are proposed for short-term bicycle parking that will be securely anchored in concrete. 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. This standard is met.

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 50-99 dwelling units require a minimum of one off-street loading space. 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: Per Table 806-11, a multiple-family use of five to 49 dwelling spaces does not require an off-street loading space. This standard is met.

SRC 807 – 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: As addressed above, the applicant's preliminary landscaping plan indicates all required setbacks will be landscaped to the Type A standards of SRC 807. The setback areas total approximately 6,477 square feet, requiring a minimum of 324 plant units ($6,477 / 20 = 323.85$), 40 percent of which must be trees, or 130 plant units ($324 \times 0.4 = 129.5$). The preliminary landscape plans indicate a total of 418 plant units will be provided, including 250 plant units as trees, exceeding the minimum required. This standard is met. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

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 AE floodway exists on the subject property. The AE floodway portion of the property is along the southern property boundary where Shelton Ditch is located on the property. No structures are proposed within the floodway; however, the applicant shows grading and new parking and vehicle use areas in the floodway. Pursuant to SRC 601.075(d)(1)(A), development within the floodway is not permitted without a "no-rise" certification that demonstrates the proposal will not increase in flood levels. The applicant has not provided sufficient information to demonstrate the requirements of SRC Chapter 601 are met. At the time of building permit submittal, the applicant shall provide certification that the

final design of the proposed development does not result in an increase in flood levels pursuant to SRC 601.075(d)(1)(A). To ensure compliance with SRC Chapter 601, the following condition shall apply.

Condition 13: Provide a no-rise certification from a registered professional civil engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed floodway encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge pursuant to SRC Chapter 601.

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: No significant trees are identified on the subject property; however, a mapped waterway identified as Shelton Ditch runs through the southern end of the property. Trees and native vegetation within 50 feet of the top of bank of the mapped waterway are protected under SRC 808.020. The applicant's site plan and written statement indicate that the critical root zone of three trees located within the riparian corridor will be impacted by the proposed development but are not proposed for removal. To ensure the tree protection measures of SRC 808.046 are followed, the following condition shall apply.

Condition 14: At time of building permit, the applicant shall provide a report by a certified arborist that no more than 30 percent of the critical root zone of the riparian corridor trees will be impacted and all tree protection requirements of SRC 808.046 will be followed during construction.

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: The Salem-Keizer Local Wetland Inventory shows that there are wetland channels along Shelton Ditch that may be impacted by the proposal. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025

SRC 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 2-point landslide hazard areas on the subject property. The proposed activity of a multiple family residential development adds 2 activity points to the proposal, which results in a total of 4 points. Therefore, the proposed development is classified as a low landslide risk no additional information is required.

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 applicant proposes one new driveway approach onto Oak Street SE. As identified in the conditions of approval for the Driveway Approach Permit, the gate restricting access to the driveway is required to be relocated to ensure the driveway approach does not create a traffic hazard. With established conditions of approval, driveway approaches serving the site will provide for the safe and efficient movement of vehicles. This criterion is met.

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 established in this decision. This approval criterion is met.

7. 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 one new driveway approaches onto Fisher Road NE, a collector street. 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 meets 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 there are no existing site conditions which would prohibit 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 property has frontage on a minor arterial street (17th Street SE), and a local street (Oak Street SE). The proposed driveway approach will provide access to the local street abutting the subject property. No accesses to an arterial street are proposed. 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 property has frontage on a minor arterial street (17th Street SE), and a local street (Oak Street SE). The proposed driveway is currently located with access to the lowest classification of street abutting the subject property. No accesses to an arterial street are proposed. This criterion is met.

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

Finding: Vision clearance standards apply at the driveway approach onto Oak Street SE (SRC 805.005(b)(1)(B)). The applicant shows a gate and fencing within the vision clearance area required for the driveway approach onto Oak Street SE. Fencing and other obstructions are not permitted within the required vision clearance area (SRC 805.010). The applicant's preliminary site plan does not comply with the vision clearance standards established in SRC Chapter 805. As a condition of approval, the applicant shall be required to provide an updated site plan that demonstrates compliance with vision clearance standards established in SRC Chapter 805. To ensure compliance with the standards, the following condition shall apply.

Condition 15: Prior to issuance of a building permit, the applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for the driveway approach onto Oak Street SE.

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

Finding: The applicant's site plan shows a rolling gate at the driveway approach onto Oak Street SE. The gate is set back 12-feet from the property line, which does not provide

adequate space for a vehicle to wait for the gate to open without blocking vehicular traffic on Oak Street SE. The Assistant City Traffic Engineer has reviewed the site plan and found that the proposal, including the gate, would not provide for safe and efficient movement of vehicles in and out of the development site as it would interfere with vehicle movements within the street. The Assistant City Traffic Engineer requires the gate be moved 18-feet back from the curb along Oak Street SE, which will allow for one vehicle to queue and wait for the gate to open without blocking vehicle movements within the street. As shown in the Development Services Memo (**Attachment C**), the gate will be approximately 18-feet from the curb and align with the edge of the first parking space upon entering the site. With the following condition of approval, the driveway approach will ensure the driveway approach does not create a traffic hazard.

Condition 16: The gate for the driveway approach onto Oak Street SE shall be setback approximately 18-feet from the back of the curb of Oak Street SE or the plans shall be revised to eliminate the gate.

With established conditions of approval, the driveway approach will not create a traffic hazard and will provide for safe access to the development.

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. As identified in the conditions of approval, the applicant is required to relocate or remove a gate that restricts access to the driveway approach. With established conditions of approval, 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 is located on the corner of a minor arterial street (17th Street SE) and a local street (Oak Street SE). The applicant is proposing a driveway to the lower classification of street. 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 development is surrounded by residentially zoned property to the east and north. To the west, the property abuts Industrial Commercial zoning. The proposed driveway is taken from the lowest classification 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. This criterion is met.

8. Analysis of Class 1 Design Review Approval Criteria

Salem Revised Code (SRC) 225.005(e)(1) provides that a Class 1 Design Review application shall be approved if all of the applicable design review standards are met.

SRC 702 – Multiple Family Design Review Standards

SRC 702.015 - Design review standards for multiple family development with five to twelve units.

(a) Open space standards.

- (1) To encourage the preservation of natural open space qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 20 percent of the gross site area as designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

Finding: The development site is 0.37-acres in size, or approximately 16,370 square feet, after required right-of-way dedication, requiring a minimum of 3,274 square feet of open space. As indicated on the development plans, approximately 4,492 square feet of open space is provided, exceeding the minimum open space requirement. This standard is met.

- (A) To ensure usable open space that is of sufficient size, at least one common open space area shall be provided within the development that is at least 500 square feet in size and has minimum dimensions of 20 feet for all sides.

Finding: The development plans indicate a common open space area of 500 square feet in size with a minimum dimension of 20 feet on all sides. This standard is met.

