

**HOME FIRST DEVELOPMENT, LLC**  
**PARTITION/URBAN GROWTH PRELIMINARY DECLARATION/CLASS 3 SITE PLAN REVIEW/**  
**(2) CLASS 2 DRIVEWAY ACCESS PERMITS/CLASS I DESIGN REVIEW/(9) CLASS 2 ADJUSTMENTS**  
**WRITTEN STATEMENT**

---

**APPLICANT:**

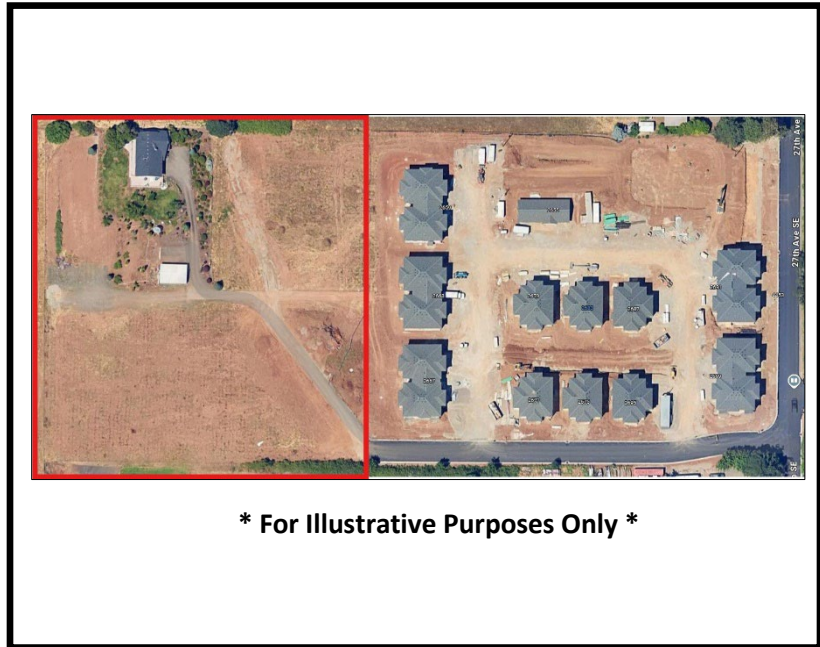
Home First Development, LLC  
866 N. Columbia Blvd., Suite A-25  
Portland, OR 97217

**PROPERTY OWNER:**

27<sup>th</sup> Avenue Apartments  
Limited Partnership  
1970 Landaggard Drive NW  
Salem, Oregon 97304

**APPLICANT'S REPRESENTATIVE:**

Margaret Gander-Vo, Attorney  
Saalfeld Griggs PC  
PO Box 470  
Salem, OR 97308  
Phone: 503-399-1070  
Email: margaret@sglaw.com



**SUBJECT PROPERTY INFORMATION:**

The subject property is an approximately 4.05-acre parcel which is located at 4455 27<sup>th</sup> Avenue SE, in Salem, Oregon, designated by the Marion County Assessor as Tax Map 8S-3W-12C, Tax Lot ("TL") 600 and TL 800 (the "**Subject Property**") as shown above and depicted on the attached **Exhibit "101."** The Property was previously used as a Christmas tree farm and is currently owned by 27<sup>th</sup> Avenue Apartments Limited Partnership, an Oregon limited partnership with a life estate reservation for E. Harold and Grace E. Schipporeit. It is being developed by Home First Development, LLC, an Oregon limited liability company (the "**Applicant**"). The City of Salem's (herein the "**City**") Comprehensive Plan Map designates the Property as "Multi-Family Residential" (MF) and it is zoned "Multiple Family Residential 2" (RM2). (For current Comprehensive Plan Designation and Zoning Map, see **Exhibits "102"** and **"103"**). The Property is located within the City limits and the Urban Growth Boundary but is outside of the City's Urban Service Area ("**USA**").

The surrounding properties have the following zoning designations:

DIRECTION	ZONING	DESIGNATION	USE
North	Residential Agriculture	Developing Residential	Residential Use
West	Residential Agriculture	Developing Residential	Vacant/Agricultural Use

East	Single Family Residential/ Commercial Retail	Developing Residential/Commercial	Residential Use/ Vacant
South	Residential Agriculture	Developing Residential	Morningstar Church

The Property is located within the Morningside Neighborhood Association (“**MSNA**”). Applicant contacted the MSNA’s Chair and Land Use Chair on October 16, 2024, to provide notice and solicit comments in compliance with SRC 300.310. Applicant has submitted a copy of that email as part of this Application (as defined below). An open house is not required for this Application.

Access to the Property will be provided via Marietta Street SE, classified as a local street under the City’s Functional Street Classification Map. As part of the Proposed Development, Applicant will be extending Marietta Street SE along the frontage adjacent to the Proposed Development (the “**Marietta Extension**”). Applicant contacted Salem Cherriots on October 16, 2024 and provided a copy of the proposed site plan. Applicant has submitted that email and its response as part of this Application.

#### **OWNERSHIP OF THE PROPERTY:**

The Property is owned by 27<sup>th</sup> Avenue Apartments Limited Partnership, an Oregon limited partnership with a life estate reservation for E. Harold and Grace E. Schipporeit. The Subject Property is Parcel 2 of a partition that divided the Subject Property from a larger parcel. Applicant has provided a copy of the deed of record showing the ownership of the Subject Property, along with a list of the members of 27<sup>th</sup> Avenue Apartments Limited Partnership and Home First Development, LLC.

#### **BACKGROUND INFORMATION:**

Prior to filing this application, Applicant filed for a pre-application conference to discuss the anticipated applications needed for the development of the Property. The pre-application conference request was granted and a meeting with the Applicant, Applicant’s representatives and City staff was held on June 17, 2024. Applicant received the Planning Review Checklist on June 24, 2025, and updated its written statement in response to that items identified therein.

The Applicant has recently completed the development of the adjacent parcel with a multiple family housing project (“**Phase 1**”), this Application is for the second phase of that project (“**Phase 2**”) which will be developed with the Proposed Development, as defined below. As part of this Application, the Applicant is applying for a partition which will divide the life estate property from the portion of the Subject Property that will be developed as the next phase of this project (“**Phase 3**”), with plans to similarly develop the portion of the Subject Property subject to the life estate (the “**Life Estate Property**”) at a later date.

#### **SUMMARY OF PROPOSAL:**

Applicant proposes the partitioning of the Subject Property into two (2) parcels and the development of an approximately 131,421 square foot, seventy-two (72) unit affordable housing development (the “**Proposed Development**”). In accordance with the Planning Review Checklist, under the Salem Revised Code (“**SRC**”), Applicant is requesting approval of a Partition to divide the Property into two (2) parcels; an Urban Growth Preliminary Declaration; Class 3 Site Plan Review; two (2) Class 2 Driveway Approach Permits; Class 1 Design Review; and nine (9) Class 2 Adjustments to the standards set forth in ; SRC 702.020(b)(7), SRC 702.020(b)(7)(B) and SRC 702.020(d)(1) regarding the development of planter bays;

SRC 702.020(e)(2) regarding the setback standard for Building P; SRC 702.020(e)(3) regarding the standard requiring site obstructed balconies for balconies facing RA and RS properties; SRC 702.020(e)(5) regarding the standard requiring that buildings adjacent to a street to be oriented towards the street (the **“Application”**). Applicant requests that the City process this Application as a consolidated land use application under SRC 300.120.

#### **EXISTING SITE CONDITIONS:**

The Subject Property will approximately four hundred forty feet (450') of frontage along Marietta Street SE, once extended as part of the Proposed Development. The Property was previously the location for a portion of the Sunnyview Christmas Trees tree farm (the **“Previous Use”**). The site is gently sloped up from 27<sup>th</sup> Avenue to the west, with a slight depression on the western portion of the Property. It is not mapped with any landslide hazards. An Existing Conditions, Erosion Control, & Demolition Plan has been submitted as part of this Application, and Applicant's civil engineer has identified the location and the diameter at dbh for the trees and vegetation onsite, there are no trees or significant vegetation on the portion of the Subject Property being developed as part of the Proposed Development, therefore neither a tree removal permit nor a tree conservation plan is required. There is a large tree on the adjacent property to the north on the Subject Property, but the root zone is not estimated to extend beyond the setbacks shown on the Applicant's Site Plan Review Drawings sheet set, prepared by the Applicant's architect, which has been submitted as part of this Application (the **“Site Plan”**).

#### **SITE PLAN:**

A proposed Site Plan has been submitted as part of this Application along with a tentative plat sheet set, generated by the Applicant's surveyor (the **“Proposed Plat”**); the Applicant's Civil Engineering Drawings sheet set, generated by the Applicant's civil engineer (the **“Civil Plan”**); and a landscaping plan sheet set generated by the Applicant's landscape architect, showing the proposed open space amenities and landscaping within the Proposed Development (the **“Landscaping Plan”**).

#### **APPLICABLE DETAIL PLANS:**

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan (**“SACP”**) and are specific plans for a particular geographic area of the City, or for the provision or performance of some particular service or function. The MSNA has an adopted neighborhood plan which designates the Property as RA, the previous zoning for the Subject Property prior to the city-initiated zone change as part of the Our Salem project. However, Applicant would like to note that the Proposed Development appears to be consistent with the goals and policies contained in the Morningside Neighborhood Plan, providing a meaningful source of affordable multifamily housing within the area the plan identifies for this type of use, as well as extending Marietta Street, taking the first step in providing the desired connectivity to Reed Road.

#### **SALEM TRANSPORTATION SYSTEM PLAN (STSP):**

The STSP uses a street classification system to determine the functional classification of each street within the City's street system. The Property has four hundred forty feet (450') of frontage along Marietta Street, as extended as part of this Application. Applicant will be working with the Public Works Department on the Marietta Extension which will extend along the remainder of the Property's southern property line,

connecting to Reed Road. Marietta Street SE is classified by the STSP as a collector and Applicant is proposing  $\frac{3}{4}$  street improvements that will meet the collector standard, although at the time of development, the Marietta Extension will be classified as a local street. As part of this Application, Applicant is requesting two (2) Class 2 Driveway approach permits under SRC 804.025 on to the Marietta Street SE Extension.

#### **HOMEOWNERS ASSOCIATION INFORMATION:**

The Property is not subject to an active homeowner's association (HOA). This Application does not require notice or approval from an HOA.

#### **FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR AN URBAN GROWTH PRELIMINARY DECLARATION**

Under Section 200.025(a) of the SRC, because the Property is located outside of the City's Urban Service Area, Applicant is required to obtain an Urban Growth Preliminary Declaration to allow for the development of the Property. The submittal requirements of an Urban Growth Preliminary Declaration are set out in the SRC in Chapter 200.025(c). The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

***(c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for an Urban Growth Preliminary Declaration shall contain the following:***

***(1) The legal description of the total contiguous ownership on which the development is to occur;***

**Proposed Finding:** As part of this consolidated Application, Applicant is requesting a partition of the Property into two (2) parcels. Applicant has provided the vesting deed containing the existing legal description as well as the Proposed Plat that shows the proposed reconfiguration, which will result in two (2) independent legal descriptions upon recordation, all of which will reference the final plat. The Proposed Development will be confined to the property identified on the Proposed Plat as "***Parcel 1.***" The property identified on the Proposed Plat as "***Parcel 2***" will remain developed as it is currently shown until the termination of the existing life estate on that parcel.

