MAHONIA CROSSING

CDP SALEM – PHASE 2

Prepared by:
Winterbrook Planning

In Collaboration with:
Scott Edwards Architecture
PLACE
HHPR

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List of Exhibits

General Information

Applicant:	CDP Oregon LLC 126 NE Alberta Street, Suite 202 Portland, OR 97211 (Contact: Thomas Eldridge, 360-635-8073)
Representative:	Winterbrook Planning 610 SW Alder St., Suite 810 Portland, Oregon 97205 (Contact: Ben Schonberger, 503-827-4422)
Owner:	Gateway Phase 2 Limited Partnership
Site Address:	5205 Battle Creek Road SE Salem, OR 97306
State ID No.:	083W14 lot 300 and lot 118
Neighborhood:	South Gateway
Zoning:	Multiple-Family Residential (RM-II)
Case Type:	Site Plan Review (Class 3), Design Review (Class 1), Adjustments (Class 2) Driveway Approach Permit (Class 2) Tree Variance
Procedure:	Type II
Proposal:	New multi-family residential development. 129 housing units in 8 buildings. Associated parking, landscaping, open space.

SECTION 1: PROJECT NARRATIVE

Existing Conditions

The development site is shown on Figure 1 and consists of two vacant lots at the corner of Salal Street SE and Teal Drive SE in a subdivision on the southeast side of Salem, in the South Gateway neighborhood. A subdivision was approved in June by the City of Salem (SUB-TRV22-05) at this location to enable new multi-family housing development. The first phase of housing development, on Lot 1 of the subdivision, was subsequently approved July 1, 2022 (SPR-ADJ-DAP-DR22-24). Development on Lot 1 is currently in the building permit review phase. The new development will be named "Mahonia Crossing."

The land on which development is proposed is a combination of open fields and wooded area. Access to the site is from Salal Street SE, a new street through the subdivision that extends from an existing street stub at the south end of subdivision. Access from the west is via an existing stub of Teal Drive SE. Beyond the boundaries of the subdivision, Salal connects to Battle Creek Road SE at an intersection with Foxhaven Drive SE. At its north end, Salal stubs out to a vacant parcel zoned for future development.

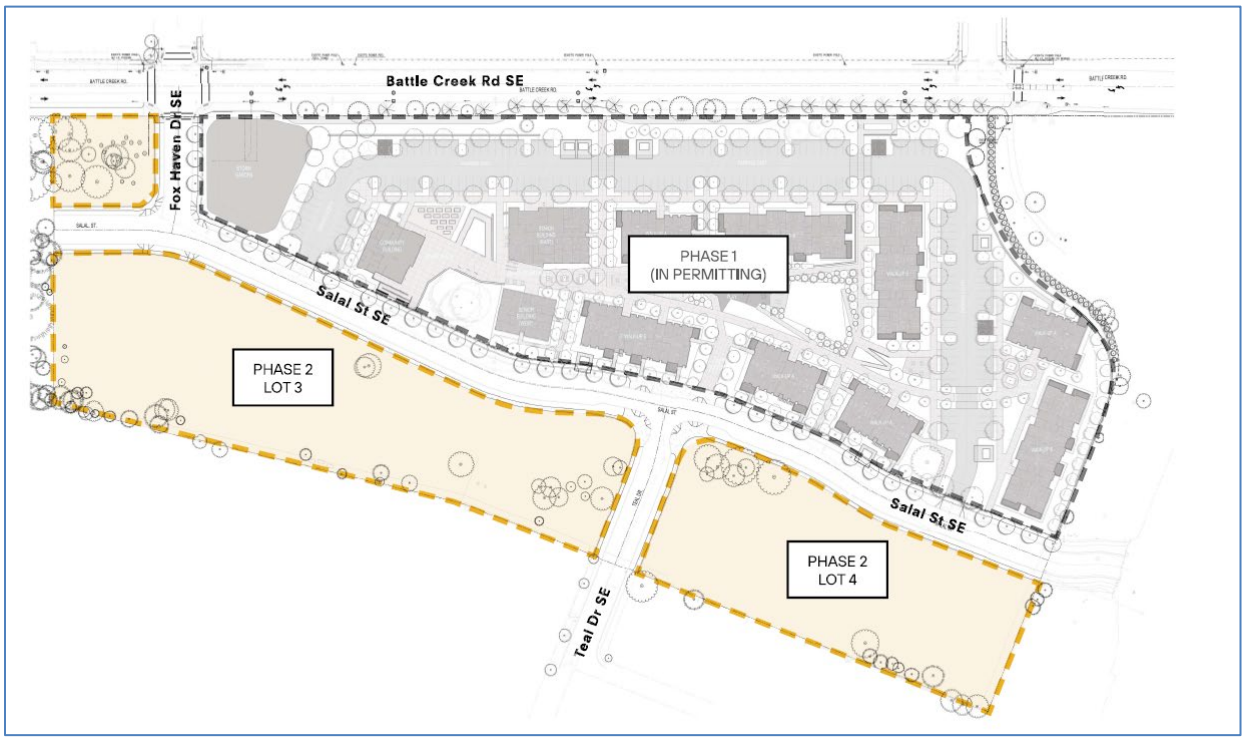


Figure 1. Map of site

Land uses surrounding the site are residential. Across Salal Street is Phase 1 of the housing development, which will soon be under construction. Abutting the site to the west is a built-out neighborhood of detached, single-dwelling houses. These houses face away from the subject site, toward other street frontages —Teal Drive, Berkshire Court, Thrush Court, and Songbird Court. Land north of Lot 3 is a vacant, wooded property, zoned for multiple family residential development. Abutting the site to the south is Woodscape Linear Park, a city-owned open space that doubles as a stormwater facility. Wes Bennett Park and Pringle Elementary School are both located 0.2 miles southwest of the site.

City zoning on the development site is "Multiple Family Residential-II" (RM-II). In this zone multiple family residential uses are allowed by-right, and residential densities are between 12 and 28 units per acre. The main trunk sewer line serving the subdivision is under Salal Street, in front of Lots 3 and 4.

The development site consists of two lots, the 2.82-acre Lot 3 and 1.84-acre Lot 4. The subdivision approval established the four lots of the subdivision and public streets through the site. This infrastructure—lots, streets, public utilities—provides a framework for the site plan.

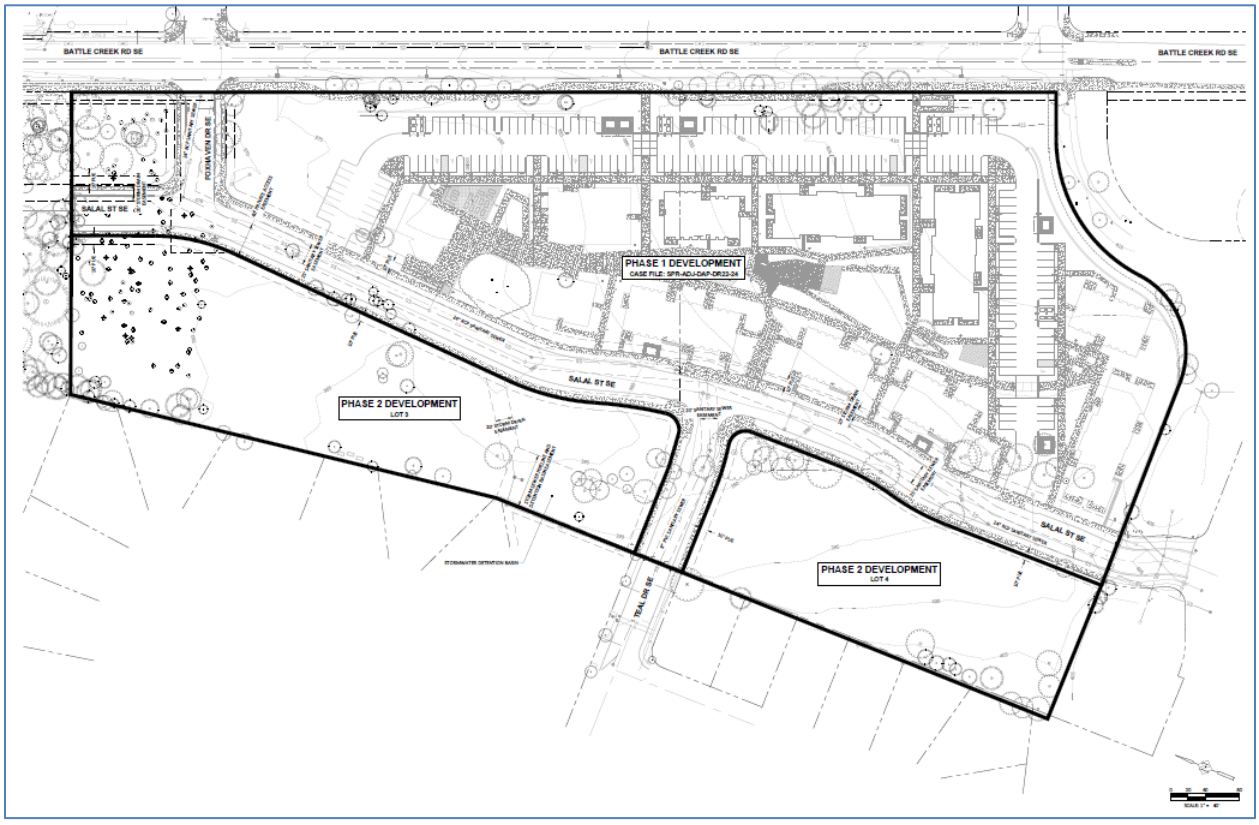


Figure 2. Existing Conditions Lot Pattern

Project Summary

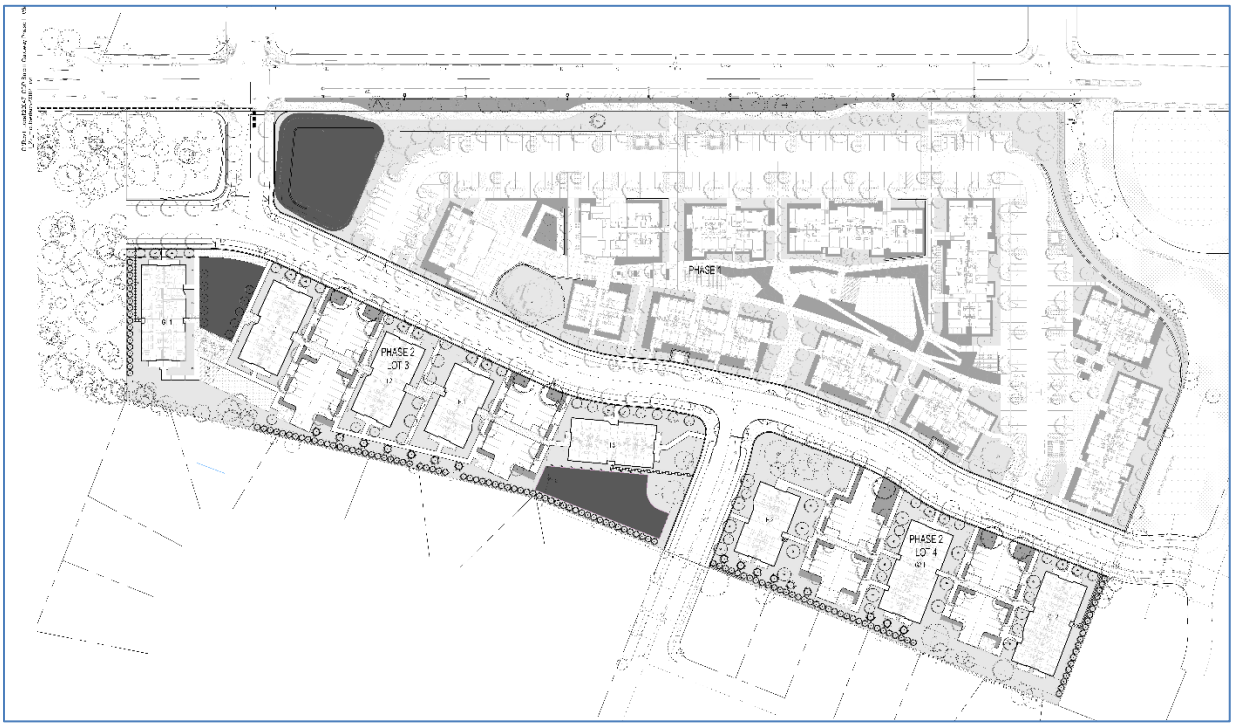


Figure 3. Site plan

Development proposed in this application includes eight residential buildings, five on Lot 3 and three on Lot 4. The buildings will contain 129 total residential units. New street segments of Salal Street and Teal Drive are being constructed with the subdivision and define the boundaries of each lot. Buildings have frontage on Salal Street or Teal Drive, except where significant trees located at the street edge are being preserved. An open space and stormwater management facility will be constructed on Lot 3, at the terminus of Foxhaven Drive. A second stormwater pond will be sited at the southwest corner of Lot 3, expanding an existing facility. Four vehicular parking areas will be interspersed among the residential buildings. These parking areas provide 43 vehicle spaces on Lot 3 and 35 spaces on Lot 4.

All eight buildings proposed are entirely residential, three-story apartment buildings in three architectural styles. Buildings on the site are divided into three design types, G, H, and I. One of the Type G buildings has a minor floor plan variation that is indicated by G1 and G2 building plans. Building design types are very similar in style to buildings proposed and approved in Phase 1 development, which gives the subdivision a unified aesthetic and provides a consistent theme throughout. Façades of buildings facing Salal have clearly defined unit entries with contrasting wood cladding, canopies, and direct

connections to the sidewalk. These building façades mirror features of Phase 1 development on the opposite side of the street.

Table 1. Building Types and Sizes (in order from north to south)

Building Name	Type	Dwellings	Square Footage
Lot 3			
G1.1	G1	18	19,226
I.1	I	16	16,373
I.2	I	16	16,373
H.1	H	13	14,154
I.3	I	15	16,373
Lot 4			
H.2	H	13	14,154
G2.1	G2	20	18,881
G1.2	G1	18	19,226
Total		*129*	*134,760*

Images or elevations of these building types are shown below and in the included drawing set.

Figure 4. Type G Building

Figure 5. Type H Building

Figure 6. Type I Building

Site buildings are predominantly placed at the Salal Street setback because it is the main local street of the development. All buildings have clearly identified, articulated façades and entrances. Entrances face the nearest abutting street, parking areas, or designated open spaces. Off-street parking is placed between/beside buildings. Several groves of mature significant trees on the property are preserved throughout the site. Specifically, these significant trees are in several clusters: at the northwest corner of Lot 3, the Teal frontage of Lot 3, and the northeast corner of Lot 4.

As with the Phase 1 development, all units will be income-restricted, serving residents earning between 30 and 60 percent area median income (AMI). In addition, ground-floor units across the eight buildings will be age-restricted to residents 50 and over. This programming decision will cultivate an intergenerational community.

A resident services plan will be led by EngAGE, a culturally-responsive nonprofit organization with over 20 years of experience serving affordable, multi-generational communities. The resident services program will be tailored to make occupancy successful for the lowest income citizens, and include programs focused on art, wellness, lifelong learning, and community engagement. The project will be a Community for All Ages–an intentional community where people of all ages live, work, and play together purposefully, reaping the rewards that accrue from intergenerational interdependence. Two other nonprofits service providers will provide support

services—Hacienda Community Development Corporation and Marion Polk Food Share.

The project is supported by a grant from Oregon Housing and Community Services, which distributed money for affordable housing in areas of the state affected by wildfires. Marion County was severely impacted by the 2020 Labor Day fires that burned over 1 million acres and destroyed 4,000 homes statewide. According to an assessment conducted by Oregon State University, there are over 600 families in the Santiam Canyon area near the project site that were displaced by fire and still have no long-term housing. Mahonia Crossing is in a prime location to offer relief to displaced residents from this area and from other affected areas in Marion, Linn, and Clackamas counties. Timing is critical: housing projects that receive funding through this program must financially close and commence construction by December 31, 2022.

Infrastructure and Utilities

The proposed development takes advantage of public infrastructure and upgrades to existing public infrastructure that will be part of the approved subdivision. As shown on the plans, Salal Street, Foxhaven Drive, and Teal Drive align with other existing streets located on abutting property and provide access to the property. Within these streets are public utilities such as water and sewer that will provide connections to the proposed housing development.

New sidewalk connections along Salal Street that define the east boundary of both Lots 3 and 4 provide connections to the city-owned Woodscape Linear Park. This linear park abuts the property to the south and leads to the larger Wes Bennett Park, a city park 0.2 miles southwest of the site.

Public utilities that will be extended to serve the site will be placed under proposed streets. A new eight-inch water main to serve buildings on the site will be installed under Salal Street and Foxhaven Drive, connecting to an existing water main in Battle Creek Road. Site buildings will connect to an existing 24-inch sanitary sewer line within an easement that follows Salal Street.

Storm drainage will be managed by utilizing two on-site detention ponds as well as using capacity that was designed into Phase 1 of the development, across Salal Street. Both phases of development act in tandem to provide the required detention and water quality. First, the applicant proposes to expand an existing pond at the southwest corner of Lot 3, near the Teal Drive and Salal Street intersection. This enlarged facility will manage runoff from the upstream roadway and neighborhood. This area for storm detention will be regraded, expanded, and deepened to provide additional capacity. On the north side of Lot 3, a new, landscaped, rain garden will be established to manage runoff north of Teal Drive. Finally, the drainage basin that includes Lot 4 will be

managed by the storm facility at the north side of Lot 1, which was already approved as part of the Phase 1 development. This pond will be constructed with the capacity to manage these flows. Altogether, the stormwater on both lots can be successfully managed with the facilities proposed.

