

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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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 / CLASS 2
ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1 DESIGN
REVIEW / PROPERTY LINE ADJUSTMENT CASE NO.: PAR-SPR-ADJ-DAP-DR-
PLA25-04**

APPLICATION NO.: 24-121106-PLN

NOTICE OF DECISION DATE: May 5, 2025

SUMMARY: Separate existing dwellings for development of a 12-unit multi-family building with shared access.

REQUEST: A consolidated application for a Tentative Partition Plan and Property Line Adjustment to separate the two existing single-family dwellings from the vacant portion and divide the subject property into three parcels; with a Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of a new 12-unit multi-family building and associated site improvements, with ten Class 2 Adjustments to:

- (1) Allow the partitioned lots in the RM-II zone to be less than 20,000 square feet in size, without three or more attached dwelling units or townhome development, for the existing residential dwellings (SRC 514.010(a));
- (2) Reduce the minimum lot size required for a single-family use from 6,000 square feet to 5,000 square feet, for the existing single-family residence at 3021 D Street NE (SRC 514.010(b), Table 514-2);
- (3) Reduce the minimum lot size required for all other uses from 6,000 square feet to 4,000 square feet, for the existing duplex on Proposed Parcel 1, at 3027 D Street NE (SRC 514.010(b), Table 514-2);
- (4) Increase the maximum lot depth ratio from 300 percent to 400 percent for Proposed Parcel 2 (SRC 514.010(b), Table 514-2);
- (5) Reduce the minimum 10-foot zone-to-zone setback and Type C landscape requirement for a 39-foot portion of the new interior property line that abuts the proposed trash enclosure (SRC 514.010(d), Table 514-5);
- (6) Reduce the minimum easement required for the flag lot accessway serving four or more units from 25 feet to 22 feet (SRC 800.025(c), Table 800-1);
- (7) Increase the maximum number of units served by the flag lot accessway from four to 15 units (SRC 800.025(c)(1);
- (8) Reduce the required driveway spacing standard of 370 feet for a driveway approach along D Street, a Minor Arterial Street (SRC 804.035(d));
- (9) Reduce the minimum setback for the vehicle entrance of a carport abutting a flag lot accessway from 20 feet to 16 feet for the carport parking area of the existing duplex at 3027 D Street NE (SRC 806.025(b));
- (10) Reduce the setback adjacent to buildings and structures for the multi-family parking area adjacent to the trash enclosure from five feet to two feet (SRC 806.035(c)(4)); and
- (11) Eliminate the minimum 10-foot zone-to-zone setback and Type C landscape abutting a flag lot accessway for the multi-family building (SRC 514.010(b), Table 514-2).

The subject property is property 0.67 acres in size, zoned RM-II (Multiple Family Residential), and located at 3021-3027 D Street NE (Marion County Assessor Map and Tax Lot Number: 073W24DC / 1000).

APPLICANT: Skyline Builders LLC (Landon Hattan, Marc Gallegos)

LOCATION: 3021 - 3027 D 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; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit; 225.005(d) – Class 1 Design Review; 205.055(d) – Property Line Adjustment

FINDINGS: The findings are in the attached Decision dated May 5, 2025.

DECISION: The **Planning Administrator APPROVED** Partition Tentative Plan / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Class 1 Design Review / Property Line Adjustment Case No. PAR-SPR-ADJ-DAP-DR-PLA25-04 subject to the following conditions of approval:

- Condition 1:** The property line adjustment for the single-family residence at 3021 D Street NE shall be recorded prior to the final partition plat for the remaining land at 3027 D Street NE.
- Condition 2:** The final partition plat shall be recorded prior to issuance of any building permits for the development of Parcel 2, including construction of new residential units and the associated civil site work; except the final plat is not necessary prior to issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.
- Condition 3:** Prior to final plat approval, obtain a demolition permit to remove the shed portion on the south side of the existing duplex on Parcel 1 (3027 D Street NE) to meet the minimum interior front yard setback to Property A (3021 D Street NE).
- Condition 4:** “NO PARKING–FIRE LANE” signs shall be posted on both sides of those portions of the flag lot accessway that is a fire apparatus roadway, and “NO PARKING” signs shall be posted on both sides of any remaining portions of the accessway. Required signs along the east side of the flag lot accessway may be installed at the time of development for Parcel 2, prior to issuance of a Certificate of Occupancy.
- Condition 5:** At the time of development on each parcel, submit a tentative stormwater design in compliance with Public Works Design Standards.
- Condition 6:** On the final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded.
- Condition 7:** On the final plat, convey land for dedication to equal a half-width right-of-way of 36-feet on the development side of D Street NE.

- Condition 8:** On the final plat, provide a 10-foot-wide public utility easement along the frontage of D Street NE on the final plat.
- Condition 9:** At the time of building permit review, the applicant shall provide construction details for the trash enclosure indicating conformance with SRC 800.055.
- Condition 10:** At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for all parking spaces adjacent to a required landscaped setback or a pedestrian walkway only five feet in width.
- Condition 11:** Prior to building permit approval, the applicant shall demonstrate that all bicycle parking provided for the development complies with the applicable standards of SRC 806.060.
- Condition 12:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets the applicable Type A or Type C landscaping, unless otherwise specified, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.
- Condition 13:** 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).
- Condition 14:** Prior to issuance of a Certificate of Occupancy, install street trees to the maximum extent feasible along D Street NE behind the curblane sidewalk.
- Condition 15:** At the time of building permit review, the applicant shall provide Type D landscaping on Parcel 1, along the 39-foot portion of the new interior property line adjacent to the trash enclosure and compact parking spaces.
- Condition 16:** With the development of Parcel 2, a raised curb sidewalk shall be provided along the east side of the flag lot accessway to ensure pedestrian separation from vehicles.
- Condition 17:** The applicant shall take measures to ensure that no vehicles park in any location or orientation north of the flag lot accessway, in a manner where the vehicle projects into the flag lot accessway, overhangs over a sidewalk, or is located within the side yard areas of the existing dwellings. Examples of such measures include, but are not limited to, replacing extra concrete areas with landscaping, installing bollards, providing deck or patio structures, and/or additional screening walls or fences, which should be demonstrated on the plans at the time of building permit review.
- Condition 18:** Any other parking spaces provided for the existing dwellings that do not provide the minimum 20-foot driveway depth shall be striped and clearly identified with "NO PARKING" signs.

Condition 19: Prior to issuance of a building permit, an access easement serving all proposed parcels of the development site shall be provided to ensure all three parcels have access to the proposed driveway approach.

Condition 20: At time of building permit submittal, the applicant shall provide lighting details demonstrating compliance with the standards of SRC 702.015(c)(2).

The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

Partition Tentative Plan:	<u>May 21, 2027</u>
Class 3 Site Plan Review:	<u>May 21, 2029</u>
Class 2 Adjustment:	<u>May 21, 2029</u>
Class 2 Driveway Approach Permit:	<u>May 21, 2029</u>
Class 1 Design Review:	<u>May 21, 2029</u>
Property Line Adjustment:	<u>May 21, 2027</u>
Application Deemed Complete:	<u>March 12, 2025</u>
Notice of Decision Mailing Date:	<u>May 5, 2025</u>
Decision Effective Date:	<u>May 21, 2025</u>
State Mandate Date:	<u>July 10, 2025</u>

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

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Tuesday, May 20, 2025. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205, 220, 250, 804, 225. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The 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 & ORDER
PARTITION TENTATIVE PLAN, CLASS 3)	
SITE PLAN REVIEW, CLASS 2)	
ADJUSTMENT, CLASS 2 DRIVEWAY)	
APPROACH PERMIT, CLASS 1 DESIGN)	
REVIEW, AND PROPERTY LINE)	
ADJUSTMENT CASE NO.)	
PAR-SPR-ADJ-DAP-DR-PLA25-04)	
3021-3027 D STREET NE)	MAY 5, 2025

In the matter of the applications for a Tentative Partition Plan, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment submitted by the applicant's representative by Britany Randall of Brand Land Use, on behalf of the applicant, Skyline Builders LLC, represented by Landon Hattan, and the property owner, Creswell Hldgs LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: Separate existing dwellings for development of a 12-unit multi-family building with shared access.

Request: A consolidated application for a Tentative Partition Plan and Property Line Adjustment to separate the two existing single-family dwellings from the vacant portion and divide the subject property into three parcels; with a Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of a new 12-unit multi-family building and associated site improvements, with ten Class 2 Adjustments to:

- (1) Allow the partitioned lots in the RM-II zone to be less than 20,000 square feet in size, without three or more attached dwelling units or townhome development, for the existing residential dwellings (SRC 514.010(a));
- (2) Reduce the minimum lot size required for a single-family use from 6,000 square feet to 5,000 square feet, for the existing single-family residence at 3021 D Street NE (SRC 514.010(b), Table 514-2);
- (3) Reduce the minimum lot size required for all other uses from 6,000 square feet to 4,000 square feet, for the existing duplex on Proposed Parcel 1, at 3027 D Street NE (SRC 514.010(b), Table 514-2);
- (4) Increase the maximum lot depth ratio from 300 percent to 400 percent for Proposed Parcel 2 (SRC 514.010(b), Table 514-2);
- (5) Reduce the minimum 10-foot zone-to-zone setback and Type C landscape requirement for a 39-foot portion of the new interior property line that abuts the proposed trash enclosure (SRC 514.010(d), Table 514-5);
- (6) Reduce the minimum easement required for the flag lot accessway serving four or more units from 25 feet to 22 feet (SRC 800.025(c), Table 800-1);
- (7) Increase the maximum number of units served by the flag lot accessway from 4 to 15 units (SRC 800.025(c)(1));

- (8) Reduce the required driveway spacing standard of 370 feet for a driveway approach along D Street, a Minor Arterial Street (SRC 804.035(d));
- (9) Reduce the minimum setback for the vehicle entrance of a carport abutting a flag lot accessway from 20 feet to 16 feet for the carport parking area of the existing duplex at 3027 D Street NE (SRC 806.025(b)); ~~and~~
- (10) Reduce the setback adjacent to buildings and structures for the multi-family parking area adjacent to the trash enclosure from five feet to two feet (SRC 806.035(c)(4)); and
- (11) Eliminate the minimum 10-foot zone-to-zone setback and Type C landscape abutting a flag lot accessway for the multi-family building (SRC 514.010(b), Table 514-2).

The subject property is property 0.67 acres in size, zoned RM-II (Multiple Family Residential), and located at 3021-3027 D Street NE (Marion County Assessor Map and Tax Lot Number: 073W24DC / 1000).

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

PROCEDURAL FINDINGS

1. Background

On October 11, 2024, a consolidated application for a Partition Tentative Plan, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment was filed proposing to ultimately divide the subject property into three parcels, separating the existing residences from the proposed development of a 12-unit apartment building. After additional information was provided, the application was deemed complete for processing on March 12, 2025. The 120-day state mandated decision deadline for this consolidated application is July 10, 2025.

After notice was sent, staff discovered that an additional adjustment was required for the proposed development. The adjustment to setback abutting the flag lot accessway is included in the analysis, and was shown accurately on the site plan sent with the notice.

The applicant's proposed development plans are included as **Attachments B, C, and D**, and the applicant's written statement addressing the approval criteria applications can be found in the record, accessible online as indicated in Section 3 below.

SUBSTANTIVE FINDINGS

2. Proposal

The subject property consists of two units of land under one tax lot number (073W24DC / 1000), approximately 29,430 square feet in total size, or 0.67 acres. Because partitioning land does not include adjusting existing property lines, per ORS 92.010(9)(b), the applicant is requesting a Property Line Adjustment to relocate the internal common property line to separate the existing single-family residence (3021 D Street NE) on its own parcel, herein referred to as "Proposed Property A" (**Attachment B**); thereby separating the existing duplex and vacant portion of the property on a second parcel, herein referred to as "Proposed

Property B.” The Tentative Partition Plan proposes to divide the resulting Proposed Property B of 24,428 square feet (0.56 acres) into two lots (**Attachment C**), to separate the existing duplex (3027 D Street NE) from the vacant portion of the property, for a total of three parcels for the development site. With the proposed property line adjustment and tentative partition plan, the three resulting parcels are as follows:

Proposed Property A

Address: 3021 D Street NE
Parcel Size: 5,002 square feet (0.11 acres)
Parcel Dimensions: Approximately 49 feet in width and 101 feet in depth

Proposed Parcel 1

Address: 3027 D Street N
Parcel Size: 4,004 square feet (0.09 acres)
Parcel Dimensions: Approximately 50 feet in width and 85 feet in depth

Proposed Parcel 2

Address: Vacant – *Proposed multi-family development*
Parcel Size: 20,424 square feet (0.47 acres)
Exclusive of Accessway: 16,718 square feet (0.38 acres)
Parcel Dimensions: Approximately 56 feet in width and 224 feet in depth

The proposal also includes a Class 3 Site Plan Review and Class 1 Design Review for the development of a 12-unit apartment building on Proposed Parcel 2 (**Attachment D**); along with ten Class 2 Adjustment requests to lot standards, setbacks, flag lot accessway standards, carport access, and driveway spacing. Vehicular access to the proposed development will be taken from one existing location along D Street NE, which will be improved to accommodate the development, requiring a Class 2 Driveway Approach Permit for the modified driveway.

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 121106.

4. Existing Conditions

Site and Vicinity

The subject property consists of one tax lot, 29,185 square feet (0.67 acres) in size. The site is an interior lot with frontage along D Street NE to the south, which is classified as a Minor Arterial street according to the Salem Transportation System Plan (TSP). There is an existing single-family dwelling located at 3021 D Street NE, an existing duplex located at 3027 D Street

NE, and a portion of vacant land to the east. There is an existing driveway along D Street NE, which will be improved and provide shared access to all three parcels after partitioning.

Salem Area Comprehensive Plan (SACP) Designation

The subject property is designated “Multiple Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Multiple Family Residential
East	Multiple Family Residential
South	Across D Street NE, Single Family Residential
West	Multiple Family Residential

Zoning Map Designation

The subject property is zoned RM-II (Multiple Family Residential-II). The surrounding properties are zoned as follows:

Zoning of Surrounding Properties	
North	RM-II (Multiple Family Residential-II)
East	RM-II (Multiple Family Residential-II)
South	Across D Street NE, RS (Single Family Residential)
West	RM-II (Multiple Family Residential-II)

Relationship to Urban Service Area

The subject property is located inside 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.

Infrastructure

The subject property abuts D Street NE to the south, which is a Minor Arterial street. The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
D Street NE (Minor Arterial)	Standard:	72-feet	46-feet
	Existing Condition:	50-feet	36-feet

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

Utilities	
Type	Existing Conditions
Water	Water Service Level: G-0
	An 8-inch water main is located in D Street NE.
	A 30-inch water main is located in D Street NE; however, the Public Works Design Standards prohibit a direct connection to this main.
Sanitary Sewer	A 12-inch sanitary sewer main is located in D Street NE.
Storm Drainage	A 10-inch storm main is located in D Street NE.

5. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the North East Salem Community Association (NESCA) 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 3, 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 decision, 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 decision, staff has received comments from five surrounding property owners and tenants expressing concerns with the proposal, which are summarized below:

- **Off-Street Parking:** Comments received expressed concerns over the amount of parking proposed on site for the development, and requested a reduction in the number of units provided.

Staff Response: The Unified Development Code (UDC) does not require a minimum amount of off-street parking for any proposed new development. Minimum parking requirements were eliminated in response to the State's Climate Friendly and Equitable Communities rules, which aim to help Oregon reduce greenhouse gas emissions. This change provides flexibility to

balance demand for parking with demand for needed housing, while promoting dense urban development more conducive to alternative modes of transportation, including walking, bicycling, and transit. As described in the findings, the proposed development is not required to include a minimum amount of off-street parking, but limits the maximum number of off-street parking spaces to serve a new use. Applicants may provide parking within the allowed maximum, and the proposed 11 off-street parking spaces are within the allowed maximum. Additionally, the site is located within a 10 to 15 minute walk of four bus stops that are a part of Cherriots' Core Network, which has a 15-minute service level bus route along Center Street NE. The applicant is providing 12 bicycle parking spaces on site, one for each multi-family dwelling unit, as well as a pedestrian sidewalk to the street to promote walking and the use of alternative modes of transportation, helping to reduce the need for vehicles and meeting the applicable standards of the UDC.

In regard to density, the proposal includes development of 12 units for a property 0.38 acres in size. The minimum density standard for the RM-II zone is 15 dwelling units per acre, requiring a minimum of seven dwelling units ($0.38 \times 15 = 5.7$); the maximum density of 31 units per acre would allow up to 12 dwelling units ($0.38 \times 31 = 11.78$). Therefore, the proposed development is meeting the minimum and maximum requirements, while preserving the existing dwellings on site and facilitating them to be on their own lots. In addition, the applicant has requested additional adjustments to accommodate new parking areas for the existing dwellings, to ensure that the spaces in the parking lot remain available to the residents of the apartment building and mitigate impacts to parking on site.

- **On-Street Parking:** Comments received indicate a concern that there is a lack of available on-street parking in the immediate area.

Staff Response: The subject property has frontage along D Street NE. On-street parking is currently permitted on D Street NE in this area, but on-street parking will be prohibited in the future when bicycle lanes are installed. The Salem Revised Code limits the maximum number of off-street parking spaces to serve a new use, but does not require new developments to provide a minimum number of on-street parking spaces. In general, on-street parking is available to the public and may be used by any user where permitted; the City cannot prevent future residents of the multi-family complex from parking in permitted on-street parking areas. Savage Road NE to the east is designated a Collector Street, where bicycle lanes prevent on-street parking, and Park Avenue NE to the west is designated as a Collector with limited on-street parking allowed. While on-street parking in the vicinity may be limited, the development site has access to transit on Center Street NE, as well as bike and pedestrian facilities in the vicinity, as discussed above. On-street parking may also occur on surrounding local streets.

- **Driveway Location and Traffic Volume:** Comments received indicate a concern with additional traffic generated by the proposed use, and that the driveway access to D Street NE could cause excess congestion and vehicle conflicts.

Staff Response: SRC Chapter 804 provides development standards for driveway approaches, including minimum spacing standards between driveway approaches and intersections, or to other driveways. For driveways accessing arterial streets, SRC 804.035(d) requires that driveway approaches onto major or minor arterials shall be no less than 370 feet from the nearest driveway or street intersection measured centerline to centerline. In general,

to minimize vehicle conflicts, driveways are encouraged to provide access from the lowest street classification abutting the property where fewer vehicle trips and lower vehicle speeds are expected. In this case, the subject property only has frontage on D Street NE, an arterial street. The driveway approach is positioned as far away as possible from driveways serving abutting uses, while still providing legal access to the property. Adjacent to the east is an existing multi-family residential complex served by a driveway approach approximately 135 feet from the proposed driveway approach. Adjacent to the west is an existing single-family dwelling with a driveway approach approximately 60 feet from the proposed driveway approach.

In addition, driveway access to the proposed multi-family development is provided via a flag lot accessway which is shared with the existing single-family and duplex dwellings on site, thereby minimizing the number of driveway access points between uses and reducing the number of potential vehicle conflicts. A Traffic Generation Estimate form was completed with the land use application indicating that the development will result in a net increase of approximately 80 average daily trips, which is not enough to warrant further traffic study. The Assistant City Traffic Engineer has reviewed the proposed development and has indicated no concerns with the proposed use or safety concerns with the driveway location.

6. City Department Comments

Development Services Division: Reviewed the proposal and provided a memo with findings that have been incorporated herein by reference. The memo in full can be found in the record, accessible online as indicated above.

Building and Safety Division: Reviewed the proposal and indicated *building permits required for new buildings; accessible route provisions to be followed for site work as applicable.*

Fire Department: Reviewed the proposal and indicated *Fire Department access and water supply are required per the Oregon Fire Code and will be reviewed at the time of building permit plan review.*

7. Public Agency Comments

PGE: Reviewed the proposal and provided comments indicating the requirements and process steps for the proposed development. The comments in full have been forwarded to the applicant, and can be found in the record, accessible online as indicated above.

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

DECISION CRITERIA FINDINGS

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 RM-II (Multi-Family Residential-II). The following is an analysis of the applicable standards of the RM-II zone, and other applicable provisions of the UDC specific to the proposed tentative partition plan, as required by this approval criterion. Further analysis of all other applicable provisions of the UDC as it relates to the development proposal is outlined with the Site Plan Review approval criteria analysis in Section 9 below. The proposed partition meets all applicable provisions of the UDC as detailed below.

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: Development Services indicates 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).

▪ Partitions which can be further divided

Pursuant to 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 cannot be further divided into four or more lots or parcels; therefore, this section is not applicable.

ZONING AND DEVELOPMENT STANDARDS

SRC Chapter 514 – RM-II (Multiple Family Residential-II) Zone

▪ Uses

Allowed uses within the RM-II zone are established under SRC 514.010, Table 514-1. The proposal includes a partition to divide the subject property into two parcels. Proposed Parcel 1 will maintain the existing two-family residential development, and Proposed Parcel 2 will accommodate the new multi-family residential development. Within the RM-II zone, two-family and multi-family residential uses are allowed as a permitted use; further conformance with the applicable standards of the RM-II zone for the new development on Parcel 2 are addressed later in Section 9 of this decision.

▪ Land Division in the RM-II Zone

SRC 514.010(a) provides that 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: The proposal indicates that the partition is to accommodate the existing duplex residence on Proposed Parcel 1, with a new multi-family development on Proposed Parcel 2. Proposed Parcel 2 will be 16,718 square feet in size after land division, which is below the minimum 20,000 square feet; however, the proposed multi-family development satisfies the requirement to provide at least three or more attached dwelling units per lot for Parcel 2. Proposed Parcel 1 will be 4,004 square feet, which is also below the minimum 20,000 square feet; however, existing duplex does not meet the requirement to contain three or more attached dwelling units per lot, without the construction of an additional unit. Therefore, the applicant has requested an adjustment to this standard for the existing duplex on Proposed Parcel 1. Findings for the adjustment are included in Section 10 of this decision.

▪ Lot Standards

Lot size and dimension standards within the RM-II zone are established in SRC 514.015(a), Table 514-2. All applications were finally submitted on October 11, 2024, prior to a UDC update that changed the minimum lot sizes for middle housing uses in the RM-II zone. Because the application was submitted prior to this update, the following table is a summary of the lot size and dimension standards applicable to residential uses within the RM-II zone at the time the application was submitted:

RM-II zone: Residential Use Lot Standards		
Lot Area	Min. 6,000 sq. ft.	Applicable to all single family, other than townhomes and new single family detached dwellings on nonconforming lots of record less than 6,000 square feet in area.
	Min. 6,000 sq. ft.	Applicable to all other uses (two-family and multi-family).
Lot Width	Min. 40 ft.	Applicable to all single family, other than townhomes, and all other uses (two-family and multi-family).
Lot Depth	Min. 70 ft.	Applicable to all single family uses.
	Min. 80 ft.	Applicable to all other uses (two-family and multi-family).
	Max. 300% of average lot width	Applicable to all single family, other than townhomes, and all other uses (two-family and multi-family uses).
Street Frontage	Min. 40 ft.	Applicable to all single family, other than townhomes, and all other uses (two-family and multi-family).

Finding: As shown on the tentative partition plan (**Attachment B**), the partition proposes to divide the resulting Proposed Property B from the consolidated Property Line Adjustment, into two lots. Proposed Parcel 2 will be 19,553 square feet square feet in size (0.45 acres), meeting the minimum 6,000 square-foot lot size. However, Proposed Parcel 1 will only be 4,004 square feet in size (0.09 acres), which does not meet minimum 6,000 square-foot lot size for the existing duplex. Therefore, the applicant has requested an adjustment to this standard for the Proposed Parcel 1. Findings for the adjustment are included in Section 10 of this decision.

After land division, Proposed Parcel 1 is considered a flag lot with no frontage along the street, where a shared accessway located on Proposed Parcel 2 provides access to D Street NE. Exclusive of this flag lot accessway, per SRC 112.045(a), Proposed Parcel 2 will have approximately 57 feet of street frontage along D Street NE, thereby meeting the minimum street frontage requirement. However, because the lot standards are measured exclusively of the flag lot accessway, and the maximum depth of a parcel is 300 percent of the average lot width, the depth of Parcel 2 exceeds the maximum 168-foot depth that is allowed based on its average width of 56 feet ($56 \times 3 = 168$). Therefore, the applicant has requested an adjustment to allow the approximate 224-foot lot depth for Proposed Parcel 1. Findings for the adjustment are included in Section 10 of this decision.

With approval of the adjustment requests, both proposed parcels meet the minimum required lot size and dimension requirements. However, because partitioning land does not include adjusting existing property lines, and the proposed partition is for a resulting unit of land from the Property Line Adjustment application included with this development proposal, the property line adjustment and partition plat must be recorded in sequence, as the review for this partition is for a unit of land not yet recorded. As such, the following condition applies:

Condition 1: The property line adjustment for the single-family residence at 3021 D Street NE shall be recorded prior to the final partition plat for the remaining land at 3027 D Street NE.

▪ ***Dwelling Unit Density***

Dwelling unit density for subdivisions within the RM-II zone are established under SRC 514.015(c), Table 514-3. Within the RM-II zone, Multiple family uses are required to have a minimum density of 15 dwelling units per acre and maximum density of 31 units per acre.

Finding: The partition proposes to divide the resulting Proposed Property B into two lots, with Parcel 1 consisting of 0.11 acres, and requiring a minimum of two units ($0.11 \times 15 = 1.65$). Because the existing duplex will remain on Proposed Parcel 1, the property meets the minimum density requirement. Multi-family residential development is proposed for Parcel 2. As explained in the findings for the site plan review in Section 9 below, a minimum of seven dwelling units are required based on the size of the parcel following the partition. A total of 12 dwelling units are proposed for Parcel 2, in compliance with density standards of the RM-II zone. However, to ensure the minimum dwelling unit density standards are met as proposed, which have been reviewed based on the resulting parcels following the proposed partition, the partition plat shall be recorded prior to issuance of any building permit for construction of new units beyond what is existing; however, Public Works permits necessary for the partition, as they relate to extending utility stubs in the access easement and paving of the accessway, can be issued prior to final plat.

Condition 2: The final partition plat shall be recorded prior to issuance of any building permits for the development of Parcel 2, including construction of new residential units and the associated civil site work; except the final plat is not necessary prior to issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.

▪ **Setbacks**

Setbacks for buildings and accessory structures within the RM-II zone are established under SRC 514.010(d), Table 514-4 and 514-5. A summary of the required setbacks for the existing two-family use within the RM-II zone is provided in the table below:

RM-II Zone Setbacks		
Interior Front	Min. 12 ft.	
Interior Side	Min. 5 ft.	
Interior Rear	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.

Finding: The existing two-story duplex dwelling to remain on Proposed Parcel 1, which is considered a flag lot with no street frontage. Pursuant to SRC 112.050(c)(2), setbacks abutting a flag lot accessway shall be measured from the most interior access easement line, if an access easement exists. As proposed on the applicant's plans, the existing dwelling will be located approximately 15 feet to the easement line to the east; approximately 13 feet to the south property line shared with the single-family residence on Proposed Property A; approximately 6 feet to the west property line; and approximately 23 feet to the north property line abutting new stormwater facilities. As such, the existing two-story dwelling only meets all the applicable setback standards in the RM-II zone when the rear setback is designated as the 23-foot setback to the north; making the 13-foot setback to the west as the designated interior

front yard setback. However, the applicant's existing conditions plan shows an approximately 280 square-foot portion of the duplex along the south side that would not meet the minimum 12-foot setback requirement for the interior front setback. The applicant's written statement indicates this portion of the existing residence will be removed in order to comply with the minimum setback requirements for the duplex. To ensure that the house is remodeled to provide the appropriate setback requirements, the following condition applies:

Condition 3: Prior to final plat approval, obtain a demolition permit to remove the shed portion on the south side of the existing duplex on Parcel 1 (3027 D Street NE) to meet the minimum interior front yard setback to Property A (3021 D Street NE).

As conditioned, the existing two-story dwelling meets or exceeds all the setback standards in the RM-II zone, with a setback of at least 13 feet to the south (front) property line abutting Proposed Property A; six feet to the west (interior side) property line; at least 15 feet to the east (interior side) flag lot accessway; and approximately 23 feet to the north (interior rear) property line.

Development of Parcel 2 will be reviewed for adherence to setback requirements with the Site Plan Review analysis in Section 9 below.

▪ ***Lot Coverage***

Maximum lot coverage and height requirements within the RM-II zone are established under SRC 514.010(c), Table 514-4. The RM-II zones limits the total lot coverage for buildings and accessory structures for all uses to 60 percent.

Finding: The applicant's plans indicate the existing duplex footprint covers approximately 1,300 square feet of the property, or approximately 32 percent of Proposed Parcel 1 ($1,300 / 4,004 = 32.46$), which is under the 60 percent lot coverage allowed.

Development of Proposed Parcel 2 and conformance with the remaining the development standards of the RM-II zone and SRC Chapter 514, 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 will result in two parcels. Proposed Parcel 1 is considered a flag lot with an existing duplex where an access easement on Proposed Parcel 2 provides access to D Street NE. As discussed above, because the existing duplex only meets the minimum setback requirements for the rear yard with the setback to the east, that means the front lot line shall be the west 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. Proposed Parcel 2 is considered an interior lot where the front lot line is designated as the property line abutting D Street NE to the south.

