

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*

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ24-32

APPLICATION NO.: 24-119550-PLN

NOTICE OF DECISION DATE: December 24, 2024

REQUEST: A Class 3 Site Plan Review to upgrade the existing tennis court at Highland Park, with three Class 2 Adjustment requests to:

- 1) Increase the maximum allowed height for a fence within ten feet of the property line abutting a street from eight feet to ten feet (SRC 800.050(a)(1)(B)(i));
- 2) Increase the maximum allowed opacity for portions of the fence above 30 inches, and within ten feet of the property line abutting a street, from 25 percent to 78 percent opaque (SRC 800.050(a)(1)(B)(i)); and
- 3) Allow alternative vision clearance standards for a fence with windscreens located within a portion of the required vision clearance triangle for a controlled intersection (SRC 805.005(a)(2)).

The subject properties are approximately 1.5 acres in total size, zoned PA (Public Amusement), and located at 2025 Broadway Street NE (Marion County Assessor's Map and Tax Lot number(s): 073W14CB / 12500 & 073W14CC / 14700).

APPLICANT: City Of Salem-Public Works, AKS Engineering And Forestry

LOCATION: 2025 Broadway St NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 220.005 – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated December 24, 2024.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review, Class 2 Adjustment Case No. SPR-ADJ24-32 subject to the following conditions of approval:

- Condition 1:** The property is subject to a special setback of 36 feet measured from the centerline of Broadway Street NE.
- Condition 2:** The east facing fence along Broadway Street NE shall remain free of privacy slats or additional coverings that would increase the opacity of the chain-link fence, unless reviewed through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by January 9, 2029, or this approval shall be null and void.

Application Deemed Complete:

November 15, 2024

Notice of Decision Mailing Date:

December 24, 2024

Decision Effective Date: January 9, 2025
State Mandate Date: March 15, 2025

Case Manager: Jamie Donaldson, Planner III, jdonaldson@cityofsalem.net, 503-540-2328

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., Wednesday, January 8, 2025. Any person who presented evidence or testimony at the hearing may appeal the decision. 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 Chapters 220 and 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW)
AND CLASS 2 ADJUSTMENT,)
CASE NO. SPR-ADJ24-32)
2025 BROADWAY ST NE) DECEMBER 24, 2024

In the matter of the applications for Class 3 Site Plan Review and Class 2 Adjustment, submitted by AKS Engineering and Forestry, a representative of the applicant, the City of Salem Public Works Department, and the property owner, City of Salem (Highland Park), 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: Highland Park sports court improvements.

Request: Class 3 Site Plan Review to upgrade the existing tennis court at Highland Park, with three Class 2 Adjustment requests to:

- 1) Increase the maximum allowed height for a fence within ten feet of the property line abutting a street from eight feet to ten feet (SRC 800.050(a)(1)(B)(i));
- 2) Increase the maximum allowed opacity for portions of the fence above 30 inches, and within ten feet of the property line abutting a street, from 25 percent to 78 percent opaque (SRC 800.050(a)(1)(B)(i)); and
- 3) Allow alternative vision clearance standards for a fence with windscreens located within a portion of the required vision clearance triangle for a controlled intersection (SRC 805.005(a)(2)).

The subject properties are approximately 1.5 acres in total size, zoned PA (Public Amusement), and located at 2025 Broadway Street NE (Marion County Assessor's Map and Tax Lot number(s): 073W14CB / 12500 & 073W14CC / 14700).

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 September 17, 2024, a consolidated application for Class 3 Site Plan Review and Class 2 Adjustment was filed for the proposed development. After additional information was provided, the applications were deemed complete for processing on November 15, 2024. The 120-day state mandated decision deadline for this consolidated application is March 15, 2025.

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

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 119550.

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Highland Neighborhood Association.

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On September 9, 2024, the applicant contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

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. The neighborhood association submitted comments indicating their support for the proposal, and provided the Highland Neighborhood Association Land Use Vision for reference during development, attached hereto as **Attachment C**.

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. No public comments were received during the comment period; however, two public comments were received after the comment period indicating no objections to the proposal.

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

4. City Department Comments

Development Services Division: Reviewed the proposal and provided a memo with findings that have been incorporated and made part of this decision. The memo in full can be found in the record, accessible online as indicated above.

Building and Safety Division: Reviewed the proposal and indicated that building permits are required for fences 10 feet in height.

Fire Department: Reviewed the proposal and indicated no concerns with the proposal.

5. Public Agency Comments

Notice to public agencies was sent and no comments were received.

DECISION CRITERIA FINDINGS

6. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.

Finding: The proposal is part of a development site for Highland Park, and includes improvements to the existing tennis court to create a multi-use sport court, with new pavement and restriping for tennis and pickleball courts, new fencing, sidewalk maintenance, and upgrades to lighting and park features. The park is comprised of two properties zoned PA (Public Amusement); therefore, the proposed development is subject to the use and development standards of the PA (Public Amusement) zone, SRC Chapter 540. Three adjustments are requested to the fence height, fence opacity, and vision clearance; findings for the adjustments are included in Section 7 of this report. The proposed development conforms to SRC Chapter 540 and all other applicable development standards of the UDC and Salem Revised Code as follows.

ZONING AND DEVELOPMENT STANDARDS

SRC Chapter 540 – PA (Public Amusement) Zone

SRC 540.005 – Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the PA zone are set forth in Table 540-1.

Finding: The proposal includes various site improvements to Highland Park, which is classified as a *parks and open space* use, and is an outright permitted use in the PA zone.

SRC 540.010(a) – Lot Standards.

Lots within the PA zone shall conform to the standards set forth in Table 540-2.

Finding: The existing lots comply with the minimum lot standards of the PA zone, and no changes are proposed to the existing lot sizes or dimensions; therefore, the proposal meets the standards.

SRC 540.010(b) – Setbacks.

Setbacks within the PA zone shall be provided as set forth in Table 540-3 and Table 540-4

Abutting Street

North/South/East: Adjacent to the north of the development site is right-of-way for Columbia Street NE; adjacent to the south is right-of-way for Academy Street NE; and adjacent to the east is right-of-way for Broadway Street NE. Buildings and accessory structures abutting a street require a minimum setback of 20 feet. Vehicle use areas require a minimum six-to-ten-foot setback per Chapter 806 adjacent to a street.

Finding: The existing tennis court is adjacent to Academy Street NE to the south, and Broadway Street NE to the east. The applicant is proposing to move the existing court to the west by two feet to ensure the court is located out of the special setback along Broadway Street NE for any future street widening. However, the improvements to the court and surrounding area do not include the addition of any new building, accessory structure, or vehicle use area that would require the application of the setbacks abutting a street. Therefore, these setback standards do not apply.

Interior Side and Rear

North: For the south parcel, adjacent to the north is an interior lot line abutting the other PA zoned property making up the development site. There is no minimum building or accessory structure setback required to an interior property line. Vehicle use areas require a minimum five-foot setback.

West: Adjacent to the west are properties zone RS (Single Family Residential). Buildings, accessory structures, and vehicle use areas all require a minimum setback of 20 feet.

Finding: The proposed development does not include the addition of any new building, accessory structure, or vehicle use area that would require compliance with the setbacks abutting the properties to the west or north; therefore, these standards are not applicable.

SRC 540.010(c) – Lot Coverage; Height.

Buildings and accessory structures within the PA zone shall conform to the lot coverage and height standards set forth in Table 540-5.

Finding: No buildings or accessory structures are a part of this proposal; therefore, these standards are not applicable.

SRC 540.010(d) – Landscaping.

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

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

Finding: There are no required setbacks that are applicable to the proposed development, and no new vehicle use areas are proposed; therefore, there are no landscaping requirements for the proposed development.

SRC 540.010(e) – Outdoor Storage.

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

Finding: No outdoor storage areas are proposed for the development site.

SRC Chapter 800 – General Development Standards

▪ *Solid Waste Service Areas*

SRC 800.055(a) – Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

Finding: The proposed development does not include a new solid waste service area; therefore, the standards of this section do not apply.

▪ *Pedestrian Access*

SRC 800.065 – Applicability.

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

Finding: The Highland Park development site has an existing on-site pedestrian circulation system that provides access from each street to each recreational area throughout the park. The applicant is proposing to pave unpaved areas, which requires site plan review, and to repair existing sidewalk connections; however, no new connections are proposed. Because the sidewalk repairs are ordinary maintenance of the walkways, and because the proposed development does not include the construction of, or addition to, a building or accessory structure; or the construction of, or alteration or addition to, an off-street parking or vehicle use area; the pedestrian access standards of SRC Chapter 800 do not apply to the proposed development.

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

SRC 806.015 – Amount Off-Street Parking.

- (a) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.

Finding: There are no minimum parking standards for any development within the City, and no new off-street parking is included with the proposal; therefore, this standard is met.

SRC 806.035 – Off-Street Parking and Vehicle Use Area Development Standards.

- (a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:
- (1) The development of new off-street parking and vehicle use areas;
 - (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;

- (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
- (4) The paving of an unpaved area.

Finding: The proposal does not include alteration or development of any off-street parking and vehicle use area; therefore, this section is not applicable.

▪ ***Bicycle Parking***

SRC 806.045 – Bicycle Parking; When Required.

- (a) *General Applicability.* 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.

Finding: The proposal includes a slight expansion with the shifting of the court to the west, and an intensification of the activity with the pickleball striping, and the larger fence height and windscreens. However, there are two existing staple bike racks at Highland Park, providing four bicycle parking spaces for the development, meeting the minimum requirement. Therefore, no additional bicycle parking is required to be added to the existing bicycle parking area.

SRC 806.050 – Proximity of Bicycle Parking.

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 806-8.

Finding: *Parks and open space* uses require the greater of four bicycle parking spaces, or one space per thirty vehicle parking spaces. Since there is no off-street parking on the site, four bike parking spaces are required. The applicant has indicated that there are four bicycle parking spaces existing on site, meeting the minimum requirement. Therefore, conformance with this section is not applicable.

▪ ***Off-Street Loading Areas***

SRC 806.065 – General Applicability.

- (a) Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to nonconforming off-street loading area.* When off-street loading is required to be added to an existing off-street loading 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.

Finding: No off-street loading space is required for a *Parks and open space* use; therefore, this section is not applicable.

SRC Chapter 807 – Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2. All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: As indicated above, there are no required setbacks that are applicable to the proposed development, and no new vehicle use areas are proposed; therefore, there are no landscaping requirements for the proposed development.

CITY INFRASTRUCTURE STANDARDS

SRC Chapter 200 – Urban Growth Management

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

Finding: The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: SRC Chapter 71 requires the use of green stormwater infrastructure (GSI) for projects which include more than 10,000 square feet of new or replaced impervious surfaces according to the definitions in SRC Chapter 70. The applicant's engineer submitted a statement that demonstrates the proposal is not considered a large project which would require the use of GSI. The applicant shall be required to design and construct a storm drainage system at the time of development. The applicant shall provide an evaluation of the

connection to the approved point of discharge for new areas of impervious surface per SRC 71.075.

SRC Chapter 802 – Public Improvements

▪ *Development to be served by City utilities*

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan.

SRC Chapter 803 – Street and Right-of-way Improvements

▪ *Boundary Street Improvements*

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development.

Finding: Columbia Street NE and Academy Street NE are fully developed and meet the right-of-way width and pavement width standards for a local street pursuant to the Salem TSP; therefore, no additional street improvements are required for these streets.

The existing condition of Broadway Street NE does not meet current standards for its classification of street per the *Salem Transportation System Plan* for right-of-way width or improvement width. The existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to 803.040(a); therefore, no right-of-way dedication or street improvements are required. Pursuant to SRC 800.040(b), the proposed development is subject to a special setback equal to 36-feet from centerline on the development side of Broadway Street NE pursuant to SRC 800.040(b).

Condition 1: The property is subject to a special setback of 36 feet measured from the centerline of Broadway Street NE.

▪ *Street Trees*

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

Finding: There are existing mature street trees along the Academy Street NE and Columbia Street NE frontage. In addition, existing street trees are located north of the sports court on the Broadway Street NE frontage. Due to the narrow width of the planter strip between the sports

court and the sidewalk along Broadway Street NE, street trees cannot be planted in this area, no additional street trees are warranted with this development.

SRC Chapter 804 – Driveway Approaches

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: Highland Park does not have an off-street parking area and there are no existing or proposed driveway approaches serving the development site; therefore, this section is not applicable.

SRC Chapter 805 – Vision Clearance

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: The development proposal includes upgrades to the existing multi-use sports courts at Highland Park, near the intersection of Academy Street NE and Broadway Street NE. The existing fencing for the sports court will be removed and replaced with a new 10-foot-tall vinyl coated chain-link fence and will include a windscreen. The applicant has requested a Class 2 Adjustment to allow the proposed fence with windscreens to be placed within the vision clearance area established in SRC Chapter 805; findings for the Class 2 Adjustment are included below.

NATURAL RESOURCES

SRC Chapter 601 – Floodplain

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 808 – Preservation of Trees and Vegetation

The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove the following trees unless undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

1. Heritage Trees;
2. Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree with a *dbh* of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
3. Trees and native vegetation in riparian corridors; and
4. Trees on lots or parcels 20,000 square feet or greater.

The tree preservation ordinance defines “tree” as, “any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves.”

Finding: Trees located within City parks are considered City Trees and are regulated by SRC Chapter 86 instead of SRC Chapter 808; therefore, this section does not apply.

SRC Chapter 809 – Wetlands

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

Finding: According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

SRC Chapter 810 – Landslide Hazards

The City’s landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

Finding: According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

SRC 220.005(f)(3)(B): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: Access to the subject property is provided by the network of existing public streets that surround the property. Columbia Street NE and Academy Street NE are fully developed and meet the right-of-way width and pavement width standards for a local street pursuant to the Salem TSP. Broadway Street NE does not meet current standards for a minor arterial street pursuant to the Salem TSP, but the development is not proposing a building addition subject to 803.040(a) and existing street system is adequate to serve the proposed development; therefore, no right-of-way dedication or street improvements are required. However, the applicant is proposing to move the existing sports court to the west by two feet to ensure the court is located out of the special setback along Broadway Street NE, mitigating any potential impacts to the transportation system for any future street widening. The street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

SRC 220.005(f)(3)(C): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: Highland Park does not have any existing or proposed off-street parking areas or driveway access to abutting streets, and has an existing on-site pedestrian circulation system that provides access from each street, to each recreational area and amenities throughout the park. With the repairs to the existing system of pedestrian sidewalks in the park, the proposal provides adequate circulation and facilitates safe movement of pedestrians and bicycles alike; therefore, this criterion is met.

SRC 220.005(f)(3)(D): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the subject property. This approval criterion is met.

7. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or***
- (ii) Equally or better met by the proposed development.***

Finding: The applicant is requesting three Class 2 Adjustments to increase the maximum fence height, increase the maximum fence opacity, and to allow alternative vision clearance standards. The following provides a detailed analysis upon which the decision is based for each individual adjustment request:

- (1) Increase the maximum allowed height for a fence within ten feet of the property line abutting a street from eight feet to ten feet, per SRC 800.050(a)(1)(B)(i).***

The standard for fences within non-residential zones requires a maximum height of eight feet when located within ten feet of a property line abutting a street, per SRC 800.050(a)(1)(B)(i). The development proposal includes upgrades to the existing multi-use sports courts at Highland Park, near the intersection of Academy Street NE and Broadway Street NE. The existing fencing for the sports court will be removed and replaced with a new ten-foot-tall vinyl coated chain-link fence, and include a windscreen along one side. As such, the applicant is requesting an adjustment to allow the fence for the existing sports court at Highland Park to be increased by two feet in its current location abutting two streets.

The purpose of the fence height standard is to reduce the imposing feel on the right-of-way of a large structure at the property line, and to promote a pedestrian friendly feel within the right-of-way. The sport court being rebuilt is in an existing location near the property lines along Academy Street NE and Broadway Street NE. Because of the existing location of the court, the

development site is limited in the ability to move the court without affecting the other amenities in the park. The applicant indicates that an eight-foot-tall fence would not be adequate to prevent sports equipment from leaving the court and possibly entering the right of way. Having sporting equipment entering the right of way would reduce the pedestrian friendly feel of the right of way more than increasing the height of the fence by two feet. The fence is proposed to be chain link, allowing visibility into the court and helping to reduce the imposing feeling of the fence. In addition, the fencing is only proposed around the court and does not extend along the entire property line as most fences do, which maintains the nature of the park to be an open recreational space, and provides for that pedestrian-friendly atmosphere.

Due to the specific use of the fence as well as the minimal effect on visibility for the park, staff finds the proposal equally meets the intent of the standard, in compliance with this criterion.

(2) Increase the maximum allowed opacity for portions of the fence above 30 inches, and within ten feet of the property line abutting a street, from 25 percent to 78 percent opaque, per SRC 800.050(a)(1)(B)(i).

In addition to the maximum eight-foot height requirement, SRC 800.050(a)(1)(B)(i) establishes that any portion of a fence above 30 inches in height, within a non-residential zone, shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall. Because of the nature of the court to be used for competitive sporting games, the applicant is proposing a windscreen to be attached to the court fencing on the north side and south side abutting Academy Street NE; no windscreen is proposed for the west side or east side abutting Broadway Street NE, which will remain an open chain-link fence. In order to be effective in blocking the wind, the proposed windscreen is approximately 78 percent opaque, exceeding the minimum 25 percent opacity requirement. Therefore, the applicant is requesting an adjustment to exceed the maximum 25 percent opacity to install the windscreens on two sides of the sport court.

The purpose of the fence opacity standard is also to promote a pedestrian friendly feel within the right-of-way, and to ensure vision clearance along streets. The applicant indicates that the addition of the windscreens to the sports court will improve the user experience by limiting the wind interference in games, thereby leading to more community use of the park. The increased usage of the court and surrounding park will improve the overall pedestrian friendly feel, as well as increase informal surveillance of the area and improve the safety and comfort of those using the park. The applicant provided photos of the proposed windscreens, which show that pedestrians and court users will still have some amount of visibility through the screens. Additionally, the windscreens will only be applied to the north and south sides of the court, while the east and west sides will consist of chain-link-fencing, and remain nearly transparent without any windscreen.

Finally, the proposed screening and alternative vision clearance standards are also found to equally meet traffic safety standards, as indicated with the third adjustment request and findings below, ensuring that the intent to maintain vision clearance is also met with the increased opacity. However, because the adjustment request addresses the windscreen on the south-facing fence abutting Academy Street NE, and to ensure the other fence side abutting a street remains nearly transparent so that the opacity of the intersection is not further increased, the following condition applies:

Condition 2: The east facing fence along Broadway Street NE shall remain free of privacy slats or additional coverings that would increase the opacity of the chain-link fence, unless reviewed through a future land use action.

As conditioned, staff agrees that the proposed windscreens on only two sides of the court will improve the user experience and encourage a pedestrian friendly environment, while still ensuring vision clearance and traffic safety, equally meeting the intent of the standard.

(3) Allow alternative vision clearance standards for a fence with windscreens located within a portion of the required vision clearance triangle for a controlled intersection, per SRC 805.005(a)(2).

The applicant is requesting a Class 2 adjustment to allow alternative vision clearance standards for a fence with windscreens located within a portion of the required vision clearance triangle for a controlled intersection. SRC 805.005(a)(2) provides that for a stop-controlled intersection the vision clearance area shall have a 10-foot leg along the controlled street and a 50-foot leg along the uncontrolled street.

SRC 805.015 allows the adoption of alternative vision clearance standards that are consistent with recognized traffic engineering standards, where a vision clearance area meeting the standards of SRC 805 cannot be provided because of physical characteristic of the property or street, or where the property has historic neighborhood characteristics, including, but not limited to established vegetation and mature trees.

The applicant has provided findings from an engineer stating that the alternative vision clearance standards requested are consistent with adopted engineering standards established by the American Association of State Highway and Transportation Officials (AASHTO). To comply with the standards in Chapter 805, the existing sports court would need to be shifted further west, impacting existing trees and vegetation, and requiring additional paving and impervious surface. The alternative allows preservation of existing trees in Highland Park and retains the existing footprint for the sports court.

The applicant's statement provides that, per AASHTO adopted standards, the required intersection sight distance is measured from the driver's perspective at the stop-controlled intersection, not the property line as required under the Salem Revised Code, which provides a more accurate representation of real-world driving situations. The applicant's findings include a site plan which shows the 290-foot by 14.5-foot alternative vision clearance area using the AASHTO adopted standard, the proposed fence and screening do not encroach into the alternative vision clearance area.

The proposed alternative vision clearance standards requested have been reviewed by the Assistant City Traffic Engineer and are found to be consistent with recognized traffic engineering standards, and therefore meets the adjustment criteria by providing traffic safety equal to what would be accomplished by meeting the development standard.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is not located within a residential zone; therefore, this criterion is not applicable.

SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: Three Adjustments have been requested with this development. Each of the adjustments have been evaluated separately for conformance with the adjustment approval criteria, and are found to be in compliance with the approval criteria. The cumulative impact of the adjustments results in providing necessary improvements to existing sports court, a project that is consistent with the intent and purpose of the zoning code, which includes the provision of outdoor recreation amenities. Therefore, this criterion is met.

8. Conclusion

Based upon review of SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Final approval of Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. SPR-ADJ24-32 is hereby **APPROVED** subject to SRC Chapters 220 and 250, 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 property is subject to a special setback of 36 feet measured from the centerline of Broadway Street NE.
- Condition 2:** The east facing fence along Broadway Street NE shall remain free of privacy slats or additional coverings that would increase the opacity of the chain-link fence, unless reviewed through a future land use action.



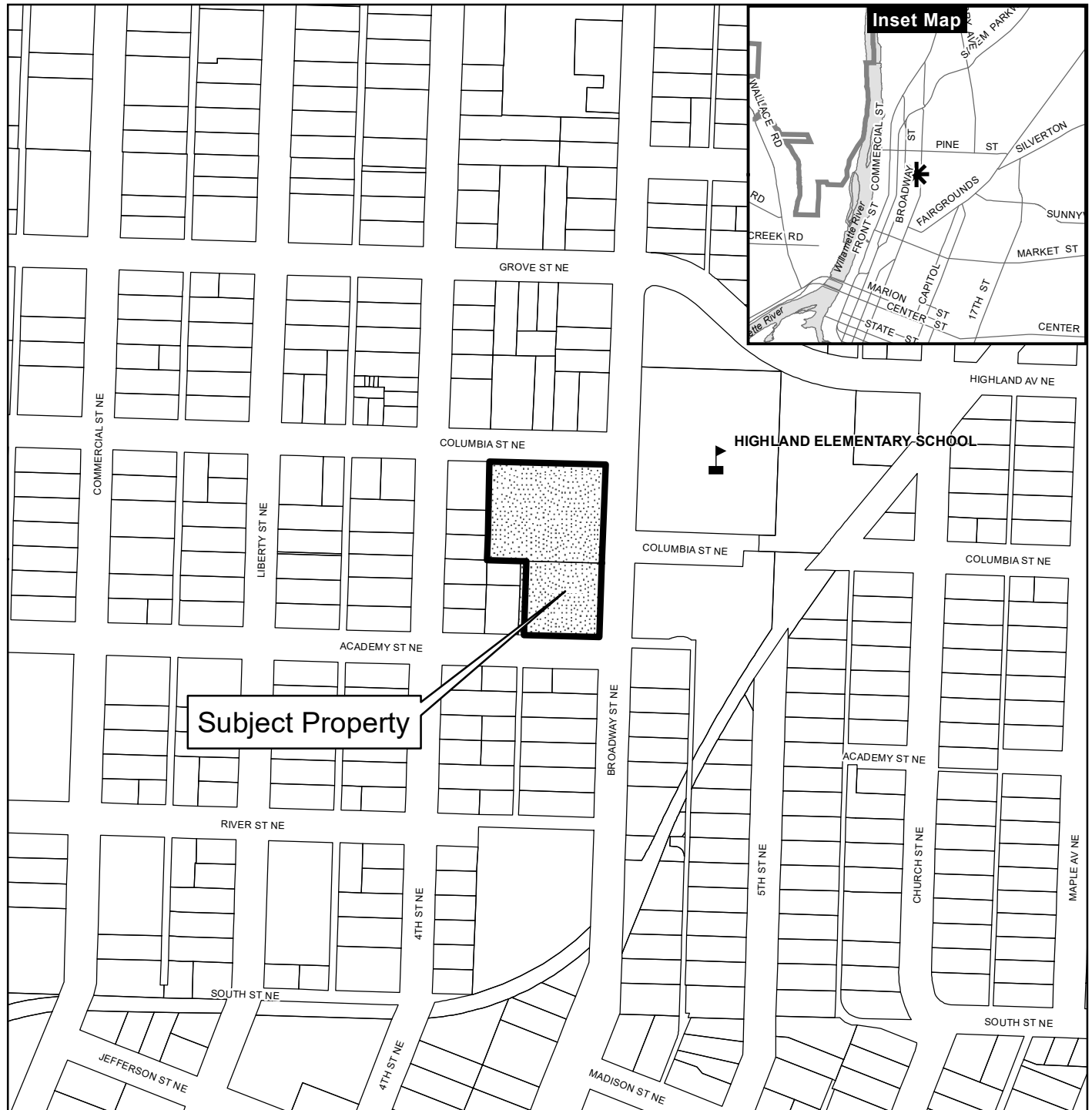
Jamie Donaldson, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments: A. Vicinity Map
B. Proposed Development Plans
C. Highland Neighborhood Association Land Use Vision

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

Vicinity Map

2025 Broadway Street NE



Legend

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

0 100 200 400 Feet

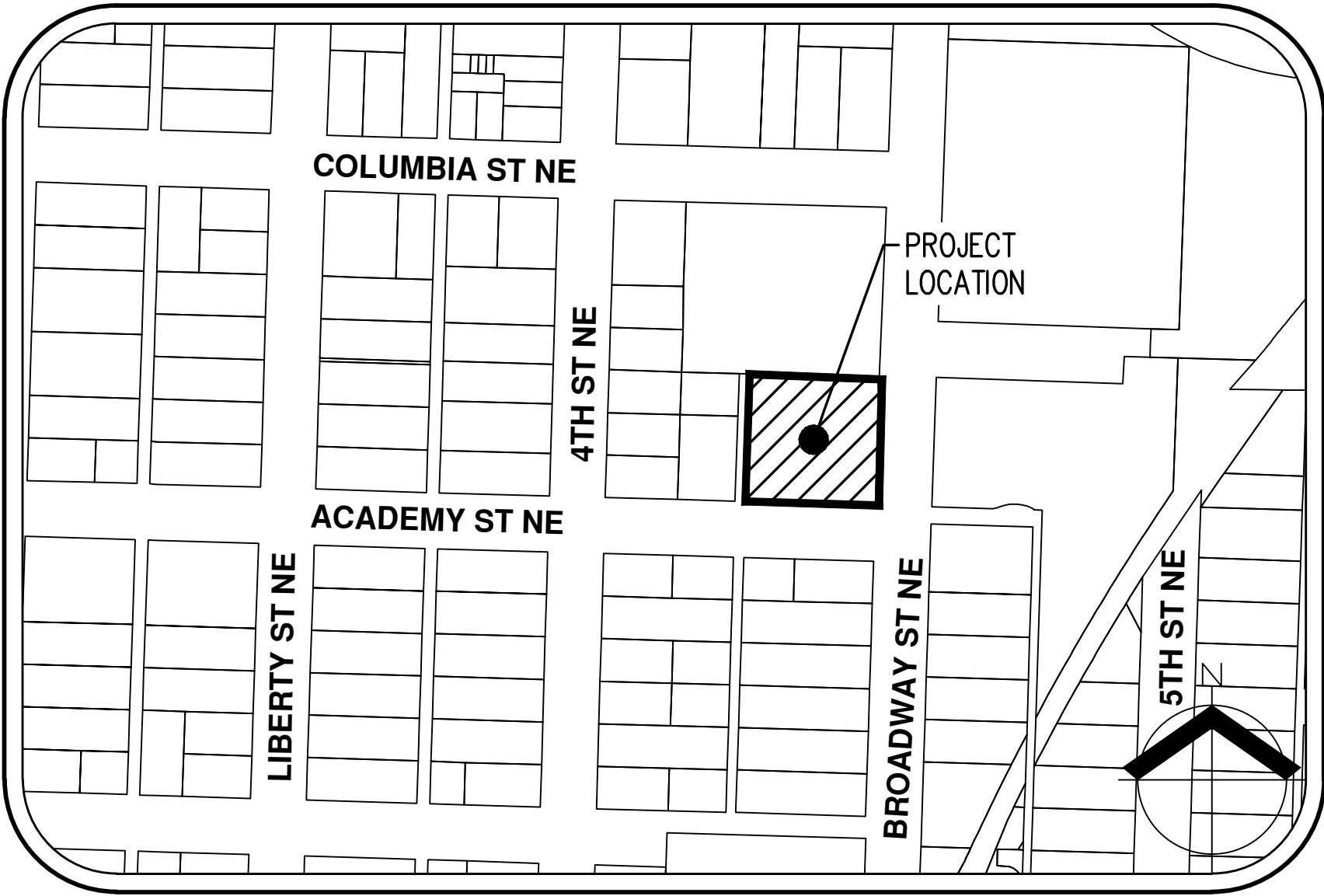


CITY OF Salem
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Community Planning and Development

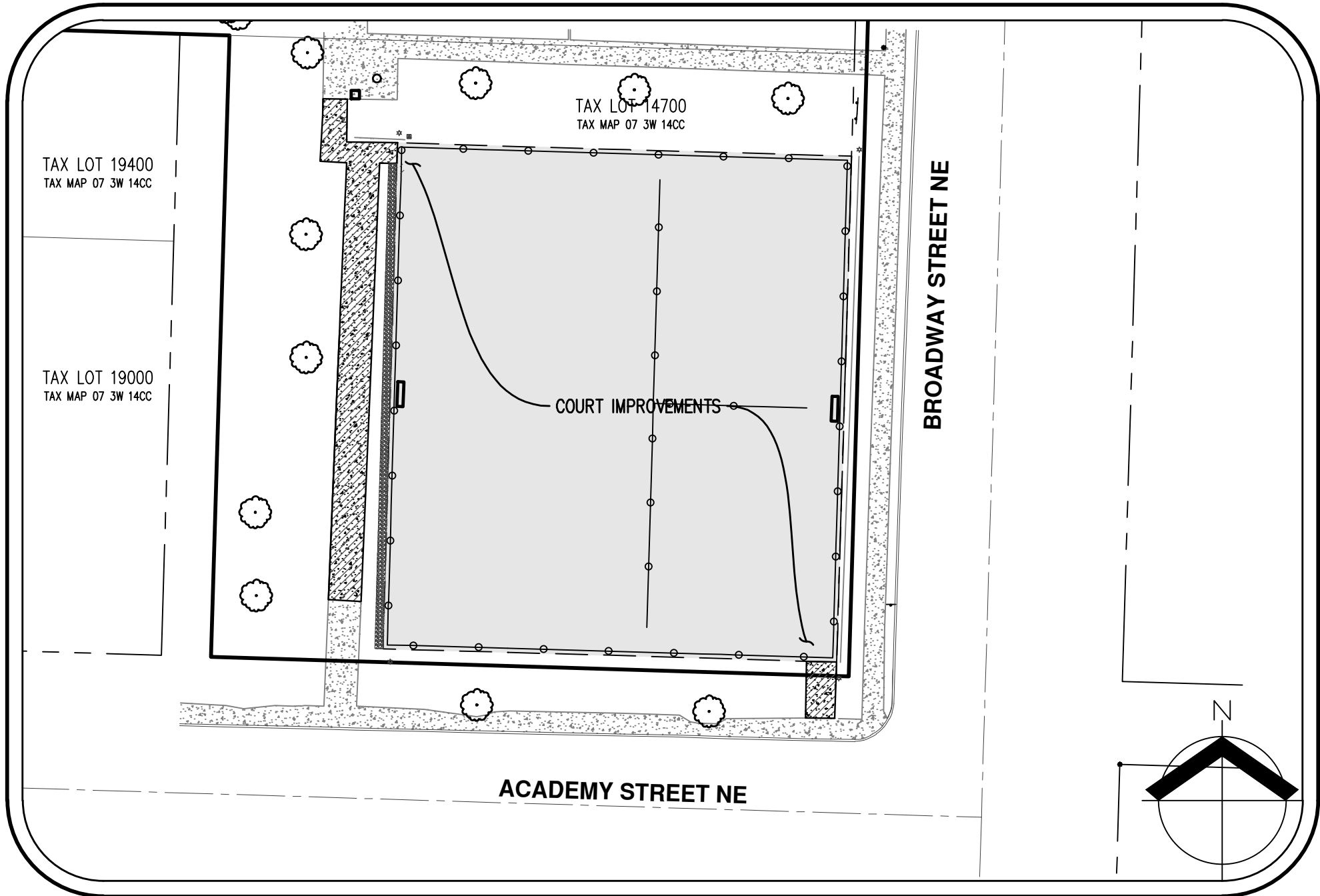
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HIGHLAND PARK SPORTS COURT

PRELIMINARY PLANS - FOR SITE PLAN REVIEW



VICINITY MAP
NOT TO SCALE



SITE MAP
NOT TO SCALE

LEGEND

EXISTING	PROPOSED	EXISTING	PROPOSED
DECIDUOUS TREE			
CONIFEROUS TREE			
FIRE HYDRANT			
WATER BLOWOFF			
WATER METER			
WATER VALVE			
DOUBLE CHECK VALVE			
AIR RELEASE VALVE			
SANITARY SEWER CLEAN OUT			
SANITARY SEWER MANHOLE			
SIGN			
STREET LIGHT			
MAILBOX			

	EXISTING	PROPOSED
RIGHT-OF-WAY LINE		
BOUNDARY LINE		
PROPERTY LINE		
CENTERLINE		
DITCH		
CURB		
EDGE OF PAVEMENT		
EASEMENT		
FENCE LINE		
GRAVEL EDGE		
POWER LINE		
OVERHEAD WIRE		
COMMUNICATIONS LINE		
FIBER OPTIC LINE		
GAS LINE		
STORM DRAIN LINE		
SANITARY SEWER LINE		
WATER LINE		
RECLAIMED WATER LINE		

PROPERTY DESCRIPTION:

MARION COUNTY TAX MAP 07 3W 14CC
TAX LOT 14700
CITY OF SALEM, OREGON

PROPERTY LOCATION:

2025 BROADWAY ST NE
SALEM, OR 97301

VERTICAL DATUM

ELEVATIONS ARE BASED ON CITY OF
SALEM BENCHMARK KSUN, LOCATED AT
THE NORTHEAST CORNER OF SUNSET
AVENUE N AND RIVER ROAD N.
ELEVATION = 134.38 (NGVD 29).

CIVIL ENGINEERING/ SURVEYING/LAND USE PLANNING/LANDSCAPE ARCHITECTURE FIRM

AKS ENGINEERING & FORESTRY, LLC
CONTACT: TYLER ROTH, PE
EMAIL: ROTH@AKS-ENG.COM
3700 RIVER RD N, STE 1
KEIZER, OR 97303
PH: 503.400.6028
WWW.AKS-ENG.COM

OWNER/APPLICANT

CITY OF SALEM
PUBLIC WORKS DEPARTMENT
CONTACT: AARON KIMSEY, P.E.
1457 23RD ST SE
SALEM, OR 97302
PH: 503.588.6211
FAX: 503.588.6095

SHEET INDEX

G-01 COVER SHEET WITH SITE AND VICINITY MAPS
G-02 EXISTING CONDITIONS PLAN
ST-01 PRELIMINARY SITE AND DIMENSIONING PLAN
GR-01 PRELIMINARY GRADING AND DRAINAGE PLAN

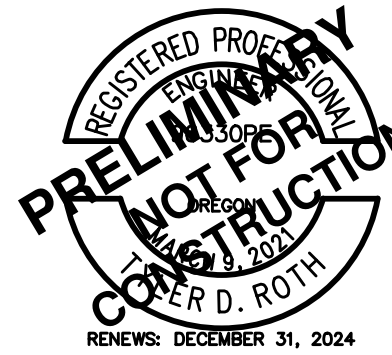
SHEET PREPARED BY:

AKS ENGINEERING & FORESTRY, LLC
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ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

AKS PROJECT #: 5218-19



CERTIFICATE EXPIRES: DEC 31, 2024
DATE: SEP 13, 2024

SALEM MULTI-USE SPORTS COURTS

HIGHLAND PARK

REVISIONS			
NO.	DESCRIPTION	DATE	BY

PN: 723404

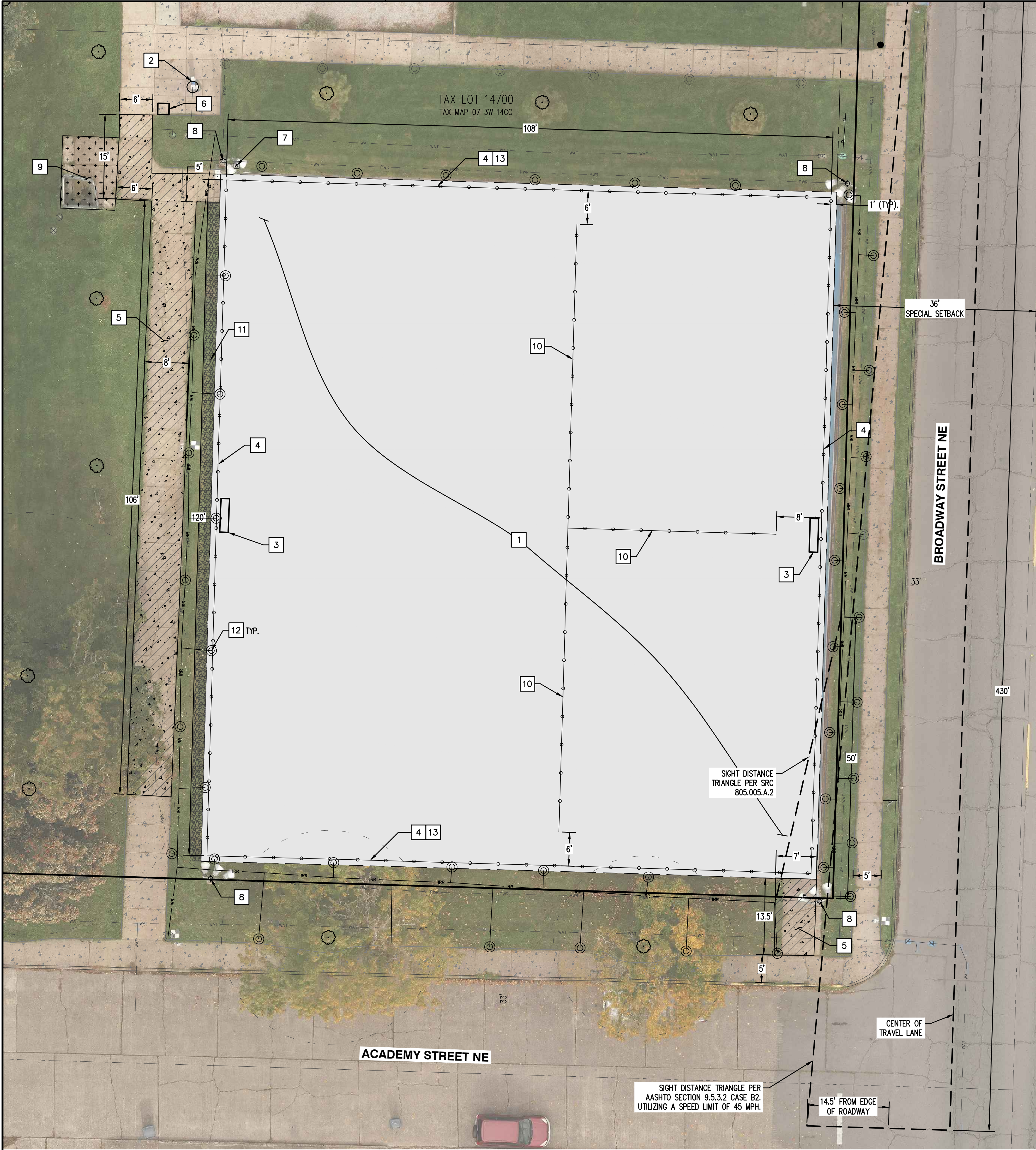
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VERT DATUM: NGVD 29
HORIZ SCALE: AS NOTED
VERT SCALE: AS NOTED
DESIGN: TDR
DRAWN: TMN
CHECKED: TDR

APPROVED:

SHEET TITLE

COVER SHEET
WITH SITE AND
VICINITY MAPS

G-01
SHEET 1 OF 4



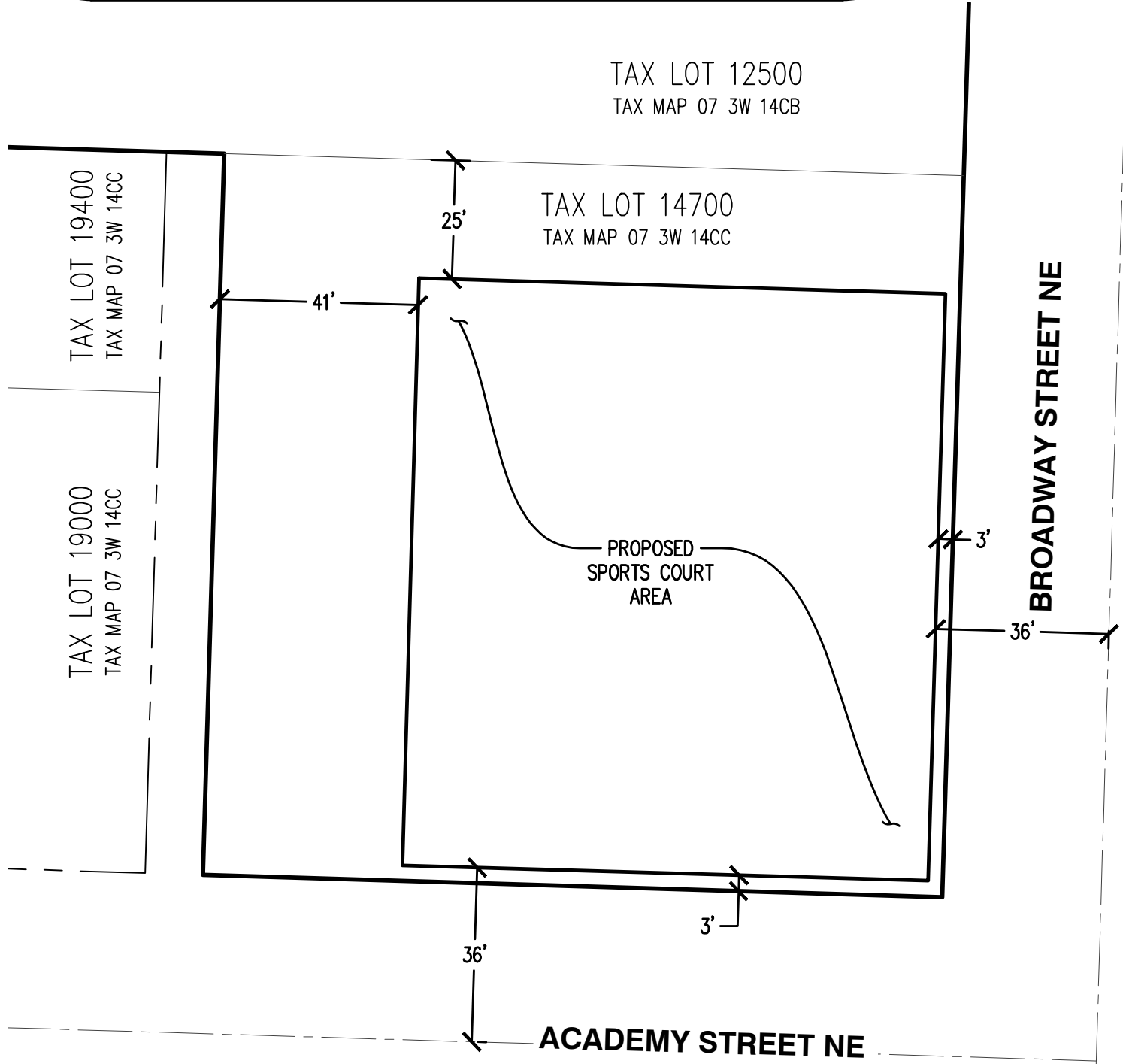
SITE KEYED NOTES: #

1. FULL COURT RESURFACING.
2. NEW DRINKING WATER FOUNTAIN WITH BOTTLE FILLER.
3. NEW BENCHES.
4. FENCE REPLACEMENT (10-FT TALL CHAIN LINK).
5. REPAIR OF CRACKED SIDEWALK PANELS.
6. PERMANENT STEEL GARBAGE RECEPTACLES.
7. NEW LIGHTING CONTROL CABINET.
8. REPLACED LIGHT POLE, BASE, AND LUMINAIRE.
9. CONCRETE REMOVAL AND LANDSCAPING RESTORATION.
10. NEW INTERIOR FENCE (3-FT TALL CHAIN LINK).
11. DISPERSION TRENCH.
12. IRRIGATION SYSTEM TO BE RELOCATED WHERE IMPACTED WITHIN LIMITS OF PROJECT.
13. CITY FURNISHED WINDSCREENS.

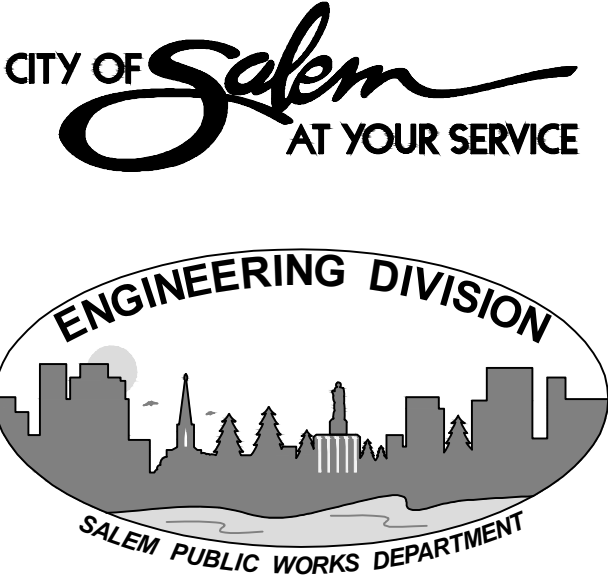
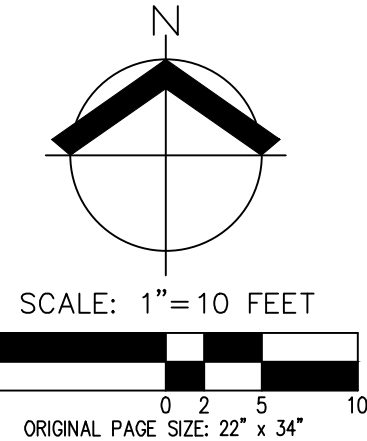
NOTE:
ADDITIONAL SIDEWALK
MAINTENANCE AREAS MY BE
IDENTIFIED DURING CONSTRUCTION
AND WOULD BE REPLACED BACK
TO THE EXISTING CONFIGURATION.

LEGEND

- NEW PAVEMENT SECTION
- CONCRETE SIDEWALK MAINTENANCE
- CONCRETE REMOVAL AND LANDSCAPE RESTORATION



SITE IMPROVEMENTS VICINITY MAP
NTS

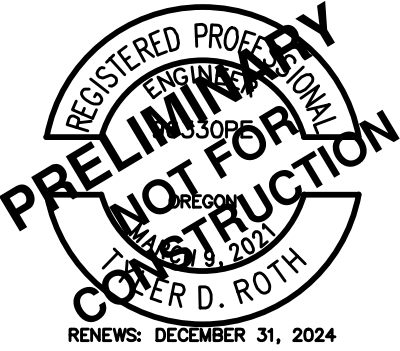


SHEET PREPARED BY:

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FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

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SALEM MULTI-USE
SPORTS COURTS
HIGHLAND PARK

REVISIONS			
NO.	DESCRIPTION	DATE	BY

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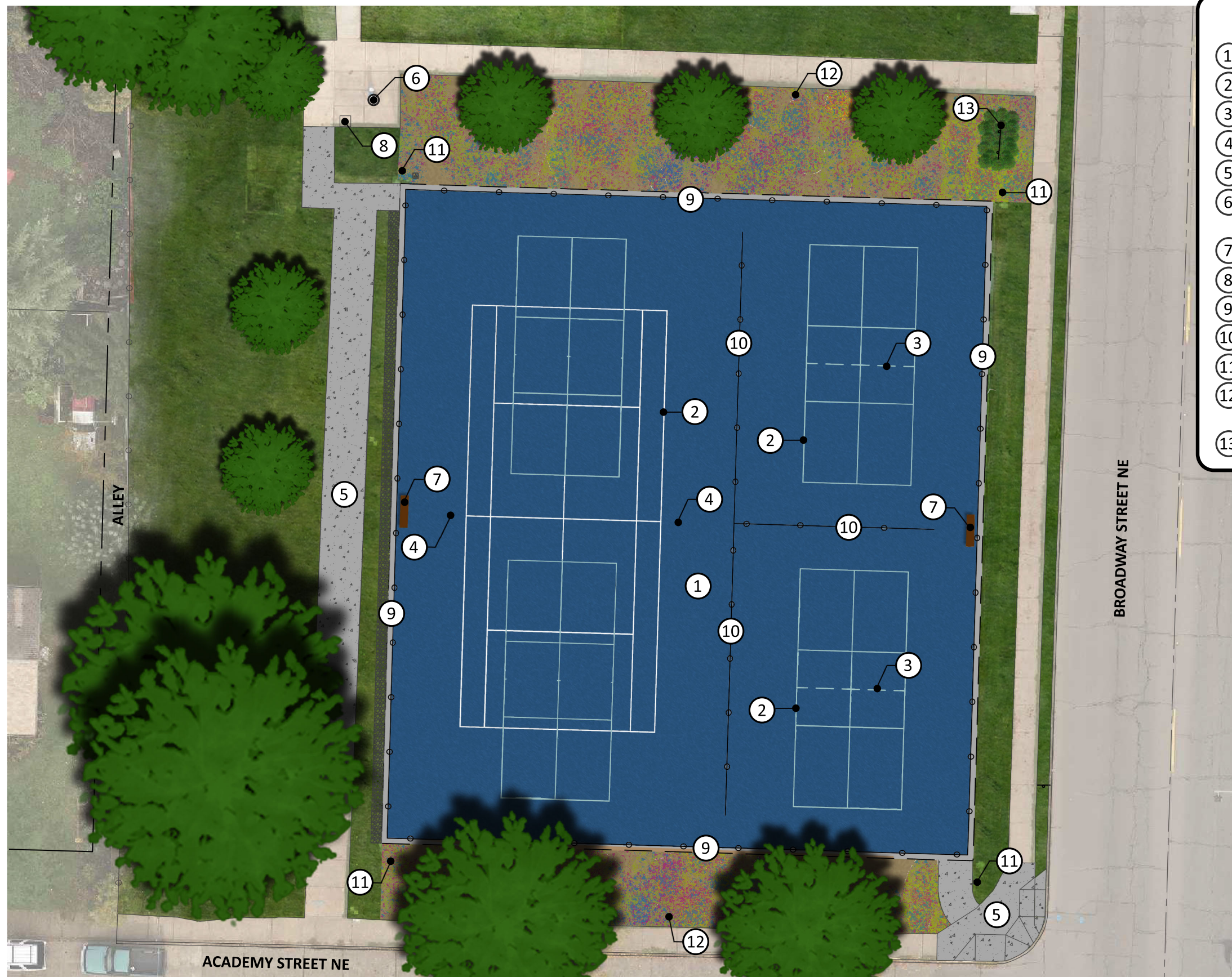
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VERT DATUM: NGVD 29
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APPROVED:

SHEET TITLE

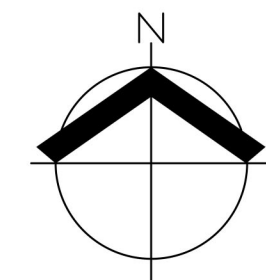
PRELIMINARY
SITE AND
DIMENSIONING
PLAN

ST-01
SHEET 3 OF 4

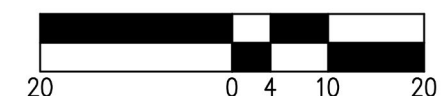


IMPROVEMENTS LEGEND

- ① COURT RECONSTRUCTION
- ② TENNIS AND PICKLEBALL STRIPING
- ③ NEW PICKLEBALL NET, POSTS AND STRAPS
- ④ NEW TENNIS POSTS, NET, AND ANCHOR STRAPS
- ⑤ SIDEWALK AND RAMP IMPROVEMENTS
- ⑥ DRINKING WATER FOUNTAIN REPLACEMENT TO INCLUDE BOTTLE FILL
- ⑦ NEW BENCHES
- ⑧ NEW PERMANENT GARBAGE RECEPTACLES
- ⑨ 10' HT. FENCE REPLACEMENT AROUND COURT
- ⑩ NEW SPORTS COURT FENCING
- ⑪ LIGHTING UPGRADES
- ⑫ SMALL ACCENT PLANTING AREAS - MIXED GROUPINGS OF SHRUBS AND PERENNIALS FOR SEASONAL COLOR
- ⑬ EXISTING MONUMENT SIGN WITH NEW PLANTING BED



SCALE: 1" = 20 FEET



APRIL 2024



HIGHLAND SPORTS COURT



CITY OF SALEM
SALEM, OREGON



Vision for Land Use Projects in the Highland Neighborhood

The Highland Neighborhood Association envisions a vibrant, sustainable, and inclusive community where land use projects contribute to the overall well-being and quality of life for all residents. We seek to foster a neighborhood that balances growth, preservation, and enhancement of our built and natural environments. Our vision encompasses the following key principles:

1. **Context-Sensitive Development:** New developments should be designed to integrate harmoniously with the existing neighborhood fabric, respecting the scale, character, and architectural style of the surrounding area. Projects should contribute to a cohesive and visually appealing streetscape.
2. **Affordable and Diverse Housing:** We recognize the critical need for a mix of housing types and price points to accommodate residents of various ages, family sizes, and income levels. In light of the current housing crisis at the city, state, and national levels, it is imperative to prioritize the development of both market-rate and affordable housing within our community. Balancing economic viability with a commitment to ensuring that all residents, regardless of income, have access to housing is essential. A diverse and inclusive community is vital for the long-term health and sustainability of our neighborhood.
3. **Walkability and Connectivity:** Land use projects should prioritize pedestrian and bicycle infrastructure, creating safe, accessible, and well-connected streets and pathways. Developments should promote walkability by providing amenities such as sidewalks, bike lanes, and traffic-calming measures.
4. **Green Spaces and Environmental Stewardship:** Integrating green spaces, parks, and community gardens into land use projects is crucial for promoting health, recreation, and social interaction. We advocate for the preservation of mature trees, the incorporation of native landscaping, and the adoption of sustainable practices in all developments. We encourage the incorporation of ecological friendly materials for healthier communities and environmental sustainability.
5. **Community-Oriented Design:** Projects should foster a sense of community by incorporating gathering spaces, such as plazas, courtyards, and community centers. These spaces should be designed to encourage social interaction, community events, and neighborhood engagement.

6. Mixed-Use Development: We support mixed-use projects that combine residential, commercial, and recreational uses, creating vibrant and self-sustained neighborhoods. These developments should be strategically located to provide convenient access to essential services, employment opportunities, and public transportation.

7. Historic Preservation: The Highland Neighborhood values its historic assets and character. Land use projects should respect and preserve historically significant buildings, landmarks, and landscapes, adapting them for modern use while maintaining their integrity.

8. Collaborative Planning: We believe in a transparent and inclusive planning process that actively engages community members, stakeholders, and local organizations. Developers should work closely with the neighborhood to address concerns, gather input, and ensure that projects align with the community's vision.

By adhering to these principles, land use projects in the Highland Neighborhood will contribute to a thriving, equitable, and sustainable community that enhances the quality of life for all residents. We look forward to collaborating with developers, city officials, and community members to bring this vision to fruition.