- (B) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-1, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-1.

Finding: The development plans indicate each of the proposed dwelling units will have private open space. Ground floor units will have patio areas and upper floors will have balconies that meet the minimum dimensional standards. The private open space areas comply with the minimum size requirements of Table 702-1. This standard is met.

- (C) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 500-square-foot improved open space area may count as 1,000 square feet toward the open space requirement.
 - (i) Be a minimum 500 square feet in size with a minimum dimension of 20 feet for all sides; and
 - (ii) Include at least one of the following types of features:
 - a. Covered pavilion.
 - b. Ornamental or food garden.

- c. Developed and equipped children's play area, with a minimum 30-inch-tall fence to separate the children's play area from any parking lot, drive aisle, or street.
- d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
- e. Swimming pool or wading pool.

Finding: The development plans do not include an improved open space. Open space areas are met for the development site without utilizing the double counting allowed in this section.

(D) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a publicly-owned urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.

Finding: The subject property is located near Aldrich Park, a neighborhood park located less than a quarter mile to the north and west of the subject property, which will provide neighborhood park service; however, the development plans provide the full amount of required open space area on site without utilizing the reduction provided in this section.

(b) Landscaping standards.

- (1) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:
 - (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
 - (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain-link fencing with slats shall not be allowed to satisfy this standard.

Finding: Along the eastern property line, the majority of the property abuts an unnamed alley, and the northern portion abuts property zoned RS (Single Family Residential). As addressed above, the applicant has requested a Class 2 Adjustment to eliminate the minimum 10-foot vehicle use area setback, which includes a six-foot-tall fence, for the portion of the development site abutting the RS zoned property to the east. Findings for the Adjustment are found in Section 9 of this decision.

- (2) Multiple family development shall comply with the landscaping standards applicable in the underlying zone in which such developments are located.

Finding: As addressed in the previous findings, the development plans comply with the required landscaping standards for the RM-II zone. This standard is met.

(c) Site safety and security.

- (1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.

Finding: The floor plans and elevations provided indicate that windows are provided in habitable rooms on each wall that faces common open space, parking areas, or pedestrian pathways, in compliance with this standard.

- (2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.

Finding: The development plans indicate that exterior lighting will be provided along pedestrian paths and adjacent to vehicle use areas. Lighting will also be provided on building exteriors at dwelling unit entrances, in compliance with this standard.

(d) Parking and site design.

- (1) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, 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 areas shall not be located between a building or structure and a street.

Finding: The development plans indicate the off-street parking and vehicle maneuvering areas shall be located behind and beside the buildings to the east side of the development site. This standard is met.

- (2) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks. Pedestrian pathways shall be a minimum of five feet in width.

Finding: The development plans indicate a five-foot-wide “gravel or similar hard surface path” along the perimeter of the south end of Building C connecting the off-street parking spaces to the open space area. The proposed path does not extend and connect to each building. To ensure conformance with the standard, the following condition shall apply.

Condition 17: The site plan shall be revised to include a pedestrian pathway that provides connection between each building, between each building and the common space area, and between each building and parking areas. The pedestrian pathway shall be a minimum of five feet wide and paved with a hard surface material.

(e) Façade and building design.

- (1) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-2 to provide appropriate transitions between new buildings and structures on-site and existing buildings and structures on abutting sites.
 - (A) A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.015(b)(1)(B) is increased to eight feet tall.

Finding: The majority of the property abuts an alley to the east except at the northern portion of the development site which abuts property zoned RS. Table 702-2 requires buildings with a dimension of 80 feet or less and 3 or more stories in height to be setback a minimum of 20 feet from RS-zoned property. The proposed building to the north, Building A, is three stories tall with 67 feet in width and is set back more than 20 feet to the abutting RS-zoned property. This standard is met.

- (2) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.

Finding: The subject property has approximately 274 feet of frontage along 17th Street SE, requiring a minimum of 110 feet ($274 \times 0.4 = 109.6$) of the frontage to be occupied by buildings placed at the setback line. The development plans indicate three buildings, each 67 feet in length, placed at the setback line abutting 17th Street SE, totaling 201 feet of buildable width. This standard is met.

- (3) To orient buildings to the street, any ground-level unit, cluster of units, or interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing the street, with direct pedestrian access to the adjacent sidewalk.

Finding: Three separate buildings are proposed within 25 feet of the property line abutting 17th Street SE and Oak Street SE. Each ground level unit is provided with a building entrance facing the street and direct pedestrian access to the sidewalks along both 17th and Oak Streets. This standard is met.

- (4) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.

Finding: Covered entry areas are provided at each of the primary entrances for each building, serving four dwelling units each. This standard is met.

- (5) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment and shall be integrated with exterior building design.

Finding: The development plans indicate that no roof-mounted mechanical equipment is proposed.

- (6) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 75 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided.

Finding: None of the proposed buildings exceed 100 feet in horizontal length; therefore, this section is not applicable.

9. 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 eight Class 2 Adjustments to:

- 1) Reduce the minimum building setback abutting 17th Street from 20 feet to 12 feet, per SRC 514.010(d);
- 2) Reduce the minimum building setback abutting Oak Street from 20 feet to 12 feet, per SRC 514.010(d);
- 3) Eliminate the minimum 10-foot building setback on proposed Parcel 1 to proposed Parcel 2, per SRC 514.010(d);
- 4) Eliminate the minimum 10-foot building setback on proposed Parcel 2 to proposed Parcel 1, per SRC 514.010(d);
- 5) Eliminate the minimum 10-foot vehicle use area setback on proposed Parcel 1 to proposed Parcel 2, per SRC 514.010(d);
- 6) Eliminate the minimum 10-foot vehicle use area setback on proposed Parcel 2 to proposed Parcel 1, per SRC 514.010(d);
- 7) Eliminate the minimum 10-foot vehicle use area setback to the abutting residentially zoned property to the east, per SRC 514.010(d); and
- 8) Reduce the vehicle use area perimeter setback abutting the buildings, per SRC 806.035(c)(4).

Allow a reduction to the minimum building setback abutting 17th Street from 20 feet to 12 feet, per SRC 514.010(d).

Per SRC 514.010(d), the minimum setback for a building serving a multiple-family use abutting a street is 12 feet plus one foot for each foot of building height over 12 feet, but need not exceed 20 feet in depth. As proposed on the development plans, the three buildings along 17th Street SE are each 31 feet tall, requiring a setback of 20 feet each. Due to the narrow north-south orientation of the development site, the applicant has requested a Class 2 Adjustment to reduce the setback of each building to 12 feet from the property line abutting 17th Street SE.

