

Class 3 Site Plan Review, Class 1 Design Review, and Class 2 Adjustments in the City of Salem

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Submitted To: City of Salem Planning Department

Project Location: 701 Lockwood Lane S
Salem, OR

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Arial View of Subject Property and Existing Development



Section 1: Property Background and Request

The applicant, Clutch Industries, Inc. (Clutch Industries), is presenting a consolidated application, including a Class 3 Site Plan Review, Class 1 Design Review, and Class 2 Adjustments seeking approval to add eight multifamily dwelling units to an existing multifamily development. The subject property was previously zoned RS (Single Family Residential), however, in December of 2020 an approval was issued to rezone the property to RMII (Multiple Family Residential 2) under application number CPC-NPC-ZC20-09.

The existing multifamily development consists of 12 dwelling units, a parking area, a courtyard, and other landscaped areas. The subject property, where the newly proposed eight dwelling units will be added, is currently a grassy area with a nonconforming storage building along the eastern portion of the property. Upon completion of the proposed development, the complex will consist of 20 dwelling units, as shown on the site plan included with this application submittal. The subject property is located at 701 Lockwood Lane S in Salem, the development site is approximately 0.60-acres in size total and can be identified as Marion County Assessors Map and Tax Lot Numbers 083W09AB00900 and 083W09AB03300.

Section 2: Existing Conditions

The development site, which consist of both subject properties, is approximately 0.70 acres in size and is described as Marion County Assessor Map and Tax Lots 083W09AB00900 and 083W09AB03300, a City of Salem Vicinity Map is included as Exhibit A.

The site is located within corporate City limits of the City of Salem. The Salem Area Comprehensive Plan (SACP) map designates the subject property as “Multi-Family Residential”. Additionally, the property is located within the City’s Urban Service Area (USA) making an Urban Growth Area Development Permit unnecessary.

The Comprehensive Plan designations of surrounding properties include:

North: “Single Family Residential”

South: Across Lockwood Lane “Multi-Family Residential”

East: “Multi-Family Residential

West: “Single Family Residential”

The subject property is zoned RM2 (Multiple Family Residential 2). Surrounding properties are zoned as follows:

North: RM2 (Multiple Family Residential 2) and RS (Single Family Residential)

South: Across Lockwood Lane – RM2 (Multiple Family Residential 2)

East: RM2 (Multiple Family Residential 2)

West: RS (Single Family Residential)

Section 3: Applicable Zoning Codes

Salem Revised Code Chapter 220- Site Plan Review

Section 220.005 – Site Plan Review

Salem Revised Code Chapter 225 – Design Review

Section 225.005 – Design Review

Salem Revised Code Chapter 250 – Adjustments

Section 250.001 – Purpose

Section 250.005 – Adjustments

Salem Revised Code Chapter 300 – Procedures for Land Use Applications and Legislative Land Use Proposals

Section 300.100 – Procedure Types

Section 300.110 – Review Authorities

Section 300.120 – Procedures for Review of Multiple Applications

Section 300.200 – Initiation of Applications

Section 300.210 – Application Submittal

Section 300.220 – Completeness Review

Section 300.230 – Withdrawal of Application

Section 300.300 – Pre-application Conference

Section 300.310 – Neighborhood Association Contact

Section 300.510 – Type II Applications

Section 300.520 – Type II Procedure

Section 300.800 – Public Notice Compliance; Waiver of Notice

Section 300.810 – State Mandated Decision Date

Section 300.820 – Conditions of Approval

Section 300.830 – Amended Decisions

Section 300.840 – Issuance; Effective Date

Section 300.850 – Expiration and Extensions

Section 300.860 – Revocation of Approval

Section 300.870 – Resubmission Following Denial

Section 300.1010 – Appeal Filing

Section 300.1020 – Notice of Appeal

Section 300.1030 – Proper Filing of Notice of Appeal to be Jurisdictional

Section 300.1040 – Appeal Procedures; Scope

Section 300.1045 – Withdrawal of Appeal

Section 300.1050 – Review by the Council

Section 300.1060 – Effect of Appeal or Review by Council

Section 300.1070 – Effect of Judicial or Administrative Review

Section 300.1080 – Remand from the Land Use Board of Appeals

Salem Revised Code Chapter 514 – RMII – Multiple Family Residential

Section 514.005 – Uses

Section 514.010 – Development Standards

Section 514.015 – Design Review

Salem Revised Code Chapter 702 Multiple Family Design Review Standards

Section 702.005 – Multiple Family Design Review

Section 702.010 – Multiple Family Design Review Standards

Section 702.020 – Design Review Standards for Multiple Family Development with Thirteen or More Units

Salem Revised Code Chapter 800 – General Development Standards

Section 800.005 – Applicability

Section 800.015 – Lot Standards, Generally

Section 800.020 – Designation of Lot Lines

Section 800.035 – Setbacks

Section 800.040 – Special Setbacks

Section 800.045 – Height

Section 800.050 – Fences, Walls, Hedges, Gates, and Retaining Walls

Section 800.060 – Exterior Lighting

Section 800.065 – Pedestrian Access

Salem Revised Code Chapter 804 – Driveway Approaches

Section 804.010 – Applicability

Section 804.015 – Driveway Approach Permit Required

Section 804.025 – Class 2 Driveway Approach Permit

Section 804.030 – Access onto Local and Collector Streets

Section 804.050 – Driveway Approach Development Standards

Section 804.055 – Driveway Approach Relocation, Reconstruction, and Maintenance

Section 804.060 – Driveway Approach Closure

Salem Revised Code Chapter 805 – Vision Clearance

Section 805.005 – Vision Clearance Areas

Section 805.010 – Obstructions to Vision Prohibited

Section 805.015 – Alternative Standards

Salem Revised Code Chapter 806 – Off-Street Parking, Loading, and Driveways

Section 806.005 – Off-Street Parking; When Required

Section 806.010 – Proximity of Off-Street Parking to Use or Activity Served

Section 806.015 – Amount of Off-Street Parking

Section 806.020 – Method of Providing Off-Street Parking

Section 806.035 – Off-Street Parking and Vehicle Use Area Development Standards for Uses or Activities Other Than Single-Family, Two-Family, Three-Family, and Four-Family

Section 806.040 – Driveway Development Standards for Uses or Activities other than Single-Family, Two-Family, Three-Family, or Four-Family

Section 806.045 – Bicycle Parking; When Required

Section 806.050 – Proximity of Bicycle Parking to Use or Activity Served

Section 806.055 – Amount of Bicycle Parking

Section 806.060 – Bicycle Parking Development Standards

Section 806.065 – Off-Street Loading Areas; When Required

Section 806.070 – Proximity of Off-Street Loading Areas to Use or Activity Served

Section 806.075 – Amount of Off-Street Loading

Section 806.080 – Off-Street Loading Development Standards

Salem Revised Code Chapter 807 – Landscaping and Screening

Section 806.010 – Applicability

Section 4: Findings Applicable to Administrative Procedures

Chapter 300 – Procedures for Land Use Applications and Legislative Land Use Proposals

Section 300.100 – Procedure Types

- (a) Unless otherwise provided in the UDC, land use actions required under the UDC are classified as one of four procedure types set forth in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

Applicant's Findings: *This application includes a consolidated review for a Class 1 Design Review, Class 3 Site Plan Review, and Class 2 Adjustments. This consolidated application will be reviewed using Type II procedures. Type II applications are administrative, and the decision authority is the Planning Administrator. "Type II procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Decisions on Type II applications are made by staff. Public notice and opportunity to comment prior to issuance of a decision is provided. A public hearing is not required unless the decision is appealed."*

- (b) The specific procedure type assigned to a land use application is specified in Table 300-2.

Applicant's Findings: *This application includes a consolidated review for a Class 1 Design Review, Class 3 Site Plan Review, and Class 2 Adjustments. In accordance with Table 300-1, a Class 3 Site Plan Review is a Type II decision, a Class 1 Design Review is a Type I decision, and a Class 2 Adjustment is a Type II decision. Because the applications are consolidated, they must be*

reviewed under the strictest procedure type within the application package which, in this case, is the Type II procedure.

- (c) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the UDC, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.
 - (1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.
 - (2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.
 - (3) Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.
 - (4) Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the Council, which then makes the decision.

Applicant's Findings: *The review type for the applications submitted are identified in Table 300-2, this criterion is not applicable.*

Section 300.110 – Review Authorities

- (a) Review authorities, generally. Review authorities are those designated individuals or bodies that make recommendations or decisions regarding land use actions. The applicable Review Authorities for specific land use actions are identified under Table 300-2. The Review Authority shall review an application following the applicable procedure type for the application and according to the applicable approval standards and criteria.

Applicant's Findings: *The applicant understands the review authority in this case to be city staff, as the consolidated application will be reviewed using the Type II process.*

- (b) Review Authority hierarchy. Review authorities are organized under the following hierarchy, from lowest to highest:
 - (1) Staff, including, but not limited to, the Planning Administrator, Community Development Director, Public Works Director, and Building Official;
 - (2) Historic Landmarks Commission;
 - (3) Hearings Officer;

- (4) Planning Commission;
- (5) Council.

Applicant's Findings: *The applicant understands the hierarchy of review authorities.*

- (c) Historic Landmarks Commission jurisdiction over certain applications. Notwithstanding any other provision of this section, the Historic Landmarks Commission shall have exclusive jurisdiction over those land use applications under SRC chapter 230 requiring Historic Landmarks Commission review.

Applicant's Findings: *The subject property is not historic therefore; the Historic Landmarks Commission (HLC) does not have review authority in this case.*

Section 300.120 – Procedures for Review of Multiple Applications

When multiple land use actions are required or proposed by an applicant, the applications may be processed individually in sequence, concurrently, or through the consolidated procedure provided in this section. The applicant shall elect how the land use applications are to be processed, except where a specific review process or sequence is otherwise required or where the land use applications are subject to the same procedure type and decided upon by the same Review Authority. When multiple land use applications are subject to the same procedure type and decided upon by the same Review Authority, the land use applications shall be consolidated.

- (a) Applications processed individually in sequence. Multiple applications processed individually require the filing of separate applications for each land use action. Each application shall be reviewed separately according to the applicable procedure type and processed sequentially, as follows:
 - (1) Applications with the highest numbered procedure type must be processed first;
 - (2) Notwithstanding any other provision in this subsection, where a particular sequence for the review of land use applications is established by another section of the UDC, the applications shall be processed in that sequence; and
 - (3) Notwithstanding any other provision in this subsection, where one land use application is dependent upon the approval of another land use application (e.g., conditional use permit is subject to prior approval of a zone change), the land use application upon which the other is dependent shall be processed first.

Applicant's Findings: *The applicant is seeking a consolidated review of the three required applications for this review. The procedures applicable to this application are found in subsection c) below.*

- (b) Applications processed concurrently. Multiple applications processed concurrently require the filing of separate applications for each land use action. Each application shall

be reviewed separately according to the applicable procedure type and processed simultaneously.

Applicant's Findings: *The applicant is seeking a consolidated review of the three required applications for this review. The procedures applicable to this application are found in subsection c) below.*

- (c) Consolidated applications. When multiple applications are consolidated, a single application is filed for all land use actions. The application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type required for any of the land use applications. The Review Authority shall be the highest applicable Review Authority under the highest numbered procedure type required for any of the land use applications. Notwithstanding the provisions of this subsection, where multiple applications that are proposed to be consolidated include an application subject to review by the Historic Landmarks Commission, the application that is subject to Historic Landmarks Commission review shall be processed individually or concurrently.

Applicant's Findings: *The applicant has provided application forms and factual findings related to each of the required land use applications for this case. This narrative is categorized with individual sections providing responses to all applicable criteria for each application within the consolidated submittal. The highest review authority for the consolidated application is city staff, unless the decision is appealed, and the review is Type II.*

Section 300.200 – Initiation of Applications

- (a) Type I, Type II, Type III, and Type IV land use applications may be submitted by one or more of the following persons:
 - (1) The owner of the subject property;
 - (2) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
 - (3) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
 - (4) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by subsection (a)(1), (2) or (3) of this section and accompanied by proof of the agent's authority.

Applicant's Findings: *The applicant in this case is the owner of the subject property.*

- (b) Type IV applications may be initiated by the City.

Applicant's Findings: This criterion is not applicable to this application.

Section 300.210 – Application Submittal

(a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.

- (1) A completed application forms. The application form shall contain, at a minimum, the following information:
 - A. The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - B. The address or location of the subject property and its assessor's map and tax lot number;
 - C. The size of the subject property;
 - D. The comprehensive plan designation and zoning of the subject property;
 - E. The type of application(s);
 - F. A brief description of the proposal; and
 - G. Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

Applicant's Findings: The required land use application forms with the necessary information have been provided. The land use applications include signatures from the property owner. This criterion has been met.

- (2) Recorded deed/land sales contract with legal description;

Applicant's Findings: The recorded deed is included with this submittal as Exhibit B.

- (3) Any information that would give rise to an actual or potential conflict of interest under state or local ethics laws for any member of a Review Authority that will or could make a decision on the application;

Applicant's Findings: The applicant sees no reason city staff would have a conflict of interest under any state or local ethics laws. This section is not applicable.

- (4) Pre-application conference written summary, if a pre-application conference was required under SRC 300.310(a) and Table 300-2; or copy of the approved pre-application conference waiver, if such approval was granted pursuant to SRC 300.310(b);

Applicant's Findings: On February 22, 2021, The applicant held a pre-application conference with Case Manager Brandon Pike. The pre-application case number is PRE-AP21-18, and the

pre-application summary is included with this application submittal as Exhibit C. In accordance with SRC 300.250(c)(4)(A), the applicant's required pre-application conference is valid through August 22, 2022.

- (5) A statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact and who it was with (e.g., phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

Applicant's Findings: *The applicant's land use consultant, BRAND Land Use, sent a letter via email to the Sunnyslope chair and land use chair. The letter included a brief project description, contact information for the applicant, and a preliminary site plan demonstrating what was being proposed. Copies of the email, letter, and site plan provided are included with this submittal as Exhibit D. This criterion is met.*

- (6) For applications requiring neighborhood association contact under SRC 300.310 a copy of the required e-mail or letter to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent;

Applicant's Findings: *The applicant's land use consultant, BRAND Land Use, sent a letter via email to the Sunnyslope chair and land use chair. The letter included a brief project description, contact information for the applicant, and a preliminary site plan demonstrating what was being proposed. Copies of the email, letter, and site plan provided are included with this submittal as Exhibit D. This criterion is met.*

- (7) For applications requiring an open house under SRC 300.320:
 - A. A copy of the sign-in sheet for the open house and a summary of the comments provided; or
 - B. When a neighborhood association meeting has been substituted for a required open house, a summary of the comments provided at the neighborhood association meeting;

Applicant's Findings: *Pursuant to SRC 300.320, an open house is not required for any of the applications included in this consolidated submittal.*

- (8) A statement as to whether the Salem-Keizer Transit District was contacted in advance of filing the application; and if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact, who it was with, and the result;

Applicant's Findings: Salem-Keizer Transit District was not contacted in advance of filing the application. It is not anticipated the addition of eight dwelling units would have a significant impact on the Transit District.

(9) A written statement addressing each applicable approval criterion and standard;

Applicant's Findings: This narrative includes findings and responses to each applicable approval criterion and standard.

(10) For Type II, Type III, and applicant-initiated Type IV applications involving property subject to an active and duly incorporated Homeowner's Association (HOA) registered with the Oregon Secretary of State which includes an identified registered agent, the HOA name and mailing address for the registered agent.

Applicant's Findings: The subject property is not incorporated into an HOA that is registered with the Oregon Secretary of State. This section is not applicable.

(11) For applications for affordable multiple family housing where a 100-day state mandated decision date is sought, a draft copy of the covenant required under ORS 197.311 restricting the owner, and each successive owner, of the development or a residential unit within the development from selling or renting any of the identified affordable residential units as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

Applicant's Findings: This application is not for affordable multiple family housing. This section is not applicable.

(12) Any additional information required under the UDC for the specific land use action sought;

Applicant's Findings: The applicant believes the information submitted is full and complete and anticipates no additional information will be required to be submitted, and staff will be able to move forward and write a favorable decision.

(13) Any additional information, as determined by the Planning Administrator, which may be required by another provision, or for any other permit elsewhere, in the UDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

Applicant's Findings: The applicant believes the information submitted is full and complete, anticipates no additional information will be required to be submitted, and staff will be able to move forward and write a favorable decision.

(14) Payment of the applicable application fee(s) pursuant to SRC 110.090.

Applicant's Findings: Upon submittal of this land use application, staff will populate the applicable fees onto the applicant's account. Once the fees are populated, the applicant will pay each fee applicable to this case. This criterion will be met.

- (b) The Planning Administrator may waive any submittal requirement if the Planning Administrator determines that the specific requirement would not provide evidence needed to satisfy any of the applicable criteria.

Applicant's Findings: The applicant understands the planning administrator has the authority to waive any submittal requirement, however, a thorough and complete application is being submitted to city staff for review and it is not anticipated any requirement will be waived.

- (c) Each application, when received, shall be date-stamped with the date the application was received, and designated with a receipt number and a notation of the staff person who received the application.

Applicant's Findings: The applicant understands this requirement of city staff for processing applications.

Section 300.220 – Completeness Review

- (a) Except as otherwise provided under ORS 227.178, the Planning Administrator shall review an application for completeness within 30 days of its receipt.

Applicant's Findings: The applicant understands the 30-day completeness review rule pursuant to ORS 227.178. The applicant anticipates having satisfied all of the code requirements and staff concerns about the proposal. This review should take far less than the allotted 30-days.

- (b) Determination of completeness shall be based upon the information required under SRC 300.210 and shall not be based on opinions as to quality or accuracy. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

Applicant's Findings: The applicant understands the provisions for determining completeness of this application. The applicant believes with this submittal, the application is able to be deemed complete and a favorable decision will be rendered.

- (c) If an application is determined to be complete, review of the application shall commence.

Applicant's Findings: The applicant believes the application submitted is complete and review of the application can proceed. However, it is understood staff will need a review period to take a thorough look at the materials being submitted.

- (d) If an application is determined to be incomplete, written notice shall be provided to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete upon initial filing shall be deemed complete for purposes of this section upon receipt of:
- (1) All of the missing information;
 - (2) Some of the missing information and written notice from the applicant that no other information will be provided; or
 - (3) Written notice from the applicant that none of the missing information will be provided.

Applicant's Findings: *This updated submittal satisfies all of the items identified in the pre-application conference notes provided by city staff as being applicable to this request. It is not anticipated any items are missing or any reason this application should be deemed incomplete.*

- (e) If an application was complete at the time, it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were in effect at the time the application was first submitted.

Applicant's Findings: *The applicant understands they have 180 days from the first date of submittal to provide additional information for consideration of the case and that within that time period, if any code amendments are adopted, the code which was in effect at the time of submittal will be utilized for the review.*

- (f) An application shall be deemed void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (d) of this section.

Applicant's Findings: *The applicant understands the 180-day rule and that the application will be void if the deadline is surpassed. However, the applicant believes the application to be complete and the 180-day rule shouldn't be necessary for this project.*

Section 300.300 – Pre-application Conference

- (a) Purpose. Pre-application conferences are intended to familiarize applicants with the requirements of the UDC; to provide applicants with an opportunity to meet with city staff to discuss proposed projects in detail; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use process but is not intended to be an exhaustive review that identifies or resolves all potential issues and does not bind or preclude the City from enforcing all applicable

regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

Applicant's Findings: *The applicant understands the purpose of requiring a pre-application conference. The applicant conducted a pre-application conference for this application and has attached the pre-application conference notes as Exhibit C.*

(b) Applicability and waiver of pre-application requirement.

- (1) Pre-application conferences are mandatory for those land use actions identified under Table 300-2 as requiring a pre-application conference.
- (2) Nothing in this section shall preclude an applicant from voluntarily requesting a pre-application conference for any other land use action.
- (3) Notwithstanding the provisions of this section, a mandatory pre-application conference may be waived by the Planning Administrator if the application is relatively simple, and good cause is shown by the applicant. An application for a waiver shall be made on forms provided by the Planning Administrator. The applicant for a waiver shall acknowledge that waiving the pre-application conference increases the risk of an application being rejected or processing delayed due to insufficient, incomplete, or incorrect information being provided. The decision of the Planning Administrator on an application to waive a pre-application conference is not appealable.

Applicant's Findings: *The applicant understands the Design Review application submitted with this consolidated land use package triggers the requirement of a pre-application conference. The applicant conducted a pre-application conference for this application and has attached the pre-application conference notes as Exhibit C.*

(c) Pre-application conference procedures.

(1) Application requirements.

- A. Application form. Pre-application conference requests shall be made on forms provided by the Planning Administrator.
- B. Submittal requirements. Pre-application conference requests shall:
 - (i) Include a completed application form;
 - (ii) Include payment of the application fee;
 - (iii) Be accompanied by the information required, if any, for the specific pre-application conference sought; and
 - (iv) Be accompanied by any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow city staff to review and comment.

Applicant's Findings: *The applicant understands the pre-application conference procedures and the submittal requirements. When the applicant requested the pre-application conference for this case, all of the required information was provided.*

- (2) Scheduling of pre-application conference. Upon receipt of a complete application, the Planning Administrator shall schedule the pre-application conference. The Planning Administrator shall coordinate the involvement of other city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

Applicant's Findings: *The applicant understands the pre-application conference procedures and the submittal requirements. When the applicant requested the pre-application conference for this case, all of the required information was provided.*

- (3) Pre-application conference summary. Subsequent to the pre-application conference, the Planning Administrator will provide the applicant with a written summary of the conference. The purpose of the written summary is to provide a preliminary assessment of the proposal but shall not be deemed to be a recommendation by the City or any other outside agency or service provider on the merits of the proposal.

Applicant's Findings: *The applicant understands the pre-application conference procedures and the submittal requirements. The applicant received a pre-application conference summary and has included a copy as Exhibit C of this application submittal.*

- (4) Validity period for mandatory pre-application conferences; follow-up conferences. A follow-up conference is required for those mandatory pre-application conferences that have already been held when:
 - A. A complete application relating to the proposed development that was the subject of the pre-application conference has not been submitted within 18 months of the pre-application conference;
 - B. The proposed use, layout, and/or design of the proposal have significantly changed; or
 - C. The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Applicant's Findings: *The proposed project is substantially the same as what was discussed at the pre-application conference, with changes being made only to satisfy the issues identified during the conference. The pre-application conference held by the applicant is still valid and satisfies the requirement.*

[Section 300.310 – Neighborhood Association Contact](#)

- (a) Purpose. The purpose of neighborhood association contact is to provide an opportunity for neighborhood associations to learn of upcoming land use applications involving land within or adjacent to their boundaries in advance of applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.

Applicant's Findings: *As a neighborhood partner, Clutch Industries values the support from the community. Clutch contacted the Sunnyslope Neighborhood Association on January 13, 2022, prior to submitting this land use application package. A copy of the correspondence is provided under Exhibit D.*

- (b) Applicability.

- (1) Neighborhood association contact, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring neighborhood association contact.

Applicant's Findings: *Table 300-2 identifies this application type as requiring neighborhood contact.*

- (2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for neighborhood association contact and the other applications do not require neighborhood association contact, the entire consolidated application shall require neighborhood association contact.

Applicant's Findings: *The Class 3 Site Plan Review triggers a neighborhood contact requirement, in accordance with Table 300-2. The applicant understands that although the Class 1 Design Review and Class 2 Adjustments do not trigger a neighborhood contact, because the application is consolidated, the entire application is subject to the requirement. The applicant contacted the Sunnyslope Neighborhood Association chair and land use chair on January 13, 2022. A copy of the contact is provided under Exhibit D.*

- (3) Nothing in this section shall be construed to preclude additional contact between an applicant and neighborhood association beyond the requirements of this section, or an applicant from contacting a neighborhood association where no neighborhood association contact is required.

Applicant's Findings: *The applicant understands that neighborhood contact is a requirement of this consolidated application type. The applicant made contact with the neighborhood association and provided a copy of the correspondence under Exhibit D.*

- (c) Process. Prior to submitting a land use application requiring neighborhood association contact, the applicant shall contact the City-recognized neighborhood association(s)

whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The e-mail or mailed letter shall:

- (1) Be sent to the chair(s) and land use chair(s) of the applicable neighborhood association(s) prior to submitting the land use application; and
- (2) Contain the following information:
 - A. The name, telephone number, and e-mail address of the applicant;
 - B. The address of the subject property;
 - C. A summary of the proposal;
 - D. A conceptual site plan, if applicable, that includes the proposed development; and
 - E. The date on which the e-mail or letter is being sent;

Applicant's Findings: *As shown on the attached Exhibit D, the applicant provided all of the required information to the appropriate individuals within the Sunnyslope Neighborhood Association.*

- (d) Effect on subsequent land use application submittal. A land use application requiring neighborhood association contact shall not be accepted, as provided under SRC 300.210. unless it is accompanied by a copy of the e-mail or letter that was sent to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

Applicant's Findings: *The correspondence is provided as Exhibit D. The application is acceptable as submitted.*

Section 300.510 – Type II Applications

The following land use actions are Type II applications:

- (a) Those identified in Table 300-2 as Type II applications;

Applicant's Findings: *The review type for the applications submitted are identified in Table 300-2. Because the application is consolidated, Type II application procedures will be used to review the application package in its entirety.*

- (b) Those identified in the UDC as Type II applications; or

Applicant's Findings: *The review type for the applications submitted are identified in Table 300-2. Because the application is consolidated, Type II application procedures will be used to review the application package in its entirety.*

- (c) Those identified by the Planning Administrator as Type II applications based upon the guidelines for classification of applications under SRC

Applicant's Findings: *The review type for the applications submitted are identified in Table 300-2. Because the application is consolidated, Type II application procedures will be used to review the application package in its entirety.*

Section 300.520 – Type II Procedure

(a) Application requirements.

- (1) Application form. Type II applications shall be made on forms provided by the Planning Administrator.
- (2) Submittal requirements. Type II applications shall include the information required under SRC 300.210.

Applicant's Findings: *This submittal includes the required application forms provided by the city. Each submittal requirement is provided, and the applicant has demonstrated how the proposal meets each criterion.*

(b) Public notice and comment. Public notice is required for Type II applications. Public notice shall be by first class mail. Posted notice on the subject property is required for subdivisions, Class 2 wireless communications facilities siting, manufactured dwelling park permits, and Class 1 greenway development permits. All Type II applications include a comment period of 14 days from the date notice is mailed.