Adjustments

The proposed application requests two adjustments, both from the multiple family design standards.

- From a standard which requires buildings to occupy 40 percent of street frontage buildable width, SRC 702.020(e)(4). Due to preservation of tree groves, the standard is not met along two frontages, the Teal Drive frontage of Lot 3 and the Salal Street frontage of Lot 4.

- From a standard which limits the length of building faces, SRC 702.020(e)(9). On five buildings, the upper two stories of one façade do not meet this standard.

The stated purpose of adjustments is to "allow reasonable development of property where special conditions or unusual circumstances exist," as stated in the code. In addition to the special condition of numerous existing significant trees that need to be preserved to the greatest extent possible, both lots have relatively shallow depth, which makes efficient site layout challenging. Likewise, the site must make room for parking, which has already been reduced to nearly the bare minimum. For the building face length adjustment, code requirements for stairway landings required a design that made it difficult to create an offset or recess with sufficient depth to satisfy the standard.

Overall, as noted in greater detail in the adjustment findings, the proposed design equally or better meets the purpose of the standards by preserving street frontage for mature trees and providing other mitigating architectural elements on the long facades of the two building types.

Land Use History

According to Salem city staff, the following land use cases are associated with the site.

- SPR-ADJ-DAP-DR22-24: new 184-unit housing complex including nine apartment buildings, a community building, parking areas, and open space.
- SUB-TRV22-05: Four-lot subdivision with associated public improvements. Includes tree variance.

- ZC78-10: A zone change from RA (Residential Agriculture) to RM (Multi-Family Residential)
- UGA 99-2: To determine the major facilities required by the Urban Growth Management Program to develop the subject property.
- PAR13-08: A three-parcel partition, with conditions of approval related to street extensions.
- PAR20-01: A two-parcel partition.

Public Process

The applicant anticipates participating in a public meeting with the South Gateway Neighborhood Association on September 8. Following instructions in SRC 300.310(c), an email message with a description of the proposal and a site plan was sent to the neighborhood association chair and its land use chair on July 28. Representatives from Community Development Partners and Scott Edwards Architects previously met in 2021 with the neighborhood association about Phase 1 of the project, at which Phase 2 was also discussed. More detailed conversations about the site layout, process, and timeline for development are ongoing with neighbors and will be discussed at the upcoming neighborhood meeting.

SECTION 2: LAND USE REVIEW FINDINGS

This section provides the findings to support approval of the new development. Quotes from City code and plans are included in *italics*, the applicant response is shown in plain text. Text omitted from the application findings, for brevity's sake, is indicated by ellipses: […].

Site Plan Review – Chapter 220

Site plan review – 220.005

(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 one; and
(B) Prior to commencement of work, for any of the following when a building permit is not otherwise required:
(i) Development of a new off-street parking and vehicle use areas;
(ii) Expansion of existing off-street parking and vehicle use areas, when additional paved surface is added;
(iii) Alteration of existing off-street parking and vehicle use areas, when the existing paved surface is replaced with a new paved surface;
(iv) Paving of an unpaved area; and
(v) Restriping off-street parking and vehicular use areas, when the layout will be reconfigured.
(2) Exemptions.[…]

Response: The proposal requires a building permit and therefore qualifies under the applicability section. It is not exempt from site plan review under section (2). This section applies. The findings respond to the standards.

(b) Classes. The three classes of site plan review are: […]
(3) Class 3 site plan review. Class 3 site plan review is required for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that: […]
(F) Requires a variance, adjustment, or conditional use permit.
(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.[…]

Response: This application requires a discretionary land use decision, specifically, design review and adjustments, which is a qualifying condition under (b)(3)(F). Therefore, this is a Class 3 site plan review and processed under a Type II procedure.

(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 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 gen. estimate for the proposed development, on forms provided by the City.
(E) For development in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones,[…]
(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 req. 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.

Response: The items above have been provided on project drawings and exhibits as shown in the included documents. A detailed set of drawings for the site and all proposed buildings is included with this application as Exhibit A. Site plan information is shown on Sheet G1.10. Architectural drawings are on Sheets A2.11 through A3.10 for each building. Landscape plans are on Sheets G1.11 through G1.12. A drainage report is included as Exhibit C. A geotechnical report is included as Exhibit D. Transportation analysis is included in a memo from DKS Associates as Exhibit B.

(f) Criteria.[…]
(3) Class 3 site plan review. An application for Class 3 site plan review shall be granted if:
(A) The application meets all applicable standards of the UDC;

Response: All the applicable standards of the UDC are met. Findings for all the sections of the code that address these standards are included in this document.

(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;

Response: Two vehicular entry points into each of the lots—four total—are from Salal Street, a new public street through the subdivision. From the public system, private driveway access points on each lot provide access to required off-street parking areas. Pedestrian access to the surrounding public system of sidewalks is provided at multiple points between buildings and open space areas. A transportation analysis memo from DKS Associates, a transportation expert, is included with these application materials as Exhibit B. Their analysis confirms that circulation through the development is safe,

orderly, and efficient. All study intersections meet operating standards under all conditions. No capacity improvements or mitigations are required.

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

Response: As noted, proposed development has two driveway entry points on each lot leading to two parking areas on each lot. Pedestrian access to the surrounding public system of sidewalks is provided between buildings and the street at multiple locations. These walkways connect buildings and open space areas on the site to the surrounding transportation network. A memo from DKS Associates, the applicant's transportation expert, is included with these application materials as Exhibit B. Their analysis includes a statement that parking areas and driveways facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

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

Response: A utility plan is included with the project drawings (Sheets C301 through C503) that shows proposed connections to public utilities. According to project civil engineers, the water, sewer, and stormwater facilities are adequate to serve the site and consistent with city regulations. Public sanitary sewer exists within the right of way for the abutting Teal Drive and Salal Street. The sewer line is available for connection to the proposed development. Water service will be extended from these trunk lines to the proposed development as shown on the water plan. Adequate flow and pressure exist to serve the development. Stormwater will be managed in the storm garden facilities shown on the site plan and detailed in the storm report.

Design Review – Chapter 225

Purpose – 225.001

The purpose of this chapter is to create a process to review development applications that are subject to design review guidelines and design review standards.

Design Review – 225.005

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

Response: The proposed development is subject to design review, based on RM-II zone requirements, SRC 514.015. The proposed development follows design review standards and is therefore a Class 1 review. Adjustments to the design review standards may be requested by applicants and approved by the City, as expressly allowed by SRC 250.005(a)(2)(J), regardless of section (b)(4).

(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.

Response: The Class 1 design review is processed as a Type I procedure. However, the entire application will be reviewed through a Type II procedure because this is a consolidated land use application which includes a Class 3 Site Plan Review and Class 2 Adjustments.

(d) Submittal requirements.
(1) Submittal requirements for pre-application conference.[…]
(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 locations 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.

Response: The included materials have all the elements listed above. A detailed set of drawings for the site and all proposed buildings is included with this application as Exhibit A. Site plan information is shown on Sheet G1.10. Architectural drawings are on Sheets A2.11 through A3.10 for each building. Landscape plans are on Sheets G1.11 through G1.12. The application is intended to meet the standards.

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

Response: The proposed development is subject to a Class 1 design review and all the applicable design review standards of SRC Chapter 702, Multiple Family Design Standards, are addressed below in the findings for that section.

Adjustments – Chapter 250

Purpose – 250.001

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.

Response: The requested adjustments will allow reasonable development of this property because special conditions or unusual circumstances exist. Features on and the configuration of existing lots create unusual development constraints that are unusual. Tree groves are on the lots that need protection and do not conform to city design standards, and the lots are relatively narrow and have two street frontages. The corner lots make it difficult to fully comply with some of the standards. Flexibility in this circumstance is justified.

Adjustments – 250.005

(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.

Response: The proposed application requests two adjustments, from the multiple family design standards listed in SRC 702.020.

1. Buildable Width— SRC 702.020(e)(4)

The first requested adjustment is from SRC 702.020(e)(4), which requires buildings to occupy 40 percent of each street frontage's buildable width. Because the development consists of two corner lots, the proposed development has four qualifying street frontages. Lot 3 has frontage on Salal Street and Teal Drive, and Lot 4 also has frontage on Salal Street and Teal Drive.

Table 2. Buildable Widths

Lot	Street	Buildable Width (ft.)	Proposed Building Length at Setback Line (ft.)	Percent of Setback Line Occupied by Buildings
3	Salal Street	741	318	43%
3	Teal Drive	116	0	**0%**
4	Salal Street	437	108	**25%**
4	Teal Drive	133	91	68

Lot 3 meets the 40 percent standard on the Salal frontage, but not its Teal frontage. Lot 4 meets the standard on the Teal frontage, but not the Salal frontage. The two frontages that require an adjustment are Lot 3 Teal and Lot 4 Salal.

2. Building Face Length— SRC 702.020(e)(9)

The second adjustment is from SRC 702.020(e)(9), a standard which requires building faces of more than 80 feet to have one of several listed design elements to increase articulation. The upper stories of one long façade on two building types have an articulating feature, but this feature is shallower than the minimum required to meet the standard. The opposite long façade complies. The non-compliant side of the Type I buildings is 105' 0" and of the Type H building is 90' 10", which are both longer than the 80-foot limit.

The scope of the adjustment therefore is to approve modifications on the upper floors five of the 32 building façades.

- Building I.1, south
- Building I.2, south
- Building H.1, north
- Building I.3, west
- Building H.2, south

The location of these five façades are highlighted on the site plan below.

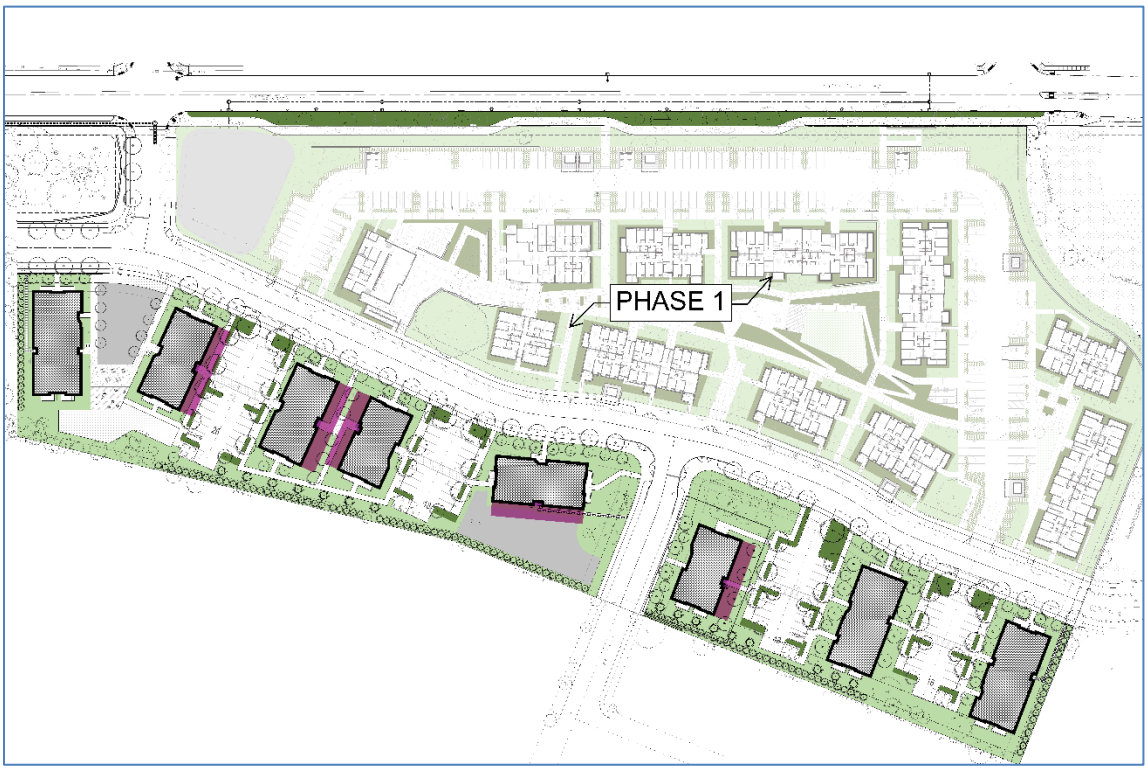


Figure 7. Building Face Length Adjustment Locations

Both adjustments qualify as Class 2 adjustments. For the buildable width adjustment, 32 percent would be a 20 percent reduction in the minimum requirement. At 25 and 0 percent buildings, both frontages identified have buildable widths that exceed 20 percent less than the standard. Likewise, increasing the "vertical face" maximum 80-foot standard by 20 percent would be 88 feet. The two non-compliant façades where the adjustment is requested exceed this: 105 and 91 feet. (Alternatively, the minimum depth of the building recess that would break up this façade is one foot rather than the required four feet, which is also more than a 20 percent difference.) Because they are more than 20 percent different from the standard, both adjustments are Class 2.

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

Response: Subsection (J) above explicitly permits Multiple Family Design Review Standards in SRC Chapter 702 to go through the adjustment process. The requested adjustments are therefore not prohibited.

(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.
(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.

Response: The proposed adjustment request is part of a consolidated application that includes site and building drawings that have all the listed elements above and were previously addressed under the finding for site plan review submittal requirements, SRC 225.005(d).

(d) Criteria.
(1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:[…]
(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.

Response: The purpose statement for the section that includes the standards is in SRC 702.001:

> *"The purpose of this chapter is to establish design review standards for multiple family development."*

This purpose does not illuminate the reasons for each of the two standards from which adjustments are requested. However, the "underlying" purpose may be found within the language of each individual standard.

1. Buildable Width— SRC 702.020(e)(4)

The purpose underlying the buildable width regulation is "to enhance visual interest and activity along the street." The way the criterion is met is by preserving existing mature trees. This equally or better enhances visual interest and activity along the street than the alternative, substituting buildings for trees in the same physical location. Preserving the significant trees that occupy frontage space on the public streets and adding their giant trunks and arching canopies to the streetscape enhances visual interest and activity more than strict compliance with this standard. In that way the purpose is equally or better met, and so is the criterion.

The two locations where the adjustment is needed have slightly different fact situations and rationales and are addressed separately below.

Lot 3, Teal Drive Frontage

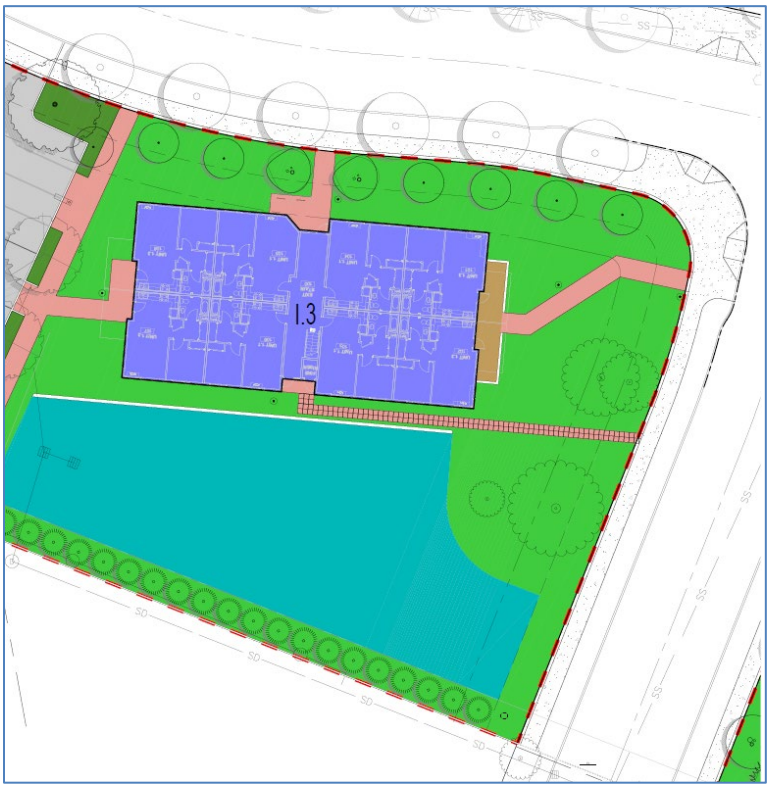


Figure 8. Teal frontage, Lot 3

On Lot 3 the relatively short Teal Drive frontage is dominated by two significant trees. The buildable width along Teal Drive is 116 feet. More than 85 percent of this buildable width, 102 feet, is occupied by the critical tree zones (CTZ) of these two trees.

Conceptually, the frontage standard could be met by pushing Building I.3 farther south into the corner of the lot, so that either of its façades abut the Teal Drive setback. However, this would require removing both significant trees, which would require further expanding the variance request. A tree variance is already necessary on Lot 3 due to conflicts with building and parking areas, but each additional tree considered for removal makes the variance more difficult to approve. City staff advised the applicant that, all other things being equal and when there are no other alternatives, tree preservation typically takes precedence over minimum buildable width. There are literally no options for occupying 40 percent of the Teal frontage with a building, unless one or both significant trees are removed. For this reason, the current site plan and approval of an adjustment at this location is justified. As noted above, the purpose of the regulation is to provide visual interest, and this objective is better satisfied by the presence of mature trees along the street edge compared with no trees and a building placed at the setback.

