

# NOTICE OF DECISION

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

## DECISION OF THE PLANNING ADMINISTRATOR

**PARTITION TENTATIVE PLAN / CLASS 3 SITE PLAN REVIEW CASE NO.: PAR-SPR24-13**

**APPLICATION NO.: 24-113032-PLN**

**NOTICE OF DECISION DATE:** February 4, 2025

**SUMMARY:** Multi-family development of 60 units as Phase II of the Gussie Belle Commons.

**Request:** A consolidated Tentative Partition Plan to divide the resulting Parcel 2 from the Phase I development of Gussie Belle Commons (Case No. PAR-SPR-ADJ-DAP-TRV-PLA24-08) into two lots, approximately one acre and two acres in size; in conjunction with a Class 3 Site Plan Review for the development of 60 apartment units as Phase II of the Gussie Belle multi-family development. The subject property is currently 10.1 acres in size, zoned MU-I (Mixed Use-I), and located at 739 23rd Street NE (Marion County Assessor's map and tax lot numbers: 073W24CC / 4000).

**APPLICANT:** Tim Lawler, Greenlight-Home First LLC (Mark Desbrow)

**LOCATION:** 739 23rd St NE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.005(d) – Partition Tentative Plan; 220.005(f)(3) – Class 3 Site Plan Review

**FINDINGS:** The findings are in the attached Decision dated February 4, 2025.

**DECISION:** The **Planning Administrator APPROVED** Partition Tentative Plan and Class 3 Site Plan Review Case No. PAR-SPR24-13 subject to the following conditions of approval:

- Condition 1:** Prior to issuance of any City permits, the developer shall provide evidence of completed consultation through Salem's local Clearance Review process, and demonstrated compliance with SRC 230.105. At the time of development, an Inadvertent Discovery Plan will be required.
- Condition 2:** The partition plat for Phase I of the Gussie Belle Commons development (PAR-SPR-ADJ-DAP-TRV-PLA24-08) shall be recorded prior to final plat approval for Phase II (PAR-SPR24-13).
- Condition 3:** Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 4:** At the time of development, design and construct a storm drainage system in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

- Condition 5:** Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.
- Condition 6:** All necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.
- Condition 7:** Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in Public Works Design Standards Section 1.8 (Easements).
- Condition 8:** Construct a sidewalk along Franzen Street NE, as shown on the applicant's preliminary site plan, from the shared use pathway on Medical Center Drive NE to the western boundary of the subject property abutting Tax lot 073W24CC04100, and dedicate a public access easement along Franzen Street NE including the sidewalk.
- Condition 9:** The final partition plat shall be recorded prior to issuance of any building permits required for construction of residential units on the site or for civil site work permits, except the final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.
- Condition 10:** At time of building permit submittal, the applicant shall provide lighting details demonstrating compliance with the standards of SRC 800.065(c).
- Condition 11:** Prior to approval of landscape plans for the proposed development, the landscape plan shall be updated to ensure all trees planted to meet the climate mitigation requirements are located within ten feet of the parking area, and demonstrate compliance with all tree canopy standards in SRC 806.035(n)(3), including a continuous canopy for any revisions made.
- Condition 12:** Prior to building permit approval, the applicant shall demonstrate that all bicycle parking provided on site complies with the applicable standards of SRC 806.060.
- Condition 13:** A licensed arborist shall be located on site to provide oversight during all work activities occurring within the critical root zones of all protected trees including root pruning, paving, foundation construction, excavation, and grading.
- Condition 14:** All recommended tree protection measures identified in the arborist report dated November 26, 2024, shall be followed.

The rights granted by the attached decision must be exercised, or an extension granted, by the following expiration dates or this approval shall be null and void:

Partition Tentative Plan:	<u>February 25, 2027</u>
Class 3 Site Plan Review:	<u>February 25, 2029</u>
Application Deemed Complete:	<u>November 27, 2024</u>
Notice of Decision Mailing Date:	<u>February 4, 2025</u>
Decision Effective Date:	<u>February 25, 2025</u>

State Mandate Date: March 27, 2025

Case Manager: Jamie Donaldson, Planner III, [jdonaldson@cityofsalem.net](mailto:jdonaldson@cityofsalem.net), 503-540-2328

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Wednesday, February 19, 2025. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 205 and 220. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

# BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

## DECISION

IN THE MATTER OF APPROVAL OF	)	FINDINGS AND ORDER
TENTATIVE PARTITION PLAN,	)	
AND CLASS 3 SITE PLAN REVIEW,	)	
CASE NO. PAR-SPR24-13	)	
739 23RD ST NE	)	FEBRUARY 4, 2025

In the matter of the application for a Tentative Partition application submitted by Cascadia Planning and Development Services, represented by Steve Kay, on behalf of the applicant, Tim Lawler with Green Light-Home First LLC, and the property owner, City of Salem, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

## REQUEST

**Summary:** Multi-family development of 60 units as Phase II of the Gussie Belle Commons.

**Request:** A consolidated Tentative Partition Plan to divide the resulting Parcel 2 from the Phase I development of Gussie Belle Commons (Case No. PAR-SPR-ADJ-DAP-TRV-PLA24-08) into two lots, approximately one acre and two acres in size; in conjunction with a Class 3 Site Plan Review for the development of 60 apartment units as Phase II of the Gussie Belle multi-family development. The subject property is currently 10.1 acres in size, zoned MU-I (Mixed Use-I), and located at 739 23rd Street NE (Marion County Assessor's map and tax lot numbers: 073W24CC / 4000).

A vicinity map indicating the subject property and surrounding area is included herein as **Attachment A**.

## PROCEDURAL FINDINGS

### 1. Background

On August 21, 2024, an application for a Tentative Partition Plan and Class 3 Site Plan Review was filed proposing to divide the subject property into two lots, separating an archaeological preservation site from the proposed development of an additional 60 apartment units as part of Phase II of the Gussie Belle Commons multi-family development. After additional information was provided, the application was deemed complete for processing on November 27, 2024. The 120-day state mandated decision deadline for this consolidated application is March 27, 2025.

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

## **SUBSTANTIVE FINDINGS**

### **2. Proposal**

The tentative partition plan proposes to divide the resulting Parcel 2 from the Phase I development of Gussie Belle Commons (Case No. PAR-SPR-ADJ-DAP-TRV-PLA24-08), of 3.29 acres into two lots; 2.30 acres in size for Parcel 1, and 0.99 acres in size for the new Parcel 2. The partition is proposed to separate an archaeological preservation site from the proposed 60-unit multi-family development as Phase II of the Gussie Belle Commons. The Site Plan Review included with this application is for review of the Phase II multi-family development of 60 new dwelling units.

### **3. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 113032.

### **4. Existing Conditions**

#### **Site and Vicinity**

The proposal is part of a larger development site of approximately ten acres in size. The total property is an irregular shape abutting Commercial Street SE, 23<sup>rd</sup> Street NE, D Street NE, Gear Street NE, and Medical Center Drive NE. The specific site for this application is a 3.29-acre portion of the property, divided from the larger parcel with approval of the partition associated with Case No. PAR-SPR-ADJ-DAP-TRV-PLA24-08. The resulting property reviewed with this decision is currently vacant and abuts Franzen Street NE, a private local street.

#### **Salem Area Comprehensive Plan (SACP) Designation**

The subject property is designated "Mixed Use" on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

<b>Comprehensive Plan Map Designations of Surrounding Properties</b>	
<b>North</b>	Commercial
<b>East</b>	Mixed Use
<b>South</b>	Commercial
<b>West</b>	Community Service Cemetery

## Zoning Map Designation

The subject property is zoned MU-I (Mixed Use-I). The surrounding properties are zoned as follows:

<b>Zoning of Surrounding Properties</b>	
<b>North</b>	CO (Commercial Office); MU-I (Mixed Use-I)
<b>East</b>	MU-I (Mixed Use-I)
<b>South</b>	CR (Commercial Retail)
<b>West</b>	PC (Public and Private Cemeteries)

## Relationship to Urban Service Area

The subject property is located outside of the Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended. Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development.

## Infrastructure

The subject property abuts Franzen Street NE which is a private local street. The existing conditions of streets adjacent to the subject property, including those abutting Gussie Belle Commons Phase I, are described in the following table:

<b>Streets</b>			
<b>Street Name</b>		<b>Right-of-way Width</b>	<b>Improvement Width</b>
<b>Center Street NE</b> (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	78-feet	46-feet
<b>23<sup>rd</sup> Street NE</b> (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	64-feet	36-feet
<b>D Street NE</b> (Minor Arterial)	Standard:	72-feet	46-feet
	Existing Condition:	66-feet	36-feet
<b>Grear Street NE</b> (Local)	Standard:	60-feet	30-feet
	Existing Condition:	60-feet	34-feet
<b>Medical Center Drive NE</b> (Local, Private)	Standard:	60-feet	30-feet
	Existing Condition:	N/A - Private	20-to-34-feet
<b>Franzen Street SE</b> (Local, Private)	Standard:	60-feet	30-feet
	Existing Condition:	N/A – Private	24-feet

Improvements to streets abutting Gussie Belle Commons Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) are being permitted under 24-116590-BP, 24-116824-CO, and 24-116827-PC.

The existing conditions of public infrastructure available to serve the subject property are described in the following table:

<b>Utilities &amp; Parks</b>	
<b>Type</b>	<b>Existing Conditions</b>
<b>Water</b>	Water Service Level: G-0
	A 24-inch water main is located in Center Street NE.
	A 24-inch water main is located in 23 <sup>rd</sup> Street NE
	A 24-inch water main is located in D Street NE.
	A 6-inch water main is located in Gear Street NE.
	A 24-inch public water main is located on private property in an easement.
<b>Sanitary Sewer</b>	An 8-inch sanitary sewer main is located in Center Street NE.
	An 8-inch sanitary sewer main is located in 23 <sup>rd</sup> Street NE.
	An 8-inch sanitary sewer main is located in D Street NE.
	An 8-inch sanitary sewer main is located in Gear Street NE.
<b>Storm Drainage</b>	An 18-inch public storm main is located at the southern and eastern ends of the subject property in an easement.
<b>Parks</b>	The proposed development is served by D Street Park located to the east of the subject property across 23 <sup>rd</sup> Street NE.

## 5. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the Northeast Neighbors (NEN) Neighborhood Association.

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On September 16, 2024, the applicant's representative contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

Neighborhood Association Comment: Notice of the application was provided to the Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

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

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, one comment has been received from surrounding property

owners and tenants indicating concerns about green spaces and developing the area as a park instead.

**Staff Response:** The Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. The proposed development is already served by dedicated open space located directly east of the subject property across 23<sup>rd</sup> Street NE, known as D Street Park. The subject property has not been identified as a dedicated open space area. Instead, the Comprehensive Plan Map designates the subject property as “Mixed Use”, and the site has been zoned MU-I (Mixed Use-I), where the proposed multiple family development is an outright permitted use in the MU-I (Mixed Use-I) zone, and will help provide needed housing and support businesses in the surrounding area. While the subject property is currently undeveloped, it is surrounded by an already developed area within the corporate limits of the City of Salem, with both commercial and residential uses. As the City continues to grow, development is expected to occur in vacant green areas that are designated and zoned as something other than park space. However, as indicated in the findings below, the current application includes a proposal to partition the property into two parcels, to separate an archaeological preservation site from the proposed multi-family development. As such, the proposed Parcel 2 will be left primarily undeveloped in its current state, and will help to provide additional open space for the area.

## 6. City Department Comments

Development Services Division: Reviewed the proposal and provided a memo with findings that have been incorporated and made part of this decision. The memo in full is included as **Attachment C**.

Building and Safety Division: Reviewed the proposal and indicated *all utilities across property lines to have required easements established*.

Fire Department: Reviewed the proposal and indicated *Fire Department access and water supply are required per the Oregon Fire Code as adopted by SRC Chapter 58*.

Historic Preservation Program Manager: Reviewed the proposal and indicated and indicated the following:

*The proposed project is within Salem’s Cultural Resource Protection Zone. There are multiple known archaeological sites (both historic and precontact). Prior to development, the applicant will be required to initiate consultation with the Oregon SHPO and the Tribes demonstrating there will be no adverse effect to archaeological resources as a result of the ground disturbance proposed during this phase of the redevelopment of the site. Prior to issuance of any City permits, the developer shall provide evidence of completed consultation through Salem’s local Clearance Review process and demonstrated compliance with SRC 230.105 and at the time of redevelopment of the site an Inadvertent Discovery Plan will be required.*

**Staff Response:** The applicant is responsible for addressing these comments during the subsequent permitting processes. However, due to the sensitive nature of the site and to ensure that all preservation and protection measures are in place, the following condition applies:



**Condition 1:** Prior to issuance of any City permits, the developer shall provide evidence of completed consultation through Salem's local Clearance Review process, and demonstrated compliance with SRC 230.105. At the time of development, an Inadvertent Discovery Plan will be required.

## 7. Public Agency Comments

Salem-Keizer Public Schools: Reviewed the proposal and provided a memo which is included as **Attachment D**.

## DECISION CRITERIA

### 8. Analysis of Tentative Partition Plan Approval Criteria

SRC 205.005(d) sets forth the following criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

***SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:***

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

**Finding:** The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned MU-I (Mixed Use-I). The proposed tentative partition plan, as conditioned, complies with the applicable standards of the MU-I zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

#### ***SRC Chapter 205 – Land Division and Reconfiguration***

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to City staff signing the final partition plat.

**Finding:** The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or

denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

### ***SRC Chapter 533 – MU-I (Mixed Use-I) Zone***

#### **▪ *Uses.***

Allowed uses within the MU-I zone are established under SRC 533.010, Table 533-1. The proposal includes a partition to divide the subject property into two parcels. Proposed Parcel 1 will accommodate the multi-family residential development, and proposed Parcel 2 will remain undeveloped for preservation of the archaeological area. Within the MU-I zone, multi-family residential uses are allowed as a permitted use; conformance with the applicable standards of the MU-I zone for development of Parcel 1 are addressed later in Section 9 of this report.

#### **▪ *Lot Standards.***

Lot size and dimension standards within the MU-I zone are established in SRC 533.015(a), Table 533-2. A summary of the lot size and dimension standards applicable to residential uses within the MU-I zone is provided in the following table:

<b>MU-I Zone: Lot Standards</b>	
<b>Lot Area</b>	None
<b>Lot Width</b>	None
<b>Lot Depth</b>	None
<b>Street Frontage</b>	Min. 16 ft.

**Finding:** As shown on the tentative partition plan (**Attachment B**), the proposed partition divides the subject property into two parcels. Proposed Parcel 1 is approximately 43,000 square feet in size (2.30 acres) and proposed Parcel 2 is approximately 100,200 square feet in size (0.99 acres). Both proposed parcels exceed the minimum required lot size and dimension requirements. The subject property abuts Franzen Street NE which is a private local street approximately 165 feet long, thereby meeting the minimum street frontage requirement.

Because the proposed partition is for a resulting unit of land from the previously approved partition with Phase I development (PAR-SPR-ADJ-DAP-TRV-PLA24-08), the partition plats must be recorded in sequence, as the review for this proposal is for a unit of land not yet recorded. As such, the following condition applies:

**Condition 2:** The partition plat for Phase I of the Gussie Belle Commons development (PAR-SPR-ADJ-DAP-TRV-PLA24-08) shall be recorded prior to final plat approval for Phase II (PAR-SPR24-13).

Development of the proposed lots and conformance with the remaining the development standards of the MU-I zone and SRC Chapter 533, including density, setbacks, lot coverage,

and landscaping, for the multi-family housing included with this proposal are addressed in the findings for Site Plan Review in Section 9 below.

### ***SRC Chapter 800 – General Development Standards***

#### **▪ *Designation of Lot Lines:***

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots. For an interior lot, the front lot line shall be the property line abutting the street. For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot.

**Finding:** The proposed partition includes the creation of two parcels (Parcel 1 and Parcel 2). Proposed Parcel 1 is considered an interior lot with frontage along Franzen Street NE to the south, making the southern boundary the front property line. Proposed Parcel 2 is considered a flag lot with no access along a street, and will remain primarily undeveloped for preservation; any future development may establish the front lot line as provided under SRC 800.0

#### ***(B) City Infrastructure Standards.***

**Finding:** The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

### ***SRC Chapter 200 – Urban Growth Management***

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

**Finding:** The subject property is located outside of the Urban Service Area. However, the proposed development does not precede construction of required facilities, and therefore, no Urban Growth Area Preliminary Declaration is required, pursuant to SRC 200.020(a).

#### **▪ *Acquisition of property, easements, and right-of-way:***

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

**Finding:** As described in the analysis of SRC Chapter 802 below, easements are required for existing public utilities on the subject property. As a condition of approval, the applicant shall ensure required easements are unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

**Condition 3:** Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

### ***SRC Chapter 71 – Stormwater***

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

**Finding:** To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design at time of development on each parcel. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the partition.

The applicant has provided a preliminary stormwater system for proposed Parcel 1, along with a statement demonstrating compliance with Stormwater PWDS Appendix 4E and SRC Chapter 71 submitted by the applicant's engineer. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At time of building permit, the applicant shall be required to submit a final Stormwater Management Report that describes the proposed stormwater system and demonstrates how the proposed system complies with SRC Chapter 71 and PWDS Appendix 4E relating to green stormwater infrastructure. As a condition of approval, the applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition 4:** At the time of development, design and construct a storm drainage system in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

Proposed Parcel 2 will be dedicated to the City of Salem and will be left primarily undeveloped in its current state. A tentative stormwater design is not required for Proposed Parcel 2 at this time.

### ***SRC Chapter 802 – Public Improvements***

#### **▪ *Development to be served by City utilities***

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public improvements are found in the comments provided by the Development Services Infrastructure memo (**Attachment C**) and included in the following analysis of the partition approval criteria.

**Finding:** Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of Proposed Parcel 1 (Gussie Belle Commons Phase II), and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. Proposed Parcel 1 does not have frontage on a public street. The land use decision for Gussie Belle Commons Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) included conditions of approval requiring the design and construction of public water, sanitary sewer, and stormwater infrastructure adequate to serve proposed Parcel 1 at the time of development. The applicant

shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

Proposed Parcel 2 will be dedicated to the City of Salem and will be left primarily undeveloped in its current state; however, the tentative partition plan approval criteria require the City to ensure that any parcel created can be adequately served by city infrastructure. Proposed Parcel 2 does not have frontage on a public street; therefore, to ensure proposed Parcel 2 can be served by public utilities, the applicant shall provide a preliminary utility plan for proposed Parcel 2 prior to final plat and any utility easements needed to serve proposed Parcel 2 shall be shown on the final plat. Services for proposed Parcel 2 shall be constructed at time of development to ensure appropriate sizing. In order to ensure the parcels are served by public utilities, the following condition applies:

**Condition 5:** Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.

▪ ***Easements:***

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

**Finding:** Proposed Parcel 2 does not have frontage on a public street. As such, access and utility easements are required to independently serve proposed Parcel 2. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**Condition 6:** All necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.

