

Conditional Use Permit, Site Plan Review, Design Review, Adjustments, Driveway Approach, and Replat in the City of Salem

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Submitted To: City of Salem Planning Department

Project Location: 102 Pine Street NE
Salem, OR

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Table of Contents

Section 1: Property Background and Request	3
Section 2: Existing Conditions	4
Section 3: Applicable Zoning Codes	4
Section 4: Findings Applicable to Administrative Procedures	8
Chapter 300 – Procedures for Land Use Applications and Legislative Land Use Proposals	8
Section 5: Findings Applicable to Conditional Use Permit.....	19
Chapter 240 – Conditional Use Permits.....	19
Section 6: Findings Applicable to Site Plan Review.....	23
Chapter 220 – Site Plan Review	23
Chapter 601 – Floodplain Overlay Zones	30
Chapter 800 – General Development Standards	30
Chapter 806 – Off-Street Parking, Loading, and Driveways.....	47
Chapter 807 – Landscaping and Screening	68
Section 7: Findings Applicable to Class 1 Design Review.....	74
Chapter 225 – Design Review	74
Chapter 551 – IC – Industrial Commercial	77
Chapter 702 – Multiple Family Design Review Standards	81
Section 8: Findings Applicable to Class 2 Adjustments.....	91
Chapter 250 – Adjustments	91
Section 9: Findings Applicable to Class 2 Driveway Approach Permit.....	95
Chapter 804 – Driveway Approaches.....	95
Chapter 805 – Vision Clearance	101
Section 10: Findings Applicable to Replat.....	104
Chapter 205 – Replat	104
Section 11: Conclusion	110
Section 12: Exhibits	110
Exhibit A – Site Plan	111
Exhibit B – Deed	112
Exhibit C – Pre-Application Conference Waiver.....	113
Exhibit D – Neighborhood Association Contact	114

Exhibit E – Existing Conditions Plan 115

Exhibit F – Trip Generation Estimate Form 116

Arial View of Subject Property and Existing Development – East Pine



Section 1: Property Background and Request

The applicant, Clutch Industries, Inc. (Clutch Industries), is presenting a consolidated application, including a Conditional Use Permit, Site Plan Review, Class 1 Design Review, Class 2 Adjustments, Class 2 Willamette Greenway Permit, and Replat.

Clutch Industries is a well-known community partner in Salem with a history of reinvigorating and revitalizing underutilized properties. This project is consistent with the theme of adaptive reuse of an existing development site. The subject property is located at 102 Pine Street NE in Salem. The proposal includes an apartment complex with 18 dwelling units proposed on site. Previously, the applicant proposed to vacate the alley which bisects their properties which are identified as Marion County Map and Tax Lot numbers 073W15DA 05000 and 05100. The request to vacate the alley was discussed during pre-application conference number 20-119276-PA. The pre-application conference identified previous land use actions that had been approved for the development of single-family dwellings or duplexes on the underlying eight platted lots (application number CU-WGP-ADJ17-04). After learning vacation of the alley would

not be supported, the applicant revised their development plan and is submitting this land use package for permit approval. The applicant is submitting two separate land use applications. One for West Pine (abutting the river) and one for East Pine (across the alley). The intention is for the development to function as one cohesive complex with amenities serving both pieces, but the Salem Revised Code requires two separate submittals because of the alley which runs in between.

Section 2: Existing Conditions

The development site is approximately .6 acres in size and is described as Marion County Assessor Map and Tax Lots 073W15DA 05000.

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 “River Oriented Mixed Use” (ROM). 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: Across Pine Street NE, ROM “River Oriented Mixed Use”

South: ROM “River Oriented Mixed Use”

East: Across Front Street NE, IC “Industrial Commercial”

West: Across the alley (applicant’s property), ROM “River Oriented Mixed Use”

The subject property is zoned IC (Industrial Commercial). Surrounding properties are zoned as follows:

North: Across Pine Street NE, IC (Industrial Commercial)

South: IC (Industrial Commercial)

East: Across Front Street NE, IC (Industrial Commercial)

West: Across the alley (applicant’s property), IC (Industrial Commercial)

Section 3: Applicable Zoning Codes

Salem Revised Code Chapter 205 – Replat

Section 205.025 Replat

Section 205.030 Additional Submittal Requirements

Section 205.035 Final Plat

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 240 – Conditional Use Permit

Section 240.005 – Conditional Use Permits

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

Salem Revised Code Chapter 551 – IC – Industrial Commercial

Section 551.005 – Uses

Section 551.010 – Development Standards

Section 551.015 – Design Review

Salem Revised Code Chapter 601 – Floodplain Overlay Zone

Section 601.001 – Lands to Which this Chapter Applies

Section 601.045 – Establishment of Development Permit

Section 601.050 – Variance Procedure

Section 601.055 – Compliance and Penalties for Noncompliance

Section 601.060 – Suspension, Revocation, or Appeal

Section 601.065 – Failure to Maintain Site Conditions

Section 601.070 – Provisions for Flood Hazard Reduction

Section 601.090 – Native Vegetation

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 807.015 – Landscaping and Screening

Section 807.020 – Landscaping Plan

Section 807.025 – Plant Material Standards

Section 807.030 – Tree Protection Measures During Construction

Section 807.035 – Installation

Section 807.040 – Irrigation

Section 807.045 – Maintenance

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: *The applicant understands Table 300-1 sets forth the four procedure types for land use actions within the City of Salem. This consolidated application will be reviewed using Type III procedures. Type III applications are quasi-judicial. Because the consolidated application includes a Conditional Use Permit, the review authority is the City of Salem Hearings Officer. "Type III procedure is used when the standards and criteria require discretion or legal judgment in their application. Decisions on Type III applications are made by the Hearings Officer, Historic Landmarks Commission, or Planning Commission. Public notice and hearing are required. The decision may be appealed."*

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

Applicant's Findings: *This is a consolidated application for Conditional Use Permit, Site Plan Review, Class 1 Design Review, Class 2 Adjustments, Class 2 Driveway Approach Permit, and Replat. In accordance with Table 300-1, a Conditional Use Permit is a Type III application. Because the applications are being processed consolidated, the entire review is subject to the Type III application procedures and the applicant understands this.*

- (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.*

- (d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

Applicant's Findings: *The application is subject to Type III land use procedures. 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 the City of Salem Hearings Officer, as the consolidated application includes a conditional use permit and will be reviewed using the Type III 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, and 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 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 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 the City of Salem Hearings Officer and the review is Type III.*

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 III applications may be initiated by the City where identified in the UDC for specific application type.

Applicant's Findings: *The applicant and property owner is initiating the Type III application. This criterion is not applicable.*

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

Applicant's Findings: *The submittal does not include Type IV applications. This criterion is not applicable.*

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 form. 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: *An application form identifying all of the requested review types is included with all of the minimum required information listed above.*

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

Applicant's Findings: *The recoded property deed is included with the application submittal.*

(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: *The applicant received a waiver of pre-application conference approval on November 23, 2021. The waiver is included with this application submittal.*

- (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: *On April 21, 2022, the applicant's representative contacted the Highland Neighborhood Association chair and land use chair providing information about the proposal. The contact was made in writing and submitted via email. A copy of the correspondence is included with this application submittal.*

- (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: *On April 21, 2022, the applicant's representative contacted the Highland Neighborhood Association chair and land use chair providing information about the proposal. The contact was made in writing and submitted via email. A copy of the correspondence is included with this application submittal.*

- (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 within the 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: *The Salem-Keizer Transit District was not engaged prior to the submittal of this land use application.*

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

Applicant's Findings: *This document is the written statement addressing each applicable approval criterion and standards.*

- (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 part of a Homeowner's Association registered with the Oregon Secretary of State. This criterion 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 with the submittal of this application; no additional information will be required to be submitted and staff will be able to prepare a recommendation to the Hearings Officer with the information provided. However, if staff identifies a deficiency in the information provided, the applicant will provide information as reasonably requested.*

- (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 with the submittal of this application; no additional information will be required to be submitted and staff will be able to prepare a recommendation to the Hearings Officer with the information provided. However, if staff identifies a deficiency in the information provided, the applicant will provide information as reasonably requested.*

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

Applicant's Findings: *The applicant will pay the applicable application fees pursuant to SRC 110.090 once staff populates them to the PAC Portal. 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 that 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 will be able to deem the application complete.*

- (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 application is able to be deemed complete and a favorable recommendation will be presented to the Hearings Officer.*

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

Applicant's Findings: *The applicant understands the review of the application will commence once it has been deemed complete.*

- (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: *The applicant understands their three options should staff issue a letter of incomplete application for this submittal.*

- (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 the 180-day rule and if a revised submittal is not provided, or direction to deem the application complete in writing is not provided, the application will be void.*

- (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 if a revised submittal is not provided, or direction to deem the application complete in writing is not provided, the application will be void.*

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 received an approved pre-application conference waiver from the*

Planning Administrator on November 23, 2021. The approved waiver is included with this application submittal and satisfies the pre-application conference requirements.

(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.

Applicant's Findings: *Pursuant to Table 300-2, a pre-application conference is required for this land use application type. As stated previously, the applicant received a pre-application conference waiver. The waiver satisfies the pre-application conference requirements.*

(2) Nothing in this section shall preclude an applicant from voluntarily requesting a pre-application conference for any other land use action.

Applicant's Findings: *The applicant understands they may voluntarily elect to have a pre-application conference.*

(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 purpose of requiring a pre-application conference. The applicant received an approved pre-application conference waiver from the Planning Administrator on November 23, 2021. The approved waiver is included with this application submittal and satisfies the pre-application conference requirements.*

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, especially when working toward an adaptive reuse of an under-utilized development site. A letter was email to the Highland Neighborhood Association Chair and Land Use Chair. A copy of the correspondence is provided with this application submittal.*

(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: *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 with this application submittal.*

- (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 applicant understands because the application is consolidated, the entire package requires notice to the neighborhood association. As provided in the letter to the neighborhood association, the applicant listed each application being requested and provided site plans to demonstrate what the proposal will look like.*

- (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 they may, at their own will, contact a neighborhood association and the code does not preclude contact for applications that do not require it.*

- (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 stated previously, the applicant emailed a letter to the neighborhood association which meets all the above listed criteria.

(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 required notice to the neighborhood association was made and is included with this application submittal. The criterion is met.

Section 5: Findings Applicable to Conditional Use Permit

Chapter 240 – Conditional Use Permits

Section 240.005 – Conditional Use Permits

(a) *Applicability.*

(1) No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this chapter.

Applicant's Findings: The applicant is presenting an application for a multiple family development on the subject site which is zoned IC. Within the IC zone, multiple family uses require a conditional use permit. No development has taken place prior to land use approval for the proposed development. This criterion is met.

(2) No use for which a conditional use permit has been granted shall be expanded, relocated, or changed to another conditional use, and no building or structure devoted to such use shall be structurally altered or enlarged, unless a new conditional use permit, or a modification of an existing conditional use permit, has been granted pursuant to this chapter for such expansion, relocation, change, structural alteration, or enlargement; provided, however, a new conditional use permit, or modification of an existing conditional use permit, shall not be required for interior construction or tenant improvements that involve no change of use, or for alterations required to address a building code violation or to comply with the Americans with Disabilities Act.

Applicant's Findings: The applicant understands no development can take place without the granting of a conditional use permit.

- (b) *Procedure type.* A conditional use permit is processed as a Type III procedure under SRC chapter 300.

Applicant's Findings: *The applicant understands the conditional use permit is a Type III procedure. The applicant has consolidated all of the applications required for approval and the entire land use submittal will be reviewed using the Type III procedures.*

- (c) *Submittal requirements.* In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for a conditional use permit 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 the following information:
 - (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) Loading areas, if included with proposed development;
 - (D) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (E) 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;
 - (F) The location of all trees and vegetation required to be protected under SRC chapter 808; and
 - (G) 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: *All of the required information is included with this land use application submittal. This criterion is met.*

- (2) An existing condition 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 and whether they are to be removed;

- (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: *An existing conditions plan is included with this application submittal. This criterion is met.*

- (3) A completed Trip Generation Estimate for the proposed development, on forms provided by the City.

Applicant's Findings: *The applicant has completed a trip generation estimate form and included it with this application submittal. This criterion is met.*

- (4) A traffic impact analysis, if required SRC chapter 803.

Applicant's Findings: *In accordance with Chapter 803.015, An applicant shall provide a traffic impact analysis if one of the following conditions exists:(1)The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.(2)The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.(3)The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards. It is not anticipated any of these conditions exist. The applicant is submitting a TGE to the traffic engineer as confirmation. If the City of Salem's Traffic Engineer identifies, based on the information listed in this section, that a TIA is required, one will be provided.*

- (d) *Criteria.* An application for conditional use permit shall be granted if all of the following criteria are met:

- (1) The proposed use is allowed as a conditional use in the zone;

Applicant's Findings: *As identified throughout this narrative, the subject property is zoned IC. In accordance with SRC Chapter 551, Table 551-1 Uses, multiple family uses are listed as a conditional use within the zone. This criterion is met.*

- (2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and

Applicant's Findings: *The development site is surrounded on all sides by other IC zoned properties which are developed with a mix of business types both commercial and light industrial. There is also a church and a technical trade school in the immediate vicinity of the*

development site. The development site abuts the Willamette River along its western border, Pine Street NE along its northern border, IC zoned property along its southern border, and an alley along its eastern border. On the other side of the alley, the applicant is proposing to develop a matching multiple family use with an additional 18-dwelling units. Though the uses in the area are varied, the proposed development is compatible with the mix of uses and the live/work intent of the River Oriented Mixed Use comprehensive plan designation.

The applicant addresses the development standards within this narrative under Section 7. The development standards implemented by the code are put in place to mitigate impacts of certain uses on other uses, by meeting the standards to the greatest extent practical, the applicant is mitigating the impact of their development on surrounding existing uses as well is mitigating the impact of the surrounding use on their proposed development and the future livability. There are fairly large, proposed setbacks and vast landscaped areas proposed which also aids in the compatibility of the mixed uses throughout the area.

Based on the size, scale, orientation, 18 dwelling units, and site enhancements being proposed, it is not anticipated conditions will need to be imposed on the multiple family development to minimize impacts from the proposal on surrounding properties. This criterion is met.

- (3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Applicant's Findings: *The applicant is proposing a multiple family development within the IC zone. Multiple family developments are subject to the design review standards of Chapter 702. These standards include larger setbacks, heavier landscaping and screening, and open space. These are all items which mitigate the impacts of other uses on the multiple family development and vice versa. It was previously noted the variety of uses work cohesively to implement the intent of the River Oriented Mixed Use Comprehensive Plan designation. The Salem Area Comprehensive Plan includes policies and goals for residential developments. Within the SACP it is indicated that multiple family development should be located in areas that provide walking, auto, or transit connections to 1) Employment Center, 2) Shopping Areas; 3) Transit Service, 4) Parks, and 5) Public Buildings. The development site has direct access to Pine Street NE and is four blocks west of the 15-minute service route for Cherriots Core Network. People residing within the development will have access to all of the five critical items listed within the SACP as being important components for multiple family developments. Additionally, the area has a robust pedestrian network which will be enhanced by the development of the property. All modes of transportation will be supported by the development including pedestrian, bicycle, vehicular, and public.*

The development site is half a mile from the Highland City park, which is a 10-minute walk. Additionally, the proposal includes a vast open space area abutting the Willamette River providing opportunities for passive and active recreation by residents. Highland Elementary,

Waldo Middle School, and North Salem High School are the schools serving the students within the area. Students will likely be able to ride the bus to school, ride their bikes, or walk as the transportation system within the area is complex and complete.

