

NOTICE OF DECISION

PLANNING DIVISION
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Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 SITE PLAN REVIEW

APPLICATION NO.: 25-105579-PLN

NOTICE OF DECISION DATE: April 9, 2025

REQUEST: A Class 2 Site Plan Review for replacing decks for an existing multiple-family development. The subject property is 5.72 acres in size, zoned RM-II (Multiple Family Residential II) located at 401-499 Senate Street NW (Polk County Assessors Map and Tax Lot number: 073W28BA / 5004).

APPLICANT: TNT Builders of behalf of the owner Coleman Family Investments, LLC

LOCATION: 201-499 Senate Street NW

FINDINGS: The findings are in the attached Decision dated April 9, 2025.

DECISION: The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by April 9, 2029, or this approval shall be null and void.

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

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days** after **APRIL 3, 2025**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 25 105579.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 2 SITE PLAN REVIEW)
25-105579-PLN)
447 SENATE STREET SE) APRIL 9, 2025

In the matter of the application for a Class 2 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A Class 2 Site Plan Review for replacing decks for an existing multiple-family development. The subject property is 5.72 acres in size, zoned RM-II (Multiple Family Residential II) located at 201-499 Senate Street NW (Polk County Assessors Map and Tax Lot number: 073W28BA / 5004).

PROCEDURAL FINDINGS

1. On March 10, 2025, an application for a Class 2 Site Plan Review was submitted for property located at 201-499 Senate Street NW.
2. The application was deemed complete on March 27, 2025.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 2 Site Plan Review affects property located at the 201-499 Senate Street NW (**Attachment A**). The Class 2 Site Plan Review proposes a like for like deck replacement for an existing multi-family complex. The proposed development plans are included as **Attachment B**.

2. City Department Comments

Development Services Division – Reviewed the proposal and indicated no concerns.

Building and Safety Division – Reviewed the proposal and mentioned building permits with engineering will be required.

Salem Fire Department – Reviewed the proposal and indicated no concerns.

DECISION CRITERIA FINDINGS

3. Analysis of Class 2 Site Plan Review Approval Criteria

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

Pursuant to SRC 220.005(b)(2), Class 2 Site Plan Review is required for any development that requires a building permit, other than development subject to Class 1 Site Plan Review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

SRC 220.005(f)(2) provides that an application for Class 2 Site Plan Review shall be granted if:

(a) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

Finding: Only clear and objective standards apply to the proposed development. Complete findings addressing the proposal's conformance with these standards are included within the findings addressing approval criterion SRC 220.005(f)(2)(B) below. This approval criterion is met.

(b) The application meets all the applicable standards of the UDC.

Finding: The proposal is for a like for like deck replacement for an existing multiple family complex. The subject property is zoned RM-II (Multiple Family Residential II); therefore, the proposed development is subject to the use and development standards of the RM-II (Multiple Family Residential II) zone, SRC Chapter 514. The following is a summary of the applicable use and development standards of the RM-II zone.

Development Standards – RM-II (Multiple Family Residential II) Zone

SRC 514.005 – Uses:

The permitted, special, conditional, and prohibited uses in the RM-II zone are set forth in Table 514-1.

Finding: The proposal is for like for like replacement of decks for an existing multi-family complex. Multiple family is a permitted use in the RM-II zone.

SRC 514.010(b) – Land division in the RM-II zone:

Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.

Finding:

SRC 514.010(b) – Lot Standards:

Lots within the RM-II zone shall conform to the standards set forth in Table 514-2.

Finding: The minimum lot size for a Multiple Family use is 6,000 square feet the minimum lot width, depth and street frontage is 40 feet for uses other than single family residential in the RM-II zone. The existing lots comply with the minimum lot standards of the RM-II zone and no changes to the lot size or dimensions are proposed.

SRC 514.010(c) – Dwelling unit density:

Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3.

Finding:

SRC 514.010(d) – Setbacks:

Setbacks within the RM-III zone shall be provided as set forth in Tables 514-4 and 514-5.

Abutting Street

East: The subject property is adjacent to Senate Street NW and a ESMU zoned property to the east. There is a minimum twelve-foot setback, plus one foot for each foot over 12 feet in height but not needing to exceed 20 feet in depth. Abutting a Mixed-Use zone property has minimum 10-foot setback with type C landscaping.