There is an existing 18-inch public storm drain main that crosses along the southern boundary of the subject property. As a condition of plat approval, the applicant shall dedicate an easement for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

**Condition 7:** Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

As conditioned, the proposal meets the requirements of SRC Chapter 802.

***SRC Chapter 803 – Street and Right-of-Way Improvements***

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

**Finding:** The subject property abuts Franzen Street NE, a private local street which provides access to the proposed development. Because the street providing access is private, proposed Parcel 1 does not have frontage on a public street which would require right-of-way dedications or boundary street improvements. Proposed Parcel 2 will be dedicated to the City of Salem as a conservation parcel for the long-term preservation and management of the land in its natural state. Boundary street improvements and right-of-way dedications have previously been required as a condition of approval for Phase I of Gussie Belle Commons (PAR-SPR-ADJ-DAP-TRV-PLA24-08), but are not required for proposed Phase II.

▪ **Private Streets**

Pursuant to SRC 803.020, private streets shall conform to this chapter and the Public Works Design Standards, unless otherwise required by state law.

**Finding:** Franzen Street NE is an existing private local street providing access to the proposed Phase II development site from Medical Center Drive NE. Medical Center Drive NE was reviewed with the Phase I development of Gussie Belle Commons (PAR-SPR-ADJ-DAP-TRV-PLA24-08), where it was determined that it would not be feasible to construct a public street through the subject property due to multiple site constraints, including easements for public infrastructure and significant trees. As such, an Alternative Street Standard was approved for block spacing and connectivity, pursuant to SRC 803.065, provided that a 10-foot-wide shared use path was constructed with a dedicated public easement in lieu of constructing a street through the property. Franzen Street NE currently functions as an accessway and drive aisle providing access to abutting properties and off-street parking areas, terminating in an area where providing further street connectivity to surrounding areas is impractical. A public access easement is required for Franzen Street NE to ensure access to abutting property. Currently there is no sidewalk along Franzen Street NE, but the proposed site plan for Phase II includes a new proposed sidewalk extending from the shared use path along Medical Center Street NE in Phase I to the western property boundary. Because of these factors, an Alternative Street Standard for block spacing, connectivity, and pavement widths is approved for Franzen Street NE, pursuant to SRC 803.065(a)(1). The applicant shall also dedicate a public access easement for the sidewalk.

**Condition 8:** Construct a sidewalk along Franzen Street NE, as shown on the applicant's preliminary site plan, from the shared use pathway on Medical Center Drive NE to the western boundary of the subject property abutting Tax lot 073W24CC04100, and dedicate a public access easement along Franzen Street NE including the sidewalk.

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

**Finding:** A summary of the existing and required improvements related to natural resources and other special development standards are as follows:

**SRC Chapter 601 – Floodplain**

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

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

### ***SRC Chapter 808 – Preservation of Trees and Vegetation***

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving 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.

**Finding:** The proposed development is for multi-family housing, and does not fall within the uses requiring a Tree Conservation Plan in conjunction with the Partition; therefore, a tree conservation plan is not required with this proposal. Further review of the tree preservation requirements are addressed with the Site Plan Review criteria in Section 9 below.

### ***SRC Chapter 809 – Wetlands***

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

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

### ***SRC Chapter 810 – Landslide Hazards***

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

**Finding:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a multi-family development adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers and dated March 2, 2023, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations within the report.

### ***SRC 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.***

**Finding:** The parcels within the proposed partition are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the MU-I (Mixed Use-I) zone. There is no evidence that the partition and subsequent development of the parcels will

adversely affect public services to any surrounding properties. Approval of the partition will also not impede future use of the subject property or access to abutting properties. As proposed and conditioned, the application meets this criterion.

***SRC 205.005(d)(3): Development within the tentative partition plan can be adequately served by City infrastructure.***

**Finding:** As described in the findings above, the Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve proposed Parcel 1 within the proposed partition, subject to the conditions of approval established in this decision. Proposed Parcel 2 will be managed long-term by the City of Salem as a conservation parcel, meeting the requirements of SRC 205.045. Because Parcel 2 will remain undeveloped, City infrastructure is not required to serve this parcel. This approval criterion is met.

***SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.***

**Finding:** As described in the findings above, the subject property abuts Franzen Street NE, a private local street. Phase I of Gussie Belle Commons abuts to Center Street NE (major arterial); D Street NE (minor arterial); and 23<sup>rd</sup> Street NE (collector). The conditions of approval established with PAR-SPR-ADJ-DAP-TRV-PLA24-08 require improvements to the surrounding transportation system. No additional improvements to the transportation system are warranted with proposed Phase II. This criterion is met.

***SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.***

**Finding:** Access to the proposed partition will be provided by the network of existing public and private streets that surround the property. Required improvements with Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) will ensure that the street system in and adjacent to the proposed development will provide for the safe, orderly, and efficient circulation of traffic to and from the subject property. This criterion is met.

***SRC 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.***

**Finding:** The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

As described in findings above, the lot configuration established by the proposed partition meets applicable development standards and the configuration of the proposed parcels makes logical use of the developable land. No existing conditions of topography or vegetation have been identified on the site which would necessitate further adjustments during future development of the property. The proposed layout allows for reasonable development of the parcels without any anticipated variances from the UDC. This criterion is met.



***SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of site, topography, and vegetation will occur from the reasonable development of the parcels.***

**Finding:** As addressed in the findings establishing conformance with SRC 205.005(d)(6) above, the tentative partition plan configures the parcels to allow development of the site while minimizing disruptions to topography and vegetation. The proposed parcels are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

***SRC 200.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:***

- (A) The property is zoned residential;***
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***
- (C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

**Finding:** The site is served by available public water and sewer; therefore, this criterion is not applicable.

▪ ***Partitions which can be further divided.***

For partitions of residentially zoned property, pursuant to SRC 205.040, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.

**Finding:** The subject property is located in a mixed-use zone; therefore, this criterion is not applicable.

## **9. Analysis of Class 3 Site Plan Review Approval Criteria**

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

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

**Finding:** The proposal includes development of five buildings containing 60 dwelling units on Parcel 1, to be made part of the Gussie Belle Commons apartment complex on property zoned MU-I (Mixed Use-I). Parcel 2 will remain undeveloped; therefore, the development has been reviewed for conformance with the MU-I zone under SRC Chapter 533. The proposed

development for Parcel 1 conforms to SRC Chapter 533 and all other applicable development standards of the Salem Revised Code as follows.

***SRC Chapter 521 – MU-I (Mixed Use-I) Zone***

***SRC 533.010(a) – Uses:***

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-I zone are set forth in Table 533-1.

**Finding:** Multiple family residential uses are allowed as a permitted use in the MU-I zone per Table 533-1.

***SRC 533.015(a) – Lot standards:***

Lots within the MU-I zone shall conform to the standards set forth in Table 533-2.

**Finding:** There is no minimum lot area, width, or depth for properties in the MU-I zone, and a minimum street frontage of 16 feet for all uses. The subject property abuts Franzen Street NE which is a private local street approximately 165 feet long,, thereby meeting the minimum street frontage requirement. As discussed above, the lots proposed with the tentative partition meet the lot the standards.

***SRC 533.015(b) – Dwelling unit density:***

Multiple family uses are required to have a minimum density of 15 dwelling units per acre.

**Finding:** The subject property is currently 10.1 acres in size, included in the consolidated application is a request for a Partition Tentative Plan to divide the subject property in two parcels, with Parcel 1 approximately 2.3 acres in size and Parcel 2 approximately 0.99 acres in size. The proposed development occurs on proposed Parcel 1; based on the size of the parcel, a minimum of 34 dwelling units ( $2.3 \times 15 = 34.50$ ) are required. A total of 60 dwelling units are proposed for Parcel 1, in compliance with density standards of the MU-I zone. To ensure compliance with minimum dwelling unit density standards, prior to issuance of building permit, the partition plat shall be record.

**Condition 9:** The final partition plat shall be recorded prior to issuance of any building permits required for construction of residential units on the site or for civil site work permits, except the final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.

***SRC 533.015(c) – Setbacks:***

Setbacks within the MU-I zone shall be provided as set forth in Table 533-3 and Table 533-4.

**North/East:** Adjacent to the north, east, and portions of the west sides of Parcel 1, are properties zoned MU-I (Mixed Use-I). For property adjacent to a mixed-use zone, there is no minimum setback for buildings and accessory structures, and vehicle use areas require a minimum five-foot setback with Type A landscaping.

**South/West:** Adjacent to the south, and portions of the southern west side, are properties zoned CR (Retail Commercial). For property adjacent to a commercial zone, there is no

minimum setback for buildings and accessory structures, and vehicle use areas require a minimum five-foot setback with Type A landscaping.

**West:** Adjacent to the west is property zoned PC (Public Cemetery), and CR (Retail Commercial). For property adjacent to a public zone, there is no minimum setback for buildings and accessory structures, and vehicle use areas require a minimum five-foot setback with Type A landscaping.

**Finding:** No development is proposed on Parcel 2 abutting the CO (Commercial Office) zoned property to the north. All buildings and accessory structures for the development have no minimum setback to commercial, public, or mixed-use zones. The applicant's plans demonstrate that all vehicle use areas abutting commercial and mixed-use zones provide the minimum five-foot setback. The proposal is in compliance with minimum setback requirements.

*SRC 533.015(d) – Lot Coverage, Height, Building Frontage:*

Buildings and accessory structures within the MU-I zone shall conform to the lot coverage and height standards set forth in Table 533-5.

**Finding:** There is no maximum lot coverage for all uses in the MU-I zone. The maximum allowed height for buildings and accessory structures is 65 feet. New buildings or additions shall also meet a minimum height of 20 feet. The applicant's statement and development plans indicate that each of the multi-family building types proposed are three stories with an approximate height of 35 feet, within the minimum and maximum height range in the MU-I zone.

*SRC 533.015(e) – Parking:*

Off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone or MU-II zone.

**Finding:** The proposed development is a multi-family complex, where the proposed parking serves the multi-family units; therefore, this standard is met.

*SRC 533.015(f) – Landscaping:*

- (1) *Setbacks.* Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to SRC 533.015(h), shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC Chapters 806 and 807.

**Finding:** The applicant has provided a landscape plan that demonstrates compliance with Type A landscaped setbacks, where applicable. The proposal includes development of new vehicle use areas for the development site; therefore, the off-street parking and vehicle use area development standards of SRC 806.035(a) are applicable and discussed later in this report.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

*SRC 533.015(g) – Continued development:*

Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development.

**Finding:** The property is currently vacant; therefore, the proposed development is not considered continued development. This standard is not applicable.

*SRC 533.015(h) – Pedestrian-oriented design:*

Development within the MU-I zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 533-6.

*Ground Floor Height*

A minimum of 14 feet applies to building ground floors on primary streets.

**Finding:** The development does not have frontage along a primary or public street; therefore, this standard does not apply.

*Separation of Ground Floor Residential Units*

Vertical or horizontal separation shall be provided when a dwelling unit is located on the ground floor. For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.

**Finding:** The development does not have frontage along the public right-of-way; therefore, this standard does not apply.

*Building Façade Articulation*

Required articulation applies to building façades facing primary streets.

**Finding:** The development does not have frontage along a primary or public street; therefore, this standard does not apply.

*Ground Floor Windows*

A minimum of 65 percent applies to building ground floors on primary streets.

**Finding:** The development does not have frontage along a primary or public street; therefore, this standard does not apply.

*Building Entrances*

**Finding:** The development does not have frontage along a primary or public street; therefore, this standard does not apply.

*Weather Protection*

A minimum of 75 percent applies to building ground floors adjacent to a street.

**Finding:** The development does not have frontage along a primary or public street; therefore, this standard does not apply.

### *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.

**Finding:** The development does not have frontage along a primary or public street. The adjacent Phase I development ensures that buildings are located between all off-street surface parking areas and vehicle maneuvering areas, and the streets; therefore, this standard is met.

### *Mechanical and Service Equipment*

- (1) Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.
- (2) Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.

**Finding:** No ground level or rooftop mechanical or service equipment is shown on the applicant's development plans. If provided, all ground level mechanical and service equipment, and rooftop mechanical equipment shall be in compliance with this section. Further conformance will be verified at the time of building permit review.

### *SRC 533.020 – Design review:*

Design Review is not required for development within the MU-I zone. Multifamily development within the MU-I zone is not subject to design review according to the multiple family design review standards set forth in SRC Chapter 702.

**Finding:** The proposed multi-family development is not subject to Design Review under SRC Chapter 225.

## ***SRC Chapter 800 – General Development Standards***

### ***▪ Solid Waste Service Areas***

#### *SRC 800.055(a) – Applicability.*

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

**Finding:** The site plan indicates that one new solid waste service areas will be provided to serve the complex, subject to the standards of this section. The applicant has also indicated that the development will share site will share access to the trash enclosures with the Phase I development, which have already been reviewed to meet the standards.

#### *SRC 800.055(b) – Solid Waste Receptacle Placement Standards.*

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

- (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 1-foot beyond the sides and rear of the receptacle.
  - (B) The pad area shall extend a minimum 3 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.

**Finding:** The applicant's development plans indicate a four-inch-thick concrete pad for the trash enclosure. The concrete pad area extends a minimum of one foot beyond the sides and rear of the receptacles, and a minimum of three feet beyond the front of the receptacles. The proposal includes two receptacles which face each other and have more than four feet between them. The proposal meets the standard.

- (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 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

**Finding:** The applicant's development plans appear to show adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

- (3) *Vertical Clearance.*
- (A) Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
  - (B) Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for serving.

**Finding:** The applicant's development plans indicate receptacles less than two cubic yards will be used, with at least eight feet of unobstructed overhead or vertical clearance for servicing for a roofed enclosure. The proposal meets the standard

*SRC 800.055(c) – Permanent Drop Box and Compactor Placement Standards.*

Permanent drop box and compactors shall meet the placement standards set forth in this section.

**Finding:** The proposal does not include permanent drop box or compactors. This standard does not apply to the proposed development.

*SRC 800.055(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.

**Finding:** The applicant's development plans show the proposed solid waste service areas will be screened with a wall with siding. The proposal meets the standard.

*SRC 800.055(e) – Solid Waste Service Area Enclosure Standards.*

When enclosures are used for required screening or aesthetics, such enclosure shall conform to the following standards:

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

**Finding:** The width of the proposed front opening for the enclosure is 12 feet, meeting the minimum standard.

- (2) *Measures to Prevent Damage to Enclosure.*

- (A) Enclosures constructed of wood or chain-link 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.

**Finding:** The trash enclosure plans show the enclosure constructed of wood material, and indicate that a four-inch-high curb is provided 12 inches inside the perimeter of the enclosure walls, consistent with this standard.

- (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.

**Finding:** The proposed enclosure has opening of less than 15 feet, but does not indicate if the gates can swing open to a minimum of 120 degrees; however, the applicant's written statement indicates that the gates will swing open to meet the minimum standard. Restrainers shall be shown in both the open and closed positions. Further conformance with these standards will be evaluated at the time of building permit review.

*SRC 800.055(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 are free of obstructions and no less than 45 feet in length 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 in front of every receptacle.

**Finding:** The proposed site plan shows vehicle operation areas a minimum of 45 feet in length and 15 feet in width, parallel to the enclosure and extending into vehicle maneuvering areas. The proposal meets the standard.

- (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.

**Finding:** The proposal includes receptacles less than two cubic yards in size, and demonstrates conformance with the vehicle operation requirements for the location parallel to the enclosure. This standard is met.

- (C) 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.

**Finding:** The proposed site plan shows the vehicle operation area which is coincident with the parking lot drive aisle; therefore, this standard is met.

- (D) Vehicle operation areas shall have a minimum vertical clearance of 14 feet.

**Finding:** The vehicle operation area within the drive-aisle provides an open area to meet the vertical clearance. This standard is met.

- (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

**Finding:** The proposed site plan shows the vehicle operation area provides access in a direct approach; therefore, this standard does not apply.

- (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.

**Finding:** The proposed location of the trash enclosure will not require waste collection service vehicles to back onto a public street; therefore, this standard is met.

- (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.



**Finding:** The proposed trash enclosure is located within the fully paved vehicle use area and thereby meets the pad area requirements. The applicant can demonstrate the required signage at the time of building permit review, as conditioned. The proposal meets the standard.

▪ ***Pedestrian Access***

*SRC 800.065 – Applicability.*

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

**Finding:** The proposal is for a new multi-family development, including five new buildings and on-site vehicle use areas, and is not subject to the pedestrian standard for multi-family design review; therefore, the pedestrian access standards of SRC Chapter 800 apply.

*SRC 800.065(a) – Pedestrian Connections Required.*

The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:

*(1) Connection Between Entrances and Streets*

(A) A pedestrian connection shall be provided between the primary 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.

**Finding:** The applicant's plans indicate pedestrian access proposed from every unit entrance to an adjacent sidewalk, which circulates through the development and the adjacent Phase I development, and leads out to each adjacent streets. This standard is met.

(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.

**Finding:** There is a transit route (Route 5) on Center Street NE along the frontage of the development site, however, there is no transit stop located along the frontage; therefore, this standard is not applicable.

*(2) Connection Between Buildings on the same Development Site.*

(A) Where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.

**Finding:** As indicated above, the development provides a system of sidewalks through the development, which connects all unit entrances to each other, and to the street. This standard is met.

*(3) Connection Through Off-Street Parking Areas.*

*(A) Surface parking areas.* Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size, or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

**Finding:** The development does not provide off-street surface parking areas greater than 25,000 square feet; therefore, this standard does not apply.

*(B) Parking structures and parking garages.* Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

**Finding:** The development site does not include any existing or proposed parking structures or garages; therefore, this standard is not applicable.

*(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.

**Finding:** There are no planned paths or trails passing through the development site; therefore, this standard is not applicable.