▪ **Flag Lots**

SRC 800.025 establishes standards for flag lots and the flag lot accessways that serve them. A summary of the standards for the development of flag lot accessways serving residential uses is provided in the table below:

Residential Flag Lot Accessway Standards		
	1 to 2 Units Served by Accessway	3 to 4 Units Served by Accessway
Length	150 ft. Max.	400 ft. Max.
Total Width	Min. 20 ft.	25 ft. Min.
Paved Width	Min. 15 ft.	20 ft. Min.
Parking	Not Allowed	Not Allowed
Turnaround	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems, or where geographic features make it impractical, and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>	
Maximum Number of Lots Served	A maximum of four units may be served by a flag lot accessway.	

Finding: The applicant's partition plan indicates the proposed flag lot accessway is approximately 156 feet in length after right-of-way dedication and 22 feet in width, meeting the maximum length and minimum paved width standards. The applicant has submitted a statement from the Fire Marshal who reviewed the proposal and indicated that the development can be adequately served by an alternative means without providing the turnaround required for an accessway greater than 150 feet. Additionally, the development plans do not indicate the minimum 25-foot-wide total width required for the access easement. Therefore, the applicant has requested an adjustment to allow the access easement to match the 22-foot width of the proposed pavement. Findings for the adjustment are included in Section 10 of this decision.

The applicant is responsible for addressing all requirements of the Oregon Fire Code during the building permit process. The configuration of the buildings and parking area may be modified, if necessary, to meet the Fire Department standards, provided that the modifications meet applicable development standards, design standards, and conditions of approval. However, in order to ensure the flag lot accessway remains accessible to the Fire Department to meet the alternative means proposed, no parking signs shall be posted and maintained on

both sides of the accessway.

Condition 4: “NO PARKING–FIRE LANE” signs shall be posted on both sides of those portions of the flag lot accessway that is a fire apparatus roadway, and “NO PARKING” signs shall be posted on both sides of any remaining portions of the accessway. Required signs along the east side of the flag lot accessway may be installed at the time of development for Parcel 2, prior to issuance of a Certificate of Occupancy.

Lastly, the development is designed to provide access to more than four units, serving the 12-unit apartment building, the existing duplex, and even providing vehicle access for a new parking area for the existing single-family residence. Therefore, the applicant has requested an adjustment to exceed the maximum four units to be served by accessway so that all 15 units can take access from one driveway to D Street NE, which is classified as Minor Arterial Street. Findings for the adjustment are included in Section 10 of this decision.

▪ ***Parking***

In addition to the setbacks identified above, SRC 806.025(b) requires the vehicle entrance of a garage or carport facing a street or flag lot accessway to be setback a minimum of 20 feet.

Finding: The applicant’s plans indicate an existing carport to remain with the existing duplex on proposed Parcel 2, which is approximately 16 feet from the flag lot accessway, and does not meet the minimum 20-foot setback for the carport entrance abutting the accessway. The applicant has also requested an adjustment to this standard for the existing duplex; findings for which are included in Section 10 of this decision.

(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 inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

SRC Chapter 71 – Stormwater

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

Finding: At time of development on each parcel, the applicant shall submit a tentative stormwater design. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Condition 5: At time of development on each parcel, submit a tentative stormwater design in compliance with Public Works Design Standards.

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 the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. At time of development on each parcel, private water, sewer, and storm services shall be constructed to serve each lot, based on the development proposed.

▪ *Easements*

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

Finding: Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The applicant's tentative plan shows utility and access easements are necessary to serve each resulting parcel.

Condition 6: On the final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded.

As conditioned, the partition 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: D Street NE abuts the subject property and is classified as a Minor Arterial street according to the Salem Transportation System Plan (TSP). However, D Street NE does not meet the current right-of-way width and improvement width standards for a minor arterial street. The ultimate right-of-way width for a minor arterial street is 72 feet according to SRC 803.025, Table 803-1 (Right-of-way Width); and the ultimate improvement width for a minor arterial is 46 feet according to SRC 803.025, Table 803-2 (Pavement Width).

In conjunction with the proposed partition, is an application for a Site Plan Review for a 12-unit multi-family development on proposed Parcel 2. The development has approximately 80 feet of frontage on D Street NE. Existing development along D Street NE makes compliance with the required pavement width impractical. Pursuant to SRC 803.065(a)(1), an Alternative Street Standard is approved to allow the existing pavement width along D Street NE to remain. The existing pavement width provides for adequate 2-way circulation and bike lanes. As a condition of approval, the applicant shall dedicate the full half-width right-of-way along the property frontage. Additional boundary street improvements are not required.

Condition 7: On the final plat, convey land for dedication to equal a half-width right-of-way of 36-feet on the development side of D Street NE.

▪ ***Public Utility Easements***

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of D Street NE.

Condition 8: On the final plat, provide a 10-foot-wide public utility easement along the frontage of D Street NE on the final plat.

As conditioned, the proposal conforms to applicable street standards.

(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 no mapped landslide hazard areas on the subject property.

As discussed in the findings for the Site Plan Review approval criteria analysis in Section 9 below, and with completion of the conditions outlined in this decision, the proposal meets all applicable standards of the UDC. This criterion is met.

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 tentative partition plan creates two parcels, and is adjacent to the parcel created by the Property Line Adjustment, which will share the flag lot accessway. A total of three parcels will be served from the flag lot accessway. By providing access easements, the tentative partition plan does not impede future access to adjacent lands. This criterion is met.

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 the parcels within the proposed partition, subject to the conditions of approval established in this decision. 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 is located adjacent to D Street NE, which is classified as a Minor Arterial street under the City's Transportation System Plan (TSP). Alternative Street Standards and the conditions of approval established with this partition decision require right-of-way dedication along the property frontage, in compliance with the Salem TSP. 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 a single accessway to D Street NE, and the network of existing public streets that surround the property. As conditioned, the required improvements will ensure that the street system in and adjacent to the partition will provide for the safe, orderly, and efficient circulation of traffic to and from the partition. 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: As described in the partition analysis 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: No existing conditions of topography or vegetation have been identified on the site which would necessitate careful consideration with development. The tentative partition plan configures the parcels to allow residential development of the site while minimizing disruptions to the existing dwellings on site, thereby preserving any of the existing vegetation for the

existing development. 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 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.

9. Analysis of Class 3 Site Plan Review Approval Criteria

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 a new multi-family apartment building containing 12 dwelling units on Proposed Parcel 2, with associated site improvements on property zoned RM-II (Multiple Family Residential); therefore, the following is an analysis of the proposed multi-family development on Parcel 2, which has been reviewed for conformance with the RM-II zone under SRC Chapter 514. Ten adjustments are requested to lot standards, setbacks, flag lot accessway standards, carport access, and driveway spacing; findings for the adjustments are included in Section 10 of this decision. The proposed development conforms to SRC Chapter 514 and all other applicable development standards of the Salem Revised Code as follows.

ZONING AND DEVELOPMENT STANDARDS

SRC Chapter 514 – RM-II (Multiple Family Residential-II) Zone

SRC 514.005 – Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RM-II zone are set forth in Table 514-1.

Finding: Multiple family residential uses are allowed as a permitted use in the RM-II zone per Table 514-1.

SRC 514.010(a) – 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: As described above, Proposed Parcel 2 will be 16,718 square feet in size after land division, which is below the minimum 20,000 square feet; however, the proposed multi-family development satisfies the requirement to provide at least three or more attached dwelling units per lot for Parcel 2. This standard is not applicable.

SRC 514.010(b) – Lot standards.

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

Finding: As previously addressed in findings for the tentative partition plan in Section 8, the proposed parcels meet the minimum lot standards for the RM-II zone. The proposed development is being reviewed for conformance with the development standards of the RM-II zone with the assumption that the partition of the property is completed. As required by Condition 2 above, the resulting property meets the minimum lot standards of the RM-II zone.

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. Maximum dwelling unit cannot be varied or adjusted. Multiple family uses are required to have a minimum density of 15 dwelling units per acre and maximum density of 31 units per acre.

Finding: After the final plat is recorded as conditioned, the development site is 16,718 square feet (0.38 acres) allowing for a minimum of five dwelling units ($0.38 \times 15 = 5.7$) and a maximum of 12 dwelling units ($0.38 \times 31 = 11.78$). The proposed development includes a total of 12 dwelling units, thereby meeting the minimum and maximum requirements.

SRC 514.010(d) – Setbacks.

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

- *Abutting Street*

South: Adjacent to the south is right-of-way for D Street NE, designated as a Minor Arterial street in the Salem TSP. For a multiple family use, Table 514-4 specifies that buildings abutting a street requires a minimum setback of 12 feet plus one foot for each one foot of height over 12 feet, but need not exceed 20 feet, and vehicle use areas require a minimum 12-foot setback.

Finding: The applicant's plans indicate the multi-family building will be approximately 32 feet in height, requiring a minimum 20-foot setback ($32 - 12 = 20$). After right-of-way dedication, the plans show the building approximately 27 feet from the property line abutting D Street NE, exceeding the minimum standards. The vehicle use area is proposed behind the building, and not adjacent to the street. The proposal meets the standards.

- *Interior Side and Rear*

North/East/West: The property is surrounded by other properties zoned RM-II to the north, east, and west. For a multiple family use, Table 514-5 specifies that buildings and accessory structures, and vehicle use areas abutting a residential zone at an interior side or rear property line require a minimum ten-foot setback with Type C landscaping (one plant unit per 20 square feet and a minimum six-foot-tall sight-obscuring fence or wall).

Finding: The applicant's plans demonstrate the minimum ten-foot setback is provided for the multi-family building abutting the east property line, and the north rear property line to the vehicle use area. However, there is a 39-foot portion of the new property line separating proposed Parcels 1 and 2, adjacent to the proposed trash enclosure and the corner of the vehicle use area which does not meet the minimum ten feet required. Therefore, the applicant has requested an adjustment to this standard for property line adjacent to the trash enclosure.

Additionally, pursuant to SRC 112.045(c), setbacks abutting a flag lot accessway shall be measured from the most interior access easement line, if an access easement exists. Therefore, a ten-foot setback with Type C landscaping is required along the east side of the access easement to the multi-family building. After notice was sent, staff discovered that the multi-family building was approximately eight feet from the access easement line, requiring an additional adjustment for the proposed development. Findings for the adjustments are included in Section 10 of this decision.

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: The maximum lot coverage requirement for all uses in the RM-II zone is 60 percent. The maximum building height allowance for multiple family buildings is 50 feet. Accessory structures are limited to a maximum building height of 15 feet. The site plan indicates that the proposed building covers approximately 3,000 square feet of the 16,718 square-foot lot, for a lot coverage of approximately 18 percent. The applicant's building elevations indicate that the new building is less than 40 feet in height; therefore, the proposal meets the standards.

SRC 514.010(f) – Maximum Square Footage for All Accessory Structures.

In addition to the maximum coverage requirements established in Table 514-6, accessory structures to single family and two-family uses shall be limited to the maximum aggregate total square footage set forth in Table 514-7.

Finding: The development proposal for this site plan review is multiple family; therefore, this standard does not apply.

SRC 514.010(g) – Landscaping.

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

Finding: Pursuant to SRC 702.015(b)(8), multiple family developments shall comply with the landscaping standards applicable in the underlying zone in which such developments are located. As indicated above, the development meets all required landscape setbacks, and will

be further reviewed for conformance with SRC Chapter 807 at the time of building permit review. The applicable landscaping standards for the vehicle use area are addressed with the parking section under SRC Chapter 806 below.

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 areas are proposed; therefore, this standard is not applicable.

SRC 514.015 – Design Review.

Design review under SRC chapter 225 is required for development within the RM-II zone as follows:

- (a) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
- (b) Residential care with five or more self-contained dwelling units shall be subject to the multiple family design review standards set forth in SRC chapter 702.

Finding: The proposal is for a multiple family development of 12 units; therefore, it is subject to the Design Review standards of SRC 702.015, which are addressed in Section 12 of this decision.

SRC Chapter 602 – Airport Overlay Zone

Development within the Airport Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone or any other overlay zone, the more restrictive development standards shall be the applicable development standard.

SRC 602.020(a) – Height

Except as otherwise provided in this chapter, no building, structure, or object shall be erected or increased in height, and no vegetation shall be allowed to grow, to a height in excess of the height limitations set forth in this subsection. If all or part of a lot is located in more than one Airport Overlay Zone area, the applicable height limitation shall be the most restrictive height limitation.

Finding: The subject property is located in the Conical Surface of the Airport Overlay Zone.

- (6) *Conical area.* In the conical surface, no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 20 feet outward for each one foot upward beginning at the periphery of the horizontal surface, 150 feet above the airport elevation, and extending to a height of 350 feet above the airport elevation.

Finding: Airport elevation for McNary Field Airport is 213.4 feet. The applicant's written statement indicates that the ground elevation of the site is approximately 207 feet, and provides their own analysis as to how the new multi-family building does not exceed the maximum allowed height in the Conical Surface area. However, the applicant's calculations were not entirely clear and did not use the correct ground elevation for the airport, and no supporting documentation was provided to verify the calculations. The applicant will be required to demonstrate how the proposed development meets the Airport Overlay Zone height restrictions at the time of building permit review.

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 one new solid waste enclosure is proposed. The standards of SRC 800.055 apply. The applicant has not provided construction details for the proposed trash enclosure, or the proposed receptacle size to determine the applicable code sections, and has indicated plans will be provided at building permit review. Full adherence with the standards of this section will be ensured at the time of building permit review, as conditioned below. If changes are made to the enclosure that cause revisions to the layout of the site, a modification to the site plan review may be required.

Condition 9: At the time of building permit review, the applicant shall provide construction details for the trash enclosure indicating conformance with all applicable standards of SRC 800.055.

▪ *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 a multiple family development; therefore, these standards are not applicable. The development standards under SRC 702 require pedestrian access and are addressed in Section 12 below. The standards of this subsection do not apply.

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

▪ *Off-Street Parking*

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 proposal includes development of a 12-unit multi-family apartment building, which allows a maximum 1.75 times the number of units for a multi-family development; therefore, the development allows a maximum of 21 spaces ($12 \times 1.75 = 21$). The proposed development includes a total of 11 spaces, which is less than the maximum allowance. This standard is met.

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

Finding: A maximum of eight of the off-street parking spaces may be compact spaces ($11 \times .75 = 8.25$); the remaining spaces must be standard size spaces. The proposal indicates four compact parking spaces are proposed for the multi-family development. This standard is met.

- (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: The proposal includes more than five dwelling units; therefore, this standard applies. The proposed development provides a total of 11 spaces, requiring a minimum of four spaces ($11 \times .4 = 4.4$) that should be available for Electric Vehicle (EV) charging stations by providing EV charger conduits, as defined in ORS 455.417. The applicant's plan indicate a total of five spaces are designated to be accommodate EV chargers on site. This standard is met.

