

Land Use Application Narrative

Class 3 Site Plan Review, One Class 2 and two Class 1 Adjustments, Class 2 Driveway Permit Approach

Applicant & Owner Representative:

Creswell HLDGS, LLC

Phone: (503) - 428-2758

email: landonhattan@gmail.com

Owner:

Willow Mixed Use SPE, LLC

Mailing Address: 604 Timber View St. NW Salem, OR 97304

For Review by:

City of Salem

Table of Contents

Class 3 Site Plan Review, One Class 2 and two Class 1 Adjustments, Class 2 Driveway Permit Approach.....	0
Table of Contents.....	1
1. Application Contents.....	2
2. Existing Conditions	2
3. Summary of Administrative Procedure Requirements.....	2
CHAPTER 300 - Procedures for Land Use Applications and Legislative Land Use Proposals.....	2
4. Class 3 Site Plan Review Findings.....	4
CHAPTER 220. - SITE PLAN REVIEW.....	4
CHAPTER 533 - Mixed Use-I.....	13
CHAPTER 800 - General Development Standards.....	16
CHAPTER 802 - Public Improvements.....	24
CHAPTER 803- Streets and Right-Of-Way Improvements.....	26
CHAPTER 804 - Driveway Approaches.....	29
CHAPTER 805 - Vision Clearance.....	32
CHAPTER 806 - Off-Street Parking, Loading and Driveways.....	34
CHAPTER 807 - Landscaping and Screening.....	38
CHAPTER 808 - Preservation of Trees and Vegetation.....	40
5. First Adjustment Class 1 Findings.....	45
Class 1 Adjustment: Horizontal Distance for Pedestrian Oriented Design.....	45
6. Second Adjustment Class 2 Findings.....	46
Class 2 Adjustment: Reduction in Required Sidewalk Planting Strip.....	46
7. Third Adjustment Class 1 Findings.....	48
Class 2 Adjustment: Reduction of street ROW by 3-feet.....	48
8. Class 2 Driveway Permit Approach Findings.....	49
CHAPTER 804 - Driveway Approaches.....	49
9. Other Permits to be Conditioned upon release of Construction Permits.....	53
Demolition Permit.....	53
Grading Permit.....	53
Department of Environmental Equality Permit.....	53
10. Exhibits & Supporting Documentation.....	55-150

1. Application Contents

The applicant is requesting a Class 3 Site Plan Review, One Class 2 and two Class 1 Adjustment, and a Class 2 Driveway Permit Approach to permit a new construction mixed use development consisting of a single building footprint, yielding 49 multi-family apartment units across 4 levels, and approx. 1,500 sq. ft. of demisable commercial space at the ground level. The proposed development is to be located upon tax accounts 578188 (073W22DA06600), 578187 (073W22DA06700), and 578186 (073W22DA06800), totalling 0.52 acres in size. The referenced parcels are currently under review for a Replat Application, which will consolidate each of the three referenced parcels into a single parcel.

2. Existing Conditions

The site currently exists as a vacant lot/field, with one dilapidated vacant home that will be demolished prior to construction. Each of the referenced parcels existing within the City of Salem’s City boundary is zoned as “Mixed-Use I.” The surrounding parcels are zoned as follows, and are consistent with the City of Salem’s Comprehensive Plan Designation for each respective adjacent property:

Across Willow St. NE to the North: Split zoning containing both Mixed-Use I and Single-Family Residential (RS) Zoning.

Across Mill Creek to the East: Multiple Family Residential II (RMII) Zoning containing existing apartments.

Immediately to the South: Mixed-Use I Zoning across all adjacent Southerly parcels.

Across High St. NE to the West: Mixed-Use I Zoning across all adjacent parcels on the West side of High St. NE. See the provided Map in Exhibit A, and Existing conditions Plan in Exhibit B.

3. Summary of Administrative Procedure Requirements

CHAPTER 300 – Procedures for Land Use Applications and Legislative Land Use Proposals

Class 3 Site Plan Reviews have the following requirements:

Table 300-2. Land Use Applications by Procedure Type

Pre-application Meeting: Not required

Applicant’s Findings: *Although not required the applicant held a pre-application meeting with the city for the proposal on September 9, 2024*

Neighborhood Association Contact: Is required

Applicant’s Findings: *An email to the Neighborhood Association and Land Use Chair of the CANDO*

Neighborhood association was provided on 12/27/24. This requirement has been fulfilled, and the referenced communication is attached in Exhibit C.

Open House: Not required

Applicant's Findings: Given that an Open House is not found to be required for the applicable Land Use Decisions required prior to development, the applicant has elected to not hold an Open House.

Transit District Contact: Required as per Sec. 300.210, subsection (a)(8).

Applicant's Findings: The applicant has maintained regular communication with Cherriots both during and after the Pre-Application meeting to align on Cherriots' priorities and options for the Public ROW along High St., which will include an upgraded, conforming bus stop. This communication is attached in Exhibit D.

Sec. 300.210 - Application Submittal

Information requirements for the application are provided within subsection (a) of Sec. 300.210.

Applicant's Findings: The applicant has provided all the information required, as referenced in the above subsection of the SRC, and these requirements have been met. In accordance with SRC Sec. 300.120, when multiple land use applications are proposed for a development, the City's land use procedures ordinance (SRC Chapter 300) outlines alternative methods for processing these applications. The applicant has chosen to consolidate the referenced Land Use Applications into a single submission. When multiple applications are consolidated, the necessary information and supporting documentation for each individual land use action are included. The review of the application will follow the highest-numbered procedure type and the highest review authority required for any of the consolidated land use applications. For this application, the highest review authority is a Class 3 Site Plan Review, processed as a Type II procedure and decided by the Planning Administrator. Therefore, this application will be processed as a Type II Procedure. The associated fees will be paid at the time of submission using the City's provided forms.

Sec. 300.940 - Burden of Proof

(a) The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

(b) The decision shall be based on the applicable standards and criteria set forth in the UDC, the Salem Area Comprehensive Plan, and, if applicable, any other land use standards imposed by state law or administrative rule.

(c) The applicant and any opponents may submit to the Review Authority a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

Applicant's Findings: The applicant acknowledges that the Burden of Proof is upon them. All project

information has been provided with the intent of meeting all applicable standards and criteria, with definition provided for any areas of non-conformance through an Adjustment. Should there be any instance of incompleteness, the applicant invites the reviewing municipality to communicate any additional informational or documentation needs and can provide supplemental information, should it be found to be required for the review of any related land use action or decision necessary for the proposed development. See the recorded Deed [Exhibit E] and Title Report [Exhibit F], demonstrating the property owner's right to submit this Consolidated Land Use Application, as the owner of the subject property.

4. Class 3 Site Plan Review Findings

CHAPTER 220. – SITE PLAN REVIEW

Sec. 220.001. Purpose.

The purpose of this chapter is to provide a unified, consistent and efficient means to conduct site plan review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Sec. 220.005. Site plan review.

(a) *Applicability.*

(1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:

(A) Prior to issuance of a building permit, for any development that requires a building permit;

(B) Prior to a change of use, when a building permit is not otherwise required; and

(C) Prior to commencement of work, for any of the following when a building permit is not otherwise required:

(i) Development of a new off-street parking or vehicle use areas;

(ii) Expansion of an existing off-street parking or vehicle use areas, when additional paved surface is added;

(iii) Alteration of an existing off-street parking or vehicle use areas, when the existing paved surface is replaced with a new paved surface;

(iv) Paving of an unpaved area; and

- (v) Restriping of an off-street parking or vehicular use areas, when the layout will be reconfigured.

Applicant's Findings: The applicant is aware that this proposal falls under the above mentioned code section therefore a site plan review will be required for the proposed use and the applicant has provided all items required by the SRC.

The proposal meets the above mentioned requirements:

Reference SRC code above: (A) Prior to issuance of a building permit, for any development that requires a building permit.

(2) Exemptions.

(A) The following development that requires a building permit is exempt from site plan review:

(i) Development of a single family use, two family use, three family use, four family use, or cottage cluster on an individual lot, including the construction of accessory structures and paving associated with such uses.

(ii) Sign installation.

(iii) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.

(iv) The alteration to the facade of a building, except in the Mixed Use-I (MU-I), Mixed Use- II (MU-II), Mixed Use-III (MU-III), or Mixed Use-Riverfront (MU-R) zones unless there are no standards in the zone that are applicable to the proposed façade alteration.

(v) Interior construction or tenant improvements that involve no change of use or occupancy.

(vi) Demolition permit.

(vii) Construction of a fence.

(B) Any of the activities identified under subsection (a)(1)(C) of this section are exempt from site plan review if they are for a single family use, two family use, three family use, four family use, or cottage cluster on an individual lot.

Applicant's Findings: The proposal does not meet any of the exemptions as provided above and for that reason, the applicant is applying for a Class 3 Site Plan Review Application.

(b) *Classes.* The three classes of site plan review are:

(1) *Class 1 site plan review.* Class 1 site plan review is site plan review for any development under subsection (a)(1) of this section that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves either:

(A) A change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or

(B) A change of use when a building permit is not otherwise required.