*(5) Connection to Abutting Properties.* Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:

*(A)* To abutting properties used for activities falling within the use classifications, use categories, and uses under SRC chapter 400 listed in (i) through (vi).

**Finding:** The subject property includes a vehicular connection to the abutting Phase I development through the private street, Franzen Street NE. As indicated, the development connects to the Phase I property through a system of shared pedestrian paths, connecting the sites; therefore, this standard is met.

*SRC 800.065(b) – Design and materials*

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.

*(1) Walkways shall conform to the following:*

*(A)* Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards and shall be a minimum of five feet in width.

*(B)* Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving

material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.

(C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping, or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

(2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

**Finding:** All connections measure at least five feet in width, meeting the standard. The applicant's plans indicate most pedestrian connections will be provided as sidewalks, adjacent to an auto travel lane and separated from it by a raised curb, meeting the standard. The pedestrian connections across the drive aisles are proposed to be paved with a different material than the drive aisle, meeting the minimum requirement.

*SRC 800.065(c) – Lighting.*

The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

**Finding:** The development plans do not include lighting details. To ensure conformance with the lighting standards of this section, the following condition shall apply.

**Condition 10:** At time of building permit submittal, the applicant shall provide lighting details demonstrating compliance with the standards of SRC 800.065(c).

***SRC Chapter 804 – Driveway Approaches:***

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

**Finding:** The proposed site plan for Gussie Belle Commons Phase II shows a new off-street parking area served by a driveway approach to Franzen Street NE, a private local street. A Driveway Approach Permit pursuant to SRC Chapter 804 is not required for a driveway providing access from a private street; therefore, this chapter is not applicable to the proposed development.

***SRC Chapter 805 – Vision Clearance:***

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

**Finding:** The applicant's preliminary site plan shows vision clearance areas at all street intersections and driveway approaches. The proposal does not cause a vision clearance obstruction and meets the vision clearance standards established in SRC Chapter 805.

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

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

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

**Finding:** There are no minimum parking standards for any development within the City. The proposed *multiple-family* use allows a maximum of 1.75 parking spaces per dwelling unit, for units other than studios. The proposal includes development 60 multi-family dwelling units, none of which are studio units, allowing a maximum of 105 parking spaces ( $60 \times 1.75 = 105$ ). The applicant has proposed a total of 60 parking spaces, meeting the maximum allowed parking on site.

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

**Finding:** A maximum of 45 spaces may be compact parking spaces ( $60 \times 0.75 = 45$ ), the site plan indicates that 18 spaces will be compact spaces, less than the maximum allowance..

- (c) ***Carpool and Vanpool Parking.*** New developments with 60 or more required 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 5 percent of their total off-street parking spaces for carpool or vanpool parking.

**Finding:** No carpool/vanpool spaces are required for a multi-family development. This standard does not apply.

- (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.

**Finding:** For a residential development with 60 parking spaces provided, a minimum of 24 spaces are required for electrical vehicle charging ( $60 \times 0.4 = 24$ ), the site plan indicates that 24 spaces will be provided for electrical vehicle charging, meeting this standard.

## ***Off-Street Parking and Vehicle Use Area Development Standards***

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

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

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

**Finding:** The proposed includes the development of new off-street parking and vehicle use areas; therefore, the development standards of SRC Chapter 806 are applicable to this proposal.

- (b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks 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.

**Finding:** The proposed off-street parking area is in compliance with the minimum setback requirements of SRC Chapters 533 and 806. Perimeter landscaping will be evaluated for compliance with the applicable standards at the time of building permit review.

- (d) *Interior Landscaping.* Interior landscaping shall be provided for off-street parking areas greater than 5,000 square feet in size, in amounts not less than those set forth in Table 806-4.

**Finding:** For off-street parking areas less than 50,000 square feet in size, a minimum of five percent of the interior parking area shall be landscaped. The applicant's summary table indicates that the off-street parking area is approximately 24,170 square feet in size, requiring interior landscaping. A minimum of 1,209 square feet of interior parking area landscaping ( $24,170 \times 0.05 = 1,208.5$ ), the site plan indicates that 1,950 square feet of interior landscaping will be provided for the off-street parking areas, meeting the minimum requirement.

- (e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5.

**Finding:** The proposed off-street parking spaces comply with the appropriate minimum aisle width and dimension requirements for vehicle parking spaces established 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.

**Finding:** As shown on the site plan, the proposed development includes two off-street parking areas that terminate in a dead-end. The plans demonstrate conformance with the dead-end turnaround requirements for both area, ensuring the development is designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street through a single, two-way drive aisle throughout the development. This standard is met.

- (g) *Grading.* Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.
- (h) *Surfacing.* Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area may count towards meeting interior off-street parking area landscaping requirements when provided abutting a landscape island or planter bay with a minimum width of five feet, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:
  - (1) Vehicle storage areas within the IG zone.
  - (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC Chapter 701.
  - (3) Gravel off-street parking areas, approved through a conditional use permit.
- (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.

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage.

- (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; provided, however, bumper guards or wheel barriers are not required for:
  - (1) Vehicle storage areas.
  - (2) Vehicle sales display areas.

**Finding:** The site plan indicates bumper guards will be provided for all parking spaces abutting required setback landscaping, or adjacent to a pedestrian connection; therefore, this standard is met.

- (k) *Off-street parking area striping.* Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:
  - (1) Vehicle storage areas.
  - (2) Vehicle sales display areas.
  - (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC Chapter 701.
  - (4) Gravel off-street parking areas, approved through a conditional use permit.
- (l) *Marking and signage.*
  - (1) *Off-street parking and vehicle use area circulation.* Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.
  - (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.

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

(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.

**Finding:** The proposed off-street parking area is developed consistent with the off-street parking area dimension standards set forth in Table 806-6. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806, and will be verified for conformance at the time of building permit review.

▪ ***Climate Friendly and Equitable Communities (CFEC) Standards***

*SRC 806.035(n) – Additional standards for new off-street surface parking areas more than one-half acre in size.*

When a total of more than one-half acre of new off-street surface parking is proposed on one or more lots within a development site, the lot(s) proposed for development shall comply with the additional standards in this subsection. For purposes of these standards, the area of an off-street surface parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways and off-street loading areas.

**Finding:** The total proposed surface parking area for the development is approximately 24,170 square feet in size, or 0.55 acres; therefore, the additional standards in this subsection area applicable to the proposed development.

(1) *Climate mitigation.* Development that includes a total of more than one-half acre of new off-street surface parking shall provide one or more of the following climate mitigation measures, which may be used in combination.

(a) *Solar power generation.* On-site solar power generation infrastructure shall be provided with a capacity of at least 0.5 kilowatts per new off-street parking space.

(b) *Payment into city's equitable renewable energy fund.* A payment shall be made into the city's equitable renewable energy fund at a rate of not less than \$1,500.00 per parking space and tied to inflation.

(c) *Increased tree canopy.* Increased on-site tree canopy area shall be provided, in conformance with the standards included under subsection (n)(3) of this section, covering at least 40 percent of new off-street parking and vehicle use areas in no more than 15 years.

**Finding:** The applicant's statement and plans propose to meet the climate mitigation measures through Option C, covering at least 40 percent of the new off-street parking and vehicle use areas with the projected tree canopy area. The applicant's statement and plans indicate that the proposed surface parking area is approximately 24,170 square feet in size, requiring a minimum 9,668 square feet of tree canopy ( $24,170 \times 0.4 = 9,668$ ). The applicant's plans indicate 12,439 square feet of total tree canopy coverage is proposed, or approximately 51 percent. This standard is met.

(2) *Provision of tree canopy.*

- (a) *Trees along driveways.* Trees shall be provided along both sides of driveways in conformance with the standards included under subsection (n)(3); or
- (b) *Tree canopy coverage.* On-site tree canopy area shall be provided, in conformance with the standards included under subsection (n)(3), covering at least 30 percent of new off-street surface parking and vehicle use areas in no more than 15 years.

**Finding:** The development plans indicate 12,439 square feet of tree canopy coverage will be provided around the perimeter of the off-street parking area, equivalent to approximately 51 percent of the off-street surface parking and vehicle use areas, meeting Option B for this requirement. This standard is met.

(3) *Tree canopy standards.* New trees shall be planted and/or existing trees shall be preserved in conformance with the following standards:

- (a) *Expected tree canopy area.*
  - (i) Expected tree canopy area shall be based on the standards in Table 806-7.
  - (ii) New trees that are planted shall be selected from Table 806-7 or approved by the Planning Administrator.
  - (iii) Existing trees that are preserved may be included in expected tree canopy area.
  - (iv) Each tree meeting the requirements of this subsection may be counted toward the total expected tree canopy area so long as the trunk of each tree is located within 10 feet of the parking area.
  - (v) Exclusions include expected overlap of tree canopy area by more than five feet and portions of expected canopy that overlap existing or proposed buildings.

**Finding:** The development plans indicate 11 trees will be planted to meet the CFEC standards, using three types from Table 806-7; two of which have an expected 15-year tree canopy diameter of 50 feet, and nine with an expected 15-year tree canopy diameter of 35 feet. All except one tree (no. 8) near the southern parking area along Franzen Street NE will be planted within ten feet of the parking area. The trees in this area are behind a pedestrian sidewalk, and may need to be moved slightly closer to ensure the standard is met; therefore, the following conditions applies:

**Condition 11:** Prior to approval of landscape plans for the proposed development, the landscape plan shall be updated to ensure all trees planted to meet the climate mitigation requirements are located within ten feet of the parking area, and demonstrate compliance with all tree canopy standards in SRC 806.035(n)(3), including a continuous canopy for any revisions made.

- (b) *Tree Planting Standards.* Trees provided to meet tree canopy coverage requirements shall be:
  - (i) Planted in such proximity that they form a continuous canopy within 15 years of planting based on the expected tree canopy area set forth in Table 806-7, except where interrupted by vehicle use areas, solid waste service areas, buildings, power lines, stormwater infrastructure, and children's play areas;
  - (ii) Planted in islands containing a minimum of three trees and the minimum required soil amount per Table 806-7;
  - (iii) Planted to ensure that no more than 20 percent of their expected canopy overlaps with existing or proposed buildings;
  - (iv) Not less than 1.5 inch caliper in size at the time of planting; and



- (v) Planted and maintained to meet, at minimum, the standards in the 2021 ANSI A300 handbook.

**Finding:** The development plans indicate all 11 trees will be planted in three separate areas where their expected 15-year tree canopy diameter will form a continuous canopy, in their respective locations, interrupted only by vehicle use areas or stormwater infrastructure, and do not overlap with the proposed building. All of the trees are proposed to be planted within groups of at least three trees per planter island, meeting the minimum required soil amount for each tree type per Table 806-7. These standards are met.

- (c) *Tree Location/Utility Coordination.* Coordination shall be demonstrated with the local electric utility to ensure the compatibility of tree canopy and root systems with planned and existing utility infrastructure.

**Finding:** The applicant provided an email that was sent to PGE asking if there were any concerns with the proposed landscape plans; however, a response from PGE ensuring compatibility was not provided. The applicant is responsible for addressing any potential conflicts during the building permit process, while ensuring that the standards of this section are met. Landscape plans will be further reviewed for conformance with the requirements of SRC 806.035(n) at the time of building permit review.

#### ▪ ***Bicycle Parking***

*SRC 806.045 – Bicycle Parking; When Required.*

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

**Finding:** The proposal is for development of a new multi-family development; therefore, the bicycle parking requirements of this section apply.

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

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

*SRC 806.055 – Amount of Bicycle Parking.*

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

**Finding:** A multi-family use requires one bicycle parking space is provided per dwelling unit; therefore, the proposed 60-unit multi-family development requires a minimum of 60 bicycle parking spaces. The applicant's written statement indicates that four long-term bicycle parking spaces are provided in units, 14 spaces are provided at building entrances, 10 spaces are provided in building breezeways, and 32 spaces are provided in a covered bike area; providing 60 total bike parking spaces and meeting the minimum requirement.

*SRC 806.060 – Bicycle Parking Development Standards*

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

*(a) Location.*

- (1) Short-term bicycle parking.* Short-term bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- (2) Long-term bicycle parking for residential uses.* Long-term bicycle parking areas for residential uses shall be located:
  - (i)* A residential dwelling unit;
  - (ii)* A lockable garage;
  - (iii)* A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
  - (iv)* A lockable bicycle enclosure; or
  - (v)* A bicycle locker.

**Finding:** All outside bike parking areas meet the location requirements for short-term parking, and the bicycle parking provided within four units meet the location requirement for long-term parking. This standard is met.

- (b) Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

**Finding:** Not all bicycle parking locations are shown on the plans to verify they meet access requirements. In addition, bicycle racks located in breezeways may not meet other building code provisions for ingress/egress. Adjustments to the bike parking locations made be made at the time of building permit review to meet all code requirements, but to ensure all bicycle parking development standards will be met, the following condition applies:

**Condition 12:** Prior to building permit approval, the applicant shall demonstrate that all bicycle parking provided on site complies with the applicable standards of SRC 806.060.

- (c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:
- (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
  - (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

**Finding:** The applicant has provided plans for the covered bike parking area, which demonstrates the bicycle racks meet the minimum dimensions and access; however, the details for all other proposed bicycle parking was not provided. As conditioned above, further conformance with these standards will be evaluated at the time of building permit review.

- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

**Finding:** As proposed and conditioned, bicycle parking areas that are located outside will be paved with concrete, in compliance with this standard.

- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:
- (1) Racks must support the bicycle frame in a stable position. For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
  - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
  - (4) Racks shall be securely anchored.
  - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-12.

**Finding:** It appears inverted staple racks or loops are proposed for short-term bicycle parking that will be securely anchored in concrete, and long-term bicycle parking will be provided by wall-mounted racks within the interior of the building that allow for storage in a vertical position. The proposed racks are a shape that allow for support, storage, and allow for the securing of bicycles in compliance with the standards in this section. Bicycle parking spaces required to meet the minimum requirement for the proposed use will be evaluated for conformance with applicable development standards of SRC Chapter 806 at the time of building permit.

#### ▪ **Off-Street Loading Areas**

*SRC 806.065 – Off-Street Loading Areas; When Required.*

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

spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

**Finding:** The proposal is for development of a new multi-family development; therefore, the off-street loading requirements of this section apply.

*SRC 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.

*SRC 806.075 – Amount of Off-Street Loading.*

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

**Finding:** For multiple family development of 50 to 99 dwelling units, one off-street loading space is required. The development plans indicate one off-street loading space is provided; therefore, this standard is met.

### ***SRC Chapter 807 – Landscaping***

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

**Finding:** The applicant has provided a preliminary landscaping plan identifying the areas to be landscaped, including the Type A landscape setback for the perimeter of the parking area, and the interior parking lot landscaping, which demonstrates conformance with the corresponding plant unit requirements. These standards are met.

#### **▪ *Tree Replanting Requirements***

Pursuant to SRC 807.015(d), when existing trees, as defined under SRC Chapter 808, are proposed for removal from within required setbacks or from a development site in excess of 75 percent, replanting shall be required as provided in this subsection.

**Finding:** The applicant has submitted a tree inventory for the development site which indicates there are 14 total trees on site, as defined under SRC Chapter 808. The applicant has proposed removal of four trees on site, which is approximately 29 percent ( $4 / 14 = 28.6$ ), and well under the 75 percent removal of trees for the development site. However, three of the trees proposed to be removed are within the setback along the west boundary, requiring a total of six trees be replanted for the proposed tree removals, in addition to the landscaping required under this chapter. The applicant has submitted an arborist report for the preservation of the remaining ten trees on site, which acknowledged the replanting requirement for the six trees and included them in the proposed landscape plans. This standard is met.

Landscape and irrigation plans will be reviewed again for conformance with the requirements of SRC 807 at the time of building permit application review.

### ***SRC Chapter 808 – Preservation of Trees and Vegetation***

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

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

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

**Finding:** The applicant has submitted a tree inventory for the development site which indicates no heritage trees or riparian trees on site. The applicant's final tree inventory identified a total of seven significant trees on site; all of which are proposed to be preserved. The applicant has also submitted an arborist report for the preservation of the remaining ten trees on site, including the 80-inch Giant Sequoia, and nine trees along the western boundary, six of which are significant.

Phase I of the development (Case No. PAR-SPR-ADJ-DAP-TRV-PLA24-08) included review of the 80-inch *dbh* Giant Sequoia (tree 3602) which is located on the subject property, with a large portion of its Critical Root Zone (CRZ) located on the adjacent parcel with the Phase I development. In consideration of comments received for the preservation of the tree during Phase I, the applicant revised the site plan layout and tree protection plan for the proposed development to reduce impacts to the tree's critical root zone. The arborist report submitted with this application has demonstrated conformance with all findings and recommendations for preservation of the Giant Sequoia for this development as well, by indicating that pedestrian pathways for Phase II, as well as a sanitary sewer line, have been revised and rerouted to be constructed outside of the 80-foot critical root zone. The applicant's development plans and arborist report submitted for Phase II demonstrate adherence with all preservation requirements for the Giant Sequoia.

Additionally, the applicant's plans for this phase of development indicate encroachment into the critical root zones of the row of trees along the west property line with the construction of Building N. The applicant has submitted an arborist report for the trees, indicating the best practice for soil and root protection to ensure no permanent soil disturbance will occur, and outlines the recommended tree protection measures and project arborist oversight necessary during excavation and construction.

The arborist report also provided a summary table for the proposed encroachment to the critical root zones is under 20 percent for all trees within the affected row. The level of

encroachment is consistent with the allowance in SRC 808.046(a)(3), which states that 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. Because the encroachment to the CRZ for Trees 7077 through 7850 is less than 30 percent each, a Tree Regulation Variance is not required. However, to ensure the arborist's recommendations and other protection measures for the preservation of the tree are followed, the following conditions shall apply:

- Condition 13:** A licensed arborist shall be located on site to provide oversight during all work activities occurring within the critical root zones of all protected trees including root pruning, paving, foundation construction, excavation, and grading.
- Condition 14:** All recommended tree protection measures identified in the arborist report dated November 26, 2024, shall be followed.

As discussed in the findings for the Tentative Partition Plan in Section 8 above, and with completion of the conditions outlined in this decision, the subject property also meets all applicable standards of the following chapters of the UDC: *SRC Chapter 601 – Floodplain, SRC 802 – Public Improvements, SRC 803 – Streets and Right-of-Way Improvements, SRC 804 – Driveway Approaches, and SRC 805 – Vision Clearance, SRC Chapter 809 – Wetlands, and SRC Chapter 810 – Landslide Hazards*. This criterion is met.

