

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



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

## ADMINISTRATIVE DECISION FOR CLASS 1 TIME EXTENSION

**CASE NO.:** SUB-UGA-SPR-ADJ-TRV-DR23-02EXT1  
**AMANDA NO.:** 25-108629-PLN  
**DATE OF DECISION:** May 15, 2025  
**LOCATION:** 2382 Colorado Drive NE  
**APPLICANT:** Brandie Dalton for Multi/Tech Engineering Services Inc.

### REQUEST

The first Class 1 Extension to extend the approval for a consolidated application for a Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Tree Regulation Variance, and Class 1 Design Review for a subject property approximately 37 acres in total size, zoned RM-II (Multiple Family Residential), and located at the 2100 Block of Doaks Ferry Rd NW (Polk County Assessor Map and Tax lot 073W17B / 400). A vicinity map is included as **Attachment A**. Only the Subdivision Tentative Plan, Urban Growth Preliminary Declaration and Tree Regulation Variance are being extended at this time as the other application types are valid for four years.

### BACKGROUND

On August 29, 2023, the City Council affirmed the Planning Administrator's Decision to approve the Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Tree Regulation Variance, and Class 1 Design Review request (Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02). The Subdivision Tentative Plan, Urban Growth Preliminary Declaration and Tree Regulation Variance of Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 is set to expire on August 29, 2025.

The Class 3 Site Plan Review, Class 2 Adjustment and Class 1 Design Review are set to expire on August 29, 2027.

On April 25, 2025, the applicant submitted the first request to extend the approval of the Subdivision Tentative Plan, Urban Growth Preliminary Declaration, and Tree Regulation Variance of Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 for a period of two years to August 29, 2027.

### FINDINGS

#### 1. Proposal

Approval for the original application was approved by the planning administrator on May 10, 2023, which was upheld by the City Council with an effective date of, August 29, 2023 (**Attachment B**). Pursuant to SRC Chapter 300, all approvals of land use actions shall expire automatically unless development has commenced,

or a time extension has been granted. Pursuant to 205.010(e), Tentative Subdivision Plan approval will expire if no application for final plat is submitted within the time limits set forth in SRC 300.850. Pursuant to SRC 200.025(g)(1) when a Preliminary Declaration is issued in connection with a subdivision the Preliminary Declaration shall be valid so long as the subdivision approval remains valid; provided, however, that once a development has received tentative plan approval, the developer and the developer's successors in interests shall be bound to complete all terms and conditions of the permit.

The applicant has not submitted for final plat yet; however, public construction has begun to meet final plat requirements. Table 300-3 provides that the maximum time extension period for a Subdivision Tentative Plan, Urban Growth Preliminary Declaration, and Tree Regulation Variance approval shall be two years, up to a total of four extensions for the Subdivision Tentative Plan and up to a total of two extensions for the Urban Growth Preliminary Declaration and Tree Regulation Variance.

The applicant is requesting the first two-year time extension which would extend the expiration date for the Subdivision Tentative Plan, Urban Growth Preliminary Declaration and Tree Regulation Variance (Case No. SUB-UGA-SPR-ADJTRV-DR23-02) approval to **August 29, 2027**.

## **2. Summary of Record**

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports; and 2) Any 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: 25 108629.

## **3. Class 1 Time Extension Approval Criteria**

A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application, because there have not been changes to the standards and criteria used to approve the original application, this extension request is classified as a Class 1 Extension. SRC 300.850(b)(4)(A) establishes the following approval criterion which must be met in order for a Class 1 Time Extension to be approved:

***SRC 300.850(b)(4)(A): A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.***

**Finding:** The application for a Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Tree Regulation Variance, and Class 1 Design Review submitted on September 20, 2022, and reviewed for compliance with the approval criteria set forth in SRC 200.025, 250.010 and 808.045. The approval criterion under SRC 205 was amended under Ordinance 8-24 approved on September 23<sup>rd</sup>, 2024. The criterion was amended to reflect the need for clear and objective criterion. The language removed the ambiguity of the decision criteria but did not change the standards applicable to the

decision. Because the standards used to approve the application have not changed, the request can be approved. The applicant is requesting a second two-year extension which would extend the expiration date to **August 29, 2027**. This approval criterion is met.