(1) Mailed notice. Mailed notice shall be provided as follows:

- A. The City shall mail notice of the application within ten days after the application is deemed complete. An affidavit of mailing shall be prepared and made part of the file.
- B. Notice of the application shall be mailed to:
 - (i) The applicant(s) and/or the applicant's authorized representative(s);
 - (ii) The owner(s) or contract purchaser(s) of record of the subject property;
 - (iii) The address of the subject property, based on the City's current addressing records;
 - (iv) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA utilizing the contact information provided by the applicant;
 - (v) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;

- (vi) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
- (vii) Addresses, based on the City's current addressing records, within 250 feet of the subject property.
- (viii) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; and
- (ix) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City.

C. Mailed notice shall include:

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
- (ii) The type of application and a concise description of the nature of the land use action;
- (iii) The proposed site plan;
- (iv) The street address, or other easily understood geographical reference, for the subject property;
- (v) A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;
- (vi) A list of the approval criteria by name and code section;
- (vii) A statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost;
- (viii) A brief summary of the decision-making process for the application;
- (ix) The place, date, and time that written comments are due, and the person to whom the comments should be addressed;
- (x) A statement that comments received after the close of the public comment period will not be considered;
- (xi) A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and Review Authority to respond to the issue;
- (xii) A statement that subsequent to the closing of the public comment period a decision will be issued and mailed to the applicant, property owner, everyone entitled to the initial notice of the application, anyone who submitted written comments on the application, and to any other persons otherwise legally entitled to notice of the decision; and
- (xiii) The name and contact information for the staff case manager.

(2) Posted notice. Posted notice shall be provided, when required, as follows:

- A. The applicant shall post notice on the subject property no earlier than 14 and no later than ten days prior to the end of the 14-day comment period. The notice shall remain in place throughout the comment period. The applicant shall file an affidavit of posting with the City no later than five days after the date of original posting. The affidavit shall be made a part of the file.
- B. Notice shall be posted on each street frontage of the subject property, in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.
- C. Posted notice shall be provided on signs as prescribed by the Planning Administrator.
- D. The applicant shall remove the signs from the subject property within seven days after the date the decision is issued.

Applicant's Findings: *The applicant understands the noticing procedures required under this section. Posting notice on the subject property is not required for the requested applications.*

- (c) Application review. The Review Authority shall review the application, all written comments submitted during the public comment period, and the applicant's response to the comments, if any. Written comments received after the expiration of the public comment period shall not be considered by the Review Authority.

Applicant's Findings: *The applicant's representative, BRAND Land Use, will respond to any written comments received during the comment period. No comments received after the close of the comment period should be included in the official record or responded to.*

- (d) Decision. The Review Authority shall approve, conditionally approve, or deny the application based upon the facts contained within the record and according to the applicable standards and criteria. The decision of the Review Authority shall be a written order containing findings that explain the criteria and standards applicable to the decision, stating the facts relied upon in rendering the decision, and explaining the justification for the decision.

Applicant's Findings: *The applicant understands the review authority's options to approve, conditionally approve, or deny the application. Based on the information submitted, it is anticipated the decision will be approved with minimal conditions as the applicant has either met the applicable standards or requested an adjustment to standards and offered mitigation.*

- (e) Notice of decision. Notice of the decision shall be mailed within five days after the decision is signed. An affidavit of mailing shall be prepared and made part of the file.
 - (1) Notice of the decision shall be mailed to:
 - A. The applicant(s) and/or authorized representative(s);

- B. The owner(s) or contract purchaser(s) of record of the subject property;
- C. The address of the subject property, based on the City's current addressing records;
- D. Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA utilizing the contact information provided by the applicant;
- E. Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- F. Any group or individual who submitted written comments during the comment period;
- G. Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
- H. Addresses, based on the City's current addressing records, within 250 feet of the subject property.
- I. Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted written comments during the comment period; and

Applicant's Findings: *The applicant understands the procedures surrounding notice of decision.*

- (f) Any community organizations, agencies, or individuals who have submitted written requests to the City for notice of the decision.
 - (1) Notice of the decision shall include:
 - A. A brief description of the application;
 - B. A description of the site sufficient to inform the reader of its location, including site address, if available, map and tax lot number, and its comprehensive plan designation and zoning;
 - C. A brief summary of the decision, and conditions of approval, if any;
 - D. A statement of the facts relied upon;
 - E. The date the Review Authority's decision becomes effective, unless appealed;
 - F. The date and time by which an appeal must be filed, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;
 - G. A statement that all persons entitled to notice of the decision may appeal the decision; and
 - H. A statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review. The notice shall state where

the case file is available and the name and telephone number of the staff case manager to contact about reviewing the case file.

Applicant's Findings: *The review type for the applications submitted are identified in Table 300-2, this criterion is not applicable.*

(g) Appeal and review.

- (1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the Council pursuant to SRC 300 1050 the decision of the Review Authority on a Type II application shall be the final decision of the City.
- (2) Only the applicant, persons who provided comments during the public comment period, and persons entitled to notice of the decision have standing to appeal the decision.
- (3) The Review Authorities for appeals are identified under Table 300-2. Except as otherwise provided in subsections (f)(3)(A) and (B) of this section, the decision of the Review Authority on appeal, or, if review is initiated by the Council, the Council on review, shall be the final decision of the City.
 - A. Upon receipt of an appeal of a decision on a Class 3 site plan review, modification of a Class 3 Site Plan Review, Class 2 adjustment, or modification of a Class 2 Adjustment, notice of the appeal shall be provided to the Council at its next regular meeting. The Council may, pursuant to SRC 300.1050, assume jurisdiction for review pursuant to SRC 300.1040. If the Council does not assume jurisdiction, then the decision of the Review Authority on the appeal is the final decision of the City.
 - B. The decision on a Class 1 adjustment, modification of a Class 1 adjustment, Class 2 design review, modification of a Class 2 design review, Class 2 driveway approach permit, Class 2 minor historic design review, Class 2 temporary use permit, PUD final plan, modification of a PUD final plan, or sign adjustment is not subject to Council review. The decision of the Review Authority is the final decision of the City.
- (4) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.

Applicant's Findings: *The applicant is aware of the appeal procedures as they apply to this case.*

- (h) Expiration of approval. Approval of a Type II application expires automatically as provided by SRC 300.850(a).

Applicant's Findings: *Though the applicant is requesting a consolidated review, the applications are each assigned their own expiration and extension terms in accordance with Table 300-3. The Class 1 Design Review is valid for two years from the approval date but may be granted two extensions of two years each, for a total of six years. The Class 3 Site Plan Review is valid for four years and extensions are not allowed. However, if a valid building permit is submitted, the*

approval will remain valid. The Class 2 Adjustments are valid for two years from the approval date but may be granted two extensions of two years each, for a total of six years. The applicant understands the provisions surrounding expirations of approvals.

Section 300.800 – Public Notice Compliance; Waiver of Notice

Notice of land use approval under the procedures of this chapter shall be deemed to have been satisfied as follows:

- (a) Compliance. The requirements for notice shall be deemed satisfied for any person who, prior to the public hearing and in any manner, obtains actual knowledge of the date, time, place, and subject matter of the hearing. Requirements for the provision of mailed, posted or published public hearing notice shall be deemed satisfied as follows:
 - (1) Mailed notice. Mailed notice shall be deemed to have been provided upon the date the notice is deposited in the mail. Failure of the addressee to receive such notice shall not invalidate the proceedings if it can be demonstrated by affidavit that such notice was deposited in the mail.
 - (2) Posted notice. Posted notice shall be deemed to have been provided upon the date when the sign is first posted. Subsequent removal of or damage to the sign by anyone other than the applicant or an officer of the City shall not invalidate the proceeding.
 - (3) Published notice. Published notice shall be deemed to have been provided upon the date when the notice appears within a newspaper of general circulation within the City.
- (b) Waiver of notice. The appearance or provision of testimony or comments on an application by any person subsequent to the initiation of the application or prior to the close of the record after a public hearing shall be deemed a waiver of such person to any claim of defect in the provision of notice.

Applicant's Findings: *The applicant is aware of the noticing procedures for land use cases within the City of Salem.*

Section 300.810 – State Mandated Decision Date

- a) Except as otherwise provided in this section, the City shall take final action on land use applications subject to ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete pursuant to SRC 300.220 unless the applicant provides written request or consent to an extension of such period pursuant to ORS 227.178(5).

Applicant's Findings: *The applicant understands the 120-day rule for the city to take final action on the case. Additionally, the applicant understands the 120-day rule shall include the appeal period and provide time for appeal procedures to take place. The applicant anticipates the*

application will be deemed complete within 20 days and the decision will be issued within 45 to 60 days.

- b) The City shall take final action on an application for affordable multiple family housing, including resolution of all local appeals, within 100 days after the application has been deemed complete pursuant to SRC 300.220 unless the applicant provides a written request or consent to an extension pursuant to ORS 227.178(5).

Applicant's Findings: *This application is not for an affordable housing project. This criterion is not applicable.*

Section 300.820 – Conditions of Approval

- (a) Imposition of conditions, generally. The Review Authority may impose conditions on land use actions to the extent allowed by law in order to protect the public and adjacent property owners from adverse impacts resulting from the proposed development, to fulfill an identified need for public services or infrastructure caused by or required for the proposed development, or to ensure conformance with the applicable development standards and criteria in the UDC. A condition of approval shall be valid and enforceable from and after the date the decision becomes effective.
 - (1) Conditions of approval should be stated in clear and unambiguous terms; be reasonably related to the public health, safety, and welfare; and be designed to reasonably effectuate the intended purpose.
 - (2) The Review Authority shall not impose any permanent condition which would limit use of the subject property to one particular owner, tenant, or business. Permanent conditions may limit the subject property as to use but shall not be so restrictive that other occupants who might devote the property to the same or substantially similar use would be unable to reasonably comply with the conditions.

Applicant's Findings: *The applicant understands the review authority may impose conditions on the land use applications included in this submittal. The applicant also understands the conditions of approval should be clear, unambiguous, and related to the public health, safety, and welfare, and designed in a manner to effectuate the intended purpose. The applicant understands the limits imposed on permanent conditions.*

- (b) Effect of conditions. Conditions of approval shall be construed and enforced, in all respects, as provisions of the UDC relating to the use and development of land.

Applicant's Findings: *The applicant understands the effect of conditions in accordance with this section.*

- (c) Imposition of conditions on applications for housing developments.

- (1) Except as otherwise provided in this subsection, the Review Authority may impose conditions on applications for housing developments. The Review Authority may not, however:
 - A. Impose a condition on an application for a housing development reducing its density if:
 - (i) The density applied for is at or below the maximum density allowed; and
 - (ii) At least 75 percent of the floor area applied for is reserved for housing.
 - B. Impose a condition on an application for a housing development reducing its height if:
 - (i) The height applied for is at or below the maximum height allowed;
 - (ii) At least 75 percent of the floor area applied for is reserved for housing; and
 - (iii) Reducing the height would have the effect of reducing the proposed density.
- (2) Notwithstanding paragraph (1) of this subsection, the Review Authority may impose a condition on an application for a housing development reducing its density or height if the reduction is necessary to resolve a health, safety, or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

Applicant's Findings: *This application is for a housing development. However, it is not anticipated the review authority will impose conditions related to density, as the proposed density is well within the minimum and maximums allowed. The proposed development does not exceed any of the height limitations.*

Section 300.830 – Amended Decisions

- (a) After notice of a decision on a land use action has been provided, an amended decision may be issued correcting typographical errors, rectifying inadvertent omissions, and/or making other minor changes that do not materially alter the decision if the amended decision is issued prior to the expiration of the appeal period of the original decision, but in no event beyond the state mandated decision date set forth under ORS 227.178 unless the applicant otherwise agrees to and requests an extension pursuant to ORS 227.178(5).

Applicant's Findings: *The applicant understands an amended decision may be issued within the appeal period in accordance with the limitations listed in this section.*

- (b) Notice of an amended decision shall be given using the same mailing and distribution list as for the original notice of the decision.

Applicant's Findings: *If an amended decision is issued, it is understood it will be distributed to the same interested parties the original decision was distributed to.*

- (c) A new appeal period equal to that of the original decision shall be provided from the date of mailing the amended decision.

Applicant's Findings: *The applicant understands with an amended decision a new appeal period would be required.*

Section 300.840 – Issuance; Effective Date

- (a) Each decision shall be specific as to the approval granted and shall be subject to the standards and conditions set forth in UDC, including any variances or conditions authorized pursuant to the UDC.

Applicant's Findings: *The applicant understands each application, when granted, is subject to its own conditions and standards listed within the UDC. In an effort to keep the record clear, the applicant is submitting this narrative which is broken up into sections pertaining to each application being sought in approval of the multifamily development.*

- (b) Decisions on land use actions become effective on:
 - (1) The day the decision is issued, if no appeal is allowed;
 - (2) The day after the appeal period expires, if an appeal is allowed, but no notice of appeal is timely filed;
 - (3) The day the decision is issued by the final appeal body, if an appeal is allowed and notice of appeal is timely filed; or
 - (4) The day the decision is issued by the Council, if the decision is called up for review by the Council pursuant to SRC 300.1050.

Applicant's Findings: *The applicant understands the provisions related to when the land use action becomes effective.*

Section 300.850 – Expiration and Extensions

- (a) Approval expiration and termination.
 - (1) Unless a different period of time is established in the UDC or in the decision, all approvals of land use actions shall expire automatically upon the dates set forth in Table 300-3 unless one of the following has occurred:
 - A. Development has commenced in compliance with the land use approval;
 - B. An extension has been granted pursuant to SRC 300.850(b); or
 - C. The land use approval has been revoked as provided under SRC 300.860 or is otherwise invalidated by an administrative board or court of competent jurisdiction.

- (2) Where the decision involves work for which a building permit is required, no exercise of the rights granted under the land use action shall be deemed to have commenced until a building permit has been issued. Unless otherwise extended, the approval of the land use action shall automatically expire if the approval has expired as set forth in Table 300-3, and all required building permits issued for the land use action have expired.

Applicant's Findings: In accordance with Table 300-3, the Class 1 Design Review will expire after two years with two extensions of two years each permissible. The Class 3 Site Plan Review will expire after four years, and no extensions are permissible. However, if a valid building permit application is submitted, the site plan review approval shall remain valid until either the building permit or the site plan review approval expires, whichever occurs later. The Class 2 Adjustment applications will expire after two years with two extensions of two years each permissible. The applicant understands that although this application is a consolidated submittal, each individual application will be subject to different expiration standards.

(b) Extensions.

- (1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the times set forth in Table 300-3 through filing an application for extension prior to the expiration date.

(2) Classes.

- A. Class 1 extension. 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.
- B. Class 2 extension. A Class 2 extension is an extension that applies when there have been changes to the standards and criteria used to approve the original application, but such changes to the standards and criteria would not require modification of the original approval.

(3) Procedure type.

- A. A Class 1 extension is processed as a Type I procedure under SRC chapter 300.
- B. A Class 2 extension is processed as a Type II procedure under SRC chapter 300.

(4) Criteria.

- 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.
- B. A Class 2 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.

(5) Appeal and review.

- C. The decision on a Class 1 extension may not be appealed and is not subject to Council review.
- D. The decision on a Class 2 extension may be appealed and is subject to Council review pursuant to SRC 300.1050. The Review Authority for an appeal of a Class 2 extension shall be the Hearings Officer.
- (6) While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.
- (7) The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.

Applicant's Findings: *As expressed previously under the administrative procedures, the applicant understands both the expiration and extension provisions of each application type for which they are applying.*

Section 300.860 – Revocation of Approval

- (a) Unless otherwise provided under the UDC, the Director may revoke a permit or approval issued pursuant to the UDC when:
 - (1) The permit or approval was issued on the basis erroneous or misleading information, or a material misrepresentation;
 - (2) The development authorized under the permit or approval violates other applicable law;
 - (3) The development violates the permit or approval, the UDC, or other applicable law;
 - (4) The permittee failed to pay an administrative penalty for violations relating to the development authorized under the permit or approval;
 - (5) The work is, or threatens to become, an imminent hazard to property or public safety; or
 - (6) Prior to the development obtaining vested rights or nonconforming status, a change in the UDC, or the Salem Area Comprehensive Plan, has made the approved development unlawful or not permitted.

Applicant's Findings: *The applicant understands the director may revoke a permit or approval if such instances as those listed above exist to warrant a revocation.*

- (b) Revocation of a permit or approval shall follow a Type I procedure

Applicant's Findings: *The applicant understands a revocation would follow a Type I procedure.*

- (c) Notice of revocation shall be given, in writing, to the applicant or the applicant's assigns or successors in interest, stating the grounds for revocation, the date upon which the revocation becomes effective, and the right to appeal.

Applicant's Findings: *The applicant understands the notice procedure required in conjunction with a revocation.*

- (d) Any person entitled to notice under subsection (c) of this section may appeal the revocation to the Hearings Officer by filing written notice of appeal with the Planning Administrator within ten days of the date the notice of revocation was mailed.

Applicant's Findings: *The applicant understands any person entitled to notice, as provided under subsection (c), would have the rights to appeal any revocation of decision within ten days of the date of mailing the notice.*

- (e) Revocation shall be effective immediately upon the mailing of notice. Unless otherwise provided in the notice, revocation terminates all rights to continue the use or development under the approval of the land use action. It is unlawful to continue any use or development for which approval has been revoked.

Applicant's Findings: *The applicant understands the effective date of a revocation is immediately upon the mailing of notice and that a revocation terminates rights to continue the use or development.*

- (f) Revocation of approval of a land use action on the basis of false, inaccurate, or incomplete statements of material fact in the application shall not bar, nor otherwise prejudice the right of the applicant to resubmit a new application containing accurate and complete statements of material fact. Revocation on any other grounds shall be treated as a basis for denial of the application on its merits and resubmission of application shall be made as provided in SRC 300.870.

Applicant's Findings: *The applicant understands they may resubmit an application following a revocation with a revised set of information.*

- (g) Revocation is in addition to, and not in lieu of, any other remedy provided by law or equity, and is not a condition precedent to any such remedy.

Applicant's Findings: *The applicant understands the provisions of this section and that a revocation is in addition to, and not in lieu of, any other remedy provided by law or equity, and is not a condition precedent to any such remedy in regard to applications involving false or inaccurate information.*

Section 300.870 – Resubmission Following Denial

Denial of an application shall bar refiling of the same or substantially similar application for a period of one year from the date of the decision. An exception may be granted by the original Review Authority if, upon a showing of good cause, the application is so amended that the substantive basis for denial no longer exists; the proposal has been so mitigated that a new

application should be given consideration; or there has been a substantial change in the facts or a change in City policy which would change the outcome.

Applicant's Findings: *The applicant understands if their application is denied, they may not resubmit a substantially similar application within a period of one year. It is also understood, in some cases, exceptions could be made.*

Section 300.1010 – Appeal Filing

A decision on a land use action may be appealed by a person or entity with standing to appeal by filing a notice of appeal with the Planning Administrator within 15 days of the date notice of the decision is mailed.

Applicant's Findings: *The applicant understands the provisions related to filing a notice of appeal with the planning administrator.*

Section 300.1020 – Notice of Appeal

Notice of appeal shall be made on forms provided by the Planning Administrator and shall be accompanied by the appeal fee. The notice of appeal shall contain:

- (a) Identification of the decision sought to be appealed, including its assigned case number, the title or caption of the decision, and the decision date.

Applicant's Findings: *The applicant understands notice of appeal must be made on forms provided by the planning administrator and must also include the appeal fee. The forms are available to the public on the City's website. It is also understood case specific information must be included.*

- (b) The name and mailing address of the appellant and a statement establishing the appellant's standing to appeal the decision as provided under SRC 300.1010

Applicant's Findings: *The applicant understands the appellant's information and a statement must be included with any notice of appeal.*

Section 300.1030 – Proper Filing of Notice of Appeal to be Jurisdictional

The timely and complete filing of the notice of appeal and payment of the appeal fee are jurisdictional, and the Planning Administrator shall not accept a notice of appeal that does not comply with this section. The Planning Administrator's determination that an appellant has failed to comply with this section shall be final.

Applicant's Findings: *The applicant understands the appeal must be submitted timely and must be a complete notice of appeal including all elements required by these sections in order to be accepted by the planning administrator or a designee.*

Section 300.1040 – Appeal Procedures; Scope

Appeals shall be conducted in accordance with the procedures set forth in this section.

- (a) Appeal hearing. Appeals shall be de novo. In a de novo review, all issues of law and fact are heard anew, and no issue of law or fact decided by the lower-level Review Authority is binding on the parties in the hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony. The record of the initial proceeding shall be made a part of the record. For purposes of this subsection, the record consists of:
 - (1) All staff reports, exhibits, materials, pleading, memoranda, stipulations, and motions submitted by any party and reviewed or considered in reaching the original decision that is being appealed.
 - (2) An electronic recording or transcript of the original hearing.

Applicant's Findings: *The applicant is aware of and understands appeal hearings are de novo.*

- (b) Public notice.
 - (1) Mailed notice. The City shall mail notice of a public hearing to all persons who had standing to appeal the decision not less than 20 days prior to the hearing. An affidavit of mailing shall be prepared and made part of the file. Mailed notice shall include:
 - A. The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
 - B. The type of land use action, and concise description of the nature of the land use action;
 - C. The proposed site plan, if any;
 - D. The street address or other easily understood geographical reference to the subject property;
 - E. A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;
 - F. A list of the approval criteria by name and code section;
 - G. The specific issues raised by the appellant;
 - H. The date, time, and place of the hearing;
 - I. A statement that the application and all documents and evidence submitted as part of the original proceeding, and any new documents and evidence, are available for review, and that copies can be obtained at a reasonable cost;
 - J. A brief summary of the decision-making process for the appeal;
 - K. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;

- L. A statement that all interested persons may appear either in person or with representation by an attorney and provide testimony and that only those participating at the appeal hearing, or in writing, shall be entitled to appeal the decision to the Oregon Land Use Board of Appeals;
 - M. A statement that failure to raise an issue prior to the close of the public hearing, in person or in writing, or failure to provide statements or evidence with sufficient specificity to afford the applicant and Review Authority to respond to the issue precludes an appeal to the Oregon Land Use Board of Appeals on that issue;
 - N. A statement that a copy of the staff report with recommendation to the Review Authority will be available for inspection at no cost at least seven days prior to the hearing, and that copies will be provided at a reasonable cost;
 - O. A statement that subsequent to the close of the public hearing a copy of the decision will be mailed to the appellant, the applicant, if other than the appellant, the property owner, affected neighborhood associations, anyone who participated in the appeal hearing, either in person or in writing, and anyone who requested to receive notice of the decision; and
 - P. The name and contact information for the staff case manager.
- (2) Posted notice. The City shall post notice of the appeal hearing on the subject property no earlier than 14 days, but not later than ten days, prior to the public hearing. The notice shall remain in place through the day of the public hearing. An affidavit of posting shall be made part of the file. Posted notice shall:
- A. Be posted on each street frontage of the subject property in a conspicuous place so as to be visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in such a manner to be readily seen by the public.
 - B. Be provided on signs prepared by the Planning Administrator.

Applicant's Findings: *The applicant understands the city will send and post notice of the appeal and the notices will contain all of the information included in this section.*

- (c) Staff report. The Planning Administrator shall prepare a staff report and make it available a minimum of seven days prior to the appeal hearing.

Applicant's Findings: *The applicant understands the planning administrator, or a designee, will prepare a new staff report regarding an appeal and make it available a minimum of seven days prior to the appeal hearing.*

- (d) Continuances. The appeal body may continue the hearing to a date, time, and location certain. Additional notice of a continued hearing is not required, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of

the continued hearing shall be given as though it was the initial hearing. Actions by the appeal body holding the record open or continuing the hearing shall be consistent with ORS 197.763.

Applicant's Findings: *The applicant understands the appeal hearing may be continued by the review authority and the procedures in place when continued to a date, time, and location certain as well as procedures when the information for the continued hearing is not provided.*

(e) Decision.

- (1) The appeal body may affirm the decision, affirm the decision with additional conditions or modifications, remand the decision to the lower-level Review Authority for further action, or reverse the decision.
- (2) The appeal body shall adopt a written order, which shall be signed, dated, and mailed to the appellant, the applicant, if other than the appellant, the property owner, affected neighborhood associations, anyone who appeared either orally or in writing before the close of the public record on the appeal, and anyone who requested to receive notice of the decision. The order shall contain:
 - A. A statement of facts relied upon by the appeal body in reaching its decision.
 - B. Conclusions of how the standards or criteria are satisfied based on the statement of facts.
 - C. An order affirming, modifying, remanding or reversing the decision of the lower body.
- (3) The appeal body may direct the party whose position prevails in the appeal to prepare the order, or any part thereof, for its consideration and adoption.
- (4) The decision upon appeal shall become final on the date when written notice of the decision is mailed to persons entitled to notice of the decision. Any further appeal shall be to the Oregon Land Use Board of Appeals.

Applicant's Findings: *The applicant understands the rights of the review authority in regard to issuance of a decision on an appeal case.*

Section 300.1045 – Withdrawal of Appeal

- (a) An appeal may be withdrawn by the appellant at any time prior to the issuance of the City's final written decision on the appeal.

Applicant's Findings: *The applicant understands the appellant has the right to withdraw an appeal prior to the city issuing a final written decision.*

- (b) A request to withdraw an appeal shall be in writing.

Applicant's Findings: *The applicant understands that any request to withdraw an appeal shall be made in writing.*

- (c) Upon receipt of a request to withdraw an appeal, the appeal shall be deemed dismissed without further action by the appeal body and the decision of the lower-level Review Authority shall stand.

Applicant's Findings: *It is understood that once the city receives a written request to withdraw and appeal, the appeal will be dismissed without any further action and the prior decision will stand.*

- (d) If an appeal is withdrawn after the mailing of public notice, the Planning Administrator shall send written notice stating the appeal has been withdrawn to all persons who were provided mailed notice of the appeal hearing.

Applicant's Findings: *The applicant understands if an appeal is withdrawn after the public hearing notice is mailed, the planning administrator will have to provide written notice to anyone who was mailed the notice of appeal hearing.*

Section 300.1050 – Review by the Council

- (a) Whether or not an appeal is filed pursuant to SRC 300.1010 and unless otherwise provided in this chapter, the Council may, by majority vote, initiate the review of a Type II application or a Type III application, or any other land use application where Council review pursuant to this section is specifically authorized.

Applicant's Findings: *The applicant understands the rights of city council and their review authority.*

- (b) Council review shall be de novo and shall follow the procedures set forth in SRC 300.1040 and 300.1050. In de novo review before the Council, all issues of law and fact are heard anew, and no issue of law or fact decided by the lower-level Review Authority is binding on the parties in the hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony.

Applicant's Findings: *The applicant understands the council's review shall be de novo and understands the hearing procedures for a de novo hearing.*

- (c) Council review shall be initiated prior to the adjournment of the first regular Council meeting following Council notification of the land use approval.

Applicant's Findings: *The applicant understands the process for initiation of council review.*

- (d) Unless subsequently discontinued by majority vote, Council review pursuant to this section shall replace any appeal filed under SRC 300.1010.

Applicant's Findings: *The applicant understands that unless there is a majority vote to discontinue, a council review would replace any appeal filed for the case.*

- (e) The decision upon Council review shall become final on the date when written notice of the decision is mailed to persons entitled to notice of the decision. Any further appeal shall be to the Oregon Land Use Board of Appeals.

Applicant's Findings: *The applicant understands the decision of city council becomes final when written notice is mailed. It is also understood city council is the highest review authority within the city hierarchy and any appeal of council's decision would be to the Oregon Land Use Board of Appeals (LUBA).*

Section 300.1060 – Effect of Appeal or Review by Council

The filing of a notice of appeal under SRC 300.1010 or initiation of review by the Council under SRC 300.1050 shall stay the decision until the decision on appeal or review has become final. No right or benefit accorded by the original decision may be exercised until the decision on appeal or review has become final.

Applicant's Findings: *The applicant understands the filing of a notice of appeal or an initiation of review by the city council will stay the decision and no right granted by the original decision can be exercised prior to the decision on appeal or the review becomes final.*

Section 300.1070 – Effect of Judicial or Administrative Review

Except as provided by law or order of a court or administrative tribunal having jurisdiction, a decision of the City shall remain valid and effective notwithstanding the initiation of judicial or administrative review of such decision; provided, however, that any building permit dependent upon such decision shall be issued only with the applicant's written acknowledgement in a form approved by the City Attorney, that such review has been initiated and may result in the reversal of the decision, in which event the permit shall be revoked, as well as any temporary occupancy permit, and the premises shall thereafter be brought into conformity with the applicable standards and criteria by appropriate means. No permanent occupancy certificate shall be issued by the building official until such review has concluded through the adoption of a decision making such occupancy in all respects lawful.

Applicant's Findings: *The applicant understands in the event described in this provision, a memorandum of understanding (MOU) could be signed by the applicant and city's legal department to certify the applicant understands the rights granted by the application may be reversed.*

Section 300.1080 – Remand from the Land Use Board of Appeals

The City shall take final action on quasi-judicial decisions remanded by the Oregon Land Use Board of Appeals within 120 days of the effective date of the final order, pursuant to ORS 227.181.

Applicant's Findings: *The applicant understands if a decision is remanded back to the city by LUBA, final action must be taken within 120 days of the date the original decision became effective.*

Section 5: Findings Applicable to Class 3 Site Plan Review

Chapter 220 – Site Plan Review

Section 220.005 – Site Plan Review

(a) Applicability.

- (1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:
- A. Prior to issuance of [a] building permit, for any development that requires a building permit; and
 - B. Prior to commencement of work, for any of the following when a building permit is not otherwise required:
 - (i) Development of a new off-street parking and vehicle use areas;
 - (ii) Expansion of existing off-street parking and vehicle use areas, when additional paved surface is added;
 - (iii) Alteration of existing off-street parking and vehicle use areas, when the existing paved surface is replaced with a new paved surface;
 - (iv) Paving of an unpaved area; and
 - (v) Restriping off-street parking and vehicular use areas, when the layout will be reconfigured.

Applicant's Findings: *Site Plan Review, Class 3, is applicable to this submittal as the applicant is seeking a building permit to construct a new building and pedestrian connections on the northern portion of the development site.*

(2) Exemptions.

- A. The following development that requires a building permit is exempt from site plan review:
 - (i) The construction of a single family or duplex dwelling on an individual lot, including the construction of accessory structures and paving associated with such dwellings.
 - (ii) Sign installation.
 - (iii) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.
 - (iv) The alteration to the facade of a building except in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones.
 - (v) Interior construction or tenant improvements that involve no change of use.

- B. Any of the activities identified under subsection (a)(1)(B) of this section are exempt from site plan review if they are for a single family or duplex dwelling on an individual lot;

Applicant's Findings: *The application, as proposed, is not exempt from Site Plan Review. This section is not applicable.*

(b) Classes. The three classes of site plan review are:

- (1) Class 1 site plan review. Class 1 site plan review is site plan review for any development that requires a building permit, which does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.
- (2) Class 2 site plan review. Class 2 site plan review is required for any development that requires a building permit, other than development subject to Class 1 site plan review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.
- (3) Class 3 site plan review. Class 3 site plan review is required for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:
 - A. Requires a Transportation Impact Analysis pursuant to SRC chapter 803;
 - B. Requires a geotechnical report or geologic assessment under SRC chapter 810 except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;
 - C. Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;
 - D. Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;
 - E. Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or
 - F. Requires a variance, adjustment, or conditional use permit.

Applicant's Findings: *This proposal triggers a Class 3 Site Plan review as it is combined with a Class 1 Design Review, a Class 2 Driveway Approach Permit, and Class 2 Adjustments.*

(c) Procedure type.

- (1) Class 1 site plan review is processed as a Type I procedure under SRC chapter 300.
- (2) Class 2 site plan review is processed as a Type I procedure under SRC chapter 300.
- (3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.

- (4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.

Applicant's Findings: *The applicant understands this submittal will be reviewed using the Type II procedure under SRC Chapter 300.*

- (d) Submittal requirements for Class 1 site plan review. In lieu of the application submittal requirements under SRC chapter 300 an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:
- (1) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (2) The address or location of the subject property and its assessor's map and tax lot number;
 - (3) The size of the subject property;
 - (4) The comprehensive plan designation and zoning of the subject property;
 - (5) The type of application(s);
 - (6) A brief description of the proposal; and
 - (7) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

Applicant's Findings: *The application is for a Class 3 Site Plan Review. The submittal requirements applicable to this case are found in subsection (e) below. This criterion is not applicable.*

- (e) Submittal requirements for Class 2 and Class 3 site plan review.
- (2) Class 3 site plan review. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:
- A. All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;
 - B. The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;
 - C. Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
 - D. The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;
 - E. The location of drainage patterns and drainage courses, if applicable;
 - F. A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;

- G. Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number, total lot coverage proposed, including areas to be paved for parking and sidewalks;
- H. A geological assessment or geotechnical report, if required by SRC chapter 810 or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and
- I. A Transportation Impact Analysis, if required by SRC chapter 803.

Applicant's Findings: All required items listed above have been provided with the Class 3 Site Plan Review application. This criterion is met.

(f) Criteria.

- (1) 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;

Applicant's Findings: The applicant has compiled a complete list of applicable standards and criteria and has provided a response to each within this narrative. Where the project is unable to meet the standard, the applicant is requesting adjustments with mitigation where possible. This criterion is met.

- 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;

Applicant's Findings: Prior to submitting this application, Clutch Industries submitted and received approval for a Comprehensive Plan Map Amendment and Zone Change. For the previous application submittal, Clutch Industries engaged DKS to provide a Transportation Planning Rule (TPR) analysis. The findings from the report concluded the addition of 8 dwelling units would not pose a significant impact to the existing transportation system currently in place serving the development site. The city's traffic engineer had an opportunity to review the report and determined concurrence with the findings. The subject property abuts Lockwood Lane to the south through the existing development site. Lockwood Lane is designated as a local street within the City of Salem's Transportation System Plan (TSP) and has a full improvement to local street standards. The surrounding network of streets and sidewalks are already in place and provide a complete transportation network for all modes of transportation including pedestrians, bicycle, and vehicular. This criterion is met.

- C. Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

Applicant's Findings: *The parking area is not planned to be modified. The existing parking area includes spaces of adequate size and a drive aisle wide enough for two-way traffic as to not create vehicular conflicts. The applicant is seeking an adjustment to pedestrian connections through the parking area because the only location to place a pedestrian path would be down the drive aisle, behind parked vehicles, which could create a pedestrian and vehicular conflict. As applicable, this criterion is met.*

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

Applicant's Findings: *City water, sewer, and stormwater facilities are in place in Lockwood Lane and currently serve the existing development and have capacity to serve the newly proposed 8 dwelling units. The services available are as follows: a 12-inch storm main, an 8-inch water main within Lockwood Lane and a 12-inch water main within Browning Avenue, and an 8-inch sewer main. This criterion is met.*

Chapter 601 – Floodplain Overlay Zone

Section 601.001 – Lands to Which this Chapter Applies

This chapter shall apply to all special flood hazard areas and interim flood hazard areas within the jurisdiction of the City of Salem.

Applicant's Findings: *In accordance with the Flood Insurance Study and Flood Insurance Rate Maps, no floodplain or floodway areas exist on the subject property. The provisions of SRC Chapter 601 are not applicable.*

Chapter 800 – General Development Standards

Section 800.005 – Applicability

The standards set forth in this chapter apply to all development in every zone unless otherwise exempted by the UDC. In the event of a conflict between the standards set forth in this chapter and any other provision of the UDC, the more restrictive provision shall apply.

Applicant's Findings: *The provisions of Chapter 800 are triggered because the applicant is applying for a Class 3 Site Plan Review in order to construct an additional building on an existing development site for a multifamily use. The applicant understands if any conflict of standards exists within the UDC, the more restrictive provision will be applicable.*

Section 800.015 – Lot Standards, Generally

- (a) Buildings to be on a lot. Every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes

of the UDC. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.

Applicant's Findings: *The newly proposed building is situated entirely on its own lot with all portions of the building meeting the setback requirements. The existing development is situated on a separate lot but in accordance with this provision, the two properties, because they are contiguous and under common ownership, may be considered a development site. This criterion is met.*

- (b) Side lot lines. As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

Applicant's Findings: *The subject property where the new dwelling units are proposed is rectangular in shape with the side lot lines running at right angles to the street. The application does not include a proposal to reconfigure the lot lines and they will remain in their current configuration. This criterion is met.*

Section 800.035 – Setbacks

- (a) Setbacks to be unobstructed. Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.

Applicant's Findings: *None of the required setbacks proposed will be obstructed by buildings. As proposed, the new dwelling units meet all the required setbacks as demonstrated by these findings and shown on the site plan included as Exhibit E. A newly proposed pedestrian walkway is planned to straddle the property line between the existing and proposed development. Pedestrian pathways are permitted within required yard setbacks. This criterion is met.*

- (b) Permitted projections into required setbacks. Permitted projections into required setbacks are set forth in Table 800-2.

Applicant's Findings: *The applicant understands projections into the required setbacks are permissible as provided in Table 800-2. No projections are being proposed with this application submittal. This criterion is not applicable.*

- (c) Zone-to-zone setbacks abutting property outside City limits or urban growth boundary.
 - (1) Property located outside city limits. Where a zone-to-zone setback is required abutting a property located outside the City limits, the abutting zone for purposes of determining the required zone-to-zone setback shall be the equivalent City zone identified under SRC Chapter 260, Table 260-1, based on the comprehensive plan designation for the property and its zoning in the county.
 - (2) Property located outside UGB. Where a zone-to-zone setback is required abutting a property located outside the urban growth boundary (UGB), the abutting zone for

purposes of determining the required zone-to-zone setback shall be considered a residential zone.

Applicant's Findings: *The development site is contiguous to properties which are all within the corporate city limits. This criterion is not applicable.*

(d) Setbacks abutting an interstate freeway, railroad right-of-way, or alley.

- (1) The required setback abutting an interstate freeway, railroad right-of-way, or alley shall be considered either an interior front setback, an interior side setback, or an interior rear setback depending upon the dimensions and configuration of the lot.
- (2) Where the required interior front, interior side, or interior rear setback abutting an interstate freeway or railroad right-of-way is a zone-to-zone setback, the minimum required in interior front, interior side, or interior rear setback shall be five feet in-lieu of the zone-to-zone setback.

Applicant's Findings: *The development site is not contiguous to an interstate freeway, railroad right-of-way, or alley. This criterion is not applicable.*

Section 800.040 – Special Setbacks

- (a) Generally. To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.

Applicant's Findings: *The development site abuts the right-of-way for Lockwood Lane along its southern property line. Lockwood Lane has a complete street improvement to local street standards. No dedication of right-of-way or special setbacks are required. This criterion is not applicable.*

- (b) Setback distance required; how measured. The special setback shall equal one-half of the right-of-way width specified in the Salem Transportation System Plan for the street's applicable classification. Special setbacks shall be measured at right angles to the centerline of the street, or, where there is no street, from the centerline of the right-of-way. Where the centerline is not designated, the Director shall designate the location of the centerline.

Applicant's Findings: *The development site abuts the right-of-way for Lockwood Lane along its southern property line. Lockwood Lane has a complete street improvement to local street standards. No dedication of right-of-way or special setbacks are required. This criterion is not applicable.*

- (c) Relationship to other required setbacks. The special setback shall apply in addition to other setbacks required under the UDC. Setbacks required elsewhere under the UDC shall be measured from the special setback line.

Applicant's Findings: The development site abuts the right-of-way for Lockwood Lane along its southern property line. Lockwood Lane has a complete street improvement to local street standards. No dedication of right-of-way or special setbacks are required. This criterion is not applicable.

- (d) Permitted structures and paving within special setbacks. The following structures and paving are permitted within a special setback with a removal agreement as set forth in subsection (e) of this section:
- (1) Transit stop shelters.
 - (2) Signs and their supporting members.
 - (3) Fences.
 - (4) Off-street parking, other than minimum required off-street parking, provided such parking is developed in conformance with the setback and landscaping requirements set forth in SRC chapter 806.

Applicant's Findings: The development site abuts the right-of-way for Lockwood Lane along its southern property line. Lockwood Lane has a complete street improvement to local street standards. No dedication of right-of-way or special setbacks are required. This criterion is not applicable.

- (e) Removal agreement. Where structures or paving, as permitted under subsection (d) of this section, are proposed to be placed within a special setback, a removal agreement shall be required as provided in this subsection.
- (1) The removal agreement shall be entered into by:
 - A. The owner of the property and the local transit operator, for transit stop shelters located within a special setback. The local transit operator shall have the obligation to remove the shelter when required.
 - B. The owner of the property and/or owner of the sign, for signs and their supporting members located within a special setback.
 - C. The owner of the property, for fences and off-street parking, other than minimum required off-street parking, located within a special setback.
 - (2) The removal agreement shall be in a form approved by the City Attorney and shall provide that:
 - A. Within six months after notice by the City, any structure, paving, or portion thereof that extends into the special setback shall be completely removed at no expense to the City;

- B. Where off-street parking set forth in subsection (d) of this section is removed, any remaining portion of the parking area located outside of the special setback shall be brought into conformance with the setback and landscaping requirements set forth in SRC chapter 806 at no expense to the City;
 - C. If the owner or transit operator fails or refuses to make the removal, or fails or refuses to make required improvements to any remaining portion of the parking area located outside of the special setback, the City may cause the removal, or the required parking area improvement, to be made, and the costs incurred shall:
 - (i) Be a lien against the property if the removal agreement was entered into by the owner of the property, which may be foreclosed in the manner provided by law;
 - (ii) Be the obligation of the transit operator if the removal agreement was entered by the owner and the local transit operator, and that, in the event an action must be brought to enforce the obligation, that the City shall be entitled to its attorney's fees and costs incurred in enforcing the obligation.
 - D. The property owner, sign owner, or transit operator shall not be entitled to damages or compensation as the result of City's exercise of its rights under the removal agreement; provided, however, the property owner shall retain his or her right to just compensation for the unimproved value of any land taken for the widening of the street.
- (3) The removal agreement shall be recorded with the county in which the property is located. Notice to remove any structure, paving, or portion thereof shall not be given until the City or the State proceeds with a project to widen the street in front of the property.

Applicant's Findings: *The development site abuts the right-of-way for Lockwood Lane along its southern property line. Lockwood Lane has a complete street improvement to local street standards. No dedication of right-of-way or special setbacks are required. This criterion is not applicable.*

Section 800.045 – Height

- (a) Generally. Unless otherwise provided under the UDC, standards relating to height shall apply to all buildings and structures. Height shall be measured as set forth in SRC chapter 112.

Applicant's Findings: *The applicant understands they must use the measurements chapter (SRC Chapter 112) to determine height. As shown on the elevations included in Exhibit G, the newly proposed building will be approximately 27-feet in height when measured as instructed by SRC Chapter 112. Figure 112-3B provides measurement guidelines for pitched or hipped roofs. The*

proposed roof is a shed roof which would fall under this category. The subject property is zoned RM-II, in accordance with SRC 514, Table 514-6, multiple family developments are limited to a maximum height of 50-feet. This criterion is met.

(b) Height exceptions. Except as otherwise provided in this subsection, the following height exceptions are permitted under the UDC:

(1) Towers, steeples, chimneys, wind-driven electrical generating equipment, flag poles, and monuments may project above the maximum height limits set forth in the UDC, provided:

- A. They do not exceed 185 feet in height;
- B. They do not contain any habitable space;
- C. The horizontal section of the structure does not exceed 625 square feet at the top of the main building or structure; and
- D. The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 20 percent of the horizontal area of the roof of the building or structure on which they are located.

(2) Radio, television, and microwave antennas, and structures used exclusively for their support, are exempt from all height limitations.

(3) Mechanical equipment necessary for the operation or maintenance of a building or structure, including, but not limited to, ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such equipment, may project above the maximum height limits set forth in the UDC, provided:

- A. They do not project more than 15 feet above the roof;
- B. They do not contain any habitable space;
- C. The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building or structure on which they are located;

(4) Relationship to FAA Part 77 Surfaces. Notwithstanding subsections (b)(1) through (3) of this section, nothing in this subsection shall authorize the projection of a building or structure into an FAA Part 77 surface established under SRC chapter 602.

Applicant's Findings: *The applicant understands exceptions to height limitations can be made but no exception is needed or being proposed for this project. This criterion is not applicable.*

(c) Height of structures within 165 feet of capitol mall district. Except as provided under subsection (b) of this section, no portion of a building or structure located outside of, but within 165 feet of, the external boundary of the Capitol Mall (PM) Zone shall exceed a height of 70 feet.

Applicant's Findings: *The subject property is not within 165 feet of capitol mall district. This criterion is not applicable.*

Section 800.050 – Fences, Walls, Hedges, Gates, and Retaining Walls

Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC chapter 807, in addition to the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building lying at the greatest distance from the front property line.

- (a) Location, height, and density. Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.
 - (1) Fences and walls.
 - A. Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:
 - (i) Front yard abutting street. Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.
 - (ii) Side and rear yards abutting street. Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.
 - B. Nonresidential zones. Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet; provided, however:
 - (i) Front, side, and rear yards abutting street. Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.
 - (2) Hedges. There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any

portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.

- (3) Gates. Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.
- (4) Retaining walls. Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.

Applicant's Findings: *The newly proposed development and development site is not adjacent to a street. A fence will be utilized to screen the new multifamily development from the abutting residential zones and uses. The site obscuring fence will run along the property line and will not exceed six feet in height. All planting materials are specified on the landscape plan. No hedge is currently in existence, nor is one proposed within the new landscaped areas. As applicable, these criteria will be met.*

- (b) Vision clearance. Notwithstanding any other provision of this section, fence, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC chapter 805.

Applicant's Findings: *The newly proposed development will sit on its own property adjacent to the existing development site on a separate property. The new development does not propose any modifications to the existing parking areas which have access to the public right-of-way. No changes to the vision clearance areas are proposed or triggered with the new development. This criterion is not applicable.*

- (c) Material.

- (1) Fences. Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chain-link fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.
- (2) Walls. Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.

Applicant's Findings: *The subject development is residential, as are the uses adjacent. The applicant will construct the fence from materials typically seen and used in residential settings such as cedar or chain link with sight obscuring slats. This criterion will be met.*

(d) Hazardous materials. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:

(1) Concertina wire. Concertina wire is permitted around state and county correctional facilities and secure mental health facilities.

(2) Barbed wire and upturned barbed selvage.

A. Location. Barbed wire and upturned barbed selvage is permitted within the following locations:

- (i) Any zone where the fence will be used to enclose livestock; and
- (ii) The Retail Commercial (CR) and General Commercial (CG) Zones, and any industrial or public zone.

B. Standards. Where allowed as set forth this subsection, barbed wire or upturned barbed selvage shall comply with the following additional standards:

- (i) Enclosure of livestock. Fences with barbed wire or upturned barbed selvage enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
- (ii) CR and CG zones; industrial and public zones. Fences with barbed wire or upturned barbed selvage located within a Retail Commercial (CR) or General Commercial (CG) Zone, or within an industrial or public zone, shall comply with the following:
 - aa) The barbed wire or upturned barbed selvage shall be located more than six feet above grade;
 - ba) The barbed wire or upturned barbed selvage shall be setback a minimum of one foot from the public right-of-way, when designed to slant towards the public right-of-way;
 - ca) The barbed wire or upturned barbed selvage shall not extend over a street or alley; and
 - da) The fence shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.

(3) Electric fencing.

A. Location. Electric fencing is permitted within the following locations:

- (i) Any zone where the fence will be used to enclose livestock; and

- (ii) Around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone.
- B. Standards. Where allowed as set forth in this subsection, electric fencing shall comply with the following additional standards:
 - (i) Enclosure of livestock. Electric fencing enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
 - (ii) Outdoor storage areas for nonresidential uses within the CG Zone and industrial zones. Electric fencing around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone shall comply with the following:
 - aa) The fence shall not exceed ten feet in height and shall be completely surrounded by a non-electric fence or wall a minimum of six feet in height.
 - ba) A minimum one-foot separation shall be maintained between the electric fence and the surrounding non-electric fence or wall.
 - ca) An electrical permit and inspection shall be obtained prior to installation.
 - da) The electric fence shall be listed by a testing laboratory approved by the State and shall be installed and used in accordance with the testing laboratory listing.
 - ea) The fence shall be clearly posted with warning signs in English and Spanish notifying persons of a dangerous fence. The signs shall include the statement, "DANGER - ELECTRIC FENCE," or an equivalent, together with a pictorial warning. The signs shall be posted at an interval of not more than 60 feet.
 - fa) Emergency access. Fire department access shall be provided in accordance with the Salem Fire Prevention Code. An approved method to manually disconnect electrical power to all portions of the fence and gates shall be provided at an exterior location. The method and location of the electrical disconnect shall be approved by the Salem Fire Code Official.

Applicant's Findings: *There are no hazardous materials existing on the development site nor are any proposed. This criterion is not applicable.*

- (e) Maintenance. Fences and walls shall be structurally maintained in safe condition. Wooden materials shall be protected from rot, decay, and insect infestation, and

replaced as necessary. Failure to maintain an electric fence in conformance with the standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under SRC chapter 50.

Applicant's Findings: *The applicant understands any fencing utilized on the site must be structurally maintained in safe condition. This criterion will be met.*

Section 800.060 – Exterior Lighting

- (a) Exterior lighting shall not shine or reflect onto adjacent properties or cast glare onto the public right-of-way.

Applicant's Findings: *Exterior lighting will be utilized as part of the security requirements for multiple family development standards. None of the lighting will shine or reflect onto adjacent properties. The subject site is not adjacent to the public-right-of way. As applicable, this criterion will be met.*

- (b) Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either:
 - (1) Completely shielded from direct view; or
 - (2) No greater than five foot-candles in illumination.

Applicant's Findings: *Note 11 on the elevation drawings provided under Exhibit G depict the locations of the proposed exterior light fixtures on the newly proposed building. The locations and illumination of the fixtures have been placed and designed to meet the requirements of this section as to not cause a nuisance to the neighboring residential uses. This criterion is met.*

Section 800.065 – Pedestrian Access

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.

- (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 800-11).

- 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 800-12).

Applicant's Findings: As shown on the site plan included with the application submittal, the layout of the existing parking lot does not provide enough space for a pedestrian connection to extend to the street without placing pedestrians behind parked vehicles which could cause a vehicular and pedestrian conflict. The applicant is seeking an adjustment to this standard and has provided findings in Section 7 below. With the approval of the requested adjustment, this criterion is met.

- (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.

Applicant's Findings: The development site consists of two properties, one is vacant, and one is currently developed with a single-story 12-unit apartment building. The new building includes site improvements such as pedestrian connections. The existing development makes pedestrian connections to each entrance impractical. The applicant is proposing to connect the new pedestrian connection along the northern portion of the existing development site to the existing pedestrian walkway. The applicant is meeting the pedestrian connection standards to the greatest extent practicable. Where a standard simply cannot be met, such as this one, the applicant is seeking an adjustment. Findings to the applicable adjustment criteria are provided in Section 7 below. With the approval of the requested adjustment, this criterion is met.

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

- A. Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance or where there is no building, through the parking area 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;
- ba) Spaced a minimum of two drive aisles apart; and
 - ca) 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.
 - (v) For purposes of this subsection, off-street surface parking area means:
 - aa) An off-street surface parking area that is separated from other off-street surface parking areas on the development site by either a driveway, which begins at the street and extends into the site, or other physical separation; or
 - ba) An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.
- B. Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

Applicant's Findings: *The applicant is not proposing to modify the off-street parking areas. The existing vehicle use area and parking lot have pedestrian connections stubbed to it which lead to the existing dwelling units. With the addition of the new building and pedestrian connections, the applicant has made every effort to bring the development site into conformity with current standards. Because of existing conditions and site constraints, some adjustments to current standards are necessary. Findings for the adjustment criteria are listed in Section 7 of this application narrative. With the approval of the requested adjustments, this criterion is met.*

- (4) Connection to existing or planned paths and trails. Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem

Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- A. Be constructed, and a public access easement or dedication provided; or
- B. When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Applicant's Findings: *There are no planned paths or trails which abut the subject development site, this criterion is not applicable.*

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

- A. To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC Chapter 400:
 - (i) Single family;
 - (ii) Two family;
 - (iii) Group living;
 - (iv) Industrial;
 - (v) Infrastructure and utilities; and
 - (vi) Natural resources.
- B. Where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable;
- C. Where on-site activities on abutting properties, such as the operation of trucks, forklifts, and other equipment and machinery would present safety conflicts with pedestrians;
- D. Where buildings or other improvements on abutting properties physically preclude a connection now or in the future; or
- E. Where physical conditions of the land, such as topography or existing natural resource areas, including, but not limited to, wetlands, ponds, lakes, streams, or rivers, make providing a connection impractical.

Applicant's Findings: *The pedestrian connections are being provided from the newly proposed development site to the existing development site. Additional pedestrian connections to abutting properties are not required or practical. The surrounding properties are zoned for single-family residential uses and are already developed. There are not any vehicular connections to abutting properties. For these reasons, these criteria are not applicable.*

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

(1) Walkways shall conform to the following:

- A. Material and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards and shall be a minimum of five feet in width.
- B. Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
- C. Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

Applicant's Findings: *The newly proposed pedestrian walkways are shown on the site plan provided with this application submittal. Where the walkway runs along the vehicle use area, it is planned to be elevated to offer pedestrian protection. The materials are differentiated in the manner which the code requires. These criteria are met.*

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

Applicant's Findings: *No new wheel stops will be provided. The pedestrian connection will be elevated above the adjacent vehicle use area to offer pedestrian protection from moving vehicles. This criterion is not applicable.*

- (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.

Applicant's Findings: *The location of newly proposed exterior lighting is called out on the site plan prepared by Studio 3 Architecture. The lighting will illuminate the pedestrian pathways without casting glare onto adjacent properties or streets. This criterion is met.*

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

Section 806.005 – Off-Street Parking; When Required

- (a) General applicability. Off-street parking shall be provided and maintained as required under this chapter for:
 - (1) Each proposed new use or activity.
 - (2) Any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity.

- (3) Any intensification, expansion, or enlargement of a use or activity.

Applicant's Findings: *The existing parking area will remain in its current configuration with no changes proposed. There are 16 parking spaces provided, as shown on the site plan included with this application submittal.*

- (b) Applicability to Downtown Parking District. Within the Downtown Parking District, off-street parking shall only be required and maintained for uses or activities falling under household living.

Applicant's Findings: *The subject property is not within the Downtown Parking District. This criterion is not applicable.*

- (c) Applicability to nonconforming off-street parking areas.

- (1) When off-street parking is required to be added to an existing off-street 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.

- (2) Notwithstanding subsection (1) of this section, when a property is changed in use to any of the following uses or activities, or any of the following uses or activities are added to a property, any existing deficiency in the number of off-street parking spaces shall not be required to be remedied and only those additional spaces required for the change of use or addition of the new use shall be required:

- A. Accessory dwelling unit.

Applicant's Findings: *There is no proposal to modify the existing parking area. No additional parking spaces are required to be added to the 16 available spaces. The subject property is within one half mile of the Cherriots Core Network along Liberty Road S, which eliminates the minimum parking requirement for multiple family developments.*

Section 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 or in the following locations:

- (a) Nonresidential zones. Within commercial, mixed-use, public, and industrial and employment zones, other than the CB, WSCB, and SWMU zones, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves.

Applicant's Findings: *The property is within a residential zone and is for a residential use. This criterion is not applicable.*

- (b) Exception. Notwithstanding subsections (a) through (g) of this section, where required off-street parking is to be located off-site from the use or activity it serves, it shall only be located in a zone where the use or activity it serves is allowed, or where commercial parking is allowed.

Applicant's Findings: *The existing development includes an off-street parking area which is not planned to be changed or altered in any way. The new development is located adjacent to the existing development and falls within the same zone. If the existing parking area is to be utilized by the new dwelling units, it meets the above criterion.*

Section 806.015 – Amount of Off-Street Parking

- (a) Minimum required off-street parking. Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.

Applicant's Findings: *In accordance with Table 806-1, multiple family uses within one quarter mile of the Core Network do not have a minimum parking requirement. The subject property falls within the Core Network and no additional parking spaces, beyond the 16 existing spaces are proposed. This criterion is met.*

- (b) Compact parking. Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.

Applicant's Findings: *The parking area is existing and is not planned to be altered or changed. This criterion is not applicable.*

- (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 five percent of their total off-street parking spaces for carpool or vanpool parking.

Applicant's Findings: *The parking area is existing and is not planned to be altered or changed. This criterion is not applicable.*

- (d) Maximum off-street parking.

- (1) Maximum off-street parking is based upon the minimum number of required off-street parking spaces. Except as otherwise provided in this section, and otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A.
- (2) Maximum off-street parking where no minimum off-street parking is required. Where an activity does not require a minimum number of off-street parking spaces based on the requirements of Table 806-1, or because it is located in an area where no minimum off-street parking is required for the activity, maximum off-street parking shall be determined based on the assumed minimum off-street parking set

forth in Table 806-2B. Parks and open space are exempt from maximum off-street parking standards.

Applicant's Findings: In accordance with subsection 2 above, the maximum parking allowance is as follows: each dwelling unit would have a minimum parking requirement of 1.5 spaces per dwelling unit if the property was not within one half mile of the Core Network. To calculate the maximum parking allowance, we must calculate the minimum spaces times the number of dwelling units. In this case 1.5 (minimum spaces required) times 20 (dwelling units) equals 30 minimum parking spaces. The maximum number of spaces allowed is the minimum requirement times 1.75, because the minimum exceeds 20 spaces, for a maximum space allowance of 52.5 which is then rounded up to 53. The maximum number of spaces allowed is 53 and the minimum required is zero. Therefore, the existing 16 parking spaces meets this criterion.

(e) Reductions to required off-street parking through alternative modes of transportation.

- (1) Construction of transit related improvements. When adjacent to transit service, minimum required off-street parking may be reduced by up to ten percent for redevelopment of an existing off-street parking area for transit-related improvements, including transit stops, pullouts and shelters, park and ride lots, transit-oriented developments, and similar facilities.
- (2) Satisfaction of off-street parking through implementation of a plan for alternative modes of transportation. Minimum required off-street parking for uses or activities other than household living may be reduced through implementation of a plan providing for the use of alternative modes of transportation to decrease the need for off-street parking. The plan shall be reviewed as a Class 2 Adjustment under SRC chapter 250.

Applicant's Findings: The parking area is existing and is not planned to be altered or changed. This criterion is not applicable.

(f) Reductions to required off-street parking for multiple family developments.

- (1) For multiple family developments, the minimum number of required off-street parking spaces may be reduced through one or more of the following options, provided that the total number of off-street parking spaces reduced shall not exceed 25 percent:
 - A. Transit access. The minimum number of required off-street parking spaces may be reduced by:
 - (i) 10 percent where developments are located within one-quarter mile of a transit stop as measured along a route utilizing public or private streets that are existing or will be constructed with the development; or
 - (ii) 20 percent where developments are located within one-quarter mile of a transit stop that has 15-minute transit service as measured along a

route utilizing public or private streets that are existing or will be constructed with the development.

- B. Covered bicycle parking. The minimum number of required off-street parking spaces may be reduced by one space for every four covered bicycle parking spaces provided in addition to the minimum number of bicycle parking spaces required as set forth in SRC 806.055. The additional covered bicycle parking spaces must meet the standards of SRC 806.060 and must be located on site either outdoors or in a bike storage room that is accessible to all residents of the multiple family development.
- C. Shared car or van. The minimum number of required off-street parking spaces may be reduced by four spaces for every shared car or shuttle van that is provided on site and available for use by all residents.

Applicant's Findings: *The parking area is existing and is not planned to be altered or changed. This criterion is not applicable.*

Section 806.020 – Method of Providing Off-Street Parking

- (a) General. Off-street parking shall be provided through one or more of the following methods:
 - (1) Ownership. Ownership in fee by the owner of the property served by the parking;
 - (2) Easement. A permanent and irrevocable easement appurtenant to the property served by the parking;
 - (3) Lease Agreement. A lease agreement with a minimum term of five years; such agreement may be utilized for:
 - A. Uses or activities other than single family and two family in all zones other than the Central Business (CB) Zone; and
 - B. All uses in the Central Business (CB) Zone;
 - (4) Lease or rental agreement in parking structure. A lease or rental agreement in an off-street parking facility established pursuant to ORS 223.805 to 223.845; such agreement may be utilized for:
 - A. Uses or activities other than single family and two family in all zones other than the Central Business (CB) Zone; and
 - B. All uses in the Central Business (CB) Zone;
 - (5) Joint parking agreement. A joint parking agreement between the owners of two or more uses or activities, buildings or structures, or lots may be approved by the City. Joint use of required off-street parking spaces through a joint parking agreement may occur where two or more uses or activities on the same or separate development sites are able to share the same parking spaces because their parking demands occur at different times. Joint parking shall meet the following standards:

- A. Proximity of joint parking to uses or activities served. Joint parking areas shall be located as set forth in SRC 806.010.
- B. Compatible hours of operation. The hours of operation for the uses or activities subject to a joint parking agreement shall not substantially overlap and there shall be no substantial conflict in the principal operating hours.
- (b) Review and filing of agreement. Prior to execution of any lease, rental, or joint parking agreement set forth in this section, the form of such agreement shall be reviewed by the City Attorney. An executed copy of the approved agreement shall be filed with the Planning Administrator.
- (c) Effect of expiration or termination of agreement. Upon expiration or termination of any lease, rental, or joint parking agreement set forth in this section, the parking requirements set forth in this chapter shall be fully met within 60 days of the date of such expiration or termination or the use or activity discontinued until the parking requirements are met.

Applicant's Findings: *The applicant has ownership of two contiguous properties, one of the properties contains the parking area. However, because the development sites are within one-quarter mile of the Core Network and no minimum parking is required, this section is not applicable.*

Section 806.035 – Off-Street Parking and Vehicle Use Area Development Standards for Uses or Activities Other Than Single-Family, Two-Family, Three-Family, 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 shall apply to:
 - (1) The development of new off-street parking and vehicle use areas;
 - (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
 - (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 - (4) The paving of an unpaved area.

Applicant's Findings: *This section is not applicable to the proposal as no changes are planned or proposed to the existing off-street parking area. No additional parking is required because the project falls within one-quarter mile of the Core Network.*

Section 806.045 – Bicycle Parking; When Required

- (a) General applicability. Bicycle parking shall be provided as required under this chapter for:
 - (1) Each proposed new use or activity.
 - (2) 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.
 - (3) Any intensification, expansion, or enlargement of a use or activity.

Applicant's Findings: *This application is for the addition of 8 dwelling units to an existing development. The provisions of this section are applicable as this is an intensification, expansion, and enlargement of a use.*

- (b) 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.

Applicant's Findings: *There is currently no bicycle parking provided on the subject site which is nonconforming. In total, the number of bicycle spaces required is the greater of 4 spaces or .10 spaces per dwelling unit. When calculated .10 (spaces per dwelling unit) times 20 (number of total dwelling units) equates to two bicycle parking spaces, however, the code requires a minimum of 4. As shown on the site plan included within this submittal, 4 bicycle parking spaces are provided. This criterion is met.*

Section 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.

Applicant's Findings: *The newly proposed bicycle parking area is located along the new building on the north side of the existing vehicle parking area, which is on the same development site as the activity it is serving. This criterion is met.*

Section 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 806-8.

Applicant's Findings: *There is currently no bicycle parking provided on the subject site which is nonconforming. In total, the number of bicycle spaces required is the greater of 4 spaces or .10 spaces per dwelling unit. When calculated .10 (spaces per dwelling unit) times 20 (number of total dwelling units) equates to two bicycle parking spaces, however, the code requires a minimum of 4. As shown on the site plan included within this submittal, 4 bicycle parking spaces are provided. This criterion is met.*

Section 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking shall be provided in racks or lockers developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

- (a) Location. Except as otherwise provided in this section, bicycle parking shall be located outside a building.
 - (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
 - (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.

Applicant's Findings: *The location of the bicycle parking area is shown on the site plan included with this application submittal. The location was chosen to be convenient for users in both the existing and new dwelling units. It is visible from the vehicle parking area and located along a new pedestrian path. This criterion 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.

Applicant's Findings: *The bicycle parking area is directly accessible through the vehicle use area to the public right-of-way. The location of the bicycle parking is shown on the site plan. As depicted, there are no obstructions or barriers for users to access the parking area. This criterion is met.*

- (c) Dimensions. Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:
 - (1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.
 - (2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Applicant's Findings: Dimensions are shown for the bicycle parking area on the site plan included with this submittal. The parking area is 6 feet by 2 feet with a five-foot-wide access aisle. This criterion is met.

- (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.

Applicant's Findings: The bicycle parking area is hard surfaced with concrete, as depicted on the site plan. This criterion is met.

- (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, in two or more places a minimum of six inches horizontally apart, without damage to 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 806-10.

Applicant's Findings: The racks will be securely anchored to the ground allowing users to lock their bicycles in an upright position and attached by both their frame and one wheel. These criteria will be met.

- (f) Bicycle lockers. Where bicycle parking is provided in lockers, the lockers shall meet the following standards:
 - (1) Lockers, except for pie-shaped lockers, shall be a minimum of six feet in length, two feet in width, and four feet in height;
 - (2) Pie-shaped lockers shall be a minimum of six feet in length, 30 inches in width at the widest end, and four feet in height;
 - (3) Lockers shall be served by a minimum four-foot-wide access aisle in front of each locker opening. Access aisles may be located within the public right-of-way; and
 - (4) Lockers shall be securely anchored.

Applicant's Findings: Lockers are not being utilized to meet the minimum bicycle parking requirement. This criterion is not applicable.

Section 806.065 – Off-Street Loading Areas; When Required

- (a) General applicability. Off-street loading shall be provided and maintained as required under this chapter for:
 - (1) Each proposed new use or activity.
 - (2) 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.
 - (3) Any intensification, expansion, or enlargement of a use or activity.

Applicant's Findings: In accordance with Salem Revised Code Table 806-9, multiple family developments with 5 to 49 dwelling units are not required to provide any off-street loading spaces. This section is not applicable as the dwelling unit count for this development is 20.

Chapter 807 – Landscaping and Screening

Section 806.010 – Applicability

The provisions of this chapter apply to all required landscaping and screening under the UDC.

Applicant's Findings: In accordance with Salem Revised Code Chapter 702, multiple family developments with 13 or more units are exempt from the landscaping and screening requirements of Chapter 806. The development will have 20 units at the completion of this project. Therefore, this chapter is not applicable.

Section 6: Findings Applicable to Class 1 Design Review

Chapter 225 – Design Review

Section 225.005 – Design Review

- (a) Applicability. Design review approval is required for development applications that are subject to design review standards and guidelines.

Applicant's Findings: The proposed development triggers design review in accordance with this section.

- (b) Classes.
 - (1) Class 1 design review is design review that requires the application of design review standards only.
 - (2) Class 2 design review is design review that requires the application of design review guidelines, for projects that are limited to building alterations that will be contained within the footprint of the existing building and utilize the same building materials and same window and facade designs.
 - (3) Class 3 design review is design review that requires the application of design review guidelines.

- (4) If any portion of the proposed development does not meet all of the applicable design review standards, the entire development shall be subject to Class 3 design review.

Applicant's Findings: *As proposed, the development is being reviewed under a Class 1 Design Review. The applicant is meeting the design standards of Salem Revised Code Chapter 702.*

(c) Procedure type.

- (1) Class 1 design review is processed as a Type I procedure under SRC chapter 300.
- (2) Class 2 design review is processed as a Type II procedure under SRC chapter 300.
- (3) Class 3 design review is processed as a Type III procedure under SRC chapter 300.

Applicant's Findings: *The Class 1 Design Review is a Type I procedure. However, because the application has been consolidated, the entire application will be reviewed using Type II procedures.*

(d) Submittal requirements.

- (1) Submittal requirements for pre-application conference. In addition to the submittal requirements for a pre-application conference under SRC chapter 300, an application for a Class 1, Class 2, or Class 3 design review pre-application conference shall include the following:
 - A. An existing conditions plan showing:
 - (i) Existing site conditions;
 - (ii) The use of all adjacent buildings;
 - (iii) The zoning of the site and adjacent properties;
 - (iv) Topography of the site; and
 - (v) Location of all trees and prominent landscape features.
 - B. Schematic plans for the proposed development.

Applicant's Findings: *All of the required information listed above has been provided with his application submittal. This criterion is met.*

- (2) Submittal requirements for Class 1, Class 2, and Class 3 design review. In addition to the submittal requirements set forth under SRC chapter 300, an application for Class 1, Class 2, or Class 3 design review shall include the following:
 - A. A proposed site plan showing:
 - (i) The complete dimensions and setbacks of the lot, and all existing and proposed buildings and structures, including the location, size, height, proposed use, design, and gross floor area of each building.
 - (ii) All existing and proposed walls and fences, including the location, height, type of design, and composition.
 - (iii) The location and design of the existing and proposed on-site pedestrian and vehicle circulation system.

- (iv) Locations and dimensions of all existing and proposed outdoor storage areas, including, but not limited to, trash collection and recycling areas.
- B. Architectural drawings, renderings, or sketches showing all elevations of proposed buildings as they will appear on completion.
- C. A landscape plan showing the location of natural features, trees, and plant materials proposed to be removed, retained, or planted; the amount, height, type, and location of landscaped areas, planting beds, and plant materials and provisions for irrigation.
- D. A topographic survey and grading plan showing two-foot contour intervals on hillside lots and five-foot contour intervals on all other lots.
- E. An open space plan showing location of common and private open space, including active and passive recreational areas. The open space plan shall show the total area of individual classifications of proposed open space and shall be drawn to scale.
- F. A statement as to whether the application is intended to meet the standards or the guidelines.

Applicant's Findings: *Each of the required elements listed above have been provided with this application submittal. This criterion has been met.*

(e) Criteria.

- (1) A Class 1 design review shall be approved if all of the applicable design review standards are met.
- (2) A Class 2 or Class 3 design review shall be approved if all of the applicable design review guidelines are met.

Applicant's Findings: *This application includes a Class 1 Design Review which meets the design standards outlined in Chapter 702 for multiple family developments as well as the requirements of Chapter 514 for developments within the RM2 zone.*

- (f) Conditions of approval. Notwithstanding SRC 300.820, the Review Authority may not attach conditions to a Class 1 design review approval.

Applicant's Findings: *The applicant understands conditions of approval may not be attached to the Class 1 Design Review; however, the Design Review is consolidated with a Site Plan Review which the review authority may assign conditions of approval to.*

Chapter 514 – RM-II – Multiple Family Residential

Section 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.

Applicant's Findings: The existing and proposed use of the site is multiple family which is a permitted use in accordance with Table 514-1.

Section 514.010 – Development Standards

Development within the RM-II zone must comply with the development standards set forth in this section.

- (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.

Applicant's Findings: The application does not include a reconfiguration or division of land. This criterion is not applicable.

- (b) *Lot standards.* Lots within the RM-II zone shall conform to the standards set forth in Table 514-2.

Applicant's Findings: Within the RM2 zone, the minimum lot area for multiple family uses is 6,000 square feet. The property is approximately 65feet in width, and 100-feet in depth, exceeding the minimum requirements of 40feet and 80feet, respectively. The property does not have street frontage, but is adjacent to property along Lockwood Lane S, which is under common ownership. The applicable standards have been met.

- (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 density cannot be varied or adjusted.

Applicant's Findings: The development site is .70 acres total in size. In accordance with Table 514-3, the minimum dwelling density is 7.2 dwelling units with the maximum being 19.6, which is rounded up to 20 dwelling units. The applicant is proposing an additional 8 dwelling units be added to the development site which has 12 dwelling units for a total of 20. This criterion is met.

- (d) *Setbacks.* Setbacks within the RM-II zone shall be provided as set forth in Tables 514-4 and 514-5.

Applicant's Findings: The setbacks applicable to the development are listed in Table 514-5. All abutting zones are residential which requires a 10-foot setback with Type C landscaping. The site will be screened along the side and rear property lines but will not be screened along the interior front property line as it is an addition to the development site adjacent to the south. As shown on the site plan, the proposal meets the minimum required setbacks. This criterion is met.

- (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.

Applicant's Findings: In accordance with Table 514-6, the maximum lot coverage within the RM2 zone for all uses is 60 percent. Additionally, multiple family uses are limited to a maximum height of 50 feet. The site plan and elevations provided with this application submittal show a proposed lot coverage of approximately 48 percent and a proposed building height of approximately 30 feet when measured using the methods provided in Salem Revised Code Chapter 112. This criterion is met.

- (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.

Applicant's Findings: The proposal does not include any accessory structures. This criterion is not applicable.

- (g) *Landscaping.* Landscaping within the RM-II zone shall be provided as set forth in this subsection.
- (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.

Applicant's Findings: As stated previously within this narrative, the applicant is meeting the Type C landscaping as required by code. The proposal does not include any new vehicle use areas and no changes are proposed to the existing vehicle use area. As applicable, this criterion is met by the proposal.

- (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.

Applicant's Findings: The development does not include any outdoor storage. This criterion is not applicable.

Section 514.015 – Design Review

Design review under SRC chapter 225 is required for development within the RM-II 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.

Applicant's Findings: In accordance with SRC Chapter 702, design review is required for the proposed development. The applicant is meeting the design standards which falls under a Class 1 Design Review.

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

Applicant's Findings: The application is not for a residential care use. This criterion is not applicable.

Chapter 702 – Multiple Family Design Review Standards

Section 702.005 – Multiple Family Design Review

- (a) Except as provided under subsection (b) of this section, and unless otherwise provided in the UDC, design review under SRC chapter 225 is required for all multiple family development

Applicant's Findings: In accordance with SRC Chapter 702, design review is required for the proposed development. The applicant is meeting the design standards which falls under a Class 1 Design Review.

- (b) Exceptions. Multiple family design review is not required for:
 - (A) Multiple family development within a mixed-use building
 - (B) Multiple family development within:
 - (i) The Central Business District (CB) Zone.
 - (ii) The South Waterfront Mixed-Use (SWMU) Zone.
 - (iii) The Neighborhood Center Mixed-Use (NCMU) Zone.
 - (iv) The Broadway/High Street Retail Overlay Zone
 - (v) The Broadway/High Street Housing Overlay Zone.
 - (vi) The General Retail/Office Overlay Zone.
 - (vii) The Front Street Overlay Zone.
 - (viii) The Riverfront High Density Residential Overlay Zone.
 - (ix) The Riverfront Overlay Zone.
 - (x) The Salem Downtown Historic District.
 - (xi) The Public and Private Health Services (PH) Zone.
 - (xii) The Mixed Use-I (MU-I) Zone.
 - (xiii) The Mixed Use-II (MU-II) Zone.
 - (xiv) The West Salem Central Business District (WSCB) Zone.

Applicant's Findings: None of the exceptions listed in this section are applicable to this application.

Section 702.010 – Multiple Family Design Review Standards

Multiple family development shall comply with all of the applicable design review standards as follows:

- (a) Multiple family development with five to 12 dwelling units shall comply with the design review standards set forth in SRC 702.015 or the design review standards set forth in SRC 702.020

Applicant's Findings: *The application is proposing to add 8 dwelling units to an existing development site which has 12 existing dwelling units. Because the total count of dwelling units exceeds 12, this criterion is not applicable.*

- (b) Multiple family development with 13 or more dwelling units shall comply with the design review standards set forth in SRC 702.020.

Applicant's Findings: *The application is proposing to add 8 dwelling units to an existing development site which has 12 existing dwelling units. Because the total count of dwelling units exceeds 12, the proposal complies with the design review standards set forth in SRC 702.020.*

- (c) The design review standards set forth in this chapter are in addition to, and not in lieu of, all other applicable development standards in the UDC. Where the design review standards conflict with the development standards in the UDC, the design review standards shall be the applicable development standard.

Applicant's Findings: *The applicant understands the standards set forth in this section are in addition to other applicable design standards.*

Section 702.020 – Design Review Standards for Multiple Family Development with Thirteen or More Units

- (a) *Open space standards.*

- (1) To encourage the preservation of natural open 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 30 percent of the gross site area in 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.

Applicant's Findings: *In total, 34 percent of the development site of the newly proposed dwelling units is designated as landscaped common open area.*

- A. To ensure usable open space that is of sufficient size, at least one common open space area shall be provided that meets the size and dimension standards set forth in Table 702-3.

Applicant's Findings: *The development site as a whole provides ample common open spaces including a large courtyard centralized in the existing complex. The new building provides several areas of contiguous open spaces which exceed the minimum requirement of 750 square feet and provide a minimum horizontal dimension that exceeds 25-foot requirement. This criterion is met.*

- B. To ensure the provided open space is usable, a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.

Applicant's Findings: *All of the open space provided on the new development site and the existing development site is usable. There is no slope greater than 25 percent anywhere on the subject property. This criterion is met.*

- C. 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 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4.

Applicant's Findings: *As shown on the site plan included with this application submittal, the proposal meets the minimum requirement of common open space as well as private open space for each of the new 8 dwelling units. This criterion is met.*

- D. To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

Applicant's Findings: *To quantify this standard as it relates to this proposal, only four of the newly constructed dwelling units are required to meet the private open space requirements. However, the applicant is presenting a design which provides private open space for all 8 of the new dwelling units. The private open space is provided for ground floor units by way of a patio with the second-story units having balconies. Each private open space can be accessed by a door within the dwelling unit and is contiguous to the dwelling unit which it serves, as shown on the attached site plan.*

- E. 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 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.
- (i) Be a minimum 750 square feet in size with a minimum dimension of 25 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.

Applicant's Findings: *The proposal provides the minimum common open space required. None of the open spaces are planned to include the above listed improvements, Therefore, they are not required as the minimum areas have been met by the proposal.*

- F. 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.

Applicant's Findings: *The applicant has met the minimum requirement for common and private open spaces. This criterion is not applicable.*

(b) *Landscaping standards.*

- (1) To encourage the preservation of trees and maintain or increase tree canopy, a minimum of one tree shall be planted or preserved for every 2,000 square feet of gross site area.

Applicant's Findings: *No trees are proposed to be removed with this development. All of the existing trees on the development site will be preserved. The applicant is meeting the minimum new tree planting requirement by planting a tree every 20 feet within the setback where the development site is abutting an RS zone. As stated previously in this narrative, the applicant will provide a detailed landscape plan at the time of building permit for staff review and approval. This criterion will be met.*

- (2) 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.

Applicant's Findings: No trees are proposed to be removed with this development. All of the existing trees on the development site will be preserved. The applicant is meeting the minimum new tree planting requirement by planting a tree every 20 feet within the setback where the development site is abutting an RS zone. A six-foot-tall sight obscuring fence made of common residential materials will be installed along all property lines where the development site abuts the RS zone which is shown on the site plan included within this submittal. As stated previously in this narrative, the applicant will provide a detailed landscape plan at the time of building permit for staff review and approval. This criterion will be met.

- (3) To define and accentuate primary entryways, a minimum of two plant units, shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.

Applicant's Findings: Between the site plan and the elevation plans provided, staff should be able to determine that the primary entries into each new dwelling unit is planned to be defined through both building design and through landscaping. The lighting plan also accentuates and defines main entry ways. This criterion will be met.

- (4) To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.