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

**Finding:** Access to the proposed development will be provided by the network of existing public and private streets that surround the property. Required transportation improvements conditioned for Gussie Belle Commons Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) will ensure that the street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

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

**Finding:** The proposed site plan for Gussie Belle Commons Phase II includes development of a new off-street parking area served by a driveway approach to Franzen Street NE, a private local street. The proposed driveway access provides for safe turning movements into and out of the property.

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

**Finding:** The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the

lots within the proposed development, subject to the conditions of approval. This approval criterion is met.

## 10. Conclusion

Based upon review of SRC Chapters 205 and 220, and the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

Final approval of Tentative Partition Plan and Class 3 Site Plan Review, Case No. PAR-SPR24-13, is hereby **APPROVED** subject to SRC Chapters 205 and 220, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

- Condition 1:** Prior to issuance of any City permits, the developer shall provide evidence of completed consultation through Salem's local Clearance Review process, and demonstrated compliance with SRC 230.105. At the time of development, an Inadvertent Discovery Plan will be required.
- Condition 2:** The partition plat for Phase I of the Gussie Belle Commons development (PAR-SPR-ADJ-DAP-TRV-PLA24-08) shall be recorded prior to final plat approval for Phase II (PAR-SPR24-13).
- Condition 3:** Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 4:** At the time of development, design and construct a storm drainage system in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- Condition 5:** Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.
- Condition 6:** All necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.
- Condition 7:** Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in Public Works Design Standards Section 1.8 (Easements).
- Condition 8:** Construct a sidewalk along Franzen Street NE, as shown on the applicant's preliminary site plan, from the shared use pathway on Medical Center Drive NE to the western boundary of the subject property abutting Tax lot 073W24CC04100, and dedicate a public access easement along Franzen Street NE including the sidewalk.

- Condition 9:** The final partition plat shall be recorded prior to issuance of any building permits required for construction of residential units on the site or for civil site work permits, except the final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.
- Condition 10:** At time of building permit submittal, the applicant shall provide lighting details demonstrating compliance with the standards of SRC 800.065(c).
- Condition 11:** Prior to approval of landscape plans for the proposed development, the landscape plan shall be updated to ensure all trees planted to meet the climate mitigation requirements are located within ten feet of the parking area, and demonstrate compliance with all tree canopy standards in SRC 806.035(n)(3), including a continuous canopy for any revisions made.
- Condition 12:** Prior to building permit approval, the applicant shall demonstrate that all bicycle parking provided on site complies with the applicable standards of SRC 806.060.
- Condition 13:** A licensed arborist shall be located on site to provide oversight during all work activities occurring within the critical root zones of all protected trees including root pruning, paving, foundation construction, excavation, and grading.
- Condition 14:** All recommended tree protection measures identified in the arborist report dated November 26, 2024, shall be followed.



---

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

Attachments:

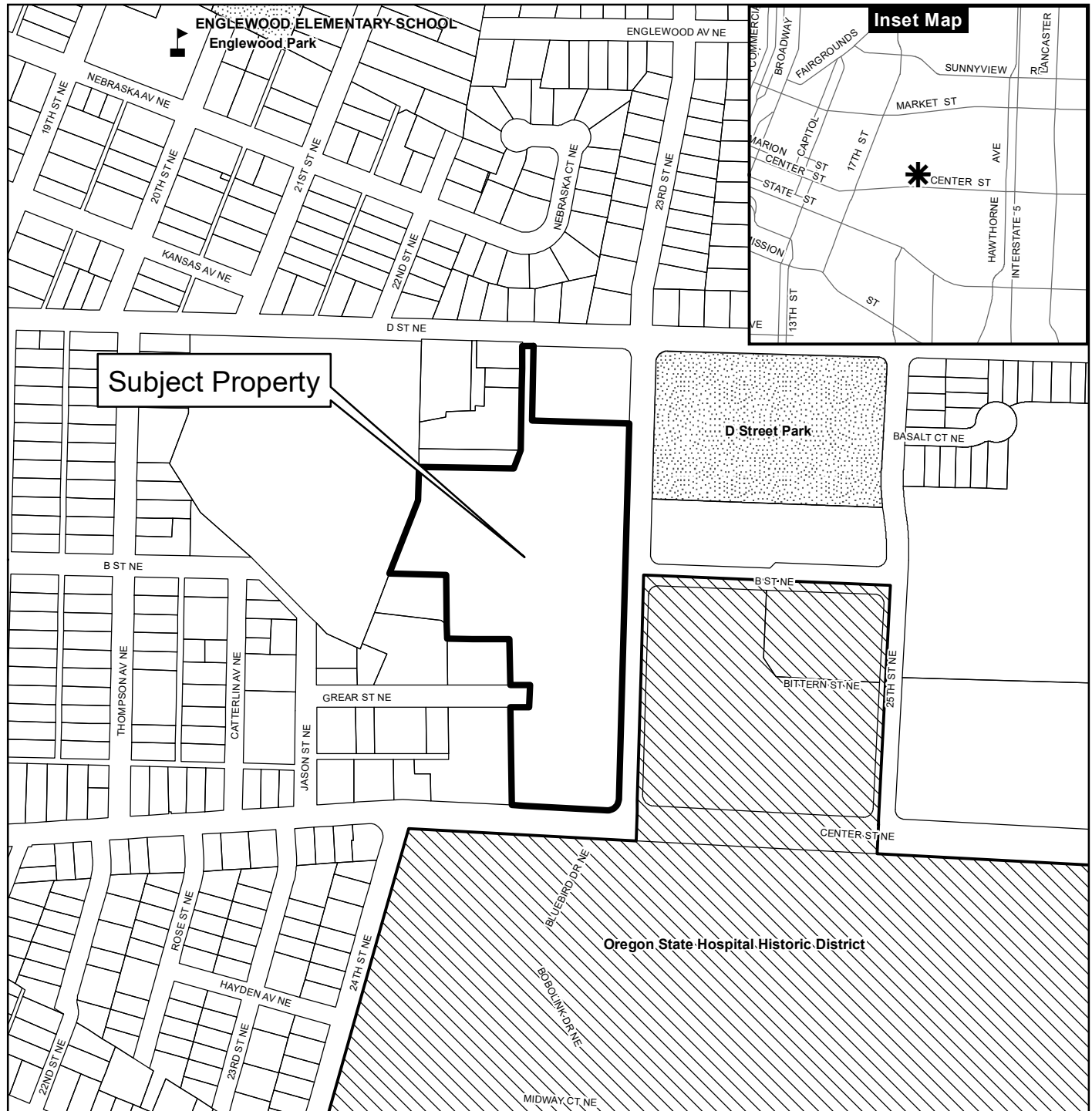
- A. Vicinity Map
- B. Tentative Partition Plan
- C. Development Services Infrastructure Memo
- D. Salem-Keizer School District Comments

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



# Vicinity Map

## 739 23rd Street NE



### Legend

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

- Parks

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

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0 100 200 400 Feet



PROJECT TEAM

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CCB# 213796

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971.371.0404  
SUCCEED-ENV.COM

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971.304.3078

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STEVE KAY  
CASCADIA PLANNING + DEVELOPMENT SERVICES  
503.804.1069  
STEVE@CASCADIAPD.COM  
CASCADIAPD.COM

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MASSAAD ENGINEERING GROUP, LLC.  
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503.486.5387  
MGROUPENGINEERING.COM

SURVEY

RICHARD H. KENNEDY  
ASC SURVEYING, LLC.  
8427 SW DAKOTA DRIVE  
TUALATIN, OR 97062  
971.224.5471



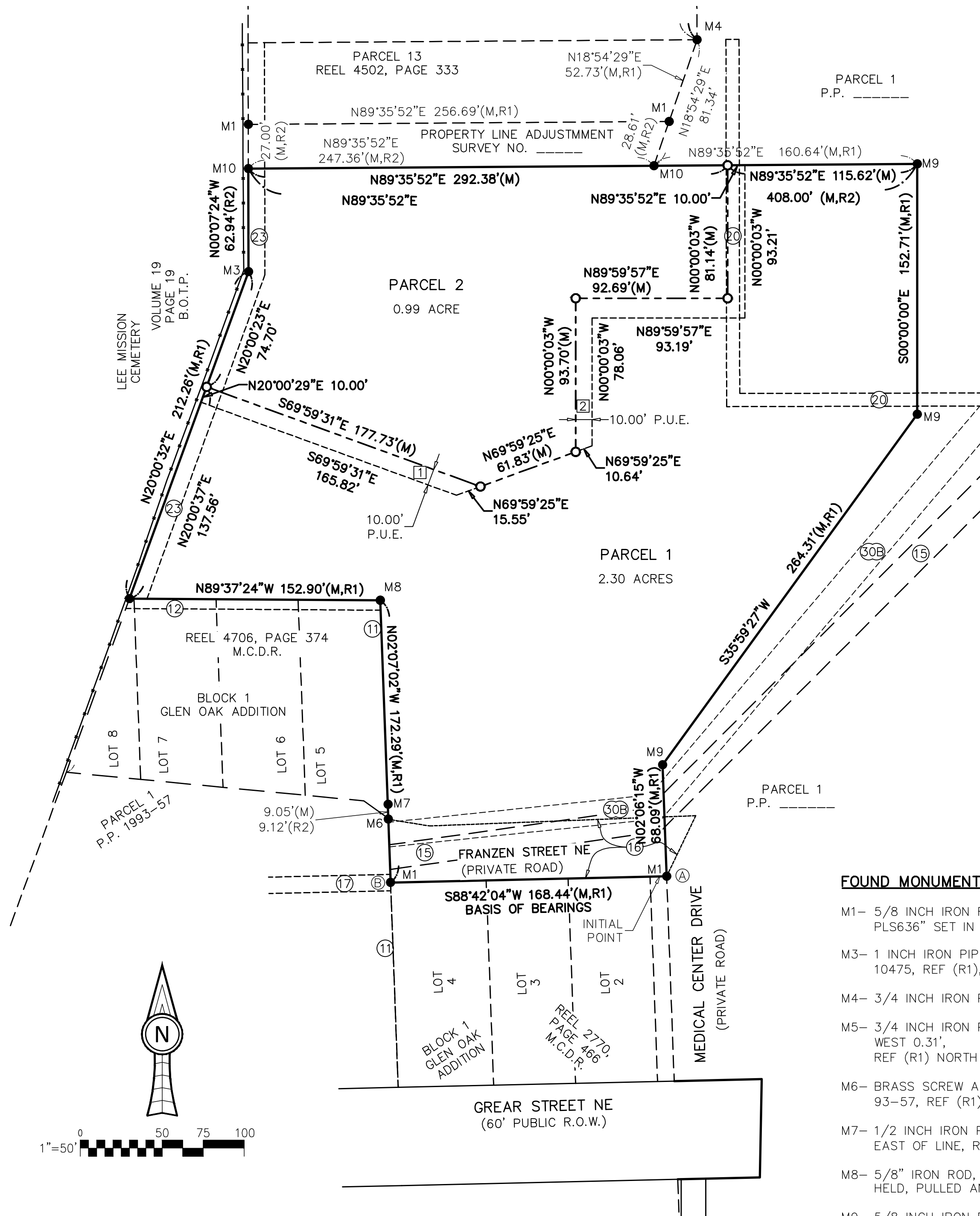
GUSSIE BELLE COMMONS: PHASE 2

LAND USE REVIEW SET  
08/12/24

PARTITION PLAT NO. \_\_\_\_\_

BEING A REPLAT OF PARCEL\_\_\_\_, PARTITION PLAT NO. \_\_\_\_\_,  
SITUATED IN THE SOUTHWEST QUARTER OF SECTION 24 AND  
THE NORTHWEST QUARTER OF SECTION 25, T. 7S., R. 3W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

JULY 29, 2024  
SHEET 1 OF 2



EXISTING EASEMENTS:

- (11) VOLUME: 391 PAGE: 61  
PGE EASEMENT -UNDEFINED WIDTH
- (12) VOLUME: 392 PAGE: 277  
MODIFIED BY REEL: 1114, PAGE: 689  
6' UTILITY EASEMENT
- (15) BOOK: 430 PAGE: 427  
15' STORM WATER EASEMENT
- (16) VOLUME: 491 PAGE: 426  
ACCESS EASEMENT FOR PROPERTIES  
TO THE WEST
- (17) VOLUME: 492 PAGE: 784  
10' ELECTRIC EASEMENT
- (20) VOLUME: 529 PAGE: 136  
8' STORM SEWER EASEMENT  
APPROXIMATE LOCATION SHOWN  
HEREON
- (23) VOLUME: 758 PAGE: 316  
10' GAS PIPELINE EASEMENT
- (30) PARTITION PLAT NO. 2009-003  
EASEMENTS AS SHOWN ON SAID  
PARTITION PLAT  
(A) RIGHT-OF-WAY DEDICATION  
(B) 15' STORM DRAIN EASEMENT

LEGEND:

- 5/8" X 30" IR WITH YPC STAMPED  
"ASC SURVEYING LS 96569"  
SET ON \_\_\_\_\_, 2024
- FOUND MONUMENT AS NOTED
- (R0) RECORD DATA REFERENCE
- (M) MEASURED DATA
- M.C.S.R. MARION COUNTY SURVEY RECORDS
- M.C.D.R. MARION COUNTY DEED RECORDS
- M.C.P.R. MARION COUNTY PLAT RECORDS
- B.O.T.P. MARION COUNTY BOOK OF TOWN PLAT
- P.U.E. PUBLIC UTILITY EASEMENT
- R.O.W. RIGHT-OF-WAY
- P.P. PARTITION PLAT NO.
- M# FOUND MONUMENT PER LIST
- (A) FOUND AND CALCULATED POINTS  
REFERENCED IN NARRATIVE
- (11) EXISTING EASEMENT -SEE LIST SHEET 2
- [1] PLAT EASEMENTS PER LIST

FOUND MONUMENT LIST:

- M1- 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BARKER  
PLS636" SET IN P.P. 2009-3, HELD
- M3- 1 INCH IRON PIPE WITH PINCHED TOP 0.3 FEET BGL SET IN M.C.S.R.  
10475, REF (R1), HELD
- M4- 3/4 INCH IRON PIPE SET IN M.C.S.R. 16614, REF (R1), HELD
- M5- 3/4 INCH IRON PIPE SET IN M.C.S.R. 19514 BEARS NORTH 22°19'56"  
WEST 0.31',  
REF (R1) NORTH 13°14'13" WEST 0.25 FEET
- M6- BRASS SCREW AND WASHER IN CURB STAMPED "PLS 1362" SET IN P.P.  
93-57, REF (R1), HELD FOR LINE
- M7- 1/2 INCH IRON PIPE, 0.4 FEET BGL SET IN M.C.S.R. 14783, 0.18 FEET  
EAST OF LINE, REF (R1)
- M8- 5/8" IRON ROD, BENT, NO CAP, SET IN M.C.S.R. 32471, REF (R1),  
HELD, PULLED AND RESET
- M9- 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "ASC  
SURVEYING LS 96569" SET IN P.P. 2024-\_\_\_\_\_, HELD
- M10- 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "ASC  
SURVEYING LS 96569" SET IN M.C.S.R. (property line adjustment), HELD

REFERENCE DATA:

- R1 P.P. 2024-\_\_\_\_\_, M.C.P.R.
- R2 PROPERTY LINE ADJUSTMENT, M.C.S.R.

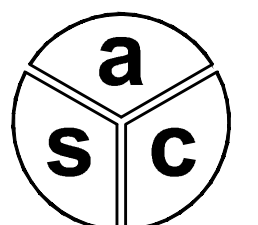
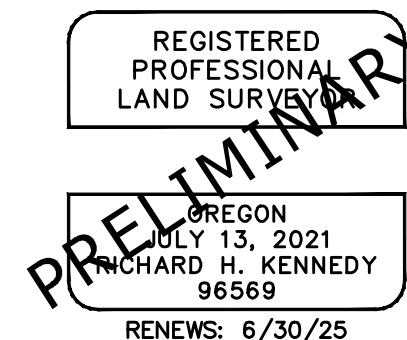
PLAT EASEMENTS:

- [1] 10-FOOT EASEMENT
- [2] 10-FOOT EASEMENT

SHEET INDEX

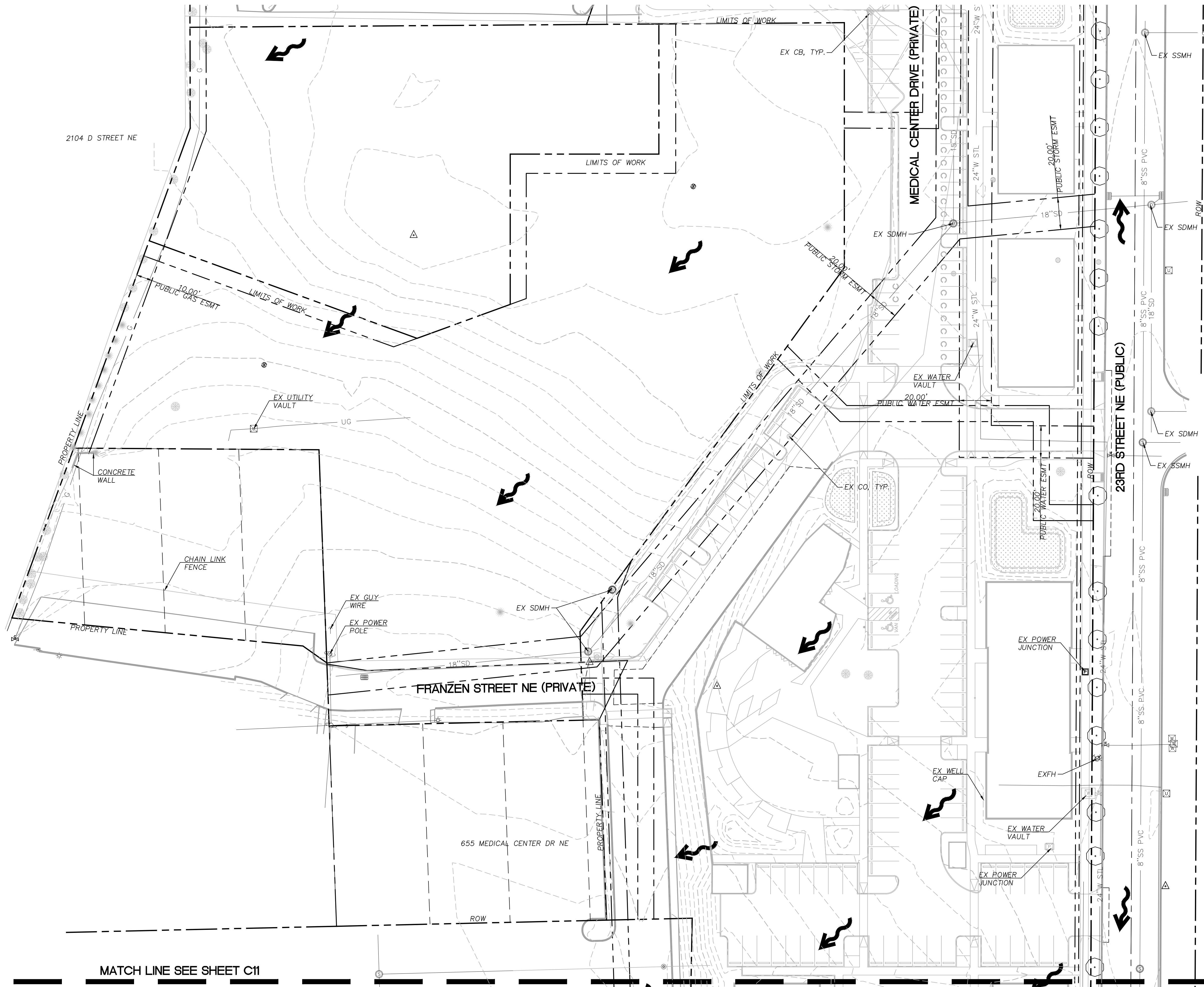
- SHEET 1- SOUTH PORTION OF PLAT, LEGEND, REFERENCE  
DATA, AND FOUND MONUMENT LIST
- SHEET 2- NARRATIVE, SURVEYOR'S CERTIFICATE, APPROVALS,  
DECLARATION, NOTES AND ACKNOWLEDGEMENT