Lot 4, Salal Street Frontage

Figure 9. Lot 4, Salal frontage

The applicant went through numerous iterations of the site plan in an effort to comply with the buildable width standard on Lot 4. The design team reviewed multiple alternative designs, several of which are summarized here. This shows the challenges of each option.

Alternative A

Rotate Building H.2 (the northernmost building on Lot 4) and push it to the corner. Moving the building to the Salal frontage maximizes the "main street" frontage and having the short side of the building along Teal Drive would satisfy the 40 percent standard on both frontages. However, because the tree grove is also located at the corner of the two streets, that building placement would completely wipe out the significant trees. Removing any number of trees, not to mention all of them, makes a tree removal request much harder to justify.

Alternative B

Rotate Building G2.1 (the middle building) and push it up to Salal. This configuration would eliminate one of the driveway entrances. Creating an L-shaped parking lot behind a building close to Salal would not meet fire codes. That parking configuration would require two access points (*i.e.*, a loop) through the site, which is not feasible in this configuration. Crucially, this layout would still be below the 40 percent frontage minimum and an adjustment would still be necessary.

Alternative C

Rotate Buildings 6 and 7, place parking behind, add new access on Teal. This has two points of access and would therefore satisfy fire access requirements. A schematic drawing is shown below.

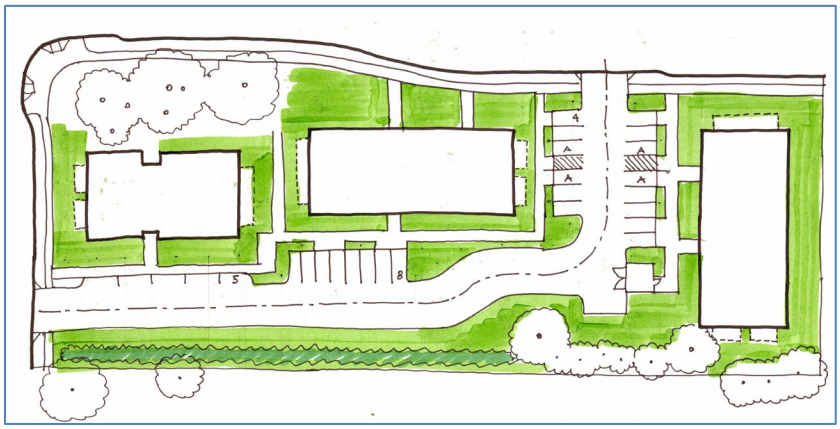


Figure 10. Sketch of Alternative C for Lot 4

This layout still fails to comply with the 40 percent minimum on Salal, primarily because the grove of trees being preserved occupies so much of the street frontage. An adjustment is still necessary. Furthermore, this layout does not meet minimum parking standards. This would require another adjustment. The new driveway outlet on Teal, closest to the abutting neighbor, which could create a conflict with that property owner.

Alternative D

Eliminate a parking lot or add more buildings to the site. Replacing one of the parking lots with a fourth building or a larger building could create compliance with the frontage standard. Lot 4 is already proposed at 27.7 dwelling units per acre, barely below the 28 du/acre maximum allowed by the zone (SRC 514.010[c]). Salem and the applicant have expressed a desire to promote new housing production in the city. However, zoning does not allow more greater density on Lot 4. At the same time, even slightly fewer parking spaces would put Lot 4 out of compliance because the current design is barely above the minimum number required. Parking provided on Lot 4 meets requirements but is very low due to reductions granted to low-income housing and low-income elderly housing. Further reductions would be difficult to obtain under a discretionary process. Based on public comments received from the Phase 1 development, such a request would likely face neighborhood opposition.

Compliance with the design standards and without adjustments is only possible if a valuable tree grove on Lot 4 is removed. That solution is unacceptable when this area has the most valuable trees on the lot and they are in such a high visibility location. Other alternatives reviewed above disrupt site circulation and still require adjustments.

Considering the context, allowing a reduction of building width on two of four street frontages is an acceptable trade-off for preserving significant trees. The presence of the trees at the street edge equally or better meets the standard to provide visual interest and activity.

3. Building Face Length— SRC 702.020(e)(9)

The standard indicates that the purpose underlying the regulation is "to minimize the appearance of building bulk." The proposed development meets this purpose by dividing the long façades where the adjustment is needed into easily identifiable sections, each shorter than 80 feet. Those sections are visually defined by separate gabled roofs. Each roof gable aligns with the housing units on the floors below it.

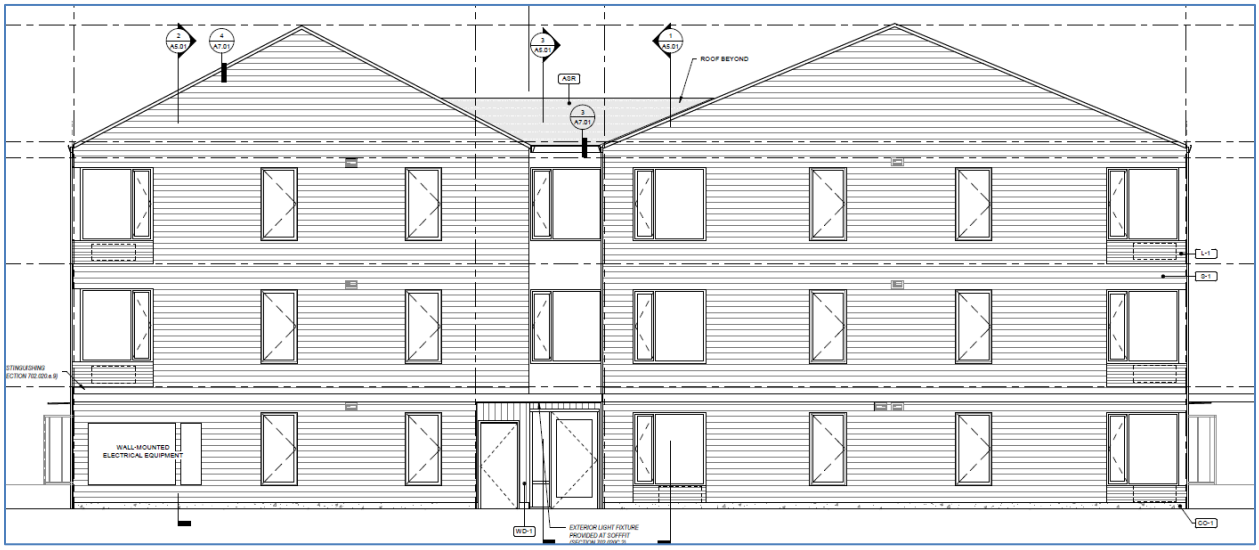


Figure 11. Elevation of Building H, long façade

Figure 12. Elevation of Building I, long façade

In addition to the roofs, a continuous, vertical, recessed band of a different building material will align with the interior end of each gable. This further separates the building into visually distinct sections and minimizes the appearance of overall bulk. The two distinct sections of the buildings will be divided by a single vertical recess that extends from the ground to the roof line, adding texture and shadow. The recess creates articulation on the façade. The material on this recessed element is a flat fiber cement panel with a large window on each of the upper stories, and a covered doorway on the ground floor. This recess is therefore composed of a different material from the lap siding which clads the exterior of the rest of the building. A recess or offset is an element that is specifically called out in the code as one way to break up building façades and meet this design standard. In both cases, the recess is wide enough, but too shallow to comply with the 6 feet wide by 4 feet deep minimum. The recess on the Type H building is 6 feet wide and 2.3 feet deep. The recess on the Type I building is 10 feet wide and 9 inches deep.

On the Type H building, the recess depth is maximized, but limited by a need to have clearances for the entry doors and adequate square footage for the bedrooms on the other side of this wall. Pushing the recess further in to meet the standard would make these bedrooms non-compliant with building code.

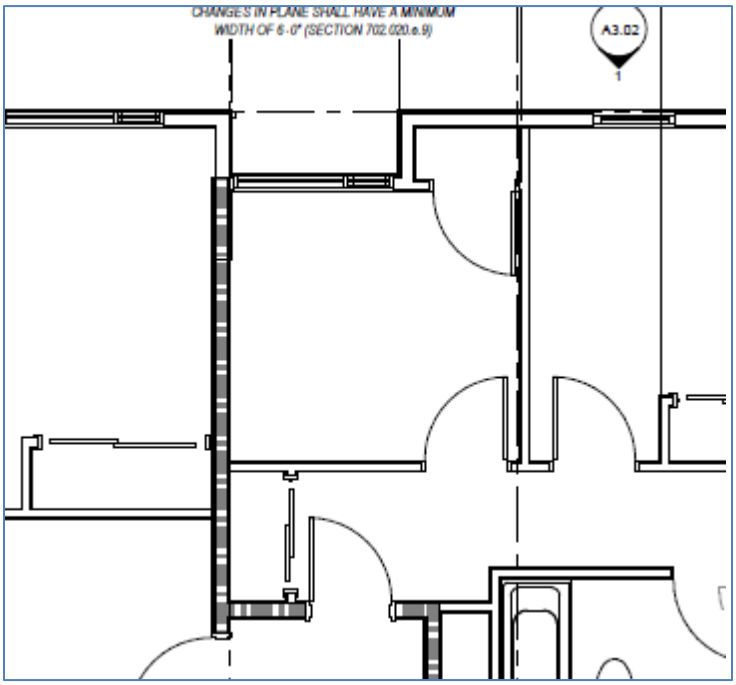


Figure 13. Floor plan detail from 2nd floor of Building H

On the Type I Building, building code limitations on stairway design made it extremely difficult to make the recess deeper. Building codes require the landing area for the

internal stairs to be a minimum depth and a minimum clearance around unit entries. These two constraints widen the stair corridor and push out the exterior wall so that the recess is only 9 inches deep, rather than four feet.

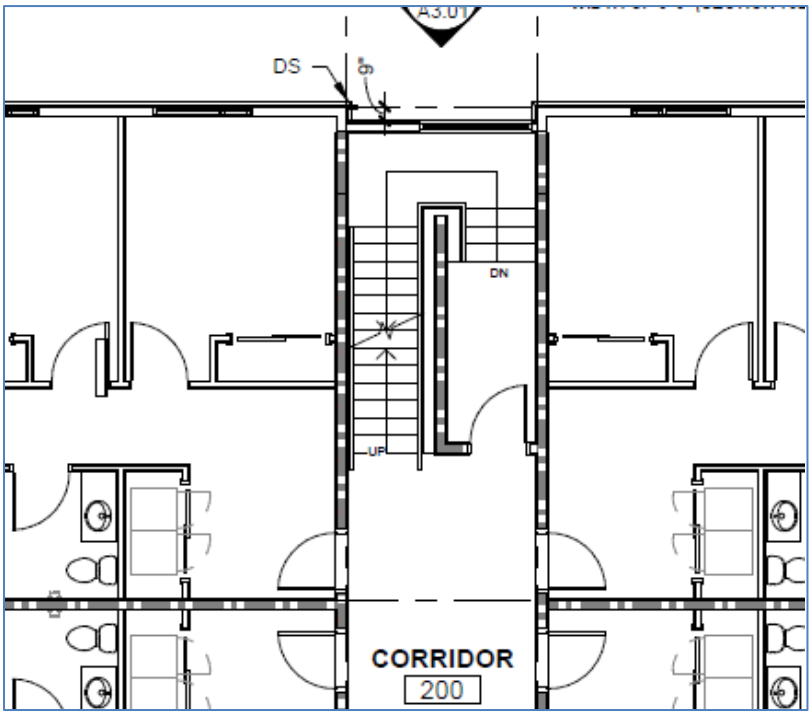


Figure 14. Internal stairway detail from 2nd floor plan of Building I

There are numerous mitigating factors that reduce the impact of this adjustment. First, the amount of the request is small as a share of the overall building exteriors. The request is needed on five of 32 possible building façades on the site. Even this overstates the scale of the request since a portion of those five façades do meet the standard. The ground floors of all five façades have "covered entrances" that meet requirements (See Sheets A3.01 and A3.02). Therefore, it is only the upper two stories of the façades that require the adjustment. Second, the amount that each building façade does not meet the standard is small. If the vertical recess were merely 3.25 feet deeper on the Type I Building, and 1.7 feet deeper on the Type H Building, an adjustment would not be required because it would meet the minimum depth requirement for recess/offset elements. These façades have a recessed element that visually divides the building, provides articulation and shadow, is sufficiently wide in both cases, but is somewhat too shallow. Third, the visual impact of this adjustment is minor because of the locations of these façades. The non-compliant façades of the buildings are all inward-facing to the development. In no case do any of the five façades face a public street. As shown in Figure 7, the general public has very little ability to see adjusted building faces due to their location on the site.

In short, the design of the Type I and Type H buildings reduces the perception of building size, even on the façades where the adjustment is required. Specifically, the roof configuration, covered entrances on the ground floor, and a dividing vertical element between building sections indicate a segmented structure. These features give the impression of smaller buildings. The adjustment is further mitigated by where the façades are located and the small amount of the proposed change from the standard. These design choices equally meet the purpose underlying the standard, to minimize the appearance of building bulk.

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

Response: The proposed adjustments are within a residential zone, the RM-II. The proposed development will not detract from the livability of appearance of the residential area for the following reasons.

1. Buildable Width

The "residential area" affected by the proposed adjustment to buildable width is limited to the immediately facing properties that would have a view of this frontage, and people passing along the short segment of Teal Drive or Salal Street. Those residential properties farther from this area would not be affected because building frontage is not visible, and it would not be apparent to them whether the street frontage setback is occupied by buildings or a tree grove.

Allowing building length at the setback line to be at 25 percent rather than 40 percent along the Salal Street frontage of Lot 4, and zero percent along the Teal frontage of Lot 3, still allows the proposed development to contribute to the livability and appearance of the residential area, because it enables preservation of significant trees along at the corner of Salal and Teal. In both cases, moving buildings away from the street setback line to avoid groves of significant trees allows these trees to be saved. These trees improve, rather than detract from, livability and appearance, even though the adjustment reduces building frontage on the setback line. It requires discretion and aesthetic judgement to determine whether livability and appearance is better served by tree preservation or building edge at the street setback line. Salem staff advised that when two regulations directly conflict in this way, tree preservation is generally regarded as more important.

The overall presentation of the Salal Street frontage is an attractive, residential main street with buildings, landscaping and connections to the public realm. The façades that face Salal have a strong visual presence on the street with recessed entries clad in wood, overhead canopies above the entries, planters, patios, and a direct pedestrian

connection to the sidewalk. This suits the residential nature of the development and is consistent in style with the surrounding area.

Figure 15. Salal Street building façade

The tree preservation area on Lot 3 occupies 85 percent of the Teal Drive frontage and the tree area on Lot 4 occupies a significant portion of the Salal Street frontage. In each case, saving trees creates a constraint that results in a site layout that is below the 40 percent threshold. Hypothetically, if the tree groves that occupy the setback zones were to count as building frontage, the standard could be met. The proposed final condition on both frontages results in an attractive pedestrian environment — a defined street edge with buildings, wide public sidewalks, and large shade trees.

The proposed condition on both frontages where this adjustment is necessary offers more visual interest and amenities than strict compliance with the standard. In both locations, the buildable width is occupied by mature, significant trees that create a prominent visual presence at the juncture of the two local streets. Preserving mature trees likewise improves the livability and appearance of the residential area by providing a contrast between new buildings and decades-old trees.

2. Building Face Length

The "residential area" affected by the proposed adjustment to building face length is even smaller than the area affected by the buildable width adjustment. This adjustment is related to aesthetic considerations and therefore only affects properties that have a direct view of the adjusted façades. The adjusted façades will only be visible at locations

internal to the development, and in passing to users of the public streets. Views from the adjacent residential properties to the west are blocked by a proposed 8-foot fence on this property line, obscuring these facades. Existing development, distance, and proposed trees block any views of these facades from properties across Battle Creek or to properties to the north or south. Residential properties that cannot see the front of these buildings will not be affected at all. The façades where the adjustment is needed are inward-facing and will be visible only at an oblique angle to pedestrians and drivers from the adjacent public streets.

As discussed in the response to the previous criterion, the mitigation for building length on the upper stories of these buildings consists of a varied roof line and vertical dividing element. Gabled roofs reflect the pitched roofs that are a common feature of houses in the surrounding area. A continuous, contrasting, vertical, recessed band of different material aligns with the end of each gable. These two design elements functionally divide the back façades of these buildings into shorter "vertical faces" that minimize building size and maintain the livability and appearance of the residential area. Both these elements are more visible and more relevant to neighboring properties than if the buildings were shorter or if building design incorporated one of the other listed design elements such as balconies. Design elements incorporated into the longer façades enhance the appearance of the area.

In general, the pedestrian experience along all the abutting streets in the new development will be vastly improved and at a very high quality, and even with less than 40 percent buildings on the setback line. This enhances the livability and appearance of the residential area. Likewise, high-quality architectural features along all the building facades provides an enhanced appearance for the area, in part by using roof lines and a vertical recess to minimize the appearance of building bulk.

(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.

Response: Two adjustments are requested, to SRC 702.020(e)(4) and SRC 702.020(e)(9). The first is related to building placement and the amount of frontage along abutting streets. The second adjustment is from a standard which requires building faces of more than 80 feet to have one of several listed design elements to increase articulation. The upper two stories of the long façades of Building Type I have one of these features, but this feature is shallower than the minimum required to meet the standard. Likewise, one side of the Building Type H design has a façade where the two upper stories do not meet the standard.