(2) *Class 2 site plan review.* Class 2 site plan review is site plan review for any development under subsection (a)(1) of this section, other than development subject to Class 1 site plan review, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

(3) *Class 3 site plan review.* Class 3 site plan review is site plan review for any development under subsection (a)(1) of this section that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:

(A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;

(B) Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;

(C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;

(D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;

(E) Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or

(F) Involves the imposition of conditions of approval; or

(G) Requires a variance, adjustment, or conditional use permit.

(c) *Procedure type.*

(1) Class 1 site plan review is processed as a Type I procedure under SRC chapter 300.

- (2) Class 2 site plan review is processed as a Type I procedure under SRC chapter 300.
- (3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.
- (4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.

Applicant's Findings: The proposal includes multiple applications, including adjustment applications, and thus meets the requirements mentioned above, triggering a Class 3 Site Plan Review. Since the Consolidated Application includes the highest case type, Class 3, it will be processed using Type II procedures. As a result, all applications within this consolidated submittal will be reviewed according to Type II procedures.

Reference SRC code above: (3) Class 3 site plan review. Class 3 site plan review refers to any development under subsection (a)(1) of this section that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

(e)

(d) *Submittal requirements for Class 1 site plan review.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:

- (1) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
- (2) The address or location of the subject property and its assessor's map and tax lot number;
- (3) The size of the subject property;
- (4) The comprehensive plan designation and zoning of the subject property;
- (5) The type of application(s);
- (6) A brief description of the proposal; and
- (7) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

(e) *Submittal requirements for Class 2 and Class 3 site plan review.*

(1) *Class 2 site plan review.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:

- (A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (i) The total site area, dimensions, and orientation relative to north;
- (ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;
- (iii) Loading areas, if included in the proposed development;
- (iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;
- (v) An indication of future phases of development on the site, if applicable;
- (vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;
- (vii) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
- (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
- (ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86; and
- (x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

(B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (i) The total site area, dimensions, and orientation relative to north;
- (ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
- (iii) The type, size, and location of all existing trees on the property, with an identification of those trees that will be preserved and those trees that will be

removed; and

(iv) The location of the 100-year floodplain, if applicable.

(C) A tree plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(i) The total site area, dimensions, and orientation relative to north;

(ii) The location of all existing trees, indicating their species, DBH, critical root zone, and whether they will be preserved or removed;

(iii) The location of all new trees proposed to be planted on the development site, indicating their species and caliper at the time of planting;

(iv) The perimeter and soil depth of all proposed tree planting areas;

(v) The location of all existing and proposed primary and accessory structures;

(vi) The location of all existing and proposed parking and vehicle use areas; and

(vii) For developments that include more than one-half acre of new off-street surface parking, the tree plan shall include the expected tree canopy area after 15 years for all trees not removed by the proposed development, and the caliper of all proposed new trees at the time of planting in addition to the other requirements of the tree planting plan.

(D) A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.

(E) A completed trip generation estimate for the proposed development, on forms provided by the City.

(F) Building elevation drawings for any proposed new buildings and any exterior additions or alterations to existing buildings when the height of the building, or a portion of the building is changed.

(G) For development in the Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), and Mixed Use-Riverfront (MU-R) zones, architectural drawings, renderings, or sketches showing all elevations of the existing buildings and the proposed buildings as they will appear on completion.

(H) For developments that include more than one-half acre of new off-street surface parking, proof of coordination with the local electric utility to ensure the compatibility of tree canopy and root systems with planned and existing utility infrastructure.

(2) *Class 3 site plan review.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:

- (A) All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;
- (B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;
- (C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
- (D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;
- (E) The location of drainage patterns and drainage courses, if applicable;
- (F) A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;
- (G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;
- (H) A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and
- (I) A Transportation Impact Analysis, if required by SRC chapter 803.

Applicant's Findings: This application is intended to fulfill the requirements of a Class 3 Site Plan Application. In addition to the requirements of a Class 1 and 2 Site Plan Application (enclosed), this application includes the requirements necessary to meet the requirements of a Class 3 Site Plan Application. The applicant has reviewed and included the required documentation requested as per SRC Chapters 220.005(a)(e)(2), and Chapter 300. Should there be any instance of incompleteness, the applicant invites the reviewing municipality to communicate any additional informational or documentation needs and can provide supplemental information, should it be found to be required for the review of any related land use action or decision necessary for the proposed development.

Please reference the below Exhibits, which provide for the information required by a Class 3 Site Plan Application:

- ***Exhibit B: Existing Conditions Plan***
- ***Exhibit G: Preliminary Architectural Plan & Site Plan***

- **Exhibit H: Preliminary Civil Plan**
- **Exhibit I: Stormwater Report**
- **Exhibit J: Preliminary Landscape Plan / Tree Plan**
- **Exhibit K: Geotechnical Report**

(f) *Criteria.*

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

- (A) The application meets all applicable standards of the UDC;
- (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;
- (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
- (D) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Applicant's Findings:

(f)(3)(A)

The applicant has reviewed the complete list of standards and criteria anticipated to be applicable to the land use applications, with responses included within this narrative. In instances where the proposal is unable to meet the UDC, the applicant has requested adjustments with this Consolidated Land Use Application. This criterion has been met.

(f)(3)(B)

High St. NE is classified as a Minor Arterial street. Adequate street width exists to conform to the public street standard without any anticipated ROW dedication required to achieve conformance to the street section along the frontage of the development site. Coordination has been put forth through proactive communication with Jolynn Franke, Transit Planner II with Cherriots. It was identified that the public improvements would need to include improvements of the bus stop to ensure conformance applicable to the Cherriots bus top (ID 379). Upon review of the public standards, the design team has integrated the conforming "bulb-out" bus stop into the ROW improvement design along High St. NE. New Public sidewalks will be required to be provided to achieve the applicable design changes proximate to the bulb-out style bus stop. In addition, proactive communication was initiated with Fire Marshall Sean Mansfield, who has reviewed the applicant's proposed Site Plan, Building Elevations, and means of providing aerial apparatus, and provided design feedback and confirmation that fire apparatus can safely serve the development from High St. NE. See Exhibit L, attached. Street tree

placement along High St. NE has been incorporated into the design documents based upon the Fire Marshall's review and feedback. Willow St. NE is classified as a Local street. Proactive communication was initiated with Curtis Pellatz and Tony Martin, with the City of Salem Development services, to outline what options were achievable to achieve on street parking along Willow St. NE, to ensure some measure of additional street parking can be achieved. On street parking is a critical public benefit, and crucial to the feasibility of the development in respect to Salem's residential dependence upon vehicular transportation. Input was provided and integrated into the resulting site plan that has been submitted, with parallel street parking stalls on the Southerly side of Willow St. NE only. See Exhibit M, attached. In order to achieve the proposed on street parallel parking stalls along Willow St. NE, there will be a ROW dedication required of 30'. An adjustment will be applied for, to obtain a non-standard ROW along the ½ street improvement that is anticipated along the frontage of Willow St. NE. Street standards for connectivity will be complied with, per SRC 803.035(a). Vision clearance standards have been applied and incorporated into the development design, meeting SRC 805.005(b)(1)(B). These criterion have been met, unless otherwise addressed through the referenced Adjustment Application.

(f)(3)(C)

The development proposal includes a parking lot to the East of the building, which will provide safe and efficient movement of vehicular traffic and parking for those who frequent or lease the building. ADA compliance public sidewalk will be provided along both High St. NE and Willow St. NE, with contiguous sidewalk providing access to the building at the ground level, through main entrances provided on the West of the building, facing High St. NE, as well as the North of the Building, facing Willow St. NE. A Class 2 Driveway Approach Permit is included in this application, per SRC 804.025. This criterion has been met.

(f)(3)(D)

A 12" water main is located in High St. NE, and is anticipated to be sufficient to serve the proposed development. A 4" water main is also located in Willow St. NE. A fire hydrant exists immediately at the corner of High St. NE and Willow St. NE, providing water supply for fire service. Water meters will be placed along the right-of-way of the streets adjacent to the subject property. An 8" sewer main is available and anticipated to be sufficient to serve the development. Storm drainage systems and Green Stormwater Infrastructure have been designed and included in the submittal documents. See Exhibit N, Fire Flow Tests, which has been provided to validate the necessary flow to serve the domestic and fire suppression needs for the proposed development.

These criteria are met.

CHAPTER 533 - Mixed Use-I

Sec. 533.001 - Purpose

The purpose of the Mixed Use-I (MU-I) zone is to identify allowed uses and establish development standards that promote pedestrian-oriented development in vibrant mixed-use districts, encourage a mix of compatible uses in multi-story buildings, and emphasize active commercial uses on ground floors facing major streets.

Applicant's Findings: The proposed development includes a pedestrian-oriented development, and a mix of compatible uses through the proposal of a multi-story building that includes active commercial uses on the ground floor of both adjacent streets. This criteria is met.

Table 533-1: Uses

Applicant's Findings: Multiple Family, Office, and a wide range of other Commercial uses that reasonably meet the anticipated tenant base of the proposed commercial spaces are allowed in the Mixed Use-I zone.

Table 533-2: Lot Standards, and Table 533-3: Setbacks, and Table 533-4: Zone-tozone Setbacks, and Table 533-5: Lot Coverage; Height; Building Frontage.