FOR REVIEW ONLY



ASC SURVEYING LLC  
8427 SW DAKOTA DRIVE  
TUALATIN, OR 97062  
971-224-5471



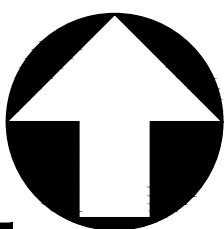
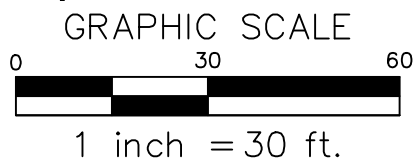


SHEET LEGEND		
ITEM	DESCRIPTION	REFERENCE
---	EXISTING CONTOUR	
→	DRAINAGE FLOW DIRECTION	

SHEET NOTES	
1.	EXISTING SITE AREA= 462,385 SF
2.	SITE IS NOT WITHIN 100-YEAR FLOOD BOUNDARY.

MATCH LINE SEE SHEET C11

EXISTING CONDITIONS PLAN  
SCALE: 1"=30'





NOT FOR  
CONSTRUCTION






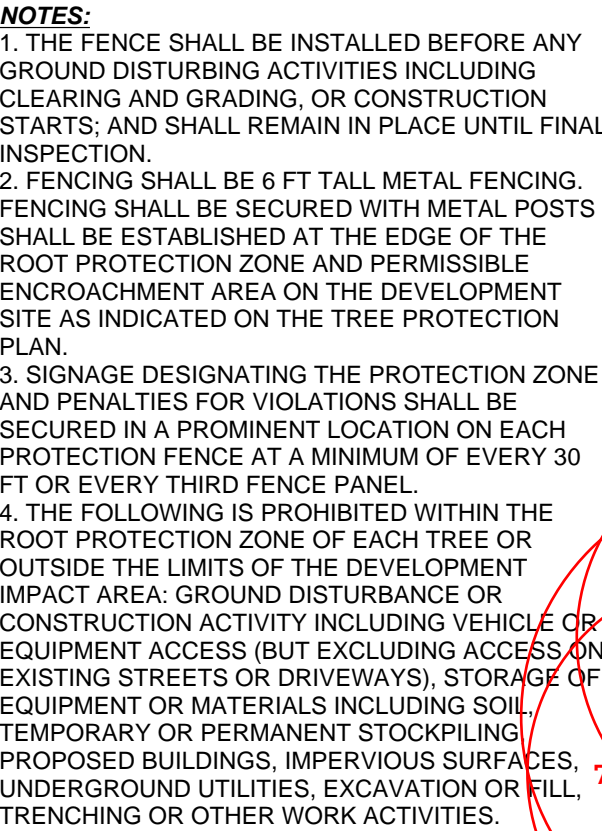



 PARKING SPACE WITH LEVEL 2 EV CHARGING INSTALLED  
(VIA FLO-CORE+ DUAL PORT EV CHARGER)

 PARKING SPACE WITH LEVEL 2 EV CHARGING CAPACITY

 NUMBER OF PARKING SPACES IN A ROW  
(A "c" SUFFIX DENOTES 'COMPACT' SPACES)

## TREE PROTECTION FENCING DETAIL



TREE PROTECTION  
FENCING TO MEET  
LIMITS OF WORK  
FENCING.

Tree no.	DBH (in.)	Critical root zone area (sqft)	Encroachment area (sqft)	New encroachment (%)
7077	28	2,462	362	15 (REV. 11/26/2024)
7078	28	2,462	355	15 (REV. 11/26/2024)
7079	30	2,826	456	15 (REV. 11/26/2024)
7080	28	2,462	286	12
7081	34	3,630	668	18
7082	30	2,826	397	14
7083	33	3,419	531	16
7084	37	4,299	469	11
7085	31	3,018	398	13

**INTERIOR PARKING LANDSCAPE AREA PROVIDED: 1950 SF (>1933 SF REQ)**

A12  
1

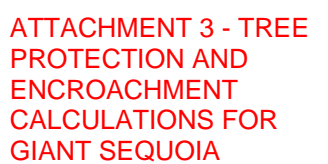
SCALE: 1" = 30'-0"

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# .A12

ORIGINAL SHEET SIZE : 22"x34







# GUSSIE BELLE COMMONS: PHASE II

891 23RD STREET NE  
SALEM, OREGON

## DRAWINGS FOR:

GREEN LIGHT HOME FIRST  
DEVELOPMENT PARTNERS  
CONTACT: TIM LAWLER  
503 . 528 . 6129

## LANDSCAPE ARCHITECT:

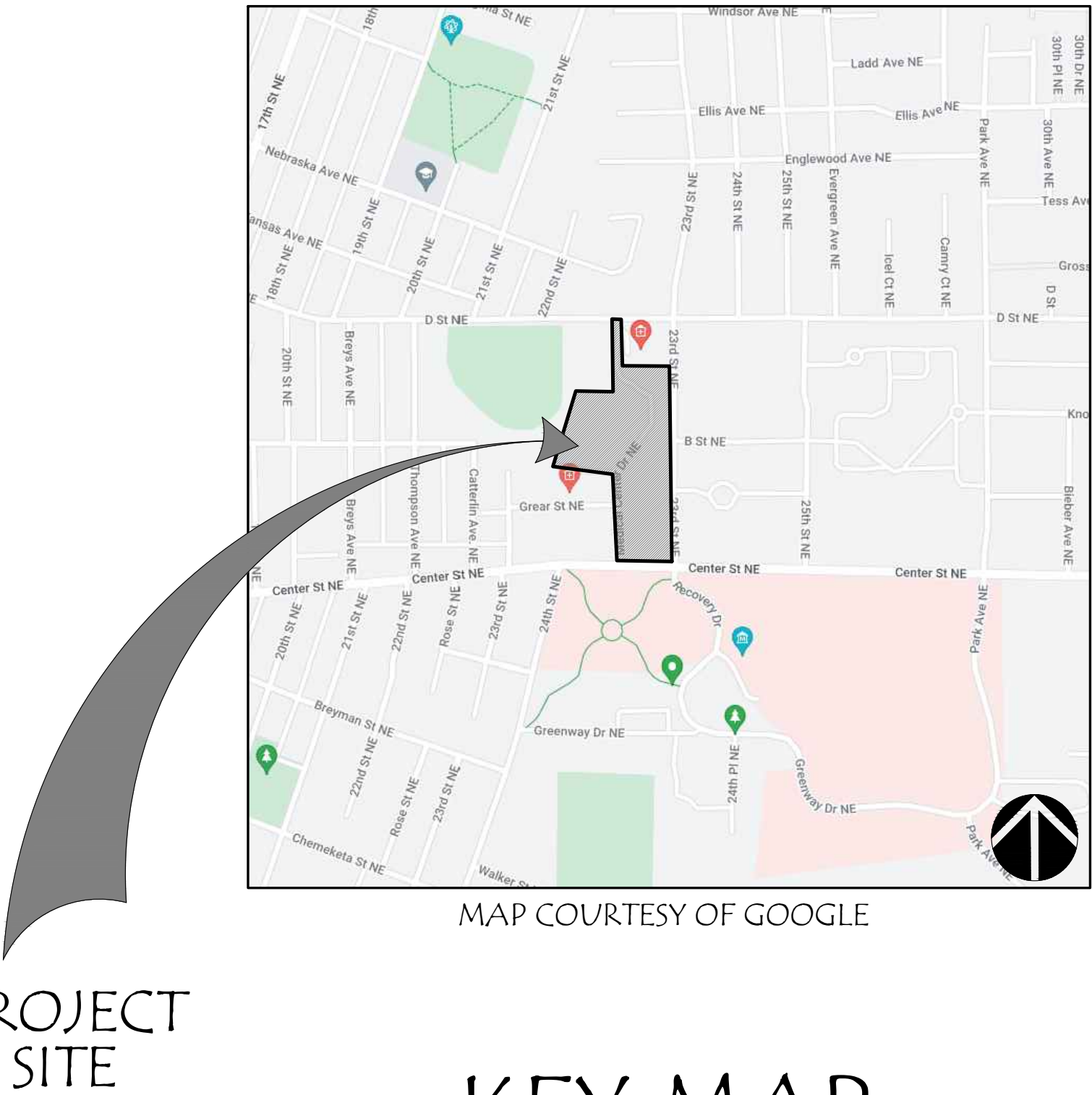
LAURUS DESIGNS, LLC  
LAURA ANTONSON, RLA, ASLA  
1012 PINE STREET  
SILVERTON, OREGON 97381  
503 . 784 . 6494  
LAURA@LAURUSDESIGNS.COM



## SHEET INDEX:

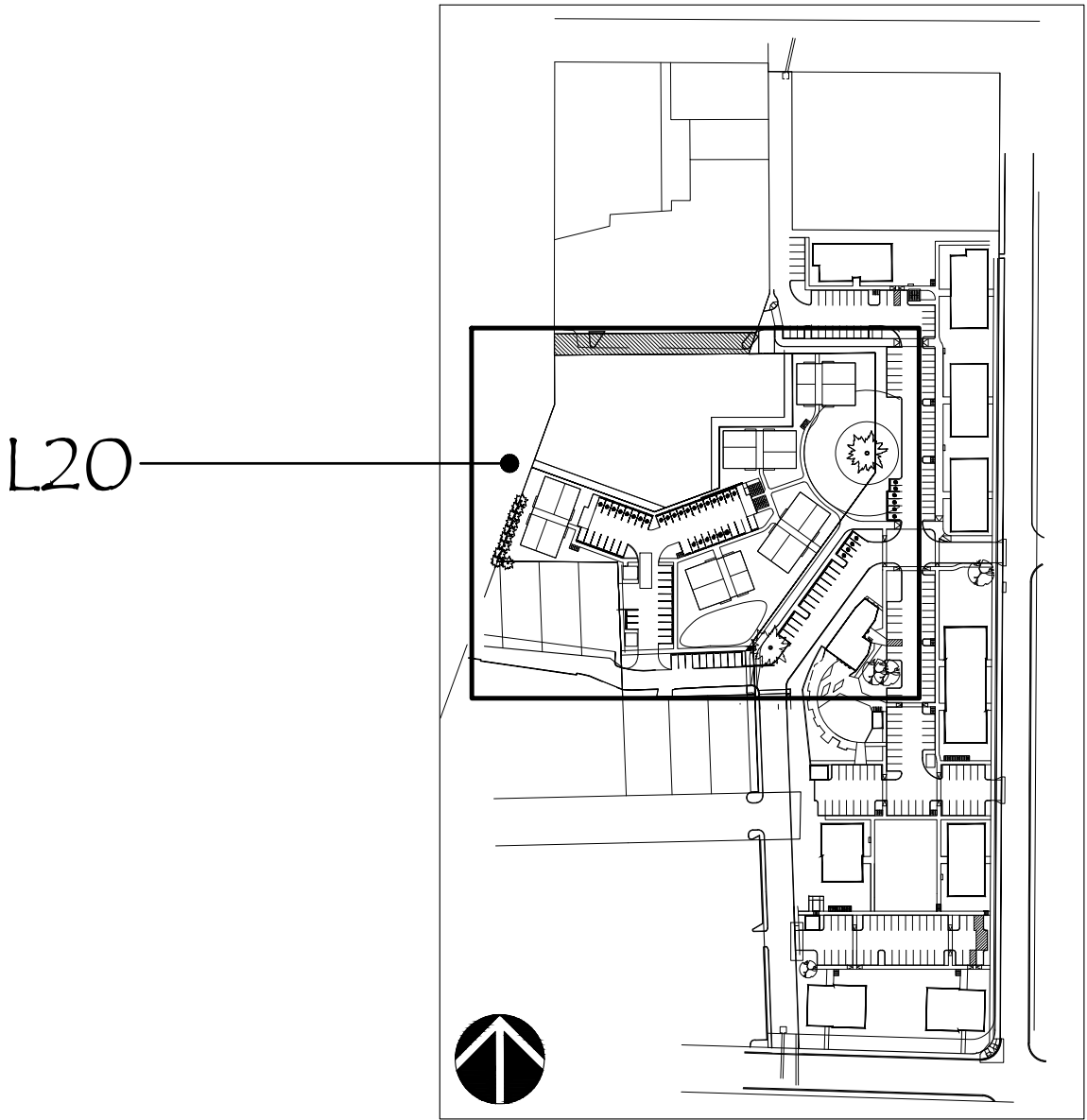
- L10 COVER SHEET
- L20 PRELIMINARY PLANTING PLAN
- L21 PRELIMINARY PLANT SCHEDULE
- L22 TREE CANOPY PLAN

## VICINITY MAP:



MAP COURTESY OF GOOGLE

## KEY MAP:

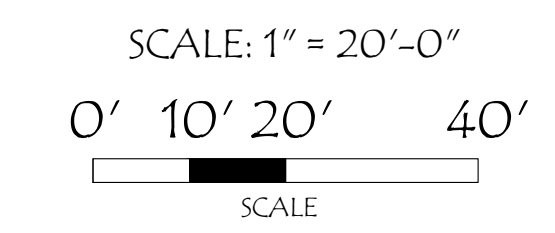




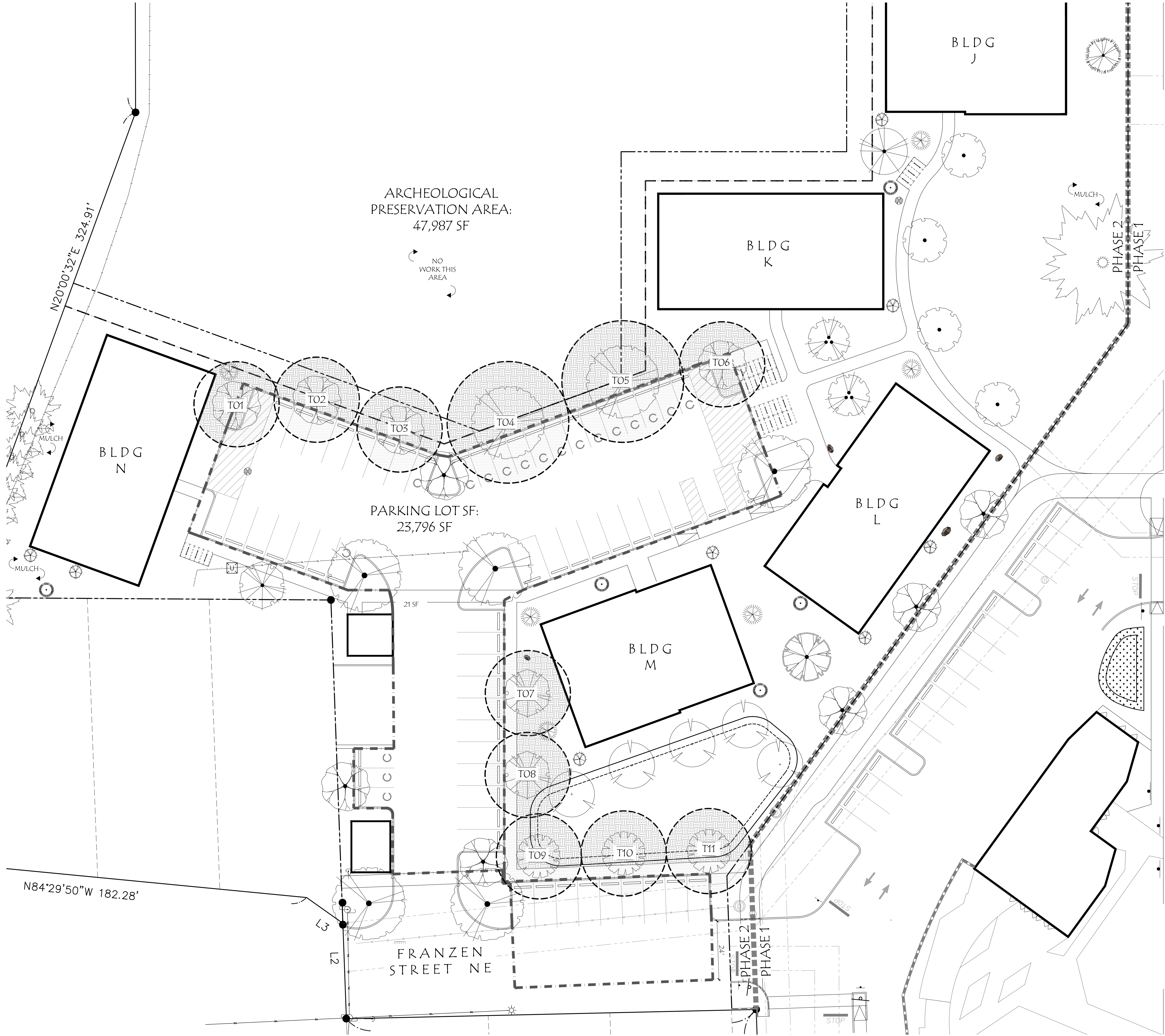


1. DRAWINGS ARE PRELIMINARY, NOT FOR CONSTRUCTION OR BIDDING.
2. SEE ARCHITECTURAL DRAWINGS FOR SITE PLAN, AREA CALCULATIONS AND COMMON AREAS.
3. SEE CIVIL DRAWINGS FOR GRADING PLAN AND STORMWATER INFORMATION.
4. PLANTS TO BE SIZED ACCORDING TO CITY OF SALEM REQUIREMENTS FOR GENERAL PLANTING PLAN AND STORMWATER FACILITIES.
5. STORMWATER FACILITY PLANTINGS TO FOLLOW CITY OF SALEM STORMWATER PLATING REQUIREMENTS. PLANTS TO BE SELECTED FROM APPROVED PLANT LIST.
6. PRELIMINARY PLANT SCHEDULE SEE SHEET L21.
7. LANDSCAPE REQUIREMENT TABLES SEE SHEET L21.
8. LANDSCAPE TO BE IRRIGATED BY AN UNDERGROUND AUTOMATIC SYSTEM DESIGNED BY THE LANDSCAPE ARCHITECT.