***(2) A vicinity map showing the outline of the proposed development and its relation to all existing designated arterial and collector streets within a one mile radius;***

**Proposed Finding:** Applicant has provided the applicable vicinity map as part of Applicant's Civil Plan.

***(3) The proposed or anticipated use;***

**Proposed Finding:** Applicant is proposing the immediate development of proposed Parcel 1 with multifamily affordable housing. Parcel 1 will be developed with a multifamily housing development under a development proposal upon the expiration or earlier termination of the life estate for the existing single family residence and accessory buildings (the "***Existing House***") on Parcel 2.

***(4) If property is to be subdivided for residential purposes, the proposed dwelling unit density of the subdivision; and***

**Proposed Finding:** Applicant is proposing a partition rather than a residential subdivision; therefore, this standard is not applicable.

**(5) Such other information as the Director deems necessary to evaluate the application.**

**Proposed Finding:** Applicant requests that the Planning Director review the totality of the Application for additional contextual information regarding the Proposed Development and Applicant's proposed infrastructure improvements.

**FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A PARTITION**

Under Section 205.005(a) of the SRC, Applicant is required to obtain approval of a partition tentative plan to allow for the division of the Property, allowing for the Proposed Development. The applicable approval criteria for a partition tentative plan are set out in the SRC in Chapter 205.005(d). The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

***(d) Criteria. A tentative partition plan shall be approved if all of the following criteria are met:***

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

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

**Proposed Finding:** The RM-2 zone requires a minimum lot size for uses other than single family other than townhouses and all other uses of 6,000 sq. ft., a minimum lot width of 40 feet, a minimum lot depth of 70 feet for single family and 80 feet for all other uses. A maximum lot depth of 300% of the average lot width, and a minimum street frontage of 40 feet for single family residences, other than townhomes, and all other uses. Applicant's proposed partition will result in two lots – each of which will be used for multi-family residential developments in the long term and one that will retain a single-family residence in the short term. As shown on the Proposed Plat, both of the proposed lots satisfy the applicable lot standards for the RM-2 zone, with the exception of the requirement for 40 feet minimum street frontage for Parcel 2. The Applicant is requesting an adjustment to this standard, as set forth in detail below.

***(B) City infrastructure standards; and***

**Proposed Finding:** The Property is currently outside of the City's Urban Service Area and is not served by public infrastructure. As part of this Application, the Applicant is requesting an Urban Growth Preliminary Declaration to determine its obligation regarding the necessary public facilities. As part of the Proposed Development, Applicant is proposing an extension of Marietta Street SE, along with connection to the other public infrastructure required for the Proposed Development. The Civil Plans provide additional detail regarding these improvements. This criterion is satisfied.

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

**Proposed Finding:** The Subject Property will be developed with multi-family housing, which is subject to setback and development standards that will screen the Proposed Development from the neighboring single family residential properties. These setbacks are shown on the Proposed Partition for the proposed parcels as well as the topography and vision clearance areas for the Property. There are no wetlands, geological hazards, or other special development standards that apply to the Property. This criterion is satisfied.

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

**Proposed Development:** As indicated above, the Proposed Development on the Subject Property will be subject to setback standards that will buffer the adjacent uses. The proposed division is designed to divide the Existing House subject to a life estate on Parcel 2 from the larger parcel being developed with the Proposed Development. Access will be provided to Parcel 2 through the off-street parking area for Parcel 1, as provided by the existing access easement. Depending on the duration of the life estate, the existing single-family residential use will remain on Proposed Parcel 2 for a period of time, but that parcel will ultimately be redeveloped after the termination of the life estate with approximately thirty (30) additional units, as shown in the Site Plan, completing the final phase of the Proposed Development. The Applicant has provided a mock-up of this proposal as part of the Application. The Proposed Development has been designed in a manner that facilitates the future development of Proposed Parcel 2. Additionally, as part of this Application, the Applicant will be developing an extension of Marietta Street SE along the frontage of Proposed Parcel 1, provided additional connectivity to the vicinity, facilitating the development of the adjacent properties. This criterion is satisfied.

***(3) Development within the tentative partition plan can be adequately served by city infrastructure.***

**Proposed Development:** As part of this Application, the Applicant is requesting an Urban Growth Preliminary Declaration to determine its obligation regarding the necessary public facilities. Applicant has provided a plan set which shows Applicant's proposed extension of the adjacent infrastructure, including the Marietta Extension. These plans were prepared by a civil engineer and demonstrate that it is feasible that the Proposed Development will be adequately served by the adjacent City infrastructure. This criterion is satisfied.

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

**Proposed Development:** The Marietta Extension will provide access to Parcel 1 and an existing access easement over the proposed off-street parking area will provide access to Parcel 2 until it is ultimately developed in Phase 3. Applicant is proposing construction of frontage improvements along the southern boundary of Parcel 1, including sidewalks and bike lanes, along the frontage. Applicant is requesting the approval of alternative street standards for the Proposed Development, as addressed in detail below. This criterion can be satisfied through approval of the alternative standards.

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

**Proposed Development:** As outlined above, Applicant is proposing modifications to the surrounding street system which will improve the safety, efficiency, and circulation of traffic in the area. The Proposed Development includes frontage improvements along the Subject Property, including the addition of sidewalks, bicycle lanes, and right of way improvements that will facilitate the safe, orderly, and efficient circulation of pedestrian and bicycle traffic by providing needed infrastructure in the area, developed to the City's Public Works design standards. This criterion is satisfied.

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

**Proposed Development:** Applicant has proposed the division of the Subject Property into two segments in order to divide the Existing House on Parcel 2 from the Proposed Development. This division is consistent with the topography of the Subject Property, which is gently sloped down from the western portion of the Subject Property to the eastern portion of the Subject Property. This will allow for the retention of a similar grade within each proposed parcel. The Subject Property was previously the site of a Christmas tree farm, which has been fully harvested and there is no additional vegetation on Parcel 1. The existing trees and vegetation on Parcel 2 will remain. Applicant has proposed a partition in a manner that is designed to create parcels that can be easily developed, which will minimize the need for variances to the greatest extent possible. This criterion is satisfied.

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

**Proposed Development:** As outlined above, the proposed partition was configured to minimize disruption to the existing topography and to allow a layout that will be easily served by City infrastructure without significantly disrupting the existing grade of the Subject Property. One of the proposed parcels will remain largely undisturbed, with minimal to no disruption of the existing vegetation or topography. Proposed Parcel 1 is being developed in accordance with this Application, as addressed in further detail below. The Proposed Development will retain open space, in line with the applicable standards for multiple family development. As proposed, additional landscaping will be provided in order to comply with the landscaping standards associated with the development. This criterion is satisfied.

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

***(A) The property is zoned residential;***

***(B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***

***(C) The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

**Proposed Development:** As part of the Proposed Development, the Applicant will coordinate with the City regarding the construction of and connection to the City's sewer and water infrastructure for Parcel

1, Parcel 2 is connected to on-site services and, upon expiration of the Life Estate, urban services will be extended to serve Phase 3 of the project. This criterion is not applicable.

***(e) Conditions of approval for partitions in areas unserved by City sewer. In addition to any conditions imposed pursuant to SRC 300.820, when the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, the following conditions shall be imposed:***

**Proposed Development:** As part of the Proposed Development, the Applicant will coordinate with the City regarding the construction of and connection to the City's sewer and water infrastructure. This criterion is not applicable.

#### **FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 3 SITE PLAN REVIEW**

Under Section 220.005(a) of the SRC, Applicant is required to obtain a Class 3 Site Plan Review for the Proposed Development on Parcel 1. Parcel 2 will not be developed as part of this Application and will remain a pre-existing non-conforming use, however, as part of the Proposed Development there will be additional pavement added to Parcel 2, triggering site plan review for that parcel. The Applicant is requesting that the City allow for the retention of the existing conditions on Parcel 2 as pre-existing non-conforming elements as Parcel 2 will ultimately be developed as Phase 3 of the project. The criteria for Class 3 Site Plan Review are set out in the SRC in Chapter 220. The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type. Where the standards in SRC 514 and SRC 702 address the same standard, the Applicant has provided a consolidated response for ease of review.

#### Land Use Application & Development Review Chapters

- SRC Chapter 220 - Site Plan Review
- SRC Chapter 250 – Adjustment

#### Zoning & Development Standards Chapters

- SRC Chapter 514 – RM-2 (Multiple Family Residential)
- SRC Chapter 702 – Multiple Family Design Review Standards
- SRC Chapter 800 - General Development Standards
- SRC Chapter 802 - Public Improvements
- SRC Chapter 803 - Streets and Right-of-Way Improvements
- SRC Chapter 804 - Driveway Approaches
- SRC Chapter 805 - Vision Clearance
- SRC Chapter 806 - Off-Street Parking, Loading, and Driveways
- SRC Chapter 807 - Landscaping and Screening
- SRC Chapter 808 - Preservation of Trees and Vegetation
- SRC Chapter 809 – Wetlands
- SRC Chapter 810 - Landslide Hazards
- All other applicable provisions of the Salem Revised Code

#### ***Sec. 220.005. - Site plan review.***

#### ***(f) Criteria.***



***(3) Class 3 site plan review. An application for Class 3 site plan review shall be granted if:***

***(A) The application meets all applicable standards of the UDC; RM-2 Zone (SRC Chapter 514); Multiple Family Design Review Standards (SRC 702)***

***SRC 514.005(a)- Uses***

**Proposed Finding:** The proposed use on the Subject Property is a multifamily affordable housing development, which is classified under SRC Chapter 400 as “Household Living.” Multiple family household living is permitted in the RM-2 zone. While the Existing House on the Parcel 2 is not permitted, it is a pre-existing non-conforming use, the continuation of which is permitted pursuant to SRC Chapter 270. The Proposed Development meets this standard.

***SRC 514.005(c)- Dwelling Unit Density***

The RM-2 Zone requires a minimum density standard for single and multiple family uses of 15 dwelling units per acres and a maximum of 31 dwelling units per acre.

**Proposed Finding:** The Proposed Development will result in seventy-two (72) units on Parcel 1, with a unit density of 24 units per acre. Proposed Parcel 2 will retain the Existing House, reducing the degree of non-conformity on the Subject property from one dwelling unit per just over four acres, to one dwelling unit per acre. Because this represents a reduction in the degree of non-conformity for Parcel 2, and development on Parcel 2 is limited to the addition of 350 square feet of asphalt, non-conformity with the density standard should be deemed a pre-existing, non-conforming element of Parcel 2. This standard is met.

***SRC 514.010(a)- Development Standards. Lots within the RM-2 zone shall conform to the standards set forth in Table 514-2.***

The RM-2 zone requires a minimum lot size for uses other than single family other than townhouses and all other uses of 6,000 sq. ft., a minimum lot width of 40 feet, a minimum lot depth of 70 feet for single family and 80 feet for all other uses. A maximum lot depth of 300% of the average lot width, and a minimum street frontage of 40 feet for single family residences other than townhomes and all other uses.

**Proposed Finding:** As partitioned, Parcel 1 is approximately 130,680 square feet in size, is approximately 423 feet wide by 399 feet deep, and has approximately 440 feet of frontage along 27<sup>th</sup> Avenue SE and a proposed 423 feet of frontage along the Marietta Extension. Parcel 2 is approximately 43,560 square feet in size, is approximately 217 feet wide by approximately 211 feet deep and does not have proposed frontage along any street. The Applicant is requesting an adjustment to the frontage requirement, but the Proposed Development satisfies the remaining standards.