The applicant's written statement indicates the widening of 17th Street SE in 1985 exceeded the current 72-foot standard for a minor arterial, resulting in a variable centerline width of 42-to-52 feet along the property frontage, creating a narrow north-south configuration. Due to the narrow site constraints of the property and other development standards of the RM-II zone and

the multi-family design review standards, such as requiring vehicle use areas to be located behind a building, the 20-foot setback to the street and other required setbacks create a narrow building envelope and practical difficulties for development of the site.

The intent of the setback is to provide an improved open space with landscaping between buildings and streets. If a 20-foot setback were applied to each building, the setback area to the street would equal approximately 1,226 square feet per building. As setbacks are required to be landscaped to the Type A standard, this area would require a minimum of 61 plant units, 40 percent of which must be trees, or 25 plant units as trees ($1,226 / 20 = 61$ plant units; $61 \times 0.4 = 24.5$ plant units as trees). The proposed reduced setback area abutting the street of each building equals approximately 824 square feet, which would require a minimum of 41 plant units, 17 plant units as trees. The applicant is proposing additional landscaping across the front setbacks abutting the street; however, to ensure the additional landscaping provided in the reduced setback areas equally meets the standard, the following condition shall apply.

Condition 18: The applicant shall install a minimum of 61 plant units, including a minimum of 25 plant units as trees, within the setback areas of each building abutting 17th Street SE.

Given that 17th Street SE is a complete street, and no improvements are required along the frontage, the proposed buildings will still be more than 20 feet from the finished curbline of the street and as conditioned, will equally meet the setback landscaping standards. The proposed reduced setback equally meets the intent of the standard and is in compliance with this criterion.

Allow a reduction to the minimum building setback abutting Oak Street from 20 feet to 12 feet, per SRC 514.010(d).

Per SRC 514.010(d), the minimum setback for a building serving a multiple-family use abutting a street is 12 feet plus one foot for each foot of building height over 12 feet, but need not exceed 20 feet in depth. As proposed on the development plans, Building A is 31 feet tall, requiring a setback of 20 feet from Oak Street SE. Due to the narrow north-south orientation of the development site, the applicant has requested a Class 2 Adjustment to reduce the building setback to 12 feet from the property line abutting Oak Street SE.

As described above, due to the narrow site constraints of the property and other development standards of the RM-II zone, the property necessitates a linear north-south orientation to feasibly be developed. The applicant's written statement indicates the proposed building could potentially be separated onto its own property and would then be considered a four-family use, which only requires a minimum setback of 12 feet from a Local Street, regardless of an allowed maximum height of 35 feet.

The intent of the setback is to provide an improved open space with landscaping between buildings and streets. After right-of-way dedication and street improvements, the property frontage along Oak Street SE will be reduced five to eight feet along that frontage, further constraining the site. If a 20-foot setback were applied to this building, the setback area to the street would equal approximately 445 square feet. As setbacks are required to be landscaped to the Type A standard, this area would require a minimum of 22 plant units, 40 percent of which must be trees, or 9 plant units as trees ($445 / 20 = 22$ plant units; $22 \times 0.4 = 9$ plant units).

as trees). The proposed reduced setback area abutting the street equals approximately 314 square feet, which would require a minimum of 16 plant units, 6 plant units as trees. The applicant is proposing additional landscaping within the setback abutting the street; however, to ensure the additional landscaping provided in the reduced setback area equally meets the standard, the following condition shall apply.

Condition 19 The applicant shall install a minimum of 22 plant units, including a minimum of 9 plant units as trees, within the setback area of the building abutting Oak Street SE.

Given the site conditions and the applicable standards similar to a four-family use which only requires a 12-foot setback, the proposed reduced setback and additional landscaping, as conditioned, equally meets the intent of the standard and is in compliance with this criterion.

Eliminate the minimum 10-foot building setback on proposed Parcel 1 to proposed Parcel 2, per SRC 514.010(d).

The applicant's development plans are being reviewed on the assumption of completing a proposed replat to create two new parcels, separating Buildings A and B onto one property, Parcel 1, and Building C onto another, Parcel 2. Per SRC 514.010(d), the minimum interior setback for a building serving a multiple-family use to another residential zone is 10 feet.

The intent of the setback between properties is to provide space between different buildings and vehicle use areas serving different uses on separate properties. In this case, the proposed development is functionally one site with one vehicle use area serving all three buildings of the same use. The creation of two parcels is not required or necessary to meet any approval criteria for the proposed development, and the buildings could in effect all be on one property without the setback separating them at the property line. The buildings are separated by the off-street parking spaces with perimeter landscaping, and the site is adequately landscaped in between buildings, providing the same function as the setback would otherwise require. Additionally, if a separate parcel is created dividing the development site after construction, easements will be necessary to cross the property line through the shared vehicle use area. As proposed, the setback areas equally meet the intent of the standards and in compliance with this criterion.

Eliminate the minimum 10-foot building setback on proposed Parcel 2 to proposed Parcel 1, per SRC 514.010(d).

As described above, the applicant's development plans are being reviewed on the assumption of completing a proposed replat to create two new parcels, separating Buildings A and B onto one property, Parcel 1, and Building C onto another, Parcel 2. Per SRC 514.010(d), the minimum interior setback for a building serving a multiple-family use to a residential zone is 10 feet (i.e., similar to the previously addressed adjustment, the setback applies to both sides of the proposed lot line).

The intent of the setback between properties is to provide space between different buildings serving different uses on separate properties. In this case, the proposed development is functionally one site with one vehicle use area serving all three buildings of the same use. The creation of two parcels is not required or necessary to meet any approval criteria for the

proposed development, and the buildings could in effect all be on one property without the setback separating them at the property line. The buildings are separated by the off-street parking spaces with perimeter landscaping, and the site is adequately landscaped in between buildings, providing the same function as the setback would otherwise require. Additionally, if a separate parcel is created dividing the development site after construction, easements will be necessary to cross the property line through the shared vehicle use area. As proposed, the setback areas equally meet the intent of the standards and in compliance with this criterion.

Eliminate the minimum 10-foot vehicle use area setback on proposed Parcel 1 to proposed Parcel 2, per SRC 514.010(d).

As described above, the applicant's development plans are being reviewed on the assumption of completing a proposed replat to create two new parcels, separating the vehicle use area between proposed Parcels 1 and 2. Per SRC 514.010(d), the minimum interior setback for a vehicle use area serving a multiple-family use to a residential zone is 10-feet.

The intent of the setback between properties is to provide space between different buildings serving different uses on separate properties. In this case, the proposed development is functionally one site with one vehicle use area serving all three buildings of the same use. The creation of two parcels is not required or necessary to meet any approval criteria for the proposed development, and the buildings could in effect all be on one property without the setback separating them at the property line. The buildings are separated by the off-street parking spaces with perimeter landscaping, and the site is adequately landscaped in between buildings, providing the same function as the setback would otherwise require. Additionally, if a separate parcel is created dividing the development site after construction, easements will be necessary to cross the property line through the shared vehicle use area. As proposed, the setback areas equally meet the intent of the standards and in compliance with this criterion.