The "overall purpose of the zone" is listed in SRC 514.001:

> *"The purpose of the Multiple Family Residential-II (RM-II) Zone is to implement the multiple family residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RM-II zone generally allows multiple family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area."*

The project, with the proposed adjustments, has no direct impact on the purpose of the zone as listed in this statement. Specifically, it does not change implementation of the comprehensive plan designation, identification of allowed uses, or establishment of development standards. The proposed use of the site is multiple family residential, which is an allowed use and not affected by the adjustments. The spirit of the design and development standards—to increase visual interest and enhance the pedestrian experience—has been met by significant upgrades to the condition of the site from the development of the subdivision and the overall context of existing conditions. This was explained in the response to adjustment criterion (2)(A)(ii). Building location, size, and appearance is consistent with multi-family residential uses. In general, the proposed multiple family project will be a high-quality housing development in a multiple family zone that was explicitly designated to create such opportunities. For that reason, it is consistent with the overall purpose of the zone.

RM-II Multiple Family Residential – Chapter 514

Purpose – 514.001

The purpose of the Multiple Family Residential-II (RM-II) Zone is to implement the multiple family residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RM-II zone generally allows multiple family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area.

Uses – 514.005

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

Response: Table 514-1 lists Multiple Family as a permitted use. The residential use of the buildings on the site meets the definition of "multiple family" in SRC 400.030(e), "five or more dwelling units on an individual lot by five or more families".

Development standards – 514.010

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

(a) Land division in the RM-II zone. Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.
(b) Lot standards. Lots within the RM-II zone shall conform to the standards set forth in Table 514-2.

Response: Lot size, width, depth, and street frontage lengths for the development site were established by the recently approved subdivision (22-102589-LD). All the relevant dimensional standards for Lots 3 and 4, where development addressed in this application is proposed, were met.

(c) Dwelling unit density. Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. Max. dwelling unit density cannot be varied or adjusted.

Response: According to Table 514-3 the minimum dwelling unit density is 12 dwelling units per acre and the maximum is 28 du/acre.

Table 3. Dwelling Unit Density

Lot Number	Size	Units	Dwelling Units/Acre
3	2.82 acres	78	27.6
4	1.84 acres	51	27.7

At dwelling unit densities of 27.6 and 27.7 du/acre, each lot is within the allowable range of 12 and 28 du/acre. Therefore, the standard is met.

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

Response: Each lot is bounded on two sides by streets, Salal Street to the east and Teal Drive between the two lots. Both these frontages are street setbacks where the street setback for buildings and vehicle areas apply. Per the definitions section, the non-street lot lines to the west are rear setbacks, and the non-street lot lines to the north and south are interior side setbacks. Setbacks required and proposed are as follows.

Table 4. Setbacks

Category	Standard	Proposed
Street setbacks, minimum, buildings	20 feet ("Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft., but need not exceed 20 ft. in depth.")	20 ft. along both Salal and Teal (all buildings are taller than 20 feet)
Street setback, minimum, vehicle use areas	12 feet	12 ft. on Salal (closest point, parking areas A and B) No parking lots face Teal
Interior rear setback, buildings, from property to west	30 feet (=1 foot for each 1 foot of building height, reduced 5 feet with abutting 8 foot fence, per SRC 702.020.e.2.A)	30 ft at closest point, for Building H.2
Interior rear setback, vehicle use areas, from property to west	10 feet	Parking A: 14.1 ft. Parking B: 13.4 ft. Parking C: 15.4 ft. Parking D: 29.4 ft.
Interior side setback, buildings, from property to north and south	10 feet	18.5 ft. for Building G1.1 18.5 ft. for Building G1.2
Accessory structures (*i.e.*, waste collection enclosures)	10 feet	Waste enclosures: 15 ft. at closest point, in Parking C

(e) Lot coverage; height. Buildings and accessory structures within the RM-II zone shall conform to the lot coverage and height standards set forth in Table 514-6.

Response: The lot coverage maximum for multiple family uses listed in Table 514-6 is 60 percent. The lot coverage for Lot 3 is 23 percent, and for Lot 4 is 22 percent. Those figures, following the measurements section of the code (SRC 112.040), are: area of covered structures divided by lot area.

The height limit for multiple family buildings in Table 514-6 is 50 feet. Proposed building heights are listed in the table below. The tallest building on the site is any of the Type I buildings, which are 36 feet, 3 inches high.

Table 5. Building Height

Building Number	Building Type	Height (feet)
G1.1	G1	35
I.1	I	36.3
I.2	I	36.3
H.1	H	35
I.3	I	36.3
H.2	H	35
G2.1	G2	35
G1.2	G1	35

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

Response: The site has no accessory structures to single family or two family uses, therefore this standard does not apply.

(g) Landscaping. Landscaping within the RM-II zone shall be provided as set forth in this subsection.
(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
(2) Vehicle use areas. Vehicle use areas shall be landscaped as provided under SRC 806 and 807.

Response: As shown on the included landscape plan (Sheets G1.11 through G1.12), the required setbacks for buildings and vehicle areas are landscaped, following the standards in Chapter 807. For buildings, the zone-to-zone setback standards (Table 514-5) include a requirement for a 10-foot, Type C landscape buffer. Additional distance between the buildings and the property line is required by the multiple family design standards. These minimum setbacks for each building are planted with a minimum of 1 plant unit per 20 square feet of landscaped area.

Vehicle use areas are landscaped as according to the specifications in SRC 702.020(b), the multiple family design standards. Parking lot landscaping standards of that section substitute for the more general standards in Chapter 806, per SRC 702.020(b)(8).

(h) Outdoor storage. Within the RM-II zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Response: No outdoor storage is proposed.

Design review – 514.015

Design review under SRC chapter 225 is required for development within the RM-II as follows:
(a) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
(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.

Response: The proposed development is multiple family development and therefore subject to section (a) above and the standards of chapter 702.

Other provisions – 514.020

In addition to the standards set forth in this chapter, development within the RM-II zone must comply with all other applicable development standards of the UDC, including, but not limited to, the following chapters:
(a) Trees and Shrubs: SRC chapter 86.
(b) Wireless Communications Facilities: SRC chapter 703.
(c) General Development Standards: SRC chapter 800.
(d) Public Improvements: SRC chapter 802.
(e) Streets and Right-of-Way Improvements: SRC chapter 803.
(f) Driveway Approaches: SRC chapter 804.
(g) Vision Clearance: SRC chapter 805.
(h) Off-Street Parking, Loading and Driveways: SRC chapter 806.
(i) Landscaping and Screening: SRC chapter 807.
(j) Preservation of Trees and Vegetation: SRC chapter 808.
(k) Wetlands: SRC chapter 809
(l) Landslide Hazards: SRC chapter 810.
(m) Sign Code: SRC chapter 900.

Response: Findings for all the relevant and applicable standards in the sections above are part of this application and addressed below.

Multiple Family Design Review Standards – Chapter 702

Purpose – 702.001

The purpose of this chapter is to establish design review standards for multiple family development.

Multiple family design review – 702.005

(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.

(b) Exceptions. Multiple family design review is not required for: […]

Response: Design review is required for this project because it is multiple family development. None of the listed exceptions apply.

Multiple family design review standards – 702.010

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 […].
(b) Multiple family development with 13 or more dwelling units shall comply with the design review standards set forth in SRC 702.020.
(c) The design review standards set forth in this chapter are in addition to, and not in lieu of, all other applicable development standards in the UDC. Where the design review standards conflict with the development standards in the UDC, the design review standards shall be the applicable development standard.

Response: The proposed development has 129 units in eight buildings. Five buildings containing 78 units are on Lot 3, three buildings containing 51 units are on Lot 4. The development overall has more than 13 dwelling units. Therefore, SRC 702.020 contains the applicable standards. These findings also address the other development standards in the code.

Design review standards for multiple family development with 13 or more units – 702.020

(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.

Response: The areas designated and reserved for open space are shown on the landscape plan (Sheet G1.11 through G1.12). Altogether, these areas account for 62 percent of the gross site area on Lot 3, and 54 percent of the GSA on Lot 4.

SRC 702.020(a)(F) allows a reduction of the above requirement 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." This development abuts Woodscape Linear Park to the south, which is a public park, owned by the City of Salem, accessible by public sidewalks on Salal Street. Therefore, the 30

percent open space requirement is reduced to 15 percent. Because the amount of open space vastly exceeds the 15 percent minimum, the standard is met.

(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.
(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.

Response: Table 702-3 requires that for developments with more than 20 units, one common open space be at least "1,000 square feet, plus an additional 250 square feet for every 20 units, or portion thereof, over 20 units." Based on this requirement, the 78-unit Lot 3 requires a 1,725 square foot common open space. The 51-unit Lot 4 requires a 1,388 square foot common open space. That common open space must also have a minimum horizontal dimension of 25 feet.

Lot 3 has an open space feature along Salal at the terminus of Foxhaven Drive which is 13,652 square feet. This space is also a rain garden stormwater facility. Also, a picnic area and abutting nature play area on Lot 3 meets the definition of common open space and comprise 2,598 square feet. For Lot 4, the tree preservation area at the corner of Teal and Salal is 5,234 square feet. Each of these common open spaces has a minimum horizontal dimension of at least 25 feet, as shown on the site plan. None of them are on land with slopes greater than 25 percent. These areas meet the standard.

(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.

Response: As shown, 28 of the ground floor apartments in the housing development have outdoor patios that can be classified as private open space. A "patio" is one of the listed examples in the definition of "private open space" (SRC 111.001). As shown on the plans, all patios are at least 6 feet wide and 96 square feet in area. Collectively, these patios constitute 2,192 square feet on Lot 3 and 1,137 square feet on Lot 4. Patio locations and sizes are shown on Sheets G1.11 through G1.12. This square footage is included in the overall calculation of open space. The amount of open space on the site, 62 percent of gross site area on Lot 3 and 54 percent of GSA on Lot 4, exceeds the minimum 15 percent requirement in SRC 702.020(a)(1).

(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.

Response: Twenty percent of the proposed 129 dwelling units is 26 units that must have private open space. As proposed, 28 ground floor residential units have patios, *i.e.*, private open space with direct access and contiguous to the dwelling unit. These patios are shown on the site plan and in renderings for each building type. A "patio" is a specifically listed example in the definition of "private open space" (SRC 111.001). The plans show the area of each patio, which are at least 6 feet wide and 96 square feet in area (Sheets G1.11 through G1.12).

(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.

Response: The minimum open space requirement is met without needing to use this provision —62 and 54 percent of gross site area on the two lots where only 15 percent is required.

(F) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50%for developments that are located within 1/4 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.

Response: The development abuts Woodscape Linear Park to the south, which is owned by the City of Salem and accessible by new sidewalks on Battle Creek Road and Salal Street.

Figure 16. Woodscape Linear Park location (Source: Salem GIS)

Therefore, as noted above the minimum requirement for site open space is reduced by half, from 30 percent to 15 percent of gross site area. As proposed, 62 percent of gross site area on Lot 3 and 54 percent of GSA on Lot 4 is open space. Calculations were described above in the response to subsection (a)(1)(A). Open space areas are shown graphically on Sheet G1.10.

(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.

Response: The development area of the site and the resulting tree planting requirements per this standard are summarized in the table below:

Table 6. Tree Planting/Preservation

Lot Number	Size	Trees Planted or Preserved, Required	Trees Planted or Preserved, Proposed
3	2.82 acres	61	88
4	1.84 acres	40	76

As shown on the landscape plan, 68 new trees are planted and 20 existing trees are being preserved on Lot 3. Planting or preserving 88 trees on Lot 3 as shown exceeds the minimum requirement. On Lot 4, 63 new trees are planted and 13 trees are being

preserved. Planting or preserving 76 trees exceeds the requirement. Details are shown on the landscaping plan and the tree table. (Sheets G1.11 through G1.12)

(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.

Response: The development abuts RS zoned property along its west boundary. Along this property line, the applicant has proposed an eight-foot, decorative, sight obscuring fence. This fence will be constructed of wood. The additional two feet of height above the minimum in this standard enables a lesser building setback per SRC 702.020(e)(2)(A).

At the base of the proposed fence will be a minimum 10-foot-deep area that contains Type C landscaping, which is a requirement of Table 514-5. In addition, this landscaped area will include a row of trees that meet the standard in subsection (A) above. Details of the proposed plantings are shown on the landscape plan on Sheet G1.11 through G1.12.

(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.

Response: As shown on the landscape plan, there are trees, shrubs, and lawn arranged around each residential building on site, including at the primary entryways to each building.

(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.

Response: The area around each of the buildings is planted with a variety of trees, shrubs, and grass, as shown on the landscape plan (Sheet G1.11 through G1.12). Any tree needed to meet the standard is located within 25 feet of the face of the building.

Quantitatively, the linear feet of exterior building walls, number of trees required, and number provided are listed in the table below.

Table 7. Building Trees

Building Number	Building Type	Perimeter of Exterior Walls	Tree Plant Units Required	Tree Plant Units Proposed, Typical
G1.1	G1	373	62	108
I.1	I	335	56	58
I.2	I	335	56	80
H.1	H	307	51	56
I.3	I	335	56	56
H.2	H	307	51	100
G2.1	G2	369	62	93
G1.2	G1	373	62	183

(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.

Response: The area around each of the buildings is planted with a variety of trees, shrubs, and grass, as shown on the landscape plans (Sheets G1.11 through G1.12). Shrubs and groundcovers will be placed around the perimeter of buildings, in addition to trees, to provide plant cover, separate the ground level patios, and enhance the relationship between built and open spaces.

The plant material will be distributed at industry-standard spacing and density, ranging from 12 inches on center for smaller shrubs and groundcovers, up to 48 inches on center for larger accent and foundation shrubs. Given the extent of the landscaped areas and expected coverage, the plant unit requirement will be met.

Quantitatively, the table below shows the required plant units per building type, and the minimum expected plant units proposed. This amount of plantings will likely be exceeded when the final landscape plan is complete.

Table 8. Building Shrubs

Building Number	Building Type	Perimeter of Exterior Walls	Shrub Plant Units Required	Shrub Plant Units Proposed, Typical
G1.1	G1	373	25	82
I.1	I	335	22	73
I.2	I	335	22	73
H.1	H	307	20	67
I.3	I	335	22	73
H.2	H	307	20	67
G2.1	G2	369	25	81
G1.2	G1	373	25	82

(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.

Response: As shown on the landscaping plan (Sheets G1.11 through G1.12), each of the ground level patios will be physically and visually separated from the public open space with perimeter landscaping. The landscaping barrier will include hedges, different groundcovers, and accent shrubs to separate the private patio space from the more public open space areas. Planting will provide separation, while maintaining safety and lines of sight.

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

Response: The landscaping plan (Sheets G1.11 through G1.12) includes parking lot landscaping that meets the standards of this section. As shown, canopy trees are planted every 40 feet along the perimeter, and closer than 10 feet from the edge of the pavement. Each planter bay is at least nine feet wide, includes a canopy tree, and occurs at a minimum spacing of every 12 spaces, per the minimum standard identified above.

(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.
(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.
(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.
(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.

Response: As shown on the floor plans for each residential building (Sheets A2.11 through A2.13), windows face outward toward the open space features, parking areas, and pedestrian paths. Some dwelling units face Salal Street or the landscaped west property boundary. These windows allow for natural light and visual surveillance of common areas. The location of site lighting is included on the landscape drawings (See Sheets G1.11 through G1.12). Landscaping between Salal Street and the buildings does not obstruct the visibility of the dwelling unit entrances, as shown on the landscaping plan. Likewise, landscaping is limited in height around common open space, parking areas, and entryways, to encourage visual surveillance of these areas.

(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).

Response: As shown on the Landscape Plan (Sheet G1.11 through G1.12) the four parking areas on the two lots have been segmented into sections that are separated by planter bays. These bays are a minimum of 9 feet in width.

(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.

Response: As shown on the site plan, four parking areas on the two lots are located beside buildings. None of these lots are located between a building and the street.

(3) Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be

set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.

Response: The development site abuts an RS zoned area to the west, but it is not "located uphill from" that area. The topography of the area is such that this development site is at a lower elevation, and therefore downhill from, the adjacent single family residential development. Therefore, this standard does not apply.

(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.

Response: As shown on the site plan (Sheet G1.10), pedestrian pathways connect all on-site buildings to a pedestrian circulation system. This system connects buildings to adjacent public sidewalks on Salal and Teal. Likewise, the system connects to the parking areas between buildings, and the open space features.

(e) Façade and building design.
(1) To preclude long monotonous exterior walls, buildings shall have no dimension greater than 150 feet.

Response: As shown on the dimensioned site plan and individual first floor building plans (Sheet A2.11), none of the buildings have an exterior wall that exceeds 150 feet. Exterior wall length is summarized in the table below.

Table 9. Building Exterior Wall Length

Building Number	Building Type	Exterior Wall Dimensions
G1.1	G1	117.5 feet (length) 55.0 feet (width)
I.1	I	105.0 feet (length) 52.5 feet (width)
I.2	I	105.0 feet (length) 52.5 feet (width)
H.1	H	90.8 feet (length) 52.5 feet (width)
I.3	I	105.0 feet (length) 52.5 feet (width)
H.2	H	90.8 feet (length) 52.5 feet (width)
G2.1	G2	115.5 feet (length) 55.0 feet (width)
G1.2	G1	117.5 feet (length) 55.0 feet (width)

(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. […]

Table 702-5 Setbacks Abutting Property Zoned RA and RS

Number of Building Stories	*Minimum Setback*
1	*Min 1 ft.for each ft of building height, but in no case less than 14 ft.*
2 or more	*Min 1 ft.for each ft of building height, but in no case less than 20 ft.*

(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.