***SRC 702.010. - Multiple family design review standards.***

***Multiple family development shall comply with all of the applicable design review standards as follows:***

*(a) Multiple family development with five to 12 dwelling units shall comply with the design review standards set forth in SRC 702.015 or the design review standards set forth in SRC 702.020.*

*(b) Multiple family development with 13 or more dwelling units shall comply with the design review standards set forth in SRC 702.020.*

*(c) The design review standards set forth in this chapter are in addition to, and not in lieu of, all other applicable development standards in the UDC. Where the design review standards conflict with the development standards in the UDC, the design review standards shall be the applicable development standard.*

**Proposed Finding:** The Proposed Development will have seventy two (72) units and, therefore, will be subject to the standards set forth in SRC 702.020. The Existing House on Parcel 2 is not subject to these standards.

**Sec. 702.020 - Design review standards for multiple family development with thirteen or more units.**

**(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.*

*(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.*

*(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.*

*(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.*

**Proposed Finding:** Parcel 1 is 131,421 square feet in size and the applicant is required to provide 26,284 square feet of open space and 1,650 square feet of common open space. The Applicant is providing approximately 52,167 square feet of common open space, representing approximately forty (40%) percent of the gross site area. All of the slopes on Parcel 1 are less than twenty (25%) percent. The Landscape Plan shows a dedicated amenity space which is 3,730 square feet in size, meeting the

dimensional standard set out in Table 702-3 and the grading plan submitted with this Application shows that this space will be leveled to meet the slope standard set forth above. This standard is satisfied.

***(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.***

**Proposed Finding:** The Applicant is providing 5,103 square feet of common open space, 1,088 square feet of private open space less than five (5) feet above grade and 4,136 square feet of common space more than five (5) feet above grade in addition to the amenity space. Of the proposed seventy-two units, sixty two units have either a private balcony or patio. This standard is satisfied.

***(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.***

**Proposed Finding:** The Applicant is proposing a sports area that is approximately 3,730 square foot common area is size, as show on the Landscape Plan. This area will be developed as a sports area with synthetic turf, along with seating. This standard is satisfied.

***(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.***

**Proposed Finding:** The Applicant is not seeking a reduction in the requirement for open space. This standard is not applicable.

***SRC 514.010(d)- Setbacks. Setbacks within the RM-2 zone shall be provided as set forth in Tables 514-4 and 514-5.***

***SRC 702.020(e)(2) Façade and building design Table 702-1.***

**Abutting Streets:** Under SRC 514.010, buildings and accessory structures associated with multiple family development must be set back twelve feet (12') plus one-foot (1') of height over twelve (12') feet with a maximum of twenty feet (20') in depth from abutting streets. Accessory structures must be set back twenty feet (20') applicable to accessory structures taller than four feet (4').

**Interior Side/Interior Rear:** Under SRC 514.010, the setback is the zone-to-zone setback, requiring ten foot (10') setback from the RM2 Zone to the east and the west and a ten foot (10') setback from the RA zone to the north. Setbacks shall be landscapes to a Type C standard.

Under SRC 702.020(e)(2) for development of abutting property zoned RA or RS, setbacks are determined by the building height, requiring one foot (1') of setback for each one foot (1') of building height, with a minimum of fourteen feet (14') for a single-story building and a minimum of a minimum of twenty feet (20') for a multi-story building.

**Proposed Finding:** The Existing House and accessory structures comply with the applicable setback standards. The Applicant is not proposing development on Parcel 2 beyond the addition of approximately 350 square feet of asphalt, following an existing driveway to maintain ingress and egress to Parcel 1.

The proposed multiple family buildings are three (3) stories and vary in height with a maximum of approximately forty-seven feet (47'), three inches (3") in height and each building is approximately forty-one feet (41') wide where they face the adjacent property lines. Therefore, the applicable setbacks abutting the Marietta Extension and 27<sup>th</sup> Street will be ten feet (10'); and the applicable setback along the western and northern property lines will be thirty-four feet (34'). The Proposed Development either meets or exceeds the applicable setback standards with the exception of Building P, which is Thirty six (36) feet high and is setback twenty eight (28) feet from the northern property line. The Applicant is requesting an adjustment to this standard for Building P.

The Applicant is required to landscape and screen the setback adjacent to residentially zoned properties at a Type C landscaping standard. The Applicant meets these standards along each of the interior and rear property lines for Parcel 1, as shown on the Landscape Plan. The applicant is not modifying the setbacks on Parcel 2, although there is some existing vegetation within the setbacks that provides additional screen and as a pre-existing non-conforming element, the Applicant is not updating this area, but there is existing landscaping that will be maintained. This standard is met.

***SRC 514.020(e)(1)- Lot coverage; height. Buildings and accessory structures within the RM-II zone shall conform to the lot coverage and height standards set forth in Table 514-6.***

The RM-II zone limits lot coverage by all uses to a maximum of sixty percent (60%). The maximum height for multiple family buildings is fifty feet (50'). The maximum height for accessory structures within the RM-2 zone is fifteen feet (15').

**Proposed Finding:** The Existing House on Parcel 2 are pre-existing non-conforming elements and as such, not subject to these standards. The proposed multiple family units are three (3) stories with a maximum

of approximately forty-five feet (45'), ten inches (10") in height, which will be the tallest buildings on the Subject Property, within the fifty-foot (50') maximum. The tallest accessory structure on the Subject Property will be the trash enclosures which are approximately ten (10) feet high, within the fifteen foot maximum. The Proposed Development covers approximately twenty one and six-tenths percent (21.6%) of the Subject Property. The Proposed Development meets this standard.

***SRC 702.020(e)- Façade and building design***

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

**Proposed Finding:** The Proposed Development does not propose any exterior walls with dimensions in excess of 150 feet. This standard is met.

***(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.***

**Proposed Finding:** The Applicant is proposing the addition of balconies facing residentially zoned properties which do not have sight obscuring railings, which is consistent with the similarly located multi-family units on Phase 1. The Applicant is requesting a Class 2 Adjustment to this standard.

***(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.***

**Proposed Finding:** The full building width of Buildings S, R, and M are all placed on the setback line, complying with this standard. This standard is met.

***(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 an architecturally defined primary building entrance facing that street, with direct pedestrian access to adjacent sidewalks.***

**Proposed Finding:** The units adjacent to Marietta Street SE have direct pedestrian access to Marietta Streets SE but are not oriented towards Marietta Street to maintain visual consistency with the neighboring Phase 1 of this project. The Applicant is requesting a Class 2 Adjustment to this standard.

***(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.***

**Proposed Finding:** The Applicant has provided a defined entrance area for the ground level units with private porches. None of the shared entry areas are shared by more than four (4) units. This standard is met.

***(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.***

**Proposed Finding:** The Applicant is not proposing roof-mounted mechanical equipment, 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.***

**Proposed Finding:** The Proposed Development is only proposing flat roofs over the trash enclosures. The Proposed Development meets this standard.

***(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.***

**Proposed Finding:** The Applicant has provided offsets and covered decks to meet this standard, as shown on the provided building elevations. This standard is met.

***(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.***

**Proposed Finding:** The Applicant is proposing to meet this requirement through a change in material, change in color, and horizontal trim transition, as shown in the renderings in the Site Plan. This standard is met.

**Landscaping (SRC 702.020(b)):**

**(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.***

**Proposed Finding:** The Applicant has provided a Landscape Plan which shows the proposed landscaping for the Proposed Development on the Subject Property. The Landscape Plan shows that Applicant meets the requirement to provide a tree for every 2,000 square feet of gross site area on the Subject Property. Applicant is proposing planting additional trees and there is not existing vegetation within the area being developed with the Proposed Development. This criterion is satisfied.

***(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.***

**Proposed Finding:** Applicant's Landscaping Plan identifies the addition of trees and a six-foot (6') fence along the length of the proposed Parcel 1's northern and western property, satisfying this requirement. Applicant will also construct a fence along this segment of the common property line between Parcel 1 and Parcel 2. This standard is satisfied.

***(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.***

**Proposed Finding:** Applicant's Landscaping Plan identifies plant units at each of the primary entry ways at each of the buildings. This standard is satisfied.

***(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.***

**Proposed Finding:** Applicant's Landscaping Plan identifies new trees meeting this standard and adjacent to each building. This standard is satisfied.

***(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.***

**Proposed Finding:** Applicant's Landscaping Plan identifies new shrubs being added around the perimeter of the buildings, meeting this standard and adjacent to each building. This standard is met.

***(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.***

**Proposed Finding:** Applicant's Landscaping Plan shows the use of plant units to visually separate the ground level private spaces from the common open space. This standard is met.

***(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).***

***(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).***

**Proposed Finding:** Applicant's Landscaping Plan shows that it is providing a canopy tree planted along the perimeter every 50 feet with the exception of the line of parking areas along the frontage of Building S due to the constraints in that area associated with the trash enclosure and the ADA parking area. A canopy tree is being provided in each of the proposed planter bays. Each of the planter bays measures nine (9') feet, with the exception of one planter bay near the trash enclosure near Building S and the planter bay near the pedestrian pathway adjacent to Building M. The Applicant is requesting an adjustment to this standard.

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

**Proposed Finding:** Under the RM-2 zone, the Subject Property must satisfy "Type A" landscaping and screening requirements; however, the Proposed Development must also comply with the design standards in SRC 702.020(b), which set a higher standard for landscaping for the Proposed Development. Applicant's Landscaping Plan demonstrates compliance with the stricter of the two standards, providing for the addition of landscaping in conformance with the locational and plant unit standards set out in the code, including along the primary entrance to the dwelling units and along the perimeters of the buildings. Where applicable, landscaping provides buffering between common and private open space, providing both a clear delineation between the two spaces and privacy for the users of each space. Applicant has demonstrated compliance with these criteria.

***(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.***



**Proposed Finding:** The Applicant's floor plans show that windows are being provided in a manner that meets this standard.

- (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.***

**Proposed Finding:** The Applicant is providing lighting at the entrances to the individual buildings and along the pedestrian pathways. The Applicant has provided additional details in its Site Plan sheet set showing the proposed lighting types in compliance with this standard. This standard is met.

- (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.***

**Proposed Finding:** The Proposed Development will not have fencing between the units and Marietta Street. There will be fencing screening the Existing House from the Proposed Development. However, this fencing is being provided in a manner that meets this standard and provides adequate vision clearance because there is a twenty (20') foot gap where access is provided to proposed Parcel 2. This standard is met.

- (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.***

**Proposed Finding:** The Applicant is not proposing fencing in this areas. This standard is not applicable.

***(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).***

**Proposed Finding:** The Applicant has proposed landscaping bays throughout the Proposed Development, the majority of which are nine (9') feet in width with the exception of a landscaping bay located near the trash enclosure adjacent to Building S. The Applicant is requesting an adjustment to this standard.

- (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.***

**Proposed Finding:** The off street parking areas are being developed between the proposed buildings, screening them from off street parking. The Proposed Development meets this standard.

***(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.***

**Proposed Finding:** The off street parking areas are set back more than forty (40') feet from the adjacent RA and RS zoned properties. This standard is met.

***(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. Pedestrian pathways shall be a minimum of five feet in width.***

**Proposed Finding:** The Proposed Development has pedestrian connections throughout the site providing pedestrian connectivity between the building, parking areas, and the common open space. Pedestrian connections have been provided in a manner that meets this standard.

***Sec. 800.055. - Solid waste service areas.***

***Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.***

***(a) Solid waste receptacle placement standards. All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.***

**Proposed Finding:** Applicant is not proposing a solid waste trash enclosure on Parcel 2, this standard is not applicable to that parcel. Applicant is providing two (2) trash enclosures which are noted on the Site Plan. The enclosure areas are adequately screened with access from the adjacent pedestrian walkway through a gated closure. Each of these enclosures will be front opening and constructed on a concrete pad with adequate spacing for bins and access for vehicle operations. The access areas will be denoted with no parking signs and satisfy the requirements for vehicle maneuvering. The enclosures are not fully enclosed and have adequate overhead clearance. The standards of this section are satisfied.

***Sec. 800.060. - Exterior lighting.***

***(a) Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way.***

**Proposed Finding:** Additional lighting is not proposed for Parcel 2, any existing lighting is a pre-existing non-conforming element. Applicant has provided details as part of this Application, identifying the proposed exterior lighting which conforms to the requirements of the code. Applicant's proposed lighting will not shine or reflect onto adjacent properties or cast glare onto the public right-of-way. This standard is met.

***SRC 800.065. – Pedestrian access.***

***Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, and multiple family developments, shall include an on- site pedestrian circulation system developed in conformance with the standards in this section.***

**Proposed Finding:** The Proposed Development and the Existing House are for residential uses which are exempt from this standard. This development standard does not apply to the Proposed Development. However, Applicant is providing adequate pedestrian circulation throughout the Proposed Development and connectivity to the property to the north via the proposed multiuse path and to each of the abutting streets.

***Public Improvements (SRC Chapter 802)***

***Sec. 802.015. - Development to be served by city utilities.***

***Except as provided under SRC 802.035 and 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.***

**Proposed Finding:** The Existing House is a pre-existing non-conforming development and not subject to this standard. As part of its Site Plan Set, the Applicant has provided detailed drawings developed by its civil engineer showing the proposed connection to the extended public utilities in the area and showing the proposed utilities within the Proposed Development. Applicant's proposed utility connections are designed and will be constructed in a way that meets the code and the Public Works Design Standards. This criterion is satisfied.

***Streets and Right-of-Way Improvements (SRC Chapter 803)***

***SRC. 803.010. - STREETS, GENERALLY.***

***Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.***

**Proposed Finding:** As part of the Proposed Development Applicant will be constructing an extension of Marietta Street SE, and the portion adjacent to the Proposed Development will be developed to conform to Public Works Design Standards. However, Applicant is requesting the application of alternative street

standards, as addressed below, to allow for a deviation from the applicable connectivity and block standards.

**Sec. 803.065. - Alternative street standards.**

***(a) The Director may authorize the use of one or more alternative street standards:***

- (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;***
- (2) Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or***
- (3) Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.***

***(b) Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.***

**Proposed Finding:** As part of ongoing design discussions with the City's Public Works Department stemming from Phase 1 of the project, Applicant explored several alternatives for street improvements in the area and has provided detailed drawing of the proposed improvement for both the Proposed Development and for future phases of development on the Property. Due primarily to the existing streets in the area, the planned connections in the STSP, and the topography of the Subject Property and the property immediately to the north, Applicant is requesting the application of alternative street standards. Applicant's proposed street improvements have been submitted as part of its application materials and are summarized as follows:

For the proposed Marietta Extension to the west of the existing Marietta Extension Applicant is proposing a thirty-foot (30') curb to curb improvement with sidewalks along both sides of the Marietta Street Extension. Applicant will dedicate forty-four feet (44') of right-of-way with a ten foot (10') public utility easement along the northern right-of-way. Applicant proposes eight feet (8') of right-of-way dedication from the property to the south of the Subject Property to be dedicated upon future development of that parcel and is in the process of working with that property owner to establish this dedication.

Under these alternative standards, Applicant will not meet the applicable requirement for block length or the connectivity standards for north-to-south connection of the Subject Property. However, in addition to the existing roadway improvements, Applicant constructed a Multiuse Path, connecting the neighboring parcel to the property immediately to the north, and pedestrian connectivity within the proposed development, as depicted on Applicant's Site Plan, will allow for further utilization of that pathway. The Proposed Development is the second phase of the Applicant's development in this area and alternative street standards were previously applied to the first phase and Applicant is requesting application of the same alternative standards to this phase. Applicant's proposed streets and right-of-way improvements meet the intent and purpose of the code while utilizing alternative designs to meet the needs of the particular location due to the topographical constraints that restrain the ability to

provide vehicular connection between the Subject Property and the development on the parcel to the east.

**SRC 803.015. - TRAFFIC IMPACT ANALYSIS.**

**(b) Applicability.** *An applicant shall provide a traffic impact analysis if one of the following conditions exists:*

- (1) The Development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the Development that will occur on all lots that will be created by the land division.**
- (2) The increased traffic resulting from the Development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.**
- (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the Development will result in levels of service of the street system that do not meet adopted level of service standards.**

**Proposed Finding:** Marietta Street is classified as a “local” street under the STSP. As part of this Application, Applicant has submitted a trip generation estimate form to be completed by the City’s traffic engineering department. Applicant believes that the Proposed Development is well within the 1,000-trip threshold for daily vehicle trips and the development is not anticipated to result in traffic that will contribute to existing traffic problems or create pedestrian or bicyclist safety issues. The Applicant has been working with the City’s traffic engineering and public works departments on the design and extent of the proposed public infrastructure for the Proposed Development and believes that the proposed improvements will not impact the levels of service of the surrounding street system. This standard is not applicable.

**Driveway Approaches (SRC Chapter 804)**

Applicant is requesting the addition of two driveway access permits, providing for two (2) two-way driveway approaches for the approximately four hundred forty two and three quarter (442.75’) feet of street frontage along Marietta Street SE. For ease of review, and due to the commonality between the two approaches, Applicant has provided consolidated findings addressing the applicable approval criteria.

**Sec. 804.025. - Class 2 driveway approach permit.**

**(a) Criteria.** *A Class 2 driveway approach permit shall be granted if:*

- (1) The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;**

**Proposed Finding:** As part of Applicant’s plan submittal, Applicant has provided sufficient detail showing that each of the proposed driveway approaches is twenty-six feet (26’) wide, within the acceptable range

for this type of approach, and have adequate vision clearance areas. The approaches meet the applicable standards.

***(2) No site conditions prevent placing the driveway approach in the required location;***

**Proposed Finding:** As part of Applicant's plan submittal, Applicant has provided grading information for the Subject Property. The Subject Property is gently sloped, but this site condition does not prevent the placement of the driveway approaches in the proposed location. The Proposed Development meets this standard.

***(3) The number of driveway approaches onto an arterial are minimized;***

**Proposed Finding:** Applicant is not proposing the addition of a driveway approach onto an arterial. This criterion is satisfied.

***(4) The proposed driveway approach, where possible:***

***(A) Is shared with an adjacent property; or***

**Proposed Finding:** The Proposed Development and the Existing House on Proposed Parcel 2 will share access onto Marietta Street SE. This standard is satisfied.

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

**Proposed Finding:** Applicant's proposed access is onto the proposed extension of Marietta Street SE, which upon development will only be used by the Proposed Development and the Existing House until future development of the adjacent parcels is finalized. Public Works has informed the Applicant that the Marietta Extension will be classified as a local street upon development. Therefore, Applicant is taking access from the lowest classification of street abutting the Subject Property.

***(5) The proposed driveway approach meets vision clearance standards;***

**Proposed Finding:** Applicant's proposed access provides adequate vision clearance. There are no planned obstructions within the vision clearance areas which satisfy the applicable design standards, as demonstrated on the Site Plan. This criterion is satisfied.

***(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;***

**Proposed Finding:** Applicant's driveway approaches comply with the vision clearance standards, with pavement development within the applicable widths permitted under the code. Pedestrian crossing will be available via the sidewalk and constructed with a visually differentiated material, which will provide safe crossing for pedestrians. The internal pedestrian circulation for the Proposed Development ties into the sidewalk on either side of each driveway, reducing any hazards associated with pedestrian access. The driveway approach is otherwise developed to standard, allowing for adequate maneuvering space for two cars and appropriate grading, allowing for the safe turns into and access to the Subject Property.

On the Applicant's sheet labeled the Marietta Street Surfacing Plan, the Applicant shows an additional driveway access from the property adjacent to the southern boundary of the Marietta ROW. This additional access is located between the Applicant's proposed driveway approaches, in line with the spacing standards in the Code, providing for safe turning movements along the Marietta Street extension. This criterion is satisfied.

***(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;***

**Proposed Finding:** Applicant's proposed driveway access will be two of four driveway approaches in existence along Marietta to the west of 27<sup>th</sup> Avenue at the time of development. The goal of the two proposed approaches is to allow for internal queuing and circulation to further limit the impact of the trips generated by the Proposed Development. Allowing for two access points will allow for safe ingress and egress of visitors to the Proposed Development, minimizing the need for vehicles to queue on the Marietta Street Extension, thereby reducing the potential for significant adverse impacts to the vicinity. This criterion is satisfied.

***(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and***

**Proposed Finding:** The Applicant is proposing two driveway approaches to provide access onto Marietta Drive SE. By establishing two potential access points, the Applicant is reducing the potential for queueing on the adjacent collectors and local streets by allowing for internal queuing on the Subject Property, minimizing the impact that the Proposed Development will have on the adjacent streets and intersections. This criterion is satisfied.

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

**Proposed Finding:** Applicant's proposed driveway approaches are designed to minimize any potential impact to the surrounding residential properties. The Proposed Development has been oriented to minimize ingress or egress to the Subject Property from the existing streets, focusing the access to and from the Subject Property along the proposed Marietta Street Extension. This orientation will minimize slowing and queuing along 27<sup>th</sup> Avenue at multiple points, restricting the associated turns with the 27<sup>th</sup> Street/Marietta Street intersection, where turning maneuvers are better anticipated by drivers. This design minimizes the potential adverse impacts to the surrounding residential properties. This criterion is satisfied.

***SRC 804.030. - Access onto local and collector streets.***

***(a) Number of driveway approaches. Except as otherwise provided in this chapter, a lot or parcel is entitled to one driveway approach onto a local or collector street. Additional driveway approaches from a single family, two family, three family, or four family use onto a local or collector street may be allowed through Class 1 driveway permit approval.***

**Proposed Finding:** Applicant is requesting approval of two (2) driveway approaches for the Proposed Development. Applicant is requesting a Class 2 Adjustment to this standard to allow for the addition of a second driveway approach onto the Marietta Extension, as addressed in detail below.

***(b) Permitted access.***

- (1) Driveway approaches onto local and collector streets shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.***

**Proposed Finding:** Applicant's proposed driveway approaches provides ingress and egress to the Proposed Development's vehicle use area. This criterion is satisfied.

- (2) No access shall be provided onto a local or collector street from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.***

**Proposed Finding:** Applicant's proposed driveway approaches will take access onto a new street, which is going to be designated as a local street, but which will be developed at a  $\frac{3}{4}$  collector standard. This criterion is not applicable.

- (c) Spacing. Driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials or minor arterials, measured from centerline to centerline.***

**Proposed Finding:** The proposed approaches are not within 200 feet of an intersection with an arterial. This criterion is not applicable.

- (d) Vision clearance. Driveway approaches onto local and collector streets shall comply with the vision clearance requirements set forth in SRC chapter 805.***

**Proposed Finding:** There are no identified obstructions within the identified vision clearance area. The proposed approaches comply with the vision clearance requirements in SRC 805.005(b)(1). This criterion is satisfied.

***Sec. 804.050. - Driveway approach development standards.***

***Driveway approaches shall conform to the following development standards:***

- (a) Design and construction. Driveway approaches shall be designed and constructed in conformance with this chapter and the Public Works Design Standards.***

**Proposed Finding:** Applicant's civil engineer has provided depictions of the proposed approaches that demonstrate conformance with the applicable Public Works Design Standards. This criterion is met.

***(b) Width.***

- (1) Driveway approach width for uses other than single family, two family, three family, and four family. Driveway approaches serving uses other than single family, two family, three family, and four family shall conform to the minimum and maximum widths set forth in Table 804-2.***



***(2) Measurement. For purposes of this subsection, driveway approach width shall be determined by measurement of the paved surface of the driveway at the property line.***

***(c) Marking and signage. Where required by the Public Works Design Standards, driveway approaches shall be clearly marked or signed and maintained in conformance with the Public Works Design Standards***

**Proposed Finding:** Applicant is proposing two-way driveway access that is approximately twenty-four feet (24') in width. Applicant is proposing the construction of these driveway approaches in conformance with the applicable public works standards and has provided material and construction notes addressing these requirements in its Site Plan sheet set. The Proposed Development meets these standards.

#### **Vision Clearance (SRC Chapter 805)**

***Sec. 805.005. - Vision clearance areas.***

***(B) Driveways serving uses other than single family and two family. Driveways serving uses other than single family and two family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).***

**Proposed Finding:** Applicant's Site Plan shows that the proposed vision clearance area is in compliance with these standards.

#### **Off-Street Parking, Loading, and Driveways (SRC Chapter 806).**

##### ***SRC 806.015 – Amount of Off-Street Parking***

Table 806-1 states that the maximum parking area for the proposed use is 1.75 parking stall per dwelling unit. Pursuant to 806.015(c), up to seventy-five percent (75%) of the proposed parking stall may be compact spaces. Pursuant to 806.015(d) a minimum of forty (40%) percent of the proposed shall be designated as spaces to serve electrical vehicle charging.

**Proposed Finding:** The Existing House is a pre-existing non-conforming development and is not proposing the development of additional off-street parking, and is therefore, not subject to this standard. The Proposed Development is a seventy-two (72) unit multifamily house development, meaning Applicant may not provide more than one hundred twenty-six (126) parking stalls. Applicant is proposing a total of one hundred fourteen (114) parking stalls. Five (5) of these stalls are ADA accessible stalls, seventy eight (78) stalls are standard parking stalls, and thirty-one (31) are compact parking stalls. Approximately twenty seven (27%) percent of the proposed parking stalls are compact parking stalls. The Applicant will provide forty six (46) stalls to serve as charging stations, but will designate which spaces in particular at a later date. This standard is met.

***SRC 806.020. - Method of providing off-street parking.***

**Proposed Finding:** The Proposed Development has off-street parking located on the same parcel, under the same ownership as the remainder of the Proposed Development. This standard is met.

***SRC 806.035. - Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.***

**Proposed Finding:** The Proposed Development's off-street parking meets the location and dimensional standards set out in SRC 806.034(a) and (b), as shown on the Applicants Site Plan and Civil Sheet Set on both Parcel 1 and where it is being added on Parcel 2. The parking areas will be paved and meet the established Public Works Standards, as show on in the provided. The Applicant is not providing access onto an arterial and the

***SRC 806.035(c)—(d) Interior Parking Lot Landscaping***

**Proposed Finding:** The applicable landscaping standards for the Proposed Development are set forth in SRC 702.020. The Proposed Development is otherwise exempt from the landscaping standards in SRC 806, as stated in SRC 702.020(8), with the exception of SRC 806.035(n). Applicant's Proposed Development complies with the applicable standards in SRC 702.020 and compliance with these standards are demonstrated in the Site Plan sheet set and the Landscaping Plan submitted as part of this Application. The additional pavement associated with the added vehicle use area on Parcel 2 has perimeter landscaping adjacent to the area being paved. The proposed vehicle use area is not subject to the interior landscaping standards because off-street parking is not being provided. The Applicant satisfies the applicable standard.

***SRC 806.035(e) Off-street parking area dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5.***

**Proposed Finding:** The Applicant is proposing a drive aisle throughout the Proposed Development which is twenty six (26') feet wide to provide improved maneuverability. All of the stalls are at a 90 degree angle from the aisle and meet the applicable dimensional standards for either a compact or standard stall. The compact stalls have been designated on the site plan for ease of review. The Proposed Development meets the dimensional standards in Table 806-5 for the stall width, depth, curb length and the aisle width, as shown on the Applicant's Site Plan.

***(f) Off-street parking area access and maneuvering. In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:***

***(1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and***

***(2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.***

**Proposed Finding:** The proposed off-street parking area has been developed in a way where maneuvering does not require on-street maneuvering. One of the proposed drive aisles currently terminates at the shared property line between Parcel 1 and Parcel 2. While it appears that this is a dead end, it is intended to provide access to proposed Parcel 2 and a turnaround has been provided by widening the paved area on Parcel 2, which is owned under common ownership. This standard is met.

***(g) Grade. Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.***

**Proposed Finding:** The Grade of the proposed development does not exceed the grading limitations in this standard, as shown on the Applicant's Grading Plan. This standard is met.

***(h) Surfacing. Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area may count towards meeting interior off-street parking area landscaping requirements when provided abutting a landscape island or planter bay with a minimum width of five feet, but shall not count towards meeting perimeter setbacks and landscaping requirements.***

**Proposed Finding:** The Applicant is proposing to pave the proposed off-street parking area in conformance with the paving materials in the Public Works Standards, proposing the use of asphalt and concrete for the hard surfaces. The Applicant's Landscaping Plan shows where the Applicant is proposing the use of ground cover. This standard is met.

***(i) Drainage. Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.***

**Proposed Finding:** The Applicant is providing drainage in conformance with the Public Works Design Standards as set forth on the Applicant's Civil Engineering Sheet Set. This standard is met.

***(j) Bumper guards or wheel barriers. Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property . . .***

**Proposed Finding:** The Applicant is proposing curbing which will act as bumper guards in compliance with this section. This standard is met.

***(k) Off-street parking area striping. Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6;***

**Proposed Finding:** The Applicant shows its proposed striping on its Site Plan, showing conformance with the dimension standards in Table 806-6. This standard is met.

***(l) Marking and signage.***

***(1) Off-street parking and vehicle use area circulation. Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle***

*movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.*

*(2) Compact parking. Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.*

*(3) Carpool and vanpool parking. Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.*

**Proposed Finding:** The Applicant is not proposing directional signage but will be marking and identifying compact spaces and the ADA Accessible spaces in conformance with this standard. This standard is met.

*(m) Lighting. Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.*

**Proposed Finding:** The Applicant is providing lighting for the vehicle use area, as shown on the Site Plan. The lighting will be adequately directed and contained so that it does not cast a glare onto the surrounding properties. This standard is met.

*(n) Additional standards for new off-street surface parking areas more than one-half acre in size. 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.*

**Proposed Finding:** The Applicant is proposing a new off-street parking area that is more than one-half acre in size. The Applicant will be satisfying this standard through option (C), which allows for mitigation through the provision of additional tree canopy. The Applicant's Landscaping Plan shows that the Applicant is meeting this standard through the addition of canopy trees beyond what is required for the Proposed Development under the other applicable landscaping standards. This standard is met.

**SRC 806.040 - Driveway development standards for uses or activities other than single family, two family, three family, or four family.**

**Proposed Finding:** As discussed above, the Applicant is proposing two driveways into the Proposed Development to allow the Proposed Development to limit queuing on Marietta Street in combination with the alternative street standards. Therefore, the Applicant is requesting an adjustment to SRC 806.040(a) to allow for dual driveway approaches. The Proposed Development otherwise satisfies the dimensional and locational standards set for in this section as well as the setback and landscaping standards, as shown by the Applicant's Site Plan. As addressed above, the Proposed Development complies with the applicable surfacing and drainage standards. "No Parking" signs are not required for the proposed driveways. As adjusted, these standards are met.

## Bicycle Parking

### ***SRC 806.060 (a) - General Applicability.***

Table 806-10 requires 1 bicycle parking space per dwelling unit, all of which may be provided as long-term parking.

**Proposed Finding:** The Existing House is exempt from this standard. The Proposed Development will have seventy-two (72) dwelling units, meaning that Applicant is obligated to provide 72 bicycle parking stalls. Applicant is proposing eighty-one (81) bicycle parking stalls, sixty-seven (67) are long term bike storage, and fourteen (14) are located throughout the Proposed Development, as noted on the Applicant's Site Plan. This standard is satisfied.

### ***Sec. 806.060. - Bicycle parking development standards.***

***Unless otherwise provided under the UDC, bicycle parking shall be provided in racks or lockers developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.***

**Proposed Finding:** Applicant's proposed bicycle parking will meet the locational and dimensional standards provided in SRC 806.060 and will be in the form of an approved rack as identified in Table 806-10 for either long term storage or standard bike parking, as shown in the Applicant's Site Plan sheet set. Applicant's proposed bicycle parking is comprised of long term bike parking within two of the buildings (noted on the Applicant's Site Plan). The Applicant is also proposing two bike parking spaces at each of the pedestrian entrances of the buildings which do not contain long term bike storage. The location of the standard bike parking racks are each within fifty feet (50') of a primary entrance and adjacent to pedestrian accessways which provide direct access to the public right of way. The stalls will be sited on a concrete pad, satisfying the surfacing requirement. This standard is satisfied.

### ***Sec. 806.065. - Amount of off-street loading.***

***Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.***

**Proposed Finding:** The Existing House is exempt from this standard. Applicant is required to provide one off-street loading area for up to 99 units. The loading area is required to measure 12 ft wide x 19 ft long x 12 ft high. Applicant is requesting the use of off-street parking areas to satisfy this requirement. Applicant has provided these findings in response to the applicable section under the code.

***(a) Off-street parking used for loading. An off-street parking area meeting the requirements of this chapter may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building or the use or activity that it serves.***

**Proposed Finding:** Applicant has adequate off-street parking areas which will allow for adequate loading. The use is a residential use and delivery vehicles in excess of 8,000 pounds is not anticipated in association with the Proposed Development. Applicant meets the alternative standard.

## ***Landscaping and Screening (SRC Chapter 807)***

### ***Sec. 807.015. - Landscaping and screening.***

***Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.***

- (a) Landscaping types. Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.***

**Proposed Findings:** The majority of the applicable landscaping standards for the Proposed Development are found in SRC 702.010, which requires special screening and landscaping standards in association with the development of multiple family housing adjacent to residentially zoned properties. Applicant has provided a Landscaping Plan as part of this Application that shows Applicant's proposal for meeting these standards.

- (c) Preservation of existing trees and vegetation. The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.***

**Proposed Findings:** The existing vegetation on the Subject Property is located on Parcel 2, where all vegetation is being retained and provides the necessary landscaping adjacent to the added vehicle use area. There is a significant tree located immediately north of the Subject Property which has a root zone that extends onto the Subject Property. The Applicant is not proposing development in this area other than the installation of the proposed fence, which will be constructed in a way so that it does not adversely impact the root zone. This standard is not relevant to the Application.

- (d) Tree replanting requirements. In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection.***

**Proposed Findings:** As stated above, under the provisions of the code, none of the vegetation on the Subject Property meets the definition of "tree" in the code. No tree removal permits are required, and Applicant is not required to provide replacement trees in association with the Proposed Development. Due to the necessary grading of the Subject Property and the lack of existing landscaping other than the remnant Christmas trees, Applicant is proposing new landscaping throughout the Proposed Development.

- (e) Screening standards. Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:***

- (1) Height. Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.***
- (2) Opacity. Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence,***

***wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.***

***(3) Maintenance. Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.***

**Proposed Findings:** As part of the special standards in SRC 702.010, Applicant is required to provide screening in the form of fencing along the shared property lines with properties zoned RA or RS. Applicant will be providing a six-foot (6') wood fence along the northern and western property lines, including the common property lines with the proposed Parcel 2, in conformance with this design standard and in collaboration with the development of the single-family residential subdivision planned for the adjacent property to the north. The Applicant is not proposing additional development on the proposed Parcel 2 at this time, and the Existing House does not require screening from the adjacent properties as a pre-existing, non-conforming use. This standard is satisfied.

***(f) Street trees. Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.***

**Proposed Finding:** The Proposed Development will be providing street trees and landscaping within planting strips in accordance with the public works standards. Applicant's Landscaping Plan shows the proposed location of these trees and identifies the species as species that are on the City's approved species list. This standard is satisfied.

#### ***Preservation of Trees and Vegetation (SRC Chapter 808)***

No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential, two family residential, three family residential, four family residential, or a cottage cluster.

**Proposed Finding:** Applicant has identified on the Existing Conditions Plan that shows that there are no existing trees on the Subject Property or protected vegetation that are identified for removal. As indicated above, the tree significant tree located directly adjacent to the northern property line on the neighboring property has been identified as a significant tree and is not adjacent to any proposed development beyond the addition of the proposed fence. This standard is met.

#### ***Wetlands (SRC Chapter 809)***

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.

**Proposed Finding:** There are no wetlands located on the Subject Property. This chapter is not applicable.

***Landslide Hazards (SRC Chapter 810)***

A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

**Proposed Finding:** The Subject Property is not within a mapped landslide hazard area. Multifamily development is assigned two (2) activity points, meaning that the Proposed Development has a cumulative landslide risk of two (2), placing it within “Category A – Low.” No additional requirements are applied to the Proposed Development under this chapter.

***(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;***

**Proposed Finding:** The Subject Property will connect to the public street system with access onto the extension of Marietta Street SE, providing connectivity with the surrounding street system. The frontages along the proposed extension will be developed with sidewalks and transit services are close at hand, all of which encourages the use of alternative modes of transportation by the residents and their guests. Applicant’s proposed extension will help mitigate any negative impacts the Proposed Development might have on the transportation system. This criterion is satisfied.

***(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and***

**Proposed Finding:** The proposed parking areas provide for the safe and efficient movement of vehicles, bicycles, and pedestrians through the Subject Property. There is adequate space for maneuvering within the parking areas and the Applicant is proposing several pedestrian pathways with material differentiation which cross the parking areas at regular intervals. The driveways are developed to standard and the adjacent bike lanes and available bike parking facilitate access to the Subject Property via bicycle. The Proposed Development provides pedestrian connections from the parking areas to the adjacent streets that conform to the applicable code standards. This criterion is satisfied.

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

**Proposed Finding:** The Subject Property is located within the City’s Urban Service Area and is currently served, or capable of being served, by public facilities and services necessary to support the uses associated with the Proposed Development. The Existing House will continue to be served by on-site services. The Applicant’s civil engineer has provided a sheet set showing the necessary connection points for the proposed infrastructure. This criterion is satisfied.



## SECTION 225.050. – DESIGN REVIEW

**Proposed Finding:** As part of Applicant’s submission, Applicant has provided the documentation necessary for approval of a Class 1 Design Review. Applicant intends to develop the Subject Property in a manner that complies with the applicable design review standards in SRC 702.020, as shown in Applicant’s submittal materials with seven (7) exceptions. Applicant is requesting a Class 2 Adjustment to each of the following standards: ; SRC 702.020(b)(7), SRC 702.020(b)(7)(B) and SRC 702.020(d)(1) regarding the development of planter bays; SRC 702.020(e)(2) regarding the setback standard for Building P; SRC 702.020(e)(3) regarding the standard requiring site obstructed balconies for balconies facing RA and RS properties; SRC 702.020(e)(5) regarding the standard requiring that buildings adjacent to a street to be oriented towards the street. These adjustments are discussed in detail below. Other than these identified elements, the Proposed Development complies with the design review standards in SRC 702.020. Applicant requests approval of the design review application as proposed.

## SECTION 250.005. – ADJUSTMENTS

### ***(a) Applicability.***

#### ***(1) Classes***

***(A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.***

***(B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.***

**Proposed Finding:** nine (9) Class 2 Adjustment to each of the following standards: SRC 205.005(d)(1)(A) and SRC 514.010(a) regarding the minimum street frontage standard for proposed Parcel 2; SRC 702.020(b)(7), SRC 702.020(b)(7)(B) and SRC 702.020(d)(1) regarding the development of planter bays; SRC 702.020(e)(2) regarding the setback standard for Building P; SRC 702.020(e)(3) regarding the standard requiring site obstructed balconies for balconies facing RA and RS properties; SRC 702.020(e)(5) regarding the standard requiring that buildings adjacent to a street to be oriented towards the street; and SRC 806.040(a) to allow for two (2) driveway approaches. Applicant’s requested adjustments all require either a request that the adjustment not apply to the Proposed Development or an adjustment to a numerical standard in excess of twenty (20%) percent, requiring Applicant to satisfy the applicable approval criteria for a Class 2 Adjustment.

### ***(d) Criteria.***

***(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:***

***(A) The purpose underlying the specific development standard proposed for adjustment is:***

***(i) Clearly inapplicable to the proposed development; or***

***(ii) Equally or better met by the proposed development.***

**Proposed Finding:**

nine (9) Class 2 Adjustment to each of the following standards: SRC 205.005(d)(1)(A) and SRC 514.010(a) regarding the minimum street frontage standard for proposed Parcel 2; SRC 702.020(b)(7), SRC 702.020(b)(7)(B) and SRC 702.020(d)(1) regarding the development of planter bays; SRC 702.020(e)(2) regarding the setback standard for Building P; SRC 702.020(e)(3) regarding the standard requiring site obstructed balconies for balconies facing RA and RS properties; SRC 702.020(e)(5) regarding the standard requiring that buildings adjacent to a street to be oriented towards the street; and SRC 806.040(a) to allow for two (2) driveway approaches. Applicant's requested adjustments all require either a request that the adjustment not apply to the Proposed Development or an adjustment to a numerical standard in excess of twenty (20%) percent, requiring Applicant to satisfy the applicable approval criteria for a Class 2 Adjustment.

The Applicant is requesting an adjustment to SRC 205.005(d)(1)(A) and SRC 514.010(a) regarding the minimum street frontage standard for proposed Parcel 2. Both of these code provisions require that new lots have a minimum of forty (40') feet of frontage along a street. The intent behind these provisions is not specifically stated but it can be inferred the minimum frontage standards are to ensure that parcels are created in a manner that conforms to the standards within the given zone to ensure they are appropriate for the development in that zone. The Applicant is requesting a property division due to financing considerations which necessitate the division of the Existing Home from the Proposed Development. It is the Applicant's intent that upon the expiration of the life estate the Applicant will develop that portion of the Subject Property with thirty (30) additional units that will blend with the Proposed Development to create a comprehensive development. Upon the development of Parcel 2, the Applicant will reconfigure the Proposed Parcel 1 and 2 so that both parcels meet the minimum frontage standards, in conformance with these sections. With this restriction, the proposal can equally or better meet the applicable standards.

The Applicant is requesting an adjustment to the requirements in SRC 702.020(b)(7) to provide planter bays for every fifty (50) feet of parking lot. The purpose of this code section is to "provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas." The Applicant is requesting to reduce this requirement by one planter bay in front of Building S due to the size constraints along that line of parking spaces which is complicated by one of the trash enclosures, and a pedestrian pathway. The Applicant is proposing to equally or better meet this standard by locating two (2) additional canopy trees within ten feet of the parking lot on the opposite side of the area where the planter bay would have been located, adjacent to Building R. This will allow the Applicant to retain additional parking while continuing to add adequate wind and sun protection for the Proposed Development in its entirety.

The Applicant is requesting an adjustment to the requirements in SRC 702.020(b)(7)(B) to provide planter bays which are nine feet wide. The Applicant is requesting the ability to reduce the requirement for two of its planter bays, one near the trash enclosure adjacent to Building S and the other adjacent to the pedestrian connection between Building R and Building M, near Building M. As stated previously, the purpose of this code section is to "provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas." The Applicant is requesting a reduction in the dimensions of these planter bays to allow for more efficient use of these areas for the trash enclosure and the pedestrian walkway. Even with the reduced width, the Applicant will be able to provide a canopy tree in each of these planter bays, allowing for the protection, which is the intent of this code

provision, while also meeting the other requirements under the Code. The Applicant is equally or better meeting the intent of this code provision.

Applicant is requesting an adjustment to SRC 702.020(d)(1). The Applicant is requesting the ability to reduce the requirement for nine-foot-wide planter bays for two of its planter bays, one near the trash enclosure adjacent to Building S and the other adjacent to the pedestrian connection between Building R and Building M, near Building M. As stated previously, the purpose of this code section is to “To minimize large expanses of continuous pavement.” The Applicant is requesting a reduction in the dimensions of these planter bays to allow for more efficient use of these areas for the trash enclosure and the pedestrian walkway. Even with the reduced width, the Applicant will be able to provide a canopy tree in each of these planter bays, disrupting the continuous pavement. Moreover, at each of these locations there are other elements disrupting the continuous expanse of pavement, the pedestrian walkway and the trash enclosure. The Applicant is equally or better meeting the intent of this code provision.

Applicant is requesting an adjustment to the setback standard in SRC 702.020(e)(2) for the setback along the northern side of Building P. The purpose and intent of this section is to provide additional screening for neighboring residential properties. Building P is thirty-six (36') feet tall and is setback twenty eight (28') feet from the northern property line rather than the required thirty six (36') feet high required under SRC 702. The Applicant is requesting this adjustment because requiring conformance with this standard would significantly limit the ability of the Applicant to add needed multiple family units in this area. The Applicant is proposing an encroachment of eight (8') feet into the setback. The Applicant is screening the property to the north with mature trees and fencing, providing screening that is consistent with the neighboring property while also screening the proposed building from the neighboring property. As proposed, the added trees in this area better or equally meet the screening purpose of this provision.

Applicant is requesting an adjustment to the design standard in SRC 702.020(e)(3) to allow for the use of balcony railings that are not fully sight-obscuring. Applicant is requesting this adjustment due to a desire to allow for more natural light to filter into the individual dwelling units through the balcony, which is a significant source of light for these units. The stated purpose of this standard is “[t]o enhance compatibility between new buildings on site and abutting residential sites.” SRC 702.020(e)(3). However, the Proposed Development is oriented in a way that the abutting residential sites will primarily be located along the common property line and Phase 1 to the east which will also be developed with multiple family housing as well as three (3) balconies along the northern face of the units facing the proposed single-family subdivision to the north. Due to the special setbacks applicable to multiple family development within the RA zone, the balconies facing the multiple family residential development to the west will be spaced approximately seventy-five feet (75') from one another. The northern most unit (Unit H) facing the northern RA property is setback from the property more than that amount and the only other unit (Unit A) facing the RA property is separated from the northern property line by the stormwater detention area. By exceeding the setback standards from the single-family development to the north and due to the type of development proposed for the property to the west, the Proposed Development is compatible with the adjacent residential developments, equally or better meeting the development standard.

The Applicant is requesting an adjustment to SRC 702.020(e)(5), which requires that the ground floor units within twenty-five feet (25') of the property line must have an architecturally defined building entrance that faces the street with direct pedestrian access to the adjacent sidewalks. Applicant is requesting an adjustment to this standard to allow the proposed Buildings S, R, and M to not provide the architecturally

defined building entrance. The stated purpose of this standard is not expressly stated in the code, but it can be inferred that this standard is designed to encourage the safe and efficient movement of pedestrians to and from the street-facing units. Applicant is requesting this adjustment due to the internal configuration of the individual dwelling units, which are consistent throughout the Proposed Development, and which provide access from two halves of the unit to a common pedestrian connection, as was present in Phase 1. In Phase 2, the Applicant has provided an additional pedestrian walkway extending from Building R to Marietta Street, providing additional pedestrian connection for that building, however, the Applicant is seeking an adjustment to maintain aesthetic consistency with the neighboring Phase 1 of the project. Applicant's request will maintain consistency within the Proposed Development as well as addressing complexities with the grading and the complications this creates for ADA access to the individual units throughout the Proposed Development. Applicant's Proposed Development provides for the safe and efficient movement of pedestrians throughout the development, with the addition of an approximately forty one (41') feet of additional walkway for Building S and Building M. Almost all of the remaining units will require similar, if not longer, distances for pedestrians accessing the Proposed Development from the adjacent street system. When considering the efficiencies, added open space, ADA accessibility, and the reduction in pavement associated with this adjustment, the Proposed Development equally or better meets this development standard.

Finally, the Applicant is requesting an adjustment to SRC 806.040(a) to allow for an additional driveway approach onto the Marietta Extension. The Proposed Development contains seventy-two (72) dwelling units which will require primarily vehicular access to and from the Subject Property. Applicant has proposed two (2) two-way driveway approaches provide access to the Subject Property. The purpose and intent of this provision is not directly stated in the code, but it is likely the purpose of this standard is providing safe and efficient access to public streets. As stated above, Applicant's proposed access is oriented to provide ingress and egress to the Proposed Development from the Marietta Extension. Applicant is requesting additional access as a means of promoting safe and efficient ingress and egress to the Proposed Development. The additional access along the Marietta Extension will prevent unnecessary queuing along Marietta Street as well as providing for safer, more efficient circulation within the Proposed Development, preventing congestion within the adjacent street systems. This will be particularly needed in the event Marietta Street is extended to connect with Reed Road, allowing for bidirectional traffic along Marietta Street and reinforcing the need for additional access points due to the density of dwelling units on the Proposed Development. If the Proposed Development was instead divided for other middle housing products, even for as few as three townhomes, the Subject Property would be entitled to more driveway approaches than Applicant is requesting. This suggests that the consolidation of substantially more dwelling units into a single property justifies the addition of a secondary driveway approach in the interest of improved access for the Proposed Development, especially when viewing the vehicle use area in a manner more like a private lane or similar off-street circulation system within a residential subdivision where similar residential uses are clustered, albeit at lesser density. By promoting safer and more efficient access from the Proposed Development to the abutting street system, the proposed additional driveway approach equally or better meets the purpose of this development standard.

***(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

**Proposed Finding:** The Subject Property is located within a residential zone; however, the requested adjustments have the overall effect of resulting in a development that will either enhance the livability of the Proposed Development for the residents of the development, address topographical or dimensional

challenges, preserve the developability of proposed Parcel 2 in the future, or prevent potential safety issues. The Proposed Development will not detract from the livability or appearance of the residential area. This criterion is satisfied.

***(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments results in a project which is still consistent with the overall purpose of the zone.***

**Proposed Finding:** The proposed adjustments for this Application are confined to nine (9) adjustments. These adjustments are minimal, allowing for slight deviations from the applicable approval standards where the unique elements of the project, the physical constraints of the Subject Property, livability concerns, and the development on the surrounding properties justify the proposed deviations. As adjusted, the Proposed Development remains consistent with the purpose of the applicable zone where multiple family residential use is expected and will be consistent with the development built in Phase 1, immediately to the east of the Proposed Development. This criterion is satisfied.

**CONCLUSION:**

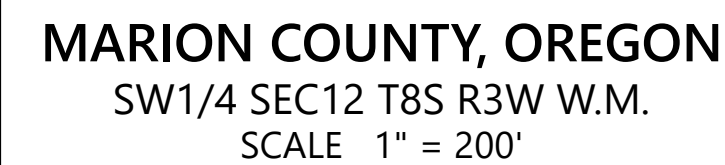
Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting this consolidated application for a Partition, UGA Declaration, Class 3 Site Plan Review, (2) Class 2 Driveway Access Permits, Design Review I, and nine (9) Class 2 Adjustments. Applicant respectfully requests that the Application be approved.

## **Exhibit 101**

### **Tax Map of Parcel No's. 600/800**

[Attached in the following page]

08 3W 12C  
SALEM



LINE TYPES	
<u>Taxlot Boundary</u>	Historical Boundary - - - - -
<u>Road Right-of-Way</u>	Easement - - - - -
Railroad Right-of-Way	<u>Railroad Centerline</u> - - - - -
Private Road ROW - - - - -	Taxcode Line o o o o o o o o
Subdivision/Plat Bndry / / / / / / / /	<u>Map Boundary</u>
Waterline - Taxlot Bndry	Waterline - Non Bndry

+ 1/16TH Section Cor.      1/4 Section Cor.  
 © DLC Corner      16 15  
                                  21 22 Section Corner

Acreage  
**0.25 AC**

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



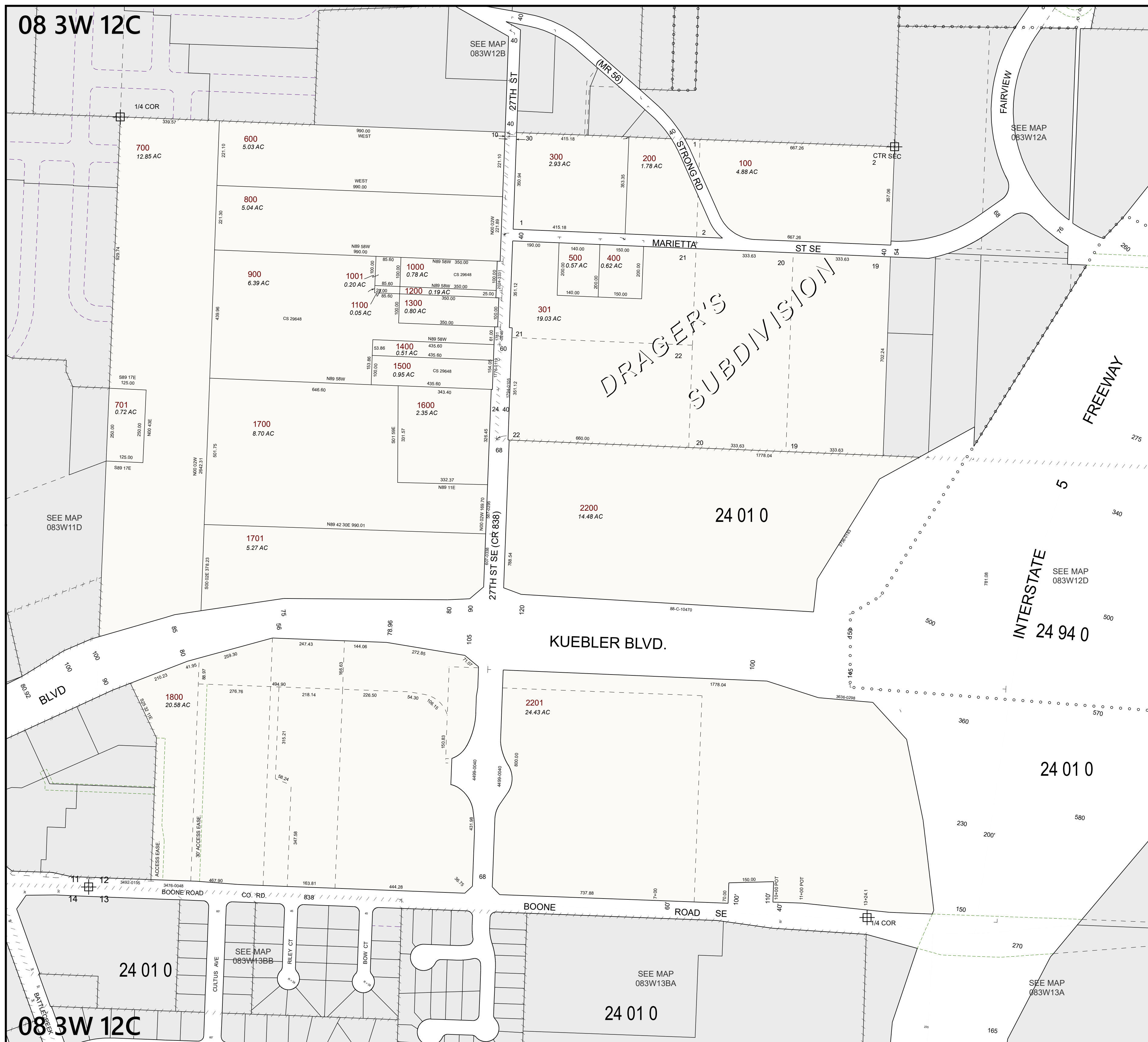
DISCLAIMER: THIS MAP WAS PREPARED  
FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.marion.or.us](http://www.co.marion.or.us)

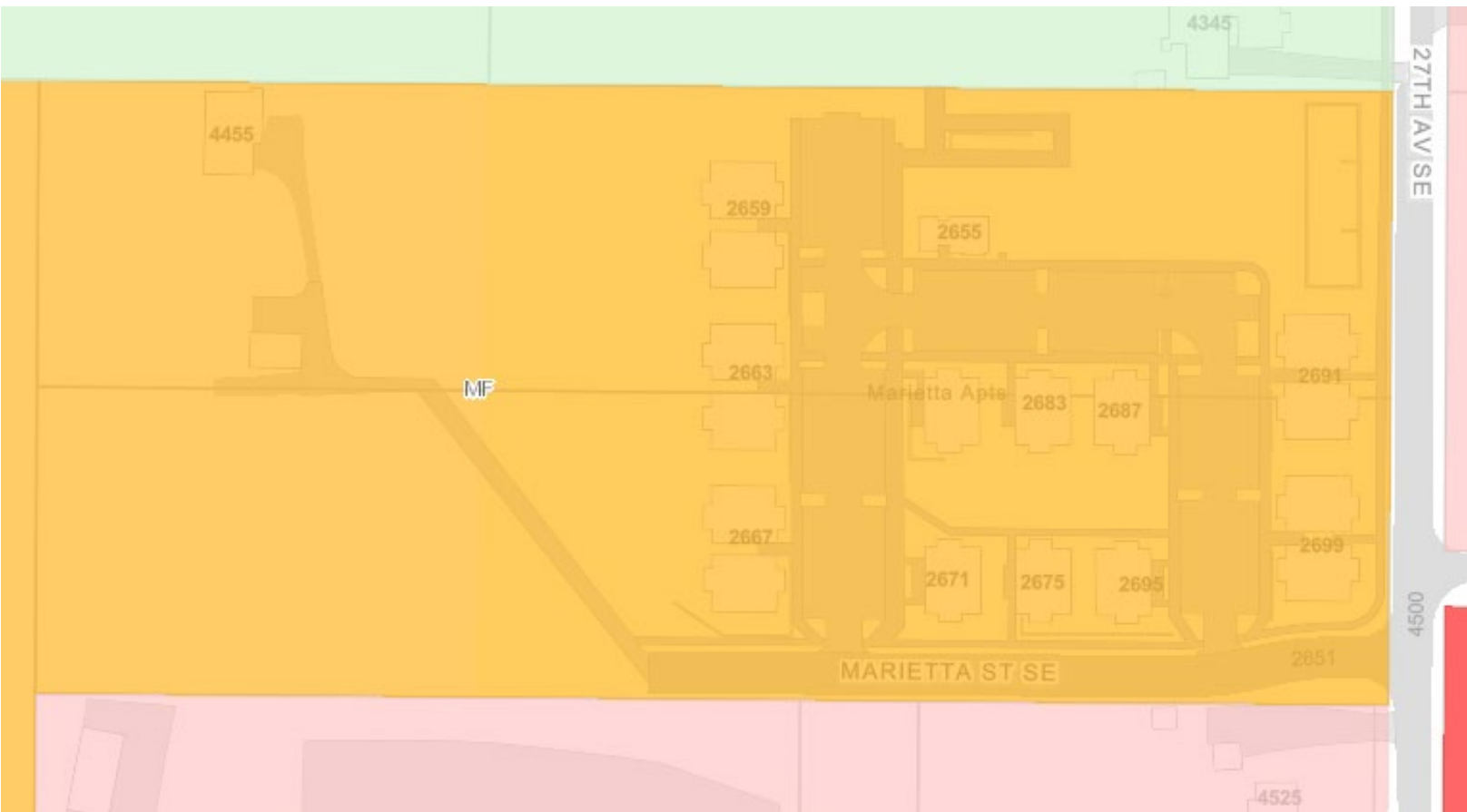
PLOT DATE: 3/28/2024

SALEM  
08 3W 12C

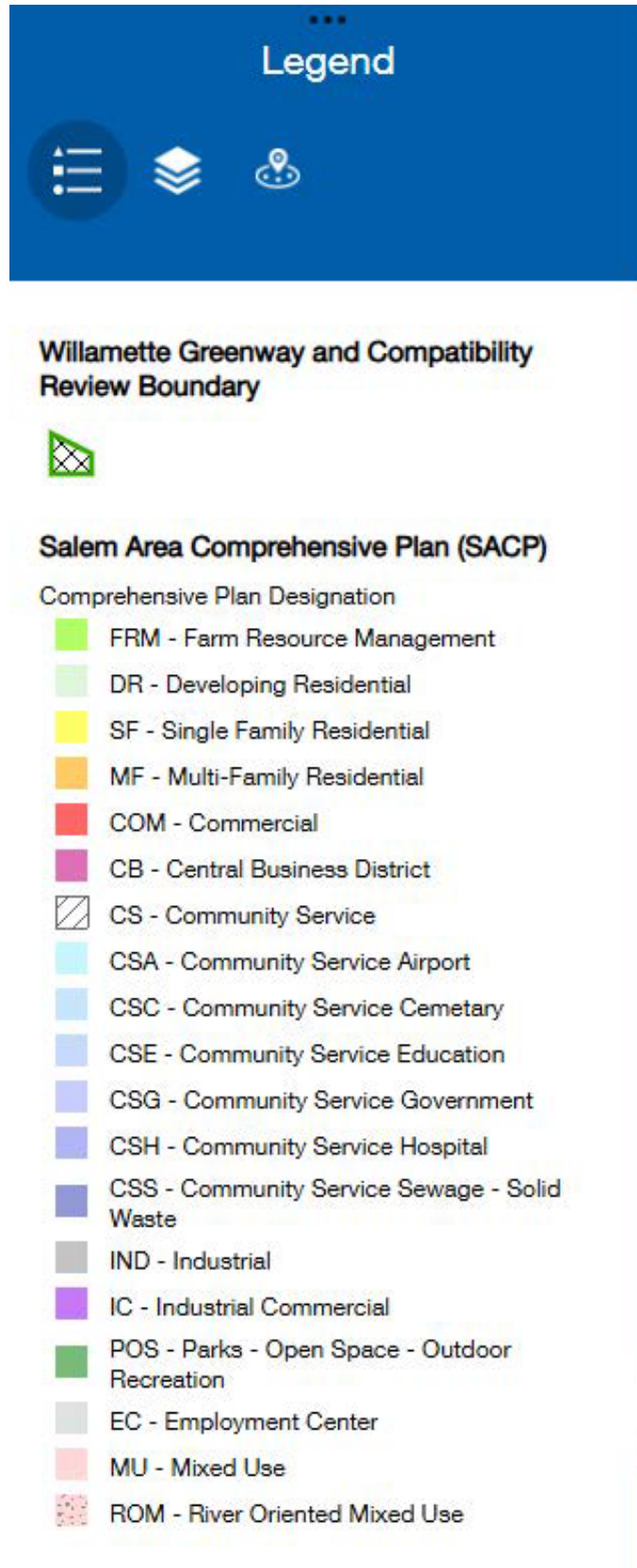


## Exhibit 102

### Comprehensive Plan Designation Map and Legend

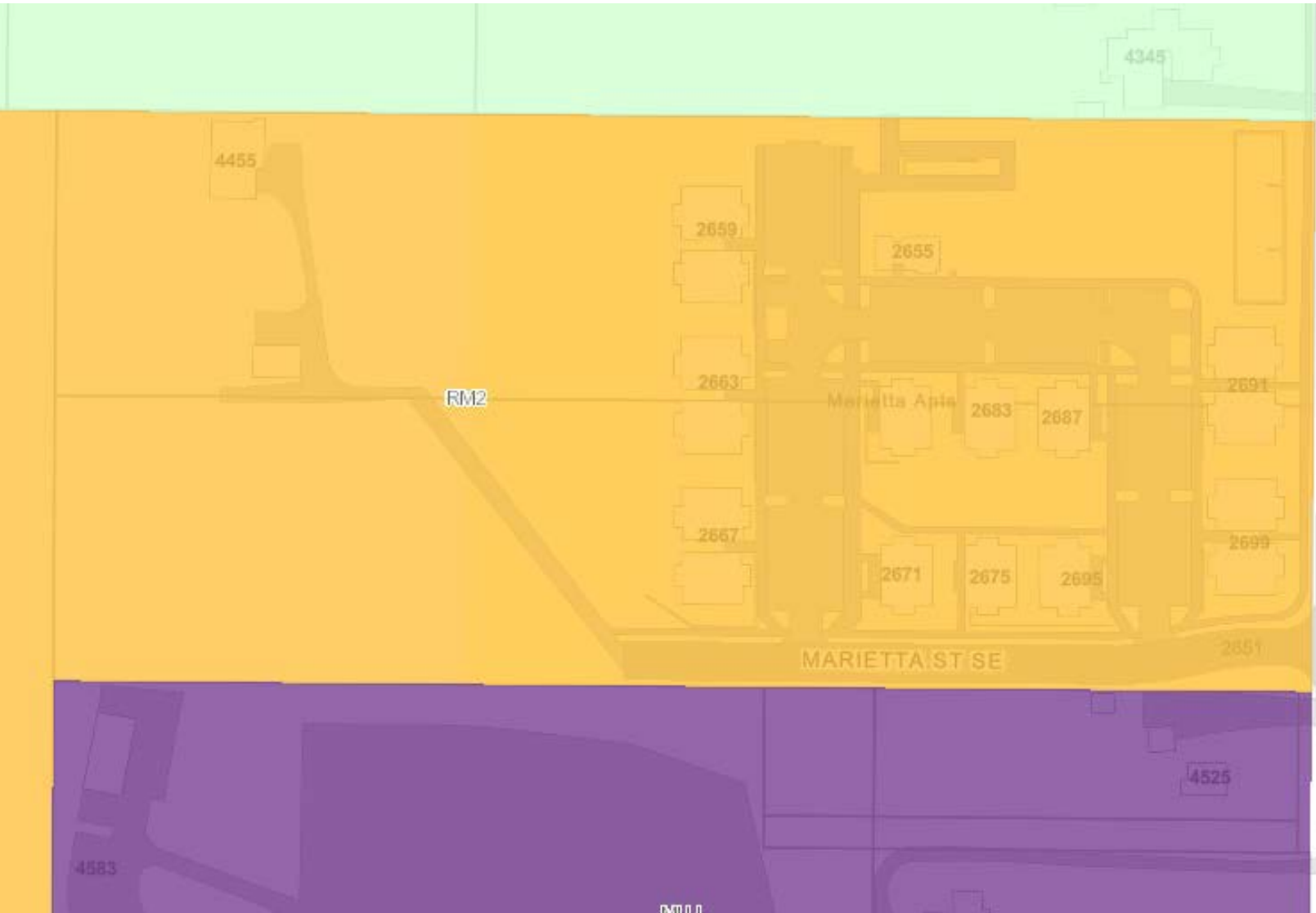


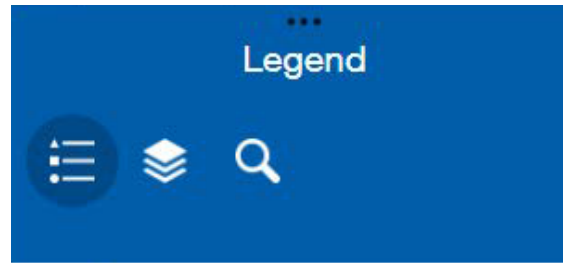




## Exhibit 103

### Zone Map and Zone Map Legend





#### Zoning Designation

	CB - Central Business District
	CG - General Commercial
	CO - Commercial Office
	CR - Retail Commercial
	EC - Employment Center
	EFU - Exclusive Farm Use
	ESMU - Edgewater/Second Street Mixed-Use Corridor
	FMU - Fairview Mixed-Use
	IBC - Industrial Business Campus
	IC - Industrial Commercial
	IG - General Industrial
	IP - Industrial Park
	MU-I - Mixed Use-I
	MU-II - Mixed Use-II
	MU-III - Mixed Use-III
	MU-R - Mixed Use - Riverfront
	NH - Neighborhood Hub
	PA - Public Amusement
	PC - Public/Private Cemetery
	PE - Public/Private Education
	PH - Public Health
	PM - Capitol Mall
	PS - Public Service
	RA - Residential Agriculture
	RM1 - Multiple Family Residential 1
	RM2 - Multiple Family Residential 2
	RM3 - Multiple Family Residential 3
	RS - Single Family Residential
	SWMU - South Waterfront Mixed-Use
	WSCB - West Salem Central Business District