TREE CANOPY REQUIRED: 9,518 SF







**LEGEND:**

EXISTING TREES TO REMAIN, SEE ARBORIST'S REPORT FOR TREE PROTECTION PLAN

PARKING LOT LIMITS

TREE CANOPY

CANOPY COVERAGE

SOIL AVAILABILITY

TREE IDENTIFICATION NUMBER

- GENERAL NOTES:**
1. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. SEE CIVIL DRAWINGS. CALL BEFORE YOU DIG. NOTIFY LANDSCAPE ARCHITECT OF CONFLICTS.
  2. SEE PLANTING PLAN FOR TREE AND PLANT LAYOUT SHEET L20.
  3. TREE CANOPY SPECIES FOR SHADE COVERAGE SEE SCHEDULE THIS SHEET. GENERAL PLANT SCHEDULE SEE L21.
  4. PARKING LOT CANOPY COVERAGE TREE SPECIES SELECTED FROM SALEM TREE TABLE 806-7.

**TREE CANOPY REQUIREMENTS:**  
PARKING LOT SF: 23,796 SF  
40% PARKING LOT SF = 9,518 SF  
  
TREE CANOPY REQUIRED: 9,518 SF  
TREE CANOPY PROPOSED: 12,439 SF  
REQUIREMENT MET

TREES	BOTANICAL / COMMON NAME	CANOPY SIZE
	CLADRASTIS LUTEA / AMERICAN YELLOWWOOD	35' DIAMETER.
	NYSSA SYLVATICA "WILDFIRE" / BLACK GUM	35' DIAMETER.
	RHAMNUS PURSHIANA / CASCARA	35' DIAMETER.
	ZELKOVA SERRATA / SAWLEAF ZELKOVA	50' DIAMETER.

TREE CANOPY TABLE			
TREE NUMBER	TREE CANOPY SIZE	CANOPY COVERAGE SF	SOIL AVAILABILITY CF
T01	35' DIA.	881 SF	1,144 CF
T02	35' DIA.	946 SF	1,254 CF
T03	35' DIA.	962 SF	1,260 CF
T04	50' DIA.	1,963 SF	2,450 CF
T05	50' DIA.	1,959 SF	2,412 CF
T06	35' DIA.	958 SF	1,022 CF
T07	35' DIA.	922 SF	1,204 CF
T08	35' DIA.	962 SF	1,270 CF
T09	35' DIA.	962 SF	1,030 CF
T10	35' DIA.	962 SF	1,288 CF
T11	35' DIA.	962 SF	1,264 CF
TOTAL:		12,439 SF	

SCALE: 1" = 20'-0"

0' 10' 20' 40'

SCALE

CLIENT :  
HOME FIRST  
DEVELOPMENT/  
GREEN LIGHT  
DEVELOPMENT

ISSUE DATES:


JOB #: 1583R  
STATUS : LUR  
PRINTED : 10/4/2024



GUSSIE BELLE COMMONS: PHASE 2

CLIENT :  
GREEN LIGHT  
DEVELOPMENT/  
HOME FIRST  
DEVELOPMENT

.A24  
1 GROUND FLOOR - BUILDING TYPE 3  
SCALE: 1/8" = 1'-0"

3 BEDROOM UNIT:  
1.5 BATHROOMS  
AREA: 1134 SF

2 BEDROOM UNIT:  
1 BATHROOM  
AREA: 882 SF

2 BEDROOM UNIT:  
1 BATHROOM  
AREA: 882 SF

3 BEDROOM UNIT (@ RISER ROOM):  
1.5 BATHROOMS  
AREA: 1118 SF

.A24  
2 GROUND FLOOR - BLDG TYPE 1  
SCALE: 1/8" = 1'-0"

3 BEDROOM UNIT (@ RISER ROOM):  
1.5 BATHROOMS  
AREA: 1118 SF

3 BEDROOM UNIT:  
1.5 BATHROOMS  
AREA: 1134 SF

1 BEDROOM UNIT:  
1 BATHROOM  
AREA: 600 SF

1 BEDROOM ADA UNIT:  
1 ADA BATHROOM  
AREA: 600 SF

BUILDING TYPE 1

QUANTITY OF TYPE 1 BUILDINGS : 2			
# OF 1 BED, 1 BATH UNITS PER BLDG :	6	( 602 SF / UNIT 1ST FL; 628 SF / UNIT 2ND & 3RD FL)	
# OF 3 BED, 1.5 BATH UNITS PER BLDG :	5	(1,134 SF / UNIT 1ST FL; 1,163 SF / UNIT 2ND & 3RD FL)	
# OF 3 BED, 1.5 BATH UNITS @ RISER RM :	1	(1,118 SF @ 1ST FLOOR FIRE SPRINKLER RISER ROOM)	
FIRST FLOOR	TOTAL UNIT AREA (PER FLOOR) (3,472 SF)	EXT. COVERED BREEZEWAY (PER FLOOR) (335 SF)	TOTAL AREA (PER FLOOR) (3,807 SF)
SECOND FLOOR	(3,582 SF)	(335 SF)	(3,917 SF)
THIRD FLOOR	(3,582 SF)	(335 SF)	(3,917 SF)
TOTALS	10,636 SF	1,005 SF	11,641 SF

BUILDING TYPE 3

QUANTITY OF TYPE 3 BUILDINGS : 3			
# OF 2 BED, 1 BATH UNITS PER BLDG :	6	( 882 SF / UNIT 1ST FL; 911 SF / UNIT 2ND & 3RD FL)	
# OF 3 BED, 1.5 BATH UNITS PER BLDG :	5	(1,134 SF / UNIT 1ST FL; 1,163 SF / UNIT 2ND & 3RD FL)	
# OF 3 BED, 1.5 BATH UNITS @ RISER RM :	1	(1,118 SF @ 1ST FLOOR FIRE SPRINKLER RISER ROOM)	
FIRST FLOOR	TOTAL UNIT AREA (PER FLOOR) (4,032 SF)	EXT. COVERED BREEZEWAY (PER FLOOR) (309 SF)	TOTAL AREA (PER FLOOR) (4,341 SF)
SECOND FLOOR	(4,148 SF)	(309 SF)	(4,457 SF)
THIRD FLOOR	(4,148 SF)	(309 SF)	(4,457 SF)
TOTALS	12,328 SF	927 SF	13,255 SF

BUILDING AREA CALCS - PHASE 2

SCALE: 1/2" = 1'-0"

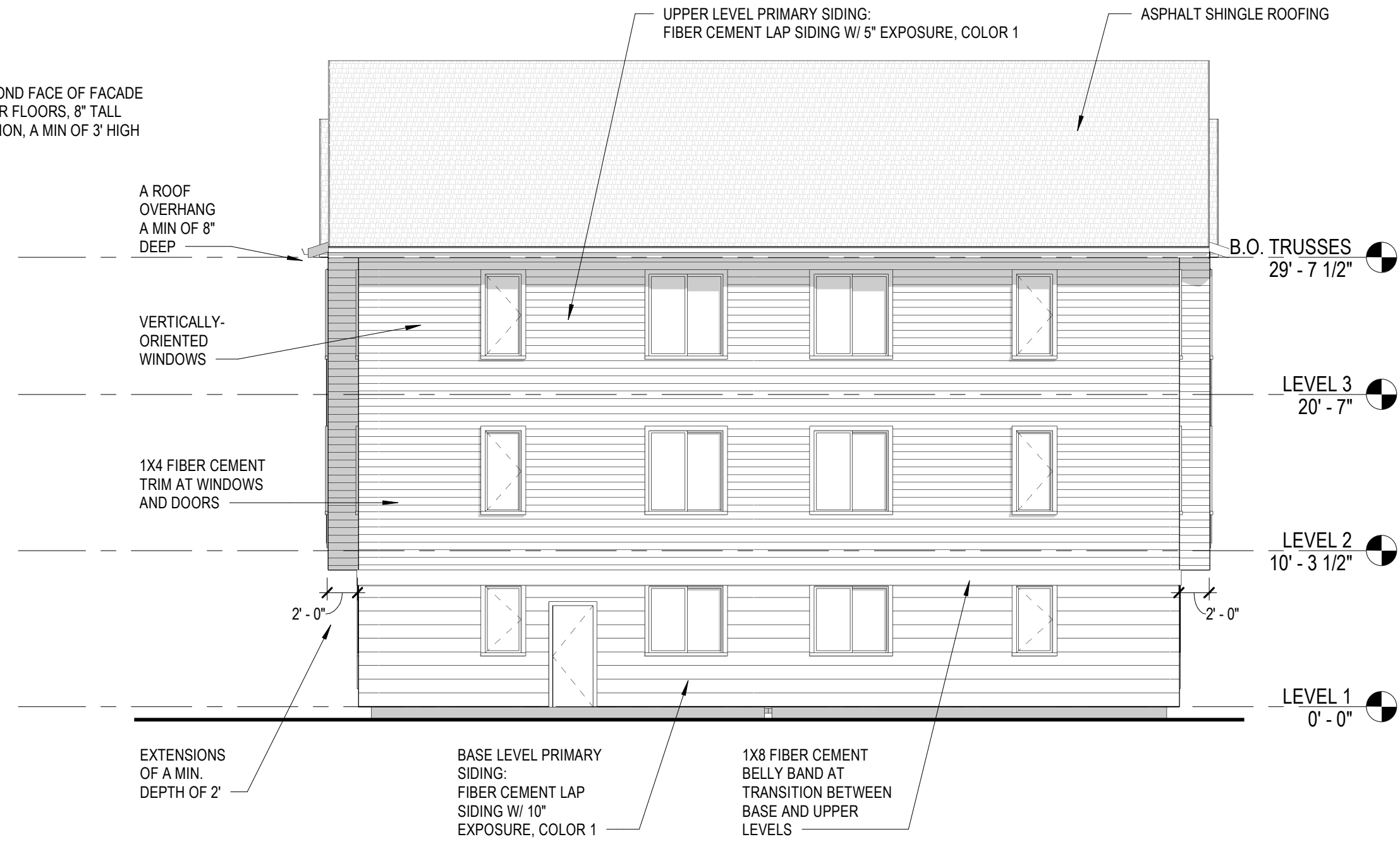
ACCESSORY STRUCTURES

BIKE PARKING STRUCTURES: BIKE PARKING 3: 518 SF	518 SF TOTAL
TRASH ENCLOSURES: TRASH ENCL. 4: 315 SF	315 SF TOTAL
MAINTENANCE BUILDINGS: MAINT. BLDG. 2: 330 SF	330 SF TOTAL

- BUILDING FACADE ARTICULATION**  
(2) BLDGS SHALL INCORPORATE VERTICAL AND HORIZONTAL ARTICULATION AND SHALL DIVIDE VERTICAL MASS INTO A BASE, MIDDLE, AND TOP.
- A) BASE: GROUND FLOOR FACADES:
1. CHANGE IN MATERIALS
  2. CHANGE IN COLOR
  3. MOLDING OR OTHER HORIZONTALLY-ARTICULATED TRANSITION PIECE
- B) MIDDLE: INCORPORATED AT A MIN OF EVERY 50' AT LEAST ONE OF THE FOLLOWING
1. RECESSES OF A MIN DEPTH OF 2'
  2. EXTENSIONS OF A MIN DEPTH OF 2'
  3. VERTICALLY-ORIENTED WINDOWS
  4. PILASTERS
- C) TOP
1. CORNICE A MIN OF 8" TALL AND 3" BEYOND FACE OF FACADE
  2. CHANGE IN MATERIAL FROM THE UPPER FLOORS, 8" TALL
  3. OFFSETS OR BREAKS IN ROOF ELEVATION, A MIN OF 3' HIGH
  4. A ROOF OVERHANG A MIN OF 8" DEEP

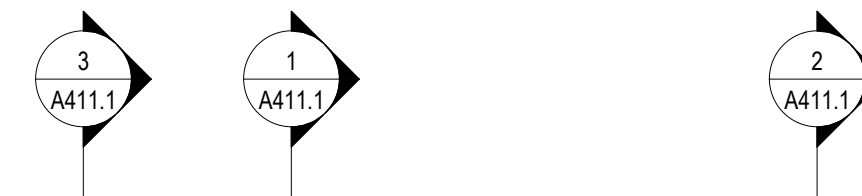


A31  
1 FRONT ELEVATION - TYPE 1  
SCALE: 1/8" = 1'-0"



A31  
2 SIDE ELEVATION - TYPE 1  
SCALE: 1/8" = 1'-0"

- WEATHER PROTECTION** (APPLIES TO GROUND FLOORS ADJACENT TO STREET)
- MIN 75%
- 1) AWNINGS OR CANOPIES
  - 2) MIN CLEARANCE OF 8' ABOVE GROUND SURFACE. MAY ENCROACH INTO PUBLIC ROW.

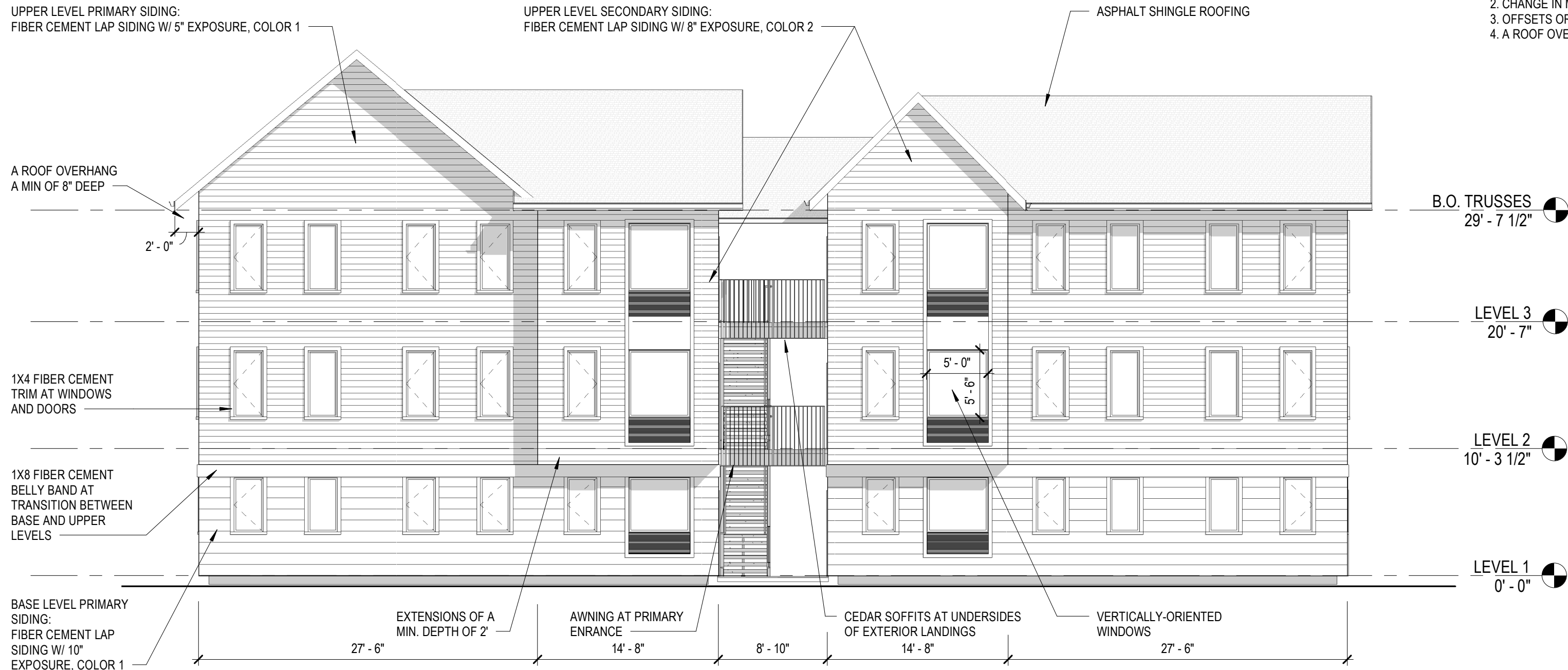


A31  
3 REAR ELEVATION - TYPE 1  
SCALE: 1/8" = 1'-0"