No Lot area, width, depth minimum requirements apply. A Maximum 10' setback applies if the setback area is used for pedestrian amenities. A minimum setback of 5' to a maximum setback of 10' is permitted for ground floor residential uses. No setbacks of buildings of zone-to-zone adjacent parcels. No maximum lot coverage.

Maximum height allowed is 65 ft. Minimum height is 20 feet.

No maximum lot coverage or rear yard coverage. Maximum 65' building height.

Minimum building frontage is 75%. For corner lots, this standard must be met on the frontage of the street with the highest street classification (High Street NE). For the intersecting street (Willow Street NE), the building frontage standard is a minimum of 40%.

Applicant's Findings:

Setbacks: To the North and West, the proposed development complies fully with the applicable standards. On the East and South sides, the project abuts MU-I zoned property. For vehicle use areas, such as the proposed parking lot, the standards require a minimum 5-foot Type A landscaped setback. There is no setback requirement for structures in this zone-to-zone context. Despite this request, the building setbacks align with the design standards and are clearly labeled on the submitted plans.

Building Height: The tallest point of the building, measured in accordance with Section 112.035 from the finished grade to the top of the roof eave, is approximately 64 feet. This measurement is indicated on the submitted building plans.

Building Frontage: The building frontage along High St. NE exceeds the minimum required frontage and exceeds 40% along the lower-classified Willow St. NE. These details are clearly articulated on the submitted building plans, demonstrating compliance with the design standard.

Sec. 533.015(f) - Landscaping

Except setback areas abutting a street that provide pedestrian amenities and horizontal separation, setbacks must be landscaped to the Type A standard. Vehicle use areas to be landscaped to SRC 806 and SRC 807. At vehicular use areas of mixed use zones, there is a 5' Type A Setback. Vehicular use areas must be landscaped as provided under SRC Chapter 806 and 807.

Applicant's Findings:

Vehicle use areas will be landscaped to the SRC 806 and SRC 807 Design Standards, with a landscape plan attached in the application documents demonstrating proposed landscaping details, plant list, sizes, counts, and coverage areas. The above-referenced standards conform, and the criteria are met.

Table 533-6: Pedestrian Oriented Design

Building Façade Articulation – Applies to building facades facing primary streets (High Street NE).

- Ground Floor Height – Min 14 feet
- Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
- Base: ground floor facades shall be distinguished from the middle by at least a change in materials, color, or horizontally-articulated transition piece.
- Middle: middle facades shall provide visual interest by incorporating at a minimum of every 50 ft at least one recess a minimum of 2 ft, an extension of a minimum depth of 2 ft, vertically oriented windows, or pilasters that project away from the building.
- Top: building tops shall be defined by at least a cornice that is a minimum 8 inches tall and minimum 3 inches beyond the façade; a change in material from the upper floors with material at least 8 inches tall; offsets or breaks in roof elevation that are a minimum 3 ft in height; or a roof overhang that is a minimum 8 inches beyond the face of the façade.

Separation of Ground Floor Residential Uses

- Vertical Distance – Min. 1.5 feet with a max 3 feet (Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.)
- Horizontal Distance – Min. 5 feet with a max 10 feet (Horizontal separation shall take the form of a landscaped area such as private open space or hardscaped area such as a plaza.)

Ground Floor Windows – a minimum of 65% for all uses. Standard applies to building ground floors on primary streets (High Street NE). Along Willow Street NE, the standard applies for 50 feet of the street frontage extending from the intersection corner.

Building Entrances

- For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
- For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.
- Building Entrances – For all entrances provided, weather protection shall be provided.

Weather Protection – A minimum 75% required for all frontages along each street. The weather protection still applies with horizontal and vertical separation.

Parking Location – 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.

Applicant's Findings:

Ground Floor Height: The ground floor is approx. 15'2" in height as shown on the submitted building plans, see Sheet A2.01.

Separation of Ground Floor Residential Uses

- ***Separation along High St. NE is provided where ground floor residential units are present through the provision of a 5' landscaped setback, with landscaping detailed upon the providing landscape sheets included in this application.***
- ***The applicant is seeking a reduction to the code standard from 5' Horizontal Distance to 4' Horizontal Distance along the frontage of Willow St. NE, where residential uses abut the street, through an application of a Class 1 Adjustment. In order to provide separation in a manner that meets the code intent, living trellises will be provided along the frontage of the residential units, with crawling plants placed to nurture and accent both the architectural interest of the site, as well as creating a natural separation between the sidewalk and residential uses.***

Building Façade Articulation - The proposed building design incorporates vertical and horizontal articulation, effectively dividing the vertical mass into three distinct sections: the base, middle, and top. Each section is clearly defined, with transitions marked by changes in materials, color, and horizontally articulated features.

- ***Middle: The middle façade adds visual interest by incorporating, at a minimum of every 50 feet, one of the following:***
 - ***A recess with a minimum depth of 2 feet***
 - ***An extension with a minimum depth of 2 feet***
 - ***Vertically oriented windows***

- *Pilasters projecting from the building face*
- **Top: The building's top is clearly defined with the following features:**
 - *Horizontal roof eave or parapet members, each with a minimum height of 8 inches*
 - *A material change from the upper floors, with the transition material measuring at least 8 inches tall*
 - *Offsets or breaks in the roof elevation with a minimum height of 3 feet*
 - *A roof overhang extending at least 8 inches beyond the façade*

This articulation ensures compliance with design standards while creating an aesthetically engaging and cohesive architectural appearance.

Ground Floor Windows - The proposed ground floor elevation includes approximately 67% of ground floor windows. Along Willow Street NE, the standard applies for 50 feet of the street frontage extending from the intersection corner. Within the first 50' of street frontage extending from the intersection corner, the proposed ground floor elevation includes approximately 73% of ground floor windows.

Building Entrances - The building includes two main entrances facing High St. The first door furthest South provides for an interior corridor entrance to the residential units. The second exterior main door facing West on the Northwest corner of the building provides an entrance to the ground floor commercial space. Along Willow St. NE, (not a primary street), one exterior main door is provided, giving access to both the residential units, as well as the commercial space from the North side of the building. Weather protection is provided at all exterior main entrance locations.

Weather Protection – Continuous awnings are provided along both street frontages, exceeding the 75% code minimum.

Parking Location – The building faces West towards High St. NE. Off-street surface parking areas and vehicle maneuvering areas are located behind the building on the East side of the site as shown on the submitted site plan.

The criteria are met where the development standards are satisfied. For instances where standards are not met, as outlined in the above section, the applicant is seeking an Adjustment to accommodate the proposed design, as shown in the submitted plans. Refer to the Adjustment sections below for details.

CHAPTER 800 - General Development Standards

Sec. 800.015. Lot standards, generally.

(a) *Lot shape and size.* In addition to meeting all applicable lot standards of the UDC, all lots intended for development, as far as practicable, shall be of a size and configuration so that their net remaining area exclusive of required setbacks, easements, riparian corridors, and mapped floodplain/floodway boundaries and wetlands is buildable.

(b) *Buildings to be on a lot.* Every building or structure shall be entirely located on an individual lot. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.

(c) *Side lot lines.* As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

Applicant's Findings: The proposed development meets the requirement for side lot lines as outlined in the applicable code. The side lot lines are designed to run at right angles to the street upon which the lot faces, in accordance with the standards. In the case of any curved streets, the side lot lines are aligned radially to the curve, ensuring full compliance with the regulation.

Sec. 800.020. Designation of lot lines.

(a) *Front lot line.* The front lot line shall be designated as set forth in this subsection (see Figure 800-1).

(b) *Rear lot line.* The rear lot line shall be designated as set forth in this subsection (see Figure 800-2).

(1) *Generally.* For all lots, except those identified in subsection (b)(2) of this section, the rear lot line shall be the property line that is opposite and most parallel to, and located the greatest distance from, the front lot line.

Applicant's Findings: Separate from this Consolidated Land Use Application, the client will submit a Replat application to consolidate the parcels identified by Taxlots 073W22DA06600, 073W22DA06700, and 073W22DA06800. Upon approval of the Replat, the development site will consist of a single parcel, with the front lot line established along the frontage of High St. NE. The rear lot line will align with the property line adjacent to Taxlot 073W22DA06999, positioning it directly opposite, parallel to, and at the greatest distance from the front lot line.

Sec. 800.035. Setbacks.

(a) *Setbacks to be unobstructed.* Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.

(b) *Permitted projections into required setbacks.* Permitted projections into required setbacks are set forth in Table 800-2.

Porches and decks - uncovered: Table 800-2 provides that decks may not project into the setback if the floor area of the porch or deck exceeds 3' above grade.

Applicant's Findings: All features of the building are to conform with Table 800-2 with the exception of 1) Metal Awnings, provided to achieve weather protection along the ROW sidewalk to meet the standards of SRC Table 533-6, and 2) elevated juliet style metal balconies, which have been proposed in a patterned fashion to create architectural distinction and interest, providing an outdoor amenities to the residents who will occupy the dwellings. The applicant will obtain a revocable license for the canopy and balconies encroaching into the right of way, pursuant to SRC 76.160, to be approved by the Planning Director.

Sec. 800.050 - Fences, walls, hedges, gates, and retaining walls

Applicant's Findings: All fences, walls, hedges, gates and retaining walls, if provided within the proposed development, will meet Sec. 800.050 as currently proposed. The criteria within this section are met.