▪ ***Parking and Vehicle Use Area Development Standards***

SRC 806.035 – For uses or activities other than single-family, two-, three-, and four-family. Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

- (a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.

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

Finding: The proposal includes development of a vacant parcel for a multi-family use, including new parking spaces, and appropriate drive-aisles and vehicle circulation; therefore, this section applies.

- (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 off-street parking and vehicle use area development standards of SRC Chapter 806 are applicable to this proposal. Pursuant to SRC 806.035(c)(4), an off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, with Type A landscaping, or by a minimum five-foot-wide paved pedestrian walkway. The compact parking spaces adjacent to the trash enclosure do not provide the minimum five-foot-width for either of the landscape or walkway options; therefore, the applicant has requested an adjustment to this standard. Findings for the adjustment are included in Section 10 of this decision. With approval of the adjustment, the proposed off-street parking area is in compliance with the minimum setback requirements of SRC Chapters 514 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 in amounts not less than those set forth in Table 806-4, for off-street parking areas 5,000 square feet or greater in size.

Finding: The proposed parking off-street parking area is less than 5,000 square feet; therefore, this standard is not applicable.

- (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 parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

- (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: The proposed off-street parking area terminates at a dead-end, and provides one striped parking space in conformance with the turnaround dimensions in Table 806-6. The area shall be identified by striping and installing no parking signs. Further conformance will be verified at the time of building permit review. 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 includes parking spaces directly abutting required pedestrian paths, which do not provide the required wheel stops or bumper guards. As such, the following condition applies:

Condition 10: At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for all parking spaces adjacent to a required landscaped setback or a pedestrian walkway only five feet in width.

- (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 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 does not meet the minimum half-acre size (21,780 square feet); therefore, the additional standards in this subsection are not applicable to the proposed development.

▪ ***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 12-unit multi-family development requires a minimum of 12 bicycle parking spaces. The applicant's written statement indicates that four long-term bicycle parking spaces are provided in the ground floor units, and eight spaces are provided at building entrances; providing 12 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: The short-term bike parking provided are directly adjacent to a five-foot wide pedestrian path that provides direct access to the public right-of-way and the primary building entrance. However, not all bicycle parking locations are shown on the plans to verify they meet access requirements. To ensure all bicycle parking development standards will be met, the following condition applies:

Condition 11: Prior to building permit approval, the applicant shall demonstrate that all bicycle parking provided for the development 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 short-term bike parking areas appear to meet the spacing dimensions; however, the applicant has not provided installation details for either the short-term or long-term bike parking. 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. Bicycle racks used for long-term bicycle parking

inside the ground floor units was not provided. As conditioned above, further conformance with these standards will be evaluated at the time of building permit review.

▪ **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 less than 50 dwelling units, no off-street loading space is required; therefore, this standard does not apply.

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 not provided a preliminary landscaping plan identifying the areas to be landscaped in conformance with SRC Chapter 807; therefore, the following condition applies:

Condition 12: At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets the applicable Type A or Type C landscaping, unless otherwise specified, by providing a

minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.

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 indicated there are no heritage trees, riparian trees, or significant trees on site; therefore, the preservation standards of SRC Chapter 808 are not applicable.

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: The applicant's engineer submitted a preliminary stormwater report that demonstrates the intent to utilize Green Stormwater Infrastructure, as required by SRC Chapter 71 and the Public Works Design Standards (PWDS). However, the preliminary stormwater report has modeling errors; lack of analysis for required storm events; and some inconsistencies with the Public Works Design Standards. Prior to issuance of a Building Permit, the applicant shall submit a final stormwater report that demonstrates the stormwater system will be designed and constructed in accordance with the Public Works Design Standards.

Condition 13: 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).

As conditioned, the proposed development meets the requirements of SRC Chapter 71.

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 the site 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.

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

▪ *Boundary Street Improvements*

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

Finding: The proposed multi-family development triggers boundary street improvements pursuant to SRC 803.040. As described in the written findings for the Tentative Partition Plan, an Alternative Street Standard for D Street NE is approved; however, right-of-way dedication is required on the final plat. As conditioned above, the proposed development meets the requirements of SRC Chapter 803.

▪ *Street Trees*

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

Finding: As described in the written findings above, right-of-way dedication is required along D Street NE and additional improvements are not required. The existing sidewalks along D Street NE are located along the curbline; however, with required right-of-way dedication, there will be

adequate growing space behind the sidewalk for street trees. As a condition of approval, the applicant shall provide street trees behind the curblin sidewalk.

Condition 14: Prior to issuance of a Certificate of Occupancy, install street trees to the maximum extent feasible along D Street NE behind the curblin sidewalk.

SRC Chapter 804 – Driveway Approaches:

SRC Chapter 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 development site is served by an existing driveway approach onto D Street NE. The applicant proposes to reconfigure the existing driveway approach, and has applied for a Class 2 Driveway Approach Permit for the modifications; findings for which are provided in Section 11. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway Approach Permit and Class 2 Adjustment for driveway spacing, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

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 proposal does not cause a vision clearance obstruction per SRC Chapter 805. The proposed multi-family structure meets the vision clearance standards established in SRC Chapter 805.

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 200 – Urban Growth Management, SRC Chapter 601 – Floodplain, SRC Chapter 809 – Wetlands, and SRC Chapter 810 – Landslide Hazards*; therefore, this criterion is met.

SRC 220.005(f)(3)(B): The transportation system into and out of the proposed development conforms to all applicable city standards.

Finding: Access to the proposed development will be provided by the network of existing public streets that surround the property. 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): The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Finding: The proposed 12-unit multi-family development generates less than 1,000 average daily vehicle trips to the arterial street system. Therefore, a TIA is not required as part of the proposed subdivision submittal per SRC 803.015(b)(1). This criterion is not applicable.

SRC 220.005(f)(3)(D): The proposed development will be served with City water, sewer, storm drainage, and other utilities.

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. Analysis of Class 2 Adjustment Criteria

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

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

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

Finding: The applicant is requesting ten Class 2 Adjustments to standards including minimum lot sizes, setbacks, flag lot accessway standards, carport access, and driveway spacing. The following provides a detailed analysis upon which the decision is based for each individual adjustment request:

- (1) Allow the partitioned lots in the RM-II zone to be less than 20,000 square feet in size, without three or more attached dwelling units or townhome development, for the existing residential dwelling, per SRC 514.010(a).***

The proposal indicates that the partition is to accommodate a multi-family development on Parcel 2, with an existing duplex to remain on Parcel 1. The multi-family development satisfies the requirement to provide at least three or more attached dwelling units per lot for Parcel 2; however, the existing duplex does not meet this requirement for Parcel 1 without the construction of an additional unit. Therefore, the applicant has requested an adjustment to this standard for the existing duplex.

The underlying purpose of this standard is to ensure that lots created in the RM-II zone are of sufficient size to allow them to be developed for uses allowed in the zone. Within the RM-II zone, a variety of housing types are allowed including single family detached dwellings, two family uses, and multiple family. The intent of the standard to create larger parcel sizes unless developed with a certain number of units is to ensure that lots will be of an adequate size to meet density requirements of the RM-II zone, provide adequate open space, and allow for increased setbacks in order to provide a sufficient buffer of higher-density development to

adjacent properties. However, two-family uses are less dense than the expected multi-family developments of the RM-II zone, and are therefore subject to smaller setbacks than the larger multi-family developments, which are the same setbacks that apply to single-family development. Proposed Parcel 1 is already developed with existing duplex dwelling, and the proposed lot has been sized appropriately to encompass the existing dwelling while meeting all required setbacks that apply to the less dense housing type.

Additionally, the applicant indicates that that by allowing the existing duplex to remain on Parcel 1, the proposal equally meets the intent of the standard to accommodate higher density development by allowing the vacant portion of the property on proposed Parcel 2 to be of an adequate size to accommodate the proposed multi-family development, which meets density requirements, provides adequate open space, and provides sufficient setbacks to the perimeter of the property.

Staff agrees that the proposal equally meets the purpose to ensure the lots are created of a sufficient size that allows both the two-family and multi-family uses on their respective parcels, and that the intent to provide adequate open space and setbacks for each housing type is met by allowing the land division to occur; therefore, this approval criterion is met.

- (2) *Reduce the minimum lot size required for a single-family use from 6,000 square feet to 5,000 square feet, for the existing single-family residence at 3021 D Street NE, per SRC 514.010(b), Table 514-2.*
- (3) *Reduce the minimum lot size required for all other uses from 6,000 square feet to 4,000 square feet, for the existing duplex on Proposed Parcel 1, at 3027 D Street, per SRC 514.010(b), Table 514-2.*

After land division, the adjusted Property A resulting from the Property Line Adjustment will be approximately 5,000 square feet in size; and the Proposed Parcel 1 resulting from the Partition will be approximately 4,000 square feet in size; both of which do not meet minimum 6,000 square-foot lot size for the existing single-family and two-family residences. Due to the location and orientation of the existing dwellings, they would not be easily or logically incorporated into a larger multiple family development; therefore, the applicant has requested an adjustment to this standard for adjusted Property A the proposed Parcel 1.

The intent of different lot size standards for different residential uses is to accommodate the appropriate open space and setbacks based on the needs of each housing type. In the RM-II zone, larger setbacks are required for multiple family uses as higher density development requires more amenities, open space, and buffer yards to adjacent properties; while a two-family development is required to have the same setbacks as single-family development. In the RS zone, the same single-family and two-family uses are allowed on a 4,000 square-foot property, which would mean that adequate open space, setbacks, and buffers are provided lots of those sizes under SRC Chapter 511. In the RM-II zone, the existing single-family and two-family dwellings are also subject to the same setback requirements as those that apply the RS zone; thereby making a lot size of 5,000 square feet more than sufficient for the existing single-family use, and a lot size of 4,000 square feet sufficient for the existing two-family use.

Although the properties are less than 20,000 square feet in size, they will allow for the two

existing homes located at 3021 D Street NE and 3027 D Street NE to remain as single-family and two-family dwellings on their own lots. Single family and two-family dwellings are permitted uses in the RM-II zone, and the proposed lots otherwise meet all applicable lot standards and setbacks for the existing dwellings in the zone. Therefore, the proposed adjustment allows for the creation of two lots in order to accommodate the retention of two existing dwellings that are permitted uses in the RM-II zone, while equally meeting the intent to provide adequate open space and setbacks for the lower density housing types, as evidenced by comparable development in other zones. This approval criterion is met.

(4) Increase the maximum lot depth ratio from 300 percent to 400 percent for Proposed Parcel 2, per SRC 514.010(b), Table 514-2.

In accordance with the lot standards listed in Table 514-2, the lot depth cannot exceed 300 percent of the average lot width. Because the lot standards are measured exclusively of the flag lot accessway, pursuant to SRC 112.045(a), the depth of proposed Parcel 2 exceeds the maximum 168-foot depth that is allowed based on its average width of 56 feet ($56 \times 3 = 168$). Therefore, the applicant has requested an adjustment to allow the lot depth of Parcel 2 to be approximately 224 feet, where only a maximum depth of 168 feet would otherwise be allowed.

The underlying purpose of the maximum lot depth standard is to ensure efficient use of land and convenient access to lots. If the depth of a lot far exceeds its width, the resulting land area located at the rear of the lot has the potential to be of such size that it can be further divided to accommodate additional lots; however, based on the narrow width of the lot and the location of any existing structures on it, the rear portion of the lot may be difficult to access. By limiting the maximum depth of residential lots, the possibility of leaving additional developable land at the rear of a lot is minimized; thereby ensuring the efficient use of land and more efficient access to lots via public streets rather than flag lot accessways.

In the case of the proposed partition, access to the lots is already being provided by a flag lot accessway, and proposed Parcel 2 is not meeting the maximum depth standard because the lot width is required to be measured exclusive of this accessway. Should the calculation be made including the accessway, which provides an average width of 78 feet, the depth of the lot could be up to 234 feet without exceeding the 300 percent ($78 \times 3 = 234$). The increased 56-foot depth beyond the maximum 168 feet will not negatively impact the effective use of land as the dimension for the lot is strictly to accommodate the flag lot accessway that serves all three parcels of the development site, thereby also providing access to the rear of the lot. In addition, the applicant has proposed development of the rear of the lot with the multi-family off-street parking area, ensuring that future division of proposed Parcel 2 will not be feasible without major demolition, as well as obstacles with meeting the minimum lot size and dimensions required in the RM-II zone to partition the property any further.

Staff finds the adjustment to the lot depth is necessitated by the need to provide one single point of access along the arterial roadway serving all three parcels, instead of multiple driveways closely spaced together, in order to minimize traffic impacts to the surrounding area and provide for the safe, orderly, and efficient circulation of traffic into, and out of the partition. As proposed, the development equally meets the intent to allow efficient use of the land and convenient access to the lots, and does not impact future access or possible division of land; therefore, this approval criterion is met.

- (5) *Reduce the minimum 10-foot zone-to-zone setback and Type C landscape requirement for a 39-foot portion of the new interior property line that abuts the proposed trash enclosure, per SRC 514.010(d), Table 514-5.*

For a multiple family use, Table 514-5 specifies that buildings and accessory structures, and vehicle use areas abutting a residential zone at an interior side or rear property line require a minimum ten-foot setback with Type C landscaping (one plant unit per 20 square feet and a minimum six-foot-tall sight-obscuring fence or wall). However, there is a 39-foot portion of the new property line separating proposed Parcels 1 and 2, adjacent to the proposed trash enclosure and the corner of the vehicle use area which does not meet the minimum ten feet required. Therefore, the applicant has requested an adjustment to this standard for property line adjacent to the trash enclosure due to the site constraints and minimum lot size for Proposed Parcel 1.

The purpose of setback requirement is to reduce crowding, allow for proper air circulation, and saturation of sunlight thereby ensuring safety and pleasing aesthetics in residential neighborhoods. Due to the narrow configuration of the site, and the intent to create proposed Parcel 1 of at least 4,000 square feet, so as to be a comparable size for the existing duplex as allowed in other zones and still meet all required setbacks, the multi-family development is limited in space to provide a trash enclosure that would still meet access requirements for the solid waste service hauler. In addition, the applicant did not want to further limit the parking available on site so as to mitigate any potential impacts to the surrounding area. While the proposed location of the trash enclosure does not meet the minimum setback to the property line, the applicant has located it in an area where the existing side yard on proposed Parcel 1 greatly exceeds the minimum five-foot requirement for the existing duplex, thereby providing the necessary ten-foot buffer on the adjacent parcel and meeting the intent to allow for adequate light, air, and privacy between structures.

