

**SALEM-KEIZER SCHOOL DISTRICT 24J  
HALLMAN ELEMENTARY SCHOOL  
CLASS 3 SITE PLAN REVIEW/(5) CLASS 2 ADJUSTMENTS  
WRITTEN STATEMENT**

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**APPLICANT/OWNER:**

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**APPLICANT'S REPRESENTATIVES:**

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**SUBJECT PROPERTY INFORMATION:**

The subject property is approximately 7.94 acres in size and located at 4000 Deerhaven Drive NE, designated by the Marion County Assessor as Tax Lot 3201 (the ***"School Parcel"***), and Tax Lot 3200 (the ***"Parking Parcel"***) both of which are located in Township 7 South, Range 3 West, Section 12AC, in the City of Salem (herein the ***"City"***) (collectively, the ***"Subject Property"***). As a general reference point, the Subject Property is shown above and is further depicted on the map attached as ***Exhibit "A."*** The Subject Property is developed as the Salem-Keizer School District 24J's (herein ***"Applicant"***) Hallman Elementary School. The City's Comprehensive Plan Map designates the Parking Parcel as "Commercial" (COM) and the School Parcel as "Single Family Residential" (SFR). The Parking Parcel is zoned "Retail Commercial" (CR) and is subject to the Portland/Fairgrounds Road Overlay. The School Parcel is zoned "Single Family Residential" (RS). (For Current Comprehensive Plan Designation and Zoning Maps, See ***Exhibit "B"***). The Subject Property is located within the City limits and within the City's Urban Service Area (***"USA"***).

The surrounding properties have the following zoning designations:

DIRECTION	ZONING	DESIGNATION	USE
North	Commercial Retail/ Multiple Family Residential 2/ Single Family Residential	Commercial/ Multi-Family Residential/ Single Family Residential	Gas Station/ Multi-Family Complex/ Senior Housing
West	Commercial Retail	Commercial	Single Family Residence/Auto Repair Shop

East	Single Family Residential	Single Family Residential	Single Family Housing
South	Commercial Retail/ Single Family Residential	Single Family Residential	Single Family Housing

The Subject Property is located within the Northgate Neighborhood Association ("**Northgate NA**"). Applicant contacted the Northgate NA's Chair and Land Use Chair on October 19, 2021, to provide notice and solicit comments in compliance with SRC 300.310. Applicant has submitted a copy of that letter and corresponding email as part of this Application (as defined below). An open house is not required for this Application.

Access to the Subject Property is provided by Portland Road NE which is designated as a Major Arterial and is at the terminus of Deerhaven Drive NE which is designated as a local street on the City's Functional Street Classification Map ("**SCM**"). Applicant contacted Salem Cherriots on October 19, 2021, and provided a copy of the proposed site plan. Applicant has submitted that email as part of this Application.

#### **OWNERSHIP OF THE PROPERTY:**

Applicant is the owner of the Subject Property and has provided a copy of the deed the City requested during the Pre-Application Conference period. Applicant will be providing a secondary deed showing that the Subject Property is a unified unit of land during the Completeness Review.

#### **BACKGROUND INFORMATION:**

Prior to filing this Application, Applicant filed for a Pre-Application Conference to discuss the anticipated applications needed for the renovation of the Subject Property as a part of the 2018 school bond. The Pre-Application Conference request was granted and a meeting with the Applicant, Applicant's representatives and City Staff was held on May 10, 2021.