Applicant's Findings: The new building is places at the 10-foot setback line to the north, east, and west. Every 20feet, a new tree will be utilized to screen the RS zoned adjacent properties. These new trees will also serve to satisfy this criterion. All existing trees on the development site will be preserved and new trees will be planted around the new building. A detailed landscape plan will be provided at the time of building permit. This criterion will be met.

- (5) Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.

Applicant's Findings: *The new building is placed at the 10-foot setback line to the north, east, and west. Every 20 feet a new tree will be utilized to screen the RS zoned adjacent properties. These new trees will also serve to satisfy this criterion. All existing trees on the development site will be preserved and new trees will be planted around the new building. A detailed landscape plan will be provided at the time of building permit. This criterion will be met.*

- (6) To ensure the privacy of dwelling units, ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

Applicant's Findings: *To offer privacy for the four ground floor units and to delineate the private open space from the common open space, landscape materials will be utilized to define the spaces. A landscape plan providing details on the plant materials to be used will be provided at the time of building permit. This criterion will be met.*

- (7) To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).

- A. A minimum of one canopy tree shall be planted within each planter bay.
- B. A landscaped planter bay a minimum of nine feet in width shall be provided at a minimum spacing of one for every 12 spaces. (see Figure 702-3).

Applicant's Findings: *The parking area was previously developed and will not be modified or altered in any way with this new development. The applicant is retaining all of the existing trees on the developed portion of the site and will be adding new trees surrounding the newly constructed building on the north side of the site. This criterion is not applicable.*

- (8) Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806.

Applicant's Findings: *The applicant understands the development is not subject to the provisions of SRC Chapter 806 and these landscape provisions apply.*

(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.

Applicant's Findings: *The applicant has provided floor plans for the 8 new dwelling units which demonstrates a minimum of one window will be provided in all habitable rooms, with the exception of the bathrooms. This criterion is met.*

- (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.

Applicant's Findings: *The elevations provided with this application submittal provide details on the exterior lighting which will be provided. The lighting is placed in a manner and at a frequency to illuminate the pedestrian paths as well as entrances to dwelling units as required by this section. This criterion is met.*

- (3) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.

Applicant's Findings: *The fencing which will be utilized for this project will be placed along interior lot lines to screen and buffer the abutting RS zoned properties. No fencing or screening is planned to be installed between dwelling units and a street. None of the newly proposed dwelling units face or abut the public right-of-way. This criterion is met.*

- (4) Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.

Applicant's Findings: *Details regarding plant materials will be provided on the landscape plan at the time of building permit. The applicant has retained professionals to source and design the landscaped areas and plant materials and will confirm the plants adjacent to common open spaces will not exceed the maximum height of three feet to allow for visual surveillance of the areas. This criterion will be met.*

(d) *Parking and site design.*

- (1) To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 702-3).

- (2) 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.
- (3) Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.
- (4) 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.

Applicant's Findings: *The parking area was previously developed and will not be altered during the construction of the 8 new dwelling units. These criteria are not applicable.*

(e) *Façade and building design.*

- (1) To preclude long monotonous exterior walls, buildings shall have no dimension greater than 150 feet.

Applicant's Findings: *The longest unarticulated length of the new building is approximately 78 feet. No dimension of the new building exceeds the maximum of 150 feet. This criterion is met*

- (2) 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.
 - A. A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.020(b)(2)(B) is increased to eight feet tall.

Applicant's Findings: *As shown on the site plan included with this application submittal, the new building will be setback from all property lines 10 feet. The applicant is also installing a 6-foot-tall sight obscuring fence along the perimeter where the property abuts RS zoned lands. The minimum setbacks are being maintained without exception, so an increased fence height is not warranted. This criterion is met.*

- (3) To enhance compatibility between new buildings on site and abutting residential sites, balconies located on building facades that face RA or RS zoned properties, unless separated by a street, shall have fully sight-obscuring railings.

Applicant's Findings: *The elevation drawings provided show details of the second-story balcony railings. The balconies are fully enclosed as they face RS zoned property. This criterion is met.*

- (4) 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.

Applicant's Findings: *The subject site does not have a buildable width of 75 feet or more. This criterion is not applicable.*

- (5) 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.

Applicant's Findings: *The subject site does not have a property line which abuts a street. This criterion is not applicable.*

- (6) 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.

Applicant's Findings: *The drawings provided with this application submittal detail the articulation of the entry into each of the 8 new dwelling units. Two units share a common entry way which is articulated as shown on the site plan and elevations. This criterion is met.*

- (7) 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.

Applicant's Findings: *The drawings provided with this application submittal detail the articulation of the entry into each of the 8 new dwelling units. Two units share a common entry way which is articulated as shown on the site plan and elevations. This criterion is met.*

- (8) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 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 702-4)

Applicant's Findings: *Roof articulation is provided in the manner required by this section. As shown on the elevation drawings provided, no horizontal length of the building meets or exceeds the 100-foot maximum. This criterion is met.*

- (9) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.
- A. Offsets (recesses and extensions).
 - B. Covered deck.
 - C. Covered balcony.
 - D. Cantilevered balcony provided at least half of its depth is recessed.
 - E. Covered entrance.

Applicant's Findings: *There is no dimension of the new building that exceeds 80 feet in length. However, the applicant is proposing to articulate the building which gives it a residential scale and reduced the bulk. Entrances are articulated through building design, lighting, and landscape. Balconies and patios are provided for both visual interest and tenant livability. This criterion, though not applicable, has been met.*

- (10) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):
- A. Change in materials.
 - B. Change in color.
 - C. Molding or other horizontally distinguishing transition piece.

Applicant's Findings: *As provided on the elevation drawings, a change in materials of the façade of the building delineates the ground floor from the second floor. Additionally, articulation of the roofs, overhangs, entrances, and lighting all help to provide visual contrast and interest. This criterion is met.*

Section 7: Findings Applicable to Class 2 Adjustments

Chapter 250 – Adjustments

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.

Applicant's Findings: As stated throughout this application narrative, the applicant is submitting for two Class 2 Adjustments which are required when adjusting a numerical standard more than 20 percent.

(2) Prohibition. Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

- A. Allow a use or activity not allowed under the UDC;
- B. Change the status of a use or activity under the UDC;
- C. Modify a definition or use classification;
- D. Modify a use standard;
- E. Modify the applicability of any requirement under the UDC;
- F. Modify a development standard specifically identified as non-adjustable;
- G. Modify a development standard that contains the word "prohibited";
- H. Modify a procedural requirement under the UDC;
- I. Modify a condition of approval placed on property through a previous planning action;
- J. A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or
- K. The required landscaping in the Industrial Business Campus (IBC) Zone.

Applicant's Findings: The adjustments being sought are not prohibited in accordance with the list above. This criterion is not applicable.

(b) Procedure type. Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.

Applicant's Findings: The applicant is seeking two Class 2 Adjustments consolidated with a Class 1 Design Review and Class 3 Site Plan Review which is processed using Type II procedures.

(c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to

establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:

- A. The total site area, dimensions, and orientation relative to north;
- B. The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
- C. All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
- D. The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
- E. The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
- F. Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

Applicant's Findings: *The site plan provided includes all of the information required by this section. In conjunction with this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- A. The total site area, dimensions, and orientation relative to north;
- B. The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
- C. The location of the 100-year floodplain, if applicable; and
- D. The location of drainage patterns and drainage courses, if applicable.

Applicant's Findings: *The existing conditions plan provided includes all of the information required by this section. In conjunction with the site plan and this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

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

Applicant's Findings: *The applicant is seeking two adjustments for the proposed development. The first criterion to be adjusted is Salem Revised Code Section 800.065(a)(1). This section requires a pedestrian connection between building entrances and streets. The second criterion to be adjusted for the proposed development is Salem Revised Code Section 800.065(a)(3). This section requires a pedestrian connection through off-street parking areas.*

The applicant has the responsibility to provide for safe maneuvering of pedestrians and vehicles throughout the development site. The applicant is also restricted by the existing site development. In the interest of reducing the likelihood of any pedestrian or vehicular conflicts, the applicant is seeking to eliminate the pedestrian connection requirement from the entrance of the new building to the public street and to eliminate a pedestrian connection through the existing vehicle use area and connecting to the public sidewalk. The existing and newly proposed pedestrian connections will afford safe and well-lit pathways for pedestrians throughout the site and will lead them to the vehicle use area. However, due to the constraints of the existing development, the location of parking spaces relative to existing buildings and mature landscaping, the applicant is limited on their ability to provide these two connections. The intent of the criteria is to allow for the safe maneuvering of pedestrians. However, the only place available for a pedestrian connection on this site would be to place them behind the vehicles, which would likely result in a pedestrian and vehicular conflict. This request meets the criterion of subsection ii., above. Five-foot-wide pedestrian walkways are planned to be located adjacent to the new building providing a safe pedestrian network on the development site. To the greatest extent practicable, the applicant is meeting the intent of the code with their proposal.

Granting these two adjustments will not negatively impact the adjacent RS zoned land. The applicant is meeting every criterion which is put in place to buffer adjacent uses and is seeking the minimum adjustments needed to allow this development to move forward.

The cumulative effect of all the adjustments results in a project which is still consistent with the overall purpose of the zone. The applicant has provided delineation, where possible, to reduce any impacts of the adjustments being sought. The above criteria are met by the proposal.

- (e) Transfer of adjustments. Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

Applicant's Findings: *The applicant understands should the development site transfer ownership, the adjustments will run with the land and the rights granted will transfer to the new owner.*

Section 8: Conclusion

Based on the facts and findings presented by the applicant within this detailed written narrative, the applicant believes they have satisfied the burden of proof and demonstrated how the proposed Design Review, Site Plan Review, and Adjustment requests not only satisfy all applicable criteria but would also be a benefit to the community by providing a needed housing type within Salem's Urban Growth Boundary.

Section 9: Exhibits

Exhibit A – City of Salem Vicinity Map

Exhibit B – Deed

Exhibit C – Pre-Application Summary

Exhibit D – Neighborhood Association Contact

Exhibit E – Site Plan

Exhibit F – Existing Conditions Plan

Exhibit G – Elevations and Floor Plans

Planning/Permit Application Center

City Hall / 555 Liberty St. SE / Room 320 / Salem, OR 97301-3513

503-588-6173 * planning@cityofsalem.net

If you need the following translated in Spanish, please call 503-588-6256.

Si usted necesita lo siguiente traducido en español, por favor llame 503-588-6256.

Application type

Please describe the type of land use action requested:

Class 2 Adjustments

(For office use only)
Permit #:

Work site location and information

Street address or location of subject property	701 Lockwood Lane S Salem, OR 97302
Total size of subject property	0.60 acres
Assessor tax lot numbers	083W09AB00900 and 083W09AB03300
Existing use structures and/or other improvements on site	Storage building, 12 unit complex, parking area, landscaped areas
Zoning	RM2
Comprehensive Plan Designation	Multiple Family Residential
Project description	An addition of 8 dwelling units to a complex with 12 existing dwelling units for a total of 20 dwelling units. Class 3 Site Plan Review, Class 1 Design Review, Class 2 Adjustments.

People information

	Name	Full Mailing Address	Phone Number and Email address
Applicant	Chris Blackburn	360 Belmont Street NE Salem, OR 97301	503-391-8191
Agent	Studio 3 Architecture BRAND Land Use	275 Court Street NE Salem, OR 97301 12150 Jefferson Hwy 99E SE Jefferson 97352	503-390-6500 503-680-0949
Paid By	Clutch Industries, Inc.	360 Belmont Street NE Salem, OR 97301	

Project information

Project Valuation for Site Plan Review	1,200,000.00
Neighborhood Association	Sunnyslope Neighborhood Association
Have you contacted the Neighborhood Association?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Date Neighborhood Association contacted	1/13/2022
Describe contact with the affected Neighborhood Association (The City of Salem recognizes, values, and supports the involvement of residents in land use decisions affecting neighborhoods across the city and strongly encourages anyone requesting approval for any land use proposal to contact the affected neighborhood association(s) as early in the process as possible.)	BRAND Land Use sent a letter to the chair and land use chair via email. All documents supplied to the neighborhood association are attached
Have you contacted Salem-Keizer Transit? planning@cherriots.org	<input checked="" type="radio"/> Yes <input type="radio"/> No
Date Salem-Keizer Transit contacted	1/24/2022
Describe contact with Salem-Keizer Transit	BRAND Land Use sent a letter to Cherriots via email. All documents supplied are attached.
Type the name and address of the Homeowners Association (If none, type "N/A".)	N/A

Authorization by property owner(s)/applicant

***If the applicant and/or property owner is a Limited Liability Company (LLC), please also provide a list of all members of the LLC with your application.**

Copyright release for government entities: I hereby grant permission to the City of Salem to copy, in whole or part, drawings and all other materials submitted by me, my agents, or representatives. This grant of permission extends to all copies needed for administration of the City's regulatory, administrative, and legal functions, including sharing of information with other governmental entities.

Authorizations: Property owners and contract purchasers are required to authorize the filing of this application and must sign below.

- All signatures represent that they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- I (we) hereby grant consent to the City of Salem and its officers, agents, employees, and/or independent contractors to enter the property identified above to conduct any and all inspections that are considered appropriate by the City to process this application.
- I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property:

Electronic signature certification: By attaching an electronic signature (whether typed, graphical or free form) I certify herein that I have read, understood and confirm all the statements listed above and throughout the application form.

Authorized Signature: 

Print Name: Terence C. Blackburn Date: 1/25/22

Address (include ZIP): 3100 Belmont St NE Salem, OR 97301

Authorized Signature:

Print Name: _____ Date: _____

Address (include ZIP):

(For office use only)		
Received by	Date:	Receipt Number:

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Application type

Please describe the type of land use action requested:

Class 1 Design Review

(For office use only)
Permit #:

Work site location and information

Street address or location of subject property	701 Lockwood Lane S Salem, OR 97302
Total size of subject property	0.60 acres
Assessor tax lot numbers	083W09AB00900 and 083W09AB03300
Existing use structures and/or other improvements on site	Storage building, 12 unit complex, parking area, landscaped areas
Zoning	RM2
Comprehensive Plan Designation	Multiple Family Residential
Project description	An addition of 8 dwelling units to a complex with 12 existing dwelling units for a total of 20 dwelling units. Class 3 Site Plan Review, Class 1 Design Review, Class 2 Adjustments.

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Agent	Studio 3 Architecture BRAND Land Use	275 Court Street NE Salem, OR 97301 12150 Jefferson Hwy 99E SE Jefferson 97352	503-390-6500 503-680-0949
Paid By	Clutch Industries, Inc.	360 Belmont Street NE Salem, OR 97301	

Project information

Project Valuation for Site Plan Review	1,200,000.00
Neighborhood Association	Sunnyslope Neighborhood Association
Have you contacted the Neighborhood Association?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Date Neighborhood Association contacted	1/13/2022
Describe contact with the affected Neighborhood Association (The City of Salem recognizes, values, and supports the involvement of residents in land use decisions affecting neighborhoods across the city and strongly encourages anyone requesting approval for any land use proposal to contact the affected neighborhood association(s) as early in the process as possible.)	BRAND Land Use sent a letter to the chair and land use chair via email. All documents supplied to the neighborhood association are attached
Have you contacted Salem-Keizer Transit? planning@cherriots.org	<input checked="" type="radio"/> Yes <input type="radio"/> No
Date Salem-Keizer Transit contacted	1/24/2022
Describe contact with Salem-Keizer Transit	BRAND Land Use sent a letter to Cherriots via email. All documents supplied are attached.
Type the name and address of the Homeowners Association (If none, type "N/A".)	N/A

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- I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property:

Electronic signature certification: By attaching an electronic signature (whether typed, graphical or free form) I certify herein that I have read, understood and confirm all the statements listed above and throughout the application form.

Authorized Signature: _____

Print Name: _____

Date: 1-25-22

Address (include ZIP): _____

310 Belmont St NE Salem OR 97301

Authorized Signature: _____

Print Name: _____

Date: _____

Address (include ZIP): _____

(For office use only)

Received by

Date:

Receipt Number:

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Application type

Please describe the type of land use action requested:

Class 3 Site Plan Review

(For office use only)
Permit #:

Work site location and information

Street address or location of subject property	701 Lockwood Lane S Salem, OR 97302
Total size of subject property	0.60 acres
Assessor tax lot numbers	083W09AB00900 and 083W09AB03300
Existing use structures and/or other improvements on site	Storage building, 12 unit complex, parking area, landscaped areas
Zoning	RM2
Comprehensive Plan Designation	Multiple Family Residential
Project description	An addition of 8 dwelling units to a complex with 12 existing dwelling units for a total of 20 dwelling units. Class 3 Site Plan Review, Class 1 Design Review, Class 2 Adjustments.

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Project information

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Date Salem-Keizer Transit contacted	1/24/2022
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Type the name and address of the Homeowners Association (If none, type "N/A".)	N/A

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Authorized Signature: _____

Print Name: _____

Date: 1-25-22

Address (include ZIP): _____

320 Belmont St NE Salem OR 97301

Authorized Signature: _____

Print Name: _____

Date: _____

Address (include ZIP): _____

(For office use only)

Received by

Date:

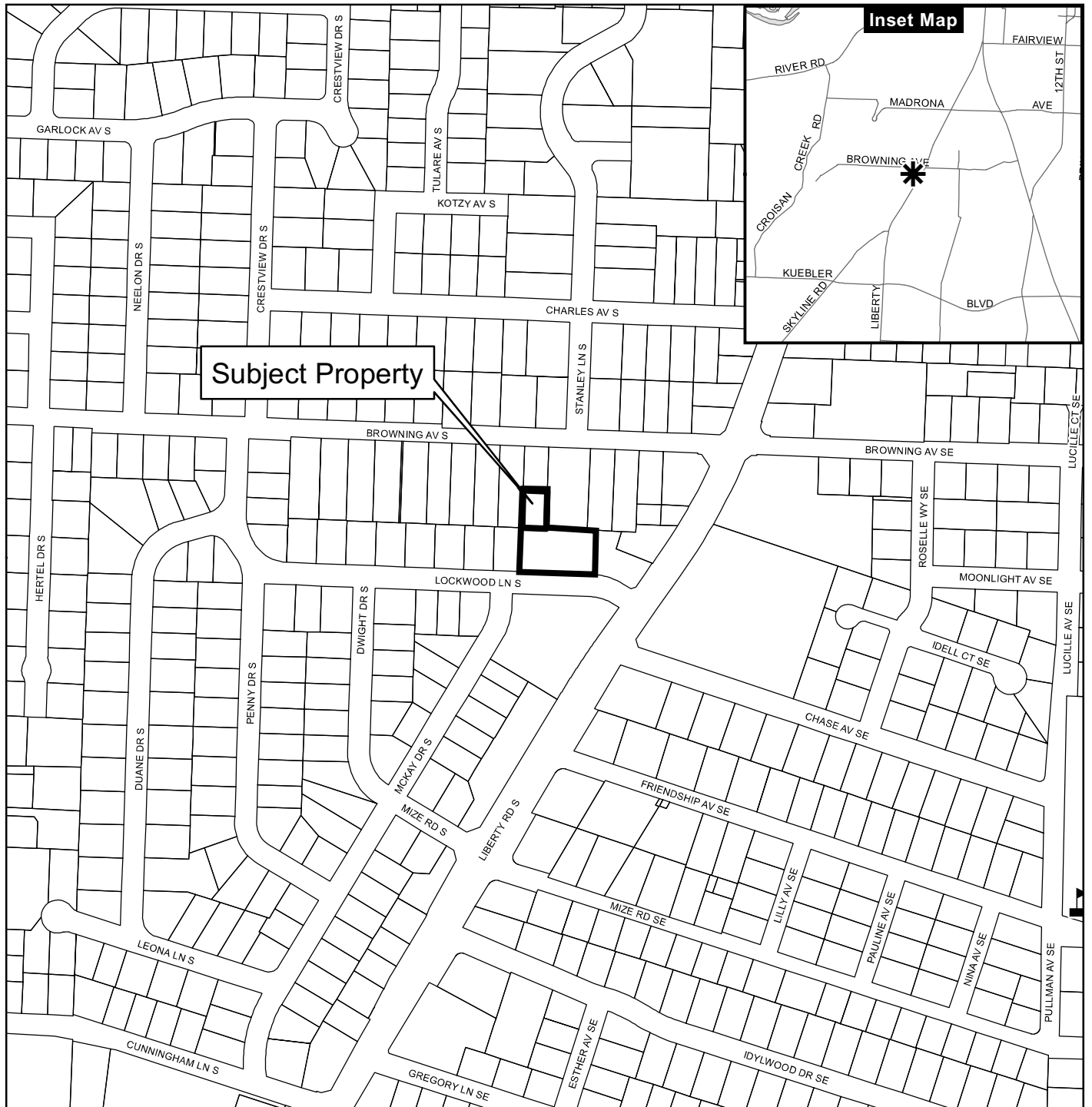
Receipt Number:

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Save the file to your computer and email to planning@cityofsalem.net.

Exhibit A – City of Salem Vicinity Map

700 block of Lockwood Lane S Vicinity Map



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



Exhibit B – Deed

After recording return to:
W/SandC/Inc./ CAS West LLC
Attn: Chris Blackburn
360 Belmont St. NE
Salem, OR 97301

Until a change is requested, all tax statements shall be sent
to the following address:

W/SandC/Inc./ CAS West LLC
Attn: Chris Blackburn
360 Belmont St. NE
Salem, OR 97301

STATUTORY WARRANTY DEED

Salem Stewardship, LLC, an Oregon limited liability company, Grantor, conveys and warrants to
W/SandC/Inc./ Grantee, the following described real property free of encumbrances except as
specifically set forth herein: *CAS West, LLC, an Oregon limited liability company

SEE ATTACHED EXHIBIT "A"

Tax Account No. R31888

This property is free of encumbrances, EXCEPT:
SEE EXHIBIT "A" WITH EXCEPTIONS
The true consideration for this conveyance is \$522,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND
195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2
TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF
THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS
AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING
FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING
DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY
ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED
USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR
FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF
NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336
AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17,
CHAPTER 855, OREGON LAWS 2009.

Dated 2 day of April, 2010


Salem Stewardship, LLC

By: Brazen Ventures, LLC, Member

By: 
Morgan Baze, Managing Member

STATE OF OREGON
COUNTY OF MARION

The foregoing instrument was acknowledged before me this 2 day of April, 2010 by Morgan
Baze as the Managing Member of Salem Stewardship, LLC, an Oregon limited liability company on
its behalf.


Notary Public State of Oregon
My commission expires: 11/18/2013

Order No. 50g0062359



Exhibit "A" with Exceptions

Parcel I:

Beginning at a point 41.25 feet South and 1172.23 feet South 89°39' East from the quarter corner between Sections 4 and 9, in Township 8 South, Range 3 of the Willamette Meridian, in the City of Salem, Marion County, Oregon. said point being on the South line of Browning Road; thence South 89°39' East along the South line thereof 66.00 feet to an iron pipe; thence South 0°05' West 121.14 feet to the point of beginning; thence South 0°05' West 100 feet; thence South 89°31' East 134.00 feet; thence South 0°05' West to a point on the Northerly line of Lockwood Lane; thence Westerly along the Northerly line of Lockwood Lane 200 feet; thence North 0°05' East 220 feet; thence Easterly parallel with the South line of said Browning Road to the point of beginning.

Parcel II:

The West 4 feet of Lot 5, Block 1, Plat of Sunnyslope Acres, in the City of Salem, Marion County, Oregon.

Subject to:

- 1. Municipal liens, if any, imposed by the City of Salem. We find none per the public records as of February 23, 2010.**
- 2. The subject property lies within the boundaries of Marion Soil and Water District and is subject to the levies and assessments thereof.**
- 3. Conditions, restrictions and/or setbacks as shown the recorded plat.**
- 4. Easements, subject to the terms and provisions thereof, as delineated and set forth on the recorded plat,
For : Utility**
- 5. Covenants, conditions, restrictions, easements, and/or setbacks, imposed by instrument, including the terms and provisions thereof,
Recorded : July 19, 1954
As : V 465; P 319
Recorded : July 21, 1955
As : V 471; P 539**

**The said terms, provisions, covenants, conditions, restrictions, easements, and/or setbacks were amended by instrument,
Recorded : November 19, 1957
As : V 505; P 681**

**The said terms, provisions, covenants, conditions, restrictions, easements, and/or setbacks were amended by instrument,
Recorded : June 27, 1960
As : V 535; P 300**

**The said terms, provisions, covenants, conditions, restrictions, easements, and/or setbacks were amended by instrument,
Recorded : June 27, 1960
As : V 503; P 147**

**The said terms, provisions, covenants, conditions, restrictions, easements, and/or setbacks were amended by instrument,
Recorded : December 24, 1997
As : R 1450; P 321**

- 6. Terms and provisions of Agreement
Recorded : June 23, 1976
As : R 35; P 12**
- 7. An easement disclosed by instrument,
Recorded : April 15, 1976
As : R 42; P 108
In favor of : Robert E. Groves and Wayne A. Olsen dba Northwest and Company
For : Ingress and egress**

REEL: 3164

PAGE: 58

April 02, 2010, 04:20 pm.

CONTROL #: 269245

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 46.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

Exhibit C – Pre-Application Summary



Pre-Application Report

Community Development Department
Planning Division

555 Liberty Street SE/Room 305
Phone: 503-588-6173
www.cityofsalem.net/planning

Case Number / AMANDA No.	PRE-AP21-18 / 21-102252-PA
Conference Date	February 22, 2021
Applicant	Clutch Industries 360 Belmont St NE Salem, OR 97301 saundras@clutchindustries.com
Representative	Chris Anderson, Clutch Industries 360 Belmont St NE Salem, OR 97301 chrisa@clutchindustries.com
Case Manager	Brandon Pike

Mandatory Pre-Application Conference: ☒ Yes ☐ No

Project Description & Property Information

Project Description	A pre-application conference to discuss the development of 8 additional units at an existing apartment complex, for a total of 20 dwelling units. The subject development site is approximately 0.7 acres in size, zoned RM-II (Multiple Family Residential), and located at 701 Lockwood Lane S (Marion County Assessor map and tax lot number(s): 083W09AB / 900 and 3300).
Property Address	701 Lockwood Lane S
Assessor's Map and Tax Lot Number	083W09AB / 900 and 3300
Existing Use	<i>Multiple family</i>
Legal Units of Land	Without reviewing deeds for the subject property, it is not possible for Staff to determine if the subject property is legal lot. At the time of land use application, it will be up to the applicant to provide evidence that the lot was created legally.
Comprehensive Plan Map Designation	MFR - Multi-Family Residential
Urban Service Area	The subject property is located within the City's Urban Service Area.
Urban Renewal Area	None
Past Land Use Actions	CPC-NPC-ZC20-09

Planning Division Comments

Proposal

The materials provided by the applicant show a new 2-story, 8-unit apartment building at an existing 12-unit *multiple family* development, for a total of 20 units. The applicant did not pose any specific questions or issues to address at the pre-application conference.