Furthermore, to better meet the intent of the setback standard, the applicant is proposing to provide additional Plant Units (PU) required along the north and west sides of the of the property line, on proposed Parcel 1. For the ten-foot setback along the 39-foot portion of the property line, the displaced area of landscaping would be 390 square feet ($390 \times 10 = 390$), normally requiring a minimum of 20 PU ($390 / 20 = 19.5$), with 8 PU provided as trees ($20 \times 0.4 = 8$). Because the structure is a trash enclosure and has the potential to be a nuisance to the adjacent property, and to provide the additional plant units as proposed, the applicant shall provide Type D landscaping along the reduced setback, which is one plant unit per 16 square feet and a minimum six-foot-tall sight-obscuring fence or wall. This calculation would require a minimum of 24 PU ($390 / 16 = 24.38$), with 10 PU provided as trees ($24 \times 4 = 9.6$); this ensures at least one shade tree (10 PU) is provided, or four evergreen trees (5 PU). Therefore, to ensure that the existing duplex will have adequate privacy screening for the reduced setback abutting the trash enclosure and a small portion of the vehicle use area, the following condition applies:

Condition 15: At the time of building permit review, the applicant shall provide Type D landscaping along the 39-foot portion of the new interior property line adjacent to the trash enclosure and compact parking spaces.

Staff concurs that the existing duplex is served by ample yard space on the lot which allows for adequate room between structures. Furthermore, the above condition for required landscaping and screening will better meet the intent to provide a buffer and mitigate any potential impacts of the multi-family development to the adjacent duplex residence, while balancing the necessity to provide minimum lot sizes that provide adequate setbacks. As conditioned, the request better meets the standard, and this approval criterion is met.

(6) Reduce the minimum easement required for the flag lot accessway serving four or more units from 25 feet to 22 feet, per SRC 800.025(c), Table 800-1.

For residential flag lot accessways serving more than two units, the standard is for a minimum 20 feet of pavement width, with a total width of 25 feet for the access easement. The development plans do not indicate the minimum 25-foot-wide total width required for the access easement. Therefore, the applicant has requested an adjustment to allow the access easement to match the 22-foot width of the proposed pavement.

The purpose of the standard is primarily to ensure that larger developments can accommodate more vehicle and pedestrian traffic, and to provide an additional five feet within the easement where a buffer could be provided in the form of a landscape strip or pedestrian walkway. The applicant has provided a five-foot-wide pedestrian path along the east side of the accessway, serving the multi-family building, with a crossing of the accessway to the trash enclosure that could also be used by the duplex. In order to ensure the walkway equally meets the intent to provide a buffer to the vehicles using the accessway, and to ensure that the development can safely accommodate the increased pedestrian traffic, the applicant shall provide the pedestrian path along the accessway as a raised sidewalk to mitigate any potential impacts with increased vehicle usage.

Condition 16: With the development of Parcel 2, a raised curb sidewalk shall be provided along the east side of the flag lot accessway to ensure pedestrian separation from vehicles.

Additionally, the applicant is providing 22 feet of pavement as opposed to the minimum 20 feet required, better meeting the intent to accommodate more vehicle traffic. As conditioned, and by providing more pavement width than required, staff finds the reduced easement equally meets the intent to ensure adequate vehicle and pedestrian access to serve the development site, and this approval criterion is met.

(7) Increase the maximum number of units served by the flag lot accessway from 4 to 15 units, per SRC 800.025(c)(1).

The development site is designed to provide access to more than four units, serving the 12-unit apartment building, the existing duplex, and even providing vehicle access for a new parking area for the existing single-family residence. Therefore, the applicant has requested an adjustment to exceed the maximum four units to be served by accessway, so that all 15 units can take access from one driveway to D Street NE, which is classified as Minor Arterial Street.

The purpose of the standard is primarily to ensure developments can be accessible and adequately served by the Fire Department, by ensuring a lower density on accessways that

may not be able to accommodate a fire apparatus. In this case, the property is limited with access to the surrounding streets due to the street classification of D Street NE, which is classified as a Minor Arterial street according to the Salem Transportation System Plan (TSP). By utilizing one approach to serve multiple properties, the number of driveway approaches onto the arterial roadway are minimized, ensuring the development does not create traffic hazards or adverse impacts to the vicinity, as described in the Driveway Approach Permit analysis in Section 11 below.

Additionally, the applicant is more pavement width than required, and submitted a statement from the Fire Department indicating that they could adequately serve the development site as proposed. Therefore, the request equally meets the standard as proposed, and this approval criterion is met.

(8) Reduce the required driveway spacing standard of 370 feet for a driveway approach along D Street, a Minor Arterial Street, per SRC 804.035(d).

The applicant requests a Class 2 Adjustment to reduce the required driveway spacing standard of 370 feet, per SRC 804.035(d), for a driveway approach along D Street, a Minor Arterial Street. The driveway approach is located approximately 135 feet from a neighboring driveway approach to the east, and approximately 60 feet from a neighboring driveway approach to the west. The development is proposing one new driveway approach which will serve three parcels. Due to existing adjacent driveway approaches, compliance with the driveway spacing standard is not possible. Additionally, pursuant to SRC 804.035(a)(2)(C), the proposed driveway is allowed because the development cannot be feasibly served by access onto a local or collector street because the only physical street frontage is D Street NE. The proposed driveway approach meets the adjustment criteria by allowing for turning movements and traffic safety better than what would be accomplished by meeting the development standard.

(9) Reduce the minimum setback for the vehicle entrance of a carport abutting a flag lot accessway from 20 feet to 16 feet for the carport parking area of the existing duplex at 3027 D Street NE, per SRC 806.025(b).

In addition to the required setbacks in the RM-II zone, SRC 806.025(b) requires the vehicle entrance of a garage or carport facing a street or flag lot accessway to be setback a minimum of 20 feet. The applicant's plans indicate an existing carport to remain with the existing duplex on proposed Parcel 2, which is approximately 16 feet from the flag lot accessway, and does not meet the minimum 20-foot setback for the carport entrance abutting the accessway.

One intent of the minimum 20-foot driveway depth is to provide adequate maneuvering space for vehicles to enter and exit a carport parking area before entering an accessway shared by multiple vehicles. The applicant's written statement indicates that because the parking is adjacent to the accessway, which includes an adjacent five-foot pedestrian path, there is enough room for one vehicle to safely enter and exit the existing carport, and the standard 24 feet of back up maneuverability is provided. However, the requirement for a minimum 20-foot driveway depth is also to provide adequate space for vehicles to tandem park on the driveway, behind the carport, without projecting into the shared flag lot accessway, blocking access for other vehicles. Pursuant to the minimum parking space dimensions set forth in SRC

806.035(e), Table 806-5, the minimum depth of a compact parking space is 15 feet; therefore, the proposed 16-foot driveway meets the minimum depth for a compact parking space. Additionally, if approval of the reduced driveway depth is not granted, the applicant could be required to demolish the existing carport. Therefore, to ensure that the 16-foot driveway is only used for vehicles that will not overhang onto the sidewalk or into the shared accessway, or is only used to access the carport and remains free of vehicles, the following condition applies:

Condition 17: The applicant shall take measures to ensure that no vehicles park in any location or orientation north of the flag lot accessway, in a manner where the vehicle projects into the flag lot accessway, overhangs over a sidewalk, or is located within the side yard areas of the existing dwellings. Examples of such measures include, but are not limited to, replacing extra concrete areas with landscaping, installing bollards, providing deck or patio structures, and/or additional screening walls or fences, which should be demonstrated on the plans at the time of building permit review.

The applicant is also proposing to add two screened off-street parking areas to the existing dwellings – one on adjusted Property A and the other on the south side of proposed Parcel 1 – both of which have approximately only 13 feet of driveway depth leading to the screened parking space. While the driveways leading to screened off-street parking areas are not required to be 20 feet in depth, the applicant has room to provide 20-foot driveways, which would further reducing the probability of adverse impacts to the site from parking on undersized driveways that have the potential to block access to the flag lot accessway. Therefore, to further ensure that the proposed development mitigates any impacts to the accessway serving an increased number of units and vehicles than typically allowed, the applicant shall adjust the screened parking areas to provide the 20-foot depth to accommodate a typical vehicle size, or clearly identify the area as no parking, where any future violations would be enforced by the Compliance Division.

Condition 18: Any other parking spaces provided for the existing dwellings that do not provide the minimum 20-foot driveway depth shall be striped and clearly identified with “NO PARKING” signs.

Staff agrees that the development has unique site constraints with the locations of existing structures and the ideal location for the accessway to serve all parcels. As the driveway provides adequate room to park a compact vehicle and sufficient maneuvering space with consideration of the five-foot walkway, and as conditioned above, the proposal equally meets the intent of the standard, and this approval criterion is met.

(10) Reduce the setback adjacent to buildings and structures for the multi-family parking area adjacent to the trash enclosure from five feet to two feet, per SRC 806.035(c)(4).

Pursuant to SRC 806.035(c)(4), an off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, with Type A landscaping, or by a minimum five-foot-wide paved pedestrian walkway. The compact parking spaces adjacent to the trash enclosure do not provide the minimum five-foot-width for either the landscape or walkway options. Therefore, the applicant has requested an adjustment to reduce the five-foot setback to two feet.

The intent of this standard is to provide space between structures and parking areas to prevent damage to an adjacent building or structure, and to provide an area for walking around structures or parking areas, or provide landscape buffers near large impervious surfaces used for parking. The applicant's written statement proposes to install a bollard to ensure the structure is protected from vehicles maneuvering within the parking area, and two feet of paved width. Additionally, as conditioned above, the applicant is providing an increased number of plant units in the same vicinity to meet the setback of the vehicle use area adjacent to the trash enclosure. Staff finds that the applicant's plans equally meet the intent to prevent damage to the trash enclosure, and to provide landscape or a walkway adjacent to the vehicle use area; therefore, the proposal equally meets the intent of the standard, and this approval criterion is met.

(11) To eliminate the minimum 10-foot setback abutting a flag lot accessway, per SRC 514.010(d).

For a multiple family use, Table 514-5 specifies that buildings and accessory structures, and vehicle use areas abutting a residential zone at an interior side or rear property line require a minimum ten-foot setback with Type C landscaping (one plant unit per 20 square feet and a minimum six-foot-tall sight-obscuring fence or wall). Pursuant to SRC 112.045(c), setbacks abutting a flag lot accessway shall be measured from the most interior access easement line, if an access easement exists. Therefore, a ten-foot setback with Type C landscaping is required along the east side of the access easement as the interior side setback to the multi-family building. After notice was sent, staff discovered that the multi-family building was approximately eight feet from the access easement line, requiring an additional adjustment for the proposed development, as it would not be feasible to meet all other perimeter setbacks, and impractical to provide sight-obscuring fencing along the access easement which is used to provide access to the parking lot serving the multi-family development.

The purposed of the landscaped setback is to provide adequate separation for multistory buildings to abutting properties, reduce crowding, allow for proper air circulation and saturation of sunlight, thereby ensuring safety and pleasing aesthetics in residential neighborhoods; the purpose of the fencing is to ensure visual and physical separation and privacy for residential uses. Because the accessway is used by all three parcels and functions as a smaller private street essentially, providing separation to the accessway would actually create crowding and limit proper light and air circulation for the site. Additionally, the applicant has provided a smaller landscape planter and a five-foot-wide pedestrian path along the east side of the accessway within the setback for the multi-family building. With the condition for the walkway to be a raised sidewalk, the development equally meets the intent to provide some physical separation to the access easement, while ensuring pedestrian safety and a better aesthetic for the development site.

As all other setbacks are adequately landscaped and the easement is for shared access only, the proposal equally meets the intent of providing landscaped setbacks between uses and properties. As proposed, the request equally meets the standard, and this approval criterion is met.

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

Finding: The subject property is located in an area with RM-II zoning, which permits a variety of residential uses, ranging from single-family to multiple-family buildings. All properties in the surrounding area are developed with duplexes or triplexes, and the proposal will allow the existing duplex to remain, maintaining the appearance of the surrounding neighborhood. The proposed middle housing development will be similar in nature to the existing neighborhood, and neither the future residential development nor the adjustments requested by the applicant will detract from the livability or appearance of the residential area. This criterion is met.

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

Finding: Ten separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. Although more than one adjustment has been requested, each adjustment is the minimum necessary to allow the reasonable development of the property in conformance with the purposes of the RM-II zone, which is to provide multiple family residential uses and areas of more residential housing, while also maintain the existing residences already on site. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

11. Analysis of Class 2 Driveway Approach Permit Criteria

SRC 804.025(d) provides that an application for a Class 2 Driveway Approach Permit 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 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The applicant proposes one new driveway approach onto D Street NE, classified as an arterial street according to the Salem Transportation System Plan (TSP). The driveway approach does not meet the spacing standards for access onto an arterial street, pursuant to SRC 804.035(d); and as such, has applied for a Class 2 Adjustment to this standard. With the approved adjustment for driveway spacing, the proposed driveway meets the standards for SRC Chapter 804 and Public Works Design Standards (PWDS). This criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: Development Services has reviewed the proposal and determined that no site conditions existing prohibiting the location of the proposed driveway. This criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The subject property has frontage on one street, D Street NE, which is classified as a Minor Arterial street according to the Salem Transportation System Plan (TSP). The applicant proposes only one driveway approach onto D Street NE, as no other streets are available to provide access. The driveway approach will serve three parcels, two created through the Tentative Partition Plan and one created through the Property Line Adjustment, consolidated with this application. By utilizing one approach to serve multiple properties, the number of driveway approaches onto the arterial roadway are minimized. As a condition of approval, to ensure access onto the arterial roadway is minimized, an easement for access to this driveway approach shall be provided to all three parcels.

Condition 19: Prior to issuance of a building permit, an access easement serving all proposed parcels of the development site shall be provided to ensure all three parcels have access to the proposed driveway approach.

As conditioned, the proposed driveway approach meets this criterion.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

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

Finding: The subject property abuts only one street, which has a minor arterial classification. The proposed driveway approach will be shared between three parcels. This criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. This criterion is met.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, Development Services analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Development Services' analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The proposed driveway approach is located on a minor arterial street and does not create a significant impact to adjacent streets and intersections. This criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets. This criterion is met.

12. Analysis of Class 1 Design Review Approval Criteria

SRC 225.005 provides that design review approval is required for development applications that are subject to design review standards and guidelines. A Class 1 design 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 225.005(d): Design review shall be approved if all of the applicable design review standards are met.

Finding: SRC 514.015(a) provides that multiple family development within the RM-II zone shall be subject to design review according to the multiple family design review standards set forth in SRC Chapter 702. The proposed development conforms to SRC Chapter 702 follows.

SRC Chapter 702 – Multiple Family Design Review Standards

▪ For Multiple Family Development with Five to Twelve Units.

SRC 702.015(a) – Open Space Standards.

(1) To encourage the preservation of natural open space qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 20 percent of the gross site area as designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement

Finding: The subject property is approximately 16,718 square feet in size, requiring a minimum of 3,344 of permanently reserved open space ($16,718 \times 0.2 = 3,343.6$). The proposal indicates 4,695 square feet of open space will be provided on site, or approximately 28 percent of the gross site area. The proposal meets the standard.

(A) To ensure usable open space, at least one common open space area shall be provided within the development that is at least 500 square feet in size and has a minimum dimension of 20 feet for all sides.

Finding: The proposed site plan shows a common open space of at least 500 square feet, which is in a larger area of approximately 2,500 square feet, exceeding the minimum size and dimensions. The proposal meets the standard.

- (B) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-1, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-1.

TABLE 702-1. PRIVATE OPEN SPACE SIZE AND DIMENSIONS		
Location of Dwelling Unit	Minimum Open Space Area Size	Minimum Dimension
Not more than 5 feet above finished grade	96 sq. ft.	6 ft.
More than 5 feet above finished grade	48 sq. ft.	6 ft.

Finding: The applicant's development plans show private patio spaces with dimensions meeting the standards for all ground-level units, and balconies meeting the required dimensions for all upper-floor units. The proposal meets the standard.

- (C) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 500-square-foot improved open space area may count as 1,000 square feet toward the open space requirement.
- (i) Be a minimum 500 square feet in size with a minimum dimension of 20 feet for all sides; and
 - (ii) Include at least one of the following types of features:
 - a. Covered pavilion.
 - b. Ornamental or food garden.
 - c. Developed and equipped children's play area, with a minimum 30-inch-tall fence to separate the children's play area from any parking lot, drive aisle, or street.
 - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
 - e. Swimming pool or wading pool.

Finding: The applicant is proposing to exceed the minimum open space requirement and does not require additional improvements to meet the standard.

- (D) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a public urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.

Finding: The subject property is not located within one-quarter mile of a publicly owned park; therefore, this standard does not apply.

SRC 702.015(b) – Landscaping Standards.

- (1) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:

- (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
- (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain link fencing with slats shall be not allowed to satisfy this standard.

Finding: The subject property does not abut property zoned RA or RS; therefore, this standard does not apply.

- (2) Multiple family developments shall comply with the landscaping standards applicable in the underlying zone in which such developments are located.

Finding: As indicated with the Site Plan Review analysis in Section 9 above, the development meets all required landscape setbacks, and will be further reviewed for conformance with SRC Chapter 807 at the time of building permit review, as conditioned.

SRC 702.015(c) – Site Safety and Security.

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

Finding: The applicant has indicated that all habitable rooms that face common open space, parking areas, and pedestrian paths will have windows. The elevations and floor plans submitted show adherence to the standard.

- (2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development to enhance visibility and resident safety.

Finding: The applicant's development plans does not identify areas where lighting will be provided to demonstrate conformance with this standard; therefore, the following condition applies:

Condition 20: At time of building permit submittal, the applicant shall provide lighting details demonstrating compliance with the standards of SRC 702.015(c)(2).

SRC 702.015(d) – Parking and Site Design.

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

Finding: As demonstrated on the applicant's site plan, the off-street parking area is proposed at the northeast end of the development site, located behind the multi-family building as viewed from the street; therefore, this standard is met.

- (2) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks.

Finding: The proposed site plan shows a network of pedestrian pathways which connect to and between buildings, common open space, and parking areas, and which connects the development to the public sidewalks along D Street NE. This standard is met.

SRC 702.015(e) – Façade and Building Design.

- (1) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between new buildings and structures on site and existing buildings and structures on abutting sites.

Finding: The subject property does not abut property zoned RA or RS; therefore, this standard does not apply.

- (2) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.

Finding: Because the lot width is measured exclusive of the flag lot accessway, the site does not have more than 75 feet of buildable width; therefore, this standard is not applicable.

- (3) To orient buildings to the street, any ground-level unit, cluster of units, interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing that street, with direct pedestrian access to adjacent sidewalks.

Finding: The building is setback approximately 27 feet from the property line after right-of-way dedication; therefore, this standard is not applicable.

- (4) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade, or portico.

Finding: The applicant's elevations provide a roofed awning as an architectural design element over each shared entryway to the units, which serve only two units per floor. This standard is met.

- (5) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.

Finding: The applicant's statement indicates that the development does not include rooftop-mounted mechanical equipment; therefore, this standard does not apply.

- (6) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 75 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided (see Figure 702-1).

Finding: The building roof heights include differences in elevation of at least 4 feet and do not exceed a horizontal length of 75 feet. This standard is met.

13. Analysis of Property Line Adjustment Approval Criteria

Pursuant to SRC 205.055(a), a property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a). SRC 205.055(d) provides that an application for a property line adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial.

SRC 205.055(d)(1): The property line adjustment will not create an additional unit of land;

Findings: The proposed property line adjustment relocates the common property line between two existing units of land. The proposed property line adjustment would not create an additional unit of land; therefore, this criterion is met.

SRC 205.055(d)(2): The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;

Findings: The subject properties are zoned RM-II (Multi-Family Residential-II), which is regulated by SRC Chapter 514. As shown on the property line adjustment site plan, this adjustment will move the property line between two units of land resulting in adjusted lot sizes of approximately 5,000 square feet for the existing single-family dwelling on Proposed Property A (3021 D Street NE), and 24,428 square feet for the existing duplex and vacant portion of land on Proposed Property B (3027 D Street NE). Because Proposed Property B is evaluated for further division with the Tentative Partition Plan in Section 8 above, the following is an analysis of the Proposed Property A indicating the property line adjustment will not create a nonconforming unit of land or development.

SRC Chapter 514 – RM-II (Multiple Family Residential-II) Zone

SRC 514.005 – Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RM-II zone are set forth in Table 514-1.

Finding: Single family residential uses are allowed as a permitted use in the RM-II zone per Table 514-1.

SRC 514.010(a) – 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: Proposed Property A will be 5,002 square feet, which is below the minimum 20,000 square feet, and does not meet the requirement to contain three or more attached dwelling units per lot. Therefore, the applicant has requested an adjustment to this standard for the for the existing single-family residence on Proposed Property A. Findings for the adjustment are included in Section 10 of this decision.

SRC 514.010(b) – Lot standards.

Lot size and dimension standards within the RM-II zone are established in SRC 514.015(a), Table 514-2. All applications were finally submitted on October 11, 2024, prior to a UDC update that changed the minimum lot sizes for middle housing uses in the RM-II zone. Because the application was submitted prior to this update, the following table is a summary of the lot size and dimension standards applicable to residential uses within the RM-II zone at the time the application was submitted:

RM-II zone: Residential Use Lot Standards		
Lot Area	Min. 6,000 sq. ft.	Applicable to all single family, other than townhomes and new single family detached dwellings on nonconforming lots of record less than 6,000 square feet in area.
Lot Width	Min. 40 ft.	Applicable to all single family, other than townhomes, and all other uses (two-family and multi-family).
Lot Depth	Min. 70 ft.	Applicable to all single family uses.
Street Frontage	Min. 40 ft.	Applicable to all single family, other than townhomes, and all other uses (two-family and multi-family).

Finding: Proposed Property A will only be 5,002 square feet in size, which does not meet minimum 6,000 square-foot lot size for the existing duplex. Therefore, the applicant has requested an adjustment to this standard for the Proposed Property A. Findings for the adjustment are included in Section 10 of this decision.

Proposed Property A meets all other minimum dimensions, with approximately 50 feet of width as street frontage along D Street NE, approximately 102 feet in length.

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. Maximum dwelling unit cannot be varied or adjusted.

Finding: Single family detached dwelling on nonconforming lot of record less than 6,000 square feet in area are not required to meet minimum and maximum density standards; therefore, this standard does not apply.

SRC 514.010(d) – Setbacks.

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

Finding: The applicant's plans demonstrate the existing single family residence is setback at least 26 feet from the special setback line along D Street NE, at least five feet from the east and west property lines, and 20 feet to the new northern property line at the rear; therefore, the setback requirements for the single-family residence are met.

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: The maximum lot coverage requirement for all uses in the RM-II zone is 60 percent. The maximum building height allowance for multiple family buildings is 50 feet. Accessory structures are limited to a maximum building height of 15 feet. The site plan indicates that the existing single-family covers approximately 1,200 square feet of the 5,002 square-foot lot, for a lot coverage of approximately 24 percent. The applicant's building elevations indicate that the new building is less than 40 feet in height; therefore, the proposal meets the standards.

SRC 514.010(f) – Maximum Square Footage for All Accessory Structures.

In addition to the maximum coverage requirements established in Table 514-6, accessory structures to single family and two-family uses shall be limited to the maximum aggregate total square footage set forth in Table 514-7.

Finding: The existing single-family residence does not have any detached accessory structures on site; therefore, this standard does not apply.

SRC 514.010(g) – Landscaping.

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

Finding: The existing single-family residence does not have any setbacks or parking areas that require landscape; 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 areas are proposed; therefore, this standard is not applicable.

SRC 514.015 – Design Review.

Design review under SRC chapter 225 is required for development within the RM-II zone as follows:

- (a) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
- (b) Residential care with five or more self-contained dwelling units shall be subject to the multiple family design review standards set forth in SRC chapter 702.

Finding: Proposed Property A is for an existing single-family residence and is therefore, not subject to design review.

With approval of the request adjustments to lot standards, the adjusted Property A meets the applicable standards of SRC Chapter 514, and will not create a nonconforming unit of land or development. This criterion is met.

SRC 205.055(d)(3): The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established.

Findings: The subject properties are two single and discrete lawful units of land under on tax lot number, Tax Lot 073W24DC01000, identified as Parcel 1 and Parcel 2 of Instrument No. 2024-29874. The proposed property line adjustment involves legal units of land; therefore, this criterion is met. Additionally, this consolidated application includes a request for a Partition Tentative Plan to further divide adjusted Property B. As conditioned, the final plat for the Partition Tentative Plan shall be recorded prior to recording of the record of survey for the Property Line Adjustment, so as not to ensure that the properties are lawfully divided as proposed.

SRC 205.055(d)(4): The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land.

Findings: There is one previous land use application found for the subject property, Lot Line Adjustment (LLA) 98-11, which does not contain conditions of approval applicable to the properties that would prohibit the proposed property line adjustment; therefore, this criterion is met.

SRC 205.055(d)(5): The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way.

Findings: The proposed property line adjustment will not involve the relocation or elimination of any public easements or right-of-way; therefore, this criterion is met.

SRC 205.055(d)(6): The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

Findings: The proposed property line adjustment will adjust the common property line between two abutting lots and does not affect availability or access to public and private utilities or streets. This criterion is met.

14. Conclusion

Based upon review of SRC Chapters 205, 220, 225, 250, and 804, 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, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment, Case No. PAR-SPR-ADJ-DAP-DR-PLA25-04, is hereby **APPROVED** subject to SRC Chapters 205, 220, 225, 250, and 804, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

PARTITION

- Condition 1:** The property line adjustment for the single-family residence at 3021 D Street NE shall be recorded prior to the final partition plat for the remaining land at 3027 D Street NE.
- Condition 2:** The final partition plat shall be recorded prior to issuance of any building permits for the development of Parcel 2, including construction of new residential units and the associated civil site work; except the final plat is not necessary prior to issuance of Erosion Control, Clearing and Grubbing, Grading, and Public Works permits.
- Condition 3:** Prior to final plat approval, obtain a demolition permit to remove the shed portion on the south side of the existing duplex on Parcel 1 (3027 D Street NE) to meet the minimum interior front yard setback to Property A (3021 D Street NE).
- Condition 4:** "NO PARKING–FIRE LANE" signs shall be posted on both sides of those portions of the flag lot accessway that is a fire apparatus roadway, and "NO PARKING" signs shall be posted on both sides of any remaining portions of the accessway. Required signs along the east side of the flag lot accessway may be installed at the time of development for Parcel 2, prior to issuance of a Certificate of Occupancy.
- Condition 5:** At the time of development on each parcel, submit a tentative stormwater design in compliance with Public Works Design Standards.
- Condition 6:** On the final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded.
- Condition 7:** On the final plat, convey land for dedication to equal a half-width right-of-way of 36-feet on the development side of D Street NE.
- Condition 8:** On the final plat, provide a 10-foot-wide public utility easement along the frontage of D Street NE on the final plat.

SITE PLAN REVIEW

- Condition 9:** At the time of building permit review, the applicant shall provide construction details for the trash enclosure indicating conformance with SRC 800.055.

- Condition 10:** At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for all parking spaces adjacent to a required landscaped setback or a pedestrian walkway only five feet in width.
- Condition 11:** Prior to building permit approval, the applicant shall demonstrate that all bicycle parking provided for the development complies with the applicable standards of SRC 806.060.
- Condition 12:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets the applicable Type A or Type C landscaping, unless otherwise specified, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.
- Condition 13:** 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).
- Condition 14:** Prior to issuance of a Certificate of Occupancy, install street trees to the maximum extent feasible along D Street NE behind the curblin sidewalk.

ADJUSTMENTS

- Condition 15:** At the time of building permit review, the applicant shall provide Type D landscaping on Parcel 1, along the 39-foot portion of the new interior property line adjacent to the trash enclosure and compact parking spaces.
- Condition 16:** With the development of Parcel 2, a raised curb sidewalk shall be provided along the east side of the flag lot accessway to ensure pedestrian separation from vehicles.
- Condition 17:** The applicant shall take measures to ensure that no vehicles park in any location or orientation north of the flag lot accessway, in a manner where the vehicle projects into the flag lot accessway, overhangs over a sidewalk, or is located within the side yard areas of the existing dwellings. Examples of such measures include, but are not limited to, replacing extra concrete areas with landscaping, installing bollards, providing deck or patio structures, and/or additional screening walls or fences, which should be demonstrated on the plans at the time of building permit review.
- Condition 18:** Any other parking spaces provided for the existing dwellings that do not provide the minimum 20-foot driveway depth shall be striped and clearly identified with "NO PARKING" signs.

DRIVEWAY APPROACH PERMIT

Condition 19: Prior to issuance of a building permit, an access easement serving all proposed parcels of the development site shall be provided to ensure all three parcels have access to the proposed driveway approach.

DESIGN REVIEW

Condition 20: At time of building permit submittal, the applicant shall provide lighting details demonstrating compliance with the standards of SRC 702.015(c)(2).