Sec. 800.055. Solid waste service areas.

Applicant's Findings: All features and provisions of the proposed development are intended to meet Sec. 800.055 as currently proposed.

Sec. 800.055. Solid waste service areas.

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

(1) *Pad area.* In determining the total concrete pad area for any solid waste service area:

(A) The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and

(B) The pad area shall extend a minimum three feet beyond the front of the receptacle.

(C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

(2) *Minimum separation.*

(A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.

(B) A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

(3) *Vertical clearance.*

(A) *Receptacles two cubic yards or less.* Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.

(B) *Receptacles greater than two cubic yards.* Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:

(i) For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the

inside of the rear wall of the enclosure (see Figure 800-6); or

(ii) Where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

(d) *Solid waste service area screening standards.*

(1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.

(2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

(e) *Solid waste service area enclosure standards.* When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.

(1) *Front opening of enclosure.* The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

(2) *Measures to prevent damage to enclosure.*

(A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.

(B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

(C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:

(i) A minimum distance of two feet from the sides of the container or receptacles; and

(ii) A minimum of three feet from the rear of the container or receptacles.

(3) *Enclosure gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates

shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

Applicant's Findings: The trash enclosure included in the design documents are anticipated to conform to the above referenced specifications. The location of the solid waste area is located in the northeastern section of the parking area as shown on the site plan document included in this application. Full Trash Enclosure Detailing will be provided at the time of Development Permit Applications, however proactive communication has occurred with Republic Services verifying the proposed trash enclosure size and location is approved for service by their collection trucks, See Exhibit R attached. The criteria within this section are met.

(f) *Solid waste service area vehicle access.*

(1) Vehicle operation area.

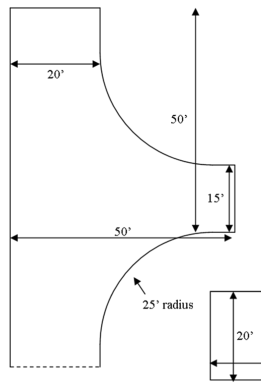
(A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length (either parallel to, or perpendicular to, the trash enclosure structure) and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.

(B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:

(i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);

(ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or

(iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.



(2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.

(3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.

(4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

(g) *Notice to solid waste collection franchisee.* Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.

Applicant's Findings: A vehicle operation area will be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length (either parallel to, or perpendicular to, the trash enclosure structure) and 15 feet in width. The trash enclosure will be 17' W X 12'D the vehicle operation area will be parallel to the opening of the enclosure, 22' in width. Vehicle operation areas shall be made available perpendicular to the front of the enclosure, 22' in width, and approx. 68' in length as measured from the edge of the enclosure to the end of the private driveway. "No Parking" signs will be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles. Vehicle operation areas will be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained in an appropriate manner in accordance with Sec. 800.

Subsection (f) (C) states, "The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles." In a manner to honor the intent of the referenced code section, the proposed design relies upon the existing dead end portion of Willow St. NE that exists to the East of the Driveway Entrance. The subject site is the last development on Willow St. NE, which will remain a dead end, and therefore the portion of Willow St. Ne that extends beyond

the driveway approach (of which vehicles do not rely upon for transportation) to the East will receive effectively zero traffic use, therefore providing the equivalent or elevated level of safety if compared to a vehicle operation area coincident with an alley. This has been reviewed and approved by Republic Services, see Exhibit R attached.

Sec. 800.060. Exterior lighting.

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

(b) Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either:

(1) Completely shielded from direct view; or

(2) No greater than five foot-candles in illumination.

Applicant's Findings: Electrical fixtures and lighting will not shine or reflect on adjacent properties and will meet either Sec. 6800.060(b)(1 or2). The applicant has provided information that shows the proposed lighting can conform to Sec. 800.060. This criteria has been met.

Sec. 800.065. Pedestrian access.

Except where pedestrian access standards are provided elsewhere under the UDC, and unless otherwise provided in this section, all developments, other than development of single-family, two-family, three-family, and four-family uses, and multiple family uses subject to SRC chapter 702, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means 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. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area. Development also does not include the installation of electric vehicle charging stations in existing approved parking lots or vehicle use areas.

Applicant's Findings: The development will include an on-site pedestrian circulation system developed in conformance with the above section.

(a) Pedestrian connections required. The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:

(1) Connection between building entrances and streets.

(A) Except as otherwise provided in this subsection, a pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian

connection, to the required connection to the street (see Figure 800-11).

(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-12).

(C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if:

(i) The development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or

(ii) The building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy.

(4) Connection to existing or planned paths and trails. Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

(A) Be constructed, and a public access easement or dedication provided; or

(B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Applicant's Findings: There will be provided:

- **Connection between building entrances and streets.**
- **Between the primary building entrance of each building on the development site and each adjacent street.**
- **At minimum, one single pedestrian connection from one of the building's primary entrances to each adjacent street, as per Figure 800-11.**
- **At least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop ID 379.**
- **A public access easement will be provided for future construction of the Salem Transportation Plan, which has identified a pedestrian path running along the adjacent Mill Creek river bank. No abutting section of the trail or path exists, and therefore an easement will be provided for future construction of the path by the City of Salem, at the time of future construction. Advance coordination has been initiated with City of Salem staff to provide input and design coordination for a future segment of the path along the development site, and the applicant requests that this be conditioned at the time of Building Permit approval, as the Construction Documents will have a more robust set of details for this section at the time of building permit application.**

CHAPTER 802 - Public Improvements

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

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

Applicant's Findings: The development will be served by City of Salem utilities, designed and constructed according to all applicable provisions of the Salem Revised Code, and Public Works Design Standards, unless otherwise noted and achieved through a variance or adjustment process, or otherwise by City of Salem staff.

Sec. 802.020. Easements.

Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.

Applicant's Findings: The applicant acknowledges that, subject to any constitutional limitations and within the reasonable and achievable scope of the proposed development, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. The applicant requests clear, proactive, and cohesive coordination by City of Salem personnel in pursuit of any necessary easements.

Sec. 802.025. Utilities to be placed underground.

- (a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.
- (b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.
- (c) Stormwater management shall be provided by above ground and below ground facilities.

Applicant's Findings:

The applicant and design team have coordinated with PGE's new service design team, and anticipates that a new Power Pole and guy wire will be required, to allow for the physics of the existing overhead PGE infrastructure to be maintained, with the anticipated guy wire providing lateral support to the adjacent Pole A1209678. Any clarification surrounding this aspect of utility design can be directed to Ken Spencer, of PGE, and Landon Hattan, of Creswell HLDGS (applicant). All other utilities are anticipated to be provided by underground facilities. This criteria is met.

Sec. 802.040. Private stormwater, wastewater, and water systems.

A private stormwater, wastewater, or water system may be approved by the Director if each of the following conditions are met:

(a) City utilities necessary to serve adjacent properties and to provide needed links in the overall collection and distribution system are provided.

(b) If the system is a water system:

- (1) The water system conforms to the water distribution standards of the City;
- (2) Except as authorized by state law, water from the system is not submetered or resold to other parties;
- (3) Each building under separate ownership has a separate water meter; and
- (4) The properties served are located within a commercial or an industrial and employment zone.

(c) If the system serves multiple properties under separate ownership:

(1) If the system is a wastewater system, the properties served are located within a commercial or an industrial and employment zone, and each building under separate ownership must have a separate wastewater monitoring manhole. Exceptions to the requirement for monitoring manholes may be granted by the Director if the owner of the system shows that no proposed use has any likelihood of discharging hazardous or illegal materials into the City's wastewater system.

(2) An agreement is executed by the utility owner and the owner of the property served by the system. The agreement shall be recorded in the deed records of the applicable county and provide that:

- (A) The system serving the property is private;
- (B) The City has no responsibility to maintain the system;
- (C) The system will not be accepted by the City unless the system was constructed in a manner that conforms to the Public Works Design Standards;
- (D) A perpetual right of access to read and maintain the meters and inspect the system is granted to the City; and
- (E) Persons served by the system assume responsibility for any repairs required for the City.

Applicant's Findings: *All of the above stated Development Standards are anticipated to be met through the course of Construction Document design, to meet the criterion of this section. The applicant requests that any such ROW dedication or utility easements within the existing or proposed Public ROW be conditioned at the time of Public Improvement Approvals. The applicant requests that any conveyance, easements, agreements, or dedications on the private property be provided as conditions of Certificate of Occupancy Release.*

CHAPTER 803- Streets and Right-Of-Way Improvements

Sec. 803.010. Streets, generally.

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

Applicant's Findings: *The design team has worked arduously to achieve an aggressive set of development standards and priorities, balancing the mix of development goals that must be achieved to provide for a development which will provide a supply of critical housing options for downtown residents, while maintaining a priority for development conformance to the highest degree possible. Coordinated effort has been sustained through multiple iterations of the design process to achieve thoughtful design solutions, with significant coordination on the front end of the Pre-application meeting, as well as following the Pre-application meeting, with resources allocated heavily towards design conformance. The proposed design will include street improvements, right-of-way paving width, grade, structural sections, and monumentation that appropriately achieves conformance in the maximum extent possible, with any instances of non-conformance addressed through a variance or adjustment process. The applicant invites City of Salem personnel to initiate and engage any time through the review process towards the successful approval of the proposed development, and resultant delivery of critical housing and commercial/retail supply to our City's urban core.*

Sec. 803.015. Traffic impact analysis.