**IT IS HEREBY ORDERED**

Based on the requirements of SRC 300.850(b)(4)(A), the proposed Class 1 Extension complies with the requirements for an affirmative decision. The first Class 1 Extension to extend the approval for Subdivision Tentative Plan, Urban Growth Preliminary Declaration and Tree Regulation Variance of Case No. SUB-UGA-SPR-ADJTRV-DR23-02EXT1 is hereby **APPROVED.**



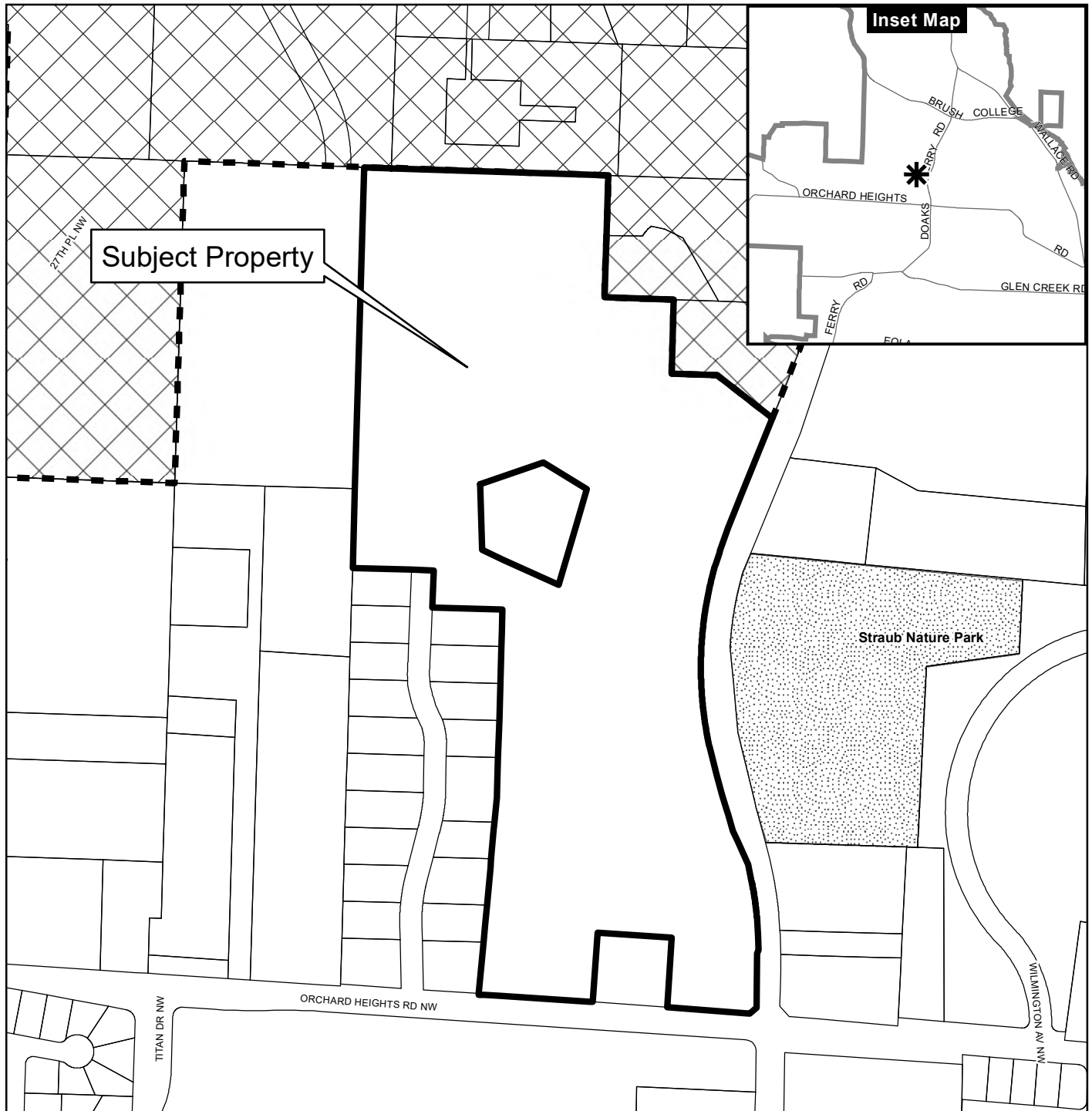
Abigail Pedersen, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP,  
Planning Administrator