Past Land Use Decisions

- CPC-NPC-ZC20-09: This case included no conditions of approval which would affect the proposal

Required Land Use Applications

The land use applications checked in the table below have been preliminarily identified as being required for development of the subject property based upon the information provided by the applicant at the time of the pre-application conference. Additional land use applications may be required depending on the specific proposal at the time of future development.

Required Land Use Applications					
Zoning		Site Plan Review			
<input type="checkbox"/>	Conditional Use (SRC 240.005)	<input type="checkbox"/>	Class 1 Site Plan Review (SRC 220.005)		
<input type="checkbox"/>	Comprehensive Plan Change (SRC 64.020)	<input checked="" type="checkbox"/>	Class 2 Site Plan Review (SRC 220.005)		
<input type="checkbox"/>	Zone Change (SRC 265.000)	<input checked="" type="checkbox"/>	Class 3 Site Plan Review (SRC 220.005)		
<input type="checkbox"/>	Temporary use Permit – Class 1 (SRC 701.010)	Design Review			
<input type="checkbox"/>	Temporary Use Permit – Class 2 (SRC 701.010)	<input checked="" type="checkbox"/>	Class 1 Design Review (SRC 225.005)		
<input type="checkbox"/>	Non-Conforming Use Extension, Alteration, Expansion, or Substitution (SRC 270.000)	<input type="checkbox"/>	Class 2 Design Review (SRC 225.005)		
<input type="checkbox"/>	Manufactured Dwelling Park Permit (SRC 235.010)	<input type="checkbox"/>	Class 3 Design Review (SRC 225.005)		
Land Divisions		Historic Design Review (SRC 230.020)			
<input checked="" type="checkbox"/>	Property Line Adjustment (SRC 205.055)	<input type="checkbox"/>	Major Commercial	<input type="checkbox"/>	Minor Commercial
<input checked="" type="checkbox"/>	Property Boundary Verification (SRC 205.065)	<input type="checkbox"/>	Major Public	<input type="checkbox"/>	Minor Public
<input checked="" type="checkbox"/>	Replat (SRC 205.025)	<input type="checkbox"/>	Major Residential	<input type="checkbox"/>	Minor Residential
<input type="checkbox"/>	Partition (SRC 205.005)	Wireless Communication Facilities			
<input type="checkbox"/>	Subdivision (SRC 205.010)	<input type="checkbox"/>	Class 1 Permit (SRC 703.020)		
<input type="checkbox"/>	Phased Subdivision (SRC 205.015)	<input type="checkbox"/>	Class 2 Permit (SRC 703.020)		
<input type="checkbox"/>	Planned Unit Development Tentative Plan (SRC 210.025)	<input type="checkbox"/>	Class 3 Permit (SRC 703.020)		
<input type="checkbox"/>	Manufactured Dwelling Park Subdivision (SRC 205.020)	<input type="checkbox"/>	Temporary (SRC 703.100)		

<input type="checkbox"/>	Validation of Unit of Land (SRC 205.060)		
Relief		<input type="checkbox"/>	Adjustment (SRC 703.090)
<input checked="" type="checkbox"/>	Adjustment – Class 1 (SRC 250.005) <i>(Applicable when a proposed deviation from standards is within 20 percent of the standard)</i>	Other	
<input checked="" type="checkbox"/>	Adjustment – Class 2 (SRC 250.005) <i>(Applicable when a proposed deviation from standards exceeds 20 percent of the standard, or when the standard is not numerical in nature)</i>	<input type="checkbox"/>	Annexation – Voter Approval (SRC 260.035)
<input type="checkbox"/>	Variance (SRC 245.005)	<input type="checkbox"/>	Annexation – Voter Exempt (SRC 260.035)
Natural Resources		<input type="checkbox"/>	Sign Adjustment (SRC 900.035)
<input type="checkbox"/>	Tree Conservation Plan (SRC 808.035)	<input type="checkbox"/>	Sign Conditional Use (SRC 900.045)
<input type="checkbox"/>	Tree Conservation Plan Adjustment (SRC 808.040)	<input type="checkbox"/>	Sign Variance (SRC 900.040)
<input type="checkbox"/>	Tree Removal Permit (SRC 808.030)	<input type="checkbox"/>	SWMU Zone Development Phasing Plan (SRC 531.015)
<input type="checkbox"/>	Tree Variance (SRC 808.045)	<input type="checkbox"/>	Urban Growth Preliminary Declaration (SRC 200.020)
<input type="checkbox"/>	Willamette Greenway Permit – Class 1 (SRC 600.015)		
<input type="checkbox"/>	Willamette Greenway Permit – Class 2 (SRC 600.015)	<input type="checkbox"/>	Historic Clearance Review- High Probability Archaeological Zone (SRC 230.100)
		<input type="checkbox"/>	Class 2 Driveway Approach Permit (SRC 804.025)
Staff Comments			
<p>Interior Property Line: While not absolutely necessary for the proposed development, the applicant may choose to remove the interior property line through either a replat or property line adjustment, or may apply for a property boundary verification to remove the property line for building code purposes only.</p> <p>Note: Some of the applications checked in this list are to anticipate various development scenarios which may or may not occur, some of which require a pre-application conference. Additionally, depending on the proposed development, other land use applications may be required.</p>			

Online Application Submittal Packets

The City has electronic application submittal guides for the applications identified above. The webpages include a summary of the review procedure, submittal requirements, and approval criteria. The submittal guides can be found on the City's website at the following location:

<https://www.cityofsalem.net/Pages/build-on-your-property.aspx> (Site Plan Review and Design Review)

<https://www.cityofsalem.net/Pages/seek-an-adjustment-to-land-use-standards.aspx> (Adjustment)

<https://www.cityofsalem.net/Pages/move-your-property-lines.aspx> (Property Line Adjustment)

<https://www.cityofsalem.net/Pages/build-across-your-property-line.aspx> (Property Boundary Verification)

<https://www.cityofsalem.net/Pages/reconfigure-your-land.aspx> (Replat)

Land Use Application Fees

The applicable land use application fees for these applications can be found on the City's website at the location below. Land use application fees and descriptions start on **page 20** of the document.

<https://www.cityofsalem.net/CityDocuments/city-of-salem-fees.pdf>

Consolidated Land Use Application Procedures

When multiple land use applications are required or proposed for a development, the City's land use procedures ordinance (SRC Chapter 300) provides alternatives methods for how such applications may be processed.

The applications may be processed individually in sequence, concurrently, or consolidated into a single application. Where multiple applications proposed to be consolidated include an application subject to review by the Historic Landmarks Commission, the application subject to Historic Landmarks Commission review may be processed individually in sequence or concurrently.

Multiple land use applications consolidated into a single application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type and the highest Review Authority required for any of the land use applications proposed to be consolidated.

Multiple applications processed concurrently require the filing of separate applications for each land use action. Each application shall be reviewed separately according to the applicable procedure type and Review Authority, and processed simultaneously.

Zoning

The zoning of the subject property has been identified in the table below. For specific requirements of the applicable zone(s), click on the zone(s) in the table.

Base Zones			
<input type="checkbox"/>	EFU – Exclusive Farm Use (SRC 500.000)	<input type="checkbox"/>	MU-I – Mixed Use I (SRC 533.000)
<input type="checkbox"/>	RA – Residential Agriculture (SRC 510.000)	<input type="checkbox"/>	MU-II – Mixed Use II (SRC 534.000)
<input type="checkbox"/>	RS – Single Family Residential (SRC 511.000)	<input type="checkbox"/>	EMSU – Edgewater/Second Street Mixed-Use Corridor (SRC 535.000)
<input type="checkbox"/>	RD – Duplex Residential (SRC 512.000)	<input type="checkbox"/>	PA – Public Amusement (SRC 540.000)
<input type="checkbox"/>	RM-1 – Multiple Family Residential (SRC 513.000)	<input type="checkbox"/>	PC – Public/Private Cemetery (SRC 541.000)
<input checked="" type="checkbox"/>	RM-2 – Multiple Family Residential (SRC 514.000)	<input type="checkbox"/>	PE – Public/Private Education (SRC 542.000)
<input type="checkbox"/>	RH – Multiple Family High-Rise Residential (SRC 515.000)	<input type="checkbox"/>	PH – Public/Private Health Services (SRC 543.000)
<input type="checkbox"/>	CN – Neighborhood Commercial (SRC 520.000)	<input type="checkbox"/>	PS – Public Service (SRC 544.000)
<input type="checkbox"/>	CO – Commercial Office (SRC 521.000)	<input type="checkbox"/>	PM – Capitol Mall (SRC 545.000)
<input type="checkbox"/>	CR – Retail Commercial (SRC 522.000)	<input type="checkbox"/>	EC – Employment Center (SRC 550.000)
<input type="checkbox"/>	CG – General Commercial (SRC 523.000)	<input type="checkbox"/>	IC – Industrial Commercial (SRC 551.000)

<input type="checkbox"/>	CB – Central Business District (SRC 524.000)	<input type="checkbox"/>	IBC – Industrial Business Campus (SRC 552.000)
<input type="checkbox"/>	WSCB – West Salem Central Business District (SRC 525.000)	<input type="checkbox"/>	IP – Industrial Park (SRC 553.000)
<input type="checkbox"/>	FMU – Fairview Mixed-Use (SRC 530.000)	<input type="checkbox"/>	IG – General Industrial (SRC 554.000)
<input type="checkbox"/>	SWMU – South Waterfront Mixed-Use (SRC 531.000)	<input type="checkbox"/>	II – Intensive Industrial (SRC 555.000)
<input type="checkbox"/>	NCMU – Neighborhood Center Mixed-Use (SRC 532.000)	<input type="checkbox"/>	SCI – Second Street Craft Industrial Corridor (SRC 556.000)
Overlay Zones			
<input type="checkbox"/>	Willamette Greenway (SRC 600.000)	<input type="checkbox"/>	Mixed-Use (SRC 619.000)
<input type="checkbox"/>	Floodplain (SRC 601.000)	<input type="checkbox"/>	Salem Hospital (SRC 620.000)
<input type="checkbox"/>	Airport (SRC 602.000)	<input type="checkbox"/>	Superior-Rural (SRC 621.000)
<input type="checkbox"/>	Portland Fairgrounds Road (SRC 603.000)	<input type="checkbox"/>	Oxford-West Nob Hill (SRC 622.000)
<input type="checkbox"/>	Pine Street Mixed-Use (SRC 604.000)	<input type="checkbox"/>	Oxford-Hoyt (SRC 623.000)
<input type="checkbox"/>	Northgate Mixed-Use (SRC 605.000)	<input type="checkbox"/>	Hoyt-McGilchrist (SRC 624.000)
<input type="checkbox"/>	Wallace Road Corridor (SRC 606.000)	<input type="checkbox"/>	Saginaw Street (SRC 625.000)
<input type="checkbox"/>	West Salem General Industrial (SRC 608.000)	<input type="checkbox"/>	Commercial High-Density Residential (SRC 626.000)
<input type="checkbox"/>	Patterson Street Corridor (SRC 609.000)	<input type="checkbox"/>	22 nd and Electric (SRC 627.000)
<input type="checkbox"/>	Walker School Residential Area (SRC 612.000)	<input type="checkbox"/>	State Street (SRC 628.000)
<input type="checkbox"/>	Broadway-High Street Retail (SRC 613.000)	<input type="checkbox"/>	McNary Field (SRC 629.000)
<input type="checkbox"/>	Broadway-High Street Housing (SRC 614.000)	<input type="checkbox"/>	South Gateway (SRC 630.000)
<input type="checkbox"/>	Broadway-High Street Transition (SRC. 615.000)	<input type="checkbox"/>	Compact Development (SRC 631.000)
<input type="checkbox"/>	Riverfront High Density Residential (SRC 616.000)	<input type="checkbox"/>	General Retail/Office (SRC 632.000)
<input type="checkbox"/>	Riverfront (SRC 617.000)	<input type="checkbox"/>	Front Street (SRC 633.000)
<input type="checkbox"/>	Chemawa-I-5 Northeast Quadrant Gateway (SRC 618.000)		
Staff Comments			
None.			

Development Standards

The proposed development will be primarily subject to the provisions of the chapters identified in the table below. For specific requirements, click on chapters in the table.

Development Standards			
<input checked="" type="checkbox"/>	Multiple Family Design Review Guidelines and Standards (SRC 702.000)	<input type="checkbox"/>	Off-Street Parking, Loading and Driveways (SRC 806.000)
<input checked="" type="checkbox"/>	General Development Standards	<input checked="" type="checkbox"/>	Landscaping and Screening (SRC 807.000)

	(SRC 800.000)		
<input type="checkbox"/>	Public Improvements (SRC 802.000)	<input type="checkbox"/>	Preservation of Trees and Vegetation (SRC 808.000)
<input checked="" type="checkbox"/>	Streets and Right-Of-Way Improvements (SRC 803.000)	<input type="checkbox"/>	Wetlands (SRC 809.000)
<input checked="" type="checkbox"/>	Driveway Approaches (SRC 804.000)	<input type="checkbox"/>	Landslide Hazards (SRC 810.000)
<input checked="" type="checkbox"/>	Vision Clearance (SRC 805.000)	<input type="checkbox"/>	Sign Code (SRC 900.000)

Staff Comments

Setbacks

The proposal does not appear to meet the following standard(s):

- **Interior Property Line:** Unless removed through a land use application as discussed above, there appears to be a property line which separates the two tax lots. The new development will be subject to RM-II setback requirements to this line: 10' min. with Type C landscaping.

Multiple Family Design Review Standards

Based on the provided plan, it is unclear if the proposal will meet the following standard(s):

- **SRC 702.020(a)(1)(D):** *Private open space for 20 percent of the dwelling units.* This will need to be provided for at least the new units.
- **SRC 702.020(b):** *Landscaping standards.* Based on the preliminary nature of the plans, it's not possible to tell if the proposal meets the landscaping design standards.
- **SRC 702.020(c):** *Site safety and security.* Windows, lighting, and fences shall be provided which meet these standards.
- **SRC 702.020(d)(4):** *Pedestrian pathways.* Pedestrian pathways meeting the design and material standards of SRC 800.065(b) will be required to connect to and between both buildings, common open space, the parking area, and to the public sidewalk.
- **SRC 702.020(e):** *Façade and building design.* The applicant is advised to examine the façade and building design standards of this section, including new standards related to balconies facing RS-zoned land and the requirement for a porch or architecturally defined entry area for each ground level dwelling unit on the new building.

Bicycle Parking

- The proposed development requires a minimum of four bicycle parking spaces meeting the development standards of SRC 806.060. The proposed plan shows none.

Street Trees

- The existing hedges along Lockwood Lane do not count as street trees (pursuant to SRC chapter 86). Additionally, the portions of the hedge on private property appear to violate SRC 800.050(a)(2). Street trees will need to be provided with the development.

Sidewalk

- If the applicant proposes to retain the existing location of the sidewalk (curb-line), findings addressing alternative street standards will be required at the time of site plan review.

Neighborhood Association Contact Information

Staff recommends that applicants/property owners contact the relevant neighborhood association(s) regarding their proposals as soon as possible. This allows for the neighborhood association(s) to be involved early in the process and helps to identify any potential issues that might arise.

For your convenience, neighborhood association(s) contact information is included below. Please note that the identified neighborhood association chair(s), and their corresponding contact information, is current as of the date of the pre-application conference, but this information is subject to change if the chair(s) or their contact information has changed subsequent to the date of the pre-application conference.

Up-to-date contact information for neighborhood representatives may also be obtained by contacting the City's Neighborhood Enhancement Division at 503-588-6207 or by visiting the City's website at the following location: <https://www.cityofsalem.net/my-neighborhood>

Applicable Neighborhood Association(s)	Meeting Date, Time, & Location	Neighborhood Association Chair(s)
Sunnyslope Neighborhood Association	Monthly meetings are held the third Thursday at 7 p.m. Please check the calendar for specific meeting information, including location.	Alan Alexander, chair awa8025@aol.com
		Evan White, land use chair epwhitehouse@comcast.net

Salem Revised Code Available Online

The entire Salem Revised Code can be accessed online through the City's website at:

<http://www.cityofsalem.net/Departments/Legal/Pages/SalemRevisedCodes.aspx>

Exhibit D – Neighborhood Association Contact

BRAND

Notice of Land Use Application Submittal

January 13, 2022

Sunnyslope Neighborhood Association

Alan Alexander, Chair

Awa8025@aol.com

Evan White, Land Use Chair

Epwhitehouse@comcast.net

RE: 701 Lockwood Lane S Salem, Oregon

Dear Sunnyslope Chair and Land Use Chair,

We are reaching out to you regarding a project you were notified about previously. A representative for Clutch Industries attended your virtual neighborhood association meeting on July 16, 2020, to discuss a proposal to rezone a small parcel of land adjacent to 701 Lockwood Lane S in Salem. Clutch Industries submitted an application and gained approval for a Minor Comprehensive Map Amendment, Neighborhood Plan Change, and Zone Change. The previously approved application can be identified as application number CPC-NPC-ZC20-09.

The property at 701 Lockwood Lane S is developed with a single-story, 12-unit apartment complex. The adjacent property to the north, which was just rezoned from RS (Single Family Residential) to RMII (Multiple Family Residential), is planned to be developed with an additional 8-units bringing the total dwelling units of this complex to 20-units. The applicant is retaining the existing landscaping on site as well as adding new landscaped areas around the new building. A new trash enclosure area, meeting today's standards, is proposed within the northwest corner of the parking lot which will centralize it between the existing and the new building.

To gain approval for this project, the applicant will submit a Class 1 Design Review, Class 3 Site Plan Review, and Class 2 Adjustments to the City of Salem. A preliminary site plan of the project is included with this letter to better demonstrate what is being proposed. If you have any questions regarding this notice, please feel free to contact us.

Thank you.

Applicant Information

Clutch Industries, Inc. | Chris Anderson

ChrisA@clutchindustries.com

503-932-3179

Applicant Representative Information

BRAND Land Use, LLC | Brittany Randall

Britany@brandlanduse.com

503-680-0949

Britany

From: Britany
Sent: Thursday, January 13, 2022 12:49 PM
To: Awa8025@aol.com; Epwhitehouse@comcast.net
Cc: Chris Anderson; Gene Bolante; bpike@cityofsalem.net
Subject: Notice of Intent to File Land Use Applications - 701 Lockwood Lane S in Sunnyslope
Attachments: Neighborhood Contact.pdf

Alan and Evan,

Attached to this email is a letter describing a proposed land use application that will be submitted to the City of Salem in the next couple of weeks. The project location falls within your neighborhood association. The attachment includes a site plan to better demonstrate the proposal. Please contact me if you have any questions about this.

Thank you,

Britany Randall

BRAND

Principal Planner

Phone : (503) 680-0949

Place : Salem, OR

Web : brandlanduse.com



Notice of Land Use Application Submittal

January 24, 2022

Cherriots Administrative Offices

info@cherriots.org

555 Court Street NE, Suite 5230

Salem, OR 97301

RE: 701 Lockwood Lane S Salem, Oregon 97302

Dear Cherriots Administrators,

We are reaching out to you regarding a project which will be filed within the City of Salem.

The property at 701 Lockwood Lane S is developed with a single-story, 12-unit apartment complex. The adjacent property to the north, which was just rezoned from RS (Single Family Residential) to RMII (Multiple Family Residential 2), is planned to be developed with an additional 8-units bringing the total dwelling units of this complex to 20-units. The applicant is retaining the existing landscaping on site as well as adding new landscaped areas around the new building. A new trash enclosure area, meeting today's standards, is proposed within the northwest corner of the parking lot which will centralize it between the existing and the new building.

It is not anticipated that the addition of 8 dwelling units will have an impact on the public transportation system. The location and size of the project does not trigger any improvement to your system. This letter shall serve as informational purposes only.

To gain approval for this project, the applicant will submit a Class 1 Design Review, Class 3 Site Plan Review, and Class 2 Adjustments to the City of Salem. A preliminary site plan of the project is included with this letter to better demonstrate what is being proposed. If you have any questions regarding this notice, please feel free to contact us.

Thank you.

Applicant Information

Clutch Industries, Inc. | Chris Anderson

ChrisA@clutchindustries.com

503-932-3179

Applicant Representative Information

BRAND Land Use, LLC | Britany Randall

Britany@brandlanduse.com

503-680-0949

Britany

From: Britany
Sent: Monday, January 24, 2022 9:31 AM
To: info@cherriots.org
Subject: Land Use Action - 701 Lockwood Lane S Salem, OR 97302
Attachments: Transit Contact.pdf

Hello,

We are contacting you to notify you of a small project taking place at the above address. The attached letter provides more information, including a site plan of the proposal. This is for informational purposes only.

Thank you,

Britany Randall

BRAND

Principal Planner

Phone : (503) 680-0949

Place : Salem, OR

Web : brandlanduse.com

SHEET

SITE



0' 2' 4' 8' 16' 24' $\frac{1}{8}" = 1'-0" @ 22X34$

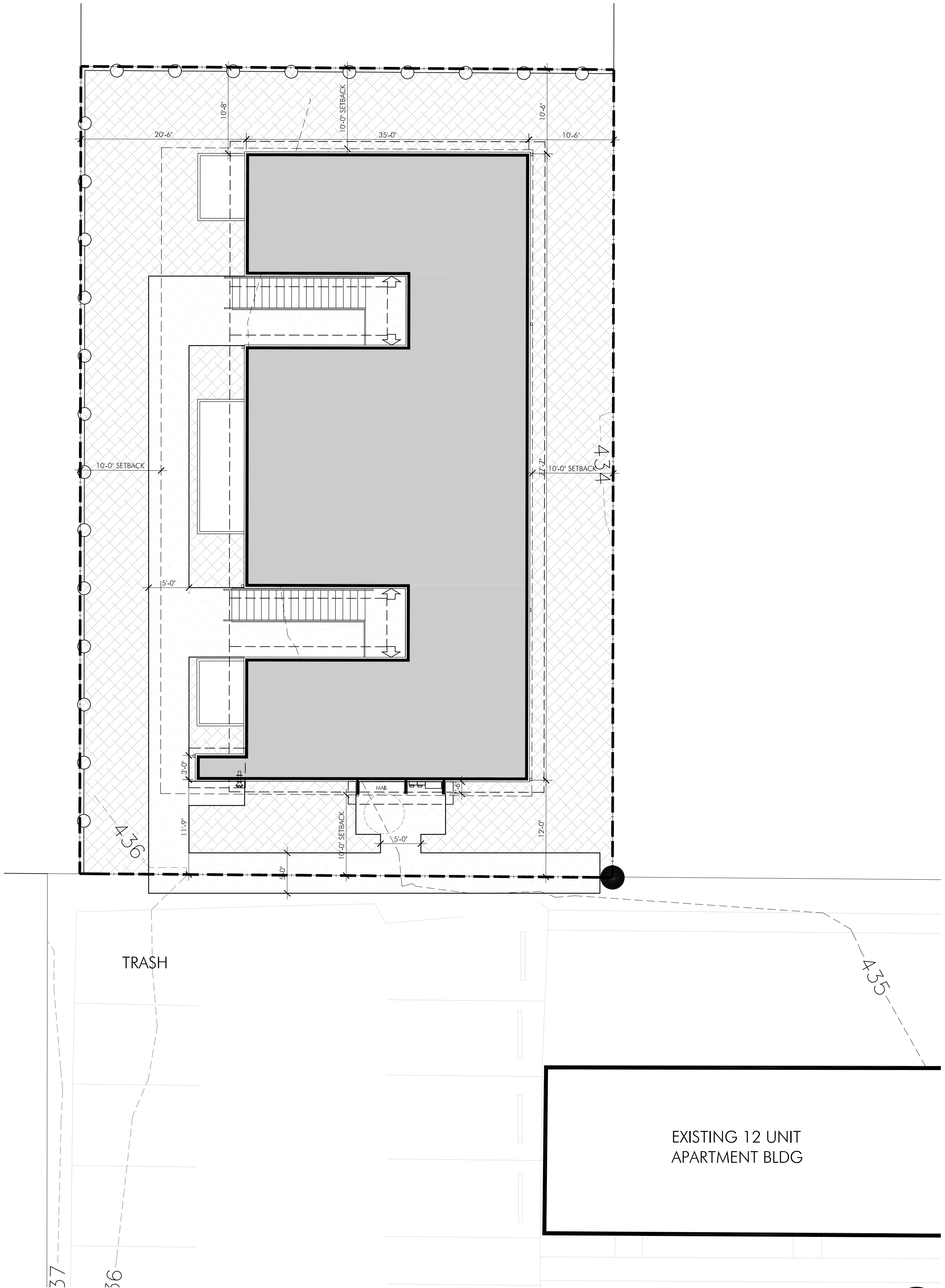
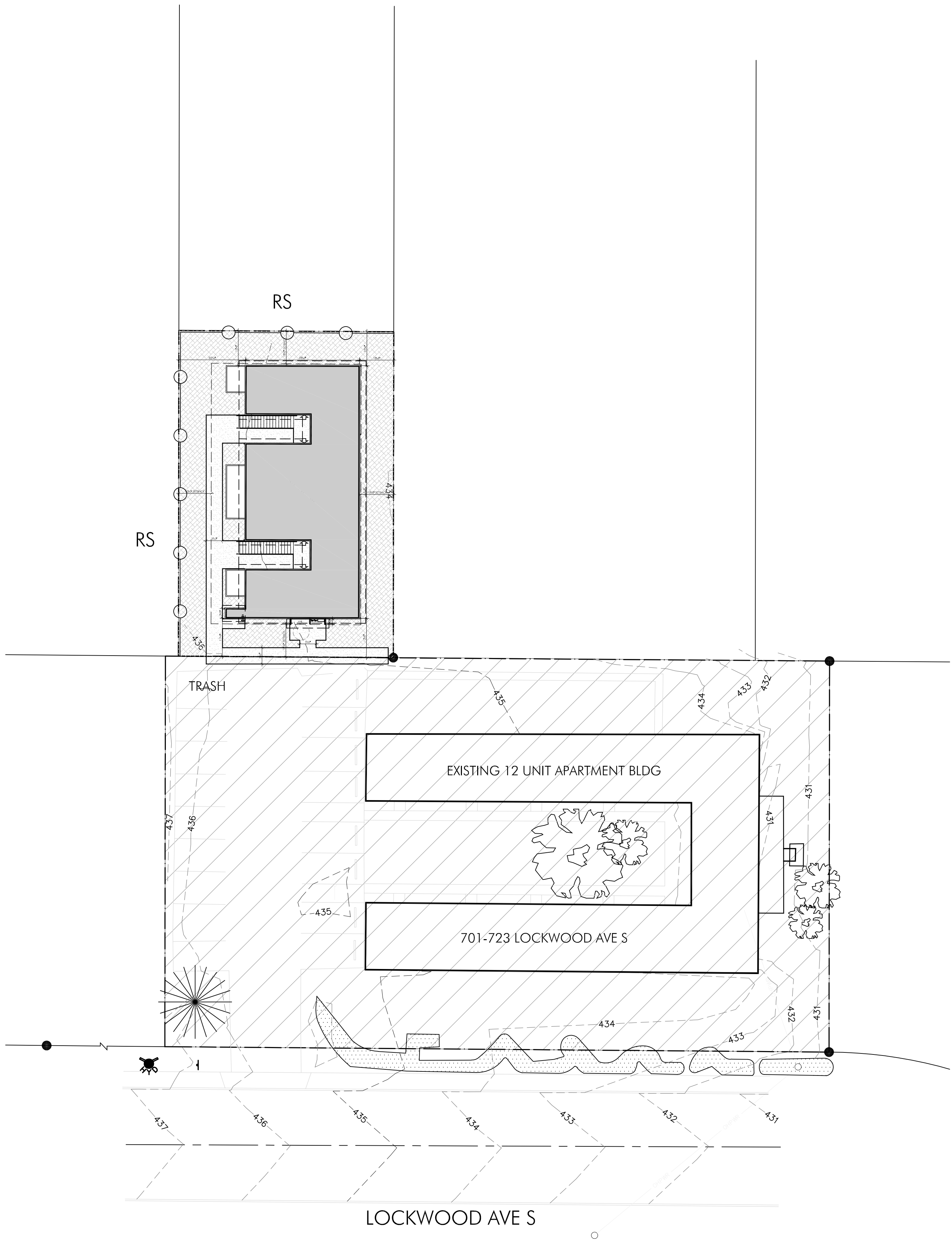


Exhibit E – Site Plan

SITE GENERAL NOTES:

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTORS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

2. PROVIDE CONSTRUCTION FENCING AS REQUIRED TO SECURE SITE AND BUILDING DURING CONSTRUCTION.

3. EXTREME CARE SHOULD BE TAKEN TO PRESERVE EXISTING ROOTS OF TREES TO REMAIN.
4. REFER TO CIVIL DRAWINGS FOR GRADING. SITE IS REQUIRED TO MEET THE LAWS OF FHA AND ADA. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% (1 IN 20) OR CROSS SLOPES SHALL NOT EXCEED 2% (1 IN 50). ALL AT GRADE SIDEWALKS ARE ACCESSIBLE ROUTES.