Response: The site abuts an RS zone to the west. The building height for each proposed building is listed in the table below, along with its corresponding setback to this west property line. Because an eight-foot fence will be constructed along the property line, the 1:1 height-to-setback ratio is reduced by five feet, as allowed in subsection 702.020(e)(2)(A).

Table 10. Building Setbacks from RS Property

Building Number	Height (ft.)	Required Setback from RS Property Line (ft.)	Proposed Setback from RS Property Line (ft.)
G1.1	35	30	50.2
I.1	36.3	31.3	71.8
I.2	36.3	31.3	42.5
H.1	35	30	38.6
I.3	36.3	31.3	58.1
H.2	35	30	30.0
G2.1	35	30	30.2
G1.2	35	30	30.5

The building setbacks from the RS zoned property exceed the minimum requirement, therefore this standard is met.

The trash enclosures at the west sides of the parking areas are "accessory structures" and not "buildings" per the definitions in SRC 111.001. Therefore, they are not subject to this increased setback requirement. Instead, they are subject to the standard interior rear setback for accessory structures, which is 10 feet (See Table 514-4 and 514-5).

(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.

Response: No balconies are proposed. The west-facing patios are at ground-level. Ground level units on both sides of this property line will be protected by a proposed 8-foot sight obscuring fence.

(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.

Response: The code defines "buildable width" as "the distance along the street right-of-way, exclusive of side setbacks, wetlands, and riparian corridors, that is sufficiently deep to accommodate a lot depth of 70 feet and meet setback requirements. Where a development fronts on a street which is curved, the buildable width shall be measured radial to the curve." (SRC 111.001)

Four total street frontages on the two lots qualify under this provision—Salal Street to the east and Teal Drive between the two lots. Each of these frontages have more than 75 feet of buildable width. The "setback line" for both frontages is 20 feet from the street, per Table 514-4.

An adjustment is required for this standard with respect to two frontages, Lot 3's Teal frontage, which has 0 percent buildings on the setback line, and Lot 4's Salal frontage, which has 25 percent buildings on the setback line. The other two applicable street frontages, Lot 3 Salal and Lot 4 Teal, comply with the standard. Findings for this adjustment and a summary table of buildable widths are provided in Section 250 earlier in this document.

To meet the standard all frontages would require pushing buildings to the street setback line. This building location would conflict with existing groves of significant trees and require additional removal. The two areas where the proposed layout has emphasized tree preservation and open space is at the southwest side of Lot 3 and the northeast side of Lot 4. Satisfying this standard would wipe out the tree groves and require difficult-to-meet variances to tree preservation standards. Consequently, the buildings in these locations have been pulled back from the street edge to preserve trees and open space, which results in this standard not being met in two places. Therefore, an adjustment is required. Finding in support of the adjustment request are found under Section 250.

(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.

Response: Building entrances for all the proposed buildings that are within 25 feet of a property line abutting Salal Street or Teal Drive are proposed to face the street, with direct access to the sidewalk. As shown on the plans (Sheet G1.01), all buildings have entrances that face the street.

(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.

Response: Each building type has ground-level units, and all buildings have entries with differentiated roofs. These are simple, flat, steel, porch roof structures at the main doors to the building, similar in design to entryway roofs that were reviewed and approved as part of the Phase 1.

The Type G1 Building has six ground-level dwelling units. The four units on the ends each have entries directly to their units from a patio, and each of these has a differentiated roof element over the door. The two other ground floor units have primary access via two central hallways. The hallways open directly to the outside through an entry door that also has a differentiated roof.

The Type G2 Building has eight ground-level dwelling units. The four units on the ends each have entries directly to their units from a patio, and each of these has a differentiated roof element over the door. The four other ground floor units have primary access via two central hallways. The hallways open directly to the outside through entry doors that also have differentiated roofs.

The Type H Building has five ground-level dwelling units. The four units on the ends each have entries directly to their units from a patio, and each of these has a differentiated roof element over the door. The one other ground floor units has its primary access via a central hallway that has openings on both sides of the building. Each of these entry points has a differentiated roof.

Figure 17. Patio entry area to Type H Building from Salal Street

The Type I Building has eight ground-level dwelling units. The four units on the ends each have entries directly to their units from a patio, and each of these has a differentiated roof element over the door. The other four ground floor units use two

shared entry doors from a central hallway. Each of these entry areas, which are on opposite sides of the building, has a differentiated roof.

(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.

Response: None of the proposed residential buildings have roof mounted mechanical equipment. This standard does not apply.

(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)

Response: As shown on drawings and building elevations (Sheets A3.01 and A3.02), none of the roof segments on any of the four building types exceed 100 feet.

Table 11. Longest Roof Segment

Building	Longest Roof Segment, Horizontal Length
Type G	65
Type H	53
Type I	53

The longest horizontal roof segments are on the short side of the buildings for all three building types. For Building Types H and I, matching twin gables appear on the long side of the buildings. These gables have a four-foot elevation difference and break up the appearance of those roof lines into shorter sections. The long side of Building Type G1 and G2 is also broken up into shorter sections by gables situated at right angles to each other.

(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.

Response: This standard is applicable to only a limited number of "vertical faces" of each building, as described in the standard, because most of them are shorter than 80 feet in length. The following table is drawn from measurements shown on Sheets A3.01 and A3.02 for each building.

Table 12. Building Face Length

Building Number	Building Type	"Vertical Face" Length (feet)
G1.1	G1	118 (length) 55 (width)
I.1	I	105 (length) 53 (width)
I.2	I	105 (length) 53 (width)
H.1	H	91 (length) 53 (width)
I.3	I	105 (length) 53 (width)
H.2	H	91 (length) 53 (width)
G2.1	G2	116 (length) 55 (width)
G1.2	G1	118 (length) 55 (width)

The table above shows that the short sides of the buildings are shorter than 80 feet and therefore exempt from this regulation, whereas the long sides of the buildings exceed 80 feet and so are required to have one of the listed elements or seek an adjustment.
As with the design of many of the buildings in Phase 1, the applicant satisfies this requirement on the upper floor vertical faces by including an offset or recess along the façade, to break up the vertical face into smaller sections. The recess in the long-side building façades is aligned with the central hallways and their entry doors. (See Sheets A2.11 to A2.12) These architectural elements extend the full height of the buildings, breaking up their façades and minimizing the appearance of building bulk.

The ground floor vertical faces on the long façades all have at least one "covered entrance" per Subsection (9)(E), and therefore satisfy the regulation.

Type G Buildings. The long façade has a recess aligned with one of the two interior hallways. This breaks up the façade into two sections, 46.5 feet and 66 feet.

Type H Buildings. The long façade has a recess aligned with the interior hallway. This breaks up the façade into two sections, 47.5 and 37.3 feet. On one side of the building, the recess is 6 feet wide and 4 feet deep. On the other side, the recess is 6 feet wide and 2' 4" deep. Because the recess is not at least four feet deep, and it is on a façade that exceeds 80 feet in length, the upper two floors of Buildings H.1 and H.2 require an adjustment. Findings for this adjustment are found in Section 250 earlier in this document.

Type I Buildings. The long façade has a recess aligned with the interior hallway. This breaks up the façade into two sections, each 47.5 feet. On one side of the building, the recess is six feet wide and 9 inches deep. On the other side, the recess is six feet wide and four feet deep. Because one of the recesses is not at least four feet deep, and it is on a façade that exceeds 80 feet in length, the upper two floors of the three Building I buildings require an adjustment. Findings for this adjustment are found in Section 250 earlier in this document.

(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.

Response: The main floor of all three building types, as shown on Sheet A3.01, is distinguished from upper floors by a horizontal band encircling the building. The band is a flat metal panel, which is different from the shingle siding on the rest of the building and is a "horizontally-distinguishing transition piece."

General Development Standards – Chapter 800

Applicability – 800.005

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.

Lot standards, generally – 800.015

(a) Buildings to be on a lot. Every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.

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

Response: All proposed buildings are on a lot. Lot 3 and Lot 4 of the approved subdivision are bounded by Salal, Teal, and interior property lines. The subdivision established four lots and dedicated internal streets.

Designation of lot lines – 800.020

(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.
(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.
(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.[…]

Response: The Phase 2 development area is on two corner lots. Both Lots 3 and 4 have frontage on Salal Street to the east and Teal Drive between them. The applicant designates Salal Street the "front" lot line.

(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.[…]

Response: The interior, west property line that abuts the single family zoned lots is the "rear" lot line per the definition above.

Setbacks – 800.035

(a) Setbacks to be unobstructed. Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.
(b) Permitted projections into required setbacks. Permitted projections into required setbacks are set forth in Table 800-2.

Type of Projection	*Maximum Projection*		
	Front Abutting Street	*Interior Side*	*Interior Rear*
Patios—uncovered	*Not limited, provided:* *(1) The floor area of the patio does not exceed 3 ft. above grade; and* *(2) A landscaped area 4 ft. in depth is maintained between the property line and the patio.*	*Not limited, provided the floor area of the patio does not exceed 3 ft. above grade.*	*Not limited, provided the floor area of the patio does not exceed 4 ft. above grade.*

Response: Setback lines are shown on the site plan. Building and vehicle area setbacks are set by Tables 514-4 and 514-5 of the code and are addressed above in the finding for SRC 514.010(d). Patios, as allowed by this regulation and shown on the site plan, do project into required setbacks on the east and west sides of both lots. These patios are private open space elements that are required per SRC 702.020(a)(1)(D). Patios are generally six to eight feet deep.

The proposed patios on the Salal Street side of the lots are at-grade. The landscaped area between the easternmost edge of the patio on Building G1.2 and the Salal property line is 13.5 feet, which is the narrowest depth of all eight buildings. All patios therefore meet the minimum 4 feet of landscaping standard in Table 800-2 for "front abutting street." On the "interior rear" or west side, the patios likewise are at grade and therefore meet the requirement. The only locations that face "interior side" lot lines are the far north and south sides of the site, north side of Building G1.1 and the south side of Building G1.2, which do not have patios or projections.

(c) Zone-to-zone setbacks abutting property outside City limits or urban growth boundary.[…]
(d) Setbacks abutting an interstate freeway, railroad right-of-way, or alley.[…]

Response: Neither of these conditions are present on the development site—the site is not outside city limits or the UGB, and does not abut a freeway, railroad right of way, or alley. Therefore, this standard does not apply.

Special setbacks – 800.040

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

Response: No special setbacks apply to this lot.

Height – 800.045

(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.
(b) Height exceptions. Except as otherwise provided in this subsection, the following height exceptions are permitted under the UDC:[…]
(c) Height of structures within 165 feet of capitol mall district. […]

Response: The height limit for multiple family buildings is 50 feet, according to applicable RM-II zone development standards (SRC 514.010). A table listing the height of each building proposed is in the finding for that section. The tallest buildings on the site are the Type I buildings, which are 36 feet, 3 inches high. Therefore, the standard is met. No exceptions are necessary or requested. The site is not within 165 feet of the capitol mall district.

Fences, walls, hedges, gates, and retaining walls – 800.050

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.[…]

Response: Fences, walls, hedges, gates, and retaining walls are addressed in the RM-II development standards or the multiple family design standards. These regulations are addressed in the findings for those sections.

Solid waste service areas – 800.055

Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.
(a) Applicability. Solid waste service area design standards shall apply to:
(1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and

(2) Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

Response: The proposed development requires the use of waste receptacles. The four waste service areas are shown on the included site plan (Sheets G1.10) and in detail drawings (Sheets G1.11 through G1.12).

(b) Solid waste receptacle placement standards. All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
(1) Pad area. In determining the total concrete pad area for any solid waste service area:
(A) The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and
(B) The pad area shall extend a minimum three feet beyond the front of the receptacle.
(C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.
(2) Minimum separation.
(A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
(B) A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.
(3) Vertical clearance.
(A) Receptacles two cubic yards or less. Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.
(B) Receptacles greater than two cubic yards. Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:
(i) For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or
(ii) Where a physical barrier is installed within, and a maximum of 8 feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

Response: The location and details of the four solid waste service areas and their separation and clearance is shown on the plans (Sheets G1.11 through G1.12). These areas are located at the west side of each of the four off-street parking areas. The proposed areas, receptacles, and enclosures meet all the standards listed above.

(c) Permanent drop box and compactor placement standards.
(1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge

stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
(2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
(3) Pad area. The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.
(4) Minimum separation. A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

Response: No permanent drop box or compactors are proposed.

(d) Solid waste service area screening standards.
(1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
(2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

Response: Each waste receptacle area as shown on the plans (Sheets G1.11 through G1.12) are within an enclosure. An additional screen is therefore not required.

(e) Solid waste service area enclosure standards. When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.
(1) Front opening of enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.
(2) Measures to prevent damage to enclosure.
(A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.
(B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.
(C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:
(i) A minimum distance of two feet from the sides of the container or receptacles; and

(ii) A minimum of three feet from the rear of the container or receptacles.
(3) Enclosure gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.
(4) Prohibited enclosures. Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:
(A) Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or
(B) Stored in a bldg or structure of a fire resistive Type I or Type IIA construction that is located not less than 10 feet from other bldgs and used exclusively for solid waste receptacle storage.

Response: The location and details of the four solid waste service area enclosures are shown on the plans (Sheets G1.11 through G1.12). The proposed enclosures for the four waste receptacle areas on the site meet all the standards outlined above. A service provider letter from an operations supervisor at Republic Services has been obtained confirming their ability to serve the site with the proposed design.

(f) Solid waste service area vehicle access.
(1) Vehicle operation area.
(A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 ft. in length and 15 ft. in width; provided, however, where the front opening of an enclosure is wider than 15 ft., the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Veh. operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.
(B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
(i) Perpendicular to the perm. location of the receptacle or the enclosure opening (see Figure 800-8);
(ii) Parallel to the perm. location of the receptacle or the enclosure opening (see Figure 800-9); or
(iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.
(C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
(D) Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 ft.
(E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.
(2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.

(3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.
(4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

Response: The location and details of areas surrounding the four solid waste service areas are shown on the landscape plans (Sheets G1.11 through G1.12). The proposed area around the four waste receptacle areas on the site meet all the standards outlined above. These areas are within the parking lots that are adjacent to the buildings on the site. A service provider letter from an operations supervisor at Republic Services has been obtained confirming their ability to serve the site with the proposed design.

(g) Notice to solid waste collection franchisee. Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.

Response: No requests to vary or adjust the standards of this section are proposed.

Exterior lighting – 800.060

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

Response: The location of exterior lighting is incorporated into the landscape plans (Sheets G1.11 through G1.12). None of the lighting proposed shines on to adjacent properties or casts glare onto the public right of way. Proposed fixtures are fully shielded so that they do not have direct view from adjacent property.

Pedestrian access – 800.065

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

Response: The proposed project is a multiple family development. Therefore, the standards of this section do not apply. Moreover, the development includes a

pedestrian circulation system as required by the multiple family design standards section in chapter 702.

Public Improvements – Chapter 802

Development to be served by city utilities – 802.015

Except as provided under SRC 802.035 and 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.

Response: The site will be served by water, sanitary sewer, and stormwater facilities as shown on the Utility Plans (Sheets C301 through C503). These utilities are being constructed according to city standards.

Easements – 802.020

Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.

Response: If easements are required by the city, they will be provided by the applicant subject to the limitations referenced above.

Utilities to be placed underground – 802.025

(a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.
(b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.
(c) Stormwater management shall be provided by above ground and below ground facilities.

Response: All utilities that serve the site will be provided in underground facilities, as shown on the Utility Plans (Sheets C301 through C503). Stormwater management will occur in several facilities in and around site. The first is an expansion of an existing stormwater area on the south side of Lot 3, adjacent to Teal Drive and the west property line. The second stormwater facility is more prominent, a rain garden at the terminus of Foxhaven Drive where it enters the subdivision. Some stormwater from the site will be managed in the existing pond at the north side of Lot 1 of the subdivision

Streets and Right of Way Improvements – Chapter 803

Traffic impact analysis – 803.015

(a) Purpose. The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.
(b) Applicability. An applicant shall provide a traffic impact analysis if one of the following conditions exists:
(1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.[…]

Response: DKS Associates completed an analysis for this application based on the determination that the development will generate more than 200 daily trips on Salal, which is a local street (see Exhibit B). Their analysis found that circulation through the development is safe, orderly, and efficient. All study intersections meet operating standards under all conditions. No capacity improvements or mitigations are required.

Public and private streets – 803.020

(a) Public streets. Except as provided in subsection (b) of this section, all streets shall be public streets.
(b) Private streets. […]

Response: The streets proposed in this development will be public streets.

Right of way and pavement widths – 803.025

(a) Except as otherwise provided in this chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1. […]
(b) Except as otherwise provided in this chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2. […]

Response: As provided in Table 803-1 and Table 803-2, the local streets constructed in this proposed development—Salal, Foxhaven, and Teal—will have 60 feet of right of way, and 30 feet of pavement width. Street locations and dedications were determined as part of the approved subdivision the larger site, on which this development is proposed.

Street spacing – 803.030

Response: Street spacing was largely pre-determined by street stubs into the site and intersections across from the development site. The location of the streets was set based on the previous subdivision approval.

Street standards – 803.035

All public and private streets shall be improved as follows:[…]

Response: Street improvements follow city standards as outlined in this section. The location of the streets is according to the approved subdivision.

Boundary streets – 803.040

(a) General. Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following:
(1) Subdivisions;
(2) Partitions;
(3) Planned unit developments;
(4) Manufactured dwelling parks; and
(5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC chapter 56. […]

Response: None of the qualifying conditions apply to this site plan review. Street dedications will occur as part of the approved subdivision.