Eliminate the minimum 10-foot vehicle use area setback on proposed Parcel 2 to proposed Parcel 1, per SRC 514.010(d).

As described above, the applicant's development plans are being reviewed on the assumption of completing a proposed replat to create two new parcels, separating the vehicle use area between proposed Parcels 1 and 2. Per SRC 514.010(d), the minimum interior setback for a vehicle use area serving a multiple-family use to a residential zone is 10-feet (i.e., similar to the previously addressed adjustment, the setback applies to both sides of the proposed lot line).

The intent of the setback between properties is to provide space between different buildings serving different uses on separate properties. In this case, the proposed development is functionally one site with one vehicle use area serving all three buildings of the same use. The creation of two parcels is not required or necessary to meet any approval criteria for the proposed development, and the buildings could in effect all be on one property without the setback separating them at the property line. The buildings are separated by the off-street parking spaces with perimeter landscaping, and the site is adequately landscaped in between buildings, providing the same function as the setback would otherwise require. Additionally, if a separate parcel is created dividing the development site after construction, easements will be necessary to cross the property line through the shared vehicle use area. As proposed, the setback areas equally meet the intent of the standards and in compliance with this criterion.

Eliminate the minimum 10-foot vehicle use area setback to the abutting residentially zoned property to the east, per SRC 514.010(d).

The majority of the development site abuts an alley to the east except at the northern end of the site where it abuts property zoned RS (Single Family Residential) for approximately 48 feet. Per SRC 514.0101(d), Table 514-5, perimeter setbacks are not required abutting the alleyway; however, abutting the RS-zoned property, there is a zone-to-zone setback of 10 feet with Type C landscaping, which includes a six-foot-tall sight-obscuring fence. In order to utilize the existing alley coincident with the proposed driveway approach off Oak Street SE to the off-street parking area behind the buildings, the applicant has requested a Class 2 Adjustment to eliminate the 10-foot vehicle use area setback for the 48-foot portion of the property which abuts the RS-zoned property to the east.

As the development standards for new driveway approach prohibit an approach off 17th Street SE, and the requirement that off-street parking and vehicle use areas be located behind or beside a multifamily building, a driveway approach from Oak Street SE providing access to the rear side of the development is the only feasible option to provide access to the site. Given that no perimeter setbacks are required for the majority of the property which abuts the alley, and that the 48-foot portion of the property where the driveway is proposed will effectively serve as an extension of the alley, a 10-foot setback in this area would provide no substantial difference from the rest of the vehicle use area. In order to better meet the intent of the standard, the following condition shall apply.

Condition 20: Along the 48 feet adjacent to the proposed driveway off Oak Street SE where the development site abuts RS zoned property, the applicant shall coordinate with the neighboring property owner to install a six-foot-tall sight-obscuring fence along the property line or modify the existing fence. Fencing shall meet the development standards of SRC 800.050 and the vision clearance standards of SRC 805.

As conditioned, the proposal equally meets the intent of the standards and is in compliance with this criterion.

Reduce the vehicle use area perimeter setback abutting the buildings, per SRC 806.035(c)(4).

Per SRC 806.035(c)(4), a minimum five-foot setback in the form of a landscape bed or pedestrian walkway required between buildings and vehicle use areas. Given the narrow north-south orientation of the site and the required building setbacks from 17th Street SE and the vehicle drive aisle on the rear (east) side of the buildings, the applicant is requesting to reduce this setback along portions of Building B and Building C to between three and a half to four and a half feet.

The intent of the standard is to provide a buffer between vehicle use areas and buildings while also providing additional landscaping or pedestrian connectivity. The applicant's preliminary landscape plans indicate additional plant units within the landscaping beds between the buildings and vehicle use areas exceeding the minimum required of a continuous five-foot-wide planter bed. Additionally, where the lot is wider, the perimeter planter bed between the vehicle use area and Building A also exceeds the minimum width and provides nearly 40 percent more than the required plant units. Given the previously addressed site constraints of

the narrow lot, the reduced one to two feet in portions along Buildings B and C are the minimal necessary reductions to ensure the development meets drive aisle width while providing landscaped perimeters between the buildings and vehicle use area, and the proposal equally meets the intent of the standards and is in compliance with this criterion.

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 an RM-II (Multiple Family Residential) zone, which is a residential zone. The adjustments that have been requested with this proposal are the minimum necessary to allow the otherwise reasonable development of the property according to the development standards of the RM-II zone. Approval of the requested adjustments will not result in development that detracts from the livability or appearance of the residential area because, as identified in the findings included in this decision, the underlying purposes of the development standards proposed for adjustment with the development otherwise will continue to be equally or better met. This approval criterion is met.

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: Eight 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 21: The adjusted setbacks 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.

10. Conclusion

Based upon review of SRC Chapters 220, 225, 250, and 804, and 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 Class 3 Site Plan Review, Class 2 Driveway Approach Permit, Class 1 Design Review, and Class 2 Adjustment. SPR-ADJ-DAP-DR24-27 is hereby **APPROVED** subject to SRC Chapters 220, 225, 250, and 804, and the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

- Condition 1:** The applicant shall complete the necessary land division or reconfiguration to meet the applicable lot and development standards of the RM-II zone. The record of survey 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 2:** Required right-of-way dedications shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 3:** 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 4:** Prior to building permit approval, the applicant shall revise the site plan to demonstrate any proposed fencing will meet the applicable development standards of SRC Chapter 800
- Condition 5:** Dedicate an Open Channel Drainage Easement along Shelton Ditch on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 6:** Convey land for dedication to equal a half-width right-of-way of 30- feet on the development side of Oak Street SE.
- Condition 7:** Provide streetscape improvements along Oak Street SE, including a 5-foot curblin sidewalk, curb ramp upgrades at the intersection of 17th Street SE and Oak Street SE, and street lighting along the property frontage as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 8:** Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along 17th Street SE.
- Condition 9:** Prior to issuance of a Building Permit, the applicant shall obtain a Revocable License to Encroach from the Public Works Director for the private improvements within the public alley which establishes that the applicant shall maintain all private improvements within the alley.
- Condition 10:** Prior to issuance of a building permit, the applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for street and driveway intersections.
- Condition 11:** The applicant shall revise the plans to meet the minimum eight and a half-foot stall width where the side of the parking space abuts a wall or post.
- Condition 12:** The applicant shall revise the plans to relocate the bicycle parking spaces to be clearly visible from the primary building entrances, per SRC 806.060(a).