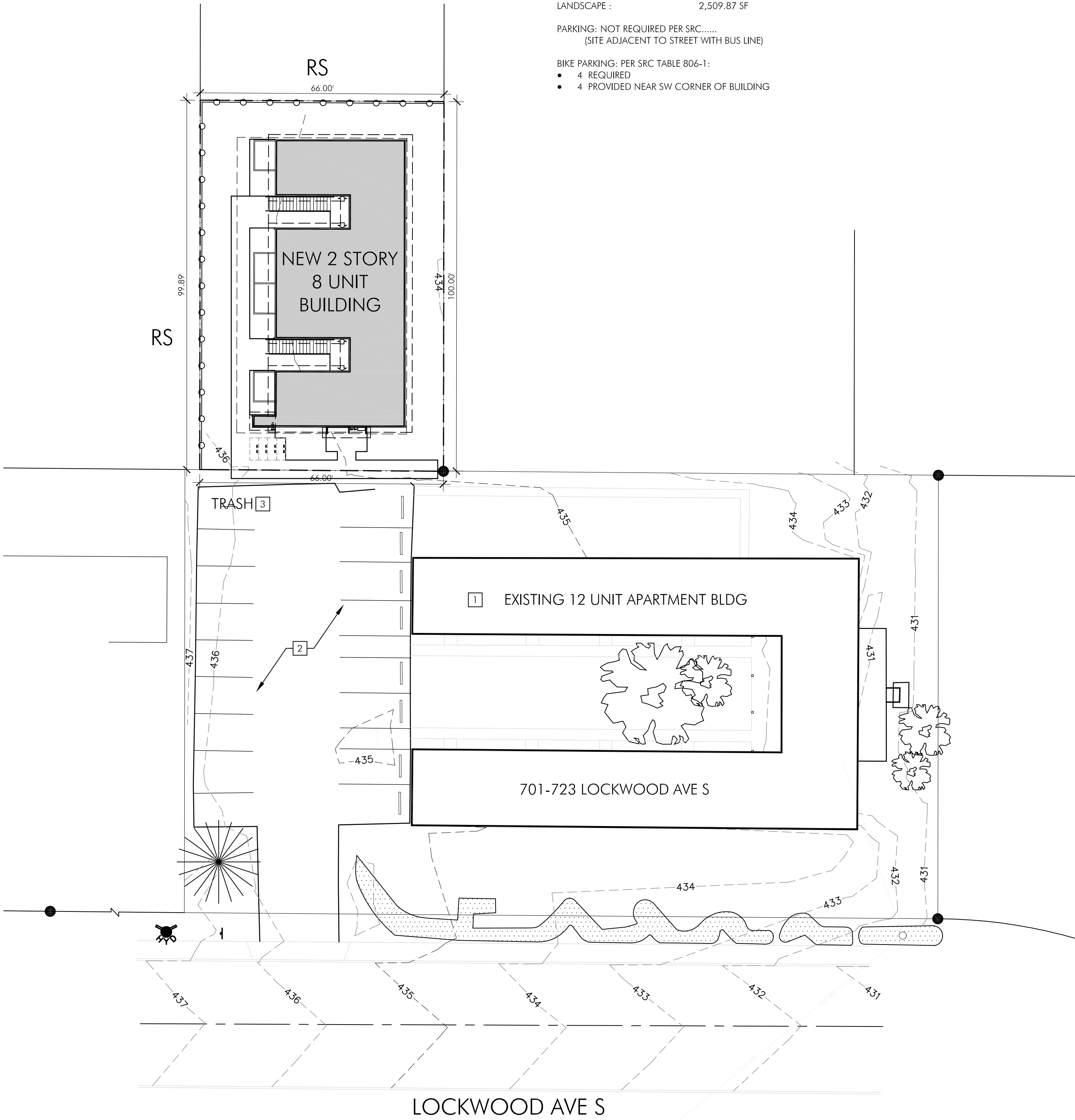
5. JOINTS IN CONCRETE WALKS NOTED AS E.J. ARE TO BE CONSTRUCTED AS EXPANSION JOINTS. ALL OTHER JOINTS SHOWN, TO BE TOOLED CONTROL JOINTS, SEE CIVIL.

6. SEE LANDSCAPE DRAWINGS FOR LANDSCAPE ELEMENTS.

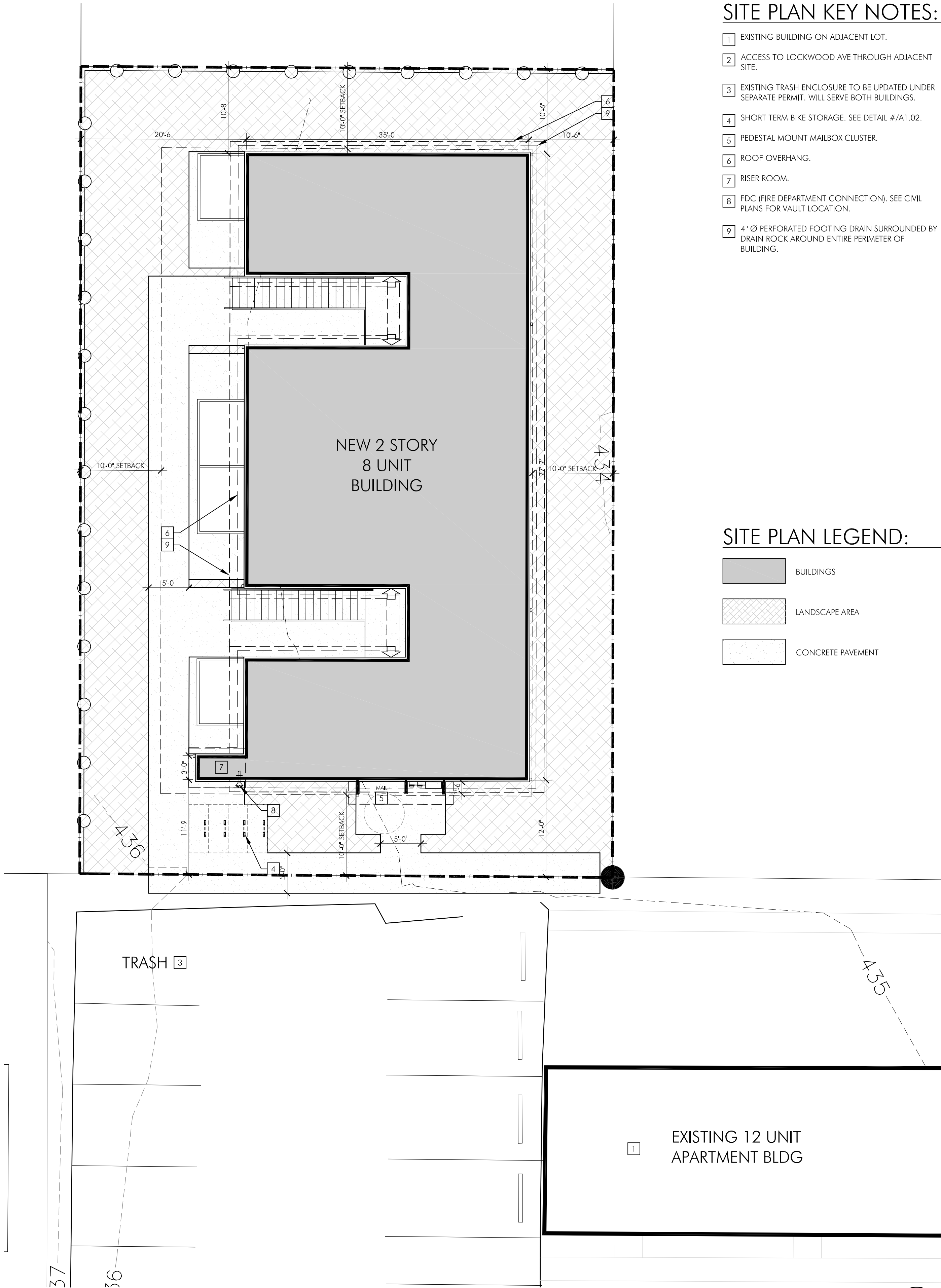
7. SEE ELECTRICAL DRAWINGS FOR SITE LIGHTING.

SUMMARY TABLE

SCOPE: NEW 2 STORY APARTMENT BUILDING, WITH 8 UNITS, AND ASSOCIATED SITE IMPROVEMENTS.			
EXISTING SITE AREA:	6,534 SF	(0.15 ACRES)	
REDEVELOPED SITE AREA:	6,534 SF	(0.15 ACRES)	
TOTAL BUILDING AREA:			
MAIN FLOOR:	2,376.75 SF		
SECOND FLOOR:	2,358.75 SF		
MAX COVERAGE: 3,920.40 SF (60%) (PER SRC TABLE S14-6)			
NEW BUILDING FOOTPRINT:			
BUILDING:	2,376.75 SF		
2ND FLOOR DECKS:	196.00 SF		
STAIR WELLS:	356.66 SF		
BUILDING COVERAGE:	2,929.41 SF (44.8%)		
IMPERVIOUS SURFACE: 978.44 SF			
TOTAL COVERAGE:	3,907.85 SF (59.8%)		
LANDSCAPE : 2,509.87 SF			
PARKING: NOT REQUIRED PER SRC..... (SITE ADJACENT TO STREET WITH BUS LINE)			
BIKE PARKING: PER SRC TABLE B06-1:			
• 4 REQUIRED			
• 4 PROVIDED NEAR SW CORNER OF BUILDING			



1 OVERALL SITE PLAN



2 ENLARGED SITE PLAN

SITE PLAN KEY NOTES:

- 1

EXISTING BUILDING ON ADJACENT LOT.
- 2

ACCESS TO LOCKWOOD AVE THROUGH ADJACENT SITE.
- 3

EXISTING TRASH ENCLOSURE TO BE UPDATED UNDER SEPARATE PERMIT. WILL SERVE BOTH BUILDINGS.
- 4

SHORT TERM BIKE STORAGE. SEE DETAIL #/A1.02.
- 5

PEDESTAL MOUNT MAILBOX CLUSTER.
- 6

ROOF OVERHANG.
- 7

RISER ROOM.
- 8

FDC (FIRE DEPARTMENT CONNECTION). SEE CIVIL PLANS FOR VAULT LOCATION.
- 9

4" Ø PERFORATED FOOTING DRAIN SURROUNDED BY DRAIN ROCK AROUND ENTIRE PERIMETER OF BUILDING.

SITE PLAN LEGEND:

- BUILDINGS
- LANDSCAPE AREA
- CONCRETE PAVEMENT

Exhibit F – Existing Conditions Plan

ANDERSON-LOCKWOOD APTS\SITE PLAN.DWG

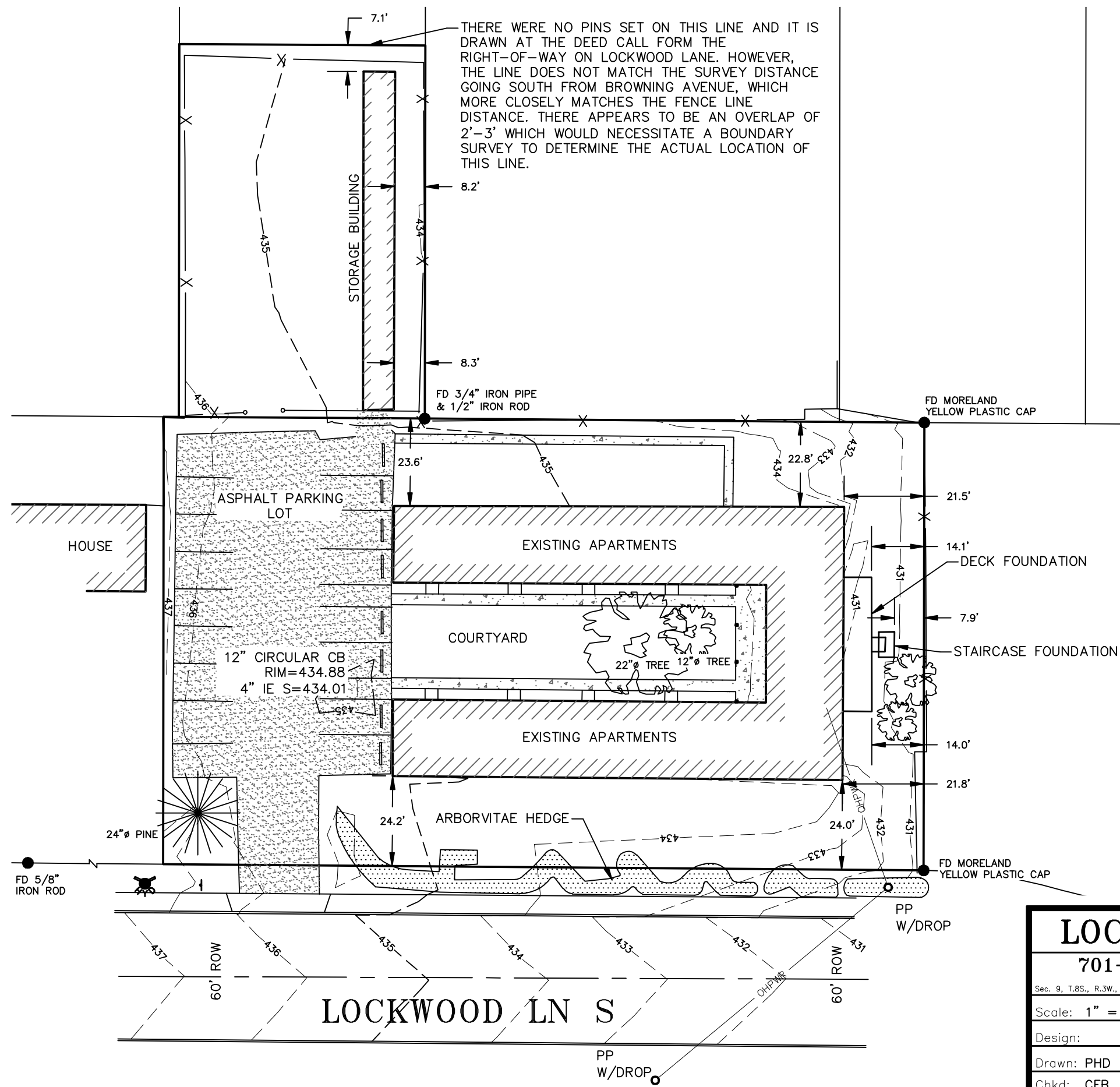


Exhibit G – Elevations and Floor Plans

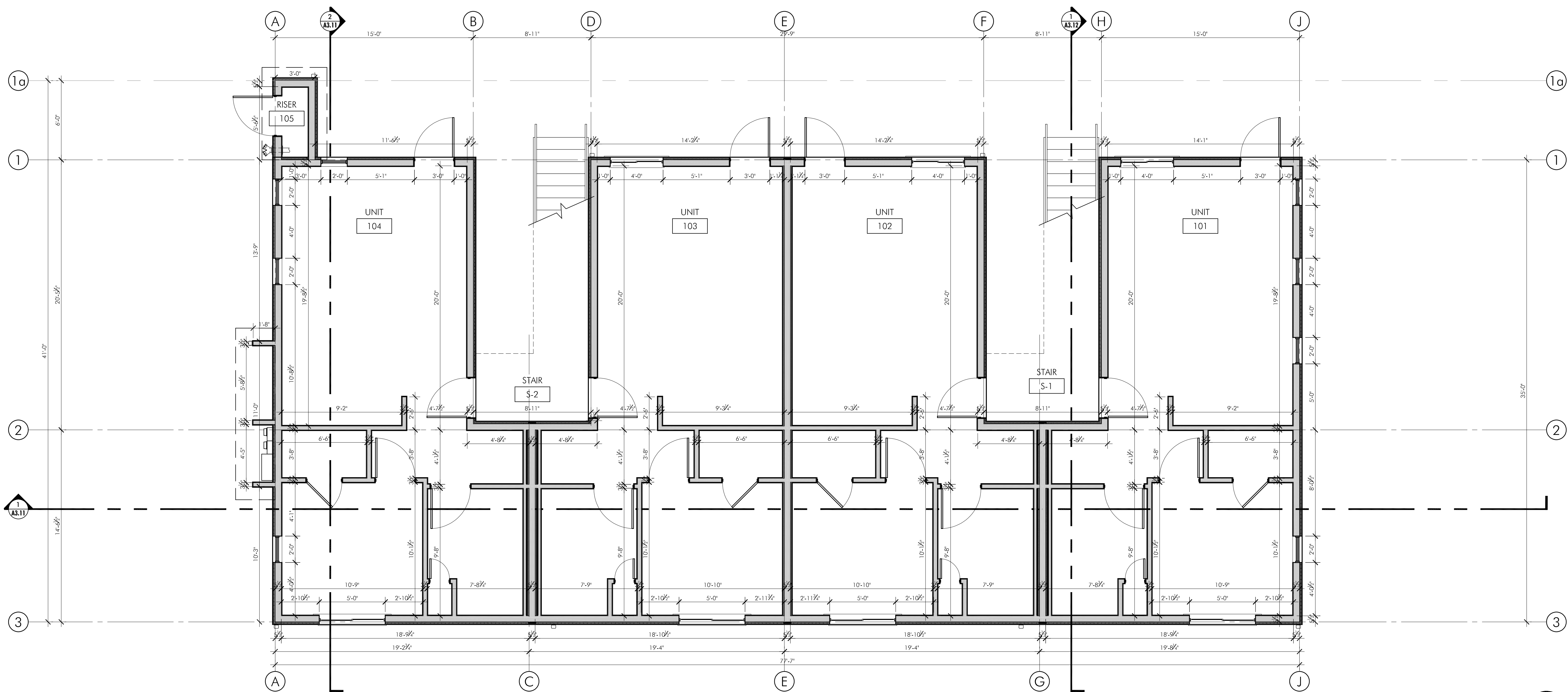
IN THE EVENT CONFLICTS ARE DISCOVERED
BETWEEN THE ORIGINAL SIGNED AND SEALED
DOCUMENTS PREPARED BY THE ARCHITECTS
AND/OR THEIR CONSULTANTS, AND ANY COPY OF
THE DOCUMENTS TRANSMITTED BY MAIL, FAX,
ELECTRONICALLY OR OTHERWISE, THE ORIGINAL
SIGNED AND SEALED DOCUMENTS SHALL COVER.

PROJECT # 2020-051
DATE: 24 JAN 2022
REVISIONS

NEW APARTMENT BUILDING:
L O C K W O O D
701 LOCKWOOD STREET SE, SALEM, OREGON

SHEET

A1.31



1 LEVEL 01 - DIMENSION PLAN

0' 1' 2' 4' 8' 12' 1/4" = 1'-0" @ 22X34



GENERAL NOTES:

1. GENERAL NOTES APPLY TO ALL DRAWINGS.

2. CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE DRAWINGS AND ON THE JOB SITE PRIOR TO EXECUTION OF ANY WORK, AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCY. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS INCURRED DUE TO HIS FAILURE TO DO SO.

3. WHERE THE INTENT OF THE DRAWINGS IS IN DOUBT, OR WHERE THERE APPEARS TO BE AN ERROR ON THE DRAWINGS, OR WHERE THERE IS A DISCREPANCY BETWEEN THE DRAWINGS AND THE FIELD, THE ARCHITECT (AND ENGINEER WHERE APPLICABLE) SHALL BE NOTIFIED AS SOON AS REASONABLY POSSIBLE FOR THE PROCEDURE TO FOLLOW. DO NOT SCALE THE DRAWINGS.

4. ALL REVISIONS MUST BE APPROVED IN WRITING BY BOTH THE OWNER AND THE ARCHITECT PRIOR TO THE CONSTRUCTION OF ANY DEVIATION IN THE SCOPE OF WORK.

5. DIMENSIONS ARE TO FACE OF FRAMING OR FACE OF CONCRETE, U.N.O. DIMENSIONS STATED AS CLEAR ARE TO FACE OF FINISH.

6. ALL DOORS TO BE 3" FROM FACE OF FRAMING TO ROUGH OPENING, U.N.O.

7. ALL OPENINGS ARE DIMENSIONED FROM CENTER OF OPENING TO FACE OF FRAMING, U.N.O.

8. SEE STRUCTURAL DRAWINGS FOR SHEAR WALL LOCATIONS. WHERE NON-SHEAR WALLS ARE IN THE SAME PLANE, CONTINUE SHEATHING LAYER TO NEAREST CORNER TO ENSURE CONTINUITY.
9. WALL MATERIAL MAY CHANGE AT WALL INTERSECTIONS, REVIEW SECTIONS AND ELEVATIONS FOR ADDED INFORMATION.

10. PROVIDE FIRE BLOCKING IN CONCEALED SPACES OF WALLS, PARTITIONS AND FURRED SPACES AT 10'-0" O.C. IN ALL DIRECTIONS AND AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES.

11. ADDITIONAL FRAMING, BLOCKING AND FINISHES SHALL BE PROVIDED AS REQUIRED FOR PLUMBING ACCESS PANELS.

12. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM WITH ALL STATE AND LOCAL JURISDICTIONS AND REGULATORS.

13. WHERE WALLS WITH DIFFERING LAYERS OF GYP ARE IN THE SAME PLANE, ADD ADDITIONAL LAYERS OF GYP TO ENSURE CONTINUOUS FINISH SURFACE. CONTINUE ADDITIONAL LAYERS TO NEAREST CORNER.

14. AT ALL BATH AND TOILET ROOMS, AS WELL AS ALL WET WALLS IN KITCHENS, PROVIDE WATER RESISTANT GYPSUM BOARD AS FACE LAYER ON ALL GYPSUM BOARD WALL AND CEILING ASSEMBLIES.

15. REFER TO CODE REVIEW SHEETS FOR FIRE RATING. REFER TO WALL TYPES SHEETS FOR CONSTRUCTION OF WALLS AND FLOORS IN RATED CONDITIONS.

16. PROVIDE UL APPROVED THROUGH PENETRATIONS AND MEMBRANE PENETRATION FIRESTOP SYSTEMS AS REQUIRED BY CODE AT ALL ELECTRICAL, PLUMBING AND MECHANICAL PENETRATION IN FIRE RATED ASSEMBLIES.