Attachments: A. Vicinity Map  
B. Original Land Use Decision and Notice of Final Land use Decision for Case  
No. SUBUGA-SPR-ADJ-TRV-DR23-02

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# Vicinity Map

## 2100 Block of Doaks Ferry Road NW



### Legend

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

Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

August 29, 2023

***Si necesita ayuda para comprender esta información, por favor llame 503-588-6173.***

**NOTICE OF FINAL LAND USE DECISION** *Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Tree Variance, and Class 1 Design Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 for 2100 Block of Doaks Ferry Road NW*

YOU ARE HEREBY NOTIFIED that the **City Council** has made a final written land use decision for Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Tree Variance, and Class 1 Design Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 **AFFIRMING** the Planning Administrator's Decision to **APPROVE** Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 at their August 28, 2023 session. A copy of the Order is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days after August 29, 2023**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 22 119071. The complete case file is also available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. Paper copies can be obtained for a reasonable cost.

If you have any questions, please contact Lisa Anderson-Ogilvie, 503-540-2381, [Lmanderson@cityofsalem.net](mailto:Lmanderson@cityofsalem.net).

The rights granted by the attached decision must be exercised, or an extension granted, by August 29, 2027, or this approval shall be null and void.

Lisa Anderson-Ogilvie, AICP  
Deputy Community Development Director,  
and Planning Administrator

Attachments: 1. Vicinity Map  
2. Order 2023-1-SUB-UGA-SPR-ADJ-TRV-DR23-02  
3. Exhibit 1

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## DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION TENTATIVE PLAN / URBAN GROWTH PRELIMINARY  
DECLARATION / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT /  
TREE VARIANCE / CLASS 1 DESIGN REVIEW CASE NO.: SUB-UGA-SPR-ADJ-  
TRV-DR23-02**

**APPLICATION NO.: 22-119071-PLN**

**NOTICE OF DECISION DATE:** May 10, 2023

**SUMMARY:** A proposed six-lot subdivision for Titan Hill Estates in conjunction with a proposed multi-family development of 436 units for Titan Hill Apartments.

**REQUEST:** A consolidated application for a proposed six-lot subdivision with development of a multi-family residential development of 436 units throughout five lots. The application includes:

- (1) A Subdivision Tentative Plan to divide the 36.72-acre property into six lots ranging in size from approximately .4 acres to 12 acres, with a request for Alternative Street Standards to allow increased street grades, block lengths, and an adjustment to street connectivity requirements in SRC Chapter 803 to provide a street connection to the undeveloped lot to the south;
- (2) An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve the proposed development;
- (3) A Class 3 Site Plan Review and Class 1 Design Review for development of 436 units in 31 buildings across five lots, with associated amenities and improvements including a resident clubhouse, recreation areas, parking, and landscaping;
- (4) Four Class 2 Adjustment requests to:
  - (a) Increase the maximum height allowed for an accessory structure from 15 feet to 22 feet (SRC 514.010);
  - (b) Eliminate the requirement to orient buildings toward the street with direct pedestrian access to adjacent sidewalks (SRC 702.020(e)(5));
  - (c) Reduce the minimum 40 percent buildable width requirement at varying percentages along Doaks Ferry Rd NW, Landaggard Dr NW, and "Street A" (SRC 702.020(e)(4)); and
  - (d) Increase the maximum allowed parking spaces throughout the development by ~~49~~ 22 spaces (SRC 806.015(e)); and
- (5) A Tree Regulation Variance request for removal of 46 significant trees on site.

The subject property is approximately 37 acres in total size, zoned RM-II (Multiple Family Residential), and located at the 2100 Block of Doaks Ferry Rd NW (Polk County Assessor Map and Tax lot 073W17B / 400).