The proposed multiple family use is consistent with the goals and policies of the Salem Area Comprehensive Plan for multiple family residential development and siting as demonstrated within this narrative. This criterion is met.

- (e) *Transfer of conditional use permit.* Unless otherwise provided in the decision granting the conditional use permit, conditional use permits shall run with the land.

Applicant's Findings: *The applicant understands if the land transfers ownership and a conditional use permit is granted, the rights executed by the conditional use permit will run with the land and be granted to the new property owner.*

Section 6: Findings Applicable to 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;
- (B) Prior to a change of use, when a building permit is not otherwise required; and
- (C) 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 or vehicle use areas;
- (ii) Expansion of an existing off-street parking or vehicle use areas, when additional paved surface is added;
- (iii) Alteration of an existing off-street parking or vehicle use areas, when the existing paved surface is replaced with a new paved surface;
- (iv) Paving of an unpaved area; and
- (v) Restriping of an off-street parking or vehicular use areas, when the layout will be reconfigured.

Applicant's Findings: The applicant is seeking approval to construct a multiple family development with 18-dwelling units and the modification of an existing parking area which requires a building permit and triggers the applicability of Site Plan Review.

(2) Exemptions.

(A) The following development that requires a building permit is exempt from site plan review:

- (i) Development of a single-family use, two family use, three family use, four family use, or cottage cluster on an individual lot, including the construction of accessory structures and paving associated with such uses.
- (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 or occupancy.
- (vi) Demolition permit.
- (vii) Construction of a fence.

(B) Any of the activities identified under subsection (a)(1)(C) of this section are exempt from site plan review if they are for a single-family use, two family use, three family use, four family use, or cottage cluster 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 under subsection (a)(1) of this section that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves either:

- (A) A change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or
- (B) A change of use when a building permit is not otherwise required.

- (2) *Class 2 site plan review.* Class 2 site plan review is site plan review for any development under subsection (a)(1) of this section, other than development subject to Class 1 site plan review, which 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 site plan review for any development under subsection (a)(1) of this section 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) Involves the imposition of conditions of approval; or
 - (G) Requires a variance, adjustment, or conditional use permit.

Applicant's Findings: *The proposal is consolidated with a Conditional Use Permit, Design Review, Class 2 Driveway Approach Permit, Adjustments, and a Replat, which triggers a Class 3 Site Plan Review.*

(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 application is being consolidated with a Conditional Use Permit which uses Type III procedures.*

(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).

(e) *Submittal requirements for Class 2 and Class 3 site plan review.*

(1) *Class 2 site plan review.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:

- (A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;
 - (iii) Loading areas, if included in the proposed development;
 - (iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;
 - (v) An indication of future phases of development on the site, if applicable;

- (vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;
 - (vii) 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;
 - (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
 - (ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86; and
 - (x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
- (B) 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:
- (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and
 - (iii) The location of the 100-year floodplain, if applicable.
- (C) A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.
- (D) A completed trip generation estimate for the proposed development, on forms provided by the City.
- (E) Building elevation drawings for any proposed new buildings and any exterior additions or alterations to existing buildings when the height of the building, or a portion of the building is changed.
- (F) For development in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, architectural drawings, renderings, or sketches showing

all elevations of the existing buildings and the proposed buildings as they will appear on completion.

(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 1 site plan review.* An application for a Class 1 site plan review shall be granted if:

- (A) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;
- (B) Only construction or improvements to the interior of the building or structure will be made;
- (C) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or buffer yards;
- (D) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and
- (E) The application meets all applicable standards of the UDC.

Applicant's Findings: *The proposal does not trigger a Class 1 Site Plan Review; these criteria are not applicable.*

(2) *Class 2 site plan review.* An application for a Class 2 site plan review shall be granted if:

- (A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.
- (B) The application meets all the applicable standards of the UDC.

Applicant's Findings: *The proposal does not trigger a Class 2 Site Plan Review; these criteria are not applicable.*

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

- (A) The application meets all applicable standards of the UDC;
- (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;
- (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
- (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: *The applicant is seeking adjustments to some applicable standards. The needed adjustments are the minimum necessary to efficiently develop the property with the*

proposed multiple family use. The deviation from standards triggers the applicability of a Class 3 Site Plan Review.

Chapter 601 – Floodplain Overlay Zones

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 City of Salem's floodplain maps, the subject property falls within the 500-year floodplain, or the X5 flood hazard zone. The property has been subject to previous land use approvals and evaluated by both the Public Works and Planning departments. Historically, Public Works has provided comments regarding the subject property stating that upon review of the Flood Insurance Study and Flood Insurance Rate Maps, no regulated floodplain or floodway areas exist on the subject property even though it is mapped to be within the 500-year floodplain. Based on the determination made in the past by the Public Works Department, no conditions or restrictions should be placed on the proposed development as they relate to the floodplain overlay zone. The analysis concludes the property is not within a special flood hazard or interim flood hazard area and provisions of Chapter 601 are not applicable to the development proposal.*

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.

Section 800.015 – Lot Standards, Generally

- (a) *Lot shape and size.* In addition to meeting all applicable lot standards of the UDC, all lots intended for development, as far as practicable, shall be of a size and configuration so that their net remaining area exclusive of required setbacks, easements, riparian corridors, and mapped floodplain/floodway boundaries and wetlands is buildable.

Applicant's Findings: *With this proposed application, the applicant has included a replat. The property consists of Lots 1, 2, 3, and 4 of the Riverview Addition. The applicant is replating the property into a single unit of land that is rectangular in shape and 26,040 square feet in size. The applicant is consolidating the application with site plan review and design review for the proposed apartments which demonstrates the replated property is of adequate size and configuration to accommodate required setbacks and easements. No riparian corridors, mapped floodway/floodplain or wetland boundaries impact the subject site. As applicable, this criterion is met.*

- (b) *Buildings to be on a lot.* Every building or structure shall be entirely located on an individual lot. 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: Upon approval of the replat which is consolidated with this review, the newly planned building will be situated entirely on one individual lot. This criterion will be met.

- (c) *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: Upon approval of the replat, as shown on the exhibit prepared by Barker Surveying, all of the lot lines will run at right angles to the street and alley. No radial curves are included as the abutting rights-of-way are not curved.

Section 800.020 – Designation of Lot Lines

- (a) *Front lot line.* The front lot line shall be designated as set forth in this subsection (see Figure 800-1).

- (1) *Interior lot.* For an interior lot, the front lot line shall be the property line abutting the street.

Applicant's Findings: The subject property is not an interior lot. This criterion is not applicable.

- (2) *Corner lot.* For a corner lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension standards are met.

Applicant's Findings: The subject property abuts the intersection of Front Street NE and Pine Street NE with alley access along its western property line. The applicant understands they may choose to designate the front property line as either the north or east property line, provided all dimensional standards can be met. This criterion will be met.

- (3) *Double frontage lot.* For a double frontage lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension requirements are met.

Applicant's Findings: The subject property is not a double frontage lot. This criterion is not applicable.

- (4) *Flag lot.* For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in

which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat, which shall be recorded on deeds conveying lots.

Applicant's Findings: *The subject property is not a flag lot. This criterion is not applicable.*

- (5) *Other lots.* In the case of any lot not covered by subsections (a)(1) through (4) of this section, the front lot line shall be the property line that the architecturally designed front of the building faces.

Applicant's Findings: *Subsection (2) describes a corner lot, which the subject property most closely matches. This criterion is not applicable.*

- (b) *Rear lot line.* The rear lot line shall be designated as set forth in this subsection (see Figure 800-2).

- (1) *Generally.* For all lots, except those identified in subsection (b)(2) of this section, the rear lot line shall be the property line that is opposite and most parallel to, and located the greatest distance from, the front lot line.
- (2) *Trapezoidal, triangular, diamond, or other shaped lots.* For trapezoidal, triangular, diamond, or other shaped lots with a distance between the side lot lines at the rear of the lot of less than ten feet, the rear lot line for purposes of determining required setbacks shall be a line ten feet in width drawn between the side lot lines and located parallel to and at the maximum distance from the front lot line (see Figure 800-3).

Applicant's Findings: *The applicant has the option to designate the north or east property line as the front property line which would leave the west or south property line as the rear line. The property is rectangular in shape making subsection (b)(2) inapplicable to the proposed development. This criterion will be met.*

- (c) *Side lot line.* A side lot line is any lot line which is not a front or rear lot line.

Applicant's Findings: *The applicant understands the designation of their front property line will determine their rear and side lot lines. This criterion will be 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: *The applicant understands setbacks must be landscaped and unobstructed but that some architectural features may project into the required setbacks. The applicant is proposing to maintain the setbacks and no projections are proposed. This criterion will be 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 setbacks must be landscaped and unobstructed but that some architectural features may project into the required setbacks. The applicant is proposing to maintain the setbacks and no projections are proposed. This criterion will be met.*

(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 subject property is inside the UGB and corporate city limits, as are all of the abutting properties. Zone-to-zone setbacks abutting property outside city limits, or the urban growth boundary is not applicable to this proposal.*

(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 property abuts an alley along the western property line. The subject property also abuts public right-of-way along its north and east property lines. The applicant understands they have the ability to designate the front property line which would then determine the rear and side property lines. The property does not abut an interstate freeway or railroad right-of-way. Additionally, all surrounding properties are zoned IC, the same designation as the subject property and zone-to-zone setbacks are not applicable with the proposed multiple family use. As applicable, this criterion will be met.*

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: *There are no special setbacks effecting the subject property. The right-of-way for Pine Street NE along the property frontage is 66-feet wide and the right-of-way width for Front Street NE is 73-feet wide no additional widening or dedication will be required eliminating the need for a special setback. The criteria of this section are 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: *Within the IC zone, all uses are limited to a maximum building height of 70-feet. The applicant provided elevation drawings with this submittal. As shown, the buildings will be approximately 30-feet 6-inches in height, as measured using the methodology in SRC Chapter 112 Measurements. The proposed height does not exceed the maximum height allowed. No accessory structures are planned with this development. As applicable, the proposal meets this criterion.*

- (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 is not seeking an exception to the maximum building height of 70-feet within the IC zone. These criteria are 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: *In accordance with the Salem Capital Mall Area Map, the capitol mall district spans from D Street at its most northern point to Ferry Street as its most southern point and from High Street as its most western point and 13th Street as its most eastern point. The district is south of the subject property by more than 165-feet. Therefore, the provisions of this criterion are not applicable to the proposed multiple family development.*

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.

Applicant's Findings: Any fencing utilized on the development site will meet the standards of this section, including the provisions for uses falling under household living. As applicable, these criteria will be met.

- (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.

Applicant's Findings: The applicant understands the requirements of this section and will locate new plantings in accordance with this criterion. This criterion will be met.

- (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.

Applicant's Findings: *If a gate is utilized on site, the applicant understands it must conform to the provisions of SRC Chapter 800.050(a)(1) and cannot open into the right-of-way. Should the applicant choose to utilize a gate on site, those details will be provided at the time of building permit application for review and approval by City Staff. This criterion, if applicable, will be met.*

- (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 development site is relatively flat and retaining walls will not be utilized. This criterion is not applicable.*

- (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 applicant is seeking approval of a Class 2 Driveway Approach Permit and has provided detailed facts and findings related to the provisions of SRC Chapter 805 for vision clearance standards under Section 9 of this narrative. As applicable, the proposal meets this criterion.*

- (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.

Applicant's Findings: *The applicant understands fencing must be constructed of materials which were specifically designed for fencing. Type C landscaping is triggered with the multiple family use proposed. Type C landscaping includes a requirement for screening. The only interior property line on the subject property where screening is required is along the southern property*

line. The applicant may choose to fence the entire property and will show fence locations and materials proposed on the building plans at the time of building permit for review and approval by City staff.

- (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: *Walls will not be utilized with this development. This criterion is not applicable.*

- (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 selvale, 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 selvale.*

- (A) *Location.* Barbed wire and upturned barbed selvale 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, any industrial or public zone, and any zone where the fence will be used to enclose an electrical substation.

- (B) *Standards.* Where allowed as set forth this subsection, barbed wire or upturned barbed selvale shall comply with the following additional standards:

- (i) *Enclosure of livestock.* Fences with barbed wire or upturned barbed selvale 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; enclosure of electrical substations.* Fences with barbed wire or upturned barbed selvale located within a Retail Commercial (CR) or General Commercial (CG) Zone, within an industrial or public zone, or enclosing an electrical substation shall comply with the following:

- (a) The barbed wire or upturned barbed selvage shall be located more than six feet above grade;
- (b) 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;
- (c) The barbed wire or upturned barbed selvage shall not extend over a street or alley; and
- (d) 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.

Applicant's Findings: *If the applicant chooses to utilize fencing, it will not be constructed from hazardous materials and will be decorative in nature. These criteria are not applicable.*

(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:

- (a) 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.
- (b) A minimum one-foot separation shall be maintained between the electric fence and the surrounding non-electric fence or wall.
- (c) An electrical permit and inspection shall be obtained prior to installation.
- (d) 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.
- (e) 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.
- (f) 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: *Electric fencing will not be utilized. If a perimeter fence is installed, it will be decorative in nature. These criteria are 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: *The new exterior lighting is shown on the elevation plans provided. As detailed on the plans, the exterior lighting provided will not cast a glare onto any public right-of-way. The applicant understands all exterior lighting must meet this standard. 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: *All exterior lighting provided meets these requirements. As applicable, this criterion is met.*

Section 800.065 – Pedestrian Access

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

- (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) Except as otherwise provided in this subsection, 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).

Applicant's Findings: *The primary building entrances will be located along the western building face. As shown on the site plan, pedestrian connections are provided from each building entrance and lead to Pine Street NE. The same pedestrian connection also leads to Front Street NE. This criterion is met by the proposal.*

- (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: *The transit route is 0.3 miles away on Pine Street NE and Broadway Street NE. No pedestrian connection is required to a transit stop. This criterion is not applicable.*

- (C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if:
 - (i) The development site is a corner lot, and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or
 - (ii) The building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy.

Applicant's Findings: *The subject property is a corner lot abutting Pine Street NE and Front Street NE. As demonstrated on the site plan included with this submittal, the applicant is providing pedestrian connections to all abutting streets and to the alley abutting the property on the west side. This criterion is met.*

(2) *Connection between buildings on the same development site.*

- (A) Except as otherwise provided in this subsection, 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.
- (B) A pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if:

- (i) The buildings have a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street; and
- (ii) A public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances; or
- (iii) The buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.

Applicant's Findings: Only one building is proposed on the development site. This criterion is not applicable.

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

(A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance or where there is no building, through the parking area as provided in this subsection.

(i) The pedestrian connections shall be:

- (a) 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;
- (b) Spaced a minimum of two drive aisles apart; and
- (c) Connected to a pedestrian connection, or pedestrian connections, which 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:
 - (a) 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
 - (b) An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.