Finding: The proposed like for like replacement is to the west of the of the existing buildings and is approximately 18 feet from Senate Street SE meeting the 18-foot setback required for an 18-foot-tall building. The decks that are being replaced are more than 65 feet from the ESMU zoned property meeting the minimum 10-foot setback.

Interior Side

North: The subject property is adjacent to a RS zone to the north. Abutting a Residential zone property has minimum 10-foot setback with type C landscaping.

South: The subject property is adjacent to a ESMU zone to the south. Abutting a Mixed-Use zone property has minimum 10-foot setback with type C landscaping.

Finding: The decks that are being replaced are more than 60 feet from the RS and ESMU zoned property meeting the minimum 10-foot setback.

Interior Rear

West: The subject property is adjacent to a RS zone to the west. Abutting a Residential zone property has minimum 10-foot setback with type C landscaping.

Finding: The decks that are being replaced are more than 65 feet from the ESMU zoned property meeting the minimum 10-foot setback.

SRC 514.010(e) – Lot Coverage & Height:

Buildings and accessory structures within the RM-II zone shall conform to the lot coverage and height standards set forth in Table 514-6.

Finding: There is a maximum lot coverage of 60 percent for all uses in the RM-II zone and the maximum building height allowance is 50 feet for multiple family uses. The proposal does not include adding additional lot coverage, the site plan shows the existing development is below the 60 percent lot coverage. The proposal does not include adding height to the existing buildings. The applicant's building elevations indicate that the deck replacements are less than 10 feet in height. This standard is met.

SRC 514.010(g) - Landscaping:

- (1) Setbacks. Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.*
- (2) Vehicle use areas. Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.*

Finding: The proposed deck replacements are not within required setbacks and there are no new or altered vehicle use area; therefore, this standard does not apply.

SRC 514.010(h) - Outdoor storage:

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

Finding: No outdoor storage is proposed as a part of this application; therefore, this standard does not apply.

General Development Standards (SRC Chapter 800)

SRC 800.055(a) – Applicability.

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

Finding: The proposed development does not include a new solid waste service area. The standards of SRC 800.055 apply.

SRC 800.065 – Pedestrian Access.

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

Finding: The proposal is for an existing multi-family use therefor this standard is not applicable.

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

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: The proposed deck replacement is for an existing multi-family complex. No new parking areas are proposed, and no existing parking areas are proposed for modification; therefore, this standard is not applicable.

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

Finding: The proposed deck replacement is for an existing multi-family complex. No new parking areas are proposed, and no existing parking areas are proposed for modification; therefore, this standard is not applicable.

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

Finding: The proposed deck replacement is for an existing multi-family complex. No new parking areas are proposed, and no existing parking areas are proposed for modification; therefore, this standard is not applicable.

- (c) *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: The proposed deck replacement is for an existing multi-family complex. No new parking areas are proposed, and no existing parking areas are proposed for modification; therefore, this standard is not applicable.

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 deck replacement is for an existing multi-family complex. No new parking areas are proposed and no existing parking areas are proposed for modification; therefore, this standard is not applicable.

Bicycle Parking

SRC 806.045 – General Applicability.

- (a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity; any change of use or activity; or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB), West Salem Central Business District (WSCB), Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), Mixed Use-Riverfront (MU-R), and Edgewater/Second Street Mixed-Use Corridor (ESMU) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB, WSCB, MU-I, MU-II, MU-III, MU-R, and ESMU zones where at least 75 percent of the width of the lot at the front setback line is occupied by existing buildings shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

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

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

SRC 806.055 – Amount of Bicycle Parking.

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

Finding: The proposal is just for like for like replacement for decks for an existing multi-family complex; therefore, it does not include a new use or activity or any intensification, expansion, or enlargement of a use or activity; therefore, this standard is not applicable.

Off-Street Loading Areas

SRC 806.065 – General Applicability.

- (a) Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

(b) *Applicability to nonconforming off-street loading area.* When off-street loading is required to be added to an existing off-street loading area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

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 not less than those set forth in Table 806-11.

Finding: The proposal is for a deck replacement no additional spaces are required; therefore, this standard is not applicable.

4. Conclusion




Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 2 Site Plan Review is in conformance with the UDC and the approval criteria provided in SRC 220.005(f)(2), provided compliance occurs with any applicable items noted above.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

IT IS HEREBY ORDERED

The proposed Class 2 Site Plan Review is consistent with the provisions of SRC Chapter 220 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.



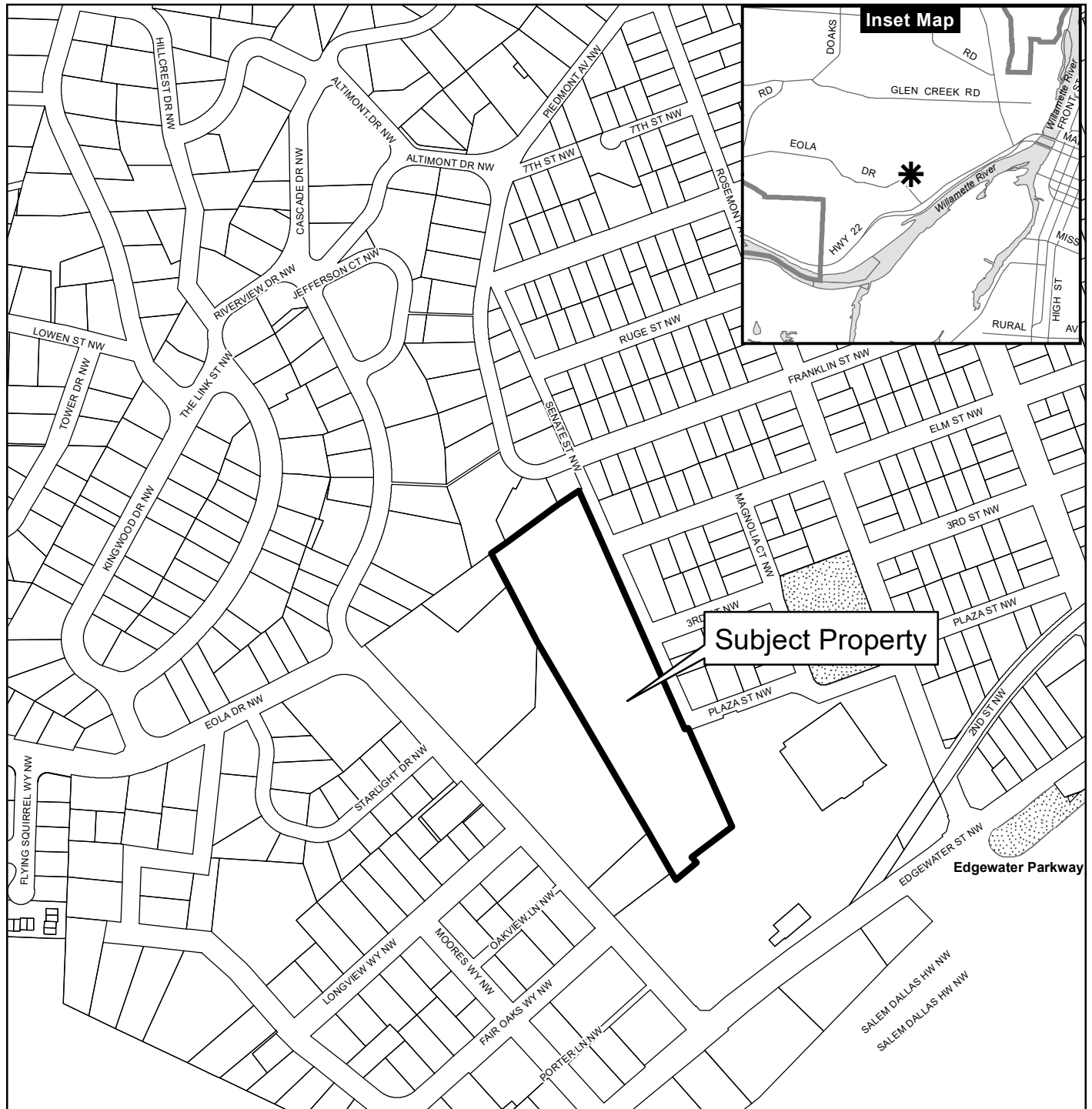
Abigail Pedersen, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Proposed Site Plan

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Vicinity Map

201-499 Senate St NW



Legend

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

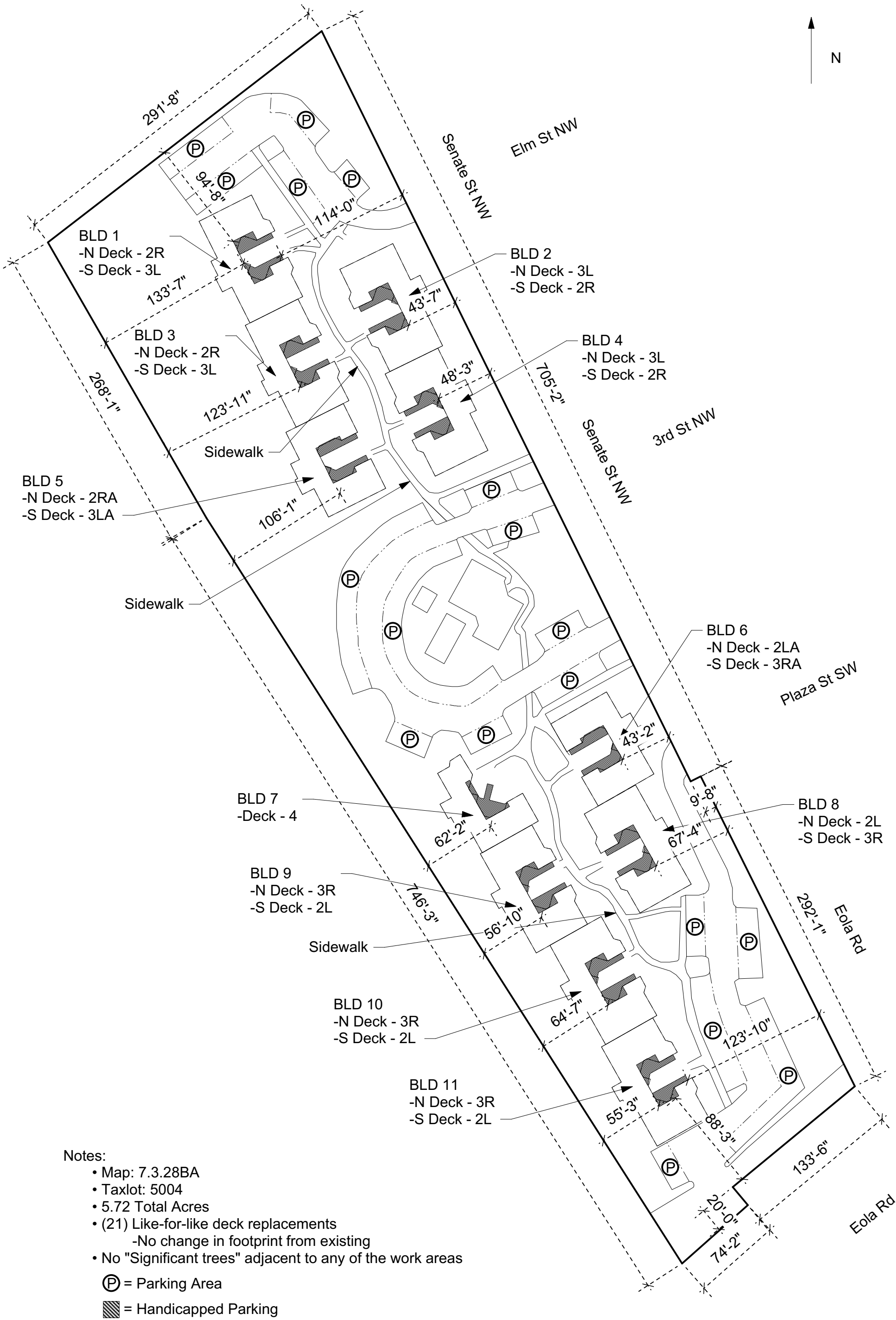
- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet





Notes:

- Map: 7.3.28BA
- Taxlot: 5004
- 5.72 Total Acres
- (21) Like-for-like deck replacements
 - No change in footprint from existing
- No "Significant trees" adjacent to any of the work areas

Ⓟ = Parking Area

▨ = Handicapped Parking

<div>TnT Builders</div> <div></div> <div>deck and patio cover experts</div>	General Contractor TnT Builders Inc 620 Queen Ave. SW Albany, OR 97322 CCB #105770	Project Title West Hills Village Apartments Deck Replacements 447 Senate St NW Salem, OR 97304	Project Manager Brent Mosser	Drawing Title Site Plan
			Date March 4, 2025	Scale 1" = 75'
			Phone (541) 926-3117	