**APPLICANT:** Brandie Dalton, Multi-Tech Engineering Services Inc. on behalf of Titan Hill Property LLC (Kelly Hamilton)

**LOCATION:** 2100 Block of Doaks Ferry Road NW, Salem OR 97304

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.010(d) - Subdivision; 200.025(d) – Urban Growth Preliminary Declaration; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 808.045(d) – Tree Variance; 225.005(e)(1) – Class 1 Design Review

**FINDINGS:** The findings are in the attached Decision dated May 10, 2023.

**DECISION:** Based upon the Facts and Findings contained in this report, the Class 2 Adjustment request to increase the maximum allowed parking spaces throughout the development by 22 spaces is hereby **DENIED**. Final approval of Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Tree Regulation Variance, Class 1 Design Review, and the Class 2 Adjustments other than the request to increase maximum parking, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02, is hereby **APPROVED** subject to SRC Chapters 200, 205, 220, 225, 250, and 808, the applicable standards of the Salem Revised Code, conformance with the site plan (Attachment B), and the following conditions of approval:

**Condition 1:** At the time of building permit review, the applicant shall provide plans showing Fire Department access, fire hydrant locations, and Fire Department Connection as required.

### **SUBDIVISION**

All subdivision conditions shall be completed prior to final plat approval or shown on the final plat. Conditions 4-7, 12, 13, 17-21, 24, 30, and 31 shall be completed prior to final plat approval or may be delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

**Condition 2:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots, with the exception of Lot 6.

**Condition 3:** At time of development of Lot 6, 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 4:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way.

**Condition 5:** Extend a minimum 12-inch public water main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.

**Condition 6:** Construct a *Salem Wastewater Management Master Plan* identified sewer main in Doaks Ferry Road NW from the intersection of Doaks Ferry Road NW and Brush College Road NW to the proposed development pursuant to PWDS.

**Condition 7:** Extend a minimum 8-inch public sewer main within the new internal streets to serve neighboring property and the proposed development pursuant to PWDS.

**Condition 8:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

- Condition 9:** Existing easements and rights-of-way on the subject property shall be relocated, extinguished, or vacated, as appropriate, prior to final plat approval.
- Condition 10:** The applicant shall not eliminate the easement providing access to Tax Lot 1100, and shall demonstrate alternative access provided to the property during construction.
- Condition 11:** Convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Doaks Ferry Road NW, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 12:** Construct a half-street improvement along the frontage of Doaks Ferry Road NW to an interim minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 13:** The applicant shall coordinate with Cherriots to provide bus stops along Doaks Ferry Road NW in locations approved by the Public Works Department.
- Condition 14:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets and along Doaks Ferry Road NW abutting the proposed "W.Q. Parcel" as shown on the applicants tentative Plan.
- Condition 15:** At the time of development of Lot 6, a public utility easement shall be dedicated along the Lot 6 frontages of Doaks Ferry Road NW and Orchard Heights Road NW. The public utility easement width shall be established and dedicated by separate document, if required.
- Condition 16:** Prior to issuance of Public Construction Permits, the applicant shall receive a final City Council decision on the proposed Salem Transportation System Plan Amendment (22-121104-GP) relating to the collector street alignment that is mapped through the property.
- Condition 17:** If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct Landaggard Drive NW within the property, proposed "Street B", and proposed "Street C" to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. Internal local streets are approved to have an increased curb-to-curb improvement of 34 feet.
- Condition 18:** If City Council approves the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct "Street A" to "Collector Street B" standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:
- i. "Street A" shall have a maximum grade of 12 percent.
  - ii. "Street A" shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
  - iii. A public street connection from "Street A" to proposed Lot 6 is not required.



- Condition 19:** If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct proposed “Street A” from Doaks Ferry Road NW to the intersection with Landaggard Drive NW within the property, “Street C”, and “Street B”, to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exceptions:
- i. “Street A” shall have a maximum grade of 12 percent.
  - ii. “Street A” shall have a block length of approximately 985 feet between Doaks Ferry Road NW and the extension of Landaggard Drive NW.
  - iii. A public street connection from “Street A” to proposed Lot 6 is not required.
  - iv. Internal local streets are approved to have an increased curb-to-curb improvement of 34-feet.
- Condition 20:** If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the applicant shall construct the extension of Landaggard Drive NW within the property to the intersection with proposed “Street A” and proposed “Street A” from the intersection of Landaggard Drive NW to the western property line to “Collector Street B” standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 21:** Along the frontage of the existing portion of Landaggard Drive NW adjacent to the subject property, construct a three-quarter street boundary street improvement to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803. If City Council does not approve the requested Transportation System Plan Amendment (22-121104-GP), the boundary street improvement shall be constructed to “Collector Street B” standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 22:** Modify the proposed “Street C” stub street location to the north line of proposed Lot 2 to avoid conflicts with existing structures on neighboring property not included in the development proposal.
- Condition 23:** Obtain any necessary street tree removal permits pursuant to SRC Chapter 86.
- Condition 24:** Install street trees to the maximum extent feasible along Doaks Ferry Road NW, Orchard Heights Road NW, and internal streets constructed within the subdivision.
- Condition 25:** Dedicate a 60-foot-wide right-of-way for new internal streets within the subject property as shown on the applicant’s tentative plan.
- Condition 26:** As shown on the applicant’s tentative plan, dedicate public pedestrian access easement from “Street A” to Lot 6.