- Condition 13:** Provide a no-rise certification from a registered professional civil engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed floodway encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge pursuant to SRC Chapter 601.
- Condition 14:** At time of building permit, the applicant shall provide a report by a certified arborist that no more than 30 percent of the critical root zone of the riparian corridor trees will be impacted and all tree protection requirements of SRC 808.046 will be followed during construction.
- Condition 15:** Prior to issuance of a building permit, the applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for the driveway approach onto Oak Street SE.
- Condition 16:** The gate for the driveway approach onto Oak Street SE shall be setback approximately 18-feet from the back of the curb of Oak Street SE or the plans shall be revised to eliminate the gate.
- Condition 17:** The site plan shall be revised to include a pedestrian pathway that provides connection between each building, between each building and the common space area, and between each building and parking areas. The pedestrian pathway shall be a minimum of five feet wide and paved with a hard surface material.
- Condition 18:** The applicant shall install a minimum of 61 plant units, including a minimum of 25 plant units as trees, within the setback areas of each building abutting 17th Street SE.
- Condition 19:** The applicant shall install a minimum of 22 plant units, including a minimum of 9 plant units as trees, within the setback area of the building abutting Oak Street SE.
- Condition 20:** Along the 48 feet adjacent to the proposed driveway off Oak Street SE where the development site abuts RS zoned property, the applicant shall coordinate with the neighboring property owner to install a six-foot-tall sight-obscuring fence along the property line or modify the existing fence. Fencing shall meet the development standards of SRC 800.050 and the vision clearance standards of SRC 805
- Condition 21:** The adjusted setbacks 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.



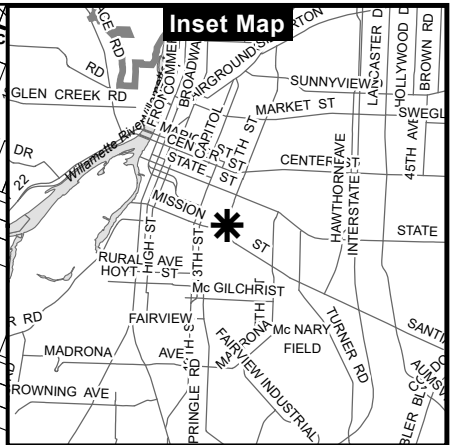
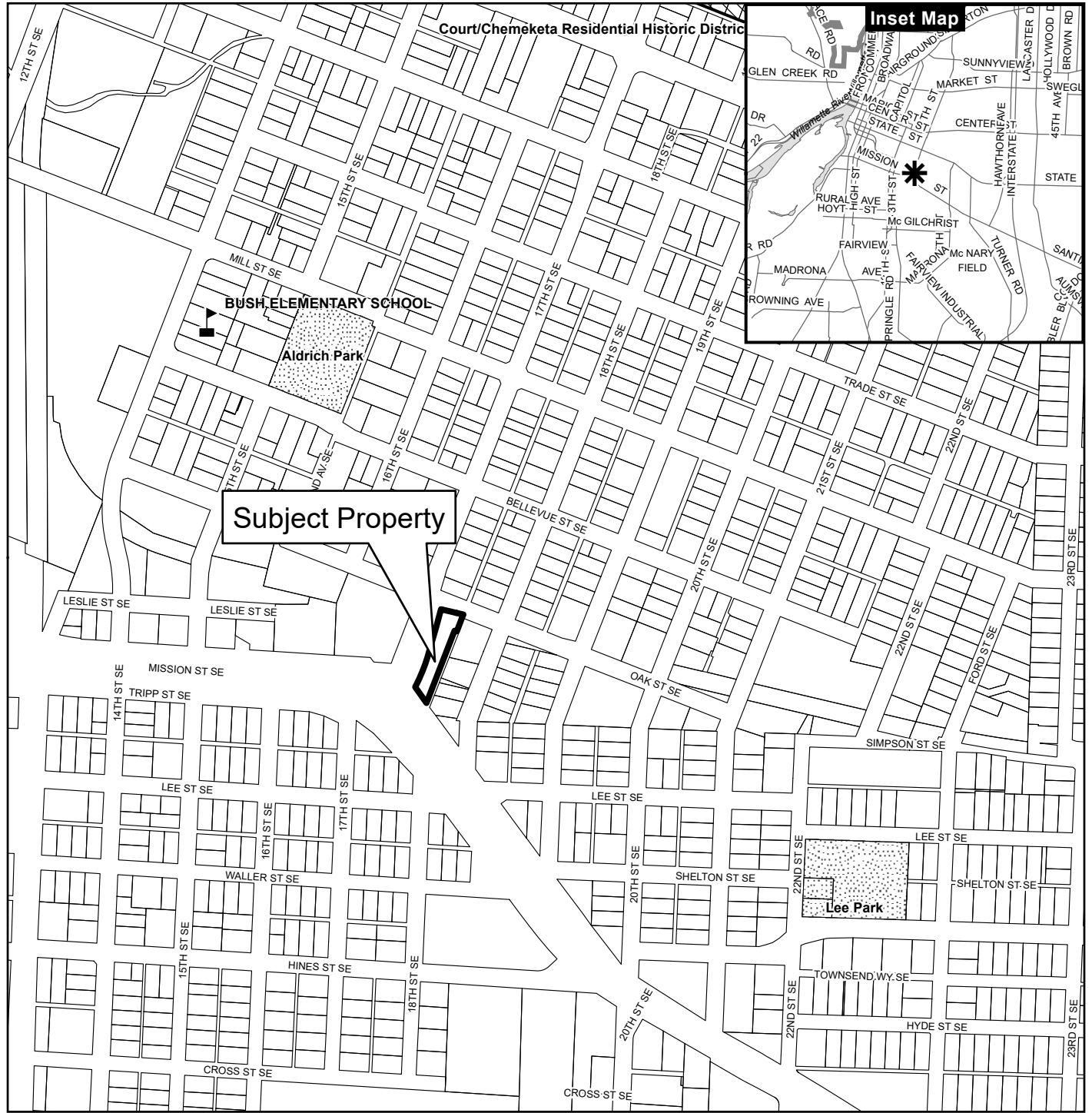
Peter Domine, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Proposed Site Plan
C. Development Services Memo Dated September 10, 2024

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\SITE PLAN REVIEW - Type II (Class 3)\2024\Planner
Docs\SPR-ADJ-DAP-DR24-27.pjd.docx

Vicinity Map

676 17th Street SE



Legend

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

0 100 200 400 Feet



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



SITE SUMMARY

17th and OAK SALEM OREGON 97301
TAX ACCOUNT: 568581
TAXLOT NUMBER: 073W26CD04401
ZONING: RM2 - MULTIPLE FAMILY RESIDENTIAL 2
NEW BUILDING HEIGHT: 34'
ACRES: 16,310 SF (31 AC)
PROPOSED LANDSCAPE: 6,411 SF
NEW BUILDINGS FOOTPRINTS (3 Bldgs, 12 UNITS): 2,896.5 SF - 17.1%
HARD SURFACE: 6,996.5 SF - 42.7%
TOTAL IMPERVIOUS (Bldgs + Ovrhngs + Surf) = **14,255 SF** **SEE: SPR-II**

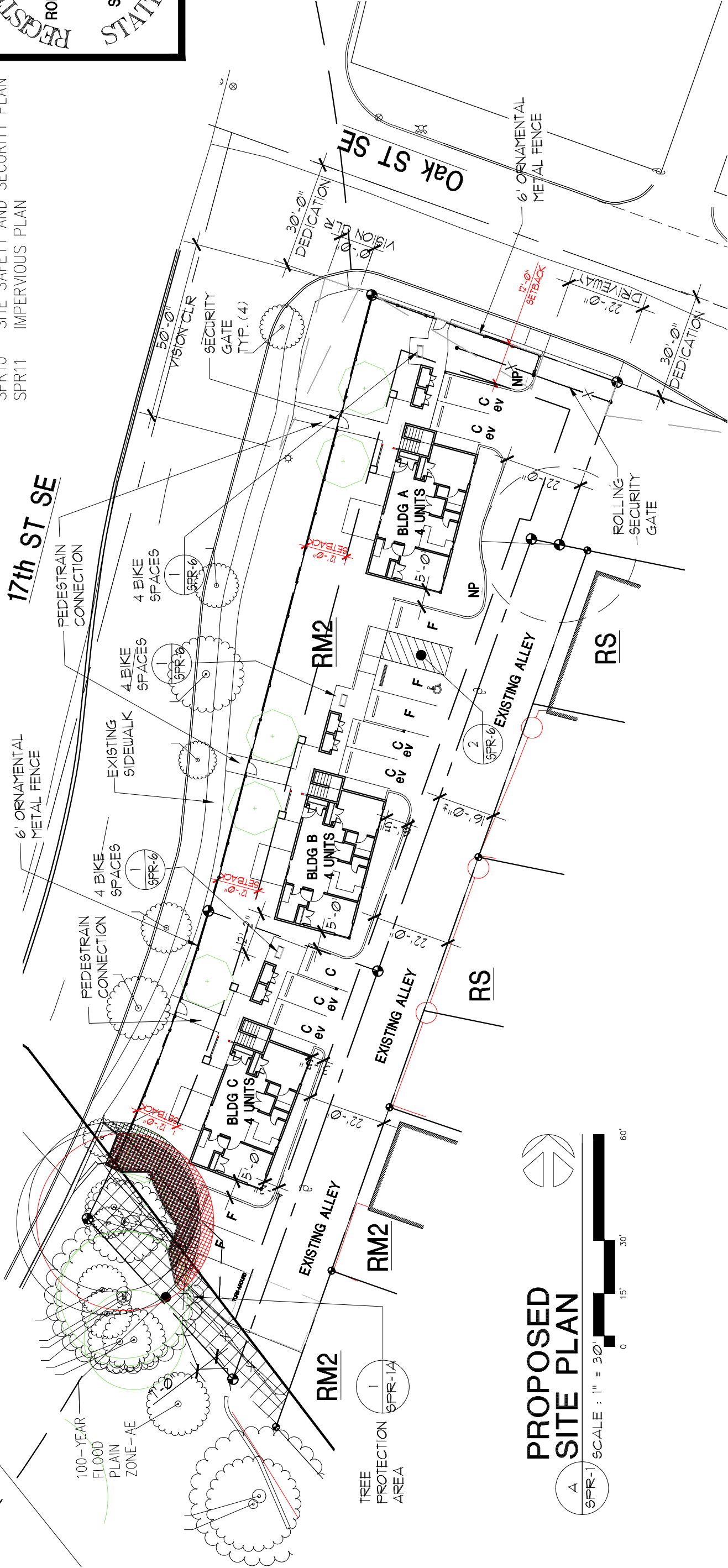
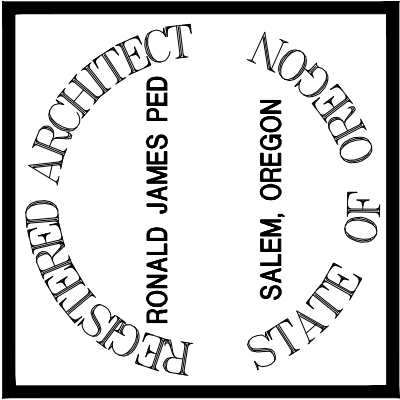
PARKING

12 UNITS X 1.75 = 21 MAX PARKING ALLOWED (PER TABLE 806-1)
12 PARKING SPACES PROVIDED - **COMPLIES**

DRAWING INDEX

- SPR1 PROPOSED SITE PLAN
- SPR1A TREE PROTECTION PLAN
- SPR2 EXISTING CONDITIONS PLAN
- SPR3 UTILITY PLAN
- SPR4 GRADING PLAN
- SPR5 LANDSCAPE PLAN
- SPR5A ENLARGED LANDSCAPE PLAN
- SPR5B ENLARGED LANDSCAPE PLAN
- SPR5C LANDSCAPE DETAILS
- SPR5D LANDSCAPE DETAILS
- SPR6 DETAILS
- SPR7 PLAT PLAN
- SPR8 BUILDING ELEVATIONS
- SPR8A FLOOR PLANS
- SPR9 OPEN SPACE PLAN
- SPR10 SITE SAFETY AND SECURITY PLAN
- SPR11 IMPERVIOUS PLAN

REV 1 - 04.09.24
REV 2 - 05.24.24
REV 3 - 07.09.24



NEW APARTMENTS FOR:
SERVANDO GARCIA
17th and OAK, SALEM OR 97301

DATE: 02-07-2024
DRAWN: TB
JOB NO.: 2159

SPR-1



MEMO

TO: Peter Domine, Planner II
Community Planning and Development Department

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

DATE: September 10, 2024

SUBJECT: **Infrastructure Memo**
SPR-ADJ-DAP-DR24-27 (24-103565-PLN)
676 17th Street SE
12-unit Multi-family Development

PROPOSAL

A consolidated application for a Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of a 12-unit multi-family apartment complex, with eight Class 2 Adjustment requests. The subject property is 0.4 acres in size, zoned RM-II (Multiple Family Residential), and located at 676 17th Street SE (Marion County Assessor's Map and Tax Lot: 073W26CD / 4401).

RECOMMENDED CONDITIONS OF APPROVAL - SITE PLAN REVIEW

1. Required right-of-way dedications 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 an Open Channel Drainage Easement along Shelton Ditch on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
4. Convey land for dedication to equal a half-width right-of-way of 30- feet on the development side of Oak Street SE.
5. Provide streetscape improvements along Oak Street SE, including a 5-foot curblane sidewalk, curb ramp upgrades at the intersection of 17th Street SE and Oak Street SE, and street lighting along the property frontage as specified in the City Street

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).

Design Standards and consistent with the provisions in SRC Chapter 803.

6. Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along 17th Street SE.
7. Prior to issuance of a Building Permit, the applicant shall obtain a Revocable License to Encroach from the Public Works Director for the private improvements within the public alley which establishes that the applicant shall maintain all private improvements within the alley.
8. Prior to issuance of a building permit, the applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for street and driveway intersections.
9. Provide a no-rise certification from a registered professional civil engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed floodway encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge pursuant to SRC Chapter 601.

RECOMMENDED CONDITIONS OF APPROVAL –DRIVEWAY APPROACH PERMIT

10. Prior to issuance of a building permit, the applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for the driveway approach onto Oak Street SE.
11. The gate for the driveway approach onto Oak Street SE shall be setback approximately 18-feet from the back of the curb of Oak Street SE or the plans shall be revised to eliminate the gate.

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
17th Street SE (Minor Arterial)	Standard:	72-feet	46-feet
	Existing Condition:	92-to-108-feet	62-to-72-feet
Oak Street SE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	50-to-60-feet	42-feet
Unnamed Alley	Standard:	10-to-20-feet	10-to-20-feet
	Existing Condition:	16-feet	Unimproved

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 4-inch water main is located in 17 th Street SE.
	An 8-inch water main is located in Oak Street SE.
Sanitary Sewer	An 8-inch sanitary sewer main is located in 17 th Street SE.
Storm Drainage	A 12-inch storm main is located in 17 th Street SE and Oak Street SE.
Parks	The proposed development is served by Aldrich Park one-quarter mile north of the subject property.

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 inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit 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 Oak Street SE. There is existing overhead power that extends along the eastern property boundary. It is unclear from the information provided

if PGE has existing easements over these overhead power lines that would conflict with the required 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 200.050(d). The following condition applies:

Condition: Required right-of-way dedications shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(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 proposal is required to management stormwater by the use of green stormwater infrastructure for treatment and detention of stormwater generated by the development. The proposed plan 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. 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.

▪ ***Watercourses:***

SRC 802.030 requires dedication of public improvement and maintenance easements for watercourses.

Finding: Shelton Ditch runs along the southern property boundary. Pursuant to SRC 802.030(b) and the PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest.

Condition: Dedicate an Open Channel Drainage Easement along Shelton Ditch on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

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 certain development.

Finding: 17th Street SE abuts the subject property along the western property boundary and is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). 17th Street SE meets the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, additional improvements along 17th Street SE are not required.

Oak Street SE abuts the subject property along the northern property boundary and is classified as a local street according to the Salem Transportation System Plan (TSP). Oak Street SE meets the minimum improvement width standards for a local street but has inadequate right-of-way. The ultimate right-of-way width for a local street is 60 feet according to SRC 803.025 Table 803-1 (Right-of-way Width) and the existing right-of-way varies between 50 and 60-feet along the frontage. As a condition of approval per SRC 803.040(a)(2), the applicant shall dedicate 30-feet from the centerline of Oak Street SE.

Oak Street SE does not have adequate streetscape improvements along the property frontage, including sidewalk and streetlights. With the required 30-foot right-of-way dedication along Oak Street SE, there will not be adequate right-of-way width to accommodate an 8-foot planter and 5-foot sidewalk due to the paved width of the street being 40-feet. Therefore, the applicant shall provide a curblined sidewalk along Oak Street SE, including ADA curb ramp upgrades at the intersection of 17th Street SE and Oak Street SE, pursuant to SRC 803.035(l). Additionally, the applicant shall provide street lighting along Oak Street SE pursuant to SRC 803.035(o).

In order to ensure compliance with SRC 803.040, the following conditions apply:

Condition: Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Oak Street SE.

Condition: Provide streetscape improvements along Oak Street SE, including a 5-foot curblin sidewalk, curb ramp upgrades at the intersection of 17th Street SE and Oak Street SE, and street lighting along the property frontage as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

▪ ***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: There is inadequate right-of-way width to accommodate street trees along Oak Street NE. Along 17th Street SE, there is space for approximately three (3) new street trees along 17th Street SE within the existing planter strip and between the sidewalk and the planter strip. As a condition of approval, the applicant shall provide additional street trees along 17th Street SE. The following condition applies:

Condition: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along 17th Street SE.

▪ ***Alleys***

SRC Chapter 803.025 establishes standards for right-of-way and improvement widths for Alleys. SRC Chapter SRC 76.160 limits encroachments into public right-of-ways.

There is an unnamed alley that extends from the Shelton Ditch to approximately 61-feet south of Oak Street SE. The alley does not extend all the way to Oak Street SE, rather it terminates and the subject property is located between the alley and Oak Street SE. The existing alley is not improved. As shown on the applicants preliminary site plan, the applicant intends to utilize the alley for their primary vehicular access and circulation area. As the alley does not provide vehicular access to any other adjacent properties that do not have frontage on a street, the alley will be improved and maintained by the applicant. The private improvements encroach into the public alley and as such, a Revocable License to Encroach into the alley is required pursuant to SRC 76.160. This document shall establish that the applicant will maintain the improvements within the undeveloped alley as it will not be constructed to a public standard and does not provide public vehicular access. The applicant is required to obtain a Revocable License to Encroach from the Public Works Director, prior to issuance of a building permit. The following condition applies:

Condition: Prior to issuance of a Building Permit, the applicant shall obtain a Revocable License to Encroach from the Public Works Director for the private improvements within the public alley which establishes that the applicant shall maintain all private improvements within the alley.

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 a new driveway approach onto Oak Street SE 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: Vision clearance standards apply at the intersection of 17th Street SE and Oak Street SE (SRC 805.005(a)(2) as well as at the driveway approach onto Oak Street SE (SRC 805.005(b)(1)(B)). The applicant has incorrectly shown the required vision clearance area at the intersection of 17th Street SE and Oak Street SE. In addition, the applicant shows a gate and fencing within the vision clearance area required for the driveway approach onto Oak Street SE. Fencing and other obstructions are not permitted within the required vision clearance area (SRC 805.010). The applicants preliminary site plan does not comply with the vision clearance standards established in SRC Chapter 805. As a condition of approval, the applicant shall be required to provide an updated site plan that demonstrates compliance with vision clearance standards established in SRC Chapter 805. The following condition applies:

Condition: Prior to issuance of a building permit, the applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for street and driveway intersections.

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 AE floodway exists on the subject property. The AE floodway portion of the property is along the southern property boundary where Shelton Ditch is located on the property. No structures are proposed within the floodway; however, the applicant shows grading and new parking and vehicle use areas in the floodway. Pursuant to SRC development within the floodway is not permitted without a “no-rise” certification that demonstrates the proposal will not increase in flood levels (SRC 601.075(d)(1)(A)). The applicant has not provided sufficient information to demonstrate the requirements of SRC Chapter 601 are met. At the time of building permit submittal, the applicant shall provide certification that the final design of the proposed development does not result in an increase in flood levels pursuant to SRC 601.075(d)(1)(A). To ensure compliance with SRC Chapter 601, the following condition applies:

Condition: Provide a no-rise certification from a registered professional civil engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed floodway encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge pursuant to SRC Chapter 601.