#### **SUMMARY OF PROPOSAL:**

Applicant proposes an addition to the existing school building that will contain two (2) classrooms, interior renovations including a security vestibule remodel, acoustical and divider upgrades, renovation of the existing gym, the installation of a photovoltaic array to offset the site's energy usage, and a new parking lot and drop off area (the "**Proposed Development**"). Under Section 220.005 of the Salem Revised Code ("**SRC**"), Applicant is required to obtain Site Plan Review approval for the Proposed Development and Applicant is requesting five (5) corresponding Class 2 Adjustments (the "**Application**"). Applicant's requested adjustments are as follows: (1) an adjustment to the setback standard in SRC 511.010(b) to allow for the encroachment of the proposed addition into the zone-to zone setback; (2) an adjustment to the perimeter landscaping standard in SRC 522.010(d) to allow Applicant to develop a pedestrian pathway through the setback area; (3) an adjustment to the pedestrian connection standard in SRC 800.065(a)(1)(A); (4) an adjustment to the maximum parking standard in SRC 806.015(d); and (5) an adjustment to the bicycle parking siting standard in SRC 806.060(a)(1) to allow Applicant to retain the existing bicycle parking location. Applicant requests that the City process this Application as a consolidated land use application under SRC 300.120.

#### EXISTING SITE CONDITIONS:

The Subject Property has approximately three hundred thirty two (332') feet of frontage along Portland Road NE and is located at the terminus of Deerhaven Drive NE. The Subject Property is currently the location of Applicant's Hilda Myers Hallman Elementary School (the "**Existing School**"). The Existing School use (basic education) is a permitted use in the CR Zone and a special use in the RS Zone. The site is generally level and Claggett Creek runs through the School Parcel. The Subject Property is fully served by necessary facilities. The Existing Conditions Plan has been submitted as part of this Application.

#### SITE PLAN:

A proposed site plan (the "**Site Plan**") has been submitted as part of this Application.

#### APPLICABLE DETAIL PLANS:

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan ("**SACP**") and are specific plans for a particular geographic area of the City, or for the provision or performance of some particular service or function. The East Lancaster NA does not have an adopted neighborhood plan.

#### SALEM TRANSPORTATION SYSTEM PLAN (STSP):

The STSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The Subject Property has frontage along Portland Road NE which is designated as a Major Arterial in the STSP and is at the terminus of Deerhaven Drive NE which is designated as a local street in the STSP. The Subject Property has one (1) driveway access along Portland Road NE and a two way driveway at the terminus of Deerhaven Drive NE.

#### HOMEOWNERS ASSOCIATION INFORMATION:

The Subject Property is not subject to an active homeowner's association (HOA). This Application does not require notice or approval from an HOA.

### **FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 3 SITE PLAN REVIEW**

Under Section 220.005(a) of the SRC, Applicant is required to obtain a Class 3 Site Plan Review for the Proposed Development. The criteria for Class 3 Site Plan Review are set out in the SRC in Chapter 220. The applicable provisions are set out in bold and italics below with Applicant's proposed findings following in plain type.

#### Land Use Application & Development Review Chapters

- SRC Chapter 220 - Site Plan Review
- SRC Chapter 250 – Adjustment

#### Zoning & Development Standards Chapters

- SRC Chapter 511 – Single Family Residential (RS)
- SRC 522 – Retail Commercial (CR)

- SRC 603 – Portland – Fairgrounds Road Overlay Zone
- SRC Chapter 800 - General Development Standards
- SRC Chapter 802 - Public Improvements
- SRC Chapter 803 - Streets and Right-of-Way Improvements
- SRC Chapter 804 - Driveway Approaches
- SRC Chapter 805 - Vision Clearance
- SRC Chapter 806 - Off-Street Parking, Loading, and Driveways
- SRC Chapter 807 - Landscaping and Screening
- SRC Chapter 808 - Preservation of Trees and Vegetation
- SRC Chapter 809 – Wetlands
- SRC Chapter 810 - Landslide Hazards
- All other applicable provisions of the Salem Revised Code

***Sec. 220.005. - Site plan review.***

***(f) Criteria.***

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

***(A) The application meets all applicable standards of the UDC; RS Zone (SRC Chapter 511); CR Zone (SRC Chapter 522); Special Use Provisions (SRC Chapter 700); Portland-Fairgrounds Overlay (PFO) Zone (SRC Chapter 603)***

***SRC 511.005(a); 522.005(a); 603.015 - Uses***

**Proposed Finding:** The existing use on the Subject Property is a public elementary school, which is classified under SRC Chapter 400 as “Basic Education.” Basic Education is classified as a special use in the RS zone; a permitted use in the CR zone and is therefore permitted in the Portland-Fairgrounds Road Overlay Zone. The Application meets this standard.

