

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

REVISED DECISION OF THE PLANNING ADMINISTRATOR

MODIFICATION OF CLASS 3 SITE PLAN REVIEW / MODIFICATION OF CLASS 1 DESIGN REVIEW CASE NO.: SPR-DR23-21MOD1

APPLICATION NO.: 24-118379-PLN

NOTICE OF DECISION DATE: December 43 16, 2024

SUMMARY: A modification to Class 3 Site Plan Review and Class 1 Design Review of SPR-DR23-21.

REQUEST: A modification of the Class 3 Site Plan Review and Class 1 Design Review of SPR-DR23-21, including a request to remove balconies from eight units; and convert the office into a studio apartment. The property is 0.41 acres in size, zoned CO (Commercial Office), and located at 1341 Waller Street SE (Marion County Assessors Map and Tax Lots 073W26CC07300).

APPLICANT: Ronald Ped

LOCATION: 1341 Waller St SE, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 220.010(d) – Modification of Class 3 Site Plan Review; 225.005(1) – Modification of Class 1 Design Review

FINDINGS: The findings are in the attached Decision dated December 43 16, 2024.

DECISION: The **Planning Administrator APPROVED** Modification of Class 3 Site Plan Review / Modification of Class 1 Design Review Case No. SPR-DR23-21MOD1 subject to the following conditions of approval:

Condition 1: The proposed trash enclosure serving the development shall be relocated to be setback a minimum 10 feet from the adjacent alley.

Condition 2: A minimum 6-foot-tall sight-obscuring fence shall be provided along the north property line of the subject property in conformance with applicable Salem Revised Code standards. The fence is not required between the proposed trash enclosure and the alley.

Condition 3: At the time of building permit review, the applicant shall provide a full landscaping plan in conformance with the minimum plant unit density requirements of SRC Chapter 521 and SRC Chapter 807.

Condition 4: The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.

Condition 5: In order to allow for servicing by the franchised hauler, the area located between the front opening of the trash enclosure and the alley shall be paved to the existing edge of the paved alley.

Condition 6: Protective fencing for the 32-inch oak on the property shall be provided that encompasses 74 percent of the critical root zone of the tree as identified in the arborist report included as Attachment I to this decision. The protective fencing shall remain in place until issuance of certificate of occupancy for the development and all recommended protection measures identified in the arborist report shall be followed.

Condition 7: Along Waller Street SE and Lee Street SE, provide streetscape improvements including streetlights, street trees, and replacement of property line sidewalks in accordance with SRC Chapter 803 and the Public Works Design Standards (PWDS).

Condition 8: The existing driveway approach along Lee Street SE shall be removed.

Condition 9: Construct a minimum 8-inch public water main from 13th Street SE to serve the development site and submit information that demonstrates the new main provides sufficient fire flow to serve the proposed development pursuant to the Public Works Design Standards (PWDS).

Condition 10: A minimum of two plant units shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.

Condition 11: Shrubs shall be distributed around the perimeter of the proposed buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.

Condition 12: All ground level private open space areas shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

Condition 13: Lighting shall be provided that illuminates exterior dwelling unit entrances and the pedestrian path within the development.

Condition 14: Privacy fences included within the development to separate private open space from common open space shall not exceed a maximum of three feet.

Condition 15: ~~All the sections of pedestrian pathway in the north end of the site, located between North Building B and the proposed trash enclosure and running east-west to connect to Lee Street SE, shall be widened to five feet in width.~~

The rights granted by the attached decision must be exercised, or an extension granted, by December 31, 2026 January 2, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>November 7, 2024</u>
Notice of Decision Mailing Date:	<u>December 16, 2024</u>
Decision Effective Date:	<u>December 31, 2024 January 2, 2025</u>
State Mandate Date:	<u>March 7, 2025</u>

Case Manager: Abigail Pedersen, apedersen@cityofsalem.net, 503-540-2309

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday Tuesday, December 30 31, 2024. The notice of appeal must contain the information required by SRC

300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220, 225. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

REVISED DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
MODIFICATION OF CLASS 3)
SITE PLAN REVIEW, AND CLASS 1)
DESIGN REVIEW MODIFICATION)
CASE NO. SPR-DR23-21MOD1)
1341 ~~WALEER~~ WALLER STREET SE) December 13 ~~13~~ 16, 2024

In the matter of the application for the Class 3 Site Plan Review Modification and Class 1 Design Review Modification for previously approved Case No. SPR-DR23-21, submitted by Ronald Ped on behalf of the applicant and property owner, District 10 LLC (Jashan, LLC and K&D Realty Investments, LLC), the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A modification to Class 3 Site Plan Review and Class 1 Design Review of SPR-DR23-21.

Request: A modification of the Class 3 Site Plan Review and Class 1 Design Review of SPR-DR23-21, including a request to remove balconies from eight units; and convert the office into a studio apartment. The property is 0.41 acres in size, zoned CO (Commercial Office), and located at 1341 Waller Street SE (Marion County Assessor's Map and Tax Lots 073W26CC07300).

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

PROCEDURAL FINDINGS

1. Background

On July 21, 2023, a consolidated application for a Class 3 Site Plan Review, and Class 1 Design Review to remove balconies from some units; and convert the office into a studio apartment was approved under SPR-DR23-21 for a proposed 24-unit multiple family residential development with associated common open space and site improvements.

On August 9, 2024, an application for a modification to the Class 3 Site Plan Review and a modification to the Class 1 Design Review previously approved under SPR-DR23-21 was filed for the proposed development. After additional information was provided, the applications were deemed complete for processing on November 7, 2024. The 120-day state mandated decision deadline for this consolidated application is March 7, 2025.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria applications can be found in the record, accessible online as indicated below. For access to the original decision for this proposal, enter the Case Numbers listed above.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function for Land Use Actions without registering, and enter the application number listed here: 24 118379.

3. Neighborhood Association and Public Comments

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

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to Table 300-2, the proposed Class 3 Site Plan Review Modification and Class 1 Design Review Modification request does not require contact with neighborhood association prior to application.

Neighborhood Association Comment: Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

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

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, no comments were received from the surrounding property owners and tenants.

4. City Department Comments

Development Services Division - Reviewed the proposal and indicated no concerns but stated: *Development Services review will be completed on the associated BP/CO. Additional System Development Charges will be due for the additional residential unit.*

Building and Safety Division - Reviewed the proposal and indicated: *Building permits required for structural work.*

Fire Department - Reviewed the proposal and indicated no concerns.

5. Public Agency Comments

No comments were received from Public Agencies.

DECISION CRITERIA FINDINGS

6. Analysis of a Modification of Class 3 Site Plan Review Approval Criteria

Pursuant to Salem Revised Code (SRC) 220.010, a site plan review approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for site plan review. Modification of a Class 3 site plan review approval is processed as a Type II procedure under SRC Chapter 300. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 220.010(d)(2): Modification of a Class 3 Site Plan Review shall be granted if all of the following criteria are met:

(A) The proposed modification does not substantially change the original approval;

Finding: The proposed modification is consistent with the original approval. The modification requests to remove eight balconies on studio units and convert the office into a studio apartment. The original Site Plan Review approval under SPR-DR23-21 was for a new 24-unit multiple family residential development with associated common open space and site improvements, on Waller Street SE.

The proposed modification is consistent with the conditions of the original approval as indicated in the findings below. The modification proposal includes additional information that was in the original application such as a lighting plan, a landscape plan that includes Plant Units and additional information about the solid waste service. Minor changes were made to meet the conditions of approval. The conditions are as follows.

Condition 1: The proposed trash enclosure serving the development shall be relocated to be setback a minimum 10 feet from the adjacent alley.

Finding: The site plan was updated to show the trash enclosure 10 feet from the adjacent alley. This condition remains in effect.

Condition 2: A minimum 6-foot-tall sight-obscuring fence shall be provided along the north property line of the subject property in conformance with applicable Salem Revised Code standards. The fence is not required between the proposed trash enclosure and the alley.

Finding: The proposed site plan indicates a minimum 6-foot-tall sight-obscuring fence shall be provided along the north property line of the subject property. This condition remains in effect.

Condition 3: At the time of building permit review, the applicant shall provide a full

landscaping plan in conformance with the minimum plant unit density requirements of SRC Chapter 521 and SRC Chapter 807.

Finding: A landscape plan has been provided which includes plant unit density. Conformance with the minimum plant unit density shall be required at time of building permit. This condition remains in effect.

Condition 4: The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.

Finding: A detail plan has been provided as a part of the site plan. This condition remains in effect.

Condition 5: In order to allow for servicing by the franchised hauler, the area located between the front opening of the trash enclosure and the alley shall be paved to the existing edge of the paved alley.

Finding: The provided site plan does not indicate the area located between the front opening of the trash enclosure and the alley shall be paved to the existing edge of the paved alley. This condition remains in effect.

Condition 6: Protective fencing for the 32-inch oak on the property shall be provided that encompasses 74 percent of the critical root zone of the tree as identified in the arborist report included as Attachment I to this decision. The protective fencing shall remain in place until issuance of certificate of occupancy for the development and all recommended protection measures identified in the arborist report shall be followed.

Finding: Protective fencing was not indicated on the site plan or landscape plan. This condition remains in effect.

Condition 7: Along Waller Street SE and Lee Street SE, provide streetscape improvements including streetlights, street trees, and replacement of property line sidewalks in accordance with SRC Chapter 803 and the Public Works Design Standards (PWDS).

Finding: Street improvements were not indicated on the site plan. This condition remains in effect.

Condition 8: The existing driveway approach along Lee Street SE shall be removed.

Finding: On the site plan that the driveway approach along Lee Street SE is proposed to be removed. This condition remains in effect.

Condition 9: Construct a minimum 8-inch public water main from 13th Street SE to serve the development site and submit information that demonstrates the new main provides sufficient fire flow to serve the proposed development pursuant to the Public Works Design Standards (PWDS).

Finding: The construction of a minimum 8-inch public water main from 13th Street SE to serve the development site and submit information that demonstrates the new main provides sufficient fire flow to serve the proposed development pursuant to the Public Works Design Standards (PWDS) was not included in the proposed modification. This condition remains in effect.

Condition 10: A minimum of two plant units shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.

Finding: The landscape plan shows a minimum of two plant units provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units. This condition remains in effect.

Condition 11: Shrubs shall be distributed around the perimeter of the proposed buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.

Finding: The landscape plan shows shrubs distributed around the perimeter of the proposed buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall. This condition remains in effect.

Condition 12: All ground level private open space areas shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

Finding: The landscape plan shows a combination of landscaping and perimeter fencing which physically and visually separated from common open space. This condition remains in effect.

Condition 13: Lighting shall be provided that illuminates exterior dwelling unit entrances and the pedestrian path within the development.

Finding: A lighting plan was provided that shows the illumination of exterior dwelling unit entrances and the pedestrian path within the development and the floor plans show lights on the second and third floors of buildings A and B which provide lights near the exterior entrances. This condition remains in effect.

Condition 14: Privacy fences included within the development to separate private open space from common open space shall not exceed a maximum of three feet.

Finding: The site plan or landscape plan does not indicate the height of the fencing where provided. This condition remains in effect.

Condition 15: ~~All the sections of pedestrian pathway in the north end of the site, located between North Building B and the proposed trash enclosure and running east-west to connect to Lee Street SE, shall be widened to five feet in width.~~

Finding: The proposed site plan has widened the of pedestrian pathway in the north end of the site, located between North Building B and the proposed trash enclosure and running east-west to connect to Lee Street SE to five feet. However, the pedestrian path from the modified

additional unit to Waller Street SE is less than five feet. This condition is altered to require all sections of the pedestrian path to be five feet in width.

The following is a summary of the applicable development standards for the proposal:

SRC Chapter 521 (CO Zone)

SRC 521.010(b) – Setbacks:

Setbacks within the CO zone shall be provided as set forth in SRC Table 521-3 and Table 521-4.

Finding: The proposed modifications are for removing eight unit's balconies which do not impact required setbacks. The conversion of a proposed building from an accessory office to an additional unit includes the addition of a small awning and a patio cover. The awning on the West side of the building meets all applicable setbacks. Per SRC 800.035 the new covered patio has an allowed projection of up to 10 feet from the property line abutting the street as given the structure covering the patio does not exceed 15 feet above grade and the floor area of the patio does not exceed 4 feet above grade. The structure covering the patio meets the height restrictions which means it meets the required setback of 10 feet from the property line abutting Waller Street. As proposed the modification meets setbacks.

SRC 521.010(c) – Lot Coverage:

Buildings and accessory structures within the CO zone shall conform to the lot coverage and height standards set forth in Table 521-5.

Finding: Within the CO zone the maximum lot coverage requirement for buildings and accessory structures is 60 percent. The proposed modification is proposing an additional 22 feet of coverage however this does not increase the approximately 27 percent lot coverage. The percentage of lot coverage proposed does not exceed the maximum 60 percent lot coverage allowed in the CO zone. The proposed development conforms to this standard.

SRC 521.010(d) – Landscaping:

(1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.

Finding: Within the CO zone, setbacks abutting a street are required to be landscaped according to the Type A landscaping standard of SRC Chapter 807 and interior side and rear setbacks are required to be landscaped according to the Type C landscaping standard of SRC Chapter 807. Both Type A and Type C landscaping require a minimum planting density of one plant unit per 20 square feet of landscaped area. As shown on the updated landscape plan for the development, all setback areas are proposed to be landscaped with a combination of trees, shrubs, and ground cover meeting the minimum required planting density of one plant unit per 20 square feet of landscaped area in conformance with the setback landscaping requirements of the CO zone. For Type C Landscaping a six-foot-tall fence is required, the site plan indicates this. As proposed the landscaping meets the standard. Conformance with the minimum plant unit density shall be required at time of building permit.

- (2) *Vehicle Use Areas.* Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC chapter 807.

Finding: The site does not propose a vehicle use area and the modification does not propose any changes to this.

- (3) *Development Site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

Finding: The subject property is approximately 0.41 acres (17,725 square feet) in size and therefore a minimum of 2,659 square feet of the development site is required to be landscaped. As shown on the landscape plan, a total of approximately 10,724 square feet (60.5 percent) of the development site is landscaped. The proposal therefore conforms to the development site landscaping requirements of SRC 522.010(d)(3). 10,724 square feet of landscaping would require 536 plant units. Conformance with the minimum plant unit density shall be required at time of building permit.

Condition 3: At the time of building permit review, the applicant shall provide a full landscaping plan in conformance with the minimum plant unit density requirements of SRC Chapter 521 and SRC Chapter 807.

The proposed development, as conditioned, conforms to the landscaping requirements of the CO zone.

Bicycle Parking

SRC 806.045 – General Applicability.

- (a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

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

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

SRC 806.055 – Amount of Bicycle Parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Finding: Multiple Family use requires the greater of four spaces or .01 spaces per dwelling unit. The increase of units from 24 to 25 still requires a minimum of four bike parking spaces are required. As shown on the site plan, the proposed development includes a total six bike parking spaces. The proposed development meets this standard.