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: The Salem-Keizer Local Wetland Inventory shows that there are wetland channels along Shelton Ditch that may be impacted by the proposal. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

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 2-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 4 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required.

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 applicant proposes one new driveway approach onto Oak Street SE. As identified in the conditions of approval for the Driveway Approach Permit, the gate restricting access to the driveway is required to be relocated to ensure the driveway approach does not create a traffic hazard. With established conditions of approval, driveway approaches serving the site will provide for facilitate safe and efficient movement of vehicles. This criterion is met.

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 established in this decision. 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.

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 meets 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 there are no existing site conditions prohibiting the location of the proposed driveway. This condition is met.

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

Finding: The property has frontage on a minor arterial street (17th Street SE), and a local street (Oak Street SE). The proposed driveway approach will provide access to the local street abutting the subject property. No accesses to an arterial street are proposed. 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 property has frontage on a minor arterial street (17th Street SE), and a local street (Oak Street SE). The proposed driveway is currently located with 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.

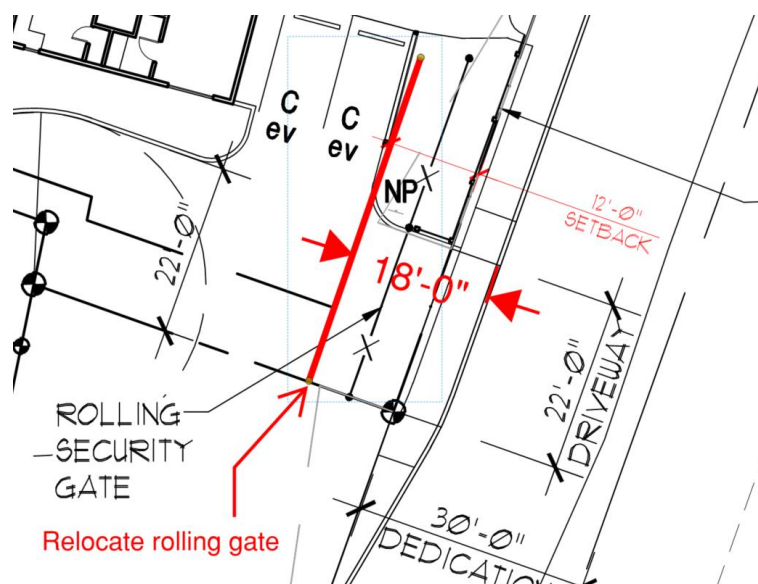
Finding: Vision clearance standards apply at the driveway approach onto Oak Street SE (SRC 805.005(b)(1)(B)). The applicant shows a gate and fencing within the vision clearance area required for the driveway approach onto Oak Street SE. Fencing and other obstructions are not permitted within the required vision clearance area (SRC 805.010). The applicants preliminary site plan does not comply with the vision clearance standards established in SRC Chapter 805. As a condition of approval, the applicant shall be required to provide an updated site plan that demonstrates compliance with vision clearance standards established in SRC Chapter 805. The following condition applies:

Condition: Prior to issuance of a building permit, the applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for the driveway approach onto Oak Street SE.

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

Finding: The applicants site plan shows a rolling gate at the driveway approach onto Oak Street SE. The gate is set back 12-feet from the property line, which does not provide adequate space for a vehicle to wait for the gate to open without blocking

vehicular traffic on Oak Street SE. The Assistant City Traffic Engineer has reviewed the site plan and found that the proposal, including the gate, would not provide for safe and efficient movement of vehicles in and out of the development site as it would interfere with vehicle movements within the street. The Assistant City Traffic Engineer requires the gate be to a minimum of 18-feet back from the curb along Oak Street SE, which will allow for one vehicle to queue and wait for the gate to open without blocking vehicle movements within the street. As shown on the image below, the gate will be approximately 18-feet from the curb and align with approximately at the edge of the first parking space upon entering the site.



With the following condition of approval, the driveway approach will ensure the driveway approach does not create a traffic hazard:

Condition: The gate for the driveway approach onto Oak Street SE shall be setback approximately 18-feet from the back of the curb of Oak Street SE or the plans shall be revised to eliminate the gate.

With established conditions of approval, the driveway approach will not create a traffic hazard and will provide for safe access to the development.

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. As identified in the conditions of approval, the applicant is required to relocate a gate that restricts access to the driveway approach. With established conditions of approval, this criteria is met.

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

Finding: The property is located on the corner of a minor arterial street (17th Street SE) and a local street (Oak Street SE). The applicant is proposing a driveway to the lower classification of street. 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 development is surrounded by residentially zoned property to the east and north. To the west, the property abuts Industrial Commercial zoning. The proposed driveway is taken from the lowest classification 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. This criterion is met.

RESPONSE TO PUBLIC COMMENTS

- 1. Vision Clearance along 17th Street SE Curve:** Comments received express concerns for the visibility of the curve along 17th Street SE and how the proposal would impact vision clearance for vehicles traveling along 17th Street SE.

Staff Response: As described in the written findings, 17th Street SE is fully improved and boundary street improvements along this street are not required. As indicated in the conditions of approval, the applicant is required to provide an updated site plan demonstrating that there is adequate vision clearance at the intersection of 17th Street SE and Oak Street SE. The applicant has requested an adjustment to allow reduced setback along 17th Street SE and Oak Street SE (12-feet where 20-feet is required). The adjustment does not eliminate the requirement to provide adequate vision clearance at the intersection to ensure safe vehicle turning movements. Vision clearance will be confirmed upon review of the updated site plan, at time of Building Permit review.

- 2. On-street Parking:** Comments received express concerns for the additional vehicles utilizing on-street parking.

Staff Response: Oak Street SE exceeds the minimum required width for a local street and accommodates parking on both sides of the street. 17th Street SE is a minor arterial street, which does not accommodate on-street parking. On-street parking is not reserved for specific users and will be available to the apartment complex as well as other residents of the area. There are no minimum off-street parking requirements.

- 3. Driveway Spacing/Setback:** Comments received express concerns for the driveway spacing along Oak Street SE for the proposed driveway approach.

Staff Response: The proposed driveway approach is located on a local street. There are no minimum spacing standards for driveway approaches onto local streets. The driveway approach is placed along the eastern property line, to allow the maximum spacing from the intersection of 17th Street SE and Oak Street SE. The proposed driveway approach meets the standards established in SRC Chapter 804. Additionally, conditions of approval require the driveway approach to meet the vision clearance standards established in SRC Chapter 805 and the gate restricting access to the driveway approach will be set back to allow vehicle queuing to happen outside of the right-of-way.

Prepared by: Laurel Christian, Infrastructure Planner III
cc: File