***SRC 511.010(a); 522.005(a); 603.020(b) – Lot Standards***

***SRC 511.010(a)- Lot Standards. Lots within the RS zone shall conform to the standards set forth in Table 511-2.***

***SRC 522.010(a)- Lot Standards. Lots within the CR zone shall conform to the standards set forth in Table 522-2.***

***603.020(b)- Lot Standards. Lots within the PFO zone shall conform to the standards set forth in Table 603-2.***

The RS zone requires a minimum lot size of 6,000 square feet, a minimum lot width of 40 feet, a minimum lot depth of 120 feet, a maximum lot width of 300% of average lot width, and a minimum street frontage of 40 feet. The CR and PFO Zone lot standards only apply to Single Family development, with the exception of street frontage standards in the CR zone. The street frontage requirement in the CR Zone is 16 feet.

**Proposed Finding:** The Subject Property is approximately 345,866 square feet in size. It is approximately three hundred twenty two (322') feet wide at its narrowest point and approximately six hundred twenty five (625') feet at its widest point, for an average of approximately four hundred seventy four (473') feet. The Subject Property is five hundred sixty (560') feet deep at its deepest point. It has approximately three hundred twenty one (321') feet of frontage along Portland Road NE and is located at the terminus of Deerhaven Drive NE. The Subject Property exceeds the applicable lot standards.

***SRC 511.010(b); 522.005(a); 700.010(a); - Setbacks.***

***SRC 511.010(b) Setbacks. Setbacks within the RS zone shall be provided as set forth in Table 511-3***

Because "Basic education" is a special use in the RS zone, the applicable setback standards for the School Parcel is set forth in SRC. 700.010 as well as a five (5) foot zone-to zone setback set forth in 511-3.:

***Sec. 700.010. - Basic education.***

***(a) Where designated as a special use, basic education shall comply with the additional standards set forth in this section.***

***(1) Buildings shall be set back from every lot line a minimum of one foot for each one foot of building height; provided, however, the setback need not exceed 35 feet in depth.***

***(2) Off-street parking and loading areas shall be setback a minimum of ten feet from any abutting residentially zoned property or property used for a residential use.***

***SRC 522.010(b) Setbacks. Setbacks within the CR zone shall be provided as set forth in Table 522-3***

**Abutting Streets:** Buildings must be setback five (5') feet from abutting streets and vehicle use areas must be set back a minimum of ten (10') feet from the public right of way and landscaped with Type A landscaping. SRC 806.035 (c)(2)(A).

**Abutting Property Lines:** Buildings, Accessory Structures, and Vehicle Use Areas are subject to zone-to-zone setbacks established in Table 522-4. The zone-to-zone setback for the Residential Zone is twenty (15') feet for buildings with no applicable setback for vehicle use areas.

**Landscaping & Screening:** The applicable landscaping and screening requirement for the portions of the Parking Parcel abutting the RS zone is Type C. For the portions of the Parking Parcel abutting properties zoned CR, the applicable landscaping requirement for vehicle use areas is Type A.

**Proposed Finding:** The maximum building height for the Proposed Development is the existing stairwell tower which is approximately twenty eight feet four inches high (28'4") within the thirty five (35') foot maximum which would trigger wider setbacks. The proposed addition will encroach into the zone-to-zone setback between the Parking Parcel and the School Parcel. Applicant is requesting an adjustment to this Standard.

***SRC 511.010(c)- Lot Coverage, Height: Buildings and accessory structures within the RS zone shall conform to the lot coverage and height standards set forth in Table 511-4.***

***SRC 522.010(c)- Lot Coverage, Height: Buildings and accessory structures within the CR zone shall conform to the lot coverage and height standards set forth in Table 522-4.***

The RS zone limits lot coverage by all buildings and accessory structures to a maximum of thirty five (35') percent there is no maximum in the CR zone. The maximum height for buildings and accessory structures within the RS and CR zones is fifty (50') feet.