FLOOR PLAN KEYNOTES:

1. WATER HEATER.

2. CLOSET SHELF AND ROD, PAINTED.

3. STACKED WASHER DRYER UNIT.

4. ACCESSIBLE STACKED WASHER/DRYER UNIT.

5. ELECTRICAL PANEL WITH 30" x 48" CLEAR SPACE.

6. RADON MITIGATION, SEE DETAIL #/A5.4#.

7. ELECTRIC WALL HEATER.

8. PTHP.

9. FDC (FIRE DEPARTMENT CONNECTION).
10. PROVIDE SIGN AT DOOR INDICATING FIRE RISER ROOM.

11. CONCRETE PATIO, SLOPE 1/4" PER 12' AWAY FROM BUILDING.

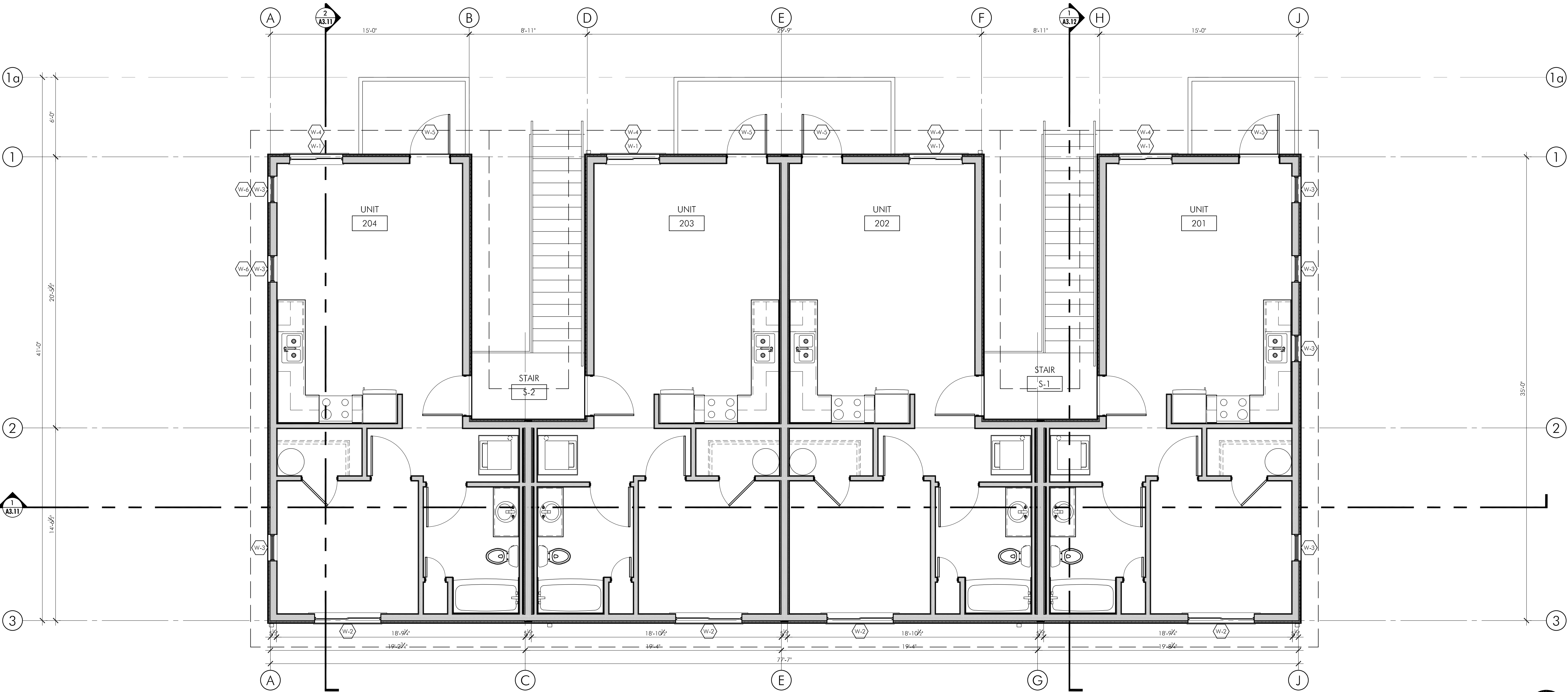
12. LAUNDRY UPPERS, SEE DETAIL 4-A/A2.51

13. RECESSED FIRE EXTINGUISHER CABINET WITH FIRE EXTINGUISHER.

14. DECORATIVE SCREEN, SEE DETAIL #/A5.2#

15. WOOD BALCONY WITH WOOD GUARDRAIL, SEE DETAIL #/A5.2#.

16. PREFINISHED METAL DOWNSPOUT.



1 LEVEL 02 - FLOOR PLAN

0' 1' 2' 4' 8' 12' 1/4" = 1'-0" @ 22X34

IN THE EVENT CONFLICTS ARE DISCOVERED BETWEEN THE ORIGINAL SIGNED AND SEALED DOCUMENTS PREPARED BY THE ARCHITECTS AND/OR THEIR CONSULTANTS, AND ANY COPY OF THE DOCUMENTS TRANSMITTED BY MAIL, FAX, ELECTRONICALLY OR OTHERWISE, THE ORIGINAL SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

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SHEET

A1.22

GENERAL NOTES:

1. GENERAL NOTES APPLY TO ALL DRAWINGS.
2. CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE DRAWINGS AND ON THE JOB SITE PRIOR TO EXECUTION OF ANY WORK, AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCY. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS INCURRED DUE TO HIS FAILURE TO DO SO.
3. WHERE THE INTENT OF THE DRAWINGS IS IN DOUBT, OR WHERE THERE APPEARS TO BE AN ERROR ON THE DRAWINGS, OR WHERE THERE IS A DISCREPANCY BETWEEN THE DRAWINGS AND THE FIELD, THE ARCHITECT (AND ENGINEER WHERE APPLICABLE) SHALL BE NOTIFIED AS SOON AS REASONABLY POSSIBLE FOR THE PROCEDURE TO FOLLOW. DO NOT SCALE THE DRAWINGS.
4. ALL REVISIONS MUST BE APPROVED IN WRITING BY BOTH THE OWNER AND THE ARCHITECT PRIOR TO THE CONSTRUCTION OF ANY DEVIATION IN THE SCOPE OF WORK.
5. DIMENSIONS ARE TO FACE OF FRAMING OR FACE OF CONCRETE, U.N.O. DIMENSIONS STATED AS CLEAR ARE TO FACE OF FINISH.
6. ALL DOORS TO BE 3" FROM FACE OF FRAMING TO ROUGH OPENING, U.N.O.
7. ALL OPENINGS ARE DIMENSIONED FROM CENTER OF OPENING TO FACE OF FRAMING, U.N.O.
8. SEE STRUCTURAL DRAWINGS FOR SHEAR WALL LOCATIONS. WHERE NON-SHEAR WALLS ARE IN THE SAME PLANE, CONTINUE SHEATHING LAYER TO NEAREST CORNER TO ENSURE CONTINUITY.
9. WALL MATERIAL MAY CHANGE AT WALL INTERSECTIONS, REVIEW SECTIONS AND ELEVATIONS FOR ADDED INFORMATION.
10. PROVIDE FIRE BLOCKING IN CONCEALED SPACES OF WALLS, PARTITIONS AND FURRED SPACES AT 10'-0" O.C. IN ALL DIRECTIONS AND AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES.
11. ADDITIONAL FRAMING, BLOCKING AND FINISHES SHALL BE PROVIDED AS REQUIRED FOR PLUMBING ACCESS PANELS.
12. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM WITH ALL STATE AND LOCAL JURISDICTIONS AND REGULATORS.
13. WHERE WALLS WITH DIFFERING LAYERS OF GYP ARE IN THE SAME PLANE, ADD ADDITIONAL LAYERS OF GYP TO ENSURE CONTINUOUS FINISH SURFACE. CONTINUE ADDITIONAL LAYERS TO NEAREST CORNER.
14. AT ALL BATH AND TOILET ROOMS, AS WELL AS ALL WET WALLS IN KITCHENS, PROVIDE WATER RESISTANT GYPSUM BOARD AS FACE LAYER ON ALL GYPSUM BOARD WALL AND CEILING ASSEMBLIES.
15. REFER TO CODE REVIEW SHEETS FOR FIRE RATING. REFER TO WALL TYPES SHEETS FOR CONSTRUCTION OF WALLS AND FLOORS IN RATED CONDITIONS.
16. PROVIDE UL APPROVED THROUGH PENETRATIONS AND MEMBRANE PENETRATION FIRESTOP SYSTEMS AS REQUIRED BY CODE AT ALL ELECTRICAL, PLUMBING AND MECHANICAL PENETRATION IN FIRE RATED ASSEMBLIES.

FLOOR PLAN KEYNOTES:

- 1

WATER HEATER.
- 2

CLOSET SHELF AND ROD, PAINTED.
- 3

STACKED WASHER DRYER UNIT.
- 4

ACCESSIBLE STACKED WASHER/DRYER UNIT.
- 5

ELECTRICAL PANEL WITH 30" x 48" CLEAR SPACE.
- 6

RADON MITIGATION, SEE DETAIL #/A5.4#.
- 7

ELECTRIC WALL HEATER.
- 8

PTHP.
- 9

FDC (FIRE DEPARTMENT CONNECTION).

10

PROVIDE SIGN AT DOOR INDICATING FIRE RISER ROOM.

11

CONCRETE PATIO, SLOPE 1/4" PER 12' AWAY FROM BUILDING.

12

LAUNDRY UPPERS, SEE DETAIL 4-A/A2.51

13

RECESSED FIRE EXTINGUISHER CABINET WITH FIRE EXTINGUISHER.

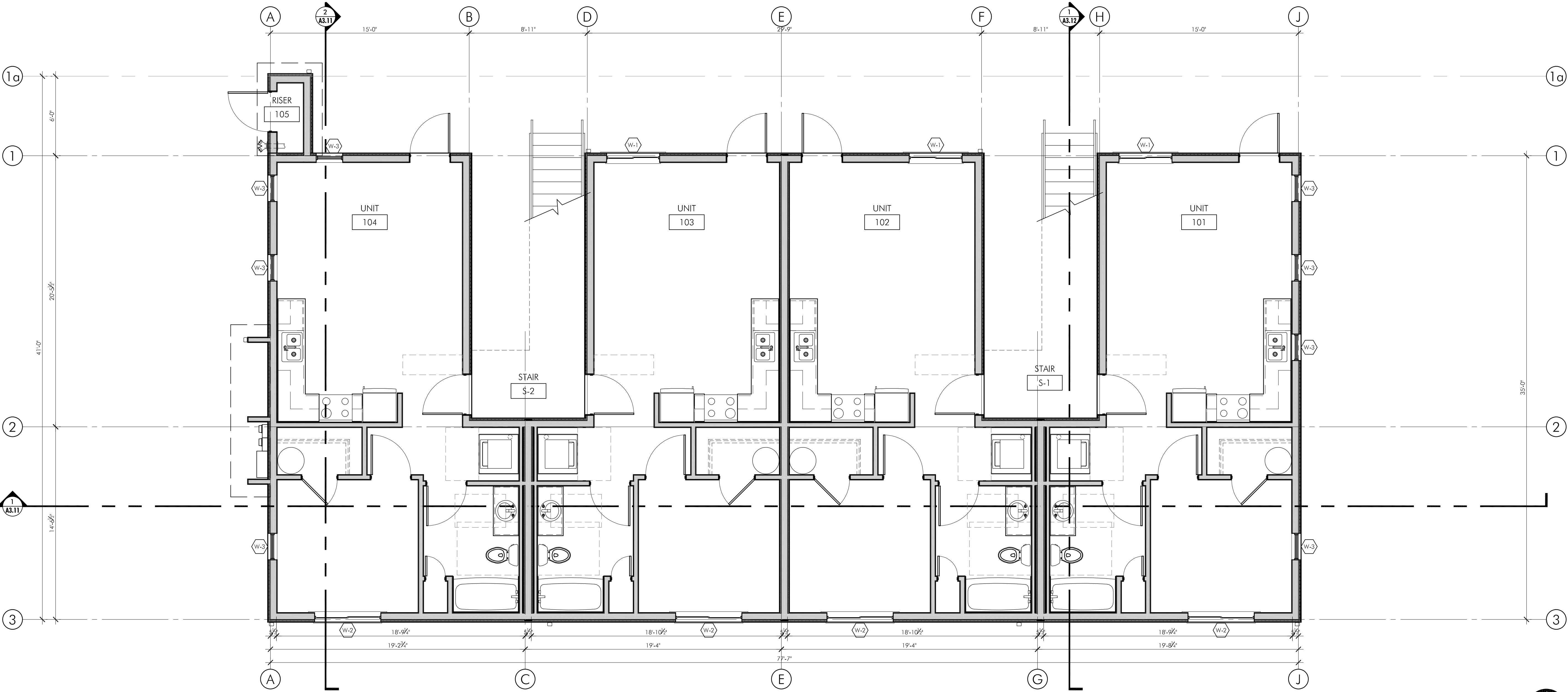
14

DECORATIVE SCREEN, SEE DETAIL #/A5.2#

15

WOOD BALCONY WITH WOOD GUARDRAIL, SEE DETAIL #/A5.2#.

16

PREFINISHED METAL DOWNSPOUT.

1 LEVEL 01 - FLOOR PLAN

0' 1' 2' 4' 8' 12' 1/4" = 1'-0" @ 22X34

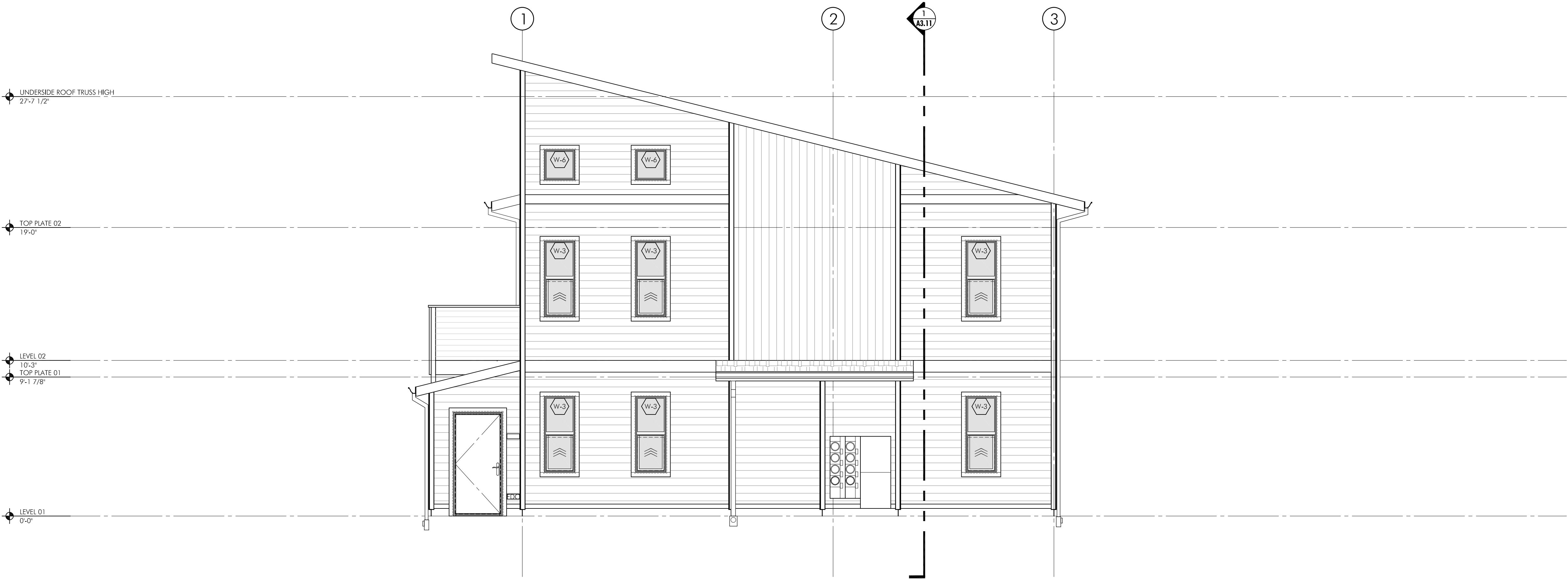
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A1.21



1 SOUTH ELEVATION

0' 1' 2' 4' 8' 12' 1/4" = 1'-0"

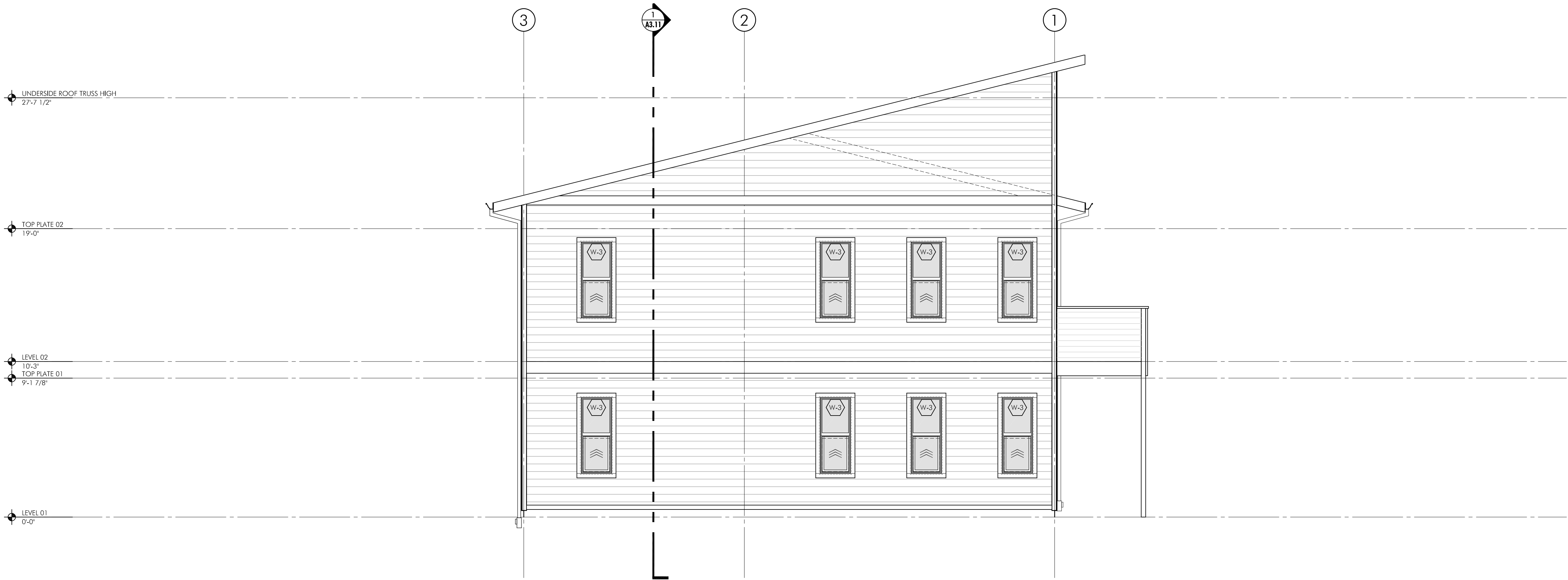


2 WEST ELEVATION

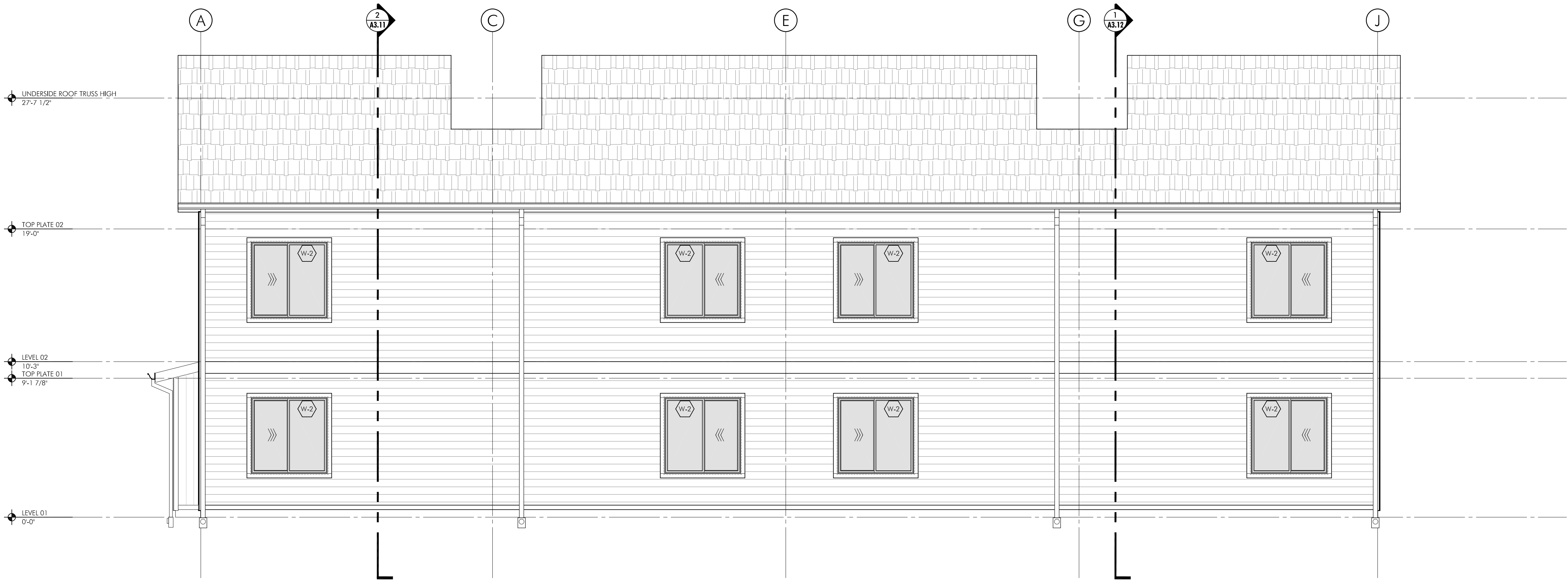
0' 1' 2' 4' 8' 12' 1/4" = 1'-0"

ELEVATION NOTES:

- 1 HORIZONTAL LAPPED FIBER CEMENT SIDING, 6" EXPOSURE, COLOR: PEPPERCORN, SW7674.
- 2 HORIZONTAL LAPPED FIBER CEMENT SIDING, 6" EXPOSURE, COLOR: CLASSIC FRENCH GRAY, SW0077
- 3 HORIZONTAL LAPPED FIBER CEMENT SIDING, 6" EXPOSURE, COLOR: BRICK PAVER, SW7599
- 4 VERTICAL FIBER CEMENT BOARD & BATT SIDING, COLOR: BRICK PAVER, SW7599
- 5 VERTICAL FIBER CEMENT BOARD & BATT SIDING, COLOR: EXTRA WHITE, SW7006
- 6 FIBER CEMENT PANEL SIDING, COLOR: PEPPERCORN, SW7674
- 7 3 1/2" TRIM BOARD AT ALL EXTERIOR CORNERS AND AROUND ALL OPENINGS, COLOR: BLACK MAGIC, SW6991
- 8 9 1/4" TRIM BOARD, COLOR: BLACK MAGIC, SW6991
- 9 6" TRIM BOARD, COLOR: BLACK MAGIC, SW6991
- 10 STAIR LANDING GUARDRAIL, SEE DETAIL 3/ A4.52.
- 11 WALL PACK LIGHT. SEE LIGHT SCHEDULE ON A6.01
- 12 FIBERGLASS CLAD ENTRY OR PATIO DOOR, PAINTED, COLOR: ACCENT COLOR, TBD
- 13 2x8 WOOD FASCIA BOARD, PAINTED, COLOR: BLACK MAGIC, SW6991
- 14 DOOR TO RISER ROOM, PROVIDE EXTERIOR SIGNAGE MOUNTED ADJACENT TO DOOR
- 15 COMPOSITION SHINGLE ROOFING
- 16 WOOD BALCONY. SEE DETAIL #/A2.5#
- 17 PTHP UNIT
- 18 FDC LOCATION WITH SIGNAGE



1 NORTH ELEVATION



2 EAST ELEVATION

ELEVATION NOTES:

- 1 HORIZONTAL LAPPED FIBER CEMENT SIDING, 6" EXPOSURE, COLOR: PEPPERCORN, SW7674.
- 2 HORIZONTAL LAPPED FIBER CEMENT SIDING, 6" EXPOSURE, COLOR: CLASSIC FRENCH GRAY, SW0077
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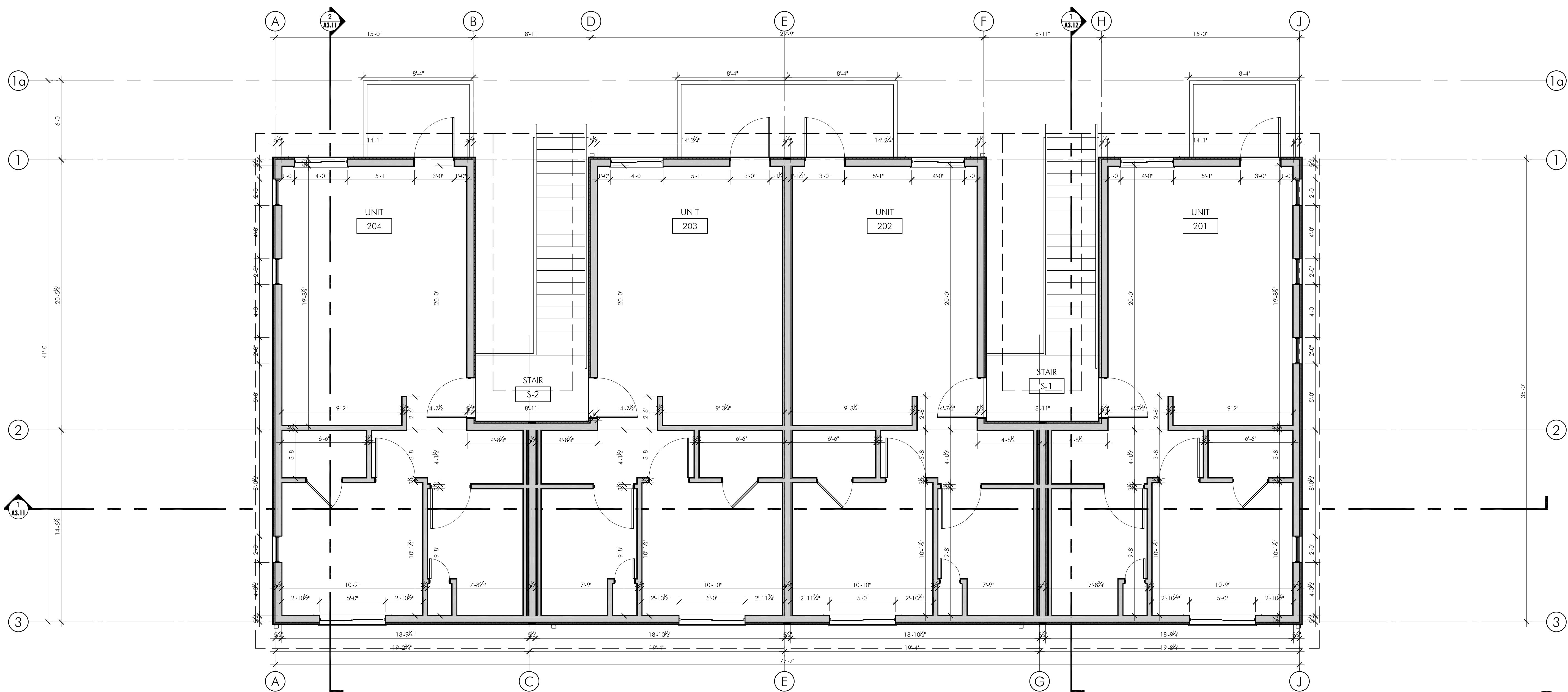
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SHEET

A1.32



1 LEVEL 02 - DIMENSION PLAN
0' 1' 2' 4' 8' 12' 1/4" = 1'-0" @ 22X34