Applicant's Findings: *In accordance with this provision, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance. As demonstrated on the site plan provided, the off-street parking area is not 25,000 square feet in size, nor does it include four or more consecutive parallel drive aisles. This criterion is not applicable.*

- (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: *Parking structures and parking garages are not being utilized for this development. This criterion is not applicable.*

- (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 or cross the subject property. 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 applicant is proposing to take vehicular access to and from Pine Street along the north property line. No vehicular access is proposed to the property abutting to the south. This criterion is 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. Where a path or trail identified in the Salem Transportation System Plan (TSP) or Salem Comprehensive Parks System Master Plan is required, the path or trail shall conform to the applicable standards of the TSP or Salem Comprehensive Parks System Master Plan in-lieu of the standards in this subsection.

- (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: *All pedestrian connections are differentiated using hard surfacing materials, elevation changes, and landscaping, as shown on the site plan included with this application submittal. This criterion is met by the proposal.*

- (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: The compact parking spaces abutting the pedestrian connection along the east side of the off-street parking area are setback by additional landscaping. The 10 standard parking stalls abutting the pedestrian path will have wheel stops in accordance with this section to prevent cars from encroaching into the pedestrian area. This criterion is met.

- (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: Exterior lighting will be provided in the manners required by the SRC. Lighting is shown on the elevation drawings provided with this submittal. This criterion will be met.

- (d) ***Applicability of standards to development sites comprised of lots under separate ownership.***

- (1) When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.
- (2) Where the pedestrian access standards of this section would otherwise require additional pedestrian connections throughout the development site beyond just the lot, or lots, proposed for development and any contiguous lots under the same ownership, the required pedestrian connections shall be extended to the boundaries of the lot, or lots, proposed for development and any contiguous lots under the same ownership in order to allow for future extension of required pedestrian connections through the other lots within the development site in conformance with the standards in this section.

Applicant's Findings: The development site, upon approval of the replat, will be comprised of one lot under single ownership. This criterion is not applicable.

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

Section 806.005 – Off-Street Parking; When Required

- (a) ***General applicability.*** Except as otherwise provided in this section, 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 applicant is proposing a new multiple family development which includes 18-dwelling units. The proposed use triggers the applicability of SRC Chapter 806 for off-street parking and loading for uses other than single-family, two-family, three-family, and four-family. The applicant has provided complete findings to all applicable standards within this section.

- (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: The applicant is utilizing an existing paved area to develop the parking area required for the multiple family use. This adaptation is not considered an expansion or alteration to an existing nonconforming off-street parking area. These criteria do not apply.

Section 806.010 – Proximity of Off-Street Parking to use of 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) *Residential zones.* Within residential zones, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.

Applicant's Findings: The property is zoned IC which is not classified as a residential zone. This criterion is not applicable.

- (b) *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 subject property is zoned IC. In accordance with this criterion, the required off-street parking may be located within 500 feet of the development site, however, the proposal includes the required parking on the same site as the new development.*

- (c) *Central business district zone.* Within the Central Business (CB) Zone:
- (1) Off-street parking for customers may be located within 800 feet of the development site containing the use or activity it serves; and
 - (2) Off-street parking for employees or residents may be located within 2,000 feet of the development site containing the use or activity it serves.

Applicant's Findings: *The subject property is not within the CB zone. This criterion is not applicable.*

- (d) *South waterfront mixed-use zone.* Within the South Waterfront Mixed Use (SWMU) Zone, required off-street parking may be located anywhere within the South Waterfront Mixed Use (SWMU) Zone. Required off-street parking shall not be located in a different zone.

Applicant's Findings: *The subject property is not within the south waterfront mixed use zone. This criterion is not applicable.*

- (e) *Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Overlay Zone.* Within the Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.

Applicant's Findings: *The subject property does not fall within the Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Overlay Zones. This criterion is not applicable.*

- (f) *West Salem Central Business District Zone.* Within the West Salem Central Business (WSCB) Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.

Applicant's Findings: *The subject property does not fall within the West Salem Central Business zone. This criterion is not applicable.*

- (g) *Mixed Use-I (MU-I) and Mixed Use-II (MU-II).* Within the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.

Applicant's Findings: *The subject property does not fall within the Mixed Use-I or II zones. This criterion is not applicable.*

- (h) *Exception.* Notwithstanding subsections (a) through (g) of this section, where required off-street parking for non-residential uses is to be located off-site from the use or activity it serves, it shall only be located within a non-residential zone or in a zone where the use or activity it serves is allowed. Parking located off-site from the use or activity it serves cannot be used to exceed maximum parking requirements set forth under SRC 806.015(d).

Applicant's Findings: *The parking for the use is located on the same site. This criterion is not applicable.*

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: *The proposed development is located 0.3 miles from the Cherriots core network along Broadway Street NE. Because the core network is more than a quarter mile away, the development requires a minimum of one vehicular parking space per dwelling unit. The proposal includes 18-dwelling units and therefore requires 18 off-street parking spaces. As shown on the site plan included with this submittal, 31 parking spaces are proposed, meeting this criterion.*

- (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 proposal includes 31 off-street parking spaces, 18 of which are required. In accordance with this provision, 75 percent of the minimum required parking spaces may be compact spaces ($18 \times .75 = 13.5$ rounded to 14). As shown on the site plan included, 14 off-street parking spaces are proposed to be compact. The proposal meets this criterion.*

- (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 development requires 18 off-street parking spaces. Carpool and vanpool parking is not triggered by the proposal. 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 unless 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, off-street parking shall not exceed the amounts set forth in Table 806-2B. Parks and open space are exempt from maximum off-street parking standards.

Applicant's Findings: *In accordance with Table 806-2A, the maximum off-street parking spaces allowed is 2.5 times the minimum required ($18 \times 2.5 = 45$). The proposal includes 31 off-street parking spaces where the maximum allowed is 45. This criterion is met.*

(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 applicant is not seeking a reduction to the minimum required off-street parking for the proposed development. These criteria are 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 applicant is not seeking a reduction to off-street parking for the proposed multiple-family development. These criteria are 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.

Applicant's Findings: Method (1), above, is the method the applicant is choosing to provide parking for the multiple family development. The parking will be located on the same property. This criterion is met.

- (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.

Applicant's Findings: The applicant is the owner of the property where the parking will be located and is the same site where the new multiple family development will be constructed. This criterion is not applicable.

- (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 is the owner of the property where the parking will be located and is the same site where the new multiple family development will be constructed. This criterion is not applicable.

Section 806.035 – Off-Street Parking and Vehicle Use Area Development Standards for Uses of 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: *The proposal includes an alteration of an existing parking area, triggering the provisions of this section. The applicant has provided full and complete facts and findings demonstrating compliance with all applicable criteria.*

(b) *Location.*

- (1) *Generally.* Off-street parking and vehicle use areas shall not be located within required setbacks.

Applicant's Findings: *No portion of the vehicle use area encroaches into any required setback. This criterion is met.*

- (2) *Carpool and vanpool parking.* Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.

Applicant's Findings: *Carpool and vanpool parking is triggered when a minimum of 60 spaces is required for the proposed development. In this case, 18 off-street parking spaces are required. This criterion is not applicable.*

- (3) *Underground parking.* Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.

Applicant's Findings: *Underground parking is not being utilized for the proposed development. This criterion is not applicable.*

(c) *Perimeter setbacks and landscaping.*

(1) *Perimeter setbacks and landscaping, generally.*

(A) *Perimeter setbacks.* Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:

- (i) Off-street parking and vehicle use areas abutting an alley.
- (ii) Vehicle storage areas within the IG zone.
- (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.
- (iv) Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
- (v) Underground parking.

(B) *Perimeter landscaping.* Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.

Applicant's Findings: *As shown on the site plan included with the submittal, all of the required perimeter setbacks will be landscaped. Along the southern perimeter setback, Type C landscaping and screening is required as the proposal includes a multiple family use. In accordance with this section, setbacks and landscaping are not required abutting an alley, though the applicant has chosen to provide a setback with landscaping in this area. This criterion is met.*

(2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.

- (A) *Method A.* The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.
- (B) *Method B.* The off-street parking and vehicle use area shall be setback to accommodate a berm, the top of which shall be a minimum of 2.5 feet higher than the elevation of the abutting off-street parking or vehicle use area (see Figure 806-2). The berm shall have a slope no steeper than a 3:1 on all sides and shall be landscaped according to the Type A standard set forth in SRC chapter 807 with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties. Any portion of the berm that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.
- (C) *Method D.* The off-street parking and vehicle use area shall be setback a minimum six feet in conjunction with a minimum three-foot-tall brick, stone, or finished concrete wall (see Figure 806-4). The wall shall be located adjacent to, but entirely outside, the required setback. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807. Any portion of the wall that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.
- (D) *Method E.* The off-street parking and vehicle use area shall be setback a minimum of six feet to accommodate green stormwater infrastructure meeting the Public Works Design Standards.

Applicant's Findings: *In accordance with the provisions of the IC zone, a minimum 15-foot setback is required for vehicle use areas associated with multiple family uses. Type C landscaping and screening is required along the southern property line. Method A is applicable to this project and is met, as demonstrated on the site plan included with this application.*

- (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Applicant's Findings: In accordance with the provisions of the IC zone, a minimum 15-foot setback is required for vehicle use areas associated with multiple family uses. Type C landscaping and screening is required along the southern property line. The applicant demonstrates on the site plan included that they meet the more restrictive criterion.

- (4) *Setback adjacent to buildings and structures.* Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

Applicant's Findings: The applicant is providing a combination of landscaping and a pedestrian walkway between the building and the off-street parking area, as demonstrated on the site plan. The space between the building and the off-street parking area exceeds 13-feet. This criterion is met.

- (5) *Perimeter setbacks and landscaping for parking garages.* Perimeter setbacks and landscaping as set forth in subsection (c) of this section shall be required for parking garages; provided, however, perimeter setbacks and landscaping are not required for:
 - (A) Any portion of a parking garage with frontage on a street and containing ground floor uses or activities other than parking.
 - (B) Any parking garage within an industrial zone, public zone, or commercial zone, other than a CO zone, which abuts an interior front, side, or rear property line where there is no required building setback.
 - (C) Any parking garage abutting an alley.

Applicant's Findings: The proposal does not include a parking garage. This criterion is not applicable.

(d) *Interior landscaping.*

- (1) *Interior landscaping, generally.* Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:
 - (A) Vehicle storage areas.
 - (B) Vehicle display areas.
 - (C) Temporary and seasonal gravel off-street parking areas approved pursuant to SRC chapter 701.

- (D) Gravel off-street parking areas, approved through a conditional use permit.
- (E) Underground parking.
- (F) Parking garages.

Applicant's Findings: *The off-street parking area is just shy of 5,800 square feet, triggering the provisions of this section and requiring interior landscaping.*

- (2) *Minimum percentage of interior landscaping required.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

Applicant's Findings: *In accordance with Table 806-5, parking areas less than 50,000 square feet in size require a minimum of 5 percent of the parking area to be landscaped ($5,788 \times .05 = 289$). The off-street parking area requires a minimum of 289 square feet of interior landscaping be provided. As shown on the site plan included with the proposal, approximately 1,038 square feet of interior landscaping is proposed which exceeds the minimum 5 percent requirement. This criterion is met.*

- (3) *Trees.* A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.

Applicant's Findings: *As shown on the site plan attached and stated throughout this narrative, the applicant is proposing to provide 31 off-street parking spaces. The parking area requires two deciduous shade trees. At the time of building permit, the applicant will provide detailed landscape plans identifying the location and species of the trees provided. This criterion will be met.*

- (4) *Landscape islands and planter bays.* Landscape islands and planter bays shall have a minimum planting area of 25 square feet and shall have a minimum width of five feet (see Figure 806-7).

Applicant's Findings: *There are two large landscape islands within the off-street parking area. The landscape island on the west side of the parking area is approximately 597 square feet with a depth of approximately 24-feet and width of approximately 25-feet 8-inches. The landscape*

planter on the east side of the parking area is approximately 480 square feet with a depth of approximately 19-feet 6-inches and a width of approximately 23 feet. The dimensions of the proposed landscape islands exceed the minimum requirements of this section.

(e) *Off-street parking area dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6; provided, however, minimum off-street parking area dimensions shall not apply to:

- (1) Vehicle storage areas.
- (2) Vehicle display areas.

Applicant's Findings: *The proposed parking area dimensions meet the requirements set forth in Table 806-6 as they pertain to 90-degree parking stalls. As shown on the site plan included with this submittal, this criterion is met.*

(f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:

- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
- (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

Applicant's Findings: *The drive aisle width in the proposed development is approximately 24-feet 10-inches. A 24-foot drive aisle requires a 6-foot turn around and a 25-foot drive aisle requires a 5-foot turnaround. As shown on the site plan provided, an 8-foot turnaround is proposed. This criterion is met.*

(g) *Grade.* Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.

Applicant's Findings: *The parking area utilizes pavement existing from the previous development on the subject property. The property is relatively flat and at no point will the grades exceed 10 percent. No ramps will be utilized on the development site. As applicable, this criterion is met.*

(h) *Surfacing.* Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area counts towards meeting interior off-street parking area landscaping requirements but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:

- (1) Vehicle storage areas within the IG zone.

- (2) Temporary and seasonal gravel off-street parking areas approved pursuant to SRC chapter 701.
- (3) Gravel off-street parking areas, approved through a conditional use permit.

Applicant's Findings: *The vehicle use area is existing. The applicant is utilizing the existing pavement and reconfiguring it into the parking lot as proposed on the site plan included with this submittal. At the time of building permit, the applicant will submit complete civil plans detailing the surfacing and demonstrating that it meets the requirements of the Public Works Design Standards. This criterion will be met.*

- (i) ***Drainage.*** Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

Applicant's Findings: *At the time of building permit, the applicant will submit complete civil plans detailing the drainage and demonstrating the vehicle use area will be adequately drained. The project does not trigger GSI. This criterion will be met.*

- (j) ***Bumper guards or wheel barriers.*** Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property; provided, however, bumper guards or wheel barriers are not required for:
 - (1) Vehicle storage areas.
 - (2) Vehicle sales display areas.

Applicant's Findings: *The 10 standard stalls along the eastern portion of the parking area will have wheel stops to prevent vehicles from encroaching upon the abutting pedestrian path. This criterion will be met.*

- (k) ***Off-street parking area striping.*** Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:
 - (1) Vehicle storage areas.
 - (2) Vehicle sales display areas.
 - (3) Temporary and seasonal gravel off-street parking areas approved pursuant to SRC chapter 701.
 - (4) Gravel off-street parking areas, approved through a conditional use permit.

Applicant's Findings: *The proposed striping is shown on the site plan included with this submittal. The striping meets the dimensional standards set forth in Table 806-6 as they pertain to 90-degree parking stalls. This criterion will be met.*

(l) *Marking and signage.*

- (1) *Off-street parking and vehicle use area circulation.* Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.

Applicant's Findings: *The parking area is small enough that it is not anticipated directional markings or signage will be utilized or required. This criterion is not applicable.*

- (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.

Applicant's Findings: *The applicant will utilize striping to clearly mark the compact parking stalls. This criterion will be met.*

- (3) *Carpool and vanpool parking.* Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.

Applicant's Findings: *Carpool and vanpool parking is not triggered for this development. This criterion is not applicable.*

- (m) *Lighting.* Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living or cast glare onto the street.