***Proposed Finding:*** The Proposed Development and existing buildings are within the established height restrictions, the highest point of building will be the existing stairwell tower which is approximately twenty eight feet four inches high (28'4"), which is well within the 50-foot restriction. The building and accessory structures do not exceed the thirty five (35%) percent lot coverage maximum. The Proposed Development meets this standard.

***Landscaping SRC 511.015; 522.010(d):***

***SRC 511.015***

- 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 Chapter 806 and SRC Chapter 807.***

***SRC 522.010(d)***

- (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.***
- (3) Development site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.***

***SRC 603.020(e) & (f)***

***(e) Landscaping. Berms, mounds, raised beds, and grade drops shall not be allowed as a landscaping treatment, unless a bioswale treatment system or approved landscaping exists to adequately collect water runoff and the berms, mounds, raised beds, and grade drops do not exceed a 3:1 slope.***

***(f) Off-street parking and loading areas.***

- (1) Planter bays or islands shall have a minimum planting area of 50 square feet.***
- (2) A minimum of one tree per eight parking spaces is required, of which a maximum of 25 percent may be evergreen trees. Trees shall be planted within 20 feet of the parking lot***

*perimeter. Trees within the public street right-of-way shall not count toward the tree planting requirements.*

*(3) Off-street parking may be provided no more than 800 feet from the edge of the lot, or contiguous lots, upon which the main building is located.*

*(4) Employee off-street parking may be provided no more than 2,000 feet from the edge of the lot, or contiguous lots, upon which the main building is located.*

*(5) Parking lot light structures shall not exceed 25 feet in height.*

**Proposed Finding:** The Subject Property must satisfy “Type A” and “Type C” landscaping and screening requirements in various locations. The Proposed Development will comply with the majority of the applicable landscaping requirements for the setbacks and vehicle use areas. Applicant has submitted as part of this Application a Landscape Plan detailing the existing and proposed landscaping for the Subject Property. The Applicant is requesting an adjustment to the requirement to landscape the zone-to zone setback on the Parking Parcel, as addressed in detail below.

**SRC 693.020(j) - Project enhancements. Development within the Portland/Fairgrounds Road Overlay Zone shall include four or more of the listed project enhancements.**

**Proposed Finding:** Applicant is complying with this standard by providing the following enhancements: (1) providing raised cross walks; (2) providing a canopy over the entrance for weatherization; (3) exceeding the minimum landscaping requirement and (4) using a landscaping plan designed by an Oregon landscape architect. This criterion is satisfied.

**SRC 800.065. – Pedestrian access.**

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

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

*(1) Connection between building entrances and streets.*

*(A) A pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street (see Figure 800-6).*

**Proposed Finding:** As demonstrated on the Site Plan, pedestrian access is provided from the Existing School’s primary entrance to Deervan Drive NE where it ties into the existing sidewalk. As part of the Proposed Development, Applicant is developing pedestrian access to Portland Road NE. This additional

pathway provides access from Portland Road NE to the newly developed primary entrance along the western face of the Proposed Development. Applicant is requesting an adjustment to the requirement to provide a pedestrian connection between the primary entrances due to the topography of the site and the existing conditions on the Subject Property.

***(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-7).***

**Proposed Finding:** There are transit routes along Portland Road NE but there is not a transit stop along the street frontage of the Subject Property. This standard is not applicable.

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

**Proposed Finding:** There is only one (1) building on the Subject Property, this standard is not applicable.

***(3) Connection through off-street parking areas.***

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

***(i) The pedestrian connections shall be:***

***(aa) Provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-13); provided, however, in no case shall less than one pedestrian connection be provided. Where the pedestrian connection requirements of this subsection result in a fractional number, any fractional number greater than 0.5 shall be round up to require an additional pedestrian connection;***

***(bb) Spaced a minimum of two drive aisles apart; and***

***(cc) Connected to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance. Where there is no building, the pedestrian connections shall connect to the street either at the sidewalk or at the public street right-of-way when there is no sidewalk.***

***(ii) Where the off-street surface parking area is adjacent to a street that is a transit route and there is an existing or planned transit stop along the street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.***