(B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties;

Finding: The original Site Plan Review approval was for a new 24-unit multiple family residential development with associated common open space and site improvements. This modification is being pursued to remove eight units' balconies and convert the office into a unit. The proposed modification does not result in significant changes to the physical appearance of the development, the use of the site, or the impacts on surrounding properties.

7. Analysis of a Modification of Class 1 Design Review Approval Criteria

Pursuant to Salem Revised Code (SRC) 225.010, a design review approval may be modified after its effective date if the proposed modification meets the criteria in this section. The modification proposes removing balconies and creating one additional unit in an already proposed office building. Staff finds the proposed modification is in substantial conformance with the original approval and will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

SRC 222.010(d)(1): Modification of a Class 1 design review approval shall be granted if the proposed modification meets all of the applicable design review standards.

Finding: As discussed above, the modification requests to remove eight units' balconies and convert the office into a studio apartment. The proposed modification does not substantially change the original approval.

Salem Revised Code (SRC) 225.005(e)(1) sets forth the criteria that must be met before approval can be granted to an application for Class 1 Design Review. Pursuant to SRC 225.005(e)(1), an application for a Class 1 Design Review shall be approved if all of the applicable design review standards are met.

Because the proposal is for a 24-unit multiple family development, the design review standards that are applicable to the proposed development are the multiple family design review standards included under SRC 702.020, which apply to multiple family developments with 13 or more dwelling units.

The following subsections are organized with the multiple family design review standard shown in ***bold italic***, followed by findings evaluating the proposal for conformance with the design review standards. Lack of compliance with the design review standards is grounds for denial of the Class 1 Design Review application, or for the issuance of conditions of approval to ensure the standards are met.

SRC 702.020(a) – Open Space Standards.

(1) To encourage the preservation of natural open qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 30 percent of the gross site area in designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

Finding: The subject property is approximately 0.41 acres (17,725 square-foot) in size. Based on this size, the proposed development is required to include a minimum of 5,318 square feet of permanently reserved open space. As measured on the site plan and landscape plan, the proposed development includes a total of approximately 10,197 which is 384 square feet less due to the loss of the eight balconies that were 48 square feet each. The 10,197 square feet of open space is 57.7 percent of the gross site area. The proposed development conforms to this design review standard.

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

Finding: Based on the number of dwelling units included within the development, the proposed 25 dwelling units require at least one common open space to be provided within the development that is a minimum of 1,250 square feet in size, with a minimum horizontal dimension of 25 feet.

As identified on the site plan, the largest common open space area included within the development is located in the northwest portion of the site. The area measures approximately 5,184 square feet in size and has horizontal dimensions of approximately 64 feet by 81 feet. The proposed common open space area exceeds the minimum required size and dimension requirements of Table 702-3, and is not located on land with slopes greater than 25 percent. The proposed development conforms to this design review standard.

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

Finding: The topography of the site is flat. As shown on the site plan and landscape plan submitted by the applicant, none of the open space areas provided are located on land with slopes greater than 25 percent. The proposed development conforms to this design review standard.

(C) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4.

Finding: As shown on the plans, of the proposed dwelling units within the development include private open space in the form of ground floor patios and upper floor balconies. All of the ground floor patio areas are more than 96 square feet in size; the upper floor balconies are 48 square feet in size; and none of the patios or balconies have a dimension of less than 6 feet. The proposed development conforms to this design review standard.

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

Finding: Because the proposed development includes 25 dwelling units, a minimum of 20 percent of the dwelling units are required to include private open space that meets the dimension standards set forth in Table 702-4. The proposed modification proposes the removal of eight balconies and the creation of one additional unit that does not provide private open space. This change results in 16 out of 25 units providing private open space or 64 percent of the dwelling units having direct access to private open space. The proposed development conforms to this design review standard.

(E) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.

- i. Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and***
- ii. Include at least one of the following types of features:***
 - a. Covered pavilion.***
 - b. Ornamental or food garden.***
 - c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.***
 - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).***
 - e. Swimming pool or wading pool.***

Finding: As shown on the site plan and landscape plan, the proposed development includes landscape garden boxes in the northern portion of the site. The proposed development, however, exceeds minimum open space requirements without the need to utilize this standard.

(F) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within

one-quarter mile of a public urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.

Finding: While the subject property is located within one-quarter mile of a publicly owned park (*Bush's Pasture Park*), the applicant has not chosen to reduce their total amount of open space, as allowed under this section, because the proposed development otherwise exceeds minimum open space requirements without the utilization of this standard. The proposed development conforms to this design review standard.

SRC 702.020(b) – Landscaping Standards.

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

Finding: The subject property is approximately 0.41 acres (17,725 square feet) in size. Based on this size, a minimum of nine trees are required to be planted or preserved on the site. As shown on the landscape plan, a total of 20 trees are proposed to be provided on the site. Two of these trees are the existing 30-inch and 32-inch Oregon white oaks which are proposed to be preserved by the applicant. The proposed development conforms to this design review standard.

(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. Chainlink fencing with slats shall be not allowed to satisfy this standard.

Finding: The subject property is zoned CO (Commercial Office) and abuts public streets on two sides and an alley to the north. The only property that abuts the site is the property to the west, which is zoned CR. Because the proposed development does not abut any property that is zoned RA or RS, this design review standard is not applicable to the proposed development.

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

Finding: As shown on the landscape plan all the primary entryways for individual or common entryways include shrubs adjacent to them as required by this standard. The proposed development conforms to this design review standard.

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

Finding: As shown on the landscape plan, trees are planted around the perimeter of the proposed buildings at a minimum density of ten plant units per 60 linear feet of exterior building wall. The proposed development conforms to this design review standard.

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

Finding: As shown on the landscape plan, shrubs which provide two plant units are proposed to be provided around the buildings every 15 linear feet. The proposed development conforms to this design review standard.

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

Finding: As shown on the landscape plans, a combination of landscaping, in the form of shrubs, and fencing is proposed to be provided around the ground level private open space areas in order to physically and visually separate them from the common open spaces areas on the site. The proposed development conforms to this design review standard.

(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).

Finding: The proposed development does not include an off-street parking area. This design review standard is therefore not applicable to the proposed development.

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

SRC 702.020(c) – Site Safety and Security.

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

Finding: As shown on the floor plans and building elevations for all the proposed buildings including the unit which was previously proposed as an office, windows are provided in habitable rooms, other than bathrooms, on walls that face common open space, parking areas, and pedestrian paths. The proposed development conforms to this design review 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.*

Finding: A lighting plan was provided for the first floor of the proposed development with the modification. The lighting plan shows the site and the main floor of all the buildings, building A and B are also shown to provide lights near all exterior entrances of these buildings. This design review standard is therefore not applicable to the proposed development.

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

Finding: As shown on the site plan and landscape plan, no landscaping or fencing is proposed that would obstruct visibility between street facing dwelling units and the street. The proposed development conforms to this design review standard.

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

Finding: As shown on the landscape plan, the proposed development includes fences next to some of the private open space areas in order to separate the ground floor private open space from common open space. So that the privacy fencing provided does not obscure visibility as required by this standard, the following condition of approval shall apply:

Condition 14: Privacy fences included within the development to separate private open space from common open space shall not exceed a maximum of three feet.

The proposed development, as conditioned, conforms to this design review standard.

SRC 702.020(d) – Parking and Site Design.

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

Finding: As shown on the site plan, the proposed development does not include an off-street parking area. This design review standard is therefore not applicable to the proposed development.

(2) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

Finding: The proposed modification is not changing the fact that the proposed development does not include an off-street parking area. This design review standard is therefore not applicable to the proposed development.

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

Finding: As shown on the site plan, the proposed development does not include an off-street parking area. The subject property also does not abut property zoned RA or RS. This design review standard is therefore not applicable to the proposed development.

(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.

Finding: As shown on the site plan and landscape plan, the proposed development includes pedestrian paths that extend through the site to provide connectivity between dwelling unit entrances, common open space, and the street in conformance with this standard. The pedestrian paths meet the minimum required 5-foot width in most locations with the exception of the section of pedestrian pathway connecting the proposed standalone studio unit to Waller Street SE is only four feet in width. In order to ensure that all of the pedestrian paths within the development meet the minimum required width established by this standard, the following condition of approval shall apply:

Condition 15: ~~All the sections of pedestrian pathway in the north end of the site, located between North Building B and the proposed trash enclosure and running east-west to connect to Lee Street SE, shall be widened to five feet in width.~~

The proposed development, as conditioned, conforms to this design review standard.

8. Effect on Expiration Period of Original Approval

Pursuant to SRC 220.010(e) and SRC 255.010(e), when a Class 3 Site Plan Review or Design Review decision is modified, the effect of the modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Finding: The rights granted by the attached decision for Class 3 Site Plan Review case no. SPR-DR23-21 must be exercised by August 8, 2027, or this approval shall be null and void.

9. Conclusion

Based upon review of SRC Chapters 220, 225 and 702, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Final approval of Class 3 Site Plan Review Modification and Class 1 Design Review Modification Case No. SPR-DR23-21MOD1 is hereby **APPROVED** subject to SRC Chapters 220, 225 and 702, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

Condition 1: The proposed trash enclosure serving the development shall be relocated to be setback a minimum 10 feet from the adjacent alley.

Condition 2: A minimum 6-foot-tall sight-obscuring fence shall be provided along the north property line of the subject property in conformance with applicable Salem Revised Code standards. The fence is not required between the proposed trash enclosure and the alley.

Condition 3: At the time of building permit review, the applicant shall provide a full landscaping plan in conformance with the minimum plant unit density requirements of SRC Chapter 521 and SRC Chapter 807.

Condition 4: The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.

Condition 5: In order to allow for servicing by the franchised hauler, the area located between the front opening of the trash enclosure and the alley shall be paved to the existing edge of the paved alley.

Condition 6: Protective fencing for the 32-inch oak on the property shall be provided that encompasses 74 percent of the critical root zone of the tree as identified in the arborist report included as Attachment I to this decision. The protective fencing shall remain in place until issuance of certificate of occupancy for the development and all recommended protection measures identified in the arborist report shall be followed.

Condition 7: Along Waller Street SE and Lee Street SE, provide streetscape improvements including streetlights, street trees, and replacement of property line sidewalks in accordance with SRC Chapter 803 and the Public Works Design Standards (PWDS).

Condition 8: The existing driveway approach along Lee Street SE shall be removed.

Condition 9: Construct a minimum 8-inch public water main from 13th Street SE to serve the development site and submit information that demonstrates the new main provides sufficient

fire flow to serve the proposed development pursuant to the Public Works Design Standards (PWDS).

Condition 10: A minimum of two plant units shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.


Condition 11: Shrubs shall be distributed around the perimeter of the proposed buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.

Condition 12: All ground level private open space areas shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

Condition 13: Lighting shall be provided that illuminates exterior dwelling unit entrances and the pedestrian path within the development.

Condition 14: Privacy fences included within the development to separate private open space from common open space shall not exceed a maximum of three feet.

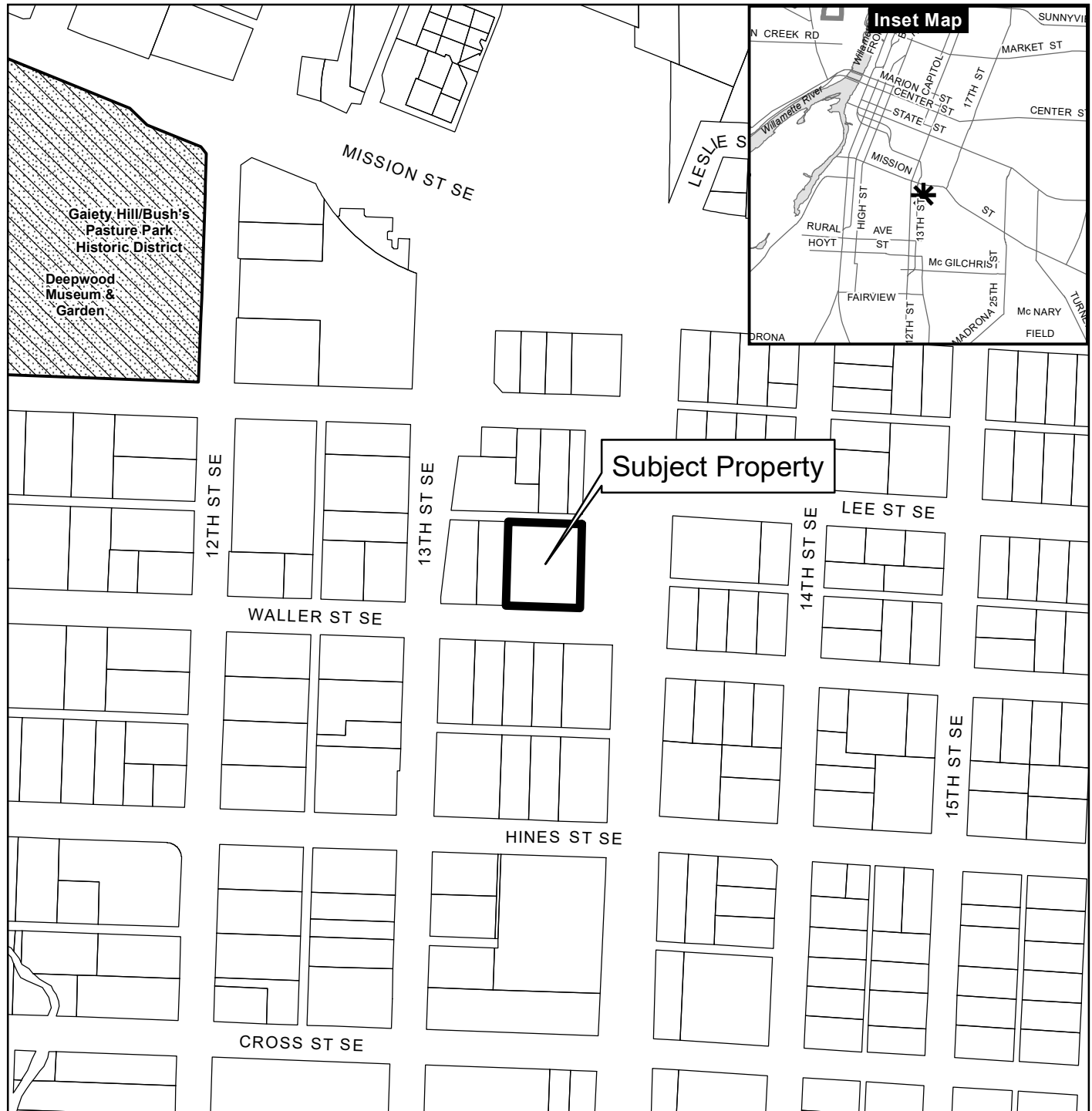
Condition 15: ~~All the sections of pedestrian pathway in the north end of the site, located between North Building B and the proposed trash enclosure and running east-west to connect to Lee Street SE, shall be widened to five feet in width.~~



Abigail Pedersen, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Development Plans with Proposed Modifications

Vicinity Map 1341 Waller Street SE



Legend

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









Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

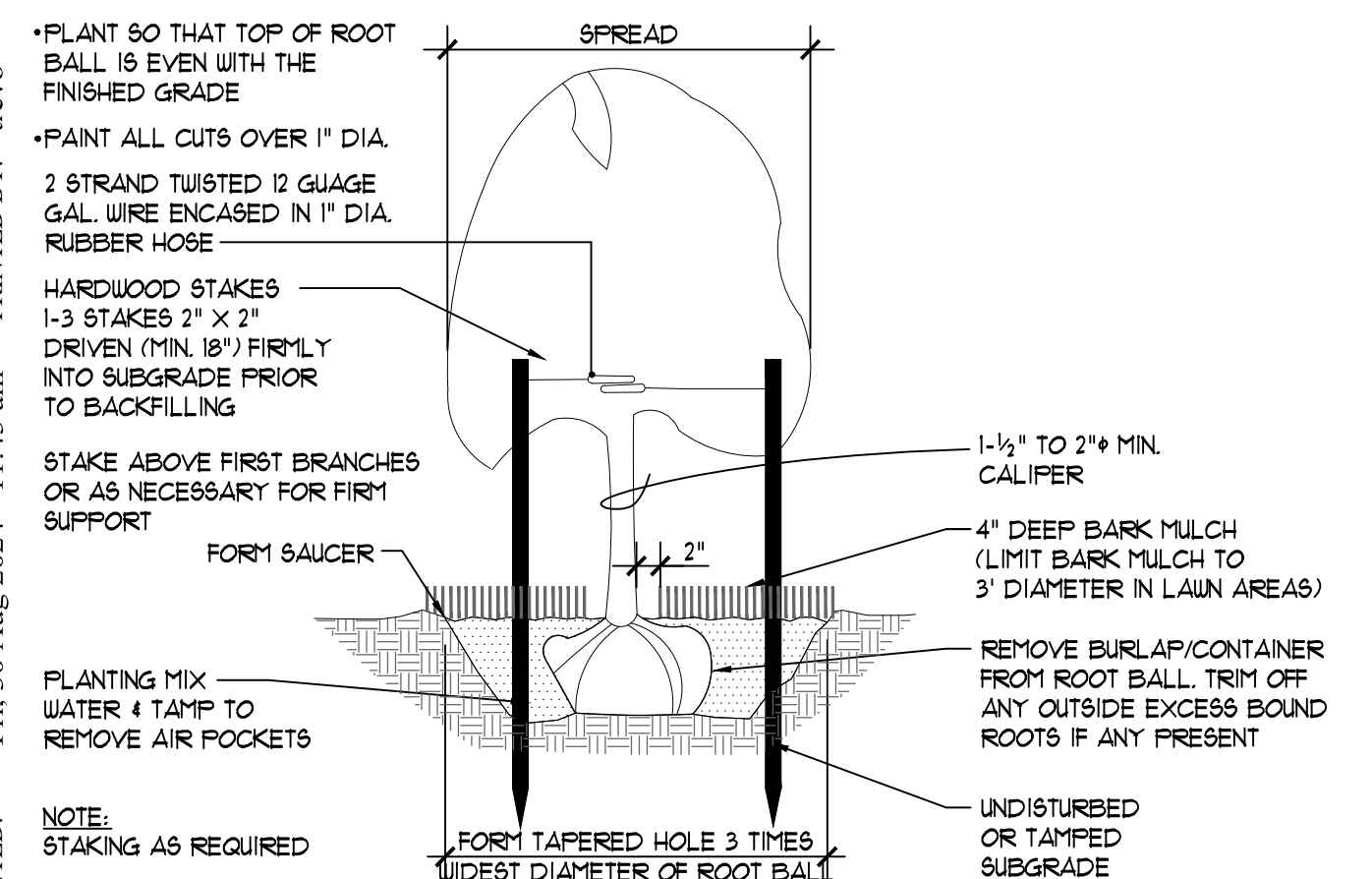
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



SIZE	SUBURBS	COMMON NAME/BOTANICAL NAME	COMMENTS	COUNT
1 gal. 3 gal.				1 gal. 3 gal.
	5-HYB.	HYBISCUS/Hibiscus Syriacus ROSE OF SHARON 'MINERVA' 'AZURI SATIN'	1 FU 1 gal / 2 FU 3 gal	
	5-STRA.	DEUTZIA x hybridA 'STRAWBERRY FIELDS'	1 FU 1 gal / 2 FU 3 gal	
	5-ABE.	ABELIA grandiflora EDWARD 'GOUCHER' (EVERGREEN)	1 FU 1 gal / 2 FU 3 gal	
	5-VIBD.	VIBURNUM Japonicum (EVERGREEN)	1 FU 1 gal / 2 FU 3 gal	
	5-PIE.	PIERIS Japonicum LILLY-OF-THE-VALLEY (EVERGREEN/SHADE)	1 FU 1 gal / 2 FU 3 gal	
	5-AUC.	AUCUBA JAPONICA JAPANESE AUCUBA (EVERGREEN/SHADE)	1 FU 1 gal / 2 FU 3 gal	
	5-VIB.	VIBURNUM ELLIPTICUM, COMMON VIBURNUM	1 FU 1 gal / 2 FU 3 gal	
	5-CURR.	RED-FLOWERING CURRANT/Ribes sanguineum	1 FU 1 gal / 2 FU 3 gal	(Ø)(143)

1 SCALE: N/A M:\029ITEWK\950PLNTS\02950 PLANTLIST



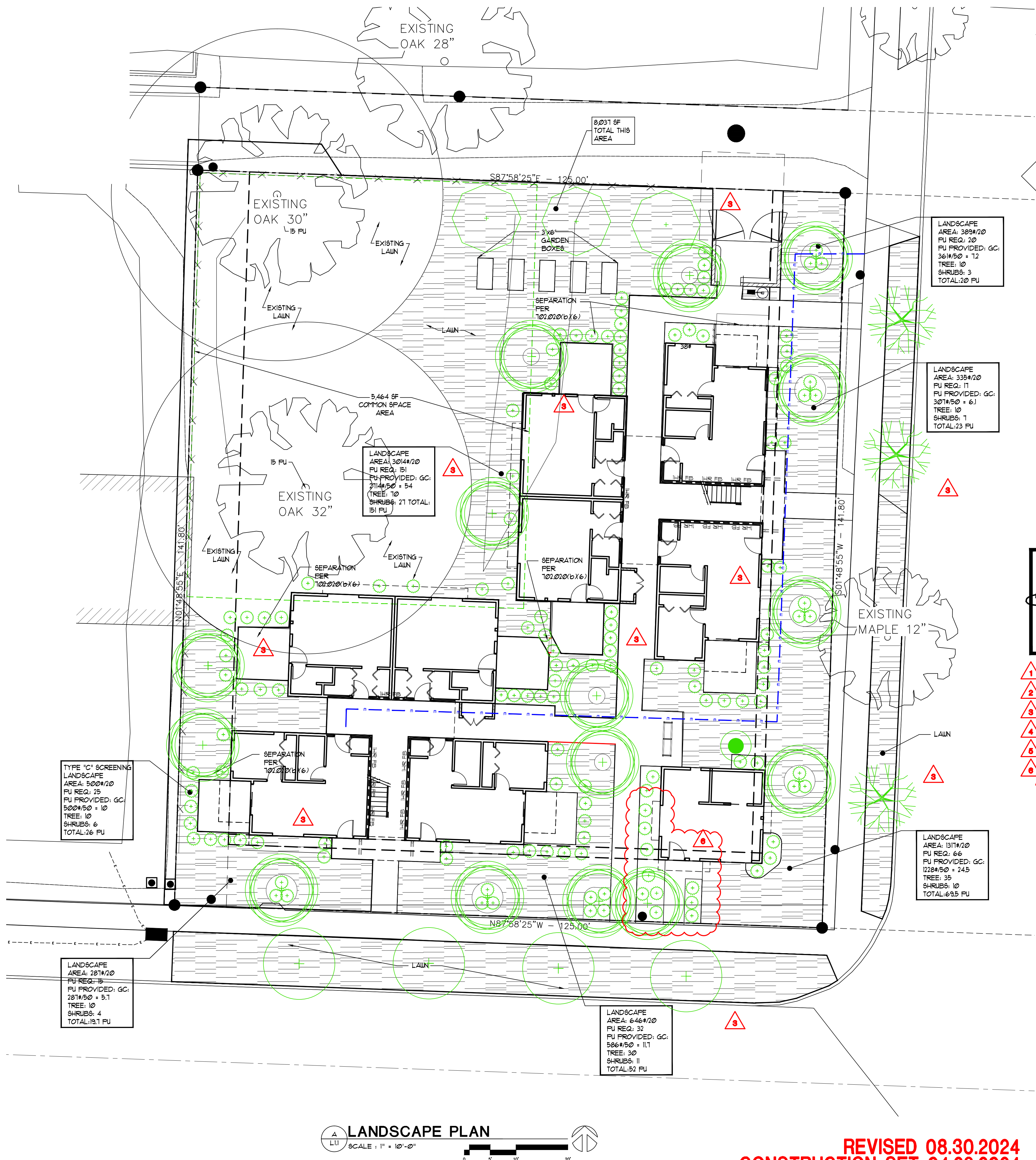
2 VERTICAL STAKES
SCALE: NTS
M1/01 SITEWK/000 LNDSC/01300 TREE PLANTING

TABLE 102-3. COMMON OPEN SPACE AREA SIZE AND DIMENSIONS

MORE THAN 20 UNITS (HAVE 24)	= 1,000 SF (20)
14 UNITS (OVER 20)	= 500 SF (4x12.5)
MIN. AREA REQUIRED PROVIDED AREA	= 1,050 SF
	= 546.4 SF

*250 SF/20 (FOR EACH ADDITIONAL UNIT) = 12.5 SF

TABLE 102-4. PRIVATE OPEN SPACE SIZE AND DIMENSIONS		
	MIN AREA	MIN DIMENSION
1ST FLOOR	= 96 SF	6 FT
2ND AND 3RD	= 48 SF	6 FT



REGISTERED ARCHITECT
RONALD JAMES PED
Ronald James Ped
SALEM, OREGON
STATE OF OREGON

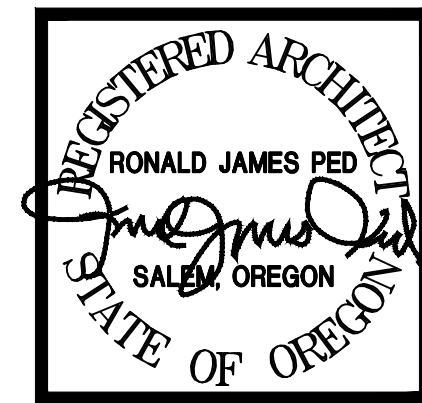
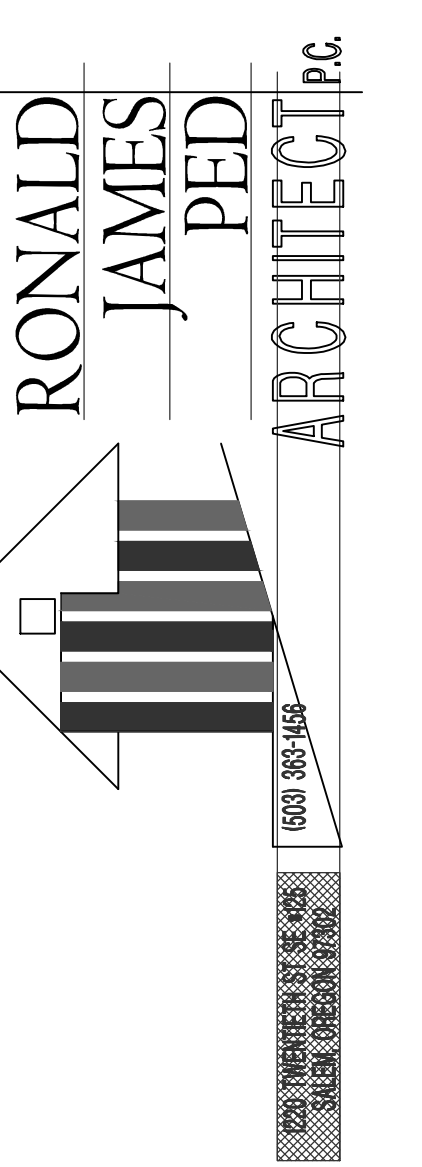
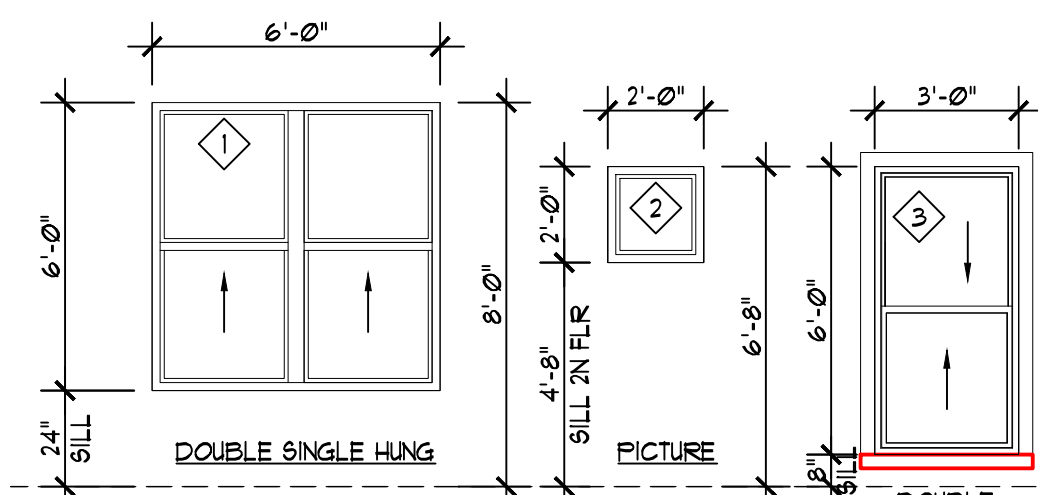
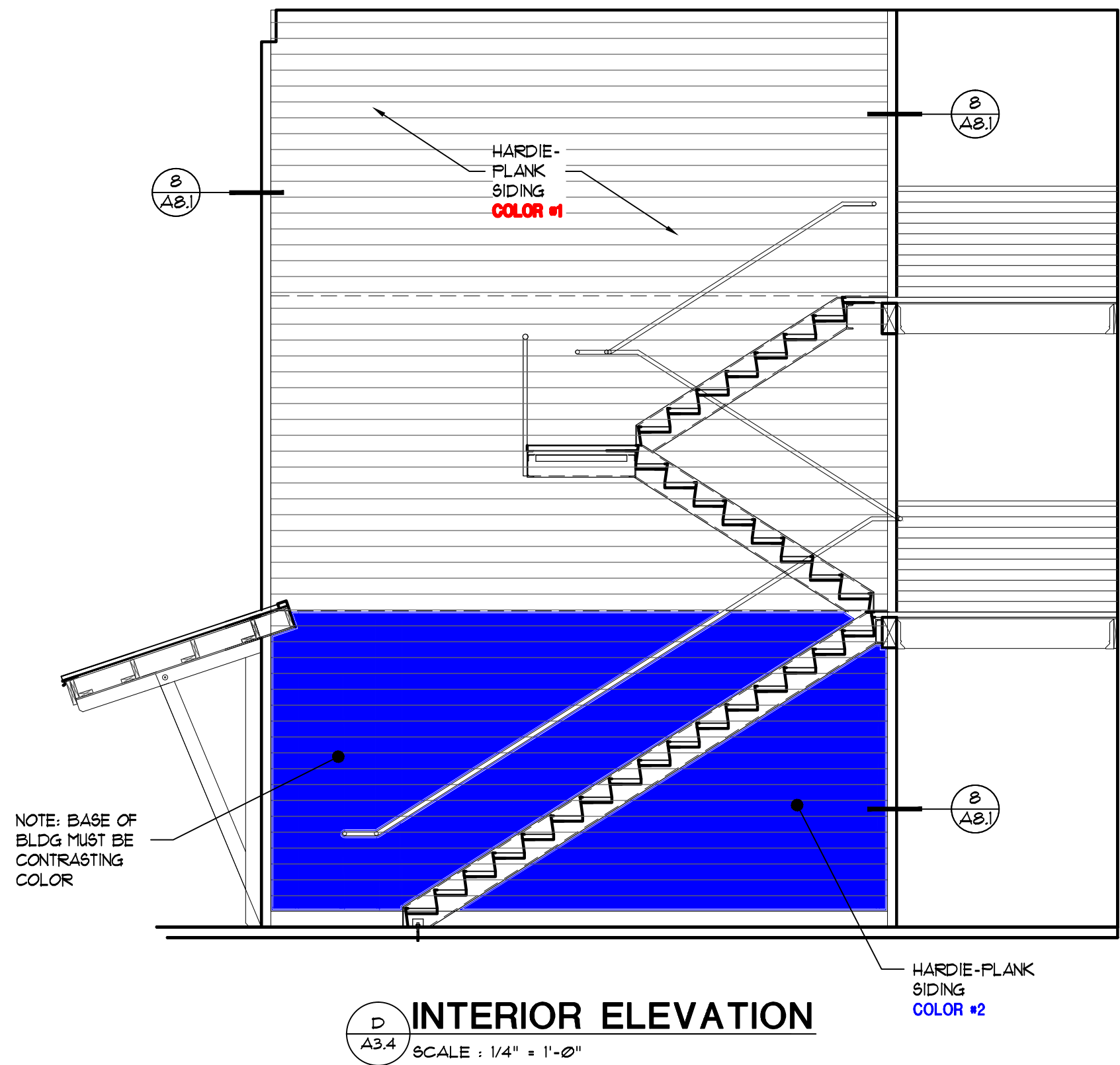
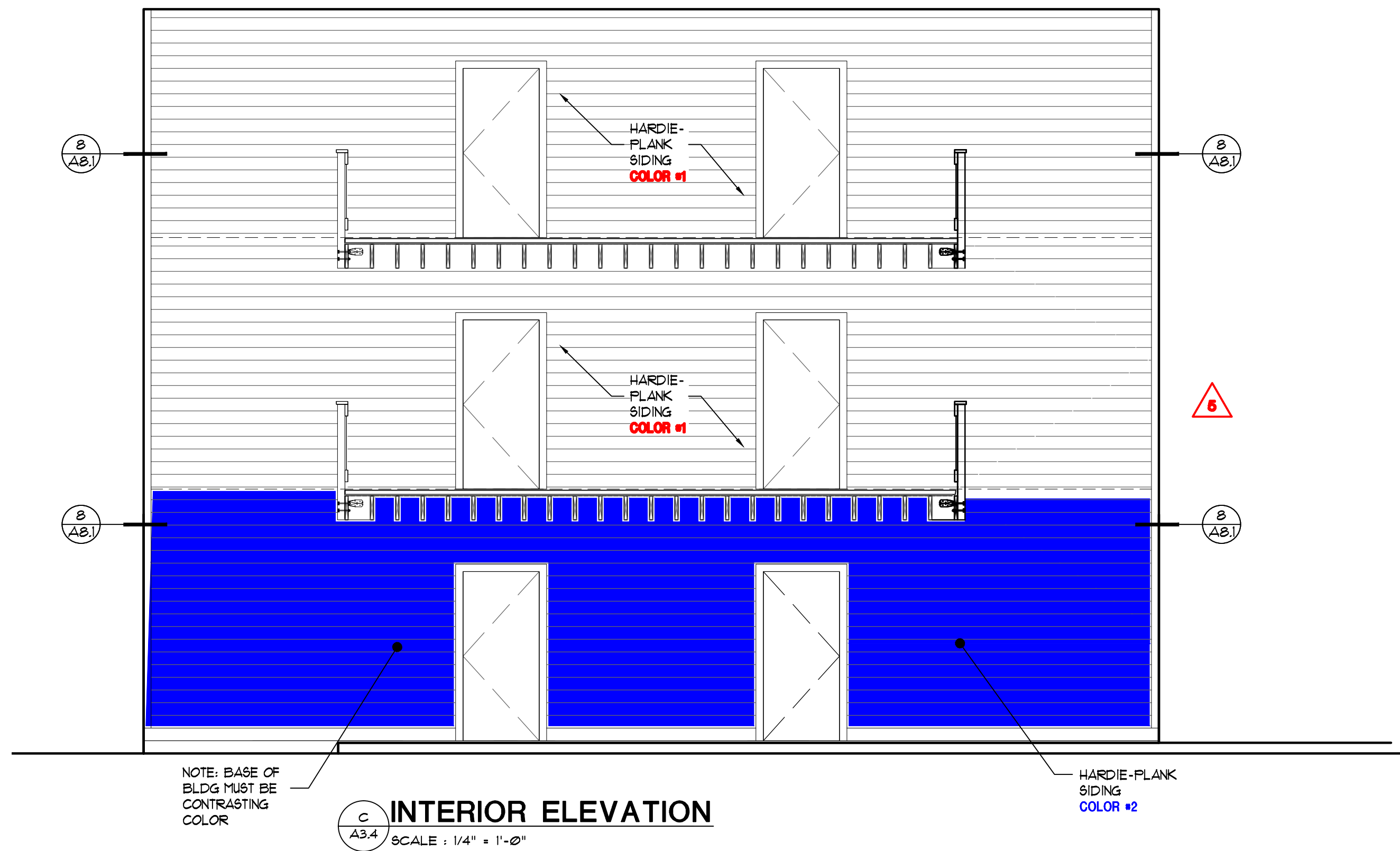
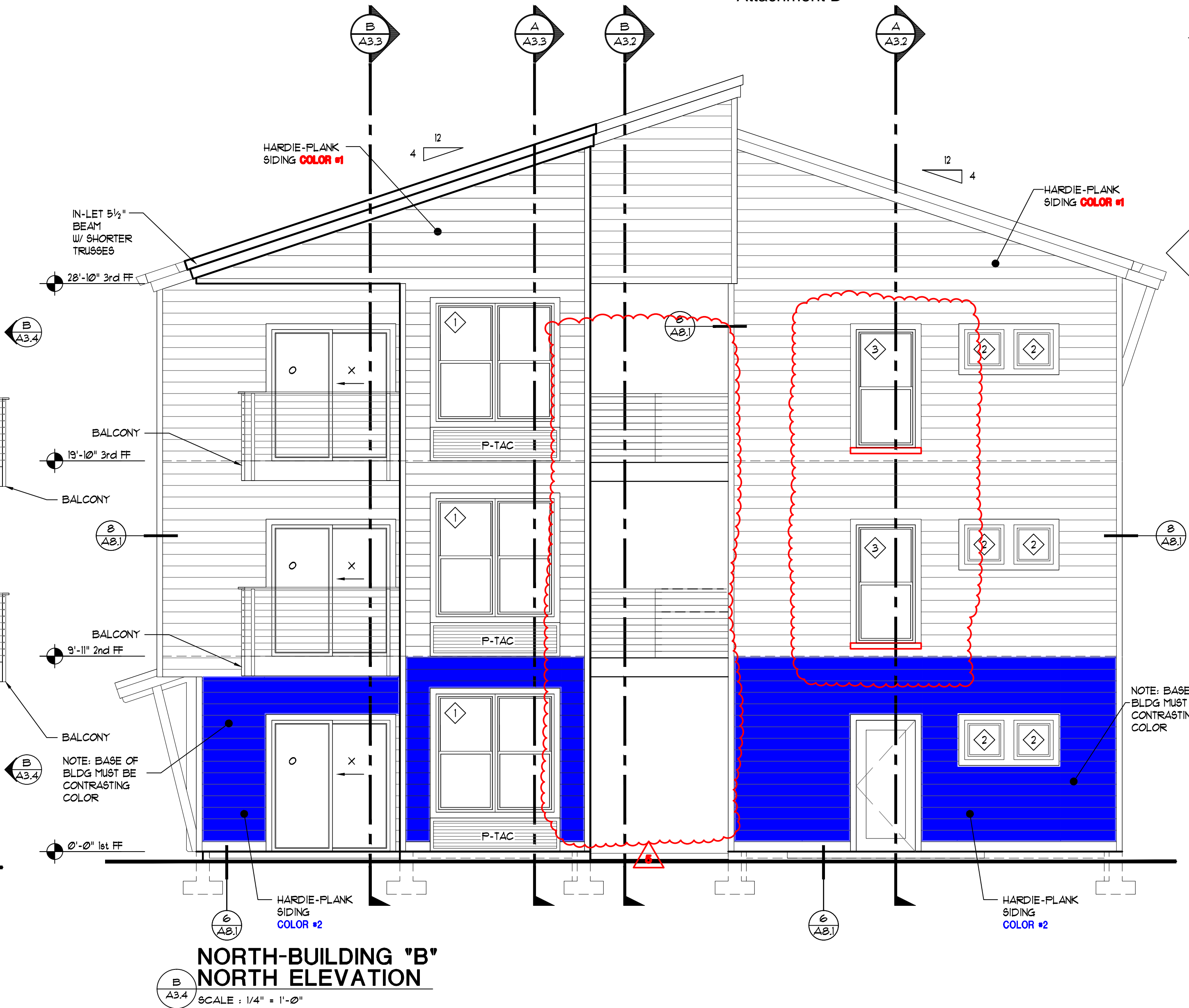
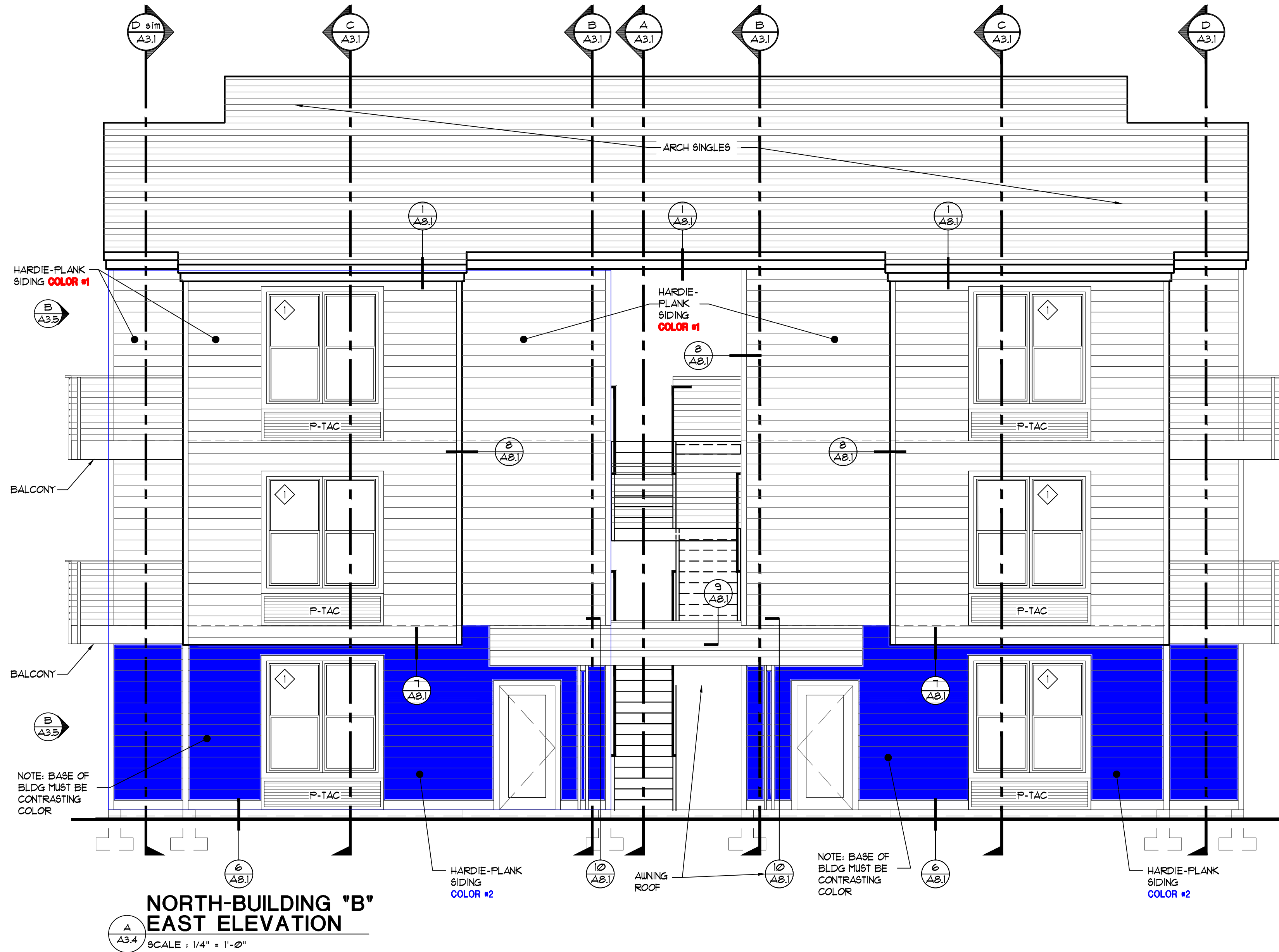
- 13 MARCH 2022
SPR COMMENT
- 5 FEB. 2022
CITY OF SALEM COMMENT
- 15 FEB. 2022
REVIEW COMMENT
- 28 MAR. 2022
CITY OF SALEM COMMENT
- 14 JUNE 2022
EGRESS STAIR CHANGE
- 15 JULY 2022
CHANGE OFFICE TO STUDIO APT
TERMINAL OF STUDIO BALCONY

NEW APARTMENTS FOR:
Waller St SE
345 Waller St Salem, Or

DATE: 20 APRIL 2022
DRAWN:
JOB NO.: 2207

L1.1

REVISED 08.30.2024
CONSTRUCTION SET 04.29.2024



- 1 13 MAR 2023 6PM COMMENTS
- 2 5 FEB 2024 CITY OF SALEM COMMENTS
- 3 5 FEB 2024 REVIEW COMMENTS
- 4 28 MAR 2024 CITY OF SALEM COMMENTS
- 5 14 JUNE 2024 EGRESS STAIR CHANGE
- 6 5 JULY 2024 CHANGE OFFICE TO STUDIO APT & REMOVAL OF STUDIO BALCONIES

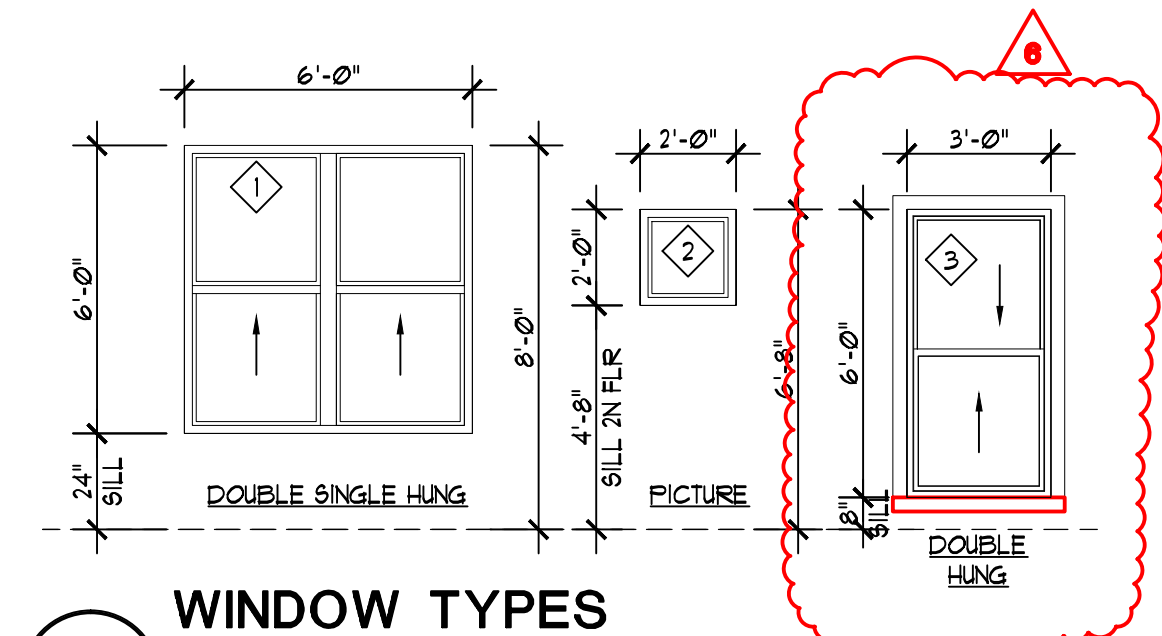
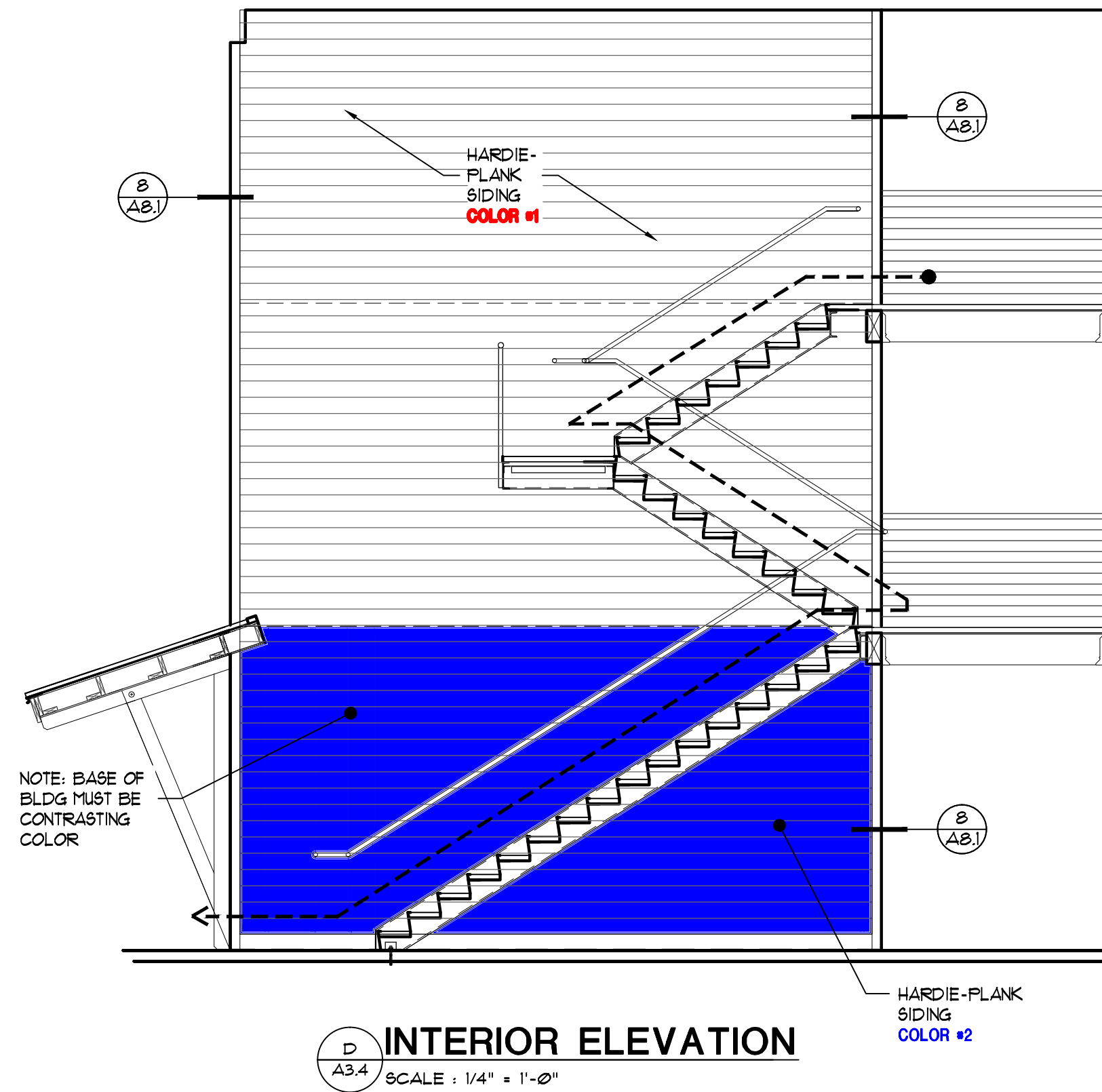
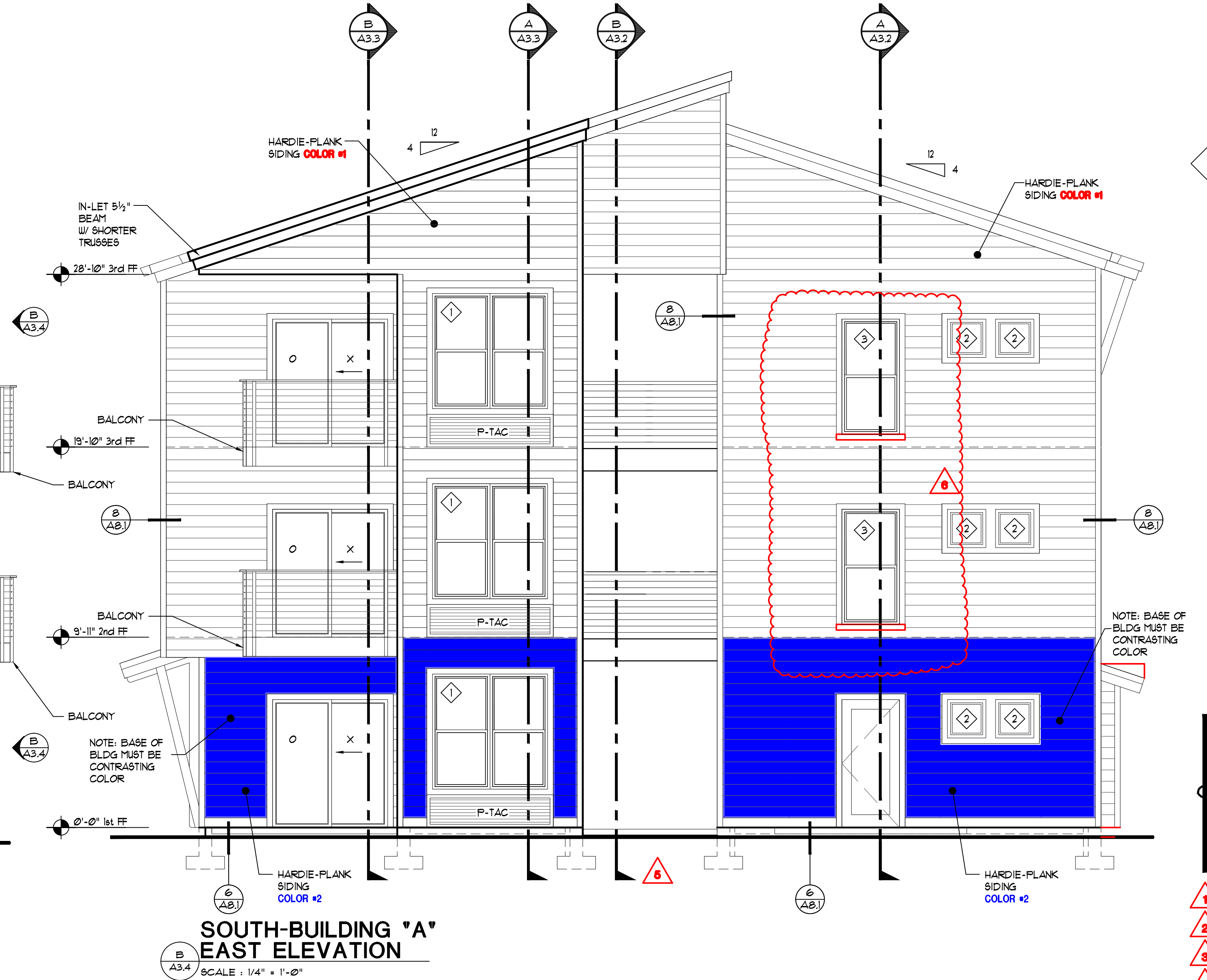
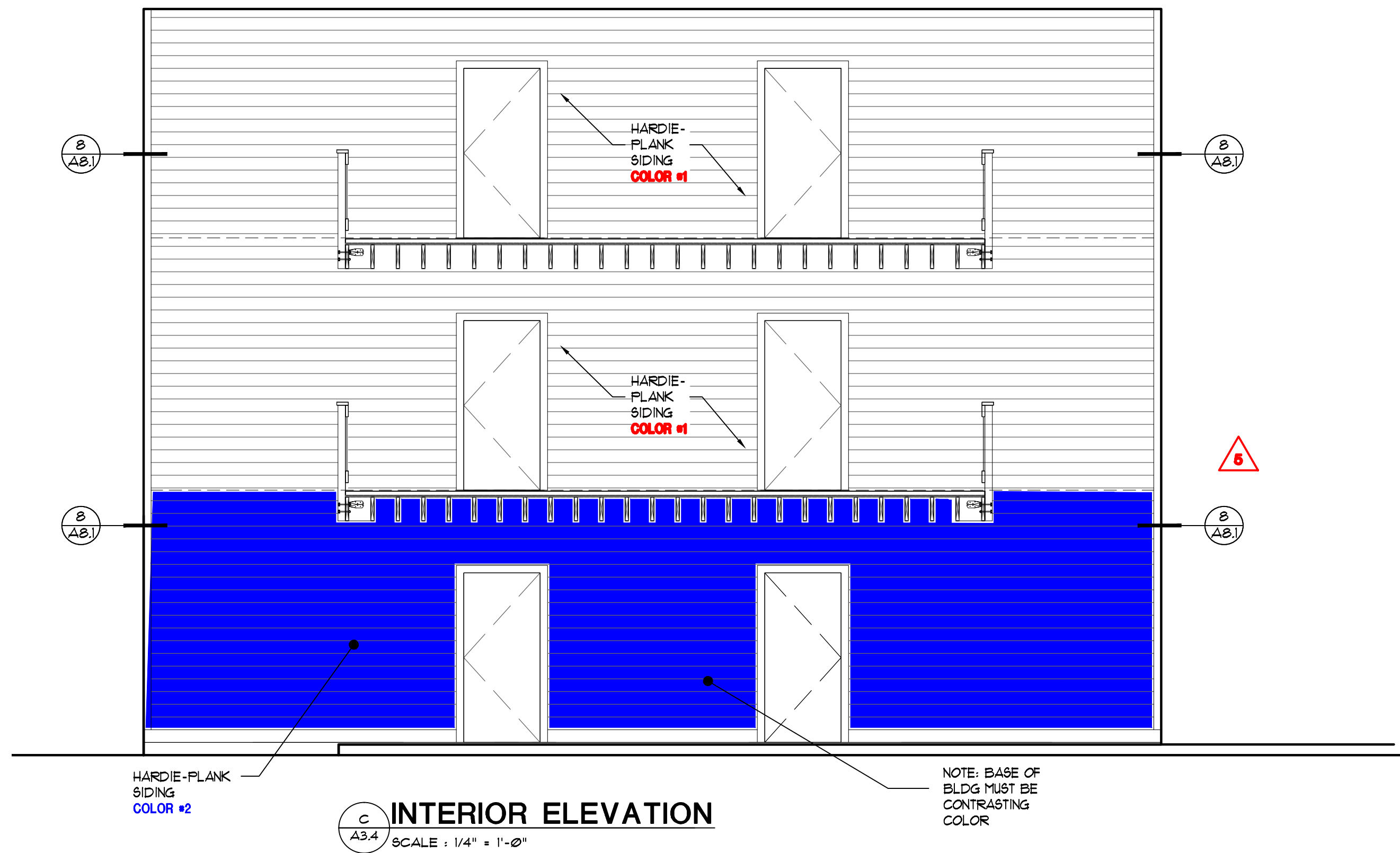
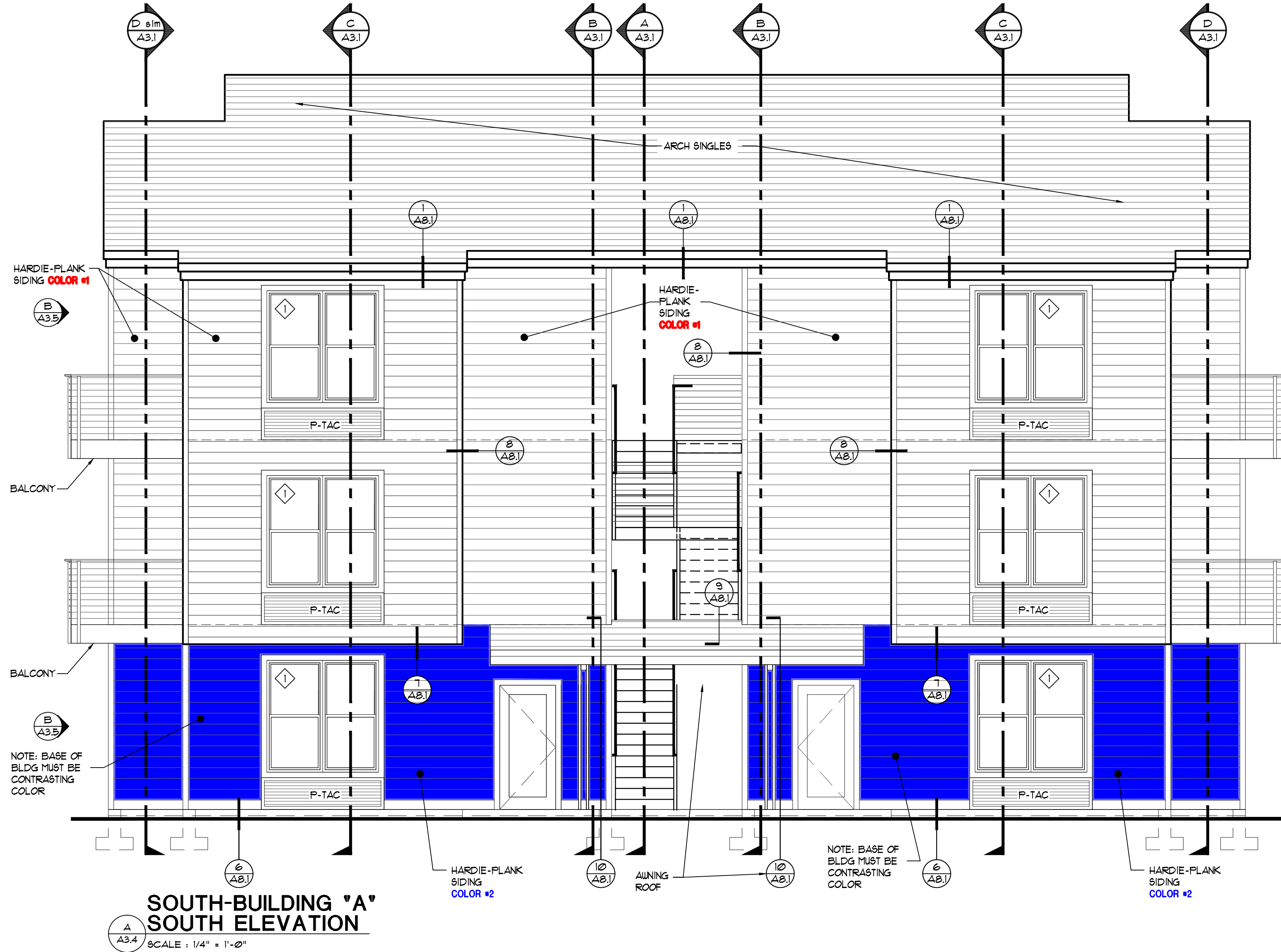
NEW APARTMENTS FOR:
Waller St SE
1349 Waller St Salem, Or

DATE: 20 APRIL 2022
DRAWN: 2207

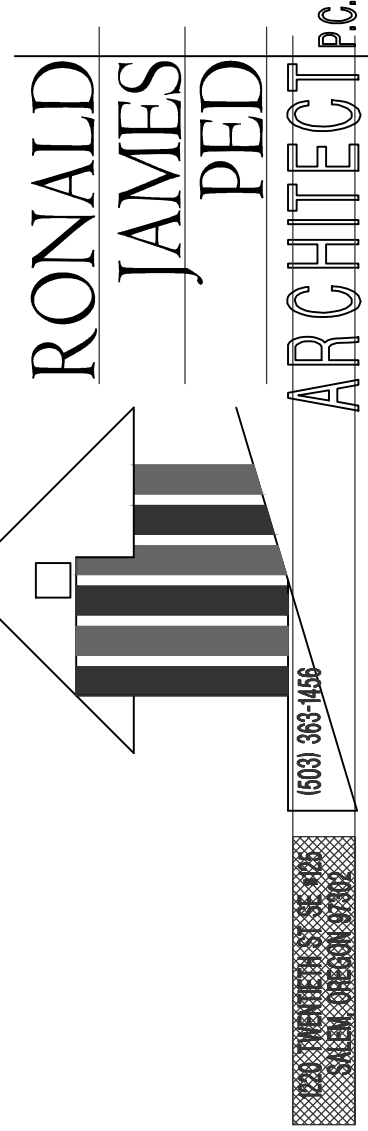
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1 CONSTRUCTION SET 04.29.2024

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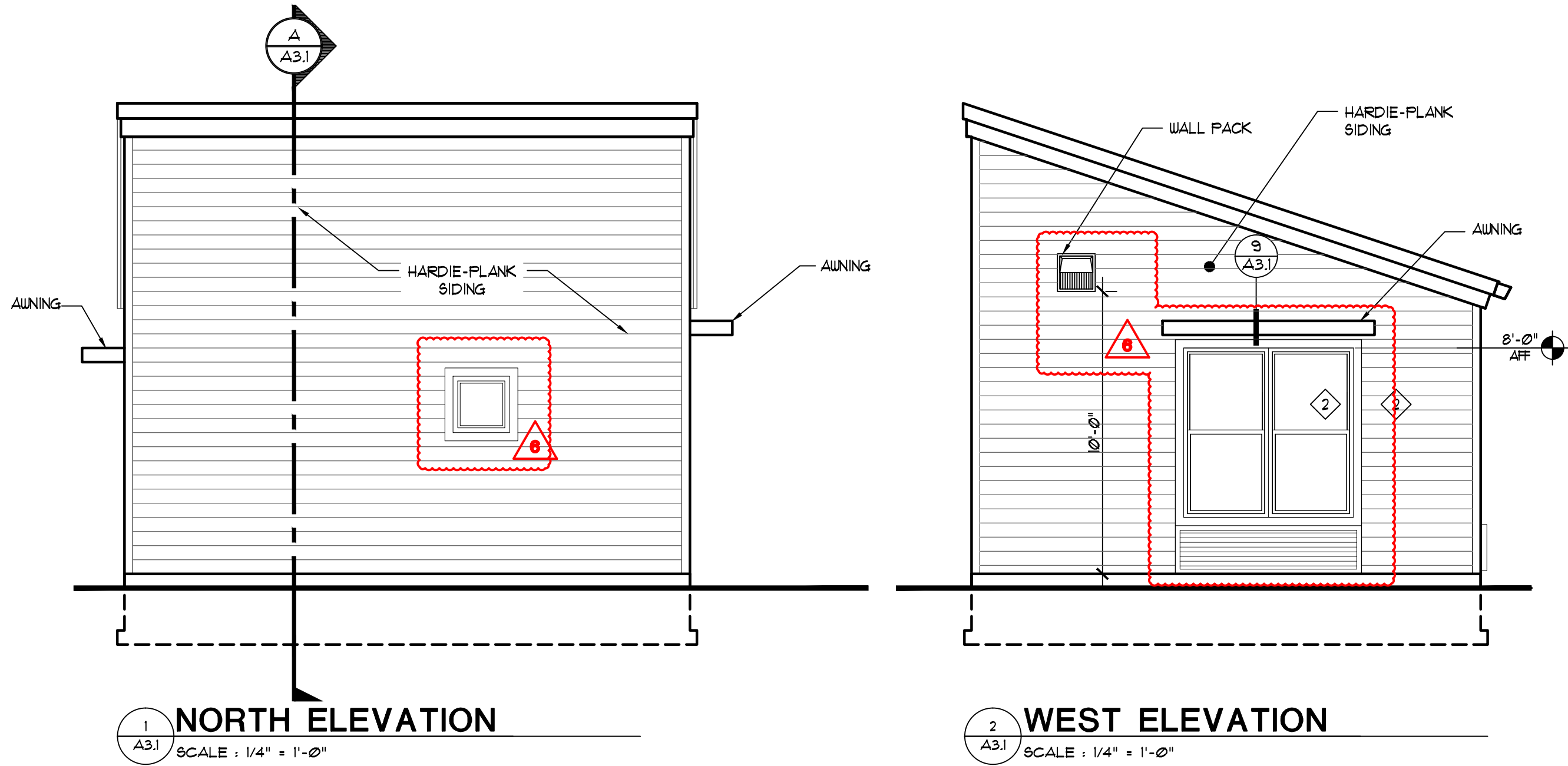
CONSTRUCTION SET 04.29.2024



- 1 13 MARCH 2023 84% COMMENTS
- 2 9 FEB. 2024 CITY OF SALEM COMMENTS
- 3 9 FEB. 2024 REVIEW COMMENTS
- 4 28 MAR. 2024 CITY OF SALEM COMMENTS
- 5 14 JUNE 2024 EGRESS STAIR CHANGE
- 6 3 JULY 2024 CHANGE OFFICE TO STUDIO 4P4
- 7 REMOVAL OF STUDIO BALCONIES

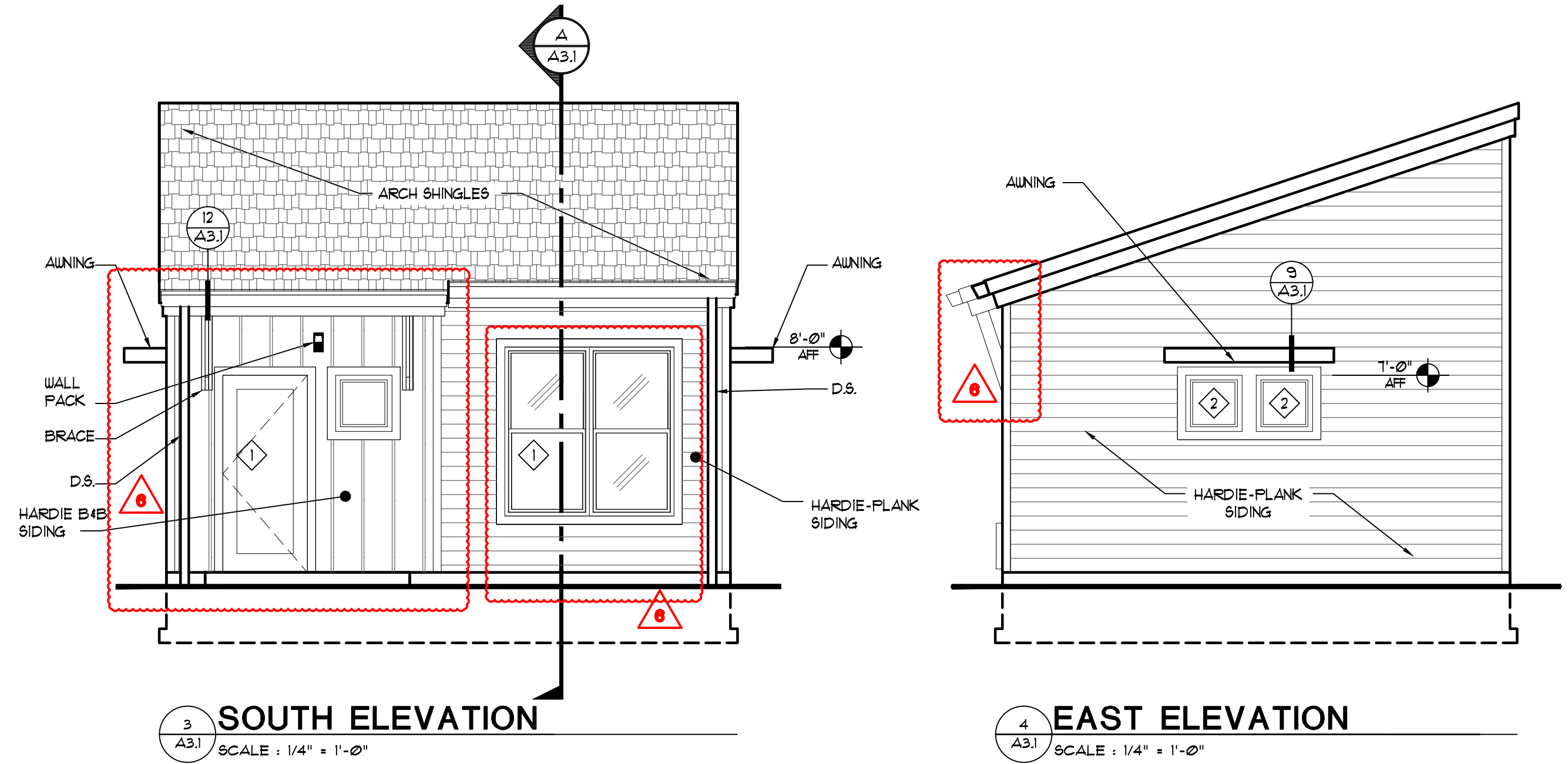
NEW APARTMENTS FOR:
Waller St SE
1341 Waller St Salem, Or

DATE: 20 APRIL 2022
DRAWN: JOB NO. 2207
A3.4



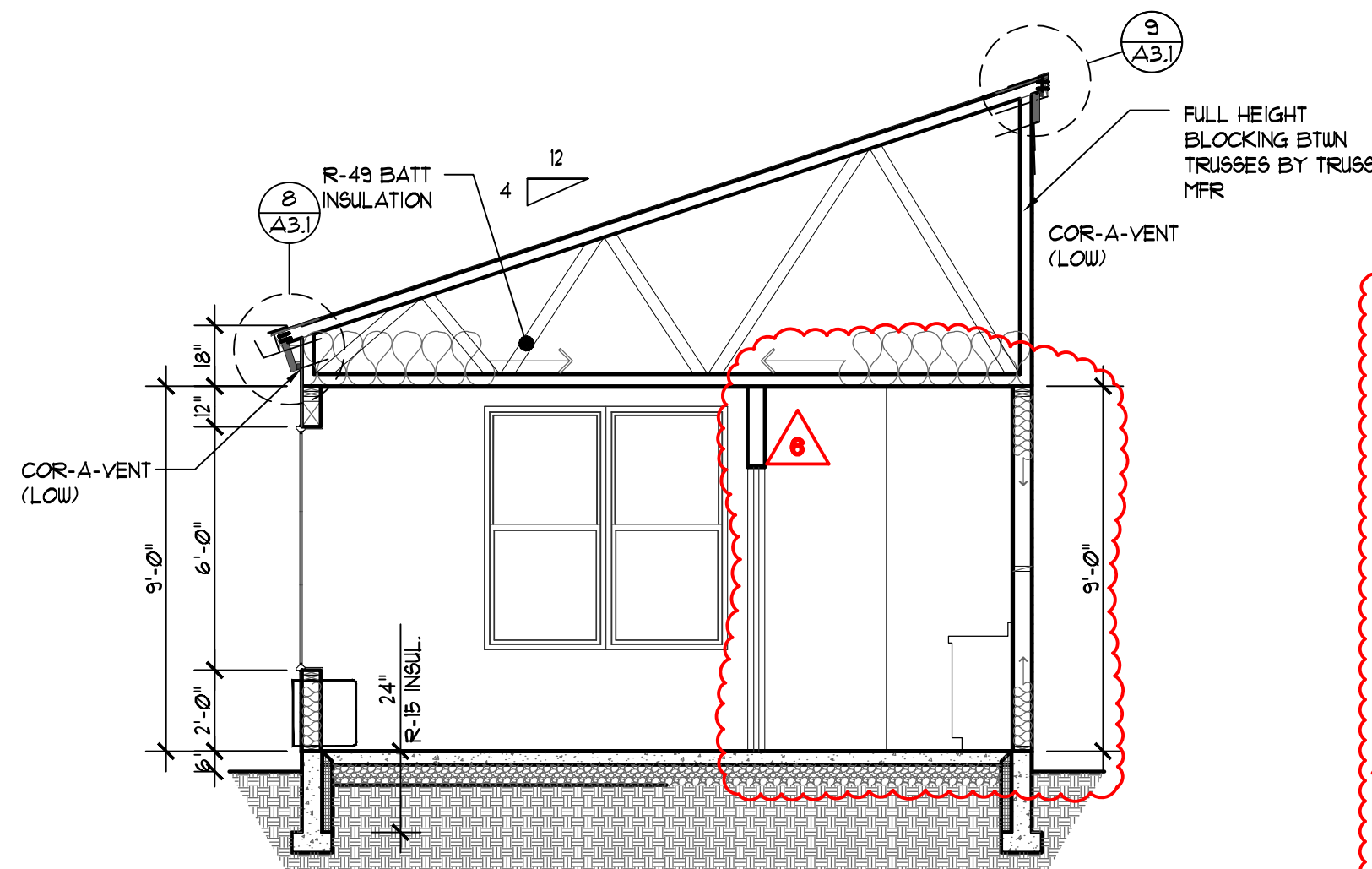
1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

2 WEST ELEVATION
SCALE: 1/4" = 1'-0"

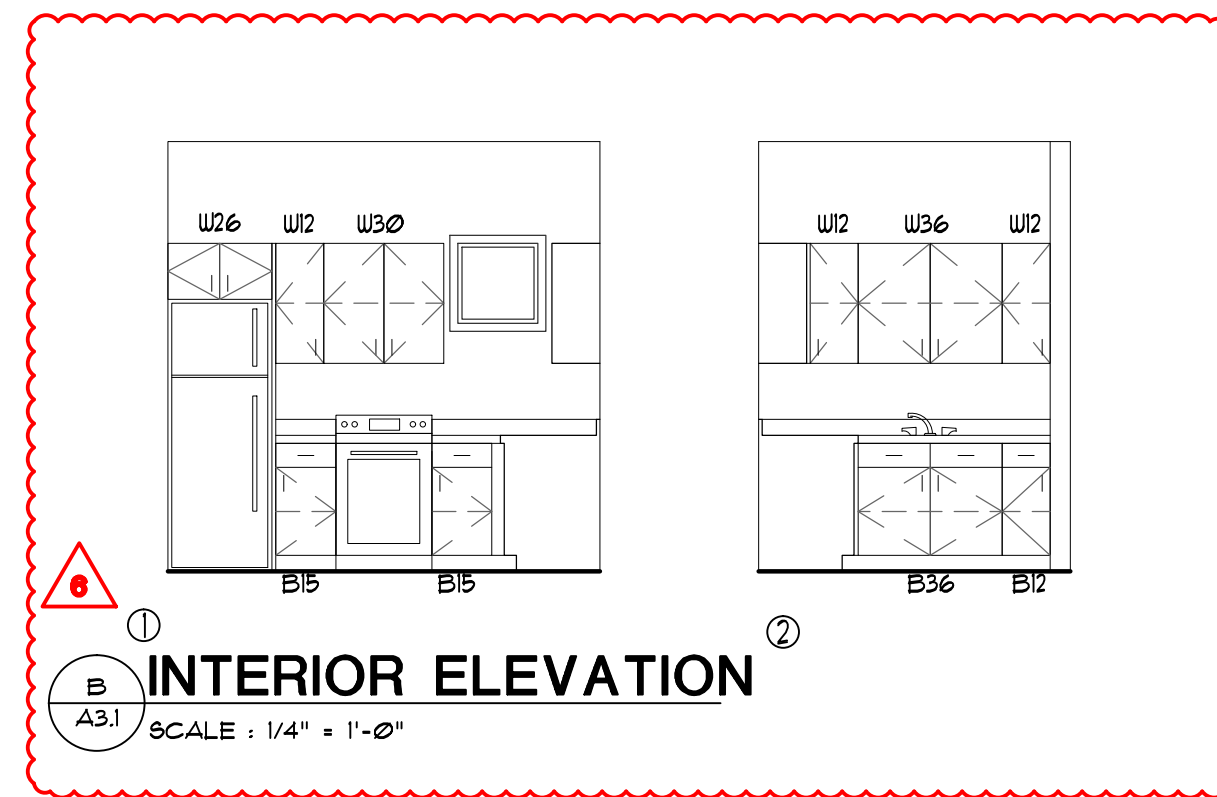


3 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

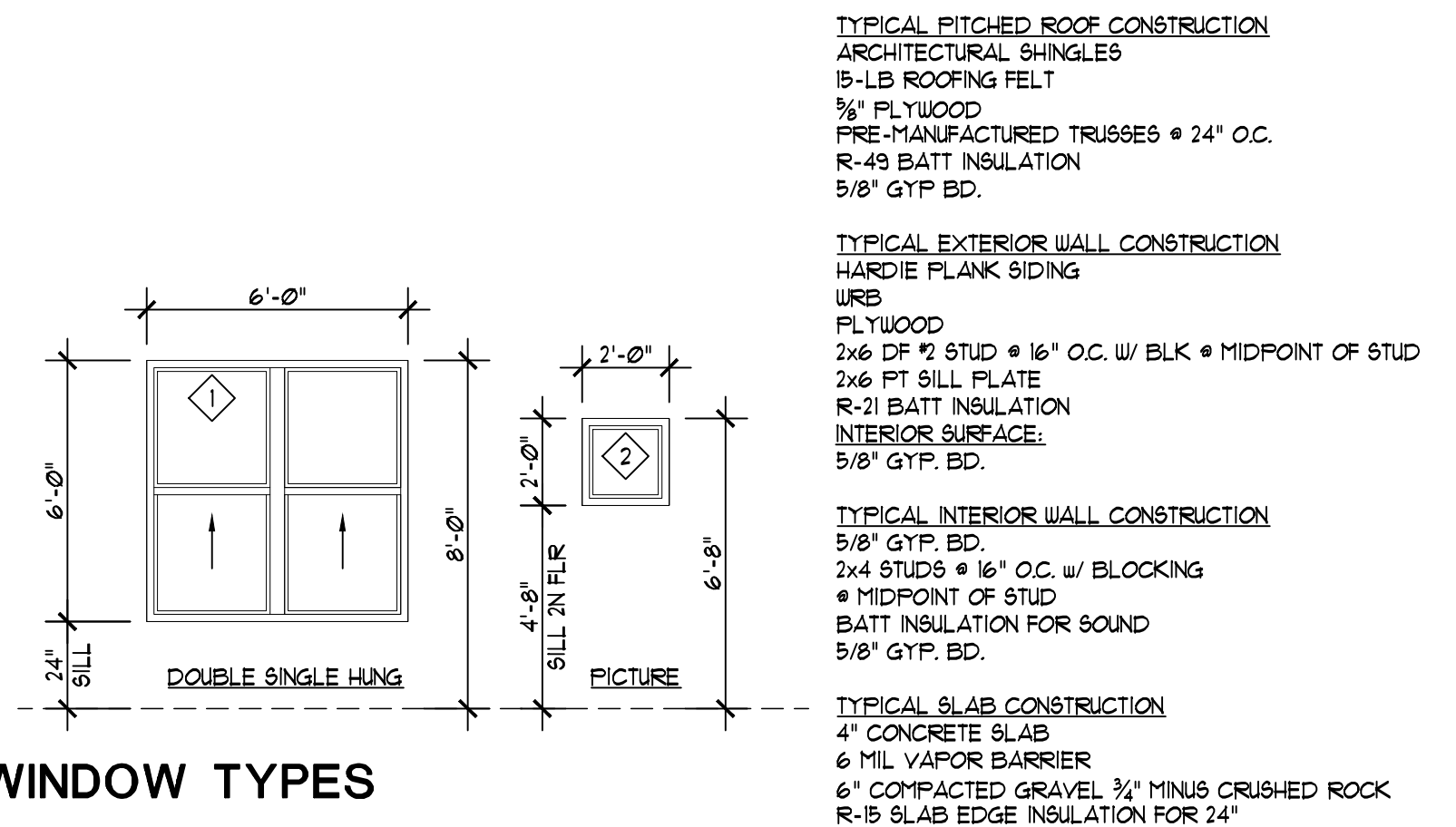
4 EAST ELEVATION
SCALE: 1/4" = 1'-0"



TYP. TRUSS SECTION
TYP. SECTION
SCALE: 1/4" = 1'-0"



5 INTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



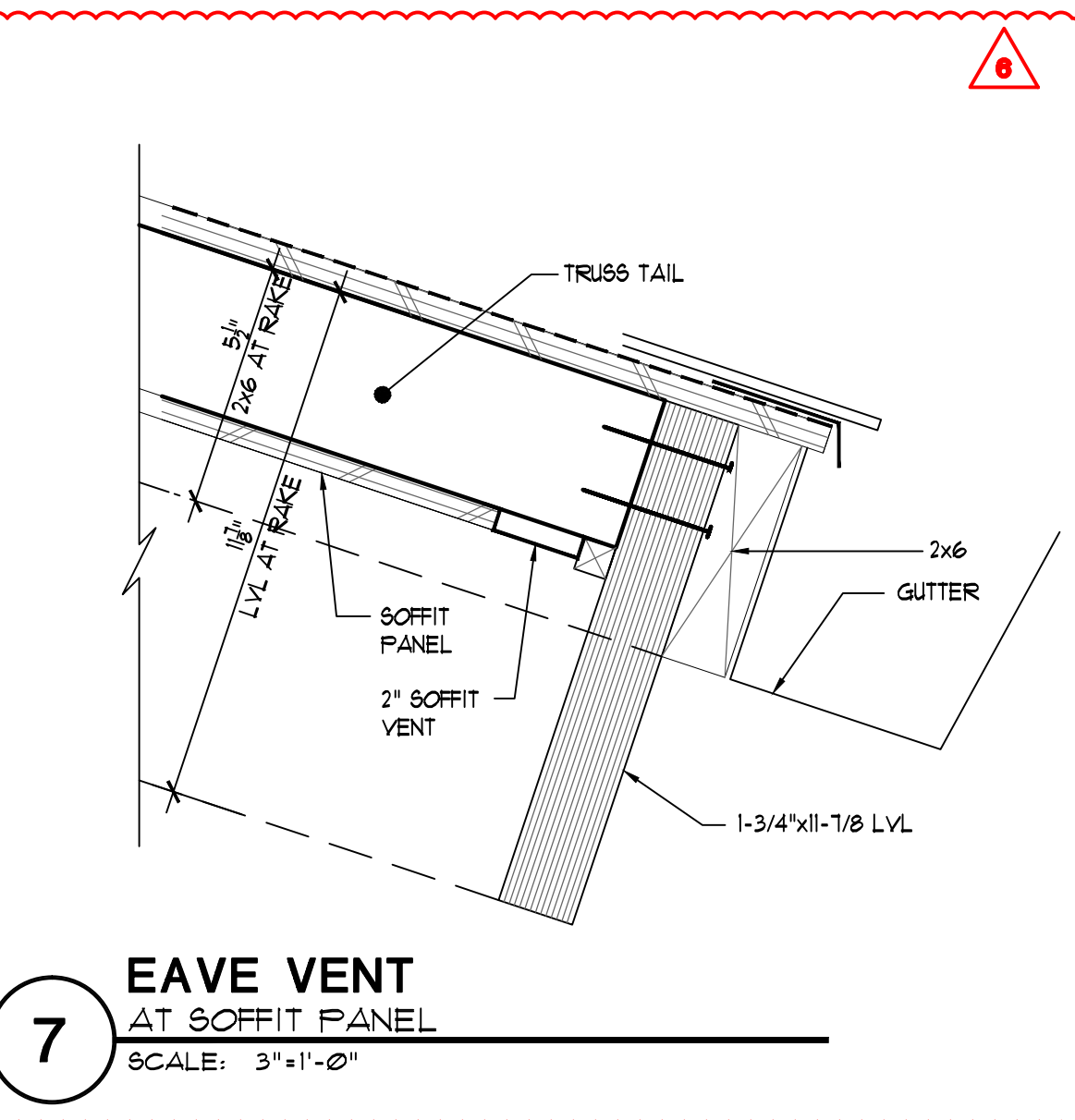
6 WINDOW TYPES
SCALE: 1/4" = 1'-0"

TYPICAL PITCHED ROOF CONSTRUCTION
ARCHITECTURAL SHINGLES
15-LB ROOFING FELT
3/4" PLYWOOD
PRE-MANUFACTURED TRUSSES @ 24" O.C.
R-49 BATT INSULATION
5/8" GYP. BD.

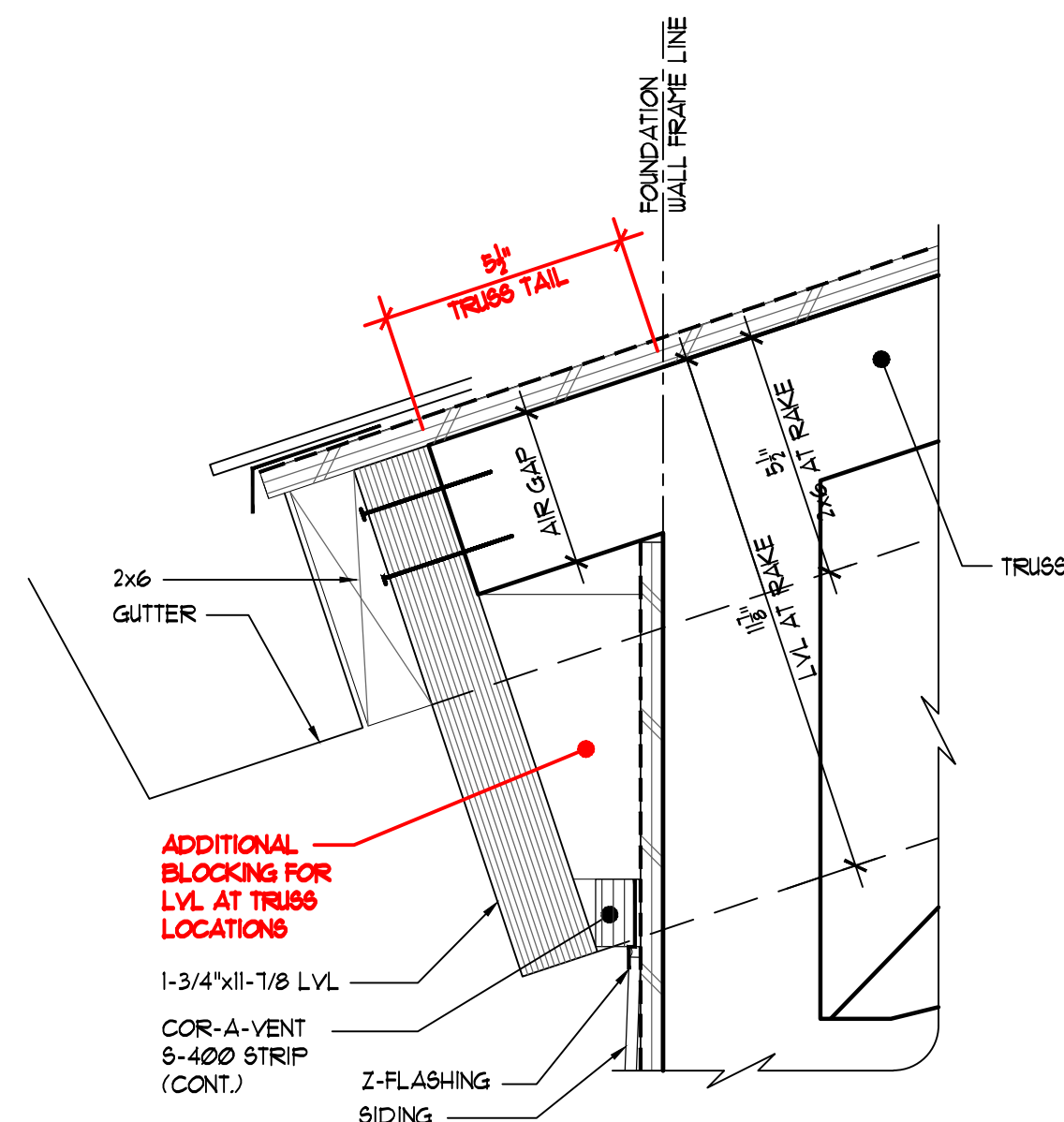
TYPICAL EXTERIOR WALL CONSTRUCTION
HARDIE PLANK SIDING
WRB
PLYWOOD
2x6 DF 12 STUD @ 16" O.C. W/ BLK @ MIDPOINT OF STUD
2x6 PT SILL PLATE
R-21 BATT INSULATION
INTERIOR SURFACE:
5/8" GYP. BD.

TYPICAL INTERIOR WALL CONSTRUCTION
5/8" GYP. BD.
2x4 STUDS @ 16" O.C. W/ BLOCKING
@ MIDPOINT OF STUD
BATT INSULATION FOR SOUND
5/8" GYP. BD.

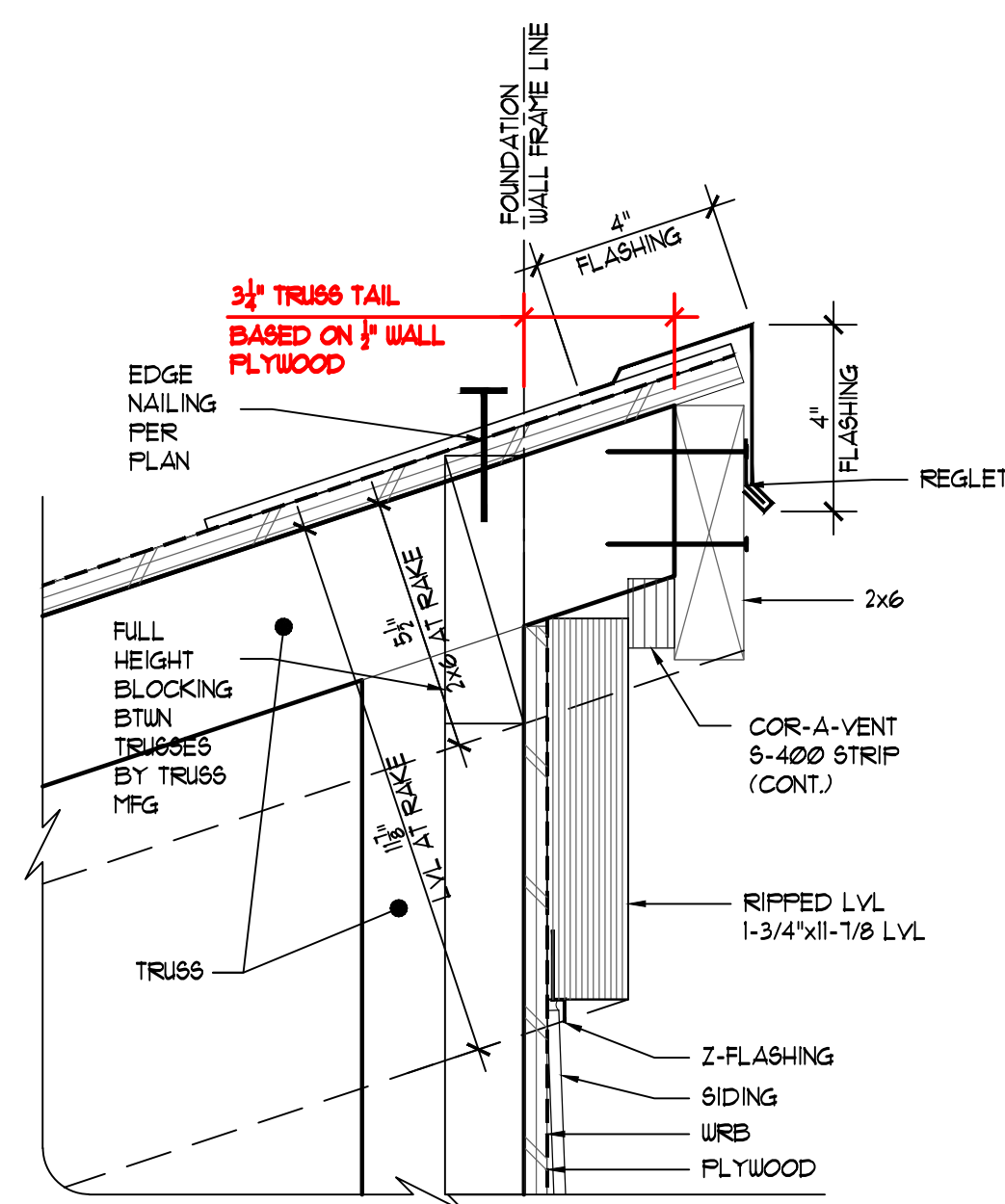
TYPICAL SLAB CONSTRUCTION
4" CONCRETE SLAB
6 MIL VAPOR BARRIER
6" COMPACTED GRAVEL 3/4" MINUS CRUSHED ROCK
R-15 SLAB EDGE INSULATION FOR 24"



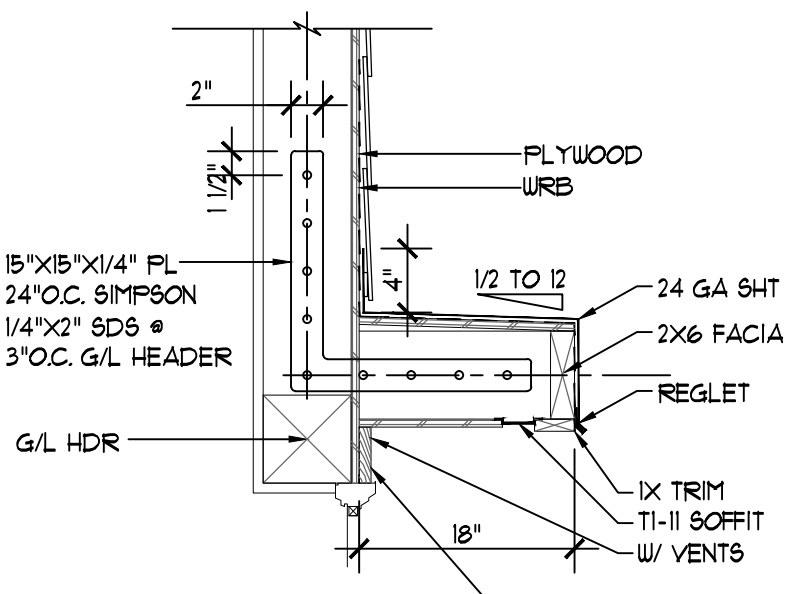
7 EAVE VENT
AT SOFFIT PANEL
SCALE: 3/8" = 1'-0"



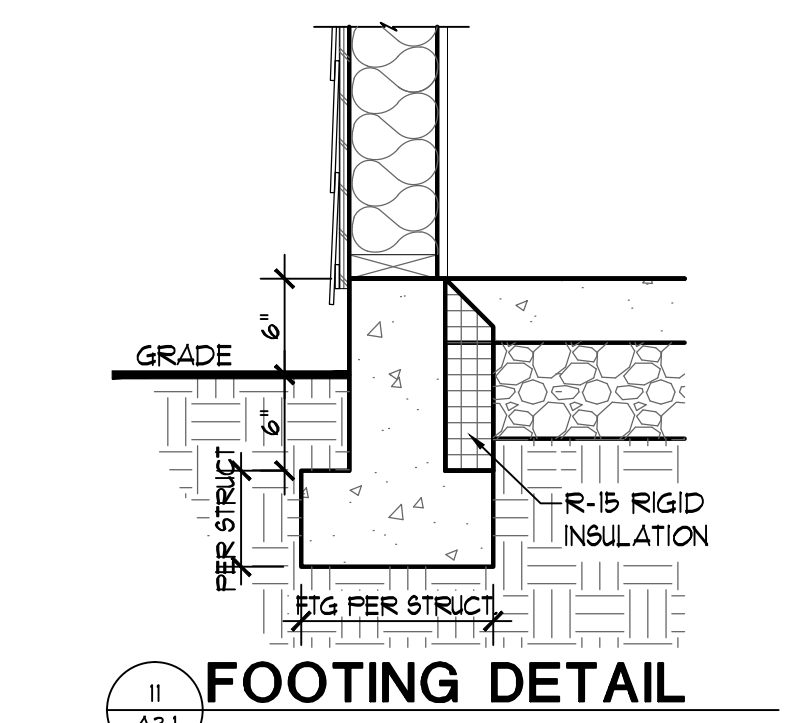
8 BTM VENT AND TRIM DETAIL
TRUSS
SCALE: 3/8" = 1'-0"



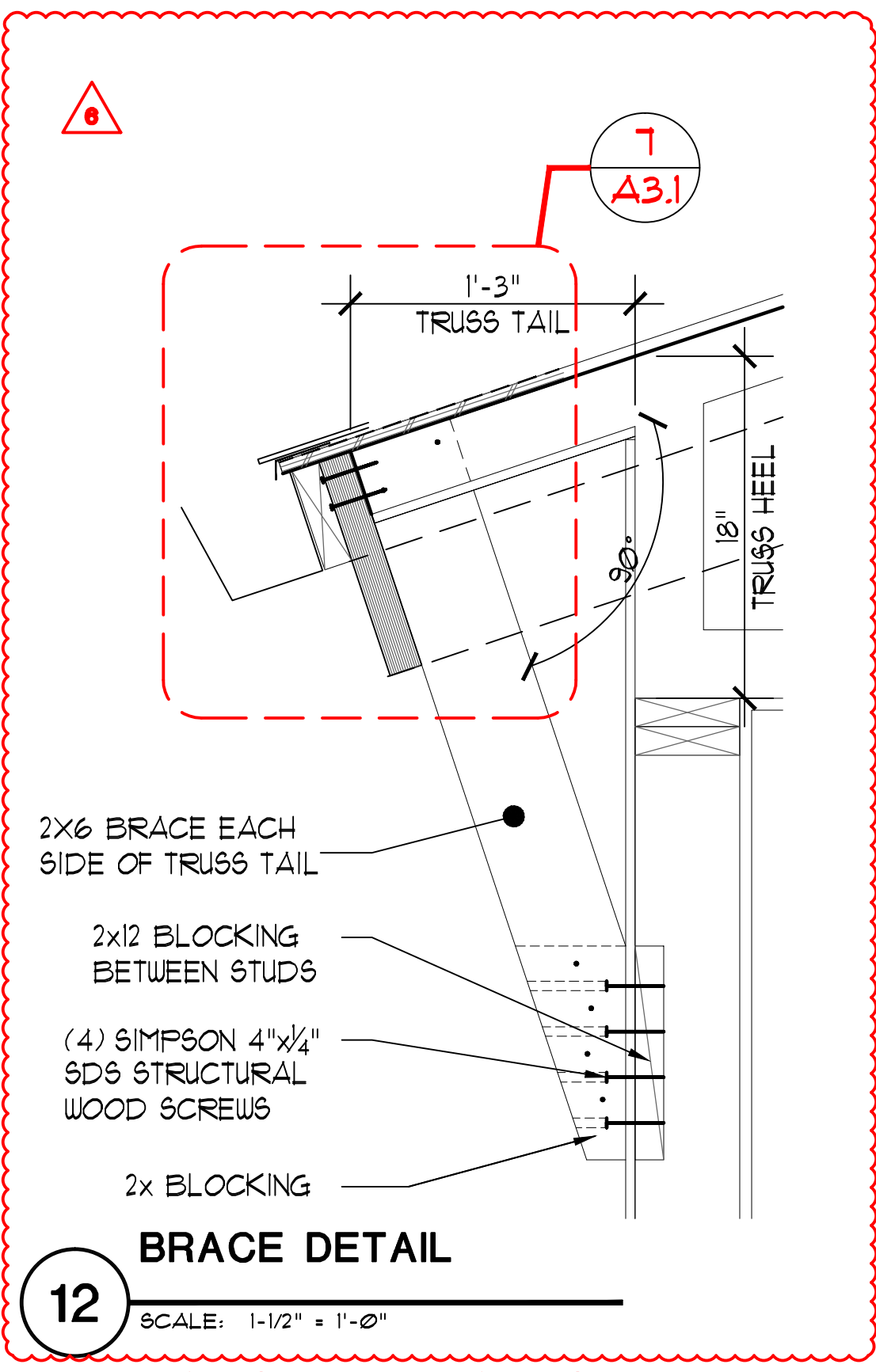
9 TOP VENT AND TRIM DETAIL
TRUSS
SCALE: 3/8" = 1'-0"



10 TYP AWNING
AWNING @ CLASSROOM WINDOW
SCALE: 1" = 1'-0"

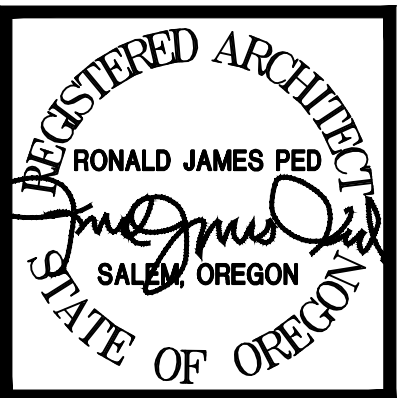


11 FOOTING DETAIL
SCALE: 1" = 1'-0"



12 BRACE DETAIL
SCALE: 1-1/2" = 1'-0"

CONSTRUCTION SET 04.29.2024



- 1 13 MARCH 2023 5/8" COMMENTS
- 2 5 FEB 2024 CITY OF SALEM COMMENTS
- 3 5 FEB 2024 REVIEW COMMENTS
- 4 28 MAR 2024 CITY OF SALEM COMMENTS
- 5 14 JUNE 2024 EGRESS STAIR CHANGE
- 6 5 JULY 2024 CHANGE OFFICE TO STUDIO APPT + REMOVAL OF STUDIO BALCONIES

NEW APARTMENTS FOR
Waller St SE
1345 Waller St Salem, Or
DATE: 20 APRIL 2022
DRAWN: 2207
A3.1