Applicant's Findings: *The development site does not abut residentially zoned properties or other activities falling under household living. The proposed exterior lighting will not cast a glare onto the abutting streets or alley. This criterion is met by the proposal.*

- (n) *Off-street parking area screening.* Off-street parking areas with more than six spaces shall be screened from abutting residentially zoned property, or property used for uses or activities falling under household living, by a minimum six-foot-tall sight-obscuring fence, wall, or hedge; provided, however, screening is not required for vehicle storage areas within the IG zone.

Applicant's Findings: *The subject property is zoned IC as are all surrounding properties. Because the proposal includes a multiple family use, the development triggers Type C landscaping and screening along the south property line. However, this criterion is not applicable.*

Section 806.040 – Driveway Development Standards for Uses of Activities Other Than Single-Family, Two-Family, Three-Family, and Four-Family

Unless otherwise provided under the UDC, driveways for uses or activities other than single family, two family, three family, or four family shall be developed and maintained as provided in this section.

- (a) *Access.* Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC chapter 804.

Applicant's Findings: *The subject property has frontage on both Pine Street NE and Front Street NE. In accordance with the City of Salem's Transportation System Plan, both streets are designated as minor arterials where they abut the development site. The applicant has provided ample room on site for vehicles to maneuver in and out of parking spaces and be able to exit the site face out. The configuration eliminates any backing movements onto the abutting right-of-way. This criterion is met.*

- (b) *Location.* Driveways shall not be located within required setbacks except where:
 - (1) The driveway provides direct access to the street, alley, or abutting property.
 - (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.

Applicant's Findings: *The proposed driveway crosses a required setback but leads directly to the street. This criterion is met.*

- (c) *Setbacks and landscaping.*
 - (1) *Perimeter setbacks and landscaping, generally.* Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:
 - (2) The driveway provides direct access to the street, alley, or abutting property.
 - (3) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.
 - (4) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).
 - (5) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Applicant's Findings: The proposal meets all required setbacks for the vehicle use area. As shown on the site plan provided, and stated throughout this narrative, all setbacks will be landscaped. Landscaping surrounding the driveway will meet Type A standards. This criterion will be met.

(d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-8.

Applicant's Findings: As demonstrated on the site plan provided with this application submittal, the proposed driveway width is 25-feet. Table 806-8 states a two-way driveway must be a minimum of 22-feet wide, and 25-feet wide measured at curb or pavement edge. The proposal meets this criterion.

(e) *Surfacing.* All driveways, other than access roads required by the Public Works Design Standards to provide access to City utilities, shall be paved with a hard surface material meeting the Public Works Design Standards. Access roads required by the Public Works Design Standards to provide access to City utilities shall be an all-weather surface material meeting the Public Works Design Standards; provided, however, the first ten feet of the access road leading into the property, as measured from the property line, shall be paved with a hard surface material.

Applicant's Findings: The driveway will be paved with a hard surface material meeting the Public Works Design Standards in compliance with the Public Works Design Standards meeting the requirements of this section. Civil plans will be provided at the time of building permit for staff's review and approval. This criterion will be met.

(f) *Drainage.* Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

Applicant's Findings: The driveway will be adequately graded and drained in accordance with the Public Works Design Standards. Civil plans will be provided at the time of building permit for staff's review and approval. This criterion will be met.

(g) *"No Parking" signs.* Driveways shall be posted with one "no parking" sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.

Applicant's Findings: The proposed driveway is not long enough to warrant "no parking" signs. This criterion is not applicable.

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.

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

Applicant's Findings: *The applicant is proposing a new multiple family use which triggers the requirement of bicycle parking on the development site. The applicant is providing bicycle parking in accordance these requirements.*

(b) *Applicability to change of use of existing building in Central Business District (CB) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.

Applicant's Findings: *The applicant is not seeking a change of use and the property is not designated as CB. This criterion is not applicable.*

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

Applicant's Findings: *The bicycle parking will be new, and no modifications are being made to an existing bicycle parking area. This criterion is not applicable.*

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

Except as otherwise provided in this chapter, bicycle parking shall be located on the same development site as the use or activity it serves.

Applicant's Findings: *The applicant has provided bicycle parking on the same development site that the new multiple family use is being proposed. This criterion is met.*

Section 806.055 – Amount of Bicycle Parking

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

Applicant's Findings: *The subject property is not located within the CSDP area nor is it within one-quarter mile of the Core Network. In accordance with Table 806-9, the greater of 4 spaces or 0.1 spaces per dwelling unit are required. The applicant is proposing a multiple family*

development with 18 new dwelling units, requiring 4 bicycle parking spaces (18 x 0.1 = 1.8). As shown on the site plan provided, the applicant is providing 4 on site bicycle parking spaces. This criterion is met.

- (b) *Long-term bicycle parking.* Long-term bicycle parking may be provided to satisfy a percentage of the minimum bicycle parking spaces required under this chapter. Such long-term bicycle parking shall not exceed the amounts set forth in Table 806-8. The maximum percentage of long-term bicycle parking allowed is based solely on the minimum number of bicycle parking spaces required. This standard shall not be construed to prohibit the provision of additional long-term bicycle parking spaces provided the minimum number of required spaces is met. (Example: A restaurant requiring a minimum of four bicycle parking spaces may, but is not required to, designate one of the required spaces as a long-term space. Additional short-term and long-term spaces may be provided as long as the minimum required three short-term spaces are maintained).

Applicant's Findings: *The proposal does not include long term bicycle parking though the code says 100 percent of the bicycle parking provided may be long term bicycle parking. This criterion is not applicable.*

Section 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking shall be 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.*

- (1) *Short-term bicycle parking.* Short-term bicycle parking shall be located outside a building within a convenient distance of, and 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.

Applicant's Findings: *The bicycle parking has been located to meet this requirement, as shown on the site plan included with this application submittal. This criterion is met.*

(2) *Long-term bicycle parking.*

(A) *Generally.* Long-term bicycle parking shall be located:

- (i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or
- (ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation

and within a convenient distance of the primary entrance.

(B) *Long-term bicycle parking for residential uses.* Long-term bicycle parking spaces for residential uses shall be located within:

- (i) A residential dwelling unit;
- (ii) A lockable garage;
- (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
- (iv) A lockable bicycle enclosure; or
- (v) A bicycle locker.

(C) *Long-term bicycle parking for non-residential uses.* Long-term bicycle parking spaces for non-residential uses shall be located within:

- (i) A restricted access lockable room;
- (ii) A lockable bicycle enclosure; or
- (iii) A bicycle locker.

Applicant's Findings: Long term bicycle parking is not provided. This criterion is not applicable.

(b) *Access.* All 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: As shown on the site plan provided with this application submittal, the bicycle parking leads directly to the main entrances of the building and to the street by way of the pedestrian paths. This criterion is met.

(c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:

- (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
- (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Applicant's Findings: As shown on the site plan included with this application submittal, the bicycle parking meets the dimensional standards provided in this section. 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 will be located outside the building and will be paved with hard surface materials meeting the Public Works Design Standards. At the time of building permit application, the applicant will submit complete civil drawings for staff's review and approval. This criterion will be met.

(e) *Bicycle racks.* Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:

- (1) Racks must support the bicycle in a stable position.
 - (A) For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
 - (B) For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

Applicant's Findings: The applicant is proposing staple racks which will be anchored to the ground meeting the standards listed above. This criterion is met.

(f) *Bicycle lockers.* Where bicycle parking is provided in lockers, the lockers shall meet the following standards:

- (1) Lockers shall conform to the minimum dimensions set forth in Table 806-10.
- (2) Lockers shall be served by an access aisle conforming to the minimum width set forth in Table 806-10 in front of each locker opening.
- (3) Lockers shall be securely anchored.

Applicant's Findings: Bicycle lockers are not being provided. This criterion is not applicable.

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

Off-street loading shall be located on the same development site as the use or activity it serves.

Applicant's Findings: As shown on the site plan provided, bicycle parking is provided on the same site as the new multiple family development. This criterion is met.

Section 806.075 – Amount of Off-Street Loading

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Off-street parking used for loading. An off-street parking area meeting the requirements of this chapter may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building or the use or activity that it serves. E

Applicant's Findings: Multiple family developments with 5 to 49 dwelling units are not required to provide off-street loading areas. The applicant is proposing a development with 18 dwelling units, this criterion is not applicable.

Chapter 807 – Landscaping and Screening

Section 807.010 – Applicability

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

Section 807.015 – Landscaping and Screening

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.

- (a) *Landscaping types.* Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

Applicant's Findings: The proposal includes a multiple family use, triggering Type C landscaping along the southern portion of the development site. The landscaping will meet the Type C standard and the Type A standard, where applicable, throughout the site. These details will be shown on the landscape plans provided at the time of building permit. This criterion will be met.

- (b) *Plant materials and corresponding plant unit values.* Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials shall provide for a minimum 75 percent coverage of required landscaped areas within five years.

Applicant's Findings: The applicant works with a landscape architect to design and develop landscaping and irrigation systems for their development sites. The applicant will ensure that

the landscape architect provides a table on the plans detailing the provided plant materials and their correlating plant unit values to demonstrate the minimum required plant units are met. The landscape plan will also meet the minimum 40 percent dedication to shade, evergreen/conifer, and ornamental trees. This criterion will be met.

- (c) *Preservation of existing trees and vegetation.* The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.

Applicant's Findings: *The applicant is not proposing to preserve either of the two existing trees on the development site. The root zones will be disturbed by the installation of screening and the pedestrian walkway along the southern portion of the site. The applicant is meeting the replanting standards listed throughout the SRC as they are applicable to the proposed multiple family development. This criterion will be met.*

- (d) *Tree replanting requirements.* In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

- (1) *Removal of trees within required setbacks.* When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper.

Applicant's Findings: *In accordance with SRC Chapter 808, "tree means any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves". One of the two trees slated for removal is less than 10 inches dbh, the other is 10 inches dbh. Removal of the tree is required because screening must be installed along the south property line which the tree straddles. Two new trees will be provided for the one tree being removed within the setback. This criterion will be met.*

- (2) *Removal of trees from development site.* When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required

roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Applicant's Findings: *One tree is being removed from the development site. As shown on the existing conditions plan, the tree is deciduous, is 10-inches dbh, and is dead. In accordance with SRC Chapter 808, "tree means any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves". Because the tree is dead, removal does not trigger the replanting requirement of this section. This criterion is not applicable.*

(e) *Screening standards.* Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:

- (1) *Height.* Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.
- (2) *Opacity.* Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.
- (3) *Maintenance.* Fences and walls shall be maintained in safe condition and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.

Applicant's Findings: *The applicant may utilize a combination of fencing and plant materials to meet the screening required along the south property line. Details of the plant materials proposed will be provided on the landscape plan at the time of building permit. The Hearings Officer may list the screening as a condition of approval within the final decision to ensure the screening is provided with the development. This criterion will be met.*

(f) *Berm.* Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.

Applicant's Findings: *Berms are not required nor proposed. This criterion is not applicable.*

(g) *Street trees.* Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

Applicant's Findings: As required by the Public Works Department, where there are deficiencies in street trees along the development frontage of Pine Street NE and Front Street NE, the applicant will provide street trees. This criterion will be met.

Section 807.020 – Landscaping Plan

- (a) *Landscaping plan.* A landscaping plan is required for all building permit applications for development subject to the landscaping requirements of this chapter and all landscaping permit applications required under subsection (b) of this section.

Applicant's Findings: At the time of building permit, the applicant will provide complete landscape and irrigation plans meeting the standards of SRC Chapters 702, 806 and 807. This criterion will be met.

Landscaping plans shall be of a size and form established by the Planning Administrator, and shall include the following:

- (1) Scale and north arrow.
- (2) Lot dimensions and footprint of structure(s).
- (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.
- (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.
- (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.
- (6) Fence or wall materials, when screening is required under the UDC.
- (7) Abutting land uses.
- (8) The type, size, and location of:
 - (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.
 - (B) Existing trees, as defined under SRC chapter 808, proposed for removal.
- (9) Notwithstanding subsection (b)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.
- (10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.

- (11) A two-year plant establishment schedule for:
- (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or
 - (B) New vegetation located within stormwater facilities.

Applicant's Findings: As stated, the applicant utilizes a landscape architect to provide landscape design and irrigation systems for their developments. Landscape plans prepared by a licensed landscape architect will also be provided for this project at the time of building permit application. The landscape plans will provide all of the required information listed in this section. This criterion will be met.

(b) Landscaping permit.

- (1) *Applicability.* When development subject to the landscaping requirements is this chapter requires site plan review, but a building permit application is not otherwise required, a landscaping permit as provided in this subsection shall be required.

Applicant's Findings: The proposed development requires building permits which the applicant will apply for upon approval of this land use application. Because building permits will be applied for, a landscaping permit is not required. This criterion is not applicable.

Section 807.025 – Plant Material Standards

All plant materials shall be, upon installation, vigorous and well-branched, with healthy and well-furnished root systems free of disease, insects, pests, and injuries.

Applicant's Findings: The landscape architect and applicant will work together to source acceptable and healthy plant materials for the development site meeting the standards of this section. This criterion will be met.

Section 807.030 – Tree Protection Measures During Construction

Trees used to meet the landscaping requirements set forth in this chapter shall be protected during construction as provided under SRC chapter 808.

Applicant's Findings: The applicant is not proposing any tree preservation. Measures will be taken to protect existing street trees along Pine Street NE and Front Street NE, if applicable.

Section 807.035 – Installation

- (a) Landscaping shall be installed at the time of construction, unless seasonal conditions or temporary site conditions make installation impractical; in which case, an acceptable performance guarantee to ensure installation of the landscaping shall be provided as set forth in SRC 807.050.

Applicant's Findings: The applicant anticipates being able to install the landscaping at the time of construction. If weather or site conditions make installation impractical, the applicant will submit a performance guarantee meeting the requirements of SRC 807.050. If applicable, this criterion will be met.

- (b) Landscaping shall be installed in a manner that conforms to the standards of the American Association of Nurserymen, Inc.

Applicant's Findings: The applicant retained a landscape architect to design the landscaped areas on the development site. The landscape architect hired for the project uses the industry best standards and practices which conforms with the American Association of Nurserymen, Inc. The installation of each plant material will follow the industry best standards and practices and conform with the American Association of Nurserymen, Inc, as well. This criterion will be met.

Section 807.040 – Irrigation

- (a) A permanent underground or drip irrigation system with an approved backflow prevention device shall be provided for all landscaped areas required under the UDC; provided, however, a permanent underground or drip irrigation system is not required for:
 - (1) Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;
 - (2) New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material; and
 - (3) New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.

Applicant's Findings: As required by this section, a permanent underground or drip irrigation system with a backflow device. Irrigation plans will be provided at the time of building permit application for staff's review and approval. This criterion will be met.

- (b) Wherever feasible, sprinkler heads irrigating lawns or other high-water-demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, or other reduced-water-requirement areas.

Applicant's Findings: The landscape architect will design the irrigation systems to appropriately distribute water to the plant materials as they require. This criterion will be met.

Section 807.045 – Maintenance

- (a) The owner and tenant shall be jointly and severally responsible for maintaining all landscaping material in good condition so as to present a healthy, neat, and orderly appearance.

Applicant's Findings: *The owner understands that, jointly with their tenants, they are responsible for maintaining all landscaping material in good condition. This criterion will be met.*

- (b) Unhealthy or dead plant materials shall be replaced in conformance with the approved landscape plan.