Jamie Donaldson, Planner III



Aaron Panko, Infrastructure Planner III

On behalf of Lisa Anderson-Ogilvie, AICP
Planning Administrator

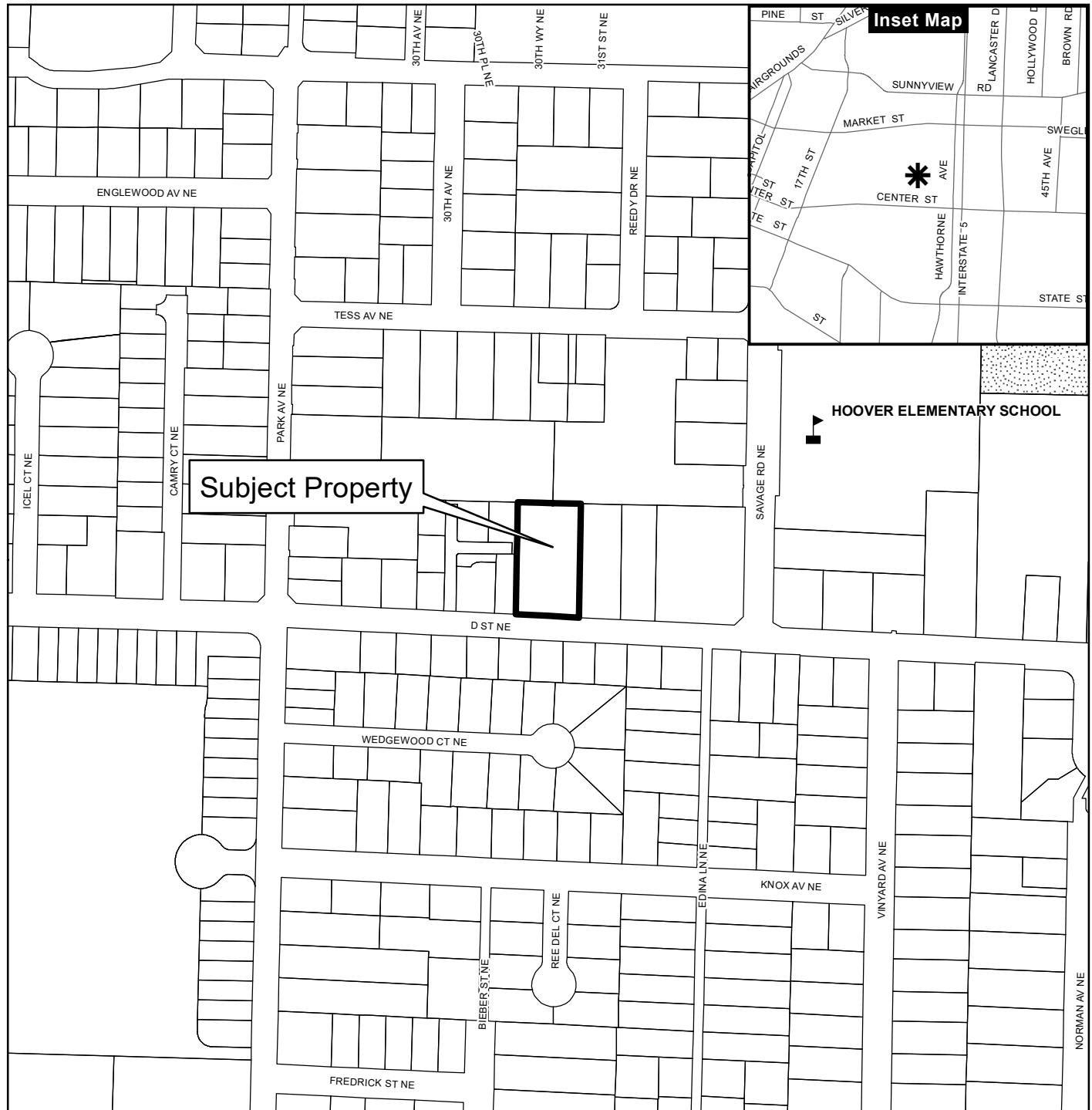
Attachments:

- A. Vicinity Map
- B. Property Line Adjustment Plan
- C. Tentative Partition Plan
- D. Applicant's Development Plan
- E. Salem-Keizer School District Comments

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

Vicinity Map

3021-3027 D Street NE



Legend

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

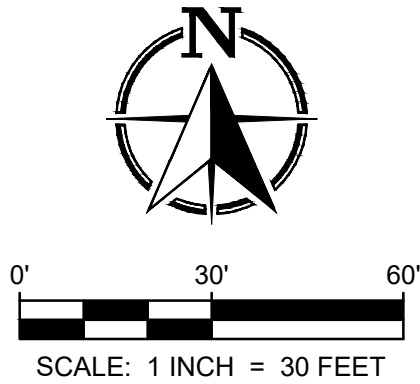
- Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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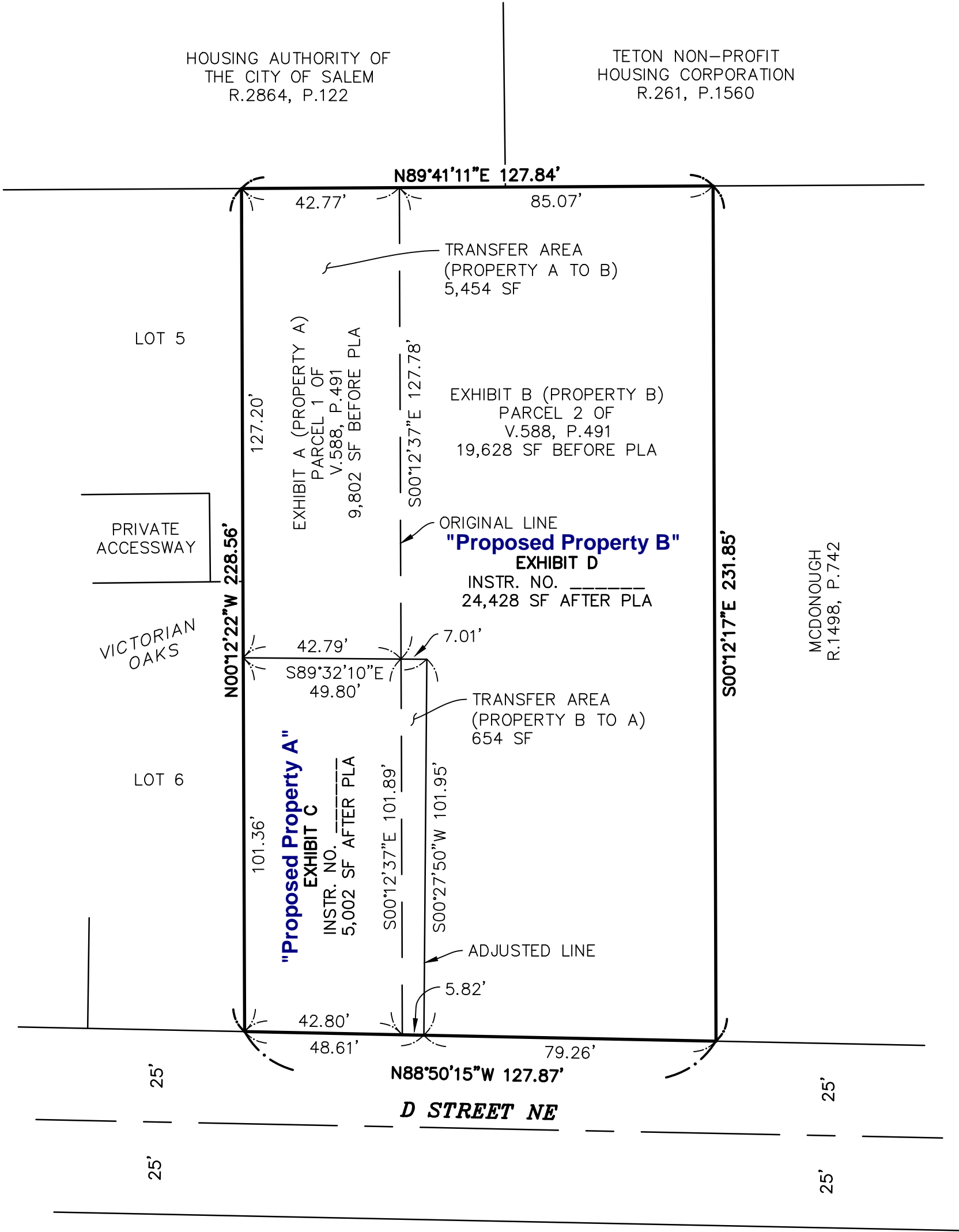




PROPOSED PROPERTY LINE ADJUSTMENT

IN THE SE 1/4 OF SECTION 24, T.7S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

DATE: JULY 17, 2024



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

RECEIVED ____ / ____ / ____ BY
MARION COUNTY SURVEYOR.
APPROVED FOR FILING ON
____ / ____ / ____
MCSR _____

SURVEYED FOR: SKYLINE BUILDERS, LLC

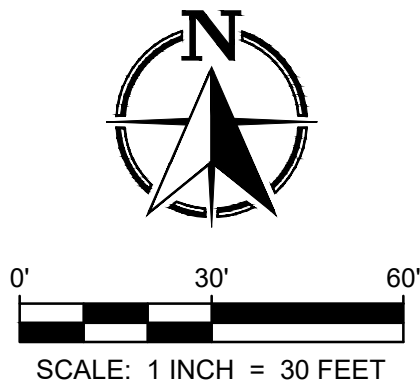


FFN SURVEYING

7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 24-500

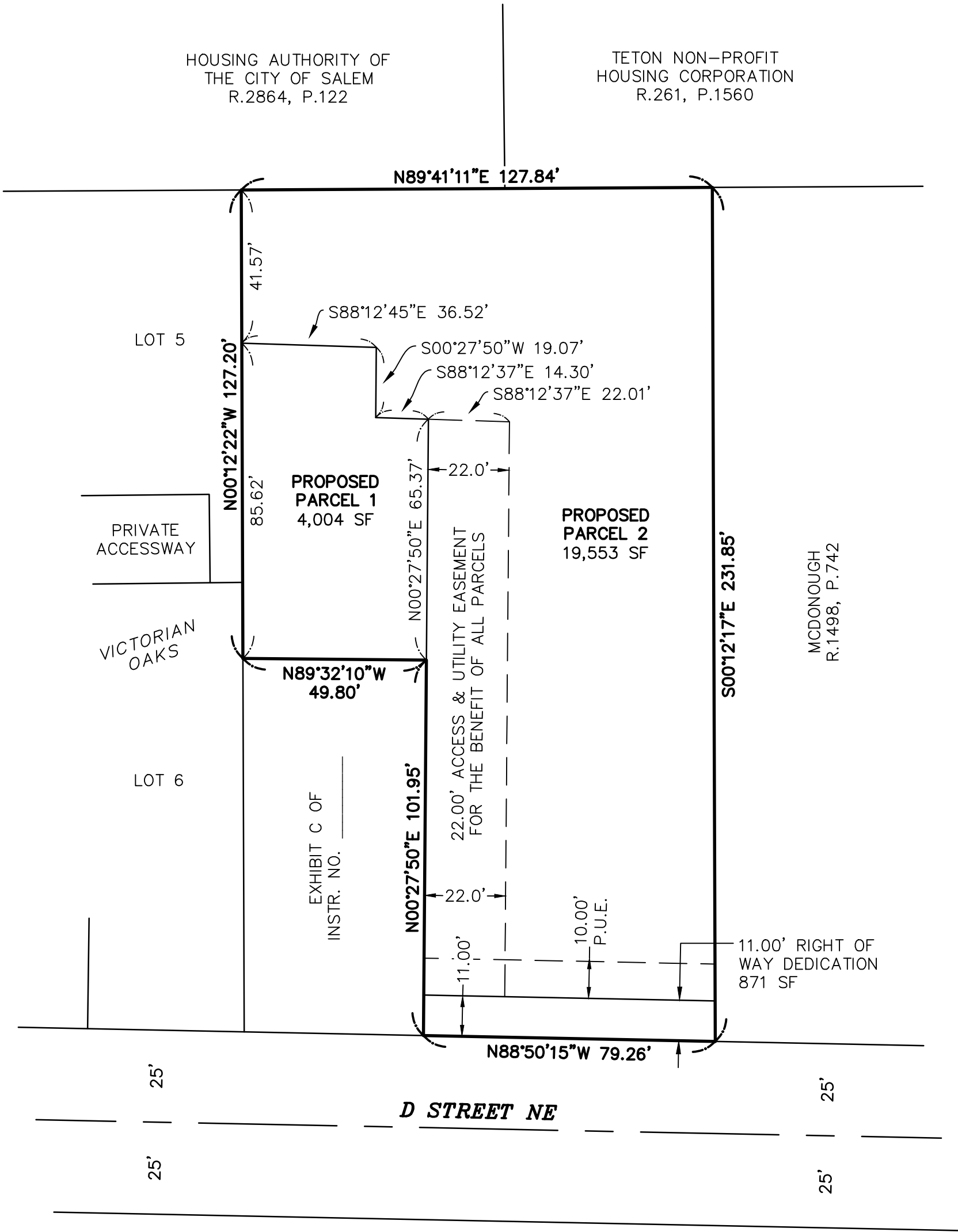
SHEET 1/1



PROPOSED PARTITION PLAT

IN THE SE 1/4 OF SECTION 24, T.7S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

DATE: JULY 17, 2024



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

SURVEYED FOR: SKYLINE BUILDERS, LLC

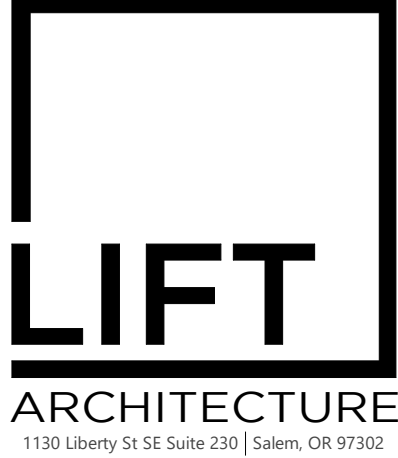


FFN SURVEYING

7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 24-500

SHEET 1/1



PRELIMINARY
NOT FOR
CONSTRUCTION

New Multifamily Development
3021 D Street
Salem, OR 97301

REVISIONS:

SHEET:
A1.01
SITE PLAN

PROJECT # 2024-023
DATE: 2/24/2025

SITE AREA:

EXISTING: 29,430 sf (0.67 acres)

- NEW: (AFTER SPECIAL SETBACK)
- ADJUSTED PROPERTY: 4,466 sf
 - PROPOSED PARCEL 1: 4,004 sf
 - PROPOSED PARCEL 2: 19,553 sf

ZONING REVIEW:

ADJUSTED PARCEL:

LOT COVERAGE:
MAXIMUM: 60% (2,680 sf)
SHOWN: 28% (1,238 sf)

PROPOSED PARCEL 1:

LOT COVERAGE:
MAXIMUM: 60% (2,402 sf)
SHOWN: 34% (1,352 sf, includes existing carport)

PROPOSED PARCEL 2:

DENSITY:

MINIMUM: 15 UNITS/ACRE = 6 UNITS
MAXIMUM: 31 UNITS/ACRE = 13 UNITS

UNITS SHOWN: = 12 UNITS

LOT COVERAGE:

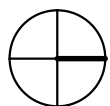
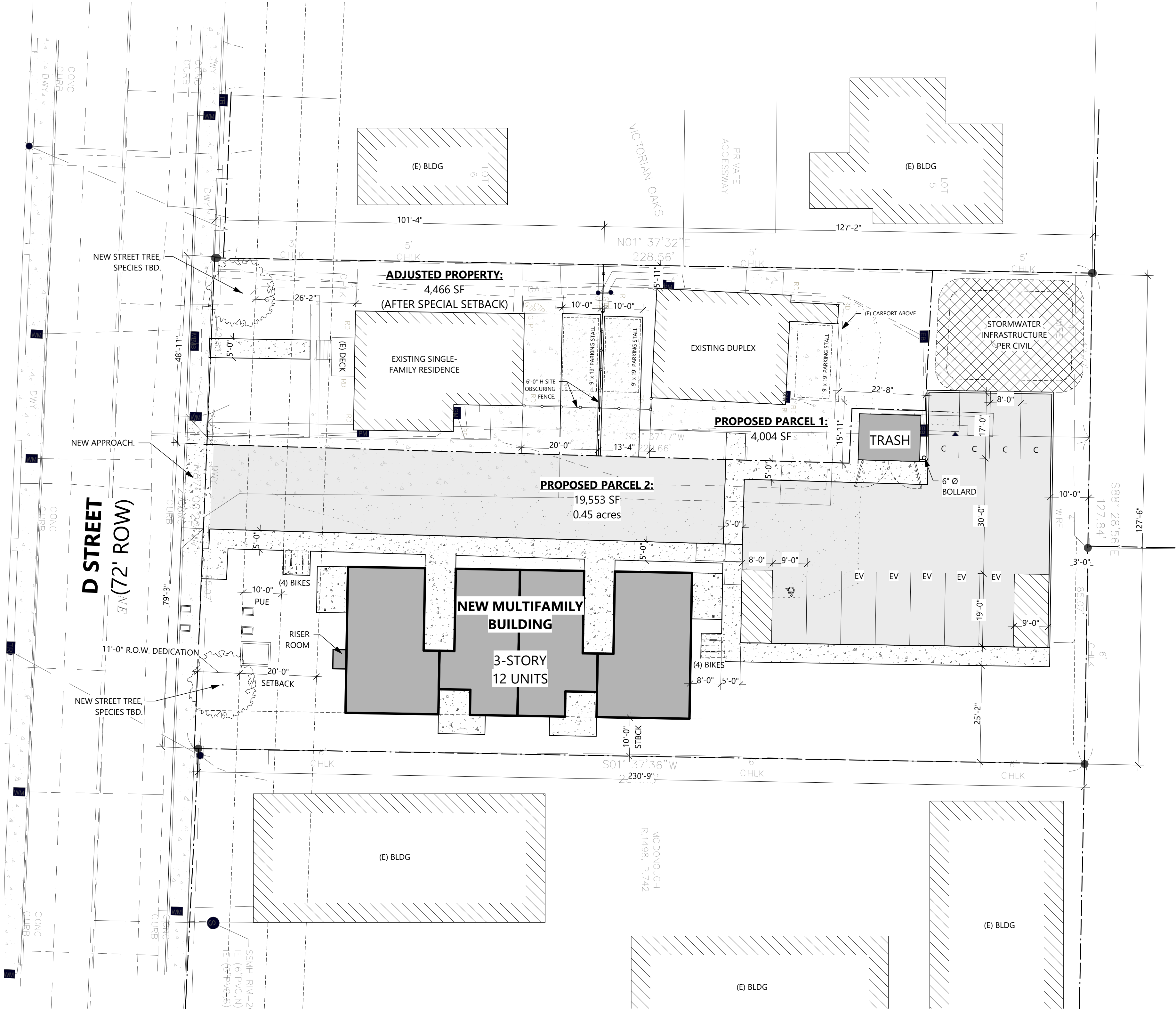
MAXIMUM: 60% (12,091 sf)
SHOWN: 15% (3,068 sf)

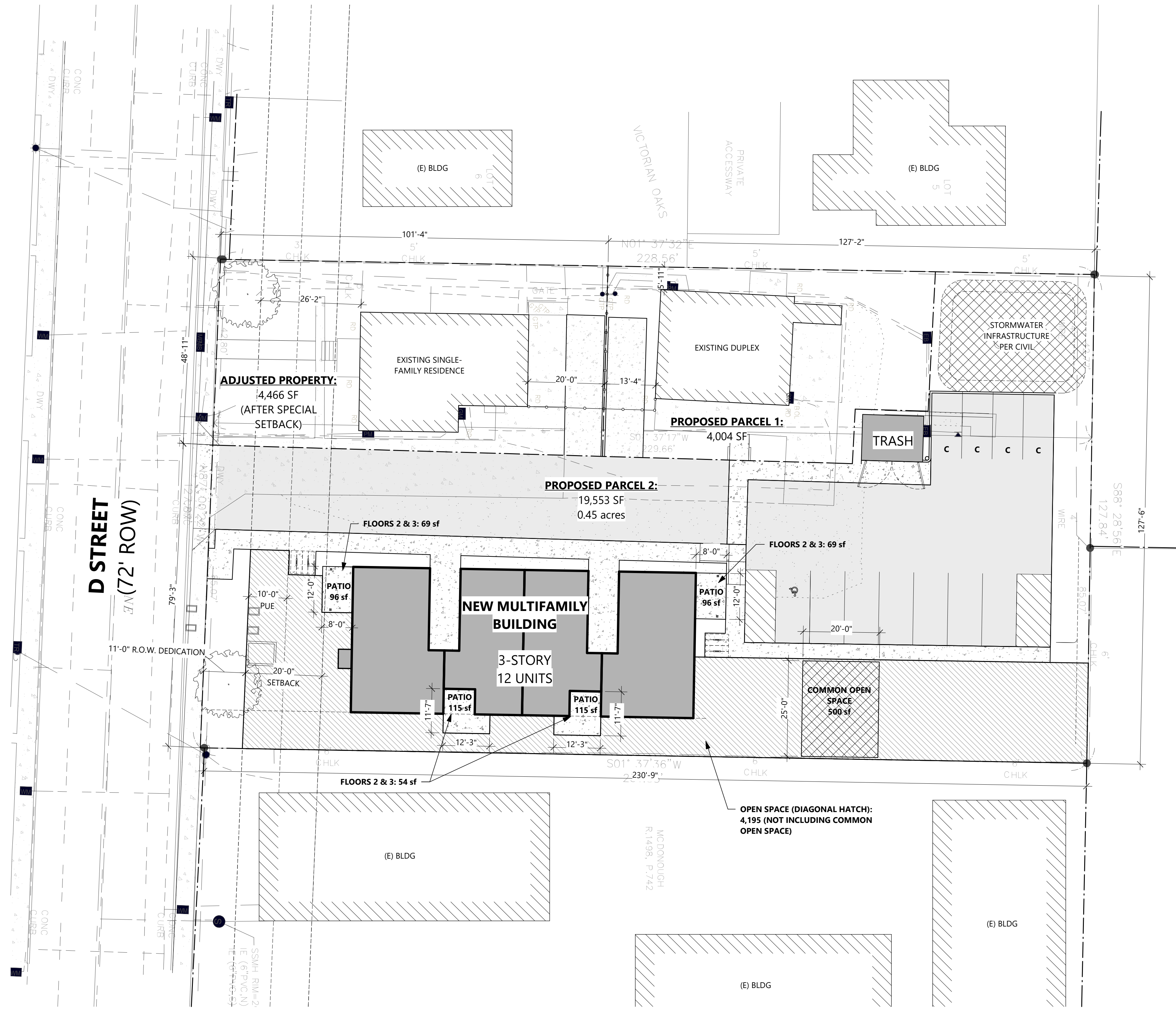
PARKING:

VEHICLE:
MAXIMUM: 1.75/UNIT = 21 SPACES
SHOWN: = 12 SPACES

BIKE:

MINIMUM: 1/UNIT = 12
SHOWN: = 12 (8 EXTERIOR PLUS 4 PER GROUND FLOOR UNIT)

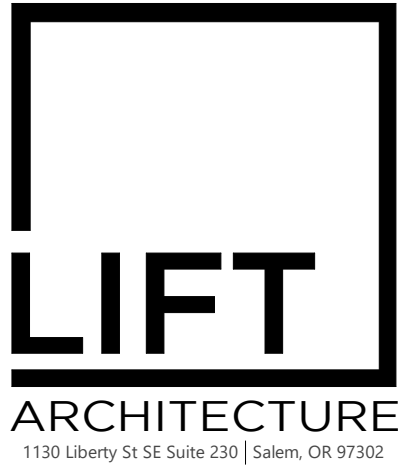




OPEN SPACE CALCULATIONS:

LOT SIZE:	19,553 sf
MINIMUM OPEN SPACE REQUIRED:	20% (3,911 sf)
TOTAL OPEN SPACE PROVIDED:	24% (4,695 sf)
• GENERAL OPEN SPACE:	4,195 sf
• COMMON OPEN SPACE:	500 sf
• PRIVATE OPEN SPACE:	914 sf

UNIT 101:	96 sf
UNIT 102:	115 sf
UNIT 103:	115 sf
UNIT 104:	96 sf
UNIT 201:	69 sf
UNIT 202:	54 sf
UNIT 203:	54 sf
UNIT 204:	69 sf
UNIT 301:	69 sf
UNIT 302:	54 sf
UNIT 303:	54 sf
UNIT 304:	69 sf



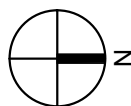
PRELIMINARY
NOT FOR
CONSTRUCTION

New Multifamily Development
3021 D Street
Salem, OR 97301

REVISIONS:

SHEET:
A1.02
OPEN SPACE PLAN

PROJECT # 2024-023
DATE: 2/24/2025

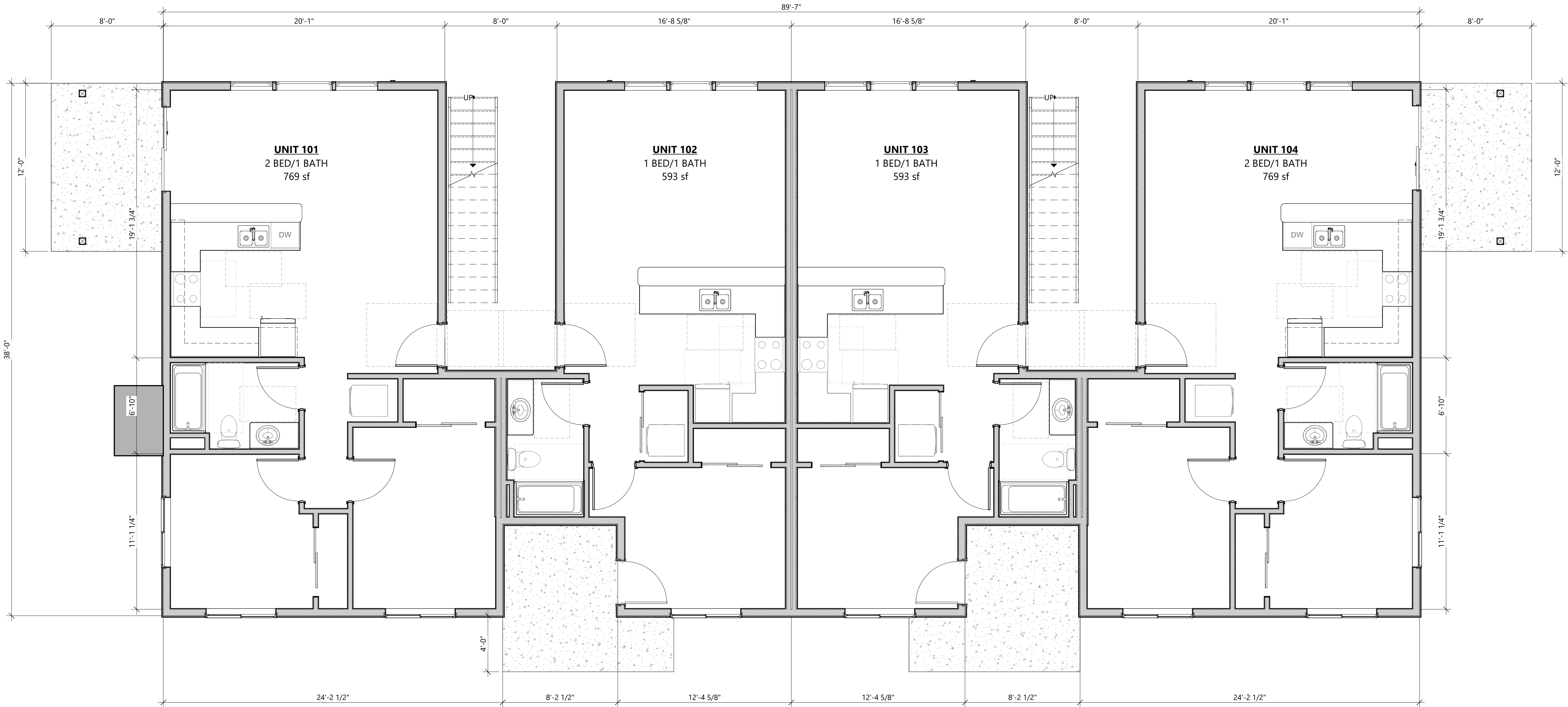


New Multifamily Development
3021 D Street
Salem, OR 97301

REVISIONS:

SHEET:
A1.21
GROUND FLOOR PLAN

PROJECT # 2024-023
DATE: 1/21/2025

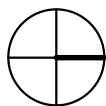


New Multifamily Development
3021 D Street
Salem, OR 97301

REVISIONS:

SHEET:
A1.22
SECOND FLOOR PLAN

PROJECT # 2024-023
DATE: 1/21/2025





1 WEST ELEVATION

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



2 SOUTH ELEVATION

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



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



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



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

Andrea Castañeda, Superintendent

March 20, 2025

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

RE: Land Use Activity Case No. PAR-SPR-ADJ-DAP-DR-PLA25-04, 3021 - 3027 D 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:

School Name	School Type	Grades Served
Hoover	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
Hoover	Elementary	397	492	81%
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	12	MF	0.164	2
Middle			0.085	1
High			0.096	1

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
Hoover	Elem.	397	4	2	6	492	82%
Parrish	Mid.	673	57	1	58	829	88%
North Salem	High	2,045	84	1	85	2,248	95%

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
Hoover	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	2	\$92,105	\$184,210
Middle	1	\$113,211	\$113,211
High	1	\$134,316	\$134,316
TOTAL			\$431,737

Table 6

*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q4 2024”

Sincerely,

David Fridenmaker
Business and Support Services

c: T.J. Crockett, Acting Chief Operations Officer, David Hughes, Director of Operations & Logistics, Mitch Hamilton, Acting Director of Transportation