- Condition 27:** Dedicate an additional public access easement for vehicular and pedestrian access from “Street A” to Lot 6 through the southeastern drive aisle within the development site. This easement may be dedicated by separate document and extinguished if determined not necessary at time of Site Plan Review for proposed Lot 6.
- Condition 28:** Along Wilark Brook on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 29:** As a condition of building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 30:** As specified in the TIA, provide the following mitigation:
- i. Construct a left turn lane on Doaks Ferry Road NW at the intersection with the new “Street A”. The left turn lane shall include a minimum 75 feet of vehicle storage.
  - ii. Construct sidewalks along Doaks Ferry Road from the intersection of Orchard Heights Road NW to the northern boundary of the site.
  - iii. Construct a linked ADA pedestrian connection from the proposed development across Orchard Heights Road NW, including a raised pedestrian refuge on the west side of the intersection. Improvements shall include upgraded ADA ramps on both sides of Landaggard Drive NW and the western side of the West Salem High School driveway, and a sidewalk extension along the north side of Orchard Heights Road NW to the intersection with Doaks Ferry Road NW. Pursuant to SRC 200.035(a)(4), sidewalks shall also be provided along the frontage of 2357 Orchard Heights Road NW (Polk County Assessors Tax Lot No. 073W17D00900).
- Condition 31:** Install not more than four speed humps on Landaggard Drive NW in locations approved by Public Works and in accordance with PWDS.
- Condition 32:** Landaggard Drive NW shall not be used as a construction entrance. A construction entrance shall be constructed from either Doaks Ferry Road NW or Orchard Heights Road NW, and all construction vehicles and equipment shall utilize this entrance for entering and leaving the site.

### **SITE PLAN REVIEW**

- Condition 33:** Prior to building permits, all buildings along “Street A” meet the minimum 20-foot setback, or obtain approval of a Zoning Adjustment.

- Condition 34:** Prior to building permit approval, all vehicle use areas and buildings abutting RA-zoned properties shall be setback a minimum of 10 feet, with Type C landscaping, or obtain approval of a Zoning Adjustment.
- Condition 35:** At the time of building permit review, the applicant shall provide construction details for the trash enclosure indicating conformance with SRC Chapter 800.
- Condition 36:** At the time of building permit review, the applicant shall dedicate one parking space adjacent to each dead-end turnaround area by striping the parking space and installing no parking signs to provide safe and convenient vehicle maneuvering, pursuant to SRC 806.035(f).
- Condition 37:** 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 38:** At the time of building permit review, the applicant shall provide construction details for the bicycle racks indicating conformance with SRC 806.060.
- Condition 39:** At the time of building permit review, the applicant shall provide an updated, full landscape plan demonstrating how the development site meets Type A or Type C landscaping, where applicable, as well as all multi-family landscaping requirements, by providing a summary table demonstrating conformance with the landscaping requirements of SRC Chapter 807 and SRC 702.020(b).
- Condition 40:** The applicant's updated plans shall provide two trees for each tree removed within a required setback and each tree removed in excess of 75 percent of the development site, if applicable, to meet the tree replanting requirement. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper.
- Condition 41:** Prior to issuance of any building permits, the final plat for the Titan Hill Subdivision shall be recorded.
- Condition 42:** Submit a Driveway Approach Permit application if the driveways onto the new internal streets are not installed as part of the construction of the new internal street.
- Condition 43:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

## **CLASS 2 ADJUSTMENTS**

- Condition 44:** The applicant shall provide a pedestrian connection proposed west of the parking lot adjacent to Building 1 to the east side of the parking lot, providing access near Building 1 for pedestrians in the east buildings to "Street A".
- Condition 45:** An additional pedestrian connection shall be provided along the west side of Landaggard Drive NW adjacent to Building 21 or 22.

- Condition 46:** Proposed Buildings 5-8 shall comply with the direct pedestrian access standard of SRC 702.020(e)(5) along the north side of "Street A".
- Condition 47:** Proposed Buildings 12-14 shall comply with the direct pedestrian access standard of SRC 702.020(e)(5) along Landaggard Drive NW.
- Condition 48:** The applicant shall remove parking spaces in excess of the maximum allowed parking of 763 spaces.
- Condition 49:** The parking lots near Buildings 3 and 6 shall be shortened and/or reconfigured to ensure survival of trees conditioned for preservation.
- Condition 50:** The adjusted development standards, as approved in this report, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

### **TREE VARIANCE**

- Condition 51:** At the time of grading permit review, the applicant shall submit an updated tree inventory plan representing all conditions of approval for tree preservation or removal, and verification of trees located on property lines, including the critical root zone and protection measures of all trees on site and directly abutting the property in compliance with Chapter 808.
- Condition 52:** The two 32-inch Fir trees labeled 45 and 46 near the northern property line shall be preserved, until such time that a Tree Variance application can be approved for their removal.
- Condition 53:** The 30-inch Oak tree along the northern property line shall be preserved.
- Condition 54:** All trees designated for preservation shall have protective ground silt fencing encompassing 100-percent of their critical root zones. For all trees where construction is proposed within the critical root zone, the applicant shall either submit an arborist report documenting that disturbance up to a maximum of 30 percent of the critical root zone will not compromise the long-term health and stability of the tree; revise the plans to ensure the survival of the tree designated for preservation; or obtain approval of a new Tree Variance for additional removal of a significant tree.
- Condition 55:** Significant trees 35 and 36, two 30-inch Fir trees, adjacent to the parking lot near Building 3 shall be preserved. All other non-significant Fir and Maple trees in the vicinity of this parking lot shall also be preserved.
- Condition 56:** Significant trees 38 and 39, a 30-inch Madrona and 36-inch Oak, adjacent to the parking lot near Building 6 shall be preserved. All other non-significant Oak and Fir trees in this area shall also be preserved.

## **DESIGN REVIEW**

- Condition 57:** At the time of building permit review, the applicant shall provide an updated open space plan, including a summary table demonstrating conformance with the minimum private and common open space requirements under SRC 702.020(a).
- Condition 58:** At the time of building permit review, the applicant shall demonstrate that any private open space patio or balcony provided for the development meets the respective minimum dimensions exclusive of any proposed storage room, or obtain approval of a Zoning Adjustment.
- Condition 59:** At the time of building permit review, the applicant shall provide ensure that all landscaped planter bays meet the minimum nine feet in width, as measured from inside-of-curb to inside-of-curb.
- Condition 60:** At the time of building permit review, the applicant shall revise the off-street vehicle areas so that no portion of a parking space projects beyond the adjacent buildings, as drawn as a straight line across the building façades, or obtain approval of a Zoning Adjustment.
- Condition 61:** The applicant shall install an eight-foot-high sight-obscuring fence along the property lines adjacent to Buildings 26 and 27.
- Condition 62:** The applicant shall install an eight-foot-high sight-obscuring fence along the property lines adjacent to Buildings 3, 6, and 14.
- Condition 63:** The applicant shall modify the locations of Building 3 to meet a minimum setback of 29 feet, and Building 14 to meet a minimum setback of 32 feet, or obtain approval of a Zoning Adjustment.

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

<b>Case Type</b>	<b>Exercise or Extension By:</b>	<b>Number of Extensions Allowed</b>
Subdivision Tentative Plan	May 26, 2025	4 – 2-year extensions
Urban Growth Preliminary Declaration	May 26, 2025	Valid as long as SUB is valid
Class 3 Site Plan Review	May 26, 2027	None
Class 2 Adjustment	May 26, 2027	None (Follows SPR)
Tree Variance	May 26, 2025	2 – 2-year extensions
Class 1 Design Review	May 26, 2027	None (Follows SPR)

Application Deemed Complete: January 26, 2023  
Notice of Decision Mailing Date: May 10, 2023

Decision Effective Date: May 26, 2023  
State Mandate Date: August 9, 2023

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

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Thursday, May 25, 2023.

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, 200, 220, 250, 808, and 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 City Council will review the appeal at a public hearing. After the hearing, the City Council 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>