Applicant's Findings: *If any of the plant materials die or become unhealthy, the applicant understands they must be replaced in conformance with the approved landscape plan. If applicable, this criterion will be met.*

Section 7: 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 process. The applicant is meeting the design review standards for multiple family developments having 13 or more dwelling units, as listed in SRC 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 III 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 this 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, shown above, have been provided with the application submittal. A landscape and irrigation plan will be provided at the time of building permit. This criterion will be 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 which have 13 or more dwelling units.

- (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 other applications the review authority may impose conditions to.

Chapter 551 – IC – Industrial Commercial

Section 551.005 – Uses

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the IC zone are set forth in Table 551-1.

Applicant's Findings: *The applicant is presenting an application for a newly proposed multiple family development which includes 18-dwelling units and the reconfiguration of an existing parking area into 31 parking spaces. The proposal also includes common and private open spaces and landscaping. As identified by Table 551-1, a multiple family development requires a conditional use permit within the IC zone.*

- (b) Continued uses. Existing single family and two family uses, other than manufactured dwellings, within the IC zone constructed prior to February 1, 1983, but which would otherwise be made nonconforming by this chapter, are hereby deemed continued uses.

- (1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 551.010(g).

Applicant's Findings: *The proposal does not include a continued use. This criterion is not applicable.*

- (2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for a residential use; provided, however, conversion of the building or structure to a nonresidential use shall thereafter prevent conversion back to a residential use.

Applicant's Findings: *Historically, the site was used for an eating and drinking establishment. The building used for the previous use has been demolished. The site is now vacant with the exception of some paved areas which the applicant is proposing to modify and reuse for the newly proposed parking area associated with the multiple family development. This criterion is not applicable.*

Section 551.010 – Development Standards

Development within the IC zone must comply with the development standards set forth in this section.

- (a) *Lot standards.* Lots within the IC zone shall conform to the standards set forth in Table 551-2.

Applicant's Findings: In accordance with Table 551-2, the IC zone has no minimum lot area, no minimum lot width, and no minimum lot depth which is applicable to all uses within the zone. The minimum street frontage requirement is 16 feet for uses other than single family.

(b) **Setbacks.** Setbacks within the IC zone shall be provided as set forth in Tables 551-3 and 551-4.

Applicant's Findings: In accordance with Table 551-3, buildings abutting a street require a 5-foot setback from the property line, no matter the use. As demonstrated by the site plan provided with this application submittal, the applicant is proposing a setback of approximately 8-feet 7.5-inches from Front Street NE and a 27-foot 9-inche setback from Pine Street NE, which meets the minimum setback criteria.

Multiple family developments require a 15-foot interior side setback. As shown on the site plan, the applicant is proposing a setback at approximately 10.5-feet. The applicant understands this is a deviation from the standard and is submitting a Class 2 Adjustment consolidated with this application. With the approval of the reduced setback through the Class 2 Adjustment, this criterion will be met.

Table 551-4 pertains to zone-to-zone setbacks. The property abuts City of Salem right-of-way to the north and east, an alley to the west, and IC zoned property to the south. Zone-to-zone setbacks are not applicable tot his development.

Vehicle use areas abutting a street are subject to the setbacks provided in SRC Chapter 806. The applicant has provided full and complete findings pertaining to these development standards under Section 6 of this narrative as it pertains to Site Plan Review. Multiple family uses within the IC zone are subject to 15-foot setbacks along interior front property lines (not applicable), interior side property lines, and interior rear property lines. The southern property line, in this case, requires a minimum 15-foot setback and the applicant is proposing approximately 19-feet, meeting this criterion. There is no setback for the vehicle use area abutting the alley. As applicable, the vehicle use area setbacks associated with a multiple family development are met.

(c) **Lot coverage; height.** Buildings and accessory structures within the IC zone shall conform to the lot coverage and height standards set forth in Table 551-5.

Applicant's Findings: There is not maximum lot coverage for buildings and accessory structures, no matter the use proposed, within the IC zone. All uses are limited to a maximum building height of 70-feet. The applicant provided elevation drawings with this submittal. As shown, the buildings will be approximately 30-feet 6-inches in height, as measured using the methodology in SRC Chapter 112 Measurements. The proposed height does not exceed the maximum height allowed. No accessory structures are planned with this development. As applicable, the proposal meets this criterion.

(d) *Landscaping.*

- (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.

Applicant's Findings: *The development is subject to Type C landscaping as it includes a multiple family use. The site plan shows the areas that will be landscaped which equates to approximately 8,184 square feet, or 31 percent of the subject property. The applicant has provided detailed responses to the applicable provisions of SRC Chapter in Section 6 of this narrative as it pertains to Site Plan Review. This criterion will be met.*

- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.

Applicant's Findings: *Complete and detailed findings relating to SRC Chapters 806 and 807 are provided in Section 6 of this narrative. As applicable, these standards are met.*

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

Applicant's Findings: *The applicant is proposing a multiple family use which triggers Chapter 702. Chapter 702 takes precedent over the landscape standards of Chapter 807 because a multiple family use is proposed. The applicant provides complete and detailed findings pertaining to landscaping as required by Chapter 702 further within this Section of the narrative. The proposal meets the criterion.*

- (e) *Industrial performance standards.* Within the IC zone, no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulations, local ordinance, and state and federal law.

Applicant's Findings: *The IC zone allows multiple family uses with the approval of a conditional use permit. The applicant is seeking to utilize the subject property in this way; therefore, the industrial performance standards are not applicable as the use will not be industrial. This criterion does not apply to the proposal.*

- (f) *Additional standards for manufactured homes.* Manufactured homes shall, in addition to the development standards generally applicable in the IC zone, comply with the following:

- (1) Manufactured homes shall be multi-sectional and enclose a space of not less than 860 square feet.

- (2) Manufactured homes shall be placed on an excavated and backfilled foundation and enclosed continuously at the perimeter with material comparable to the predominant materials used in foundations of surrounding dwellings.
- (3) Manufactured homes shall have a pitched roof, with a slope not less than a nominal three feet in height for each 12 feet in width.
- (4) Manufactured homes shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings.
- (5) Manufactured homes shall be certified by the manufacturer to have exterior thermal envelope meeting performance standards equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 455.010.
- (6) Manufactured homes shall have a garage or carport constructed of like materials.

Applicant's Findings: *The proposal does not include manufactured homes. These criteria are not applicable to the proposed development.*

(g) *Development standards for continued uses.*

- (1) *Buildings.* Buildings housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards of the Single Family Residential (RS) Zone set forth in SRC chapter 511 and to all other applicable provisions of the UDC, except the lot size and dimensions standards in SRC chapter 511.
- (2) *Accessory structures.* Existing accessory structures to a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, and new accessory structures to a continued use may be constructed, provided such alteration, enlargement, rebuilding, or new accessory structure construction conforms to the development standards of the Single Family Residential (RS) Zone set forth in SRC chapter 511, except the lot size and dimensions standards, and to all other applicable provisions of the UDC.
- (3) *Option to rebuild in same location.* Notwithstanding SRC 551.010(g)(1) and (2), any building or accessory structure rebuilt following damage or destruction may either be located on the same location on the lot as the original building or structure, or in compliance with the setbacks of the Single Family Residential (RS) Zone set forth in SRC 511.010(b).

Applicant's Findings: *The proposal is not a continued use. These criteria are not applicable.*

Section 551.015 – Design Review

Design review under SRC chapter 225 is required for development within the IC 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: *The applicant understands their proposed multiple family development is subject to the provisions of SRC Chapter 702 and has provided full and complete facts and findings for all applicable criteria in this narrative.*

- (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 proposal does not include residential care units. 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: *The applicant understands their multiple family development triggers a Class 1 Design Review. This section includes responses to all applicable criteria for a class 1 design review application.*

- (b) Exceptions. Multiple family design review is not required for:
 - (A) Cottage clusters, when allowed as a special use.
 - (B) Multiple family development within a mixed-use building.
 - (C) 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 Riverfront High Density Residential Overlay Zone.
 - (vii) The Riverfront Overlay Zone.
 - (viii) The Salem Downtown Historic District.
 - (ix) The Public and Private Health Services (PH) Zone.
 - (x) The Mixed Use-I (MU-I) Zone.
 - (xi) The Mixed Use-II (MU-II) Zone.

- (xii) The West Salem Central Business District (WSCB) Zone.

Applicant's Findings: *None of the above exceptions are applicable to the proposed development.*

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 proposal includes 18 dwelling units; the provisions of this section do not apply.*

- (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 provisions of SRC Chapter 702.020 are applicable as the proposal includes 18 dwelling units. The applicant has provided full and complete facts and findings responding to SRC Chapter 702.020 in this narrative.*

- (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 development is subject to the standards of multiple sections and whenever a standard is in conflict with another, the more restrictive standards will be applicable. The applicant has provided full and complete findings to all applicable criteria.*

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.

- (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: In accordance with Table 702-3, multiple family developments with 13-20 dwelling units require a minimum of 750 square feet with no horizontal dimension smaller than 25-feet. The common open space is located at the northeast corner of the development site. As shown on the site plan, the common open space area is approximately 1,040 square feet in size with approximate dimensions of 27-feet 9-inches north and south and 37-feet 6-inches east and west. The proposed common open space meets the dimensional standards set forth in this section.

- (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: The entire development site is relatively flat. None of the common open space is located on land with slopes greater than 25 percent. 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, the development includes both common and private open spaces. The private open spaces on the ground floor and above grade private open spaces meet the minimum dimensional standards set forth in Table 702-4. 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: The proposal includes 18 dwelling units. This criterion is not applicable.

(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 applicant has chosen to provide more than the minimum 750 square feet required for the common open space. Therefore, this criterion is not applicable to 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 chosen to provide more than the minimum 750 square feet required for the common open space. Therefore, this criterion is not applicable to the proposal.

(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: The applicant is not proposing tree preservation. Between the pedestrian connection and screening requirement, the two trees will need to be removed. The development site is approximately 21,780 square feet in size. In accordance with this provision, the applicant is required to provide 10 trees throughout the development site ($21,780 / 2,000 = 10.89$ rounded to 10). At the time of building permit, a landscape plan will be provided. 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: The development site does not abut RA or RS property. This criterion is not applicable.

- (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: As shown on the site plan and elevations provided, some dwelling units have a shared entryway. The applicant understands a minimum of two plant units must be provided adjacent to the primary entrance to accentuate the entrances. Landscape plans showing these details will be provided at the time of building permit. 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 applicant is not proposing any tree preservation as it not feasible to preserve the two trees on site between the screening requirement and the planned pedestrian connection. At a minimum, the applicant is required to plan 10 new trees on the development site. The linear footage of the exterior of the building is 394-feet. In accordance with this section, 65 plant units are required to be utilized by trees to soften the visual impact of the

building and create residential character. Details of the location and number of trees provided will be provided on the landscape plans 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 linear footage of the exterior of the building is 394-feet. In accordance with this section, 26 plant units are required to be utilized by shrubs distributed around the perimeter of the building. Details of the location and number of trees provided will be provided on the landscape plans 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: *Ground floor private open space is planned to be physically separated by railing and landscaping from common areas. 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: *Details of the location and number of trees provided will be provided on the landscape plans at the time of building permit. This criterion will be met.*

- (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 landscape provisions of SRC Chapter 806 are not applicable to the development as there are 18 dwelling units proposed.*

(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: Floor plans have been provided with the application submittal and demonstrate windows are provided in all habitable rooms, with the exception the bathrooms which meets the requirement of this section. This criterion will be 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: Exterior lighting is shown on the elevations provided with this application submittal. The entrances, as shown, will be illuminated at the entrances of the dwelling units. Parking areas and pedestrian paths will also be illuminated to enhance visibility and safety at night. This criterion will be 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 applicant understands fences and walls may not be installed between street-facing dwelling units and the public street (Front Street NE). This criterion will be 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: The applicant understands the provisions of this section. The landscape and irrigation plans will be provided at the time of building permit. The landscape plan will demonstrate what plant units will be provided and their location which will meet the requirements of this criterion.

(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).

Applicant's Findings: The parking area is not larger than 6,700 square feet in size. This criterion is not applicable. However, the applicant has included planter bays and landscape islands within the off-street parking area.

- (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.

Applicant's Findings: *The off-street parking area is not located between the proposed building and the street but rather between the building and the alley. This criterion is met.*

- (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.

Applicant's Findings: *The development site is not located near RA or RS zoned property. This criterion is not applicable.*

- (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. Pedestrian pathways shall be a minimum of five feet in width.

Applicant's Findings: *A complete and robust pedestrian network is proposed on the development site. The pedestrian paths lead from the building to the parking area and connects to the abutting right-of-way. This criterion is met.*

(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 building is articulated, and no exterior wall has a dimension greater than 150 feet. This criterion is met by the proposal.*

- (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: *The development site does not abut RS or RA zoned property. This criterion is not applicable.*

- (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 development site does not abut residential sites. This criterion is not applicable.*

- (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: *As demonstrated on the site plan included with this application submittal, the property has more than 75 feet of buildable width abutting Front Street NE. In accordance with the setback requirements of the IC zone, the building setback abutting a street is 5-feet. The applicant has placed the building at the 5-foot setback line in accordance with the provisions of this section. The building is articulated but a minimum of 40 percent of the building is placed at the setback. This criterion is met.*

- (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 applicant is utilizing fencing at the perimeter of the site. However, each ground floor dwelling unit will have a door facing Front Street NE (see site plan and elevation drawings for details) with a pedestrian path connecting to the public sidewalk. Because a perimeter fence is planned to be utilized, gates will be provided to access the pedestrian walkways. The proposal meets this criterion.*

- (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: *As shown on the elevation drawings, the main entrances will be articulated with a rood structure to architecturally define the common entryway for the ground floor units. This criterion is met by the proposal.*

- (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 proposal does not include roof mounted mechanical equipment. This criterion is not applicable.*

- (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: *As shown on the elevation plans, no horizontal dimension of the roof exceed 100-feet without providing a change in pitch or elevation. This criterion has been 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: *The building is approximately 160-feet in length north to south. As demonstrated on the site plan provided, articulation in the form of offsets, covered balconies, a change in materials, and colors are all utilized to minimize the appearance of building bulk. This criterion is 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 shown on the site plans included, the first floor will be distinguished by a change in color and horizontal molding. This criterion is met by the proposed development.*

Section 8: Findings Applicable to Class 2 Adjustments

Chapter 250 – Adjustments

Section 250.001 – Purpose

The purpose of this chapter is to provide a process to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the Code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

Applicant's Findings: *The applicant is seeking one adjustment to standards. The adjustment being sought is the minimum necessary to efficiently develop the subject property. The numerical standard to be adjusted exceeds 20 percent which triggers the applicability of a Class 2 Adjustment.*

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: *The applicant is seeking one adjustment to standards. The adjustment being sought is the minimum necessary to efficiently develop the subject property. The numerical standard to be adjusted exceeds 20 percent which triggers the applicability of a Class 2 Adjustment.*

(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 adjustment being sought by the applicant is not prohibited in accordance with the list provided in this section. 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 understands adjustments are generally processed using Type II procedures, however, the application is being consolidated with a conditional use permit which is processed using the Type III 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.*

- (1) An application for a Class 1 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) Clearly satisfied by the proposed development.
 - (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Applicant's Findings: *The applicant is seeking an adjustment of more than 20 percent to the numerical standard triggering a Class 2 Adjustment. This criterion is not applicable.*

- (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 to reduce the 15-foot building setback required for multiple family developments along the southern property line (interior side) within the IC zone. The applicant is proposing a 10-foot 6-inch setback where 15-feet is required. The purpose of the reduced building setback is to afford a common open space meeting the dimensional standards of SRC Chapter 702 located at the north side of the building. Type C landscaping and screening is required and will be provided as a buffer for the reduced building setback to the interior property line. The proposal meets criterion (ii) above as equally or better meeting the standard. The purpose of a 15-foot setback for multiple family uses is to maintain the livability of the residential use within an industrial commercial zone. The property abutting the development site to the south is developed and used by the Oregon School of Massage. The abutting development side includes a vehicle use and parking area which is located across the property line to where the applicant's new multiple family building is proposed to be placed. Because screening and dense landscaping is required along this property line, impacts on livability will be minimized. It should also be considered that the provisions of SRC Chapter 702, on sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by the building places at the setback line. This provision will require the multiple family building to be placed no more than 5-feet from the Front Street NE right-of-way. The ask of reducing the south property line setback from 15-feet down to 10-feet 6-inches is no more impactful on the livability than the provision to construct the building close to the public right-of-way. The proposed reduction to setbacks still affords air and light between structures and allows for a 5-foot-wide pedestrian path beside the building, as shown on the site plan included with this submittal.*

The development site is not located within a residential area, making subsection B. inapplicable to these adjustments. The cumulative effect of all the adjustments results in a project which is still consistent with the overall purpose of the zone. The above approval criteria for a Class 2 Adjustment are met by the applicant's 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 9: Findings Applicable to Class 2 Driveway Approach Permit

Chapter 804 – Driveway Approaches

Section 804.010 – Applicability

This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.

Applicant's Findings: The development site has driveways leading to Pine Street NE. The applicant is proposing to reconstruct one driveway leading to Pine Street NE which will serve ingress and egress for the parking area. The new driveway triggers a Class 2 Driveway Approach permit and the provisions of this section.

Section 804.015 – Driveway Approach Permit Required

- (a) Except as otherwise provided in this chapter, a driveway approach permit shall be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.

Applicant's Findings: The applicant understands the reconstruction of the driveway leading to Pine Street NE triggers the applicability of the Class 2 Driveway Approach permit criteria.

- (b) Exceptions. A driveway approach permit is not required for:
 - (1) The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or
 - (2) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.

Applicant's Findings: The proposal does not meet any of the exceptions listed above and a Class 2 Driveway Approach Permit is required.

Section 804.025 – Class 2 Driveway Approach Permit

- (a) *Required.* A Class 2 driveway approach permit is required for:
 - (1) A driveway approach onto a local, collector, minor arterial, major arterial, or parkway street providing access to a use other than single family, two family, three family, or four family;
 - (2) Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.

Applicant's Findings: Subsection (1) above triggers the requirement of a Class 2 Driveway Approach permit as the reconstructed driveway will provide access from a minor arterial street to a multiple family development.

- (b) *Procedure type.* A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.

Applicant's Findings: The applicant understands a Class 2 Driveway Approach permit triggers a Type II procedure. However, the application is being consolidated with an application which triggers a Type III review (conditional use permit). Therefore, the entire application package will be reviewed using the Type III procedures.

- (c) *Submittal requirements.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:

- (1) A completed application form.
- (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
 - (A) The location and dimensions of the proposed driveway approach;
 - (B) The relationship to nearest street intersection and adjacent driveway approaches;
 - (C) Topographic conditions;
 - (D) The location of all utilities;
 - (E) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
 - (G) The location of any street trees adjacent to the location of the proposed driveway approach.
- (3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.
- (4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.

Applicant's Findings: The applicant has provided all of the required materials listed above. The Review Authority has all of the information necessary to issue a decision in this case. This criterion is met.

- (d) *Criteria.* A Class 2 driveway approach permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;

Applicant's Findings: The driveway approach meets the standards of this chapter and the Public Works Design Standards for a driveway approach leading to Pine Street NE, which is classified as a minor arterial street in the Salem Transportation System Plan. Additional construction details will be provided at the time of building permit application, as necessary. This criterion is met.

- (2) No site conditions prevent placing the driveway approach in the required location;

Applicant's Findings: The proposed driveway location takes into account vision clearance triangles and driveway spacing onto a minor arterial street. It is not anticipated that any site conditions exist that would prevent the proposed placement of the driveway approach. This criterion is met.

- (3) The number of driveway approaches onto an arterial are minimized;

Applicant's Findings: The proposal is for one driveway providing ingress and egress to the proposed off-street parking area serving the new multiple family development. This criterion is met.

- (4) The proposed driveway approach, where possible:

- (A) Is shared with an adjacent property; or
- (B) Takes access from the lowest classification of street abutting the property;

Applicant's Findings: The development street abuts both Front Street NE and Pine Street NE. Both streets are classified as minor arterial streets within the City of Salem Transportation System Plan. The applicant is proposing one driveway onto Pine Street NE to serve the development. Though Pine Street NE is the same classification as Front Street NE, Pine Street NE terminates just west of the development site at the river's edge and sees a lower volume of traffic than Front Street NE. This criterion is met.

- (5) The proposed driveway approach meets vision clearance standards;

Applicant's Findings: Below, the applicant provides full and complete facts and findings relating to vision clearance standards for the proposed driveway approach. This criterion is met.

- (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;

Applicant's Findings: It is not anticipated that the proposed location of the driveway will create any traffic hazards. The driveway provides for safe turning movements and access in and out of

the development site as the vision clearance triangles will be clear of obstructions and the driveway is wide enough to accommodate turning movements without conflicts. This criterion is met.

- (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;

Applicant's Findings: *Though the property is currently vacant, the site was previously developed with an eating and drinking establishment. The previous use had a large nonconforming driveway. The applicant is proposing to reduce the width of the driveway and install landscaping in the required setbacks. The newly proposed driveway is likely less impactful on the vicinity than the previous driveway. This criterion is met.*

- (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

Applicant's Findings: *The driveway approach meets the standards of this chapter and the Public Works Design Standards for a driveway approach leading to Pine Street NE, which is classified as a minor arterial street in the Salem Transportation System Plan. The reconstructed driveway has a reduced width providing more traffic control entering and leaving the development site. The proposed driveway approach minimized impact to the functionality of Pine Street NE. Additionally, moving the driveway to the west provides better clearance for the Pine Street NE and Front Street NE intersection. This criterion is met.*

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

Applicant's Findings: *There are no properties designated residential within the vicinity of the development site. This criterion is not applicable.*

Section 804.030 – Access onto Local and Collector Streets

(a) *Number of driveway approaches.*

- (1) Except as otherwise provided in this chapter, a complex is entitled to one driveway approach onto a major or minor arterial. Additional driveway approaches for a complex may be allowed where:

- (A) A complex has more than 370 feet of frontage abutting a major or minor arterial;
- (B) There is a shared access agreement between two or more complexes; or
- (C) It is impracticable to serve the complex with only one driveway approach.

- (2) Development that is not a complex, and is other than a single family, two family, three family, or four family use, is entitled to one driveway approach onto a major or minor arterial where:
 - (A) The driveway approach provides shared access;
 - (B) The development does not abut a local or collector street; or
 - (C) The development cannot be feasibly served by access onto a local or collector street.
- (3) (3)A single family, two family, three family, or four family use is entitled to one driveway approach onto a major or minor arterial where:
 - (A) The driveway approach provides access to an existing single family, two family, three family, or four family use; or
 - (B) The driveway approach provides access to a proposed single family, two family, three family, or four family use on a lot created prior to March 16, 2022.

Applicant's Findings: *The applicant is modifying an existing driveway approach onto Pine Street NE which will result in one 35-foot-wide access for both ingress and egress to serve the development site. This criterion is met.*

- (b) ***Traffic volume threshold.*** No driveway approach onto a major or minor arterial shall be allowed unless the development generates 30 or more vehicle trips per day or the driveway approach provides access to a city park or a single family, two family, three family, or four family use.

Applicant's Findings: *The reconstructed driveway is proposed to serve a new multiple family development with 18 dwelling units. The proposal will generate at least 30 vehicle trips per day. This criterion is met by the proposal.*

- (c) ***Permitted access.***

- (1) Driveway approaches onto major and minor arterials shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.

Applicant's Findings: *The parking area to be served by the proposed reconstructed driveway is under review with this application. Upon approval of the site plan review, this criterion will be met.*

- (2) For a corner lot that abuts a local or collector street, the driveway approach shall provide access to the street with the lower street classification.

Applicant's Findings: *The property is a corner lot abutting Pine Street NE and Front Street NE. Both abutting streets are classified as minor arterial streets however, Pine Street NE terminates*

just to the west of the development site and appears to have a lower traffic volume than Front Street NE. This criterion is met.

- (3) No access shall be provided onto a major or minor arterial from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.

Applicant's Findings: *The development site abuts an alley along the western property line. However, the proposed use is multiple family. This criterion is not applicable.*

- (4) No access shall be provided onto a major or minor arterial from a single family, two family, three family, or four family use constructed as part of a subdivision or partition.

Applicant's Findings: *The proposed use is multiple family. This criterion is not applicable.*

- (5) Only forward in/forward out access shall be allowed onto a major or minor arterial.

Applicant's Findings: *The proposed parking area provides adequate space for vehicles to back out of parking spaces and exit the site forward facing. This criterion is met.*

- (d) *Spacing.* Except for driveway approaches providing access to a single family, two family, three family, or four family use, driveway approaches onto a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.

Applicant's Findings: *The development side already has a driveway approach which is a nonconforming width and distance from the intersection. However, the applicant is proposing to reduce the width to 25-feet. No adjustment should be required as the applicant is making an existing nonconforming driveway closer meet the standard. This criterion is met.*

- (e) *Vision clearance.* Driveway approaches onto major and minor arterials shall comply with the vision clearance requirements set forth in SRC chapter 805.

Applicant's Findings: *Full and complete finding related to vision clearance requirements set forth in SRC Chapter 805, below. This criterion is met.*

Section 804.050 – Driveway Approach Development Standards

Driveway approaches shall conform to the following development standards:

- (a) *Design and construction.* Driveway approaches shall be designed and constructed in conformance with this chapter and the Public Works Design Standards.

Applicant's Findings: The driveway approach meets the standards of this chapter and the Public Works Design Standards for a driveway approach leading to Pine Street NE, which is classified as a minor arterial street in the Salem Transportation System Plan. Additional construction details will be provided at the time of building permit application, as necessary. This criterion is met.

(b) *Width.*

- (1) *Driveway approach width for single family, two family, three family, and four family uses.* Driveway approaches serving single family, two family, three family, and four family uses shall conform to the minimum and maximum widths set forth in Table 804-1.
- (2) *Driveway approach width for uses other than single family, two family, three family, and four family.* Driveway approaches serving uses other than single family, two family, three family, and four family shall conform to the minimum and maximum widths set forth in Table 804-2.
- (3) *Measurement.* For purposes of this subsection, driveway approach width shall be determined by measurement of the paved surface of the driveway at the property line.

Applicant's Findings: The minimum and maximum driveway widths set forth in Table 804-2 are applicable to this request. For a two-way driveway approach the minimum width is 22-feet and the maximum is 40-feet. As measured at the property line, in accordance with this section, the proposed width of the new driveway approach is 25-feet. This criterion is met.

- (c) *Marking and signage.* Where required by the Public Works Design Standards, driveway approaches shall be clearly marked or signed and maintained in conformance with the Public Works Design Standards.

Applicant's Findings: Markings and signage are not required for the proposed driveway approach permit. This criterion is not applicable.

Chapter 805 – Vision Clearance

Section 805.005 – Vision Clearance Areas

Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.

- (a) *Street intersections.* Vision clearance areas at street intersections shall comply with the following:
- (1) *Uncontrolled intersections.* At uncontrolled intersections, the vision clearance area shall have 30-foot legs along each street (see Figure 805-1).

- (2) *Controlled intersections.* At controlled intersections, the vision clearance area shall have a ten-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).
- (3) *One-way streets.* Notwithstanding subsections (a)(1) and (2) of this section, at an uncontrolled or controlled intersection of a one-way street, no vision clearance area is required on the corners of the intersection located downstream from the flow of traffic (see Figure 805-3).

Applicant's Findings: *The proposal does not include a new intersection or street. This criterion is not applicable.*

- (b) *Intersections with driveways, flag lot accessways, and alleys.* Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:

- (1) *Driveways.*

- (A) Driveways serving single family and two family uses. Driveways serving single family and two-family uses shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along each side of the driveway, and ten-foot legs along the intersecting street or alley (see Figure 805-4).
- (B) Driveways serving uses other than single family and two family. Driveways serving uses other than single family and two family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).

Applicant's Findings: *Subsection A, above is not applicable to the proposal. The vision clearance requirement for the driveways serving this development are as follows: ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley. The applicant understands these vision clearance triangles must be kept free of any obstruction exceeding 30-inches above curb level. This has been carefully considered when taking into account planting materials within these areas. The applicant has gone to great lengths to maintain vision clearance areas. As applicable, this criterion is met.*

- (2) *Flag lot accessways.*

- (A) Flag lot accessways serving single family and two family uses. Flag lot accessways serving single family and two-family uses shall have a vision clearance area on each side of the flag lot accessway. The vision clearance area shall have ten-foot legs

along each side of the flag lot accessway, and ten-foot legs along the intersecting street (see Figure 805-6).

- (B) Flag lot accessways serving uses other than single family and two family. Flag lot accessways serving uses other than single family and two family shall have a vision clearance area on each side of the flag lot accessway. The vision clearance area shall have ten-foot legs along the flag lot accessway and 50-foot legs along the intersecting street (see Figure 805-7).

Applicant's Findings: *The development is not served by a flag lot accessway; this criterion is not applicable.*

- (3) *Alleys.* Alleys shall have a vision clearance area on each side of the alley. The vision clearance area shall have ten-foot legs along the alley and ten-foot legs along the intersecting street (see Figure 805-8).

Applicant's Findings: *The proposed driveway is not leading to the alley. This criterion is not applicable.*

- (4) *Measurement.* The legs of a vision clearance area shall be measured along the right-of-way line and along the intersecting driveway, flag lot accessway, or alley.

Applicant's Findings: *The vision clearance areas have been measured as set forth in this section. The criterion is met.*

Section 805.010 – Obstructions to Vision Prohibited

Except as otherwise provided in this section, vision clearance areas shall be kept free of temporary or permanent obstructions to vision from 30 inches above curb level to 8.5 feet above curb level; provided, however, where there is no curb, the height shall be measured from the street shoulder. As used in this section, temporary or permanent obstruction includes any obstruction located in the right-of-way adjacent to the vision clearance area.

- (a) The following obstructions may be placed in a vision clearance area, unless the cumulative impact of the placement results in an obstruction to vision:
- (1) A column or post, so long as the column or post does not create a visual obstruction greater than 12 inches side-to-side.
 - (2) Utility poles and posts, poles, or supporting members of street signs, streetlights, and traffic control signs or devices installed by, or at the direction of, the Public Works Department or any other public agency having jurisdiction over the installation.
 - (3) On-street parking.

Applicant's Findings: The applicant understands the provisions for obstructions placed in vision clearance triangles. This criterion will be met.

- (b) Trees. Trees may be planted within a vision clearance area provided they are a species listed on the parks approved street tree list, and they comply with the following:
 - (1) The planting area is sufficient to support the tree when mature.
 - (2) The tree will not interfere with overhead utilities.
 - (3) The tree is a species that can be trimmed/pruned to provide necessary visibility.

Applicant's Findings: The applicant understands the provisions for obstructions placed in vision clearance triangles. This criterion will be met.

- (c) Nothing in this chapter shall be deemed to waive or alter any requirements relating to setbacks or landscaping in the UDC. In the event of a conflict between the standards of this chapter and another chapter of the UDC, the standards in this chapter shall control.

Applicant's Findings: The applicant understands the provisions for obstructions placed in vision clearance triangles. This criterion will be met.

Section 805.015 – Alternative Standards

Alternative vision clearance standards that satisfy the purpose of this chapter, and that are consistent with recognized traffic engineering standards, may be approved where a vision clearance area conforming to the standards of this chapter cannot be provided because of the physical characteristics of the property or street, including, but not limited to, grade embankments, walls, buildings, structures, or irregular lot shape, or where the property has historic neighborhood characteristics, including, but not limited to, established plantings or mature trees, or buildings or structures constructed before 1950. Alternative vision clearance standards shall be approved through a Class 2 Adjustment under SRC chapter 250.

Applicant's Findings: The applicant is not seeking alternatives to any vision clearance standards set forth in this section or any other applicable section of the UDC. This criterion is not applicable.

Section 10: Findings Applicable to Replat

Chapter 205 – Replat

Section 205.025 – Replat

- (a) *Applicability.* A replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat. No replat shall occur without receiving tentative replat approval as set forth in this section.

Applicant's Findings: The applicant is proposing to reconfigure platted lots, triggering a replat.

(b) *Procedure type.* A tentative replat is processed as a Type II procedure under SRC chapter 300.

Applicant's Findings: *The applicant understands a tentative replat is processed using a Type II procedure, however the request is consolidated with a conditional use permit which uses Type III procedures.*

(c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative replat shall include the information required in SRC 205.030. If the replat will vacate any easement, the tentative replat plan shall show the easement proposed to be vacated.

Applicant's Findings: *The applicant has provided all of the required information and submittal items to process the application. This criterion is met.*

(d) *Criteria.* A tentative replat shall be approved if all of the following criteria are met:

(1) The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Applicant's Findings: *The replat does not propose to vacate any public rights-of-way, or any recorded covenants or restrictions. This criterion is met.*

(2) The tentative replat will not create nonconforming units of land or non-conforming development or increase the degree of nonconformity in existing units of land or development.

Applicant's Findings: *The lots are located within the IC (Industrial Commercial) zone and are required to meet the standards of that zone. The lot standards of the zone are provided in SRC Table 551-2 Lot Standards.*

TABLE 551-2. LOT STANDARDS

Requirement	Standard	Limitations & Qualifications
Lot Area		
All uses	None	
Lot Width		
All uses	None	
Lot Depth		
All uses	None	
Street Frontage		
Single Family	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of curved street having a radius of 200 ft. or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
All other uses	Min. 16 ft.	

The proposal meets the minimum frontage requirement. The proposal will not create or increase the degree of nonconformity in existing units of land or development. This criterion is met.

- (3) The tentative replat complies with the standards of this chapter and with all applicable provisions of the UDC.

Applicant's Findings: The Unified Development Code (UDC) implements the Salem Area Comprehensive Plan which encompasses the land use goals and guides the development of property within the corporate city limits. As demonstrated throughout this narrative, the proposed replat complies with all of the applicable provisions of the UDC. This criterion is met.

- (4) The tentative replat complies with all applicable provisions of ORS ch. 92.

Applicant's Findings: The applicable provisions of ORS Chapter 92 are as follows: ORS 92.185, 92.185(1), 92.185(2), 92.185(3), 92.185(4), 92.185(5), and 92.185(6). Replat applications are a two-part process with the first being tentative approval and the second being final plat approval. Upon submittal of the final plat mylar review, the City Surveyor will confirm compliance with ORS 92. The subject replat consists of Lots 1, 2, 3, and 4 of the River View Addition subdivision meeting the requirement that a replat shall only apply to a recorded plat.

The applicant has provided deed information and a chain of title for the subject property as evidence of this fact. The replat is replatting a portion of a developed subdivision making ORS 92.185(2) inapplicable to the proposal. The applicant understands the city will provide notice to owners of property within 250 feet of the subject property. Additionally, the applicant has chosen to consolidate the replat review with a conditional use permit which requires a public hearing providing additional opportunities for the public to comment on the proposal. This satisfies the requirement of ORS 92.185(3). In addition to the notice provided to the property owners within 250 feet, the city will provide notice to public and private utilities serving the subject property, meeting the requirement of ORS 92.185(4). The replat is not proposing to vacate any public street or road, meeting the requirement of ORS 92.185(5). Consistent with both ORS 92.185(6) and SRC 205.025(d), the proposed replat complies with all applicable subdivision standards, including lot size and dimensions, access and circulation, and availability of public and private utility infrastructure. In addition to meeting these standards, the replat does not propose to alter any existing conditions. This criterion is met.

- (5) The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.

Applicant's Findings: *There is not existing land use approval or previous condition of approval impacting the approvability of the proposed replat application. This criterion is met.*

- (6) The tentative replat does not adversely affect the availability of, or access to, city infrastructure or public or private utilities or streets.

Applicant's Findings: *The subject site was previously developed with an eating and drinking use. The structures have since been removed leaving only pavement behind on the development site. Given that the property was previously developed, it is understood that water, sewer, and storm drainage infrastructure are existing and are adequate to serve the replat. Public streets abut the property and have full improvements which are adequate to serve the proposed replat. The applicant has consolidated this replat request with the applications required for development to demonstrate there will be no conflicts with future driveway placement and utility easements. This criterion is met.*

- (e) *Notice to utilities.* When a utility easement is proposed to be realigned, reduced in width, or eliminated by a replat, notice of the tentative replat application shall be mailed as provided in SRC 300.520(b)(1) to all affected utility companies or public agencies. Any utility company that desires to maintain an easement that would be realigned, reduced in width, or eliminated by a proposed replat must notify the Director in writing within 14 days of the mailing date of the notice. If an objection to the realignment, reduction in width, or elimination of an easement is received within the 14-day period, the utility easement shall not be realigned, reduced in width, or eliminated.

Applicant's Findings: In addition to the notice provided to the property owners within 250 feet, the city will provide notice to public and private utilities serving the subject property, meeting the requirement of ORS 92.185(4). This criterion will be met.

- (f) *Expiration.* Tentative replat approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

Applicant's Findings: The applicant understands their tentative replat approval will expire after two years unless an application for final plat is submitted, however, extensions to tentative replat approval are allowed.

Section 205.030 – Additional Submittal Requirements

Applications to subdivide, partition, or replat land shall include, in addition to the submittal requirements under SRC chapter 300, the following:

- (a) A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
 - (1) A title block on each sheet indicating the proposed subdivision or phased subdivision name, or, if available, the partition number; the names and addresses of the landowner; the names and addresses of the professional engineers or surveyors responsible for preparing the plan; date; and township, range and section of the subject property;
 - (2) Scale and north arrow;
 - (3) The location of all property lines within 50 feet of the perimeter of the subject property;
 - (4) The boundaries, dimensions, and area of each proposed lot or parcel;
 - (5) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;
 - (6) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessway, and public accessways;
 - (7) The location of all existing and proposed easements;
 - (8) The location, dimensions, and use of all existing and proposed public areas, including, but not limited to, stormwater management facilities and detention facilities;
 - (9) The location, dimensions, and use of any existing buildings and structures on the subject property, indicating which will remain and which will be removed;
 - (10) The location of any canals, ditches, waterways, detention facilities, sewage disposal systems, and wells on the subject property, indicating which will remain and which will be removed or decommissioned;

- (11) The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and floodplains; and
- (12) For subdivisions and phased subdivisions, site topography shown at five-foot contour intervals, or two-foot contour intervals for areas within a floodplain;
- (b) A current title report for the property;
- (c) A completed tree inventory on a form as provided by the Director accurately identifying all existing trees on the property as of the date of application submittal and, if required under SRC chapter 808, a tree conservation plan;
- (d) A geological assessment or geo-technical report, if required by SRC chapter 810;
- (e) A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;
- (f) A schematic plan showing the location of existing and proposed city infrastructure;
- (g) A preliminary grading plan, for partitions, subdivisions, and phased subdivisions, when grading of the subject property will be necessary to accommodate the proposed development;
- (h) For residentially zoned property, where the partition or subdivision will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout and demonstrating that future further division of the lot or parcel may readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.
- (i) For partitions of property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, a plan showing:
 - (1) The location of lot lines and other details of layout demonstrating that the further division and full development of the property to the urban densities allowed by the comprehensive plan may readily be made in conformance with the development standards of the UDC, and without interfering with the orderly extension and connection of adjacent streets.
 - (2) The approximate location of city infrastructure following full development to the urban densities allowed by the comprehensive plan.
- (j) For subdivisions and phased subdivisions:
 - (1) A completed trip generation estimate on forms provided by the City;
 - (2) A traffic impact analysis, if required under SRC chapter 803; and
 - (3) A statement from the County Surveyor approving the name of the subdivision or phased subdivision.

Applicant's Findings: *As applicable, the required additional information has been provided. It is believed this submittal is complete and the review authority has everything needed to hold a public hearing and render a decision on the case. This criterion is met.*

Section 11: 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 Conditional Use Permit, Site Plan Review, Design Review, Adjustments, Driveway Approach Permit, and Replat not only satisfies all applicable criteria but would also be a benefit to the community by providing a needed improvement to this vacant property and another housing type.

Section 12: Exhibits

Exhibit A – Site Plan

Exhibit B – Deed

Exhibit C – Pre-Application Conference Waiver

Exhibit D – Neighborhood Association Contact

Exhibit E – Existing Conditions Plan

Exhibit F – Trip Generation Estimate Form

Exhibit A – Site Plan

Exhibit B – Deed

RECORDING REQUESTED BY:



Fidelity National Title
Company of Oregon

900 SW 5th Avenue
Portland, OR 97204

REEL 4246 PAGE 395
MARION COUNTY
BILL BURGESS, COUNTY CLERK
09-26-2019 01:38 pm.
Control Number 570000 \$ 101.00
Instrument 2019 00045933

GRANTOR'S NAME:

Joe W. Green

GRANTEE'S NAME:

Riverfront Apartments, LLC, an Oregon limited liability company

AFTER RECORDING RETURN TO:

Order No.: 45141907037 A-PK

Sean A. Blackburn
Riverfront Apartments, LLC, an Oregon limited liability company
360 Belmont Street NE
Salem, OR 97301

SEND TAX STATEMENTS TO:

Riverfront Apartments, LLC, an Oregon limited liability company
360 Belmont Street NE
Salem, OR 97301

APN: R87751

R87752

Map: 073W15DA05000

073W15DA05100

102 Pine Street, Salem, OR 97301

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Joe W. Green, Grantor, conveys and warrants to **Riverfront Apartments, LLC, an Oregon limited liability company**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Marion, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

SEE EXHIBIT "B" PERMITTED EXCEPTIONS ATTACHED HERETO

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$600,000.00). (See ORS 93.030).

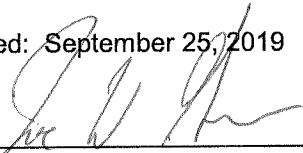
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

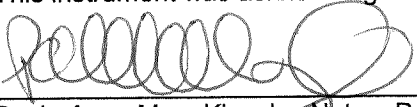
Dated: September 25, 2019



Joe W. Green

State of Oregon
County of Multnomah

This instrument was acknowledged before me on September 25, 2019, by Joe W. Green.



Paula Anne Mraz Kingsley Notary Public - State of Oregon

My Commission Expires: May 2, 2022



EXHIBIT "A"
Legal Description

Lots 1, 2, 3, 4, 11, 12, 13 and 14, Block 15, RIVERVIEW PARK ADDITION TO SALEM, in the City of Salem,
Marion County, Oregon.

EXHIBIT "B"

Exceptions

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2019-2020.
2. Rights of the public to any portion of the Land lying within streets, roads, alleys and highways.
3. Any adverse claim based upon the assertion that:
 - a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Willamette River, in the event the boundary of said Willamette River has been artificially raised or is now or at any time has been below the high watermark, if said Willamette River is in its natural state.
 - b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
 - c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Willamette River, or has been formed by accretion to any such portion.

Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Willamette River.

4. Any adverse claim based upon the assertion that said Land or any part thereof is now or at any time has been included within a navigable river, slough, or other navigable body of water.

REEL: 4246

PAGE: 395

September 26, 2019, 01:38 pm.

CONTROL #: 570000

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: \$ 101.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

Exhibit C – Pre-Application Conference Waiver

City of Salem - Permit Application Center
Planning Information Counter
555 Liberty St. SE / Room 320
Salem, OR 97301-3503
Phone: 503-588-6256 ext.7427
Fax: 503-588-6005

Planning Pre-Application Conference Waiver

CITY OF Salem
AT YOUR SERVICE
Web: www.cityofsalem.net

① Please complete the following contact information:

Applicant: Clutch Industries, Inc.

Name: Chris Anderson

Company: Clutch Industries, Inc.

Phone: 503-680-0949 - Britany

Fax: _____

Mailing Address: _____

360 Belmont Street NE

Salem, OR 97301

E-Mail: britany@brandlanduse.com

② Please complete the following property information:

Site Address(es): 102 Pine Street NE Salem, OR 97301

Site Size: TL 5000 = 0.60 acres; TL 5100 = 0.92 acres

Existing Use & Structures: Vacant with existing paving

③ Please complete the following proposed development information:

Type of Land Use Application Pre-Application Conference Waiver is Requested for: _____

Conditional Use Permit, Willamette Greenway Permit, Design Review, Site Plan Review, Adjustments, Driveway Approach

Brief Description of Proposed Development on the Site: _____

Multifamily development on each property with one shared parking area.

④ Please attach a written statement explaining why a pre-application conference waiver is requested

The Planning Administrator may grant pre-application conference waivers in cases where the application is relatively simple and good cause is shown by the applicant to support the waiver.

⑤ Please sign and date below:

SIGNATURE: B. Randall **DATE:** November 23, 2021

FOR PLANNING DIVISION USE ONLY - DO NOT WRITE BELOW

Date Received: 11.23.2021 **AMANDA No.** 21-121977-PA **Staff Initial:** S.J.L.

The requested Pre-Application Conference Waiver is:

☒ **Approved.** The Planning Administrator finds that the application is relatively simple, and the applicant has shown good cause to waive the pre-application conference in this case. The pre-application conference is hereby waived pursuant to SRC 300.310(b).

☐ **Denied (See Attached Reasons)**

Planning Administrator Signature: Gina Anderson-Ogden **Date:** 11.23.2021

BRAND

Pre-Application Conference Waiver Request – City of Salem

November 23, 2021

Lisa Anderson-Ogilvie
Deputy Director
Planning Administrator
City of Salem Planning Department
555 Liberty St SE
Room 305
Salem, OR 97301
planning@cityofsalem.net

RE: 102 Pine Street NE, Salem 97301 – Clutch Industries Pre-Application Waiver Request

Lisa,

On behalf of Clutch Industries, I am submitting to you this pre-application conference waiver request for review. You may be familiar with this project site at 102 Pine Street NE in Salem at the corner of Pine Street NE and Front Street NE. Previously, the applicant had proposed a mixed-use development and was granted land use approval under the application number CU-WGP-ADJ17-04. There is an alley that bisects the project site and the applicant worked closely with Public Works to determine if the alley could be vacated. After much deliberation it was determined that vacation of the alley was not allowable by Public Works. The result is that the applicant is starting over with an entirely new proposal.

The new proposal includes two apartment buildings and one shared parking lot to serve both. In order to receive the previous land use approval, the applicant attended two pre-application conferences for this development site. They are confident that they are familiar with what will be required to move forward with their new proposal. We will be applying for a Conditional Use Permit, to allow a multifamily use in the IC zone, a new Class 2 Willamette Greenway permit (unless the previous permit approval may be applied to the new development), a Replat to consolidate the underlying platted lots, a Class 1 Design Review, a Class 3 Site Plan Review, Class 1 and 2 Adjustments, and a Class 2 Driveway Approach permit for a new driveway leading to Pine Street NE.

Pursuant to SRC 300.300(b)(3), we are asking for your consideration and approval of our request to waive the pre-application conference. If you would like to discuss this further, all of my contact information is below.

Warm regards,

Britany Randall, Principal Planner

BRAND Land Use, LLC

Phone: (503) 680-0949

Britany@BRANDLandUse.com

Exhibit D – Neighborhood Association Contact

BRAND

Notice of Land Use Application Submittal

April 21, 2022

Highland Neighborhood Association

Christian Kelly, Chair and Land Use Chair

chkelly.cwk@gmail.com

RE: 102 Pine Street NE Salem, Oregon

Dear Highland Chair and Land Use Chair,

We are reaching out to you regarding a project within your neighborhood association. The project was subject of a previous land use action which you may have received notice for, which approved a single family or duplex development on the site's underlying platted lots. The property has since changed ownership and the previous land use approvals are expired. The current property owner is proposing a new development on the site which consists of an apartment complex with 36 dwelling units and a parking area which will serve the newly proposed use. Due to the way the City of Salem's code is written, because the property is bisected by an alley, two land use application submittals are required. For clarity, we are identifying the first submittal as West Pine, this is the property which abuts the Willamette River. To receive approval for the proposal, the following application types are required: Conditional Use Permit, Site Plan Review, Design Review, Willamette Greenway Permit, Replat, and possibly an adjustment to standards. We are identifying the second submittal (on the east side of the alley) as East Pine. To receive approval for the proposal, the following application types are required: Conditional Use Permit, Site Plan Review, Design Review, Driveway Approach Permit, Replat, and possibly an adjustment to standards.

A conceptual site plan is included with this letter, so you are able to see what is being proposed. One item we would like to point out is that the West Pine building will be located close to the alley. This has afforded us to leave much of the site, where it abuts the Willamette River, open and natural. We believe future residents will get a lot of enjoyment from this space. The properties are addressed as 102 Pine Street NE, Salem, OR. The properties are currently vacant with the exception of some paved areas and an old deck structure left behind from previous developments. The property is zoned IC (Industrial Commercial) and falls within the ROM (River Oriented Mixed Use) Comprehensive Plan designation. A multiple family use is listed as a conditional use within the IC zone. Conditional Use Permit applications are processed using Type III procedures and will be reviewed during a public hearing before the Hearings Officer. The neighborhood association and property owners and tenants within the area will receive notice of the hearing and will be provided opportunities to weigh in on the proposal.

We hope that you find this letter and attached conceptual plan informative. If you have any questions regarding this notice, please feel free to contact the applicant's representative.

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: Christian Kelly <chkelly.cwk@gmail.com>
Sent: Thursday, April 21, 2022 12:35 PM
To: Britany
Subject: Re: Notice of Intent to File a Land Use Application within the Highland Neighborhood Association

Who is the reviewing planner? Has one been assigned yet?

Christian Kelly, Highland NA (chair)

On Thu, Apr 21, 2022 at 12:17 PM Britany <britany@brandlanduse.com> wrote:

Thank you, Christian.

We are planning to submit our application on Monday. I will not be able to attend the May meeting, but I would be happy to answer any questions from the neighborhood association. We appreciate the support, and agree that this will be a lovely addition to the area.

If the neighborhood association feels supportive of the project, I know comments to the reviewing planner or even supportive testimony at the public hearing would be very helpful.

Thank you again,

Britany Randall

BRAND

Principal Planner

Phone : (503)680-0949

Place : Salem, OR

Web : brandlanduse.com

ATTENTION! Please note BRAND will be CLOSED from May 6th through May 16th. Access to phone and email will be limited during this time.

From: Christian Kelly <chkelly.cwk@gmail.com>

Sent: Thursday, April 21, 2022 11:47 AM

To: Britany <britany@brandlanduse.com>

Subject: Re: Notice of Intent to File a Land Use Application within the Highland Neighborhood Association

I do not have any questions at this time. It appears to me this would be an excellent use of this land and I'm kind of excited about it. That's me, personally. If you would like; I can provide you time before the board at the May meeting, but I don't think that will be necessary.

Please let me know how the Highland Neighborhood Assn can be of assistance, and welcome to the community.

Christian Kelly, Highland NA (chair)

On Thu, Apr 21, 2022 at 11:07 AM Britany <britany@brandlanduse.com> wrote:

Hi Christian,

Attached to this email you will find a letter and site plan which provides information on a development proposal within your neighborhood association. Please have a look at the materials provided and let me know if you have any questions.

Thank you,

Britany Randall

BRAND

Principal Planner

Phone : (503)680-0949

Place : Salem, OR

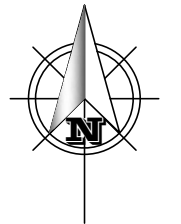
Web : brandlanduse.com

ATTENTION! Please note BRAND will be CLOSED from May 6th through May 16th. Access to phone and email will be limited during this time.

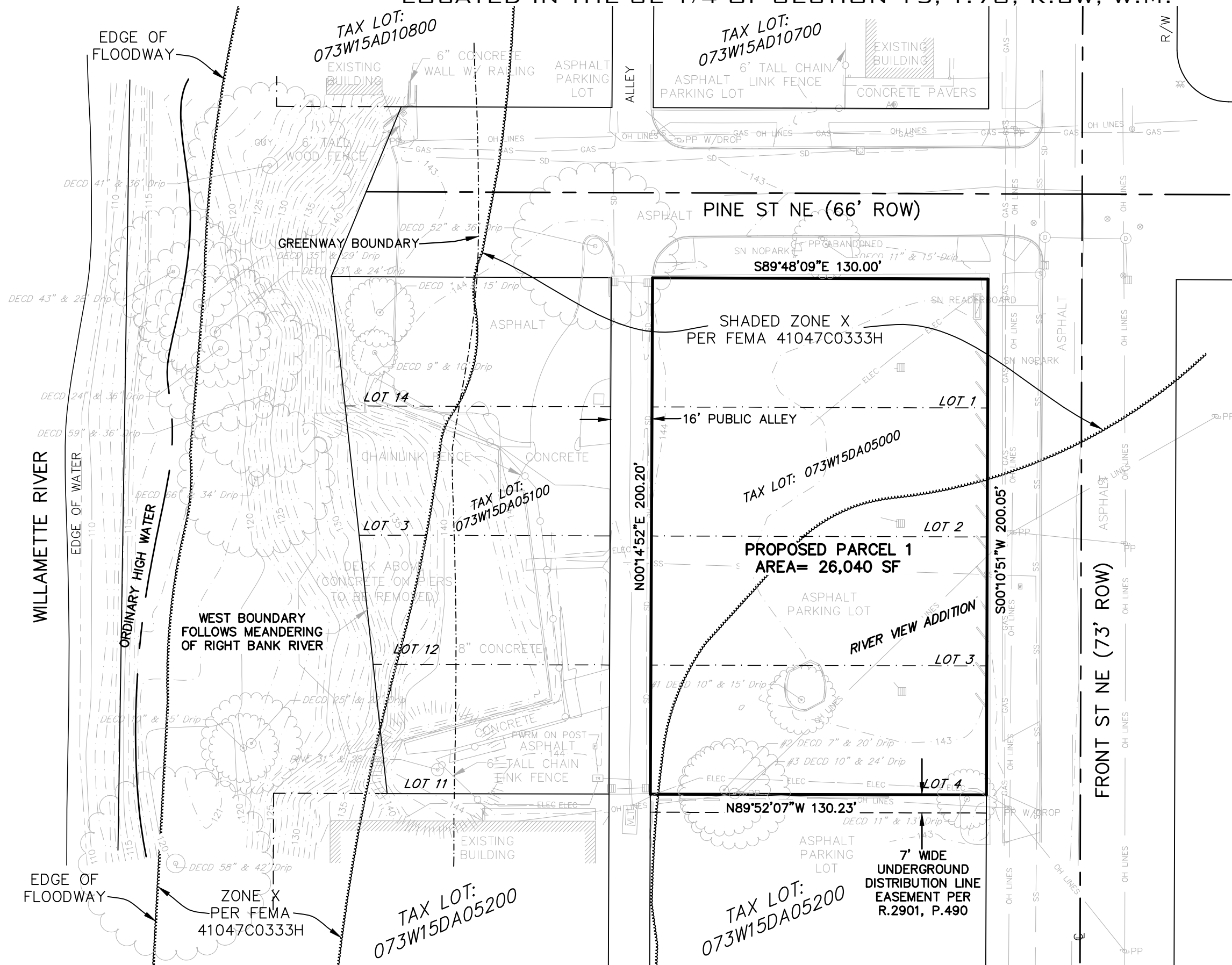
Exhibit E – Existing Conditions Plan

EXISTING CONDITIONS

LOCATED IN THE SE 1/4 OF SECTION 15, T.7S, R.3W, W.M.



1" = 40'
03/03/2022



OWNER:
RIVERFRONT APARTMENTS LLC.
360 BELMONT ST NE SALEM,
OR 97301

ZONE:
IC

TOTAL AREA:
26,040 SF

TAX LOT:
073W15DA05000

SITE ADDRESS:
102 PINE STREET NE

SURVEYOR:

GREGORY WILSON
BARKER SURVEYING
3657 KASHMIR WAY S.E.
SALEM, OR 97317
(503) 588-8800 EXT. 1
GREG@BARKERWILSON.COM



Exhibit F – Trip Generation Estimate Form



CITY OF Salem
AT YOUR SERVICE

Traffic Engineering Section
Public Works Department
555 Liberty Street SE, Room 325 Telephone: 503-588-6211
Salem, Oregon 97301-3513 TTY: 503-588-6292

Trip Generation Estimate

Street _____

Bin # _____ TGE # _____

Date Received _____

Section 1 (To be completed by applicant.)

Applicant Name: BRAND Land Use on behalf of Clutch Industries, Inc. Telephone: 503-680-0949 - Britany

Applicant Mailing Address: 360 Belmont Street NE Salem, OR 97301

Location of New Development: 102 Pine Street NE Salem, OR 97301

(Please provide street address. If unknown, provide approximate address and geographical description/nearest cross streets.)

Description and Size of New Development: 0.6 acres Multiple Family Development with 18 Dwelling Units

(e.g., 150 single-family homes, 20,000 sq. ft. office addition, 12-pump gas station, 50-student day care, additional parking, etc.)

Description and Size of Existing/Past Development, if any (note whether to remain or be removed): _____

Eating and drinking establishment. Previous structures have been demolished.

Planning Action Involved, if any: CUP, SPR, DAP, DR, ADJ, Replat Building Permit Involved: _____

(e.g., zone change, subdivision, partition, conditional use, PUD, mobile home park, etc.)

Yes ☒ No ☐

Section 2 (To be completed by City staff.)

Proposed Use

Development Quantity: _____

ITE Land Use Code: _____

Trip Generation Rate/Equation: _____

Average Daily Trips: _____

ELNDT Adjustment Factors

Trip Length: _____ Linked Trip: _____

TSDC Trips: _____

Existing Use

Development Quantity: _____

ITE Land Use Code: _____

Trip Generation Rate or Equation: _____

Average Daily Trips: _____

ELNDT Adjustment Factors

Trip Length: _____ Linked Trip: _____

TSDC Trips: _____

Section 3 (To be completed by City staff.)

Transportation Impact Analysis (TIA)

Net Increase in Average Daily Trips: _____

(Proposed use minus existing use.)

☐ A TIA **will** be required:

☐ Arterial/Collector—1000 Trip/day Threshold

☐ Local Street/Alley—200 Trip/day Threshold

☐ Other: _____

☐ A TIA **will not** be required.

Transportation Systems Development Charge

Net Increase in TSDC Trips: _____

(Proposed use minus existing use.)

☐ A TSDC **will** be required.

(Fee determined by Development Services.)

☐ A TSDC **will not** be required.

(For additional information, refer to the back of this application.)

Section 4 (To be completed by City staff.)

Remarks: _____ Date: _____

cc: ☐ Chief Development Services Engineer

☐ Community Development

☐ Building Permit Application

☐ _____

By: _____

Information Required to Assess the Need for a Traffic Impact Analysis and Transportation Systems Development Charge



The following information is required in order to assess the need for a Traffic Impact Analysis (TIA) and to calculate the Transportation Systems Development Charge (TSDC) to be levied on a proposed new development.

TIA Determination:

The City of Salem may require that a TIA be prepared as part of the approval process for major new development. The purpose of a TIA is to estimate the traffic impacts created by a new development on the surrounding street system. Any significantly adverse traffic impacts identified in the TIA must be mitigated by the applicant.

The estimated daily traffic generation of a new development is used as the criteria for determining whether a TIA is needed. If the new development access is located on an arterial or collector and the estimated daily traffic generation is more than 1000 trips, a TIA may be required. If access is located on a local street or alley and the generated trips exceed 200, a TIA may be required. Other criteria such as site access issues, driveway restrictions, and existing facilities deficiencies may also be used, if recommended by City Traffic Engineering staff.

The City Traffic Engineer makes the determination as to whether a TIA is required. (For more information on TIA criteria, see Development Bulletin No. 19 dated January 20, 1995.) When the determination has been made, copies of the Trip Generation Estimate form are sent to Public Works Development Services Division and the applicant. If a planning action is required, a copy is also forwarded to the Community Development Department.

TSDC Analysis:

The City of Salem charges a TSDC on all new development that creates a net increase in traffic on the surrounding street system. The total charge is assessed on a per trip fee times the TSDC trips calculated for the development. For more information on the TSDC, see Council Staff Report dated October 9, 1995.

To assist in estimating the daily trips generated by a new development, please answer the questions in Section 1 of this sheet and return it to Room 325 of the Civic Center. If you have any questions, Traffic Engineering staff are available at 503-588-6211. A copy of the completed trip generation estimate will be returned to you at the address provided in Section 1.

No Land Use, Planning, or Development Approval applications requiring Trip Generation Estimates will be processed until this information has been provided and the TIA/TSDC assessment has been made by City Traffic Engineering staff.