***(iii) A pedestrian connection provided between a primary building entrance and a street may be counted as a required connection through an off-street surface parking area.***

***(iv) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from its outside edge towards the building.***

**Proposed Finding:** The Subject Property has two (2) separate off-street parking areas, the existing off-street parking area, which is less than 25,000 square feet in size, and the parking area that is being developed as part of the Proposed Development. The existing parking area is not being modified as part of this Application and is exempt from this standard. The proposed parking area is being developed in conformance with the pedestrian connection standards of both this chapter and of the PFO Zone. The Subject Property is not adjacent to a transit stop. This standard is satisfied.

***(b) Design and materials. Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.***

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

**Proposed Finding:** The pedestrian pathways and circulation system within the Subject Property either are or will be developed in a way which complies with the design and lighting specifications set forth in the SRC. This standard is met.

### ***Streets and Right-of-Way Improvements (SRC Chapter 803)***

#### ***SRC. 803.010. - STREETS, GENERALLY.***

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

**Proposed Finding:** The Subject Property has frontage along Portland Road NE and is located at the terminus of Deerhaven Drive NE. Deerhaven Drive NE is designated as a Local Street, requiring a minimum of sixty (60') feet of right of way. Measuring from sidewalk edge to sidewalk edge, Deerhaven Drive NE measures approximately 48 feet wide, however, the Subject Property is located at the terminus of Deerhaven Drive and does not have frontage along Deerhaven Drive NE to assist in the expansion of the ROW. Deerhaven Drive NE is developed with curbs, sidewalks, and stormwater facilities. Applicant is not proposing any construction in this area.

Portland Road NE is designated as a Major Arterial, requiring a minimum of ninety six (96') feet of right of way. Portland Road NE is currently fully developed with street lights, bike lanes, sidewalks, and stormwater systems. The paved area appears to comply with Public Works design standards and measures approximately 106 feet from sidewalk edge to sidewalk edge at its widest point along the

Subject Property's frontage. Applicant is proposing the development of a driveway into the Parking Parcel via Portland Road NE which will use an existing driveway access. This standard is satisfied.

**SRC. 803.015. - TRAFFIC IMPACT ANALYSIS.**

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

- (1) The Development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the Development that will occur on all lots that will be created by the land division.***
- (2) The increased traffic resulting from the Development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.***
- (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the Development will result in levels of service of the street system that do not meet adopted level of service standards.***

**Proposed Finding:** The Proposed Development involves the internal renovation of the existing building and an increase in the square footage of the building. The majority of the expansion will be for additional classrooms. Applicant is planning for a resulting student population of approximately four hundred sixty five (465) students with a potential increase to four hundred seventy (470) students by 2035. The current capacity is four hundred eighteen (418) students. This increase in the student population is not anticipated to generate trips in excess of the two hundred (200) trips necessary to trigger a TIA. This criterion is not applicable.

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

***SRC 806.005 - Off-Street Parking; When Required.***

***(a) General applicability. Off-street parking shall be provided and maintained for any intensification, expansion, or enlargement of a use or activity.***

***SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.***

***Required off-street parking shall be located on the same development site as the use or activity it serves.***

Table 806-1 states that the minimum parking area for the proposed use is 2 per classroom. Table 806-2 states that the maximum number of parking spaces is 2.5 times the minimum (for 20 spaces or fewer) or 1.75 times the minimum (greater than 20 spaces).

**Proposed Finding:** The Proposed Development will result in a total of twenty two (22) classrooms meaning the applicable minimum required parking is forty four (44) spaces and the maximum required parking is seventy seven (77). There are currently thirty two (32) parking stalls on the Subject Property and Applicant

is proposing an additional seventy seven (77) parking stalls, exceeding the maximum permitted parking for the Subject Property by approximately forty two (42%) percent. Applicant is requesting a Class 2 Adjustment to allow for the additional parking spaces.

### **Bicycle Parking**

#### ***SRC 806.055(a) - General Applicability.***

Bicycle parking shall be provided and maintained for any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity. The applicable requirement under SRC 806, Table 806-8 is two (2) per classroom.

**Proposed Finding:** The Proposed Development will result in a total of twenty two (22) classrooms. Applicant will be providing a total of forty four (44) spaces near the primary entrance. Applicant will bring the bike rack design into conformance but is requesting an adjustment to allow the bike racks to remain in their existing location.

### **Interior Parking Lot Landscaping**

SRC 806.035(d) establishes landscaping requirements for the interior of parking lot and vehicle use areas.

#### ***Landscaping and Screening (SRC Chapter 807)***

All required setbacks shall be landscaped with a minimum of one plant unit per twenty square feet of landscaped area. A minimum of forty 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.

**Proposed Finding:** The Proposed Development will not impact the majority of the established setback landscaping. Additional landscaping is being provided to bring portions of the site into compliance with the Code, however, due to the extensive perimeter setbacks and the impact landscaping these setbacks would have on the areas used as play space, Applicant is requesting an adjustment to the perimeter setback landscaping requirement, as discussed in detail below.

#### ***Preservation of Trees and Vegetation (SRC Chapter 808)***

The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than twenty-four (24) inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), 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.

**Proposed Finding:** Applicant has identified on the Existing Conditions Plan the three existing trees it will be removing as part of the Proposed Development. No protected trees or heritage trees have been identified on the Site Plan for removal. This standard is met.

### ***Wetlands (SRC Chapter 809)***

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 wetland 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.

**Proposed Finding:** Applicant is not proposing any construction within or adjacent to Claggett Creek. This standard is not applicable.

### ***Landslide Hazards (SRC Chapter 810)***

A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

**Proposed Finding:** The Subject Property is not within a mapped landslide hazard area. This standard is not applicable.

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

**Proposed Finding:** The Subject Property provides for the safe and efficient movement of goods and people. The Subject Property has frontage along both Portland Road NE and Deerhaven Drive NE. The Subject Property is well connected to the existing public street system, thereby providing connectivity with the surrounding neighborhood. Upon development the parking areas will provide adequate space for queuing and conform to pedestrian access standards. Applicant's proposed parking area will allow for parent pick-up, which the City's traffic engineer has determined will not require limited movement onto Portland Road NE. The Subject Property is currently developed with pedestrian sidewalks and transit services are close at hand, all of which encourage the use of alternative modes of transportation for staff. Due to the nature of the use, a significant amount of the student population arrives via school bus, further minimizing the impact on the surrounding traffic system. This criterion is satisfied

***(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and***

**Proposed Finding:** The existing and proposed parking areas provide for the safe and efficient movement of vehicles, bicycles, and pedestrians through the Subject Property. There is adequate space for maneuvering within the parking areas and the parking areas are small enough that pedestrians are able to move quickly and safely through the areas without requiring pedestrian connections. The driveways are developed to standard and the adjacent bike lanes and available bike parking facilitate access to the Subject Property via bicycle. There are existing pedestrian connections from the parking areas to the adjacent streets that conform to the applicable code standards This criterion is satisfied.

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

**Proposed Finding:** The Subject Property is located within the City's USA and is currently served, or capable of being served, by public facilities and services necessary to support the uses associated with the Proposed Development. This criterion is satisfied.

## **SECTION 250.005. – ADJUSTMENTS**

### ***(a) Applicability.***

#### ***(1) Classes***

***(A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.***

***(B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.***

**Proposed Finding:** Applicant is requesting five (5) adjustments to applicable development standards (1) an adjustment to the setback standard in SRC 511.010(b) to allow for the encroachment of the proposed addition into the zone-to zone setback; (2) an adjustment to the perimeter landscaping standard in SRC 522.010(d) to allow Applicant to develop a pedestrian pathway through the setback area; (3) an adjustment to the pedestrian connection standard in SRC 800.065(a)(1)(A); (4) an adjustment to the maximum parking standard in SRC 806.015(d); and (5) an adjustment to the bicycle parking siting standard in SRC 806.060(a)(1) to allow Applicant to retain the existing bicycle parking location.

### ***(d) Criteria.***

***(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:***

***(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.***

**Proposed Finding:** Applicant is requesting five (5) adjustments to applicable development standards. First, Applicant is requesting an adjustment to the setback standard in SRC 511.010(b) to allow for the encroachment of the proposed addition into the zone-to zone setback. The proposed classroom addition will fully encroach into the five (5) foot zone-to-zone residential to commercial retail setback that divides the School Parcel from the Parking Parcel. The intent of the zone-to-zone setback standards is to ensure that where there is a transition from one zoning designation to another, that there is adequate space between development that may be inconsistent with the neighboring zoning. In this location, the Subject Property itself is split zoned and is being developed as a unified development on either side of the zoning boundaries. The intent of the development standard is clearly inapplicable to the Proposed Development.

Second, Applicant is requesting an adjustment to the perimeter landscaping standard in SRC 522.010(d) to allow Applicant to develop a pedestrian pathway through the setback area. The purpose and intent of the perimeter landscaping standards are not clearly stated, but it can be inferred that the primary purpose

of the perimeter landscaping standard is both providing improved aesthetics and screening of adjacent uses. The Subject Property is being developed as a unified development, there is no need for screening along the setback line and Applicant is exceeding the applicable design standards for landscaping. The intent of the development standard is equally or better met by the Proposed Development.

Third, Applicant is requesting an adjustment to the requirement in SRC 800.065(a)(1)(A) provide a pedestrian connection between the two entrances. The purpose for providing pedestrian connections is to provide efficient, direct, and safe connections from between the primary entrances on an existing development site. The topography of the Subject Property is somewhat unique due to the slopes on the Subject Property, the presence of Clagett Creek, and existing development features. The combination of these elements makes the only opportunity for connection between the primary entrances is providing connection that circumvents almost the eighty (80%) percent of the building and which would run along the emergency access route. Providing this connection might encourage very young students to utilize the pedestrian pathway around the building, rather than entering through the closest main entrance and navigating through the interior of the building. Due to the nature of the use and the topography and existing elements of development on the Subject Property, the development standard is clearly inapplicable.

Fourth, Applicant is requesting an adjustment to the maximum parking standard in SRC 806.015(d). The purpose and intent of the maximum parking standard is not clearly stated, but it can be inferred that the primary purpose of the maximum parking standard is to avoid the development of excessive parking. The Subject Property is developed with an existing elementary school, which has an established minimum and maximum parking standard. Due to the orientation of the Existing School, Applicant is adding a second parking area. Upon development both parking areas will be needed to allow for adequate parking as different users prioritize one lot over the other, depending on the entrance they use and the area of the community they arrive from, as well as ensuring that there will be adequate space for queuing and circulation. By providing a modest increase to the typical maximum allowed for the use, Applicant will provide for better circulation and use of the Proposed Development without providing excessive parking. This standard is equally or better met.

Finally, Applicant is requesting an adjustment to the bicycle parking siting standard in SRC 806.060(a)(1) to allow Applicant to retain the existing bicycle parking location.

***(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

**Proposed Finding:** The School Parcel is located within a residential zone, however, the requested adjustment related to the residential portion of the parcel are either fully screened from the adjacent residential uses or are requested as a means of maintaining existing non-conforming conditions on the Subject Property. The Proposed Development will not detract from the livability or appearance of the residential area. This criterion is satisfied.

***(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.***

**Proposed Finding:** The proposed adjustments for this Application are confined to either retaining non-conforming elements on the Subject Property or are designed to allow for unified development across a unified parcel which is split zoned. These adjustments are minimal, and the Proposed Development remains consistent with the purpose of the applicable zones where Basic Education is either a permitted or special use. This criterion is satisfied.

**CONCLUSION:**

Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting this consolidated application for a Class 3 Site Plan Review and five (5) Class 2 Adjustments. Applicant respectfully requests that the Application be approved.

# EXHIBIT A

## TAX MAP





# **EXHIBIT B** **COMPREHENSIVE PLAN DESIGNATION** **AND ZONING MAPS**

## **Map of Salem Area Comprehensive Plan**