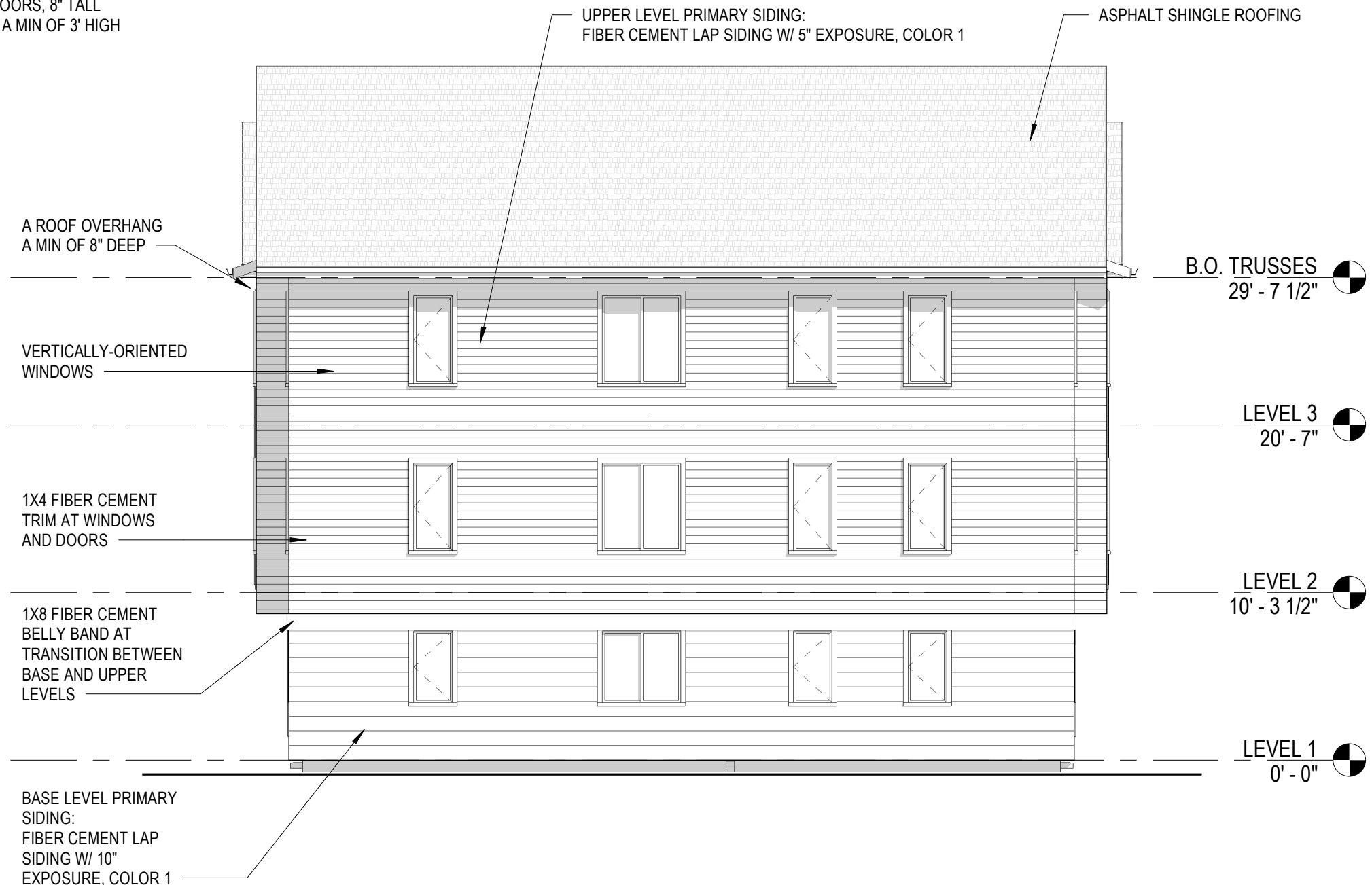


A31  
4 SIDE ELEVATION - TYPE 1  
SCALE: 1/8" = 1'-0"

- BUILDING FACADE ARTICULATION**  
(2) BLDGS SHALL INCORPORATE VERTICAL AND HORIZONTAL ARTICULATION AND SHALL DIVIDE VERTICAL MASS INTO A BASE, MIDDLE, AND TOP.
- A) BASE: GROUND FLOOR FACADES:
1. CHANGE IN MATERIALS
  2. CHANGE IN COLOR
  3. MOLDING OR OTHER HORIZONTALLY-ARTICULATED TRANSITION PIECE
- B) MIDDLE: INCORPORATED AT A MIN OF EVERY 50' AT LEAST ONE OF THE FOLLOWING
1. RECESSES OF A MIN DEPTH OF 2'
  2. EXTENSIONS OF A MIN DEPTH OF 2'
  3. VERTICALLY-ORIENTED WINDOWS
  4. PILASTERS
- C) TOP
1. CORNICE A MIN OF 8" TALL AND 3" BEYOND FACE OF FACADE
  2. CHANGE IN MATERIAL FROM THE UPPER FLOORS, 8" TALL
  3. OFFSETS OR BREAKS IN ROOF ELEVATION, A MIN OF 3" HIGH
  4. A ROOF OVERHANG A MIN OF 8" DEEP



**1** FRONT ELEVATION - TYPE 3  
SCALE: 1/8" = 1'-0"



**2** SIDE ELEVATION - TYPE 3  
SCALE: 1/8" = 1'-0"

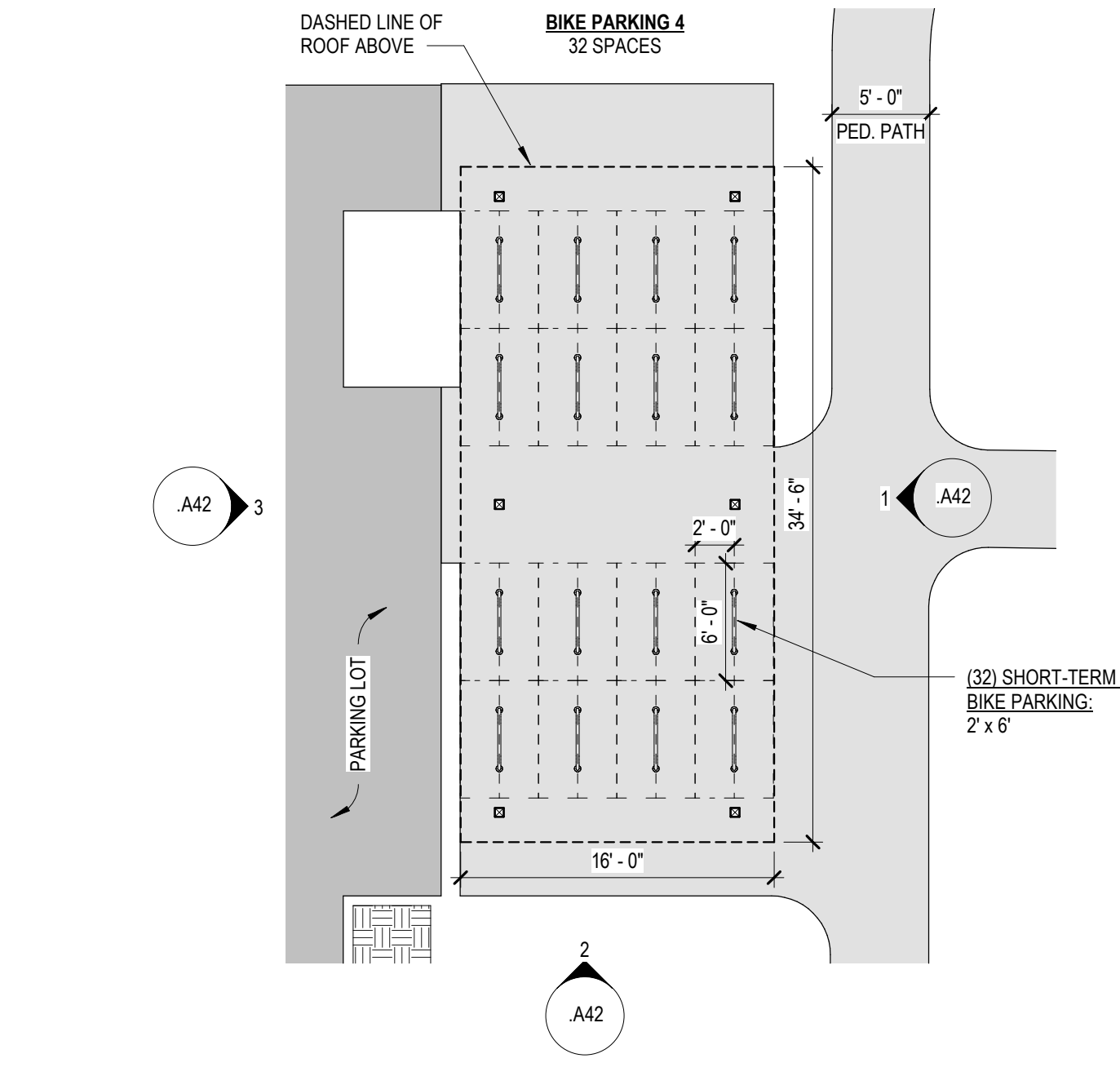
- WEATHER PROTECTION** (APPLIES TO GROUND FLOORS ADJACENT TO STREET)
- MIN 75%
- 1) AWNINGS OR CANOPIES
  - 2) MIN CLEARANCE OF 8' ABOVE GROUND SURFACE. MAY ENCROACH INTO PUBLIC ROW.



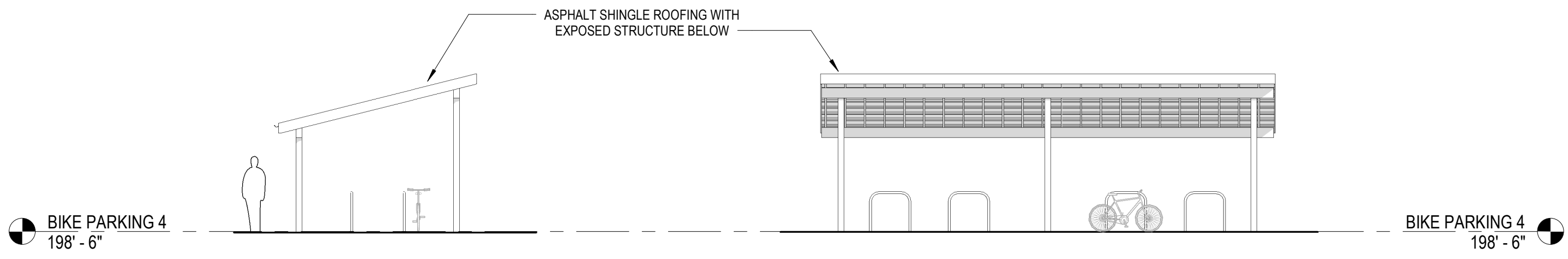
**3** REAR ELEVATION - TYPE 3  
SCALE: 1/8" = 1'-0"



**4** SIDE ELEVATION - TYPE 3  
SCALE: 1/8" = 1'-0"

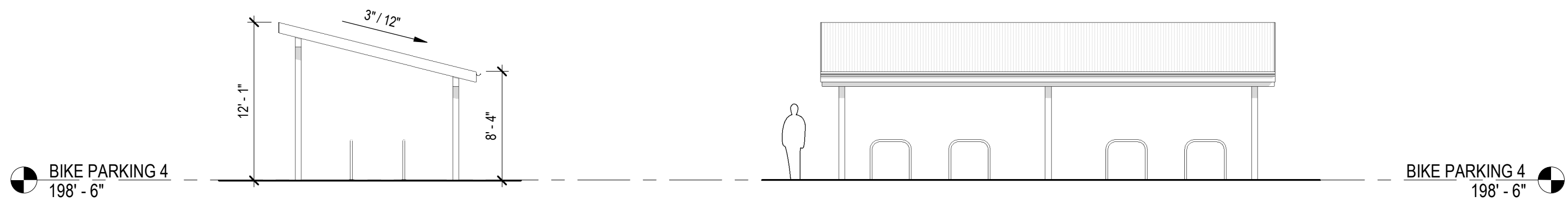


**5 BIKE PARKING 4 - PLAN**  
SCALE: 1/8" = 1'-0"



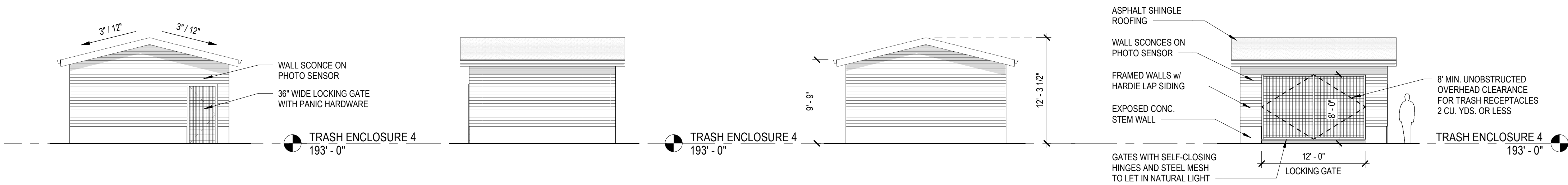
**2 BIKE PARKING 4 - SOUTH**  
SCALE: 1/8" = 1'-0"

**1 BIKE PARKING 4 - EAST**  
SCALE: 1/8" = 1'-0"



**4 BIKE PARKING 4 - NORTH**  
SCALE: 1/8" = 1'-0"

**3 BIKE PARKING 4 - WEST**  
SCALE: 1/8" = 1'-0"

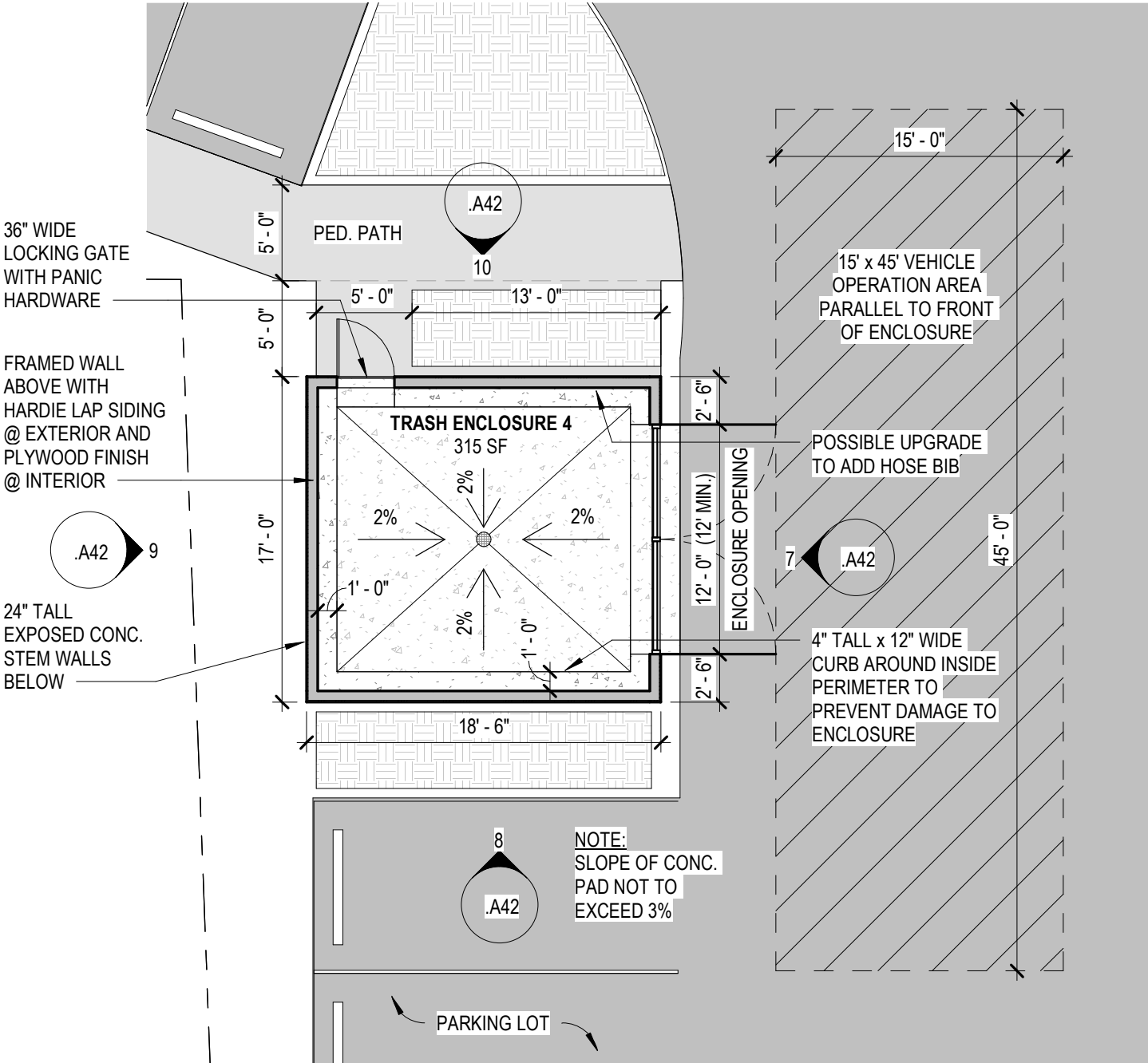


**10 TRASH ENCLOSURE 4 - NORTH**  
SCALE: 1/8" = 1'-0"

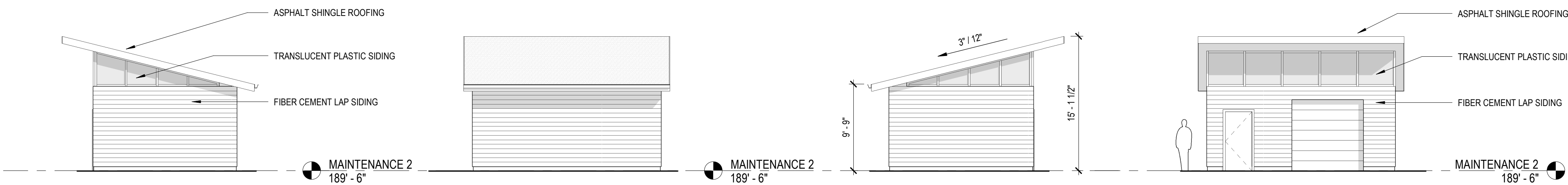
**9 TRASH ENCLOSURE 4 - WEST**  
SCALE: 1/8" = 1'-0"