Monuments – 803.045

Proper monuments that conform to the Public Works Design Standards shall be constructed with street improvements.

Response: As required, the applicant will provide monuments consistent with city standards.

Public accessways – 803.050

(a) When necessary for public convenience or safety, public accessways may be required to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops, or other community services, or where it appears necessary to continue the public walkway into a future subdivision or abutting property or streets.
(b) Public accessways shall conform to the Public Works Design Standards, and have width and location as reasonably required to facilitate public use and, where possible, accommodate utility easements and facilities. Public accessways shall be dedicated on the plat.

Response: The applicant does not anticipate any public accessways to be required with the proposed housing development.

Traffic control, parking regulation, and street signs and pavement markings – 803.055

The developer shall install all required traffic control, parking regulation, street signs, and pavement markings for all paved blocks of streets within a subdivision or partition prior to final acceptance of the public streets by the City, or prior to the issuance of any building permit for construction within the subdivision or partition for private streets. All traffic control, parking regulation, and street signs and pavement markings shall conform to the Public Works Design Standards, and shall be installed at the developer's expense.

Response: The required signals and signs will be installed as part of the development of streets with the subdivision.

Conveyance by dedication – 803.060

All streets within subdivisions or partitions, other than private streets allowed under SRC 803.020, shall be dedicated to the City on the plat.

Response: The streets shown on the site plan will be dedicated to the city as part of the subdivision process. That action is separate from this request for a site plan review.

Alternative street standards – 803.065

Deferral of construction of certain improvements – 803.070

Response: No alternative street standards are requested. No deferral of construction is requested. Streets will be built out as specified in the previously-approved subdivision decision.

Driveway Approaches – Chapter 804

Class 2 driveway approach permit – 804.025

(a) Required. A Class 2 driveway approach permit is required for:
(1) A driveway approach onto a parkway, major arterial, or minor arterial;
(2) A driveway approach onto a local or collector street providing access to a use other than single family, two family, three family, or four family;[…]
(b) Procedure type. A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.

Response: Each lot has two driveway approaches from Salal Street, which is designated a local street. The proposed development is multiple family. A Class 2 driveway permit is therefore required.

(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.

Response: The proposed site plan (Sheet G1.10) and landscape plans (Sheets G1.11 through G1.12) include all the relevant information listed in the section above.

(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;
(2) No site conditions prevent placing the driveway approach in the required location;
(3) The number of driveway approaches onto an arterial are minimized;
(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;
(5) The proposed driveway approach meets vision clearance standards;
(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
(9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Response: The proposed site plan (Sheet G1.10) shows four driveway approaches on Salal Street that will be constructed as part of this development. The two approaches on Lot 3 are 246 feet apart. The two approaches on Lot 4 are 184 feet apart. No site conditions prevent the driveway approaches. No other driveway approaches are proposed. The proposed driveway approaches take access from the lowest classification street abutting the property, Salal Street, which is a local street. (Teal Drive, which also abuts both lots, is likewise a local street.) According to a preliminary analysis from DKS Associates (see Exhibit B) the proposed driveway approaches all meet vision clearance standards, do not create traffic hazards, do not result in significant adverse impacts to the vicinity, and do not create negative impacts to the functionality of adjacent streets and intersections. Finally, the proposed driveway approaches do not significantly affect the functionality of either Salal or Teal, nor do they have adverse impacts to residentially zoned property in the area.

Driveway approach development standards – 804.050

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.
(b) Width.[…]
(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. […]

Response: As shown on Sheet G1.10, the proposed driveway approaches are 26 feet wide, which is between the minimum 12 feet and maximum 40 feet required for a two-way driveway approach.

Vision Clearance – Chapter 805

Purpose – 805.001

The purpose of this chapter is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Vision clearance areas – 805.005

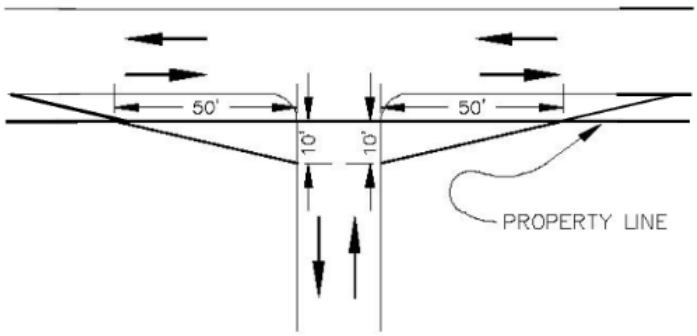
Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.
(a) Street intersections. Vision clearance areas at street intersections shall comply with the following: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

Response: Required vision clearance areas at the Salal Street/Teal Drive intersection are marked on the landscape plan (Sheets G1.11 through G1.12). At this intersection, Teal Drive is stop controlled; Salal Street is not.

(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. […]
(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).

FIGURE 805-5. DRIVEWAYS SERVING USES OTHER THAN SINGLE FAMILY AND TWO FAMILY



Response: The proposed driveways from are from an on-site parking area to four separate connections on Salal Street. Each driveway entry will have vision clearance areas as indicated above – 10 feet along the driveway and 50 feet along Salal. These clearance areas are indicated on the site plan (Sheet G1.10).

(2) Flag lot accessways.[…]
(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).

(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.

Response: The proposed driveways are not on to flag lots or alleys. The measurement of the vision clearance areas is as described above and is shown on the site plan (Sheet G1.10).

Obstructions to vision prohibited – 805.010

Except as otherwise provided in this section, vision clearance areas shall be kept free of temporary or permanent obstructions to vision from 30 inn. above curb level to 8.5 ft. 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, street lights, and traffic control signs or devices installed by, or at the direction of, the Public Works Department.
(3) On-street parking.
(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.
(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.

Response: Vision clearance areas are indicated on the plans at the Salal/Teal intersection and the four driveway entrances to Salal Street. As shown on the landscape plan (Sheet G1.11 through G1.12), these areas are free from obstruction, except for the allowances indicated above. Specifically, street trees are proposed on either side of the driveway entrances that meet the limitations of subsection (b) above.

Alternative standards – 805.015

Alternative vision clearance standards that satisfy the purpose of this chapter, and that are consistent with recognized traffic engineering standards, may be approved where […].

Response: No alternative vision clearance standards are necessary or requested. The proposed design meets the standard limitations of the vision clearance regulations.

Off-Street Parking, Loading and Driveways – Chapter 806

Off-street parking; when required – 806.005

(a) General applicability. Off-street parking shall be provided and maintained as required under this chapter for:
(1) Each proposed new use or activity.[…]

Response: Parking is proposed for the new residential use of the site.

Proximity of off-street parking to use or activity served – 806.010

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.[…]

Response: Proposed parking for the site is located on the same lot as the use. It therefore meets the standard of being within 200 feet.

Amount off-street parking – 806.015

(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.[…]

Response: Table 806-1 requires "1 per dwelling unit." It also requires "1 per 4 dwelling units" for "low income elderly housing." Finally, footnote 2 of Table 806-1 allows "The minimum number of spaces per dwelling unit may be reduced by 25 percent for dwelling units that are affordable to households with incomes equal to or less than 80 percent of the median family income for the county in which the development is built or for the state, whichever income is greater."

All household units within this development will be income-restricted to 60 percent or less of AMI. Therefore, all of them qualify for the reduction. A table showing housing units in the proposed development, categorized by size and type and with their parking requirements, is shown below:

Table 13. Parking requirements

Lot 3			
Unit type	**Unit quantity**	**Formula**	**Spaces Required**
Multiple family, with reduction for low-income housing	47	1 per dwelling, minus 25%	35.25
Multiple family, "low income elderly"	31	1 per 4 dwelling units	7.75
Total required, Lot 3			**43**
Lot 4			
Unit type	**Unit quantity**	**Formula**	**Spaces Required**
Multiple family, with reduction for low-income housing	34	1 per dwelling, minus 25%	25.5
Multiple family, "low income elderly"	17	1 per 4 dwelling units	4.25
Total required, Lot 4			**30**

As shown on the site plan (Sheet G1.10), the development provides 44 vehicle parking stalls on Lot 3 and 35 spaces on Lot 4. The minimum standard is therefore met.

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

Response: No compact spaces are provided. Carpool and vanpool parking is not required because the site is not within the public services, industrial, or professional services use categories.

(d) Maximum off-street parking.
(1) Maximum off-street parking is based upon the minimum number of required off-street parking spaces. Except as otherwise provided in this section, and otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A.[…]

Response: Table 806-2A sets the maximum number of spaces. For lots with more than 20 spaces, the maximum is 1.75 times the required minimum. The minimum number of spaces required, before optional reductions are taken, is 129 spaces. Therefore, the maximum number allowed is 225 spaces. Because 79 spaces are provided, this standard is met.

(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,[…]

Response: Minimum parking is required. This provision does not apply.

(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.

Response: No transit improvements are proposed to be constructed with the development on Lots 3 and 4. The parking requirements are met through numerical standards and not an alternative plan.

(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.

Response: The nearest transit stop is for the Route 6 bus, north of the site at the corner of Battle Creek Road and Boone Road. Measured along Battle Creek Road, which is a public street, the stop is 670 feet from the site which is less than one-quarter mile (1,320 feet). Consequently, the development could qualify for a 10 percent parking reduction under subsection (f)(A)(i). However, because the minimum requirement has already been reduced by 25 percent because of the allowance for affordable housing, no further reductions are allowed per this provision.

(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. […]
(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.

Response: No covered bike parking is proposed. No shared car or shuttle van is proposed. No reductions associated with these amenities is requested.

Method of providing off-street parking – 806.020

(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;[…]

Response: Parking on site will be owned and managed by the property owner.

Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family – 806.035

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;[…]

Response: The proposed development is multiple family and proposes new parking and vehicle areas. This section is applicable.

(b) Location.
(1) Generally. Off-street parking and vehicle use areas shall not be located within required setbacks.
(2) Carpool and vanpool parking. […]
(3) Underground parking. […]
(c) Perimeter setbacks and landscaping.

Response: As shown on the site plan (Sheet G1.10), the parking areas are located between residential buildings and accessed from Salal Street. According to Table 514-4, the setbacks for "vehicle use areas" are 12 feet from the abutting Salal Street property line and 10 feet from the rear property line. Parking and vehicle use areas do not encroach in these setbacks.

(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.[…]

Response: Per SRC 702.020(b)(8), this development is exempt from the landscaping requirements of this section: "Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806." The proposed landscaping is instead compliant with the landscaping standards contained in the multiple family design standards chapter.

(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.

Response: The off-street parking area is set back more than five feet from all adjacent property lines. This development is exempt from the landscaping requirements of this section, per SRC 702.020(b)(8).

(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 5-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807).[…]

Response: This development is exempt from the landscaping requirements of this section, per SRC 702.020(b)(8).

(5) Perimeter setbacks and landscaping for parking garages. […]

Response: No parking garages are proposed.

(d) Interior landscaping.[…]

Response: This development is exempt from the landscaping requirements of this section, per SRC 702.020(b)(8).

(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.

Response: All of the off-street parking spaces on the site, as shown on the site plan, are 90-degree spaces. As such the requirements in Table 806-6 indicate standard stalls be 9 feet by 19 feet. Those stalls satisfy these minimum dimensions. Eight spaces are designated ADA spaces, larger than city minimum requirements and indicated on the site plan, and will meet federal standards for size and location. (See Sheet G1.10)

(f) 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.
(g) 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 806-9). 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 701.
(3) Gravel off-street parking areas, approved through a conditional use permit.
(h) 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.
(i) 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.
(j) 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 701.
(4) Gravel off-street parking areas, approved through a conditional use permit.

Response: The proposed grading plan shows that parking areas are all on grades of less than 10 percent. These parking areas are paved with a hard-surface material and graded and drained per Public Works standards. Parking areas are likewise striped in conformance with dimensional standards, and each space provided with a bumper guard to protect encroachment into adjacent sidewalks or landscaped areas. Details about the parking lot design are found on the Grading and Drainage Plans (C221 through C225) and the Landscape Plans (Sheets G1.11 through G1.12).

(k) Marking and signage.
(1) Off-street parking and vehicle use area circulation. Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.
(2) Compact parking. Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
(3) Carpool and vanpool parking. Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.

Response: Pavement markings directing circulation in the parking areas is shown on the Landscape Plans (Sheets G1.11 through G1.12) and will conform to the MUTCD. No compact parking or carpool spaces are proposed.

(l) 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.

Response: Parking lot lighting is shown on the landscape plans, Sheets G1.11 through G1.12. The lights proposed do not shine into adjacent property or cast glare into the street.

(m) 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.

Response: All four parking lots have more than six spaces. The abutting property to the east is residentially-zoned. An eight-foot fence is proposed along this property line.

Driveway development standards for uses or activities other than single family, two family, three family, or four family – 806.040

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.

Response: The four driveway access points on Salal Street from the off-street parking areas are wide enough for ingress and egress. These driveways conform to SRC chapter 804 as described in the findings for that section.

(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.

Response: The four proposed driveways are within the 12-foot street setback for vehicle use areas on Salal Street only insofar as they are providing direct access to the street as indicated in section (b)(1) above.

(c) Setbacks and landscaping.[…]

Response: This development is exempt from the landscaping requirements of this section, per SRC 702.020(b)(8).

(d) Dimensions. Driveways shall conform to the minimum width set forth in Table 806-7.
(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.
(f) Drainage. Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
(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.

Response: The two driveway access points to parking areas on the site are each 26 feet wide, which is consistent with Table 806-8. Driveways and parking areas are fully paved and graded according to the Grading Plan (Sheets C221 through C225).

Bicycle parking; when required - 806.045

(a) General applicability. Bicycle parking shall be provided as required under this chapter for:
(1) Each proposed new use or activity[…]

Response: Bike parking is required on the site per this section.

Proximity of bicycle parking to use or activity served – 806.050

Bicycle parking shall be located on the same development site as the use or activity it serves.

Response: As shown on the landscape plan, Sheet G1.11 through G1.12, bicycle parking is located on the development site, adjacent to residential buildings, which is the same site as the use it serves.

Amount of bicycle parking – 806.055

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

Response: Table 806-9 requires "the greater of 4 spaces or 0.1 spaces per dwelling unit" for bike parking in multiple family development. This proposal includes 129 dwelling units, 78 on Lot 3 and 51 on Lot 4. Therefore, 8 bike parking spaces are required on Lot 3 and 5 are required on Lot 4. 40 spaces are provided on Lot 3 and 24 spaces are provided on Lot 4, as shown on Sheets G1.11 through G1.12. Two staple racks, which make up four spaces total, are proposed at the common entries of each building. A staple rack counts as two spaces, therefore each building has four spaces per entry or eight spaces per building. Rack locations are depicted on the site drawing and labeled with the symbol "Q8". With 40 and 24 spaces on the two lots of the development site, the minimum quantity standard is met.

Bicycle parking development standards – 806.060

Unless otherwise provided under the UDC, bicycle parking shall be provided in racks or lockers developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.
(a) Location. Except as otherwise provided in this section, bicycle parking shall be located outside a building.
(1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
(2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.

Response: Proposed bike parking is located as shown on the site plans (Sheet G1.11 and G1.12) at these locations: outside the common entries of each of the eight buildings on the site. Each of these racks are within 50 feet of the primary building entrance.

(b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

Response: Proposed bike parking is located as shown on the Landscape Plans (Sheets G1.11 through G1.12) near building entries for each building on site as described above. These bike parking locations are all adjacent to the pedestrian circulation area for the development, which connects to building entrances and the public right of way.

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

Response: The bike parking spaces, as detailed on Sheets G1.11 through G1.12, are a minimum of six feet long and two feet wide, except for those places where two racks are side-by-side. In those locations, they are a minimum of three feet apart. Bike parking is adjacent to the internal pedestrian circulation system, which is inclusive of a minimum four-foot access aisle.

(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.

Response: The proposed bicycle parking is located on a hard surface, as shown on site plans (Sheets G1.10).

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

Response: The proposed bike racks are consistent with illustrations in Figure 806-11, the "meets standards" racks. The plan drawings indicate a "Columbia Cascade Timberform Cycloops model no. 2170-3-06" which is a simple, staple-type rack.

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

Response: No bike lockers are proposed.

Off-street loading areas; when required – 806.065

(a) General applicability. Off-street loading shall be provided and maintained as required under this chapter for:
(1) Each proposed new use or activity.[…]
(b) Applicability to nonconforming off-street loading area. When off-street loading is required to be added to an existing off-street loading area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Response: Off-street loading is required, per this section.

Proximity of off-street loading areas to use or activity served – 806.070

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

Response: The loading spaces required by this section are located on the same development site as the multiple family housing development.

Amount of off-street loading – 806.075

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-9.

Response: Table 806-11 requires 1 loading space for each lot. Each space needs to be at least 12 feet wide and 19 feet long, with 12 feet of vertical clearance.

Two loading spaces are shown on the plans (Sheets G1.11 through G1.12), one in Parking A, and a second Parking C. Both locations are consistent with the placement on the site and dimensions indicated in this section.

(a) 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.

Response: The proposed use of the site is multi-family residential. Vehicles loading and unloading at this site will be ordinary residential delivery vans and trucks, and the use does not require delivery vehicles that exceed 8,000 pounds. Consequently, off-street parking may be used in place of an off-street loading space. Per direction from city staff, the loading spaces must be exclusive of the other parking spaces, and therefore do not count toward parking quantity minimums. The designated loading spaces are within 25 feet of the adjacent buildings. Both spaces meet the dimensional standards outlined in SRC 806.080 and are shown on Sheets G1.11 through G1.12.