(a) *Purpose.* The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.

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

- (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.

(2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.

(3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.

(c) *Improvements may be required.* On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.

(d) *Exception.* An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.

Applicant's Findings: A Trip Generation Report (TGR) was requested at the time of the pre-application meeting, and has been provided as part of this Consolidated Land Use Application. A Traffic Impact Analysis (TIA) is not anticipated to be required.

Sec. 803.025. Right-of-way and pavement widths.

(a) Except as otherwise provided in this chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1.

(b) Except as otherwise provided in this chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2.

Applicant's Findings: As applicable to the streets adjacent to the development, see below:

High St. NE

<i>Street Classification</i>	<i>Minor Arterial</i>
<i>Right-of-Way Width</i>	<i>Standard: 72' Existing Condition: 98'</i>
<i>Improvement Width</i>	<i>Standard: 46' Existing condition: 60'</i>
<i>Special Setback</i>	<i>N/A</i>
<i>Required Improvements</i>	<i>High Street NE has adequate pavement width. Replacement of sidewalks along the frontage will be required along with planting of additional street trees as per the Fire Marshall's approval for purposes of Fire Apparatus service from Front St. NE. The</i>

	<i>ROW improvements will be provided in coordination with Cherriots, in order to achieve a Bulb-Out Style bus stop for bus stop ID 379 at the corner of High St. NE and Willow St. NE, conforming to the Salem Area Mass Transit District. On-street parking will be restricted in a manner to allow for unobstructed access by transit.</i>
--	--

<i>Willow St. NE</i>

<i>Street Classification</i>	<i>Local</i>
<i>Right-of-Way Width</i>	<i>Standard: 60' Existing Condition: 40'</i>
<i>Improvement Width</i>	<i>Standard: 30' Existing condition: 24'</i>
<i>Special Setback</i>	<i>30' from Centerline</i>
<i>Required Improvements</i>	<i>The applicant proposes a conveyance for dedication to equal a half-width right-of-way of up to 27' on the development side of Willow St. NE to be provided. Dedication will include a 25' radius at the intersection of High and Willow. A Class 1 adjustment is included in this application to achieve a reduction in the code standard from a 30' half Right-of-Way and Special Setback, to a 27' Right-of-Way and Special Setback.</i>
<i>Sidewalks</i>	<i>Public Sidewalks will be replaced along the Willow St. NE frontage of the development, providing pedestrian connectivity from the public ROW to the private site, graded, placed and constructed as per SRC chapter 78.</i>
<i>Street Trees</i>	<i>Street Trees will be provided to the maximum extent possible, with selection of appropriate street trees to be placed within the approx. 14' planting strip along High St. NE, according to the Fire Marshall's input and approval, and within the 4' 6" planting strip at Willow St. NE. A Class 2 Adjustment has been included within this Consolidated Land Use Application for the planting strip reduction from 8' to the proposed 4' 6".</i>
<i>Connectivity</i>	<i>Sidewalks are to be constructed to meet the Public Works Design Standards, the American with Disabilities Act, the Salem Transportation System Plan, and SRC Chapter 78, unless noted otherwise and addressed through an attached Adjustment request. Bicycle parking will be provided to meet the Salem Transportation System Requirements, and the SRC, Chapter 806. All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design standards, unless a variance or adjustment is identified and pursued to allow a deviation from the code standard.</i>

CHAPTER 804 - Driveway Approaches

Sec. 804.015, Sec. 804.025. Class 2 driveway approach permit.

(a) Except as otherwise provided in this chapter, a driveway approach permit shall be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.

(1) A driveway approach onto a local, collector, minor arterial, major arterial, or parkway street providing access to a use other than single family, two family, three family, or four family;

(2) Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.

(b) *Procedure type.* A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.

(c) *Submittal requirements.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:

(1) A completed application form.

(2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:

(A) The location and dimensions of the proposed driveway approach;

(B) The relationship to nearest street intersection and adjacent driveway approaches;

(C) Topographic conditions;

(D) The location of all utilities;

(E) The location of any existing or proposed buildings, structures, or vehicular use areas;

(F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and

(G) The location of any street trees adjacent to the location of the proposed driveway approach.

(3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.

(4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.

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

(1) The proposed driveway approach meets the standards of this chapter and the Public Works

Design Standards;

- (2) No site conditions prevent placing the driveway approach in the required location;
- (3) The number of driveway approaches onto an arterial are minimized;
- (4) The proposed driveway approach, where possible:
 - (A) Is shared with an adjacent property; or
 - (B) Takes access from the lowest classification of street abutting the property;
- (5) The proposed driveway approach meets vision clearance standards;
- (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
- (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
- (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
- (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Applicant's Findings: This proposal meets the requirements of the references section and therefore A Class 2 driveway approach permit is anticipated to be processed as part of this application as a Type II procedure under SRC chapter 300. The existing residential driveway approach that exists to serve the existing residence at 590 Willow St. NE will be abandoned. The applicant has found that the proposed development meets Sec. 804.025(d), and therefore a Class 2 Driveway Approach permit is anticipated to be approved.

Sec. 804.030. Access onto local and collector streets.

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

(b) *Permitted access.*

- (1) Driveway approaches onto local and collector streets shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.
- (2) No access shall be provided onto a local or collector street from a proposed new single family, two

family, three family, or four family use on an existing lot abutting an alley.

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

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

Applicant's Findings: The existing residential driveway approach that exists to serve the existing residence at 590 Willow St. NE will be abandoned. The applicant has found that the proposed development meets Sec. 804.030, and therefore a Class 2 Driveway Approach permit is anticipated to be approved.

Sec. 804.050. Driveway approach development standards.

Driveway approaches shall conform to the following development standards:

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

(b) Width.

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

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

Type of Driveway	Width	
	Minimum	Maximum
One-way driveway approach	12 ft.	20 ft.
Two-way driveway approach	22 ft.	40 ft.

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

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

Applicant's Findings: The applicant has found that the proposed development meets Table 804-2, and is dictated on the submitted plans. A Class 2 Driveway Approach permit is anticipated to be approved.

CHAPTER 805 - Vision Clearance

Sec. 805.005. Vision clearance areas.

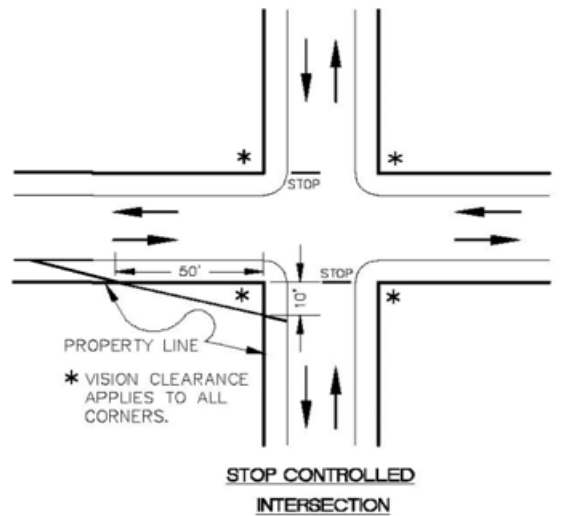
Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.

(a) Street intersections. Vision clearance areas at street intersections shall comply with the following:

(1) Uncontrolled intersections. At uncontrolled intersections, the vision clearance area shall have 30-foot legs along each street (see Figure 805-1).

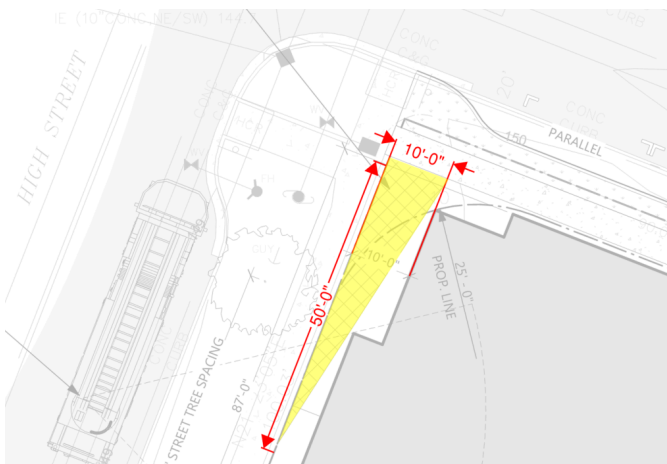
(2) *Controlled intersections.* At controlled intersections, the vision clearance area shall have a ten-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).

FIGURE 805-2. CONTROLLED INTERSECTIONS



Applicant's Findings: The development conforming Vision Clearance triangle at the Controlled Intersection of High St. NE and as shown below:

includes a Stop Willow St. NE,



CHAPTER 806 - Off-Street Parking, Loading and Driveways

Sec. 806.015. Amount off-street parking.

(a) *Maximum off-street parking.*

(b) *Compact parking. Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.*

(c) *Carpool and vanpool parking. New developments with 60 or more off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.*

(d) *Required electric vehicle charging spaces. For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.*

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.

Multiple Family: 1.2 per dwelling unit

Applicant's Findings: The proposed development includes (4) standard parking stalls, (2) compact parking stalls, and (1) ADA parking stall with a loading space. All proposed off street parking stalls will be designed to be EV-Ready, with required electrical capacity to be included in the load calculations during the New Service Request with PGE. This criterion is met.

(d) Required electric vehicle charging spaces. For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

Applicant's Findings: The applicant intends to provide electrical conduits to each of the proposed off-street parking stalls. This criteria will be met.

Sec. 806.020. Method of providing off-street parking.

(a) General. If provided, off-street parking shall be accommodated through one or more of the following methods:

(1) Ownership. Ownership in fee by the owner of the property served by the parking;

Applicant's Findings: All off-street parking stalls that are to be used exclusively for tenants and customers of the proposed development are to be provided within the boundaries of the private development, held in ownership in fee by the owner of the property. This criterion is met.

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

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

(b) Location.

(1) Generally. Off-street parking and vehicle use areas shall not be located within required setbacks.

(c) Perimeter setbacks and landscaping.

(1) Perimeter setbacks and landscaping, generally.

(A) Perimeter setbacks. Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section.

(2) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.

(A) Method A. The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

(3) Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

(4) Setback adjacent to buildings and structures. Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved

pedestrian walkway is not required for drive-thru lanes located adjacent to a building or structure.

Applicant's Findings: The proposed development achieves conformance along the Northerly, Easterly, and Southerly property line, as the parking lot setback meets or exceeds the 5' minimum. On the Westerly side of the Vehicle Use area, a 5' sidewalk separates the parking area from the building, also providing ADA conforming pedestrian access from the parking area into the interior of the site, and access into the building. These criterion are met.

(d) Interior landscaping.

(1) Interior landscaping, generally. Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size.

Applicant's Findings: The proposed off-street parking area is approximately 3,400 sq. ft. in size and Interior Landscaping is therefore not required.

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

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

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

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

Applicant's Findings: The proposed development conforms with Table 806-5, 806-6 and figure 806-9. Parking stalls conform to the minimum dimensions set forth in Table 806-5. The parking area is designed such that automobiles will enter and exit the street in a forward motion with no backing or maneuvering within the street. The drive aisle width conforms to the minimum dimensions set forth in Table 806-6. This criterion is met.

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

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

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

(l) Marking and signage.

(1) Off-street parking and vehicle use area circulation. Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.

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

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

Applicant's Findings: Off Street parking and vehicle use areas shall be designed per subpoint (i) above. The applicant will provide wheel barriers per subpoint (j) above. Off Street parking and vehicle use areas shall be designed per Table 806.6, and as described in subpoints (k, l, &m) above. These criteria are met.

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

Applicant's Findings: The design documents provided in this application conform to Sec. 806.040. These criterion are met. A Class 2 Driveway Approach permit application will be included in this Consolidated Land Use Application.

Sec. 806.045. Bicycle parking; when required, Sec. 806.050; Proximity of bicycle parking to use or activity served, Sec. 806.055; Amount of bicycle parking, Table 806-9; Bicycle Parking

Multifamily Minimum Number of Spaces Required: 1 space per dwelling unit, with up to 100% allowed to be Long-Term Spaces.

Office Minimum Number of Spaces Required: The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft, with 25% allowed to be Long-Term spaces.

Applicant's Findings: The development will provide one long-term bicycle storage space for each residential unit. These spaces will be located within the residential units and will comply with the standards outlined in Section 806.045 (Bicycle Parking), Section 806.050 (Proximity of Bicycle Parking to Use or Activity Served), and Section 806.055 (Amount of Bicycle Parking) as specified in Table 806-9. Additionally, the development will include four short-term bicycle storage spaces for the retail/commercial ground-floor spaces, provided in accordance with Table 806-9. These criteria are fully met

Sec. 806.065. Off-street loading areas; when required.

(a) *General applicability.* Off-street loading shall be provided and maintained as required under this chapter for:

- (1) Each proposed new use or activity.

Sec. 806.070. Proximity of off-street loading areas to use or activity served.

Off-street loading shall be located on the same development site as the use or activity it serves.

Use: Multiple family 5-49 dwelling units: No off-street loading areas are required.

Applicant's Findings: The proposed development does not exceed 49 units, and therefore no off-street loading area is required. This criterion is not applicable.

CHAPTER 807 - Landscaping and Screening

Sec. 807.015. Landscaping and screening.

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

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

(b) *Plant materials and corresponding plant unit values.* Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. 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 shall provide for a minimum 75 percent coverage of required landscaped areas within five years.

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

(d) *Tree replanting requirements.* In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

- (1) *Removal of trees within required setbacks.* When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for

each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.

(2) Removal of trees from development site. When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

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

- (1) Height. Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.
- (2) Opacity. Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.
- (3) Maintenance. Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.

(f) Berm. Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.(g)Street trees. Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

Applicant's Findings:

Sec. 533.025 indicates that standards within the MU-I zone must comply with all other applicable development standards of the UDC, including, but not limited to SRC Chapter 807. SRC Sec. 807.015(a) indicates, where landscaping is required under the UDC without a reference to a specific landscaping style, the required landscaping shall meet the Type A standard. The required landscaping type applicable to this development is found to be Type A, with a minimum 1 Plant Unit per 20 sq. ft. of landscaped area, and no requirement for screening.

Sec. 807.015(b) states that 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. Great care and attention has been put forth in the design process, with coordination between the architectural, civil, and landscape design team in an effort to preserve the existing plantlife as per Sec. Sec. 807.015(c). At the time of submission, it is anticipated that all existing trees will be able to be preserved. With the

preservation of the existing trees in mind, the existing trees will be utilized to satisfy required landscaping. There are no trees anticipated to be removed, and therefore Sec. 807.015(d) does not apply. Because Type A Landscaping does not require screening, the standards defined in Sec. 807.015(e) and (f) of the referenced section do not apply.

Street trees have been incorporated to the maximum extent possible within the planting strips along High St. NE, achieved through close coordination and input from the Fire Marshal. Considerable effort has been made to balance various design needs, ensuring the preservation of the proposed dwellings without further reducing their livable areas. These dwellings will provide critical housing to Salem's urban core. The proposed documents outline a clear path to maintain ADA-compliant sidewalks and provide street trees within the Public Right-of-Way along Willow St. NE, which will be conveyed to the City of Salem. Adjustments have been proposed to maximize the number of street trees while adhering to these requirements. These criteria will be met, and further details are available in the associated Landscape Design pages within this application, as well as referenced earlier in the application concerning Chapter 86.

CHAPTER 808 - Preservation of Trees and Vegetation

Sec. 808.001, 808.005

Trees (SRC Chapter 808): The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees; Significant Trees (including Oregon White Oaks with diameter-at-breast-height (dbh) of 20 inches or greater and any other tree, with the exception of tree of heaven, empress tree, black cottonwood, and black locust, with a dbh of 30 inches or greater); trees and native vegetation in riparian corridors; and 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."

Sec. 808.010. Heritage trees.

(a) *Designation of heritage trees.* The Council may, by resolution, designate a heritage tree upon nomination by the property owner, in recognition of the tree's location, size, or age; botanical interest; or historic or cultural significance.

(b) *Protection of heritage trees.* No person shall remove a heritage tree unless the tree has been determined to be a hazardous tree by a certified arborist, and such determination is verified by the Planning Administrator.

(c) *Rescinding heritage tree designation.* The Council shall rescind a heritage tree designation if the tree has been removed pursuant to subsection (b) of this section.

Sec. 808.015. Significant trees.

No person shall remove a significant tree, unless the removal is undertaken pursuant to a tree and

vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045.

Applicant's Findings: The subject site does not contain any heritage or Significant trees, and therefore these sections do not apply.

Sec. 808.020. Trees and native vegetation in riparian corridors.

No person shall remove a tree in a riparian corridor or native vegetation in a riparian corridor, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Roots, trunks, and branches of trees removed in riparian corridors shall remain within the riparian corridor, unless determined to be a potential hazard or impediment to stream flow by the Director.

(Prior Code, § 808.020; Ord. No. 31-13)

Applicant's Findings: No tree removal is anticipated to be required throughout the course of development of the subject site. Should any native vegetation prove to be required to be removed, this could be done at a later time if site conditions require through a Tree and Vegetation removal permit as per SEC 808.030 in accordance with the above referenced standards.

Sec. 808.025. Trees on lots or parcels 20,000 square feet or greater.

No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045.

Applicant's Findings: No tree removal is anticipated to be required in the course of development. This section does not apply.

Sec. 808.030. Tree and vegetation removal permits.

(a) Applicability.

(1) Except as provided in subsection (a)(2) of this section, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a tree and vegetation removal permit has been issued pursuant to this section.

Applicant's Findings: No tree or vegetation removal is anticipated to be required in a manner that does not conform to Sec. 808.030. Great effort and collaboration has been put forth by the design team to preserve the existing trees upon the existing site. At the time of Development Permit Applications, tree protection measures and EPSC / Erosion control plans will be generated with full details provided for permit review. These criteria are met.

Sec. 808.035. Tree conservation plans.

(a) Applicability. A tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

Applicant's Findings: The development does not contain the development types as listed above and therefore Sec. 808.035, or Sec. 808.040 is not applicable.

Sec. 808.045. Tree variances.

(a) Applicability. Tree variances may be granted to allow deviation from the requirements of this chapter where the deviation is reasonably necessary to permit the otherwise lawful development of a property.

Applicant's Findings: No tree variances are anticipated to be required to achieve the proposed development. This criterion is not applicable.

Sec. 808.046. Protection measures during construction.

Except where specific protection requirements are established elsewhere under the UDC, any trees or native vegetation required to be preserved or protected under the UDC shall be protected during construction as follows:

(a) Trees. All trees shall be protected during construction with the installation of an above ground silt fence, or its equivalent.

(1) The above ground silt fence shall encompass 100 percent of the critical root zone of the tree.

(2) Within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.

(3) Notwithstanding SRC 808.046(a)(2):

(A) Up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of the property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.

(B) Fences, patios, landscaping and irrigation, and accessory and similar structures that do not require a building permit, may be placed or constructed within the critical root zone of a tree.

(b) Native vegetation. All native vegetation shall be protected during construction with the installation of an above ground silt fence, or its equivalent.

(1) The above ground silt fence shall be located around the perimeter of the native vegetation.

(2) Within the area protected by the above ground silt fence, native vegetation shall not be removed and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.

(c) *Duration.* Protection measures required under this section shall remain in place until issuance of notice of final completion for the dwelling unit(s) on the lot, or issuance of certificate of occupancy in all other cases.

Applicant's Findings: The existing conditions include one 10" DBH Deciduous tree, one 12" DBH Deciduous tree, one 15" DBH Maple. Neither tree is planned to be removed at this time, and therefore Sec. 808.025, 808.030, 808.045 do not apply. The proposed development has been designed in such a way as to mitigate any impact to the existing trees. Protection measures for the existing trees will include the installation of an above-ground silt fence, or its equivalent, surrounding 100 percent of the critical root zone (CRZ) of the trees. The CRZ is defined as a one-foot radius for every one inch of the tree's diameter at breast height (dbh), or as alternatively determined by a certified arborist through the submission of an arborist report. Within the critical root zone, the tree's trunk, roots, branches, and soil will be safeguarded to ensure the tree's health and stability. No grading, placement of fill, storage of building materials, or parking of vehicles will occur within the CRZ. In certain cases, up to 30 percent of the CRZ may be disturbed to facilitate the development of the property. However, any disturbance exceeding 20 percent of the CRZ will only occur in conjunction with a report from a certified arborist confirming that such disturbance will not negatively impact the long-term health and stability of the tree. At this time, disturbance to the critical root zone is not anticipated, as the design process has carefully accounted for tree preservation and incorporated measures to avoid disruption of the trees' root systems. Therefore, the applicant confirms that all criteria for tree protection are met, ensuring that the trees will remain healthy and stable throughout the development process

Sec. 808.050. Tree planting requirements.

(a) Within development proposals for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.

(b) If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5-inch caliper.

(c) When a lot includes one or more significant trees that have been designated for preservation under a tree conservation plan, the number of trees required to be replanted on the lot may be reduced by a ratio of two trees for each significant tree preserved on the lot.

Applicant's Findings: The development does not contain the development types as listed above and therefore Sec. 808.050 does not apply.

Sec. 808.055. Tree and native vegetation replacement standards within riparian corridors.

Where replacement of trees and native vegetation within a riparian corridor is required by this chapter, the

replacement shall comply with the following:

(a) Trees and native vegetation removed shall be replaced at an area replacement ratio of one-to-one. If there is inadequate space for replanting at or near the location where the tree or native vegetation was removed, replanting may occur elsewhere within the riparian corridor on the property.

(b) Replacement trees shall have a minimum 1.5-inch caliper and shall be of species authorized in the Tree and Vegetation Technical Manual.

(c) Replacement vegetation shall be of sizes and species authorized in the Tree and Vegetation Technical Manual.

Applicant's Findings: At the time of application, the removal of native trees and vegetation is not anticipated; therefore, the requirements outlined in Sec. 808.055 do not apply. Should site conditions change and necessitate the removal of trees or native vegetation, replacement will be carried out in accordance with the conditions specified in the referenced section. This criterion is met.

Sec. 808.060. Tree canopy preservation fund.

(a) Funds collected from any grants and donations for the planting, maintenance, and preservation of trees shall go into a tree canopy preservation fund, of which 95 percent of such funds shall be designated for the acquisition, maintenance, and preservation of groves of trees within the City or the Salem-Keizer Urban Growth boundary. The remaining five percent shall be used to promote the planting of new trees as follows, at the discretion of the Director:

(1) In a public or private park, school yard, riparian corridor, or nature area;

(2) In public rights-of-way, except in storm or sewer easements; or

(3) In the form of a donation to nonprofit organizations for the purposes of planting trees within the City or the Salem-Keizer Urban Growth boundary.

(b) The City shall conduct a tree canopy study every census year, using the most economically feasible method, for the purposes of measuring the effectiveness of this chapter and other development-related ordinances in preserving and improving the amount of tree canopy area within the City or the Salem-Keizer Urban Growth boundary.

Applicant's Findings: The design includes street trees placed to the maximum extent possible, within the constraints and requirements of all development outcomes that must be considered. Should the City of Salem personnel find the street trees achieved to be insufficient, the Owner will provide any necessary fee-in-lieu required for mitigation to compensate for any restriction created amongst the variety of design restraints within the Willow St. & High St. ROW, consistent with the SRC, related Development goals, and per the communication provided in advance coordination with Laurel Christian, as per the attached Exhibit L. These criterion will be met through the planting of street trees to the maximum extent possible, and the provision of any necessary fee-in-lieu required for mitigation.

5. First Adjustment Class 1 Findings

Class 1 Adjustment: Horizontal Distance for Pedestrian Oriented Design

This applicant requests an adjustment to the horizontal distance requirement for ground-floor residential uses as outlined in Table 533-6. The current requirement specifies a minimum horizontal separation of five feet between the residential uses and adjacent public spaces. We propose reducing this distance to four feet while incorporating a vertical landscape wall, as preferred by the city, as a mitigating measure.

The vertical landscape wall will serve as a physical and visual buffer to maintain privacy for residents despite the reduced setback. Designed with integrated planters or trellises for climbing plants, the wall will enhance the aesthetic appeal of the streetscape, aligning with the intent of the guidelines to create a separation from the sidewalk and residential uses while also contributing towards a visually engaging and inviting urban environment.

This adjustment is justified on several grounds. First, the vertical landscape wall effectively mitigates any loss of separation by providing an enhanced barrier, ensuring privacy for residents and maintaining a sense of boundary. Second, the inclusion of greenery in the wall design contributes to the urban aesthetic, providing both an amenity in terms of privacy, as well as a means of natural enjoyment and layering through natural means. Finally, the reduced setback allows for better utilization of site space without compromising the design quality or the pedestrian experience. This adjustment represents the minimum change required to balance site constraints with compliance with other development requirements.

In conclusion, the proposed adjustment balances the intent of the guidelines with practical design considerations. We respectfully request approval of this adjustment and are available to provide additional information or supporting documentation as needed.

6. Second Adjustment Class 2 Findings

Class 2 Adjustment: Reduction in Required Sidewalk Planting Strip

The applicant respectfully requests a reduction in the required planting strip from eight feet to four feet six inches (as measured from outside of sidewalk to outside of curb), due to site constraints which particularly pertain to the size of the development site. This adjustment is the minimum necessary to accommodate the size of the development site while allowing for ROW dedication, ADA compliance for the sidewalk, and comfortable dwelling spaces for the future residents. This will ensure a high quality of life for those future residents, and still allow for a planting strip, which will include street trees to the maximum extent possible. Additionally, the road right-of-way must meet a minimum size requirement per 803.025(a) & (b), which further limits the available space for the planting strip. The applicant believes this reduction will not compromise the overall function and aesthetics of the development, while still allowing for the required street trees and pedestrian infrastructure.

In respect to the City's goals for urban forestry, the applicant has confirmed that they are receptive to agreeing to a fee-in-lieu arrangement as a means of mitigation to accommodate any difference between the extent, size, and maturity that street trees can be planted along the proposed 4' strip, as compared to the preference of the City. By providing appropriate fees in lieu of larger or more mature species, the development can produce an equivalent climate impact through the contribution towards trees and plantlife within the City's designated urban forest.

Further, in respect to the City's CFEC Goals, the client has agreed to provide every single off street parking stall equipped with future EV Charging Capabilities, exceeding the minimum standard by 60%, as further means of mitigation from a climate impact standpoint.

If this request is not approved, the applicant will be required to significantly reduce the size of both the dwelling units and commercial spaces to accommodate the required 8-foot planting strip. While a reduction of four feet may seem relatively minor for a planting strip, it has a substantial impact on the livability and functionality of the proposed development. Specifically, the reduced width would result in smaller, less desirable residential units and commercial spaces, undermining the overall quality of the project.

For example, with the additional four feet required for the planting strip, a two-bedroom apartment would need to be downsized to a one-bedroom, a one-bedroom unit would be reduced to a studio, and the existing studio would become an uncomfortably small living space. This would greatly affect the appeal of the residential units, reducing their size and amenities, and could have a lasting impact on the quality of life for future residents.

Similarly, the commercial spaces would be severely impacted by the need to accommodate the wider planting strip, as the reduced space would limit potential tenant options and diminish the attractiveness of the retail areas for businesses. The loss of usable commercial space could significantly reduce the economic viability of the development.

The applicant recognizes the importance of green spaces but respectfully contends that a four-foot reduction in the planting strip would allow for a more functional and viable development, both for the future residents and for potential commercial tenants. Given the growing demand for housing in the area,

maintaining the size and functionality of the units is essential to meet community needs and ensure the success of the proposal. The applicant is committed to fully complying with all planting requirements for street trees as outlined in Section 807 of the applicable code. This includes ensuring that the necessary species, spacing, and planting specifications are met to support the health and longevity of the street trees within the reduced planting strip. The applicant understands the importance of street trees in enhancing the aesthetic appeal of the area, improving air quality, and contributing to the overall environmental sustainability of the development.

In light of these considerations, the applicant strongly urges the approval of the requested reduction in the planting strip to avoid adverse impacts on the development and to preserve the quality of life for future residents, as well as the long-term success of the commercial components.

7. Third Adjustment Class 1 Findings

Class 2 Adjustment: Reduction of street ROW by 3-feet

The applicant is requesting an adjustment to reduce the required road right-of-way (ROW) width from 30 feet to 27 feet in accordance with the provisions of Sec. 803.065 - Alternative Street Standards. This reduction is necessary due to specific site constraints and is intended to balance development goals while maintaining the functionality of the roadway.

The site is constrained by the necessary footprint required to achieve the proposed number of residences, while meeting conforming setbacks, and ROW standards from North to South across the site. Adhering to the 30-foot ROW requirement would significantly compromise the ability to achieve the proposed residential and commercial development which provide much needed community resources. Reducing the ROW to 27 feet ensures the site can still accommodate these critical uses while meeting safety and accessibility requirements as depicted on the submitted plans.

Willow St. NE is categorized as a Local Street, however unlike many “Local Streets,” Willow St. NE is merely 250’ in length, and doesn’t serve thru-traffic, as the street results in a dead end abutting Mill Creek to the East, without any future street connectivity plans to extend the street in the future. Currently 4 parcels actively provide vehicular access onto Willow St. NE. As they exist today, this development site involves 6 properties;

- Tax Lot 6600: One property described by metes and bounds
- Tax Lot 6700: Three properties – Lot 9, and fractional remnants of Lots 10 & 11
- Tax Lot 6800: Two properties – Lots 7 & 8

By achieving the proposed replat, this development will restrict the allowed driveway approaches across the existing 6 properties to a single driveway approach serving one development upon one parcel. By achieving an alternative design, the proposed ROW would allow for parallel parking along the South side of Willow. This would result in less traffic in and out of the complex and back onto the roadway, as those who are seeking parking would be able to utilize an additional 5-6 stalls, therefore reducing the “check and find no parking available” trips of the equivalent trips coming in and out of the site, if those referenced 5-6 on street stalls were not provided. This adjustment will allow the site to achieve its intended purpose while aligning with the intent of the standards set forth in Sec. 803.065. We respectfully request the Director’s approval of this adjustment to facilitate the successful development of this site.

8. Class 2 Driveway Permit Approach Findings

CHAPTER 804 - Driveway Approaches

Sec. 804.015, Sec. 804.025. Class 2 driveway approach permit.

(a) Except as otherwise provided in this chapter, a driveway approach permit shall be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.

(1) A driveway approach onto a local, collector, minor arterial, major arterial, or parkway street providing access to a use other than single family, two family, three family, or four family;

(2) Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.

(b) *Procedure type.* A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.

(c) *Submittal requirements.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:

(1) A completed application form.

(2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:

(A) The location and dimensions of the proposed driveway approach;

(B) The relationship to nearest street intersection and adjacent driveway approaches;

(C) Topographic conditions;

(D) The location of all utilities;

(E) The location of any existing or proposed buildings, structures, or vehicular use areas;

(F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and

(G) The location of any street trees adjacent to the location of the proposed driveway approach.

(3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.

(4) Any other information, as determined by the Director, which may be required to adequately

review and analyze the proposed driveway approach for conformance with the applicable criteria.

Applicant's Findings: The following Items have been included in this application:

(1) A completed application form.

(2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:

(A) The location and dimensions of the proposed driveway approach;

(B) The relationship to nearest street intersection and adjacent driveway approaches;

(C) Topographic conditions;

(D) The location of all utilities;

(E) The location of any existing or proposed buildings, structures, or vehicular use areas;

(F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and

(G) The location of any street trees adjacent to the location of the proposed driveway approach.

(3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.

These criteria have been met.

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

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

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

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

(4) The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

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

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

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

- (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
- (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
- (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Applicant's Findings: This proposal meets the requirements outlined in the references section, and as a result, a Class 2 driveway approach permit is expected to be processed as part of this application under the Type II procedure, pursuant to SRC Chapter 300. The existing residential driveway approach serving the residence at 590 Willow St. NE will be abandoned. The applicant has determined that the proposed development complies with Sec. 804.025(d), and accordingly, approval of the Class 2 driveway approach permit is anticipated. Full construction details will be provided at the time of construction document completion, which will be submitted as part of the building permit application.

Sec. 804.030. Access onto local and collector streets.

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

(b) *Permitted access.*

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

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

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

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

Applicant's Findings: The existing residential driveway serving the residence at 590 Willow St. NE will be removed. The applicant is requesting approval for a single driveway approach to provide vehicular access from Willow St. NE, a local street, into the private development. The applicant has determined that the proposed development complies in that it 1) will provide parking onto a permitted vehicle use area, 2) doesn't apply, c) is over 200' from an intersection, and d) complies with the Vision Clearance requirements. The proposed details therefore conform to Sec. 804.030, and, with the approval of the Class 3 Site Plan Review, the Class 2 Driveway Approach permit is expected to be approved.

Sec. 804.050. Driveway approach development standards.

Driveway approaches shall conform to the following development standards:

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

(b) Width.

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

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

<i>Type of Driveway</i>	<i>Width</i>	
	<i>Minimum</i>	<i>Maximum</i>
<i>One-way driveway approach</i>	<i>12 ft.</i>	<i>20 ft.</i>
<i>Two-way driveway approach</i>	<i>22 ft.</i>	<i>40 ft.</i>

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

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

Applicant's Findings: The applicant has found that the proposed development meets Table 804-2 as shown on the submitted plans, and therefore a Class 2 Driveway Approach permit is anticipated to be approved.

9. Other Permits to be Conditioned upon release of Construction Permits

Demolition Permit

Applicant's Findings: In the course of activities necessary to provide for the proposed development, demolition of the existing Single Family Home located at 590 Willow St. NE will need to occur. The applicant thus intends to apply for a Structural Demolition Permit, and provide for all required application requirements at the time of application, including a sanitary sewer permit from the Public Works Department to allow for a Sewer Lateral Cap, and a request to remove the existing Water Meter through the Public Works Department. All other private utilities will be coordinated with the franchise utility provider and executed in a manner according to state law.

Grading Permit

Sec. 82.030. - Clearing and grading permit

(a) Permit required. Except as provided in subsection (b) of this section, a clearing and grading permit is required for any activity that involves ground disturbing activity exceeding two feet in depth or 25 cubic yards of volume, if:

- (1) The ground disturbing activity involves more than 1,000 square feet;
- (2) The ground disturbing activity is within 50 feet of a waterway as measured from top of bank;
- (3) The ground disturbing activity is within 50 feet of the boundary of a wetland; or
- (4) The ground disturbing activity will result in a finished grade slope steeper than two units horizontal to one unit vertical.

Applicant's Findings: The proposed development would require ground disturbing activity to exceed 2' in depth, generating more than 25 cubic yards of volume, and meeting the triggering requirements to necessitate a Clearing and Grading Permit. A Clearing and Grading Permit will be applied for prior to the time of Building Permit Approval, and prior to activities beginning on site that meet the definition as provided in Sec. 82.030. This criterion can be met.

Department of Environmental Equality Permit

Applicant's Response: A DEQ permit will not be required for this proposal, as the project will not disturb more than one acre of land. The applicant has contacted the DEQ and received confirmation of this determination. A copy of the email correspondence is included as part of this application; see EXHIBIT N for reference.

10. Exhibits & Supporting Documentation

Exhibit A: Map

Exhibit B: Existing Conditions Plan

Exhibit C: Neighborhood Association Contact

Exhibit D: Transit Contact - Cherriots

Exhibit E: Recorded Deed

Exhibit F: Title Report

Exhibit G: Preliminary Architectural Plan & Site Plan

Exhibit H: Preliminary Civil Plan

Exhibit I: Stormwater Report

Exhibit J: Preliminary Landscape Plan + Tree Plan

Exhibit K: Geotechnical Report

Exhibit L: Coordination of ROW and Fire Apparatus

Exhibit M: Coordination of Alternative Street Standards Willow

Exhibit N: Fire Flow Test Results

Exhibit O: DEQ No Special Permits

Exhibit P: HCRPZ Acknowledgement

Exhibit Q: Trip Generation Estimate Application

Exhibit R: Republic Services Confirmation