**8 TRASH ENCLOSURE 4 - SOUTH**  
SCALE: 1/8" = 1'-0"

**7 TRASH ENCLOSURE 4 - EAST**  
SCALE: 1/8" = 1'-0"



**6 TRASH ENCLOSURE 4 - PLAN**  
SCALE: 1/8" = 1'-0"

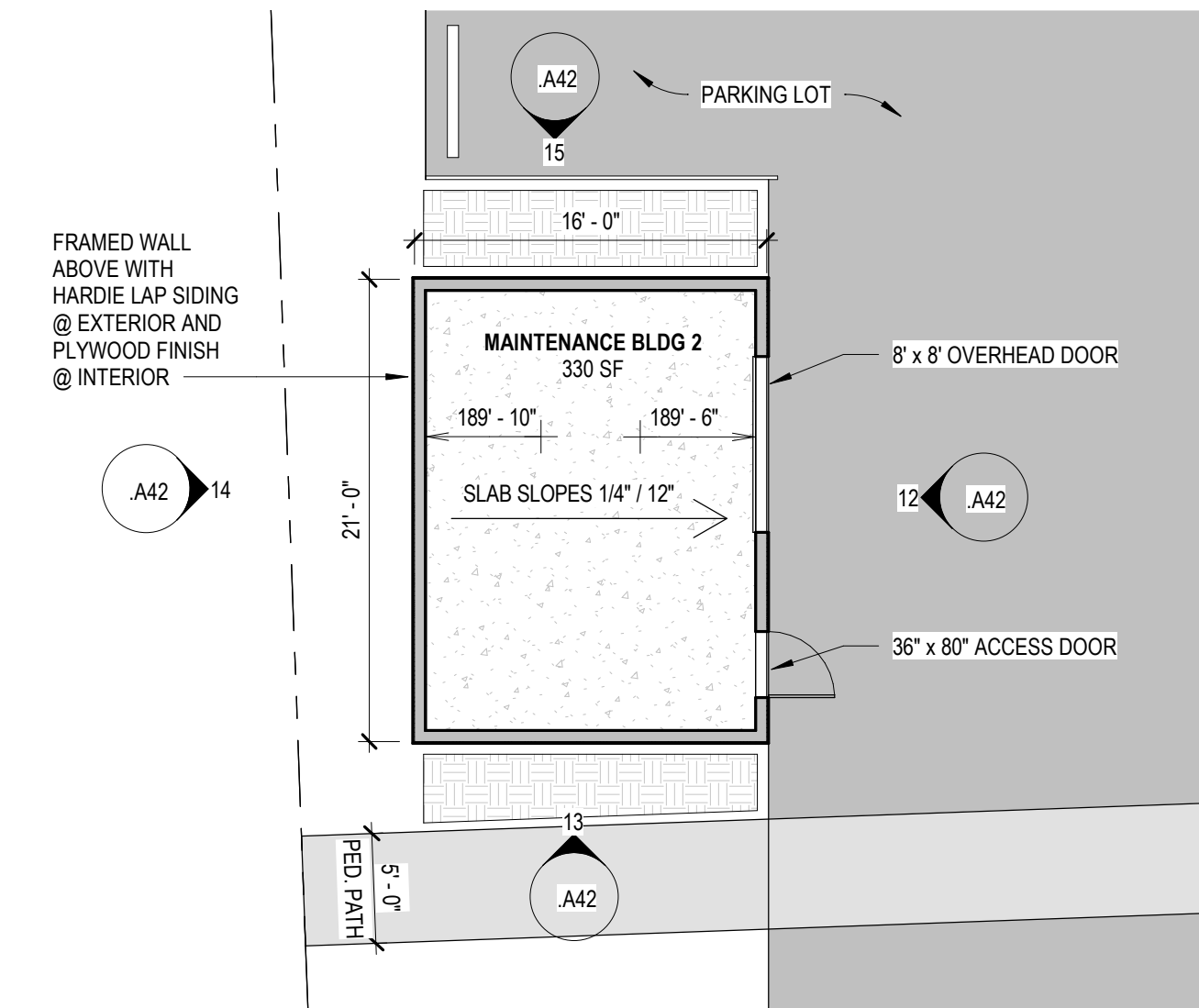


**15 MAINTENANCE 2 - NORTH**  
SCALE: 1/8" = 1'-0"

**14 MAINTENANCE 2 - WEST**  
SCALE: 1/8" = 1'-0"

**13 MAINTENANCE 2 - SOUTH**  
SCALE: 1/8" = 1'-0"

**12 MAINTENANCE 2 - EAST**  
SCALE: 1/8" = 1'-0"



**11 MAINTENANCE 2 - PLAN**  
SCALE: 1/8" = 1'-0"



# MEMO

**TO:** Jamie Donaldson, Planner III  
Community Planning and Development Department

**FROM:** Aaron Panko, Infrastructure Planner III  
Community Planning and Development Department

**DATE:** February 4, 2025

**SUBJECT:** Infrastructure Memo  
**PAR-SPR 24-13 (24-113032-PLN)**  
**739 23<sup>rd</sup> Street NE**  
**Gussie Belle Commons Phase II**

## **PROPOSAL**

A consolidated Tentative Partition Plan to divide the resulting Parcel 2 from the Phase I development of Gussie Belle Commons (Case No. PAR-SPR-ADJ-DAP-TRV-PLA24-08) into two lots, approximately one acre and two acres in size; in conjunction with a Class 3 Site Plan Review for the development of 60 apartment units as Phase II of the Gussie Belle multi-family development. The subject property is currently 10.1 acres in size, zoned MU-I (Mixed Use-I), and located at 739 23rd Street NE (Marion County Assessors map and tax lot numbers: 073W24CC / 4000).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
2. Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
3. Construct a sidewalk along Franzen Street NE as shown on the applicant's preliminary site plan from the shared use pathway on Medical Center Drive NE to the western boundary of the subject property abutting Taxlot 073W24CC04100 and dedicate a public access easement along Franzen Street NE including the sidewalk.
4. Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).



5. Prior to final plat, all necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.
6. Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements).

### **EXISTING CONDITIONS – INFRASTRUCTURE**

The subject property abuts Franzen Street NE which is a private local street. The existing conditions of streets adjacent to the subject property, including those abutting Gussie Belle Commons Phase I, are described in the following table:

<b>Streets</b>			
<b>Street Name</b>		<b>Right-of-way Width</b>	<b>Improvement Width</b>
<b>Center Street NE</b> (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	78-feet	46-feet
<b>23<sup>rd</sup> Street NE</b> (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	64-feet	36-feet
<b>D Street NE</b> (Minor Arterial)	Standard:	72-feet	46-feet
	Existing Condition:	66-feet	36-feet
<b>Grear Street NE</b> (Local)	Standard:	60-feet	30-feet
	Existing Condition:	60-feet	34-feet
<b>Medical Center Drive NE</b> (Local, Private)	Standard:	60-feet	30-feet
	Existing Condition:	N/A - Private	20-to-34-feet
<b>Franzen Street SE</b> (Local, Private)	Standard:	60-feet	30-feet
	Existing Condition:	N/A – Private	24-feet

Improvements to streets abutting Gussie Belle Commons Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) are being permitted under 24-116590-BP, 24-116824-CO, and 24-116827-PC.

The existing conditions of public infrastructure available to serve the subject property are described in the following table:

<b>Utilities &amp; Parks</b>	
<b>Type</b>	<b>Existing Conditions</b>
<b>Water</b>	Water Service Level: G-0
	A 24-inch water main is located in Center Street NE.
	A 24-inch water main is located in 23 <sup>rd</sup> Street NE



	A 24-inch water main is located in D Street NE.
	A 6-inch water main is located in Gear Street NE.
	A 24-inch public water main is located on private property in an easement.
<b>Sanitary Sewer</b>	An 8-inch sanitary sewer main is located in Center Street NE.
	An 8-inch sanitary sewer main is located in 23 <sup>rd</sup> Street NE.
	An 8-inch sanitary sewer main is located in D Street NE.
	An 8-inch sanitary sewer main is located in Gear Street NE.
<b>Storm Drainage</b>	An 18-inch public storm main is located at the southern and eastern ends of the subject property in an easement.
<b>Parks</b>	The proposed development is served by D Street Park located to the east of the subject property across 23 <sup>rd</sup> Street NE.

### **SITE PLAN REVIEW DECISION CRITERIA**

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

#### **SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)**

**Finding—** As proposed and conditioned in the findings within the memo, the development meets all the applicable standards in the UDC as follows:

#### ***SRC Chapter 200 - Urban Growth Management:***

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

**Finding:** The subject property is located outside of the Urban Service Area. However, the proposed development does not precede construction of required facilities, and therefore, no Urban Growth Area Preliminary Declaration is required.

#### ***SRC Chapter 200.050(d) - Acquisition of property, easements, and right-of-way:***

SRC 200.050(d) requires that all easements dedicated to the City be free of encumbrances and liens.

**Finding:** As described in the analysis of SRC Chapter 802 below, easements are

required for existing public utilities on the subject property. As a condition of approval, the applicant shall ensure required easements are unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

**Condition:** Required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

### ***SRC Chapter 71 – Stormwater:***

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

**Finding:** The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 4E and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At time of building permit, the applicant shall be required to submit a final Stormwater Management Report that describes the proposed stormwater system and demonstrates how the proposed system complies with SRC Chapter 71 and PWDS Appendix 4E relating to green stormwater infrastructure. As a condition of approval, the applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

### ***SRC 802 – Public Improvements:***

#### ***▪ Development to be served by City utilities:***

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

**Finding:** Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of Proposed Parcel 1 and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

The proposed development conforms to the public improvement standards of SRC Chapter 802.

▪ **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

**Finding:** There is an existing 18-inch public storm drain main that crosses over the southern portion of the subject property. Included in the tentative partition plan findings below, the applicant is required to dedicate an easement for the existing public storm drain main on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

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

▪ ***Boundary Street Improvements and Street Standards***

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

**Finding:** The subject property abuts Franzen Street NE a private local street which provides access to the proposed development.

Pursuant to SRC 803.020, private streets shall conform to this chapter and the Public Works Design Standards, unless otherwise required by state law.

Frazen Street NE is an existing private local street which provides access to the proposed Phase II development site from Medical Center Drive NE. Medical Center Drive NE was reviewed with the Phase I development of Gussie Belle Commons (PAR-SPR-ADJ-DAP-TRV-PLA24-08), where it was indicated that it would not be feasible to construct a public or private street through the subject property due to multiple site constraints, including easements for public infrastructure and significant trees. As such, an Alternative Street Standard was approved for block spacing and connectivity, pursuant to SRC 803.065, provided that a 10-foot-wide shared use path was constructed with a dedicated public easement in lieu of constructing a street through the property. Franzen Street NE currently functions as an accessway and drive aisle providing access to abutting properties and off-street parking areas, terminating in an area where providing further street connectivity to surrounding areas is impractical. A public access easement is required for Franzen Street NE to ensure access to abutting property. Currently, there is not a sidewalk along Franzen Street NE, the proposed site plan for Phase II includes a new proposed sidewalk extending from the shared use path

along Medical Center Street NE in Phase I to the western property boundary. Because of these factors, an Alternative Street Standard for block spacing, connectivity, and pavement widths is approved for Franzen Street NE, pursuant to SRC 803.065(a)(1). The applicant shall dedicate a public access easement on the sidewalk.

**Condition:** Construct a sidewalk along Franzen Street NE as shown on the applicant's preliminary site plan from the shared use pathway on Medical Center Drive NE to the western boundary of the subject property abutting Taxlot 073W24CC04100 and dedicate a public access easement along Franzen Street NE including the sidewalk.

### ***SRC Chapter 804 – Driveway Approaches:***

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

**Finding:** The proposed site plan for Gussie Belle Commons Phase II shows a new off-street parking area served by a driveway approach to Franzen Street NE, a private local street. A Driveway Approach Permit pursuant to SRC Chapter 804 is not required for a driveway providing access from a private street; therefore, this chapter is not applicable to the proposed development.

### ***SRC Chapter 805 – Vision Clearance:***

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

**Finding:** The applicant's preliminary site plan shows vision clearance areas at all street intersections and driveway approaches. The proposal does not cause a vision clearance obstruction per SRC Chapter 805 and meets the vision clearance standards established in SRC Chapter 805.

### ***Natural Resources:***

***SRC Chapter 601 – Floodplain:*** Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

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

***SRC Chapter 809 – Wetlands:*** Grading and construction activities within wetlands are

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

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

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

**Finding:** According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a multi-family development adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers and dated March 2, 2023, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations within the report.

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

**Finding—** Access to the proposed development will be provided by the network of existing public and private streets that surround the property. Required transportation improvements conditioned for Gussie Belle Commons Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) will ensure that the street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

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

**Finding—** The proposed site plan for Gussie Belle Commons Phase II includes development of a new off-street parking area served by a driveway approach to Franzen Street NE, a private local street. The proposed driveway access provides for safe turning movements into and out of the property.

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

**Finding—** The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed development, subject to the conditions of approval. This approval criterion is met.

### **PARTITION DECISION CRITERIA**

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

***SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:***

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

#### ***SRC Chapter 205 – Land Division and Reconfiguration***

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

**Finding:** The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

***(B) City infrastructure standards***

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

### ***SRC Chapter 71 – Stormwater***

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

**Finding:** To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design at time of development on each parcel. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the partition. As described in the "Site Plan Review Decision Criteria" section of this memorandum, the applicant has provided a preliminary stormwater system for proposed Parcel 1.

Proposed Parcel 2 will be dedicated to the City of Salem and will be left primarily undeveloped in its current state. A tentative stormwater design is not required for Proposed Parcel 2 at this time.

### ***SRC Chapter 802 – Public Improvements***

#### ***▪ Development to be served by City utilities:***

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

**Finding:** As described in the "Site Plan Review Decision Criteria" section of this memorandum, proposed Parcel 1 (Gussie Belle Commons Phase II) will be adequately served by City utilities. Proposed Parcel 1 does not have frontage on a public street. The land use decision for Gussie Belle Commons Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) included conditions of approval requiring the design and construction of public water, sanitary sewer, and stormwater infrastructure adequate to serve proposed Parcel 1 at the time of development.

Proposed Parcel 2 will be dedicated to the City of Salem and will be left primarily undeveloped in its current state; however, the tentative partition plan approval criteria require the City to ensure that any parcel created can be adequately served by city infrastructure. Proposed Parcel 2 does not have frontage on a public street; to ensure

proposed Parcel 2 can be served by public utilities, the applicant shall provide a preliminary utility plan for proposed Parcel 2 prior to final plat and any utility easements needed to serve proposed Parcel 2 shall be shown on the final plat. Services for proposed Parcel 2 shall be constructed at time of development to ensure appropriate sizing. In order to ensure the parcels are served by public utilities, the following conditions apply:

**Condition:** Prior to final plat, provide a preliminary utility plan for proposed Parcel 2 that demonstrates how individual services will be provided to the parcel at time of development.

▪ **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

**Finding:** As described above, proposed Parcel 2 does not have frontage on a public street. As such, access and utility easements are required to independently serve proposed Parcel 2. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**Condition:** Prior to final plat, all necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.

There is an existing 18-inch public storm drain main that crosses along the southern boundary of the subject property. As a condition of plat approval, the applicant shall dedicate an easement for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

**Condition:** Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements).

As conditioned, the proposal meets the requirements of SRC Chapter 802.

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

▪ ***Boundary Street Improvements***

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



in SRC 803.025 as a condition of approval for partition applications.

**Finding:** For the proposed development, proposed Parcel 1 does not have frontage on a public street which would require right-of-way dedications or boundary street improvements, and proposed Parcel 2 will be dedicated to the City of Salem as a conservation parcel for the long-term preservation and management of the land in its natural state. As described in the “Site Plan Review Decision Criteria” section of this memorandum, boundary street improvements and right-of-way dedications have previously been required as a condition of approval for Phase I of Gussie Belle Commons (PAR-SPR-ADJ-DAP-TRV-PLA24-08) but are not required for proposed Phase II.

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

**Finding:** As described in the “Site Plan Review Decision Criteria” section of this memorandum, the proposal complies with all special development standards, including floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

***SRC 205.005(d)(3): Development within the tentative partition plan can be adequately served by City infrastructure.***

**Finding:** The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve proposed Parcel 1 within the proposed partition, subject to the conditions of approval established in this decision. Proposed Parcel 2 will be managed long-term by the City of Salem as a conservation parcel, meeting the requirements of SRC 205.045. Because Parcel 2 will remain undeveloped, City infrastructure is not required to serve this parcel. This approval criterion is met.

***SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.***

**Finding:** As described in the Site Plan Review findings above, the subject property abuts Franzen Street NE, a private local street. Phase I of Gussie Belle Commons abuts to Center Street NE (major arterial); D Street NE (minor arterial); and 23<sup>rd</sup> Street NE (collector). The conditions of approval established with PAR-SPR-ADJ-DAP-TRV-PLA24-08 require improvements to the surrounding transportation system. No additional improvements to the transportation system are warranted with proposed Phase II. This criterion is met.

***SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of***

***traffic into, through, and out of the partition.***

**Finding:** Access to the proposed partition will be provided by the network of existing public and private streets that surround the property. Required improvements with Phase I (PAR-SPR-ADJ-DAP-TRV-PLA24-08) will ensure that the street system in and adjacent to the proposed development will provide for the safe, orderly, and efficient circulation of traffic to and from the subject property. This criterion is met.

***SRC 205.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:***

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

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

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

**Finding:** The site is served by available public water and sewer; therefore, this criterion is not applicable.

***SRC 205.040: For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.***

**Finding:** The subject property is located in a mixed-use zone; therefore, this criterion is not applicable.

Prepared by: Aaron Panko, Infrastructure Planner III  
cc: File



Business & Support Services  
 2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309  
 503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

December 9, 2024

Jamie Donaldson, Planner  
 Planning Division, City of Salem  
 555 Liberty Street SE, Room 305  
 Salem OR 97301

RE: Land Use Activity Case No. PAR-SPR24-13, 739 23<sup>rd</sup> St NE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

<b>School Name</b>	<b>School Type</b>	<b>Grades Served</b>
Englewood	Elementary	K thru 5
Parrish	Middle	6 thru 8
North Salem	High	9 thru 12

*Table 1*

### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Englewood	Elementary	281	433	65%
Parrish	Middle	673	829	81%
North Salem	High	2,045	2,248	91%

Table 2

### POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	60	MF	0.164	10
Middle			0.085	5
High			0.096	6

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Englewood	Elem.	281	21	10	31	433	72%
Parrish	Mid.	673	58	5	63	829	89%
North Salem	High	2,045	151	6	157	2,248	98%

Table 4

### ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Englewood	Elementary	Walk Zone
Parrish	Middle	Walk Zone
North Salem	High	Walk Zone

Table 5

## ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	10	\$87,035	\$870,350
Middle	5	\$106,854	\$534,270
High	6	\$126,672	\$760,032
TOTAL			\$2,164,652

Table 6

\*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q2 2024”

Sincerely,

David Fridenmaker  
Business and Support Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation