

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



# NOTICE OF DECISION

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

## DECISION OF THE PLANNING ADMINISTRATOR

### CLASS 1 DESIGN REVIEW MODIFICATION

**APPLICATION NO.:** 24-121412-PLN

**NOTICE OF DECISION DATE:** October 21, 2024

**REQUEST:** A Modification for a Class 1 Design Review (24-115113-PLN) for siding replacement and entryway stairway replacement and deck repair and alterations to an existing multiple-family apartment complex. The subject property is 3.06 acres in size, zoned MU-III (Mixed Use III) and located at 4150-4240 Fir Rest Way NE (Marion County Assessor Map and Tax Lot 073W12AC / 100).

**APPLICANT:** Brothers Construction, LLC, on behalf of the property owner

**LOCATION:** 4150 - 4240 Fir Rest Way NE

**FINDINGS:** The findings are in the attached Decision dated October 21, 2024

**DECISION:** The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by October 21, 2026, or this approval shall be null and void.

Case Manager: Peter Domine, Planner II, [pdomine@cityofsalem.net](mailto:pdomine@cityofsalem.net), 503-540-2311

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days** after **October 21, 2024**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 24 121412 PLN.

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

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

<b>IN THE MATTER OF APPROVAL OF</b>	<b>) FINDINGS &amp; ORDER</b>
<b>MODIFICATION OF CLASS 1</b>	<b>)</b>
<b>DESIGN REVIEW (24-115113-PLN)</b>	<b>)</b>
<b>24-115113-PLN</b>	<b>)</b>
<b>4150 - 4240 FIR REST WAY NE</b>	<b>) OCTOBER 21, 2024</b>

In the matter of the application for a Class 1 Design Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings, and adopts the following order as set forth herein.

**REQUEST**

A Modification to a Class 1 Design Review (24-115113-PLN) for siding replacement and entryway stairway replacement and deck repair and alterations to an existing multiple-family apartment complex. The subject property is 3.06 acres in size, zoned MU-III (Mixed Use III) and located at 4150 - 4240 Fir Rest Way NE (Marion County Assessor Map and Tax Lot 073W12AC / 100).

A vicinity map of the subject property is included as **Attachment A**.

**PROCEDURAL FINDINGS**

1. On July 30, 2024 an application for a Class 1 Design Review (24-115113-PLN) was approved for siding replacement of an existing apartment complex building located at 4173 Fir Rest Way NE.
2. On October 16, 2024, an application for a Modification to the approved Class 1 Design Review (24-115113-PLN) was submitted for the siding replacement as well entryway stairway replacements and minor deck repairs and alterations for all of the buildings within the apartment complex located at the subject property, addressed 4150 - 4240 Fir Rest Way NE.
3. The application was deemed complete on October 17, 2024.

**SUBSTANTIVE FINDINGS**

**1. Proposal**

The approved Class 1 Design Review (24-115113-PLN) for installation of new siding and painting of an existing multi-family apartment building only encompassed the one building located at 4173 Fir Rest Way NE within the apartment complex. Additional building permits were submitted for each building within the complex, addressed 4150 - 4240. The site plan of the complex and proposed development plans are included as **Attachment B**.

## **DECISION CRITERIA FINDINGS**

### **2. Analysis of a Modification of Class 1 Design Review Approval Criteria**

The purpose of Design Review is to create a process to review development applications that are subject to design review guidelines and design review standards.

Pursuant to SRC 225.010(d)(1), Modification of a Class 1 Design Review shall be approved if all of the applicable design review standards are met.

Except as provided under SRC 702.005(b), and unless otherwise provided in the UDC, design review under SRC chapter 225 is required for all multiple family development.

***SRC 225.005(e): A Class 1 design review shall be approved if all of the applicable design review standards are met.***

**Finding:** The subject property is zoned MU-III (Mixed Use III). Pursuant to SRC 535.020(a), multiple-family development within the MU-III zone shall be subject to design review according to the multiple-family design review standards set forth in SRC Chapter 702. The proposed development conforms to SRC Chapter 702 follows.

### **Development Standards – Multiple Family Design Review Standards SRC 702**

*SRC 702.020 – Design Review Standards for Multiple Family Development with Thirteen or More Units.*

#### *SRC 702.020(a) – Open Space Standards*

- (1) To encourage the preservation of natural open 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 30 percent of the gross site area in 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 proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing open space; therefore, this standard is not applicable.

- (A) To ensure usable open space that is of sufficient size, at least one common open space area shall be provided that meets the size and dimension standards set forth in Table 702-3.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing open space; therefore, this standard is not applicable.

(B) To ensure the provided open space is usable, a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing open space; therefore, this standard is not applicable.

(C) 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 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing open space; therefore, this standard is not applicable.

(D) To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing open or private open space; therefore, this standard is not applicable.

(E) 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 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.

- (i) Be a minimum 750 square feet in size with a minimum dimension of 25 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 proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing open space; therefore, this standard is not applicable.

(F) 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 public 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 proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing open space; therefore, this standard is not applicable.

*SRC 702.020(b) – Landscaping Standards.*

(1) To encourage the preservation of trees and maintain or increase tree canopy, a minimum of one tree shall be planted or preserved for every 2,000 square feet of gross site area.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing landscaping; therefore, this standard is not applicable.

(2) 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 be not allowed to satisfy this standard.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing landscaping or screening; therefore, this standard is not applicable.

(3) To define and accentuate primary entryways, a minimum of two plant units, shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing landscaping; therefore, this standard is not applicable.

- (4) To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing landscaping; therefore, this standard is not applicable.

- (5) Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space).. No changes are proposed to the existing landscaping; therefore, this standard is not applicable.

- (6) To ensure the privacy of dwelling units, ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing landscaping or fencing; therefore, this standard is not applicable.

- (7) To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing parking areas or landscaping; therefore, this standard is not applicable.

- (A) A minimum of one canopy tree shall be planted within each planter bay.
- (B) A landscaped planter bay a minimum of nine feet in width shall be provided at a minimum spacing of one for every 12 spaces. (See Figure 702-3.)

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing parking areas or landscaping; therefore, this standard is not applicable.

- (8) Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806.

*SRC 702.020(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 proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing windows; therefore, this standard is not applicable.

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

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing lighting; therefore, this standard is not applicable.

- (3) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing landscaping or fencing; therefore, this standard is not applicable.

- (4) Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings. No changes are proposed to the existing landscaping or fencing; therefore, this standard is not applicable.

*SRC 702.020(d) – Parking and Site Design.*

- (1) To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 702-3).

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing parking areas; therefore, this standard is not applicable.

- (2) 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 proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing parking areas; therefore, this standard is not applicable.

- (3) Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space); therefore, this standard is not applicable.

- (4) 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.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing pedestrian connections; therefore, this standard is not applicable.

*SRC 702.020(e) – Façade and Building Design.*

- (1) To preclude long monotonous exterior walls, buildings shall have no dimension greater than 150 feet.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement



of decks (private open space). No changes are proposed to the existing building size; therefore, this standard is not applicable.

- (2) 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 702-5 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. 702.020(b)(2)(B) is increased to eight feet tall.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing building size; therefore, this standard is not applicable.

- (3) To enhance compatibility between new buildings on site and abutting residential sites, balconies located on building facades that face RA or RS zoned properties, unless separated by a street, shall have fully sight-obscuring railings.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space); therefore, this standard does not apply.

- (4) 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 proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing building size; therefore, this standard is not applicable.

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

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing building orientation; therefore, this standard is not applicable.

- (6) 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:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing building entries; therefore, this standard is not applicable.

- (7) 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 proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing mechanical equipment; therefore, this standard is not applicable.

- (8) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without 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. (See Figure 702-4)

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing roof elevations; therefore, this standard is not applicable.

- (9) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.
  - (A) Offsets (recesses and extensions)
  - (B) Covered deck.
  - (C) Covered balcony.
  - (D) Cantilevered balcony, provided at least half of its depth is recessed.
  - (E) Covered entrance.

**Finding:** The proposal is for replacement of the siding and painting of the existing buildings within the complex, including the replacement of entry stairways and repair and replacement of decks (private open space). No changes are proposed to the existing building size; therefore, this standard is not applicable.

- (10) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):
  - (A) Change in materials.
  - (B) Change in color.

(C) Molding or other horizontally-distinguishing transition piece.

**Finding:** As shown on the applicant's development plans (**Attachment B**), changes in color and materials in the form of a bellyband are included to break up the vertical mass of the building and distinguish the first level from upper floors. This standard is met.

### 3. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed Class 1 Design Review Modification is in conformance with the UDC and the approval criteria provided in SRC 225.010(d)(1), provided compliance occurs with any applicable items noted above.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

### **IT IS HEREBY ORDERED**

The proposed Class 1 Design Review Modification is consistent with the provisions of SRC Chapter 225 and is hereby APPROVED subject to the applicable standards of the Salem Revised Code and the findings contained herein.



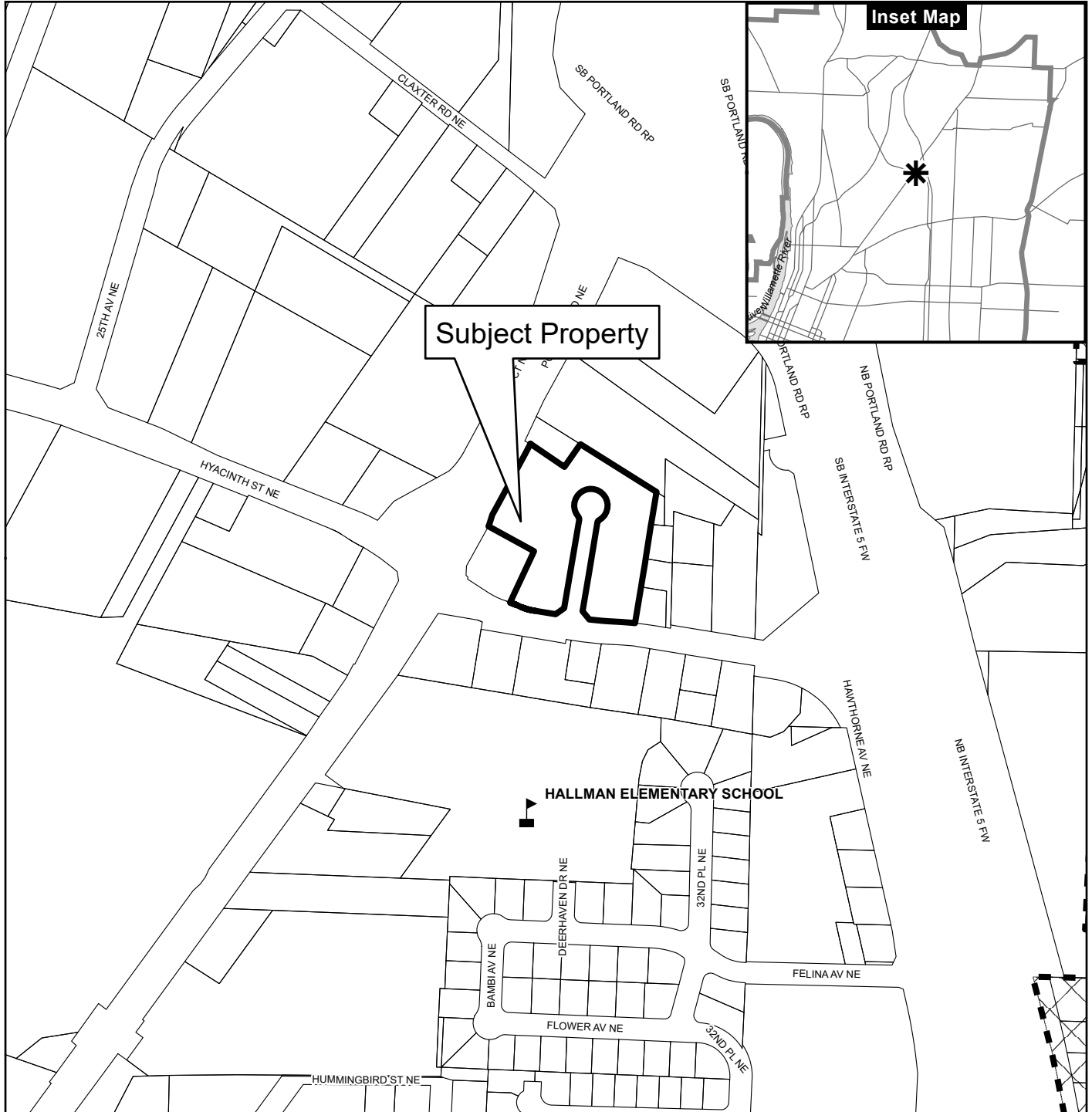
---

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







Attachments:      A) Vicinity Map  
                             B) Development Plans

# Vicinity Map

## 4150 - 4240 Fir Rest Way NE



### Legend

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

 Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Planning and Development

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.

0 100 200 400 Feet



LEGEND:

PARKING

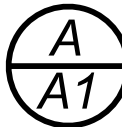


SUMMER WOOD APARTMENTS

SP

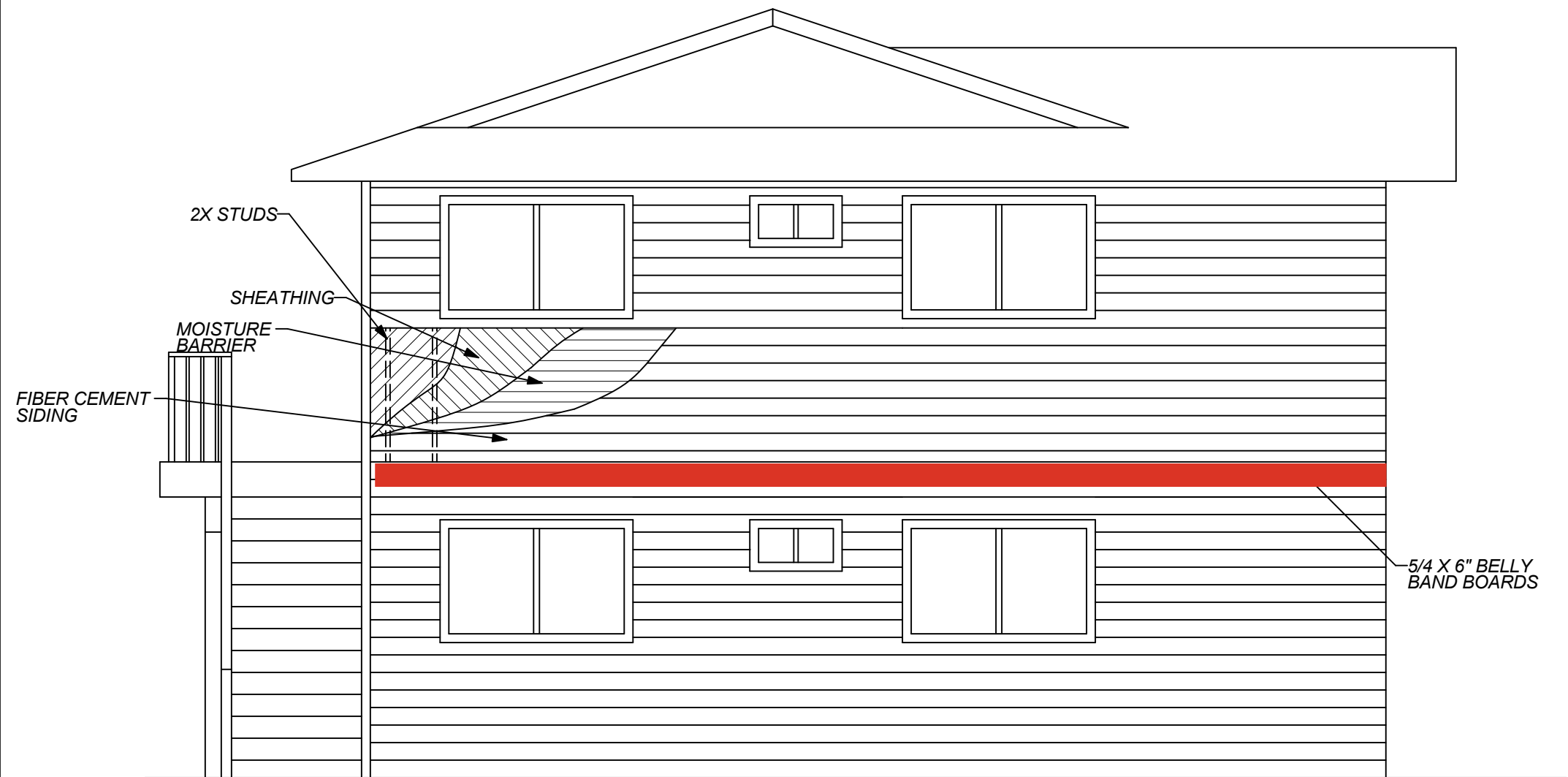
4191 Fir Rest Way  
NE, Salem, OR  
97301

Date: APRIL 2024 Job No. 24-107SW

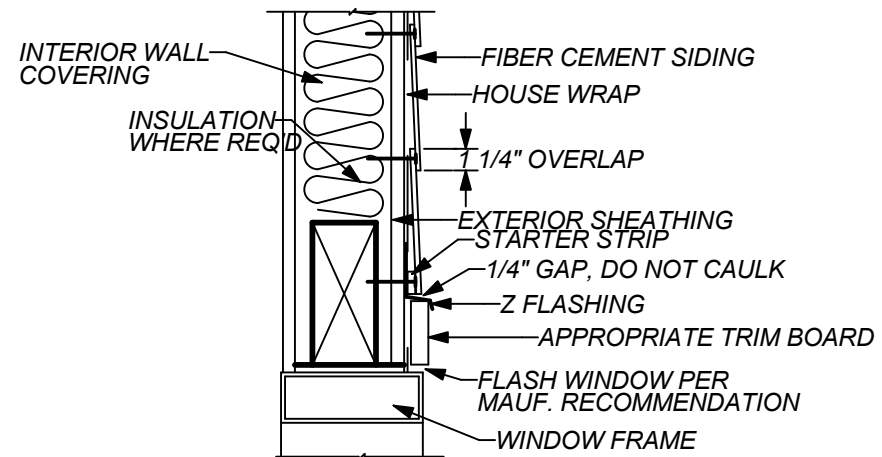
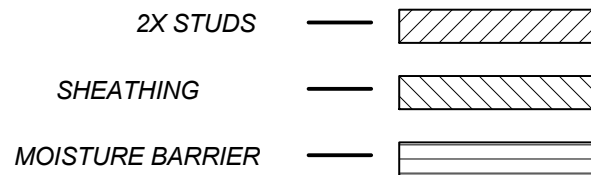


SITE PLAN

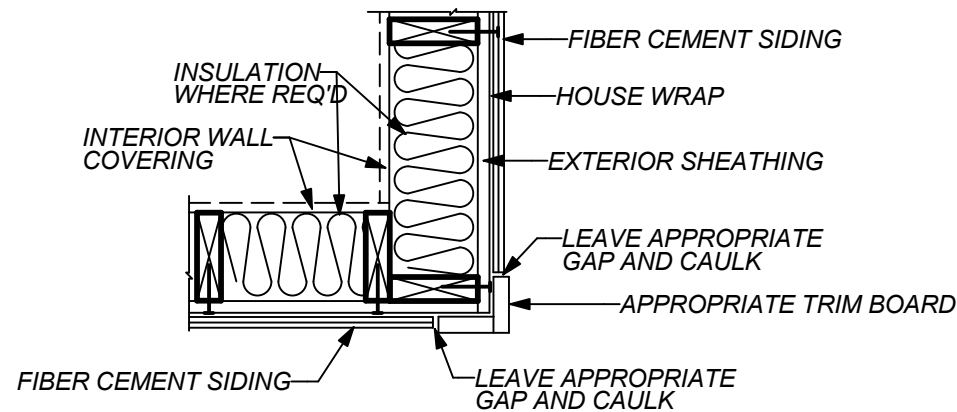
1" = 70'



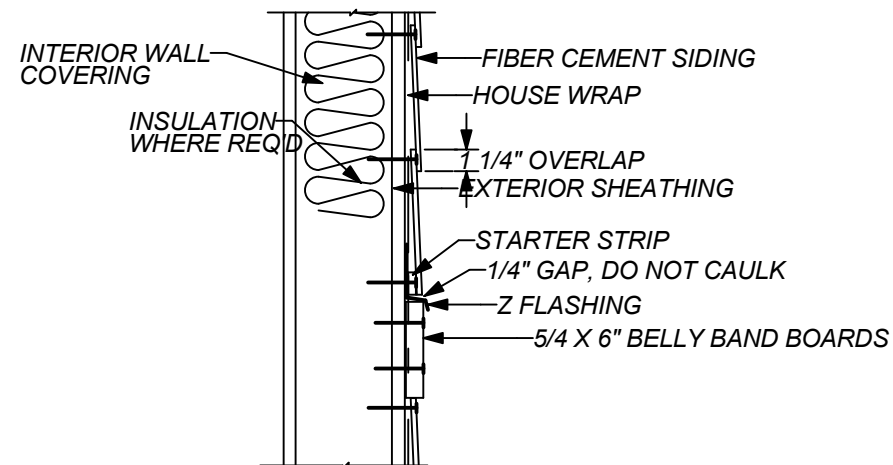
**A**  
**A1** **SIDING DETAIL**  
1/4" = 1'-0"



**B**  
**A1** **WINDOW/DOOR HEADER**  
1" = 1'-0"



**C**  
**A1** **OUTSIDE WALL CORNER**  
1" = 1'-0"



**D**  
**A1** **6" BELLY BAND**  
1" = 1'-0"

NEW APARTMENT SIDING

sht.  
**A1**

SUMMERWOOD APARTMENTS  
4235 Fir Rest Way NE,  
Salem, OR 97301

Date: JUNE 2024 Job No. 24-106JC