Off-street loading development standards – 806.080

Unless otherwise provided under the UDC, off-street loading shall be developed and maintained as set forth in this section.
(a) Location. Off-street loading areas shall not be located within required setbacks.

Response: As shown on the site plan (Sheet G1.10), the loading areas are in parking areas and not within required setbacks.

(b) Perimeter setbacks and landscaping.
(1) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setback and landscaping standards set forth under SRC 806.035(c)(2).
(2) Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, off-street loading areas 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 landscaping standard of SRC chapter 807.

Response: As shown on Sheets G1.11 through G1.12, the two required loading areas are within off-street parking areas and are set back more than five feet from the property line. This development is exempt from the landscaping requirements of this section, per SRC 702.020(b)(8).

(c) Dimensions. Loading areas shall conform to the min. dimensions set forth in Table 806-9.

Response: As shown on Sheets G1.11 through G1.12, loading spaces are in conformance with the minimum dimension required by Table 806-11, 12 feet wide by 19 feet long by 12 feet high.

(d) Maneuvering. Off-street loading areas shall be of sufficient size, and all curves and corners of sufficient radius, to accommodate the safe operation of a delivery vehicle.
(e) Surfacing. All loading areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, paving is not required for:

(1) Temporary and seasonal gravel loading areas.
(2) Gravel loading areas, approved through a conditional use permit.
(f) Drainage. Loading areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
(g) Lighting. Lighting for off-street loading 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.

Response: Loading areas are designed, as shown on Sheets G1.11 through G1.12, to be big enough at 12 by 19 feet to accommodate ordinary delivery vehicles. As part of the parking area, they are surfaced, graded, drained, and lighted to the same standards as the rest of the parking areas, which is also consistent with this section.

Landscaping and Screening – Chapter 807

Landscaping and screening – 807.015

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.

Response: The proposed landscaping is shown on the landscape plan (Sheets G1.11 through G1.12) included with site drawings.

(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.

Response: As detailed in the landscape plan (Sheets G1.11 through G1.12), plant materials are provided throughout the site in context to their location in relation to site buildings and intended purpose. 40 percent of the required plant units are trees, as listed above. Full details and an accounting of the planting materials are shown on the landscape plan sheets.

(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.

Response: The landscape plan (Sheets G1.11 through G1.12) indicates trees on site that will be preserved. Existing significant trees preserved along Salal are incorporated into calculations for required landscaping.

(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.
(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.

Response: A tree removal and preservation schedule is part of the tree plan (Sheets T1.01 through T1.05). On Lot 3, nine trees removed are within required setbacks. Consequently, 18 new trees must be planted to replace those trees removed from the setbacks. On Lot 4, one tree removed is within required setbacks. Consequently, two new trees must be planted to replace it. Overall, 68 trees are being planted on Lot 3 and 63 on Lot 4, which includes this 2:1 replacement and far exceeds the minimum requirement.

(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.

Response: A tree removal and preservation schedule is part of the tree plan (Sheets T1.01 through T1.05). There are 70 existing trees on Lot 3 and 15 trees on Lot 4. Many existing trees are excluded from the count because of one of the reasons listed above. Some examples of this are trees:

- in a required stormwater facility,
- in public right of way, or
- identified by the arborist as dead or hazardous.

On Lot 3, 48 of the 70 trees (68%) are proposed for removal and 22 will be preserved. On Lot 4, two of the 15 trees are proposed for removal (15%) and 13 will be preserved. On

both lots, the number of trees removed is below the 75% threshold that would require a 2 to 1 replacement. Consequently, this replanting requirement does not apply.

(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.

Response: Screening is required between the development site and the RS zoned property to the west, per SRC Table 514-5, which requires Type C screening. A 6-foot sight-obscuring fence or hedge is required. A 6-foot sight-obscuring fence is proposed on Lot 3; an 8-foot sight-obscuring fence is proposed on Lot 4.

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

Response: No berms are required with this development. Street trees will be provided along the three frontages that have public streets, as required by city standards.

Landscaping plan – 807.020

(a) All building permit applications for development subject to the landscaping requirements of this chapter shall include a landscaping plan.
(b) 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.

Response: The landscaping plan (Sheets G1.11 through G1.12) includes all the elements listed above. Additional details as required will be provided as part of the building permit process.

Preservation of Trees and Vegetation – Chapter 808

Significant trees – 808.015

No person shall remove a significant tree, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045

Response: Numerous significant trees are preserved on the site, as shown in the tree plan (Sheets T1.01 through T1.02).

Trees and native vegetation in riparian corridors – 808.020

No person shall remove a tree in a riparian corridor or native vegetation in a riparian corridor, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030 undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Roots, trunks, and branches of trees removed in riparian corridors shall remain within the riparian corridor, unless determined to be a potential hazard or impediment to stream flow by the Director.

Response: There are no inventoried riparian corridors on the site, and consequently no riparian trees or native vegetation.

Trees on lots or parcels 20,000 square feet or greater – 808.025

No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential, two family residential, three family residential, four family residential, or a cottage cluster.

Response: This section is the mechanism for city review of removal and replacement proposals "prior to site plan review or building permit approval" and for the removal of trees from large-lot sites. As part of site plan review, the applicant shows both trees to be protected and those proposed for removal on a tree removal and preservation plan (Sheets T1.01 through T1.0). In combination with the requested tree variance, this satisfies Salem requirements for tree removal.

Tree and vegetation removal permits – 808.030

(a) Applicability.
(1) Except as provided in subsection (a)(2) of this section, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a tree and vegetation removal permit has been issued pursuant to this section.

Response: SRC 808.015 and 808.020 are for the protection of significant trees and trees in riparian corridors. Significant trees are requested for removal, following the variance request in SRC 808.045, which is a "removal permit…pursuant to this section."

(2) Exceptions. A tree and vegetation removal permit is not required for the removal of trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 when the removal is:
(A) Necessary for maintenance of a vision clearance area, as required in SRC chapter 805;
(B) Required by the City or a public utility for the installation, maintenance, or repair of roads or utilities, including water lines, sewer lines, gas lines, electric lines, and telecommunications lines. This exception does not apply to new development or construction in a riparian corridor;
(C) Necessary for continued maintenance of existing landscaping. […]
(D) Necessary for the installation, maintenance, or repair of public irrigation systems, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities.

(E) Removal of invasive non-native or nuisance vegetation in riparian corridors;
(F) Necessary for public trail or public park development and maintenance;
(G) Necessary to conduct flood mitigation;
(H) Necessary to effect emergency actions […];
(I) A commercial timber harvest conducted in accordance with […];
(J) Associated with mining […];
(K) Removal of Oregon white oaks (Quercus garryana) on undeveloped lots or parcels of record as of August 9, 2005, that are less than 20,000 square feet. […];
(L) Removal of Oregon white oaks (Quercus garryana) where the removal is necessary in connection with construction of a commercial or industrial facility;
(M) Necessary as part of a restoration activity within a riparian corridor […];
(N) Removal of trees on a lot or parcel 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, and the removal does not result in:
(i) Removal of more than five trees or 15 percent of the trees, whichever is greater, within a single calendar year;
(ii) Removal of more than 50 percent of the trees within any five consecutive calendar years; and
(iii) Removal of heritage trees, significant trees, and trees in riparian corridors;
(O) Undertaken pursuant to a tree conservation plan, required in conjunction with any development proposal for the creation of lots or parcels to be used for single family or two family uses or activities, approved under SRC 808.035.;
(P) Undertaken pursuant to a tree conservation plan adjustment granted under SRC 808.040; or
(Q) Undertaken pursuant to a tree variance granted under SRC 808.045.
(b) Procedure type. A tree and vegetation removal permit is processed as a Type I procedure under SRC chapter 300.

Response: A tree removal permit is requested as part of this application for 17 significant trees on Lot 3 and one tree on Lot 4. The mechanism for removal is different between the two lots. A variance is required for removal of trees on Lot 3, because of the number of proposed for removal. The variance criteria under SRC 808.045 must be met and are addressed under that section of these findings. The permit process for Lot 4 is different, because only one tree is proposed for removal, therefore the standards of SRC 808.030(d)(5) must be met.

A third category of trees is shown on project drawings for informational purposes, even though they have already received approval from Salem to be removed. These trees are "right of way trees" that have their trunks in either the Salal Street and Teal Drive rights of way. These trees were shown in the tree plan for the subdivision (SUB-TRV22-05) as being removed. At the time, they did not require a variance because they did not meet the zoning code definition of significant. Since that time, the city's definition of significant has changed and now includes trees of their size. Nevertheless, they were approved for removal in the subdivision decision and are exempt from this request. At the city's request, they are shown on the tree plan and summarized in the table below.

Table 14. Right of Way Trees

Tree number	Species	Diameter (dbh)
11	Douglas fir	30
139	Douglas fir	30
302	Oregon white oak	23
303	Oregon white oak	22
313	Oregon white oak	23
318	Oregon white oak	22

(c) Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree and vegetation removal 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) Site topography shown at two-foot contour intervals;
(C) The location of any existing structures on the site;
(D) The type, size, and location of trees and native vegetation to be preserved or removed;
(E) The locations and descriptions of staking or other protective devices to be installed for trees and native vegetation to be preserved; and
(F) The site plan may contain a grid or clear delineation of phases that depict separate areas where the work is to be performed.
(2) In addition to the info. required by subsection (c)(1) of this section, an appl. for tree or native vegetation removal connected with restoration activity in a riparian corridor shall include:[…]

Response: The tree removal and preservation plan included with the drawings shows all the information identified above. No removal connected with restoration activity in a riparian corridor is proposed, so subsection (2) is not applicable.

(d) Approval criteria. An application for a tree and vegetation removal permit shall be granted if one or more of the following criteria are met: […]
(5) Removal of significant tree in connection with the construction of a development other than single family, two family, three family, four family, or cottage cluster. The removal of the significant tree is necessary for the construction of a development other than single family, two family, three family, four family, or cottage cluster and:
(A) Without approval of the tree removal permit the proposed development cannot otherwise meet the applicable development standards of the UDC without a variance or adjustment.

Response: The following responses are applicable only to Lot 4, where one significant tree is proposed for removal. Lot 3 has more trees proposed for removal and is therefore addressed under a different section of these findings, SRC 808.045.

Lot 4 has five significant trees. Four are designated for preservation and one is designated for removal. The following table summarizes these trees.

Table 15. Lot 4 Significant Trees

Tree Number	Species	Diameter (dbh)	Condition	Notes	Proposed Action
281	Oregon White Oak	24	Good	Minor branch damage upper CR	Preserve
304	Oregon White Oak	22	Good	Thinning CR. Included bark at twin stem union	Preserve
305	Oregon White Oak	21	Good	Canopy dominant. Thinning CR	Preserve
310	Oregon White Oak	21	Good	Fused lower stem. No defects noted.	Preserve
311	Oregon White Oak	25	Good	Strong Open CR.	**Remove**

The proposed removal of one tree on Lot 4 is "necessary for construction of a development" that includes multi-family housing and all the associated infrastructure that accompanies it. This includes parking, pedestrian circulation, utilities, and the surrounding sidewalk and street infrastructure that was enabled by approval of the subdivision. Minimum requirements for dwelling unit density and minimum parking requirements means that the proposed development must occur at a certain level of intensity, and these things are not compatible with tree protection zones.

If the tree removal permit were not approved, the proposed development would not be able to be met without a variance or adjustment. Specifically on Lot 4, the one significant tree that is proposed for removal, Tree #311, a 25-inch Oregon white oak, has a significant portion of its Critical Tree Zone in the Teal Drive right of way.

Although the trunk of this tree is fully on Lot 4, its fate was determined by the alignment and widths of the nearby public streets that were fixed with the subdivision approval, especially Teal Drive. According to the project civil engineer and arborist, the degree of paving from installation of the sidewalk, street, and utilities threatens the survival of this tree. The alternative for preserving more of this CTZ would be to alter the width of Teal Drive or place the street in a different location. As previously explained in the tree variance application that was approved with the subdivision (SUB-

TRV22-05), the location of Teal Drive is fixed by the existing stub at the west property line of the site. The alignment of Teal into the site and its connection to Salal Street is similarly fixed by an existing sanitary sewer line and public easement. The 24-inch sewer line and easement is actually on the south side of the street, quite close to the CTZ for Tree #311.

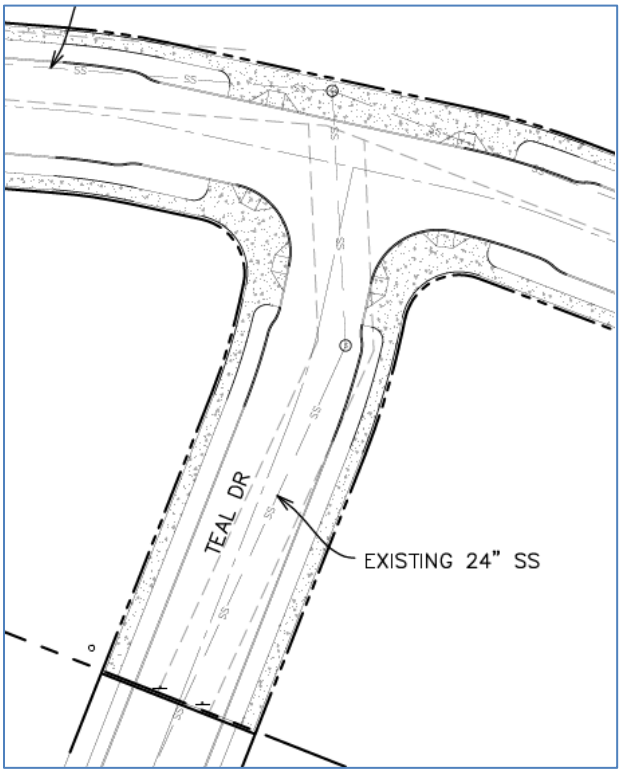


Figure 18. Sewer line location in relation to Lot 4

Saving this tree would require a variance or adjustment to the public works standards for street width or the alignment of Teal Drive. The location and width of the street has already been set by the city and an after-the-fact modification would be very unlikely to be approved.

(B) There are no reasonable design alternatives that would enable preservation of the tree. In determining whether there are no reasonable design alternatives, the following factors, which include but are not limited to the following, shall be considered:
(i) Streets. The removal is necessary due to:
(aa) The location and alignment of existing streets extended to the boundary of the subject property;
(bb) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
(cc) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;

(dd) Any relocation of the proposed street resulting in lots that do not meet lot standards;
(ee) A required boundary street improvement.
(ii) Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.
(iii) Site topography. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.

Response: The two main rationales for removing Tree #311 are "the location and alignment of existing streets extended to the boundary of the subject property," and "existing and proposed utilities that cannot be relocated to an alternative location." as described in subsection (aa) and (ii) above. The connection point from existing Teal Drive at the west is fixed, as is the 24-inch sewer line and easement that dictates the alignment of Teal Drive. This creates a large area of pavement and utility infrastructure close to the trunk of Tree #311 and severely impacts its CTZ. The alignment of the street is approved, as are the minimum width of this street and its sidewalk, which was set by Salem Public Works. Consequently, there are no reasonable design alternatives that would enable the preservation of this tree.

(C) Not more than five significant trees or 15 percent of the significant trees, whichever is greater, on the lot or parcel, or on contiguous lots or parcels under the same ownership, are proposed for removal.

Response: Lot 4 has 5 significant trees. Fifteen percent of five trees is 0.75 trees. Five is greater than 0.75, therefore five is the upper threshold of removed trees that still satisfies this standard. On Lot 4, one tree is proposed for removal, which is less than five, and therefore this requirement is met.

Although Lot 3 and Lot 4 are under the same ownership, they are not "contiguous" per the city's definition: "Unless otherwise provided under the UDC, any properties that are separated by public right-of-way shall not be considered contiguous" (SRC 111.001). Consequently, each lot is evaluated separately for tree removal.

(e) Conditions of approval. […]
(1) Conditions may be imposed on the approval of a tree and vegetation removal permit to ensure compliance with the approval criteria.
(2) In addition to the conditions imposed under subsection (e)(1) of this section, tree and vegetation removal permits for the removal of trees or native vegetation in connection with a restoration activity within a riparian corridor shall include the following condition:
(A) Trees and native vegetation removed shall be replaced in compliance with the tree and native vegetation replacement standards set forth in SRC 808.055.

Response: The applicant will accept conditions of approval that ensure compliance with applicable approval criteria. No removal associated with riparian corridor restoration is proposed. Replacement is proposed as part of a tree plan that is included with the drawings.

Tree variances – 808.045

(a) Applicability. Tree variances may be granted to allow deviation from the requirements of this chapter where the deviation is reasonably necessary to permit the otherwise lawful development of a property.

Response: The proposed removal of 17 significant trees is "reasonably necessary" to permit development on the site. The 17 trees on Lot 3 must be removed to enable future development on the site.

This entire subdivision site is zoned "Multiple Family Residential II" by Salem and planned to be developed with those uses. This is an intense land use designation relative to other zones in the city, and any design proposed in this zone must also comply with numerous development standards. City standards and criteria require the provision of streets and sidewalks. Other standards that must be met for the "lawful development" of this property to occur are spatially incompatible with tree preservation. Multi-family housing, which is the zoning designation and comprehensive plan designation assigned to the property, requires buildings, walkways, parking areas, utilities, common open space, stormwater facilities, and other required elements that are in competition with trees and their root protection zones.

Large trees require large areas of protection to preserve them. The city's definition of "Critical Tree Zone" in Chapter 86 defines these areas.

> *"Critical Tree Zone (CTZ) means a defined area surrounding the trunk intended to protect the tree's trunk, roots, branches, and soil to ensure tree health and stability. It is the area defined by the tree's dripline or an area measured one-foot per one-inch diameter at breast height, whichever is greater."* (SRC 86.010)

Trees that cause the greatest conflict with proposed plans also have very large CTZs—at least 20 feet in diameter. The protection zones of the trees consume large amounts of site area, which can then not otherwise be devoted to buildings, parking areas, pedestrian paths, or stormwater planters. These features are not only "reasonably necessary to permit" the development of the property, in all cases they are *required* for development of the property by other parts of the code.

Consequently, the proposed site follows city requirements for the provision of sidewalks, parking, pedestrian paths, stormwater management, and other critical

elements of the development. The proposed layout represents a reasonable use of the property that meets the definition of lawful development and justifies, in part, a tree variance.

(b) Procedure type. A tree variance is processed as a Type II procedure under SRC chapter 300.

Response: This variance is processed as a Type II procedure which is consolidated and concurrent with the subdivision review.

(c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a tree variance 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 any existing structures on the site;
(C) Identification of the type, size, and location of all existing trees on the property;
(D) Identification of those trees proposed for preservation and those designated for removal; and
(E) The location of roads, bridges, utilities, and other improvements;

Response: The information above is provided as part of the Tree Plan submitted with the application. The overall site area is two existing lots, 2.82-acres and 1.84-acres in size. There are no existing structures on the site. Existing trees are identified in the arborist report and on the tree plan. A table is included with the tree plan that identifies which trees are to be preserved and removed. Streets and utilities are shown on the civil drawings.

(2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, an application for a tree variance shall include:
(A) A delineation of the boundaries of the riparian corridor on the site plan;
(B) Identification of the type and location of any native vegetation within the riparian corridor proposed for removal.

Response: There are no riparian corridors on the property. This submittal requirement is not applicable.

(d) Approval criteria. A tree variance shall be granted if either of the following criteria is met:
(1) Hardship.
(A) There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance; and

Response: A number of special conditions apply to the property that create "practical difficulties" that are most effectively relieved by a variance. The key issues with this site are its topography, the existing number and size of trees, density requirements and

developability of the site under current zoning, and other city requirements for parking, utilities, and site circulation.

A summary of significant trees preserved and removed on each lot is shown in two tables below. Numerous trees are being saved. However, developing the site to the degree anticipated by city zoning and associated requirements for new development (parking, utilities, etc.) results in the removal of several others. A summary of the circumstances around each tree designated for removal and why its preservation would create "practical difficulties" for carrying out the development follows the table.

Figure 19. Lot 3 Significant Trees

Tree number	Species	Diameter (dbh)	Condition	Condition Notes	Proposed Action
51	Douglas Fir	41	Good	Canopy dominant	Preserve
59	Douglas Fir	35	Good	Canopy dominant	**Remove**
60	Douglas Fir	36	Good	Canopy dominant. Two large stems from 2-ft	Preserve
69	Douglas Fir	35	Good	Canopy dominant	Preserve
70	Douglas Fir	36	Good	Canopy dominant	Preserve
75*	Oregon White Oak	20	Good	Strong CR Development	**Remove**
78	Douglas Fir	31	Good	Canopy dominant	**Remove**
79	Douglas Fir	39	Good	Canopy dominant	**Remove**
83	Douglas Fir	36	Good	Canopy dominant	**Remove**
85	Oregon White Oak	21	Poor	Significant damage to CR	**Remove**
91	Douglas Fir	38	Good	Canopy dominant	**Remove**
92	Douglas Fir	39	Good	Canopy dominant	**Remove**
119	Oregon White Oak	32	Fair	Low vigor and vitality. Three spreading stems	**Remove**
138	Douglas Fir	35	Good	High Live Crown Ratio (LCR)	**Remove**
144	Oregon White Oak	56	Good/Fair	Over mature tree. Heavy ivy cover. CR dieback	**Remove**
146	Oregon White Oak	29	Good	Twin stems. Spreading CR. Shaded CR to East	Preserve

Tree number	Species	Diameter (dbh)	Condition	Condition Notes	Proposed Action
147	Oregon White Oak	24	Fair	Canopy codominant. Storm damage evident	Preserve
148	Oregon White Oak	29	Good	Three stems	**Remove**
154	Oregon White Oak	39	Good/Fair	Two very large stems. Thinning CR	**Remove**
168	Oregon White Oak	24	Good	Semi-mature. Twin stems	**Remove**
320	Oregon White Oak	31	Good	Canopy dominant. 3 large stems joined at 3 ft.	Preserve
321	Oregon White Oak	26	Poor	Storm damage in upper CR	Preserve
323	Oregon White Oak	29	Good	4 stems from ground. CR weak and low vigor	**Remove**

In total, 17 trees are requested for removal from this lot, out of 23 total significant trees. Six trees are designated for preservation.

Applied to the entire site, "fewer buildings" or "less parking area" as arguments against the removal of any of these significant trees is not reasonable and would impose practical difficulties for development. The site is under numerous constraints, including a city-required *minimum* density standard, associated infrastructure, and a need to make the overall development financially viable. This necessitates building a certain number of dwelling units, which then results in a need for a corresponding number of off-street parking spaces. The number of parking spaces provided, 43, is literally the lowest number allowed by code without an adjustment. This amount of parking is already below the requirement for a comparable market-rate development. The drastic step of eliminating buildings from the site plan would threaten the viability of the project, which is clearly a practical difficulty, if not an unreasonable hardship. The applicant flatly rejects wholesale removal or elimination of buildings and parking areas as an argument for the removal of any particular tree, and therefore this rebuttal is not part of the discussion about each tree, below.

<u>Tree #59</u>
This tree, a 35-inch Douglas fir, is located on the east side of Building G1.1. Redesigning the layout to move the building west, away from this tree, presents numerous practical difficulties. Moving the building far enough west to avoid this tree would encroach on the CTZs for several other, even larger, significant trees on the west side of the building, which are part of a grove in the northwest corner of the site. The current layout was

expressly designed to preserve this grove as much as possible. Likewise, any layout that would pull the building away from the Salal Street setback would result in noncompliance with the 40 percent buildable width standard (SRC 702.020[e][4]) on Salal. Alternatively, moving the building far enough south to avoid Tree #59's CTZ would encroach on the location of the main open space feature of Lot 3, the rain garden stormwater planter. This plaza is both a necessity to manage runoff from the overall site and helps satisfy the requirement for open space in SRC 702.020(a)(1)(A).

Tree #75

This tree, a 20-inch Oregon white oak, is located between the west side of Building I.1 and the west property line. The primary conflict at this location is between the CTZ of this tree and a pedestrian walkway around the west side of the building. This walkway is required according to building codes for site circulation reasons to comply with SRC 702.020(d)(4)—connecting parking areas, common open space areas, and building entrances. Re-routing the walkway around the CTZ is not possible without moving the building footprint, because another significant tree that is being preserved is slightly to the west of this one. There is insufficient space to resolve site conflicts in this area without moving the building footprints. Flipping the building with either the adjacent parking area or stormwater facility would still require tree removal. Creating a large tree preservation zone at this location requires eliminating a building, parking, or stormwater management area, which creates a practical difficulty or unreasonable hardship.

Tree #78

This tree, a 31-inch Douglas fir, conflicts with a plaza and picnic area at the west end of the open space/stormwater area between Buildings G1.1 and I.1. The CTZ also conflicts with the pedestrian walkway around the edge of the stormwater area. Due to existing site topography and the requirements for the pedestrian paths around the buildings and stormwater area to be ADA-compliant, the changes to this area required to preserve Tree #78 would be dramatic. The placement of the picnic area, an active use open space area, was chose to be equally distant from the two adjacent buildings and to provide a programmed, active use area of the site that is different from the passive, natural open space of the stormwater facility. A minimum amount of open space is a required site element, according to SRC 702.020(a)(1). Moving the picnic area eastward to avoid the CTZ of this tree would encroach on the storm facility and reduce its size, which was designed to accommodate anticipated stormwater flows. Moving the picnic area any other direction separates it from the natural feature and/or encroaches on the CTZs of other significant trees in that corner of the site. Moving or eliminating the picnic area, stormwater facility, or pedestrian paths to avoid the CTZ of this tree creates practical difficulties for the development.

Tree #79, Tree #83

These trees, a 39-inch Douglas fir and a 36-inch Douglas fir, conflict with the footprint of Building I.1. Given the size of their CTZs, they also conflict with the pedestrian pathway along the north side of Building I.1 that provides access to the west side of the building, and the open space and stormwater planter between Buildings G1.1 and I.1. The pedestrian access around the building and between entries is required for circulation reasons and to comply with SRC 702.020(d)(4). Tree #79 conflicts with the patios on the west side of the building, which is also a design standard requirement. Both trees have correspondingly large CTZs that are impossible to work around while accommodating the proposed buildings. That is, there is insufficient area to resolve site conflicts without moving the building footprints. Flipping the building with the adjacent parking area would still require tree removal. Flipping the building with the adjacent storm planter/open space would also not save the trees because extensive grading and site work needs to occur to make a storm facility function. Creating a large tree preservation zone at this location requires eliminating a building, parking, or stormwater management area, which creates a practical difficulty or unreasonable hardship.

Tree #85, #91, #92, and #119

These four trees, two Oregon white oaks at 21 and 32 inches and two Douglas firs at 38 and 39 inches, conflict with the location of the stormwater facility located between Buildings G1.1 and I.1. Managing stormwater on site is a baseline engineering requirement for development. The applicant has minimized the amount of area required for this purpose, but some is still required. A landscaped and planted stormwater area also contributes to minimum standard requirements for open space, per SRC 702.020(a)(1). The location of the stormwater and open space area that makes the most sense functionally and aesthetically is the northern part of the lot, at the T-intersection of Foxhaven Road and Salal Street. Switching the location of this stormwater facility with nearby buildings or parking areas would not save any of the identified trees, because those buildings and parking are equally disruptive to CTZs. The storm facility cannot be modified to preserve these trees because extensive grading of the area is necessary to accommodate storm flows and allow it to function. The CTZs for Trees #91, #92, and #119 also conflict with the pedestrian walkway around the edge of the stormwater area. These paths must be ADA-compliant and therefore the land currently adjacent to the trees must be re-graded in a way that is incompatible with preservation. Finally, Tree #85 has been identified by the arborist as in poor health, and its removal justified. In short, moving or eliminating the stormwater facility to avoid these trees creates practical difficulties for the development.

Tree #138

This tree, a 35-inch Douglas fir, is in the front setback between Building G1.1 and Salal Street. The CTZ for this tree conflicts with a pedestrian direct access to the sidewalk (required by SRC 702.0209[e][5]), patios on the street-facing side of the building

(required by SRC 702.020[a][1][D]), and the Salal Street sidewalk itself (required by Public Works standards). Avoiding these conflicts would require moving the building. However, the placement of a building on the north side of the property is constrained by other trees, a large grove of even bigger significant trees on the northwest corner of the lot. This restricts the ability of the building to slide to the west. In addition, moving the building away from the street edge would bring the Salal Street frontage below the 40 percent buildable width standard and require another adjustment. Alternatively, moving the building to the south conflicts with the planned storm facility, which is required to manage runoff from the development and was discussed under the explanation for Trees #85, #91, #92, and #119. Due to constraints from other trees, stormwater management, and several design standards, preservation of this tree creates practical difficulties.

Tree #144

This tree is a very large Oregon white oak, 56 inches in diameter, that conflicts with the parking area between Building H.1 and Building I.3. A portion of the CTZ also conflicts with pedestrian paths around Building I.3, and the stormwater facility proposed at the southwest corner of the lot. As noted, the amount of parking provided with the development on Lot 3 is the absolute minimum number of spaces required by the city, already a lower ratio than is typical of market-rate multi-family developments. Eliminating parking—approximately 12 spaces, based on the extent of the CTZ—to preserve this tree would require a major and highly-discretionary adjustment. Based on public comments for the Phase 1 development, further parking reductions would likely be opposed by neighbors. Preserving the area around this tree would also eliminate numerous pedestrian paths connecting buildings and parking areas, which are required by SRC 702.020(d)(4). Flipping the location of one of the adjacent buildings with the parking area still requires tree removal and could bring the Salal Street frontage out of compliance with the buildable width standard of SRC 702.020(e)(4).

Tree #146, Tree #147, Tree #148

These three trees, all Oregon white oaks at 29, 24, and 29 inches, are in a proposed stormwater management pond behind Building I.3. The location of this pond is driven by the existing pond at this location and the overall stormwater approach to the site. The southwest corner of Lot 3 is the location of an existing, smaller storm pond that can be expanded to accommodate the increased development and additional impervious surface of the development. The available locations where the required pond could be located are limited, because of the constraints from other site elements: buildings, parking, open space, utilities. Also, placing the pond in the "back" corner of the lot is appropriate aesthetically as a buffer from abutting property to the west and allows more visually interesting features to face the street (buildings, trees, pedestrian paths, etc.). There is no other location for the pond at the south end of Lot 3 without removing buildings or parking areas. The location of this pond is appropriate topographically because it is at a low point for this area of the site, which enables the system to flow

according to gravity, and also hydrologically, because it is an expansion of the existing pond site. Finally, the size of the stormwater facility is the minimum necessary to accommodate the amount of detention that may be needed, according to calculations from the applicant's civil engineer. Even at this minimum necessary size, the pond encroaches into the CTZ of significant trees within the tree grove, requiring their removal.

Tree #154

This tree, a 39-inch Oregon white oak, is in the path of a main pedestrian path between Building I.2 and Building H.1 that connects the primary entry to multiple dwelling units to the Salal Street sidewalk. This tree is very large and has a correspondingly large CTZ that is impossible to work around and still accommodate the proposed buildings, and to provide access via these pedestrian connections. A pedestrian circulation system that connects to and between buildings and parking areas is required per the multiple family design review standards, specifically SRC 702.020(d)(4). In this location, there is not room to move the pedestrian paths out of the way of the CTZ of Tree #154 without moving the adjacent building footprint. This has the cascading impact of potentially eliminate parking, which is already at the minimum level required by the city.

Tree #168

This tree, a 24-inch Oregon white oak, conflicts with the southeast corner of Parking A. Any scenario in which the parking area at this location is replaced with building footprint would similarly require removal of this tree. As noted elsewhere, eliminating parking and making this part of the site a tree preservation zone would put the site out of compliance with city parking minimums. Relocating the parking lot or modifying the entry driveway is a practical difficulty because it was designed to line up with the approved driveway across Salal that is part of Phase 1 development. Aligning driveways increases safety for vehicular users and pedestrians, by increasing visibility and minimizing potential locations for conflict.

Tree #323

This tree, a 29-inch Oregon white oak, is part of the stand of trees that includes #146-#148, and conflicts with the southeast corner of Building I.3. A portion of its CTZ also overlaps with the proposed expanded stormwater management facility and therefore requires removal. As noted under the analysis for Trees #146-#148, the available locations where the required pond could be located are limited, because of the constraints from other site elements. The location of this pond is appropriate topographically and hydrologically, and is the minimum necessary size to accommodate the amount of detention that may be needed. The footprint of Building I.3 is hemmed in by the limited depth of the lot, 20-foot street setbacks from Salal and Teal, a storm facility and 30+ foot setbacks from the west property line, CTZs for two significant trees on the Teal frontage, and a required parking area to the north. Given these limitations, there is nowhere else to locate a reasonably-dimensioned building at

the south end of the site. Consequently, the southwest corner of Building I.3 interferes with Tree #323 and a variance is needed for its removal.

(B) The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity; or

Response: The site layout preserves significant trees on the site in several key locations. First, a grove of trees including two significant trees is being preserved at a high visibility location, on the south end of Lot 3. This location is prominent because it is close to the public right of way and at a pedestrian and vehicular entry point to the new development from the existing Teal Drive, one of the abutting local streets. Additionally, other trees throughout the site are being preserved where possible, including the north side of Lot 3. Overall, six significant trees are marked for preservation on this development site.

To enable build-out of the site ("otherwise lawful proposed development") while still being compliant with a wide variety of city-imposed development and design standards, the applicant must remove 17 significant trees. Removing these trees is the minimum necessary to allow development, as demonstrated by a tree-by-tree explanation under the previous criterion. The applicant has made a careful effort to save every tree possible on the site, while considering all the other objectives of the development and sometimes conflicting regulations that affect the property. Also, preserving several key significant trees demonstrates that the applicant has preserved trees where it can, but it cannot feasibly save more without eliminating buildings or otherwise falling out of compliance with standards.

(2) Economical use.
(A) Without the variance, the applicant would suffer a reduction in the fair market value of the applicant's property, or otherwise suffer an unconstitutional taking of the applicant's property;
(B) The proposed variance is the minimum necessary to prevent a reduction in the fair market value of the applicant's property or otherwise avoid a taking of property; and

Response: The two sets of approval criteria under section (d) are connected by an "or" statement, meaning only one of them needs to be met. The applicant has responded to and met the criteria under subsection (1), therefore, section (2) is not applicable.

(C) The proposed variance is consistent with all other applicable local, state, and fed. laws.

Response: This variance to allow removal of 17 additional trees on the site complies with all other applicable local, state, and federal laws. The city rules have been outlined by planning staff and compliance is addressed in these findings.